



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

11 June 2015
Trial Day 295

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:
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UCH Arun

INDEX

Mr. KEO Kin (2-TCW-910)

Questioning by Mr. DE WILDE D’ESTMAEL resumes..... page 6

Questioning by Ms. GUIRAUD page 21

Questioning by Judge LAVERGNE page 32

Questioning by Mr. KOPPE page 46

Questioning by Mr. KONG Sam Onn page 67

Questioning by Ms. GUISSÉ page 79

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
Ms. GUIRAUD	French
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

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear testimony of witness Keo Kin.

6 And the greffier, Ms. Chea Sivhoang, please report the attendance
7 to the Parties and other individuals at today's proceedings.

8 THE GREFFIER:

9 Mr. President, for today's proceedings, all Parties to this case
10 are present.

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

14 The witness who is to continue to conclude his testimony today --
15 that is, Mr. Keo Kin, is present and ready in the courtroom. We
16 also have a reserve witness today -- that is, 2-TCW-932. And the
17 witness confirms that to his best knowledge, he has no
18 relationship by blood or by law to any of the two Accused -- that
19 is, Nuon Chea and Khieu Samphan, or to any of the civil parties
20 admitted in this case. The witness will take an oath before the
21 Iron Club Statue this morning.

22 [09.06.51]

23 MR. PRESIDENT:

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

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1 The Chamber has received a waiver from Nuon Chea dated 11 June
2 2015, which states that due to his health -- that is, headache,
3 back pain, he cannot sit or concentrate for long, and in order to
4 effectively participate in future hearings, he requests to waive
5 his right to participate in and be present at the 11 June 2015
6 hearing. Having seen the medical report of Nuon Chea by the duty
7 doctor for the Accused at the ECCC, dated 11 June 2015, who notes
8 that Nuon Chea has a severe back pain and dizziness when he sits
9 for long, and recommends that the Chamber so grant him his
10 request, so that he can follow the proceedings remotely from the
11 holding cell downstairs. Based on the above information and
12 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
13 grants Nuon Chea his request to follow the proceedings remotely
14 from a holding cell downstairs via an audio-visual means.
15 The AV unit personnel are instructed to link the proceedings to
16 the room downstairs so that Nuon Chea can follow it remotely.
17 That applies for the whole.
18 And before the Chamber hands the floor to the Co-Prosecutors to
19 continue putting question to the witness, the Chamber would like
20 to inquire from the Parties. Yesterday, the Chamber notified the
21 Parties on the rescheduling of the hearing for this week and next
22 week. And the Chamber would like to hear if there is any
23 observation from Parties on the said rescheduling. If any Party
24 wishes to do so, please proceed. And the Deputy Co-Prosecutor,
25 you have the floor.

1 [09.09.22]

2 MR. DE WILDE D'ESTMAEL:

3 Thank you. Good morning, Mr. President. Good morning, Your
4 Honours and the Parties. Regarding the change in schedule, we
5 were informed yesterday at 4.30, I believe, of the inversion of
6 two witnesses. In that schedule, I believe it would appear
7 reasonable that we should start with the first witness tomorrow
8 morning, which would give the Parties a bit more time today to
9 examine witness Keo Kin. That is the suggestion I would like to
10 make. That would give us a bit more time to prepare for the next
11 witness. Thank you.

12 [09.10.14]

13 MS. GUISSÉ:

14 Yes. Good morning, Mr. President. Thanks for allowing us to
15 express an opinion on this problem. I do not have any remark
16 following the Co-Prosecutor's remarks. I would think that we need
17 additional time to prepare for the examination of the witness.
18 And we would also have an opportunity to look at the documents
19 that we need to use in examining the witnesses. And it would give
20 us more flexibility as well.

21 MR. PRESIDENT:

22 Counsel Koppe, you have the floor.

23 MR. KOPPE:

24 Thank you, Mr. President. Good morning, Your Honours. A related
25 question from this side. We understand that there is a meeting

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1 planned for students between 10 o'clock and 12 o'clock tomorrow.

2 How does that affect the schedule of tomorrow's session?

3 [09.11.21]

4 MR. PRESIDENT:

5 In fact, the Chamber would also like to notify the Parties
6 regarding the meeting, but first the Chamber would like to hear
7 from the Parties. The Chamber already notified the Parties that
8 tomorrow morning, there will be no hearing, and instead the
9 hearing will be started in the afternoon. And if the witness --
10 that is, 2-TCW-932, is going to start, then the Chamber will give
11 only one session first to the Co-Prosecutor and we will resume it
12 the next day. And that is the purpose of the rescheduling. As we
13 all know, tomorrow, the Office of Administration will borrow the
14 courtroom for a workshop for tomorrow morning session. Any other
15 observation from any other Party or -- what about the
16 Co-Prosecutors, would you wish to make any stand as there will be
17 no hearing for tomorrow morning session and indeed it will be
18 heard in the afternoon?

19 [09.12.51]

20 MR. DE WILDE D'ESTMAEL:

21 Not really, Mr. President. We were not informed of this change in
22 schedule tomorrow morning in the email we received. I do not know
23 whether it would have a major incidence on the schedule. I
24 imagine that it is still proper for us to start tomorrow
25 afternoon as regards the next witness in order not to disrupt our

1 schedule too much.

2 MS. GUIRAUD:

3 Thank you, Mr. President. We have only very brief remarks to
4 make. We will adapt to the situation but we do not have the
5 documents we will be using on the interface. But we can start
6 this next witness in the afternoon. So the Chamber and the
7 Parties should be flexible and bear in mind the fact that we have
8 not been informed well in advance of the documents that we need
9 to use for the next witness.

10 [09.14.02]

11 MR. PRESIDENT:

12 Thank you for the observations by the Parties. And the Chamber
13 will take your observations into consideration. And after the
14 short break, the Chamber will notify of the rescheduling. And
15 now, we would like to hand the floor to the Co-Prosecutors to
16 continue putting questions to this witness. And you may proceed.

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President. There's something I would like us to
19 clarify. How much time do we have this morning? Do we have to go
20 up to the 10.10 break? Would we have a bit more time with the
21 civil parties to put questions to the witness? We would like to
22 go up to 11.00 a.m. That is the motion I'd like to make this
23 morning regarding the next witness. I think we should clarify
24 this point now before we start so that we can adapt ourselves
25 accordingly to the situation.

1 MR. PRESIDENT:

2 For the combined time for the Co-Prosecutors and the Lead
3 Co-Lawyers is two sessions. And actually, yesterday the Chamber
4 allowed you 10 additional minutes yesterday. It means that you
5 already finished one session. And you only have one session this
6 morning, that is the combined session for the Co-Prosecutors and
7 the Lead Co-Lawyers for civil parties. And the most that we can
8 do is for you to have an additional five minutes, so that we take
9 a break at quarter past ten.

10 [09.16.00]

11 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

12 Very well. Thank you. Witness, this morning, I will continue
13 putting questions to you essentially on two subjects: first of
14 all, the arrests you witnessed on the Kampong Chhnang airport
15 construction site and working conditions of the people working
16 there. May I request you to be very specific and to carefully
17 listen to the questions? I will start by reading three extracts
18 of your OCIJ statement, E3/5273, in which you referred to those
19 arrests. The first extract is on page 5 in Khmer, page 4 in
20 French, and page 4 in English. And I quote: "The majority of the
21 people were from the East Zone, that is the majority of the
22 workers. Many of them were executed more than the others. I saw
23 people coming from the East Zone. They were working on the
24 airport construction site they were tied up. Thirty people each
25 time who were then put in a Chinese truck that was going to Phnom

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1 Penh because the truck was on National Road 5 heading for Phnom
2 Penh." That is the first extract. [09.17.39]

3 The second is on page five in Khmer, page 5 in French, and page 4
4 in English. The question that was put to you was as follows: "Did
5 you know why they took people from the East Zone to build the
6 airport? Why did they tie up these people and transport them in
7 trucks to Phnom Penh?" And your answer was as follows: "I heard
8 them say that these people were KGB and CIA spies. They took them
9 to be tempered because they were accused of betraying Angkar. I
10 didn't know the reason that they arrested them but I witnessed
11 this twice. They pointed guns and pushed the people into a truck
12 and transported them away." End of quote

13 And the third is on page 5 in all three languages. And this is
14 what you stated: "I had been to Lvey's -- I had visited Lvey's
15 office at Kampong Chhnang airport construction site and I saw
16 people pointing guns at those people. And they were taken away at
17 around 6.00 or 7.00 p.m. The arrests were always done in the
18 presence of Lvey." End of quote.

19 Q. Now the following follow-up questions will be put to you. Do
20 you know what those people from the East Zone were told, I mean
21 the people who had to be arrested and tied up? What were they told
22 in order that they wouldn't revolt or try to flee?

23 [09.19.54]

24 MR. KEO KIN:

25 A. I saw them being called to a meeting, and then they pointed

1 gun at them. They were in an office and the door was closed so
2 they couldn't find anywhere to escape and there were also guards
3 stationed outside. They were tied up and put into trucks. There
4 were two or three trucks, and the trucks then left Kampong
5 Chhnang airport in the direction of Phnom Penh along National
6 Road Number 5. And I saw Lvey present at the location where those
7 workers were tied up. He was with his bodyguards. So those people
8 were tied up and then they were put into a Chinese truck. I could
9 observe what happened from a far distance as I didn't dare to go
10 near. Although I did not know the exact location where they were
11 transported to. And most of the people who were arrested were
12 from the East Zone, as they were alleged or accused of betraying
13 Angkar, and they were accused of being KGB or CIA agents.

14 [09.21.30]

15 Q. Thank you. I have very specific questions now, so I'd like you
16 to answer as briefly as possible. Regarding the trucks that
17 transported the people who were arrested and tied up, did they
18 belong to Division 502?

19 A. Yes, indeed they belonged to Division 502.

20 Q. How about the drivers of those trucks, were they also from
21 Division 502? And were they working on the airport construction
22 site?

23 A. The drivers also belonged to Division 502. And they were
24 working also on the airport construction site, although I did not
25 know them well.

1 Q. You stated that you worked at the garage. So you saw all those
2 trucks. When you saw the trucks leave the worksite on board which
3 were people from East who were tied up, did you see the trucks
4 return to the construction site? And how long after did you see
5 them return?

6 [09.23.06]

7 A. Sometimes, the trucks returned around 3 or 4 o'clock in the
8 morning. They were large military trucks, although I did not know
9 the specific model of the trucks. And the trucks didn't park at
10 the garage where I worked but they were parked at a garage to the
11 east of the construction site.

12 Q. Very well. Before the OCIJ investigators, in the extract I
13 read out, you said that you had heard that the people from the
14 East were accused of being traitors of Angkar or spies of the KGB
15 or the CIA, and they were sent to Kampong Chhnang to be
16 re-educated. Do you know who decided that they were traitors?

17 A. I only heard the group chief and the unit chief talk about it
18 that the soldiers from the East Zone were accused of being
19 traitors. And I did not know the real reasons for the accusation.

20 Q. On the worksite, were those soldiers from the East Zone who
21 were accused as being traitors, were they considered as normal
22 soldiers or as prisoners?

23 [09.25.01]

24 A. The soldiers from the East Zone, to my observation, only some
25 of them were accused of being traitors, and not all the soldiers

10

1 were accused. And sometimes, the ordinary soldiers were arrested
2 together with their unit chief and were tossed onto the trucks.
3 And they were blindfolded, and I could not recognise them all.

4 MR. PRESIDENT:

5 Counsel Koppe, you have the floor.

6 MR. KOPPE:

7 Thank you, Mr. President. I rose too late to make an objection,
8 so it's now an observation in relation to the question asked by
9 the Prosecution. However, it's not an either-or category. You can
10 be a prisoner but you can still be a soldier at the same time.
11 Soldiers can get punished for all kinds of unlawful activities,
12 of course, also for treason. So the question posed to the witness
13 whether they were either soldiers or prisoners is, I think, an
14 incorrect question. However, it's an observation not an
15 objection, Your Honour.

16 [09.26.33]

17 BY MR. DE WILDE D'ESTMAEL:

18 Very well, you stated that the people from the East were accused
19 of being traitors. Now, I am talking of the group of all the
20 people from the East Zone, not only those who were arrested and
21 put in the trucks. Did you know whether those people from the
22 East Zone were sent to the Kampong Chhnang airport construction
23 site to be re-educated or to be tempered?

24 MR. KEO KIN:

25 A. They were sent to the airport worksite to be tempered. And

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1 later on, some of them were arrested, although I did not know the
2 real reasons for their arrest.

3 Q. Now, you stated that all the arrests, at least those you
4 witnessed, occurred under the supervision of Ta Lvey. Among the
5 cadres present during those arrests, did you see Song -- that is,
6 the supervisor who was with you among the first 10 members of
7 Division 502 who were present? Did Song also witness the arrest?

8 A. No, I did not see Song at the site where the workers were
9 arrested. There were some other military commanders there. They
10 were battalion commanders and regiments commanders, although I
11 did not know their names. And the only person that I knew of the
12 senior position was Lvey.

13 [09.28.44]

14 Q. Among Lvey's messengers and bodyguards, was there a person
15 called Khon alias Kuy?

16 A. Yes, there was. Yes, there was a person by the name of Khon
17 alias Kuy. But at the time those workers were arrested, he was
18 not present at the site, as I did not see him.

19 Q. Do you know whether Khon alias Kuy, apart from being Ta Lvey's
20 messenger, played any role in the surveillance of the workers
21 working at that worksite?

22 A. No. He actually works for the transportation unit. I believe
23 he did not involve in any guarding duties. And later on, he was
24 not trusted by the leadership at the site anymore.

25 Q. Were the guards members of the special unit called the

1 protection unit?

