



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

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

17 June 2015
Trial Day 299

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

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I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remainder of the current

6 witness testimony, and commence hearing testimony of a civil

7 party -- that is, 2-TCCP-261. And if possible, we begin hearing

8 the testimony of 2-TCW-943.

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

11 [09.05.06]

12 THE GREFFIER:

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

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

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

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

24 [09.06.19]

25 MR. PRESIDENT:

2

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

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

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

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

24 [09.08.05]

25 QUESTIONING BY MS. GUISSÉ RESUMES:

1 (No interpretation)

2 Thank you, Mr. President. I'm going to continue putting questions
3 to you to seek clarification. I'm going to ask you to listen
4 attentively to my questions. My questions are quite precise, so
5 please answer the questions as precisely as possible.

6 Q. You said that you had worked on the dam worksite digging earth
7 to dig canals. So can we agree and say that you worked in Kampong
8 Thma commune?

9 MR. YEAN LON:

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

12 [09.09.15]

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

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

17 Q. Yesterday, you said that there were no machines to build the
18 dam. Do you mean that there were no machines nowhere on the
19 worksite or simply where you were working?

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

23 Q. I'm telling you this, Witness, because a certain number of
24 people already testified before this Chamber and said that in
25 certain places, there were machines being used, such as

4

1 bulldozers and excavators as well. And sometimes, they even used
2 explosives to blast the rock. So does this change your position
3 or can you only speak about what you saw personally?

4 [09.11.19]

5 MR. LYSAK:

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

15 [09.11.56]

16 BY MS. GUISSÉ:

17 No problem with that.

18 Q. Witness, before this Chamber, witnesses -- and here I am
19 referring to Pech Sokha, and the transcript is E1/301.1 from 21
20 May 2015, a little bit after 10.57 in the morning. The question
21 that was put to the witness is the following:

22 "Witness, do you remember what kind of machines were used if
23 there were any on the worksite?"

24 And the answer was: "Yes, I do remember. We had machines: there
25 were bulldozers, there were excavators." End of quote. [Free

1 translation]

2 Witness, do you know if at a different location than the location
3 where you were working, if bulldozers and excavators were used?

4 MR. YEAN LON:

5 A. To my knowledge and from what I saw at the worksite, from the
6 beginning to the conclusion of the dam construction, I did not
7 see any heavy machinery used. I worked and I went to different
8 locations within the dam worksite. I did not see any excavator or
9 any bulldozer.

10 [09.13.50]

11 Q. Can you tell me where on the worksite you worked? First, you
12 said you worked in Kampong Thma, but can you tell me the
13 different locations where you were working elsewhere?

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

18 Q. I apologize for interrupting you, Witness. My question was not
19 that one. My question: you told me that you worked in various
20 locations on the dam worksite. I'm not asking you for the names
21 of the unit leaders, I'm asking you which locations specifically
22 you worked at. Because you said that you worked at several
23 locations at the dam worksite, so I'm asking for the names of
24 those different locations.

25 A. It started from Kaoh Kor (phonetic) to the north area of Ploam

1 (phonetic) village, and it went -- or it extended to the 1st
2 January Dam. So I worked at various locations along this stretch
3 as members of units kept relocating to different sites within the
4 whole worksite of the dam construction.

5 [09.15.44]

6 Q. And you worked at these different locations during the
7 three-month period you spoke to us about yesterday; is that so?

8 A. Indeed, that is the case.

9 Q. And I understood that you were in charge of a group of 50 to
10 60 people. So in terms of organisation with regard to meals, how
11 did you proceed? Would you cook at the place where you were
12 working?

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

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

18 A. Yes, there was.

19 [09.17.24]

20 Q. And you also spoke yesterday about the fact that you would --
21 had dug a well for your water. And a civil party, Seang Sovida,
22 explained at the hearing of 2 June 2015 -- that's E1/308.1, and
23 the question that was put to her is the following:

24 "Was the water drinkable? Could everyone drink the water? Could
25 everyone drink the boiled water?"

1 And the answer was the following: "Yes. The water was boiled for
2 the workers on the worksite. I don't know what the quality was of
3 the water. But generally, we would take water from the river.
4 There was no running water." End of quote. [Free translation]

5 So my question is the following: As a unit leader, did you take
6 any measures to boil the water that you would give to the workers
7 working under you?

8 A. We did boil some water, but it's in the interest of time,
9 sometimes, we did not boil it or sometimes when it rained, we
10 could not boil it. And we actually tried our best to resolve the
11 living condition of the workers on site
12 [09.19.18]

13 Q. You also spoke about the existence of latrines by the sleeping
14 quarters. Can you tell us who decided to build these latrines?

15 A. Latrines had to be built by the people in charge of the
16 village and the workers who were sent to work there. So like in
17 the case of my village, I organized the construction of those
18 latrines.

19 Q. Is it you as well who organized the building of the sleeping
20 quarters?

21 A. The sleeping quarters were built. However, it was not a proper
22 sleeping quarter, as some parts of the roof were patchy and the
23 rain could fall through. However, we did our best for the workers
24 there.

25 Q. My question is specifically, is it you who was responsible for

1 the building of these sleeping quarters?

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

4 Q. And -- well, you spoke about meals and you said that it was
5 the village that would supply the workers with food. So is it you
6 who would tender your requests to the villages in terms of how
7 much food was necessary to supply?

8 A. Yes. While I was on site, I made such an arrangement. I sent
9 people to go to the village and to bring back necessary food for
10 the workers on site. I did that. And of course, I looked after
11 the workers from my village.

12 [09.22.14]

13 Q. And in terms of discipline with regard to how the workers
14 would work, were you the person in charge of implementing this
15 discipline, in charge of controlling how the workers under you
16 would work?

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

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

25 A. The worksite supervisors had been transferred to various

1 locations or to the front battlefields, and I cannot recall their
2 names.

3 [09.24.12]

4 Q. I didn't understand your answer. When you worked at the 1st
5 January Dam worksite, they were also on the worksite as well or
6 were these supervisors present at the worksite or you would only
7 see them from time to time?

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

12 Q. Now, I would like to talk about another topic with regard to
13 your activities -- your activities as a militiaman. In your
14 statement D166/156, you said that Thlang, the commune leader, if
15 I understood properly, was the head of the secret agent unit. Did
16 I understand you correctly with regard to this? And I'd like to
17 specify that this is at ERN French, 00402982; English, ERN
18 00330719; Khmer, 00321786. Maybe I should put the question to you
19 again because apparently there seems to be a problem. So my
20 question was: Was it Thlang, as you said in your statement, who
21 was in charge -- who was the head of the secret militia?

22 [09.26.37]

23 MR. PRESIDENT:

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

1 MR. LYSAK:

2 Thank you, Mr. President. I don't know whether there is a
3 translation issue. But in the English version of his statement,
4 it indicates that Thlang was the commune chairman not the head of
5 the commune militia. So I don't know whether it's translated
6 differently in French, but the English does not say that he was
7 the head of the commune militia.

8 BY MS. GUISSÉ:

9 Yes, indeed, there might be a translation issue, because in
10 French, and I will quote what's said in French and translate
11 directly: "I was a member of the commune militia for two months
12 in 1976. And in this unit of secret militiamen, there were 12
13 members and Thlang was the leader. But Thlang died." End of
14 quote. That's a direct translation from the French. So maybe in
15 order to avoid any issues, it would be necessary to have the
16 witness clarify this point.

17 Q. So Witness, can you tell us if Klang was indeed the head of
18 the secret militia while he was the commune chief as well; or is
19 this wrong?

20 [09.27.55]

21 MR. YEAN LON:

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

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

25 A. Khy (phonetic), Khy (phonetic) was the commune chief at that

1 time.

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

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

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

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

8 [09.29.45]

9 Q. Yesterday during the hearings, in answer to a question put to
10 you by my colleague, counsel for the civil parties, shortly
11 before 2.30 p.m., that is between 2.28 and 2.30 p.m. to be more
12 precise, you stated and I quote: "My task was not to execute
13 people; quite on the contrary, I was there to protect the
14 village, to protect the inhabitants." End of quote.

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

16 A. It was the commune chief who gave instructions for the village
17 militia to guard or to patrol the village.

18 Q. So when you say that "my task was not to execute people; quite
19 on the contrary, I was there to protect the village and the
20 inhabitants", was that what the commune chief told you?

21 A. Yes, that is correct.

22 [09.31.25]

23 Q. Still shortly before 2.30 p.m., you stated that at least as I
24 understand and I quote: "We were asked to watch over the
25 activities of the people regardless of their status whether they

12

1 were leaders or simple inhabitants." End of quote.

2 Were you yourself ever tasked to watch over the people? And if
3 yes, who precisely?

4 A. Well, at that time, I oversaw and I also supervised and
5 protected the villagers in the village. It was under my purview.

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

9 A. Well, I used to watch over that including the militia leaders,
10 the leaders in the village. For example, when they distributed
11 rice to the villagers, we had to make sure that they did not
12 embezzle against the people. So I had to monitor that. We monitor
13 the leaders of commune or "sangkat".

14 [09.33.46]

15 Q. I have a hard time understanding something you've said.
16 Yesterday, when I told you that you were a militia at the level
17 of the commune, you corrected me and said no, you were a militia
18 in the village. And that led me to think that you couldn't have
19 to watch over leaders at the level of the village and in the
20 commune. So my question to you is: At what level did you have to
21 watch over leaders?

22 A. Well, at that time, I was not vested with any authority but my
23 task was mainly to monitor the distributions of rice. For
24 example, at the commune or "sangkat" level, they embezzled
25 against the people. And then consequently, people did not have

1 enough food to eat. So that is what I was supposed to do. I felt
2 very sorry for the people at that time. So I had to monitor that
3 that was done correctly.

4 Q. So were you the one who took upon yourself the task of
5 watching over people or it was a task that was handed down to you
6 by the commune level?

