



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 23-May-2017, 11:10
Sann Rada
CMS/CFO:.....

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 May 2015
Trial Day 287

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

The Accused: NUON Chea
KHIEU Samphan

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For Court Management Section:
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I N D E X

MS. HUN Sethany (2-TCCP-255)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSE	French
MS. HUN Sethany (2-TCCP-255)	Khmer
MR. KOPPE	English
MR. LYSAK	English
MS. MOCH Sovannary	Khmer
THE PRESIDENT (NIL Nonn)	Khmer
MS. SONG Chorvoin	Khmer
MS UN Ron (2-TCCP-230)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remainder testimony of

6 Madam <Hun> Sethany, and we begin to hear the testimony of

7 2-TCCP-230.

8 <The Court greffier,> Ms. Se Kolvuthy, could you please report

9 the attendance of the Parties and other individuals at today's
10 proceedings.

11 THE GREFFIER:

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

14 Mr. Nuon Chea is present at the holding cell downstairs as he has
15 waived his right to be present in the courtroom; his waiver has
16 been delivered to the greffier.

17 The civil party who is to conclude her testimony today -- that
18 is, Madam Hun Sethany, is present and ready to testify.

19 Today we also have a reserve civil party -- that is, 2-TCCP-230.

20 Thank you

21 [09.03.18]

22 MR. PRESIDENT:

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

25 The Chamber has received a waiver from Nuon Chea, dated 27th May

1 2015, which notes that due to health condition -- that is, back
2 ache and headache, he cannot sit or concentrate for long and in
3 order to effectively participate in future hearings, he requests
4 to waive his right to participate in and be present at the 27th
5 May 2015 hearing. He advises that he has been <advised by his>
6 counsel that in no <account> the waiver can be construed as a
7 waiver of his right to be tried fairly or to challenge any
8 evidence presented or admitted during this Trial.

9 Having seen the medical report of Nuon Chea by the duty doctor
10 for the Accused at ECCC, dated 27th May 2015, who notes that Nuon
11 Chea has a constant back pain and dizziness and cannot sit for
12 long and recommends that the Chamber shall grant him his request
13 so that he can follow the proceedings from the holding cell
14 downstairs.

15 Pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
16 grants Nuon Chea's his request to follow the proceedings remotely
17 from a holding cell downstairs via an audio-visual means.

18 The AV Unit personnel are instructed to link the proceedings to
19 the room downstairs so that Nuon Chea can follow the proceedings
20 remotely; that applies for the whole day.

21 The Chamber now hands the floor to the Lead Co-Lawyers for civil
22 parties to continue putting questions to this civil party. You
23 may proceed.

24 [09.05.32]

25 QUESTIONING BY MS. MOCH SOVANNARY RESUMES:

1 Thank you, Mr. President. First of all, good morning, Mr.
2 President, Your Honours, and everyone in the courtroom; and once
3 again, good morning, Madam Civil Party.

4 Q. Before I continue putting more questions to you regarding the
5 working condition at the 1st January Dam worksite, I have a few
6 questions to put to you regarding the children in the second
7 <mobile> unit. You stated that children were forced to work at
8 the worksite as well, so what were they asked to do at the dam
9 worksite?

10 MS. HUN SETHANY:

11 A. The children were instructed to do the same work as that of
12 the adults and they received the same food ration, they did not
13 care that they were children. Everything was the same -- that is,
14 the working condition and the food ration. They did not consider
15 their young age or their weak strength. They did not have any
16 <empathy or> sympathy for those children.

17 [09.07.01]

18 Q. Can you tell the Court if you saw, heard or observed that some
19 children fell sick from overwork <or if they had injuries owing
20 to digging or carrying the earth>?

21 A. You can imagine when young children worked as hard as the
22 adult so their health condition actually deteriorated
23 dramatically although they tried their best to do the work. And
24 when they fell sick, no one actually came to visit them. All of
25 them had to leave the sleeping quarter out into the field to

1 carry the earth. Every time the adults and the children had to
2 actively work and that was reinforced through the announcement on
3 the loudspeaker that all workers had to work actively.

4 Q. If I'm not mistaken, you saw children fell sick from overwork.
5 What kind of measure was taken for those children, for instance
6 any medical staff was sent to check up on them or to provide them
7 with treatment <or did those children receive any attention>?

8 A. No. There were no special medical staff; however, there were
9 some medical staff who gave injection from an orange juice like
10 bottle to the children. <It's liquid with red colour. The same
11 injection was given to all kinds of illnesses. It was just merely
12 an injection given at the sleeping shed.>

13 [09.09.15]

14 Q. I would like now to return to the line of questioning
15 regarding your working condition at the dam worksite. You stated
16 <yesterday> that you worked at three different locations: first,
17 near Trapeang Chrey pagoda; then near the national road; and
18 third, you worked near the river. What kinds of work were you
19 instructed to do at these three separate locations?

20 A. At the worksite I was instructed to carry earth, to dig the
21 ground; that was the kind of work that I did there. We were not
22 allowed to be idle or to be free at all and we had to compete
23 with other workers from other villages, and actually we
24 overworked. Sometime I fainted while working so other workers
25 would come to support me and to give me some physical massage or

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1 to pull my hair to wake me up. The condition was terrible. <They
2 treated us even worse than animals. Those who managed to bear
3 such a state of life and survived were greatly marvellous.>
4 The food that was given to us was insufficient but we had to try
5 to work as we were instructed to do so in order to survive. If we
6 didn't try our best to work, then we would not survive. That was
7 kind of <an experimental> location to <test> our endeavour in
8 doing the work and we tried to put as much <soil> as possible
9 into the basket in order to win the workers from other villages
10 who were working nearby. <We were afraid we would be outdone by
11 workers from other villages and that Angkar would not appreciate
12 our work. And> as a result of overwork at that worksite, I still
13 have my back pain and lumbago at the moment. Whatever I did at
14 that time was to survive.

15 [09.12.33]

16 Q. You said that you tried your best to work and you did whatever
17 you could. Can you tell the Court <if> there <were> a set of
18 working hours for all the workers there and <if> there <was> an
19 adequate rest time?

20 A. While I was carrying earth at Trapeang Chrey, we started --
21 actually we woke up by whistle <sound> at 4 o'clock in the
22 morning and we started working at 5.00; we stopped for meal at
23 11.00, and we resumed at 1.00 and we continued until 5.00. Then
24 at 6.00 p.m., we started again and we continued until 10.00. And
25 when we had to work at the location near the national road, it

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1 was quite a far distance so we had to wake up by a whistle sound
2 at 3 o'clock in the morning. Everybody was so tired from the
3 previous night and sometimes we were walk sleeping and sometimes
4 some of us fell down while walking to the worksite and we were
5 then scolded by the unit chief. And of course, from what we
6 observed, the unit chief didn't work as hard as we did, as
7 sometimes, during the day time, the unit chief would disappear
8 somewhere to rest, and of course we didn't dare to ask where he
9 went to, so we had to start walking to the work site at 4 o'clock
10 in the early morning. And as you imagine, the early morning was
11 the best time for everyone to fall asleep. And on some days when
12 I was so tired I didn't care about taking a bath, I slept in my
13 working clothes and when I woke up in the morning I didn't care
14 about change, I just continued to work. And every day, we heard
15 through the loudspeaker again and again that we had to actively
16 engage in hard work and we were working very hard until the work
17 there completed, and it was even more pitiful for those who were
18 blind at night, as they could not work properly at night-time and
19 they sometimes had to work during the lunch break in order to
20 compensate for the difficult time for them at night. For
21 instance, they only took half an hour lunch break and continued
22 working again. And at night-time, those who were blind at night,
23 had to dig the ground and put the earth on to the carrying
24 basket, and there was no <mercy or> sympathy whatsoever for them.
25 How come we were treated so inhumanely?

1 [09.17.17]

2 Q. While you were working there, what was the food ration like;
3 was it sufficient?

4 A. In terms of the food ration, there's nothing much to say. You
5 can imagine how many flies there were during the hot months of
6 April and May, you could hear the combined sound of flies as they
7 were <like a swarm of> bees making sound and every ladle of soup
8 that was placed on to a bowl contained many flies and we had to
9 just pick the flies one by one out of the soup bowl and we had to
10 eat whatever left in the bowl. And as for the rice, we were given
11 rice <to eat to get full, but the food was scarce. That applied
12 to both old and young people.>

13 Q. You said there were no <hygiene and> sanitation at the
14 worksite and there were too many flies, and do you know the
15 reason for the flies? Was it due to the lack of <hygiene and>
16 sanitation?

17 A. There was no <hygiene or> sanitation at all at the worksite as
18 workers relieved themselves here and there <in the open air> and
19 that was the reason for the <swarm> of flies. I could not
20 describe enough about the awful condition at the worksite in
21 terms of <hygiene and> sanitation. <It was so terrible.>

22 [09.20.15]

23 Q. Were toilets built for the workers to use at the worksite?

24 A. During the first few months that we worked at the worksite
25 there was no toilet and only until end of April, then a mobile

1 wooden toilet was brought in from a village for us to use and the
2 waste -- the human waste -- was then used as fertiliser. <It was
3 mixed with ashes and dried up before it was packed and sent to
4 villages to be thrown in the rice fields.> As for water, the only
5 source of water we could drink was the water from the river, and
6 of course thousands of workers from upstream, from downstream,
7 had to drink the same water from the river.

8 Q. So you had to drink water from the river and there was no
9 boiled water provided to the workers? If the Khmer Rouge <cadres>
10 didn't <supply> the <hygienic> water for the workers, were the
11 workers themselves allowed to boil water to drink?

12 A. No. And there was no time for us to boil water; we didn't have
13 any pot to boil the water; we didn't have any firewood, so
14 everyone had to go and find the water to drink from the river by
15 himself or herself and the only food that was provided was the
16 rice and little soup; and sometimes, because of the dirt in the
17 water, sometime I had to close my eyes to force myself to drink
18 the water and I would not believe if anyone working there said he
19 or she drank any boiled water. You can imagine there were tens of
20 thousands of workers from the three sectors working at that
21 construction site. <You can think of how a huge crowd of people
22 it was.>

23 [09.23.04]

24 Q. You were required to work hard, there was no sanitation, the
25 food was not sufficient and there was no boiled water for the

1 workers; did you see any worker who became sick?

2 A. <Regarding workers> from my village, there was one man who was
3 <a Base> Person, died from overwork. He worked too hard and he
4 was unmarried at the time and he would do whatever he was
5 assigned to do, even if to manually break rock and as a result he
6 died.

7 Q. The man who died, and as you said, was the one who <worked
8 hard to the best of his ability and> simply followed the
9 instructions from the upper echelon or Angkar and from overwork
10 he died. Did <any cadres supervising him> organise any
11 traditional ritual or what happened to his corpse? What kind of
12 arrangement was made by Angkar when he died? <Did they praise him
13 for having worked so hard to serve Angkar? Did they perform any
14 activity of that kind for him?>

15 A. You can forget about any traditional ritual <or funeral> for
16 the dead. There was no cadre who came up with such an arrangement
17 even if the village chief did not care about his dead body and
18 <he only came to look at his dead body. Only I and other
19 villagers> who knew him <well> would quietly weep. We felt pity
20 for him <because> he <had> sacrificed everything for Angkar and
21 at the end, he died and nobody cared when he died. And everybody
22 minded his or her own business at the time; we just tried to work
23 in order to survive and the mother of the dead person only had
24 another child survived.

25 [09.26.16]

1 Q. I would like to put more questions to you in relation to
2 document E3/4790 at Khmer ERN 00582096; in French, 00967208; ERN
3 in English, 00940142. You said that there was a <front>line near
4 the worksite and one Khmer Rouge <cadre> stood guard along the
5 line 10 metres apart; <I want to know whether> they <were> armed
6 <to guard you while you're working.>

7 A. Yes, they were there in order to watch over the workers and to
8 avoid -- to prevent workers from escaping the worksite or to
9 deter workers from staying too long in the forest when they went
10 to relieve themselves. And when we had to relieve ourselves or to
11 pee, we could not go anywhere further from where they were
12 standing so sometime we had to pee just very -- in close
13 proximity to where they were, because if we were a bit far, then
14 they would shout at us and instruct us to return.

15 [09.28.17]

16 Q. You said the soldiers were standing guard in <the front>line
17 in order to prevent workers from going elsewhere. Did you witness
18 any worker who violated that instruction? <If so, what did the
19 Khmer Rouge cadres do to the worker who moved out of the
20 frontline?>

21 A. As for the New People, no, they didn't violate any
22 instruction; they were so afraid. However, some Old People did
23 cross the line but the new ones, no, they were so afraid of the
24 Khmer Rouge. <We were extremely frightened.> Old People had a bit
25 more right; they could go, for example, 10 or 20 metres far from

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1 the lines that they were standing guard but the New People didn't
2 dare do so.

3 Q. In relation to the two kinds of people -- that is, the Old
4 People or the Base People and the New People and yesterday you
5 also said that New People were not allowed to hold any position;
6 namely, unit chief position. Can you tell the Court, did the
7 Khmer Rouge treat the Old People and the New People differently,
8 and if so, how?

9 A. If the Old People made a minor mistake, the Old People could
10 provide justification to the Khmer Rouge but this did not apply
11 to the New People. The New People were under tremendous pressure
12 and if a new person was accused of a wrongdoing and although he
13 or she didn't commit it, the person would remain quiet, <shut up
14 his or her mouth and> did not dare to protest or to provide any
15 justification in order to survive.

16 [09.31.05]

17 Q. I refer to the same document at Khmer, ERN 00582097; in
18 English -- in French, rather, 00967209; and in English, 00940142
19 to 43; and I would like to make a quote from your statement <to
20 the Court and I will pose more questions. "The digging> work near
21 the national road was not completed yet; they withdrew <some>
22 forces to block water at Chinit tributary, they kept male mobile
23 forces to break rock there. Everyone had to -- had wounds from
24 the feet to the knee because they were hit by rock chips that
25 flew out <and wore shorts as their trousers' legs had been torn

1 above their knees>"; and my question to you is: <Did you witness
2 or know or hear about it? How> did you know that?

3 A. That is the truth; that's what happened. Those young men were
4 from my village. <They were breaking the rock. They had broken
5 the rock since they had trousers until their trousers became
6 shorts. The rock was needed to cover the dam base> and that's how
7 I knew about it. They wore shorts and the rock fragments flew and
8 hit their legs; that's why they had wounds all over their legs.

9 If Angkar could observe the situation and provided them with long
10 -- with trousers, then the condition would be better but that was
11 not the case. And they didn't receive any treatment for the
12 wounds on their legs, they had to pick tree leaves and patch
13 those wounds. It was a pitiful situation and the only liquid or
14 medicinal liquid that was given to them was the liquid from the
15 orange <juice> bottle.

