



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 June 2015  
Trial Day 300

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

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KHIEU Samphan

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For Court Management Section:  
UCH Arun

I N D E X

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

Questioning by Mr. KOUMJIAN resumes ..... page 2

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Questioning by Ms. GUIRAUD ..... page 56

Questioning by Judge LAVERGNE ..... page 59

Questioning by Mr. KOPPE ..... page 68

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
Ms. CHET Vanly	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. SEM Hoeurn (2-TCW-943)	Khmer
Mr. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the testimony of witness Sem

6 Hoeurn. And if it's possible, we hear testimony of witness

7 2-TCW-901. Ms. Se Kolvuthy, please report the attendance of the

8 Parties and other individuals at today's proceedings.

9 [09.01.57]

10 THE GREFFIER:

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

12 are present. Mr. Nuon Chea is present in the holding cell

13 downstairs. He has waived his right to be present in the

14 courtroom. The waiver has been delivered to the greffier. A

15 witness who is to continue his testimony -- that is, Mr. Sem

16 Hoeurn, is ready and present in the courtroom. We also have a

17 reserve witness, namely 2-TCW-901, who confirms to his best

18 knowledge and ability he has no relationship by blood or by law

19 to any of the two Accused -- that is, Nuon Chea and Khieu

20 Samphan, or any of the civil parties admitted in this case. The

21 witness will take an oath before his testimony. Thank you.

22 [09.02.58]

23 MR. PRESIDENT:

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

25 The Chamber has received a waiver from Nuon Chea dated 22nd June

1 2015, which notes that due to his health -- that is, headache,  
2 back pain, he cannot sit or concentrate for long, and in order to  
3 effectively participate in future hearings, he requests to waive  
4 his right to participate in and be present at the 22nd June 2015  
5 hearing. He advises that his counsel advised him about the  
6 consequence of this waiver, that in no way it can be construed as  
7 a waiver of his right to be tried fairly or to challenge evidence  
8 presented or admitted to this Court at any time during this  
9 trial. Having seen the medical report of Nuon Chea by the duty  
10 doctor for the Accused at the ECCC dated 22nd June 2015, who  
11 notes that Nuon Chea has a severe back pain, and he also has a  
12 flu. The doctor also recommends that the Chamber so grants him  
13 his request, so that he can follow the proceedings remotely from  
14 the holding cell downstairs.

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

19 The AV unit personnel are instructed to link the proceedings to  
20 the room downstairs so that Nuon Chea can follow it remotely.

21 That applies for the whole day.

22 The Chamber now hands the floor to the Co-Prosecutors to continue  
23 putting questions to this witness. You may proceed.

24 [09.05.07]

25 QUESTIONING BY MR. KOUMJIAN RESUMES:

1 Good morning, sir. I would like to begin by apologising for an  
2 error I made in my mathematics. The year of the horse, it's a  
3 twelve-year cycle, so if you were born -- there was a year of the  
4 horse between 3 February 1954 and 23 January 1955. If you were  
5 born in November as you said, then in April 1970, you would have  
6 been 15 years old, the time of the Lon Nol coup. And in April  
7 1975, the time that Khmer Rouge captured Phnom Penh, you would  
8 have been 20 years old. Does that sound about right? Because  
9 otherwise, you would have been about three years old when the Lon  
10 Nol coup occurred or you would have been 27 years old. Were you a  
11 teenager about 15 years old at the time of the Lon Nol coup?

12 [09.06.23]

13 MR. SEM HOEURN:

14 A. During the year of the coup d'état, that is around 1968, to my  
15 recollection, I was about 17 years old.

16 Q. Sir, you told us that you then joined in the front to fight.  
17 Can you explain to the Court, why was it you joined in the  
18 National Front?

19 A. At that time, after I quit schooling and the coup d'état  
20 occurred in 1968, the King Sihanouk made an appeal for Cambodians  
21 to go to the maquis forest in order to join the front for  
22 National Salvation to liberate the country and to liberate the  
23 King. And that's the reason for me joining the front.

24 [09.07.53]

25 Q. So you fought in response to the call of the King to liberate

4

1 the King. Do you feel that you were cheated by the Khmer Rouge or  
2 how do you feel about the time you spent with them?

3 A. At that time, I didn't think that I was cheated by the Khmer  
4 Rouge and its policies. It was my belief that the front aims were  
5 to liberate the nation. And that's why I joined the resistant  
6 movement to engage in the liberation of the country.

7 Q. I think I didn't ask you a clear question. Were you aware when  
8 you joined the front, did you imagine that the Khmer Rouge would  
9 keep the King under arrest in his home with only Khieu Samphan  
10 visiting him, and unable to visit his children and powerless to  
11 effect policies. Did you imagine that when you joined the front?

12 [09.09.16]

13 A. My conscience at the time did not reach that depth of  
14 analysis. I simply aimed to attend the front for firstly, to  
15 liberate the nation; secondly, to liberate the King.

16 Q. Sir, the reason I ask is that you made a statement to  
17 researchers from DC-Cam in English, page 42, 00876519. You said  
18 this: "I never forgot about the Pol Pot regime. And I tell my  
19 children they have to be firmly against such regime and prevent  
20 it from happening again in Cambodia." And on the next page, you  
21 said: "All of us lived in a prison without walls." Can you  
22 explain those statements to me?

23 MR. PRESIDENT:

24 Witness, please hold on. And the Defence Counsel Vercken, you  
25 have the floor.

1 MR. VERCKEN:

2 Thank you. I think Mr. Prosecutor understood. I'd like to have  
3 the French ERN so I could probably follow. Thank you.

4 BY MR. KOUMJIAN:

5 That's a perfectly understandable request. My understanding is  
6 that is on its way. So I'll skip this for now. I don't have this  
7 at the moment.

8 Q. Sir, you mentioned that among the battles that you fought, you  
9 fought in Kampong Cham. Can you tell us about that?

10 [09.11.35]

11 MR. SEM HOEURN:

12 A. I engage in the Kampong Cham battlefield along National Road  
13 Number 6. And then I was also engaged in the Skun battlefield at  
14 the Phnom Pros-Phnom Srei and along Chinit. I attended most of  
15 those battlefield areas. But I cannot give you the details of the  
16 geographical locations or names.

17 Q. Okay. Thank you. Now, you talked about being a member of the  
18 Division 310 and Company 5 of, I believe, Regiment 12. And  
19 there's a document I would like to show you, and that is  
20 document, D1.3.32.39. And I have the copy that could be shown to  
21 the witness. And in, Your Honour, may a copy be put on the screen  
22 or shown to the witness? And I have a hard copy.

23 [09.13.27]

24 MR. PRESIDENT:

25 Yes, you may do so.



1 BY MR. KOUMJIAN:

2 Excuse me for a moment. The French ERN of this document is  
3 00885282. Okay, the witness cannot read. Thank you, sir, for  
4 explain -- let me put that on the record.

5 Q. Sir, the court officer showed you a copy of this document. Is  
6 it correct that you cannot read it because of your limited  
7 opportunities for education?

8 MR. SEM HOEURN:

9 A. I can only read some at the start of my adolescence. But since  
10 the war time, I got injured several times and I have poor eye  
11 sight.

12 [09.14.55]

13 Q Let me read this to you. It indicates it has a title of brief  
14 biography, it says of Comrade Kim, Division 310, Regiment 12,  
15 Battalion 123, Company 5. And then two pages over, it indicates  
16 the name, original name was Sem Hoeurn, revolutionary name: Kim;  
17 birth date: November 1951 in Bak Sna village, Bak Sna commune,  
18 Baray district, Kampong Thom province. Does that all sound like  
19 your information, sir?

20 A. Yes, that information is the same.

21 Q. And it indicates father's name: Sem, mother: Khut; foreign  
22 address: Bak Sna village; is that correct?

23 A. Yes, that statement in the document is correct.

24 Q. And then it indicates on the back page that this was done on  
25 the 24th of August 1976. And there is some writing: "The reason

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1 Angkar had removed me from the unit and sent me into the  
2 unfavourable element unit was because I travelled around  
3 arbitrarily and I did not obey Angkar's disciplines. However, I  
4 have already made every effort to change and eliminate all kinds  
5 of elements considered to be non-revolutionary." Do you recall  
6 making this biography?

7 [09.17.43]

8 A. I clearly recall that Angkar removed me from my unit because I  
9 was accused of violating the organisational disciplines and  
10 regulations. At that time, the situation was very difficult for  
11 me. I was a soldier fighting in the front battlefield, and Phnom  
12 Penh was liberated as a result. But in the end, a soldier like  
13 myself was severely mistreated. I was deprived of sufficient  
14 food. I was not allowed to exercise my freedom of movement or  
15 speech. And I couldn't adhere to all their organisational  
16 disciplines and regulations, as I sometimes had to make some  
17 movement. Before the liberation, I used to be in Phnom Penh and  
18 sometimes, I move from my unit to chitchat with other soldiers in  
19 a nearby unit. And for that, I was accused of being liberal in my  
20 movement.

21 Q. Sir, were you accused justly or was it unjust in your view?  
22 Did you have tendencies against the Khmer Rouge? Were you trying  
23 to sabotage them or not?

24 [09.19.37]

25 A. I adhered to my own principle -- that is, to oppose the

1 Democratic Kampuchea regime. I didn't like that regime.

2 Q. Can you tell us why was it you didn't like this regime, that  
3 you had voluntarily joined back in the time of the Lon Nol coup?

4 A. At the beginning, that is when I volunteered to attend and  
5 joined the front movement, I did it on my own volition. Later on,  
6 after I made observation regarding the movement and the intention  
7 of the Khmer Rouge, it was contradictory to my hope and  
8 expectation. They mistreated soldiers, they mistreated their own  
9 people. And for that, I disliked the Khmer Rouge.

10 Q. I don't know, sir, if you had an opportunity to look at the  
11 back page of that document. If you did, can you tell me if that's  
12 your handwriting or someone else wrote it? Would you like to see  
13 it again?

14 A. I cannot recall whether it was my own writing or whether  
15 someone else assisted me in writing that statement.

16 [09.22.13]

17 Q. Sir, I want to go back to what I read to you earlier now that  
18 I have the ERNs. So on page 43 of the statement which is in  
19 English, ERN 00876519; in Khmer it's, 00020596; and French,  
20 00892663; you said: "We could see that all of us lived in a  
21 prison without walls." Explain to those of us who were not there  
22 during Democratic Kampuchea, why do you say it was like living in  
23 a prison without walls?

24 A. I spoke to other soldiers who were working nearby where I was.  
25 We said that we were living during the Khmer Rouge regime, the

1 Pol Pot regime, and that we didn't enjoy any of our freedom. And  
2 I asked whether all of them agreed to what I said. Only some  
3 agreed as the rest were -- was illiterate or didn't have  
4 sufficient education to understand that. And we spoke about the  
5 limit to our freedom, for instance, freedom of movement. And it  
6 seemed like we were living in a prison without wall. And that was  
7 totally contradictory to -- during time that we were soldiers  
8 fighting in the front battlefields.

9 [09.24.38]

10 Q. Sir, when you made this biography or when it was prepared, the  
11 one I just read to you, which indicates you were in Company 5, do  
12 you remember where you were at the time?

13 MR. PRESIDENT:

14 Witness, please wait. And Judge Lavergne, you have the floor.

15 JUDGE LAVERGNE:

16 I apologise for interrupting you, Mr. Prosecutor. But I do have a  
17 question about the reference in this biography. I believe you  
18 gave an ERN, but I was not able to find it. I did find the  
19 following which would be -- so it would be 19.161 which would be  
20 in the introductory submission. Is there another reference? I  
21 haven't quite followed, could you please shed some light on this?

22 [09.25.41]

23 BY MR. KOUMJIAN:

24 Yes. I see -- also my English copy is marked 19.161. There's  
25 another reference number which the Khmer copy is -- that's

1 D1.3.32.39. And I believe the French ERN is 00885262. Hopefully,  
2 we all have the same document.

3 Q. Sir, I'm sorry. Can you -- let me repeat the question. When  
4 you were -- this biography was prepared, where were you?

5 MR. SEM HOEURN:

6 A. When the biography was written, I was stationed in Wat Phnom  
7 that is in Phnom Penh.

8 Q. Now, this indicates that you were in Company 5 of Battalion  
9 123. Did you remain in that unit for some years? Can you tell us  
10 did you always remain in that unit or were you assigned to other  
11 units?

12 [09.27.16]

13 A. During that period of time, I was not yet removed from my  
14 unit. And I was in Phnom Penh for one and half month before I was  
15 assigned to engage in rice farming at Tang Kouk. And my entire  
16 unit was reassigned to engage in rice farming at Tang Kouk. And  
17 we were instructed to achieve five tons of rice yield per  
18 hectare. However, we were not given any cattle to work on the  
19 field. We were only given hoes, and we had to use our bare hands  
20 to do the rice farming, to pull the seedlings and to transport  
21 the rice seedlings. And when we could not reach that level of  
22 produce, we were accused of not adhering to the instructions and  
23 regulations of the organisation. And we told them, if we were  
24 going to work that way, we would not be able to achieve the five  
25 tons of rice yield per hectare, and not even the three tons of

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1 rice yield per hectare. And at that time, we had to start working  
2 early in the morning in the rice fields -- that is, from 5  
3 o'clock in the morning. And that was the sour part of my life.  
4 And I cannot forget that.

