



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

19 August 2015

Trial Day 314

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

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KHIEU Samphan

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I N D E X

Mr. CHHUM Seng (2-TCW-828)

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Mr. TAK Boy (2-TCW-908)

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List of Speakers:

Language used unless specified otherwise in the transcript

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

1 PROCEEDINGS

2 (Court opens at 0858H)

3 MR. PRESIDENT:

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

12 [09.00.42]

13 THE GREFFIER:

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

25 [09.01.47]

1 MR. PRESIDENT:

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

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

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

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

6 effectively participate in future hearings, he requests to waive

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

8 2015 hearing. Having seen the medical report of Nuon Chea by the

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

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

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

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

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

14 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea

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

16 downstairs via audio visual means.

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

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

19 for the whole day.

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

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

22 to the defence team for Mr. Nuon Chea.

23 [09.03.42]

24 QUESTIONING BY MR. KOPPE RESUMES:

25 Thank you, Mr. President, and good morning. Good morning, Your

3

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

8 MR. CHHUM SENG:

9 A. Within battalions, the three battalions -- three battalions
10 can make up a regiment. In relation to regiment, I have no idea
11 who the chiefs were. I only knew that at that place, there were
12 battalions and Ta Val who was the one in charge of battalions.

13 [09.05.32]

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

18 A. Three battalions made up a regiment, as I told you already.
19 First, workers were divided into groups, and one group consisted
20 of ten members. Actually, there were subgroups, and in one
21 subgroup, there were three members. Three subgroups made up one
22 squad, and three squads become one platoon, and three platoons
23 one company. And three companies became a battalion. And three
24 battalions is one regiment. This is the structure. I only heard
25 that battalions were stationed at the place. And I have never

4

1 heard of the presence of regiment there at the worksite.

2 [09.07.30]

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

12 MR. PRESIDENT:

13 You may now proceed, International Deputy Co-Prosecutor.

14 [09.08.48]

15 MR. DE WILDE D'ESTAMAEL:

16 Thank you. Good morning, Mr. President. Good morning, Your
17 Honours. Good morning to all Parties. I have an objection in
18 relation to this question because there is no source mentioned
19 here. Also because the witness has already said several times
20 only Battalion 1 or in any case at one given point was led by Ta
21 Vorn and Ta Phan (phonetic), so it might be useful to know which
22 period the counsel was speaking about now because there was a
23 succession of battalion leaders in particular owing to the arrest
24 of the previous one. So all this is not very clear. So this might
25 lead the witness to give wrong testimony. So we should start from

5

1 the base, we should start by Battalion 1. And he said that it was
2 Ta Vorn and Ta Poal (phonetic) who were heading his battalions.
3 But we should however specify which period we're speaking about.
4 But the question as it is put right now does not seem propitious
5 to leading to a clear and interesting answer.

6 MR. KOPPE:

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

15 [09.10.49]

16 JUDGE FENZ:

17 Just for the benefit of the transcript, can you repeat the
18 source.

19 BY MR. KOPPE:

20 Yes, of course. E3/9076, English ERN, 00731161; and Khmer,
21 00728855 and 56; and again, no French ERN. So I'm basing myself
22 in reply to the objection on evidence on the case file.

23 Q. So Mr. Witness again, if I am allowed to continue, Mr.
24 President, is it correct that the big battalions were led
25 respectively by commanders Ta Vit, Ta Phan, and that one person

6

1 that we discussed yesterday morning -- yesterday afternoon?

2 [09.11.54]

3 MR. CHHUM SENG:

4 A. Regarding Vit, the names in the document actually I know all
5 of them. However, I did not know their position at that time. I
6 only knew that they were cadres at the sector level. I knew only
7 what happened in the battalions. And as I told you already, there
8 were Ta Khauv and Ta Val.

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

14 A. I would like to tell you for the third time. The two names in
15 the document, I knew these people very well. However, as I said,
16 I did not know about their position whether they were chief of
17 battalions or squads or platoons or companies. I only knew that
18 they were all cadres. I had no idea about their positions at that
19 time. I knew only what happened in my company or battalions.

20 [09.14.00]

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

7

1 A. This is the fourth time for you. I only knew that they were
2 cadres. I was not aware of their position. What happened in my
3 unit, I knew what was going on. But I have no idea what was going
4 on in other units.

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

9 [09.15.32]

10 A. I do not know this individual. I knew only Ta Val who had
11 overall supervision. I had no idea about the regiment.

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

15 A. That is true. These people were working at Trapeang Thma Dam
16 worksite. Regarding San, I did not know him. Sreh, Vit, yes, I
17 knew that there were these people in the units. I did not know
18 their position, the two individual as I just mentioned. I knew
19 only they were part of mobile units.

20 Q. I think I know the answer to the question that I'm about to
21 ask you but I'm asking it anyway. Did you -- do you know or did
22 you know the names of the three female commanders who were
23 leading those three battalions or cells of these women? Do you
24 know these names?

25 A. I knew one female Dait (phonetic). She was the chief of the

1 unit. I made a request regarding this individual at that time.

2 [09.17.48]

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

6 A. I have never heard of the names not mentioning about their
7 physical appearance.

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

10 A. When Ta Val built a house near Preah Netr Preah, I saw his
11 wife. I did not know her name and where she was residing. I knew
12 at that time that Ta Val had a wife but I did not know her birth
13 village.

14 [09.19.23]

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

18 A. I did not know about Ta Val's background. And if I happen to
19 see him today, perhaps, I may not recognize him and his wife. His
20 wife had never been to the worksite working. I only saw her from
21 time to time when I visited his house. I did not know her name as
22 well as her birth village.

23 [09.20.26]

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

25 A. I don't even know the name. And how could I know whether she

1 is alive now today? I have no idea where she is residing now.

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

4 A. In fact, I knew only Ta Val. Besides him, I had no idea about
5 his assistants or secretaries. I do not know whether he had any
6 secretaries or assistants.

7 Q. Yesterday, you said you were close to Ta Val and that you
8 spoke to him often. Did you ever see in his surrounding, a woman,
9 a New Person, who apparently was very skilful in her tasks or you
10 never saw such a woman?

11 A. I cannot tell you the lies. I was close to Ta Val compared to
12 others. Whenever Ta Val wanted anyone to go to cooperatives to
13 bring sugar, he would call me and ask me to perform the
14 assignment. And as for the resident, I sometimes did not went
15 deep into his resident or home.

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

18 A. I do not know this individual.

19 Short pause

20 [09.23.35]

21 MR. KOPPE:

22 I'm hesitating because, Mr. President, I'm thinking it might be
23 worthwhile to show the witness a photo of the person who was
24 probably Brother Yoeuk, it's the person who testified before this
25 witness. Maybe he doesn't know the name but he knows the face,

10

1 and we have a face.

2 JUDGE LAVERGNE:

3 Counsel Koppe, can you tell us where this photograph comes from?

4 That you're suddenly speaking about, is it a new document? What

5 is it exactly? How can we make sure that this is Brother Yoeuk's

6 photograph?

7 [09.24.25]

8 MR. KOPPE:

9 Well, we don't know for a 100 per cent sure. There was a Yoeuk --

10 Yoeuk testified -- there was a person with a name Yoeuk who

11 testified before him in this courtroom. I have photos of the

12 person that I -- whose name I showed him yesterday. And I have a

13 photo of a person from the DC-Cam statement as well. And I am

14 looking backward and there might be on the case file a photo of

15 Yoeuk, the person who testified in this courtroom last week.

16 JUDGE LAVERGNE:

17 So in order to be clear about this, is this a photograph that is

18 a photograph that is connected to the interview of a witness who

19 testified here? So this is a photograph that's attached to his

20 DC-Cam interview, if I understand correctly?

21 [09.25.31]

22 MR. KOPPE:

23 Yes, that is correct. There is on the case file, it's a recent

24 disclosure from the Prosecution. It's Document E353.1, which is a

25 DC-Cam summary of all the people who have been questioned on the

11

1 dam. And of all people whose summaries -- whose story summaries
2 were made, there are photos on the case file. So the person who I
3 think could be Brother Yoeuk probably has a photo as well. And
4 I'm looking -- so the photos were taken of all the people who
5 gave statements to DC-Cam.

6 JUDGE FENZ:

7 Sorry, what exactly does it mean, "could be Brother Yoeuk"? Could
8 you be a bit more specific on what makes you connect this photo
9 with the person you think it is.

10 [09.26.37]

11 MR. KOPPE:

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

22 (Judges deliberate)

23 [09.27.57]

24 JUDGE FENZ:

25 Counsel, can you ensure that we all see the picture, that they

12

1 have it on the screen through your--

2 MR. KOPPE:

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

4 (Short pause)

5 [09.28.44]

6 MR. KOPPE:

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

9 MR. PRESIDENT:

10 Please repeat the reference once again. The interpreter is not
11 able to catch you up.

12 MR. KOPPE:

13 Yes, I'll be slower. I apologize. E3/9076, English ERN, 00731178;

14 Khmer, 00728880. And the particular witness says, "Brother Yoeuk

15 was with Ta Val who ran everything overall like Ta San, but he

16 was in charge of the economy that supplied us with rice". And

17 being in charge of the economy makes me think that Yoeuk is in

18 fact the Youek -- the person on the photo that I'm about to show.

19 Yes, I think we can put the photo on the screen now, if

20 everything goes well.

21 [09.30.20]

22 JUDGE FENZ:

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

24 BY MR. KOPPE:

25 Mr. Witness, do you recognize this person?

1 MR. CHHUM SENG:

2 A. Yes, I recognize him. He is called Yoeuk.

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

4 A. I saw him transporting rice and distributing it to the mobile
5 units.

6 Q. Do you know whether Yoeuk had an adopted brother called Nuon
7 Narin?

8 A. I only recognize Yoeuk himself. He was in a mobile unit. I do
9 not know his relatives.

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

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

21 [09.33.27]

22 MR. PRESIDENT:

23 Witness, wait a minute. The prosecutor has the floor.

24 MR. DE WILDE D'ESTAMAEL:

25 First of all, we have this method which is quite questionable,

14

1 using information without quoting sources. We talked about this
2 yesterday, ERNs are important. Secondly, the questions are same
3 as those asked yesterday. The questions are asked with a view to
4 having the witness speculate. To say that this person didn't know
5 something, another person didn't know something. This witness is
6 here to testify to what he saw and witnessed and not what he did
7 not see and did not witness. This witness is not an expert, so he
8 cannot give certain explanations or he cannot speculate and
9 conclude on what he did not see with his own eyes. These
10 questions are speculative. Mr. President, I would suggest that
11 counsel move to another line of questioning.