16 And as for us, we only had a pair of clothes that we were wearing
17 every day and some people were lucky to have two pairs of pants.

18 And as for the sarong that we wore, they were mend<ed> with
19 patches and we wash<ed> it with only the river water; there was
20 no soap to wash our clothes. And if we -- if we looked too clean,
21 then they would accuse us of being in the <capitalist> class from
22 the upper regime or from the feudalist class<. For me, I had no
23 idea about what feudalism or capitalism was> and they said that
24 during the Khmer Rouge regime, there were only two classes of
25 people -- that is, the peasants class and the labours class, so

1 that we could not be too clean; otherwise, we would be
2 criticised. <They would be very pleased when they saw us using
3 dirty clothes.>

4 [09.35.12]

5 Q. Thank you. You stated just now about clothes. When you were
6 working at the 1st January Dam worksite, did Khmer Rouge cadres
7 provide you with clothes? Did you receive sufficient clothes to
8 wear?

9 A. When I arrived at that place I was given a piece of cloth to
10 make trousers and shirts to wear. I had to take care of my
11 clothes although we used our clothes to wear during the time that
12 we were working. I had only two sets of clothes; it was a
13 terrible situation for me.

14 And as for women, they had periods and the female get period and
15 we had to wash the period away with the river -- water from the
16 river. Sometimes our trousers were wet while we were working; we
17 had no sanitary pads and when we saw each other that someone was
18 having period and then we told those people to go to the river to
19 clean the period away by using the water from the river. <We used
20 the river water for washing and cleaning ourselves, drinking and
21 bathing.>

22 [09.37.55]

23 Q. I would like to move on; concerning the Khmer Rouge cadres,
24 did they know that you did not have such material; namely,
25 sanitary pads to use while you were working there and did Khmer

14

1 Rouge cadres know about the situation you experienced? <If they
2 knew about the situation did they take any steps to solve the
3 problem that you and other women were facing?>

4 A. Our supervisor knew nothing, knew nothing at all. They did not
5 know the difficulty of female situation and when we were working
6 away from the river, we had to carry earth with the stain of the
7 periods on our trousers. We did not have time to clean it, <but
8 when we were working at the river we were able to clean ourselves
9 in it whenever our trousers were stained with the menstrual
10 bleedings> and as you may be aware, usually, on one particular
11 day, the period would come in large amount.

12 [09.39.20]

13 Q. Thank you, Madam Civil Party. I would like to go back to your
14 statement in the same document: ERN in Khmer is 00582095;
15 English, 00967207 to 08 (phonetic); English, 00940144. You stated
16 that male and female workers were not allowed to talk to each
17 other even if they were siblings, could you tell the Court who
18 gave such order, and why?

19 A. The village chief told us and the <group> chief <at the
20 worksite> would also tell us. We were warned to be not involved
21 in the moral offences. Even if we are siblings we could <not>
22 stand talking to each other. If we were spotted, we were told
23 that we would be arrested. We were prohibited to talk to each
24 other. While we were working, militiamen and soldiers would stand
25 guard near the place where we were working. I know this because

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1 soldiers arrested two siblings while they were talking together.
2 The soldier warned the two siblings not to talk to each other and
3 the two siblings were told that even if you were siblings you
4 could not stand and talk to each other. I saw that incident and I
5 trembled. I thought why they were so unkind, I mean why the
6 cadres were so unkind, they were siblings, why not allow them to
7 talk to each other. So the condition was becoming stricter.

8 [09.42.16]

9 Q. Thank you. While you were working at the 1st January Dam site,
10 did you see any senior leaders or foreign delegates come to visit
11 the dam site?

12 A. Yes. I saw Laotian delegates. I heard the announcement <over
13 the loudspeaker> that Laotian delegates came to visit the place.
14 They were fete Laotian delegates, and on another occasion I saw
15 Nepal delegates coming to visit the place. I was told and
16 instructed to welcome those delegates and the Base People told me
17 <once> that Ta Pauk was there at the dam site during that visit.
18 I do not recall well for the first visit while I was working. On
19 that day, we were told over the loudspeaker that there <were>
20 foreign delegates coming to our place. Why I knew there were
21 Laotian and Nepal delegates coming to visit the dam site because
22 I heard the announcement over the loudspeakers telling us that
23 Laotian and Nepal delegates <were visiting> our place.

24 [09.44.12]

25 Q. Thank you. Could you tell the Court, when the Khmer Rouge

1 senior leaders and foreign delegates came to the dam site, what
2 did they do there? Did they also participate in the work?

3 A. I saw them walking while I was carrying dirt. Everyone was
4 staring and looking at those people because we saw them in their
5 good looking dress and they had nice bags, they were fat, they
6 were well dressed.

7 Q. Thank you. I would like to refer back to the document in Khmer
8 ERN is 00582097; French, ERN 00967209; English, 00940143. In your
9 statement, you stated that there was a film shooting at the dam
10 site. What did you see during that time? Were you also working
11 during the time that there was a film shooting? Could you give
12 the detailed information to the Court about the film shooting?

13 A. I was working; I was carrying dirt while the film was being
14 shot. There was announcement over the loudspeaker to encourage us
15 to work even harder. They used a poll and the camera was attached
16 to that long poll and we were being shot. Everyone was told to
17 carry dirt as quickly as possible and we were told to work as
18 harder as we could. We were instructed to work actively as
19 depicted in the slogan or saying of the Khmer Rouge in that
20 period. I also want<ed> to see the film which was shot on that
21 day. We were working very, very hard on that day: unit chief,
22 group chief, was standing and instructing all of us to work
23 harder. I heard shouting and screaming from those chiefs, we were
24 instructed to be very active. We were warned not to stand <or
25 sit> still; some people would use <just empty hoes and carry

1 empty> baskets.

2 [09.48.10]

3 Q. Thank you. In relation to your father, you stated that your
4 father and your two younger siblings were sent to work at the 1st
5 January Dam site. I would like to refer to the same document --
6 that is, document E3/4790, ERN in Khmer, 00582097; French,
7 00967209, English, 00940142. In your statement, your father was
8 taken to be killed at Baray Choan Dek pagoda. What did you know
9 about Baray Choan Dek pagoda?

10 A. I heard people say about it. I never approached that pagoda.
11 <I went to that pagoda only after the Khmer Rouge came to an
12 end.> I heard people saying that people were killed at Baray
13 Choan Dek pagoda.

14 Q. Thank you, Madam Civil Party. In your same statement on the
15 same page, you know about this because your siblings told you
16 that your father was taken away and killed <at Baray Choan Daek
17 pagoda>. Did your younger sibling witness that incident or did
18 they <learn or> hear from others, how did they know?

19 [09.50.06]

20 A. On the day, it was a coincident. I had an abdominal pain <due
21 to menstrual bleeding. I could not work that day. It was so
22 painful that I went pale,> I made request to take rest because of
23 that illness and my request was granted by my unit chief and I
24 returned to my sleeping quarter. <I recall very well It was that
25 evening of the 5th of April that my father was taken away>. My

1 younger sibling witnessed that incident. They were told that my
2 father was asked and told to carry logs. Militiamen came to call
3 my father. My younger sibling witnessed that incident and they
4 knew about it. I was working; however, on the day I was sick
5 because of my periods. I was sleeping at night-time<. It was
6 about 7 o' clock> and the day after, my younger sibling -- my two
7 younger siblings came to tell me that my father was taken away<>
8 and he did not return. I told them that they had to try to work.
9 We could not weep because we were so shocked. We now lost our
10 father, I told my younger sibling. I told my younger sibling that
11 we did not have time to pay our gratitude to our father yet and
12 now he was gone. I try not to weep and sob while I was working. I
13 was consoled by my colleagues that I had to bear the situation
14 and work hard <for survival>.

15 [09.52.41]

16 Q. Thank you. I have one more question in relation to your
17 younger sibling, Hun Sokoma. You stated <in the same document>
18 that your younger sibling was so shocked that as a result this
19 younger sibling fell sick; how was he at the time? How old was he
20 at that time?

21 A. He was about 12 or 13 years old at that time. Villagers who
22 would come and go to my place told me that -- told him that my
23 father was taken away and killed. <He was tending cattle at that
24 time.> He collapsed <and fell unconscious from 1 p.m. till 5
25 p.m.> on the way he went to work. He became conscious by himself;

1 no one was there to help him. <I know this because he> told me
2 that<. My> father was taken away in April and my younger sibling
3 fell sick and died later in May. He told me that when I learned
4 that my -- our father was taken away, I had no feeling to work.
5 <I already lost my soul.> I collapsed and I could not go to work.
6 At that time I was asked to go and tend cows. On that day, I was
7 working, however I made a request to go home and I was asked why,
8 I told my superior that I miss<ed> my father so terribly, I did
9 not have a feeling to work.

10 [09.55.05]

11 <That was when I was working at the 1st January Dam.> And as for
12 my younger sibling, he was sick and hospitalised in Kampong Thma
13 hospital. I did not know about the time that my younger sibling
14 was hospitalised. My mother told me about it. I went to visit my
15 younger sibling for a brief moment, which was about 10 minutes
16 and I was back to work. When I was at the hospital, I could not
17 even recognise my mother, she was so skinny and after the visit,
18 I went back home. Later -- a few days later, I heard a message
19 from my mother which was told by someone that my younger sibling
20 already perished. We had no time and rights to celebrate any
21 funeral ritual for my younger sibling.

22 Q. Thank you, madam. I have two last questions. The first one
23 concerns your two younger siblings who were assigned to work at
24 the dam site: Hun Kolthida and Hun Sochirath. What happened to
25 them, did they survive the period?

1 [09.56.48]

2 A. My younger sibling or siblings was accused of stealing a skirt
3 and put in his or her backpack. Someone at my younger sibling's
4 worksite was jealous and I did not believe in that accusation
5 because my younger brother or sister would not steal the skirt
6 and put in his or her own backpack and there was someone in the
7 village tried to defend the accusation for my younger sibling and
8 he or she could survive the period. Everyone knew that for Base
9 -- for New Person, he or she did not dare to steal belongings or
10 anything in that period. So the Base Person blamed my younger
11 sibling for that kind of theft and there were many people
12 defended my younger sibling at that time. These people believed
13 that my younger sibling did not do such a bad thing. If the
14 accusation was correct at that time, my younger sibling would be
15 killed.

16 MS. MOCH SOVANNARY:

17 Thank you, Madam Civil Party. I would like to cede the floor for
18 my colleague.

19 MR. PRESIDENT:

20 Thank you. You may now proceed.

21 [09.59.04]

22 QUESTIONING BY MS. GUIRAUD:

23 Thank you, Mr. President. Good morning to all of you. Good
24 morning to the civil party. I have one follow up question to put
25 to you regarding the hospital you just spoke about and where you

1 saw your mother.

2 Q. I want to know if you could describe this hospital, that is to
3 say the hospital in Kampong Thma. Can you explain to us what the
4 hospital was like? <At least, from> what you remember<>.

5 MS. HUN SETHANY:

6 A. The hospital was once a school and that hospital was not in a
7 good condition. The floor was not built from cement and the sick
8 would be sent from Baray to that hospital and the hospital was
9 named Ponnoreay District Hospital. All sick people would be
10 referred to that hospital. The sick and those who were well were
11 of the same shape because they were skinny and bony. I had no
12 idea about medicines. I paid a brief visit at that hospital when
13 my younger sibling was there; it was about 10 minutes later I
14 left that hospital.

15 [10.00.58]

16 Q. Thank you. When you tell us that the hospital was not made out
17 of <cement>, can you be a bit more specific?

18 A. It was once a school and it was built from wooden planks< with
19 tiled->roof<>. And as I said, it was not in good condition. There
20 <was> a <room with two> beds for several patients and those who
21 did not have bed -- the patient who did not have bed to sleep in
22 they would sleep on the floor. As I stated earlier, I have no
23 idea about medicines at that hospital, I had a very brief visit
24 at that place and I did not know whether patients were given
25 injections or medicines.

1 MS. GUIRAUD:

2 Thank you, Civil Party. I have no further questions, Mr.
3 President.

4 MR. PRESIDENT:

5 Thank you. The floor is now given to the Co-Prosecutors to put
6 questions to this witness.

7 [10.02.37]

8 QUESTIONING BY MS. SONG CHORVOIN:

9 Thank you, Mr. President. Good morning, everyone in and around
10 the courtroom. Good morning, Madam Hun Sethany. I have a very few
11 questions and after that I will give the floor to my colleague.

12 Q. While you were working at the 1st January Dam worksite, did
13 you see any women who were pregnant and who were working there?

14 MS. HUN SETHANY:

15 A. In the area that I worked, there was no pregnant woman and I
16 cannot say whether there were in other units.

17 Q. And what did you know about other units, if there were any
18 pregnant women or what was the work arrangement for pregnant
19 women?

20 [10.03.36]

21 A. There was no difference made to any different types of
22 workers. Everyone was under the same working condition. My father
23 was very concerned about me as I was already married and he
24 advised me not to have any children yet. It would be too risky
25 for any woman to be pregnant at that time regardless of their

1 being a Base Person or a New Person. How could we expect to be
2 pregnant and take care of the baby when there was nothing at all
3 for us? And if any woman who happened to be pregnant, it would be
4 fortunate for her to deliver her baby.

5 Q. You said at the 1st January Dam, people from three sectors
6 were gathered to work there and do you know how many workers in
7 total were working at the dam worksite? Of course you cannot give
8 us an exact number, but can you provide an estimate?

9 A. There were many workers as all workers from the three sectors
10 combined and to my estimate, there were tens of thousands of
11 workers. People from sectors 41, 42 and 43 were gathered to work
12 there. For instance, some forces were assigned to perch (sic) the
13 river and some were assigned to break rocks, so there were crowds
14 of people working at the worksite.

15 [10.06.15]

16 Q. In terms of your daily work quota, who made that determination
17 as <to> how much work you had to work per day?

18 A. We had a group chief and unit chief who made the arrangement.
19 Of course we were not allowed to sit idle. There was always work
20 for us to do so that the work had to be done quickly and that we
21 had to try our best to do our work.

22 Q. Can you tell us how many people were in a group and in a unit?

23 A. I know for sure about the women from my village as <there>
24 were 50 of us and there were between 30 to 40 men from my
25 village; and for the second mobile unit, there were more than 10

1 workers <as workers were moved back and forth>. The total number
2 of workers varied as sometimes more forces were sent from the
3 village and sometimes the village required certain workers to
4 return to work at the village.

