



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Extraordinary Chambers in the Courts of Cambodia
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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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I N D E X

Mr. CHAN Morn (2-TCW-975)

Questioning by Mr. KOPPE page 3

Questioning by Ms. GUISSÉ..... page 48

Questioning by Mr. KONG Sam Onn page 77

Mr. KEO Kin (2-TCW-910)

Questioning by The President (NIL Nonn) page 86

Questioning by Mr. DE WILDE D’ESTMAEL page 89

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHAN Morn (2-TCW-975)	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KEO Kin (2-TCW-910)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. SMITH	English

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remaining testimony of

6 witness Chan Morn, and then we continue to hear a testimony of

7 another witness -- that is, 2-TCW-910.

8 And Mr. Em Hoy, please report the attendance of the Parties and

9 other individuals at today's proceedings.

10 [09.02.09]

11 THE GREFFIER:

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

13 are present.

14 Mr. Nuon Chea is present in the holding cell downstairs as he

15 requests to waive his direct presence in the courtroom. The

16 waiver has been delivered to the greffier.

17 The witness who is to continue his testimony -- that is, Mr. Chan

18 Morn, is present and ready in the courtroom.

19 We also have a reserve witness today -- that is, 2-TCW-910. The

20 witness confirms that to his best knowledge, he has no

21 relationship by blood or by law to any of the two Accused -- that

22 is, Nuon Chea and Khieu Samphan or to any of the civil parties

23 admitted in this case. The witness took an oath before the Iron

24 Club Statue yesterday. Thank you.

25 [09.03.33]

1 MR. PRESIDENT:

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

3 The Chamber has received a waiver from Nuon Chea, dated 10 June
4 2015, which states that due to his health -- that is, headache,
5 back pain, he cannot sit or concentrate for long and in order to
6 effectively participate in future hearings, he requests to waive
7 his right to participate in and be present at the 10 June 2015
8 hearing.

9 Having seen the medical report of Nuon Chea by the duty doctor
10 for the Accused at the ECCC dated 10 June 2015, who notes that
11 Nuon Chea has back pain and dizziness when he sits for long and
12 recommends that the Chamber shall grant him his request so that
13 he can follow the proceedings remotely from the holding cell
14 downstairs.

15 [09.04.35]

16 Based on the above information and pursuant to Rule 81.5 of the
17 ECCC Internal Rules, the Chamber grants Nuon Chea's his request
18 to follow the proceedings remotely via an audio-visual means. The
19 AV Unit personnel are instructed to link the proceedings to the
20 room downstairs so that Nuon Chea can follow the proceedings
21 remotely, and that applies for the whole day.

22 The Chamber now hands the floor to the defence teams, and first
23 to the Nuon Chea defence team to put questions to the witness.

24 You may proceed, Counsel.

25 [09.05.22]

1 QUESTIONING BY MR. KOPPE:

2 Thank you, Mr. President. Good morning, Your Honours. Good
3 morning, Counsel. Good morning Mr. Witness. I have a few
4 questions to ask to you this morning.

5 Q. I would like to start with asking you some questions in regard
6 to your military career, your military work rather, between 1973
7 and 1979, and I would like to divide that period up in three
8 parts: the first part between 1973 and 1975; then '75 liberation
9 until the moment that many soldiers started working at Kampong
10 Chhnang Airport, presumably somewhere in 1976; and -- let me
11 first start the period between 1973 and 1975. I understand from
12 your testimony yesterday that you were a messenger as of 1973 --
13 military messenger -- were you having that function as a
14 messenger all the way up until liberation in April -- on 17 April
15 '75?

16 MR. CHAN MORN:

17 A. From 1973 to 1975, I worked as a messenger.

18 [09.07.15]

19 Q. Were you member of a squad, was your squad part of a group,
20 was that group part of a platoon, et cetera? Can you tell me a
21 little bit about the structure of the division that you worked
22 in?

23 A. Originally, I was in Unit 120. However, by 1975, it was
24 changed to Division 502 for the air force.

25 Q. I understand, but I would like to ask you whether you as a

4

1 messenger were part of squad and whether this squad was part of a
2 group, platoon, et cetera. Can you tell us a little bit more
3 about the way Division 120, later 502, was organised?

4 A. I was a messenger to carry messages to other units within two
5 other units under the subordinate of division -- that is, to
6 various platoons, companies and artillery units within that
7 division.

8 [09.09.13]

9 Q. Were you then part of a messengers unit, who was your direct
10 superior in your unit?

11 A. There was only an office chief. For that division, there was
12 one office chief and during the times that I worked there, Ta
13 Yeng was the office chief and who was the one who gave me
14 instructions to deliver messages to various units within that
15 division.

16 Q. How many other messengers were in your unit? How many soldiers
17 did the office chief give orders?

18 A. <There> were four messengers <in the division> and we were
19 assigned various tasks; for example, a messenger would be
20 assigned to relay messages in terms of telegrams and
21 <communication radios, while the> others were assigned different
22 tasks. <We worked in rotation.>

23 [09.11.09]

24 Q. And do you know who gave office chief Ching (phonetic)
25 instructions, who was superior officer of office chief Ching

1 (phonetic)?

2 A. <He worked on the order from the division including> Lvey and
3 Met. These two gave instructions to the office chief and
4 subsequently the office chief gave instructions to the messengers
5 to relay messages to various other units.

6 Q. Okay. Can you tell us a little bit about how much food every
7 messenger from your unit but also every soldier belonging to this
8 division received every day? Can you tell us how much rice you
9 would eat per day as a ration between '73 and liberation '75?

10 A. During 1973, <when> the war was raging, <> we only ate packed
11 rice which was prepared <and supplied by> the rear battlefield.
12 And in 1975 -- that is, after the war concluded, we ate at our
13 respective team squad; for example, where I stayed at Pochentong
14 airport and we <were given rice to cook by ourselves> each day;
15 for example, we ate -- rather, at lunch time we had thick gruel,
16 and for dinner we had thin gruel.

17 [09.13.45]

18 Q. Do you know -- in relation to the period '73-'75 and possibly
19 also afterwards -- how many thang each soldier would get roughly
20 per year?

21 A. <Back in 1973, a> food ration <of a haversack of rice> was <>
22 given <to each> soldier <in> the squad. <For example, today my
23 haversack of rice was cooked for everyone in the squad, so
24 tomorrow; it would be someone else's haversack. A haversack of
25 rice was equivalent to between> 10 <and> 20 <milk> cans. <I>

6

1 would not <know as to how many baskets or "thangs" it was>. We
2 were given this <haversack> of rice and we usually carried it on
3 our body at that time. For instance, today, <not all, but only
4 some of the> rice from my <haversack would be cooked. Each
5 soldier had to keep a least one or two milk cans of rice in his
6 haversack to be used in the event of an emergency, in particular,
7 when we would run for our own life>.

8 Q. Does it somehow jog your memory if I say that every soldier in
9 Division 502 was to receive about 15 thang in a year per soldier,
10 would that number make any sense to you, 15 thang per soldier per
11 year?

12 A. I cannot recall that how many thangs of rice was given to each
13 soldier per year. I <just recall having only some rice in my
14 haversack all the time. We> were <never> given <big sacks> of
15 rice <>. But allow me to say that from 1973 onwards, rice was not
16 <distributed> in sacks anymore; it was given to us in <a
17 haversack> that we could carry on our body.

18 [09.16.45]

19 Q. Between '73 and '75, the period before the liberation, did you
20 and your fellow squad members, your fellow messengers have enough
21 to eat, have enough to eat in order to fight against the Lon Nol
22 soldiers?

23 A. At that time it was supplied from the rear battlefield and it
24 was packed rice and during the intensified battle near the
25 outskirts of Phnom Penh, we would be given a pack of <steamed>

7

1 rice each from the rear, but I didn't know <as to> where the rice
2 was prepared. But by morning, the packed rice would arrive at our
3 location at the front battlefield and we <also received the same
4 thing in the evening. We> didn't have any time to cook our own
5 rice <at the front battlefield. Rice was prepared at the rear.>
6 And I was there at the front battlefield, although I was a
7 messenger as I was assigned to relay communication <among
8 infantry units and> the artillery <units>, and that was during
9 the time that we were preparing a final assault on Phnom Penh. <I
10 was always engaged in the front battlefields. I seldom stayed at
11 the rear battlefields.>

12 [09.18.38]

13 Q. But did you and your fellow soldiers before 17 April '75 have
14 enough to eat, were you able to eat your fill as a soldier before
15 17 April '75?

16 A. No. We could not eat our fill because we could only eat rice
17 which was already prepared and packed for us. If we were to live
18 in a village or at <a> base <where there were no aerial
19 bombings>, we would be able to eat better as we could go to find
20 fish in the streams or river.

21 Q. How about the period after the liberation, let's say between
22 April and end of 1975, were you able -- you and your other
23 messengers, you and your squad members -- were you able to eat
24 enough every day?

25 A. When we stayed in Phnom Penh at our various squads and units,

8

1 we were allowed to find supplementary food for ourselves and it
2 was sufficient. By that time we did not stay in big groups or
3 units as we were split or separated into smaller groups or squads
4 and stationed at various locations throughout Phnom Penh. For
5 example a squad would be stationed <at Chaom Chau, another one>
6 at the Central Market, while another squad was stationed at
7 Stueng Mean Chey station. I, myself, <and another man from the
8 squad,> for example, <were> assigned to be stationed at
9 Pochentong Airport<, while some other members were sent to the
10 navy. My unit members were split and scattered all over the
11 places.>

12 [09.21.00]

13 Q. Would it be fair to say that you and your fellow soldiers had
14 enough to eat in all 1975 as of the liberation in April?

15 A. From the day of the liberation, and of course I could not
16 speak about other soldiers as I did not go and check whether they
17 had enough food, I could only speak about myself. While I was
18 escorting the Chinese delegation, I had enough food to eat and I
19 spent most of my time with the Chinese delegation<. Since> I did
20 not return to the division, so I could not speak about the
21 condition of other soldiers at the division. <By that time, I had
22 a totally different task.>

23 Q. Can you say something about your working hours after April '75
24 when you were at Pochentong, when would you start working, when
25 would you have a break, lunch break, and when would you stop

1 working and go to bed?

2 A. There <were> no fixed working hours; we got up at 6.00 in the
3 morning and we started working at 7.00. <Initially, parts of
4 Pochentong Airport were damaged>. As remnants of the war, we had
5 to clean up the debris, we had to put away <many things there
6 including> damaged tanks which were hit and burnt or some small
7 planes and we were so busy, we worked throughout the day <except
8 a short lunch break at 11:00 a.m.,> and we only stopped working
9 by 5 o' clock in the afternoon and return to our respective
10 sleeping quarters.

11 [09.22.43]

12 Q. At this time between April '75 and the end of '75, were you
13 afraid of your fate that something would happen to you?

14 A. In the early part of 1975, I did not pay much attention, or I
15 <was> not <that concerned about my life> as I was relieved that
16 the war was over and I believed that <there would be no more
17 flying bullets or getting hit and burnt by bullets.> I went
18 through a horrible period as some of my colleagues had died
19 during the war. <By that time, I was feeling relaxed.> Only at a
20 later <stage when> I was assigned to work at the airport
21 construction site <did I start to feel unsecur, and uncertain>
22 that I <would> still <be> living today.

23 [09.25.00]

24 Q. Let me now turn to the structure of Division 502. Let's talk
25 about early 1976. Would you be able to tell us how big, how many

10

1 men, how many soldiers were in Division 502?

2 A. I cannot grasp the whole members of <> Division 502<, which
3 was a huge division with many members due to the fact that> some
4 forces under the division were assigned to various other units,
5 to the Pochentong Airport, <and some> to the new airport
6 construction site<.> I myself, rarely stationed at one fixed
7 location as I was assigned to accompany the Chinese delegation to
8 various <> provinces. <For this reason, I had no idea of which
9 particular units were assigned to which locations. From that
10 point on, I was not aware of the affairs within the division
11 anymore.> I was constantly on the move, usually I would go to a
12 province in a vehicle with another soldier and sometimes I went
13 by myself.

14 Q. If I were to tell you that beginning of '76, Division 502 had
15 about 5000 men, would that jog your memory?

16 A. I cannot remember the total number of the force, and as I told
17 you, I did not stay at one fixed location; I was constantly on
18 the move and the forces under <the> division -- were not
19 stationed at one location, they were assigned to various other
20 locations, so it was difficult to count them all. <I just knew
21 that I had a trip to take every morning.>

22 [09.27.28]

23 Q. I understand. Were you aware that Division 502 was divided
24 into various units: two regiments and five battalions; does that
25 ring a bell?

11

1 A. That <could have been> the <organization initiated by> the
2 superiors who were the heads of the division. <Thus,> I <did> not
3 <know as to> how many regiments or battalions <there were> under
4 Division 502. I only <knew> about my unit that, in the end, there
5 were only two of us remaining<, while the other members in the
6 unit had been sent to> other units under that division.

7 Q. But surely you know the number of the various regiments and
8 battalions that constituted Division 502, for instance, Regiment
9 51, Regiment 52, Battalion 503, Battalion 504, Battalion 506,
10 Battalion 507, does that ring a bell?

11 A. I was not informed of the establishments of various regiments
12 or battalions. As I told you, I was simply a messenger <whose
13 task was> to <deliver> messages <among the> various units under
14 that division.

15 [09.29.30]

16 Q. I understand but each unit of Division 502 had its own
17 messengers for instance or its own combatants; so again, do you
18 know to which regiment or battalion you belong?

19 A. I was a messenger for the division. So I was attached directly
20 to the division.

21 Q. And how many of you were only attached to the division?

22 A. There was a special unit directly attached to the division and
23 there were 12 soldiers in that special unit and there were also
24 other 50 soldiers attached to various other brigades under the
25 division. As for me, I was in a four-man <messenger> group

12

1 directly attached to the division.

2 Q. Is it correct if I say that there were about 500 plus people
3 working in the division office?

4 MR. PRESIDENT:

5 Witness, please hold on. Judge Lavergne, you have the floor.

6 JUDGE LAVERGNE:

7 Thank you, Mr. President. Mr. Koppe, since this morning I have
8 been listening to your questions, you've given some information
9 regarding the quantities of food that each soldier was supposed
10 to receive each year <for> the regiments and the battalions of
11 Division 502. Can you tell us where you are getting all this
12 information?

13 [09.32.18]

14 MR. KOPPE:

15 Certainly, Judge Lavergne; the way Division 502 was organised up
16 until the very last man, you can find in E3/1138, French, ERN
17 00541739; English, 00602523; Khmer, 00160084; and the amount of
18 rice per soldier -- as a matter of fact, each soldier in the
19 country you could find in E3/1136, French, ERN 00548764; English,
20 00543743; and Khmer, 00160081.

21 JUDGE LAVERGNE:

22 You gave those ERNs very, very <quickly, could you please repeat
23 them a bit <more> slowly?

24 MR. KOPPE:

25 Of course; however, they are only one page document, so it's

13

1 E3/1138 and E3/1136. So, you'll be able to find these numbers.

2 [09.33.55]

3 JUDGE LAVERGNE:

4 Very well. As you continue <with your examination>, could you
5 please provide us with those ERNs without having us ask for them?

6 MR. KOPPE:

7 Well, I wasn't actually going to use this document, just as a
8 sort of reference, but I'm happy to repeat the numbers. Those are
9 the exact same numbers that I just gave: French, 00541739; and
10 the other one E/1136 is 00548764; Khmer, respectively 00160084
11 and 00160081.

12 JUDGE FENZ:

13 I believe there's a misunderstanding. What Judge Lavergne wanted
14 to ask you is that, following the current practice in the Court,
15 you provide the numbers without us -- with the references,
16 without us having to ask for it, generally.

17 [09.35.01]

18 BY MR. KOPPE:

19 I understand but I wasn't going to put this to the witness, I was
20 just trying to see if the numbers refreshed his memory. But you
21 can read along with this document, with these two pages, with
22 these two E3 documents.

23 Q. So Mr. Witness, I was telling you, is it correct the division
24 office that you were attached to had about 500 plus military
25 working in early '76?

1 MR. CHAN MORN:

2 A. I could not get your question; from which year and which month
3 <are you referring to>?

4 Q. I'm talking about early '76, you were a military person and
5 I'm trying to find out exactly to which regiment or battalion or
6 division office you belong to. You said that you were a messenger
7 for the division and I'm asking you whether you know if,
8 beginning of 1976, there were about 500 plus soldiers working for
9 the division office.