7 A. Nobody appointed me, but I had to do it on my own. When I
8 observe any wrongdoing, then I monitor that. And people had
9 suffered a lot because of the lack of food to eat. So it was at
10 my own initiative to do that without any appointment or formal
11 appointment whatsoever.

12 [09.36.15]

13 Q. Did you do that outside of your village?

14 A. No. I only monitor in my local village, particularly when the
15 food was distributed.

16 Q. Yesterday, I understood from your explanations that you
17 availed yourself of your role as a militiaman to assist
18 villagers. You also explained that you stole rice in order to
19 redistribute it. My question therefore is as follows: Where did
20 you steal the rice which you subsequently distributed?

21 A. It was a common -- or communal rice of the commune. And at
22 that time, I observed that they did not distribute sufficient
23 ration for the people. And then overtime when I went there, the
24 rice disappeared. I did not know where they had taken them away.
25 So I consulted with the old villagers as to what we had to do.

1 And then they advised me that if you could do anything, even
2 stealing it, we had to do it, otherwise, people would be
3 starving.

4 [09.37.42]

5 Q. Did you do that without the knowledge of members of the
6 commune?

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

13 Q. Does it mean that no one was watching you? You explained that
14 there were 12 militiamen at the level of the commune. Are you
15 saying that none of those militiamen was tasked with keeping an
16 eye on you, since you said that everyone had to keep an eye on
17 one another?

18 A. Of course, the militia monitor our activities. And if the
19 militia would know that, they would implicate us or accuse us of
20 betraying them or betraying the communal interest, then I would
21 be killed. So at that time, I did not let any militia member knew
22 that. And I had to steal that to distribute to the people. So I
23 did not let those militia member knew it. I felt very sorry for
24 my people at that time, so I had to do whatever I could to help
25 them. Because at that time, they only had access to watery gruel

1 at that time, so I had to do what I could do at that time.

2 [09.40.12]

3 Q. And yet yesterday, you stated that you stole rice and the
4 villagers who were grateful to you gave you rice and chicken to
5 eat. Where did they get the rice and chicken, and were they
6 authorised to obtain such foods?

7 A. Actually, the chicken was the chicken raised in that village.
8 Because at that time -- I was watching over at that time and if I
9 did not allow them to prepare chicken, then they would not do it.
10 And I could not eat it -- I could not prepare it for myself. But
11 I could ask people to prepare it. And we all in the village ate
12 together. At that time, everything had to be equal between the
13 leaders and the villagers. We had the same food ration at that
14 time.

15 Q. So if I understand correctly, in your village, you were the
16 person who had the authority to share rations to the people; is
17 that correct?

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

22 [09.42.18]

23 Q. Well, I have carefully listened to your account of the facts
24 and events, Witness. As my learned colleague of the Nuon Chea
25 team told you, that is not how the villagers view the situation.

1 I'll read out to you Uth Seng's record of interview at document
2 E1/309.1; that was shortly after 9.32 and 9.34. As my leaned
3 colleague told you and he quoted that passage in which Uth Seng
4 describes you as -- and I'll quote what he said exactly in order
5 that you may bear in mind his own account of the events. He's
6 speaking about you and this is what he states: "He was the
7 militia leader in Kampong Thma sub-district. As I told you, we
8 saw swords and knives soaked in blood. He acted to show that he
9 was a strong man." My question to you is whether you were the
10 militia head or it was someone else?

11 A. No, at that time, I was not the leader at all. Thlang was the
12 only leader at that time. I was an ordinary member of militia.
13 [09.44.10]

14 Q. In fact, an ordinary member of the unit of militias had the
15 authority to share rations among villagers in the village.

16 A. Well, at that time, I was the militiaman of the village and I
17 was also tasked to oversee in that village. So I was the head of
18 that village. And also I was also a militiaman myself. So I had
19 to try to find food and distribute it to the people, so that
20 people could survive.

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

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

25 Q. I understand from your testimony that you never killed or

1 executed anyone; is that correct?

2 A. Yes, that is correct.

3 Q. The same witness Uth Seng, a little further on in his
4 testimony, still states still as regards to your person: "He was
5 the only person in that Kampong Thma sub-district, which showed
6 how influential he was by carrying on him these swords and
7 knives. He did so to show that he was a strong man." Witness, you
8 were indeed a strong and influential man who did whatever he
9 wished in your village; isn't that correct?

10 [09.46.45]

11 A. No. No. Not at all. I was not strong and influential. I was
12 only strong and influential in addressing the shortages of food
13 and the challenges faced by the people in the village. I was very
14 afraid of committing mistake. So I was not influential in doing
15 anything in the village other than helping my villagers.

16 MS. GUISSÉ:

17 Mr. President, I am done with my examination of this witness, and
18 I give the floor to my learned colleague, Kong Sam Onn.

19 MR. PRESIDENT:

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

21 QUESTIONING BY MR. KONG SAM ONN:

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

25 [09.48.00]

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

3 MR. YEAN LON:

4 A. Yes, Kampong Thma commune was Khy (phonetic). He was in the
5 southwest part of that commune.

6 Q. In your statement -- D166/156; Khmer, ERN 00321786; French,
7 00402982; English, 00330719; you made mention Kheun as the deputy
8 chief of the commune. Can you tell whether you mentioned that
9 name, Kheun or Khy (phonetic), or they are the same names or
10 different people here?

11 A. They are different individuals. One is Kheun and the other one
12 was Khy (phonetic). Khy (phonetic) was a different person and
13 Kheun was another.

14 Q. You said that the members of the commune committee were all
15 dead. Could you tell us the composition of the village committee
16 in Kang Sau? Was there anybody who is still alive now?

17 A. Actually, the three men who were working with me at Kang Sau
18 and other were all dead.

19 [09.50.10]

20 Q. Thank you. Could you recall their names, the three men you
21 mentioned?

22 A. Kheun, Thann (phonetic) -- I have forgotten the other man.

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

24 A. Kheun was in charge of economic affairs of the village and
25 Thann was his deputy. I was the chief of all three men.

1 Q. With regard to the members of your working group, when you
2 were in charge at that time you said you were working at the 1st
3 January Dam, and there were 50 members under your supervision. Do
4 you know -- is there anybody who is still alive to date?

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

9 [09.51.47]

10 Q. The villagers who were in your unit under Kang Sau unit, are
11 they still alive now?

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

13 Q. With regard to the location of your worksite, you said you
14 were working in the 1st January Dam in your testimony earlier, in
15 Kaoh Kor (phonetic), Thlong (phonetic), and Teuk Ville (phonetic)
16 villages. And earlier on, you also made mention the 1st January
17 Dam toward the west part of Santuk mountain. My question to you
18 is that: When you were working over there, was it on the 1st
19 January dam or it was on the sub-dam or the canals outside or
20 adjacent to the 1st January Dam? Can you clarify that?

21 A. We had to move from one village to another. Sometimes we were
22 mobilized to work on the 1st January Dam, and then we were moved
23 to the other place. So we had to be moved from one place to
24 another. Sometimes, we had to go and work in Thlong (phonetic),
25 sometimes we had to go and work in another village. So our unit

1 was more on a mobile. We were not stick to only one location or
2 one worksite. We had to move.

3 [09.53.32]

4 Q. Well, my question is that if you are working on the actual 1st
5 January Dam or any other site adjacent to the main 1st January
6 Dam, for example, on the canal of the dam.

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

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

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

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

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

19 [09.55.32]

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

22 A. It was in Khvaek village.

23 Q. Khvaek village. But when you mentioned the other three
24 villages earlier on, Khvaek was not one of the villages you
25 mentioned. Can you tell the Court about this village? Is Khvaek

1 also a village that the 1st January Dam was there or what?

2 A. Well, it was about one or 200 metres away from the 1st January
3 Dam.

4 Q. I just want to be more precise on the actual worksite you were
5 working, whether you were working on the main 1st January Dam or
6 somewhere else outside the 1st January Dam. So again, was your
7 workstation 100 metres or 200 metres away from the main 1st
8 January Dam or what? Can you clarify that?

9 A. It was adjacent to the 1st January Dam. Our place where we
10 took the rest at night, it was about 100 or 200 metres down from
11 the 1st January Dam.

12 [09.57.24]

13 Q. Can you tell the Court about the division of labour within
14 your unit? How was the labour divided at that time?

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

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

20 A. At that time, there was a quota limit; for example, we had to
21 accomplish two cubic metre of earth; we had to carry that. So
22 that was the quota imposed on each member of us.

23 Q. My question is about the responsibility of the entire unit.

24 What was the actually work requirement for the entire unit before
25 you subdivided them into smaller or sub-units?

1 A. For example, there was a plan put down to us that we had to
2 complete; for example, 10 square metres or so. Then we had to
3 further subdivide it into our smaller groups, and then we had to
4 accomplish that target. So that was the usual task assignment
5 given to us.

6 [09.59.18]

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

11 A. The work was assigned according to the number of members
12 within the group. Usually, each worker would be assigned a two
13 cubic metre work ratio. However, it is also depending on the
14 total number, as some group, some workers got sick.

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

20 A. Indeed, we did. And then we would divide the overall work
21 assignment to the subgroups. For instance, for a length of 10
22 metres, a group would be assigned in order to dig the ground and
23 carry it to build the embankment. And the assigned plot had to be
24 done by the group. And in some parts, the depth of the canal was
25 five metres.

1 [10.00.52]

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

7 A. The embankment on the west part of the dam was 30 by 40
8 metres. And the width of the embankment was wide enough for
9 vehicles to travel on. And the width -- the top part of the canal
10 was 50 metres. However, I cannot give you the depth of the dam.

11 Q. My question is in reference to the specific location that you
12 worked and I do not want the measurement of the dam when it was
13 completed. I want the actual work assignment given to your group
14 at that particular site. And if you were a unit chief, then you
15 had to know the measurement before you could reassign portions of
16 the overall assignment of your group to the subgroups under your
17 supervision.