5 [10.07.34]

6 Q. A while ago, the lawyer for civil parties asked you a question
7 about the <cadre> who was overall in charge and did the person
8 take any measure or any preventative measure for those who
9 overworked at the worksite when you said that the cadres, <they
10 knew nothing at all>? Can you tell the Court whether the cadre
11 actually knew about the working condition, about the shortage of
12 food, et cetera, but they did not care or did they not know about
13 the shortage?

14 A. In practice. for instance, a female unit chief would know
15 about the menstrual cycle of female workers but the male unit
16 chief did not know anything about that and did not care about it.
17 And only when his subordinates fell sick and could not work, then
18 the patients will be sent for treatment at the village.

19 Q. Am I correct then in saying that the Khmer Rouge cadres knew
20 about the condition of the workers there but they did not care or
21 pay attention to it?

22 A. They did not care at all.

23 [10.09.55]

24 MS. SONG CHORVOIN:

25 Thank you, Mr. President. I would like with your permission to

25

1 hand the floor to my international colleague.

2 MR. PRESIDENT:

3 Thank you. Anyway it is a convenient time for a short break. We
4 take a short break now and resume at 10.30.

5 Court officer, please assist the civil party in the waiting room
6 for civil parties and witnesses during the break and invite her,
7 as well as the TPO staff, back into the courtroom at 10.30.

8 The Court is now in recess.

9 (Court recesses from 1010H to 1033H)

10 MR. PRESIDENT:

11 Please be seated.

12 The Court is back in session and I now give the floor to the
13 International Deputy Co-Prosecutor to put his questions to this
14 civil party. And please, be informed that you have 30 minutes to
15 put questions to this civil party. You may now proceed.

16 [10.34.30]

17 QUESTIONING BY MR. LYSAK:

18 Thank you, Mr. President. Good morning, Madam Civil Party.

19 Q. I want to first go back and ask you a few follow-up questions
20 about your work at the 1st January Dam. Did you have a specific
21 quota of the amount of cubic metres of earth or dirt that you had
22 to dig each day? Do you remember whether the workers in your unit
23 were given specific quotas like that?

24 MS. HUN SETHANY:

25 A. Yes, we had; we received the work quota and male and female

1 workers, I mean two females were put together with one male who
2 was digging the earth and the two female workers <carried> the
3 dirt.

4 [10.35.56]

5 And as for the work quota, it was about 1.5 to 2 cubic metres per
6 day and we were required to meet the quota set. However, in that
7 particular place or location, the soil was so rocky and we could
8 not meet the quota even though we were working very hard and the
9 surface was solid soil and every time we dug the surface, there
10 would be spark as a result. The normal hoe could not be used to
11 dig that solid soil and we had to use the <raking> bars and after
12 we could be able to dig that solid surface, then we reached
13 another level that consisted of stones. We could not do with that
14 kind of stone, there has to -- we had to use the explosives to
15 break that stone and normally we were not told about the
16 explosive which was used to break that rock. We were never told
17 at all; we had to run and escape while we heard the explosion and
18 some fragments of the rock would fly and hit the workers. And
19 there was one family -- there was one family's house which was
20 hit by the big fragment of the rock, <which broke its roof and
21 wooden structure> and as of now, the head of that family did not
22 repair that hole because he told the children that he would like
23 to keep that damage to see today. <I went to see his children and
24 they told me that they had not replaced that part of the house.
25 The floor under his house was covered with all rock.>

1 [10.38.34]

2 Q. Can you tell us how it was monitored and determined whether
3 you had met your quota or not, who was responsible for doing it
4 and how did they monitoring you to see whether you were meeting
5 your quota?

6 A. My group chief supervised and was around to see us and he set
7 the work quota. My unit chief and other unit chiefs and group
8 chiefs would be called to attend the meeting at the "sangkat"
9 level or district level. After they received plan or instruction,
10 the plan and instruction would be relayed to workers so that
11 workers could finish the work as soon as possible. We, as
12 workers, needed to work as hard as possible; killing of people
13 would take place <continuously>.

14 Q. Now you've mentioned -- you told us about this second location
15 near the national road where the rock, the surface that you had
16 to dig was very hard and difficult. I just want to clarify the
17 location where this was located. You said yesterday that the site
18 near the national road was in Kampong Thma. Can you tell us: were
19 you on the south side of the Chinit River or the north side of
20 the river when you were working near the national road?

21 A. I have no idea about the direction whether it was in the south
22 or north of Chinit River, <but> if we travelled from Kampong
23 Thma, the site was on the left part, <about 150 metres away from>
24 the national road and there were palm trees at that place which
25 remain until today. During <the Traditional Khmer New Year

1 celebrations or> the Pchum Ben day, I would go there to visit. I
2 still have <sad> memories about that place.

3 [10.41.50]

4 Q. If I understood correctly, you continue to live in the same
5 sleeping quarters next to the Trapeang Chrey pagoda even when you
6 were working at this second location near the national road. Can
7 you tell us how far away the second site was that you worked? How
8 many kilometres it was from where you slept and <how long it took
9 you to walk there in the morning?

10 A. From my rough estimate, it was about three kilometres when we
11 were walking from Trapeang Chrey pagoda.

12 Q. And you told us that when you began working at the second
13 location, you had to -- you were woken up at 3.00 a.m. in the
14 morning, so that you had time to walk there. Were you given any
15 food, any breakfast when you were woken up at 3.00 a.m. before
16 you were required to walk three kilometres and start your work
17 day?

18 [10.43.55]

19 A. Oh my Buddha. We did not have breakfast for ourselves, we were
20 empty in our stomach, we were so hungry, no meal for us in the
21 morning and if <>the cook <left the crust of rice to dry>, we
22 would secretly <>pick it and <put it in the pocket of our shirt
23 and> we would also share it with our colleagues secretly to eat;
24 <we got a small piece each and chewed it in our mouths> and
25 again, no breakfast at all. It was enough for us to have rice to

1 eat. We did not have any breakfast after 1975.

2 Q. Do I understand correctly then that you were expected to get
3 up at 3.00 in the morning to walk three kilometres to this
4 worksite and then to work until 11 a.m. before you would take a
5 break and <lunch was> given <to you>, do I understand correctly?

6 A. Yes, that is true. I never tell lies. No breakfast, no meal at
7 all in the morning as I told the Court. As I said when we saw
8 <crust of> rice <laid to dry by the cook>, we would be so
9 delighted, we would go secretly and pick that crust of rice and
10 put in our pockets. Most of the time we did not have any
11 breakfast, we could <not> have <any> cold rice <left for the next
12 day>. We did not even have cold rice to keep for supplement diet,
13 we would be even happier if we had the cold rice to eat <from
14 time to time. We would pellet it and put in our pockets even
15 though it spoiled and smelled. We only took it in to fill the
16 stomach.>

17 [10.46.34]

18 Q. You mentioned that the sleeping quarters that you had were
19 next to the Trapeang Chrey pagoda. Can you tell us what was that
20 pagoda used for during the Khmer Rouge regime, the pagoda at
21 Trapeang Chrey?

22 A. The pagoda was left alone in that period. Those from Baray
23 commune were told to stay in that area. They were put together in
24 that place. <The mobile unit was placed to stay in that place.
25 Even if> workers were assigned to work in <two or three

1 different> locations, they were instructed to stay in that
2 particular place -- that is, Trapeang Chrey pagoda. <We were not
3 moved to stay near the worksites. They made us stay together
4 there from the beginning till the end of work. >

5 Q. During the time you were working at the 1st January Dam, were
6 there any monks at that pagoda, was anyone allowed to practice
7 Buddhism there?

8 A. No monks at all. No monks at all after 1975. It was until I
9 arrived in Baray district, I knew a man named <No> (phonetic) who
10 was my friend when we were young<. I had known him when we
11 studied at the same school. My father once taught in Baray. He>
12 was a monk but he was armed and he was instructed to disrobe. He
13 was in monkhood when I saw him, his name was <No> (phonetic), he
14 was living in Baray. <He was the only monk who remained in robe.
15 No> (phonetic) was the son of <a medical doctor,> Dr. Savath
16 (phonetic). <He had studied at the same time as I was in school.
17 I had known him since I was a small girl. I knew him well because
18 Dr. Savath> and my father <>knew each other <very well. We often
19 met each other and studied in the same class>. As for<No>, he
20 disrobed in early 1976. He was the last one of the monks who
21 disrobed in that area. I knew that he had a gun or rifle because
22 I was told by a Base Person there, I was told that <No>
23 (phonetic) was a monk but he was armed. I did not witness and saw
24 his gun but I was told by someone else of the fact that he was
25 armed <and that he would quit being a monk soon>.

1 [10.50.31]

2 Q. Madam Civil Party, did you get to choose whether or not you
3 would work at the 1st January Dam work site, did you have a
4 choice?

5 A. No. I did not get to choose, I had no choice. <The word
6 'assign' was powerful enough.> A Base Person could complain or
7 refuse the assignment; as for New Person, we could not make any
8 complaint or refuse the assignment. When we were asked to go and
9 do the work, we had to go. We had no rights. No rights at all. We
10 were so <upset> but what <could> we do besides weeping and
11 sobbing<?> It was so difficult to be not able to refuse the
12 assignment. <It was very distressful. You may know how
13 frustrating it was when we could not protest or have a say.>
14 Perhaps you can understand how difficult the situation was <and
15 how frustrated I was>.

16 Q. I want to turn now and ask you a few more questions about your
17 father. You've told us how you learned from your siblings that
18 your father had been arrested and killed. I just wanted to ask
19 you, you say in your civil party application that your father was
20 killed at Wat Baray Choan Dek. Did your siblings tell you how
21 they knew that your father had been taken to Wat Baray Choan Dek?

22 [10.53.02]

23 A. Normally people would know the location of the killing and
24 detention sites. I was told by someone that Baray Choan Dek was a
25 main prison. Every prisoner, not only from the 1st January Dam

1 worksite, but from other areas, would be arrested and put in that
2 detention place. My siblings came to tell me that my father was
3 killed in Baray Choan Dek pagoda. He was taken <away> at night
4 and never returned. I could not even weep and sob when I heard
5 the <sad> news. I consoled my siblings and told them to return to
6 their work place. I advised them to keep on working and to work
7 hard to survive. I explained that they had to bear the situation.
8 As I said, we could not even cry, even we understood that my
9 father was killed. I could only <cry out loud> (sic) when there
10 was heavy rain <and thunderbolt>. I had to get things out <off>
11 my <chest> while raining. I did not even have time to weep and
12 cry <until > there were thunders and heavy rain. I was shouting
13 and crying every time there was heavy rain. <Then,> I recalled
14 what happened. I could not cry and weep in front of other people
15 during that period because I was afraid that I would be accused
16 of being psychological sick. It was really hard for me at that
17 time. <I had to hold all the pain in my heart. It was extremely
18 difficult to bear it in the heart. My heart almost broke and> I
19 wanted to die in the period <in a short time>. I was very painful
20 all over my body and in my mind. I had to bear the situation;
21 only when there was heavy rain, I could <cry out loud> to relieve
22 myself. <I missed my father, mother and younger siblings who had
23 been separated from me. I only had the right to cry in a way that
24 no one could hear me.>
25 [10.55.55]

1 Q. Madam Civil Party, did you learn why your father was taken
2 away and killed?

3 A. The words from their mouth mean<t> something <then>, they
4 could kill anyone they wanted. I could see that my father was
5 working every day and he was working very hard. I did not know
6 what mistake he committed. He was working very hard, he was a
7 former teacher, he <understood> that -- he had the former link
8 with the <previous> regime, <he was guilty of himself for that
9 and> he never refused any assignment and I don't know the reason
10 <why> he was taken away and killed. I was told that my father was
11 asked to go and carry logs. He was gone, he was gone. We were
12 waiting for him a few days after he was gone but he never
13 returned. Those who knew about the arrest told me that he could
14 not make an escape. He was put in Baray Choan Dek. I saw many
15 pits and grave<s> in that Baray Choan Dek location <after the end
16 of the regime>, there were skeletal remains<, skulls and bones>
17 at that place and I believe that my father was killed there.

18 Q. Can you tell us where was it that your father worked as a
19 teacher in the prior regime, in the Lon Nol regime?

20 A. He was working as a teacher in Preah Sihanouk College in
21 Kampong Cham. He was in charge of a workshop in that college. He
22 was working in Kampong Cham and he was a teacher until the
23 liberation of 1975.

24 [10.59.14]

25 Q. Do you know if your father was someone who supported the Khmer

1 Rouge or someone who was opposed to them?

2 A. No, he did not support Khmer Rouge at all. He was not
3 satisfied with the communist regime; even he was convinced by
4 someone who had the connection with that communism, he did not
5 support communism. He himself knew that Lon Nol regime would be
6 defeated and Khmer Rouge would come to replace. One day before
7 the 17th April 1975, he with the principal of that school, Mr.
8 <Ou Choeun> (phonetic), were afraid of being killed by Khmer
9 Rouge. My father and that principal thought of killing the whole
10 family members <first then killing themselves afterward,> but my
11 mother implored to my father that<, "Please do not kill the
12 family members <and please let them live their life least some of
13 them would survive. It would be of no use for you to kill your
14 wife, children and yourself. Just let them carry on with their
15 life". My mother begged my father not to do that.> I was
16 listening to my father and mother's discussion at that time for
17 about <two> hour<s>. I was very terrified and I together with my
18 siblings made an escape after we heard about the discussion. My
19 father was really terrified and afraid of communism. <Still, he
20 was finally murdered by the Khmer Rouge. It should not have
21 happened to him.>

22 [11.01.32]

23 Q. Thank you for sharing that with us. I want to ask you, do you
24 remember during the time you were working at the 1st January Dam,
25 was there a period where some of the local Khmer Rouge cadres in

1 Baray district or at the worksite were removed or disappeared and
2 replaced by cadres, Khmer Rouge, who came from the Southwest
3 Zone, do you have any memory of that?

4 A. I did not know at that time. I was not focusing on any other
5 information besides working. I wanted to have enough rest so that
6 I could work the day after. I did not pay any attention to any
7 other matters but I believe that a Base Person would know about
8 this.

9 Q. Mr. President, with your leave this time, I would like to put
10 on the screen and provide the witness a photograph that contains
11 in her civil party papers, this photograph is in E3/4790, Khmer
12 page 0058093. With your leave, I would like to provide the civil
13 party with a copy of it and show it on the screen this time.

14 MR. PRESIDENT:

15 You can do so.

16 [11.03.36]

17 BY MR. LYSAK:

18 Q. Madam Civil Party, if you could look at this photograph, if we
19 could put it on the screen, I want to start just by having you
20 identify who the people are in this photograph, starting with the
21 girl on the left side who is standing up, who is that?

