



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 01-Oct-2012, 11:34
CMS/CFO: Krystal THOMPSON

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 September 2012
Trial Day 111

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

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. CHAN DARARASMEY	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. IANUZZI	English
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
MR. LOR CHUNTHY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. NOEM SEM (TCW-475)	Khmer
MR. PICH ANG	Khmer
MS. SIMONNEAU-FORT	French

1

1 P R O C E E D I N G S

2 (Court opens at 0907H)

3 MR. PRESIDENT:

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

5 For today's and tomorrow's proceedings, as the Chamber informed

6 the parties and the public during the hearing on the 21st

7 September 2012, we will hear the testimony of the witness

8 TCW-475.

9 Before we invite the witness into the courtroom, Ms. Se Kolvuthy,
10 could you report the attendance of the parties and individuals to
11 today's proceeding?

12 THE GREFFIER:

13 Mr. President, all parties are present except the accused Ieng
14 Sary, who is absent due to his health. The Accused waived his
15 direct presence in hearing of the witness TCW-475.

16 Arthur Vercken, the international defence counsel for Khieu
17 Samphan is absent today and tomorrow due to his personal
18 commitment.

19 [09.10.13]

20 The witness TCW-475 is present in the waiting room, to be called
21 by the Chamber.

22 The witness confirms to the best knowledge that the witness does
23 not have any relation, by blood or by law, to any of the three
24 Accused or any of the civil parties recognized in this case. The
25 witness already took an oath this morning.

2

1 Thank you.

2 MR. PRESIDENT:

3 Thank you.

4 Ms. Se Kolvuthy, do we have a reserve witness today?

5 THE GREFFIER:

6 Mr. President, we do not have a reserve witness for this week's
7 proceedings.

8 MR. PRESIDENT:

9 Thank you.

10 [09.11.13]

11 Before we commence hearing the testimony of the witness, the
12 Chamber will decide on the request by the accused Ieng Sary. The
13 request is -- request by Ieng Sary dated 18 September 2012,
14 through his counsel, to waive his direct presence for the seven
15 witnesses and one civil party. Amongst the seven witnesses,
16 TCW-475 is one.

17 Based on the medical report number 625 by the Khmer-Soviet
18 Friendship Hospital, which confirms and states that Ieng Sary is
19 being hospitalized at the emergency section of that hospital, and
20 it states the necessity of hospitalization of Mr. Ieng Sary. And
21 the hearing of the two treating doctors of Mr. Ieng Sary at the
22 Khmer-Soviet Friendship Hospital on last Friday, the 21st
23 September 2012, who revealed that it is necessary for Ieng Sary
24 to be hospitalized and it may take quite some time, up to one
25 month or more, for him to stay at the hospital, and Ieng Sary

3

1 already expressed his waiver to hear certain witnesses due to his
2 health and as he needs to be treated at the hospital.

3 [09.13.15]

4 The Chamber grants the request by Ieng Sary to waive his direct
5 presence in the hearing of this witness, and this is pursuant to
6 Rule 81.5 of the ECCC Internal Rules.

7 Court Officer, could you invite the witness TCW-475 into the
8 courtroom?

9 (Witness enters courtroom)

10 Yes, Counsel, you may proceed.

11 MR. IANUZZI:

12 Thank you, Mr. President. Good morning, everyone. Very briefly,
13 just by way of clarification, I don't think we've been told - and
14 someone will correct me if I'm wrong, if we have been - the scope
15 of this witness's testimony. I assume it's communication
16 structure. This will help us in formulating any objections if
17 necessary. I assume it's communication structure, but--

18 (Judges deliberate)

19 [09.15.15]

20 MR. PRESIDENT:

21 Counsel for Nuon Chea, as for this witness, the Chamber has not
22 informed any of the parties as to what scope questions shall be
23 put to this witness.

24 This witness, however, is within the scope of the communications
25 and administrative structures, as we determined for the second

4

1 phase of the trial.

2 And parties are actually instructed by the Chamber to put
3 questions in certain cases in regard to all the scopes within
4 Case 002. That is for those witnesses that the Chamber did not
5 restrict or limit the scope of questions to be put to that
6 particular witness, so questions can be put within the scope and
7 facts before the Chamber.

8 And this witness is within the scope of the administrative and
9 communicative structure.

10 MR. IANUZZI:

11 Thank you.

12 [09.17.06]

13 QUESTIONING BY THE PRESIDENT:

14 Good morning, Witness. Please be advised, before you respond you
15 need to wait until you see the red light on the tip of the
16 microphone or the red light on the console. And when the red
17 light is on, it means the microphone system is operational and
18 you can speak, and your voice will go through the interpretation
19 system and for the proper record. So, your voice will travel
20 through the system when the microphone is on.

21 Q. Can you tell the Chamber your name?

22 MS. NOEM SEM:

23 A. Good morning, Mr. President. My name is Noem Sem.

24 Q. Thank you, Ms. Noem Sem. Besides Noem Sem, have you had other
25 names or aliases, in particular the names you used during the

5

1 revolutionary period?

2 A. No.

3 Q. Thank you.

4 When were you born?

5 [09.18.54]

6 A. I was born on 2nd February 1953.

7 Q. Where is your current address?

8 A. My current address is in Ou Ampil village, Tuol Pongro
9 commune, Malai district, Banteay Meanchey province.

10 Q. What is your current occupation?

11 A. I am a rice farmer.

12 Q. What is your father's name?

13 A. His name is Oem.

14 Q. Do you recall his surname?

15 A. No, I cannot recall the surname.

16 Q. What is your mother's name?

17 [09.20.06]

18 A. My mother's name is Mok Kin.

19 Q. What is your husband's name?

20 A. His name is Khan Lin, alias Ken.

21 Q. Is he alive?

22 A. He is deceased.

23 Q. How many children do you have?

24 A. I have five children.

25 Q. Thank you.

6

1 What is your level of education?

2 A. I studied up to grade 3 in the old education system.

3 Q. Grade 3 in the old education system?

4 A. Yes, that is the old education system's grade.

5 Q. Ms. Noem Sem, according to the report by the greffier, that to
6 your knowledge you are not related by blood or by law to any of
7 the civil parties in this case nor any of the three Accused -
8 that is, Nuon Chea, Ieng Sary, and Khieu Samphan. Is this
9 information correct?

10 [09.22.18]

11 A. That is correct.

12 Q. Also, as reported by the greffier, you already took an oath
13 before you entered this courtroom; is that correct?

14 A. Yes.

15 Q. Thank you.

16 The Chamber will now inform you of your right and obligation as a
17 witness to testify before this Chamber.

18 Ms. Noem Sem, as a witness in the proceedings before this
19 Chamber, you may refuse or decline to respond to any question to
20 a fact which could incriminate yourself. That is your right
21 against self-incrimination, if you think your response, or
22 comment, or your assertion could put you in a position to be
23 prosecuted.

24 [09.23.27]

25 And as for your obligation, you must testify before this Chamber

7

1 by responding to any of the questions that the Bench or the
2 parties put them to you, except in the case that you feel your
3 response or comment could incriminate you, as we just informed
4 you earlier. And you must speak of the truth that you have heard,
5 have seen, have witnessed, recalled or experienced, or observed
6 in person, in regard to events or facts put in the questions to
7 you by the Chamber or any of the parties.

8 Do you understand your right and obligation?

9 A. Yes.

10 Q. Thank you.

11 Ms. Noem Sem, had you been interviewed by investigators of the
12 Office of the Co-Investigating Judges – that is, in the past
13 couple of years? If so, how many times were you interviewed,
14 where, and when?

15 A. I was interviewed once at my house. I cannot recall the year
16 of the interview.

17 Q. Thank you. To your best your recollection, before you came to
18 testify, have you read or reviewed the written record of your
19 interview with the investigators of the OCIJ in order to refresh
20 your memory?

21 [09.25.52]

22 A. Yes, I read it several times.

23 Q. To your best knowledge and recollection, can you confirm
24 whether that written record of interview that you have read to
25 refresh your memory accurately reflects the responses that you

8

1 provided to the investigators previously, as you said, when you
2 were interviewed at your house?

3 A. It is accurate.

4 MR. PRESIDENT:

5 Thank you.

6 The Chamber would like to inform the Prosecution that the hearing
7 of this testimony, the first party to question this witness will
8 be given to the Prosecution. Both the Prosecution and the Lead
9 Co-Lawyers would have a one-day allocation to put questions to
10 this witness.

11 You may proceed.

12 [09.27.10]

13 QUESTIONING BY MR. CHAN DARARASMEY:

14 Thank you, Mr. President. Very good morning, Your Honours. Very
15 good morning to everyone here, and good morning, Mr. – Ms. Noem
16 Sem. I am Chan Dararasmey. I have a few questions to put to you.

17 And based on your best recollection, please respond to the
18 questions, in particular the events that happened before 1975 and
19 after 1975.

20 Q. The first few questions are relevant to the events before
21 1975. My focus now is between 1968 and 1979. Please respond to
22 all the questions if you remember.

23 When did you join the Revolutionary Movement?

24 MS. NOEM SEM:

25 A. It was in 1968 that I joined the Revolution.

1 Q. Thank you. Why did you join the Revolution?

2 A. At that time, my elder brother had already entered the jungle
3 before me and he sent a letter home, and this letter was received
4 by the authority – the village authority, and I was frightened.
5 At that time, there were groups of people – perhaps the soldiers
6 belonging to Lon Nol or Sihanouk, I don't remember for sure – and
7 for fearing for our lives, we had to run to the jungle for our
8 safety.

9 [09.29.26]

10 Q. Could you tell the Chamber, please, what was the letter about
11 and what made you feel so fearful?

12 A. I'm afraid I don't remember what was written in that letter.

13 Q. When you joined the Revolution, what were you made to do?

14 A. At first, I had to be assigned to Aoral Mountain, and I had
15 been made to attend medical training. For about a month during –
16 after the training course, people learned that I could sing, so I
17 was later on assigned to become a singer.

18 Q. Could you also tell the Chamber, please, the contents of the
19 songs you were asked to sing for the Revolution? What were the
20 main purposes of those songs?

21 A. The songs were very educational. We had to sing the songs to
22 educate people on the revolutionary course, and that's all.

23 Q. Between 1968 and 1974, had you ever been a member of the CPK?

24 A. During this period of time, I had been inducted as the member
25 of the CPK, yes, indeed.

10

1 Q. Why did you - or were you introduced to become a member of the
2 CPK at that time?

3 [09.32.10]

4 A. I belonged to a poor peasant - rather, a poor peasant class, a
5 clean and pure class. That's why I was admitted.

6 Q. Who made you become the CPK member at that time?

7 A. Mr. Hu Nim did.

8 Q. Where were you - or where did you become the member of the
9 CPK?

10 A. It was at an office. I don't remember. It was in Kampong Thom
11 province, in the jungle.

12 Q. Had you also been introduced to become the member of the Youth
13 League of the CPK?

14 A. At the beginning, I had been the member of the Youth League
15 before I became the member of the Party.

16 Q. You said that Hu Nim introduced you to become the member of
17 the CPK. How did you get to know him?

18 A. I knew him because I had been working with him in the office.
19 It's Office B-30 or something.

20 [09.34.24]

21 Q. Do you remember what Mr. Hu Nim's roles were?

22 A. No, I don't.

23 Q. Just now, you said you used to live in Kampong Speu. Apart
24 from being in Kampong Speu, where else did you live or stay, and
25 what did you do there?

11

1 A. I was transferred from Kampong Speu to Kampong Thom, still
2 remained in the art group, the art group of Zone 304. I had been
3 trained in that zone.

4 Q. Can you tell the Chamber, please, where Zone or Sector 304
5 located?

6 A. 304 was in the jungle in Kampong Thom province. It was near
7 the village - one of the villages called Kokir. I don't think I
8 remember this precisely.

9 Q. At Sector 304, how long had you been there, and what kind of
10 tasks were you assigned with?

11 A. At 304, I had been staying there for about a year before I
12 moved to the Central Office. I still worked in the art group.

13 Q. Working as a art - in the art group, were you only a singer or
14 did you do something else?

15 A. I was a singer and art performer.

16 [09.37.32]

17 Q. Can you please tell the Chamber, briefly, who were the members
18 of Zone 304 in 1974?

19 A. I don't remember.

20 Q. Do you still recall who was the head of the art group in 1975?

21 A. The head of the art group was Trea alias Sao.

22 Q. Who was he?

23 A. He was a petty bourgeoisie student in Phnom Penh.

24 Q. When you say - or you stated before the investigators when you
25 were put some questions, you indicated that you knew Sa Siek. Can

12

1 you also tell the Chamber, please, who Sa Siek is?

2 A. Sa Siek, or alias Sim, is from perhaps Kampong Cham or Prey
3 Veng, and she joined the art group together with me at Office
4 S-6.

5 Q. Is it correct to say that Ms. Sa Siek was in your art group in
6 the same sector or zone -- Zone 304?

7 [09.39.50]

8 A. At S-6, the S-6 is named as the art group for the Centre, and
9 it was under Zone 304, indeed.

10 Q. Can you also tell the Chamber, please, during the time when
11 you were in Kampong Thom, until 1974, had you ever seen any of
12 the CPK's leaders, including Pol Pot, Nuon Chea, Ieng Sary, Khieu
13 Samphan, and Son Sen? Have you ever seen them?

14 A. I used to see Uncle Nuon Chea during the study sessions I
15 attended.

16 Q. Apart from Mr. Nuon Chea, did you happen to see other senior
17 leaders?

18 A. No, I didn't.

19 Q. Can you please describe the circumstance when you met with
20 Nuon Chea? It was during a meeting or in other occasion?

21 A. I met him during the study sessions - political study
22 sessions, to be precise.

23 Q. How often did you see him?

24 A. I met him only on one occasion.

25 Q. Did you know what he did at that time, what his role was?

13

1 A. When I met him, I did not know what his roles were, but I knew
2 for sure that he came to give lecture during the trainings.

3 [09.42.22]

4 Q. Can you also tell the Chamber, please, the contents of such
5 lectures? What did Mr. Nuon Chea teach the trainees?

6 A. I do not recall them.

7 Q. Do you still remember the location where you attended the
8 session where Nuon Chea gave lecture?

9 A. It was at Office K - rather, "Kor"-30.

10 Q. Could you also tell the Chamber, please, where did these
11 senior people stay - people including Nuon Chea - in Kampong
12 Thom? Where did they stay?