5 [09.29.14]

6 Q. Sir, you were a soldier, you told us, and you fought on many  
7 battlefields around Cambodia. After the Khmer Rouge captured  
8 Phnom Penh and the Lon Nol army surrendered, did you maintain  
9 your weapon, did they continue to let you be a soldier and carry  
10 a weapon?

11 A. It was dependent on the status that I was in. After I was  
12 removed from my unit, it means after I was screened out, the  
13 weapon was no longer allowed to be with me. If they -- they  
14 believed that if we were still armed, then they would not be able  
15 to do anything against us. And they told us that we soldiers did  
16 not have to engage in any battlefield anymore. For that reason,  
17 the objective of the army changed -- that is, we had to engage in  
18 developing the country. And for that reason, our weapons were  
19 being requested to be confiscated by the organisation.

20 [09.30.42]

21 Q. How about your comrades at the rice field, the other members  
22 of your division who were sent there, were they also disarmed?

23 A. Yes. Every soldier in my unit was disarmed.

24 Q. Now, the biography we mentioned is dated the 24th of August  
25 1976. Did you remain disarmed for the rest of the Democratic

1 Kampuchea period or did you ever get your arms back?

2 A. No. No, the weapons were not given back to them.

3 [09.31.45]

4 Q. I want to concentrate on the Democratic Kampuchea period, so  
5 after the surrender of the Lon Nol army and the capture of Phnom  
6 Penh in April 1975. After the Khmer Rouge had won the war, did  
7 you receive any political training?

8 A. I was not indoctrinated in terms of political training. I was  
9 called and instructed that I had to work hard in the rice field  
10 in order to achieve five tons per hectare. Any unit could not  
11 achieve the target, would be accused of being linked to K -- CIA  
12 or KGB network. I would like to inform the Court. One day, we  
13 were engaged in the rice farming and I don't know whether it was  
14 a joke at that time. We were told that if we were engaged in rice  
15 farming, we could have cooked rice to eat. But if we had no water  
16 for the rice farming, we would eat gruel. I am here to testify  
17 and I am here to give my statements to help all victims including  
18 me myself. I am one of the victims. I survived the period. And I  
19 am here to tell the Court about my experience.

20 [09.33.45]

21 Q. Sir, you indicated you did not receive any political training  
22 during the DK period. But after the fall of Phnom Penh, after the  
23 Khmer Rouge captured Phnom Penh and defeated the Lon Nol army,  
24 did you hear of senior cadres receiving any training in Phnom  
25 Penh?

1 A. After the liberation of Phnom Penh, I joined the low level  
2 training session. It was called the meeting or rally at that  
3 time. I was sent from division and I was there to attend the low  
4 level training. And as for senior leaders who were in attendance,  
5 I did not know. And I did not know whether Khieu Samphan or Pol  
6 Pot attended any political trainings.

7 Q. Thank you. Where was the training that you attended? Was it in  
8 your division, area or where was it?

9 A. I used to be in the training at Wat Phnom, the office of the  
10 division.

11 Q. Thank you. Did you hear of any senior cadres receiving  
12 training at the Olympic stadium?

13 A. I heard about that and I witnessed that. They called us into  
14 the meeting, members from regiment, from battalion upwards were  
15 called into a rally at the stadium.

16 [09.36.26]

17 Q. Sir, what do you mean by you witnessed it?

18 A. At that time, I was in the unit. And when we were called into  
19 the training session, I knew about it. And I asked my comrade  
20 where the meeting took place. He told me that he joined the rally  
21 or the training session at the stadium -- at Olympic stadium. I  
22 was staying close to this comrade and he had a good relationship  
23 with me. So I asked him about the rally. And when he went  
24 anywhere, he also told me about the place where he went.

25 Q. Thank you. Which comrade was that, what was his name?



1 A. His name was Et. I do not recall his surname. I do not  
2 remember his full name, but I know that his name was Et.

3 Q. Et was your battalion commander; is that correct?

4 [09.38.07]

5 A. Yes, that is correct. He was the commander of my battalion.

6 Q. What was the fate of Et, during Democratic Kampuchea period?

7 A. He was arrested and put in Prey Sar. After the arrest was made  
8 on the division, he was arrested.

9 Q. Let's talk a bit about these arrests. Your Division 310 was  
10 part of which zone?

11 A. The division was under North Zone.

12 Q. At the time you fourth against the Lon Nol army, was the  
13 leader of the North Zone, Koy Thuon?

14 A. Yes, that is correct. The name was Koy Thuon.

15 Q. Thank you for correcting my pronunciation. By the way, a very  
16 small question. Do you recall Koy Thuon putting on plays for the  
17 soldiers and for the population in your zone?

18 [09.40.05]

19 A. I did not recall well. At that time, I was a combatant in the  
20 front battlefield. I was not at the rear. I did not recall it  
21 well whether -- where he was. And I did not know where he was  
22 relocated. As I stated, I was in the front line. And the chief of  
23 the zone from what I knew was Koy Thuon.

24 Q. When the Lon Nol army was defeated, were many weapons  
25 captured?

1 A. After Lon Nol was defeated, there were many weapons. And as I  
2 stated, I was in the front line, I did not concentrate on  
3 collecting weapons. My responsibility was to defend against the  
4 -- defend the armies in the front battlefield. And as for the  
5 weapons, the weapons were collected in the rear battlefield or  
6 were collected from Phnom Penh. And I did not pay attention to  
7 how many weapons had been collected.

8 Q. Do you know if additional weapons were received from abroad  
9 from places like China, after -- during the Democratic Kampuchea  
10 period?

11 A. After the liberation of Phnom Penh, from what I knew, weapons  
12 were bought from abroad, perhaps from China. This is what I  
13 heard.

14 [09.42.37]

15 Q. But you've told us that after the victory of the Lon Nol  
16 forces, even though weapons were captured from that army that  
17 surrendered and additional weapons from abroad, you and your  
18 colleagues were disarmed. Do you know why?

19 A. In my wisdom, I knew that there was a principal from them. And  
20 some of us were accused of CIA or KGB. And if we were armed, we  
21 would be able to inspire a revolution against them. So there was  
22 a principle that weapons had to be disarmed -- has to be  
23 collected or confiscated. And that is what I knew.

24 Q. Sir, were you KGB or CIA or did anyone try to get you to join  
25 the KGB or the CIA?

1 A. We were called into a meeting. And we had been told that for  
2 those who had been affiliated with CIA or KGB had to be alerted.  
3 And I myself had no idea what CIA or KGB was. And when the  
4 arrests were made against division or regiment and we were told  
5 that you were from the North Zone and some of you were CIA or  
6 KGB, some of my colleagues did not really understand what CIA or  
7 KGB was. And I told my colleague that I myself did not know about  
8 that either. And I had to do my work on the daily basis based on  
9 my assignment.

10 [09.45.28]

11 Q. You had a cousin Eng who was in your battalion; is that  
12 correct?

13 A. Yes. He was the commander of my battalion.

14 Q. Of your battalion or company?

15 A. He was the commander of battalion.

16 Q. Who was his superior?

17 A. His immediate superior was Oeun, the division commander.

18 Q. Okay. So, I just want to make sure that there is not a  
19 confusion about names. Is the person you're talking about now  
20 called Et?

21 A. Yes, that is correct.

22 [09.47.22]

23 Q. In the document 00 -- the document number I believe is D94/13  
24 and the ERN in Khmer is, 00170631; and in English, 00205081. I  
25 don't have the French, but it's only half a page before the end

17

1 of the document. You made this statement, sir, you said: "I saw  
2 them arrest people every day when I was at Tuol Kork. My cousin  
3 Eng," let me correct my pronunciation, "My cousin Eng, a company  
4 chairman, was arrested at Tuol Kork." So is Eng different than  
5 Et?

6 A. I would like to verify the name. Eng was a different person  
7 from Et.

8 Q. And which one was your cousin?

9 A. It was Eng who was my cousin. I do not recall his family names  
10 either. And this individual was my cousin. His name was Eng not  
11 Et. He was the head of the company.

12 Q. Thank you. So was he your commander at the time?

13 A. Are you referring to Et or Eng?

14 [09.49.34]

15 Q. Eng, your cousin, was he the commander of Company 5 that you  
16 were in?

17 A. Yes.

18 Q. Who were the people that carried out the arrest of Eng?

19 A. I did not witness the arrest but I knew that he was arrested.  
20 He was called and I heard that the company was called into a  
21 study session at the division. And he disappeared afterwards. I  
22 was awaiting for his return from day to day, but he never  
23 returned. And later on, I heard people say that Eng betray them.  
24 He was arrested because of this.

25 Q. What was the fate of Eng? Did he survive the Democratic

1 Kampuchea period to your knowledge?

2 THE INTERPRETER:

3 Interpreter could not hear the full statement of witness.

4 BY MR. KOUMJIAN:

5 Sorry, sir. Can you speak up a bit, maybe move the microphone a  
6 little closer to you? We didn't hear your answer.

7 [09.51.37]

8 MR. SEM HOEURN:

9 A. Witness, could you repeat your question?

10 Q. Do you know after Eng was arrested what happened to him?

11 A. I have no idea. But I heard about it. I heard that he was  
12 arrested and put in Prey Sar prison. I did not witness his actual  
13 arrest.

14 Q. Have you ever seen him since?

15 A. He disappeared afterwards. I did not know his whereabouts. And  
16 my work colleagues told me that he was arrested and put in Prey  
17 Sar prison. I have no idea where he was and where he is now.

18 Q. What about the division commander Oeun, do you recall when he  
19 was arrested?

20 A. I could not recall well when he was arrested. What I knew is  
21 that the whole soldiers of division were called into a meeting at  
22 Wat Phnom. And after that time, cadres from Southwest Zone were  
23 sent to replace those of North Zone. And we were told that former  
24 soldiers of division were traitors and that they had been  
25 arrested. And we were asked whether or not we wanted to hear the

1 recording of our superior. And at that time, I knew that my  
2 superior was arrested. But as I stated, I could not recall when  
3 exactly he was arrested.

4 [09.54.41]

5 Q. And when you were called into the meeting at Wat Phnom, were  
6 there -- was there anyone there from outside of your division in  
7 charge of the meeting?

8 A. At that time, I could notice some strangers, new faces. After  
9 Oeun had been arrested, Teu came to replace him. He was from  
10 Southwest Zone.

11 Q. At the meeting, did they play a tape recording of Oeun  
12 speaking?

13 A. Yes. But because there were many attendees at that time, I  
14 could not hear clearly what was being -- what was saying in the  
15 tape recording. The recording was not clear. I could not get the  
16 content of the confession in the recording. And I only knew that  
17 he was being mistreated from the voice he spoke.

18 [09.56.26]

19 Q. Did you know at that time, did anyone inform you that Oeun had  
20 been taken to S-21, to Tuol Sleng?

21 A. I knew that he was taken to S-21 or Tuol Sleng.

22 MR. PRESIDENT:

23 You may now proceed, Counsel Kong Sam Onn.

24 MR. KONG SAM ONN:

25 I do not have objection because it is too late. The witness has

20

1 stated earlier that -- the witness stated about the S-21 and he  
2 mentioned that his cousin and his superior Et were sent to Prey  
3 Sar. And there was a leading question from the Co-Prosecutor.  
4 Co-Prosecutor asked whether Oeun was sent to S-21. And I believe  
5 that question was a leading one, but it is too late to raise my  
6 objection.

7 [09.57.54]

8 MR. KOUMJIAN:

9 Well, if I would just -- if there is a request from the Defence  
10 that we establish that Oeun was in S-21, I can do that for  
11 records. And I could spend a little -- take a little bit of time.  
12 Just for the record, Your Honour. E3/342, number 8967, on that  
13 list is Oeun showing he entered S-21 on 17 February 1977.  
14 E3/1891, it's a confession of Oeun dated the 20th of February  
15 1977, where he says, "This was how it was right up till 18  
16 February, when the Party detained Suong and me."

17 Q. Mr. Witness, had you heard anything about -- I'm sorry.

18 MR. PRESIDENT:

19 You may now proceed, Counsel Kong Sam Onn.

20 MR. KONG SAM ONN:

21 Thank you, Mr. President. Perhaps, Co-Prosecutor misunderstood  
22 what I have just said. I did not object that the question that he  
23 asked. I would like to clarify that Oeun was -- witness said that  
24 the cousin and Et were sent to Prey Sar.

25 [09.5.33]

1 MR. PRESIDENT:

2 Actually what I heard from the Counsel is that Counsel wanted to  
3 raise an objection at that time, but it is too late. He said that  
4 it was a leading question, that's why he rise up -- he is on his  
5 feet at that time.

6 BY MR. KOUMJIAN:

7 Sir, there's another document, E3/1892, and in English, the ERN  
8 is 0096972; in Khmer, it's 00012821; and it is not available in  
9 French. This is a confession of Suong. I just mentioned in Oeun's  
10 confession, he said he was detained with Suong. And Suong said:  
11 "On 10 February 1977, the general staff organisation, in the  
12 guise of Tum, sent Oeun and me to Battambang province with Von  
13 and Raen, the general staff assistant. We had been there maybe  
14 seven days when I was arrested and brought in." Sir, do you know  
15 -- did you know at the time that Oeun was arrested in Battambang?

16 [10.01.30]

17 MR. PRESIDENT:

18 You may now proceed, Judge Lavergne.

19 JUDGE LAVERGNE:

20 I think, Mr. Prosecutor, you just read the content of confessions  
21 obtained at S-21. And it's possible that these were obtained  
22 under torture. Perhaps, it would be better to avoid this kind of  
23 question for the moment.