22 MS. HUN SETHANY:

23 A. The girl who is holding a bunch of flowers, that is me; and a
24 young boy who is sitting, is my younger brother, <Hun Sochirat>;
25 and next to him is Hun Kolthida; and the young baby sitting on

1 the table, that is another brother<, Hun Sokoma,> who died during
2 the Khmer Rouge regime; and <next to brother are> my mother and
3 <> my father. Rather the woman who is sitting and the man who is
4 sitting, both of them are my parents. <They just had four
5 children at that time.> Later on they had five more children so
6 <there> were a total of nine altogether.

7 Q. The little baby that is being held there, was this the brother
8 Hun Sokoma, whom you talked about who died at the hospital after
9 your father had been taken away?

10 A. Yes, that is him, Sokoma.

11 [11.06.10]

12 Q. In regards to your mother, you indicate in your civil party
13 statement that on 7th July 1977, you received news that your
14 mother and five of your siblings had been killed by the Khmer
15 Rouge, that they had been dropped into wells in Chamkar Andoung.
16 My first question is: At the time your mother and siblings were
17 taken away, where were they living and working, were they also
18 working on the 1st January Dam like yourself?

19 A. My mother and younger siblings at that time were staying at
20 the village. By that time, my father had been killed. On the day
21 that she was called to a meeting, she asked my younger brother to
22 come to get me at the Baray Touch<. I lived in a village next to
23 hers, Baray Thum,> and he came to tell me that our mother wanted
24 to see me after she returned from the meeting. Then when I met
25 her, she asked me to pack my belongings in order to go with her

1 and I was thinking <about> why I was not called to the meeting
2 and also where they wanted us to go, and she said that they
3 wanted us to go to the new land. And while she was preparing her
4 belongings, she also packed some seeds <of cucumber, egg-plant
5 and pumpkin> in order to plant them when we were at the new land
6 and I told her that, <"Please> you go ahead since I was not
7 called to attend the meeting and please write to me when you
8 arrive at the new land<. I will come to visit you." And> I packed
9 some <salt and kerosene> for her. She said that her mind was
10 unsettling since our father had gone and she didn't want to part
11 from me since I was the elder sister but I begged her to go to
12 the new land and I did not know that she would die when she left.
13 [11.09.37]

14 By about 10.00 a.m. in the morning that day, an ox cart arrived
15 and they left and some other villagers were also taken away by ox
16 carts. <I was making rice in the village.> There was a man named
17 <Yaem> (phonetic) who rode an ox cart to transport the people
18 away and I recall clearly that the day that my mother and younger
19 siblings went away, it was on 7th of <July> of '77. <They and the
20 transporter disappeared for one night.> The man<, who rode the
21 ox-cart,> was very gentle and he used to be a village chief and
22 upon his return he took the cows to tie them somewhere and he
23 stepped on some baskets. To me it seemed that his mind was
24 somewhere else and it was kind of strange to me when I saw him
25 acting that weird.

1 [11.10.54]

2 Later in the evening, <Savooun> (phonetic), who befriended me,
3 although she was a young - a New Person, her parents were Base
4 People and> she wept and she embraced me and said that my mother
5 and siblings had been killed at Chamkar Andoung. I could not
6 believe <my ears> and I did not believe it. I did not believe
7 that they had been killed. How could they kill so many people<?>
8 <Because> it was not only my family members who went away but
9 there were many other families who were put in ox carts and
10 <taken away>. About five days later, I saw clothing of my
11 siblings and I saw <an embroidered> bra that my mother made for
12 my younger sister. <My mother had made one for me and one for
13 her. I saw it being dried by someone. Then, came to realize that
14 the clothes had belonged to my younger siblings.> So, I knew <for
15 sure> that they <all> had gone, they had been killed.

16 Q. Madam Civil Party, I have just one more thing I want to ask
17 you about in trying to clarify. The younger brother and sister
18 who are sitting in the chairs in the photograph we've been
19 looking at, you've identified as Sochirath and your sister Thida.
20 Are these the two siblings who worked with your father at the 1st
21 January Dam? And can you clarify for us that both of them died
22 during the Khmer Rouge regime?

23 [11.13.04]

24 A. The two siblings went along with my mother and as I said I
25 remember it clearly they went away on the 7th of 7, '77, and they

1 were taken by an ox cart. They were lied to that they were taken
2 to the new land and they were told to prepare some seeds so that
3 they could plant those seeds upon their arrival. I learnt from
4 the man <Yaem> (phonetic) that he told other people that when
5 they were being killed, they played music loudly through the
6 loudspeakers in order to mask the sound of killing and the
7 execution took place at Chamkar Andoung.

8 MR. LYSAK:

9 Thank you, Madam Civil Party, for answering and telling us about
10 some of these difficult matters. Mr. President, I have no further
11 questions.

12 MR. PRESIDENT:

13 Thank you. The Chamber would now like to hand the floor now to
14 the defence teams, and first to the defence team for Nuon Chea to
15 put questions to this civil party. You may proceed, Counsel.

16 [11.15.04]

17 QUESTIONING BY MR. KOPPE:

18 Thank you, Mr. President. Good morning, Your Honours. Good
19 morning, counsel. Good morning, Madam Civil Party. I have some
20 questions for you in relation to your work at the 1st January
21 Dam.

22 Q. Let me start with asking you some questions as to the
23 organisation of your group and of your unit. You testified
24 earlier that there were about 50 females in your unit and that
25 the unit was divided into groups. Do you remember in how many

1 groups your unit of 50 females were divided?

2 MS. HUN SETHANY:

3 A. The unit was not subdivided as we were working together as a
4 unit at the worksite. No sub-groups were divided and we -- the
5 land plot was measured for our unit to work together.

6 [11.16.53]

7 Q. Maybe I didn't understand you well, but I thought I heard you
8 also talked about groups -- groups and units. So can you explain
9 to me exactly what the groups were in terms of the relation to
10 the unit?

11 A. Our unit was not the same as the structure of the regular
12 mobile unit. We were in the <Auntie Unit or> Women's Unit
13 although we were working -- mixing with the regular mobile units
14 or with a second mobile unit. And as I said, we worked together
15 within the unit and the land measurement was assigned to the unit
16 as a whole. As for the cubic meter of work quota per day, usually
17 the work quota was assigned to one male and two females within
18 the unit to complete that set of quota. <We were not divided into
19 small groups.>

20 Q. I understand. The total group -- the total number of the
21 people from your village were about 100, if I calculated
22 correctly: 50 women, 30 or 40 men, and 10 workers from the second
23 mobile unit. So in total, about 100 people from your village; is
24 that correct?

25 A. There were only about 80 workers and not up to 100, it was

1 around 80.

2 [11.19.24]

3 Q. And are you able to give an estimate as to how many people of
4 this group of 80 from your village were New People and how many
5 were Base People, people who originally lived in the village?

6 A. People who were assigned to work at the 1st January Dam
7 worksite included about 20 New People.

8 Q. And therefore around 60 Base People; that is correct?

9 A. Yes, that is about right.

10 Q. Do you remember if next to, or adjacent to the plot that your
11 village was assigned to work on, workers from other villages were
12 working, so in the plot east or west, workers from the
13 neighbouring villages were working, would that be correct?

14 A. Are you asking about the work area near the village or the
15 worksite at the <1st January> Dam construction?

16 Q. I'm sorry if I wasn't clear; I'm only asking you questions
17 about the 1st January Dam work site. So my question is related
18 whether the next plot of land that had to be worked on was
19 occupied by workers from other villages; is that correct?

20 [11.21.34]

21 A. Yes, in each - each commune composed of several villages
22 <adjacent to one another>. There were Thnal Thmei, Baray<>
23 Touch<,> Baray<> Thum, <Pou Pir, Chakto Louk,> etc.; and these
24 villages form<ed> Baray commune, and further down there were
25 <Stueng Trang> and <other> districts and we worked just along one

1 another at the 1st January Dam worksite. And <at> the dam
2 construction site, all the three sectors forces were
3 <intensively> working <together>. And as I said, forces from all
4 the three sectors were combined to work at the dam construction
5 worksite.

6 Q. So would it be correct to say that it was at the 1st January
7 Dam worksite, village after village after village, each working
8 on its own plot at the dam; is that correct?

9 A. Yes, that is correct. Land plots were divided according to the
10 forces from the villages within the Baray commune.

11 [11.23.20]

12 Q. And is it also correct that each village, each group of
13 workers from one village had its own sleeping quarter close by
14 the working site?

15 A. Yes, other districts had their sleeping quarters. As for us,
16 we always slept at Trapeang Chrey pagoda until the completion of
17 the work at the 1st January Dam worksite. Every day we had to
18 walk from our sleeping quarters at the pagoda to the worksite.

19 But for other units, other villages and communes, they had their
20 sleeping quarters nearby the worksite and although we relocated
21 to other sections of the dam, we still slept at that pagoda.

22 Q. Was the group from your village the only group which didn't
23 sleep close by at the worksite at the dam or were there other
24 groups from other villages also slept like your group at this
25 pagoda?

1 A. Yes, there were, there were workers from Stueng <Trang>
2 district who also used the pagoda as their sleeping quarter
3 although they had to walk for only about one kilometre from
4 <their sleeping quarters to the worksite. The people from Stueng
5 Trang were settled together in one place.>

6 [11.25.25]

7 Q. The people from your village who were in charge of the 80
8 workers from your village, were they also responsible for the way
9 you were sleeping at night in this pagoda, were they the ones who
10 were responsible for instance, mats or hammocks or things like
11 this?

12 A. That is a pitiful event. I can tell you that no mats were
13 provided to us. We slept actually on <grating floor made> of
14 <woven small trees> which were laid on the floor and we had to
15 sleep on this hard surface and you can imagine how difficult it
16 was. However, once we fell asleep, we didn't feel the harshness
17 of the floor and although the roof was thatched with leaves,
18 there were holes and when it rained, we had to get up and sit as
19 the tree leaves roof could not hold the rain, and then on top of
20 that, we had to wake up early to go to work. <My tears rolled
21 down my face while it was raining.> They actually cut small
22 trees, joined them together to form a floor for us to sleep on
23 and no mat was given to us; we only had a pair of clothes that we
24 were wearing. And as for the skirt or sarong, it was filled with
25 patches and when it rained we were soaked because there were

1 holes on the roofs. Then we had to still carry earth in the
2 morning.

3 [11.28.27]

4 Q. Your description of the way you were sleeping, are you
5 referring to the premises of the pagoda or are you referring to
6 another place?

7 A. Inside the pagoda, long buildings or series of long buildings
8 were built as a sitting quarter and small trees were <woven to
9 make the floor for us to sleep on>.

10 Q. Let me -- no, I will stay within your group. At one point in
11 the morning, you said that you had some abdominal pain and that
12 you requested somebody within the group, one superior to have a
13 rest that day. Who was it that you asked permission not to work
14 and to stay at the pagoda and not working, who was it that you
15 asked this permission to?

16 A. I had my abdominal pain at the time due to my menstrual cycle
17 and I had to engage in regular heavy earth carrying work even
18 during my menstrual cycle. My body was trembling with pain at the
19 time and I had serious abdominal pain and I could no longer carry
20 earth and I requested to rest and I was allowed to have a rest
21 that afternoon and that was the afternoon that my father was
22 arrested. Because of the irregular menstrual cycle that day, I
23 had serious abdominal pain and of course you cannot imagine the
24 pain that I had to bear at that time since you are a man, but for
25 regular woman, they would understand when they had irregular

1 menstrual cycle.

2 [11.31.30]

3 Q. You're right. My question was: do you remember who you asked
4 permission, who was it that gave you permission to rest, do you
5 remember?

6 A. I recall that I sought permission from my unit chief named An.
7 <Now, she is deceased.> An was my unit chief and of course she
8 experienced severe abdominal pain when she had her menstrual
9 cycle as well. <She once asked me to coin her when she had
10 abdominal pain due to menstruation. And> as she understood about
11 the pain and the condition, she allowed me to rest that
12 afternoon.

13 Q. And An was the chief of all 50 women in your unit, so all the
14 women had to ask An for permission to rest if they were in the
15 same situation as you?

16 A. An was my direct unit chief.

17 [11.33.00]

18 Q. And was An in charge of the other 49 women from your unit as
19 well?

20 A. Yes, she was in charge of us, the women.

21 MR. KOPPE:

22 Mr. President, I'm looking at the clock, it might be a good
23 moment to stop.

24 MR. PRESIDENT:

25 Thank you, Defence Counsel. It is now appropriate time for us to

1 have a lunch break, we take a break now and resume at 1.30 this
2 afternoon.

3 Court officer, please assist the civil party at the waiting room
4 for witnesses and civil parties during this lunch break and
5 invite her, as well as the TPO staff, back into the courtroom at
6 1.30 this afternoon.

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

10 The Court is now in recess.

11 (Court recesses from 1134H to 1332H)

12 MR. PRESIDENT:

13 Please be seated.

14 The Court is back in session and the floor is given to the
15 defence team for Mr. Khieu Samphan -- rather to defence team for
16 Mr. Nuon Chea first. You may now proceed.

17 [13.32.44]

18 BY MR. KOPPE:

19 Thank you, Mr. President. Good afternoon, Your Honours, counsel.

20 Good afternoon again, Madam Civil Party.

21 Q. I have a few more questions to ask to you. Before the lunch
22 break, we spoke a bit about the sleeping quarter on the premises
23 of the Trapeang pagoda, and that the women of your unit were
24 sleeping there at the time. Was this also the case for the 30
25 men? In other words, did all of the people from your village

1 sleep at the premises of the Trapeang pagoda?

2 MS. HUN SETHANY:

3 A. There was a separate hall, and the distance from one hall to
4 another was about 30 metres. There was separate hall for female
5 and male workers. And hall for female worker was situated on the
6 right side of the temple in the pagoda. And for the male worker,
7 they slept in a hall <in front> of the temple.

8 [13.34.22]

9 Q. And after having slept in the night, did all 80 people, men
10 and women, then leave the premises of the Trapeang pagoda, and
11 from there walk to your work place at the 1st January Dam
12 worksite; is that correct?

13 A. I could not get your question. Could you ask me again?

14 Q. Did both men and women from your village, after they had woken
15 up after their sleep, did you all go together, the 80 of you,
16 from the pagoda to the worksite at the dam?

17 A. The whistle was blown at 4 a.m. for us to get dressed and get
18 ready. And <about 15 or 20 minutes after,> another whistle was
19 blown for the second time to signal to everyone to leave for
20 worksite. While we were walking, some of the workers nodded off,
21 some fell down. And the unit chief or group chief would warn
22 those workers who fell down or who nodded off. And everyone was
23 following one after another. I myself fell down on the ground at
24 one time because I was sleepy. On some occasion, other workers
25 would -- on one occasion, some worker fell down to the ground.

