



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
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 27-Aug-2015, 08:00
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

20 August 2015

Trial Day 315

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

The Accused: NUON Chea
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I N D E X

Mr. TAK Boy (2-TCW-908)

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Ms. YI Laisov (2-TCW-841)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SENG Leang	Khmer
Mr. TAK Boy (2-TCW-908)	Khmer
Mr. VERCKEN	French
Mr. YI Laisov (2-TCW-841)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today the Chamber will continue hearing the testimony of witness

6 Tak Boy, and perhaps we may start to hear a new witness -- that

7 is, 2-TCW-841.

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

9 and other individuals at today's proceeding.

10 [09.01.58]

11 THE GREFFIER:

12 Mr. President, for today's proceeding, all Parties to this case
13 are present.

14 Mr. Nuon Chea is present in the holding cell downstairs. He has
15 waived his right to be present in the courtroom. The waiver has
16 been delivered to the greffier.

17 A witness who is to testify today, Tak Boy, he is already present
18 in this courtroom. And the next witness is 2-TCW-841. To his best
19 knowledge, he has no relationship by blood or by law to any of
20 the two Accused: Nuon Chea and Khieu Samphan, or to any of the
21 civil parties admitted in this case. The witness will take an
22 oath before the Iron Club Statue this morning before he comes to
23 testify.

24 Thank you, Mr. President.

25 [09.03.03]

2

1 MR. PRESIDENT:

2 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the
3 request by Nuon Chea.

4 The Chamber has received a waiver from Nuon Chea, dated 20th of
5 August 2015, which states that due to his health reasons:

6 headache, back pain, and he cannot sit or concentrate for long,
7 and in order to effectively participate in future hearings, he
8 requests to waive his right to participate and be present at the
9 20th of August 2015 hearing.

10 Having seen the medical report of Nuon Chea by the duty doctor
11 for the Accused at the ECCC, dated 20th of August 2015, who notes
12 that Nuon Chea has a chronic back pain and recommends that the
13 Chamber shall grant him his request and allow him to follow the
14 proceeding remotely from the holding cell downstairs. Based on
15 the above information and pursuant to Rule 81.5 of the ECCC
16 Internal Rules, the Chamber grants Nuon Chea leave to follow
17 today's proceeding remotely from the holding cell downstairs via
18 audio-visual means. The Chamber instructs the AV unit personnel
19 to link the proceeding to the room downstairs so that he can
20 follow the proceedings. That applies for the whole day.

21 The floor is now given to the defence team for Mr. Nuon Chea to
22 resume his line of questioning. You may now proceed, Counsel.

23 [09.04.45]

24 QUESTIONING BY MR. KOPPE RESUMES:

25 Thank you, Mr. President. Good morning, Your Honours. Good

3

1 morning, counsel. And good morning, Mr. Witness.

2 Q. Mr. Witness, I would like to start this morning with
3 revisiting something we discussed yesterday because I'm not quite
4 clear yet as to what you meant in relation to what was happening
5 to people who had been in the Lon Nol army. What I did yesterday
6 was going back to your civil party application in Case 004. And
7 first of all, I would like to ask you if this civil party
8 application which I have here is something that you wrote
9 yourself.

10 And with your leave, Mr. President, I would like to show the
11 witness his civil party application in Khmer and ask him whether
12 this is in fact his handwriting.

13 [09.06.15]

14 MR. PRESIDENT:

15 Your request is granted.

16 (Court officer presents document to witness)

17 [09.07.11]

18 BY MR. KOPPE:

19 Q. Mr. Witness, is this something that you wrote yourself or is
20 it someone else who wrote it for you?

21 MR. TAK BOY:

22 A. I did not write it by myself. Someone wrote it for me.

23 MR. FARR:

24 Mr. President. Mr. President.

25 MR. PRESIDENT:

4

1 You may now proceed.

2 [09.07.55]

3 MR. FARR:

4 Sorry. I just noticed that something has been highlighted on a
5 copy of this civil party application the counsel provided to the
6 witness. And I -- it would be helpful if he could tell us what
7 he's highlighted.

8 BY MR. KOPPE:

9 Well, that was going to be my next question.

10 Q. Mr. Witness, I highlighted in this document a sentence and I
11 would like you to read along with me. I only have an English
12 translation available. Mr. President, for the record, I'm talking
13 about document E319/25.3.48. The English translation and in your
14 marked sentence, I read: "I was a former Lon Nol military
15 officer, that was why they wanted to kill me. Non-commissioned
16 soldiers were allowed to return. Soldiers were then assigned to
17 go and clear a forest and to stay there." Now what you have heard
18 back in the Khmer translation is that -- that reflects the same
19 as you just have in -- is that the same as in the text that you
20 have in front of you?

21 [09.09.39]

22 MR. TAK BOY:

23 A. I did not write it by myself. I did not fill in that
24 information. I was a former private.

25 Q. I understand that you didn't write it yourself. But I presume

5

1 that you gave a thumbprint in order to agree with the text on
2 that application. But my question is about the distinction that
3 you seem to make between those Lon Nol military who were taken to
4 be killed and those Lon Nol military who were allowed to return
5 and assigned to go and clear a forest. So it seems that you make
6 a distinction between two types of military. Is my understanding
7 correct?

8 A. Back then, I was transferred to live in one certain place west
9 of Nam Tau to clear the forest because I was linked to the former
10 regime. And after a few months of my work, since we were not
11 lazy; we were hardworking; we were then instructed to come back
12 to our home district.

13 [09.11.44]

14 Q. I understand now. So when you were assigned to clear the
15 forest, the ones that assigned you to do this knew that you had
16 been within the Lon Nol army; is that correct?

17 A. Yes, that is correct.

18 Q. Now having said that, I would now like you -- would like to
19 take you to something that you have stated to the DC-Cam
20 investigator. Mr. President, that is document E3/7968: English,
21 ERN 00726121; French, 00743251; and Khmer, 00057741. In this
22 statement, you said -- and I quote: "Sometimes they searched and
23 found that a worker had been a soldier. Thus the person was taken
24 to be killed."

25 Having just heard your testimony, this seems to be in

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1 contradiction to what you just said if it was just a soldier that
2 they discovered; is that correct?

3 [09.13.42]

4 A. I would like to explain this point. On the 17 April 1975, a
5 private and soldier higher than the private were separated into
6 different places. I was a private; I was sent back to my home
7 district. And at that time, they divided and selected privates
8 and soldier above privates to go into the forest and clear the
9 trees in the forest so that we could grow trees and consume
10 fruits. During that time, we were under surveillance and they
11 wanted to see whether we were strong in our work and whether we
12 were hardworking in our work.

13 Q. And with how many ex-soldiers from the Lon Nol army were you
14 together working in the forest?

15 A. About 15 of us at that time.

16 Q. And all these 15 people had been normal or the lowest-ranking,
17 let's say, soldiers in the Lon Nol army; is that correct?

18 A. We were all privates. And for soldier above privates, they
19 were sent to a different place.

20 [09.16.17]

21 Q. Thank you, Mr. Witness. Now I would like to move on to another
22 point and that is your exact position within the mobile unit
23 while working at the dam. I might be mistaken or may not have
24 heard it correctly, but I think I heard you say yesterday that
25 you were chief of a platoon within the mobile unit. However, in

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1 your written record of interview, document E319/19.3.3: English,
2 ERN 0842064; French, 00842069; and Khmer, 00801007; you've been
3 asked a question: "Did you have any specific rank in your
4 company?" And then you answer: "I was an ordinary member in a
5 company of 100 men." So my question is: Were you a platoon chief
6 within the mobile unit or were you an ordinary member of a unit?

7 A. When I working at the Trapeang Thma Dam worksite, I was a
8 platoon chief.

9 [09.18.18]

10 Q. That's clear. Thank you. Mr. Witness, now something else I
11 would like to ask you. You said yesterday that you were like
12 soldiers. In your written record of interview, you said that we
13 marched like soldiers. Was there a chain of command structure in
14 the mobile unit, the same as there was a command structure -- a
15 chain of command as in the Lon Nol army?

16 A. On this matter, when the commander at the regional level -- at
17 sector level or chief of battalions gave an instruction, we would
18 stand in line to be ready and move to the place where we were
19 told to go. So first, the platoon number one chief would lead his
20 or her group to the place assigned by the chief of commander. And
21 then the other chiefs would follow.

22 Q. Was it the same as your own experience within the army of Lon
23 Nol?

24 A. Compare the time when I was a former private, it was the same.
25 We had to go in groups, we had shoulder poles -- I mean during

8

1 the time when I was assigned to leave another place after the 17
2 April of 1975, we had shoulder poles carrying our belonging and
3 went to the workplace that we were instructed to go like the time
4 when soldiers were going to, into a battle or into a certain
5 place.

6 [09.21.02]

7 Q. Thank you, Mr. Witness. Now I have another question that I
8 would like to put to you. In your written record of interview,
9 you answered the question as follows and I would like to quote
10 that to you and then ask if you indeed said that. It's question
11 and answer number 12. "Question: While you were travelling, did
12 you witness any corpses or anyone being taken for killing? Were
13 there soldiers accompanying your unit?" And then you answer, Mr.
14 Witness, as follows: "Since our order to work there was from the
15 upper echelon Ta Val, we were not accompanied by any soldier. I
16 did not witness anyone being executed. They did not let us see
17 anyone being arrested and killed."

18 Is that indeed what you told the investigator of the
19 Investigating Judge?

20 A. I did not see such incident with my own eyes. I heard people
21 said about the killings.

22 [09.22.35]

23 Q. So when you said in your DC-Cam statement on English, page
24 00726119; Khmer, 00057739; and French, 00743249; when you said a
25 fair number of people died--

1 MR. PRESIDENT:

2 Mr. Koppe, please slow down for the interpreter to get the
3 reference number. Please repeat it.

4 BY MR. KOPPE:

5 Q. Of course, Mr. President: Khmer, 00057739; English, 00726119;
6 French, 00743249. You said there, Mr. Witness, "A fair number of
7 people died from the dam construction, but at least 15 people
8 were taken to be killed every night." Does that mean, taking into
9 consideration your statement to the investigators here, that you
10 didn't actually see the arrest of these people and you didn't
11 actually witness the execution of people; is that correct?

12 MR. TAK BOY:

13 A. I have told earlier that I did not see the actual physical
14 killings. I heard people say that at least 10 to 15 people were
15 killed on a daily basis at night time.

16 [09.24.45]

17 Q. So you heard someone say that? Did you hear someone say that
18 while you were working at the dam or did you hear someone say
19 that after 1979?

20 A. While I was building the dam -- while I was working at the dam
21 construction site.

22 MR. FARR:

23 Mr. President. Just in fairness to the witness and for the
24 completeness of the record, he was asked about the same portion
25 of his DC-Cam interview by the OCIJ. And in answer 26 of his OCIJ

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1 written record, he specifies that it was his deputy village chief
2 who told him that 15 people were taken for execution every single
3 night.

4 BY MR. KOPPE:

5 Well that was about -- that was my next question obviously. So I
6 don't know why you'll not wait first for my question, Mr.
7 Prosecution.

8 Q. But, Mr. Witness, who was it that told you that every night
9 about 15 people would die?

10 MR. TAK BOY:

11 A. My deputy told me at that time.

12 [09.26.26]

13 Q. Your deputy within the platoon or another deputy?

14 A. Currently, the current deputy in my village, he told me.

15 Q. The person who is now today the deputy in your village or at
16 the time in '77?

17 A. At the present time, he was the deputy chief of the village
18 and he told me. He was working and living in a different mobile
19 unit and currently, he is my deputy.

20 Q. And what was his function in the mobile unit in 1977?

21 A. We were in different mobile units; I have no idea what his
22 position was. We were working in different places and we had no
23 right to walk around freely.

24 Q. But did you know at the time or maybe later how he knew that
25 15 people per night were killed -- how did he know?

11

1 A. I do not know. When the team from DC-Cam went to interview me
2 at my place, he was also there; I mean the deputy was also there.
3 And he said that 10 to 15 people were killed almost every night.
4 And that information was also published in the DC-Cam
5 publication.

