



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

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

10 June 2015
Trial Day 294

Before the Judges: NIL Nonn, Presiding
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Claudia FENZ
Jean-Marc LAVERGNE
YOU Ottara
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I N D E X

Mr. CHAN Morn (2-TCW-975)

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Mr. KEO Kin (2-TCW-910)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHAN Morn (2-TCW-975)	Khmer
Mr. DE WILD D'ESTMAEL	French
Judge Fenz	English
Ms. GUISSÉ	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. For the division, there were four messengers and we were
19 assigned various tasks; for example, a messenger would be
20 assigned to relay messages in terms of telegrams and others were
21 assigned different tasks.

22 [09.11.09]

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

1 A. Above him was Lvey and Met. These two gave instructions to the
2 office chief and subsequently the office chief gave instructions
3 to the messengers to relay messages to various other units.

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

8 A. During 1973, the war was raging and we only ate packed rice
9 which was prepared at the rear battlefield. And in 1975 -- that
10 is, after the war concluded, we ate at our respective team squad;
11 for example, where I stayed at Pochentong airport and we cooked
12 our own rice each day; for example, we ate -- rather, at lunch
13 time we had thick gruel, and for dinner we had thin gruel.

14 [09.13.45]

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

18 A. The food ration was not given individually to a soldier, it
19 was given to the squad -- that is, a bag of rice was given to the
20 squad and for that bag of rice it contained 10 or 20 cans of rice
21 but it would not be easy for me to convert it into the thang
22 measurement. We were given this bag of rice and we usually
23 carried it on our body at that time. For instance, today, I would
24 cook my rice from my bag and when the rice ran out, it would be
25 another soldier's turn to cook his rice for the whole squad and

6

1 usually we would cook two or three cans of rice per meal for our
2 squad.

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

7 A. I cannot recall that how many thangs of rice was given to each
8 soldier per year. As I recalled, sometimes we were given bags of
9 rice, sometimes the rice was in sacks. But allow me to say that
10 from 1973 onwards, rice was not put in sacks anymore; it was
11 given to us in bags that we could carry on our body.

12 [09.16.45]

13 Q. Between '73 and '75, the period before the liberation, did you
14 and your fellow squad members, your fellow messengers have enough
15 to eat, have enough to eat in order to fight against the Lon Nol
16 soldiers?

17 A. At that time it was supplied from the rear battlefield and it
18 was packed rice and during the intensified battle near the
19 outskirts of Phnom Penh, we would be given a pack of cooked rice
20 each from the rear, but I didn't know where the rice was
21 prepared. But by morning, the packed rice would arrive at our
22 location at the front battlefield and we didn't have any time to
23 cook our own rice. And I was there at the front battlefield,
24 although I was a messenger as I was assigned to relay
25 communication between the artillery unit to other units, and that

7

1 was during the time that we were preparing a final assault on
2 Phnom Penh.

3 [09.18.38]

4 Q. But did you and your fellow soldiers before 17 April '75 have
5 enough to eat, were you able to eat your fill as a soldier before
6 17 April '75?

7 A. No. We could not eat our fill because we could only eat rice
8 which was already prepared and packed for us. If we were to live
9 in a village or at the base, we would be able to eat better as we
10 could go to find fish in the streams or river.

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

15 A. When we stayed in Phnom Penh at our various squads and units,
16 we were allowed to find supplementary food for ourselves and it
17 was sufficient. By that time we did not stay in big groups or
18 units as we were split or separated into smaller groups or squads
19 and stationed at various locations throughout Phnom Penh. For
20 example a squad would be stationed at the Central Market, while
21 another squad was stationed at Stueng Mean Chey station. I,
22 myself, for example, was assigned to be stationed at Pochentong
23 Airport.

24 [09.21.00]

25 Q. Would it be fair to say that you and your fellow soldiers had

1 enough to eat in all 1975 as of the liberation in April?

2 A. From the day of the liberation, and of course I could not
3 speak about other soldiers as I did not go and check whether they
4 had enough food, I could only speak about myself. While I was
5 escorting the Chinese delegation, I had enough food to eat and I
6 spent most of my time with the Chinese delegation and I did not
7 return to the division, so I could not speak about the condition
8 of other soldiers at the division.

9 Q. Can you say something about your working hours after April '75
10 when you were at Pochentong, when would you start working, when
11 would you have a break, lunch break, and when would you stop
12 working and go to bed?

13 A. There was no fixed working hours; we got up at 6.00 in the
14 morning and we started working at 7.00. There were damages. As
15 remnants of the war, we had to clean up the debris, we had to put
16 away damaged tanks which were hit and burnt or some small planes
17 and we were so busy, we worked throughout the day and we only
18 stopped working by 5 o' clock in the afternoon and return to our
19 respective sleeping quarter.

20 [09.22.43]

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

23 A. In the early part of 1975, I did not pay much attention or I
24 did not concern myself much as I was relieved that the war was
25 over and I believed that I went through a horrible period as some

1 of my colleagues had died during the war. Only at a later period
2 that I was assigned to work at the airport construction site, I
3 concerned about my life and I could not imagine that I am still
4 living today.

5 [09.25.00]

6 Q. Let me now turn to the structure of Division 502. Let's talk
7 about early 1976. Would you be able to tell us how big, how many
8 men, how many soldiers were in Division 502?

9 A. I cannot grasp the whole members of the Division 502 as some
10 forces under the division were assigned to various other units,
11 to the Pochentong Airport, or to the new airport construction
12 site at Kampong Chhnang and, I myself, rarely stationed at one
13 fixed location as I was assigned to accompany the Chinese
14 delegation to various other provinces. I was constantly on the
15 move, usually I would go to a province in a vehicle with another
16 soldier and sometimes I went by myself.

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

19 A. I cannot remember the total number of the force, and as I told
20 you, I did not stay at one fixed location; I was constantly on
21 the move and the forces under division -- were not stationed at
22 one location, they were assigned to various other locations, so
23 it was difficult to count them all.

24 [09.27.28]

25 Q. I understand. Were you aware that Division 502 was divided

10

1 into various units: two regiments and five battalions; does that
2 ring a bell?

3 A. That would be the decision of the superiors who were the heads
4 of the division. So I do not have the figure of how many
5 regiments or battalions under Division 502. I only know about my
6 unit that, in the end, there were only two of us remaining and I
7 cannot tell you about other units under that division.

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

12 A. I was not informed of the establishments of various regiments
13 or battalions. As I told you, I was simply a messenger to convey
14 messages between various units under 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 group directly attached

11

1 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 and 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 rapidly, could you please repeat
23 them a bit slowly.

24 MR. KOPPE:

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

12

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 putting questions to the witness,
5 could you please provide us with those ERNs without having us ask
6 for them?

7 MR. KOPPE:

8 Well, I wasn't actually going to use this document just as a sort
9 of reference, but I'm happy to repeat the numbers. Those are the
10 exact same numbers that I just gave: French, 00541739; and the
11 other one E/1136 is 00548764; Khmer, respectively 0016084 and
12 00160081.

13 JUDGE FENZ:

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

18 [09.35.01]

19 BY MR. KOPPE:

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

24 Q. So Mr. Witness, I was telling you, is it correct the division
25 office that you were attached to had about 500 plus military

1 working in early '76?

2 MR. CHAN MORN:

3 A. I could not get your question; from which year and which
4 month?

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

11 [09.36.35]

12 MR. PRESIDENT:

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

15 MR. SMITH:

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

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1 division structure, et cetera, it will be more helpful to the
2 witness if perhaps it was shown on the screen.

3 [09.37.36]

4 MR. KOPPE:

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

23 (Judges deliberate)

24 [09.41.06]

25 MR. PRESIDENT:

15

1 The Chamber gives the floor to Judge Claudia Fenz to decide on
2 the matter. To be clear, Judge Fenz will make a decision and give
3 ruling concerning what we have discussed this morning. You may
4 now proceed, Judge Fenz.

5 JUDGE FENZ:

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

14 MR. KOPPE:

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

22 [09.42.34]

23 JUDGE FENZ:

24 Go ahead.

25 BY MR. KOPPE:

16

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

4 MR. CHAN MORN:

5 A. I do not know how the division was divided.

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

10 [09.43.40]

11 A. When I came to work at the new airport worksite, I was
12 assigned to send a group to chop trees in order to have land for
13 building the airport. It was after I became a messenger that I
14 got this assignment. Once again, I was assigned to chop trees
15 after I was a messenger.

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

20 A. Yes, that is correct. I was no longer a messenger. I was
21 assigned to drive vehicle, a vehicle and I was asked to go and
22 collect logs. So, my assignment was supervised by my superior
23 because, at that time, I was familiar with the location and also
24 the forest located in that location.

25 Q. I understand. And when you were assigned to work in this group

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1 and stopped being a messenger, was that also the moment that you
2 stopped having any direct contact with Sou Met or with commander
3 Lvey?

4 A. Yes. I was away from them and I was under the responsibility
5 of the office chief, so I no longer met the two individuals
6 because I was assigned to go and chop down trees.

7 [09.46.16]

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

11 A. Yes, it is correct. I was in the airport worksite.

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

14 A. There were chiefs responsible for these units but, as I said,
15 I accompanied workers to Krang Skear, Tuek Phos. I was there with
16 the workers in the forest and, as I stated earlier, I was a
17 driver of a vehicle to collect logs, so I was not with other
18 workers regularly or constantly at the worksite.

19 Q. I understand that you had various tasks within this group, but
20 is my understanding correct that this group consisted about 100
21 to 120 soldiers, and that within this group there was a structure
22 as well, maybe with platoons, maybe with squads, et cetera; is
23 that correct?

24 [09.48.10]

25 A. Sometime one unit was taken into the forest and in one

18

1 occasion 50 workers were sent to the forest to chop down trees;
2 on another occasion, there were 100 of them; there were 50-member
3 units or 100-member units and there were a few vehicles sent to
4 the forest. Because I was a driver of a vehicle I went there to
5 collect log and to send medicine and rice to that worksite. I
6 would stay one or two nights in the forest. I was not there
7 regularly or constantly with the workers.

8 Q. Mr. Witness, I'm not asking you what you were doing, I'm
9 asking you about the command structure within this group that you
10 were working: who was your superior in that group, who was the
11 superior of that superior, who was the leader of this group 100
12 to 125 soldiers, who was commanding it, can you give me the names
13 of your respective commanding officers?

14 A. It was the units' chief instruction; that is what I know. We
15 were instructed that -- I was instructed that certain units had
16 to be with me in the forest so I was told and instructed by the
17 unit chief.