13 A. I don't know.

14 Q. Do you still remember that -- between 1973 and 1974, where Mr.
15 Nuon Chea could have been and what he could have been doing?

16 [09.44.02]

17 MR. IANUZZI:

18 Objection, Your Honour.

19 MR. PRESIDENT:

20 Ms. Witness, could you please hold on?

21 Counsel for Mr. Nuon Chea, you may proceed.

22 MR. IANUZZI:

23 At least the way the question was phrased in English clearly
24 called for speculation: Could he know what - "could she know",
25 "would she know". Obviously, those kinds of questions have been

14

1 not allowed by this Chamber on a regular basis, so I object on
2 the basis that it's speculative.

3 (Judges deliberate)

4 [09.44.44]

5 MR. CHAN DARARASMEY:

6 Mr. President, allow me to explain, please.

7 My question was about whether she knew, for example, during the
8 training sessions, whether Nuon Chea explained to her the roles
9 of Mr. Nuon Chea during that time, 1973 and 1974. My question is
10 more about her best recollection. If she doesn't remember, then I
11 may proceed to another.

12 MR. PRESIDENT:

13 The objection is not sustained, and the witness is now instructed
14 to respond to the question if she still recalls.

15 BY MR. CHAN DARARASMEY:

16 Q. Ms. Noem Sem, I would like to ask you this question again:

17 Between 1973 and 1974, had you ever learned whether Mr. Nuon Chea
18 ever told you where he was, in particular during the time when
19 you attended the study session? If you don't remember, I may
20 proceed to another new question.

21 [09.46.15]

22 MS. NOEM SEM:

23 A. I don't remember.

24 Q. Thank you, Mr. President. I would like to proceed to another
25 question.

15

1 Ms. Witness, do you know Peam commune?

2 A. Yes, I do. Peam is the commune where I live.

3 Q. Did you work there or live there?

4 A. Peam was my hometown.

5 MR. PRESIDENT:

6 Mr. Co-Prosecutor, could you please be more precise? Because Peam

7 commune or Peam village could have been any Peam. You know that

8 we have several Peams in the whole Cambodia; it could be

9 anywhere. Could you please be more precise as to which district

10 this Peam commune located?

11 BY MR. CHAN DARARASMEY:

12 Thank you, Mr. President. Peam was the commune in Kampong Tralach

13 district, and she already responded to my question.

14 [09.47.37]

15 Q. Another question, please: Between 1973 and 1974, to your best

16 recollection, was the CPK base located near Peam commune, Kampong

17 Tralach district of Kampong Chhnang?

18 A. It was not located near Peam commune.

19 Q. If not, could you also tell the Chamber where the CPK leaders'

20 base or office could have been located?

21 A. It was in Kampong Thom province and Kampong Cham.

22 Q. I would like to move to another topic, which is between 1974

23 to 1975. So my questions will be falling in this period.

24 During 1974, had you ever travelled abroad with some senior

25 leaders?

16

1 A. In 1974, I had been traveling to foreign countries with Mr.
2 Ieng Sary, Khieu Samphan, and Mr. Tiv Ol, and Ms. Ieng Thirith.
3 [09.49.42]

4 Q. To which countries did you go to?

5 A. We went to 13 countries, including Vietnam, China, Korea. I
6 don't remember the rest.

7 Q. What was the purpose of your travel? And what was the purpose
8 of the delegation who travelled to those countries?

9 A. I don't remember because at that time I was there because I
10 was part of the art group.

11 Q. How often did you go there? And do you know whether senior
12 leaders had travelled abroad on several occasions during 1974?
13 [09.51.02]

14 A. I went there only on one occasion, but the delegation who had
15 to travel abroad also didn't go there quite often, so far as I
16 remember.

17 Q. Can you tell the Chamber, please, how - in which month of the
18 year did the delegation and - go to each country?

19 A. I went there only on one occasion. We went to 13 countries on
20 just that single trip. We went - it was a one-month trip, but I
21 don't remember the date - I mean, the exact month; perhaps it was
22 in April.

23 Q. Did you know Mr. Tiv Ol and Mr. Suong Sikoeun?
24 [09.52.22]

25 A. Yes, I did know Mr. Tiv Ol and Mr. Doeun (sic).

17

1 Q. Can you tell the Chamber, please, what Mr. Tiv Ol and Suong
2 Sikoeun were doing at that time?

3 MR. PRESIDENT:

4 Witness, could you please hold on?

5 Counsel for Mr. Khieu Samphan, you may proceed.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President. National Co-Prosecutor put two
8 questions to the witness: first about Mr. Tiv Ol and Suong
9 Sikoeun. Ms. Witness already stated that she knew Tiv Ol; she
10 didn't say she knew Suong Sikoeun, so we would like the Chamber
11 to - we would like the Co-Prosecutor to be more precise whether
12 the witness knows the second person or not before proceeding to
13 the new question.

14 BY MR. CHAN DARARASMEY:

15 Q. Ms. Noem Sem already stated that she knew Tiv Ol. Now, to be
16 more precise, do you also know Mr. Suong Sikoeun?

17 [09.53.50]

18 MS. NOEM SEM:

19 A. Yes, I know that person because he joined the trip with us.

20 Q. So it is correct to say that you know them both.

21 The next question is that: What did Mr. Tiv Ol and Suong Sikoeun
22 do at that time? What were their functions?

23 A. I don't know.

24 Q. With regard to the trip to 13 countries as you indicated, did
25 you go visit all these 13 countries or you only went to a few of

1 them?

2 A. Yes, I did go to all the 13 countries as indicated.

3 Q. Can you tell the Chamber, please, in Europe, what did you do?

4 And what did the delegation do in there – in the countries?

5 [09.55.24]

6 A. In Europe, the delegation paid visit to museums, and at that
7 time I was someone who sang for the group and I don't remember
8 more than this.

9 Q. What about in Africa? What did the delegation do? And what did
10 you do when you reached Africa?

11 A. I don't remember.

12 Q. Mr. President, I would like to cite the statement and to
13 refresh her memory I would like to quote document E3/115, IS
14 12.8. It is the quote from the text concerning the trip of the
15 FUNK and the GRUNK to Africa. This document is quoted from AKI:
16 "The delegation of the FUNK and the GRUNK, led by Mr. Khieu
17 Samphan, member of the FUNK Central Committee Political Bureau,
18 Deputy Prime Minister and Minister of National Defence of GRUNK
19 and Commander-in-Chief of FAPLNK, and Deputy Chief Mr. Ieng Sary,
20 Special Advisor of the Vice-Presidency of GRUNK Council, left
21 Peking on the 19th of April by special flight to visit European
22 and African countries.

23 "[...] At the stadium, we noted the members from Albania,
24 Yugoslavia, Algeria, Mauritania, Cameroon, the representatives to
25 China."

1 [09.58.27]

2 Ms. Noem Sem, do you believe that the statement I quote from the
3 AKI as the correct statement?

4 A. That is correct.

5 Q. Let me move to another question. Before the investigators of
6 the OCIJ, you stated that you were selected to work in Vietnam in
7 1974; is that accurate?

8 A. Yes, it is.

9 Q. Can you tell us who selected you to work in Vietnam?

10 A. I was not sure, but Mr. Ieng Sary took me there.

11 Q. Where were you allowed to work? And what was the nature of
12 your work there?

13 A. I worked at the radio station and I was a singer.

14 Q. Where was the radio station located, if you can recall?

15 A. It was located at the outskirts of Hanoi city.

16 [10.00.20]

17 Q. Who was in charge of that radio station?

18 A. The - I was not sure of the person who was in charge. It could
19 be Ms. Ieng Thirith or a person by the name of Sou.

20 Q. Can you tell us the content of the programs broadcast on the
21 radio?

22 A. I cannot recall them all. It was the dissemination of
23 information. It was about the attack in the battlefield against
24 the Americans. That's what I can recall.

25 Q. Who, actually, oversaw the radio programs before they were

1 broadcast? And who were the authors of those programs, if you can
2 recall it?

3 A. No, I can't recall it; I forget.

4 Q. How long did you work there?

5 A. I worked there for one year.

6 Q. The colleagues who worked with you, who were they, including
7 your superior, at that radio station?

8 A. I cannot recall it. I can only recall Mr. Mi, Mr. Khon. That's
9 all.

10 [10.02.36]

11 Q. Let me move on to another question in order to remind you of
12 the events after the trip that you made with Khieu Samphan and
13 Ieng Sary in Vietnam, in China, and North Korea, and Romania,
14 Yugoslavia, and to other countries -- it means after the trip
15 with those individuals. Did you return to Cambodia first, before
16 you went to Hanoi, or upon the return from China with Khieu
17 Samphan, Ieng Sary, you continued your trip directly to Hanoi?

18 A. We went directly to Hanoi.

19 Q. Can you tell us who gave you an instruction to go to Hanoi?

20 A. It was Ieng Sary.

21 Q. After your return from Europe and Africa in 1974, amongst
22 those leaders of the GRUNK, who else left China to go together
23 with you on that trip to Vietnam? Can you recall the names of
24 those CPK leaders or those GRUNK members? That was 1974.

25 A. There were Khieu Samphan, Tiv Ol, Ieng Sary, and the

21

1 performance art group, including myself, Sao, and Khon.

2 [10.05.16]

3 Q. Can you tell us clearly the exact date of your returning from
4 China and went directly to Vietnam?

5 A. I cannot recall the exact date, but I can recall the month; it
6 was in April.

7 Q. April of what year?

8 A. The year was 1974.

9 Q. Those leaders who went with you to Vietnam, did they stay with
10 you or did they stay elsewhere?

11 A. They stayed separately.

12 Q. Can you tell us those leaders as you just named them, upon
13 arrival at Vietnam, what activities did they engage in?

14 A. I did not know.

15 Q. Can you tell us the duration of their stay in Vietnam – that
16 is, the stay of those leaders?

17 A. The one-month trip, including those visits abroad.

18 Q. How long did they stay in Vietnam?

19 A. Only Ieng Thirith stayed there for one year.

20 [10.07.42]

21 Q. Did you know about the activities of Ieng Sary and Khieu
22 Samphan after they left Vietnam for Cambodia? What part of
23 Cambodia did they return to? Did you know that?

24 A. They went to Kampong Thom.

25 Q. Did they tell you the purpose of going there -- did they tell

22

1 you before they left you?

2 A. No, they did not tell me.

3 Q. Thank you for your response. Let me move on to another subject
4 matter – that is, in regard to the Ministry of Information and
5 Propaganda. Please respond if you can recall it; and if not,
6 please state so.

7 [10.09.09]

8 When did you return to Cambodia? What was the exact date of your
9 return?

10 A. It was in May 1975 when I returned to Cambodia.

11 Q. Why did you return to Cambodia?

12 A. Because Cambodia had been liberated by then.

13 Q. Upon your arrival in Cambodia, where did you stay and what
14 work did you do?

15 A. When I returned, I worked at the Propaganda Section and I was
16 still an art performer.

17 Q. Who assigned you to work in the performing art at the Ministry
18 of Information and Propaganda?

19 [10.10.30]

20 A. It was Hu Nim.

21 Q. From what time or for how long did you work as a performance –
22 performance artist at the Ministry of Information and Propaganda?

23 A. I worked there for one year, from 1975 to 1976.

24 Q. Can you tell us who was your superior at the Ministry of
25 Information and Propaganda?

1 A. The Chair of the Propaganda was Hu Nim, and the Chair of the
2 Performance Arts was Comrade Sao alias Trea, Mr. Mam, and Mr.
3 Kev.

4 Q. Can you tell us the role of Mr. Trea and Kev at that ministry?

5 A. Mr. Sao's position was the chairman, and he wrote songs.

6 As for another – the other person, I was not sure.

7 Q. Did you know about the administrative and organizational
8 structure at the Ministry of Information and Propaganda where you
9 worked?

10 [10.12.27]

11 A. I did not know that well.

12 Q. While you were working in that ministry, was the work there
13 and the work that you did in Vietnam one and the same?

14 A. It was the same type of work. I sang and I read news on radio.

15 Q. You read on the radio for its broadcast. Can you tell us what
16 was the content of the articles that you read?

17 A. The content of the articles was about encouraging the people
18 to dig canals, to build dams. That's how I recall it.

19 Q. Who, actually, gave you these articles to read? And who was
20 the author or the one who oversaw those articles before you were
21 assigned to read?

22 A. Han was the person who wrote those articles, and I cannot
23 recall the names of other people.

24 Q. Can you tell us who was the chairman of the radio at the time?

25 A. I was not sure. It could be Hu Nim who was in charge in that

1 section.

2 [10.14.35]

3 Q. Regarding the broadcast on radio, were those articles that you
4 read – you read it in whole or was there instruction from the
5 upper echelon to edit it or to oversee first, before it was given
6 to you to read? How was it done?

7 A. I did not know that much. When I was given a piece of the
8 article to read, I just read it on the radio, and my voice would
9 be recorded and broadcast.

10 Q. Did you ever read any article on the radio talking about the
11 defeat of Lon Nol or the defeat of the American imperialists?

12 A. Yes, I did.

13 Q. Did you ever hear about the "victory of the 17 April 1975"? If
14 so, was it frequent?

15 A. I heard about that phrase, but I cannot recall all the
16 details.

17 Q. What about the "great leap forward"? Did you ever hear
18 broadcast of this phrase, or did you ever read any article
19 illustrating this phrase when you read it?

20 [10.16.35]

21 A. Yes, I heard about that phrase, but I never read it.

22 Q. What about "class struggle", "Party lines", and "Party
23 strategy"? Did you ever hear or read these phrases on the radio?

24 A. No, I did not.

25 Q. What about the phrase "leaders of the Democratic Kampuchea",

25

1 including the names of Ieng Sary, Nuon Chea, Khieu Samphan, and
2 Ieng Thirith? Did you frequently read those names for radio
3 broadcasts?

4 A. No, I did not. I did not read their names.

5 Q. What about the articles regarding the activities of those CPK
6 leaders? Did you ever read articles relating to their activities,
7 on the radio?

8 A. No, I did not.

9 Q. What about the phrase "to smash the enemy" or "the enemy
10 burrowing deep within" or the word "traitor"? Did you ever read
11 any article or come across such words in the articles that you
12 read?

