



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 June 2015
Trial Day 299

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

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I N D E X

Mr. YEAN Lon (2-TCW-830)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. BOYLE	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Ms. KONG Siek (2-TCCP-261)	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer
Mr. SEM Hoeurn (2-TCW-943)	Khmer
Ms. TY Srinna	Khmer
Mr. YEAN Lon (2-TCW-830)	Khmer

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1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remainder of the current
6 witness testimony, <Mr. Yean Lon>, and commence hearing testimony
7 of a civil party -- that is, 2-TCCP-261. And if possible, we
8 begin hearing the testimony of 2-TCW-943.

9 And the greffier, please report the attendance to the Parties and
10 other individuals at today's proceedings.

11 [09.05.06]

12 THE GREFFIER:

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

15 Mr. Nuon Chea is present in the holding cell downstairs. He has
16 requested to waive his direct presence in the courtroom. The
17 waiver has been delivered to the greffier.

18 The witness who is to conclude his testimony today is present and
19 ready in the courtroom.

20 We have a reserve civil party -- that is, 2-TCCP-261. We also
21 have a reserve witness -- that is, 2-TCW-943. The WESU unit
22 informs the Chamber that the witness will arrive at the premise
23 this morning and will take an oath accordingly.

24 [09.06.19]

25 MR. PRESIDENT:

2

1 Thank you. And the Chamber now decides on the request by Nuon
2 Chea.

3 The Chamber has received a waiver from the Accused, Nuon Chea,
4 dated 17 June 2015, which notes that due to his health -- that
5 is, headache and back ache, he cannot sit or concentrate for
6 long, and in order to effectively participate in the future
7 hearings, he requests to waive his right to be present and
8 participate in the 17 June 2015 hearing. Having seen the medical
9 report of the Accused, Nuon Chea, by the duty doctor for the
10 Accused at the ECCC, dated 17 June 2015, who notes that Nuon Chea
11 has a severe back pain and dizziness when he sits for long, and
12 recommends that the Chamber shall grant Nuon Chea his request to
13 follow the proceedings remotely from a holding cell downstairs.
14 Based on the above information and pursuant to Rule 81.5 of the
15 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
16 follow the proceedings remotely from a holding cell downstairs
17 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 it remotely.

20 That applies for the whole day.

21 The Chamber now hands the floor to the defence team for Khieu
22 Samphan to continue putting questions to the witness. You may
23 proceed, Counsel.

24 [09.08.05]

25 QUESTIONING BY MS. GUISSÉ RESUMES:

1 (No interpretation)

2 Thank you, Mr. President. <Good morning everyone. Good morning
3 Mr. Witness.> I'm going to continue putting questions to you to
4 seek clarification <on certain aspects of your testimony>.

5 <Similar to yesterday,> I'm going to ask you to listen
6 attentively to my questions. My questions are <> precise, so
7 please answer the questions as precisely as possible.

8 Q. You said that you had worked on the dam worksite digging <>
9 canals. So can we agree and say that you worked in Kampong Thma
10 commune?

11 MR. YEAN LON:

12 A. Yes, I worked in Kampong Thma commune as the dam worksite was
13 located there.

14 [09.09.15]

15 Q. Do you know how far the place where you worked is from the
16 reservoir of the 1st January Dam?

17 A. I cannot give you an estimate of the distance. However, the
18 site where I worked was to the east of the Kampong Thma pagoda.

19 Q. Yesterday, you said that there were no machines to build the
20 dam. Do you mean that there were no machines nowhere on the
21 worksite or simply <in the area> where you were working?

22 A. The work at that time was manual and there was no machinery
23 used. People used hoes with their hands to dig the ground and
24 carried the earth.

25 Q. I'm telling you this, <Mr.> Witness, because a certain number

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1 of people already testified before this Chamber and said that in
2 certain places, there were machines being used, such as
3 bulldozers and excavators as well. And <that> sometimes, they
4 even used explosives to blast <rocks in certain places>. So does
5 this change your position or can you only speak about what you
6 saw personally?

7 [09.11.19]

8 MR. LYSAK:

9 Mr. President, my objection is that counsel -- if counsel wants
10 to confront the witness with someone else's testimony, that's
11 fine. Counsel shouldn't be characterizing the evidence and then
12 asking the witness whether that changes his testimony. There have
13 been -- some witnesses have testified that there had been more
14 witnesses who testified that there was no machinery. So I don't
15 think counsel should characterize the evidence and then ask the
16 witness whether that would change the testimony. She's free to
17 confront the witness with specific statements if she wishes.

18 [09.11.56]

19 BY MS. GUISSÉ:

20 <I have no problem with simply sticking to confronting the
21 witness then>.

22 Q. <Mr.> Witness, before this Chamber, <we have heard certain>
23 witnesses -- and here I am referring to <the witness> Pech Sokha,
24 and the transcript is <E1/303.1> from 21 May 2015, a little bit
25 after 10.57 in the morning. The question that was put to the

1 witness is the following:

2 "<Mr.> Witness, do you remember what kind of machines <or machine
3 tools> were used if there were any on the worksite?"

4 And the answer was: "Yes, I do remember. We had machines: there
5 were bulldozers, there were excavators." End of quote. <>

6 <Mr.> Witness, do you know if <there were bulldozers and
7 excavators> at a different location than the location where you
8 were working <>?

9 MR. YEAN LON:

10 A. To my knowledge and from what I saw at the worksite, from the
11 beginning to the conclusion of the dam construction, I did not
12 see any heavy machinery used <at the worksite extending from the
13 1st January Dam to the National Road to the west of Santuk
14 mountain>. I did not see any excavator or any bulldozer. <There
15 were only hoes used.>

16 [09.13.50]

17 Q. Can you tell me where on the worksite you worked? First, you
18 said you worked in Kampong Thma, but can you tell me the
19 different locations where you were working elsewhere <on the
20 dam>?

21 A. Different units and groups worked at different locations. And
22 I did not know their respective chiefs. However, I can say that
23 there were always chieftains at various levels -- group chiefs,
24 for instance, up to the unit chiefs.

25 Q. <Mr.> Witness. My question was not that one. <You> told me

6

1 that you worked in various locations on the dam worksite. I'm not
2 asking you for the names of the unit leaders, I'm asking you
3 which locations specifically you worked at. Because you said that
4 you worked at several locations at the dam worksite, so I'm
5 asking for the names of those different locations.

6 A. It started from <Kakaoh> to the north area of <Phlong>
7 village, and it <extended to Tuek Vil,> it extended to the 1st
8 January Dam. So I worked at various locations along this stretch
9 as members of units kept <rotating> to different sites within the
10 whole worksite of the dam construction.

11 [09.15.44]

12 Q. And you worked at these different locations during the
13 three-month period <which> you spoke to us about yesterday; is
14 that so?

15 A. Indeed, that is the case.

16 Q. And I understood that you were in charge of a group of 50 to
17 60 people. So in terms of organisation with regard to meals, how
18 did you proceed? Would you cook at the place where you were
19 working?

20 A. We cooked right where we worked. And for food supplies, each
21 village had to be responsible for the food supplies to their
22 workers. And the food supply was brought in from the village.

23 Q. Was there a person within the unit who was in charge of the
24 meals?

25 A. Yes, there was.

7

1 [09.17.24]

2 Q. And you also spoke yesterday about <how you would supply --
3 you would supply your water -- you> had dug a well for your water
4 <if I'm not mistaken>. And a <witness -- no a> civil party, Seang
5 Sovida, explained at the hearing of 2 June 2015 -- that's
6 <document> E1/308.1, and the question that was put to her is the
7 following:

8 "Was the water drinkable? <Was it clean?> Could everyone drink
9 the boiled water?"

10 And the answer was the following: "<> The water was boiled for
11 the workers on the worksite. I don't know what the quality <> of
12 the water <was>. But generally, we would take water from the
13 river, <from a stream, or from a pond>. There was no running
14 water." End of quote.<>

15 So my question is the following: As a unit leader, did you take
16 any measures to boil the water that you would give to the workers
17 working under your <orders>?

18 A. We did boil some water, but it's in the interest of time,
19 sometimes, we did not boil it or sometimes when it rained, we
20 could not boil it. And we actually tried our best to resolve the
21 living condition of the workers on site.

22 [09.19.18]

23 Q. You also spoke about the existence of latrines <in> the
24 sleeping quarters. Can you tell us who decided to build these
25 latrines?

8

1 A. Latrines had to be built by the people in <their respective>
2 villages and <it was the responsibility of each village.>

3 Q. Is it you as well who organized the building of the sleeping
4 quarters?

5 A. The sleeping quarters were built. However, it was not a proper
6 sleeping quarter, as some parts of the <palm leaf> roof were
7 patchy and <torn apart, and> the rain could fall through. <So,
8 proper and lasting sleeping quarters were not provided> for the
9 workers there.

10 Q. My question is -- <and I appreciate your specific response to
11 this --> is it you who was responsible for the building of these
12 sleeping quarters?

13 A. Yes, I was the one who managed and organized the sleeping
14 quarters for the workers from my village.

15 Q. And <was it --> you spoke about meals and you said that it was
16 the villages that would supply the workers <on the dam site> with
17 food. <Was> it you who would tender your requests to the villages
18 in terms of how much food was necessary to supply?

19 A. Yes. While I was on site, I made such an arrangement. <Because
20 I was busy carrying earth and supervising the workers,> I sent
21 people to go to the village and to bring back necessary food for
22 the workers on site. I did that. And of course, I <organized and>
23 looked after the workers from my village.

24 [09.22.14]

25 Q. And in terms of discipline with regard to how the workers

1 would work <on the site>, were you the person in charge of
2 implementing this discipline, in charge of controlling how the
3 workers under you would work?

4 A. It is my responsibility to manage my workers. However, it was
5 a chain of command as above me there were other chiefs at various
6 levels. And when I received strict instructions in terms of
7 working hours, for instance, then I had to relay and implement
8 such instructions within my group. And we all did the same thing
9 -- I worked as hard as my workers from my village.

10 Q. Can you tell me, if you remember, what the name was of your
11 direct superior at the dam site?

12 A. The worksite supervisors had been transferred to various
13 locations or to the front battlefields, and I cannot recall their
14 names.

15 [09.24.12]

16 Q. I didn't understand your answer <properly>. When you worked at
17 the 1st January Dam worksite, <> were <these supervisors> also on
18 the worksite <> or <> would <you> only see them from time to
19 time?

20 A. Supervisors came from different areas or from different
21 villages, and they did not remain on site. They only came when it
22 was needed. And later on, they had been transferred to work for
23 the military.

24 Q. Now, I would like to talk about another topic with regard to
25 your activities <> as a militiaman. In your statement D166/156,

10

1 you said that Thlang, the commune leader, if I understood
2 properly, was the head of the secret agent unit. Did I understand
3 <your testimony> correctly with regard to this? And I'd like to
4 specify that this <can be found> at ERN French, 00402982;
5 English, ERN 00330719; Khmer, <ERN> 00321786. Maybe I should put
6 the question to you again because apparently there seems to be a
7 <comprehension issue>. So my question was: Was it <indeed>
8 Thlang, as you said in your statement, <> who was the head of the
9 secret <agent unit>?

10 [09.26.37]

11 MR. PRESIDENT:

12 Witness, please hold on. And the International Deputy
13 Co-Prosecutor, you have the floor.

14 MR. LYSAK:

15 Thank you, Mr. President. I don't know whether there is a
16 translation issue. But in the English version of his statement,
17 it indicates that Thlang was the commune chairman not the head of
18 the commune militia. So I don't know whether it's translated
19 differently in French, but the English does not say that he was
20 the head of the commune militia.

21 BY MS. GUISSÉ:

22 Yes, indeed, there <must have been a> translation issue, because
23 in French, and I will quote what's said <> directly: "I was a
24 member of the commune <secret agents> for two months in 1976. And
25 in this unit of secret <agents>, there were 12 members and Thlang

11

1 was the leader. But Thlang died." End of quote <>. So maybe in
2 order to avoid any issues, it would be necessary to have the
3 witness clarify this point.

4 Q. So Witness, can you tell us if <Thlang> was indeed the head of
5 the secret <agents> while <simultaneously holding the position
6 of> commune chief as well; or is this wrong?

7 [09.27.55]

8 MR. YEAN LON:

9 A. He was chief of the commune militia, not chief of the commune.
10 And let me repeat, he was head of the commune militia.

11 Q. So then, who was the commune chief in that case?

12 A. Khy (phonetic), Khy (phonetic) was the commune chief at that
13 time.

14 Q. And was it Thlang who recruited you as a militiaman?

15 A. Yes, it was Thlang who recruited me.

16 Q. And before you were recruited by him, did you know him, had
17 you already worked with him?

18 A. I did not know him for long before the recruitment. I only
19 knew him for a brief period before that.

20 [09.29.45]

21 Q. Yesterday during the hearings, in answer to a question put to
22 you by my colleague, counsel for the civil parties, shortly
23 before 2.30 p.m., that is between 2.28 and 2.30 p.m. to be more
24 precise, you stated, and I quote: "My task was not to execute
25 people; quite on the contrary, I was there to protect the

1 village, to protect the <lives of the> inhabitants." End of
2 quote.

3 Who told you that it was your task as a militiaman to do that?

4 A. It was the commune chief who gave instructions for the village
5 militia to guard or to patrol the <dinning hall>.

6 Q. So when you say that "my task was not to execute people; quite
7 on the contrary, I was there to protect the village and the
8 <lives of the> inhabitants", was that what the commune chief told
9 you?

10 A. Yes, that is correct.

11 [09.31.25]

12 Q. Still shortly before 2.30 p.m., you stated, <you were asked
13 --> that, at least as I understand <it,> and I quote: "We were
14 asked to watch over the activities of <all> the people regardless
15 of their status whether they were leaders or simple inhabitants<,
16 that was irrelevant>." End of quote.

17 Were you yourself ever tasked to watch over <> people? And if
18 yes, who precisely?

19 A. Well, at that time, I oversaw and I also supervised and
20 protected the villagers in <my own> village. It was under my
21 purview.

22 Q. Let me repeat my question. You stated that you also had to
23 keep an eye on leaders. My question therefore is whether you
24 yourself had to watch over leaders. And if yes, who exactly?

25 A. Well, I used to watch over that including the militia leaders,

1 the leaders in the <commune>. For example, when they distributed
2 rice to the villagers, we had to make sure that they did not
3 embezzle against the people. So I had to monitor that. We
4 <monitored> the leaders of commune or "sangkat".

5 [09.34.46]

6 Q. I have a hard time understanding something you've said.
7 Yesterday, when I told you that you were a militia at the level
8 of the commune, you corrected me and said no, <that> you were
9 <part of the> village <militia>. And that <answer> led me to
10 think that <it was incumbent upon you> to watch over <leaders,
11 even those in different communes. Could you please explain to me
12 what was the remit of your jurisdiction? Who were you entitled to
13 watch over? Where? Did you have the right or the duty to do so?>

14 A. Well, at that time, I was not vested with any authority but my
15 task was mainly to monitor the distributions of rice. For
16 example, at the commune or "sangkat" level, they embezzled
17 against the people. <Sometimes, rice was not distributed to the
18 communal dining hall, or even if they did so, only half of the
19 amount was shared, and the remaining was kept for their
20 relatives.> And then consequently, people did not have enough
21 food to eat. So that is what I was supposed to do. I felt very
22 sorry for the people at that time. So I had to monitor that that
23 was done correctly.

24 Q. So were you the one who took <this task of watching over
25 people> upon yourself <> or it was a task that was handed down to

14

1 you by <the leader of the> commune?

2 A. Nobody appointed me, but I <did> it on my own. When I
3 <observed> any wrongdoing, then I <monitored> that. And people
4 had suffered a lot because of the lack of food to eat. So it was
5 at my own initiative to do that without any appointment or formal
6 appointment whatsoever.

7 [09.36.15]

8 Q. <But did> you do that outside of your village?

9 A. No. I only <monitored> in my local village, particularly when
10 the food was distributed.

11 Q. Yesterday, I understood from your explanations that you <had
12 used> your role as a militiaman to <generously come to the>
13 villagers' <aid>. You also explained that you stole rice in order
14 to redistribute it. My question therefore is as follows: Where
15 did you steal the rice which you subsequently distributed?