24 BY MR. KOUMJIAN:

25 Certainly and very briefly, this is of course consistent with our



1 position, that there is information such as when someone was  
2 arrested and where they were arrested. And that would not be  
3 precluded as that would not have been the product of torture. But  
4 in order to avoid controversy at the present time, I'll move on.

5 Q. Sir, do you know why Oeun was arrested?

6 [10.02.46]

7 MR. SEM HOEUR:

8 A. I did not know the reason he was arrested. But as I stated, I  
9 was in a meeting and I heard they said my superior betrayed them.  
10 I was told that, "your superior was a traitor, betrayed the Party  
11 and Angkar" and after that time, I was asked whether I wanted to  
12 hear the recording. And as I stated earlier, I could not hear the  
13 content of the confession because the voice was not clear enough.  
14 And I believe that he was severely mistreated at that time.

15 Q. You had fought with Oeun for many years; is that correct?

16 A. While I was living under his supervision, I engage in several  
17 battlefields. And that went through to the liberation of Phnom  
18 Penh. And we were dispersed upon his arrest.

19 Q. When you were fighting under Oeun, did you ever have any  
20 reason to believe that he was collaborating with the Lon Nol  
21 army, the Vietnamese, the CIA, the KGB?

22 [10.04.54]

23 A. I didn't know that if at any stage he was involve in those  
24 alleged political activities. And the only thing I knew of him  
25 was that we followed instructions, his instructions, whichever

1 battlefield we were assigned to do. But on his political tendency  
2 or whatever, we didn't have the knowledge of that.

3 Q. You've told us you were a regular soldier and he was a  
4 division commander. Did you have any direct contact with him or  
5 did you only receive orders through your company or battalion  
6 commander?

7 A. I never receive any direct order from him. The order came  
8 through in the chain of command -- that is, from regiment to  
9 battalion down to company, etc.

10 MR. KOUMJIAN:

11 This would be a good time to break if that's convenient.

12 [10.06.31]

13 MR. PRESIDENT:

14 Thank you, Mr. Co-Prosecutor. It is now convenient to take a  
15 short break and we will resume at 10.30.

16 Court officer, please assist the witness during the break and  
17 invite him into the courtroom again at 10.30.

18 The Court is now in recess.

19 (Court recesses from 1006H to 1028H)

20 MR. PRESIDENT:

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

22 And the floor is given to the International Co-Prosecutor to  
23 resume his line of questioning. I would like to inform the  
24 Co-Prosecutor and Lead Co-Lawyers that you have one more session  
25 this morning, and one more hour in the afternoon.

1 BY MR. KOUMJIAN:

2 Q. Thank you. So I hope I'm close to being finished with my  
3 questions. Just to be sure I understand your testimony, you've  
4 told us -- is this correct? -- that you never attended, yourself  
5 personally, any political training at the Olympic Stadium. Is  
6 that correct?

7 MR. SEM HOEURN:

8 A. I did not attend any political training at Olympic Stadium. I  
9 was never there.

10 Q. Thank you. So, did you yourself ever witness people being  
11 tortured during the Khmer Rouge regime?

12 A. In Khmer Rouge time, I witnessed it, and I would like to find  
13 justice for the victims. When I was at Wat Phnom, there was a  
14 security office. People from cooperatives or from the sector were  
15 arrested, and put in the security office. I did not enter into  
16 the security office. Male and female people and children were put  
17 and tortured in that security office. I heard the screaming from  
18 those detainees, but I did not witness the incident happening in  
19 that security office.

20 Q. Okay, so we can better understand where and when this was,  
21 where were you when you witnessed or heard the screaming?

22 A. It was to the north of Wat Phnom. It was not to the north of  
23 Wat Phnom, it was opposite Calmette Hospital.

24 [10.32.19]

25 Q. What was your assignment at that time?

1 A. I had no assignment. I was relocated and removed from my unit,  
2 and I was put for a brief period of time at that place. I peeped  
3 into the security office every morning, and people from  
4 cooperatives, the sector, and the district were sent into that  
5 security office.

6 Q. Just so we have an idea of the time, is it correct that this  
7 was after the fall of the Lon Nol regime; after the Khmer Rouge  
8 had captured Phnom Penh?

9 [10.33.20]

10 A. Yes, after the Khmer Rouge captured Phnom Penh. It is true.

11 Q. This is before or after you were sent to do rice farming in  
12 Phnom Penh?

13 A. I was sent to engage in rice farming after the liberation of  
14 Phnom Penh. And after one month and a half, I was relocated to  
15 Tang Kouk village, Baray district.

16 Q. Was that before or after you were at the location where you  
17 witnessed this security office near Calmette Hospital?

18 A. It was before I was sent to engage in rice farming. It was  
19 during the time I was removed from my unit, and put in the place  
20 for a brief moment. I was under surveillance at that time. I  
21 heard the screaming, and I secretly looked into that security  
22 office. I asked my colleagues what happened, and I was told that  
23 they were prisoners arrested from cooperatives, districts and  
24 sectors. I witnessed the torture at that place, and I would hear  
25 the sound of beatings every morning. I heard the sounds of crying

1 of children. And as I was a prisoner at that time, I did not dare  
2 to go and approach that security office.

3 Q. Who was in control of that security office?

4 A. I have no idea. I did not know who was in charge of that  
5 security office. As I stated, I could see the security office  
6 from a far distance. I have no idea who was in charge of that  
7 security office.

8 [10.36.17]

9 Q. Okay, thank you. Thank you for telling us. When you don't know  
10 an answer, just say you don't know. Sir, do you know where the  
11 soldiers, or the people guarding that office, came from? If you  
12 don't know, tell us. Do you know what part of the country they  
13 came from?

14 A. I did not know the place where guards were sent from. And I  
15 did not know when this office was established.

16 Q. Do you know, sir, if this office had been used for something  
17 else before it became a security office?

18 A. That house belonged to the inhabitants, and this house was  
19 turned into a security office. It was surrounded by corrugated  
20 iron. No one could peep into that security office, but for my  
21 case, I could peek into that security office by looking through a  
22 hole in the house.

23 [10.37.56]

24 Q. Do you remember if this was before or after the arrest of  
25 Oeun?

1 A. After Ta Oeun had been arrested, the security office came into  
2 operation.

3 Q. So, I want to read to something from E3/1593, that's a book by  
4 Ben Kiernan, and the ERNs are in English, it's at page 339,  
5 English, 00678671; Khmer, 00637878; in French, 00639117. It said  
6 that between -- Professor Kiernan wrote: "Between mid-February  
7 and late April, 112 civilian officials from the zone were  
8 imprisoned at Tuol Sleng." And it's clear from the context he's  
9 talking about 1977, and the zone is the North Zone. Sir, were you  
10 aware of civilians from the North Zone, over a hundred, being  
11 arrested between February and April, 1977?

12 A. I did not know at the time. The situation was confusing at  
13 that time. I did not know.

14 Q. Sir, on the very next page, he indicates that on the 4th of  
15 April, Santebal officers massacred 100 troops from Oeun's 310  
16 Division, 310 Division, in one day. Were you aware of over a  
17 hundred, a hundred or more, of your colleagues from that division  
18 being killed at Tuol Sleng on 4 April 1977?

19 A. At that time, I knew that there was a meeting, and people  
20 disappeared, as stated in the document.

21 [10.40.58]

22 Q. You've told us about participating in many battles throughout  
23 Cambodia, throughout the country. Did you ever fight in Vietnam?

24 A. At that time, I did not join the battlefield in Vietnam. I was  
25 relocated, as I said, to build Kampong Chhnang airport. And

1 soldiers from 502 or from the Southwest Zone were sent to join  
2 the battlefield. As for those who had been affiliated with the  
3 tendency, were sent to build Kampong Chhnang airport. And as I  
4 indicated, I did not attend the battlefield in Vietnam.

5 Q. Okay, thank you. Just so we're clear, either before you went  
6 to the airport or after, is it correct then that you never went  
7 to Vietnam, to fight in Vietnam? Do I understand you correctly?

8 A. I never, never at all, attended the battlefield in Vietnam.

9 MR. KOUMJIAN:

10 Thank you, sir. My colleagues will have some questions for you.

11 [10.42.50]

12 QUESTIONING BY MS. SONG CHORVOIN:

13 Q. Good morning, Mr. Witness. I am Song Chorvoin. I have several  
14 questions to put to you this morning, and I am focusing on the  
15 topic in relation to Kampong Chhnang airport. You have told the  
16 Court and my colleague that you were sent to Kampong Chhnang  
17 airfield. Who sent you there?

18 MR. SEM HOEURN:

19 A. I was in the unit at that time, and Nhor was in charge of my  
20 unit. He was from the Southwest Zone. He was the one who sent me  
21 and my colleagues to work in Kampong Chhnang airfield.

22 Q. You stated that Nhor sent you and your colleagues to Kampong  
23 Chhnang airfield, and you stated that you were relocated because  
24 you had been affiliated with the tendency. What do you mean by  
25 that?

1 A. I want to say that, as I indicated earlier, my chief of  
2 division and regiment and battalion were arrested. And as the  
3 subordinates of those superiors, we had been linked to them. As a  
4 result, my colleagues and I were removed and sent to the Kampong  
5 Chhnang airfield. And as I stated, we had been affiliated with  
6 the enemy, as allegedly said by them.

7 [10.45.02]

8 Q. You stated that you were sent to the airfield. How did you  
9 know that you were removed and sent to Kampong Chhnang airfield?

10 A. Before I was relocated and removed -- I would like to  
11 backtrack a little bit. Before I was removed, I was assigned to  
12 clear up the hyacinths in Boeng Prayab. I was there for a period  
13 of two or three months. I do not recall it well, because it  
14 happened a long time ago. And after that time, I was removed and  
15 sent to Kampong Chhnang airfield by Nhor, who was my immediate  
16 supervisor. And as I indicated, he was from the Southwest Zone.

17 [10.46.08]

18 Q. You stated your unit, including you, was called into a  
19 meeting. So, where did the meeting take place?

20 A. In the meeting we were told that we, all of us, had to be  
21 relocated to Kampong Chhnang airfield. And we were removed from  
22 Boeng Prayab, and worked in Kampong Chhnang airfield.

23 Q. Thank you. When you were in a meeting and you were told that  
24 all of you from that -- your unit, were sent to Kampong Chhnang.  
25 So, how many of you were there in your unit at that time?



1 A. I could not give the exact estimates. There were five, four,  
2 or three trucks. And from my recollection, there were 38 soldiers  
3 in one company, in my company. And as for the total number, I  
4 have no idea.

5 Q. Mr. Witness, in your statement that you gave to the  
6 investigator of the OCIJ, document E3/5280, ERN in Khmer,  
7 00287556; English, 00290515; French, 00539927, you were asked by  
8 an investigator: "When you first arrived at Kampong Chhnang  
9 airfield, what did you see?" And your answer is: "Hundreds of  
10 male and female soldiers, who had been accused of being  
11 affiliated with the traitorous network, were sent to Kampong  
12 Chhnang airport from Boeng Prayab." You have just stated that you  
13 went from Boeng Prayab, where you were assigned to clear up the  
14 hyacinths. So, were you all sent to Kampong Chhnang airfield?

15 A. Yes, the whole unit. The whole units were sent to the  
16 airfield, one after another. Members from youth units, from  
17 female or male units, were sent to the airfield, but some were  
18 sent to the airfield first, and some others were sent later.

19 Q. You stated that hundreds of you were accused of being linked  
20 to the traitorous network. Where were they from?

21 [10.50.04]

22 A. I have no idea where they were from, but what I knew is that  
23 they were from different zones, North Zone, East Zone, and other  
24 zones. Those who had been linked to the traitorous network were  
25 sent to that Boeung Prayab. This is what I know.

1 Q. Thank you. I understand that this incident happened a long  
2 time ago, but I would like to ask you the exact date. When were  
3 you moved to Kampong Chhnang?

4 A. I could not recall the exact month or date. I did not pay  
5 attention to the date or time, and as I indicated, I was  
6 allegedly accused of being linked to the traitorous line. I did  
7 not pay any attention to the date or the month.

8 [10.51.34]

9 Q. In document E3/5280, Khmer ERN, 00287556; English, 00290 515;  
10 and French, 00539927; you stated that: "In early 1977, before the  
11 Khmer New Year, I was sent to Kampong Chhnang worksite." Is the  
12 date, the year, you stated to the investigator correct?

13 A. Yes, that is correct, based on that document.

14 Q. When you first arrived in Kampong Chhnang worksite, where did  
15 you stay?

16 A. I stayed in Baribour district, but not in the village. I built  
17 a house, or an office to stay in, and as I indicated a while ago,  
18 I stayed in Baribour district.

19 Q. Upon your arrival, how was the situation of Kampong Chhnang  
20 worksite like?

21 A. Upon my arrival at Kampong Chhnang worksite, two percent of  
22 the construction had been completed, and my unit was assigned to  
23 clear the land with the help of the tractor. That is the first  
24 time that we were assigned to do.

25 [10.54.13]

1 Q. And then, who divided the assignment for you to work? And what  
2 did you do there?

3 A. My immediate supervisor, his name was Chham, he received the  
4 instructions from the upper echelon, and he relayed the  
5 instructions to me and my colleagues that we were all asked to go  
6 to clear land, and to pick up the wood, and to uproot trees.

