



អគ្គនៅក្នុងព្រះទេសចរណ៍ជាតិកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
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អគ្គនៅក្នុងព្រះទេសចរណ៍ជាតិដៃទី

Trial Chamber

Chambre de première instance

ឯកសារដើម

ORIGINAL/ORIGINAL

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

03 July 2013
Trial Day 204

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

Trial Chamber Greffiers/Legal Officers:

Roger PHILLIPS
DAV Ansan

For the Office of the Co-Prosecutors:

VENG Huot
William SMITH
SONG Chorvoi
Keith RAYNOR

For Court Management Section:

UCH Arun
SOUR Sotheavy

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:

SON Arun
Victor KOPPE
KONG Sam Onn
Arthur VERCKEN

Lawyers for the Civil Parties:

Élisabeth SIMONNEAU-FORT
LOR Chunthy
Christine MARTINEAU
VEN Pov
SIN Soworn

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MS. EK HEN (TCW-164)	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MS. MARTINEAU	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. RAYNOR	English
MS. SIMONNEAU-FORT	French
MS. SIN SOWORN	Khmer
MR. SMITH	English
MS. SONG CHORVOIN	Khmer
MR. SUM ALAT (TCW-689)	Khmer
MR. VERCKEN	French

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Case No. 002/19-09-2007-ECCC/TC

03/07/2013

1

1 P R O C E E D I N G S

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 As we scheduled, today the Chamber will hear the testimony of a

6 witness, TCW-164.

7 Dav Ansan, could you report the attendance of the parties and

8 individuals for today's proceedings?

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all parties are present.

11 As for Nuon Chea, he is present in the holding cell downstairs,

12 pursuant to the decision by the Trial Chamber concerning his

13 health.

14 The National Lead Co-Lawyer for civil parties is absent due to

15 his personal business.

16 As stated by the President, today we will hear the testimony of a

17 witness, TCW-164. The witness took an oath yesterday, and to the

18 best knowledge the witness has no relationship by blood or by law

19 to any other civil parties in connection to this case, nor to any

20 of the two Accused. The witness is ready to be called by the

21 Chamber.

22 [09.06.28]

23 We also have a reserve witness – that is, TCW-689 – who already

24 took an oath and confirmed the witness has no relationship by

25 blood or by law to any of the two Accused or any of the civil

1 parties.

2 Thank you.

3 MR. PRESIDENT:

4 Thank you.

5 Counsel Victor Koppe, you may proceed.

6 MR. KOPPE:

7 Thank you, Mr. President. Good morning. Good morning, Your
8 Honours. Good morning, Counsel. I have two very brief points to
9 raise, Mr. President, before we start with this witness. One
10 point is, in fact, relating to this particular witness, and the
11 other point I would like to raise is about tomorrow's witness.
12 Starting with today's witness, yesterday evening we received an
13 email from the Prosecution saying that some documents will be
14 shown to this witness. Some of these documents are, it seems,
15 photos.

16 [09.07.45]

17 I don't think we have a problem with this late notice of photos
18 to be shown to this witness. We do have a problem, however, with
19 the document E3/1662, which is a 370-page document and which is a
20 document which wasn't put on the interface before the deadline of
21 yesterday, 12 o'clock.

22 Now, normally we are all about flexibility when it comes to
23 documents which are to be shown to witnesses. So, normally we
24 wouldn't have a problem with this. However, as I understand, when
25 we tried to put documents on the interface the day before, at 12

1 o'clock, it seems to be a very strict deadline.
2 So, if you allow this document E3/1662 to be presented to this
3 witness, I would hope the Trial Chamber would grant us the same
4 flexibility when, at one point, we might be late. Otherwise, if
5 you feel that the rules should be strictly applied when it comes
6 to placing documents on the interface, then, of course, that is
7 up to your Chamber.

8 But I would like to raise that particular point before we start
9 with this witness.

10 [09.09.14]

11 My second point is in relation to the witness tomorrow.
12 Your Chamber is aware that we have asked specifically to have
13 this witness appear before you. However, this witness was also on
14 the list of the Prosecution, and it is, as you know, already on
15 the list of proposed witnesses, experts, and civil parties.
16 And we'd just like to have confirmation from the Chamber that it
17 is the Prosecution that will start questioning TCW-689 tomorrow
18 and that the Defence will start afterwards with their
19 cross-examination. We would like to know that in advance, and
20 preferably as early as possible.

21 Thank you.

22 MS. SONG CHORVOIN:

23 Thank you, Mr. President. And good morning, Mr. President and
24 Your Honours. I would like to respond to the submission by Nuon
25 Chea's counsel regarding this document.

1 [09.10.30]

2 During the process of preparing the questions for this witness,
3 we came across some important information regarding the photos of
4 those who are related to this witness and other photos of people
5 that this witness may know as they worked together. And we also
6 found that the photos could be found through the DC-Cam library.
7 And during the conduct of the research, we worked with DC-Cam and
8 we only obtained the photos from DC-Cam yesterday afternoon –
9 that is, around 5.30 p.m.

10 And the Prosecution is of the view that the photos that we would
11 request to be shown to the witness are of an important nature and
12 – to assist the Chamber in seeking the truth.

13 And for that reason, the witness was shown a photo of his
14 relatives during the interview with DC-Cam, and the photos of the
15 relatives of this witness, so far, have (sic) not bear any
16 reference – either D number or E number.

17 And I would like to put the questions to the witness in order to
18 get to know the relationship between the witness, and the photos,
19 and the people in the photos.

20 [09.12.27]

21 And in another photo that we just found this morning before the
22 hearing – we would like to submit that, too. That is photo
23 D108/3.3 and P1184.

24 The document raised by Nuon Chea's counsel is E3/1662. That
25 document is more than 30 pages long, but we will – more than 300

1 pages long, but we only take ERN 00171490 in order to clarify the
2 name of the individuals that the witness may know.

3 And during the course of the preparation for this witness, we
4 also received information that the witness will be called on the
5 25th of June 2013, and for that reason, we did not have time to
6 submit it to the interface.

7 And based on Rule 87.4, I submit that the Chamber accept these
8 documents.

9 [09.14.13]

10 MR. VERCKEN:

11 Thank you, Mr. President.

12 I believe that my learned colleague is misinforming the Tribunal
13 on the question of how the Prosecution did or did not become
14 aware of the existence of these photographs. It's wrong to say
15 that these photographs were presented to the witness on the 6th
16 of July 2003, during a DC-Cam interview, because during that
17 DC-Cam interview, the witness mentioned the fact that she already
18 had the photographs. But the DC-Cam people do not mention that,
19 only mentioning a biography, which is that of her brother. That's
20 the first thing. So, since the 6th of July 2003, there has been a
21 DC-Cam interview record, during which the person says that they
22 had the photograph in their position, but DC-Cam doesn't show it.

23 [09.15.12]

24 Moreover, the photograph has a Case File Number 1 code which
25 implies that it was easily accessible to the Prosecution's

1 services, without needing to go through the more complicated
2 services, perhaps, in DC-Cam. It is simply available in the file
3 for Case 001.

4 And so I would tend to endorse what my colleague of the Defence
5 has said, which is that the Prosecution services here are going
6 beyond the limitations that they themselves have established for
7 putting documents onto the interface, and they are communicating
8 documents to us several hours late – which have been available
9 for a very long time, in fact – and orally request the submission
10 of new documents on the 87.4 Rule. And on our side, when we've
11 made such requests, we were always told that we had to do it in
12 writing.

13 And so that is why we oppose the submission of these photographs
14 by the Prosecution bench.

15 Thank you, Mr. President.

16 [09.16.42]

17 MR. KOPPE:

18 Mr. President, if I might add just a small remark, the answer of
19 the Prosecution seems also to indicate that we're talking about
20 photos in relation to S-21, and I'm not quite sure how these
21 photos and the related documents are in the scope of this present
22 trial. So, we also seem to have now a scope of the trial
23 discussion or point – or problem added to the problem already
24 raised by me and my colleague.

25 MR. PRESIDENT:

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1 Thank you.

2 The Prosecution, you may proceed.

3 MS. SONG CHORVOIN:

4 I would like to respond briefly to the submission on the photo
5 that was shown to the witness during the interview or at a later
6 stage.

7 [09.17.40]

8 In fact, the photos are attached to the biographies, and I will
9 not refer to the four biographies. I submit that we only show the
10 photo to the witness and want to confirm the relationship of the
11 witness to those in the photos.

12 And, in fact, the witness was notified by the Chamber that the
13 witness shall be – would be testified (sic) on the 25th of June,
14 but – and we did not have sufficient time to gather all these
15 documents, and only recently that we received the photos from
16 DC-Cam.

17 And the photo was actually requested by the Chamber during the
18 testimony of witness Kim Vun.

19 And for that reason, I submit that the Chamber accept these
20 documents.

21 (Judges deliberate)

22 [09.23.48]

23 MR. PRESIDENT:

24 Judge Cartwright, please proceed.

25 JUDGE CARTWRIGHT:

1 Thank you, President.

2 The Chamber has two or three questions to ask the prosecutors and
3 the Defence.

4 There appear to be two categories of documents. The first are the
5 – appear to be photographs, and at least some of those appear to
6 be new documents. Is that the situation?

7 MS. SONG CHORVOIN:

8 Yes, there are two kinds of documents: one is E3/1662, which is a
9 list of prisoners prepared by our office in 2008; and the second
10 type of document is photographs, and there are two photographs –
11 one doesn't bear any reference E or D number, and the second one
12 is D108/32.3 to P1184. It is part of Case 001 and it was used in
13 Case 001.

14 [09.25.18]

15 JUDGE CARTWRIGHT:

16 So, I am asking only about the photographs at this stage. Are
17 both the photographs, in effect, new documents – that is,
18 documents that have not been put before the Chamber?

19 And, obviously, neither has been assigned an E3 number. Is that
20 correct? Set aside the S-21 list for the moment, please; just the
21 photographs.

22 MS. SONG CHORVOIN:

23 That is correct, those photos do not have any E number.

24 JUDGE CARTWRIGHT:

25 And there are two photographs. Is that correct?

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1 MS. SONG CHORVOIN:

2 Yes, there are two photographs.

3 [09.26.10]

4 JUDGE CARTWRIGHT:

5 Now I'm moving to the document E3/1662. That is the list of
6 prisoners at S-21 that has been referred to in Court on previous
7 occasions. Is that correct?

8 MS. SONG CHORVOIN:

9 Yes, that is correct.

10 JUDGE CARTWRIGHT:

11 Thank you.

12 Now, the Defence.

13 Mr. Koppe, at first you indicated you had no real problem with
14 the introduction of two new photographs. Do you object to those
15 coming in as new documents under Rule 87.4?

16 [09.27.00]

17 MR. KOPPE:

18 To be honest, Judge Cartwright, I do not really object. Like I
19 said earlier, I'm all about flexibility, especially when it comes
20 to photos. They're not long documents. I just hope that we, in
21 the future - the near future - will be extended the same
22 flexibility. So, this will be my point.

23 JUDGE CARTWRIGHT:

24 Well, thank you for that indication.

25 Perhaps, while you're still on your feet, the long document is

10

1 now clarified as one that we're all quite familiar with, and
2 although the recording of it on the daily interface is an
3 indication that the Chamber has given strongly to the Parties, it
4 is indeed a courtesy.

5 And the Chamber is inquiring if you have any major objection to
6 it being used today - some principled objection.

7 [09.28.00]

8 MR. KOPPE:

9 Again, Judge Cartwright, we don't. It's the same discussion.
10 Sometimes we are preparing at the last moment, and if we would
11 have the same flexibility - we're not always exactly in time, at
12 12 o'clock. That is our only point, really.

13 JUDGE CARTWRIGHT:

14 Well, thank you. The Chamber will certain bear that comment in
15 mind. Thank you, Mr. Koppe.

16 Mr. Vercken? Mr. Vercken, I have the same questions to put to
17 you.

18 Do you object to the two photographs coming in as new evidence
19 under Rule 87.4?

20 MR. VERCKEN:

21 Yes.

22 JUDGE CARTWRIGHT:

23 What is - what is the basis for your objection, please?

24 [09.28.49]

25 MR. VERCKEN:

1 The total absence of flexibility; I'm an elderly man.
2 No, seriously, I think that these things have been available for
3 a long time, and the Prosecution has called for the appearance of
4 this witness, and for weeks, if not months, we have been told
5 that these witnesses belong to the top 5, top 10, top 20 -
6 goodness knows what - that there has been time to prepare for
7 them. And on our side we have considerable less resources and
8 many difficulties in submitting documents. We are denied certain
9 - certain resources. And I don't really see why the flexibility
10 should be granted to the - to the Prosecution only.

11 But of course if, the lady could see a photocopy, then perhaps my
12 opinion would change.

13 [09.30.00]

14 JUDGE CARTWRIGHT:

15 Mr. Vercken, the second issue is the S-21 list of prisoners,
16 E3/1662. This is a document that has been referred to on a number
17 of occasions during this trial. Do you have any principled
18 objection to it being examined today, with its only defect being
19 that it was not on the daily interface?

20 MR. VERCKEN:

21 No.

22 JUDGE CARTWRIGHT:

23 Thank you very much.

24 (Judge deliberate)

25 [09.33.35]

1 MR. PRESIDENT:

2 The Chamber wishes to inform the parties to the proceedings
3 regarding the request by the Co-Prosecutor to put these documents
4 before the Chamber.

5 First, document E3/1662, which is document bearing number E3.
6 This document was already put and debated before the Chamber in
7 the past, and that counsels for the Accused did not object to
8 that, and it has already been confirmed recently. And the
9 Co-Prosecutor is now submitting that this document be put before
10 the Chamber during the examination of the witness.

11 So this document shall be allowed.

12 And regarding the two photos in the Co-Prosecutors' submission,
13 the Chamber notes that the prosecutor has failed to follow what
14 has been written in the Internal Rule 87, subparagraph 4.
15 Nonetheless, since this witness appears before the Chamber and to
16 be flexible enough, the Chamber allows the Co-Prosecutor to put
17 these documents during the examination of this witness.

18 [09.35.10]

19 And in response to counsels for Nuon Chea regarding the testimony
20 of TCW-689, this witness has been requested by both counsels for
21 Mr. Nuon Chea and the Co-Prosecutor. And in principle, if a party
22 requests first, then the opportunity to put questions to the
23 witness would be for the first party who made such request, and
24 the other parties to the proceedings would then be allowed to
25 also have the opportunity to put some questions to the witness.

1 For TCW-689, we still maintain our practice as we did. The
2 Co-Prosecutors and the Lead Co-Lawyers will have to begin putting
3 questions for this witness before counsels for Mr. Nuon Chea and
4 Khieu Samphan.

5 Next, court officer is now directed to bring in the witness into
6 the courtroom.

7 (Witness Ms. Ek Hen enters the courtroom)

8 [09.38.08]

9 QUESTIONING BY THE PRESIDENT:

10 Good morning, Madam Witness.

11 Q. What's your name?

12 MS. EK HEN:

13 A. Very good morning, Mr. President and Your Honours, I am Ek
14 Hen.

15 Q. Thank you. Madam Ek Hen, how old are you?

16 A. I am 56 years old.

17 Q. Thank you.

18 Madam Ek Hen, please be reminded that before you proceed to
19 respond to questions by parties to the proceedings and the Bench,
20 please observe some pause. Wait until – until you see the red
21 light on your console before you proceed so that your message can
22 be properly conveyed through interpreting.

23 Where do you live?

24 [09.39.09]

25 A. Currently I live in Angkor Chey Kraom village, Moha Khnhoung

1 sub-district, Kaoh Soutin district of Kampong Cham.

2 Q. What do you do for a living?

3 A. I am a farmer.

4 Q. What's your father's name? And what's your mother's name?

5 A. My father is Phan, and my mother is Lun.

6 Q. What's your husband's name? And how many children do you have?

7 A. My husband's name is Song Phal. We have four children.

8 Q. Thank you, Madam Ek Hen.

9 According to the report by the Greffier of the Trial Chamber a
10 moment ago, you are not in a relationship with a civil party or
11 an Accused, including Mr. Nuon Chea and Khieu Samphan, and that
12 you already took the oath yesterday, here at this Court. Is that
13 true?