13 [10.18.23]

14 A. No, I did not.

15 Q. You stated the following on the 15 September, before your
16 testimony, recently - I refer to Court document E1/108.1. In that
17 transcript -- in French, it is on page 92; and in English, it's
18 page 80; and in Khmer, it's page 67 -- the witness talks about
19 the education, about the aggression by the enemy and about the
20 struggle to defend territory. Did you ever hear about all these
21 words - that is, the "struggle to defend the motherland"?

22 A. Yes, I heard those words.

23 Q. I have five more questions for this witness, Mr. President,
24 before I conclude my session.

25 In relation to marriage, when you read articles on the radio, did

26

1 you ever come across a topic in relation to marriage, or the
2 prohibition of paying respects to the religion, or about the
3 evacuation or starvation?

4 [10.20.33]

5 A. No, I did not hear about these words.

6 Q. Did you ever read speeches or announcement of any of the CPK
7 leaders in relation to the Party's political lines?

8 A. No, I did not.

9 Q. My third question - third last question: Did you ever hear the
10 voice of the people who were interviewed, and that the voice to
11 be broadcast on the radio? If you heard those voices recorded
12 from the people, what was it about?

13 THE INTERPRETER:

14 The interpreter cannot hear the voice from the prosecutor.

15 (Short pause, technical problem)

16 (Court recesses from 1023H to 1043H)

17 MR. PRESIDENT:

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

19 The Chamber would like to now hand over to the Prosecution to put
20 further questions to the witness. You may now proceed.

21 MR. CHAN DARARASMEY:

22 Thank you, Mr. President. Mr. President and Your Honours, I have
23 no further questions to put to the witness, but I would like to
24 cede the floor over to my colleague.

25 Ms. Noem Sem, I thank you very much indeed for responding to my

27

1 questions and I wish you all the best. Thank you.

2 [10.45.13]

3 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

4 Good morning, Mr. President, Your Honours. Good morning to all
5 parties here present and, of course, to Witness.

6 Madam Witness, you have already given us many clarifications this
7 morning in answer to the questions put to you. I would like to
8 continue your questioning up until the lunch break. May I request
9 you to continue answering the questions with concision and to
10 provide as many details as possible regarding the facts you
11 observed or heard about between 1968 and 1979, in order to assist
12 the Chamber in bringing the truth to light?

13 Q. Madam Witness, this morning, the President asked you whether
14 you were interviewed by OCIJ investigators, and you said: "Yes,
15 on several occasions."

16 I would also like you to tell us whether you were questioned
17 prior to that - that is, four years earlier, in July 2005 - by
18 another team of investigators who went to Malai to put questions
19 to you?

20 MS. NOEM SEM:

21 A. Though I don't remember the exact date, on another occasion I
22 had met some investigator, and later on with a few more.

23 [10.47.18]

24 Q. Regarding that first investigator, do you recall which
25 organization he was working for?

1 A. I'm afraid not.

2 Q. Thank you. As a matter of fact, Witness, it is not certain,
3 but perhaps we will have to refer to the report of an interview
4 that you gave to members of an organization, SOAS. In that
5 regard, we will show you the document and ask you to react to its
6 content. It is not apparent that you signed any report during
7 that first interview.

8 Let me put my first question to you. You said that you got
9 married to Khan Lin, alias Ken. He is now deceased. Can you tell
10 us when your marriage took place?

11 A. We got married in 1975. It was in August.

12 Q. And where did the marriage ceremony take place? Do you recall
13 the exact location?

14 A. It was at the Propaganda Section, but the marriage took place
15 at Steung Meanchey.

16 Q. Thank you. At the time of the marriage, did you know Lin alias
17 Ken or had you seen Lin prior to your marriage, or was that the
18 first time you were seeing him?

19 [10.49.52]

20 A. I had known him briefly before we got married.

21 Q. And can you tell us under what circumstances you met him
22 during that period before your marriage, and where, specifically?
23 Thank you.

24 A. I met him - I had met him during the course for my art
25 performance, and I saw him accompanying Pol Pot.

1 Q. Do you know what his duties were at the time you met him as he
2 accompanied Pol Pot?

3 A. I only knew that he was Pol Pot's bodyguard.
4 [10.51.26]

5 Q. Going back in time, regarding information you had on the past
6 of your husband, at the time of your marriage, did you know what
7 your husband had done before April 1975 within the Revolutionary
8 Movement?

9 A. No, I don't know.

10 Q. Before the marriage, did you have to write your biography
11 yourself, as well as that of your husband?

12 A. During the marriage, we had to recite our biography, telling
13 the people in the ceremony about our origin or our class.

14 Q. At the time of your marriage, did you and your husband have to
15 relate to those who attended your marriage the functions you
16 fulfilled since you joined the Revolutionary Movement?

17 A. I don't remember.
18 [10.53.20]

19 Q. Did you have any conversations with your husband after your
20 marriage, regarding the period preceding your marriage,
21 particularly the period from 1970 to 1975? And if yes, what did
22 your husband say regarding his duties during that period?

23 A. He had never discussed this with me. I only knew that he
24 worked as a messenger.

25 Q. Do you know what the duties of a messenger entailed at the

30

1 time? Did it only have to do with conveyance of messages or it
2 had to do with other duties?

3 A. A messenger was tasked with giving protection to Uncles
4 whenever they went about to other places.

5 Q. Thank you. When you said he was a messenger in charge of
6 protection, do you know in what zone he provided services for
7 purposes of protection between - before 1970?

8 [10.55.20]

9 A. I only knew that he gave protection to Uncle Pol Pot.

10 Q. Thank you. Regarding that marriage, who decided that you would
11 get married to him?

12 MR. PRESIDENT:

13 Witness, could you please hold on?

14 Counsel for Mr. Nuon Chea, you may now proceed.

15 MR. IANUZZI:

16 I just wonder if we're veering off into a direction that's not
17 covered in this witness's particular area. You did mention this
18 morning that she would be testifying about the communication
19 structure. I'm not sure that the forced marriage aspect of the
20 questioning is particularly relevant. Certainly, if it directly
21 relates to communication structure, that's one thing, but you did
22 say that the testimony was limited to communication,
23 administrative structure this morning.

24 So it's an objection based on relevance with respect to this
25 witness.

1 [10.56.37]

2 MR. DE WILDE D'ESTMAEL:

3 Mr. President, I won't be long on this issue of marriage, but I
4 believe it is important for the witness to clarify the
5 circumstances of her marriage, and we will subsequently examine
6 the witness regarding the situation that was prevalent before
7 that marriage and what Lin told the witness regarding certain
8 supposed relations. That marriage has an administrative
9 structures component, particularly with regard to those who took
10 decisions and who are referred to in the witness's interview
11 before the Co-Investigating Judges. I think it is therefore
12 important for me to put this question to the witness without
13 overly belabouring the point.

14 (Judges deliberate)

15 [10.58.47]

16 MR. PRESIDENT:

17 The question and -- is allowed, as it is related to the
18 personality of this witness and the work of Office 870, as well
19 as it's related to her husband's work. However, the Chamber
20 noticed that in Case 002/01, the Chamber informed of the various
21 other inhumane acts as mentioned in the Closing Order, excluding
22 the forced marriage.

23 The question can be put.

24 [10.59.40]

25 BY MR. DE WILDE D'ESTMAEL:

1 Q. Thank you, Mr. President. So, let me put my question again:

2 Who decided on your marriage with Khan Lin, alias Ken?

3 MS. NOEM SEM:

4 A. At that time, the superior from my husband's side proposed to
5 my superior - that is, Hu Nim - for me to get married. Then they
6 sought my opinion, and I said it depended on Angkar. So Hu Nim
7 agreed on this marriage.

8 Q. Thank you. Do you remember who supervised your husband back
9 then?

10 A. I cannot recall it clearly. It could be Hong or Uncle Pol Pot.

11 Q. Thank you. When you speak about Hong, do you know what his
12 duties were before or after April 1975? Do you know of - do you
13 know Hong under other names, or do you know his full name?

14 [11.01.25]

15 A. No, I do not know his other name because I did not stay with
16 him.

17 Q. So, if I understood properly, regarding this marriage, it is
18 the Party that organized everything; is that so?

19 MR. KARNAVAS:

20 Mr. President, if I may be heard--

21 MR. PRESIDENT:

22 Witness, please wait.

23 The Counsel, you may proceed.

24 [11.02.02]

25 MR. KARNAVAS:

33

1 Thank you very much, Mr. President. The question is rather
2 leading and suggestive. It also assumes facts which are not in
3 evidence. She indicated the circumstances under which she became
4 married. If he wants to rephrase it, that's fine, but this
5 particular gentleman has a habit of asking questions where there
6 are facts that are assumed in the questions which are not in
7 evidence.

8 BY MR. DE WILDE D'ESTMAEL:

9 I will reformulate my question even if I don't agree with the
10 Defence's objection.

11 Q. Which leaders attended your marriage?

12 MS. NOEM SEM:

13 A. The leaders from both sides attended the marriage. And I,
14 myself, consented to the marriage as well.

15 Q. Were other marriages organized at the same time, or was this
16 the only marriage organized then?

17 A. There were two couples at the time. It was Sao, alias Trea,
18 and his wife and my couple.

19 [11.03.41]

20 Q. Thank you for this clarification.

21 Now I would like to return to the period that follows, when you
22 left the Ministry of Propaganda and Information. You said that
23 you had worked there until 1976. Why did you leave the ministry?
24 And where did you work after having left the Ministry of
25 Propaganda?

1 A. When I left the Minister of Propaganda, my husband asked me to
2 live with him at K-1. I did not - "Kor"-8 -- K-8, rather. I did
3 not work then because I looked after my child.

4 Q. Thank you. Can you tell us exactly what K-8 was?

5 A. K-8 was the vegetable growing unit to supply the unit itself
6 and for sell at the market - that is, the market for foreigners.

7 Q. Do you remember who worked at K-8 -- what kind of person
8 worked at K-8?

9 A. I cannot recall who was the supervisor of K-8.

10 Q. Was this a place where women worked, or where men worked, or
11 men and women, or children? Can you specify? Can you give us a
12 bit of detail on this?

13 [11.06.10]

14 A. There were women and the families of the bodyguards working
15 there. There were no children.

16 Q. Do you know who or which office was hierarchically above K-8
17 when you were working at K-8 -- which office supervised K-8?

18 A. K-8 was subordinate to 870.

19 Q. And did K-8 have any kind of relation with K-1?

20 A. These two units were close to one another.

21 Q. And when you were at K-8, where did you live? And did you live
22 with your husband?

23 A. No, I did not live with him; we lived separately. I was living
24 with another family - that is, the family of Doeun (phonetic) and
25 his wife, Phat. And I, myself, lived alone with them.

1 Q. I believe I didn't hear the name properly, the name that was
2 translated into French. Can you repeat the name of this family?
3 It was translated as Doeun, but I'm not quite sure that that's
4 it.

5 [11.08.26]

6 A. Toeung was the name, and his wife's name was Phat. But his
7 wife passed away and he remarried.

8 Q. So, did you know, since you were living with him and his
9 family – did you know who this Toeung was exactly? And for whom
10 did Toeung work?

11 A. Toeung was also a bodyguard, but I did not know to which Uncle
12 he provided protection to.

13 Q. Did you start working at K-8 at one point or did you – or were
14 you only taking care of your child?

15 A. At K-8, I did not engage in any work; I looked after my child,
16 as I frequently visited the hospital.

17 Q. And when you are at K-8, did you notice people disappearing
18 around you?

19 A. At K-8, I observed that one person disappeared. That person's
20 name was Yorn. He looked after the storehouse there.

21 Q. And back then you only learnt that this person had disappeared
22 or did you see this person being brought away when you were at
23 K-8 – outside of K-8?

24 A. No, I did not see it, but I only heard and knew about it.

25 Q. So, after K-8 -- first of all, how long did you stay at K-8?

1 And then we will talk about what happened afterwards.

2 [11.11.30]

3 A. I stayed at K-8 from 1976 to 1979.

4 MR. DE WILDE D'ESTMAEL:

5 Mr. President, for purposes of clarification, I would like to
6 display to the witness an excerpt of her statement before the
7 Investigating Judges. This is document E3/43, and it's also
8 indexed as D201/8. And the excerpt that I would like to display
9 is, in French, on page 6; English, on page 7; and Khmer, on page
10 7 as well. If necessary, I can provide the ERN, but I think it's
11 easier just to give you the page number. So, page 6 in French,
12 page 7 in English, page 7 in Khmer as well.
13 So, with your leave, I can provide a copy of the statement to the
14 witness and also display it on the monitor.

15 MR. PRESIDENT:

16 Yes, you may proceed.

17 [11.13.06]

18 Court Officer, could you deliver the hard copy document for the
19 witness's examination?

20 (Short pause)

21 The Prosecutor, you may base - you may use the content of the
22 document to question this witness, as the witness has poor
23 eyesight and she forgot to bring her glasses.

24 BY MR. DE WILDE D'ESTMAEL:

25 Thank you, Mr. President.

1 Q. I'm going to read out an excerpt of this statement, and -
2 which states the following: "When I was ill, I would rest at K-8.
3 Lin brought me to K-11. Later I was transferred to K-7, and later
4 again I was transferred to K-8."

5 And your - so, your last answer tells us that you stayed at K-8
6 from 1976 to 1979. And did you also go to K-11 and to K-7 during
7 that period?

8 A. I went to stay at the hospital at K-11 for about one month and
9 I stayed overnight at K-7. Then I was moved back to K-8.

10 [11.15.45]

11 Q. Thank you. This clarifies the facts as presented in the record
12 of the Investigating Judges. So, if I understood correctly, you
13 only stayed for one night at K-7; or did you stay there longer?

14 A. I stayed for one night only.

15 Q. And did you know what K-7 was -- what were the different
16 functions that were entrusted to Office K-7?

17 A. No, I did not know.

18 Q. And do you remember where K-7 was located?

19 A. K-7 was located near the riverside.

20 Q. And in relation to Royal Palace, how would you situate it? Was
21 it north, or west, or south of the Royal Palace?

22 A. It was along the road leading to Chrouy Changva, but I did not
23 know in which direction - west or - which direction from - in
24 comparison to the Royal Palace.

25 [11.17.53]

1 Q. And did you know who ran K-7 – who ran K-7 when you went
2 there?

3 A. No, I did not know; I only saw my husband there.

4 Q. You said earlier on that K-8 was under the leadership of
5 Office 870. And back then did you know if K-7 and K-11 also had
6 to report to this Office 870?

