



## Hearings Postponed after Court Hears Witness Testimony

By Mary Kozlovski

On Tuesday, September 25, 2012, trial proceedings in Case 002 involving the accused Nuon Chea, Ieng Sary, and Khieu Samphan resumed at the Extraordinary Chambers in the Courts of Cambodia (ECCC).

New witness Noem Sem took the stand. Over the course of the day's proceedings, the prosecution, civil party lawyers, and defense teams completed their questioning of the witness. Hearings were then postponed for the remainder of the week.

Ieng Sary was absent from the courtroom, as he remains hospitalized at the Khmer-Soviet Friendship Hospital in Phnom Penh. Khieu Samphan was present in court for the whole day. Nuon Chea was at the hearing in the morning, after which he retired to a holding cell complaining of back pain, a headache, and a lack of concentration.

### ***Trial Chamber Rules on Ieng Sary***

After an attempt to begin proceedings was briefly aborted when Trial Chamber judges failed to appear, Trial Chamber President Nil Nonn noted the September 18, 2012, request from Ieng Sary to waive his direct presence in court for the testimony of seven witnesses and one civil party.<sup>1</sup> President Nonn referenced a report from the Khmer-Soviet Friendship Hospital in Phnom Penh – which states that Ieng Sary was being hospitalized in the emergency section and mentions the necessity of hospitalization – and the testimony of two treating doctors on Friday, September 21, 2012, that Ieng Sary may remain in hospital for one month or more.<sup>2</sup> President Nonn said the

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<sup>1</sup> Ieng Sary's "limited waiver" is available at:

[http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E229\\_EN.PDF](http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/E229_EN.PDF)

<sup>2</sup> CTM's account of the doctors' testimony on September 21, 2012, is available at:

<http://www.cambodiatribunal.org/blog/2012/09/doctors-detail-health-status-ieng-sary>

chamber granted Ieng Sary's request to waive his presence for the testimony of the upcoming witness, pursuant to ECCC Internal Rule 81(5).<sup>3</sup>

### ***New Witness Takes the Stand***

International Co-Lawyer for Nuon Chea Andrew Ianuzzi inquired about the scope of the witness' testimony to assist the defense in formulating objections, if necessary. President Nonn said the witness fell under communicative and administrative structures and questions could be put within the scope and facts before the chamber.

In response to President Nonn's customary preliminary questions, new witness Noem Sem said that she was born on February 2, 1953, and lives in Banteay Meanchey province's Malai district where she works as a rice farmer. Her husband Khan Lin, alias Ken, is deceased and she has five children. Ms. Sem said she studied up to Grade 3 in the "old education system" and confirmed to President Nonn that she had no known relation, by blood or law, to the accused or civil parties, and had taken an oath. Ms. Sem testified that she was interviewed by investigators from the Office of the Co-Investigating Judges (OCIJ) once – though she could not recall the year, had read the written record of her interview several times, and found that it was accurate.

### ***Prosecution Leads Questioning of Witness Noem Sem***

National Senior Assistant Co-Prosecutor Dararasmey Chan began his questioning by asking Ms. Sem when and why she joined the revolutionary movement. Ms. Sem said she joined the revolution in 1968 after her elder brother – who had then already entered the jungle – sent a letter home that was received by village authorities and she grew frightened. Ms. Sem testified that there were groups, soldiers perhaps, under Lon Nol or Norodom Sihanouk – she could not recall which – and because they feared for their lives, they had to enter the jungle for safety. Ms. Sem said she could not recall the contents of the letter. In response to questions from Mr. Chan about her activities once she joined, Ms. Sem said she was first assigned to Oral Mountain<sup>4</sup> and attended medical training for about a month, after which people learned she could sing and she was assigned to be a singer. Ms. Sem explained that the songs she sang were educational in order to teach people about the revolutionary cause.

Ms. Chan inquired if Ms. Sem was a member of the Communist Party of Kampuchea (CPK) between 1968 and 1974. Ms. Sem confirmed that she was inducted as a CPK member during that period because she belonged to a poor peasant class: "a clean and pure class." When Mr. Chan asked who made Ms. Sem join the CPK, Ms. Sem said it was Hu Nim, and she joined at an office in the jungle in Kampong Thom province. Ms. Sem confirmed that she was a member of the Youth League before becoming a party member. The witness further testified that she worked

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<sup>3</sup> ECCC Internal Rule 81(5) states: "Where, due to health reasons or other serious concerns, the Accused cannot attend in person before the Chamber but is otherwise physically and mentally fit to participate, the Chamber may either continue the proceedings in the Accused's absence with his or her consent or, where the Accused's absence reaches a level that causes substantial delay and, where the interests of justice so require, order that the Accused's participation before the Chamber shall be by appropriate audio-visual means. In such cases, the Accused may be defended during the proceedings by his or her lawyer. Where the Accused refuses to choose a lawyer, the Chamber shall order that he accused be represented by a lawyer and request the Defence Support Section to assign him or her a lawyer, from the lists mentioned at Rule 11." The ECCC Internal Rules (Rev. 8) may be found at:

<http://www.eccc.gov.kh/en/document/legal/internal-rules-rev8>.

<sup>4</sup> Oral Mountain is in Kampong Speu province.

with Hu Nim in an office – perhaps B-30 – but did not recall his role. Mr. Chan questioned Ms. Sem about her whereabouts and activities other than in Kampong Speu province. Ms. Sem said she was transferred from Kampong Speu to Kampong Thom and remained in the art group of zone 304, where she was trained; “304” was in the jungle in Kampong Thom province near a village called Kor Ki, Ms. Sem testified, noting that she could not remember the location precisely. Ms. Sem said she stayed at 304 for about a year before moving to the central office and still worked in the art group as a singer and performer. In response to a query from Mr. Chan, Ms. Sem said she did not remember the members of zone 304 in 1974.

