



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

27 May 2015
Trial Day 287

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
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Trial Chamber Greffiers/Legal Officers:
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Matthew MCCARTHY

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SONG Chorvoin
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SENG Bunkheang
Andrew BOYLE

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

MS. HUN Sethany (2-TCCP-255)

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MS. UN Ron (2-TCCP-230)

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Questioning by Ms. MOCH Sovannary	page 81

List of Speakers:

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remainder testimony of

6 Madam Sethany, and we begin to hear the testimony of 2-TCCP-230.

7 Ms. Se Kolvuthy, could you please report the attendance of the

8 Parties and other individuals at today's proceedings.

9 THE GREFFIER:

10 Mr. President, for today's proceedings, all Parties to this case

11 are present.

12 Mr. Nuon Chea is present at the holding cell downstairs as he has

13 waived his right to be present in the courtroom; his waiver has

14 been delivered to the greffier.

15 The civil party who is to conclude her testimony today -- that

16 is, Madam Hun Sethany, is present and ready to testify.

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

18 Thank you

19 [09.03.18]

20 MR. PRESIDENT:

21 Thank you. The Chamber now decides on the request by. Mr. Nuon

22 Chea.

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

24 2015, which notes that due to health condition -- that is, back

25 ache and headache, he cannot sit or concentrate for long and in

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1 order to effectively participate in future hearings, he requests
2 to waive his right to participate in and be present at the 27th
3 May 2015 hearing. He advises that he has been counsel that in no
4 way the waiver can be construed as a waiver of his right to be
5 tried fairly or to challenge any evidence presented or admitted
6 during this Trial.

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

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

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

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

22 [09.05.32]

23 QUESTIONING BY MS. MOCH SOVANNARY RESUMES:

24 Thank you, Mr. President. First of all, good morning, Mr.

25 President, Your Honours, and everyone in the courtroom; and once

1 again, good morning, Madam Civil Party.

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

8 MS. HUN SETHANY:

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

15 [09.07.01]

16 Q. Can you tell the Court if you saw, heard or observed that some
17 children fell sick from overwork?

18 A. You can imagine when young children worked as hard as the
19 adult so their health condition actually deteriorated
20 dramatically although they tried their best to do the work. And
21 when they fell sick, no one actually came to visit them. All of
22 them had to leave the sleeping quarter out into the field to
23 carry the earth. Every time the adults and the children had to
24 actively work and that was reinforced through the announcement on
25 the loudspeaker that all workers had to work actively.

4

1 Q. If I'm not mistaken, you saw children fell sick from overwork.
2 What kind of measure was taken for those children, for instance
3 any medical staff was sent to check up on them or to provide them
4 with treatment?

5 A. No. There were no special medical staff; however, there were
6 some medical staff who gave injection from an orange juice like
7 bottle to the children.

8 [09.09.15]

9 Q. I would like now to return to the line of questioning
10 regarding your working condition at the dam worksite. You stated
11 that you worked at three different locations: first, near
12 Trapeang Chrey pagoda; then near the national road; and third,
13 you worked near the river. What kinds of work were you instructed
14 to do at these three separate locations?

15 A. At the worksite I was instructed to carry earth, to dig the
16 ground; that was the kind of work that I did there. We were not
17 allowed to be idle or to be free at all and we had to compete
18 with other workers from other villages, and actually we
19 overworked. Sometime I fainted while working so other workers
20 would come to support me and to give me some physical massage or
21 to pull my hair to wake me up. The condition was terrible.
22 The food that was given to us was insufficient but we had to try
23 to work as we were instructed to do so in order to survive. If we
24 didn't try our best to work, then we would not survive. That was
25 kind of a test bait (sic) location to strife, to try our

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1 endeavour in doing the work and we tried to put as much as
2 possible into the basket in order to win the workers from other
3 villages who were working nearby and as a result of overwork at
4 that worksite, I still have my back pain and lumbago at the
5 moment. Whatever I did at that time was to survive.

6 [09.12.33]

7 Q. You said that you tried your best to work and you did whatever
8 you could. Can you tell the Court were there a set of working
9 hours for all the workers there and was there an adequate rest
10 time?

11 A. While I was carrying earth at Trapeang Chrey, we started --
12 actually we woke up by whistle at 4 o'clock in the morning and we
13 started working at 5.00; we stopped for meal at 11.00, and we
14 resumed at 1.00 and we continued until 5.00. Then at 6.00 p.m.,
15 we started again and we continued until 10.00. And when we had to
16 work at the location near the national road, it was quite a far
17 distance so we had to wake up by a whistle sound at 3 o'clock in
18 the morning. Everybody was so tired from the previous night and
19 sometimes we were walk sleeping and sometimes some of us fell
20 down while walking to the worksite and we were then scolded by
21 the unit chief. And of course, from what we observed, the unit
22 chief didn't work as hard as we did, as sometimes, during the day
23 time, the unit chief would disappear somewhere to rest, and of
24 course we didn't dare to ask where he went to, so we had to start
25 walking to the work site at 4 o'clock in the early morning. And

6

1 as you imagine, the early morning was the best time for everyone
2 to fall asleep. And on some days when I was so tired I didn't
3 care about taking a bath, I slept in my working clothes and when
4 I woke up in the morning I didn't care about change, I just
5 continued to work. And every day, we heard through the
6 loudspeaker again and again that we had to actively engage in
7 hard work and we were working very hard until the work there
8 completed, and it was even more pitiful for those who were blind
9 at night, as they could not work properly at night-time and they
10 sometimes had to work during the lunch break in order to
11 compensate for the difficult time for them at night. For
12 instance, they only took half an hour lunch break and continued
13 to working again. And at night-time, those who were blind at
14 night, had to dig the ground and put the earth on to the carrying
15 basket, and there was no sympathy whatsoever for them. How come
16 we were treated so inhumanely?

17 [09.17.17]

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

20 A. In terms of the food ration, there's nothing much to say. You
21 can imagine how many flies there were during the hot months of
22 April and May, you could hear the combined sound of flies as they
23 were bees making sound and every ladle of soup that was placed on
24 to a bowl contained many flies and we had to just pick the flies
25 one by one out of the soup bowl and we had to eat whatever left

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1 in the bowl. And as for the rice, we were only given a pack
2 (phonetic) of rice each.

3 Q. You said there were no sanitation at the worksite and there
4 were too many flies, and do you know the reason for the flies?
5 Was it due to the lack of sanitation?

6 A. There was no sanitation at all at the worksite as workers
7 relieved themselves here and there and that was the reason for
8 the crowd of flies. I could not describe enough about the awful
9 condition at the worksite in terms of sanitation.

10 [09.20.15]

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

12 A. During the first few months that we worked at the worksite
13 there was no toilet and only until end of April, then a mobile
14 wooden toilet was brought in from a village for us to use and the
15 waste -- the human waste -- was then used as fertiliser. As for
16 water, the only source of water we could drink was the water from
17 the river, and of course thousands of workers from upstream, from
18 downstream, had to drink the same water from the river.

19 Q. So you had to drink water from the river and there was no
20 boiled water provided to the workers? If the Khmer Rouge didn't
21 boil the water for the workers, were the workers themselves
22 allowed to boil water to drink?

23 A. No. And there was no time for us to boil water; we didn't have
24 any pot to boil the water; we didn't have any firewood, so
25 everyone had to go and find the water to drink from the river by

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1 himself or herself and the only food that was provided was the
2 rice and little soup; and sometimes, because of the dirt in the
3 water, sometime I had to close my eyes to force myself to drink
4 the water and I would not believe if anyone working there said he
5 or she drank any boiled water. You can imagine there were tens of
6 thousands of workers from the three sectors working at that
7 construction site.

8 [09.23.04]

9 Q. You were required to work hard, there was no sanitation, the
10 food was not sufficient and there was no boiled water for the
11 workers; did you see any worker who became sick?

12 A. Workers from my village, there was one man who was an old
13 person, died from overwork. He worked too hard and he was
14 unmarried at the time and he would do whatever he was assigned to
15 do, even if to manually break rock and as a result he died.

16 Q. The man who died, and as you said, was the one who simply
17 followed the instructions from the upper echelon or Angkar and
18 from overwork he died. Did Angkar organise any traditional ritual
19 or what happened to his corpse? What kind of arrangement was made
20 by Angkar when he died?

21 A. You can forget about any traditional ritual for the dead.
22 There was no cadre who came up with such an arrangement even if
23 the village chief did not care about his dead body and only us
24 who knew him would quietly weep. We felt pity for him that he
25 sacrificed everything for Angkar and at the end, he died and

1 nobody cared when he died. And everybody minded his or her own
2 business at the time; we just tried to work in order to survive
3 and the mother of the dead person only had another child
4 survived.

5 [09.26.16]

6 Q. I would like to put more questions to you in relation to
7 document E3/4790 at Khmer ERN 00582096; in French, 00967208; ERN
8 in English, 00940142. You said that there was a preparatory line
9 near the worksite and one Khmer Rouge stood guard and there were
10 many of them standing guard along the line 10 metres apart; were
11 they armed?

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

20 [09.28.17]

21 Q. You said the soldiers were standing guard in a preparatory
22 line in order to prevent workers from going elsewhere. Did you
23 witness any worker who violated that instruction?