10 [09.36.35]

11 MR. PRESIDENT:

12 Please wait, Mr. Witness. You may now proceed, International
13 Deputy Co-Prosecutor.

14 MR. SMITH:

15 Thank you, Your Honour. I would just ask that counsel refer to
16 the document -- the date of the document he is referring to. The
17 witness asked for the particular period and the document the
18 counsel is referring to is May 1976, and in light of perhaps the
19 witness's question or answers earlier that he really is not
20 familiar with the division structure, etc., I would ask if
21 counsel is going to put further questions based on this document
22 which appears to be the case that, at the very least, he provide
23 the document to the witness. It's a very complex document and in
24 light of his answers, saying that he is really unaware of the
25 division structure, etc., it will be more helpful to the witness

15

1 if perhaps it was shown on the screen.

2 [09.37.36]

3 MR. KOPPE:

4 If I may briefly reply, Mr. President, this document was done,
5 probably drafted in February -- 27 February 1976. However, I am
6 not so interested in total numbers of all regiments. I'm just
7 trying to figure out where this witness fits into the military
8 structure. He is a soldier -- he was a soldier, he says; however,
9 he also testified that he was involved in absolutely everything
10 between April 1975 and 1979. He was guarding, he was working, he
11 was supervising, he was doing everything, which seems interesting
12 to say the least. So I'm trying to figure out exactly where he
13 fits in the command structure of Division 502. And I would argue
14 that every soldier knows exactly to which battalion or regiment
15 he would belong and how many people would work, what the command
16 structure is and so far he's only giving very vague answers,
17 which is remarkable but that's what I'm trying to do. I'm not
18 trying to have him say anything about the document; I'm just
19 trying to have him testify as to the exact military structure of
20 502 because 502, at the end of the day, was responsible for
21 Kampong Chhnang Airport.

22 (Judges deliberate)

23 [09.41.06]

24 MR. PRESIDENT:

25 The Chamber gives the floor to Judge Claudia Fenz to decide on

16

1 the matter. To be clear, Judge Fenz will make a decision and give
2 ruling concerning what we have discussed this morning. <The
3 Chamber observes that questions put to the witness by the Defence
4 Counsel were not clear that he was not able to respond to them.>
5 You may now proceed, Judge Fenz.

6 JUDGE FENZ:

7 We note that there wasn't an objection but a suggestion by the
8 prosecutor on how to use the document. The Defence is free to use
9 the document any way it wishes, if it wishes to present it to the
10 witness, fine; if it doesn't wish to do it, fine too. We just
11 want to reiterate that this debate actually shows how important
12 it is to identify documents that are used and if you're
13 confronting a witness with numbers in the document you are using
14 it.

15 MR. KOPPE:

16 Thank you, Judge Fenz. I am not interested in the perspective of
17 this witness of this document; he was way too low in the
18 hierarchy but I'm trying to find out exactly where he was in the
19 hierarchy and how the military structure of 502 operated because
20 he said yesterday he was in direct contact with Sou Met, which is
21 remarkable -- not impossible but remarkable -- so that's what I'm
22 trying to do.

23 [09.42.34]

24 JUDGE FENZ:

25 Go ahead.

1 BY MR. KOPPE:

2 Q. So, Mr. Witness, is it my understanding that you do not know
3 the exact number of soldiers working at the division office; is
4 that true?

5 MR. CHAN MORN:

6 A. I do not know <the number of units under> the division
7 <assigned to different locations>.

8 Q. Were you member of a messenger unit all the way up until '79
9 or did you change your position, did you go into a transportation
10 unit or did you go into other units, can you tell us little bit
11 about the way you moved in the ranks of Division 502?

12 [09.43.40]

13 A. When I came to work at the new airport worksite, I was
14 <reassigned to lead> a group <of workers to cut down> trees<,
15 and> to <clean up the location to make way for> the airport
16 <construction. I was assigned these tasks> after I <had left the>
17 messenger <unit. Initially,> I was assigned to <clean up the
18 location, and help the surveying team, and after that, lead
19 workers to fell> trees. <By that time, I no longer belonged to
20 the> messenger <unit>.

21 Q. So when you started working at the airport you did not have
22 the function of sending messages from one unit to another, you
23 became part of a working group at Kampong Chhnang Airport; is
24 that correct?

25 A. Yes, that is correct. I was no longer a messenger. I <then>

18

1 was <reassigned to be in charge of dump trucks> and <later> I was
2 asked to <accompany trucks that transported> logs. <I was exposed
3 to a variety of tasks. For example, since> I was familiar with
4 the location and also the <forests, I was assigned to accompany
5 workers to work in those locations. The nature of my tasks varied
6 from time to time.>

7 Q. I understand. And when you were assigned to work in this group
8 and stopped being a messenger, was that also the moment that you
9 stopped having any direct contact with Sou Met or with commander
10 Lvey?

11 A. Yes. I was away from them<. And by then,> I was <working
12 closely with> the office chief. <I had to deal with the office
13 chief; for example, when I had to request for some rice for
14 workers.> I no longer met the two individuals because I <belonged
15 to a separate unit, in particular, when I> was assigned to go and
16 <collect> trees.

17 [09.46.16]

18 Q. And is my understanding correct that you never became a
19 messenger again; that you were always part of a group working at
20 the airport or the airfield?

21 A. Yes, it is correct<, in particular, when> I was <working> in
22 the airport <construction site>.

23 Q. And this group that you were working in, was that a group of
24 about 100 -- 120 people, soldiers?

25 A. There were <separate units with their own> chiefs <who were

1 assigned certain tasks. As> I said, I <was asked to accompany
2 those> workers to <the forests>, Krang Skear <commune>, Tuek Phos
3 <district, or wherever there were trees, and usually, I would
4 return with logs or trees after I had dropped workers in those
5 locations>. I was <not> there with the workers in <those
6 locations on a daily basis. Sometimes upon my return to the
7 office, I was assigned to transport sand. The tasks assigned to
8 me varied>.

9 Q. I understand that you had various tasks within this group, but
10 is my understanding correct that this group consisted about 100
11 to 120 soldiers, and that within this group there was a structure
12 as well, maybe with platoons, maybe with squads, et cetera; is
13 that correct?

14 [09.48.10]

15 A. <On some occasions, I was assigned to accompany a> unit <of
16 100 members or a unit of 50 members> into the forest <in order to
17 fell> trees<, and these units of either 100 or 50 members were>
18 sent to the forest <by trucks. Usually, on my way back, I would
19 transport logs. And when they had collected many logs, they would
20 alert me and I went to collect those logs. I also went back to
21 distribute to them rice and medicines when they ran out of those
22 supplies>. I would stay one or two nights in the forest. <Again,>
23 I was not there regularly or constantly with the workers.

24 Q. Mr. Witness, I'm not asking you what you were doing, I'm
25 asking you about the command structure within this group that you

20

1 were working: who was your superior in that group, who was the
2 superior of that superior, who was the leader of this group 100
3 to 125 soldiers, who was commanding it, can you give me the names
4 of your respective commanding officers?

5 A. <I just knew that the order came down from the office> chief<.
6 It was the office chief who told me as to which units I had to
7 accompany to complete certain tasks>.

8 [09.50.22]

9 Q. Again, Mr. Witness, you have been a soldier so you said for
10 six years, you were a messenger at one point and then you became
11 member of a group working at the airfield. As a soldier, I'm sure
12 you should be able to tell us who at the time was your commanding
13 officer and to whom he reported in his turn, et cetera. I'm
14 asking you about the military structure, the command structure
15 within your group.

16 A. I knew <> two superiors: Ta Met and Ta Lvey, and the <other
17 one was> chief of the office. <The> three of them were my
18 superiors. <The orders came down from these three superiors.> I
19 <had> no idea <as to whom the three men reported, or via whom
20 their orders relayed>.

21 Q. Mr. Witness, that strikes me as a bit odd. You refer to the
22 division commanders Sou Met and Lvey. They were the ones who were
23 leading these five or 6000 men. You were all the way at the
24 bottom of this division; you had, when you were working in this
25 group, direct officers to whom you were responsible, who

21

1 instructed you, who ordered you to do tasks, so again, please go
2 from bottom up and tell us about the structure within your unit,
3 your group?

4 A. <At> the bottom <level>, I <noticed> that <it> was <the>
5 office chief who told me <what task I was required to do; and
6 after that, I went out to complete the task>. So it was the
7 office chief who instructed <people what to do and> where to go
8 and work, no one else came to tell me <> what <to do. That's what
9 I knew>.

10 [09.53.10]

11 Q. Just give me any name of a commanding officer in your group of
12 100 and 125, I'll be already happy.

13 MR. PRESIDENT:

14 Please hold on, Mr. Witness. You may now proceed International
15 Deputy Co-Prosecutor.

16 MR. SMITH:

17 Thank you, Your Honour. This is not really an objection; this is
18 just perhaps to clear up the evidence. The witness has talked
19 about taking a number of men to cut wood in the forest. I was
20 just wondering whether counsel is referring to those group, that
21 group that he took to the forest to chop wood or whether he's
22 referring to another unit that this witness belongs to, I think
23 it's a bit unclear; I'd just ask that if he could clarify.

24 [09.54.04]

25 BY MR. KOPPE:

1 To be honest, I'm having all kinds of doubts right now which I
2 won't express at this point, but let me try completely different
3 angle, Mr. President. I will withdraw this question.

4 Q. This airfield that you were working at, was that widely known,
5 did people in Democratic Kampuchea know that this airfield was
6 being built?

7 MR. CHAN MORN:

8 A. Only the soldiers knew that the airport was being built <as
9 there were no> villagers and inhabitants <nearby the construction
10 site>. No one else <except the soldiers who were working there>
11 knew that the airport was being constructed<. During the regime,
12 ordinary people were not aware of the airport construction site,
13 except the soldiers who were working there.>

14 [09.55.11]

15 Q. So is it fair to say that it was a very secret operation
16 within the military under the supervision of Division 502 and
17 that no one within Democratic Kampuchea, let alone outside,
18 should know anything about this?

19 A. I <had> no idea <with this regard>. I <just> knew that <the
20 force of> Division 502 came down to <work at> the <construction
21 site. I just knew that they> were <coming> to construct <a> new
22 airport, <and there were> no inhabitants living <nearby the site.
23 The> place was so quiet when I first arrived.

24 Q. Do you know how many groups or units from Division 502 were
25 working at the airfield? You said yourself you belong to a unit

1 or group; how many other groups or units were there from Division
2 502 working at the Kampong Chhnang airfield?

3 A. I <did> not know how <the workforce was> divided. <I just knew
4 that> some men <were assigned to work> in the rock breaking unit,
5 some men worked in the electricity section, some worked in the
6 wire laying unit, and some were working as -- some were working
7 in the pipe laying units, and there were other units responsible
8 for transporting soil, <> and other people were working in the
9 saw mill. <People were classified into units to carry out tasks;
10 however I am not sure as to how many units or working groups
11 there were. Some people were also assigned to transport dirt and
12 sand>. So there were <both> men and female -- male and female
13 workers at the worksite, there were different units <and tasked
14 to do different things> at the worksite.

15 [09.57.45]

16 Q. I understand that you testified yesterday but do you know
17 whether these rock breaking units or electrical units, were they
18 members of your Division 502? Did you recognise them when you
19 were working? Do you know whether they were from Regiment 51 or
20 52, do you know who they were?

21 A. I could not recall <which units they were or to which regiment
22 they belonged.> It happened so long ago, I could not recall it
23 well.

24 Q. Mr. Witness, you testified earlier that you had been a
25 messenger and that your task was going from one unit to another

24

1 unit before '75 during the battle. Afterwards you were stationed
2 at Pochentong Airport, you said. Surely, you must have recognised
3 some members from Division 502 while you were working at Kampong
4 Chhnang Airport.

5 A. I do not recall all their names and some of my colleagues
6 passed away. Not many people survived the period, only two of us
7 survived until today and we could see each other once a year or
8 once in every two years.

9 [09.59.54]

10 Q. I'm not sure if I understand, Mr. Witness. You were a
11 revolutionary soldier, you had been responsible for the
12 liberation of Phnom Penh in April '75, you had been in battle
13 with these men, surely you must remember someone from Division
14 502 working at Kampong Chhnang airfield?

15 A. I told you already I only recall Met and Lvey. I could recall
16 well these two or three individuals and I did not know <any>
17 other high ranking officials. So I only knew the two individuals.

18 Q. So only the number one and number two within the division and
19 you have no memory of any of your brothers in arms; is that --
20 that is correct, right? How about other forces from other
21 divisions, do you remember any forces coming from Division 310?

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

23 [10.01.32]

24 Q. Yes, and I will rephrase my question. Do you know if there
25 were any soldiers from Division 310 working at Kampong Chhnang

1 airfield?

2 A. <To my knowledge,> Division 310 was in charge of radar
3 operation. <They were not engaging with the construction of the
4 airfield. Although, they were also based in the airfield
5 construction site, they> were <in charge of radar operation, to
6 my best recollection>.

7 Q. But do you remember anybody from that Division 310, do you
8 recall any soldier or commanding officer from Division 310 who
9 worked at Kampong Chhnang airfield?

10 A. I could not recall it.

11 Q. How about soldiers coming from Division 450, do you remember
12 where they were coming from and whether they were working at
13 Kampong Chhnang airfield?

14 A. That division was taken from Phnom Penh and it was <merged>
15 with <the workforce> at Kampong Chhnang worksite. And Division
16 450 was in charge of transporting sand; that is what I know.

17 [10.03.26]

18 Q. Is it your testimony that Division 450 was from Phnom Penh?

19 A. Yes. It came from Phnom Penh, all of workers came from Phnom
20 Penh.

21 Q. Are you sure that Division 450 is not from the north and
22 Division 310 as well?

23 A. They came from Phnom Penh and were put at Kampong Chhnang
24 field and I have no idea whether these divisions were from East
25 Zone or other zones <as later on, there were many divisions.> I

26

1 cannot recall all of the information. <At> that time<, my main
2 task> was to <lead people to work; thus,> I <had> no idea <of as
3 to> which <divisions were sent there> or <for what> duties those
4 divisions were responsible<. My main task was to lead certain
5 units to do certain works.>

6 MR. KOPPE:

7 Q. Mr. President, just that you can read along, document E3/849,
8 English, 00183956; it's only one page, easy to track, it
9 indicates that 1127 soldiers came from Division 310 and 1526
10 soldiers came from Division 450 to work at Kampong Chhnang
11 Airport.

12 Mr. Witness, yesterday you told us something about East Zone
13 soldiers. Do you know which division number was attached to East
14 Zone soldiers?

15 A. I do not know. The soldiers were brought in but I did not know
16 which division they previously belonged to.

17 [10.06.20]

18 Q. These East Zone soldiers that you said you saw, do you recall
19 the exact the month of the year in which they first start coming
20 into -- coming to Kampong Chhnang Airport in big numbers, do you
21 recall exactly when that was?

22 A. It was in late 1976, though I cannot recall the exact month.
23 There were some issues when the forces were brought in and as I
24 stated, it occurred in late 1976.

25 Q. I would like to -- I would like you to think carefully again

1 whether it was end '76 or then maybe it was rather end of 1977
2 and all through 1978, are you sure it was at the end of '76?

3 A. It was either in late 1976 or early 1977; however, I cannot
4 recall the details. It has been several years ago and I do not
5 recall what actually happened on that -- or the specific date.
6 And as I said yesterday, I was injured in a landmine explosion
7 and since then my memory doesn't serve me that well. So allow me
8 to say it could be in late 1976 or early '77.

9 [10.08.38]

10 Q. Let me ask it differently to you: how many months before the
11 Vietnamese invaded Democratic Kampuchea did East Zone soldiers
12 come to work at Kampong Chhnang airfield?

13 A. It was about six or seven months after I was assigned to <cut>
14 down trees and I did that work for three to four months and then
15 I had some personal issues and I cannot recall the exact period
16 during the regime that this event took place. <As mentioned, I
17 myself got into trouble afterwards.>

18 Q. Now let me get back to your division, your Division 502 also
19 referred to as the air force. Is it fair to say that the work at
20 Kampong Chhnang airfield done by Division 502 was part of its
21 normal task, its normal work, that soldiers from 502 were
22 supposed to work at Kampong Chhnang airfield because that
23 belonged to the air force?

24 A. Indeed, Division 502 is an air force division and soldiers
25 attached to the division were assigned to work on the

28

1 construction of that airfield. So part of the forces were
2 assigned to work at the airfield site while other soldiers were
3 assigned to guard at the Pochentong Airport<, and the others were
4 under training>.

5 [10.11.12]

6 Q. Do you remember after 17 April '75 what was said, either at
7 meetings or at the radio or anywhere else what the task was of
8 the Revolutionary Army of Kampuchea? What were the two tasks
9 assigned to the Revolutionary Army of Kampuchea to which Division
10 502 belonged?

