



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

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

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

26 May 2015  
Trial Day 286

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

The Accused: NUON Chea  
KHIEU Samphan

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For Court Management Section:  
UCH Arun  
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I N D E X

MS. MEAS LAYHUOR (2-TCW-851)

Questioning by Mr. de Wilde d’Estmael resumes ..... page 2

Questioning by Ms. Guiraud ..... page 14

Questioning by Mr. Koppe ..... page 18

Questioning by Mr. Liv Sovanna ..... page 58

Questioning by Mr. Guisse..... page 62

Questioning by Mr. Kong Sam Onn ..... page 74

MS. HUN SETHANY (2-TCCP-255)

Questioning by The President..... page 82

Questioning by Ms. Moch Sovannary ..... page 84

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
JUDGE FENZ	English
MS. GUIRAUD	French
MS. GUISSÉ	French
MS. HUN SETHANY (2-TCCP-255)	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MR. LIV SOVANNA	Khmer
MS. MEAS LAYHUOR (2-TCW-851)	Khmer
MS. MOCH SOVANNARY	Khmer
THE PRESIDENT (NIL NONN Presiding)	Khmer

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remainder testimony of  
6 the witness. Then we will start hearing the testimony of a civil  
7 party -- that is, 2-TCCP-255.

8 And Ms. Chea Sivhoang, please report the attendance of the  
9 Parties and other individuals at today's proceedings.

10 [09.02.56]

11 THE GREFFIER:

12 Mr. President, for today's proceedings, all Parties to this case  
13 are present. Mr. Nuon Chea is present in the holding cell  
14 downstairs. He has waived -- he has requested to waive his rights  
15 to be present in the courtroom. His waiver has been delivered to  
16 the greffier. The witness who is to conclude her testimony today  
17 -- that is, Madam Layhuor, is present and ready in the courtroom.  
18 We also have a reserve civil party today -- that is, 2-TCCP-255.  
19 Thank you, Mr. President.

20 [09.03.39]

21 MR. PRESIDENT:

22 Thank you. The Chamber now decides on the request by Nuon Chea.  
23 The Chamber has received a waiver from Nuon Chea, dated 26 May  
24 2015, which notes that due to his health -- that is, headache,  
25 back pain, he cannot sit or concentrate for long, and in order to

2

1 effectively participate in the future hearings, he requests to  
2 waive his direct presence at the 26 May 2015 hearing. He advises  
3 that he has been advised by his counsel that this waiver by no  
4 means can be construed as the waiver of his rights to be tried  
5 fairly or to challenge evidence presented or admitted at any time  
6 during this trial. Having seen the medical report of Nuon Chea by  
7 the duty doctor for the Accused at the ECCC, dated 26 May 2015,  
8 who notes that Nuon Chea has chronic back pain and dizziness, and  
9 cannot sit for long, and he recommends that the Chamber so grant  
10 him his request so that Nuon Chea can follow the proceedings  
11 remotely. Based on the above information and pursuant to Rule  
12 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his  
13 request to follow the proceedings remotely from a room downstairs  
14 via audio-visual means.

15 The AV unit personnel are instructed to link the proceedings to  
16 the room downstairs, so that Nuon Chea can follow the proceeding  
17 remotely. That applies for the whole day.

18 The Chamber now hands the floor to the Co-Prosecutors to continue  
19 putting questions to the witness. You may proceed.

20 [09.05.50]

21 QUESTIONING BY MR. DE WILDE D'ESTMAEL RESUMES:

22 Thank you, Mr. President. Good morning, Your Honours. Good  
23 morning, Parties, and good morning, Madam Witness.

24 Q. Yesterday when we broke up, I was asking some questions  
25 regarding the freedoms you enjoyed. And you said that freedoms

1 and liberties were rather absent. To conclude our examination in  
2 that line of questioning, could people choose to get married  
3 without the authorisation of Angkar and the immediate chiefs?

4 MS. MEAS LAYHUOR:

5 A. No. Only when it was arranged by Angkar did it happen. I was  
6 arranged to marry my husband by Angkar amongst the 25 couples at  
7 the time.

8 [09.07.10]

9 Q. Very well. By the way, this is the last line of questioning I  
10 was starting a few minutes ago. To sum up, were you obliged to  
11 comply strictly with the instructions and orders given by your  
12 chiefs at the 1st January Dam construction site?

13 A. Yes.

14 Q. At the 1st January Dam worksite, were you respected as human  
15 beings at the dam worksite?

16 A. I was a Base Person, however, we were considered normal in a  
17 normal ordinary way for people.

18 Q. As such, did you enjoy any rights or freedoms? Compared to  
19 nowadays, did you enjoy any rights and freedoms as Base People?

20 A. We couldn't go anywhere freely. We were instructed to  
21 constantly engage in our work.

22 [09.09.07]

23 MR. DE WILDE D'ESTMAEL:

24 Before we go back to marriages and the organisation of marriages,  
25 with Your leave, Mr. President, I would like to show the witness

4

1 two photographs and also have them on the screen -- that is,  
2 document E3/3282 and E3/3283. Mr. President, can I show the  
3 witness these photographs?

4 MR. PRESIDENT:

5 Yes, you can hand the documents to the witness.

6 BY MR. DE WILDE D'ESTMAEL:

7 I believe those photographs will be placed on the screen shortly.  
8 May I request you, Witness, to look at those photographs  
9 carefully and tell us whether what you see on them remind you of  
10 the setting of the 1st January Dam.

11 [09.10.34]

12 MS. MEAS LAYHUOR:

13 A. I cannot recall it well. However, there were many people at  
14 the 1st January Dam construction site as similar to the one you  
15 see in this photo.

16 Q. Did you ever see a delegation of women from Laos visit the 1st  
17 January Dam worksite? Bearing in mind that the dam worksite was  
18 very broad, covers a very wide surface area, so it is possible  
19 that you did not see them.

20 A. Yes, I saw them. Usually when there was a delegation visit, we  
21 were instructed to line up along the embankment of the dam to  
22 greet them.

23 [09.11.41]

24 Q. On both photographs, there is a woman wearing a white dress  
25 and she's also wearing eyeglasses. I have put a blue spotlight on

5

1 that person on both photographs. Were you told who that person  
2 was at that time?

3 A. No, I do not know about that.

4 Q. Very well. I also have two extracts of documents that were  
5 produced at the time. I would like to place them on the screen as  
6 well. And it's a video E3/3089R between 00.00.00 and 00.02.06.

7 Mr. President, would you allow us to place these documents on the  
8 screen?

9 MR. PRESIDENT:

10 Counsel Koppe, you have the floor.

11 [09.13.00]

12 MR. KOPPE:

13 Good morning. Thank you, Mr. President. I have no objection. I've  
14 seen the footage and I've seen the other photos just shown. Maybe  
15 it's for whatever reason, but I wasn't able to establish that  
16 these excerpts were in fact related to the 1st January Dam. It is  
17 obviously related to a dam, but I would like to hear from the  
18 Prosecution why the excerpts that we are going to be seeing now  
19 are in fact excerpts from the 1st January Dam.

20 [09.13.37]

21 MR. DE WILDE D'ESTMAEL:

22 Very well. That is precisely why we're here. We want to see  
23 whether these photographs would enable the witness to remember a  
24 number of infrastructures on that worksite. It is possible that  
25 it is the 1st January Dam and it is also possible that it is



6

1 another dam. And the witness should be able to enlighten us on  
2 that matter.

3 MR. PRESIDENT:

4 The Chamber will allow it.

5 [09.14.14]

6 MR. DE WILDE D'ESTMAEL:

7 Thank you. So I will wait for the video footage to be placed on  
8 the screen. Let us allow a few seconds before that happens. Madam  
9 Witness, before the film is screened, I would request you to look  
10 at the video footage very carefully and tell us whether you  
11 recognise any of the features on that video footage.

12 (Audiovisual presentation)

13 [09.16.58]

14 BY MR. DE WILDE D'ESTMAEL:

15 There we are. I have several questions to ask on the video  
16 footage. First of all, do you recognise the infrastructure as  
17 those of the 1st January or 6th January Dams? There are many  
18 features. We have the major infrastructure we see at the end with  
19 people standing on it.

20 MS. MEAS LAYHUOR:

21 A. The dam I saw in the film is the 1st January Dam. And the main  
22 features that I recognise, is the main spillway. And that's how I  
23 recall it.

24 Q. At the end of the video footage, we have that crowd that  
25 gathered around the principal reservoir of the pond. Does that

7

1 remind you of any particular event you witnessed while you were  
2 working there?

3 [09.18.19]

4 A. Important people came to inaugurate the event of opening the  
5 spillway, and people were instructed to go and greet them,  
6 including myself.

7 Q. Yesterday you told us of the time when Chinese leaders came to  
8 visit that 1st January Dam. Did that person come during the  
9 inauguration of that dam or on another occasion?

10 A. Sometimes, they came to visit the dams and at other times,  
11 they also came during the inauguration of the dam.

12 Q. Very well. And this is the last question on the video footage.  
13 At the beginning of the video footage, we see a hill with some  
14 different layers of land cut in the form of a terrace. Were there  
15 people who had to measure the terraces that had to be cut for  
16 people to transport the earth elsewhere?

17 [09.19.47]

18 A. In fact, the measurement was done by the unit chief.

19 Q. Did they use measuring instruments, chords or some other  
20 materials for that?

21 A. Yes, they did. They have a measurement tape, then they would  
22 measure one square metre for each worker.

23 Q. Very well. I have another video footage, shorter, E3/3014R,  
24 and the time is between 00.00.00 and 00.00.34, and between  
25 00.02.06 and 00.02.23. To facilitate the viewing, we have split

8

1 the time and we now have only one video clip. Can I have it  
2 please on the screen, Mr. President?

3 [09.21.21]

4 MR. PRESIDENT:

5 Yes, you can play the footage.

6 (Audiovisual presentation)

7 [09.22.32]

8 MR. KOPPE:

9 Mr. President, observation. I watched both clips as well, and I'm  
10 fairly sure that in one of the two clips, there was also audio.  
11 You can hear a Khmer voice speaking. I was waiting for the second  
12 clip to be played because I wasn't sure which one of the two. But  
13 I think it would be helpful if we would also hear the audio  
14 sound.

15 MR. DE WILDE D'ESTMAEL:

16 Indeed, I believe one of the two videos features a commentator  
17 who was speaking. I think it was the second. And the first is 25  
18 minutes long, and it is only in the second half of the video that  
19 we have comments. I don't know whether I could have done any  
20 better. I do not think the comments give any added value to the  
21 exercise. There were propaganda comments, and I think it was in  
22 the second video that we have those comments.

23 MR. KOPPE:

24 I don't know what it says. So I think it would be beneficial to  
25 all Parties if we were able to hear at least the sound of that

1 woman saying things.

2 (Judges deliberate)

3 [09.24.24]

4 JUDGE FENZ:

5 Counsel, if you consider it relevant, you can play it in the time  
6 assigned to you. There is no objection to that.

7 BY MR. DE WILDE D'ESTMAEL:

8 Indeed, I would like to ask a couple of questions. Regarding that  
9 video footage, Madam Witness, were you able to recognise familiar  
10 locations or perhaps even some people in that video footage? Does  
11 that film show pictures of the 1st January Dam construction works  
12 or the 6th January Dam construction works? Or you are not aware  
13 of that?

14 MS. MEAS LAYHUOR:

15 A. The footage shows the 1st January Dam. As you can see, there  
16 were many workers. And the depth of the dam was actually deep,  
17 and they had to carry earth from far. And as for the 6th January  
18 Dam, actually is was shallower than the 1st January Dam.

19 [09.25.45]

20 Q. Can you explain to us why people were running in that video?

21 At a point in time, people were running with the earth that they  
22 had to transport. Why was that?

23 A. When there were visitors, we were told to walk running so that  
24 the visitors will see us proactive in doing our work.

25 Q. I would like to look at the last subject with you -- that is,

10

1 the subject of arranged marriages. As a follow-up to what you  
2 said a while ago, and we're using D166/38, the French ERN is,  
3 00283910; and in English it is, 00244165. This is what you  
4 stated.

5 "At the time of the Khmer Rouge, customary marriages were  
6 forbidden. They would choose a name and ask whether the person  
7 named agreed to get married or not. As for the New People, the  
8 couples were imposed. After 1979, those who were not happy about  
9 those marriages divorced. I got married in 1978 when 25 couples  
10 were married. After my marriage, I was ordered to live in the  
11 cooperative. In the day, we worked separately but at night, we  
12 were allowed to live together."

13 [09.28.01]

14 Now in this extract, it appears that there's a distinction made  
15 between marriages between Base People and New People. Let me  
16 first start with the marriages between Base People. As far as you  
17 were concerned -- that is, you and your husband, who took the  
18 initiative to have you married; was it you yourselves or your  
19 chiefs who chose your partners?

20 [09.28.41]

21 A. I was a Base Person and so was my husband. And the mother of  
22 my husband and my mother mutually agreed to have us married, and  
23 it was Angkar who arranged our marriage. And during the previous  
24 regime, in fact our parents tried to match us, but they could  
25 not. And I was asked by other man to marry but I refused. And

11

1 later on, it was Angkar who arranged our marriage.

2 Q. Regarding the 24 other couples who were with you during the  
3 ceremony when you made a commitment, who took the decision, who  
4 made that choice? Was it the same person who made that decision  
5 or some other person?

6 A. New People would be merged without going through a proposal  
7 made to the parents. They would select some female to get married  
8 with some men.

9 [09.30.21]

10 Q. In your unit, were there women who got married at the same  
11 time as you, Base women?

12 A. There was another women named Ry, she got married when I was  
13 married. Later on, she got divorced and only I remained in  
14 marriage. And as for the New People, I didn't know what happened  
15 to them after 1979.

16 Q. And your colleague who got divorced, had she chosen her  
17 husband or someone had chosen her husband for her?

18 A. She was paired up.

19 Q. And did she have the opportunity of refusing this marriage?

20 A. I have no idea. And now, she got divorced.

21 [09.31.46]

22 Q. You spoke about the New People and you said that couples were  
23 imposed. And do you know if the biographies of the future couples  
24 would be checked before they get married?

