

OLD VERSION



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS  
PUBLIC  
Case File N° 002/19-09-2007-ECCC/TC

23 June 2015  
Trial Day 301

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

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KHIEU Samphan

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UCH Arun

I N D E X

Mr. SEM Hoeurn alias Kim (2-TCW-943)

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Mr. HIM Han (2-TCW-901)

Questioning by The President..... page 41

Questioning by Mr. DE WILDE D’ESTMAEL ..... page 44

Questioning by Mr. LOR Chunthy ..... page 77

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
Mr. HIM Han (2-TCW-901)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. LOR Chunthy	Khmer
The President (NIL Nonn)	Khmer
Mr. SEM Hoeurn (2-TCW-943)	Khmer
Ms. SONG Chorvoin	Khmer
Mr. VERCKEN	French

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 testimony of  
6 witness Sem Hoern and begin to hear testimony of another witness  
7 -- that is, 2-TCW-901.

8 [09.02.27]

9 Ms. Chea Sivhoang, please report the attendance of the Parties  
10 and other individuals at today's proceedings.

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all Parties to this case  
13 are present, except the International Lead Co-Lawyer for civil  
14 parties who is absent without informing the Chamber of the  
15 reason.

16 Mr. Nuon Chea is present in the holding cell downstairs. He has  
17 waived his rights to be present in the courtroom and the waiver  
18 has been delivered to the greffier.

19 The witness who is to conclude his testimony today -- that is,  
20 Mr. Sem Hoern, is ready and present in the courtroom.

21 We have a reserve witness; namely, 2-TCW-901, who confirms to his  
22 best knowledge and ability, he has no relationship by blood or by  
23 law to any of the two Accused -- that is, Nuon Chea and Khieu  
24 Samphan, or to any of the civil parties admitted in this case.

25 The witness took an oath before the Iron Club Statue this

1 morning.

2 Thank you.

3 [09.03.52]

4 MR. PRESIDENT:

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

6 The Chamber had received a waiver from Nuon Chea, dated 23rd June  
7 2015, which notes that due to his health -- that is, headache and  
8 back ache, he cannot sit or concentrate for long and in order to  
9 effectively participate in future hearings, he requests to waive  
10 his right to participate in and be present at 23rd June 2015  
11 hearings.

12 Having seen the medical report of Nuon Chea by the duty doctor  
13 for the Accused at ECCC, dated 23rd June 2015, who notes that  
14 Nuon Chea today has a severe back pain and dizziness when he sits  
15 for long and recommends that the Chamber shall grant him his  
16 request so that he can follow the proceedings remotely from the  
17 holding cell downstairs.

18 [09.05.02]

19 Based on the above information and pursuant to Rule 81.5 of the  
20 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
21 follow today's proceedings remotely from the holding cell  
22 downstairs via and audio-visual means.

23 And the AV Unit's personnel are instructed to link the  
24 proceedings to the room downstairs, so that Nuon Chea can follow  
25 it. That applies for the whole day.

1 The Chamber now hands the floor to the defence team for Nuon Chea  
2 to continue putting further questions to Sem Hoern.

3 You may proceed, Counsel.

4 [09.05.40]

5 MR. KOPPE:

6 Thank you, Mr. President. Good morning, Your Honours. Good  
7 morning, counsel.

8 Before I start questioning the witness, Mr. President, I have a  
9 request in respect of the time allotted to the Defence. We have  
10 two sessions, the two defence teams. However, would it be  
11 possible that we start, then break off, give the floor to the  
12 Khieu Samphan team and when they are finished, we could then use  
13 the rest -- the remainder of the time? The question is, the  
14 problem is that the Khieu Samphan defence team doesn't know  
15 exactly how much time it needs, and in order not to lose the  
16 time, the total time allotted to the Defence, we make this  
17 special request to be able to continue after they are finished.

18 MR. PRESIDENT:

19 The International Co-Prosecutor, you have the floor.

20 MR. KOUMJIAN:

21 We have no objection. We think it could be helpful. There are  
22 some very interesting information from this witness to the  
23 determination of the truth and see no reason not to be flexible  
24 in that regard.

25 [09.07.07]

1 MR. PRESIDENT:

2 That is up to the discussion of the defence teams and you have  
3 used one session already, and you may need to consult amongst  
4 yourself for the remaining session, and we already have scheduled  
5 another witness for today and another one for this week, so that  
6 we can adhere to the schedule set forth. For that reason, no  
7 additional time will be given to the defence teams, but you might  
8 use the time pursuant to your agreement between the two teams.

9 QUESTIONING BY MR. KOPPE RESUMES:

10 Yes, I -- we assure you that we will not go past the two  
11 sessions, but just that we can use it to the maximum of these two  
12 sessions. Thank you, Mr. President. Good morning, Mr. Witness.

13 Q. I would like to revisit a few things that you said yesterday  
14 when you talked about the rebellion or the mutiny or whichever  
15 you like to call it. Yesterday, you talked about the shipment,  
16 the diversion of arms in order to attack Pochentong Airport. In  
17 your statement to DC-Cam, you also mentioned plans for an attack  
18 on the radio station in Phnom Penh and that this radio station  
19 was to be attacked by another battalion. Which radio station do  
20 you mean? Which radio station was supposed to be attacked by  
21 Division 310 forces?

22 [09.09.23]

23 MR. SEM HOEURN:

24 A. The intention of the Division 310 at the time was to attack  
25 and take over the radio station at Stueng Mean Chey.

1 Q. Was that the main radio station of Democratic Kampuchea?

2 A. At that time, the broadcast from the radio station was the  
3 official main broadcast of the Democratic Kampuchea, and its  
4 broadcast extended to all provinces throughout the country.

5 Q. Was it also the intention, in conjunction with the attack on  
6 Pochentong airport and the radio station, to stage a coup d'état  
7 against Democratic Kampuchea?

8 A. Yes, that is correct. The intention was to occupy the radio  
9 station and after that to take over the Pochentong Airport to  
10 stop any further flood in or out of Democratic Kampuchea.

11 Q. I understand. But was it also the intention to overthrow the  
12 government of Democratic Kampuchea? In other words, to stage a  
13 coup d'état?

14 A. That was the ultimate aim -- that is, to conduct a coup  
15 d'état.

16 [09.11.40]

17 Q. And who was supposed to take over positions in the government?  
18 Was that Koy Thuon?

19 A. I did not have that detailed knowledge as to whom would  
20 replace the leadership of the Democratic Kampuchea, as I was  
21 simply a combatant.

22 Q. I understand. On English page 30 of your DC-Cam statement, ERN  
23 English, 00876506; Khmer, 0002058687; and French, 00892654; you  
24 speak about KoyThuon, but in that same answer you gave to the  
25 DC-Cam interviewer, you also talked about So Phim. Do you know if



6

1 So Phim was to have any role in the coup d'état rebellion or  
2 uprising?

3 A. I did not have a grasp of that situation. So Phim, at that  
4 time, was in charge of the East Zone.

5 [09.13.37]

6 Q. In your answer -- I'll read it to you -- to DC-Cam, you said  
7 Ta Thuch - KoyThuon -- was also arrested as he had an association  
8 with So Phim. What do you mean when you say that KoyThuon had an  
9 association with So Phim?

10 A. What I meant was that they were -- they both were at the zone  
11 level so they shared with each other any confidential materials  
12 and that's my understanding of their relationship.

13 Q. So am I to understand that the East Zone forces that you spoke  
14 about yesterday led by So Phim were used -- were to be used in  
15 the coup d'état and the uprising?

16 A. <Thank you. Let me clarify t>he rebellion plan<. There> was  
17 <Ta So Phim in >the East Zone<> and <Ta KoyThuon in> the <North  
18 Zone. T>hey already prepared their force<s in> the front <line>  
19 and at the rear<; the Army of >the <Centre was prepared for the  
20 front line - a plan> to attack <>Phnom Penh<; the Sector forces  
21 were to attack behind at the Sector level. This is what I know.  
22 That's all. Thank you.>

23 [09.15.46]

24 Q. And do you know whether the leader of the Northwest Zone, Ros  
25 Nhim, also played a role in this uprising, this coup d'état?

7

1 A. No, I did not have that knowledge about that zone.

2 Q. Do you know whether Divisions 450 and 920 also had a role to  
3 play in the rebellion or coup d'état?

4 A. I did not have any connection with these two divisions. And I  
5 did not know about their plan, whether they had any involvement  
6 in that uprising plan.

7 Q. At one point in time to the investigator of DC-Cam you speak  
8 about your brother, your brother Ches or Chey (phonetic). What  
9 was his role, if any, in the rebellion in the beginning of 1977?

10 A. I did not know his rank or position. I only met him when we  
11 were in Phnom Penh and he stayed in his own unit, and I did not  
12 know the details about his position within that unit whether he  
13 was simply a combatant or a cadre.

14 [09.18.25]

15 Q. But do you know whether he had any role to play in the  
16 rebellion or coup d'état?

17 A. He was linked to the plan as his superior Ouch was involved in  
18 the uprising. So, after Ouch (phonetic) -- that is, his superior  
19 was arrested, he was implicated in the plan.

20 Q. And who was Ouch (phonetic) that you just mentioned? Or did  
21 you say KoyThuon, Thuch?

22 A. No, I do not refer to Thuch. I referred to Ouch (phonetic),  
23 who was the regiment commander where my brother attached to and  
24 Ouch (phonetic) was arrested. As a result, my brother was  
25 implicated in that alleged traitorous network.

1 Q. And what was the relation, if any, between Ouch (phonetic) and  
2 KoyThuon?

3 A. I did not know about the relationship between the two whether  
4 they had any contact or not.

5 Q. Do you know whether there was any relation between your  
6 brother and KoyThuon?

7 A. No, he did not have any relationship with him. Since he was a  
8 combatant, he did not have the authority to contact that senior  
9 leader, although he was somehow a subordinate to him in the chain  
10 of command.

11 [09.20.50]

12 Q. Now in your DC-Cam statement English page 44, ERN 00876520;  
13 Khmer, 00020598; and French, 00892664; you said that the forces  
14 which were being built up by Oeun were called Khmer White Forces  
15 and do you know why Oeun referred to the rebellious forces as  
16 Khmer White?

17 A. I knew Oeun assigned some forces and considered them as Khmer  
18 White or Khmer Sar and literally meant in Khmer and the force was  
19 -- the first aim was to overthrow the Democratic Kampuchea  
20 regime.

21 Q. And when was the first time you heard this term "Khmer Sar" or  
22 "Khmer White"?

23 A. I first heard the phrase "Khmer Sar" in - rather, after 1977.

24 Q. Do you mean after the arrest of Oeun, you heard the term  
25 "Khmer Sar"? Not before?

1 A. I heard the phrase "Khmer Sar" after the arrest of Oeun. We --  
2 I've heard that the Khmer Sar movement was alleged to heat up the  
3 uprising.

4 [09.23.20]

5 Q. And the East Zone forces that you spoke about yesterday, were  
6 they part of the Khmer Sar as well?

7 A. It was in the same movement initiated by the Khmer Sar force.

8 Q. You've heard of the term after Oeun's arrest, the term "Khmer  
9 White" or "Khmer Sar"? And do you know when this movement was  
10 founded, the forces that were to take part in the rebellion, when  
11 did they first get together and call themselves "White Khmer", do  
12 you know?

13 A. No, I cannot recall as to when it was founded. I heard that  
14 Khmer Sar was formed in order to gather the forces to join the  
15 resistance to overthrow the Democratic Kampuchea regime. But I do  
16 not have the exact knowledge as when it was founded.

17 Q. I understand, but are you able to say whether it was formed  
18 before the liberation on 17 April 75 or after?

19 A. The force was established after 1975.

20 [09.25.32]

21 Q. A few months after '75, half a year after April '75 or a year  
22 later, can you, without giving a specific date, give us an  
23 indication as to the formation of this -- these armed forces?

24 A. The forces that were formed by the resistance movement of  
25 Khmer Sar were formed, but I did not know as to when it was

10

1 formed or in which year. I only heard about that resistant  
2 movement and as I said earlier, its aim was to overthrow the  
3 Democratic Kampuchea regime. And I heard that it was planned when  
4 I heard about it in late 1977.

5 Q. Do you know whether -- let me step back. Do you know who Chan  
6 Chakrey was?

7 A. I only heard of Chan Chakrey's name who was a division  
8 commander in the East Zone. Allow me to stress that I only heard  
9 of his name. I never saw his face, nor had I any relationship  
10 with him.

11 Q. Do you know whether he was involved in the rebellion?

12 A. No, I do not know whether he was involved in the rebellion.  
13 Rebellion, as I said early, I did not have any contact with him  
14 and I only heard of his name. I did not know his face. I knew  
15 that he was one of the divisional commanders in the East Zone.

16 [09.28.19]

17 Q. And yesterday you testified that you have been fighting before  
18 '75 in Siem Reap; that you knew Siem Reap quite well? Do you know  
19 anything about events in Siem Reap in February 1976, involving  
20 bombs coming from fighter aeroplanes, causing damage and causing  
21 the killing of forces?

22 A. I only heard about that and I did not see it. In 1976 I was  
23 transferred to the North Zone -- that is, at Kampong Chhnang, so  
24 I did not know about that. I only heard that there was an aerial  
25 bombardment in Siem Reap province.