18 [09.50.22]

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

19

1 A. I knew there were two superiors: Ta Met and Ta Lvey, and there
2 was another chief of the office, three of them were my superiors.
3 And for other matters, I have no idea. I have no idea at all; I
4 only knew these three individuals.

5 Q. Mr. Witness, that strikes me as a bit odd. You refer to the
6 division commanders Sou Met and Lvey. They were the ones who were
7 leading these five or 6000 men. You were all the way at the
8 bottom of this division; you had, when you were working in this
9 group, direct officers to whom you were responsible, who
10 instructed you, who ordered you to do tasks, so again, please go
11 from bottom up and tell us about the structure within your unit,
12 your group?

13 A. From the bottom, I knew that there was an office chief who
14 told me and instructed me how to work. So it was the office chief
15 who instructed where to go and work, no one else came to tell me,
16 that is what I know.

17 [09.53.10]

18 Q. Just give me any name of a commanding officer in your group of
19 100 and 125, I'll be already happy.

20 MR. PRESIDENT:

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

23 MR. SMITH:

24 Thank you, Your Honour. This is not really an objection; this is
25 just perhaps to clear up the evidence. The witness has talked

20

1 about taking a number of men to cut wood in the forest. I was
2 just wondering whether counsel is referring to those group, that
3 group that he took to the forest to chop wood or whether he's
4 referring to another unit that this witness belongs to, I think
5 it's a bit unclear; I'd just ask that if he could clarify.

6 [09.54.04]

7 BY MR. KOPPE:

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

11 Q. This airfield that you were working at, was that widely known,
12 did people in Democratic Kampuchea know that this airfield was
13 being built?

14 MR. CHAN MORN:

15 A. Only the soldiers knew that the airport was being built
16 because villagers and inhabitants did not live close to that
17 worksite. No one else knew that the airport was being
18 constructed, again only soldiers knew about it.

19 [09.55.11]

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

24 A. I have no idea. I knew that Division 502 came down to the
25 worksite and worked. They were there to construct the new

21

1 airport, no inhabitants living in that area; the place was so
2 quiet when I first arrived.

3 Q. Do you know how many groups or units from Division 502 were
4 working at the airfield? You said yourself you belong to a unit
5 or group; how many other groups or units were there from Division
6 502 working at the Kampong Chhnang airfield?

7 A. I do not know how it was divided. Some men worked in the rock
8 breaking unit, some men worked in the electricity section, some
9 worked in the wire laying unit, and some were working as -- some
10 were working in the pipe laying units, and there were other units
11 responsible for transporting soil, dirt and other people were
12 working in the saw mill. So there were men and female -- male and
13 female workers at the worksite, there were different units
14 divided 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 it and I do not know how many units were
22 divided at the worksite and what responsibility they were. It
23 happened so long ago, I could not recall it 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

22

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 other high
17 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. Division 310 was in charge of radar operation. They were
3 working at the worksite as well but in different fields.

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

7 A. I could not recall it.

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

11 A. That division was taken from Phnom Penh and it was included
12 with work force at Kampong Chhnang worksite. And Division 450 was
13 in charge of transporting sand; that is what I know.

14 [10.03.26]

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

16 A. Yes. It came from Phnom Penh, all of workers came from Phnom
17 Penh.

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

20 A. They came from Phnom Penh and were put at Kampong Chhnang
21 field and I have no idea whether these divisions were from East
22 Zone or other zones. I cannot recall all of the information. What
23 I did at that time was to accompany the delegation and work at
24 that place and I have no idea which unit or which duties those
25 divisions were responsible for.

1 MR. KOPPE:

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

7 Mr. Witness, yesterday you told us something about East Zone
8 soldiers. Do you know which division number was attached to East
9 Zone soldiers?

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

12 [10.06.20]

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

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

20 Q. I would like to -- I would like you to think carefully again
21 whether it was end '76 or then maybe it was rather end of 1977
22 and all through 1978, are you sure it was at the end of '76?

23 A. It was either in late 1976 or early 1977; however, I cannot
24 recall the details. It has been several years ago and I do not
25 recall what actually happened on that -- or the specific date.

25

1 And as I said yesterday, I was injured in a landmine explosion
2 and since then my memory doesn't serve me that well. So allow me
3 to say it could be in late 1976 or early '77.

4 [10.08.38]

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

8 A. It was about six or seven months after I was assigned to chop
9 down trees and I did that work for three to four months and then
10 I had some personal issues and I cannot recall the exact period
11 during the regime that this event took place.

12 Q. Now let me get back to your division, your Division 502 also
13 referred to as the air force. Is it fair to say that the work at
14 Kampong Chhnang airfield done by Division 502 was part of its
15 normal task, its normal work, that soldiers from 502 were
16 supposed to work at Kampong Chhnang airfield because that
17 belonged to the air force?

18 A. Indeed, Division 502 is an air force division and soldiers
19 attached to the division were assigned to work on the
20 construction of that airfield. So part of the forces were
21 assigned to work at the airfield site while other soldiers were
22 assigned to guard at the Pochentong Airport.

23 [10.11.12]

24 Q. Do you remember after 17 April '75 what was said, either at
25 meetings or at the radio or anywhere else what the task was of

26

1 the Revolutionary Army of Kampuchea? What were the two tasks
2 assigned to the Revolutionary Army of Kampuchea to which Division
3 502 belonged?

4 A. The main duties of the air force Division 502 were to defend
5 the airspace of Cambodia and the infantry unit subordinate to the
6 Division 502 was to defend the border, but the main duties, as I
7 said, of the air force Division 502 was to use planes to protect
8 the airspace of the Democratic Kampuchea; that's only what I
9 thought of as I rarely attended any official meetings or
10 trainings whereby such objectives were raised or said.

11 [10.12.51]

12 MR. PRESIDENT:

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

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

18 The Court is now in recess.

19 (Court recesses from 1013H to 1031H)

20 MR. PRESIDENT:

21 Please be seated.

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

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

1 [10.32.35]

2 JUDGE LAVERGNE:

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

5 This morning Mr. Koppe, you referred to a document, E3/849. In
6 that document a number of figures regarding the numbers of troops
7 in certain divisions. I have crosschecked the French and English
8 versions of that document and it appears that the French version
9 is incomplete. I am saying this now quite simply because I want
10 to point out that the Chamber sent a mail to ITU requesting them
11 to crosscheck the translations knowing that the original document
12 is in Khmer. And let me point out that the missing part is
13 precisely the number of soldiers in Division 450 present at
14 Kampong Chhnang.

15 BY MR. KOPPE:

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

17 Q. Mr. Witness, before the break I was asking you about the
18 general tasks or objective of the Revolutionary Army of Kampuchea
19 after liberation. Let me assist you a bit. Is it your
20 recollection that the Revolutionary Army of Kampuchea had two
21 objectives: one was to defend the country and two to build up the
22 country after the war?

23 [10.34.38]

24 MR. CHAN MORN:

25 A. Yes, these are the objectives of the army -- that is, to

1 defend and build up the country and they were at the new airport
2 worksite to construct that site -- that airport as well.

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

7 A. Sorry I could not get your question, could you please rephrase
8 it?

9 Q. It's maybe a difficult question I realise. We have established
10 the goals of the Revolutionary Army of Kampuchea to which
11 Division 502 belonged was to defend and to build the country. Did
12 the building of the airport at Kampong Chhnang form a part of
13 this objective? Was the building of the Kampong Chhnang airfield
14 something in order to defend and build the country? In other
15 words, were the soldiers belonging to 502, while working at the
16 airfield, doing their normal duties and jobs as soldiers?

17 [10.36.45]

18 A. Soldiers from 502, they were two parts: one was to defend the
19 country and another one was to build the country. And for my
20 group, we were told and instructed to go and construct the new
21 airport airfield, so half of us were assigned to that worksite. I
22 could not recall it well and we had different duties: to defend
23 the country and to build the airport worksite.

24 Q. I understand. But is it correct when I say that all soldiers
25 from Division 502, when working at the airport or the airfield

1 were performing their duties as soldiers of the army, as also
2 confirmed in the Constitution of Democratic Kampuchea?

3 A. The tasks and duties performed by the soldiers were the same
4 as what you have stated, so we -- the tasks of all soldiers was
5 to defend and to build the country.

6 [10.38.50]

7 Q. Now do you know whether there was any soldier from Division
8 502 who was put to work at Kampong Chhnang airfield not as part
9 of his regular job or duty, but because he had to be refashioned?
10 In other words, was there any soldier who was working at Kampong
11 Chhnang who was punished?

12 A. I have no idea. As for my case, I did not know whether I was
13 sent there for refashioning. It was my general duties and tasks
14 there, and later on I realised that I was linked to the enemy and
15 I was told that I had relationship with enemy and my relatives
16 and family were linked to the previous tendency.

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

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

25 A. During the time I did not know. We started to work at around

1 6.00 or 7.00 a.m. in the morning and we met each other at around
2 11.00 and we arrived at our place that we had lunch at around
3 11.30. We did not know whether we were there to be disciplined or
4 refashioned.

5 [10.41.36]

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

10 A. Soldiers from East Zone, I have no idea, but workforce from
11 the East Zone were sent to chop and cut wood. At that time I was
12 instructed to go with those men to chop and cut wood so I did not
13 know whether they were sent into the forest to be refashioned. So
14 we had to chop and cut wood in accordance with the quota set. For
15 example, one day we may have been assigned to chop five full
16 loads of wood. So I did not know whether we were sent into the
17 forest for refashioning. We were there chopping down and cutting
18 wood, we were sleeping in hammocks, and many of us got sick of
19 malaria, so everyone was in the same working condition. We left
20 for our workplace at around 6 or 7.00 a.m. in the morning. We had
21 to be ready and get our equipment and materials to go into the
22 forest and chop wood.

23 [10.42.39]

24 Q. So those East Zone soldiers that you said you saw were having
25 the exact same working conditions and nobody was forcing them to

1 work; they were doing the exact same thing as the Division 502
2 soldiers; is that correct?

3 A. I only knew the working conditions of the men who were with me
4 in the forest. I did not know about other men in the saw mill
5 section or in the transporting section. I was in the forest; I
6 was a driver to be there and to collect the wood, so I did not
7 know about others, whether they were sent to other places for
8 refashioning.

9 Q. One last attempt, Mr. Witness: Did you see soldiers from your
10 division pointing guns at soldiers from the East Division and
11 ordering them to work or were they just waking up in the morning
12 and doing the exact same thing as the soldiers within Division
13 502?

14 [10.45.37]

15 A. No. There were no guns pointing at us. It did not happen at my
16 place, I did not know about other places. We were staying and
17 living in different places. When we were in the forest we were
18 not pointed with the gun or rifles. We had to work hard in the
19 forest; we were focusing on our work because we were afraid that
20 we were killed. Everyone was thinking that we had nowhere to go
21 besides working.