16 A. <The> communal rice of the commune <was stored at my village>.
17 And at that time, I observed that they did not distribute
18 sufficient ration for the people. And then overtime when I went
19 there, the <rice barn was empty>. I did not know where they had
20 taken <that rice to>. So I consulted with the old villagers as to
21 what we had to do. And then they advised me that <however way I
22 could find to take that rice to help the people, I would be
23 supported by them and I would not be arrested or accused of
24 anything since I did it just for the sake of providing food to
25 the> people <>.

1 [09.37.42]

2 Q. Did you do that <unbeknown to the> members of the commune?

3 A. Yes, you are right. They did not know. If they had known, I
4 would not have survived. Even Thlang was not aware of that. If he
5 had known that, I would <have been> killed instantly. That was
6 clear and obvious. Such wrongdoing and stealing, if it was known,
7 this was considered a serious offence and I would be killed
8 instantly if it was known.

9 Q. Does it mean that no one was watching you? You explained that
10 there were 12 militiamen at the level of the commune. Are you
11 saying that none of those militiamen was tasked with keeping an
12 eye on you <at any point in time?> Since you said that everyone
13 had to keep an eye on one another -- <everyone except you?>

14 A. Of course, <the rice that I had taken was the communal rice.
15 The> militia <monitored> our activities. <And if we stole it, we
16 would be accused of being traitorous.> And if the militia would
17 know that, they would implicate us or accuse us of betraying them
18 or betraying the communal interest, then I would be killed
19 <instantly>. So at that time, I did not let any militia member
20 know that. And I had to steal that <rice> to distribute to the
21 people <in the village>. So I did not let those militia <members>
22 know it <because I only stole that rice at night to feed the
23 people>. I felt very sorry for my people at that time, so I had
24 to do whatever I could to help them. Because at that time, they
25 only had access to watery gruel, <just three or four cans of

16

1 rice, and the rest was water. We always had that watery gruel and
2 never had steamed rice.>

3 [09.40.12]

4 Q. And yet yesterday, you stated that you stole rice and the
5 villagers who were grateful to you gave you rice and chicken to
6 eat. Where did they get the <> chicken, and were they authorised
7 to <have that in their possession>?

8 A. Actually, the chicken was the chicken raised in that village.
9 Because <> I was watching over <the village> at that time and if
10 I did not allow them to prepare chicken, then they would not do
11 it. <Only when we all agreed, could we eat chicken.> And I could
12 not eat it <alone, so> we all in the village ate together. At
13 that time, everything had to be equal between the leaders and the
14 villagers <and we did not betray one another. Whether we had
15 watery gruel or steamed rice, we always> had the same food ration
16 at that time.

17 Q. So if I understand correctly, in your village, you were the
18 person who had the authority to share rations <out among> the
19 people; is that correct?

20 A. Yes, that is correct. I distributed materials, food ration,
21 and forces -- mobilized forces in order to collect fish and
22 crops. And I was the one who actually oversaw the management and
23 distribution in the communal dining hall.

24 [09.42.18]

25 Q. Well, I have carefully listened to your account of the facts

17

1 and events, <Mr.> Witness. As my learned colleague of the Nuon
2 Chea team told you <yesterday>, that is not how <certain>
3 villagers <at least,> viewed the situation. <And I would like to>
4 read out to you <an excerpt of> Uth Seng's record of interview
5 <from the hearing that took place on 3 June 2015,> document
6 E1/309.1; that was shortly after 9.32<, between 9.32 > and 9.34.
7 As my leaned colleague told you and he quoted that passage in
8 which Uth Seng describes you as -- and I'll quote what he said
9 exactly in order that you may bear in mind his own <precise>
10 account of the events. He's speaking about you and this is what
11 he states: "He was the militia leader in Kampong Thma <commune>.
12 As I told you <already>, we <could see blood-stained> swords and
13 knives. <When he arrived on his bicycle everyone was afraid of
14 him." My <first> question to you is whether you were the militia
15 head or <was it Thlang>?
16 A. No, at that time, I was not the leader at all. Thlang was the
17 only leader at that time. <>
18 [09.44.10]
19 Q. <So essentially> an ordinary member of the <> militia <who>
20 had the authority to <manage the> rations <of all of the>
21 villagers in the village?
22 A. Well, at that time, I was the militiaman of the village and I
23 was also tasked to oversee in that village. So I was the head of
24 that village. And also I was also a militiaman myself. So I had
25 to try to find food and distribute it to the people, so that

1 people could survive.

2 Q. Did you -- yes or no -- move about in the village on a bicycle
3 with swords and knives stained with blood?

4 A. No. We -- of course, I rode a bicycle but I did not carry with
5 me any knife or any weapon.

6 Q. I understand from your testimony that you never killed or
7 executed anyone; is that correct?

8 A. Yes, that is correct.

9 Q. The same witness Uth Seng, a little further on in his
10 testimony, states -- still <making reference to> you -- <and I
11 quote>: "He was the only person in that Kampong Thma
12 sub-district, <it was just him himself who> showed how
13 influential he was <and who carried his swords and his knives on
14 his person. The way in which he carried himself was indicative of
15 his status as a strong and influential man." End quote.>
16 <Mr.> Witness, were <you> indeed a strong and influential man who
17 did whatever he wished in <his> village?

18 [09.46.45]

19 A. No. No. Not at all. I was not strong and influential <in that
20 sense>. I was only strong and influential in addressing the
21 shortages of food and the challenges faced by the people in the
22 village. I was very afraid of committing mistake <that is why I
23 am still alive today>. So I was not influential in doing anything
24 in the village other than helping my villagers. <Therefore, I
25 disagree with that statement.>

1 MS. GUISSÉ:

2 Mr. President, I am done with my examination <> and I give the
3 floor to my learned colleague, Kong Sam Onn.

4 MR. PRESIDENT:

5 Thank you. Now, I hand over the floor to Mr. Kong Sam Onn.

6 QUESTIONING BY MR. KONG SAM ONN:

7 Thank you, Mr. President. And good morning to Judges and all
8 parties to the proceeding. I only have a few questions to
9 follow-up.

10 [09.48.00]

11 Q. Earlier on, I heard you mention Khy (phonetic) as the chief of
12 Trapeang Thma commune; is that correct?

13 MR. YEAN LON:

14 A. Yes, Kampong Thma commune was Khy (phonetic). He was in the
15 southwest <>.

16 Q. In your statement -- D166/156; Khmer, ERN 00321786; French,
17 00402982; English, 00330719; you made mention Kheun as the deputy
18 chief of the commune. Can you tell whether you mentioned that
19 name, Kheun or Khy (phonetic), or they are the same names or
20 different people here?

21 A. They are different individuals. One is Kheun and the other one
22 was Khy (phonetic). Khy (phonetic) was a different person and
23 Kheun was another.

24 Q. You said that the members of the commune committee were all
25 dead. Could you tell us the composition of the village committee

20

1 in Kang Sau? Was there anybody who is still alive now?

2 A. Actually, the three men who were working with me <in> Kang Sau
3 <> were all dead.

4 [09.50.10]

5 Q. Thank you. Could you recall their names, the three men you
6 mentioned?

7 A. <Koeun (phonetic)>, Thann -- I have forgotten the other man.

8 Q. Can you tell the Court their respective positions?

9 A. <Koeun (phonetic)> was in charge of economic affairs of the
10 village and Thann was his deputy. I was the chief of all three
11 men.

12 Q. With regard to the members of your working group, when you
13 were in charge at that time you said you were working at the 1st
14 January Dam, and there were 50 members under your supervision. Do
15 you know -- is there anybody <among them> who is still alive to
16 date?

17 A. There are many who are still alive now, but I have forgotten
18 their names because we have all grown old now and we have
19 forgotten the names. I only can recall one or two of them. But I
20 believe that many of them are still alive now.

21 [09.51.47]

22 Q. <Are> the villagers who were in your unit <still living in>
23 Kang Sau <village> now?

24 A. Yes, they are alive. All of them are still alive today.

25 Q. With regard to the location of your worksite, you said you

21

1 were working in the 1st January Dam in your testimony earlier, in
2 <Kakaoh, Phlong>, and <Tuek Vil> villages. And earlier on, you
3 also made mention the 1st January Dam toward the west part of
4 Santuk mountain. My question to you is that: When you were
5 working over there, was it on the 1st January dam or it was on
6 the sub-dam or the canals outside or adjacent to the 1st January
7 Dam? Can you clarify that?

8 A. We had to move from one village to another. Sometimes we were
9 mobilized to work on the <6th> January Dam, and then we were
10 moved to the other places. So we had to be moved from one place
11 to another. Sometimes, we had to go and work in <Kakaoh, or
12 sometimes in Phlong>, sometimes we had to go and work in another
13 village. So our unit was more on a mobile. We were not stick to
14 only one location or one worksite. We had to move.

15 [09.53.32]

16 Q. Well, my question is that if you <were> working on the actual
17 1st January Dam or any other site adjacent to the main 1st
18 January Dam, for example, on the canal of the dam.

19 A. It was within. Actually, it was within the 1st January Dam. We
20 were not sent to work anywhere outside of the 1st January Dam.

21 Q. Now, let me clarify on an issue of the worksite that you were
22 tasked to work. Can you tell us precisely where you worked?

23 A. At the start, we had to work on the construction of the 1st
24 January Dam. That was the starting point, toward the northern
25 part of the 1st January Dam.

1 Q. What do you mean specifically by the northern part of the 1st
2 January Dam?

3 A. It was along the 1st January Dam, but it was in the northern
4 part of the tributary at the time. But we were on the move
5 actually at the time. We had to move from one place to another.

6 [09.55.32]

7 Q. Do you know which village was it or which position or so, to
8 your recollection?

9 A. It was in Khvaek village.

10 Q. Khvaek village. But when you mentioned the other three
11 villages earlier on, Khvaek was not one of the villages you
12 mentioned. Can you tell the Court about this village? Is Khvaek
13 also a village that the 1st January Dam was there or what? <How
14 far was it from the dam?>

15 A. Well, it was about <100> or 200 metres away from the 1st
16 January Dam.

17 Q. I just want to be more precise on the actual worksite you were
18 working, whether you were working on the main 1st January Dam or
19 somewhere else outside the 1st January Dam. So again, was your
20 workstation <> 200 metres away from the main 1st January Dam or
21 what? Can you clarify that?

22 A. It was adjacent to the 1st January Dam. Our place where we
23 took the rest at night, it was <at the lower part of the dam. It
24 was adjacent to> the 1st January Dam.

25 [09.57.24]

1 Q. Can you tell the Court about the division of labour within
2 your unit? <You said there were 50 members within your unit, so
3 how> was the labour divided at that time?

4 A. Well, at the time, we had to divide our labour into different
5 subgroups. One group would comprise of 10 or 12 members. But I
6 had to supervise on a daily basis.

7 Q. In relation to your work expectation for your unit, how much
8 did you have to accomplish at that time within your unit?

9 A. At that time, there was a quota limit; for example, we had to
10 accomplish two cubic metre of earth; we had to <implement> that.
11 So that was the quota imposed on each member <from the upper
12 level>.

13 Q. My question is about the responsibility of the entire unit.
14 What was the actually work requirement for the entire unit before
15 you subdivided them into smaller or sub-units?

16 A. For example, there was a plan put down to <50 of us> that we
17 had to complete; for example, 10 square metres or so. Then we had
18 to further subdivide it into our smaller groups, and then we had
19 to accomplish that target. So that was the usual task assignment
20 given to us.

21 [09.59.18]

22 Q. Just now you only gave us the example. I would like to know
23 the precise order or instruction from your superior. Can you tell
24 the Court as to how much you were expected to accomplish within
25 your group.

1 A. The work was assigned according to the number of members
2 within the group. Usually, each worker would be assigned a <one
3 and a half or> two cubic metre work ratio. However, it is also
4 depending on the total number, as some group, some workers got
5 sick.

6 Q. It seems that you do not understand my question. My question
7 is for the overall measurement of land plot as it was assigned to
8 your entire group. For instance, how much land that you had to
9 dig in order to build the embankment of the dam? Did you receive
10 such an instruction?

11 A. Indeed, we did. And then we would divide the overall work
12 assignment to the subgroups. For instance, for a length of 10
13 metres, a group would be assigned in order to dig the ground and
14 carry it to build the embankment<; for instance, the embankment
15 with 20 metres in width, I would divide the works, and> the
16 assigned plot had to be done by the group. And in some parts, the
17 depth of the canal was five metres. <We had to measure that every
18 evening.>

19 [10.00.52]

20 Q. Yes, I understand your example. But I'd like to have a
21 concrete work ratio that was given to your group. For instance,
22 what was the depth of the canal, the width and the height of the
23 embankment? And if you actually worked at the dam worksite, and
24 in your capacity as a supervisor, you should have this knowledge.

25 A. The embankment on the west part of the dam was <> 40 metres.

1 And the width of the embankment was wide enough for vehicles to
2 travel on. And the width -- the top part of the canal was 50
3 metres. However, I cannot give you the depth of the dam.

4 Q. My question is in reference to the specific location that you
5 worked and I do not want the measurement of the dam when it was
6 completed. I want the actual work assignment <as an overall
7 measurement such as width, depth, height and base> given to your
8 group at that particular site. And if you were a unit chief, then
9 you had to know the measurement before you could reassign
10 portions of the overall assignment of your group to the subgroups
11 under your supervision. <Do you remember overall measurement of
12 the specific location you worked in within those three months?>

13 [10.03.13]

14 MR. PRESIDENT:

15 Witness, please hold. And the International Deputy Co-Prosecutor,
16 you have the floor.

17 MR. LYSAK:

18 I think the question is repetitive. It's been asked a number of
19 times now. The witness has answered as best he can. I think
20 counsel should avoid trying to lecture the witness about whether
21 he -- what he can and cannot remember at this point in time. So
22 the question is repetitive. The witness has answered this a
23 number of times. I don't understand the purpose of further
24 questioning, asking the same question over and over.

25 [10.03.55]

1 MR. KONG SAM ONN:

2 I'd like to respond to the objection by the Co-Prosecutor. I keep
3 asking the same questions because the witness has not responded
4 to my question.

5 <Mr. President, with your leave I would like the witness to
6 answer my question.>

7 MR. PRESIDENT:

8 Witness, you are instructed not to respond to this question.
9 And Counsel, please move on. The witness already responded to
10 your question to the limit -- to the limit of his knowledge.

11 BY MR. KONG SAM ONN:

12 Thank you, Mr. President.

13 Q. Now I put a question to you, Mr. Witness. In terms of the work
14 assignment -- and you mentioned that sometimes two cubic metre
15 work assignment was given to each worker in your unit, or
16 sometimes 1.5. However, it could be extended up to four cubic
17 metres <according to your testimony yesterday>. Can you please
18 tell the Court what was the actual work ratio given to each
19 worker?

20 MR. YEAN LON:

21 A. What I said yesterday, that <was> four cubic metres as a daily
22 work ratio, in fact that was given to those who were under
23 disciplinary action. They had to work harder than the ordinary
24 workers. So that daily work quota was for those who were under
25 disciplinary action.

1 [10.05.57]

2 Q. Thank you. Who imposed the disciplinary action against those
3 workers?

4 A. I myself did not do it. However, the imposition was by those
5 people coming down from the commune.

6 Q. And how many workers were under such disciplinary action each
7 day?

8 A. If workers did not make any mistake, then they would not be
9 subject to disciplinary action. However, sometimes, they were
10 accused of making mistakes <due to fatigue and being unable to
11 complete the assigned work>, and for that reason they were under
12 the disciplinary action. But such action did not occur on a daily
13 basis.

14 Q. Amongst your 50 workers for the period of three months that
15 <you> worked at the 1st January Dam worksite, how many workers
16 were under such imposition of the disciplinary action?

17 A. None of <the> workers <from my village> was under such action,
18 as none of them pretended to be sick or something similar. <We
19 worked together.> If they were too tired, then I would allow them
20 to rest.

21 [10.07.55]

22 Q. When you were asked about the daily work quota for members of
23 your unit, you said yesterday that <> they were assigned a four
24 cubic metre daily quota. But now, you said that none of <the>
25 workers <in your group> was under such disciplinary action. Can

1 you please clarify the situation?

2 A. I apologize. Probably, I made a mistake yesterday when I said
3 that.

4 Q. Again, on the total work assignment for your entire unit,
5 could you please tell the Court, for instance, for a particular
6 area that your unit was assigned to, at the completion of the
7 assignment for that particular worksite, what was the achievement
8 <> before you were relocated to another part of the dam project?