Mr. Chan asked Ms. Sem who the head of the art group was in 1975. Ms. Sem said the head of the art group was Trea, alias Sao,<sup>5</sup> a “petty bourgeoisie student” in Phnom Penh. Mr. Chan queried Ms. Sem about the identity of Sa Siek,<sup>6</sup> whom Ms. Sem indicated she knew in her statement to investigators. Ms. Sem testified that Sa Siek, alias Sim, may have been from Kampong Cham or Prey Veng province and joined the art group with her at Office S-6. Ms. Sem said S-6 was the art group for the center, under zone 304.



Mr. Chan inquired if Ms. Sem saw CPK leaders including Pol Pot, Nuon Chea, Ieng Sary, Khieu Samphan, and Son Sen during her time in Kampong Thom up until 1974. Ms. Sem said she saw Nuon Chea once during a political study session she attended where he gave lectures during training. Ms. Sem said she did not know Nuon Chea’s role at the time and could not recall the content of the lectures. In response to Mr. Chan’s queries, Ms. Sem said Nuon Chea gave a lecture at “Office Kh-30”<sup>7</sup> and she did not know where he, or senior people, stayed in Kampong Thom. When Mr. Chan asked if Ms. Sem knew what Nuon Chea might have been doing between 1973 and 1974, Mr. Ianuzzi objected that the question was speculative and such queries had not previously been permitted by the chamber. Mr. Chan argued that his question was about whether the witness knew – for example, if Nuon Chea informed her during the training – of his role during that period. President Nonn overruled the objection. In response to the question, Ms. Sem said she did not recall.

Moving on with his questioning, Mr. Chan asked if Ms. Sem knew of Peam commune, to which the witness said the commune was her hometown. President Nonn requested the prosecution specify an area, as there were several locations called “Peam” in Cambodia. Mr. Chan said he

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<sup>5</sup> In the English translation of Ms. Sem’s testimony, “Trea, alias Sao” is also referred to as “Sao, alias Trea.” It was unclear which version of this name is correct.

<sup>6</sup> Sa Siek testified at the ECCC during August. CTM accounts of her testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201208>.

<sup>7</sup> In a later portion of her testimony, Ms. Sem refers to both “Kh-1” and “K-1.” Though it is possible she is referring to the same entity, this was unclear in the live English translation. Places and names are spelled phonetically according to this translation. Those who wish to verify the official spelling of any place or name should consult the official ECCC transcripts. Transcripts of Case 002 proceedings can be found at: <http://www.eccc.gov.kh/en/case/topic/2>.

was referring to Peam commune in Kampong Chhnang province's Kampong Tralach district and asked the witness if the CPK based was located near this commune between 1973 and 1974. Ms. Sem said the base was located in Kampong Thom and Kampong Cham provinces.

### ***Witness Details Trips to Foreign Countries***

Mr. Chan inquired if Ms. Sem had gone abroad with senior leaders between 1974 and 1975. Ms. Sem said in 1974 she travelled to foreign countries with Ieng Sary, Khieu Samphan, Tiv Ol, and Ieng Thirith. Ms. Sem said she went on a one-month trip – possibly in April – as part of the art group to 13 countries, including Vietnam, China, and Korea. When Mr. Chan asked if senior leaders travelled abroad on multiple occasions during 1974, Ms. Sem said she only went overseas once and the delegation did not go abroad often.

Mr. Chan asked Ms. Sem if she knew Tiv Ol and Suong Sikeoun.<sup>8</sup> In response, Ms. Sem said she knew Tiv Ol and Doeun. When Mr. Chan proceeded with another question about Tiv Ol and Suong Sikoeun, National Co-Lawyer for Khieu Samphan Kong Sam Onn requested clarification, as the witness did not say she knew Suong Sikoeun. After Mr. Chan repeated his question, Ms. Sem confirmed that she knew Suong Sikoeun as he was a part of the trip but did not know what Tiv Ol or Suong Sikoeun did. In response to a series of questions from Mr. Chan about the trip, Ms. Sem confirmed that she visited all 13 countries and that the delegation visited museums in Europe, but she could not recall what they did in Africa. Ms. Sem said she sang for the group at the time.

Mr. Chan quoted an AKI text as saying the FUNK (National United Front of Kampuchea) and GRUNK (Royal Government of National Union of Kampuchea) delegation, led by Khieu Samphan – FUNK central committee political bureau member, deputy prime minister and GRUNK minister of national defense, and commander in chief of FAPLNK<sup>9</sup> – and deputy chief Ieng Sary, special adviser to the vice presidency of GRUNK council, left Peking on April 19. Mr. Chan further noted that the statement said the delegation visited European and African countries and noted members from Albania, Yugoslavia, Algeria, Mauritania, Cameroon, and China “at the stadium.” Ms. Sem said the statement was correct.

In response to queries from Mr. Chan based on her OCIJ statement, Ms. Sem confirmed that she was selected to work in Vietnam in 1974 and was taken there by Ieng Sary. Ms. Sem further testified that she worked for one year as a singer at a radio station on the outskirts of Hanoi. The witness said she was unsure who was in charge, but it could have been Ieng Thirith or a person named Sou. When asked by Mr. Chan about the content of broadcasts, Ms. Sem said she could not recall them all but the radio station disseminated information about battlefield attacks against Americans. In response to Mr. Chan's questions, Ms. Sem said she could not recall who authored or oversaw the programs, but she remembered colleagues named My and Khon.

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<sup>8</sup> Suong Sikoeun testified at the ECCC during August. CTM accounts of his testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201208>.

<sup>9</sup> It was unclear in the English translation which entity this acronym referred to.

Mr. Chan asked if Ms. Sem went to Hanoi immediately after the aforementioned overseas trip with the delegation, which Ms. Sem confirmed<sup>10</sup> and replied to another question by stating that Ieng Sary instructed her to go to Hanoi. Mr. Chan inquired which GRUNK leaders went from China to Vietnam with Ms. Sem after they returned from Europe and Africa in 1974. Ms. Sem said Khieu Samphan, Tiv Ol, Ieng Sary, and the performing arts group including Sao, Khon, and herself departed in April 1974. In response to questions from Mr. Chan about the stay in Vietnam, Ms. Sem said she stayed separately from the leaders and did not know about their activities. Ms. Sem said that only Ieng Thirith stayed in Vietnam for one year. Mr. Chan inquired if Ms. Sem knew about Ieng Sary and Khieu Samphan's activities after they left Vietnam for Cambodia, to which the witness said they went to Kampong Thom province for an unknown purpose.