24 A. As for the New People, no, they didn't violate any
25 instruction; they were so afraid. However, some Old People did

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1 cross the line but the new ones, no, they were so afraid of the
2 Khmer Rouge. Old People had a bit more right; they could go, for
3 example, 10 or 20 metres far from the lines that they were
4 standing guard but the New People didn't dare do so.

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

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

18 [09.31.05]

19 Q. I refer to the same document at Khmer, ERN 00582097; in
20 English -- in French, rather, 00967209; and in English, 00940142
21 to 43; and I would like to make a quote from your statement. "I
22 went to work near the national road was not completed yet; they
23 withdrew forces to have block water at Chinit tributary, they
24 kept male mobile forces to break rock there. Everyone had to --
25 had wounds from the feet to the knee because they were hit by

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1 rock chips that flew out"; and my question to you is: how did you
2 know that?

3 A. That is the truth; that's what happened. Those young men were
4 from my village and that's how I knew about it. They wore shorts
5 and the rock fragments flew and hit their legs; that's why they
6 had wounds all over their legs. If Angkar could observe the
7 situation and provided them with long -- with trousers, then the
8 condition would be better but that was not the case. And they
9 didn't receive any treatment for the wounds on their legs, they
10 had to pick tree leaves and patch those wounds. It was a pitiful
11 situation and the only liquid or medicinal liquid that was given
12 to them was the liquid from the orange bottle.

13 And as for us, we only had a pair of clothes that we were wearing
14 every day and some people were lucky to have two pairs of pants.
15 And as for the sarong that we wore, they were mend with patches
16 and we wash it with only the river water; there was no soap to
17 wash our clothes. And if we -- if they considered that we looked
18 too clean, then they would accuse us of being in the upper class
19 from the upper regime or from the feudalist class, for example,
20 and they said that during the Khmer Rouge regime, there were only
21 two classes of people -- that is, the peasants class and the
22 labours class, so that we could not be too clean; otherwise, we
23 would be criticised.

24 [09.35.12]

25 Q. Thank you. You stated just now about clothes. When you were

12

1 working at the 1st January Dam worksite, did Khmer Rouge cadres
2 provide you with clothes? Did you receive sufficient clothes to
3 wear?

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

9 And as for women, they had periods and the female get period and
10 we had to wash the period away with the river -- water from the
11 river. Sometimes our trousers were wet while we were working; we
12 had no sanitary pads and when we saw each other that someone was
13 having period and then we told those people to go to the river to
14 clean the period away by using the water from the river.

15 [09.37.55]

16 Q. I would like to move on; concerning the Khmer Rouge cadres,
17 did they know that you did not have such material; namely,
18 sanitary pads to use while you were working there and did Khmer
19 Rouge cadres know about the situation you experienced?

20 A. Our supervisor knew nothing, knew nothing at all. They did not
21 know the difficulty of female situation and when we were working
22 away from the river, we had to carry earth with the stain of the
23 periods on our trousers. We did not have time to clean it, and as
24 you may be aware, usually, on one particular day, the period
25 would come in large amount.

1 [09.39.20]

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

8 A. The village chief told us and the unit chief would also tell
9 us. We were warned to be not involved in the moral offences. Even
10 if we are siblings we could stand talking to each other. If we
11 were spotted, we were told that we would be arrested. We were
12 prohibited to talk to each other. While we were working,
13 militiamen and soldiers would stand guard near the place where we
14 were working. I know this because soldiers arrested two siblings
15 while they were talking together. The soldier warned the two
16 siblings not to talk to each other and the two siblings were told
17 that even if you were siblings you could not stand and talk to
18 each other. I saw that incident and I trembled. I thought why
19 they were so unkind, I mean why the cadres were so unkind, they
20 were siblings, why not allow them to talk to each other. So the
21 condition was becoming stricter.

22 [09.42.16]

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

14

1 A. Yes. I saw Laotian delegates. I heard the announcement that
2 Laotian delegates came to visit the place. They were fete Laotian
3 delegates, and on another occasion I saw Nepal delegates coming
4 to visit the place. I was told and instructed to welcome those
5 delegates and the Base People told me that Ta Pauk was there at
6 the dam site during that visit. I do not recall well for the
7 first visit while I was working. On that day, we were told over
8 the loudspeaker that there would be foreign delegates coming to
9 our place. Why I knew there were Laotian and Nepal delegates
10 coming to visit the dam site because I heard the announcement
11 over the loudspeakers telling us that Laotian and Nepal delegates
12 would come to our place.

13 [09.44.12]

14 Q. Thank you. Could you tell the Court, when the Khmer Rouge
15 senior leaders and foreign delegates came to the dam site, what
16 did they do there? Did they also participate in the work?

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

21 Q. Thank you. I would like to refer back to the document in Khmer
22 ERN is 00582097; French, ERN 00967209; English, 00940143. In your
23 statement, you stated that there was a film shooting at the dam
24 site. What did you see during that time? Were you also working
25 during the time that there was a film shooting? Could you give

15

1 the detailed information to the Court about the film shooting?

2 A. I was working; I was carrying dirt while the film was being

3 shot. There was announcement over the loudspeaker to encourage us

4 to work even harder. They used a poll and the camera was attached

5 to that long poll and we were being shot. Everyone was told to

6 carry dirt as quickly as possible and we were told to work as

7 harder as we could. We were instructed to work actively as

8 depicted in the slogan or saying of the Khmer Rouge in that

9 period. I also want to see the film which was shot on that day.

10 We were working very, very hard on that day: unit chief, group

11 chief, was standing and instructing all of us to work harder. I

12 heard shouting and screaming from those chiefs, we were

13 instructed to be very active. We were warned not to stand still;

14 some people would use the hose to get the dirt onto the basket.

15 [09.48.10]

16 Q. Thank you. In relation to your father, you stated that your

17 father and your two younger siblings were sent to work at the 1st

18 January Dam site. I would like to refer to the same document --

19 that is, document E3/4790, ERN in Khmer, 00582097; French,

20 00967209, English, 00940142. In your statement, your father was

21 taken to be killed at Baray Choan Dek pagoda. What did you know

22 about Baray Choan Dek pagoda?

23 A. I heard people say about it. I never approached that pagoda. I

24 heard people saying that people were killed at Baray Choan Dek

25 pagoda.

16

1 Q. Thank you, Madam Civil Party. In your same statement on the
2 same page, you know about this because your siblings told you
3 that your father was taken away and killed. Did your younger
4 sibling witness that incident or did they hear from others, how
5 did they know?

6 [09.50.06]

7 A. On the day, it was a coincident. I had an abdominal pain, I
8 made request to take rest because of that illness and my request
9 was granted by my unit chief and I returned to my sleeping
10 quarter. My younger sibling witnessed that incident. They were
11 told that my father was asked and told to carry logs. Militiamen
12 came to call my father. My younger sibling witnessed that
13 incident and they knew about it. I was working; however, on the
14 day I was sick because of my periods. I was sleeping at
15 night-time and the day after, my younger sibling -- my two
16 younger siblings came to tell me that my father was taken away
17 and killed and he did not return. I told them that they had to
18 try to work. We could not weep because we were so shocked. We now
19 lost our father, I told my younger sibling. I told my younger
20 sibling that we did not have time to pay our gratitude to our
21 father yet and now he was gone. I try not to weep and sob while I
22 was working. I was consoled by my colleagues that I had to bear
23 the situation and work hard.

24 [09.52.41]

25 Q. Thank you. I have one more question in relation to your

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1 younger sibling, Hun Sokoma. You stated that your younger sibling
2 was so shocked that as a result this younger sibling fell sick;
3 how was he at the time? How old was he at that time?
4 A. He was about 12 or 13 years old at that time. Villagers who
5 would come and go to my place told me that -- told him that my
6 father was taken away and killed. He collapsed on the way he went
7 to work. He became conscious by himself; no one was there to help
8 him. He told me that my father was taken away in April and my
9 younger sibling fell sick and died later in May. He told me that
10 when I learned that my -- our father was taken away, I had no
11 feeling to work. I collapsed and I could not go to work. At that
12 time I was asked to go and tend cows. On that day, I was working,
13 however I made a request to go home and I was asked why, I told
14 my superior that I miss my father so terribly, I did not have a
15 feeling to work.
16 [09.55.05]
17 And as for my younger sibling, he was sick and hospitalised in
18 Kampong Thma hospital. I did not know about the time that my
19 younger sibling was hospitalised. My mother told me about it. I
20 went to visit my younger sibling for a brief moment, which was
21 about 10 minutes and I was back to work. When I was at the
22 hospital, I could not even recognise my mother, she was so skinny
23 and after the visit, I went back home. Later -- a few days later,
24 I heard a message from my mother which was told by someone that
25 my younger sibling already perished. We had no time and rights to

18

1 celebrate any funeral ritual for my younger sibling.

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

6 [09.56.48]

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

21 MS. MOCH SOVANNARY:

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

24 MR. PRESIDENT:

25 Thank you. You may now proceed.

1 [09.59.04]

2 QUESTIONING BY MS. GUIRAUD:

3 Thank you, Mr. President. Good morning to all of you. Good
4 morning to the civil party. I have one follow up question to put
5 to you regarding the hospital you just spoke about and where you
6 saw your mother.

7 Q. I want to know if you could describe this hospital, that is to
8 say the hospital in Kampong Thma. Can you explain to us what the
9 hospital was like, what you remember of the hospital?