2 A. Yes, there was a protection unit. And previously, it was
3 called a messenger unit.

4 [09.30.50]

5 Q. Regarding the cadres, you said you no longer recall some of
6 their names. Do the following names ring a bell -- Thuok,
7 T-H-U-O-K, Yeng, Y-E-N-G, and Suon, S-U-O-N?

8 A. I knew the individual by the name Yeng. He was in 132 unit.
9 And Punlok (phonetic) and Theng (phonetic) -- Punlok (phonetic)
10 and Seng (phonetic).

11 Q. Unit 132, I imagine was before 1975. Was there such a person
12 in the airport?

13 A. He was in Kampong Chhnang province. He was in the unit there.
14 Kong alias Kuy and I were the ones who constructed a building at
15 that place. I knew this individual.

16 Q. I'd like to quote one last E3/5273, on page 6 Khmer and in
17 French, and page 5 in English. And this is what you said: "There
18 were criticism sessions which had gathered those who did not meet
19 the established quota. And it was said that if after two or three
20 sessions, we were good to be smashed. And indeed I had noticed
21 that people who had been criticised really did disappear. I never
22 witnessed any executions." End of quote.

23 How did you do that they were -- that one was good to be smashed
24 if they hadn't listened after two or three self-criticism
25 sessions?

1 [09.33.32]

2 A. After the criticism and if the person did not deter, he or she
3 would disappear. And the meeting would be called later to advise
4 and warn others not to follow the steps of the individual that
5 disappear. If we did not follow the order by the leadership, we
6 would disappear. So there was criticism session to see whether we
7 could implement our work.

8 Q. If I understand correctly, there were not only disappearances
9 or arrests of people from the East Zone, but there were also
10 purges within 502 Division; is that what you are saying?

11 A. Yes, that is correct. There were purges as well. If someone
12 was affiliated with the former regime, he or she would be purged.
13 And we were under surveillance whether we did not go anywhere
14 freely. We were working at the worksite, we could live with them
15 but we were under watch.

16 Q. About your working conditions now. Did the workers whether
17 from Division 502 or other divisions have any rests or days off?
18 And if that is the case, how many per month?

19 [09.35.32]

20 A. People from Division 502 and as for me, I went to work at 5
21 a.m. in the morning. And we were in our work station and we were
22 working until 11 a.m. in the morning. There were no weekends for
23 us. We had to do our work always.

24 Q. So if I calculate it, you spent at least two and half years
25 there. During that period, were you able to take a leave to visit

1 your family?

2 A. No, I never made a request to visit my family because we were
3 warned not to walk freely. Our core task was to work at the
4 worksite. Again, we were not allowed to walk freely. We were
5 urged to complete our work as soon as possible. I did not have
6 time to visit my family or my parents. My parents had been
7 evacuated to Battambang province. They were living in Battambang
8 province.

9 [09.37.10]

10 Q. Very quickly, I have little time left. On the construction
11 site were the people from various divisions, including those from
12 the East Zone, were they allowed to have discussions or
13 fraternize with other divisions?

14 A. No. We were focussing on our work. We did not have time to
15 discuss with people from the East Zone. Even I was in Division
16 502, I did not have time to discuss with my colleagues from the
17 same division. We did our work until 11 a.m. and by that time, we
18 were allowed to take rest for lunch.

19 Q. You said, about the workers at page 6 of document E3/5273, you
20 said, "I could see people getting sick on the worksite because
21 they did not eat enough or they were working too hard." End of
22 quote.

23 Except people from Division 502, the other soldiers that were on
24 the worksite, did they look in good health, were they built or
25 were they skinny?

1 A. They did not have enough strength to work. But since they were
2 afraid of the leadership, they focussed on their work. We did not
3 have enough food to eat actually. And for my group, we had the
4 food ration that we were given. Although we could not eat our
5 fill, we just bore the situation. And we had to work until the
6 break time.

7 [09.39.52]

8 Q. Do you know if within the other groups that were not part of
9 Division 502, there was more or less food than what you received?

10 A. I have no idea whether they had enough food to eat. As I
11 stated earlier, I did not have freedom to walk freely. I had to
12 work without any days off. And if I were to walk around, I would
13 be accused of communicating with other people.

14 Q. One last question which might concern you a bit more closely.
15 It is about how the vehicles and machines were used and such as
16 the steam rollers. We had a witness yesterday who mentioned that
17 there were suicides of women who would throw themselves under the
18 wheels or under the steam rollers. Other witnesses have mentioned
19 this, such as TCW-866, also mentioned this in document E3/5284,
20 on page four in each of those languages. So that witness said the
21 following: "I heard that people had thrown themselves through the
22 wheels -- under the wheels of vehicles to commit suicide. But I
23 did not know why. It was -- these kinds of suicide happened very
24 often." End of quote. And so you, when you worked at the garage
25 with all these vehicles, did you hear or see these cases of

1 suicide?

2 [09.42.05]

3 MR. PRESIDENT:

4 Mr. Witness, please hold on. Mr. Koppe, you may now proceed.

5 MR. KOPPE:

6 Thank you, Mr. President. If this isn't a classical example of a
7 leading question, I don't know. He could have asked first, does
8 he know anything about suicides, and then maybe confront him
9 afterwards. But not feeding him with other testimony from other
10 witnesses on this subject, and then ask the question. This is --
11 we're not allowed to ask leading questions as I understand,
12 Prosecution is not allowed either.

13 BY MR. DE WILDE D'ESTMAEL:

14 Mr. President, this is a method that Mr. Koppe uses in each of
15 his examinations systematically, so I could perhaps rephrase my
16 question in more neutral fashion.

17 Q. Mr. Witness, did you hear or see suicides on this construction
18 site especially people throwing themselves under the wheels of
19 vehicles?

20 [09.43.11]

21 MR. KOPPE:

22 It is - sorry to interrupt. But he just fed the information
23 already, so the leading question still stands. It doesn't make
24 any sense to pretend to rephrase. He just gave the witness this
25 information. It's leading. True, I sometimes ask leading

17

1 questions but that is in cross-examination. So I don't think this
2 witness can answer this question anymore. So I, again, object.

3 MR. DE WILDE D'ESTMAEL:

4 Mr. President, there is no distinction between examination and
5 cross-examination in this Court. We are not in a common law
6 Court. These are Trial Chamber witnesses; they are not witnesses
7 of the Prosecution or the Defence. There is no cross-examination.
8 And so I would like to be able to ask my question.

9 (Judges deliberate)

10 [09.45.08]

11 MR. PRESIDENT:

12 The Chamber would like to make a decision on this matter. I would
13 like to inform the Parties that there is rule applying before the
14 Chamber that prevents the Parties from asking leading questions.
15 And the Chamber now deny the objection of the Defence Counsel for
16 Mr. Nuon Chea. This question is not a leading one, and the
17 witness can provide response to this last question by the
18 Co-Prosecutor, if you may recall the question.

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. Thank you. And so regardless of what other witnesses may have
21 said, have you, Mr. Witness, heard of such cases of suicide or
22 have you seen? If you haven't seen anything, just tell us.

23 [09.46.16]

24 MR. KEO KIN:

25 A. I never witnessed and I never heard of such incident. I was

1 working in the garage. I was at the garage building it. I was not
2 the driver of steam rollers or of any vehicle. So I stayed in one
3 particular place. I did not see them or hear them.

4 Q. Did you hear of people trying to escape from the construction
5 site of the Kampong Chhnang airfield?

6 A. I did not know about that. I did not hear that people -- some
7 people tried to make an escape. And from my prediction, people at
8 the worksite could not make an escape even they tried to do so. I
9 did not hear people were attempting to escape.

10 [09.47.33]

11 Q. One last thing before I leave the floor to my -- to the
12 Counsel of civil parties. So near the end of the regime, when the
13 Vietnamese got closer to the airport, what did the cadres from
14 Division 502 and the supervisors do? And what was done with the
15 thousands of people who worked on the construction site -- what
16 happened to them? Where did they go? Which way did they go?

17 MR. PRESIDENT:

18 Please wait, Mr. Witness. I see you on your feet, you may now
19 proceed, Mr. Koppe.

20 MR. KOPPE:

21 Thank you very much, Mr. President. I would like to make an
22 observation and subsequently object to this question. According
23 to the final submissions of the Prosecution, paragraph 304 and
24 305, unlawful killings in relation to East Zone cadres happened
25 after 7 January 1979; hence, outside of the temporal jurisdiction

1 of this tribunal. So I'm not sure where the Prosecution is going
2 to, but I think we should all bear in mind that there is a
3 temporal jurisdiction issue as argued by the Prosecution itself
4 in its final submission.

5 [09.49.15]

6 MR. DE WILDE D'ESTMAEL:

7 Mr. President, I'd like to reply. So my question is about
8 December and early January which were still within the temporal
9 jurisdiction. And if it is after 7 January, it is important to
10 know what happened because this gives us an idea on the status of
11 people who may have been killed after 7 January. So within a
12 historical context, it is important to ask such questions even if
13 technically, they are outside of the trial's temporal
14 jurisdiction. So Mr. President, may I ask my question?

15 (Judges deliberate)

16 MR. PRESIDENT:

17 The Chamber deny the objection of Mr. Defence Counsel. This
18 question is within the temporal jurisdiction of the trial, and it
19 is connected to the fact which is being tried before this
20 Chamber. Mr. Witness, you can make a response to the question by
21 the International Deputy Co-Prosecutor. If you may not recall the
22 question, Mr. Co-Prosecutor, you can repeat the question. And in
23 addition to that, the Chamber would like to grant ten more
24 minutes for Mr. Co-Prosecutor because of several objections made
25 by other Party.

1 [09.51.41]

2 BY MR. DE WILDE D'ESTMAEL:

3 Thank you, President. I'll rephrase my question.

4 Q. As the Vietnamese were getting closer to Kampong Chhnang, how
5 did the cadres of Division 502 react? And more to the point, what
6 was done with the thousands of workers from the construction
7 site? Where were they sent at that time?

8 MR. KEO KIN:

9 A. When Vietnamese troops were about to arrive in the country, I
10 saw workers were put in trucks and went eastward. I did not know
11 where workers were sent to. And as for Ta Lvey, I had no idea
12 when he left the place. Because of the situation at that time, I
13 was told to flee the place. I have no idea where soldiers and
14 workers were sent to. Once again, I have no idea when Lvey left
15 the place. Squad units, groups units told me to leave the
16 airfield, so I had to leave.

17 [09.53.17]

18 Q. And later on, did you hear of anything about a supposed
19 massacre of Eastern Zone soldiers at the beginning of 1979, among
20 those who had worked at the Kampong Chhnang airfield construction
21 site?

22 A. I heard people saying this but I did not know. I did not have
23 the first-hand information. I heard people say that people from
24 the East Zone betray Angkar. I only knew that these people were
25 sent out of the airfield. It was said that people from the East

1 Zone betray the leadership. I was fleeing the place, so I did not
2 know where they went to.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you, Mr. Witness, for having answered my questions. I am
5 done with my questions. Thank you, Mr. President.

6 [09.54.29]

7 MR. PRESIDENT:

8 The Chamber gives the floor to Lead Co-Lawyer for Civil Party.
9 You may now proceed.

10 QUESTIONING BY MS. GUIRAUD:

11 Thank you, Mr. President. Good morning to everybody and good
12 morning, Mr. Witness. My name is Marie Guiraud. I am a counsel
13 for the civil parties. And I have some follow-up questions for
14 you. First of all, I would like to ask you some questions about
15 the surveillance that you were under, you and the other workers,
16 and that you raised yesterday and today. And so first, I wanted
17 to ask you if you knew who the drivers were who worked on the
18 construction site. You said that you were responsible for one of
19 the garages. Did you know the drivers who worked on the
20 construction site?

21 [09.55.27]

22 MR. KEO KIN:

23 A. I did not know them because a driver would arrive at the
24 garage at night time and they left early in the morning. I did
25 not know the drivers. Generally speaking, I did not have time to

1 chit chat or to make conversation with all of those people. I did
2 not know all those drivers. Because there were many drivers, I
3 did not know them.

4 Q. Thank you. Do you know a Chan Morn?

5 A. Yes, I know Mr. Chan Morn. Before his name was Pon (phonetic)
6 alias Kuy (phonetic). But I knew an individual by the name Chan
7 Morn. He was in the same unit as mine.

8 [09.56.40]

9 Q. I think you mentioned him this morning. But what did he do,
10 what did Chan Morn alias Kuy do?

11 A. When he was with me, he held no position. But perhaps, later
12 when he was transferred elsewhere, he held any other position, I
13 have no idea. What I know is that he was a driver.

14 Q. Thank you. I will read to you what Mr. Chan Morn said. Now he
15 appeared before you in this hearing room, and I would like to
16 read to you what he said about surveillance on the construction
17 site. On June 9th, he said -- and so this is around 14.39 and
18 this is what he said, and I would like you to react to this. He
19 said, "There were military groups who were patrolling and were
20 guarding. These groups were from the centre, but I don't know
21 exactly where from. They guarded the workers -- they were
22 guarding the workers, they monitored us from these vehicles that
23 they were in. I don't know who they were, but I was told that
24 they were military." This morning, you mentioned the protection
25 unit and I would like to know if these people that Chan Morn has

1 mentioned were the same from this protection unit that you
2 mentioned this morning or if these are different people.

3 [09.58.44]

4 A. When I was in Division 502, the guards from protection units
5 were tasked with protecting security for the Chinese delegation.
6 And these guards or protection unit came from Kampong Chhnang,
7 they were in a vehicle and protected the security for the Chinese
8 delegation.

9 Q. Thank you. That is what we understood as well from Mr. Chan
10 Morn's testimony. Were there soldiers who were patrolling and who
11 were not part of Division 502? Do you remember any of that?

12 A. I do not recall it. As I stated, I was at the garage building
13 the hall in the garage, and I did not go anywhere besides staying
14 in the garage. Perhaps, Chan Morn, he was going somewhere and he
15 knew about it.

