



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

16 June 2015
Trial Day 298

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 30-Mar-2017, 11:30
CMS/CFO: Sann Rada

Before the Judges: NIL Nonn, Presiding
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Claudia FENZ
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I N D E X

Mr. KEO Loeur (2-TCW-932)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KEO Loeur (2-TCW-932)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. SENG Leang	Khmer
Mr. YEAN Lon (2-TCW-830)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remainder of the
6 testimony of the current witness and then we will commence
7 hearing testimony of witness, 2-TCW-830. Ms. Chea Sivhoang,
8 please report the attendance of the Parties and other individuals
9 at today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings all Parties to this case
12 are present. Mr. Nuon Chea is present in the holding cell
13 downstairs. He has waived his right to be present in the
14 courtroom. The waiver has been delivered to the greffier.

15 The witness who is to conclude his testimony today -- that is,
16 Mr. Keo Loeur is present and ready in the courtroom. We have a
17 reserve witness -- that is, 2-TCW-830 who confirms that to his
18 best knowledge he has no relationship by blood or by law to any
19 of the two Accused -- that is, Nuon Chea or Khieu Samphan, or any
20 other civil parties admitted in this case. The witness took an
21 oath before the Iron Club Statue yesterday. The witness has a
22 duty counsel Mr. Moeurn Sovann.

23 [09.04.04]

24 MR. PRESIDENT:

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

2

1 The Chamber has received a waiver from Nuon Chea dated 16th June
2 2015, which notes that due to health condition -- that is,
3 headache and backache, he cannot sit or concentrate for long and
4 in order to participate effectively in future hearings, he
5 requests to waive his right to participate in and be present at
6 the 16th June 2015 hearing. Having seen the medical report of
7 Nuon Chea by the duty doctor for the Accused at the ECCC, dated
8 16th June 2015, who notes that Nuon Chea has severe back pain and
9 dizziness when he sits for long and recommends that the Chamber
10 so grant him his request so that he can follow the proceedings
11 remotely from the holding cell downstairs. Based on the above
12 information and pursuant to Rule 81.5 of the ECCC Internal Rules,
13 the Chamber grants Nuon Chea's his request to follow the
14 proceedings remotely from a holding cell downstairs via an audio
15 and visual means.

16 The AV unit personnel are instructed to link the proceedings to
17 the room downstairs so that Nuon Chea can follow the proceedings
18 remotely. That applies for the whole day.

19 The Chamber now hands the floor to the Defence team to put
20 further question to the witness. And the Chamber would like to
21 remind the two Defence teams that you only have one session this
22 morning and you may proceed, Counsel.

23 [09.06.03]

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. I have a few
2 additional questions relating to your testimony yesterday and
3 Friday. Yesterday and Friday you spoke at length about the base
4 where you were situated after 1975, Khmuonh-Kab Srov, which is I
5 believe north of Pochentong. What can you tell us about your
6 division being stationed at a place called Anlong Kngan?

7 MR. KEO LOEUR:

8 A. The relocation to Anlong Kngan <for tempering purpose> took
9 place after senior leaders or the commanders had been arrested.

10 Q. And what did Division 310 have to do with Anlong Kngan before
11 the senior leaders were arrested, what was there before their
12 arrest?

13 A. Before the arrest of the senior commanders, I did not know
14 about that location.

15 [09.08.14]

16 Q. Yesterday you also spoke about a meeting during which
17 rebellion was discussed, a meeting in a place close to Wat Phnom.
18 Can you be more exact, where was this place, do you remember the
19 street, how far was it from Wat Phnom?

20 A. I did not know the details of that location. I only knew that
21 it was not far from Wat Phnom and it was to the north of Wat
22 Phnom?

23 Q. Do you know whether Ta Kim had a house very close to Wat
24 Phnom, that he lived close, maybe to the east, of Wat Phnom?

25 A. His house was near Wat Phnom.

4

1 Q. Do you know whether he had meetings with other senior
2 commanders in house, senior commanders who were later arrested?

3 [09.10.18]

4 A. Please repeat your question.

5 Q. Do you know whether Ta Kim had meeting with Oeun and others in
6 his house to discuss plans for the rebellion?

7 A. I do not know about that.

8 Q. Yesterday you spoke about the diversion of weapons from
9 Division 310 in order to use these weapons for a coup d'état or a
10 rebellion and when you saw this you were told to mind your own
11 business. Did you also see the diversion of rice, the skimming of
12 rice, the storage of rice in order to use that rice for the
13 troops involved in the rebellion?

14 A. I do not know about any food supply storage; I only knew about
15 the transportation of weapons and when I asked about it, I was
16 told that I should mind my own business.

17 Q. Just to be sure, have you ever heard of the storage of more
18 than 1000 tonnes of food at Anlong Kngan used for soldiers
19 involved in the rebellion?

20 A. I did not know anything about the storage of 1000 <things> of
21 food.

22 [09.13.16]

23 MR. PRESIDENT:

24 Counsel Koppe, please hold on. And Judge Lavergne you have the
25 floor.

1 JUDGE LAVERGNE:

2 Counsel Koppe, <would you be kind enough to tell us what is the
3 basis for all these questions>?

4 [09.13.40]

5 MR. KOPPE:

6 This is what he might have heard or -- either when the confession
7 of Oeun was played or at some other stage or discovered at the
8 same time when he saw the weapons.

9 JUDGE LAVERGNE:

10 Let us be <a bit> serious, Counsel Koppe. Do you have a document
11 that you would like to refer to?

12 MR. KOPPE:

13 No, Judge Lavergne.

14 JUDGE LAVERGNE:

15 So all these questions are the fruit of your <wild imaginings?>
16 <You> invented them?

17 [09.14.45]

18 MR. KOPPE:

19 My imagination is very big, Judge.

20 JUDGE LAVERGNE:

21 The problem is that in a court of justice, imagination doesn't
22 serve any purpose. <We> are dealing with facts and we <try> to
23 rely on documents and <>evidence.

24 MR. KOPPE:

25 I'm asking something that -- to the witness that he might have

6

1 knowledge about I'm not basing myself on any document.

2 [09.15.23]

3 JUDGE LAVERGNE:

4 Are you sure that you <may not have> read some confessions from

5 S-21 that <could possibly have prompted you to ask> these

6 questions?

7 MR. KOPPE:

8 I read many confessions from S-21 and many other evidence on the

9 case file. So, I'm not referring -- I'm not presenting the

10 witness any document, I'm asking him a few questions and if he

11 doesn't know, he doesn't know.

12 [09.16.02]

13 JUDGE LAVERGNE:

14 Very well. If you are not able to tell us on what documents

15 you're relying <on,> it might be better for you to go into

16 another line of questioning.

17 MR. KOPPE:

18 As a matter of fact my fifteen minutes are over so I rest. Thank

19 you, Mr. Witness.

20 QUESTIONING BY MS. GUISSÉ:

21 Mr. President, <with your leave>. Good morning, everyone. Good

22 morning, Witness. My name is Anta Guisse, I am International

23 Co-Counsel for Khieu Samphan and it is in this capacity that I'll

24 put a few <follow-up> questions to you. I'll try to ask specific

25 questions<.> <So> please listen to them attentively and if you

7

1 need any clarification, don't hesitate to let me know, <but I
2 will try to make the> questions <precise>. <So,> I'll <ask> you
3 to answer them <with precision> as well.

4 Q. You referred to the fact that you were a member of Division
5 310 and you also referred to Battalion 317. <Please> can you tell
6 us to what regiment you belonged before 1975?

7 [09.17.45]

8 MR. KEO LOEUR:

9 A. Please repeat your question.

10 Q. You stated that you were a member of Division 310. <You> also
11 referred to Battalion 317. I would like you to tell us <> the
12 name of your regiment?

13 A. Unit 317 was changed to 729, under Regiment 75.

14 Q. And do you remember the number of regiments that were in
15 Division 310, apart from regiment <75> to which you belonged?

16 A. <There> were <three regiments> under the direct supervision of
17 the division, but I cannot recall the names of <> other
18 regiments.

19 Q. <But you at least recall that,> If I understand your
20 testimony, I do understand there were four regiments in all in
21 Division 310, is that correct?

22 A. I cannot recall the details of those regiments as you
23 understand it happened many, many years ago.

24 [09.20.16]

25 Q. I am well aware of that but <I have just reacted to> what you

8

1 stated. You stated that you were a part of the regime 75, <and
2 that--> although you do not remember the three other regiments,
3 <can> I conclude that, apart from the regiment 75 <to which you
4 belonged>, there were three other regiments in Division 310 which
5 makes four regiments in all?

6 A. Yes, that is correct.

7 Q. I would like us to go back to the meeting you <initially>
8 referred to in answer to a question put by Judge Lavergne and
9 also in answer to a question put to you by the Nuon Chea Counsel
10 -- that is, the meeting chaired by Ta Oeun, during which he
11 talked about the plan to stage a coup d'état. <During> that
12 meeting, were the four regiments of Division 310 you referred to,
13 present?

14 A. I did not know about the meeting held at the divisional level.
15 I only knew about the transportation of weapons. And as I told
16 earlier, I asked about it and then I was told to mind my own
17 business. <> I only <learned> about <coup plot> after we <had
18 been called to attend a study session and to> listen to the tape.
19 [09.22.18]

20 Q. I think we have <a> problem of understanding. We are talking
21 of the period before the arrest of Ta Oeun. And I'm talking about
22 the meeting you referred to <yesterday> in answer to a question
23 asked by Judge Lavergne, during which Ta Oeun explained to you
24 that there was a plot to overthrow the Government of Democratic
25 Kampuchea. Yesterday you referred to that meeting explaining that

1 you yourself had heard Ta Oeun speaking. I'm not talking of the
2 meeting that was held after the arrest of Ta Oeun. I'm talking of
3 the period before Ta Oeun was arrested. Are you following me?

4 A. On the coup d'état plan, I did not sit there and listen to the
5 details and I said about this <yesterday>.

6 Q. Once more, may I ask you to listen to my questions
7 attentively. My question is not <aimed at finding> out whether
8 you have any details regarding the coup d'état, <the meeting>, my
9 question is <whether>, yes or no, as you stated yesterday to
10 Judge Lavergne, you were present at a meeting during which Ta
11 Oeun took the floor? <That meeting was held not far from Wat
12 Phnom, <that> is what you stated yesterday.> <Did> I properly
13 understand your testimony yesterday?

14 [09.24.24]

15 A. As I have stated earlier, I did not know the details of that
16 meeting. I only knew, as I said earlier, about the transportation
17 of the weapons and when I asked, I was told to mind my own
18 business and that's all I know about this event.

19 Q. I have not <yet> asked any questions on details. <My> question
20 <doesn't> have to do with <the> details. My question is aimed at
21 finding out from you whether at <the> meeting held not far from
22 Wat Phnom, all the <four> regiments were in attendance. <That
23 was> my question.

24 A. The meetings held at the regiment level was attended by all.

25 Q. So should <I> take it then that <yes> on that day all <the

10

1 four> regiments came together<?> <I want to be sure, to be
2 clear.> <So, on that day on that occasion, <did all> the four
3 regiments come together? Yes or No>.

4 [09.26.03]

5 A. Yes, soldiers from the four regiments attended the meeting.

6 Q. I did understand that you did not know the details of the coup
7 plot <and> when you were asked where the weapons were -- <or, in
8 any case,> when you asked where the weapons were you were told to
9 mind your business. Yesterday, as I listened to your testimony, I
10 understood that you had a <discussion> with someone who was
11 transporting weapons. Where did that discussion take place? and
12 when you say that that person was transporting weapons <or>
13 ammunition, was he transporting them in a vehicle or on foot?

14 A. What I saw was when I was near the front of the Calmette
15 hospital, I saw the military trucks with the weapons on board,
16 stopped just in front of the hospital and when I asked about it,
17 I was warned to mind my own business.

18 Q. Was it the driver of the <truck> who told you to mind your
19 business or someone else?

20 A. I in fact asked the driver when the truck stopped there.

21 [09.28.21]

22 Q. And do you remember the name of that driver?

23 A. No, I cannot recall the name of the <driver>; it's been so
24 many years.

25 Q. And were there several trucks or just one truck on that day?

11

1 A. When I was there I saw only one truck.

2 Q. And do you know where this truck came from and where <it> was
3 going?

4 A. The truck came from the north direction and stopped at that
5 location.

6 Q. And during this incident when the driver told you to mind your
7 business, was this after or before the meeting at Wat Phnom?

8 A. The driver whom I asked and who told me that I should mind my
9 own business, this event happened before the meeting was held.

10 Q. I would like to get back to that meeting at Wat Phnom. <When>
11 Ta Oeun spoke, did he tell you <what> role the Ka-4 unit was
12 going to play at that <time> in the context of this plot?

13 [09.31.02]

14 A. As I have -- as I indicated yesterday, the disabled soldiers
15 unit of Ka-4 was tasked to assist in packaging the food and that
16 was all.

17 Q. And where did this food <that you had to package> come from?

18 A. I do not know where it was transported from and the food was
19 put in the Ka-4 <for handicapped people to cook> and the food was
20 put there for members of Ka-4.

21 Q. And the food that you had to package, did you see it <on the
22 day of> the meeting was held at Wat Phnom or at another time?

23 A. It was before the meeting at Wat Phnom.

24 Q. Was it the same day, the day when you saw the truck with the
25 weapons and ammunition or was it <at> another time?

12

1 A. It was one day before that time.

2 [09.33.20]

3 Q. Where was this food stored <for you to be able to> pack it?

4 A. The food which I packed was put in Ka-4, the disability unit.

5 Q. And can you tell us <exactly where it was physically located>?

6 A. I do not recall the exact location in Ka-4.

7 Q. Was it next to Pochentong as well?

8 A. It was west -- it was north to Pochentong airport.

9 Q. Now I would like to turn to another <time.> <After> the arrest
10 of your leaders, <that is> Ta Oeun and Ta Kim, <you> spoke about
11 a meeting during which you were <informed of> the betrayal of
12 these leaders and during which apparently they played an audio
13 <cassette> recording of their confessions. <Following that>
14 meeting, did other cadres question you about this plot?

15 A. After the training and after I listened to the recording of
16 the <division commanders>, members of Ka-4 were reshuffled and
17 cadres from Southwest Zone were sent to <work alongside with>
18 members of Ka-4.