11

1 Q. Have you heard any more details other than that there was an  
2 aerial bombardment in February '76 in Siem Reap? Have you heard  
3 some details about what happened in Siem Reap?

4 A. I did not know about the situation over there. I mean, I  
5 referred to the situation on the ground in Siem Reap.

6 Q. Do you remember who the secretary was of District 106 to which  
7 Siem Reap belonged?

8 A. No, I did not. I was in the army and I did not have anything  
9 to do with that area.

10 [09.30.54]

11 Q. Does the name Soth mean anything to you?

12 A. I recall that one of the main players or chiefs in Siem Reap  
13 named Soth, but I did not have any contact with him at all.

14 Q. Have you ever heard whether he was supposed to play a role in  
15 the coup d'état rebellion in early 1977?

16 A. I did not know about that. As I said, I did not make any  
17 contact with him. That is why I did not know about that. I heard  
18 of the name Soth.

19 Q. Yesterday I asked you a question whether you knew when the  
20 attack on Pochentong Airport was supposed to take place and when  
21 a possible coup d'état was supposed to take place? Do you  
22 remember an attack being planned on 17 April 1977, the two-year  
23 celebration of the liberation in '75?

24 [09.32.55]

25 MR. PRESIDENT:

12

1 Please wait, Mr. Witness; you may now proceed, International  
2 Co-Prosecutor.

3 MR. KOUMJIAN:

4 Your Honour, I think it would be more helpful if he could ask  
5 more open questions to the witness rather than putting words in  
6 his mouth about a date, the witness could be asked what date he  
7 knows according to the story that he is telling, what date this  
8 plan was supposed to take place.

9 BY MR. KOPPE:

10 I agree with the Prosecution, but yesterday it was an open  
11 question and today it's more closed also because I'm running out  
12 of time.

13 Q. Again, do you know anything about a possible date when both  
14 the coup d'état and the attack on Pochentong Airport and the  
15 radio station was supposed to take place?

16 MR. SEM HOEURN:

17 A. I did not recall the exact date but I remember that the coup  
18 d'état was planned to happen in 1977.

19 [09.34.10]

20 Q. One last question on this before I turn the floor, give the  
21 floor to the Khieu Samphan team. Yesterday you spoke about the  
22 diversion of weapons, truck loads full of weapons, do you know  
23 whether part of the preparation for the rebellion and the coup  
24 d'état was also the storage and the skimming, the taking away of  
25 rice in order to be able to feed all the combatants involved in

13

1 this rebellion?

2 A. As for the soldiers who were in preparation for the rebellion,  
3 they did not take along any rice or unhusked rice. People at the  
4 rear battlefield they were ready in food supply and as for those  
5 in the front line they had to be ready for the rebellion.

6 MR. KOPPE:

7 Thank you, Mr. Witness.

8 Mr. President, I have not finished yet, I have questions on  
9 Kampong Chhnang and his role in the battlefield subsequently, so  
10 if it's alright with you, the Khieu Samphan team starts now and  
11 when they're done, we will continue again.

12 [09.36.01]

13 QUESTIONING BY MR. VERCKEN:

14 Good morning to the Chamber and everyone. Good morning, Mr.  
15 Witness. My name is Arthur Vercken. I am one of Mr. Khieu  
16 Samphan's counsel. I have some questions to ask you about this  
17 episode you say you have lived through in the airport of Kampong  
18 Chhnang and a supposed visit of Khieu Samphan, who would have  
19 arrived by helicopter to visit the site.

20 Q. Yesterday around 11.20.44 you said about Khieu Samphan -- and  
21 I quote: "I only saw him once. At that moment I was going to  
22 work, we saw a helicopter that was about to land and I was told  
23 that this is Khieu Samphan who is doing an inspection of the site  
24 and this is all I know of his visit; I cannot add anything." End  
25 of quote.



14

1 So, my question, Mr. Witness, is the following: Is it because you  
2 were told that it was Khieu Samphan that you say it again today  
3 or did you physically recognise him at the time of the event? Did  
4 you say it was Khieu Samphan because you were told it was or did  
5 you recognise him at the time?

6 [09.37.50]

7 MR. SEM HOEURN:

8 A. I did not know him before but, on that day, I was asked to  
9 line up and at that time I was told to wait and I was told Ta  
10 Khieu Samphan came to visit Kampong Chhnang Airport. I did not go  
11 close to see him, I could see him from a far distance and my  
12 peers and work colleagues told me that Ta Khieu Samphan came to  
13 visit the Kampong Chhnang airfield. Thank you.

14 Q. Okay. To be clear, it was because you were told that you  
15 repeat it today, but only because you were told and not because  
16 you recognise him; is that correct?

17 A. Yes, that is correct. I was told by my colleagues.

18 [09.39.36]

19 Q. Thank you. I will now move on to another topic. Could you tell  
20 us what your exact position or functions were in the army on 17  
21 April 1975, what was your role?

22 A. In 1975, I was the chief of a platoon and in late 1975, I was  
23 removed because I was allegedly said that I had been affiliated  
24 with the traitorous network. I became an ordinary combatant or  
25 citizen in late 1975.

15

1 Q. I have some difficulty as I was reading your statements and  
2 listening to you testify today and yesterday. I was trying to  
3 understand this accusation that you were supposedly part of a  
4 traitorous network and you said that it was in 1975. Did that  
5 have anything to do with the coup d'état attempt and working with  
6 Oeun to that effect?

7 A. I had been accused of being linked to the traitorous network  
8 to topple the Democratic Kampuchea.

9 Q. I understand. My question is: I'm trying to find out if that  
10 accusation against you started in 1975, is that what you're  
11 telling us today?

12 A. It started from 1975 that I was accused of being linked with  
13 traitorous network and I was under that accusation from 1975 up  
14 to 1977.

15 [09.42.50]

16 Q. Yesterday, I believe that you said in this Court that, these  
17 weapons that were transported with 36 men and six trucks had  
18 occurred a month before Oeun's arrest, did I understand  
19 correctly?

20 A. Yes, that is correct.

21 Q. And according to the information that the Court has is that  
22 this arrest occurred in February 1977, and so the transport of  
23 weapons would have been around January 1977.

24 In 1975 when you were suspected of being part of a traitorous  
25 network whose objective would be to topple the regime, what were

16

1 the suspicions based on because indeed the true event, the true  
2 rebellion that we are aware of is this transport of weapons and  
3 so which events occurred prior to that which would raise  
4 suspicions against you?

5 A. There was any suspicious sign against us and as I stated I  
6 transported weapons secretly without letting any other know about  
7 that.

8 [09.45.12]

9 Q. Did you transport weapons before January '77, this started in  
10 1975?

11 A. Let me clarify, I transported the weapons from 1976 up to  
12 1977. The plan was completed in 1977 and we were not instructed  
13 to transport any other weapons after 1977.

14 Q. In 1975, how did you figure out that there were suspicions  
15 against you?

16 A. There was a suspicion at that time against me because at the  
17 time I noticed there were many actions against me and if they  
18 found out that we hid some activities that we were doing, we  
19 would be suspicious by them.

20 Q. Am I to understand that as of 1975 you were committing acts of  
21 rebellion undercover or clandestine actions?

22 A. Yes, that is correct.

23 [09.47.40]

24 Q. Can you tell us what you did, or can you give us examples of  
25 such acts of rebellion that you did as of 1975?

1 A. I could not give you a full description but I could give you  
2 the summary of it. There was a plan at that time in 1975 and as I  
3 told the Court already, killing took place from time to time and  
4 because of this there was a plan and rebellion against the regime  
5 and there was a plan to heat up uprising and attack the  
6 Democratic Kampuchea in order to overthrow the government of that  
7 regime. This is what I can tell you. I do not recall it all.

8 Q. And so you were doing this as of 1975 with other people, who  
9 were the others? You've given us some names; can you tell us who  
10 you collaborated with at the time to encourage this rebellion to  
11 topple the regime?

12 [09.49.39]

13 A. I could not give a full description as I told you. There was a  
14 plan at that time; there was collaboration with other people. I  
15 could recall one name Pon (phonetic); he died in the period. He  
16 was killed in that regime and I did not know where he was killed.  
17 I could recall only one name, and as I stated, I could not give  
18 you a full account of what happened at that time.

19 Q. As of 1975, did you hatch this plan with your division chief  
20 Oeun?

21 A. Yes, that is correct because he was the commander of the  
22 division, he had a plan and disseminated it to the battalions so  
23 that soldiers in battalions could rise up to overthrow and topple  
24 the Democratic Kampuchea. Thank you.

25 Q. When you transported weapons with these 36 men and six trucks

1 as you said, can you tell us where you transported them from and  
2 where you brought them, what was your itinerary?

3 A. Could you repeat your question? I could not get it.

4 [09.52.05]

5 Q. Well certainly. The weapons that you transported with -- at  
6 Oeun's request, and so you had six trucks and you transported  
7 weapons. Can you tell the Court where you brought them from and  
8 where to, where did you drop them off?

9 A. I transported the weapons from Division 310 office at Wat  
10 Phnom and I had to bring it to Kampong - bring them to Kampong  
11 Cham, to one village which I could not give you the name. I  
12 transported those weapons to Kampong Cham to one village, as I  
13 said. I did not know the location exactly and I have forgotten  
14 its name already.

15 Q. Thank you. Now this, Mr. Witness, means that in January 1977,  
16 your division still had access to weapons; is that correct?

17 A. In 1975 and 1976, the weapons were withdrawn from the soldiers  
18 and kept at the division warehouse.

19 Q. And the weapons came from that warehouse, and it's from that  
20 warehouse you loaded it into the truck; is that correct?

21 A. I took the weapons from Division 310 warehouse.

22 [09.54.53]

23 Q. What was your role - or, rather, what was your position at the  
24 time when you transported these weapons?

25 A. I did not hold any role or position at that time. My function

1 at that time was to maintain confidentiality, and as I stated, I  
2 was an ordinary combatant; no specific role or duty or function.

3 Q. What were you doing in January 1977 in Wat Phnom?

4 A. When I was at Wat Phnom, I had no -- any specific function. I  
5 was there to stand guard at the radio station at Wat Phnom. I was  
6 just a rank and file soldier.

7 Q. Perhaps there's a misunderstanding, to guard is a function;  
8 your function at the time was to guard the radio station, is that  
9 what you said?

10 A. In my unit we were instructed to stand guard at the radio  
11 station.

12 Q. I assume that if you were standing guard you were armed as  
13 well, were you?

14 A. No, it's not correct. I was not armed at that time. As I  
15 stated, weapons were withdrawn and kept at the warehouse but they  
16 deployed some soldiers to guard in specific locations, and as I  
17 stated, we had no weapons at the time whilst standing guard.

18 [09.58.25]

19 Q. None of the soldiers that were standing guard with you were  
20 armed at all; is that correct?

21 A. Yes, that is correct. We had bare hands, no weapons.

22 Q. What would you have done if you had had to intervene, had  
23 there been an attack on the station?

24 A. At that time, we were not given any weapons and as I stated  
25 when there was a plan we were given weapons.

20

1 Q. And so if I understand at that time, for some missions you  
2 received weapons and then they were taken away from you; is that  
3 correct?

4 A. Yes, that is correct. During the time that we were assigned  
5 with any mission we would be armed, but if we were there to stand  
6 guard, the location that we received the assignment we were not  
7 disarmed because there was a secret, there was a principle that  
8 the information should not be leaked to the outside.

9 [10.00.40]

10 Q. What information?

11 A. We had to keep the confidentiality -- that is, not to give  
12 weapons during the time that we were standing guard and we were  
13 not armed freely during the time that we were standing guard,  
14 only when we received a specific mission we would be given  
15 weapons and after that mission completed, weapons would be taken  
16 back.

17 Q. Can you give us an example of the types of assignment in  
18 respect of which you were temporarily given weapons?

19 A. Let me give you an example. There was a mission for us to go  
20 to a specific area, for example, to Pochentong Airport in order  
21 to observe the situation there, we were then handed down weapons  
22 for that particular mission. Then after we arrived at Pochentong  
23 to observe the situation, then the weapons would be provided only  
24 for that specific period and usually the weapons were given only  
25 for missions to be conducted at night-time not during the day

1 time.

2 [10.03.07]

3 Q. So that was a secret mission, sir, and it had to with your  
4 rebellious activities, the preparation of the coup d'état; is  
5 that correct?

6 A. Yes, what you said is correct.

7 Q. And apart from special assignments as part of the preparation  
8 of the coup d'état and these secret missions, and did it happen  
9 that before January 1977, you were officially given weapons as  
10 part of your military activities?

11 A. Please repeat your question, I don't fully get it.

12 Q. You have just given us an example of a secret assignment to  
13 carry out espionage at Pochentong Airport for which you were  
14 given weapons to carry and I'm asking you whether as a member of  
15 the army, you were sent on official assignments during which you  
16 carried weapons to stand guard, did you have other assignments  
17 during which you were authorised to carry weapons?

18 [10.05.24]

19 A. Allow me to clarify that we were not given any weapons and  
20 that applied to all soldiers across the zones, including the East  
21 Zone or the North Zone. Although we were assigned to guard a  
22 particular area or station, we were without any weapons.

23 Q. I'd like to put a few quick questions to you on the security  
24 centre.

25 I see the time is 10 past 10.00; perhaps it is appropriate for us



1 to take the break now, Mr. President.

