



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

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Case File N° 002/19-09-2007-ECCC/TC

24 June 2015
Trial Day 302

Before the Judges: YA Sokhan, Presiding
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Jean-Marc LAVERGNE
YOU Ottara
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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
Ms. CHUM Samoeurn (2-TCCP-247)	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
Ms. GUIRAUD	French
Mr. Him HAN (2-TCW-901)	English
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Ms. MOCH Sovannary	Khmer
Mr. VERCKEN	French
The President (YA Sokhan)	Khmer

1 PROCEEDINGS

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 The Chamber would like to inform the Parties and the general
6 public that for today's proceedings and tomorrow, Judge Nil Nonn
7 who is the presiding Judge -- the President of the Trial Chamber
8 is not available for personal matters. Therefore, he cannot
9 attend these two days proceedings. And after the deliberation by
10 the sitting Judges of the Trial Chamber, I, Judge Ya Sokhan, will
11 be acting as the President during these two days proceedings
12 until the day the President returns. This decision is pursuant to
13 79.5 of the ECCC Internal Rules. And today the Chamber continues
14 to hear the remaining testimony of witness Him Han. And the
15 Chamber begin to hear testimony of a civil party, 2-TCCP-247.
16 Ms. Se Kolvuthy, could you report the attendance of the Parties
17 and other individuals at today's proceedings?

18 [09.02.42]

19 THE GREFFIER:

20 Mr. President, for today's proceedings, all Parties to this case
21 are present.

22 Mr. Nuon Chea is present in the holding cell downstairs. He has
23 requested to waive his direct presence in the courtroom. The
24 waiver has been delivered to the greffier. The witness who is to
25 conclude his testimony today, Mr. Him Han, is present and ready

2

1 in the courtroom. The upcoming civil party, after the conclusion
2 of the current witness, which is 2-TCCP-247, is present in the
3 waiting room to be called by the Chamber. Thank you.

4 [09.03.41]

5 MR. PRESIDENT:

6 The Chamber now decides on the request by Nuon Chea. The Chamber
7 has received a waiver from Nuon Chea dated 24 June 2015, which
8 notes that due to his health -- that is, back ache and back pain,
9 he cannot sit and concentrate for long, and in order to
10 effectively participate in future hearings, he has requested to
11 waive his direct presence in the 24 June 2015 hearing. He advises
12 that he has been advised by his duty counsel -- by his counsel
13 that the waiver cannot be construed a waiver to his right to be
14 tried fairly or to challenge any evidence or admitted at any time
15 during his trial. Having seen the medical report of Nuon Chea by
16 the duty doctor for the Accused at the ECCC, dated 24 June 2015,
17 who notes that Nuon Chea has a chronic back pain and cannot sit
18 for long and recommends that Nuon Chea so be granted to attend
19 the proceedings remotely from the holding cell downstairs.

20 [09.05.17]

21 Based on the above information and pursuant to Rule 81.5 of the
22 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
23 follow today's proceedings remotely from the holding cell
24 downstairs, via an audio-visual means.

25 The AV unit personnel are instructed to link the proceedings to

3

1 the room downstairs so that Nuon Chea can follow it remotely.

2 That applies for the whole day.

3 The Chamber now hands the floor to the Defence teams. And you

4 have two sessions to put questions to the witness. First the

5 floor is given to the Defence team for Nuon Chea. And Counsel

6 Koppe, you have the floor.

7 [09.06.20]

8 QUESTIONING BY MR. KOPPE:

9 Thank you very much, Mr. President. Good morning, Your Honours.

10 Good morning, Counsel. Good morning, Mr. Witness. I have a few

11 questions to put to you today.

12 First, I would like to speak to you about your positions within

13 Division 310. I've noted that you, and you gave testimony

14 yesterday, have been a secretary in charge of making biographies

15 or profiles. I also noted in your DC-Cam statement that you have

16 been a commander within Division 310 and also, that you have been

17 a staff officer for the regiment. Did I adequately summarise your

18 positions, your ranks within Division 310?

19 MR. HIM HAN:

20 A. Yes, that is about right. However, I did not have any leading

21 role in Regiment 12.

22 Q. In the time that you were commander, did you then have a

23 leading role, were you then in charge of combatants?

24 [09.08.18]

25 A. On the supervision of soldiers in Regiment 12, I did not have

1 that authority. However, I acted as a spokesperson for the
2 commander in relaying information or instructions to the soldiers
3 in the regiment.

4 Q. Would it be correct if I say that, because of this function,
5 you had a good oversight of activities within Division 310,
6 orders which were given? Did you have a good overview of Division
7 310? Is that fair to say?

8 A. Yes, your statement is correct. However, allow me to emphasize
9 again that I did not have an overall authority to supervise or to
10 give instructions to soldiers in that regiment.

11 Q. I understand. Given your position, were you also able to
12 understand or grasp what other divisions were doing, for
13 instance, Division 450 or Division 920? Were you able to observe
14 what these divisions were doing in '75, '76?

15 [09.10.18]

16 A. I did not know any details regarding the two -- that two
17 divisions. I did not even know where they were deployed.

18 Q. Do you know if there was any relation between Division 310 and
19 Division 450?

20 A. No, I did not.

21 Q. Did you ever hear of Division 920, 9-2-0?

22 A. No, I did not.

23 Q. Yesterday you gave testimony that in November 1975, the Party
24 Centre's military was established, and that soldiers from zones
25 were handed over to the general staff; did I summarize that

1 adequately?

2 A. Yes.

3 Q. Are you able to tell how many soldiers of the various
4 divisions were handed over to the Centre, and how many forces
5 stayed back in the various zones? Do you know anything about
6 that?

7 A. No, I did not have that knowledge. I do not know for each zone
8 how many people were involve in the general staff activity.

9 [09.12.36]

10 Q. Are you in the position to give a -- to give an approximate
11 figure, an estimate, as to how many forces coming from the zones
12 were integrated into the central army?

13 A. From my observation, the figure only appeared on paper, but I
14 don't think every soldier assisted to correspond to the figure on
15 paper. So I do not know at all how many soldiers or divisions
16 were in each zone.

17 Q. I understand. You said to the interviewer of DC-Cam, and I
18 think you repeated that in your testimony, that you and your unit
19 were considered traitorous, but that you did not know anything
20 about the traitorous activity that you were accused of; is that
21 indeed your testimony?

22 A. Yes, I stand by my statement. To tell you the truth, I did not
23 know about the traitorous activity nor did I have any thought
24 about that.

25 [09.14.35]

1 Q. Yesterday and the day before yesterday, Mr. Witness, we heard
2 the testimony of another soldier within Division 310. And he gave
3 quite detailed testimony as to the plans of division commander
4 Oeun. He gave testimony about diversion of weapons, weapons to be
5 used for a plot to attack Pochentong airport, to attack Radio
6 Phnom Penh, all this in order to come to a coup d'état led by Koy
7 Thuon in early 1977. When I say this to you, does that somehow
8 refresh your memory about Oeun's plans?

9 A. I did not know about that. I did not receive any plan
10 regarding that activity.

11 Q. I understand. But have you not heard about these plans for
12 uprising or rebellion, coup d'état, whatever you would like to
13 call it?

14 A. Only after I was assigned to work at the Kampong Chhnang
15 airfield, I heard about the uprising. But I personally did not
16 observe any activity as such. I only heard about it.

17 Q. And what is it exactly that you heard?

18 A. I heard that people from the North and East Zones were accused
19 of being traitors, but I did not know about the alleged
20 activities.

21 [09.17.12]

22 Q. There is more testimony than only the Division 310 combatant
23 that we heard in Court yesterday. As a matter of fact, there is
24 testimony of other 310 combatants which I would like to read to
25 you, and maybe that will somehow refresh your memory. Mr.

7

1 President, we put these DC-Cam statements on the interface. One
2 is 19.201, English ERN, by the way it's also now numbered as
3 E3/7540, ERN English, 00337712; Khmer, 00055077; and French,
4 00364274. This Division 310 cadre testified to DC-Cam as follows:
5 "Yes, it erupted in 1976, but I cannot recall the month. I have
6 forgotten the month. In late 1976, we were going to erupt, but it
7 was exposed. The two North Zone divisions were readied from Wat
8 Phnom northward. The East Zone in charge to the South was ready
9 to fight, but it was exposed. And Khuon the chairman of the North
10 Zone was arrested." Now let me read also while I'm confronting
11 you with this, the testimony of a second Division 310 cadre --
12 that is, document 19.93 (sic), now also known as document
13 E3/7535, English ERN, 00324168; Khmer 0008--
14 [09.19.32]

15 MR. PRESIDENT:

16 Counsel, please slow down.

17 BY MR. KOPPE:

18 I apologize, Mr. President. Khmer, 00087816; and French,
19 00324206. The combatant is asked about Oeun, and he testifies as
20 follows: "At that time, he was linked to the "Yuon" who wanted to
21 up rise in Phnom Penh." Question: "Did he plan any plot on that?"
22 Answer: "He planned an attack plot. Unfortunately, when the plot
23 was compromised, we were transferred to farm paddy for a while."
24 Question: "Can you elaborate Ta Oeun's plot?" "First, he called
25 us for a secret meeting and instructed us that he planned to

1 attack Phnom Penh. He told to deliberate and take control of

2 Phnom Penh." Question: "Why did he plot to attack Pol Pot?"

3 Answer: "He said that society was not good." Question: "Did Ta

4 Oeun hold a meeting with his previous forces?" Answer: "Yes, only

5 100 combatants including me were called to attend that meeting."

6 Question: "Did you join with them?" Answer: "I took on a full

7 truck of weapons to meet him in Phnom Penh in the preparation to

8 attack Phnom Penh. Unfortunately, the plot was compromised."

9 [09.21.29]

10 And then, a bit further down in that same DC-Cam interview, which

11 is English ERN, 00324172; and Khmer, 00087818 until 89; and

12 French, 00324211; he, the same cadre, testified as follows:

13 Question: "Who was superior to Ta Oeun?" Answer: "I had no clue."

14 Question: "According to that preparation, did you think that his

15 force could defeat Pol Pot?" Answer: "It was not easy, I guessed.

16 If we could not defeat Pol Pot, we would appeal to Vietnam and

17 call for force at the east under Chakrey to help." Question:

18 "That was what Ta Oeun told you, right?" Answer: "Yes." Question:

19 "So it meant that Ta Oeun's force relied on the force from the

20 east, right?" Answer: "Yes." "But Ta Oeun was in charge of

21 stirring up force in Phnom Penh, right?" "Yes." "So did you think

22 these forces could challenge Pol Pot's forces?" "I thought so

23 because Pol Pot's forces were disarmed and the guns were stored

24 in the warehouse."

25 [09.23.16]

1 Now Mr. Witness, I read the statements of these two 310 cadres. I
2 summarized the testimony of another cadre who testified here in
3 Court. Does this somehow jog your memory as to what happened with
4 the rebellion and the attack on Pochentong airport and Radio
5 Phnom Penh?

6 MR. PRESIDENT:

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

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President, and good morning. First of all, I think
11 it would be useful for the witness to mention the names of the
12 persons who may have made those statements as well as their exact
13 positions. It is not enough to say that they were cadres of
14 Division 310; that wouldn't help the witness to remember.
15 Secondly, the witness was very clear in saying that he knew
16 nothing about that. So I do not think that asking the witness
17 whether that would refresh his memory is appropriate because it
18 wouldn't mean anything to him. That witness or this witness never
19 mentioned such incidents. And it is not possible that what you're
20 saying would refresh his memory. He was very clear on that point.

21 [09.25.08]

22 MR. KOPPE:

23 Mr. President, I think I am entitled to ask this question. I
24 first asked an open question. And then he confirmed, saying that
25 he didn't know anything, which the Defence believes is not

10

1 necessarily credible. After that, I confronted him with testimony
2 from two or three other combatants. I'm really -- I'm happy to
3 give their names and their positions. One of them is, by the way,
4 from Regiment 12. So, I think it's a proper line of questioning
5 and a proper method what I have done. So I think this question
6 should be allowed.

7 (Judges deliberate)

8 [09.27.26]

9 MR. PRESIDENT:

10 Defence Counsel, please mention the name and the rank of the
11 person whose statement you read out. And you can proceed with
12 your questioning.

13 MR. KOPPE:

14 I would be happy to do so. But maybe it would be better, because
15 there's a likeliness that we will ask both cadres to appear as
16 witnesses in the subject, "internal purges". So considering this,
17 then handing over the Khmer version of the document, I think,
18 would be more appropriate.