18 [10.03.13]

19 MR. PRESIDENT:

20 Witness, please hold. And the International Deputy Co-Prosecutor,
21 you have the floor.

22 MR. LYSAK:

23 I think the question is repetitive. It's been asked a number of
24 times now. The witness has answered as best he can. I think
25 counsel should avoid trying to lecture the witness about whether

1 he -- what he can and cannot remember at this point in time. So
2 the question is repetitive. The witness has answered this a
3 number of times. I don't understand the purpose of further
4 questioning, asking the same question over and over.

5 [10.03.55]

6 MR. KONG SAM ONN:

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

10 MR. PRESIDENT:

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

14 BY MR. KONG SAM ONN:

15 Thank you, Mr. President.

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

22 MR. YEAN LON:

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

1 workers. So that daily work quota was for those who were under
2 disciplinary action.

3 [10.05.57]

4 Q. Thank you. Who imposed the disciplinary action against those
5 workers?

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

8 Q. And how many workers were under such disciplinary action each
9 day?

10 A. If workers did not make any mistake, then they would not be
11 subject to disciplinary action. However, sometimes, they were
12 accused of making mistakes, and for that reason they were under
13 the disciplinary action. But such action did not occur on a daily
14 basis.

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

18 A. None of my workers was under such action, as none of them
19 pretended to be sick or something similar. If they were too
20 tired, then I would allow them to rest.

21 [10.07.55]

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

1 clarify the situation?

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

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

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

15 [10.09.45]

16 Q. I understand that. But my question is: Did you complete the
17 work first before you were assigned or relocated to another part
18 of the worksite?

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

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

1 security matters?

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

6 [10.12.14]

7 Q. A while ago, my international colleague asked you about your
8 position in the village and you said in your militia duty, you
9 had to monitor members of your team. Can you give us an example
10 of your monitoring activity of a particular member of the group?

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

12 MR. KONG SAM ONN:

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

14 MR. PRESIDENT:

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

19 [10.13.42]

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

1 Chamber wishes you all the best and safe journey.

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

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

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

7 (Court recesses from 1014H to 1032H)

8 MR. PRESIDENT:

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

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

13 (Short pause)

14 (2-TCCP-261 enters courtroom)

15 [10.35.50]

16 QUESTIONING BY THE PRESIDENT:

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

19 MS. KONG SIEK:

20 A. My name is Kong Siek.

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

22 A. I was born in 1952.

23 Q. Thank you. Where were you born?

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

1 [10.36.55]

2 Q. What is your current address?

3 A. Now I am residing in Prasat village.

4 Q. What is your occupation?

5 A. I am a farmer.

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

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

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

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

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

20 [10.38.58]

21 MS. GUIRAUD:

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

30

1 additional minutes to enable my colleague and the Prosecution to
2 complete the examination of this witness. And now I will give the
3 floor to my colleague Ty Srinna.

4 MR. PRESIDENT:

5 The request is granted and you may now proceed.

6 [10.39.47]

7 QUESTIONING BY MS. TY SRINNA:

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

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

13 MS. KONG SIEK:

14 I am fine, please.

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

18 A. I joined the military in 1975.

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

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

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

24 A. I was within Division 450.

25 [10.41.20]

1 Q. Where were you stationed at the time?

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

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

5 A. At that hospital, I was a member of the cook, at that time I
6 worked with the cook, and the other time, it was only one time
7 actually, that I actually gave injection to the patients in the
8 hospital.

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

11 A. I was working with the hospital until the fall of the Khmer
12 Rouge regime and then I came back to my village and I did the
13 farming.

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

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

17 [10.43.03]

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

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

22 Q. Could you describe the work conditions and the roles that you
23 had to perform when you were redeployed to Ou Baek K'am?

24 A. When they transferred me from the military division, then I
25 was attached to Unit 75 and I had to work in the rice field at

1 that time, and my main role was to make sure that there were no
2 rats coming to the rice fields. At that time the task was so
3 difficult for me and we did not have access to sufficient food to
4 eat. There were very small food rations indeed.

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

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

11 [10.45.11]

12 Q. When was it?

13 A. It was in 1977.

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

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

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

25 A. At the time there were only female workers; there was no

1 single male worker.

2 [10.46.57]

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

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

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

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

14 [10.48.30]

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

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

17 Q. Where is he now?

18 A. I did not know where he went after we left, so when there was
19 a meeting of the regiment head at that time, they told me that we
20 all were being suspected of something and then our superiors were
21 being arrested and taken to Tuol Sleng. So we had to try to work,
22 otherwise we would not be able to return home and meet our
23 reunion with our family.

24 Q. Thank you, madam. Now I would like to focus on the airport
25 field in Kampong Chhnang. So when you were sent to work in the

1 airfield in Kampong Chhnang, what was your role? What were you
2 supposed to do over there? And can you tell the Court about the
3 working conditions at the Kampong Chhnang Airport construction
4 site, what happened when you first arrived and then what happened
5 later on to your recollection?

6 A. When we were sent to Kampong Chhnang Airport field, we had to
7 build canals and then after that we were asked to carry earth and
8 carry cement and we had to learn how to sew some clothes as well,
9 so the working conditions were very, very tough at that time.

10 [10.51.27]

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

13 A. No. They did not take my biography, but I had to work there
14 for some time and then they started to ask for my biography.

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

16 A. That was to screen all of us, now for example they wanted to
17 know our family background whether our parents were former
18 soldiers or not. And if they found out certain things, they would
19 take us somewhere else which we did not know. But I did not at
20 that time tell them about my parents being soldiers.

21 [10.52.31]

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

24 A. They actually wanted to screen us to make sure that we are
25 from good elements. And then they started to elicit answers from

1 us.

2 Q. My question to you is whether or not that was only one time
3 when they took the biography from you, or whether they actually
4 took biography from you in a certain period of time or in
5 intervals?

6 A. To my knowledge, for my personal biography they conducted
7 surveillance on my biography when I was from the place where I
8 left and then they wanted to know about our family backgrounds.

9 Q. Now I would like to focus on the working conditions. You said
10 that when you first arrived they asked you to dig canals and
11 carry cement for the construction. So when you first arrived you
12 were asked to dig canals. What was the actual working conditions
13 then and what were you supposed to do specifically?

14 A. When we first arrived, we were asked to dig canals, so when we
15 arrived during the daytime, in the evening they sent us to dig
16 canals. But at that time we had to do it all together. We carried
17 earth and soil and dug canals all together.

18 [10.55.03]

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

21 A. When we had to dig canals, we had to do it from the morning
22 until late in the evening. We had to start work at 5.00 at dawn,
23 and then we came back at 9.00 in the evening.

24 Q. When you were digging the canals, were the work conditions for
25 you acceptable? Or was it very difficult? So what was the overall

1 working condition when you were digging the canals at that time?

2 A. When we were digging the canals, it was not easy. We had to
3 accomplish the target and we had to all work together even those
4 we got injured. When we were doing the job, we dared not stop. We
5 had to work, even though we could hardly hold a hoe anymore due
6 to the overwork, but we dare not stop, we had to continue
7 working.

8 [10.56.45]

9 Q. So when you were assigned to dig canals, how about the
10 accommodation? Did they provide houses, a shelter for you when
11 you were digging the canals?

12 A. In that place, of course, the working conditions were not like
13 today; it was very difficult. At that time we had access to water
14 but it was very dirty water and we did not have access to soap to
15 clean our hands or our bodies. And when we were sleeping, we did
16 not have a mat to sleep on and we did not have mosquito nets to
17 protect us from mosquito bites, so we had to sleep over there
18 without anything and then in the next morning we had to get up
19 early to go to work.

20 Q. In relation to hygiene, what was the overall hygiene
21 conditions surrounding the area you were working in and living?

22 A. At that time we did not actually care so much about this
23 hygiene issue because we did not have access to soap, we did not
24 have sufficient food to eat, and then when the food was prepared
25 it was left over there without any covering anything or

1 protecting it from flies and anything.

2 [10.58.33]

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

5 A. When I was living with the other female workers at that time,
6 we did not have any body hygiene. You know when -- we did not
7 actually have access to soap so our clothes smelled terribly at
8 that time.

9 Q. How about mosquitoes or other insects? Did you have problems
10 with mosquito bites or other insect disturbances at that time?

11 A. Of course we were troubled by mosquitos but we didn't have any
12 effective means to get rid of it. We used our piece of cloth and
13 sometimes we chased them away with our hands. There were no
14 mosquito nets.

15 [11.00.10]

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

19 A. I was sent to carry cement in Romeas (phonetic) and my entire
20 unit was sent. In fact it was my platoon and the working
21 conditions there -- that is, carrying cement, was extremely
22 difficult. The cement was very heavy and as a result I had a pain
23 in my chest. And some women didn't have a regular period due to
24 the heavy nature of carrying cement.

25 Q. How many bags of cement that you had to carry per day, if you

1 can recall the exact number of bags maybe you can recall the
2 number of trips you had to carry or from what time to what time?
3 A. We worked as the same working hours as we worked at digging
4 canals -- that is, starting from 5 o'clock in the morning. We had
5 a 15-minute break and then we stopped at 11, we started again at
6 1.00 and continued until 5.00. And there were many bags of cement
7 that we carried each day although I cannot recall the number of
8 bags. It could be between 20 to 30 bags.

9 [11.02.33]

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

14 A. There were about 30 of us who were sent to carry cement and it
15 lasted for quite some time as we had to empty train wagons and in
16 fact it took us a fortnight to empty each train trip carrying
17 those cement bags.

18 Q. When you first initially were assigned to carry cement and you
19 found it very difficult that you had to bend your back due to the
20 weight of cement, how many kilos did a bag of cement contain?

21 A. Each bag weighed 50 kilos, so that's not that light, and
22 imagine that we were women so our back was bent from the heavy
23 weight. But we had to try our best to work to carry it. Although
24 we had to crawl; although we had terrible back pain, we had to do
25 it, as we were afraid that if we did not do it we would be sent

1 to be killed.