22 Q. I will move to another topic, Mr. Witness. Yesterday you said
23 something about an office, transportation office three kilometres
24 west of the airfield and at one point in time you were there at
25 night and then subsequently you heard screaming. Can you tell me

1 again and be a little more specific as to where trucks you
2 referred to yesterday were coming from? Which direction were they
3 coming from?

4 [10.47.01]

5 A. It was at night-time, it was so dark I could not see. The
6 truck belonged to the army and it came from the airport worksite.
7 I heard the sounds of the trucks and at my place there were
8 bamboo bushes. I could hear the sound of screaming. I am not sure
9 whether it was the sound of people or it was the sound of
10 animals. And later on I went past that location I could smell the
11 decomposed bodies and normally at that area, workers or people
12 would drive a vehicle to go and look for wild meat as well. I
13 heard the sound of screaming and the day after, I went past that
14 place and I could have the bad smell.

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

17 A. On the day I walked past that place to my sleeping quarters, I
18 could smell it because the place that I could smell the stench
19 was about 200 metres away from my sleeping quarters. On that day,
20 I went into the forest to find wild meat to eat and I was in the
21 forest to search for leaves in order to cook for my meal and I
22 realised that there was a bad smell.

23 [10.49.55]

24 Q. I understand but I'm trying to follow you and to see how the
25 trucks that you saw at night were related to screams, possibly

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

5 A. In that period, everyone was the 17 April and Base People
6 would be refashioned if we did not adhere to the principles.
7 After a few times refashioning, if we did not deter we would be
8 transferred elsewhere and I could see group chiefs and unit chiefs
9 disappeared in every two or three months. And mostly older
10 workers disappeared from the worksite. I did not know whether
11 they were transferred to work elsewhere. What I knew was that I
12 did not see them, they disappeared.

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

18 [10.52.32]

19 A. I could recall it. During that time I went to uproot the "sva"
20 leaves and I could see the vehicle on the spot. After a while I
21 walked past that area and I could see a big tree located in that
22 location. I was with the investigator at that time; I showed him
23 the location of the big tree; before I accompanied the
24 investigator there I saw a few ditches or pits but when the
25 investigator went with me, there were no pits because the pits

1 were filled with the dying trees and leaves and soil. I could
2 recognise there was a tree there, dead tree.

3 Q. And do you remember that this particular investigator told you
4 at one point that no remainders whatsoever belonging to human
5 skeletons were found at this place that you pointed out to him?
6 Did he tell you that?

7 A. He told me, yes. Nothing remained. There were shallow pits. In
8 the period I could hear the screaming from that location, that is
9 what I recall and as I stated, the day after I went past that
10 place and I could smell something. It happened a long time ago
11 and I left that area also long time ago, so the place changed.

12 [10.55.04]

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

15 A. It could be the screaming of something because I could feel
16 the stench and later on I saw a few pits at that location, the
17 location were the truck left.

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

20 A. It was called West Zone, Sector 20-something and District 20.
21 I do not know whether Sector 30-something or 20-something, I do
22 not recall it, but it was in West Zone.

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

25 A. Yes, that number, Sector 31; and as for zone, it was West

35

1 Zone, District 20. I could not recall it well, I do not know
2 whether I said it correct or not.

3 [10.57.30]

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

5 A. I cannot recall it, I forget it. I forget it all; it happened
6 a long time ago.

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

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

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

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

14 Q. How far was Ta Bes Security Office from Kampong Chhnang
15 airfield?

16 A. It was far from the airport worksite; from the provincial town
17 hall to Ta Bes Security Office, it was about 500 or 600 metres.
18 But if we left the airport worksite, it was about 13 kilometres.
19 I cannot recall it.

20 [10.59.33]

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

1 rice?

2 MR. SMITH:

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

9 BY MR. KOPPE:

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

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

13 [11.00.58]

14 MR. CHAN MORN:

15 A. Yes, it is correct. It was a time that I took the rice to the
16 workers from East Zone while they were working in the forest to
17 chop down trees. There were 50 or 60 sacks of rice that I had to
18 bring into the forest. And I also went to collect the medicine. I
19 met the office chief; he asked me why I transported large amount
20 of rice: "You transport this rice for the enemy?" And I said at
21 the time, "Perhaps so, because you said I transported rice for
22 the enemy, I may have given to the enemy." And while I was going
23 to collect the medicine, I got a few packets of medicine. I got
24 the painkillers. I was asked by the person responsible at that
25 place why I needed to have the medicines for the workers. And he

1 said that those workers could have the traditional medicines in
2 the forest, that is boiling the herbs and roots of the trees, and
3 I did not know at the time that he was saying something seriously
4 to me, and I replied -- I responded like what he said, I may have
5 given the medicine and the rice to the enemies.

6 [11.02.56]

7 Q. Let me rephrase: Was the implication that you had stolen this
8 rice from Division 502? Was that the implication? Unlawfully
9 taken from Division 502?

10 A. The rice belonged to Division 502; it was under the
11 responsibility of the economic section. Bong Lvey told me at that
12 time that I had to go to the economic section to get rice for
13 certain workers and he told me that I had to tell the person
14 there that how many workers I was with and how many vehicles were
15 with me in the forest. Once again, the food and rice were under
16 responsibility of 502 in the kitchen or economic section and I
17 had to go and collect the food supplies and the medicine from
18 that place for the workers in the forest who were working in the
19 forest chopping down trees.

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

23 A. Please repeat your question.

24 Q. As I understand your testimony, you were ordered to bring rice
25 to East Zone troops. Did you have a written order with you,

1 something that you could show to any soldiers stopping you while
2 you were on the road?

3 [11.05.24]

4 MR. PRESIDENT:

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

7 MR. SMITH:

8 I'm not sure that the evidence here is given is that he was
9 ordered to give rice to East Zone troops and so I would ask
10 whether or not counsel can clarify whether that rice was intended
11 for the East Zone troops or for other workers. I'm not sure that
12 it's clear that he said that he was ordered that rice would be
13 going to East Zone troops. It may; my understanding of the
14 evidence that that was something done on his discretion. I just
15 wonder if that could be clarified.

16 BY MR. KOPPE:

17 I understood his testimony to be that Lvey, the number two of
18 Division 502, gave him a written -- or gave him an instruction to
19 bring this rice and I was trying to find out whether this
20 instruction that he talked about was accompanied by a written
21 order or whether it was something that was done orally only.

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

25 [11.06.51]

1 MR. CHAN MORN:

2 A. When I went to collect the rice he didn't give me any letter
3 of authorisation, he only instructed me that I should go and
4 collect 20 or 30 sacks of rice and the amount of fish. And when I
5 arrived at the location I just relayed the instruction from him
6 to the people there. And the same thing applied when I went to
7 collect medicine, and he never issued me any letter of
8 authorisation at all. He only gave me his instructions verbatim
9 and there was nothing else.

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

12 [11.08.03]

13 A. I was arrested when I brought back the logs; I dropped off the
14 logs and then I made a report on the trips and the total number
15 of logs and I had not yet finished my report when they came to
16 call me to attend a meeting. And I asked where the meeting would
17 be held and I was told it would be held in a pagoda which name I
18 cannot recall. And I said they could go first and I would follow,
19 but they insisted that I should get on board in the same vehicle.
20 So I went with them in the same vehicle with the report that I
21 had not yet finished. I was wearing my shorts at the time and I
22 had a hand rolled tobacco and when we were half way, they told me
23 to throw away my tobacco as the smoke was fuming inside the
24 vehicle. And when I arrived at the pagoda, suddenly they all came
25 over me and arrested me. And of course inside that temple, there

1 were no other people so I knew straight away that it was not a
2 meeting but it was an arrangement for my arrest.

3 [11.08.37]

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

8 A. I didn't tell the person because the person should have been
9 aware of what I did and as he was a member of the division and I
10 used to make a joke with him, and he should be aware that I would
11 be sent anywhere with instructions from the leadership level of
12 the division, and I was not aware of he asked me to go with him
13 for the purpose of my arrest. Usually I would go anywhere I was
14 instructed by my superior to collect equipment or tools or any
15 parts of the logistics and I never encountered any problem at
16 all.

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

20 A. Neither did I for the reason of my arrest. I only made a joke
21 with him about the rice. As I teased him that if I transported
22 the rice to the enemy then he should say that I was also an
23 enemy. It was simply a joke. But I did not know that he took it
24 seriously and maybe because those soldiers which were brought in
25 from the East Zone were categorised as an enemy or something,

1 maybe my word triggered something that I was arrested. I did not
2 know for real.

3 [11.12.30]

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

8 A. I actually dropped off the rice quite some time ago and I was
9 arrested not at the forest, but when I arrived at my place. My
10 place was to the west of the saw mill and it was about only one
11 kilometre from where the division was. And as I repeatedly said,
12 I did not stay at that location regularly, and usually I only
13 slept overnight when I could not make a return trip.

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

19 [11.14.20]

20 A. I was arrested from my place and transported to a pagoda, then
21 I was further transported from the pagoda to Phnom Penh at
22 night-time. I was initially arrested around 5 o'clock -- 5.00
23 p.m., and so while I was transported to the pagoda and to Phnom
24 Penh it was during the night-time and I could not tell you how
25 many people were arrested at the same time as I was blindfolded.

1 And when I was tossed onto the truck from the temple I heard some
2 voices onto the same truck, so I knew that there were other
3 people who had been arrested. And when we arrived at the
4 location, we were kicked off the truck and I fell on top of other
5 people who had been kicked off the truck before I was kicked off.
6 And we were all blindfolded so we would not recognise one
7 another.

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

10 [11.16.13]

11 A. The person who told me to escape was the one who told me that
12 location was Tuol Sleng and before I escaped he gave me an escape
13 sketch or plan and I simply followed it. I was told that the
14 location was Tuol Sleng or S-21, and if I were to be detained
15 there I would die, so I should try my best to flee from the area.
16 And so I did. And while I was there I heard various voices of
17 people who were detained there, and while I was in the sewage
18 system I could even hear the voices above me since some of the
19 lids of the sewage systems were open. And I had some marks on my
20 body as they used a cigarette but to burn part of my face and
21 neck. And let me tell you to survive it means like I was reborn.

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

1 A. I was blindfolded since I was arrested and tied at the pagoda
2 but I knew that I would die so I asked them for a cigarette.
3 That's all I can say about that event.