9 A. Allow me to give you an example. For instance, the width of
10 the canal was 50 metres and the depth was 10 metres. Then out of
11 this 10 cubic metres, I had to assign the entire work assignment
12 to my workers. So they had to dig the ground of their measurement
13 in order to build the embankment.

14 [10.09.45]

15 Q. I understand that. But my question is: <How much work> did you
16 complete <> before you were assigned or relocated to another part
17 of the worksite?

18 A. For the first 10 days, we could complete the work assignment
19 with the measurement of 15 metres wide. And that was the actual
20 achievement.

21 Q. Now in relation to your position, you said that you were a
22 village chief and you were also a militiaman, and that your role
23 as a militiaman was only for your village. Did you have any
24 contact or communication with the commune level in terms of
25 security matters?

1 A. We received instructions regarding this matter from the
2 commune level. But allow me to stress that I only guarded my
3 village. And the work assignment <for each village> was imposed
4 from the commune level by the commune chief.

5 [10.12.14]

6 Q. A while ago, my international colleague asked you about your
7 position in the village and you said in your militia duty, you
8 had <monitored> members of <the commune as well>. Can you give us
9 an example of your monitoring activity of <any> particular
10 <case>?

11 A. I did not actually monitor anyone in particular.

12 MR. KONG SAM ONN:

13 Thank you, Mr. Witness. And Mr. President, I am done.

14 MR. PRESIDENT:

15 The hearing of testimony of the witness is now concluded. And
16 after that, we will hear testimony of a civil party -- that is,
17 2-TCCP-261. A TPO staff Madam Chhay Marideth will sit alongside
18 the civil party to provide support.

19 [10.13.42]

20 And Mr. Yean Lon, the Chamber is grateful of your presence during
21 your testimony for the last two days. And your testimony may
22 contribute to ascertaining the truth in this case. Your testimony
23 is now concluded and you are no longer required to be present in
24 the courtroom. Therefore, you may return to the place where
25 you're staying or the place where you <wish to go>. And the

30

1 Chamber wishes you all the best and safe journey.

2 Court officer, in collaboration with WESU, please make necessary
3 transportation arrangement for the witness.

4 And Mr. Moeurn Sovann, the duty counsel for the witness, the
5 Chamber is thankful for your assistance.

6 The Court is now adjourned for a short break and resume at 10.30.

7 (Court recesses from 1014H to 1032H)

8 MR. PRESIDENT:

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

10 Court officer is now instructed to invite the civil party,
11 TCCP-261, as well as the accompanying assistant from TPO to
12 accompany the civil party <into the Courtroom>.

13 (Short pause)

14 (2-TCCP-261 enters courtroom)

15 [10.35.50]

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good morning, Madam Civil Party. Can you tell the Court what
18 your name is?

19 MS. KONG SIEK:

20 A. My name is Kong Siek.

21 Q. Thank you, Ms. Kong Siek. When were you born, Madam Kong Siek?

22 A. I was born in 1952.

23 Q. Thank you. Where were you born?

24 A. I was born in Prasat village, Trapeang Ruessei sub-district,
25 Kampong Svay district, Kampong Thom province.

1 [10.36.55]

2 Q. What is your current address?

3 A. Now I am residing in Prasat village.

4 Q. What is your occupation?

5 A. I am a farmer.

6 Q. About your parents. What is your father and mother's name?

7 A. My father's name was Kong and my mother's Sieng.

8 Q. About your husband, what is his name and how many children do
9 you have?

10 A. My husband in Lon Penh and we have got three children.

11 Q. Thank you, Madam Kong Siek. In your status as a civil party in
12 your testimony you are entitled to describe the suffering and the
13 injury you have sustained, particularly the injury and suffering
14 you sustained during the Democratic Kampuchea period <if you wish
15 to do so, please be informed>. Pursuant to Rule 91bis of the
16 ECCC, the Court will give the floor to the Lead Co-Lawyer for the
17 civil party to proceed with their lines of questioning before any
18 other Parties. And for <the Lead Co-Lawyer for> the civil party
19 and the prosecutor will have one session to put their questions
20 to this civil party. You may proceed now.

21 [10.38.58]

22 MS. GUIRAUD:

23 Thank you, Mr. President. Before giving the floor to my colleague
24 Ty Srinna, I would like to make a motion. Since this session is
25 10 minutes shorter than the <session> that will be allotted to

32

1 the Defence this afternoon, we would like you to give us 10
2 additional minutes to enable my colleague and the Prosecution to
3 complete <their examinations> of this witness. <Thank you and>
4 now I will give the floor to my colleague <>.

5 MR. PRESIDENT:

6 The request is granted and you may now proceed.

7 [10.39.47]

8 QUESTIONING BY MS. TY SRINNA:

9 Good morning, Mr. President, Judges and Parties to the
10 proceeding; and good morning, Madam Kong Siek. My name is Ty
11 Srinna, I am the representative of the Lead Co-Lawyer for the
12 civil parties. I will be putting a few questions to you.

13 Q. Are you okay now? Can I proceed with my questions?

14 MS. KONG SIEK:

15 I am fine, please.

16 Q. My first question to you, when you joined the military, I mean
17 the Khmer Rouge military, when was it exactly, to your
18 recollection, madam?

19 A. I joined the military in 1975.

20 Q. Thank you. When you joined the military, had you been married
21 then?

22 A. No, I was single at that time; I had not been married.

23 Q. Thank you. So when you joined the military, which division
24 were you subordinated to?

25 A. I was within Division 450.

1 [10.41.20]

2 Q. Where were you stationed at the time?

3 A. At the beginning, they attached me to Ruessei Keo hospital.

4 Q. Thank you. What was your role at the time at the Ruessei Keo
5 hospital?

6 A. At that hospital, I was a member of the cooks, <and sometimes>
7 I actually gave injection to the patients in the hospital. <I
8 worked in rotation.>

9 Q. Did you work there the whole time until the fall of the Khmer
10 Rouge regime, or you were deployed somewhere else?

11 A. I was working with the hospital <> and then I <was transferred
12 to work in the field>.

13 Q. When they had to move you, where were you assigned to work?

14 A. At that time, they deployed me to work in the field somewhere
15 in Boeng Prayab around Tuol Kork area.

16 [10.43.03]

17 Q. Was that the last place that you were assigned to work or you
18 were deployed somewhere else besides that place?

19 A. I worked in the field at that time and then they redeployed me
20 to work somewhere near Ou Baek K'am.

21 Q. Could you describe the work conditions and the roles that you
22 had to perform when you were redeployed to Ou Baek K'am? <What
23 did you experience there?>

24 A. When they transferred me from the military division, then I
25 was attached to Unit 75 <at Ou Baek K'am> and I had to work in

1 the rice field at that time, and my main role was to make sure
2 that there were no rats coming to the rice fields. At that time
3 the task was so difficult for me and we did not have access to
4 sufficient food to eat <and I had to be on my feet when I had my
5 meal>. There were very small food rations indeed.

6 Q. Did they send you out of Ou Baek K'am during that period? And
7 if you were sent out, where was it and when was it, and could you
8 tell the Court about the process of sending you out to other
9 places?

10 A. They sent me to Kampong Chhnang and I was assigned to work in
11 the Kampong Chhnang Airport construction site.

12 [10.45.11]

13 Q. When was it?

14 A. It was in 1977.

15 Q. Thank you. When they assigned you to work over there in 1977,
16 were you the only person assigned to work over there, or they
17 deployed a group of people to go there?

18 A. No. At the time, they sent a group of people with two trucks
19 there. When we got to Kampong Chhnang, we were working in the
20 Kampong Chhnang Airport construction site and our task was to dig
21 a canal.

22 Q. You said that two trucks of people were sent to work over
23 there in Kampong Chhnang. So my follow up question for you is
24 that: Were all the workers sent to that site female or there were
25 a mixture of male and female in the two trucks loaded with

1 workers?

2 A. At the time there were only female workers; there was no
3 single male worker.

4 [10.46.57]

5 Q. Did you know the reason why you were deployed to work in
6 Kampong Chhnang Airport construction site?

7 A. I did not know the reason whatsoever why I was sent to work
8 over there. I really had no knowledge of it.

9 Q. I would like to now turn to your division head. When you were
10 deployed to Kampong Chhnang, did <your division head and> the
11 entire division go to work in Kampong Chhnang Airport field or
12 there were only you and your group who went there?

13 A. No. Actually, the division did not come with us; there were
14 only the female regiment, Regiment 53 who came to Kampong
15 Chhnang.

16 [10.48.30]

17 Q. So do you recall the name of the division head at the time?

18 A. Brother Suong was the division head at the time.

19 Q. Where <did he go?>

20 A. <I was sent to Ou Baek K'am, so> I did not know where he went,
21 <but when I worked at Ou Baek K'am, during> a meeting, <my>
22 regiment head at that time <> told me that we all were being
23 suspected of <having tendency because> our <Division members>
24 were being arrested and taken to Tuol Sleng, <Prey Sar Prison. We
25 were told that we were linked to the traitors. It is synonymous

1 to a slogan that when a big tree fell, the small trees would be
2 crushed>. So we had to try to work <hard>, otherwise we would not
3 be able to return home and meet <> with our family <although we
4 sat down sobbing and missing our parents or homeland>.

5 Q. Thank you, madam. Now I would like to focus on the airport
6 field in Kampong Chhnang. So when you were sent to work in the
7 airfield in Kampong Chhnang, what was your role? What were you
8 supposed to do over there? And can you tell the Court about the
9 working conditions at the Kampong Chhnang Airport construction
10 site, what happened when you first arrived and then what happened
11 later on to your recollection?

12 A. When we were sent to Kampong Chhnang Airport field, we had to
13 build canals and then after that we were asked to <sew thatch or
14 palm leaf> and <when I was assigned to Romeas (phonetic), I had
15 to> carry cement and <> the working conditions were very, very
16 tough at that time. <But I dared not say no. I had to do what I
17 was assigned.>

18 [10.51.27]

19 Q. Thank you. Now when you first arrived in Kampong Chhnang
20 Airport field, was your biography taken at that time?

21 A. No. They did not take my biography <at first>, but I had to
22 work there for some time and then they started to ask for my
23 biography.

24 Q. Did you know what they took the biography for?

25 A. That was to screen all of us, <> for example they wanted to

1 know our family background whether our parents were former
2 soldiers or not. And if they found out certain things, they would
3 take us somewhere else which we did not know. But I did not at
4 that time tell them about my parents being soldiers.

5 [10.52.31]

6 Q. Did they take biography on a regular basis or that was only
7 one time that they collected the biography from you?

8 A. They actually wanted to screen us to make sure that we <were>
9 from good elements. And then they started to elicit answers from
10 us.

11 Q. My question to you is whether or not that was only one time
12 when they took the biography from you, or whether they actually
13 took biography from you in a certain period of time or in
14 intervals?

15 A. To my knowledge, for my personal biography they conducted
16 surveillance on my biography <from when I was at my former
17 cooperative until the time> I left <for the front battlefield,
18 but I kept telling them that none of my family members was a
19 former soldier or official. So I remained at the battlefield.>

20 Q. Now I would like to focus on the working conditions. You said
21 that when you first arrived they asked you to dig canals and
22 carry cement for the construction. So when you first arrived, you
23 were asked to dig canals. What were the actual working conditions
24 then and what were you supposed to do specifically?

25 A. When we first arrived, we were asked to dig canals, so when we

1 arrived during the daytime, in the evening they sent us to dig
2 canals. But at that time <the quota was measured for us, and> we
3 had to do it all together. We carried earth and soil and dug
4 canals all together.

5 [10.55.03]

6 Q. How about the working hours and the shifts? How many hours
7 were you supposed to work and what about the work requirements?

8 A. When we had to dig canals, <they set the working hours for us,
9 we came back to the sleeping quarter at 9 p.m>. We had to start
10 working at 5.00 at dawn <and we had lunch at 11 a.m. We started
11 working again from 1 p.m. until 5 p.m.>

12 Q. When you were digging the canals, were the work conditions for
13 you acceptable? Or was it very difficult? So what was the overall
14 working condition when you were digging the canals at that time?

15 A. When we were digging the canals, it was not easy. We had to
16 accomplish the target and we had to work all together even
17 <though our fingers got blisters,> we dared not stop. We had to
18 work, even though we could hardly hold a hoe anymore due to the
19 <blisters on our fingers>, but we dare not stop, we had to
20 continue working.

21 [10.56.45]

22 Q. So when you were assigned to dig canals, how about the
23 accommodation? Did they provide <proper> houses, <or> a shelter
24 for you when you were digging the canals? <How was the living
25 conditions there?>

1 A. In that place, of course, the working conditions were not like
2 today <that we can live our lives and sleep comfortably>; it was
3 very difficult at that time. <When we came back from work,> we
4 had <no> access to <clean> water, <so we cleaned our body with>
5 very dirty water and we did not have access to soap to clean our
6 hands or our bodies. And when we were sleeping, we did not have a
7 <proper> mat; <we used an old and torn mat> to sleep on and we
8 did not have mosquito nets to protect us from mosquito bites, so
9 we had to sleep over there without anything and then in the next
10 morning we had to get up early to go to work <again>.

11 Q. In relation to hygiene, what <were> the overall hygiene
12 conditions surrounding the area you were working in and living?

13 A. At that time <we lived in an unhygienic condition> because <if
14 it was hygienic, we would have access to soap and clean water,
15 but it was completely unhygienic, and> we did not have access to
16 soap, <and mosquitos were everywhere;> we did not have sufficient
17 food to eat, and then when the food was prepared, it was <put in
18 a large metal bowl and> left over there without any covering
19 anything or protecting it from flies and anything.

20 [10.58.33]

21 Q. How about your body hygiene in general in that situation? Did
22 people stink, for example, those who were working over there?

23 A. When I was living with the other female workers <in the unit>
24 at that time, we did not have any body hygiene. <> We did not
25 actually have access to soap <and when we, women, had period, we

1 had no soap or anything to clean or wash our clothes,> so our
2 clothes smelled terribly at that time.

3 Q. How about mosquitoes or other insects? Did you have problems
4 with mosquito bites or other insect disturbances <during bedtime,
5 or were there insects on your body>?

6 A. Of course we were troubled by mosquitos <and they were all
7 over our body and bit us> but we didn't have any effective means
8 to get rid of <them>. We <just> used our piece of cloth <to chase
9 them away> and sometimes <we were unable to fall asleep, so we
10 collected some trash or tree leaves to burn and blow smoke in
11 order to chase them away.> There were no mosquito nets.

12 [11.00.10]

13 Q. I'd like now to move on to another topic -- that is, on cement
14 carrying. Were you alone sent to carry cement or was your team --
15 the whole team -- sent, and where was it?

16 A. I was sent to carry cement in Romeas (phonetic) and my entire
17 unit was sent; <I did not go there alone>. In fact it was my
18 platoon and the working conditions there -- that is, carrying
19 cement, was extremely difficult. <When I carried it, at first, I
20 walked like a duck.> The cement was very heavy and as a result I
21 had a pain in my chest. And some women didn't have a regular
22 period <and some had chest pain> due to the heavy nature of
23 carrying cement.

24 Q. How many bags of cement that you had to carry per day, if you
25 can recall the exact number of bags, maybe you can recall the

41

1 number of trips you had to carry or <was it a full day or half
2 day, or> from what time to what time?

3 A. <When we carried the cement, we had> the same working hours as
4 we worked at digging canals -- that is, starting from 5 o'clock
5 in the morning. We had <only> 15-minute break <in the morning,>
6 and then we stopped at 11 <a.m.>, we started again at 1.00 and
7 continued until 5 <p.m.> And there were many bags of cement that
8 we carried each day although I cannot recall the number of bags,
9 It could be between <10,> 20 <and> 30 bags <per day, per person>.

10 [11.02.33]

11 Q. So on the total number of bags of cement, were there a large
12 numbers of bags of cement that your unit had to carry? And how
13 many members in your platoon there had to carry those cement
14 bags?

15 A. There were about 30 of us who were sent to carry cement and
16 <it was not completed within one day. It> lasted for quite some
17 time as we had to empty train wagons <and there were about 50 to
18 60 wagons,> and in fact it took us a fortnight to empty each
19 train trip carrying those cement bags.