12 [09.34.36]

13 MR. PRESIDENT:

14 The objection is upheld. The witness should not be asked such
15 questions. Counsel, proceed to another line of questioning.

16 BY MR. KOPPE:

17 I will try it differently, Mr. President.

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

22 [09.35.32]

23 MR. CHHUM SENG:

24 A. I don't know who was aware and who was not aware. I, myself,
25 when I was aware of something I would say so. I was not aware of

15

1 some of these things. A while ago, you showed me the picture, and
2 I recognized the person on that photograph. So I am not in a
3 position to tell you who was aware of what happened. And I am not
4 aware of the events referred to.

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

8 A. As a matter of fact, the bodies at the dam site were so
9 numerous that I could not recognize them. The workers covered
10 them with earth. I saw people walking on hot embers. They were
11 wearing slips and it was only when I was levelling the soil on
12 the dyke that I realized that it was the 11 persons of the
13 previous day. My unit was positioned close by. I did not witness
14 the execution but I realized that they were not wearing any
15 shirts. They were bare-bodied and that is why I deduced that they
16 were the 11 people I had seen the day before.

17 [09.37.55]

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

25 A. As a matter of fact, Anlong Sor (phonetic) was a hospital but

1 it is Anlong Sor (phonetic) which is in the district of Preah
2 Netr Preah along River Rumduol. It was not Anlong Sor (phonetic)
3 but Anlong Sar. There was a hospital there, but I never went to
4 that hospital.

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

7 A. Yes, that hospital was meant to receive members of mobile
8 units. If there were many sick people, they were taken to that
9 hospital. If there weren't many sick persons, they were taken to
10 Trapeang Thma itself. So there were many patients. When there
11 were many patients, they were taken to that hospital in Trapeang
12 Thma -- in Anlong Sor (phonetic) or Anlong Sar.

13 [09.40.30]

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

16 A. In my unit, there were no persons who were so seriously ill
17 that they had to be transported to that hospital. Very often,
18 they didn't feel well they couldn't walk. And the medical
19 personnel would take them to the hospital or the pagoda at
20 Trapeang Thma.

21 Q. Have you ever heard whether this hospital had in stock, not
22 only traditional medicine but also medicine called Paracetamol
23 Number 300 and Vitamin B complex, in other words, non-traditional
24 medicine?

25 A. I do not know. I neither saw nor was aware of that hospital. I

17

1 never went to that hospital. I have no idea whatsoever.

2 [09.42.20]

3 MR. KOPPE:

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

5 MR. PRESIDENT:

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

8 QUESTIONING BY MR. VERCKEN:

9 Thank you, Mr. President. Good morning to the Chamber and all
10 Parties here present. We'll be very brief.

11 Q. Following the very complete questioning of the witness by the
12 Nuon Chea defence, Mr. Witness, I'd like to start by putting a
13 question to you regarding your status as a former soldier of the
14 Lon Nol republic. I would like to know, regarding something you
15 kept secret throughout the Khmer Rouge regime, the fact that you
16 had been a member of the army of the Khmer Republic, is that
17 something you kept secret for so long?

18 [09.43.42]

19 MR. CHHUM SENG:

20 A. I was evacuated from Phnum Lieb village to the other village.
21 It was not possible for me to conceal my identity because
22 soldiers were looking for me to execute me. However, one
23 militiaman knew my father and came and told my father that Sen
24 (phonetic) had been kept. And he asked what he meant by keeping
25 him. And he said he meant that he was taken away to be executed

18

1 in a village. So my father went to ask that person called Chen
2 (phonetic), and that person said it was impossible to liberate
3 me. And my father said he couldn't help me. And so I joined the
4 mobile unit headed by Ta Val after 1975.

5 [09.44.55]

6 Q. Indeed, that is the thrust of my question because not only do
7 we have your father adopting this approach, you referred to that
8 -- what he did vis à vis the militiamen regarding your village of
9 origin and the place where you served as bodyguard of a commander
10 of the Khmer Republic officer. And the village was very close, it
11 was a few kilometres away. So my question to you is as follows.

12 You joined a unit, you even became the head of that unit and you
13 had absolute power over the people who were under your order,
14 since you said yesterday that you had the powers to kill people.
15 And yet nobody since this -- where you were stationed was very
16 close to your place of origin and the place where you had worked
17 as a soldier in the Lon Nol army and people must have known your
18 biography. How do you explain all what you have just stated?

19 A. From the Thlok village to Kambaor village, I went to Phnum
20 Lieb and I met Siek who was a unit chief. A few days later, a
21 unit was organized and I was assigned to join that unit and
22 subsequently to Kampong Svay. And I had always hidden my
23 biography. And there, there weren't many Base People -- that is,
24 in Phnum Lieb. It was only people who came from afar who did not
25 know my biography. And when I was asked what I was doing, I told

1 them for an answer that I had simply been a village guard and I
2 had never been a soldier under the Lon Nol regime. If they had
3 known that I had worked as a soldier in the Lon Nol regime, I
4 wouldn't be alive today.

5 [09.47.49]

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

8 A. The unit chiefs were Base People. And I myself was a unit
9 chief and another person was called Sou, my assistant and Rauv
10 (phonetic). And I did not know where they came from, the two
11 assistants, because the assistants only talked of concealing
12 their biographies and respecting or complying with discipline.
13 And those who were soldiers at Phnum Lieb were all massacred and
14 only a few people were left. Only a few people survived.

15 [09.48.56]

16 Q. I know that your father died during the regime and you indeed
17 said so, due to the shortage of water and the illness he suffered
18 from even before the regime started. What I would specifically
19 like to know is that your father did not die because he revealed
20 to the militia that you were a former soldier of the Khmer
21 Republic since when he went to ask the militiamen to assist him,
22 I believe he revealed your situation. And yet, it is not because
23 of that revelation that he died; is that correct?

24 A. Horn (phonetic) died, he was a militiaman. He told my father
25 that, and that is why I fled. My father did not die under the Lon

1 Nol regime but under the Khmer Rouge regime. He died between 1975
2 and 1976, when I was a member of the mobile unit. I was sent to
3 Bat Trang and my father died of hunger. He died of deprivation of
4 food. He was assigned to guard a farm, to take care of a farm. He
5 had chickens, but he couldn't guard the farm and he died. At a
6 point in time, my mother told me that at times he had only three
7 spoonfuls of rice, so he died of hunger. And he suffered from a
8 disease, his body was swollen and he died of ill health.

9 [09.51.15]

10 Q. When you were interviewed on the 18th of June 2011 by DC-Cam
11 -- is D3/9010, you made a statement regarding the rights or power
12 of life and death you had over your subordinates. I will read it
13 out to you again. Because the contents of that statement prompt
14 me to raise questions regarding what you did or did not do during
15 that period.

16 [09.51.58]

17 And the reference in French is ERN, 01123589; in English,
18 00728603; and in Khmer, 00730784. Let me read the question that
19 was put to you by Dara. "With the disappearance of certain
20 members, Ta Val the chief of the battalion, did he ask questions
21 as to the reasons for the disappearance of people?" Let me
22 repeat; I must admit I went too fast. "With the disappearance of
23 certain members, Ta Val the battalion chief, did he ask questions
24 as to the reasons for the disappearance of the members?" And your
25 answer was as follows: "No, he did not at all put any questions

21

1 to me. Nevertheless, if the intolerant unit chief hated anyone,
2 that person would be executed. After the execution, we simply
3 informed the battalion chief the next day that I'll dismantle
4 those persons. They discussed, they argued and do not work. These
5 people say that tilling the soil is not their mother's job. They
6 didn't have enough food. In fact, those persons didn't say
7 anything. And in uttering such words, he was free to kill
8 people." End of quote. That was a free translation. I note that
9 you were speaking in the first person. You gave an example of how
10 possible it was to have someone executed by accusing the victim
11 of criticizing the disciplinary system and the food rations. And
12 you used the word 'we'. And let me put the question to you again,
13 Witness. You never exercised the right to kill other people which
14 was something that was very easy for you to do, since all you had
15 to do was to accuse the victim of criticizing the regime, the
16 orders, the disciplinary scheme, and so on and so forth?

17 MR. DUCH PHARY:

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

23 (Short pause)

24 [09.56.06]

25 MR. CHHUM SENG:

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

14 [09.57.50]

15 BY MR. VERCKEN:

16 In that case, Witness, as far as you are concerned, even though
17 you may not have exercised that right, you had such rights even
18 though you say you didn't exercise it, because the people who
19 worked under your orders obeyed you. But you did enjoy such
20 rights, and I mean the right to kill people, didn't you?

21 MR. CHHUM SENG:

22 A. Let me repeat what I've always stated. On one occasion, Ta Val
23 issued an order to monitor people. So the unit leader had the
24 right to kill people and that order was from Ta Val.

25 Q. Very well, I indeed understand your description. In your

1 DC-Cam statement which I read out to you and the specific passage
2 I read out, you describe a situation in which Ta Val does not ask
3 any questions regarding members of the unit who disappear in so
4 far as he is told that the people executed criticized orders and
5 did not work, and that sufficed; is that correct? Isn't that what
6 you say in that interview, specifically in the extract I read out
7 to you that in so far as explanations were given to the hierarchy
8 that the victim of the execution had not obeyed orders, it
9 sufficed and no further questions were put to you; isn't that
10 correct?

11 [10.00.12]

12 A. Ta Val would give orders but he never monitored if they were
13 implemented and to see if -- he simply gave the order to
14 eliminate the Vietnamese enemies and the CIA agents and people
15 opposing the party. I did not know what happened in other units
16 and I'm only speaking about my unit. And in my unit, this kind of
17 incident never occurred. So that's all I can tell you.