4 [11.18.54]

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

7 A. It was when I was kicked off the vehicle and when I entered
8 the premises the blindfold was a little bit loose and although it
9 was at night-time, I realised that I was in Phnom Penh. And as I
10 said, later on, the man told me that I was in Tuol Sleng. Without
11 him telling me that, I would not know where I was.

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

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

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

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

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1 then I would be lost and I would be risking my life and his life
2 would also be a t risk.

3 [11.22.01]

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

7 MR. PRESIDENT:

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

11 [11.22.25]

12 QUESTIONING BY MS. GUISSÉ:

13 Thank you, Mr. President. Good morning to all of you. Good
14 morning, Mr. Chan Morn. My name is Ante GuissÉ and I am the
15 Co-International Counsel for Mr. Khieu Samphan. And therefore I'm
16 going to put a certain number of complementary questions to you.
17 I'm going to try to avoid being repetitive and I'm going to ask
18 you to help me by making sure that you answer as precisely as
19 possible to the questions I'm going to put to you.

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

25 MR. CHAN MORN:

1 A. Yeng was chief of the office and he had the authority to
2 assign soldiers in the division, so the assignment was carried
3 out by him who was the office chief.

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

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

12 [11.25.35]

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

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

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

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

1 terrain survey and measurement, so he had a separate task from
2 Yeng.

3 Q. And there is another witness who spoke here with regard to the
4 subject; it was E3/3959, French, ERN 00486100; Khmer, ERN
5 00270168; and English, 00278625; and this is a person speaking
6 about a certain Chuok, C-H-U-O-K, and does this Chuok ring a
7 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 were given to you at
11 the Kampong Chhnang Airport, you would drive soldiers to an area
12 where they would have to clear the field and I'd like to know if
13 back then if your fuel was rationed, how you would manage your
14 fuel supply?

15 A. As for fuel, actually the person could get fuel with
16 permission. There was a slip where a number of litres was
17 requested and the person could go to the fuel station to get the
18 fuel. So it depends on the number of litres of fuel on that slip,
19 then the person in charge of the fuel would pump that correct
20 amount onto the machinery.

21 Q. One last point before the break, because as I can see it is
22 almost 11.30. Yesterday you said at about 3.39, you said that Met
23 had given you direct instructions regarding the work you had to
24 do. My question to you is as follows: Apart from the time when
25 you were asked to go and fell trees with some soldiers, what

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1 other tasks were assigned to you by Met directly, since you said
2 that it was Yeng who was in charge of the distribution of work?
3 [11.31.18]

4 A. Besides felling trees, I also received direct instructions
5 from him regarding escorting the Chinese delegation or driving
6 them around or to measure the terrain for the airport
7 construction or to drive the delegation to the railway station.
8 So I cannot remember everything, however when it was needed, he
9 would call me and give me his direct instructions. So usually, I
10 would be called to go and meet him in person and then he would
11 give me instructions as to what I needed to do or to go to the
12 fuel station to obtain fuel for the vehicle that I drove. These
13 are just some of the examples of the instructions that I directly
14 received from him.

15 [11.32.50]

16 MS. GUISSÉ:

17 Mr. President it is now 11.30, I would continue in the afternoon.

18 MR. PRESIDENT:

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

21 Court officer, please assist the witness at the waiting room for
22 witnesses and experts during the break and invite him TO the
23 courtroom back at 1.30 this afternoon.

24 Security personnel, you are instructed to take Khieu Samphan to
25 the waiting room downstairs and have him returned to attend the

1 proceedings this afternoon before 1.30.

2 The Court is now in recess.

3 (Court recesses from 1133H to 1333H)

4 MR. PRESIDENT:

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

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

8 BY MS. GUISSÉ:

9 Q. Thank you, Mr. President. Good afternoon again, Witness.

10 Before the break, we stopped at the point where you were
11 explaining that Met sometimes gave instructions to you directly.
12 My question is that when you received instructions indirectly
13 from Met, was Yeng informed thereof?

14 MR. CHAN MORN:

15 A. When I was told to perform my tasks and duties, Yeng was also
16 there, because he was the office chief. So I would go to any
17 places Met ordered me to go and Yeng was aware of that.

18 Q. I would like you to clarify something I'm not sure I properly
19 understood. When you answered a question put to you by my learned
20 colleague of the Nuon Chea team, I understood that Yeng was
21 office head before 1975. Did I properly understand your
22 testimony? Please, as of when did you start working under Yeng as
23 well?

24 A. I was working with him in perhaps 1974 or mid-1973. Yeng was
25 responsible for the radio telecommunication units, and I was

1 working with him from that time -- that is ,mid-1973 or 1974 to
2 1976.

3 [13.35.55]

4 Q. Only up to 1976? What does that date correspond to -- that is,
5 when you stopped working with Yeng?

6 A. After that time, I came to work at the new airport worksite,
7 so I was working with him from that time up until I was working
8 at the new airport construction site.

9 Q. I am lost when you refer to the new airport construction site.
10 Are you referring to the Kampong Cham -- Kampong Chhnang airport
11 construction site?

12 A. The new airport construction site was Kampong Chhnang airport
13 worksite. I had been working with him from that time until I --
14 the time that I went to work at the Kampong Chhnang airport
15 airfield.

16 [13.37.33]

17 Q. Very well. We'll try to clarify this point. You stated that
18 you worked at the Kampong Chhnang airport construction site up
19 until when you were stopped from working there and transferred to
20 the radar section. When exactly did you start working at the
21 radar facility?

22 A. After my arrest, I was transferred to work at the radar
23 operation units. After I was arrested, he put me in a radar
24 operation unit. He stopped assigning me to work with Yeng. And I
25 was in a radar operation until 1979, during which I removed

1 materials and fled.

2 Q. But did you start working in 1977 at the radar operation site?

3 A. After I left the airport worksite, I went to work in a radar
4 operation site in 1977, I believe. And later, Vietnamese troops
5 came into the country and I removed materials and equipment to
6 Battambang province. I do not recall exactly the date. I do not
7 recall whether in 1976 or 1977 that I fled that radar operation
8 unit. I do not recall it well.

9 Q. Very well. I would like you to clarify a point you made in
10 answer to a question put to you by Judge Lavergne. There were
11 technicians whom you helped to transport following Met's
12 instructions. You mentioned the presence of 120 Chinese
13 technicians. My question to you is as follows: who was in charge
14 of the 120 Chinese technicians?

15 [13.41.01]

16 A. The one who was responsible for the Chinese technicians was an
17 interpreter and this interpreter accompanied the Chinese
18 delegation as well. The interpreter was from Met's unit. I do not
19 recall this individual's name. This interpreter accompanies the
20 Chinese delegation. I was with the Chinese delegation and with
21 this interpreter who supervised and organized Chinese technician.
22 As I stated, I do not recall his or her name.

23 Q. When you state that he supervised and organized your work, do
24 you mean that he was your superior?

25 A. I have no idea whether he was the superior. I only saw him

1 with the Chinese delegation. When Chinese technician wanted to go
2 anywhere, the interpreter would tell me to take the vehicle and
3 drive four or five Chinese technician to somewhere he told me. So
4 he was the one who told me to go and bring the Chinese
5 technician. And this guy was an interpreter.

6 [13.43.04]

7 Q. Very well. So what you are telling me is that that person was
8 an interpreter and he would tell you what the technicians asked
9 of him. And it was the technicians who travelled from one place
10 to the other. Is that what you're saying?

11 A. Yes. The interpreter would come to tell me to drive the
12 vehicle and to take Chinese delegation to anywhere he told me.

13 Q. And do you know what was the nature of interactions between
14 the Chinese technicians, Lvey and Met?

15 A. When I drove the Chinese technician, I sometimes saw Met meet
16 Chinese technician, and on some other occasion, I would see Lvey
17 meet the Chinese delegation. I was staying in the far distance
18 outside, and I could not hear their conversation. Usually I
19 parked my car away from them and I was in the vehicle, so I could
20 not hear their discussion.

21 [13.44.57]

22 Q. Do you know whether those 120 technicians were able to head or
23 supervise Khmer soldiers or teams of Khmer soldiers at any point
24 in time?

25 A. Chinese technician were responsible for the places where they

1 were working. For example, one Chinese technician -- one group of
2 Chinese technician would be responsible for the rock-breaking
3 unit, another group would be responsible for electrical wire
4 installation unit, so they had different responsibility. Chinese
5 technician would tell workers how to install wire, how to lay
6 pipes under the ground, so on and so forth, so they told those
7 men how to work.

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

10 THE INTERPRETER:

11 The interpreter didn't hear the French and the English, Mr.
12 President.

13 BY MR. GUISSÉ:

14 Q. You explained that when you were sent to Pochentong airport,
15 and I quote what you stated, "Two weeks later, I saw Chinese
16 planes transporting tonnes of equipment, food, military
17 equipment, blankets, mosquito nets, and other conserved products.
18 They landed at Pochentong airport." End of quote. Yesterday in
19 answer to a question put to you by Judge Lavergne, you talked
20 about food preservatives, such as noodles and beer, can you
21 confirm that such food was sent by Chinese?

22 [13.47.40]

23 A. I saw the Khmer cook at the kitchen, and this cook were
24 responsible for making food for Chinese delegation. And during
25 the banquet time, I would have the opportunity to go into the

1 kitchen and drink water. And I saw Khmer cooks making the
2 dumplings. And I saw the beer in the blue bottles. There were
3 breads and other different types of meals. I do not know where
4 such food was brought from, but when there was a party, I saw
5 dumplings served for Chinese delegation.

6 Q. But regarding the extract from your statement I've just read
7 out to you in which you've said that the consignments also
8 included food, do you know whether such food was for the Chinese
9 technicians working on Cambodian soil?

10 A. The food was for Chinese delegation or technicians. I saw the
11 food, such as beer or other type of meals served for the Chinese
12 delegation. During the period that I worked at the worksite,
13 there were no beers or such delicious meal, but that meal was
14 served specially for Chinese delegation during the party or
15 banquet.

16 [13.50.05]

17 Q. You also stated in your statement that those who worked with
18 the Chinese ate rice with them. And that is what you said in
19 E3/5278. The ERN in French is, 00355866; in Khmer is, 00287530;
20 and in English is, 00292825. Do you confirm this point, and under
21 those circumstances as someone who accompanied the Chinese
22 delegation, did you eat food that was different from the other
23 soldiers on the site?

24 A. The drivers and the guards went with the Chinese technician or
25 delegation, and they had different responsibility for this

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1 technician. Normally drivers would be served the same food as the
2 Chinese technician, but we ate our meal at a different place. I
3 mean the guards and drivers. They had their meal at different
4 place, but they had the same food. We had three time meals per
5 day. In the morning, if Chinese technician had bread, we would
6 also eat bread. And if on other occasion, they had noodle, we
7 also had noodle. However, for workers in different units at the
8 worksite, they did not have such meals as we had.