10 MS. HUN SETHANY:

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

20 [10.00.58]

21 Q. Thank you. When you tell us that the hospital was not made out
22 of stone or brick, can you be a bit more specific?

23 A. It was once a school and it was built from wooden planks; as
24 for the walls and the roof, it was from leaves. And as I said, it
25 was not in good condition. There were a few beds for several

20

1 patients and those who did not have bed -- the patient who did
2 not have bed to sleep in they would sleep on the floor. As I
3 stated earlier, I have no idea about medicines at that hospital,
4 I had a very brief visit at that place and I did not know whether
5 patients were given injections or medicines.

6 MS. GUIRAUD:

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

9 MR. PRESIDENT:

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

12 [10.02.37]

13 QUESTIONING BY MS. SONG CHORVOIN:

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

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

19 MS. HUN SETHANY:

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

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

25 [10.03.36]

1 A. There was no difference made to any different types of
2 workers. Everyone was under the same working condition. My father
3 was very concerned about me as I was already married and he
4 advised me not to have any children yet. It would be too risky
5 for any woman to be pregnant at that time regardless of their
6 being a Base Person or a New Person. How could we expect to be
7 pregnant and take care of the baby when there was nothing at all
8 for us? And if any woman who happened to be pregnant, it would be
9 fortunate for her to deliver her baby.

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

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

20 [10.06.15]

21 Q. In terms of your daily work quota, who made that determination
22 as how much work you had to work per day?

23 A. We had a group chief and unit chief who made the arrangement.
24 Of course we were not allowed to sit idle. There was always work
25 for us to do so that the work had to be done quickly and that we

1 had to try our best to do our work.

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

3 A. I know for sure about the women from my village as they were
4 50 of us and there were between 30 to 40 men from my village; and
5 for the second mobile unit, there were more than 10 workers. The
6 total number of workers varied as sometimes more forces were sent
7 from the village and sometimes the village required certain
8 workers to return to work at the village.

9 [10.07.34]

10 Q. A while ago, the lawyer for civil parties asked you a question
11 about the person who was overall in charge and did the person
12 take any measure or any preventative measure for those who
13 overworked at the worksite when you said that the cadres there
14 did not care? Can you tell the Court whether the cadre actually
15 knew about the working condition, about the shortage of food, et
16 cetera, but they did not care or did they not know about the
17 shortage?

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

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

1 A. They did not care at all.

2 [10.09.55]

3 MS. SONG CHORVOIN:

4 Thank you, Mr. President. I would like with your permission to
5 hand the floor to my international colleague.

6 MR. PRESIDENT:

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

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

12 The Court is now in recess.

13 (Court recesses from 1010H to 1033H)

14 MR. PRESIDENT:

15 Please be seated.

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

20 [10.34.30]

21 QUESTIONING BY MR. LYSAK:

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

23 Q. I want to first go back and ask you a few follow-up questions
24 about your work at the 1st January Dam. Did you have a specific
25 quota of the amount of cubic metres of earth or dirt that you had

1 to dig each day? Do you remember whether the workers in your unit
2 were given specific quotas like that?

3 MS. HUN SETHANY:

4 A. Yes, we had; we received the work quota and male and female
5 workers, I mean two females were put together with one male who
6 was digging the earth and the two female workers carry the dirt.

7 [10.35.56]

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

1 [10.38.34]

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

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

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

21 A. I have no idea about the direction whether it was in the south
22 or north of Chinit River, if we travelled from Kampong Thma, the
23 site was on the left part, west of the national road and there
24 were palm trees at that place which remain until today. During
25 the Pchum Ben day, I would go there to visit. I still have bad

1 memories about that place.

2 [10.41.50]

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

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

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

17 [10.43.55]

18 A. Oh my Buddha. We did not have breakfast for ourselves, we were
19 empty in our stomach, we were so hungry, no meal for us in the
20 morning and if there were cold rice made by the cook, we would
21 secretly go near that place where there was cold rice and pick it
22 and we would also share it with our colleagues secretly to eat;
23 and again, no breakfast at all. It was enough for us to have rice
24 to eat. We did not have any breakfast after 1975.

25 Q. Do I understand correctly then that you were expected to get

1 up at 3.00 in the morning to walk three kilometres to this
2 worksite and then to work until 11.00 a.m. before you would take
3 a break and given a full meal, do I understand correctly?

4 A. Yes, that is true. I never tell lies. No breakfast, no meal at
5 all in the morning as I told the Court. As I said when we saw
6 cold rice, we would be so delighted, we would go secretly and
7 pick that cold rice and put in our pockets. Most of the time we
8 did not have any breakfast, we could have that cold rice once in
9 a while. We did not even have cold rice to keep for supplement
10 diet, we would be even happier if we had the cold rice to eat.

11 [10.46.34]

12 Q. You mentioned that the sleeping quarters that you had were
13 next to the Trapeang Chrey pagoda. Can you tell us what was that
14 pagoda used for during the Khmer Rouge regime, the pagoda at
15 Trapeang Chrey?

16 A. The pagoda was left alone in that period. Those from Baray
17 commune were told to stay in that area. They were put together in
18 that place. When workers were assigned to work in other
19 locations, they were instructed to stay in that particular place
20 -- that is, Trapeang Chrey pagoda.

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

24 A. No monks at all. No monks at all after 1975. It was until I
25 arrived in Baray district, I knew a man named Nov (phonetic) who

1 was my friend when we were young, he was a monk but he was armed
2 and he was instructed to disrobe. He was in monkhood when I saw
3 him, his name was Nov (phonetic), he was living in Baray. Nov
4 (phonetic) was the son of Dr. Savath (phonetic). We were friends
5 when we were young. Mr. Savath (phonetic): he was the physician
6 and my father and this doctor knew each other. As for Nho, he
7 disrobed in early 1976. He was the last one of the monks who
8 disrobed in that area. I knew that he had a gun or rifle because
9 I was told by a Base Person there, I was told that Nov (phonetic)
10 was a monk but he was armed. I did not witness and saw his gun
11 but I was told by someone else of the fact that he was armed.

12 [10.50.31]

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

16 A. No. I did not get to choose, I had no choice. A Base Person
17 could complain or refuse the assignment; as for New Person, we
18 could not make any complaint or refuse the assignment. When we
19 were asked to go and do the work, we had to go. We had no rights.
20 No rights at all. We were so unhappy but what can we do besides
21 weeping and sobbing. It was so difficult to be not able to refuse
22 the assignment. Perhaps you can understand how difficult the
23 situation was.

24 Q. I want to turn now and ask you a few more questions about your
25 father. You've told us how you learned from your siblings that

1 your father had been arrested and killed. I just wanted to ask
2 you, you say in your civil party application that your father was
3 killed at Wat Baray Choan Dek. Did your siblings tell you how
4 they knew that your father had been taken to Wat Baray Choan Dek?
5 [10.53.02]

6 A. Normally people would know the location of the killing and
7 detention sites. I was told by someone that Baray Choan Dek was a
8 main prison. Every prisoner, not only from the 1st January Dam
9 worksite, but from other areas, would be arrested and put in that
10 detention place. My siblings came to tell me that my father was
11 killed in Baray Choan Dek pagoda. He was taken at night and never
12 returned. I could not even weep and sob when I heard the news. I
13 consoled my siblings and told them to return to their work place.
14 I advised them to keep on working and to work hard to survive. I
15 explained that they had to bear the situation. As I said, we
16 could not even cry, even we understood that my father was killed.
17 I could only rain (sic) when there was heavy rain. I had to get
18 things out of my heart while raining. I did not even have time to
19 weep and cry when there were thunders and heavy rain. I was
20 shouting and crying every time there was heavy rain. I recalled
21 what happened. I could not cry and weep in front of other people
22 during that period because I was afraid that I would be accused
23 of being psychological sick. It was really hard for me at that
24 time. I wanted to die in the period. I was very painful all over
25 my body and in my mind. I had to bear the situation; only when

1 there was heavy rain, I could rain (sic) to relieve myself.

2 [10.55.55]

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

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

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

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

24 [10.59.14]

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

1 Rouge or someone who was opposed to them?

2 A. No, he did not support Khmer Rouge at all. He was not
3 satisfied with the communist regime; even he was convinced by
4 someone who had the connection with that communism, he did not
5 support communism. He himself knew that Lon Nol regime would be
6 defeated and Khmer Rouge would come to replace. One day before
7 the 17th April 1975, he with the principal of that school, Mr.
8 Choeun (phonetic), were afraid of being killed by Khmer Rouge. My
9 father and that principal thought of killing the whole family
10 members but my mother implored to my father that please do not
11 kill the family members. I was listening to my father and
12 mother's discussion at that time for about one hour. I was very
13 terrified and I together with my siblings made an escape after we
14 heard about the discussion. My father was really terrified and
15 afraid of communism.

16 [11.01.32]

17 Q. Thank you for sharing that with us. I want to ask you, do you
18 remember during the time you were working at the 1st January Dam,
19 was there a period where some of the local Khmer Rouge cadres in
20 Baray district or at the worksite were removed or disappeared and
21 replaced by cadres, Khmer Rouge, who came from the Southwest
22 Zone, do you have any memory of that?

23 A. I did not know at that time. I was not focusing on any other
24 information besides working. I wanted to have enough rest so that
25 I could work the day after. I did not pay any attention to any

1 other matters but I believe that a Base Person would know about
2 this.