19 MR. PRESIDENT:

20 Yes, you can do that. Please deliver the Khmer document to the
21 witness.

22 MR. KOPPE:

23 Yes, I will. One moment please, Mr. President.

24 (Short pause)

25 [09.29.28]

11

1 MR. KOPPE:

2 We weren't prepared for this question, Mr. President. So it would
3 take one more moment.

4 (Short pause)

5 [09.29.51]

6 MR. PRESIDENT:

7 The Deputy Co-Prosecutor, you have the floor.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President. Just in the meantime, I would like to
10 mention that the first interview is the interview of a person who
11 was 20 years old in 1975, and the second interview is the
12 interview of someone who was 15 years old in 1975. Counsel Koppe
13 was speaking about cadres, but it might be useful for him to
14 provide the rank of these people who were so young back then.

15 MR. KOPPE:

16 I don't see the point in doing this. They were cadres and I think
17 we should just read their names to him or should show the names,
18 and that's it. I don't see any point in saying what the relevance
19 is now of their ages.

20 Judge deliberate

21 [09.31.37]

22 MR. PRESIDENT:

23 Counsel Koppe, please mention the age and the rank to the witness.
24 And the witness can read the rest of the document before him.

25 MR. KOPPE:

12

1 Mr. President, one cadre, the one mentioned in 19.193 is member
2 of Regiment 12. I'm not sure if he had a rank or whether he was
3 just a combatant. It's on page -- English page ERN, 00324180--
4 [09.32.50]

5 JUDGE FENZ:

6 And his age? We have asked for the age.

7 MR. KOPPE:

8 He was 45 years old when he gave his interview in 2005. This
9 means he was born in 1960 and he was - if it's correct - 16 in
10 1976 or 17. And the other cadre is born in--

11 MR. PRESIDENT:

12 You may now proceed, Judge Lavergne.

13 JUDGE LAVERGNE:

14 Well, if we are indeed speaking about the person involved in
15 document 19.93; is this the person who is concerned? There is a
16 biography annexed to his interview. So are we speaking about
17 document 19.93 here? Is this the person referred to in this
18 document?

19 [09.33.57]

20 MR. KOPPE:

21 Yes, indeed.

22 JUDGE LAVERGNE:

23 So I see that in the annex -- in the biography in the annex, it
24 is stated that this person was born in 1955 and that he was a
25 member of a platoon.

1 MR. KOPPE:

2 Within Regiment 12. But to be honest, I have -- I fail to see the
3 relevance of age. We never speak about age of combatants. But--

4 JUDGE LAVERGNE:

5 But Counsel Koppe, if we're asking for his rank, this may be
6 relevant because this will allow us to understand what the level
7 of understanding was of the person who made these statements.

8 [09.35.02]

9 MR. PRESIDENT:

10 You may now proceed, International Deputy Co-Prosecutor.

11 MR. DE WILDE D'ESTMAEL:

12 Thank you. It's not of course to interrupt. But in the interface,
13 the document, it is IS19.1.3. it's not 19.393. So are we speaking
14 about the same document? In this document, it is stated that he
15 was 45 years old in 2005, if we are indeed speaking about the
16 same person.

17 BY MR. KOPPE:

18 You know what, I am tired of this. Mr. President, I will ask the
19 questions differently. Forget about what I read to you, Mr.

20 Witness. Are you able now to remember the plot to attack
21 Pochentong airport, Radio Phnom Penh, stage a coup d'état, by
22 Oeun and Koy Thuon?

23 [09.36.15]

24 MR. HIM HAN:

25 A. I did not know.

14

1 Q. Fine. I will move on, Mr. Witness, to something else that you
2 said. You gave testimony to DC-Cam that at one point in time
3 because of the allegations or accusations of traitorous
4 activities, you changed your name. Can you tell us how you did
5 that, how you were able to change your name after discovery of
6 the plot or the traitorous activities, rather, and subsequently
7 move on under a different name? Can you explain to me how that
8 went?

9 A. Upon my arrival at Kampong Chhnang airfield, biography was
10 collected again at that time. And I changed my name to Ream.

11 Q. I understand that you changed your name, but how did you do
12 that. Was it possible at that time to just change your name like
13 this, and then subsequently no one within the division would know
14 who you were before?

15 A. When I arrived at the airfield, I was not in the division. And
16 I was there with the remaining soldiers from my unit, and we
17 stayed in different places not together.

18 [09.38.25]

19 Q. But that doesn't answer my question. You had a position within
20 Division 310; we just discussed that, then you heard about
21 traitorous activities and you changed your name. You had been
22 fighting within Division 310 for years. How did that -- how did
23 you do this, how did you change your name in order to be able to
24 hide somehow?

25 A. After the people -- upper people from the Southwest Zone came

15

1 that place, they did not know me at that time. And because I
2 could see that the situation changed at that time, I decided to
3 change my name to Ream. And I notice that the one who was from
4 the Southwest Zone who at that place could not read and write.
5 That is why I changed my name.

6 Q. So the new commander of Division 310 was also not able to read
7 and write?

8 [09.40.07]

9 MR. PRESIDENT:

10 Mr. Witness, you have to wait for the microphone to go on before
11 you speak.

12 Again, Mr. Witness, please give your response when you notice the
13 light of the microphone is on.

14 MR. HIM HAN:

15 A. When the people from the Southwest Zone came to supervise
16 Regiment 12, I knew at that time that those people were
17 illiterate. Even when I read incorrectly the document, they did
18 not realise that I made the mistake. That is why I decided to
19 change my name to Ream. And later, I was removed and I did not
20 know what was going on after that time.

21 BY MR. KOPPE:

22 So is it your testimony that the division commander and the
23 regiment commander of the new ones were not able to read and
24 write, and that's why you thought at the time that you could
25 safely change your name?

1 [09.41.49]

2 MR. HIM HAN:

3 A. Yes, yes, that is correct.

4 Q. Very well, Mr. Witness. I'll move on now to your work at the

5 airfield, Kampong Chhnang. You talked about rock breaking and

6 that there were casualties because of the rock breaking at

7 Kampong Chhnang airfield. Do you remember which forces it were or

8 who it was that was or were handling the explosives? Which unit

9 was using explosives to break the rocks?

10 A. The forces from the East Zone.

11 Q. And how do you know this?

12 A. These forces were divided and they could not stay close to

13 each other. One group stayed to the south of the airfield and

14 another group was staying to the northeast of the airfield. I

15 noticed that they were from the East Zone because of their

16 accent. And I realised that they were from the East Zone. Their

17 accent was different from that of the North. So, I was in the

18 Central Zone or the North Zone. I was staying to the north of the

19 airfield at that time. I could understand that some units

20 consisted of people from the East Zone and some consisted of

21 people from the Southwest Zone.

22 [09.44.10]

23 Q. Do you know the reason why the East Zone forces were trusted

24 with explosives? Why was it that the East Zones were using

25 explosives to break the rocks?

1 A. One who was assigned to blast the rock would die because it
2 was a dangerous work. And if he or she could not escape in time
3 after installing the explosive, he or she would die. We
4 understand this.

5 Q. That was not my question, Mr. Witness. But my question was, do
6 you know -- do you know why it was that the East Zone forces who
7 were working at Kampong Chhnang airfield were entrusted with
8 explosives? Why was it them trying to break the rocks with
9 explosives?

10 A. It was a method of execution, and we could not protest or
11 refuse the assignment. We had to do.

12 Q. I'm not sure if I understand. Why was it a method of
13 execution?

14 [09.46.06]

15 A. Why I said it was a method of execution, because the explosive
16 was used to break the rock. And the one who was tasked with
17 breaking the rock, he used the explosive and he could not escape
18 in time. He or she would be injured or die. I did not witness the
19 casualty or the incident. I heard from other about that incident.

20 Q. Mr. Witness, you have been a soldier, you have been in combat.
21 I'm sure you know what the purpose of dynamite or explosives is.
22 What do you do with dynamite or explosives?

23 A. I have told you already. It was not easy to install the
24 explosive into the rock. And they did not care how many people
25 died at that time. And it was a dangerous work. After the rock

1 blasted, the rock fragments would hit the one who was tasked with
2 that kind of work. He or she would die or get injured. And I
3 understand that this kind of assignment was tasked to people
4 because they wanted them to die.

5 Q. I'm afraid I don't understand, Mr. Witness. With explosives
6 certainly in the hands of soldiers, you can do all kinds of very
7 bad things to other soldiers. Again, why was it that the East
8 Zone troops were entrusted with explosives? Wouldn't that be
9 dangerous?

10 [09.48.41]

11 A. I would like to clarify once again. The Southwest Zone people
12 supervised those who were from the East Zone. No one dare to
13 refuse the assignment imposed by cadres from the Southwest Zone.
14 And as for my unit, I was under the supervision of the Southwest
15 Zone. And it was the same case for the East Zone -- for people
16 from the East Zone.

17 Q. So the Southwest Zone cadres who had to supervise and watch
18 the East Zone cadres gave this same East Zone cadres explosives,
19 is that what you're saying?

20 A. Yes. Yes. Southwest Zone cadres gave the explosives to the
21 East Zone cadre in order that the East Zone cadre could use them
22 to break the rocks. And as I stated after the rock was blasted,
23 the fragments would hit the one who was tasked with that
24 assignment.

25 Q. Fine, Mr. Witness. I'll move on. You testified also that

1 before you came working at Kampong Chhnang airfield, you were at
2 Anlong Kngan working at the rice paddy fields; is that correct?

3 A. Yes, that is correct.

4 [09.50.54]

5 Q. You gave testimony that you worked there, you and your unit,
6 between 7.00 and 11.00, then had a break for lunch, start working
7 again at 2 o'clock until 5 o'clock; is that indeed correct?

8 A. Yes, that is correct.

9 Q. And did I understand your testimony correctly that the working
10 times -- the working hours at Kampong Chhnang airfield were the
11 same, also between 7.00 and 11.00 lunch break until 2.00, and
12 then work until 5.00?

13 A. Working hours in the afternoon were the same as those in the
14 morning. And we had to do extra work at night.

15 [09.51.57]

16 Q. You also testified that you and your unit were different -- or
17 differently treated from other soldiers, and that you were
18 considered useless and others were treated normally. Can you give
19 me an example -- can you give the Trial Chamber an example of
20 this difference between your unit on the one hand, and soldiers
21 who were treated normally, on the other hand?

22 A. Regarding my unit, it was name Unit 17. Members of my unit
23 were strictly selected. And we had to stay in the location that
24 we were asked to stay. We worked eight hours during the day time
25 and at night time, we had to spend 4 more hours working

1 regardless of rain.

2 Q. I understand, Mr. Witness. But can you give me one example of
3 difference in treatment, regarding your unit and the others who
4 you said were treated normally?

5 A. Unit 17 was categorized as the unit which was linked to the
6 traitorous network. And if members of Unit 7 (sic) could be
7 re-fashioned themselves, they could survive, if not they would
8 die.

9 Q. I understand, Mr. Witness. But what I'm asking you is, can you
10 give me one example in terms of working hours, food ration,
11 hygiene, sleeping facilities, one example that would illustrate
12 the difference in treatment of your unit and the unit of whom you
13 said that they were treated normally?

14 [09.54.51]

15 A. Regarding my unit, my unit had no resting time. As for other
16 units, they had a short break between 7.00 and 9.00, and another
17 break between 9.00 and 11.00. And as for my unit, I told the
18 Court already, we could only rest after 11 o'clock and we resume
19 work at 2.00 in the afternoon. We continued from 2.00 until 5
20 p.m., after which we could take another short break. For sleeping
21 times, we did not have enough sleep, we did not have mosquito
22 nets or sleeping mats. And as I stated, I started work at 9.00 in
23 the morning until 5.00 p.m. and I had two sets of clothes. And in
24 the evening, I had to clean one set of clothes. And the other
25 day, I could use it to wear. I had no free time.

21

1 Q. But did your commander, at one point in time while you were at
2 Kampong Chhnang airfield, tell you and your fellow unit member
3 you have to work one hour longer or two hours longer than all the
4 other units here? Was there an instruction or an order, was there
5 an explanation? Can you be a little more specific?

6 [09.57.00]

7 A. When we were needed to work at night, for example, they wanted
8 us to work at night on the 20th, we would be told by them that we
9 had to work from certain time until certain time. And when we
10 were told that, we understood that we had to work at night. And
11 if we had assignment to do at night, we did not go back to our
12 sleeping quarter. We had to stay at our worksite after 5 p.m. And
13 after a short break, we would resume work at night. There was a
14 rotation system applied for other units but regarding my unit,
15 this was not applied.