25 A. New People, their biography were not checked. And for me as a

12

1 Base Person, and we were considered petty bourgeoisie, and if the  
2 man was rich, we would not be paired up because we were of  
3 different background. My husband was a former teacher in Sangkum  
4 Reastr Niyum, and my marriage was refused at first. Later when it  
5 was almost at the end of the regime, I was paired up with my  
6 husband and my marriage took place. Angkar then arranged the  
7 marriage for me and my husband.

8 Q. And were New People allowed to marry Base People?

9 A. Yes, Base People can be married. And 20 or 25 couples would be  
10 arranged for their marriage at the time.

11 [09.33.42]

12 Q. I believe that my question wasn't well understood or may be  
13 not well translated. I was asking you if for example, a man who  
14 was a New Person who was in love with a lady who was a Base  
15 Person, could they marry, could he marry her? Were these  
16 marriages between Base People and New People, were they possible  
17 back then?

18 A. No. If they were of different backgrounds, they could not get  
19 married.

20 Q. Were you ever told why? Were you ever explained why this was  
21 forbidden and why the New People were separated from the Base  
22 People concerning marriages?

23 A. I do not know about it.

24 Q. Now with regard to the Cham, were the Cham forced to marry  
25 other Cham? Or could Cham people marry New People?

13

1 [09.35.03]

2 A. In my place, Cham married their own people. And I did not see  
3 at that time the marriage for Cham people.

4 Q. And did they have the choice of marrying whom they wished or  
5 was it the same situation as with the New People, they were given  
6 automatically a future groom or future bride?

7 A. Yes, Angkar chose the bride or groom for him or herself, but  
8 Cham people could not choose Khmer people to be their husband or  
9 wife.

10 Q. During the ceremony, did the person who presided over the  
11 ceremony say anything about consummating this marriage or about  
12 the children that would be born as a result of this marriage?

13 A. No, we were not told about it. And after the marriage, the  
14 newlywed would go and take rest by themselves.

15 [09.36.40]

16 Q. You worked for a long time at the 1st January and 6th January  
17 worksites. And do you know if women who were working on these  
18 worksites, given the fact that they were very exhausted, would  
19 still menstruate and would be able to bear children?

20 A. They came to work as normal. And as for those who were sick,  
21 they would come once or twice a month. And for those who were in  
22 good health, they would come regularly.

23 [09.37.42]

24 MR. DE WILDE D'ESTMAEL:

25 Well, I have no further questions, Mr. President. I will now give



14

1 the floor to the Civil Parties.

2 MR. PRESIDENT:

3 Thank you. The floor is now given to the Lead Co-Lawyer for Civil  
4 Parties. You may now proceed. International Deputy Co-Prosecutor,  
5 you may proceed first.

6 MR. DE WILDE D'ESTMAEL:

7 I'm sorry, I forgot to thank you for having answered my  
8 questions.

9 [09.38.13]

10 QUESTIONING BY MS. GUIRAUD:

11 Thank you, Mr. President. Good morning to all of you. Good  
12 morning, Witness. My name is Marie Guiraud. I am the  
13 International Counsel representing the interest of the victims  
14 and who have joined as civil parties for this trial. I have a few  
15 very short questions to put to you today. And I'm going to start  
16 by asking for clarification with regard to what you told us  
17 yesterday concerning the presence of soldiers from Baray  
18 district. And you said yesterday that these soldiers would watch  
19 over the workers at the worksite and that they were armed. Now I  
20 wanted to know if you remember what kind of weapons these  
21 soldiers had.

22 [09.39.08]

23 MS. MEAS LAYHUOR:

24 A. I saw AK rifles. The district soldiers were armed with AK  
25 rifles.

15

1 Q. Thank you. Back then, did you hear or see some of the soldiers  
2 use their weapons on the worksite?

3 A. No. They could not fire their rifles freely. But they were  
4 told to be armed with AK rifles to secure the safety and  
5 security.

6 Q. Thank you. You also said yesterday that the soldiers would  
7 watch over the worksite, and I wanted to know if you were also  
8 watched over in the barracks where you would sleep at night. Back  
9 then, did you see soldiers or guards where you would sleep?

10 [09.40.37]

11 A. I have never seen that. For members of the mobile units, they  
12 would stay in their place, and the district soldiers would be  
13 stay in their own unit. And for workers, we would be awoken up at  
14 3 a.m., when we heard the whistle blow. And for sick people, the  
15 cadres would come to have a look how many people got sick. And  
16 they took note to see whether these people got sick again later.

17 Q. Thank you. Now I wanted to know if, during the period when you  
18 worked on the 1st January Dam worksite, if you witnessed any  
19 accidents on the worksite.

20 A. Yes. When I was carrying earth at the worksite, soil collapsed  
21 on the worker who was digging soil at the bottom of the canal. It  
22 did not happen at my village. It was in another unit. There was  
23 soil collapse on people who were digging soil. And for those who  
24 were carrying earth, accident would not happen to them because  
25 they would lay the basket to get the soil and then carry away.

1 [09.42.49]

2 Q. I understood. So did you know back then what happened to the  
3 workers you were speaking about -- that is to say, the workers  
4 who were upstream from the landslide? Do you know if these people  
5 survived or not?

6 A. Some people died from soil collapse because a rock would  
7 sometimes come with the soil. And some other broke their legs.

8 Q. Thank you. Did you know back then if there were accidents by  
9 the main spillway that you described to us a little earlier on,  
10 next to the main basin?

11 A. I have never heard of any accident at the main spillway, I  
12 mean at the 1st January worksite.

13 Q. Thank you. I have one or two last questions for you. You said  
14 to us a little earlier this morning, when you were speaking about  
15 marriages, that one of your colleagues in your unit had divorced  
16 after being married. So, I wanted to know if the divorce occurred  
17 during the Democratic Kampuchea period -- that is to say, before  
18 January 1979, or if she divorced after.

19 [09.44.53]

20 A. She had divorce after the regime fell. And she had divorce  
21 after 1979. And she got a few children already, and after that  
22 time, she had divorce.

23 Q. Thank you. Was it possible during the regime to get divorced?  
24 Did you witness this happening?

25 A. No, I have never seen any divorce during the regime. After the

1 marriage was arranged by Angkar, the newlywed did not dare to get  
2 divorced even they did not consummate their marriage. If they  
3 dare to get divorced, they would be killed by Angkar.

4 Q. Thank you. You said earlier on to the Co-Prosecutor that once  
5 you were married -- once you got married, you went to rest. So I  
6 wanted to know if at any given moment after you got married, if  
7 you were watched over so that they could know whether or not you  
8 were getting along well with your husband.

9 [09.46.36]

10 A. After my marriage, the militia came to conduct surveillance on  
11 me. And the militia would come to see whether we celebrated any  
12 ritual -- religious ritual after our marriage such as burning the  
13 joss sticks. If we found doing, we would be taking away and  
14 killed.

15 Q. And when you said that the militiamen came to watch over you,  
16 did they only come the evening of your marriage ceremony or were  
17 they watching you on several occasions? Can you tell us exactly  
18 how often the militiamen came to watch over you?

19 A. They came to watch over me and my husband for just the first  
20 few days, and after that they never came back. They wanted to see  
21 whether we made any offerings to our ancestors after our  
22 marriage.

23 Q. My last question. Did you have the impression back then that  
24 the militiaman would make sure that you would consummate your  
25 marriage with your husband?

18

1 A. Perhaps so. They came to watch over whether we got along with  
2 each other and whether we consummated our marriage. Not only me  
3 were watched over by militiamen, the militiamen would come to  
4 watch over the newlyweds.

5 [09.48.56]

6 MS. GUIRAUD:

7 Thank you, Witness, for having answered my questions. I am done,  
8 Mr. President.

9 MR. PRESIDENT:

10 Thank you. Now the floor is given to the Defence teams. First, I  
11 give -- the Chamber gives the floor to the Defence Counsel for  
12 Mr. Nuon Chea to put their questions to this witness. You may now  
13 proceed.

14 QUESTIONING BY MR. KOPPE:

15 Thank you, Mr. President. Good morning, Madam Witness. I would  
16 like to start with asking you a few questions about some people  
17 that you might have known at the time. In your statement to the  
18 investigators, you spoke about some other female cadres from your  
19 unit. You talked about Nai, Liem, Ut, Ry, and Than. Just now you  
20 mentioned, I think in relation to the question about marriage and  
21 somebody who got divorced, a name, a woman called Ry. Is that the  
22 same woman Ry from your unit, the one who got divorced, is that  
23 the Ry from your unit?

24 [09.50.42]

25 MS. MEAS LAYHUOR:

19

1 A. Yes. Her name was Ry. She was in the same unit of mine. And  
2 our house was close to each other in Tras village.

3 Q. While I'm on the subject of this woman named Ry, you said that  
4 she was divorced after '79, do you know which year she got  
5 divorced?

6 A. I do not know when she got divorced. She went to live in Srok  
7 Leu (phonetic) after 1979, when the regime fell, she stopped  
8 living in my village. She went to live in Srok Leu (phonetic)  
9 with her husband to do the vegetation farming.

10 Q. But do you know whether she was divorced in recent years,  
11 let's say five or 10 years ago, or was she divorced in the years  
12 after the regime fell?

13 [09.52.18]

14 A. After she had two or three children, she got divorced. I do  
15 not know where she went to live after that time.

16 Q. Do you know the reasons why she got divorced?

17 A. She got divorced because her husband had a mistress.

18 Q. Of course, that I understand. I would like to ask you a  
19 question about another female companion from your unit, a woman  
20 named Ut. What do you remember about this woman, Ut?

21 A. I do not recall about her. She was living in different place  
22 from mine. I have never thought of her.

23 Q. I will read the answer you gave to the investigators, maybe to  
24 refresh your memory -- that is, D166/38, English, 00244166;  
25 French, 00283511; and Khmer, 00239932. The question was asked to

20

1 you, "Do you remember the names of anyone who worked in your  
2 special unit?" You said and I quote: "There were 12 people in my  
3 team. I remember Nai, female, Liem, female, Ut, female, Ry,  
4 female, Mom, female, and Than, female." I have questions about  
5 Ut. Does it now ring a bell who Ut was?

6 [09.55.03]

7 A. Ut was living in the same village of mine.

8 Q. Would it be possible that her full name in Kang Ut?

9 A. I do not know her surname. We are living in the same village  
10 now today.

11 Q. Do you know if her husband is named Sem Ry?

12 A. Yes. Sem Ry. Sem Ry is also living in the same village and the  
13 two were married by Angkar. But their marriage day was different  
14 from mine.

15 [09.56.15]

16 Q. Thank you. Mr. President, I'm referring to document, D166/18.  
17 Technically, I should have may be referred to Kang Ut as,  
18 TCW-855. I would like to read a passage from her statement to the  
19 investigators. It's English ERN, 00233532; Khmer, 00229055; and  
20 French, 00268959. English is the third page.

21 Madam Witness, your colleague Kang Ut was also asked some  
22 questions, not very many, by the investigators and I would like  
23 to read to you one of her answers and I would like to ask whether  
24 you have anything to say about what she says.

25 "Question: Did anyone get sick at the 1st January Dam worksite?"

21

1 Ut answers, "A number of people got sick because they overworked  
2 and became so exhausted. Some of the diseases include fever and  
3 stomach pain. There was no hospital but there were mobile medics.  
4 There were medicines known as rabbit droppings medicine. When  
5 someone was seriously ill, they would be sent to the faraway  
6 hospital. No one was wanted to be left dead at the site."  
7 Is that, in your recollection, a correct statement that Kang Ut  
8 gave about the medical situation?

9 MR. PRESIDENT:

10 Please hold on, Madam Witness. You may now proceed, International  
11 Deputy Co-Prosecutor.

12 [09.58.40]

13 MR. DE WILDE D'ESTMAEL:

14 Thank you, Mr. President. Well, we don't really have an objection  
15 here, but we still would like to let you know that this document  
16 is not on the interface, and it might have been a bit more  
17 courteous on the part of the Defence to give this record to  
18 everyone including to the Bench before the hearing. However,  
19 we're not making a particular objection here, but I think however  
20 that proper practice makes it necessary to communicate all  
21 documents to all Parties.

22 [09.59.13]

23 MR. KOPPE:

24 True. I apologise. It just came up this morning, too late to be  
25 putting this document on the interface. I nevertheless ask leave



1 to ask this question.

2 BY MR. KOPPE:

3 Madam Witness, you heard this short excerpt from Ut's statement.

4 Is it correct what she testified to?

5 MS. MEAS LAYHUOR:

6 A. Yes, that is correct. It's true what he (sic) said.

7 [09.59.58]

8 Q. And she talks about the faraway hospital. Do you know which  
9 hospital it was that sick people who stayed sick at the site were  
10 sent to?

11 A. It was the district hospital in Baray. It was about 10  
12 kilometres away from the worksite.

13 Q. Do you remember anybody from your unit who got sick, who first  
14 went to the mobile medics but stayed sick and was then sent to  
15 the district hospital?

16 A. Those who could not be cured at the mobile unit, they would be  
17 forwarded to the faraway hospital. And if some people fell sick  
18 and not seriously, they would be given the rabbit droppings  
19 medicine or they would be given the B12 or B1.

20 Q. I didn't hear the first few words of your answer. But do you  
21 know any concrete examples of women within your unit who got sick  
22 and then were sent by the medical unit to the district hospital?  
23 Do you remember any particular female worker in your unit to  
24 which this happened?

25 [10.01.55]

1 A. I have never seen anyone got serious illness in my unit. And  
2 they could be cured after the treatment of mobile medics. So  
3 again, in my unit, there was no one got serious illness.

4 Q. My last question about Ut's statement. She says -- she said to  
5 the investigators that, "No one was wanted to be left dead at the  
6 site." Would you agree with her?