9 [13.52.19]

10 Q. Still with regard to food rations for soldiers specifically,
11 yesterday you were questioned in connection with a document by
12 the International Co-Prosecutor. I would like you to comment on a
13 point, it is document E3/5807, the ERN in French is, 00323929;
14 Khmer, 0005211; and the ERN in English is, 00183955. This
15 document is a record of the meeting and of the secretaries and
16 sub-secretaries of the division and the regime on 1st March 1977.
17 This is what is stated in the resolutions: "The living conditions
18 of soldiers: make sure they are properly taken care of, 20 tins
19 for 10 people as a ration should be upheld." While you were
20 present on the site of the Kampong Chhnang airport, you stated
21 that all there was, was soldiers because it was a military
22 soldier --military hospital, do you know whether such measures
23 were taken to provide three tins of rice for 10 persons?

24 [13.54.19]

25 A. I have no idea. I do not recall it. The economic section would

1 divide food supplies, but I do not know how food supplies was
2 divided. I would leave my place in the morning and I did not know
3 how the food ration was divided. I do not recall everything.

4 Q. We will now talk about another subject. You talked of the
5 presence of soldiers from the East Zone, and in your statement,
6 still E3/5258, the ERN is 00355866, that is French; in Khmer
7 it's, 00287529; and in English, 00292825. And this was the
8 explanation you gave regarding people from the East Zone. You
9 said, and I quote, "When Lvey assigned me to lead the East Zone
10 workers to clear the forest, they told me that they affiliated to
11 the enemies, their chiefs in the East Zone who betrayed Angkar
12 and the Party, and those chiefs fled to Vietnam." End of quote.
13 Witness, do you know which chiefs fled to Vietnam according to
14 him?

15 A. I never asked about that. I only asked that -- I only asked
16 about my duty and assignment. I never cared to ask anything about
17 those who fled to Vietnam or elsewhere. I did not pay any
18 attention to that matter. What I had to do at that time was to
19 guard and secure securities for everyone. I did nothing but to
20 conceal some information so that we were safe all together. I
21 have no idea. I do not know.

22 [13.57.21]

23 Q. And in your capacity as someone working on the worksite of a
24 military airport, do you know anything about a conflict with
25 Vietnam, if at all there was a conflict at the time you were

1 working on that site?

2 A. Yes, I knew that there was a conflict with Vietnam. I knew it
3 from my cousin who was in the mobile unit. He was conscripted and
4 taken to the border to fight the Vietnamese soldiers. It was a
5 time that I was working in a radar operation unit. I learnt that
6 my cousin was sent to fight Vietnamese soldier at the border.

7 Q. Witness, we'll go into another line of questioning, and I'll
8 use the statement of another witness to jog your memory. A while
9 ago in answer to a question put to you by Counsel for Nuon Chea,
10 you said you did not remember exactly which divisions were
11 present on the Kampong Chhnang airport construction site. One
12 witness, and it is TCW-910, document E3/5273, ERN in French,
13 00355856; ERN in Khmer, 0028294; ERN in English, 00290500. In the
14 statement, the witness also stated that he or she worked on the
15 airport construction site, and that witness said that people were
16 sent from the East Zone, Southwest and East Zone, but that the
17 majority of the people were from the East Zone. My question,
18 therefore, is whether you recall seeing soldiers from the West
19 Zone and from the Southwest Zone as well?

20 [14.00.18]

21 A. I knew that soldiers from East Zone were sent to the worksite,
22 and later on I had a problem. I was transported away from that
23 place, so I have no idea afterwards, because I was transferred to
24 work in another unit. I have no idea what was going on.

25 Q. Must I therefore understand from your answer that you do not

1 remember if there were soldiers from the West Zone and from the
2 Southwest Zone?

3 A. I knew that at first there were soldiers from those zones
4 coming to work at the worksite, but later on, I do not know -- I
5 did not know whether there were more soldiers from those zones.

6 Q. Another point, you spoke about the working conditions on the
7 site and in particular you spoke about accidents that occurred
8 there following the explosives that were used to blast the rock.
9 In document D66/194, which is a report, a site identification
10 report, a witness shows on a photograph a concrete wall, on
11 French ERN, 00386581; English, 00378445; Khmer, 00384449. So my
12 question is the following: do you remember there being one or
13 several concrete walls that had been built on the airport
14 worksite in order to try to protect the people from the fragments
15 once the -- after blasting the rock?

16 [14.03.04]

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

21 Q. You also spoke about suicides on the airport worksite, and you
22 said that it was essentially women who committed suicide. So my
23 question is did you personally witness a suicide, and if yes,
24 where and under which circumstances?

25 A. I was far from the location where it occurred. When I was

1 about to take my car to pick up the Chinese delegation, I saw an
2 ambulance approaching in order to pick up the dead body of a
3 woman who was crushed by a roller. I didn't see when the accident
4 happened however, I saw the body being lifted and placed onto the
5 ambulance.

6 [14.04.55]

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

9 A. A work colleague told me that she walked into the roller. So
10 when I asked that work colleague about it, I was told. But I --
11 as I said, I did not see the woman running to be crushed under
12 the roller, as my workplace was far from where it happened.

13 Q. And what was the name of this colleague, this colleague who
14 told you about this suicide?

15 A. There were many workers there and I cannot recall the name of
16 the one who told me. Although we worked there together, and of
17 course there were many workers, I do not know all their names.
18 However, people were standing near the accident site and I learnt
19 when I asked the question to -- to them.

20 Q. And do you know in which unit this colleague was working?

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

24 [14.07.17]

25 Q. And aside from this accident which this colleague told you

1 about, did you ever hear of any similar accidents, and if yes,
2 when and which accidents?

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

7 Q. Maybe I will be a bit more specific with my question. You
8 spoke about the several suicides at the worksite, and when I
9 asked the question to you, you spoke about one suicide but that
10 you had not witnessed it. It was only a colleague who had told
11 you about it. So I wanted to know if you ever heard of other
12 suicides. When I'm asking "when", I'm not asking about when
13 during the day, I'm speaking about when during the period -- that
14 is to say, between 1975 and 1979, or between 1975 and the moment
15 when you left the airport site.

16 [14.09.22]

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

19 Q. And when you're speaking about accidents, are you speaking
20 about suicides really or? I'm speaking about the number of
21 suicides you learnt of.

22 A. Are you asking me about the total number of suicides? What is
23 exactly your question?

24 Q. Yes, indeed. This is what I -- what I understood from your
25 statement was that suicides were frequent. And you spoke to me

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1 about an example you heard about, so I wanted to know if you ever
2 heard about other examples, and who told you about these?

3 [14.10.45]

4 A. I heard that it happened many times. Of course, it did not
5 just happen in one day, but it happened rather frequently over
6 that period. I refer to the period that I worked at the worksite.
7 In a day, sometimes two or three workers got injured, and
8 sometimes I witnessed what happened. In one instance, a tree fell
9 onto the workers, and one of them was killed.

10 Q. I apologise. Witness, I'm not speaking about accidents such as
11 you're describing. My question was specific. You said that
12 apparently there were frequent suicides at the worksite, so I
13 wanted to know that beyond the suicide that your colleague told
14 you about, can you tell me if you heard about other instances of
15 suicide, and if yes, when? And I'm not speaking about accidents
16 here, I'm speaking about suicides.

17 A. Suicides were frequently committed by women as men did not
18 really commit suicide at that workplace. The thing is, women
19 usually were working along the road which was being paved and
20 concrete being poured to build the road.

21 [14.12.56]

22 Q. I apologise, Witness, but I would like to have a more precise
23 answer. You said that you heard about suicides, that -- that you
24 were told that this happened, so who told you about this and
25 when, if you remember?

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1 A. It frequently happened in mid or late 1976 as that was the
2 time women were instructed to work along the road which was being
3 built and concrete was being laid. There was a man named Kuot
4 (phonetic) or Ta Kuot (phonetic) who used to tell me about those
5 suicides, and that's what I learnt about those suicides committed
6 by women.

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

9 [14.14.37]

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

15 Q. He was working under whose orders?

16 A. He was part of 502, but I believe he was assigned into the
17 protection unit for the Chinese delegation. And usually he would
18 escort a Chinese delegation on a vehicle, and sometimes two
19 guards would be placed onto each vehicle for the protection of
20 those Chinese.

21 Q. Witness, thank you for all of these details, but I'm trying to
22 put to you specific, precise questions because I don't have much
23 time. So, please answer as precisely as possible. My question
24 was, who was Ta Kuot's (phonetic) direct superior? Because I see
25 my time running out, so please help me.

1 A. It was Ta Lvey and Met. We all had the same superiors, and
2 they were the ones who assigned guards like this person to escort
3 the Chinese delegation.

4 Q. Now, I'd like to turn to another point, which is the visit of
5 leaders on site. And when you answered the Co-Prosecutor
6 yesterday, you said that the day when you apparently learnt that
7 Khieu Samphan and Ieng Sary had come to the worksite, you had not
8 met them because you were far away. And there were many, many
9 people before you, but apparently you learnt of their presence
10 through someone, someone who apparently had seen them. So, can
11 you tell me who is this person who told you about Khieu Samphan
12 and Ieng Sary?

13 [14.18.01]

14 A. They all disappeared, and I cannot recall their names. They
15 were my work colleagues, but as I said, I cannot recall their
16 names. And sometimes, as I said in my previous statement,
17 sometimes I learnt information from guards working in the
18 protection units for the Chinese delegation. And I cannot recall
19 their names.

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

23 A. It was the guards who accompanied the Chinese delegation, and
24 they learned information that I did not know. And then they told
25 me about what they learnt. And as I was a driver, usually I did

1 not leave my vehicle behind, I would stay with the vehicle, and
2 guards could go and escort the Chinese delegation while they were
3 working.

4 Q. On that day, I believe you said that there was a convoy of
5 vehicles. Did you see this convoy? And where did the convoy stop
6 on the worksite?

7 [14.20.00]

8 A. When important people came to visit, the convoys would stop at
9 the location where the headquarters was. They would remain there,
10 and I did not know what they were doing inside, and I was not
11 allowed to enter. As for the vehicles, the vehicles would park at
12 the main road. And usually when important people came to visit,
13 we were not allowed to go near where they were.

14 Q. And you're telling me that when there were important people,
15 generally speaking. But does that mean that there were many, many
16 visits of important people at the worksite?