7 A. Yes, I knew about that. It was under Office 870.

8 Q. And aside from K-7, K-8, and K-11, did you know of K-5?

9 A. No, I did not.

10 [11.19.35]

11 Q. Did you know an office called K-12 during that same period?

12 A. K-12 was situated near K-11 as I was hospitalized at K-11.

13 Q. And did you know during the period of Democratic Kampuchea or
14 were you told what K-12 was and what K-12 was in charge of?

15 A. No, I did not know about K-12.

16 Q. And there's a last office on which I'd like to ask you for
17 information, and this is Office K-18. Did you ever hear of Office
18 K-18 during the period of Democratic Kampuchea? And if yes, what
19 were the duties of this office?

20 [11.21.08]

21 A. I did not know K-18 or where it was located.

22 Q. Now I'm going to return to your husband's duties – Khan Lin,
23 alias Ken. You told us about your marriage.

24 And very quickly, Mr. President, I would like to show two
25 photographs that the witness gave to the investigators, and I

1 will ask for your leave to display these photographs on the
2 monitor.

3 First photograph is indexed as D201/8.2.

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 Court Officer, can you take the photo - the first photo from the
7 prosecutor for the witness view?

8 BY MR. DE WILDE D'ESTMAEL:

9 I see that the picture has not been displayed, but I still
10 believe that even if the witness is not wearing her glasses -
11 that she will still be able to answer this question.

12 [11.22.41]

13 And the question is: Who is on this photograph that was given to
14 the investigators? Who is this woman? And who is this man on the
15 photograph?

16 MS. NOEM SEM:

17 A. This is the photo of my husband and myself, and it was - this
18 photo was taken by the OCIJ investigator.

19 Q. So, if I understood correctly, the investigators took this
20 picture.

21 And upon looking at this picture, it seems that this is a
22 painting that portrays you and your husband; is that correct?

23 A. This photo was taken from a frame photo, where I ask people to
24 scan it, and print it, and display it.

25 Q. And for us to be clear about this, when was this original

40

1 photograph taken – the original photograph that is in this
2 painting or the photograph that was taken by the investigating –
3 by the investigator?

4 A. The photo was taken in 1987, and I had it scanned in 2010.
5 [11.25.13]

6 Q. Thank you very much.

7 Now, the second photograph is indexed as D201/8.1, and I will
8 request the same -- that is to say, to provide a copy of this
9 picture and to display it on the screen, as well.

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 Court Officer, can you deliver the – the photo for the witness's
13 examination?

14 BY MR. DE WILDE D'ESTMAEL:

15 Q. So, on this photograph, there are four people. Can you provide
16 us with the names of the four people on the photograph, starting
17 from the person on the right-hand side and continuing to the
18 left?

19 MS. NOEM SEM:

20 A. It was Uncle At, the wife – it was Auntie At, the wife of Son
21 Sen. And I cannot recall the name of the person next to her.

22 Q. Is your husband on the photograph?

23 A. Yes.

24 [11.27.04]

25 Q. And where is your husband, therefore?

41

1 A. At that time, he was working and he took this photograph with
2 them. He was a soldier back then. It was either in 1984 or 1985,
3 as I cannot recall it correctly.

4 Q. Yes, but just to be clear, where is your husband in this
5 photograph? Is he the first person on the left-hand side, or is
6 he the person in the middle, or is he the person on the
7 right-hand side of the picture?

8 A. He stands on the right-hand side.

9 Q. Thank you. Okay, this will be -- I have no more questions
10 regarding this picture.

11 Now I would like to revisit your husband's duties between April
12 1975 -- or between your marriage, in August 1975, and January
13 1979.

14 [11.28.39]

15 First of all, we're going to focus on the period between your
16 marriage and Pang's death.

17 When you got married, where was Lin working? And you told us that
18 he had - that you had seen him accompanying Pol Pot. Could you
19 tell us where he was working, exactly?

20 A. I don't remember where, exactly, he worked. I know he lived at
21 "Kor"-1 and he also went to K-7, so I don't know exactly where he
22 was at that time.

23 Q. Thank you. When you say that he also went to K-7, did you know
24 what he was doing at K-7?

25 A. No, I don't.

1 Q. To your knowledge, who was the supervisor or who were the
2 supervisors of Lin during that period following your wedding?

3 A. I don't remember who his supervisor was -- or superior was.

4 Q. Did you know a man call Pang or did you hear anyone mention
5 the name Pang?

6 A. Yes, I did.

7 [11.31.23]

8 Q. What was the function of Pang under the Khmer Rouge?

9 A. Pang was in charge of Office 870.

10 Q. Did your husband work with Pang?

11 A. No, I didn't see him working with him.

12 Q. Thank you. My question was not whether you saw him working
13 him, but whether you knew that he was working with Pang. In one
14 way or the other, do you know whether he worked with Pang?

15 A. I don't recollect this.

16 Q. Thank you, Madam Witness. To refresh your memory, I would like
17 to read an excerpt of your interview record before the OCIJ
18 investigators. It's document 03/43 (sic) - that is E3/43. I'll
19 read out the beginning of page 4 in French, and it is on page 4
20 in English, and on page 4 in Khmer - so the same page on -- in
21 both - in all three languages, Mr. President.

22 [11.33.43]

23 May I request that the document be displayed on the screen?

24 MR. PRESIDENT:

25 You may proceed.

1 BY MR. DE WILDE D'ESTMAEL:

2 Q. Question is as follows: "In what year was Lin promoted
3 supervisor of Office 870?"

4 And your answer was as follows: "After Pang was arrested in 1977,
5 they promoted my husband to replace Pang, who was the Chairman of
6 Office 870 or S-71 - I am not sure because 870 or S-71 had the
7 same meaning." End of quote.

8 Now, you told the Co-Investigating Judges that Lin replaced Pang.

9 Before he replaced Pang, did you mean to say that there was
10 already some kind of relationship between Pang and Lin or you do
11 not know?

12 A. I do not know; I stayed home and looked after my children.

13 Q. You said a while ago that Lin was Pol Pot's messenger, unless
14 I am mistaken. Following your marriage, did he continue to be Pol
15 Pot's messenger?

16 [11.35.53]

17 A. One to two years after our marriage, he had remained a
18 messenger, but later on he moved to work at K-1, the location
19 which was near the National Assembly, and at that time there were
20 young people working there.

21 Q. If I understood you correctly, he continued to work as Pol
22 Pot's messenger - as a messenger for two or three (sic) years.
23 Was that as a messenger for Pol Pot or for other leaders?

24 A. He worked as a messenger.

25 Q. Yes. My question was whether he was a messenger for Pol Pot or

1 for other persons.

2 A. So far as I know, he had been working as a messenger for only
3 Uncle Pol Pot all along.

4 Q. You stated a while ago that the duties of the messenger also
5 included providing protection for the Uncles. Was he also in
6 charge of the security of Pol Pot?

7 [11.37.56]

8 A. Yes, he also provided protection for Uncle Pol Pot.

9 Q. Was he the only person who provided for Pol Pot's safety or he
10 had other colleagues? And if yes, can you give us the names of
11 those colleagues?

12 A. At K-1, there were quite a few people who were tasked with
13 providing protection for the Uncles, including people from the
14 tribal ethnic minority, people including Tan, Noeun (sic), Chhiv,
15 and Sang; and later on Chhiv moved to work at - or Cheam, rather,
16 at the Ministry of Foreign Affairs. I don't remember the others.

17 Q. How about Tan? I heard that he was also at K-1. Do you know
18 what his specific duties were? Were these same as those of your
19 husband or was he a superior or a subordinate to your husband?

20 A. He was also a guard. I do not know whether he was a superior
21 or subordinate to my husband.

22 Q. Did you hear anyone mention the name Kham My? It is K-h-a-m
23 M-y.

24 A. I used to hear of him, but I never saw him.

25 Q. Thank you.

1 [11.40.43]

2 You stated that when Lin was working at K-1, he resided at K-1.

3 In which office was he working, to your knowledge?

4 A. He was right there at K-1. He was at K-1, no other office, and
5 I was at K-8, which was just adjacent to that location.

6 Q. In the extract I read out a while ago, you stated that Lin had
7 replaced Pang in the office of Chairman of 870 or S-71. What did
8 you know about S-71?

9 A. I do not know anything about this.

10 Q. Do you know what became of Pang?

11 A. At that time, I heard that Pang was a traitor and later on was
12 arrested.

13 Q. And under what circumstances did you hear that? Was that in
14 the course of a simple conversation or during an official event
15 organized by the regime?

16 A. We heard from people talking about this from one another.

17 [11.43.25]

18 Q. And where were you when you heard that? Was that when you were
19 at K-8 or while you were at the hospital at K-11?

20 A. It was at K-8.

21 Q. Did you ever hear anyone at K-8 talk of the disappearance or
22 the treachery of Pang while you were at K-8?

23 A. I do not recall this.

24 MR. DE WILDE D'ESTMAEL:

25 Mr. President, at this stage, I would like to read an extract of

1 the record drawn up by the organization SOAS on the 25th (sic) of
2 July 2005. And the witness will be allowed to tell us whether she
3 knows the contents of that statement, since she didn't sign it.
4 The reference is D224/D16 (sic). It may not be important to show
5 the witness this document. However, we would like it to be placed
6 on the screen. In French, it is page 2; in English, it's page 1;
7 and in Khmer, it is page 4 of that document.

8 [11.45.25]

9 MR. PRESIDENT:

10 You may proceed.

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. Thank you. I will now read an extract of that report written
13 after the interview granted by the witness to that organization,
14 specifically to the people who went to meet her in Malai. And
15 that document is signed July 2005. Now, this is what is written
16 in that document -- and these statements are attributed to you,
17 Witness -- let me quote: "We were told that Pang was a traitor."

18 And, further down, you said that:

19 "We knew that Pang was dead because he was accused of betrayal,
20 and we concluded that he was dead. We were told of his betrayal
21 during meetings of the group. We believed it. We did not think it
22 was [make up - or] it was made up." [I beg your pardon, says the
23 interpreter]. End of quote.

24 Is what I have just read out to you what you stated in 2005? Has
25 it refreshed your memory?

1 [11.46.50]

2 MS. NOEM SEM:

3 A. Yes, it does.

4 Q. Apart from Pang, did they also talk about the arrest or
5 betrayal of other persons close to Pang?

6 A. Phum was also arrested after Pang was arrested.

7 Q. Here again, I heard the name Mum (phonetic), but in Khmer I
8 had heard something else. Could you please specify the name of
9 that person again?

10 A. The person is by the name of Phum - P-h-u-m.

11 [11.48.15]

12 Q. Very well. Did you know what Phum did and whether he worked
13 with Pang?

14 A. I don't remember all the details, but I knew that he worked
15 with Pang.

16 Q. Who replaced Pang, as far as all his functions are concerned,
17 after he disappeared up until 1979?

18 A. The person who was Pang's successor was my husband.

19 Q. A while ago, you told us that a number of K offices were under
20 the supervision of Office K -- 870. After Lin replaced Pang, were
21 those K offices under the supervision of your husband or other
22 persons?

23 [11.49.55]

24 A. My husband was overly (sic) in charge of Office 870 at that
25 time, and the other people could have been supervising other

1 offices, but I don't know.

2 Q. Please tell us who became Lin's assistant as the Chairman of
3 Office 870 after the disappearance of Pang.

4 A. I don't know.

5 Q. Did you know who were the members of the Office 870 Committee
6 chaired by your husband? Do you know any persons who were members
7 of that committee?

8 A. No, I don't.

9 MR. DE WILDE D'ESTMAEL:

10 Mr. President, I would like to read another extract of the
11 interview given to SOAS on the 25th (sic) of July 2005. It is
12 still document D224.16 and it is page 2 in French, page 1 in
13 English, and in Khmer it is page 3.

14 [11.51.50]

15 With your leave, may I request that page 3 be placed on the
16 monitor?

17 MR. PRESIDENT:

18 You may proceed.

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you.

21 Q. It is a very short extract that I will read, an extract of
22 this interview report. And it is stated in this document that you
23 said the following to the persons: "My husband became supervisor
24 of S-71 following the arrest of Pang. Ta Tan alias Khiev was with
25 Lin in the S-71 Committee after Pang's arrest." End of quote.

1 Witness, do you confirm these statements attributed to you,
2 notably that Ta Tan was a member of S-71 Committee with Lin?

3 MS. NOEM SEM:

4 A. I do not know whether this grand-uncle was in this committee.

5 Q. Very well. Thank you for this clarification.

6 [11.53.26]

7 After your husband replaced Pang, to your knowledge, was he
8 assigned any specific duties with regard to security vis-à-vis
9 the enemies of Democratic Kampuchea?

10 A. I don't know how to respond to this because I don't remember.

11 Q. At K-8 or whether you heard it over the radio, did you hear
12 anyone talk about the enemies of Democratic Kampuchea?

13 A. I used to hear from the radio broadcasts, but I don't just
14 remember any.

15 Q. And from what you heard over the radio, were there different
16 categories of the enemy? And would you be able to - or can you
17 identify some of those categories of enemies for us, if you know
18 about them?

19 A. No, I don't.

20 MR. DE WILDE D'ESTMAEL:

21 Mr. President, with your leave, I would like to read an extract
22 of the record of interview granted by Khieu Samphan. The
23 reference is E3/37 or D47. And I would like to have page 4 in
24 Khmer, 5 in French, and page 5 in English placed on the screen.

25 [11.55.59]

1 MR. PRESIDENT:

2 You may proceed.

3 BY MR. DE WILDE D'ESTMAEL:

4 Thank you. It is the record of an interview before the
5 Co-Investigating Judges.

6 And You Bunleng, the Investigating Judge, put the question to the
7 witness: "Office 870, did it have other functions, other than
8 those you have described?"

9 And this is Khieu Samphan's answer:

10 "At first, this office was not so important, but at a later stage
11 it gained in importance because it was tasked with monitoring
12 suspected members of the Party for the Standing Committee. I
13 learned this after the Revolution collapsed, when I reached
14 Pailin." End of quote.

15 This is stated by Khieu Samphan.

16 [11.57.00]

17 Witness, did your husband ever mention or did you learn from
18 other sources who was in charge of conducting investigations
19 regarding cadres who were suspected of betrayal?