16 Q. I'll move on because I don't have any more time. Mr. Witness,
17 I would like to ask you some other questions. You said that at
18 Kampong Chhnang airfield, you were no longer considered a soldier
19 or a military combatant but a labourer. Do you know whether
20 members of Division 310 who were also working at Kampong Chhnang
21 airfield were instructed - were ordered to go to the battlefield
22 in October '77, to fight with Vietnam?

23 [09.58.58]

24 A. As for units which were assigned to work at the airfield, they
25 did not participate in the battlefield against the Vietnam. I

1 knew only what happened in my own unit. I did not know about
2 other business.

3 Q. Let me give you one example. A former division -- a former
4 commander, excuse me, of the handicapped unit, K-4, within
5 Division 310 testified that about half of his unit volunteered to
6 go to fight the Vietnamese at the border. Does that somehow jog
7 your memory?

8 A. I have no knowledge about that. When I was at the airfield, I
9 knew nothing else besides my work. I did not know who received
10 the order to participate in the battlefield. I was there and I
11 was to be ready and go to work most of the time.

12 [10.00.30]

13 Q. So is it your testimony that you do not know anybody within
14 Division 310 who went from Kampong Chhnang airfield to the border
15 with Vietnam to fight there?

16 A. Yes, yes, that is correct.

17 Q. One last question, Mr. Witness. You testified yesterday, but
18 only very shortly, about the presence of Chinese engineers. Can
19 you tell us how many you saw in the beginning when you arrived
20 there and at the end of your stay at Kampong Chhnang airfield?

21 A. My apology. I could not give you the exact number of Chinese
22 engineer. But I could say there were many Chinese engineers
23 everywhere. We could see them everywhere even in the blasting
24 units. And the units which were responsible for compacting soil
25 or clearing land consisted of Chinese engineers as well.

1 Q. So Chinese engineers worked in the unit that used explosives
2 to break the rock; did I understand that correctly?

3 [10.02.25]

4 A. I did not know. But regarding the location which I worked, I
5 could see there were Chinese every time.

6 Q. Are you able to give us an estimate as to how many Chinese
7 engineers you saw at the beginning and how many you saw at the
8 end of your stay at Kampong Chhnang airfield, not exact numbers
9 but an estimate?

10 A. Workforce at the airfield was in large numbers. And as I
11 stated there were Chinese engineer everywhere supervising the
12 work. And I'm sorry I could not give you the exact estimate how
13 many of them were there.

14 Q. Fine. That's all right, Mr. Witness. But is it fair to say
15 that if accidents happened with explosives or if people fell
16 because of exhaustion or whatever happened, the Chinese engineers
17 or the Chinese advisors were in a position to witness all of
18 this?

19 [10.04.15]

20 A. Regarding the blasting of the rock, the Chinese technicians
21 were not close by. There were only Cambodian labourers who were
22 present. And the Chinese technicians only gave instructions to
23 the Cambodian labourers, and they never stayed close to the ---
24 where the rock blast were to happened. They were at a far
25 distance and the explosive was mounted by Cambodian labourers.

1 And there were injuries ranging from serious injuries to death.

2 And everybody heard about these kinds of work-related accidents
3 at the rock blasting site.

4 Q. I understand and that concludes my questioning. You never
5 actually witnessed this yourself; is that correct?

6 A. Yes, that is correct.

7 MR. KOPPE:

8 Thank you, Mr. President.

9 MR. PRESIDENT:

10 Judge Lavergne, you may proceed.

11 [10.05.52]

12 JUDGE LAVERGNE:

13 Thank you, Mr. President. Counsel Koppe, for the record, we asked
14 whether you intend to use Document 19.93 and 19.193. it is
15 possible that there's an interpretation problem in which case, it
16 would be necessary for that error to be corrected.

17 MR. KOPPE:

18 No, Judge Lavergne. I have no intention anymore to use this
19 document. Thank you.

20 MR. PRESIDENT:

21 Thank you, Defence Counsel. It is now appropriate for a short
22 break. The Chamber will take a break now and resume at 10.30.
23 The Court is now in recess.

24 (Court recesses from 1006H to 1027H)

25 MR. PRESIDENT:

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

2 And the Chamber now gives the floor to the Defence team for Mr.

3 Khieu Samphan. You may now proceed.

4 QUESTIONING BY MR. VERCKEN:

5 Q. Thank you, Mr. President. Good morning to all Parties. Good
6 morning, Witness. My name is Arthur Vercken, and I am one of the
7 counsels for Mr. Khieu Samphan. And my first questions are going
8 to focus on the reasons for you having joined the revolution. You
9 spoke about this during your interviews with DC-Cam, and later on
10 you spoke about this before the investigators of the OCIJ. So,
11 I'd like you to explain to us why you decided to join the
12 revolution?

13 [10.28.44]

14 MR. HIM HAN:

15 A. The reason that I joined the revolution is that it is because
16 of the coup d'état of Lon Nol to topple late King Sihanouk. And
17 after the coup d'état, late King appealed to his children to go
18 into the maquis in order to overthrow the Lon Nol regime. That is
19 why I joined the revolution at that time, with other people.

20 Q. And from a more personal standpoint with regard to your
21 personal history, were there other reasons leading you to do
22 that? That led you to join the revolution?

23 A. It was also because of the aerial bombing by Lon Nol forces,
24 and my house was destroyed by the aerial bombing. And in addition
25 to that, Lon Nol's forces and soldiers came into the villages,

1 and these soldiers had no morals. And because of all of these, I
2 joined -- I joined with King Sihanouk to overthrow Lon Nol's
3 regime.

4 [10.30.50]

5 Q. I understand what you are telling me, but could you provide us
6 with an example of this lack of morality on the part of the Lon
7 Nol soldiers?

8 A. I remember -- I remembered that, for example, when the Lon Nol
9 soldiers came into one particular village, they would take
10 whatever they saw and wanted. For instance, livestock, chickens
11 or ducks would be stolen by these soldiers at free will. These
12 soldiers would ask the villagers to give chickens or ducks, but
13 if they did not find any owners of livestock, they would take
14 chickens and ducks anyway. I believe that they wanted to eat meat
15 of chickens and ducks, and they stole all those livestock's. That
16 is why I said they lacked morality.

17 [10.32.35]

18 Q. Thank you for these details. Now I would like to put a
19 question to you that was already put to you before, in order to
20 clarify your statement with regard to this issue. I would like to
21 ask you when exactly you were sent to the Kampong Chhnang
22 airfield worksite? What was the date? If, of course, you can
23 provide me with this date? But of course, you could also put this
24 in the context of another event.

25 A. From my recollection, it happened in late 1976 and early 1977.

1 I remembered that it was in January; whether it was in the
2 January of 1976, or perhaps in 1977.

3 Q. And do you remember if, when you were sent to the airfield
4 worksite, if Oeun had already been arrested then? Or did this
5 happen before his arrest?

6 A. Oeun had already been arrested.

7 [10.34.35]

8 Q. Fine. Yesterday, the prosecutor showed a document to you,
9 which was an issue of "Revolutionary Flag", of 8 August 1975.
10 This is document E3/5. And I would like to read out an excerpt to
11 you which wasn't read out yesterday, an excerpt therefore from
12 this issue of Revolutionary Flag. So, the ERNs: Khmer, 00063340;
13 French, 00538975; English, 00401500. And in the excerpt I'm going
14 to read out to you, mention is made of the two main tasks that
15 were entrusted to the army. This is Chapter 4. And I will read
16 out, "The New Tasks of Our Revolutionary Army: The tasks of our
17 revolutionary army are the tasks that the Party entrusted to it.
18 Two of them: defending the country, and building up the country.
19 Therefore, these are two important tasks that the Party
20 underscored. These tasks are tied to each other, because we have
21 to defend our country in order to build it up. And of course we
22 have to build up the country in order to defend it properly."
23 So, I wanted to ask you if, when you were sent to the secret site
24 of the airport, if this assignment was justified by these tasks
25 that were entrusted to the army? That is to say, to build, to

1 build up the country. Was that the reason they gave?

2 [10.37.01]

3 A. I was not instructed and told in detail concerning the
4 obligation of soldiers -- that is, to build the country, and to
5 defend the country. When there were meetings, they would come and
6 call us into the meeting. And as I stated, Southwest Zone cadres
7 came to supervise my unit at that time, and we would be called
8 any time they wanted, regardless of the time that we were resting
9 or having a meal.

10 Q. And what were the topics of these meetings?

11 A. They told us to get ready and go to work at the Kampong
12 Chhnang airfield.

13 Q. Well, you stated before the Chamber several times that your
14 job at the airfield within Unit 17 was harder than the work given
15 to other units on the same worksite. And I would like to read out
16 an excerpt of the statement of a person who was part of the same
17 unit as you, on the same worksite as you were. The index is
18 E3/471, Khmer ERN, 00172080; French, 00205018; English, 00223337.
19 And it is -- the gentleman here testifying received an alias in
20 this trial: TCW-882. He was 19 years old in 1977. And this is
21 what he says regarding the working conditions in the same unit as
22 yours.

23 [10.40.10]

24 He says that -- well, the question that was put to him: "At the
25 airfield, what was the diet like? And were your working

1 conditions always poor? Or were they better?" And he answered:
2 "We would -- our work was less harsh, but we did not eat enough.
3 We would eat two cans of rice per day, one in the morning and one
4 in the evening." And the person interviewing says: "OK." And the
5 witness continues, and says that the portions were measured for
6 each person.

7 So, I would like you to react to this statement from this person,
8 who tells us that the work seemed less harsh than the previous
9 assignment of your unit. So, what is your reaction to this
10 statement?

11 A. The statement which was given by the one witness is partly
12 correct. And regarding my unit, we did not have enough food to
13 eat, and the work was so difficult, compared to others. And as I
14 told the Court already, members of my unit was strictly selected.
15 If they wanted us to complete the work, they would ring the bell,
16 and members of my unit had to go to work after hearing the
17 signal. This witness was there with me at the worksite. He was in
18 a different unit, not in the same unit as mine. I did not know
19 this person.

20 [10.42.55]

21 Q. Well, I did not give you his name, so of course I don't
22 understand how you can say otherwise. And I have prepared, if the
23 President gives me leave, a document on which the name of this
24 person is listed in Khmer. Maybe I could give this document to
25 the witness?

1 MR. PRESIDENT:

2 Court officer, please bring that document and show it to the
3 witness.

4 (Short pause)

5 [10.44.20]

6 BY MR. VERCKEN:

7 Q. Witness, were you able to read the name of this person? Do you
8 know this person?

9 MR. HIM HAN:

10 A. I did not know this individual.

11 Q. Fine. Well, in any case, for purposes of information, this
12 person said that he was part of the same unit as you. And this
13 person -- when this person was interviewed by the OCIJ -- this is
14 document E3/471, it is French ERN, 00205019; Khmer, 00172080; and
15 I will give you the English ERN very soon. And he was asked:

16 "When you were working at the Kampong Chhnang airfield site, what
17 were measures taken by cadres against people who had faulted?"

18 And he answered: "Nothing impacted me in my unit. But I do not
19 know what happened in other units." So, this is what this person
20 said regarding specific treatment that was meted out to Unit 17.

21 Do you have any reactions with regard to this? And I will give
22 you the English reference right now: 002233--

23 [10.46.57]

24 MR. PRESIDENT:

25 Mr. Witness, you can see the document before you on the desk. You

1 may now continue, Counsel.

2 BY MR. VERCKEN:

3 Q. Yes, I was interrupted when I was giving the English ERN. So
4 let me give it to you again. So it is 002223336 (sic). And on
5 this page of the interview, the witness I'm speaking about says
6 that there was no special treatment meted out to Unit 17 on the
7 airfield construction site.

8 MR. PRESIDENT:

9 You may now proceed, Co-Prosecutor.

10 MR. DE WILDE D'ESTMAEL:

11 Thank you, Mr. President. Indeed, this witness is speaking about
12 Unit 17 on this page, but in the excerpt that was read out, it is
13 said that "nothing impacted me in my unit", and I do not know
14 what he was speaking about other units. He's not speaking about
15 Unit 17. So we should understand if we're speaking about Unit 17
16 in its entirety, or if Unit 17 had been broken up into several
17 sub-units. So the question is a little bit confusing. This
18 question tends to generalize what happened in Unit 17, and the
19 quote does not mention -- give us enough clarification in that
20 regard.

21 [10.48.56]

22 MR. VERCKEN:

23 Well, all you have to do is to read the statement to understand
24 that this unit was part of Unit 17, or was incorporated into Unit
25 17 before he was sent to Kampong Chhnang. So, he's not speaking

1 about a change of units when he arrived at Kampong Chhnang. He
2 says that his unit was treated in the same way.