*A Khmer Rouge dance group performs during the Democratic Kampuchea period.  
(Source: Documentation Center of Cambodia)*

### ***Witness Testifies about Life in Phnom Penh during Regime***

Mr. Chan asked Ms. Sem when she returned to Cambodia from Vietnam. Ms. Sem said she returned to Cambodia in May 1975 because it had been liberated and she worked as an art performer in the propaganda section. When Mr. Chan asked who assigned Ms. Sem to work at the Ministry of Information and Propaganda. Ms. Sem said she was assigned by Hu Nim and worked there for one year from 1975 to 1976.

Mr. Chan inquired about Ms. Sem's superiors at the ministry. Ms. Sem said the chair of propaganda was Hu Nim and the chair of performance arts was Comrade Sao, alias Trea – who wrote songs, Maum, and Keo. Ms. Sem replied to Mr. Chan that she did not know the ministry's administrative and organizational structure well. Ms. Sem said that her work at the ministry was of the same type as in Vietnam, noting that she sang and read news on the radio. Responding to Mr. Chan's queries, Ms. Sem said the broadcasts were about encouraging people to dig canals and build dams and Han was one of the people who wrote the articles for broadcast. Ms. Sem said Hu Nim might have been in charge of the radio section at the time. Ms. Sem explained that when she was given an article, she read it on the radio and her voice would be recorded and broadcast.

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<sup>10</sup> The English translation was unclear in this section of testimony. Mr. Chan also mentioned North Korea, Romania, and Yugoslavia when referring to Ms. Sem's trip abroad.



Ms. Sem confirmed to Mr. Chan that she had read articles about the defeat of Lon Nol and the “American imperialists” and had heard about the victory of April 17, 1975, and the “Great Leap Forward.” Ms. Sem testified that she had not heard the phrases “class struggle,” “party lines,” or “party strategy.” Mr. Chan inquired if Ms. Sem had read the names Ieng Sary, Nuon Chea, Khieu Samphan, and Ieng Thirith on the radio. The witness said she had not read those names, nor had she read articles about their activities. Mr. Chan asked if she read an article including the phrases “smash the enemy,” “the enemy burrowing deep within,” or “traitor.” Again the witness said she had not read such phrases.

Mr. Chan noted that Ms. Sem spoke about education, enemy aggression and the struggle to defend territory on September 15,<sup>11</sup> inquiring if Ms. Sem had ever heard terminology about the struggle to defend the motherland. Ms. Sem said she had heard such phrases.<sup>12</sup> Mr. Chan asked if Ms. Sem came across the topics of marriage, the prohibition of paying respect to religion, evacuation, or starvation when reading articles for broadcast. Ms. Sem said she did not hear such things. Ms. Sem told Mr. Chan she did not read CPK leaders’ speeches or announcements about party “political lines.” After Mr. Chan asked the witness if she heard broadcasts of people interviewed, there was a technical hiccup and the hearing halted for the morning recess.

#### ***Prosecution Questions Witness about Her Husband***

International Senior Assistant Co-Prosecutor Vincent de Wilde resumed questioning Ms. Sem for the prosecution by asking her if she was questioned in July 2005 in Malai by another team of investigators four years before being questioned by court investigators. Ms. Sem confirmed this interview but said she did not recall the date or the organization they were from. Mr. de Wilde noted a report of an interview Ms. Sem gave to members of SOAS,<sup>13</sup> which she had not signed.

Rather than discussing this report, however, Mr. de Wilde first asked Ms. Sem for details about her marriage to Khan Lin, alias Ken. Ms. Sem said she was married in August 1975 at Stung Meanchey<sup>14</sup> and knew her husband briefly before they were married after meeting him during her art performance where she saw him accompanying Pol Pot. Mr. de Wilde inquired what Mr. Lin’s duties were when she met him. Ms. Sem said he was Pol Pot’s bodyguard. When the prosecutor asked if Ms. Sem knew at their marriage what her husband did within the revolutionary movement prior to April 1975, the witness said she did not. Ms. Sem said at the marriage ceremony, they had to recite their biographies to tell attendees about their class origins.

Mr. de Wilde asked Ms. Sem if she conversed with her husband about the period from 1970 to 1975 after their marriage. Ms. Sem said her husband never discussed this period with her, and she only knew that he was a messenger. The witness said at the time messengers protected “uncle” whenever they moved to other places and her husband offered protection to Pol Pot. Mr. de Wilde queried who had decided that Ms. Sem would be married to Mr. Lin. Mr. Ianuzzi

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<sup>11</sup> Mr. Chan cited a document, but it was unclear in the English translation what the document it was or what year it was dated.

<sup>12</sup> This section of the testimony was unclear in the English translation.

<sup>13</sup> “SOAS” was not directly identified, but it could refer to the School of Oriental and African Studies at the University of London.

<sup>14</sup> Stung Meanchey is currently a commune in Phnom Penh.

objected that the question was irrelevant to the witness, noting that the chamber had mentioned she would be testifying on communication and administrative structures. Mr. de Wilde said he would not belabor the point but felt it was important for the witness to clarify the circumstances of her marriage and they would then examine the situation prior to their marriage. The prosecutor argued that marriage relates to administrative structure, especially in relation to those who made decisions and who are referred to in the witness' interview with court investigators. After the judges conferred briefly, President Nonn said the question was allowed as it related to the witness, as well as her husband's work and that of Office 870. President Nonn nonetheless noted that forced marriage was excluded from Case 002/01. In response to the question, Ms. Sem said her husband's superiors proposed it to her superior, Hu Nim, who agreed.