2 [11.04.45]

3 Q. When you walked in that low posture, were you scolded by your
4 unit supervisor, for instance? Or were you asked or were you
5 allowed to rest first? What happened?

6 A. When I walked with my lower, bent posture, the group unit --
7 the group chief, actually, blamed me: Why I was so weak while
8 other women could carry cement rather fine? I told the chief that
9 it's because of the heavy weight of the bag.

10 Q. You said that it lasted two weeks when you worked carrying
11 cement. And what were you assigned to do next?

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

14 Q. Can you compare the nature of work of digging canals and
15 carrying cement? Which one was more intensive?

16 A. Digging canals and carrying cement were both intensive. They
17 were laborious, and it put a lot of strain on our physical body.
18 For instance, sometimes when we had to dig the ground, the ground
19 was hard and solid, and that was very difficult as well.

20 [11.07.15]

21 Q. I'd like to ask you about the location where you dug a canal.
22 How far was it from the airport worksite? Could you observe what
23 was happening at the airport worksite? If so, could you discuss
24 the activities that you saw at the airport worksite?

25 A. The canal that we dug was around the airport project worksite.

1 We were all digging canal, including our group and other
2 combatants or youth. We were part of the workforce working on the
3 airfield. For example, we were digging canals while others were
4 compressing the ground. There were many, many workers on site.

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

9 A. From my observation, all workers, including myself, regardless
10 of our gender, we were not that healthy or fat. We were rather
11 bony, and the only big thing that you could see was the head and
12 the two knees -- kneecaps. We had to work even if the food was
13 not enough, or even when we were sick. We had to try our best.

14 [11.09.55]

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

17 A. At the airfield worksite, I did not see any security office,
18 and I did not know about any existence of any security office
19 there.

20 Q. And when you travelled from the location that you dug a canal
21 to the location where you were assigned to carry cement, did you
22 happen to travel across an area where a security office was
23 there? Or where you were told that there was a security office?

24 A. While I was sent to carry cement in Romeas (phonetic), and
25 when we returned, one of the drivers told us that that was a

1 security centre there. And when we were approaching the airfield
2 worksite, near the Preah Theat (phonetic) pagoda, I looked to the
3 east direction and I saw a truck. And women were ordered by a
4 security guard to board that truck. The security guard was armed.
5 That's what I saw.

6 [11.12.02]

7 Q. I am unclear on the last statement you made. When you were
8 told by a driver that there was a security office, and later on
9 you saw the arrest of women who were forced to board a truck. Was
10 the second location different from the location of the security
11 office where you were told by the driver?

12 A. The security office that I was told was near Romeas (phonetic)
13 train station, but the second one was near the airport field, and
14 there I saw women who were instructed to board the truck by a
15 security armed guard.

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

18 A. Yes, he was carrying a weapon.

19 [11.13.26]

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

23 A. I saw the mothers and the children. Some women had their
24 children with them.

25 Q. Did you know anything about those women? Did they make any

1 mistakes? Or what type of people they were?

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

4 Q. I'd like to ask you now about another topic -- that is, on the
5 issue of meetings. Did you attend any meetings while you were
6 working there? And if so, what was the content of those meetings?

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

11 [11.15.35]

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

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

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

21 A. As I said, each of us was criticised, and we did not dare to
22 respond to the criticism. And we had just to keep on working
23 harder and harder, even if we were sick.

24 Q. Here, I am not asking about your case. I'd like to ask about
25 any other of your peers, or workers, who were criticised during

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

2 A. Even for other units' meetings, I did not know because I
3 didn't attend those meetings. I only knew about what happened
4 within my unit, as we were not allowed to mingle among members of
5 other units. So, even if some workers were taken away to be
6 killed, we could not know. We were not allowed to know.

7 [11.18.23]

8 Q. I'd like to ask you, in relation to some points you mentioned
9 in your document, in your Victim Information Form -- and Mr.
10 President, I'd like to refer to document with ERN 00587138 in
11 Khmer; and in English, 00587137 -- in French, rather -- and
12 001069308 in English.

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

17 A. What I mentioned in my application form is that I did not
18 witness the incident personally, but when I came to work at Ou
19 Baek K'am, I observed that sometimes there were two or three
20 trucks which were fully covered, and I was told that those trucks
21 were carrying prisoners. That's what I learned about the arrests.

22 [11.20.25]

23 Q. I think I am unclear on this issue. You said in your response
24 just now that you did not see those vehicles, but later on you
25 said you saw some vehicles in the form of a convoy?

1 MR. PRESIDENT:

2 Madam Civil Party, please observe the microphone.

3 MS. KONG SIEK:

4 A. As I responded to your last question, while I was along the
5 main road, and I saw a convoy of two or three trucks which were
6 fully covered, and I was in fear. And I was told that people were
7 being arrested and carried away in those trucks, in those covered
8 trucks.

9 BY MS. TY SRINNA:

10 Q. And in relation to the same document, the same ERN, you also
11 stated that you saw people being electrocuted for minor offences.
12 My question to you is the following: when did you witness that?

13 MS. KONG SIEK:

14 A. I saw people being electrocuted while I was working at the
15 airport worksite. We were queueing up to have our lunch, and a
16 worker signalled me that they were electrocuting people under a
17 mango tree. And when I looked in that direction, I saw two
18 workers being electrocuted.

19 [11.22.36]

20 Q. And did you learn of the reasons for them being electrocuted?

21 A. No, I did not know about any reason. They were combatants, and
22 they were from a different unit. And that's what I saw while I
23 was queueing for my meal.

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

25 A. While I was working under the supervision of Division 450, Ron

1 (phonetic) was a cook there. Later on, Ron (phonetic) was
2 arrested and imprisoned at Tuol Sleng prison. At that time, I was
3 not aware of the arrest. Later on, Met (phonetic) took me to Tuol
4 Sleng prison, and I was told that that was a photo of Ron
5 (phonetic), who was in the same unit, and who was arrested and
6 sent to Tuol Sleng.

7 [11.24.00]

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

10 A. Ron (phonetic) was in Division 450 under the Khmer Rouge
11 regime. Ron (phonetic) was a cook, and Ron (phonetic) was a
12 soldier, in fact. I was a civilian working in a rice field, and
13 Ron (phonetic) disappeared. And only later on, when I came to
14 this Tribunal, Met (phonetic) told me about Ron's (phonetic)
15 photo at Tuol Sleng, and that Ron (phonetic) was arrested and
16 detained at Tuol Sleng prison.

17 Q. I'd like now to return once again to the airport worksite.
18 Were you allowed to speak to your peer workers? Were you allowed
19 to walk to meet other workers in other units?

20 A. At that time, we could only speak to our peer workers within
21 our unit, but we did not dare to speak to other workers in
22 another unit. Even if one was related by blood, as a brother or
23 sister, they did not dare to speak to one another if they were in
24 different units.

25 [11.25.55]

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

3 A. That was the regulation. We were not allowed to move freely.
4 We were not allowed to communicate with others, and if we
5 violated the regulation, we would be under or subject to
6 disciplinary action, be arrested and imprisoned. We only stick to
7 our routine, to have a bath, to eat, to sleep, and to work.

8 Q. I'd like now to ask about your family members. Were you
9 allowed to visit your parents? Were you living with your parents?

10 A. Since 1975, when I joined the army, until 1976 or 1977, I was
11 not allowed to go and visit my parents. They instructed me to
12 keep on working. I wept because I missed my parents. And only
13 after the collapse of the Khmer Rouge regime -- and that when the
14 Vietnamese troops arrived and I fled onto the mountain, I met my
15 parents.

16 [11.27.56]

17 MS. TY SRINNA:

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

20 MR. PRESIDENT:

21 Thank you. The floor is now given to the Lead Co-Lawyer for civil
22 parties. You may proceed, Counsel.

23 QUESTIONING BY MR. BOYLE:

24 Thank you, Mr. President. Good morning to Your Honours. Good
25 morning, Counsel. Good morning to you, Ms. Kong Siek. I just have

1 a few questions building on what my colleague has touched upon
2 this morning with you.

3 Q. I would like to go back to when you first joined Division 450.
4 You said that that was in 1975. Can you tell us an approximate
5 date in 1975 that you joined Division 450?

6 MS. KONG SIEK:

7 A. I cannot tell you that, as I cannot recall the date. I only
8 know that it happened in 1975.

9 [11.29.30]

10 Q. Did you begin working at Ruessei Keo hospital shortly after
11 the fall of Phnom Penh to the Khmer Rouge?

12 A. I worked at the Ruessei Keo hospital -- that is, after the
13 Khmer Rouge troops occupied Phnom Penh. And that hospital belongs
14 to Division 450.

15 Q. And was the brother Suong, who you mentioned earlier, the head
16 of Division 450 at the time that you were working at Ruessei Keo
17 hospital?

18 A. Suong, that I mentioned, did not go to Ruessei Keo hospital.
19 However, Suong was overall in charge. And there was a supervisor
20 on site at the hospital.

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

22 A. The hospital supervisor was Khom (phonetic), a female. And
23 another one was Wan (phonetic), a man. And there was another
24 person, Wut (phonetic). These three were in charge of the
25 hospital.

1 [11.31.25]

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

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

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

9 A. No, I never attended that division meeting.

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

12 A. Yes, I attended the regiment meeting, and during that meeting,
13 they told me to work harder, because other superiors were taken.
14 I mean, those who were the leaders in the division had been
15 arrested. That's why we in the regiment, we tried to work hard in
16 order to avoid being arrested. Because they said that if the
17 superiors were arrested, then the followers were also alleged to
18 be involved with the leaders. So, in order to avoid being
19 arrested, we had to work harder.

20 [11.33.45]

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

22 A. As for the precise date, I do not recall. But it was during
23 the time when I was attached to Ou Baek K'am, so at that time, it
24 was sometime in 1977.