19 [09.36.32]

20 Q. This I understood, but my questions was, did anyone question
21 you about what you knew about the plot of the leaders who were
22 arrested? <Were you or anyone else from Unit K-4 or Division 310>
23 -- at any given moment, <> questioned about the plot of your
24 leaders back then?

25 A. I could not get your question.

13

1 Q. You said that there was a meeting during which the confessions
2 of your leaders were broadcast. So my question was <whether> the
3 cadres of the Southwest Zone who replaced your leaders <at any
4 point in time,> <questioned> the soldiers who were a part of Unit
5 Ka-4 or part of Division 310 in order to obtain more detailed
6 information about the plot as it was discovered after your
7 leaders confessed? <Were> you or anyone else in your division or
8 unit questioned <by the cadres from the Southwest Zone>?

9 A. <The> cadres <> from <> Southwest Zone <came to advise us to
10 work hard since our superiors had betrayed. Another duty they had
11 was to monitor members of the North Zone>.

12 [09.38.50]

13 Q. I'm going to try to put the question to you in a different
14 way. <Were you ever questioned by a cadre from the Southwest Zone
15 or by anyone else regarding your leader's plot, your leaders who
16 were then arrested?

17 A. After leaders had been arrested and cadres from Southwest Zone
18 were sent to replace their positions, biographies were collected
19 <once every few days> at that time, so nothing was discussed
20 after people from Southwest Zone came.

21 Q. When you say that "nothing was discussed," must <I> therefore
22 conclude that you were not questioned with regard to this plot<?
23 Is> that so?

24 A. We were not questioned about the plot by the leaders but we
25 were urged to work hard and we were told that we had been

14

1 affiliated with the former <> leaders <because> our leaders
2 betrayed Angkar and as I told you earlier after they came,
3 biographies were collected <once> every two or three days.
4 [09.41.00]

5 Q. This I understood. Well once again -- I understand that you
6 are tired and <these days of> <examinations> <are> lengthy, but
7 I'm <trying> to put specific questions to you, so please answer
8 my <questions> precisely <as well.>. Now, I would like to turn to
9 <the period> after the arrest of your leaders. <You> said that
10 you ended up at Khmuonh. I apologise for my pronunciation. <The
11 interpreters should note that> in French it is <spelt as>
12 <K-H-M-U-O-N-H>. <You> said that you were sent to that place, so
13 my first question <is> did you see over there the driver with
14 whom you had had that <discussion> about the weapons and the
15 ammunition<?> <Was> he also sent there too?

16 A. It was not at Khmuonh, the place that I was tempered. It was
17 the time that I visited Phnom Penh and after I arrived at
18 Calmette hospital I met that guy and I asked him and he said I
19 should mind my own business.

20 Q. I <very well> understood <that>. But I'm not talking about
21 that period<.> I'm talking about the period after your leaders
22 were arrested<.> <So> where were you sent to be <re-educated>?

23 A. I told the other day already after the leaders had been
24 arrested, I was sent for re-fashioning and re-education in Anlong
25 Kngan.

15

1 [09.43.38]

2 Q. So you never went to Khmuonh?

3 A. I was sent for re-fashioning at Anlong Kngan, I did not come
4 back to Khmuonh.

5 Q. <At> that location where you were re-educated, were there
6 people or former soldiers from the four regiments that made up
7 Division 310?

8 A. Regarding this point, as I stated I was at Anlong Kngan, and
9 there was <no> regiment at Anlong Kngan but there was some
10 battalions, members from battalions who were sent to that place
11 for re-education.

12 Q. <Following> this re-education, you said that you <were> sent
13 to Kampong Chhnang. <When> you were answering a question put to
14 you by the Co-Prosecutor on 12 June 2015, a little bit past 2.16
15 in the afternoon, you confirmed what you said in your statement
16 -- that is to say, that when you arrived at Kampong Chhnang you
17 also saw other divisions<,> for example, Division 450, even if
18 you were not allowed to see each other. So can you tell me how
19 you knew that there were members of Division 450 at Kampong
20 Chhnang?

21 (Short pause)

22 [09.46.27]

23 A. After I learned that some soldiers were from 450 or 310, when
24 we left for work, we encountered each other, we did not stop at
25 the spot to make a conversation, but we talked to each other and

16

1 asked briefly where were we from. We were not allowed to stop and
2 discuss <about anything for long because we were monitored>.

3 Q. Now with regard to Division 450, can you tell me if you fought
4 <within the ranks of> this division before 1975, <at the time of>
5 the capture of Phnom Penh?

6 A. During the time I was in the battlefield I never met soldiers
7 from <Division> 450.

8 Q. Do you know <a person called> Pol Nhan <or Pol Nhon?> <The
9 interpreters should note that> in French it is <spelt as> P-O-L
10 <followed by> N-H-A-N, and the Parties <should note that> I'll be
11 using <his statement,> document <E3/5554><.> <So> Witness, does
12 the name Pol Nhan ring a bell?

13 A. I do not recall this name because it happened a long time ago.
14 [09.48.56]

15 Q. In his statement <to the OCIJ investigators,> he speaks about
16 regiment -- correction, Division 450. And this is what he said
17 with regard to Division 450 -- I am sorry, I gave you the wrong
18 reference. So I will need the assistance of the Court officer
19 because I'm going to provide to the witness a copy of the DC-Cam
20 statement of another witness, 2-TCW-901 and I cannot mention his
21 name because apparently he's <presumably> going to testify before
22 the Chamber. With the Court officer's assistance, can we provide
23 the first page of the DC-Cam statement to the witness so that he
24 <can> see the name of this witness, Mr. President<?>

25 MR. PRESIDENT:

17

1 You can do so. Court officer please whisper the witness and ask
2 him not to reveal the name. And Mr. Witness, you have to wait for
3 the question by the Counsel after you read that name.

4 [09.51.04]

5 BY MS. GUISSÉ:

6 Q. In the meantime, I'll provide the <correct references of the
7 document I intend to use>. <It> is <therefore> a DC-Cam statement
8 <by> 2-TCW-901. So the <references are> 19.47 (sic), French ERN,
9 00823166; Khmer, 00019667; and English, 00680653; and I'm going
10 to then read out an excerpt from the following page. So my first
11 question, <Mr. Witness,> is: do you remember or did you know the
12 person whose name appears on the page that was provided to you by
13 the Court officer?

14 MR. KEO LOEUR:

15 A. I could not recall this name.

16 Q. So, this is what he said with regard to Division 450 and then
17 I will put questions to you<:> "Back then there were three
18 divisions that <attacked> Phnom Penh<:> Division 310, Division
19 450 and another division <that went by the number> 30 <and> I
20 don't <know what else><.> <I don't> <know>, but I <very well>
21 remember Division 450. <That> said, I don't remember the name of
22 the <commander> and <that> of the deputy <commander>." End of
23 quote. So first question: does this jog your memory and do you
24 remember that Division 450 took part together with Division 310
25 in the capture of Phnom Penh?

18

1 [09.53.35]

2 MR. PRESIDENT:

3 Please wait, Mr. Witness. You may now proceed Judge Lavergne.

4 JUDGE LAVERGNE:

5 Unless I'm mistaken, I believe the witness said on several
6 occasions that he was wounded and he did not participate in the
7 capture of Phnom Penh.

8 BY MS. GUISSÉ:

9 Well in <that> case I'm going to rephrase my question. Witness,
10 do you know therefore if together with Division 310, Division 450
11 took part in the capture of Phnom Penh<,> <since> you were a
12 member of Division 310 and maybe you know under <what> conditions
13 they fought?

14 [09.54.35]

15 MR. KEO LOEUR:

16 A. As I indicated earlier I did not know <to where each division
17 stationed.> I was <injured> on 1st January 1975 and I did not
18 know about the <plan of the attack anymore since then>.

19 Q. But since you are the one who spoke about Division 450, when
20 you were questioned by the Co-Investigating Judges and then by
21 the Co-Prosecutor, I would like to know if you did not hear that
22 Division 450 had participated in the battle with Division 310<,>
23 as the witness <whose name you saw> stated? And maybe, to be a
24 little more specific, I'm going to quote another segment from
25 this witness's statement<.> <It is the next page:> in French, it

19

1 is 00823167; Khmer, 00019667; and English, 00680653; and this is
2 what he said, "Division 450 was just acting as reinforcement."

3 Question, "So it was therefore reinforcement for Division 310?"

4 Answer, "Yes, Brigade 450 reinforced Brigade 310 wherever 310
5 <was in trouble><.> <In> fact<,> Brigade 450 was <created> from
6 Brigade 310 <itself>." <End of quote.>

7 So my question is the following. Do you know if members of
8 Division 310 <and members who could have been part of your
9 regiment at any given time were subsequently incorporated in
10 Division 450 after it was created?

11 [09.57.05]

12 A. I did not know about the <division of troops>.

13 Q. If I understood what you just said you said that at one given
14 moment you were the deputy commander of a <platoon>. So in the --
15 when you were promoted, weren't you told how the army was
16 structured,> or at least, the division you were part of?

17 A. <When> I was <> promoted to the deputy commander of the
18 platoon, <> it was during that time my platoon was under 317 not
19 <729>.

20 Q. But my question was, when you were appointed to certain
21 positions, weren't you <given an explanation of> how the
22 different <organs> of the army were <structured?> <That> is to
23 say, the divisions, the regiments, the companies, the squads,
24 <etc.> <Didn't> you have to learn how the division you belonged
25 to was <organized>?

1 [09.59.26]

2 A. <> I was not <precisely> informed; I was told that I <would
3 be> the deputy commander of the platoon <of that company>.

4 Q. Did you ever hear about Division 603?

5 A. I did not remember it.

6 Q. You said that you do not remember Pol Nhan but I'm going to
7 read out an excerpt of his statement and then I'll put a question
8 to you. This therefore is document E3/5554, French ERN, 00422422;
9 English <ERN> 00377401; Khmer <ERN> 00373269; and this is what he
10 says with regard to Division 603. "Division 603 was made up of
11 three regiments 101, 102 <and> 103 but only regiments 102 and 103
12 had been sent to the East Zone to fight. Monn was the commander
13 of Regiment 102 and I was his deputy but there were no official
14 appointments until 1979. Whereas Regiment 101 was <assigned> to
15 Kampong Chhnang <airfield>, to <do construction work>." End of
16 quote. So my first question is if you ever met at Kampong Chhnang
17 people who came from Division 603 and specifically from Regiment
18 101, that had been <assigned to work on the construction of the
19 airfield>?

20 A. I have never known of Division 603.

21 [10.02.28]

22 Q. <Is> it <correct to say> that, within the army back then, when
23 you were not at the front line you were assigned to tasks <aimed
24 at> rebuilding the country -- that is to say, <farming> or as was
25 the case <at the> Kampong Chhnang airfield -- building edifices

1 or building other infrastructure for the country such as the
2 dam-- <dams> or the airfield's <construction work that you took
3 part in>?

4 A. I myself did not go to fight in the front. I was assigned to
5 work at the Kampong Chhnang airfield and that was a contribution
6 to the defence and the construction of the country.

7 Q. I would like you to clarify one point. Can you tell us what
8 uniforms you wore before April 1975 -- that is, the military
9 <uniforms> you had<,> and what <were> the military <uniforms
10 worn> after 1975? Can you tell us whether <they were> different?

11 [10.04.35]

12 A. Prior to 1975, military uniform was distributed. However post
13 1975, for senior cadres they had <Tetoron> clothing, for ordinary
14 combatants were only given black clothing.

15 Q. So, according to you, <only the> high level cadres <had>
16 clothes that you can refer to as military uniforms<,> <and
17 otherwise>, all the other soldiers were <simply> dressed in
18 black<.> <Is> that your testimony?

19 A. As I have said at that time we were all given black clothing
20 to wear.

21 Q. So<,> if I understand you correctly, <whether> before 1975 or
22 after 1975<,> you were always dressed in black attire<.> <Is>
23 that correct?

24 A. Please clarify your question, are you asking me about the
25 uniform before 1975 or post 1975?

1 Q. I am asking whether you <yourself> always wore the same
2 <uniform colour> -- that <is>, black attire<?> <Was that the
3 case> both before 1975 and after 1975?

4 A. As I stated earlier before 1975 we were given military
5 uniform, however, after 1975 only black clothing was distributed
6 to us.

7 Q. And <that applied> to all soldiers apart from high ranking
8 officers, <correct>?

9 A. I meant that for senior cadres they had <Tetoron> clothing but
10 for ordinary soldiers it was just <cotton> clothes.

11 Q. What was the colour of the plain clothes you have just
12 referred to?

13 [10.08.50]

14 A. It was black <cotton clothes>.

15 Q. You stated that you saw some <leaders visiting> the airport
16 construction site<.> <Can> you tell us how they got to the
17 worksite, and <by that> I mean, by what means of transportation?

18 A. As I said yesterday, senior leadership level, who came to
19 visit the airfield, they came by vehicles and they were escorted
20 by security guards.

21 Q. You stated that there were caves that had been dug out for
22 hiding aeroplanes. <Did> you see <those planes or did you see>
23 planes <at> the airport<?>, <That> is the first question.

24 A. While the airfield was being built and the caves were being
25 built as well I did not see any plane present during the

1 construction.

2 Q. And did you at any point in time see helicopters on that site?

3 [10.11.05]

4 A. While I was working at the airfield, one day I saw one landed
5 and people got off and inspected the airfield work site.

6 Q. I wasn't referring to an aeroplane but to a helicopter.

7 A. As I said, it was a helicopter which landed and in fact that
8 was the first time that I knew that kind of plane was called
9 helicopter.

10 Q. And do you know who came on that day <in a> helicopter?

11 A. No, I cannot recall that.

12 Q. I have no further questions and my learned colleague, Kong Sam
13 Onn, will have a few questions to put to you for the <last few
14 minutes remaining before the break>.