Mr. de Wilde asked Ms. Sem who supervised her husband. The witness said she could not recall clearly but it may be "Hong" or Pol Pot. When the prosecution inquired if the party organized the entire marriage, International Co-Lawyer for Ieng Sary Michael Karnavas objected that the question was leading and suggestive and assumed facts that were not in evidence, remarking that Mr. de Wilde had a "habit" of posing such questions. Mr. de Wilde disagreed with the objection but rephrased and asked which leaders attended Ms. Sem's marriage. Ms. Sem said leaders "from both sides" attended the marriage – to which she consented – where Sao, alias Trea, was also wedded.

#### ***Witness Describes Life after Leaving Ministry***

Mr. de Wilde inquired about the period after Ms. Sem's departure from the Ministry of Propaganda and Information in 1976. Ms. Sem said her husband asked her to live with him at K-8 – the vegetable growing unit, which supplied itself and a market for foreigners – where she did not work, but looked after her child and frequently visited the hospital. Ms. Sem said she could not recall who supervised K-8, which was populated with women and the families of bodyguards who worked there, but not children. K-8 was subordinate to 870 and was close to K-1, she noted.

In response to questions about her life at K-8, Ms. Sem said she lived separately from her husband, with Toeung – a bodyguard – and his wife Phat. Ms. Sem testified that she heard about a person disappearing at K-8 by the name of Yaun, who ran the storehouse. The witness said she stayed at K-8 from 1976 to 1979. Mr. de Wilde was granted permission to present Ms. Sem with an excerpt of her statement to OCIJ investigators in which she stated that she would rest at K-8 when she was ill, but Mr. Lin also brought her to K-11 and she was transferred to K-7 before again being sent to K-8. Ms. Sem clarified that she stayed at the hospital at K-11 for about a month, and for one night at K-7 before she was moved back to K-8.

Mr. de Wilde asked a string of questions about K-7. Ms. Sem testified that she did not know the function of K-7 or who ran it, but only saw her husband there. K-7 was located near the riverside, along the road leading to Chhroy Changvar, Ms. Sem said, and confirmed that K-7 and K-11 came under Office 870. The witness replied to the prosecutor that she did not know of K-5. Mr. de Wilde asked if Ms.



Sem knew of K-12 during that period. Ms. Sem said K-12 was near K-11, but she did not know its function. The witness also testified that she did not know K-18.

Turning back to Ms. Sem's husband, Mr. Lin, Mr. de Wilde was permitted to show the witness two photographs. Ms. Sem identified the first as a photo retrieved by OCIJ investigators which showed Ms. Sem and Mr. Lin<sup>15</sup> in 1987. She identified her husband in a second photograph of four people, along with "Aunty At,"<sup>16</sup> whom she referred to as the wife of Son Sen. Ms. Sem said the photo was taken while her husband was working as a soldier in either 1984 or 1985.

Mr. de Wilde asked Ms. Sem where Mr. Lin was working when they married. Ms. Sem said she did not know where her husband worked or who his supervisors were, but he lived at Kh-1<sup>17</sup> and went to K-7, though she did not know what he did there. In response to questions from Mr. de Wilde, Ms. Sem said she knew Pang,<sup>18</sup> who was in charge of Office 870, but she did not know if her husband worked with him. The prosecutor read an excerpt of Ms. Sem's interview with OCIJ investigators, in which she stated that after Pang – "the chairman of Office 870" or S-71 – was arrested in 1977, her husband was promoted to replace him. Ms. Sem also said in the interview that 870 and S-71 "had the same meaning." Mr. de Wilde asked Ms. Sem if Mr. Lin had a relationship with Pang prior to replacing him. Ms. Sem said she did not know as she stayed home and cared for her children.

Citing Ms. Sem's prior testimony, Mr. de Wilde inquired if Lin continued to be Pol Pot's messenger after their marriage. Ms. Sem said he remained a messenger until one to two years after they married, but he later moved to work at K-1 – near the National Assembly – where young people worked. Ms. Sem said as far as she knew, Lin was only a messenger for Pol Pot whom he also protected. When Mr. de Wilde asked if others protected Pol Pot, Ms. Sem testified that a number of people including Tan, Noeun, Song, and Cheam – who later worked at the Ministry of Foreign Affairs (MFA) – all served this function at K-1. Ms. Sem replied to Mr. de Wilde that Tan was a guard, but she did not know whether he was superior or subordinate to her husband, and she heard of, but never saw, Kham My.

Mr. de Wilde inquired in which office Mr. Lin was working when he resided at K-1. Ms. Sem said Lin was based at K-1 – which had no other office – and she was at K-8 adjacent to K-1. Ms. Sem informed the prosecutor that she did not know anything about S-71. In response to queries from Mr. de Wilde about Pang, Ms. Sem said she had heard from people talking at K-8 that Pang was a traitor who was later arrested.

Mr. de Wilde quoted from a July 2005 SOAS report including sections from an interview with Ms. Sem, in which she is quoted as saying that they were told Pang was "a traitor":

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<sup>15</sup> This section of the testimony was unclear in the English translation, but it appeared the image was photographed or scanned by, or for, investigators.

<sup>16</sup> "At" appears to be the alias of Yun Yat, who was Son Sen's wife.

<sup>17</sup> Refer to footnote 7.

<sup>18</sup> During hearings in September, the English translation of the exact roles, spelling, and pronunciation of the names "Pang," "Ponn," and "Phang" differed at numerous points. The names are spelled phonetically according to the live English translation. Those who wish to verify the official spelling of any name should consult the official ECCC transcripts. Transcripts of Case 002 proceedings can be found at: <http://www.eccc.gov.kh/en/case/topic/2>.



We knew that Pang was dead because he was accused of betrayal. And we concluded that he was dead. We were told of his betrayal during meetings of the group. We believed it. We did not think it was made up.

Mr. de Wilde asked Ms. Sem if the statement reflected what she said in 2005 and refreshed her memory. The witness concurred. The prosecutor inquired if they were told about the arrests of people besides Pang or those close to him. Ms. Sem said Phum, who worked with Pang, was arrested after his colleague. Ms. Sem confirmed her husband was Pang's successor in charge of Office 870, though she said other people could have been supervising other offices. Mr. de Wilde cited another extract from the SOAS report, which quotes Ms. Sem as saying her husband became supervisor of S-71 and Ta Tan,<sup>19</sup> alias Khieu, was on the S-71 committee with Lin, after Pang's arrest. Ms. Sem testified that she did not know if he was in the committee.

