



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

15 June 2015

Trial Day 297

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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CHET Vanly

For the Office of the Co-Prosecutors:
William SMITH
SREA Rattanak

For Court Management Section:
UCH Arun

I N D E X

Mr. KEO Loeur (2-TCW-932)

Questioning by Mr. SMITH resumes page 3

Questioning by Ms. GUIRAUD page 11

Questioning by Ms. CHET Vanly page 18

Questioning by Judge LAVERGNE page 25

Questioning by Mr. KOPPE page 39

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHET Vanly	Khmer
Judge FENZ	English
Ms. GUIRAUD	French
Ms. GUISSÉ	French
Mr. KEO Loeur (2-TCW-932)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. Smith	English

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

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

6 Loeur. And if it's possible, we'll start hearing testimony of a

7 reserve witness -- in fact, there are two: 2-TCW-901, and another

8 one is 2-TCW-830. The latter witness is in relation to the 1st

9 January Dam worksite.

10 Greffier, please report the attendance of the Parties and other

11 individuals to today's proceedings.

12 [09.04.10]

13 THE GREFFIER:

14 Mr. President, for today's proceedings, all parties to this case

15 are present.

16 Mr. Nuon Chea is present in the holding cell downstairs. He has

17 waived his right to be present in the courtroom. His waiver has

18 been delivered to the greffier.

19 The witness who is to conclude his testimony today -- that is,

20 Mr. Keo Loeur, is present and ready in the courtroom.

21 We have two reserve witnesses; namely, 2-TCW-901 and 2-TCW-830.

22 Both witnesses confirm to their best knowledge, they are not

23 related by blood or by law to any of the two Accused -- that is,

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

25 admitted in this case. The two witnesses will take an oath before

1 their testimonies.

2 [09.05.19]

3 MR. PRESIDENT:

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

5 The Chamber has received a waiver from Nuon Chea dated 15 June
6 2015, which notes that due to his health -- that is, headache and
7 back pain, he cannot sit or concentrate for long, and in order to
8 effectively participate in future hearings, he requests to waive
9 his rights to participate in and be present at the 15 June 2015
10 hearing. He advises that his counsel advised him about the
11 consequence of this waiver, that in no way it can be construed as
12 a waiver of his rights to be tried fairly or to challenge
13 evidence presented or admitted to this Court at any time during
14 this trial.

15 Having seen the medical report of Nuon Chea by the duty doctor
16 for the Accused at the ECCC, dated 15 June 2015, who notes that
17 Nuon Chea has a back pain, headache, and dizziness, and
18 recommends that the Chamber shall grant him his request so that
19 he can follow the proceedings remotely from the holding cell
20 downstairs.

21 [09.06.43]

22 Based on the above information and pursuant to Rule 81.5 of the
23 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
24 follow the proceedings remotely from the holding cell downstairs
25 via an audio-visual means. The AV Unit personnel are instructed

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1 to link the proceedings to the room downstairs, so that Nuon Chea
2 can follow the proceedings remotely. That applies for the whole
3 day.

4 The Chamber now gives the floor to the Co-Prosecutors and the
5 Lead Co-Lawyers for civil parties. And the remaining time for the
6 two parties is one session. You may proceed.

7 QUESTIONING BY MR. SMITH RESUMES:

8 Good morning, Mr. President, Your Honours, counsel. And witness,
9 good morning to you.

10 Q. Witness, last Friday we talked about your experiences at
11 Kampong Chhnang airfield, and we also talked about your
12 experiences at Khmuonh-Kab Srov. I'd like to briefly talk about
13 your experiences after you came into Phnom Penh and you were
14 stationed at the Calmette Hospital or near the Calmette Hospital.
15 In your interview with DC-Cam, you said that you saw some torture
16 near there. Can you please explain who you saw being tortured?

17 MR. KEO LOEUR:

18 A. I did not know that person.

19 [09.09.00]

20 Q. And what type of torturing did you see of that person?

21 A. I saw the person being tied and hanged on a tree branch.

22 Q. And who was doing that?

23 A. I did not know the person who did it.

24 Q. Were they Khmer Rouge troops?

25 A. Yes, they were Khmer Rouge soldiers.

1 Q. And did you see this torture of anyone else in addition to
2 this person near the Calmette Hospital?

3 A. Yes, indeed.

4 Q. About how many times did you see different people being
5 tortured, approximately?

6 A. I witness 30 cases of people being tortured.

7 [09.11.12]

8 Q. And do you know why they were being tortured?

9 A. From what I heard, they were accused of being in the enemy
10 network.

11 Q. And you said in your statement, your DC-Cam statement that it
12 was military troops that were being tortured; is that correct?
13 Khmer Rouge troops.

14 A. Yes, indeed, I made that statement.

15 Q. And was this torturing at the Calmette Hospital area? Was that
16 before you went to Khmuonh-Kab Srov for work, then tempering?

17 A. At that time, I was a disabled soldier staying at the
18 divisional office.

19 Q. And was that in 1975 or 1976 or 1977? Can you put a time on
20 it, please?

21 A. I can recall that it was in 1975.

22 [09.13.30]

23 Q. Thank you. Did you ever become aware in your work as a
24 military soldier of a decision of the Central Committee on the
25 30th of March 1976, which gave the authority of certain groups

5

1 the right to smash, the right to kill inside and outside the
2 Khmer Rouge ranks? Did you ever become aware of a decision like
3 that?

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

5 Q. Did you ever know about the decision from the Central
6 Committee of the Communist Party of Kampuchea giving the
7 authority to different groups within the Khmer Rouge, the right
8 to smash or the right to kill inside or outside the ranks --
9 inside or outside the military? Did you ever know of that
10 decision?

11 A. No, I did not hear anything about that.

12 Q. And those people that you said that you saw being tortured --
13 about 30 cases, 30 different people, were they from Division 310
14 or were they from somewhere else?

15 A. Some of them were soldiers in Division 310, while others were
16 former soldiers.

17 [09.16.15]

18 Q. And you said this was in 1975; at that time, do you know why
19 these men were accused of being traitors?

20 A. I did not know about that at the time as I was a disabled
21 soldier and I did not know about the internal affairs.

22 Q. You testified that in about 1977 before you were tempered or
23 intensively tempered, as you said, that you were brought to a
24 meeting, and this is in your statement at E3/565; English,
25 E00863305; and the Khmer and French is in E3/5658: 00020677, for

1 Khmer; and French, 00812791 -- that's actually the wrong passage.

2 I'll get to that in a moment. The passage I am referring to is
3 English, E3/565; ERN 00863304; Khmer, 00020676 to 7; and French,
4 00812790.

5 [09.18.15]

6 To the DC-Cam interviewer, you said that, once Oeun, the division
7 head was arrested, there was a meeting called and there was a
8 tape that was played. And the tape recording, you said, was a
9 description of Oeun and Ta Kim's biographies, starting from the
10 period of their struggle, during the Revolution until the period
11 of their traitorous activities. Do you remember that tape being
12 played to you at a meeting?

13 A. When Oeun and Kim were arrested from the division, they called
14 soldiers and disabled soldiers like myself to attend a study
15 session where the tape was played.

16 Q. And as far as you know, when you heard that tape, were the
17 traitorous activities that were talked about, were they true?

18 A. From what I heard on the tape, he himself confessed that he
19 was a traitor.

20 [09.20.26]

21 Q. As far as you know, at that time or before his arrest, were
22 you aware of Oeun attempting to overthrow the leadership of the
23 Khmer Rouge or not?

24 A. I knew that Division 310 with Oeun and Kim were the commanders
25 were about to overthrow the Khmer Rouge force.

1 Q. And how did you know about that?

2 A. I saw weapons being transported and when I asked why those
3 weapons were being transported, I was told that I should mind my
4 own business.

5 Q. And in your statement -- and I gave the ERN numbers earlier --
6 did you have any involvement in preparing food? You said that you
7 had involvement in preparing food supplies; is that correct or
8 not? Food supplies to assist in the organisation of the troops
9 for this plan takeover.

10 A. At that time, I was asked to assist in packaging the food.

11 Q. Can you tell the Court, was there either -- firstly, was the
12 plan implemented? The plan that was discussed, the plan you
13 prepared for; did it happen? Was there any takeover attempt?

14 [09.23.15]

15 MR. PRESIDENT:

16 Witness, please wait. And defence counsel, Kong Sam Onn, you have
17 the floor.

18 MR. KONG SAM ONN:

19 Thank you, Mr. President. I'd like to make an observation
20 regarding the last question by the Deputy Co-Prosecutor. The
21 question to put to a witness whether the plan was initiated or
22 concluded was difficult for the witness to give a response. The
23 witness already testified that he participated in the packaging
24 of food supply and saw weapons being transported. And that shows
25 the limit of his involvement. And when it's about whether the

1 plan was achieved or not, it would be beyond his capacity. Thank
2 you.

3 BY MR. SMITH:

4 Well, we don't quite know. I need to ask the witness the
5 question. Then if the witness says he doesn't know anymore, then
6 of course, I'll stop and I'll move to another topic.

7 Q. Within your involvement packaging food, do you know whether in
8 fact there was a takeover attempt using weapons? Did that in fact
9 happen or not, as far as you know?

10 MR. KEO LOEUR:

11 A. No. The plan was never realised as main people involved in the
12 attempt were arrested.

13 [09.25.22]

14 Q. Now with all of the arrests you talked about -- the arrest of
15 the divisional head Oeun, deputies, battalion commanders, company
16 commanders, members from your unit, members from Battalion 317,
17 to your knowledge from what you observed, did any of those people
18 resist arrest from the troops that came to take them away? Was
19 there any fighting; was there any resistance to any of these
20 arrests?

21 A. I did not know about that at the time.

22 Q. But from all of the arrests that you saw at the meetings, at
23 Khmuonh-Kab Srov, the tortures that you saw at Calmette, the few
24 arrests that you saw at Kampong Chhnang, from the ones that you
25 saw the arrests and the tortures, did you see any attempt to

1 resist or fight back?

2 A. At that time, I did not see any signs of attempt to resist or
3 to fight back, since they were unarmed.

4 [09.27.17]

5 Q. Thank you. And of all the arrest that you saw, all of the
6 arrest that you heard about in your division, did you ever hear
7 of any one of those people being given a trial, a public trial to
8 be able to challenge any accusation that was made against them?

9 A. No, I did not see any of that.

10 Q. And do you know what the reason was why there was this plan to
11 overthrow the leadership? Do you know why a plan was put in
12 place, the reason why people wanted to overthrow the leadership?

13 A. At that time, I did not know the real reason.

14 Q. The practice of torture that you saw at the Calmette Hospital
15 in 1975, how was that viewed by the troops that you were with?
16 Was that a welcome practice or was that one in which it scared
17 people in your unit?

18 A. At that time, I was a disabled soldier and I kept asking why
19 people were being beaten up. The soldier threatened me to keep my
20 mouth shut and not to put my -- not to poke my finger into their
21 business.

22 [09.30.05]

23 Q. When the arrests of people from your unit and Division 310,
24 when they started to occur, when you started to become first
25 aware of those arrests, were you also aware of arrests of other

10

1 CPK troops around the country at that time?

2 A. I knew from what I heard that the arrests were made first in
3 the Southwest Zone, then in the North Zone.

4 Q. Just have to finish on one or two very short topics. And one
5 is your statement that you made to ECCC investigators, that you
6 saw Ieng Sary, Nuon Chea, and Ke Pauk at the Kampong Chhnang
7 airfield. How many times did you see Nuon Chea at the airfield?

8 A. I never saw Nuon Chea and Khieu Samphan.

9 [09.32.06]

10 Q. I understand from your statement that you didn't see Khieu
11 Samphan at the airfield. However, you did say in response to this
12 question at E3/467; English, 00205074; Khmer, 00170620; and
13 French, 00205078; you were asked the question: "Did you see any
14 leaders at the airfield?"

15 And you said: "I saw Ieng Sary, Nuon Chea, and Ke Pauk came to
16 inspect the airfield site." So is that now not your evidence that
17 you didn't see Nuon Chea, or does that refresh your memory that
18 you did?