7 A. Yes, I agree with it because I witnessed such incidence as  
8 well. Those people who got serious illness, they would be  
9 referred to faraway hospital the medics at the worksite got only  
10 four or five days training, after that, they were dispatched to  
11 the worksite to treat people.

12 Q. Let me rephrase my question to be maybe more clear to you. Was  
13 anybody ever left dead at the 1st January Dam site because he or  
14 she was sick?

15 A. No, there was no such case. When people were seriously ill,  
16 they would not be allowed to stay. They would be referred to  
17 another hospital since there was no adequate medical treatment at  
18 the worksite. I refer to those who had serious dysentery or who  
19 vomited.

20 [10.04.08]

21 Q. Thank you, Madam Witness. You have testified that you yourself  
22 are from Tras village in Ballangk district. Do you know a village  
23 also in Ballangk district called Prey Srangae village?

24 A. No, that name does not ring a bell. I only heard of Tras which  
25 is my village. And as for Trong (phonetic) village, no it doesn't

1 ring a bell at all.

2 Q. I'm sure it's my mistake but I meant a village called Prey  
3 Srangae village.

4 A. There is a village named Prey Srangae village, which is  
5 adjacent to Tras village.

6 Q. I think we talk about the same village. My apologies for my  
7 Khmer pronunciation. Do you remember who was the village chief of  
8 Prey Srangae village?

9 A. No, I don't know that village chief as it was another village.

10 Q. Does the name Or Ho ring a bell?

11 [10.06.08]

12 A. Or Ho was a former village chief quite a long time ago and he  
13 was later on replaced by another village. He was former Prey  
14 Srangae village or he was also known as the chief of the Prey  
15 Srangae cooperative. And I know this man. Later on, several more  
16 village chiefs had replaced him successively.

17 Q. I think we're talking about the same person. What else do you  
18 remember about Or Ho?

19 A. I do not recall any particular events as I did not work with  
20 him. He was a chief of another village where I did not live in.

21 Q. But do you remember anything in terms of that he was a good  
22 village chief or that he was a particularly cruel village chief?  
23 Or anything that you might recall about him would be helpful.

24 A. No, I don't have anything to say about him whether he was  
25 cruel or he was gentle. As I said, I lived in a separate village

1 from where he lived.

2 [10.07.53]

3 Q. I understand. You worked with your colleagues in the special  
4 mobile unit at the dam. He testified before the Trial Chamber  
5 last week and said that he also worked with around 100 people  
6 from his village at the 1st January Dam worksite. Do you recall  
7 having seen him and the people from his village working at the  
8 1st January Dam worksite?

9 A. Yes because people from all the villages were assigned to go  
10 there, and a sleeping shelter was built for each village. So  
11 usually, the sleeping quarters were just adjacent to one another.  
12 And as I said, I know him but I did not know any particular  
13 personality about him.

14 Q. Would you be able to tell us something about the distance  
15 between the sleeping barracks from your unit and the sleeping  
16 place from his village? Was it very close by, was it next to each  
17 other; can you recall?

18 A. In Ballangk commune, the ten villages who -- which were  
19 assigned to work at the construction worksite were assigned to  
20 live just along one another in a similar sleeping quarter as a  
21 row of buildings were built. And each village would accommodate  
22 their own -- its own workers.

23 Q. So to make sure I understand, all villages from Ballangk had  
24 their worksite and their sleeping quarters next to each other; is  
25 that correct?

1 [10.10.33]

2 A. Yes, that is correct. We were sleeping next to one another.

3 And in the morning when the whistle was blown, we had to wake up

4 and queue up, and in the evening when we returned to the sleeping

5 quarter, we were just adjacent to one another.

6 MR. KOPPE:

7 Mr. President, I'm looking at the clock. There's a very specific

8 topic that I would address which would take a while. Would it be

9 an appropriate time to take a break?

10 [10.11.17]

11 MR. PRESIDENT:

12 Thank you, Counsel. It is now convenient for a short break. We

13 take a break now and resume at 10.30.

14 And court officer, please assist the witness in the room for the

15 witnesses and civil parties, and invite her as well as the TPO

16 staff back into the courtroom at 10.30.

17 The Court is now in recess.

18 (Court recesses from 1011H to 1032H)

19 MR. PRESIDENT:

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

21 And the Chamber gives the floor to the Defence team for Mr. Nuon

22 Chea, to put questions to the witness. You may proceed.

23 BY MR. KOPPE:

24 Thank you, Mr. President. Good morning again, Madam Witness.

25 Before the break you told us that all villages from Ballangk

1 commune, Ballangk sub-district were situated next to each other  
2 and that the sleeping quarters were set next to each other. Would  
3 you be able to remember how many villages from Ballangk  
4 sub-district were next to each other?

5 MS. MEAS LAYHUOR:

6 A. There were many villages in Ballangk commune. Balang commune  
7 (sic), Trapeang Chrey, Prey Srangae, Tras, Prey Ta Trav, Doung  
8 communes (sic). And there was one more, Chey Mongkol commune  
9 (sic). Chey Mongkol village was also in Ballangk commune.

10 [10.34.23]

11 Q. The village, or the people from the village from village chief  
12 Or Ho, I just want to be sure, were they in your eyesight? Were  
13 you able to see with your own eyes the people of that village  
14 working?

15 A. Yes, I could see. We were working in different areas but we  
16 could see each other.

17 Q. Before the break, and I believe also yesterday, you were asked  
18 some questions about an accident, the moving of soil. Did this  
19 accident that you were asked about and that you answered about,  
20 did that happen in the segment where the people from Prey Srangae  
21 village were working?

22 A. No, it was the segment which other villagers were working. We  
23 were working close to each other in different segments.

24 [10.36.10]

25 Q. Okay, thank you. I would like to now read an excerpt from --

1 no, before I do that I will ask you a general question. Were you  
2 able to observe working conditions of the people working from  
3 other villages, next to you? Were you able to see how they were  
4 working, how they were treated, etc.? Were you able to make any  
5 observations on the treatment of people from other villages?

6 A. I did not make any notice. We were trying to carry earth to  
7 complete the quota and for other workers, they would do the same.

8 [10.37.22]

9 Q. Would it happen that other groups of workers from other  
10 villagers would have a break or would sit down to rest a little  
11 bit and that only your village -- the people from your village,  
12 your group, would continue their work, or when there was a break  
13 everyone who was working was having the same break?

14 A. We were having the same break when we heard the bell ring and  
15 after we heard the bell ring again we would go back to work. The  
16 break time would be signalled by a bell.

17 Q. And that bell that you heard, is that the same bell that the  
18 villagers and the workers from other villagers from Ballangk  
19 district (sic) heard? Was that the same announcement for all the  
20 workers from the various villages from Ballangk district?

21 [10.38.54]

22 A. Yes, the same bell that was used. And when we heard the bell  
23 ringing we would sit down and take a short break and after a  
24 short while we heard the bell ringing again and we resumed our  
25 work.

1 Q. And the bell for the start of the work of any particular day,  
2 is that the same day for all the people from the various villages  
3 working next to each other?

4 A. It was the same bell. And we would sit down and take a rest  
5 after we heard the bell ringing.

6 Q. Would it be fair to say that the working hours were the same  
7 for all the villages, all the village workers from Ballangk  
8 district (sic)? Everybody had the same working hours?

9 A. Yes, that is correct. Generally we had the same working hours.  
10 [10.40.37]

11 Q. I would like to read to you now an excerpt from a statement  
12 that Or Ho, the person that we just talked about, gave to the  
13 investigators of the Investigating Judge. Mr. President -- that  
14 is, E3/5255, the English ERN, 00250046; French ERN, 00277227; and  
15 Khmer, 00239909. Madam Witness, I'm going to read the answer that  
16 Or Ho gave to a question of the investigators and then I am going  
17 to ask you to give a reaction.

18 Question: "When did working hours begin and end?"

19 Answer. "They began work at 6.30 a.m. and continued until 12.00  
20 a.m. They continued from 2 until 5.00 p.m. and from 7 until 10.00  
21 p.m. To complete the dam construction plan they had us work from  
22 4 until 11.00 a.m. and we continued from 2 until 5 p.m. and from  
23 7 until 10.00 p.m."

24 Now my first -- I will go a little slower. My first question is  
25 about the lunch break. Is he correct when he talks about a lunch



1 break between 11.00 o'clock and 2.00 p.m.?

2 [10.42.29]

3 A. Yes, it's correct what he said. But after the break time we  
4 walked from our worksite to our dining hall. It took us until  
5 12.00 p.m. to reach that place. And after we had lunch we  
6 returned back to work and we had to travel a little bit away from  
7 that place that we were eating so it took much time to walk. We  
8 heard the bell ring at 11 o'clock and we took a little bit much  
9 time to travel from our worksite to the dining hall.

10 Q. I understand, but is his statement correct that the lunch  
11 break was between 11.00 p.m. (sic) and 2 a.m. (sic)? Is he right  
12 when he says that?

13 A. Yes, he is correct.

14 [10.43.49]

15 Q. Now he, and also another witness who testified just before you  
16 are testifying, said that there was a 15 minute break in the  
17 morning session. So everybody started working and then after one  
18 hour, one and a half hours, maybe two, there was a 15 minute  
19 break, is that correct?

20 A. Yes, that is correct. After the bell rang we took a short  
21 break and after we heard the second -- the bell ring for the  
22 second time we resumed our work. We took a short break to drink  
23 water and after we heard the second bell ringing we would resume  
24 our work.

25 Q. Now, I have a question about working when it was dark. There

1 are witnesses who have also worked at the dam site who say that  
2 working at night was not a regular thing, was occasional, wasn't  
3 happening every night. Is that true or is that not true?

4 [10.45.37]

5 A. When the reservoir was being built we worked day and night and  
6 when we were digging the soils for building the canals we worked  
7 only at daytime, and during the rainy season when the dam broke,  
8 we had to work at night to build the dam -- or to repair the dam  
9 rather.

10 Q. So would it then be fair to say that working at night was not  
11 standard but only in special occasions? Is that correct or am I  
12 not summarising it well?

13 A. Yes, that is correct.

14 Q. In terms of sleeping and conditions at night, were you able,  
15 together with the people from your village, to bring to the  
16 sleeping quarters at the dam, material for sleeping such as  
17 bamboo mats, hammocks, pillows etc.? Were you able to bring those  
18 materials from your own village?

19 [10.47.36]

20 A. No, we could not. We had a backpack and in the backpack there  
21 were two sets of clothes, we used the backpack as a pillow.

22 Everyone would do the same thing. And the mat was made from very  
23 small sticks so for younger people they could sleep well with  
24 that mat, but for me I could not sleep well, and as I said young  
25 people could go into sleep everywhere they found.

1 Q. Now, I would like to ask you a very small question about the  
2 quota in relation to the soil that had to be carried. You said  
3 the quota was one cubic metre per person. Are you sure it was one  
4 cubic metre per person?

5 A. Yes, that is true. The unit chief gave the quota -- set the  
6 quota for every worker. They used the string to measure the land  
7 for us to work. And if anyone could not meet the quota at daytime  
8 they had to work at night.

9 [10.49.30]

10 Q. Now, Madam Witness, I would like to read a few excerpt from Or  
11 Ho's statement, his testimony before the Trial Chamber last week.  
12 And with each -- on each excerpt I would like to ask you how the  
13 situation was in your unit. Mr. President, I will be referring to  
14 trial day 283, as of 09.54, 20 May last week, question being put  
15 to Or Ho is as follows: "Did you or any of your four group  
16 leaders ever ordered somebody who was a New Person to work harder  
17 than somebody who was a Base Person?" And then Or Ho answers:  
18 "No, I never imposed such a condition. We had the same work  
19 conditions. It did not mean that New People worked harder than  
20 Base People. We had the same work condition to achieve our plan."  
21 My question, was this the same situation within your unit with  
22 respect to the treatment of New People within your unit?

23 A. Yes, everyone had the same working conditions, I mean New  
24 People and Base People, everyone was equal in their work. We  
25 received the same quota or similar quota.

1 [10.51.36]

2 Q. Okay, thank you. Now at 09.54 the question to Or Ho is as  
3 follows and I quote again: "Now within these six months that you  
4 and your four group leaders supervised these 100 people from your  
5 village, did you every make a decision to send any of these 100  
6 people to the upper echelon for not working hard enough? Did you  
7 ever request disciplinary measures to be taken against any of  
8 those 100 individuals?" Then Mr. Or Ho answers: "As for the four  
9 group chiefs and I, we never sent our own workers for  
10 disciplinary measures and actions and we would try to resolve the  
11 work issues in our groups so that we could finish the work." My  
12 question, what Or Ho describes here as to disciplinary measures,  
13 was this the same in your group, in your unit?

14 [10.52.48]

15 A. Yes, it was the same in my unit. We received the same plan in  
16 Ballangk commune, so if we were part of the special mobile unit  
17 we had the same conditions.

18 Q. So basically, to sum it up, if there was an issue of not  
19 working hard enough you made sure that you solved it within your  
20 own unit, within your own group, is that correct? So it's the  
21 same situation as the villagers of Or Ho?

22 A. Yes, that is correct. Those who did not go to work or who were  
23 considered lazy were sent for refashioning, so it was the same  
24 for everyone, even though we were in special mobile units.

25 Q. Maybe it's my misunderstanding, but it seems that you're not

1 saying the same thing now. Mr. Or Ho has testified that if there  
2 was any issue of disciplinary problems, he and his four group  
3 leaders would solve it within his own group; he wouldn't go to  
4 complain to the upper echelon. My question to you is, is that the  
5 same situation within your unit? If there was an issue the group  
6 leaders would solve it by themselves and not go to the upper  
7 echelon?

8 [10.54.36]

9 A. No, and if anyone did not meet the quota or the plan they  
10 would be sent to other areas, so Or Ho just stated that.

11 Q. Very well. Can you give me any concrete example of a worker in  
12 your unit who didn't work hard enough and was subsequently sent  
13 by the unit leaders to the upper echelon? Can you give me any  
14 concrete names?