7 Q. Did you work there alone? Or were you with your members of  
8 your unit, when you were assigned to implement that task? And how  
9 many of you were there in your group or unit?

10 A. We were divided into units. And there was 36 members in one  
11 platoon, 12 members in one group, and we were divided into groups  
12 and platoons to be in charge of the assignment.

13 [10.56.04]

14 Q. Thank you. In the document, E3/5280, Khmer ERN, 00287557;  
15 English, 00290516; French, 00339928; when you were asked about  
16 the working conditions, food rations and working hours you stated  
17 as follows: "The work was very difficult, and we were under  
18 watch, under constant watch, as we had been linked to the  
19 traitorous network. And if we broke the earth-carrying baskets or  
20 hoes, we would be arrested because we would be accused of being  
21 enemies." You stated that you were under constant watch, and who  
22 kept an eye on you?

23 A. He was the unit chief. Thank you for asking me this question.  
24 It was the unit chief who kept an eye on me and on my colleagues.  
25 If we happened to break the earth-carrying baskets or hoes, we

1 would be accused of betraying the revolution. So, as I stated, we  
2 were under constant watch. And for those who fell sick, they  
3 would be put under surveillance, and they did not receive  
4 sufficient food to eat. And if they fell sick, their food ration  
5 was reduced to half of the plate or bowl. So the work there, at  
6 the Kampong Chhnang airport, was really difficult. We had limited  
7 food rations, and we were told to wake up at 5.30 to conduct the  
8 collective work, not the individual work.

9 [10.58.56]

10 Q. You stated that your unit chief kept an eye on you. Did he  
11 also join you in the worksite? Or did he only stand and watch all  
12 of you there?

13 A. Thank you. He did not engage in the assignment. He was there,  
14 walking around, to watch over us, whether we were active in our  
15 assignment. And he was there to see whether some workers were  
16 inactive, sitting too long. And as I stated, he kept an eye on  
17 us. And he would ask members of the units whether everyone was  
18 there at the worksite. We were also asked why one individual was  
19 absent from work. So we were under surveillance very strictly.

20 Q. Besides the unit chief, were there any soldiers, Khmer Rouge  
21 soldiers or guards, watching over you?

22 A. There was a regulation from the Khmer Rouge upper echelon, and  
23 this regulation was imposed on the unit chief. And if the unit  
24 chief did not follow the regulation, or instruction, he or she  
25 would be accused of being an enemy as well.

1 [11.00.57]

2 Q. I would like you to clarify for all of us, were there any  
3 guards, armed, or in different clothes?

4 A. I never noticed any soldiers at the worksite. And I only saw  
5 that every morning, there would be workers with their own tools,  
6 such as earth-carrying basket and hoes, going to the worksite.

7 Q. What about the clothing worn by workers and unit chiefs? Was  
8 there are different attire identifying those who were unit  
9 chiefs?

10 A. At that time, unit chiefs were cadres. However, they were  
11 wearing black attire and a black cap. And that's what we noticed  
12 of their position as unit chiefs.

13 Q. What about ordinary workers, working at the worksite? Was  
14 their clothing different from the black attire worn by unit  
15 chiefs?

16 A. Immediately after the liberation of Phnom Penh, workers wore  
17 black clothing, or khaki pants, or some coloured clothing  
18 leftover from the previous regime. So it was a kind of a mixture  
19 of clothes worn by workers.

20 [11.03.38]

21 Q. During the period you worked at Kampong Chhnang airport  
22 worksite, do you recall, if you can, how many workers in total  
23 were working there? Just in terms of into hundreds, or in the  
24 thousands?

25 A. From my observation, they were into tens of thousands of

1 workers. Not only thousands, but tens of thousands. But I cannot  
2 give you the exact figure because there were many, many workers  
3 there.

4 Q. You said they were into the tens of thousands of workers. And  
5 what were they doing there at the worksite?

6 A. Of course they were building the airport worksite. However,  
7 they were in different units. Some units were assigned to break  
8 rock, while others were assigned to lay foundations or to  
9 compress soil.

10 Q. For those tens of thousands of workers, were they ordinary  
11 civilians? Were they peasants, or were they workers, or soldiers?  
12 That is, from what you observed?

13 [11.05.43]

14 A. They were not ordinary civilians, even the women. They were  
15 reassigned from their respective units. For instance, those women  
16 were female soldiers. All those soldiers who were alleged of  
17 having affiliated with the bad elements. And some workers were  
18 reassigned from commerce units. But the ordinary civilians were  
19 not mixed with soldiers or former soldiers. So only soldiers were  
20 on site. There were no civilians.

21 Q. So, those tens of thousands of workers were reassigned from  
22 other units, and they were all former soldiers. And once they  
23 arrived in the airport worksite, where they still considered as  
24 soldiers? Or were they considered as ordinary workers or  
25 civilians?

1 A. They no longer held any position. They were considered  
2 ordinary civilians, working as normal. In the morning they had to  
3 wake up, carry their basket and hoe, going to the worksite. They  
4 were no longer considered soldiers.

5 Q. In your document, the ERN in Khmer is, 00320590 - 91; and in  
6 English, 008761--

7 INTERPRETER:

8 The interpreter cannot follow the ERN numbers.

9 [11.08.06]

10 BY MS. SONG CHORVOIN:

11 The ERN in English is, 00876511; and in French, 00892658. You  
12 mentioned that during your DC-Cam interview, when you were asked  
13 when you were working at Kampong Chhnang airport, were arrests  
14 continuing? And you responded, and allow me to quote: "Yes,  
15 arrests were still being made. People who committed serious  
16 offence were not sent to the detention centre, only for the light  
17 offence, offenders were sent to the detention." And then you were  
18 asked again: "For those who were sent to Kampong Chhnang, were  
19 they all prisoners?" And you said that: "Yes, they were." End of  
20 quote. My question to you is the following: for the alleged  
21 serious offenders, who were not sent to the security office,  
22 where were they sent to? And to do what?

23 A. Serious offenders were sent away. And as I stated earlier,  
24 some workers broke a hoe or damaged an earth-carrying basket, or  
25 other tools, they would be arrested and not sent to the security

1 office, but they were sent to the Angkar's office.

2 [11.09.59]

3 Q. Please clarify. You said that they were sent to the Angkar's  
4 office. What do you mean by that?

5 A. They were sent to be end -- to be ended there. I mean they  
6 were sent there to be killed. And that's the end of it.

7 Q. What about the light offenders? What did they do to those  
8 alleged light offenders?

9 A. Light offenders were assigned to do routine daily work,  
10 without any sufficient food. And they had to work overtime, and  
11 they were subject to monitoring. And for those who were accused  
12 of being serious offenders, as I mentioned, damaging a hoe or a  
13 carrying-basket, or for those who walked freely without  
14 respecting the discipline of Angkar, would be monitored. And  
15 light offenders were subject to normal work, with little food  
16 provided.

17 Q. As in the quote I mentioned, those workers who were sent to  
18 Kampong Chhnang were all prisoners. And why do you arrive at that  
19 conclusion? And if so, were they light or serious offenders?

20 A. I have already stated, those who were sent to work at Kampong  
21 Chhnang airport, as I told the DC-Cam interviewer, those workers  
22 were considered bad elements. I refer to those who were sent to  
23 work at Kampong Chhnang airport. So, regardless of the units  
24 they were attached to -- for example, breaking rocks or  
25 compressing earth -- they were all considered bad elements, and



1 they were used to engage in those risky work. For example,  
2 breaking rocks. And sometimes they were crushed by fragments of  
3 those rocks. So, in a way, they were being tortured through this  
4 form of hard work.

5 [11.13.04]

6 Q. In the same interview, ERN in Khmer is, 00020592; and in  
7 English, 00876513; and in French, 00892959; you were asked by the  
8 interviewer the following question: "Surrounding the Kampong  
9 Chhnang airport worksite, were there any killing sites?" And you  
10 said that: "Killings did occur. For those who were considered  
11 performing poorly would be killed to the west of Kampong Chhnang  
12 airport worksite." You were then continued to be asked: "At which  
13 village?" And you said: "There was no village there. It was all  
14 covered in forest." End of quote. When you referred to the forest  
15 area west of Kampong Chhnang airport worksite, can you recall the  
16 geographical location? For example, district or commune name, if  
17 you cannot recall the village name?

18 [11.14.29]

19 A. You are right. I cannot recall the village name. However, it  
20 was in Baribour district, Kampong Chhnang province, though I  
21 cannot recall the name of that forest, nor the name of the  
22 village.

23 Q. And you said it was located to the west of Kampong Chhnang  
24 airport. I refer to the killing site that you mentioned. How far  
25 was that location from the Kampong Chhnang airport worksite?

1 A. It was not that far. It was between 500 metres to one  
2 kilometre far from the worksite, though I cannot give you a  
3 precise estimate.

4 Q. And why do you know there was a killing site at that location?

5 A. I knew that it was a killing site because those people who  
6 were arrested were sent there. That's how I came to know about  
7 that killing site.

8 [11.16.09]

9 Q. Did you know about it? And did you actually go to that  
10 location?

11 A. I knew about it, but I did not go to that location. We were  
12 prohibited from trespassing that area, as they told us it was a  
13 forbidden area. And of course, we concluded that we were  
14 prohibited from trespassing that area since it was a killing  
15 site, and they did not want us to see what happened. And that's  
16 how I came to know about the site.

17 Q. And did you also come to know about how those people were  
18 killed?

19 A. To my knowledge, those people were taken to be killed there,  
20 and they were killed by the hoes. They would use the hoes to hit  
21 the back of their neck. And of course, they would not use  
22 bullets, since the sound from bullets being fired would be heard  
23 by us, the workers, at the worksite.

24 Q. My last topic is in relation to the visit by the Khmer Rouge  
25 leaders. Did you ever see senior leadership, or leaders, of the

1 DK regime coming to inspect, or to visit, the worksite? If so,  
2 who?

3 [11.18.12]

4 A. While -- When I was living in Phnom Penh, I saw Khieu Samphan,  
5 and I clearly saw Ieng Sary at that time. I was told that man was  
6 Ieng Sary, and that was Khieu Samphan. But I did not have any  
7 contact or communication with them. I only saw them from a  
8 distance.

9 Q. In your interview -- that is, E3/5280; Khmer ERN is, 00287558;  
10 in English, 00290516; in French, 00339928; you said that: "By  
11 late 1977, the runways were ready, and you saw Khieu Samphan on a  
12 helicopter, coming to visit at around 10 a.m. He was wearing  
13 black clothing, and he came with Chinese visitors. And that you  
14 were standing about 50 metres from where the helicopter landed.  
15 And he was inspecting the workers on site." End of quote.

16 While you were working at the Kampong Chhnang airport worksite,  
17 how many times did you see Khieu Samphan, and whom he was with?

18 A. I only saw him one time. And at that time, I was going to  
19 work, and we saw a helicopter about to be landed. And we were  
20 told that it was Khieu Samphan who came to inspect the worksite.  
21 However, that's all I know about his visit, and nothing more I  
22 can add.

23 Q. You said in your statement that he was standing about 50  
24 metres from the helicopter? What was he doing at that time? And  
25 what were you doing at the time? Can you try to recall it?

1 [11.21.00]

2 A. At that time, I was working. And when the helicopter landed,  
3 our unit chief told us to stop working and just to stand still.  
4 So we watched him, and he was walking, inspecting the worksite.  
5 But I didn't know anything else besides that.

6 Q. Besides Khieu Samphan, did you see any other Khmer Rouge  
7 leaders while you were working at Kampong Chhnang worksite?

8 A. No, I only saw Khieu Samphan once. I used to work with the  
9 Chinese who were technicians. And that's about it.

10 Q. I'd like to ask about your unit members working at Kampong  
11 Chhnang airport worksite. Did you work with your group of 12 from  
12 the beginning to the end? Or was there a rotation system?

13 [11.22.33]

14 A. Yes, there was a rotation. That means the rotation of work.  
15 Sometimes we were asked to dig the ground, or to flatten the  
16 soil, or to dig a canal. So, there was a mixture and a variation  
17 of the nature of work, depending on the instructions from our  
18 unit chief.

19 Q. When you were interviewed by the OCIJ investigator, about the  
20 disappearance of people from your group while you were working at  
21 the Kampong Chhnang airport worksite -- that is, in the same  
22 document, E3/5280, with Khmer ERN 00287559; in English, 00290517;  
23 and in French, 00339929; you were asked the following question.

24 "Was there any disappearance amongst the workers in your group?"

25 and you said, "In my group of 12, people disappeared. I recall

1 Pheap and Soeun were arrested for stealing tobacco leaves. And  
2 they were alleged of being traitors. I saw the arrest of the two  
3 people, and their hands were tied behind their back. But I didn't  
4 know where they were taken to." End of quote. Who were these two  
5 workers? And how long did they work with you until their arrest?

6 [11.24.28]

7 A. The statement I made with the OCIJ investigator is correct. We  
8 worked together for about one and a half months. One day, Pheap  
9 returned from -- the worker Pheap and Soeun, in fact planted  
10 tobacco trees. And then some tree leaves fell. They picked them  
11 up. They cut them into small pieces, and then they smoked it. The  
12 next day, they were called to attend a meeting, and they said  
13 that in our group, there were traitors. There were enemies. I  
14 didn't pay attention to the fact that they picked tobacco leaves  
15 and could be accused of being traitors.