1 And on another occasion, some other would fall down on the ground
2 <or step on the worker's ankle> because it was 4 a.m. in the
3 morning and everyone was so sleepy. <They slept while walking.>
4 We had to go to work even during that period it was the time that
5 we could have a good sleep.

6 [13.37.07]

7 Q. Earlier today, this morning, you said that you estimated the
8 distance between the Trapeang pagoda and the worksite at the dam
9 around three kilometres. Can you tell the Trial Chamber why you
10 estimated the distance three kilometres?

11 A. It was my rough estimate since I used to be educated in
12 school. And my rough estimate perhaps sometimes is not really
13 correct. But I believe that it was about that distance.

14 Q. And after the whole group of 80 people had arrived after
15 working at the worksite, did you then start working at the same
16 time as all the other workers from all the other villages at the
17 dam?

18 A. That is true. When we reached our work place, we started
19 working. There were earth carrier baskets, so everyone was on
20 work. No one was standing idle. We knew our own assignment to do.
21 Some who were assigned to dig the earth, they would dig it
22 anyway. And some people were so tired, and they would hide the
23 baskets somewhere so that they could take a little bit rest. We
24 were so tired so we pretended that our baskets got lost, but we
25 had to be careful so that no one stole our baskets. And if we

1 were strong enough, we would bring our tools or material back to
2 the pagoda and put at the right places. So it took us very long
3 to travel from our work place back to the pagoda. We would reach
4 the pagoda at 10.00 p.m., and we were so tired. After we reached
5 the pagoda, we would take bath and went to sleep. Actually, we
6 could not go to sleep anyway. We had to prepare our own set of
7 clothes for tomorrow work. So as I said, the first whistle was
8 blown so that everyone woke up, and for the second whistle
9 blowing, we had to travel and go to work.

10 [13.40.58]

11 Q. Madam Witness, I have a -- Madam Civil Party, I have a few
12 questions, so if you could be a little shorter in your answer, I
13 would very much appreciate that. I'm still at the morning in
14 relation to your work. When you arrived -- the 80 people or so
15 from your group -- at the dam site, did you then at the same time
16 -- you started working at the same time as all other groups, so
17 when you heard a bell at the worksite, you then joined the forces
18 of all the other villages; is that correct?

19 A. No one was late at work. My group stayed a bit far away from
20 the worksite, so we had to be hurried and went to work <early>.
21 And some workers, they <lived> and <stayed> close to the
22 worksite. So <sometimes, we had already dug the earth for a big
23 moment before other workers arrived>. My unit and group chief<s
24 were> very careful to advise us to go to work on time, because we
25 stay<ed> far away from the worksite compared to others. <So, we

1 had to go to work earlier than other workers.>

2 [13.42.34]

3 Q. But would it be fair to say again that the moment that you
4 actually started working at the dam was around the same time as
5 all other workers from other villages started working? Is that
6 correct?

7 A. As I stated earlier, sometimes we would arrive earlier than
8 other workers did. Normally, as for us, we lived in a far place
9 from the worksite. So we would arrive at the worksite earlier
10 than others. <We never arrived at the worksite later than other
11 workers. Sometimes, we had already completed a few times of
12 earth-carrying work before other workers arrived.>

13 Q. Madam Civil Party, before you, three other witnesses have
14 testified as to working conditions and working times, et cetera
15 at the dam site. And one of the witnesses has given testimony
16 that everybody started working at the dam site at around the same
17 time, at around 7 o'clock in the morning. Is that a correct
18 statement from this witness?

19 A. No, it's not correct. As I said, I stayed in a far place from
20 the worksite. So my group would arrive earlier than others. And
21 if they started work at 7 a.m., that's the day <> already broke.
22 So as I stated, we started our work earlier than the time
23 mentioned.

24 [13.44.38]

25 Q. But I understood this morning -- and maybe I'm wrong -- that

1 the work from your group was done in a segment next to groups
2 from other villages; that you were in fact working on a part of
3 the dam -- a part of the ground that was adjacent to groups of
4 other villages. Or did I not get that right?

5 A. Yes. Our segments that we were working on were close to each
6 other. We have the segment of a land to work on <in Chakto Louk,
7 Pou Pir, Baray Touch, Baray Thum,> Thmey, <Chi Aok villages> -- I
8 do not recall them all. We from <Sangkat> Baray <> had to wake up
9 <and go to work> all together<>.

10 Q. Madam Civil Party, I apologise to interrupt you, but maybe it
11 would be more helpful if I read to you an excerpt from this
12 particular witness statement, and then ask you if it's correct --
13 yes or no.

14 Mr. President, that is E3/403, WIR of Mr. Sokha -- Pech Sokha,
15 ERN English, 00403006; Khmer, ERN 00389524; and French, 00422240.
16 So Madam Witness, the question to this witness is as follows and
17 I read:

18 "How did they define the working hours? How did they divide the
19 work?"

20 And this particular witness answers as follows: "From 7.00 a.m.
21 to 11.00 a.m., in the afternoon from 2.00 p.m. to 5.00 p.m.

22 During the working hours, they were allowed to have a 15-minute
23 break; at night the work started from 6.30 p.m. to 10.00 p.m. The
24 dam construction was divided into sectors, districts, and
25 individuals. Each person dug two cubic metres a day and carried

1 to build the dykes. If one finished digging and carrying early,
2 he could take a rest."

3 Is this testimony accurate? Is this how it was in your group of
4 80 people as well?

5 [13.47.47]

6 A. I would like to know where this individual was living -- in
7 which "sangkat" or commune was he or she living? It was not the
8 same situation as where I was living. I started work at 5.00
9 a.m., and I had to work until 11 a.m. After that time, we had
10 <our rice meal> and we had to resume our work in the afternoon
11 until 5 p.m. And we had a night shift as well to work <from 6
12 a.m. until 10 p.m>.

13 Q. But do you -- is it at least correct in your memory that you
14 had a three-hour break between 11.00 and 2.00 in order to have
15 lunch?

16 A. For my place, we had to resume work at 1.00 p.m., not 2.00
17 p.m.

18 Q. So were you working -- where you were working, you had a
19 two-hour lunch break; is that correct?

20 A. Yes.

21 [13.49.25]

22 Q. And is it correct that in the morning, people within the group
23 of 80 were assigned to carry with them food such as rice,
24 vegetables, fish, et cetera? Was that taken in the morning from
25 the pagoda to the worksite?

1 A. For <rice and> food, the cook was responsible for our <rice
2 and> food. And the food was ready at 10 a.m. in the morning, and
3 it was carried to our place by someone. The food was required to
4 be at our worksite 15 or <20> minutes before the break time. <It
5 depended on whether the rice and food were brought to us on time
6 or not.> No one could bring along their own food supplies.

7 Q. So the lunch that you were eating at around 11.00 was the food
8 that had been taken earlier in the morning from the pagoda to the
9 worksite; is that correct?

10 A. Yes, that is correct. We had to have our meal at our worksite.
11 On some occasions, we did not have our fill.

12 [13.51.23]

13 Q. What -- but was it An that you spoke about earlier this
14 morning, that she was also in charge of making sure that all 80
15 people from your village in your unit had enough to eat?

16 A. The respective village was responsible for its own food for
17 workers. The village would supply food to its own worker. And
18 when we workers at the worksite ran out of food, we would send
19 information to the village. And every 10 days, there would be
20 pork and <beef> to eat, because we did not have such -- you know
21 -- delicious meal every day. Some of them fell sick and got
22 <diarrhoea or> dysentery on the day that we had special meal. We
23 were accused and we were reprimanded because we were provided
24 with good food to eat and we had dysentery and illness. On some
25 occasion, people got dysentery because of the meal that we had.

1 The medics would come to our place and give us the rabbit
2 droppings medicine. So we used that medicine for the treatment,
3 even it was not responding to the illness.

4 [13.53.34]

5 Q. In the morning when you were working and starting sometimes at
6 the same time as all the other workers, did you have a 15-minute
7 break after one hour and half, two hours?

8 A. There was a break time at 9.00 or 9.30 -- a short break. So
9 when we heard the whistle blown, we would sit on the place where
10 we were working. We could not walk to anywhere to take the rest.
11 Some of us would sit and lay against each other, and some would
12 even< - snore while having a short rest time>.

13 Q. This break of 15 minutes that you said -- that you just talked
14 about, did that 15-minute break fall precisely in the middle of
15 the morning session of work? In other words, did that 15-minute
16 break, break the morning session into two, exactly half way?

17 A. Yes, that is correct.

18 Q. You said just now that it is your estimate that the pagoda was
19 around three kilometres situated from the place that you were
20 working. If you are -- is it fair to say that the group took
21 about 45 minutes, if they were slow around an hour, to walk from
22 the pagoda to the worksite?

23 A. I could not tell you how long it takes. But for the distance,
24 I could give you the rough estimate. Once again, I could not give
25 you the description of how long it took from the place where I

1 lived to the worksite.

2 [13.56.51]

3 Q. If we follow the witness whose testimony I just presented to
4 you and if we follow testimony from the other two witnesses,
5 working time started at 7.00. Is it then correct when I say that
6 you left the pagoda in the morning at around 6.00, 6.15?

7 MR. PRESIDENT:

8 Please hold on, Witness. You may now proceed, Co-Prosecutor.

9 MR. LYSAK:

10 Thank you, Mr. President. If Counsel wishes to use other
11 witnesses' testimony, I think he should cite the references. My
12 understanding and recollection is that from the three prior
13 witnesses, we had two people who were supervisors - perpetrators
14 -- if you will -- who gave a later start time and a witness who
15 was a worker like this person who gave a time estimate that was
16 consistent with hers. So I think to avoid this, Counsel needs to
17 cite the references rather than characterise the evidence.

18 [13.58.14]

19 MR. KOPPE:

20 I think that is a poorly formulated objection calling the first
21 two witnesses perpetrators. I have no idea on which grounds
22 prosecution is calling these two witnesses perpetrators. However,
23 having said that, it's my recollection that the witness number
24 three confirmed in greater lines the working hours. Anyway, I
25 just -- having said that, I just referred to the statement of

1 this one witness. And I'm now trying to find out whether maybe
2 the witness is wrong in time and whether in fact her group left
3 the pagoda at around 6.00. And if she says no, that's not the
4 case, then she can say that. So I think I'm allowed to ask this
5 question.

6 JUDGE FENZ:

7 Counsel, if I understood the Prosecution correctly, the problem
8 is not so much the question but the reference. What we have done
9 is accepting references to prior statement as long as everybody
10 obviously agreed, yes, that's what was said. As soon as somebody
11 gets up and says that's not what I remember, obviously you have
12 to give us the reference. I think that's the only issue here.

13 [13.59.43]

14 MR. KOPPE:

15 I think I just quoted from the WRI from Sokha who says that
16 working hours were from 7.00 a.m. till 11.00 a.m. in the morning.
17 And then calculating around 45 minutes, maximum an hour working,
18 then I can put it to this civil party that in fact she didn't
19 wake up at 3.00 and left at 4.00 but rather woke up at 5.00 and
20 left at 6.00.

21 JUDGE FENZ:

22 The problem is not the question; just give us the reference-

23 MR. KOPPE:

24 E3/403: English, ERN 00403006; Khmer, 00389524; and French,
25 00422240. The exact same numbers as I just gave.

1 [14.00.47]

2 MR. LYSAK:

3 If Counsel wants to just put the statement of this one witness,
4 that's fine. I think he's already done that, he's already asked
5 her a number of times about the hours given by Pech Sokha who was
6 a senior cadre supervisor at the site. But then he just attempted
7 to represent to the witness that all three people agreed with
8 this. That's not my recollection of Ms. Laihuor's testimony. So,
9 if he wants to use all three and make representations, he needs
10 to have to cite, otherwise, he shouldn't be trying to mislead or
11 lead the witness.

12 BY MR. KOPPE:

13 I can waste my time and now read Or Ho's testimony. I think he
14 confirmed Sokha. But let me rephrase and end this discussion, Mr.
15 President, if you'll allow me.

16 Q. Madam Civil Party, when you left in the morning, did you have
17 -- or at the time, did you have a watch, were you able to look at
18 the clock what time it was when you left?

19 [14.02.03]

20 MS. HUN SETHANY:

21 A. Yes, I had. Base People had the time to watch. The first
22 whistle blowing was at 3.<30> a.m. or perhaps 4 a.m. Sometimes,
23 we overslept. So when the one who was in charge of blowing the
24 whistle overslept, and then we could have -- you know -- a little
25 bit more time to sleep. And for the one who told you that work

1 started at 7 a.m. in the morning, this individual may be a former
2 <Base Person> unit chief or a cadre during that time. He could go
3 back -- he could go to work a little bit late compared to others.
4 <For us as ordinary people, we had to wake up and go to work
5 earlier.>

6 Q. You see, Mr. Prosecutor, what happens to these suggestions.
7 Madam Witness, you just said that the work in the morning ended
8 at 11.00 and that the morning break was exactly in the middle of
9 the morning session. Isn't it true that you started working at
10 7.00 with this calculation in mind?

11 A. Yes, there was a 15-minute break, but work never started at 7
12 a.m. It started at 6 a.m. For my group, we had to start work
13 before 7 a.m. We never started work at 7.00 a.m., as I stated
14 earlier. And at around 9.00 or 9.30, we had a 15-minute break.
15 After the break, we had to resume work until 11 a.m. In the
16 afternoon, we started our work at 1.00 and we had another short
17 break around 3 o'clock. We resume<d> work after the break in the
18 afternoon until 5 p.m., in the evening. And we work<ed> at night
19 as well. We work<ed> from 6 p.m., until 10 p.m. And after work,
20 we went back to the place at Trapeang Chrey where we slept.

21 [14.04.50]

22 Q. Thank you, Madam Witness. I think I've heard what I wanted to
23 hear. I would like to move on to the lunch preparation. Were you
24 also in turns -- in various turns involved in preparing the food
25 for the lunch break?

1 A. There was one time when the cook had to return home as <his>
2 children were sick. And that day, I was unwell and was allowed to
3 rest, and that was the day that I replaced the cook.

4 Q. The other time that you were unwell, that you had terrible
5 abdominal pain, and that you requested An to rest and not to
6 work, did you request that to her in the morning before you went
7 to the worksite or was it that you requested this to her during
8 your time at the worksite?