Mr. de Wilde inquired if Ms. Sem heard anyone speak of enemies of Democratic Kampuchea (DK) while at K-8.<sup>20</sup> The witness said she heard radio broadcasts but could not recall them. Mr. de Wilde cited Khieu Samphan's interview with the OCIJ, noting that National Co-Investigating Judge You Bunleng asked him about Office 870's functions to which Khieu Samphan responded:

At first this office was not so important, but at a later stage it gained importance because it was tasked with monitoring suspected members of the party for the standing committee. I learned this after the revolution collapsed when I reached Pailin.

Mr. de Wilde asked Ms. Sem if she learned from her husband, or other sources, who was in charge of investigating cadres suspected of betrayal. Ms. Sem said Lin never told her, because husbands and wives were not supposed to know each others' business at the time.

### ***Prosecution Presses Witness on Arrests***

Mr. de Wilde asked Ms. Sem what happened to former Minister of Propaganda and Information Hu Nim. When Ms. Sem said she did not know, Mr. de Wilde prompted her with an excerpt from her statement to OCIJ investigators in which she said Hu Nim was arrested in 1977 after she left for K-8, and Sao was subsequently arrested in the same year. Ms. Sem said she only knew that Hu Nim was taken away. In reply to queries from Mr. de Wilde, Ms. Sem said she heard from others that Sao was apprehended, and her husband "interrogated" her about the arrests of Hu Nim and Sao because he said their responses implicated her, that she was educated by them. Ms. Sem testified that she told her husband they only instructed her to strive hard at work. Ms. Sem said her husband questioned her three to four times about one or two months after the arrests of Hu Nim and Sao about her ties to them, and she always said she "did not know what happened." The witness testified that her husband told her Hu Nim and Sao were accused of being CIA agents – which meant they worked for America. Mr. de Wilde inquired if being a CIA agent entailed being a traitor or enemy to the regime. The witness agreed.

When Mr. de Wilde pressed for more details about her being denounced, Ms. Sem said her husband told her that Sao implicated her but she did not know how he learned that information.

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<sup>19</sup> In Khmer, "Ta" means "grandfather" and is used to refer to elders.

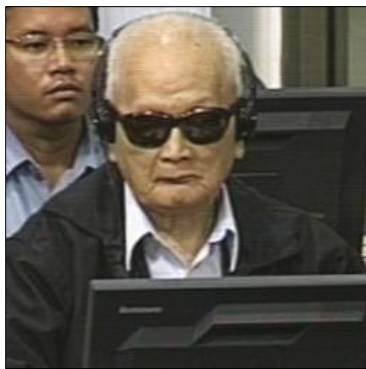
<sup>20</sup> It appeared Mr. de Wilde also asked Ms. Sem if she heard such things over the radio, but the English translation was unclear.

Ms. Sem replied to the prosecutor that her husband never told her about confessions. Mr. de Wilde asked if someone acted to prevent her from being arrested, to which the witness said her husband told her Pol Pot had intervened. “I would have been taken away without his intervention,” Ms. Sem testified. Mr. de Wilde inquired if Ms. Sem’s husband was acting as a husband or a cadre when questioning her, to which the witness replied that she could not say. Mr. de Wilde again quoted a section from the July 2005 SOAS report:

Lin threatened me every day, asking me what Hu Nim had said and what education Hu Nim had given me, telling me that I was involved, I had been implicated in the answers. I knew that if I would be caught, I would die. In fact, Lin wanted me to be arrested to protect himself, but Pol Pot did not allow this.

Ms. Sem confirmed to Mr. de Wilde that the statement is true. The prosecutor asked how the witness knew she would have died if she had been arrested. Ms. Sem said people were taken to either Ta Ley or Stung Meanchey – which her husband told her about – to do rice farming and she did not know if they were taken elsewhere.

Mr. de Wilde inquired if Lin worked with Nuon Chea. Ms. Sem said she did not know, nor was she aware of Nuon Chea’s duties at the time. Mr. de Wilde stated that Ms. Sem had earlier said



Nuon Chea ran political training sessions before April 1975, and asked if Ms. Sem saw Nuon Chea after April 1975 up to 1979. Mr. Ianuzzi objected that the witness had already testified that she attended a single political education course and did not say Nuon Chea ran political training courses. Mr. de Wilde said they were “fretting over words” and, to his recollection, the witness said Nuon Chea had given political training classes. However, he noted that the essence of his question was whether the witness saw Nuon Chea between April 1975 and January 1979. President Nonn said the objection was unfounded. Ms. Sem said she met Nuon Chea once at a one-day training session at K-3.

Mr. de Wilde inquired if Ms. Sem knew who Kaing Guek Eav, alias Duch,<sup>21</sup> was during the DK period. Ms. Sem said she did not know Kaing Guek Eav, alias Duch, before 1993. When asked if she knew Soeu Vasy, alias Doeun,<sup>22</sup> during the DK period, Ms. Sem said she had only heard of him. Mr. de Wilde read an excerpt from the written record of Ms. Sem’s OCIJ interview, in which she said that she had heard Doeun was arrested, but she was unsure if it was before or after Lin assumed control of 870. In response to query from Mr. de Wilde, Ms Sem said she heard about the arrest through other people, but could not recall who told her.

Mr. de Wilde asked Ms. Sem if Lin was permitted to move freely in Phnom Penh. Ms. Sem replied that he could travel to surrounding units or section for work purposes. The witness responded to the prosecutor that she did not know if Lin occasionally went to the MFA or the Ministry of Social Affairs.

<sup>21</sup> Kaing Guek Eav, alias Duch, was the defendant in Case 001 at the ECCC. Details of the case are available at: <http://www.eccc.gov.kh/en/case/topic/1>.

<sup>22</sup> The spelling of this name was unclear in the English translation.