2 MR. PRESIDENT:

3 Thank you, Counsel. It is now appropriate for a short break, we  
4 will take a break now and resume at 10.30 to continue our  
5 proceedings.

6 Court officer, please assist the witness during the break at the  
7 waiting room for witnesses and experts and invite him to return  
8 to the courtroom at 10.30.

9 The Court is now in recess.

10 (Court recesses from 1007H to 1028H)

11 MR. PRESIDENT:

12 Please be seated.

13 The Court is back in session and the floor is given to the  
14 defence team for Mr. Khieu Samphan to resume his line of  
15 questioning.

16 [10.29.12]

17 BY MR. VERCKEN:

18 Thank you, President.

19 Q. Mr. Witness, I would like some clarifications on statements,  
20 two statements which you made yesterday which seemed to me  
21 somewhat contradictory and I would therefore ask you to clarify.  
22 Yesterday you said that you had noticed the existence of the  
23 security centre near Wat Phnom and you said that you came to this  
24 realisation as you were on patrol near Wat Phnom or on guard near  
25 Wat Phnom; you said you had noticed that this security centre was

1 where district and cooperative chiefs were sent and when asked  
2 when you noticed this security centre, you said two things, you  
3 said: "I observed it a month and half after the liberation of  
4 April 1975 and you also said that this centre came into existence  
5 after the arrest of Oeun, which was in February 1977." It seems  
6 somewhat contradictory to me and I would like to ask you which of  
7 the two dates is the correct one: this security centre in Wat  
8 Phnom, did you observe it in April-May 1975 or after Oeun's  
9 arrest?

10 [10.31.17]

11 MR. SEM HOEURN:

12 A. I would like to make a clarification concerning the security  
13 centre. In 1977 I saw that security centre and it was after Oeun  
14 was arrested that I noticed there was a security centre.

15 Q. You were still on guard in Phnom Penh in 1977 after Oeun's  
16 arrest?

17 A. Oeun was arrested in 1977 after which I was removed from that  
18 place because I had been affiliated with the element. I had no  
19 role and function after that time.

20 Q. Mr. Witness, I'm trying to understand the moment at which you  
21 noticed the existence of the security centre. At that time you  
22 must have been in Phnom Penh. We agree, whatever your role was,  
23 you must have been in Phnom Penh to notice the existence of the  
24 security centre.

25 A. I was in Phnom Penh city and as I said I had no role and

24

1 function, I was removed from that unit but at that time I stayed  
2 close to the security centre that is why I could see that there  
3 was a security centre there.

4 [10.33.40]

5 Q. Thank you. It is much clear now. Around that time, were you  
6 aware of the existence of a security centre code named S-21 at  
7 the time?

8 A. I did not see S-21, I heard of the name, I never went to that  
9 place and I heard that S-21 was a place where prisoners were  
10 kept. That is all, thank you.

11 Q. Did you go to S-21?

12 A. I never went to S-21. I heard of it.

13 Q And you were only told that it was a jail, is that right?

14 A. Yes, that is correct. S-21, it was said it was a prison for  
15 prisoners.

16 [10.35.19]

17 Q. I would like to return to the topic of your arrival at the  
18 construction site at Kampong Chhnang airfield. Yesterday when you  
19 described the moment - this was at 10.51.00 -- you said in Khmer  
20 because if there was an inversion of what you said in English and  
21 French and so in Khmer you said -- and I quote, "In the Baribour  
22 district, not in the village"; and you were asked "Where did you  
23 arrive?", you said "I built a small office, a house in the  
24 Baribour district." End of quote.

25 My question is: What need did you have to build an office, a

1 small office when you arrived, why did you do that?

2 A. There were no inhabitant houses there so I had to build a  
3 house in my own unit to stay. And as I indicated, there were no  
4 inhabitant houses; we stayed in different places from  
5 inhabitants. It was the time when I arrived at Kampong Chhnang  
6 construction site.

7 [10.37.12]

8 Q. In French, an office is somewhere you work and you meet people  
9 professionally and so I would like to ask you about this word  
10 that you used "office", and I'm asking you: Why did you feel the  
11 need to build an office? These are your words.

12 A. The word "office" was generally used at the time and people  
13 would say we go to "munti" or office, the place where we lived  
14 in.

15 Q. So in your mind, office is synonymous with house or domicile?

16 A. The office referred to the place where we lived in. Generally  
17 speaking, a house -- an office was like a house and it was the  
18 place where we lived in the Democratic Kampuchea regime.

19 Q. Very well. I would like you to discuss the presence of Chinese  
20 nationals on the Kampong Chhnang airfield. Could you tell us how  
21 many there were when you were there?

22 A. I did not know about the figure or the number of Chinese  
23 people and in my unit there was one Chinese who was there to work  
24 with us and he supervised us how to clear the land and compact  
25 the soil. And as I said, I did not know how many Chinese were

1 there at the place.

2 [10.40.27]

3 Q. Did you have good relations with this man on a daily basis?

4 A. The relationship between the Chinese and Cambodian workers was  
5 good and we were in good collaboration until the regime fell. We  
6 had a good relationship and as for the individual, I could recall  
7 his name, his name was Ta Chauv.

8 Q. Did he give you direct instructions; did you receive any  
9 orders or instructions directly from this Chinese national who  
10 supervised your unit?

11 A. He gave direct instructions to me and also to my colleagues in  
12 the unit and he always advised us how to do the work so that we  
13 achieved good quality. And when it came to the break time, he  
14 often gave us advice of the technical aspect in China, the way  
15 that they did the work in China.

16 Q. Did he speak Khmer?

17 A. He could speak some Khmer and there was interpretation for him  
18 as well. And on some occasion, he would ask the interpreter to  
19 interpret what he was talking to us. For example, he gave advice,  
20 how the work was done in China and if he could speak Khmer, he  
21 would use Khmer language at that time to explain to workers.

22 [10.43.06]

23 Q. When you met with DC-Cam in 2005 and this is French, ERN  
24 00892659; in Khmer, 00020591 to 92; and in English, 00876512; the  
25 Interviewer asked you if there were many Chinese nationals in

1 Kampong Chhnang, you replied that there was at least or about a  
2 division of Chinese who came in, not two battalions, more like a  
3 division, a division of Chinese that's the answer you provided in  
4 2005, do you remember saying this and if you do, could you  
5 explain to us how many people in your mind is a division of  
6 Chinese people?

7 A. That is true. I stated as such in that document. And from my  
8 estimate, there was one division of Chinese and these Chinese  
9 were assigned to be in charge of units in terms of technical work  
10 and from my estimate, as I stated there was probably one division  
11 of Chinese.

12 [10.45.06]

13 Q. And how many people is that?

14 A. I could not give the exact figure how many Chinese were there  
15 in the division. They were in different units, some of them were  
16 responsible for helping compact soil, clearing land and these  
17 Chinese technicians were doing jobs in their respective tasks and  
18 as I stated I could say there was one division of Chinese and the  
19 number perhaps was less than that, less than a division.

20 Q. Okay, what I'm trying to get at is when you say a bit less  
21 than a division or more, what does a division mean, how many  
22 people is that in your mind? And that is what I'm trying to get  
23 to.

24 A. I did not know how many people in one division; perhaps there  
25 was around five or 600 members in one division, it is my

1 recollection.

2 Q. And you say that there were between five and 600 Chinese  
3 nationals, you can't say exactly but this is the idea that you  
4 have, your memory is around 500 Chinese technicians at the  
5 Kampong Chhnang airfield; is this correct?

6 A. Yes, perhaps so, there were about that number.

7 [10.47.26]

8 Q. Did you see these people with optimism or you did not consider  
9 them to be guards, is that the case, they were working with you?

10 A. I considered him one of the engineers while working at the  
11 construction site. I did not know beside what I have just said. I  
12 knew that he came to that place as an engineer helping the  
13 construction work at the airfield.

14 MR. VERCKEN:

15 I have no more questions and I will leave the floor to my  
16 colleague from the Nuon Chea defence team. Thank you very much,  
17 Mr. Witness.

18 QUESTIONING BY MR. KOPPE RESUMES:

19 Thank you, Mr. President.

20 Mr. Witness, I would like to finish my questioning on the  
21 rebellion with asking you a few more questions.

22 Q. Do you know the brother of Oeun played any role in the  
23 rebellion?

24 MR. SEM HOEURN:

25 A. I have not known the older brother of Oeun. I knew only Oeun.

1 I did not know his elder brother.

2 [10.49.45]

3 Q. Does the name Saem (phonetic) mean anything to you?

4 A. I heard of the name. I did not know whether Saem (phonetic)  
5 was the elder brother of Oeun, I did not know.

6 Q. And how do you know this Saem (phonetic), where was he  
7 working, to which office or division was he attached?

8 A. I did not know his work station or which division he was in.

9 As I stated I heard of the name Sen, I did not know whether Sen  
10 was the elder brother of Oeun or how he was related to Oeun, I  
11 did not really know about that.

12 Q. And then a question about somebody with the name of Tiv Ol,  
13 does that name ring a bell to you?

14 A. I never heard of the name Teav Ol (phonetic), I never heard of  
15 this name. I only heard of it now.

16 [10.51.28]

17 Q. That's alright, Mr. Witness. Now I have another set of  
18 questions before I got to Kampong Chhnang airfield and these are  
19 the following. Did you know in 1976 that Democratic Kampuchea was  
20 formed and that Democratic Kampuchea had adopted a constitution?

21 A. I did not know at that time, but I heard people say that there  
22 was a constitution adopted in the Democratic Kampuchea and I did  
23 not know about the legal aspect stipulated in that constitution.  
24 I heard people say that there was a constitution.

25 Q. Did you maybe at one -- later stage or at one point in time



1 hear about Article 19 within this constitution, Article 19 that  
2 deals with the role of the Kampuchean Revolutionary Army within  
3 DK?

4 A. I heard of it but I did not know the article in detail. That's  
5 all. Thank you.

6 Q. What do you remember in general terms about the aim or the  
7 purpose or the goals of the Kampuchean Revolutionary Army? What  
8 was the army supposed to do within DK or in terms of its position  
9 within Democratic Kampuchea as mentioned in the -- as described  
10 in the constitution?

11 A. Soldiers of Democratic Kampuchea were indoctrinated, we were  
12 indoctrinated to defend and to build the country.

13 [10.54.25]

14 Q. And were you also taught on doing sessions that you were there  
15 to uphold the constitution of Democratic Kampuchea?

16 A. In terms of political trainings, we were instructed to uphold  
17 the disciplines and to adhere to the law and regulations. Thank  
18 you.

19 Q. Did you have any knowledge beginning of 1977 with how many  
20 countries in the world Democratic Kampuchea had diplomatic  
21 relations?

22 A. I did not know in that period. I never heard of that matter.  
23 We were not taught about the diplomatic relation of the  
24 Democratic Kampuchea regime.

25 Q. Would you be surprised if I were to tell you that beginning

31

1 '77, DK had about -- had relations with about 100 countries in  
2 the world?

3 A. It is a surprise to me because I did not know about that at  
4 that time, particularly the diplomatic relation of Democratic  
5 Kampuchea.

6 [10.56.33]

7 Q. Now this morning and yesterday you described preparations for  
8 armed attacks, armed attacks on Pochentong Airport, on the radio  
9 station of Phnom Penh, you described plans of a coup d'état, you  
10 described the diversion of weapons, meetings to topple the  
11 regime. Having said that, having testified to all this, did you  
12 think at the time that the accusations of treason against you and  
13 Oeun and others was a justified one?

14 MR. PRESIDENT:

15 Witness, you are instructed to give the response (sic). You are  
16 not an expert and you are not a legal person to give the  
17 conclusion to the question put by the counsel.

18 [10.57.59]

19 BY MR. KOPPE:

20 Very well, let me try it differently. Mr. Witness, you and others  
21 were, as you said, sent to Kampong Chhnang for reason of  
22 refashioning, tempering, et cetera. Was this decision to have you  
23 go to Kampong Chhnang, was that related to the activities that  
24 you just described this morning and yesterday about the coup  
25 d'état plans for armed attacks, et cetera?

1 MR. SEM HOEURN:

2 A. Thank you. As for others, they were taken for tempering at  
3 Kampong Chhnang airfield. This airfield was built day and night  
4 and it was considered a place of tempering or refashioning.

5 That's all, thank you.

6 Q. I'll move on to Kampong Chhnang itself. When you arrived in  
7 '77 with your unit, do you know whether there were soldiers who  
8 had been working there already there for a year?

9 A. Upon my arrival some people had been there already; I did not  
10 know when they had arrived at that place. I was at the airfield  
11 in late 1977, as I stated. They had been there already and I did  
12 not know when they had been there.

13 [11.00.14]

14 Q. Do you know what the total number was of Division 310 cadres  
15 in beginning '77 that were working in Kampong Chhnang airfield,  
16 do you have any idea how many Division 310 forces were sent to  
17 Kampong Chhnang to work?

18 A. I did not have the full knowledge and I could not give the  
19 estimate. Soldiers from different units in Division 310 were sent  
20 to the airfield and perhaps there were two or 10 people from  
21 different units taken to the airfield.

22 Q. Let me cite a number from a document from this time to you,  
23 E3/849, English, 00183956; French, 00334995; Khmer, 00052319. Mr.  
24 Witness, this is a, what is called a "Joint Statistics of Armed  
25 Forces" from March 1977 and it says that out of a total number of

1 6096 Division 310 soldiers, there were about 1127 in Kampong  
2 Chhnang. Does that somehow correspond with your memory that about  
3 1100 plus soldiers from Division 310 were working at Kampong  
4 Chhnang airfield in March/April '77?