20 Q. When you first initially were assigned to carry cement and you
21 found it very difficult that you had to bend your back <and
22 walked like a duck> due to the weight of cement, how many kilos
23 did a bag of cement contain?

24 A. Each bag weighed 50 kilos, so that <was> not that light <for
25 us as a woman>, and imagine that we were women <carrying such>

1 heavy weight, <of course, we would walk like a duck>. But we had
2 to try our best to work to carry it <because we were under their
3 control. If we did not work hard, we would be taken away and
4 killed, and we were afraid for this fact, so although> we had to
5 crawl; although we had terrible back pain, <waist pain and body
6 pain,> we had to do it, as we <dared not refuse their order.>

7 [11.04.45]

8 Q. When you walked in that low posture, were you scolded by your
9 unit supervisor, for instance? Or were you asked or were you
10 allowed to rest first <or did they put the blame on you>? What
11 happened?

12 A. When I walked <like a duck>, the group chief, actually, blamed
13 me: Why I was so weak while other women could carry cement rather
14 fine? I told the chief that <I could not walk properly because I
15 never carried such heavy weight before, so when I carried it, my
16 waist bent down and I walked in lower posture like a duck. And
17 then the chief stopped scolding me.>

18 Q. You said that it lasted two weeks <in a row> when you <had to
19 carry> cement. And what were you assigned to do next <when that
20 work was completed>?

21 A. After we finished carrying cement bags from the train, I was
22 returned to dig canal at the airport worksite.

23 Q. Can you compare the nature of work <between> digging canals
24 and carrying cement? Which one was more intensive?

25 A. Digging canals and carrying cement were both intensive. They

1 were laborious, and <both works> put a lot of strain on our
2 physical body <because> when we had to dig the <canals>, the
3 ground was hard and solid <in some places> and <it was soft in
4 some other places>, and <I got blisters on my fingers and toes.
5 We had to carry the earth as well. So digging canals> was very
6 difficult as well.

7 [11.07.15]

8 Q. I'd like to ask you about the location where you dug a canal.
9 How far was it from the airport worksite? Could you observe what
10 was happening at the <entire> airport worksite? <Could you see
11 the situation there?> If so, could you discuss the activities
12 that you saw at the airport worksite?

13 A. The canal that we dug was around the airport project worksite.
14 We were all digging canals, including our group and other
15 combatants or youth We were part of the workforce working on the
16 airfield. For example, we were digging canals while others were
17 compressing the ground. <Bulldozers were also used to compress
18 the ground, and some other workers were laying the rocks. We
19 worked in units or groups and there> were many, many workers <all
20 over the worksite>.

21 Q. I'd like to ask you about the conditions of workers at the
22 worksite. From your observation, could you tell us the physical
23 condition of workers on the worksite, including yourself? What
24 was the physical appearance?

25 A. From my observation, all workers, including myself, regardless

1 of our gender, we were not that healthy or fat. We were rather
2 bony, and the only big thing that you could see was the head and
3 the two knees -- kneecaps. <We walked unsteadily, and we tried to
4 work hard for fear of being killed. Even when our fingers and
5 toes hurt, or even> when we were sick, <we> had to try our best
6 <to work. We were very thin and fatigued, but we still kept
7 working>.

8 [11.09.55]

9 Q. While you were working at the airport worksite, did you happen
10 to see any nearby security offices?

11 A. At the airfield worksite, I did not <see all around it to
12 notice> any security office, and I did not know about any
13 existence of any security office there.

14 Q. And when you travelled from the location that you dug a canal
15 to the location where you were assigned to carry cement <and on
16 the way back>, did you happen to travel across an area where a
17 security office was there? Or where you were told that there was
18 a security office?

19 A. While I was sent to carry cement in Romeas (phonetic), and
20 when we returned <by truck>, one of the drivers told us that
21 <there> was a security centre there. And when we were approaching
22 the airfield worksite, near the Preah Theat (phonetic) pagoda, I
23 looked to the east direction and I saw a truck. And women were
24 ordered by a security guard to board that truck. The security
25 guard was armed. That's what I saw.

1 [11.12.02]

2 Q. I am unclear on the last statement you made. When you were
3 told by a driver that there was a security office, and later on
4 you saw the arrest of women who were forced to board a truck. Was
5 the <> location <where women were forced to board a truck>
6 different from the location of the security office where you were
7 told by the driver?

8 A. The security office that I was told was near Romeas (phonetic)
9 train station, but <another location> was near the airport field
10 <to the east>, and there I saw women who were instructed to board
11 the truck by a security armed guard.

12 Q. When those women were ordered to board the truck, was the
13 person armed?

14 A. Yes, he was carrying a weapon.

15 [11.13.26]

16 Q. On that issue, when the women were ordered to board the truck,
17 were only women ordered to board the truck, or were there any
18 accompanying children along with those women?

19 A. I saw the mothers and the children. Some women had their
20 children with them.

21 Q. Did you know anything about those women? <Did they hold any
22 positions? Or did> they make any mistakes <which caused them to
23 board the truck>? Or what type of people they were?

24 A. I did not know anything about that. I did not know about any
25 offence that they made. I only saw what I just described to you.

1 Q. I'd like to ask you now about another topic -- that is, on the
2 issue of meetings. Did you attend any meetings while you were
3 working <at the airport worksite>? And if so, what was the
4 content of those meetings?

5 A. At the airport worksite, my group held meetings in the form of
6 criticism and self-criticism. And we were instructed to work
7 harder. And there was no circumstance that we were allowed to
8 rest. We had to work. And that was the gist of the meeting.

9 [11.15.35]

10 Q. On the issue of criticism meetings, were you aware of what
11 happened to any worker who was criticised for poor performance
12 during those meetings?

13 A. We were ordinary workers, and of course we were criticised by
14 our chief, or our superiors, and we didn't dare to talk back to
15 them. And we had to just keep on working harder <even when we
16 were sick>.

17 Q. My question to you is that, did you <know,> hear or see a
18 person who was criticised in such a meeting? And later on, I want
19 to know what happened to that person?

20 A. As I said, each of us was criticised, and we did not dare to
21 respond to the criticism. And we had just to keep on working
22 harder and harder, even if we were sick, <we had to get up and
23 crawl to work with others>.

24 Q. Here, I am not asking about your case. I'd like to ask about
25 any other <case in which> your peers, or workers, were criticised

1 during such meetings. And what happened to that individual later
2 on?

3 A. Even for other units' meetings, <which was next to us.> I did
4 not know <or hear anything> because I didn't attend those
5 meetings. I only knew about what happened within my unit, as we
6 were not allowed <to attend other units' meetings or> to mingle
7 among members of other units. So, even if some workers were taken
8 away to be killed, we <> were not allowed to know.

9 [11.18.23]

10 Q. I'd like to ask you, in relation to some points you mentioned
11 in your document, in your Victim Information Form -- and Mr.
12 President, I'd like to refer to document <of this civil party,>
13 with ERN 00587138, in Khmer; and in <French,> 00587137<;> and
14 <01069308> in English.

15 Madam Civil Party, in your civil party application, you stated
16 that you were in shock and fear when you saw people were arrested
17 in two or three trucks, and were taken away. Did this happen at
18 the Kampong Chhnang Airport worksite? Or did it happen elsewhere?

19 A. What I mentioned in my application form is that I did not
20 witness the incident personally, but <after I returned from
21 Kampong Chhnang Airport worksite,> when I came to work at Ou Baek
22 K'am, I observed that sometimes there were two or three trucks
23 which were fully covered <along the road, so my colleagues and I
24 could conclude that> those trucks were carrying prisoners.
25 <That's what I knew, but I did not actually witness those people

1 being arrested and forced to board the trucks. I just saw the
2 trucks which were fully covered and we concluded that it would be
3 filled with prisoners.>

4 [11.20.25]

5 Q. I think I am unclear on this issue. You said in your response
6 just now that you did not see <the incidents>, but later on you
7 said you saw some vehicles in the form of a convoy? <So could you
8 confirm whether you saw those vehicles?>

9 MR. PRESIDENT:

10 Madam Civil Party, please observe the microphone.

11 MS. KONG SIEK:

12 A. As I responded to your last question, while I was along the
13 main road, and I saw a convoy of two or three trucks which were
14 fully covered, and I was in fear <because it must be because
15 there were> people were being arrested and carried away in those
16 trucks, in those covered trucks. <I was in fear for my own
17 safety.>

18 BY MS. TY SRINNA:

19 Q. And in relation to the same document, the same ERN <on another
20 topic>, you also stated that you saw people being electrocuted
21 for minor offences. My question to you is the following: <where>
22 did you witness that?

23 MS. KONG SIEK:

24 A. <As I told you,> I saw people being electrocuted while I was
25 working at the airport worksite. <And there was a lunch break,

1 and we> were queueing up to have our lunch <at the cooperative>,
2 and a worker signalled me that they were electrocuting people
3 under a mango tree. And when I looked in that direction, I saw
4 two <people. One was sitting while another one was standing.>

5 [11.22.36]

6 Q. And did you know why were they being electrocuted?

7 A. No, I did not know about any reason. They were combatants, and
8 they were from a different unit. And that's what I saw while I
9 was queueing for my meal. <I dared not look nor want to know
10 their story.>

11 Q. Does the name Ron (phonetic) ring a bell to you?

12 A. While I was working under the supervision of Division 450, Ron
13 (phonetic) was a cook there. Later on, Ron (phonetic) was
14 arrested and imprisoned at Tuol Sleng prison. At that time, I was
15 not aware of the arrest. Later on, Met (phonetic) took me to Tuol
16 Sleng prison, and I was told that that was a photo of Ron
17 (phonetic), who was <a cook> in the same unit, and who was
18 arrested and sent to Tuol Sleng. <I just saw the photo at Tuol
19 Sleng prison.>

20 [11.24.00]

21 Q. So, you saw the photo in Tuol Sleng. Was it before or after
22 the collapse of the Khmer Rouge regime?

23 A. Ron (phonetic) was in Division 450. Under the Khmer Rouge
24 regime, Ron (phonetic) was a cook, and Ron (phonetic) was a
25 soldier <like me, but I worked> in a rice field <and Ron

1 (phonetic) cooked rice. After that we separated, and I did not
2 know where she had gone>, and Ron (phonetic) disappeared. And
3 only later on, when I came to this Tribunal, Met (phonetic) <who
4 was in the same unit, 450, with me> told me about Ron's
5 (phonetic) photo at Tuol Sleng, and that Ron (phonetic) was
6 arrested and detained at Tuol Sleng prison. <Met (phonetic)
7 showed me her photo. I just saw that photo, but I did not know
8 anything besides that.>

9 Q. I'd like now to return once again to <the situation at> the
10 airport worksite. Were you allowed to speak to your peer workers?
11 Were you allowed to walk to meet other workers in other units <at
12 that time>?

13 A. At that time, we could only speak to our peer workers within
14 our unit, but we did not dare to speak to other workers in
15 another unit. Even if one was related by blood, as a brother or
16 sister, they did not dare to speak to one another if they were in
17 different units.

18 [11.25.55]

19 Q. And why you could not go and talk to other workers in other
20 units?

21 A. <I dared not move freely because their regulation was very
22 strict.> That was the regulation. We were not allowed to move
23 freely. We were not allowed to communicate with others, and if we
24 violated the regulation, we would be under or subject to
25 disciplinary action <instantly, or> be arrested and imprisoned.

1 <We were afraid of that, so we dared not violate it.> We only
2 stick to our routine, to have a bath, to eat, to sleep, and to
3 work.

4 Q. I'd like now to ask <my last question> about your family
5 members. Were you allowed to visit your parents? Were you living
6 <together> with your parents? <Did you live separately?>

7 A. Since 1975, when I joined the army, until 1976 or 1977, I was
8 not allowed to go and visit my parents. They instructed me to
9 keep on working, <and they said even if my tears turned into
10 blood, they still would not allow me to meet my parents.> And
11 only after the collapse of the Khmer Rouge regime -- and that
12 when the Vietnamese troops arrived and I fled onto the mountain,
13 <and only after the troops were dispersed that I went back to my
14 village and> met my parents.

15 [11.27.56]

16 MS. TY SRINNA:

17 Thank you, Madam Civil Party, for your detailed response. And I'd
18 like to cede the floor to my learned International counsel.

19 MR. PRESIDENT:

20 Thank you. The floor is now given to the <Co-Prosecutor to put
21 questions to the> civil party. You may proceed <>.

22 QUESTIONING BY MR. BOYLE:

23 Thank you, Mr. President. Good morning to Your Honours. Good
24 morning, Counsel. Good morning to you, Ms. Kong Siek. I just have
25 a few questions building on what my colleague has touched upon

1 this morning with you.

2 Q. I would like to go back to when you first joined Division 450.

3 You said that that was in 1975. Can you tell us an approximate

4 date in 1975 that you joined Division 450?

5 MS. KONG SIEK:

6 A. I cannot tell you that, as I cannot recall the date. I only

7 know that it happened in 1975.

8 [11.29.30]

9 Q. Did you begin working at Ruessei Keo hospital shortly after

10 the fall of Phnom Penh to the Khmer Rouge?

11 A. I worked at the Ruessei Keo hospital -- that is, after the

12 Khmer Rouge troops occupied Phnom Penh. And that hospital

13 belonged to Division 450.

14 Q. And was the brother Suong, who you mentioned earlier, the head

15 of Division 450 at the time that you were working at Ruessei Keo

16 hospital?

17 A. Suong, that I mentioned, did not go to Ruessei Keo hospital.

18 However, Suong was overall in charge. And there was a supervisor

19 on site at the hospital.

20 Q. Can you tell us the name of that supervisor?

21 A. The hospital supervisor was Khom (phonetic), a female. And

22 another one was <Poan> (phonetic), a man. And there was another

23 person, Vut (phonetic). These three were in charge of the

24 hospital.

25 [11.31.25]

1 Q. And can you tell us what happened to Brother Suong?

2 A. I was away from him at that time. I only knew that he was the
3 head of Division 450. But later on, I did not know where he was
4 taken to.

5 Q. You mentioned a little earlier a meeting of regiment heads in
6 Division 450. Can you tell us when that meeting of regiment heads
7 took place?

8 A. <I attended the company meeting>, I never attended that
9 division meeting.

10 Q. But did you learn of a meeting of regiment heads that you
11 mentioned a little bit earlier this morning?

12 A. Yes, I attended the <company or> regiment meeting <when I was
13 sent to Ou Baek Ka'm>, and during that meeting, they told me to
14 work harder, because <our division members> were <all arrested.>
15 I mean, those who were the leaders in the division had been
16 arrested. That's why we <were brought to work here. If> the
17 superiors were arrested, then the followers were also alleged to
18 be involved with the leaders. <It is synonymous to a slogan that
19 when a big tree fell, other small trees would be crushed.> So, in
20 order to avoid being arrested, we had to work harder <and they
21 told us not to be intimidated. That's what the meeting was all
22 about>.

23 [11.33.45]

24 Q. And when did that meeting take place that they told you this?

25 A. As for the precise date, I do not recall. But it was during

1 the time when I was attached to Ou Baek K'am, so at that time, it
2 was sometime in 1977.

3 Q. And was it -- was one of the leadership that they said was
4 arrested, Brother Suong?

5 A. <He was not the one who carried out the arrest>. But at that
6 time, <it was> the <person named Vin (phonetic)> from the
7 Southwest Zone, <he was> my regiment <head>.

8 Q. Madam Civil Party, on our case file we have document number
9 E3/1892, and this is at Khmer, 00012693; English, 00769596; and
10 French, 00763449; an S-21 confession. The title page, which is
11 the pages that I just referenced, states: "S-21 confession of
12 Chea Non alias Suong. This confession was written by him before
13 being tortured."

14 To the best of your knowledge, is Chea Non alias Suong, the
15 Brother Suong that you are referring to?

16 [11.36.25]

17 A. As for his arrest and imprisonment, I had no knowledge of. I
18 only <heard> about Brother Suong from my regiment head when I was
19 working at Ou Baek K'am.

20 Q. Do you know why you were transferred from working at Ruessei
21 Keo hospital to Ou Baek K'am?

22 A. They transferred me from Ruessei Keo hospital to Ou Baek K'am
23 because, as I informed -- I told you earlier, that the division
24 head had been arrested, so they had to transfer us to Ou Baek
25 K'am so that they could screen us further.