16 Then, Pheap and Soeun were arrested. And they were walked away.  
17 And Pheap, while being walked away, said that: "I am now  
18 arrested, and I would be dead. And if you see my mother and my  
19 family members, please tell them that I am taken away and  
20 killed." However, allow me to stress that I didn't know where  
21 they taken away and killed. And after he said that to me, I  
22 didn't dare to respond. And to my knowledge, they did not commit  
23 any mistake. They went to work regularly every day, and the only  
24 offence they made was to pick tobacco leaves. And that, I was  
25 sure of it.

1 [11.26.31]

2 Q. And from the time Pheap and Soeun had been arrested, did you  
3 see them at a later stage?

4 A. From the day of their arrest they disappeared, and I have  
5 never seen them again.

6 Q. You said there were 12 people in your group who had been  
7 arrested, and you only told us about two members. Can you recall  
8 names of the other 10 workers?

9 A. No, I cannot recall their names. In my unit, 12 workers  
10 disappeared, and out of those 12, two disappeared from my group.  
11 So I cannot recall the names of the other 10 workers from my  
12 unit, as they were arrested at various stages. And I can only  
13 recall the names of the two workers in my group that were  
14 arrested, namely Soeun and Pheap.

15 MS. SONG CHORVOIN:

16 Thank you, Mr. Witness. And thank you, Mr. President. I am done.

17 [11.28.08]

18 MR. PRESIDENT:

19 Thank you. It is now appropriate for a lunch break. We'll take a  
20 break now and resume at 1.30 to continue our proceedings.

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

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

1 proceedings this afternoon before 1.30.

2 The Court is now in recess.

3 (Court recesses from 1128H to 1330H)

4 MR. PRESIDENT:

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

6 And now the floor is given to Lead Co-Lawyers for Civil Parties  
7 to put questions to this Witness. You may now proceed.

8 [13.30.59]

9 MS. MARIE GUIRAUD:

10 Thank you, Mr. President. Good afternoon to all of you. It's my  
11 colleague Chet Vanly that is going to begin the examination of  
12 this witness. Thank you.

13 MR. PRESIDENT:

14 You may now proceed.

15 QUESTIONING BY CHET VANLY:

16 Good afternoon, Mr. President, Your Honours, everyone in and  
17 around the courtroom. Good afternoon, Mr. Witness. My name is  
18 Chet Vanly. I am one of the civil party Lawyers.

19 You clarified some points yesterday -- this morning and the last  
20 week. However, I have some more questions to seek your  
21 clarification. First, I wish to focus on Kampong Chhnang  
22 airfield. After you arrived at Kampong Chhnang airfield, who was  
23 responsible for your units? And who was there to receive your  
24 units?

25 MR. PRESIDENT:

1 So I -- please be sure that you are asking about Kampong Chhnang  
2 airfield, not Pochentong airfield.

3 [13.32.41]

4 BY CHET VANLY:

5 It is actually the Kampong Chhnang airfield. And this morning,  
6 you stated already about Kampong Chhnang airfield. I would like  
7 to know when you arrived at Kampong Chhnang airfield, who came to  
8 receive your units?

9 MR. SEM HOEURN:

10 A. Upon my arrival, I saw no one coming to receive me and my  
11 units. However, we were told to stay in our respective units. I  
12 saw no one coming to receive for me and my units.

13 Q. Thank you. How long were you working at that worksite?

14 A. I worked at Kampong Chhnang airfield for a certain period of  
15 time. I could not give the exact months, but perhaps I was there  
16 for three or four months.

17 Q. Thank you. When was it? When were you there?

18 A. It was in 1977.

19 [13.34.33]

20 Q. When you were there, where was the Kampong Chhnang airfield  
21 exactly? Where was it; in which sector, which district?

22 A. I know that the airfield was in Baribour district, Kampong  
23 Chhnang province. I do not recall the zone.

24 Q. Thank you. I would like to know about the surrounding areas of  
25 Kampong Chhnang airfield, particularly the sleeping quarters?



1 Were there already quarters built for workers there?

2 Or did workers sleep in inhabitant houses?

3 A. We did not stay with inhabitants. We were told to stay in our  
4 respective units. Female worker, they lived in their female units  
5 and youth unit they had their own location or sleeping place. As  
6 for inhabitants, they were not allowed to come and live mingle  
7 with us.

8 Q. Thank you. You stated this morning that Chham was responsible  
9 for your unit. Beside Chham, who else was above Chham?

10 A. It was Nhor as I indicated earlier. Chham was responsible for  
11 me and he was responsible for the platoon.

12 Q. Thank you. Have you ever heard the name -- the person by the  
13 name Ta Lvey?

14 [13.37.02]

15 MR. PRESIDENT:

16 Please wait, Mr. Witness. Please observe the microphone before  
17 you give your answer.

18 MR. SEM HOEURN:

19 A. I heard the name Ta Lvey. However, I have never met him, or  
20 saw him -- seen him personally.

21 BY MS. CHET VANLY:

22 Q. And as for another individual, his name was Met, did you know  
23 this person?

24 A. I heard of the name, but I never met the two individual  
25 personally.

1 Q. Thank you. Did you know what their positions were?

2 A. I have no idea what level they were at. And as I stated, I  
3 have never met the two individuals.

4 [13.38.10]

5 Q. This morning, you stated before this Chamber that you were  
6 assigned to clear the land or compact the soil. And you stated  
7 also that you knew the place where the airplane was hidden and  
8 where was it? You -- are you referring to the caves and where was  
9 the caves? Where were the caves rather?

10 A. During the time I was tasked with clearing land and compacting  
11 soil, the caves were to the south of the airfield and I asked  
12 them what the caves were used for and I was told that the caves  
13 were used to hide airplanes.

14 Q. Thank you. Concerning the airplanes, what kind of airplanes  
15 did you ever see? Whether they were military airplanes or  
16 civilian airplanes that you have seen?

17 A. I never saw any airplanes, but I was told that the caves were  
18 used to keep and hide the spits, the fire jets.

19 Q. So why you -- you know the reason why they hid the airplane?  
20 Was it for battlefield purpose or was it for civilian purpose?

21 A. I -- as I stated, I never saw any airplanes. The purpose of  
22 the caves was to keep the airplanes to fight against Vietnam.

23 [13.40.34]

24 Q. I did not hear your answer at the end of your statement. So  
25 which country are you referring to?

1 A. I would like to confirm again the purpose of the caves was to  
2 keep the airplanes to fight again the Vietnamese.

3 Q. Thank you. You were one of the labourer at the worksite and I  
4 would like you to tell the court beside ordinary or manual  
5 workers, were there any technician workers at that worksite? Were  
6 there any engineers?

7 A. Thank you. Yes, there were engineers from China.

8 Q. Thank you. You stated also this morning that you were sent to  
9 Kampong Chhnang airfield and you were there for refashioning. I  
10 would like to seek your clarification in terms of refashioning.  
11 What do you mean by the refashioning or re-education? Were you  
12 there as a prisoner?

13 [13.42.17]

14 A. I was sent to Kampong Chhnang airfield and I one -- I was one  
15 prisoner among all others. I was relocate to that place for  
16 tempering and we were there to re-correct ourselves and if we  
17 could be able to correct ourselves, we would be okay. But if we  
18 could not correct ourselves, we would remain as prisoners ever.

19 Q. Thank you. You also said about the working hours and you  
20 mentioned about the individualism. What do you mean by that?

21 A. There is a principle from them, and as I stated this morning  
22 the nationalism work and the individualist work, they mentioned  
23 about the two areas. We were told to grow vegetables such as the  
24 winter melon.

25 Q. At your worksite, were there differences between the workers

1 who were responsible for light work and heavy work?

2 A. In terms of working condition, it depended on units. Some  
3 units were tasked with the drilling section or rock blasting  
4 section and some other units were responsible for clearing land  
5 or compacting soil. I could not get all the information at that  
6 time and I knew only what happened in my unit.

7 [13.44.55]

8 Q. I would like you to make a clarification concerning the  
9 machineries, heavy machineries. Where all those machineries  
10 brought from?

11 A. As for the heavy machineries, they were brought from China.  
12 Tractors, soil compacters were all brought from China.

13 Q. Thank you. What about the rock or gravels for building  
14 runways? Where was it take -- taken from?

15 A. The rock was taken from the mountain south to the airfield. It  
16 was about 30 half kilometre away from the airfield.

17 Q. To get the rock, how did they do?

18 [13.46.20]

19 A. Thank you. They drilled and they put the explosive and there  
20 was the (inaudible) machine to explode the -- the rock and after  
21 that the rocks were brought on to the truck.

22 Q. Thank you. Coming back to the work that you conducted at the  
23 worksite, did you face many difficulties? And was the work there  
24 difficult for you?

25 A. I was relocated to work at the airfield. I did not have enough

1 food to eat. The work condition was very difficult. I did not  
2 have enough sleep and for the drilling units they faced many  
3 fatal accidents. Some of the workers fell off the place where  
4 they climb up to break the rock. So there were many fatal  
5 accidents and as I stated I faced many difficulties while working  
6 there.

7 Q. When there were accidents or when there were fatal accidents,  
8 how did the supervisor do to those who got injured or suffered  
9 from fatal accident?

10 A. Thank you. If accidents happened at the worksite, the injured  
11 or the one who died as the result of their work would be buried.  
12 Their bodies would not be taken anywhere.

13 [13.48.39]

14 Q. What about the sick? Were there any medics at the worksite to  
15 treat the sick?

16 A. Thank you. For the sick at the worksite, there were medics,  
17 mobile medics in the units to treat them. And the sick would be  
18 prescribed with the medicine or with injection and because there  
19 was not effective or sufficient treatment some died.

20 Q. Thank you.

21 MR. PRESIDENT:

22 Please turn on your microphone.

23 BY MS. CHET VANLY:

24 Q. Were there many people dead because of the work or the illness  
25 on a daily basis?

1 [13.49.39]

2 MR. SEM HOEURN:

3 A. During the time that I was working at the worksite, not many  
4 people died on a daily basis. And some workers got injuries  
5 because of war or because of the work. They as a result died. But  
6 as I stated, they did not die -- the worker did not die every  
7 day.

8 Q Thank you. You stated this morning that when there were sick,  
9 the sick would be transported to be treated. Did you ever see the  
10 sick who were sent for treatment, back to the worksite?

11 A. The sick would be transported to somewhere. They were gone.  
12 Never returned. And as for my units, and I ask why the sick would  
13 not return to work and I was told that they went to work in  
14 different units.

15 Q. I want to ask you about the living condition. What was the  
16 food ration like? Could you eat freely and how was your food  
17 ration?

18 A. I would like to inform the Chamber that the food ration in my  
19 units was put in the boiling pot and the pot, the big pot was  
20 divided into four parts, and each could get our part in that  
21 container and as for soup we had soup with a morning glory and  
22 with a little fish. And soup was rather plain and not salty. And  
23 we experienced many difficulty in the period and I did not -- I  
24 do not want to recall what I have gone through in the period. My  
25 relative and I endured the regime and I -- I was relocated to

1 many places and I experienced many bad things. That is why I  
2 could not forget what happened to me, to all people in Cambodia  
3 who lived through the period.

4 [13.52.48]

5 Q. I would like to seek some -- some clarification from you. Did  
6 people die because of starvation or exhaustion?

7 A. Yes. Yes, some people died because of starvation. After they  
8 did not have food, enough food to eat, they fell sick and some of  
9 them were accused of pretending to be sick. And it was said that  
10 the sick, some of them pretend to be "khyol deul" and if people  
11 got sick, they did not receive enough food to eat and, for  
12 example, one would receive one can of rice to eat, but when they  
13 fell sick they would receive only half of the can.

14 Q. Thank you. You stated this morning, as well, that the people  
15 died because they fell off the rock or mountain. Did they commit  
16 suicide or was it the accident during the time that they were  
17 working?

18 [13.54.33]

19 A. When people were assigned to drill the rock, they had to climb  
20 up the mountain and they, at that time, did not -- was not able  
21 to -- to hold firmly to the rock and they fell off that mountain.  
22 They died because of this. They did not commit suicide. Actually,  
23 they were working very hard in order to survive, but  
24 unfortunately they died.

25 Q. You stated this morning also that people will walked to the

1 south of the airfield and some of them were put on truck. Did you  
2 frequently see this kind of incident?

3 A. I did not see such incidents frequently. It happened once in a  
4 while. People were brought into the woods or forest near the  
5 airfield in Baribour district, the place where people were killed  
6 or executed.

7 Q. And what time were those people brought to that place? And  
8 were they all tied up or were they all thrown up onto the truck?

9 [13.56.23]

10 A. They were all tied. Their hands were tied behind their backs  
11 and after that they were thrown up on the trucks and they used  
12 the -- the truck or vehicle was fully covered so that no one  
13 could see. And people would be brought away at 10 p.m. at night.

14 BY CHET VANLY:

15 Mr. President, this morning you state -- you said that we had 30  
16 minutes for the afternoon session. Could we request 10 more  
17 minutes?

18 I would like to move on to the cleansing. You mentioned that Oeun  
19 was arrested and it was allegedly said that he betrayed the  
20 Angkar and as for you, you had been affiliated with the Oeun, and  
21 what did you know about Oeun?

22 MR. SEM HOEURN

23 A. I did not know about the plan that Oeun had. I did not know  
24 about the acts of his treason. And for me I was committed to  
25 serve the army and as for Oeun, I did not know whether he had any



1 plan to betray Angkar. At the time I was told that my superior  
2 betray Angkar, and from that time onward I realized that Oeun was  
3 accused of betraying Angkar.