18 Q. Please correct me if I'm mistaken but I believe that you said
19 before the Chamber that people who had responsibilities at the
20 dam site were people without education. And Victor Koppe
21 questioned you at length about the people who had the same level
22 of responsibility as you did. But -- so can you tell us when you
23 were telling us about non-educated leaders, if this also included
24 unit leaders that you might have met during meetings or at other
25 occasions? Did this also included people who were at the same

1 level as you, other unit leaders?

2 [10.02.21]

3 A. I am speaking for myself. I was not really well educated. I
4 could read and write a little bit. I was in schooling until Grade
5 9 in the old system. During the Democratic Kampuchea, they did
6 not want the literate people, they wanted to recruit only
7 illiterate people so that these people could be instructed to
8 kill people even their parents. And as I said, illiterate people
9 were recruited to work. I considered myself to be an illiterate
10 person, however, I would not implement the blanket orders. I --
11 for example, if we hurt ourselves, we could understand the
12 feeling. And what if we committed a killing against other? I am
13 speaking for myself as I told you. And as for others, I do not
14 know about their level of education.

15 Q. Now, I would like to revisit -- and this would be the last
16 point I will question you about -- and I'm thinking about this
17 moment when you were banking up the earth at the foot of Bridge
18 Number 1 apparently covering bodies. And you said that generally
19 speaking, when you were working at the dam site, it was to bank
20 up earth. So can you tell us what that meant exactly? Did that
21 mean that people would bring dirt to you, and then you would have
22 some kind of tool that would allow you to stack it up, maybe
23 something like a steamroller? So can you -- how was your work
24 carried out in practical terms?

25 [10.05.01]

1 A. It depended on units. Members of my unit carried the dirt from
2 the bottom of the dam and dumped it on the crest of the dam. And
3 because the level of the soil at that time was not in the same
4 condition, I was using the spade of hoes to flatten the earth.
5 There were no steamrollers. And the chief of units had the
6 responsibility to flatten the earth after their members dumped
7 the earth on certain areas.

8 Q. What I'd like to understand is, that morning you spoke about
9 -- that is to say, the morning after the ember test, why did you
10 intervene? I don't understand why you ended up banking up earth
11 or flattening the earth where bodies had been, according to you,
12 buried. What were you doing there? Why were you there? What was
13 happening? Can you give us a bit more detail about this. Were you
14 told go bury bodies or were you there by chance? So I'd like to
15 understand better.

16 [10.07.12]

17 A. At that time, we had to dig the soil in the canal and dump the
18 earth on to make an embankment. And it was at night time at that
19 time. I was on the crest of the dam. I could see the light from a
20 candle and I was wondering. I went to the scene and I could
21 notice there were 12 people, they had no shirts but only shorts
22 and trouser. Phorn -- at that time, I could see Phorn who was in
23 front of the other 11. Only Phorn step on the ember but not the
24 other 11. And Phorn was shouting, it was hot. So one person, that
25 is Phorn, could survive -- escape the killing, and the other 11

1 were taken away and killed. And a little bit after that time, it
2 was a break time. And we went to relax and sleep. The day after
3 in the morning at perhaps 5.00 a.m., I went to carry the dirt and
4 to dump the embankment. When I was there, I was working on the
5 preparatory line or area that it was the place where the 11
6 people had been killed last night. They had no shirts, I could
7 recall, at that time. As I told the Court already, I did not see
8 the actual or physical killing, whether they were shot or beaten
9 to death. I could say that they were the same people because they
10 had no shirts but only trousers or shorts.

11 [10.09.37]

12 Q. Witness, had they been killed -- had they been shot to death,
13 you would have heard it from where you were.

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

19 MR. PRESIDENT:

20 Thank you, Counsel. It is now convenient time for a short break.

21 The Chamber will take a short break from now until 10.30.

22 Court officers, please find a proper room for the witness and the
23 duty counsel to rest during the break and please invite them back
24 into the courtroom at 10.30.

25 The Court is now in recess.

1 (Court recesses from 1011H to 1030H)

2 [10.31.00]

3 MR. PRESIDENT:

4 Please be seated. The Chamber now gives the floor to Khieu
5 Samphan's Defence to continue examining the witness. Please
6 proceed.

7 BY MR. VERCKEN:

8 Q. If it is possible, I would like you to situate the event of
9 the hot embers test and the burial of the 11 bodies. During the
10 time when you worked on the dam worksite, since that event
11 occurred at the very beginning of the time you were on the dam
12 site, was that at the very beginning when you started work at the
13 dam site or later on? I would like you to situate that event
14 within that time frame.

15 [10.32.08]

16 MR. CHHUM SENG:

17 A. Let me repeat that you have put this question to me four times
18 and I still haven't answered your question. At that time, the
19 mobile unit carried earth at night, and I was on the crest of the
20 dam. And there was -- we set fire on the perimeter where we were
21 working. I saw the flames and I went towards the fire.

22 Q. Let me interrupt you, Witness, because you haven't understood
23 my question. Listen carefully. We are talking about an episode in
24 which you said you witnessed a test being administered and 12
25 persons were subjected to that test in the evening. And that went

1 on up to the next day when you buried the bodies. Did that
2 dramatic episode you referred to occur at the beginning of your
3 assignment on the dam worksite, the beginning of your presence at
4 that location, or towards the end? Where would you situate that
5 episode within that time frame? You had just arrived on the dam
6 worksite, can you situate that event within that time frame? At
7 the beginning or towards the end of your presence on the dam
8 worksite?

9 [10.34.05]

10 A. That was in 1978. Mobile units were transporting earth in
11 order to use it for building the dam on the first bridge in
12 Pongro village.

13 Q. Elsewhere, or besides, Witness, you related events in the
14 evening immediately after the test of the hot embers, and then
15 you said they were executed. How did you know at that time, that
16 evening, that they were directly executed? Did you hear people
17 screaming? You said you didn't hear any gunshots. Perhaps you
18 heard screams. Why did you leave after the tests, since it was
19 only those 12 persons who were led away? Can you tell us what you
20 did personally at that time after you witnessed the hot embers
21 test? And why did you leave? Thank you.

22 [10.35.40]

23 A. When I saw soldiers tying them up and leading them to the
24 northern direction, I don't know in what specific direction, they
25 were bare-bodied. The next day, when I went to level the earth, I

1 saw them. I did not witness the execution per se. All I saw were
2 the bodies. The next day, they were bare-bodied, and I inferred
3 from that that it was the men I had seen the day before.

4 Q. When you arrived at that location, Bridge Number 1, the bodies
5 had not yet been buried or covered with earth? Were they still on
6 the ground?

7 A. That is correct. They were placed on the crest of the dyke.
8 Our task was to pour earth on the dyke. And on that morning, my
9 unit had to raise the dyke at that location where the bodies lay.

10 Q. Was that the only time when you found bodies under such
11 circumstances, where you had to bury the bodies?

12 [10.37.43]

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

14 Q. And how did you know that it was in 1978? What makes you think
15 it was in 1978 or remember that date, and to give that particular
16 detail?

17 A. Because that was in 1978. I do not recall whether it was at
18 the beginning of the month or not, because we had to raise the
19 dyke on the first bridge in Pongro village, and so on and so
20 forth. The first stage of the work had not been completed. We had
21 to continue raising the dyke, and so on and so forth.

22 Q. Very well. I have one last question regarding your assignment
23 to guard a commander of the Lon Nol army, which is what you did
24 two years before the regime. First of all, can you describe to us
25 your assignments? What did your tasks during those two years in

1 the Lon Nol army consist of?

2 A. In 1972, I was not successful in school. My parents wanted me
3 to go to school, so I voluntarily opted to join the army. And the
4 Training Centre Number 4 was in Chamkar Kor at the time, and it
5 was under the supervision of Tan Chen Meng (phonetic), and
6 subsequently with Uk Sam Oeun as commander. At the time, we took
7 courses in military strategy and we were told that we would be
8 sent to Vietnam. And since Sam Oeun found that I was very small,
9 he withdrew me from the unit in order to assign me to work as his
10 immediate bodyguard.

11 [10.40.41]

12 Q. During that period, did you accompany that officer during his
13 movements to different theatres of operations? Did your task
14 consist in accompanying him to all those theatres of operation?

15 A. I was a member of the team of bodyguards. He went to the In
16 Tam (phonetic) school, and we subsequently went to Sam Nong In
17 (phonetic) in Thailand, and to Kilometres Number 6 in the south.
18 We were stationed there. We were also stationed at the Man Tam
19 (phonetic) school, and we spent two months there. Subsequently,
20 we went to Nong Sam Nong In (phonetic) on the border between
21 Cambodia and Thailand. But he was not always present. He only
22 went there for short periods of time. And thereafter, we returned
23 to the country together, leaving behind his subordinates to
24 manage affairs at that location.

25 [10.42.07]

1 Q. Does that mean that during the two years when you were a
2 soldier, you were rarely present on operational theatres of war?
3 That is what I understand from your testimony. You talked of
4 training and the fact that you accompanied your boss during brief
5 periods to the battle front. Can I therefore say that you were
6 rarely present on the battle front.

7 A. To tell you the truth, I only attended courses in military
8 strategy. I never went to the battle front or theatres of
9 operation. We went everywhere, escorting and protecting our boss
10 in Siem Reap.

11 MR. VERCKEN:

12 I have no further questions, Mr. President. Thank you. I believe
13 my colleague doesn't have any questions either.

14 [10.43.49]

15 MR. PRESIDENT:

16 The examination of witness Chhum Seng is coming to an end, and
17 the Chamber thanks you for testifying before this Chamber as a
18 witness for two days. Your testimony contributes in bringing the
19 truth to light, and you are now free to leave the courtroom and
20 to go back home. The Chamber wishes you a safe journey back home.
21 Court officer, please take the necessary measures in cooperation
22 with the Witness Support Section, to enable the witness to go
23 back home if he so wishes. The Chamber thanks Mr. Duch Phary.
24 The Chamber will now hear witness TCW-908. So may the court
25 officer please lead the witness into the courtroom.

