



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

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

2 June 2015

Trial Day 289

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

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KHIEU Samphan

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. FARR	English
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. KOUMJIAN	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
The President (NIL Nonn)	Khmer
Ms. SEANG Sovida (2-TCCP-273)	Khmer
Ms. SONG Chorvoin	Khmer
Mr. SREA Rattanak	Khmer
Mr. UTH Seng	English

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of a civil party --

6 that is, 2-TCCP-273.

7 <The Greffier,> Ms. Chea Sivhoang, please report the attendance
8 of the Parties and other individuals at today's proceedings.

9 [09.03.41]

10 THE GREFFIER:

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

13 Mr. Nuon Chea is present in the holding cell downstairs. He has
14 waived his right to be present in the courtroom. His waiver has
15 been delivered to the greffier.

16 Civil party who is to testify today -- that is, 2-TCCP-273, is
17 present and ready to be called by the Chamber.

18 We have a reserve witness -- that is, 2-TCW-804, today. To his
19 best ability, he has no relationship by blood or by law to any of
20 the two Accused -- that is, Nuon Chea and Khieu Samphan, or to
21 any of the civil parties admitted in this case. The witness took
22 an oath before the <> Iron Club Statue this morning.

23 Thank you, Mr. President.

24 [09.04.51]

25 MR. PRESIDENT:

2

1 Thank you. The Chamber now decides on the request by Nuon Chea.
2 The Chamber received a waiver from Nuon Chea, dated 2nd June
3 2015, which notes that due to his health -- that is, backache and
4 back pain, he cannot sit or concentrate for long, and in order to
5 effectively participate in future hearings, he requests to waive
6 his rights to participate in and be present at the 2nd June 2015
7 hearing. He advises that his counsel advised him about the
8 consequence of this waiver, that in no way it can be construed as
9 a waiver of his rights to be tried fairly or to challenge
10 evidence presented or admitted to this Court at any time during
11 this trial.

12 [09.05.54]

13 Having seen a medical report on Nuon Chea by the duty doctor for
14 the Accused at the ECCC, dated 2nd June 2015, who notes that Nuon
15 Chea today has severe back pain and dizziness, and recommends
16 that the Chamber shall grant him his request so that he can
17 follow the proceedings remotely from the holding cell downstairs.
18 Based on the above information and pursuant to Rule 81.5 of the
19 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
20 follow today's proceedings remotely from the holding cell
21 downstairs via an audio-visual means.

22 The AV Unit personnel are instructed to link the proceedings to
23 the room downstairs so that Nuon Chea can follow the proceedings
24 remotely. That applies for the whole day.

25 The Chamber would like to inform the Parties and the general

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1 public that during the hearing of testimony of civil party
2 2-TCCP-273, Thlen Sokunnara, a TPO staff will provide support to
3 the civil party during her testimony today.

4 Court officer, please usher the civil party 2-TCCP-273, as well
5 as the TPO staff into the courtroom.

6 (A short pause)

7 (Civil party 2-TCCP-273 enters courtroom)

8 [09.10.07]

9 QUESTIONING BY THE PRESIDENT:

10 Good morning, Madam Civil Party. What is your name?

11 MS. SEANG SOVIDA:

12 A. Good morning, Mr. President; and good morning, Judges, and
13 prosecutors and counsels, as well as participants in the Court.

14 My name is Seang Sovida, and my original birth name is <> Ly
15 Singuon <alias Sinuon>.

16 Q. What is your date of birth?

17 A. My actual year of birth is 1964.

18 Q. Where were you born?

19 A. I was born in Quarter 5, Phnom Penh.

20 Q. <What> is your current address?

21 A. I live in Phsar Thmei Number 1, Doun Penh district, Phnom
22 Penh.

23 [09.11.39]

24 Q. What is your occupation?

25 A. I am a public servant at the Ministry of Interior.

1 Q. What is your father's name?

2 A. Ly Cheavseang (phonetic) is my father's name.

3 Q. What is your mother's name?

4 A. My mother's name is Mau Komyan (phonetic).

5 Q. What is the name of your husband and how many children do you
6 have together?

7 A. Mok Pradit Veasna (phonetic) is my husband's name, and we have
8 two children together.

9 Q. Thank you, Madam Seang Sovida. As a civil party before this
10 Chamber, you will be given an opportunity at the conclusion of
11 your testimony to make a victim's impact statement if you wish to
12 do so concerning the crimes which are alleged against the
13 Accused.

14 Pursuant to Rule 91bis of the ECCC Internal Rules, the Chamber
15 hands the floor to the Lead Co-Lawyers for civil parties first.
16 The Chamber would also like to remind the Lead Co-Lawyers that
17 the combined time for the Lead Co-Lawyers for the civil parties
18 as well as the Co-Prosecutors is two sessions. You may proceed.

19 [09.13.29]

20 QUESTIONING BY MS. GUIRAUD:

21 Thank you, Mr. President. Good morning, everyone. Good morning,
22 Madam Seang Sovida. I will put a number of questions to you this
23 morning. My first question is for purposes of clarification.

24 Q. You told the President that you were born in 1964. However, in
25 reading your identity card which is attached to your civil party

5

1 application -- and I'm referring here to document D22/2531 -- it
2 is stated thereon that you were born in 1967. Can you clarify
3 this matter to the Chamber and explain why there is this
4 difference between the date on your identity card and the date of
5 birth you have just told the President <today>?

6 MS. SEANG SOVIDA:

7 A. When I left the Khmer Rouge regime, I was an orphan living
8 with my uncle and aunt, and they changed my name in order to suit
9 their family's <record>. But actually, I was born in 1964.
10 However, on the official document that I use at the moment, it
11 indicates that my date of birth is 1967. <My current name is
12 Seang Sovida, while my original name is Ly Singuon.> And that's
13 what happened.

14 [09.15.14]

15 Q. Thank you. <To> start <with my examination>, I will refer to
16 your civil party application. The document is D22/2531 and the
17 ERN in French is <01095759>, the ERN in English is 01063843; and
18 the ERN in Khmer is 00552159. In the first paragraph of this
19 civil party application, you explained your experiences as of the
20 17th of April 1975. And I would <simply> like you to confirm
21 <your> experiences in order that we may then focus our questions
22 on your experiences on the 1st January Dam<>. <So> I'm referring
23 to this document and<, in> the first paragraph, you were in Phnom
24 Penh on the 17th of April 1975 with your family<. Then> you were
25 evacuated to Kandal province and you were secondly evacuated to

6

1 Kampong Cham province. You then stayed in a village in the
2 mountains called Mukh Phnum village. And then you were again
3 transferred to Ruessei Keo village in Preaek Prasab district,
4 Kratie province. Can you <>confirm that <this itinerary> is
5 correct?

6 [09.17.05]

7 A. Yes, that is correct. On 17 April 1975, the day that Phnom
8 Penh fell, however, I left <Phnom Penh> on the 18th and <it took
9 us three days to arrive> at Kien Svay<, and we stayed there> for
10 about one month. Further, we were <transferred by a motor boat to
11 a so-called Wat Sralao Damnak (phonetic) alias Chumnik (phonetic)
12 pagoda next to Preaek> Chumnik <(phonetic)>. I was rather young
13 at the time, and we stayed at that pagoda for about a month. And
14 then they sent about 100 to 200 people to <settle in Mukh Phnum
15 village, Tuol Snuol commune,> Krouch Chhmar district, Kampong
16 Cham province. We stayed there for about six months. And there
17 was nothing on the top of the mountain. They built two rows of
18 small huts for us to stay. And my mother <and younger sibling
19 fell sick because they were not used to the area. I was young and
20 put to work in a child unit.> And my father was asked to <build
21 dykes in the paddy fields, perform tasks in the workshop, and>
22 engage in all kinds of work there. My elder sister also worked.
23 They gave us half a <milk> can of rice for each person. However,
24 the soup was communal. And each family had to go and get the soup
25 <prepared in a big pan> and then we could bring the soup back to

7

1 eat in our family, but the soup <and food ration> was not
2 enough<, and we ended up hungry. When my mother was sick,> I
3 tried to find supplementary diet by looking for crab<, snails,>
4 and <fish behind my house>. I went rather further to look for
5 supplementary food for my family and my parents. <If they had
6 spotted me for having travelled that far, they would have
7 arrested and killed me.>

8 [09.19.02]

9 And actually, my parents grew some vegetables <around our house>,
10 but after six months <when the vegetables were ready for
11 harvest>, we were further evacuated to <the other side of the
12 river, that's> Ruessei <Keo Leu, Ruessei Keo commune,> Preaek
13 Prasab district, Kratie province. They <built> a small hut for
14 our family, and it was located behind the village. My father once
15 again fell sick and he was accused of being a capitalist and we<,
16 small children,> were threatened and interrogated about the role
17 of my father. I didn't tell him the truth and I told them lies.
18 Later on, I was placed in a child's unit<, and exposed to all
19 types of work>. And because I was a bit taller than the rest, I
20 was <recruited into the village> mobile unit working together
21 with my elder sister. I worked in the mobile unit for several
22 months. And actually, we did not work in the village. We were
23 sent to work deep into the forest. I was younger than the rest,
24 but I had to do the same kind of work the other people who were
25 older than me worked. <I was both tired and hungry, but I could

1 not complain to anyone about anything. I had to endure all sorts
2 of works for fear of death. I dared not stop working.> And we
3 were located from one worksite to the next. And I cannot recall
4 the names of those worksites. And there is one worksite at
5 <Khsat> (phonetic) village that I just recalled, <but did not
6 mention in the application,> and in that village, all the people
7 there died. We were sent to work in that village <for a while>.
8 And my elder sister later on was forced to marry. At the time,
9 she was around 15 to 16 years old, and she didn't consent to the
10 marriage. And my mother also didn't want my sister to get
11 married, since she was young. But we did not have any choice, and
12 we were afraid that we would be mistreated. So we quietly
13 consented to the instruction. And when my sister got married, I
14 was sent to a mobile unit at the 1st January <Dam> worksite. And
15 I stayed there and worked there for about three months <so I
16 could not know what happened back at home. Initially, when I
17 arrived,> I was asked to stay behind the Baray Choan Dek pagoda
18 before they could build a long sleeping building. And it took
19 about one month before that building was completed. <It could be
20 the village of Chenla Ti Pir (phonetic) where I stayed at that
21 time.>

22 [09.22.06]

23 Q. Thank you, Madam Civil Party. May I request you to stop here
24 in order for me to be able to put questions <to you> that would
25 enable you to tell us what happened after you were sent to the

9

1 1st January Dam<>? It is important for us to understand clearly
2 why you left and <the events that took place during the three
3 months that you spent> on the dam worksite. Can you tell us,
4 briefly<, if> possible,<> at what <point in> time you <went> to
5 the worksite of the 1st January Dam and why?

6 [09.22.40]

7 A. At that time, my elder sister had married already. <We had
8 been> in <the same village> mobile unit <, but> she was allowed
9 to stay in the village after she got married and I decided to go
10 to work far in a mobile unit in the hope that, <at least,> I was
11 active on behalf of my family, so they would not mistreat my
12 family members. And if I <had> not <decided> to go to the 1st
13 January Dam worksite <with other older girls from the village,> I
14 would <have been> sent to <elsewhere> far away from the village.
15 However, upon my return, I learnt that my elder sister was
16 mistreated, she was deprived of food, and my parents were also
17 mistreated. I felt hopeless. I fell sick again when I saw what
18 happened and my mother begged me not to go back. But I told her
19 if I were to stay here, I would die anyway because during the
20 <period of> 1977, a lot of people had been killed or died.

21 Q. <I--> I thank you. <Can you please> tell the Chamber how old
22 you were when you were transferred to the 1st January Dam<>?

23 [09.24.24]

24 MR. PRESIDENT:

25 Madam Civil Party, please observe the microphone.

10

1 MS. SEANG SOVIDA:

2 A. I was 11 years old or 12 years old, if I recall it correctly.

3 If you count the age according to the <lunar calendar>, I was 12.

4 But from the exact date of birth, I was around 11 and I was the
5 youngest member in the mobile unit.

6 BY MS. GUIRAUD:

7 Thank you. I would like to read out to you a passage of the
8 supplementary document you <submitted to> the ECCC<. It> is
9 document E307/6.1.6, ERN in French, 01030294; ERN in English,
10 01063819; ERN in Khmer, 01003357. This is what you stated in that
11 document and I would like you to react to what you said. You
12 <said, in> explaining why you left to go <to> the 1st January
13 Dam<, and I> quote<>: "<It> was a real sacrifice <for> my family,
14 going to work there. I told myself that if someone in my family
15 accepted to go and work in that very far-off worksite <where>
16 conditions were very difficult, the Khmer Rouge would have
17 <nothing> to <reproach> my family <for>."

18 Can you explain to the Chamber this idea that it was a sacrifice
19 -- <why was it a sacrifice> for your family to <see you leave
20 for> that dam<>?

21 [09.26.18]

22 A. It means that although I was <considerably young>, I would do
23 everything for my family so that they could be in <harmony>. And
24 I do not mind whether I would be exhausted from hard work. And
25 that was one of the primary reasons for me to be part of the

11

1 mobile unit. And it was my expectation that my family members
2 would be left <unharmed> when I went to work far in the mobile
3 unit. <I still regret making the decision. They could have
4 survived the regime if I had stayed with them.> And I could not
5 understand whether my decision at the time was a correct one.
6 Q. Thank you. <Can you please> tell the Chamber who accompanied
7 you from your village to the 1st January Dam<>? Were you with
8 other <>members <of your unit, or other> people from <your>
9 village<, for example>? Can you explain to us who travelled with
10 you and how that trip unfolded?

11 A. From my village -- although I cannot recall it correctly --
12 there were about less than 10 of us, including the 17 April
13 People and the Base People and other people from other villages
14 in Preaek Prasab district went to the worksite. We went there by
15 a motorboat and we disembarked at Stueng Trang, then <we spent
16 overnight along the road before> a truck came to pick us up, then
17 other people would do the same and then we would be dropped off
18 at Kampong Thma.

19 [09.28.30]

20 Q. Do you recall how long <it took to get> from your village to
21 the 1st January worksite<>?

22 A. I recall that I stayed overnight at Stueng Trang, but it took
23 us about two days and a night before we arrived at the
24 destination. As we only stayed overnight at Stueng Trang, and the
25 second night we slept at Kampong <Thma>.

12

1 Q. Thank you. You <>said in your account that you took <the> boat
2 and then <>trucks. Do you remember how many people there were in
3 the boat or in the trucks? Were there many of you <who made that
4 trip>?

5 [09.29.32]

6 A. There were quite a number of us and it was a pretty large
7 motorboat not a small boat. There were about 30 to 40 of us on
8 that motorboat, but I cannot recall the exact number. And when a
9 truck came to pick us up, it means that we had to get onto the
10 truck and it was a full load. But I cannot recall how many people
11 were put onto a truck. I can recall that from each village, there
12 were about 10 of us. <People from other communes also shared the
13 motorboat.> And then until the boat was full, then we would
14 depart. And then another boat would pick the other people from
15 other villages.

16 Q. Thank you. When you arrived <at your destination,> the dam
17 worksite, as of when did you start working?

18 A. We rested for a little bit only, then we were asked to go to
19 the worksite. On the first day, they let us familiarise ourselves
20 with the locations and with the tools, the hoes, for example, and
21 we started working the next day. It's from my recollection. And
22 we were not allowed to rest for long. We actually could rest only
23 for the remainder of the travelling day, so when we arrived, we
24 then have to prepare our carrying basket and hoe and we rested --
25 could rest a little bit only after our lunch and we started

1 working. That is my best recollection of what happened upon our
2 arrival.

3 [09.32.03]

4 Q. Thank you. Can you describe the place where you worked?

5 A. I worked along a canal which is at the current Stueng Chinit
6 River, and that canal was called the 1st January Canal. If we go
7 from Phnom Penh, we would reach Stueng Chinit River first,
8 however, the location that I worked was far from the main road
9 and the Chinit River runs to Siem Reap. And the worksite was far
10 from the sleeping quarter.

11 Q. Thank you. I will get back to that<>. Do you remember
12 <>approximately <when,> in which year and during which period of
13 the year, you arrived <at> the dam worksite?

14 A. I recall that when my elder sister was forced to marry -- it
15 was either in December or January next year -- and I was not the
16 first batch which was sent to work at the 1st January Dam
17 worksite. I was the second batch, so I was -- I went around
18 <late> January, and after three months, I returned, which was
19 around the Khmer New Year. So allow me to say that I went there
20 around late January or early February and I worked there for
21 three months.

22 [09.34.02]

23 Q. Thank you. You <>said <earlier> that the place where you were
24 working was far from the place where you would sleep. Can you
25 provide us with more details on the place where you would sleep?

14

1 A. First, I slept in a village near <Wat> Baray Choan Dek. It was
2 about one kilometre or two kilometres from the workplace. It was
3 a bit quite close to the workplace at the time. And later, I was
4 asked to sleep in another place which was about five kilometres
5 away from the worksite. I had to wake up in the early morning to
6 go to work. And after we completed our work at one particular
7 place, we were moved to a further area.

8 Q. When you say<, "we had to go elsewhere," can you <explain to>
9 the Chamber the way you <moved> about on the worksite during
10 these three months? Would you always go work at the same place?
11 How did <you progress in the> work?

12 A. For example, they measured the land for us<, those from Preaek
13 Prasab> to work on for the period of half a month or one month
14 <at a particular location>. And after we completed the work at
15 that particular place, <> we would move further, and we had to
16 clear the bushes so that we can walk on. <Since the canal was
17 long,> we had to move from one place to another, and it was
18 becoming further and further from our sleeping quarter<, and the
19 canal may run all the way through Siem Reap, I am not sure.
20 Usually, we would move our sleeping quarters when our worksite
21 was about a few hundred metres away from the sleeping quarters.
22 And the same process was repeated over and over>. Everyone was in
23 the same situation, not only my people in my village.