16 [10.00.07]

17 Q. Thank you. You said you remained in the garage and so I would
18 like to quote to you what you said to the Co-Investigating
19 Judges. This is in document E3/5273, in French, 00355857; in
20 English, 00290501; and in Khmer, 00282943. People asked you about
21 the working conditions on the construction site of the airfield,
22 then you said the following. You said, 'From 4.30 to 5 a.m.,
23 everyone on the airfield had to go help the people for the
24 transplanting of rice in the rice paddies surrounding the
25 airport.'" Do you remember that?

1 A. Yes, I could recall that question asked. Yes, people woke up
2 in the morning, 5 or 6 a.m., and they started work at that time.

3 Q. How about you yourself, were you one of the people who had to
4 go and assist the people to transplant rice?

5 A. Yes. Everyone went to help. No one was staying in the garage
6 or in any other buildings. Only the cook was allowed to stay at
7 their place. We had to go to help transplant rice seedlings every
8 morning until rice seedlings had been transplanted and then, we
9 stayed at our place.

10 [10.02.25]

11 Q. Can you be more specific, did you transplant rice every
12 morning and then returned to the garage thereafter? Is that your
13 testimony?

14 A. Yes, that's what happened. In the morning, we went to assist
15 those people who worked in the rice field nearby the airfield.
16 And then, we left the rice field to engage in our core task which
17 was our main duty of the day. And that happened mostly on a
18 regular daily basis.

19 Q. Can you explain to the Chamber where exactly you, the workers,
20 at the airport construction site went to transplant rice? Was
21 that far from the airport construction site or close by?

22 A. It was close to the airport worksite, in the village called
23 Pat Lang. And it took us only a minute to reach the rice field.
24 And of course, we lent our hand to those workers doing the rice
25 farming. So for vehicle drivers, usually they left earlier than

1 us.

2 Q. Did the persons you assisted know that you were soldiers?

3 [10.04.27]

4 A. Yes, they did. They knew that we were soldiers and that we
5 were working at the rice field worksite. And allow me to say
6 this, no ordinary villagers or civilians were allowed to enter
7 the premises of the airport worksite.

8 Q. For purpose of clarification, Witness, were the rice paddies
9 on the site of the construction site or elsewhere or outside of
10 it?

11 A. It was outside the airport worksite. And in fact, it was
12 situated to the east of the airport worksite. And some rice
13 fields were to the south of the airport worksite.

14 Q. Did the people you were assisting know that there was an
15 airport construction site close to the rice fields?

16 A. Yes, they did. Although they knew that there was an airport
17 worksite, they didn't dare to come to enter the worksite. And
18 they could only work on the rice field nearby.

19 Q. Thank you. When all the workers left every morning at 4.30
20 a.m. to go and assist the people to transplant rice, were the
21 workers -- that is, the workers from the airport construction
22 site, watched over?

23 A. There were no guards. Actually, we woke one another up and we
24 just went straight to the rice fields.

25 Q. Did you go there on foot, in trucks or by any other means?

1 A. We didn't take any truck; we went on foot. And as I said, the
2 rice fields were not that far from the airport worksite.

3 Q. And to wrap up my questions on this subject, in order to
4 properly understand what you're saying, once they had completed
5 the rice transplanting, did they return to the airport
6 construction site?

7 [10.07.41]

8 A. Yes, indeed. After we assisted them in transplanting the rice,
9 and we finished usually around 5.30 in the morning, we wash our
10 hands and we return to engage in our core duty at the airport
11 construction site. And every day in the morning, even if the
12 transplantation of rice seedlings were not finished, we had to
13 return to the airport worksite to start our core task of the day.

14 Q. Thank you. I would like you to react to what Chan Morn told
15 us. He testified before you and he told us that he had been
16 enlisted in the army at the age of 14. By my reckoning, you were
17 aged about 20 when you arrived at the Kampong Chhnang airport
18 construction site.

19 MR. PRESIDENT:

20 Witness, please wait. And Counsel Koppe, you have the floor.

21 MR. KOPPE:

22 I don't believe that is the actual testimony of the previous
23 witness. He said -- he confirmed that yesterday, that he became a
24 military messenger in 1973. He was born in fifty-four. That would
25 make him 19 when he joined the army.

1 [10.09.23]

2 BY MS. GUIRAUD:

3 To avoid any arguments, I will quote the transcript of 9th of
4 June 2015, 09.18.20. The question that was put to him was, "At
5 what age did you join the revolution? In what year was that?" And
6 the specific question put to him was, "How old were you?" And the
7 witness answered by saying: "I must have been 14. Yes, I was aged
8 14." So I would like to continue the train of my question, Mr.
9 President.

10 Q. The witness told us that he was aged 14 when he joined the
11 army, and you yourself were aged about 20 when you were on the
12 worksite.

13 MR. PRESIDENT:

14 Defence Counsel Koppe, you have the floor.

15 MR. KOPPE:

16 He joined the revolution when he was 14. He became a military
17 when he was 19. Joining a revolution doesn't mean that you'll
18 become a soldier automatically. There's all kinds of other things
19 that you can do as a revolutionary. He became a military when he
20 was 19.

21 [10.10.41]

22 BY MS. GUIRAUD:

23 I will rephrase the question, Mr. President.

24 Q. Witness, did you note the presence of youngsters aged between
25 14 and 18 on the Kampong Chhnang airport construction site?

1 MR. KEO KIN:

2 A. I am unsure on this point. Workers there were of a similar
3 range of age, although I cannot say how old they were exactly.
4 And they were about my peer. But I could not say for sure as to
5 the exact age they were at the time.

6 Q. Were there also women on the worksite? And if yes, were there
7 many women?

8 A. Yes, there were quite a number of them. And most of them were
9 drivers, drivers of earth carrying trucks. And usually, these
10 kinds of trucks travelled in convoys to transport earth.

11 [10.12.18]

12 Q. Thank you. I'll try to use the time left. Before the
13 Co-Investigating Judges, and I'm still talking of document
14 E3/5273, in French, 00355858; in English, 00290502; and in Khmer,
15 00282942; you were talking about people who fell sick. And you
16 told the Co-Prosecutor a while ago this morning, and you again
17 state in your answer that the sick were transported to Kampong
18 Chhnang hospital. Do you confirm that statement?

19 A. Yes, I can recall that. People fell sick due to insufficient
20 food or from over-work. And they were being taken to the
21 hospital. But there were no proper ambulances to take them.
22 Usually, they would be placed into a truck carrying earth. And I
23 can also say that usually, they would be transported to the
24 hospital at around 10.30.

25 [10.14.03]

1 Q. And did the people taken to the hospital return to the
2 worksite to continue working, to the best of your recollection?

3 A. Some of them after their recovery returned to continue working
4 in the worksite. And majority of them did return. I think it
5 depends on the severity of their illness.

6 Q. On the airport construction site, were there any doctors and
7 nurses? And were any medicines available on the airport
8 construction site?

9 A. No, there were no medical doctors or medicine dispensers. If
10 we were not well, we would inform our group chief, and sometimes
11 he would give us some tablets to take, and other times, there
12 were no medicines provided to us.

13 [10.15.24]

14 Q. Can you describe to us where you slept at the time on the
15 worksite?

16 A. I usually slept at a location west of the worksite. And that
17 was the building for trucks and vehicles to park. There was no
18 proper bed. We only slept in that building. And there was no
19 mosquito net as well. So usually, drivers would sleep where their
20 vehicles were parked. And as in my case, I slept in that
21 building.

22 Q. Were there many of you sleeping in the building next to which
23 the trucks were parked?

24 A. Yes, indeed. Usually, about ten of us would sleep on a hammock
25 in the buildings where the vehicles were parked. And as I said,

1 there was no proper bedding or mosquito net. We only slept on a
2 hammock. There was no proper sleeping room or there was no --
3 actually no wall at all for the building where the vehicles were
4 parked.

5 [10.17.10]

6 Q. And at the time, did you know whether there were dormitories
7 for the other soldiers working on the worksite?

8 A. Yes, there were sleeping quarters for other workers as
9 buildings were built to accommodate those workers or
10 worker-soldiers. Because we were part of the transportation unit,
11 we slept at the building where our vehicles were parked. But for
12 the sleeping quarters where other soldiers slept, it was just a
13 plain building; there were no walls.

14 Q. Thank you. At the time, did you know whether the workers slept
15 in different divisions separately or they slept together
16 regardless of their divisions? How was all that organised?

17 [10.18.32]

18 A. No. They did not mix amongst various other groups or units.
19 Usually, they would sleep within their own group or unit. As in
20 my case, I was part of the transportation unit, so we all slept
21 together. And there was no mixture at all of other workers from
22 other units sleeping with us or with another group or unit. And
23 even during the resting time, we would stay within our own
24 respective group or unit, and not to wander around.

25 MS. GUIRAUD:

1 Thank you, Witness. I have run out of time. Thank you, Mr.
2 President.

3 MR. PRESIDENT:

4 It is now convenient to have a short break. We have a break now
5 and return at 20 to 11.00. And Court officer, please assist the
6 witness at the waiting room for witnesses and experts during the
7 break time, and invite him back into the courtroom at 20 to
8 11.00.

9 The Court is now in recess.

10 (Court recesses from 1020H to 1040H)

11 MR. PRESIDENT:

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

13 And before giving the floor to the Defence team, the Chamber
14 would like to make an oral ruling. This morning, the Chamber
15 asked the Parties if they had any observations in relation to the
16 latest change in schedule. The OCP requested that the testimony
17 of the next witness, 2-TCW-932, be postponed until tomorrow's
18 hearing to give them the opportunity to prepare. The other
19 Parties also observed that they would benefit from having
20 additional time to prepare for the witness, and prepare the
21 documents. Considering the very short notice with which the
22 change in schedule was notified to the Parties, the Chamber
23 grants the request, and decides that 2-TCW-932 will be heard
24 starting tomorrow afternoon from 1.30 p.m.

25 I would like to know whether any Judges have questions for this

1 witness. If you have, you may proceed now. Judge Lavergne, you
2 may proceed.

3 [10.43.03]

4 QUESTIONING BY JUDGE LAVERGNE:

5 Q. Thank you, Mr. President. Good morning, Mr. Witness. I indeed
6 have a few questions to ask this morning, to bring some clarity
7 to some of your answers that you've given during your testimony.
8 If I understood correctly, you said this morning that your
9 parents had been evacuated. Is it true to say that your parents
10 were in the region of Kampong Chhnang, and they lived near the
11 airfield construction site?

12 MR. KEO KIN:

13 A. My parents were living about 20 kilometres away from the
14 airfield. They were perhaps evacuated in 1975 or '76. They were
15 transferred to Battambang. They were put in cooperatives. I knew
16 about this from my relatives. So, those who had tendencies with
17 the former regimes were transferred to Battambang.

18 [10.44.41]

19 Q. Those who lived near the construction site, were then -- were
20 those people transferred?

21 A. People living close to the airfield were not transferred
22 elsewhere. They were living about one kilometre away from
23 airfield. There was no evacuation of these people living close to
24 the airfield. And as my parents, because they had been affiliated
25 with the former regime, they were transferred to Battambang

1 province. My family, siblings, my parents, were transferred to
2 the Northwest Zone.

3 Q. I would like to ask you a few questions on the training
4 sessions to which you participated, on issues of military
5 discipline. Do you recall attending training sessions on those
6 topics?

7 A. Yes, I could recall it. During the training -- the trainings
8 were held at Ta Pech (sic) village. And military discipline was
9 discussed in the meetings. We were told to listen to the lines of
10 the Party, and we were prohibited from wandering around. And such
11 military disciplines were discussed. We were instructed to listen
12 to the Party, and we had to comply with the Party's principles.
13 This is what I know, and what I recalled from the meetings.

14 Q. Do you recall the date at which you started participating to
15 such training sessions?

16 [10.47.26]

17 A. I cannot recall the dates. I do not know when the trainings
18 happened. I joined and attended the trainings in Prey Mich
19 village. My squad, unit, instructed me -- instructed us about the
20 military disciplines.

21 Q. You just mentioned the sessions in Prey Mich. I would like to
22 read what you said on that. Could you first tell me though, were
23 those training sessions given before the 17 April victory, or
24 after 17 April 1975?

25 A. The sessions were held before the 17 April. It was before the

1 17 April.

2 [10.48.48]

3 Q. This is what you said in your document E3/5273, in French,
4 page 00355855; English, 00290499; and in Khmer, 00282940 - 41; "I
5 had participated beforehand to training sessions of the Communist
6 Party of Kampuchea in Prey Mich, in Kampong Speu province, which
7 were taught by the unit leader. What was discussed was
8 strengthening the spirit and respecting the Party. The command
9 planned, and no objection whatsoever. They said that anyone who
10 opposed would be smashed, which meant that they would be killed.
11 Before 1975, in my unit, people who did not abide by the
12 discipline were smashed. Were smashed as well, people who were
13 accused of being spies of the KGB or the CIA, or those who had
14 been accused of moral offences. At the time, to smash people,
15 they would blindfold them and then took them to be killed, and
16 then buried them in pits." I would first ask you if you confirm
17 this statement that I just read to you?

18 [10.51.03]

19 A. Yes, I could recall my statement. It is true what I said.

20 Q. Do you remember the name of the squad leader who gave you
21 these instructions? And how many were you to have received such
22 instructions?

23 A. I do not remember it. I do not remember his or her name. And
24 20, perhaps 10 or 20 of us attended the sessions. Two groups were
25 in the sessions. I do not recall my squad chief's name. I do not

1 know his name. I could not recall it.