15 A. Try. Angkar reprimanded him; he was still lazy. He got the  
16 food ration although he was reprimanded, but when he did not  
17 deter he was detained in the wooden cage. I saw him while I was  
18 going into the forest to relieve myself. I saw guards at the  
19 place where Try was detained. At first I did not know where he  
20 went, because he was gone. This person Try did not take his work  
21 seriously.

22 [10.56.16]

23 Q. I was going to come to Try and the cage situation, but is Try  
24 the only example you can give us, or were there other people?

25 A. There was another person, female, Leap or Neary Leap. After

1 refashioning she deterred, she was released after one day  
2 refashioning. She was refashioned because this refashioning was  
3 meant to deter others from following Neary's step.

4 Q. Now are you able to make -- I was going to come to Neary as  
5 well because you testified about her situation yesterday, but are  
6 you able to make a comparison between discipline within your  
7 group, your unit, your village and adjacent villages? Were you  
8 able to speak to workers from other villages about how things  
9 went?

10 [10.57.42]

11 A. No, I could not. I could only communicate with my villagers in  
12 my unit. We could smile at each other, but we were not allowed to  
13 chitchat because we had to work. We could not take a break to  
14 shake hands and talk to each other.

15 Q. I will, as I said, revisit Neary and Try, but I would now like  
16 to finish the testimony that Or Ho gave and again asking your  
17 reaction. At one point, 09.55 the same day, he was asked the  
18 question: "Now at the worksite when the five groups of 20 were  
19 working, were there militia or military people watching and  
20 controlling your group of 100 people?" He testified -- he  
21 answered as follows: "At the worksite actually we had those who  
22 provided security and safety for all workers." Question: "Is my  
23 understanding correct that the militia who were working there  
24 were there because of external security problems and not to  
25 supervise or instruct the workers? That is correct isn't it?"

1 Answer: "Militiamen did not come to watch the workers. Actually  
2 they came to secure the external security."

3 [10.59.22]

4 MR. PRESIDENT:

5 Please hold on Madam Witness, You may now proceed, Lead Co-Lawyer  
6 for Civil Parties.

7 MS. GUIRAUD:

8 Thank you, Mr. President. I would like to make one remark. The  
9 witness came back on her proposals and indicated in the  
10 transcript, that I can remember, that the soldiers on the  
11 worksite were watching over the workers, so there is a difference  
12 between what the witness said during hearing and what the Defence  
13 Counsel is insinuating. I would like the witness to be shown both  
14 proposals, so she can react to whether the soldiers were there to  
15 guard the installations or to watch over the workers, as the  
16 witness said in her testimony.

17 [11.00.17]

18 MR. KOPPE:

19 It's -- it's now my time I think, Mr. President, to confront the  
20 witness with excerpts. This is a very specific excerpt and I  
21 would like her reaction, so I think I am able during  
22 cross-examination to do this.

23 (Judges deliberate.)

24 [11.01.39]

25 JUDGE FENZ:

1 We are allowing the latest questions but would like to take the  
2 opportunity to remind Counsel, or to invite Counsel, to ask open  
3 questions; that's not about the last question, that's about  
4 preceding questions; instead of feeding answers to the witness by  
5 confronting her with statements to subjects that she hasn't been  
6 talking before. Again, that does not refer to the last questions,  
7 but to the ones before, proceed.

8 [11.02.10]

9 BY MR. KOPPE:

10 If you can explain me the difference, Judge Fenz, between  
11 Prosecution reading from her own statement and then asking to  
12 confirm, and then me reading from the testimony of another  
13 witness and then asking the reaction, I think that it is  
14 perfectly the same thing, no? Okay, I'm learning every day. Madam  
15 Witness I just read you an excerpt, I will read it to you again,  
16 and then ask your reaction. Or Ho, I will not read it exactly, I  
17 will phrase it. Or Ho is saying that the soldiers or the  
18 militiamen who were working at the dam site were there to protect  
19 the dam site against external danger, so not there to control the  
20 people but to make sure that the workers could do their work  
21 safely. Now what is your reaction to this?

22 MS. MEAS LAYHUOR:

23 [11.03.23]

24 A. The militiamen were there to guard the members of special  
25 mobile units to walk into the forest.



1 Q. Have you ever spoken to any of those soldiers? Have you ever  
2 asked any of those soldiers what their instructions were from  
3 their commanding officers?

4 A. No, I did not even dare to look at the face. If I saw the  
5 person I would avoid him even if when I went to relieve myself in  
6 the forest.

7 Q. Would you be able to describe how many metres the forest was  
8 away from the particular site that you were working? How far was  
9 the forest away?

10 A. It was about 50 metres away that is the closest. Or it could  
11 be a little bit further, depending on the location at the  
12 construction site. Sometimes there would be a rice field in  
13 between the dam construction and the forest.

14 [11.05.20]

15 Q. Do you remember those soldiers standing 50 metres away or a  
16 little bit more, how far apart they were standing next to each  
17 other? Was there a space between the first soldier and the next  
18 soldier? So let's say, 30, 50 metres between one soldier and the  
19 next soldier? Can you give us a little bit more details as to  
20 where they were standing exactly, and how many they were and how  
21 far apart they were?

22 A. They were about 100 to 150 metres apart and usually two or  
23 three soldiers would be assigned to guard the workers of each  
24 commune. For example two or three soldiers for the Ballangk  
25 commune, and two or three other soldiers for another commune. And

1 the main purpose was for them to guard near the forest and to  
2 deter workers not to stay too long in the forest when they went  
3 to relieve themselves. So usually we would just go, relieve  
4 ourselves and when it was done we returned to the worksite.

5 [11.07.00]

6 Q. Do you remember also seeing soldiers not looking at the dam  
7 site, but looking to the other side whether somebody was coming  
8 actually out of the forest?

9 A. No, I did not.

10 Q. Mr. President, with your leave now, I would like to have that  
11 second clip shown again, but this time I'm also looking at the AV  
12 booth, with volume, if that is possible. And then ask the witness  
13 some questions about what she saw on the video.

14 MR. PRESIDENT:

15 Yes, you can do that and the AV booth, please play the clip as  
16 requested by Defence Counsel Koppe.

17 [11.08.13]

18 MR. KOPPE:

19 Just to be sure, it's the second clip which was played, and with  
20 the volume up, please. It's E3/3049R.

21 (Audiovisual presentation)

22 [11.09.43]

23 MR. KOPPE:

24 Maybe it's, I'm just thinking out loud, it's because this is a  
25 compiled clip, because I just asked my colleague to listen to it

40

1 and he did indeed hear sound from a female voice, explaining what  
2 we can see on that footage. So, maybe if that is all right with  
3 you, Mr. President, request again, but just then the original  
4 E3/3049R, and not the clip that was prepared by the Prosecution.

5 MR. PRESIDENT:

6 Counsel Koppe, please identify the time marker for that video  
7 clip in order to ensure that the proper segment will be displayed  
8 on screen.

9 [11.10.53]

10 MR. DE WILDE D'ESTMAEL:

11 Mr. President, if you will allow me, the second video reference  
12 is E3/404R, I think Mr. Koppe is referring to the first, E3/404R.  
13 It is in the second video that we hear the voice of a woman; I am  
14 speaking from memory because I don't have the video in mind. I  
15 hope this is clear.

16 BY MR. KOPPE:

17 Maybe, if I may make a suggestion, we will sort it out in the  
18 break and then show the footage again to the witness after the  
19 break. I think the questions I have now can also be put to the  
20 witness just based on the footage that she saw. Madam Witness,  
21 you saw workers working at the dam which presumably is the 1st  
22 January Dam. Are you able to tell us where about soldiers were  
23 standing in relation to the workers that you saw on the clip?  
24 Were there also soldiers in between the people that you saw  
25 walking back and forth? Or were the workers far away and you

41

1 cannot see them on the footage that you just saw?

2 [11.12.36]

3 MS. MEAS LAYHUOR:

4 A. They were standing far from the workers, they were standing  
5 near the edge of the forest and they did not involve themselves  
6 near or with the workers at the dam construction.

7 Q. So if in your unit somebody was tired and for whatever reason  
8 stopped working it was the problem of the unit chief, it was the  
9 unit chief who had to solve the situation and soldiers had  
10 nothing to do with this. Is that correct?

11 A. Yes, that is correct. It was the unit chief's responsibility  
12 to be overall in charge. And as for the soldiers they stood guard  
13 at the edge of the forest. Although they did not do anything to  
14 the workers or they beat the workers up, no they did not do that,  
15 although they were armed. But they were a symbol of deterrence so  
16 that the workers would not pretend to stay longer in the forest  
17 when they went to relieve themselves.

18 [11.14.16]

19 Q. Is that the only thing you ever saw them do in relation to  
20 workers? Not allow them to go and relieve themselves in the  
21 forest?

22 A. Yes that's the only reason.

23 Q. Thank you, Madam Witness. Now I would like to turn to Try and  
24 the other person. In relation to disciplinary measures taken  
25 against these two people from your unit, was it Ta Nhem who was

1 responsible for taking disciplinary measures against Leap and  
2 Try?

3 A. Yes, it was the unit chief who refashioned the workers. And if  
4 the workers could not be refashioned then they would be handed  
5 over to the security. It means that if the person did not conform  
6 to the instruction they were handed over to the security in the  
7 village.

8 [11.16.17]

9 Q. Now in your statement to the investigators, you said that Ta  
10 Nhem at that time was still alive. Do you know if today he is  
11 still alive?

12 A. It was Ta Nhem not Ta Nhim (phonetic) who was the unit chief  
13 at the dam construction site and he passed away because of his  
14 advanced age.

15 Q. Again I apologise for my pronunciation, Madam Witness. Can you  
16 explain to us, or do you remember what kind of person this Ta  
17 Nhem was?

18 A. I do not know what to say. He was the former chief at the  
19 worksite and of course he only punished those who did not comply  
20 with instructions. As for the workers, including myself, who  
21 followed the instructions, then we -- he did not do anything to  
22 us.

23 [11.17.50]

24 Q. But was this Ta Nhem an unreasonable cruel guy? What kind of  
25 person was he?

1 A. I don't know whether he was cruel or not. I only know that if  
2 the workers disobeyed his instructions then the workers -- then  
3 he would impose disciplinary action against those workers.

4 Q. Now when Ta Nhem disciplined Try and Leap were you present at  
5 the conversation that he had with, to start with, Try? Did you  
6 hear him say what Try had done wrong and did you subsequently  
7 watch or evidence -- sorry you saw the reaction of Try? So were  
8 you able to hear the conversation between Nhem and Try when Try  
9 was disciplined?

10 A. No, I did not overhear anything. I only saw him taken away and  
11 I heard that the reasons for that because he failed to comply  
12 with the instructions as other workers did. But I did not hear  
13 any arguments or any shouting amongst them.

14 [11.19.59]

15 Q. But who told you that that was the reason that Try was  
16 disciplined, that he didn't obey orders? Who told you this?

17 A. It was workers within the mobile unit. Usually when people  
18 disappeared we would whisper to one another asking for the  
19 reason, and that's how I learned about it. Although I did not  
20 know the actual time when he was taken away and as I you know we  
21 were busy working and it was not my role to just be there and see  
22 what was going on. But I myself was busy concentrating doing my  
23 work.

24 Q. But the person who told you, was that a worker who was also  
25 guessing the reason as to why Try was disciplined?

1 MR. PRESIDENT:

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

4 [11.21.29]

5 MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. President. It appears that we are slipping  
7 increasingly towards leading questions. This question is not  
8 open. The answer is embedded in that question and I think Counsel  
9 should rephrase the question.

10 MR. KOPPE:

11 I think I am entitled to ask the knowledge of the person that  
12 told the witness. I agree I am moving a little faster than I  
13 should but, so I think I am entitled to ask this question.

14 MR. PRESIDENT:

15 Defence Counsel you can put such a question, but you need to make  
16 sure that the response from the witness is of certain knowledge  
17 and not just a presumption of what she might have heard or  
18 learned.

19 [11.22.42]

20 BY MR. KOPPE:

21 I will rephrase, Mr. President. The person who told you about the  
22 reason of disciplinary action against Try, did this person tell  
23 you how this person came to know the reason for disciplinary  
24 action against Try?

25 MS. MEAS LAYHUOR:

1 A. No. I did not know about that because it was the work of the  
2 unit chief. And as I told you we the workers would whisper to one  
3 another asking about the reasons for the disappearance of someone  
4 and usually we learned about that from each other, for example,  
5 if the person was taken away and placed in a cage at the edge of  
6 the forest. And as I said earlier, when I saw him being placed in  
7 a cage when I went to relieve myself, then I returned back to the  
8 worksite and there were guards who were still standing at the  
9 forest.

10 [11.24.08]

11 Q. Now, let's talk about those, about that cage that you saw,  
12 those cages that you saw. Do you know whether you were the only  
13 one within your unit that has seen this cage in the forest?

14 A. Other workers also saw the cage as at the time I was walking  
15 to the forest with two or three other workers who work with me.  
16 And I could not tell you whether everyone saw the cage as I saw  
17 it.

18 Q. Of all the people who have given testimony in this case, both  
19 before the investigators and now before the Trial Chamber, nobody  
20 has said that he or she has seen any cages. Do you have an  
21 explanation for why that is? I will rephrase. Do you know if your  
22 colleague Ut Hun (phonetic) has ever seen any cage in the forest?

23 A. Yes, the person did. As I said there were a few of us who went  
24 to relieve ourselves in the forest. We saw the cage and after we  
25 did the relieving then we returned to work.



1 Q. Did you ever see, walking around the dam site, people who were  
2 what they called surveying? So, not normal workers, but people  
3 who were measuring the land. Have you ever seen those surveyors  
4 measuring the land?

5 [11.26.38]

6 A. It was the responsibility of the group chief and the unit  
7 chief respectively, who conducted the land measurement for the  
8 group or the unit members. And there was no one in higher  
9 position who came to do that land measurement.