25 Q. And was it -- was one of the leadership that they said was

1 arrested, Brother Suong?

2 A. As for the leaders, I mean not Brother Suong arrested. But at
3 that time, the people from the Southwest Zone, they carried out
4 the arrests. But my regiment had told me that.

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

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

13 [11.36.25]

14 A. As for his arrest and imprisonment, I had no knowledge of. I
15 only knew about Brother Suong from my regiment head when I was
16 working at Ou Baek K'am.

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

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

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

25 A. Yes, it was a form of punishment. They subjected us to harder

1 working conditions. We had to work in the rice paddy from the
2 early morning until late in the evening, and they did not give us
3 sufficient food to eat. And then we had to work at night, and we
4 had to sleep along the dike of the rice paddy, in order to, you
5 know, prevent the rats from destroying the crops.

6 [11.38.48]

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

16 A. They sent me to Ou Baek K'am because I had some relations with
17 Division 450, so it was a form of punishment. I had to refashion
18 myself in that place, and then I was moved to the airport. It was
19 the same form of punishment.

20 [11.40.31]

21 Q. Madam Civil Party, I just have a few more questions for you.
22 You state again in your supplemental application, D22/2509A, that
23 you worked at the airport "for about half a year, before I was
24 sent back to Ou Baek K'am". Is that correct that you worked at
25 the airport for about six months?

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

4 Q. And the work that you described earlier, that you did at the
5 airport, did you choose to do that work? Or were you told what
6 work you would do?

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

9 Q. Can you estimate how many people you saw working at the
10 airport worksite?

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

15 [11.42.45]

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

19 A. No, they were not only confined to Division 450. There were
20 many other combatants from other divisions, and I did not know
21 where they were all coming from at that time. But there were
22 crowds of people working at the site.

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

25 [11.43.42]

1 MR. PRESIDENT:

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

4 Court officer is instructed to facilitate the civil party during
5 the break, and have her back in this courtroom, together with her
6 accompanying attendant from TPO to this courtroom.

7 And as for security guard, you are now instructed to bring Mr.
8 Khieu Samphan to the holding cell downstairs, and have him back
9 to this courtroom before 1.30 this afternoon.

10 The Court is now adjourned.

11 (Court recesses from 1144H to 1332H)

12 MR. PRESIDENT:

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

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

17 Judge Fenz, you may proceed now.

18 QUESTIONING BY JUDGE FENZ:

19 Thank you, President. I have a few short follow-up short
20 questions for you.

21 Q. You mentioned you saw two workers being electrocuted. Can you
22 tell us what exactly did you see? You want me to repeat the
23 question?

24 [13.35.10]

25 MR. PRESIDENT:

1 Could you please Judge, put the question again to the civil
2 party.

3 BY JUDGE FENZ:

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

7 MS. KONG SIEK:

8 A. Yes, Your Honour.

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

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

12 [13.36.38]

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

15 A. At that time as I told the Court, on the way back from
16 worksite, when I got back to the office, my co-workers and I went
17 to the dining hall and on the way we went to the dining hall, we
18 saw two workers who were electrocuted under the mango tree and
19 one of my co-workers who was on the way with me told me that,
20 look there were two people who were being electrocuted under the
21 mango tree.

22 Q. Can you explain how they were electrocuted?

23 A. As for the tools they used to electrocute the workers, I did
24 not know but one of my co-workers just told me that, look there
25 were people over there who were being electrocuted. I only saw

1 from a distance; I did not recognise the tools they used and I
2 did not actually know what happened. When I saw that, I actually
3 walked past that scene already.

4 [13.38.17]

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

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

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

13 A. At that time I was walking along the way with my co-workers,
14 but when they were electrocuted those two people, there was one
15 mango tree, actually the mango tree trunk that was blocking the
16 scene.

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

18 A. As I informed Your Honour, that's what I saw, I only saw two
19 people were under the mango tree and then my friend told me that
20 those two people were electrocuted a bit earlier on and that was
21 it and I walked past already at that time.

22 [13.40.08]

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

25 A. No. At that time, they were -- one of them was sitting on the

1 ground and the other one was standing on his feet.

2 Q. And who was allegedly electrocuting them?

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

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

7 A. When I was walking there, nobody actually screamed for help or
8 anything, I only saw them standing and sitting there still.

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

12 A. At that time I was walking along the way with other co-workers
13 and then they simply attracted my attention to look at people
14 under the mango tree. I did not see them being electrocuted but I
15 was told by my co-workers that they had just been electrocuted.

16 [13.42.25]

17 Q. Last question. As far as you could tell from the 10 metres,
18 were these people alive or dead when you looked at them, if you
19 can tell?

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

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

25 A. Well, I was assigned to carry cement and one pack of cement

1 weighs around 50 kilogramme.

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

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

7 [13.44.12]

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

9 A. Now I weigh 60 kilogrammes.

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

12 A. At the time, much, much less, much less than this, at the time
13 I was very thin and skinny due to the insufficient food ration;
14 unlike now, I have put more weight, and at the time I could not
15 imagine I could cope with the work and harsh condition but I had
16 to do it.

17 Q. Can you remind us how many hours a day you were wearing bags
18 which weighed either more than or basically what you yourself
19 were weighing, how many hours a day were you carrying those bags?

20 A. For our unit, at that time they did not allow us to carry one
21 bag of cement with two people, one person had to carry one bag
22 and when it was too heavy and I could hardly carry that, I was
23 walking with difficulty actually carrying the cement and then
24 when I was too slow than others in the group, they warned me why
25 I was so slow in carrying that but I had to try at that time, I

1 had no choice, but I had to keep going.

2 [13.46.11]

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

5 A. As I told Your Honours, they transported the cement by train
6 wagon and then they made us carry the cement from early in the
7 morning until 12 noon, and then in the afternoon, we had to carry
8 until 5.00 in the evening.

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

12 A. In the regiment meeting, as I told the Court this morning,
13 they took me out of the division and then they attached me to the
14 bodyguard unit, Unit 75, and then they told me at that time that
15 I had to work harder. And as I told the Court, I had to get up
16 early in the morning, as early as 7.00 -- as early as 3.00 a.m.
17 in the morning. Actually 3.00 .am. sharp, they would blow the
18 whistle in order to wake us up in order to send us to the rice
19 field and then we would take a break at 11.,00 a.m. in the
20 morning, and then at 1.00 p.m. we had to go back to the field and
21 we come back at 5.00 p.m., and at 5.00 p.m. we had to go to the
22 fields again in order to prevent the rats from destroying the
23 crops there. And my regiment had told us that your previous
24 superior had betrayed Angkar, then you had to work harder in
25 order to avoid being executed, even though you had to work until

1 your blood come out of your body you would never have a chance to
2 go back and see your parents if you did not work extremely hard
3 here.

4 [13.48.58]

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

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

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

12 MR. PRESIDENT:

13 Civil Party, please hold on.

14 MS. KONG SIEK:

15 A. No, I did not listen to the recording. Actually it was a
16 meeting, we were sitting in the row and then the leaders came to
17 brief us and they told us what I have just told the Court
18 earlier.

19 [13.50.10]

20 BY JUDGE FENZ:

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

23 MS. KONG SIEK:

24 A. When I joined the army in 1975, at that time I thought to
25 myself that my parents were in the cooperative and they lived in

1 a very, very poor condition. They had a very difficult life so
2 during the liberation in 1975, my younger brother came to visit
3 our family in the village and then he told me about the
4 difficulties our family members had to endure: we did not have
5 food, enough food to eat, my parents were living in a very
6 difficult situation and they had to go to the rice field in the
7 morning and they came back very late in the evening. They were
8 all skinny and they only had their skin covering their bone.
9 Then, I thought to myself if I live in the cooperative I would
10 not survive probably, so I followed my brother and I joined the
11 army in Division 450.

12 [13.51.40]

13 Q. And just so that we have it all in the same place and I want
14 to be very precise on this now, can you tell us after you joined,
15 where were you in the army until 1979 and what positions did you
16 have? No details; just line it up. You started in 1975 as what?

17 A. When I joined in Division 450, I was attached to the hospital
18 attached to that Division 450. And - then, at that time, the
19 leaders were arrested; I did not know where they had been taken
20 to. I do not recall the exact year. At that time, the division
21 head, as well as the director of the hospital, disappeared
22 mysteriously; I did not know where they had gone, and then the
23 patients also disappeared. So, in the small unit in which I was
24 attached to, was sent to Boeng Prayab and we had to do the
25 farming over there. When we were doing the farming, I was told

60

1 that for my unit I had to be transferred to the bodyguard unit in
2 Ou Baek K'am and that was the Unit 75. And at that time, they
3 punished us by not giving us enough food ration to eat every day
4 and we were subject to harsh labour condition over there. And
5 then in 1977, they sent me to Kampong Chhnang province and we
6 stayed there for six months in Kampong Chhnang and then they sent
7 us back to Ou Baek K'am, and when we were with Ou Baek K'am unit
8 for about two months, they sent us to Kampong Tralach Leu in
9 Kampong Chhnang province. And at that time, my role was to
10 transport ammunition, I had to carry ammunition from the
11 warehouse to the cart, and then for -- I worked there for several
12 days, to my recollection, and then I saw the Vietnamese troops
13 and then I also saw the tanks and the exchange of fires. At that
14 time, I was terrified; I did not join with those units. I fled to
15 the jungle from that time onwards.

16 [13.54.53]

17 JUDGE FENZ:

18 Thank you. That concludes my line of questions.

19 MR. PRESIDENT:

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

21 QUESTIONING BY JUDGE LAVERGNE:

22 Q. Yes, I only have one simple question for clarification with
23 regard to this point. So, did you get married during the
24 Democratic Kampuchea period or afterwards? And did your husband
25 have any kind of position in the army?