Mr. de Wilde noted that the SOAS report quoted Ms. Sem as saying that Hem<sup>23</sup> was Pang and Lin's superior. Ms. Sem said she did not recall having said that Khieu Samphan was Pang's superior. Mr. de Wilde inquired if Ms. Sem saw Khieu Samphan during the DK period. The witness said she saw Khieu Samphan once at K-3 and she was once on a trip with him.<sup>24</sup> When Mr. de Wilde noted that Ms. Sem said she saw Nuon Chea during a training session at K-3 and inquired if she saw Khieu Samphan on the same occasion, Ms. Sem said she did not see him during the training session, but when they had a meal together on the day she was there. Ms. Sem confirmed to Mr. de Wilde that Nuon Chea and Khieu Samphan had security officers, but she did not know their names.

Mr. de Wilde asked about the purpose of K-1 and K-3 during the DK period. Ms. Sem said they were where "uncles" – Pol Pot, Nuon Chea, and Khieu Samphan – would stay and would move between the two locations. Ms. Sem said she used to look for vegetables outside of K-1 and confirmed that this was close to K-8. Ms. Sem said K-1 was guarded and people were not allowed to enter without reason. Mr. de Wilde pressed Ms. Sem on which leaders' wives she saw at K-1. Ms. Sem said she saw Khieu Samphan's wife Rin, Nuon Chea's wife Sorn, and the wives of security officers Cheam and Tan, whom she had seen before at nearby offices, including once at K-3. Mr. de Wilde inquired if Ms. Sem attended the training session at K-3 before or after she saw the leaders' wives at K-1. Ms. Sem said she had been at K-3 before going to K-8 at the propaganda section.<sup>25</sup>

When Mr. de Wilde asked about the content of the training session at K-3, Ms. Sem said she had not attended a study session but went to visit her husband for one night.<sup>26</sup> Mr. de Wilde inquired why Ms. Sem was permitted to attend K-3. The witness said her husband had not been to see her, so they allowed her to visit him at K-3. Ms. Sem said she saw only cooks and "these uncles" having meals, including Pol Pot, Nuon Chea, and Khieu Samphan.

#### ***Civil Party Lawyers Question Witness Noem Sem***

National Civil Party Co-Lawyer Lor Chunthy began questioning by asking if Ms. Sem met students during her trip to 13 countries prior to 1975. Ms. Sem said she did not meet students but did meet ambassadors or representatives from embassies in each country including the ambassador to Algeria, where they also met Cambodian people. Mr. Chunthy noted that Ms. Sem's sister worked at the salt field and asked about the particular worksite where she was located. Ms. Sem said she did not know the place. Mr. Chunthy cited Ms. Sem's prior testimony, asking where the market that sold vegetables grown at K-8 to foreigners was. Ms. Sem said she did not know the location.

Mr. Chunthy asked Ms. Sem what she did in Vietnam after traveling. Ms. Sem said she had her voice recorded for radio broadcast, including songs about the revolution encouraging people on the revolutionary cause. Mr. Chunthy inquired who read the news on the radio. Ms. Sem said

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<sup>23</sup> Hem is Khieu Samphan's alias.

<sup>24</sup> Though this trip was unspecified in the English translation, it is believed to be a reference to the 1974 trip abroad described in Ms. Sem's earlier testimony.

<sup>25</sup> This section of the testimony was unclear in the English translation.

<sup>26</sup> This seemed to contradict Ms. Sem's prior testimony as it appeared in the English translation, as also noted by Mr. de Wilde in the French translation.

Sou and Suong read the news, which she did not remember. In response to questions from Mr. Chunthy about radio broadcasts after April 17, 1975, Ms. Sem said she listened to broadcasts but did not recall their content, but that Sao composed some songs, and there were other people involved named Khon and Vy. The witness said she returned from Vietnam to Cambodia in May 1975 in a group that included My, Khon, Sou, and Ieng Thirith.

### ***Lawyers Return to Witness' Time in Phnom Penh***

Mr. Chunthy asked the witness about her role at the Ministry of Information and Propaganda. Ms. Sem said she had to record songs and do some radio broadcasts and did not pay particular attention when reading the news, and Sou and Suong were both newsreaders. In response to a query from Mr. Chunthy, Ms. Sem reiterated that she did not know the ministry's administrative structure well.

Mr. Chunthy asked Ms. Sem what her impression was of Phnom Penh upon arrival. Ms. Sem said the city was quiet and she did not see any people. The witness testified that she knew some information about the evacuation of people from Phnom Penh, which "everybody knew" because the leaders in charge of the radio station in Hanoi told them. Ms. Sem said she learned of the evacuation after it occurred.

Turning back to the arrest of Hu Nim, Mr. Chunthy asked Ms. Sem what her husband Lin's concern was when he questioned her about her ties to Hu Nim and Sao. Ms. Sem said she did not know for sure whether he was afraid that he would be implicated. Upon questioning from Mr. Chunthy, Ms. Sem said that after 1979 her husband told her she would have been considered part of "the network" or an "agent" if she had not left Phnom Penh. Finally, Mr. Chunthy asked why, according to Ms. Sem's prior testimony, Pol Pot intervened on her behalf and how she knew him. Ms. Sem testified that she only started to know Pol Pot after she moved to Phnom Penh.



Taking over the examination, International Civil Party Lead Co-Lawyer Elisabeth Simmoneau Fort inquired about Ms. Sem's 1974 trip with Ieng Sary and Khieu Samphan, asking if the former made speeches to ambassadors or for people attending the performances. Ms. Sem said Ieng Sary gave a speech at every country, but she did not recall the topics. The witness said Khieu Samphan also made a speech. Ms. Simmoneau Fort queried how Ms. Sem traveled to Phnom Penh in May 1975. Ms. Sem said they flew to South Vietnam, drove in a vehicle, and then took a boat along the river to Phnom Penh.

Turning to the evacuation, Ms. Simmoneau Fort asked if Ms. Sem saw people leaving the towns as she made her way to Phnom Penh, but the witness said the people had already left. Ms. Sem replied to the civil party lawyer that she could not recall if the leaders gave reasons for the evacuation. In response to a string of questions from Ms. Simmoneau Fort, Ms. Sem said she had heard the phrases "new people" or "17 April people" but did not know their meaning. Ms. Simmoneau Fort asked what Ms. Sem meant in her earlier testimony when she said she was of a

“pure and clean” class. Ms. Sem said she did not understand class status well, but she had been told that the poor peasant class was “pure and clean.”