10 Q. I see. Can you explain to me how it was possible that you saw  
11 the cage? Because earlier you testified that if you had to  
12 relieve yourself in the forest soldiers would stop you, stop you  
13 from going into the forest. Do you remember how it was possible  
14 this time that you apparently slipped by the soldiers?

15 [11.27.58]

16 A. The soldiers went to guard other locations in the forest and  
17 when I went to the forest I did not see soldiers, as they were  
18 not at the place that I went in, but they were somewhere else.  
19 And they did not come and involve themselves with the workers at  
20 the dam worksite.

21 Q. Let's move on now, Madam Witness, to another person, a woman  
22 called Leap. Were you present when Ta Nhem disciplined Leap at  
23 any time?

24 A. Yes, I was there too. So the person was refashioned and  
25 reformed, then the same food ration was given and there was no

1 sanction or punishment taken against that individual.

2 Q. But do you remember Ta Nhem telling to Leap the reason for her  
3 refashioning?

4 A. No, I was not told about the reason. What he said was that you  
5 fellow female comrades do not follow the example of that Neary or  
6 woman.

7 Q. So would it then be fair to say that neither for Try nor for  
8 Leap you know the reasons for their disciplining, for them being  
9 disciplined. You do not know why they were disciplined? Is that  
10 correct?

11 [11.30.29]

12 A. Yes, that is correct.

13 Q. Now if that is correct, Madam Witness, can you explain to me  
14 why it was that you said to the investigators that anyone not  
15 meeting the quota was penalised?

16 A. If we did not complete the work quota or were lazy in doing  
17 our work quota, we would be taken for refashioning. We would be  
18 threatened to be placed in a cage if we did not complete our  
19 quota, so we tried our best and usually we completed our work  
20 quota. And that's what happened because we don't want to be used  
21 as a bad model for other workers, so we tried our best to  
22 complete the quota.

23 Q. I understand your answer, but I have asked you for concrete  
24 examples of anybody who was in fact penalised for not completing  
25 the quota. So, again my question, did it in fact happen that

48

1 somebody was penalised because he or she did not meet the  
2 required quota?

3 A. If a worker could not complete a work quota during the  
4 daytime, that worker, and sometimes in my case it's myself, had  
5 to do the work at night and that applied to everyone. Some  
6 workers could complete the work assignment during the daytime and  
7 could rest. But for others who could not do it during the daytime  
8 then they had to continue doing it through the night-time.

9 [11.32.48]

10 MR. KOPPE:

11 Mr. President I'm moving to another subject. I'm mindful of the  
12 time. I think maybe it's an appropriate time to take a break.

13 MR. PRESIDENT:

14 It is now convenient for the lunch break. We will take a break  
15 now and resume at 1.30 this afternoon.

16 Court officer please assist the witness at the waiting room for  
17 the witnesses and experts during the lunch break and invite the  
18 witness as well as the TPO staff back into the courtroom at 1.30  
19 this afternoon.

20 Security personnel you are instructed to take Khieu Samphan to  
21 the waiting room downstairs and have him returned to attend the  
22 proceedings this afternoon before 1.30.

23 The Court is now in recess.

24 (Court recesses from 1133H to 1331H)

25 MR. PRESIDENT:

49

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

2 And the floor is given to the defence team for Mr. Nuon Chea to  
3 resume his line of questioning.

4 MR. KOPPE:

5 Thank you, Mr. President. Good afternoon, Your Honours. Mr.  
6 President, with your leave, I would again make another -- like to  
7 make another attempt with showing the video to the witness but  
8 this time with sound. It is indeed, E3/3049R. It's the first  
9 02:06 of the video. I'm looking at the translation booth, the  
10 female voice starts speaking at second, 42, so hopefully we will  
11 be able to get a English and French translation and a specific  
12 request to the AV booth to put the volume on maximum.

13 [13.33.10]

14 MR. PRESIDENT:

15 You may proceed. AV Unit please project the video footage as  
16 requested by the Defence team for Mr. Nuon Chea.

17 (Audio-visual presentation)

18 [13.35.37]

19 [UNIDENTIFIED SPEAKER]: And it was an independence territorial  
20 integrity and democracy and what is significant was in the rural  
21 areas. The Democratic Kampuchea has changed dramatically. The  
22 rural area which was one, the land was very fertile but in the  
23 last five years it was destroyed by the imperialist US and as we  
24 are aware now the situation has changed rapidly in all fields and  
25 we could see the vast areas of fields and there was irrigation

50

1 systems everywhere. There were dams, reservoirs in those rural  
2 areas.

3 THE INTERPRETER:

4 The voice is not clear enough for interpretation.

5 [13.35.39]

6 BY MR. KOPPE:

7 Thank you, Mr. President, that was indeed my last attempt. Madam  
8 Witness, you have now again seen the footage and also with a  
9 female Khmer voice. I'm interested in the footage at the  
10 beginning when you saw workers carrying dirt and soil. Was there  
11 anything that you saw which -- on the footage which was unusual  
12 or which was not in accordance with how the work really was?

13 (Short pause)

14 [13.36.41]

15 BY MR. KOPPE:

16 Q. Did you get my question, Madam Witness?

17 MS. MEAS LAYHUOR:

18 A. I could not hear you.

19 Q. I'll ask my question again. You just saw--

20 MR. PRESIDENT:

21 Perhaps there is -- the gadget runs out of battery.

22 BY MR. KOPPE:

23 Q. Can you hear me? Madam Witness, good afternoon again you saw  
24 the same footage again, this time with sound, I'm interested  
25 especially, in the beginning of the video when you see people,

1 workers, carrying soil. Did you see anything on that video which  
2 was not in accordance with the practice of work really was?

3 MS. MEAS LAYHUOR:

4 A. I did not see anything.

5 Q. So what you saw reflected the work that you and co-workers  
6 did, is that correct?

7 A. Yes, that is correct. It was the hot battlefield; we had to  
8 run while carrying earth.

9 Q. Do you remember when leaders of the upper echelon came to  
10 visit, and that one of those leaders also was carrying soil for a  
11 while to do exactly what the workers was doing as well?

12 A. No, unit chiefs they were walking and watching all of us.

13 [13.39.07]

14 Q. I will be more concrete in my question. Do you know whether at  
15 one point in time, Pol Pot came to visit the site while the  
16 workers working and joined the workers in carrying dirt, in other  
17 words at one point in time, Pol Pot was carrying dirt for a while  
18 himself?

19 A. I have never seen that. I saw those people came to attend  
20 rallies but not to carry dirt.

21 Q. Yesterday you spoke about a high ranking Chinese leader who  
22 came to visit, it was Chen Yonggui that was the name you  
23 mentioned yesterday. Do you remember workers welcoming this  
24 Chinese leader and shouting "Hooray, Chen Yonggui"?

25 [13.40.38]

1 A. When those people attended rallies, we were instructed to  
2 shout hooray as stated and if we heard the announcement that the  
3 person was Chen Yonggui we would give a round of an applause.

4 Q. Do you remember whether at a time, you and your co-workers  
5 were told who he was and why he came to visit?

6 A. I do not know about the visits. I heard the announcement that  
7 the delegate was Chen Yonggui.

8 Q. Okay, thank you very much, Madam Witness. Now, I have a few  
9 very short follow up questions in relation to questions I asked  
10 this morning. This morning we spoke briefly about Ta Nhem and his  
11 disciplinary action against two of your co-workers. In your  
12 statement to the investigators, you also mentioned a unit chief,  
13 a woman who later committed suicide, Me. Can you tell us what the  
14 hierarchal relation was between the two? Was Nhem the boss of Me,  
15 or the other way around?

16 A. The person was the chief of my mobile unit and as for Ta Nhem,  
17 he was the chief of the cooperative and as for the lady, she was  
18 my chief of the mobile unit. I was never put in the cooperative  
19 and sometime my special mobile unit was assigned to go and work  
20 in the cooperative.

21 Q. So it was Me who was in charge of you and your group in terms  
22 of quota, etc.; is that correct?

23 A. Yes, that is correct.

24 Q. Was it then Me who disciplined Try or Leap, or was it still Ta  
25 Nhem who disciplined him?

1 [13.44.21]

2 A. They worked together I have no information in detail  
3 concerning this matter. I did not know their work approach in  
4 relation to what you have just described.

5 Q. Ta Nhem, was he often at the 1st January Dam worksite or did  
6 he also stay quite bit of time at the village itself?

7 A. He was in the village, he was the chief of cooperative, he  
8 never went along with the special mobile unit he was in charge of  
9 the cooperative and supervised his cooperative in the village.

10 Q. So then my question is again, do you know who it then was,  
11 concretely, who disciplined your two colleagues, Try and Leap?

12 [13.46.03]

13 A. I do not know who took the two colleagues for torturing; I do  
14 not know who arrested them. A few of us went to relieve ourselves  
15 and we saw them. And as I said, I do not know who arrested them  
16 and took them there. We had to go to work, if they found that we  
17 did not go to work, we would be in danger.

18 Q. I will move on to one last follow up question in relation to  
19 illnesses at work. If I understand -- if I understood you  
20 correctly, you agreed with your colleague that nobody in your  
21 unit was left to die because of sickness at the dam worksite, in  
22 fact nobody died. However, yesterday, you also said that you know  
23 of many instances that people died for dysentery. If people  
24 didn't die at the worksite but died of dysentery, what is your  
25 source of knowledge of this, how do you know that people died of



1   dysentery?

2   A. I knew it while I was working. The unit chief would tell this  
3   particular individual died of dysentery because he could not be  
4   cured in time. I had no relation with the medic. My unit chief  
5   told me about this and I relayed this message further about the  
6   matter.

7   [13.48.18]

8   Q. Thank you for that answer, Madam Witness. Now I need to ask  
9   you a few questions in relation to the pagoda Baray Choan Dek,  
10   that you spoke about yesterday. I understand from your testimony  
11   to the investigators that you never visited the pagoda. Does that  
12   mean that you also, at a time, was never inside the premises of  
13   this pagoda, you were never inside the walls of this pagoda  
14   during the DK period?

15   A. Yes, that is true. As a normal or ordinary person I was not  
16   allowed to go inside, it was a secret place. If I happen to go  
17   into that place I would be killed. As a ordinary citizen I could  
18   not go into that place.

19   Q. Yesterday you spoke about music coming from a loudspeaker from  
20   somewhere inside the pagoda, how would you know -- or, how did  
21   you know that the music coming from a loudspeaker had potentially  
22   anything to do with killings inside of the pagoda? Is that  
23   something that you heard then, or is the phenomenon of  
24   loudspeakers being played after 1979?

25   [13.50.16]

1 A. In the period when the music was played over the loudspeakers  
2 there would be killings. I was back from my work on day 10 that  
3 we were allowed to take rest and when I walking and reached the  
4 lake I encountered two soldiers who were armed and I was  
5 threatened that why I was here and I was asked whether I want to  
6 die, I was very afraid at that time and I ran away to the other  
7 side of the lake.

8 Q. I understand what you're saying but we have just established  
9 that you have never been inside the premises of this pagoda and  
10 so again the question, what would you know -- what is the source  
11 of your knowledge of music from loudspeakers in relation to  
12 killings? That is something that I would like to know from you.

13 A. I heard people talking from one and another.

14 Q. And is that something that you heard when people were talking  
15 to one and another after 1979?

16 [13.52.13]

17 A. No. I know that when the music was played over loudspeakers  
18 people would be brought into that place and everyone whispered to  
19 one another. As a Base Person, we could ask the unit chief or  
20 village chief about what happened. After people had been brought  
21 into the place, they would disappear, they never returned.

22 Q. Thank you, Madam Witness, a few very last questions. Do you  
23 know to whom Ta Nhem himself reported about the work at the dam  
24 site? Ta Nhem of course also had a superior, do you know to whom  
25 he reported?

1 A. I do not know who was Ta Nhem's superior. I was assigned to  
2 work at the worksite, I do not know about his superior.

3 Q. And do you know to whom Me, the female chief that we spoke  
4 about just now, to whom she reported about work at the dame site?

5 [13.54.06]

6 A. If we were not -- if, actually, if this person was not  
7 satisfied with our work this individual would report on us to the  
8 cooperative and the cooperative, after receiving the report,  
9 would not give the food supplies to us to eat.

10 Q. But do you know a concrete name to whom Me, your unit chief,  
11 reported?

12 A. I do not know, as I said, as far as I am concerned I do not  
13 know. I was working at the worksite and if we could see people  
14 return after they were arrested and brought away, they would  
15 survive.

16 Q. A question about somebody else at the worksite, at the dam  
17 worksite, do you know a man called Um Chi who was the chief of  
18 the mobile unit?

19 A. I do not know this individual. I do not know the name Um Chi.

20 [13.55.55]

21 Q. You on multiple occasions referred to the 1st January Dam site  
22 as a hot battlefield. You also spoke yesterday about the 6th  
23 January Dam. Do you know why the 6th January Dam was not a hot  
24 battlefield like the 1st January Dam?

25 A. The 6th January Dam, as I said, was not the hot battlefield.

1 Workers were not required to work at night, workers were allowed  
2 to rest at night. As I said earlier, at the 1st January Dam, we  
3 had to work day and night, we could take a rest after we heard  
4 the bell ringing but we had to walk -- and we had to walk a far  
5 distance from the place where we worked to the dining hall and  
6 after we heard the second bell ringing -- the bell ringing for  
7 the second time, we would return back to work.

8 Q. I understand. My question was do you know why the 6th January  
9 Dam was not seen or considered to be a hot battlefield? Why the  
10 difference between the two dams, do you know?

11 A. At the 6th January Dam, workers were not allowed to work at  
12 night so I could say that it was not a hot battlefield. We could  
13 have enough sleep at night and we had energy to work the day  
14 after. As for the 1st January Dam, it was a hot battlefield, if  
15 we could not complete the work during the day time, we had to get  
16 it finished at night.

17 [13.58.22]

18 Q. I understand the differences and thank you for your answer,  
19 but do you know the specific reason why the upper echelon decided  
20 to consider the 6th January Dam not a hot battlefield?