24 [09.36.40]

25 Q. Thank you. You were speaking about clearing work. Can you

15

1 <explain to the Chamber> what other kind of work you did during
2 those three months at the <>worksite?

3 A. During the three-month period, I was asked to carry dirt and
4 soil. And for male workers, they dug the earth. I was told to
5 carry the earth from the canal <to dump it on the crest of> the
6 dam<>. So this was my routine work at the time. Sometimes, I had
7 to go and fetch water for the older because I was younger than
8 the others at that time. I would go and fetch the water for
9 everyone to drink <at the worksite>. There was a kitchen or
10 dining hall where the water was kept and I had to go there and
11 collect the water. It was a bit away from our worksite. No one
12 was allowed to go individually to that kitchen to <drink> the
13 water <there>. And as I said, at times, I was asked to go and
14 collect the water. The <water was kept in tubes or military
15 canteens, and I had> to go and collect the water for some workers
16 there to drink <every day>.

17 [09.38.23]

18 Q. Thank you. <>I would like you to explain to us how your unit
19 would operate. How many people were there in your unit? <Were>
20 you the youngest or not? Can you provide us with a bit more
21 <information> about the unit in which you <were working> back
22 then?

23 A. From my rough estimate -- I believe I cannot give you the
24 exact estimate -- there were hundreds of us in the unit -- that
25 is, the unit <from Preaek> Prasab district. <Roughly, there were

16

1 about 10 workers from each village, and workers came from various
2 communes of the district.> And there were many squatters. I could
3 not give you an exact number or figure of the workers. Perhaps
4 there were around 100 workers in my unit.

5 And what is your last question? I do not recall it.

6 Q. <>I'll get back to <it> later.

7 Was your unit made up of different groups or sub-groups, or were
8 you all working together?

9 A. <Workers from Preaek> Prasab district <were split into> units.

10 And <within each unit,> there were groups and <squads.> Base

11 People would be in charge of those groups and <squads>. As I

12 said, chiefs of the unit <> and groups were Base People.

13 [09.40.29]

14 Q. Thank you. The question I asked you earlier was if you were
15 the youngest or among the youngest in your sub-group, and if you
16 remember the average age of the workers in your sub-group, and
17 more generally speaking, in your unit<, if you> remember<>.

18 A. I could remember it. They were not old people and their ages

19 were below 30 years old. And most of them were teens - <15,> 16,

20 17. <The majority workers were under twenty, while> some others

21 were in late twenties. I did not see older people and I was one

22 <of the smallest and youngest persons> among those people. <There

23 were also workers who were either one or two years older than I

24 was, but they were physically bigger than I was. I was actually a

25 small girl.>

17

1 Q. Thank you. When you tell us that you were among the youngest,
2 does that mean that you <had seen> other people who were <the
3 same age> as you in your sub-group or in your unit? Or were you
4 the only one who was still a child back then, <meaning 12 years
5 old>?

6 A. I was the youngest in my unit. And people like - rather,
7 people said that I was too young <to be leaving my mother to
8 work> at that time; I should have stayed with my mother instead.
9 So people were <making fun of me by asking> whether I <had
10 stopped> breastfeeding <before I left to work there> at that
11 time. <Through my observation, no others were as small as I was.
12 In fact, I was the smallest one.>

13 [09.42.40]

14 Q. Thank you. You explained a bit earlier the kind of tasks you
15 were involved in at the <dam>. Were you doing the same work as
16 the young adults and the adults in your <group>? Or were you
17 given a different kind of work because you were younger?

18 A. People <thought> that I was too young at the time, so <my
19 earth-moving baskets were also> smaller than <those of the
20 others. They usually put little dirt in my baskets for me to
21 carry as well>. And usually, I was asked to go and collect the
22 water for workers. They did not put earth full in my <baskets>.
23 And as for <the other workers>, they would carry <>full up
24 <baskets>.

25 Q. Thank you. Did you have to meet certain <quotas>? And if yes,

18

1 can you <explain to> the Court how all of this was organized?

2 A. There was no specific quota for me, but the quota was set for
3 the <whole> group. So I was put in that group <to> help carry
4 earth.

5 Q. Do you remember the quota that was set for your group?

6 A. I do not recall it, I only recall that the land was measured
7 for workers and the district was divided into "sangkats", and the
8 quota was set for workers <in each "sangkat" to be completed> in
9 a particular period of time. That's what I knew at the time. <In
10 each "sangkat" or commune, they also split workers into smaller
11 groups.>

12 [09.45.06]

13 Q. Did you feel any kind of pressure back then <>to meet the
14 <quotas> that <were> set? Or were you <in> a bit <of> a different
15 situation because <of your> young <age>?

16 A. I think that there was pressure on me and I was forced to
17 work. I did not care of any other matters but working. We were
18 not allowed to speak to each other -- I mean the 17 April - we
19 were not allowed to speak to each other. Some of them complained
20 about the labour and <>what <type of regime it> was <that people
21 were put to work like animals. Some workers even wished that they
22 had been animals or birds so that they could enjoy some kind of
23 freedom; and they were exposed to daily hard labour work and
24 blame.> I was hard working at the time because I did not want any
25 blame on me. I was working hard at the 1st January Dam site and

1 <at a certain point in> time, I collapsed <and passed out while
2 working>.

3 [09.46.30]

4 Q. Thank you. Can you describe your <days> and<, above all, your
5 working> schedule? <At what time of day did> you start working?
6 <Until> what time? Did you have <>breaks? And until what time did
7 you work in the evening?

8 A. <Since our worksite was> far <from the sleeping quarters, we>
9 had to wake up <at the crack of dawn> to go to work. <I do not
10 know what time it was, but when dawn broke, we were> there
11 already at the worksite. <We did not have breakfast.> And <at
12 noon,> we rested <for> lunchtime for a brief moment. <We could
13 not take any nap. We just sat in our respective baskets.> And
14 after that, we would hear the bell ringing for us to resume our
15 work. <We had> about 30 minutes <of rest>. It was just a brief
16 moment <after lunch when we had to resume work>. During that rest
17 time, we had lunch and took a small -- a brief rest. And in the
18 afternoon, we also worked and we <had dinner at the eating hall
19 located next to the worksite. And we> would <not> return <to> our
20 sleeping <quarters until> around 9.00 or 10 <p.m>. Actually, at
21 my sleeping quarter, there was no water there for us to wash
22 ourselves. We had to <wash ourselves at the wells in the>
23 villages <before we headed back to our sleeping quarters.
24 Everyone had to do the same thing. We had to wash ourselves along
25 the way>.

1 [09.48.22]

2 Q. Thank you. <>I would like to get back to the schedule. Earlier
3 you said that your sleeping quarters were about five kilometres
4 from the dam. Can you be a bit more specific <and> tell us, if
5 you remember, what time you would get up in the morning? You said
6 that you would get up very early. And how long it <took> for you
7 to walk from your sleeping quarters to the dam? Do you <still>
8 remember this information <today>?

9 A. I recall that I woke up around 4.30 or 5 a.m. in the morning.
10 <It is my rough estimate as I had no watch.> We took a very long
11 time <> to arrive at our workplace. <It took us about an hour to
12 get to the worksite.> I do not remember how long it would take
13 but we had to spend much time travelling <through paddy fields>
14 to our workplace. From the national road at Kampong Thma to my
15 worksite, it took a long period of time to arrive <at a village
16 so-called> Phum Tnaot (phonetic) or <Chenla Ti Pir> (phonetic).
17 And once again, I had to spend much time travelling to work.

18 Q. <Did you have to travel> between the dam and the place where
19 you would take your lunch break?

20 A. It was not far from the worksite to the place where we ate. It
21 was a short distance. I could not give you the estimate. It was
22 about 100 metres from the worksite, or it was less than that.
23 <They built an eating hall next to the worksite.>

24 [09.50.55]

25 Q. Thank you. You <>said earlier that you would stop working <--

21

1 if I've understood correctly --> <at> 9.00 <or> 10.00 in the
2 evening. Was that the time when you would stop working or was
3 that the time when you arrived in your sleeping quarters? Do you
4 remember that or is all this a bit too vague in your memory?
5 A. Sometimes, we stopped working at 9.00 or 10 p.m. and after
6 that, we had to return to our sleeping quarter. I recall that in
7 the evening, we had a brief period of rest, and after that, we
8 resumed our work until 9.00 or 10 p.m. We would arrive at our
9 sleeping quarter at 10 p.m. or 11 p.m. <every day.> I do not know
10 about other villages' working hours. <We had to work at night
11 every day. Torches were> used to <illuminate> our working site --
12 our workplace <when it was dark, and when the moon waxed, no
13 torches were used>.

14 [09.51.37]

15 Q. Thank you. When you said that during the dry season, you would
16 work at night, what do you mean by that exactly? Does this mean
17 after 10.00 <>in the evening? And if yes, how often would you
18 work at night during the dry season?

19 A. In that period, we had to work <both> in <the> dry and <the>
20 rainy season. We had the same assignment. <They forced us to work
21 nonstop. While working at the dam construction site, I was not
22 involved in transplanting seedlings. At the dam site, we also had
23 to work during> the rainy season. <We also had to work when it
24 was raining. We were not allowed to take a break when it was
25 raining>.

22

1 Q. In order to <clarify, Madam Civil Party>, when you speak about
2 night work, what does that mean for you<, "night work">? It was
3 as of what time and until what time?

4 A. The night shift started from 6.00 or 7 p.m. We started work
5 from 6.00 or 7 p.m. <through> 9.00 or 10 p.m. That's for night
6 shift.

7 Q. And just to make things completely clear, did this night work
8 only occur during the dry season or also during the rainy season?

9 MR. PRESIDENT:

10 Please wait, Madam Civil Party. You may now proceed, Mr. Koppe.

11 [09.54.32]

12 MR. KOPPE:

13 Good morning, Mr. President, Your honours. I think an objection
14 is in place because we heard civil party testify earlier that she
15 only worked for a period of three months, and that she stopped at
16 around Khmer New Year, which is around mid-April. Then it is
17 indeed true that the civil party offered evidence that she also
18 worked in the raining season. However, I think the Civil Party
19 Lead Lawyer should first clarify that difference in testimony. It
20 is my understanding that the raining season starts about May and
21 then goes up until October. So it's either working three months
22 from January to Khmer New Year or also in the raining season. And
23 then it's not possible to work only for three months. So I think
24 that should be first clarified by questions.

25 [09.55.29]

1 BY MS. GUIRAUD:

2 I simply wanted the civil party to react to what she herself had
3 said, because it seemed important for her to specify that she was
4 working during the dry season. <>I simply wanted her to react to
5 what she had <said> herself regarding the fact that she would
6 work at night during the dry season. <>I don't know if this is
7 clear but<>--

8 Q. Madam Civil Party, can you please tell us if you worked at
9 night during the dry season?

10 MS. SEANG SOVIDA:

11 A. Yes, I worked in the dry season. My <apologies>; I said that I
12 arrived at the 1st January Dam site in <either late> January or
13 <early> February, and <I was returning to my village during the
14 Khmer New Year. So I could have returned in May.> I said I was
15 working there for a period of three months. <I went to work at
16 the 1st January Dam site during the dry season>. I was talking in
17 general that during that regime, everyone had to work even <>
18 both in dry season and rainy season.

19 [09.56.52]

20 Q. Well, <>to get to the real gist of my question, do you
21 remember having worked on the worksite during the rainy season?
22 <So, if I understood you correctly,> that may <have been> towards
23 the end of your stay at the worksite. <Is that something> you
24 remember? <Having> worked <there> during the rainy season?

25 A. I do not have a good memory <of such occurrence. But when we

1 were there, we also had to work when it was raining>.

2 [09.57.42]

3 Q. Thank you. Did you have <>days of rest during the three months
4 when you worked on the <1st> January Dam<>?

5 A. I did not have any rest. We were allowed to have one day off
6 during the Khmer New Year time. There was a meeting on that day<,
7 we could have a day off. Anyway,> there was instruction that --
8 there was <no> instruction <that workers had one or two days off
9 per month. This case did not happen in the village where we
10 stayed. But I do not know if such a case happened> in <> other
11 places or villages. <At my place, we worked nonstop. We did not
12 enjoy any day-off>.

13 Q. Thank you. You said a bit earlier on that you <had> fainted on
14 the worksite. So how exhausted were you <at that time>?

15 A. I was so exhausted on that day. I did not have enough sleep
16 and did not have my fill. <At that time, I was not that healthy;
17 thus,> I fainted <and collapsed>. I was ill as well at that time.
18 I was carried away to my sleeping quarter after I fainted.

19 [09.59.30]

20 Q. Thank you. What were your food rations during those three
21 months? Were they <always> the same or <did> they change during
22 that period? Can you please explain to us <a bit about> what you
23 ate during that period?

24 A. <During the> three month period <that I worked at the dam
25 site>, food ration in my village in Kratie was comparably good.

25

1 And when I went to fetch water for workers, I also <asked> people
2 about food ration. And for my food ration, there was <both
3 porridge> and <steamed> rice. And we also had <either> pumpkin
4 <or gourd soup for every meal>. People in <the> village would
5 bring those vegetables <the commune where our worksite fell in>
6 to our workplace. And we could not have food as much as we
7 wanted. Food ration was given to us. And on every tenth day, we
8 would have the dessert -- that is, the sticky rice <and brown
9 sugar>. And during the Khmer New Year time, there was a -- there
10 were two pieces of ice, and those two pieces were put in a big
11 bucket. And it was so hot at that time, and <> even <with> the
12 two pieces of ice<, the water> was not cold. <This happened just
13 once.>

14 [10.00.25]

15 Q. Thank you. You stated a while ago that you were taken ill. Can
16 you explain whether you regularly fell ill <at> the worksite <or
17 not> and<> whether that <instance in which you fainted> was the
18 only time when you fell sick?

19 A. I fainted <and collapsed> only one time. I was not often ill.
20 <Other times, although I felt not well, I had to go to work. As
21 long as I could walk, I had to go to work every day.> And during
22 the time that I fainted, I <could have rested for a few days
23 before> I went back to work. And when I fell sick, there was a
24 medic to treat me, and the medic was not well trained. I was
25 given rabbit droppings medicine to drink for my illness. I recall

1 that when I was sick on that day, I was given a tablet <by> a man
2 <by the name of Kong (phonetic), from Phnom Penh to> recover
3 <from high fever. And I got recovered afterward>. As for the
4 rabbit dropping medicine given by the medic of the Khmer Rouge, I
5 did not drink it. <They were round and black, and did not do me
6 well.> There was no blood test when we fell sick. I do not really
7 understand how <well> the medic <> often was <> trained <to
8 treat> us.

9 [10.02.28]

10 Q. Thank you. <Were> other members of your group <>sick during
11 the three months when you were <>at the <dam>? <Do you recall?>

12 A. Yes. Some got sick and they <were allowed to have coining by>
13 the site of the worksite. And after the <coining> massage, <when
14 they felt better> they went back to work. Some people <who were
15 severely> sick, they would <be allowed to> go and take a short
16 rest <in the sleeping quarters>. Anyway, after the coining, most
17 workers returned to work>. And for the sick who could not
18 recover, they would be sent to the village or to the hospital
19 <commonly located> in the pagoda <where traditional herbs were
20 boiled>. At one time <after I had returned from the dam
21 worksite>, I was seriously ill and I was sent to <a hospital
22 located in a> pagoda.

23 Q. Can you describe to us that medical unit at the pagoda? Is
24 that the hospital you've been referring to?

25 A. It was not during the time that I was working at the 1st

1 January <Dam> worksite. Later <after I had returned home, I was>
2 assigned to work at another place, I fell seriously sick and I
3 was sent <for hospitalization> in the pagoda. It was in a dining
4 hall of that pagoda<, Chambok (phonetic) pagoda>. There was a
5 traditional healer in that pagoda and <he> would <boil> the herbs
6 <> for us to drink. <There were different types of herbs for
7 different types of illness; for example, they would boil the
8 barks from guava trees for> dysentery at that time. <At one point
9 in time, I was suffering from dysentery.> And at that time, <they
10 gave me a jab in my abdomen of liquid kept in a soda-like
11 bottle>.

12 [10.07.05]

13 Q. Thank you. I would like us to return to the 1st January Dam.
14 Do you remember <that other> workers in your group or unit were
15 sent to the hospital? Is that something you <>remember? I am
16 indeed referring to the 1st January Dam<>.

17 A. When one became seriously ill, the person would be sent back
18 to the village and commune where he or she came from for the
19 treatment there. <But I do not know as to where exactly they were
20 sent.> However, it seems that no one from my village became
21 seriously ill. But it happened to other workers from other
22 villages and those people were sent back to their respective
23 village. At the worksite, there was no proper <hospital> where
24 people could stay for treatment.

25 Q. Thank you. Do you know whether some of the workers you've

1 referred to, <who> returned to their villages or their communes
2 of origin<, returned> to work on the 1st January Dam worksite?

3 A. No, they never returned because the work period there was set
4 only for three months. And I never saw them return.

5 [10.08.38]

6 Q. Thank you. Did you attend any meetings while you were at the
7 1st January Dam<>?

8 I will repeat the question because I believe you didn't hear it.

9 Did you attend meetings <>at the 1st January Dam<>? I do not know
10 whether you are receiving any interpretation.

11 Can you hear me, Madam Civil Party? Right, let me repeat my
12 question. Did you attend meetings while you were <at> the 1st
13 January Dam worksite?

14 A. Yes, I did. I attended the meetings at the unit level, at the
15 district level, and sometimes there was a mass meeting where we
16 all attended.

17 [10.10.20]

18 Q. I will ask <some> short follow-up questions on those meetings.

19 Who conducted <or> chaired those meetings?

20 A. I did not know them. They were referred to as senior cadres
21 who came to chair the meeting. They represented Angkar -- or they
22 represented the Party. And I did not know who Angkar was or who
23 the Party was. I did not see any of the senior leaders like the
24 ones in the courtroom here. I did not know who were the leaders
25 of the regime at the time. I only knew the faces of the village

1 chief, commune chief, or some cadres in the local area. But I did
2 not know who the actual leaders of the regime were as I did not
3 see them while I was working at the dam worksite.