9 [14.06.23]

10 A. Actually, my menstrual <bleeding> started during the night,
11 and then I had to go to work in the morning. And while I was
12 carrying earth and maybe it's because of the overwork, my period
13 stopped and that caused me abdominal pain. And my body was
14 trembling, my limbs were trembling and I could no longer carry
15 earth, and I couldn't eat my meal at the time. I was about to ask
16 the request, but upon seeing my condition, the unit chief
17 instructed another worker to take me back to the sleeping
18 quarter. And she noticed that my face was pale with pain, and she
19 asked me why. And I told her that it's because of my menstrual
20 <bleeding> and it stopped, and that I was trembling with pain. So
21 that was the time that I was allowed to rest before the afternoon
22 session. <It was An who allowed me to have a rest.>

23 Q. And when you made that request to An, did An immediately agree
24 and said it's no problem you can go back to the sleeping quarters
25 and rest?

1 A. Initially, she was rather hesitated, but upon seeing the
2 trembling condition that I was in, she decided to allow me to
3 rest. <One person was asked to escort me to the sleeping quarter.
4 On the way, I made several stops because my arms and legs were
5 shaky.> And in fact, it was another work colleague who told me
6 that my face was so pale, although I myself felt the tremble
7 throughout my body.

8 [14.09.11]

9 Q. This morning, Madam Civil Party, you spoke about one old man
10 in your group of 80 villagers; an old man who you said had died.
11 Do you remember exactly what happened with this old man? Did he
12 get sick at one point and did he request then to have medical
13 care, and did he then maybe go somewhere else? What exactly can
14 you tell us about what happened to this old man?

15 A. He was not an old man. He was unmarried and he was about 20 to
16 21 years old. And he was also a Base Person. And <he was very
17 serious. He> took care of his work and he always focused on his
18 work. And he overworked until he fell sick. And he didn't have a
19 chance for any hospitalisation. In fact, he rested at home for a
20 fortnight and he died. His mother< and father> had two sons<. His
21 name was Ry> and he was the second son.

22 Q. So he was staying 14 days in your village before he passed
23 away; is that correct?

24 A. He lived in the same village and his house was about six doors
25 away from mine.

1 [14.11.27]

2 Q. But before he passed away, he was lying sick for about 14
3 days; is that my understanding?

4 A. Yes, that was about right. And his condition became worse each
5 day he stayed there. And there was no proper medical treatment.

6 There were only rabbit pellet drops and the liquid from an orange
7 juice-like bottle. <He kept taking the tablets until he died.>

8 Q. How do you know that his unfortunate death had anything to do
9 with the work at the dam site? How do you know? Who told you
10 this?

11 A. In fact, he became sick at the worksite and his condition
12 became deteriorated due to lack of proper medicine. He overworked
13 at the worksite as he had to break rock and carry the rock
14 segments.

15 Q. I'm trying to establish, Madam Civil Party, whether this is
16 your conclusion or whether it is something that somebody told you
17 because he or she knew. I hope you can understand the difference.
18 Did anybody tell you what the reason was for the unfortunate
19 death of this young man?

20 A. Nobody told me; I saw it with my own eyes. And as I said, he
21 lived about only six doors from my house in the village.

22 [14.14.02]

23 Q. You saw him on your day off? On the tenth day that you went to
24 the village; is that what you're saying?

25 A. When the worksite was closed -- that is, in June, I returned

1 to the village, and that's when he died.

2 Q. And do you remember how long -- how many days had passed since
3 the finishing of the work and you seeing the man in his house?

4 A. I have already told you that it was about a fortnight after I
5 returned from the worksite.

6 Q. So is it -- should I then understand that he fell sick, this
7 young man, on the very last day of the work of your village at
8 the worksite?

9 A. Yes. In fact, he was ill but he still continued working at the
10 worksite and <he thought he was fine>. And when the worksite
11 closed, he returned home. And about a fortnight later, he died.

12 [14.16.12]

13 Q. Thank you, Madam Civil Party. Now I would like to ask you some
14 questions about children from your village who you said also
15 worked at the worksite. Do you remember the names of these
16 children?

17 A. I do. There were Karon (phonetic) and Karoeun (phonetic) the
18 younger sibling, they were both siblings. And there was another
19 one, <A Tot> (phonetic) who was skinny and tall <with thin arms
20 and legs>. As for the rest, I cannot recall their names.

21 Q. Were these children accompanying their parents who also worked
22 at the dam?

23 A. No. They were assigned to be in the second mobile unit to work
24 at the dam worksite. And their parents stay<ed> in the village.

25 Q. And was one of their jobs to collect cow dung?

1 A. No. They were carrying earth like we did.

2 [14.18.18]

3 Q. And how is it that you know their age at the time?

4 A. The children were around nine years old and the oldest were
5 around 13 years old -- or maybe even 12.

6 Q. Who was it that selected these two or three children to work,
7 was that An?

8 A. No, it was not An. It was the village chief. It was the
9 village chief who appointed them.

10 Q. We heard another -- one of the other three witnesses that we
11 heard testifying this week and last week was also a village
12 chief. And he gave testimony to the effect that only people with
13 strength who could work at the dam were selected. Do you remember
14 any discussion at the time as to why these two or three children
15 were selected to work at the dam?

16 A. I cannot say about what happened in other villages. However, I
17 know that in my village, children were assigned to carry dirt at
18 the dam worksite in the second mobile unit.

19 [14.20.31]

20 Q. Do you remember the name of your village chief?

21 A. Ol (phonetic) was my village chief, however, he passed away.
22 And Ol (phonetic) was a tall man <with long arms and legs>. I
23 think he was about 1.8 metres high or tall, rather.

24 Q. Madam Civil Party, do you know if there is anybody who
25 belonged to the group of 80 people from your village who is still

1 alive today?

2 A. Are you referring to the Old People or the New People?

3 Q. Anybody within the group of 80 people that worked -- either
4 one -- people from either one group.

5 A. There is <Moeung Sak> (phonetic) and his partner, myself and
6 my husband, and another person named Ri (phonetic) who <currently
7 lives> in Kampong Thom <province> with the partner. And there is
8 another one by the name of <Morm> (phonetic) and her younger
9 sibling <whose name I can't recall>. And another one named
10 Savoeun (phonetic) who worked there for a while and then was
11 reassigned to work in the village. <But, she has died for about
12 one week now.> There are about only eight or nine New People who
13 survived amongst those 30 to 40 families who were assigned to
14 live in my village. And as I said, there was a family of a woman
15 by the name of Ri (phonetic) with her <two children<, husband,
16 mother and three younger siblings. There> are six more people in
17 my family,< my husband and I, A Pov and Thol and Moeung Sak>
18 (phonetic) family and my family. And the rest all died.

19 [14.23.35]

20 Q. Thank you, Madam Civil Party. I'd like to take you back now
21 again to the worksite and the situation of sanitation. You were
22 talking about many flies, flies that also went into the soup. Do
23 you recall that at any point of time when you were working there,
24 people came to spray pesticides in order to chase those flies
25 away?

1 A. It's difficult for me to respond to your question without
2 having a laugh. As I said this morning, there was nothing at all
3 in regards to the elimination of flies. This morning, I already
4 told you that the soup -- although the amount was small -- it was
5 full of flies, and we had to pick them out of the bowl one by
6 one. Everyone experienced the same thing. Despite flies in the
7 soup, we had to eat and drink the soup in order to survive. At
8 that point, sanitation was no longer a consideration. We had to
9 think what we could eat in order to survive. <And> people
10 experienced a lot of dysentery. Sometimes, they had to keep going
11 in line into the forest to relieve themselves, and that's due to
12 lack of sanitation.

13 [14.25.58]

14 Q. Madam Civil Party, if you would be so kind just to say yes or
15 no.

16 Did they come and spray pesticides near the kitchen, near the
17 latrine, near your worksite, rather where you were working? Did
18 they or did they not -- yes or no, please?

19 A. No, it did not happen.

20 Q. You were talking about soup being made and those flies in the
21 soup. The people in the kitchen, were they cooking the soup?

22 A. The soup was prepared and cooked actually at the pagoda at
23 Trapeang Chrey. And after it was cooked, then two people would
24 carry the soup to the worksite for us to eat and two other people
25 would carry the rice. So it was cooked at our sleeping quarter at

1 Trapeang Chrey pagoda.

2 [14.27.25]

3 Q. But did the cooks in the kitchen make a fire to heat the soup
4 again?

5 A. No.

6 Q. Was there no cooking going on at all in the kitchen at your
7 worksite?

8 A. I already told you, no, because what <was> cooked at the
9 pagoda, it was carried to the worksite and it was not warmed up
10 again at the worksite. We would just simply eat it.

11 Q. Now another question, Madam Civil Party. You said earlier this
12 morning that if he or she wanted, a Base Person could refuse to
13 work at the dam. Can you give an example of such instance in
14 which a Base Person refused to work at the dam worksite?

15 A. Yes. It happened in front of me. Khom (phonetic) was asked by
16 the person whether Khom (phonetic) <went> to the 1st January Dam
17 worksite, and Khom (phonetic) said, "No, I didn't want to go
18 because I heard that a lot of people contracted malaria there".
19 Then the village chief looked at me and another woman and asked
20 whether we were willing to go to the worksite. And of course, I
21 didn't dare to refuse. And I said, yes.

22 Q. And this person who said, no, I don't want to go because
23 there's malaria, he stayed in the village?

24 A. No. Still later on, that person was sent to the worksite.

25 [14.30.25]

1 Q. So also this Base Person ended up working together with the
2 other Base Persons at the worksite; is that correct?

3 A. Yes.

4 Q. And am I right when I say that all 80 people from your
5 village, once at the worksite, all did the same work?

6 A. Yes, we all did the same work.

7 Q. So at the worksite, there was no difference in treatment
8 between Base People and New People; is that correct?

9 A. It was that Old People dared to sometimes challenge the
10 instructions because they were all Old People, but New People
11 didn't dare to do that. They would just go to wherever they were
12 appointed to. And they had just to bear with the situation in
13 order to survive and not to be taken away and killed.

14 [14.32.07]

15 Q. But in terms of work and in terms of quota, all 80 people in
16 your group were treated exactly the same; is that correct?

17 A. Yes, we were treated -- we had the same treatment, and New
18 People had to work. For Base People, they could evade work
19 sometimes. <They did the same work as we did. But, they were a
20 bit more privileged than us.>

21 Q. I understand that. But again, in terms of quota, in terms of
22 working times, in terms of types of work, all 80 people in your
23 group did the same thing; is that correct?

24 A. Yes, that is correct.

25 Q. Maybe I didn't get your testimony earlier well, but did I hear

1 you say that the division of New and Old People within the group
2 of 80 was about half-half; did I understand that or did I not
3 understand that well?

4 A. There was no division. The portion of land was given to our
5 group to work. For example, one group may receive 50 metres to
6 work on, and some other villages would receive 100 metres to work
7 on. And one cubic metre was sometimes given to a group of one man
8 and two women to work on.

9 [14.34.36]

10 Q. I apologise. Maybe my question wasn't very clear. My question
11 was: did I understand it correctly that the group of 80 people
12 were one half Old People, and one half New People?

13 A. For my unit, New People had fewer number compared to Base
14 People. <For male group, it was probably the same.>

15 MR. KOPPE:

16 Thank you, Madam Civil Party.

17 Mr. President, I think I'm through almost all of my questions,
18 maybe one or two or three more. Would it be a good moment to
19 break so that I can round up my questions?

20 MR. PRESIDENT:

21 You can continue your line of questioning because it's not the
22 time for break yet.

23 [14.35.56]

24 BY MR. KOPPE:

25 Q. Okay, I will. Madam Civil Party, did you ever hear through the

1 loudspeakers at the dam worksite the 1st January Dam being called
2 a so-called "hot battlefield"?

3 MS. HUN SETHANY:

4 A. Yes, I heard of it. I heard it over the loudspeakers. The
5 announcement was made every day. And it was depicted in the
6 revolutionary songs and story. So what we were told over the
7 loudspeaker was to actively engage in our work.

8 Q. And did the people who spoke over the loudspeakers explain to
9 the workers why the 1st January Dam site was a hot battlefield?

10 A. That site was a hot battlefield because when the work was very
11 active at that place, some people were taken away. <While workers
12 were told to work intensively, the killings of people also became
13 intensive.> That is why that dam site was named hot battlefield.

14 [14.38.08]

15 Q. Have you yourself also at one point in time worked at the
16 so-called 6th January Dam?

17 A. No.

18 Q. Do you know or remember whether before you and the other
19 members from your village started working at the dam, there had
20 been a drought in Cambodia, and because of the drought there was
21 food shortage? Have you heard of that before?

22 A. It appears not. I have never heard of it. In Pol Pot time,
23 there was plenty of water <to cultivate rice>; no drought in that
24 period. When it came to June or July, there was rain, and we had
25 water to do the farming. I do not know about other location and

1 areas. As for Baray <commune>, there was plenty of water<, no
2 drought at all>.

3 Q. Do you know whether before you started working at the dam
4 site, you had heard there was food shortage because of the war
5 that had preceding the liberation in April '75?

6 A. Could you repeat your question?

7 [14.40.06]

8 Q. Had you ever heard that before you started working at the dam
9 site that there was food shortage in your area because of the war
10 that had ended in April '75?

11 A. You mean food shortage in Pol Pot time? I heard of it. People
12 were saying that militiamen and soldiers sacrificed their lives
13 to liberate New People. Food supplies were used to give to those
14 who were in the front line. For this reason, there was a shortage
15 of food for people in the rear line. <So, they disliked the '75
16 people, who made them fall short and unable to afford their
17 people with rice to eat. They said too many of us came in to take
18 away their food ration, so they did not have enough to eat. They
19 were even angry with us.> Actually, no one wanted to leave their
20 home -- I mean people in towns; they did not want to leave their
21 homes. <They had lived peacefully and happily in their respective
22 homes. Why on earth you liberated them? Then, you trampled their
23 necks.>

24 Q. Was there a food shortage in your village where you lived?

25 A. There was food shortage in my village. We did not have enough

1 food to eat during <rainy> season. We could only have gruel with
2 morning glory, and the gruel was sometimes watery. From August,
3 September, October, and November, most female workers in my
4 village had no menstrual cycle because they did not have enough
5 food to eat. They received only watery gruel. When <rice was>
6 harvest<ed>, we would have rice to eat. <But, before we had
7 steamed rice to eat, we had to eat thicker rice soup>. We
8 received only gruel -- <a bit thicker rice> gruel to eat <because
9 the rice was not yet harvested. Young people turned out to be
10 old. New People were> weak and we were getting weaker and weaker.
11 <Base> People, they had their own plot of land to grow <crops.
12 So, they had some potatoes to eat> (sic), and as for New People,
13 we had nothing. <To add more fuel to the flame, our village was
14 flooded. Po Pi village and Baray district as a whole were
15 inundated every rainy season. No one could grow any crop to eat.>
16 [14.43.20]

17 Q. My last question, Madam Civil Party. Did they tell you the
18 workers at the 1st January Dam site that the purpose of building
19 this dam was to make sure that there would be enough water to --
20 for the rice farmers, so that there would not be any more
21 shortages because of the weather situation, and that that was the
22 purpose of everybody working together at this dam?