11 A. The main duties of the air force Division 502 were to defend
12 the airspace of Cambodia and the infantry unit subordinate to the
13 Division 502 was to defend the border, but the main duties, as I
14 said, of the air force Division 502 was to use planes to protect
15 the airspace of the Democratic Kampuchea; that's only what I
16 thought of as I rarely attended any official meetings or
17 trainings whereby such objectives were raised or said <due to the
18 fact that I travelled around to various provinces.>

19 [10.12.51]

20 MR. PRESIDENT:

21 Thank you, Counsel. It is now convenient for a short break. We'll
22 take a break now and resume at 10.30.

23 Court officer, please assist the witness during the break at the
24 waiting room for witnesses and civil parties and invite him back
25 into the courtroom at 10.30.

1 The Court is now in recess.

2 (Court recesses from 1013H to 1031H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is back in session and the floor is given to the
6 defence team for Mr. Nuon Chea to resume his line of questioning
7 to this witness. You may now proceed.

8 Wait Mr. Koppe. You may now proceed first, Judge Lavergne.

9 [10.32.35]

10 JUDGE LAVERGNE:

11 Yes, thank you, Mr. President, for giving me the floor. I would
12 like to make a remark.

13 This morning, Mr. Koppe, you referred to a document, E3/849. In
14 that document <there were> a number of figures regarding the
15 numbers of troops in certain divisions. I have crosschecked the
16 French and English versions of that document and it appears that
17 the French version <may be> incomplete. I am saying this now
18 quite simply because I want to point out that the Chamber <will
19 send> an <email> to ITU <in order to verify which is> the <exact>
20 translation, knowing that the original document is <obviously> in
21 Khmer. And let me point out that the missing part is precisely
22 the number of soldiers in Division 450 <who were> present at
23 Kampong Chhnang.

24 BY MR. KOPPE:

25 Thank you very much, Judge Lavergne, for this clarification.

1 Q. Mr. Witness, before the break I was asking you about the
2 general tasks or objective of the Revolutionary Army of Kampuchea
3 after liberation. Let me assist you a bit. Is it your
4 recollection that the Revolutionary Army of Kampuchea had two
5 objectives: one was to defend the country and two to build up the
6 country after the war?

7 [10.34.38]

8 MR. CHAN MORN:

9 A. Yes, these are the objectives of the army -- that is, to
10 defend and build up the country and they were at the new airport
11 worksite to construct that site -- that airport as well.

12 Q. Is it then also fair to say that all -- at least all soldiers
13 from Division 502, while working at the Kampong Chhnang airfield
14 were performing their normal regular duties as soldiers; namely,
15 to defend and build the country?

16 A. Sorry I could not get your question, could you please rephrase
17 it?

18 Q. It's maybe a difficult question I realise. We have established
19 the goals of the Revolutionary Army of Kampuchea to which
20 Division 502 belonged was to defend and to build the country. Did
21 the building of the airport at Kampong Chhnang form a part of
22 this objective? Was the building of the Kampong Chhnang airfield
23 something in order to defend and build the country? In other
24 words, were the soldiers belonging to 502, while working at the
25 airfield, doing their normal duties and jobs as soldiers?

1 [10.36.45]

2 A. <There were two main categories of soldiers within Division>
3 502<>: one was to defend the country and <the> other one was to
4 build the country. <One part of the air force was responsible for
5 defending the country, while the other part,> my group <-- the
6 country building part --> were <assigned> to go and construct the
7 new <> airfield, so half of us were assigned to that worksite. I
8 could not recall it well <as there were many people. So there
9 were two separate forces within the air force: one for defending>
10 the country and <the other one for building the country>.

11 Q. I understand. But is it correct when I say that all soldiers
12 from Division 502, when working at the airport or the airfield
13 were performing their duties as soldiers of the army, as also
14 confirmed in the Constitution of Democratic Kampuchea?

15 A. The tasks and duties performed by the soldiers were the same
16 as what you have stated, so we -- the task of <every soldier> was
17 to defend and to build the country.

18 [10.38.50]

19 Q. Now do you know whether there was any soldier from Division
20 502 who was put to work at Kampong Chhnang airfield not as part
21 of his regular job or duty, but because he had to be refashioned?
22 In other words, was there any soldier who was working at Kampong
23 Chhnang who was punished?

24 A. I have no idea. As for my case, I did not know whether I was
25 sent there for refashioning. <Like others, I had to perform any>

1 duties and tasks <I was assigned>, and <I had no idea of what
2 refashioning was about. Only> later on <did> I <realise> that I
3 <had been> linked to the enemy and I was told that I had
4 relationship with enemy, and my relatives and family <had done
5 this or that when I was required to do my biography>.

6 Q. We will speak about that later, but my question was about the
7 soldiers belonging to 502, whether they were working in the
8 performance of their normal duty or were somehow punished. But
9 let me move on to other divisions.

10 Do you know whether members of Division 310 or 450 were working
11 at the airfield because they were soldiers performing their tasks
12 to defend and build the country, or whether they were there
13 because of some form of punishment?

14 A. <> I did not <really pay attention to that at that time>. We
15 started to work at around 6.00 or 7 a.m. in the morning and we
16 met each other at around 11.00 <> at our place <for> lunch at
17 around 11.30. We did not know whether we were there to be
18 disciplined or refashioned. <I just knew that when it was time to
19 work, we started work, and when it was time for meal, we went for
20 meal. I was not aware whether we were being refashioned.>

21 [10.41.36]

22 Q. What about the East Zone soldiers, the ones that you spoke to;
23 were they there because of their duties as normal soldiers,
24 defending and building the country, or were they there because
25 they had to be refashioned? Do you know?

1 A. <Upon their arrival, I was not aware that they were soldiers>
2 from <the> East Zone<. Only after I had been assigned to lead
3 them to cut down trees, did I start to get to know them. However,
4 I did not receive any specific instructions on how they were to
5 be refashioned while working or cutting down trees in the forest.
6 I was instructed to split those workers into working groups in
7 order to collect at least five truckloads of logs per day or ten
8 logs per group. Sometimes, each group was required to collect 20
9 logs per day. It could be referred to as a form of refashion as
10 well due to the fact that they had been removed from their
11 previous division, and sent to collect logs in the forest, and
12 they had to sleep in hammocks; as a result,> many of <them
13 contracted> malaria<. Again,> everyone <working in the forest>
14 was in the same working condition. <With proper gear, we> left
15 for <work> at around 6.00 or 7 a.m. in the morning <to collect
16 logs>.

17 [10.42.39]

18 Q. So those East Zone soldiers that you said you saw were having
19 the exact same working conditions and nobody was forcing them to
20 work; they were doing the exact same thing as the Division 502
21 soldiers; is that correct?

22 A. I only knew the working conditions of the men who were with me
23 in the forest. I did not know <as to how> other men<, assigned to
24 work> in the saw mill section or in the transporting section,
25 <were being refashioned, as most tasks were to be performed

1 manually. As for those who worked> in the forest<, they were to
2 fell trees, and those trees were levered on to the truck. Again,>
3 I did not know <as to how> others <were being refashioned>.

4 Q. One last attempt, Mr. Witness: Did you see soldiers from your
5 division pointing guns at soldiers from the East Division and
6 ordering them to work or were they just waking up in the morning
7 and doing the exact same thing as the soldiers within Division
8 502?

9 [10.45.37]

10 A. No. There were no guns pointing at us. It did not happen at my
11 place, I did not know about other places. We were staying and
12 living in different places. When we were in the forest <no one
13 was forced to work at a> gun or rifle <point>. We <just
14 encouraged each other> to work hard in the forest <and to meet
15 the quota in time. We> were <just> focusing on our work because
16 we were afraid that we were killed. Everyone was thinking that we
17 had nowhere to go besides working <hard for them>.

18 Q. I will move to another topic, Mr. Witness. Yesterday you said
19 something about an office, transportation office three kilometres
20 west of the airfield and at one point in time you were there at
21 night and then subsequently you heard screaming. Can you tell me
22 again and be a little more specific as to where trucks you
23 referred to yesterday were coming from? Which direction were they
24 coming from?

25 [10.47.01]

1 A. It was at night-time, it was so dark I could not see <clearly,
2 but I knew it was a military> truck<,> and it <was coming> from
3 the <direction of the mountains or the head of the> airport
4 <construction site. The truck went past my place, and I stayed
5 there that night. I could hear> the <sound> of the truck <from>
6 my place<. About half an hour later, I could hear screaming
7 coming from the> bamboo bushes <located behind my place. The day>
8 I <heard> the <> screaming<, I thought that people were chasing
9 off wild animals. It was later on after I had returned from
10 transporting logs and smelt the stench that I walked to the
11 location where the stench was coming. The stench coming from the
12 bushes behind my place was very strong. Initially, I thought that
13 it was the screaming of people who were hunting wild animals on
14 their truck. It was later on that I understood what had actually
15 happened by connecting the stench to the screaming>.

16 Q. How do you know that this bad smell was something to do with
17 the screaming that you heard the night before?

18 A. <I knew it the day I went to the location behind> my sleeping
19 quarters. I could smell it <while I was collecting some edible
20 wild plants> because the place <was> about 200 <or 300> metres
21 away from my sleeping quarters. <So I became aware of what might
22 have happened there at that place where the stench was coming
23 when I was collecting some edible wild plants within the area.>

24 [10.49.55]

25 Q. I understand but I'm trying to follow you and to see how the

1 trucks that you saw at night were related to screams, possibly
2 from animals, and subsequently linked to a bad smell. How was it
3 that you connected those three things? What made you think at the
4 time that these were related: the trucks, the screams and the bad
5 smell?

6 A. <During> that period, <not only> the 17 April <People, but
7 also the> Base People would be <taken away and be> refashioned
8 <as long as they had committed wrongdoing or not adhered> to the
9 principles. <And if anyone had not improved after> a few times
10 <of> refashioning, <he or she would be removed. Through my
11 observation, one> group chief <or> unit <chief> disappeared <>
12 every two or three months<; and> mostly <those soldiers who were
13 both team or group chiefs, and sometimes old workers> disappeared
14 from the worksite. I did not know <as to where> they were
15 transferred to work, <> I <just> knew <> that <after they had
16 been removed>, they <just> disappeared.

17 Q. Do you remember, Mr. Witness, talking to an investigator of
18 the Office of the Co-Investigating Judges and you pointing to him
19 the big tree and the place that you said you heard screams or
20 possibly smelt a bad odour? Do you remember you showing him this
21 site?

22 [10.52.32]

23 A. I could recall it. During that time I went to <collect "Preah
24 Sva" (phonetic) plants near the big tree,> I <then saw the tracks
25 of> the vehicle on the spot. <I recall having collected a bunch

1 of the plants when I was hanging out around that> big tree<.
2 When> I was with the investigator at that time; I <took> him <to>
3 the location of the big tree <which has been turned into an open
4 field with no clear traces of pits as the bamboo bushes have also
5 been bulldozed. However, during the regime, there were several
6 pits in the area; and my recollection of the location of the tree
7 is clear. The name of that big tree was "P'deak" (phonetic). I
8 recall taking him there to the location of the tree>.

9 Q. And do you remember that this particular investigator told you
10 at one point that no remainders whatsoever belonging to human
11 skeletons were found at this place that you pointed out to him?
12 Did he tell you that?

13 A. He told me <as well. When we went there, I could not find
14 anything left. We just saw old and> shallow pits. <During> the
15 period, I could hear the screaming from that location, that is
16 what I recall and as I stated, <when> I went past that place and
17 I could smell <the stench>. It happened a long time ago and I
18 left that area also long time ago, so the place <has> changed <a
19 lot>.

20 [10.55.04]

21 Q. Why did you say earlier that this screaming that you said you
22 heard could also come from animals? What made you say that?

23 A. It could be the screaming of <people who were being killed
24 there as a few days later,> I could <smell the stench <from that
25 location,> and later on I saw a few pits at that location, the

1 location <where> the truck left.

2 Q. Do you know in which sector or which zone the Kampong Chhnang
3 airfield was located?

4 A. It was called West Zone, Sector 20-something and District 20.

5 I do not know whether Sector 30-something or 20-something, I do
6 not recall it, but it was in <the> West Zone.

7 Q. That is indeed correct, Mr. Witness. Sector 31, does that ring
8 a bell?

9 A. Yes, that number, Sector 31; and as for zone, it was <in the>
10 West Zone, District 20. I could not recall it well <>.

11 [10.57.30]

12 Q. Do you remember who the chief was of Sector 31?

13 A. I cannot recall it, I forget it. I forget it all; it happened
14 a long time ago.

15 Q. Ta Sarun, does that jog your memory?

16 A. I heard people refer to this man as Ta Sarun, perhaps so.

17 Q. Do you know anything about security offices, detention
18 facilities, belonging to Sector 31?

19 A. The security office of Sector 31 was referred to as Ta Bes
20 office, which was located in Kampong Chhnang province; it was
21 called Ta Bes Security Office.

22 Q. How far was Ta Bes Security Office from Kampong Chhnang
23 airfield?

24 A. It was far from the airport worksite; <and it was about 500 or
25 600 metres> from the provincial town hall to Ta Bes Security

1 Office<. However, I did not know how far it was from the airfield
2 to the security centre>.

3 [10.59.33]

4 Q. Because of the time I will move on to the next subject that I
5 would like to discuss with you, Mr. Witness. If I understand your
6 testimony correctly you were accused of stealing rice at one
7 point in time. Can you explain to us again why exactly was this
8 accusation brought against you? Why were you accused of stealing
9 rice?

10 MR. SMITH:

11 Your Honour, my memory of the evidence is that he was accused of
12 providing rice to people from the East Zone because they were
13 affiliated with the Vietnamese. That was my memory from the
14 examination-in-chief, it's certainly in his statement, so I am
15 just wondering if that can be clarified before the next question
16 is asked.

17 BY MR. KOPPE:

18 I'd be happy to be more neutral in my formulation.

19 Q. You were accused of providing rice to East Zone troop; is
20 that correct?

21 [11.00.58]

22 MR. CHAN MORN:

23 A. Yes, it is correct. <It was the occasion when I came to get>
24 rice <for> workers from <the> East Zone while they were working
25 in the forest to <cut> down trees. <At that time, I was

40

1 transporting between> 50 <and> 60 sacks of rice <for workers in>
2 the forest<, and at the same time> I also <had> to collect <some>
3 medicine. I <then> met the office chief <who asked me whether I
4 was taking that huge amount of rice to feed the enemies. I then
5 replied to him that if I was transporting rice for the enemies, I
6 would be an enemy myself as well.> And <then I went to the medic,
7 and asked for 200 packs of anti-malaria medicine, and some
8 painkillers and medicine for general injury.> I was asked <> why
9 I needed <that large an amount of> medicines for the workers
10 <since there were plenty of> traditional <herbs> in the forest<.
11 I replied to him that if it was that easy, you, Brother Yeng,
12 should be in charge of the assignment. I was saying that to him
13 in a joking manner, and I never knew and felt that it offended
14 him. Three days later, when I returned, I got arrested>.

15 [11.02.56]

16 Q. Let me rephrase: Was the implication that you had stolen this
17 rice from Division 502? Was that the implication? Unlawfully
18 taken from Division 502?

19 A. The rice belonged to Division 502; it was under the
20 responsibility of the economic section. <By the time I went
21 there,> Bong Lvey told me <> that I had to go to the economic
22 section to get rice for certain workers <and how many trucks were
23 with me and for how many months of supply. Initially, I brought
24 along 10 sacks of rice;> and <when we ran out of these 10 sacks,
25 I came for more.> Once again, the food and rice <for workers from

41

1 the East Zone> were under responsibility of 502<. Actually, the
2 East Zone sent its workers to work under Division 502>.

3 Q. Did you have a written instruction or written military order
4 with you from Lvey? And order or piece of paper that you could
5 show to anybody that would stop your car or your vehicle?

6 A. Please repeat your question.

7 Q. As I understand your testimony, you were ordered to bring rice
8 to East Zone troops. Did you have a written order with you,
9 something that you could show to any soldiers stopping you while
10 you were on the road?

11 [11.05.24]

12 MR. PRESIDENT:

13 Witness, please hold on, and the International Deputy
14 Co-Prosecutor, you have the floor.

15 MR. SMITH:

16 I'm not sure that the evidence here is given is that he was
17 ordered to give rice to East Zone troops and so I would ask
18 whether or not counsel can clarify whether that rice was intended
19 for the East Zone troops or for other workers. I'm not sure that
20 it's clear that he said that he was ordered that rice would be
21 going to East Zone troops. It may; my understanding of the
22 evidence that that was something done on his discretion. I just
23 wonder if that could be clarified.

24 BY MR. KOPPE:

25 I understood his testimony to be that Lvey, the number two of

1 Division 502, gave him a written -- or gave him an instruction to
2 bring this rice and I was trying to find out whether this
3 instruction that he talked about was accompanied by a written
4 order or whether it was something that was done orally only.