1 Q. Did you see being transferred to Ou Baek K'am as a form of
2 punishment?

3 A. Yes, it was a form of punishment. They subjected us to harder
4 working conditions. We had to work in the rice paddy <day and
5 night>, and they did not give us sufficient food to eat <and we
6 had to be on our feet while having a meal>. And then we had to
7 work at night <as well as during the day>, and we had to sleep
8 along the dike of the rice paddy, in order to, you know, prevent
9 the rats from destroying the crops.

10 [11.38.48]

11 Q. In your supplemental application to your civil party
12 statement, D22/2509A, at English ERN, 01069308; French, 00587137;
13 Khmer, 00587138; you state that you were sent to the airport from
14 Ou Baek K'am "because I was related to the military soldiers in
15 Division 450, who had been arrested and detained at Tuol Sleng."
16 My question is: Is that correct, that you attribute the reason
17 that you were sent to work at the Kampong Chhnang Airport to the
18 fact that you were associated with Division 450 soldiers who had
19 been arrested?

20 A. They sent me to Ou Baek K'am because I had some <tendency>
21 with Division 450, so it was a form of punishment. I had to
22 refashion myself in that place, and then I was moved to the
23 airport. <>

24 [11.40.31]

25 Q. Madam Civil Party, I just have a few more questions for you.

1 You state again in your supplemental application, D22/2509A, that
2 you worked at the airport "for about half a year, before I was
3 sent back to Ou Baek K'am". Is that correct that you worked at
4 the airport for about six months?

5 A. Yes, that is correct. I worked at the airport in Kampong
6 Chhnang for about six months, and then they transferred me back
7 to Ou Baek K'am.

8 Q. And the work that you described earlier, that you did at the
9 airport, did you choose to do that work? Or were you told what
10 work you would do?

11 A. No, I dared not, you know, choose to do what I wanted to do.
12 It was under total instruction.

13 Q. Can you estimate how many people you saw working at the
14 airport worksite?

15 A. According to what I saw in that worksite, actually it was a
16 very huge worksite, and there were up to thousands of workers.
17 There were combatants and other workers, so many people working
18 in this airport worksite.

19 [11.42.45]

20 Q. And were all of the workers there from Division 450, to the
21 best of your knowledge? Or were they from other divisions as
22 well?

23 A. No, they were not only confined to Division 450. There were
24 many other combatants from other divisions, and I did not know
25 where they were all coming from at that time. But there were

1 crowds of people working at the site.

2 Q. Thank you, Madam Civil Party. Thank you, Mr. President. I see
3 my time is up.

4 [11.43.42]

5 MR. PRESIDENT:

6 Thank you. Now the time is appropriate for lunch break. The Court
7 will be adjourned from now until 1.30 this afternoon.

8 Court officer is instructed to facilitate the civil party during
9 the break, and have her back in this courtroom, together with her
10 accompanying attendant from TPO to this courtroom <at 1.30 p.m.>.

11 And as for security guard, you are now instructed to bring Mr.

12 Khieu Samphan to the holding cell downstairs, and have him back
13 to this courtroom before 1.30 this afternoon.

14 The Court is now adjourned.

15 (Court recesses from 1144H to 1333H)

16 MR. PRESIDENT:

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

18 Before I hand over the floor to the defence team for the
19 Co-Accused, I hand over the floor to the member of the Bench to
20 put questions to this civil party in question.

21 Judge Fenz, you may proceed now.

22 QUESTIONING BY JUDGE FENZ:

23 Thank you, President. I have a few short follow-up short
24 questions for you.

25 Q. You mentioned you saw two workers being electrocuted. Can you

1 tell us what exactly did you see? You want me to repeat the
2 question?

3 [13.35.10]

4 MR. PRESIDENT:

5 Could you please Judge, put the question again to the civil
6 party.

7 BY JUDGE FENZ:

8 Q. Is it true that you said this morning, I'm sorry. Can you hear
9 me? I didn't get a translation; does that mean yes? Can you hear
10 me?

11 MS. KONG SIEK:

12 A. Yes, Your Honour.

13 Q. Good. You mentioned this morning that you saw two people who
14 were electrocuted. Do I remember this correctly?

15 A. Yes, that is correct, Your Honour.

16 [13.36.38]

17 Q. Can you please explain to me what exactly you saw, who was
18 doing what?

19 A. At that time as I told the Court <this morning>, on the way
20 back from worksite, when I got back to the office, my co-workers
21 and I went to the dining hall and <when we were queueing up for
22 our meal>, we saw two <people> under the mango tree and one of my
23 co-workers who was <> with me told me that, look there were <>
24 people who were being electrocuted <and then we walked straight
25 to the dining hall>.

1 Q. Can you explain how they were electrocuted?

2 A. As for the tools they used to electrocute the workers, I did
3 not <see it personally> but one of my co-workers just told me
4 that, <and I looked over there under the mango tree, I saw two
5 people; one was sitting and another one was standing>. I only saw
6 from a distance; I did not recognise the tools they used and I
7 did not actually <know how they used it>. When I saw that, I
8 actually walked past that scene already.

9 [13.38.17]

10 Q. Can you tell me how far were you from the place where people
11 were electrically electrocuted when you looked at them or you saw
12 it, do you remember the distance, approximately or roughly?

13 A. In my estimation, the distance between the place where I was
14 walking and the place where people were electrocuted it was about
15 10 metres away.

16 Q. And you could -- was there anything between you and these
17 people, trees or bushes or did you have free sight on the scene?

18 A. At that time I was walking along the way with my co-workers,
19 but when they were electrocuted those <> people, there was one
20 mango tree, actually the mango tree trunk that was blocking the
21 scene.

22 Q. So again, what did you actually see?

23 A. As I informed Your Honour, that's what I saw, I only saw <one
24 person was standing and another one was sitting> under the mango
25 tree and then my friend told me that those <> people were

1 electrocuted <> and that was it and I walked past already at that
2 time.

3 [13.40.08]

4 Q, Do I have to understand that these people were lying under the
5 mango tree, on the floor?

6 A. No. At that time, they were -- one of them was sitting on the
7 ground and the other one was standing on his feet.

8 Q. And who was allegedly electrocuting them?

9 A. I do not know the name of the persons but the two combatants
10 actually were from different units.

11 Q. Did you hear people shouting, or crying or screaming or was
12 that a silent scene?

13 A. When I was walking there, nobody actually <cried or> screamed
14 for help or anything, I only saw them standing and sitting there
15 still.

16 Q. Just so I understand the situation, was your friend telling
17 you look at these two people they have just or previously been
18 electrocuted; is this what the scene was?

19 A. At that time I was <lined up and> walking along the way <to
20 have meal> with other co-workers and then they simply <told me>
21 to <have a> look <over there and I saw two> people under the
22 mango tree. <And that was it.> I did not see <anything else>.

23 [13.42.25]

24 Q. Last question. As far as you could tell from the 10 metres,
25 were these people alive or dead when you looked at them, if you

1 can tell?

2 A. Both of them were still alive. At the time I saw one person
3 sitting and the other one standing but they were still alive.

4 Q. Okay, I'm moving to another subject, very short question. You
5 mentioned that one of your tasks at the worksite was carrying 50
6 kilo bags, do I remember that correctly?

7 A. Well, I was assigned <to Romeas (phonetic)> to carry cement
8 and one pack of cement weighs around 50 kilogramme.

9 Q. Right. Can you tell me what your weight was at that time, how
10 much did you weigh at this time?

11 A. At the time I never weighed my own weight, we did not have a
12 scale so I did not even bother to weigh myself so I did not have
13 any idea how much I weighed.

14 [13.44.12]

15 Q. Do you know how much you weigh today?

16 A. Now I weigh 60 kilogrammes.

17 Q. Did you weigh less or more at this time when you were carrying
18 the bags?

19 A. At the time, <I was very thin not as fat as today.> I was very
20 thin and skinny due to the insufficient food ration; unlike now,
21 I have put more weight, and at the time I could not imagine I
22 could cope with the work and harsh condition but I had to do it,
23 <otherwise we would be killed>.

24 Q. Can you remind us how many hours a day you were wearing bags
25 which weighed either more than or basically what you yourself

1 were weighing, how many hours a day were you carrying those bags?

2 A. For our unit, at that time they did not allow us to carry one
3 bag of cement with two people, one person had to carry one bag
4 and when it was too heavy and I could hardly carry that, I was
5 walking <like a duck while> carrying the cement and then <> I was
6 <scolded for walking so> slow. <And I said I never carried such
7 heavy weight before, that was the reason why I walked in that
8 posture. I actually dared say that to them, but I dare not say
9 anything more than that.>

10 [13.46.11]

11 Q. So we are talking several hours per day, yes or no, when it
12 comes to carrying the cement bags?

13 A. As I told Your Honours, they transported the cement by train
14 wagons, <50 wagons in total,> and then they made us carry the
15 cement from early in the morning <from 5 a.m.> until <11.00 at>
16 noon, and then <we could stop for lunch break. In> the afternoon,
17 we had to carry <from 1.00> until 5.00 in the evening. <We could
18 take rest only during lunch break. After the break, we continued
19 to work until the evening.>

20 Q. Okay I'm moving to another subject. A short question, you
21 mentioned a meeting on regiment level, do I remember this
22 correctly, in which you participated?

23 A. In the regiment meeting, as I told the Court this morning,
24 they took me out of the division and then they attached me to the
25 bodyguard unit, Unit 75, and then they told me at that time that

1 I had to work hard <every day, and we could not take rest>. And
2 as I told the Court, I had to get up early in the morning, <> as
3 early as 3.00 a.m. in the morning. Actually 3.00 .am. sharp, they
4 would blow the whistle in order to wake us up <and we had to line
5 up. After that they> sent us to the rice field <at 4 a.m.> and
6 then we would take a break at 11 a.m. in the morning, and then at
7 1 p.m. we had to go back to the field and we came back at 5 p.m.,
8 and at 5 p.m. we had to go to the fields again in order to
9 prevent the rats from destroying the crops there. And <then there
10 was a meeting, during which> my regiment had told us that your
11 previous superior had betrayed Angkar, then you had to work
12 harder. <If not,> even though <your tears turned into> blood, <>
13 you would never have a chance to go back and see your parents <>.
14 [13.48.58]

15 Q. And if you remember, at this meeting, did you hear a tape
16 being played, do you remember a tape being played?

17 A. During that meeting, it was not being recorded or tape
18 recorded. It was only an oral communication.

19 Q. Just to be clear, I didn't mean that the meeting was tape
20 recorded but was a record played to you? Did you listen to a
21 record during this meeting?

22 MR. PRESIDENT:

23 Civil Party, please hold on.

24 MS. KONG SIEK:

25 A. No, I did not listen to the recording. Actually it was a

1 meeting, we were sitting in the row and then the leaders came to
2 brief us and they told us what I have just told the Court
3 earlier.

4 [13.50.10]

5 BY JUDGE FENZ:

6 Q. And now I come to my last few questions. Can you tell me why
7 you joined the army?

8 MS. KONG SIEK:

9 A. When I joined the army in 1975, at that time I thought to
10 myself that my parents were in the cooperative and they lived in
11 a very, very poor <and difficult> condition. They had a very
12 difficult life<, and my younger brother joined the army before
13 me.> So during the liberation in 1975, my younger brother came to
14 visit our family in the village and then <I> told <him> about the
15 difficulties our family members had to endure: we did not have
16 food, enough food <or salt> to eat. <My mother used to be as fat
17 as me today, but because my> parents were living in a very
18 difficult situation and they had to go to the rice field in the
19 morning and they came back very late in the evening, they
20 <became> skinny and they only had their skin covering their
21 bones. Then, I thought to myself if I lived in the cooperative, I
22 would not survive probably, so I followed my brother and I joined
23 the army in Division 450.

24 [13.51.40]

25 Q. And just so that we have it all in the same place and I want

1 to be very precise on this now, can you tell us after you joined,
2 where were you in the army until 1979 and what positions did you
3 have? No details; just line it up. You started in 1975 as what?
4 A. When I joined in Division 450, I was attached to the hospital
5 attached to that Division 450. And - then, at that time, the
6 leaders were arrested; I did not know where they had been taken
7 to. I do not recall the exact year. At that time, the division
8 head, as well as the director of the hospital, disappeared
9 mysteriously; I did not know where they had gone, and then the
10 patients also disappeared. So, in the small unit in which I was
11 attached to, was sent to Boeng Prayab and we had to do the <rice>
12 farming over there. When we were doing the farming, I was told
13 that for my <female> unit, <we> had to be transferred to <> Ou
14 Baek K'am and that was the Unit 75, <a sewing unit>. And at that
15 time, they punished us by not giving us enough food rations to
16 eat every day and we were subject to harsh labour condition <day
17 and night> over there. And then in 1977, they sent me to Kampong
18 Chhnang province and we stayed there for six months in Kampong
19 Chhnang and then they sent us back to Ou Baek K'am, and when we
20 were with Ou Baek K'am unit for about two <or three> months, they
21 sent us to Kampong Tralach Leu in Kampong Chhnang province. And
22 at that time, my role was to transport ammunition, I had to carry
23 ammunition from <the train to> the warehouse <>, and then for --
24 I worked there for several days, to my recollection, <it was five
25 days> and then I saw the Vietnamese troops <arriving in Phnom

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1 Penh in the afternoon at 3 p.m.> and then I also saw the tanks
2 <were moving out of Phnom Penh on National Road Number 5 on that
3 night> and <I heard> the exchange of fires. At that time, I was
4 terrified; I did not join with those <members in the> units. I
5 fled to the jungle from that time onwards.

6 [13.54.53]

7 JUDGE FENZ:

8 Thank you. That concludes my line of questions.

9 MR. PRESIDENT:

10 Thank you, and Judge Jean-Marc Lavergne, you may proceed please.

11 QUESTIONING BY JUDGE LAVERGNE:

12 Q. Yes <Madam>, I only have one simple question for clarification
13 with regard to this point. Did you get married during the
14 Democratic Kampuchea period or afterwards? And did your husband
15 have any kind of position in the army?

16 MS. KONG SIEK:

17 A. During that era I was not married. Only once I got back to my
18 village did I get married to my husband.

19 JUDGE LAVERGNE:

20 Thank you. I have no further questions.

21 [13.55.57]

22 MR. PRESIDENT:

23 Now I hand over the floor to the defence teams. First of all, we
24 hand the floor over to the defence team for Nuon Chea to put
25 questions to the civil party in question, you may proceed.

1 QUESTIONING BY MR. KOPPE:

2 Thank you, Mr. President. Good afternoon, Madam Civil Party.

3 Q. You were 23 years old when you joined the Revolutionary Army
4 of Kampuchea; is that correct?

5 MS. KONG SIEK:

6 A. I do not recall the exact date but I remember that it was in
7 1952 that was the year I was born, but as for the date, I am not
8 sure.

9 Q. You spoke about a brother who was also in Division 450, I
10 understand from your civil party application that his name is
11 Kong Khom; is that correct?

12 A. My brother's <surname is not Kong.> His full name is Mom
13 (phonetic) Khom.

14 [13.57.33]

15 Q. When did he join the military forces fighting Lon Nol?

16 A. It was in 1973 under the force of the village chief at that
17 time that he joined this military until <'74, '75 when it was>
18 the fall of <Phnom Penh, and then my brother stayed in Phnom
19 Penh>.

20 Q. And do you know why your brother joined the military forces
21 fighting Lon Nol?

22 A. As for the motivation to join the soldiers to fight against
23 Lon Nol, I did not know. But at that time, the village chief
24 forced him to join the army and that was <the> reason <and we
25 could not refuse the instruction>.

1 Q. Was he your only brother who had joined the revolutionary
2 forces?

3 A. Yes, he was the only <younger> brother I have.

4 Q. What happened to your brother in Division 450, did he stay a
5 member of Division 450 all the way until 1979?

6 A. When I was working in the military hospital, my brother was
7 tasked to produce some pots, cooking pots, but then later on when
8 their <division> leaders were arrested and then my brother and I
9 separated, <I> did not know where <he was> at that time, and we
10 separated ever since.

11 [13.59.51]

12 Q. But did he stay a member of Division 450 until 1979?

13 A. Could you please repeat your question, I did not quite get it.

14 Q. Did he like you stay a member of Division 450 until 1979?

15 A. No. He actually did not stay in the military until 1979, but I
16 did not know where he had gone or where he had been appointed
17 because we separated in 1976 or so and then he went somewhere
18 else and I <was assigned to a different location> and I never met
19 him again.