3 MR. PRESIDENT:

4 You may now proceed, Lead Co--Lawyer.

5 MS. GUIRAUD:

6 Thank you, Mr. President. I simply would like to add an element
7 of clarification here. In the document, it is indicated that he
8 was taken out of this division, to work later on with
9 (inaudible). It's French ERN 00200518. So, indeed, at one point
10 in time, when he was at Kampong Chhnang, he was taken out of this
11 division to work later on with the Chinese. That's what I
12 understood.

13 [10.50.19]

14 BY MR. VERCKEN:

15 Well, he was taken out. I don't see it, but indeed, I know that
16 -- I can see that in Kampong Chhnang, he did indeed work with the
17 Chinese. That's true. And we all know that there were many
18 Chinese technicians who were present there.

19 Q. Well, in short, this is a discussion between lawyers here. But
20 you, however, do you have any reaction to the fact that there was
21 a person who is describing conditions in the same unit as yours
22 at Kampong Chhnang, that apparently were the same as in the other
23 units?

24 MR. HIM HAN:

25 A. There were many members in Unit 17, 50 of us or more than

1 that. Other units received light work, and for my unit, as I told
2 the Court already, we had more difficult work to do. After we
3 were transferred from Phnom Penh to the worksite, 50 of us or
4 more than that, were selected and put in one particular unit --
5 that is, Unit 17. And Unit 17 was sent to work at Kampong Chhnang
6 worksite.

7 Q. And when you were at the worksite in Kampong Chhnang, were you
8 allowed to listen to the radio? Could you listen to the radio?

9 [10.52.59]

10 A. Yes, I could listen to the radio, but not in public. When I
11 was on guard at night time, I could listen with low voice. But we
12 could not tune in the radio loudly in the group.

13 Q. So, there were other workers with you who would listen to the
14 radio. Is that correct?

15 A. Not many of us listened to the radio. Because of the work that
16 we did, we needed more time to rest, not listen to the radio. Not
17 many of us listened to the radio, perhaps one or two people who
18 were on guard at night time would listen to the radio.

19 Q. And can you describe to us the kind of relationship you had
20 with the engineers, with the Chinese technicians who were there
21 on the worksite? How did things move along with them?

22 A. We could communicate with the Chinese technicians through an
23 interpreter. We would do the work according to the
24 interpretation. And there were Southwest Zone cadres there to
25 wait and see. The interpreter would interpret what was said by

1 the Chinese technicians. And we received the assignment on a
2 daily basis. After we completed our assignment today, we had
3 another assignment the day after.

4 [10.55.49]

5 Q. So, you would meet the Chinese technicians every day. Is that
6 correct?

7 A. I met the Chinese technicians every day, except on weekends.
8 And the Southwest Zone cadre would replace the Chinese
9 technicians on weekends.

10 Q. And as far as you understood things back then, would you have
11 agreed with the fact that the Chinese were the ones managing the
12 worksite?

13 MR. PRESIDENT:

14 You may now proceed, Deputy Co--Prosecutor.

15 [10.56.57]

16 MR. DE WILDE D'ESTMAEL:

17 Thank you. The question is ambiguous, because there are several
18 levels of management. There's the technical level, there's the
19 administrative level, the security level. So I don't think the
20 question is precise enough to call for a precise answer.

21 BY MR. VERCKEN:

22 Q. Well, okay, I'll be more specific, then. How would you
23 understand the sharing of responsibilities in the worksite among
24 -- between the cadres of the Southwest Zone and the Chinese
25 technicians back then?

1 MR. HIM HAN:

2 A. As for the plan of the Chinese, the plan would be sent to the
3 Southwest Zone cadre, and then the Southwest Zone cadre would
4 instruct us on the plan. And as I stated earlier, Southwest Zone
5 cadres would replace the Chinese on weekends.

6 Q. But you also said that during the week, it was the Chinese
7 technicians who would give you orders. Isn't that the case?

8 [10.58.53]

9 A. Once in a while we received such orders from the Chinese.

10 Q. A few minutes ago, you spoke about daily meetings with the
11 Chinese. Was this a translation mistake? Or did you really speak
12 about these meetings?

13 A. I did not participate in the meetings with the Chinese. And
14 the Southwest Zone cadre would not call us into the meeting. And
15 if they wanted us to do the assignment, they would ring the bell
16 and they would come to call us to go to the worksite. I never
17 attended or participated in any meetings with the Chinese.

18 Q. And was that bell rung only for your unit or for all the other
19 workers on that worksite?

20 A. There was one in the unit, or in each hall. There was one bell
21 in each unit or in each hall. And regarding the bells, at my unit
22 it was located right at the corner of my unit. And when we heard
23 the bell, we would line up and we get ready, and took our tools
24 to work.

25 Q. Can you tell us whether at the time you still had your

1 military attire and insignia? Did you have to work in your
2 military attire? You and other workers in your unit?

3 [10.01.30]

4 A. As for military attire, the one who supervised me was in the
5 military uniform. My colleagues and I wore black attire.

6 Q. And where was that supervisor from? Was he from your own zone,
7 the same zone as yourself?

8 A. He or she was from the Southwest Zone.

9 Q. When you were questioned yesterday, you stated that you had
10 noted that the women who were among the workers suddenly
11 disappeared. Yet we also heard yesterday a witness in the dock
12 who was a member of Division 310, and who was assigned to work on
13 the worksite, described that women were also on the worksite. And
14 I also quote a witness who hasn't appeared, and will not appear
15 either. That witness said that women were present on the
16 worksite. The reference is 19.149. The ERN in Khmer is 005456
17 (sic); in French, 00829679; and English, 00821981. So, my
18 question is as follows: Witness, do you confirm that the women on
19 the worksite suddenly disappeared? And can you provide further
20 explanations on that point?

21 [11.04.11]

22 A. Regarding female workers, there were none at my workplace. But
23 perhaps there were female workers in other units. As I stated
24 earlier, there were many female workers from the Southwest --
25 from the East Zone, and I did not know whether there were female

1 workers from the North Zone. Perhaps there were, but I did not
2 know about that. And once again, there were no female workers in
3 my unit.

4 Q. I am almost done. Can you tell us whether, while you were
5 working on the airport construction site, you had to undergo
6 re-education sessions?

7 A. I did not attend any of these kinds of meetings.

8 Q. Can we conclude from what you are saying that it supposes that
9 you were supposed to temper yourself, or train yourself, without
10 any assistance from outside? Do you confirm that?

11 [11.06.04]

12 A. I acknowledge on analyst issue of tempering at the worksite.

13 Regarding the nature of the work that I did, it was really labour
14 intensive. And I have told you repeatedly on the hardship of the
15 work that I did, including digging the ground, uprooting tree
16 roots, and carrying rocks. And I had to work day and night.

17 Whenever the bell was rung, I had to be ready to go to work. And
18 even if while it was raining, I had to go to work. And there were
19 no questions asked. I had to simply follow the instructions and
20 the work assignments on the ground. We simply did what we were
21 asked to do. And at night time, sometimes we had to work up to
22 four hours, sometimes we worked a little bit less.

23 Q. During that period, were you aware of the secret nature of
24 that project to build the airport, with the cave dug out for
25 hiding planes? Is that something you were aware of during that

1 period?

2 A. I did not have any knowledge of any confidential work done
3 there. I only knew about the work in open. I did not know about
4 any secret cave being dug out at the airfield.

5 MR. VERCKEN:

6 I have no further questions for the witness. I believe my
7 colleague, Kong Sam Onn, has some questions for the witness as
8 well.

9 [11.08.54]

10 MR. PRESIDENT:

11 Counsel Kong Sam Onn, you may proceed.

12 QUESTIONING BY MR. KONG SAM ONN:

13 Q. Thank you, Mr. President, and good morning, everyone. And good
14 morning, Mr. Him Han. I have some questions that I'd like to seek
15 your clarification on, in particular in relation to your work at
16 the Kampong Chhnang airport worksite. You said you were attached
17 to Unit 17. Was that unit formed when you were in Kampong
18 Chhnang, or had it been formed while you were in Phnom Penh?

19 MR. HIM HAN:

20 A. It was established at Anlong Kngan.

21 Q. Please elaborate a little bit further on this Unit 17. For
22 example, who was in charge?

23 A. Yes, there was a chain of command, from a group chief upward,
24 but I did not know their names.

25 [11.10.27]

1 Q. How long had the unit been formed at Anlong Kngan before you
2 were transferred to work at Kampong Chhnang airfield?

3 A. It was less than three months before I was then sent to
4 Kampong Chhnang worksite. So, allow me to clarify. First, I was
5 removed from Regiment 12, and reintegrated into the so-called
6 Unit 17, and then I was sent to Kampong Chhnang airfield
7 worksite. And I had to follow all the regulations set forth.
8 Since the formation of Unit 17, all the people, or cadres, in the
9 supervisory roles were those from the southwest group. When I was
10 with Regiment 12, I had some roles to play, but when I was
11 reassigned to Unit 17, I was demoted to an ordinary labourer.

12 Q. You stated this morning that there were about 50 members of
13 the Unit 17. Do you refer to the number of the people in Unit 17
14 since you were at Anlong Kngan?

15 MR. PRESIDENT:

16 The Deputy Co-Prosecutor, you may proceed.

17 [11.12.18]

18 MR. DE WILDE D'ESTMAEL:

19 Thank you. I believe there is an interpretation error. A while
20 ago, the witness talked of 50 people, and we do not know whether
21 it represented all of the members of the Unit 17. And we've heard
22 of 15 people. I believe that is an interpretation error.

23 BY MR. KONG SAM ONN:

24 I just mentioned the number of 50 -- that is, five-zero. And the
25 witness can confirm that.

1 MR. HIM HAN:

2 A. The number of workers I can tell you, but I cannot recall all
3 the names of those people.

4 Q. Please just mention the number of the 50 people. Can you
5 confirm that members of Unit 17, a total 50, since you were at
6 Anlong Kngan? And did the number remain the same when you were
7 transferred to work at Kampong Chhnang airfield?

8 [11.13.45]

9 A. When we were called to a line up, we were told that there were
10 50 of us, and that we were assigned to go to work at Kampong
11 Chhnang airfield. And we were trucked out in five vehicles. And
12 when we arrived at the airfield, we were dispersed into various
13 locations. That's all I can recall.

14 Q. And when you were dispersed, were you sent to different or
15 separate sleeping quarters, but you were still part of Unit 17,
16 and that you worked jointly as forces under Unit 17?

17 A. The unit number remained the same. However, the sleeping
18 quarters and the work stations were different.

19 Q. Regarding the leadership at that unit, you said that they were
20 all the southwest group. Can you tell the Court how many groups
21 there were in Unit 17, and how many southwest leaders?

22 A. You want me to refer to the leadership figure from the group
23 chief upward?

24 Q. Yes, that is correct.

25 A. The southwest group who were in the leadership role, ranging

1 from group chief upward, within Unit 17.

2 [11.16.13]

3 Q. I'd like to know the number of the southwest cadres who were
4 in the leadership role in that unit? For example, there could be
5 three groups in Unit 17, so there were three southwest group
6 leaders and what about the deputies? This is just an example to
7 give you a start.

8 A. For each squad, there were three members. And then there were
9 nine groups, and each group was headed by a southwest cadre. And
10 from what I can recall, there were a total of ten southwest
11 cadres who were in the leadership role in that unit. However, I
12 cannot their names.

13 Q. What observation did you make regarding the behaviour of those
14 leaders who were southwest cadres in the Unit 17? Can you see any
15 distinction in their leadership?

16 A. The distinction that I observed was discrimination. They
17 regarded us as traitors, and they controlled us. They never spoke
18 pleasant words to us. They were firm on their words, and they
19 were firm on the work assignment given to us. And we were not
20 allowed to protest or to refuse otherwise, we would be
21 disappeared. For that reason, none of us dared to express our
22 protest or objection. Even if we could not complete the work
23 quota during the daytime, we had to do it during the afternoon,
24 the evening, or sometimes we had to work throughout the night to
25 complete the work quota.

1 [11.18.41]

2 Q. You also testified this morning about your fear, your fear of
3 those leaders within your group and your unit. And you also said
4 that you did not even dare look at their faces, as you were
5 afraid you would be taken away and killed. And you also mentioned
6 that those people were illiterate, and that it was possible for
7 you to change your name. And I'd like to ask you an additional
8 question on this point. What words, or what activities, made you
9 fearful of your leaders, or those southwest cadres who were in
10 the leadership role in that unit? Can you please give us some
11 examples?