19 A. I may have forgotten it because it happened long time ago.

20 Q. Thank you. Just one or two last questions. This is about the
21 structure of Division 310. In a document that the Court has
22 received, it's E3/1585 -- and we don't need to show it on the
23 screen. Thank you. And it's dated the 20th of October 1976. And
24 at that time in October '76, it states that comrade Oeun was the
25 secretary of the division and comrade Voeung as the deputy chief

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1 of division. You mentioned earlier that Ta Kim was the deputy
2 chief of 310. Was Ta Kim replaced at any time and replaced by
3 comrade Voeung? Or do you have another explanation why comrade
4 Voeung appears as the deputy chairman of 310 in October '76?

5 A. I may have forgotten it.

6 MR. SMITH:

7 Thank you. Mr. President, I have no further questions.

8 MR. PRESIDENT:

9 Now the floor is given to the Lead Co-Lawyer for civil parties.

10 [09.35.31]

11 QUESTIONING BY MS. GUIRAUD:

12 Thank you, Mr President. Good morning, everyone. Good morning,
13 witness. My name is Marie Guiraud. I am counsel for the civil
14 parties -- International Counsel for the civil parties. I have a
15 few questions to put to you. And then, I'll give the floor to my
16 colleague Chet Vanly towards the end of my examination. My
17 questions will focus on your experience on the Kampong Chhnang
18 Airport construction site. I'd like to start with a question
19 regarding your arrival on the airport construction site.

20 Q. On Friday, you stated that you arrived on the 15th of January
21 1978, and that you were marked by that date. I'd like you to tell
22 us whether you arrived alone with the members of your unit, or
23 you arrived in the company of other units on that site.

24 MR. KEO LOEUR:

25 A. When I arrived in Kampong Chhnang, I was not only among my

1 group members. There were other members from different units.

2 [09.37.00]

3 Q. When you were interviewed by DC-Cam in -- I'm referring to
4 document E3/5658; the Khmer is 0020667; in French, 0081 -- this
5 is what you stated regarding the date of your arrival on the 15th
6 of January 1978. You stated -- and I quote: "There was a very
7 large number of people from various units. They came in
8 thousands; all adults without any exception."

9 Is this statement in line with what you remember?

10 A. I could recall that. During that time, a former soldier who
11 were affiliated with the former regime were taken to work at that
12 place.

13 [09.38.20]

14 Q. At the time, did you know which other divisions arrived on the
15 site together with you on the 15th of January 1978?

16 A. I have no idea. I knew that I was at the site on that day.

17 Q. Was any meeting held upon your arrival at that site?

18 A. There were instructions relayed to us about the construction
19 of the airport, and we were also instructed to uproot and pull
20 out grass.

21 Q. I would like to read out to you a passage from your statement
22 before the Co-Investigating Judges, document E3/4767; the ERN in
23 English is 00205074; Khmer, 00170620; French, 00205078. You
24 referred to a meeting, and I'll read out what you stated at the
25 time. And then, I'll put a few questions to you regarding what

13

1 you had stated then. This is what you stated at the time:

2 "At the meeting, we were told that we had to be tempered because
3 our chief was a traitor. And if we refuse to do so, we would be
4 arrested because Lvey from the Northwest Zone was the person in
5 control at the airfield."

6 Witness, on the day you arrived or the days following your
7 arrival, was any meeting held chaired by Lvey and which you
8 attended?

9 [09.40.48]

10 A. Upon my arrival, there was a meeting -- I could say the
11 tempering meeting. I rarely saw Ta Lvey in the meeting. I noticed
12 that he was in a vehicle for a brief moment, and I had no chance
13 to meet him at all.

14 Q. When you say it was a re-education meeting, can you explain
15 what you were told at that meeting? You are referring to your
16 interview before the investigators -- when you were told that you
17 had to be tempered because your chief was a traitor or your
18 leaders were traitors. Does this ring a bell to you today?

19 A. They said that all comrades were former soldier who were
20 affiliated with the former regime. And all soldier needed to be
21 tempered from this time onward. And we were not allowed to make
22 any complaint. We were told to bear the situation if we underwent
23 the hard labour. And we were told that our former superiors had
24 been affiliated with the former regime and they were all
25 arrested. We were told to work hard. And we are also urged and

1 warned that if anyone did not work hard, they would be arrested
2 and tortured.

3 [09.42.45]

4 Q. During that re-education meeting you have just referred to,
5 was it attended solely by members of your unit or it was also
6 attended by soldiers from other units?

7 A. They were from different units working at that place.

8 Q. Who attended that meeting? Was it thousands of people,
9 hundreds of people, thousands of people? Can you give us a
10 ballpark figure as to the number of people who attended that
11 meeting?

12 A. I could not recall it well how many people were in each
13 meeting. There were hundreds of them in each meeting.

14 Q. When you say "at each meeting", did you subsequently during
15 your presence on that site attend other re-education meetings?
16 And if yes, do you recall how many meetings were held during that
17 period?

18 A. I was called into several meetings.

19 [09.44.35]

20 Q. Did you know at the time who chaired those meetings?

21 A. I did not know the superior's name because they -- and that
22 they were from the Southwest Zone, I did not dare to look at
23 their faces.

24 Q. During those meetings, did you see any people being arrested
25 and led away?

15

1 A. I used to see people were taken away.

2 Q. Did you subsequently see those people again on the worksite?

3 A. No, I never saw them back after the arrest.

4 Q. On Friday, you stated that you stayed at Kampong Chhnang on
5 two occasions: the first time with your unit with handicapped
6 soldiers, and on the second day, with trainers from Phnom Penh.

7 Can you tell us about the first days you spent digging earth? Can
8 you tell us the number of people who were in your unit in the
9 first months while you were at Kampong Chhnang? You were not very
10 specific on Friday. Are we talking of dozens of workers,
11 hundreds, several hundred? Can you please give us an estimate of
12 the number of people?

13 [09.46.42]

14 A. When I was told to dig the grass, I lived in my unit with 30
15 members, and in different units there were thousands of workers
16 or members.

17 Q. So during those first months when you were digging the earth,
18 you were working in a unit of 30 people but you were working
19 alongside thousands of workers; is that what you have just
20 stated?

21 A. The work at the airport worksite, I met many workers. But when
22 it came to sleeping time, we slept in our own places or quarters.
23 We did not know each other.

24 Q. And regarding the thousands of people you worked with, were
25 they also dressed in black as you described on Friday?

1 A. Yes, they wore black clothes.

2 Q. You have just stated that you saw a lot of workers during the
3 day and that you worked alongside them, but at night, you would
4 return to separate dormitories at the time. Can you explain to us
5 where you slept during that period?

6 A. I did not know the villages. But they rested west of the
7 airport in their respective groups or units.

8 [09.49.00]

9 Q. And you yourself, where did you sleep? Did you sleep on the
10 worksite or outside of the worksite?

11 A. It was outside of the airport worksite, a bit away from that
12 worksite.

13 Q. What was the distance from where you were sleeping and where
14 you worked?

15 A. The distance from one squad or unit to another was about 20 to
16 30 metres.

17 Q. What I'd like you to tell me, Witness, is this: When you got
18 up in the morning and went to work, what was the distance from
19 where you slept to where you worked? And how much time did it
20 take you to cover that distance? Was it far off or close by? Can
21 you please give us some estimate of the time and the distance?

22 A. The sleeping quarters -- the distance from the sleeping
23 quarter and the worksite was about one kilometre.

24 [09.51.00]

25 Q. Can you very quickly describe to us where you slept? Was there

1 a roof, mosquito net, hammock? Can you please give us a
2 description of where you slept at the time?

3 A. They built a small house and with -- made out of leaves and
4 there were no blankets for us to cover ourselves.

5 Q. How many people slept with you in that shelter you have just
6 described to us?

7 A. There were 15 people in one shelter or one house.

8 Q. Thank you. On Friday, you stated that there was a medical unit
9 -- at least, that is what we understood in French. Can you
10 explain to us what you meant by that term "medical unit"?

11 A. There were mobile medical units. And if workers fell
12 unconscious, they would be prescribed with medicines to take.

13 [09.53.02]

14 Q. Do you remember what kinds of medicines were administered?

15 A. The human-made medicines -- traditional one not the medicines
16 from other countries.

17 Q. During that period, do you know whether a hospital existed at
18 Kampong Chhnang?

19 A. They had but there was none at my place.

20 Q. Do you recall whether any member of your unit was sent to the
21 hospital whenever he or she was sick?

22 A. I could recall it. When my work colleagues fell seriously
23 sick, the truck would come to pick them up and send them to the
24 city.

25 Q. And did you see those workers return to the worksite after

1 they were put in a truck and sent to the hospital?

2 A. The sick workers were sent to the city for treatment and they
3 would be back after two or three days.

4 [09.55.21]

5 MS. GUIRAUD:

6 Thank you, Witness. Mr. President, I will now give the floor to
7 my learned colleague. Thank you.

8 MR. PRESIDENT:

9 Yes, you may now proceed.

10 QUESTIONING BY MS. CHET VANLY:

11 Good morning, Mr. President. Good morning, Your Honours. Good
12 morning, everyone in and around the courtroom. Good morning, Mr.
13 Witness. My name is Chet Vanly. I am the civil party lawyer.

14 Q. I have observed since Friday that you have provided certain
15 statements before this Chamber. And now, I would like you to make
16 clarification on some points to enlighten the Court. When you
17 left K-4 at Khmuonh-Kab Srov, you were sent to Kampong Chhnang
18 airfield, as stated by you; that you went to Kampong Chhnang on
19 the 15 of January 1978. What were you told then?

20 MR. KEO LOEUR:

21 A. We were told that we would be sent to construct the airport in
22 Kampong Chhnang.

23 [09.57.17]

24 Q. Thank you. Who told you that?

25 A. I could recall that it was comrade Doun (phonetic) who was

1 form the Southwest Zone came to replace the former cadre. And he
2 told me that.

3 Q. Thank you. You stated before this Chamber that you were no
4 longer a soldier by then. And when were you disarmed before you
5 were sent to the airfield?

6 A. I had no rights to hold any weapon after I fell handicapped at
7 K-4.

8 Q. Thank you. Upon your arrival at the airfield, did you go with
9 your group -- with your own group or were there any other members
10 from division going with you as well? And who were there to
11 receive you all?

12 A. Comrade Ton (phonetic) from the Southwest Zone who was there
13 to receive us at Kampong Chhnang.

14 [09.59.28]

15 Q. Upon your immediate arrival, did you meet Ta Lvey?

16 A. Upon our arrival, we did not see Ta Lvey there.

17 Q. How many after that you met Ta Lvey? Or did you ever attend
18 the meeting which Ta Lvey attended?

19 A. I could recall that two months later, I met Ta Lvey.

20 Q. Was Ta Lvey in charge of that Kampong Chhnang airfield?

21 A. Yes, he was responsible and in charge of that airfield.

22 Q. Besides Ta Lvey, did you see any other leaders -- that is, Ta
23 Lvey's superiors or his deputies coming to the worksite?

24 A. Besides Ta Lvey, there was Ta Met.

25 [10.01.14]

1 Q. Did Ta Met visit the worksite often?

2 A. Only once in a while -- that is, probably on a weekly basis he
3 visited the worksite.

4 Q. How did he go to the worksite, was he escorted by bodyguards
5 or did he walk to the worksite?

6 A. During his visit, he was always in a jeep with two to three
7 bodyguards.

8 Q. After Ta Met visited the worksite, did he return to Ta Lvey's
9 office or did he leave the worksite?

10 A. I did not know about that. I didn't know whether he left the
11 worksite or he went to the office or he went elsewhere, as I did
12 not even dare to look at his face.

13 Q. Last time, you testified before this Court that leadership
14 level of the North Zone had been rested and replaced by cadres
15 from the Southwest. Did you know any of those Southwest cadres?
16 And did you ever see Ta Mok visit the worksite?

17 A. At that time, Southwest cadres came to replace the previous
18 cadres and I did not know any of those Southwest cadres. As for
19 Ta Mok, I never saw him.

20 Q. Do you recall any name of cadres from the Southwest Zone?

21 A. Those people who were sent to supervise K-4 replacing North
22 Zone cadres included Deun (phonetic).

23 [10.04.11]

24 Q. I'd like now return to the issue of the airfield worksite.

25 While you were working there, did you witness any accident

21

1 related to work there or work-related injuries?

2 A. While I was working there, I saw some workers who fell and
3 became unconscious from intensive work.

4 Q. Among those workers working at the airfield -- and you already
5 testified that there were a mixture of men and women. And from
6 your observation, were there more men than women? And what were
7 women assigned to do?