17 A. I only can tell you when I was there, and I could not tell you
18 if there were any important people coming to visit when I went on
19 assignments elsewhere. And I can tell you that I saw three visits
20 by important people while I was present at the worksite. But I
21 only knew that they were important people. But I did not know who
22 they were, or their actual positions. And for the -- it's the
23 same thing for the Chinese delegation. I only knew them -- knew
24 those who I would -- who I drove them somewhere.

25 [14.22.14]

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1 A. And can you confirm to me that the day when these leaders came
2 to visit, that these were normal working days? Or would people
3 not be working on the worksite when such visits happened?

4 Q. On the day of their visit, there were workers further from
5 where they were. I mean, at the far end of the airfield. And
6 there were no workers working nearby the area where the important
7 people visited.

8 Q. And do you know who was the staff leader, the Army staff
9 leader, back then?

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

11 Q. Yes. Do you know who was the head of the military staff back
12 then -- that is to say, the person who was in charge of the army
13 at large?

14 [14.24.01]

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

16 Q. Now, I would like to turn to your arrest. I'm going to briefly
17 remind you of what you said in your statement, E3/5278, French
18 ERN, 00355867; Khmer, 00287530; and English, 00292825. And this
19 is what you said: "They arrested me because I had a quarrel with
20 Yeng regarding transporting the rice for the East Zone people. He
21 alleged that I transported the rice for the enemy. Yeng shouted,
22 'Contemptible! You transported a lot of rice for the enemy.'
23 Later, when I transported 10 truckloads of wood from Krang Skear,
24 to the Kampong Chhnang airport at around 1.00 p.m., Yeng's guards
25 came to me, and called me for the meeting at Preah Theat pagoda,

1 in the east of the airport. They transported me by vehicle to
2 that pagoda. Upon arrival, they ordered me to go into the
3 Buddhist church, and they used a scarf and a hammock strings to
4 tie my hands behind the back, and blindfolded me with a black
5 piece of cloth. Then they threw me into a Chinese jeep." End of
6 quote. So, must I understand from what you said here, and from
7 what you said before the Chamber, that it is on that day when you
8 had the quarrel with Yeng that you were arrested?

9 [14.26.21]

10 A. It happened three days later. I already transported the rice.
11 And I stayed there for two nights, and then I returned with a
12 truck full of wood. And after the logs were counted, I was in the
13 process of preparing a report. And that was the day that I was
14 called to attend a meeting. And that happened at around 1.00 or 2
15 p.m.

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

18 A. The security force was -- did not belong to those under the
19 supervision of Ta Yeng. And I did not know them. They came from
20 somewhere else. And they came to tell me that I was needed to
21 attend a meeting at the said pagoda.

22 Q. Yes, of course. But I read out your statement to you again.
23 And what you said was, it was Yeng's guards who told you to go to
24 the meeting at that pagoda. So, if you're speaking about Yeng's
25 security agent, I suppose that this was somebody who worked at

1 the airport?

2 [14.28.29]

3 A. I did not know for sure that whether those security force
4 stayed with Ta Yeng or not, but when they came to call me, I did
5 not know them. I did not know their faces at all. And they were
6 rather young.

7 Q. So, why did you say "Yeng's guard" in your statement?

8 A. I said so because I actually made a joke with him, and maybe
9 he was offended. And the security force was sent to come for me,
10 but I did not know who they were. They simply came to call me to
11 attend the meeting. And in the past, when I was needed to attend
12 a meeting, the message would come through a radio transmission,
13 not by a person as in the later case. So, I did not know why
14 those security force came to call me to attend the meeting.

15 Q. I will not ask you to come back on answers you gave this
16 morning regarding the circumstances under which you were
17 withdrawn and arrested. I understood from your statement that you
18 arrived at a certain place at night. You did not identify that
19 place initially, but you bumped into a soldier who had worked
20 with you before 1975, Mao. And that person hid you in a toilet,
21 and then gave you a map that enabled you to escape from Tuol
22 Sleng, since you said you were at Tuol Sleng. My first question
23 is as follows: who drew that map? Was that map drawn by that
24 person, or that map had existed before?

25 [14.31.46]

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

8 [14.32.46]

9 MS. GUISSÉ:

10 Mr. President, I see the time now is 2.30. I have almost
11 completed my examination of this witness, but I'm not quite there
12 yet. I still have a subject to wrap up, and I also have another
13 point regarding Lvey and Met. And I know my colleague would
14 require about ten minutes to put questions to the witness as
15 well. May I request you to give me ten minutes to enable me to
16 complete my line of questioning?

17 MR. PRESIDENT:

18 You can do so.

19 BY MS. GUISSÉ:

20 Q. I'm obliged. So, your friend Mao happened to be at that place,
21 and he gave you the map. And he told you to go to Ta Vun
22 (phonetic) or Ta Vin, that is Ta Mok's son-in-law. And you said
23 that is the person who subsequently contacted your boss, Lvey,
24 and Met. My questions to you -- the first question is as follows:
25 you stated in your record of interview that Ta Vin was a

1 commander of the 2nd Infantry. Do you know in what division he
2 was?

3 [14.34.45]

4 MR. CHAN MORN:

5 A. I do not know which division he belonged to. During the
6 wartime, we fought in the war and we were close to each other.
7 And as I stated, I do not know which division he belonged to. As
8 for Mao, he used to live and work for Vin. And Mao used to make
9 contact with me, when we were messengers. We made friends with
10 each other, since we were young. And when we came to work in
11 Phnom Penh, we met each other.

12 [14.35.41]

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

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1 [14.37.23]

2 A. When I was a messenger, I did not make any mistakes. He liked
3 me, he liked my cooking. And I could cook very fast. And during
4 the meal time, I was the one who cooked a meal for him, when I
5 was young. So he rather loved me. In the period--

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

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

8 Q. So, because you cooked very well for him, Met took a
9 helicopter to come and see you? I do not understand your
10 explanation on this point. The point that Yeng, who was a
11 subordinate to Met, as you explained earlier, took the risk of
12 having you arrested, whereas he knew that Met had a very special
13 relationship with you, and that Met was your superior. Can you
14 explain this point please?

15 [14.39.01]

16 MR. SMITH:

17 Your Honour--

18 MR. PRESIDENT:

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

21 MR. SMITH:

22 I do admit it is -- it is complicated. But I'm not sure that it's
23 clear that Lvey knew that this -- this witness was arrested in
24 the first instance. And perhaps just to put the evidence in
25 context, this witness did talk about a special relationship

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1 between Met and himself. So I'm not sure that Lvey knew that he
2 was in fact arrested in the beginning, but was only contacted
3 later.

4 [14.39.48]

5 BY MS. GUISSÉ:

6 I thank the Co-Prosecutor for his clarification, but my question
7 is for the witness. And I did understand that he had special
8 relations with Met. And that is why I'm asking him how come Yeng,
9 who according to the witness's explanations, who had worked with
10 him since 1973, or at least 1974, was aware of these special
11 relations with Sou Met. I also was careful enough to point out to
12 him that he received direct instructions from Ta Met. Yeng was
13 also present. My question is whether he can explain or not the
14 fact that Yeng felt at liberty to arrest him, whereas neither Met
15 nor Lvey were aware of that.

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

19 [14.41.25]

20 MR. CHAN MORN:

21 A. In the period, if the opportunity happened, they could do
22 whatever on me. And if the superior loved the subordinate, so it
23 was our fortune. And when we worked in the far distance from our
24 superiors, the people in charge of those areas will -- would do
25 whatever they wanted on us. Although we had a good relation with

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1 someone in our workplace, or with our superior, and if we left
2 that place and went to work in another place, the person at that
3 place could do whatever they wanted on us.

4 Q. This will be my last question since we should be going on
5 break shortly, bearing in mind that my colleague has some
6 questions for you as well. Regarding Ta Vin you referred to a
7 while ago, and you said that he assisted you in escaping, after
8 you escaped from S-21. Do you know what happened to him
9 thereafter, during the Democratic Kampuchea regime, after 1979?

10 A. I have no idea later on. I knew it when we met each other, and
11 at that time Met transferred me to another place. And I have
12 never met my colleagues or anyone from that time. And I do not
13 know what happened on my colleagues. So, we wanted to be safe,
14 and we were silent. And we did not pay any attention other than
15 to secure ourselves.

16 [14.44.10]

17 MS. GUISSÉ:

18 Mr. President, I am done with my questions, and I thank you for
19 the additional time you have granted me. My colleague will
20 continue after the break. Thank you.

21 MR. PRESIDENT:

22 You can proceed right now.

23 QUESTIONING BY MR. KONG SAM ONN:

24 Thank you very much, Mr. President.

25 Q. Mr. Chan Morn, I would like to clarify your position in

1 Kampong Chhnang. You testified two days in this Court's hearings.
2 You stated first you were a driver, and accompanied Chinese
3 delegates to the airfield. And then you move to work in the
4 forest, chopping down trees. After that time, you were
5 transferred to work on a mountain. Am I correct to make such a
6 summary?

7 [14.45.21]

8 MR. CHAN MORN:

9 A. Yes, it is correct.

10 Q. Thank you. Could you tell the Court, when did you become a
11 driver for the Chinese delegation? So how long was you in that
12 position?

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

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

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

22 Q. Thank you. And then you moved to work in the forest, chopping
23 down trees. And you spent there working longer than at other work
24 stations. Am I correct?

25 [14.47.20]

1 A. I -- My work stations were in different places when I was
2 there chopping down trees. I went to work in Districts 20, 12 and
3 10. I went to these locations to collect logs. I could not recall
4 the date, or how long I was in that profession. And I made a lot
5 of trips transporting rice into the forest, as well.

6 Q. Thank you very much. While you were transporting logs, you
7 stated in your testimony that you rarely stayed at the airport
8 worksite. You stayed in the forest more frequently, and sometimes
9 you came to the worksite, the airport worksite, and returned back
10 to your forest. Am I correct?

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

13 Q. When you were transferred to work in the forest, chopping down
14 trees, were there any workers from the East Zone at the first
15 place?

16 A. No. Initially, there were no soldiers from East Zone. There
17 were only soldiers from 502 working in the forest. And later,
18 there were workers from East Zone.

19 [14.49.24]

20 Q. Thank you. And how many of you were working in the forest?

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

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

24 A. Some places, there were 30 members in one unit. Other places,
25 there were 30. And some other places, there were 50 members.

1 Q. So, could you tell the Court how many people altogether in
2 that forest?

3 A. There were five places. All workers were put in those five
4 places. And people from different zones would stay in one
5 particular place, and then there were other groups in other
6 places.

7 Q. You have just stated that the total numbers of workers in the
8 forest was about 150 to 200. Is that correct?

9 A. The total number perhaps was more than what you have just
10 stated. Sometimes, there were 500 members, so the number of
11 workers varied.