4 Q. Thank you. How frequently were those meetings held? Were they
5 held during the day or <after> the working day?

6 A. Most of the time, the meeting was conducted at the end of the
7 working hours. Only when it was necessary or urgent, the meeting
8 would be conducted during the working hours. And usually,
9 meetings were held rather frequently at various levels; for
10 example, at the group level or at the unit level or at the
11 village level. As for the mass meeting, it only happened very
12 rarely. But the meetings at the group levels happened rather
13 frequently. <There could be just one or two mass meetings at the
14 dam worksite during which all workers were required to attend.>

15 [10.12.30]

16 Q. Regarding the group meetings for a start, can you explain to
17 us what you were told during those meetings? What messages were
18 given to the workers?

19 A. For this kind of small meeting, the main purpose was to push
20 us to work as hard as possible in order to finish the work before
21 other villages or communes working at the worksite.
22 During the regime, the theory that they used at the time was
23 "self-criticism". It means we had to watch one another who <were>
24 our work colleagues in order to catch the mistakes -- in order to
25 criticise during the meeting. And they also use a phrase that

1 "they had many eyes as pineapples". And another word that I
2 recall, they use that, the moment -- or "the momentum was
3 historical will and if you interfere with your leg or your arm,
4 it would crush you". And they also used another slogan from my
5 recollection -- that is, the "great leap forward". <One had to
6 work hard as, "Where your head is, only your own hair can grow."
7 One should never miss their parents.> And another one was "to
8 keep is no gain; to lose is also <not a loss>". We had to work
9 hard and to finish work as soon as possible. During meetings,
10 they also mentioned about increasing the agricultural produce to
11 3 tonnes per hectare.> And then these are the typical words and
12 slogans they used at the time. <They kept pushing people to work
13 at their might.> And if one was to fall sick, the person would be
14 <still required to go to work; or be> accused of pretending to be
15 sick. It means, in general, after the <country had been
16 liberated, they wanted to make sure that there were no lazy
17 people or corrupt people. People were constantly watched over.
18 Lazy people were easily accused of being capitalists or
19 feudalists>.

20 [10.14.19]

21 MR. PRESIDENT:

22 <Thank you.> The time is convenient for a short break. We take a
23 break now and resume at 10.30 a.m.

24 Court officer, please assist the civil party at the waiting room
25 for the civil parties and witnesses during the break and invite

1 her and the TPO staff back into the courtroom at 10.30 a.m.

2 The Court is now in recess.

3 (Court recesses from 1015H to 1032H)

4 MR. PRESIDENT:

5 Please be seated.

6 The Court is back in session and the floor is given to the Lead
7 Co-Lawyer for civil parties to resume her line of questioning.

8 BY MS. GUIRAUD:

9 Thank you, Mr. President. I <still> have about 15 minutes <worth
10 of> questions to <put to> the civil party.

11 Q. Ms. Seang Sovida, when we broke off, you were describing the
12 meetings. You were explaining that there were meetings within
13 your group and within your unit. And then there were meetings
14 which you said were larger, which were more exceptional. <Can>
15 you tell us a little bit more about <this second> kind of
16 meeting<> that <was> less frequent <and> that happened <>at a
17 higher level?

18 MS. SEANG SOVIDA:

19 A. The big meetings discussed about the <rice production> and
20 work assignments as in the normal meetings and we were encouraged
21 to work hard to meet the plan of Angkar so that we could be
22 prosperous in the following years. So the meetings were <mainly>
23 about work assignments. Nothing else was discussed in those
24 meetings. And it was said that the country had already been
25 liberated so we had to work hard for ourselves. And from that

1 time onwards, no one would run <around with fear>. And there was
2 shouting: bravo, bravo, and long live the revolution<, and great
3 leap forward>. I was there listening to the discussion and also
4 to those kind of shouting. <Many people attended those meetings,
5 and they spoke via a loudspeaker. That's what I recall.>

6 [10.35.39]

7 Q. Thank you. You said that nobody could <run away>. Were you
8 being watched on the worksite?

9 A. <At the worksite, there> were groups and sub-groups in our
10 unit and chiefs of the sub-groups and groups would watch over the
11 workers, and once in a while I saw militiamen or soldiers
12 <dressed in black> walking past the dam site, and militiamen and
13 soldiers were watching over us as well. And in villages, there
14 would be militiamen <spying underneath the houses where> the 17
15 April People <lived. And these militiamen also watched over
16 members of the mobile unit while they were working. I saw them
17 walk around. I just did not know them>.

18 Q. Thank you. Did you <notice> back then if these militiamen <or
19 soldiers you refer to> were armed? Is this something that you
20 still remember today?

21 A. I recall that they were armed with rifles, not pistols.

22 Q. Thank you. Was there a loudspeaker on the worksite that would
23 broadcast songs or announcements?

24 A. Yes. There were loudspeakers broadcast always, and songs would
25 be played over the loudspeakers. Let me tell the truth, the songs

1 were mostly <about> the revolutionary movement, about the leaping
2 forward movement and about the liberation, so on and so forth.

3 There were songs playing for workers, but no romantic songs were
4 played over loudspeakers. As I said, songs were about the
5 revolution, liberation, and about comrades, so on and so forth.

6 Q. How often were these revolutionary songs played? Was it every
7 day? Was it often?

8 A. On a daily basis, they were played on a daily basis, always.

9 <Songs were usually played at the worksite.>

10 [10.39.01]

11 Q. Were there other kinds of messages that were broadcast by the
12 loudspeakers?

13 A. No, no other messages on the loudspeaker. I have never heard
14 any radio broadcasting either. <I heard only songs.> And when
15 there was a meeting, the announcement would be made over the
16 loudspeaker. I mean when there was a big meeting. And when there
17 was any particular concern or matter, there would be also a
18 broadcast over the loudspeaker, but from my recollection, I heard
19 most of the time revolutionary songs.

20 Q. Do you remember having heard <safety instructions> telling
21 workers to be careful on the worksite? Do you remember <that> or
22 not?

23 A. No such messages <or announcements>, but we were told how to
24 carry earth and how to work properly. Some people would sleep
25 <and fall> while they were carrying or working, so we <just>

1 warned and alerted <each other to be cautious> while working.

2 There was nothing but working at that time and I have <seen some
3 minor work-related> injuries <among> the workers at that site<;
4 for example, workers cut themselves with a hoe while working.>

5 [10.41.05]

6 Q. When you said that people would <sleep> standing up, did you
7 witness any accidents?

8 A. Yes, sometimes the people got sprained ankles and sometimes
9 they would slip while working because <the deeper they dug,> the
10 <wetter the> soil <became>, so some people had minor accidents
11 <like falling>, but no <fatal> injury at the 1st January worksite
12 at the place where I worked. I do not know about accidents in
13 other places.

14 Q. Thank you. Do you remember having seen someone or several
15 people who were a little bit different <while> you were at the
16 1st January Dam worksite for those three months?

17 A. I saw an incident while I was carrying earth. We were asked to
18 be <enthusiastic and smiling while working when people were
19 coming to see us. We> were told <this> in advance<. We> were told
20 by our unit chiefs and group <chiefs to show our enthusiasm while
21 working. We> were told that the senior cadres would come to visit
22 the worksite. <At that time, I saw> about 10 cadres <walking
23 around close to me, and taking> photos<. Those> people <dressed
24 in black, and they> had their scarf around their necks and they
25 had a <> fair complexion <like the skin colour of either Chinese

1 or Vietnamese,> and <there were also Khmer among those people who
2 had fair complexion. But> I do not know whether one person among
3 those people was Pol Pot. <We did not dare to look at their
4 faces. We were just running and carrying the earth. On other
5 occasions,> we would work in our normal pace, but on that day, we
6 had been told in advance that we had to <run while carrying the
7 earth. They remained at the site for quite a while before they
8 returned.> I saw those people <only on that> occasion. I <kept
9 wondering and asked other workers as to> who <those cadres> were
10 and <they said they did not know these people as well>.

11 [10.43.54]

12 Q. Did you ever see at the <dam, at the> worksite, a film crew
13 shooting a film there? Do you remember that?

14 A. No. I have never seen any film crews there shooting film, but
15 I <am familiar with the footage showed on> TV <> about the Khmer
16 Rouge period. I do not know whether there was a film <shooting>
17 during that regime. And I could see from that film that the
18 activities were of similar situation while I was working at the
19 1st January Dam site.

20 Q. Thank you. I have only a last series of questions before I
21 give the floor to the Co-Prosecution. You said a little earlier
22 on that there was no water <at the place> where you would sleep,
23 which meant that you had to go to the village to find water and
24 <>wash <up>. <Could> you describe a little bit more in detail the
25 hygiene conditions on the worksite and in your sleeping quarters?

1 [10.45.31]

2 A. <At> the worksite<,> the water was boiled in a big pot and we
3 could <go and collect the> water from that pot <for drinking>.
4 And at our sleeping quarter there was <only drinking water, not>
5 water for us to wash ourselves. <So we usually washed ourselves
6 along the way when we were walking through villages where there
7 were wells on our way back to our> sleeping <quarters>. I could
8 recall that at the sleeping quarter, there was an improvised
9 toilet <where a pit was dug and two pieces of wood put on the top
10 of the pit for people to sit with palm leaves as the walls>, but
11 at our worksite there was <an empty fuel barrel where people
12 would sit and relieve them into the barrel. Because the fuel
13 barrel was too high for me, I ended up going> into the forest to
14 relieve myself. <Workers were supposed to relieve themselves in
15 the barrel as the faeces would be later used as fertilizer. I
16 never had toothpaste, soap or shampoo to clean myself. They did
17 not distribute those stuffs to us.>

18 When I arrived at the worksite I received <only> a <set of> black
19 <clothes>. I had my previous clothing with me but they were not
20 clean and they did not look nice. <I had no access to detergent
21 to wash my clothes. I just washed them with plain water.> And I
22 would use <barks of wild> plants to clean my teeth. <I used fibre
23 from the dry gourd to rub myself when taking a shower. Each of us
24 had to find our own ways to keep ourselves clean. It was like we>
25 were living <> in <> hell. <It was horrible and disgusting. There

1 were no even combs. Our> clothes were tattered. <Sometimes, I
2 helped others patching their clothes during break>. There were no
3 threads for us to sew our tattered clothes. And I would use the
4 fibre from the <nylon sacks> as thread so that I could sew my
5 tattered clothes. <Some people brought along some threads so they
6 shared with us.> During that time, people were classified into
7 Base People and <the 17 April People, and among the Base People,
8 they> were also classified into <the capitalist class and the
9 poor class. These classes of people enjoyed more rights than we
10 did, and they had more belongings than we did. Sometimes, we
11 borrowed things from them.>

12 [10.48.38]

13 Q. Thank you. My last question now: Under which circumstances did
14 you leave the 1st January Dam? Did you leave alone, or with <your
15 group, or with> people from <your> village? Can you quickly
16 explain to us the circumstances of your departure?

17 A. I left that worksite with my villagers. <All of us returned
18 home.> And I could recall that <before we left the worksite,>
19 they <gave us steamed> rice <and> dried fish, a piece of dried
20 fish <was given to each of us> to eat along the way. <It was the
21 only occasion we had that. Since I felt> very pity on my parents
22 at home so I kept <that piece of> dried fish for my parents. And
23 I was asked by my parents <as to what I ate the steamed> rice
24 <with>. I told them that I <ate rice with salt, and that I> had
25 enough already at the worksite. <I did not want them to know that

1 I had been exposed to hard labour work there. Whenever they asked
2 me about the work there, I always told them that I was doing
3 pretty well like other workers. Since I was so young and small,>
4 I was <enduring much pain, but I was> patient during that time<.
5 Upon arrival, we> went <back to> live <in our respective
6 villages>.

7 [10.50.39]

8 MS. GUIRAUD:

9 Thank you, Madam Civil Party.

10 I am done, Mr. President, and I'd like to specify before the
11 Chamber that Ms. Seang Sovida prepared a statement about her
12 suffering that she will read at the end of today's hearing and I
13 think it's quite long. <Therefore,> I think you should plan on
14 10 minutes<. I'm saying this> so that you <can> therefore
15 organize the hearing <accordingly, <so she may be able to ask the
16 questions that she forwarded to you, Mr. President, and read out
17 the document she has prepared>. Thank you<>.

18 MR. PRESIDENT:

19 Thank you, and now the floor is given to the Co-Prosecutors so
20 that they can put questions to this civil party. You may now
21 proceed.

22 [10.51.26]

23 QUESTIONING BY MS. SONG CHORVOIN:

24 Thank you, Mr. President, Your Honours, everyone in and at the
25 courtroom. Good morning, Madam Civil Party. I am <a> National

1 Deputy Co-Prosecutor. I have a few short questions for you today.

2 And because of the time I would like to ask you to give as

3 briefly - as brief response as possible.

4 Q. I would like to know about your parents. What did they do

5 before the 17th April 1975?

6 MS. SEANG SOVIDA:

7 A. My mother was a homemaker, my father <had joined> the Khmer

8 Issarak, and after that he worked as a soldier with <Prince> Chan

9 Raingsey at <Chbar Mon> barracks <in Kampong Speu>.

10 Q. What was his position, what was his rank while working as a

11 soldier?

12 A. From 1970, he was working as a "comptable O.D".

13 [10.53.02]

14 Q. Where did he work?

15 A. He was working at Chbar Mon barracks.

16 Q. When did he stop working?

17 A. He was in that position until the fall of Phnom Penh. Before

18 the liberation, <> seven days before the <fall of Phnom Penh>, he

19 <flew> in a helicopter to Phnom Penh. <He came back and forth to

20 Phnom Penh as we, his children stayed in Phnom Penh. We also had

21 a> house <> in Kampong Speu province<, but> my father <remained

22 in the> barracks <with the prince>. He <had> held a rank <as well

23 during the Sihanouk era, but he did not want anyone to know it as

24 it was hard to know what would happen in the next

25 administration>. But <some people still knew of> his position and

1 his rank.

2 Q. What did he do to his biography? <Did he hide his biography?>

3 A. He <always> concealed his biography. But my mother believed
4 that <it was King> Sihanouk <who> created Khmer Rouge <. After
5 leaving the Issarak movement, my father also wanted to join the
6 Khmer Rouge>. My mother <>was waiting <for the opportunity> to
7 tell everyone later that my father was a former soldier<, but my
8 father asked her not to do so>. As for my father, he told my
9 mother to <bury> everything and my mother <kept part of> a
10 portrait of my father<, but she buried all his military clothes
11 at Kien Svay. By the time we left, my father asked the family not
12 to bring anything along.>

13 [10.55.25]

14 Q. <Thank you. When time allows, I would like to revisit this
15 topic.> I would like to move on <the time when you arrived at the
16 1st January Dam worksite>. You stated before the Chamber and you
17 answered a question of the Co-Lead Lawyer that you arrived at
18 <Wat> Baray Choan Dek before you reached the 1st January Dam
19 site. So where did you stay?

20 A. I did not stay in that pagoda. My sleeping quarter was <a few
21 hundred metres> away from that pagoda. I did not recall the
22 village where I stayed at that time, but it was <located along
23 the national road> near or in Kampong Thma. <They put us to stay
24 at those houses at the entrance to the pagoda.>

25 Q. Did you stay in a place near <Wat> Baray Choan Dek<? And> how

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1 far was it from <Wat> Baray Choan Dek?

2 A. I could not give you the right estimate. When I was bathing
3 myself with the water from the well, I was told by <the older
4 girls> not to go <to> that pagoda, so perhaps the pagoda was
5 quite close<. Since many girls were using the same well, some
6 girls wanted to look for another well in the village to bathe,
7 and those who could have been to the pagoda warned them not to go
8 to the area of that pagoda. Those who warned the other girls must
9 have seen something there that they did not want others to go
10 there. Some actually went there, but they said nothing when they
11 returned besides warning others not to go there. They were
12 trembling with fear when they said that. I myself never went to
13 the pagoda and saw what was happening there. I just heard the
14 warning from those older girls. So I ended up waiting for others
15 to finish their shower before I could do my shower>.

16 [10.57.22]

17 Q. Did they tell you <as to> why you should not go <to> Baray
18 Choan Dek pagoda? <What was the concern?>

19 A. They told me that they saw a group of five or 10 people
20 <chained one to another chopping> wood<. Some> people said that
21 <they saw bleeding breasts> of women <hanging on the doors. They
22 whispered to one another not to go there. They did not want me to
23 hear it.> I was <a little girl. I was trying to listen what they
24 were whispering to each other, but was told that I did not need
25 to know it>.

1 Q. Thank you. While you were working at that 1st January worksite
2 <for three months>, what was the water condition <like>? You
3 stated already that you were <assigned> to fetch the water, so
4 where did you go and get that water?

5 A. There was a hall in the worksite where the water was boiled in
6 a big pot <for the workers>, and <sometimes> the boiled water
7 would be poured into a large container for us to <fetch>. Some
8 people had tubes, some others had water containers so <I would>
9 put and collect water by using that tube and container<, and
10 carry it back for the workers to drink>. Sometimes, as I said, I
11 was told to fetch the water for some workers to drink. <And when
12 we ran out of water, I repeated the same process. Since I was
13 small, and could not do much work, they would rather ask me to
14 fetch water for them. And when I returned from fetching the
15 water, I would continue to carry the earth.>

16 Q. What was the water like? Was it hygienic enough for drinking
17 purpose and was it boiled for everyone's consumption?