14 A. Yes, it is.

15 [09.41.01]

16 Q. Thank you, Madam Ek Hen.

17 Now the Chamber wishes to notify you of your right under Rule 28,
18 right against self-incrimination of witnesses.

19 As a witness, you may object to making any statement that might
20 tend to incriminate you. In other words, you have the right not
21 to incriminate yourself. As the witness before the Chamber, you
22 shall respond to all questions put to you by the Bench or parties
23 to the proceedings, except in your responses that you feel are
24 self-incriminating.

25 And as the witness, you shall tell the truth, the whole truth,

1 nothing but the truth, and this truth must be based on the
2 experiences and knowledge you acquired when you respond to
3 questions by the parties and the Bench.

4 Madam Ek Hen, have you ever given any interview to the
5 co-investigators of the ECCC during the past years?

6 A. Yes, I have, on two occasions.

7 Q. Do you recollect the exact dates of those interviews?

8 [09.52.47]

9 A. First, I was interviewed at my home, in my home time. It was
10 in 1993 on that first occasion. They came with my biography and
11 they were searching for the prisoners at Tuol Sleng prison. And
12 my brother, whose name appeared on Tuol Sleng list, was shown to
13 me. At the beginning I did not know anything about this, but
14 then, after being shown this document, I learned that my brother
15 was executed at Tuol Sleng prison.

16 Q. What about the second interview? When was it? Do you still
17 remember this? And where was it taken?

18 A. The second interview was also conducted at my home, but it was
19 on a different date. At that time, I was 52 years old, so it was
20 four years ago. The interview was conducted right at my home.

21 Q. Can you be more precise on the exact year? Was it in 2008, or
22 2012, or any other year?

23 A. It was in 19 – rather, it was in 2008, I believe, because it
24 was five years ago.

25 [09.44.50]

1 Q. Can you recall what you were told during the interview?
2 Because the question that I put to you may be for different
3 interview, because I am asking about the interviews conducted by
4 Court officers, people from the ECCC, and you may be familiar
5 that the Court was established not before 2007. And when you
6 mention about the interview in 1993, it could have been conducted
7 by other groups of people who were not officials from the Court.
8 Now my question is: How many times did you give such interview to
9 people from the ECCC in 2008?

10 A. It was only – on one occasion only in 2008.

11 Q. Did you also give interview to staff member from the DC-Cam?

12 A. I don't remember this very well, but I do recall that some
13 researchers approached me at my home for the interview.

14 [09.46.37]

15 Q. Thank you.

16 Madam Witness, do you read and write Khmer pretty well?

17 A. Not pretty well, Mr. President. I did not go far enough at
18 school because I had to drop out of school during the coup
19 d'état, when I was about 13 years old.

20 Q. Before you appeared before this Chamber, have you had any
21 opportunity to read your statement or whether the statements were
22 read out to you to refresh your memory of the accounts you gave
23 to the co-investigators?

24 A. Yes, I have asked my elder sister to read out the statement to
25 me.

1 Q. Thank you.

2 According to your best recollection, do you believe that the
3 statement read out by your elder sister or the account that you
4 gave back then is still consistent?

5 A. Yes, the statement is still consistent. The accounts reflect
6 what I did mention back then.

7 Q. You may proceed – you may continue.

8 A. I remember the truth, the true accounts I gave them, and I
9 still remember this precisely, and I never told things different
10 from that.

11 [09.48.45]

12 MR. PRESIDENT:

13 Thank you.

14 Now we would like to hand over to the Co-Prosecutors to put
15 questions to this witness first. And both Co-Prosecutors and Lead
16 Co-Lawyers for the civil parties will have half day for
17 questioning.

18 QUESTIONING BY MS. SONG CHORVOIN:

19 Good morning, Mr. President and Your Honours, and I thank you
20 again.

21 And a very good morning to you, Madam Ek Hen. I am Song Chorvoin,
22 National Co-Prosecutor. Along with my colleague, International
23 Co-Prosecutor Mr. Keith Raynor, we have some questions for you.
24 And please respond to the questions for the purpose of
25 ascertaining the truth.

1 Q. First, may I ask you how many brothers and sisters you have?

2 MS. EK HEN:

3 A. I have three siblings: two brothers, one sister. My elder
4 brother is Pin Hoeun, and then Pin San. I am Hen.

5 [09.50.15]

6 Q. Do your elder brothers have any revolutionary names?

7 A. Yes, they do. My elder brother was Hoeun originally, but his
8 alias is Soeun. But my second brother was known as Hai
9 originally, his revolutionary name is Hai. My original name is
10 Hen and I also am known as Chea.

11 Q. Thank you. Are your brothers alive or have they passed away?

12 A. My father and my brothers all died during the war in 1970s –
13 early seventies. My father died in 1971, then my elder brother
14 died in 1974, and then the rest were separate, and we were – we
15 were not united.

16 Q. You said your brother died in 1974. Who was he?

17 A. My second brother was – he died in the battlefield of Preah
18 Pnov.

19 [09.52.20]

20 Q. What happened to your eldest brother, the person by the name
21 of Hoeun, alias Soeun? When did he die?

22 A. My brother Hoeun alias Soeun disappeared, and I didn't know
23 where he had gone. In 1979 I was in the refugee camp. Later on I
24 was repatriated, and DC-Cam people came to my home with the
25 biographies of my elder brother, and he bore some number. He died

1 at Tuol Sleng prison.

2 Q. Thank you. We will ask more detail about your brother, but
3 before that I would like to also ask you a few more questions.

4 Did your brothers ever join the Khmer Rouge soldiers - army, and
5 if so, in which area of the country?

6 A. My elder brothers joined the army in the North Zone. My father
7 was also at the North Zone and died there in Svay Teab district.

8 My brothers joined the army at that zone.

9 Q. Do you still recollect whether this North Zone also has any
10 code name?

11 A. At that time, the North Zone was known as Zone 304, and they
12 were there, at Zone 304. And I don't remember my husband's
13 division, but he was - or they were at 304.

14 [09.54.53]

15 Q. At Zone 304, what did your husband and sons do?

16 A. My eldest brother was in the regiment, but second son was an
17 ordinary combatant.

18 Q. Thank you.

19 Where did you live during the time - during the Khmer Rouge
20 period?

21 A. Starting from 1975 my family was separate. We - I personally
22 stayed at home, and then I was sent to build dam at Boeng Kang,
23 near Chi Haer location. I was still young. I couldn't carry dirt,
24 so I volunteered to join the women combatant group because I
25 believed that I found it difficult to work at the rear.

1 So I volunteered and decided to join the women combatants in
2 Kanhchriech district, where I was offered some military training.
3 I did not engage any fighting, but soon Phnom Penh was liberated,
4 and I engaged in some rice transplant for three months before I
5 was transferred to Phnom Penh. Phnom Penh was very quiet at that
6 time, when I arrived-

7 [09.57.12]

8 Q. I am sorry to interrupt. I will ask you questions about this,
9 but first things first.

10 You said you were tasked with building dam in Boeng Kang. How
11 many people were asked to build this dam? And what were their age
12 groups?

13 A. People from different villages would be gathered to build the
14 dams. Young women as young as 16 years old would then be gathered
15 to join the mobile group where they could build dams. And I was
16 16 or 17 years old and I too was also asked to build dam. Two
17 people would be collected from each village to build this dam, so
18 all together there were a lot of people already at the dam
19 building site.

20 Q. Thank you. Villagers were gathered to build the dam, as you
21 mentioned. But how could they get to the worksite?

22 A. At that time, there was no proper transportation, no cars or
23 trucks that could transport us. We had to be walking and we had
24 to be carrying the buckets where we can put some dirt to build
25 this dam. So we walked all the way from home to the working site.

1 [09.59.18]

2 Q. How far is it from your place to the worksite? And another
3 question: Who ordered such workers to work at that place?

4 A. At that time, there were women leaders and men – young men
5 leaders, and these people assigned us with tasks, and we had to
6 go after receiving such assignments.

7 Q. You stated that people were gathered from the village and
8 there were a lot of people. And when you reached the dam building
9 site, were people already there before you arrived? And can you
10 give us the number of the people there?

11 A. At the dam building site, there were a lot of people. When we
12 arrived, people were working there, and the number was in the
13 thousands. And when the plane flying over, then we would lie down
14 on the ground, and when the plane left, then we started working
15 again. And we only returned to the village every 10 days. And
16 over there we were bitten by mosquitos and there was no proper
17 sleeping place, and I couldn't stand the mosquito bite at night.

18 [10.01.13]

19 Q. What kinds of tasks were assigned to you when – once you were
20 at the dam building site?

21 A. The work involved carrying earth, and the dam itself was
22 pretty high, and we had to walk up in order to carry the earth.

23 Q. Was the working condition difficult?

24 A. Yes, the work was rather difficult. And I was a 16- or 17-year
25 girl, and we had to carry the earth all day. And at night we

1 could not sleep because the dam was near a lake that's called the
2 Kang Lake, or Boeng Kang, and there were a lot of mosquitos.

3 Q. I'd like to clarify on the year. You said: "After 1975, people
4 were gathered to build a dam."

5 Can you recall in what month that you left your village to the
6 worksite?

7 A. It was in late 1974 and early 1975. I did not return because I
8 moved on and I only sent the earth carrying baskets and the hoe
9 back home. I only stayed there for three days, and then I went to
10 become a female combatant.

11 Q. You became a female combatant. Was it before or after the
12 liberation of 17 April 1975? And where were you stationed?

13 [10.03.53]

14 A. I went in late '74, early '75, so it was before the 17 April
15 liberation. I became a female combatant and I stayed in
16 Kanhchriech district. That was in Prey Veng province. I was in
17 the third group of a platoon. At that time, I was in the East
18 Zone – that is, 203.

19 Q. How long were you engaged in military training?

20 A. I was trained in Svay Chuck village, in Kanhchriech district,
21 for six months.

22 Q. During your training, who was your military instructor?

23 A. We were put into groups and platoons. So, in fact, it was the
24 head of the groups, the platoons, who actually gave us the
25 instructions.

1 Q. Can you recall the name of your instructor? And who was in
2 charge of Zone 203 – Sector 203, rather?

3 A. I was in the third group, in Company 13, and Sector 203 was
4 controlled by So Phim. So Phim was the zone committee [says the
5 witness].

6 [10.06.34]

7 Q. Did So Phim come to give you the training, or was it somebody
8 else?

9 A. So Phim was the zone committee. And, of course, we did not
10 know him; we only heard of his name, that East Zone Committee was
11 So Phim. Only his subordinates who gave us the training.

12 Q. During your military training for six months, were you taught
13 about the relationship of a Kampuchea Vietnam or what you had to
14 do with the Vietnamese?

15 A. At that time, no, we were not told anything regarding the
16 relationship with Vietnam.

17 Q. As for your training, were you taught anything regarding the
18 enemy or traitor?

19 A. No.

20 Q. After you concluded your six-month training in the East Zone,
21 where did you go? And what year was it?

22 A. I was in East Zone, and after the liberation on the 17 April
23 and about four months after the liberation, I was sent to Phnom
24 Penh and I stayed in Phnom Penh for one week. Then I was sent
25 further to Kampong Som.

1 [10.08.56]

2 Q. You were sent to Kampong Som. What kinds of tasks were you
3 assigned while you arrived at Kampong Som? And can you recall
4 your location while you were in Kampong Som?

5 A. At that time, we were no longer female combatants but we were
6 in the Mobile Unit. So we were sent to clean Kampong Som area
7 from the - for the damaged buildings, for the factories. We
8 cleaned those damaged buildings.

9 Q. You said you were asked to clean a reception hall. Do you
10 know, was it - who was it for?

11 A. There was Mr. Nhem (phonetic) who was in charge of a reception
12 hall and who actually gave us order to clean the hall.

13 Q. My question is: The reception hall or the reception place, was
14 it - for whom?

15 A. I did not know that. I only clean it, make sure it is cleaned
16 and tidy. And if there is a pothole on the road, we filled it,
17 and we clear the grass and the trees.

18 [10.11.10]

19 Q. Did you ever work in a salt field?

20 A. I was in Kampong Som, and after we finished the cleaning work,
21 then we were assigned to go to work in a salt field to put the
22 salt into the sack and to carry the salt back and put them onto a
23 vehicle. And each sack, or bag, weighed about 60 kilos, and it
24 was very heavy for us to carry it onto a vehicle.

25 Q. How long did you work in a salt field?

1 A. I worked there in Kandal, Traeuy Kaoh, Ses Sar (phonetic), and
2 another salt field in Kampong Trach. After we collected all the
3 salt, then we returned, and it took us three months to do so.

4 Q. During the three-month period that you worked in a salt field,
5 what was the working and living conditions?

6 A. It was not easy. It was difficult. You can imagine when a
7 female carried a heavy bag of salt. We were like workers at a -
8 at the port. We had to carry the bags onto a vehicle, so it was
9 difficult.

10 Q. Did you know who was in charge of the salt field?

11 [10.13.24]

12 A. At the salt field, the producers were separate. We were the
13 Mobile Unit and we were not related to the one who produced the
14 salt. We only collected the salt and then we returned. The
15 supervisor did not go; only us, the Mobile Unit, went to collect
16 the salt.

17 Q. Who was the supervisor at the salt field?

18 A. At that time, we went with the two 100-man units, and there
19 was a transport unit who drove us to the salt field. So, for me,
20 the one who's in charge of the 100-man unit was my supervisor.

21 Q. You said you worked for three months in a salt field. And
22 after you left the salt field, where did you go and work, and in
23 what year?

24 A. It was still in 1976. I returned to Phnom Penh. Upon my
25 arrival in Phnom Penh, I was assigned to the Central Textile

1 Factory.

2 Q. Where was the Central Textile Factory located?

3 [10.15.28]

4 A. It was also known as the State textile factory, where we sewed
5 all kinds of clothes. It was near the Orussey Market. At that
6 time, it was not resemblant to the current Orussey Market. At the
7 centre of the market was our dining hall, and all the houses
8 surrounding the market were for sewing clothes. It was on two
9 sides of the market. And the other side was for cutting the
10 cloth. And we were there and worked there.

11 Q. So, you were at the central textile place, or State sewing
12 place. And for how long did you work there?

13 A. I started working there, sewing clothes there, from late 1976
14 until the 7 January '79.

15 Q. The Central or the State Sewing Unit or place where you
16 worked, was it referred to by any other specific name?

17 A. It was a big sewing place. It was known as "Kor"-9 [K-9] and
18 it was part of the 870 Office.

19 Q. How did you know that the K-9 Office was part of the 870
20 Office?

21 [10.17.45]

22 A. I knew it because, during the time that I worked there, I
23 heard the head of the "Kor"-9 [K-9] Office say it. And at that
24 time we were also told during the meetings.

25 Q. You talk about the head of the "Kor"-9 [K-9] Office. What was

1 the name? And what did he or she tell you?

2 A. The person was the head of the "Kor"-9 [K-9] Office,
3 supervising all the sewing places. The person said it was a
4 branch of 870 Office. I did not know that, but he – the person
5 said that.

6 Q. While you were in that Sewing Unit, what were the working
7 hours? And what was the living condition?

8 A. At that time, we had to wake up at 4.00 in the morning. One
9 was the socialist work, and one was the core work. So, the
10 socialist work involved get up in early morning to water the
11 vegetable, and when we returned, take a bath, and then we engage
12 in our core work – that is, sewing clothes.

13 [10.19.49]

14 Q. What time did you start engaging in your core work? And what
15 was the condition like, in terms of your working condition,
16 living condition, and your eating regime?

17 A. In the actual reality, we – in fact, it was difficult because
18 we had to wake up early, but after a while we got used to it.
19 Because by 4.00 in the morning a bell was rung, and then we had
20 to wake up, carry a bucket, and water the vegetable. And our core
21 work commenced at 7.00 in the morning. We took a 15-minute break
22 at 9.00, and then we worked until 11.00 and stopped for lunch.