2 [10.52.03]

3 Q. Was this long before 17 April 1975, or just before that date?

4 A. It was long before that period. Perhaps it was in 1974.

5 Q. Was this shortly after you joined the Khmer Rouge forces, or
6 long after you joined the forces?

7 A. After I joined the Khmer Rouge, I attended the sessions. I
8 became a soldier of the Khmer Rouge in early 1972.

9 Q. You joined the Khmer Rouge in 19 -- or you became a soldier in
10 1972. These sessions started in 1974. Does this mean that there
11 were changes made to the rules of discipline, and that the forces
12 were more and more strict?

13 A. Yes, it became stricter and stricter, and the discipline was
14 stricter.

15 [10.53.59]

16 Q. You said, before 1975 within my squad, those who didn't
17 respect discipline were smashed. Were you an eyewitness to this?
18 Did you see it with your own eyes?

19 A. I did not witness the incident, but my colleagues in the same
20 unit, or squad, witnessed. I was told that those who did not
21 comply with the discipline were smashed.

22 Q. How was morale within your squad? Were you afraid? What did
23 you feel when you heard of this?

24 A. I was afraid and terrified that I would be smashed. Since I
25 was living in that regime, I was afraid and I had to do what I

1 was asked to do. Committing a simply moral offence would be
2 smashed and killed. And if we did not comply and respect the
3 discipline of them, we would be killed and smashed.

4 [10.55.56]

5 Q. You said the smashing at that time was that they blindfolded
6 those people, took them to be killed and buried them in pits. Was
7 it something that you were told, or did you witness any arrests?

8 A. I witnessed the arrests, but I did not know where these people
9 were smashed and killed. I saw the arrests. I did not question
10 where they were sent to. If I had to do so -- if I happened to do
11 so, I would be accused of being related to the former regime.

12 Q. Did you see any soldiers buried in pits?

13 A. I never saw it. I heard -- my colleagues told me that they
14 were buried.

15 [10.57.28]

16 Q. And this happened before 1975? After 17 April 1975, according
17 to you, did the situation improve or did they worsen, especially
18 your feelings of fear? Were you more fearful?

19 A. The situation was becoming worse, and I was so fearful. And
20 the situation was stricter and stricter, and if I did not comply
21 with their instructions, I would be accused of a traitor. So I
22 had to do whatever they wanted me to do.

23 Q. And so, all instructions had to be implemented without any
24 discussion, whatever they were. Is that the truth?

25 A. Yes, that is correct. We could not refuse the instructions.

1 [10.59.07]

2 Q. Do you remember receiving instructions that were criminal in
3 nature?

4 A. No, I never received any instructions which were criminal in
5 nature.

6 Q. I would like, if you will, to discuss your activities at
7 Pochentong airfield. Could you remind us how long you spent in
8 Pochentong airport?

9 A. I came to live in Pochentong airfield in the early part of
10 1976, with my squad. I was there to guard the gates, and I was
11 also asked to clear the grass. Since I was accused of being
12 affiliated with the former regime, I was assigned and transferred
13 to that Pochentong airfield. Ten of us went to that airfield at
14 the first stage, as I told the Court earlier.

15 [11.00.51]

16 Q. Before being sent to Pochentong airport, where were you
17 assigned, and what functions did you have? Were you still a
18 messenger? And as a messenger, where were you located?

19 A. Before then, I was staying at a flat at the corner of the
20 Pochentong airport. I was guarding the warehouse, and I knew one
21 individual by the name Meng. He had been accused of being
22 affiliated with the former regime, and afterward I did not know
23 where he went to.

24 Q. Were you a messenger or a bodyguard for Lvey?

25 [11.01.58]

1 A. I used to be a messenger, for a period of one year. After
2 which, since I had been accused of being affiliated with the
3 former regime, and since it was said that my father had been a
4 former official in the Lon Nol regime, I was transferred to the
5 airfield, and they stopped my position as the messenger. I was
6 away from Lvey at that time.

7 Q. When you were with Lvey, did you go to meetings with him? Do
8 you know if Lvey met leaders, any leaders?

9 A. What I know is that he went to meet the governor of the
10 province, but at that time I was staying outside the meeting
11 venue. I was not in the meeting. I have no idea what was
12 discussed in the meeting.

13 [11.03.36]

14 Q. Who exactly did he meet? Which governor of which province did
15 he meet?

16 A. He had a meeting with Saroun (phonetic), who was the Kampong
17 Chhnang provincial governor. And he would meet with the governor
18 every one or two months. I only accompanied him to the office,
19 but I stayed outside and I did not attend the meeting.

20 Q. Did you accompany Lvey when he went out to visit the Kampong
21 Chhnang airport construction site?

22 A. No, I did not accompany him to the worksite, because by that
23 time I was not allowed to work close to him. There were other
24 people who accompanied him. But usually he did not go to visit
25 the worksite. He usually remained in his office. And I personally

1 did not know much about the visits by the leadership, as I merely
2 stayed at the building I worked in.

3 [11.05.27]

4 Q. While you were at Pochentong airport, did you see any leaders
5 or officials from abroad visit the airport? And if yes, who
6 exactly?

7 A. No, I did not see it, as I stood guard at the east of the
8 airport site. However, once in a while, I would saw a plane
9 arrival, and I did not know who were on the plane as I did not
10 stay near it.

11 Q. And you never heard any of your colleagues talk about such
12 visits? You never heard any of them discussing such?

13 A. No, I did not. They did not discuss about any visits by any
14 delegation.

15 Q. I have two questions regarding working conditions at the
16 Kampong Chhnang airport construction site. You talked about
17 working hours. My first question is whether you knew that some
18 workers worked at the airport construction site at night?

19 A. Yes, indeed there were many workers who worked at night, and
20 they only stopped at 10.30 p.m. And the night activities was
21 regular. And usually they would resume the night work at 7 p.m.
22 and stopped at 10.30.

23 Q. What kind of work was done at night? And was the worksite lit?

24 [11.08.15]

25 A. Yes, and at that time, machineries were also used. For

1 example, the saw, compression rollers, and other machineries. And
2 workers were instructed to carefully screen any remaining roots
3 on the ground. And I also saw earth-carrying trucks working at
4 night. And they continued the activity until 10.30 into the
5 night.

6 Q. Where did the workers get the water they needed to use on the
7 airport construction site? According to you, was the water good
8 for drinking?

9 A. No, the water was not a clean drinking water. The water was
10 transported in, in a big tank. And the water from the tank itself
11 was also used to loosen the roots of trees and other grass on the
12 ground, so that workers could clean or clear the land.

13 [11.10.03]

14 Q. Were there any toilets in which the workers could ease
15 themselves?

16 A. No, there was neither toilet nor proper bathroom. And people
17 had to relieve themselves in the nearby forest.

18 Q. Were there any mosquitoes? And did some people fall sick of
19 malaria?

20 A. Yes, there were cases of malaria, as people did not have
21 mosquito nets to sleep in.

22 Q. Can you describe to us the most frequent symptoms that could
23 be observed among the sick?

24 A. The common symptoms were fever. And it also happened in my
25 unit members. Usually, they had high temperature and fever, and

1 there were no medical staff on site. And people who were
2 seriously ill were sent to a hospital, but on the worksite there
3 was no medical staff, and rarely any medicine was given to the
4 sick people.

5 Q. Did some of the workers have swollen body parts or limbs? And
6 did some of them suffer from diarrhoea?

7 A. Yes, there were cases of swollen limbs, of high temperature
8 and fever. The latter was the common symptom. And it happened in
9 almost every unit.

10 [11.13.01]

11 Q. Did you see or hear about workers who died of exhaustion on
12 the worksite?

13 A. No, I did not witness that. However, I witnessed workers who
14 were hit by rock fragments from the explosion, and they died on
15 the spot. But I could only tell you from what I saw, from the
16 location that I worked, as we were not allowed to wander around.

17 Q. Apart from workers who were hit by rock fragments when rocks
18 were blasted, did you see or hear of other types of accidents?

19 A. No, I did not. And I did not hear about any other kinds of
20 accidents on site.

21 Q. A while ago, when we talked about discipline, you referred to
22 the kinds of sanctions or punishments imposed on people who were
23 guilty of moral misconduct. Can you clarify what you mean by
24 moral misconduct?

25 [11.15.10]

1 A. Moral misconduct meant people having sexual intercourse
2 illegally, or out of the marital status.

3 Q. If anyone were caught eating something he or she had taken or
4 stolen, was that considered as a crim, an act of moral
5 misconduct?

6 A. Yes, that was an offence. If someone was caught stealing, he
7 or she would be accused of violating the discipline.

8 Q. You also talked about people who are accused of being members
9 of the CIA or the KGB. Can you tell us what you understood the
10 CIA or the KGB to mean?

11 A. To my understanding, KGB or CIA agents are those infiltrated
12 as spies. That's what we were told. It means that they worked for
13 this or that organisation. Although, in fact, none worked for any
14 other agencies, but they were accused anyway. And sometimes, they
15 were also accused of being agents for the Vietnamese, and they
16 had been arrested and smashed. And at that time, it would be even
17 considered an offence when we simply talked to one another. We
18 would be criticised for that.

19 Q. When they talked of spying for the CIA, for whom exactly were
20 those people considered to be spying for? What is the CIA?

21 A. Those who were accused of being CIA agents, means they were
22 accused of working for the United States of America.

23 [11.18.39]

24 Q. How about the agents of the KGB?

25 A. For the KGB agents, they were accused of working for the

1 Vietnamese. That's what we were told.

2 Q. Were people accused of being agents of both the CIA and the
3 KGB? Or they were accused of being agents of either the CIA or
4 the KGB?

5 A. After people were accused, they would be arrested. And the
6 people who were arrested were not aware of any offence that they
7 had committed. They knew nothing at all about what a KGB or a CIA
8 agent was. Once a person was accused, the person would not be
9 spared.

10 Q. Did you know at the time when people were arrested, that the
11 charges made against them were unfounded?

12 [11.20.31]

13 A. Yes, indeed. But how could we tell them so? We were only a
14 small fish, and we could not do anything. And the accusation came
15 from the upper level. And we simply heard about the accusation of
16 someone being a KGB or CIA agent or spy. And most of the
17 accusations focused on being a CIA or KGB agent.

18 Q. Mr. Witness, were you asked to write your biography? Were
19 people frequently asked to write their biographies?

20 A. It was the group chief who made our biography. And in other
21 cases, the chief did not ask us about our personal background.
22 They would actually enquire about our background at our native
23 village. Or they asked our former neighbours about our previous
24 role or position. And as in my case, they made enquiries
25 somewhere, and later on they knew that I had a tendency with the

1 former regime, and they removed, or they withdrew, their
2 confidence in me.

3 Q. You have often used the word "confidence" or "trust", sir. At
4 the time, were there any of your colleagues, or other people, who
5 could enjoy your full and unalloyed confidence?

6 [11.23.03]

7 A. No, there was no such case. No one was fully trusted by the
8 leadership, because more or less, people would speak to one
9 another about this or that. And that was the case that we would
10 risk being accused of having a tendency.

11 Q. I am not talking about leaders, Sir. I am talking about you
12 yourselves. Could you trust your colleagues? Or you were always
13 afraid that such trust could have certain consequences?

14 A. That is the case. We didn't dare to speak truly to anyone,
15 despite how close we were to that person, as we were afraid that
16 later on, we would face negative consequences from what we had
17 spoken earlier to that person, and that would expose ourselves to
18 being arrested.

19 Q. Within the various units, were there people who were tasked
20 with spying on the workers?

21 [11.25.00]

22 A. I think there were, although I did not know which workers were
23 assigned to do the monitoring of the activities of other workers.
24 We were in the dark. We didn't know who was who. And maybe such
25 an organisation was done through the group chief.

1 Q. Do you know whether denouncing some workers could secure, for
2 the people denouncing, some advantages?

3 A. Just to tell you the truth, we did not dare say anything in
4 this regard. We didn't dare to say about the good or the bad
5 things at all, and it is up to them to assess our work
6 performance.

7 Q. While you were at the Kampong Chhnang airport construction
8 site, did you hear of S21 or other security centres?

9 A. I only heard of S21, but I did not hear of any other security
10 offices, and only during the current regime that I know that S21
11 was a prison.

12 Q. Did you have a chance to visit the premises of S21, or have
13 you had a chance to visit those premises since then?

14 A. No, I haven't made any visit to that premises.

15 [11.27.55]

16 JUDGE LAVERGNE:

17 Thank you very much, Mr. Witness. I have no further questions for
18 you.

19 MR. PRESIDENT:

20 Thank you. It is now time for us to take a lunch break. We'll
21 take a break and resume at 1.30 this afternoon.

22 And Court officer, please assist the witness during the break
23 time, and invite him back into the courtroom at 1.30 this
24 afternoon.

25 Security personnel, you are instructed to take Khieu Samphan to

1 the waiting room downstairs, and have him return to attend the
2 proceedings this afternoon before 1.30.

3 The Court is now in recess.

4 (Court recesses from 1128H to 1330H)

5 MR. PRESIDENT:

6 Please be seated.

7 The Court is back in session and the floor is given to the
8 defence teams for the Accused, and first, you may now proceed,
9 defence team for Mr. Nuon Chea.

10 QUESTIONING BY MR. KOPPE:

11 Thank you, Mr. President. Good afternoon, Your Honours. Good
12 afternoon, Mr. Witness.

13 Q. I have some questions for you. Earlier this morning you
14 testified that you joined military forces in 1973 to fight the
15 forces of Lon Nol. Did you join in 1973 because of a call from
16 late King Father Sihanouk to join the forces or was it another
17 reason that made you join at the time?

18 MR. KEO KIN:

19 A. There was a call in various villages to join forces in order
20 to save Samdech Euv, and at that time Bong Lvey asked me to go
21 with him.

22 Q. And the forces that you joined in 1973, were they called the
23 Khmer Rouge Forces or were they called the Cambodian People's
24 National Liberation Armed Forces?