21 A. I do not know because I was not a high ranking person.

22 MR. KOPPE:

23 Thank you very much for your patient answers, Madam Witness.

24 Looking at my colleague if he has questions. Yes, Mr. President,  
25 he does.

1 QUESTIONING BY MR. LIV SOVANNA:

2 Thank you, Mr. President, Your Honours, everyone in and around  
3 the courtroom. Good after, Madam Witness. I am Liv Sovanna, I am  
4 one of the National Counsel for Nuon Chea.

5 Q. You stated that Me was your unit chief, was she a Khmer  
6 National or was she of a different nation?

7 MS. MEAS LAYHUOR:

8 A. She is Khmer.

9 [14.00.07]

10 Q. Before the lunch break you said you saw soldiers instructed  
11 the workers who rested in the forest to return to work. What  
12 about you, were you ever instructed to return to work when you  
13 rested in the forest?

14 A. If we spent rather more time in the forest, then we would be  
15 chased to return to work.

16 Q. And how many times were you instructed to return to work  
17 during the period that you worked at that worksite?

18 A. It was about 4 to ten times because I was fatigue so I  
19 pretended to spend more time in the forest then they signalled me  
20 to return to the worksite and I didn't have to wait for them to  
21 shout at me and I myself returned to the worksite.

22 Q. Also before the lunch break you said, for those who finished  
23 the daily quota, could rest before the end of the working time.  
24 And through your observation, were there many workers in your  
25 group who could complete the work quota earlier?

1 [14.02.01]

2 A. Yes, there were several because we were assigned a cubic meter  
3 each and we tried to finish it on time so we could go and have  
4 our meal. It depend on the day, sometimes I could finish earlier  
5 and sometimes I could not so I would continue to finish it after  
6 the meal time and what I talked about is what happened within my  
7 special mobile unit.

8 Q. You said that you could not work during the rainy season or  
9 when it was raining, what happened when it was raining, what were  
10 you assigned to do?

11 A. When it rained and when we could not carry the earth up the  
12 embankment, we were allowed to rest. Because of the rain, the  
13 uphill to the embankment was slippery so we could rest a little  
14 bit.

15 Q. Did you hear any instruction from anyone that you had to be  
16 careful when doing your work, for example try to avoid any soil  
17 collapse?

18 [14.03.48]

19 A. Yes, we were so instructed. For instance, not to take shelter  
20 when it was raining near the area where a hole was made at the  
21 base of the embankment.

22 Q. And who actually gave such instruction or not allowed you to  
23 stay under that area?

24 MR. PRESIDENT:

25 Madam Witness, please observe the microphone.

1 MS. MEAS LAYHUOR:

2 A. It was the chief of the special mobile unit who instructed us  
3 not to take shelter under that shallow part of the lower part of  
4 the embankment in order to avoid the risk of being crushed by  
5 soil collapse.

6 MR. LIV SOVANNA:

7 Q. Through your observation, were toilets built for other units?  
8 [14.05.14]

9 A. Yes, they made toilets but because of the many numbers of  
10 workers, the three toilets could not accommodate them all, so  
11 they went to relieve themselves in the forest.

12 Q. You said that there were many flies at the worksite; did you  
13 ever observe pesticide was used to kill flies?

14 A. Yes, but they were still many flies. There were many, many  
15 flies, and not all of them could be killed by the pesticide  
16 spray. We had to use our hands to chase away the flies while we  
17 were eating.

18 [14.06.19]

19 Q. Did pesticide spray happen often?

20 A. No, it was not that often and I did not know those people who  
21 actually sprayed the pesticide at the worksite, so when they  
22 sprayed the pesticide the flies died but it was several months  
23 later when they resumed doing the pesticide again.

24 Q. In your unit was any worker died, did anyone die from illness?

25 A. No, there was none. Some people got sick then they got some

1 tablets and they recovered.

2 Q. You also said that you were allowed to rest every tenth day  
3 and from your observation did workers go to catch crab or to go  
4 fishing during the rest time on that day?

5 [14.07.58]

6 A. No, nobody went anywhere. Every tenth day after we ate desert,  
7 then we rested and we chit-chatted with our work colleagues in  
8 the sleeping quarters. Sometimes we were singing or dancing, it  
9 was a happy day which happened once every tenth day.

10 Q. Were you prohibited from going to find fish or crab during  
11 that day?

12 A. No, we were not prohibited from going but because we were  
13 fatigued we resorted to resting at the sleeping quarter.

14 Q. Through your observation, did you notice that monks -- all  
15 monks had been disrobed before 17th April 1975, or was it after  
16 that?

17 A. I did not think about that, however I knew no monk was allowed  
18 to stay at a pagoda, all monks had to disrobe although I cannot  
19 recall the exact year when it happened.

20 [14.10.03]

21 Q. This morning you said that any Cham person who practised his  
22 or her religion would be taken away and killed. Did you notice  
23 any Cham was taken away and killed because of practising his or  
24 her religion?

25 A. It did not happen in my village, as the Cham people were



62

1 instructed not practise their religion and if they were to  
2 violate that instructions and then they would be taken away and  
3 killed but they followed the instruction and nothing happened to  
4 them and they were also instructed to eat Pork and they usually  
5 did not dare to go against any instructions given to them.

6 Q. Am I correct to say that you never saw any Cham person being  
7 killed from practising his or her religion? Mr. President I don't  
8 have any more questions. Thank you.

9 [14.11.33]

10 MR. PRESIDENT:

11 Thank you. The Chamber would like now to hand the floor to Khieu  
12 Samphan's defence to put questions to the witness.

13 QUESTIONING BY MS. GUISSÉ:

14 Thank you, Mr. President. Good afternoon, Witness. My name is  
15 Anta Guiseé, I am International Co-Counsel for Khieu Samphan and  
16 I will put some follow up questions to you regarding your  
17 testimony over the past two days.

18 Q. In answer to questions put to you by the Co-Prosecutor and  
19 also by my colleagues of the Nuon Chea team, you spoke about your  
20 unit and you said it was a special unit. You explained that there  
21 were 50 people in your village and then a sub-group of 12 people.  
22 My question to you is as follows. What was the special unit, was  
23 it your group of 12 persons or the 50 people who constituted the  
24 special unit?

25 [14.13.03]

1 MS. MEAS LAYHUOR:

2 A. There were 50 workers in the unit and 12 workers belonged to a  
3 group which was a sub -- which was under the main 50 person unit,  
4 as the 50 man -- person unit was sub-divided into smaller groups  
5 and each group consisted of 12 workers.

6 Q. I indeed understood the way the groups were set up. My  
7 question is whether there was a group of 50 people who  
8 constituted the special unit or within that group there was a  
9 special unit and an ordinary unit set up from the group of 50  
10 people?

11 A. We were all part of the special group.

12 Q. And did I properly understand your testimony to mean that,  
13 that special unit received special food rations?

14 A. No. The same food ration applied to everyone across the board.  
15 However, when we were in the special mobile units, the food  
16 ration was a bit more than the people staying in the village.

17 Q. Very well. It therefore means that when you talk of different  
18 food rations, you're making the distinction between those who  
19 worked on the dam worksite and those who remained in the village.

20 Is that correct?

21 [14.15.07]

22 A. I simply knew that I was part of the special mobile unit. I  
23 did not know much about the condition at the village. We were  
24 given the same food ration and I don't know, maybe some people  
25 could not eat their fill but for me it was merely sufficient,

64

1 although sometimes I had to supplement my diet with some tree  
2 leaves mixed with salt.

3 Q. You stated that on the 1st January Dam worksite, there were  
4 people from all the communes, villages from all the communes. You  
5 also said a while ago, in response to a question asked by my  
6 colleague, that you did not have the opportunity to talk to  
7 people from the villages and that you didn't have time and you  
8 focused on your work. My question therefore is as follows; had  
9 you received orders from officials of other units other than  
10 yours?

11 [14.16.32]

12 A. No. We only receive instruction from our respective unit chief  
13 and we ate our food from our village and so we had to work for  
14 our village and not for another village.

15 Q. Under those circumstances, is it correct to say that you  
16 didn't know what happened in units that were headed by people  
17 from other villages, you did not know what was happening in those  
18 units, is that correct?

19 A. Yes, I only knew what happened within my unit and I did not  
20 know about the conditions in other units. Although, or even if I  
21 had to work in the village, I would not know about the conditions  
22 of other people in other units or belonged to other village, as  
23 we were not allowed mixed with other people from other units or  
24 village.

25 Q. During the time that you spent on the 1st January worksite,

65

1 did you have the opportunity to travel to your village of origin  
2 during one of your days of rest.

3 [14.18.19]

4 A. Yes, I did. I made a request to my unit chief to visit my  
5 native village, sometimes I was allowed for half a day for  
6 example for a afternoon. Or sometimes, because I missed my mother  
7 a lot, I requested to stay overnight and had to return in the  
8 early morning and sometimes I was a little bit late so I was  
9 criticised by my unit chief.

10 Q. And is it correct to say that you did not travel to any other  
11 villages in Ballangk commune during that period?

12 A. Yes, that is correct. I did not dare go to other villages. I  
13 would only go to my own village or worked in my own village and I  
14 did not have any right to go to other villages.

15 Q. In your testimony you yesterday you referred to meetings held  
16 on the dam worksite. Can you tell us whether those meetings  
17 concerned only your unit or other units were involved in those  
18 meetings?

19 A. I spoke of the meetings where all of us were gathered to  
20 attend. Of course we were allowed to stop working during that  
21 period and at the conclusion of the meeting, all the workers had  
22 to return or had to resume their working again.

23 [14.20.34]

24 Q. During one of those meetings, were any explanations given to  
25 you as to why that dam was being built at that time?

1 A. I do not know about it or maybe I cannot recall it as there  
2 were many speeches during the meetings and were there attending  
3 the meeting and listening to speeches but I seem to not recall  
4 the purpose of building the dam.

5 Q. When the construction of the dam was completed, did you work  
6 in the agricultural sector?

7 A. Once the 1st January Dam project was concluded I was assigned  
8 to work at the 6th January Dam construction worksite. I was not  
9 sent to work to do the rice field -- to work in the rice field at  
10 the village but I to work at the second dam construction  
11 worksite.

12 [14.22.05]

13 Q. And before you started working at the dam worksite did you  
14 work anywhere as a farmer?

15 A. Yes, I did. I engaged in rice transplantation. I was assigned  
16 to do the plantation; of course I was never idle for any moment,  
17 we had to work before the food was given to us. It's not like  
18 what is happening now, right now children or young adults do not  
19 have to work but during that time, everyone had to work in order  
20 to earn food and we were allowed to meet our parents every tenth  
21 day.

22 Q. Before you started work at the work dam, do you recall whether  
23 there was period of drought in the region?

24 [14.23.16]

25 A. No, I did not experience that and I only experienced the rainy

1 season and sometimes even during the dry season we had to engage  
2 in the dry season rice farming. We were never allowed not to  
3 engage in any work, and there was always work for us.

4 Q. My question was different; if you do not remember it, no  
5 problem. I say so because a witness came previously, witness Or  
6 Ho, who was village chief at Trea (phonetic) village and it is  
7 the eighth village on the list -- this is for the interpreters --  
8 and that witness said that there was a serious drought in 1978.

9 A. I cannot recall that.

10 [14.24.38]

11 Q. No problem. I would like us to revisit the issue of the  
12 organisation of units. On the 1st January Dam worksite, you  
13 stated that in your unit there was a group of people in charge of  
14 giving water to the workers. Did I properly understand your  
15 testimony?

16 A. The unit chief assigned one worker to carry water for the  
17 workers to drink. So the person would fetch the water and left it  
18 somewhere near our worksite and the workers would go there and  
19 drink the water from that one same place. And not everyone was  
20 allowed to go here or there to go and find water to drink because  
21 the water source was rather far from the worksite.

22 Q. You also referred to announcements made using loudspeakers on  
23 the 1st January Dam worksite; you also talked of the use, at a  
24 point of time, of explosives to break rocks. My question is as  
25 follows, do you recall whether when explosives had to be used,

1 messages were disseminated over the loudspeaker to warn workers?

2 [14.26.27]

3 A. Yes. When they use explosives to break rocks, workers were not  
4 allowed to go nearby the area and the guards would prohibit the  
5 workers from going there in order to avoid risk of being hit by  
6 the broken segments of the rock.

7 Q. Do you recall whether other kinds of announcements were made  
8 using the loudspeakers, for instance, announcements made by  
9 doctors as to precautions that had to be taken?

10 A. No. I only saw them chasing people away from the area.

11 Q. Chasing people away from which area? I didn't understand.

12 A. From the area that they use explosive to break rocks. They  
13 chased the people away from the vicinities in order to avoid any  
14 risk of being hit by the rock and once the explosive was used  
15 then the workers could resume their normal work.

16 [14.28.08]

17 Q. You talked about meals eaten in the refectory. I would like to  
18 know whether in your unit, there wasn't a mobile kitchen that was  
19 set up on the worksite? I asked this question because I'm talking  
20 about a unit the witness Or Ho, I referred to a while ago, stated  
21 -- that was on 20th May 2015, shortly after 10.35 a.m., that  
22 witness stated that there was a make-shift kitchen that could be  
23 set up on the worksite whereas some food was served in the  
24 refectory. Did that happen in your unit as well?

25 A. Yes, indeed. If we did not build any kitchen then how could

1 those many workers go to eat the meal, actually they built a  
2 kitchen in order to store the cooking utensils as well as the  
3 food and rice supply.

4 Q. I would like to specify that my question related to a kitchen  
5 that was immediately on the worksite, not in the common dining  
6 hall. This is what Or Ho says at 10.37, on 20th May 2015, and he  
7 says that "When the food arrived, we would organise this  
8 improvised kitchen. Some people were assigned to work in that  
9 kitchen and that these people had to bring water." End of quote.  
10 So my question is, were there people in charge of an improvised  
11 kitchen for your unit beyond just bringing water?