15 [10.13.23]

16 JUDGE FENZ:

17 Obviously you have run out of time so how long would your
18 additional questions take?

19 MR. KONG SAM ONN:

20 I do not need much time. I may continue now if the Chamber allows
21 it otherwise I may continue after the break.

22 JUDGE FENZ:

23 How much time, Counsel?

24 MR. KONG SAM ONN:

25 It is about 10 minutes depending on the nature of the response.

1 MR. PRESIDENT:

2 The Chamber grants you a maximum of 10 minutes starting now and
3 you cannot run over 10 minutes.

4 [10.14.34]

5 QUESTIONING BY MR. KONG SAM ONN:

6 Thank you, Mr. President. And Witness, I would like to ask you
7 for clarification on the military uniform. I listened to your
8 testimony since Friday afternoon that soldiers had a distinct
9 uniform from ordinary people or workers including guards. Could
10 you please specify the uniform, the particular of the uniform,
11 which as you said different from the black attire, and you spoke
12 about the type of clothing, <Tetoron,> before? Please give us
13 little details about the military uniform which you said was
14 distinguished from the black attire.

15 MR. KEO LOEUR:

16 A. Soldiers wore military uniform and black attire was given to
17 workers including myself it was a plain black shirt and shorts.

18 Q. Please describe the military uniform that the soldiers were
19 wearing at that time?

20 A. The colour was khaki -- that is, for the entire uniform, but
21 for us we were wearing black attire.

22 Q. And the security guards who were patrolling at night time at
23 the Kampong Chhnang airport, were those who wearing khaki
24 uniform, am I correct?

25 A. The security guards were wearing khaki uniform at that time

1 and they tucked their shirts under their trousers.

2 [10.16.57]

3 Q. How many guards did you see wearing the khaki uniform while
4 they were on patrol?

5 A. I did not know where they stationed themselves, however from
6 what I saw they were on patrol in a group of three. They were
7 walking up and down at the site.

8 Q. Did you see just one group of three soldiers or did you see
9 several groups?

10 A. I saw different groups. Sometimes I saw different faces and to
11 be frankly we did not even dare to look at their faces <nor to
12 speak with them>.

13 Q. And from your observation, please try to recall how many
14 groups did you actually see?

15 A. To my best recollection, there was two to three groups.

16 Q. So you saw two to three groups of guards; can you recall any
17 particular period of time that you saw them or you actually saw
18 them from the time that you started working there at the work
19 site?

20 [10.19.11]

21 A. I saw these two or three groups only at night time and usually
22 they were on patrol at around 8.00 or 9 o'clock at night.

23 Q. My question is about the particular period or was it from the
24 time that you started working at the Kampong Chhnang until the
25 arrival of the Vietnamese?

1 A. From the time of my arrival at Kampong Chhnang and until 7
2 January 1975, when I fled along with the people, I saw these
3 people, these guards every day.

4 Q. On the issue of land surveying and as you stated you received
5 surveying training and you did actually work on surveying at the
6 work site. And you spoke about <tunnels> construction for hiding
7 planes. Did you actually conduct and learn land surveying for
8 these secret <tunnels>?

9 A. I was a land surveyor at the Kampong Chhnang airfield but a
10 separate group was assigned for the measurement and land
11 surveying of the secret <tunnels,> and I only saw <them>.

12 Q. Did you see those <tunnels> while you were working there or
13 was it after 1979?

14 A. I saw the <tunnels> when it was about time the regime fell.
15 [10.21.36]

16 Q. And before that did you know a separate group was assigned for
17 the construction of those <tunnels>?

18 A. No, previously I did not see those <tunnels>.

19 Q. And you just said that you saw those <tunnels> not long before
20 the fall of the regime, can you actually specify how long before
21 the fall of the regime?

22 A. To be clear, allow me to say that I saw the <tunnels> on 7
23 January 1979. I was told that Vietnamese troops arrived in Phnom
24 Penh and our chiefs did not actually force us to work hard on
25 that day and some workers were thinking about going to back to

1 the villages.

2 MR. KONG SAM ONN:

3 Thank you, Mr. President, and thank you, Mr. Witness, I am done.

4 MR. PRESIDENT:

5 The hearing of this witness is concluded and after the break

6 we'll commence hearing testimony of witness 2-TCW-830 in relation

7 to the 1st January Dam work site.

8 And Mr. Keo Loeur, the Chamber is grateful of your time to

9 testify before this Chamber as witness for two and half days and

10 your testimony may contribute to ascertaining the truth in this

11 case. It is now concluded and you may return to the place where

12 you are residing or staying and the Chamber wish you all the

13 best.

14 Court officer please, in collaboration with WESU, make a

15 necessary transportation arrangements for Mr. Keo Loeur, to his

16 place of residence.

17 The Chamber takes a break now and resumes at twenty to 11.00.

18 The Court is now in recess.

19 (Court recesses from 1024H to 1041H)

20 MR. PRESIDENT:

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

22 And the Chamber will hear 2-TCW-830, the witness concerning the

23 fact of 1st January Dam. Court officer, please invite Mr.

24 Witness, together with the duty counsel, into the courtroom.

25 (Witness enters courtroom)

1 [10.43.33]

2 QUESTIONING BY THE PRESIDENT:

3 Q. Good morning, Mr. Witness. What is your name?

4 MR. YEAN LON:

5 A. My name is Yean Lon.

6 Q. Thank you, Mr. Yean Lon. When were you born?

7 A. I do not recall it.

8 Q. How old are you this year?

9 A. I am 73 years old.

10 Q. Thank you, Mr. Yean Lon. Do you recall where you were born?

11 [10.44.27]

12 A. I was born in Khvaek village, Kampong Thma commune, Santuk
13 district, Kampong Thom province.

14 Q. Thank you. What about your current address? Where are you
15 living now?

16 A. I am living in Phum -- Khvaek village, Kampong Thma commune,
17 Santuk district, Kampong Thom province.

18 Q. Thank you. What is your father's name and mother's name?

19 A. My father's name is Yean Lon. My mother's name is Cheng, Ben
20 Cheng.

21 Q. Why your father's name and your name is the same, Yean Lon?

22 A. I'm sorry, Mr. President, his name is Bun Yean.

23 Q. Thank you. What is your wife's name? How many children do you
24 have together?

25 A. Chhum Chheng. We have no children.

1 [10.45.54]

2 Q. Thank you, Mr. Yean Lon. According to the report of the
3 greffier, to your best knowledge, you do not have any
4 relationship with the two Accused, Khieu Samphan and Nuon Chea,
5 or to any of the Parties in Case 002. Is that information
6 correct?

7 A. I have no relationship with them.

8 Q. And I was told that you have taken an oath before the Iron
9 Club Statue to the east of this courtroom already before you are
10 here. Is that true?

11 A. I took an oath yesterday.

12 [10.56.52]

13 Q. The Chamber would like to inform you of your rights and
14 obligation as a witness. Mr. Yean Lon, as a witness in the
15 proceedings before the Chamber, you may refuse to respond to any
16 question or to make any comment which may incriminate you. That
17 is your rights against self-incrimination. This means that you
18 may refuse to provide your response or make any comment that
19 could lead you to being prosecuted. Your obligations: as a
20 witness, Mr. Yean Lon, in the proceedings before the Chamber, you
21 must respond to any questions by the Bench or relevant parties,
22 except where your response or comments from those questions may
23 incriminate you, as the Chamber has just informed you of your
24 rights as a witness. As a witness, you must tell the truth that
25 you have known, heard, seen, remembered, experienced or observed

30

1 directly about an event or occurrence relevant to the questions
2 that the Bench or parties pose to you. Mr. Yean Lon, have you
3 ever given any statements to the investigator of the ECCC? If so,
4 how many times did you give your statements and where did they
5 take place?

6 [10.48.22]

7 A. I was interviewed by -- I was interviewed by the Chamber.

8 Q. Did you give any statements to the investigator? Please wait
9 and observe microphone, Mr. Witness. In the past several years,
10 did you give statements to any investigator of the ECCC
11 concerning facts or case before this Chamber?

12 A. <> I did not read the statements.

13 Q. I did not ask whether you have read the documents or
14 statements already. I would like to know whether you were
15 invited, or you were interviewed, concerning the 1st January Dam
16 worksite.

17 A. Yes, I was interviewed.

18 Q. Thank you. And how many times did you provide -- did you give
19 your statements, and where did they take place?

20 [10.50.53]

21 A. I was interviewed by the investigator at Khvaek village.

22 Q. Before you are here, have you read or examined the statement
23 that you gave to the investigator at Khvaek village already?

24 A. Yes, I briefly -- I briefly read that statement. However, I --
25 I could not read and write. I could read simple words only.

1 Q. Did someone read for you?

2 A. Yes. I -- somebody read the statement for me and I listened to
3 it.

4 Q. From your recollection, does this statement reflect what you
5 have given to the investigator then?

6 [10.52.27]

7 A. I could recall some facts, but not all of the facts.

8 Q. Mr. Yean Lon, now the Chamber provides a duty counsel through
9 WESU. You have a Mr. Moeurn Sovann sitting close to you. I would
10 like to know have you consulted with your duty counsel before you
11 are here?

12 A. I have consulted already with my counsel.

13 Q. So you have already consulted your counsel, right?

14 A. I had a discussion with my lawyer already.

15 MR. PRESIDENT:

16 Thank you. In accordance with Internal Rule 91bis of the ECCC,
17 the Chamber gives the floor first to the Co-Prosecutors before
18 other Parties, and I would like to confirm that the combined time
19 for Co-Prosecutors and Lead Co-Lawyers are two sessions. And the
20 Chamber gives you 10 extra minutes together with the two sessions
21 today.

22 [10.54.11]

23 QUESTIONING BY MR. SENG LEANG:

24 Q. Thank you, Mr. President. Good morning everyone in and around
25 the courtroom. Good morning, Mr. Witness. My name is Seng Leang.

1 I am the National Deputy Co-Prosecutor. Today, I have several
2 questions to put to you, and I would like to seek your
3 clarification for the Chamber regarding your work at the 1st
4 January Dam site. And my international colleague will have
5 further questions to put to you as well after my turn.

6 First, I would like to bring an interview in document D166/156,
7 Khmer, ERN <00321787> to 88; and English is 00330720; French,
8 00402983. You stated that you were assigned to carry earth at the
9 1st January Dam site for three months. I would like to know your
10 exact location where you were working at the dam site. Could you
11 tell the Court the exact location, the village, and the commune?

12 [10.56.12]

13 MR. YEAN LON:

14 A. <It was at the> 1st January Dam site, <the place where I
15 carried dirt.>

16 Q. Where exactly were you working at that time; in which village
17 and commune?

18 A. I was working in Snao village, Kampong Thma commune, at that
19 time.

20 Q. Who assigned you to work at the 1st January Dam site, and in
21 which unit were you working?

22 A. The village chief assigned me to do the earth-carrying work.

23 Q. What was his or her name, and what was the name of your unit?

24 A. The <> village chief's name is Ly (phonetic).

25 Q. In which unit were you working?

1 A. It was the mobile units for women and men workers.

2 Q. Do you mean you were working in a male mobile unit or female
3 mobile unit?

4 [10.58.36]

5 MR. PRESIDENT:

6 Please wait, Mr. Witness, you need to observe the microphone
7 before you give your statement.

8 MR. YEAN LON:

9 There were <both> male and female workers <in the mobile units
10 doing> the earth-carrying work.

11 BY MR. SENG LEANG:

12 Q. Could you tell the Court, how many members were there in your
13 unit?

14 A. There were many workers in the units responsible for carrying
15 earth. There were hundreds of them.

16 Q. Did you recall some names in your units, if you can?

17 A. The chief of that worksite's name was Ke Pauk.

18 Q. I would like to know about your unit. You stated that you
19 worked in the male and female mobile unit. Could you tell the
20 Court some of your colleagues' names?

21 [11.00.32]

22 A. I do not recall their names.

23 Q. Did the workers in your units come from the same village, or
24 <did> they <come> from <> different villages?

25 A. People from Santuk district came to work at that dam site, so

1 as I stated, there were many workers. <I cannot count all the
2 names of the villages>. They were all from Santuk district.

3 Q. Could you tell the Court, who <was> your <> unit chief <>?

4 A. The <unit chief's> name <was> Yi (phonetic).

5 Q. You mention about the whole -- that the workers were all from
6 the Santuk district. Could you tell the <> Court again, how many
7 workers <were there in your unit>?

8 A. In some units, there were 32 members, and some other units,
9 there were 33 <> members.

10 Q. Did they all come from the same village or different villages?

11 [11.02.40]

12 A. They were from different villages.

13 Q. Do you recall when you go to work at that site?

14 A. I could not recall it. I could not recall it.

15 Q. Thank you. The evidence shows that the construction of the 1st
16 January Dam worksite <started in> December 1976, and it ended in
17 <late> 1977. <Does this refresh your recollection on the
18 construction of the> 1st January Dam <>?

19 A. While I was working at the 1st January Dam site, I had no time
20 to rest. I had to do the work during the day and night-times. I
21 carried earth and other people also carried earth. And I -- I was
22 doing very hard labour at that time. In that regime, workers at
23 that worksite were in pain and they were suffering from that hard
24 labour.

25 Q. Do you recall the season that you were working at that time?

1 Was it in dry or rainy season?

2 A. It was in dry season while I was working.

3 Q. Do you recall that you were assigned to the worksite at the
4 beginning of the regime, in late regime, or in the middle of that
5 regime?

6 [11.05.43]

7 A. I remember that I was assigned to work at the dam site in the
8 middle time of the regime.

9 Q. Could you tell the Court about the work that you did at the
10 worksite? What was the work quota?

11 A. Please repeat your question.

12 Q. You said that you were assigned to work at the 1st January Dam
13 worksite. Please describe to the Court the work assignment that
14 you did at the dam worksite.

15 A. I have told you about the work at the 1st January Dam
16 worksite; that we were assigned to work day and night, and we
17 were forced to do the work without having any break time, and the
18 work was very intensive.

19 Q. Please tell the Court, for instance, the daily work quota, how
20 many cubic metre that you were assigned to dig the ground per
21 day?

22 A. Each <person> was assigned a four cubic metre as a daily
23 quota, and we had to complete it. And we would be in trouble if
24 we could not complete the four cubic metre daily quota.

25 Q. Did you have to work with your bare hand or was you -- were

1 you aided by machinery?

2 A. We were only aided with a hoe. There was nothing else larger
3 than a hoe during the regime.

4 Q. And besides the hoe, were there any machineries used?

5 [11.08.44]

6 A. No, there was none.

7 Q. How did they assess the daily work quota that you completed?

8 A. It was the unit chief who walked around and made that
9 assessment. And for those who completed could rest while those
10 who did not, had to work harder.