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

8 MR. PRESIDENT:

9 You can do so.

10 [11.03.36]

11 BY MR. LYSAK:

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

16 MS. HUN SETHANY:

17 A. The girl who is holding a bunch of flowers, that is me; and a
18 young boy who is sitting, is my younger brother, Sotharath; and
19 next to him is Hun Kolthida; and the young baby sitting on the
20 table, that is another brother who died during the Khmer Rouge
21 regime; and the woman who is standing is my mother; and the man
22 who is standing, that is my father. Rather the woman who is
23 sitting and the man who is sitting, both of them are my parents.
24 Later on they had five more children so they were a total of nine
25 altogether.

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

4 A. Yes, that is him, Sokoma.

5 [11.06.10]

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

13 A. My mother and younger siblings at that time were staying at
14 the village. By that time, my father had been killed. On the day
15 that she was called to a meeting, she asked my younger brother to
16 come to get me at the Baray Touch in order to go to my native
17 village and he came to tell me that our mother wanted to see me
18 after she returned from the meeting. Then when I met her, she
19 asked me to pack my belongings in order to go with her and I was
20 thinking that why I was not called to the meeting and also where
21 they wanted us to go, and she said that they wanted us to go to
22 the new land. And while she was preparing her belongings, she
23 also packed some seeds in order to plant them when we were at the
24 new land and I told her that, please you go ahead since I was not
25 called to attend the meeting and please write to me when you

1 arrive at the new land and I packed some food for her. She said
2 that her mind was unsettling since our father had gone and she
3 didn't want to part from me since I was the elder sister but I
4 begged her to go to the new land and I did not know that she
5 would die when she left.

6 [11.09.37]

7 By about 10.00 a.m. in the morning that day, an ox cart arrived
8 and they left and some other villagers were also taken away by ox
9 carts. There was a man named Jaem (phonetic) who rode an ox cart
10 to transport the people away and I recall clearly that the day
11 that my mother and younger siblings went away, it was on 7th of
12 the 7th of '77. The man was very gentle and he used to be a
13 village chief and upon his return he took the cows to tie them
14 somewhere and he stepped on some baskets. To me it seemed that
15 his mind was somewhere else and it was kind of strange to me when
16 I saw him acting that weird.

17 [11.10.54]

18 Later in the evening, Sarun (phonetic), who befriended me,
19 although she was a young - a New Person, she wept and she
20 embraced me and said that my mother and siblings had been killed
21 at Chamkar Andoung. I could not believe it and I did not believe
22 it. I did not believe that they had been killed. How could they
23 kill so many people because it was not only my family members who
24 went away but there were many other families who were put in ox
25 carts and left. About five days later, I saw clothing of my

35

1 siblings and I saw a bra that my mother made for my younger
2 sister. So, I knew that they had gone, they had been killed.

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

10 [11.13.04]

11 A. The two siblings went along with my mother and as I said I
12 remember it clearly they went away on the 7th of 7, '77, and they
13 were taken by an ox cart. They were lied to that they were taken
14 to the new land and they were told to prepare some seeds so that
15 they could plant those seeds upon their arrival. I learnt from
16 the man Jaem (phonetic) that he told other people that when they
17 were being killed, they played music loudly through the
18 loudspeakers in order to mask the sound of killing and the
19 execution took place at Chamkar Andoung.

20 MR. LYSAK:

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

24 MR. PRESIDENT:

25 Thank you. The Chamber would now like to hand the floor now to

1 the defence teams, and first to the defence team for Nuon Chea to
2 put questions to this civil party. You may proceed, Counsel.

3 [11.15.04]

4 QUESTIONING BY MR. KOPPE:

5 Thank you, Mr. President. Good morning, Your Honours. Good
6 morning, counsel. Good morning, Madam Civil Party. I have some
7 questions for you in relation to your work at the 1st January
8 Dam.

9 Q. Let me start with asking you some questions as to the
10 organisation of your group and of your unit. You testified
11 earlier that there were about 50 females in your unit and that
12 the unit was divided into groups. Do you remember in how many
13 groups your unit of 50 females were divided?

14 MS. HUN SETHANY:

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

18 [11.16.53]

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

23 A. Our unit was not the same as the structure of the regular
24 mobile unit. We were in the women's unit although we were working
25 -- mixing with the regular mobile units or with a second mobile

1 unit. And as I said, we worked together within the unit and the
2 land measurement was assigned to the unit as a whole. As for the
3 cubic meter of work quota per day, usually the work quota was
4 assigned to one male and two females within the unit to complete
5 that set of quota.

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

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

13 [11.19.24]

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

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

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

20 A. Yes, that is about right.

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

25 A. Are you asking about the work area near the village or the

1 worksite at the dam construction?

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

6 [11.21.34]

7 A. Yes, in each - each commune composed of several villages.
8 There were Thnal Thmei, Baray, Touch Baray, Thum, et cetera; and
9 these villages form Baray commune, and further down there were
10 other communes and districts and we worked just along one another
11 at the 1st January Dam worksite. And until the end of the dam
12 construction site, all the three sectors forces were working
13 there. And as I said, forces from all the three sectors were
14 combined to work at the dam construction worksite.

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

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

20 [11.23.20]

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

24 A. Yes, other districts had their sleeping quarters. As for us,
25 we always slept at Trapeang Chrey pagoda until the completion of

1 the work at the 1st January Dam worksite. Every day we had to
2 walk from our sleeping quarters at the pagoda to the worksite.
3 But for other units, other villages and communes, they had their
4 sleeping quarters nearby the worksite and although we relocated
5 to other sections of the dam, we still slept at that pagoda.

6 Q. Was the group from your village the only group which didn't
7 sleep close by at the worksite at the dam or were there other
8 groups from other villages also slept like your group at this
9 pagoda?

10 A. Yes, there were, there were workers from Stueng Traeng
11 district who also used the pagoda as their sleeping quarter
12 although they had to walk for only about one kilometre from
13 Stueng Traeng.

14 [11.25.25]

15 Q. The people from your village who were in charge of the 80
16 workers from your village, were they also responsible for the way
17 you were sleeping at night in this pagoda, were they the ones who
18 were responsible for instance, mats or hammocks or things like
19 this?

20 A. That is a pitiful event. I can tell you that no mats were
21 provided to us. We slept actually on pieces of tree barks or tree
22 trunks which were laid on the floor and we had to sleep on this
23 hard surface and you can imagine how difficult it was. However,
24 once we fell asleep, we didn't feel the harshness of the floor
25 and although the roof was thatched with leaves, there were holes

1 and when it rained, we had to get up and sit as the tree leaves
2 roof could not hold the rain, and then on top of that, we had to
3 wake up early to go to work. They actually cut small trees,
4 joined them together to form a floor for us to sleep on and no
5 mat was given to us; we only had a pair of clothes that we were
6 wearing. And as for the skirt or sarong, it was filled with
7 patches and when it rained we were soaked because there were
8 holes on the roofs. Then we had to still carry earth in the
9 morning.

10 [11.28.27]

11 Q. Your description of the way you were sleeping, are you
12 referring to the premises of the pagoda or are you referring to
13 another place?

14 A. Inside the pagoda, long buildings or series of long buildings
15 were built as a sitting quarter and small trees were stacked
16 together and let out as our sleeping floor.

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

23 A. I had my abdominal pain at the time due to my menstrual cycle
24 and I had to engage in regular heavy earth carrying work even
25 during my menstrual cycle. My body was trembling with pain at the

41

1 time and I had serious abdominal pain and I could no longer carry
2 earth and I requested to rest and I was allowed to have a rest
3 that afternoon and that was the afternoon that my father was
4 arrested. Because of the irregular menstrual cycle that day, I
5 had serious abdominal pain and of course you cannot imagine the
6 pain that I had to bear at that time since you are a man, but for
7 regular woman, they would understand when they had irregular
8 menstrual cycle.

9 [11.31.30]

10 Q. You're right. My question was: do you remember who you asked
11 permission, who was it that gave you permission to rest, do you
12 remember?

13 A. I recall that I sought permission from my unit chief named An.
14 An was my unit chief and of course she experienced severe
15 abdominal pain when she had her menstrual cycle as well and as
16 she understood about the pain and the condition, she allowed me
17 to rest that afternoon.

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

21 A. An was my direct unit chief.

22 [11.33.00]

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

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

1 MR. KOPPE:

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

4 MR. PRESIDENT:

5 Thank you, Defence Counsel. It is now appropriate time for us to
6 have a lunch break, we take a break now and resume at 1.30 this
7 afternoon.

8 Court officer, please assist the civil party at the waiting room
9 for witnesses and civil parties during this lunch break and
10 invite her, as well as the TPO staff, back into the courtroom at
11 1.30 this afternoon.

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

15 The Court is now in recess.

16 (Court recesses from 1134H to 1332H)

17 MR. PRESIDENT:

18 Please be seated.

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

22 [13.32.44]

23 BY MR. KOPPE:

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

25 Good afternoon again, Madam Civil Party.

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

7 MS. HUN SETHANY:

8 A. There was a separate hall, and the distance from one hall to
9 another was about 30 metres. There was separate hall for female
10 and male workers. And hall for female worker was situated on the
11 right side of the temple in the pagoda. And for the male worker,
12 they slept in a hall at the left-hand side of the temple.