5 Q. So again, Mr. Witness, I will try to rephrase. You said
6 Commander Lvey gave you an instruction. Did he give you a piece
7 of paper to accompany with the rice that you were transporting?

8 [11.06.51]

9 MR. CHAN MORN:

10 A. When I went to collect the rice he didn't give me any letter
11 of authorisation, he only instructed me that I should go and
12 collect 20 or 30 sacks of rice and the amount of <food including
13 salt>. And when I arrived at the location I just relayed the
14 instruction from him to the people there. And the same thing
15 applied when I went to collect medicine, and he never issued me
16 any letter of authorisation at all. He only gave me his
17 instructions verbatim and there was nothing else. <The same rule
18 applied when I was assigned to lead workers to complete tasks in
19 various locations. He just told me what tasks to be completed,
20 how many people would go with me and where to go.>

21 Q. I understand. Can you then explain to us who it was that
22 arrested you, when, where exactly, why?

23 [11.08.03]

24 A. I was arrested when I brought back the logs; I dropped off the
25 logs and then I made a report on the trips and the total number

1 of logs and I had not yet finished my report when they came to
2 call me to attend a meeting. And I asked where the meeting would
3 be held and I was told it would be held in a pagoda which name I
4 cannot recall. And I said they could go first and I would follow,
5 but they insisted that I should get on board in the same vehicle.
6 So I went with them in the same vehicle with the report that I
7 had not yet finished. I was wearing my shorts <and a t-shirt> at
8 the time and I had a hand rolled tobacco and when we were half
9 way, they told me to throw away my tobacco as the smoke was
10 fuming inside the vehicle. And when I arrived at the pagoda, <I
11 was instructed to enter the temple by using the west entrance,
12 and> suddenly they all came over me and arrested me. And of
13 course inside that temple, there were no other people so I knew
14 straight away that it was not a meeting but it was an arrangement
15 for my arrest.

16 [11.08.37]

17 Q. I understand but surely it was a misunderstanding? You could
18 have told them immediately that you had been given an oral order
19 from the number two in Division 502. Why didn't you tell them
20 that you had this direct order?

21 A. I didn't tell the person because the person should have been
22 aware of what I did and as he was a member of the division and I
23 used to make a joke with him<; and moreover, I had no impression
24 that he was harming me because I had done nothing wrong. I just
25 knew> that I would be sent anywhere with instructions from the

1 leadership level of the division, and I was not aware of <his
2 plan to harm me>. Usually I would go anywhere I was instructed by
3 my superior to collect equipment or tools or any parts of the
4 logistics and I never encountered any problem at all <although I
5 carried no letter of authorisation>.

6 Q. But surely one word from Lvey to whomever arrested you was
7 enough. I am not sure if I can understand why you were even
8 arrested.

9 A. Neither did I for the reason of my arrest. I only made a joke
10 with him about the rice. <I was being sarcastic as I replied to>
11 him that if I transported the rice to the enemy then he should
12 say that I was also an enemy. It was simply a joke. But I did not
13 know that he took it seriously and maybe because those soldiers
14 which were brought in from the East Zone <could have been>
15 categorised as <> enemy or something, maybe my word triggered
16 something that I was arrested. I did not know for real <whether
17 he had held a grudge against me>.

18 [11.12.30]

19 Q. I understand. So then this soldier brought you to a pagoda.
20 How long was the drive, how many kilometres was it between the
21 moment you told him a joke and the moment you arrived at this
22 pagoda? Was it half an hour, 20 minutes, longer?

23 A. I actually dropped off the rice quite some time ago and I was
24 arrested not at the forest, but when I arrived at my place. My
25 place was to the west of the saw mill and it was about only <half

1 a kilometre> or one kilometre from where the division was. And as
2 I repeatedly said, I did not stay at that location regularly, and
3 usually I only slept overnight when I could not make a return
4 trip.

5 Q. I understand. Maybe I completely misunderstood your testimony,
6 but I thought you said that because of the stealing of rice you
7 ended up in Tuol Sleng. Was that your testimony or did I
8 misunderstand it? Or is your testimony you ended up in this
9 pagoda, the situation was solved and then you could return?

10 [11.14.20]

11 A. I was arrested from my place and transported to a pagoda, then
12 I was further transported from the pagoda to Phnom Penh at
13 night-time. I was initially arrested around 5 o'clock -- 5 p.m.,
14 and so while I was transported to the pagoda and to Phnom Penh it
15 was during the night-time and I could not tell you how many
16 people were arrested at the same time as I was blindfolded. And
17 when I was tossed onto the truck from the temple I heard some
18 voices onto the same truck, so I knew that there were other
19 people who had been arrested. <However, I did not know how many
20 of them there were.> And when we arrived at <one> location, we
21 were kicked off the truck and I fell on top of other people who
22 had been kicked off the truck before I was kicked off. <I did not
23 fall down when I was kicked off the truck. I was like standing on
24 other people. Because I was standing, not falling down like
25 others that I was recognized.> And we were all blindfolded so we

1 would not recognise one another.

2 Q. But can you explain to me how you thought at the time that you
3 had been brought to something called Tuol Sleng?

4 [11.16.13]

5 A. The person who told me to escape was the one who told me that
6 location was Tuol Sleng and before I escaped he gave me an escape
7 sketch or plan and I simply followed it. I was told that the
8 location was Tuol Sleng or S-21, and if I were to be detained
9 there I would die, so I should try my best to flee from the area.
10 <He also told me that he had no idea of what would happen to him
11 there.> And so I did. <Having left that place, and along the way,
12 whenever> I heard various voices of people <-- men or women,> I
13 <would resort to> the sewage system <> since some of the lids of
14 the sewage systems were open <all the way until I reached my
15 destination>. And I had some <cuts and bruises> on my body <from
16 being tossed onto the truck, and> they used a cigarette but to
17 burn part of my face and neck <when I asked for a cigarette while
18 I was on the truck. I can hardly describe my story. Let> me tell
19 you to survive it means like I was reborn.

20 Q. I don't have many minutes any more, Mr. Witness, but just a
21 few more questions. Were you blindfolded all the time? Also
22 blindfolded when you entered the premises that you call Tuol
23 Sleng?

24 A. I was blindfolded since I was arrested and tied at the pagoda
25 but I knew that I would die so I asked them for a cigarette.

1 That's all I can say about that event.

2 [11.18.54]

3 Q. If you were blindfolded, how did you even know that you were
4 in Phnom Penh?

5 A. It was when <other prisoners and I were> kicked off the
6 vehicle and when I entered the premises the blindfold was a
7 little bit loose<. Although> it was at night-time, <when my
8 friend took me by the hand from that spot, he told me that I> was
9 in Phnom Penh<, and> I was in Tuol Sleng. <While being on the
10 truck, I did> not know where I was.

11 Q. If you were indeed brought to Phnom Penh, Mr. Witness, is it
12 not possible that you ended up in Division 502 headquarters,
13 rather than S-21?

14 A. No, I did not make any mistake because when I fled the
15 premises I was fleeing to 502 headquarters near "spean" Chrouy
16 Changva Bridge.

17 Q. How did you know the way from the place where you escaped from
18 to 502? Where in Phnom Penh were you? Did you recognise the
19 streets? Which street numbers were you close to? Which
20 boulevards? What is it that you remember?

21 A. I was given an escape route so I had to follow the route on
22 that map, and I simply followed it, followed the route on the
23 map, and then I arrived at the Wat Phnom, and I was told that I
24 should get hold to the escape plan; otherwise, if I got lose,
25 then I would be lost and I would be risking my life and his life

1 would also be a t risk.

2 [11.22.01]

3 Q. Mr. Witness, I have many more questions to put to you but I
4 don't have any more time, I'm afraid. Thank you very much for
5 answering my questions patiently.

6 MR. PRESIDENT:

7 Thank you very much, Counsel, and the Chamber now hands the floor
8 to the defence team for Khieu Samphan to put questions to this
9 witness. You may proceed, Counsel.

10 [11.22.25]

11 QUESTIONING BY MS. GUISSÉ:

12 Thank you, Mr. President. Good morning to all of you. Good
13 morning, Mr. Chan Morn. My name is Anta Guisse and I am the
14 Co-International Counsel for Mr. Khieu Samphan. And <it is under
15 this role that> I'm going to put <some additional> questions to
16 you. I'm going to try to avoid being repetitive and I'm going to
17 ask you to help me by making sure that you answer as precisely as
18 possible to the questions I'm going to put to you.

19 Q. One first point of clarification: <Mr.> Witness, you spoke
20 about the <organisational> chart of the airport <staff hierarchy>
21 when you spoke about Lvey, and when you spoke about his superior
22 who was Met, and when you spoke about the office chief Yeng. So
23 can we agree that Yeng was below Lvey and Met <in rank>?

24 MR. CHAN MORN:

25 A. Yeng was chief of the office and he had the authority to

1 assign soldiers in the division, so the assignment was carried
2 out by him who was the office chief.

3 Q. Yes, but my question was: As the office chief, did he have
4 more power than Lvey and the Met?

5 A. On the issue of authority, I can say that Met or Lvey gave
6 instructions to Yeng, the office chief, and further Yeng would
7 disseminate the instructions to us, at the lower level. So I
8 could say in practice it was Yeng who seemed to have more
9 authority as he was in charge of assignments for all soldiers in
10 the division.

11 [11.25.35]

12 Q. But we agree that Yeng had to follow Lvey and Met's orders; we
13 agree on that, right?

14 A. Organizationally, yes, as Yeng was subordinate to Lvey and
15 Met.

16 Q. In your statement, E3/5278, French, ERN 00355864; in English,
17 <ERN> 00292823; and Khmer < ERN> 00287527; you also speak about
18 another person by the name of Song, S-O-N-G, and you say that,
19 "His name was Song and he was the direct superior of the worker
20 soldiers, and he was under Lvey's orders." So can you provide
21 more clarification about Song?

22 A. Song also worked in the office; however, he was in charge of
23 terrain survey and measurement and there were worker soldiers,
24 some worker soldiers under his supervision in dealing with the
25 terrain survey and measurement, so he had a separate task from

1 Yeng.

2 Q. And there is another witness who spoke here with regard to the
3 subject; it was <statement> E3/3959, French, ERN 00486100; Khmer,
4 ERN 00270168; and English, < ERN> 00278625; and this is a person
5 speaking about a <person named Thuok, T-H-U-O-K> for the
6 interpreters, please excuse my pronunciation.> And does this
7 <Thuok> ring a bell?

8 A. I do not recall it, I cannot remember it.

9 [11.28.58]

10 Q. You also said that among the tasks that <you were entrusted>
11 at the Kampong Chhnang Airport, you would drive soldiers to an
12 area where they would have to clear the field <and cut down
13 trees, and you would drive a vehicle.> And I'd like to know if
14 back then if your fuel <or gas> was rationed, <and> how you would
15 manage your fuel supply?

16 A. As for fuel, actually the person could get fuel with
17 permission. There was a slip where a number of litres was
18 requested and the <slip had to be handed to the> person <in
19 charge of> the fuel station <>. So it depends on the number of
20 litres of fuel on that slip, then the person in charge of the
21 fuel would pump that correct amount onto the <trucks; for
22 example, each of the 10 trucks would receive 100 or 200 litres,
23 after the slip was submitted, the fuel would be pumped into each
24 truck accordingly. The same rule applied to the request for
25 engine oil. Whatever amount of oil specified on the slip, the

51

1 amount of oil would be given accordingly.>

2 Q. One last point before the break, because as I can see it is
3 almost 11.30. Yesterday you said <a little after 10.39>, you said
4 that Met had given you direct instructions regarding the work you
5 had to do. My question to you is as follows: Apart from the time
6 when you were asked to go and fell trees with some soldiers, what
7 other tasks were assigned to you by Met directly, since you said
8 <earlier> that it was Yeng who was in charge of the distribution
9 of work?

10 [11.31.18]

11 A. Besides felling trees, I also received direct instructions
12 from him regarding escorting the Chinese delegation or driving
13 them around or to measure the terrain for the airport
14 construction or to drive the delegation to the railway station.
15 <I just followed it whenever he ordered me to do any task.
16 Actually, he assigned me to carry out many tasks that> I cannot
17 remember everything, however when it was needed, he would call me
18 and give me his direct instructions. So usually, I would be
19 called to go and meet him in person and then he would give me
20 instructions as to what I needed to do or to go to the fuel
21 station to obtain fuel for the vehicle that I drove. These are
22 just some of the examples of the instructions that I directly
23 received from him. <However, I cannot recall everything.>

24 [11.32.50]

25 MS. GUISSÉ:

1 Mr. President it is now 11.30, <so> I would continue <after the
2 lunch break>.

3 MR. PRESIDENT:

4 Thank you, Counsel. It is now time for our lunch break. We take a
5 break and we resume at 1.30 this afternoon.

6 Court officer, please assist the witness at the waiting room for
7 witnesses and experts during the break and invite him <back to>
8 the courtroom <> at 1.30 this afternoon.

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

12 The Court is now in recess.

13 (Court recesses from 1133H to 1333H)

14 MR. PRESIDENT:

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

16 And the floor is given to the Defence team for Mr. Khieu Samphan
17 to resume a line of questioning. You may now proceed.

18 BY MS. GUISSÉ:

19 Q. Thank you, Mr. President. Good afternoon again, <Mr.> Witness.

20 Before the break, we stopped at the point where you were
21 explaining that Met sometimes gave instructions to you directly.

22 My question is that when you received instructions directly from
23 Met, was Yeng informed thereof?

24 MR. CHAN MORN:

25 A. When I was told to perform my tasks and duties, Yeng was also

1 there, because he was the office chief. So I would go to any
2 places Met ordered me to go and Yeng was aware of that.

3 Q. I would like you to clarify something I'm not sure I properly
4 understood. When you answered a question put to you by my
5 colleague <from> the Nuon Chea team, I understood that Yeng was
6 office head before 1975. Did I properly understand your
7 testimony? As of when did you start working under Yeng as well?

8 A. I <started> working with him in perhaps 1974 or mid-1973. Yeng
9 was responsible for the radio telecommunication <unit and later
10 on became the office chief>, and I was working with him from that
11 time -- that <is, from> mid-1973 or 1974 to 1976.

12 [13.35.55]

13 Q. Only up to 1976? <Only 1976? Why 1976?> What does that date
14 correspond to -- that is, when you stopped working with Yeng?

15 A. <I started working with him since the time we were working at
16 Pochentong airport, and up until we> came to work at <> the new
17 airport construction site.

18 Q. I am lost when you refer to the new airport construction site.
19 Are you referring to the Kampong Cham <> airport construction
20 site?

21 A. The new airport construction site was Kampong Chhnang airport
22 worksite. <We came to work there together>.

23 [13.37.33]

24 Q. Very well. We'll try to clarify this point. You stated that
25 you worked at the Kampong Chhnang airport construction site up

1 until when you were <arrested> and <then> transferred to the
2 radar section. <I'll come back to the circumstances surrounding
3 your arrest later, but when> exactly did you start working at the
4 radar facility?

5 A. After my arrest, I was transferred to work at the radar
6 operation units. After I was arrested, he put me in a radar
7 operation unit. He <no longer assigned> me to work with Yeng. And
8 I was in a radar operation <unit and based on the mountain> until
9 1979, during which I removed materials and fled.

10 Q. <But do you mean to say that you began working at the radar
11 facility in 1976? Did I understand correctly?>

12 A. <I started working in the> radar operation <unit
13 approximately> in 1977, I believe. <It was between three and four
14 months before the> Vietnamese troops came into the country
15 <during which I was assigned to> remove materials and equipment<,
16 and transport them> to Battambang province. I do not recall
17 exactly the date. I do not recall whether in 1976 or 1977 that I
18 fled that radar operation unit. I do not recall it well.

19 Q. Very well. I would like you to clarify a point you made in
20 answer to a question put to you by Judge Lavergne. <You said
21 there> were technicians whom you helped to transport following
22 Met's instructions. You mentioned the presence of 120 Chinese
23 technicians <if I'm not mistaken>. My question to you is as
24 follows: who was in charge of the 120 Chinese technicians?

25 [13.41.01]

1 A. The <person in charge of> the Chinese technicians was an
2 interpreter and this interpreter accompanied the Chinese
3 delegation as well. The interpreter was from Met's unit. I do not
4 recall this individual's name. This interpreter <accompanied> the
5 Chinese delegation <to various places>. I <went to various
6 places> with the Chinese delegation and with this interpreter who
7 <handled the works with the Chinese>. As I stated, I do not
8 recall his or her name.