11 Q. What would happen to those workers who did their best and
12 still could not complete the quota?

13 A. If a worker could not complete a work quota, the person <> was
14 <punished and> forced to complete the work quota. There was a
15 constant pressure from the unit chief for the worker to <>
16 complete the daily work quota.

17 Q. What were the working hours for workers at the 1st January Dam
18 worksite?

19 A. The work started from 5 o'clock in the morning until 11.00
20 <a.m.>, at noon when we rested for lunch.

21 Q. Please continue.

22 [11.11.16]

23 A. Yes, as I said, it was <5 a.m.> to 11 <a.m.>

24 Q. What about in the afternoon time? I mean, after the 11 o'clock
25 at noon, did you have to work during the afternoon, or in the

1 evening, or at night?

2 A. We <> started working from 5 o'clock in the morning until 11
3 o'clock at noon.

4 Q. Do you mean that you did not have to work in the afternoon and
5 at night?

6 A. I only talk about the morning working hours -- that is, from 5
7 a.m. to 11 a.m. And after that, after lunch, we continued working
8 until 7 p.m.

9 Q. Sometimes were you required to work during the night?

10 A. Yes, we also had to work during the night.

11 Q. If that is the case, until when you finish the work at night?

12 A. We continued working until 10 o'clock at night.

13 Q. For workers who worked at night, where did they sleep after
14 work?

15 A. Shelters were built along the shoulder of the dam at the
16 worksite, and they slept there.

17 [11.14.16]

18 Q. Can you please describe further about the sleeping shelters?

19 What were they made of? Were there proper roofing and proper
20 bedding?

21 A. I can say about my condition and those workers who worked with
22 us. We slept on the ground and there was no sleeping mat. We used
23 tree leaves and placed them on the ground, and we slept on those
24 leaves, and that's what happened to me. There were not many
25 sleeping mats, so we just swept the ground and slept on it.

1 Q. Did you mean that there were no beds, and workers had to sleep
2 on the ground without proper sleeping mats, and you had to sleep
3 on tree leaves? Were you provided with any mosquito net?

4 A. No, there was no mosquito net. Forget about it.

5 Q. What would happen if it rained at night while you were
6 sleeping? Were workers who were sleeping in the shelter wet?

7 [11.16.01]

8 MR. PRESIDENT:

9 Witness, please hold on. And Counsel Kong Sam Onn, you have the
10 floor.

11 MR. KONG SAM ONN:

12 Thank you, Mr. President. I do not object to the question.
13 However, I'd like to make an observation. The witness stated that
14 he worked during a dry season, so it is peculiar to hear a
15 question asking about rain during the dry season.

16 BY MR. SENG LEANG:

17 Q. Thank you to my learned colleague about his observation.
18 Regardless of the season, sometimes rain did drop. And I put the
19 question to the witness, if or when there was rain, whether the
20 workers there got wet. <If he knows he can answer, but if he
21 doesn't, he can just say so.>

22 <MR. PRESIDENT:>

23 <Witness, please respond.>

24 <MR. YEAN LON:>

25 <A. At that time-->

1 [11.17.30]

2 BY MR. SENG LEANG:

3 Q. Allow me to repeat my question, Mr. Witness, my last question
4 to you is the following. For workers who slept at night-time in
5 the shelter, <> did they get wet if it was raining?

6 MR. YEAN LON:

7 A. There were -- there was a roof, but <> it was patchy at some
8 locations, and indeed they got wet if it rained.

9 Q. What would happen then if the workers got wet from rain?

10 A. We had to work while it was raining. We didn't feel the cold
11 because while we were working, we generated heat.

12 [11.18.34]

13 Q. I'd like now to refer to the food ration given to workers at
14 the 1st January Dam worksite. How many times meals were given to
15 you?

16 A. We were given only gruel and no cooked rice was given to us.

17 Q. And how many meals per day?

18 A. Two.

19 MR. PRESIDENT:

20 Mr. Witness, please be mindful of the microphone. <Your> response
21 did not go through the interpretation system, <so> we did not
22 hear it. <And the interpreters cannot interpret into French and
23 English>.

24 MR. SENG LEANG:

25 Please respond to my last question on how many meals you were

1 given per day.

2 [11.20.15]

3 MR. YEAN LON:

4 We were given two meals.

5 MR. PRESIDENT:

6 Deputy Co-Prosecutor, please switch on your microphone.

7 BY MR. SENG LEANG:

8 Q. My apology, Mr. President. And my question is the following.

9 Mr. Witness, were the meals given to you sufficient and
10 proportionate to the work quota four cubic metres per day?

11 MR. YEAN LON:

12 A. No, it was not sufficient. It was <almost nothing>.

13 Q. Was drinking water provided at the worksite, or where did you
14 have to go to drink water?

15 A. We dug a well in order to drink the water, and there was no
16 drinking water provided.

17 Q. Due to the insufficient food ration, did any worker protest?

18 [11.21.51]

19 A. During the regime, nobody dared to protest regarding the lack
20 of food. Unit chief had to resolve the food matters.

21 Q. Did workers at the 1st January Dam worksite fall sick often?

22 A. Many of the workers got sick and if the condition was not
23 serious, they were forced to continue working. They had to work,
24 although they were sick.

25 Q. For workers who got sick, were they treated on the site? If

1 so, how?

2 A. There were medical staff going around the sleeping quarter
3 with an injection. They <were child-medics> went from one
4 <shelter> to <another> to provide injection to sick workers.

5 Q. <Were> there sufficient medicines for <treating>?

6 A. No, there was very little medicine, and it was not sufficient.

7 Q. If workers had to relieve themselves, <were> there any proper
8 <latrines> or <where did they go to relieve themselves>?

9 A. Small latrines were built on site, and there were latrines for
10 each sleeping quarter.

11 Q. Did workers go to relieve themselves in the latrine, or did
12 they have to resort to go to a nearby forest?

13 [11.25.01]

14 A. Some would go to the latrine; some would go to the field, to
15 the open field, while others went into the forest to relieve
16 themselves. They simply went where they had to because the
17 latrines were not enough for the workers at -- on site.

18 Q. Could you please clarify it again? Were there <any> latrines?
19 If so, <what were they like> and were <there many of them>?

20 A. Small wooden latrines were built and the walls were made of
21 palm leaves. Sometimes tree leaves <or mats> were used to cover
22 walls of latrines.

23 Q. Were there enough latrines for workers?

24 A. No, there were not enough. There was quite a serious shortage
25 of latrines.

1 Q. And at that time, were there many flies or insects?

2 A. A large number of workers were bitten by snakes or by
3 scorpions or <centipedes>.

4 [11.27.22]

5 Q. My question to you is that were there flies? If so, were there
6 many <of them>?

7 A. Talking about flies, it was unimaginable. There were many,
8 many flies, and they just hang onto your food. And many people
9 actually got sick because of flies. People got <cholera> and
10 <diarrhoea> because of the flies.

11 Q. Was there any measure taken countering the large number of
12 flies?

13 A. No, there was no measure to eliminate flies.

14 Q. Were you aware of any dead workers who died from <famine,>
15 disease, from fatigue, or from other work-related causes?

16 A. I did not know about any death of any workers, but I noticed
17 that many workers fell sick. Then, they were sent to <> the
18 hospital for treatment.

19 Q. Did you say that no -- none of the workers there died, or that
20 you did not know if any workers died?

21 A. People got sick, but I did not see any of them die during the
22 time that I worked there.

23 [11.30.02]

24 Q. Did you know if any worker died from work-related incidents;
25 for example, landslide or soil collapse?

1 A. No, I did not know any of the case. There was none.

2 Q. I'd like now to move onto another topic -- that is, the visit
3 of leadership of the DK regime to the 1st January Dam worksite.
4 Can you recall if any of the Khmer Rouge leaders visited the
5 worksite?

6 A. I only knew about the visit by Ke Pauk, and also a visit by
7 Chan, and these two were in charge of the dam worksite.

8 Q. And besides these two supervisors, were there other leaders
9 who came to visit the worksite?

10 A. For other senior leaders; namely, Khieu Samphan, I am unsure.

11 MR. PRESIDENT:

12 Please turn on the microphone.

13 [11.32.15]

14 BY MR. SENG LEANG:

15 I do not know, Mr. President. I switch it on, but it keeps
16 switching itself off.

17 Q. You said Chan and Ke Pauk visited or inspected the worksite.
18 Please give more details as to when and who escorted them.

19 MR. YEAN LON:

20 A. They <> spent about two or three hours only on the day of the
21 dam worksite inauguration.

22 Q. And when was that? When was the inauguration held?

23 A. No, I cannot recall it. I forget about it.

24 Q. In your written record of interview with the OCIJ
25 investigators -- that is, document D166/156, at page in Khmer,

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1 00321788; and in English, at 00330720; and in French, 00402983;
2 you stated that, and allow me to quote, "I saw Chan and Khieu
3 Samphan come to visit the worksite. <> When <Khieu Samphan> came
4 to visit, I was about 20 metres away from him. I do not recall as
5 to which year he made that visit. However, I believed that I saw
6 him in 1978. I knew that he was Khieu Samphan as I was told by
7 others at the worksite that it was him, Khieu Samphan. There were
8 many people who were escorted him, and I heard him <order
9 militiamen through a microphone to have> people <worked> harder
10 and <quicker>." End of quote. You stated that you were 20 metres
11 away from Khieu Samphan when he came to visit the 1st January Dam
12 worksite. Could you please pinpoint the exact location of Khieu
13 Samphan's visit?

14 [11.35.50]

15 A. I only heard people or workers talking about him. I did not
16 see him clearly with my own eyes as I did not know him that well.

17 Q. In your written statement, you said you were 20 metres away
18 from him. What do you say to that?

19 A. At that time, I did not know him, and I only heard people
20 talking about him. And I personally did not know who Khieu
21 Samphan was.

22 Q. You said that he spoke into a PA ordering the militia and the
23 people to work hurriedly. Did he speak into a microphone or into
24 a PA system?

25 [11.37.29]

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1 A. I was unsure on that, and in fact at that time it was rather
2 dusty, and it was difficult to identify who was who.

3 Q. You also said he gave his instruction on a PA to militia. Did
4 he only give orders or instruction to the militia, or also to the
5 workers there?

6 A. That is the point that I am really unclear.

7 Q. While you were working there and Khieu Samphan made a visit,
8 were workers allowed to rest in order to go and greet Khieu
9 Samphan, or you had to carry working as normal?

10 MR. PRESIDENT:

11 Witness, please wait. And Counsel Kong Sam Onn, you may proceed.

12 MR. KONG SAM ONN:

13 Thank you, Mr. President. I'd like to object to the last question
14 by the Deputy National Co-Prosecutor as his summary is
15 inaccurate. In response to the testimony and statement by this
16 witness, the witness did not say that he saw Khieu Samphan
17 visited the worksite, and he only heard other workers saying that
18 Khieu Samphan came to visit the worksite. Thank you.

19 [11.39.16]

20 MR. SENG LEANG:

21 Mr. President, the written record by the OCIJ clearly states that
22 the witness actually saw Khieu Samphan as he was only 20 metres
23 away from him, and now he says that he is not clear on that, and
24 I try to verify the situation here.

25 MR. PRESIDENT:

1 You may proceed, Co-Prosecutor.

2 BY MR. SENG LEANG:

3 Q. You said people told you that the person was Khieu Samphan, so
4 please tell the Court whether the person was actually Khieu
5 Samphan.

6 [11.40.18]

7 MR. YEAN LON:

8 A. From what I could see, it was not Khieu Samphan, but I was
9 only sure on Ke Pauk and Chan. But I personally did not think
10 Khieu Samphan visited the worksite.

11 Q. Then, based on your belief, who actually gave orders to the
12 militia and to the workers to work hurriedly?

13 A. The orders would come from Ke Pauk or Chan, who were on site.
14 And when they were there, we were not allowed to stop. Thousands
15 of us had to continue working, and working harder than normal.
16 Sometimes we had to run carrying the earth. And that also
17 happened on the inauguration day when they were present there.
18 Workers were all running and it was cloudy as a result of dust.
19 You could not imagine the cloud of dust at the time as it was
20 really, really dusty <that people could not even see each other>.

21 [11.42.00]

22 Q. When you heard the order from the loudspeaker, do you mean
23 that the order happened on the day of the inauguration?

24 A. It happened on that <> same day.

25 Q. Please tell us who Chan was.

1 A. From what I heard other people say, Chan was from the North
2 Zone level.

3 MR. PRESIDENT:

4 Thank you. Mr. Witness, it is now time for us to have our lunch
5 break. We take a break now and resume at 1.30 this afternoon to
6 continue our proceedings.

7 And Court officer, please assist the witness during the break at
8 the waiting room for witnesses and experts, and invite him to
9 return to the courtroom together with his duty counsel this
10 afternoon at 1.30.

11 And security personnel, you are instructed to take Khieu Samphan
12 to the waiting room downstairs, and have him returned to attend
13 the proceedings this afternoon before 1.30.

14 The Court is now in recess.

15 (Court recesses from 1143H to 1332H)

16 MR. PRESIDENT:

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

18 The floor is given to the Co-Prosecutor and also to the Lead
19 Co-Lawyer to put questions to this witness. You may now proceed.

20 QUESTIONING BY MR. LYSAK:

21 Q. Thank you, Mr. President. Good afternoon, Mr. Witness, I'll be
22 picking up -- can you hear me? I'll be picking up where my
23 colleague left off this morning. You were talking about a leader
24 from the North Zone who came with Ke Pauk to the 1st January Dam
25 whose name was Chan. Mr. Witness we have a document in evidence,

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1 E3/2165, which is a list from S-21 of prisoners from the old
2 North Zone or Central Zone. Number 21 on that list is a person
3 named Koam Chan, alias Chan who is identified as the secretary of
4 Sector 43. My question to you: was your district, Santuk
5 district, part of Sector 43 of the North Zone? And does this
6 refresh your recollection that the person named Chan who you saw
7 at the 1st January Dam worksite, was the leader of Sector 43?