12 [14.51.44]

13 Q. Could you tell the Court how many people exactly in the
14 forest? You have just stated that there were 30 members in one
15 group, and there were 50 members in another group. And you have
16 just stated that there were five groups working in the forest.
17 So, could you tell the Court again how many people, how many
18 workers there in the forest?

19 A. There were drivers as well, so we -- there were workers who
20 were working in the forest, and there were drivers with them.

21 [14.52.29]

22 Q. Could you tell the Court who were the drivers?

23 A. The drivers were from zones, and I was the one who was
24 familiar with the forest, so I -- I organized and supervised the
25 workers.

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1 Q. You were the supervisor? Was it because of the fact that you
2 were familiar with the forest?

3 A. As I stated, I was the one who was familiar with the forest,
4 so I was told and instructed to lead the workforce. I was not the
5 commander.

6 Q. Do you recall who was the commander?

7 A. The commander, who was in the rear battlefield, was bong Lvey,
8 as I stated earlier.

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

11 A. There were group chiefs with us. There were unit chiefs with
12 us.

13 Q. Thank you. You stated about logistics. You told the Court that
14 before you were arrested, you went to collect ten sacks of rice
15 for workers of the East Zone. You made a request to Ta Lvey, and
16 Ta Lvey told you to get as much rice as you wanted. And you went
17 to collect 50 sacks of rice at that time. How many kilogrammes
18 was there in one sack?

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

20 [14.54.57]

21 MR. PRESIDENT:

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

23 MR. SMITH:

24 Thank you. This is not really an objection, but I think it's
25 unclear with the witness's testimony. It's unclear whether all of

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1 that rice was going to the East Zone workers that were working
2 with this witness, or whether they were going to another place,
3 and he was accused of actually taking rice to those -- to those
4 workers. So, I would just ask Counsel if they could clarify as to
5 was the rice going to the workers that were working with the
6 witness, or were they going to -- was it going to another place,
7 and he was simply accused of it? I just don't think it's clear in
8 the evidence, and it would help to understand his responses.

9 [14.55.48]

10 BY MR. KONG SAM ONN:

11 Q. I am now asking the witness about this fact. Witness, you
12 stated that there was -- it was 50 kilogrammes in one sack. So,
13 what did you do with the 50 sacks of rice? Who did you give it
14 to?

15 MR. CHAN MORN:

16 A. I divided the rice to different groups. There were five
17 groups, as I stated, and the rice would be distributed to the
18 group, based on the number of workers in each group.

19 Q. Were -- was all the rice distributed to the workers at that
20 time, or you kept some rice in a warehouse at that time?

21 A. There was no warehouse in the forest. And I distributed all
22 the rice to workers, so that I could use my vehicle to transport
23 logs back to my area.

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

1 A. I distributed rice, and I gave fermented fish paste for
2 workers, and salt for workers, so they had enough food to eat.
3 They did not eat gruel, so there was enough rice for workers. And
4 when they ran out of rice, I would come to the rear battlefield
5 to collect rice. So I never exploited rice from workers.

6 Q. You stated that there was one rifle in each vehicle, and you
7 stated also that you used the vehicle to shoot wild animals. Do
8 you recall what kind of meat you could find at that time by using
9 your rifle?

10 [14.58.29]

11 A. There were many of us in the forest, and they were searching
12 for wild meat at that time. On some occasions, my colleagues
13 could find wild rabbit and wild meat. So, frequently we could
14 have wild meat. And because there was a stream, or lake, near the
15 forest, we could find fish to eat.

16 Q. I would like to ask you about an individual by the name Yeng.
17 You stated that he was an office chief under Division 502. Do you
18 know him well?

19 A. I knew him well before. As of now, perhaps I could not
20 recognize him, because I met him a long time ago, and I am now
21 60-something years old.

22 Q. Thank you. How is he?

23 [15.00.02]

24 A. He was serious, and he did not know how to use the polite
25 words. And for some people, they knew about the morals, but his

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1 characteristic was not so kind. And as I stated, he was so
2 strict. And he told me he was an educated man.

3 Q. Thank you. You experienced an arrest. Do you know that -- Do
4 you know if Yeng did any serious acts on other individuals?

5 A. At that time I left the place already. I stayed and lived in a
6 far distance. I did not know whether he mistreated anyone. And
7 usually I stayed in the province, and I had a bath in the
8 province.

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

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

14 [15.02.04]

15 MR. PRESIDENT:

16 I think your time is over, Counsel. The hearing of testimony of
17 witness Chan Morn is now concluded, and after the short break,
18 we'll commence hearing testimony of a witness -- that is,
19 2-TCW-910.

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

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1 Court officer, in collaboration with WESU, please make necessary
2 transportation arrangements for the witness to return to his
3 place of stay.

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

6 (Court recesses from 1503H to 1516H)

7 MR. PRESIDENT:

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

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

11 (Witness enters courtroom)

12 [15.17.30]

13 QUESTIONING BY THE PRESIDENT:

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

15 MR. KEO KIN:

16 A. My name is Keo Kin. I'm from Krang Skear village, Tuek Phos
17 commune, Kampong Chhnang province.

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

20 A. I was born in 1965.

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

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

25 [15.18.43]

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

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

3 Q. What is your current occupation?

4 A. I am a rice farmer.

5 Q. What are the names of your parents?

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

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

8 A. My wife's name is Kim Doeun. We have two children, but the
9 children are from my previous marriage.

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

14 [15.20.21]

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

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

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

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

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

8 [15.22.02]

9 A. I was interviewed once in my house when the working group came
10 to interview me.

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

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

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

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

24 [15.23.59]

25 MR. PRESIDENT:

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

7 MR. DE WILDE D'ESTMAEL:

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

15 [15.25.30]

16 MR. PRESIDENT:

17 Yes, you may do that.

18 QUESTIONING BY DE WILDE D'ESTMAEL:

19 Witness, can you read and are your eyes good enough to read or
20 that's not?

21 MR. KEO KIN:

22 A. No, I have difficulty reading.

23 Q. Fine. That's not a problem. I will start with a few questions
24 with regard to your past before April 1975. And then, I will get
25 back to what you said in your very first answer during your

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

10 [15.27.37]

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

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

15 A. Indeed, I was one of about four to 10 messengers for Ta Lvey.
16 There was a group of messengers working for Ta Lvey.

17 Q. And as a messenger, what did you have to do for him back then?
18 Where did you have to bring messages to?

19 A. I had to bring the message from the eastern part of the
20 airport to Kampong Chhnang. I did not read the message, I only
21 convey on my motorcycle. And it happened once or twice per month.
22 Sometimes, there was no message to be delivered for that month.

23 [15.29.39]

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

1 A. Yes, I was also his bodyguard.

2 Q. During that period, were your relations with Ta Lvey such that
3 he trusted you?

4 A. Initially, yes, he placed his trust on me. But later on, I was
5 alleged to have a connection with the previous regime as my
6 father was a former deputy of a village or commune chief. And
7 then he no longer trusted me and he did not have me work closely
8 to him.

9 Q. And can you tell us as from when Ta Lvey learnt that your
10 father had been deputy village chief - do you know whether that
11 was before the capture of Phnom Penh or thereafter?

12 A. It happened after the fall of Phnom Penh. Then he learnt of my
13 father's position in the previous regime, and he no longer had me
14 work closely to him. At that time for people in my position, I
15 was alleged to have tendencies to the previous regime.

16 [15.31.40]

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

19 A. I did not hold any rank. It simply -- he withdrew his
20 confidence in me. I was not physically punished, but I was asked
21 to engage in hard labour, to dig canal or to work with heavy
22 machinery including trucks and rollers.

23 Q. Very well. Primarily, did you start by working around
24 Pochentong airport? And if yes, what position did you hold? I'm
25 talking of the period immediately after the liberation or the

1 capture of Phnom Penh.

2 A. After Phnom Penh was captured, I was stationed in front of the
3 Pochentong market. I was asked to clear the land by pulling the
4 grass and to guard a garage.

5 [15.33.29]

6 Q. Can you clarify this point? A while ago, I read an extract of
7 your interview. You talked of Regiment 502, and it subsequently
8 became Division 502. And do you know whether it subsequently
9 became Division 1?

10 A. The regiment became Division 502 at a later stage. However,
11 while I worked for Lvey, it was called Regiment 502. And the
12 person who was the commander of the later Division 502 named Met.

13 Q. Very well. Let us now talk about the time when you were sent
14 to Kampong Chhnang. Let me quote what you said in that regard.
15 And it is E3/5273, the record of interview, the Khmer page,
16 00282941; in French, 00355856; and in English, 00290500. And the
17 question that was put to you was as follows: "Once you arrived in
18 Phnom Penh on the 17th of April 1975, what did they have you do?"
19 And your answer was as follows: "They had me clear grass and
20 guard a supply warehouse east of the Pochentong airport with
21 Meng. Meng and I were accused of having tendencies because my
22 father was the deputy commune chief in the Lon Nol regime. Later
23 on in February of 1976, Ta Lvey transferred me to work at the
24 Krang Leav airport in Kampong Chhnang province, where I was
25 assigned to make garage for cars, tractors and rollers, etc.,

1 because I was accused of having tendencies." Can you tell us
2 whether, in February 1976, they were already in place - officials
3 of Division 502 already at Kampong Chhnang airport when you
4 arrived there? Who was the head of the worksite at the time?

5 [15.36.52]

6 A. I did not know who was in charge. However, when I arrived,
7 Lvey was there. And I was one of a group of about 10 people who
8 arrived at the worksite. At that time, it was full of forest,
9 palm trees, and coconut trees. And we had to fell those trees and
10 uproot them. Later on, I saw the arrival of tractors and other
11 machinery for the purpose of soil compression.

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

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

16 [15.38.18]

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

20 A. Amongst us Song was our squad leader. He led us to fell the
21 trees and to uproot them as well as to dig the soil. And later
22 on, some Chinese arrived at the worksite. They did soil testing
23 and terrain measurement.

24 Q. Did Song tell you what your mission was as you were the first
25 people to arrive on that site? What was the purpose of having you

1 work there on that site?

2 A. Upon our initial arrival, there was no clear instruction to us
3 besides felling the trees and uprooting them. And the group of 10
4 of us just kept on working there. And that was all what was told
5 us.

6 Q. And for how long did your group of 10 persons work on the site
7 before your team was reinforced on the site of that project?

8 A. Only by 1976, groups of people arrived at the worksite and
9 there were thousands of them arrived from the East Zone. And as I
10 said, the majority of the newly-arrived came from the East Zone.

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, we did not hear interpretation in French of the
13 last answer given by the witness.