20 Q. And when did he leave the revolutionary army Division 450,
21 when did he quit his work?

22 A. When he stopped being a soldier in the army -- that is, after
23 I returned to the village and I saw him living in the <village>
24 and I did not know as when he quitted because I returned to the
25 village -- that is, after 1979, and <I think it was in 1980 when>

1 I saw him there.

2 [14.01.37]

3 Q. But do you know whether he left Division 450 before the end of
4 Democratic Kampuchea?

5 A. <At that time, we did not leave the Division. He left when the
6 troops were dispersed. And since then, we> separated from one
7 another <>.

8 Q. I understand. How many months exactly were you working at the
9 division hospital, do you remember that?

10 A. I worked at the division hospital for a full year.

11 Q. Did you start working almost immediately after you had joined
12 the revolutionary army?

13 A. I started working for Division 450 hospital after I returned
14 with my brother and I was simply an ordinary combatant and I was
15 assigned to work at the hospital, sometimes I was assigned to
16 work in the kitchen while at other times I was assigned to give
17 injections to the sick patients there.

18 Q. Were you a member of Battalion 453?

19 A. Please repeat your question.

20 [14.04.00]

21 Q. Were you a member of Battalion 453 within Division 450?

22 A. At that time I was subordinate to Division 450. However, my
23 female unit was in <Regiment> 53.

24 Q. Do you recall comrade Doeun (phonetic) as deputy secretary of
25 Battalion 53?

1 A. No, that name does not a ring a bell to me. In my Unit 53, my
2 superiors were <Thea> (phonetic) and <Kut (phonetic)>; and the
3 person you mentioned does not ring a bell.

4 Q. Do the names Nam (phonetic) and Seng (phonetic) mean anything
5 to you, were they members of 53, Battalion 53, Nam (phonetic) and
6 Seng (phonetic)?

7 A. No, the names do not ring a bell to me.

8 Q. When you were stationed to work at the division hospital,
9 where did you sleep at night, was that in the hospital or was
10 that somewhere else?

11 A. While I was working in the hospital, there was a separate ward
12 for the patients and the staff there.

13 [14.06.22]

14 Q. Do you recall when you were staying at the hospital how much
15 -- how your food ration was, how much rice you and comrades were
16 eating per day?

17 A. While I was working at the hospital, the living condition was
18 similar to both the patients and the medical staff. The food
19 ration was <not enough. In the morning,> we had <only> two ladles
20 of gruel and sometimes <when the bell was rung for the patients
21 to gather and get food and when no one noticed,> we actually
22 stole rice <which were the food> rations for the patients so that
23 we could have a little bit more to eat. <Both medical staff and
24 patients did not have enough food.> In the morning the patients
25 were given cooked rice and <if it was not enough,> they would

1 have another <bowl of gruel> in the evening. The patients who
2 were admitted to the hospital were not combatants from the front
3 battlefield but they were those who were assigned to work in the
4 rice fields <around Phnom Penh, at some lakes where rice was
5 grown> and usually they contracted fever <> due to starvation and
6 lack of food, they became sick and admitted to that hospital.

7 [14.08.07]

8 Q. And is my understanding correct that once you were done
9 working at the division hospital, you were then sent to Ou Baek
10 K'am to work in bodyguard Unit 75?

11 A. After I stopped working at the hospital, I returned to live at
12 Boeng Prayab, then I was trucked to Unit 75 at Ou Baek K'am.

13 Q. How many Division 450 forces were stationed at Ou Baek K'am?

14 A. My female unit, which was subordinated to Division 450,
15 comprised a battalion and there were three -- in fact,
16 underneath, it was sub-grouped into three platoons and each
17 platoon comprised of 30 females.

18 Q. What was the reason that you were assigned to work in one of
19 those bodyguard units?

20 A. I did not actually know the reason at that time. I was
21 transferred <from Division 450> that is, my female battalion unit
22 was trucked out to the location, <Ou Baek K'am. I did not know
23 when they told us to board the trucks, we just followed their
24 order.> And, as I stated in the morning, we only realised <> once
25 we arrived <and there was a meeting, during which we> were told

1 that senior commanders of our division were accused of being
2 traitors so they had been arrested and they said that <we were
3 the combatants of the Division, so> it is synonymous to a slogan
4 that when a big tree fell, the small trees would be crushed and
5 when our senior commanders were arrested, we would be under their
6 supervision and their monitoring. <So we were taken to that place
7 to work hard.>

8 [14.10.38]

9 Q. Were you told why you were assigned to bodyguard Unit 75?

10 A. When I left the division, I was not informed of the reason. We
11 were only told that we were being reassigned but no proper reason
12 was given and only upon our arrival <in Ou Baek K'am> were we
13 informed of the reason. The chief of the unit informed us about
14 that, that our senior divisional commanders had been arrested.
15 <That was why we were sent to Ou Baek K'am.> And as I just told
16 you, <they said that,> when the big tree fell, it crashed the
17 small trees. And we were sent there to be monitored or to be
18 screened out. We were not given enough food and <we did not have
19 enough sleep, and> we were forced to work hard and we could not
20 have sufficient time to sleep as we had to wake up by a whistle
21 blow at 3 o'clock in the morning <to line up> and by 4 <a.m.>, we
22 had to be in the rice field in Ou Baek K'am to do rice
23 transplantation or to carry the rice seedlings. There were no ox
24 carts to transport rice seedlings and we had to carry them on our
25 head.

1 [14.12.30]

2 Q. Where was Division 450 military headquarters, where were most
3 of Division 450 soldiers stationed, was it at Ou Baek K'am?

4 A. Previously, as I indicated, Division 450 was based at
5 Kilometre Number 6 near Chraing Chamres; that was the headquarter
6 of the division and some soldiers were deployed to Boeng Prayab
7 area but there was no headquarter in Ou Baek K'am and <in Ou Baek
8 K'am,> only our female unit was sent to be integrated into Unit
9 75 under the supervision of the general staff.

10 Q. Is it correct when I say that Division 450 consisted of about
11 5500 or 6000 soldiers, do you know --is that correct?

12 A. I do not know the figure or number of soldiers in the
13 division. I only know there were many soldiers within a division.
14 I was merely a combatant so I did not have the knowledge as to
15 the number of soldiers in that particular division. <I just did
16 my work as a combatant.>

17 [14.14.24]

18 Q. But assuming that there were about 5500 or 6000 soldiers
19 within Division 450, do you know where the majority of these
20 soldiers were, where their headquarters were? Where were they
21 sleeping at night?

22 A. As for the sleeping quarters of various units within the
23 division, I have no knowledge about that as we were under
24 separate units although we were subordinate to Division 450. <I
25 never talked to them or stayed with members of other units>. I

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1 simply knew about the women living in my unit <and I only talked
2 to members within my platoon or my battalion,> but I cannot tell
3 you about the living condition or the sleeping quarters of other
4 <combatants> in other units.

5 Q. What can you tell us about the living conditions in bodyguard
6 Unit 75 of which you were a member? How were you sleeping at
7 night, did you have mosquito nets, did you have mats to lie on,
8 can you tell us -- give us a little more detail?

9 A. When I came to stay with Unit 75 at Ou Baek K'am, we actually
10 slept in the abandoned houses of those former Phnom Penh city
11 dwellers. <When I arrived in Ou Baek K'am, those> houses were
12 empty and there were all kinds of housing facilities there: small
13 houses, big houses; however, there were only empty houses, there
14 were no sleeping mats, <no pillows,> no mosquito nets.

15 [14.16.40]

16 Q. So all women from Unit 75 were sleeping in the houses, the
17 abandoned houses within Ou Baek K'am; is that correct?

18 A. Yes. My unit from Division 450 -- and when we arrived to join
19 Unit 75 -- and I apologise, Counsel, please repeat your question,
20 I am lost <>.

21 Q. No problem. My question was whether all the female cadres
22 within Unit 75 were sleeping in the abandoned houses in Ou Baek
23 K'am; is that correct?

24 A. <Our> unit came from Unit 450 to stay in Unit 75 and <> we
25 were under the supervision of our supervisors who were also from

75

1 the Southwest Zone, <not North Zone> and we all were living
2 together.

3 Q. But do you recall how many weeks or months while you were
4 at Unit 75, did you stay in those empty houses in Ou Baek K'am?

5 A. I joined the Unit 75 in Ou Baek K'am and I stayed there for
6 one rainy season.

7 [14.18.50]

8 Q. Which year?

9 A. I do not remember the year. I do not know whether it was
10 during 1975 or '76. I only know that I worked for one season in
11 -- for one rainy season in the rice field and that we already
12 harvested rice by the end of our stay.

13 Q. And subsequently, I understand in your testimony you went to
14 work at the Kampong Chhnang airfield. Do you recall when that was
15 that you were sent for those six months? Was it the end of the
16 rainy season, the beginning of the dry season or was it a little
17 later, do you recall?

18 A. I was transferred from Ou Baek K'am to work at the airfield in
19 1977, but I cannot recall the exact month. However, it was during
20 the month of the dry season.

21 [14.20.33]

22 Q. Was it in the first month of 1977 or was it around the 17
23 April anniversary, can you try and see if you remember an exact
24 day or week in early 1977 when you were sent to the airfield?

25 A. As I have just said, I recall clearly it was in 1977 during a

1 dry season and now from my recollection, in terms of the current
2 practice the dry season means April.

3 Q. Let me go to another subject and come back to this topic.
4 The commander, the chief of Division 450 was Suong; is that
5 correct?

6 A. Yes, Suong was commander of Division 450.

7 Q. Do you remember who his deputy was, the number two of Division
8 450?

9 A. I only knew Suong who was the commander of Division 450 and I
10 did not know his deputies. I knew him because I met him in his
11 office when I arrived and I knew his mother-in-law and his
12 elder-in-laws, that's why I knew him rather well. As for his
13 deputies, I have no knowledge.

14 [14.22.53]

15 Q. Do you recall the moment when you heard that Suong, whom you
16 knew well, had been arrested?

17 A. I heard that he was arrested but I did not know when, and in
18 fact while I was with Division 450, I did not know that he had
19 been arrested. Only after I was integrated into Unit 75, then
20 <during the meeting, the chief of Unit 75 told me that> he had
21 been arrested <and detained>.

22 Q. So were you still at Ou Baek K'am when you heard the news that
23 Suong had been arrested?

24 A. I heard about his arrest after I arrived and stayed at Ou Baek
25 K'am and there was a meeting and the chief -- my chief of the

1 unit informed us of his arrest.

2 Q. Were you informed about the reasons for his arrest?

3 A. They did not say anything about the reason, we were only
4 <told> that senior commanders in our division had been arrested
5 <because they were traitors> and that was all.

6 Q. Have you ever heard of a commander of -- or leading military
7 commander in Division 450 named Kroeun (phonetic)?

8 A. Although I stayed in Division 450, I never heard of that name.

9 [14.25.20]

10 Q. Do you know if Suong, whom you said you knew well, was in
11 contact with commander of Division 310 named Oeun?

12 A. No. I was not aware of this relationship or communication
13 <because I was in a different battalion/regiment>.

14 Q. And have you ever been told that Suong together with others
15 had been accused of trying to stage a coup d'état in early 1977?

16 A. No, I did not hear anything about that. As I said I was in my
17 unit and I did not know anything about the affairs or events
18 occurring at other units.

19 Q. Have you heard about stories about weapons from Division 450
20 being stored in order to use these weapons for an armed
21 rebellion?

22 A. No, I did not know anything about that. I did not <know
23 anything because I was in fear. It was an authoritarian regime,
24 anybody> dare <to say> anything <would be disappeared. So> I just
25 kept my mouth shut. <I did not know about others' business. As a

1 combatant, I just tried to work hard.>

2 [14.27.26]

3 Q. Do you know whether Suong had any contacts with somebody
4 called Koy Thuon or Khuon?

5 A. No. I was not aware of any contact, and as I said, I only knew
6 Suong and I did not know any Thuon or Koy Thuon. I was simply a
7 combatant and we were not allowed to know anything of a
8 confidential nature with our superior commanders. <As a
9 combatant, we only knew when to work and when to have meal. We
10 worked according to the time set by them.>

11 Q. This morning you gave testimony saying that you did not know
12 the reasons why you were sent together with your comrades to
13 Kampong Chhnang airfield. Did I understand that correctly that
14 you have no idea why you were being instructed to go to Kampong
15 Chhnang airfield?

16 A. I was assigned to work at the airfield worksite and of course
17 we were not being sent there alone. Our unit chief was being
18 assigned there too in order to supervise our work.

19 Q. Did they -- or were you told rather why you were sent there
20 for six months?

21 A. They did not give us the reason or as to how long we had to
22 work there. We simply followed their instruction, we were sent
23 there and later on we were transferred back.

24 [14.29.45]

25 Q. Is it correct, Madam Witness, that when you arrived at Kampong

1 Chhnang airfield, there were about 1500 plus soldiers of Division
2 450 working? Let's say more than a thousand of Division 450; did
3 you know that?

4 A. Combatants from the division who were sent there, I did not
5 know the entire number of combatants from that division. I only
6 knew the number of the female unit which I belonged.

7 Q. Mr. President, I have a document in front of me -- that is,
8 E3/849, with a passage which is indeed detailed in French
9 relating to Division 450 indicating that in March '77 there were
10 1526 soldiers and six guests from Division 450 working in Kampong
11 Chhnang, so that's where I am getting my questions from.

12 Madam Civil Party, if I'm saying that in March '77 about 1500
13 Division 450 members were working in Kampong Chhnang airfield,
14 does that somehow jog your memory?

15 A. No. I do not know about the number from the division as
16 combatants were attached to various units so I had no idea about
17 the total combatants working there, I only knew about the number
18 of females in my unit or battalion. Even for us as female
19 combatants, we were prohibited from making contacts with male
20 combatants.

21 [14.32.27]

22 Q. Let me rephrase my question. When you arrived with your female
23 comrades, were there already thousands of people working at the
24 airfield, thousands of soldiers working at the airfield?

25 A. When I got there in 1977, of course I saw many people, many

1 combatants working over there all across the big airfield and I
2 did not know who was who <and what work they were doing>, I only
3 knew people who were digging the canals with me. I saw the
4 trucks, I saw the stone breaking machine, <bulldozers> and other
5 construction equipment and <I saw workers who worked around me
6 and many other workers at the site.> I believe that there were up
7 to several thousands of workers and combatants working on the
8 airfield.

9 Q. Were you able to find out how long these combatants had
10 already been working at Kampong Chhnang airfield, how long had
11 these thousands of soldiers already worked when you arrived, do
12 you know?

13 A. When I got there, there were scores of people over there but I
14 did not know when they got there and where they were from.

15 [14.34.25]

16 Q. When you started working at Kampong Chhnang airfield, you said
17 that you had to carry cement at one point. Did I also understand
18 that it was a period of two weeks that you and your female
19 comrades had to carry cement from train wagons?

20 A. As I told the Court several times, I <was sent to Kampong
21 Chhnang and> was tasked to dig canals and <then I was sent to
22 Romeas (phonetic) to carry cement. That was all of us, the whole
23 unit. We all carried> the cement <together>.

24 Q. Was it only your unit belonging to Division 450 who had to
25 carry the cement or were also other division members involved?

1 A. At that time, there were not <> any combatants from other
2 Divisions or other units coming to help actually; <all female
3 workers were from my unit, and there were no other units
4 involved, and> we were made to carry those cement bags.

5 [14.36.18]

6 Q. How were you able to establish that the bags that you were
7 carrying were around 50 kilo each?

8 A. Because other co-workers <and the chiefs> told me that it
9 weighed 50 kilogrammes per sack. I never carried <a sack of 50
10 kilogramme> cement before <and it was not different from the
11 weight of cement per sack nowadays. It was 50 kilogrammes.>.

12 Q. And who was your unit commander at that time, who was
13 instructing you and your female comrades to do the various works
14 at the Kampong Chhnang airfield? Who told you, for instance, to
15 carry the cement?

16 A. In my small unit, there was a <person> by the name of <Vin>
17 (phonetic), <> who was the commander in my small unit.