1 MS. KONG SIEK:

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

4 JUDGE LAVERGNE:

5 Thank you. I have no further questions.

6 [13.55.57]

7 MR. PRESIDENT:

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

11 QUESTIONING BY MR. KOPPE:

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

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

15 MS. KONG SIEK:

16 A. I do not recall the exact date but I remember that it was in
17 1952 that was the year I was born, but as for the date, I am not
18 sure.

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

22 A. My brother's name is Khom and his full name is Mom (phonetic)
23 Khom.

24 [13.57.33]

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

1 A. It was in 1973 under the force of the village chief at that
2 time that he joined this military until the fall of the regime.

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

5 A. As for the motivation to join the soldiers to fight against
6 Lon Nol, I did not know. But at that time, the village chief
7 forced him to join the army and that was reason.

8 Q. Was he your only brother who had joined the revolutionary
9 forces?

10 A. Yes, he was the only brother I have.

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

13 A. When I was working in the military hospital, my brother was
14 tasked to produce some pots, cooking pots, but then later on when
15 their leaders were arrested and then my brother and I separated,
16 we did not know where we were at that time, and we separated ever
17 since.

18 [13.59.51]

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

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

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

22 A. No. He actually did not stay in the military until 1979, but I
23 did not know where he had gone or where he had been appointed
24 because we separated in 1976 or so and then he went somewhere
25 else and I went on my own and I never met him again.

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

3 A. When he stopped being a soldier in the army -- that is, after
4 I returned to the village and I saw him living in the commune
5 there and I did not know as when he quitted because I returned to
6 the village - that is, after 1979, and I saw him there.

7 [14.01.37]

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

10 A. I did not really know as to when he did that because we
11 separated from one another quite a long time ago.

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

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

15 Q. Did you start working almost immediately after you had joined
16 the revolutionary army?

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

22 Q. Were you a member of Battalion 453?

23 A. Please repeat your question.

24 [14.04.00]

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

1 A. At that time I was subordinate to Division 450. However, my
2 female unit was in Battalion 53.

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

5 A. No, that name does not ring a bell to me. In my Unit 53, my
6 superiors were Khy (phonetic) and Kheun; and the person you
7 mentioned does not ring a bell.

8 Q. Do the names Nam (phonetic) and Seng (phonetic) mean anything
9 to you, were they members of 53, Battalion 53, Nam (phonetic) and
10 Seng (phonetic)?

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

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

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

17 [14.06.22]

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

21 A. While I was working at the hospital, the living condition was
22 similar to both the patients and the medical staff. The food
23 ration was that we sometimes had cooked rice and sometimes we had
24 two ladles of gruel and sometimes we actually stole rice belonged
25 - or rations for the patients so that we could have a little bit

1 more to eat. In the morning the patients were given cooked rice
2 and they would have another meal in the evening. The patients who
3 were admitted to the hospital were not combatants from the front
4 battlefield but they were those who were assigned to work in the
5 rice fields and usually they contracted fever and due to
6 starvation and lack of food, they became sick and admitted to
7 that hospital.

8 [14.08.07]

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

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

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

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

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

21 A. I did not actually know the reason at that time. I was
22 transferred -- that is, my female battalion unit was trucked out
23 to the location. And, as I stated in the morning, we only
24 realised in the morning once we arrived, we were told that senior
25 commanders of our division were accused of being traitors so they

1 had been arrested and they said that it is synonymous to a slogan
2 that when a big tree fell, the small trees would be crushed and
3 when our senior commanders were arrested, we would be under their
4 supervision and their monitoring.

5 [14.10.38]

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

7 A. When I left the division I was not informed of the reason, we
8 were only told that we were being reassigned but no proper reason
9 was given and only upon our arrival were we informed of the
10 reason. The chief of the unit informed us about that, that our
11 senior divisional commanders had been arrested. And as I just
12 told you, when the big tree fell, it crashed the small trees. And
13 we were sent there to be monitored or to be screened out. We were
14 not given enough food and we were forced to work hard and we
15 could not have sufficient time to sleep as we had to wake up by a
16 whistle blow at 3 o'clock in the morning and by 4.00, we had to
17 be in the rice field in Ou Baek K'am to do rice transplantation
18 or to carry the rice seedlings. There were no ox carts to
19 transport rice seedlings and we had to carry them on our head.

20 [14.12.30]

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

23 A. Previously, as I indicated, Division 450 was based at
24 Kilometre Number 6 near Chraing Chamres; that was the headquarter
25 of the division and some soldiers were deployed to Boeng Prayab

1 area but there was no headquarter in Ou Baek K'am and only our
2 female unit was sent to be integrated into Unit 75 under the
3 supervision of the general staff.

4 Q. Is it correct when I say that Division 450 consisted of about
5 5500 or 6000 soldiers, do you know --is that correct?

6 A. I do not know the figure or number of soldiers in the
7 division. I only know there were many soldiers within a division.
8 I was merely a combatant so I did not have the knowledge as to
9 the number of soldiers in that particular division.

10 [14.14.24]

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

15 A. As for the sleeping quarters of various units within the
16 division, I have no knowledge about that as we were under
17 separate units although we were subordinate to Division 450. I
18 simply knew about the women living in my unit but I cannot tell
19 you about the living condition or the sleeping quarters of other
20 soldiers in other units.

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

25 A. When I came to stay with Unit 75 at Ou Baek K'am, we actually

1 slept in the abandoned houses of those former Phnom Penh city
2 dwellers as those houses were empty and there were all kinds of
3 housing facilities there: small houses, big houses; however,
4 there were only empty houses, there were no sleeping mats, no
5 mosquito nets.

6 [14.16.40]

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

9 A. Yes. My unit from Division 450 -- and when we arrived to join
10 Unit 75 -- and I apologise, Counsel, please repeat your question,
11 I am lost it.

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

15 A. We -- our unit came from Unit 450 to stay in Unit 75 and the
16 -- we were under the supervision of our supervisors who were also
17 from the Southwest zone and we all were living together.

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

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

22 [14.18.50]

23 Q. Which year?

24 A. I do not remember the year. I do not know whether it was
25 during 1975 or '76. I only know that I worked for one season in

1 -- for one rainy season in the rice field and that we already
2 harvested rice by the end of our stay.

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

8 A. I was transferred from Ou Baek K'am to work at the airfield in
9 1977, but I cannot recall the exact month. However, it was during
10 the month of the dry season.

11 [14.20.33]

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

15 A. As I have just said, I recall clearly it was in 1977 during a
16 dry season and now from my recollection, in terms of the current
17 practice the dry season means April.

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

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

22 Q. Do you remember who his deputy was, the number two of Division
23 450?

24 A. I only knew Suong who was the commander of Division 450 and I
25 did not know his deputies. I knew him because I met him in his

1 office when I arrived and I knew his mother-in-law and his
2 elder-in-laws, that's why I knew him rather well. As for his
3 deputies, I have no knowledge.

4 [14.22.53]

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

7 A. I heard that he was arrested but I did not know when, and in
8 fact while I was with Division 450, I did not know that he had
9 been arrested. Only after I was integrated into Unit 75, then I
10 heard he had been arrested.

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

13 A. I heard about his arrest after I arrived and stayed at Ou Baek
14 K'am and there was a meeting and the chief -- my chief of the
15 unit informed us of his arrest.

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

17 A. They did not say anything about the reason, we were only that
18 senior commanders in our division had been arrested and that was
19 all.

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

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

23 [14.25.20]

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

1 A. No. I was not aware of this relationship or communication.

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

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

7 Q. Have you heard about stories about weapons from Division 450
8 being stored in order to use these weapons for an armed
9 rebellion?

10 A. No, I did not know anything about that. I did not dare want to
11 hear anything or story about another unit. We had to be mindful
12 of what we say or what we ask for and I adhered to a principle of
13 planting a kapok tree so I just kept my mouth shut.

14 [14.27.26]

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

17 A. No. I was not aware of any contact, and as I said, I only knew
18 Suong and I did not know any Thuon or Koy Thuon. I was simply a
19 combatant and we were not allowed to know anything of a
20 confidential nature with our superior commanders.

21 Q. This morning you gave testimony saying that you did not know
22 the reasons why you were sent together with your comrades to
23 Kampong Chhnang airfield. Did I understand that correctly that
24 you have no idea why you were being instructed to go to Kampong
25 Chhnang airfield?

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

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

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

9 [14.29.45]

10 Q. Is it correct, Madam Witness, that when you arrived at Kampong
11 Chhnang airfield, there were about 1500 plus soldiers of Division
12 450 working? Let's say more than a thousand of Division 450; did
13 you know that?

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

17 Q. Mr. President, I have a document in front of me -- that is,
18 E3/849, with a passage which is indeed detailed in French
19 relating to Division 450 indicating that in March '77 there were
20 1526 soldiers and six guests from Division 450 working in Kampong
21 Chhnang, so that's where I am getting my questions from.
22 Madam Civil Party, if I'm saying that in March '77 about 1500
23 Division 450 members were working in Kampong Chhnang airfield,
24 does that somehow jog your memory?

25 A. No. I do not know about the number from the division as

1 combatants were attached to various units so I had no idea about
2 the total combatants working there, I only knew about the number
3 of females in my unit or battalion. Even for us female
4 combatants, we were prohibited from making contacts with male
5 combatants.

6 [14.32.27]

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

10 A. When I got there in 1977, of course I saw many people, many
11 combatants working over there all across the big airfield and I
12 did not know who was who, I only knew people who were digging the
13 canals with me. I saw the trucks, I saw the stone breaking
14 machine and other construction equipment and I believe that there
15 were up to several thousands of workers and combatants working on
16 the airfield.

17 Q. Were you able to find out how long these combatants had
18 already been working at Kampong Chhnang airfield, how long had
19 these thousands of soldiers already worked when you arrived, do
20 you know?