18 A. It was boiled for workers at the worksite <to drink>, however,
19 I did not know about the water itself. Usually in the area the
20 water was fetched from a creek, a stream or a river, or from a
21 pond. <Sometimes, the water was muddy, but it was boiled.> There
22 was no tap water. And if one was too thirsty, he or she could
23 drink <straight> from a small creek on the road or a small pond,
24 but usually at that small shelter, they boiled water for workers
25 to consume. <As to me, for fear of sickness, I usually drank

1 boiled water though I had no idea if it was well boiled or not.>

2 [11.00.22]

3 Q. What about the sanitation? Was the working site clean or were
4 there many flies?

5 A. At the kitchen it was not that clean. There was no dining
6 table. We used hay or tree leaves as a cover and we put our bowl
7 or dish on top. <And when it rained, we had to do the same thing
8 when we ate.> And of course the bowl -- and the condition was not
9 that clean; there was no soap to wash our dishes.

10 Q. <Thank you.> During the time that you were working at the dam
11 worksite, were you <and other workers> allowed to have a casual
12 conversation or chit-chat or could you yourself take a rest when
13 you were tired?

14 A. No. We could not take a rest whenever we wanted; otherwise,
15 everyone would take a break when he or she needed. There was a
16 set time for rest and of course we could not chit-chat in groups
17 and we could not have a free conversation here or there. We
18 taught ourselves to plant kapok trees -- that is, to keep quiet.
19 <We could get ourselves into trouble for talking too much. We
20 dared not talk much.>

21 [11.02.20]

22 Q. What about the work quota? Who actually measured the land plot
23 and set a work quota for you to dig or to carry? And after you
24 completed your work at the end of the day, who actually measured
25 how much work you had done for that day?

1 A. For Preaek Prasab district, Sieng (phonetic) was a man who was
2 in charge of that affair. He was the one who measured the land
3 for Preaek Prasab district workers and that would be subdivided
4 into various communes <including Ruessei Keo, Chambak, and Chrouy
5 Ampil> within the district. And he was the one who took control
6 of the land measurement for workers in the district. And above
7 him, I did not know who was in charge. I myself focused on
8 carrying the dirt.

9 Q. Was Sieng (phonetic) an ordinary worker or was he a group
10 chief or unit chief? What position did he hold?

11 A. He was a villager from Preaek Prasab district but he was
12 appointed as unit chief in charge of our workers -- of my group,
13 and he was in charge of all the workers <from> Preaek Prasab
14 district.

15 [11.04.12]

16 Q. And who actually decided on the work that you did and that it
17 was considered complete so that you <could> move on to the next
18 segment?

19 A. It was likely that Sieng (phonetic) was in charge of that as
20 well. And I did not know whether he made a joint decision with
21 others or not. I only moved to the next segment when I was
22 instructed to do so. <And on some occasions, we were asked to get
23 the quota completed although it was already into the night.>

24 Q. <Thank you.> While you <were working> at the 1st January Dam
25 worksite, did you know or did you have any observation that some

1 workers disappeared? I mean <people> disappeared and never
2 returned?

3 A. On the issue of disappearance, we were told that that
4 particular worker -- or those workers were required to work
5 elsewhere <because the work there was more demanding>; for
6 instance, back at the village. <Of course, some workers
7 disappeared, but I did not ask for specific information.> I heard
8 <from> other senior workers there, or workers who were older than
9 me told me about this, or while they were discussing about the
10 issue that people were transferred to work elsewhere, though I
11 myself did not know the reason<, and as to where they were sent.>
12 [11.05.45]

13 Q. Did you observe that there were any Cham people working at the
14 worksite?

15 A. Yes. There were Khmer Islam or Cham people who had been
16 evacuated to live in <the> village <where we were staying>, and
17 they worked with us, the Khmer people. There was no
18 discrimination against them and it seems that some Cham people,
19 or a few, who were also assigned to work with us at the 1st
20 January Dam worksite.

21 Q. What about the food offered to the Cham people, was the same
22 kind of food given to them or they had to have their own special
23 food?

24 A. It was difficult for the Cham people as they did not eat pork,
25 so when there was a soup with pork, then they did not eat, but

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1 they could ask for <fish> sauce <or salt> to eat with their rice.
2 But I myself was not sure about the arrangement, although I never
3 witnessed that any <>food was <specially prepared> for Cham
4 people. <However, they could have had access to fish sauce, salt
5 or pickled cucumbers. Or they may have hidden some food for
6 themselves.>

7 [11.07.23]

8 Q. <Thank you.> I'll now move on to another topic regarding your
9 elder sister. In your document -- that is, D22/2531, ERN in Khmer
10 is 00552159; in English, 01063843; and in French, 01095759; you
11 described about your elder sister who was forced to marry and you
12 said -- and allow me to quote:

13 [Free translation]: "In early '77, my elder sister who was 16
14 years old was forced to marry in a group of 21 couples." (End of
15 quote).

16 Where were you when your elder sister was forced to marry?

17 A. I was at the village at the time.

18 Q. Which commune and district?

19 A. Ruessei Keo <Leu> village, Preaek Prasab district; I was
20 living with my parents and siblings.

21 Q. Can you tell the Court the name of your elder sister?

22 A. Ly Sivyen (phonetic) is my elder sister's name.

23 [11.09.25]

24 Q. You said that she was forced to marry. Can you describe the
25 condition of the marriage and how it was arranged?

1 A. There was a meeting at night-time; I also attended the
2 meeting. <At the end of the meeting, they> told us that Angkar
3 from the above sent an instruction for people to get married. And
4 we were wondering how come those people already had their <names>
5 on the list. So those whose names appeared on the list were
6 required to stay behind<, while the others could go back home>
7 and then they <read out the names, but those people had no idea
8 as to whom they would get married>, but, I myself, I didn't go
9 because I wanted to see what <would> happen <next>. And then they
10 announced that this woman would marry this man.
11 And I was pretty young so I ran to tell my mother about this and
12 next morning I did not know what happened, and maybe my mother
13 went to tell them that my elder sister was too young and she
14 didn't want her to get married. And it was likely that she was
15 told not to disobey the instruction and, as I said that the
16 historical wheel was in motion and if you interfered with your
17 leg or your arm, it would be crushed. And for that reason nobody
18 refused the instruction. <My sister eventually got married.>
19 [11.11.09]
20 I was not allowed to attend the ceremony itself, but I asked my
21 elder sister, that my sister<, Ly Sivyeng (phonetic)> was
22 announced to marry a man by the name of <Kim> Chat (phonetic),
23 and who was a former intellectual or a pilot from Phnom Penh,
24 although I am unclear on his background. Then the names of the 21
25 couples were announced and they got married and they were given a

1 set of <clothes, a sleeping mat,> a mosquito net and a blanket.

2 Q. Did your elder sister say whether she consented to the
3 proposed marriage?

4 A. She told me that she would not marry that man as she didn't
5 love him. Actually the man was just our neighbour, and she didn't
6 want to marry him, but she was forced to and she could not
7 refuse. <I even asked her to get married to the man so that she
8 would be assigned to work around the village and stay close to
9 our parents.>

10 Q. And what happened later on to your elder sister?

11 A. After she got married, I recall that it was around February,
12 although I am unclear as that was the time that I left for the
13 1st January Dam worksite. <When I returned, I noticed that my>
14 elder sister was <being> deprived of food and she was about one
15 month pregnant, and I heard my mother say that she <had> not
16 <gotten> along well with her husband, and that they stopped
17 consummate their marriage although they were sleeping together.
18 And maybe because they monitored their activity at night, then
19 they decided to consummate the marriage. <After that, she was
20 suffering from morning sickness.> And I only heard from my mother
21 regarding this, that later on she was deprived of food, and I
22 asked my mother why, and that's what she told me because she
23 initially didn't consummate the marriage. <I was very mad to know
24 that my sister was being deprived of food ration.> I returned
25 home at the time for three days since I had a serious fever.

1 [11.14.10]

2 Q. In the same document that I quoted you said that your elder
3 sister was four months into her pregnancy and that she was
4 subsequently taken away and killed. Can you tell us the
5 circumstance around this event?

6 Q. Can you tell us the circumstances around this event?

7 A. At that time her name and her husband's name were announced
8 that they would be transferred to live in another village. She
9 was pregnant at that time. She was four months pregnant and that
10 announcement was in July. <I learned from my aunt that she was
11 detained between 21 and 23 of July with the intent to have her
12 killed.> Since she was pregnant <and she had to be transferred to
13 a new place>, my mother had pity on her and my father was not in
14 the village as he <had been> assigned to work <at Boeng Rey
15 located on the border with Kampong Cham province> . My mother
16 went to seek permission from them not to transfer my elder sister
17 and in fact, allow me to say that, that was not the first
18 transfer that people had been transferred to live in another
19 village. It was a continuous activity of transfer <of people from
20 the village to settle in the forest where people could easily
21 contract malaria> and my mother wanted them to hold on the
22 transfer of my elder sister until my father returned. <By that
23 time, I had already returned from the 1st January Dam worksite
24 for three days, and sent to work else. The plan was that we
25 wanted to be transferred to a new place as a family.>

1 [11.15.48]
2 There was a big pond behind the village <where I was working> so
3 they went to get my father but <since some people had known what
4 would happen to my family,> they <said they had no boat to> go to
5 get me from the worksite. Later on, my parents and my elder
6 sisters packed their belongings and they were put on to a truck,
7 a covered truck with other villagers. <The people on the truck
8 had no idea as to where they were being transferred, but they>
9 were <told that they would be taken to> an area <so-called Sala
10 Chen located at the edge of Chambak village> and they were
11 instructed to <leave behind all> their jewelleries and other
12 valuable things <in the village before their departure>. I only
13 heard this <later on when we returned to Phnom Penh> from <Sieng
14 (phonetic), a sister-in-law of Ung Yeng, a famous singer> as she
15 was walking, crossing the area and she observed what happened,
16 that my elder sister was the young one -- was the last one there
17 and my mother was hugging <young siblings who were 7-8 years old,
18 while they were stripping off the blouses of> my elder sister
19 <>as she was probably wearing two sets of -- two layers of
20 clothing and they forced her to remove the clothing. <When they
21 were stripping off her clothes, they also beat with their rifles.
22 The person who told me all about this was standing there and
23 witnessing the entire event.> And then, after they removed the
24 first layer, then she was put back into the truck<. Eventually,
25 everyone on the truck was wearing only a set of clothes,> and

1 they <were> dropped <> off at Chrouy Ampil pagoda <located at the
2 foot of Sapor Kalei (phonetic) mountain>.
3 [11.17.38]
4 Then they detained them there and they killed some women <and
5 children> first, <while strong men> were detained <and starved>
6 in a temple in the pagoda<. The> execution lasted for three days
7 and during these three days, they played music over the
8 loudspeaker to mask the execution and my <aunt> who lived in a
9 nearby village <did not sleep, but tried to listen to> what <was
10 happening> and she <heard the screaming of people in agony. She>
11 actually later on applied as a civil party in this case. I myself
12 did not know what happened at the time <as I was still staying
13 and working in the forest. Sieng (phonetic) who had witnessed the
14 incident before her very eyes became mentally ill. Sieng
15 (phonetic) herself was also taken to Chambak pagoda and
16 mistreated by hanging her upside down by the legs. Only> later
17 <on after the fall of regime> when I met <her for a short moment>
18 at Chbar Ampov <was> I told about what <had> happened. I never
19 learnt of what happened during the regime<. People kept hiding it
20 from me. At one point,> later on during a meeting, they asked us
21 to raise our hands if <> our relative or family members <had been
22 evacuated from the village, and that they would be taken to meet
23 their family as well. Since they felt pity on me, those villagers
24 asked me not to raise my hand as I would be taken as well. They
25 kept telling me that my parents were still living in the village.

52

1 They kept hiding what had happened to my family from me>. And
2 later on, when I arrived at the worksite, <so-called> Rolum Pnov
3 --

4 MS. SONG CHORVOIN:

5 Due to the time constraint, I would like to hand the floor to my
6 international colleague. <Thank you, madam.> Thank you, Mr.
7 President.

8 MR. PRESIDENT:

9 Thank you. And the International Co-Prosecutor, you have the
10 floor.

11 [11.19.24]

12 QUESTIONING BY MR. KOUMJIAN:

13 Q. Thank you. Madam Witness, I want you to just complete what you
14 were talking about. You mentioned the death of your older sister.
15 Did any other members of your family -- were any other members of
16 your family with her and what happened to them?

17 MS. SEANG SOVIDA:

18 A. There were my mother, my father, my younger siblings; all of
19 my family members died at the time, and only I survived because I
20 worked far away so they didn't have a chance to go and get me
21 back to the village<>. I had <>great pity <on> my <aging>
22 parents. And actually when I decided to return to the worksite, I
23 did not fully recover from my fever but I wanted to go there in
24 order to work hard, to show them that I worked hard so they
25 didn't mistreat my family. But unfortunately, they did and they

1 killed all my family members. <If I had been killed as well at
2 that time, I would not have endured all the suffering alone. To
3 me, staying alive has been worse than being dead.>

4 (Short pause)

5 [11.21.13]

6 Q. Thank you. You just tell me when you're ready to continue. If
7 you need more time, that's fine.

8 A. I can continue.

9 Q. Madam Civil Party, the first witness to discuss the 1st
10 January dam was a village chief under the Khmer Rouge and he
11 supervised workers at the dam, he told us that New People and
12 Base People were treated the same. Was that your experience, can
13 you comment on that?

14 A. We worked under the same conditions, but the New People didn't
15 have any rights. We <worked as we were prisoners. We> were
16 considered <> their enemies and only the Base People who <were
17 poor> had the position to control us. <They mistreated us. People
18 at the top did not know us, but those Base People worked with us,
19 and mistreated us, the 17 April People. All the 17 April People
20 would be killed if the regime lasted any longer>. I <do not
21 understand> why they <considered> us <> their enemies. Whatever
22 we did was wrong.

23 [11.22.57]

24 Q. Thank you. Just, I want to clarify something about your
25 father. I didn't understand what rank, do you know if he had a

1 particular rank? Was he a soldier or an officer?

2 A. He was a soldier.

3 Q. Thank you. So thank you very much for coming and telling us
4 about this experience. I want to concentrate now on the three
5 months that you spent at the 1st January Dam and I would like you
6 to explain to us what life was like for you and those you were
7 with. I would like to discuss the rights that you had. Did you
8 have right to go where you wanted when you returned at night from
9 working to your sleeping quarters, could you go anywhere you
10 wanted? Did you have freedom of movement?

11 A. We didn't have any freedom of movement. During the
12 <three-month> period that I worked there I was not permitted to
13 visit home and that applies to all workers from Ruessei Keo
14 village. Only upon the completion of the <three-month> period,
15 were we allowed to return to the village.

16 [11.24.36]

17 Q. Were you allowed to practice religion in these difficult
18 circumstances, could you do ceremonies to Buddha? And if you
19 know, were the Cham people were allowed to practice their
20 religion?

21 A. No. There was no pagoda and we were not allowed to practice
22 our religion, although maybe - rather, some workers did it
23 secretly but it was not publicly allowed.

24 Q. Did you have freedom of speech? Could you say to your friend,
25 we're really working too hard, could you say at a meeting, yes,

1 they should -- you should reduce the hours that we have to work?

2 A. No. We could not challenge the working conditions; however, we
3 could speak about the working conditions only <among> our <close>
4 colleagues who worked nearby.

5 Q. Did people have the right to be -- let me start this question
6 over. In your unit, was your unit all women, your work unit at
7 the 1st January Dam?

8 A. There was a mixture of men and women in my unit and there was
9 <a mixture of> some Cham <and Khmer> workers.

10 [11.26.35]

11 Q. Were families allowed to be together? Did husbands and wives
12 spend time together? Did women have their children with them?

13 A. At the worksite, we were all single, unmarried -- that is,
14 those from my village. <I was not aware of any married men or
15 women among us.>

16 Q. Did you feel at that time that you had a choice about
17 continuing to work or not? You indicated you agreed to go there;
18 did you feel once you got to the dam, you could leave if you
19 wanted to and stop working?

20 A. We didn't have that right. Once we decided to go, we had to be
21 there until the completion of the work.

22 Q. You said that you came from Preaek Prasab district, do you
23 know what sector that was under the Khmer Rouge regime?

24 A. It was in the East Zone. I do not know which sector it was in.

25 [11.28.18]

1 Q. Can you describe what happened when you were first at a
2 meeting and you said you agreed to go to the dam, what was said
3 to you at that time?

4 A. Are you referring to the meeting which was held for the
5 organisation of the work force to go to the 1st January Dam
6 worksite? If that's what you mean, we were told that they
7 organised the forces throughout the country for people to go
8 there and it also applies to our Preaek Prasab district. Some of
9 us would be requested to go to the 1st January Dam worksite while
10 others would go to various other worksites within <Chamkar Leu>
11 or to Svay Teab and I myself wanted to go to build dam because I
12 heard that at Ou Kambot, the working and living condition there
13 was worse as we were told that people -- workers at the 1st
14 January Dam worksite had better food than those who worked at Ou
15 Kambot <or Rolum Pnov (phonetic)>. And if we didn't decide to go,
16 we would be selected to go <somewhere> anyway. <Thus, I chose to
17 go and work at the dam worksite.>

18 Q. So did anyone refuse to go?

19 A. No, no one dared to refuse. If the person was unwell, the
20 person would be allowed to stay behind until he or she recovered,
21 then he or she will be sent to another worksite. But nobody dared
22 to refuse. <Instead, they volunteered to go and work at a
23 specific worksite for fear of death.>

24 [11.30.25]

25 Q. You said that you heard that the food situation was better at

1 the dam than other worksites; did you have enough to eat when you
2 were working those three months at the 1st January Dam?

3 A. No, the food was insufficient. We were hungry but the food was
4 not enough and soup was mainly watery, there was rarely any meat
5 in the soup and the condition was even worse at other worksites
6 as <only watery> gruel was <provided>.

7 Q. So that there's no confusion, in earlier answer you were asked
8 about the food and how it changed and you talked about eating
9 pumpkin and getting sticky rice every 10 days, where was that,
10 that you were able to eat pumpkin and get sticky rice every 10
11 days?