23 A. What was the cause of food shortage? After the harvest, rice
24 was transported out. The cook would go to fetch the food ration
25 from "sangkat" <or commune>. Cook went to collect the husked rice

1 and brought to the place. And after that, he <had> to <grind> the
2 rice for cooking. I saw that rice was transported out of my
3 place. There was a warehouse in <the> "sangkat". I do not know
4 how large it was. In the mornings, there was announcement that
5 one particular individual would go and collect food ration or
6 rice. <He had to go in an ox-cart to fetch rice again the next
7 day.> That is the routine practice.

8 [14.45.20]

9 MR. PRESIDENT:

10 Madam Civil Party, you seem not to respond to the question put by
11 counsel. Please listen to the question carefully and give your
12 right response.

13 Counsel, please repeat your question so that you can get the
14 right response from civil party.

15 MR. KOPPE:

16 I withdraw my question, Mr. President. Thank you.

17 MR. PRESIDENT:

18 Thank you. It is now time for break. The Chamber will take break
19 from now until 3.00 p.m.

20 Court officer, please find a proper place <at the waiting room
21 for> witness<es> and <experts for this witness and> the support
22 staff of TPO during the break time, and please invite them back
23 into the courtroom at 3.00 p.m.

24 The Court is now in recess.

25 (Court recesses from 1446H to 1502H)

1 MR. PRESIDENT:

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

3 The floor is now given to the defence team for Mr. Khieu Samphan
4 to put questions to this civil party. You may now proceed.

5 [15.03.11]

6 QUESTIONING BY MS. GUISSÉ:

7 Thank you, Mr. President.

8 Q. Good afternoon, Madam Civil Party. My name is Anta Guissé and
9 I am the Co-International Counsel for Khieu Samphan, and <as
10 such>, I'm going to put very brief clarification questions in
11 relation to <your testimony> before this Chamber. My first
12 question is related to the duration of your stay on the 1st
13 January Dam worksite. In your statement, E3/4790, at French, ERN
14 00967205; English, ERN 00940139; and Khmer, 00582091; you said --
15 if I understood well -- that you started working on the dam in
16 December 1976, and you stayed until June 1977. Is that the case?

17 MS. HUN SETHANY:

18 A. Yes, that is correct.

19 [15.04.25]

20 Q. And still in the same record, you spoke about three different
21 periods with different working schedules. Do you remember that
22 you explained that during the first month on the site, you had a
23 different <working> schedule from the following periods; do you
24 remember that?

25 A. Yes, that is correct. First, I was working on that site and I

1 had to start work at 5 a.m., and when I was asked to go to work
2 on another location which was far away from where we were
3 sleeping, I had to wake up <earlier> in the morning and
4 <travelled> to work.

5 Q. In order to be perfectly clear about this, I'm going to quote
6 <your testimony>: French, ERN 00967207; in Khmer, 00582094 <and
7 on to the next page>; <the ERN> in English, 00940141; and this is
8 what you say with regard to the schedule during the first month:
9 "At 5 o'clock in the morning, they would whistle; at 5.30, we
10 would go to the worksite to carry <dirt> with a shoulder pole,
11 and <at 11 o'clock,> we would rest and <resume> working again at
12 2 o'clock. Then we <would> work until 5 p.m., sometimes 6 p.m. We
13 <went to sleep> at 8 p.m. They let us take a 10-minute break at 9
14 a.m., and <another at> 3 p.m., to relieve ourselves." End of
15 quote.

16 Does this refresh your memory and does this remind you of what
17 you said with regard to the working> schedule <you had> during
18 your first month on the worksite?

19 [15.07.13]

20 A. I told the Chamber already I was working close to the pagoda.
21 What you described was the working hours at that place. So the
22 worksite at Trapeang Chrey was close to where we were sleeping.

23 Q. My question was: can you confirm that the schedule I just
24 mentioned corresponds indeed to that period? <Is that correct?>

25 A. Yes, it did.

1 Q. After <you-- > -- in the same <statement>, the same ERN in
2 French and in English, and in Khmer, it is 00582095, so you said
3 that you changed working stations in February and you said that
4 as of February, the working conditions became harsher and that
5 you had to start working at 3 a.m., and <following> the same
6 schedule that you explained to us earlier on <in this hearing>.
7 And then you said on the following page, <so> ERN in French,
8 00967208; English, <ERN> 00940142; Khmer, <ERN> 00582095; and
9 this is what you said, and you specified that there was indeed a
10 change <at a point in time. I quote>:
11 [15.09.37]
12 "<Since it was still dark at 5 a.m., the starting time was
13 rescheduled to> 5.30 a.m., <we worked from 5.30 a.m. to 11 a.m.
14 without a break. We would resume work sometimes at 1 p.m., other
15 times at 2 p.m. and we would cease working at> 5 p.m. After that,
16 we <resumed work at> 6 p.m. <and we had to finish by> 10 p.m.
17 before we <could> return to our shacks." End of quote.
18 So my question is: does this jog your memory and do you remember
19 that when it got darker, you would wake up at a different time?
20 A. When we worked in a far area, we had to wake up very early in
21 the morning. If we overslept, we could not go <to work> in time.
22 The whistle would be blown at 3 a.m., and later, the whistle
23 would be blown at 4 a.m., because if it was blown at 3 a.m., and
24 we went to our work place after that time, it was too early. And
25 the third whistle was blown for everyone to depart our sleeping

1 quarters. <The first whistle-blow was to wake us up and get
2 ready. The second whistle-blow was to call us to queue up and the
3 third whistle-blow was to tell us to depart.>

4 [15.11.15]

5 Q. But you did not answer my question specifically. My question
6 was <whether what>< I just quoted from> this <testimony, which
7 you gave and signed as part of this case,> and I quote again:

8 "<Since it was still dark at> 5 a.m. <the starting time was
9 rescheduled to> 5.30 a.m.<.>" <End of quote. So my question is:>

10 Do you remember having said that? And does that correspond to
11 what happened, that is to say, if it was still dark, would you
12 leave later? That was my question.

13 A. I think I said 4.<30> a.m., not <5.00>.

14 Q. So you're telling us that there is a mistake here in this
15 statement; <is that the case>?

16 A. I gave that statement long time ago.

17 MR. PRESIDENT:

18 Please hold on, Madam Civil Party. You may now proceed,
19 International Deputy Co-Prosecutor.

20 [15.12.41]

21 MR. LYSAK:

22 Thank you, Mr. President. I don't know if this is an issue of
23 there being difference on how this document was translated into
24 French. In English, the preceding paragraph talks about the time
25 the whistle was blown for them to wake up. This paragraph talks

1 about the time they started work. Counsel is equating the two. I
2 don't -- in English, they're different. She's talking about
3 different things. I don't know whether it's a problem on how it's
4 translated into French, but I think the record should reflect
5 that.

6 MS. GUISSÉ:

7 In French, <it's correctly- well, there is no problem--> there is
8 no reference to the whistle being blown <in the part I just read
9 out>: "<Since it was still dark at 5 a.m., the starting time was
10 rescheduled to 5.30 a.m.>". So my question was <on the starting
11 time>: would people <effectively> leave <for work> at <the
12 rescheduled time of> 5.30<>?

13 MR. PRESIDENT:

14 Please hold on, Civil Party. You may now proceed.

15 [15.13.57]

16 MR. LYSAK:

17 And that's the reason for my objection is that I can't tell you
18 what the Khmer says, I can tell you in English it doesn't say
19 that they left at 5.30.; it says that was the start time where
20 they would start work. So they'd have to be at the worksite by
21 either 5.00 or 5.30., depending on the time of year.

22 BY MS. GUISSÉ:

23 I'm going to ask my colleague to check <>the Khmer, and <> I will
24 move on to another line of questioning and I will get back to
25 this <point> later. My colleague confirms that in Khmer, it is

1 <indeed> written 5.30., so I will close this line of questioning.

2 Q. <Madam,> in Khmer, apparently, there is no problem. You
3 apparently said that people would leave for work at 5.30; is that
4 the case or not?

5 MS. HUN SETHANY:

6 A. When we were working close to the pagoda, we started work at
7 5.30. But later, our work station was far from our sleeping
8 quarter. So we had to go to work at 4.00 a.m. That's what I
9 sated. And during that time, it was too dark at 4.00 a.m., so we
10 were asked and told to go to work at 4.30 a.m., instead.

11 [15.15.45]

12 Q. Regarding another point, this morning, I believe you <were
13 questioned by> my colleague from the Nuon Chea team you <said
14 that you> never heard any announcements <prior to> the usage of
15 explosives to blow up the rocks. So did I understand correctly
16 when you said that you didn't hear any announcements <over the
17 loudspeaker> before they <used> explosives?

18 A. There was no announcement over the loudspeaker and we were not
19 told to stand back when explosive was used. Some worker<s were>
20 sleeping and -- you know -- taking rest <in the evening after
21 work> and when they heard the explosion, they would run for
22 shelter. <They did not warn the people to move out when they
23 exploded the rock.>

24 Q. You have just told us that you were <told> to step back when
25 they were going to use explosives. Who <exactly was it that> told

1 you to step back?

2 A. No one told us, we realised and heard the explosion and only
3 when we heard the explosion or when we saw the fire at the
4 explosion area, we would run. Some people were hit by the
5 fragments of the rock<, having their heads bled because they
6 could not escape on time>.

7 [15.17.53]

8 Q. I'm putting questions to you with regard to this topic,
9 <madam,> because we heard two witnesses before you, the first,
10 Pech Sokha. This was <during the hearing> on the 21st of May
11 <2015>, and he was questioned with regard to a statement <or
12 testimony> he had provided before, and this is what he said in
13 his statement -- it's a little bit before or a little bit after
14 11.29.32 on the 21st of May, and in his statement, he said "<I>
15 heard on the loudspeakers that the compatriots were told to be
16 careful because they were going to use explosives in order to
17 extract rocks". End of quote. And this was the question that was
18 put to him: "Was this kind of security message frequently
19 broadcast on the loudspeakers on the worksite?" And he answered:
20 "Yes. Each time before there was going to be an explosion, they
21 made this kind of broadcast on the loudspeakers." So does this
22 ring a bell or not at all?
23 A. Who was this -- who is this individual? In my area, I have
24 never heard of any broadcast over the loudspeaker -- I mean at
25 Baray district.

1 [15.19.30]

2 Q. And another witness, Ms. Meas Laihuor, <at> the <hearing on>
3 26 May 2015, said a little bit after <14.24.36>, and the question
4 that was put to her <a little before 14.26> was the following:

5 "Do you remember when <> they were going to use explosives, that
6 there were security messages broadcast on the loudspeakers to
7 warn the workers?"

8 And her answer was: "Yes. When they were going to use explosives
9 in order to break the rock, workers had to step back. They were
10 forbidden to come close so that they wouldn't be hit with the
11 shards." <End of quote.> And then she continues a little bit
12 further by saying that, "I simply saw them chase people away from
13 that place".

14 And the following question was put: "Chase people away from which
15 place?"

16 And then she answered: "They would chase people away from the
17 place where they were going to use explosives to break the rock.
18 They would <move them away so> that <> people would not be hit by
19 <the rocks or the pebbles> Once the explosives were used, the
20 workers could get back to work." End of quote.

21 So my question is the following: if you did not hear these kinds
22 of security messages on the loudspeakers, did you ever witness
23 <at any point in time people being> asked to step away from the
24 area where they were going to use explosives?

25 [15.21.20]

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1 A. For my group, I could see that they burnt the explosive. And
2 when we saw that we would go away, there was no broadcast or
3 announcement concerning explosive was used. <As it's time to have
4 a rest we left that area and went to the resting place.>

5 Q. You just told us "with regard to my group", so does this mean
6 that <in those circumstances> you do not know what was going on
7 in the other units?

8 A. I do not know about other units or groups, I know only what
9 happened in my group in Baray district.

10 MS. GUISSÉ:

11 Mr. President, I have no further questions. I will stop here. And
12 my colleague also has no further questions, so <we have completed
13 our examination of Madam Civil Party. Thank you.>

14 [15.23.16]

15 MR. PRESIDENT:

16 Madam Hun Sethany, the Chamber told you already that at the end
17 of your testimony, you can make a victim's impact statement, and
18 concerning the crimes which are alleged against <the> two
19 Accused, and harm inflicted upon you during Democratic Kampuchea
20 resulting in your civil party application to claim collective,
21 and moral reparations for physical, material, or mental injuries
22 as direct consequences of those crimes. You may proceed.

23 [15.24.14]

24 MS. HUN SETHANY:

25 The injury which was inflicted upon me was that I used to live in

1 a happy life with my family. When the regime came into power, we
2 lost everything. We lost what we had in the previous time. I lost
3 my house, belongings and property; I lost my parents, siblings. I
4 live alone. I lost everything as I said. I underwent sufferings.
5 I am so lonely, and for those who are so lonely as me, they
6 understand my situation. Some people who do not understand my
7 situation, they may say: what's the point of giving your
8 statement? The bad experience seems to be new<> to me when I
9 think of what happened. I have learned all the bad experience and
10 sufferings in my life. Why I had to go through this bad
11 experience? How <did> those people control and lead their
12 countries? <Did> they <have> pity on Khmer people? Do you know
13 the difficulty they have experienced? We used to have our own
14 property and belongings to use, but now we -- some of us lost
15 almost everything. You can imagine how difficult our life is at
16 the moment. I am so terrified. I have PTSD and trauma. I lived my
17 life with no freedom and rights in that period.

18 [15.28.56]

19 I would like to tell the Court that I do not want the
20 reoccurrence of this regime again. I have suffered much in my
21 life. Nothing can compare. I am trying my best to live my life at
22 the moment. The innocent who were working very hard were killed.
23 They were killed because of words <coming> out of their mouth. If
24 they committed wrongdoings, they would be taken away.
25 Persecutions happened on them. What was the point of living their

1 lives? They were persecuted. People experienced separation from
2 families. Parents were separated from children. What was the
3 society in that period? If you realise what happened in that
4 period, please do not let such things happen again in the
5 society.

6 I have a few questions. Am I allowed, Mr. President?

7 MR. PRESIDENT:

8 Yes, you can have a few questions, but it has to -- the question
9 is to go through the President of the Chamber. You may now
10 proceed.

11 MS. HUN SETHANY:

12 I would like to ask the -- my question as follows. Are you
13 responsible for the killings of human being? And how could you be
14 responsible for persecution and killings of victims in your
15 period? Do you recognise and admit your mistakes? Do you admit
16 your acts at the -- in the period? These are the questions I have
17 for them.