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

23 [14.34.25]

24 Q. When you started working at Kampong Chhnang airfield, you said
25 that you had to carry cement at one point. Did I also understand

1 that it was a period of two weeks that you and your female
2 comrades had to carry cement from train wagons?

3 A. As I told the Court several times, I was tasked to dig canals
4 and then once the transport of the cement arrived at the site, we
5 were mobilised to help carry the cement.

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

8 A. At that time, there were no -- anyone, any combatants from
9 other divisions or other unit coming to help actually; they only
10 made the unit with which I attached together with all the members
11 in my unit the female member, we were made to carry those cement
12 bags.

13 [14.36.18]

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

16 A. Because other co-workers told me that it weighed 50
17 kilogrammes per sack. I never carried the cement before but I was
18 only told that it weighed 50 kilogrammes each.

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

23 A. In my small unit, there was a woman by the name of Voeun
24 (phonetic), I call Voeun (phonetic) who was the commander in my
25 small unit.

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

3 A. She was the commander of the small unit and as for the
4 regiment, the commander was Voeun (phonetic), and the other one
5 -- and they took us by two trucks to Kampong Chhnang Airport
6 construction site and then Bong Voeun (phonetic) was the
7 commander at that time.

8 [14.38.37]

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

13 A. When they sent me to Kampong Chhnang Airport construction
14 site, Voeun (phonetic) was assigned to be the commander over
15 there so there was no change of commander at that time, she
16 remained the commander of our unit from Ou Baek K'am to the
17 Kampong Chhnang Airport field.

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

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

23 [14.40.25]

24 Q. It may be an unclear question. The way your commander gave
25 instructions to the unit, Voeun (phonetic), was that the same --

1 did she do it at the same manner before you were working in the
2 military and you were sent to Kampong Chhnang as after, in other
3 words, was there any change in the way she commanded the unit
4 once you had arrived at Kampong Chhnang airfield?

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

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

10 A. When she got to Kampong Chhnang, it was exactly the same as
11 when she was commanding at Ou Baek K'am. We had to work, for
12 example, from 5.00 a.m. in the morning -- and actually in Ou Baek
13 K'am, we had to start working from 3.00 a.m. in the morning, but
14 over there at Kampong Chhnang Airport airfield we had to work
15 from 5.00 until 11.00 a.m. and then we broke for lunch and then
16 we started work from 1.00 until almost 9.00 in the evening. So in
17 terms of the nature of work, it was different but her command was
18 the same basically. We had to work until 9.00 in the evening at
19 the airport because that was to avoid the heat. So, at that time,
20 sister Voeun (phonetic) was the commander of our small unit at
21 that time. She was quite determined in getting her job done and
22 she also convened some self-criticism session as well in order to
23 avoid those who had to pretend to be lazy.

24 [14.43.10]

25 Q. Did she ever tell you or your comrades in the unit while you

77

1 were at Kampong Chhnang airfield that she was punishing you, that
2 she was refashioning you, that she was tempering you; did she
3 ever use any of those words in relation to you or the comrades,
4 the female comrades in your unit?

5 A. At that site, as I told the Court earlier, those who did not
6 commit to the work -- she did not criticise us at the worksite
7 but in the evening we would meet together and then she would
8 criticise. For example if somebody did not commit to the work
9 that has been imposed then he or she had to try to accomplish it
10 the next time and that was the general criticism she made.

11 MR. PRESIDENT:

12 Thank you, Counsel; and thank you, civil party. Now it is
13 appropriate for the afternoon break for 15 minutes. We will
14 resume at 3.00 p.m. this afternoon.

15 And Court officer, please facilitate the civil party so that she
16 can rest during the break and then have her back in this
17 courtroom before 3.00 p.m.

18 The Court is now in recess.

19 (Court recesses from 1445H to 1501H)

20 MR. PRESIDENT:

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

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

1 [15.02.50]

2 BY MR. KOPPE:

3 Thank you, Mr. President.

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

21 MS. KONG SIEK:

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

24 [15.05.45]

25 Q. But do you recall --

1 MR. PRESIDENT:

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

4 JUDGE LAVERGNE:

5 Maybe to have a precise idea about what this meeting consisted
6 of, maybe you could tell us what the agenda was of this meeting.
7 What were the points, points 1 to 5?

8 [15.06.15]

9 BY MR. KOPPE:

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

20 MS. KONG SIEK:

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

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

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

7 MR. PRESIDENT:

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

10 [15.09.05]

11 JUDGE LAVERGNE:

12 Maybe it would be good to ask the prosecutor, or maybe yourself,
13 what allows you to assert that these confessions were not
14 obtained under torture?

15 MR. KOPPE:

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

22 JUDGE LAVERGNE:

23 Could you ask your Khmer colleague if this mention is also on the
24 Khmer copy of this document? Apparently, the Khmer version does
25 not include that -- does not state that this confession was made

1 before torture.

2 [15.10.20]

3 MR. KOPPE:

4 Well, that's exactly what I was about to say. There seems to be

5 only an English summary, which is about 30 or 40 pages,

6 presumably made by Steve Heder, but we don't know for sure. But

7 there is no Khmer version. There is obviously, but it's something

8 that we cannot read, and there's no French version either. So I'm

9 only citing the first sentence --

10 JUDGE LAVERGNE:

11 Well, in that case, Counsel Koppe, maybe you should not use this

12 document since we do not know exactly under which conditions

13 these confessions were obtained, given that these are confessions

14 that did come from S-21.

15 [15.11.14]

16 MR. KOPPE:

17 I would like to read it, this passage, but if you say I cannot,

18 then -- then I --

19 JUDGE LAVERGNE:

20 Counsel Koppe, Counsel Koppe, I think you can use this document

21 if you want to refer to the annotations, but I don't think you

22 can read the content. It's not appropriate to read the content

23 until we know exactly under what conditions this confession was

24 obtained.

25 MR. KOPPE:

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

7 Is that your ruling?

8 [15.12.32]

9 JUDGE LAVERGNE:

10 Yes, I think you understood perfectly well.

11 MR. KOPPE:

12 Then I have finished my questions.

13 MS. GUISSÉ:

14 Mr. President, for your information, we do not have any questions
15 for this civil party.

16 MR. PRESIDENT:

17 Thank you.

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

1 period, and their consequences to date if you have any. You may
2 proceed.

3 [15.14.15]

4 MS. KONG SIEK:

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

17 [15.15.18]

18 So where was the liberty? Where was the freedom for all of us?
19 Where was the wellbeing of the people? We were subjected to
20 enslavement during that period. That's why I would like to ask
21 this Court to seek justice for me. And it was very painful for
22 us. My family did not have access to sufficient food. Actually,
23 during this regime, they enslaved the people at that time. My
24 father did not have the underwear, and he asked for a pant from
25 them, and then they said that well, they did not have the pant

1 for him. Whatever happened to him, it happened. He could -- he
2 would go naked without a pant covering. It was also -- they did
3 not care about that. So that was the situation, and when I came
4 to the Front in 1975, as I told the Court earlier, when I joined
5 with my brother, I stayed in the hospital, and then they sent me
6 back and forth to Ou Baek K'am. I was subjected to hard labour
7 over there. They made me to work in the rice field. They did not
8 give me enough food. They had to -- they made me sleep along the
9 rice field, and I was suffering from malnutrition. And I ate a
10 lot of other, you know, things instead of rice, whatever I could
11 find to eat. And I was very lonely at that time.

12 [15.17.14]

13 So where was the freedom? Where was the liberty that they told us
14 when they evacuated us? That's why I count on this Court to find
15 justice for me. When I was sent to Kampong Chhnang, I was made to
16 carry earth and to dig the canals even if my hands could hardly
17 hold the hoe anymore, but I was forced to continue working. I had
18 to work because I fear for my life. If I did not do as what they
19 order us to do, I would not have survived. So I had to carry, for
20 example, they made me carry the cement. I could not carry that
21 cement because it was too heavy and my physical strength was not
22 strong enough to carry it, but they had to make me do it, that's
23 why it affects my body. I had suffered, and now I am still
24 suffering from that overwork. I am on regular medication, that's
25 why I can live until today. So I would -- the questions that I

1 would like to ask to them: Where was the liberty they promised
2 us? Where was the liberty? So I hope that this Court will find
3 justice for us.

4 [15.18.37]

5 MR. PRESIDENT:

6 Do you have any specific question you intend to put to the
7 Co-Accused, Mr. Nuon Chea and Mr. Khieu Samphan? If you do, you
8 can be brief and specific on that question, and you can ask that
9 question through us, through the Judges and me, the President of
10 the Bench.

11 MS. KONG SIEK:

12 My questions that I would like to put to them through Mr.
13 President, that I have suffered painfully though this regime. I
14 would like justice to be done so that I can feel relieved after
15 this.

16 MR. PRESIDENT:

17 Thank you. The hearing of the testimony of civil party Kong Siek
18 is coming to a conclusion now, and then we will continue TCW-943
19 in the next proceedings.

20 Madam Kong Siek, the Chamber wishes to thank you for coming to
21 testify on the suffering and injury you endured during the
22 Democratic Kampuchea. Now your testimony is coming to an end, so
23 you may now go back to your home, or to anywhere you wish to go.
24 And on behalf of the Bench, I wish you all the best of luck and
25 good health and safe journey back home. And we also like to thank

1 the TPO staff for accompanying this civil party during her
2 testimony. Now it is coming to an end of this testimony, so you
3 may go back now, and Court officer is instructed to help the
4 civil party to return to her home. And the Chamber calls TCW-943
5 to come to the courtroom now.

6 (2-TCW-943 enters courtroom)

7 [15.22.58]

8 QUESTIONING BY THE PRESIDENT:

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

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

12 MR. SEM HOEURN:

13 A. My name is Sem Hoeurn. I live in Kampong Thom province, Baray
14 district, in Bak Sna commune.

15 Q. Thank you. Besides your name, Hoeurn, do you have any alias?

16 A. During the Pol Pot era, my name was Sem Hoeurn.

17 Q. Do you have any alias?

18 A. None.

19 [15.24.11]

20 Q. How about Kim, Kim?

21 A. Sem Kim.

22 Q. That is why I asked you. Before, your name was Kim, was that
23 correct? And now your name -- your full name is Hoeurn, Sem
24 Hoeurn?