8 [13.34.36]

9 MR. YEAN LON:

10 A. Ke Pauk was at Baray district, Kampong Thom; he was in Chan
11 Lhang village; he was in Chan Lhang village, Baray district,
12 Kampong Thom province.

13 Q. I am asking you about the person named Chan who was with Ke
14 Pauk at the 1st January Dam site. Do you remember, was this
15 person Chan, was he the secretary or leader of Sector 43 of the
16 North Zone?

17 A. Chan was at the North Zone, I did not know his village or
18 commune.

19 Q. Mr. Witness, do you remember a period where the local leaders
20 of the Khmer Rouge in the North Zone were arrested or disappeared
21 and were replaced by people from the Southwest Zone?

22 A. I did not recall it.

23 [13.36.22]

24 Q. Let me read something as part of your testimony in your OCIJ
25 interview, D166/156, it's document, again, D166/156, ERN Khmer,

1 00321785; English, 00330718; French, 00402981. This is what you
2 testified in your OCIJ interview. Quote: "I did not remember the
3 name of the commune chiefs in the Khmer Rouge regime, but they
4 were all taken to be killed." End of quote. And at the start of
5 the very next page of your interview, in describing a district
6 combatant unit in which you worked, you stated, and I quote: "The
7 unit chairmen were killed in the Khmer Rouge regime." End of
8 quote. Can you please tell us what happened to these local cadres
9 in your area, such as the commune chiefs and unit chairmen, who
10 you testified were killed during the Khmer Rouge regime?

11 A. They killed all unit chiefs who were arrested. I did not know
12 where they were killed.

13 Q. When did this take place? Was this before you were working at
14 the 1st January Dam, while you were working at the 1st January
15 Dam, or after you were working at that dam? Can you tell us when
16 it was that they killed these people?

17 A. It was after the 1st January Dam worksite. It was after
18 working at the 1st January Dam site.

19 [13.39.20]

20 Q. And who was it that replaced the commune chefs and unit
21 chairman who were killed?

22 A. It was <Khy> (phonetic), <Lim> (phonetic), Khoeun (phonetic)
23 and Mom (phonetic).

24 Q. Were these people from your area or were these people who came
25 from a different part of the country?

1 A. They were from different parts of the country, from different
2 villages, communes and districts.

3 Q. Were any of them cadres from the Southwest Zone, from either
4 Takeo or Kampot?

5 A. I did not know about that.

6 Q. I want to go back to the 1st January Dam and ask you a few
7 questions to clarify a little bit about the role of your commune
8 Kampong Thma in the construction of the 1st and 6th January Dams.
9 First, is it correct that your commune, Kampong Thma was bordered
10 on the south by the Stung Chinit river and on the north by the
11 Tang Krasang river? Is that correct?

12 [13.41.50]

13 A. Chinit river was to the south of Kampong Thma pagoda. It was
14 not to the <north>, it was to the <south of Kampong Thma pagoda>.

15 [13.42.20]

16 Q. What about the Tang Krasang river; was that in your commune or
17 was that in a different part of Santuk district?

18 A. It was in Tang Krasang commune, in the commune office --
19 district office rather.

20 Q. And in addition to the dam and bridge that was being built on
21 the Stung Chinit, were there canals being built throughout your
22 commune, Kampong Thma?

23 A. No.

24 Q. Do you remember how many people from your commune were working
25 on the 1st January Dam? Was it most of the people from the

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1 commune, or just a small number of people from the commune?

2 A. All communes in district -- Santuk district. Ten thousands of
3 workers were gathered from Santuk district to the worksite, and
4 these workers were living in Santuk district as I stated. All
5 workers were sent from Santuk district and 1st January Dam was a
6 major and huge worksite. So there were ten thousands of workers
7 working at that site.

8 Q. And the workers from Santuk district that you are talking
9 about, were they all working in your commune, Kampong Thma
10 commune?

11 [13.45.03]

12 A. Yes, they worked in Kampong Thma commune.

13 Q. Thank you. I have a few follow up questions to some of the
14 things my colleague asked you about this morning. You said that
15 there were small wooden latrines that were built in your part of
16 the worksite. Can you tell us what was done with the sewage or
17 waste from those latrines? Where was it disposed of?

18 A. The waste was at the place, no one took the waste out of the
19 latrines, so waste and rubbish was <left there>.

20 Q. And my colleague read to you part of your OCIJ interview in
21 which you testified that one of the Khmer Rouge leaders who you
22 saw at the worksite spoke over a loudspeaker and, in your words;
23 "ordered the militiamen to order the people to work faster." In
24 this testimony you referred to militiamen at the worksite. Can
25 you please tell us, who were the militiamen who were at the 1st

1 January Dam worksite?

2 [13.47.12]

3 A. There were many militiamen. They were Un Chheng (phonetic),
4 Un Chheng (phonetic) was the chief of the militia, Un Chheng
5 (phonetic), and as I stated there were many, many militiamen.

6 Q. These militia, were they people at the commune level, district
7 level, sector or zone? And this person you identified as chief of
8 militia, was he chief of militia for a certain commune or a
9 certain district? Can you tell us a little more about who these
10 militia were, where they came from?

11 A. Militiamen were at the commune, Kampong Thma commune.

12 Q. So this person that you named as the chief of militia, you are
13 saying that he was chief of the Kampong Thom militia -- or
14 Kampong Thma militia? Do I understand correctly?

15 A. Yes, you are right.

16 Q. What was the role of the militiamen who were at the 1st
17 January Dam site? What did they do there?

18 A. Militiamen walked around and guarded workers who did the earth
19 carrying work and who dug the ground.

20 [13.49.53]

21 Q. Did these militiamen have weapons?

22 A. Militiamen had weapons -- that is carbine. They had the
23 Chinese made rifles.

24 Q. I'm going to come back to some more questions about the
25 militia in a little bit. I want to turn first to another subject

1 that you talk about in your OCIJ interview, which is the arrest
2 of former Lon Nol soldiers. In your interview, D166/156; ERN
3 references Khmer, 00321786; English, 00330719; French, 00402982;
4 you stated that you worked for a period as a commune militiaman
5 in Kampong Thma and you gave the following testimony.

6 Question: "When you were a militiaman at that time, how many
7 people did you see arrested." Answer: "I saw them arrest
8 approximately 50 people. I believe that many of the people were
9 accused of being policemen, soldiers or spies." End of quote.

10 My first question for you: how did Kampong Thma commune go about
11 identifying which people were former Lon Nol soldiers or
12 policemen? How was it that those people were identified by the
13 commune?

14 [13.52.32]

15 A. The reason that I know is that people were divided into New
16 People and Base People and as I stated people were divided into
17 New and Base ones.

18 Q. Let me ask you this, when the New People arrived in your
19 commune after 17 April 1975, were they required to provide
20 biographies with their personal backgrounds?

21 A. Chief of communes <and villages> went around and gathered the
22 personal biographies. I was not the one who did that.

23 Q. And when you said that many of the people arrested were
24 policemen and soldiers, do you remember whether these were people
25 who had certain ranks, or was anyone who was identified as a

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1 former policeman or soldier subject to arrest?

2 [13.54.37]

3 A. No matter one was a policeman or a soldier; even the Base
4 Person was arrested if they committed a mistake.

5 Q. And when you say "if they committed a mistake", what type of
6 mistakes are you talking about?

7 A. The mistake means the fact that when they assigned us to go to
8 work and we got sick and we did not go to work, we would be
9 punished. Or if we were <accused of being> lazy, <and> we would
10 be considered the one against them and so we would be punished.

11 Q. When the commune militia arrested these former soldiers and
12 policemen, where were they taken?

13 A. I did not know where they were sent to.

14 [13.56.27]

15 Q. In your OCIJ statement, and this is at pages, Khmer, 00321786
16 through 87; English, 00330719 through 720; French, 00402982
17 through 983; you discussed a security office that was located in
18 Tbeng Kaong and you also stated that the commune militia stayed
19 at either Kang Sau or Tbeng Kaong. My question to you, Kang Sau
20 village, when the commune was based there, was there a commune
21 office in Kang Sau? Or where was it that commune militia stayed
22 when you were in Kang Sau village?

23 A. Kang Sau was not the commune; it was <a village>, so <commune>
24 militiamen did not stay in <Kang Sau> and as I stated there was
25 no Kang Sau commune; it was actually Kang Sau village in <Tbeng

1 Kaong> commune.

2 Q. The translation may have got mixed up. I was referring to Kang
3 Sau village. You indicated that the commune militia stayed there.
4 My question was, was there an office in Kang Sau village where
5 the militia stayed?

6 A. There was no office and militiamen would stay in the shelters
7 or houses.

8 Q. Was Kang Sau village a big place? Did many people live there
9 during the Khmer Rouge regime?

10 A. It was a small village, and there were about 60 houses in that
11 village.

12 [13.59.31]

13 Q. Did you know a person from Kang village named Uth Seng who
14 worked at the 1st January Dam for a period? Do you remember Uth
15 Seng?

16 A. I do not know this person.

17 Q. Uth Seng lived in Kang Sau village and he testified in this
18 courtroom on the 2nd and 3rd of June this year, and he remembers
19 you. He testified that most of the time he saw you working in the
20 villages, but he confirmed that he saw you once at the 1st
21 January Dam worksite. And let me read to you what he testified in
22 this trial. This is from E1/309.1, E1/309.1, at 13.55.54. This is
23 what he testified about the time he saw you at the 1st January
24 Dam, quote: "I saw him pass by. He was in charge of people in Sau
25 village so he could walk past to the worksite where his people

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1 were working. Perhaps he went there to visit his workers from
2 Kang Sau village." End of quote. My question to you, Mr. Witness,
3 during the time that you were commune militia based in Kang Sau
4 village, did you visit the 1st January Dam site to visit the
5 workers from that village?

6 [14.01.55]

7 A. It was the time that I was carrying earth, and I was with the
8 other workers doing the same job -- that is, carrying earth.

9 Q. How far was Kang Sau village from the place where you worked
10 at the 1st January Dam? Was it close or was it far away?

11 A. I could not give my estimate. I do not know how far it was.

12 Q. I want to read another excerpt from your OCIJ interview. This
13 is at Khmer, 00321786; English, 00330719; and French, 00402982.
14 This is what you testified in regards to how people were arrested
15 during the time you were in the commune militia: "The orders to
16 arrest people were given from the district and provincial levels.
17 They sent a letter to Thlang," -- who you later identify as the
18 commune chief -- "and Thlang orally gave me the order. When I
19 arrested people, I was told the names of the people to be
20 arrested. The people to be arrested were called to attend a
21 meeting at the commune, and those people were tied, put into
22 trucks, and taken to be killed." End of quote. My first question,
23 how did you know that the arrest orders came from the district or
24 provincial level?

25 [14.04.26]

1 A. I did not know which level the order came from. I only knew
2 that it came from the upper echelon, or upper Angkar. The only
3 word we heard at the time was Angkar, and that order came from
4 the Angkar, <> at the upper level, for the arrests of those
5 people. However, allow me to specify that I did not know the
6 exact level the order came <from>.

7 Q. And when you said that people to be arrested were called to a
8 meeting at the commune, where exactly was it that these people
9 were called to? Was it to the commune office? Or what was the
10 location where people who were arrested were called to go to?

11 A. They were taken to the commune office.

12 Q. And where was the commune office in Kampong Thma?

13 [14.06.02]

14 A. It was to the lower part of the 1st January Dam. And the
15 location was to the north of Kampong Thma pagoda.

16 Q. I want to ask you now a few questions on another subject,
17 which concerns what happened to the Cham people in your commune.
18 In your OCIJ interview, D166/156, at Khmer, 00321787; English,
19 00330719; French, 00402982; you stated that there were a number
20 of Cham who had been evacuated to your village, that some of
21 those Cham families had been sent to other places, and others had
22 been arrested. And I also want to read to you what Uth Seng, the
23 person who -- from Kang Sau village, testified about the Cham
24 families there. In his interview, E3/5267, at Khmer, 00271411;
25 English, 00282357; French, 00482935; he provided the following

1 testimony about the Cham families who lived in Kang Sau village:
2 "The Cham people were also killed during that era. One day, when
3 I was awakening, all the Cham in my village suddenly disappeared.
4 There were 10 Cham families in my village, and of the 10 families
5 just one person was still alive. At the time she was away working
6 in the district mobile unit." Mr. Witness, you were in the
7 commune militia. You've indicated that -- testified that there
8 were Cham who were arrested. Can you tell us who it was that
9 ordered the arrest of the Cham people in Kampong Thma commune?

10 [14.09.00]

11 A. The Cham people were arrested with the order coming down from
12 the sector and the provincial level. The commune chief went to
13 receive those instructions, and when he returned to the commune,
14 he implemented the instructions.

15 Q. Do you remember what year it was that this happened?

16 A. I cannot recall it.

17 Q. Do you know whether lists were made of all the Cham people who
18 lived in your commune before they were arrested?

19 A. I do not know about that.

20 [14.10.29]

21 Q. The last question I want to -- the last subject I want to
22 cover with you before I cede the floor to the civil parties,
23 concerns your position in the commune militia, and I want to give
24 you the opportunity to respond to some testimony we've heard from
25 Uth Seng. In Uth Seng's OCIJ interview, at E3/5267, E3/5267, ERN

1 Khmer, 00271410; English, 00282356 - 57; and French, 00482935;
2 this is what Uth Seng testified about you and your position
3 during the Khmer Rouge regime.

4 "In the sub district, there were security personnel who
5 monitored. They carried clubs and knives, and the knives were
6 covered with dry blood. So, on our own, we became afraid of
7 dying. There was a chief executioner named Lun. He had a bicycle,
8 and he carried a sword on his bicycle. Today he is living at
9 Khvaek village, Kampong Thma sub district, Santuk district. In
10 1979, when the Vietnamese arrived, Lun was arrested and
11 imprisoned." End of quote.

12 The first thing I'd like to ask you about, Mr. Witness, is it --
13 is it correct, Mr. Witness, that you were arrested and imprisoned
14 by the Kampong Thom Court after the Khmer Rouge regime fell in
15 1979?

16 [14.13.01]

17 A. Yes, I was accused of being a village chief and a Khmer Rouge
18 leader, so I was arrested and imprisoned in Kampong Thom.