4 [13.58.33]

5 Q. Thank you. I would like to read your document ES19161 (sic),  
6 ERN in Khmer, 0020598; English, 00876521; French, 00892664. You  
7 stated, "Oeun was my superior and he has the wisdom to build up  
8 the internal forces. He was called Khmer Sar and he encouraged to  
9 have another movement." So, you meant that you were removed to  
10 work in Kampong Cham and, "I was in a unit and I was at central  
11 Kampong Cham." And after Oeun and Thuch had been arrested, the  
12 information was leaked and after that time it -- they found that  
13 you had been affiliated with the superior. Is this your -- is  
14 this your statement?

15 A. I think, what you have just read, it is true and Oeun wanted  
16 to create a movement to fight again and liberate the Democratic  
17 Kampuchea.

18 Q. Thank you. You stated this morning as well get that you were  
19 played with a radio recording and you stated also that you heard  
20 the confession in the radio recording, audio recording. Is it  
21 true that the voice in the radio, audio recording was Oeun's  
22 voice?

23 [14.00.55]

24 A. I indicated this before the Chamber already. I listened to the  
25 recording; the recording was played at that time. And as I stated

1 this morning, it was his voice, I could hear some of the contents  
2 and I also stated this morning that he did not say very clearly  
3 in the recording perhaps he was tortured at that time and the  
4 voice was very low and to my belief perhaps it was his voice. But  
5 I -- as I stated I did not know the contents of the recording.  
6 Thank you.

7 MR. CHET VANLY:

8 Q. This morning in response to the Co-Prosecutor you said that  
9 you mainly worked as a centre, as a soldier in the centre at  
10 Phnom Penh and in 1975 you were stationed to guard a radio  
11 station, you were also stationed at Boeng Prayab and at Toul  
12 Kork. So while you worked as a soldier in Phnom Penh at these  
13 various locations, what did you see and what did you do?

14 A. I stayed in Phnom Penh and I did not have any major role to  
15 play. However my duty was assigned to clean up the city, to clear  
16 up the rubbish for example, and in Toul Kork, my duty was to go  
17 to Khmuonh-Kab Srov and Boeng Prayab to do rice farming there.

18 [14.03.05]

19 Q. Also this morning, you said that your station or your base was  
20 near Wat Phnom, were you aware of a destruction of the catholic  
21 church which was located near a hotel within the vicinity of Wat  
22 Phnom?

23 A. No, I was not aware of that and I did not know their intention  
24 of destroying the Catholic Church.

25 Q. And did you know the reason for the destruction of that

1 church?

2 A. I only saw it but I did not know the reason behind the  
3 destruction of that church.

4 INTERPRETER:

5 Counsel, please turn on the microphone.

6 BY MS. CHET VANLY:

7 Q. Did you know particular group or division which was in charge  
8 of dismantling that church?

9 MR. SEM HOEURN:

10 A. I did not know from which division soldiers were deployed to  
11 destruct that church. During the regime we were not allowed to  
12 ask any details of anyone, we were strictly prohibited from doing  
13 that and I only saw them destroying that Catholic Church.

14 [14.05.23]

15 MR. CHET VANLY:

16 Mr. President, I don't have any more questions for this witness  
17 and maybe my International colleague may have a few supplementary  
18 questions to put to the witness.

19 MR. PRESIDENT:

20 Lead Co-Lawyer, you have any question?

21 QUESTIONING BY MS. GUIRAUD:

22 I would have a few questions to ask but I believe that we went  
23 well over the time that was given us and therefore I leave it to  
24 the Chamber. I have two very precise questions to ask. I  
25 understand, Mr. President, that I may ask my questions?

1 [14.06.25]

2 Well, thank you. Good afternoon, I am Marie Guiraud, I am Lead  
3 Co-Lawyer for the civil parties. I have two very brief questions  
4 to ask you in order to put more precision into your testimony.

5 Q. You told my colleague earlier that you had spent three months  
6 on the Kampong Chhnang airfield, the construction site. I would  
7 like to quote an excerpt from your statement to the DC-Cam  
8 investigators and so when they asked you how long you had spent  
9 on that construction site, you had said one year and this is  
10 document IS19.161, ERN in Khmer, 00020577; English, 00876495; and  
11 French, 00892646. The question I wanted to ask you now, Mr.  
12 Witness, on these two different versions, one that is in your  
13 DC-Cam interview in which you said you spent a year in Kampong  
14 Chhnang and what you told my colleague earlier where you had  
15 rather spent three months. Which is, do you remember, does this  
16 perhaps refresh your memory?

17 A. Thank you for your question. In the document that you read out  
18 I said that -- I actually said that I spent one full year at the  
19 Kampong Chhnang airport worksite and I confirm by that statement.

20 [14.08.42]

21 Q. Well, thank you. My second follow up question and that will be  
22 all from me is the following. You told the Prosecutor this  
23 morning and I will quote as I wrote them down, you said that you  
24 saw Khieu Samphan and Ieng Sary once in Phnom Penh and you said  
25 that you had seen them but from afar. Could you tell the Court

1 when you saw Phnom Penh -- when you saw Ieng Sary and Khieu  
2 Samphan from afar?

3 MR. SEM HOEURN:

4 A. I saw them when they were travelling in their cars and the  
5 unit was assigned to provide protection to them and I was told  
6 that in that vehicle -- in another vehicle it was Ieng Sary or  
7 Khieu Samphan.

8 Q. Did you see them or did someone tell you that it was they who  
9 were in the vehicles that you had to protect?

10 A. I actually saw them with my own eyes.

11 [14.10.22]

12 Q. Do you remember where in exactly it was in Phnom Penh and  
13 around what time would you say it was?

14 A. At that I was in Phnom Penh, I was near the vicinity of Wat  
15 Phnom and then the force was deployed to provide protection near  
16 the Central Market along Prachea Thipakdei Boulevard and when the  
17 convoyed vehicles approached I saw Khieu Samphan and Ieng Sary. I  
18 was at a distance and now when I see him in the Court he looks  
19 much older than when he was in that vehicle when I saw him last  
20 time in Phnom Penh.

21 Q. I have one final question. How did you recognise him at that  
22 time?

23 A. I knew him because my peers actually knew him and they told me  
24 that person was Khieu Samphan and the other person was Ieng Sary  
25 and that's how I came to know about them.

1 MS. GUIRAUD:

2 I will stop at this point and thank you very much for the extra  
3 time that was given to the civil parties.

4 [14.12.16]

5 MR. PRESIDENT:

6 The Chamber now hands the floor to the Defence teams, first to  
7 the Defence team -- or rather I notice that Judge Lavergne wants  
8 to have the floor. You may have the floor Judge Lavergne.

9 QUESTIONING BY JUDGE LAVERGNE:

10 Mr. Witness, I have a few brief questions to ask of you this  
11 afternoon. You said that you were a soldier in Division 310, was  
12 Division 310 numbered Division 1 before? Does this first  
13 division, Division 1, does that ring any bell to you?

14 MR. SEM HOEURN:

15 A. Yes I heard about Division 310 which was subordinate to  
16 division one in the North Zone.

17 Q. At first your division came under the authority of the North  
18 Zone, is that the case?

19 A. Yes, it was under the authority of the North Zone.

20 Q. Was there a change in leadership later on, and was Division  
21 310 no longer under the authority of the North Zone?

22 [14.14.23]

23 A. No, I did not hear anything about that. I attached to that  
24 division for quite some time and after the -- actually for the  
25 liberation of Phnom Penh, divisions from the East Zone stayed on

60

1 that side as for divisions and soldiers from the North Zone, we  
2 stayed in the North Zone. However, I did not know if there was  
3 any reshuffling or restructure of related divisions and that's  
4 all I know.

5 Q. Was Division 310 ever under the authority of the Centre, the  
6 Central Committee?

7 A. The Division 310 was actually a brigade under a direct  
8 authority of a division in the North Zone.

9 Q. It seems in your statement before the investigators at the  
10 OCIJ, you mentioned Division 310 as being a Central Committee  
11 division, so I will ask you the question one more time, did you  
12 hear at any point that Division 310 was put under the authority  
13 of the Central Committee or Centre after the liberation of Phnom  
14 Penh?

15 [14.16.31]

16 A. Yes, I heard that Division 310 was a central division but  
17 stayed in the North Zone that's all I know that it was a central  
18 division.

19 Q. So it was geographically located in the North Zone but under  
20 the hierarchy it came under the Centre's authority, is that what  
21 you're saying sir?

22 A. That division -- the divisional centre -- division, was  
23 announced that the soldiers from that division could be deployed  
24 to any battlefield without restrictions of zones as it belong to  
25 Centre that's why I knew about this.

1 Q. Was this announced to you during a meeting or how did you find  
2 out?

3 A. The announcement was made official, that previously our  
4 division was stationed in the zone, however later on we were  
5 under the direct authority of Division 1 which is -- which was  
6 under the direct authority of the Centre and that soldiers from  
7 our division could be deployed anywhere within the country  
8 without the limitation of the zones.

9 Q Did you hear of the creation of a new division which would have  
10 been created from Division 310 which would have the number 207?

11 [14.19.10]

12 A. I only heard about it and I did not have any communication or  
13 contact with that division so I did not know anything about the  
14 affairs or functioning of that division. It was a newly formed  
15 division to my -- from what I heard.

16 Q. And was Division 207 -- did Division 207 replace Division 310  
17 and when did you hear about that?

18 A. From what I heard it happened in 1975, but I cannot recall as  
19 to when exactly. It happened many, many years ago and that is my  
20 best recollection.

21 Q. I would like to ask you a few questions about the security  
22 centre that you mentioned this morning and earlier, the security  
23 centre that was located at Wat Phnom. Can you tell us if you  
24 know, under whose authority the security centre came under, did  
25 it come under Division 310, did come under North Zone or at the



1 Centre?

2 A. The security centre located near Wat Phnom, I did not know  
3 actually which division or zone administered that security  
4 office. I only knew heard about it and I only saw it physically  
5 but I did not know at which level or which division supervised  
6 that security office.

7 [14.21.50]

8 Q. If I understand correctly, this security centre was created  
9 shortly after the liberation of Phnom Penh in 1975, did I  
10 understand correctly?

11 A. Yes, that is right.

12 Q. Do you know Sir, which types of enemies were arrested and sent  
13 to this security centre?

14 A. I actually asked discreetly some of my peers and I was told  
15 that those who were detained there were cooperative chiefs or  
16 district chiefs. These are two types of categories that I learnt  
17 of about those who were detained through my discreet questioning  
18 of my peer soldiers. So let me repeat they were at the level of  
19 cooperative chiefs and commune and district chiefs.

20 Q. Were you told, if at the time those, among those who were  
21 arrested were former military or former public servants of the  
22 Lon Nol era?

23 [14.23.44]

24 A. I only knew that some of them who had been arrested were  
25 arrested regardless of their previous positions or backgrounds,

1    however they were alleged of having affiliated with the former  
2    regime or they were the cooperative chiefs or district chiefs who  
3    were alleged of having that connection.

4    Q. When you say relations, does that mean that they had had a  
5    role, either military or public service role, under Lon Nol or if  
6    they had a family relationship with people who had been soldiers  
7    or public servants under Lon Nol?

8    A. They were alleged of having connection with the traitorous  
9    network. They could be cooperative, deputy chiefs at the  
10   cooperative level, at the district level or the sector level.  
11   Once the chiefs of the relevant levels were arrested then the  
12   deputies of them would be accused of linking to the traitorous  
13   network and their family members as a result were arrested to.

14   Q. Do you know how many prisoners were held in that security  
15   centre?

16   [14.25.50]

17   A. No, I did not have the figure of the prisoners who were  
18   detained there. It was fully enclosed and I did not have access  
19   it to it I only saw it from the outside. So the figure is out of  
20   my hand.

21   Q. This morning you told us where this security centre might be,  
22   and I'm not sure I understood correctly but I seem to recall you  
23   said it would be in front of the Calmette Hospital, is that what  
24   you said?

25   A. Yes, that's what I said. It was not exactly opposite the

1 Calmette Hospital, it was little bit to the north and that's what  
2 I said this morning.

3 Q. Was it perhaps closer to the Chrouy Changva round about, the  
4 roundabout that allows us to go on to the bridge to Chrouy  
5 Changva?

6 [14.27.26]

7 A. It was to the south Chrouy Changva bridge.

8 Q. I would like ask you one question about Boeng Prayab, this  
9 place near Tuol Kork where you were sent. Do you believe that you  
10 were sent there to be refashioned or was it for another reason?

11 A. I was sent to Boeng Prayab in order to be tempered, to be  
12 refashioned, to become a good person.

13 Q. And how long after the liberation of Phnom Penh did this  
14 happen?

15 A. I was sent to Boeng Prayab to engage in rice farming as well  
16 as to clear the water there and to clear the hyacinth there and I  
17 worked there for one and a half month.

18 Q. So was it a little while after the liberation of Phnom Penh,  
19 so when you were sent to Kampong Chhnang, were you working at  
20 Boeng Prayab or had you come back to Phnom Penh?

21 A. I was sent to Boeng Prayab, I was being transferred to Kampong  
22 Chhnang after I actually was sent to work at Boeng Prayab.