6 [09.29.16]

7 Q. So when I read those words in the DC-Cam statement, is it fair
8 to say that these are not actually your words but the words of
9 the deputy chief of your village?

10 A. Yes, you are right. The deputy chief -- my deputy chief told
11 me that almost every night about 15 people were taken away and
12 killed. And this information -- this statement was produced in
13 the DC-Cam publication.

14 Q. And when he said this while present during your interview, did
15 he say from where he got the information that every night about
16 15 people were killed? Did he explain to the DC-Cam investigator
17 how he knew?

18 A. No. I have no idea about this.

19 [09.30.50]

20 Q. Thank you, Mr. Witness. Now let me move on to the place close
21 to the dam where you said you saw or where you said you knew
22 rather, corpses were being buried or had been buried there. Is my
23 understanding correct when I say, based on what you testified to
24 yesterday, that you didn't actually see with your own eyes the
25 corpses, that it was only the odour, the bad odour coming from

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1 this site that led you to your testimony that there must have
2 been corpses lying there?

3 A. As I said yesterday, I went to relieve myself to the south of
4 the dam -- of the reservoir and I saw a pit where there was a
5 terrible stench. And then I of course concluded that people had
6 been killed over there. I also saw dirt that was cracked; I did
7 not see people being taken away to be killed. But I saw the pit
8 and then I decided not to go relieve myself over there.

9 Q. I understand why you at the time came to the conclusion that
10 it was a pit with corpses in it. But what I am not sure, if I
11 understand properly, is why you testified yesterday that corpses
12 of mobile unit members were buried there. How did you know or how
13 did you come to this conclusion if you didn't see any executions
14 and if you didn't see the actual corpses?

15 [09.33.26]

16 A. Well, because over there, there were only mobile units and I
17 was normally far from that site, and that is what led me to
18 conclude that they were members of the mobile unit who had been
19 brought over there to be killed.

20 Q. But do you agree with me that these corpses could have also
21 belonged to people who had died in combat, in the war, or who had
22 been other people than mobile unit members and just happened to
23 be lying in the proximity of the dam; is that possible?

24 A. No, I don't agree with that because during the war under the
25 Lon Nol regime, there were no bodies over there, because I grew

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1 up over there, I was living there and there were no rice farmers
2 over there. And on 17 April, there were no bodies over there. It
3 was a clean field. But after the arrival of the mobile units who
4 positioned themselves there, there were pits filled with bodies.
5 So obviously the bodies were bodies of members of the mobile
6 units.

7 [09.35.21]

8 Q. Very well, Mr. Witness. Let me now take you back to your civil
9 party application in Case 004 that you still have in front of
10 you. On the first page in English, it says: "In 1976, I witnessed
11 militiamen taking groups of people to be killed at the south of
12 Trapeang Thma Dam in the area called Veal Ta Kuy." Now here you
13 seem to say, first of all, it was in 1976 and also that you
14 actually witnessed militiamen taking groups to be killed. Now
15 which one is correct, your civil party application that you said
16 you saw the killing or what you just said now in Court that you
17 didn't see actual killing with your own eyes?

18 A. I stand by my previous answer. I said that I saw pits where
19 there were bodies and I did not witness any executions.

20 Q. Thank you, Mr. Witness. Now one or two last subjects I would
21 like to cover with you. In your DC-Cam statement, you not only
22 speak about cadres arriving in the Northwest Zone coming from the
23 Southwest Zone, but also cadres coming from the West Zone, more
24 particularly, from Kampong Chhnang. My question to you is: How
25 did you that there were also cadres coming from the West Zone?

14

1 [09.37.41]

2 A. I learnt this from the battalion chief who told me that cadres
3 from Kampong Chhnang had arrived where we were.

4 Q. And did he tell you how he knew?

5 A. As I said, the battalion chief summoned us to a meeting during
6 which he told us that cadres from the West Zone had come to the
7 Northwest Zone.

8 Q. Very well. Thank you, Mr. Witness. Now another question as to
9 alleged killing. In your DC-Cam statement, English, ERN 00726121;
10 French, 00743251; and Khmer, 00057741; you not only speak about
11 alleged killing of workers who had been soldiers, you also speak
12 about people who were killed who had been "highly educated
13 intellectuals". How did you know that such people were arrested
14 and taken to be killed?

15 [09.39.59]

16 A. The battalion chief summoned sector chiefs to a meeting where
17 he ordered us to identify the intellectuals. So that's where I
18 get my information from.

19 Q. And what does that mean, what did you have to do to "identify
20 intellectuals"?

21 A. I told him that in my unit, there were no intellectuals and I
22 could not know whether or not they were really intellectuals. All
23 I could say is that they were working diligently. I am referring
24 to people who came from Phnom Penh back then. Because they asked
25 us to spot intellectuals in our units.

15

1 Q. Now there are quite some -- quite a number of witnesses who
2 also worked at the dam and who had high positions in the mobile
3 unit, who have qualified both Ta Val and his superior Ta Hoeng as
4 French-speaking intellectuals/teachers from Phnom Penh or Kampong
5 Cham. Have you ever heard or found out at the time how - no, let
6 me first ask you: Did you know anything about Ta Val and his
7 intellectual capacities?

8 A. No, I did not know his level of education. I simply know his
9 name Ta Val.

10 [09.42.40]

11 Q. But have you ever heard anyone questioning this search,
12 questioning the order coming from leaders who apparently
13 themselves were intellectuals?

14 A. No, I do not know.

15 Q. Have you heard of any other units in which people were located
16 or found that had been "intellectuals"?

17 A. I have no idea about this because I was in a separate unit. So
18 I have no idea about this.

19 Q. Two final questions on the conditions at the dam itself, Mr.
20 Witness. In your DC-Cam statement, you spoke about having a
21 mosquito net while you were sleeping. Did all members in your
22 platoon and your company have mosquito nets in which they could
23 sleep?

24 [09.44.17]

25 A. I was given clothes but no mosquito nets; we had no mosquito

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1 nets, only clothes as I explained to you yesterday. And we had to
2 sleep in hammocks. They were like bags. And sometimes, we would
3 make beds with bamboo slats. Maybe in the written record of
4 interview, there are a few mistakes in that regard.

5 Q. Just to be sure, I will read the particular excerpt that I was
6 referring to, Mr. Witness. English, ERN 00726117; Khmer,
7 00057737; and French, 00743247: "Question: Did you not carry out
8 other tasks?" And then you answer, "No, we did not. We just
9 rested. After we were done, we took a shower and got into our
10 mosquito nets to sleep"; is that something that you didn't say to
11 DC-Cam?

12 A. After having bathed, we went to sleep in our own mosquito
13 nets. We in fact brought mosquito nets along with us from where
14 we came from originally.

15 Q. So the DC-Cam statement is in fact correct, right?

16 A. Yes, indeed.

17 Q. And my final question, Mr. Witness, is about whether there
18 were or whether you knew of any Cham in your mobile unit or other
19 mobile units.

20 [09.47.03]

21 A. I heard that there were Chams. Back then, I was still in the
22 mobile unit of the cooperative in the village and when food was
23 being brought in, the Cham could not eat pork. So instead of
24 pork, the Cham would eat salt and other things.

25 Q. But have you heard whether they were ever forced to eat pork

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1 or to eat pork sausages against their will?

2 A. No. They were not forced to eat pork. They ate what they could
3 eat. But they did not eat soup in which there was pork.

4 MR. KOPPE:

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

6 [09.48.37]

7 MR. PRESIDENT:

8 Please proceed, Judge Fenz.

9 JUDGE FENZ:

10 I have just one question; it's actually a follow-up to Counsel's
11 questioning and I expected him to ask the question, that's why I
12 am doing it now since it didn't happen.

13 Q. You told us today very clearly that you didn't witness any
14 killings; the thing you saw was pits and a bad smell. Then
15 Counsel Koppe told you that at DC-Cam you had actually testified
16 that you had seen a group of people being led away and being
17 killed. You said, "I stand with my statement as made in Court".
18 Now I want to know, did you actually ever say that at DC-Cam? Did
19 you ever say to DC-Cam--

20 MR. KOPPE:

21 Sorry to interrupt. It's his civil party application in Case 004
22 where it says.

23 BY JUDGE FENZ:

24 Q. Sorry. As Counsel has correctly mentioned, did you ever tell
25 the people who did the civil party application that you had seen

18

1 people led away and being killed? Do you remember having said
2 that or don't you remember? Or do you know that you didn't say
3 it?

4 [09.50.10]

5 MR. TAK BOY:

6 A. No, I did not provide such an answer. I -- in fact, I can
7 repeat the same thing over and over again. I went to relieve
8 myself and then I came across a pit. There were bodies inside and
9 they were covered with dirt.

10 Q. Sir, sir, sorry for interrupting you. I understand your
11 statement today. Let me just be clear. You never said when you
12 made your civil party application that you saw people being led
13 away and killed, you never said that; is that true?

14 A. No, I never provided such an answer. But I'm simply telling
15 you now that I did not see this happen, I did not see people
16 being taken away to be executed.

17 [09.51.22]

18 Q. Going back to your civil party application, as Counsel has
19 pointed out, it's thumb printed. Before you put your thumbprint
20 on it, did you read it, or was it read back to you or did you
21 just thumbprint?

22 A. Before they asked me to put my finger print, the record was
23 read out to me. But as I said to you earlier, that was many years
24 ago, so it's possible that I do not remember everything clearly.
25 So I'm not sure that I said that or maybe I did.

1 JUDGE FENZ:

2 Okay. Thank you.

3 MR. PRESIDENT:

4 The floor is now given to the Khieu Samphan defence team.

5 QUESTIONING BY MR. KONG SAM ONN:

6 Thank you, Mr. President. Good morning, Mr. Tak Boy. I have a few
7 questions to put to you in order to obtain a little bit of
8 clarification.

9 Q. Under the Democratic Kampuchea regime, you spoke about what
10 you did, that is to say, you worked at Trapeang Thma as well as
11 at the cotton plantation, and you also said that you were working
12 in a mobile unit. So I would like to obtain some clarification
13 regarding the location and the duration of your work there. Can
14 you tell the Chamber when and where you worked and from what
15 moment to what moment?

16 [09.53.40]

17 MR. TAK BOY:

18 A. That was a long time ago. So it's hard for me to give you
19 precise information about that, that is to say, for how long I
20 worked in such and such a place.

21 Q. Thank you. Can you tell us when the first period was, that is
22 to say, the period following the 17th of April, that is to say
23 when you were in the mobile unit of the cooperative in the
24 village? Can you tell us for how long you worked in that unit?
25 And if you're not able to give us with a precise duration, can

20

1 you give us an idea?

2 [09.54.31]

3 A. When I was in the mobile unit in the village -- well I can say
4 that I was part of that unit for about a year.

5 Q. When you are speaking about the village mobile unit, are you
6 speaking about the village of Paoy Char, that is to say, your
7 native village? Can you be a bit more clear about this.

8 A. Yes, it was a mobile unit from my village, from my native
9 village in Paoy Char commune.

10 Q. After Paoy Char, you then went to work at the Trapeang Thma
11 Dam directly or you went to work elsewhere before coming to
12 Trapeang Thma?

13 A. After having left the village, I was sent to a mobile unit in
14 Kouk Rumchek. And from Kouk Rumchek, I was transferred to
15 Trapeang Thma.

16 Q. Thank you. Can you tell the Chamber if the Kouk Rumchek mobile
17 unit was a village mobile unit or was it a commune mobile unit or
18 district mobile unit? And how far was this mobile unit from your
19 native village of Paoy Char?

20 [09.56.36]

21 A. It was a commune mobile unit and it was about 20 kilometres
22 away.

23 Q. Thank you. Kouk Rumchek was in Phnum Srok district or not?

24 A. Yes, indeed. It was in Phnum Srok district.

25 Q. For how long did you work in Kouk Rumchek?

1 A. For about a month.

2 Q. So this was a short period of time before coming to work at
3 Trapeang Thma; am I right?

4 A. Yes, indeed.

5 Q. Do you remember the exact period when you were sent to
6 Trapeang Thma -- can you tell us when it started and when that
7 assignment was finished? And can you also tell us what you were
8 doing over there?