20 MS. NOEM SEM:

21 A. I do not get this.

22 Q. Yes, Madam Witness, I will rephrase my question: Did Lin ever
23 talk to you or did you hear from your sources or other persons
24 that Lin was in charge of conducting investigations regarding
25 cadres who were suspected of being traitors?

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1 A. He never told me about this because at that time husband and
2 wife were not supposed to know one another's business.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you very much.

5 Mr. President, I am getting ready to go into another line of
6 questioning. Would it be appropriate for us to take the lunch
7 break now? I am in your hands.

8 [11.58.50]

9 MR. PRESIDENT:

10 Thank you very much indeed, Co-Prosecutor.

11 It is now appropriate moment for the lunch adjournment. The
12 Chamber will adjourn until 1.30 p.m., when the next session will
13 resume.

14 Court officer is not instructed to assist Madam Witness during
15 the lunch adjournment and have him - rather, have her returned to
16 the courtroom by 1.30 p.m.

17 Counsel for Mr. Nuon Chea, you may now proceed.

18 MR. IANUZZI:

19 Thank you, Mr. President. I'm just informed that our client, Nuon
20 Chea, is suffering from a backache, a headache, and a general
21 lack of concentration, and for those three reasons he'd like to
22 retire to the holding cell for the afternoon's session. And
23 that's our application for this morning. Thank you very much.

24 [11.59.50]

25 MR. PRESIDENT:

1 Thank you, Counsel.

2 The Chamber notes the request of Mr. Nuon Chea through his
3 counsel, in which Mr. Nuon Chea expressly indicates that he
4 wishes to waive his right to participate directly in the
5 courtroom due to his health concerns.

6 [12.00.12]

7 The Chamber, therefore, grants such request, and that -- Mr. Nuon
8 Chea is allowed to observe the proceedings from his holding cell
9 through the video-link.

10 The Chamber would like counsel for Mr. Nuon Chea to submit the
11 waiver signed or given thumbprint by Mr. Nuon Chea.

12 AV booth officers are now instructed to ensure that the
13 audio-visual links are well connected to the holding cell of Mr.
14 Nuon Chea so that he can observe the proceedings from there.

15 Security personnel are now instructed to bring Mr. Khieu Samphan
16 and Nuon Chea to their respective holding cells and return Mr.
17 Khieu Samphan to the courtroom when the next session resumes.

18 The Court is adjourned.

19 THE GREFFIER:

20 (No interpretation)

21 (Court recesses from 1201H to 1332H)

22 MR. PRESIDENT:

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

24 I would like to give the floor again to the International
25 Co-Prosecutor to continue putting questions to the witness. You

1 may proceed.

2 BY MR. DE WILDE D'ESTMAEL:

3 Mr. President, I think that the witness does not yet have her
4 headset. Maybe we should provide it to her, yes?

5 Thank you. Good afternoon, Mr. President. Good afternoon, Your
6 Honours. Good afternoon, Witness. We are going to continue with a
7 few other questions this afternoon.

8 [13.33.46]

9 Q. First of all, can you tell us what happened to your former
10 leader, Mr. Hu Nim, the Minister of Propaganda and Information?

11 MS. NOEM SEM:

12 A. I didn't know what happened to him.

13 MR. DE WILDE D'ESTMAEL:

14 Mr. President, I would like to read out, if possible, the written
15 record of interview E3/43 regarding what happened to Hu Nim. In
16 Khmer, it's on page 5 in ERN 00357221; French, page 4, ERN
17 00402992; English, page 5, ERN 00365660.

18 And with your leave, Mr. President, if we can display this page
19 on the monitor?

20 MR. PRESIDENT:

21 You may proceed.

22 [13.35.25]

23 BY MR. DE WILDE D'ESTMAEL:

24 Thank you, Mr. President.

25 Q. So, this is what you stated to the investigators. You said the

1 following: "Hu Nim was arrested in 1977 after I left for K-8."

2 And, a bit further, you say: "Sao was arrested in 1977, after the
3 arrest of Hu Nim."

4 Does this ring a bell, Witness, on what happened to Hu Nim?

5 MS. NOEM SEM:

6 A. I cannot recollect of the event that happened to him. I only
7 knew that he was arrested and taken away.

8 [13.36.23]

9 Q. Fine, fine. Thank you. Back then, how did you learn that Hu
10 Nim had been arrested and how did you learn about Sao's arrest?

11 A. At that time, I heard through the saying of other people there
12 that Sao was arrested and taken away, but it was not officially
13 announced.

14 Q. And do you remember precisely who among these other people
15 provided you with details about this arrest or told you that Hu
16 Nim and Sao had been arrested? Can you give us the names of the
17 people who might have spoken about this to you?

18 A. At that time, my husband asked me -- said about the arrest of
19 Hu Nim and Sao, and he interrogated me because he said that their
20 responses implicated me and that I was educated by them. And I
21 replied that, besides instructing me to strive hard in my work,
22 nothing else was relayed or instructed to me.

23 [13.38.18]

24 Q. Thank you. And did your husband question you often regarding
25 your relations with Hu Nim and Sao?

1 A. He questioned me three to four times, and I always replied
2 that I did not know. I did not know what happened.

3 Q. Did he start questioning you about the arrest of Hu Nim or
4 about your relations with Hu Nim and Sao? Was it long after their
5 arrest or was it just right after their arrest?

6 A. I cannot recall the exact date, but it was about one or two
7 months after the arrest when he questioned me.

8 Q. And when he spoke to you about this arrest, did he tell you
9 what Hu Nim and Sao were accused of?

10 A. He told me that Sao was accused of being a CIA agent, as did
11 Hu Nim.

12 Q. And back then, did you know what being a CIA agent meant?

13 A. Being a CIA agent, it means that you worked for America.

14 [13.40.55]

15 Q. So, being a CIA agent, did this mean being a traitor or being
16 an enemy to the regime?

17 A. Yes.

18 Q. Earlier on, you said that your husband had related the fact
19 that you had been denounced. How did your husband know that you
20 had been denounced and who denounced you; did he tell you?

21 A. He said that Comrade Sao implicated me. I did not know how he
22 learned about that.

23 Q. And during these three or four conversations you had or in
24 responding to the questions from your husband, did he ever speak
25 to you about confessions?

1 A. No, he did not.

2 [13.42.41]

3 Q. Thank you. On the basis of what you learned back then, did
4 anyone act to cover you regarding these alleged links between
5 you, who had worked for Hu Nim, and Sao? Did someone act to
6 prevent you from being arrested?

7 A. My husband questioned me and he said that it's because of Pol
8 Pot's intervention; I would have been taken away without his
9 intervention.

10 Q. On the basis of what you know, what happened to people who
11 were taken away following denunciations?

12 A. I cannot respond to your question.

13 Q. And when your husband asked you all of these questions
14 regarding Hu Nim and Sao, was he acting as a husband or was he
15 acting as a cadre in the performance of his duties?

16 A. I could not say whether he was performing his duty, but he
17 questioned me on this matter.

18 Q. Witness, I would like now to read to you the report of the
19 interview conducted by SOAS in July 2005, and you're going to
20 tell me if you agree with what is written.

21 [13.45.23]

22 President, this is in Khmer page 4 of the document D224.16, and
23 the Khmer ERN is 00590191; French, it's on page 2, ERN 00644742;
24 and English, it's on page 1, ERN 00089699.

25 And with your leave, can we please display this document on the

1 screen?

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. So, this is what was related in this report and it is stated

6 that you had said -- and I quote:

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

13 [13.46.51]

14 So, does this correspond to what you said during this first
15 interview?

16 MS. NOEM SEM:

17 A. Yes, that is true.

18 Q. How did you know that if you had been arrested, as the
19 document states, you would have died? On what elements do you
20 base yourself or did you base yourself to know that being brought
21 away meant dying?

22 A. The people were taken to either Ta Lei or Steung Meanchey.
23 They were the locations where they engage in rice farming, and I
24 did not know whether they were taken elsewhere.

25 Q. And who spoke to you about both of these places -- Ta Lei and

1 Steung Meanchey?

2 A. My husband told me.

3 Q. Thank you.

4 [13.48.27]

5 Now, let me turn to another topic. You spoke about the fact that
6 Lin had essentially worked with Pol Pot and that he had replaced
7 Pang at the head of Office 870. And as far as you know, did Lin
8 also work directly or indirectly with Nuon Chea -- that is to
9 say, as of 1977, 1978 -- that is to say, before and after Pang's
10 arrest? Do you have any information regarding his possible
11 working relations with Nuon Chea?

12 A. I did not know about that.

13 [13.49.23]

14 Q. And during the time of Democratic Kampuchea, did you know what
15 Nuon Chea's duties were among the leaders of Democratic
16 Kampuchea?

17 A. No, I did not.

18 Q. You told us earlier on that before April 1975, Nuon Chea had
19 -- ran political training sessions. After April 1975 and until
20 1979, did you see Nuon Chea again?

21 MR. IANUZZI:

22 Objection, Your Honour; the witness told us this morning that--

23 MR. PRESIDENT:

24 Witness, please wait.

25 Defence Counsel for Nuon Chea, you may proceed.

1 MR. IANUZZI:

2 It's not a terribly controversial point, but it goes back to
3 something my colleague was saying this morning about my colleague
4 across the stage characterizing the evidence. The witness this
5 morning said she attended a single political education course.
6 She did not say that Nuon Chea ran political education courses.
7 So, if -- if the evidence could be given back to the witness as
8 she presented it, then we wouldn't object.

9 MR. DE WILDE D'ESTMAEL:

10 President, I think here this -- we're just fretting over words.
11 As far as I remember, the witness told us that Nuon Chea had
12 given political training classes, but that's not really the core
13 of the -- my question. The core of my question is to know if the
14 witness had seen Nuon Chea between April 1975 and January 1979.

15 [13.51.33]

16 MR. PRESIDENT:

17 The objection by the international counsel for Nuon Chea is
18 unfounded.

19 Witness, you may now respond to the last question put to you by
20 the Prosecution if you still can recall it.

21 MS. NOEM SEM:

22 A. I met him once at K-3 when I went for the training. It was a
23 one-day training, and he was there.

24 BY MR. DE WILDE D'ESTMAEL:

25 Q. Thank you very much. We will turn to K-3 just afterwards.

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1 [13.52.23]

2 At the time of Democratic Kampuchea, did you know who Kaing Guek
3 Eav alias Duch was?

4 MS. NOEM SEM:

5 A. I began to know him only in 1993 and I did not know him before
6 that time.

7 Q. Thank you.

8 As far as you know, at the time of Democratic Kampuchea, who was
9 Sua Vasi alias Doeun?

10 A. I did not know that person; I only heard of the name of that
11 person.

12 Q. And was this person arrested under the -- during the time of
13 Democratic Kampuchea, at one moment or the other?

14 A. I could not grasp this matter.

15 MR. DE WILDE D'ESTMAEL:

16 Mr. President, with your leave, I would like to read out an
17 excerpt from the written record of interview at E3/43 and in
18 Khmer, it's on page 7, ERN 0035722 to 3; French, page 6, ERN
19 00402994; and English, page 7, 00365662.

20 And with your leave, Mr. President, can we display this page on
21 the monitor?

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 [13.55.05]

25 BY MR. DE WILDE D'ESTMAEL:

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1 Q. A question that was put to you by the investigators, and this
2 question is the following -- is: "Did you ever hear of the
3 so-named Sua Vasi alias Doeun?"

4 And you answered: "I heard the name Doeun and also heard that
5 they had arrested him, but I did not know if they arrested Doeun
6 before or after Lin took control of 870." End of quote.

7 How did you learn that Doeun had been arrested?

8 MS. NOEM SEM:

9 A. I cannot recall that. I heard of the arrest through other
10 people, but I cannot recall exactly as who actually told me about
11 that.

12 Q. You said earlier on that Lin had brought you to K-8 and -- and
13 then he accompanied you to K-11 and that he also went to K-7. Was
14 Lin allowed to circulate freely in Phnom Penh?

15 A. He travelled for work purposes in the surrounding units or
16 sections.

17 [13.56.58]

18 Q. Did you learn if -- did you learn if your husband went to the
19 Ministry of Social Affairs or the Ministry of Foreign Affairs
20 from time to time?

21 A. No, I did not.

22 MR. DE WILDE D'ESTMAEL:

23 Now, regarding Khieu Samphan, I would like to read out a very
24 small excerpt of the -- of the SOAS document -- that is to say,
25 D224.16, and then I will ask the witness if she can confirm or if

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1 she denies what is stated. This is document D224.16 and in Khmer
2 it's on page 3, ERN 00590190; French, page 2, ERN 00644742;
3 English, page 1, ERN 00089699.

4 And if this document could also be displayed on the screen, Mr.
5 President?

6 MR. PRESIDENT:

7 Yes, you may proceed.

8 [13.58.38]

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. So, this is what you stated based on the report that was
11 drafted by SOAS -- and let me quote: "Hem -- that is to say,
12 Khieu Samphan -- was Pang's and Lin's superior, as far as I
13 understood." End of quote.

14 So, do you confirm this?

15 MS. NOEM SEM:

16 A. I don't remember having said that he was the superior of Pang.

17 Q. During the period of Democratic Kampuchea, did you see Khieu
18 Samphan, and if so, where?

19 A. Yes, I did. I saw him at K-3 on one occasion and I was on the
20 trip with him.

21 [14.00.10]

22 Q. A while ago, you said you saw Nuon Chea at K-3 during a
23 training session. Was that the same occasion where you saw Khieu
24 Samphan at K-3?

25 A. I did not see him during the training session, but I saw him

1 when we had meal together -- when they had meal together rather.

2 Q. Very well. But was that during the same period and on the same
3 date when you attended your training session? You saw him during
4 meals, but was that at the same training session and on the same
5 day?

6 A. Yes, it was on the same day when I visited the location.

7 Q. Regarding Pol Pot and the role your husband played vis-à-vis
8 Pol Pot, you have stated that he was in charge of security. You
9 also mentioned that there were other persons in charge of
10 security at K-1.

11 Regarding Khieu Samphan and Nuon Chea, when you saw them, did
12 they each have their individual security officers?

13 A. Yes, they did.

14 [14.02.03]

15 Q. Do you remember the names of Khieu Samphan's security officer,
16 on the one hand, and Nuon Chea's security officer on the other?

17 A. No, I don't. They were all together at that location. I did
18 not know who gave protection to whom.

19 Q. You talked about K-1 and K-3. What did you know about K-1 and
20 K-3 during the period of Democratic Kampuchea at the time? What
21 was the purpose of those offices?