12 A. It was at that worksite every tenth day, they prepared dessert
13 and little bit of it was given to each worker, and in fact the
14 <food supply> was <sent> from our <respective> village and then
15 delivered to the worksite and distributed to us.

16 [11.32.02]

17 Q. I'm out of time; thank you for the questions.

18 I have one very brief question: You indicated that you were tall
19 for your age when you were 11 or 12 years old, how tall are you
20 now?

21 A. I was <rather small and thin. I was> about 1.2 or 1.3 meters
22 high at the time - that is, <I still have a photo of myself taken
23 before> Phnom Penh fell. <After the fall of the regime, other>
24 people <kept telling me> that I was lucky that I was allowed to
25 go and work at worksite<, and that> if I <had stayed> with my

1 family then I would <have been> taken away <and executed> along
2 with my family members<. I was so small that I was not supposed
3 to be sent away and work far from home.> However, when I was
4 young I was quite active and I enjoyed working. At that time, <as
5 to my weight,> I think I was about 30-something kilogrammes only.
6 <I was so thin and small.>

7 MR. KOUMJIAN:

8 My time is over. Thank you, Mr. President.

9 [11.33.24]

10 MR. PRESIDENT:

11 Thank you. It is now an appropriate time for our lunch break. We
12 take a break now and resume at 1.30.

13 Court officer, please assist the civil party at the waiting room
14 for the civil parties and witnesses during the lunch break and
15 invite her, as well as the TPO staff back into the courtroom at
16 1.30 this afternoon.

17 Security personnel, you are instructed to take Khieu Samphan back
18 to the waiting room and have him returned to participate in the
19 proceedings this afternoon before 1.30.

20 The Court is now in recess.

21 (Court recesses from 1134H to 1330H)

22 MR. PRESIDENT:

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

24 And the floor is now given to the defence teams to put questions
25 to the civil party.

1 Please wait defence team because Judge Lavergne has some
2 questions for this civil party, you may now proceed.

3 QUESTIONING BY JUDGE LAVERGNE:

4 <Yes,> thank you, Mr. President. Good afternoon, Madam Civil
5 Party.

6 <Q. In fact,> I have just one question for you. This morning you
7 stated that you <had noticed> that people disappeared <at> the
8 1st January Dam worksite; can you tell us whether those
9 disappearances occurred frequently? Did many people disappear?

10 MS. SEANG SOVIDA:

11 A. My colleagues <who were from the same village and commune>
12 were working together, not many of them disappeared. Most <of
13 them were> male workers. <We> were told that they had to go to
14 work in a new place or sometime they required to have these male
15 workers to work with other forces in other worksites and as I
16 said mostly male workers disappeared. <I do not know what really
17 happened because some of them did not return to the village,
18 while some others were originally from my village.>

19 Q. And if you <>remember the persons who thus disappeared, can
20 you tell us whether those persons were members of the 17th April
21 group or<> were <they> Base People?

22 [13.33.29]

23 A. They were 17th April people, they were mostly adults. I used
24 to see them but later on <it was said> that they <had been
25 relocated> to work in other places. As for unit chiefs, they were

1 still there and female unit chiefs were also there. At the
2 outset, the disappearance did not occur much but later in 1977,
3 <many people started to> disappear<>.

4 Q. This morning you also talked about working conditions, you
5 talked of clothes that were so frayed that they became like rags
6 and <the> difficulties you had in <mending> them. <I would like
7 to know if> you <were> also provided with shoes <to work> on that
8 worksite?

9 A. No, we were not given shoes. I did not receive any shoes.
10 <Before I> left our home, <my mother bartered with other people
11 for motorbike tyre, and she made my sandals from that motorbike
12 tire. They looked more or less like sandals made out of car tire,
13 the ones commonly worn by the Base People. Some> New People <had
14 to walk around barefoot as they> did not have <sandals> to wear
15 and mostly they were wearing only tattered clothes. <I was never
16 provided with a pair of sandals.> When I arrived at the 1st
17 January Dam site, I was given a set of clothes <once> and when I
18 was living in the village, I was <not given any clothes. They
19 just> told that since my mother had clothing for me to wear I was
20 not given any clothing<. Clothes were to be distributed to only
21 those who had none. We> also had hats and the <conical> hats. My
22 mother <bartered with other people for conical hats and covered
23 them with a piece of> raincoat <on the top for waterproof. We
24 wore the hats to keep us cool>.

25 JUDGE LAVERGNE:

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1 Thank you very much, Madam. I have no further questions for you.

2 MR. PRESIDENT:

3 Now I give the floor to the defence team for Mr. Nuon Chea to put
4 questions to this civil party, you may now proceed, Mr. Koppe.

5 [13.36.50]

6 QUESTIONING BY MR. KOPPE:

7 Thank you, Mr. President. Good afternoon, Your Honours, Counsel.

8 Good afternoon, Madam Civil Party. I have a few questions for
9 you, not very many.

10 Q. My first question to you is about your civil party application
11 of 26 March 2010, D22/2531/1. In this civil party application you
12 speak about the events between '75 and '79, you also speak about
13 locations where alleged crimes were committed. However, I noted
14 that you didn't mention the 1st January Dam worksite as a crime
15 site as a matter of fact you didn't mention 1st January Dam at
16 all. Do you remember what the reason was that back in 2010 when
17 you filed your form you didn't mention that you had worked at the
18 1st January Dam worksite?

19 [13.38.10]

20 MS. SEANG SOVIDA:

21 A. In my statement I did not put everything in it because I was
22 told give a brief statement. Actually there were many other
23 incidents such as lack of food, lack of gruel, etc., and I was
24 asked about the 1st January Dam work so I made my statement in
25 that document that I was there at the 1st January worksite for

1 three months and in fact in addition to that information, <I have
2 a lot more to testify.> I witnessed some killings as well <at
3 Rolum Pnov (phonetic)>. On one particular night <at Rolum Pnov
4 (phonetic)>, they were about to take me away to be killed but I
5 was lucky on that day but my colleague who was staying <right
6 next> to <me> was taken away and killed.

7 Q. Thank you, Madam Civil Party. In your supplementary
8 information form or story, which is dated 22nd April 2014, which
9 is E307/616, you do speak about your work at the 1st January Dam
10 site. We note that this is about two weeks or three weeks after
11 we call the Severance decision in which it was decided that we
12 would speak about the 1st January Dam. Did somebody approach you
13 and ask you to file a supplementary information form and this
14 time speak about your work at the 1st January Dam?

15 [13.40.08]

16 A. Actually at that time I was told to go and meet the lawyer in
17 Tuol Kork neighbourhood and I was given a piece of paper relating
18 to perhaps Cases 003 or 004 and I <told the lawyer that I worked
19 for three months at> the 1st January Dam site. <>

20 Q. Thank you, Madam Civil Party. I would like now to go back to
21 your testimony of this morning. If I understood your testimony
22 correctly you said that it was you who decided to go to work at
23 the 1st January Dam, do you remember at that time what your
24 parents thought of this? Did they agree with you volunteering to
25 work at the 1st January Dam or were they against it?

1 [13.41.17]
2 A. They disagreed. They wanted me to work in my village but
3 <>information <spread within> the <village mobile> unit that
4 <>they needed forces to work at 1st January Dam site<, Ou Kambot
5 (phonetic), Rolum Pnov (phonetic), and other worksites. So we had
6 to choose to go and work somewhere, or we would be sent to work
7 at one of the places mentioned anyway. And> I asked them what I
8 had to do at the 1st January Dam site and I was told that I had
9 to carry earth <and dig canal. Since> I did not want to <> work
10 in the <water and in the forest> because I was afraid of <leeches
11 and bugs,> I decided to go to work at the 1st January Dam site.
12 <People around my age and I were sent out to work, while only
13 middle-aged people remained in the village. Although I chose to
14 remain the village mobile unit, I ended up staying at the
15 worksite away from the village anyway. So> I decided to go <and
16 work there> because I wanted them to <know that at least, one
17 person from my father was engaged in the dynamic workforce and
18 intensive workplace, and they would be more lenient with my
19 family>.
20 Q. Do you remember whether your parents were upset that you
21 ignored their advice and notwithstanding their negative advice
22 you went to the 1st January Dam anyway, were they upset?
23 A. They were not happy but <other people> consoled them<, and
24 told them> that if I did not go at this time I would have to go
25 <elsewhere anyway> later on. <They said since I was going with

1 them, they would take care of me. They also said I was too young
2 to leave for work, but I was committed to go.> During that time I
3 decided to go because <> I observed that the situation was
4 becoming worse. <I noticed that those families whose members were
5 either sick or not working, they would be transferred to a new
6 place where they could contract malaria easily. As a saying
7 goes,> "keeping <you> is no gain, <losing you> is <not a> loss"<.
8 So those who could not work or were lazy to work would be
9 transferred to a new village. They only wanted active,
10 hard-working and industrial people to stay in their village>.
11 [13.43.49]

12 Q. Thank you. This morning you also said that people thought at
13 the time, that you were in fact too young to go to work at the
14 1st January Dam worksite, do you remember who these people were
15 who thought that and told you this?

16 A. Many of them and people <in the village> were saying I was too
17 young <> to go and work in the mobile unit. <They were always
18 making fun of me, and referred to me as a> child at that time. <I
19 also had to work when I stayed in the village. By the end of the
20 day, I also got tired. On some occasions, I had to go to work in
21 the forest and to cross the river, and> I did not know how to
22 swim. <There was a big lake right behind my village where we had
23 to cross it by a boat to go to work. The width of the lake was
24 even bigger than the width of the Mekong. I could not swim but I
25 had to cross the lake> to go and work <in the area behind the

1 village where I had to work in the water while I was pulling and
2 transplanting seedlings>. And as I said earlier, I wanted to go
3 and carry earth <although it could be harder> because I was
4 afraid of <leeches>.

5 [13.45.01]

6 Q. I understand, but do you remember concretely who it was that
7 said that you were too young, were these people from your
8 village, do you remember who told you this?

9 A. Base villagers knew my parents and 17th April People also
10 mentioned <of> me. Most of the time I could speak to the 17th
11 April People, I was not courageous enough to speak with Base
12 People. <Base People enjoyed more rights than we did. Base people
13 did not talk much with us.> Many adults <who knew my parents
14 always said that I was too young to be sent to work there. We
15 talked more among ourselves, the 17 April People>.

16 [13.46.01]

17 Q. Do you remember whether your parents complained to the village
18 chief about you volunteering to go to work at the 1st January Dam
19 worksite?

20 A. No. They did not complain.

21 Q. Now, Madam Civil Party, I have some questions, some additional
22 questions about the working conditions at the dam site. Some
23 witnesses have come to this Trial Chamber and sat in the same
24 chair as where you are sitting and testified that the lunch break
25 on an average day was between 11.00 and 1.00 or 11.00 and 2

1 o'clock. Is that a correct testimony from these witnesses or what
2 is your reaction, please?

3 A. I did not have <a> watch, <so> I do not <know. When I saw
4 people stop working, I also stopped working.> Actually, we heard
5 the bell ringing when there was a break time for lunch. Lunch
6 break was very short, after we had lunch and <drank> water we
7 returned to work, it was a short break, I did not have <a> watch
8 and I did not <know as to what time it was>. I did not usually
9 take a nap during that time.

10 Q. Is it correct that the bell for the lunch break was not only
11 for the workers in your unit but for all the workers at the dam,
12 for everybody who worked there?

13 (Short pause)

14 [13.48.25]

15 MR. PRESIDENT:

16 Please give your response; you have not given the response yet.

17 MS. SEANG SOVIDA:

18 A. Yes, that is true.

19 BY MR. KOPPE:

20 Q. Some witnesses also testified before the Chamber and said that
21 there was a break in the morning session. So, between around 7.00
22 and 11.00, people would work and in the middle of that morning
23 session there would a 15 minute break. Is that also your
24 recollection?

25 MS. SEANG SOVIDA:

1 A. I am not sure. Normally I went to fetch and collect the water
2 perhaps it was during that time, the time that I went to collect
3 water, it was break time. I recalled only the break time for
4 lunch and the break time in the evening.

5 [13.49.36]

6 Q. Thank you. About working in the evening or at night, there are
7 witnesses who are saying that working at night was not frequent
8 was occasional and one witness testified that working at night
9 was only done when the moon was waxing, therefore one a month. Is
10 that your recollection as well?

11 A. <To> my recollection, during the time which the moon was not
12 waxing, <> they would use the torch, they <burnt torches> to
13 <illuminate> the worksite <for us to work. However, we worked at
14 night on frequent occasions.>

15 Q. But was night work occasional or was it frequent?

16 [13.50.53]

17 A. I do not recall it well. <But we worked at night on frequent
18 occasions>. The <workers who were> older <than I told> me that
19 there was no break time at night and when we were asked to be in
20 full swing, we would <work> until 10 p.m. For example, <on
21 certain occasions, they> would <set> a quota for us to complete
22 <within> one month. So, <in order to get the work done at the
23 same time as workers from other districts,> we had to <take the
24 offensive> during that time.

25 Q. Your answer brings me to my next subject and it is the matter

1 of quota. You said that for you there weren't any specific quota
2 but do you remember whether your group had quota in the sense of
3 "x" amount of cubic meters per day had to be dug at the time? Do
4 you remember any specific number of cubic meters?

5 A. I do not recall it well. I do not recall the amount of dirt we
6 were required to complete. I was so young at that time and as I
7 said I was told to fetch water for workers on some occasion. I do
8 not recall <as to> how many cubic meters <>one <group of workers
9 was required> to complete. <I was young, so I just carried the
10 earth when everyone else in the group was working. And when it
11 was required, I just continued to work into the night.>

12 Q. This morning you spoke about, I believe it was the group chief
13 Sieng (phonetic), yes. Did you ever hear him make threats to
14 workers?

15 [13.53.19]

16 A. He only encouraged us to work. He <> never made any strong
17 threats but we were told to <power through in order to get the
18 work done like other groups who were meeting their quota already.
19 In meetings, he also urged us to work harder in order to keep up
20 with other districts>. There were no beatings by him and no fatal
21 accidents occurred at the 1st January Dam site.

22 Q. You also spoke about workers in your group or unit who got
23 sick, who were allowed to go back to their village to be taken
24 care of and that these people didn't come back because it was
25 only three months, do you know whether within your group, workers

1 were rotated or were replaced by other workers from your village
2 or was your group always the same, of the same composition in
3 those three months?

4 [13.54.37]

5 A. No, I have never noticed any such rotation and for the sick
6 they would be sent to <their respective> villages <for
7 treatment>.

8 Q. You said also this morning that the food that you and
9 co-workers ate, while working at the dam site, was brought from
10 your village. Do you remember who organised the transport of this
11 food? Who was responsible for bringing the food from your village
12 to the worksite?

13 A. The one who transported the food <to us at the work> was <the
14 person who was in charge of economy> in my village<; however, I
15 do not know him>.

16 Q. And do you recall whether he did that every day or every other
17 day or maybe twice per day, do you remember?

18 A. He did not transport food supplies quite often. He would
19 transport food supplies <to us> every four to 10 days; it was not
20 too frequent that he transported those food supplies. Sometimes
21 he would bring those food <supplies once every week or> two
22 weeks<>.

23 Q. Did he also bring other things than food from the village to
24 your group or unit, things that you or your colleagues had asked
25 for, things like clothes or mosquito nets, that kind of things,

1 or did he only bring food?

2 A. I do not know about this matter. I only knew that he
3 transported <to us> food supplies. Whether he brought along other
4 materials it is beyond my understanding.

5 [13.57.25]

6 Q. And when somebody fell sick and had to be taken care of in the
7 village, did this sick person travel back with this man who had
8 brought the food or was it a separate, was there a separate means
9 of having the sick person transported back to the village?

10 A. Mostly the sick would be brought to the villages <by> the one
11 who was in charge of transporting food supplies <to the
12 worksite;> and in other worksites the sick would be put on the
13 same <ox-cart> used by the transporter of food supplies <and
14 transported back to their respective villages>.

15 [13.58.23]

16 Q. This morning you also said that you believed that the medic
17 who had given you medicine when you yourself fell sick was not
18 well trained. Do you remember why you thought at a time that this
19 medic was not well trained?

20 A. I know about it because the medic did not know how to treat
21 the sick; there was no blood test and if one <happened> to get
22 dysentery or diarrhoea, that person would be given the rabbit
23 dropping medicine. <They did not test the sick's temperature. In
24 fact, those medics> were children of <the> Base People. Actually
25 these people, I mean the medics <did not go to medical school,

1 and they> would perhaps receive some short <trainings on> how to
2 give injection<> or how to give medicines<. I noticed that these
3 medics> did not <take any medical training; moreover, they were
4 not well educated or knew> how to read and write <that well>,
5 mostly they were illiterate.

6 Q. Do you know anything about the training or medical backgrounds
7 in terms of education of the medics who were working at the
8 district hospitals or at this hospital in the pagoda that you
9 were speaking about this morning, do you know anything about
10 their background?

11 A. They actually, they were not actual -- there were no medics,
12 the modern medics at the hospital -- in the hospital at the
13 pagoda. Mostly <those> traditional healers <were the elderly men
14 in the village, and their task to boil and prepare herbs. Since I
15 used to stay at Wat Chambak, the man in charge there was Ta Voar
16 (phonetic), and his deputy was Ta Sorn (phonetic). The task of>
17 Ta <Voar (phonetic) was to> boil the herbal medicine<> and give
18 <it> to the <sick. And the most sophisticated medicine, those
19 medics had only> the liquid as I <told the Chamber this morning.
20 There was nothing more sophisticated or special than that liquid.
21 Those medics were not wearing any type of uniform. They just
22 dressed in black>.

23 [14.01.10]

24 Q. Is it nevertheless correct when I say that when you were sick,
25 you were given medical treatment, good or not but it wasn't

1 withheld to you because you were a New Person, is that correct?