9 [09.58.31]

10 A. Well, that was a very long time ago. I'm not so clear about
11 this now. I believe this was in 1977, however.

12 Q. Thank you. I'm putting these questions to you because I would
13 like to focus on the duration when you worked there. You said
14 that you were part of the mobile unit in the village for about a
15 year. So this means that if you only spent one month in Kouk
16 Rumchek, this means that you arrived in Trapeang Thma in
17 mid-1976. Is it possible that you worked longer in the previous
18 locations?

19 MR. FARR:

20 That's going to lead to confusion. The witness said, when he was
21 first asked about dates, that it's a long time ago and he's not
22 sure about it. He was then asked to give his best guess, which I
23 think he did. He was then asked when he was in Trapeang Thma and
24 he said that he was there in 1977. To try to cobble together
25 estimates that the witness himself says are not reliable, to put

22

1 him at the dam at a time when he says he wasn't there, it's not a
2 fair approach to the witness. And I think it's going to lead to
3 bad evidence.

4 [10.00.35]

5 MR. KONG SAM ONN:

6 Mr. President, I think the objection is not appropriate. I am not
7 exploring about the work and the timeline that witness were
8 engaged in the dam construction site. I think that the timeline
9 provided by the witness is not clear to me. He said he worked
10 there for a period of one year. And he also stated that he worked
11 at Trapeang Thma Dam worksite in 1977. From 1977 up to 1979, it
12 was almost two years, that is why I need a clarification from the
13 witness.

14 (Judges deliberate)

15 [10.01.49]

16 MR. PRESIDENT:

17 The objection put by the Co-Prosecutor is sustained. Whether the
18 objection is appropriate or not, I believe the Chamber has the
19 discretion to consider it. From the period up until now, I think
20 sometime -- it happened long time ago and no one is very sure on
21 the timeline I believe.

22 Witness, you are instructed not to give your response to the last
23 question put by Counsel Kong Sam Onn.

24 BY MR. KONG SAM ONN:

25 Q. Mr. Witness, can you tell the Court if you -- whether you

1 worked mostly in your home district during the Democratic
2 Kampuchea.

3 MR. TAK BOY:

4 A. Yes. Mostly I work within the home district.

5 Q. My last question for you, Mr. Witness. Did you ever go to work
6 in other places beside your home district? I am referring to the
7 period during the time that you were in Democratic Kampuchea
8 regime.

9 [10.03.27]

10 A. I have never been assigned to work in other places beside
11 Sector 5. However, there was one time that I was relocated to
12 work in a cotton plantation at Sisophon.

13 MR. KONG SAM ONN:

14 Thank you, Mr. Witness. Mr. President, I conclude my line of
15 questioning now.

16 MR. PRESIDENT:

17 The hearing of your testimony has come to an end. Thank you, Tak
18 Boy, for coming here to testify as a witness. Your testimony can
19 contribute to ascertaining the truth. You may now return to
20 wherever you want. The Chamber wishes you good luck and best
21 wishes to you and your family. Court officers, please work with
22 WESU unit to send Tak Boy back to his residence or to any place
23 he wants. And the Chamber will start to hear 2-TCW-841. However,
24 it is now convenient time for a short break. The Chamber will
25 take a short break from now up until 10.25.

24

1 The Court is now in recess.

2 (Court recesses from 1005H to 1025H)

3 MR. PRESIDENT:

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

5 Court officer, please usher in witness 2-TCW-841 into the
6 courtroom.

7 (Witness enters the courtroom)

8 [10.27.37]

9 QUESTIONING BY THE PRESIDENT:

10 Q. Good morning, Witness. What's your name?

11 MS. YI LAISOV:

12 A. My name is Yi Laisov.

13 Q. In your written record of interview, you said that your name
14 was Ying Laisov (phonetic). So, can you explain the difference?

15 A. I don't know what happened. I also saw this difference. But in
16 my birth certificate, it is written Yi Laisov, not Ying Laisov
17 (phonetic).

18 [10.28.38]

19 Q. So you're going to therefore stand by your family name, Yi
20 Laisov? So your last name is Yi and your first name is Laisov; is
21 that correct?

22 A. Yes.

23 Q. Thank you. What is your date of birth?

24 A. I don't remember.

25 Q. In your family record book, as on your ID card, it is stated

25

1 that you were born in 1958; is that so?

2 A. Yes, indeed.

3 Q. Where were you born?

4 A. In Paoy Snuol village, Paoy Char commune, Phnum Srok district,
5 Battambang province.

6 [10.29.54]

7 Q. Thank you. What is your current address?

8 A. Paoy Snuol village, Paoy Char commune, Phnum Srok district,
9 Banteay Meanchey province.

10 Q. Thank you. What is your occupation?

11 A. I'm a farmer.

12 Q. Thank you. What is your father's name and what is your
13 mother's name?

14 A. My father was called Yi Chhoeung, and my mother, Piv Pi, and
15 they're both dead.

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

18 A. My husband is called Lis Lek, and we have four children, all
19 boys.

20 Q. Thank you. Thank you, Ms. Yi Laisov. According to the
21 greffier's report, you have no members of your family, by kinship
22 or by other means, who have been admitted as civil parties in
23 this second case; is that so?

24 A. Yes, that's so.

25 [10.31.45]

1 Q. Did you also take an oath before the Iron Statue, just before
2 the courtroom?

3 A. Yes, I took an oath.

4 Q. Please allow me to spell out your rights and duties as a
5 witness.

6 You are called to testify before the Chamber as a witness, and in
7 this regard, you can refuse to answer any questions that may
8 incriminate you or to make any statement that might also
9 incriminate you. This is your right not to testify against
10 yourself. As a witness, you are required to answer all questions
11 put to you by the Judges or by the Parties, unless the answer to
12 these questions may incriminate you. You must tell us the truth,
13 based on what you know, based on what you experienced or saw, and
14 provide us with all -- everything you can remember connected to
15 the events being discussed. So you must avoid any speculations.
16 When you don't know, you should tell us that you don't know.
17 Witness, have you already testified before the Office of the
18 Co-Investigating Judges? And if that's the case, how many times
19 and where?

20 [10.33.55]

21 A. No. I was never interviewed by the OCIJ.

22 Q. Have you been questioned or interviewed over the past years?

23 A. I was interviewed once, but I don't remember exactly when.

24 Q. Where were you questioned?

25 A. At the house of the village chief in Paoy Snuol village.

1 Q. Do you know how to read and write?

2 A. No.

3 Q. Before you came into the courtroom, did you read your written
4 record of the interview that was conducted at the house of the
5 son of the village chief?

6 A. Yes, but I don't remember what was included in this record.

7 MR. PRESIDENT:

8 Thank you. Pursuant to Rule 91bis of the Internal Rules, the
9 floor will be given first to the Prosecution. The Prosecution and
10 the Co-Lead Lawyers will be granted two sessions. Please proceed.

11 [10.36.11]

12 QUESTIONING BY MR. SENG LEANG:

13 Thank you, Mr. President. Good morning, Your Honours. Good
14 morning to all parties. My name is Seng Leang. I am a deputy
15 prosecutor. Witness, I have a certain number of questions to put
16 to you in order to obtain some clarification from you. So, good
17 morning again, Witness.

18 Q. Can you please tell us where you were when the Khmer Rouge
19 seized power on 17 April 1975?

20 MS. YI LAISOV:

21 A. I was in Paoy Snuol village, Paoy Char commune, Phnum Srok
22 district. I was assigned to work at the dam, and to farm, and to
23 transport fertilizer.

24 [10.37.40]

25 Q. Thank you. You said that you were not sure of your date of

1 birth. The President said however that you were born in 1958. Can
2 you tell us how old you were back then?

3 A. I must have been 15 or 16 years old.

4 Q. Thank you. Were you already part of a mobile unit back then?

5 A. At the start, I was assigned to harvest sweet potatoes.

6 Q. So you were assigned to a specific unit? Can you provide us
7 with some detail in that regard?

8 A. It was a unit with about 100 people. There were very many of
9 us farming cassava.

10 Q. Can you tell the Chamber how old the people were in your unit?

11 A. We were -- the people were between the ages of 14 and 16.

12 Q. What was the name of your unit? You said that there were about
13 100 people in your unit, so how was your unit exactly called?

14 A. Well, in this unit, there were hundreds of people.

15 [10.40.45]

16 Q. Thank you. Did you ever work at the Trapeang Thma Dam?

17 A. Yes. I carried dirt over there during a full dry season.

18 Q. Which unit were you part of? Were you part of your 100-person
19 unit?

20 A. I was in a unit in which there were hundreds of people, and
21 this unit was attached to Paoy Char commune. People said back
22 then -- or people called it back then the "cooperative mobile
23 unit".

24 Q. So, you mean -- or rather, you're referring to the same unit
25 or to another unit? So, were you in two different units when you

1 were in your village and when you were in Trapeang Thma?

2 A. The Paoy Char commune unit is the one I was speaking about.

3 Q. So you mean that your unit was the Paoy Char commune unit; is
4 that correct?

5 A. Yes, indeed. It was the Paoy Char commune unit.

6 [10.42.58]

7 Q. How many people were in that unit?

8 A. I don't know exactly how many.

9 Q. Were there other smaller units in Paoy Char commune?

10 A. Yes. There were units with hundreds of people, and then there
11 were units with about 30 people.

12 Q. So, the 100-person units were divided into how many units? And
13 which unit were you part of?

14 A. The big unit was divided into three smaller units, and I was
15 in the first unit.

16 Q. In your unit number 1, how many people were there?

17 A. In my unit, there were 33 people.

18 Q. Who was the chief of your unit?

19 A. His name was Saom (phonetic).

20 [10.45.10]

21 Q. Thank you. Can you tell us when exactly you started working at
22 the Trapeang Thma Dam?

23 A. I don't remember the exact date.

24 Q. Earlier, you said that you had worked during the dry season;
25 is that true?

1 A. Yes, indeed. It was during the dry season. It was after the
2 harvest.

3 Q. Can you tell us for how long you worked at the Trapeang Thma
4 Dam site after 17 April 1975?

5 A. I can't tell you how many months.

6 Q. Was it right after the Khmer Rouge took power or was it later?

7 A. Well, we started working on the dam, and when the rainy season
8 arrived, we took a break.

9 Q. Thank you. And when you arrived at the worksite, had the
10 construction already started?

11 A. Well, we built our own shelters with coconut leaves or with
12 small trees. We built small shacks.

13 [10.47.54]

14 Q. Maybe my question wasn't clear. Well, what I wanted to know
15 was if the construction of the dam had already started when you
16 arrived?

17 A. No, it had not yet started. Everything was done manually.

18 Q. And during that dry season, after how many months did you stop
19 working at that worksite?

20 A. I don't remember after how many months, but all I can tell you
21 is that, when the rainy season arrived, we stopped working.

22 Q. So, before the construction of that dam, was there any kind of
23 inauguration ceremony before the construction started?

24 A. Well, it was after the construction that an inauguration
25 ceremony was held.

1 Q. You said that the inauguration ceremony was held after the
2 construction. Can you be more specific about this? Is that really
3 the case?

4 A. Yes, it was after. It was after the construction, after the
5 construction in fact of the bridge.

6 Q. Did you partake in this inauguration ceremony?

7 A. Yes, I saw some theatre performances, but I was quite far from
8 the stage.

9 [10.50.55]

10 Q. Can you tell us a little bit about what happened on that day,
11 that is to say, the day when the theatre performances were
12 staged? What happened aside from those performances?