5 [11.02.51]

6 A. I do not know the total figure in the statistics. I worked in  
7 my unit and I only knew about the members in my unit, so again, I  
8 do not know about the total number of soldiers from Division 310  
9 who were sent to work at the worksite. I only knew about the 36  
10 members in the unit where Chham was our superior. So again, I  
11 don't have the overall figure from the division.

12 Q. I understand. But you had been a member of Division 310 at  
13 that point in time for already almost seven years, I know you  
14 were with your unit of 36 people, combatants, but could a number  
15 of 1127 be approximately an accurate figure that there were about  
16 a 1000 plus combatants from the division working at Kampong  
17 Chhnang airfield, could that be about right?

18 A. The figure you quoted which was more than 1100, it was just a  
19 figure that I heard of at the time but I am not sure of it.

20 [11.04.56]

21 Q. Now yesterday you testified that you, while working there, you  
22 and your unit were under "constant surveillance". Can you explain  
23 to me how that went, who was surveilling (sic) you and your unit  
24 and who was surveilling (sic) the other thousand Division 310  
25 soldiers?

1 A. We were under constant surveillance so that they make sure  
2 that our activities were not to violate the principles or  
3 regulations of the Democratic Kampuchea and if were to violate  
4 it, then we would be detained and smashed. And I would like to  
5 clarify this matter with you and that's the statement that I  
6 made.

7 Q. I understand but you yourself were a battle hardened soldier,  
8 you had been fighting in many battles before '75. I'm sure your  
9 fellow combatants as well. How were you surveilled (sic) by other  
10 soldiers, how was that done and how were the other thousand  
11 watched over, how did that go in practice?

12 [11.07.02]

13 A. We were under surveillance for the activities that we were  
14 involved in and that we had to adhere to the principles of the  
15 organisation and adhere to the assignment by the organisation,  
16 and to adhere to the policies of the organisation and if we were  
17 to fail any of these three, it means that we were considered to  
18 be in opposition of the Democratic Kampuchea regime.

19 Q. Is it possible that the guards that you spoke about were not  
20 there to have a look on you and your fellow combatants but that  
21 they were there to protect the airfield site itself against  
22 attacks from outside forces?

23 A. On the issue of guards, the guards were posted in order to  
24 prevent any attempt by enemies to enter the airfield and on my  
25 site when I was on guard duty in Phnom Penh, it means to guard

1 the city and to clean the city up.

2 Q. Is it your recollection that the Kampong Chhnang airfield was  
3 a highly secretive military installation that nobody inside DK or  
4 outside of DK, except for China, was to know about?

5 A. What you said is correct. People who were involved in the  
6 construction of the airfield were soldiers and no ordinary  
7 civilian was allowed to enter the worksite and that is what I  
8 remembered.

9 [11.09.57]

10 Q. Just a while ago I asked you about Article 19 of the  
11 constitution of Democratic Kampuchea and I believe in answering  
12 that question you said that the task of the Revolutionary Army  
13 was to defend and build the country. Was the construction of  
14 Kampong Chhnang airfield part of the mission or the objective of  
15 the army to build and defend the country?

16 A. Personally, I believe the airfield was built with the  
17 intention to defend the country and to defend it in an effective  
18 way.

19 Q. Would it be fair to say that your work at Kampong Chhnang  
20 airfield was in fact part of your normal work as a soldier of the  
21 Revolutionary Army of Kampuchea?

22 A. In general, we were part of the Revolutionary Army of  
23 Kampuchea and that is my understanding of the nature of work  
24 involved at that particular time.

25 [11.12.10]

1 Q. So then do you agree with me when I put to you that you were  
2 working there as -- in the capacity of your task of a  
3 revolutionary soldier within DK rather than being punished or  
4 being refashioned?

5 MR. PRESIDENT:

6 Witness, please wait; and the Deputy National Co-Prosecutor, you  
7 may proceed.

8 MS. SONG CHORVOIN:

9 Mr. President, I would like to oppose this question, the witness  
10 has stated clearly earlier that he was sent to work at the  
11 Kampong Chhnang airfield because he was alleged of having  
12 affiliation and he was under constant monitoring while he was in  
13 his respective unit and the question posed by the defence counsel  
14 is repetitive at its best, as I already put that kind of question  
15 to the witness and his response was expressively clear that he  
16 was sent to work there.

17 MR. KOPPE:

18 I would still like to ask the question but I think you have to  
19 rule on the objection.

20 (Judge deliberate)

21 [11.16.00]

22 MR. PRESIDENT:

23 I would like to hand the floor to Judge Lavergne to rule on the  
24 objection made by the National Deputy Co-Prosecutor to the last  
25 question by the defence counsel for Nuon Chea.

1 And Judge Lavergne, you may proceed.

2 JUDGE LAVERGNE:

3 Thank you, Mr. President. We have heard the objection to the  
4 question put by the Defence (sic). We first heard the question  
5 and the objection by the Co-Prosecutor. The Chamber would like  
6 the defence counsel to rephrase the question in a neutral manner.  
7 The question should be asked, "Witness, for which reason were you  
8 sent to Kampong Chhnang?"

9 [11.16.52]

10 MR. KOPPE:

11 Well, to that question he answered, Judge Lavergne, yesterday,  
12 but I'm now putting to him that he wasn't sent there for  
13 refashioning, but that he was sent there in the framework of his  
14 normal tasks. So that's what I would like to put to him. Maybe  
15 for background information in relation to this question, Mr  
16 President, Your Honours, E3/849 that I just referred to speaks  
17 about 1127 soldiers of Division 310 working at Kampong Chhnang  
18 airfield. However, in that same overview, you can read that  
19 office S-21 consisted of about 2300 soldiers, however, added is  
20 there in the French translation "sans compter les éléments",  
21 which we believe to understand refers to the prisoners in S-21.  
22 So there seems to be a distinction between forces working at  
23 Kampong Chhnang airfield on the one hand, and elements probably  
24 "bad elements" at S-21. So a distinction is being made. That's  
25 the background also of my question, so again, I think, I should



1 be able to ask the question, "Isn't it true that you were sent to  
2 Kampong Chhnang airfield as part of your regular duty as soldier  
3 rather than being refashioned?"

4 [11.18.51]

5 JUDGE LAVERGNE:

6 Counsel Koppe, I have the impression that we have a problem for  
7 understanding. The Chamber has been very clear, it has rephrased  
8 the question and you do not have to ask that question as you  
9 phrased it initially, so you cannot go back to that initial  
10 formulation of the question; when the Chamber says no, it is no.

11 MR. KOPPE:

12 Well then, it's no for me and then I end my questioning. Thank  
13 you.

14 MR. KOUMJIAN:

15 Mr. President, Your Honours, the Prosecution believes that it  
16 would be helpful if Your Honours could clarify some matters that  
17 were raised during the Defence examination. We think this would  
18 be helpful because the Defence examination, this witness  
19 testified to matters completely contrary to what he testified to  
20 during the examination of the Co-Prosecutors and the civil  
21 parties. This is on the point particularly of what he knew about  
22 Oeun's arrest.

23 [11.20.13]

24 At 10 o'clock on Monday, on yesterday's transcript, you will see  
25 the Prosecution asked this witness what he knew about Oeun's

1 arrest, why he was arrested and the witness said he did not know.  
2 He was asked, he also added he knew nothing about Oeun's tendency  
3 or whatever; "we didn't have knowledge of that". He also was  
4 asked -- and these are all very open questions, nothing was  
5 suggested to the witness -- he was asked if he had direct contact  
6 with Oeun or if he'd received orders through company or battalion  
7 commanders and he testified, "I never received any direct order  
8 from him, the order came through the chain of command". And then  
9 at just before 2.00 p.m. in answer to the question from the civil  
10 party lawyer, Chet Vanly, he was asked again what he knew about  
11 Oeun's arrest and he indicated, "I did not know about the plan  
12 that Oeun had; I did not know about acts of his and for me I was  
13 committed to serve the army and as for Oeun I didn't know whether  
14 he had any plan to betray Angkar".

15 [11.21.56]

16 Now, when read his prior statement to DC-Cam, the Defence  
17 properly put to him a very inconsistent statement from DC-Cam one  
18 of many in his DC-Cam statements; for example, he also had said,  
19 giving details to DC-Cam about attending Olympic Stadium and what  
20 was said there and who attended, (inaudible) told us he never had  
21 been to Olympic Stadium. He gave details to DC-Cam about being in  
22 Vietnam, attacking Vietnam, he himself capturing three civilians.  
23 How the civilians were forced to say they were soldiers, how  
24 houses were burnt, but he told us he's never been in Vietnam both  
25 to the Prosecution and I believe also to the Defence. So, on this

40

1 testimony that he elaborated on today about supposedly carrying  
2 weapons and being --

3 MR. VERCKEN:

4 Mr. President, the prosecutor is pleading; he has had time to put  
5 questions to the witness, if those questions were not specific or  
6 accurate, that is unfortunate for the Prosecution. The witness  
7 was very clear, I've read out his statement in answer to the  
8 question put by the prosecutor. What the witness saying is  
9 completely false and now the prosecutor is pleading and we object  
10 forcefully to this pleading by the Co-Prosecutor.

11 [11.23.35]

12 MR. PRESIDENT:

13 Allow us to terminate the proceedings of hearing the testimony of  
14 this witness now. Please, all be seated.

15 And after the lunch break we will hear the testimony of another  
16 witness -- that is, 2-TCW-901.

17 And Mr. Sem Hoeurn, the Chamber is grateful of your valuable time  
18 to testify before us for the last two days and your testimony  
19 will contribute to seeking the truth in this matter. Your  
20 testimony is now concluded and you are no longer required to be  
21 present in the ECCC premises and you may return to your place of  
22 residence and we wish you all the best and safe journey.

23 Court officer, please in collaboration with WESU, make necessary  
24 transportation arrangement for Mr. Sem Hoeurn to return to his  
25 place of residence or wherever he wishes to go to.

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1 The Chamber takes a break now and return at 1.30.

2 Security personnel, you are instructed to take Khieu Samphan to  
3 the waiting room downstairs and have him returned to attend the  
4 proceedings before 1.30. this afternoon.

5 The Court is now in recess.

6 (Court recesses from 1125H to 1329H)

7 MR. PRESIDENT:

8 Please be seated.

9 The Court is back in session, and now the Chamber will hear  
10 2-TCW-901.

11 Court officer, please invite the witness into the courtroom.

12 (Witness 2-TCW-901 enters courtroom)

13 [13.32.16]

14 QUESTIONING BY THE PRESIDENT:

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

16 MR. HIM HAN:

17 A. My name is Him Han.

18 Q. Your name is Him Han or Him Hon?

19 Please wait for microphone to go on before you speak.

20 A. My name is Him Han. I was -- I am normally addressed as Him  
21 Hon, but the writing is Him Han.

22 Q. So your name is Him Han alias Hon; is that correct?

23 A. I am referred to as Han.

24 [13.33.32]

25 Q. When were you born, Mr. Han?

1 A. 15 of August 1949.

2 Q. And how old are you today?

3 A. I am 66 years old.

4 Q. Thank you. Where were you born?

5 A. I was born in Tang Roleang village, Me Pring sub-district,  
6 Batheay district, Kampong Cham province.

7 Q. Thank you. And what about your current address, where are you  
8 living now?

9 A. I am living in Tang Roleang village, Me Pring sub-district,  
10 Batheay district, Kampong Cham province.

11 Q. Thank you. And what is your occupation?

12 A. I am a rice farmer.

13 [13.35.00]

14 Q. What is your father's name and what is your mother's name?

15 A. My father's name is Him, deceased; my mother's name is Kim,  
16 also deceased.

17 Q. What about your wife, what is her name? And how many children  
18 do you have?

19 A. My wife's name is Moeun. I have three children.

20 Q. Mr. Han, in the report of the greffier, to your best  
21 knowledge, you have no relationship by blood or by law with the  
22 two Accused or to any party to the proceeding in Case 002; is  
23 that true?

24 A. Yes, that is true.

25 Q. Have you taken oath before the Iron Club Statue to the east of

1 this courtroom already before you are here?

2 A. I have already taken an oath.

3 [13.36.38]

4 Q. Thank you. The Chamber would like to inform you of your rights  
5 and obligations as a witness.

6 As a witness in the proceedings before the Chamber, you may  
7 refuse to respond to any question or to make any comment which  
8 may incriminate you. It is your right against self-incrimination.  
9 Your obligations: Mr. Him Han, as a witness in the proceedings  
10 before the Chamber, you must respond to any questions by the  
11 Bench or relevant parties, except where your response or comments  
12 to those questions may incriminate you as the Chamber has just  
13 informed you of your rights as a witness. As a witness, you must  
14 tell the truth that you have known, heard, seen, remembered,  
15 experienced, or observed directly about any event or occurrence  
16 relevant to the questions that the Bench or parties pose to you.  
17 Mr. Him Han, have you ever been interviewed by the investigator  
18 of the OCIJ? If so, how many times have you been interview and  
19 where did they take place?

20 A. I was interviewed a few times, but I do not recall the date  
21 when I was interviewed. And I do not recall also the  
22 investigator.