8 A. There were more men than women. And they were assigned to work
9 separately. I only saw the women group when they left for their
10 work at the worksite.

11 Q. So from what you said, there were many workers from various
12 divisions working at the airfield. What about eating; was there a
13 common eating? Was a bell rang so that you could go to collect
14 your food ration or did you eat on site?

15 A. We ate within our companies. And the food was given in ration
16 to each member of the unit or the respective company.

17 [10.06.50]

18 Q. What was the food ration, or could you eat freely? What kind
19 of rice that was given to you? And what about the soup?

20 A. There was a soup and we were given a bowl of rice, but it was
21 not enough.

22 Q. In terms of food ration and the work you did, was the food
23 sufficient -- I mean proportional to the workload?

24 A. No, it was not enough, as we did hard work and the food given
25 to us was little.

1 Q. I'd like to ask you about the work assignment and
2 distribution. Was work classified as heavy work or light work, or
3 whether it was not considered that way but the entire unit was
4 working together?

5 A. For workers working at the airfield, we worked in groups. And
6 we worked separately from other groups or units according to the
7 assignment for our group.

8 [10.08.40]

9 Q. While working there, did you work -- did you usually work only
10 with your hands and light tools or were heavy machinery used?

11 A. We worked according to our assignment; for instance, sometimes
12 we had to have hoes to dig the ground. For others who had to pull
13 grass on the airfield, they also needed hoes. As for workers
14 dealing with rock breaking, they would be given hammers to do
15 that kind of work.

16 Q. Previously, you testified before this Court that you were sent
17 to attend a technical training session for a period of three
18 months. What was the name of the person who made a request for
19 you to go to attend the training? Was it Han (phonetic) or was it
20 Phan (phonetic)? And what was his position?

21 MR. PRESIDENT:

22 Witness, please wait. And defence counsel Anta Guissé, you have
23 the floor.

24 [10.10.25]

25 MS. GUISSÉ:

1 Yes, thank you. It was just to clarify. In the French transcript,
2 we heard that the witness went to a re-education session for
3 three months. And then, in his statement, we heard about training
4 as a surveyor. So I would like to be clear about this.

5 BY MS. CHET VANLY:

6 Q. I'd like to ask the witness to clarify the matter that he was
7 sent to attend a training session on land surveying. And I'd like
8 to know whether it was Han (phonetic) or it was Phan (phonetic)
9 who submitted a request for him to attend the training. That is
10 the nature of my question.

11 MR. KEO LOEUR:

12 A. It was Han (phonetic) who made a proposal for me to attend the
13 technical training in land surveying.

14 [10.11.50]

15 Q. What topics were taught for this land surveying course?

16 A. It's going to be a rather detailed response so that the
17 Chamber is clear once and for all. On the issue of land
18 surveying, first, compact -- soil compact roller would be used to
19 flatten the ground. Then we use a marker and we place it onto a
20 ground to get a soil for testing. And when we got the volume of
21 the compressed soil, which is 90 per cent minimum, then we were
22 sure that the soil was compressed enough. And if we only get 70
23 per cent result, then the soil compactor roller would be used to
24 compress the soil again until we get the 90 per cent result.

25 Q. You said you attended that study session in Phnom Penh. Was

1 your instructor Cambodian or foreigner? And where was the course
2 held?

3 A. The course was held in Phnom Penh. However, I did not know the
4 location where the training was held. I believed it was at the
5 south of the Pochentong airport.

6 Q. Was the instructor local or foreign?

7 A. The instructor was Chinese assisted by an interpreter.

8 [10.14.32]

9 Q. Besides the technical training you attended during that
10 training session, were you taught any political issues?

11 A. Besides the technical course, we were told to strive to work
12 hard according to our respective work assignment. For instance,
13 in my case, I was for the land surveying. If I made a mistake
14 that I misunderstood the level of land compress -- land compact,
15 then I would be subject to disciplinary action.

16 MR. PRESIDENT:

17 The time is appropriate for a short break. The Chamber takes a
18 break now and resume at 10.30.

19 Court officer, please assist the witness during the break at the
20 waiting room for witnesses and experts, and invite him to return
21 to the courtroom at 10.30.

22 The Court is now in recess.

23 (Court recesses from 1015H to 1033H)

24 MR. PRESIDENT:

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

1 Before the Chamber gives the floor to the defence teams for the
2 Accused, I would like to know whether any of Judges have
3 questions for this witness. You may now proceed, Judge Lavergne.

4 QUESTIONING BY JUDGE LAVERGNE:

5 Thank you, Mr. President. Good morning, Witness. I have a few
6 questions for you for purposes of clarification. I would like you
7 to clarify a number of answers you have given thus far.

8 Q. Witness, can you describe to us in more detail what
9 installations, what facilities and equipment were found at
10 Kampong Chhnang Airport. What did you see exactly? Was there a
11 landing part? And can you describe its specifications, and also
12 give us other information regarding any other facilities on that
13 airfield?

14 [10.35.22]

15 MR. KEO LOEUR:

16 A. Concerning Pochentong airfield where I came to attend a
17 training session, I could not give my estimate how large the
18 airport was. I stayed in a brick house at that time.

19 Q. Perhaps there is a problem of understanding. I'm not talking
20 of Pochentong Airport but Kampong Chhnang Airport. Can you tell
21 us whether there was a landing part at that airport? And can you
22 describe to us the dimensions of that strip?

23 A. At Kampong Chhnang airfield, the runaway was 1,800 metres
24 long. There were two runways. And the width was about 50 metres.

25 Q. And if we were to compare it with the runways that existed

1 elsewhere as in Pochentong, for instance, did it have the same
2 dimensions at the Pochentong runway? Was it longer or shorter?

3 A. I have no idea about the runways of Pochentong Airport. As I
4 stated earlier, the width of the runway in Kampong Chhnang
5 airfield was about 50 metres. And there was fence surrounding
6 that airfield.

7 [10.37.55]

8 Q. Can you tell us whether there were caves in the mountains that
9 were dug in the mountains? And can you describe them to us?

10 A. There were a group to dig the cave for hiding airplanes.

11 Q. And can you tell us what kinds of planes had to be hidden in
12 those caves?

13 A. I have no idea what types of planes hidden at that place. I
14 was told that there were caves for keeping airplanes out of
15 sight.

16 Q. Was that for the purpose of hiding civilian planes or military
17 planes?

18 A. From what I knew, they were military airplanes.

19 Q. I would like us to backtrack and go back to the period when
20 you joined the Revolution. On Friday when you testified, you
21 stated that you joined the Revolution at the age of 18. Can you
22 tell us whether you joined the Revolution voluntarily or
23 otherwise?

24 A. I was not a voluntary soldier at that time. I was forced to
25 join the army.

1 [10.40.42]

2 Q. Did you do so under pressure? And if yes, what kind of
3 pressure was brought to bear on you?

4 A. Then I -- my father was called to attend a meeting and we were
5 -- and my father was told that if he did not allow the children
6 to go into the battlefield, parents would be mistreated. And
7 children were forced to join the army.

8 Q. So you were forced to join the army because they threatened
9 your father and they made you feel coerced to join the army?

10 A. Yes, that is true.

11 Q. As from the time when you joined the army, did you attend any
12 indoctrination sessions? Were you taught the revolutionary
13 doctrine and what did it consist of?

14 A. We were instructed about the revolutionary lines. And we were
15 also instructed about feudalists -- feudalism, capitalism, and
16 reactionary groups.

17 Q. Were you told that you had to hit members of that group?

18 A. We were indoctrinated to get revenge against the feudalists,
19 capitalists, and reactionaries.

20 [10.43.25]

21 Q. And when you were told that you had to take revenge against
22 them, what did you understand by that? Did it mean that they had
23 to suffer any particular fate; that they had to be killed? What
24 were you told?

25 A. We were told to take revenge against reactionaries and

1 capitalists. We were also told to liberate the poor class.

2 Q. How were you supposed to take revenge? What was the fate that
3 had to be reserved for those classes? Did those classes have to
4 be eliminated?

5 A. We were indoctrinated at that time that we had to eliminate
6 the capitalists, reactionary classes in Cambodia.

7 [10.45.02]

8 Q. Before you joined the Revolution, you were a monk and you
9 studied at the pagoda; is that correct?

10 A. I was staying in the pagoda at the age of six. And after that
11 time, I was admitted in the Buddhist school and I got an
12 associate degree at that time.

13 Q. Can you tell us what you were taught during indoctrination
14 sessions with regard to religion, Buddhism, or any other
15 religions, be they the Christian or Muslim religions? And if they
16 spoke about such religions, what were you told about them?

17 A. In the indoctrination session, we were told to get angry with
18 other religions. And we were told that the religion was a
19 suppression class. And at that time, they mentioned that I was a
20 petty bourgeoisie as a monk.

21 Q. Did you witness any maltreatment of monks or did you witness
22 any damage done to the pagodas?

23 A. From 1970 to 1973, nothing happened. Monks could stay in their
24 monkhood at that time.

25 Q. How about 1973 or after 1973 or after 1975, what happened? Did

1 you witness anything in particular?

2 A. After 1973, monks were instructed to work in the field, and
3 they were also to build bridges at various worksites. And all
4 monks were defrocked in 1975.

5 [10.48.40]

6 Q. Is there anything -- is that anything that you saw with your
7 own eyes or you were told only?

8 A. I did not witness this situation. My colleagues who joined me
9 later told me about this. I was in the front battlefield at that
10 time.

11 Q. Did you witness the destruction of religious edifices, whether
12 we are talking of pagodas or churches?

13 [10.49.39]

14 A. Allow me to tell the Court. I would like to a little bit
15 backtrack. I saw the demolition of the Christian church when I
16 was a soldier. I witnessed this incident.

17 [10.50.10]

18 Q. Why was that?

19 A. They destroyed a Christian church west of Wat Phnom.

20 Q. Do you know whether any pagodas were destroyed; for instance,
21 did you notice that statues were demolished in pagodas?

22 A. At that time, I did not yet that pagodas and statues were
23 demolished.

24 Q. Did you get to know about that later on? And what exactly did
25 you get to know about?

1 A. Later, I did not witness any other destruction of pagodas. I
2 witnessed only one time -- that is, the destruction of a
3 Christian church.

4 Q. Do you have any friends who were monks with you previously and
5 whom you met subsequently, and can you tell us what their
6 experiences had been and what had happened?

7 A. I had a friend, or some friends who were monks and I was told
8 that pagodas at the rear battlefield were destroyed and they were
9 turned into a handicraft place.

10 [10.53.00]

11 Q. I would like us to broach another subject and I have a few
12 questions on such subjects. To complete the questions put by the
13 Co-Prosecutor this morning regarding the meeting during which an
14 audio recording was broadcast which purportedly contained the
15 confessions of Ta Oeun and Ta Kim, who were your superiors. Do
16 you know where those sound recording, those audio recordings were
17 from? Were you told what those recordings were all about?

18 A. When all soldiers, including the handicapped ones were called
19 into a study session, we were told that the biography -- we were
20 asked whether we would like to know about the biographies of our
21 senior cadres or supervisors.

22 Q. And which cadres exactly were talked, this morning mention was
23 made of Ta Oeun and Ta Kim? Were there any other cadres apart
24 from those two?

25 A. They were mentioning about Ta Oeun and Ta Kim who were accused

1 of being traitors.

2 Q. And did they say where they got those confessions and where
3 they had been recorded?

4 A. We were not told where the confessions were taken from and we
5 were told that these were the confessions of your superiors and
6 we were asked to concentrate and during that time we could hear
7 the sounds from the recording and we realised that it was the
8 voice of our supervisors.

9 [10.56.13]

10 Q. Did you ever hear of S-21?

11 A. After I listened to the recording, they announced that you all
12 comrades, your supervisors have been sent to S-21.

13 Q. So it was on the basis of those confessions obtained at S-21
14 that your superiors were publically accused of being traitors; is
15 that correct?

16 A. Yes, that is correct.

17 Q. We will not discuss the contents of those documents but you
18 gave some information this morning regarding that following
19 questions put to you by the Co-Prosecutor, and they said that
20 their statements showed that they wanted to overthrow the Khmer
21 Rouge regime. And you stated, unless I am mistaken, that you
22 noted that weapons and ammunition were transported. What do you
23 have to say, more specifically, regarding what you saw with your
24 own eyes? What exactly was transported? And what made you think
25 there was a plan to overthrow the regime?