13 A. The chief asked us to be focused and to be determined to
14 finish the building of this dam.

15 Q. When you speak about chief, whom are you referring to?

16 A. I don't know who he was, and I couldn't recognize him.

17 Q. Can you describe to us how the chief urged you to be
18 determined?

19 A. No, I don't remember exactly what he said in order to
20 encourage me to be determined.

21 Q. Were there foreign participants during the inauguration
22 ceremony?

23 A. I don't know, because I was too far. I don't know if there
24 were foreigners there or not.

25 [10.52.55]

1 Q. Well, to jog your memory, I would like to read out to you your
2 written record of interview. This is document -- or rather,
3 French, ERN 03339892; Khmer, 00279135 -- document D166/101. You
4 said that: "There were Chinese people who took part in this
5 inauguration ceremony. And among the dignitaries, two people were
6 fair-skinned, and two were dark-skinned. And these two people
7 came before the inauguration. They were dressed in black. I saw
8 them inspect the construction of the dam." Do you remember what
9 you said in that interview? [That was a free translation].

10 A. Yes, I did say that. Well, I have memory problems, it's true.

11 Q. Thank you. Do you know who was in charge of the construction
12 of that dam?

13 A. I heard that it was Ta Val. That Ta Val was the person in
14 charge of the construction of the dam.

15 Q. Do you know who was above Ta Val?

16 A. No.

17 Q. At the Trapeang Thma worksite, did you ever hear about Ta
18 Nhim?

19 A. Yes, I heard his name, but I never saw him.

20 [10.56.01]

21 Q. What did you hear about him?

22 A. I simply heard his name and nothing else.

23 Q. Do you know whom Ta Val would report to if there were any
24 problems?

25 A. No.

1 Q. When you were at the Trapeang Thma Dam, were you ever summoned
2 to a meeting to discuss the work at that worksite?

3 A. Yes, the 30-person and 100-person units were summoned to
4 meetings where we were asked to launch offensives.

5 THE ENGLISH INTERPRETER:

6 The Interpreter did not hear.

7 BY MR. SENG LEANG:

8 Q. I still have a few questions to put to you. You said that 30
9 and 100-person units were summoned to meetings. Can you describe
10 these meetings? And did you make any comments during these
11 meetings?

12 [10.58.13]

13 MR. PRESIDENT:

14 Please hold on, Witness. The microphone is not yet working
15 properly.

16 MS. YI LAISOV:

17 A. I just attended these meetings, but I never made any comments.
18 I simply was listening.

19 BY MR. SENG LEANG:

20 Q. Can you tell us what was discussed during these meetings?

21 MS. YI LAISOV:

22 A. We were told to be in solidarity so that we could complete
23 building the dam as soon as possible.

24 MR. SENG LEANG:

25 Thank you, Mr. President. I would like to cede the floor for my

1 international colleague.

2 MR. PRESIDENT:

3 Thank you. You have the floor now, International Deputy
4 Co-Prosecutor.

5 [10.59.22]

6 QUESTIONING BY MR. BOYLE:

7 Thank you, Mr. President, and good morning. Good morning, Judges.
8 Good morning, counsel. Good morning, Ms. Yi. Thank you for being
9 here with us today.

10 Q. I'd like to start off just following up on what my national
11 counterpart was asking you about. You just mentioned that at
12 these meetings, you would be talked to about launching
13 offensives. Can you explain further what was meant when they
14 would talk to you about launching offensives?

15 MS. YI LAISOV:

16 A. By that, it means we were urged to work very hard. We had to
17 finish the work as soon as possible.

18 [11.00.25]

19 Q. Were you ever told a date by which the work had to be
20 completed? Or was it just said that it had to be completed as
21 soon as possible?

22 A. They did not tell us, but we were instructed that we had to
23 complete the work very quickly, so that the dam would not be
24 broken.

25 Q. And who were the individuals that would speak at these

1 meetings?

2 A. Unit chiefs -- unit chiefs of 100 persons. We were told to be
3 in solidarity and to complete the work as quickly as possible.

4 Q. And was the unit chief of the 100-person unit the Saom
5 (phonetic) that you referred to earlier?

6 A. Saom (phonetic) was the 30-person unit chief, and Roeun
7 (phonetic) -- as for Roeun (phonetic), he was the 100-person unit
8 chief.

9 [11.01.59]

10 Q. And did Roeun (phonetic) ever say where he got the information
11 that he was conveying to you at the meetings?

12 A. No, he did not tell us. He only told all of us to work hard.

13 Q. And how often would these meetings occur?

14 A. The meeting would happen twice a month.

15 Q. When you were sent with your unit to work at the Trapeang Thma
16 Dam, did you have a choice about whether you were going to go
17 work there or not?

18 A. No. We had to go. If we were to stay at home, we would be
19 considered exploiting other workers' workforce.

20 Q. And if you were to be considered to be exploiting other
21 workers, what was your concern that might happen to you?

22 [11.03.45]

23 MR. PRESIDENT:

24 Please hold on, Madam Witness. You may now proceed, Counsel Kong
25 Sam Onn.

1 MR. KONG SAM ONN:

2 I would like to pose an objection to the last question put by the
3 International Deputy Co-Prosecutor. It invites the witness to
4 give a prediction of assumption.

5 MR. PRESIDENT:

6 Witness, you are instructed not to give your response, because it
7 is correct, what Kong Sam Onn said. The objection is sustained.
8 Please do not use conditional question to invite the witness to
9 give any assumption. Please try to avoid hypothetical question.
10 This kind of question should be avoided. Again, Witness, you are
11 instructed not to respond to such question.
12 You can go on, Mr. Co-Prosecutor.

13 BY MR. BOYLE:

14 Thank you, Mr. President.

15 Q. Can you estimate how many people were working at the dam site
16 when you were there?

17 MS. YI LAISOV:

18 A. I do not know how many of them. I am not able to give my
19 estimate.

20 [11.05.28]

21 Q. Would you say it was hundreds of people, or thousands of
22 people, or tens of thousands of people? Are you able to give a
23 range like that, or not?

24 A. There were hundred thousand, tens of thousands of workers.
25 Perhaps it reached up to a million workers.

1 Q. And did you see any children working at the dam site?

2 A. Yes, there were some children working at the place where Ta
3 Val was responsible for hundreds of them.

4 Q. And did you know the ages of these children?

5 A. They were between the age of 15 and 16 years old.

6 [11.06.45]

7 Q. Can you tell us what type of work they were doing?

8 A. They were carrying dirt, as we were.

9 Q. Were you given any choice about the type of work you would do
10 at the dam site once you were there?

11 A. The one who was assigned to build the dam, he or she had to do
12 the job.

13 Q. I believe you mentioned this already, but can you tell us what
14 was the job that you were assigned to do?

15 A. Carrying dirt.

16 Q. And was there a quota for how much dirt you had to carry in a
17 given day?

18 A. My 10-member squad received a work quota of 10 to 15 cubic
19 metres of soil to do.

20 Q. Ms. Witness, I'd like to read to you from your written record
21 of interview. This is E3/9338; English, ERN 00288640; Khmer,
22 00279134; and French, 00339890. In that you said: "In the
23 construction of Trapeang Thma Dam, they allocated 30 cubic metres
24 of soil per day for a group of 10 people. There was no allotment
25 in cubic metres for night work. Some groups could not finish, but

1 we helped each other." Does that refresh your memory that your
2 10-person group actually was assigned 30 cubic metres of soil to
3 carry per day?

4 [11.09.29]

5 A. That is true.

6 Q. And was your 10-person unit ever not able to complete its 30
7 cubic metre quota in the day?

8 A. If we were not able to complete the work quota in the day, we
9 had to continue working during the night-time.

10 Q. And did it ever occur that you had to work into the night-time
11 to complete your quota?

12 A. Sometimes I had to work into the night. And the day after, I
13 receive a new work quota.

14 Q. Was there ever any time that, even though you worked into the
15 night, you were not able to complete your quota?

16 A. If we were not able to accomplish the work quota at
17 night-time, we would receive another new work quota that we had
18 to complete altogether with the previous quota.

19 [11.11.20]

20 Q. Were you ever told by your unit chief that there would be any
21 type of punishment if you did not complete your quota?

22 A. Yes, we were told. We were advised to do our best to
23 accomplish the work quota. Otherwise, later on, problem will
24 happen to you, Comrade.

25 Q. And it was your unit chief that said this?

1 A. Yes, my unit chief.

2 Q. And did your unit chief give any further detail about the
3 problems that would happen to you if you did not complete your
4 quota?

5 A. He did not elaborate any further.

6 Q. Can you tell us what the work hours were while you were at the
7 dam site?

8 A. We started working from 6 a.m. until 11 a.m. And we had a
9 short break for lunch, and from 1.00 to 5.00, the afternoon
10 shift. And at night-time, we had to work from 6 p.m. until 10
11 p.m.

12 [11.13.23]

13 Q. And was that every day, that schedule that you just told us?

14 A. On a daily basis, that is the daily schedule.

15 Q. Was there ever any days that you had to work later than 10
16 p.m.? Or wake up earlier to work earlier in the morning?

17 A. No, we did not work beyond 10 p.m. But we had to work until
18 9.00 or 10 p.m. at night.

19 Q. While you were working at the dam site, did you ever see or
20 hear of any deaths from overwork or starvation?

21 A. I heard of, but I myself did not witness.

22 Q. Can you please tell us what you heard of?

23 A. I heard that people did not have enough cooked rice to eat. As
24 a result, they collapsed at the worksite and died.

25 [11.15.20]

1 Q. Were there ever any days when you felt too sick or too weak to
2 work that day?

3 A. I got malaria for one month and a half. I was deprived of rice
4 at that time. I was afraid to stay in a hospital. I fled home,
5 and my mum shared her food rations to me.

6 Q. Was this while you were at -- did you get malaria while you
7 were at the Trapeang Thma Dam site? Or was this at another
8 period?

9 A. I got malaria at Trapeang Thma worksite, and I was referred to
10 a hospital at Paoy Char.

11 Q. You mentioned that you were deprived of rice when you received
12 malaria. Can you explain how that came about?

13 A. Because it was said that I fled the worksite and my food
14 ration was deprived of, I was referred to the hospital, but I was
15 so fearful to be alone at the hospital, I then fled home.

16 [11.17.25]

17 Q. Who referred you to the hospital from the dam site?

18 A. The 100-person unit chief.

19 Q. And how long had you had malaria before you were referred to
20 the hospital?

21 A. After I had a fever and after I trembled for one week, I was
22 referred to the hospital. And three days after I was at the
23 hospital, I fled home.

24 Q. And while you had the fever and the trembling at the dam site,
25 were you working during that week that you had fever and

41

1 trembling?

2 A. It was so serious, and I was not able to walk. I did not have
3 meals -- three meals on one particular day. I fled home, and upon
4 my arrival at home, my uncle gave me a drug, and I recovered. So,
5 from the time that I got malaria until the time I recovered, it
6 was about one -- over one month.

7 [11.19.20]

8 Q. If I could just clarify what I understand you to be saying,
9 and you can tell me if I'm wrong. But for one week you were sick
10 with malaria at the Trapeang Thma Dam worksite before you were
11 sent to the hospital. And I'd like to know whether you worked
12 during that week before you were sent to the hospital.

13 A. I had trembling of -- I had a trembling and I had to go to
14 work. But later on, I had two tremblings on one particular day,
15 and as a result, I was referred to the hospital.

16 Q. Thank you. While you were at the dam site, did you ever hear
17 of any workers being referred to as lazy?

18 A. Yes, they said. They talked about this kind of laziness. And
19 generally, this kind of illness was referred to the imaginary
20 sickness. And we were accused of exploiting other workers'
21 workforce.

22 Q. And what would happen to people who were accused of exploiting
23 other people's workforce?

24 A. I do not really get your question. Could you repeat it?

25 [11.21.31]

1 Q. We just talked about people who were accused of being lazy and
2 exploiting the workforce. And I was wondering if you knew what
3 happened to workers who were accused of being lazy or exploiting
4 the workforce? Would anything happen to them?

5 A. They were criticized so that they deterred and corrected
6 themselves.

7 Q. Did you ever hear of a unit called the "Special Case Unit"?

8 A. Yes, I have heard of it. The Special Case Unit -- the Special
9 Case Unit was allegedly said exploiting other workers' workforce.

10 Q. And did you know anything about the treatment of workers in
11 the Special Case Unit?

12 A. I do not know what they were thinking of those members in that
13 so-called Special Case Unit.

14 [11.23.15]

15 Q. Do you know if members of the Special Case Unit were treated
16 the same as workers in your unit in terms of work hours, quotas,
17 food, or anything else?