19 Q. And during the period that you were in the commune militia in
20 Kampong Thma, what was your position? Was there any period in
21 which you were the chief of the Kampong Thma militia?

22 A. No, I was not a commune militia. I worked as a militiaman for
23 the protection of my village, not for the commune.

24 Q. Mr. Witness, in your OCIJ interview, and this is D166/156, ERN
25 Khmer, 00321787; English, 00330720; French, 00402983; you stated

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1 that you, and I quote: "[...] stopped working as a militiaman in
2 1977 because I did not follow their orders when they ordered me
3 to kill people. I was ordered to get on the truck with the people
4 that they arrested and brought to the security office at Tbeng
5 Kaong. I was ordered to kill people, but I did not obey." End of
6 quote. Mr. Witness, in another part of your OCIJ interview, on
7 the previous page, in regards to orders you received from your
8 commune chief to arrest people, this is what you said. "If I had
9 not followed their orders when I went to arrest someone, I would
10 have been killed." End of quote. My question for you, Mr.

11 Witness, is the truth that, in order to survive, you had to
12 follow all the orders you received from your superiors, including
13 orders to arrest and orders to execute?

14 [14.16.11]

15 A. Yes, that's what happened at the time. If one disobeyed the
16 instructions, that person would be dead. And if we poked our
17 finger into their affairs, then we would be dead, too. That's
18 what happened as a reality on the ground during the regime. We
19 had to strictly adhere to the instructions or order, otherwise we
20 would not be spared. For instance, I myself almost died during
21 the regime. I kept fleeing from time to time.

22 Q. I have one -- one more question before I pass the floor to the
23 civil parties. In the excerpt I read to you, you indicated that
24 you had received orders from your superiors to kill people. What
25 types of people did your superiors order you to kill, during the

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1 Khmer Rouge regime?

2 [14.17.50]

3 A. There was no need to have the types of people to be killed.
4 Regardless they were Base People or New People, as long as they
5 were accused of making mistakes, they would be taken away and
6 killed. Whether the offence was stealing rice or stealing a
7 potato, or stealing a type of fruit or food, as once the person
8 was caught, then the person would not be spared. And that was
9 what happened during the regime, and that was what I observed.
10 And people, once the starvation hit, he or she could not stand
11 it, and would resort to stealing. And if he or she was caught,
12 then he or she would be taken away and killed. People were living
13 in an inhumane condition. We lived in a condition worse than that
14 of the animals. It would be difficult to imagine -- to imagine
15 that some people survived the regime. We could hardly breathe. We
16 did not have any type of freedom of speech at all, and we were
17 very -- so very afraid of making any mistake by saying anything
18 out aloud.

19 [14.19.40]

20 MR. LYSAK:

21 Thank you for answering my questions today, Mr. Witness. Mr.
22 President, I'll end our questions at this time.

23 MR. PRESIDENT:

24 And the International Lead Co-Lawyer for Civil Parties, you have
25 the floor.

1 [14.20.05]

2 QUESTIONING BY MS. GUIRAUD:

3 Q. Thank you, Mr. President. Good afternoon to all of you. Good
4 afternoon, Witness. My name is Marie Guiraud, I am a lawyer
5 <representing the consolidated group of civil parties>, and I
6 have a few brief questions to put to you regarding your role as a
7 militiaman in Kampong Thma commune, and on the role of <that>
8 militia on the 1st January Dam worksite. <My> first question is:
9 how were you <enlisted into the> commune militia?

10 MR. YEAN LON:

11 A. People who were recruited to join the militia force were those
12 who showed respect to the Khmer Rouge. And of course we knew that
13 they didn't trust us, and we didn't trust them as well. But
14 usually, they only recruited those who were uneducated or
15 illiterate, so they would blindly follow the instructions. And
16 that's my testimony of the recruitment process at the time.

17 Q. You told the investigators back then in the document that
18 we've been quoting from since the beginning of the day -- that
19 is, D166/156, French ERN, 00402981; English, 00330719; Khmer,
20 00321785; you said that you had been sent to the <combatants'>
21 unit in the district after 17 April 1975. So my question is the
22 following, <did you have> to be a combatant <in order> to be
23 recruited as a militiaman? Or could anyone become a militiaman?

24 [14.22.28]

25 A. When they -- when they trusted us, then we would be selected

1 to join the militia. And usually, they would recruit or select
2 one or two people from this unit or that unit to join the force.

3 Q. <In general, how> old were the militiamen <who joined the
4 forces you are referring to>?

5 A. I cannot say about the age of the militiamen.

6 Q. You just told us that people were recruited <from> within the
7 <units>. <Did> I <correctly> understand your testimony that it
8 was within the work units that the militiamen were recruited?

9 A. Yes, they recruited people from the work units. For instance,
10 from a mobile unit or from a ploughing unit, or from those who
11 worked in the rice fields, transplanting rice or rice seedlings.

12 [14.24.17]

13 Q. You also said a little earlier on that militiamen had rifles.
14 <Were> the militiamen trained in any way when they joined the
15 <ranks of the> militia?

16 A. No, there was no training for them.

17 Q. In the same statement, at the same ERNs, you stated with
18 regard to the "chlop", the secret militia, that there were 12
19 members. Can you <explain to us with further details who were>
20 these 12 members? <Where they> came from<,> <and how old they
21 were? Do you remember <any details you could> share with us
22 today?

23 A. No, I cannot recall their age. I can only recall some of the
24 members of the unit. Those people came from different villages,
25 namely Prasat, <Toak (phonetic), Krayea (phonetic),>Trapeang

1 Pring, <L'ak> etc. So they were selected from various villages.

2 And I did not know every one of them.

3 [14.26.01]

4 Q. When you <say> that they were "chosen", <could> they, and
5 <could you,> <refuse> to join the militia?

6 A. I, in fact, didn't want to join them, but I was afraid as I
7 was being monitored at that time. I was living with the
8 villagers, and I had sympathy for them, as I saw them not having
9 enough food to eat. You could say that I was a thief, as I stole
10 rice for them. They were given only three cans of rice, cooked in
11 a large pot, for a large group of people. And that was apparently
12 not enough. So I secretly stole some food, and some rice, and
13 gave it to those people <in Kang Sau village>, and they were very
14 happy with that. So at that time, my group of three people --
15 that is, chief, deputy and member, we drilled a hole underneath
16 in order to steal rice from the rice barn. <We stole one sack of
17 rice each week.>

18 [14.27.44]

19 And as a result of what I did for those people <in Kang Sau
20 village>, they survived. And they included some of the former
21 teachers, who were educated people. If they were to live
22 elsewhere, they would not survive. And in fact, there was a
23 request for them to be transferred to live elsewhere, and if I
24 were to allow that, then they would be killed. But I refused to
25 -- to honour that request, and I kept them with me. And those

1 teachers survived. <Many people are still alive today because of
2 me. One of them in particular, Ry (phonetic), is working for a
3 court in Kampong Thom.> And here I am being frank with you
4 <regarding villagers in Kang Sau village>.

5 On the issue of the militia, it was routine work for me to
6 administer the village from the perspective of the militia, in
7 order to provide security, to know about the activities in the
8 village. And this is still a current practice in the village
9 level. And please, don't confuse the security -- a security
10 force, as the force that I was in charge was one tasked with
11 killing people. No, it was the opposite. I was there to protect
12 the village, and to protect the lives of my villagers.

13 [14.29.27]

14 Q. Thank you, <Mr.> Witness, for being so frank with me,> <to
15 borrow your own words>. So, were the militiamen recruited
16 secretly? Did the villagers and the workers know who was a
17 militiaman, and who wasn't?

18 A. At that time, even the village chief, the village chief would
19 not even know that his day would come. <They had their secret
20 plan>. We didn't know anything about it. And of course, they --
21 they put people to monitor the activities of everyone, regardless
22 of their status, whether they were villagers or they were part of
23 the village leadership. <If villagers reported about us to the
24 commune chief or someone, we would be killed, and we would not
25 know about it.> In Kang Sau village, where I lived, people

1 understood my generosity, my kindness, and sometimes they offered
2 me cooked rice. They brought rice to me. And even after they
3 would kill their chicken <or duck> in order to cook food for me,
4 but I must tell you that at that time, I refused. I refused to
5 eat those rice, or chicken. Because if I were to do so, then I
6 would be accused of betraying <the people, and I would be
7 killed>. So, I refused. And then I would eat <gruel> commonly
8 with my villagers.

9 [14.31.27]

10 Q. <I'm sorry> to interrupt you, Witness, because I have very
11 little time, and I would like you to answer my questions as
12 succinctly as possible, if you can. I would like to quote a
13 passage from Uth Seng's statement. He was heard on 3 June 2015,
14 before this Chamber. And this is what he stated: "We could not
15 know whether there were militiamen, because we were all dressed
16 in black <uniforms>." Do you confirm this? That it was impossible
17 to make the distinction between militia and non-militia, because
18 <everyone was> dressed in <black uniforms>?

19 A. Yes, that is correct. The black attire applied across the
20 board for ordinary villagers and for militiamen as well. What I
21 mean is that militiamen dressed in black attire as ordinary
22 people, and even soldiers <> were wearing black attire, as well.

23 [14.32.49]

24 Q. Were the militias integrated within the units, and <were they
25 watching><monitor>the workers <from> within the units?

1 A. Militiamen also worked with people. And everyone was in the
2 fields, helping farming and transplanting. Militiamen were
3 originated from the peasant families, and everyone was working in
4 the fields. Militiamen also worked with us. But they had
5 additional tasks to watch over people in the villages. <Because>
6 people <might> not <get> along with each other, or have problems
7 with each other. That <was> the additional task of militiamen.

8 Q. Thank you. When you were interviewed by the investigators,
9 this is what you stated. And we are still dealing with document
10 D166/156, and the ERNs are the same as those referred to earlier.
11 You said you were ordered to <"watch> and <monitor> what was
12 happening in <the canteen, and make sure they didn't steal
13 anything." Was the militia assigned to watch over and monitor the
14 canteen?> Was this one of the tasks assigned to militias at the
15 time?

16 [14.34.50]

17 A. Yes, they received such orders <from Ta Sy (phonetic)>. As for
18 me, I did not do like what you have just described. And if people
19 wanted to eat, I would give food secretly to people, because
20 everyone wanted to live. And anyone who came to me, whether --
21 regardless of where they were from, I would give them food to eat
22 secretly.

23 Q. Were the militiamen tasked with finding out who did not go to
24 work, and forcing them to go to work? Was that one of the tasks
25 assigned to the militiamen?

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1 A. Many militiamen died already. There is only <one or> two
2 militiamen survived the period. In 1979, <they> were killed by
3 the people, because those people committed bad things. And after
4 1979, some of them were killed by ordinary people. If one did the
5 job or task without considering the bad and the good, then they
6 would not live until today. People killed -- ordinary people got
7 angry and killed those people who committed bad things, after
8 1979.

9 [14.36.55]

10 And I believe, if one experienced the Pol Pot regime, or the
11 genocidal regime, they would understand <since they had to suffer
12 a lot>. Many people were killed during that period. And for the
13 young generation, they do not believe that the 1st January Dam
14 site was built by manual labour. They believe that it was built
15 by machineries. And there were dams, there were canals, because
16 it was the result of manual labour, because we were carrying
17 earth at that time, <and> doing different <tasks>.

18 [14.37.44]

19 Q. Thank you<.> <Again as regards> the different tasks carried
20 out by militiamen, I would like to quote two passages <from the
21 transcripts of testimonies by> witnesses <and civil parties> who
22 <testified a little earlier> before this Chamber. <The witness is
23 still Uth Seng, whom we have referred to -- the transcript is
24 E1/309.1, and <the witness stated> at about <9.30 the following,>
25 <and> I quote: "In each village, there were militiamen in

1 plainclothes, watching the people, listening in through doors,
2 <under the house, particularly the 17 April <people>.
3 <Conversations> <were monitored, the conversations> of those 17
4 April People, <and> they <particularly verified whether those
5 people were> <talking> about food or gruel."
6 We also heard <the testimony of> Seang Sovida, a civil party who
7 testified before this Chamber, and <I am referring here to>
8 transcript E1/308.1. That civil party testified at about <10.36
9 in the morning>. He said: "There were also <militiamen> in the
10 village, and they watched over the 17 April People."
11 <Mr.> Witness, <when you were a militiaman was one of your duties
12 and responsibilities to watch> the 17 April People, in
13 particular?
14 [14.39.17]
15 A. At that time, I was working with people. And as for New People
16 -- rather, the New People were identified as the fact they were
17 former teachers and policemen. <I was in charge of them in the
18 village after they had arrived.> And some <of them were killed>
19 because <people, the New People, among their group reported about
20 each other> of their former positions <to> militiamen or the
21 commune people <>. So there was a contradiction among <their> own
22 <group>. Some New People <wanted a position so they> reported to
23 the commune that certain individuals were former policemen,
24 soldiers or teachers. Base People would not focus on how to find
25 out and search for the <spies>, former soldiers and militia --

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1 militaries. <That was what I observed at the time.> And as I
2 stated, <in Kang Sau village, not> many people were killed in the
3 regime. <Most former teachers there are still alive today because
4 the leader had a firm stance not letting anyone removed>.
5 During that time, there was a request to remove two people, for
6 example, into the fishing fields. But at that time, I considered
7 that it was the trick from them. <And those whom they requested
8 to be removed would be killed. A lot of people in my village were
9 former teachers, and some people hated former teachers at the
10 time.> And if I were not there at that region, many people would
11 be killed. When I was working at that place, I hated no one
12 because I knew that everyone was Khmer.

13 [14.41.41]

14 Q. Thank you, Witness. And the Court will take good note of your
15 good deeds during the Democratic Kampuchea regime. I have <one>
16 last question on the role of militiamen, and I would like to
17 quote a passage of the statement made by a witness who appeared
18 before this Chamber on 26 May 2015. I'm quoting transcript
19 E1/305.1, and that person is talking about the role of militiamen
20 as regards newly-married persons. And let me read out to you what
21 that person stated, and <I would like> you <to> react to it. This
22 is what the witness stated: "After my marriage, militiamen came
23 to watch me. They came to see whether we were consummating the
24 marriage, whether we were rejoicing or celebrating <a> ritual
25 <after the marriage>, <such as> burning incense. If we had burnt

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1 incense, we would have been led away and executed." And <a bit
2 further> in the following answer, the witness stated: "They came
3 to watch me and my husband in the first <few days>." And the
4 witness ends by saying: "Militiamen came to watch all
5 newly-married persons."