12 A. They asked us, "Do you want to live or to die? And if you want
13 to die, you tell us. And if you want to live, just keep on
14 working, and working hard." And I know that they were illiterate
15 because they could not write properly. Even the way they handled
16 a pen was a sign indicative of their illiteracy. And that's the
17 reason that I could alter my biography. So I could change some
18 information on my biography paper quickly.

19 [11.20.53]

20 Q. Then is it correct if I summarize the following: that you were
21 fearful because you were threatened by those southwest cadres, or
22 leaders?

23 A. Yes, that is correct. And not only I, was fearful of them. All
24 my peers faced the same situation.

25 Q. And what are the activities that you can tell us regarding the

1 threat that the southwest cadres showed? You testified yesterday
2 that if you were to trespass the area or to move from one unit to
3 another, then you would be arrested and killed. And were there
4 any disciplinary actions taken against those workers who violated
5 the work regulations, or the rules, on the ground?

6 A. One day I was told by my peer worker that a person from
7 another unit went to a nearby unit, and as a result, he was
8 arrested. So, by having seen such an example, we warned our peer
9 workers not to move freely or to go to another nearby unit. And
10 we stayed wherever we were assigned to work. We didn't even dare
11 to take shelter under a tree nearby.

12 [11.23.04]

13 Q. Also on the issue of being fearful that you mentioned, that
14 you didn't even dare to look at the faces or the eyes of the
15 southwest cadres, did this kind of fear have influence on your
16 work and your living conditions on site?

17 A. Their activities and attitudes were different from ours. They
18 were not friendly to us. They did not come and chitchat to us.
19 And they simply ignored us. They only gave us instructions, and
20 that we had to complete the work quota. And if we could not do
21 it, we needed to send a representative to tell them that we could
22 not finish it, and that we had to do extra hours to complete the
23 work quota. Even if we were so fatigued, while we were working,
24 they simply were careless of what we did. And they were always
25 firm on the words they spoke to us.

1 MR. KONG SAM ONN:

2 If you want to add more, please do so. Otherwise, I am done. And

3 Mr. President, I am done with this witness.

4 [11.24.46]

5 MR. PRESIDENT:

6 Thank you. The hearing of testimony of this witness, Him Han, is

7 now concluded. And for the afternoon session, after our lunch

8 break, the Chamber will hear testimony of a civil party -- that

9 is, 2-TCCP-247. This is for all Parties and the public.

10 And Mr. Him Han, the Chamber is grateful of your presence to

11 testify before this Chamber as a witness during the last two

12 days. Your testimony will contribute to our seeking for the truth

13 in this matter. Your testimony is now concluded, and you may

14 return to your place of residence, and we wish you all the best,

15 and a safe journey.

16 Court officer, please cooperate with WESU to make necessary

17 transportation arrangements for this witness to return home.

18 It is now convenient for our lunch break. We'll take a break now

19 and resume at 1.30 this afternoon, so that we can continue our

20 proceedings.

21 Security personnel, you are instructed to take Khieu Samphan to

22 the waiting room downstairs, and have him returned to attend the

23 proceedings this afternoon before 1.30.

24 The Court is now in recess.

25 (Court recesses from 1126H to 1329H)

1 MR. PRESIDENT:

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

3 Court officer please invite 2-TCCP-247 and the support staff from

4 TPO, Madam Chhay Marideth, into the courtroom.

5 (Civil party enters courtroom)

6 [13.31.22]

7 QUESTIONING BY THE PRESIDENT:

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

9 Madam Civil Party, please wait for the microphone to go on before
10 you give your statement.

11 MS. CHUM SAMOEURN:

12 A. My name is Chum Samoeurn.

13 Q. When were you born?

14 A. I was on 4th March 1960.

15 Q. Where were you born?

16 [13.32.12]

17 A. I was born in Prum Prech (phonetic) village, Chhuk commune,
18 Chhuk district, Kampot province.

19 Q. And what is your current address?

20 A. My current address is at Tvikhnag Tboung, Andoung Khmaer
21 district, Kampong Bay, Kampot province.

22 Q. What are your parents' names?

23 A. My father's name is Chum Chien as for my mother, her name was
24 Peou Aun.

25 Q. What about husband, what is his name, how many children do you

1 have together?

2 A. My husband's name is Rith Chret (phonetic), I have five
3 children.

4 [13.33.22]

5 MR. PRESIDENT:

6 Thank you, Madam Chum Samoeurn. As a civil party you may make a
7 victim's impact statement if any, concerning the crimes which are
8 alleged against the two accused and harms inflicted upon you
9 during the Democratic Kampuchea. Under Internal Rule 91 bis of
10 the ECCC, the Chamber gives the floor to the Lead Co-Lawyers to
11 put questions before other Parties and the combined Lead
12 Co-Lawyers and Co-Prosecutors is one session. You may now proceed
13 ,Lead Co-Lawyer.

14 MS. GUIRAUD:

15 Thank you Mr. President. I am going to give the floor to my
16 colleague Counsel Sovannary.

17 MR. PRESIDENT:

18 You may now proceed civil party Lawyer, Ms. Moch Sovannary.

19 [13.35.08]

20 QUESTIONING BY MS. MOCH SOVANNARY:

21 Thank you. Good afternoon, Mr. President, Your Honours, Parties
22 to the proceedings, everyone in and around the courtroom. Good
23 afternoon, Madam Civil Party. I have some questions for you and
24 thank you for being here and give your responses.

25 Q. I would like to know where did you live before 1975 and what

1 did you do?

2 MS. CHUM SAMOEURN:

3 A. I lived in Trapeang Reang (phonetic) village, Chhuk commune,
4 Chhuk district. I was young at that time.

5 Q. What did you do in 1973?

6 A. In 1973, I lived in Division 11. At that time I was 13 years
7 old and I was asked to carry earth. Rather I was asked to carry
8 rice.

9 [13.36.45]

10 Q. Thank you. So, when you were 13 you joined soldiers in
11 Division 11 and where was that division stationed?

12 A. The soldiers were stationed at Kaoh Thum district, Kandal
13 province.

14 Q. Who was the commander of Division 11?

15 A. His name was Keou Samphan (phonetic).

16 Q. Regarding Division 11, which zone was Division 11 under?

17 A. I do not know.

18 Q. Could you tell the Court why did you join Khmer Rouge at that
19 time?

20 A. The reason that I joined Khmer Rouge soldiers is to liberate
21 the King Norodom Sihanouk.

22 Q. You stated that at that time you joined Khmer Rouge forces and
23 you told the Court that you were instructed to carry rice or food
24 supplies and where did you bring that rice to?

25 A. I was instructed to carry rice. I did not know the name of the

1 village. I had to bring the rice to one village. That village was
2 close to Tuol Krasang.

3 [13.39.59]

4 Q. Could you tell the Court the place where you had to bring rice
5 to, was it the battlefield which was going on?

6 A. I brought rice to the rear battlefield and people from the
7 front battlefield would come and get the rice.

8 Q. Did you recall if there were any children in the unit that you
9 had to bring rice to?

10 A. As for my colleagues they were of the same age as me.

11 Q. How many of them were there in your unit?

12 A. There were 10 of us in my group.

13 Q. Now, I would like ask you about the period of 17 April 1975.
14 After Phnom Penh was liberated where did you go, did you change
15 your workstation?

16 A. When Phnom Penh was liberated in 1975 my division was moved to
17 do rice farming in Wat Kdol, west of Stueng Mean Chey it was far
18 from glass making factory.

19 Q. Thank you. When your division was moved to rice farming at Wat
20 Kdol, were there any changes in your division, was your division
21 had the original name that is Division 11?

22 A. At that time my division was named Division 11, nothing --
23 nothing changed in my division.

24 [13.43.34]

25 Q. Thank you. After you were engaged in rice farming at Wat Kdol,

1 what did you do after that time?

2 A. After I was engaged in rice farming at Wat Kdol, I was moved
3 to do rice farming at the factory and later on I was assigned to
4 make fertiliser.

5 Q. Thank you. And what about next, what did you after that time
6 and where was your workstation?

7 A. And then I was moved to do rice farming at Ou Baek K'am.

8 Q. Thank you. When you were at Ou Baek K'am were you still in
9 Division 11 and did the composition in your division change?

10 A. At that time Division 502 was combined with Division 11 that
11 is my division.

12 Q. Thank you. Do you recall then, who was the commander of
13 Division 502?

14 A. His name Met.

15 [13.45.54]

16 Q. Thank you. After Division 502 and Division 11 were combined
17 together, what was the name of your new division and who was the
18 new commander?

19 A. It was Met, who supervised my new division.

20 Q. Thank you. After Phnom Penh fell on 17 April 1975, were you
21 required to give your biography?

22 A. I did not know at that time and later on Met, who was my
23 supervisor or commander, told me to go -- told me that she went
24 to the cooperative to try to find out about my biography and she
25 told me that I had been linked to the former regime because my

1 father was a former soldier.

2 Q. Thank you. And after she knew about your biography and after
3 you were found out to be affiliated with the former regime what
4 did they assign you to do at that time?

5 [13.47.54]

6 A. My biography was found out and I was put in a unit which
7 consisted of members who had been affiliated with the former
8 regime and I was assigned to carry earth for 10 days. I had to
9 work alone at that time because I had been affiliated with the
10 former regime. I did the earth carrying work alone. I did that
11 work according to their assignment; I did not know whether I did
12 the work correctly I was working in one cooperative west of
13 Pochentong.

14 MR. PRESIDENT:

15 Court officers, please bring some tissues for civil party.

16 (Short pause)

17 [13.49.54]

18 BY MS. MOCH SOVANNARY:

19 Q. Thank you, I would like to go on. I would like to ask you
20 about one document, the document that you submitted to the Court
21 E3/4807, ERN in Khmer, 00578918; English, 00846968; and French,
22 00578977. In that document you stated that from mid-1976 you were
23 relocated to work at Kampong Chhnang airfield. On this point, I
24 would like to ask you why you were moved to work in Kampong
25 Chhnang?

1 MS. CHUM SAMOEURN:

2 A. I did not know then, I was told that I had to go to Kampong
3 Chhnang and work.

4 Q. Did they send you alone to work there or did you go with your
5 unit?

6 A. The whole unit was sent to Kampong Chhnang.

7 [13.51.50]

8 Q. Thank you. You have just stated that after your biography had
9 been collected you were put in one new unit, the unit which had
10 been affiliated with the former regime, was it the same unit that
11 was sent to Kampong Chhnang?

12 A. I stayed in that unit when I was moved to Kampong Chhnang.

13 Q. Could you tell the Court, all members in your unit had been
14 affiliated with former regime, is that correct or was it only
15 that was affiliated with the former regime?

16 A. It was only me who was identified as having been affiliated
17 with the former regime.

18 Q. How long did you work at Kampong Chhnang airfield?

19 [13.53.22]

20 A. I did not know at that time perhaps it was three months and
21 five months. I was too young at that time and so I did not know
22 how long I spent time working there.

23 Q. Upon your arrival at Kampong Chhnang airfield, what did you
24 see, what was the situation like?

25 A. I arrived at Kampong Chhnang airfield at night time during

1 which I did not know what was the situation like. The day after I
2 was instructed to go to work and I could see canals had already
3 been dug.

4 Q. Where was the worksite, could you tell the Court?

5 A. I did not know where the worksite was located in.

6 Q. So, why then you knew it was Kampong Chhnang airfield?

7 A. Srun (phonetic), who was my unit chief, told me that that
8 place was Kampong Chhnang airfield.

9 Q. Thank you. Who was Srun (phonetic), you said -- you stated
10 that he was your chief, did he tell you more about the fact that
11 you were sent to Kampong Chhnang airfield and did he tell you why
12 they had to build that airport?

13 [13.55.50]

14 A. I did not know.

15 Q. Thank you. When you first started work, how many workers were
16 there at that worksite?

17 A. I noticed that there were many workers there and I could not
18 tell you how many workers were there, there were many of them.

19 Q. Did you know whether the workers were all soldiers and what
20 kind of people were assigned to do the work at that airfield?

21 A. They were all soldiers.

22 Q. Thank you. Why did you know that they were all soldiers, it
23 was because they had -- they wore military uniform or they had
24 the same normal attire as normal citizens?

25 A. They wore black attire with cap.

1 [13.58.50]

2 Q. Thank you. Did you know where they were from, which zones they
3 were from?

4 A. I did not know at that time.

5 Q. I would like to ask about the work that you did at the
6 airfield. What were you required to do when you arrived at
7 Kampong Chhnang airfield?