1 A. At the time, I saw weapons were transported and I asked why
2 weapons were loaded and kept at that place.

3 [10.59.00]

4 Q. Now, can you be more specific? Those weapons were transported
5 from what locations to which other location? Where were those
6 weapons stored and what made you think that they were going to be
7 used to overthrow the regime?

8 A. As for those weapons, and the weapons were transported towards
9 Phnom Penh direction and the senior people had a discussion that
10 they wanted the soldiers to have a better living conditions and
11 to have a salary as well.

12 Q. Which leader are you speaking about? Are you speaking about Ta
13 Oeun and Ta Kim or are you speaking about other leaders?

14 A. It was Ta Oeun who mentioned this.

15 [11.00.40]

16 Q. So Ta Oeun spoke to his troops, to his men, and he told them
17 that he wanted them to be better treated and he wanted them to
18 receive a salary. Must I understand that?

19 A. Yes, he stated this.

20 Q. But did he say that it was necessary to overthrow the regime
21 in order to arrive at that desired result? Did he speak about a
22 coup d'état? Did he speak about seizing power?

23 A. What he said was that in order for soldiers to receive wages
24 and to live comfortably, we had to react and overthrow the DK
25 regime.

1 Q. And is this something that you heard personally or is this
2 what you heard during the broadcast, during the audio broadcast
3 of the confessions coming from S-21 apparently?

4 A. I heard through the confession from S-21.

5 [11.02.41]

6 Q. Fine, Okay. Let's forget about the S21 confessions for the
7 moment. This is an issue that the Chamber will consider later.
8 But beyond what you heard in these confessions, you personally,
9 did you attend a meeting during which Ta Oeun said it was
10 necessary to overthrow the DK regime?

11 A. Yes, I heard that.

12 Q. And can you tell us when, upon which occasion and when did
13 this happen?

14 A. I heard it during the meeting. He said that the regular force
15 soldiers would be sent to the front battlefield and for the
16 disabled soldiers, we would lend our hand in packaging food in
17 order for us to overthrow the DK regime by attacking Phnom Penh.

18 Q. And do you remember the date when this meeting was held?

19 A. No, I cannot recall the date.

20 Q. And back then, you were still part of Unit K-4 or were you in
21 Phnom Penh, were you north of Pochentong, where were you exactly?

22 A. At that time, I was in the regiment of K-4, situated at the
23 north of Pochentong Airport.

24 [11.05.30]

25 Q. You described the working conditions over there and therefore

1 back then had you already undergone poor treatment because you
2 were being re-educated? Were you already being re-educated at
3 that moment or was it before?

4 A. At that time I was not yet sent for re-education. I was still
5 assigned to work in a rice field.

6 Q. So re-education began, how much time before? Did it start
7 after Ta Oeun and Ta Kim's arrest? And if yes, how long after?

8 A. After Ta Oeun and Ta Kim and other leaders had been arrested,
9 Southwest cadres came to take over and manage my unit. Later on,
10 I was sent for tempering at Regiment 310 located at Khmuonh-Kab
11 Srov.

12 Q. Were there several meetings in which Ta Oeun spoke about this
13 project of overthrowing the regime or was there only one meeting
14 when he spoke about that?

15 A. I personally only knew for one meeting.

16 [11.08.05]

17 Q. And how many people attended that meeting?

18 A. The meeting was all -- for all the cadres, the combatants and
19 for disabled soldiers like myself, so it means the meeting was
20 held for the entire division.

21 Q. So how many people did this represent? If I understood well,
22 your unit of disabled people was made up of 600 people. So you
23 are speaking of the entire division -- how many people did this
24 represent?

25 A. I cannot recall how many soldiers in the entire division. I

1 simply knew that all the regular soldiers and the disabled
2 soldiers were instructed to attend that meeting.

3 Q. Where did this meeting take place exactly?

4 A. I recall that I was asked to attend the meeting which was held
5 at a location north of Wat Phnom.

6 [11.10.15]

7 Q. So it was in Phnom Penh, this meeting took place in Phnom
8 Penh; correct?

9 A. Yes.

10 Q. And the weapons had been brought to Phnom Penh; were the
11 weapons already there when the meeting took place?

12 A. While the meeting was held the weapons were already stationed
13 outside.

14 Q. So the weapons had been brought to the place where the meeting
15 was being held? Or were the weapons taken elsewhere?

16 A. The weapons were being stored at another location.

17 Q. And do you know where these weapons were stored therefore?

18 A. I, as a disabled soldier, was not allowed to see where the
19 weapons were stored.

20 Q. But you saw these weapons in Phnom Penh, correct? Or were you
21 only told that these weapons had been brought to Phnom Penh? And
22 if you were told that these weapons had been brought to Phnom
23 Penh, who told you that?

24 A. I personally did not see the weapons, I only heard the senior
25 cadres speaking among themselves that the weapons had been

1 brought in.

2 [11.12.45]

3 Q. So it is Ta On who said that the weapons had arrived in Phnom
4 Penh, correct?

5 A. Yes.

6 Q. Did he say when the coup d'état was supposed to happen?

7 A. He said that you all comrades wait and see and we will do it
8 when time permits.

9 Q. So he did not give a specific date but did he say that this
10 coup d'état was going to happen soon, quickly, or did he give any
11 kind of indications?

12 A. To my knowledge, no precise indication was told. He only
13 emphasised on the fact that soldiers should receive wages and
14 that we should live comfortably and that we should be authorised
15 to visit our parents.

16 [11.14.34]

17 Q. Did anybody protest, any of the people attending this meeting,
18 did any of them protest or did all of the people at the meeting
19 agree with the project?

20 A. During the meeting, I did not see anyone who expressed their
21 opposition or refusal.

22 Q. Can you tell us how long after this meeting Ta Oeun and Ta Kim
23 were arrested and can you -- of course I understand that it's
24 difficult -- but can you provide us with dates? Do you remember
25 the date that all of this happened?

1 A. I cannot recall the date, however the night after the meeting
2 those commanders had been arrested at the division.

3 Q. So according to you, do you believe that they were betrayed?
4 Do you believe that Ta Oeun and Ta Kim were betrayed?

5 A. It is my personal view that Ta Oeun and Ta Kim betrayed the DK
6 regime.

7 [11.16.50]

8 Q. Fine, but did anyone betray them, denounce them?

9 A. I did not know about that.

10 Q. How did you learn therefore that they had been arrested, one
11 day after the meeting in fact? Is this something that you
12 witnessed or is this something that you were told? And do you
13 know who arrested them?

14 A. I did not know those who arrested them. Ta Kim and Ta Oeun
15 were called to go to Phnom Penh where they were arrested.

16 Q. So therefore how do you know that they were arrested one day
17 after the meeting?

18 A. One day after the meeting which was chaired by him, he was
19 arrested and later on we were called to attend the study session
20 at the meeting where his confession on tape was being played.

21 Q. How long after did this re-education meeting happen?

22 A. To my best recollection, it was two days after he had been
23 arrested.

24 [11.19.36]

25 Q. So if I summarise all of this: you attended a meeting that was

1 chaired by Ta Oeun and this meeting brought together the soldiers
2 of your unit, your unit of disabled soldiers; there were also
3 soldiers coming from the entire division and this meeting took
4 place in Phnom Penh next to the Wat Phnom. And during this
5 meeting, Ta Oeun said to the people attending that they should be
6 better treated, that they should receive a salary, that they
7 should be able to go and visit their family, and he stated that
8 it was necessary to overthrow the regime. Then following this, he
9 also said that there were weapons that had arrived in Phnom Penh.
10 And then following this meeting, Ta Oeun and Ta Kim were
11 arrested. It was one day after the meeting. And two days after
12 their arrests, there was a re-education meeting during which the
13 sound recording of their confessions was broadcast. Did I
14 correctly summarise what you said?

15 A. Yes, that is correct.

16 [11.21.26]

17 JUDGE LAVERGNE:

18 Thank you. I have no further questions to put to the witness, Mr.
19 President.

20 MR. PRESIDENT:

21 It is now appropriate for our lunch break. We'll take a break now
22 and resume at 1.30 this afternoon.

23 And Court officer, please assist the witness during the break
24 time at the waiting room for witnesses and experts and have him
25 returned to testify this afternoon at 1.30 this afternoon.

1 And the Chamber would like to inform the Parties and the public
2 that this afternoon the Chamber will conduct a swearing-in
3 ceremony of a new investigator by the edict of the Ministry of
4 Justice and the proceedings will commence at 1.00 p.m. this
5 afternoon. Parties who are invited to attend the proceedings are
6 the Co-Prosecutors or their representatives; the greffier, and
7 the new investigator. Please be ready in the room before 1.00
8 p.m., and if other parties who wish to attend as visitors, you
9 may do so. Otherwise please make your presence known only after
10 the swearing-in proceedings conclude around 20 past 1.00. Thank
11 you.

12 And security personnel, you are instructed to take Khieu Samphan
13 to the waiting room downstairs and have him returned to attend
14 proceedings in this courtroom before 1.30 this afternoon. And
15 that is after the swearing-in proceeding is concluded.

16 The Court is now in recess.

17 (Court recesses from 1123H to 1332H)

18 MR. PRESIDENT:

19 Please be seated.

20 The Court is back in session and the floor is given to the
21 defence team for the Accused, and first, you may proceed defence
22 counsel for Mr. Nuon Chea.

23 QUESTIONING BY MR. KOPPE:

24 Thank you, Mr. President.

25 Q. Good afternoon, Mr. Witness. I have a few follow questions to

1 you in relation to your military career. I understand that you
2 joined the army or the forces rebelling against -- fighting
3 against Lon Nol in 1970. When you joined was that because of a
4 call of late King Father Sihanouk to fight against the Lon Nol
5 regime?

6 MR. KEO LOEUR:

7 A. In 1970, there was a call by late King Father that all
8 children should go into the forest to fight against the
9 imperialist -- American imperialist regime.

10 [13.34.58]

11 Q. And was the reason that you joined these armed forces, the
12 call of late King Father Sihanouk?

13 A. This call -- as for this call -- actually, I did not want to
14 join the army.

15 Q. Did you also then have military training for about two months,
16 and specifically training in counter attacking; is that correct?

17 A. After I became a soldier in the army, I received military
18 training how to attack enemies; it is true what you said.

19 Q. And were you then at one point in time stationed in Camp 10
20 and 11 close to the frontline army base on the battlefield?

21 A. Yes.

22 Q. Do you recall in how many of such counter attacks or attacks
23 on the Lon Nol Army you were involved, how many times were you
24 engaged in active combat?

25 A. When I was assigned to go to battle with Lon Nol regime, I

1 knew that I went to many battlefields but I did not recall them
2 all.

3 [13.37.27]

4 Q. Can you give a rough estimate, how many times were you
5 actively fighting Lon Nol military? Was it once, was it five
6 times, was it 10 times?

7 A. Concerning the fighting against Lon Nol military, I could not
8 recall how many times I was actively in those battlefields.

9 Q. Do you remember in '73 when late King Father Sihanouk came to
10 visit the troops that you belonged to in the north of Cambodia,
11 do you recall his visit?

12 A. Yes, I could recall it.

13 Q. Is it correct that he encouraged you and your fellow comrades
14 to work hard to struggle against the American imperialist and Lon
15 Nol?

16 A. I recall his announcement that, "All children, please struggle
17 and liberate the nation so that we would live in a peaceful
18 country in the future".

19 Q. What else do you remember from his visit, what is it that you
20 recall of that time?

21 A. That is all what I knew and I did not recall anything else.

22 [13.40.05]

23 Q. Do you remember being or feeling inspired by the encouragement
24 of late King Father Sihanouk?

25 A. Later on, everyone was not under surveillance; we were in our

1 battlefields as normal.

2 Q. My question was: do you remember -- and if that's not the
3 case, it's fine as well -- but do you remember being inspired by
4 King Father Sihanouk's encouragement to struggle against the
5 American imperialist and to fight and to work hard?

6 A. After I received the King, if we were not assigned to go into
7 the battlefield we would rest, but when we were assigned we had
8 to go.

9 Q. Can you give a description of your promotion in the ranks in
10 the armed forces up until the end of 1974, you started as a
11 combatant, did you then get a rank?