23 Q. And so you stopped for lunch. And then what time you start
24 again in the afternoon?

25 A. We stopped for lunch at 11.00, we ate lunch and we rested, and

1 we resumed work at 1 p.m. until 4.00. We rested, and then we
2 carry our bucket to water the vegetable again. So we water our
3 vegetable two times, in the morning and in the afternoon. And
4 then we return for dinner, and then we worked again until 9 p.m.
5 [10.21.49]

6 Q. I'd like to move on to another topic regarding those people
7 who worked with you.

8 In document D94/8, which is your written record of interview with
9 the Office of the Co-Investigating Judges, you were asked
10 questions at ERN: in Khmer, 00172064; and in English, 00205048 to
11 49. You were asked a question – and allow me to quote: "Did
12 people in your unit disappear?"

13 And you stated: "I saw people arrested and put in tightly covered
14 trucks by armed soldiers. First, they arrested the leaders, then
15 any deputies and members who had involvement with the North–"

16 MR .PRESIDENT:

17 Witness, please wait.

18 The Counsel for Khieu Samphan, you may proceed.

19 [10.23.33]

20 MR. VERCKEN:

21 Thank you, Mr. President.

22 I wish to place an objection to the manner in which the
23 Co-Prosecutor is conducting her cross-examination.

24 Everybody here is well aware of the fact that is – she is
25 addressing open questions. However, once she has certain

1 information and, hence, she – her questions become highly
2 suggestive. She's simply reading out what he's recorded on the PV
3 and asking the witness to confirm. She's making very general and
4 open questions, and this is completely meaningless.

5 MS. SONG CHORVOIN:

6 I'd like to respond, Mr. President.

7 The approach of extracting the questions-answers from the PVs
8 have been a common practice before this Court, and I don't
9 understand at all why the defence counsel still objects to this
10 approach. And I'd like to move on, Mr. President.

11 (Judges deliberate)

12 [10.26.20]

13 MR. PRESIDENT:

14 The objection and its ground by the international counsel for
15 Khieu Samphan to the question asked by the prosecutor is not
16 appropriate, thus overruled.

17 However, the Chamber would like to remind the Prosecution, please
18 pose relevant questions to the facts determined by the Chamber in
19 Case 002/01, in particular the request by the Prosecution to
20 include certain witnesses. And in that request, it raised the
21 relevant facts. And we also discussed the facts during the Court
22 Management Meeting, regarding what facts to be heard by this
23 Court in this case, and for that reason, the Chamber decided to
24 summons additional witnesses, as requested by the parties.
25 For that reason, your questions shall be exactly to the facts

1 raised by you or other parties, and not to cover the entire facts
2 put to the witness by the investigators of the OCIJ. You should
3 only focus on the relevant facts concerning the joint criminal
4 enterprise or the policy implementation. And for that reason,
5 please focus on the relevant facts.

6 [10.28.13]

7 BY MS. SONG CHORVOIN:

8 Thank you, Mr. President. We will abide by your instruction.

9 Q. Madam Ek Hen, I will continue putting further questions to
10 you.

11 In that same document, allow me to quote once again:

12 "I saw people arrested and put in tightly covered trucks by armed
13 soldiers. First, they arrested the leaders, then any deputies and
14 members who had involvement with North and East Zone networks,
15 whom they accused of treason. Keo, the factory chairman, was
16 arrested and disappeared in 1977 because of being connected to an
17 East Zone network." End of quote.

18 My question to you is: Did you witness the arrest of Keo?

19 A. At that time, we were sewing clothes, and we worked in kind of
20 a flat. And, of course, I saw – a vehicle came, and he was called
21 into that vehicle and left. And then he never returned.

22 And, of course, I did not know those people. At that time,
23 wherever you were placed to work, you worked there and you were
24 not allowed to wander around. But, of course, we would know other
25 people who were in the adjacent buildings.

1 [10.29.54]

2 And I saw him being put into that vehicle and left. And later on
3 other people also disappeared, but we did not know for sure where
4 they were sent to or what happened to them. We only saw up to
5 that point.

6 Q. When you saw Keo being loaded on the concealed vehicle, was he
7 the only person placed on that vehicle or was he joined by other
8 people arrested?

9 A. At that time, there were not a lot of people. One person was
10 arrested at a time. I just did not know what could have been the
11 reason behind these arrests.

12 Q. Is it my understanding that, on the day that Keo was arrested
13 and placed in the concealed vehicle, it was only Keo who was
14 arrested on that day? No other people were arrested?

15 A. Yes, it is correct. It was Keo alone who was arrested.

16 Q. Do you know a person by the name of Kun who worked with you?

17 A. Yes, I do.

18 Q. What had become of Kun after he was arrested?

19 [10.31.55]

20 A. I don't know. I think we don't know what could have become of
21 him. We had to focus on minding our business. We only learned
22 that these people disappeared, that's all.

23 Q. Is it fair to say that Kun was also disappearing from your
24 work?

25 A. Yes.

1 MS. SONG CHORVOIN:

2 Thank you.

3 Mr. President, with your leave, I would like this document,
4 D108/.3 and P1184, to be put up on the screen, please.

5 MR. PRESIDENT:

6 You may proceed.

7 And the hard copy of the document can be now shown to the witness
8 for examination.

9 [10.33.18]

10 BY MS. SONG CHORVOIN:

11 Q. Madam Ek Hen, can you please have a look at this photograph
12 and tell the Chamber whether you know this person or not?

13 MS. EK HEN:

14 A. It was a very long time ago when this photograph was taken, so
15 I may say that I'm not quite sure I still remember this.

16 MS. SONG CHORVOIN:

17 Mr. President, may I also ask for your leave to put up this
18 document that we discussed this morning, the document regarding
19 the photographs we obtained from DC-Cam.

20 MR. PRESIDENT:

21 You may proceed.

22 [10.34.20]

23 BY MS. SONG CHORVOIN:

24 These documents cannot be put up on the screen. We have made
25 several copies of the document so that the Chamber can examine

1 them.

2 Q. Madam Ek Hen, I believe you have already looked at the photo.

3 Can you recognize who in the photo?

4 MS. EK HEN:

5 A. This photo is not pretty clear, but the person appears in the
6 photo looks like my elder brother.

7 MR. PRESIDENT:

8 Counsel Koppe, you may now proceed.

9 MR. KOPPE:

10 Just for the record, Mr. President, it seems that the witness is
11 being shown another document than the parties are being shown. We
12 have just a photo, and I could see – or maybe I'm wrong, but the
13 witness is having a photo with text around it. So I'm not quite
14 sure what's happening.

15 Maybe the Prosecution can enlighten us.

16 [10.37.00]

17 MS. SONG CHORVOIN:

18 Mr. President, Your Honours, and counsels, the document I wish to
19 show to the witness is already in her hand. And indeed, the photo
20 is attached with some text, and we have already printed the hard
21 copies of the document for showing to parties concerned. And to
22 make sure the photo is clear to see, we have separated from the
23 text, but it is indeed from the same photo that appears on that
24 text.

25 MR. KOPPE:

1 But what is the probative value of showing a photo with text with
2 probably the name of the person and then ask if you recognize
3 this person? I mean, that's not a way of properly proceeding in
4 respect of recognizing a photo.

5 The witness should be shown the same photo as the Trial Chamber
6 and the parties.

7 There really is no point of showing the photo with the text of
8 who the person is.

9 [10.38.29]

10 MS. SONG CHORVOIN:

11 Mr. President, I may wish to proceed, please, because witness is
12 still needing some time to consider this. We may proceed to
13 another small topic on this.

14 MR. PRESIDENT:

15 You may continue.

16 MS. SONG CHORVOIN:

17 Madam-

18 MR. KOPPE:

19 Excuse me for interrupting again. I apologize, Mr. President, but
20 we need to establish that this witness has in fact been shown the
21 photo with text, including the name of the person who is on the
22 photo. Otherwise, it remains unclear what, in fact, this witness
23 has been identifying.

24 (Judges deliberate)

25 [10:42.39]

1 MR. PRESIDENT:

2 Judge Silvia Cartwright, you may now proceed.

3 JUDGE CARTWRIGHT:

4 Thank you, President.

5 I understand that the witness has been provided with a photograph
6 with Khmer text on the same page and that that text includes the
7 name of the person in the photograph. Is that correct?

8 MS. SONG CHORVOIN:

9 Yes, it is. The witness has been provided with the text in Khmer
10 and a photograph.

11 JUDGE CARTWRIGHT:

12 Well, in that case, the President has asked me to uphold the
13 objection of the Nuon Chea defence. This photograph, as it
14 identifies the person in the text, both of which were given to
15 the witness, has very little value, and the Prosecution may not
16 rely on it for identification purposes.

17 Is that the extent of the Ruling, President? Thank you.

18 [10.44.04]

19 MR. PRESIDENT:

20 Thank you, Judge Cartwright.

21 It is now appropriate moment already for the adjournment. The
22 Chamber will adjourn for 20 minutes.

23 Court officer is now directed to assist Madam Witness during the
24 adjournment and bring her back at 11 o'clock.

25 (Court recesses from 1044H to 1101H)

1 MR. PRESIDENT:

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

3 The Chamber will give the floor once again to the Prosecution to
4 put questions to this witness.

5 The Prosecution, please advise the Court of the arrangement
6 between the Prosecution and the Lead Co-Lawyers for civil party.
7 And also your questions should be directed towards the relevant
8 facts, and that is the role of the Accused, as requested by the
9 Prosecution for additional witnesses. Please put your questions
10 related to those reasons that you requested to the Chamber, as
11 well as – as well as the reasons given during the TMM.

12 You may proceed.

13 [11.02.57]

14 MS. SONG CHORVOIN:

15 Thank you, Mr. President.

16 We discussed with the Lead Co-Lawyer for civil parties, and we
17 were advised that they only need about 20 minutes.

18 And we started late this morning, so we will try our best to
19 finish at the allocated time. If we cannot do it, we would seek
20 your approval for an additional 10 or 15 minutes.

21 MR. PRESIDENT:

22 It is unlikely the Chamber will grant you additional time. You
23 need to use the time effectively, and your questions are directed
24 towards the related facts. And I reminded you again, please, to
25 refer to the reasons in your request for additional witnesses.

1 [11.04.00]

2 BY MS. SONG CHORVOIN:

3 Thank you, Mr. President. Allow me to continue.

4 Q. Witness, you said you witnessed the arrest of Keo, the
5 chairman of the factory. Can you tell us the full name of Mr.
6 Keo?

7 MS. EK HEN:

8 A. I did not know his full name. I only referred to him as
9 Brother Keo or Bong Keo. He was the chairman of the sewing
10 factory, and I didn't know his surname.

11 Q. During the time that you worked in the sewing factory, can you
12 recall if any of the factory workers disappeared, and if so, how
13 many?

14 A. To my knowledge, four people disappeared.

15 Q. When you saw people disappear or that a person was arrested,
16 how did you feel?

17 A. By witnessing that, we, the factory workers, were afraid but
18 we had to do our work.

19 [11.05.40]

20 MS. SONG CHORVOIN:

21 I conclude my session now. Thank you.

22 And I'd like to give the floor to my international colleague, Mr.
23 President.

24 MR. PRESIDENT:

25 Yes, you may proceed.

1 MR. RAYNOR:

2 Mr. President, Your Honours, good morning. Good morning to my
3 fellow counsel, and good morning to you, Madam Ek Hen.

4 Mr. President, with your leave, can I please pass to Madam Ek Hen
5 two documents, D1.3.32.1, which is the DC-Cam record, and the
6 OCIJ interview, E3/474? The purpose is to clarify the dates of
7 both these events. Can I have your leave to hand over these
8 documents in Khmer, please?

9 [11.06.40]

10 MR. PRESIDENT:

11 International Counsel for Khieu Samphan, you may proceed.

12 MR. VERCKEN:

13 Yes, could you please repeat the reference number for the second
14 document? We did not hear it.

15 MR. RAYNOR:

16 Yes, certainly. The second document is E3/474. That's the OCIJ
17 interview record.

18 MR. PRESIDENT:

19 Yes, you may do so.

20 Court Officer, please deliver the document from the Prosecution
21 for the witness examination.

22 [11.07.34]

23 QUESTIONING BY MR. RAYNOR:

24 Q. Madam Ek Hen, you've been passed two documents. The first one
25 should be with a heading, "Documentation Centre of Cambodia", and

1 it records an interview with you. It gives the location, and the
2 date of the interview was the - sorry, the 6th of August 2003.
3 And the interviewer was a man called Long Dany. Can you confirm
4 that from the document that you have, please?

5 (Short pause)

6 MR. PRESIDENT:

7 Madam Witness, please respond. Do you recognize this document?
8 And have you read this document?

9 MS. EK HEN:

10 A. Yes, I've seen this document.

11 [11.09.16]

12 BY MR. RAYNOR:

13 Q. Thank you.

14 And the other document you have, that is a written record of an
15 interview with you that took place with the OCIJ investigators
16 from this Court. And if you look at the first words, they show
17 that the date was the 5th of March 2008. Can you please confirm
18 that you have that document and that you have had the chance to
19 read it or had it read to you before coming before the Court
20 today?

21 MS. EK HEN:

22 A. I cannot read it well. In fact, I had it read by my elder
23 sister. To me, it's just dark lines of ink; I could not read it
24 clearly. But, indeed, I've had it read to me.

25 [11.10.24]

1 Q. That's fine. Thank you.

2 I'm going to read an extract from this document word for word and

3 I'm going to ask if you stand by what you told the investigators.

4 So, for everyone, this is document E3/474. The relevant page is:

5 English, 00205049; in Khmer, 00172064 through 5; and French,

6 00205054:

7 Question: "Did you ever know Nuon Chea, Khieu Samphan, Ieng Sary,

8 and Ieng Thirith?"

9 Answer: "I knew Nuon Chea and Khieu Samphan because they came to

10 hold study meetings at Borei Keila for the workers. I attended

11 studies at Borei Keila twice. The first time was in 1976, when

12 Khieu Samphan led the study meeting at Borei Keila. As for the

13 content of the meeting, it seemed to be about striving to work,

14 conservation, about food. At that time, Khieu Samphan brought up

15 the matter of Pang when he announced that Pang, the Chairman of

16 Office 870, had been arrested and taken away because he was a

17 traitor collaborating with the Yuon. It was then that I learned

18 that Pang was Chairman of Office 870. I did not know what Office

19 870 did. I just knew that my Garment Unit was one branch of

20 Office 870, where Pang had come to watch the work of the workers

21 in my factory, and Khieu Samphan had come to look at my workplace

22 in 1976. At that time, he came right at the time when the workers

23 were eating and he used my spoon to test the soup I was eating

24 and asked, 'Does the soup taste good?' I said it tasted good.

25 Khieu Samphan came to look at the factory three or four times."

1 End quote.

2 So, my first question, Madam Ek Hen, is: Do you stand-

3 [11.13.42]

4 MR. PRESIDENT:

5 Counsel, you may proceed.

6 MR. VERCKEN:

7 Mr. President, I know the prosecutor is short of time but I do
8 find that the large volume of information that is being delivered
9 to the witness, on block, following a method that we have opposed
10 several times, which involves re-reading the transcript of an
11 interview to then request confirmation and where 20 lines are
12 read on block to the witness - I would like to just say, before
13 the witness answers, that the probative value of an exercise of
14 this kind is, frankly, limited.

15 Thank you.

16 MR. PRESIDENT:

17 The Prosecution, you may continue.

18 [11.14.35]

19 BY MR. RAYNOR:

20 Q: My first question for you, Madam Ek Hen, is: Do you stand by
21 what you told the investigators in this extract, yes or no?

22 MS. EK HEN:

23 A. Yes, I stand by my statement.

24 Q. I'd like to ask you some questions now about the study meeting
25 led by Khieu Samphan.

1 My first question is: How many people in total were at this study
2 meeting?

3 A. The study session at Borei Keila comprised about 400 to 500
4 participants.

5 Q. Thank you. Did any others from the garment factory go with you
6 to the study meeting?

7 A. Yes, the Transportation Unit also attended.

8 Q. Who told you that you had to go to the study meeting?

9 A. In fact, people from my unit were assigned. For example, five
10 people from a group were assigned, and another five from another
11 group were assigned. And actually it was kind of a rotation for
12 attending that study session.