13 [13.34.22]

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

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

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

22 A. The whistle was blown at 4.00 a.m. for us to get dressed and
23 get ready. And another whistle was blown for the second time to
24 signal to everyone to leave for worksite. While we were walking,
25 some of the workers nodded off, some fell down. And the unit

1 chief would warn those workers who fell down or who nodded off.
2 And everyone was following one after another. I myself fell down
3 on the ground at one time because I was sleepy. On some occasion,
4 other workers would -- on one occasion, some worker fell down to
5 the ground. And on another occasion, some other would fall down
6 on the ground because it was 4.00 a.m. in the morning and
7 everyone was so sleepy. We had to go to work even during that
8 period it was the time that we could have a good sleep.

9 [13.37.07]

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

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

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

21 A. That is true. When we reached our work place, we started
22 working. There were earth carrier baskets, so everyone was on
23 work. No one was standing idle. We knew our own assignment to do.
24 Some who were assigned to dig the earth, they would dig it
25 anyway. And some people were so tired, and they would hide the

1 baskets somewhere so that they could take a little bit rest. We
2 were so tired so we pretended that our baskets got lost, but we
3 had to be careful so that no one stole our baskets. And if we
4 were strong enough, we would bring our tools or material back to
5 the pagoda and put at the right places. So it took us very long
6 to travel from our work place back to the pagoda. We would reach
7 the pagoda at 10.00 p.m., and we were so tired. After we reached
8 the pagoda, we would take bath and went to sleep. Actually, we
9 could not go to sleep anyway. We had to prepare our own set of
10 clothes for tomorrow work. So as I said, the first whistle was
11 blown so that everyone woke up, and for the second whistle
12 blowing, we had to travel and go to work.

13 [13.40.58]

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

22 A. No one was late at work. My group stayed a bit far away from
23 the worksite, so we had to be hurried and went to work. And some
24 workers, they live and stay close to the worksite. So they
25 perhaps could start work earlier than us. My unit and group chief

1 was very careful to advise us to go to work on time, because we
2 stay far away from the worksite compared to others.

3 [13.42.34]

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

8 A. As I stated earlier, sometimes we would arrive earlier than
9 other workers did. Normally, as for us, we lived in a far place
10 from the worksite. So we would arrive at the worksite earlier
11 than others.

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

18 A. No, it's not correct. As I said, I stayed in a far place from
19 the worksite. So my group would arrive earlier than others. And
20 if they started work at 7.00 a.m., that's the day was already
21 broke. So as I stated, we started our work earlier than the time
22 mentioned.

23 [13.44.38]

24 Q. But I understood this morning -- and maybe I'm wrong -- that
25 the work from your group was done in a segment next to groups

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

4 A. Yes. Our segments that we were working on were close to each
5 other. We have the segment of a land to work on for (inaudible),
6 for Thmey, for Baray -- I do not recall them all. We from Baray
7 "sangkat" had to wake up all together and go to work.

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

12 Mr. President, that is E3/403, WIR of Mr. Sokha -- Pech Sokha,
13 ERN English, 00403006; Khmer, ERN 00389524; and French, 00422240.

14 So Madam Witness, the question to this witness is as follows and
15 I read:

16 "How did they define the working hours? How did they divide the
17 work?"

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

20 During the working hours, they were allowed to have a 15-minute
21 break; at night the work started from 6.30 p.m. to 10.00 p.m. The
22 dam construction was divided into sectors, districts, and
23 individuals. Each person dug two cubic metres a day and carried
24 to build the dykes. If one finished digging and carrying early,
25 he could take a rest."

1 Is this testimony accurate? Is this how it was in your group of
2 80 people as well?

3 [13.47.47]

4 A. I would like to know where this individual was living -- in
5 which "sangkat" or commune was he or she living? It was not the
6 same situation as where I was living. I started work at 5.00
7 a.m., and I had to work until 11.00 a.m. After that time, we had
8 breakfast and we had to resume our work in the afternoon until
9 5.00 p.m. And we had a night shift as well to work.

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

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

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

17 A. Yes.

18 [13.49.25]

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

23 A. For food, the cook was responsible for our food. And the food
24 was ready at 10.00 a.m. in the morning, and it was carried to our
25 place by someone. The food was required to be at our worksite 15

1 or 10 minutes before the break time. No one could bring along
2 their own food supplies.

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

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

8 [13.51.23]

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

12 A. The respective village was responsible for its own food for
13 workers. The village would supply food to its own worker. And
14 when we workers at the worksite ran out of food, we would send
15 information to the village. And every 10 days, there would be
16 pork and meat to eat, because we did not have such -- you know --
17 delicious meal every day. Some of them fell sick and got
18 dysentery on the day that we had special meal. We were accused
19 and we were reprimanded because we were provided with good food
20 to eat and we had dysentery and illness. On some occasion, people
21 got dysentery because of the meal that we had. The medics would
22 come to our place and give us the rabbit droppings medicine. So
23 we used that medicine for the treatment, even it was not
24 responding to the illness.

25 [13.53.34]

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

4 A. There was a break time at 9.00 or 9.30 -- a short break. So
5 when we heard the whistle blown, we would sit on the place where
6 we were working. We could not walk to anywhere to take the rest.
7 Some of us would sit and lay against each other, and some would
8 even -- snoring.

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

13 A. Yes, that is correct.

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

19 A. I could not tell you how long it takes. But for the distance,
20 I could give you the rough estimate. Once again, I could not give
21 you the description of how long it took from the place where I
22 lived to the worksite.

23 [13.56.51]

24 Q. If we follow the witness whose testimony I just presented to
25 you and if we follow testimony from the other two witnesses,

51

1 working time started at 7.00. Is it then correct when I say that
2 you left the pagoda in the morning at around 6.00, 6.15?

3 MR. PRESIDENT:

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

5 MR. LYSAK:

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

14 [13.58.14]

15 MR. KOPPE:

16 I think that is a poorly formulated objection calling the first
17 two witnesses perpetrators. I have no idea on which grounds
18 prosecution is calling these two witnesses perpetrators. However,
19 having said that, it's my recollection that the witness number
20 three confirmed in greater lines the working hours. Anyway, I
21 just -- having said that, I just referred to the statement of
22 this one witness. And I'm now trying to find out whether maybe
23 the witness is wrong in time and whether in fact her group left
24 the pagoda at around 6.00. And if she says no, that's not the
25 case, then she can say that. So I think I'm allowed to ask this

1 question.

2 JUDGE FENZ:

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

9 [13.59.43]

10 MR. KOPPE:

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

17 JUDGE FENZ:

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

19 MR. KOPPE:

20 E3/403: English, ERN 00403006; Khmer, 00389524; and French,
21 00422240. The exact same numbers as I just gave.

22 [14.00.47]

23 MR. LYSAK:

24 If Counsel wants to just put the statement of this one witness,
25 that's fine. I think he's already done that, he's already asked

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

8 BY MR. KOPPE:

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

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

15 [14.02.03]

16 MS. HUN SETHANY:

17 A. Yes, I had. Base People had the time to watch. The first
18 whistle blowing was at 3.00 a.m. or perhaps 4.00 a.m. Sometimes,
19 we overslept. So when the one who was in charge of blowing the
20 whistle overslept, and then we could have -- you know -- a little
21 bit more time to sleep. And for the one who told you that work
22 started at 7.00 a.m. in the morning, this individual may be a
23 former unit chief or a cadre during that time. He could go back
24 -- he could go to work a little bit late compared to others.

25 Q. You see, Mr. Prosecutor, what happens to these suggestions.

1 Madam Witness, you just said that the work in the morning ended
2 at 11.00 and that the morning break was exactly in the middle of
3 the morning session. Isn't it true that you started working at
4 7.00 with this calculation in mind?

5 A. Yes, there was a 15-minute break, but work never started at
6 7.00 a.m. It started at 6.00 a.m. For my group, we had to start
7 work before 7.00 a.m. We never started work at 7.00 a.m., as I
8 stated earlier. And at around 9.00 or 9.30, we had a 15-minute
9 break. After the break, we had to resume work until 11.00 a.m. In
10 the afternoon, we started our work at 1.00 and we had another
11 short break around 3 o'clock. We resume work after the break in
12 the afternoon until 5.00 p.m., in the evening. And we work at
13 night as well. We work from 6.00 p.m., until 10.00 p.m. And after
14 work, we went back to the place at Trapeang Chrey where we slept.
15 [14.04.50]

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

20 A. There was one time when the cook had to return home as the
21 children were sick. And that day, I was unwell and was allowed to
22 rest, and that was the day that I replaced the cook.

23 Q. The other time that you were unwell, that you had terrible
24 abdominal pain, and that you requested An to rest and not to
25 work, did you request that to her in the morning before you went

1 to the worksite or was it that you requested this to her during
2 your time at the worksite?

3 [14.06.23]

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

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

19 A. Initially, she was rather hesitated, but upon seeing the
20 trembling condition that I was in, she decided to allow me to
21 rest. And in fact, it was another work colleague who told me that
22 my face was so pale, although I myself felt the tremble
23 throughout my body.

24 [14.09.11]

25 Q. This morning, Madam Civil Party, you spoke about one old man

1 in your group of 80 villagers; an old man who you said had died.
2 Do you remember exactly what happened with this old man? Did he
3 get sick at one point and did he request then to have medical
4 care, and did he then maybe go somewhere else? What exactly can
5 you tell us about what happened to this old man?