25 A. It was called Khmer Rouge Force by some and some others called

1 Cambodian People's National Liberation Forces.

2 [13.33.00]

3 Q. And when you joined in 1973, did you get a military training,
4 did they teach you how to use guns, how to ambush the enemy, all
5 kinds of things like this?

6 A. I was trained how to hold rifles and gun, but a very brief
7 training.

8 Q. How long did your training last?

9 A. It was perhaps three days training.

10 Q. Did you ever engage in active combat between '73 and 17 April
11 '75, did you actually shoot your rifle at enemy forces?

12 A. Yes. I used to be in the battlefield in Kampong Chhnang. It
13 was called Tuol Liep (phonetic) battlefield. I was engaged in
14 that Tuol Liep (phonetic) battlefield.

15 [13.34.41]

16 Q. Did you get wounded, or did your comrades get wounded?

17 A. Some were wounded and some were dead.

18 Q. And how about yourself, did you get wounded?

19 A. No. I was not injured at the time. I suffered from an injury
20 after 1979.

21 Q. When you were engaged in fighting, in combat between '73 and
22 April '75, did you sometimes work at night?

23 A. Yes, and since I was young at that time I was not actively
24 engaged at night-time and only my senior colleague who was
25 actively engaged in the work were allowed to work mostly at

1 night.

2 Q. Do you remember in those years that you were actively engaged
3 in combat, how much food you had per day, how much rice did you
4 eat per day, you and your comrades?

5 A. I could not recall it. It happened long time ago. I did not
6 know about -- I did not recall about the food ration.

7 [13.36.47]

8 Q. I understand. Did you or comrades in the forces suffer from
9 malaria?

10 A. Yes, many of us suffered from malaria and many of us got
11 malaria at different occasions.

12 Q. When you were fighting, when you were in combat, did you have
13 proper bathrooms?

14 A. No. We had our own water container with us, no toilet and
15 there were no proper eating place as well.

16 Q. Did you or your comrades sometimes suffer from diarrhoea?

17 A. Yes. Diarrhoea and dysentery, a few of them, or some of them
18 got diarrhoea and dysentery.

19 Q. Did you or maybe some of your comrades get injured because of
20 accidents?

21 A. Some cadres suffered injuries and as for myself, I did not get
22 any injuries. I was asked mostly to go and collect rice for
23 soldiers.

24 [13.38.52]

25 Q. Thank you, Mr. Witness. Let me now turn to the period after

1 1975. The division that you worked in as a soldier was turned
2 into Division 502. Do you know why it was this division that
3 became responsible for, or constituted the air force of
4 Revolutionary Army of Kampuchea? Why was it 502 that became the
5 air force?

6 A. I do not know. I have no idea, the responsibility of 502.

7 Q. Let us now turn to February-March 1976 or the period in time
8 that you said you left for Kampong Chhnang airfield, you were a
9 member of Division 502. Do you remember in which squad, which
10 group, which platoon, which company, which battalion, you were
11 in, do you remember the numbers of these respective units?

12 A. I cannot remember all of them.

13 Q. Were you maybe in Regiment 51 or were you in Regiment 53, or
14 were you in Battalion 503, or Battalion 504, or were you at
15 division office, do you remember where you were in this division?

16 A. I knew only 130 and 132; as for 51, 52, I have no idea.

17 [13.41.20]

18 Q. I understand. From your testimony I understood that Lvey,
19 Commander Lvey send you on a mission to Kampong Chhnang airfield
20 in about February or March but you also said that people within
21 your division were thinking that you had, what you called
22 "tendencies". Can you explain to me how it was possible at a time
23 that, on the one hand people were saying that you had tendencies,
24 but on the other hand Commander Lvey picked you and apparently
25 nine others to do the preparatory work at the Kampong Chhnang

1 airfield?

2 A. It was said that I had tendencies; that is why I was
3 transferred elsewhere away from Lvey. I was removed from my squad
4 and the workers in the garage worked full day at that time, and
5 it was like the place that they were re-educated and refashioned
6 and I was transferred into that garage squad.

7 [13.43.07]

8 Q. I understand, but I think you also testified that you belonged
9 to an advance group of 10 cadres joined by Chinese advisors to
10 start preliminary work on a very secretive airfield. Can you
11 reconcile the two: one, you having tendencies; and two, this
12 apparent secret mission to start building the airport?

13 A. I have no idea on this point. I noticed that those who were
14 affiliated with the former regime were sent out and they
15 underwent hard labour afterwards. They were removed from the
16 office or squads. It was like we were refashioned after they
17 found out that we were affiliated with the former regime and we
18 were told to well behave. I was afraid that I would be arrested
19 at that time so I tried to work very hard.

20 Q. I'm having difficulty to understand your testimony. You were
21 sent to Kampong Chhnang airfield in February-March '76 together
22 with nine or 10 other people only with Chinese advisors, then
23 subsequently you were working at the garage, that doesn't really
24 sound like refashioning to me, it sounds more like you were
25 instructed as a soldier to do necessary military work; or am I

1 wrong?

2 A. The place where I worked could be compared to the engineering
3 squad nowadays.

4 [13.45.42]

5 Q. Exactly. So why do you call it refashioning? I don't
6 understand.

7 A. The reason I stated that because I was told to work full day
8 every day. Before I was working in a more relaxed team and group
9 and now I was moved and transferred to the squad that I had to
10 work full day every day and when I was moved to the garage squad,
11 the food ration was not like before. I did not have enough food.

12 Q. The Revolutionary Army of Kampuchea was formed, I believe, in
13 the summer of 1975, the rainy season '75. What was the task of
14 the Revolutionary Army of Kampuchea to which Division 502
15 belonged? What were the two tasks of every soldier within the
16 Revolutionary Army?

17 A. Some were tasks with protection and some were tasks with
18 construction work and some other would be assigned to dig the
19 canals or to work in the field, and as I stated, some groups were
20 asked to work in the construction team. So, these are the tasks
21 and duties of the soldiers.

22 [13.47.51]

23 Q. Thank you for that answer. And doesn't the work at Kampong
24 Chhnang airfield done by the soldiers fit exactly in the task of
25 the Revolutionary Army which is to defend and build up the

1 country?

2 A. I have no idea. I only noticed that soldiers were called into
3 that worksite. Many soldiers were called into work there and we
4 did the work according to their call or their instructions.

5 Q. I understand, Mr. Witness. Earlier this morning you used the
6 word when you were describing tasks of the army. You used the
7 word "core task", the work done by soldiers in '76, to begin
8 with. Wasn't that the core task of Division 502, building up an
9 airport in order to defend the country?

10 A. I have no idea whether their tasks was to defend and protect
11 the country. We were told to be engaged in the construction and
12 we complied with the instruction and I have no idea about the
13 thing that you stated.

14 [13.49.48]

15 Q. I understand, Mr. Witness. Before I ask you a few questions on
16 -- about the conditions on Kampong Chhnang airfield, I would like
17 to ask you some other questions. I believe after liberation you
18 were also stationed at Pochentong Airport. Were you able to see,
19 in that period in time you belonging to the air force division of
20 which military planes or helicopters of the air force of
21 Democratic Kampuchea consisted of, how many helicopters, how many
22 planes did Division 502 have?

23 A. I do not know, I cannot recall it. I did not dare to go inside
24 and have a look. Only those who were tasked with specific
25 assignment could go into that place. I was guarding, I was

1 staying east of the airport and I would see airplanes every
2 two-day or every fortnight and I did not see airplanes everyday
3 Q. I understand you were not allowed to go into hangars but is it
4 fair to say that the air force of Democratic Kampuchea in '75-'76
5 consisted very few dragon fly helicopters and one or two very old
6 propeller American planes, would that be a fair summary?

7 MR. PRESIDENT:

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

10 [13.52.05]

11 MR. DE WILDE D'ESTMAEL:

12 Yes, thank you, Mr. President. This is a very suggestive question
13 here that introduces evidences and we don't know where it comes
14 from, there's no mention of documents, there are no references,
15 nothing that allows us to give objective value to what Counsel
16 Koppe is sharing with us. So if he wishes to refer to documents,
17 he should do so before putting these questions to the witness.
18 Thank you.

19 BY MR. KOPPE:

20 It's not a very important question but the information comes from
21 a document that the Prosecution itself uploaded on the interface
22 so -- but I'll move on.

23 Q. One other question that I have to you, Mr. Witness, is also
24 relating to situation that Division 502 might have been dealing
25 with. Have you heard in February-March '76 anything about bombing

1 by jet fighter planes of Siem Reap, bombing that occurred on 26
2 February 1976?

3 MR. KEO KIN:

4 A. I did not know. I never heard of it. I never heard people
5 saying about this incident.

6 [13.53.46]

7 Q. I was asking you because you said you were close to Deputy
8 Commander Lvey, you don't remember him saying anything about this
9 or hear something on the radio, Radio Phnom Penh saying something
10 about bombing of Siem Reap?

11 A. No. I never heard of it.

12 Q. Have you heard of grenades being thrown at the Royal Palace at
13 around the same time, February-March 1976?

14 A. No, I did not know. I never heard of it. People did not
15 mention about this and there were no broadcast. It was quiet
16 silent at that time.

17 Q. I understand. Now moving on to the Kampong Chhnang airfield,
18 you said that you were one of the first cadres from 502 to arrive
19 at the scene. Is it correct that in Kampong Chhnang, in the
20 surroundings there was also an airstrip already built, built by
21 the Americans that was subsequently used by Division 502, or do
22 you know nothing about an airstrip which was built by American
23 forces earlier?

24 A. I heard it was located in the west of Kampong Chhnang new
25 airfield.

1 [13.56.02]

2 Q. How far west was it, how far from the ultimate location of
3 Kampong Chhnang airfield?

4 A. It was perhaps 10 kilometres away from Kampong Chhnang Airport
5 construction site, perhaps 20 kilometres away from my estimate.

6 Q. So it wasn't used at all by Division 502; is that correct?

7 A. No, it was not used. The old strip was not used and they
8 planned to use the new strip but the new strip had not been
9 completely built.

10 Q. Thank you, Mr. Witness. Now moving on to your work at the
11 airfield, you said that your work consisted mostly of taking care
12 of the vehicles in the garage. Am I too simple now in my summary
13 or is that basically the task that you were doing?

14 A. I did not know how to repair anything other than building the
15 garage. I did not know how to repair the vehicle; I was engaged
16 in building the garage hall. It was another squad who was in
17 charge of repairing vehicles.

18 [13.58.12]

19 Q. And were you also a driver or were you only involved in
20 building the garage?

21 A. No, I could not drive a vehicle. I was there to repair the
22 garage not the vehicles. I was there to mend, to renovate the
23 garage, and again, I did not know how to repair the vehicle.

24 Q. I understand. Maybe you gave testimony to this but I'm not 100
25 per cent sure if I heard it. Was this the main task of you, being

1 in the garage, building the garage, or were there other jobs that
2 you did subsequently before '79 or was this the main focus, was
3 the main element of your work?

4 A. After I was told to build and repair the garage I was then
5 told to go and grow vegetables. We did the construction during
6 the day time, perhaps in the morning and in the afternoon we had
7 to go to grow vegetables.

8 Q. But working in the garage and growing vegetables, was that all
9 you did until the Vietnamese came?

10 A. I did these two assignments until the Vietnamese came into the
11 country and at that time we fled and we parted each other.

12 [14.00.34]

13 Q. I understand. Now Mr. Witness, can you explain to me why your
14 working conditions at the airfield were so much tougher than when
15 you were in combat, when your comrades died and you were living
16 under harsh conditions, why is it so much worse apparently after
17 May -- or March-April '76, can you explain that to me?

18 A. The work became more difficult because I was told to work day
19 and night and disciplines were becoming stricter and stricter,
20 much work that we had to do and four or 10 of us needed to
21 complete the tasks that we were asked to do and if we could not
22 complete, we would be reprimanded.

23 Q. What complete, exactly what you were repairing garage and you
24 were growing vegetables, what were your quota, what exactly did
25 you have to do that made it so hard?

1 A. The work was difficult as I told you sometimes I could not
2 finish the work or to meet the deadline as they requested and I
3 didn't have enough break time; sometimes I only had an hour break
4 time and I had to resume at 7.00 p.m.

5 [14.02.56]

6 Q, But you were a revolutionary soldier, Mr. Witness, building
7 and defending the country. Surely not having an hour break is not
8 that bad. I didn't hear your answer, you said yes; is that
9 correct?

10 A. Yes.

11 JUDGE FENZ:

12 Just a second, please.

13 MR. PRESIDENT:

14 Counsel Koppe, please wait.

15 (Judge deliberate)

16 [14.06.04]

17 MR. PRESIDENT:

18 Judge Claudia Fenz, you have the floor.

19 JUDGE FENZ:

20 As Counsel well knows, the question is based on the
21 misrepresentation of fact, the witness didn't say the only reason
22 why it was difficult is because he didn't have one hour break, so
23 we advise the witness not to answer and the question and its
24 tenancy was inappropriate.

25 MR. KOPPE:

1 And why is that, Judge Fenz?

2 JUDGE FENZ:

3 You know why.

4 MR. KOPPE:

5 No, I don't. Explain to me, please.

6 JUDGE FENZ:

7 I am happy to re-read; frankly, for me you sounded as if you were
8 a person from that time, reminding the witness, threatening the
9 witness, reminding the witness, of his obligations. There are
10 other ways to put a question.

11 [14.07.10]

12 BY MR. KOPPE:

13 I should not say what I want to say now.

14 Q. I'll move on, Mr. Witness. The other cadres from Division 502
15 who started working in '76 at the airfield, were they -- let me
16 first ask the question. How many cadres of 502 started working at
17 the airfield? Were there hundreds, were there thousands of
18 Division 502 working at the airfield?

19 MR. KEO KIN:

20 A. I do not know the total number. I had no idea at all as some
21 had been transferred to work at the airport worksite while others
22 were transferred to work at the provincial town of Kampong
23 Chhnang. So I cannot tell you the total number of cadres or the
24 total number of soldiers from the division.