13 [11.16.44]

14 Q. To your knowledge, had other garment workers gone to other
15 study sessions before you?

16 A. Yes. As I said, we took turn to attend the study sessions. So,
17 after another group concluded, then our group attended the study
18 session.

19 Q. On the study session led by Khieu Samphan that you attended,
20 how many days did the study meeting go on for?

21 A. It was a one-day study session, and we returned in the
22 afternoon.

23 Q. What time approximately did the study session start? And what
24 time did it end?

25 A. The study session commenced at 7 a.m. and stopped at 10.00.

1 Q. Can you please describe how the study meeting was opened?

2 A. The study session was opened for many participants to attend.

3 It was not a small study session. It was a large scale study
4 session.

5 [11.18.47]

6 Q. Did somebody start the session by speaking? Or how did it all
7 start?

8 A. It started with him explaining and instructing the workers to
9 strive harder in our work in order to assist our country.

10 Q. When you say "he", which man are you referring to?

11 A. I refer to Uncle Khieu Samphan.

12 Q. What exactly did you have to do at the study meeting?

13 A. We sat down and listened to his instructions. He talked about
14 struggle, about work, and we listened to his speech.

15 Q. When he talked about the struggle, what did he say about the
16 struggle? Who was the struggle with? What was the struggle about?

17 A. The struggle did not mean for anybody, but the struggle meant
18 for us to be patient and to strive to work to fulfil the quota.

19 People at that time engage in rice farming and producing 3 tonnes
20 per hectare. And for us, the factory workers, we had to strive to
21 make a similar output in our work.

22 [11.21.13]

23 Q. When Khieu Samphan was speaking, did you just sit and listen
24 or did you write down – or were people writing down – what he had
25 to say?

1 A. At that time, for those who were literate, they would take
2 note, and for – those who did not know how to write would just
3 listen and – sit and listen. And there were a lot of people who
4 were illiterate at the time because we were not that – old enough
5 and we did not engage in any formal studies, due to the war.

6 Q. Did Khieu Samphan just speak or did he use any documents?

7 A. It seems there was no document. He spoke about the work, about
8 the struggle, and that we should allow one another and assist one
9 another. He gave us good advice. He did not want us to argue each
10 other, but rather to consolidate and to strive to work hard to
11 build the country, as the war had just ended.

12 Q. During that day, roughly how long was Khieu Samphan speaking
13 for?

14 A. I did not pay attention to how long he spoke because he was
15 speaking, then we broke, and then we resumed, and then he spoke
16 again, and we broke for lunch.

17 [11.23.50]

18 Q. So, just to clarify, there was a session when Khieu Samphan
19 spoke, there was a break, he spoke again, and then you had lunch.
20 Is that correct?

21 A. Yes.

22 Q. After lunch, did he speak again? Or what happened after lunch?

23 A. After lunch, he went to his place, and we broke into small
24 groups for discussion.

25 Q. When you broke up into the small groups for discussion, were

1 there leaders for these discussions, or was it just the workers
2 talking amongst themselves?

3 A. At that time, we were – broke up into small groups and for
4 each group, there would be a leader. And then it was kind of a
5 meeting to reflect ourselves of what we have done.

6 Q. Now, the workers who attended that day, which offices,
7 workplaces, or units were they from?

8 A. Are you referring to the study session at Borei Keila? If so,
9 there was the Garment Unit, the Transportation Unit, and other
10 units.

11 [11.26.06]

12 Q. During this day, when Khieu Samphan was speaking, did he say
13 anything at all about enemies?

14 A. He did not say anything about that. He only spoke about the
15 struggle, and about hard working, about solidarity, and about
16 building the country.

17 Q. My next questions are to do with Pang.

18 Did Khieu Samphan say when Pang had been arrested?

19 A. No, he did not say the date of his arrest. He said that Pang
20 had been arrested, and that's all.

21 Q. When he said that Pang had been arrested and taken away
22 because he was a traitor collaborating with the "Yuon", did he
23 give any more details about how Pang had collaborated with the
24 "Yuon"?

25 MR. PRESIDENT:

1 Witness, please wait.

2 The Counsel, you may proceed.

3 [11.28.02]

4 MR. KONG SAM ONN:

5 Thank you, Mr. President. I'd like to object to this question.

6 Your – the question is leading, as, in the previous question, the
7 witness never talked about Pang. And Pang raised the name – the
8 Prosecution raised the name of Pang, and now he talks that Pang
9 was a traitor, and the witness has not spoken anything about
10 Pang.

11 So these are leading questions – that is, to already – to give
12 responses to the witness before she even speaks.

13 MR. RAYNOR:

14 Mr. President, I am reading, again, from the extract that I've
15 already read, that the witness has already confirmed she stands
16 by. I've checked with my learned colleagues that the Khmer is
17 correct.

18 [11.29.00]

19 And so the extract from the statement reads, so that everyone can
20 be sure:

21 "Khieu Samphan brought up the matter of Pang when he announced
22 that Pang, the Chairman of Office 870, had been arrested and
23 taken away because he was a traitor collaborating with the Yuon."

24 So my question is simply supplemental to that.

25 Can I please have your permission to proceed?

1 MR. PRESIDENT:

2 The objection is not sustained.

3 Witness is now directed to respond to the question by the
4 Co-Prosecutor, please.

5 BY MR. RAYNOR:

6 Q. Madam Ek Hen, can I put the question this way: What exactly
7 did Khieu Samphan say when he was speaking about Pang being a
8 traitor who had collaborated with the "Yuon"?

9 [11.30.15]

10 MS. EK HEN:

11 A. He didn't say much on this. He mentioned a person by the name
12 of Pang who was a traitor and he said we should not follow what
13 Pang did. We had to reunite. And he referred to an analogy of
14 solidarity by referring to a stick and a bundle of sticks -
15 chopsticks, I mean. So, a bundle of chopsticks could not be
16 broken easily.

17 Q. At this time, were the "Yuon" treated as friends of the
18 revolution or enemies of the revolution?

19 A. "Yuon" was not regarded as our friends because in our country,
20 in those days, there were only Cambodians, no "Yuons". And he
21 also mentioned something about this. He said Khmer had to be
22 united and Khmer shall be free of Vietnamese, or the "Yuon", and
23 that we had to love one another.

24 Q. Was this the first time you had heard the word "traitor"
25 whether from Pang or anyone, or had people spoken about traitors

1 before this study meeting?

2 A. No, this word was never heard being spoken before. I just
3 heard about it in the study session.

4 Q. Did Khieu Samphan say where Pang had been taken after he was
5 arrested?

6 A. No, he didn't. He didn't mention on this. He just said he was
7 taken away.

8 [11.33.02]

9 Q. You said in the interview that Pang had come to watch the work
10 at the factory. How many times did Pang come to watch the work at
11 the factory - your factory?

12 A. He came to inspect the work at the factory on two occasions,
13 so far as I remember.

14 Q. When Pang came on those two occasions, did any other senior
15 people come with Pang to inspect the factory?

16 A. He came by his car, and the group of 100 people would then
17 have to accompany him to see other sewing sections.

18 Q. I want to move on to Khieu Samphan's visits to the factory.
19 You said that he came to the factory three or four times. When he
20 came, who hosted Khieu Samphan at the Sewing Unit?

21 A. When he came, we were still working and we had to rise to
22 greet him. Sometimes he came alone with his driver, and briefly
23 after visiting us, he would then - they would then return.

24 [11.35.12]

25 Q. You mention an incident when he tasted some soup. Now, did he

1 ask for your spoon to taste the soup, or did you just give it to
2 him?

3 A. We were having rice, and he saw us eating. And he tried to
4 build rapport with the workers. He would like to taste the soup.
5 And then he grabbed the spoon and tasted the soup, and then he
6 said it was delicious.

7 Q. How far away from you was he when he tasted the soup?

8 A. The kitchen at Orussey locations was a place where three rows
9 of eating tables were laid, and this is the place where he came
10 to taste the soup.

11 Q. But how close were you to him when he tasted the soup?

12 A. I was so close to him; we were at the same table.

13 [11.37.13]

14 Q. Thank you. I'd like to move on to Nuon Chea.

15 And I'm quoting now from the same document, which is the OCIJ
16 statement, number E3/474: English, 00205050; French, 00205054;
17 and French (sic), 00172065. You talked about "a study meeting in
18 Borei Keila, with about 500 people attending, workers and
19 personnel":

20 "The content of the study meeting was about: having workers
21 strive to work, and if there were mistakes made, to have the
22 workers reform themselves; defending the territory so the "Yuon"
23 would not invade; about the North Zone group's treason; about Koy
24 Thuon's treason; not letting workers to join in the treason;
25 about loving the land and not killing one another; about striving

1 to keep working up with the plans; and knowing how to conserve;
2 and he told us about the purge of those connected to Koy Thuon."
3 Close quote.

4 Madam Ek Hen, do you stand by what you told the investigators of
5 this Court?

6 A. I still do, yes.

7 Q. Now, for this study meeting, how many days did this study
8 meeting with Nuon Chea go on for?

9 [11.39.40]

10 A. The study session went on for the whole morning. In the
11 afternoon we then had to leave.

12 Q. Now, when Nuon Chea was talking about Koy Thuon's treason,
13 what exactly did he say about Koy Thuon's treason?

14 A. No name was ever mentioned regarding treason or traitor, but a
15 person disappeared one at a time. And during the session we heard
16 about the message regarding solidarity, how to promote it.

17 Q. The word "treason" appears three times in the extract that I
18 have read. You have told the investigators that there was mention
19 of "the North Zone group's treason; about Koy Thuon's treason";
20 and "not letting workers to join in the treason". Now, is that
21 right or is that wrong?

22 A. It is right. I said so.

23 Q. Can I just concentrate on the North Zone group's treason? What
24 did Nuon Chea say about that?

25 [11.42.02]

1 A. About the North Zone treason, I didn't know much of the
2 background – what happened at the North Zone. But during the
3 study session he mentioned about the traitors, although he did
4 not mention any particular individuals.

5 Q. So that we can be clear, he talked about traitors, but did he
6 or did he not mention by name Koy Thuon?

7 A. Yes, he did mention that Koy Khuon was a traitor, and he
8 didn't elaborate further on this. And I just heard that he
9 referred to people being traitors in the North Zone, and that Koy
10 Khuon was a traitor, so we had to make sure we stay united.

11 Q. Did you know if-

12 MR. PRESIDENT:

13 Mr. Co-Prosecutor, could you please hold on?

14 And, Counsel Koppe, you may now proceed.

15 MR. KOPPE:

16 Just a request for clarification. I hear Koy Khuon rather than
17 Koy Thuon. Maybe that's – I see the prosecutor nod.

18 [11.43.46]

19 BY MR. RAYNOR:

20 Q. Did you know at this stage if Koy Thuon had the alias of Koy
21 Khuon or not?

22 MS. EK HEN:

23 A. I knew him as Koy Khuon. And I don't know this person very
24 well. Even the name has not been known to me precisely, and I
25 never saw this person directly.

1 Q. What exactly did Nuon Chea say about "not letting workers to
2 join in the treason"? Can you explain that a little bit more,
3 please?

4 A. He gave us advice and he said, if we knew that we were
5 affiliated with these networks, we had to be mindful and then
6 stop our association with them before it's too late, and that -
7 he asked us not to be involved with these activities and that we
8 had to remain united and love one another.

9 Q. What exactly did Nuon Chea say about "defending the territory
10 so the Yuon would not invade"?

11 [11.45.52]

12 A. He didn't say much further on this. He just mentioned that we
13 had to be shoulder to shoulder to protect our land and that
14 Khmers should love Khmers. That's what he said. He didn't mention
15 about joining the treason or joining other factions.

16 Q. And what exactly did Nuon Chea say about the purge of people
17 connected to - whether it's Koy Thuon or Koy Khuon? So, my
18 question is: What did he say about the purge? How did he describe
19 that?

20 A. When it comes to purge, we, ordinary workers, felt normal. We
21 were not affected. But the senior - or our senior leaders or our
22 superiors could have been affected. But he didn't even talk about
23 this to workers.

24 Q. And you say that Nuon Chea spoke about "mistakes". What
25 exactly did he say about mistakes, or people making mistakes?

1 A. After the study session, a meeting was convened when we broke
2 into a group of 10 to engage in the life-review session. And we
3 were encouraged to talk about our disadvantages and bad points
4 and we had to put our self in the meeting to be criticized and be
5 given feedback. For example, we had to admit that - what bad
6 things that we had done and what else needs to improve.

7 [11.48.36]

8 Q. And after this study meeting with Nuon Chea, did anything
9 happen to people, at the garment factory, who made mistakes and
10 were bad?

11 A. After the study session and the life-view meeting, we returned
12 to our workplace and resumed our normal work, and I did not
13 observe anything out of the ordinary.

14 MR. RAYNOR:

15 Madam Ek Hen, thank you very much for answering my questions.
16 I'd like to hand over now to my learned friends Lead Co-Lawyers
17 for the civil parties.

18 MR. PRESIDENT:

19 Lead Co-Lawyers for the civil parties, you may now proceed if you
20 wish.

21 MS. SIMMONEAU-FORT:

22 Thank you very much, Mr. President. Counsel Christine Martineau
23 and Counsel Sin Soworn will take the lead on putting questions to
24 witness. Thank you.

25 [11.50.10]

1 MR. PRESIDENT:

2 You may proceed.

3 QUESTIONING BY MS. SIN SOWORN:

4 Good morning, Mr. President, and good morning, Your Honours. Good
5 morning, my learned colleagues, and very good morning to you,
6 Madam Ek Hen.

7 I am Sin Soworn, a Co-Lawyer for the civil parties. I have some
8 questions to put to you regarding your experiences and knowledge
9 of the events that happened during that period of time. My
10 questions are more or less follow-up questions from the
11 Co-Prosecution.

12 Q. You said you were asked to work in the Mobile Unit where you
13 built dams. Then you volunteered to join the Women Mobile Group
14 in the East Zone. Is that true?

15 MS. EK HEN:

16 A. Yes, it is.

17 Q. Why did you volunteer to join the Women Mobile Unit? And how
18 did you join this group?

19 [11.51.37]

20 A. At that time, I was building dams. I was very young, and the
21 work was too hard for me, so I quit and I said I would join the
22 Women Mobile Unit. It would be better than building dams because,
23 if I die in the Mobile Unit, it was dying than working (sic)
24 building dams because it was too difficult. So I then become a
25 female combatant and then - attached to the East Zone.

1 Q. Thank you. At the beginning, when you volunteered to join this
2 Women Mobile Unit, who introduced you into this unit?

3 And you said you became a female combatant. Did you ever engage
4 in any battlefield – or fighting in any battlefields?

5 A. The village youth committee came to get our names – those who
6 would like to join the Women Mobile Unit. Then I offered my name
7 and volunteered to join the group.

8 Q. Do you still remember the people in the committee – or on the
9 committee of the youth group in the village?

10 [11.53.28]

11 A. He was a person by the name of En (phonetic). Later on he also
12 got a few more names from individuals who volunteered at the
13 worksite to join this Mobile Unit.

14 Q. Thank you. I have a few more questions, please. You said you
15 already joined the Women Mobile Unit for six months. Is that
16 correct?

17 A. Yes, it is.

18 Q. During this period of six months, did you ever attend any of
19 the political study sessions or short study sessions?

20 A. First I was put to live in Kanhchriech district. First we did
21 not attend any training sessions, but we learned on the job. I
22 was asked to reassemble weapons or guns, and during the six-month
23 period I engaged in these military training until its completion.

24 [11.55.00]

25 Q. So, in this Women Mobile Unit, you engaged more or less in

1 military training rather than political aspects. Is that correct?

2 A. Yes, it is.

3 Q. Thank you. You also testified that you worked in this Mobile
4 Unit for six months and that later on you were sent back to Phnom
5 Penh. How - or why were you sent to Phnom Penh when you remained
6 in the Mobile Unit?