22 A. Offices K-1 and K-3 were the locations where Uncles would
23 stay. They would move from one place to another among the two
24 locations. I have no idea on the details of this.

25 Q. When you say "Uncles," could you be more specific and confirm

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1 the Uncles you are referring to?

2 A. They were Uncles Nuon Chea, Khieu Samphan, and Pol Pot.

3 Q. Did you ever enter K-1 or did you go very close to K-1 such as
4 to be in a position to see what was happening in there?

5 [14.04.09]

6 A. Yes, I did. I used to look for some vegetables, but outside of
7 the vicinity, I only saw his wife cooking at the location.

8 Q. When you were foraging for vegetables, were you still close to
9 K-8? You stated that K-8 was close to K-1. Should I understand
10 that that is what you mean that these were close to one another?

11 A. Yes, it is correct.

12 Q. From what you were able to observe from outside, was K-1 well
13 guarded?

14 A. I noted that the office was guarded and people would not be
15 allowed to enter the vicinity without any duty.

16 Q. You stated that you -- you saw the wives of leaders on the
17 spot. Which leaders are you referring to at K-1?

18 A. I saw Khieu Samphan's wife and Nuon Chea's wife and the wives
19 of Cheam, Tan who were the security officers there.

20 [14.06.14]

21 Q. Can you please specify the names of Khieu Samphan and Nuon
22 Chea's wives -- that is, the two wives of Khieu Samphan and Nuon
23 Chea?

24 A. Aunty Sorn was Nuon Chea's wife and Rin was Khieu Samphan's
25 wife.

1 Q. Thank you. How about Nuon Chea's wife's name? Do you recall
2 it?

3 A. Well, I said that she was the person by the name Sorn.

4 Q. I believe I have a bit of an interpretation problem. I did
5 not, at all, hear the name of Khieu Samphan's wife. Could you
6 please repeat that name?

7 A. Khieu Samphan's wife was the woman by the name Rin.

8 Q. Thank you. How were you able to recognize the wives of Nuon
9 Chea, Khieu Samphan, Cheam, and Tan? If you were able to
10 recognize them, does that mean that you had already seen them
11 beforehand?

12 A. Yes, I used to see them before at the offices nearby.

13 [14.08.30]

14 Q. Did those four women always follow their husbands when you saw
15 them outside of K-1 or did you see them outside of K-1 without
16 their husbands being present?

17 A. I don't know. I only saw them at that location when I saw.

18 Q. Did you see all four women at K-3 or you did not see them
19 there?

20 A. I saw them on one occasion at K-3.

21 Q. And, when you went to K-3 to attend the training session, was
22 that before or, after you saw them at K-1, when you were
23 harvesting vegetables?

24 A. I had been at K-3 before I went to K-8 at the propaganda
25 section.

1 Q. Can you please tell us the contents of the training session
2 you attended at K-3?

3 A. No, I didn't attend any study sessions. I went to visit my
4 husband who worked there.

5 [14.10.54]

6 Q. A while ago, according to French interpretation, you stated
7 that you went to K-3 once to attend a training session. Are you
8 going back on your word or, would you please specify whether that
9 is, indeed, what you stated?

10 A. I didn't say I attended a session there. I did say I went to
11 see my husband for one full day and a night.

12 Q. How come you, all of a sudden, were authorized to go to K-3 to
13 visit your husband? You stated that you went there only once.
14 Were there any exceptional circumstances which accounted for the
15 fact that you were able to go to K-3 only once?

16 A. At that time, a few days before that, my husband did not go to
17 my place so, the leaders of K-3 allowed me to visit him there.

18 Q. Thank you. Can you please describe to us K-3, the
19 presentation, what you saw when you went inside the premises?

20 [14.12.38]

21 A. I didn't see anything inside other than the cooks and these
22 Uncles who were seen having meals at that place.

23 Q. Were there several buildings on the premises of K-3 or, only
24 one building?

25 A. I didn't walk about to learn about this. I went directly to a

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1 house where I stayed inside.

2 Q. For purposes of clarification, you stated that you saw the
3 Uncles eating together. Can you, again, specify who you saw
4 eating together and whom you refer to as Uncles?

5 A. Uncles here refer to Uncle Pol Pot, Nuon Chea and Khieu
6 Samphan -- the three of them were seen having a meal together.

7 [14.14.17]

8 MR. WILDE D'ESTMAEL:

9 Thank you, Witness.

10 Mr. President, I have no further questions for the witness. I
11 will now give the floor to the civil party lawyers for their own
12 examination of the Witness. Thank you.

13 MR. PRESIDENT:

14 Thank you.

15 Next, we would like to hand over to the Lead Co-lawyers for the
16 civil parties to pose questions to the witness, if they would
17 wish to do so.

18 MR. PICH ANG:

19 Thank you, Mr. President and Your Honours. Counsel Lor Chunthy
20 and Élisabeth Simonneau-Fort will be putting questions to this
21 witness, please.

22 MR. PRESIDENT:

23 You may proceed. Counsel Lor Chunthy, first.

24 QUESTIONING BY MR. LOR CHUNTHY:

25 Thank you, Mr. President, Your Honours. I am Lor Chunthy, counsel

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1 for the civil parties from the legal aid. And very good afternoon
2 to the witness.

3 Q. Ms. Noem Sem, I have a few questions to pose to you.

4 Before 1975, you said you went to visit 13 countries. My question
5 is: Did you meet students in each of the countries you visited?

6 [14.16.15]

7 MS. NOEM SEM:

8 A. No, we didn't have any meetings with these students.

9 Q. Without meeting, as you said, with the students, did you meet
10 other people during the trip?

11 A. We only met ambassadors or representative of the embassies at
12 each country.

13 Q. You said you met with ambassadors of the embassies of each of
14 the countries. Which country are you referring to?

15 A. We met ambassador of Algeria.

16 [14.17.28]

17 Q. So, at Algeria, did you meet Khmer people there?

18 A. Yes, we did.

19 Q. You met Khmer people in that country; did you talk to them
20 about anything?

21 A. I didn't say anything to them.

22 Q. Thank you.

23 You have a sister who worked at ^salt field or, Srae Ambel. Do
24 you remember in which work site did she work?

25 A. I don't know that place.

1 Q. Thank you. Just now, you said at K-8, vegetables were grown
2 and that the vegetables would be sold at the market and the
3 markets for foreigners. Where was it? Where was the market
4 located?

5 A. I don't know, but I know that the vegetables were sent to be
6 sold at a market, and I don't know where the market could have
7 been.

8 [14.19.55]

9 Q. Do you know whether the vegetables could be sold in exchange
10 for money, and how?

11 A. I don't know about this.

12 Q. Thank you.

13 After your visit to the countries and, upon returning to the
14 country, you went all the way to Vietnam; is that correct?

15 A. Yes, it is.

16 Q. What did you do in Vietnam?

17 A. I could have my voice recorded for radio broadcast.

18 Q. You said that your voice or songs were recorded for radio
19 broadcast. How many songs were recorded and what were the songs
20 about?

21 A. The songs were about the revolution promoting -- encouraging
22 people for the cause of the revolution, and I don't remember more
23 than this.

24 [14.22.05]

25 Q. Apart from having your songs recorded, what else did you do?

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1 A. I didn't do anything else. I only worked for the art
2 performance group.

3 Q. Who were reading the news on the radio broadcast?

4 A. There were Brother Sou, Suong -- I remember only the two of
5 them.

6 Q. Thank you. When you were there, did you ever happen to listen
7 to the news, for example, the statements or appeals that were
8 broadcast on the radio?

9 A. I don't remember. I don't remember having noted anything about
10 this. I forget.

11 Q. Before 1975, indeed, before the 17th of April 1975, did you
12 ever listen or hear anything about the statement that were
13 broadcast on radio or not?

14 A. At that time, I did listen to the radio broadcast, but I just
15 don't remember the content of the broadcast.

16 Q. Do you still remember those who wrote news articles and
17 composed songs?

18 A. The song composer was Sao. Sao wrote some songs, and there
19 were other persons by the name of Khon and Mi.

20 [14.25.42]

21 Q. Thank you.

22 In May 1975, you said you returned from Vietnam to Phnom Penh.
23 Who did you come with at that time?

24 A. We came together with a group of the - with the art group, and
25 all the working - all the people working in the art group.

1 Everyone had returned.

2 Q. Among the people who came along with you on that time, do you
3 remember any other people who did not belong to the art group or,
4 how many people in the art group do you still remember coming
5 along with you?

6 [14.27.01]

7 A. Mr. Mi, and Khon, and Ieng Thirith were the three individuals,
8 including Sou, who came with us to Cambodia.

9 Q. Thank you. Let me go back to the Ministry of Propaganda, where
10 you worked for a while.

11 The question is the following: At that ministry, what was your
12 main role and responsibility?

13 A. I did not have any particular position. My task was to record
14 a -- to record songs and do some radio broadcast.

15 Q. When you read the news for the broadcast, did you ever pay
16 attention to those news whether they are important?

17 A. No, I did not pay any particular attention. I just read them.
18 I was not that well educated, in fact. I just read the news.

19 Q. How many newsreaders were there?

20 A. Initially, there were two, later on there were Suong, as well
21 and, I cannot recall other names.

22 [14.29.55]

23 Q. At the Ministry of Propaganda, did you know the one who was in
24 charge and the administrative structure?

25 A. I did not know well about the administrative structure.

1 Q. Thank you. What I want to know is that -- when you returned to
2 Phnom Penh, what was your initial impression?

3 A. Upon my first arrival, it was quiet. I did not see any people.

4 Q. Before you returned to your motherland, did you know of the
5 evacuation of residents from Phnom Penh?

6 A. Yes, I knew some about the evacuation of people from Phnom
7 Penh.

8 Q. How did you learn about the evacuation of people from Phnom
9 Penh? Was it through a radio broadcast or somebody told you or,
10 how did you learn of the news?

11 A. Everybody knew about it; the leaders told us.

12 [14.33.02]

13 Q. You said the leaders told you; are you referring to the one in
14 charge of the radio station in Hanoi or somebody else?

15 A. It was the person in charge of the radio station there.

16 Q. Does it mean you learned of the evacuation prior to the actual
17 evacuation itself on 17 April 1975, or did you learn it
18 afterwards?

19 A. I learned about it afterward.

20 Q. I have one or two more questions for you, Witness.

21 Regarding the arrest of Hu Nim and, that your husband Lin kept
22 questioning you, the question is: What was Lin's concern? What
23 was the reason of him questioning you and wanting to know whether
24 -- to know about your relationship between Sao^ and Hu Nim? So,
25 in short, what was Lin's concern?

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1 A. At that time, I did not know about what he thought, whether he
2 was afraid that he could be implicated. I did not know for sure.
3 [14.35.24]

4 Q. Thank you. And later on, after 1979, did he ever speak to you
5 about that incident?

6 A. After 1979, he said, if I had not left Phnom Penh, then I
7 would be considered that I was part of the network or the agent.

8 Q. My last question to you -- the question is: Why were you
9 spared? As you stated, your husband Lin wanted to send you away,
10 but Pol Pot stopped him. The question is: Why Pol Pot took
11 intervention and from when did you know Pol Pot?

12 A. I became to know him clearly only when I came to Phnom Penh,
13 and previously I had not known him.

14 MR. LOR CHUNTHY:

15 Thank you, Mr. (sic) Witness.

16 I'd like now to give the floor to my international colleague.

17 I'm grateful, Mr. President, Your Honours, and thank you, Madam
18 Witness.

19 MR. PRESIDENT:

20 The time is now appropriate for a short break. We will take a
21 20-minute break and we will resume at five to 3.00.

22 Court Officer, could you assist the witness during the break and
23 have her returned to the courtroom at the said time?

24 (Court recesses from 1437H to 1456H)

25 MR. PRESIDENT:

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

2 We will now give the floor to Khieu Samphan's defence to put
3 questions to this witness - correction, we now give the floor to
4 the International Lead Co-Lawyer for civil parties. You may
5 proceed.

6 QUESTIONING BY MS. SIMONNEAU-FORT:

7 Yes. Thank you, Mr. President. I have a few questions to ask, so
8 I will not hold up the Chamber for too long.

9 Q. Good afternoon, Witness. I wish to put to you a few questions
10 which are questions that just follow each of the topics that were
11 discussed until now, either by the prosecutors, either by my
12 colleague from the civil parties. So, these are questions --
13 these are basically follow-up questions on each topic.

14 [14.57.40]

15 First of all, I'd like to return to your trip in 13 countries in
16 1974 with Mr. Ieng Sary and Khieu Samphan. You said that you were
17 part of the artistic ensemble, and that you were singing. So,
18 before or after singing, did Ieng Sary make speeches for the
19 ambassadors, or for the people who were attending the
20 performances in 1974?

21 MS. NOEM SEM:

22 A. Yes, at every country he would make a speech.

23 Q. And do you remember the topics of each one of these speeches
24 and each country you visited?

25 A. No, I cannot recall that.

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1 Q. And did Mr. Khieu Samphan also make speeches in each country,
2 or in certain countries?

3 A. Yes, he did make a speech.

4 Q. Thank you.

5 [14.59.29]

6 Now, I would like to revisit your arrival in Phnom Penh in May
7 1975.

8 Did you arrive in Phnom Penh by road?

9 A. We flew from Vietnam to the South Vietnam, and then we were on
10 a vehicle, and then we took a boat by the river to Phnom Penh.

11 Q. Thank you. When you were on the territory of Cambodia, as you
12 were going to Phnom Penh, did you come across people leaving the
13 towns -- leaving the towns, particularly Phnom Penh?

14 A. No, I did not see them. They had already left.

15 Q. Thank you. You told my colleague, Lor Chunthy, a while ago
16 that, regarding the evacuation of Phnom Penh, everyone was aware
17 of that -- that the leaders had told you so.

18 Did they give you reasons for the evacuation when they spoke to
19 you about it?

20 A. I cannot recall that.

21 [15.01.25]

22 Q. When they told you that Phnom Penh had been evacuated, did
23 they talk to you about the New People -- the 17 April People?

24 Did you hear them mention those words?

25 A. Yes, I heard about that.

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1 Q. And what did they tell you when those words were uttered?

2 A. I do not know the appropriate answers to this question.

3 Q. Did they explain to you what they meant by New People?

4 A. No, I did not know about that.

5 Q. This morning, you stated that you were of a pure and clean
6 social class. Is there any difference between your class, which
7 was pure and clean, and New People?