18 [15.33.54]

19 MR. PRESIDENT:

20 The Chamber wishes to inform Madam Hun Sethany that after
21 ascertaining the position of both Accused on 8 January 2015,
22 regarding the exercise of the right to remain silent, the Chamber
23 notes that the two Accused maintained their express positions
24 unless and until such time as the Chamber is expressly informed
25 otherwise by the Co-Accused or their counsels. It is therefore

1 incumbent upon them to inform the Chamber in a timely and
2 efficient manner should the Accused resolve to waive the right to
3 remain silent and be willing to respond to the questions by the
4 bench or relevant parties at any stage of the proceedings.

5 As of today, the Chamber is not informed that the Co-Accused have
6 changed their expressed position and thus agreed to provide their
7 responses to questions.

8 [15.35.09]

9 The Chamber is grateful <to you for> your presence, time, and
10 testimony, Madam Hun Sethany, during the last two days, as well
11 as the expression of your suffering and harms inflicted upon you
12 during the Democratic Kampuchea regime. Your testimony is now
13 concluded, and you are no longer required to be present in the
14 courtroom and the Chamber wish you -- wishes you <good health,
15 good luck and> a safe journey back home and all the very best to
16 you.

17 And Court officer, please assist the civil party to make
18 necessary transportation arrangement in collaboration with WESU
19 for her to return to her residence <or to any destination she
20 wishes to go>.

21 And the Chamber once again thank you Madam<, Chhay Marideth,> TPO
22 staff. However, you are still required to be present in order to
23 assist the next civil party -- that is, 2-TCCP-230.

24 And Court officer, please usher the civil party into the
25 courtroom.

1 (Witness 2-TCCP-255 exits courtroom)

2 (Short pause)

3 (Witness 2-TCCP-230 enters courtroom)

4 [15.38.06

5 QUESTIONING BY THE PRESIDENT:

6 Q. Good afternoon, Madam Civil Party. What is your name?

7 MS. UN RON:

8 A. My name is Un Ron.

9 Q. Thank you, Madam Un Ron. And when were you born?

10 A. I was born on the 24th April 1953.

11 Q. Thank you. And Madam Un Ron, where were you born?

12 A. I was born at Ta Ream village, Tbaeng commune, Kampong Svay
13 district, Kampong Thom province.

14 Q. And where is your current address?

15 A. It is still at the same place -- that is, in Ta Ream village,
16 Tbaeng commune.

17 [15.39.08]

18 Q. What is your current occupation?

19 A. I am a rice farmer.

20 Q. What are the names of your parents?

21 A. Touch Neang (phonetic) is my father and <Chay> Li (phonetic)
22 is my mother.

23 Q. And what is your husband's name and how many children do you
24 have?

25 A. <Lanh> Vuthy (phonetic) is my husband.

1 Q. And how many children do you have?

2 A. We have two children.

3 MR. PRESIDENT:

4 Madam Un Ron, towards the end of your testimony as a civil party,
5 you will be given an opportunity to make a victim's impact
6 statement concerning the crimes which are alleged to happen and
7 that will happen towards the end of your testimony if you wish to
8 do so. <This is your right. And we will allow a chance to do that
9 at the final part of your testimony before this Court.>

10 And pursuant to Rule 91bis of the ECCC Internal Rules, the
11 Chamber hands the floor first to the Lead Co-Lawyers for civil
12 parties. And the combined time for the Lead Co-Lawyers and the
13 Co-Prosecutors are two sessions. You may proceed.

14 [15.40.55]

15 MS. GUIRAUD:

16 Thank you, Mr. President. I'll give the floor to my
17 colleague, <Counsel> Sovannary Moch.

18 MR. PRESIDENT:

19 Yes. The Chamber allows that, and the lawyer for civil parties,
20 you may proceed.

21 QUESTIONING BY MS. MOCH SOVANNARY:

22 Thank you, Mr. President. Good afternoon, Mr. President, Your
23 Honours, and good afternoon, Madam Civil Party, Un Ron. I have
24 some questions for you, and if my questions are unclear or <if>
25 you do not understand, please let me know so I can reformulate

1 <or repeat> it.

2 Q. Can you first tell the Court where <>you <were> on 17 April
3 1975?

4 A. I was living in Kampong Thom province with my uncle, then we
5 were evacuated to Tang Krasang, and later on <my mother took me
6 from Tang Krasang> back to Ta Ream village.

7 [15.42.26]

8 Q. While you were living in Ta Ream village, were you assigned
9 into any group or unit?

10 A. At that time in the village, no group or unit were established
11 yet; I worked in the rice field in the village with my family and
12 I did not go to work elsewhere.

13 Q. After you worked in the rice field transplanting rice
14 seedlings or pulling out rice seedlings, what else were you
15 assigned to do?

16 A. I was assigned to a sector mobile unit at Kdei Saen (phonetic)
17 pagoda and I worked there for a period of time, which I cannot
18 recall exactly. Then I was -- I was assigned to transplant the
19 rice seedlings and during the flooding season -- as we could not
20 work in the rice field anymore -- we were sent to < Kdei Saen>
21 (phonetic) pagoda to rest there for a while. Later on I was
22 assigned to work at the 1st January Dam worksite. And while I was
23 working at the Kdei Saen (phonetic) pagoda -- as we could no
24 longer pull out rice seedlings due to the flood -- I was sent in
25 a big unit to the 1st January Dam worksite and we were

1 transported by a vehicle, but due to the thickness of the forest
2 the vehicle could not go through. Then we had to carry our <bags>
3 and <go> on foot. We arrived at around 5.00 to 6.00 p.m., and we
4 rested there without any proper shelter. Next day, we were
5 instructed to clear the forest, and it took us about two months
6 to completely clear the forest. Then units were divided and some
7 groups were divided within the unit and land plots were measured
8 and assigned to members of the groups and the units respectively.
9 <One group was composed of 10 members, each of whom was assigned
10 to dig 4 cubic meters of land.>

11 [15.45.22]

12 Q. And allow me to stop you here before I put question to you in
13 relation to the 1st January Dam worksite, and before you were
14 sent to the dam worksite, you said that you were assigned to the
15 -- a sector mobile unit, and you said your big unit was further
16 subdivided into smaller <groups>. Can you tell the Court the
17 total number of members in the bigger mobile unit and what was
18 the name of that unit chief?

19 A. The big unit constituted of 100 members. Then it was <>
20 subdivided into three small units comprising of <between 33 and
21 34> members each. <Chhorn> (phonetic) was chief of the big unit
22 and <Chheang> (phonetic) and Soeun (phonetic) were chiefs. Allow
23 me to apologise; it was Nai (phonetic) and <Chheang> (phonetic)
24 who were chiefs of the small units.

25 [15.46.51]

1 Q. A while ago you said your sector mobile unit was assigned to
2 work at the 1st January Dam worksite, and who actually made that
3 assignment to your unit?

4 A. I did not know who made that assignment. The only thing I know
5 that we were told by our unit's chief that we had to pack our
6 belonging and place it in a backpack and we had to travel to work
7 at the 1st January Dam worksite <in Kampong Thma. That's what we
8 were told.>

9 Q. Could you refuse not to go?

10 A. No, we could not. And, of course, we dare<d> not challenge
11 that instruction. It simply meant we had to go.

12 [15.47.51]

13 Q. When you were assigned to work at the 1st January Dam
14 worksite, can you recall the exact date? And if not, what season
15 was it when you were assigned to work there?

16 A. I know that we left Kdei Saen (phonetic) when the rice was
17 already ripe, but we <had> not harvested yet. Then we worked at
18 the 1st January Dam worksite until the flood arrived and we could
19 no longer work there, then we were assigned to return. As for the
20 date or the month, I cannot recall it.< But, I could not dig the
21 earth due to severe floods. So, we had to return.>

22 Q. So your mobile group arrived at a location where shelters were
23 built and that you were allowed to rest. Can you tell us the --
24 the number of the shelters and how far were those sleeping
25 quarter<s> away from the worksite?

1 A. The shelters where we rested were about 500 to 600 metres from
2 the actual dam worksite. The building <used as our> shelters were
3 made of wood and the floor, the sleeping floor was made of wood
4 as well, and some of us had mats to sleep on while others did
5 not. <For me, I got a torn mat. I used half of it to sleep> on
6 <and the other half as a blanket to cover myself while sleeping>.
7 And it was a long building <that housed all 100 members of the
8 big unit. The> building <was about five metres wide.> and we
9 slept in two rows feet to feet, and there was a footpath in
10 between.

11 [15.50.50]

12 Q. Were the shelters <> already built upon your arrival and what
13 was the roof made of? Was it leaking when it rained?

14 A. It <was> made out of leaves. There were no walls and when it
15 rained, the rain drop would come -- would come through and then
16 our heads would be wet since there were no walls on the side of
17 the building. <The rain permeated through our head side as there
18 was no wall to prevent it.>

19 Q. When you and your work colleagues were resting in that
20 building, were you provided with say a mosquito net?

21 A. There was no mosquito net. There was no blanket. I myself only
22 had an old scarf and it was not large enough to cover my body.

23 Q. You said that the area was a thick forest that the vehicle
24 could not go through, that's why you have to be on foot. So can
25 you tell us were there a lot of mosquitoes at night or insects?

1 A. There were mosquitoes, but we were told to <make fire> in
2 order to chase <them> away or to keep the mosquitoes away.

3 [15.53.04]

4 Q. And while you were working at the dam worksite, did you work
5 at only one location or were you relocated to work at various
6 sites within the dam construction site?

7 A. We worked only at one location, although it was moving away
8 further and further as the work progressed, I mean, further away
9 from our sleeping quarter. <We were never reassigned to work
10 somewhere else.>

11 Q. And during the time that you worked at the 1st January Dam
12 worksite, you were assigned to work from one location and
13 progressively you kept moving away from your sleeping quarter,
14 and you also said that there was big rain resulted in flood and
15 you could no longer work and were sent to the village. <Until
16 that time, how much did your work progress? How much construction
17 work did you achieve? In terms of the dam length, how long had
18 your big group built by that time?>

19 A. Our big mobile unit started working from near where we slept
20 and we stopped when the work progressed for about one kilometre
21 long. So when the water <rose> and we could no longer work, we
22 were sent to return and work at Kdei Saen (phonetic) and <my unit
23 was> then <sent to plough the fields with men's unit> at
24 Ballangk.

25 [15.55.01]

1 Q. Let me return to the 1st January Dam worksite. What kind of
2 work was assigned to you, and what was the work <quota>, and who
3 actually made that assignment?

4 A. It was the big unit's chief who divided the land plot given to
5 the small unit's chief, and then the small <unit> chiefs would
6 assign to the members <of the various groups> and we were
7 assigned a plot of four cubic metres <each> to complete and we
8 would take turn to dig the ground and to carry the earth, and if
9 we could not complete the work quota, then the food ration would
10 be deprived. For that reason, we tried our best, and that was
11 even worse during the rainy season as the <slope> was slippery,
12 and sometime we had to make <an earthen staircase> in order to
13 walk <up> the <slope> of the dam. When we could not walk up the
14 slope, then we asked one colleague to lift up the earth-carrying
15 baskets.>

16 [15.57.02]

17 Q. When you were asked to dig the ground, what was the land or
18 the soil condition? Was it purely soil or dirt or was it also a
19 mixture of soil and rock?

20 A. No, it was purely dirt. There was no rock.

21 Q. Regarding working hours, can you tell the Chamber the working
22 hours -- that is, when the whistle was blown to <wake> you <up>
23 and when you started actual work, and when you rested? And was
24 there any work to be done at night?

25 A. At 5.00 -- actually at 4:30 in the morning -- of course this

1 is just an estimate as we did not have a watch or clock to look
2 at -- at that time a rooster sang and whistle was blown so we
3 woke up, wash<ed> our face, and by dawn, we walk<ed>. So actually
4 after whistle was blown, we would queue up and then there was a
5 head count, then we would go to the worksite and started working
6 until 11.00, when we rested for gruel. Then we had to return to
7 the sleeping quarter to eat the gruel and my group was the last
8 to arrive, and then we resume<d> working again and continued
9 until 5.30 in the afternoon<. Then, we rested and took a bath>
10 and we ate gruel again.

11 [15.58.56]

12 If there was a meeting -- that is, a livelihood meeting, we would
13 attend the meeting and at night-time we were assigned each two
14 cubic metre of work to complete, and if we could not complete the
15 work quota of the two cubic metre<s, four cubic metres>, in the
16 morning we had to be aware that we had to start working early in
17 order to complete the remaining work and to start the new work
18 quota again. If we failed to reach the work quota, we would be
19 criticized, and if <that was> the case then we usually would wake
20 another one of our colleagues up and started working by ourselves
21 at 4 o'clock in the morning. <By that time, the rooster would
22 have sung two or three times. Then, we woke our co-workers up.>

23 Q. You said at about 4.30 <> the rooster sang, a whistle was
24 blown, you lined up, there was a head count and then you went to
25 the worksite. Did you have to start working immediately or was

1 there a set hour that you had to commence working at the
2 worksite?

3 A. If we arrive<d> at the worksite a bit early and if we thought
4 it was still rather early, we had to wait a little bit until we
5 could see one another clearly before we started working.

6 [16.01.05]

7 MS. MOCH SOVANNARY:

8 Thank you, Madam Civil Party. And Mr. President, I noticed that
9 it is already 4.00, and maybe it is convenient time for an
10 adjournment.

11 MR. PRESIDENT:

12 Thank you, lawyer for civil parties. The time -- today hearing
13 has come to an adjournment and we will adjourn now and resume
14 tomorrow -- that is, Thursday, 28 May 2015, commencing from 9
15 o'clock in the morning. Tomorrow the Chamber will continue to
16 hear the remainder testimony of the civil party Un Ron.

17 And Madam Un Ron, the Chamber would like to thank you for your
18 testimony. However, it is not yet concluded. Thus you are invited
19 to return to this Chamber again tomorrow to continue your
20 testimony.

21 Court officer, please assist the civil party in collaboration
22 with WESU to have her returned to her place of stay and have her
23 returned to testify tomorrow in this courtroom before 9 o'clock.

24 And Madam <Chhay Marideth, TPO staff, the Chamber is grateful <to
25 you for> your assistance, and once again you are invited to

1 return tomorrow to assist this civil party, and the testimony
2 will commence at 9 o'clock in the morning.

3 Security personnel, you are instructed to take the two Accused:
4 Nuon Chea and Khieu Samphan back to the detention facility of the
5 ECCC and have them returned to attend the proceedings tomorrow
6 before 9 o'clock.

7 The Court is now adjourned.

8 (Court adjourns at 1602H)

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