7 MR. PRESIDENT:

8 Witness is now directed not to respond to this question because
9 the Chamber notes that this line of questioning is straying far
10 further than the scope of the trial, because here the Chamber
11 would like to hear witness who gives testimony regarding the
12 scope of Case File 002/01. And the key testimony today and
13 tomorrow is more about the roles of the accused person and the
14 policy of the joint criminal enterprise that - these alleged
15 facts have already been laid down in the indictment. And this
16 matter relates to the very final page of that indictment.

17 [11.56.40]

18 And the Chamber also notes that the current few last questions
19 are not relevant and that - the Chamber may not wish to hear such
20 questions because they are not soliciting any probative value of
21 evidence from this witness. So, please be reminded to refrain
22 from asking such questions.

23 And proceed to new questions if you wish.

24 BY MS. SIN SOWORN:

25 Thank you, Mr. President. I would like to move to new questions,

1 then.

2 Q. You said that Keo and Kun were arrested and you saw them being
3 arrested. Apart from these two individuals who were arrested, who
4 else did you see being arrested?

5 MS. EK HEN:

6 A. Apart from these individuals, there were two more people who
7 also were taken away. These include a person by the name of Than
8 (phonetic) and another person whose name I don't remember. And
9 I'm afraid it's difficult for me to remember this, but I can say
10 that four people disappeared, so far as I know.

11 [11.58.20]

12 Q. So, three people, including the people you knew the name and
13 the one whose name you don't remember. When exactly were these
14 people arrested - I mean, in the morning, midday, or at night?

15 A. I think I still remember this precisely because I was still
16 working at the Sewing Section. It was at 9 a.m. in the morning
17 when a vehicle was seen parked in the complex. I did not know
18 where these people would be taken to, but I saw them being led
19 away.

20 Q. Thank you.

21 In your statement, document E3/474 - English ERN 00205049; and
22 French, 00205053; and English - rather, Khmer, 0017264 - the
23 Co-Investigating Judges asked you the question whether people
24 disappeared from your unit, and you said:

25 "There was some disappearance, and people were loaded into the

1 concealed truck when armed people were escorting them. First,
2 people were arrested, and later on people from the East and the
3 North were also arrested because they were accused of being
4 traitors. Keo was also arrested in 1977. He was accused of being
5 affiliated with the East string, or network. I just don't know
6 what happened".

7 My question to you now is: How did you know the people who
8 affiliated with the network in the North and in the East zones
9 were arrested?

10 [12.01.12]

11 A. We heard from one another. And it was quite common that we
12 heard people in the North were arrested. And this information was
13 confirmed by our seeing people being disappearing one after
14 another. I never saw this, but I heard.

15 Q. Have you ever heard the term "enemy" being mentioned in those
16 days?

17 A. There were no enemies, and I haven't heard such thing as
18 "enemies".

19 Q. Thank you.

20 Now I'm referring to the same document, E3/474, under Khmer ERN
21 00172065; English ERN 00205050; and French, 00205054. On that
22 page you said:

23 "Mr. Nuon Chea led a study meeting at Borei Keila in 1978, with
24 about 500 people attending; this includes workers and personnel.
25 The content of the study meeting was about having workers strive

1 to work, and if these - or, rather, if there were mistakes made,
2 to have the workers reform themselves, defending the territory so
3 that the Yuon would not invade; and about the North Zone group's
4 treason; about Koy Thuon's treason; and not letting workers to
5 join in treason; about loving the land and not killing one
6 another; about striving to work to keep up with the plans; and
7 knowing how to conserve; and he told us about the purge of those
8 connected to Koy Thuon." End of quote.

9 [12.03.59]

10 When you said "striving to work to keep up with the plans", what
11 does that mean? For example, if people could not work to keep up
12 with the plans, what could happen to them?

13 MR. PRESIDENT:

14 Witness, could you please hold on?

15 National Counsel for Mr. Khieu Samphan, you may now proceed.

16 MR. KONG SAM ONN:

17 Thank you, Mr. President. I take issue with this line of
18 questioning because it's a kind of hypothetical question because
19 she asks for the witness to speculate.

20 MS. SIN SOWORN:

21 Thank you.

22 Mr. President, this question is put because I refer to her
23 statement. She said that Nuon Chea asked "workers to strive to
24 work in order to keep up with the plans". And my question is: If
25 in her unit, for example, a worker could not keep up with the

60

1 plan, what happened to him or her?

2 [12.05.18]

3 MR. PRESIDENT:

4 The objection is sustained. The question was of hypothetical
5 nature.

6 And witness is now directed not to respond to the question.

7 BY MS. SIN SOWORN:

8 Thank you, Mr. President. I will then have my final question,
9 please.

10 Q. Madam Witness, you worked in Phnom Penh in 1976, all the way
11 to 1979, when the Vietnamese came. During this period of time,
12 had you had any opportunities to visit your hometown?

13 MS. EK HEN:

14 A. Since the time I left my home, which was in 1974, all the way
15 to 1979, I had never been able to visit home. In 1979 I was then
16 transferred to the Srah Kaev refugee camp.

17 Q. Thank you. Do you know why you were not allowed to visit home?
18 Because you had been working for quite some time and you were not
19 allowed to pay a visit to your home. Why?

20 A. I don't know. But the only thing I know is that since I left
21 home, I'd never been allowed to go back. And I would never
22 complain because they didn't allow me to do so.

23 [12.07.07]

24 Q. What happened if you visited home?

25 MR. PRESIDENT:

1 Witness, please do not respond to this question.
2 The Chamber is stunned by way of putting this question to the
3 witness. What is the purpose behind putting this question? What
4 do you want from the witness – or the Chamber to understand your
5 objective by putting such question?

6 MS. SIN SOWORN:

7 Thank you, Mr. President. That already concludes my questioning
8 time-

9 MR. PRESIDENT:

10 Please advise the Chamber as to how much time would you need to
11 put more questions like this.

12 [12.07.45]

13 BY MS. SIN SOWORN:

14 Q. Last question: Madam Witness, when did you get married?

15 MS. EK HEN:

16 A. I was married in 1979; it was in late 1979.

17 Q. Thank you. During the time when you worked at the Sewing Unit,
18 did you see whether women in your unit were forced to get
19 married?

20 MR. PRESIDENT:

21 Counsel Kong Sam Onn, you may now proceed.

22 MR. KONG SAM ONN:

23 Thank you, Mr. President. This question is nothing relevant to
24 the scope of Case File 002/01.

25 And I also note that time has already been used, and the

1 President already made clear that no additional time would be
2 provided to counsels.

3 Can counsel also be following such instruction?

4 [12.09.12]

5 MS. SIN SOWORN:

6 This question is relevant to the case.

7 MR. PRESIDENT:

8 Witness, you are not directed not to respond to the question.

9 MS. MARTINEAU:

10 Mr. President, Your Honours, ladies and gentlemen. Mr. President,
11 do I have your leave to pose a few very brief questions before
12 the lunch adjournment, or do you have a preference to begin my
13 cross-examination following the break?

14 MR. PRESIDENT:

15 You will be provided the opportunity to put these questions now.

16 And be very brief and straightforward to the matter before us so
17 that the Chamber will have some ground for consideration during
18 its final consideration of the case.

19 [12.10.20]

20 QUESTIONING BY MS. MARTINEAU:

21 Mr. President, I shall endeavour to be very brief and concise,
22 given the number of questions that have been asked.

23 Q. I wish to ask, Madam Witness, for a brief summary on the issue
24 of training.

25 Madam, you had talked about the training that you had undergone

1 with Mr. Khieu Samphan and you referred to a certain number of
2 seminars with Mr. Nuon Chea. You stated, in your interview before
3 DC-Cam – and I can provide the ERN numbers: 00795296 in French;
4 in English, 00662025; and in Khmer, 00019582 – Madam, you stated
5 that Pang, in Office 870, was also in charge of training. Now, in
6 today's testimony, I didn't hear you talk about that specific
7 role that Pang played. Can you please tell us when he provided
8 the training and with whom he dispensed the training?

9 MS. EK HEN:

10 A. I said already that I did not attend any study sessions
11 chaired by or lectured by Pang. I did attend sessions where Khieu
12 Samphan and Nuon Chea chaired. I mentioned about Pang because I
13 heard his name being mentioned.

14 [12.12.22]

15 Q. Perhaps there was a misunderstanding, therefore, and a problem
16 with translation.

17 Madam Witness, referring to what you stated earlier, you said
18 that Mr. Khieu Samphan came to your factory in order to carry out
19 an inspection. Now, aside from tasting the soup, did Mr. Khieu
20 Samphan check up on your working conditions? Did he inquire on
21 your work hours, how you were working, what was happening in the
22 factory?

23 A. By and large, when he came to this place, he took the
24 advantage of the opportunity to visit the workers, but he didn't
25 spend much time there before he returned.

1 Q. Did other labourers such as yourself - were you represented -
2 were you - did you assign any delegate, aside from your group
3 leader, to speak or act on your behalf?

4 [12.14.01]

5 A. In the Sewing Unit, there were 17 units, from Unit 1 to Unit
6 17, and these were the women units. They were from the East and
7 the North; they were combined. There were about 100 women from
8 the East. So, among the 17 women mobile units, the majority of
9 these people were from the North. And in each unit, there were
10 three subgroups. And we were working at different houses and we
11 would not be allowed to mingle or walk about freely.

12 Q. You did not answer my question, but I will proceed with my
13 subsequent question.

14 Did Mr. Khieu Samphan or other leaders come to the factory to
15 carry out any inspections? And was it possible for the workers
16 there to convey their wishes or to make any comments or express
17 any criticism of what was happening at the factory - the working
18 conditions and how people were being treated or working?

19 A. He came to the workplace without bringing in any requests. But
20 we could see him waving to us and talking to us, encouraging us
21 to work harder, to help one another, and the produce - the final
22 product would be sent out. So he only came to boost our morale.

23 [12.16.50]

24 Q. Following his visits, did the working conditions or the food
25 rations increase - improve and increase, respectively? Because

1 you said that he was there to boost morale and you have stated on
2 previous occasions that the work was extremely exhausting and
3 that you yourself were quite tired from the work.

4 A. After his visit, food was sufficient. We had plenty of rice,
5 and the soup was delicious. And we also managed to raise some
6 pigs and poultry and we also grew our own vegetables in our
7 backyard. Because at that time there was no market that we could
8 buy vegetables or food, so we were growing the vegetables and
9 raised these domestic animals, and then we would bring the
10 vegetables to the kitchen – people who cooked for us.

11 [12.18.26]

12 MR. PRESIDENT:

13 Counsel, do you still have some more questions? But the time
14 allocated to you has already been used.

15 MS. MARTINEAU:

16 (Microphone not activated)

17 MR. PRESIDENT:

18 Can you turn on the console?

19 MS. MARTINEAU:

20 Yes, I only have one or two questions remaining. I wish to read
21 to Madam Witness an extract–

22 MR. PRESIDENT:

23 Well, it is not about wasting time putting question, but it is
24 more a practical issue because the CD has run out, so we need to
25 make sure the new one is in place to replace the old one.

1 [12.19.28]

2 MS. MARTINEAU:

3 Then, I will have to observe a pause, in that case, Mr.
4 President.

5 MR. PRESIDENT:

6 Thank you for being understandable.

7 And now it is already appropriate moment for lunch, and we would
8 like to adjourn.

9 And court officer is now instructed to assist the witness during
10 this adjournment and have her returned to the courtroom in the
11 afternoon, at 1.30 p.m.

12 Security personnel are directed to take Mr. Khieu Samphan to his
13 holding cell and have him returned to the courtroom before 1.30
14 p.m.

15 The Court is adjourned.

16 (Court recesses from 1220H to 1332H)

17 MR. PRESIDENT:

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

19 We would like to give the floor to Nuon Chea's defence to put
20 questions to this witness. You may proceed.

21 QUESTIONING BY MR. KOPPE:

22 Thank you, Mr. President. Good afternoon, Your Honours. Good
23 afternoon, counsel.

24 Good afternoon, Madam Witness. I have a few questions for you. I
25 am the international counsel of Nuon Chea.

1 [13.33.50]

2 Q. Let me start by asking you about the death of your father in
3 1971.

4 In your statement to the Investigating Judges, you said – that is
5 on page 2, document E3/474 – that he was killed "due to bombing
6 by Lon Nol aircraft". Could you tell us what happened exactly?

7 MS. EK HEN:

8 Good afternoon, Your Honours.

9 A. The crime that was committed against my father took place in
10 Svay Teab. I did not witness the event, but my uncle came to the
11 house and told me that my father died due to a bombardment in
12 Svay Teab. He was hit by a bomb that was dropped.

13 Q. And how did you know that it was a bombing by Lon Nol
14 aircraft?

15 A. That was a war period, and there was the liberated – the
16 liberated side and the Lon Nol side. And on the liberation side,
17 we did not have any plane; only the Lon Nol side possessed the
18 planes. So, usually they would drop bombs where the soldiers
19 stayed or based, and the plane came from Phnom Penh.

20 [13.36.12]

21 Q. Do you know if your father was the only casualty or were – or
22 were more people killed?

23 A. I did not ask him the details. I only heard that my father was
24 one of the casualties. There were other casualties, but I didn't
25 know how many exactly.

1 Q. Do you know if that bombing and the death of your father was a
2 reason for your brothers to join the Revolution in 1970 and '71?

3 A. First, only one of my elder brothers joined, and the - my
4 second brother stayed with my father. And after my father passed
5 away, my second elder brother also joined.

6 Q. You've stated in your statement with the Investigating Judges
7 that your brother Hoeun joined the Liberation Army in 1970. You
8 also stated - testified that he visited home four times after he
9 joined the Liberation Army. Do you remember that he, while he was
10 a member of the Revolutionary Forces, came to visit you and your
11 brothers and sisters?

12 [13.38.31]

13 A. No, your question is not correct. He actually joined the army
14 before his visit. It is not the other way around.

15 Q. Maybe something went wrong in the translation, but it's what I
16 actually meant.

17 You stated in your statement that your brother visited home four
18 times after he joined the army. That is correct, isn't it?

19 A. Yes. As I stated, he joined the army for a few years, and then
20 he came to visit.

21 Q. I know it's a long time ago, but do you remember him telling
22 stories about battles that he was involved in - battles, I mean,
23 with Lon Nol military?

24 A. Yes. He told me about the battlefields that he participated
25 in, including Preaek Kdam, Preaek Pnov. And, actually, my second

1 elder brother died in the Preæk Pnov battlefield.

2 Q. Do you remember what he told you about the battles that he was
3 in with the Lon Nol military?

4 A. He talked precisely about the battlefield in Preæk Pnov.

5 Q. Do you remember if he ever told you stories about Lon Nol
6 soldiers or Lon Nol military being captured by him or his unit or
7 by other revolutionary forces?

8 [13.41.00]

9 A. No, he did not talk about that. He came to visit us because he
10 missed us. And he spent a few days, and then he would return.

11 Q. The fact that you and your deceased brothers - no, let me
12 rephrase. The fact that your brothers joined the Revolutionary
13 Forces, was that for you also a reason to join the Revolutionary
14 Forces?

15 A. In fact, I was not aware of those stories. Only after I joined
16 and when he came to visit us, then he told me about those
17 stories.

18 Q. Did he ever tell you about execution of captured Lon Nol
19 soldiers?

20 A. I did not hear that from him.

21 Q. Now, I understand from your statement that he was part of the
22 Liberation Army in the North Zone. At one point, you joined the
23 Revolutionary Forces, as well, but you went to the East Zone. Do
24 you know why he went to the North Zone, and you - and you to the
25 East Zone?

1 A. We originated from the East Zone, so I joined it in the East
2 Zone. But as for him, he went for his business in Svay Teab, in
3 Bos Khnor - Bos Khnor. That happened before the coup d'état. So,
4 when the war erupted, he did not return home; instead he joined
5 the army there.

6 [13.43.36]

7 Q. Madam Witness, earlier this morning, you testified about
8 yourself joining the Revolutionary Forces, and if I have it - if
9 I wrote it down correctly, you said that you were a member of a
10 third group of a platoon of female combatants in the East Zone.
11 Is that correct?