1 (Short pause)

2 [10.48.10]

3 MR. PRESIDENT:

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

6 (Witness enters courtroom)

7 [10.49.50]

8 QUESTIONING BY THE PRESIDENT:

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

10 MR. TAK BOY:

11 A. My name is Tak Boy.

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

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

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

15 A. I was born in the village Trapeang Thma Tboundg, commune Paoy
16 Char, district of Paoy Char, Battambang province.

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

18 A. I live in Trapeang Thma Tboundg village.

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

20 A. I am a farmer.

21 [10.51.20]

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

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

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

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

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

10 [10.52.48]

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

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

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

17 Q. Thank you. Witness, do you wish to waive your rights as a
18 witness? You have the right not to answer any questions that
19 incriminate you. As a witness, you are to answer all questions
20 asked by the Parties and the Judges, except questions that are
21 self-incriminating. As a witness, you must tell only the truth of
22 what you heard, or saw, or observed, in relation to all events
23 that you remember in answer to questions put to you by the Judges
24 and the Parties. Do you understand your rights and obligations?

25 A. Please repeat what you have stated, because I have difficulty

1 following what you are saying.

2 [10.54.47]

3 Q. You have the right to -- you have the right not to answer any
4 questions that are likely to incriminate you. That is to say, if
5 you have committed any crimes and questions are put to you
6 concerning all that, you have the right to answer or not to
7 answer such questions. And if you consider that answering such
8 questions would expose you to risk -- to the risk of
9 self-incrimination, you shouldn't respond. But you are under a
10 duty to answer all questions put to you by the Judges and the
11 Parties, except for questions that would lead you to incriminate
12 yourself. You are also under a duty to tell only the truth,
13 depending on what you heard, saw, or observed, and which you
14 remember, in light of the questions put to you by the Judges or
15 the Parties. Do you understand that?

16 [10.56.06]

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

19 Q. Yes. So, you are under a duty to tell the Chamber only what
20 you saw, heard or observed, in line with your experiences. Have
21 you testified before the Office of Co-Investigating Judges? If
22 yes, how many times and where?

23 A. In 2007, a team came to question me at my home. In 2008, I
24 received a letter inviting me to visit Tuol Sleng and Choeung Ek.
25 And I came before the Iron Statue in 2012. I was led to the Spear

1 Sraeng Dam before I went to Trapeang Thma. In 2015, Nimol
2 (phonetic) came to my home.

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

5 A. Yes. I was questioned, and a record of the interview was drawn
6 up.

7 Q. When was that done? And where?

8 A. I was interviewed in my home.

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

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

14 Q. Do the contents of the record of interview you read correspond
15 to the questions that were put to you and the answers you gave in
16 your home?

17 A. Yes, I read the answers, and I remember my previous
18 statements. And these written records do correspond to what I
19 said previously.

20 [10.59.54]

21 MR. PRESIDENT:

22 Thank you, Witness. Rest assured you are safe here. You are
23 called to testify, to contribute to the ascertainment of the
24 truth, so please focus on the questions that will be put to you.
25 If you do not understand the questions, of course you can ask for

1 the question to be repeated, so that you may provide answers that
2 abide by Rule 91 bis of the Internal Rules. The Chamber will now
3 give the floor to the Co-Lead Lawyers so that they may put
4 questions to you first. The Chamber grants two sessions to these
5 Parties, two sessions to examine the witness.

6 [11.01.19]

7 MR. PICH ANG:

8 Mr. President, with regard to this witness, who was proposed by
9 the Lead Co-Lawyers, we have arranged ourselves with the
10 Prosecution, and we asked to question the witness first. And I
11 would like to request your leave to give the floor to Counsel Ven
12 Pov, so that he may examine the witness.

13 MR. PRESIDENT:

14 Please proceed.

15 [11.02.05]

16 QUESTIONING BY MR. VEN POV:

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

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

25 Q. When did you become a Lon Nol soldier, and where was your

1 station?

2 A. I became a soldier in 1972 and I was stationed at Phnum Srok
3 district.

4 [11.03.42]

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

6 A. I was a corporal, a rank-and-file soldier, at that time. I did
7 not hold any position.

8 Q. What about after 17 of April 1975, where did you live and what
9 was your occupation at that time?

10 A. I was living in Trapeang Thma Tbound village, Paoy Char
11 commune, Phnum Srok district, Battambang province. I was a member
12 in a mobile unit in a village.

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

15 A. I was a youth in the village. I was assigned to build an
16 embankment of the field in the village at that time.

17 Q. Did you know Angk Trapeang Thma worksite?

18 A. Yes, I knew it. Trapeang Thma worksite was situated in my
19 village.

20 [11.05.41]

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

24 A. It was situated in Trapeang Thma village, Sector 5, Northwest
25 Zone.

1 Q. Before the construction started, was there any meeting? Did
2 people, or you, participate and attend a meeting before the
3 construction started?

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

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

8 A. We were sent to work there in 1977 when we were building the
9 dam.

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

12 A. There was a selection at that time. Male youths and female
13 youths, unmarried youths, were selected, and they were put in
14 groups and placed in a mobile unit.

15 [11.08.03]

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

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

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

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

1 Q. Thank you. Could you expand a little bit further upon your
2 arrival at the worksite. You already told the Court that you
3 arrived at the worksite in 1977. Was it in early 1977, mid- or
4 late 1977?

5 [11.09.29]

6 A. From my recollection, it was in 2077 (sic) that I was selected
7 to be part of a mobile unit. It was in a dry season at that time.

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

10 A. Regarding shelter and houses, we had to be on our own. We had
11 to go chop down trees and collect planks or the tree trunks to
12 build houses and shelter for ourselves.

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

16 A. It was about one kilometre away from our worksite, that we
17 could reach the forest. Perhaps, it was about 500 metres away
18 from the worksite.

19 Q. Regarding the distribution of materials, such as clothes,
20 mosquito nets, etc., did any of this material -- were any of
21 these materials given to you? Or did you have to bring this
22 material from the villages where you were from?

23 [11.11.39]

24 A. After we had been there, shortly after that, we were given a
25 -- trousers, black trousers, and a shirt.

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

3 A. Regarding mosquito nets and blankets, no, not at all.

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

6 A. Some people chopped -- split the bamboo sticks, and they
7 turned the bamboo sticks into sleeping mats. And some others,
8 they had a bag, and then they tied the bag to be hammocks, and
9 sleep in.

10 [11.13.08]

11 Q. What about toilets, latrines? Were latrines built for all of
12 you by Angkar?

13 A. Back then, there were no proper toilets and latrines. Members
14 within units had to dig one-metre-deep pits, and two sticks were
15 used to put on the pit, and we would squat and relieve ourselves.
16 And we used leaves to make walls, so that no one could see when
17 we were relieving ourselves.

18 Q. Thank you. To your observation, were there many members from
19 mobile units in the sleeping quarters or at the worksite? Could
20 you give your estimation how many of them were there working?

21 A. I do not know. There were many of them. Some of them were from
22 Thma Puok, Mongkol Borei, Sisophon, Preah Netr Preah, Phnum Srok,
23 and others were from mobile units at the sector level. I could
24 not tell you how many of them at the worksite.

25 Q. Thank you. Regarding working conditions, where were the areas

41

1 where your units were working? Was it at the edge of the dam
2 worksite itself? Or was it in the middle of the dam worksite?

3 A. Members from my unit were stationed at the north to Bridge
4 Number 1, at Bat Kang (phonetic). We were not working on the
5 areas in the middle of the dam worksite. We were stationed to the
6 north of Bridge Number 1.

7 [11.15.41]

8 Q. Thank you. Can you tell the Court what was your position at
9 the worksite? Were you an ordinary member within your mobile
10 unit?

11 A. I was chief of a platoon.

12 Q. What was your function? And how many subordinates under you?

13 A. I had one deputy and one member -- two of them were below me.
14 And one of them passed away already.

15 Q. I would like you to tell the Court how many members within a
16 platoon? You mentioned that you have -- you had two people below
17 you. But I would like to know members of the platoon. How many of
18 you were there in that platoon?

19 [11.17.04]

20 A. There were 30 members in my platoon. Beside me and my two
21 subordinates, there were other members within that platoon. And
22 some of them were from different places, and some others were
23 from Phnom Penh. These people who had -- these people had been
24 evacuated from Phnom Penh.

25 Q. Were there any 17 April People from Phnom Penh? Could you tell

1 the Court whether there were differences in work condition
2 between the 17 April People and other types of people?

3 A. Regarding this matter, I could tell you that they were all
4 people, ordinary people, but one group of people had been living
5 in the city, and they were considered 17 April People. And as for
6 others, they were local people, or we say Base People.

7 Q. What about work quota? Were work quotas different between the
8 17 April People and Base People?

9 A. No. Everyone had to meet the three cubic metres of dirt per
10 day, including the chief of the unit. We had the same work quota.

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

13 [11.19.15]

14 A. There were no frequent meetings. We -- I would convene
15 meetings once in a while to advise them not to be lazy.

16 Q. What about biographies? When there was a meeting, was there
17 any instruction to make -- to ask your members to make any
18 biography?

19 A. I was a former soldier, and I was afraid at that time. I was
20 afraid that my background would be known to others. So,
21 biographies were not required to make. I did not know the
22 biographies of my members at that time.

23 [11.20.15]

24 Q. In short, you hid your biography; is that true?

25 A. Yes, I tried to hide my biography, but still some information

1 was leaked out. After unit chiefs were transferred to elsewhere
2 and the new chiefs came in to replace, I was able to hide my
3 biography that I was a former soldier. And later on, I stopped
4 being a village guard.

5 Q. Could you tell the Court why were you afraid that you had to
6 hide your biography that you were a former soldier? Could you
7 tell the Court about that?

8 A. Back then, if it was found out that one was a former soldier
9 or gendarmerie, or a customs officer, this individual would be
10 killed.

11 Q. Thank you. You made mention about the work distribution or
12 work quota already. And as a chief, you also received a
13 three-cubic metres of soil per day. Did anyone in your platoon
14 could not complete the work quota?

15 A. There was work quota set for my members. At the beginning, we
16 were able to accomplish two cubic metres of soil per day. And if
17 we were able to accomplish that work quota, the work quota would
18 be increased up to three cubic metres of soil per day. We had to
19 try to work. We had to do our best to work.

20 Q. I would like to backtrack a little bit. If one was found that
21 he or she was a former soldier, gendarmerie or customs official,
22 he or she would be taken away and killed. So, how did you know
23 such instruction applied or executed?