14 [15.41.38]

15 MR. PRESIDENT:

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

17 BY MR. DE WILDE D'ESTMAEL:

18 Yes, Mr. President. My last question was as follows: for how long
19 did you work on that site with the team of 10 before that team
20 was reinforced by the large numbers of soldiers and others who
21 came to reinforce your team?

22 MR. KEO KIN:

23 A. I worked there between 1975 until 1976 when the reinforcement
24 arrived. And there were about a thousand workers arrived. And I
25 continued working there until 1977. And I fled in 1979 when the

1 Vietnamese troops arrived and everyone was fleeing in different
2 directions.

3 Q. Very well. I did indeed understand that you stayed up till
4 1979. But in your record, you said you arrived there in February
5 1976. Do you confirm that date or it was just an estimate that
6 you were giving?

7 [15.43.21]

8 A. Perhaps in was in February that I arrived at that place. I did
9 not pay attention to the month. I was happy that I was removed
10 from that place because the work there was so difficult. Once
11 again, I am not sure about the month, perhaps it was in February.

12 Q. Very well. In the extract I read out to you, you stated that
13 you worked in a garage for cars, tractors, and rollers. So you
14 told us that you started work by uprooting trees, felling trees.
15 How many weeks or how many months later did you start working at
16 the garage?

17 A. After I was taken from Pochentong airport, I started to work
18 in the garage where vehicles parked. Perhaps it was in February
19 but as I stated, I do not recall well the month. And during that
20 time, there was soil testing and terrain measurement.

21 [15.45.10]

22 Q. Very well. It is not very clear to me. That garage, was it
23 indeed situated on the Kampong Chhnang airport construction site
24 or elsewhere?

25 A. Yes, the garage was in Krang Leav, Kampong Chhnang province.

1 In this garage, the steamrollers and vehicles were parked.

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

5 A. I was not the one who built the garage. It was Soeum
6 (phonetic) who was the chief of the construction team. He was the
7 one supervising the team who was constructing -- building the
8 garage. And currently I do not know where Soeum (phonetic) is. I
9 was not involved in the construction of that garage.

10 [15.46.54]

11 Q. Very well. You also stated in E3/5273, the Khmer page is
12 00282941; in French, 00355856; and in English 00290500. This is
13 what you stated: "At the beginning of the construction of the
14 airport, there were only 10 people including Song and 10 Chinese
15 from Beijing. They were pedologists who analysed the soil. Every
16 day, I and the 10 Chinese had to take the bus to Kampong Chhnang
17 at 2.00 in the morning to Krang Leav construction site and return
18 to have a meal at 11.00. We returned to work at 2.00 in the
19 afternoon and finished at 5 p.m. every day." Then you added, "The
20 Kampong Chhnang airport construction started in March 1976."
21 Apart from the person called Song, among the 10 people who
22 started working with you, do you remember the names of some of
23 those persons?

24 A. I forget their names, I do not recall them. It happened long
25 time ago and I don't even know where they are now. I do not

1 recall their names. I only remembered the individual by the name
2 Song. Song has already passed away. I do not know other names.
3 Even we were working in the same group, we did not discuss and
4 talk to each other. What we had to do was working hard.

5 [15.49.12]

6 Q. Do you know whether those 10 persons were form Division 502?

7 A. Yes, we were from the same 502 but from different units or
8 squads. And we were put together at the worksite. As I stated, I
9 do not recall all their names and I did not focus on remembering
10 their names.

11 Q. Very well. You said earlier that you were sacked by Ta Lvey.

12 Were the other persons who had been with you people who were also
13 sacked or they enjoyed the confidence of the superiors of
14 Division 502?

15 A. Some people were trusted by him, some were not. As for my
16 case, I was accused of being linked to the previous regime. I was
17 not trusted and I was ordered to do the work. And I would take
18 rest only when I was told to do so.

19 [15.50.40]

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

24 A. They were from different zones, divisions. Some of them were
25 from West Zone, North West Zone, East Zone; and some of them were

1 in charge of tractors and vehicles. And as for my case, I was
2 working in the garage. So we worked in different work station.
3 What I knew is that they were from West and East Zones.

4 [15.51.57]

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

8 A. I do not know clearly the exact figures or numbers. And I do
9 not either their task duty and positions. I never asked them
10 their duty and task. And after we finished our work, we cleaned
11 hands and we went to have meal. We did not have time to discuss
12 and chitchat with each other because we were afraid.

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

16 A. I have no idea. I do not know whether they were registered and
17 whether there was a name list. They came to work and they worked
18 at that place. And perhaps, they may have been registered. But I
19 have no idea.

20 [15.53.39]

21 Q. Were you able to know whether other persons after that first
22 wave of 1,000 persons, did another wave of soldiers arrive? And
23 if yes, perhaps in 1977, '78 - if yes, where were they from, from
24 which division were they?

25 A. I do not know. I only saw workers there who had been working

1 already. And I do not know whether they were from the East or
2 from the West. The airport construction worksite was huge.
3 Perhaps these people were working to the west or to the east.

4 Q. I'll return to that question a bit later. Do you have an idea
5 as to the number of people who may have worked on that site?

6 Initially, you talked of 10 people, and then of a thousand
7 people. When the maximum number of workers arrived on the spot,
8 could it have been several thousands, several tens of thousands
9 of people?

10 [15.55.13]

11 A. The number may be 1,000. And the construction site was huge
12 and some workers were in different duties - some were
13 transporting rock, some were transporting sand. And as for the
14 total numbers of workers, I guess perhaps, there were around
15 1,000 workers. I did not go out to watch and to see the numbers
16 of workers. I was only working in the garage.

17 Q. To your knowledge, were all those soldiers originally -- all
18 those workers initially soldiers?

19 A. They were all soldiers, no civilians. No civilians, no
20 civilian working at that worksite. There were soldiers together
21 with Chinese technicians. They were working together. Once again,
22 no civilian at that place.

23 [15.56.43]

24 Q. Very well. When they arrived at the worksite, had they already
25 been disarmed or there were some soldiers who were carrying their

1 arms while they were at the worksite?

2 A. When I first arrived, I did not notice any rifles. I could see
3 the construction worksite from afar and I have no idea whether
4 there were rifles in the worksite. As for guards, they were
5 armed. For soldiers who were sent to work at the site, they were
6 not armed; they had no rifles or pistols.

7 Q. Does that mean that the soldiers working on the worksite were
8 under the surveillance of armed guards?

9 [15.58.08]

10 A. Yes, there were armed guards. And armed guards were stationed
11 in squads. They were staying away from workers.

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

14 A. They were patrolling near the worksite. They were patrolling
15 back and forth.

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

20 A. When the construction of the garage was completed, I slept at
21 the worksite, Kampong Chhnang airport worksite. I no longer went
22 to the garage. I slept in the quarter.

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

25 [16.00.14]

1 A. It was only for 502. And as I stated, people were staying in
2 their own squads. And as for those who were working in the
3 garage, driving vehicle or filling up the tanks of the vehicle,
4 they were staying in their own squads.

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

7 A. I do not know. I was told to construct the airport and I did
8 it anyway. I do not know whether it would be useful for civil
9 purposes.

10 Q. And did cadres during meetings or at other occasions tell you
11 that this was what was called a hot worksite -- that is to say, a
12 priority worksite?

13 A. During the meeting, I was not advised and told about this
14 matter. I was told to work hard in order to avoid any criticism.
15 During the meeting, I never heard such a discussion.

16 [16.02.07]

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

1 East Zone. And many of them were executed more than the others."

2 End of quote.

3 So I will get back later to the disappearances of the people from
4 the East Zone. So do you know if they were also former soldiers
5 from the former North Zone which at one time was called the
6 Central Zone and which belonged to Divisions 310 and 450? Did you
7 ever hear about this?

8 A. No, never. I never saw them. I never saw them when they
9 arrived. I heard that workers from Division 502 and I do not know
10 whether there were workers from other divisions.

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

16 MR. PRESIDENT:

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

19 [16.05.07]

20 MS. GUISSÉ:

21 Thank you, Mr. President. Simply, I'd like to remind you, as I
22 often do, and if he could put open questions: did they have any
23 distinctive signs? Yes. And if the witness has something to say
24 about the clothing, then he will say something. We shouldn't --
25 he shouldn't ask multiple choice questions. The questions have to

1 be open. The witness should be able to testify by his own, not
2 with the help 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 that interview. He was indeed speaking
23 about workers. Well, let me rephrase the question then in the
24 following way.

25 Q. Witness, were the workers from the East Zone dressed in a

1 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: "The so-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 were summoned, for example, people from the company and
17 from platoons, they came to attend the meeting. I do not know
18 what was discussed in the meeting. The meeting was held once
19 every week. I saw people come to attend the meeting. I could see
20 that they were gathering at the place.

21 Q. And was it only the cadres or the people who would watch over
22 the site that would come to these meetings, according to what you
23 saw? Or were all of the workers and all of the soldiers on the
24 worksite also invited to these meetings?

25 A. No, soldiers and workers did not come to attend the meeting.

1 Only the senior people were present in the meeting. Low-ranking
2 soldiers were not allowed to stay close to the meetings and
3 venues, or they were not allowed to be in the meeting.

4 [16.10.38]

5 Q. And you, Witness, what were you doing? Were you in charge of
6 this garage or were just simply a soldier who would work at the
7 garage?

8 A. I was working in the garage. I was not the one who was in
9 charge of the garage. The one who was responsible and supervising
10 the garage was Song. As I said, I was an ordinary worker in the
11 garage.

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

15 A. When there were big meetings, I was not asked to attend. But
16 when there were small meetings, to discuss about the repairing of
17 the vehicles and to work in the garage, I would be called into a
18 meeting.

19 [16.12.04]

20 MR. PRESIDENT:

21 Thank you, Mr. International Deputy Co-Prosecutor. The hearing
22 now comes to an end. And the hearing will be resumed tomorrow
23 Thursday, 11th June 2015, starting from 9.00 a.m. And we will
24 resume hearing this witness. And if time allows, we will continue
25 to hear 2-TCW-911. Thank you, Mr. Keo Kin. But your -- the

1 hearing of your testimony does not come to an end yet. You are
2 invited to be here again tomorrow.

3 Court officer, please work with WESU to send this witness, Keo
4 Kin, to the place where he is staying at the moment, and please
5 bring him back tomorrow at 9.00 a.m.

6 Security personnel are instructed to bring the two Accused, Nuon
7 Chea and Khieu Samphan, back to the detention facility. And
8 please have them returned to the courtroom before 9.00 a.m.
9 tomorrow. The Court is now adjourned.

10 (Court adjourns at 1613H)

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