25 Q. But were most soldiers who came to work in the early months

1 after February–March '76, did they belong to Division 502?

2 MR. PRESIDENT:

3 Mr. Witness, please wait, and the International Deputy
4 Co-Prosecutor, you have the floor.

5 [14.08.52]

6 MR. DE WILDE D'ESTMAEL:

7 Thank you. I think it's a bit of an ambiguous question, bit too
8 general and does not take into account the various phases of
9 arrival of workers and soldiers on to the site. Is it right after
10 his arrival? I can understand, but if counsel is – or, rather, if
11 he is referring to militaries from other divisions, then I don't
12 believe the question is precise enough and there may be some
13 doubt in the witness's mind as to the scope of your question.

14 BY MR. KOPPE:

15 I'll rephrase.

16 Q. Mr. Witness, the first six months after your arrival, how many
17 cadres were roughly working, and were they mostly from Division
18 502?

19 MR. KEO KIN:

20 A. Initially, there were about 10 of us or a bit – about 10 to 20
21 soldiers, but I did not know everyone. So, the figure is between
22 10 to 15 or to 20.

23 [14.10.22]

24 Q. But I'm now referring to the moment when there were many
25 soldiers arriving at the airfield -- 500 or 1000 -- when did that

60

1 happen? Was that in the first six months after your arrival or,
2 can you tell us something about the build-up of forces working at
3 the airfield?

4 A. I think the number between 1976 to '77 increased to about 1000
5 workers, but I cannot tell you the exact figure. This is just my
6 estimate as various units worked at various locations, some
7 worked at the far end of the airfield worksite. So I cannot say
8 whether my estimate is correct.

9 Q. And these 1000 soldiers were they mainly from Division 502 or
10 did they also come from other divisions?

11 A. Most of the workers came from that division or from the East
12 Zone or from other zones since I did not know exactly which zones
13 they came from; however, the airfield worksite was full of worker
14 soldiers and only when I came to the worksite then I realised
15 that there were many workers on site.

16 [14.12.49]

17 Q. Let's concentrate on the soldiers from Division 502 between
18 the moment that you came and '77. Were they, do you know,
19 assigned to work there because of them belonging to the air force
20 division or, like yourself -- or were they there working for
21 other reasons?

22 A. Not all soldiers came from the air force; many of them came
23 from various other zones or from various districts and some
24 soldiers -- like myself -- who were familiar with the geography
25 of the terrain were assigned to work at the airfield worksite as

1 well.

2 Q. But do you know whether these forces comprising of 1000
3 soldiers were sent to work at Kampong Chhnang airfield because of
4 their military work, because that was part of their military duty
5 or were they sent there for some punishment reasons?

6 A. To my understanding, some soldiers were sent to work there as
7 part of their military duties while others were there when they
8 were being disciplined and they were sent there for refashioning.

9 [14.15.02]

10 Q. Now let's focus on that last group, can you give me any
11 example of some soldiers from one zone or another zone that was
12 working in that first year because he was being refashioned? Do
13 you remember the name, do you remember the reason, what can you
14 tell us?

15 A. I do not recall any; I only knew that they were sent from
16 various zones, mostly from the East Zone and some were sent from
17 the Southwest Zone or from the West Zone.

18 Q. But I presume that those thousand soldiers from the various
19 zones you were speaking about in that first year were all doing
20 maybe the same work at the airfield. Which ones were there
21 because of refashioning reasons and how were you able to tell
22 that that was the reason that they were there?

23 A. I learnt that most of the soldiers sent from the East Zone
24 were those who were sent for refashioning as I observed that they
25 were the target group for the arrest.

1 [14.16.57]

2 Q. Let's talk about these East Zone soldiers. When was it that
3 they were coming to the airfield because of refashioning reasons?
4 Was that '76 or was that '77 or maybe even only in '78?

5 A. It is about 1977 when they arrived.

6 Q. Was it the end of '77; could that be?

7 A. No, not towards the end of '77; it happened in early or
8 mid-1977, but I cannot say that is the exact month of arrival.

9 Q. I understand. Let's then speak about the forces that you saw
10 working at the airfield in the second half of 1976. How could you
11 establish that any of the soldiers working at the airfield in
12 1976 were there because of refashioning reasons?

13 A. I know that during the period of 1977, workers were instructed
14 to work much harder than the work they previously engaged in and
15 sometimes the food was barely enough for us and they had to
16 concentrate on their work and sometimes there was not even a
17 break time during the working hours.

18 [14.19.27]

19 Q. I was asking you, Mr. Witness, about 1976, so that was the
20 before the time you said East Zone soldiers came to Kampong
21 Chhnang because of refashioning reasons. Were you able to make
22 any observation in 1976 as to refashioning reasons for soldiers
23 to be there, to work there?

24 A. I observed that soldiers were not allowed to wander freely and
25 the food ration was rather restricted as well, so there was no

1 liberty at all in going here or there and even for a quick bath,
2 we were not allowed to take a long bath at all. Our freedom was
3 very limited when we were there.

4 Q. This morning you testified that you were allowed to leave the
5 airfield and work at the rice fields of the villagers. How does
6 that correspond with what you just said? I withdraw the question.

7 Mr. Witness, in 1976, do you know how many thangs of rice each
8 soldier was awarded, or was given?

9 A. No, we were not given rice or unhusked rice individually, not
10 at all.

11 [14.22.04]

12 Q. Do you know whether the amount of rice that was given to you
13 in 1976 was the same as each of the five or six thousand members
14 of Division 502? Let me rephrase.

15 Was there a difference within Division 502 between certain
16 soldiers of certain squads or platoons or was everyone, to your
17 knowledge, within Division 502 getting the same amount of rice?

18 A. I do not have a clue about that. In fact the ration was given
19 to the group as a whole and not to an individual soldier and we
20 cooked and ate communally together in the group, and sometimes we
21 had gruel and I could not say about the food ration for other
22 groups or units.

23 Q. But do you know if there was any distinction between the
24 various platoons or groups or companies within Division 502 or
25 was everybody in that division getting the same amount of rice

1 per day?

2 A. I am not sure on this point; I do not know whether the food
3 ration was distributed equally across the units. It was the group
4 chief who went to receive the rice for the group.

5 [14.24.16]

6 Q. I understand, but did the group chief or the platoon chief or
7 the company chief or the battalion chief ever say that your unit
8 had less food than other units?

9 A. Yes, I heard about that but I simply did not know how much
10 rice that other units received because we stayed at our separate
11 quarters.

12 Q. So you only can say something about the food within your unit
13 that was stationed at the garage; is that correct?

14 A. Yes, that is true, I only about what happened at the building
15 where my group stayed.

16 Q. Did you ever hear from your group unit chief or your group
17 chief or your unit chief or anybody else within your division
18 about armed clashes in the East Zone between East Zone forces and
19 Central forces?

20 A. No, I did not. I did not hear anything of that nature from my
21 group chief or unit chief.

22 Q. Did you hear in 1978 anything about an uprising of forces in
23 the East Zone, or a rebellion of East Zone forces?

24 A. No. I was not aware of that. I only heard that there was a
25 rebellion by factory workers but I did not hear any rebellion by

1 soldiers and I heard about the rebellion by the factory workers
2 by the member of my group.

3 [14.27.08]

4 Q. Did you ever hear about tens of thousands of Khmer Rouge
5 soldiers dying in combat in 1978, mid-'78 fighting Vietnamese
6 forces?

7 A. No, I did not hear about that. Nobody told me about that.

8 Q. Did you ever hear about East Zone soldiers being considered as
9 prisoners of war?

10 A. Yes, I heard people say that and, as I said, I heard about
11 this from members of my group.

12 Q. What is it exactly that you heard about this?

13 A. I heard members of my group say about that event and I only
14 listened to what they said.

15 Q. But do you remember what it was that they said to you?

16 A. I cannot recall it.

17 [14.29.02]

18 Q. Do you remember the names of – rather, the numbers of the
19 various divisions in Democratic Kampuchea within the
20 Revolutionary Army? Do you know, for instance, the number of the
21 division of East Zone soldiers? You were belonging to 502, what
22 was the number of East Zone forces?

23 A. I do not have a clue about that.

24 Q. Do you remember any number of a division coming from other
25 zones?

1 A. I cannot recall it.

2 Q. What can you tell us about the number of Chinese advisors
3 working at the airfield, how many were there at the beginning and
4 how many were there at the end?

5 A. I do not know later on how many Chinese were there on site, I
6 only knew at the beginning that there were about 10 Chinese
7 technical advisors who conducted a terrain survey or measurement
8 and who drew the sketch of the airport project. However, there
9 were other Chinese working in various other sections; for
10 example, there were Chinese working for the steam roller section
11 or for other heavy machinery sections.

12 [14.31.16]

13 Q. Did you ever hear the number of 6,000 military Chinese
14 advisors? I withdraw the question.

15 Mr. Witness, you said at one point in time that there were
16 soldiers surveilling, what was the exact reason for these
17 soldiers to surveil, was it because of external security or was
18 it because of internal security reasons?

19 A. I made some observations on their activities but I didn't
20 know much about the nature of their work and while they were
21 working, there were also some security forces who were posting
22 near where they were working and I only knew well about the
23 nature of my work -- that is, working at the garage.

24 Q. Is it correct that if I say that the building of this airfield
25 was a highly secretive operation, nobody was supposed to know?

1 A. The thing is, no one who was not authorised could enter the
2 premises of the worksite so I could draw a conclusion that it was
3 a secretive project. Ordinary civilians were not allowed to
4 trespass the area at all.

5 [14.33.31]

6 Q. So is it possible that these soldiers surveilling were there
7 to keep intruders away rather than to look over other soldiers
8 while working?

9 A. Ordinary civilians were not allowed to go into the worksite.
10 No ordinary civilians and citizen, and I could not see other
11 soldiers as well. At the first stage, I could only see the
12 Chinese technicians.

13 MR. KOPPE:

14 Thank you, Mr. Witness.

15 MR. PRESIDENT:

16 Now the Chamber gives the floor to the defence team for Khieu
17 Samphan. You may now proceed.

18 [14.34.44]

19 QUESTIONING BY MR. KONG SAM ONN:

20 Thank you, Mr. President. Thank you, Your Honours.

21 Q. Good afternoon, Mr. Kin. I have a few questions for your
22 clarification. First, I would like to know your exact position at
23 Kampong Chhnang airfield. You stated that you arrived at that
24 airfield in February or March 1976; you were there with the
25 Chinese technicians to make measurement of the terrain or land

1 and Song was your superior at that time and afterwards you were
2 transferred to work at the garage under Song supervision. Do I
3 understand correctly that you were assigned and you were holding
4 these two positions until you were transferred out of Kampong
5 Chhnang airfield?

6 MR. KEO KIN:

7 A. Yes, that is correct.

8 Q. Could you tell the Court, how long did you work for Song while
9 working with the 10 Chinese technicians?

10 A. I spent one week working for Song and after that I was removed
11 from that squad; perhaps one week or so.

12 [14.36.50]

13 Q. After your removal, were you sent immediately to the garage
14 squad or did you work in other place before you were at the
15 garage?

16 A. I was transferred immediately to the garage. I was there to
17 build the garage. I did not spend time working in other place
18 after I was removed from my first position.

19 Q. Thank you very much. I would like to seek your clarification
20 on your duties at the garage. Was there only one garage that you
21 worked or were there many other garages?

22 A. I had to move from one garage to another garage; after I built
23 one garage, I had to move to build another garage, so there were
24 many garages

25 Q. Thank you. You moved to build garages from one place to

1 another, were all garages in the premises of the airfield?

2 MR. PRESIDENT:

3 Please wait. Please observe the microphone Mr. Witness.

4 [14.38.45]

5 MR. KEO KIN:

6 A. Actually the garages were not in the premises of airfield
7 worksite, they were surrounding the airfield. Some garages were
8 about eight or nine meters away from the airfield worksite.

9 BY MR. KONG SAM ONN:

10 Q. Thank you. Do you recall how many garages were built by your
11 squad?

12 MR. KEO KIN:

13 A. I could not recall it because it happened a long time ago. I
14 did not know how much garages I build near the airfield. The
15 garages were located in the east and in the west of the airfield
16 worksite.

17 Q. Could you clarify this for the Court, what were the garages
18 made of?

19 A. The garages were made of wood and the garage was used for
20 parking vehicles.

21 [14.40.25]

22 Q. You were assigned to build the garage for parking vehicles and
23 heavy machinery. Did you work continuously or did you have a
24 break after you completed building one garage?

25 A. After I completely built one garage I had to move to another

1 place and build a new garage. I had only the lunch break and at
2 night-time I also build the garage so I worked at night as well.
3 I did not have time to rest at night-time.

4 Q. Thank you. I heard your testimony earlier that you went to
5 help transplanting rice seedlings and you also stated that you
6 were assigned to grow vegetables. Were you assigned to go and
7 break rocks and drill rocks?

8 A. No. I was not assigned to break rocks and also I was not
9 assigned to go and put explosives in order to break rocks. I was
10 only working at the garage.

11 [14.42.23]

12 Q. Thank you. Could you clarify your statement for the Chamber,
13 you stated that you were assigned to construct the garage and
14 also to grow vegetables and to find dead trunks of tree, what
15 kind of work did you spend long time?

16 A. I started constructing the garage from 7.00 a.m. until 10.00
17 or 11.00 a.m. in the morning, and after that I had a short rest.
18 And in the morning if I was not building the garage I had to go
19 and transplant rice seedlings; and in the afternoon I had to
20 resume work growing vegetables until 5.00 p.m.; and at night, I
21 worked from 7.00 p.m. until 10.00 p.m.