24 [11.23.10]

25 A. The upper echelon did not lay out such instruction. However, I

1 observed that from time to time people disappeared, and most of
2 them were former soldiers or civil servants. That is why I was
3 trying my best to hide my biography.

4 Q. Thank you. What about working hours? When did the work start?
5 And when did you have time to rest on a daily basis?

6 A. We started working from 7 a.m. until 11 a.m. And in the
7 afternoon, from 2.00 to 5 p.m.

8 [11.24.13]

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

11 A. Yes. We had to work at night as well as in the daytime. At the
12 beginning, we were required to work only during the daytime, but
13 when time passed by, the blind -- people who got the blind
14 disease were required to work during the daytime. As for others,
15 who had no blindness disease, they were required to work at
16 night.

17 Q. Thank you very much. Have you ever heard the term 'special
18 case unit' while you were working at that Trapeang Thma worksite?

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

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

23 A. I have heard of moral offences. However, I have no idea what
24 moral offences were. Yes, the wrongdoings and mistakes that
25 people committed were mentioned during a meeting in Khmer New

1 Year.

2 Q. What did you mean by that, about the meeting in Khmer New
3 Year? What was discussed in that meeting?

4 [11.26.19]

5 A. I cannot recall it. In the meeting, radio was broadcast for
6 all of us. And we would clap our hands when we saw leaders clap
7 their hands.

8 Q. Thank you. I think it is now almost time for lunch break. I
9 have one last question for you before I stop. Were there any
10 guards monitoring the time when you worked?

11 A. There were no soldiers, militiamen monitoring all of us at my
12 worksite. But at night time, there were military people walking
13 around. I did not know why there were these people around.

14 MR. VEN POV:

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

17 [11.27.35]

18 MR. PRESIDENT:

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

20 JUDGE LAVERGNE:

21 Thank you, Mr. President, for giving me the floor. I think it's
22 the right moment now to provide some clarification with regard to
23 this witness, because Mr. Tak Boy is testifying today as a
24 witness. But I see that in Case 004, Mr. Tak Boy is a civil
25 party, and that the documents regarding his civil party

1 application are in Case 002 because they were forwarded to the
2 Parties. And they're under the following indexes: E319/25.3.48
3 and E319/25.3.48/1. So, thank you, Mr. President.

4 MR. PRESIDENT:

5 Was it -- is it in Case 004, regarding his status as a civil
6 party? Judge Lavergne, is it in Case 002 or 004? In Case 004, is
7 it clear that this witness is here to be -- to testify as a
8 witness?

9 [11.29.02]

10 JUDGE LAVERGNE:

11 Well, I have no problem with him being a witness in this current
12 case. Apparently, there's a problem in the interpretation. Can
13 you hear me? Yes? Well, I was saying that Mr. Tak Boy in Case 002
14 is not a civil party, so therefore he is testifying as a witness
15 in a perfectly normal way. But for purposes of transparency, I
16 would like to inform you that in Case 004, which is of course a
17 different case, Mr. Tak Boy is a civil party. And I'm also
18 informing you that the civil party applications in Case 004 have
19 been forwarded in Case 002, and I have just provided you with the
20 indexes of the civil party applications in Case 002. So,
21 therefore they are accessible and they are part of Case 002.

22 MR. KOPPE:

23 If I may briefly respond, Mr. President. I was already wondering
24 why he was being questioned first by the civil party, since he
25 has a TCW number and is a witness. But I'm not quite sure how it

1 works, that somebody who has been -- who is a civil party in Case
2 004, by simply forwarding his applications to our case, he
3 becomes a civil party in our case. Oh, he isn't?

4 [11.30.59]

5 JUDGE FENZ:

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

12 MR. KOPPE:

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

15 MR. PRESIDENT:

16 Let me clarify. Based on instruction and Rule 91bis of the ECCC,
17 the witness will be first examined by the Party who requests the
18 presence of him or her. And because this witness was requested by
19 Civil Party Lawyer to come here as a witness, that is why I, as
20 the President of the Chamber, have the right to accommodate the
21 arrangement when it fits.

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

1 afternoon.

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

5 The Court is now in recess.

6 (Court recess from 1133H to 1329H)

7 MR. PRESIDENT:

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

9 The Chamber now gives the floor to counsel for Khieu Samphan to
10 question the witness. Mr. Vercken, please proceed.

11 [13.29.58]

12 MR. VERCKEN:

13 I would like to make a remark on a question or quotation; I don't
14 know exactly how to call it. That was following the remark made
15 by Honourable Judge Lavergne who told the Parties that there was
16 a civil party application of a witness in Case 004. And I would
17 wonder whether the logical aftermath of that application
18 shouldn't be that the Chamber should admit this document on the
19 case file, and the prosecutor, Mr. Lysak, had said that he would
20 do so. And it appears that, that was not done and I don't know
21 why. Because it is a statement by the witness. I personally must
22 admit that I have not had time to prepare for this witness
23 because the witness has been called in an impromptu manner and
24 I've not had enough time to prepare to question him. And I need
25 to read that civil party application with as much attention as

1 possible and that is why I believe it is logical that your
2 Chamber should admit this document into evidence. That is the
3 remark that I would like to make regarding that quotation.

4 MR. PRESIDENT:

5 (No interpretation)

6 [13.31.50]

7 MR. FARR:

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

13 [13.32.22]

14 MR. PRESIDENT:

15 I am not sure about that. You disclosed the document and you
16 didn't object to the admission of the document into evidence. So
17 disclosing the document is for purposes of transparency and it
18 allows for the consideration and the debate of the document, and
19 it takes a decision by the Chamber for Parties to be clearly
20 informed. And that is why from the outset I would like to draw
21 your attention to that problem. Mr. Vercken, the document
22 referred to by Judge Lavergne was given an E3 number, E319/125.
23 So that document is on record and I do not know at which level of
24 admissibility that document is. We have already issued precise
25 instructions regarding the disclosure of documents and that is in

1 keeping with international case law. We have indeed clearly
2 pointed out that this is for the purposes of disclosure of
3 documents. And in order for documents to be considered and
4 debated upon, the Parties have to file a request, a formal
5 request to that effect, and that request should be accepted by
6 the Chamber. So debates regarding such documents are necessary,
7 adversarial debates are necessary.

8 [13.34.50]

9 MR. VERCKEN:

10 I totally agree with you, Mr. President. And that is why I raised
11 that point recalling that at this point in time in spite of the
12 announcement made by Mr. Lysak, when he tendered into evidence
13 about 50 civil party applications about a few weeks ago. At that
14 time, he did announce that those documents did not contain any
15 really important materials except for the civil party application
16 of this witness and Mr. Lysak said at the time that those
17 documents would be tendered into evidence. Today, the witness is
18 appearing and there's not been any request for the admission of
19 the civil party application into evidence in spite of the
20 announcement made by Mr. Lysak. And I observe that neither the
21 civil parties nor the Co-Prosecutors have mentioned that document
22 on their list of documents prior to the appearance of this
23 witness. Perhaps the civil party lawyers did make the request,
24 but I have not seen any document. I am making the application
25 because I note that nobody is making such an application. And I

1 note that Judge Lavergne reminds us that that document exists.
2 This is a supplemental statement by the witness and I note that
3 has not been translated. Your Honours, should your Chamber not
4 spontaneously have this document admitted into evidence, admitted
5 and received into evidence.

6 [13.36.40]

7 MS. GUIRAUD:

8 Thank you, Mr. President. May I make some remarks? The documents
9 were disclosed and we took cognizance of that document, same as
10 the two defence teams. It appears that the practice is as
11 follows. Documents are disclosed and placed at the disposal of
12 Parties in an electronic folder, and all Parties have access to
13 that document, they are able to use that document. We for our
14 part, yesterday, notified in the interface the Parties that would
15 use that document. At a subsequent stage, formal application
16 should be made under Article -- Rule 87.4. It appears that in
17 this process of disclosure, the prosecutors disclose the
18 documents, the Parties are able to use that document. And if need
19 be all the Parties are free to file 87.4 applications. I do
20 remember that records of interviews have been used by the
21 defence, records filed by the prosecutors whereas the defence did
22 not file Rule 87.4 applications regarding such disclosures. And
23 we have notified the Parties that we intend to use the documents
24 in question, but we did not have the time to file Rule 87.4
25 applications. In that regard, I hope I have answered the question

1 asked by my learned friend of the defence.

2 [13.38.37]

3 MR. VERCKEN:

4 You have talked of the defence of using documents that were not
5 validated before. That is false and I object to that. We meet
6 Rule 87.4 application before we are able -- we should be able to
7 use that document.

8 [13.38.57]

9 MS. GUIRAUD:

10 I didn't make a veiled accusation, I am only referring to a
11 practice that has been put in place and that has been used by all
12 the Parties, the defence, the prosecutors and the civil parties.
13 So this is not a veiled accusation or denouncement. All I meant
14 to do was to present my position to the Chamber regarding the
15 current practice and this practice should be -- should apply to
16 all the Parties to this Trial.

17 (Judges deliberate)

18 [13.46.38]

19 MR. PRESIDENT:

20 The Chamber gives the floor to Judge Lavergne to provide
21 clarifications to Counsel Vercken.

22 JUDGE LAVERGNE:

23 Thank you, Mr. President. The Chamber is well aware that the
24 document in question regarding Mr. Tak Boy's civil party
25 application has been made available to all the Parties. The

1 Chamber thus informs all the Parties that the Civil Party Lead
2 Co-Lawyers intend to use that document to examine Mr. Tak Boy so
3 to the extent that the Chamber understands that none of the
4 Parties intends to object to the use of this new document, unless
5 I am mistaken and if so, let me know immediately. I do not think
6 there is any objection to the use of that document. And so the
7 Chamber considers that the document is admissible and it is
8 tendered into evidence and it can therefore be used as a new
9 document in that regard. It is not necessary to make a Rule 87.4
10 motion in respect of that document and the decision is thus taken
11 in these proceedings. So the practice is that, when Parties
12 intend to use a new document, the other Parties are informed. And
13 the document is used during hearings and there's no objection
14 from the Parties. And the document is therefore understood as
15 admitted into evidence. This being the case, let me point out
16 nevertheless that the disclosure of a very large number of civil
17 party applications raises a number of difficulties, and the
18 Chamber is considering that matter and will inform the Parties in
19 due course.