9 Q. When you state that he supervised and organized <their> work,
10 do you mean that he was <their> superior?

11 A. I <did not know> whether he <held a senior position>. I only
12 saw him with the Chinese delegation. When Chinese <technicians>
13 wanted to go anywhere, the interpreter would tell me to <> drive
14 four or five Chinese <technicians there>. So he was the one who
15 told me to go and <take> the Chinese <technicians to various
16 places>. And this guy was <the only> interpreter <around>.

17 [13.43.04]

18 Q. Very well. So what you are telling me is that that person
19 <acted as> an interpreter and he would tell you what <to do based
20 on what> the technicians asked <for>. <But> it was the
21 technicians who <requested to be taken from> one place to the
22 other. Is that what you're saying?

23 A. Yes<, it was the> interpreter would come <and> tell me to
24 drive <the> Chinese delegation to <various places>.

25 Q. And do you know what was the nature of interactions between

1 the Chinese technicians <and> Lvey and Met?

2 A. When I drove <for> the Chinese <technicians>, I sometimes saw
3 Met meet Chinese <technicians>, and on some other <occasions>, I
4 would see Lvey meet the Chinese delegation. I was staying <with
5 the vehicle,> far <away from them; thus,> I could not hear their
6 conversation. Usually I parked my car away from them and I was in
7 the vehicle, so I could not hear <what they discussed during
8 those meetings>.

9 [13.44.57]

10 Q. Do you know whether those 120 technicians <had the
11 opportunity> to <command> teams of Khmer soldiers at any point in
12 time?

13 A. Chinese <technicians> were <in charge of their respective
14 areas of responsibility> where they were working. For example,
15 one Chinese technician -- one group of Chinese <technicians>
16 would be responsible for the rock-breaking unit, another group
17 would be responsible for electrical wire installation unit, so
18 they had <between 4 and 10 soldiers working with them. Those>
19 Chinese <technicians> would tell workers how to install wire, how
20 to lay pipes under the ground, so on and so forth, so <it was the
21 Chinese technicians who would tell> those <soldiers as to> how
22 <tasks were done>.

23 Q. In E3/5258, your statement, the ERN in French is 0035 -- in
24 English, 00292821.

25 THE INTERPRETER:

1 The interpreter didn't hear the French and the English, Mr.
2 President.

3 BY MR. GUISSÉ:

4 Q. <In your statement E3/5278; ERN in French, 00355862; in Khmer,
5 00287525; and in English, 00292821; you> explained that when you
6 were sent to Pochentong airport, and I quote what you stated,
7 "Two weeks later, I saw Chinese planes transporting tonnes of
8 equipment, food, military equipment, blankets, mosquito nets, and
9 other conserved products. They landed at Pochentong airport." End
10 of quote. Yesterday in answer to a question put to you by Judge
11 Lavergne, you talked about food <consumed by the Chinese>, such
12 as <their traditional> noodles and beer, can you confirm that
13 such food was sent <from China>?

14 [13.47.40]

15 A. I saw <> Khmer <cooks> at the kitchen <who were responsible
16 for preparing food for the Chinese based in Chan Sari barracks. I
17 sometimes went to the kitchen to ask for some drinking water>.
18 And during the banquet time, I would have the opportunity to go
19 into the kitchen and drink water. And I saw Khmer cooks making
20 the dumplings. And I saw the beer in the blue bottles. There were
21 <bread> and <many> different types of <canned food they had
22 brought along>. I <did> not know <from> where such food was
23 brought<>, but when there was a party, I saw dumplings <being>
24 served<>.

25 Q. But regarding the <excerpt> from your statement I've just read

1 out to you in which you said that the consignments also included
2 food, do you know whether such food was for the Chinese
3 technicians working on Cambodian soil?

4 A. The food was for <the> Chinese <> technicians <who were
5 working in Cambodia. Only during parties did I notice> beer<;
6 however, I did not see any beer, in general>. During the period
7 that I worked at the worksite, there <was> no beer or such
8 delicious meal, but that meal was served specially for <the>
9 Chinese <> during the party or banquet.

10 [13.50.05]

11 Q. You also stated in your statement that those who worked with
12 the Chinese ate <solid> rice with them. And that is what you said
13 in E3/5278. The ERN in French is, 00355866; <ERN> in Khmer is,
14 00287530; and <ERN> in English is, 00292825. Do you confirm this
15 point, and under those circumstances as someone who accompanied
16 the Chinese delegation, did you eat food that was different from
17 <that of> the other soldiers on the site?

18 A. <There were different> drivers and <> guards <who worked with>
19 the Chinese <technicians in different areas of responsibility>.
20 Normally drivers would be served <with> the same food as the
21 Chinese <technicians>, but <we, drivers and guards,> ate our meal
22 at a different place<, while the Chinese> had their meal at
23 different place <nearby>, but the <food was> the same<>. We had
24 three <> meals per day. In the morning, if <the> Chinese
25 technicians had bread, we would also eat bread. And if on other

1 occasion, they had noodle, we also had noodle. However, for
2 workers in different units at the worksite <> did not have such
3 meals as we had.

4 [13.52.19]

5 Q. Still with regard to food rations, for soldiers specifically,
6 yesterday you were questioned in connection with a document by
7 the International Co-Prosecutor. I would like you to comment on a
8 point <to assess what you know>, it is document <E3/807>, the ERN
9 in French, <the ERN> is, 00323929; Khmer, 00052311; and the ERN
10 in English is, 00183955. This document is a record of the meeting
11 and of the secretaries and sub-secretaries of the division and
12 the <independent> regime <dated> 1st March 1977. This is what is
13 stated in the resolutions: "The living <standards> of soldiers:
14 make sure they are properly taken care of <continually, a ration
15 of 23> tins for 10 people should be upheld." <End quote.>

16 While you were present on the site of the Kampong Chhnang
17 airport, you stated that all there <were> soldiers because it was
18 a military <airport>, do you know whether such measures were
19 taken to provide <23> tins of rice for 10 persons?

20 [13.54.19]

21 A. I have no idea. I do not recall <how the> economic section
22 would divide food supplies <>. I would leave <for work> in the
23 morning <so> I did not know how the food ration was divided. I do
24 not recall everything.

25 Q. We will now talk about another subject. You talked of the

60

1 presence of soldiers from the East Zone, and in your statement,
2 still <E3/5278>, the ERN is 00355866, that is French; in Khmer
3 it's, 00287529; and in English, 00292825. And this was the
4 explanation you gave regarding people from the East Zone. You
5 said, <> "When Lvey assigned me to lead the East Zone workers to
6 clear the forest, they told me that they <had been marred by a
7 tendency to betray that went against Angkar, against the Party,
8 because the chiefs of> the East Zone <had> fled to Vietnam." End
9 of quote.

10 <Mr.> Witness, do you know which chiefs <they were referring to,
11 who> fled to Vietnam <>?

12 A. I never asked <them> about that. I only asked that -- I only
13 asked <them to remain at work and not to try to make any escape
14 as it could put their life at risk>. I never cared to ask
15 anything about <their commanders or about> those who <had> fled
16 <>. I did not pay any attention to that matter. <Instead, I was
17 trying to protect them and made sure that they were safe. I never
18 asked them who their commanders were or what they did, but helped
19 to keep the> information <only to ourselves. I never intimidated
20 them, but gave them good advice>.

21 [13.57.21]

22 Q. And in your capacity as someone working on the worksite of a
23 military airport, <did> you know anything about a conflict with
24 Vietnam, if <> there was a conflict at the time you were working
25 on that site?

61

1 A. Yes, I knew that there was a conflict with Vietnam. I knew it
2 from my cousin who <had worked> in <a> mobile unit <and got>
3 conscripted and taken to the border to fight the Vietnamese
4 soldiers. It was <during the> time that I was working in a radar
5 operation unit <that> I learnt <about the conflict with Vietnam>.
6 Q. <Mr.> Witness, we'll go into another line of questioning, and
7 I'll use the statement of another witness to jog your memory. A
8 while ago in answer to a question put to you by <the> Counsel for
9 Nuon Chea, you said you did not remember exactly which divisions
10 were present on the Kampong Chhnang airport construction site.
11 One witness, and it is <2-TCW-910>, document E3/5273, ERN in
12 French, 00355856; ERN in Khmer, 0028294; ERN in English,
13 00290500. In the statement, the witness also stated that he or
14 she worked on the airport construction site, and that witness
15 said that people were sent from the <West> Zone, Southwest and
16 East Zone, but that the majority of the people were from the East
17 Zone. My question, therefore, is whether you recall seeing
18 soldiers from the West Zone and from the Southwest Zone as well?
19 [14.00.18]
20 A. I knew that soldiers from East Zone were sent to the worksite,
21 <but> later on I <myself got into trouble,> so I <did not know as
22 to how many of them were sent to the construction site
23 afterwards. I was aware of their situation only during the time I
24 was working with them. Again, I did not know about them anymore
25 afterwards because I just lived in a separate location>.

1 Q. Must I therefore understand from your answer that you do not
2 remember if there were soldiers from the West Zone and from the
3 Southwest Zone?

4 A. <Initially,> I knew <of this>, but <I was not aware what
5 happened> later on <due to the fact that I myself got into
6 trouble. Moreover, when I returned, I was not assigned to return
7 to my previous work place. Thus, I had no such knowledge>.

8 Q. Another point, you spoke about the working conditions on the
9 site and in particular you spoke about accidents that <may have>
10 occurred there following the explosives that were used to blast
11 the rock. In document D166/194, which is <> a site identification
12 report, a witness shows on a photograph a concrete wall, <and for
13 the Parties, this is> on French ERN, 00386581; English <ERN>,
14 00378445; Khmer <ERN>, 00384449. So my question is the following:
15 do you remember there being one or several concrete walls that
16 had been built on the airport worksite in order to try to protect
17 the people from the <debris from explosives used for> blasting
18 the rock?

19 [14.03.04]

20 A. The wall was built at the base of the mountain. However,
21 despite the wall being built for the protection, workers there
22 still got injured from fragments of rock blasts through
23 explosions as the fragments flew past the wall.

24 Q. You also spoke about suicides on the airport worksite, and you
25 said that it was essentially women who committed suicide. So my

1 question is: did you personally witness <this kind of> suicide,
2 and if yes, where and under which circumstances?

3 A. I was far from the location where it occurred. When I was
4 about to take my car to pick up the Chinese delegation, I saw an
5 ambulance approaching in order to pick up the dead body of a
6 woman who was crushed by a roller. I didn't see when the accident
7 happened however, I saw the body being lifted and placed onto the
8 ambulance. <I did not witness the moment she was being crushed by
9 the roller as I was working far from that place; however, I saw
10 the body being lifted onto the ambulance.>

11 [14.04.55]

12 Q. But what makes you, therefore, conclude that this was a
13 suicide and not an accident?

14 A. A <> colleague told me that she walked into the roller. So
15 when I asked that <> colleague about it, <that was what> I was
16 told. But I -- as I said, I did not see the woman running to be
17 crushed under the roller, as my workplace was far from where it
18 happened. <I actually learnt of what had happened from a
19 colleague when I saw the ambulance.>

20 Q. And what was the name of this colleague, this colleague who
21 told you about this <>?

22 A. There were many workers there and I cannot recall the name of
23 the one who told me. Although we worked there together, and of
24 course there were many workers, I do not know all their names.
25 However, people were standing near the accident site and I learnt

64

1 when I asked the question to -- to them.

2 Q. And do you know in which unit this colleague was working<, the
3 colleague who told you about the accident>?

4 A. The worker there was also part of Unit 502, and as I said 502
5 was subdivided into various smaller units, and I don't know all
6 of them.

7 [14.07.17]

8 Q. And aside from this accident which this colleague told you
9 about, did you ever hear of any similar accidents, and if yes,
10 when and which accidents?

11 A. Most of the accidents occurred at around 10.00 or 10.30 during
12 the working hours. So usually that -- that was the hours that the
13 accident happened, and usually I noticed an ambulance would come
14 around that time as well to the worksite.

15 Q. Maybe I will be a bit more specific with my question. You
16 spoke about <> several suicides <having taken place> at the
17 worksite, and when I asked the question to you, you spoke about
18 one <but you said that> that you had not witnessed it <yourself>.
19 It was only a colleague who had told you about it. So I wanted to
20 know if you ever heard of other suicides, <since you never
21 witnessed one yourself>. When I'm asking "when", I'm not asking
22 about when during the day, I'm speaking about "when" during the
23 period -- that is to say, between 1975 and 1979, or <rather>
24 between 1975 and the moment when you left the airport site.

25 [14.09.22]

1 A. It was in 1976. So, most of the accidents happened in '76 or
2 in late '76.

3 Q. And when you're speaking about accidents, are you speaking
4 about suicides really or--? <My question is> about the number of
5 suicides you learnt of.

6 A. Are you asking me about the total number of suicides? What is
7 exactly your question? <It did not make sense to me.>

8 Q. Yes, indeed <Mr. Witness>. This is <> what I understood from
9 your statement was that suicides were <apparently> frequent. And
10 you spoke to me about an example you heard about<, just one>, so
11 I wanted to know if you ever heard about other examples, and who
12 told you about these<, and how>?

13 [14.10.45]

14 A. I heard that it happened many times. Of course, it did not
15 just happen in one day, but it happened rather frequently over
16 that period. I refer to the period that I worked at the worksite.
17 In a day, sometimes two or three <accidents and two or three>
18 workers got injured, and sometimes I witnessed what happened. In
19 one instance, a tree fell onto the workers, and one of them was
20 killed, <while many got injured>.

21 Q. I apologise. <Mr.> Witness, I'm not speaking about <work>
22 accidents such as you're describing. My question was specific.
23 You said that apparently there were frequent suicides at the
24 worksite, so I wanted to know that beyond the suicide that your
25 <unnamed> colleague told you about, can you tell me if you heard

66

1 about other instances of suicide, and if yes, when? And I'm not
2 speaking about accidents here, I'm speaking about suicides.

3 A. Suicides were frequently committed by women as men did not
4 really commit suicide at that workplace. <And those women>
5 usually were working along the road which was being paved and
6 concrete being poured to build the road.

7 [14.12.56]

8 Q. I apologise, <Mr.> Witness, but I would like to have a more
9 precise answer<, if you can>. You said that you heard about
10 suicides<,> that you were told that this happened, so who told
11 you about this and when, if you remember?

12 A. It frequently happened in mid or late 1976 as that was the
13 time women were instructed to work along the road which was being
14 built and concrete was being laid. There was a man named Kuot
15 (phonetic) or Ta Kuot (phonetic) who used to tell me about those
16 suicides, and that's what I learnt about those suicides committed
17 by women. <The man has passed away.>

18 Q. And in which unit did Ta Kuot (phonetic) work in? What was his
19 job at the airport site?

20 [14.14.37]

21 A. He was in the protection unit, so he went around patrolling
22 the worksite and watching over the workers at the worksite. And
23 that was his main duty. And he also sometimes was assigned to
24 escort the Chinese delegation on site, when they were -- the
25 Chinese were working there.

1 Q. <Under whose orders was Ta Kuot (phonetic) working>?

2 A. He was part of 502, but I believe he was assigned into the
3 protection unit for the Chinese delegation. And usually he would
4 escort a Chinese delegation on a vehicle, and sometimes two
5 guards would be placed onto each vehicle for the protection of
6 those Chinese.

7 Q. <Mr.> Witness, thank you for all of these details, but I'm
8 trying to put to you specific <> questions because I don't have
9 much time. So, please answer as precisely as possible. My
10 question was, who was Ta Kuot's (phonetic) direct superior?
11 Because I see my time running out <very quickly>, so please, help
12 me.

13 A. It was Ta Lvey and Met. We all had the same superiors, and
14 they were the ones who assigned <a specific number of> guards <>
15 to escort the Chinese delegation.

16 Q. Now, I'd like to turn to another point, which is the visit of
17 leaders on site. And when you answered the Co-Prosecutor
18 yesterday, you said that the day when you apparently learnt that
19 Khieu Samphan and Ieng Sary had come to the worksite, you had not
20 met them because you were far away. And there were many, many
21 people <in front of> you, but apparently you learnt of their
22 presence through someone, someone who <was there and> apparently
23 had seen them <there>. So, can you tell me who is this person who
24 told you about <the presence of> Khieu Samphan and Ieng Sary?

25 [14.18.01]

1 A. They all disappeared, and I cannot recall their names. They
2 were my work colleagues, but as I said, I cannot recall their
3 names. And sometimes, as I said in my previous statement,
4 sometimes I learnt information from guards working in the
5 protection units for the Chinese delegation. <Mainly, I stayed
6 close to the car so whenever I was needed, I would always be
7 there for them. Again,> I cannot recall their names.

8 Q. So, what you're telling me is that the information apparently
9 had been given to you by one of the guards on that day. Is that
10 correct?