6 A. He was not an old man. He was unmarried and he was about 20 to
7 21 years old. And he was also a Base Person. And he took care of
8 his work and he always focused on his work. And he overworked
9 until he fell sick. And he didn't have a chance for any
10 hospitalisation. In fact, he rested at home for a fortnight and
11 he died. His mother, Ri (phonetic), had two sons, and he was the
12 second son.

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

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

17 [14.11.27]

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

20 A. Yes, that was about right. And his condition became worse each
21 day he stayed there. And there was no proper medical treatment.
22 There were only rabbit pellet drops and the liquid from an orange
23 juice-like bottle.

24 Q. How do you know that his unfortunate death had anything to do
25 with the work at the dam site? How do you know? Who told you

1 this?

2 A. In fact, he became sick at the worksite and his condition
3 became deteriorated due to lack of proper medicine. He overworked
4 at the worksite as he had to break rock and carry the rock
5 segments.

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

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

13 [14.14.02]

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

16 A. When the worksite was closed -- that is, in June, I returned
17 to the village, and that's when he died.

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

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

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

25 A. Yes. In fact, he was ill but he still continued working at the

1 worksite and continued became worse. And when the worksite
2 closed, he returned home. And about a fortnight later, he died.

3 [14.16.12]

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

8 A. I do. There were Karon (phonetic) and Karoeun (phonetic) the
9 younger sibling, they were both siblings. And there was another
10 one, Thot (phonetic) who was skinny and tall. As for the rest, I
11 cannot recall their names.

12 Q. Were these children accompanying their parents who also worked
13 at the dam?

14 A. No. They were assigned to be in the second mobile unit to work
15 at the dam worksite. And some children had their parents stay in
16 the village.

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

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

19 [14.18.18]

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

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

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

25 A. No, it was not An. It was the village chief. It was the

1 village chief who appointed them.

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

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

11 [14.20.31]

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

13 A. Ol (phonetic) was my village chief, however, he passed away.
14 And Ol (phonetic) was a tall man. I think he was about 1.8 metres
15 high or tall, rather.

16 Q. Madam Civil Party, do you know if there is anybody who
17 belonged to the group of 80 people from your village who is still
18 alive today?

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

20 Q. Anybody within the group of 80 people that worked -- either
21 one -- people from either one group.

22 A. There is Mun Sok (phonetic) and his partner, myself and my
23 husband, and another person named Ri (phonetic) who lived in
24 Kampong Thom with the partner. And there is another one by the
25 name of Moeum (phonetic) and her younger sibling. And another one

60

1 named Savoeun (phonetic) who worked there for a while and then
2 was reassigned to work in the village. There are about only eight
3 or nine New People who survived amongst those 30 to 40 families
4 who were assigned to live in my village. And as I said, there was
5 a family of a woman by the name of Ri (phonetic) with her
6 children, there are six more people in my family, Mun Sok's
7 (phonetic) family and my family. And the rest all died.

8 [14.23.35]

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

15 A. It's difficult for me to respond to your question without
16 having a laugh. As I said this morning, there was nothing at all
17 in regards to the elimination of flies. This morning, I already
18 told you that the soup -- although the amount was small -- it was
19 full of flies, and we had to pick them out of the bowl one by
20 one. Everyone experienced the same thing. Despite flies in the
21 soup, we had to eat and drink the soup in order to survive. At
22 that point, sanitation was no longer a consideration. We had to
23 think what we could eat in order to survive. An people
24 experienced a lot of dysentery. Sometimes, they had to keep going
25 in line into the forest to relieve themselves, and that's due to

1 lack of sanitation.

2 [14.25.58]

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

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

8 A. No, it did not happen.

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

11 A. The soup was prepared and cooked actually at the pagoda at
12 Trapeang Chrey. And after it was cooked, then two people would
13 carry the soup to the worksite for us to eat and two other people
14 would carry the rice. So it was cooked at our sleeping quarter at
15 Trapeang Chrey pagoda.

16 [14.27.25]

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

19 A. No.

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

22 A. I already told you, no, because what is cooked at the pagoda,
23 it was carried to the worksite and it was not warmed up again at
24 the worksite. We would just simply eat it.

25 Q. Now another question, Madam Civil Party. You said earlier this

1 morning that if he or she wanted, a Base Person could refuse to
2 work at the dam. Can you give an example of such instance in
3 which a Base Person refused to work at the dam worksite?

4 A. Yes. It happened in front of me. Khom (phonetic) was asked by
5 the person whether Khom (phonetic) go to the 1st January Dam
6 worksite, and Khom (phonetic) said, "No, I didn't want to go
7 because I heard that a lot of people contracted malaria there".
8 Then the village chief looked at me and another woman and asked
9 whether we were willing to go to the worksite. And of course, I
10 didn't dare to refuse. And I said, yes.

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

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

14 [14.30.25]

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

17 A. Yes.

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

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

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

23 A. It was that Old People dared to sometimes challenge the
24 instructions because they were all Old People, but New People
25 didn't dare to do that. They would just go to wherever they were

1 appointed to. And they had just to bear with the situation in
2 order to survive and not to be taken away and killed.

3 [14.32.07]

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

6 A. Yes, we were treated -- we had the same treatment, and New
7 People had to work. For Base People, they could evade work
8 sometimes.

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

12 A. Yes, that is correct.

13 Q. Maybe I didn't get your testimony earlier well, but did I hear
14 you say that the division of New and Old People within the group
15 of 80 was about half-half; did I understand that or did I not
16 understand that well?

17 A. There was no division. The portion of land was given to our
18 group to work. For example, one group may receive 50 metres to
19 work on, and some other villages would receive 100 metres to work
20 on. And one cubic metre was sometimes given to a group of one man
21 and two women to work on.

22 [14.34.36]

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

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1 A. For my unit, New People had fewer number compared to Base
2 People.

3 MR. KOPPE:

4 Thank you, Madam Civil Party.

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

8 MR. PRESIDENT:

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

11 [14.35.56]

12 BY MR. KOPPE:

13 Q. Okay, I will. Madam Civil Party, did you ever hear through the
14 loudspeakers at the dam worksite the 1st January Dam being called
15 a so-called "hot battlefield"?

16 MS. HUN SETHANY:

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

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

23 A. That site was a hot battlefield because when the work was very
24 active at that place, some people were taken away. That is why
25 that dam site was named hot battlefield.

1 [14.38.08]

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

4 A. No.

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

9 A. It appears not. I have never heard of it. In Pol Pot time,
10 there was plenty of water; no drought in that period. When it
11 came to June or July, there was rain, and we had water to do the
12 farming. I do not know about other location and areas. As for
13 Baray district, there was plenty of water.

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

17 A. Could you repeat your question?

18 [14.40.06]

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

22 A. You mean food shortage in Pol Pot time? I heard of it. People
23 were saying that militiamen and soldiers sacrificed their lives
24 to liberate New People. Food supplies were used to give to those
25 who were in the front line. For this reason, there was a shortage

1 of food for people in the rear line. Actually, no one wanted to
2 leave their home -- I mean people in towns; they did not want to
3 leave their homes.

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

5 A. There was food shortage in my village. We did not have enough
6 food to eat during raining season. We could only have gruel with
7 morning glory, and the gruel was sometimes watery. From August,
8 September, October, and November, most female workers in my
9 village had no menstrual cycle because they did not have enough
10 food to eat. They received only watery gruel. When there was a
11 good harvest, we would have rice to eat. And as I said, when
12 there was no good harvest, there was no rice. We received only
13 gruel -- watery gruel to eat. Everyone was weak and we were
14 getting weaker and weaker. New People, they had their own plot of
15 land to grow vegetation (sic), and as for New People, we had
16 nothing.

17 [14.43.20]

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

24 A. What was the cause of food shortage? After the harvest, rice
25 was transported out. The cook would go to fetch the food ration

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1 from "sangkat". Cook went to collect the husked rice and brought
2 to the place. And after that, he has to unhusk the rice for
3 cooking. I saw that rice was transported out of my place. There
4 was a warehouse in a "sangkat". I do not know how large it was.
5 In the mornings, there was announcement that one particular
6 individual would go and collect food ration or rice. That is the
7 routine practice.

8 [14.45.20]

9 MR. PRESIDENT:

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

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

15 MR. KOPPE:

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

17 MR. PRESIDENT:

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

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

23 The Court is now in recess.

24 (Court recesses from 1446H to 1502H)

25 MR. PRESIDENT:

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

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

4 [15.03.11]

5 QUESTIONING BY MS. GUISSÉ:

6 Thank you, Mr. President.

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

16 MS. HUN SETHANY:

17 A. Yes, that is correct.

18 [15.04.25]

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

24 A. Yes, that is correct. First, I was working on that site and I
25 had to start work at 5.00 a.m., and when I was asked to go to

1 work on another location which was far away from where we were
2 sleeping, I had to wake up early in the morning and travel to
3 work.

4 Q. In order to be perfectly clear about this, I'm going to quote
5 from the records: French, ERN 00967207; in Khmer, 00582094; and
6 English -- in the Khmer, it's 91 and 92; in English, 00940141;
7 and this is what you say with regard to the schedule during the
8 first month.