12 A. I was an ordinary female combatant. I was assigned to a - to a
13 group of 100 soldiers. I was in the third squad, in the second
14 platoon of the 13th Company.

15 Q. And your rank was that of an ordinary soldier? Is that
16 correct?

17 A. Yes, I was an ordinary female combatant, as I said. I was in
18 the third squad and I was a member of the squad, not a squad
19 leader. I did not have any role in that squad. I was simply a
20 member. And that squad was under the platoon, and that platoon
21 was under the Company 13.

22 Q. And this Company 13 was ultimately under the Division 203. Do
23 I say that correctly?

24 A. 203 is not a code name for a division. 203, it is for a sector
25 to the - on the east side of the Mekong River, within that zone.

1 It is not Division 203, it is Zone 203.

2 [13.46.02]

3 Q. Yes, you're right. I'm sorry.

4 Would you be able to tell if your battalion was part of a
5 division, for instance the Third Division, or the Fourth
6 Division, or the Fifth Division?

7 A. In fact, there were not many female combatants, and the female
8 one only composed within squad, and we did not expand into any
9 female combatant division. It was newly created, and there were
10 limited numbers of female combatants.

11 Q. But were you, ultimately, part of a larger group called a
12 division?

13 A. I don't really understand it. As I said, female combatants did
14 not expand up to a division. There could be thousands of soldiers
15 within a division, but our female combatants existed in limited
16 number.

17 Q. I understand. But was your group, although they were – the
18 group was small, nevertheless part of a bigger entity? In other
19 words, was your platoon a part of a bigger division?

20 A. No.

21 [13.48.21]

22 Q. Were you ever actively engaged in battle with former Lon Nol
23 military?

24 A. At that time, we actually received a training, and at the
25 conclusion of the training, the war ended – that is, it ended

1 with the liberation, on the 17 April. And then we were
2 demobilized and turned into Mobile Unit.

3 Q. So, you never have been fighting, I understand from you.

4 Have you been part of the liberation of Phnom Penh, or didn't
5 that happen, also?

6 A. No, I was not part of the liberation. But after the
7 liberation, I came to do the cleaning.

8 Q. But that was much later after 17 April '75. Is that correct?

9 A. You mean immediately after - in 1975? Actually, my journey to
10 Phnom Penh, I described it already this morning. We did the
11 cleaning, and I went elsewhere, then I returned to Phnom Penh to
12 engage in the sewing factory.

13 [13.50.27]

14 Q. I'm trying to ask you - maybe in other words: Where were you
15 in the weeks and months after 17 April '75?

16 A. After the liberation, in 1975, I was in Kanhchriech district.
17 I stayed there for two or three months, and then I came to Phnom
18 Penh.

19 Q. I would like to ask you a few questions about the training
20 that you received.

21 You just testified that almost at the - during the days that
22 Phnom Penh was liberated, you finished your training.
23 Do you remember if a part of the training was the treatment of
24 Lon Nol soldiers once they were captured in - after a battle?
25 A. The training purpose was to prepare us to engage in the

1 battlefield. But, as I said, we did not engage in any
2 battlefield, due to the liberation on the 17 April 1975.

3 Q. I understand. But do you remember if there were instructions
4 given during these trainings about what to do with Lon Nol
5 soldiers once they were captured or became prisoners of war?

6 [13.52.48]

7 A. We were simply combatants but we did not know the reality that
8 existed in the front battlefield; we did not know what would
9 happen to those captured soldiers and whether they were tortured
10 or not.

11 Q. Do you remember, in the - in the months after 17 April '75,
12 what happened to captured Lon Nol soldiers? Have you ever been
13 able to witness, yourself, former Lon Nol soldiers who had been
14 captured?

15 A. No, I did not see that. I never saw it. I saw people who were
16 evacuated from Phnom Penh, and later on we came to Phnom Penh, so
17 we did not see anything of that nature.

18 Q. Do you remember whether you ever heard something about the
19 targeting of Lon Nol soldiers or maybe even execution of Lon Nol
20 soldiers in Phnom Penh or around Phnom Penh in the months after
21 17 April 1975?

22 [13.54.36]

23 A. At that time, no such information was provided. We stayed put
24 in one place and we did not know what happened elsewhere. We were
25 only aware of what we worked and did.

1 Q. Ms. Witness, you gave a statement to the OCIJ – that would be
2 page 3, in the middle – document E3/474. There you stated as
3 follows: "I requested to stop and volunteered to join a women's
4 unit of East Zone led by So Phim."

5 What do you mean – or what did you mean when you said that your
6 unit was "led by So Phim"?

7 A. I wanted to say that when the Female Unit was established,
8 that unit was established by the zone committee. And the purpose
9 of recruiting a female unit was for the – for transportation, and
10 we were given training in order to engage in any foreseeable
11 battlefield. But – So Phim never came to meet us, but we were
12 part of the East Zone military.

13 Q. So your unit was part of a bigger entity led by So Phim. Do I
14 understand that correctly?

15 A. Yes, that is correct.

16 Q. And when you say "we were led by So Phim", this means that –
17 not literally, in the sense of being led by a commander, but
18 rather that So Phim was the top commander of the forces that you
19 belonged to. Would that be correct?

20 [13.57.15]

21 A. Yes, that is correct. But – he actually created a female unit
22 for transportation of food to the front battlefield, but he did
23 not involve in the day-to-day supervision of the Female Unit.

24 Q. Do you know a person called Seng Hong?

25 A. I don't seem to be familiar with that name and I have not

1 heard that name before.

2 Q. Do you know who was the zone deputy secretary in the Eastern
3 Zone in the period '75-'79?

4 A. I was a lowest-rank combatant; I would not have the knowledge
5 of the very top commander or people.

6 Q. Do you know a person called Kev Samnang?

7 A. No, I don't.

8 Q. If I tell you that he was the chief of the Eastern Zone
9 Military Staff, does that ring a bell?

10 A. No, it doesn't ring a bell. I never knew this person.

11 [13.59.36]

12 Q. Do you know a person called Ly Phen?

13 A. I do not know this name.

14 Q. Do you know a person called Peou Hak?

15 A. No, I don't. I was too young to know these people.

16 Q. If I tell you that he was the commander in the Eastern Zone of
17 the Third Division, would that ring a bell?

18 A. No, I'm afraid not.

19 Q. Does the name Pol Saroeun sound familiar?

20 A. No, it doesn't.

21 Q. Does the name Kri ring a bell?

22 A. No, it doesn't.

23 MR. KOPPE:

24 Mr. President – Mr. President, I have one more question to this
25 witness in respect of a name in the Eastern Zone. You know him as

1 TCW-223.

2 [14.01.30]

3 I would like to ask to get leave to show the witness the name of
4 TCW-223 on a piece of paper and simply ask the witness if she -
5 if the name is familiar and, without mentioning the name, if then
6 she could, if she knows him, describe his functions in the
7 Eastern Zone.

8 MR. PRESIDENT:

9 You may proceed, but also, please, indicate to - specific
10 timeframe when this witness may know this particular individual.
11 Court officer is now directed to bring the document from counsel
12 to the witness.

13 BY MR. KOPPE:

14 Q. Does this name sound familiar, Madam Witness? And I'm
15 specifically asking about the period 1975 - April '75.

16 [14.03.07]

17 MS. EK HEN:

18 A. I never known this person - never. I have just learned his
19 name and his face very recently through watching T.V.

20 MR. KOPPE:

21 Thank you, Mr. President.

22 MR. PRESIDENT:

23 Thank you.

24 Now, I would like to hand over to counsels for Mr. Khieu Samphan
25 to put some questions to the witness. You may proceed.

1 QUESTIONING BY MR. VERCKEN:

2 Thank you, Mr. President.

3 Good afternoon, Madam Witness. My name is Arthur Vercken. I am
4 one of the international lawyers representing Mr. Khieu Samphan.

5 I shall ask you a few questions, the first concerning the
6 training sessions that you stated you attended. These were
7 training sessions you described as having been chaired by Mr.
8 Khieu Samphan. We will speak of the dates of the training
9 sessions.

10 [14.04.42]

11 Q. This morning, the Co-Prosecutor read out to you a passage from
12 your recorded interview conducted by this tribunal's
13 investigators in March 2008.

14 The passage that he read out to you and that you confirmed
15 contains your assertion that – and I quote: "The first training,
16 which took place in Borei Keila in 1976, was given by Khieu
17 Samphan." End of quote. Could you please confirm or invalidate
18 the date that this supposed training session was given by Mr.
19 Khieu Samphan in 1976?

20 MS. EK HEN:

21 A. It was in late 1976, yes. It's almost reaching 1977. It was
22 very late of that year.

23 [14.06.06]

24 Q. Very well. This morning, you referred to the dates. When you
25 talked about the study session, you stated: "Khieu Samphan didn't

1 want us to argue. He wanted us to unite because the war had just
2 ended." And what I'm interested in is your sentence, "The war had
3 just ended." What war were you referring to in the response you
4 provided to the Co-Prosecutor?

5 A. I was referring to the war in Cambodia because there were
6 (sic) one war after another and when the wars ended he asked us
7 to make sure we unite and work together to rebuild the country.
8 And we were still very young. It would be best that we worked
9 together to grow - to do farming to help the country.

10 Q. Thank you. If I understand correctly, the war that you
11 referred to this morning was the war that ended with the April
12 17th, 1975 victory; is this correct?

13 A. Yes, it is.

14 [14.08.03]

15 Q. In the interest of clarity and to make sure that we are all
16 clear on when the study sessions occurred, the study sessions
17 that were chaired by Mr. Khieu Samphan, you also testified this
18 morning in response to a question put to you by the
19 Co-Prosecutor. His question was whether or not it was the first
20 time Mr. Khieu Samphan headed the study session, if it was the
21 first time you had heard about traitors and that prior to that
22 first study session, you had never heard of any discussion about
23 traitors; is this correct?

24 A. Yes, it is.

25 Q. Therefore, is it accurate to say - and please correct me if

1 I'm wrong - that of the two study sessions you testified you
2 attended, Mr. Khieu Samphan chaired the first session and Mr.
3 Nuon Chea would have chaired the second study session; is this
4 correct?

5 A. I think it is rather confusing in that question or perhaps you
6 misunderstood me. When Khieu Samphan was lecturing in the
7 session, he didn't mention anything about traitors because only
8 at the later date when he talked about this.

9 During the first session, he mentioned more about rebuilding the
10 country and only in the second study session or meeting in which
11 he mentioned about that.

12 [14.10.31]

13 Q. You stated - you're saying that Mr. Khieu Samphan chaired two
14 study sessions or are you talking about the second study session
15 that would have been presided over by Mr. Nuon Chea; can you
16 please specify?

17 A. I said I attended the study sessions at Borei Keila on two
18 occasions, the first session and the second session. The first
19 session was conducted in late '76, early 1977. At that time,
20 arrests were not yet made, no traitors were being mentioned. But
21 in 1978, during the second session, then these terms were
22 mentioned.

23 So again, during the first session I attended, no mention of
24 traitors being made. He only educated us on how to promote our
25 solidarity, work - encouraged us to work together to make sure

1 our country was prosperous, and that was the session in 1976 -
2 late 1976 or early 1977. During the second study session, that
3 topic of traitors being discussed.

4 [14.12.11]

5 Q. Who led the second study session? Who spoke? Who was the
6 person who led that study session?

7 A. Uncle Khieu Samphan was chairing the second session and the
8 first session was chaired by Uncle Nuon Chea.

9 Q. Madam Witness, this morning you testified to the contrary. The
10 Co-Prosecutor read to you an excerpt from your written record of
11 interview, Witness, from the 5th of March 2008, and you stated
12 that the first study session held at Borei Keila in 1977 was
13 chaired by Mr. Khieu Samphan. And further on, on the same page,
14 page 4 of the French version, you stated that Nuon Chea led a
15 study session also at Borei Keila in 1978.

16 Now, I know that these facts go back a very long time, but we
17 need to know exactly what your testimony is. Would you remember
18 about the dates and about what you said to the investigators in
19 March 2008 because what you have just testified now seems to be
20 the opposite of what you said back then?

21 [14.14.15]

22 A. I believe that perhaps my response was not right to the order
23 of the questions, and I can say that my memory is not as good as
24 it used to be because this happened a long time ago. And the fact
25 is there; two of them would be chairing these events. I - and I

1 attended the sessions when they lectured.

2 Q. I will put to you a very broad question and you can answer as
3 you please. Are you certain of being in a position to draw a
4 distinction to attribute what may have been said to Khieu Samphan
5 or what may have been said by Nuon Chea or is such an exercise
6 too difficult for you?

7 A. I would like to now state clearly and choose to say that
8 during the first session, Uncle Nuon Chea was chairing the
9 meeting and the second one was chaired by Uncle Khieu Samphan.

10 [14.16.02]

11 Q. I'm rather taken aback, Madam, because you're saying two
12 contradictory things. You're telling – you're providing testimony
13 today, but you're saying that your memory is faulty.

14 We began by asking you a question about the date of the study
15 session and this morning in response to the questions by the
16 Co-Prosecutor, you specified that Mr. Khieu Samphan had chaired
17 the study sessions at the time when the war had just ended and
18 that prior to that date, you had never heard about any speak –
19 any discussion of traitors. So if Nuon Chea's study session took
20 place before Mr. Khieu Samphan's study session, then you would
21 have heard about treason because you told the investigators that
22 you had heard about – that you had not heard about treason. Are
23 things very clear to your mind?

24 A. That's what he said at that time. He said in the North Zone,
25 people – there were some traitors. That's what he only referring

1 to the North Zone and the traitors, but he didn't mention names
2 of individuals who were believed to be traitors.

3 Q. And when you refer to "he," who are you talking about? Are you
4 talking about Nuon Chea or are you talking about Khieu Samphan?

5 [14.18.16]

6 A. I was referring to Mr. Khieu Samphan.

7 MR. VERCKEN:

8 Mr. President, I would seek to produce an audio excerpt of the
9 interview that this witness participated in with this tribunal's
10 investigators on the 5th of March 2008. As we are all well aware,
11 the written record of witness interview belonging to this witness
12 is a summary of the oral interview and that has been signed.

13 Nevertheless, the interview, itself, and the way that it
14 proceeded may shed light on the circumstances in which a person
15 was asked to address a particular subject. And the issue as to
16 what Mr. Khieu Samphan supposedly said or did not say at the
17 session – at the study session in question should be made clear
18 by the audio passage and should further elucidate this witness'
19 testimony.

20 [14.20.03]

21 As the Trial Chamber has only recently decided to call this
22 witness to the stand, we were unable to obtain an official
23 translation of the audio transcript; however, I do have an
24 unofficial translation that was provided to me by a staff at this
25 Court and I have already provided notice to the Audio-Visual Unit

1 to make a very short passage of this interview that was conducted
2 by the Court's investigators on the 5th of March 2008 with
3 respect to Mr. Khieu Samphan's participation in the first study
4 session at Borei Keila.

5 MR. PRESIDENT:

6 Counsel, could you please be more precise as to why you would
7 like this recording to be played back and to which particular
8 fact this video recording is referring? And, please, also
9 identify the exact minutes or starting point and the ending point
10 of the portion of the recording that you would like to be played
11 so that the Chamber is able to instruct people concerned to have
12 it played.

13 [14.21.57]

14 MR. VERCKEN:

15 Yes, of course, Mr. President.

16 The subject serves as the basis for calling this witness to the
17 stand following the Co-Prosecutor's request - the notification of
18 the Co-Prosecutor in response to the request by the senior legal
19 officer following the trial management meeting of the 13th of
20 June. This is document E288/3. The Office of the Co-Prosecutors
21 is calling for the summoning of this witness, TCW-168, who
22 describes the political situation in - in Borei Keila where Khieu
23 Samphan discusses the arrest of Pang from Office 870 because he
24 was a traitor and he had - he was serving the Vietnamese, and
25 this is exactly why I would like to revisit what was said on the

1 5th of March 2008.

2 And the audio recording is classified under D948R. The interview
3 begins at minute 39 second 31 for approximately 7 minutes, or
4 rather the recording begins at minute 32 [corrects the
5 interpreter].