8 A. I did not really understand that well, regarding the class
9 status. I was told that the peasant -- the poor peasants' class
10 -- was the pure and clean class.

11 [15.03.59]

12 Q. Thank you.

13 I would like us to backtrack a little and talk about your
14 marriage with Lin. The prosecutor broached that subject this
15 morning and stated that it was Angkar -- and you stated that it
16 was Angkar -- who arranged your marriage. Was there any
17 particular policy, as far as marriages were concerned?

18 A. The word "Angkar" refers to the leadership. The marriage was
19 organized by them. And, usually, they were known as Angkar.

20 Q. Thank you. I have a follow-up question on your marriage and,
21 perhaps, on other marriages you may have attended.

22 [15.05.20]

23 Were the Angkar marriages organized by the leadership similar to
24 marriages that were organized prior to the period of Democratic
25 Kampuchea -- that is, marriages involving ceremonies with your

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1 families, specific clothing, and religious rituals -- or was it
2 different?

3 A. At that time, it was different. During the time that I got
4 married, we wore the typical black clothes, and they're only a
5 few attendants. There was one leader and few numbers of the
6 members.

7 Q. During the period of Democratic Kampuchea, when marriages were
8 organized, were there any religious rituals.

9 A. No, there was no religious celebration or ceremony. We just
10 held hands and then we made our commitment to work hard. That was
11 all.

12 [15.07.03]

13 Q. I will move to another line of questioning. I would like to
14 talk about the period when you were K-8.

15 You stated that you went to live at K-8 at your husband's
16 request. You further stated that you stopped working in order to
17 take care of your child. That is what you stated this morning.

18 Was that the case with all women at K-8? Were they able to stop
19 working in order to take care of their children?

20 A. No, that was not the general principle. It happened to me
21 because I got sick.

22 Q. Did you know at the time what happened in the case of other
23 women in Cambodia -- when they had children and had to stop
24 working?

25 MR. PRESIDENT:

1 Witness, please wait.

2 Defence Counsel, you may proceed.

3 [15.08.35]

4 MR. IANUZZI:

5 I think your instruction this morning was quite clear; the witness
6 is permitted to testify about her own particular knowledge --
7 that is, her own particular experience -- as to alleged criminal
8 activity or alleged activity that may have occurred during the DK
9 period.

10 But these general questions -- general questions as to marriage
11 and childcare, as they relate to people other than this witness
12 -- we would submit that those are irrelevant and should not be
13 allowed. Thank you.

14 MS. SIMONNEAU-FORT:

15 May I respond, Mr. President? I believe my question is specific;
16 it deals with what this woman could have known. Her husband was a
17 cadre at the time, so she's in a position to know what happened
18 regarding these other structures and the structures in which she
19 was living.

20 [15.09.40]

21 So, if we are interested in all those structures, we should also
22 be interested in what happened in those structures and what
23 happened to those who lived in there. And it is therefore
24 important for us to know how people lived in different
25 facilities. That is why I am asking the witness to tell us what

1 happened in venues or structures other than those in which she
2 lived, and that is why I believe my question is relevant.

3 (Judges deliberate)

4 [15.11.16]

5 MR. PRESIDENT:

6 The Chamber also noticed that the question asked is of least
7 relevancy to the facts alleged against the Accused.

8 However, the witness can respond to this question if it is in her
9 knowledge.

10 MS. NOEM SEM:

11 A. At my place, those who had children -- they were allowed to
12 stay, and if those who were sick or got pregnant -- they were
13 also allowed to stay. But I only knew about my place, and I could
14 not speak for other places.

15 MS. SIMONNEAU-FORT:

16 Thank you.

17 Mr. President, may I request your leave to read an excerpt of a
18 document? E3/1657, and the ERN in French is 00813503; and in
19 Khmer, it is 00521307. It is a very short excerpt, and it is a
20 document I would like to use.

21 [15.13.02]

22 Am I authorized to read this excerpt?

23 MR. PRESIDENT:

24 Yes, you may proceed.

25 MS. SIMONNEAU-FORT:

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1 Thank you.

2 MR. IANUZZI:

3 Objection. I just had a quick look at the interface, and I didn't
4 notice that document on the interface. I'll stand corrected, if
5 it's--

6 MR. PRESIDENT:

7 The International Lead Co-Lawyer for civil party, you may
8 proceed.

9 MS. SIMONNEAU-FORT:

10 Yes, the document is on the interface.

11 [15.14.01]

12 May I point out that we placed it on the interface this morning
13 at 8 a.m., because the person authorized to have access to the
14 interface was not present yesterday. And this person is a
15 colleague of -- Mr. Phan, who is a Cambodian, who was not present
16 yesterday. This document was placed on the interface this
17 morning. I used the document a few weeks ago, during proceedings.

18 MR. PRESIDENT:

19 Yes, you may proceed.

20 BY MS. SIMONNEAU-FORT:

21 Q. So, what I am about to read is a short excerpt of a statement
22 given by a civil party, and this is what she states:

23 "Still, in 1975, I was forced to marry. And later, I was pregnant
24 with my first daughter. One week after my -- I delivered the
25 baby, I was forced to go and transplant rice, even though I was

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1 not strong enough to do so. That notwithstanding, I was forced to
2 do so. And when I asked for leave, I was told I was only
3 pretending to be sick to avoid working."

4 [15.15.15]

5 Witness, regarding women at K-8 and K-3, did you hear statements
6 like the one I have just referred to?

7 MS. NOEM SEM:

8 A. No, I did not hear of such a statement, because at K-8, such
9 people would be allowed to rest.

10 Q. Thank you.

11 Let me go into the last line of questioning, relating to
12 questions put to you by your husband, Lin, following the
13 disappearance of several persons.

14 In your statement to the Investigating Judges, E3/43 -- ERN in
15 French, 00402992; ERN in English, 00366160; and ERN in Khmer is
16 00357221.

17 And this is what you state: "At the time, I was always afraid."

18 [15.16.51]

19 Madam, can you explain to us what you were always afraid of?

20 A. At that time, I heard these people or that people was taken
21 away. And, personally, after the arrest of Sao, I was afraid,
22 although I, myself, did not do anything wrong. But -- because he
23 questioned me on a number of occasions -- so I was afraid that I
24 would be taken away.

25 Q. Madam, indeed, a while ago, when the prosecutor asked you to

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1 state why you told the SOAS investigators that you would have
2 died if you had been taken, this is the answer you gave -- and I
3 quote: "I said so because I had heard that people had been led
4 away to two places where rice was being grown."

5 Now, Madam, can you explain to us why you thought you would be
6 dead if you had been taken to those places where the sole
7 activity was rice cultivation?

8 [15.18.22]

9 A. It is my understanding that, after people were sent there, a
10 while later they would be executed. So I was afraid that if
11 people were sent there, they would be killed.

12 Q. You understood that those who were led to that place were
13 subsequently executed. How did you know that, Witness?

14 A. I did not know for sure, but I heard people whispering to one
15 another about that. But I did not know where the news came from.

16 Q. You heard people whispering that those who were taken away
17 were subsequently executed. Were the other persons in your
18 entourage always afraid, as well?

19 A. I could not read into their mind; I only knew about my own
20 feeling.

21 MS. SIMONNEAU-FORT:

22 Thank you, Madam, for having somewhat explained to us why you
23 were always afraid. I have no further questions for you.

24 MR. PRESIDENT:

25 Thank you.

1 [15.20.25]

2 The floor is now given to Nuon Chea's (sic) defence to put
3 questions to this witness before the other two defence teams.

4 QUESTIONING BY MR. KONG SAM ONN:

5 Thank you, Mr. President. Good afternoon, Your Honours. Good
6 afternoon, Miss -- Madam Witness. My name is Kong Sam Onn,
7 defence counsel for Khieu Samphan, and I have some questions for
8 you.

9 Q. Allow me to ask you about your education. This morning you
10 stated that you studied grade 3. How many years did you attend
11 school?

12 MS. NOEM SEM:

13 A. Grade 3 back then was known as grade 10. So we started from
14 grade 12, and then we move downward to grade 10. So I was at
15 school for three years.

16 Q. So it means you only attended school for three years; is that
17 correct?

18 A. (Microphone not activated)

19 Q. Please respond, as your microphone was off when you spoke.

20 [15.22.14]

21 A. Yes. I studied for three years. I was not at grade 3.

22 Q. Thank you.

23 Regarding the reason for you to go to the forest prior to 1975,
24 you spoke of the reason of being afraid of being arrested if you
25 did not go to the forest. Can you tell us the reason that made

1 you afraid, so that you ran into the forest in 1968?

2 A. The reason that I was afraid -- because my elder sibling went
3 into the forest and the Lon Nol soldiers caused trouble for us
4 back home. And I and my other sisters were afraid, so we ran into
5 the forest as well.

6 Q. What did they actually do towards you or your family members
7 back then?

8 A. They did not really do any actual thing or act, but we were
9 afraid.

10 Q. Thank you.

11 [15.23.58]

12 This morning, you stated before this Chamber that K-8 was
13 subordinate to 870.

14 My question is the following: How did you know that? That K-8 was
15 under 870?

16 A. I knew that the K office was under the leadership of 870. I
17 meant all K offices were under 870.

18 Q. Did you learn this by yourself, or did somebody tell you, or
19 did you learn it through your work, or did you learn it from
20 someone else outside your work?

21 A. I learned of it during the work meetings.

22 Q. What was actually the meeting known as?

23 A. It was a group meeting to assess the work on a daily basis.

24 Q. Can you tell us who was the Chairman of K-8?

25 A. I did not know the overall in charge; I only know my group

1 supervisor, by the name of Laen.

2 Q. Thank you. So, the meetings you referred to was your group
3 meetings, not the meeting chaired by the head of K-8; is that
4 correct?

5 A. Yes.

6 [15.26.22]

7 Q. Who, actually, spoke about the fact that K-8 was under 870?
8 Was it Laen or was it spoken or uttered by a member of the group?

9 A. Everyone in the group knew about that -- about K-8.

10 Q. Based on your statement, it means that it was generally known
11 that K-8 was under 870. But, did you ever see any organizational
12 structure or any instruction from any of the leaders that K-8 was
13 under the supervision of 870?

14 A. No. At that time, I did not know about that. I only knew
15 during the meeting, and then I went home.

16 Q. Thank you.

17 Regarding your record of interview, document E3/43, Khmer ERN
18 00357223; English, 00402994; and English (sic), 00365662, you
19 stated that you met with Khieu Samphan for a brief period of
20 time.

21 [15.29.13]

22 My question is the following: Besides you met him on that
23 occasion, and as you stated this morning, you attended -- you
24 went for a visit with Khieu Samphan in 1974; did you ever meet
25 Mr. Khieu Samphan anywhere else?

1 A. No, I didn't.

2 Q. Can you please clarify where you met Khieu Samphan on that one
3 occasion? Was it at K-1 or K-8 -- or K-3, rather?

4 A. It was at K-3.

5 Q. Did you ever see him at K-1 -- rather, is it correct to say
6 that you never saw him at K-1?

7 A. Yes, it is correct.

8 Q. What did Mr. Khieu Samphan do when you saw him at K-3?

9 A. I don't know. I just saw him having a meal.

10 Q. Did you have a chance to converse with him at that time?

11 A. No, I didn't.

12 [15.31.45]

13 Q. In regard to the same document, document E3/43, on ERN in
14 Khmer, 00357221 through 22; French ERN 00403994; and French (sic)
15 ERN 00365661 -- in that, when responding to the question, "What
16 influence Khieu Samphan had on Lin?" you stated that you didn't
17 know. You didn't remember having heard anything -- any discussion
18 about the roles of Mr. Khieu Samphan, and you only learned that
19 -- from Lin that Uncle Pol Pot asked him to do this, and do that
20 -- not from Khieu Samphan.

21 With regard to this, I would like you to also clarify before the
22 Chamber. You did indicate that your husband had never received
23 any orders from Khieu Samphan, but he received direct orders from
24 Pol Pot. Is that what your statement about?

25 A. Yes, it is.

1 [15.34.35]

2 Q. Thank you. I would like to also ask a question concerning the
3 locations of K-1 and K-3. Please tell the Chamber where K-1 is or
4 was located.

5 A. K-1 was located at the riverfront. I don't know the exact
6 location, but it was at the riverfront.

7 Q. So, you did not know where exactly it was located, and it is
8 fair to say that you know it was somewhere near the riverfront?

9 Or would you wish to add something else on top of the location at
10 K-1 to be more precise?

11 A. I don't have anything else to add, because I only know that
12 K-1 was at the riverfront.

13 Q. What about K-3, the location that you went and saw Khieu
14 Samphan on one occasion? Where was it?

15 A. K-3 was located to the west of the Independence Monument. I
16 did not go out or leave the premises to know the surrounding
17 area.

18 Q. You say that the K-3 was to the west of Independence Monument.
19 Could you please be more precise? To which direction is it --
20 straight to the West?

21 [15.37.00]

22 A. I -- sorry, I don't even remember the direction very clearly.
23 I do not know whether it was to the west or to the south. Perhaps
24 -- I don't remember this, but I'm sure that the river was to the
25 east of the Independence Monument.

1 Q. What about Unit 870? Do you know where it was located?

2 A. No, I don't.

3 Q. Thank you. Can you please tell the Chamber the secrecy policy
4 during the CPK, if you may?

5 A. When it comes to keeping secret, it was about keeping things
6 to yourself and not allowing others to know. That's all I could
7 say.

8 Q. Thank you. In reality, in your family situation, how effective
9 was this secret -- was this secret-keeping?

10 [15.39.18]

11 A. I don't know how to respond to this.

12 MR. KONG SAM ONN:

13 Thank you, anyway. I have no further questions to you, Ms.

14 Witness.

15 And thank you, Mr. President and Your Honours.

16 MR. PRESIDENT:

17 Thank you, Counsel.

18 We would like to now proceed to counsels for Mr. Nuon Chea to
19 pose questions to the witness, if they would wish to do so. You
20 may now proceed.

21 QUESTIONING BY MR. IANUZZI:

22 Thank you, Mr. President. I have just a few questions. Good
23 afternoon, Madam Witness. I will certainly finish before the
24 break, just so everyone knows.