12 [13.42.14]

13 A. Allow me to inform the Chamber: after I returned from Siem
14 Reap, I was promoted to the deputy chief of the squad. I did not
15 recall when I was promoted, I was in that position until early
16 1974 after which I was promoted to the deputy chief of platoon in
17 1974. As I stated, I became the deputy chief of a platoon

18 Q. I read in your DC-Cam statement that on the 5th December 1974,
19 you became deputy chairman of a battalion. Let me ask you a
20 different question: How many soldiers, how many combatants are,
21 generally speaking, in a battalion, few hundred, more?

22 A. There were five hundred soldiers in the battalion.

23 Q. So, having said that, can you then tell me how you rose in the
24 ranks between '70 and 5 December 1974, when you became a deputy
25 chairman of the battalion? I'm asking because I presume you

1 didn't get promoted from combatant all of a sudden to the very
2 high rank of battalion deputy chairman. So can you please
3 describe for me how your promotion went?

4 [13.44.30]

5 A. The reason that I was promoted so quickly because I was in
6 difficult situation during the battlefield and I could make a
7 successful escape at that time, and as a result, I was promoted
8 to be the deputy chief of the platoon.

9 Q. Maybe there's a translation issue. I don't think so. But
10 there's a difference between battalion and platoon and you said
11 to DC-Cam that you became the deputy chairman of a battalion,
12 which is much larger than platoon. So what is it that you became
13 in December '74, deputy chairman of a battalion or a platoon?

14 A. I could not get your question fully. Could you repeat it
15 again?

16 [13.46.03]

17 Q. Of course. You said to the investigator of DC-Cam that you
18 became a deputy chairman of a battalion on 5 December 1974. Just
19 now you said that you became the deputy chairman of a platoon,
20 which is a much smaller unit. Now my question is: what is it that
21 you became in terms of military ranks on 5 December 1974?

22 A. On that day, I was promoted to be the deputy chief of the
23 battalion - rather, of the platoon.

24 Q. Fine. You got a -- if I understand your testimony before
25 DC-Cam correctly -- a subsequent promotion, you then became a

1 chairman of a battalion/regiment; is that correct, in the course
2 of 1975?

3 A. I was in Unit K-4, and later on, I became the deputy chief of
4 the company.

5 Q. Again Mr. Witness, you told the DC-Cam investigator that you
6 became the chief of a battalion/regime in the course of '75; is
7 that a mistake again?

8 A. In Unit 4, K-4, there was no regiment, and as I stated I rose
9 to company.

10 [13.49.02]

11 Q. You said that when you were hospitalised throughout '75, your
12 position was battalion/regiment chairman -- E3/5658; English,
13 00863285. I would get the Khmer and the French very soon. It
14 seems that you became in '75 the battalion/regiment chairman; is
15 that correct?

16 A. Concerning my rank in the K-4, I was not actually promoted to
17 battalion as I stated, I rose to company and I was under the
18 order or the command of the battalion.

19 Q. I'm not sure if K-4 was already founded in '75, but it's not
20 correct that you were battalion/regiment chairman in 1975; is
21 that what you're saying now?

22 A. I would like to inform you, Mr. Counsel, as I stated, there
23 was no regiment in K-4. And as I stated, I was promoted from
24 platoon to company and I was under the command of the battalion;
25 perhaps the previous document there was some confusing

1 information.

2 [13.51.33]

3 Q. I will return to K-4 in a minute, but you also testified -- or
4 you also gave a statement to the investigator of DC-Cam that in
5 mid-1977 you became the deputy chief of a regiment; is that
6 correct?

7 A. No, it's not correct.

8 Q. Do you know which regiments there were in Brigade 310?

9 A. Under Brigade 310, I knew there was Regiment 729, and as I
10 stated I have no idea about other regiment, I knew only the fact
11 that there was Regiment 729.

12 Q. Do the numbers 11, 12 and 13 ring a bell to you, Regiment 11,
13 Regiment 12 and Regiment 13 in Brigade 310?

14 A. I have no idea.

15 Q. Mr. President, I refer to document E3/1180; English, ERN
16 00655683; French, 00593507; Khmer, 00033313.

17 Mr. Witness, I am referring to a military statistic of Brigade
18 310 dated 13th June 1977, Regiment 11 apparently consisted of 489
19 combatants, Regiment 12 consisted of 722 combatants, and Regiment
20 13 consisted of 1078 combatants. K-4, which is also a separate
21 unit, consisted of 288 combatants and one young boy. Now assuming
22 that you did indeed say to DC-Cam that you were deputy chief of a
23 regiment, were you deputy chief of Regiment 11, 12 or 13?

24 A. The author of the document may have been wrong from what I
25 have told him or her. I was in K-4 and it was under the command

1 of the division as I stated earlier. K-4 was not under other
2 regiment or other brigades.

3 [13.55.56]

4 Q. In your DC-Cam statement you said that you were promoted to be
5 the deputy chairman of the regiment in order to control the
6 disability unit -- English, ERN 00863288 -- and before that you
7 were the chairman of K-4. So, is it correct in 1977 you were both
8 vice deputy chairman of the division and chairman of K-4.

9 MR. PRESIDENT:

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

12 MR. SMITH:

13 It's not an objection, but I think it's deputy chairman of the
14 regiment, not division as was put to the witness. The witness has
15 never said he was ever deputy chairman of the division, but I
16 think he meant to say deputy chairman of the regiment.

17 [13.57.07]

18 BY MR. KOPPE:

19 Yes, I apologise. Thank you, Mr. Co-Prosecutor.

20 Q. Were you in fact deputy chairman of the regiment while at the
21 same time chairman of K-4 in the middle of 1977?

22 MR. KEO LOEUR:

23 A. In mid-1977, I was never promoted to regiment. I stated
24 earlier already and as I stated, I was promoted to the company
25 and there was no battalion under K-4 - rather, there was a

1 battalion, but no regiment in K-4. And as I told you already, I
2 rose to the company.

3 Q. Let me ask a different question. Mid-June or mid-1977, were
4 you the commander of around 288 members of K-4?

5 A. I could recall that in mid-1977, my rank was the commissar of
6 the company and I was not in the position or rank as you stated.

7 [13.59.20]

8 Q. Well, this is it exactly that I'm asking, were you in fact the
9 commanding officer of 288 combatants from K-4 in mid-77?

10 A. In mid-1977, what you stated is not correct.

11 Q. I'm not stating it, I've read your DC-Cam statement and I'm
12 trying to figure out exactly what you were in the military,
13 whether you were, as you said yourself, just a disabled soldier
14 or whether in fact you were a high-ranking commanding officer in
15 Division 310, you could still be both maybe, but my question is:
16 Were you a high-ranking military commander in Division 310?

17 A. In K-4 unit, I was one of the commanders in that unit.

18 Q. And is it about correct that you were commanding officer of
19 about 288 combatants and one young boy?

20 A. Yes, that is correct.

21 [14.01.37]

22 Q. Thank you, Mr. Witness. Were you succeeding in command of
23 Battalion K-4 comrade Ty or Teu, were you his successor, was
24 comrade Ty the first secretary of Battalion K-4?

25 A. The previous commander was not Ty but Teu.

1 Q. I am sure it's my pronunciation. Let me refer you to document,
2 Mr. Witness. Mr. President, this is E3/1585; English, ERN
3 00897652; Khmer, 0095534; French, 00611639. What I have in front
4 of me, Mr. Witness, is a list of participants of the first
5 general staff training of the Revolutionary Army of Kampuchea, 20
6 October 1976, members of all divisions, regiments were present
7 and of Division 310; among others were present comrade Oeun and
8 comrade Vong (phonetic), the chiefs, but also the secretary of
9 Battalion K-4 and the deputy secretary of Battalion K-4
10 respectively; comrade Ty and comrade Kin. So again, my question
11 was comrade Ty or Teu, your predecessor, chief of Battalion K-4?

12 A. Please be clear on the name, it's Teu not Tey or Ty.

13 [14.04.28]

14 Q. Let me clear the situation whether the commanding officers of
15 Battalion K-4 who were Teu or Tey or Ty or is it most likely the
16 same person.

17 MR. PRESIDENT:

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

20 MR. SMITH:

21 Thank you, Your Honours. It's not an objection, it's just --
22 perhaps in this situation if the naming is quite close, the
23 document perhaps could be given to the -- the copy of the
24 document could be given to the witness because the differences
25 don't seem to be that great.

1 [14.05.14]

2 MR. KOPPE:

3 I have no objection, whatsoever. It's a good idea, but then maybe
4 show this document in collaboration with another document.

5 Mr. President, that's document E3/2592; English, ERN 0087709;

6 French, 00923056; Khmer, 00230380, this is a list of prisoners

7 from Division 310. Number 13 is the chairman of Office K-4 listed

8 as Nim Ti. So maybe both documents could be, at least the Khmer

9 originals could be shown to the witness and the question is

10 whether Ty or Teu was in fact the predecessor and commanding

11 officer of K-4.

12 MR. SMITH:

13 I can assist; I have the two copies here. If I can give these to

14 the Court orderly, Mr. President?

15 MR. PRESIDENT:

16 Yes, you may do that.

17 [14.06.58]

18 BY MR. KOPPE:

19 Q. Mr. Witness, the document which is E3/1585, you have to look

20 at number 45; and the document 2592, you have to look at number

21 13 of the list. So again, for the E3/1585, he has to go to number

22 45; and E3/2592, he has to go to number 13. Mr. Witness, do you

23 see the names comrade Ti (phonetic) and Nim Ti, are they two that

24 you referred to earlier?

25 MR. KEO LOEUR:

1 A. I find it difficult to read the small script on the document.

2 MR. SMITH:

3 Mr. President, we can put the document on the screen enlarged, if
4 you would like that, if counsel would like that.

5 MR. KOPPE:

6 You're most helpful, Mr. Prosecutor, yes that would be a good
7 idea.

8 MR. SMITH:

9 I believe that we could but I looked around but the case manager
10 is no longer here, so we can, at some point, later, but sorry for
11 now.

12 [14.09.33]

13 BY MR. KOPPE:

14 That's alright. Thank you very much, Mr. Prosecutor.

15 Q. Now my question to you is the following: Mr. Witness,
16 commander Ty or Teu seemed to be removed from his office and
17 arrested, according to E3/2592, on the 4th March 1977. At that
18 time he was no longer chairman of K-4. You said that at one point
19 in time you became the chairman of K-4. Was that immediately
20 after his arrest or a few weeks later or a few months later; do
21 you remember?

22 MR. KEO LOEUR:

23 A. After the arrest of Teu, that is about a week after, I was
24 appointed to be chief of K-4 unit but I cannot give you the exact
25 date of the appointment.

1 Q. I understand. And then revisiting my earlier question, after
2 you had become K-4 chairman, did you then at one point in time
3 became the deputy chief of the regiment as well?

4 A. As I have stated earlier, the K-4 unit did not have a regiment
5 body there. We had a battalion at highest level at K-4 and under
6 the direct supervision of the division.

7 [14.11.42]

8 Q. I understand but there's quite some evidence to suggest that
9 the military commander of one battalion could be at the same time
10 deputy chief of the regiment, those two functions can co-exist.

11 Now again my question is: Were you also while being commander of
12 K-4 also promoted to become deputy chief of the regiment?

13 A. In K-4 unit, as I have repeatedly told you, regiment does not
14 exist. There was only battalion at the highest level for the K-4
15 unit and it was under the direct supervision of the division.

16 Q. Fine. Mr. Witness, this document which is a list of prisoners
17 from Division 310, E3/2592, with the same ERN numbers as just
18 mentioned, seems to suggest that in the period between

19 mid-February '77 and the beginning of June 1977, 77 Division 310
20 cadres were arrested. Number 1 on that list somebody from

21 secretary regiment 13 and the last person on the list somebody

22 from squad or Combatant 13; so is it correct that from your

23 division in those four or five months, 77 people were arrested?

24 A. Please repeat your question as I don't fully get it.

25 [14.14.12]

1 Q. Is it correct that between mid-February 1977 and early June
2 1977, around 77 members of Division 310 were arrested?

3 A. I did not know anything about that.

4 Q. Not only the chairman of Office K-4 was arrested but also
5 three other or four other K-4 members arrested. Maybe when I
6 mention these names that will jog your memory; again document
7 E3/2592, number 9 is Sat Soeun alias Voeun; does that name ring a
8 bell to you?