12 [14.30.35]

13 A. It was the mobile unit chief who made that arrangement. The  
14 chief would assign this worker or that worker and sometimes it  
15 was me to work in the kitchen or to go and fetch water.

16 Q. And the same witness also said that, within his unit there  
17 were rotations of -- and apparently you said that within your  
18 unit there were never any rotations. Did I understand well?

19 A. That would be responsibility of the unit chief and I was not a  
20 unit chief so I did not know about that. I was given food ration  
21 at the end of the work day and I just ate it and yes, there was a  
22 kitchen for our unit, there was a big water jar and there was a  
23 small storage for food supply including rice. I was simply a  
24 member of the group and my focus was to finish my work quota and  
25 return to earn my daily meal.



1 Q. Well, I think we didn't understand each other well, I was no  
2 longer speaking about the kitchen, I was speaking about the  
3 rotation of workers on the 1st January Dam worksite. Or Ho  
4 explained that he, within his unit, and as you know not everyone  
5 worked several months in a row on that site, but there were  
6 rotations within his unit. So my question was to confirm with you  
7 that this was not the case within your unit and that everyone  
8 worked during the entire duration of the project and apparently  
9 you told us that there were never any rotations within your unit.

10 A. The unit chief would assign one particular individual to work  
11 in the kitchen and another individual to work in other field and  
12 I do not know about people in other villages.

13 MR. PRESIDENT:

14 Madam Witness, the question is as follows. Witness Or Ho told us  
15 that in his unit there was rotation of workers and he stated that  
16 some villagers came to replace workers at the worksite and  
17 Counsel would like to know whether in your unit the same thing  
18 happened. This is the question by the Counsel. Counsel would like  
19 to know about the rotation of workers, whether or not some  
20 workers from the village replaced workers at the worksite, does  
21 this happen in your unit?

22 MS. MEAS LAYHUOR:

23 A. No, it did not happen in my village. As I said I was part of  
24 the special mobile unit I did not know what happened in his unit.  
25 For me I was assigned with my group to work in Baray and to work

71

1 in different places and normally the cook would go with us.

2 [14.34.56]

3 BY MS. ANTA GUISSÉ:

4 Q. Among the different questions I just put to you with the  
5 assistance of the President. It transpires that the units could  
6 operate in different ways. So my question is the following. I  
7 believe yesterday at around 3.20 in the afternoon, you said to  
8 the Co-Prosecutor that there were cages for each commune. So my  
9 question is how did you know that there were cages for workers  
10 who were punished, cages for each commune, whereas you did not  
11 know necessarily what was happening even in the other units, so  
12 can you explain on what base you can tell us that there were  
13 cages for each commune, if we indeed understood your testimony  
14 well.

15 [14.35.54]

16 MS. MEAS LAYHUOR:

17 A. Yes, when I went to relieve myself I noticed cages. I have no  
18 idea about cages used for other communes. I did not freedom to  
19 walk around and see what happened in other communes. We had to go  
20 to relieve ourselves in a far place. I could notice that there  
21 were cages and I have no idea who brought people into the cages.

22 MR. PRESIDENT:

23 I notice you are on your feet, you may now proceed,  
24 Co-Prosecutor.

25 MR. DE WILDE D'ESTMAEL:

72

1 Yes, just for the purposes of record, I think that in her written  
2 record of interview, as well as in yesterday's hearing, she was  
3 speaking about one cage per village, she was speaking about one  
4 cage per commune, so these are two different things so I think  
5 that the record should be set straight. Unless yesterday's  
6 transcript reveals the contrary, but this is what I remembered  
7 and this is also what is indicated in her written record of  
8 interview.

9 BY MS. ANTA GUISSÉ:

10 Yes, I confirm that I read the transcript of the written record  
11 and it is written indeed for each commune but I'll ask for  
12 clarification. So, Witness can please specify, if you told us  
13 that there was one cage per village or one cage per commune?

14 [14.37.36]

15 MS. MEAS LAYHUOR:

16 A. For my village there was a cage. There was a cage for my  
17 village. I know only the fact that there was one cage for my  
18 village though the cage was use to deter those people who were  
19 lazy.

20 Q. So my question is therefore, do know if there were cages for  
21 other villages because in the translation we got the impression  
22 that you were speaking about several cages?

23 [14.38.22]

24 A. I do not know. I did not spend time and walk around. I am  
25 talking about my village. As I said I never walked around, I have

1 no idea about other villages.

2 Q. Thank you for this clarification. You also said that you did  
3 not stay until the end of the 1st January Dam worksite because  
4 you became ill and you were evacuated by tractor to your village,  
5 is that the case? Did I understand your testimony well? Let me  
6 quote the transcript from yesterday to make things a bit clear.  
7 Yesterday you said a little bit before 2.26 in the afternoon,  
8 "When I became ill, I was sent back to the village to be  
9 treated." So my question is the following, who decided to send  
10 you back to your village and what do you mean by being treated?

11 A. It was not during the time that I was working at the 1st  
12 January Dam, I was referring to the time that I was working at  
13 the 6th January Dam. I got a (inaudible) on my back I could not  
14 walk. I slipped off the uphill. I did not have serious illness as  
15 I stated earlier, I was referring to the time that I was working  
16 at the 6th January Dam. I made a request that I could go back  
17 home and I was allowed, my request was granted. I went back to my  
18 house and my mother used traditional medicines to treat my  
19 (inaudible).

20 [14.40.45]

21 Q. Thank you for the clarification. I have no further questions,  
22 Mr. President. My colleague would have a few extra questions but  
23 maybe we could do so after the break.

24 MR. PRESIDENT:

25 Thank you. It is now convenient time for a short break and the

74

1 Chamber will take the break from now until 3 o'clock.  
2 Court officers please facilitate a proper room for this witness  
3 and the support staff of TPO and please invite them into the  
4 courtroom at 3 p.m.

5 The Court is now in recess.

6 (Court recesses from 1441H to 1501H)

7 MR. PRESIDENT:

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

9 And the Chamber hands the floor to the Defence team for Khieu  
10 Samphan to continue putting questions to the witness. You may  
11 proceed, Counsel.

12 [15.02.10]

13 QUESTIONING BY MR. KONG SAM ONN:

14 Thank you, Mr. President. And good afternoon, Your Honours. And  
15 good afternoon, Madam Layhuor. My name is Kong Sam Onn, Counsel  
16 for Khieu Samphan and I only have a few questions to put to you.  
17 My first topic is in relation to the 1st January Dam. From you  
18 testimony, you cannot recall the date that you started working or  
19 the date that you concluded your work at the worksite. My  
20 question is the following. How many months did you spend working  
21 at the worksite?

22 MS. MEAS LAYHUOR:

23 A. I cannot recall how many months I worked there.

24 Q. In relation to your work, you said about being stationed at  
25 the worksite, that you spent your time there, and that you slept

75

1 there and there was a kitchen there as well. While working there,  
2 did you relocate to another segment of the worksite?

3 [15.03.51]

4 A. No, I did not move to another segment, I only worked at one  
5 area.

6 Q. Do you recall the land plot that was assigned to you and your  
7 group?

8 A. No, I cannot recall that as I was a member of the unit and  
9 that would be the responsibility of the unit chief.

10 Q. On the last day that you remained at the 1st January Dam  
11 worksite, did you actually have a look at the work area that your  
12 team worked on, for example the size of that area?

13 A. From the embankment of the dam, the area that we dug the soil  
14 was rather large but I cannot give you any estimate as to the  
15 size of the land plot.

16 Q. Can you tell the Court the actual location where you and your  
17 group worked? Were you or your team or your group or your unit  
18 responsible for a particular size of the land plot?

19 A. No, I do not know the measurement of the overall land plot.  
20 What I know is that each of us was assigned a one cubic meter of  
21 earth to dig and carry per day and if we could not finish it  
22 during the day we had to continue doing it during the night.

23 [15.06.46]

24 Q. You already told the Court that your group composed of 12  
25 workers and in the unit it constituted 50 workers. And can you

1 tell the Court, how many units were assigned to work at the  
2 worksite from your village?

3 A. That was the only 50 member unit from my worksite and it was  
4 part of the so-called special unit.

5 Q. Were there other mobile units or other groups for example,  
6 mature men and women group besides your special mobile unit group  
7 from your village?

8 A. No, there was none. As for the rest they worked at the village  
9 and only us the special mobile unit was assigned to work at the  
10 dam construction worksite.

11 Q. Did you know the total number of the workers from the commune  
12 assigned to work at the dam worksite?

13 A. No, I don't know the overall numbers from the commune as I was  
14 not the unit chief.

15 [15.08.46]

16 Q. Do you know if other villages within the commune only assigned  
17 one special mobile unit to work at the worksite as what happened  
18 in your village?

19 A. Yes, other units belonged to other villages. However I have no  
20 idea whether there were 50 persons in a unit or there were more  
21 or less.

22 Q. You keep repeating that you were not a unit chief, please be  
23 clear that here we do not speak about your role, I simply want to  
24 know the number of the workers and allow me to move on. How far  
25 was your living -- was your sleeping quarter from your actual

1 worksite where you actually worked, how many meters or how far  
2 was it?

3 A. The sleeping quarter was about 500 metres from the worksite.  
4 This is just a rough estimate as it was rather far.

5 [15.10.42]

6 Q. Now I'd like to ask you about the meetings. You said that  
7 whenever there was a meeting, all workers who worked at the 1st  
8 January Dam worksite would be called to attend such a meeting. Do  
9 you mean all workers that worked on the 1st January Dam worksite  
10 attended that kind of meeting, or were only the workers from  
11 within the commune attending such a meeting?

12 A. I meant everyone. When there was such a meeting, every worker  
13 at the dam worksite were called to attend and to listen to the  
14 speeches.

15 Q. During the rest time or during the day that you were allowed  
16 to rest, did you spend time going along the dam or on the dam  
17 embankment?

18 A. No, I did not. I only walked from my sleeping quarter to the  
19 worksite and of course we were not allowed to go here or there  
20 freely like what we can do now.

21 Q. Can you tell the Court how frequent were meetings organised?

22 A. No, it was not that often it only happened occasionally and  
23 only when upper Angkar came the meeting was held.

24 [15.13.15]

25 Q. And how many times the meetings were held during the entire



1 period you worked at the 1st January Dam worksite?

2 A. It was about four to five times.

3 Q. A while ago you just said that every worker at the dam  
4 worksite attended the meeting and how did you know that?

5 A. Because I saw everyone stop carrying the earth and came to  
6 attend the meeting that is after the announcement for everyone to  
7 attend the meeting was broadcast through the loud speaker.

8 Q. Do you know the total length of the 1st January Dam?

9 A. No, I don't. I actually do not know where it started or where  
10 it ended.

11 [15.15.00]

12 Q. On the topic of marriage and you already told the Chamber  
13 about your marriage, however there is one point that I'm still  
14 unsure that is on selection of -- on your selection of your  
15 partner. You actually said you did not love your husband-to-be,  
16 but it was your parents and the parents of your husband who  
17 paired you up. However, later on you said that you were proposed  
18 to marry another man but you refused and you only wanted to marry  
19 your husband otherwise you would remain unmarried, you would  
20 remain single. So can you clarify this issue, whether you decided  
21 to marry your husband-to-be through the agreement by your parents  
22 and the parents of your husband or was it your own decision?

23 [15.16.41]

24 A. I followed the advice of my parents, if they trusted the  
25 person to -- for me to marry him then I would just simply follow

1 their advice. And of course the chief of the cooperative wanted  
2 me to marry a separate man but I refused. And I would say that I  
3 would remain single if I did not marry the man that my parents  
4 wanted me to marry him.

5 Q. Since you are also a Cambodian woman and that you made your  
6 decision to marry a man following the advice of your parents, and  
7 as you just stated, what is your view on the Cambodian tradition  
8 in term of marriage arranged by the parents as in your case, for  
9 example, do you leave the matter to the hands of your parents to  
10 do so?

11 [15.18.08]

12 MR. PRESIDENT:

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

15 MR. DE WILDE D'ESTMAEL:

16 I thought this witness was going to testify to the facts. Now she  
17 is being asked to express her opinion on the marriage systems. I  
18 don't think she is qualified to enlighten the Chamber on these  
19 kinds of systems, that question should be for experts.

20 BY MR. KONG SAM ONN:

21 I rephrase my question. Madam Witness, since you are a Cambodian  
22 woman and that you got married during the '70s, my question to  
23 you is the following. The marriage that was arranged by the  
24 parents in your village, did that kind of marriage happen rather  
25 often?

1 [15.19.32]

2 MS. MEAS LAYHUOR:

3 A. Usually it was Angkar who arranged the marriage, for example,  
4 for the New People. But in my case it was rather an exception as  
5 my parents and the parents of my husband they paired us up quite  
6 a long time ago and I already made up my mind as to the man that  
7 I would get married to.

8 Q. My question that I just put to you is in relation to the  
9 general practice or traditional practice in your marriage in your  
10 village on selecting a husband for a daughter. And please forget  
11 about the Khmer Rouge regime, whether such a practice happened  
12 before the Khmer Rouge or after the Khmer Rouge regime, does such  
13 arranged marriage by the parents occur frequently in your  
14 village?

15 A. Are you asking me about such a marriage during the Pol Pot  
16 regime or after the Pol Pot regime?

17 Q. You may tell us about what happened if such an arranged  
18 marriage by the parents before 1975?

19 [15.21.25]

20 A. Before that, the marriage was organised rather differently as  
21 they were not arranged as what happened during the Pol Pot regime  
22 and there was orchestra or musical band to accompany the ceremony  
23 and that did not happen during the Pol Pot regime. I myself was  
24 married during the Pol Pot regime during a 25 couple marriage  
25 ceremony.

81

1 Q. Allow me to repeat my question again. And I hope that the  
2 National Judges or Lawyers, who understand about the Cambodian  
3 tradition, would be interested in your response -- that is, on  
4 the marriage arranged by parents in the Cambodian society. And my  
5 question to you is whether such marriage occurred frequently in  
6 your village? I do not want to talk about the process of the  
7 marriage or whether a musical band entertained such a ceremony,  
8 so my question to you is, did you witness such marriage arranged  
9 by the parents, if so how many in your village?