20 [13.48.46]

21 MR. PRESIDENT:

22 Thank you, Honourable Judge. I now give the floor to the Lead
23 Co-Lawyers of the civil parties.

24 BY MR. VEN POV:

25 Thank you, Mr. President. Good afternoon, Mr. Witness. I will

1 proceed with my examination.

2 Q. I would like us to talk about the issue of food rations at
3 Trapeang Thma. What food rations did you receive at that
4 worksite?

5 MR. TAK BOY:

6 A. I wouldn't know how food was distributed. But there was
7 sufficient food for everyone, but people had a hard time eating
8 or didn't eat well or enough because everyone was sleepy.

9 [13.49.56]

10 Q. What food items were doled out to the people, the workers, was
11 it rice gruel or normal rice?

12 A. There were cooks preparing the food and they distributed it to
13 the workers.

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

17 A. We ate ordinary rice and we had enough to eat in order to
18 build the dyke.

19 Q. As regards sanitation or hygiene, was the food well protected
20 and covered before it was given out to the workers?

21 A. The food was not protected; it was exposed and therefore
22 covered by flies.

23 Q. Thank you. Did you hear any members of your group complaining
24 about the shortage of food or the fact that they did not eat
25 enough?

1 A. No, no one complained. However, we faced the problem that
2 everyone was sleepy, we weren't sleeping enough so we didn't eat
3 enough either.

4 [13.52.27]

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

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

13 Q. When members of the mobile unit were taken ill, were there any
14 healthcare workers permanently on the site who distributed
15 medicines to the sick?

16 A. There were healthcare workers on duty, but what they had was
17 mostly traditional weapons (sic) made with tree roots. So
18 whenever someone had diarrhoea or fever, he or she was given
19 those medicines made with tree roots. I do not know how those
20 medicines were made. They were tablets of a brownish colour.

21 [13.54.32]

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

24 A. The healthcare workers assigned to work in those units had not
25 undergone any studies. But they were referred to as healthcare

1 workers. And the sick had to go to receive medicines in
2 hospitals. Those medicines were referred to us rabbit pellets and
3 they were used to treat diarrhoea.

4 Q. Still as regards illnesses, did you observe or see any people
5 die of illness, exhaustion or diarrhoea?

6 A. Those who were taken ill were sent somewhere, I don't know
7 whether they died, I don't know whether they were treated. They
8 left the mobile units to return to their respective cooperatives.

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

13 [13.56.30]

14 A. Never.

15 Q. Thank you. Regarding work on the Trapeang Thma Dam worksite,
16 did such work require the use of equipment or such work entailed
17 only manual labour without equipment?

18 A. There was no equipment. All the work was done manually since
19 all we had to do was to dig the earth and to carry it ourselves.

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

24 [13.57.54]

25 A. The battalion chiefs say that Ta Val was arrested, but I was

1 not an eye witness to that. It was one of my superiors who told
2 me that Ta Val had been arrested.

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

7 A. In my unit no one was arrested.

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

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

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

17 [13.59.36]

18 A. He was the chief of a mobile unit from the sector. I did not
19 know his exact position but he was in charge of the mobile units
20 in the sector.

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

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

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

1 A. Can you please be more specific, which pits?

2 [14.01.00]

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

6 A. Yes. On the dam itself -- by the dam itself, there were pits.
7 Back then, we just dug trenches with pickaxes and we buried them.
8 They were killed and we don't know why exactly. And when we
9 carried dirt in order to build the dyke, we came across bodies.
10 That is how we noticed that there were bodies.

11 Q. Were there many bodies?

12 A. There were bodies at the bottom of the dam and also on the
13 crest of the dam and also in the fields. And the bodies were
14 covered with soil and dirt. While people were ploughing, they
15 would find out that there were bodies covered in the field. I do
16 not know how many bodies were there at the worksite.

17 [14.02.33]

18 Q. Concerning forced marriage, were you aware of any marriage at
19 that time? Did you attend the marriage ceremony while you were
20 there?

21 A. The marriage was not actually forced. The couple agreed to
22 marry one another after which they were required to hold each
23 other's hand and make a resolution.

24 Q. You said the marriage was not forced, did the marriage
25 arranged by the unit chief or did the couple voluntarily agree to

1 marry at that time?

2 A. Normally, the couples selected their own destine or future
3 spouses. For example, a man would propose a woman at that time.
4 After that, the marriage would be held for them. And as for
5 marriage, usually there were many couples, 50 couples at a time.

6 Q. You stated that there were 50 couples in one marriage. Did you
7 personally attend the marriage ceremony at that time?

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

11 Q. Did you observe that parents from both sides, I mean the bride
12 and groom, attended the wedding?

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

15 Q. Concerning religion, when people died, were rituals allowed to
16 be held?

17 [14.05.00]

18 A. Talking about Buddhism, achar would not be invited to attend
19 the funeral and monks were not invited to preach the sermon at
20 that time.

21 Q. What about pagodas, were there any monks in pagodas?

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

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

60

1 worksite, did you ever participate in the welcome ceremony of
2 visitors of the Democratic Kampuchea?

3 A. I was once -- I once attended the meeting where Chen Yongui
4 was present at Trapeang Thma worksite.

5 Q. At that time, did leaders from the centre or from other places
6 attend the meeting where the Chinese delegation was there?

7 [14.06.38]

8 A. I do not know about that. There were around 20 vehicles coming
9 to the site. And people in the vehicles were wearing black
10 trousers, white shirts. I was young at that time, I do not --
11 quite sure at that time. And I was told that Chen Yongui was
12 visiting the site and a film about the work in China -- work
13 conducted in China, was projected for all of us.

14 MR. VEN POV:

15 Mr. President, I would like to seek the floor for my colleague.

16 MR. PRESIDENT:

17 You may now proceed.

18 [14.07.24]

19 QUESTIONING BY MR. PICH ANG:

20 Q. My name is Pich Ang. Good morning, Mr. President -- good
21 afternoon, Mr. President. Good afternoon, Mr. Witness. I will
22 have a few questions in relation to working hours. You provided
23 your answers to lawyer Ven Pov that you started work from 7 a.m.
24 to 11 a.m. in the morning. And you also mentioned about the
25 afternoon shift. I would like you to make a clarification

1 regarding members of your mobile unit and members of other mobile
2 units. Did members of other units start their work at the same
3 time as your members did?

4 MR. TAK BOY:

5 A. When we were working at the dam worksite -- that is, digging
6 the earth to build the dam, we started work from 7 a.m. until 11
7 a.m. in the morning. This shift consisted of only the people who
8 had night blindness. And there was night shift which consisted of
9 people who did not have night blindness.

10 [14.08.54]

11 Q. Did anyone go to work before 7 a.m. in the morning?

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

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

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

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

22 A. I did not witness the corpses. While I was carrying dirt by
23 using the earth carrying basket, the soil was soft and I could
24 understand that there were bodies covered with the dirt below the
25 soil. And there were many pits somewhere when we went to relieve

1 ourselves.

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

4 [14.11.09]

5 A. By that, I can say that normally the earth that we dumped on
6 one particular place was solid but some places were soft while we
7 were stepping on, and we could understand that there was
8 something below it.

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

12 A. It was in the rainy season at that time. It was in the dry
13 season, the earth that we dug was really hard and solid. And how
14 could it -- was soft when we dumped it on the specific places.

15 Q. You made mention of pits a while ago. Could you describe the
16 pits, how large was it and how deep was it?

17 A. They were not big pits. The body or corpse would not bury deep
18 in the earth. And when the body or corpse decomposed and we could
19 see the soil or the surface of the earth becoming splitting from
20 each other.

21 [14.13.18]

22 Q. You made mention about the soft soil while working and you
23 stepped on the soft soil. And you said there were corpses under
24 it. Could you expand a little bit on this fact?

25 A. I witnessed one corpse at one time that I was working and

1 carrying earth and I could see that there were other corpses
2 under the earth.

3 Q. You stated that the bodies -- there were decomposed bodies
4 under the ground and you could have -- the smelled bad from the
5 body or corpse; so what smell was it?

6 A. The smell -- the odour could be smelt in the open air. And
7 while I was dumping the earth at the base of the dam, there was
8 no odour smelt, but when we went to relieve ourselves, we could
9 smell the decomposed bodies.

10 Q. You stated that the body was covered -- was buried in the
11 field, did you witness there were many bodies buried in the open
12 field?

13 [14.15.03]

14 A. Many corpses were buried at the base of the dam. When we were
15 walking close to the base of the dam, then we could smell. And
16 whenever we went to relieve ourselves somewhere close to the
17 forest, we could see the decomposed body under the ground.

18 Q. This is my last question, Mr. Witness. You made mention about
19 the open field that you witnessed, you saw bodies. Was the open
20 field within the compound of the dam worksite?

21 A. It was also -- it was within the compound of the dam site and
22 the open field was also located outside the dam compound.

23 MR. PICH ANG:

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

1 MR. PRESIDENT:

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

4 [14.16.53]

5 QUESTIONING BY MR. FARR:

6 Thank you, Mr. President.

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

11 MR. TAK BOY:

12 A. I cannot recall it well because it happened long time ago.

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

17 [14.18.00]

18 A. Before I became part of a mobile unit, I was assigned to work
19 in a cooperative in a village or sangkat.

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

24 A. The work was not voluntary. Male and female youth were
25 separated from parents and go to work in mobile units.

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

18 [14.20.58]

19 A. We were selected and sent to the worksite. After we arrived at
20 the place, we were divided into units and I was part of a
21 platoon. At that time, we were given with earth-carrying baskets
22 and I was instructed to build the dam.

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

1 that?

2 A. I was of full of fear at the time because I had link to
3 political tendency as I was a former soldier. And if it was found
4 out, I would be taken away and killed. This was my fear.

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

9 [14.22.45]

10 A. Ta Val had overall supervision over Trapeang Thma Dam
11 worksite.

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

16 A. Below the platoon, there were squads and groups and within the
17 groups there were members.

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

20 A. Above the platoon, it was company and above a company,
21 battalion. And Ta Val had overall supervision over battalions.

22 [14.24.14]

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

25 A. Above platoon, it was company, and chief of company was Pech

1 Mam. He passed away, perhaps, ten years ago. And above company,
2 battalion, Mit Bo (phonetic), chief of battalion. Mit Bo
3 (phonetic) had been arrested. He was deceased.