23 [13.38.33]

24 Q. Before you are here, have you read the written record and your  
25 statement which you gave to the investigator of the OCIJ to

1 refresh your memory?

2 A. I have read and I could recall some.

3 Q. To your best knowledge, could you confirm whether or not the  
4 statement you have just read to refresh your memory reflects and  
5 in consistent with what you said at that time?

6 A. Yes.

7 Q. Mr. Him Han, I would like to confirm your name again. There  
8 are two different writings of your name. And in the identity  
9 card, your name is written as Han. And is your official name Him  
10 Han?

11 A. Yes, it is correct.

12 [13.40.11]

13 MR. PRESIDENT:

14 Thank you. In accordance with Internal Rule 91bis of the ECCC,  
15 the Chamber gives the floor first to the Co-Prosecutors to put  
16 question to this witness, Mr. Him Han, before other Parties. And  
17 the combined time for Co-Prosecutor and Lead Co-Lawyer are two  
18 sessions. You may now proceed.

19 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President. And good morning to all Judges, all  
21 parties. Good morning, Mr. Witness, Him Han. My name is Vincent  
22 De Wilde and I will be asking you some questions this afternoon  
23 for the Co-Prosecutor's Office. I would like you to answer as  
24 briefly as you can as we have many topics to cover. Brief, but  
25 precise answers and I would ask you if you would please focus on

45

1 the events that we are interested in, in other words, the period  
2 going from April 1975 to January 1979.

3 Q. First, is it correct to say that you were a member of Company  
4 2 of Regiment 12 of Division 310?

5 MR. HIM HAN:

6 A. Yes, that is correct.

7 [13.41.50]

8 Q. And what was your position within this Company 2 part of  
9 Battalion 24?

10 A. I was a clerk of Regiment 12 - or, I was referred to as a  
11 secretary at that time.

12 Q. When did you become the secretary of Company 2, Battalion 24,  
13 Regiment 12 of Division 310?

14 A. It was after the liberation in 1975. It was after April 1975.

15 Q. Regarding your position as secretary, were you secretary at  
16 the regiment level or the battalion level?

17 A. I was the secretary at the battalion -- at the regiment level.

18 Q. Could you tell us what this position entailed and what your  
19 daily tasks were? I would like to refer to what you said to  
20 DC-Cam, reference at IS19.47. You were interviewed by people from  
21 the DC-Cam: in French, 00823162; English, 00680645; and in Khmer,  
22 00019660. This interview was held in 2004. You said: "I was a  
23 secretary in charge of biographies within Regiment 12. Could you  
24 tell us what a secretary in charge of biographies entail?

25 [13.44.57]



1 A. I was attached permanently at Battalion 24, but most of the  
2 time I worked at Regiment 12 level. And the commanders of  
3 Regiment 12 and 24 could employ me anytime they wanted.

4 Q. Very well. Who was the -- what was the name of the commander  
5 of Regiment 12?

6 A. His name was Taing (phonetic).

7 Q. When you speak of Battalion 24, was there a battalion ever  
8 numbered 124?

9 A. Yes.

10 Q. And who headed that battalion?

11 A. It was Soeun (phonetic).

12 Q. Thank you. Regarding your work with biographies, could you  
13 tell us who was tasked with reading and analysing the biographies  
14 of the military personnel within Regiment 12?

15 A. It was Pheng and Soeun (phonetic).

16 [13.47.00]

17 Q. And what was your task -- was your task only to collect those  
18 biographies?

19 A. I was the one who compiled the biographies. And after that, I  
20 would hand over the biographies to Pheng and Soeun (phonetic).

21 Q. Were the biographies of the soldiers of that regiment,  
22 Regiment 12, were they classified -- were they sorted as to  
23 whether these people were part of the Youth League or was there  
24 any sorting done of those biographies?

25 A. What I knew is that -- what I knew was the work that I did in

1 Regiment 12 and Battalion 24. And as for others, I did not know.

2 Q. Were the biographies sorted according to their ideological  
3 stance or their original social class? Are you aware of this or  
4 is this not correct?

5 A. No.

6 [13.48.54]

7 Q. Could you tell us what kind of information were collected in  
8 these biographies and why these details were deemed important to  
9 be collected.

10 A. I have no idea.

11 Q. Did you know what a good biography was as opposed to a bad  
12 biography?

13 A. At the time, I did not know which biography was good and which  
14 one was bad. I was the one who collected and sorted it out -- the  
15 biographies.

16 Q. How often were you collecting biographies? Was it with some  
17 regularity, was it once a year or several times a year?

18 A. From my recollection, the biographies would be verified in  
19 every three months.

20 Q. Now on top of asking the military to write their own  
21 biographies, were there any investigations within the villages or  
22 in the other locations on those soldiers?

23 A. We copied the biographies from one another and we did not  
24 investigate the individuals' names in the biography.

25 [13.51.15]

1 Q. Did it ever occur that one would realise that a military had  
2 hidden certain ties with for example -- with the Lon Nol regime?

3 A. There was no interview or investigation. We only copied what  
4 was said in the original biographies.

5 Q. Let me see if I can refresh your memory with the use of  
6 document E3/13. This is written record of a meeting of  
7 secretaries and undersecretaries of the division of the National  
8 Army, 9 October 1976 is the date of the document -- in French,  
9 00334979; Khmer, 00052410; and English, 00183989. I will now  
10 quote what Comrade Oeun, commander of Division 310 said. This is  
11 what he said during the meeting. He said that, "We have not yet  
12 managed to grasp the biography of a certain number of cadres. We  
13 do not know if it is one or not. Some people hid their  
14 biographies. This reached the company commander level who were  
15 White Khmers and were in cahoots with the Vietnamese. Bad  
16 elements numbered 36 people." End of quote.

17 [13.53.34]

18 In the same document, Brother 89 Son Sen, the chief of staff,  
19 said the following: In French, 00334982; in Khmer, 00052414; and  
20 English, ERN 00183993; this is point 4 on this written record --  
21 and I will quote:

22 "We need to grasp the units. But how? We need to grasp the Party,  
23 the central Angkar, the soldiers - men and women, and clearly  
24 grasp the biography. We need to better grasp the position, the  
25 thinking of others clearly. This is a big problem, chief problem.

1 This is essential to defending our country. The functioning goes  
2 as follows: 1) We need to educate gradually. We'll also purge the  
3 bad elements at any cost towards the class struggle resolutely."  
4 And then under point 6 -- various issues -- there is a sub-point  
5 2: "In all units, we need to reorganise and we need to grasp all  
6 biographies once again." [Free translation] This was Son Sen. And  
7 so did Regiment 12 receive any instructions from Son Sen or from  
8 Oeun, Division 310 commander, regarding the information that  
9 needed to be collected in the biographies?

10 A. For this matter, I did not know. I knew only what I did in  
11 regiment or battalion. And I did not know other tasks or matters.  
12 [13.56.03]

13 Q. Did the biographies collect information on family members of  
14 soldiers, and especially those who had either been purged or were  
15 linked to the Lon Nol regime?

16 A. No.

17 Q. Very well. I'd like to quote document E3/804. It's another  
18 written record of chief of division's meeting on 15 December  
19 1976, during which meeting the secretaries of divisions reported  
20 on the presence of interior enemies at English page 00233718;  
21 Khmer, 00008482; and in French, 00386208; Son Sen gave the  
22 following instructions regarding Party tasks:

23 "a) We must continue to implement the decision, increase the  
24 education of the masses and grasp the biographies. On the basis  
25 of the education and biographies, we need to purge the bad

1 elements within the units and founding this purge on their  
2 faults.

3 [13.57.44]

4 "Regarding the results of mastering the biographies, we did well.  
5 However, some comrades hid their biographies. We need to be wary  
6 of those whose parents were purged or cleansed and those whose  
7 family members were cleansed."

8 And under c) "Regarding the biographies to enter the Party which  
9 was sent to the chief of staff, we must examine them once again."

10 End of quote.

11 And so according to your observations, Mr. Witness, was there a  
12 link between the biographies and purges of bad elements within  
13 the army?

14 A. Those who were at Regiment 12 upwards would know this matter.

15 And I did not know.

16 MR. DE WILDE D'ESTMAEL:

17 Very well. With your leave, Mr. President, I would like to show  
18 the witness document E305/13/1.3.13. This is a biography of 8 May  
19 1976, which has the following ERN: 00019488, but it has not been  
20 translated in the other two working languages of the Court yet.

21 [13.59.45]

22 MR. PRESIDENT:

23 You may proceed.

24 MR. DE WILDE D'ESTMAEL:

25 This was a document that--

1 MR. PRESIDENT:

2 Please wait, International Deputy Co-Prosecutor.

3 Mr. Koppe, I notice you're on your feet. You may now proceed.

4 MR. KOPPE:

5 Thank you, Mr. President. It's still my understanding that this  
6 is a Court in which two languages are being spoken. We have no  
7 idea, at least the international part of the Nuon Chea defence  
8 team, what the witness is reading. So I don't think it is proper  
9 practice to show a document to which I suppose half of this  
10 courtroom cannot read or understand what it is. So I object that  
11 this document is being shown to the witness.

12 [14.00.44]

13 MR. DE WILDE D'ESTMAEL:

14 Mr. President, this is a biography. It was annexed to Mr -- to  
15 the witness's interview with DC-Cam. I was about to ask him to  
16 read the various numbers in Khmer. There are some data and some  
17 numbers on this document. And so I would like the witness to read  
18 them out loud, so we could have simultaneous interpretation in  
19 English and French.

20 (Judges deliberate)

21 [14.02.11]

22 JUDGE FENZ:

23 Can I ask Mr. Prosecutor, do you expect the witness to read the  
24 whole biography so we have it translated and can follow or what  
25 exactly is the idea?

1 MR. DE WILDE D'ESTMAEL:

2 The idea is to have the witness read aloud 1, 2, as well as 9 and  
3 10, 11 and 12, bearing in mind that it is the witness's  
4 biography, and it contains some dates as well as information  
5 regarding his affiliation to the Party, and the time when he  
6 entered the Party. So I think such information should be shared  
7 during this hearing.

8 MR. PRESIDENT:

9 The objection by the defence counsel for Nuon Chea is overruled,  
10 as this document is a brief biography of this witness and it was  
11 annexed to a DC-Cam document in the case file. And the request by  
12 the Deputy Co-Prosecutor is granted as it is just a brief  
13 information from -- of this document is needed. And after a  
14 simultaneous interpretation, I hope all parties will understand  
15 what it is about. You may proceed, Deputy Co-Prosecutor.

16 [14.03.50]

17 BY MR. DE WILDE D'ESTMAEL:

18 Thank you.

19 Q. Witness, can you read out what it features in number one of  
20 this biography of the 8th of May 1976? And it is indeed the name  
21 of the person concerned. Can you please read that aloud?

22 MR. HIM HAN:

23 A. I'd like to read the biography as follows. "Native name: Him  
24 Han; Revolutionary Name: Comrade Ream; born at the date, month  
25 unknown in 1947 at Tang Roleang village, Me Pring quarter, Cheung

1 Prey district, Kampong Cham province; Age: 29 years old. Married  
2 and the wife is Cambodian. Level of education is at Grade 9 old  
3 education system. Occupation before joining the Revolution is  
4 rice farmer. As for the living condition is sufficient; has four  
5 plots of dry season rice farming, two could be harvested and two  
6 could not, and have five plots of rainy season farms. The total  
7 rice yield for both dry and rainy season per year were between  
8 150 to 200 thangs. He has a pair of water buffalo, one cart, and  
9 one tar roof which belongs to the family. Original status was  
10 middle peasant of the middle class."

11 [14.06.20]

12 Q. Can you now move to number 9 which has to do with the time  
13 when you joined the Revolution -- that is, 9, 10, 11, and 12 --  
14 numbers 9, 10, 11, and 12. Can you please read out those numbers?

15 A. Allow me to continue. "Date to join the Revolution is 10 July  
16 1973. The inductor is Comrade Phon. Date of entry into the Youth  
17 League is 18 February 1975. Inductors are Comrade Hak, Aun, and  
18 Huon. Date becoming a candidate Party member is 18 May 1975,  
19 inducted by Seun, Run and Chhai. Date becomes a full rights  
20 member of the Party is 11 January 1976, inducted by Pheng,  
21 Saroeun, and Se."

22 Q. Thank you, Witness. Does all this information on this document  
23 allow us to determine that you were born in 1974, whereas we got  
24 another date 1959? We've heard that you joined the Party as a  
25 candidate member and full rights member on the 11th of January



1 1976; does that reflect information regarding when you joined the  
2 army?

3 A. Yes, I acknowledge the information is correct.

4 [14.08.45]

5 Q. Can you tell us where you were on the 8th of May 1976 when  
6 that biography was established? Were you in Phnom Penh at Anlong  
7 Kngan or at Kampong Chhnang, if you do recall that?

8 A. I was at Anlong Kangan at the time.

9 Q. To your knowledge, as a member of the Party, were you  
10 dismissed from the Party?

11 A. My rights had been removed by that time.

12 Q. Can you explain to us why your rights were removed and at what  
13 time?

14 A. I cannot recall the date. However, usually I would be called  
15 to attend any meetings; however, later on it became less and less  
16 frequent. And I was aware of the removal of my rights.