18 Q. And was she also your commander while you were stationed at Ou
19 Baek K'am?

20 A. <Vin (phonetic)> was the commander of the small unit and as
21 for the regiment, the commander was <Vin> (phonetic), and <Vin's
22 (phonetic) deputy was Pheap (phonetic), who was in charge of the
23 company. So my immediate supervisor was Vin (phonetic).> And
24 <half of us were sent> by two trucks to Kampong Chhnang Airport
25 construction site <while the other half of the female combatants

1 remained in Ou Baek K'am. And> Bong <Vin> (phonetic) was the
2 commander <of the small unit> at that time. <Vin (phonetic) was
3 with us all the time.>

4 [14.38.37]

5 Q. But was your commanding officer the same woman, the same
6 female cadre as on -- when you were stationed at Ou Baek K'am,
7 was she the same the commanding officer or was there a change
8 once you had arrived at Kampong Chhnang airfield?

9 A. When they sent me to Kampong Chhnang Airport construction
10 site, <Vin> (phonetic) was assigned to be the commander over
11 there so there was no change of commander at that time, she
12 remained the commander of our unit from Ou Baek K'am to the
13 Kampong Chhnang Airport field.

14 Q. And was there any change in her command, in the way she
15 treated you and your female comrades before and after you were
16 sent to Kampong Chhnang airfield, or was it the same?

17 A. I am afraid I do not understand the question when you talk
18 about the change; what do you mean by the change?

19 [14.40.25]

20 Q. It may be an unclear question. The way your commander gave
21 instructions to the unit, <Vin> (phonetic), was that the same --
22 did she do it at the same manner before you were working in the
23 military and you were sent to Kampong Chhnang as after, in other
24 words, was there any change in the way she commanded the unit
25 once you had arrived at Kampong Chhnang airfield?

1 A. When she got to Kampong Chhnang, her command, her attitude
2 towards commanding the unit was the same without any change.

3 Q. Did she make you work harder once she and your unit had
4 arrived at Kampong Chhnang airfield or was it -- was her command
5 the same in terms of working hours et cetera?

6 A. When she got to Kampong Chhnang, it was exactly the same as
7 when she was commanding at Ou Baek K'am. We had to work, for
8 example, from 5 a.m. in the morning -- and actually in Ou Baek
9 K'am, we had to start working from 3 a.m. in the morning, but
10 over there at Kampong Chhnang Airport airfield we had to work
11 from 5.00 until 11 a.m. and then we broke for lunch and then we
12 started work from 1.00 until almost <5.00> in the evening <and we
13 also had to work from 6 p.m. until 9 p.m.> So in terms of the
14 nature of work, it was different but her command was the same
15 basically. We had to work until 9.00 in the evening at the
16 airport <after dinner at 6 p.m., we would resume our work. She
17 was the commander and she was strict and we had to be committed
18 to our work.> So <she> was quite determined in getting <the> job
19 done and <if someone was lazy or pretended to be sick,> she
20 <would> convene some self-criticism session <to criticise that
21 person. So that was the nature of our commander>.

22 [14.43.10]

23 Q. Did she ever tell you or your comrades in the unit while you
24 were at Kampong Chhnang airfield that she was punishing you, that
25 she was refashioning you, that she was tempering you; did she

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1 ever use any of those words in relation to you or the comrades,
2 the female comrades in your unit?

3 A. At that <Kampong Chhnang Airfield Worksite>, as I told the
4 Court earlier, those who did not commit to the work, <or
5 pretended to be fatigued or sick, or walked away and did not work
6 properly. She> did not criticise <that person> at the worksite
7 but in the evening we would <be called to a meeting> and then she
8 would criticise. For example if somebody did not commit to the
9 work that has been imposed, then he or she had to try to
10 accomplish it the next time and that was the general criticism
11 she made <during the meeting>.

12 MR. PRESIDENT:

13 Thank you, Counsel; and thank you, civil party. Now it is
14 appropriate for the afternoon break for 15 minutes. We will
15 resume at 3 p.m. this afternoon.

16 And Court officer, please facilitate the civil party so that she
17 can rest during the break and then have her back in this
18 courtroom before 3 p.m.

19 The Court is now in recess.

20 (Court recesses from 1445H to 1501H)

21 MR. PRESIDENT:

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

23 Now the floor is given to the defence team to continue putting
24 the question to the civil party, and please be reminded that the
25 defence counsel have 25 more minutes altogether to put the

1 question to the civil party. You may proceed.

2 [15.02.50]

3 BY MR. KOPPE:

4 Thank you, Mr. President.

5 Q. Madam Civil Party, I do not have many questions any more for
6 you, but I do -- would like to discuss one document with you. Mr.
7 President, that is E3/1161; English, ERN 00876994; Khmer,
8 00052322; and French, 00803309. Madam Civil Party, this is a
9 report about the general situation in Divisions 310 and 450, and
10 it talks about a meeting of all brothers and sisters of Divisions
11 310 and 450 on 11 March 1977. And the report was made up by a
12 cadre called Ren. Let me read a few things from this report and
13 maybe that jogs your memory. And maybe this is the regiment
14 meeting that you were speaking about earlier. Ren says, for
15 instance, that there is a -- within Divisions 310 and 450, a
16 shortage of digging hoes. He says that living conditions in terms
17 of fish and meat had been resolved with three horse carts for
18 each unit every morning. Does this somehow jog your memory? A
19 meeting with all brothers and sisters of Divisions 310 and 450
20 together on 11 March 1977, and that Ren was chairing this
21 meeting? Does that ring a bell at all, or none whatsoever?

22 MS. KONG SIEK:

23 A. No; that I do not know. I did not know about their meeting,
24 where it was held, and what it was about. I do not know about it.

25 [15.05.45]

1 Q. But do you recall --

2 MR. PRESIDENT:

3 Mr. Victor Koppe, please hold on. Judge Jean-Marc Lavergne, you
4 may proceed now.

5 JUDGE LAVERGNE:

6 Maybe to have a precise idea about what this meeting consisted
7 of, <we should read> what the agenda <> of this meeting <was,
8 those are items> 1 to 5.

9 [15.06.15]

10 BY MR. KOPPE:

11 Q. Yes, by all means. Madam Civil Party, I will read to you the
12 agenda for the meeting. Maybe it jogs your memory. First point of
13 the meeting was to examine the ideology, politics and
14 organization of each unit; two, to examine the internal enemy
15 situation among the troops and the external enemy situation;
16 three, our tasking assigned by the Party, especially to examine
17 our spirit to full the Party's tasking; four, absolute respect
18 for the discipline of Angkar; five, the issue of the livelihood
19 of each unit; and six, various issues. When I read this agenda,
20 does that somehow jog your memory?

21 MS. KONG SIEK:

22 A. No, I do not recall that meeting. I cannot recall it at all.

23 Q. Very well. My last question, Madam Civil Party, is probably a
24 controversial question. But I'm asking because it was the
25 Prosecution who brought up the document -- document E3/1892 --

1 which is the confession of Suong. At the top of the confession it
2 says that this was written before he was tortured, as indicated
3 as well by the Prosecution, and there's a paragraph within this
4 document that talks about the division hospital and the situation
5 in the division hospital, and I would like to read this passage.
6 The problem with this document, it seems that there is only an
7 English --

8 MR. PRESIDENT:

9 Counsel Koppe, please hold on; and Judge Jean-Marc Lavergne,
10 please proceed.

11 [15.09.05]

12 JUDGE LAVERGNE:

13 Maybe it would be good to ask the prosecutor, or maybe yourself
14 <even>, what <it is that> allows you to assert that these
15 confessions were <obtained before> torture?

16 MR. KOPPE:

17 I have no idea, Judge Lavergne. I only read the first sentence of
18 this document, which says "written before he was tortured", but I
19 brought it up because the Prosecution indicated the same passage,
20 and because civil party had indicated that she had worked at the
21 division hospital, I was wanting to read a passage specifically
22 about the division hospital to her.

23 JUDGE LAVERGNE:

24 Could you ask your Khmer colleague if this mention <> also
25 <appears in> the <original> Khmer <version> of this document?

1 Apparently, the Khmer version <> does not state that this
2 confession was made before torture.

3 [15.10.20]

4 MR. KOPPE:

5 Well, that's exactly what I was about to say. There seems to be
6 only an English summary, which is about 30 or 40 pages,
7 presumably made by Steve Heder, but we don't know for sure. But
8 there is no Khmer version. There is obviously, but it's something
9 that we cannot read, and there's no French version either. So I'm
10 only citing the first sentence--

11 JUDGE LAVERGNE:

12 Well, in that case, Counsel Koppe, maybe you should not use this
13 document since we do not know exactly under which conditions
14 these confessions were obtained, given that these are confessions
15 that did come from S-21.

16 [15.11.14]

17 MR. KOPPE:

18 I would like to read it, this passage, but if you say I cannot,
19 then -- then I--

20 JUDGE LAVERGNE:

21 <> I think you can use this document if you want to refer to the
22 annotations, but <if you want to read out the content I believe
23 that that is> not appropriate. <In any case it's not appropriate
24 considering we do not know> exactly under what conditions <these>
25 confession <were> obtained.

1 MR. KOPPE:

2 I wasn't aware -- I wasn't aware yet of a ruling on this issue. I
3 -- I'm under the impression that we are still waiting for a
4 decision on this, and apparently there are contraindications as
5 to the question whether torture was used upon this commander of
6 450. But if you're saying I cannot use it, then, then, then,
7 there's nothing I can do.

8 Is that your ruling?

9 [15.12.32]

10 JUDGE LAVERGNE:

11 Yes, I think you understood perfectly well.

12 MR. KOPPE:

13 Then I have finished my questions.

14 MS. GUISSÉ:

15 Mr. President, for your information, we, <Khieu Samphan's Defence
16 team,> do not have any questions for this civil party.

17 MR. PRESIDENT:

18 Thank you.

19 Madam Kong Siek, as advised by the Chamber before we started this
20 testimony, toward the end of the testimony today, you can tell
21 the Court the suffering and the injury you sustained during the
22 Democratic Kampuchea period, particularly against the Co-Accused,
23 Khieu Samphan and Nuon Chea, that has led you to apply to join as
24 a civil party against the Co-Accused. So you may now describe the
25 suffering and the injury, including the physical, material, and

1 mental injuries, as well as personal injury sustained during that
2 period, and their consequences to date if you have any. You may
3 proceed.

4 [15.14.15]

5 MS. KONG SIEK:

6 Thank you, Mr. President. I would like to ask your permission,
7 Your Honour, to describe the sufferings that <my family and> I
8 have endured. I would like to ask one question. I was at the rear
9 <battlefield>, and my family were evacuated into the jungle, and
10 in the meeting they said that they waged this revolutionary
11 action in order to <liberate> the people. So <when I joined the
12 revolution from> 1973 to 1974, and they said that it was for the
13 liberty of the people, and they wanted liberty for my family and
14 the people, but unfortunately they evacuated my family <members
15 and relatives> into the jungle, and they did not give us
16 sufficient food to eat, and we were subjected to very harsh
17 labour. And we had to plant <cassava and> transplant rice, and we
18 had to work in the rice field. <We did not have proper clothes.>

19 [15.15.18]

20 So where was the liberty? Where was the freedom for all of us?
21 Where was the wellbeing of the people? We were subjected to
22 enslavement during that period. That's why I would like to ask
23 this Court to seek justice for me. And it was very painful for us
24 <at the rear battlefield. All of our cattle and clothes were
25 taken as a collective commodity>. My family did not have access

1 to sufficient food <and there was no freedom for us>. Actually,
2 during this regime, they enslaved the people at that time. My
3 father did not have the underwear, and he asked for a <pair of
4 shorts> from them, and then they said <no. My father said if
5 they> did not <give> him <any shorts,> he would go naked without
6 <anything to cover. They then took my father to be reprimanded,
7 and then they took me to be reprimanded as well>. So that was the
8 situation, and <after the collapse of Phnom Penh> in 1975, <I
9 thought the rear battlefield was very difficult. And when I saw
10 my brother come to visit my family at the village after the
11 liberation, I asked to join the battlefield. When I arrived at
12 the front battlefield in 1975,> as I told the Court earlier, <> I
13 stayed in the <Ruessei Keo> hospital, and then they sent me <> to
14 Ou Baek K'am. I was subjected to hard labour over there. They
15 made me to work in the rice field. They did not give me enough
16 food. They <> made me sleep along the <dike at the> rice field,
17 and I was suffering from malnutrition <and was very skinny>. And
18 I ate a lot of other, you know, things instead of rice, whatever
19 I could find to eat. <But I dared not let any cadre know. I ate
20 with caution with other co-workers along the rice dike. They said
21 there was freedom.>

22 [15.17.14]

23 So where was the freedom? Where was the liberty that they told us
24 when they evacuated us? That's why I count on this Court to find
25 justice for me. When I was sent to Kampong Chhnang, I was made to

1 carry earth and to dig the canals even if my hands <were
2 bleeding, got blisters and> could hardly hold the hoe anymore,
3 but I was forced to continue working <day and night>. I had to
4 work because I feared for my life. If I did not do as what they
5 order us to do, I would not have survived. So I had to carry, for
6 example, they made me carry the cement. I could not carry that
7 cement because it was too heavy and my physical strength was not
8 strong enough to carry it. <I walked in lower and bent posture
9 like a duck>, but they had to make me do it, that's why it
10 affects my body. I had suffered, and now I am still suffering
11 from that overwork. <My chest and waist have been in pain.> I am
12 on regular medication <such as high blood pressure and blood
13 vessel>, that's why I can live until today. So <> the questions
14 that I would like to ask to them: Where was the liberty they
15 promised us? Where was the liberty <when people were subject to
16 enslavement?> So I hope that this Court will find justice for us.
17 <I would like to conclude my statement now.>

18 [15.18.37]

19 MR. PRESIDENT:

20 Do you have any specific question you intend to put to the
21 Co-Accused, Mr. Nuon Chea and Mr. Khieu Samphan? If you do, you
22 can be brief and specific on that question, and you can ask that
23 question through us, through the Judges and me, the President of
24 the Bench.

25 MS. KONG SIEK:

1 My <final> questions that I would like to put to them through Mr.
2 President, that I have suffered painfully though this regime. I
3 would like justice to be done so that I can feel relieved after
4 this.

5 MR. PRESIDENT:

6 Thank you. The hearing of the testimony of civil party Kong Siek
7 is coming to a conclusion now, and then we will continue <to hear
8 the testimony of> TCW-943 in the next proceedings.

9 Madam Kong Siek, the Chamber wishes to thank you for coming to
10 testify on the suffering and injury you endured during the
11 Democratic Kampuchea. Now your testimony is coming to an end, so
12 you may now go back to your home, or to anywhere you wish to go.
13 And on behalf of the Bench, I wish you all the best of luck and
14 good health and safe journey back home. And we also like to thank
15 the TPO staff for accompanying this civil party during her
16 testimony. Now it is coming to an end of this testimony, so you
17 may go back now, and Court officer, is instructed to help the
18 civil party to return to her home <or to anywhere she wishes to
19 go>. And the Chamber calls TCW-943 to come to the courtroom now.

20 (2-TCW-943 enters courtroom)

21 [15.22.58]

22 QUESTIONING BY THE PRESIDENT:

23 Q. Good afternoon, Mr. Witness. What is your name?

24 And please be advised that you have to wait until your mic is
25 activated before you speak.

1 MR. SEM HOEURN:

2 A. My name is Sem Hoern. I live in Kampong Thom province, Baray
3 district, in Bak Sna commune.

4 Q. Thank you. Besides your name, Hoern, do you have any alias?

5 A. During the Pol Pot era, my name was Sem Hoern.

6 Q. Do you have any alias?

7 A. None.

8 [15.24.11]

9 Q. How about Kim, Kim?

10 A. Sem Kim.

11 Q. That is why I asked you. Before, your name was Kim, was that
12 correct? And now your name -- your full name is Hoern, Sem
13 Hoern?

14 A. Yes, that is correct.

15 Q. When were you born?

16 A. I do not remember it.

17 Q. How old are you this year?

18 A. I am 63.

19 Q. What do you do for a living, Mr. Sem Hoern?

20 A. I am a farmer, Mr. President.

21 [15.25.28]

22 Q. What is your father and mother's name?

23 A. My father's Sem and my mother Khut. Both of them have passed
24 away.

25 Q. How about your wife? What is her name, and how many children

1 have you got?

2 A. My wife Morm Ly. We have six children.

3 Q. Thank you, Mr. Sem Hoeurn. To the best of your knowledge, do
4 you have any connection, by blood or by law, to the Co-Accused,
5 Mr. Khieu Samphan and Mr. Nuon Chea, and those who are admitted
6 as the civil parties to Case 002?