2 A. Yes, that is correct. However the medicine that was given to
3 us was not effective.

4 Q. My last set of questions, Madam Civil Party, that is about
5 your father and about the husband of your sister. You said that
6 you didn't know the rank, the military rank of your father but
7 was it known to the village chief that he had served in the Lon
8 Nol army before 1975?

9 A. Maybe the village chief did not know about his position as
10 nobody spoke about it and we all didn't reveal his position to
11 the village chief.

12 [14.02.56]

13 Q. Maybe I didn't understand your testimony correctly but I wrote
14 down this morning that you said that everyone knew your father's
15 position, when you said that, did that imply that they knew --
16 that everyone knew that he had been a Lon Nol military?

17 A. Maybe they <were suspicious about his past> but they didn't
18 know for sure. <On one occasion, a man by the name of> Chorn
19 (phonetic) <who held a key position in the village took hold of
20 me and asked me what> my father <did in the past.> I said he
21 didn't do anything<; and he> was <just a merchant and farmer.
22 And> that's what was written in the biography; however, as for my
23 <brother-in-law, it was likely that> they <were suspicious about
24 his past. They had> searched <through> his <belongings> and found
25 <a pilot's> uniform <>in his <backpack. It happened> rather

1 <frequently> that they <came to> search <our belongings in our
2 house after those meetings during which our biography was taken.
3 They searched our clothes very often. According to my mother,
4 they searched> through our belongings <very often to ensure that
5 nothing could be hidden by enemies within our belonging. They did
6 not just do that to family. They searched everyone's house
7 throughout the village. They took biography of everyone in the
8 village>. My father <tried to work very hard for fear of death.
9 He tried to work hard in the hope that they would not trace his
10 past. He did not want them to know of his past. In fact, my
11 father used to work in the medical field, and> he also knew how
12 to treat people but he didn't <tell anyone about it. But when any
13 of our neighbours got sick, he told them what to do to get well.
14 He was not a doctor, but he had medical knowledge; however, he
15 told no one about it. As long as I concerned, they could have
16 been suspicious about his past. We did not reveal everything
17 about our family to everyone else>.

18 Q. And what about your brother in-law, when did they do the
19 searches and found out that he had been a pilot in the Lon Nol
20 army?

21 [14.05.04]

22 A. I did not know because <> a few days after <he had gotten
23 married,> I was assigned to work at Stueng Chinit river -- that
24 is, the 1st January Dam worksite so I did not know the details
25 <of his case>. I only heard from others regarding what happened

1 and I didn't have a full account of the event. <Since the more I
2 learnt of those things, the more depressed I became, so I just
3 walked away when people started talking about those things. I
4 just did not want to hear those things.>

5 Q. But is it correct that both your father and the husband of
6 your sister had worked in the village right after the liberation
7 of 1975?

8 A. After the liberation on 17th April 1975, they worked in the
9 rice fields as other <villagers>, that was per the instructions
10 by the Khmer Rouge.

11 Q. If their identity as former Lon Nol military, if that wasn't
12 known for two years, do you know if someone within the village
13 betrayed them to the village chief, or to Angkar or to the
14 authorities?

15 [14.07.05]

16 A. That is a possibility but I cannot say for sure. Initially my
17 elder brother in-law and my elder sibling were taken away and
18 killed and it was my parents who actually made a request to live
19 with my <sister and her husband as they were not aware of their
20 execution plan. There was no such plan before>. And that was the
21 first time on the 21st in July '77, when my siblings and family
22 members were killed and at that time my mother did not know that
23 my elder sister was <being transferred to> killed. <Back then,
24 they were> instructed to relocate to <malaria zone including Bak
25 Roteh (phonetic)> village <and other remote locations. My mother>

1 requested to accompany my elder sister since she was pregnant and
2 she also requested <that whole family would be on the same
3 transfer. It was their plan to evacuate all the New People
4 gradually from the village to live in the forests and malaria
5 zone. She thought that she would be of help to my sister who was
6 pregnant, and would deliver a baby later. With her request, they
7 went to collect my father who> was <working on> a plantation at
8 Boeng Rey <in the forest> which was about two or three communes
9 away. <To> my understanding<, my father did not get into trouble
10 because they had found out his past. It was more likely that what
11 put his life in danger was being on the same transfer of my
12 sister and brother-in-law>.

13 MR. KOPPE:

14 Thank you very much, Madam Civil Party. My National colleague,
15 Mr. President has a few questions as well.

16 MR. PRESIDENT:

17 Yes, Counsel, you may proceed.

18 [14.08.55]

19 QUESTIONING BY MR. LIV SOVANNA:

20 Thank you, Mr. President. Good afternoon, Mr. President, Your
21 Honours, and everyone. Good afternoon, Madam Civil Party. My name
22 is Liv Sovanna, I am <a> defence counsel for Nuon Chea's defence
23 and I only have a few questions for you to seek for your
24 clarification.

25 A while ago you said that people were taken away from the

1 worksite as they were told to relocate to work at other worksites
2 and can you tell the Chamber at which worksite did this happen?

3 [14.09.39]

4 A. It happened at the 1st January worksite although there were
5 only a few cases there and it happened at other worksites, if you
6 allow me to expand.

7 Q. You said that people were transferred to work elsewhere and my
8 question to you is, at which worksite did this happen?

9 MR. PRESIDENT:

10 Madam Civil Party, please observe the microphone.

11 MS. SEANG SOVIDA:

12 A. You asked me a question in relation to the 1st January Dam
13 worksite and that happened at that worksite.

14 BY MR. LIV SOVANNA:

15 Q. I would like to have a clear clarification since you worked at
16 various worksites and your statement that some workers were
17 relocated to work at other worksites. Did your observation happen
18 at the 1st January Dam worksite or at another worksite?

19 [14.10.56]

20 MS. SEANG SOVIDA:

21 A. There were many worksites namely the 1st January Dam worksite
22 and only a few cases happened there. However at <Rolum> Pnov
23 (phonetic), Kouk Mlu (phonetic), Veal Suong (phonetic) and <Kaoh
24 Sor> (phonetic) worksites, people disappeared and in some
25 instances I knew for sure that they <were taken away and> killed.

1 However, I am not sure what happened to those workers who were
2 relocated from the 1st January Dam worksite <as it was the first
3 time I observed the disappearance of people. I did not have a
4 full grasp of the situation; thus, I do not know whether those
5 workers were actually relocated to other worksites>. And at
6 <Rolum> Pnov (phonetic), as I said earlier, <it was certain that
7 workers were taken away and killed. One night at Rolum Pnov, they
8 were planning to take me, but instead they took> a woman who
9 stayed next to me <>away by an <ox-cart> and she was killed <by
10 cutting her belly open>. And I was a target of being killed too,
11 as I was the only remaining member of my family however
12 unfortunately the lady next to me was taken away and killed.

13 Q. You stated this morning that you fell unconscious once while
14 working and can you please tell the Chamber at which worksite did
15 this happen?

16 A. It was at the 1st January Dam worksite.

17 [14.12.25]

18 Q. You also said, after you became -- after you fell unconscious,
19 then you were <carried> away for treatment and after a few days
20 you returned to work. Did you return to work voluntarily or were
21 you forced to return to work?

22 A. I was asked by the group chief whether I was able to work and
23 I said yes, I could work so I returned.

24 MR. LIV SOVANNA:

25 Thank you Madam Civil Party. Thank you Mr. President, I am done.

1 MR. PRESIDENT:

2 Thank you. The Chamber now hands the floor to the defence team
3 for Khieu Samphan. You may proceed, Counsel.

4 [14.13.32]

5 QUESTIONING BY MS. GUISSÈ:

6 Thank you, Mr. President. Good afternoon, Madam Seang Sovida, <my
7 name is> Anta Guissé, <and> I <>am the International Co-Counsel
8 for Khieu Samphan<, and> I have a few very brief questions to
9 <>clarify your testimony.

10 Q. This morning you said that when you arrived to work on the 1st
11 January Dam, you first were assigned to a place that was not far
12 from your sleeping quarters. <I believe> you said it was about
13 one or two kilometres away. <My> question is how long did you
14 stay <there> over the three-month period when you <worked at the
15 1st January Dam>? How long did you stay <working> at that
16 particular place which was <>one or two kilometres away from
17 <your sleeping quarters>?

18 [14.14.27]

19 MS. SEANG SOVIDA:

20 A. It was about a month <that we stayed there>, until that
21 building <in Tnaot village> was completed.

22 Q. So, if I understand <your testimony> clearly<>, you worked for
23 one month in that particular place, and <afterwards,> during the
24 two other months <remaining out of the three months>, you worked
25 somewhere that was a little bit more distant; is that correct?

1 A. Yes, that is correct.

2 Q. And again in order to try to <clarify> what you said this
3 morning, I believe I understood that you started working on the
4 dam somewhere in February and you said you worked there for <more
5 or less> three months and I believe I heard from your testimony
6 <this morning> that you said that you left around the Khmer New
7 Year. <My> question is: was it before or after the Khmer New
8 Year<>?

9 [14.15.47]

10 A. I said I went to the 1st January Dam worksite either in
11 January or February, since I cannot recall it correctly, and I
12 returned home after the Khmer New Year and it is possible that I
13 returned at the end of April or in May of that year and that my
14 family members had been <taken away> killed already when I
15 returned. However I can confirm that I worked for a total period
16 of three months at the dam worksite. <And I returned to my
17 village after the Khmer New Year.>

18 Q. Now another point of clarification with regard to what you
19 <described> this morning about the 1st January Dam site; you said
20 that the place where you would eat <at noon, the canteen,> wasn't
21 far from the site where you would work, and you also spoke about
22 containers in which they would boil water. <My> question is the
23 following: was this water that <was> boiled used only for your
24 group, from <the> village <you came from>, or was <it for> all of
25 the groups that you worked with on the worksite? So, just like

1 the food, was it the <>chief <of your unit> who was in charge of
2 <><that> or was it <a> more general <distribution, including> the
3 other units as well?

4 [14.17.39]

5 A. <The> water <was boiled for all the> workers consumption and
6 it was boiled in a large cooking pot, not in a water boiling
7 kettle. And <back at the sleeping quarters,> the water was boiled
8 by various groups, for example, in our group <from Preaek
9 Prasab,> we boiled the water for our own group consumption and it
10 happened to other groups. <At the worksite, the water was boiled
11 for all the workers. So those who worked close to that place went
12 to collect the water for drinking themselves. Anyway, the water
13 was boiled by the group chief. Workers were to work, while cooks
14 took care of food preparation, and certain people were assigned
15 to boil water.>

16 Q. Another <point -- and this will be my last point --> with
17 regard to the organization of <>groups. I understood that when
18 you arrived there were <-- I thought I understood that there
19 were> about 10 people per village. <My> question is, in the place
20 you <were assigned to work, when you were working,> were you
21 still working <based on the> village? So, in your group, <>there
22 were only about 10 people? <Or did I misunderstand? Were> there
23 <also> other people<>?

24 A. At that time, the village workforce was combined with the
25 other forces from the villages under the commune and then we

1 worked under the district. So there were quite a number of
2 workers in terms of all the workforces from the villages under
3 the one commune for example Ruessei Keo commune. And that's how
4 it happened and I can only speak about what happened under my
5 village and commune. And you can say that usually the workforce
6 would be organised per commune under the district. <It was more
7 likely that we worked by commune. For example, workers from my
8 commune worked on one spot, while workers from another commune
9 under the same district worked on another spot nearby. All in
10 all, workers from various commune under the same district worked
11 in the same location, but on different plots of land.>

12 [14.19.49]

13 MS. GUISSÉ:

14 Thank you, Madam <Seang> Sovida. I have no further questions, Mr.
15 President. I believe my colleague has a short <complementary>
16 question <>and then we will be done.

17 MR. PRESIDENT:

18 Thank you. And Counsel Kong Sam Onn, you have the floor.

19 QUESTIONING BY MR. KONG SAM ONN:

20 Thank you, Mr. President. Good afternoon, Your Honours, and good
21 afternoon, Madam Civil Party. I have a quick question regarding
22 your testimony and your response to Judge Lavergne's question on
23 the issue of disappearance.
24 You said that people -- more disappearance happened after 1977
25 and you just also said that people disappeared at the 1st January

1 Dam worksite although there were only a few cases and more
2 similar cases happened at other worksites.

3 [14.20.59]

4 Q. My question to you is the following, do you know when the 1st
5 January Dam worksite started and when it was completed, of course
6 you told the Court that you started working there and then you
7 continued working there for three months but I want to know about
8 when it was started and when it was completed?

9 MS. SEANG SOVIDA:

10 A. I do not know when the construction work started. <By the
11 time> I arrived <at the worksite,> there <were already> workers
12 there and when I left <the worksite to return to our respective
13 villages,> the construction work was not yet completed. <However,
14 the remaining> workers <at the worksite were mostly> from Baray,
15 Tang Kouk and other nearby communes continued working while I
16 returned to my village. So to briefly answer your question, I'm
17 not sure. <But the dam was not completed by the time I left the
18 worksite.>

19 Q. Did you return to the village only by yourself or <the> entire
20 unit from your <district> returned?

21 A. All the workforce <from> the district returned.

22 [14.22.28]

23 Q. You also said that you volunteered to sacrifice yourself to
24 work at the 1st January Dam worksite as you believed it would
25 assist the tense conditions or situation within your family as

1 you considered <that> going to work in the hot zone or hot
2 battlefield would assist in this matter. Can you tell the Court
3 <as to what helped> you make that decision when you <were> around
4 11 or 12 years old at that time?
5 [14.23.18]
6 A. I thought that the <unit chief and> group <chiefs were
7 increasingly putting pressure on> the 17 April People in terms of
8 working conditions<. And during meetings, we,> the Phnom Penh
9 city dwellers were <>asked about our background<. We were asked
10 to report to them about our background so that they would send us
11 for study sessions. Since> I was with the children of the Base
12 People<,> I learnt <from them that> the 17 April People<> had to
13 work hard<;> otherwise we would be sent or transferred to work
14 <in remote locations> and more intensive far away from the
15 village with little food distribution. <They were planning to get
16 rid of all the passive people from the village, but keep only the
17 hard-working and active ones. According to them, people would be
18 sent to remote areas to improve the rice production to ensure
19 that everyone would have enough to eat. They did not want people
20 to swamp in one location. I observed that the situation was
21 getting worse and more and more people were to be harmed.
22 Obviously, I witnessed> the beating up of a man <from my village
23 by the name of> Liv Thong<. By that time, I still belonged to the
24 village> mobile unit<; I did not leave for the dam worksite yet.
25 Liv Thong was Chinese, and he spoke Khmer with an accent. On one

1 occasion, when I was returning from working,> I <saw him with the
2 scars on his body, I asked him what had happened. He told me that
3 the scars were left by the attacks from cats and dogs>. I was
4 told that actually he <had been> taken away to be killed and
5 buried under a tree <the previous night,> however, for some
6 <reasons,> he survived <the following morning> and <went to work
7 as usual. I was told that> the killer was <Chheung> (phonetic).
8 <Since I hanged out with those children, they kept telling me
9 information in a secret manner. Having learnt the fact, I felt
10 very pity on Mr. Liv Thong. Initially, I believed him when he
11 said those scars were from the attacks of cats and dogs. Allow>
12 me to <share with you another event regarding another>
13 brother-in-law <of mine, the husband> of my <other> sister who
14 was <member of> a mobile unit<. At that time, he stopped by my
15 village, and since> he knew that my other sister was about to get
16 married so he gave her a scarf as a souvenir and later on we
17 learnt <from villagers> that <the motorboat through which he came
18 left without him, and> he <was> killed <at Wat Ruessei Keo>.

19 [14.25.55]

20 Q. And what you said regarding the event, can you recall in which
21 year it happened?

22 A. It happened around early 1977, before I left for the 1st
23 January Dam worksite<. After I had> returned I only stayed for
24 three days at the village <as I was sent elsewhere to work far
25 away from the village>.

1 Q. You were told secretly about this event and can you recall
2 actually who told you that, and that you had to work harder in
3 the village otherwise you would be sent to work elsewhere far
4 away from the village?

5 [14.26.49]

6 A. I was told about the tense condition and situation in the
7 village and it was my own thinking that, if I were to work hard
8 far away from my village, then my family members would be safe.
9 And I understood that, in my family, my parents were old<; they
10 did not have any son, and my elder sister was about to get
11 married and she would stay in the village to look after my
12 parents. Thus,> I was the main person with strength to work <far
13 away from home. On the other hand, I also wanted to meet and know
14 other people from various places when I worked there. If I had
15 chosen to remain in the village,> I would <have been> sent to
16 work <in the forests far away from home> anyway. <I then decided
17 to go and work at the dam worksite instead in the hope that I
18 would meet and know New People.>

19 Q. My question to you is in relation to the name of the person
20 who told you about working hard or that you had to sacrifice to
21 work hard?

22 A. I cannot recall the name. However, I spoke to children of the
23 Base People and some of them are still alive and I was told not
24 only by one child but by many children <who used to work with me
25 in the child unit>.

1 Q. You mean children of your peer?

2 [14.28.18]

3 A. Yes.

4 Q. <Thank you.> The man Ly Thong, that you mentioned, what
5 happened to him, did it happen in your cooperative?

6 A. It happened in my village.

7 Q. Can you please tell the Court the name of the village?

8 A. It was Ruessei Keo Leu.

9 MR. KONG SAM ONN:

10 Mr. President, I'm done. <Thank you, madam.>

11 [14.28.54]

12 MR. PRESIDENT:

13 Thank you. Madam Seang Sovida, now you are that end of your
14 testimony and you are given an opportunity to make a statement of
15 impact regarding the facts alleged against the two Accused, Nuon
16 Chea and Khieu Samphan in relation to what happened to you during
17 the Democratic Kampuchea regime and that led you to file a civil
18 party application to claim morale and collective reparation in
19 terms of the damages that happened to you physically and
20 emotionally or materially in terms of what happened to you. And
21 if you wish to do so, you have the floor.