6 How did these things happen in your commune, <Mr.> Witness?
7 <Could you tell us whether> militiamen <were> tasked with
8 watching over newly-married couples in your commune?

9 [14.43.13]

10 A. No, it's not true. No one was tasked <to do that>. It is not
11 true what was stated by the individual. I was <there>, it's a
12 shame to mention like this. And this individual did not mention
13 accurately. I was working <there>. Why I did not know about that?
14 There was no such incident. So it is not a human being at all to
15 mention such a thing.

16 And if one does not know the tradition, culture, and nation, he
17 or she should not live in this world. In that period, if we did
18 not know Khmer, we did not recognise the nation; if we did not
19 honour the pagoda, it was -- it was a shame for them. <That was
20 why people were in danger.> And during that time, there were no
21 pagodas, <no currency>. Currently there are many pagodas, and
22 there are monks. But killing and arguments <still> happen, and as
23 I stated, during that period, there was nothing of pagodas and
24 monks <so killings were intense>. I believe every one of you
25 <should be> aware <and should be reminded> of that regime, <so

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1 that> we try to prevent the re-occurrence of that regime. So, we
2 must hate that regime. The young generation is being instructed
3 and indoctrinated by parents that the regime was very bad.

4 MR. PRESIDENT:

5 I noticed you were on your feet. You can proceed.

6 [14.46.16]

7 MR. KONG SAM ONN:

8 Mr. President, I think the response of this witness does not
9 relate to the question posed by the Lead Co-Lawyer.

10 MR. PRESIDENT:

11 Now it is time for a short break, and we will take a short break
12 from now on until 3 p.m. And you ran out of time, Lead Co-Lawyer,
13 so again please come back at 3 p.m.

14 Court officers, please facilitate a proper room for this witness
15 and the duty counsel, and please invite the witness and also duty
16 counsel to be here again at 3 p.m.

17 (Court recesses from 1446H to 1501H)

18 MR. PRESIDENT:

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

20 The Chamber hands the floor to the Defence teams for the Accused,
21 first to the Nuon Chea Defence to put questions to this witness.

22 You may proceed, counsel.

23 [15.02.14]

24 QUESTIONING BY MR. KOPPE:

25 Thank you, Mr. President. Good afternoon, Mr. Witness. I don't

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1 have many questions for you, just a few. I'm a bit puzzled with
2 your testimony, so maybe you can clarify some issues. You just
3 testified that you stole rice to gain the sympathy for the people
4 in your commune or in your village, that the people in your
5 village understood your generosity, and that they were in fact
6 quite happy with you, if I paraphrase your testimony. However,
7 the same time, you were a little bit earlier confronted with a
8 testimony of somebody from your village as well, somebody with
9 the name Uth Seng. And he testified at around 9.30 of the 3rd of
10 June, that, it was good that you were arrested, otherwise, the
11 people of the village surely would have killed you. Can you react
12 on his testimony? I will actually read it literally to you. "In
13 1979, when the Vietnamese arrived, he was arrested and
14 imprisoned. That's why he is still alive. Otherwise, the people
15 certainly would have killed him without fail." Can you give a
16 reaction to Uth Seng's testimony?

17 [15.04.27]

18 MR. YEAN LON:

19 A. I do not have any reaction to the statement. What he said is
20 accurate.

21 Q. So is it then true you didn't have a lot of sympathy in the
22 village?

23 A. It is my understanding the hatred was only for certain
24 individuals. In general, the villagers do not really hate me that
25 much, only certain individuals have a very strong hatred towards

1 me. Of course, during the course of your work, not everybody
2 liked what you did. And yes, the statement made by this gentleman
3 is indeed accurate. And if I were not arrested and imprisoned, I
4 would be exposed to being killed as people were seeking revenge
5 against me. But it is the gratitude of my parents that I
6 survived.

7 Q. Uth Seng didn't only give testimony to the effect that
8 villagers were ready to kill you out of revenge, but he also said
9 a little bit further in his testimony around 9.32, that you were
10 in fact one of the killers in the village, that you had a knife
11 and a sword with dry blood on it, indicating that you were the
12 one who actually did the killing. Is he wrong about that as well?
13 [15.07.05]

14 A. The statement you quoted is partially correct. The hatred was
15 only for certain individuals or expressed by certain individuals,
16 although they did not have a full grasp of the situation, <they
17 would exaggerate it>.

18 Q. But he refers to you as literally an executioner. Were you an
19 executioner?

20 A. No, I do not agree with that. I was not a murderer or a chief
21 executioner. This individual did not know who was in charge or
22 who was the chief executioner. He did not know, so he pointed a
23 finger at me.

24 Q. But he said that you had knives and swords with dried blood on
25 it. That seems to imply that you were one of the actual physical

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1 executioners, killers. Is he wrong or is he right?

2 A. No, that statement is not accurate. At that time during the
3 regime, and not only I had to resort to doing what I did,
4 millions of people were doing the same thing, it means to follow
5 the instructions. And not everyone was in a position to monitor
6 individuals and later on take them to be killed. No, it's not
7 possible. Everybody was monitoring everybody else. That's what
8 was happening during the regime. And it is unfair to finger out
9 that I was the sole executioner.

10 Q. You were convicted for your actions within the regime by a
11 Court in Kampong Thom. Were you convicted to ten years
12 imprisonment?

13 A. I was in prison since 1979, but I believe there was a mistake
14 in the written record of statement that I was in prison in 1982.
15 But that is not accurate. In fact, I was in prison since 1979.

16 Q. But were you in fact convicted to a sentence of ten years?

17 A. I read through the log book at the location. My conviction was
18 for a period of ten years. However, during my detention,
19 everybody there, including supervisors, prison staff, policemen,
20 sympathize with my good deeds. So my ten-year sentence reduced
21 gradually until the time I was released.

22 [15.11.48]

23 Q. For which specific crimes were you convicted to ten years?
24 Which crimes?

25 A. <Today we are convicting the> senior leaders of the regime. At

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1 that time, <I had little responsibility. I lived as miserable as
2 others>.

3 MR. PRESIDENT:

4 Mr. Witness, please respond succinctly to the question. And if
5 you do not understand the question, please ask for verification
6 or for it to be rephrased. And Counsel, it seems that the witness
7 does not understand your question. Please repeat your last
8 question.

9 [15.13.14]

10 BY MR. KOPPE:

11 Q. I will, Mr. President. Were you convicted for a specific
12 crime, for instance, murder of villagers? What exactly were the
13 crimes that you were convicted of?

14 MR. YEAN LON:

15 A. At that time, I was accused of being a Khmer Rouge leader and
16 a village chief.

17 Q. These were the crimes. The crimes weren't murder or torture or
18 any of those kind of crimes?

19 A. I was convicted for the act of killing. I was accused of being
20 a Khmer Rouge leader and a chief executioner. And for that
21 reason, I was convicted to ten years imprisonment.

22 Q. And were you convicted for killing specific people, people
23 from the village, for instance?

24 A. No. There was no specific mentioning of any particular people.

25 Q. Now turning to your work at the 1st January Dam. Who was it

1 that made you work three months at the 1st January Dam worksite?

2 [15.15.58]

3 A. At that time, it was the commune chief who gave instruction on
4 the assignment to work at the 1st January Dam worksite -- that
5 is, to carry the earth there for a period of three months.

6 Q. But what exactly did he instruct you to do, to work yourself
7 or to find people from your village and select them for work at
8 the dam?

9 A. I supervised villagers in my village. And that's what happened
10 everywhere across the country. For Kang Sau village, I supervised
11 the village. And other village chiefs, for example at Khvaek
12 village, would supervise the villagers in that respective
13 village. And that was the instruction laid out by the commune
14 chief.

15 Q. So you selected the people from your village. But did you
16 actually work yourself at the dam, did you actually carry soil
17 yourself?

18 [15.17.38]

19 A. Maybe what I say you don't believe it. But indeed, I carried
20 the earth and I worked harder than the people in my village,
21 because <I was afraid that> some of my people, who worked there,
22 <> worked less or they were a bit lazy, <so> I myself in the name
23 of their leader, I had to work hard so that the upper level would
24 see that we as a group could complete the work quota on time.
25 Although I was their chief, but I worked as hard as them or even

1 harder than my villagers.

2 Q. If you worked so hard at the dam, isn't it true that Uth Seng
3 must have seen you working, carrying the soil?

4 A. At that time, I did not know anyone by the name of Uth <Seng.
5 I've just heard this name. I do not know him>.

6 Q. He gave testimony on that same day at around 9.34, and I
7 quote: "He rarely went to the 1st January Dam site. Most of the
8 time, he would stay in the village. So mostly, he was in the
9 village to watch over the 17 April People." And a little bit
10 further at 13.55, he said: "I saw him pass by. He was in charge
11 of people in Sau village. So he could walk past to the worksite
12 where his people were working. Perhaps he went there to visit his
13 workers from Kang Sau village." So his testimony seems to
14 indicate that you didn't do anything in terms of physical labour
15 but you just came there to inspect. Is he wrong or is he right?
16 [15.20.16]

17 A. That statement is inaccurate. Not accurate at all. And he only
18 saw a portion from his point of view, and that is inaccurate.

19 Q. So would it be then fair for me to say that you instructed
20 yourself to work day and night, and that you instructed yourself
21 to carry four cubic metres, that you were yourself very hard on
22 you?

23 A. Yes, indeed, I did that. And my people actually knew about
24 this. And you can ask them. And even for the people living in the
25 province, they also saw what I did. They knew that I worked hard

1 at the site. And that is the reality. And if somebody said that I
2 did not work on the ground at the site, it means that person was
3 blind at the time.

4 [15.21.42]

5 Q. Mr. Witness, you are actually volunteering evidence that I was
6 about to ask you. Do you know anybody who's alive today and who
7 can corroborate your evidence, who can confirm that you were
8 walking and working at the 1st January Dam with -- carrying soil,
9 working day and night? Is there anybody that you can name who is
10 still alive today?

11 A. People who worked with me at the time died. I mean those
12 people who came from Kang Sau village and who worked at the dam
13 worksite, they died. We actually took turn to carry the earth at
14 the worksite. It was on a rotation basis. And as for those who
15 alleged that I did not work, I believe they were unclear and they
16 did not see the reality on the ground.

17 [15.23.10]

18 Q. So is it your testimony that each and every villager that
19 worked with you during those three months at the 1st January Dam
20 has now died and cannot confirm your testimony?

21 A. Yes, they all died. And that included the person who was a
22 village chief at the time or three or four of them who were
23 within the committee at the village, they all died.

24 MR. KOPPE:

25 Thank you very much, Mr. Witness.

1 MR. PRESIDENT:

2 Thank you, Counsel. And the National Counsel for the Defence team
3 for Nuon Chea, you have the floor.

4 QUESTIONING BY MR. LIV SOVANNA:

5 Thank you, Mr. President. And good afternoon, Your Honours and
6 everyone in and around the courtroom. And good afternoon, Mr.

7 Witness. My name is Liv Sovanna for the Defence for Nuon Chea. I
8 have some additional questions to put to you.

9 Q. In your written record of interview -- that is, D166/156, at
10 ERN in Khmer, 00321787; and in English, 00350720; and in French,
11 00402983; you stated and I quote: "I was sent to carry earth at
12 the worksite for a period of three months. I cannot recall when I
13 was being assigned to work there. However, it happened before I
14 joined the commune militia force." End of quote. How long after
15 you return from the 1st January Dam worksite, you were recruited
16 to be part of the commune militia?

17 [15.25.39]

18 MR. YEAN LON:

19 A. I don't understand your question.

20 Q. Allow me to rephrase it. You stated that you worked at the 1st
21 January Dam worksite before you became a commune militiaman. So
22 my question to you is the following. How long after you worked
23 for three months at the worksite were you selected to be a
24 commune militiaman?

25 A. I don't understand your question at all.

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1 Q. Allow me to repeat my question. Your statement that I just
2 quoted in which you said you were sent to carry earth at the 1st
3 January Dam worksite for a period of three months, and you cannot
4 recall when you were sent to work there. But it was before you
5 were selected to be part of the commune militia force. And my
6 question to you is the following. How long after you returned
7 from the three-month period working at the dam worksite you were
8 recruited to be a commune militiaman?

9 [15.27.35]

10 A. I cannot recall that. It is so confusing for me now. I cannot
11 recall how many months after I returned from the worksite.

12 Q. Could you please try to recall it, for instance, what you did
13 first after your return from the worksite?

14 A. I cannot recall it.

15 Q. That is all right then. Allow me to move on. Also in the same
16 document at Khmer ERN, 00321786; and English, 00330719; and in
17 French, 00402982; you said and I quote: "I used to be a member of
18 the commune militiamen for two months in 1976." End of quote. In
19 which month <of 1976> were you selected to work as a commune
20 militiaman?

21 [15.29.24]

22 A. I can only recall the year and I cannot recall the month that
23 I was selected.

24 Q. Was it during a rainy season or a dry season?

25 A. I simply cannot recall it whether it was a dry or rainy

1 season. I don't remember it. My apology.

2 Q. That's all right. I'll move on. You said you were assigned to
3 work at the 1st January Dam worksite. Were you the first group of
4 workers who were sent to the dam worksite or the work had <begun>
5 before your arrival?

6 A. First, we didn't dig the ground yet, but they made an
7 inauguration of the worksite. And there were senior leaders who
8 were present there on the inauguration day. And on that day, we
9 were instructed just to carry the earth without having any daily
10 quota for that particular day. Only after, we were assigned a
11 daily quota in cubic metres.

12 Q. <My> question <is whether you were in> the first group who
13 arrived at the dam worksite or the work at the dam worksite had
14 <begun> before your arrival?

15 [15.31.38]

16 A. No. We were at the beginning of the project as we were there
17 on the day one of the inauguration of the project. And there were
18 senior leaders who were there on the inauguration day. And there
19 were thousands of us who were carrying earth without adhering to
20 any work quota. And only later, work quota was assigned to all
21 workers there.

22 Q. You just stated that you were instructed to arrest people.
23 <Where> did it take place, whether it was in the village or was
24 it in other places?