9 A. I cannot recall that name.

10 Q. How about number 10 on that list, Kum Boeun alias Han,
11 disabled combatant from K-4, does that name ring a bell to you?

12 A. The person, yes, came from K-4.

13 [14.16.20]

14 Q. He was arrested 18 April 1977, which is about six weeks after
15 the chairman was arrested. Was he arrested because it was your
16 decision to have him arrested?

17 A. I was not the one who authorised the arrest. The Southwest
18 group had a list of those who had to be arrested and they were
19 the ones who conducted the arrest.

20 Q. Very well. But they were arrested while you were the
21 commanding officer of K-4, wasn't it?

22 A. Those soldiers were arrested and although I was in the
23 leadership level, I had no say in that as they said that the
24 North Zone people were traitors and that we did not have any
25 authority to intervene and it was them who had the list and who

1 would call people to be arrested, lined up and arrest them.

2 [14.18.10]

3 Q. Fine. Mr. Witness, how about number 18 on that list, Chuon
4 Phoeun alias Hen, who was in charge of logistics of Battalion
5 K-4? He was arrested on 14 March 1977. Does that name ring a bell
6 to you, Chuon Phoeun alias Hen?

7 A. I know a person by the name of Hen.

8 Q. And was this Hen arrested almost in the week or the week after
9 your appointment as commanding officer?

10 MR. PRESIDENT:

11 Witness, please wait, and the International Deputy Co-Prosecutor,
12 you have the floor.

13 MR. SMITH:

14 Your Honours, I'm just unclear whether the defence counsel is
15 putting information that it is a week after he became the
16 commanding officer, I'm not sure whether the witness has said
17 that.

18 [14.19.57]

19 BY MR. KOPPE:

20 I'm happy to explain. As I understand, he gave testimony to the
21 effect that he became the new chairman about a week after the
22 arrest of the previous chairman -- that was 4 March; 14 March, 10
23 days later, this Hen got arrested; that's why I put the question
24 whether Hen was arrested in the first or the second week, maybe
25 the first week of his command.

1 Q. Was that the case, Mr. Witness, that Hen was arrested when you
2 were only one week commander of K-4?

3 MR. KEO LOEUR:

4 A. I was promoted to that position after Ta Teu and Ta Hen had
5 been arrested and what you stated that I was in that position a
6 week prior to the arrest is inaccurate.

7 Q. Very well. Now exactly how long since March '77, did you stay
8 commander of K-4?

9 A. Please be informed that I was in that position for two weeks,
10 then I was removed to be tempered at Khmuonh-Kab Srov -- that is
11 in Unit 317.

12 [14.22.03]

13 Q. Although you deny it being appointed deputy chief of the
14 regiment but you said that you got this promotion in mid-'77,
15 isn't it true that you were still at K-4 mid-'77?

16 A. I was the chief of Unit K-4 after Ta Teu and Ta Hen had been
17 arrested and I was in that chairmanship for only two weeks before
18 I was removed to be tempered. I hope that is clear.

19 Q. Did they explain to you why they first appointed you chief of
20 K-4 and then two weeks later they removed you again?

21 A. I was not given any reason for that. There was an announcement
22 for my provisional appointment after those commanders had been
23 arrested.

24 Q. But then did you say to whoever was in charge why are you
25 sending me away for tempering because only two weeks ago you

1 appointed me as commander, did you tell them you were surprised?

2 A. Indeed I asked the leadership why I was being removed to be
3 tempered. I did ask that question.

4 [14.24.32]

5 Q. And what was the answer?

6 A. The response from those people was that I was affiliated with
7 previous commanders who were accused of being enemies and that
8 was the reason that I was appointed to be in that position
9 provisionally before I was sent for tempering and re-education.

10 Q. I will get back to this topic later, Mr. Witness. I would like
11 to ask you another question. When you became chief of K-4 in
12 March 1977, do you know how many forces or how many soldiers of
13 Division 310 were at that time already working in Kampong Chhnang
14 Airport -- airfield?

15 A. Please repeat your question.

16 Q. You became K-4 commander in March '77; do you know how many
17 soldiers, how many military from Division 310 were in March
18 already working at Kampong Chhnang airfield?

19 A. I did not know about that before I was sent there.

20 [14.26.38]

21 Q. But do you know of any fellow division members who were
22 working at Kampong Chhnang in early '77, do you remember any
23 names of people who were already working?

24 A. I didn't know from which unit those people or soldiers were
25 sent there.

1 MR. KOPPE:

2 Mr. President, E3/849; English, 00183056 (sic); French, 00334995;
3 Khmer, 00052 --

4 MR. PRESIDENT:

5 Counsel Koppe, please repeat your document number and reference
6 number, ERN, I mean; and please be slower than that.

7 BY MR. KOPPE:

8 I will, Mr. President: E3/849; English, ERN 00183956; French,
9 00334995; Khmer, 00052319.

10 Q. This is a joint statistics of the Revolutionary Armed Forces
11 of March or April 1977, and it says - this is believed the
12 document which isn't properly translated in French -- that -- of
13 Division 310 which at that time consisted of 6096 members. There
14 were 1127 military working in Kampong Chhnang. So more than one
15 in every six members of Division 310 were working in Kampong
16 Chhnang when you became commander of K-4; does that jog your
17 memory?

18 MR. KEO LOEUR:

19 A. I didn't know the number of soldiers that were sent to work
20 there; I only knew that I was sent to work alongside those
21 people.

22 [14.29.58]

23 Q. But do you know the reason why so many men of your division
24 were already working in Kampong Chhnang as early as March or
25 April '77?

1 A. In 1977, I did not know about that at the Kampong Chhnang
2 airfield worksite.

3 Q. But those 1127 troops of Division 310, were they working there
4 because it was within the tasks as soldiers or was it because
5 they were tempered or refashioned?

6 MR. SMITH:

7 Your Honours, I object to this question because the witness has
8 said he didn't know who was working there from his division other
9 than this particular unit, and now the proposition is being put
10 to him of the people that from Division 310 were working there;
11 was it because of this or was it because of that? It just doesn't
12 seem to follow.

13 [14.31.40]

14 BY MR. KOPPE:

15 It is my understanding that this witness was a commanding officer
16 and within a division of 6000 men it seems not to be unlikely
17 that he would know of at least some fellow comrades working in
18 Kampong Chhnang. So I'll rephrase my question.

19 Q. So Mr. Witness, do you know of anybody within Division 310 was
20 working in March '77 in Kampong Chhnang why he was working there?

21 MR. KEO LOEUR:

22 A. (No interpretation)

23 MR. PRESIDENT:

24 What do you mean when you want the counsel to repeat the question
25 or what are you saying now?

1 MR. KEO LOEUR:

2 A. Mr. President, I could not understand the question. Could you
3 repeat the question please, Mr. Counsel?

4 [14.33.17]

5 BY MR. KOPPE:

6 Q. I will. Mr. Witness. The evidence seems to suggest that in
7 March 1977 about 1000 Division 310 members were working at
8 Kampong Chhnang airport airfield. My question is: Did you know
9 any of those? And if yes, did he or she work there because he was
10 instructed to do so or was he sent there because he needed to be
11 tempered or refashioned?

12 MR. KEO LOEUR:

13 A. I would like to inform Your Honours, I have no idea. I knew
14 that I was assigned to work in the field when I was in K-4 and
15 later on I was sent to the airport of Kampong Chhnang worksite.
16 And as for other workers, I have no idea where they were sent to.

17 [14.34.36]

18 MR. PRESIDENT:

19 Counsel, please repeat the second part of your question again
20 because I believe this witness cannot remember the last part of
21 your question and I encourage you to put short questions and not
22 complex ones so that the witness can get the whole question and
23 give the response.

24 BY MR. KOPPE:

25 I will break it in pieces, Mr. President.

1 Q. Mr. Witness, the evidence suggests that in March '77 about
2 1000 Division 310 members were working at Kampong Chhnang
3 airfield. My first question: Did you know any of those 1000 plus
4 people who were working at Kampong Chhnang airfield in March
5 1977?

6 MR. KEO LOEUR:

7 A. I would like to inform the Chamber when I arrived at Kampong
8 Chhnang airfield I knew some people.

9 [14.36.12]

10 Q. My question is about an earlier period; my question is about
11 March 1977. Did you know any of those 1000 plus Division 310 men
12 working at Kampong Chhnang airfield?

13 MR. PRESIDENT:

14 Witness already gave the response, but if you have a follow-up
15 question you can ask. But as for the response, I believe it is
16 clear already.

17 MR. KOPPE:

18 The problem seems to be that he goes to January '78 when he
19 himself went to Kampong Chhnang airfield. I am asking about
20 something which is 10 months earlier, nine months earlier.

21 MR. PRESIDENT:

22 He said that he did not know and when he was going to that place
23 he knew -- he did not know, rather.

24 [14.37.36]

25 BY MR. KOPPE:

60

1 Let me try another angle, Mr. President.

2 Q. You became the commanding officer of K-4 in March '77, in that
3 month, that same month about 1000 people of Division 310 were
4 working at Kampong Chhnang airfield. So, in this time that you
5 were commanding officer, did you know any of those 1000 Division
6 310 members working at Kampong Chhnang airfield?

7 MR. KEO LOEUR:

8 A. I told the Court already about this point. I did not know
9 because during that time I was in the field working and -- while
10 I was in Unit K-4.

11 MR. KOPPE:

12 I have another question but maybe, Mr. President, it's a good
13 moment to break; otherwise I would like to show him the name of
14 an upcoming witness without actually mentioning the name, a
15 fellow member of K-4; it's E3/5274. Without mentioning the name,
16 I would like to see if the witness recognises this K-4 member.
17 Just for the record, it's 2-TCW-911.

18 [14.39.55]

19 MR. PRESIDENT:

20 Could you give the document to the witness so that the witness
21 can get the name. If you give the pseudonym to the witness, the
22 witness may not know who is this person, only the Chamber and
23 Parties understand who is this individual.

24 MR. KOPPE:

25 I understand, Mr. President, it was also for your reference only.

61

1 It will take 20 or 30 seconds, maybe it's an appropriate time to
2 break, Mr. President. I have it already.

3 BY MR. KOPPE:

4 Q. Were you able to read the name, Mr. Witness?

5 MR. KEO LOEUR:

6 A. I could not read because of the small scripts.

7 [14.42.03]

8 MR. PRESIDENT:

9 Court officer, please go to the witness stand and whisper the
10 name to the witness.

11 And Mr. Witness, please do not mention the name, you just say you
12 know or you don't know this individual.

13 BY MR. KOPPE:

14 Q. Do you recognise the name, Mr. Witness?

15 MR. KEO LOEUR:

16 A. Yes, I could recall this individual's name.

17 Q. Was he also a member of K-4?

18 A. Yes, he was in K-4.

19 Q. On the first page, in English, 00292864; Khmer, 00282959;
20 French, 00483994; this K-4 member gave testimony to investigators
21 and he said that, "In the harvesting season in October 1977, they
22 had me go fight the Vietnamese army at the front battlefield". Is
23 it your recollection that this comrade from K-4 was sent to the
24 battlefield in October '77 to fight the Vietnamese?

25 [14.44.26]

1 A. Yes, I could recall it. During that time in the disability
2 unit in K-4, soldiers who recovered from their injuries could be
3 sent back to the battlefield, and as for my case, I could not
4 walk well because I was still suffering from the handicap injury;
5 I was kept in that K-4 unit.

6 Q. But do you know the reason why he went to the battlefield
7 although he was a member of K-4?

8 A. I would like to inform the Chamber, during that time, soldiers
9 were selected and sent to the battlefield. I have no idea about
10 the decision and soldiers were asked, at that time, whether or
11 not they wanted to go to the battlefield and those who decided to
12 go they raised their hands.

13 Q. Do you recall about how many of the let's say 288 K-4 members
14 raised their hands to go to the battlefield?

15 A. I could not recall them; it was asked at that time who wanted
16 to go to the front battlefield and some certain soldiers who
17 decided to go were asked to sit in one separate place. And as for
18 the numbers, I have no idea how many of them were selected.

19 [14.44.45]

20 Q. Was it about half of those 288 or was it only a small number,
21 could you give a rough estimate about how many K-4 members wanted
22 to fight the Vietnamese?