9 "At 5 o'clock in the morning, they would whistle; at 5.30, we
10 would go to the worksite to carry earth with a shoulder pole, and
11 we would rest and start working again at 2 o'clock. Then we
12 resume work until 5.00 p.m., sometimes 6.00 p.m. We took a rest
13 at 10.00 p.m. They let us take a 10-minute break at 9.00 a.m. and
14 3.00 p.m. to relieve ourselves. (End of quote)

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

18 [15.07.13]

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

22 Q. My question was: can you confirm that the schedule I just
23 mentioned corresponds indeed to that period?

24 A. Yes, it did.

25 Q. After -- in the same record, the same ERN in French and in

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1 English, and in Khmer, it is 00582095, so you said that you
2 change working station in February and you said that as of
3 February, the working conditions became harsher and that you had
4 to start working at 3.00 a.m., and with the same schedule that
5 you explained to us earlier on. And then you said on the
6 following page, ERN in French, 00967208; English, 00940142;
7 Khmer, 00582095; and this is what you said, and you specified
8 that there was indeed a change:

9 [15.09.37]

10 "We started work from 5.00 a.m. or 5.30 a.m., if it was still
11 dark until, 11.00 a.m. Then we took a rest until 1.00 p.m., and
12 sometimes until 2.00 p.m., and we resumed work until 5.00 p.m.
13 After that, we worked from 6.00 p.m. to 10.00 p.m. before we
14 returned to our shacks." (End of quote)

15 So my question is: does this jog your memory and do you remember
16 that when it got dark, you would wake up at a different time?

17 A. When we worked in a far area, we had to wake up very early in
18 the morning. If we overslept, we could not go in time. The
19 whistle would be blown at 3.00 a.m., and later, the whistle would
20 be blown at 4.00 a.m., because if it was blown at 3.00 a.m., and
21 we went to our work place after that time, it was too early. And
22 the third whistle was blown for everyone to depart our sleeping
23 quarters.

24 [15.11.15]

25 Q. But you did not answer my question specifically. My question

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1 was what you said in this record, and I quote again: "We started
2 work from 5.00 a.m. or 5.30 a.m., if it was still dark." Do you
3 remember having said that? And does that correspond to what
4 happened, that is to say, if it was still dark, would you leave
5 later? That was my question.

6 A. I think I said 4.00 a.m., not 4.30.

7 Q. So you're telling us that there is a mistake here in this
8 statement?

9 A. I gave that statement long time ago.

10 MR. PRESIDENT:

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

13 [15.12.41]

14 MR. LYSAK:

15 Thank you, Mr. President. I don't know if this is an issue of
16 there being difference on how this document was translated into
17 French. In English, the preceding paragraph talks about the time
18 the whistle was blown for them to wake up. This paragraph talks
19 about the time they started work. Counsel is equating the two. I
20 don't -- in English, they're different. She's talking about
21 different things. I don't know whether it's a problem on how it's
22 translated into French, but I think the record should reflect
23 that.

24 MS. GUISSÉ:

25 In French, there is no reference to the whistle being blown, but

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1 it said that if it was still dark at 5 o'clock, people would
2 leave at 5.30. So my question was: would people leave a half hour
3 later -- that is to say at 5.30, if it was still dark?

4 MR. PRESIDENT:

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

6 [15.13.57]

7 MR. LYSAK:

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

13 BY MS. GUISSÉ:

14 I'm going to ask my colleague to check this -- check the Khmer,
15 and then I will move on to another line of questioning and I will
16 get back to this later. My colleague confirms that in Khmer, it
17 is written 5.30., so I will close this line of questioning.

18 Q. In Khmer, apparently, there is no problem. You apparently said
19 that people would leave for work at 5.30; is that the case or
20 not?

21 MS. HUN SETHANY:

22 A. When we were working close to the pagoda, we started work at
23 5.30. But later, our work station was far from our sleeping
24 quarter. So we had to go to work at 4.00 a.m. That's what I
25 sated. And during that time, it was too dark at 4.00 a.m., so we

1 were asked and told to go to work at 4.30 a.m., instead.

2 [15.15.45]

3 Q. Regarding another point, this morning, I believe you told my
4 colleague from the Nuon Chea team that you never heard any
5 announcements regarding the usage of explosives to blow up the
6 rocks. So did I understand correctly when you said that you
7 didn't hear any announcements before they started using
8 explosives?

9 A. There was no announcement over the loudspeaker and we were not
10 told to stand back when explosive was used. Some worker was
11 sleeping and -- you know -- taking rest and when they heard the
12 explosion, they would run for shelter.

13 Q. You have just told us that you were asked to step back when
14 they were going to use explosives. Who told you to step back?

15 A. No one told us, we realised and heard the explosion and only
16 when we heard the explosion or when we saw the fire at the
17 explosion area, we would run. Some people were hit by the
18 fragments of the rock.

19 [15.17.53]

20 Q. I'm putting questions to you with regard to this topic because
21 we heard two witnesses before you, the first, Pech Sokha. This
22 was on the 21st of May, and he was questioned with regard to a
23 statement he had provided before and this is what he said. In his
24 statement -- it's a little bit before or a little bit after
25 11.29.32 on the 21st of May, and in his statement, he said he

1 "heard on the loudspeakers that the compatriots were told to be
2 careful because they were going to use explosives in order to
3 extract rocks". (End of quote). And this was the question that
4 was put to him: "Was this kind of security message frequently
5 broadcast on the loudspeakers on the worksite?" And he answered:
6 "Yes. Each time before there was going to be an explosion, they
7 made this kind of broadcast on the loudspeakers." So does this
8 ring a bell or not at all?

9 A. Who was this -- who is this individual? In my area, I have
10 never heard of any broadcast over the loudspeaker -- I mean at
11 Baray district.

12 [15.19.30]

13 Q. And another witness, Ms. Meas Laihuor, on the 26th of May
14 2015, said a little bit after 2 o'clock and 24 minutes, and the
15 question that was put to her was the following:

16 "Do you remember when explosives -- when they were going to use
17 explosives that there were security messages broadcast on the
18 loudspeakers to warn the workers?"

19 And her answer was: "Yes. When they were going to use explosives
20 in order to break the rock, workers had to step back. They were
21 forbidden to come close so that they wouldn't be hit with the
22 shards." And then she continues a little bit further by saying
23 that "I simply saw them chase people away from that place".

24 And the following question was put: "Chase people away from which
25 place?"

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1 And then she answered: "They would chase people away from the
2 place where they were going to use explosives to break the rock.
3 They would make sure that the people would not be hit by
4 fragments. Once the explosives were used, the workers could get
5 back to work." (End of quote).

6 So my question is the following: if you did not hear these kinds
7 of security messages on the loudspeakers, did you ever witness
8 the fact that people were asked to step away from the area where
9 they were going to use explosives?

10 [15.21.20]

11 A. For my group, I could see that they burnt the explosive. And
12 when we saw that we would go away, there was no broadcast or
13 announcement concerning explosive was used.

14 Q. You just told us "with regard to my group", so does this mean
15 that you do not know what was going on in the other units?

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

18 MS. GUISSÉ:

19 Mr. President, I have no further questions. I will stop here. And
20 my colleague also has no further questions, so I think we can
21 stop.

22 [15.23.16]

23 MR. PRESIDENT:

24 Madam Hun Sethany, the Chamber told you already that at the end
25 of your testimony, you can make a victim's impact statement, and

1 concerning the crimes which are alleged against two Accused, and
2 harm inflicted upon you during Democratic Kampuchea resulting in
3 your civil party application to claim collective, and moral
4 reparations for physical, material, or mental injuries as direct
5 consequences of those crimes. You may proceed.

6 [15.24.14]

7 MS. HUN SETHANY:

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

1 [15.28.56]

2 I would like to tell the Court that I do not want the
3 reoccurrence of this regime again. I have suffered much in my
4 life. Nothing can compare. I am trying my best to live my life at
5 the moment. The innocent who were working very hard were killed.
6 They were killed because of words came out of their mouth. If
7 they committed wrongdoings, they would be taken away.
8 Persecutions happened on them. What was the point of living their
9 lives? They were persecuted. People experienced separation from
10 families. Parents were separated from children. What was the
11 society in that period? If you realise what happened in that
12 period, please do not let such things happen again in the
13 society.

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

15 MR. PRESIDENT:

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

19 MS. HUN SETHANY:

20 I would like to ask the -- my question as follows. Are you
21 responsible for the killings of human being? And how could you be
22 responsible for persecution and killings of victims in your
23 period? Do you recognise and admit your mistakes? Do you admit
24 your acts at the -- in the period? These are the questions I have
25 for them.

1 [15.33.54]

2 MR. PRESIDENT:

3 The Chamber wishes to inform Madam Hun Sethany that after
4 ascertaining the position of both Accused on 8 January 2015,
5 regarding the exercise of the right to remain silent, the Chamber
6 notes that the two Accused maintained their express positions
7 unless and until such time as the Chamber is expressly informed
8 otherwise by the Co-Accused or their counsels. It is therefore
9 incumbent upon them to inform the Chamber in a timely and
10 efficient manner should the Accused resolve to waive the right to
11 remain silent and be willing to respond to the questions by the
12 bench or relevant parties at any stage of the proceedings.
13 As of today, the Chamber is not informed that the Co-Accused have
14 changed their expressed position and thus agreed to provide their
15 responses to questions.