8 A. Regarding my work, we had to carry soil, carry rock and
9 compact soil.

10 Q. Thank you. What about working times, so when did you start
11 work?

12 A. I did not notice about the time. The unit chief would tell us
13 to get ready to go to work and in the evening we were told that
14 we had to keep our tools properly and go to have meal and after
15 meal in the evening, we were told to get back to work at night.

16 Q. I would like to confirm with you concerning the statement or
17 information that I got. Is that correct to say that the workers
18 were required to work three times per day in the morning, in the
19 afternoon and after they had lunch they had to resume work at
20 night, is that correct?

21 A. Yes that is correct.

22 [14.00.53]

23 Q. After you had your dinner, can you tell the Court if your
24 recall, how many more hours were you required to work at night?

25 A. After we had our dinner, we had a little of bit of rest and we

1 had to resume working again. Although I did not know the exact
2 hour we had to start, we continued working until we were told to
3 stop, we didn't have a watch at that time.

4 Q. On the issue of food ration, after you woke up you had to go
5 to work early in the morning, were you given food for breakfast
6 and was the food ration for lunch and dinner sufficient?

7 A. There was no breakfast given to us at all. For lunch we were
8 given cooked rice mixed with corn -- that is, two cans mixed with
9 10 corn -- 10 cans of corn for the group and it was not
10 sufficient at all. As for the soup, it was soup with some spicy
11 herb or some morning glory. I never saw any fish in the soup.

12 [14.02.53]

13 Q. You said the daily food ration for your group was two cans of
14 rice and 10 cans of corn, does it mean that these food ration
15 covered your lunch and dinner that is for the whole group?

16 A. Yes, the ration for both lunch and dinner.

17 Q. Is it correct that this food ration is for your entire group
18 -- actually how many members in your group who had to share this
19 food ration on a daily basis?

20 A. In my platoon there were 36 -- 33 people, however there were
21 three groups under this platoon and the ration I mentioned for
22 this 11 member group.

23 Q. You just testified that you had to work during the night, were
24 you given any supplementary food besides lunch and dinner for the
25 hours that you worked during the night?

1 A. No, there was no supper or supplementary food.

2 Q. Now I would like to touch up on the issue of sanitation. Can
3 you tell the Chamber about the food or water sanitation, were you
4 provided with clean drinking water?

5 [14.05.35]

6 A. No, the water we drank was unhygienic as we had to drink water
7 from the creek.

8 Q. Did workers have to bathe themselves in that creek and drink
9 the water from the same source?

10 A. Indeed that same stream or creek where we bathed ourselves and
11 we drank.

12 Q. Now I would like to ask you about the resting time. During the
13 period of three to five months that you worked there, were you
14 allowed to rest, for example how many days were you allowed to
15 rest per week or per month, was there such an arrangement in
16 place?

17 A. No, there were no resting times; there were always working
18 times or literally attacking times at the site. Unless you fell
19 sick -- that is, you fell dizzy or you fell fatigue from your
20 monthly menstruation, otherwise you would not be allowed to rest.

21 [14.07.23]

22 Q. Allow me to give an example for instance, for the morning you
23 had to go to work -- that is, your group, was there any brief
24 resting time for the morning session and what about the afternoon
25 session, was there a short break?

1 A. During the working hours there was no break at all, we could
2 only rest a little bit at meal time then we had to return to work
3 again.

4 Q. What was the arrangement for your sleeping quarter, could you
5 enlighten the Chamber?

6 A. At night time I saw readymade sleeping quarter in form a long
7 building and they built actually a stack where we could sleep on,
8 there was no sleeping mat or mosquito net, we simply slept on
9 that floor or rack.

10 Q. At your sleeping quarter were you annoyed by bed bugs or
11 insects or mosquitoes?

12 A. Yes, there were and for that reason we gathered tree leaves
13 and burnt it in order to have the smoke chasing away the
14 mosquitoes.

15 [14.09.35]

16 Q. Did the management on site take any measure to prevent or to
17 eliminate those insects or mosquitoes from the working site?

18 A. No, I never saw any measures taken regarding this matter.

19 Q. What about personal hygiene, were you or your peer given soap
20 or detergent or if they did not provide you with this necessity,
21 were you allowed to have your own?

22 A. We worked and after work we had to bathe ourselves and there
23 was no soap or whatever, nothing at all. We sometimes had to use
24 the dry bark from fruit in order to clean our skin and many of us
25 were infected by lice both on our head and our skin.

1 Q. During the period that you worked there, who made the work
2 assignment for your group in term of daily work quota, who made
3 that determination?

4 [14.11.55]

5 A. I did not know anything about the work assignment for the
6 group, I only carried the earth as I was instructed to do -- that
7 is, to carry the earth to build the road at the worksite so that
8 the road could be later compressed but I had no idea about work
9 quota.

10 Q. So, you did not know about the daily work quota. Did you
11 experience any blame from your supervisor that your team, for
12 example, your group did not complete that particular day work
13 quota?

14 A. No, it never happened.

15 Q. During the time that you worked there -- that is, morning
16 session, afternoon session and sometimes night session, were you
17 allowed to talk to other peer workers within your group or were
18 you allowed to talk to workers in different groups?

19 A. No, we were prohibited from speaking to one another and we had
20 to concentrate working.

21 Q. What about the freedom of movement, were you allowed to move
22 away from your assigned location to another location?

23 A. No, our movement was restricted. The only movement that we
24 could make was from where we stayed to the worksite.

25 [14.14.21]

1 Q. So you were not allowed to move freely during the working
2 hours, what about at night time -- that is, when you were off
3 work, were you allowed to move freely and were you allowed to
4 speak to your peer workers?

5 A. No, not even during the night time. We were not allowed to
6 move freely, after we returned to our sleeping quarter, we had to
7 rest there.

8 Q. And during the time that you were there, was there any time
9 that it rained and if that is case, were you allowed to stop
10 temporarily while it was raining?

11 A. No, we had to work although it was raining.

12 Q. How many times did this happen, that is you were working while
13 it was raining?

14 [14.15.54]

15 A. To my recollection, it happened only one time.

16 Q. While it was raining, were you able to seek permission to stop
17 work for a while?

18 A. We were not allowed to stop.

19 Q. Were you given any reason that you were not allowed to stop
20 while it rained?

21 A. No, they did not give us any reason because they presumed that
22 we had to continue working under the rain.

23 Q. Please turn on the microphone. Were you provided necessities
24 while you were working for example, a hat or a raincoat to
25 protect you from the rain?

1 A. No we were not given such necessities. I only had a cap which
2 was barely enough to protect my face. There was no hat or
3 raincoat given to us.

4 Q. During the period that you worked there, were you instructed
5 to attend a livelihood and if so what -- how it was organised and
6 what was the contents of such meetings?

7 A. The meetings were held and the main gists of the meetings were
8 for us to strive work harder to achieve the work quota and
9 nothing else was the main focus besides this one.

10 [14.18.32]

11 Q. And during those meetings, was there any mentioning of the
12 work plan from the upper level and was there a session where you
13 had to criticise your peer and where your peers would criticise
14 you?

15 A. No, there was no criticism or self-criticism as I said the
16 main focus was to try to work harder each day.

17 Q. Due to the nature of hardship of the work on site, the lack of
18 food and the lack of hygiene, did you ever fall sick, or did you
19 observe that any of your peer workers fall sick?

20 A. I did not know about other workers but I myself had an
21 infection of my hand and then I couldn't dig the soil I was
22 instructed to actually to put the soil into the baskets for other
23 workers to carry away.

24 [14.20.18]

25 Q. And while you were sick, was there a medic on site, were you

1 provided with any medicine for your treatment or were you allowed
2 to rest?

3 A. We were given a rabbit drop pellets and I actually asked for
4 permission to rest but I was not allowed as I was told that I was
5 sick only in one hand and I could continue working with the other
6 hand.

7 Q. During the few months period that you worked there, what
8 benefits did you receive from your direct supervisor or from the
9 management of the airfield worksite in exchange of your hard
10 work?

11 A. There was no benefit given to me at all.

12 Q. Let me go back to the time that you were assigned to go and
13 work there. Could you refuse to go to the airport worksite or did
14 any of your peer workers refuse to go?

15 A. No one dared to refuse.

16 Q. After you completed your work at the airport -- Kampong
17 Chhnang airport worksite, were you assigned to work elsewhere and
18 if so where and what kind of work?

19 [14.22.48]

20 A. After I concluded my work at Kampong Chhnang airfield, my
21 company was transferred to go to Phnom Penh to carry bricks and
22 to carry them on to the train wagons and the train would
23 transport those bricks to Kampong Chhnang.

24 Q. Could you tell the Court about the hardship about carrying
25 bricks on to train wagons for the transportation to Kampong

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1 Chhnang, what kind of hardship did you face?

2 A. My 30 member platoon was assigned to carry bricks and put them
3 on to train wagons, our fingers were bleeding at times as the
4 bricks were still hotly taken from the oven, we had to do it
5 urgently as it was needed for the Kampong Chhnang project.

6 Q. I would like to touch up on another topic, as you mentioned in
7 your supplementary information form -- that is E3/4807, on page
8 with Khmer ERN, 00578979; English, 00846968; and French,
9 00578977; you mentioned that in around 1978, you were forced to
10 get married. Could you elaborate a little bit further on the fact
11 that you were forced to get married?

12 [14.25.08]

13 A. In late 1978, I was forced to marry a man in a five couple
14 wedding ceremony. I did not know the prospective husband at all.
15 We were asked to sit on one side while the men were asked to sit
16 on another row opposite us. We were asked to stand to hold hands
17 to make a resolution and then to return to our respective
18 sleeping quarter. When I was forced to get married, I refused and
19 I was threatened that if I were not do so, I would never date a
20 man throughout my life, if I was caught smiling at a man, I would
21 risk being killed. So I was scared, although I did not love that
22 man I had to force myself to marry him and after the marriage we
23 were asked to go to our sleeping quarter -- that is, our room, my
24 whole body was trembling and I was very afraid and I told him,
25 "please don't do anything to me", and the man did not do anything

1 to me, I was fortunate enough for that. Then I heard footsteps
2 outside the room, I began to tremble again.

3 Q. My last question regarding this topic is the following, are
4 you still living with the man who was your husband as organised
5 by Angkar at that time?

6 [14.27.34]

7 A. No, three days after the marriage we separated.

8 MS. MOCH SOVANNARY:

9 Thank you Madam Civil Party, I thank you for answering my
10 questions and Mr. President, I am done.

11 MR. PRESIDENT:

12 Thank you, Lawyer for Civil Parties. The Chamber now would like
13 to hand the floor to the Deputy Co-Prosecutor to put questions to
14 the civil party and you may proceed.

15 [14.28.09]

16 QUESTIONING BY MR. BOYLE:

17 Thank you, Mr. President. Good afternoon, Madam Civil Party. We
18 only have a few minutes so I would ask that your responses be as
19 brief as possible to the questions that I have.

20 Q. I would like to start by asking a couple questions on the
21 topic you were addressing, your marriage during the Khmer Rouge
22 period. You mentioned that following your marriage, you returned
23 to some sort of dwelling with your husband, indeed at your
24 supplemental civil party application, that's E3/4807, you said
25 the following, "After eating a meal together each of the couples

1 went home, at dusk well-armed informers came right into our homes
2 to check whether or not we were getting along with each other.
3 Even after marriage we did not have sexual intercourse, I told my
4 husband to keep it a secret because we were both in the same
5 boat, when the regime ended we did not live together." Can you
6 explain a bit further, what you meant when you said well-armed
7 informers came to check whether you were getting along with each
8 other?

9 [14.29.45]

10 MS. CHUM SAMOEURN:

11 A. There were militias who came to eavesdrop on us. I did not
12 know whether these militias were armed I did not see them, I only
13 heard their footsteps.

14 Q. And what were they trying to hear do you know when they were
15 eavesdropping on you?

16 A. They wanted to know whether we consummate the marriage.

17 Q. And can you explain why you thought you had to keep it a
18 secret that you had not consummated the marriage with your
19 husband?

20 A. Because I was afraid that they knew for that reason, I told
21 him to keep it a secret. I was alleged of having affiliation as
22 both my father and stepfather were former servants of the Lon Nol
23 regime.

24 Q. And what did you fear would occur if they knew that you had
25 not consummated your marriage?

1 [14.31.35]

2 A. In fact we did not consummate our marriage as I was afraid of
3 him. Of course we Cambodian girls would not willingly give
4 ourselves to the men that we just knew and for that reason my
5 body was trembled and I actually begged him to keep a secret that
6 we did not consummate our marriage.