25 [15.40.08]

1 Q. First of all, Madam Witness, just to clarify -- you told us
2 already, but I want it clear for the record. Is it correct that
3 your current home is the Ou Ampil village, and that's in Malai
4 district? Is that correct? Is that where you live presently?

5 MS. NOEM SEM:

6 A. Yes, it is correct.

7 Q. Thank you, Madam Witness. And how long have you lived at that
8 location? When did you first move there, if you remember?

9 A. I have lived there for 11 years, starting from 1989.

10 Q. Thank you. And that location -- your current residence, that
11 village -- is that very close to Cambodia's border with Thailand?

12 A. Yes, it is close. It's about 5 to 6 kilometres from the
13 border.

14 Q. Thank you very much, Madam Witness.

15 [15.41.39]

16 Now I'd just like to briefly move on to two areas which may be
17 within your personal knowledge.

18 First of all, this morning, and again this afternoon, you made
19 reference to an individual called Cheam. I also note that, in
20 your statement to the investigators of the OCIJ -- and that's
21 document E3/43 -- that's your statement, and we've been talking
22 about that over the course of today -- you also mentioned that
23 name twice in that statement - Cheam. Do you recall mentioning
24 that name, Cheam?

25 A. Yes, I do.

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1 Q. Thank you, Madam Witness. Who is Cheam?

2 A. Cheam belongs to a tribal group, but later on he worked at the
3 Ministry of Foreign Affairs with Uncle Ieng Sary.

4 Q. Just so I have that very clearly, you're referring to the DK
5 Ministry of Foreign Affairs, and not the current Ministry of
6 Foreign Affairs of the current government; is that correct?

7 A. Yes, it is correct. It was during the CPK.

8 [15.43.30]

9 Q. Thank you, Madam Witness.

10 Now, again, very briefly turning to your OCIJ interview -- and,
11 again, that's document E3/43, and I'm looking now at ERN English
12 00365661, Khmer ERN 00357222, and French ERN 00402993 -- and if I
13 can just read to you what it says here. You said to the OCIJ:
14 "Cheam is currently living at his house opposite the Malai
15 District Hall."

16 Is that the same individual that we're talking about, the man who
17 used to work for the Ministry of Foreign Affairs -- the DK
18 Ministry of Foreign Affairs?

19 A. Yes, he is the same person.

20 Q. Thank you. And do you know -- does he still live at that
21 house? The one you mentioned in your statement.

22 A. Yes, he does.

23 [15.44.55]

24 Q. And does that individual go by any other names that you are
25 aware of?

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1 A. He also known as Phy Khuon (phonetic).

2 Q. I'm sorry, Madam Witness. I heard Phy Khuon. Did you mean Phy
3 Phuon?

4 A. I don't know whether he was Phy Khuon (phonetic) or maybe just
5 Khuon (phonetic), but that's what I heard.

6 Q. Thank you.

7 Are you aware than an individual by that name gave testimony in
8 this case?

9 A. No, I don't.

10 Q. And when was the last time you met this individual? Have you
11 seen him recently?

12 A. I met him when I paid a visit to his home.

13 Q. When was that, Madam Witness?

14 A. I don't remember the exact date.

15 [15.46.48]

16 Q. Was that in the recent past or the far past -- a few months
17 ago, one year ago, something like that -- if you remember?

18 A. I think I met him in 2005 or something -- I just don't
19 remember -- but it's about that year.

20 Q. That's fine, that's fine. Thank you, Madam Witness.

21 One more question: If I told you that this individual gave
22 testimony before this Chamber and then publicly renounced that
23 testimony, would you have any idea, based on your knowledge of
24 the situation in your district, why that individual would do such
25 a thing? Don't--

1 MR. PRESIDENT:

2 Witness, could you please hold on?

3 [15.48.00]

4 International Co-Prosecutor, you may now proceed.

5 MR. DE WILDE D'ESTMAEL:

6 (Microphone not activated)

7 MR. PRESIDENT:

8 Could you please make sure your mic is activated?

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President. The practice before this Chamber is
11 clear: we should not put questions to a witness that leads this
12 witness to speculate and to reveal what another person might
13 think.

14 I think this is completely inappropriate. It's not the witness's
15 role to make comments on this.

16 MR. IANUZZI:

17 Your Honour, if I am allowed to respond. I think it's highly
18 relevant.

19 The individual that I'm referring to is a public figure in the
20 witness's home area. It's well known that that individual came
21 into Court, gave testimony, was clearly influenced by a statement
22 by Hor Namhong, recanted his testimony. I'm simply trying to
23 explore whether or not this witness, based on her current
24 residence, would have any information to provide with respect to
25 that.

1 [15.49.13]

2 It does relate, of course, to an application that we filed before
3 the Chamber with respect to the testimony of that individual, Phy
4 Phuon, so that's simply where I'm going with this - with this
5 line of questioning. If she doesn't know, she doesn't know.

6 MR. PRESIDENT:

7 The objection is grounded and therefore sustained.

8 Witness is instructed not to respond to the question by counsel
9 for Mr. Nuon Chea, in particular the last question.

10 BY MR. IANUZZI:

11 Thank you, Mr. President.

12 Q. I'll move on to my next and final area.

13 [15.50.16]

14 Now, Madam Witness, you've just -- you've just told us that
15 you've lived in your area for some 11 years. Have you lived there
16 continuously for those 11 years?

17 MS. NOEM SEM:

18 A. Yes, I have.

19 Q. Thank you very much. So, on that note, I would like to ask you
20 about something that very well may be within your sphere of
21 knowledge.

22 And I just note something that my colleague across the stage
23 mentioned earlier today, that we shouldn't fret over words.

24 However, a particular word was used which I would like to fret
25 over just for a moment because the meaning of that word is

1 actually quite significant to our position -- to our defence.
2 You were asked earlier today if you were familiar with something
3 called K-5, and you replied that you were not. Now, it is my
4 estimation that the prosecutor was referring to a DK institution
5 -- K-5.

6 [15.51.28]

7 Are you familiar with another -- another K-5, or a "Kor-Pram",
8 something having to do landmines and possibly many deaths from
9 Malai area which may have occurred in your area in the 1980s? Are
10 you familiar with that in any respect?

11 MR. DE WILDE D'ESTMAEL:

12 (No interpretation)

13 MR. PRESIDENT:

14 Witness, could you please hold on?

15 And, International Co-Prosecutor, you may now proceed.

16 MR. DE WILDE D'ESTMAEL:

17 I believe that the defence lawyer knows very well that the
18 questions relating to demographics in the Malai area have already
19 been rejected by the Chamber.

20 [15.52.22]

21 There were several attempts to ask questions about this, and I
22 don't think that this is relevant to the Closing Order that we
23 are examining now.

24 MR. IANUZZI:

25 Thank you. If I may just respond briefly, I'm sure the Chamber is

1 also well aware that we have an obligation to put our case --
2 that is, our defence case -- through each and every witness that
3 we deem that may be possible with.

4 Obviously, this witness comes from an area where many people died
5 during the K-5 Project. I think she's in a -- probably in the
6 best position of anyone who's been before the Chamber yet to tell
7 us a little bit about that. And for the obvious reasons -- or for
8 the reasons that I've told the Chamber several times -- it's
9 highly relevant. It's relevant to the death toll of DK, because
10 the assessments that were made, as we've said, were made after
11 tens of thousands of people had died during the K-5 Operation.
12 And that's well known in this country. That's a well-known fact.

13 [15.53.26]

14 So, if this witness could shed some light on that, then my
15 position is -- our position is, it's highly relevant. And I, for
16 one, would be interested to hear what she has to say. Again, if
17 she doesn't know, then she doesn't know, and there's nothing I
18 can do about that.

19 MR. PRESIDENT:

20 The objection is well-grounded. The question was irrelevant to
21 the facts before us. The objection, therefore, is sustained.
22 Witness is now instructed not to respond to that question either.

23 MR. IANUZZI:

24 Thank you, Mr. President. Then there's nothing left for me to do
25 but thank the witness.

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1 Thank you, Madam Witness. I appreciate your taking the time to
2 answer some of my questions. And that's all I have for today.

3 Thank you.

4 MR. PRESIDENT:

5 Thank you, Counsel.

6 [15.54.44]

7 We could now proceed to the counsels for Mr. Ieng Sary. The floor
8 is yours.

9 QUESTIONING BY MR. KARNAVAS:

10 Thank you, Mr. President. Good afternoon, Your Honours, and good
11 afternoon to everyone in and around the courtroom, and good
12 afternoon, Madam.

13 Q. Sticking with the statement that you gave to the Office of the
14 Co-Investigative Judges -- and I'm referring to E3/43 -- I want
15 to continue to ask you a few questions about Cheam.

16 Now, do you recall giving this statement to the investigators?

17 MS. NOEM SEM:

18 A. Yes, I do.

19 Q. Thank you. Now, if we look at the first page of your -- of
20 this document, it says that the statement was taken on the 18th
21 day of July 2009, at 1300 hours -- that is, 1 o'clock in the
22 afternoon -- and it concluded around 15.45 -- or 3.45 -- that
23 day. But, Madam, isn't it a fact that you were questioned in the
24 morning and you provided the investigators information in the
25 morning, before being tape-recorded that afternoon?

1 [15.56.38]

2 A. Yes, it is correct.

3 Q. In fact, if we listen to your tape -- listen to the taped
4 interview -- at approximately 50.04 on the tape to 50.23 on the
5 tape, you are asked to provide names of individuals that would
6 have worked with your husband. And you are told: "The names Auntie
7 told me this morning -- you told us a lot of -- a lot this
8 morning."

9 So, in the morning, before being tape-recorded, you provided
10 names of individuals that had worked with your husband; is that
11 right?

12 A. No, it isn't, because I didn't provide names before the
13 recording. I didn't give any names.

14 Q. Madam, have you listened to the recording recently to hear
15 your voice and to hear the investigators, where they ask you --
16 and let me quote what it says -- this is an unofficial
17 translation: "Investigator--"

18 [15.58.00]

19 And the investigator who's asking the question is Chay
20 Chandaravan, someone who we've seen here -- we've seen his name
21 before. He says: "Investigator: But who used to work with him, as
22 you described this morning? Now, I'm asking you, Auntie, can you
23 describe who worked with Uncle Lin from the past until now, who
24 may live or die?"

25 And the investigator again asks you: "What are the names? Auntie

1 told me this morning. You told me a lot this morning."

2 So, off-tape, you told them a lot, in the morning. Is that a
3 fact?

4 A. Yes, that is correct. I could recall a few more names back
5 then.

6 Q. Thank you.

7 Now, if we look at the page of the summary of your interview that
8 was referred to earlier by my colleague -- and I'm referring to
9 Khmer, 00397222; French, 00402943 to 994; in English it's
10 00365661 -- you're asked a question: "Who worked under Lin? Where
11 are they living now?"

12 [15.59.47]

13 And then you give several names, and then you say: "Cheam is
14 currently living at his house opposite the Malai District Court."
15 Do you recall saying that to the investigators?

16 A. Yes, I recall it.

17 Q. Now, when you listen to the tape, in fact this is what you
18 tell the investigators. You that Cheam worked as a bodyguard
19 during the three period -- three-year regime. Is that your
20 recollection that Cheam worked with your husband Lin as a
21 bodyguard during that three-year period?

22 A. I can recall some -- that initially, when he came to Phnom
23 Penh, he worked with my husband. But, later on, he was moved to
24 the Ministry of Foreign Affairs.

25 Q. All right. And then you said, at some other point that Cheam

1 worked with Lin's group -- with your husband's group. Was that
2 during the period when he had moved to the Ministry of Foreign
3 Affairs? Was Cheam working with your husband's group?

4 A. Yes, that is correct.

5 [16.01.36]

6 Q. And that would have been the period when your husband took
7 over from Pang, when Pang disappeared?

8 A. Yes, that is correct.

9 Q. Do you know whether your husband gave him orders or
10 directions?

11 A. From my recollection, he did not.

12 Q. All right. Now, you say "from your recollection". What would
13 -- were you in a position to know whether your husband at the
14 time was giving Cheam orders, considering everything that you
15 told us today, including that a husband and a wife were not to
16 know what each other did?

17 A. I did not know about that.

18 [16.02.55]

19 Q. All right.

20 And, lastly, you were asked a question about when was the last
21 time you saw Cheam, and you said 2005. Are you sure that you
22 didn't see him most recently, since you both live in the same
23 area?

24 A. No, had not seen him since.

25 Q. And when you told us that you went to his house, that would

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1 have been in 2005, and not recently?

2 A. Yes, that is correct.

3 MR. KARNAVAS:

4 Thank you very much, Madam. I appreciate you coming here to give
5 your evidence. I would like to thank you and wish you safe
6 travels and the best of luck. Thank you very much.

7 That concludes my examination, Your Honours. Thank you.

8 (Judges deliberate)

9 [16.05.17]

10 MR. PRESIDENT:

11 Madam Noem Sem, the hearing of your testimony has come to a
12 conclusion. You are now excused, so you can return to your
13 residence or anywhere you wish.

14 The Chamber is grateful of your time to testify before us for
15 this one-day proceeding with patience and to the best of your
16 knowledge. Your testimony can contribute to ascertaining the
17 truth. We wish you all the best of luck, and bon voyage.

18 [16.06.07]

19 Court Officer, in cooperation with WESU, please arrange for her
20 travel to return to her residence. The hearing today has come to
21 a conclusion. And as we scheduled this witness but we concluded
22 her testimony earlier than expected, we will adjourn the hearing
23 today and will resume on Monday, the 1st of October 2012,
24 starting from 9 a.m. We will hear the testimony of the witness
25 TCW-320, starting first by the Prosecution.

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1 And for tomorrow and the day after tomorrow, there will be no
2 hearing as the Chamber is facing the issues of the absence of the
3 accused Ieng Sary, who is being treated at the hospital and the
4 witnesses to be called could not make themselves available as a
5 reserve witness after this current witness.

6 [16.07.52]

7 Also, at present, the Chamber and all the parties have other
8 issues to resolve. We have a number of issues that we need to
9 discuss and will find a solution, and of course parties are busy
10 in their preparation for the documents to be submitted for the
11 proceeding in Case 002/02 and other relevant documents in
12 relation to the new fact to be heard in the near future.

13 Security guards, you're instructed to take the three -- the two
14 Accused back to the detention facility and have them returned on
15 Monday, the 1st October 2012, before 9 a.m.

16 The hearing is now adjourned.

17 (Court adjourns at 1608H)

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