18 A. The food ration were given less than other members in other
19 units. And usually, members of Special Case Units received food
20 ration after members from other units.

21 Q. Did you ever hear of Trapeang Thma Dam site being referred to
22 as a "hot battlefield"?

23 A. Yes.

24 Q. And what did you understand that to mean?

25 A. I understand that we were required to try our best and work

1 hard.

2 Q. And who did you hear refer to the dam site as a hot
3 battlefield?

4 A. The chief of a 100-person unit, who led our unit.

5 Q. Did you see any guards or cadres with weapons at the worksite?

6 A. No, I have never seen them.

7 [11.25.34]

8 Q. Did you ever hear of any workers being beaten or whipped at
9 the worksite? Or see that?

10 A. I was told to stand guard at night-time, and I saw the arrest.

11 At the time, I heard "What wrongdoing I committed? Please,
12 release me." I heard the voice from afar.

13 Q. Thank you. Perhaps my question wasn't clear. I'll certainly
14 ask you about those events a little later on. But I wanted to ask
15 if you had ever seen or heard of anyone being beaten or whipped
16 while you were at the worksite?

17 A. No. I heard of those incidents, but I myself did not see with
18 my own eyes.

19 Q. Can you tell us what you heard about?

20 A. People said if one could not carry the dirt, he or she would
21 be kicked.

22 Q. Were you ever asked to write your biography while you were at
23 the dam site? Or to tell anyone your biography?

24 A. No. I was illiterate.

25 [11.27.53]

44

1 Q. Were you aware of any other methods to determine your
2 background that were carried out at the dam site, such as
3 questioning you orally?

4 A. No. No one came to ask me.

5 Q. Were you aware of any type of monitoring of the workers at the
6 worksite that was taking place by the leadership there?

7 A. I was quite young at that time. I do not know.

8 MR. BOYLE:

9 Mr. President, this might be an appropriate place to stop.

10 MR. PRESIDENT:

11 Thank you, Witness. Madam Laisov. It is now appropriate time for
12 lunch break. The Chamber will take lunch break from now until
13 1.30.

14 Court officers, please find a proper room for this witness during
15 the lunch break, and please invite her back into the witness
16 stand at 1.30.

17 Security personnel are instructed to bring Mr. Khieu Samphan back
18 to the holding cell downstairs, and please have him returned in
19 the afternoon before 1.30.

20 The Court is now in recess.

21 (Court recesses from 1129H to 1330H)

22 MR. PRESIDENT:

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

24 The floor is now given to the Deputy Co-Prosecutor and then to
25 the Lead Co-Lawyers of the civil parties. You still have one

45

1 session left.

2 [13.31.08]

3 BY MR. BOYLE:

4 Thank you, Mr. President.

5 Q. Madam Witness, can you tell us was there a time when you were
6 at the Trapeang Thma Dam that you became aware of cadre from the
7 Southwest Zone arriving?

8 MS. YI LAISOV:

9 A. No.

10 Q. Were you aware of a change in leadership at the Trapeang Thma
11 Dam while you were there?

12 A. No.

13 Q. Did you know of anyone who used to work for the Lon Nol
14 government either as a member of the military or as an official
15 who was at the Trapeang Thma Dam?

16 A. No. I know no former Lon Nol serviceman.

17 Q. Did you know of anyone at the dam worksite who had Vietnamese
18 ancestry or who were accused of having Vietnamese ancestry?

19 A. No. I know no one of Vietnamese origin.

20 [13.33.10]

21 Q. Did you know any Cham who worked at the dam site?

22 A. No. I know no one of Cham origin or I knew no one of Cham
23 origin at that dam site. I only knew Khmer people.

24 Q. Did you ever hear anyone at the dam site being referred to as
25 New People or 17 April People?

1 A. I heard this designation: New People and Base People.

2 Q. And what did you understand the difference between New People
3 and Base People to be?

4 A. Well, the New People came from Phnom Penh, that's all I knew
5 about then.

6 Q. Do you know if you were considered a New Person or a Base
7 Person?

8 A. Well, I was a Base Person.

9 Q. Do you know if New People were treated any differently from
10 Base People?

11 A. In my village, well maybe I wasn't aware of all of this, but
12 everyone was treated in the same way.

13 [13.35.38]

14 Q. Were there any New People in your work unit?

15 A. Yes, there were some.

16 Q. Madam Witness, did you ever see any arrests while you were at
17 the Trapeang Thma Dam?

18 A. Yes. One day when I was standing guard, I saw between 15 to 20
19 people being arrested. I wasn't far away from them. Well, I
20 wasn't that close in fact.

21 Q. What do you mean when you were standing guard; what were you
22 guarding at the time?

23 A. Well I was assigned to stand guard where I was working. I was
24 asked to say if anybody was coming through there. I don't know
25 why they were arrested. They were about 200 metres away from me

1 when they were being taken away.

2 Q. And do you know who the people were who were being arrested?

3 A. No.

4 Q. Do you know who the people were that were arresting those
5 people?

6 A. No.

7 [13.38.08]

8 Q. Could you tell if the persons being arrested had their hands
9 tied at the time?

10 A. Well, as far as I saw, they were tied up one behind the other.

11 Q. And was it men and women, or just men, or just women?

12 A. There were men and women, mixed. And I was able to note that
13 because of their cries.

14 Q. And what were they crying when you heard them?

15 A. They were begging, such as what did I do, what was my offence,
16 please release us.

17 Q. And did you hear anything else during those arrests?

18 A. I heard them being beaten with sticks, then they were silent.

19 Q. Could you also see them being beaten with sticks when you
20 heard them being beaten with sticks?

21 A. No, I only heard them being beaten, and I was so afraid that I
22 did not dare look -- look at this execution scene. So I only
23 listened.

24 [13.40.40]

25 Q. And what sort of sounds were there when you heard them being

1 beaten?

2 A. There were cries of pain and begging such as they were asking
3 what they had done wrong, that kind of thing.

4 Q. And how many people did you see that were tied up and being
5 arrested?

6 A. Between 15 to 20.

7 Q. And how many times did you see between 15 to 20 people being
8 arrested?

9 A. Once only.

10 Q. Madam Witness, I'd like to read to you from your written
11 record of interview. This is E3/9338 at English, ERN 00288641;
12 Khmer, 00279134; French, 00339891. You said in your written
13 record of interview: "No one from my group was arrested for
14 killing but lines of people from other groups were arrested,
15 tied, and taken for killings. I know that many people from Ta
16 Val's unit died. Sometimes people fell down and died while
17 carrying the soil at the dam. When I guarded at night I saw lines
18 of people were walked with both hands tied to the backs, and in
19 each line there were about 15 to 20 men and women. I saw such
20 events three times." End of quote.

21 [13.43.25]

22 Madam Witness, does that refresh your recollection as to that you
23 saw multiple lines of 15 to 20 men and women being arrested and,
24 or that you saw such events three times as opposed to just one
25 time?

1 A. No, I don't remember that.

2 Q. When you saw such events -- this event of the arrest and the
3 beating of 15 to 20 men and women, did you ask anyone why they
4 were being arrested and beaten?

5 MR. PRESIDENT:

6 Please hold on a little. Counsel Kong Sam Onn, please proceed.

7 [13.44.36]

8 MR. KONG SAM ONN:

9 Mr. President, I would like to make an observation here regarding
10 the Deputy Co-Prosecutor's summary that he read out. He said that
11 the witness had heard and seen this scene of beating. But she
12 simply said in fact, that she only heard cries, that she did not
13 see people being beaten. And another point, the Deputy
14 Co-Prosecutor also said that these people were tied up, whereas
15 the witness simply said that they were walking one behind the
16 other. And that's all. And that's why she thought that they had
17 been tied up.

18 MR. BOYLE:

19 If I can respond briefly, Mr. President; I apologize if I
20 misconstrued the evidence. I agree that the witness said that she
21 heard them being beaten and did not say that she saw them being
22 beaten. So I'll rephrase the question in that regard.

23 In regards to them being tied up during the arrest, I do believe
24 the witness stated that she saw that they were tied one behind
25 the other. So I believe that my characterization of that evidence

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1 is correct. So if possible, I would like to continue the question
2 with the correction that she only heard the individuals being
3 beaten and did not see them.

4 [13.46.25]

5 MR. PRESIDENT:

6 Please proceed.

7 BY MR. BOYLE:

8 Q. Madam Witness, to rephrase, when you saw the arrests of these
9 individuals and you heard them being beaten, did you ask anyone
10 why they were being arrested at that time?

11 MS. YI LAISOV:

12 A. No, I did not dare ask anyone.

13 [13.47.08]

14 Q. And Madam Witness, I would like to read a brief excerpt from
15 your written record of interview. It's the same ERNs that I
16 provided for the previous quotation, and you stated: "Then I
17 asked my unit chief to ask but she replied that", and this is you
18 quoting her, "'don't be curious about other's business. Do you
19 want to die?' I was so frightened and I could not sleep that
20 night."

21 Does that refresh your memory that you asked your unit chief and
22 were warned not to ask questions or be curious, should you
23 possibly want to die?

24 A. Yes, that's true.

25 Q. Madam Witness, did you see any killings while you were at the

1 Trapeang Thma Dam worksite?

2 A. No, never.

3 Q. Madam Witness, I'd like to read you an excerpt from your
4 written record of interview. This is E3/9338 at English,
5 00288641; Khmer, 00279134; and French, 00339891. And this is what
6 you said: "One day at about 5.00 to 6 p.m. in the evening when my
7 friend and I went to have a bath, we saw the Khmer Rouge tied,
8 beaten, and dropped one pregnant woman into the pit of the first
9 bridges edge of the Trapeang Thma Dam. I did not know those
10 killers, I was fearful and I ran back without taking any bath.
11 The killers were in black uniform. There were three killers and
12 they had only clubs and they did not carry any guns. I saw the
13 Khmer Rouge beating and dropping that woman into the pit with my
14 eyes. That woman was dropped into the pit and the killers dropped
15 the rocks on top."

16 [13.50.01]

17 Madam Witness, does that refresh your recollection about
18 witnessing a killing at the Trapeang Thma Dam worksite?

19 A. Yes, I witnessed this execution scene.

20 Q. Can you please provide us as full a description as possible of
21 what you witnessed that time when you saw someone being killed?

22 A. So they were striking him with a stick and then he fell in a
23 pit. And then they dropped the stone on him to crush him; that's
24 all I saw. And then I left that place.

25 Q. Madam Witness, in the translation--

1 [13.51.33]

2 MR. KOPPE:

3 Sorry, I would like to make an observation. I have no problem --
4 I had no problem with the way the Prosecution was asking the
5 question and then refreshing the witness -- her memory. What I do
6 find a bit unfortunate is that also all kinds of details were
7 already read to the witness. And it is remarkable that she first
8 doesn't remember any killing and now she seems that she did or
9 does. So I would like to make the observation and request the
10 Prosecution to be very -- to be -- not to give too many details
11 as to what she has saw, not to give too many details in reading
12 the excerpts. So please go step by step.

13 MR. BOYLE:

14 Mr. President, if I could just respond briefly. I think at the
15 point where I've asked open question, I am refreshing the
16 witness's memory, the witness is entitled to know the entirety of
17 the statement that she has previously given in regards to these
18 events. She is testifying here under penalty for perjury. I think
19 it would be not only immoral but unjust to provide only some of
20 the details that she previously provided and to try and catch her
21 out on some of those other details. So I ask if I could proceed
22 with my questioning.

23 [13.53.28]

24 MR. PRESIDENT:

25 Please proceed, Deputy Co-Prosecutor. In fact, Counsel Koppe is

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1 not objecting to your question but he would just like you to put
2 open questions and he would like you not to expand excessively on
3 the details from her previous testimony. So you should maybe put
4 open questions to her rather.

5 BY MR. BOYLE:

6 Thank you, Mr. President, I will.

7 Q. Madam Witness, following up on my question, I heard in
8 translation that male pronouns were used. Your statement was
9 referring to a pregnant woman. I was wondering if you could
10 clarify the gender of the individual that you saw being killed on
11 that day.