16 [15.35.09]

17 The Chamber is grateful of your presence, time, and testimony,
18 Madam Hun Sethany, during the last two days, as well as the
19 expression of your suffering and harms inflicted upon you during
20 the Democratic Kampuchea regime. Your testimony is now concluded,
21 and you are no longer required to be present in the courtroom and
22 the Chamber wish you -- wishes you a safe journey back home and
23 all the very best to you.
24 And Court officer, please assist the civil party to make
25 necessary transportation arrangement in collaboration with WESU

1 for her to return to her residence.

2 And the Chamber once again thank you Madam TPO staff. However,
3 you are still required to be present in order to assist the next
4 civil party -- that is, 2-TCCP-230.

5 And Court officer, please usher the civil party into the
6 courtroom.

7 (Witness 2-TCCP-255 exits courtroom)

8 (Short pause)

9 (Witness 2-TCCP-230 enters courtroom)

10 [15.38.06

11 QUESTIONING BY THE PRESIDENT:

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

13 MS. UN RON:

14 A. My name is Un Ron.

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

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

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

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

20 Q. And where is your current address?

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

23 [15.39.08]

24 Q. What is your current occupation?

25 A. I am a rice farmer.

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1 Q. What are the names of your parents?

2 A. Touch Neang (phonetic) is my father and Chai Li (phonetic) is
3 my mother.

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

6 A. Lang Vuthy (phonetic) is my husband.

7 Q. And how many children do you have?

8 A. We have two children.

9 MR. PRESIDENT:

10 Madam Un Ron, towards the end of your testimony as a civil party,
11 you will be given an opportunity to make a victim's impact
12 statement concerning the crimes which are alleged to happen and
13 that will happen towards the end of your testimony if you wish to
14 do so.

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

19 [15.40.55]

20 MS. GUIRAUD:

21 Thank you, Mr. President. I'll give the floor to my colleague,
22 Mrs. Sovannary Moch.

23 MR. PRESIDENT:

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

1 QUESTIONING BY MS. MOCH SOVANNARY:

2 Thank you, Mr. President. Good afternoon, Mr. President, Your
3 Honours, and good afternoon, Madam Civil Party, Un Ron. I have
4 some questions for you, and if my questions are unclear or you do
5 not understand, please let me know so I can reformulate it.

6 Q. Can you first tell the Court where were you on 17 April 1975?

7 A. I was living in Kampong Thom province with my uncle, then we
8 were evacuated to Tang Krasang, and later on we were returned
9 back to Ta Ream village.

10 [15.42.26]

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

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

16 Q. After you worked in the rice field transplanting rice
17 seedlings or pulling out rice seedlings, what else were you
18 assigned to do?

19 A. I was assigned to a sector mobile unit at Kdei Saen (phonetic)
20 pagoda and I worked there for a period of time, which I cannot
21 recall exactly. Then I was -- I was assigned to transplant the
22 rice seedlings and during the flooding season -- as we could not
23 work in the rice field anymore -- we were sent to Sen Son
24 (phonetic) pagoda to rest there for a while. Later on I was
25 assigned to work at the 1st January Dam worksite. And while I was

1 working at the Kdei Saen (phonetic) pagoda -- as we could no
2 longer pull out rice seedlings due to the flood -- I was sent in
3 a big unit to the 1st January Dam worksite and we were
4 transported by a vehicle, but due to the thickness of the forest
5 the vehicle could not go through. Then we had to carry our back
6 and be on foot. We arrived at around 5.00 to 6.00 p.m., and we
7 rested there without any proper shelter. Next day, we were
8 instructed to clear the forest, and it took us about two months
9 to completely clear the forest. Then units were divided and some
10 groups were divided within the unit and land plots were measured
11 and assigned to members of the groups and the units respectively.

12 [15.45.22]

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

20 A. The big unit constituted of 100 members. Then it was the
21 subdivided into three small units comprising of 30 members each.
22 Chhong (phonetic) was chief of the big unit and Cheang (phonetic)
23 and Soeun (phonetic) were chiefs. Allow me to apologise; it was
24 Nai (phonetic) and Cheang (phonetic) who were chiefs of the small
25 units.

1 [15.46.51]

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

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

9 Q. Could you refuse not to go?

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

12 [15.47.51]

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

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

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

25 A. The shelters where we rested were about 500 to 600 metres from

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1 the actual dam worksite. The building that the shelters were made
2 of wood and the floor, the sleeping floor was made of wood as
3 well, and some of us had mats to sleep on while others did not so
4 sometimes we found a piece of cloth to lay down and slept on. And
5 it was a long building, the building that I slept in and we slept
6 in two rows feet to feet, and there was a footpath in between.

7 [15.50.50]

8 Q. Were the shelters are already built upon your arrival and what
9 was the roof made of? Was it leaking when it rained?

10 A. It made out of leaves. There were no walls and when it rained,
11 the rain drop would come -- would come through and then our heads
12 would be wet since there were no walls on the side of the
13 building.

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

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

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

21 A. There were mosquitoes, but we were told to pile up leaves and
22 burn it in order to chase away or to keep the mosquitoes away.

23 [15.53.04]

24 Q. And while you were working at the dam worksite, did you work
25 at only one location or were you relocated to work at various

1 sites within the dam construction site?

2 A. We worked only at one location, although it was moving away
3 further and further as the work progressed, I mean, further away
4 from our sleeping quarter.

5 Q. And during the time that you worked at the 1st January Dam
6 worksite, you were assigned to work from one location and
7 progressively you kept moving away from your sleeping quarter,
8 and you also said that there was big rain resulted in flood and
9 you could no longer work and were sent to the village. How far
10 did you -- the work progress upon a time that you could no longer
11 work due to flood?

12 A. Our big mobile unit started working from near where we slept
13 and we stopped when the work progressed for about one kilometre
14 long. So when the water rolls and we could no longer work, we
15 were sent to return and work at Kdei Saen (phonetic) and then at
16 Ballangk.

17 [15.55.01]

18 Q. Let me return to the 1st January Dam worksite. What kind of
19 work was assigned to you, and what was the work ration, and who
20 actually made that assignment?

21 A. It was the big unit's chief who divided the land plot given to
22 the small unit's chief, and then the small mobile chiefs would
23 assign to the members and we were assigned a plot of four cubic
24 metres to complete and we would take turn to dig the ground and
25 to carry the earth, and if we could not complete the work quota,

1 then the food ration would be deprived. For that reason, we tried
2 our best, and that was even worse during the rainy season as the
3 floor was slippery, and sometime we had to make a makeshift
4 lather in order to walk out the embankment of the dam.

5 [15.57.02]

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

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

10 Q. Regarding working hours, can you tell the Chamber the working
11 hours -- that is, when the whistle was blown to awaken you and
12 when you started actual work, and when you rested? And was there
13 any work to be done at night?

14 A. At 5.00 -- actually at 4:30 in the morning -- of course this
15 is just an estimate as we did not have a watch or clock to look
16 at -- at that time a rooster sang and whistle was blown so we
17 woke up, wash our face, and by dawn, we walk. So actually after
18 whistle was blown, we would queue up and then there was a head
19 count, then we would go to the worksite and started working until
20 11.00, when we rested for gruel. Then we had to return to the
21 sleeping quarter to eat the gruel and my group was the last to
22 arrive, and then we resume working again and continued until 5.30
23 in the afternoon and we ate gruel again.

24 [15.58.56]

25 If there was a meeting -- that is, a livelihood meeting, we would

1 attend the meeting and at night-time we were assigned each two
2 cubic metre of work to complete, and if we could not complete the
3 work quota of the two cubic metre, in the morning we had to be
4 aware that we had to start working early in order to complete the
5 remaining work and to start the new work quota again. If we
6 failed to reach the work quota, we would be criticized, and if
7 there is the case then we usually would wake another one of our
8 colleagues up and started working by ourselves at 4 o'clock in
9 the morning.

10 Q. You said at about 4.30 when the rooster sang, a whistle was
11 blown, you lined up, there was a head count and then you went to
12 the worksite. Did you have to start working immediately or was
13 there a set hour that you had to commence working at the
14 worksite?

15 A. If we arrive at the worksite a bit early and if we thought it
16 was still rather early, we had to wait a little bit until we
17 could see one another clearly before we started working.

18 [16.01.05]

19 MS. MOCH SOVANNARY:

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

23 MR. PRESIDENT:

24 Thank you, lawyer for civil parties. The time -- today hearing
25 has come to an adjournment and we will adjourn now and resume

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1 tomorrow -- that is, Thursday, 28 May 2015, commencing from 9
2 o'clock in the morning. Tomorrow the Chamber will continue to
3 hear the remainder testimony of the civil party Un Ron.

4 And Madam Un Ron, the Chamber would like to thank you for your
5 testimony. However, it is not yet concluded. Thus you are invited
6 to return to this Chamber again tomorrow to continue your
7 testimony.

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

11 And Madam Marideth, TPO staff, the Chamber is grateful of your
12 assistance, and once again you are invited to return tomorrow to
13 assist this civil party, and the testimony will commence at 9
14 o'clock in the morning.

15 Security personnel, you are instructed to take the two Accused:
16 Nuon Chea and Khieu Samphan back to the detention facility and
17 have them returned to attend the proceedings tomorrow before 9
18 o'clock.

19 The Court is now adjourned.

20 (Court adjourns at 1602H)

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