23 [14.30.00]

24 Q. So when you were sent to Kampong Chhnang, were you working in  
25 Phnom Penh back then or were you working in the rice paddy at

1 Boeng Prayab?

2 A. No, I was stationed in Phnom Penh I actually was working at  
3 Boeng Prayab.

4 Q. And if you were to compare the working conditions, the living  
5 conditions between those at Boeng Prayab and Kampong Chhnang, can  
6 you tell us if it was worse in Kampong Chhang or if it was  
7 easier, can you tell us something about this?

8 A. In terms of the working conditions, the hardship in these two  
9 so-called battlefields was similar. I mean there was insufficient  
10 food, there was inadequate sleeping quarter and the nature of the  
11 work was heavy. So the condition is similar in both places.

12 Q. And did you also note at Boeng Prayab that there were people  
13 who had been arrested and who disappeared?

14 [14.32.07]

15 A. When I was at Boeng Prayab, the arrest happened quite often.  
16 The situation changed at that time. What I knew is that people  
17 disappeared, some names disappeared and I did not know the  
18 practice implemented at Boeng Prayab concerning the arrest.

19 Q. And do you know if there were other rice paddies, other places  
20 where soldiers of Division 310 had also been sent to work in the  
21 rice paddies in Tuol Kork. Did you ever hear about rice paddies  
22 in Ou Baek K'am for example?

23 A. I was in Division 310, I never went to Ou Baek K'am, I went to  
24 Anlong Kngan, Khmuonh-Kab Srov, Veal Sramok (phonetic), these are  
25 the places that I went to and as for Ou Baek K'am, I never went

1 there.

2 Q. And did you stay at the Kampong Chhnang airfield site until  
3 1979 or did you leave that work site at some point in time and  
4 then where did you go?

5 A. I was there until late -- until mid-1978 after which I went to  
6 live in Amleang. I was told to live in Amleang after mid-1978.

7 Q. And what were you doing in Amleang, what were your duties  
8 there?

9 [14.34.54]

10 A. I was relocated and sent to Amleang. I did nothing there, I  
11 was there as an ordinary citizen. I was transferred from Kampong  
12 Chhnang to Amleang and I was told to climb up the mountain so I  
13 was there as an ordinary citizen, they were afraid that I would  
14 join with the forces of Vietnam. They were afraid that we would  
15 take arm against them at that time.

16 Q. So, in order to be clear about this, you were never sent back  
17 to a military unit to go fight the Vietnamese at the Vietnamese  
18 border, am I correct?

19 A. No, no, never. I was only transferred from Kampong Chhnang to  
20 live as an ordinary citizen in Amleang. They were afraid that I  
21 would take arms against them. They were afraid that I would take  
22 revolt against them and join the Vietnamese forces because they  
23 knew I had been affiliated with the elements.

24 [14.36.53]

25 Q. Witness, on the case file, we have a document which is an

1 interview that you gave, apparently, to the DC-Cam  
2 representatives, and regarding significant number of points you  
3 made contradictory statements in regard to the statement that you  
4 are making today. So, are you aware of this?

5 A. I know that I do not get all the points right as stated in the  
6 document you mentioned because the interview was conducted a long  
7 time ago and I admit that I would give some contradictory  
8 information because of the time passed by.

9 JUDGE LAVERGNE:

10 Well, I am sure the Defence will put a few questions to you with  
11 regard to these diverging answers. I have no further questions,  
12 Witness, so thank you for the answers that you were kind enough  
13 to provide us today.

14 MR. PRESIDENT:

15 Thank you. It is now time for a short break and the Chamber will  
16 take the break from now until 3 o'clock.

17 Court officers please find a proper place for this witness during  
18 the break time and please invite him back to the courtroom at 3  
19 o'clock.

20 The Court is now in recess.

21 (Court recess from 1439H to 1458H)

22 MR. PRESIDENT:

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

24 And the Chamber would like to hand the floor to the Defence  
25 teams. First to the Defence team for Nuon Chea in order to put

1 questions to this witness. And you may proceed Counsel.

2 QUESTIONING BY MR. KOPPE:

3 Thank you, Mr. President. Good morning -- good afternoon, Mr.  
4 Witness. I have a few questions to put to you today and also  
5 tomorrow.

6 Q. First I would like to ask you a few questions about people  
7 within Division 310 and your position within Division 310. Is it  
8 correct that at one in point in time you were chief of Battalion  
9 307 within Division 310?

10 [14.59.37]

11 MR. SEM HOEURN:

12 A. I was chief of a platoon in 1970, under the supervision of  
13 Division 310.

14 Q. But were you chief of a unit with the numbers 307?

15 A. Allow me to clarify, there was a Unit 17 and not the number  
16 that you mentioned.

17 Q. I'm asking you because in your DC-Cam statement, you said to  
18 the interviewer that you were made chief of Battalion 307. Mr.  
19 President, it is English page 13, ERN 00876489; Khmer, 00020572  
20 and 73; in French, 00892641. You said, "I had already been made a  
21 chief of battalion." And the question is, "What number was the  
22 battalion?" "It was Battalion 307." So, maybe that refreshes your  
23 memory, were you the chief of Battalion 307 at one point in time?

24 A. I used to be a chief of that battalion however that  
25 appointment was provisional and I was never officially appointed

1 to be the battalion chief at that time. It was temporary as I  
2 just mentioned.

3 [15.02.29]

4 Q. And how many combatants were you supposed to command, how many  
5 combatants were, at that time, in Battalion 307?

6 A. There were three companies, each comprised of 130 soldiers.

7 Q. So it was the intention at one point in time that you were  
8 going to command about 390 combatants, is that correct?

9 A. Yes, that is about right.

10 Q. And why did it never come to pass, why did you never become  
11 chief of Battalion 307?

12 A. Because of my affiliation to the traitorous network also  
13 because of my alleged affiliation to the previous political  
14 tendency. That is why I was not officially promoted to be chief  
15 of that battalion and I was there only on a provisional basis.

16 [15.04.46]

17 Q. I understand. When you were told that you might become chief  
18 of Battalion 307 but you didn't because of, as you call it, your  
19 tendencies, were you then -- were you at that time member of  
20 Regiment 12, Battalion 123, and Company 5?

21 A. No, I was removed and I demoted to a field combatant.

22 Q. But is it correct, that when you made that small biography  
23 which the Prosecution referred to this morning, done by you,  
24 comrade Kim, on 24th August 1976, that you were in fact member of  
25 Regiment 12, Battalion 123 and Company 5?



70

1 A. Yes, the statement you read out is correct.

2 Q. Now I would like to ask you some names, names from people  
3 within Division 310. You spoke already extensively about comrade  
4 Oeun, secretary of Division 310, what can you say about comrade  
5 Voeung the deputy chief of Division 310, do you know comrade  
6 Voeung?

7 A. That statement is incorrect. It's not Voeung, its Phoun --  
8 Huong, who was deputy commander of Division 310.

9 Q. My national colleague will pronounce the name for me.

10 [15.07.44]

11 MR. LIV SOVANNA:

12 In the document it is pronounced Voeung.

13 BY MR. KOPPE:

14 Q. Is that correct or is that not correct?

15 MR. SEM HOEURN:

16 A. In fact I apologise, I made a mistake, the deputy commander of  
17 that division, is by that name -- that is, Voeung, and that is  
18 correct.

19 Q. For the record, Mr. President, I was referring to document  
20 E3/1585, it's a list of participants for the first general staff  
21 training, 20 October 1976, English ERN, 00897650; Khmer,  
22 00095533; and French, 00611637. Mr. Witness on that same list of  
23 participants, I see two names being comrade Peng and comrade Nan,  
24 respectively secretary of Regiment 12 and deputy secretary of  
25 Regiment 12, do these two names mean anything to you, comrade

1 Peng and comrade Nan?

2 [15.09.35]

3 A. Yes, you are right. I knew them and I saw them, in particular  
4 I knew Peng rather well who was the regiment commander.

5 Q. What -- was he your direct commander?

6 A. Yes he was my direct superior as he was commander of that  
7 regiment.

8 Q. And if you were to describe the chain of command, how many  
9 ranks in the chain of command was he above you?

10 A. He was my superior so below him there was battalion then a  
11 company and then my level the platoon so it was a four layer  
12 chain of command that is from him -- that is, from regimental  
13 level to my platoon level.

14 [15.11.20]

15 Q. And the only thing, I'm not quite sure if I understand  
16 correctly is, what is the relation between Regiment 12 and  
17 Battalion 123, is 123 part of Regiment 12, is that my  
18 understanding or should that be my understanding?

19 A. Yes, you are right on that.

20 Q. Thank you, Mr. Witness. Now I would like to mention four more  
21 names from Battalion 123. Mr. President, I'm referring to  
22 document E3/2592, English ERN, 00887712 and 11 (sic); French,  
23 00923057 and 58; and Khmer, 00230380 and 81. This is a list of  
24 prisoners from Division 310 and there are four names of Battalion  
25 123 people on it and I only want to ask the witness if he knows

1 these names. Mr. Witness, do you know someone called Iv Chea,  
2 alias Chhuon, that's 41 on the list, Khvet Khin, alias Soeun,  
3 Yuos Voeun, alias Thoeun and Chuor Tong, alias Ron. Do any of  
4 these four names ring a bell to you?

5 [15.13.54]

6 A. No, the four names do not ring a bell to me, I don't know any  
7 of them.

8 Q. I know that you were in Company 5 of Battalion 123; did you  
9 know any members of Company 1 in Battalion 123?

10 A. I did not have that knowledge or know those names.

11 Q. Just to be sure, Mr. Witness, my pronunciation might not have  
12 been that well, I'm asking, I will ask my national colleague to  
13 pronounce these four names that I just mentioned, just to be sure  
14 that I did it well.

15 MR. LIV SOVANNA:

16 The first name is Iv Chea, who was a secretary and the second  
17 name is Khvet Khin, alias Soeun, third name is Yuos Voeun alias  
18 Thoeun and the fourth name is Chuor Tong, alias Run and they were  
19 from Battalion 123.

20 MR. SEM HOEURN:

21 A. I only know one of the four names -- that is, Thoeun. For the  
22 other three I do not know them.

23 BY MR. KOPPE:

24 Q. What do you remember about Thoeun?

25 [15.]

1 MR. SEM HOEURN:

2 A. I do not know about the nature of his work, I only knew about  
3 his name only, that's the limit of my knowledge regarding this  
4 individual.

5 Q. So you have never heard of him being arrested in around 24 --  
6 on around 24 April 1977?

7 A. I only knew that Thoeun was arrested. At that time he held a  
8 position in a battalion and that's all I know.

9 Q. Do you know whether any members of Company 5 to which you  
10 belonged were arrested in the period February 1977 until June  
11 1977?

12 A. I knew about the arrest of Chim who was in charge of Battalion  
13 5.

14 [15.18.52]

15 Q. Do you know -- is the name you just mentioned is that his  
16 revolutionary name or alias or is that his real name?

17 A. He didn't have any alias, that was his birth name, Chim. His  
18 father's name was Chun Chim from my recollection.

19 Q. Thank you, Mr. Witness. There was another cadre from Division  
20 310 who has given testimony before this Trial Chamber, sometime  
21 last week, and he spoke about somebody called Ta Kim, do you  
22 recall within Division 310, somebody with the name Ta Kim?

23 A. Yes, I heard of that name, Ta Kim and I think you're right  
24 about the name but allow me to say that I never had any  
25 relationship with him.

1 Q. But who was Ta Kim, what was his military -- what was his rank  
2 within Division 310?

3 A. He was a replacement of Ta Oeun. That means he was in charge  
4 of Division 310 after Ta Oeun was arrested.

5 [15.21.17]

6 Q. But was he from the Southwest Zone or was he already within  
7 Division 310?

8 A. Ta Kim came from the Southwest Zone.

9 Q. Thank you, Mr. Witness. Now you also gave in testimony to  
10 DC-Cam about a commander of which I didn't realise or I didn't  
11 know that he was a member of Division 310, and that's Prime  
12 Minister Hun Sen. You testified or you gave testimony to DC-Cam,  
13 page 12, English ERN, 00876488; Khmer, 00020571; French,  
14 00892641; that Prime Minister Hun Sen had a military position  
15 within Division 310, is that correct?

16 A. Yes, he had a position in Division 310, however I was not sure  
17 whether he was ever a commander or deputy commander of that  
18 division.

19 Q. And how did you know that the person that you remembered being  
20 member of Division 310 is in fact the same person as Prime  
21 Minister Hun Sen, how do you know, or how did you know?

22 A. I knew it through my colleagues that he held a position in  
23 Division 310.

24 [15.23.46]

25 Q. Let me a read little bit from your statement to DC-Cam maybe

1 that will refresh your memory. That's the same page that I just  
2 mentioned. "Yes", you answer, "Yes, I remained in Division 310, I  
3 was then always with our Samdech Prime Minister." The DC-Cam  
4 interviewer asks, "Samdech Hun Sen?" and you answer, "Yes, I was  
5 promoted to the battalion level and he was in the division, Oeun  
6 was the chief and he was the deputy chief of Division 310."  
7 Question, "How do you know that this man is now our Samdech Prime  
8 Minister?" And then you answered. "I know him clearly. He has an  
9 eye impairment, due to a wound he suffered in a battlefield where  
10 he fought with me in Prateal Dam Slaeng." Question, "Where is  
11 this place located?" You answer, "It is in the south, no it is in  
12 the north of Phnom Penh." Question, "How did he get such an eye  
13 impairment?" And then you answer, "Yes, he got this while he was  
14 me; he was hit by a small fragment of a M-79 grenade." Mr.  
15 Witness do you recall telling this to the interviewer of DC-Cam?  
16 [15.25.24]  
17 A. Yes that is correct.  
18 Q. But you said in your statement to DC-Cam that he was the  
19 deputy chief of Division 310 and I thought that we had just  
20 established that it was comrade Voeung who was the deputy chief  
21 of the division. So who was the deputy chief of the Division 310?  
22 A. It was Samdech. At that time he was with Division 310 and what  
23 you said is correct.  
24 Q. When I read your statement I was a bit confused, so was the  
25 interviewer of DC-Cam, because the DC-Cam interviewer asked,

1 wasn't Samdech Hun Sen a member of the East Zone forces and then  
2 you said no he was not, he was from the North Zone. So are you  
3 sure that he was in the North Zone forces?