12 [13.54.40]

13 MS. YI LAISOV:

14 A. Yes, it was a pregnant woman in fact.

15 Q. And how far away were you when you saw this killing?

16 A. Maybe 20 to 30 metres away.

17 Q. And you said you saw the individual being beaten with clubs;
18 were all three Khmer Rouge members beating the individual with
19 clubs or only one of them?

20 (Technical problem)

21 [13.58.41]

22 MR. PRESIDENT:

23 Co-Prosecutor -- Deputy Co-Prosecutor, please proceed. Hold on
24 for a little moment.

25 Counsel Vercken, you have the floor.

1 MR. VERCKEN:

2 Yes, a new objection on the same issue as the previous one, that
3 is to say, the prosecutor keeps on feeding information to the
4 witness. He has just done so in fact in his question. By putting
5 the questioning in the following way -- I don't remember exactly
6 how the question was phrased but he pointed out to the three
7 attackers as Khmer Rouge and this information is not even in the
8 written record of interview of the witness. So I find this a
9 little bit excessive. Certainly, he designates these people in
10 that way.

11 MR. PRESIDENT:

12 That's enough. International Deputy Co-Prosecutor, please
13 proceed.

14 [13.59.47]

15 BY MR. BOYLE:

16 Just to note that it is in her written record of interview. She
17 states, "One of my friend and I went to have a bath, we saw the
18 Khmer Rouge tied, beaten and dropped one pregnant woman into the
19 pit of the first bridge." However I will move on.

20 Q. Witness, can you tell us anything else about who the victim
21 was or who the perpetrators of the killing were that you know?

22 MS. YI LAISOV:

23 A. I do not know them.

24 MR. PRESIDENT:

25 What is happening?

55

1 MR. VERCKEN:

2 This particular detail doesn't appear in the French. I don't have
3 it in the document in French I have before me. And even if it
4 does exist somewhere else, it is part of the precautions that you
5 should take before the witness is fed with such information.

6 [14.00.55]

7 MR. PRESIDENT:

8 The objection by the defence team is overruled. Co-Prosecutor,
9 you may resume your line of questioning. If you keeps on
10 objecting the other party, there is no time for the opposing
11 party to put questions to the witness.

12 BY MR. BOYLE:

13 Q. Madam Witness, very quickly because my time is short. Were you
14 married during the Khmer Rouge period?

15 MS. YI LAISOV:

16 A. No, it was almost at the end of the regime.

17 [14.02.00]

18 Q. Perhaps there was a translation issue. But is it correct that
19 you were married towards the end of the regime?

20 A. Yes, it happened almost at the end of the regime.

21 Q. And did you choose the person who became your husband, did you
22 choose to marry him?

23 A. I did not know at that time whether I was requested by someone
24 to marry any man. In the evening, the village chief came to me
25 and told me that I was going to be in the marriage.

1 Q. And before the marriage ceremony, did you know the person that
2 became your husband?

3 A. No.

4 Q. Did you want to marry that man when you married him?

5 A. No. I did not want at all. I was too afraid to reject the
6 marriage.

7 MR. BOYLE:

8 Thank you very much, Madam Witness. Mr. President, I believe my
9 time is up; I cede the rest of the time to the civil parties.

10 Thank you.

11 MR. PRESIDENT:

12 Thank you. The floor is now given to Lead Co-Lawyer for civil
13 parties to put questions to this witness. You may now proceed.

14 [14.04.02]

15 QUESTIONING BY MR. PICH ANG:

16 Good afternoon, Mr. President. Good afternoon, Your Honours,
17 everyone in and around the courtroom. I am grateful for giving me
18 time after the Co-Prosecutor to put questions to this witness.

19 Good afternoon, Madam Witness, I am Pich Ang, National Lead
20 Co-Lawyer for civil parties. I still have almost 30 minutes to
21 put questions to you. I would like to -- I have follow-up
22 questions to put to you in relation to marriage.

23 Q. You stated that at the time you did not know there was someone
24 proposing the marriage to you. Could you tell the Court, who
25 proposed the marriage?

1 [14.05.02]

2 MS. YI LAISOV:

3 A. I did not know proposal came from any individual. In the
4 evening, the village chief came to tell me that I had to marry a
5 youth named Rom.

6 Q. You stated that the village chief came to your house, are you
7 referring to the house in the village or where was it?

8 A. Actually, I wanted to say that the unit chief of a mobile unit
9 told me to go back to my home in the village. And when I arrived
10 at my house, the chief of children unit came to tell me that I
11 had to go and marry Mr. Rom

12 Q. Thank you. What time was it at the mobile unit that you were
13 told to go back home?

14 A. I was told in the morning that -- I was told that I had to go
15 back to my village in the morning to marry a man called Rom. And
16 I told my unit chief that I did not want to get married and he
17 replied, "Please be careful, you would be killed".

18 [14.06.57]

19 Q. So what made you afraid of it?

20 A. I was told that if I refused to go back to my village and get
21 married, my family, the whole family would be killed.

22 Q. Did you observe that there was anyone oppose the marriage?

23 A. No.

24 Q. Thank you. In relation to the marriage, where was the marriage
25 held and when did it take place?

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1 A. The marriage was held at Paoy Char. I only knew that it was
2 held in the evening, I do not know specifically the time.

3 Q. Regarding Paoy Char, was the hall built for the marriage?

4 A. No hall was installed at that time. The marriage took place at
5 the house of the cooperative.

6 Q. Could you tell the Court -- could you expand a little bit more
7 on that matter?

8 [14.09.02]

9 MR. PRESIDENT:

10 Madam Witness, please hold on. Please observe microphone before
11 you give your answer.

12 MS. YI LAISOV:

13 A. That place was referred to the house for female chiefs.

14 BY MR. PICH ANG:

15 Thank you, Madam Witness. When did the marriage take place?

16 MS. YI LAISOV:

17 A. I do not know about the time when the marriage started. And
18 the marriage ceremony ended after all children went to sleep. I
19 do not know about the time when it was held.

20 Q. How old were you when you got married at the time?

21 A. I was 17 years old.

22 Q. What about your husband, how old was he?

23 A. I did not know at the time his age.

24 [14.10.18]

25 Q. What about later on, do you know how old he was?

1 A. I do not know; I have no idea at all.

2 Q. Now I want to focus on the marriage and I will ask you about
3 the time after your marriage later on. Could you tell the Court
4 who attended the marriage ceremony at that time, what were their
5 positions?

6 A. I cannot recall it, lawyer.

7 Q. You made mention that the marriage was held at the house for
8 female chiefs. Could you tell the Court, if you recall, who
9 attended the marriage? Were there only you and your husband at
10 the marriage ceremony? Were there other people at the marriage
11 ceremony?

12 A. I cannot recall it, Mr. Lawyer. There were other people
13 attending my wedding ceremony.

14 [14.12.08]

15 Q. You made mention that there were many other people attending
16 the marriage, what did you mean by that? How many of them were
17 there at the wedding, could you give your estimate?

18 A. Villagers were also attending the marriage at that time.
19 Perhaps there were about 50 to 60 attendees.

20 Q. Thank you. Were there other couples as well in that wedding
21 ceremony? How many couples were there in the wedding?

22 A. There were three couples and the wedding was held for three
23 couples.

24 Q. Do you recall the names of those couples?

25 A. I do not know those couples.

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1 Q. Which cadre chaired the wedding ceremony and who led the
2 wedding ceremony at that time?

3 A. Yes. But I do not know that cadre or cadres.

4 Q. I would like to go a little bit into detail regarding the
5 marriage. Do you recall what was going on during the ceremony?

6 Because you were one of the persons in the wedding, do you
7 observe what was going on at the time?

8 A. We were told to make resolution and to be wife and husband
9 forever.

10 [14.14.31]

11 Q. Who asked you to make resolution to become husband and wives?
12 Who instruct you to make the resolution?

13 A. I do not know that person.

14 Q. Did female chief and did female workers attend the wedding at
15 the time?

16 A. No.

17 Q. Can you tell the Court whether members of your family attended
18 the marriage ceremony back then?

19 A. My relatives or siblings did not attend the wedding at the
20 time.

21 Q. How did you feel at the time when you saw no one from your
22 family in the wedding?

23 A. I was really disappointed because my parents were not allowed
24 to attend the occasion at the time.

25 [14.16.03]

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1 Q. Did you think of any other choices to refuse the marriage? If
2 you had choice, what did you think you would do at the time?

3 A. I would not get married at the time but I was too afraid to be
4 killed.

5 Q. Were there Buddhist or traditional rituals held during the
6 wedding ceremony?

7 A. No.

8 Q. Now I would like to ask you about the time after you got
9 married. After the marriage, where did you stay after your
10 marriage?

11 A. After the marriage, I was required to go back to the
12 cooperative and do the rice harvesting and my husband was
13 reassigned to his respective unit.

14 Q. Could I know what your husband work at the time?

15 A. He led the children unit.

16 [14.18.04]

17 Q. Did your husband tell you that he agreed to marry you and did
18 he tell you that he was the one who proposed the marriage? Did he
19 know you in advance before the marriage?

20 A. I did not care asking him about this matter, and he did not
21 tell anything about that.

22 Q. How long did you stay together? And have you still been
23 husband and wife after the Khmer Rouge time?

24 A. One month after my marriage, the Vietnamese troops came into
25 the country and we parted each other.

1 Q. I would like to know about the night-time after the marriage.
2 Where did you sleep after the marriage, where did you spend your
3 time after the marriage?

4 A. After the marriage, I went back to my own house and he went
5 back to his.

6 [14.19.42]

7 Q. So, does it mean that you did not spend time with your husband
8 after the marriage?

9 A. That is true.

10 Q. Did you have time to meet your husband later on before the
11 arrival of the Vietnamese troops -- did you have time to meet
12 each other?

13 A. We met each other at my worksite where I was harvesting rice.

14 Q. Was it on any special occasion that you met each other?

15 A. He was there and asked to consummate the marriage.

16 Q. After the marriage, was anyone told you that you had the right
17 to divorce your husband when you could not stay together with
18 your husband?

19 A. Regarding the divorce, it depended on me.

20 Q. I am now referring to the period that is one month before the
21 arrival of Vietnamese troops, did you have the right to divorce
22 your husband before the liberation?

23 A. I was thinking, at the time, that I would divorce him.

24 [14.22.18]

25 Q. So you were not afraid of what happened to you if you divorced

1 your husband; is that true?

2 A. Yes, that is true.

3 Q. I have a few last questions regarding the marriage; these are
4 general questions. Why did they want you to get married at the
5 time, for what purpose?

6 A. I do not understand as well why I was required to get married.

7 Q. After the liberation in 1979, did you still live with your
8 husband?

9 A. No.

10 Q. Can you tell the Court why you did not stay together with your
11 husband?

12 A. Because I did not love him.

13 [14.23.44]

14 Q. Thank you. Now I would like to move to a new topic and I will
15 have follow-up questions. There were some questions put by the
16 Co-Prosecutor already but I would like to seek your clarification
17 on some matters.

18 You were required to carry dirt and your unit chief told you at
19 that time that you had to complete the work, otherwise problem
20 will bestow on you. This is what I heard from your testimony. How
21 did you feel at that time when you heard such words towards you?

22 A. I was so fearful. The chief said that, please be careful, I
23 would be taken away and killed.

24 Q. I would like to ask you about your living conditions. While
25 you were living at Trapeang Thma Dam worksite, could you eat your

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1 fill?

2 A. No. I did not have enough food to eat.

3 Q. Could you expand a little bit further, what was your food
4 ration like and how many times of the day – how many meals did
5 you receive on a daily basis?

6 A. I received one small bowl of rice per meal and two meals per
7 day.

8 [14.26.08]

9 Q. Were there dishes or soups for you during your meal time?

10 A. There was rice for me together with soup mixed with fermented
11 fish paste and "sandán" (phonetic).

12 Q. Did you receive the same kind of food ration from the time you
13 started working at Trapeang Thma Dam worksite until the end of
14 the time?