Revisiting Ms. Sem’s marriage to Lin, Ms. Simmoneau Fort asked if there was any particular policy in Angkar concerning marriages. Ms. Sem said “Angkar” referred to the leadership and marriage was organized by those usually known as Angkar. In response to queries from Ms. Simmoneau Fort, Ms. Sem said when she got married they wore “typical black clothes” and there were only a few attendants – one leader and a few members – and no religious celebration or ceremony. The couple just held hands and made a commitment to work hard, Ms. Sem testified.

Ms. Simmoneau Fort noted Ms. Sem’s prior testimony that she went to live at K-8 at her husband’s request and stopped working to look after her children, asking if other women at K-8 were permitted to do the same. Ms. Sem said it was not the general principle but she was allowed because she became sick. Ms. Simmoneau Fort inquired what happened to other women when they had children and had to stop working. At this, Mr. Ianuzzi asserted that the chamber’s instruction was clear that the witness was only permitted to testify about her own knowledge relating to alleged criminal activity during the DK period, and general questions as to marriage and childcare were irrelevant. Ms. Simmoneau Fort countered that the question is specific as it deals with what the witness could have known, as her husband was a cadre at the time so she was in a position to know details about other structures, and those in which she was living. After the judges consulted, President Nonn said the question was of little relevance to the allegations against the accused, but the witness could respond if it was within her knowledge. Ms. Sem said where she was staying those who had children or were sick, or fell pregnant, could stay but she could not speak for other places.

Ms. Simmoneau Fort requested to read a document excerpt. Mr. Ianuzzi briefly stepped in and objected that he could not see the document on the court’s interface. Ms. Simmoneau Fort said the document was placed on the interface that morning. She proceeded to read a section of a civil party statement as follows:

Still in 1975, I was forced to marry and later I was pregnant with my first daughter. One week after I delivered the baby, I was forced to go and transplant rice, even though I was not strong enough to do so. That notwithstanding, I was forced to do so. And when I asked for leave I was told I was only pretending to be sick to avoid working.

Ms. Simmoneau Fort inquired if Ms. Sem had heard such statements regarding women at K-8 and K-3. Ms. Sem said at K-3 such people would be permitted to rest. Ms. Simmoneau Fort noted that Ms. Sem’s statement to OCIJ investigators – regarding questions put to her by Lin following certain disappearances – read that she was “always afraid.” Ms. Sem said she heard people were taken away and, after Sao’s arrest, she was fearful even though she had done nothing wrong. The witness said because she was questioned numerous times, she was afraid she would be taken away. Ms. Simmoneau Fort cited Ms. Sem’s previous testimony in response to a query about her belief that she would have died if taken away – that she had heard people were led to two places where rice was grown – and inquired why Ms. Sem thought she would die if taken to those two rice cultivation sites. Ms. Sem said she understood people were executed shortly after they were sent there, and so she was afraid. Ms. Sem said she “heard people



whispering to one another” about it, but she did not know where the information came from. When Ms. Simmoneau Fort asked if people in her group were afraid as well, Ms. Sem said she only knew about her own feelings.

### ***Defense for Khieu Samphan Examines Witness***

Mr. Sam Onn started his line of questioning by verifying the details of Ms. Sem’s education. The witness said that she attended school for three years.<sup>27</sup> Recounting Ms. Sem’s prior testimony, Mr. Sam Onn asked why Ms. Sem had been afraid enough to do run into the jungle in 1968. Ms. Sem said she was afraid because her elder sibling went into the forest and Lon Nol soldiers created trouble for them at the time, so she and her sisters entered the forest. Ms. Sem said the soldiers did not do anything specific, but her family was afraid.

Mr. Sam Onn asked how Ms. Sem knew that K-8 was subordinate to 870. Ms. Sem said that all ‘K’ offices were under Office 870, which she learned during group meetings to assess work on a daily basis and which everybody knew about. In response to a query from Mr. Sam Onn, Ms. Sem said she did not know who was in overall charge of K-8, but her group supervisor was a



person named Len. Mr. Sam Onn inquired if Ms. Sem ever saw any organizational structure or instruction from leaders indicating that K-8 was under 870’s supervision. Ms. Sem said she only knew from the meetings.

Mr. Sam Onn noted Ms. Sem’s record of interview with investigators, in which she stated she met briefly with Khieu Samphan, and her testimony that she went abroad with him in 1974. The defense lawyer inquired if Ms. Sem met Khieu Samphan anywhere else, to which the witness replied that she had not. Mr. Sam Onn requested that Ms. Sem clarify her one meeting with Khieu Samphan. Ms. Sem said she saw Khieu Samphan at K-3 – never at K-1 – where she saw him having a meal but did not converse with him.

Citing the same document,<sup>28</sup> Mr. Sam Onn stated that Ms. Sem responded to a question about Khieu Samphan’s influence on Lin by saying that she did not know about Khieu Samphan’s role, and only learned from Lin that Pol Pot asked him to do things. Mr. Sam Onn sought clarification that Ms. Sem had indicated her husband never received orders from Khieu Samphan, only direct orders from Pol Pot. Ms. Sem confirmed this summary.

Mr. Sam Onn asked the witness where K-1 was located, to which Ms. Sem said it was located at the riverfront but she did not know the exact location. In response to questions about the locations of various entities, Ms. Sem said K-3 was located to the west of the Independence Monument but she had not left the premises to view the surrounding areas. The witness said she did not know where unit 870 was located. Finally, Mr. Sam Onn inquired about the CPK’s policy of secrecy. Ms. Sem said that it was about keeping things to yourself and not sharing with others.

<sup>27</sup> The part of the testimony where Ms. Sem described various grades was unclear in the English translation.

<sup>28</sup> This document appears to be the written record of Ms. Sem’s interview with OCIJ investigators.