4 A. At that time I did not know his actual background whether he  
5 came from the north or the East Zone but I saw him being in the  
6 Division 310 in the North Zone, that's all I know about him.

7 Q. But we do know that at one point he was member of the East  
8 Zone division. Do you know when he moved from Division 310 to the  
9 East Zone military?

10 A. No, I did not know about that at that stage. When I saw him he  
11 was attached to Division 310 and I did not know which zone or  
12 division he came before he was there.

13 [15.28.30]

14 Q. Now, let us move now to division chief, Oeun. This morning you  
15 testified that you did not know the reason why Oeun was arrested.  
16 You also said that we just followed his instructions we didn't  
17 have any knowledge about -- about him. However, I would like to  
18 read something from your own statement to you, maybe that will  
19 refresh -- refresh your memory somehow. That's again the DC-Cam  
20 statement, Mr. President, English ERN, 00876520; Khmer, 00020598;  
21 and French, 00892664; English its page 44. This is what you said  
22 about your chief, Oeun.

23 "He tried to build up internal forces called "Khmer White", to  
24 struggle against the Khmer Rouge regime. So he tried to build up  
25 hidden forces in a division, this is what I recall. He sent me to

1 penetrate myself in Kampong Cham. He gave me a platoon to lead  
2 and six 55-trucks to transport weapons to hide in Kampong Cham.  
3 When all the leaders such as Oeun and Thuch were arrested, I was  
4 found to have had an association with them and that was why I was  
5 accused of having a bad political tendency." A little further on  
6 that page, the French is now 65, in the end in the ERN. Question;  
7 "You were saying Oeun hid you in Kampong Cham, did you actually  
8 transport weapons there?" You answer; "Yes, I did transport  
9 weapons to Kampong Cham." Question; "A war was going to happen  
10 right? What were you then ordered to do with these weapons?" And  
11 then you answer; "We were ordered to stand by for further orders,  
12 when the time came we were to transport these weapons on to  
13 Khieu's place in Pochentong to attack and seize Pochentong  
14 airport, to attack and seize an artillery and armoured vehicle  
15 warehouse. Another battalion was ordered to get ready to attack  
16 the radio station. However the plot was revealed and all involved  
17 leaders and their associates were arrested. The war could have  
18 started at any time since 1976 should these arrangements be  
19 successful." Now, Mr. Witness, this is from your statement, I  
20 read it back to you, is this what you told the DC-Cam  
21 investigator?

22 [15.32.13]

23 A. Yes, that's the statement I made to DC-Cam interviewer and the  
24 extract that you read out is actually correct; it is according to  
25 my response to the DC-Cam interviewer at that time.



1 Q. Let me start with your role in this rebellion, you said that  
2 Oeun gave you a platoon to lead and six 55-trucks to transport  
3 weapons to hide in Kampong Cham. Did you in fact follow his  
4 orders, his instructions to hide weapons in Kampong Cham?

5 A. I did what was said in the document.

6 Q. And where did you hide these weapons in Kampong Cham?

7 A. I transported weapons to Kampong Cham and I handed over to Tol  
8 (phonetic), the committee of the sector, I did not know where he  
9 kept those weapons.

10 [15.34.06]

11 Q. And do you remember when this was, how many weeks or months  
12 before Oeun was arrested?

13 A. I transported weapons to Kampong Cham and one month later the  
14 information was leaked out and Oeun was arrested.

15 Q. Can you describe to me a 55-truck, what is a 55-truck?

16 A. In the DC-Cam document there was a typo, the CMC trucks had 10  
17 wheels.

18 Q. So it were six CMC trucks carrying the weapons, is that  
19 correct?

20 A. Yes, that is correct.

21 Q. And what kind of weapons did you transport to Kampong Cham?

22 A. There were different types of weapons such as M-79, AK rifles  
23 and Pekin.

24 [15.36.35]

25 Q. And all six trucks were fully loaded with weapons to be used

1 for the rebellion?

2 A. The weapons were full in the vehicles.

3 Q. Did you also end up leading a platoon as instructed by Oeun?

4 A. Yes, I completed the transportation of the weapons and after  
5 which Oeun was arrested as I indicated.

6 Q. And how many members were in that platoon to lead those trucks  
7 with weapons to hide in Kampong Cham?

8 A. There were 36 of us.

9 [15.38.08]

10 Q. And were you all from Battalion 123 or from Regiment 12?

11 A. I was in Regiment 12.

12 Q. But these members from the platoon assisting you in hiding  
13 these weapons, were they all from Regiment 12 or from Battalion  
14 123?

15 A. They were in Battalion 23 (sic).

16 Q. Do you know when Pochentong airport was to be attacked and  
17 seized?

18 A. There was a plan at that time and the attack did not happen  
19 because the secret broke out at that time. As I stated there was  
20 only a plan but the actual attack did not occur.

21 Q. I understand that but do you recall when the attack was  
22 supposed to take place, when was Pochentong airport supposed to  
23 be attacked and seized, was that sometime in the spring of 1977?

24 [15.40.29]

25 A. The plan to capture Pochentong airport was in mid-1977 and

1 there was a plan to seize and capture Pochentong airport in  
2 mid-1977.

3 Q. And what about this artillery and armoured vehicle warehouse,  
4 was that supposed to be seized and captured at the same time as  
5 Pochentong airport?

6 A. Yes. The plan was that the weapons needed to be transported to  
7 the East Zone for the sector soldiers to capture the airport and  
8 the sector would be responsible for the attack in their own  
9 sectors.

10 Q. So it was a combined attack of Division 310 with East Zone  
11 divisions?

12 A. Yes, it was the combined plan and the East Zone would be  
13 engaged in the attack in its own zone and the North Zone would be  
14 responsible for its own.

15 [15.42.42]

16 Q. Do you know when the first preparations took place for this  
17 plan? Was it already discussed and in progress for a few months  
18 or a year? Do you know how long Oeun was ready or was preparing  
19 an armed rebellion within DK?

20 A. I do not have the full knowledge when the plan was prepared by  
21 him. He let me supervise me and he told us that we live in the  
22 Democratic Kampuchea and we could not live in this regime, we had  
23 to liberate ourselves from the regime so we needed to attack and  
24 defeat this regime.

25 Q. Do you know when you yourself received the instruction or the

1 order from Oeun, to transport these weapons to Kampong Cham?

2 A. He told me to transport weapons to Kampong Cham and kept in  
3 Sector 31 perhaps and at that time I handed over the weapons to  
4 Tol (phonetic), the chief of the sector.

5 Q. I understand, but my question was do you know how much time  
6 there was between you, together with your platoon, sending those  
7 weapons on those five trucks to Kampong Cham and actually getting  
8 the order from Oeun? How much time between the order from Oeun  
9 and you transporting these weapons?

10 [15.45.38]

11 A. I do not recall it exactly. I could not recall it. And as I  
12 stated after the information was leaked, Oeun was arrested and we  
13 parted each other from that time onwards.

14 Q. In your DC-Cam statement you refer to Oeun being arrested but  
15 in that same sentence where you say that Oeun was arrested, you  
16 also say that Thuch was arrested, do you mean with Thuch, Koy  
17 Thuon?

18 A. He was called Thuch before and later on I heard people call  
19 him Ta Thuon and the two names refer to the same individual.

20 Q. And is the same individual that you refer is that Koy Thuon  
21 the former leader of the North Zone?

22 A. Yes, he represented the North Zone, I mean Koy Thuon.

23 Q. Do you know what the role of Koy Thuon was in the rebellion; I  
24 think I understand what Oeun's role was but do you know what Koy  
25 Thuon was doing in preparing this rebellion?

1 [15.47.50]

2 A. The reason that I knew there was a plan is because he was the  
3 head of the North Zone.

4 Q. But did you ever see Oeun speak with Koy Thuon, speak about  
5 details of the plan to overthrow the DK regime, did you ever see  
6 them speak together?

7 A. I never saw the two individual had a discussion together but I  
8 knew the two individuals and as for how they communicated or  
9 discussed the matter, I have no idea.

10 Q. In that same statement to DC-Cam you said the following about  
11 yourself; it's the same page, Mr. President. Question; "Were you  
12 found right away to have had an association with Oeun when he was  
13 arrested?" And your answer; "While they found out I had such an  
14 association, I changed my biography." Question; "What do you mean  
15 by saying you changed your biography?" And then you answer; "I  
16 was originally from Sangkat Krava, Bak Sna village, in Baray  
17 district. However, I told them that I was from Siem Reap because  
18 I knew Siem Reap well. This was how I could survive." Is that  
19 your statement to DC-Cam about you changing your biography?

20 [15.50.28]

21 A. Yes, I stated what you have just read in the document of the  
22 DC-Cam. Before I wrote in the document as you stated in Bak Sna  
23 in Kampong Thom province, but later on when I was in Democratic  
24 Kampuchea, I changed my biography, I changed that I live in Puok  
25 district, Siem Reap province.

1 Q. Can you explain it to me how that was helping you? Oeun was  
2 arrested and then you changed your biography, can you explain how  
3 that helped you from being arrested as well?

4 A. I changed the biography because I want to avoid the  
5 surveillance conducted on me.

6 Q. I might follow up on that later, Mr. Witness. We had a witness  
7 here last week, also from your Division 310, who also spoke about  
8 weapons being diverted. He also told the Trial Chamber about a  
9 meeting chaired by Oeun in which he called for rebellion and this  
10 meeting was held close to Wat Phnom. Do you remember anything  
11 about a meeting close to Wat Phnom, I believe it was north of Wat  
12 Phnom in which the armed rebellion was discussed by Oeun?

13 [15.53.21]

14 A. I was in the meeting and I knew about it but I do not recall  
15 the date of the meeting. And as I stated I was there in the  
16 meeting.

17 Q. Where exactly was it to the north of Wat Phnom, this meeting,  
18 do you remember which street it was, which building it was?

19 A. It was to the south of the Preah Ket Mealea Hospital and  
20 nowadays I do not where it is exactly but at that time it was to  
21 the south of Preah Ket Mealea Hospital.

22 Q. And how many Division 310 soldiers were present at this  
23 meeting in which rebellion was discussed?

24 A. I have no idea how many people were there in the meeting  
25 because I was low ranking person and I do not know how many

1 people in the meeting.

2 Q. I can understand but would you be able to give an estimate,  
3 were there a few hundred, five hundred, thousand, do you remember  
4 how many soldiers were listening to Oeun?

5 [15.55.38]

6 A. All members from regiment and battalion were called into the  
7 meeting so I could give my estimate that there were around 500  
8 people in the meeting.

9 Q. And was commander Hun Sen, the present Prime Minister also  
10 present at this meeting?

11 A. He was not in the meeting. Only the chiefs of the division  
12 chaired the meeting.

13 Q. Was Koy Thuon present?

14 A. Koy Thuon was not in the meeting either. There was only one  
15 chief of the division that is Oeun who was there in the meeting.

16 Q. Did he speak about connecting with East Zone forces in order  
17 to prepare for the armed attack on Pochentong airport?

18 A. Could you repeat your question?

19 [15.57.44]

20 Q. Did Oeun speak about members of Division 310 connecting with  
21 members of East Zone divisions in order to prepare and plan the  
22 attack on Pochentong airport?

23 A. I do not know about this. What I knew is that the commanders  
24 of North Zone and East Zone had the meetings but in other places  
25 which I did not know.

1 Q. My very last question before the break, if you allow me Mr.  
2 President, you said you transported weapons to Kampong Cham, was  
3 that the Kampong Cham which is part of the East Zone?

4 A. There was one intention from Oeun, he told me to transport  
5 weapons to the head of the sector and the weapons had to be  
6 transported to the East Zone.

7 MR. KOPPE:

8 Thank you Mr. Witness, thank you, Mr. President.

9 [15.59.52]

10 MR. PRESIDENT:

11 Thank you. The hearing today has come to an end and the Chamber  
12 will resume its hearing tomorrow on 23rd June 2015, starting at 9  
13 a.m. And the Chamber will continue to hear the testimony of  
14 witness Sem Hoeurn and after which the Chamber will hear,  
15 2-TCW-911, please be informed.

16 Thank you very much, Mr. Sem Hoeurn. The hearing of your  
17 testimony has not concluded yet, you are therefore invited to be  
18 here again tomorrow at 9 a.m.

19 Court officer please work with WESU to send the witness, Mr. Sem  
20 Hoeurn, back to the place where he is staying right now and  
21 please invite him to be in the courtroom again tomorrow at 9 a.m.  
22 Security personnel are instructed to bring Mr. Khieu Samphan and  
23 Nuon Chea back to the detention facility and have them return  
24 back to the courtroom tomorrow before 9 a.m.

25 The Court is now adjourned.



1 (Court adjourns at 1601H)  
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