11 A. It was the guards who accompanied the Chinese delegation, and
12 they learned information that I did not know. And then they told
13 me about what they learnt. And as I was a driver, usually I did
14 not leave my vehicle behind, I would stay with the vehicle, and
15 guards could go and escort the Chinese delegation while they were
16 working.

17 Q. On that day, I believe you said that there was a convoy of
18 vehicles. Did you see this convoy <yourself>? And where did the
19 convoy <drive to> on the worksite?

20 [14.20.00]

21 A. When important people came to visit, the convoys would stop at
22 the location where the headquarters was. They would remain there,
23 and I did not know what they were doing inside, and I was not
24 allowed to enter. As for the vehicles, the vehicles would park at
25 the main road<, and only when we were needed would they call us.>

1 And usually when important people came to visit, we were not
2 allowed to go near where they were.

3 Q. And you're telling me that "when <> important people <came to
4 visit". Were there> many visits of important people at the
5 worksite?

6 A. I only can tell you when I was there, and I could not tell you
7 if there were any important people coming to visit when I went on
8 assignments elsewhere. And I can tell you that I saw three visits
9 by important people while I was present at the worksite. But I
10 only knew that they were important people. But I did not know who
11 they were, or their actual positions. And for the -- it's the
12 same thing for the Chinese delegation. I only knew them -- knew
13 those who I would -- whom I drove them somewhere.

14 [14.22.14]

15 Q. And can you confirm to me that the day when these leaders came
16 to visit, that these were normal working days? Or would people
17 not be working on the worksite when such visits happened?

18 A. On the day of their visit, there were workers <working far
19 away> from where they were. I mean, at the far end of the
20 airfield. And there were no workers working nearby the area where
21 the important people visited.

22 Q. And do you know who was <> Army staff leader, back then?

23 A. Please rephrase your question. I don't get it.

24 Q. Yes. Do you know who was the head of the military staff back
25 then -- that is to say, the person who was in charge of the army

1 at large?

2 [14.24.01]

3 A. No, I don't know. I only know about my unit.

4 Q. Now, I would like to turn to your arrest. I'm going to briefly
5 remind you of what you said in your statement, E3/5278, French
6 ERN, 00355867; Khmer <ERN>, 00287530; and English <ERN>,
7 00292825. And this is what you said: "They arrested me because I
8 had a quarrel with <a person named> Yeng regarding transporting
9 the rice for the East Zone people. He <accused me of
10 transporting> rice for the enemy. Yeng <said, 'Why did you>
11 transport a lot of rice for the enemy?'

12 Later, when I transported 10 truckloads of wood from Krang Skear,
13 to the Kampong Chhnang airport <worksite>, at around 1 p.m.,
14 Yeng's guard <told me to go to a> meeting at Preah Theat
15 <monastery>, east of the airport. They transported me by vehicle
16 to that <monastery>. Upon arrival, they ordered me to go into the
17 <temple>, and they used a <krama> and hammock strings to tie my
18 hands behind the back. <They> blindfolded me with a <> piece of
19 <enemy> cloth. Then they threw me into a Chinese jeep." End of
20 quote. So, must I understand from what you said here, and from
21 what you said before the Chamber, that it is on that <same> day
22 when you had the quarrel with Yeng that you were arrested?

23 [14.26.21]

24 A. It happened three days later. I already transported the rice.

25 And I stayed there for two nights, and then I returned with a

1 truck full of wood. And after the logs were counted, I was in the
2 process of preparing a report. And that was the day that I was
3 called to attend a meeting. And that happened at around 1.00 or 2
4 p.m.

5 Q. You said that it was Yeng's guard who came to see you. Do you
6 remember his name?

7 A. The security force was -- did not belong to those under the
8 supervision of Ta Yeng. And I did not know them. They <were known
9 as the policemen, and I had no idea of as to who they were and
10 where they> came from <>. And they came to tell me that I was
11 needed to attend a meeting at the said pagoda.

12 Q. Yes, of course. But I read out your statement to you again.
13 And what you said was, it was Yeng's guard who told you to go to
14 the meeting at that pagoda. So, if you're speaking about Yeng's
15 security <guard>, I <assume> that this was somebody who worked at
16 the airport?

17 [14.28.29]

18 A. I did not know for sure <> whether those security force
19 <belonged to> Ta Yeng or not, but when they came to call me, I
20 did not know them. I did not know their faces at all. And they
21 were rather young.

22 Q. So, why did you say "Yeng's <security> guard" in your
23 statement?

24 A. I said so because I actually made a joke with him, and maybe
25 he was offended. And the security force was sent <> for me, but I

1 did not know who they were. They simply came to call me to attend
2 the meeting. And in the past, when I was needed to attend a
3 meeting, the message would come through a radio transmission, not
4 by a person as in the later case. So, I did not know <as to how>
5 those security force <had been recruited>.

6 Q. I will not ask you to come back on <the details of the>
7 answers you <already> gave this morning regarding the
8 circumstances under which you were <taken away> and arrested.
9 I understood from your statement that you arrived at a certain
10 place at night<, that you could> not identify that place
11 initially, but you bumped into a soldier who, <by chance,> had
12 <apparently served alongside you> before 1975, Mao. And that
13 <right away, that> person hid you in a toilet, and then gave you
14 a map that enabled you to escape from Tuol Sleng, since <he> said
15 you were at Tuol Sleng. My first question is as follows: <> Was
16 that map drawn by <him>, or <was it a> map <that> existed
17 <beforehand>?

18 [14.31.46]

19 A. He drew the map by himself on a piece of paper. And he
20 actually used a pencil to draw that map. And he pinpointed some
21 landmarks on the map for me -- as a guide for me to follow. He
22 did not have a pen to draw it, but he used a pencil. And he
23 pinpointed other exact locations, for example, how many metres I
24 need to turn when I reached Chrouy Changva bridge. And the piece
25 of paper was about the size of my palm.

1 [14.32.46]

2 MS. GUISSÉ:

3 Mr. President, I see the time now is 2.30. I have almost
4 completed my examination of this witness, but I'm not quite there
5 yet. I still have <another> subject to wrap up, and I also have
6 another point regarding Lvey and Met. And I know my colleague
7 <Kong Sam Onn also has some questions that> would require about
8 ten minutes<. So, may> I request you to give me ten minutes to
9 enable me to complete my line of questioning?

10 MR. PRESIDENT:

11 You can do so.

12 BY MS. GUISSÉ:

13 Q. I'm obliged. So, your friend Mao happened to be at that place
14 <back then, by chance,> and he gave you the map. And he told you
15 to go to Ta Vun's (phonetic) or Ta Vin's <home>, that is Ta Mok's
16 son-in-law. And you said that <he> is the person who subsequently
17 contacted your <bosses>, Lvey, and Met. My questions to you --
18 the first question is as follows: <at that time,> you stated in
19 your record of interview that Ta Vin was a commander of the 2nd
20 Infantry. Do you know in what division he was?

21 [14.34.45]

22 MR. CHAN MORN:

23 A. I do not know which division he belonged to. During the
24 wartime, we fought in the war and we were close to each other.
25 And as I stated, I do not know which division he belonged to. As

74

1 for Mao, he used to live and work for Vin. And Mao used to make
2 contact with me, when we were messengers. We made friends with
3 each other, since we were young. And when we came to work in
4 Phnom Penh, we met each other <on a few occasions>.

5 [14.35.41]

6 Q. <> My question had to do with Ta Vin. Please answer my
7 questions as concisely as possible. You stated that Ta Vin, and
8 this is from your statement; the French ERN is 00355868; ERN in
9 English, 00292826; ERN in Khmer, 00287531 and it continues on the
10 next page. And you state that: "They would send a radio message
11 to Lvey. And later on, Lvey and Met, who at the time were in
12 charge of the air force, took a helicopter from Kampong Som to
13 come and see me. They <> decided to help me <by taking> me to
14 stay with the radar group in Pochentong <monastery>." End of
15 quote. So what you're saying, therefore, is that Lvey, who was
16 deputy commander, and Met, the commander-in-chief, took a
17 helicopter to come and see you, a simple messenger. Is that what
18 you're telling the Chamber?

19 [14.37.23]

20 A. When I was a messenger, I did not make any mistakes. He liked
21 me, he liked my cooking. And I could cook very fast. And during
22 the meal time, I was the one who cooked a meal for him, when I
23 was young. So he <was> rather <fond of> me. In the period--

24 Q. Excuse me, who are you referring to specifically?

25 A. You asked me about Met, right? So I'm talking about Met.

75

1 Q. So, because you cooked very well for him <and he liked you a
2 lot>, Met took a helicopter to come and <find> you? I do not
3 understand your explanation on this point. The point that Yeng,
4 who was a subordinate to Met, as you explained earlier, took the
5 risk of having you arrested; whereas he knew that Met had a very
6 special relationship with you, and that Met was your superior.
7 Can you explain this point please?

8 [14.39.01]

9 MR. SMITH:

10 Your Honour--

11 MR. PRESIDENT:

12 Please hold on, Mr. Witness. You may now proceed, International
13 Deputy Co-Prosecutor.

14 MR. SMITH:

15 I do admit it is -- it is complicated. But I'm not sure that it's
16 clear that Lvey knew that this -- this witness was arrested in
17 the first instance. And perhaps just to put the evidence in
18 context, this witness did talk about a special relationship
19 between Met and himself. So I'm not sure that Lvey knew that he
20 was in fact arrested in the beginning, but was only contacted
21 later.

22 [14.39.48]

23 BY MS. GUISSÉ:

24 I thank the Co-Prosecutor for his clarification, but my question
25 is for the witness. And I did understand that he had a special

1 <relationship> with Met. And that is why I'm asking him how come
2 Yeng, who according to the witness's explanations -- who had
3 worked with him since 1973, or at least 1974 -- was aware of this
4 special <relationship> with Sou Met. I also was careful enough to
5 point out to him that he received direct instructions from Ta
6 Met, Yeng was also present. My question is whether he can explain
7 <this or not. If he can't, he can't, but is there an explanation
8 for the fact that Yeng took the liberty to arrest him without
9 Lvey or Met being aware of it?>

10 Q. Witness, do you know why Yeng felt at liberty to take such
11 action without the approval of his superior, who had such a
12 special relationship with you?

13 [14.41.25]

14 MR. CHAN MORN:

15 A. <During> the period, <when an> opportunity <arose>, they
16 <would grab it in order to harm us>. <So if they knew that a>
17 superior <was fond of someone, they would do anything to that
18 person when his superior was away simply because that superior
19 was away, and they were the people in charge of the place. Since
20 he was in charge of the place and as the office chief, he could
21 do anything to me>. Although we had a good relation with someone
22 in our workplace, or with our superior, and <when our superior>
23 left that place<, we could not trust anyone else in that place.
24 That was what happened during the regime>.

25 Q. This will be my last question since we should be going on

1 break shortly, bearing in mind that my colleague has <about ten
2 minutes of> questions <> as well. Regarding Ta Vin you referred
3 to a while ago, and you said that he assisted you in escaping,
4 after you escaped from S-21. Do you know what happened to him
5 thereafter, during the Democratic Kampuchea regime, <before>
6 1979?

7 A. I <had> no idea <of what happened> later on. I <only> knew it
8 when we met each other, and at that time Met transferred me to
9 <work at the radar operation unit>. And I have never met <or
10 known about> my colleagues <again> from that time. And I <did>
11 not know what happened <to> my colleagues <and where they were. I
12 was just trying to conceal myself and be safe, and I just stayed
13 calm wherever I went.>.

14 [14.44.10]

15 MS. GUISSÉ:

16 Mr. President, I am done with my questions, and I thank you for
17 the additional time you have granted me. <You might want to call
18 for the break after my colleague's questions.> Thank you.

19 MR. PRESIDENT:

20 You can proceed right now.

21 QUESTIONING BY MR. KONG SAM ONN:

22 Thank you very much, Mr. President.

23 Q. Mr. Chan Morn, I would like to <seek your clarification on>
24 your <positions> in Kampong Chhnang. <To my memory of your> two
25 days <of testimony before the Chamber, you> stated first you were

78

1 a driver <for the> Chinese <technicians> to <and from> the
2 airfield. And <secondly> you <moved> to work in the forest,
3 <cutting> down trees. <And thirdly>, you were transferred to work
4 <in a radar operation unit based> on a mountain. Am I correct to
5 make such a summary <of the three main tasks you performed while
6 working at the Kampong Chhnang airport construction site>?

7 [14.45.21]

8 MR. CHAN MORN:

9 A. Yes, it is correct.

10 Q. Thank you. Could you tell the Court, when <> you became a
11 driver for the Chinese delegation? So how long <were> you in that
12 position? <Did you do that straight away upon your arrival? And
13 when?>

14 A. I could not recall it. I was working as a driver, and I
15 accompanied Chinese delegations. Perhaps I had been working there
16 for one or two months. And as I stated, because I was familiar
17 with the location and with the place where there were large
18 trees, I was transferred to work in the forest.

19 Q. Thank you. So in your statement just now, you worked as a
20 driver for a short period of time, maybe two or three months. Am
21 I correct to say so?

22 A. Yes, it was for a short period of time.

23 Q. Thank you. And then you moved to work in the forest, <cutting>
24 down trees. And you spent <the longest amount of time working
25 there, out of the three tasks you performed.> Am I correct?

1 [14.47.20]

2 A. I -- My work stations were in different places when I <was
3 assigned to cut> down trees<; thus, I spent the longest time
4 among the tasks I did>. I went to work in Districts 20, 12 and
5 10. I went to these locations to collect logs. I could not recall
6 the date, or how long I was in that profession. And I made a lot
7 of trips transporting rice into the forest, <and logs from the
8 forest>.

9 Q. Thank you very much. While you were transporting logs, you
10 stated in your testimony that you rarely stayed at the airport
11 worksite. You stayed in the forest more frequently, and sometimes
12 you <stayed in the forest for a few nights, and only once in a
13 while you> came to the worksite, the airport worksite, and
14 returned <> to <the> forest. Am I correct?

15 A. Yes, that is correct. I rarely stayed at the airport worksite.
16 Mostly I was working in the forest.

17 Q. <Initially, when> you were transferred to work in the forest
18 <in order to cut> down trees, were there any workers from the
19 East Zone at the first place?

20 A. No. Initially, there were no soldiers from <the> East Zone.
21 There were only soldiers from 502 working in the forest. And
22 <only> later <on were> there <> workers from <the> East Zone.

23 [14.49.24]

24 Q. Thank you. And how many of you <initially> were <assigned to
25 cut down trees> in the forest?

1 A. Initially, there were about 20 or 10 workers in one group.

2 Q. Thank you. And when workers from <the> East Zone came to join
3 your work force, how many people altogether in the forest?

4 A. Some places, there were 30 <workers> in one unit<, while in
5 other> places, there were <> 50 <workers>.

6 Q. So, could you tell the Court how many people <were assigned to
7 cut down trees and in how many places> altogether <>?

8 A. <Workers> were <assigned to fell trees in> five places<;
9 however, those places were not far from one another. For example,
10 two groups of workers were assigned to cut down trees in one
11 district, while three other groups were placed in another
12 district. And after we had collected trees from an area, we moved
13 them to another area>.

14 Q. <Thank you. Through your testimony, it inferred that> the
15 total number<> of workers <assigned to fell trees> in the forest
16 was <between> 150 <and> 200. Is that correct?

17 A. The total number perhaps was more than what you have just
18 stated. <I was the person who went to collect the gear for them
19 to work including chainsaws; and sometimes, I went to collect>
20 500 <chainsaws, and when some of them broke down, we went to
21 collect 50 or 60 chainsaws more. So> the number of <new chainsaws
22 for replacement I had to collect> varied.

23 [14.51.44]

24 Q. Could you tell the Court how many people exactly <were
25 assigned to work> in the forest? You have just stated that <some

81

1 groups consisted of> 30 members<, while the others consisted of>
2 50 members<>. And you have just stated that there were five
3 groups working in the forest. So, could you tell the Court again
4 how many people, how many workers there <were> in the forest?

5 A. There were drivers as well, so we -- there were workers who
6 were <to cut down trees> in the forest, and there were drivers
7 with them.

8 [14.52.29]

9 Q. Could you tell the Court who <led those workers to work in>
10 the <forest>?

11 A. <I was the person who led those workers to work in the forests
12 because I> was familiar with the <forests>.

13 Q. You were <their> supervisor? <Or you led them to work in the
14 forests due to> the fact that you were familiar with the
15 <forests>?

16 A. As I stated, I was the one who <led them to work because I>
17 was familiar with the <relevant forests and districts>. I was not
18 <their> commander.

19 Q. Do you recall who <> the commander <was>? <Or did they not
20 have a commander?>

21 A. The <commanders> who <issued orders from> the rear battlefield
22 <were> Lvey <and Met>.

23 Q. I wanted to ask you whether there was a commander with you at
24 that time in the forest. Could you tell the Court about this?