23 A. I could not recall it. Well, from my estimate, almost half of
24 them, only the seriously injured soldiers were not sent to the
25 battlefield.

1 Q. It's a bit hypothetical question but I'm asking it anyway: If
2 you had raised your hand they would have selected you to fight
3 the Vietnamese in October '77?

4 MR. PRESIDENT:

5 Witness, you're instructed not to give your response to this
6 so-called hypothetical question. The Chamber will not allow the
7 response from the witness.

8 [14.48.10]

9 BY MR. KOPPE:

10 Q. Were you forbidden to raise your hand in October '77?

11 MR. KEO LOEUR:

12 A. Allow me to tell the Court, how could I put up my hand because
13 at that time I could not walk well and I was still injured from
14 the disease or from the wound and until now I could not be able
15 to walk well.

16 Q. I understand. And my final question before the break, but is
17 it then true when I say that in October '77, you were still a
18 soldier within the Revolutionary Army of Kampuchea?

19 A. Allow me to tell the Court, soldiers in the K-4 were also
20 under the command of Division 310 but these soldiers were
21 considered the handicapped ones.

22 [14.49.46]

23 Q. I understand. But were you still a soldier of the
24 Revolutionary Army of Kampuchea in October 1977 and subsequently?

25 A. I told the Court already about this. In October 1977, I was in

1 the disability unit under the supervision of Division 310.

2 Q. I understand. But were you still a soldier, were you still in
3 principle able to fight at the battlefield?

4 A. I do not know how to give my response to your question.

5 Q. My understanding of your earlier testimony is that you weren't
6 really a soldier anymore but it was unknown what you were, but
7 isn't it true that in October '77 and subsequently you were still
8 a soldier in the Revolutionary Army of Kampuchea?

9 A. From that time, I was a soldier but a handicapped one in a
10 different unit as I told you already.

11 MR. PRESIDENT:

12 The answer is clear. Now it is convenient time for the short
13 break. The Chamber will take a short break from now until 10 past
14 3.00.

15 Court officer, please facilitate a proper room for this witness
16 during the short break and please invite him into the courtroom
17 at 10 past 3.00.

18 The Court is now in recess.

19 (Court recesses from 1452H to 1510H)

20 MR. PRESIDENT:

21 Please be seated.

22 The Court is now back in session, and again, the Chamber
23 continues to hand the floor to the defence team for Nuon Chea to
24 continue putting questions to the witness.

25 You may proceed, Counsel.

1 BY MR. KOPPE:

2 Thank you, Mr. President.

3 Q. Mr. Witness, before the break we were speaking about your
4 fellow K-4 members volunteering to go to the battlefield.

5 Assuming that K-4 in June '77 existed -- consisted of about 288
6 people, and you said that half of K-4 volunteered, would it be
7 correct to say that about, roughly, 150 members of K-4 went in
8 October to the battlefield to fight the Vietnamese?

9 MR. KEO LOEUR:

10 A. Yes.

11 [15.12.50]

12 Q. The Vietnamese withdrew from Kampuchea on 6 January 1978, so
13 the fighting stopped for a while at that day. Do you remember how
14 many of those roughly 150 K-4 members returned from the
15 battlefield?

16 A. I do not understand your question.

17 Q. About 150 members of K-4 went in October '77 to fight the
18 Vietnamese. The Vietnamese withdrew, at the latest, 6 January
19 1978. Did any of those 150 K-4 members who had been fighting
20 return to their unit, away from the battlefield?

21 A. I never saw soldiers who were sent to the battlefield return.

22 Q. So, is it your testimony that about all those -- almost all of
23 those 150 members of K-4 were killed during combat?

24 A. The soldiers who were assigned from K-4 to the front
25 battlefield, I could not say anything about that, whether they

1 were alive or they survived, since they left.

2 [15.15.08]

3 Q. Now, Friday, during your testimony you said that you, and
4 possibly other members of K-4, had no right to have arms, can you
5 explain to me how that corresponds with about half of your unit
6 going to fight at the front?

7 MR. PRESIDENT:

8 Witness, please wait. And the International Deputy Co-Prosecutor,
9 you have the floor.

10 MR. SMITH:

11 Just a clarification, Your Honour. I would ask if counsel could
12 put the time period? Certainly, when the witness was at the
13 airfield, it was clear that he said that there was no right to
14 have arms. But as far as what particular period you are referring
15 to, because the situation changed. So that it's clear to the
16 witness.

17 [15.16.08]

18 BY MR. KOPPE:

19 Q. I will rephrase my question. Mr. Witness, you gave testimony
20 to the effect that you and others within your unit had no right
21 to have arms, no right to wear arms. To which period did you
22 refer?

23 MR. KEO LOEUR:

24 A. At the time the war ended -- that is, 1975, weapons were
25 removed.

1 Q. So the removal of your weapons had nothing to do with you
2 working at Kampong Chhnang airfield, but it was done in '75; is
3 that correct?

4 A. The weapons were removed before I was assigned to work at
5 Kampong Chhnang.

6 Q. I understand, but those 150 members of K-4 who went to the
7 battlefield, surely they had weapons? Or were they going unarmed
8 to fight the Vietnamese?

9 A. When soldiers who were transferred from K-4 unit to go there
10 on a voluntary basis, I did not know whether they were armed.

11 [15.18.28]

12 Q. Have you ever heard, as a military person, that fellow
13 comrades were sent to fight the enemy without arms?

14 A. As I have just said, those soldiers who were sent to the
15 battlefield, whether they were authorized to carry firearms or
16 not, I did not know, because by that time I had been removed from
17 the said unit.

18 Q. Let me rephrase then my question. In those roughly seven
19 years, including that one or two weeks that you said that you
20 were commanding officer of K-4, have you ever experienced
21 comrades fighting the enemy without guns, rifles, machine guns,
22 et cetera?

23 A. Those soldiers who were sent to fight, of course they would
24 not be sent there with their bare hands.

25 [15.20.06]

1 Q. That's what I thought, Mr. Witness. Let me ask a few
2 additional questions relating to the period that you joined the
3 armed forces in 1970, up until the last day that you were
4 commanding officer of K-4. In those around seven years, did you
5 ever refuse orders that were given to you?

6 A. Since I joined the army, I never received such an order.

7 Q. Maybe something went wrong in translation. My question was:
8 Did you ever refuse orders?

9 A. Soldiers never dare to refuse or protest orders from their
10 commanders.

11 Q. But you were a commander yourself. Did you ever give orders to
12 your soldiers?

13 A. When there were works to be assigned to them, of course orders
14 had to be given.

15 Q. And orders, unless unlawful, had to be followed; is that
16 correct?

17 A. Since I joined the unit, no order was given in terms of any
18 work outside the scope of the military duty.

19 Q. In those few weeks you said that you were commanding officer
20 of K-4, did your men have roofs to sleep under? Did they have
21 mosquito nets? Did they have hammocks in which they could sleep?

22 A. In Unit K-4, a long building was made as a sleeping quarter,
23 although there was no sleeping mat. There was also no mosquito
24 net provided.

25 [15.23.45]

1 Q. So, when you were commanding officer of K-4, would it be fair
2 to say that the situation was roughly the same as when you were
3 with K-4 at Kampong Chhnang airfield?

4 A. In Unit K-4, and I can also say about while I worked in
5 Kampong Chhnang, the condition was the same.

6 Q. When you were commanding officer of K-4, did you give your men
7 wages? Did you give them salary?

8 A. Soldiers did not receive any wage.

9 Q. So again, there was no difference when you were a commanding
10 officer of K-4 in terms of wages, and when you were working at
11 Kampong Chhnang airfield; is that correct?

12 A. Yes, indeed.

13 [15.25.25]

14 Q. When you were commanding officer of K-4, how was the hygiene
15 situation? Did you provide your men with bathing facilities?

16 A. In Unit K-4, and in terms of sanitation, I can tell you that
17 even I personally did not have a blanket or a mosquito net.

18 Q. Is it fair to say that when you were commanding officer, those
19 -- that situation wasn't much different from when you were at
20 Kampong Chhnang airfield?

21 A. Yes, that is correct.

22 Q. Let me ask the question the other way around. Can you give us
23 one difference in terms of working conditions, material,
24 equipment, et cetera, between the time that you were commanding
25 officer of K-4, and the time that you were working at Kampong

1 Chhnang airfield as member of K-4?

2 MR. PRESIDENT:

3 Witness, please hold on. And the International Deputy
4 Co-Prosecutor, you may proceed.

5 [15.27.21]

6 MR. SMITH:

7 I think the objection, Your Honour, is the relevance of this line
8 of questioning. This witness has talked about being the
9 commanding officer for two weeks in and around March 1977. And
10 then at a later point in time, he's talked about -- he's given
11 evidence that he and his unit were tempered for about a
12 five-month period. And so I'm just wondering how relevant it is
13 doing comparison of the conditions when this witness was a
14 commander for two weeks, a period of time where, I believe, on
15 the evidence, it's not the time that this witness and his unit
16 were being tempered. They were being tempered later on in the
17 year, for about five months, before going to Kampong Chhnang. So,
18 if the idea is that there was no discrimination at Kampong
19 Chhnang, compared to when he was a commander at K-4, I think the
20 comparison is better when they are being tempered at K-4, rather
21 than when he was a commander.

22 [15.28.40]

23 MR. KOPPE:

24 Well, it's our position that his unit wasn't tempered at all.
25 However, leaving that aside, I think it's fair to make a

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1 comparison between the work of K-4, of which he was commander in
2 about roughly March '77, possibly longer, and the working
3 conditions in '78, Kampong Chhnang airfield, of which the Closing
4 Order says it was forced labour. We will dispute that, but that's
5 another question. But I think it's fair to try to establish or
6 determine which working conditions were in fact the product of
7 forced labour. And which working conditions were in fact the
8 normal working conditions of soldiers within K-4, within Division
9 310.

10 JUDGE FENZ:

11 Sorry, was there an objection? Or was this an observation on
12 behalf of the prosecutor?

13 MR. SMITH:

14 I think that's correct, Your Honour. I think it was more an
15 observation.

16 [15.29.48]

17 BY MR KOPPE:

18 Then I'll move on. Thank you for your observation, Mr.

19 Prosecutor.

20 Q. Can you give me one clear example of a difference in respect
21 of working conditions, working times, available equipment, in
22 those weeks in March '77, and the period that you were at Kampong
23 Chhnang airfield? What was a striking difference between those
24 two periods?

25 MR. KEO LOEUR:

1 A. At Unit K-4, regarding the living conditions and the
2 necessities, including knives, hoes and cattle for rice farming,
3 and that was different from the living condition and working
4 condition in Kampong Chhnang, which we were only distributed a
5 hoe each in order to dig the ground, or to clear the grass. The
6 work at K-4 unit started at 6.00 and we rested at 11.00, and
7 resumed at 1.00. We continued working until 5.00. Where in
8 Kampong Chhnang, we had to line up at 4.00 in the morning to go
9 to the worksite, and continued working until 11.00. We resumed at
10 1.00 again, and continued working to 6.00 or sometimes 7 o'clock
11 in the night. Or in some other instances, we continued working
12 until 9.00 or 10.00 in the night.

13 [15.31.57]

14 Q. I understand. However, when you were at Kampong Chhnang
15 airfield, as of 15 January '78, was there ever a sense of urgency
16 communicated to you and others in relation to the war with
17 Vietnam? In the previous months before 15 January '78, tens of
18 thousands of Vietnamese troops had come -- had crossed the
19 borders. Was there some sense that the work at Kampong Chhnang
20 airfield had to be finished soon?

21 A. While I was working in Kampong Chhnang, I never heard anyone
22 talking about the Vietnamese crossing Kampuchean territory. And
23 at that time, I was working like other people in our respective
24 unit.

25 Q. Let me rephrase my question. You started working at Kampong

1 Chhnang airfield at 15 January 1978. What had happened nine days
2 earlier, 6 January 1978? Do you recall, in terms of the end of
3 the war, or the withdrawal of troops? Do you remember anything?

4 A. I do not know about it.

5 [15.33.57]

6 Q. You were from the original North Zone, if I'm correct. There
7 is a 6th January Dam in the North Zone, the old North Zone. Do
8 you know why it's called the 6th January Dam?