22 Q. Thank you. Were these your daily tasks?

23 A. Yes, these were all my daily tasks. In addition to building
24 the garage, I had to go and grow vegetables and transplant rice
25 seedlings, and as I told you already, from 7.00 p.m. to 10.00

71

1 p.m., I had to work as well.

2 [14.44.36]

3 Q. You stated a while ago that sometimes you did not construct
4 the garage and you were told to collect the dead stem of trees
5 instead, so how many days were you assigned to build the garage
6 and how many days were you assigned to go and collect the dead
7 stem of trees?

8 A. I build the garage during the day time and I went to collect
9 dead woods at night and there was light at night so that we could
10 go and collect woods.

11 MR. PRESIDENT:

12 Thank you. It is now convenient time for break. The Chamber will
13 take a break from now until 3.00 p.m.

14 Court officer, please facilitate a proper room for this witness
15 and please invite him back to the Court room at 3.00 p.m.

16 The Court is now in recess.

17 (Court recesses from 1446H to 1501H)

18 MR. PRESIDENT:

19 Please be seated.

20 The Court is now in session, and again the floor is given to the
21 defence team for Khieu Samphan to put further questions to the
22 witness. And Counsel, you may proceed.

23 [15.02.03]

24 BY MR. KONG SAM ONN:

25 Thank you, Mr. President. And Mr. Keo Kin, allow me to continue

1 putting questions to you.

2 Q. Before the break, you spoke about your core duties at the
3 worksite, and sometimes you had to go to the rice fields to
4 assist the peasants. You went to work at the worksite in February
5 1976, and it means that you went through three rice farming
6 seasons through to 1978. Did you go to assist the peasants with
7 their rice farming annually during this three-year period?

8 MR. KEO KIN:

9 A. No, not every year, sometimes I did not go to help them with
10 their rice-farming. We only went there when we did not have many
11 tasks to do at the worksite. So sometimes we went down to the
12 rice fields for one or two days to assist those peasants.

13 [15.03.35]

14 Q. Did you mean you only assisted the peasants one or two days
15 per year or per season or per month? Can you please clarify it?

16 A. It's only after the rice seedlings were fully grown, then we
17 would assist the peasants with the -- its transplantation.

18 Q. And for one farming season, how many days did you go down to
19 assist the peasants with their rice farming.

20 A. Sometimes it was two days or three days. And when I said two
21 or three days, I only refer to a morning session per each day.

22 Q. So if I make a calculation for one annual rice farming, you
23 went down to assist the peasants for three or four days, and each
24 day you spent about half an hour only. Does it mean that annually
25 you only spent two to three hours assisting those rice farmers?

1 A. That is correct.

2 [15.05.15]

3 Q. Let me now turn to the garage that you worked in. A while ago
4 you described about the size of the garage, but I did not get the
5 full details. Could you please elaborate a little bit further?

6 How many days did it take you to make a complete construction of
7 that garage?

8 A. It took us six to seven days to complete the work.

9 Q. So it took you six to seven days -- that is, amongst the 10 of
10 you to complete the garage. And how big was the garage and how
11 many vehicles can park in that garage?

12 A. The size of the garage varied. Some would be 10 metres long,
13 while others could be 12, and about 10 trucks or 10 vehicles
14 could park in each garage. However, the number of vehicles parked
15 varied as some vehicles came and others left.

16 Q. You said that you didn't have time to rest as you kept working
17 or building garages. Can you tell the Chamber how many garages
18 you constructed in the 10-man unit or group per year?

19 A. I cannot tell you that as I cannot recall it. We kept on
20 building those garages and moved on building some more, but we
21 didn't count how many we had built.

22 [15.07.45]

23 Q. Now on the various types of heavy machineries, and a while ago
24 you said that you didn't know the specific models of various
25 vehicles, but you were quite familiar with the make and models of

1 heavy machineries. Can you tell us a little bit further on that?

2 A. Mostly they were tractors and trucks. There were not many
3 rollers. When I refer to trucks, I refer to earth-carrying
4 trucks.

5 Q. And when you built garages to accommodate those vehicles, did
6 you notice that new machineries kept arriving successively while
7 you were still building garages?

8 A. Yes, more machineries arrived and they were new. There were
9 many of them, but I cannot tell you the figure.

10 Q. Did those new machineries arrive frequently? Can you tell us?

11 A: Every two to three months, a new batch of vehicles arrived,
12 and there would be 30 to 40 or 50 vehicles, but I cannot tell you
13 which month they arrived. And they would be parked in the garage.

14 [15.10.03]

15 Q. Now I'd like to move on the issue of security forces, and you
16 mentioned that security forces were provided to guard the Chinese
17 delegation at the Kampong Chhnang airfield worksite. And besides
18 the security forces provided to the Chinese delegation, were
19 there other security forces working at the Kampong Chhnang
20 Airport worksite?

21 A. I only observed that there were security forces to provide
22 protection to the Chinese delegation -- or if there were, they
23 were elsewhere that I could not see them.

24 Q. Allow me to go back to your garage-building work. You
25 mentioned that you built garages around the premises of the

1 airport worksite, and when you relocated from one location to
2 another, did you observe that there were new faces within the
3 security forces for the new site that you had to build the
4 garage?

5 A. No, I did not see any new security forces besides the ones
6 that I mentioned earlier -- that is, those who provided
7 protection for the Chinese delegation.

8 [15.11.55]

9 Q. This morning at around 11.15, you provided an answer about
10 people being killed for committing moral misconduct; namely,
11 sexual intercourse. Can you recall a specific example of a moral
12 misconduct whereby the offenders were smashed or killed?

13 A. I saw people being taken away, accused of committing moral
14 misconduct, but I did not know those people. I only saw them
15 being taken away for that offence. And I did not know where they
16 were taken to after they had been arrested.

17 Q. And can you try to recall some names of those who were
18 arrested as well as the names of the one who authorized the
19 arrest?

20 A. No, I cannot recall the names of the offenders nor the names
21 of the ones who authorized the arrest as I did not know them.

22 Q. Can you try to recall a specific period or an event where such
23 moral misconduct took place during the time that you were working
24 at the Kampong Chhnang Airport worksite; for example, which month
25 or which year?

1 A. I cannot recall any specific event in relation to this moral
2 misconduct. It had happened several years ago.

3 [15.14.20]

4 Q. You have spoken about your core tasks -- that is, building
5 garages, about lending your hand to peasants and about uprooting
6 trees. Did you have time to go freely here or there or to wander
7 outside the premises of the airport project worksite; for
8 example, to go fishing somewhere else outside the premises or the
9 compound?

10 A. No, I did not. I only stayed within the premises of the
11 airport worksite, and if one were to go outside, the person
12 needed to seek authorization first. I only had a little bit of
13 resting time, and then I had to resume working again. I didn't
14 dare to go anywhere else. I was afraid that I would be late to
15 return to work.

16 Q. In your written statement of interview -- that is, document
17 E3/5273, at page 5, in the Khmer language, and it is in fact page
18 5 across all the three languages, and allow me to give you a
19 quote of your statement.

20 [Free translation] "I went to visit the office of Lvey at the
21 Kampong Chhnang Airport worksite, and I saw they pointed guns at
22 the people and arrested them. It happened at around 6.00 or 7.00
23 p.m. During such arrests, Lvey was always present." End of quote.
24 Do you still stand by your statement about witnessing such an
25 arrest?

1 [15.16.42]

2 A. Yes, I do. My workplace was about only 100 metres from where
3 it happened, and I saw the arrests. And those people who were to
4 be arrested were called to enter his office, then, they would be
5 arrested and tossed onto the vehicle.

6 Q. Yes, we have heard you saying about that, and my next question
7 is the following: You said your location was near the location of
8 Lvey, but you mentioned earlier that you did not stay at one
9 fixed location, so could you please specify the location that you
10 said was close to where it happened -- that is, near Lvey's
11 office?

12 A. It was at Tuol Ampil when I went to have a bath, I saw what
13 happened. And the area - that place was not far from where I was
14 standing.

15 [15.18.05]

16 Q. So you said you were at Tuol Ampil when you saw what happened.
17 And where was Tuol Ampil located in relation to the overall site
18 of the airport worksite?

19 A. It was to the southwest of the airport worksite. It was just
20 across a road, and that area was where people came to obtain fuel
21 for their vehicles or machineries.

22 Q. You stated in your written record of interview that you went
23 to visit Lvey's office, but now you said that you actually went
24 to take a bath. Which one is true?

25 A. In fact, I went to have a bath. I went to the west direction,

1 and then I saw what happened. And it was not my intention to go
2 to visit his office.

3 Q. How far was it from the place that you had a bath and Lvey's
4 office?

5 A. It was about 100 metres, and it was in late afternoon when I
6 went to take a bath.

7 [15.20.12]

8 Q. Now I also refer to your document and it is on page 6 across
9 the three languages, and allow me to quote.

10 [Free translation] "I saw a convoy of A2 Jeeps came to visit the
11 worksite a few times, though I didn't know those people who were
12 on the jeeps." End of quote.

13 I know that you didn't know who those people were, but at least
14 can you tell the Court whether they were foreign visitors or
15 whether they were Cambodians?

16 A. It was likely that they were all Cambodians, but I don't think
17 they were foreign visitors because the convoy went up and down.

18 Q. Are you familiar with the A2 Jeep? Is it a military or a
19 civilian jeep?

20 A. The A2 jeeps are military, not civilian. They were -- they
21 existed in smaller form and they were the military jeeps, and
22 people on the jeeps were armed.

23 Q. So you just said people on the jeeps were armed. Were they
24 military officers?

25 A. Yes, that is correct.

1 [15.22.33]

2 MR. KONG SAM ONN:

3 Thank you, Mr. President. I am done, and I'd like to cede the
4 floor to my international colleague.

5 MR. PRESIDENT:

6 Thank you. And yes, Counsel, you may proceed.

7 QUESTIONING BY MS. GUISSÉ:

8 Good afternoon, Mr. Witness. My name is Anta Guissé and I am
9 co-international counsel for Mr. Khieu Samphan. I have some
10 supplementary questions to ask you about your testimony this
11 morning.

12 Q. You said you worked on the construction of garage for vehicles
13 that were used for the construction. In so far as you were part
14 of Division 502 of the aviation -- of the air force, rather --
15 and I would like to know if there were any hangars on this
16 airfield where there were either aeroplanes or helicopters or
17 both.

18 MR. KEO KIN:

19 A. No, I did not see any helicopters. I only saw vehicles.

20 [15.23.50]

21 Q. Outside of those hangars, did you see -- do you ever see a
22 helicopter either land or take off on the airfield?

23 A. No, I did not see any helicopter taking off or landing.

24 Q. You've mentioned that Lvey was your superior, and I believe it
25 was -- and during the hearing you mentioned Commander Met. Do you

1 remember any other superiors on the airfield construction site?

2 A. No. There were only a few of them, namely Lvey and Met.

3 However, Lvey was always stationed at the airport worksite.

4 Q. I noted down that you mentioned Yeng. Did you remember a cadre
5 named Yeng?

6 A. Yeng was -- Yeng actually worked at the economic section --
7 that is, at the kitchen hall, and he actually came from Kampong
8 Chhnang. I only saw him when I went to the kitchen.

9 [15.26.15]

10 Q. The reason I asked the question is because Chan Morn aka Kuy
11 -- I think you know his revolutionary alias Kuy -- yesterday
12 mentioned that Yeng was the head of the construction site office,
13 and it was that person who had almost all powers on a daily
14 basis. Is that not your recollection?

15 A. I do not have that knowledge. I do not know that he was in
16 charge of the office there because I heard and I saw him at
17 Kampong Chhnang, and I knew that he was in charge of logistics or
18 transporting food supplies and logistics.

19 Q. Witness Chan Morn said that it was he who distributed tasks to
20 various soldiers. Do you know if that person had taken any
21 decisions regarding the transport unit and the distribution of
22 tasks within your unit?

23 A. Personally, I was not aware of that as I rarely saw him at the
24 time. If I knew about it, I would tell you. But I did not know as
25 to his specific position within the site.

1 [15.28.26]

2 Q. In response to questions posed to you this morning by the
3 International Co-Prosecutor and my colleague from the civil party
4 section, that Chan Morn was a driver and that as far as you know,
5 he had no other functions. Do you know if he had any specific
6 ties to Commander Met or other high-ranking officers?

7 A. I saw Chan Morn working and staying close to Lvey, and
8 sometimes he was with Met as well, but later on I did not see
9 him, so I had no idea as whether he had been assigned to work
10 elsewhere. First, I was transferred to work at the worksite, and
11 then I saw Lvey also came to supervise the worksite, and I could
12 not say about the assignment of that person -- that is, Chan
13 Morn.

14 Q. I'm asking for this clarification because this morning you
15 said that at a given moment, Chan Morn apparently fainted or he
16 lost knowledge of who was in charge. How could you -- how did you
17 come to that conclusion?

18 A. Chan Morn himself told me about it that trust had been
19 withdrawn by Lvey as we had tendencies with the previous regime,
20 and that's all how I know.

21 [15.30.52]

22 Q. And when did he speak to you about that?

23 A. He spoke to me not long after -- before the arrival of the
24 Vietnamese troops. At that time, the Vietnamese troops were
25 advancing toward the area, and we didn't have to do anything else

1 but to pack our belonging, and that's when he told me.

2 A. So must I understand that this was at the moment when you
3 escaped, practically, when he spoke to you about losing that
4 trust?

5 A. The trust was withdrawn before the arrival of the Vietnamese
6 troops three or four months before that time. And I knew that the
7 trust was withdrawn because this individual, Chan Morn, no longer
8 worked with him, and I did not know what happened and why Chan
9 Morn was removed.

10 [15.32.30]

11 Q. Would I have a hard time understanding, and I will ask you to
12 clarify this, so where did you have this discussion, since if
13 Chan Morn was no longer working with Lvey, but apparently he was
14 still on the worksite? I don't understand.