25 A. There were group chiefs with us. <Each group or unit had its

1 own chief>.

2 Q. Thank you. You stated about logistics. You told the Court that
3 before you were arrested, you went to collect ten sacks of rice
4 for workers of the East Zone. You made a request to Ta Lvey, and
5 Ta Lvey told you to get as much rice as you wanted. And you went
6 to collect 50 sacks of rice at that time. How many kilogrammes
7 <of rice> was <it> in one sack?

8 A. It was about 50 kilogrammes in one sack.

9 [14.54.57]

10 MR. PRESIDENT:

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

12 MR. SMITH:

13 Thank you. This is not really an objection, but I think it's
14 unclear with the witness's testimony. It's unclear whether all of
15 that rice was going to the East Zone workers that were working
16 with this witness, or whether they were going to another place,
17 and he was accused of actually taking rice to those -- to those
18 workers. So, I would just ask Counsel if they could clarify as to
19 was the rice going to the workers that were working with the
20 witness, or were they going to -- was it going to another place,
21 and he was simply accused of it? I just don't think it's clear in
22 the evidence, and it would help to understand his responses.

23 [14.55.48]

24 BY MR. KONG SAM ONN:

25 Q. I am now asking the witness about this fact. Witness, you

1 stated that there was -- it was 50 kilogrammes in one sack. So,
2 what did you do with the 50 sacks of rice? Who did you give it
3 to?

4 MR. CHAN MORN:

5 A. I divided the rice to <the> different groups. There were five
6 groups, as I stated, and <the amount of> rice <to be> distributed
7 to the group <was> based on the number of workers in each group.
8 <For example, a group of 20 members received more than a group of
9 10 members. The amount of rice was distributed according to the
10 group size.>

11 Q. Were -- was all the rice distributed to the workers at that
12 time, or <did> you <keep> some rice in a warehouse <in the forest
13 for later use> at that time?

14 A. There was no warehouse in the forest. And I distributed all
15 the rice to workers, so that I could use my vehicle to transport
16 logs back to <the airfield construction site>.

17 Q. Thank you. Could you tell the Court about the food conditions
18 for workers in the forest?

19 A. <When I was working there with them, I> distributed
20 <sufficient> rice, <salt> and <> fermented fish paste <to>
21 workers<. They> had enough food to eat. They did not <experience
22 having> gruel. <I distributed to them sufficient supply of> rice
23 <>. And when they ran out of rice, I would come to the rear
24 battlefield to collect <more> rice. So I never <took advantage
25 of> workers <by taking their rice; however, I did not know

1 whether or not other people did that.>

2 Q. You stated that there was one rifle in each vehicle, and you
3 <also> stated <> that <the riffle was only for hunting> wild
4 animals. Do you recall <the kinds of wild animals your group
5 members went hunting for food>?

6 [14.58.29]

7 A. There were many of us in the forest, and <some of them went
8 hunting for> wild <animals> at that time<; however, I never went
9 hunting with them.> On some occasions, my colleagues <found deer,
10 rain deer and> wild <rabbits>. So, frequently <they> could have
11 wild meat. And <sometimes they based next to> a stream or lake
12 <where they> could <go fishing. I observed that they had plenty
13 to eat while I was working with them in the forest.>

14 Q. I would like to ask you about an individual by the name Yeng
15 <who was> an office chief <of> Division 502. Do you know him
16 well?

17 A. I knew him well before. As of now, perhaps I could not
18 recognize him, because I <have not seen> him <for> a long time
19 <now>, and I am now <over> 60<> years old.

20 Q. Thank you. <And do you know what kind of person he was?>

21 [15.00.02]

22 A. <He did not speak much.> He was serious <and mean. He> did not
23 <> use <> polite words <when he spoke. He always used strong and
24 straightforward words>. And for some people, they knew <how to
25 work and talk to their subordinates. As for him, he was harsh and

1 strict with what he said. He said> he was an educated man.

2 Q. Thank you. <Besides what you> experienced <personally, were
3 you aware of whether or not> Yeng <had harmed anyone else>?

4 A. <Since I had left that place, I did not know what happened
5 next. I also asked other people about him, but nobody knew about
6 him. After that, I never went to my previous place again. And I
7 usually went to the provincial centre to take showers>.

8 Q. It doesn't matter whether you happened to know it later, or at
9 an earlier stage, as long as you made any direct observation of
10 his cruelty.

11 A. He <usually> projected a strong and loud voice, and usually he
12 would respond firmly to any word you spoke.

13 [15.02.04]

14 MR. PRESIDENT:

15 I think your time is over, Counsel. The hearing of testimony of
16 witness Chan Morn is now concluded, and after the short break,
17 we'll commence hearing testimony of a witness -- that is,
18 2-TCW-910.

19 And Mr. Chan Morn, the Chamber is grateful of your valuable time
20 to testify during the last two days before this Court. Your
21 testimony may contribute to ascertaining the truth in this case.
22 And your presence here in this Court is no longer required.
23 Therefore, you can return to your home, or wherever you wish to
24 go to. And the Chamber wishes you all the best, and safe journey.
25 Court officer, in collaboration with WESU, please make necessary

86

1 transportation arrangements for the witness to return to his
2 place of stay.

3 And the Court will take a short break now, and resume at ten past
4 three. The Court is now in recess.

5 (Court recesses from 1503H to 1516H)

6 MR. PRESIDENT:

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

8 Court officer, please usher witness 2-TCW-910, into the
9 courtroom.

10 (Witness enters courtroom)

11 [15.17.30]

12 QUESTIONING BY THE PRESIDENT:

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

14 MR. KEO KIN:

15 A. My name is Keo Kin. I'm from Krang Skear village, Tuek Phos
16 <district>, Kampong Chhnang province.

17 Q. When were you born? And Mr. Witness, please observe the
18 microphone.

19 A. I was born in 1965.

20 Q. Where were you born? Again, Mr. Witness, please observe the
21 microphone.

22 A. I was born in Krang Skear village, Krang Skear commune, Tuek
23 Phos district, Kampong Chhnang province.

24 [15.18.43]

25 Q. Are you still staying in your native village currently?

1 A. Yes, I am still living in my native village.

2 Q. What is your current occupation?

3 A. I am a rice farmer.

4 Q. What are the names of your parents?

5 A. My father is Kev Ham and my mother is Saom Sun.

6 Q. What is your wife's name and how many children do you have?

7 A. My wife's name is <Kham Thor (phonetic)>. We have two
8 children, but the children are from my previous marriage. <I was
9 married twice. My first wife passed away so I am married to a
10 second wife.>

11 Q. Thank you, Mr. Keo Kin. The greffier made an oral report this
12 morning that you are not related by blood or by law to any of the
13 two Accused -- that is, Nuon Chea and Khieu Samphan, or any of
14 the civil parties admitted in this case; is that correct?

15 [15.20.21]

16 A. Yes, indeed, I am not related to any of the two Accused.

17 Q. The greffier also reported that you took an oath before your
18 appearance in this courtroom; is that correct?

19 A. Yes, that is correct. I took an oath.

20 Q. And Mr. Keo Kin, the Chamber now informs you of your rights
21 and obligations. As a witness in the proceedings before the
22 Chamber, you may refuse to respond to any question or to make any
23 comment which may incriminate you. That is your right against
24 self-incrimination. And on your obligations as a witness, Mr. Keo
25 Kin, you must respond to any questions by the Bench or relevant

1 Parties except where your response or comments to those questions
2 may incriminate you, as the Chamber has just informed you of your
3 rights as a witness. And you must tell the truth that you have
4 known, heard, seen, remembered, experienced, or otherwise
5 observed directly in relation to any event or occurrence relevant
6 to the questions that the Bench or the Parties pose to you. And
7 Mr. Keo Kin, have you been interviewed by OCIJ investigators? If
8 so, how many times, when and where?

9 [15.22.02]

10 A. I was interviewed once in my house when the <team> came to
11 interview me <in my village>.

12 Q. And to your best knowledge and recollection -- and have you
13 actually reviewed the written record of your interview with the
14 OCIJ investigator that was conducted at your house?

15 A. I recall parts of the statement as the interview took place
16 quite a long time ago, maybe two, three years ago. But indeed, I
17 was interviewed once.

18 Q. And to your best knowledge and recollection, is the written
19 record of your statement that you have read to reflect -- to
20 refresh your memory consistent with the statement you provided to
21 the OCIJ investigator a couple of years ago?

22 A. The written record of my statement reflects what I told the
23 investigator at the time. And indeed I only told the investigator
24 what I knew.

25 [15.23.59]

1 MR. PRESIDENT:

2 For questioning this witness in pursuant to Rule 91bis of the
3 ECCC Internal Rules, the Chamber hands the floor to the
4 Co-Prosecutors first before other Parties. And the combined time
5 for the Co-Prosecutors and the Lead Co-Lawyers for civil parties
6 are two sessions. And the Chamber will allow the session today to
7 end at 10 past four. The Prosecutor, you may proceed.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President, and good afternoon, as well as to Your
10 Honours. Good afternoon to all Parties. Mr. Keo Kin, we will have
11 quite a few questions to put to you and we don't have that much
12 time. So what I suggest is that I read out an excerpt from your
13 written record of interview, and then I will ask you extra
14 questions based on what you already stated. Mr. President, may I
15 provide the written record of interview <in Khmer> to the
16 Witness?

17 [15.25.30]

18 MR. PRESIDENT:

19 Yes, you may do that.

20 QUESTIONING BY DE WILDE D'ESTMAEL:

21 Witness, can you read and are your eyes good enough to read or
22 <is that not possible>?

23 MR. KEO KIN:

24 A. No, I have difficulty reading.

25 Q. Fine. That's not a problem. I will start with a few questions

1 with regard to your past before April 1977. And then, I will get
2 back to what you said in your very first answer during your
3 interview with the Co-Investigating Judges. So, this is E3/5273.
4 And the question that's put to you: "What did you do, where did
5 you live before 17 April 1975?" And you answered: "I was a Khmer
6 Rouge soldier in Regiment 502, Division 1, under division
7 commander Ta Soeung. The Regiment 502 commander was named Lvey.
8 And the 502 <regiment> was based in Prey Mich <forest>, Thpong
9 district, Kampong Speu province." So I will stop here. So for how
10 long were you part of Regiment 502 of Division 1 in Kampong Speu
11 under the command of Ta Lvey?

12 [15.27.37]

13 A. I worked as a Khmer Rouge soldier under the supervision of Ta
14 Lvey since 1972. And it continued till 1975. By that year, I was
15 no longer under his supervision.

16 Q. Were you also Ta Lvey's messenger between 1974 and 1975?

17 A. Indeed, I was <a member> of <a unit consisting of> about four
18 to 10 messengers <working> for Ta Lvey. <>

19 Q. And as a messenger, what did you have to do for him back then?

20 Where did you have to bring messages to?

21 A. I had to bring the message from the eastern part of
22 <Pochentong> airport to Kampong Chhnang <province>. I did not
23 read the message. I <used a> motorcycle <to deliver messages to
24 the airport> once or twice per month. Sometimes, there was no
25 message to be delivered for that month.

1 [15.29.39]

2 Q. When you did not deliver messages, were you working as a
3 bodyguard for Lvey?

4 A. Yes, I was also his bodyguard.

5 Q. During that period, <was your relationship> with Ta Lvey such
6 that he trusted you?

7 A. Initially, yes, he placed his trust on me. But later on, I was
8 alleged to have a connection with the previous regime as my
9 father <had been> a former deputy of a village or commune chief.
10 And <since> he no longer trusted me<, I was removed> and <not
11 allowed to> work closely <with> him <again. I was actually put to
12 work in a nearby unit, but never again worked closely with him.>

13 Q. And can you tell us <> from when Ta Lvey learnt that your
14 father had been deputy village chief - do you know whether that
15 was before the capture of Phnom Penh or thereafter?

16 A. It happened after the fall of Phnom Penh. Then he learnt of my
17 father's position in the previous regime, and he no longer had me
18 work closely to him. At that time for people in my position, I
19 was alleged to have <a tendency towards> the previous regime.

20 [15.31.40]

21 Q. Were you demoted or punished in one way or the other during
22 that period?

23 A. I did not hold any rank. It simply -- he withdrew his
24 confidence in me. I was not physically punished, but I was asked
25 to engage in hard labour <works including digging canals> or

1 <working in a garage dealing> with heavy machinery <such as
2 tractors> and rollers.

3 Q. Very well. Primarily, did you start by working around
4 Pochentong airport? And if yes, what position did you hold? I'm
5 talking of the period immediately after the liberation, or
6 <rather,> the <fall> of Phnom Penh.

7 A. After Phnom Penh was captured, I was stationed in front of the
8 Pochentong market. I was asked to clear the land by pulling the
9 grass and to guard a <food supply warehouse>.

10 [15.33.29]

11 Q. Can you clarify this point? A while ago, I read an <excerpt>
12 of your <written record of> interview. You talked of Regiment
13 502, <did Regiment 502 subsequently become Division 502?>. And do
14 you <remember> whether it subsequently became <a division of the
15 Centre>?

16 A. The regiment became Division 502 at a later stage. However,
17 while I <was working> for Lvey, it was called Regiment 502. And
18 the person who was the commander of the later Division 502 named
19 Met. <I did not know any other commanders.>

20 Q. Very well. Let us now talk about the time when you were sent
21 to Kampong Chhnang. Let me quote what you said in that regard.
22 And it is E3/5273, the record of interview, the Khmer page,
23 00282941; in French, 00355856; and in English, 00290500. And the
24 question that was put to you was as follows: "Once you arrived in
25 Phnom Penh on the 17th of April 1975, what did they <order> you

1 <to> do?" And your answer was as follows: "They had me clear
2 grass and guard supply warehouses east of the Pochentong airport
3 with <a person named> Meng. Meng and I were accused of having
4 tendencies because my father was the deputy commune chief in the
5 Lon Nol regime. Later on in February of 1976, Ta Lvey <punished
6 me and sent> me to work at the Krang Leav airport in Kampong
7 Chhnang province, where I was <in charge of the> garage, cars,
8 tractors, and <steam> rollers, etc., because I was accused of
9 having tendencies." <End quote.> Can you tell us whether, in
10 February 1976, there were already in place officials of Division
11 502 <who were> already at Kampong Chhnang airport when you
12 arrived there? Who was the head of the worksite at the time?
13 [15.36.52]

14 A. I did not know who was in charge. However, when I arrived,
15 Lvey was there <leading workers at the airport construction
16 site>. And I was one of <the very first> group of about <12>
17 people who arrived at the worksite. At that time, it was full of
18 <trees>, palm trees, and coconut trees. And we had to fell those
19 trees and uproot them. Later on, I saw the arrival of tractors
20 and other <units of heavy> machinery for the purpose of soil
21 compression.

22 Q. So you are saying that Ta Lvey arrived at the same time as
23 you; is that what you're saying?

24 A. He took us and dropped us off there at the airport worksite.
25 And at that time, there was a group of 10 of us.

1 [15.38.18]

2 Q. Very well. Among the 10 of you, who was the leader who gave
3 instructions to the others? Can you give me the name of that
4 person?

5 A. Amongst us Song was our squad leader. He led us to fell the
6 trees and to uproot them as well as to dig the soil <for
7 testing>. And later on, <about 10> Chinese arrived at the
8 worksite. They did soil testing and terrain measurement.

9 Q. Did Song tell you what your mission was, as you were the first
10 people to arrive on that site? What was the purpose of having you
11 work there on that site?

12 A. Upon our initial arrival, there was no clear instruction to us
13 besides felling the trees and uprooting them. <I did not even
14 know it was an airfield construction site.> And the group of 10
15 of us just kept on working there. And that was all what was told
16 us. <We were not told of the plan.>

17 Q. And for how long did your group of 10 <people> work on the
18 site before your team <received reinforcements on that worksite>?

19 A. Only by 1976 <did thousands> of people arrive at the worksite
20 <> from the East Zone<, the West Zone, and the Southwest Zone;
21 however, they worked in groups and performed different tasks.>
22 And as I said, the majority of the newly-arrived came from the
23 East Zone.

24 MR. DE WILDE D'ESTMAEL:

25 Mr. President, we did not hear interpretation in French of the

1 last answer given by the witness.

2 [15.41.38]

3 MR. PRESIDENT:

4 Deputy Co-Prosecutor, please repeat your last question.

5 BY MR. DE WILDE D'ESTMAEL:

6 Yes, Mr. President. My last question was as follows: for how long
7 did you work on that site with the team of 10 before that team
8 <received reinforcements of> large numbers of <workers, or>
9 soldiers<,> others, who came to reinforce your team?