7 Q. I understand, perhaps I was not clear in my question. What I'm
8 trying to find out is, why were you afraid to the point that felt
9 you needed to keep it a secret, that you had not consummated your
10 marriage, what did you think would occur if the Khmer Rouge
11 discovered that you had not consummated your marriage?

12 [14.32.40]

13 A. I did not know what would happen if they would found out. At
14 that time I told my husband that I was scared after the marriage
15 and I told him to keep the secret that we did not consummate our
16 marriage.

17 Q. One final question on this topic. Do you remember who it was
18 that led your marriage ceremony?

19 A. It was my unit chief, Met, who arranged the marriage for me.

20 Q. And did Met also lead the ceremony or did he just arrange the
21 marriage?

22 A. He paired me with my husband.

23 Q. And after he paired you with your husband and there was the
24 ceremony with the five couples, did he also lead that ceremony in
25 which you and five other couples were married?

1 A. After he paired us up, he was also in the marriage.

2 [14.34.47]

3 Q. Thank you. I would like to move now to ask you about your --
4 how it was that you came to be in Division 502 in the rice fields
5 and then was subsequently moved to the airport worksite. You
6 stated in your supplementary application, E3/4807, this is at ERN
7 -- English ERN 00846968; French, 00578977; Khmer, 00578979; the
8 following, "I was transferred to Ou Baek K'am in Phnom Penh to
9 work in rice farming because of my bad biography. Because my
10 father Chum Chien was a policeman under the Sihanouk regime, in
11 addition to that my stepfather Loh Chea was a Lon Nol soldier."
12 Is that correct, as you stated in your supplementary application
13 and as you clarified a bit in questioning this afternoon, that
14 after you provided a biography and it was discovered that your
15 father and stepfather had connections to the Sihanouk and Lon Nol
16 regime respectively, that you were transferred to Ou Baek K'am to
17 rice farm?

18 [14.36.43]

19 A. It is correct, they found out that my father was a former
20 policeman and my stepfather was a former soldier and after they
21 found out they sent me to Ou Baek K'am.

22 Q. And did they ever tell you or did you ever have an opinion
23 about why it was that you were considered to have "bad biography"
24 because you were related to a former Lon Nol soldier?

25 A. Could you repeat your question?

1 Q. Absolutely. You stated in your supplemental application that
2 you were transferred to Ou Baek K'am, "because of my bad
3 biography". Why was it that simply because your father was or
4 your stepfather was a Lon Nol soldier and your father was a
5 Sihanouk policeman, that you were considered to have a bad
6 biography?

7 A. In the biography it was said that my fathers were related to
8 former regime and it was said that I had a bad biography.

9 Q. Madam Civil Party, also in your civil party application, it's
10 D22/1067, you stated in relation to your transfer to do the rice
11 farming at Ou Baek K'am, "The Khmer Rouge therefore categorised
12 me in a group of people who had tendencies so called as enemy's
13 relatives. They assigned me to farm there since I was regarded a
14 prisoner." Is that correct that after they knew of your
15 biography, the Khmer Rouge regarded you as a prisoner?

16 [14.39.24]

17 A. They said I was a prisoner.

18 Q. And to the best of your knowledge did you continue to be
19 considered a prisoner when you were transferred to the Kampong
20 Chhnang airport worksite?

21 A. They continued to consider me as a prisoner.

22 MR. BOYLE:

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

25 MR. PRESIDENT:

1 Thank you, Mr. Co-Prosecutor, it is now convenient time for a
2 short break, the Chamber will take the break now until 3 o'clock.
3 The Court is now in recess.

4 (Court recesses from 1440H to 1458H)

5 MR. PRESIDENT:

6 Please be seated. The Chamber now hands the floor to the defence
7 teams to put questions to this civil party and the combined time
8 for the two Defence teams is one session. So from now until the
9 end of today's hearing. First you have the floor, the Defence
10 team for Mr. Nuon Chea. You may now proceed, Mr. Koppe.

11 QUESTIONING BY MR. KOPPE:

12 Thank you, Mr. President. Good afternoon, Madam Witness.

13 Q. You were born in 1960, I understood, this means you were 15 in
14 1975; is that correct?

15 MS. CHUM SAMOEURN:

16 A. Yes, that is correct.

17 Q. Were you born and raised in Kampot province?

18 A. I was -- I was raised in Chhuk district, Kampot province.

19 Q. Between '75 and '79 was Kampot province part of the Southwest
20 Zone?

21 A. I did not know at that time but now I know it was in that
22 zone.

23 [15.00.25]

24 Q. Maybe I just didn't get it or noted it down well, when exactly
25 did you join the Revolutionary Army, was that right after the

1 liberation or before?

2 A. I joined the Khmer Rouge before the liberation.

3 Q. Can you remember how many months or weeks or years before?

4 A. I did not remember it.

5 Q. Can you give an estimate or approximate, was it 1974, 1973?

6 A. I cannot recall it. I'm sorry.

7 Q. Did you have older brothers or did you have brothers rather
8 who also joined the revolution before 1975?

9 [15.02.04]

10 A. I had cousin.

11 Q. Let me read to you, your statement D22/1067, I have it
12 somewhere here, the ERN numbers, the English ERN is 00842140; you
13 talk about your two older brothers Chum Sieb, Chum Choeun and
14 Chum Phon, were they all -- did they all join the revolution
15 before '75?

16 A. My younger brother Chum Phon, did not join the revolution he
17 was at the rear battlefield. As for Chum Sieb and Chum Choeun
18 they were also at the rear battlefield.

19 Q. But did they join the armed forces against Lon Nol before
20 1975, your older brothers, Chum Sieb and Chum Choeun?

21 A. I cannot recall it, if my elder brother became a soldier in
22 the revolutionary army, perhaps they did join.

23 Q. I'm not sure if I understand surely you know whether your
24 older brothers like yourself joined the revolution?

25 A. They joined.

1 Q. So it is fair to say that all three of you, and possibly all
2 four you, including your younger brother, were Southwest Zone
3 cadres?

4 [15.04.53]

5 A. It's not correct.

6 Q. What were you then?

7 A. I did not hold the rank as a cadre at that time.

8 Q. In your statement, which now I have the ERN numbers of,
9 French, 00575936; and Khmer, 00518248; this document D22.1067;
10 you indicated or you testified that your two older brothers and
11 your younger brother were killed by comrade Pet with a allegation
12 that they were enemy agents, did you give that statement?

13 [15.05.59]

14 A. I did not know who killed my two elder brothers and it is true
15 that my younger brother was killed.

16 Q. I will read it for you again. "In December 1978, sadly my two
17 older brothers and one younger brother, one, Chum Sieb a peasant;
18 two, Chum Choeun a peasant; and three, Chum Phon a peasant; were
19 killed by Pet, regiment chief at Phnum Monou, Monou Nob in Monou
20 Nob commune, Chhuk district, Kampot province with an allegation
21 that they were enemy agents." Is that what you stated or
22 testified to?

23 A. I did not give such statement.

24 Q. So your brothers were not killed by comrade Pet, is that what
25 you're saying?

1 A. No, my two elder brothers were not killed by that individual
2 and my younger brother was killed.

3 Q. But comrade Pet was indeed the regiment chief of Regiment 135;
4 is that correct?

5 A. I did not comrade Pet at that time but when I met my aunt at
6 the village I knew that the person was Pet.

7 Q. Who was the regiment chief then, who was the regiment chief of
8 135?

9 A. I have no knowledge of Regiment 135.

10 [15.08.55]

11 Q. Maybe I wasn't listening but you were a member of Regiment
12 135, weren't you?

13 A. I was the member of Battalion 135.

14 Q. Fine Battalion or Regiment 135 it's translated as in English
15 into both words, but who was the chief of Battalion 135?

16 A. The chief of Battalion 135 was comrade Met.

17 Q. No, I think comrade Met was the chief of Division 502, is that
18 correct, I'm asking you who was the chief or commanding officer
19 of Battalion or Regiment 135?

20 A. Met was a female.

21 Q. I'm talking about Sou Met, the chief of Division 502, that
22 surely was the man wasn't he?

23 A. Sou Met was at Division 502, he was a male.

24 Q. So again, who was the chief of then of your Battalion or
25 Regiment 135?

1 [15.11.14]

2 A. It was Met, the female comrade.

3 Q. Okay and who was female comrade Sokha?

4 A. Sokha was also in that unit.

5 Q. What rank did she have, was she the deputy commander of
6 Regiment or Battalion 135?

7 A. I did not know whether she was the deputy or chief.

8 Q. And is it correct that at one in point in time after 1975, you
9 became a medic in Division 502, stationed at Pochentong airport?

10 A. I never -- I was never a medic.

11 Q. I will read again, D22/1067, to you, "Prior to '75 to April
12 '75 I was a medic in Division 502 stationed at Pochentong airport
13 stationed in Phnom Penh, under the command of comrade Samet,
14 chief of Regiment 135 and female comrade Sokha, deputy chief of
15 Regiment 135." Now presuming that you were stationed at
16 Pochentong airport; that must have been after the liberation, but
17 were you at one point in time a medic in Division 502?

18 [15.13.36]

19 A. No, I was not a medic.

20 Q. To whom did you speak, when you gave your statement about what
21 had happened to you -- what has happened to you during and before
22 DK -- the DK regime?

23 A. I did not know the name of the interviewer.

24 Q. Let me read something else from the same document, D22/1067,
25 same ERN numbers as I mentioned earlier. "In early 1976 I was

1 ordered by Revolutionary Angkar to investigate the background of
2 all the soldiers." Did you state that to whomever?

3 A. I did not give that statement. It was only me who was under
4 watch.

5 Q. Can you explain why it was that they first let you joined
6 Division 502 and then, apparently, subsequently found out that
7 you had a connection or that your father had a connection to the
8 former Lon Nol regime? Can you explain why the people in Division
9 502 didn't discover that earlier?

10 [15.16.04]

11 A. At that time I was living with my aging grandmother in Chhuk
12 district, Kampot province and I did not put in the biography that
13 my parents had connection with the former regime.

14 Q. So when you joined the revolution the people in the division,
15 forces of Ta Mok, they didn't realise that you -- your father had
16 a function within the Khmer Republic, is that -- it that what
17 you're saying?

18 A. They did not know at that time and I was not part of Ta Mok's
19 army.

20 Q, But you were member of Division 502, I believe that division
21 is generally referred to as a division consisting of Southwest
22 Zone cadres or am I mistaken?

23 A. I did not know about that.

24 Q. Do you know who Ta Mok is?

25 A. No, I did not know Ta Mok then. I have heard of Ta Mok now.

1 Q. But at the time you hadn't heard of Ta Mok?

2 A. No.

3 Q. Did you know who Sou Met was, not Samet but Sou Met, did you
4 know who he was?

5 A. I did not know his full name but I heard people say that Sou
6 Met at Division 502.

7 [15.18.51]

8 Q. But Madam Civil Party, you were a member you said of Division
9 502, surely you know who the division chief was?

10 A. I did not know I did not question others about this matter. I
11 did not ask others about the background of Sou Met.

12 Q. Did you know how many female combatants there were in total in
13 Division 502?

14 A. There was one female battalion consisting of female
15 combatants.

16 Q. And how many female combatants were there?

17 A. I did not know how many of them were there in that battalion.
18 I only knew that there were three companies in one battalion and
19 I did not know how many female combatants in that battalion.

20 [15.20.33]

21 Q. Did you know what the main task of Division 502 was, which
22 part of the armed forces were they, were they considered, what
23 was the main task of 502?

24 A. I have no knowledge of it.

25 Q. Does it jog your memory when I say that 502 was the air force

1 of the revolutionary army?

2 A. Yes, that is true.

3 Q. Let me ask you some questions on Kampong Chhnang airfield. Why
4 was it that you were sent, you and unit members to Kampong
5 Chhnang airfield, were you told the reason?

6 A. They did not make any explanation. We were told that we had to
7 go and work at Kampong Chhnang airfield.

8 Q. Did they tell you why it was only three months or little more
9 than three months, did they give you a reason for that?

10 A. They did not tell the reason.

11 [15.22.44]

12 Q. Was female comrade Sokha, your commander while you were
13 working at Kampong Chhnang airfield?

14 A. Yes.

15 Q. Did she give you the assignment where to work, what to do at
16 Kampong Chhnang airfield?

17 A. I did not know at that time I was a female combatant.

18 Q. No, but did she order you to do certain things, to do certain
19 tasks; was she your commanding officer?

20 A. At that time she was still my commander and I went to Kampong
21 Chhnang airfield with the company.

22 Q. But my question was; she was the one who ordered all the
23 combatants in the company to do certain tasks at Kampong Chhnang
24 airfield, is that correct?