15 A. There was soup mixed with fermented fish paste, and we would
16 be served with fish soup one day per week.

17 Q. What was your unit's name?

18 A. It was referred to as cooperative. I was in a unit in
19 cooperative.

20 Q. Were there other mobile units within that cooperative? Were
21 there any other mobile units close by?

22 A. I was not walking -- allowed to walk freely at the time, so I
23 do not know about that.

24 [14.28.05]

25 Q. Regarding the unit within the cooperative, how old were your

1 members, what was the age range?

2 A. The youngest member was 15 or 16 years old and the oldest was
3 30 or 35 years old.

4 Q. Were you in a children unit at the time?

5 A. I was in youth unit.

6 Q. I am not asking whether or not you were in the children unit.
7 I would like to know whether your unit was a children unit.

8 A.I was part of female unit.

9 Q. I think the question I'm going to ask is a repetitive one so I
10 would like to move on to ask you another question. I would like
11 to ask you about living conditions. Did you have any necessities,
12 namely blankets and mosquito nets?

13 A. I had one blanket but not mosquito net.

14 [14.29.53]

15 Q. Were you given any necessities?

16 A. I was given a black skirt.

17 Q. What about the blanket you have just mentioned; was it given
18 to you or did you get your blanket from somewhere else? Did you
19 have pillow or bed to sleep on?

20 A. No pillows, no bed for me, I had my own blanket at the time.

21 Q. As a female worker at that time, when you went to relieve
22 yourself, where did you go while you were working at Trapeang
23 Thma Dam worksite?

24 A. We dug a pit and we relieved ourselves by using that pit.

25 Q. Was it appropriate for you to relieve yourself as a human

1 being?

2 A. No, but what else could I do?

3 [14.31.35]

4 MR. PICH ANG:

5 Thank you very much for answering the questions. Mr. President,

6 my esteemed colleague will need five minutes to put questions. So

7 may you allow Marie Guiraud to put questions in that five

8 minutes?

9 MR. PRESIDENT:

10 You may now proceed.

11 QUESTIONING BY MS. GUIRAUD:

12 Thank you, Mr. President. Good afternoon to all of you. Good

13 afternoon, Witness. My name is Marie Guiraud, I am a lawyer

14 representing the civil parties and I have a few brief questions

15 to put to you. Q. You said earlier to the prosecutors that you

16 had spent some time in the hospital because you were suffering

17 from malaria. So I want to know if there were other people in

18 your unit who also contracted malaria when you were working at

19 Trapeang Thma Dam site.

20 MS. YI LAISOV:

21 A. No, no one else.

22 [14.32.52]

23 Q. You said that you spent time in hospital, do you remember what

24 this hospital was like and can you describe it to the Court?

25 A. No, I don't remember this hospital very well.

1 Q. You said to the Court a little earlier on this morning that
2 you fled this hospital because you were afraid and you wanted to
3 go back to your mothers; did I understand you correctly?

4 A. Yes, I said that this morning indeed.

5 Q. Did you have the right back then to go visit your family?

6 A. No, I did not have the right to go visit my family.

7 Q. And was this the same case for the other members of your unit,
8 were they also forbidden from going to visit their family?

9 A. Yes, it was the same for them.

10 [14.34.30]

11 Q. And were you told why you were not allowed to be in touch with
12 your family?

13 A. No, nobody told us anything about this.

14 Q. And during the meetings that you described this morning, were
15 you told which role Angkar played in relation to your family, was
16 this something that was explained to you back then?

17 A. No, we weren't told anything.

18 Q. You said a little earlier on to my colleague that you were not
19 allowed to move freely. Were you allowed to move about on the
20 worksite or were you not allowed to go from one unit to the
21 other? So can you tell us more clearly what you meant by saying,
22 you were not allowed to move about freely.

23 A. We were not allowed to go from one unit to the other.

24 Q. And back then did you know what happened to people who moved
25 about without being authorised to do so?

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1 A. No, nobody would move about freely; everyone was afraid.

2 Everyone was afraid of being taken away and shot.

3 [14.36.51]

4 Q. I have a last question regarding the medical situation in your
5 unit. You said that you had contracted malaria. Can you tell the
6 Chamber if other members in your unit were also ill, you said
7 that you were the only one who had contracted malaria, but were
8 there other people who were ill in your unit when you were at the
9 Trapeang Thma Dam site?

10 A. I could not know what was happening in other units. Even if
11 some people were ill, this was something I was not able to know.

12 Q. And in your own unit--

13 MR. PRESIDENT:

14 Please hold on. Counsel Kong Sam Onn, please proceed.

15 [14.38.00]

16 MR. KONG SAM ONN:

17 I object to this question because it is repetitive. The witness
18 said that she was the only one who had contracted malaria.

19 BY MS. GUIRAUD:

20 Mr. President, my question was centred on other illnesses than
21 malaria. So I don't think that my question is repetitive. So
22 please give me leave to put this question to the witness as it is
23 my last question.

24 Q. So Witness, within your unit, were there people who were
25 suffering from other illnesses than malaria, in your unit?

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1 MS.YI LAISOV:

2 A. Yes, diarrhoea, dysentery, and they would take traditional
3 medicine, and then they were cured.

4 MS. GUIRAUD:

5 Thank you, Witness. I have no further questions. Thank you, Mr.
6 President.

7 [14.39.09]

8 MR. PRESIDENT:

9 The time has come for a short break. The Court will resume at 3
10 o'clock.

11 Court officer, please bring the witness back to the dock before 3
12 o'clock.

13 (Court recesses from 1439H to 1459H)

14 MR. PRESIDENT:

15 Please be seated.

16 Judge Fenz, you have the floor.

17 QUESTIONING BY JUDGE FENZ:

18 Q. I've just one question for you, Witness. I heard you say this
19 morning at least in the English translation, you had memory
20 problems. Did this just relate to the question that was asked at
21 the time or is it a general issue?

22 MS. YI LAISOV:

23 A. I cannot recall some of the information.

24 [15.00.21]

25 Q. Do you mean I can't recall it because it's such a long time

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1 ago or are you saying -- I think you're 57 years old -- are you
2 saying I'm somehow sick and have a general problem with my
3 memory?

4 A. Yes.

5 Q. I've given you two options now and you said yes. Let me try
6 again. Did you say I have memory problems because it is such a
7 long time ago and I don't remember everything? Is this the reason
8 you said you have memory problems?

9 A. I am poor and although I am trying to think of the past
10 experience I am not able to recall it.

11 Q. Do you have a disease or is it just that you can't remember
12 things that -- or some things that have happened long ago? Is
13 your memory the same as other people of your age as far as you
14 know?

15 A. I'm sorry, Your Honour, I am not able to get your question.
16 Could you repeat it?

17 [15.02.18]

18 Q. If you speak to other women that are about 57 years old, do
19 you get the impression that your memory is worse or better or the
20 same as of those people of your age?

21 A. Perhaps I cannot recall as other people can.

22 Q. Does this only pertain to the period from '75 to '79 or
23 generally?

24 A. Generally.

25 MR. PRESIDENT:

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1 Thank you, Judge. Now the floor is given to the defence teams for
2 the Accused. First, start from defence team for Mr. Nuon Chea to
3 put questions to this witness. You may now proceed.

4 [15.03.50]

5 QUESTIONING BY MR. KOPPE:

6 Thank you, Mr. President. Good afternoon, Madam Witness. I have a
7 few questions for you and we would try to finish this afternoon,
8 if possible.

9 Q. You remember I think that earlier this afternoon you answered
10 some questions about you getting malaria, going to a hospital,
11 running away from that hospital to your mother. Do you remember
12 giving that testimony?

13 MS. YI LAISOV:

14 A. I recall the time when I ran away from hospital and went to
15 see my mother.

16 Q. And it is my understanding you said that this related to the
17 time that you were working at the Trapeang Thma Dam. However,
18 when I read your statement to the investigators, it seems that
19 you got malaria and went to the hospital and then went to your
20 mother in Kampong Thom and not in the Northwest Zone at the
21 Trapeang Thma Dam worksite. Let me read to you what you said just
22 to be clear on this. In your statement, it's the second
23 paragraph.

24 [15.05.55]

25 "I was 15 to 16 years old, they sent me to farm rice including

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1 transplanting and harvesting at Kampong Thom. I got malaria from
2 that place and they sent me to the hospital. At that time, I was
3 so fearful of ghosts haunting and I ran back home with the
4 malaria. When I arrived home, they did not give me rice to eat
5 because I fled the mobile unit."

6 I've checked the Khmer version, the original version, Madam
7 Witness, and it says, indeed that you felt the malaria and ran to
8 the hospital, or went to the hospital and ran away in Kampong
9 Thom; is that correct?

10 A. I went to see my mother at home.

11 Q. I understand that. But in your statement to the investigators,
12 you said they sent me to farm rice at Kampong Thom and you got
13 malaria at that place, meaning, I suppose, in Kampong Thom.

14 A. First, I lived in Kampong Thom. Later on I was working at the
15 dam site and I was seriously sick at one time. Consequently, I
16 was referred to the hospital.

17 [15.07.54]

18 Q. But is it possible that today you are mixing things up, that
19 you in fact got malaria not at the dam site but in Kampong Thom,
20 and that you went to a hospital in Kampong Thom?

21 A. The hospital was at Paoy Char.

22 Q. And that is where exactly?

23 A. It was located to the north of Paoy Snuol and, as I mentioned
24 earlier, the hospital was close to Trapeang Thma, south of
25 Trapeang Thma.

1 Q. Am I then to understand that your statement which seems to
2 suggest that you got malaria in Kampong Thom, went to the
3 hospital and then fled is incorrect?

4 A. Yes.

5 Q. Let me now turn to an event that you just described, the event
6 of a woman being killed. Aside from having memory problems in
7 general, do you have an explanation why this particular incident
8 you didn't remember at first, and later you did?

9 A. When I was told of one specific event, I am able to recall it
10 back.

11 [15.10.17]

12 Q. Very well. Let me first ask you, do you know the exact place
13 where this event took place, where was it?

14 A. The incident of killing one pregnant woman happened at the
15 west of Bridge Number 1.

16 Q. Did this bridge have a number?

17 A. No.

18 Q. In your statement, you said it was the first bridge. Does that
19 jog your memory?

20 A. That was the first bridge, it was generally referred to Bridge
21 Number 1, but there was no tag stating it was Bridge Number 1. As
22 I stated, generally, it was referred to as Bridge Number 1.

23 Q. Can you describe the men who were involved in the killing of
24 this woman?

25 A. No, I do not know.

1 [15.12.05]

2 Q. Can you describe what clothes they were wearing?

3 A. I saw the incident for a brief moment; I could notice that
4 they were wearing black clothes.

5 Q. And how many of them were there?

6 A. Three of them.

7 Q. And what time during the day was this event?

8 A. It was in the late afternoon. I do not know what time it was
9 at that time, it was the time when I went to take a bath with my
10 colleagues.

11 Q. And do you know whether your colleague saw this incident as
12 well?

13 A. Yes, all of us saw the incident.

14 Q. Do you recall the name of your friend who saw this incident?

15 A. Yes, but that person is deceased.

16 Q. Maybe I didn't hear it correctly in the translation, but did
17 you just say "we saw it all", "my friends" in plural or did you
18 say "friend"?

19 A. One, only one of my friends.

20 [15.14.35]

21 Q. And you said you saw in a brief moment what happened, did you
22 see how the woman was killed?

23 A. I saw the beating, she was beaten and she dropped into a pit
24 and I glanced somewhere else.

25 Q. And after she had been dropped into the pit, what happened

1 then?

2 A. I do not know what happened next. I could see that a rock was
3 used to throw in order to crush the body. I ran away after that
4 time.

5 Q. Did you ever see the man again somewhere? I realise that you
6 didn't recognise them properly but have you heard whether they
7 were walking around at the dam, for instance, again sometime or
8 you don't know that.

9 [15.16.31]

10 MR. PRESIDENT:

11 Please repeat your response. You -- the microphone was not
12 activated while you were responding, so please repeat your
13 answer.