10 [15.23.40]

11 A. There were rather many as the parents from both sides agreed  
12 to the marriage and usually such a ceremony was rather a big one.  
13 I mean tens of thousands of -- I mean they spent a lot of money  
14 for such a ceremony and they had to follow a traditional process  
15 through the engagement through to marriage.

16 MR. KONG SAM ONN:

17 Thank you, Madam Witness. And Mr. President, I don't have any  
18 further questions for this witness.

19 [15.24.29]

20 MR. PRESIDENT:

21 The hearing of the testimony of Meas Layhuor is now concluded.  
22 And Madam Meas Layhuor, the Chamber is grateful of your testimony  
23 during the last two days and it may contribute in ascertaining  
24 the truth in this case. Your testimony is now concluded and you  
25 are no longer required to be present in the courtroom therefore

82

1 you may return to your place of residence or wherever you may  
2 wish go to and we wish you a safe journey.

3 Court officer in collaboration with WESU, please make necessary  
4 transportation arrangement for Madam Meas Layhuor to return and  
5 the Chamber would also like to thank the TPO staff for your  
6 assistance. However the Chamber has been informed that you will  
7 also assist 2-TCCP-255, who will be here shortly, please remain  
8 seated in the courtroom.

9 And Madam Meas Layhuor, you may now leave the courtroom.

10 Court officer please usher the civil party, 2-TCCP-255, into the  
11 courtroom.

12 [15.26.05]

13 (Civil party enters the courtroom)

14 [15.27.09]

15 QUESTIONING BY THE PRESIDENT:

16 Q. Good afternoon, Madam Civil Party, what is your name?

17 MS. HUN SETHANY:

18 A. Good afternoon, Mr. President. My name is Hun Sethany.

19 Q. Thank you, Madam Hun Sethany. When were you born?

20 A. I was born on the 17th April 1955.

21 [15.27.55]

22 Q. Where were you born?

23 A. I was born in Tuol Thmor (phonetic) village, Sambuor Meas  
24 commune, Kampong Cham district, Kampong Cham province.

25 Q. What is your current address?

83

1 A. Currently I live in Trapeang Chrey village, Krala commune,  
2 Kampong Siem district, Kampong Cham province.

3 Q. Thank you, Madam Hun Sethany. And what is your current  
4 occupation?

5 A. I am grocery seller.

6 Q. What are the names of your parents?

7 A. My father is Hun Sam At and my mother Keo Yoeng.

8 Q. What is the name of your husband and how many children do you  
9 have?

10 A. My husband is Kun Srin (phonetic) and we have a son.

11 [15.30.06]

12 MR. PRESIDENT:

13 Madam Hun Sethany, as civil party in this proceeding, you may  
14 make a victim impact statement if any, concerning the crimes  
15 which are alleged against the Accused if you wish to do so.

16 Pursuant to Rule 91bis of the ECCC Internal Rules, the Chamber  
17 will give the floor to the Lead Co-Lawyers for the Civil Parties  
18 first to put questions to this civil party and the combined time  
19 for the Civil Party Lawyers and the Co-Prosecutors are two  
20 sessions.

21 And the floor is now given to the Lead Co-Lawyers for civil  
22 parties. You may proceed.

23 MS. MARIE GUIRAUD:

24 Thank you, Mr. President. I'm going to give the floor to my  
25 colleague, Counsel Moch Sovannary.

84

1 [15.31.32]

2 MR. PRESIDENT:

3 You may now proceed, Counsel.

4 QUESTIONING BY MS. MOCH SOVANNARY:

5 First good afternoon, Mr. President, Your Honours, everyone in

6 and around the courtroom. Good afternoon, Madam Civil Party.

7 I have some questions to put to you. If you cannot hear my

8 questions clearly, please do not give your response immediately.

9 You can ask me to repeat my questions. I would like to ask you  
10 where did you live on 17 April 1975?

11 [15.32.12]

12 MS. HUN SETHANY:

13 A. I lived in Kampong Cham province near a market.

14 INTERPRETER:

15 Mic is not activated.

16 MR. PRESIDENT:

17 Please, turn on your microphone.

18 BY MS. MOCH SOVANNARY:

19 Q. In document, E3/4790, ERN in Khmer, 00582090; English --

20 French, 00967204; English, 00940138; you stated in that document

21 that you and your family were forcibly transferred out of Kampong

22 Cham town. As a result, you went to live in Preaek Kanlang with

23 your own parents. Could you tell the Court in which district and

24 province was Preaek Kanlang located?

25 [15.33.46]

1 MS. HUN SETHANY:

2 A. It was called Preaek Ta Nong. It was not called Preaek  
3 Kanlang. This Preaek Ta Nong was in Kaoh Soutin district Kampong  
4 Cham province.

5 Q. Thank you. Could you tell the Court when you were forcibly  
6 transferred out of Kampong Cham town, how many of your family  
7 members were forcibly evacuated?

8 A. Twelve of us were evacuated, my parents, two of my parents, my  
9 nine siblings and my husband. I am referring to my immediate  
10 family members. I am not are referring to other relatives.

11 [15.35.15]

12 Q. Thank you. On the same page of document, you stated that your  
13 family members left your home because you were afraid of being  
14 killed. Did you ever see any incidents when the people refused to  
15 leave their home? Did any ordeal happened on those people who  
16 refused to leave their homes?

17 A. While we were walking along the way, we heard gun fire. Those  
18 who had been evacuated, they came to whisper us that those who  
19 refused to leave their home would be shot dead. Because I saw  
20 people were shot dead I ran out of my house. Everyone was in a  
21 hurry to leave their homes.

22 Q. Thank you. I would like to move to the periods when you were  
23 leaving Kampong Cham town. In document E3/4790, ERN in Khmer,  
24 00582090; French, 00967204; English, 00940138; you stated that  
25 after you and your family had been transferred to Svay Ta Haen



1 pagoda in Peam Chi Kang district, they met you -- they made you  
2 and your family's biographies. Upon your arrival at Preaek  
3 Kanlang, they made the biographies once again. Who are you  
4 referring to when you say they?

5 A. I referred to unit chief, village chiefs and commune chiefs.  
6 [15.38.34]

7 Q. Thank you. Do you know the reason you were asked to make a  
8 biography?

9 A. We were told that former civil servants would be separated  
10 from ordinary people. They cannot -- they could not live mingled  
11 together.

12 Q. Thank you. Did any noticeable incidents happen after biography  
13 was made?

14 A. People were watched over and they said that if people  
15 committed to their work and if people worked hard, they would  
16 tolerate on those people. During that time the -- the killing did  
17 not happen very frequently.

18 [15.40.29]

19 Q. Thank you. On the same page of that document, you stated that  
20 you and New People were transferred to Baray district. Your  
21 father, who told them that he was a former teacher was sent along  
22 with other former teachers to Baray Pong Tuek. You and other  
23 person was sent to Pou Pir village, Baray district, Kampong Thom  
24 province. Why were people separated into different places? Could  
25 you and your father choose to live together?

1 A. In relation to choice, we did not have any choice to make. It  
2 depended on them to separate us.

3 Q. Thank you, Madam. Could you tell the Court after biography was  
4 made and after your father told that he was a former teacher,  
5 what did Khmer Rouge cadres do to your -- to your father?

6 [15.42.15]

7 A. He was put under experiments. He was placed in the kitchen. He  
8 was separated to work in different places from their children. At  
9 one time he would be assigned to do one specific assignment. At  
10 another time he would to -- he would be assigned to do other  
11 work.

12 Q. Thank you. I am referring to the same document, the document  
13 that you provided, your statement to the Court. You stated that  
14 in the end, in late November 1976, your father Hun Sam At and  
15 your two younger siblings Hun Sochirat and Hun Kol Thida were  
16 sent to work at the 1st January Dam. How old were your younger  
17 siblings when they were sent to work at the 1st January Dam site?

18 A. Sochirat was born in 1958 and Thida was born in 1960.

19 [15.44.13]

20 Q. Thank you, Madam Civil Party. In the same document, you stated  
21 that because they dug soil too deeply many people died from soil  
22 collapse. How did you know this?

23 A. Concerning soil collapse, it happened near the place where I  
24 was working. The soil was being drilled and there was competition  
25 in work during that time. So in order to complete our work

1 quicker than the other, we drill the soil, we tried to dig the  
2 soil and as a result, there was soil collapse.

3 Q. Can you tell the Court, you were also sent to work at that dam  
4 site, is that correct?

5 A. Yes, that is correct. I was assigned to dig the soil at that  
6 dam site as well.

7 Q. Thank you. I would like to clarify with your statement. You  
8 stated that there was competition in the work during that time,  
9 and some workers try to drill the dirt at that time and as a  
10 result, there were soil collapse. Did you witness soil collapse  
11 with your own eyes, or did you hear about this from others?

12 [15.46.36]

13 A. I got a disease during the time that there was soil collapse.  
14 I was told by the village chief to go and collect the herbal  
15 medicines to drink. On that day there was soil collapse, I was  
16 told by my colleague and I was told that there was -- someone  
17 died because of soil collapse.

18 Q. Thank you. I am referring to the same document, Khmer ERN is  
19 at, 00582094; French, 00967207; English, 00940141. You stated  
20 that you were part of the mobile unit and for those who had young  
21 children, they were sent to work at the 1st January Dam site. And  
22 you were on foot and walked to that place. How long did it take  
23 to travel from the place where you lived to the worksite?

24 A. Before we went to work, there was a meeting. We were told that  
25 we had to wake up in the early morning. We were told that we had

1 to travel to the worksite and we would have breakfast at the  
2 worksite. We have to be on time.

3 [15.49.15]

4 Q. Are you referring to breakfast or are you referring to lunch?

5 A. I am referring to lunch.

6 Q. I am referring to the same document, ERN in Khmer, 00582091;  
7 French, 00967205; English, 00940139. You said that you were  
8 forcibly asked to dig the soil at the 1st January Dam during the  
9 first phase. Could you tell the Court about the specific location  
10 where you were -- you were assigned to work there?

11 A. We were on foot and when we reached Trapeang Chrey pagoda, we  
12 stayed there. There was sleeping -- sleeping quarters. So we were  
13 first told to work at the worksite close to the pagoda. It was  
14 about 100 meter away from the pagoda. That was the first place  
15 where I was working. We were working until noon time and we had  
16 to resume the work at 2 p.m.

17 Q. Thank you. Could you clarify for the Court why the place was  
18 called, the first phase of 1st January Dam?

19 A. As for the 1st January Dam, New People were not allowed to  
20 attend the inauguration and ceremony on that day, and I was told  
21 that Ta Pauk was on hand during that ceremony.

22 [15.52.48]

23 Q. Thank you, Madam Civil Party. How long was you assigned to  
24 work at that dam site?

25 A. The construction started in December and it continued until --

1 until the period that it was rainy season from my recollection.

2 We returned to our villages in June or July.

3 Q. Is that correct to say that you were assigned to work at the  
4 1st January Dam site from December 1976 until mid-1977?

5 A. Yes, this was perhaps so.

6 [15.54.32]

7 Q. Thank you. During the periods that you were working, were you  
8 assigned to work on one particular place or were you assigned to  
9 move around and work in -- in different places? Once again, were  
10 you asked to work in different places?

11 A. I was not asked to focus on one specific place. I worked in  
12 three different places. First, I work at Wat Trapeang Chrey, and  
13 then I was asked to dig soil at -- on the national -- near the  
14 national road in Kampong Thmor district, and for the third time  
15 I, with other people from other zones, 42 or 43, to build a dam  
16 to keep the water.

17 [15.56.12]

18 Q. When you and other people were assigned to work at that dam  
19 site, did anyone of you refuse the work there and did you have  
20 the rights to make a request to choose and select a specific  
21 place to work?

22 A. No, New People could not make such a request.

23 Q. Thank you, Madam Civil Party. In your group, how many of you  
24 -- were they all New People or were there some Base People in  
25 your group?

1 A. There were New People and Old People in my group. And as for  
2 the second mobile unit, members were mostly young.

3 Q. Thank you. How many of you were there in your group?

4 A. There were about 50 female workers and 30 to 40 male workers.

5 [15.58.40]

6 Q. Thank you. What about your group chief or unit chief or was he  
7 or her, was he or she a New Person or Base Person?

8 A. New Person can -- could not be the chief. He was the Base  
9 Person. His name was An (phonetic). He is already deceased.

10 Q. In the period that you were working, were there any young  
11 children assigned to work at that dam site?

12 A. Yes, there were. Children were in the second mobile unit.

13 Q. You mention about the second mobile unit. How old were they?

14 A. The age range was from 13 to 19.

15 [16.00.49]

16 MS. MOCH SOVANNARY:

17 Thank you. Mr. President, I note that it is now the time for the  
18 adjournment, and I am about to move to another new topic. I am at  
19 your wisdom.

20 MR. PRESIDENT:

21 Thank you, Counsel. The Court is now -- it is now convenient time  
22 for the adjournment.

23 And the hearing will resume tomorrow on Wednesday, 27 May 2015,

24 and we will continue to hear the testimony of the civil party,

25 Sethany, and perhaps the Chamber will move on to hear 2-TCCP-230

1 as well.

2 Thank you very much Madam Hun Sethany. Your hearing -- the  
3 hearing of your testimony does not come to an end yet. You are  
4 invited to be here again tomorrow at 9 a.m.

5 Court officer, please work with WESU to send Madam Hun Sethany to  
6 her place and please invite her back to the courtroom before 9  
7 a.m.

8 Thank you as well, Madam Chhay Marideth, the support staff from  
9 TPO and you are also invited to sit close by the civil party and  
10 you have to be here before 9 a.m.

11 Security personnel are instructed to bring Mr. Nuon Chea and  
12 Khieu Samphan back to the detention facility and please return  
13 them to the courtroom before 9 a.m.

14 The Court is now adjourned.

15 (Court adjourns at 1602H)

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