7 A. None. I am not related to any of them.

8 Q. Thank you. Now, before you come to the Court, have you taken
9 an oath?

10 A. Yes, I have.

11 [15.26.56]

12 Q. Thank you. Mr. Sem Hoeurn, now I wish to advise you of your
13 rights and duty before the proceeding. Mr. Sem Hoeurn, as a civil
14 -- as the witness before this Chamber, you may reject to respond
15 to any question or comment which may incriminate you. That is the
16 right against self-incrimination. And as for the duty of you as a
17 civil party, you shall respond to the question put by the parties
18 as well as the Chamber, unless the question or any comment
19 elicited which may amount to your self-incrimination, which I
20 have just advised you. So as a witness, you have to answer and
21 tell the truth and nothing but the truth. So you have to tell the
22 Court what you have heard, what you have seen and what you have
23 experienced by yourself.

24 Mr. Sem Hoeurn, have you ever testified or provided any testimony
25 to the investigator of the Office of Investigating Judges before,

1 and if you have, how many times have you conducted this interview
2 with them, and where were the interview taken place?

3 A. I have provided testimony to the investigator in Andaot
4 village, in Bak Sna commune, Baray district, Kampong Thom
5 province, but as to how many times I gave this interview, I do
6 not recall.

7 [15.28.52]

8 Q. Before coming before this Chamber, Mr. Sem Hoeurn, have you
9 reviewed or read your record of interviews conducted with the
10 investigators of the Office of Investigating Judges in order to
11 recollect what you have told them?

12 A. I have already read all of them, but I have recollected some
13 of them only.

14 Q. To the best of your knowledge and recollection, the records of
15 interviews that you have just read or reviewed, are they
16 consistent or -- with what you gave to the investigator during
17 the interviews?

18 A. Yes, they are correct, and they are consistent as well.

19 MR. PRESIDENT:

20 In the examination of this witness in question, in pursuant to
21 Rule 91bis of the Internal Rules, the Chamber wishes to give the
22 floor to the prosecutor to -- and the Lead Co-Lawyer for the
23 civil party to proceed. You have three sessions to put the
24 question to this witness, you may proceed now.

25 [15.30.43]

1 QUESTIONING BY MR. KOUMJIAN:

2 Thank you, Mr. President.

3 Q. Good afternoon, sir. I want to start by just asking you some
4 questions, basic questions about your background. Is it correct
5 that you only went to school one year?

6 MR. SEM HOEURN:

7 A. Please repeat your question.

8 Q. Sir, how much schooling do you have?

9 A. I studied when I was young in 1968, and I was in grade 12 in
10 the old educational system.

11 Q. Is it correct then to say that you studied for one year?

12 A. That is true. I studied for a year, and then there was a coup
13 d'état.

14 Q. Did you ever have the opportunity to be a monk? Have you ever
15 been a monk?

16 A. No, because by that time, <all> the monks were forced to
17 <defrock>.

18 [15.32.20]

19 Q. When you say "at that time the monks were forced to disrobe",
20 in what period of time were the monks forced to disrobe?

21 A. Monks were forced to <defrock> in 1971. They were forced to
22 ride bicycles, to engage in labour. And that was the beginning of
23 the period when monks were forced to do that.

24 Q. Who was it that forced the monks to disrobe?

25 A. The monks were <> forced to <defrock> by Pol Pot and the Khmer

1 Rouge.

2 Q. Okay, thank you. So given that you only had the opportunity to
3 study for a year before the coup and were never a monk, would you
4 say that you can read well, or do you have problems reading?

5 A. I can do a little writing and reading, but not that much.

6 Q. You indicated you read statements that you previously made.
7 What I have is two statements you made to the Court, that are
8 rather short, to investigators from the ECCC Court, and a longer
9 interview that you made with someone called Sochea from DC-Cam,
10 from Phan Sochea. Did you read over all three of these?

11 A. I did; however, the statements were made quite long time ago,
12 so I cannot recall all the details.

13 [15.34.450]

14 Q. I did not get any interpretation, but it could be my -- I
15 don't know if anyone else missed it. Yes. Thank you. I was
16 informed by my colleague that you said you read all three. So did
17 you notice that there were inconsistencies between the three?

18 A. I read all three statements, and to my understanding, they all
19 consistent.

20 Q. Okay. Sir, do you recall the zodiac sign that you were born
21 under? You know what I mean, the Chinese sign, the year of the
22 monkey, the year of the -- what year were you born under?

23 A. I was born in the year of the horse.

24 Q. Sir, the year of the horse, one of them is 1943, which -- do
25 you remember the month you were born?

1 A. No. I only knew that I was born in the year of the horse, and
2 it was a Thursday. <But I cannot recall the month.>

3 [15.37.59]

4 Q. In one of your statements at ERN in English, 00205079, it says
5 you were born in November; is that -- you don't recall whether it
6 was November or not? Do you know if it was November or not?

7 A. No, I cannot recall that. I only recall that it was Thursday
8 when I was born.

9 Q. Okay. Well, if you were born in November, or any time after
10 April 1943, the year of the horse, then in April 1970, you would
11 have been 16 years old. Does that sound about right?

12 A. Yes, I think it sounds about right because <in 1968, I was 18
13 and> I was around 19 years old <when I was drafted to be a
14 soldier> in 1970.

15 Q. Well, what are you more sure of: the age you were in 1970 or
16 the fact that you were born in the year of the horse?

17 A. I think it is more correct to say that I was born in the year
18 of the horse.

19 Q. Okay, thank you. Sir, when did you get married?

20 A. I got married in 1979.

21 Q. So were you married or single during the Democratic Kampuchea
22 period?

23 A. During the DK period, <I was single>--

24 [15.39.45]

25 Q. I'm sorry, I didn't get that, so I'm just going to ask my--

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1 Now, sir, did you join at some point after the 1970 coup, did you
2 join a force, a military force?

3 MR. PRESIDENT:

4 Witness, please be mindful with the microphone operation.

5 MR. SEM HOEURN:

6 A. In 1972, I was a soldier at the front battlefield.

7 BY MR. KOUMJIAN:

8 Q. Who were you a soldier for? What movement or force did you
9 join?

10 MR. SEM HOEURN:

11 A. At that time, I served in the army for the Front for the
12 National Salvation.

13 [15.41.15]

14 Q. Okay, thank you. What units did you serve in during the time
15 that you were a soldier?

16 A. I was <within> Division 310, <> Regiment 12<,> Battalion 123,
17 and <Company 5>.

18 Q. Do you recall the company, the name of the company you were
19 attached to?

20 MR. PRESIDENT:

21 Mr. Witness, you <cannot> refer to <a document to respond>.

22 Please, try to recall it from your memory, and if you cannot
23 recall the details, you simply say so, thank you.

24 And do you recall the last question? If not, please Mr.

25 Co-Prosecutor, repeat your last question. It seems that the

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1 witness forgets it.

2 BY MR. KOUMJIAN:

3 Q. Sure. Sir, if at any time you don't remember something, or
4 don't know the answer, please just tell us that. We don't want
5 you to guess at answers. There's nothing wrong with saying you
6 don't know. We want you to just tell us what you saw and heard,
7 what you can recall.

8 Do you recall the name of the company that you were associated
9 with? You said you were in Battalion 123, Regiment 12, do you
10 recall the name of the company?

11 Sir, we didn't get your answer. Can you just repeat it? Do you
12 recall the name of the company? Wait for the microphone light to
13 go on.

14 [15.44.36]

15 MR. SEM HOEURN:

16 A. It was Company 5.

17 Q. Okay, thank you. Now, I want to start with April 1975, when
18 the Khmer Rouge entered Phnom Penh. Do you recall where you were
19 then?

20 A. In 1975, I entered Phnom Penh, and I was stationed in the area
21 of the Central Market and Wat Phnom.

22 Q. What was your position then? Were you with Company 5,
23 Battalion 123?

24 A. In 1975, I was attached to that company.

25 Q. And sir, were you a messenger, were you a regular soldier?

1 What was your position?

2 A. I never worked as a messenger. I was a soldier on the ground.

3 [15.46.35]

4 Q. Sir, who was the commander of the company?

5 A. I cannot recall the name of the company commander. It's been
6 so many years now.

7 Q. Thank you. Do you recall the name of the battalion commander,
8 Battalion 123, at that time?

9 A. For the battalion, the commander was Et.

10 Q. Thank you, and how about the regiment, again at the time when
11 Phnom Penh was taken by the Khmer Rouge in April 1975, who was
12 the commander of Regiment 12?

13 A. I do not recall the name of the regiment commander because not
14 long after we entered Phnom Penh, he was arrested.

15 Q. Okay, thank you. How about the name of the commander of the
16 division?

17 A. It was Oeun who was the commander of the division.

18 Q. Now you said that the commander of the regiment was arrested
19 not long after you -- after the fall of Phnom Penh to the Khmer
20 Rouge. Do you know why he was arrested?

21 A. I do not know the reason, but I only heard that he was
22 arrested.

23 [15.48.56]

24 Q. How about you, sir? Were you ever arrested by the Khmer Rouge?

25 A. No, I was never arrested. However, my activities were being

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1 monitored, as I was accused of having a connection to the
2 traitorous network since the division commander was accused of
3 being a traitor.

4 Q. By the way, in your Division 310, were most of the -- your
5 comrades, your fellow soldiers, from the same areas, from that
6 part of the country, where you were from?

7 A. Soldiers came from various sectors, provinces throughout the
8 country.

9 Q. Were there many in your division from Kampong Thom?

10 A. Most of the soldiers in the company came from Kampong Thom and
11 Kampong Cham, while others came from other provinces, but the
12 majority came from Kampong Thom<, the North Zone>.

13 [15.50.48]

14 Q. Now you said that the head of the regiment was arrested and
15 accused of traitorous activities, and you were then monitored for
16 links. Were you engaged in traitorous activities yourself, sir?

17 A. I was accused of having a connection with a traitorous link
18 since the head of the regiment was arrested, and the head of the
19 division was also arrested, so all the soldiers working under
20 that division were considered of having connection to the bad
21 composition or the bad element.

22 Q. Were any of the soldiers that you knew of -- well first of all
23 you, sir, were you a member of a KGB or CIA network?

24 A. No. I was never involved with any CIA link or connection, or
25 neither KGB. I only heard the slogan used by Pol Pot that our

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1 divisional commander was a traitor, and our regiment commander
2 was also a traitor, so we were accused of being linked to the KGB
3 and the CIA networks. <It was called traitorous political
4 tendency.>

5 Q. Okay, thank you. How about your siblings, by the way? You had
6 some siblings; is that correct? You have brothers?

7 A. I had four siblings: three brothers and one sister. The eldest
8 brother was taken away and killed during the Pol Pot time. I
9 survived and my older sister and brother also survived.

10 [15.53.35]

11 Q. Do you know why your brother was taken away and killed during
12 the Khmer Rouge period?

13 A. My elder brother was taken away because I was alleged for
14 linking to a traitorous network.

15 Q. So because you were alleged to be part of a network, your
16 brother was killed? Is that what you're telling us? Do I
17 understand you?

18 A. Yes, after they monitored me, they said that we were having a
19 connection to the traitorous network, and all soldiers from the
20 North Zone were accused of having that link.

21 Q. Sir, was your brother in Division 310 or in another North Zone
22 division?

23 A. No, he did not stay with me. He was in a separate unit. He --
24 I was in Division 310, and he was a sector soldier, although I
25 did not know his division, and I only met him once in 1975.

1 [15.55.25]

2 Q. Did your brother have a previous position in the government of
3 the King Father Sihanouk?

4 A. During the Sangkum Reastr Niyum, he had a relationship with
5 police and military officers, and in fact he actually had a
6 connection with the former officers as he was trying to find the
7 network of the Khmer Rouge.

8 Q. Do you know if it was his connections to Sihanouk's former
9 government, if that had anything to do with his being killed?

10 A. At that time, I was pretty young, and that's what I saw, and I
11 saw that he had a connection with former military and police
12 officers, as he was working for them in searching out for the
13 network of the Khmer Rouge, and that happened in 1968, <when the
14 Khmer Rouge force started to form>. And later on, I did not know
15 what was going on with him.

16 Q. Sir, just so that we have that name of your brother, may I ask
17 you please to tell us, what was the name of your brother who was
18 killed by the Khmer Rouge?

19 A. <In Chet> (phonetic) was his name. <In> (phonetic) was the
20 surname, and <Chet> (phonetic), that's his name. And in fact, my
21 surname Sem came from my father. My father's name was Sem.

22 [15.57.46]

23 Q. Let me ask you about the division commander, Oeun, who you
24 said was arrested, do you know when he was arrested?

25 A. I remember that the arrest happened towards the end of 1975,

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1 although I cannot recall the exact month.

2 Q. Let me try to help you a little bit, or you can help us. Where
3 were you when you heard that Oeun was arrested? Do you remember?

4 A. I was working in a rice field in Tuol Kork.

5 Q. Did you also hear about the arrest of the Northern Zone
6 secretary, former Northern Zone secretary, Koy Thuon?

7 A. I heard about that as we were told. We were told <Ta Thuch,
8 Ta> Koy Thuon <were> arrested as <they were> part of the
9 traitorous network, and after that my military division commander
10 was arrested. And we were told that we soldiers had to go to
11 attend the study session. And we were instructed to line up in
12 Wat Phnom. And then the Southwest people came to take over. <They
13 ordered me to take my shirt off and put my hands up for them to
14 conduct the search.> After they conducted the search, <they told
15 us to put our shirts back on, and> they said that our commanders
16 were part of the traitorous network and they were traitors <and
17 so were the rest of us>. That's what we were told.

18 [16.00.15]

19 Q. Sir, was it unusual during the period of Democratic Kampuchea
20 for the Khmer Rouge authorities to tell you after they arrested
21 or executed someone that this person was part of a traitorous
22 network? Was that unusual? Did that happen once in a while or?
23 Can you tell us?

24 A. I received that information once <in a while>, and I cannot
25 attest to the fact that whether such information was relayed

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1 <daily or every time anyone was arrested or executed>.

2 Q. Now you had fought under Oeun's command in various
3 battlefields; is that correct?

4 A. Yes. I participated in many battlefields<, almost in all>
5 battlefields in the North Zone<. I did not miss any battlefields>
6 as I <had been a> soldier since 1970.

7 Q. Can you just briefly tell us some of the places that you
8 fought under Oeun's command?

9 A. Yes, I can do that. In 1973, I participated in a battlefield
10 in Siem Reap, in Oddar Meanchey, and in late '73, I was
11 transferred from Oddar Meanchey to defend Angkor Wat for a year.
12 And when planes were withdrawn <from Cambodia>, I was assigned to
13 Kampong Cham battlefield, then to Preaek Pnov battlefield, then I
14 was deployed to a battlefield in Angk Snuol -- that is, in
15 Kampong Speu province. These are some of the battlefields that I
16 participated in.

17 [16.03.13]

18 Q. I have many more questions, Your Honour.

19 [16.03.23]

20 MR. PRESIDENT:

21 Thank you, Deputy Co-Prosecutor. Today hearing has come to an
22 adjournment. We adjourn today and resume Monday, 22nd June 2015,
23 commencing from 9 o'clock in the morning. For the hearing on
24 Monday, the Chamber will continue to hear the testimony of this
25 witness, Sem Hoearn. And after that, we hear the testimony of a

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1 witness, 2-TCW-901. And please be informed that for tomorrow and
2 after tomorrow, there will be no hearing, as they are National
3 holidays. So please be advised.

4 Mr. Sem Hoern, the Chamber is grateful of your time and
5 testimony. However, it is not yet concluded, and you are again
6 invited to return to testify on Monday next week commencing from
7 9 o'clock in the morning. And you are now excused.

8 And Court officer, please, in collaboration with WESU, make
9 necessary arrangement to transport the witness to the place where
10 he is staying, and invite him to return to this courtroom on
11 Monday next week, commencing from 9 o'clock.

12 Security personnel, you are instructed to take the two Accused,
13 Nuon Chea and Khieu Samphan, back to the detention facility, and
14 have them returned to attend the proceedings on Monday 22nd June
15 2015 before 9 o'clock.

16 The Court is now adjourned.

17 (Court adjourns at 1605H)

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