17 Q. Were your rights withdrawn when Division 310 was subjected to  
18 purges?

19 A. It had happened before that.

20 MR. DE WILDE D'ESTMAEL:

21 With the President's leave, I would like to show the witness  
22 document E3/1169 and also have that document placed on the  
23 screen. It is titled "Revolutionary Army of Kampuchea: Division  
24 310 - Brief Biography of Members of the Party Dismissed by  
25 Angkar"?

1 [14.11.05]

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. This is a two-page document. It contains 44 names, and it was  
6 established on the 15th of May 1977 on behalf of the committee of  
7 Division 310. Witness, among the 44 people, there were 13 persons  
8 who were members of the 12th regiment, and they are numbers 1 to  
9 13. May I ask you to read out those 13 names and tell us whether  
10 you recognize any of them.

11 MR. HIM HAN:

12 A. I do not recognise these names. The reason for that, there had  
13 been a new group form.

14 [14.12.27]

15 Q. Very well. You can leave the document aside, Witness. I'll go  
16 into another line of questioning and I would like us to talk  
17 about a meeting held at the Olympic Stadium in 1975. I'll  
18 introduce this subject by reading what you stated in document  
19 E3/5532, that is your OCIJ statement. In answer number 15, in  
20 Khmer -- and in English, there's no number -- it's on page  
21 00425235 up to 36. And this is what you stated.

22 Are you listening to me, Witness?

23 A. Yes, I do. Please proceed.

24 Q. Very well. Answer 15: "At the end of 1975 when I was farming  
25 rice in Anlong Kngan, four people were summoned, including

1 myself, to attend a meeting at the Olympic Stadium. That meeting  
2 had to do with the assignment of soldiers to the Central  
3 Committee. I was seated inside the Olympic Stadium and I saw Pol  
4 Pot, Nuon Chea, Khieu Samphan, and Ieng Sary seated at the grand  
5 stand. I heard Nuon Chea talk of the assignment of soldiers to  
6 work in the Central Committee with Pol Pot as chief. He talked  
7 about other things as well, but I do not recall them. Regarding  
8 Ieng Sary and Khieu Samphan, they did not take the floor." [Free  
9 translation]

10 Regarding that meeting at the Olympic Stadium to which you were  
11 summoned, did you attend it as a candidate member of the Party  
12 that you were selected?

13 [14.14.48]

14 A. You're right. At that time, I was a candidate member, and I  
15 was called to attend that meeting once.

16 Q. You stated to DC-Cam that it was in November 1975. Are you  
17 sure of the month -- are you sure of the month or the month you  
18 gave was an estimate?

19 A. It happened around November 1975.

20 Q. Did Pol Pot and Nuon Chea take the floor during that meeting  
21 meant for assigning soldiers to the Central Committee?

22 A. Pol Pot only spoke a few words, but Nuon Chea spoke at length.

23 Q. And how did you know that those in attendance were Pol Pot,  
24 Nuon Chea, Ieng Sary, and Khieu Samphan? Were they introduced to  
25 you or you already knew them?

1 [14.16.25]

2 MR. PRESIDENT:

3 Witness, please hold on. And defence counsel Kong Sam Onn, you  
4 have the floor.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. I'd like to object to the last question  
7 as the witness did not say Khieu Samphan spoke. And through the  
8 interpretation, the Deputy Co-Prosecutor alleged that why the  
9 witness knew Pol Pot and Khieu Samphan spoke at that meeting. And  
10 that is misleading and it is contradictory to the testimony of  
11 this witness. Thank you.

12 BY MR. DE WILDE D'ESTMAEL:

13 Very well. I believe it is definitely a translation or  
14 interpretation problem because all I asked of the witness was  
15 that, since the witness said he saw the four leaders at the  
16 meeting, and I asked him how he knew that those were the persons.  
17 I didn't say that the person -- they spoke, the more so as the  
18 witness said that it was Nuon Chea who spoke the most.

19 Q. Witness, in the record -- your OCIJ statement that you read  
20 out -- you said there were four people, Pol Pot, Nuon Chea, Ieng  
21 Sary, and Khieu Samphan. How did you know that those were the  
22 four persons in attendance?

23 [14.17.53]

24 MR. HIM HAN:

25 A. I knew through the announcement that first, it was Pol Pot;

1 second, it was Nuon Chea; third, it was Khieu Samphan; and  
2 fourth, it was Ieng Sary. That's how I knew about it.

3 Q. Did the leaders of Division 310, including Oeun the commander,  
4 also in attendance at that meeting at the Olympic Stadium?

5 A. I didn't make that observation. And I apologize for that.  
6 There were crowds of attendees at the time.

7 [14.18.48]

8 Q. Very well. I'll read out to you the beginning of an extract of  
9 the "Revolutionary Flag", and it is E3/5. It is dated August  
10 1975. And the extract I will read out has the following  
11 reference: in Khmer, 00063324; English, 00401488; and in French,  
12 00538963. This is the report of a meeting attended by members of  
13 the Revolutionary Army, and I quote:

14 [Free translation] "On the 22nd of July 1975, during an  
15 organisational ceremony of the Revolutionary Army of the Central  
16 Committee of the Kampuchea Communist Party, the chief comrade of  
17 the supreme military committee of the Party organized an  
18 important conference -- a political conference for 3,000  
19 representatives, approximately, from all the units of the  
20 Revolutionary Army of the Central Committee of the Communist  
21 Party of Kampuchea. And the themes of the conference were as  
22 follows: the announcement of the historic grand victory of the  
23 nation, the population, and the army and our Party; the summary  
24 of the history of our Revolutionary Army; the reasons for the  
25 grandiose victory of our Revolutionary Army and the new task of

1 our Revolutionary Army."

2 You referred to a meeting held in November 1975. Here the  
3 "Revolutionary Flag" is talking of another meeting or perhaps the  
4 same meeting held in August 1975. According to what you saw and  
5 heard, do the themes I have just read out to you correspond to  
6 those that were developed during the meeting you attended?

7 A. It happened so many years ago. I cannot recall that.

8 [14.21.24]

9 Q. When Nuon Chea took the floor, did he talk about the defence  
10 of the country against internal and external enemies? Do you  
11 recall that?

12 A. Yes, I do. That's what he -- he said something similar to that  
13 effect.

14 Q. Did he say how the fight against internal enemies had to be  
15 waged? How could he determine whether someone was an internal  
16 enemy or not?

17 A. I cannot recall that particular detail.

18 Q. I'll very quickly move to a third subject before we talk about  
19 the Kampong Chhnang airfield construction site. I'd like us to  
20 talk about the purges of the North Zone for a start. Can you  
21 please explain to us whether Division 310 was the subject of a  
22 purge particularly of the cadres of the upper echelon?

23 A. The purges did happen, however, I cannot recall the date.

24 [14.23.15]

25 Q. At the time of the purges, was there any resistance or

60

1 fighting among members of the Division 310 who did not want to be  
2 arrested?

3 A. No, there was none. The reason for that was they were called  
4 to attend the so-called study sessions.

5 Q. So if I understand your answer correctly, they did not know  
6 that they were going to be arrested; is that correct?

7 A. Yes, it's a fair assumption.

8 Q. Was it not a common practice to proceed in that manner when  
9 arrest had to be made? Were people who had -- who were summoned  
10 and invited to come forward, did they not suspect that they were  
11 going to be arrested?

12 A. Occasionally, this person or that person disappeared. And it  
13 happened all across the chains of the command, for example, from  
14 the lower battalion up to the regimental level. And they never  
15 returned.

16 [14.25.20]

17 Q. Was it people who held relatively important positions who  
18 disappeared or it was simply ordinary soldiers who disappeared?

19 A. At the beginning, disappearances occurred at the division  
20 level, then it moved down the chain to the regimental level down  
21 to the battalion levels. But -- however, the soldiers were weak  
22 in terms of force due to insufficient food.

23 Q. Very well. This is what you stated in your record of interview  
24 -- E3/5532 -- in answer 17 in French and Khmer, and it is  
25 00420036:

61

1 "When I was at Wat Phnom towards the end of 1975, I heard cadres  
2 of the Southwest Zone announced over loudspeakers that Oeun, Kim  
3 and Voeung were respectively the general of Division 310. The  
4 deputy chief and members had been relieved of their duties and  
5 sent for studies at Poipet. Since then, I never saw them." End of  
6 quote. [Free translation]

7 [14.27.11]

8 Furthermore, before DC-Cam -- and this is document IS19.47 --  
9 this is what you stated: Khmer, page 00019666; in English,  
10 00680652; and in French, 00823166. And a person called Rasy put  
11 the following question to you:

12 "At the time, what was the name of the commander of Division  
13 310?"

14 And your answer was: "His name was Oeun. It was Uk Oeun. The  
15 deputy commander was Kim and the member was Voeung. They were  
16 arrested in the first wave."

17 And you were asked: "Do you know who came to arrest them?"

18 And your answer was: "It was people from the Southwest Zone." End  
19 of quote. [Free translation]

20 Now regarding that meeting at Wat Phnom, who were the cadres of  
21 the Southwest Zone who conducted that meeting? Did you know them?

22 A. No, I did not know them.

23 [14.28.40]

24 Q. And who attended that meeting at Wat Phnom, was it all the  
25 cadres of Division 310 or only some of them?



1 A. They were all soldiers subordinating to Division 310. However,  
2 since the arrival of the Southwest group, we did not have any  
3 authority or right anymore, and we had to simply do what we were  
4 asked to do by this newly arrival group.

5 Q. Did the cadres of the new Southwest group tell you at the  
6 meeting at Wat Phnom that the leaders of Division 310 had  
7 betrayed the Party?

8 A. They didn't mention that.

9 Q. Did they have an audio recording of a confession by some  
10 leaders of Division 310 played out? Did the extract of a  
11 confession that was recorded played out to you?

12 A. No.

13 [14.30.25]

14 Q. Are you sure or you simply do not recall that?

15 A. At that time, the meeting was broadcast through loudspeakers,  
16 and it was very noisy. And I did not recall that I heard similar  
17 phrases were used.

18 Q. Prior to the arrest of Oeun, Voeung and Kim or Koem, was there  
19 discontent within the ranks of Division 310 following the arrest  
20 of and the disappearance of Koy Thuon and Chan Chakrey?

21 A. I did not know that Koy Thuon and Chan Chakrey had been  
22 arrested. And as for Oeun, Kim and Pheng, they were sent to  
23 Poipet and Battambang after which they disappeared.

24 Q. Do you know who went with Oeun and Voeung to Battambang?

25 A. Those who were from Southwest Zone.

1 Q. Do you know if there were any members of the general staff who  
2 accompanied these people to Battambang?

3 A. I have no idea.

4 [14.32.36]

5 Q. In the days or weeks that preceded that meeting at Wat Phnom,  
6 was there another meeting that was held by Oeun or presided by  
7 him in Wat Phnom and during which he announced that he intended  
8 to take power?

9 A. I do not know about this.

10 Q. Can we say that you were sent to Kampong Chhnang after Oeun  
11 and his deputies were purged?

12 A. Yes, that is true.

13 Q. I would like you to help the Chamber identify some of the  
14 cadres, and I will show you the following document: E3/1585 at  
15 pages 2 and 3 in French, 2 and 3 in English, and page 2 in Khmer.  
16 And so with your leave, Mr. President, I would like to show these  
17 pages on the screens.

18 [14.34.16]

19 MR. PRESIDENT:

20 You may proceed.

21 BY MR. DE WILDE D'ESTMAEL:

22 It's a list of names of people who participated at the first  
23 training session with the general staff on 20 October 1976, and  
24 there are 51 of these participants from Division 310. And so on  
25 the first page, I believe, in Khmer at numbers 1 and 2, you would

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1 see the names of Comrade Oeun, secretary of Division 310 and  
2 Comrade Voeung, deputy secretary. And I would like to recall that  
3 you said that Kim was Oeun's deputy to DC-Cam and Voeung was a  
4 member. However, here Voeung is described as the deputy  
5 secretary. So does that perhaps refresh your memory on the fact  
6 that Voeung, at the end of 1976, had replaced Kim as deputy  
7 secretary of Division 310?

8 MR. HIM HAN:

9 A. I do not know about the changes.

10 [14.36.03]

11 Q. And now numbers 16 through 25 on the list. These are the names  
12 and positions of all the higher cadres of Regiment 12. You  
13 already mentioned Comrade Pheng which you can see at number 16.  
14 From 17 to 25, could you read these names and tell me if you  
15 remember some of them. They were part of Regiment 12.

16 A. I could read the names but I do not recall all the names.

17 Q. At number 17, you have Comrade Nan as deputy secretary of  
18 Regiment 12. This Comrade Nan, is it the same person that you  
19 called Oeun in your written records?

20 A. No. Nan was a newcomer.

21 Q. Number 24, Comrade Sim, battalion secretary - or, perhaps I've  
22 mispronounced his name. But number 24, is that the person you  
23 described as the head of Battalion 124 -- Sim -- Sam (phonetic)?

24 A. Yes, that is correct.

25 [14.38.16]

1 Q. Document E3/342 of the revised list of prisoners at S-21,  
2 number 3750, you would see the full name of that person and  
3 perhaps you can help us identify this person: Khuon Suy aka Sim  
4 entered S-21 24 February 1977. And so this person, Khuon Suy aka  
5 Sim, is that the same person that is under number 24 of the list  
6 that you have before you?

7 A. I do not know his real name.

8 Q. And lastly, his name is not on the list, but was there a  
9 certain Miech Sat aka Saet who would have been assistant to  
10 Regiment 12?