14 MS. YI LAISOV:

15 A. I did not see.

16 BY MR. KOPPE:

17 Q. Have you ever heard later maybe from your unit chief whether
18 these three men belonged or were working as cadres at the dam?

19 MS. YI LAISOV:

20 A. No.

21 Q. No in the sense that you never heard this?

22 A. I have never heard of it.

23 Q. Have you ever through somebody maybe found out why this woman
24 was beaten and killed?

25 A. No, I have never heard from anyone.

1 [15.18.05]

2 Q. Have you ever heard whether Ta Val was responsible for this?

3 A. I do not know about that.

4 Q. Just going back again to the incident itself, how were you
5 able to determine whether the woman was pregnant?

6 A. I could see with my naked eye while she was walking away, she
7 was pregnant.

8 Q. Did you see any guns with the three men?

9 A. No.

10 Q. Thank you, Madam Witness. Now let me move on now to Ta Val. In
11 your statement, you said "we all did not want to join Ta Val
12 mobile unit because we heard that his mobile unit was the most
13 difficult and hardworking unit". Was this something that you
14 heard before you first went to the dam?

15 A. I had heard it before but I never witnessed it.

16 [15.20.25]

17 Q. I am not sure if I understand it correctly but you ended up
18 working at the dam under the

19 supervision ultimately of Ta Val, I think. But my question is:

20 Who was it that told you beforehand that Ta Val's mobile unit was
21 "the most difficult and hardworking unit"? Who was it that told
22 you before?

23 A. It was a rumour we heard from one another.

24 Q. And did it turn out to be a correct rumour?

25 A. When I was engaged in the actual work, the condition there was

1 really hard as they said.

2 Q. I have a few more last questions, Madam Witness. You said that
3 it was not possible to visit your family if you wanted to. Is it
4 correct that if you asked permission from your unit chief that
5 then you would be able to visit your family?

6 A. If I wanted to visit home, I needed to make a request to unit
7 chief. When I received the permission, I was able to visit home.

8 Q. Do you remember how many times you've asked for permission to
9 visit your family?

10 A. I cannot recall it.

11 [15.23.12]

12 Q. Was it ever refused when you asked?

13 A. Sometimes the permission was rejected.

14 Q. And if that happened sometimes, what was the reason, do you
15 remember?

16 A. We were required to work.

17 Q. I understand. Madam Witness, you were asked earlier today how
18 long, how many months you have been working at the dam site, you
19 said that you didn't know. Witnesses and documents that we have
20 seem to suggest that the dam was built between mid-February and
21 Khmer New Year, maybe a few weeks later in May, so about two to
22 three months. When you started working and when you left was the
23 dam finished, most of it?

24 A. When I stopped working, the construction -- the whole
25 construction was not yet completed.

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1 [15.25.09]

2 Q. You said, if I remember correctly, that you stopped working
3 when the dry season finished. Is it fair to say you that you left
4 the dam in May '77?

5 MR. BOYLE:

6 I object to the question. The witness has already said that she
7 doesn't know the date when she left the dam, she only knows that
8 she was there for a dry season.

9 BY MR. KOPPE:

10 I withdraw the question.

11 Q. What I'm trying to get at, Madam Witness, is the time during
12 which you saw the killing of the woman, the pregnant woman. Was
13 that in the beginning of the time that you were working there or
14 was it more toward the end that you were working?

15 MS. YI LAISOV:

16 A. I do not know whether it was almost at the end of the time I
17 stopped.

18 [15.26.53]

19 MR. KOPPE:

20 Thank you very much, Madam Witness. Thank you, Mr. President.

21 MR. PRESIDENT:

22 The floor is now given to the defence team for Mr. Khieu Samphan.
23 You may now proceed.

24 QUESTIONING BY MR.VERCKEN:

25 Thank you. Good afternoon, Witness. My name is Arthur Vercken.

1 I'm one of Khieu Samphan's counsels. And I have a few questions
2 to put to you. I will be brief.

3 Q. My first questions are going to revolve on the way malaria was
4 cured. When I read your written record of interview of 2009 and
5 when I listen to you here, I read first that you became ill for
6 three days and that after three days, you were sent to the
7 hospital and you spent three days at the hospital. And then you
8 spent a week with your mother before an uncle who was a doctor
9 with the Khmer Rouge came to visit your mother and gave you
10 medicine. You say then after three days you were cured. Does that
11 correspond to what you remember?

12 [15.28.40]

13 MS. YI LAISOV:

14 A. Yes, that is correct.

15 Q. What kind of medicine did your uncle give you? Was this a
16 traditional medication or was this modern medication?

17 A. I do not know where the medicine was from. The colour of the
18 medicine was yellow and it was bitter and it was effective for my
19 fever and trembling.

20 Q. So this was not rabbit pellets, right what we call rabbit
21 pellets usually, this was another kind of medication; is that
22 correct?

23 A. No, not the so-called rabbit dropping pellet. It was a
24 different type of medicine.

25 Q. What was your uncle doing back then? What were his duties back

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1 then when he prescribed this medication to you?

2 A. He was a medical staff.

3 [15.30.25]

4 Q. And where? Do you remember where he was working?

5 A. No, I do not know where he was working. He came to see me to
6 give me medication and then when he left he was arrested and he
7 was executed. But I do not know where he was executed. He was
8 being chased.

9 Q. But when he was working as a medic, was he a medic for the
10 Khmer Rouge or was he doing something else? Because in your
11 written record, and I will quote [Free translation]: "My uncle
12 who was a medic for the Khmer Rouge." So my question is the
13 following: Well, before his arrest, was he working for the DK
14 regime?

15 A. Yes, he was working for the Khmer Rouge. I don't know where he
16 was working however.

17 [15.31.40]

18 Q. This might be a detail, but I would like some clarification
19 regarding a sentence in your written record of interview of 2009,
20 and you said that you had fled from the hospital because you were
21 afraid of ghosts. Can you explain to us what you meant then?

22 A. I was afraid because I was only taking rabbit pellet medicine
23 and I was afraid of dying like the others.

24 Q. So in fact when you're speaking about ghosts, you're speaking
25 about the spirits that might have come to visit you while you

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1 were dying; is that what you're talking about?

2 A. Yes. I was afraid of having spirits rob me of my own spirit as
3 with the others who had died in the hospital.

4 [15.33.14]

5 Q. Okay. I'm going to change topics and I'm going to speak
6 quickly about the issue of night work. This morning when you were
7 questioned about the working schedule at the dam, you said and I
8 quote you: "At times I worked at night." So at times, therefore,
9 I worked at night, you said and then about five minutes later,
10 you said, "sometimes it was necessary to work until 9.00 at night
11 or 10.00 even". So therefore, must we understand that this night
12 work was not usual, that it was not systematic?

13 MR. PRESIDENT:

14 Witness, please hold on. Deputy Co-Prosecutor, please proceed.

15 MR. BOYLE:

16 Thank you, Mr. President. My recollection of the witness's
17 testimony regarding the schedule was that every day they worked
18 from 6 a.m. to 11 a.m., 1 p.m. to 5 p.m., and 6 p.m. to 10 p.m.
19 And so, for it to be characterized as I'm doing it as sometimes
20 would be incorrect.

21 [15.34.56]

22 BY MR. VERCKEN:

23 It's perfectly correct. I noted this, this morning. And please
24 let the witness answer this question and if it's not correct the
25 witness will say.

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1 Q. So, Witness, may you please answer this question. Was this
2 systematic? Was this night work systematic or was this
3 occasional? Did this happen from time to time as you said this
4 morning? Thank you.

5 MS. LAISOV:

6 A. We had to work every single evening.

7 Q. Okay. Thank you, Deputy Co-Prosecutor, therefore. So the
8 following question with regard to food, in your written record of
9 interview -- well in fact this morning, you said that you would
10 eat rice twice a day and fish soup once a week. And in your
11 written record, you said and I quote you: "I was given rice twice
12 a day with soup and fish paste, and the soup was acid with fish
13 heads and tamarind leaves." And you said that you did not eat
14 enough. "And we only had a bowl of rice each." So my question is
15 the following: So the fish paste soup and the fish head soup with
16 tamarind leaves, was this given to you every day as it seems to
17 be said -- to be indicated in your 2007 written record? Or was
18 this occasional as you said this morning?

19 A. Every day. This was given to us every day.

20 [15.37.07]

21 MR. VERCKEN:

22 No further questions, Mr. President.

23 MR. PRESIDENT:

24 Please, Counsel Kong Sam Onn, please proceed.

25 QUESTIONING BY MR. KONG SAM ONN:

1 Q. Thank you, Mr. President. Madam Witness, I have a few
2 questions to put to you in order to obtain some clarification
3 regarding the 15 to 20 people who were tied up. When the Deputy
4 Co-Prosecutor said put that question to you, you said that you
5 saw this happen once, and then you said three times when your
6 memory was refreshed. So, I would like to put a few questions to
7 you on the consistency of your memory of this scene. You said
8 that you saw this incident occur when you were standing guard one
9 night and that you were about 100 to 200 meters away from this
10 scene. And you also said that there were -- that at two other
11 occasions, you also saw this kind of incident occur. So with
12 regard to these two other incidents, did they happen during the
13 day or at night?

14 [15.38.31]

15 MS. YI LAISOV:

16 A. Only at night.

17 Q. Now with regard to the two other times you spoke about, how
18 did you see people being taken away?

19 A. Well, I had to stand guard by the kitchen.

20 Q. Maybe I didn't understand your answer properly. You saw people
21 being taken away 15 to 20 people in fact. And this, you only saw
22 once or several times?

23 A. Once.

24 Q. Thank you. And that night when you saw this happening, was
25 there any lighting when you were standing guard?

1 A. No.

2 [15.39.48]

3 Q. So were you in a forest or were you in an open field when you
4 saw this happen?

5 A. There were a few trees; that's all.

6 Q. Thank you. And when you witnessed this incident, when the 15
7 to 20 people were taken away, how did you know that they were
8 being taken away?

9 A. Well, I heard them cry and scream.

10 Q. How many people were crying and how many people were
11 screaming? And were you able to distinguish the voices of these
12 different people?

13 A. I heard many different voices and deafening cries.

14 [15.41.12]

15 Q. Did you clearly see these people? Or you only saw their
16 shadows?

17 A. I clearly saw these people, but it was impossible for me to
18 know how many men or women there were.

19 Q. And what time was it when you saw this happen?

20 A. I did not have a watch. I don't remember also when I was
21 standing guard that evening.

22 Q. So this was before midnight or after midnight? Can you be more
23 specific?

24 A. Rather, after midnight.

25 Q. Thank you. So was there any kind of lighting that made it

1 possible for you to see these people?

2 A. No. Just moonshine.

3 Q. So, the moon was shining, and can you tell us what the
4 position of the moon was when that happened?

5 A. Well, if we would compare the moon's position to the sun, it
6 was like the sun at 3 o'clock.

7 [15.43.40]

8 Q. Thank you. Now with regard to the inauguration, this morning
9 at around 10.50 when you were answering a question that was put
10 to you by the prosecutor, you provided an answer that did not
11 really regard the building of the dyke but rather the digging of
12 the canal. So I would like to know if there were two different
13 inaugurations, that is to say, the first for the dyke and the
14 second for the canal.

15 A. There was only one single inauguration ceremony.

16 MR. KONG SAM ONN:

17 Thank you. Mr. President, I have no further questions.

18 [15.44.55]

19 MR. PRESIDENT:

20 Well, this puts an end to your testimony before the Chamber. The
21 Court will resume on Monday, 24 August 2015 at 9 o'clock in the
22 morning and the Chamber will hear witness 2-TCW-915 and a civil
23 party as well, 2-TCCP-269. Ms. Laisov, the Chamber thanks you for
24 having spent time to testify before it. You are now free to leave
25 the courtroom. You can go home or where you wish to go. The

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1 Chamber wishes you a safe journey. And Court officer with WESU,
2 please take the necessary measures so that the witness may go
3 home.

4 Security officer, please bring the defendants back to the
5 detention centre and make sure that they return to the courtroom,
6 Monday, 24 August 2015 before 9 a.m.

7 (Court adjourns at 1546H)

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