4 Q. Okay so would you provide information to Pech Mam your company
5 commander? And if so, what kinds of information would you provide
6 to him?

7 A. Pich Mam was the chief of a company, and chief of company
8 would be in charge of three platoons. And Pech Mam was deceased.

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

12 A. When we broke after work at 5 p.m. we had to make a report to
13 chief of companies. And we would do the calculation of the work
14 that we completed by the end of the day and put in the report to
15 send to chief of company.

16 [14.26.34]

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

18 A. No, no instructions. But we were advised to be hardworking,
19 and I was instructed that there should be no one from my unit
20 that avoided the work, otherwise they would disappear.

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

23 A. It was Mit Bo (phonetic), comrade Bo (phonetic), chief of
24 battalion.

25 Q. Do you remember where you were or who you were with, when he

1 told you this?

2 A. No. During that time, it was when I went to see him and submit
3 the report verbally of the work that my group accomplished by the
4 end of the day.

5 [14.28.13]

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

10 A. I have no idea why the structure had something to do with the
11 military. I do not know why it was like that.

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

14 A. This was frequently mentioned. Hot battlefield refers to
15 Trapeang Thma Dam worksite, and Trapeang Thma Dam worksite
16 consisted of members of the special force units.

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

19 [14.29.50]

20 A. To my understanding, the work required us to work very hard.
21 If not we would be accused of being linked to the -- tendency. So
22 I could say it was a hot battlefield.

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

1 A. No, I did not know that.

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

3 MR. PRESIDENT:

4 (No interpretation)

5 [14.31.06]

6 MR. KOPPE:

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

9 BY MR. FARR:

10 So, this is E3/771, it's a "Revolutionary Flag" magazine from --
11 sorry, it's a "Revolutionary Youth" magazine of July and August
12 1977. And there's a two and a half page description of the
13 Trapeang Thma Dam worksite, very specific regarding dimensions,
14 but it discusses the conditions that the workers worked in, and
15 said that they were working all day and all night in the hot sun.
16 And it says, "like the sacrifices made by our brothers during the
17 war, they didn't complain." I don't have the precise ERN page
18 numbers now; I can provide those after the break.

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

22 [14.32.28]

23 MR. TAK BOY:

24 A. Physically, he was shortish, of average height but his looks
25 were very frightening. He was cruel.

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

2 A. He spoke in a loud voice and I would stand him next him and
3 see him talk with a lot of gestures and speak at the top of his
4 voice. When he saw workers building the dam, if they did not do
5 what was pleasing to him, he would take a spade and throw them
6 away and express his dissatisfaction in so doing. And that is why
7 I say that he was cruel and wicked.

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

10 A. As a matter of fact, he was wicked because people died at that
11 worksite. And all the people who died there were under his
12 responsibility and he was the one issuing instructions to
13 everyone working there.

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

17 A. Under his supervision were comrade Yun, who was called Ta Yun.
18 So in his absence Yun supervised in his place.

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

22 [14.35.51]

23 A. I haven't quite understood your question, can you please
24 repeat it.

25 Q. Sure. And perhaps to save time, I'll read you something from a

71

1 statement gave to DC-Cam. This is the same document as
2 previously. The English page number is 00726113; Khmer is,
3 0057732; and French is, 00743242. So you were asked about Ta Val
4 and you said he was referred to as the direct chief executioner.
5 But then you continued and you said, "He was the chief of all,
6 there were others close to him. For example, his right hand aide
7 was in charge of punishing and persecuting those who looked lazy
8 and slow in labour work. For instance, when a task is assigned
9 and the person in charge did it carelessly, he or she would be
10 pulled out like a cabbage and taken to be killed, that easy." So
11 can you tell us first of all, who the person was you were
12 speaking of and second of all, what you meant when you said that
13 a person would be pulled out like a cabbage?

14 [14.37.42]

15 A. If a given worker was lazy, he was immediately uprooted. That
16 was not the case with my unit. What I meant to say was that Ta
17 Val was a chief executioner, he was the person in charge of that
18 worksite. So if subordinates committed crimes, Ta Val had to
19 assume responsibility for such crimes. For instance, if he
20 ordered anyone to kill someone, he had to assume responsibility
21 for such acts.

22 MR. FARR:

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

25 MR. PRESIDENT:

1 Thank you. The time is right for us to take a break. The
2 proceedings will resume at 3 p.m.
3 Court officer please see to the necessary arrangements for the
4 witness, lead him back to the courtroom before 3 p.m.

5 (Court recesses from 1439H to 1459H)

6 MR. PRESIDENT:

7 Please be seated. The floor is now given to Co-Prosecutors to
8 resume their lines of questioning. You may now proceed.

9 BY MR. FARR:

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

14 MR. TAK BOY:

15 A. I do not know whether he was absent very frequently. Sometimes
16 chiefs of battalion said, Ta Val was not present so I knew about
17 this through chiefs of battalion.

18 Q. Do you know where he was or where he went when he was not
19 present?

20 [15.01.10]

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

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

25 A. I do not know the superiors above him. Perhaps the report was

1 submitted to the sector. I do not know who were above him.

2 Q. Did you personally ever report your work results directly to
3 Ta Val?

4 A. No, I never reported directly to Ta Val. I was very low in the
5 high-ranking -- in the structure. I never reported to Ta Val.

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

11 A. It was in Khmer New Year and the anniversary of 17 of April
12 was quite close. The date was quite close to each other. There
13 was a meeting. The meeting was held in Phnom Penh and I was in a
14 separate meeting in my area and listened to what was described
15 during the meeting. The Khmer New Year fell on the 12th, 13th,
16 and 14th of April. The meeting after the Khmer New Year was held
17 for just one morning on that day.

18 [15.04.28]

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

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

23 Q. I'd like to ask you about something that you said in your
24 DC-Cam statement. This is English, 00726120; Khmer, 00057440; and
25 French, 00743250 to 51. So you were asked about this celebration

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

8 [15.06.09]

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

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

17 Sorry, I'm having bad luck.

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

20 [15.07.33]

21 A. The theatrical performance, I may have confused. The
22 theatrical performance happened during the marriage ceremony. The
23 dancers, performers were in black clothes and I observed many
24 people were dancing with their weapons on their shoulders.
25 Perhaps the dancer at that time were accused of being enemies.

1 And that was the performance, it's not the real scene of fighting
2 at that time. And there was the performance soldier firing weapon
3 at each other. And after that they shouted the victory of 17th
4 April came to the country.

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

8 A. It was during the time back when I was in a cooperative,
9 Vietnamese ethnic, Chinese ethnic were arrested.

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

12 [15.09.45]

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

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

19 A. I cannot say how many Chinese and Vietnamese ethnics were
20 arrested. The whole families were arrested. First, they arrested
21 husbands after which, it was the time the wives and children.
22 They were taken away to elsewhere and I did not know whether they
23 were killed.

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

1 A. It was military trucks, the colour -- the green colour.

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

4 [15.11.44]

5 A. The transportation of wives and children of the husbands
6 happened perhaps at 10.00 or 11.00 in the morning. The vehicles
7 were heading southwards. I did not know where the vehicles were
8 heading to, I mean the destination. I was there working in the
9 field, building the embankment, growing potatoes. I heard people
10 say the wives and children and also husbands had to be
11 transported to live elsewhere, and I do not know whether they
12 were taken away to be killed.

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

15 A. It was before the time of -- the time when I was at the
16 Trapeang Thma Dam worksite. Perhaps it was in early 2076 (sic).

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

19 [15.13.40]

20 A. Yes, it was in 1976, I confused, I may have said wrongly. It
21 was in mid-1976 or late 1976.

22 Q. Okay, thank you. So, I want to direct your attention back now
23 to your time at the dam worksite and I want to ask you about a
24 location called Veal Ta Kuy (phonetic), if I'm pronouncing that
25 correctly. Can you tell us what that place was and what it was

1 used for during your time at the worksite?

2 A. Veal Ta Kuy (phonetic) was the field and the agriculture was
3 done at that place in Veal Ta Kuy (phonetic). Corpses of members
4 from mobile units were buried in that Veal Ta Kuy (phonetic). All
5 corpses were not buried in one major or big pit. Those bodies
6 were buried this and there.

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

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

13 [15.15.49]

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

18 A. I was going to relieve myself at the time and I smelt the
19 odour and the decomposed body was under the ground and I could
20 see it with my naked eye when I was going to relieve myself.

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

24 [15.16.49]

25 A. It happened only once. I went to relieve myself and I noticed

1 there was bad smell and the decomposed body under the ground. And
2 after that time, I never went past that area. And as I mentioned
3 during that time, there were only improvised latrine, the pit
4 that we dug deep perhaps one meter deep with two stick on top and
5 we could squat and relieve ourselves.

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

8 A. No, I have never seen.

9 Q. Okay,

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

13 A. No. No one disappeared from my unit, but some of them fled the
14 unit and went back to their homes in cooperatives.

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

17 A. I minded only what happened within my unit. We were in
18 different units; I do not know about that. I do not know whether
19 there were arrests in different units.

20 [15.19.05]

21 Q. I'd like to read to you another passage from your interview
22 with the DC-Cam, the documentation centre and the cite for this
23 is English, 00726119; Khmer, 00057739; and French, 00743249. And
24 you were being asked generally about arrests and disappearances.
25 The question to you was, "Had people been notified before they

1 were taken?" And this was your answer: "Even people who had
2 worked next to each other did not know. Only after they had been
3 taken, did we know it. For example, you were told that you've
4 being transferred to work in another squad, and you respond let's
5 do it in the morning, they would not agree. They would order you
6 to go right away at that night. They asked for the person's
7 clothes, and immediately after the person had left the hall, he
8 or she was arrested." So in that answer there are number of
9 details. It's based on a ruse of a transfer to a new unit, they
10 ask for the person's clothes, they talk about leaving the hall;
11 does any of that refresh your memory about something that you may
12 have seen or heard about at the Trapeang Thma Dam worksite?

13 [15.20.56]

14 A. Regarding the disappearances, members were removed from one
15 particular unit and placed in another unit. For example, Mr. Mam,
16 my chief was removed and reassigned to live in another unit. And
17 from my assumption, perhaps he may have died because I have never
18 seen him back.