25 A. Yes, that is correct.

1 Q. When were you born?

2 A. I do not remember it.

3 Q. How old are you this year?

4 A. I am 63.

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

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

7 [15.25.28]

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

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

11 Q. How about your wife? What is her name, and how many children
12 have you got?

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

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

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

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

21 A. Yes, I have.

22 [15.26.56]

23 Q. Thank you. Mr. Sem Hoern, now I wish to advise you of your
24 rights and duty before the proceeding. Mr. Sem Hoern, as a civil
25 -- as the witness before this Chamber, you may reject to respond

1 to any question or comment which may incriminate you. That is the
2 right against self-incrimination. And as for the duty of you as a
3 civil party, you shall respond to the question put by the parties
4 as well as the Chamber, unless the question or any comment
5 elicited which may amount to your self-incrimination, which I
6 have just advised you. So as a witness, you have to answer and
7 tell the truth and nothing but the truth. So you have to tell the
8 Court what you have heard, what you have seen and what you have
9 experienced by yourself.

10 Mr. Sem Hoeurn, have you ever testified or provided any testimony
11 to the investigator of the Office of Investigating Judges before,
12 and if you have, how many times have you conducted this interview
13 with them, and where were the interview taken place?

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

18 [15.28.52]

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

23 A. I have already read all of them, but I have recollected some
24 of them only.

25 Q. To the best of your knowledge and recollection, the records of

1 interviews that you have just read or reviewed, are they
2 consistent or -- with what you gave to the investigator during
3 the interviews?

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

5 MR. PRESIDENT:

6 In the examination of this witness in question, in pursuant to
7 Rule 91bis of the Internal Rules, the Chamber wishes to give the
8 floor to the prosecutor to -- and the Lead Co-Lawyer for the
9 civil party to proceed. You have three sessions to put the
10 question to this witness, you may proceed now.

11 [15.30.43]

12 QUESTIONING BY MR. KOUMJIAN:

13 Thank you, Mr. President.

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

17 MR. SEM HOEURN:

18 A. Please repeat your question.

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

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

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

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

25 Q. Did you ever have the opportunity to be a monk? Have you ever

1 been a monk?

2 A. No, because by that time, the monks were forced to disrobe.

3 [15.32.20]

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

6 A. Monks were forced to disrobe in 1971. They were forced to ride
7 bicycles, to engage in labour. And that was the beginning of the
8 period when monks were forced to do that.

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

10 A. The monks were disrobed -- were forced to disrobe by Pol Pot
11 and the Khmer Rouge.

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

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

16 Q. You indicated you read statements that you previously made.

17 What I have is two statements you made to the Court, that are
18 rather short, to investigators from the ECCC Court, and a longer
19 interview that you made with someone called Sochea from DC-Cam,
20 from Phan Sochea. Did you read over all three of these?

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

23 [15.34.450]

24 Q. I did not get any interpretation, but it could be my -- I
25 don't know if anyone else missed it. Yes. Thank you. I was

1 informed by my colleague that you said you read all three. So did
2 you notice that there were inconsistencies between the three?

3 A. I read all three statements, and to my understanding, they all
4 consistent.

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

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

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

11 A. No. I only knew that I was born in the year of the horse, and
12 it was a Thursday.

13 [15.37.59]

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

17 A. No, I cannot recall that. I only recall that it was Thursday
18 when I was born.

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

22 A. Yes, I think it sounds about right because I was around 19
23 years old in 1970.

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

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

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

4 A. I got married in 1979.

5 Q. So were you married or single during the Democratic Kampuchea
6 period?

7 A. During the DK period --

8 [15.39.45]

9 Q. I'm sorry, I didn't get that, so I'm just going to ask my -
10 Now, sir, did you join at some point after the 1970 coup, did you
11 join a force, a military force?

12 MR. PRESIDENT:

13 Witness, please be mindful with the microphone operation.

14 MR. SEM HOEURN:

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

16 BY MR. KOUMJIAN:

17 Q. Who were you a soldier for? What movement or force did you
18 join?

19 MR. SEM HOEURN:

20 A. At that time, I served in the army for the Front for the
21 National Salvation.

22 [15.41.15]

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

25 A. I was subordinate to Division 310, in Regiment 12 and

1 Battalion 123, and the -- and I was attached to another company
2 underneath.

3 Q. Do you recall the company, the name of the company you were
4 attached to?

5 MR. PRESIDENT:

6 Mr. Witness, you do not need to refer to your personal load --
7 personal note. Please, try to recall it from your memory, and if
8 you cannot recall the details, you simply say so, thank you.

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

10 Co-Prosecutor, repeat your last question. It seems that the
11 witness forgets it.

12 BY MR. KOUMJIAN:

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

18 Do you recall the name of the company that you were associated
19 with? You said you were in Battalion 123, Regiment 12, do you
20 recall the name of the company?

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

24 [15.44.36]

25 MR. SEM HOEURN:

1 A. It was Company 5.

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

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

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

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

10 Q. And sir, were you a messenger, were you a regular soldier?
11 What was your position?

12 A. I never worked as a messenger. I was a soldier on the ground.
13 [15.46.35]

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

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

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

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

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

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

25 Q. Okay, thank you. How about the name of the commander of the

1 division?

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

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

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

8 [15.48.56]

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

10 A. No, I was never arrested. However, my activities were being
11 monitored, as I was accused of having a connection to the
12 traitorous network since the division commander was accused of
13 being a traitor.

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

17 A. Soldiers came from various sectors, provinces throughout the
18 country.

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

20 A. Most of the soldiers in the company came from Kampong Thom and
21 Kampong Cham, while others came from other provinces, but the
22 majority came from Kampong Thom.

23 [15.50.48]

24 Q. Now you said that the head of the regiment was arrested and
25 accused of traitorous activities, and you were then monitored for

1 links. Were you engaged in traitorous activities yourself, sir?

2 A. I was accused of having a connection with a traitorous link
3 since the head of the regiment was arrested, and the head of the
4 division was also arrested, so all the soldiers working under
5 that division were considered of having connection to the bad
6 composition or the bad element.

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

9 A. No. I was never involved with any CIA link or connection, or
10 neither KGB. I only heard the slogan used by Pol Pot that our
11 divisional commander was a traitor, and our regiment commander
12 was also a traitor, so we were accused of being linked to the KGB
13 and the CIA networks.

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

16 A. I had four siblings: three brothers and one sister. The eldest
17 brother was taken away and killed during the Pol Pot time. I
18 survived and my other sister and brother also survived.

19 [15.53.35]

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

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

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

1 understand you?

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

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

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

10 [15.55.25]

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

13 A. During the Sangkum Reastr Niyum, he had a relationship with
14 police and military officers, and in fact he actually had a
15 connection with the former officers as he was trying to find the
16 network of the Khmer Rouge.

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

19 A. At that time, I was pretty young, and that's what I saw, and I
20 saw that he had a connection with former military and police
21 officers, as he was working for them in searching out for the
22 network of the Khmer Rouge, and that happened in 1968. And later
23 on, I did not know what was going on with him.

24 Q. Sir, just so that we have that name of your brother, may I ask
25 you please to tell us, what was the name of your brother who was

1 killed by the Khmer Rouge?

2 A. Un Chey (phonetic) was his name. Un (phonetic) was the
3 surname, and Chey (phonetic), that's his name. And in fact, my
4 surname Sem came from my father. My father's name was Sem.

5 [15.57.46]

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

8 A. I remember that the arrest happened towards the end of 1975,
9 although I cannot recall the exact month.

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

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

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

15 A. I heard about that as we were told. We were told Koy Thuon was
16 arrested as he was part of the traitorous network, and after that
17 my military division commander was arrested. And we were told
18 that we soldiers had to go to attend the study session. And we
19 were instructed to line up in Wat Phnom. And then the Southwest
20 people came to take over. After they conducted the search, they
21 said that our commanders were part of the traitorous network and
22 they were traitors. That's what we were told.

23 [16.00.15]

24 Q. Sir, was it unusual during the period of Democratic Kampuchea
25 for the Khmer Rouge authorities to tell you after they arrested

1 or executed someone that this person was part of a traitorous
2 network? Was that unusual? Did that happen once in a while or?
3 Can you tell us?

4 A. I received that information once, and I cannot attest to the
5 fact that whether such information was relayed to soldiers like
6 myself from time to time.

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

9 A. Yes. I participated in many battlefields; I mean most of the
10 battlefields in the North Zone, as I was a foot soldier since
11 1970.

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

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

22 [16.03.13]

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

24 [16.03.23]

25 MR. PRESIDENT:

100

1 Thank you, Deputy Co-Prosecutor. Today hearing has come to an
2 adjournment. We adjourn today and resume Monday, 22nd June 2015,
3 commencing from 9 o'clock in the morning. For the hearing on
4 Monday, the Chamber will continue to hear the testimony of this
5 witness, Sem Hoern. And after that, we hear the testimony of a
6 witness, 2-TCW-901. And please be informed that for tomorrow and
7 after tomorrow, there will be no hearing, as they are National
8 holidays. So please be advised.

9 Mr. Sem Hoern, the Chamber is grateful of your time and
10 testimony. However, it is not yet concluded, and you are again
11 invited to return to testify on Monday next week commencing from
12 9 o'clock in the morning. And you are now excused.

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

17 Security personnel, you are instructed to take the two Accused,
18 Nuon Chea and Khieu Samphan, back to the detention facility, and
19 have them returned to attend the proceedings on Monday 22nd June
20 2015 before 9 o'clock.

21 The Court is now adjourned.

22 (Court adjourns at 1605H)

23

24

25