11 A. I do not know them.

12 Q. Mr. Witness, could you tell us why your Regiment 12 was sent  
13 to Anlong Kangan to grow rice and dig irrigation dikes?

14 A. Not only Regiment 12, other regiments also went to that place.  
15 As for my Regiment 12, we went to do the rice farming in Anlong  
16 Kangan.

17 [14.40.31]

18 Q. When you were interviewed by DC-Cam, document IS19.47 -- so in  
19 English, ERN 00680645; French, 00823160; and you said: "Following  
20 in 1976, there were purges. There was only me and a few others.  
21 We were about 50 to 60 people. We more or less have the same  
22 rank. They were told to integrate a new unit and they created  
23 Unit 17. Unit 17 could be purged and exterminated at any moment  
24 because its leaders were considered as the worse of the bad  
25 elements." End of quote.

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1 This Unit 17, was it created after the Wat Phnom meeting when you  
2 found out that Oeun had been sent away?

3 A. It was after the meeting at Wat Phnom.

4 Q. Did Unit 17 or rather was Unit 17 also called Battalion 317?

5 A. I have never heard of 317. At that time, I heard people call  
6 that unit, Unit 17.

7 [14.42.28]

8 MR. PRESIDENT:

9 Thank you, Deputy Co-Prosecutor. It is now the convenient time  
10 for a short break. And the Chamber will take a break from now  
11 until 3 o'clock.

12 Court officer, please find a proper place for this witness during  
13 the break time. And please invite him back into the courtroom at  
14 3 o'clock.

15 The Court is now in recess.

16 (Court recesses from 1443H to 1501H)

17 MR. PRESIDENT:

18 Please be seated.

19 The Court is back in session, and again the floor is given to the  
20 Co-Prosecutors to continue putting questions to this witness. And  
21 you may proceed, Deputy Co-Prosecutor.

22 BY MR. DE WILDE D'ESTMAEL:

23 Thank you very much, Mr. President.

24 Q. Witness, before the break we were talking about the fact you  
25 told DC-Cam that people of Unit 17 could be exterminated. Why did

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1 you say that? Why was that unit 17 composed of people who could  
2 be exterminated at any time?

3 [15.02.35]

4 MR. HIM HAN:

5 A. They decided that we were considered traitorous, and we were  
6 placed in the so-called Unit 17, and there were 50 of us.

7 However, allow me to say clearly before the Court that I did not  
8 know why we were accused of being traitors. I did not know  
9 anything at all about the traitorous activity.

10 Q. You said regarding Pheng, the commander of your regiment,  
11 before DC-Cam -- that is, IS 19.47, the Khmer page is 0019660; in  
12 English, 00680645; and in French, 008260 -- this is what you  
13 stated, and I quote:

14 [Free translation] "Regarding Mr. Pheng, I know that they  
15 arrested him and executed him."

16 Question: "In what year was he arrested?"

17 And your answer was: "In 1977- 78."

18 Question: "Why was he arrested?"

19 And you said: "They arrested him because they said that the  
20 Central Zone was traitorous, including the army of that zone."

21 You said the same of - you said the Central Zone and the North  
22 Zone were the same. Now, do you confirm that even after the  
23 meeting held at Wat Phnom, you were never told why your leaders  
24 were considered as traitors?

25 [15.04.36]

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1 A. At that time, the -- allow me to say that, initially, it was  
2 called the North Zone, and later on it was changed to the Central  
3 Zone. And later on, I did not recall the details regarding those  
4 related events. And if any cadre who was at the leadership level  
5 disappeared for more than seven days, I made my personal  
6 conclusion that the person was taken away and killed. And if the  
7 person was to return before the seven-day period, the person  
8 would not be sent back to his former unit, but would be  
9 reassigned to another unit.

10 Q. Did Oeun, Voeung and Pheng -- were they arrested during the  
11 same period, and did they disappear during the same period?

12 A. Oeun, Kim and Run disappeared first, then Pheng and other  
13 cadres, who were at a similar rank and level, started to  
14 disappear.

15 [15.06.48]

16 Q. We have on record a number of documents, particularly document  
17 E3/342, which states that Oeun -- numbers 8, 9, 10 -- went into  
18 S-21 on 17 February 1977. We also have document E3/2285, number  
19 87, is a list of S-21 prisoners executed.

20 MR. PRESIDENT:

21 Deputy Co-Prosecutor, please repeat the document and the ERN  
22 number again, as the interpreter did not catch it.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. I was not yet at the ERNs, but the reference is E3/342. That  
25 is the revised list of S-21 prisoners. It includes the name of

1 Oeun. That is number 8, 9, 10 and 7. And it points out that Oeun  
2 went into S-21 on 17 February 1977, whereas document E3/2285, at  
3 numbers -- at number 87 of the list of S-21 prisoners executed on  
4 12 May 1977, also contains the name Som Chhoeun alias Pheng,  
5 secretary of Regiment 12, who went into S-21 on 19 February 1977.  
6 Do these dates refresh your memory as regards the date on which  
7 you left to go to Kampong Chhnang Airport? That is to say, that  
8 it was not before Oeun, Voeung and Pheng were arrested in  
9 February 1977?

10 [15.08.58]

11 MR. HIM HAN:

12 A. I determined that once those who were in leadership, and who  
13 were recalled to go to Phnom Penh, was all arrested.

14 Q. My question is whether those dates in February 1977 refresh  
15 your memory regarding the fact that you were not sent to Kampong  
16 Chhnang Airport before February or March 1977, and that is prior  
17 to the arrest of the leaders of the division?

18 A. Yes, that is correct. However, at that time, the forces were  
19 dispersed, and the leadership level was no longer attached to the  
20 soldiers under their subordinate.

21 [15.10.13]

22 Q. Yes. By the way, you state in your record of interview --

23 E3/5532 -- in answer 4 -- this is what you stated, and I quote:

24 [Free translation] "The commander of the battalion, Seun,

25 informed us that the next day we would be transferred to Kampong



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1 Chhnang in order to carry out work on the airport construction  
2 site, and that only the soldiers from the section and the company  
3 had to go there. Five GMCs came and put us on board the vehicles.  
4 At the same time, I saw three other vehicles transporting the  
5 commanders of the battalion and the regiment, including my chief,  
6 Seun. The vehicles of my group plied the road on the National 4  
7 road, leading to Kampong Chhnang province, whereas Seun's group  
8 headed for Phnom Penh." End of quote.

9 Can you tell us how many commanders and chiefs you had in the  
10 regiments and battalions who were led away in three other  
11 vehicles on the day you left for Kampong Chhnang? I'm talking of  
12 those who left for Phnom Penh, and not those who were with you.

13 [15.12.05]

14 A. It was my observation the convoy included three vehicles. As  
15 for my convoy, there were four vehicles, and it was en route to  
16 Kampong Chhnang.

17 Q. And how many cadres who were leaders were there in the three  
18 vehicles that left for Phnom Penh?

19 A. I did not grasp the situation as the process was done during  
20 the night-time, and I only saw the headlights of the three  
21 vehicles.

22 Q. I will now talk about the Kampong Chhnang Airport construction  
23 site. When you were transported on these five GMC vehicles to the  
24 airport, did you have the choice to accept to go there or not?

25 A. I didn't dare to refuse at all. If I were to refuse, then I

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1 would be disappeared. Because by that time, we were under the  
2 control and leadership of the Southwest group.

3 [15.13.50]

4 Q. You uttered a sentence that is of interest to me before the  
5 DC-Cam and in Khmer, it is 00019665; in French, it is 00823165;  
6 and in English, 00680651; and this is what you stated:

7 [Free translation] "In 1976, the situation changed. Afterwards, I  
8 was no longer attached to the army. I was assigned to the  
9 examinations unit that had to build the Kampong Chhnang Airport."

10 Can you explain to us what do you mean by the words "I was no  
11 longer attached to the army"?

12 A. When my group was separated from the main group and sent to  
13 Kampong Chhnang airfield, I was relieved of my duty and I was no  
14 longer a soldier but a labourer working, or engaging in labour,  
15 at the airfield.

16 Q. Were you demobilized? Did they relieve you of your duties as a  
17 soldier because you were affiliated to the people referred to as  
18 traitors within the division?

19 A. They considered us in Unit 17; I was affiliated to the  
20 traitorous network in the Central Zone.

21 [15.16.00]

22 Q. Was Unit 17 henceforth sent to Kampong Chhnang, to be punished  
23 or to be tempered by manual labour?

24 A. No, it was not like that. However, we were screened out and  
25 selected to engage in heavy labour there, so that our strength

1 would be weakened, and we could not engage in any act against  
2 them. And we were in a position not to be able to refuse any work  
3 assignment.

4 Q. Did you enjoy a certain measure of freedom at that worksite?

5 A. At the airfield worksite, you could say there was freedom.

6 However, it was a limited freedom, and I mean we were not allowed  
7 to move freely. We could only move within the limited assigned  
8 area. And you could also say that we were imprisoned, in a prison  
9 without walls.

10 [15.17.40]

11 Q. You stated on the page I have just quoted -- that is, the

12 DC-Cam document -- this is what you stated: "There were so many  
13 people who all had the status of workers. They were, by the way,  
14 all soldiers which the Khmer Rouge planned to kill. Those people  
15 came from two zones: the Central Zone and the East Zone."

16 Can you tell me about the status of people from the East Zone,  
17 who also had the status of workers? When you compare your working  
18 conditions with those of the people from the East Zone, what  
19 would you say?

20 A. The work nature of those from the two different zones, I can  
21 attest that the work that had to be done by us, Unit 17, was  
22 heavier than that of the other soldiers -- of the soldiers from  
23 the other zone.

24 Q. Do you know from what division the other workers on the  
25 worksite hailed, apart from those from your division? Were there

1 people from Division 450 or Division 310?

2 A. No.

3 [15.19.55]

4 Q. Where were the people from the East Zone you referred to as  
5 former soldiers who had the status of workers?

6 A. I could not grasp the situation at that time. My superior said  
7 that those people were from the East Zone, and we were not  
8 allowed to contact them. Otherwise, we would be disappeared.

9 Q. Were there people who disappeared from your Unit 17 while you  
10 were working at the airport construction sites?

11 A. There was no disappearance in my unit. However, I knew that  
12 people disappeared from other units.

13 Q. And do you know why those people disappeared? Were you able to  
14 find out why?

15 A. I did not know the reason for their disappearance.

16 Q. Were there any armed guards patrolling the airport  
17 construction site?

18 A. There were guards, and they were all forces from the  
19 southwest.

20 Q. Were those guards from the Southwest Zone members of Division  
21 502?

22 A. I didn't have that knowledge.

23 [15.22.30]

24 Q. Did those guards keep an eye on you, or monitor you, while you  
25 were working?

1 A. They didn't stay close to us. They were at the far distance  
2 from us. However, they were on patrol, surrounding the area that  
3 people were working in.

4 Q. Were those people from the Southwest Zone, particularly the  
5 guards, particularly watchful to avoid any people trying to  
6 escape?

7 A. I cannot make any conclusion regarding the nature of their  
8 guards.

9 Q. Can you tell us what kind of work you had to do on the  
10 construction site? And can you tell us how such work was painful?

11 A. The most difficult type of work there was to carry rocks, and  
12 to lay them on the ground. And that was the most difficult thing,  
13 comparing to carrying earth, for example.

14 [15.24.28]

15 Q. Were any people in your unit and other units, including those  
16 who had to carry rocks, and perhaps to blast rocks, did they  
17 sustain any injuries?

18 A. For rock transportation workers, there were no injuries.  
19 However, for those who had the duty to break rocks, got injured  
20 from the fragments of the blast. And that happened in my unit as  
21 well. And some workers died as a result of the blast from the  
22 rock-breaking process.

23 Q. You said before DC-Cam -- document IS 1947; in Khmer,  
24 00019668; in French, 00823168; and in English, 00680654; and this  
25 is what you stated:

1 [Free translation] "I was transferred to Kampong Chhnang where  
2 life was terrible for everyone. It wasn't only the population  
3 that was concerned. Everyone was really doing an uphill task."  
4 Can you explain to us how terrible life at Kampong Chhnang was,  
5 so terrible? And why you said it was an uphill task?

6 [15.26.35]

7 A. Allow me to say that our unit was screened out and we were  
8 assigned the heaviest tasks, and we were subject to the execution  
9 at any time. And we were ordered to work non-stop. For instance,  
10 for the morning session, we had four hours, and we did the same  
11 for the afternoon session. And at night-time, we had to do three  
12 to four hours intensive labour, regardless of the weather  
13 condition, or whether it rained. And that was compounded with  
14 insufficient food, and with little sleep that we had. And that  
15 weakened us.

16 Q. Precisely as regards food, was the food adequate, balanced and  
17 varied, such that you were able to obtain the energy you needed  
18 to do the painful work that you did on the construction site?

19 A. The food was insufficient, as I stated. Although it was called  
20 one tin of rice given to us, the amount of the actual rice was  
21 very little. And if you put all those rice grains together, it  
22 amounted to about only two ladles. And the food itself -- the  
23 soup itself, was tasteless. The soup usually consisted of  
24 waterlily or morning glory, and it was very rare for us to have  
25 any meat or fish in the soup.