6 [14.23.56]

7 JUDGE LAVERGNE:

8 Thank you very much, Mr. President.

9 Counsel Vercken, what the Chamber seeks to - can you hear me?
10 (Short pause)

11 JUDGE LAVERGNE:

12 Counsel Vercken, are you able to hear me? Perhaps he needs to
13 change his headset.

14 Your Honour, we have no sound.

15 Are you able to hear me if I speak in this microphone?

16 MR. PRESIDENT:

17 Judge Lavergne, could you please hold on? We appear to have some
18 technical glitch regarding this interpreting equipment. People
19 concerned already are looking into it.

20 Judge Lavergne, you may now proceed.

21 [14.26.00]

22 JUDGE LAVERGNE:

23 Thank you, Mr. President. I hope I'm being heard now loud and
24 clear.

25 What the Bench seeks to know with clarity, Counsel Vercken, is

1 the following: You are asking for a production of one part of the
2 audio recording of the interview involving this witness. We would
3 like to know the specific reasons you are asking the Trial
4 Chamber to hear this specific clip from the audio recording. Is
5 there a discrepancy or difference with the substance of the
6 written record of witness interview or is this a matter of
7 establishing the tone with which the interview was conducted? If
8 it's a matter of tone, it's not something that can be
9 interpreted.

10 [14.27.08]

11 MR. VERCKEN:

12 Yes, certainly, there are not only differences and discrepancies,
13 but there seems to be a certain development in the interview
14 which should be interpreted and conveyed in all three languages
15 quite easily. This is not just a matter of tone used.

16 (Judges deliberate)

17 [14.28.26]

18 MR. PRESIDENT:

19 We would like to hear from the Co-Prosecutors to see whether they
20 would like to accept it or not.

21 MR. RAYNOR:

22 We don't object, thank you.

23 MR. PRESIDENT:

24 Indeed, Counsel Vercken, you may proceed.

25 And now AV booth officials are now directed to play this portion

1 of the video - of the recording for the Court. This document is
2 D94/8R starting from 33.31 minutes to 36.

3 [14.29.33]

4 MR. VERCKEN:

5 If I may, Mr. President, the excerpt begins at minute 34 second
6 31 and it ends at minute 37 second 32.

7 MR. PRESIDENT:

8 Indeed, now, this portion must be played starting from 34.31
9 seconds and 37.32.

10 MR. VERCKEN:

11 Pardon me, 30 minutes - 37, second 52 (37.52).

12 MR. PRESIDENT:

13 That's what we already understood or perhaps the message was not
14 clear through the rendition, but now the Chamber already allows
15 the portion as requested by counsel for Mr. Khieu Samphan to be
16 played, so the message is now clear that the portion that you
17 have requested is to be played.

18 [14.31.15]

19 (Audio presentation)

20 "At that time, did he come alone? You think he's a man of power?
21 Was he cruel?"

22 "No, he was not. He was normal and he came to the factory while
23 we were eating and he looked at us."

24 MR. PRESIDENT:

25 There is no video. Is it audio record or video record or video

1 clip?

2 AV Unit, please stop.

3 Counsel, you may proceed.

4 MR. VERCKEN:

5 Thank you, Mr. President. There is no video image. There's a
6 little bit of adaptation to the sound level and the first
7 sentence actually concerned the date which wasn't translated into
8 French and I think that's very important as far as I'm concerned,
9 so I'd like us to play it back so that we can start from the very
10 beginning and hear that very first sentence or two.

11 MR. PRESIDENT:

12 AV Unit, please replay that video – that audio clip.

13 [14.32.47]

14 (Audio presentation)

15 "When did you meet him?"

16 "It was '76."

17 "Did he come alone?"

18 "Yes."

19 "Was he ever a man of power?"

20 "He was normal."

21 Question: "Was he cruel?"

22 Answer: "No, he was not. He was normal. He came to the factory
23 while we were eating. He looked at us."

24 Question: "When he – Khieu Samphan came to teach in '76, how many
25 workers attended and was it at Borei Keila?"

1 Answer: "Yes, at Borei Keila."

2 "And what was the content?"

3 "It was the same."

4 "Did he speak of anything else?"

5 Answer: "The - it's a yearly meeting. He talk about to fulfil the

6 quota, how many tonnes per hectare and that we should save."

7 Question: "Anything else?"

8 Answer: "During that study, we were asked to complete the quota;

9 otherwise, we needs to criticize ourself; why we could not

10 complete the quota of sewing."

11 "Did he talk about the politics?"

12 Answer: "He talk whether we had our sufficient food."

13 Question: "Did he talk about the Vietnamese invasion?"

14 Answer: "No."

15 So he - he spoke differently from what Nuon Chea did; did he,

16 because you said Nuon Chea spoke about the - the treason?"

17 Answer: "Regarding the traitor - the treason in the North, it was

18 different."

19 Question: "What did Khieu Samphan say?"

20 Answer: "He said Pang was a traitor. He was part of the

21 traitorous network."

22 "And did you - he was arrested because he was accused of being a

23 traitor and collaborating with the Yuon. And did you know where

24 Pang was taken?"

25 Answer: "He said only that Pang was arrested and taken away."

1 Question: "Did – what did you know about Office 870?"

2 Answer: "I only heard he spoke about Office 870, but I did not
3 know what it was, but it – my sewing unit was also part of that
4 big Office 870."

5 Question: "Did he say that?"

6 Answer: "Yes."

7 Question: "Did he say anything else regarding the arrest?"

8 Answer: "No, only – merely the fall of the regime, people had
9 been arrested."

10 (End of audio presentation)

11 [14.36.29]

12 MR. VERCKEN:

13 Two passages that interested me particularly were not translated
14 into French. My team, which was listening to the Khmer, says that
15 these sentences were heard in Khmer and two passages didn't
16 appear in French.

17 I don't know what to do now, whether I should request that this
18 be listened to once again or I should submit to you this French
19 translation that was done by a tribunal interpreter or should I
20 read the two passages that I'm interested in?

21 (Judges deliberate)

22 [14.40.05]

23 MR. PRESIDENT:

24 Judge Lavergne, please take the floor in order to respond to the
25 last part raised by international counsel for Khieu Samphan.

1 JUDGE LAVERGNE:

2 Thank you, Mr. President.

3 The point we want you to understand Counsel Vercken is that you
4 can ask for an official translation by the tribunal of the part
5 that you would like to see fully translated. But at this
6 juncture, we cannot base ourselves on an unofficial
7 interpretation to continue interrogating this witness who, don't
8 let us forget, is not going to be recalled.

9 BY MR. VERCKEN:

10 Q. Yes, I'm well aware that she will not be recalled to this
11 Court and that is precisely my difficulty.

12 We are mindful of the debate about the length of the closing
13 statements and so forth. We're not going to go into this now.

14 [14.41.27]

15 But Madam, if I could take the first part of what we have just
16 heard from March 2008 with the Co-Prosecutor's investigator and
17 you said that the training session chaired by Khieu Samphan was
18 in 1976 and you confirmed it to the prosecutor and you were
19 starting to confirm it to me when I initiated my questions. So
20 let me ask you once again, Madam, what is your testimony in this
21 Court about the date when you attended the training session led
22 by Khieu Samphan?

23 MS. EK HEN:

24 A. It was a long time ago, so my recollection may not be precise
25 and as I stated, there were two study sessions. In the first

1 study session, there was no talk about the traitorous network and
2 the talk was only in the second session regarding the traitorous
3 network in the North Zone and it was not mentioned in the first
4 study session at all.

5 MR. PRESIDENT:

6 Thank you, Counsel, and witness.

7 The time is appropriate for a short break. We will take a break
8 and return at 3 p.m.

9 Court officer, please assist the witness during the break and
10 have her return to the courtroom at 3 p.m.

11 The Court is now in recess.

12 (Court recesses from 1443H to 1501H)

13 MR. PRESIDENT:

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

15 Now we would like to hand over to counsel for Mr. Khieu Samphan
16 to continue putting questions to this witness.

17 BY MR. VERCKEN:

18 Thank you, President.

19 Q. Madam Witness, just before we broke for the afternoon pause,
20 you testified that during the second study session you attended,
21 which you now state as having been chaired by Mr. Khieu Samphan,
22 there was discussion of treason and people from the North Zone. I
23 wish to read back to you a passage from your written record of
24 witness interview of the 5th of March 2008, E3/474, French ERN,
25 00205054; Khmer, 00172060 to 65; and English, 00205049 to 50.

1 [15.03.27]

2 And you state two things. Firstly, you stated that the first
3 study session that took place in Borei Keila in 1977 was chaired
4 by Mr. Khieu Samphan. And further on on the same page, you stated
5 that Mr. Nuon Chea also led a study session in Borei Keila in
6 1978. And further on, you stated that he talked about the North
7 Zone group's treason and not letting workers join in the treason.
8 Is what you testified this morning consistent with what you told
9 the tribunal's investigators on the 5th of March 2008? And I
10 would therefore ask you to explain whether or not it is
11 consistent?

12 [15.04.44]

13 MS. EK HEN:

14 A. Good afternoon again, Mr. President and Your Honours.
15 These questions are rather confusing and I may be confused myself
16 because it happened a very long time ago. Indeed, the first
17 session was a different one as opposed to the second session. And
18 again, during the first session topic regarding traitors or
19 treason was not discussed, it was only discussed in the second
20 session.

21 Q. Yes, Madam, you have not altered your response on that point.
22 But what is of interest to me is whether or not – and please tell
23 me if you are able to recall or not, because it might be
24 difficult 40 years after the fact – who led the first study
25 session and who chaired the second study session?

1 A. Mr. Nuon Chea was chairing the first session and Mr. Khieu
2 Samphan was chairing the second session in 1978.

3 [15.06.47]

4 Q. Madam, you've just testified that the facts occurred very long
5 ago, that it's very difficult to recall some 40 years on, but
6 four years ago you stated something else, you stated something
7 entirely different from what you are saying today. Four years ago
8 you said that the first study session was chaired by Mr. Khieu
9 Samphan and the second study session was led by Mr. Nuon Chea. Is
10 it possible that you are mistaken today when you are making as a
11 firm statement before - as you have before the Trial Chamber, do
12 you have any doubts or uncertainty over your own testimony?

13 A. The study sessions were there, I perhaps have problem
14 recognizing who would be chairing a particular session, although
15 I am sure that it was Nuon Chea who was chairing the first
16 session and that Khieu Samphan was the one who chaired the second
17 session.

18 Q. This morning in response to a question put to you by the
19 Co-Prosecutor, you began by discussing the study session chaired
20 by Mr. Khieu Samphan. You said that Khieu Samphan told all those
21 present that people had to unite because the war had just ended.

22 [15.08.41]

23 Is the testimony that you provided this morning referring to an
24 event that would have been presided over by Mr. Khieu Samphan
25 closer to the date of 1975, rather than a session that was

1 chaired by Mr. Nuon Chea?

2 MR. PRESIDENT:

3 Madam Witness, could you please hold on. Counsel for the civil
4 parties, you may now proceed.

5 MS. MARTINEAU:

6 Mr. President, I find my colleague's manner in which he's asking
7 the question is highly leading. He is trying to direct her to
8 what she said this morning or what she could have said. I believe
9 that this manner of questioning is improper and cannot continue.

10 [15.09.54]

11 MR. VERCKEN:

12 If I may continue, Mr. President, I wish to reply to my learned
13 colleague that this morning the Co-Prosecutor reread the
14 statement given by this witness on the 5th of March 2008. He read
15 out a passage and she stated that the first session was presided
16 over by Mr. Khieu Samphan in 1976, and that the second study
17 session was presided over by Mr. Nuon Chea in 1978. And during my
18 questioning it would appear that things occurred in reverse
19 order. Therefore, I am seeking to know what happened and to
20 clarify the witness's testimony, and in doing so I am compelled
21 to ask questions concerning the dates only. For example, when the
22 meeting presided over by Mr. Khieu Samphan would have occurred
23 just before the victory of 1975, by specifying that the meeting
24 headed by Mr. Khieu Samphan took place sometime very close to the
25 1975 victory.

1 (Judges deliberate)

2 [15.12.30]

3 MR. PRESIDENT:

4 The Chamber has already heard the line of questioning including
5 the several questions that counsel already asked the witness, we
6 have heard enough. And counsel, you may proceed to other
7 questions, please.

8 BY MR. VERCKEN:

9 Very well, Mr. President, I've taken note, I shall proceed to
10 another line of questioning.

11 Q. This morning, Madam Witness, in response to a question put by
12 the Co-Prosecutor, you stated that you did not attend any study
13 sessions led by Pang. Do you recall testifying that this morning?

14 MS. EK HEN:

15 A. Which part of the morning testimony you would like me to
16 recollect, please?

17 Q. I'm unable to give you the exact hour, but it is on page 16 of
18 my notes that goes to the end of page 18 and near the end of your
19 testimony to the final questions that were put to you. And what I
20 have handwritten here is that you stated that: "I did not attend
21 any study sessions presided over by Pang, only those presided
22 over by Nuon Chea and Mr. Khieu Samphan."

23 [15.15.05]

24 But Madam, you are free to say anything else. You can state
25 whether or not you did attend any study sessions presided over by

1 Pang. Is that the case?

2 A. No, I had never attended any study sessions chaired by Pang.

3 Q. On the 6th of July 2003, you met with Mr. Long Dany from
4 DC-Cam. Mr. Long Dany conducted an interview with you and on page
5 7 of your interview as transcribed in the French ERN 00795296, in
6 English 00662015; and in Khmer 00019582, you state as follows in
7 July 2003:

8 "Question:" – from DC-Cam – "There was Khieu Samphan, Nuon Chea,
9 but were there any other individuals?"

10 "Answer: There was Mr. Pang from Office 870."

11 "Question: So Mr. Pang from Office 870?"

12 "Answer: Yes."

13 "Question: So he taught there as well?"

14 "Answer: Yes."

15 "Question: What kind of study sessions did he lead exactly?"

16 "Answer: He taught about Communist struggle and there were other
17 topics, but I do not recall them."

18 [15.17.13]

19 Madam, based on those answers it would appear that in 2003 you
20 clearly remembered that you did indeed attend a study session led
21 by Mr. Pang. And you even recalled the subject matter of those
22 sessions. How do you explain the fact that today you no longer
23 remember, could you please tell the Chamber?

24 A. I respond to parts that I still remember and I would not
25 respond to other parts that I don't remember. So these things

1 happened a very long time ago, it is no doubt that I may forget.

2 Q. This morning the Co-Prosecutor asked you how long the study
3 session you attended and presided by Mr. Khieu Samphan lasted.

4 You answered: "One day." Now just following the passage that I
5 have just read aloud - I'm referring to the same interview with
6 DC-Cam on the 6th of July 2003 - you state and I quote - Dany
7 from DC-Cam asks you:

8 "All of those people, Nuon Chea, Khieu Samphan, they gave courses
9 for how long each time? Answer: Well each time they taught for
10 one week." End of quote.

11 [15.19.41]

12 My question for you, Madam, is the same, can you please comment
13 on the difference between the duration of the study sessions
14 presided over by the individuals named, there seems to be a
15 difference of six times?

16 A. During the study sessions, workers - people had to study there
17 for a week. Well to put it this way, the session would last - the
18 actual study session would last for like one morning, but then
19 people had to come back to work, then we go back to the session.

20 Q. That means they would return to the study session the next day
21 and the same person presiding would take the floor?

22 [15.21.22]

23 A. No, there would be no more new teachers or trainers, because
24 after that morning session we would break into groups and then we
25 discussed and criticized one another and placed our self for

1 criticism. For example, we would raise our advantages,
2 disadvantages, bad and good points, so that everyone could do the
3 same during such discussion and no more teachers.

4 Q. But the next day there would be a teacher or an instructor?

5 A. No.

6 Q. So the study sessions that you stated you attended lasted one
7 day or one week?

8 A. As I said, the study session lasted for only one day, but
9 after the session we had to engage in the self-criticism session
10 for the whole week. For example, each day we would convene to
11 place our self for criticism, then we went back to work and we
12 did the same the following day.

13 [15.23.37]

14 Q. And the entire year unfolded in such a manner?

15 A. That happened only once in a year. It was called the "Life
16 View Session" when people had to criticize the others and to be
17 criticized.