25 [15.24.34]

1 A. At that time I knew only what happened in my own company but
2 as for assignments in other units I have no idea.

3 Q. When you joined Division 502, did you get a military training
4 of some kind?

5 A. I was never trained.

6 Q. Did you know how to use an armed gun, a rifle; did you know
7 any of that?

8 A. No.

9 Q. What were you exactly doing in '75 and '74 in the Southwest
10 Zone forces, what was your role?

11 A. At that time I was told to carry rice.

12 Q. But before '75, you were, you said, a female combatant at the
13 time 14 years old, what were you doing in the revolutionary
14 forces of the Southwest Zone?

15 A. I did not participate in the battlefield, but as I stated I
16 carried the rice to the battlefield.

17 Q. But were you -- were you a combatant, were you a military
18 person, don't necessarily have to fight, you can be a military
19 person without being on the battlefield, that's what I mean.

20 A. I was a female combatant that is my title or rank.

21 [15.27.43]

22 Q. I don't know, Madam Civil Party. Let me move on to your
23 marriage. You said that you were forced to marry another cadre,
24 but three days later you were allowed to divorce. But at the same
25 time you said that militia men came passing by eavesdropping to

1 see whether you had consummated your marriage. Can you explain to
2 me why they would pass by eavesdropping while three days later
3 you were allowed to divorce?

4 MR. PRESIDENT:

5 Madam Civil Party, please hold on. You may now proceed, Lead
6 Co-Lawyer.

7 MS. GUIRAUD:

8 Thank you, Mr. President. I would like to make a brief remark.
9 The part -- the civil party did not say that she divorced or had
10 the intention of being divorced from her husband. She only said
11 that she thought about it, so the connotation here is very
12 different.

13 [15.29.08]

14 BY MR. KOPPE:

15 Maybe I wrote it down not accurately. I will -- did I understand
16 your testimony, Madam Civil Party, that three days after your
17 marriage you divorced or did I get that -- did I not get that
18 right?

19 MS. CHUM SAMOEURN:

20 A. No, I did not divorce my husband. Three days after my marriage
21 we went to work in different locations.

22 Q. Maybe there is something with the translation, but I -- I
23 heard the word divorce, what exactly did you say before the
24 break?

25 A. Maybe you confused my statement. I did not say that I divorced

1 my husband at that time. Three days after my marriage I went to
2 work in different place from that of my husband.

3 JUDGE CLAUDIA FENZ:

4 Counsel, I seem to remember the word separation, not divorce. I'm
5 not completely sure but I think the word was separation, but we
6 would have to check the transcript.

7 BY MR. KOPPE:

8 Q. That is very possible. Let me use another word. Did you, Madam
9 Civil Party, separate three days later after the wedding from
10 your husband?

11 [15.30.47]

12 MS. CHUM SAMOEURN:

13 A. We live separately at that time.

14 Q. And was that all right? Were you allowed to live separately
15 after three days?

16 A. We were allowed to work separate -- in separate places.

17 Q. Okay. I'll -- I will move on. Were you ever re-educated while
18 you were working at Kampong Chhnang airfield? Did you attend
19 re-education sessions?

20 A. I was never re-educated.

21 [15.31.55]

22 Q. Can you explain whether there was a difference in treatment of
23 you while you were at Kampong Chhnang airfield in those three
24 months a difference, for instance, in the months before you were
25 working and the months after that you were working? Was there a

1 difference in -- in treatment of you while you were at Kampong
2 Chhnang airfield?

3 A. No.

4 Q. How can we establish -- or maybe you can -- can explain to me
5 why your assignment at Kampong Chhnang airfield was the result of
6 you having had tendencies or you being tempered or refashioned or
7 can you explain that?

8 A. I did not know that I was sent to that place because I had
9 been connected with the former regime. I knew only that I had --
10 I was sent to work there.

11 Q. So you were sent there in the normal duty of you as a soldier
12 within Division 502? Is -- is that how I have to understand your
13 testimony?

14 A. Yes, that is correct.

15 Q. My last question, you said that you could not refuse an order
16 or the instruction to go to Kampong Chhnang airfield. Is it
17 allowed -- was it allowed for combatants to -- to refuse the
18 military orders given by the commanders?

19 [15.34.19]

20 A. We were not allowed to refuse the order.

21 Q. But were you taught as a combatant that every soldier always
22 has to follow the orders from their commanders?

23 A. We were told to perform well in our work in order to complete
24 the project sooner.

25 Q. But while you were a combatant before and after 1975, were you

1 taught that you have to follow the orders from your commanding
2 officer?

3 A. While living under the regime we had to do whatever we were
4 ordered to.

5 [15.35.29]

6 Q. That's not what I'm getting at. In every Army in the world,
7 soldiers or whoever in -- in the Army have to follow the orders
8 of their superiors. Were you told to follow the orders of your
9 superiors as well while you were a combatant?

10 A. We were told to follow the instructions and the disciplines --
11 disciplines from our commander.

12 MR. KOPPE:

13 Thank you, Mr. President. Thank you, Madam Civil Party.

14 MR. PRESIDENT:

15 Thank you, Counsel Koppe. And the floor is now given to the
16 Co-Counsel for Khieu Samphan and you may proceed.

17 QUESTIONING BY MR. VERCKEN:

18 Thank you, Mr. President. Good afternoon, Civil Party. I will be
19 rather briefer, but I wanted to put a question to you that's a
20 bit -- or questions to you that are a bit more general than the
21 questions that are put to you with regard to re-education.

22 Q. So, during the regime, during the Khmer Rouge regime, were you
23 ever re-educated?

24 [15.37.00]

25 MS. CHUM SAMOEURN:

1 A. No, I was not.

2 Q. So, I would like to read out to you what you stated on the
3 basis of the documents that were given to us by your lawyers.

4 This is index D22/1067, French, ERN 00578977; Khmer, 00578979;
5 English, 00846968; and you are speaking about your marriage. And
6 you said that, "The person -- the person told me that if I did
7 not get married, I could not go out with any man and I was
8 re-educated for five nights. During the day I would work normally
9 whereas at night I was re-educated from 7 p.m. to 9 p.m. They
10 reminded me, that I had a" -- and also you say that you had a bad
11 biography, etc.

12 So, this is what you said on 22 April 2010, to Avocats Sans
13 Frontieres, but it's true that you made other statements in 2010
14 as well apparently, and ERN here, 00575936 for French; Khmer,
15 00518245; in English, 00842140. And you are also speaking about
16 this marriage and you say, However, "From one day to the other I
17 was not summoned to be re-educated so I thought I would survive."
18 And this document is not only signed by you, but there is also
19 your fingerprint. It's the document in which you say that you had
20 been chosen by Angkar to research the biographies of all service
21 men.

22 [15.39.53]

23 So, I would like to know which version is the right one? Which is
24 the true story? Is it the one in which you say you were
25 re-educated during five days from 7 p.m. to 9 p.m. or was is at

1 the document in which you say, you were never re-educated?

2 A. I did not know whether it was a form of re-education as I was
3 called to attend a meeting and I was told to follow the -- the
4 instructions.

5 Q. So did I understand well, when you said that you had
6 challenged the fact that you apparently were pointed to review
7 the biographies of servicemen, is that true?

8 A. No, I was not instructed to go around and do a background
9 research of those members in the unit. I was actually told that
10 my background had been research and I first affiliated as my
11 father was a former policeman and my next -- or my stepfather was
12 a soldier. I myself did not have the authority or was vested with
13 an authority to go and do a background research.

14 [15.41.54]

15 Q. And with regard to your position as a nurse in the revolution,
16 you challenged that as well. When you signed and you put your
17 fingerprint on the civil party application, but however now you
18 tell us that you never were a nurse in the army?

19 A. I was never a nurse.

20 Q. Did you read this document over before you signed it and
21 before you fingerprinted in 2010 -- that is, the victim's
22 information form I'm speaking about?

23 A. No, I actually did not read it as I did not really know how to
24 read it that well.

25 Q. But did you write this document on your own or with someone

1 else's assistance because at the end of this document it is
2 written that you read over it?

3 A. I did not read it.

4 [15.44.14]

5 Q. And earlier upon several occasions you wanted to -- you
6 stressed that you were the only one who was suspected of having
7 ties. Does that mean that you were the only one in your unit who
8 had been sent there for that reason or -- I'm speaking about ties
9 with the former regime?

10 A. I myself was alleged or having affiliation with the former
11 regimes as my father was a former policeman while my stepfather
12 was a former soldier.

13 Q. Yes. But upon several occasions you said you were the only one
14 who was being criticised for that. So can you clarify a little
15 bit what you meant? You said that at least twice.

16 A. I did not know whether other people's backgrounds had been
17 research, but I myself was told that -- was told about that.

18 MR. VERCKEN:

19 I have no further questions, Mr. President.

20 MR. PRESIDENT:

21 Thank you, Counsel. And the National Counsel for the Defence, do
22 you have any question for the civil party?

23 MR. KONG SAM ONN:

24 No, I don't, Mr. President.

25 [15.46.39]

1 MR. PRESIDENT:

2 Thank you, Madam Chum Samoeurn. As the Chamber indicated at the
3 beginning of your testimony that at the conclusion of your
4 testimony you will be given an opportunity to make a statement of
5 the sufferings in relation to the allegations against the two
6 Accused -- that is, Nuon Chea and Khieu Samphan, which were
7 inflicted up on you during the Democratic Kampuchea regime and
8 that resulted in your civil party application for moral and
9 collective reparation. The damages includes physical, emotional
10 or material as a direct result of those crimes, and that actually
11 happened upon you and if you wish to do so, you can do it now.

12 [15.47.48]

13 MS. CHUM SAMOEURN:

14 Since I joined the Army of the Democratic Kampuchea regime, my
15 emotion was damaged. I had to force myself to work hard when my
16 hand was infected. I asked for permission to rest, but I was not
17 allowed to. As a result, at the moment I had heart problem and I
18 also had problem with my prostate. My parents and siblings had
19 been killed. My house had been lost. My land had been lost. I had
20 nothing left but myself alone. I could not depend on anyone but
21 myself.

22 And this still haunts me at present. I lost every members of my
23 family and that make me suffered and I am ridden with illnesses.
24 While I was living with my parents they never asked me to do any
25 work at all. It was a peaceful environment as I was living in

1 harmony with them but under the regime, I was forced to work as
2 an animal. And when my menstruation was interrupted, I had
3 problem with my abdominal pain and that affected me physically
4 and emotionally.

5 The most daunting aspect was that I lost both parents and
6 siblings. I'd like to ask the Accused that now you have been
7 found guilty of all those charges by this Court. Are you ready to
8 face those charges and do you have the honour to live in this
9 earth, or you wish to go to hell and live there? I ask question
10 on behalf of all the victims in Cambodia.

11 In fact, I -- I want to seek a personal or individual award as
12 those people who were victims at the Diamond Island, Koh Pich.
13 Thank you, Mr. President.

14 [15.51.09]

15 MR. PRESIDENT:

16 The Chamber would like to inform you that -- you that in the
17 hearing that was held previously, the two Accused expressly
18 maintained their rights to remain silent and the Chamber noticed
19 that so far, they still standby their right to remain silent. And
20 except until the Chamber has received confirm information from
21 the Accused and their co-counsel, and the Chamber actually
22 directed the Accused and their co-counsel to inform the Chamber
23 in due course, if they decide to waive their rights to remain
24 silent and agrees to answer the question at any stage of the
25 proceedings.

1 So far the Chamber has not received any response regarding the
2 change of their position on their rights to remain silent and to
3 respond to questions.

4 The hearing of the testimony of this witness now concludes, and
5 the Chamber is grateful to you, Madam Chum Samoeurn, and the
6 hearing of your testimony and the statement of suffering that you
7 claimed inflicted upon you during the Democratic Kampuchea regime
8 has now concluded, and you may return to your place of residence.

9 And the Chamber wishes you all the best and safer journey.

10 The court officer, please collaborate with WESU staff and make
11 necessary transportation arrangements for the civil party to
12 return to her place of residence.

13 The hearing now adjourns and we will resume again tomorrow --
14 that is, 25 June 2015, from 9 o'clock in the morning. For
15 tomorrow, the Chamber will hear testimony of a witness -- that
16 is, 2-TCW-855 in relation to the 1st January dam worksite.

17 Information is for the Parties and the general public.

18 Security personnel, you are instructed to take the two Accused,
19 Nuon Chea and Khieu Samphan, back to the ECCC detention facility
20 and have them returned to attend the proceedings tomorrow 25 June
21 2015, before 9 o'clock in the morning.

22 The Court is now adjourned.

23 (Court adjourns at 1554H)

24

25