15 A. He was still working at the airfield, and I did not know which
16 squad he was in, and I saw him while I was fleeing, perhaps he
17 was driving a vehicle. I could see him as a driver, and we met
18 each other when we fled.

19 Q. I'm asking you all of these questions because yesterday Chan
20 Morn explained to us that apparently he had been arrested on the
21 worksite and that he had been sent then to S-21, and that
22 apparently Lvey and Met had come to save him on a helicopter, so
23 this does not seem to be a sign of distrust. So I would like to
24 know if you're aware of this incident, and if you spoke about it
25 when you had this discussion during the escape when the

1 Vietnamese arrived.

2 A. I did not have any discussion. I had never met him before the
3 time that I fled that place. I did not know that he was arrested.
4 [15.34.55]

5 Q. I don't understand how you can tell me that you had not met
6 him before the escape when the Vietnamese arrived because you
7 said previously that you knew that he was a driver. So was it
8 that day that you discovered that he was a driver, you had never
9 known that before?

10 MR. PRESIDENT:

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

13 MR. DE WILDE D' ESTMAEL:

14 Yes, I have the impression that the question leads rather to
15 other questions in fact because at certain moments he said that
16 he had never met him before, but he said that before that he had
17 been on the site so he had been working with Lvey. So maybe in
18 the questions, you should separate the different moments,
19 otherwise we're going to beat around the bush, and we won't be
20 able to move ahead.

21 [15.36.03]

22 MS. GUISS?:

23 Here, apparently, I don't know if it's -- if the Co-Prosecutor is
24 really objecting, but it is specifically because his answers are
25 rather muddled that I'm trying to get clarification. That's all

1 I'm trying to do. So I am not the one that is making things
2 difficult to understand; on the contrary, I'm trying to clarify
3 things. I think my question was legitimate. I was asking the
4 witness specifically to clarify when he had seen Mr. Chan Morn
5 for the first time.

6 MR. KEO KIN:

7 A. I could not hear the question.

8 BY MS. GUISSÉ:

9 Q. Witness, apparently you have a problem with your audio device,
10 so I will repeat my question. I did not understand from your
11 previous answers when you met Chan Morn for the first time. When
12 did you see Chan Morn for the first time?

13 MR. KEO KIN:

14 A. I could not hear. I could hear only the interference in the
15 audio system.

16 [15.38.04]

17 Q. Can you hear me now? I see that you're nodding. Okay. So, I'll
18 put the question to you again.

19 I did not understand from your previous answers when you met Chan
20 Morn for the first time. Can you be specific about that, please?

21 A. I met him for the first time when he was a driver. He was
22 coming from somewhere and he parked the vehicle at my place. I
23 met him only once.

24 Q. When you tell me that you only met him once, was that the time
25 when you were fleeing the Vietnamese or was it before?

1 A. Two or three days before I was fleeing, during that time we
2 were getting ready to flee. I was packing my materials and he was
3 prepared to flee from the place. We had never met each other
4 before, but only that time that we could meet.

5 [15.39.45]

6 Q. Apparently you said that when you joined the Revolution, you
7 were a messenger. Weren't you Lvey's messenger?

8 A. Yes, I was his messenger. I had been his messenger since 1974.
9 When I joined the force, a few months later I became his
10 messenger, and I was his -- before I was transferred to the
11 airport, I was a messenger for Lvey.

12 Q. I'm telling you this because it seems to me that there were
13 only between four and 10 messengers back then in the unit in
14 which you were working, and Mr. Chan Morn explained that he --
15 before 1975, he also had been one of Lvey's messengers. So didn't
16 you know him back then?

17 A. I did not know him before then, before 1975 when I was a
18 messenger. I met him only once during the time that we were about
19 to flee. Perhaps he may have been living in the place near my
20 village or near my place.

21 [15.41.46]

22 Q. And if I understood well, the first time he saw you, he
23 confided in you and told you how Lvey had lost trust in him; is
24 that correct?

25 A. Yes, he confided in me that Lvey lost trust on him, and he

1 told me that he was removed to another place. And I understand
2 from his statement that because the trust was removed and he was
3 transferred elsewhere.

4 Q. This will be one of my last questions regarding this, so you
5 can confirm to me that he did not speak to you about a possible
6 arrest or about any kind of rescue operation by helicopter that
7 he was the object of.

8 A. No, he did not tell me about his possible arrest or any rescue
9 operation. I did not know and I was not told by him at that time.
10 I also do not know when he was arrested. And I have no idea who
11 came to rescue him.

12 Q. Now with regard to another point, Witness, you spoke about the
13 different tasks that you performed before and during your stay at
14 the Kampong Chhnang Airport worksite, and so can we agree to say
15 that aside from being a messenger and aside from being a soldier
16 who had been assigned to the transport unit, you did not perform
17 any other kind of official tasks within the Khmer Rouge Army?

18 [15.44.12]

19 A. No, I only did the work as I told the Court already. I was
20 focussing on my work at the garage.

21 Q. So is it true to say that you had no particular rank?

22 A. No, I did not have any particular rank, and Chan Morn knew
23 about this. I held no rank at all. I was simply a combatant.

24 Q. You said that you never attended any kind of major meeting at
25 the Kampong Chhnang Airport, but however you attended small

1 meetings in your transport unit regarding, in fact, your work.
2 So, under these conditions, can we agree to say that you did not
3 have the means to know how the hierarchy would take the
4 decisions, and which decisions the hierarchy would take; is that
5 so?

6 A. Yes, that is correct.

7 Q. Earlier when you were questioned by my colleague from the Nuon
8 Chea team on the number of divisions and the division names, the
9 different units and battalions and squadrons that composed the
10 army, you were not able to answer because apparently you had not
11 been trained with regard to how the army was made up; is that so?

12 A. Yes, that is true. I have no idea.

13 [15.46.30]

14 Q. And it's also true that you received no military training and
15 that you did not know what kind of information the higher levels
16 could have in terms of intelligence; do we agree?

17 A. Yes, I agree to what you have just said. I did not do any
18 other tasks besides those I mentioned already.

19 Q. Now I would like to finish my questions with a few points
20 regarding the working conditions such as you described them in
21 your statement, E3/5273; French, ERN 00355858; English - Khmer,
22 00282943; English, 00290502:

23 This is the question that was put to you: "What was the workers'
24 diet like at the airport construction site?"

25 And your answer was the following: "Regarding my group, the food

1 was decent; but regarding the other groups, I don't know." [Free
2 translation] So can you confirm this that you didn't know what
3 the situation was like in the other groups, whereas for you it
4 was decent, without of course being wonderful because you had
5 just come out of a war? So can you confirm this?

6 [15.48.26]

7 A. Yes, I recall about food ration.

8 Q. I don't know if my question was a bit unclear, but can you
9 confirm what you said, that is to say that the food was decent?

10 A. I could recall it.

11 Q. Do you know - or, rather, you spoke about garages that were
12 built a few metres away from the airfield? So did you ever build
13 garages to store fuel or any case warehouses where fuel was
14 stored?

15 A. I only built the garage for parking cars, and as for other
16 garage, they had all built before I was there.

17 Q. Did you ever know a soldier by the name of Srun Chey? Let me
18 spell it out: S-R-U-N C-H-E-Y?

19 A. Yes, I know this individual.

20 [15.50.26]

21 Q. In statement E3/5526, he speaks about night work, and I
22 understood from your statement that you said that you would work
23 from 7.00 to 10.00 in the evening on a regular basis, and this is
24 what he said, and I'm going to ask you to react, and I will then
25 put questions to you. So this is question-answer number 10. This

1 is the question that was put to him:

2 "Can you tell us what the working conditions were like: the diet
3 and the healthcare and the days off for the soldiers were like
4 who worked over there?"

5 And his answer was: "Work would start at 6 o'clock in the morning
6 and would last until 11.00, and then we would have a lunch break.

7 And then we would resume work at 1 o'clock, and we would work
8 until 5 o'clock. And then it was the dinner break. And then there
9 was a daily meeting. After the meeting, the soldiers would rest
10 until dawn. However, there were teams for night work as well.

11 Those who worked during the day did not have to work at night."

12 End of quote. [Free translation]

13 So, in your unit, were -- was there a -- this kind of different
14 system for the night teams as well as the day teams did not
15 exist? Or do you know if this occurred in other units?

16 [15.52.23]

17 A. I work at night and that there was an individual working at
18 night. He was working at the warehouse where there was fuel.

19 There were many people working.

20 Q. I'm going to try to rephrase my question in a bit more
21 specific way. Srun Chey in his statement makes a distinction
22 between the day teams and the night teams, and he said that they
23 were not the same teams. So my question is: In your unit, were
24 there differences between the night teams and the day teams?

25 A. Actually, worker who worked during the daytime, they had to

1 work at night-time as well in my team. As I stated, during the
2 daytime, I built the garage, and at night-time I had to work. And
3 in another team, this individual was a handicapped man, and he
4 was only assigned to fill up the tank of the vehicle. He did not
5 work at night.

6 [15.54.17]

7 Q. Is it true that you did not know what would happen in the
8 other units outside of your transportation unit?

9 A. I do not know.

10 Q. So you did not know what was happening in the other units,
11 right? Maybe there's a problem here with the translation, so I'm
12 asking you, you did not know what was happening in the other
13 units, right?

14 A. It is true. I only knew what happened in my group, and for
15 other groups, I have no idea.

16 Q. So we agree that within your unit there were about 10 people;
17 is that true?

18 A. Yes, there were 10 of us.

19 [15.55.38]

20 Q. You briefly spoke about the protection units for the Chinese
21 delegations. So do you remember or do you know if among the
22 guards who were assigned to the delegations, if there was a guard
23 by the name of Kuot or Uth. In French, it's spelled out K-U-O-T,
24 Kuot. Maybe in English, you say U-T-H, Uth.

25 A. I do not know this person. I do not know the person by the

1 name Kuot.

2 MS. GUISS?:

3 To be sure that there are no problems, I will ask my colleague
4 Kong Sam Onn to pronounce the name correctly.

5 MR. KONG SAM ONN:

6 Thank you, the name is Ut (phonetic).

7 MR. KEO KIN:

8 A. If it is Ut (phonetic), I know, but I do not know the person
9 by the name Kuot.

10 BY MS. GUISS?:

11 Q. And did you meet this person often?

12 MR. KEO KIN:

13 A. No, I never met him, but I heard there was a person by the
14 name Ut (phonetic).

15 [15.57.35]

16 Q. And he worked in the protection or guard unit; is that
17 correct?

18 A. Yes, he worked in the guard protection unit. I have never met
19 him.

20 Q. And do you remember if during the period when you were working
21 on the airfield worksite if at any given moment soldiers were
22 sent to fight the Vietnamese?

23 A. I do not know about this. I do not know which soldiers were
24 sent to fight against the Vietnamese. I have no idea. And when
25 Vietnam came into the country, I realised that some were sent to

1 fight the Vietnamese, and I did not know before that.

2 Q. And did you ever know a soldier by the name of Kong Kim,
3 K-O-N-G then K-I-M?

4 A. I do not know the person by the name Kong Kim. I do not know
5 where he is living and where he was at that time.

6 [15.59.25]

7 Q. I would like to quote part of his statement to the OCIJ
8 investigators, and then I would ask you a question; it's document
9 E3/3959; in French, 00486100; Khmer, 00270168 and 69; and in
10 English, 00278686. I will start with the preceding question. I
11 will quote two questions at the same ERN.

12 Question: "When did Angkar send you to fight the Vietnamese?" I
13 would just add that Kong Kim worked on the airfield, the site,
14 for a few months, and this is from where he was sent to fight the
15 Vietnamese. And so:

16 Question: "When did Angkar send you to fight the Vietnamese?"

17 Answer: "In approximately early 1977, we were readied to fight
18 the Vietnamese. I went via National Highway 5 and then Kampong
19 Cham."

20 Question: "Before you fought the Vietnamese, did Angkar tell you
21 about rules or why you had to fight the Vietnamese?"

22 Answer: "Initially, there was a meeting at the Kampong Chhnang
23 airfield to tell us that the Vietnamese had killed many
24 Cambodians, which made us feel pain. They said the Vietnamese had
25 invaded and reached the vicinity of the Mekong River and had

1 burned houses and burned rice. At that time, I was named head of
2 section --" et cetera et cetera.

3 And so my question is the following: Did you hear at any point of
4 the meeting held by the high-ranking officers of the Kampong
5 Chhnang airfield during which the conflict with Vietnam was
6 discussed?

7 [16.02.03]

8 A. I did not hear about such discussion, namely the armed
9 conflict, and I was not in the meeting. I was working in the
10 airfield, and during the time that I was fleeing, I realised that
11 there was armed conflict. Before that, I have no -- I had no idea
12 about armed conflict.

13 MS. GUISSÉ:

14 Thank you very much, and Mr. President, I am done with my
15 examination.

16 MR. PRESIDENT:

17 Thank you. The hearing today, it comes to an end, and the hearing
18 is adjourned now and we will resume it tomorrow on the Friday, 12
19 June 2015, starting at 1.30 p.m. And tomorrow, the Chamber will
20 hear 2-TCW-932. Please be informed.

21 The Chamber would like to express its sincere thanks to Mr. Keo
22 Kin. Thank you for your valuable presence before the Chamber.
23 Your testimony will contribute to the truth. And your testimony
24 -- the hearing of your testimony comes to an end now. You may be
25 excused. You may return to your residence or to any place you

1 want. I wish you safe trip home and all the best.

2 Court officer, please work with WESU to send Mr. Keo Kin back to
3 his residence or the place -- or to any other place he wants.

4 Security personnel are instructed to bring the two accused, Khieu
5 Samphan and Nuon Chea, back to the detention facility of the
6 ECCC, and please have them returned tomorrow before 1.30 p.m.

7 The Court is now adjourned.

8 (Court adjourns at 1604H)

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