22 MS. SEANG SOVIDA:

23 Mr. President, <> may I ask questions?

24 MR. PRESIDENT:

25 You cannot put the questions directly to the Accused. However,

1 you can put your questions through us, the Bench.
2 [14.30.10]
3 MS. SEANG SOVIDA:
4 I would like to put a question through Mr. President of the Trial
5 Chamber. <All the> Khmer Rouge <leaders> made a propaganda that
6 they wanted to save the nation and to save the people however
7 upon gaining the victory they did the contrary, they massacred
8 their own people, they forced their own people to work and they
9 deprived their own people of food and they considered their
10 people as their enemies. And I -- it is my belief that they
11 considered the 17 April People as their enemies and I want to
12 know why they did that and for what purpose and for what gain. <I
13 had the feeling that they had a grudge against the 17 April
14 People.> And I would like to them to answer in details about the
15 reasoning behind this so that the young Cambodians and the next
16 generation will understand their motive and this will also
17 enlighten the people as it brings out the truth. And it will also
18 be the truth <and justice delivered to> the victims including my
19 parents and siblings and relatives who died during the regime.
20 <Otherwise, the trials against them would be useless.> I would
21 like them to tell us the truth and not anymore lies. They kept
22 saying that they did not know about what happened and that what
23 happened was done by the lower cadres. Do you mean that you, who
24 were at the level, at the upper level did not have any authority
25 at all during the regime? You did not control the country at all,

1 please tell us the truth, tell us what happened and this is part
2 of the Cambodian history so that the young generation can
3 understand.
4 [14.32.15]
5 And I would like a library be built in order to <keep> any
6 documents relating to what happened during the Khmer Rouge regime
7 as well as the archives of the proceedings in this Court since
8 Case 001 as this is one of -- as in the world there has not been
9 a similar case that people killed their own people. I think it
10 might be a personal revenge that they killed the people from
11 Phnom Penh <during the 3-year-8-month-and-20-day regime>. Not
12 everyone wanted to live in Phnom Penh if you can imagine. In
13 Phnom Penh aerial bombardment happened almost every day at that
14 time, we didn't have a proper chance to go to school regularly
15 and although some people who worked for the former Lon Nol regime
16 or who were military officials also actually joined or assisted
17 those who worked for the revolution as they provided secret
18 information <, food, and medicines> to the Khmer Rouge side. <So
19 the 17 April People also assisted the revolution, but eventually,
20 they were imprisoned and killed. I knew some of them as they used
21 to work with my father.> And my father <> never committed any
22 wrongdoing <or mistreated anyone,> and I want justice for him.
23 And I want them to tell the truth as soon as possible because
24 they are very old now before it is too late. And I want the truth
25 to be told by them so that the victims <and the general

1 population> can hear it and hear the truth in this Court.
2 [14.34.04]
3 We all were delighted when this Court was established and
4 initially I was very angry when I heard about Khmer Rouge leaders
5 were being detained at this Court, I wanted to kill them <to
6 take> revenge because they were the ones that led me to misery,
7 led me to lose my family members and beloved parents. <I became
8 an orphan, and it was such a misery to have lived as an orphan
9 through all these years. Many other people have also faced the
10 same situation as mine.> They claimed that they did not know what
11 happened at the upper level why they didn't go down to the base
12 to observe first hand as to what happened. <They were actually in
13 charge of the country, and how come they were so careless?> If
14 you were leaders of the country, it is similar as you are the
15 custodians <of> the family, you should know what is going on in
16 your family. My father spoke of Khieu Samphan when he was alive.
17 He said <that> after the end of the Issarak regime, he wanted to
18 actually flee into the forest to join the movement but in the end
19 I don't understand what happened. <My father also said he was
20 tired of fighting.> And by 1970, Prince Chan Raingsey allowed him
21 to stay behind in the barracks to take control and to manage the
22 finance.
23 [14.35.37]
24 And they, the leaders, they should know about the well-being and
25 about the living condition of their own people and if they do not

1 know anything about that, what was -- what were they doing at the
2 upper level<?> For them they didn't lose their family members but
3 for us, we lost, I lost family members and it was a great misery
4 for us. If someone lose a family member maybe we could only
5 express our condolence but if it happens to your family, your
6 feeling is much, much different. In fact after the fall of Phnom
7 Penh I was told -- I was asked to join the military and I wanted
8 to do so, to take revenge. <My aunt asked me not to do that, and
9 wanted me to return to Phnom Penh.> I loved my parents very much
10 if I could <swap> the position then I would rather die so that my
11 parents could live. I did everything, I sacrificed everything
12 during the Khmer Rouge regime in order to have my family. I do
13 not want anything from anyone I just want myself to be relieved
14 from the pain of losing my parents. And my father always advised
15 me not to take revenge against the revenge or the bad deed that
16 happened<, and that, "Let bygones be bygones.">

17 [14.37.17]

18 I have been keeping, thinking about this and it keeps going in
19 circle and I try <to make> myself <> busy and not to think about
20 that but still my mind is occupied constantly with what happened.
21 Every day my tear flows and sometimes I was observed by my son
22 when I was weeping quietly in my room. And I urge, I urge them to
23 tell the truth and not just to give lies or pretext to lies. We
24 are all born and of course we will die and if you loved the
25 nation, love the people, please allow the Cambodian younger

91

1 generation to understand the truth, to understand the history of
2 what happened and I beg you to tell the truth. And you should
3 know you're lucky to be detained here, your life is not as
4 <miserable> as what happened to us. Here you're living in a
5 controlled, comfortable environment with air-con, with a proper
6 food regime and the only thing that I want from you is simply the
7 truth. Whether you were in a position and you did not have the
8 authority at all during the regime and that is all that I want to
9 know. <I want you to tell us the truth at your pace. That's all I
10 want, Mr. President.>

11 [14.38.57]

12 MR. PRESIDENT:

13 Madam Civil Party, Seang Sovida, we would like to inform you that
14 after ascertaining the position of both Accused on 8th January
15 2015, regarding their exercise of the right to remain silent, the
16 Chamber notes that the two Accused maintained their expressed
17 positions unless and until such time the Chamber is expressly
18 informed otherwise by the Co-Accused or by their Counsels. It is
19 therefore incumbent upon them to inform the Chamber in a timely
20 and efficient manner, should the Accused resolve to waive the
21 right to remain silent and be willing to respond to questions by
22 the Bench or relevant Parties at any stage of the proceedings. As
23 of today, the Chamber is not informed that the Co-Accused have
24 changed their expressed positions and thus agreed to provide
25 their responses to questions.

1 The hearing of the testimony of the civil party, Seang Sovida, is
2 now concluded and the Chamber will commence hearing the testimony
3 of <witness 2-TCW-804>.

4 Madam Civil Party, the Chamber is grateful of your testimony as a
5 civil party, it is now concluded and you are no longer required
6 to be here at the courtroom. Therefore, you may return to
7 wherever you wish to go to.

8 Counsel for civil party, what's on your mind.

9 [14.41.15]

10 MS. GUIRAUD:

11 I wish to intervene in this last minute, Mr. President, because I
12 know <that Madam Seang> Sovida has prepared a long <witness
13 statement> on suffering and I'm not sure she has <been able to
14 express everything> that she <had intended> to<,> so may I
15 request your leave, Mr. President, to once more ask her whether
16 she has, indeed, <expressed everything she had planned to>
17 because she had envisaged reading a document in which she
18 detailed all the harm she <had> suffered during the Democratic
19 Kampuchea regime. I have the impression that, after putting
20 questions to the Accused, she cut short her presentation and
21 didn't <have the opportunity to> read out what she had <wanted>
22 to read. So, I would <prefer to check with> you, Mr. President,
23 <so that you could possibly> give her a chance to read out what
24 she has prepared, if time allows <at this point>. Thank you.

25 [14.42.14]

1 MR. PRESIDENT:

2 The Chamber had given the floor to the civil party and she
3 actually spent some time putting questions to the Chamber -- to
4 the Accused through the Chamber. And Madam Civil Party, if you
5 wish to make another statement, you have the floor.

6 MS. SEANG SOVIDA:

7 I have given many responses already in the morning and what I am
8 planning to make the last statement before the Chamber reflects
9 what I have given already but I would like to make a brief
10 statement before the Chamber. I already spoke about the
11 evacuation when I left Phnom Penh and reached Ruessei Keo. I
12 wanted to mention <> the mistreatment happening <to> my family at
13 Ruessei Keo <Leu>. My father realised that the civil servants and
14 intellectuals were <being monitored>. We told them that my father
15 was a <merchant and farmer, but still they kept monitoring us>. I
16 feel so pity on my father because he <worked very hard and
17 nonstop. At one point, my father was appointed to supervise the
18 New People in a workshop where they were making hoes and
19 baskets>. When my father fell sick -- when he reached Ruessei Keo
20 Leu, he fell sick, it was in 1976. My elder sibling and I went to
21 Stueng Thum worksite and I was told by a person on the ox cart
22 that my father was ill. I made a request -- two of us made a
23 request but only one of us was allowed to visit my father.
24 [14.44.46]
25 <We then hugged each other and cried. Having seen that, both of

1 us were allowed to visit our father. The most> suffering <I
2 experienced was> when he was taken away and killed. I would like
3 to make a brief statement. <Sieng> (phonetic), <who was passing
4 by the area, witnessed> the killing and she went to the killing
5 site to observe the incident. <After everyone was> killed, their
6 <belongings> were confiscated. <However, two out of those victims
7 survived.> In 2000, I went to <hold a> ceremony <at that place,
8 and I learnt that two people survived that incident. The two
9 survivors, Vin> (phonetic) and Khom (phonetic) <currently lives
10 in the United States. They> witnessed the incident <of> the
11 killing. <The two survivors also went there to hold a ceremony.>
12 I was told <by the monks> that there were two <survivors from the
13 incident. Although> I really want to know about the killing of my
14 father<, I have not had the opportunity> to see the two
15 individuals who witnessed the killing of my father. I do not want
16 to waste the <Court's> time, I have the same sufferings as
17 Cambodian people have had. I do not feel well when I am
18 mentioning and stating about the sufferings. We have encountered
19 the same sufferings.
20 (Short pause)
21 [14.46.57]
22 I would like to skip some points. I endured sufferings, very huge
23 sufferings after I returned to live in Phnom Penh. My children
24 always ask me why I am not happy all the time and I told my
25 children <that> could <not> be happy because I have lost my

1 beloved relatives and parents. I do not want to go on Mr.
2 President because I feel like I am going to collapse when
3 mentioning <> the experience I have went through. I was mentally,
4 morally tortured because everything happened on my parents and my
5 siblings. So, I would like to conclude my last statement because
6 I do not want to go on. I feel unwell, Mr. President.

7 [14.48.23]

8 MR. PRESIDENT:

9 Thank you very much, Madam Seang Sovida. You may return to your
10 residence or your desired destination. I wish you good health and
11 best wishes.

12 Court officer, please work with WESU to send Madam Seang Sovida
13 to her residence or desired destination.

14 The Chamber would like to express its sincere thanks to Madam
15 Civil Party and Thlen Sokunnara the TPO staff who has been
16 sitting all day during the time that the civil party has
17 testified. You may also be excused Ms. Nara.

18 The Court will take a short break and we will resume at 3.10 and
19 when we resume we will hear 2-TCW-804.

20 The Court is now in recess.

21 (Court recesses from 1449H to 1511H)

22 MR. PRESIDENT:

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

24 And the Chamber will hear <witness> 2-TCW-804.

25 Court officer, please invite the witness into the courtroom.

1 (Witness enters courtroom)

2 [15.12.48]

3 QUESTIONING BY THE PRESIDENT:

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

5 MR. UTH SENG:

6 A. <Good afternoon.> My name is Uth Seng.

7 Q. Thank you, Mr. Uth Seng. When were you born? Please observe
8 the microphone.

9 A. I was born on 7 January 1956.

10 Q. Thank you, Mr. Uth Seng. Where were you born?

11 A. I was born in Kang Sau village, Kampong Thma sub district,
12 Santuk district, Kampong Thom province.

13 Q. And what about your current address? Where do you live? And
14 what is your occupation?

15 A. Currently, I am living in Kang Sau village, Kampong Thma sub
16 district, Santuk district, Kampong Thom province. I am an
17 official of the Kampong Thom provincial water resources and
18 meteorology office.

19 Q. Thank you. What are your parents' names?

20 A. My father's name is Uth Khieu, and my mother's name is Loeung
21 Ieng.

22 [15.14.40]

23 Q. Thank you. And what about your wife? What is her name? And how
24 many children do you have together?

25 A. My wife's name is Kham Salat. We have three children, two sons

1 and one daughter.

2 Q. Thank you, Mr. Uth Seng. In accordance with the oral report of
3 the greffier, to your best knowledge, <you have no relationship
4 by blood or by law to any of the two Accused -- that is, Nuon
5 Chea and Khieu Samphan, or to any of the civil parties admitted
6 in this case>. Is that true?

7 A. I have no relationship.

8 Q. Thank you. And I was told that you have taken an oath already
9 before you <appear> before this Chamber. Is that true?

10 A. Yes, that is true.

11 [15.16.01]

12 Q. Now the Chamber would like to inform you of your rights and
13 obligations as a witness. Mr. Uth Seng, as a witness in the
14 proceedings before the Chamber, you may refuse to respond to any
15 question or to make any comment which may incriminate you. That
16 is your right against self-incrimination. Your obligation, as a
17 witness in the proceedings before the Chamber, you must respond
18 to any question by the Bench or relevant Parties, except where
19 your response or comments to those questions may incriminate you,
20 as the Chamber has just informed you of your rights as a witness.
21 And as a witness, you must tell the truth that you have known,
22 heard, seen, remembered, experienced or observed directly about
23 an event or occurrence relevant to the question that the Bench or
24 parties pose to you.

25 Mr. Uth Seng, have you ever provided any statement to the

1 investigator of the OCIJ? If you have, how many times have you
2 provided that statement?

3 A. I was interviewed once, perhaps in 2005 or 2006, at Stueng
4 Chinit dam.

5 Q. Thank you. Before you are here, have you read the previous
6 statement that you gave to the investigator of the OCIJ <to
7 refresh your memory>?

8 A. Yes, I have already read it.

9 [15.18.20]

10 Q. To your best knowledge, and to your recollection, does this
11 statement reflect what you <gave to the OCIJ investigator>?

12 A. Yes, it reflects what I gave to the investigator.

13 MR. PRESIDENT:

14 Thank you. In accordance with 91 bis of the Internal Rules, the
15 Chamber now gives the floor to the Co-Prosecutor to put questions
16 to this witness before other parties. And I would like to inform
17 that the combined time for the Co-Prosecutor and the Co-Lead
18 Lawyers <for civil parties> is two sessions for this witness. You
19 may now proceed<, the Co-Prosecutors>.

20 [15.19.28]

21 QUESTIONING BY MR. SREA RATTANAK:

22 Thank you, Mr. President. Good afternoon everyone in and around
23 the courtroom. Good afternoon, Mr. Witness. I am Srea Rattanak,
24 <a> National Deputy Co-Prosecutor. I have a few questions to put
25 to you in relation to the work that you conducted between 1975

1 and 1979.

2 Q. Where did you live before 1975?

3 MR. UTH SENG:

4 A. Before 1975, I lived in Phnom Penh with my elder sister.

5 Q. What did you do then?

6 A. I studied in Tuol Tumpung <high school>. I was a student.

7 Q. And later, between the 17th April 1975 and 7 January 1979,
8 where did you live?

9 A. On <April the 17th,> I was evacuated from Phnom Penh, and I
10 went to live in my birth village, in Kang Sau village, Kampong
11 Thma <commune, Santuk> district, Kampong Thom province. I had to
12 travel one month to reach my destination.

13 Q. You were transferred from Phnom Penh to live in Santuk
14 district, Kampong Thom province. Did you know the 1st January
15 Dam?

16 A. I know it clearly because the dam was located near my village.
17 [15.22.01]

18 Q. Beside the fact that the 1st January Dam was close to your
19 village, <> how did you know it well?

20 A. In 1980, I became a public servant at the water resources and
21 meteorology office, and I have been in this position until now.

22 Q. I would like to ask you about the period between 1975 and
23 1979. You told the Court that you were living close to the dam,
24 and besides that, why did you know this dam well?

25 A. In late 1976, I was put in the youth unit in Kampong Thma sub

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1 district to dig the canal and to build the dam at Stueng Chinit.

2 But first I was asked to work on the canal as the dam itself was

3 not <>built until 1978. So I was asked to work in the dam site of

4 the Sangkat, or village.

5 [15.23.59]

6 Q. I heard you mention <of> Stueng Chinit dam. Was there any

7 other name for this Stueng Chinit dam?

8 A. In 1975, this dam was known as the 1st January Dam.

9 Q. Thank you. How long were you assigned to build the dam?

10 A. I do not recall it, but I remember that I was put in the youth

11 group or unit. In fact, this dam <belonged> to the zone, and

12 there were many sectors in the zone, so there were 42 or 43

13 sectors. <Many workers from Sectors> 42 and 43 <were> working at

14 that dam site.

15 Q. From what I heard, there were many workers from Sectors 42 and

16 43. Is that correct to say the dam was built by many workers from

17 Sectors 42 and 43?

18 A. Yes, you could say so.

19 Q. <Through> your observation, how many workers were there

20 building the dam?

21 A. There were many of them and I knew only the fact that there

22 were many people working at the dam site close to my workstation.

23 <I just saw many workers on my both sides, but I do not know the

24 exact number.>

25 Q. When did the <dam> construction start? Do you recall it?

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1 A. The construction started in 1978, in early 1978.