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

21 A. No, I have never seen him back after that time. I do not know
22 where he went. It was the time when the Southwest Zone cadres
23 came to replace the previous cadres, and I could assume that he
24 disappeared.

25 Q. And either of those other details from this DC-Cam statement,

1 does that apply to what happened to Mam, did he leave the hall,
2 was he asked to leave his clothes behind?

3 A. The bag was there. The bag was brought by him at that time and
4 he did not get his clothes off and put in the bag. He went with
5 his bag.

6 [15.22.59]

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

9 A. He went by himself at that time. He told me that he was
10 removed and he left. After he told me, I went to work and later
11 on I have never seen him. He disappeared.

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

19 A. I have never seen these people.

20 [15.24.26]

21 MR. FARR:

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

23 MR. PRESIDENT:

24 Thank you, Mr. Co-Prosecutor. The floor is now given to the
25 defence teams for the Accused. First begin by the defence team

1 for Mr. Nuon Chea, you may now proceed.

2 QUESITONING BY MR. KOPPE:

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

4 Witness. I would like to ask you first a question about the

5 period before 1975. You said that you joined the Lon Nol military

6 in 1972 and that you, at one point in time, became a corporal;

7 did I understand that correctly?

8 MR. TAK BOY:

9 A. Before 1975 -- in 1972, I may say, I was a low-ranking soldier

10 not corporal but sergeant -- or private.

11 Q. In the English translation, I heard -- maybe I heard it

12 wrongly -- sergeant or did you say something else.

13 [15.26.26]

14 A. I was a private at that time. I did not hold any rank of

15 corporal.

16 Q. And what were your duties as a private in the Lon Nol army,

17 what was it that you did, were you involved in active combat

18 against the Khmer Rouge?

19 A. I have told already, I was a private. I participated in the

20 battlefield two or three times at the district.

21 Q. Sorry, I didn't hear the answer but now I've been briefed by

22 my colleague. Thank you. So did I understand correctly that you

23 were involved in active combat, that you were actually fighting

24 Khmer Rouge soldiers, you were firing arms, etc.?

25 A. Yes, I was in active combat.

1 [15.28.27]

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

3 A. I did not know at that time whether the bullet hit the
4 opposing party and I do not know whether the bullets that I shot
5 hit the target.

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

9 A. Yes, that is true.

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

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

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

17 A. I filled in the biography that I was a former Lon Nol soldier,
18 but I could not hide the biography for a long period of time. And
19 the beginning I was a guard and then I became a private. After 17
20 of April 1975, I was able to hide my biography but for a short
21 period of time only.

22 [15.31.47]

23 Q. Let me read to you what you have stated to DC-Cam, Mr.
24 Witness, and then I will ask your reaction; that is on English
25 ERN, 007261111; French, 00743240; and Khmer, 00057730. You stated

1 as follows: "At that time, I wrote that I also had joined the
2 army but I held a small position. Under his supervision a chief
3 asked me. I told him that I was a soldier for three months. A new
4 chief came and he started screening my background again. I wrote
5 him that I was a soldier for one month prior to peace. When
6 another new chief came I wrote that I had been in a village
7 self-defence unit." Now does this refresh your memory? Is this
8 what you wrote in your various biographies after 17 April 1975?
9 A. Yes, I wrote about it, because as I told you, I was a soldier
10 for some months. And thereafter the first chief was replaced by
11 another, and I returned to our village, and I subsequently became
12 a simple inhabitant of the village.

13 [15.34.03]

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

21 A. I was not executed because I was under the administration of
22 the people from the Northwest Zone and since I was a soldier only
23 during a short period and since I did not know anything, I was
24 ignorant, they were very tolerant towards me. And after the
25 people of the Southwest Zone arrived I became an ordinary

1 citizen.

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

6 [15.36.14]

7 A. As I said initially, during that period I was under the
8 supervision of people of the Northwest Zone and under the
9 supervision of my village chief. If I hadn't concealed my
10 biography, some accident or something unfortunate would have
11 happened to me. Following the arrival of the people of the
12 Southwest Zone I concealed my identity and my biography.

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

18 [15.37.52]

19 A. No, I was not relieved. Because after he was arrested, people
20 from the Southwest Zone came to power. So I was still in an
21 atmosphere or climate of fear. I was afraid of being killed
22 because I didn't know when my turn would come. So all I did was
23 to leave no stone unturned to work, and I worked with devotion
24 because I had been a soldier of the Lon Nol army in the past. So
25 I always tried to conceal my identity as a Lon Nol soldier.

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

8 A. In my prior statement, I wrote that when Ta Val was arrested
9 those close to him were also arrested. And those who were not --
10 those who were close to Ta Val fled, some of them fled to avoid
11 being arrested.

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

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

15 [15.41.06]

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

19 A. I was not close to Ta Val. Those who were close to Ta Val were
20 arrested, that is those that associated with him, those in his
21 entourage, who ate with him, whereas I wasn't that close to him
22 so I didn't have to be afraid of arrest. As a matter of fact, I
23 was rather afraid of my past as a former Lon Nol soldier.

24 Q. I understand, Mr. Witness. How did you come to observe that
25 those close to Ta Val were arrested? Did you see that with your

1 own eyes or did you hear that? How did you acquire the knowledge
2 that people close to Ta Val were arrested?

3 A. His subordinates went back and forth between where they were
4 and where Ta Val was working reporting to him. And when Ta Val
5 was arrested, those people fled. They left their mobile unit and
6 just vanished.

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

8 [15.43.40]

9 A. That happened a long time ago. The inhabitants of Sreh also
10 fled, I do not know whether they are still alive or not. So it is
11 difficult for me to give you any precise details on that subject.

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

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

18 Q. Now have you heard at a time or maybe later what the reason
19 was that Ta Val and his close or his direct subordinates were
20 arrested? Why was it that they were arrested?

21 A. To tell you the truth, I learnt about it from the intermediate
22 of the battalion chief. When Ta Val was arrested those people
23 fled. So I heard about it from the battalion chief.

24 Q. Was Ta Val arrested or were his subordinates arrested because
25 they had committed a crime or they had done something wrong? Do

1 you know?

2 A. I have no idea of that. Ta Val's close collaborators were
3 arrested.

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

8 [15.47.39]

9 A. I do not know why he was arrested. All I know is that he was
10 arrested. He was indeed an executioner because he issued orders
11 to his immediate subordinates. So I am unable to tell you the
12 reasons why he was arrested.

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

16 MR. FARR:

17 And Your Honour, I just -- in light of Counsel's comment, I would
18 just make one comment for the record as well, that same statement
19 at English ERN, 00277817; Khmer, 00267746; French, 00315177; says
20 that Ta Yun who came from the Southwest arrested and killed many
21 people. And Ta Yun was Ta Val's replacement. For the completeness
22 of the record, Ta Val the killer, was replaced by someone this
23 witness also describes as a killer.

24 [15.49.34]

25 QUESTIONING BY MR. KOPPE:

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

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

9 MR. TAK BOY:

10 A. I am not aware of that. I do not know whether there was a
11 rebellion. All I know is that Ta Val was arrested and that
12 subsequently Yun came to take over from him to control and
13 supervise the work on the Trapeang Thma Dam worksite.

14 [15.51.04]

15 Q. Thank you, Mr. Witness. Now earlier this afternoon you were
16 testifying as to targeting of people of Chinese ethnicity. You
17 also referred to this in your DC-Cam statement. But can you be a
18 little more specific? How do you know that people who had a
19 Chinese background were arrested? And where did this happen and
20 when? How did you find that out?

21 A. People who were relocated to that region, there was a search
22 for people of Chinese and Vietnamese origin. And I said a while
23 ago that only the husbands were arrested and they were sent to
24 work somewhere else, and ultimately they also led away women and
25 children. That's it, I cannot tell you any more than that.

1 [15.52.47]

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

14 A. That was in 1978. I was young. At the time, the term
15 "proposed" was used or rather asking for a person's hand in
16 marriage. The person in question was (inaudible); he was a
17 soldier of the Southwest Zone, and when Ta Nin (phonetic) was
18 withdrawn he was in charge of the fisheries section where my wife
19 was working. And he said -- I asked for my wife's hand in
20 marriage. My wife was very fair in complexion and it was said
21 that she was of Chinese origin. But she was not really of Chinese
22 origin. If you investigate further you would find that that is
23 the case and you will be able to ascertain her real origins. That
24 is why I said that people of Chinese origin were targeted.

25 [15.56.04]

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

7 A. I say so because once they were put on board the trucks and
8 led away, those persons never returned. And so I inferred from
9 that they had been led away to be executed or imprisoned. That
10 was an assumption on my part.

11 MR. PRESIDENT:

12 I have informed you of your duty, your obligation to tell the
13 truth and nothing but the truth. You are supposed to answer in
14 respect of facts stated in the questions. You do not have the
15 right to make assumptions. We do not need your assumptions. So
16 let me point this out to you. If you do not know the answer to a
17 question, just say that you do not know the answer and limit
18 yourself only to what you were aware of.

19 [15.58.06]

20 BY MR. KOPPE:

21 Thank you, Mr. President. Maybe one last question on this
22 subject.

23 Q. Mr. Witness, I am asking you these questions because I don't
24 think I have read anywhere or heard anywhere that ethnic Chinese,
25 truckloads full of them were taken to be smashed. Is this

1 something that you might have made up?

2 MR. TAK BOY:

3 A. No, that is not a figment of my imagination. I prefer to say,
4 as the President has pointed out a while ago, all I can say is
5 that I saw these people put on board trucks and led somewhere
6 else, and I can't tell you any more than that.

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

9 [15.59.19]

10 MR. FARR:

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

16 MR. KOPPE:

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

20 [15.]

21 MR. FARR:

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

25 BY MR. KOPPE:

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

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

7 MR. TAK BOY:

8 A. I learnt of this from my neighbours who told me that people of
9 Chinese origin had to be grouped together. The village militia
10 said that, and the women and children had to prepare their bags
11 to board these trucks, and I don't know where they went.

12 [16.01.21]

13 MR. PRESIDENT:

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

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

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

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

5 (Court adjourns at 1602H)

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