1 [15.28.59]

2 Q. You said in answer 6 of the record of interview -- E3/5532 --  
3 in English, the page is 4, and you said: "I saw people being  
4 transported to the hospital, but I don't know where that hospital  
5 was located, and the patients who were taken there never came  
6 back. Very few came back." When you say that the sick were taken  
7 to the hospital, are you referring to people from your own group?  
8 And if yes, can you tell us whether you heard that they died at  
9 the hospital?

10 A. People whom I saw did not belong to my unit. They were from  
11 the East Zone as well. However, they were from different units,  
12 and they worked at the same worksite, but it was at a far  
13 distance from where my unit worked. And I did not see them  
14 return. And as I said, they were from the East Zone.

15 Q. Among the workers in your group, were there any people who  
16 were sick, but hid their illness because they were afraid they  
17 would be accused of being lazy, and therefore continued working  
18 until they were exhausted?

19 A. Yes, there were, but a few cases only, and usually we would  
20 help them. And sometimes we had to give them the little food that  
21 we had so that they would recover. And that's the spirit that we  
22 had for the members of the group, so that they could recover from  
23 their illness, and that we could achieve the quota for the group.

24 [15.31.25]

25 Q. Those will be my last question, Mr. Witness. I will quote from

1 your interview with DC-Cam, IS 19.47. In Khmer, 00019659 to 60;  
2 in French, 00823159 to 60; and in French, 00680644 to 45; you  
3 said -- and I quote:

4 "I acted entirely against my initial objective. I wanted to be a  
5 soldier, and I wanted to fight Lon Nol, and to liberate the  
6 population. Instead I did the exact opposite of what I wanted to  
7 do at the beginning." End of quote.

8 You said that you did the exact opposite, and you didn't liberate  
9 the population. Can I say that you participated without wanting  
10 to, to a regime that put the population under a yoke?

11 A. Yes, that is true. I did not like it.

12 [15.33.25]

13 MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. Witness, for having answered my questions. I will  
15 now leave the floor to the civil party lawyers.

16 Thank you, Mr. President.

17 MR. PRESIDENT:

18 Thank you. And the floor is now given to Lead Co-Lawyer for civil  
19 parties.

20 QUESTIONING BY MR. LOR CHUNTHY:

21 Thank you, Mr. President. Good afternoon, everyone in and around  
22 the courtroom, and good afternoon, Mr. Witness.

23 Q. I am Lor Chunthy, civil party lawyer. You have just given your  
24 responses to the questions in relation to food rations. I would  
25 like to seek some clarification on this matter. I do not really



1 understand well about the word that you used -- that is, "lang  
2 sheng" (phonetic), and "lang sheng" (phonetic) in our Khmer  
3 culture is the container which we use to steam food. Could you  
4 give your explanation on this?

5 A. As for "lang sheng" (phonetic), it was about the box which was  
6 used by old ladies to keep nuts and the beetles. And in one "lang  
7 sheng" (phonetic), there were four parts in one "lang sheng"  
8 (phonetic) or container.

9 [15.35.37]

10 Q. I would like to backtrack a little bit. You stated that you  
11 participated in the attack into Phnom Penh. How long -- how many  
12 days did you stay in Phnom Penh before you were relocated to  
13 Kampong Chhnang?

14 A. I was not staying long in Phnom Penh. I was in Phnom Penh for  
15 perhaps three months, and after that I was transferred to do rice  
16 farming in Anlong Kngan, and after which I was transferred to  
17 Kampong Chhnang.

18 Q. Upon your arrival at Kampong Chhnang, what was the situation  
19 like, from your observation? Were there many people at that  
20 place? Did the construction start already? And what was the  
21 situation like when you first arrived at the place?

22 [15.37.10]

23 A. When I arrived at Kampong Chhnang, I was at the field. There  
24 were many palm trees and other trees in that area. And a large  
25 portion of land was cleared at that time. And after I came down

1 from the vehicle, I was asked to line up, and we were divided  
2 into units. I would like to tell the Court that when we were told  
3 to line up, and I could understand that the voice of the person  
4 who called us to line up at that time was the one who was from  
5 the Southwest Zone

6 Q. Thank you. And after you were there, you have just stated that  
7 you all were divided into groups, or units. And after you arrived  
8 at that place, you stayed in your respective units. And what was  
9 the responsibility of your unit at that time?

10 A. Other units, including mine, had the same duties. We were --  
11 for me, I was given a pair of the baskets and one shoulder pole,  
12 and one hoe. Everyone got the same tools and materials. And after  
13 that, they pointed to the hills -- the small hills that we had to  
14 dig. And we had to complete the work in accordance with the plan.  
15 [15.39.46]

16 Q. Thank you. I would like to know the supervisors, or the  
17 leaders at that construction site, and particularly your -- the  
18 chief of your unit. Where was he from? Was he the one who was  
19 from Anlong Kngan?

20 A. The one who supervised me was from the Southwest Zone. I did  
21 not know his or her name. I knew that these people were from the  
22 Southwest Zone because they did not really understand Khmer  
23 people. And if we look at them, and if we did not comply with  
24 their assignment, we would be killed.

25 Q. You stated that you did not dare to look at their faces. And

1 you said that they did not understand what Khmer was. Did this  
2 person speak Khmer? And was he Khmer?

3 A. He was Khmer. His origin was Khmer, but he identified my unit  
4 -- that is, Unit 17, as the unit -- the enemy unit. And I would  
5 do the work as assigned by him. I could not protest.

6 [15.41.44]

7 Q. Thank you. You have just stated that you received a pair of  
8 baskets, a shoulder pole, and a hoe. Were there any other modern  
9 equipment given to you? For example, if you were assigned to go  
10 and break the rock, you would face some fatal accidents. Did you  
11 receive any protection kits?

12 A. After I cleared the land, I had to go to collect rock and also  
13 to break the rock. There were no protection kits, and if we were  
14 hit by the fragments, we would bleed sometimes. And if we got  
15 sick, we also had to work. We did not have the freedom to  
16 complain, or to protest.

17 Q. Thank you. During the breaking of the rock, did you notice any  
18 fatal accidents?

19 A. People died from the fragments of the rock almost every day.  
20 And the rock was broken by the blasting machine, or explosive.  
21 And the one who was responsible for installing the explosive, if  
22 he or she could not run away in time, he would be killed by the  
23 rock fragments. And I was told -- and I heard people say every  
24 day that when workers used the blasting machine or explosives to  
25 break the rock, some would die, and as some who got injured

1 because of that work would be referred to the hospital in Kampong  
2 Chhnang.

3 [15.44.36]

4 Q. Thank you. If workers sustained injury, did the supervisors of  
5 units take any measures to avoid any future injuries sustained by  
6 workers? As you stated that there were people injured from work.

7 A. If the ambulances came in time, and if the injured workers did  
8 not die yet at that time, they would be brought by the ambulances  
9 to the hospital. I noticed that those who stood and looked at the  
10 injured, who were transported into the ambulances, would be --  
11 would disappear. So if we dared to stand and watch, they were  
12 transporting or taking the injured worker into the ambulances,  
13 they would disappear.

14 Q. You have just stated that if one dared to stand and look at  
15 the ambulances, or look at the injured people, or workers being  
16 transported into the ambulances, they would disappear. So, where  
17 did you see such incidents?

18 [15.47.00]

19 A. The incident happened at the worksite, and the people who  
20 disappeared were from different units. They were not from my  
21 unit. And if people disappeared, we would ask each other. We did  
22 not have the freedom to stand and discuss about the disappearance  
23 of our colleagues, but while we were working or walking, we would  
24 ask each other why we did not see some certain people. So, as I  
25 stated, the one who dared to stand and watch the injured people

1 being transported into the ambulances would disappear.

2 Q. I would like to seek your clarification as well in relation to  
3 the time when you were working at the construction site. Did you  
4 ever see any technicians working at that airfield? Were there any  
5 technicians or experts?

6 A. Yes, there were Chinese experts.

7 [15.48.28]

8 Q. Thank you. Regarding the Chinese experts, were they aware of  
9 the accidents at work?

10 A. Perhaps they did not know. That is why they said nothing about  
11 the incidents, the accidents. Sometimes I was assigned to work  
12 close to the location where people got injured, and I knew about  
13 that. But sometimes I was sent to far away to work, and I did not  
14 know about the accidents.

15 Q. Thank you. Were there any female units? And what kind of work  
16 did they do?

17 A. There were many female workers from the East Zone. They stayed  
18 in a far distance from my place. And I noticed that there were  
19 many female workers at the airfield. I knew that some workers --  
20 female and male -- were from the East Zone. They were from the  
21 north.

22 Q. Concerning female workers, did they suffer from any accidents  
23 at work?

24 A. I have no idea, but in late 1976, female workers were gone. I  
25 did not know where they went. Perhaps they were relocated. They

1 were moved. Female workers would stay in a house -- in houses,  
2 and later on, in late 1976, I did not see them anymore.

3 [15.51.10]

4 Q. Did you know the fact that there was a female who committed  
5 suicide at that time? Was it because she was doing hard labour?  
6 And did you know that there was a female worker throwing herself  
7 under the wheel of the steamroller?

8 A. I have never known about the suicide committed by the female  
9 worker, and we had the same working condition. But as for the  
10 lady who committed suicide, I have no idea.

11 Q. During the time that you worked at the airfield, were there  
12 any livelihood meetings taking place frequently?

13 A. No, there were no meetings, even small or big ones.

14 Q. If someone committed wrongdoing, or infraction, for example,  
15 breaking a hoe, or destroying the basket, what kind of action  
16 would they -- what kind of accident did they receive -- what kind  
17 of action did they receive?

18 A. If one broke the hoe, or destroyed any baskets, they had to  
19 maintain the -- some parts of the fragments, or they had to  
20 maintain the broken baskets so that they would not be in trouble.  
21 And as for my unit, we never committed any wrongdoings.

22 [15.54.20]

23 Q. When you were working at the airfield, how many workers were  
24 there?

25 A. When I first arrived at the airfield, there were not so many

1 people. There were around 100 workers. But in late 1976 and in  
2 early 1977, the number of workers grew. There were about -- over  
3 1,000 workers. And in early 1978, I could see a worker  
4 everywhere. The number grew more and I could see many heads at  
5 the airfield. Everyone was skinny and bony, because we were  
6 suffering from exhaustion.

7 Q. Thank you. In document IS 19.47, you were asked a question and  
8 you also gave your response. You stated in that document that you  
9 could not trespass into other units' location, otherwise you  
10 would die. And then there was another question, a follow-up  
11 question, in the document. You were asked why many people died  
12 during the time that they were working at Kampong Chhnang  
13 airfield. And your answer at that time was: "There was an  
14 instruction from Pol Pot, and people died because they had the  
15 slogan that "keeping one is no gain, taking him or her away is no  
16 loss". So people would be taken away at any time they wanted --  
17 ERN in French, 00823168; ERN in English, 00680655; Khmer, ERN  
18 00054205. What do you mean? I would like to know the statement  
19 that you made in your document. What do you mean by that?

20 [15.57.48]

21 A. It happened a long time ago. I may have forgotten it. The unit  
22 who was assigned to do the work in one particular location had to  
23 stay in their own location. We could not trespass into other  
24 units' location. I was working to the west, so I could not  
25 trespass into other units' location. We would be arrested if we

1   dared to trespass into other units' location. And if one was  
2   arrested, he or she would never return. You asked me about  
3   security and protection taking place at the construction  
4   worksite, and if the guard saw us trespassing into other units'  
5   location, he or she would come to arrest us.

6   Q. I have a last question for you. Did you notice any visitors,  
7   or any delegates coming to visit the worksite? Did you notice any  
8   Chinese delegation at the worksite?

9   A. I never saw any delegation at the worksites. I did not know  
10   about that.

11   MR. LOR CHUNTHY:

12   Thank you, Mr. President. I conclude my line of questioning.  
13   [15.59.43]

14   MR. PRESIDENT:

15   Thank you. Before we adjourn the hearings today, the Chamber  
16   would like to inform the public that the Witness and Expert  
17   Support Unit has informed the Chamber that witness 2-TCW-866, who  
18   was scheduled to testify this week, is unable to testify due to  
19   illness. She will be rescheduled to testify after the mid-year  
20   judicial recess, when her health permits. Therefore, the Chamber  
21   will hear 2-TCW-855 this week in relation to the 1st January Dam  
22   worksite. And the Chamber would like to confirm as well that  
23   after the judicial recess, the Chamber will start hearing the  
24   witness in relation to Trapeang Thma Dam worksite.

25   The hearing today comes to an end, and the Chamber will resume



1 its hearing tomorrow, on 24 June 2015, starting from 9.00 a.m.

2 And the Chamber will continue to hear witness Him Han. And after  
3 which, it will hear one civil party, 2-TCCP-247. Please be  
4 informed.

5 [16.01.26]

6 Thank you very much, Mr. Him Han. The hearing of your testimony  
7 as a witness has not come to an end yet. You are therefore  
8 invited to be here again tomorrow, starting from 9.a.m. You may  
9 now rest.

10 Court officer, with the WESU unit, please send Mr. Him Han to the  
11 place where he is staying at the moment, and please invite him  
12 back into the courtroom tomorrow at 9 a.m.

13 Security personnel, you are instructed to bring Mr. Khieu Samphan  
14 and Nuon Chea back to the detention facility, and have them  
15 returned tomorrow before 9 a.m.

16 The Court is now adjourned.

17 (Court adjourns at 1602H)

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