### *Nuon Chea Defense Cross-Examines Witness*

Mr. Ianuzzi started his examination of the witness by inquiring as to the location of her current home. Ms. Sem confirmed that her current home was in Ou Ampel village in Malai district – about five to six kilometers from the Thai-Cambodian border – where she has lived for eleven years since 1989. Noting Ms. Sem’s prior reference to a person named Cheam in her testimony and OCIJ statement, Mr. Ianuzzi inquired about the identity of Cheam. Ms. Sem said Cheam belonged to a “tribal group” and later worked at the MFA with Ieng Sary during the DK period. Mr. Ianuzzi cited Ms. Sem’s interview with investigators in which she states that Cheam is living at his house “opposite the Malai district hall” and asked if this was the same person to whom they were referring. Ms. Sem concurred and confirmed that he still lived at the house.

When Mr. Ianuzzi asked if Cheam went by any other names, Ms. Sem said he was also known as Phy Kuon. Mr. Ianuzzi sought clarification by inquiring if Ms. Sem in fact meant Phy Phuon.<sup>29</sup> Ms. Sem said she had heard the name Phy Kuon, or Kuon. In response to a query from Mr. Ianuzzi, Ms. Sem said she was not aware that an individual by that name testified at the court in the current case. Ms. Sem testified that she had paid a visit to his home, perhaps in 2005. Stating that this person testified before the chamber and then publicly renounced it, Mr. Ianuzzi inquired if Ms. Sem would know why he would do such a thing, based on the situation in her district. Mr. de Wilde interjected, arguing that the questions were speculative and “completely inappropriate.” Mr. Ianuzzi countered that it was “highly relevant,” stating that the individual in question was a public figure in the witness’ area, who testified, was “clearly influenced by a statement of Hor Namhong,”<sup>30</sup> and thereafter recanted his testimony. He asserted that he was attempting to explore if the current witness would have any information, and it did relate to an application that the Nuon Chea defense had filed about Phy Phuon’s testimony. President Nonn said the objection was valid and the witness was instructed not to respond.



Mr. Ianuzzi asked if Ms. Sem had lived in her area continuously for 11 years, which the witness confirmed. The defense lawyer, noting that Ms. Sem said she was unfamiliar with an earlier mention of K-5, which appeared to refer to a DK institution. Mr. Ianuzzi inquired if Ms. Sem was aware of another “K-5,” related to landmines and possibly many deaths from malaria that may have occurred in her area in the 1980s. Mr. de Wilde objected that the defense knew questions relating to demographics in Malai district had been rejected and were not relevant to the indictment. Mr. Ianuzzi

responded that the current witness came from an area where many died during the K-5 project and was in perhaps the best position to inform parties. Mr. Ianuzzi said the defense team had pointed out that it was relevant to the death toll of DK because assessments of the DK death toll had been made after “tens of thousands” of people died during the K-5 operation, which was a

<sup>29</sup> Rochoem Ton, alias Phy Phuon, alias Cheam, testified at the ECCC in July and August. CTM accounts of his testimony can be found at: <http://www.cambodiatribunal.org/blog/archive/201207>; and <http://www.cambodiatribunal.org/blog/archive/201208>.

<sup>30</sup> Hor Namhong is currently Cambodia’s Minister of Foreign Affairs.

well-known fact. President Nonn sustained the objection, stating that the question was irrelevant. The Nuon Chea defense concluded its questioning.

### ***Lawyer for Ieng Sary Quizzes Witness on Interview***

Mr. Karnavas began his examination by noting that the witness' OCIJ statement was dated July 18, 2009 – starting from 1 p.m. and concluding around 3.45 p.m. – and inquired if it was true that Ms. Sem was questioned, and provided information to investigators, in the morning before being tape recorded in the afternoon. Ms. Sem confirmed this account. Mr. Karnavas said, in a tape recording of the interview, Ms. Sem is asked to provide names of individuals who would have worked with her husband and a reference is made to names that “Aunty told me this morning, you told us a lot this morning.” Mr. Karnavas sought clarification on whether Ms. Sem gave such names in the morning before being taped. Ms. Sem said it was not the case. Mr. Karnavas noted from an unofficial translation that investigator Chay Chandaravann can be heard asking:

But who used to work with him as you described this morning? Now I'm asking you, Aunty, can you describe who worked with Uncle Lin from the past until now who may live or die? What are the names? Aunty told me this morning, you told me a lot this morning.

When Mr. Karnavas asked if Ms. Sem told investigators a lot in the morning off tape, the witness confirmed and said she could recall a few more names then. Mr. Karnavas noted that in the interview summary, Ms. Sem was asked who worked under Lin and where they were currently living and she gave several names, replying that Cheam lived at his house opposite Malai district court. Ms. Sem confirmed that she recalled saying this to investigators. Mr. Karnavas sought confirmation that Ms. Sem said told investigators Cheam worked as a bodyguard during the three-year regime, with her husband. Ms. Sem said when Cheam came to Phnom Penh he initially worked with her husband, but he was later moved to the MFA. Ms. Sem confirmed to Mr. Karnavas that Cheam worked with her husband's group when he had moved to the MFA, and when her husband took over from Pang after his arrest. Mr. Karnavas asked if Lin gave orders to Cheam, to which the witness said she believed he did not but – in response to an additional question by Mr. Karnavas – she asserted that she did not know.

Finally, Mr. Karnavas queried whether Ms. Sem had seen Cheam more recently than 2005, given that they lived in the same area. Ms. Sem said she had not seen him since that time. The Ieng Sary defense concluded their examination of the witness.

### ***Hearings Adjourned until Following Week***

With the conclusion of Ms. Sem's testimony, President Nonn said hearings would be adjourned until October 1, 2012, as the witness testimony concluded earlier than expected, witnesses could not make themselves available as reserves, and the chamber was facing issues related to the continued absence of Ieng Sary. President Nonn said the chamber and the parties also had outstanding issues to discuss and resolve, while parties were occupied with preparing documents to submit for proceedings in Case 002/02, and other relevant documents relating to “new facts” to be heard in the near future. Hearings are set to resume on Monday, October 1, 2012, at 9 a.m.