18 Q. Madam, do you recall exactly how many times Mr. Khieu Samphan
19 came to visit your factory?

20 A. He went there on two or three occasions only.

21 Q. This morning you stated he came three or four times and now
22 you are saying two or three times. In your mind you do not have a
23 very clear idea of exactly how many times he attended, it could
24 be two or three, but it would appear that you can't say more. Is
25 this correct?

1 A. I think you may be right, because something that happened a
2 very long time ago and I was young at that time. And now I am
3 getting older and my memory is also not as very good as it used
4 to be. So I can't remember things precisely as it happened
5 immediately.

6 [15.26.07]

7 Q. Therefore, in the logic of what you have just said, Madam, it
8 is possible that you could have better recalled the chronology of
9 events when you were heard four years ago as opposed to what you
10 are testifying today. Is this correct?

11 A. What I am saying is that it is difficult to remember things
12 that happened a very long time ago. Things that happened
13 recently, we may remember better than things that happened a very
14 long time ago.

15 Q. Then ultimately, we are in agreement?

16 A. Agree on what, please?

17 Q. We are in agreement on the fact that you may have recalled
18 events a bit more clearly in 2008 than you are able to recall
19 today.

20 A. Yes, my memory back then was clear and now I think my memory
21 that good, because I am getting very old and I can't even read
22 the writings properly these days.

23 [15.28.01]

24 MR. VERCKEN:

25 Thank you very much, Madam Witness.

100

1 I've concluded my questioning, Mr. President.

2 MR. PRESIDENT:

3 Mr. Co-Prosecutor, you may now proceed.

4 MR. RAYNOR:

5 Thank you, Mr. President. Given – I think problems of both myself
6 and Mr. – my learned friend Mr. Koppe were having about Koy Thuon
7 and Koy Khuon earlier in the testimony, can I just say for the
8 record and for my learned friend, that in the confession of Koy
9 Thuon, which is 5.39, there are a number of pages where there's
10 the dates and the name Khuon on Koy Thuon's confession.

11 Thank you.

12 [15.29.05]

13 MR. PRESIDENT:

14 Thank you.

15 Madam Ek Hen, your testimony has now come to an end. You are now
16 excused.

17 The Court is very grateful to your time and attendance. We
18 appreciate your patience for the whole day. Your testimony helps
19 ascertain the truth. We would like to wish you all the very best
20 and safe travels.

21 Court officer is now directed to assist with the WESU unit that
22 Madam Ek Hen is returned home safe and sound.

23 And next, the Chamber would like to continue hearing the
24 testimony of TCW-689.

25 Court officer, could you invite the reserved witness into the

1 courtroom?

2 [15.32.05]

3 QUESTIONING BY MR. PRESIDENT:

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

5 MR. SUM ALAT:

6 A. Good afternoon, Mr. President. My name is Sum Alat.

7 Q. How old are you, Mr. Sum Alat?

8 A. This year I am 60 years old.

9 Q. Where is your current address?

10 A. My current address is at Kanhcheu Bay Dach village, Veal
11 commune, Kandieng district, Pursat province.

12 Q. What is your current occupation and the names of your parents?

13 A. I worked at the provincial Department of Culture and Fine
14 Arts, but I am now retired. My father's name is Song Sum and my
15 mother is Loeng Oeung, they're both deceased.

16 Q. What is your wife's name and how many children do you have
17 together?

18 A. My wife is Ly Kunthea and we have seven children.

19 [15.33.58]

20 Q. Thank you, Mr. Sum Alat. As reported by the Greffier, to your
21 best knowledge you have no relationship by blood or by law to any
22 of the civil parties recognized in this case, nor to any of the
23 two accused, that is Nuon Chea and Khieu Samphan, and that you
24 already took an oath this morning. Is this information accurate?

25 A. That is accurate.

1 Q. Thank you. We would like now to inform you of your right and
2 obligation as a witness before this Chamber. Mr. Sum Alat, as a
3 witness before this Court's proceedings, you have the right to
4 refuse to respond to any question or seek your comments that
5 would incriminate you; that is your right against
6 self-incrimination. And as for your obligation, you must respond
7 to all the questions put to you by any of the parties or by the
8 Bench, except in the case that you think your comment or response
9 may incriminate you. And as witness, you must tell the truth that
10 you have heard, have experienced, recalled or observed directly
11 regarding the event that is put to you by - in the questions by
12 any of the parties or the Bench.

13 [15.35.52]

14 Mr. Alat, have you been interviewed by the investigators of the
15 Office of the Co-Investigating Judges in the last few years?

16 A. The investigators came to the province and I gave them the
17 information as stated in the written record of the interview.

18 Q. How many times were you interviewed and where did it take
19 place?

20 A. It was conducted in 2008 in the Office of the Department of
21 Culture and Fine Arts in Pursat province.

22 Q. Thank you. And before your appearance before this Court, have
23 you read, reviewed or have it read - that is the written record
24 of the interview that you gave to the investigator of the Office
25 of the Co-Investigating Judges that you said was held at the

1 office of the provincial Department of Culture and Fine Arts in
2 2008 – in order to refresh your memory?

3 [15.37.27]

4 A. Before I appear before this Court, I received instruction from
5 my counsel that I should refresh my memory by reading that record
6 of interview.

7 Q. Can you tell us whether the written record of your interview
8 that you have read in order to refresh your memory, is consistent
9 with your responses you gave to the investigator in 2008?

10 A. Yes, it is consistent.

11 MR. PRESIDENT:

12 Thank you. And Mr. Sum Alat, you will be questioned by the party,
13 so put aside that written record of your interview.

14 And for the hearing of this witness testimony, the floor is given
15 to the Prosecution first. You may proceed.

16 [15.38.51]

17 QUESTIONING BY MR. SMITH:

18 Thank you, Mr. President. Good afternoon, Your Honours. Good
19 afternoon, counsel and good afternoon, Mr. Sum.
20 Mr. Sum, my name is William Smith and I appear with Huot Veng and
21 we appear for the Prosecution. And our role is to ask you
22 questions to ascertain the truth of what happened in Democratic
23 Kampuchea and particularly in relation to the Pursat province.
24 And we hope you can assist us with that. This afternoon I'll ask
25 you some preliminary questions in relation to your family

1 background, your professional background and also in relation to
2 what you did before 1975 and the role that you played during the
3 conflict between the Lon Nol forces and the Revolutionary Forces
4 and in Democratic Kampuchea.

5 And then tomorrow we'll continue on discussing issues that you
6 mentioned in the statement in relation to the surrender of the
7 Lon Nol forces, meetings that were had, events that related to
8 Tuol Po Chrey and some other issues.

9 [15.40.23]

10 Q. So if we can start, you stated that you have seven children,
11 can you tell the Court how many of those children were born, if
12 any, during the Democratic Kampuchea period, between 1975 and
13 1979?

14 MR. SUM ALAT:

15 A. I have seven children, the eldest one was not born during the
16 Democratic Kampuchea period, but my wife was pregnant during the
17 Democratic Kampuchea period and the child was delivered after the
18 liberation. And as for the other six children, they were born
19 after.

20 Q. Thank you. And you mentioned that your parents have died; did
21 they die during that period or did they die after 1979?

22 A. My father died since I was a child, he died at the age of 45
23 and I was 9 years old back then. My mother passed away after the
24 Khmer Rouge regime.

25 [15.42.03]

1 Q. Thank you. And you mentioned that you had a job as the first
2 Deputy Director of the Provincial Department of Culture and Fine
3 Arts in Pursat. When did you retire from that job?

4 A. I retired from that office for one year now.

5 Q. And from your statement, I believe you took on that position
6 in 1986. Is that correct?

7 A. I took office in 1986.

8 Q. And so you've been in that job for quite a while, from my
9 calculation 27 years. Can you tell the Court what the nature of
10 that work is? What the purpose of the Department of Culture and
11 Fine Arts is in Pursat and your role in helping it fulfil that
12 purpose?

13 A. Before 1979, I worked at the Ministry of Education in its
14 office in Pursat. But in 1986 I transferred to work in the office
15 of Culture and Fine Arts, in my first position as Deputy Director
16 in charge of the performance and arts and also in relation to
17 films and to performance.

18 Q. And does that department have any role in preserving history –
19 Cambodian history – particularly during the Democratic Kampuchea
20 period or at any other time?

21 [15.44.37]

22 A. The main role of the Department of Culture is to preserve
23 everything which is the national culture.

24 Q. Thank you. And I have a few questions now in relation to
25 something you said in your statement to the ECC (sic)

1 investigators. And if I can refer you to the following statement
2 at E00242128, that's the English version; Khmer, 00196814; and
3 French, 00274134, in that statement there's a passage where you
4 refer to your role in collecting evidence of crimes that occurred
5 in the Pursat region. And if I quote you are asked: "After 1979,
6 what did you do in relation to the security office and killing
7 sites?"

8 You answered:

9 "In early 1980, I attended the education meeting in Phnom Penh.
10 In that meeting they asked five representatives from each
11 province to give a presentation on how to gather evidence of
12 Khmer Rouge mass killings and indirect murder. The collection of
13 testimony and story was to produce as evidentiary documents for
14 educational publication. These documents were maintained at Tuol
15 Sleng and the Ministry of Education. And I do not have any of
16 these documents with me now."

17 [15.46.44]

18 That's what you told the investigators and I've got some
19 questions about that. Did you volunteer to attend that education
20 meeting in Phnom Penh or were you selected?

21 A. Allow me to expand on this point regarding the nature of our
22 work at the Education Office. In Pursat province after the 7
23 January liberation, the Education Office or as far as other
24 institutions needs to be organized. And we - the group of five -
25 were the head in the arrangement for the education and we were

1 selected to attend the education meeting in Phnom Penh. In that
2 education session they compiled the documents. And as I said, I
3 was one of the five representatives from Pursat province, and we
4 made a presentation of these documents as we gathered. And yes,
5 what you read is correct.

6 [15.48.14]

7 Q. To be clear, was this meeting to present evidence of the mass
8 killings and indirect murder or was it to discuss and determine
9 how that evidence would be collected? In other words, had you
10 collected the evidence already and presented it or was that to
11 happen after the meeting?

12 A. After the conference we explained to them the number of those
13 who were killed in Pursat and we also presented the killing
14 sites.

15 Q. Thank you. You mentioned that this meeting occurred in early
16 1980, so that was about a year after the Khmer Rouge fell from
17 power. What – were you involved in collecting the evidence and
18 the information of what happened in Pursat in that year? Can you
19 tell us, what was the nature of your involvement in collecting
20 that information, or whether or not that information was given to
21 you to present?

22 [15.49.53]

23 A. In the entire – in the conference, all representatives from
24 all the provinces participated and made their presentation in
25 their respective province. And then the Education Department had

1 the role to compile all those information and a book was
2 subsequently published in 1980 or '81. It presents the crime of
3 genocide in that book and my - I am one of the five people
4 representing my province.

5 Q. And did you - did you yourself - were you involved in the
6 collection of that information before the meeting or was it given
7 to you by someone else?

8 A. In the conference, representatives from each province provided
9 the information to the conference itself.

10 Q. Thank you. And how long did it take to collect that
11 information from Pursat province?

12 A. We spent one day to discuss amongst ourselves - that is five
13 of us representing the province during that conference - because
14 we were from different districts. And then we combined the
15 information from those various districts to represent Pursat
16 province, and that was part of the book compilation.

17 Q. And did - did you agree with the other representatives before
18 the meeting that you would collect information from your
19 district?

20 [15.52.28]

21 A. We discussed amongst ourselves and we agreed on the
22 information that we were to present.

23 Q. And I'm going to finish this topic now, but how did you,
24 yourself, get that information from the district that you were
25 responsible for? How did you get that information, was it through

1 talking with other people, through interviews; how did you get
2 that?

3 A. The information collection was as follows: first, we give
4 information from the five of us to one another; second, based on
5 our eyewitness. And then we discussed among ourselves and agreed
6 on the final information.

7 Q. Thank you. And just so it's clear, you mentioned a number of
8 districts in your statement of Pursat province. Can you just
9 assist the Court by reminding us what districts there are and
10 what are the names and how many districts are there in Pursat
11 province?

12 [15.54.07]

13 A. In early 1979, Pursat province composed of Kandieng district,
14 Bakan district, Krakor district, Phnum Kravanh district and the
15 provincial town itself. So there were five districts and that was
16 the structure in 1979. Later on, Longveaeng (sic) district was
17 created.

18 Q. Thank you. And is it fair to say that you've lived in the
19 Pursat province for the whole of your life up until now?

20 A. In fact, I was born right in Pursat province and I have lived
21 through to my 60 years period, until now I mean.

22 Q. And are you familiar with the geography of the towns and the
23 villages and the significant landmarks in that province?

24 A. Landmarks in the province are well known and I know them.

25 Q. Thank you. And last question on this topic, why were you

110

1 selected to be a representative of Pursat province at this
2 meeting that was gathering evidence?

3 [15.56.21]

4 A. Please repeat your question.

5 Q. You mentioned that five representatives were selected from
6 each province to present the information of the mass killings
7 during the Democratic Kampuchea period. Why were you selected
8 from Pursat?

9 A. On this point, the Education Department organized a conference
10 and representatives from all provinces were selected. At that
11 time, travelling was difficult due to the bad structures of the
12 road, so five of us were selected as representatives. We were
13 teachers and educated people and we came to Phnom Penh to make
14 the presentation in the conference. We were kind of the first
15 hand witnesses of the crimes that happened in our province.

16 Q. And – perhaps to finish, you mentioned that you were teachers
17 and educated people. Can you tell the Court your education, did
18 you go to high school, did you go to any further education after
19 high school?

20 [15.58.16]

21 A. After I left the Education Department and stopped being a
22 teacher, I came to – I actually went for training for culture and
23 fine arts in the former Soviet Union for several months.

24 MR. SMITH:

25 Thank you.

1 Mr. President, I've finished that topic and I'd now like to start
2 to talk about this witness's role between 1970 and 1975. I can
3 continue; I'm in your hands.

4 MR. PRESIDENT:

5 The time is appropriate for an adjournment and before we adjourn
6 we want to get some information from the parties so that we can
7 prepare our hearing schedule for next week.

8 We would like to ask the Khieu Samphan's defence whether they use
9 half a day time allocation to make comments or to respond to the
10 key documents presented by the Prosecution and the lead
11 co-lawyers for civil parties? That is for next week, I mean. This
12 is directed to Khieu Samphan's defence.

13 [16.00.10]

14 MR. VERCKEN:

15 I have to consult with the rest of my team before I give you an
16 answer, Mr. President. I'm afraid I can't tell you off the top of
17 my head. I hope it could wait until tomorrow morning.

18 MR. PRESIDENT:

19 Thank you. Please, give the information to the Chamber as soon as
20 possible so that we can prepare the schedule for next week
21 hearing and to use the time wisely.

22 Today's proceeding has come to an adjournment. We will adjourn
23 now and resume tomorrow – that is Thursday the 4th of July 2013.
24 And tomorrow we will continue to hear the testimony of the
25 witness Sum Alat who will once again be questioned by the

1 relevant parties. This information is for the parties, the
2 support staff and the general public.

3 [16.01.19]

4 Mr. Sum Alat, the hearing of your testimony has not yet concluded
5 and you're invited to return tomorrow to continue giving your
6 testimony, and it will commence at 9.00 a.m.

7 Court officer, in collaboration with WESU, please make the
8 arrangement for the witness Sum Alat to return to his residence
9 and have him returned to the courtroom tomorrow morning at 9.00
10 a.m.

11 Likewise, the duty counsel, you're invited to return tomorrow
12 morning as well.

13 Security guards, you're instructed to take the two accused, that
14 is Nuon Chea and Khieu Samphan, to the detention facility and
15 have them returned to the courtroom tomorrow morning before 9.00
16 a.m. And as for Nuon Chea, bring him to the holding cell
17 downstairs which is equipped with audio-visual communication for
18 him to remotely follow the proceedings.

19 The Court is now adjourned.

20 (Court adjourns at 1602H)

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