25 A. The arrests were made at the worksite, for example, in mobile

1 units. And I was instructed to arrest those people who committed
2 moral offences. And after re-education <at Tbeng Kaong>, they
3 were allowed to return. They were not arrested <> to be killed.

4 [15.33.22]

5 Q. Did you ever witness people arrested and killed?

6 A. Could you repeat your question. My apology.

7 Q. Did you ever see people arrested and killed?

8 A. In Tbeng Kaong office, I saw people were arrested, <but I do
9 not know whether they were taken to be killed>. And I did not
10 know where <they> were sent to. <The> commune militiamen arrested
11 those people.

12 Q. So it is correct to summarise your statement that people were
13 arrested, and you did not know where <those> people were sent to,
14 <and whether they were killed or not.>

15 A. Yes. I told you what I knew. So it is all what I knew.

16 Q. Earlier, you <> stated that those who committed theft were
17 arrested. So is it correct to say that these people were <not>
18 arrested because they were former teachers, soldiers, or civil
19 servants?

20 A. Yes, that is correct.

21 MR. LIV SOVANNA:

22 Thank you very much. Mr. President, I am done.

23 [15.35.58]

24 MR. PRESIDENT:

25 Thank you. Now the floor is given to the Defence team for Mr.

1 Khieu Samphan to put questions to this witness. You may now
2 proceed.

3 QUESTIONING BY MS. GUISSÉ:

4 Thank you, Mr. President. Good afternoon, Witness. My name is
5 Anta Guisse. I am International Co-Counsel for Mr. Khieu Samphan,
6 and it is in this capacity that I will also put a few questions
7 to you. Let us go back to the time when you worked at the dam
8 site. <If I properly understood what you> stated earlier<,> you
9 worked at the dam site before you were appointed a militiaman.
10 <Do you> agree <with me>?

11 MR. YEAN LON:

12 A. I was the militiaman in the village not in the commune. And
13 there were others working for commune militia.

14 Q. Thank you for that clarification, but my question is <whether
15 before> you became a militiaman in the village, you agree with me
16 that you first worked at the dam construction site and you were
17 appointed a militiaman only subsequently. Did I properly
18 understand your testimony?

19 [15.37.53]

20 A. Yes, it is correct.

21 Q. During those three months, you stated that you worked
22 <alongside> the <people>, and you worked even harder than the
23 other workers. Were you in charge of <the unit of>-- rather, let
24 me rephrase the question. <How many people were there in the unit
25 you headed?

1 A. I was the unit chief of Kang Sau village. So there were other
2 chiefs responsible for different villages.

3 Q. I have <clearly> understood that. <But, my> question was
4 <specific:> how many people <were there in the village unit that
5 you headed>?

6 A. I cannot recall it. There were many villagers in the whole
7 village. My apology, Counsel.

8 Q. Without giving me any specific figure, can you tell me whether
9 it was about 10 people, about 20 people, about a 100 people? I
10 just want you to give me an estimate. And as you know, we are
11 running out of time.

12 [15.39.39]

13 A. From my estimate, there were about 50 or 60 villagers who were
14 under my responsibility. And they were with me working at the dam
15 site.

16 Q. And were you yourself in charge of those 50 <or 60> people?
17 And who was the person above you at that dam construction site?

18 A. There was chief of the commune above me.

19 Q. Is it correct to say that the commune chief himself did not
20 stay at the dam construction worksite permanently because he
21 <would have to discharge his> duties in the commune, and <that>
22 it was the <heads of the> village <units> who <were> in charge of
23 supervising the <workers in the> villages?

24 [15.40.56]

25 A. Yes, that is correct. The commune chief would not stay

1 permanently with people. Some of them stayed in the commune and
2 drank wine or alcohol. There were only <unit> chiefs and group
3 chiefs there with workers at the site.

4 Q. And were there group leaders <in> your unit -- that is, <your
5 village> unit? Among the 50 to 60 members of your <village> unit,
6 were there leaders of smaller groups of people within that unit?

7 A. Yes. There were groups within my village, <each group had 12
8 members,> and there were different groups transplanting rice or
9 working in other task. And as for my case, I was in the field
10 <every day> digging canals and transplanting rice with workers
11 <in the village>.

12 Q. Now, I do not know whether the problem is that you don't
13 understand my question. But let me know if that is the case. Now
14 I am talking about the time when you worked at the 1st January
15 Dam worksite. While you were working there, did you also have to
16 <transplant> rice?

17 A. During that time, I was carrying earth. But when rain came, we
18 were in the field transplanting rice. Before the rain came, we
19 were asked to work in the dam site carrying earth. And as I
20 stated, later when there was rain, we were assigned to transplant
21 rice.

22 [15.43.30]

23 Q. Please clarify something for me in that regard. You said that
24 you worked at the 1st January Dam worksite for three months. If I
25 remember correctly, you said that was during the dry season. Did

1 we misunderstand your testimony?

2 A. Yes, it was dry season. Dry season was the good time for
3 building the dam. And when the rainy season came, it was the <>
4 time that we needed to transplant rice.

5 Q. That three-month period you referred to, was it spent entirely
6 <working> at the dam worksite, or you spent <a few weeks at the
7 dam worksite, then went to transplant rice and returned -- did
8 you return to the dam worksite?> Or did you work at the dam
9 construction worksite throughout the <entire> three months?

10 A. During that three-month period, I did not work permanently at
11 the construction site. I was removed and assigned to go and
12 transplant rice. And after transplanting, after rice harvest,
13 workers were assigned back to work at the construction site.

14 [15.45.29]

15 Q. So if I understand you correctly, while it was raining, there
16 was no work on the dam construction worksite, at least as regards
17 your village?

18 A. Yes, that is true.

19 Q. Who asked you to go and transplant rice during that period?

20 A. It was the plan from the commune. We <> were ordered to come
21 back and transplant the rice.

22 Q. So it was the commune chief who ordered you to go and
23 transplant rice; is that it?

24 A. Yes, that is right.

25 Q. A little earlier during your testimony in answer to a question

1 that was put to you, I believe, by the National Co-Prosecutor,
2 you stated that the period you spent working at the dam worksite
3 was around the middle of the Democratic Kampuchea regime. Can you
4 explain what you meant by "the middle of the Democratic Kampuchea
5 regime"?

6 [15.47.34]

7 A. It was during the middle period of that regime. <In> some
8 places, <working condition was very tough, and> people were
9 forced to work during day and night time. For example--

10 Q. Excuse me, <Mr.> Witness. Excuse me, we do not have endless
11 time. So may I ask you to listen to my questions very
12 attentively. My question was <very precise:> what do you
13 understand by "the middle of the regime", because before this
14 Chamber, the temporal jurisdiction is <from> 17 April 1975 <to> 7
15 January 1979. So my question to you is what you understand by
16 "the middle of the regime" when you worked at the <1st January
17 Dam> construction worksite?

18 A. I cannot get your question. Could you repeat it?

19 [15.49.02]

20 Q. A while ago in answer to a question put to you by the National
21 Co-Prosecutor, you stated that you worked at the 1st January Dam
22 worksite somewhere around the middle of the Democratic Kampuchea
23 regime. Bearing in mind that that regime lasted from 17 April
24 1975 to 7 January 1979, I would like you to tell us the
25 approximate date <at which> you <are situating> the middle of the

1 regime.

2 A. I was referring to the period of 1975 or 1976 during which the
3 work became harder. During that time, all belongings, all
4 property of people including coconut tree, lemon grass were put
5 <to> common <use>--

6 Q. <> I'm obliged to interrupt you because you are not answering
7 my question. <So I will try to proceed by some other means.> In
8 <your statement> D166/156, ERN in French, 00402982; English, ERN
9 00330719; Khmer, ERN 00321786; in this document, you state as
10 follows: "I was a <commune> <secret agent> for two months in
11 1976." End of quote. My first question is as follows<:> When you
12 state in your statement that you were a <secret agent> for two
13 months, are you referring to the period when you were a
14 militiaman?

15 A. Yes, I was a militiaman for two months after which I was
16 removed to <cut> down trees in order to build houses.

17 [15.52.09]

18 Q. Still in your statement, on the next page and the French ERN
19 is, 00402983; English, <00330720>; and in Khmer, <00321787>; and
20 this is the question that was put to you: "When did you stop
21 being a <secret agent>?" Your answer was as follows: "I stopped
22 working as a <secret agent> in 1977 because I did not follow
23 their orders to <execute> people." <End of quote.> My first
24 question is as follows: Did you stop being a <secret agent>
25 effectively in 1977?

1 A. Yes, I stopped working as a militiaman from <> that year.

2 Q. Now, in light of what you said earlier, you said you worked at
3 the 1st January Dam worksite before you were appointed a
4 militiaman. Do you agree with me then that according to you, you
5 worked at the dam worksite before <1977,> <correction> 1976, the
6 date on which you were appointed<,> as you stated earlier, <which
7 was therefore also> before 1977, <when> you stopped working as a
8 militiaman?

9 [15.54.11]

10 A. I stop working. I stop being a militiaman. I was removed to
11 <cut> down trees in order to build <> houses.

12 Q. You state that you were sent to fell trees to build <public>
13 houses and yet on the same page in your record of interview<,>
14 <which> I have just quoted, you state that you did not obey
15 instructions and fled into the woods. My first question is<:>
16 <you stated that> if you <had not> <accepted> to be a militiaman,
17 <you would not have accepted-- correction,> if you did not <obey>
18 the instructions given to you, you would have been killed. In
19 this regard, I do understand that you deliberately disobeyed the
20 orders of your superiors in the commune, and you succeeded in
21 fleeing. <Did> you subsequently receive death threats?

22 A. I was threatened to be killed. And because I was afraid, I
23 fled into the forest. I did not care but tried to save my life.

24 Q. And did you stay in the forest up until the end of the regime?

25 A. Yes, I was in the forest until the end of the regime.

1 [15.56.26]

2 Q. And is it correct to say that because you were afraid of the
3 consequences of your acts of disobedience, you <did not dare> to
4 return to your village?

5 A. Yes, that is correct.

6 Q. So, if I understand correctly, from 1977 up to 1979, you did
7 not return to your village -- that is, up to <January> 1979?

8 A. Yes, that is correct.

9 Q. <So>, if I <also very well> understand your statement, that
10 means that you did not return to work at the dam worksite because
11 you did not return to the village; is that correct?

12 A. It is not correct.

13 [15.57.52]

14 Q. So you did return to your village after you had fled into the
15 forest?

16 A. Later on, I was called back to return to my house. I did not
17 dare to come back at that time because I was afraid that I would
18 be killed. <I still did not want to come back when> my parents <>
19 came to call me to return back home, <since I knew my parents
20 could not protect me. But> I decided to come back <when> my
21 parents and all my relatives went into the forest and persuade me
22 to come back home.

23 Q. And in what year was that?

24 A. I do not recall it well. It was perhaps in 1978. I forget it,
25 I'm sorry.

1 [15.59.35]

2 Q. Well without exactly remembering the date, do you maybe
3 remember how long you stayed in the woods?

4 A. I do not recall it well. I was in the woods until the regime
5 fell, the genocidal regime fell. And after the regime fell, <I
6 came back when> Chea Sim, Heng Samrin, and Hun Sen came into the
7 country. <I dared come back when laws and orders put in place.
8 But it was not yet the case at the time.> And upon my return, I
9 was arrested and imprisoned.

10 Q. <Sorry,> <one> last point of clarification before we break.
11 <Did> you or did you not go home to your village upon the request
12 of your parents after you fled into the woods in 1977? So did
13 you, yes or no, <return> to your village?

14 [16.01.06]

15 A. It is true what you said.

16 Q. <Yes,> what I'm saying is true<,> <but> this completely
17 contradicts what you just said, because you told me that you did
18 not dare <return to> your village because you were afraid, and
19 that you stayed in the woods until the end of the regime. So
20 which version is the true one then?

21 A. I am confused now. I don't know how to answer.

22 MS. GUISSÉ:

23 Well, <neither do I, Witness.

24 Mr President,> I'm done with my questions for today. Thank you.

25 [16.02.26]

1 MR. PRESIDENT:

2 You ran out of questions, Counsel?

3 MS. GUISSÉ:

4 Well, when I said that I'm done, it's for today<,> <the time is 4
5 pm, but> I <still> have <some other> questions for tomorrow.

6 MR. PRESIDENT:

7 How long will it take, Counsel?

8 MS. GUISSÉ:

9 Well, as far as I'm concerned, I probably will need another half
10 hour <to examine the witness>. And I believe that my colleague
11 <Kong Sam Onn> also has <some> questions.

12 [16.03.21]

13 MR. PRESIDENT:

14 Thank you. Before the adjournment, the Chamber would like to
15 inform the public that due to <travelling> issue, the Chamber
16 <is> unable to hear witness, 2-TCW-901, <> as originally
17 schedule. The Chamber has been informed that witness, 2-TCW-901,
18 will be available to testify from Monday 22nd of June 2015. In
19 light of this information, the Chamber has scheduled witness,
20 2-TCW-901, to appear next week after the testimony of witness,
21 2-TCW-943, is completed. And as for the order of other witnesses
22 remain the same.

23 The hearing today comes to an end. And the Chamber will resume
24 its hearing tomorrow, 17 of June 2015, starting at 9 a.m. And the
25 Chamber will continue to hear this witness. And after that, the

1 Chamber will hear 2-TCCP-261. And if time allows, the Chamber
2 will continue to hear 2-TCW-943 as scheduled. Please be informed.
3 Thank you very much, Mr. Lon. The hearing of your testimony has
4 not come to an end yet. You are therefore invited to be here
5 again tomorrow at 9 a.m. You may rest now.
6 Court officer, please work with WESU, to send Mr. Lon back to the
7 place where he is currently staying, and please have him return
8 before the Chamber at 9 a.m. tomorrow. Thank you very much, Mr.
9 Moeurn Sovann. You are also invited to be here to assist witness
10 tomorrow at 9 a.m.
11 And security personnel are instructed to bring Mr. Nuon Chea and
12 Khieu Samphan back to the detention facility of the ECCC, and
13 please return them to the courtroom tomorrow before 9 a.m. The
14 Court is now adjourned.

15 (Court adjourns at 1606H)

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