10 MR. KEO KIN:

11 A. I <started working> there <in> 1975<; and only by> 1976 <did>
12 the reinforcement <arrive>. And there were about a thousand
13 workers arrived<,> and we> continued working there until 1977. And
14 I fled in 1979 when the Vietnamese troops arrived and everyone
15 was fleeing in different directions.

16 Q. Very well. I did indeed understand that you stayed up till
17 1979. But in <the excerpt that I read>, you said you arrived
18 there in February 1976. Do you confirm that date or it was just
19 an estimate <>?

20 [15.43.21]

21 A. Perhaps in was in February <after the harvest> that I arrived
22 at that place. I did not pay attention to the month. I was happy
23 that I was removed from that place because the work there was so
24 difficult. Once again, I am not sure about the month, perhaps it
25 was in February.

1 Q. Very well. In the <excerpt> I read out to you, you stated that
2 you worked in a garage for <trucks>, tractors, and <steam>
3 rollers. So you told us that you started work by uprooting trees,
4 felling trees. How many weeks or how many months later <were you
5 able to> start working at the garage?

6 A. After I <had been removed> from Pochentong airport <to work
7 there>, I started to work in the garage where <tractors and
8 rollers> parked. Perhaps it was in February but as I stated, I do
9 not recall well the month. And during that time, <we were the
10 first group to arrive at the airport construction site. We were
11 the first group to work on the site>.

12 [15.45.10]

13 Q. Very well. It is not very clear to me. That garage, was it
14 indeed situated on the Kampong Chhnang airport construction site
15 or <am I mistaken>?

16 A. Yes, the garage was in Krang Leav, Kampong Chhnang province.
17 In this garage, the steamrollers and vehicles were parked.

18 Q. Very well. Were you the person in charge of that garage? And
19 to whom did the head of the garage report, was it to Ta Lvey or
20 to someone else?

21 A. I was not <in charge of> the garage <construction as I was
22 simply a combatant.> It was <Sum> (phonetic) who <supervised> the
23 <garage> construction team. <I just knew that Sum (phonetic) was
24 the supervisor, but> I do not know <of his current whereabouts.
25 Since I had been allegedly affiliated with the previous regime,>

1 I was not <allowed to get> involved in <any other task besides
2 being a combatant>.

3 [15.46.54]

4 Q. Very well. You also stated <-- and I'll quote another passage
5 from your WRI> E3/5273; the Khmer page is 00282941; in French,
6 00355856; and in English, 00290500. This is what you stated: "At
7 the beginning of the construction of the airport, there were only
8 10 people, including Song <as the leader of the group,> and 10
9 Chinese from Beijing. They were <experts in soil analysis and
10 topometry>. Every day, <my group> and the 10 Chinese had to take
11 the bus <from the city> to Kampong Chhnang at <7.00> in the
12 morning to Krang Leav construction site, and return to have a
13 meal at 11.00. We returned to work at 2.00 in the afternoon and
14 finished at 5 p.m. every day." Then you added, "The Kampong
15 Chhnang airport construction started in March 1976." <End of
16 quote.> Apart from the person called Song, among the 10 people
17 who started working with you, do you remember the names of some
18 of those <people>?

19 A. I forget their names, I do not recall them. It happened <a>
20 long time ago and I don't even know where they are now. I do not
21 recall their names. I only remembered the individual by the name
22 Song. Song has already passed away. I do not know other names.
23 <During the regime, although> we were working in the same group,
24 we did not discuss <about anything or> talk to each other. What
25 we had to do was working hard.

1 [15.49.12]

2 Q. <Did> you know whether those 10 persons were form Division
3 502?

4 A. Yes, we were <all> from <Division> 502 but from different
5 units or squads. And we were put together at the worksite. As I
6 stated, I do not recall all their names and I did not focus on
7 remembering their names.

8 Q. Very well. You said earlier that you were sacked by Ta Lvey.
9 Were the other persons who had been with you, people who were
10 also sacked or <did> they enjoy the <trust> of the superiors of
11 Division 502?

12 A. Some people were trusted by him, some were not. As for my
13 case, <since> I was accused of being linked to the previous
14 regime<,> I was not <entrusted to engage in any other tasks. And
15 I had to always stick to the order. Only when I was ordered to do
16 something could I do that>. And I would take rest only when I was
17 told to do so.

18 [15.50.40]

19 Q. A while ago, you talked of a first wave of 1,000 thousand
20 <workers> who came to work on the worksite. Can you tell us where
21 the 1,000 workers came from? Were they <also> from Division 502
22 or from another division?

23 A. They were <not only from Division 502, but also> from
24 different <divisions and> zones <including the> West Zone, <the
25 Southwest> Zone, <and the> East Zone; and <they had their own

1 areas of responsibility. Some> of them were in charge of tractors
2 and vehicles. And as for my case, I was working in the garage. <I
3 did not know other sections as> we worked in different work
4 <stations. It was hard to know from which divisions those workers
5 came. I just> knew <> that they were from <the> West<, the
6 Southwest> and <the> East Zones.

7 [15.51.57]

8 Q. Do you know how many soldiers from Division 502 were sent to
9 the worksite? And do you know what types of duties they fulfilled
10 on that worksite?

11 A. I do not know clearly the exact <figure or number>. And I do
12 not <know> either <of> their <duties> and <roles. Generally,> I
13 never asked them <what> their <roles and duties were. It was our
14 routine that> after we finished our work <in the evening>, we
15 cleaned <our> hands <and headed for dinner>. We did not have time
16 to discuss and chitchat with each other because we were afraid.

17 Q. When the soldiers from the various zones and divisions arrived
18 on the spot, were they registered? Were lists of all those people
19 drawn up?

20 A. I have no idea. I do not know whether they were registered
21 <or> there was a name list. <I just noticed that they> came to
22 work and <stayed there> at that place. And perhaps, they may have
23 been registered. But I have no idea.

24 [15.53.39]

25 Q. Were you able to know whether others -- after that first wave

100

1 of 1,000 <people> -- did <subsequent> waves of soldiers arrive?

2 And if yes, perhaps in 1977, '78 - if yes, where were they from,
3 from which division were they?

4 A. I do not know. I only saw workers <> working <there, but I did
5 not know how many of them there were, in particular, the newly
6 arrived workers. Workers were actually sent to various work
7 stations within the construction site; thus, I did> not know
8 whether they were <to be based on> the east or <> the west <of
9 the site>. The airport construction <> site was huge. <These>
10 people <could either be stationed to work in> the west or <in>
11 the east <part of the site>.

12 Q. I'll return to that question a bit later. Do you have an idea
13 as to the number of people who may have worked on that site?
14 Initially, you talked of 10 people, and then of a thousand
15 people. When the maximum number of workers arrived on the spot,
16 could it have been several thousand <or> several tens of
17 thousands of people?

18 [15.55.13]

19 A. <Through my observation, there were about> 1,000 <workers, not
20 tens of thousands of workers. However, it was hard to come up
21 with an estimate as> the construction site was huge<. Each and
22 every morning, workers went out to work in> different <areas of
23 responsibility,> some were transporting <rocks>, some were
24 transporting sand. <Since I had to be at work each and every
25 morning, I paid no attention to the statistics or> the total

101

1 number of workers. I guess perhaps, there were around 1,000
2 workers. I <never went> out <of my work station.> I was only
3 working in the garage.

4 Q. To your knowledge, were <> all those workers initially
5 soldiers?

6 A. They were all soldiers, no civilians. No civilians, no
7 civilian working at that worksite. There were soldiers <working
8 alongside> with Chinese technicians. They were working together.
9 Once again, <there were> no civilians <working> at that place.

10 [15.56.43]

11 Q. Very well. When they arrived at the worksite, had they already
12 been disarmed or there were some soldiers who were <still>
13 carrying their <weapons? Can you tell us what you know about
14 that?>

15 A. When I first arrived, I did not notice any rifles. <I did not
16 notice as to how and when rifles had been confiscated. Upon
17 arrival,> I could see the construction worksite from afar<, but I
18 am sure that> there were <not any> rifles <on> the worksite. <I
19 just knew that rifles had been confiscated.> As for guards, they
20 were armed. For soldiers <like myself> who were sent to work at
21 the site, <we> were not armed; they had no rifles or pistols.

22 Q. Does that mean that the soldiers working on the worksite were
23 under the surveillance of armed guards <while they worked>?

24 [15.58.08]

25 A. Yes, there were <squads of> armed guards. <However, they> were

1 staying away from workers.

2 Q. And what was their role - did they go on patrols, did they
3 monitor what was happening on the worksite?

4 A. They were patrolling near the worksite. They were patrolling
5 back and forth. <Workers were working within the airport
6 construction site, and those armed guards were just patrolling
7 the site perimeter.>

8 Q. At the start, you said that you would stay in Kampong Chhnang
9 with the Chinese technicians because there were only 10 of you.
10 And then later on, did you sleep on the worksite or did you
11 continue staying around Kampong Chhnang?

12 A. <After> the <garage had been constructed>, I slept <at the
13 garage located to the west of the> airport <construction site>. I
14 no longer went to <sleep in Kampong Chhnang. After the garage had
15 been built, it became my work station. We slept in small huts
16 built for us.>

17 Q. And were these sleeping quarters reserved for people of
18 Division 502 or were there other people who would sleep there?

19 [16.00.14]

20 A. <They were> only for <various units of Division> 502. And as I
21 stated, people were staying in their own squads. <As for my squad
22 who was> working <at> the garage, <we stayed together among
23 ourselves; we were not mixed with others. The same rule was
24 applied to the team of dump truck drivers and other teams of
25 workers. We lived and worked in our respective teams or groups>.

103

1 Q. With regard to this airport, do you know if this airport was
2 supposed to be a civilian or a military airport?

3 A. I do not know. I was told to construct the airport and I did
4 it anyway. I <was not told> whether it would be <a civilian or a
5 military airport>.

6 Q. And did cadres during meetings or at other occasions tell you
7 that this was what was called <at the time> a "hot worksite" --
8 that is to say, a priority worksite?

9 A. During <meetings, we were> not <> told <of> this matter<;
10 however, we were> told to work hard in order to <stay away from>
11 criticism <and trouble>. During <meetings, we were not told of
12 anything else>.

13 [16.02.07]

14 Q. Now, I would like to turn to two to three extra questions with
15 regard to <the makeup of the workers and how they> were treated,
16 and I'm going to quote what you said in the written record of
17 interview E3/5273, Khmer, <ERN> 00282941 - 42; French, 00355856;
18 English, 00290500. And the following question was put to you. You
19 were asked if you could describe more in detail the events
20 surrounding the building of the airport and you answered, and I
21 quote: "Thousands of people <worked> there. All of these people
22 were brought in from the West, Southwest and East Zones. <But>
23 most of them came from the East Zone. And many of them were
24 executed, more than the others." End of quote.

25 So I will get back later to the disappearances of the people from

104

1 the East Zone.

2 So do you know if they were also former soldiers from the former
3 North Zone, which <after one point in time> was called the
4 Central Zone, and which belonged to Divisions 310 and 450? Did
5 you ever hear about this?

6 A. No, never. I never saw them. I <did not know as to> when they
7 arrived. I <only knew> that <there were> workers from Division
8 502 and <as for workers from the East Zone,> I <did> not know
9 <from which divisions they came. I was not aware of this>.

10 Q. Well, in the excerpt that I just read out to you, you spoke
11 <at length> about the people who had been sent from the East
12 Zone. And did the people from the East Zone carry distinctive
13 signs so that they could be recognised? For example, did they
14 wear different clothes or did they wear different krama?

15 MR. PRESIDENT:

16 Please hold on, Mr. Witness. I notice you are on your feet,
17 Madame Counsel. You may now proceed.

18 [16.05.07]

19 MS. GUISSÉ:

20 Thank you, Mr. President. Simply, I'd like to remind <him>, as I
21 often do <with this specific International Co-Prosecutor, to
22 actually> put open questions: "Did they have any distinctive
23 signs?" <Period>. And if the witness has something to say about
24 the clothing, then he will say something. We <> shouldn't ask
25 multiple choice questions. The questions have to be open. The

105

1 witness should be able to testify by his own, not with the help
2 of the Co-Prosecutor.

3 MR. DE WILDE D'ESTMAEL:

4 Let me try to simplify things.

5 [16.05.50]

6 MR. KOPPE:

7 Mr. President, I have an additional objection, an objection I
8 made earlier in respect of the previous witness. The Prosecutor
9 is continuing to speak about workers, about people, about
10 worksite. To me, he seems to be confusing the matter. We're
11 dealing with soldiers from Division 502, soldiers from other
12 divisions. This was a military site. And at least in the
13 beginning, people were working there. There were military people,
14 there were soldiers. So I think it is to the benefit of
15 ascertaining the truth if we speak about these people there as
16 soldiers, as military and not as workers or people who were just
17 sent there. It was a highly secretive military site, and I think
18 we should be very careful with the way we use words in respect to
19 these military people.

20 BY MR. DE WILDE D'ESTMAEL:

21 Well, indeed, Mr. President, I'm using the words that were used
22 by the witness during <his WRI>. He was indeed speaking about
23 "workers". Well, let me rephrase the question then in the
24 following way.

25 Q. <Mr.> Witness, were the workers from the East Zone dressed in

106

1 a different way from the workers from the other areas?

2 [16.07.22]

3 MR. KEO KIN:

4 A. No. They had black clothes, no different clothes. We were all
5 wearing black clothes with a cap.

6 Q. And you also spoke about meetings. And I'm going to quote
7 another excerpt from your written record of interview, Khmer
8 page, 00282942; French, 00355857; English, 00290501. And you said
9 the following: "<Someone named> Lvey was the head of the
10 construction site of the entire airport. I would see Lvey summon
11 the people who were working at the worksite to meetings, I saw
12 that often, at Tuol Ampil, at the airport site." End of quote. So
13 can you tell us a bit more about this? Can you tell us who these
14 people were that Ta Lvey would summon to meetings?

15 [16.08.50]

16 A. People <from the level of a> company and <a> platoon <were
17 summoned> to attend <meetings at his place. My place was a bit
18 far from his place, but I could see lots of people coming to
19 meetings at his place; however, I did> not know what was
20 discussed in <those meetings. A> meeting was held once <a> week.
21 <On some other occasions, within less than a week, they came for
22 a meeting.> I <just> saw people come to attend <those meetings>.
23 I could see <from my place> that they were gathering at <his>
24 place.

25 Q. And was it only the cadres or the people who would <monitor>

107

1 the site that would come to these meetings, according to what you
2 saw? Or were all of the workers and all of the soldiers on the
3 worksite also invited to these meetings?

4 A. No soldiers and workers <were summoned> to attend <those
5 meetings>. Only the senior <cadres> were present in <those
6 meetings>. Low-ranking soldiers were not allowed to stay close to
7 the meetings and venues <as there were guards around that meeting
8 place. We were not allowed to even stay close to the meetings
9 since we had nothing to do there. I just stayed put at my place>.

10 [16.10.38]

11 Q. And you, <Mr.> Witness, <I did not really understand: were>
12 you in charge of this garage or were <you> just simply a soldier
13 who would work at the garage?

14 A. I was <an ordinary worker at> the garage. I was not <> in
15 charge of the garage. <Sum (phonetic) was actually the man in
16 charge; however, I do not know of his current whereabouts>. As I
17 said, I was an ordinary worker <at> the garage.

18 Q. And did Song organize meetings that you had to attend? And if
19 that was the case, which topics were discussed during those
20 meetings?

21 A. <Only team leaders were invited to> big meetings, <and> I was
22 not <invited>. But when there were small meetings <among the 10
23 team members>, to discuss about <vehicle maintenance and other
24 tasks to be dealt with> in the garage, I would <also> be
25 <invited. We were constantly reminded to work hard, not anything

1 else.>

2 [16.12.04]

3 MR. PRESIDENT:

4 Thank you, Mr. International Deputy Co-Prosecutor. The hearing
5 now comes to an end. And the hearing will be resumed tomorrow
6 Thursday, 11th June 2015, starting from 9 a.m. And we will resume
7 hearing this witness. And if time allows, we will <> hear <the
8 testimony of witness 2-TCW-901>. Thank you, Mr. Keo Kin. But your
9 -- the hearing of your testimony does not come to an end yet. You
10 are invited to be here again tomorrow.

11 Court officer, please work with WESU to send this witness, Keo
12 Kin, to the place where he is staying at the moment, and please
13 bring him back tomorrow at 9 a.m.

14 Security personnel are instructed to bring the two Accused, Nuon
15 Chea and Khieu Samphan, back to the detention facility. And
16 please have them returned to the courtroom before 9 a.m.
17 tomorrow. The Court is now adjourned.

18 (Court adjourns at 1613H)

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