9 A. I have no idea because I have never seen that dam.

10 Q. You also gave testimony that a month after you had arrived at
11 Kampong Chhnang airfield, you were sent to Phnom Penh for three
12 months' education to become a surveyor. Did they tell you why
13 they had chosen you to do this three months course?

14 MR. SMITH:

15 Your Honour, it's not an objection. It was two months after he
16 arrived at the airport.

17 [15.35.11]

18 BY MR KOPPE:

19 Q. I -- two months. Did they tell you why it was you? Why you
20 were chosen to be able to do this education in Phnom Penh?

21 MR. KEO LOEUR:

22 A. I believe I gave my response to this question on Friday, so it
23 is a repeated question. However, I would like to give my response
24 again. At the time, there was an individual by the name Han
25 (phonetic). He knew me, and he asked that I was sent to the

1 technical training. I gave my statement already on Friday.

2 Q. I know you did, but Han (phonetic) was from Division 502, you
3 were from Division 310. Did your commanding officer tell you why
4 you were chosen to go to Phnom Penh for three months?

5 A. First, biography was gathered and made, whether one could be
6 sent for the training. If one had some sort of knowledge, that
7 individual could be sent for the training.

8 [15.36.55]

9 Q. But why was it you? Did your commanding officer tell you why
10 the choice had fallen upon you to become a surveyor at a highly
11 -- at a high security airfield?

12 A. I do not know the reason. I was told that I had to go to Phnom
13 Penh to participate in the training so that I could obtain the
14 training and come back and work.

15 Q. But you said that you had -- have been a commanding officer of
16 K-4, then for a while you said your unit was tempered, but then,
17 all of a sudden it seems, you were asked to go for this three
18 months' education training in Phnom Penh. Did they tell you why
19 all of a sudden you were perceived as a loyal cadre again?

20 A. It is very difficult for me to give my response. However, I
21 would like to give my answer as follows: Your question is, why
22 the loyal -- the trust was withdrawn from me? After superiors
23 were arrested in K-4, I was sent for re-education for five
24 months, and afterwards I was transferred to Kampong Chhnang. I
25 stayed in Kampong Chhnang for two months, after which I was sent

1 to study how to survey the land. I gave my response already on
2 Friday.

3 [15.39.23]

4 Q. Let me ask it differently. Was it a promotion for you to
5 become a surveyor, or was it a demotion?

6 A. One who worked to survey the land was soldier, and there were
7 superiors responsible for them. And as I stated earlier, people
8 who worked to survey the land were all combatants.

9 Q. I'll move on, Mr. Witness, but not before putting to you that
10 you had been a loyal revolutionary cadre from 1970 all the way up
11 till 1979, and that you were never refashioned. Is that correct?

12 A. This is a repetitive question you asked me again and again.
13 I'm very -- it's very difficult for me to give my response, and
14 this question is put to me in order to confuse me. Mr. President,
15 please help.

16 MR. PRESIDENT:

17 Mr. Witness, in -- before the Chamber, a witness is
18 cross-examined by Parties, or is examined by Parties. And please
19 respond to the question, if you know. And if you don't know, you
20 just say don't know. And as the Chamber has informed Parties
21 already, there's some questions which are prohibited by the
22 Chamber. And as you have seen, parties across the Bench, has the
23 right to put an objection to the question put by another party,
24 and likewise the Chamber has the right to deny the objection or
25 grant the objection. And the last question was not objected by

1 the party across the Bench. You are here, and you are being
2 cross-examined by the Defence team. So, if you remember, you can
3 give your response. And if you do not remember the question, you
4 could ask the defence counsel to repeat the question.

5 [15.42.55]

6 BY MR. KOPPE:

7 I'll repeat my question, Mr. President.

8 Q. Mr. Witness, is it true that you have always been a loyal
9 revolutionary cadre from 1970 all the way up to 1979? And that,
10 in fact, you never have been tempered or refashioned?

11 MR. KEO LOEUR:

12 A. I would like to give my response as follows: From 1970 to
13 1975, I was a soldier. Nothing happened on me. But later on after
14 1975, as I stated earlier, in 1977 I was then a soldier but I was
15 refashioned and tempered.

16 Q. Fine, Mr. Witness. I will move on. Do you know when the
17 Division 310 chief, Oeun, was arrested? Do you know when he was
18 arrested?

19 [15.44.18]

20 A. I do not know about the arrest. I only knew what I have told
21 you earlier concerning the time that I was invited to a training
22 -- and listen to the recording.

23 Q. I understand. But I'm asking because there might be some
24 confusion as to his day of arrest. Was he arrested on 4 March
25 1978 or was he arrested a year earlier?

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1 A. I do not know about the exact date that he was arrested.

2 Q. I understand, but was it February–March 1977, or was it
3 February–March 1978?

4 A. I would like to inform the Chamber that I could not get the
5 question.

6 Q. Oeun, the chief of Division 310, of which you were a member
7 for nine years, was he arrested in March–February 1977 or
8 February–March 1978?

9 A. Ta Kim and Ta Oeun were arrested in 1977.

10 [15.46.42]

11 Q. Very well. For the record, Mr. President, there is a document
12 -- E3/1993 -- which would imply that Oeun was arrested on 4 March
13 1978. But I'll move on.

14 You were speaking about Ta Kim. Was that the other name of
15 ex-deputy political commissar Sau Khuon (phonetic)?

16 MR. PRESIDENT:

17 Please, Judge Lavergne, you have the floor.

18 JUDGE LAVERGNE:

19 Counsel Koppe, you are trying to use a document. I haven't quite
20 understood which document you are referring to. In order for the
21 record to reflect what you're saying, let me point out that on
22 the list of S-21 prisoners -- document E3/342 -- on page 491, at
23 the entry 8971, mention is made of Sbauv Him alias Oeun, member
24 of Division 310, and the date of arrest is 17 February 1977. Let
25 me also point out that we also have on record confessions of a

1 person called Sbauv Him alias Oun or Oeun. These two documents --
2 E3/1891 -- and the confessions are dated 20 February to 14 March
3 1977.

4 [15.48.36]

5 MR. KOPPE:

6 I agree, hence the confusion. Because I have a document --
7 E3/1993 -- which is called "List of Important Culprits", which
8 seems to be a 1979 Pol Pot-Ieng Sary trial document, which says
9 that Oeun was arrested on 4 March 1978. That's why I was asking
10 for clarification. But I'll -- thank you, Judge Lavergne.

11 BY MR. KOPPE:

12 Q. But my question was about Ta Kim. Was he the same as Sau Khuon
13 (phonetic)? Do you know?

14 MR.KEO LOEUR:

15 A. There was only one name for Ta Kim.

16 Q. True, but was he -- was his real name Sau Khuon (phonetic)?

17 A. I do not know his family's name. I knew only his first name,
18 Ta Kim.

19 [15.50.05]

20 Q. Do you know, Mr. Witness, what the relation, if any, was
21 between Oeun, Voeung (phonetic), Kim on the one hand, and Koy
22 Thuon on the other hand?

23 A. The relationship between superiors, I have no idea.

24 Q. Have you ever heard that Koy Thuon was arrested because he was
25 preparing a coup d'état in January 1977?

1 A. I have no idea.

2 Q. Have you ever heard that Koy Thuon used forces from Division
3 310 to prepare for this coup d'état?

4 A. I don't know.

5 [15.51.48]

6 Q. Earlier this morning, you spoke about weapons being
7 transported, and when you saw that, you were asked to mind your
8 own business. Were these weapons transported to Phnom Penh in
9 January 1977?

10 A. I could recall it. I asked the one who was transporting the
11 weapons at that time. I asked him, and he told me that -- he told
12 me to mind my own business, because I was a handicapped soldier
13 at that time.

14 Q. I understand. But was it shortly before January 1977? The coup
15 d'état was supposed to take place in January '77, and those
16 weapons were shipped or sent just before that?

17 MR. SMITH:

18 Your Honours, the objection is in relation to the question. It's
19 a leading question, and I'm wondering where the information is
20 based to put this question to the witness.

21 [15.53.16]

22 BY MR. KOPPE:

23 I'm not making it up, Mr. President. It's extensively documented
24 by Kiernan in "The Pol Pot Regime", that the attempted coup
25 d'état was supposed to take place on the 17th of January 1977.

1 But I'll move on because of time.

2 Q. Mr. Witness, I think you were also quite familiar with a town
3 in the north of Cambodia, Siem Reap. Were you at one point in
4 time stationed in Siem Reap?

5 MR. KEO LOEUR:

6 A. I did not hold any position in Siem Reap province.

7 Q. But in your DC-Cam statement, I read that you had been in Siem
8 Reap at one point in time as a soldier, between 1970 and '75; is
9 that correct?

10 A. I went to Siem Reap; that is a fact. But it was in early 1973,
11 not 1975 as mentioned by counsel.

12 Q. Fair enough. Do you know what happened in Siem Reap on the
13 25th of February 1976?

14 A. I did not know.

15 Q. Have you heard around that time of reports of military
16 uprising and bombing by jet fighter planes in Siem Reap? Have you
17 heard anything about what happened in Siem Reap in February '76?

18 A. I did not know in 1976 what happened in Siem Reap.

19 [15.56.31]

20 Q. Have you heard of intensive fighting in the remainder period
21 of '76 in the area of Siem Reap, fighting between various
22 factions of the Revolutionary Army?

23 A. I do not know.

24 Q. Then I will return to what you said about the weapons being
25 transported, or weapons being taken. Can you do your best again

1 and try to remember when exactly you were told to mind your own
2 business?

3 A. I do not recall the exact date, month and year. But, as I
4 said, I witnessed that weapons were being transported. The
5 vehicles stopped in front of me. I asked the guy where the
6 weapons were sent to, and I was warned at once that I had to mind
7 my own business.

8 [15.58.22]

9 Q. Do you know how many months that was before you became the K-4
10 commander?

11 MR. PRESIDENT:

12 Witness, please hold on. International Deputy Co-Prosecutor, you
13 may now proceed.

14 MR. SMITH:

15 Your Honour, perhaps the question should be: how many months it
16 was before or after he became the K-4 commander? So I object to
17 the question.

18 BY MR. KOPPE:

19 I'll be very happy to rephrase.

20 Q. Mr. Witness, how many months before or after you became
21 commander, did you see weapons being transported, and were you
22 told to mind your own business?

23 MR. KEO LOEUR:

24 A. I do not recall the date and the month exactly, because it
25 happened a long time ago.

1 Q. Maybe I'm wrong, but your position as commander seems to have
2 a relation to the arrest of the previous commander. So, the day
3 that you became commander might have something to do with the
4 moment that you saw those weapons being transported. Can you do a
5 little bit your best, and try to remember when you were told to
6 mind your own business?

7 [16.00.53]

8 A. When I was warned that I had to mind my own business, it was
9 long after that I was promoted to the head or chairman of K-4. So
10 it was long after that time.

11 Q. Let me help you a little bit, Mr. Witness. There is evidence
12 that suggests that your predecessor, the commander of K-4, was
13 attending a general staff meeting in October '76. He was arrested
14 in March '77. Were you told to mind your own business between
15 October '76 and March '77?

16 A. I do not recall it.

17 MR. KOPPE:

18 I'm seeing that it is 4 o'clock, Mr. President. Maybe it's time
19 to stop.

20 [16.02.20]

21 MR. PRESIDENT:

22 Thank you, Counsel. The hearing today comes to an end. The
23 hearing will be adjourned now and we will resume tomorrow, on 16
24 June 2015, starting at 9 a.m. tomorrow. The Chamber will resume
25 hearing this witness, Keo Loeur.

1 And the Chamber would like to inform Parties and the public that
2 the next witness is 2-TCW-901. However, because of the
3 arrangement or the scheduling, the Chamber will hear 2-TCW-930
4 (sic) before 2-TCW-901. So please be informed.

5 The Chamber would like to express its sincere thanks to you, Mr.
6 Keo Loeur. The hearing of your testimony has not come to an end
7 yet, so you are invited to be here again at 9 a.m. tomorrow, and
8 it will not last longer than one session or one morning.

9 Court officer, you are instructed to work with WESU to send Mr.
10 Keo Loeur back to the place which he is now residing or staying,
11 and please invite him to be here again tomorrow before 9 a.m.

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

15 The Court is now adjourned.

16 (Court adjourns at 1604H)

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