2 [15.27.00]

3 Q. During the period that you were assigned to work at the dam
4 site, how many members were there in your unit?

5 A. There were 33 members in my unit, and there were three groups
6 in my unit. And one group consisted of 12 members. <> One group
7 consisted of 10 to 12 members.

8 Q. How was <a unit split up>? Based on what situation <was a unit
9 split up>?

10 A. <There was a> total number of <400-500> workers in the <youth
11 units; and a certain number of workers made up a unit>.

12 [15.28.23]

13 Q. In document E3/5267, ERN in Khmer, 00271407; English,
14 00282355; French, 00482932; you stated that: "When one was
15 considered a lazy one, this individual was put in the lazy group.
16 And if one did not try to work hard, he or she would be killed."
17 What do you mean by saying this?

18 A. <To my understanding, that was just> a warning for us. And
19 these people were put in a special unit, because they did not
20 perform hard enough <due to lack of food>. And there were <at
21 least 20-30> members <out of those several hundred workers who
22 were placed> in that unit. <So we> were afraid of being put in
23 the special unit. <Since we did not have enough to eat, so being
24 placed> in that special unit <would make one's life more horrible
25 as he or she> would be <required to work even> harder<. So we did

1 whatever was required of us, but not to be placed in that special
2 unit>.

3 Q. You stated that 20 people <out of> the 500 workers <were
4 placed> in that special unit. How did you know that?

5 A. The food ration given to the 17 April People and the Base
6 People was different. The <ration of> gruel <given to the> 17
7 April People was <less and more> watery<, while those youths
8 considered> the Base People <received> better <ration. So we did
9 not have enough to eat.>

10 Q. I would like to reformulate my question. How did you know <of
11 the existence of> that special unit?

12 A. The mobile units <from various communes> were <digging the
13 canal> close to each other<. In> the evening <when we finished
14 work, those members of the special unit had to line up to report
15 about their work or to convene their self-criticism sessions.
16 They had the intent to show to everyone else how members of the
17 special unit were treated. Those people would be beaten to show
18 to other people working nearby>.

19 Q. <Thank you.> I would like to know about your working
20 conditions. What were you assigned to do at that time?

21 A. I was told to carry dirt. Only the unit chief was standing and
22 <watching us working, while members of the unit were> carrying
23 earth.

24 [15.32.34]

25 Q. How was the work divided, in relation to carrying earth?

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1 A. For instance, if one unit chief received a quota of 100 metres
2 of land to work on, and then the unit chief would assign that
3 plot of land -- that is, 100 metres of land <to three groups of>
4 workers to do. <It means that each group would have to complete a
5 quota of 30 metres on that day.>

6 Q. What do you mean by referring to the <metre? Was it in metre
7 or cubic metre>?

8 MR. PRESIDENT:

9 Please observe the microphone, Mr. Witness.

10 MR. UTH SENG:

11 A. The <length of the> land was measured <in metre. It also
12 depended on the land condition, and the depth of the canal also
13 varied.> If the land condition was quite good, <a> group<> would
14 receive <more metres in length>.

15 [15.33.54]

16 BY MR. SREA RATTANAK:

17 Q. I <would like to seek for clarification on> that. <Usually,
18 the size of a plot of> land was measured in cubic metres. How --
19 what do you mean by <referring to> the <land> measurement <in
20 length>?

21 MR. UTH SENG:

22 A. So, if <a group> received <a quota of 30 or> 10 metres<,> the
23 group had to <dig a canal with a dyke on each side of the canal.
24 And the length of the canal and the dykes to be completed would
25 be 10 metres in length, while the depth of the canal varied. If

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1 the canal was shallow, the length that the group had to finish
2 would be over 10 metres>.

3 Q. You stated that people had to work in groups, and one group
4 may <> received 30 metres <in length> of land to work on. <Was
5 each member of a group given a certain quota to complete>?

6 MR. PRESIDENT:

7 Please wait, Mr. Witness. You may now proceed, Lawyer Kong Sam
8 Onn.

9 MR. KONG SAM ONN:

10 I would like to pose the objection to the question. Mr. Witness
11 did not state <specifically> that <a particular group received a>
12 quota of 30 metres of land to work on. The witness <just gave an
13 example that if one unit received a quota of 100> metres of land
14 to work on, <each group under the unit would receive a quota of
15 30 metres. He also mentioned that sometimes a group received a
16 quota of more or less than 10 or 20 metres. So it was not
17 appropriate that the National Deputy Co-Prosecutor brought up a
18 certain quota to put to the witness. Thank you, Mr. President>.

19 [15.35.41]

20 BY MR. SREA RATTANAK:

21 Q. I heard that the work -- the amount of land would be <split
22 among the three groups within the unit. The witness also gave an
23 example that a group could receive a quota of 30 metres.> I would
24 like to ask the witness about this matter. <From your experience,
25 was a certain quota assigned to each worker within the group? Or>

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1 what was <the daily> quota of work <for each worker>?

2 MR. UTH SENG:

3 A. <Within a group, workers could choose to work in a team of two
4 or three people with whom they enjoyed working together. A team
5 of two or three workers> could finish one or two metres of soil
6 for <one> day. <I was never in a situation in which I had to work
7 alone to finish a certain quota of work for one day. However>,
8 and if <two workers decided to work in a team, that team had to
9 finish the assigned quota on that day no matter how much their
10 work quota was on the day. But we -->

11 Q. You may continue your answer, please.

12 A. I forget what I was about to say.

13 [15.37.34]

14 Q. You were about to mention about the group, and you have stated
15 that there were 10, perhaps <12> members in <a> group <of
16 workers>. And you also stated that there were two or three
17 members in one <team, so what about this team of workers? Was a
18 certain quota assigned to this team of workers?> So, could you
19 elaborate more on this?

20 A. The work was divided among all of us<, 10 group members. One
21 could choose to work alone or in pair in order to finish the
22 quota on that day.> For example, if <each worker was to finish a
23 quota of one metre, he could choose to work alone to finish his
24 quota of one metre; or he could choose to work in pair; but a
25 pair of workers would have to finish two metres. So that pair of

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1 workers would help each other to finish their> combined <quota of
2 two metres. That's how it worked>.

3 Q. If - do I understand correctly that one person, for example,
4 may have received one metre of land to work on, and another
5 worker may have received the same amount, and you two <had to
6 finish a quota of two metres> together<.> Is that correct?

7 (Short pause)

8 [15.39.46]

9 MR. SREA RATTANAK:

10 Q. Mr. President, I would like to put my last question again.

11 Mr. Witness, my last question is that you stated that two people
12 may have received two metres of land to work on, and you could
13 choose to work together. Does this respond to your statement you
14 just made earlier?

15 [15.40.26]

16 A. For instance, the two metres of land must -- had to be
17 completed by two of us, and we had to make it into a canal <with
18 a dyke on each side of the canal. The quota in cubic metre
19 varied. Sometimes, we had to dig deep. As long as we completed
20 the assigned quota, the work would be considered done>.

21 Q. Who actually set the quota and the depth of the canal? Who
22 actually set it? And what was the maximum depth of the canal? And
23 how wide was the canal?

24 A. Here I <am referring> to <a> smaller form of a canal<; for
25 example, a commune-level-canal>. The upper width was five metres

1 wide, and the lower - and the bottom part was four metres wide
2 and the depth <of the canal> was <1.5 or> two metres deep<; it
3 depended also on the level of the land in that location>. And
4 <the required dimension> was actually measured for us already.
5 [15.41.42]

6 Q. What I'm to ask you is in relation to your work quota at the
7 1st January Dam worksite. However, you just talked about <a
8 commune-level> canal. Are you referring to the <work you did at
9 the 1st January Dam> or to another worksite? Because from your
10 previous statement, you said you worked at various worksites.
11 However, my line of questioning is only related to the 1st
12 January Dam worksite. <Please clarify this for the Chamber. Are
13 you telling me about the work that you did at the 1st January Dam
14 worksite?>

15 A. No, I <was referring to> smaller feeding canals, branch, of
16 the 1st January Dam<>. As for the 1st January Dam worksite
17 itself, our unit worked <> at a bigger scale. The upper width <of
18 the canal> was about 20 metres wide, <the crest of the dam was
19 five metres wide,> and the <height of the dam> was between two
20 <and> three metres <depending on the level of the land>.

21 Q. Please do not confuse between the <size> of a canal and the
22 <size> of the <1st January> Dam itself. I <am referring> to the
23 <amount of> work that you <were assigned to do while working> at
24 the 1st January Dam worksite. Please clarify <this for> the
25 Court. <Was it while you were working> at the 1st January Dam

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1 worksite <when a pair of workers had to finish a quota of two
2 metres>?

3 [15.43.42]

4 A. I <was referring to the assigned quota while we were working
5 in> the commune mobile unit <on a commune-level canal,> not <at>
6 the 1st January Dam worksite.

7 Q. And while you <were working> at the 1st January Dam worksite,
8 what was the work quota?

9 A. At the 1st January Dam worksite, we worked in groups and in a
10 unit. For example, for a piece of 30 metres land plot, the group
11 <or unit> had to complete the work quota jointly. <Earlier, I was
12 referring to the work quota we were to finish while working on a
13 smaller canal or commune-level canal that fed water from the 1st
14 January Dam>.

15 Q. Please pay attention to my question, as I am only interested
16 in your work at the 1st January Dam worksite. So allow me to say,
17 your group would receive an assignment to work on a 30-metre land
18 plot, and for this 30-metre land plot assignment, was it for how
19 many workers? <Please specify the work quota that you were
20 required to finish while you were working> at the 1st January Dam
21 worksite<.>

22 [15.45.10]

23 A. My unit of 30 workers <worked> jointly at the 1st January Dam
24 worksite.

25 Q. And the work assignment for your unit? For instance, how much

1 land did you have to work on per day?

2 A. At that site, we had to dig between one and 1.5 cubic metres
3 each.

4 Q. Was any heavy machinery used to aid in your work?

5 A. There was no heavy machinery at the site.

6 Q. And while working there, were you allowed to rest <>in between
7 working hours?

8 A. If we were not sick, we could not take any rest at all.

9 Q. And while you were working there, and for example, in case
10 that you were thirsty and you needed a drink, or you needed to
11 relieve yourself, what did you do?

12 [15.47.36]

13 A. We requested permission from our unit chief before we could do
14 that. However, we were warned not to stay long in the forest
15 nearby where we relieved ourselves.

16 Q. And were you being watched over while working there?

17 A. I only noticed the unit chief, and I could not say if there
18 were others, because there were many, many workers at the
19 worksite. <It was hard to know who was who.>

20 Q. What about the relationship between members of your unit? Were
21 you allowed to chitchat?

22 A. We could talk while we were working, but we were not allowed
23 to sit and to chitchat with other workers.

24 Q. From your experience working there, did you have any
25 work-related injury, or did you observe any work-related injury

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1 caused to other workers?

2 A. Yes, I did observe that.

3 [15.49.22]

4 Q. Can you elaborate a bit further?

5 A. Due to fatigue, some workers fell on the ground, as their
6 knees became weak.

7 Q. Were there many similar cases?

8 A. No, there were not many cases, but occasionally workers fell
9 onto the ground.

10 Q. In document E3/5267, the ERN in Khmer is at 00271408; in
11 English, 00282355; and in French, 00482933; you made the
12 following statement, that you started working at 5 o'clock in the
13 morning and a loudspeaker was played, and you were woken up by a
14 whistle blow. And then you reached the workstation and started
15 working until 12.00. And you resumed from 1.00 to 5 p.m.

16 "However, if there was a special need, we had to work from 6.30
17 p.m to 9 p.m., and electricity was provided at the worksite. And
18 we only worked at night for a special assignment. Some workers
19 disappeared during the night." And my question to you is the
20 following: what was the special condition for night work?

21 [15.51.33]

22 A. We were asked to work at night for the special reasons - that
23 is, because at night time it was quite dark, and it was easier
24 for them to call someone to the dark part of the worksite, and to
25 tie them up and take them away. I knew what happened, because at

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1 the nearby unit, something happened in that unit, and next day,
2 members of the unit disappeared.

3 Q. Did this kind of special night work happen often?

4 A. I only knew once.

5 Q. During the period that you worked there, at the 1st January
6 Dam worksite, can you recall whether it was during a rainy season
7 or a dry season?

8 A. It was during a dry season.

9 [15.53.01]

10 MR. PRESIDENT:

11 Counsel Koppe, you have the floor.

12 MR. KOPPE:

13 Thank you, Mr. President. No objection, but an observation in
14 relation to the previous question. The Deputy Co-Prosecutor
15 quoted a passage from the statement of the witness, and it seems
16 that both in French and in Khmer, working time in the afternoon
17 is being noted down as between 1 o'clock and 5.00. However, in
18 the English version, we have between 1.00 and 6.00. I think I
19 just take the opportunity to make an observation so that it can
20 be corrected at one point in time. It is indeed, and I'm looking
21 at the Prosecution, indeed at the Khmer version, 1.00 till 5.00,
22 rather than 1.00 till 6.00.

23 [15.54.18]

24 BY MR. SREA RATTANAK:

25 Q. While you worked at the <1st January Dam> worksite, please

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1 tell us whether it was during a rainy season or a dry season?

2 MR. UTH SENG:

3 A. It was during a dry season.

4 Q. Could you take shelter under a shade? Or were there any
5 accommodation where you could take shelter when it was hot?

6 A. No, there was no shade <or shelter> for us to take refuge
7 under. <So we wore hats.>

8 [15.55.08]

9 Q. What happened when the weather was very hot? Could you ask
10 permission to rest during the hottest period of the day, and
11 continue when the sun was not that hot anymore?

12 A. There was a quick, short rest session.

13 Q. Besides short breaks, were there any rest times?

14 MR. PRESIDENT:

15 Witness, please observe the microphone.

16 MR. UTH SENG:

17 A. Besides short breaks, there were no other resting times. That
18 is, until the working hours concluded, then we could rest <and
19 have meal> at our sleeping quarters.

20 MR. SREA RATTANAK:

21 Mr. President, I'd like to conclude my line of questioning now,
22 and hand the floor to my international colleague.

23 [15.56.19]

24 MR. PRESIDENT:

25 Thank you. And yes, International Deputy Co-Prosecutor, you may

1 proceed.

2 QUESTIONING BY MR. FARR:

3 Q. Thank you, Mr. President. And good afternoon, Mr. Uth Seng. I
4 want to ask you a few more questions about the special team for
5 lazy people that you've already told us a little bit about. And
6 I'm going to read a quote from your witness interview. This is at
7 page - in Khmer, 00271407; in English, 00282355; and in French,
8 00482932 - 33. And this is what you said: "When they considered
9 us as being lazy, they would put us in another team for lazy
10 people. If we did not strive to work there, they would kill us."
11 Now, you were asked earlier how you knew about this team, and you
12 said that mobile units worked closely together. Do we understand
13 from that, that you were actually able to see this special unit
14 for lazy people at work?

15 [15.57.54]

16 A. The special unit comprised of people who were considered lazy,
17 or who evaded the work, or who went back to their village without
18 authorisation, or who violated work-related disciplines.

19 Q. Let me read you something from your next answer. You were
20 asked how the special - and this is just the next question on in
21 the statement - you were asked how the special unit was different
22 from the ordinary one, and you said: "They monitored. Anyone
23 considered lazy would be beaten and mistreated. I saw them beat
24 people." And then a bit later you say: "They only beat and
25 mistreated those in the special team." So, you've just told us

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1 that you saw people in the special unit being beaten. Can you
2 describe these beatings? Can you tell us, for example, where they
3 occurred? Who carried them out? And what was used to beat these
4 people?

5 [15.59.25]

6 A. Workers who were placed into this special unit were those
7 <male and female> youths who were Base People, who had some
8 freedom, and who did not strictly adhere to the work-related
9 disciplines. And they would be instructed to work longer hours
10 than the workers in the ordinary units. I said that they were
11 beaten up. In fact, they were only beaten up with a whip, and not
12 physically beaten up with hands or with legs. However, they were
13 <doing that to threaten other workers> to work hard.

14 Q. And can you describe these beatings with a whip for us? Who
15 was it who administered the beatings, if you know?

16 A. It was the chief of that special unit, and in fact, there were
17 two distinct unit chiefs for that special unit. One was male, to
18 supervise the male <youth> workers in the unit, and another one
19 was the female unit chief, who supervised the female <youth>
20 workers in that special unit, respectively.

21 Q. And where did these beatings with whips take place?

22 A. Actually, the lower part of the body -- that is, below the
23 knee, were whipped by the chief.

24 [16.01.46]

25 Q. And can you tell us, did this occur in a public place? Were

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1 other workers able to observe these beatings taking place?

2 A. They were instructed to line up, and they were whipped, so
3 that the rest of the workers could see and not to follow their
4 example.

5 Q. And how often did you witness these kinds of beatings with a
6 whip?

7 A. It did not happen that often, and sometimes I did not work
8 closer to that special unit.

9 Q. And how did the people who were being beaten react when they
10 were hit with the whip?

11 A. They remained standing still and quiet.

12 Q. Do you know whether they suffered any injuries as a result of
13 these beatings?

14 A. It was not a major injury.

15 Q. You mentioned a bit earlier that you were able to talk with
16 some of your co-workers during the day while you were working.

17 Did you ever discuss these beatings with your fellow workers?

18 A. No, I did not. Such matters could not be discussed with other
19 workers. <We could only discuss about good issues.> We kept it to
20 ourselves, as we were afraid that we would be in trouble if
21 others overheard us discussing such matters.

22 [16.04.19]

23 MR. FARR:

24 Mr. President, I notice that it's the time for the adjournment
25 for the day, if this is a convenient moment.

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1 MR. PRESIDENT:

2 Thank you. And before we adjourn for today, the Chamber would
3 like to inform the Parties that we received information from the
4 Witness and Expert Support <Unit> yesterday that the witness
5 2-TCW-830, cannot testify this week due to personal matters.
6 After the conclusion of the testimony of a witness 2-TCW-887, the
7 Chamber will move to hearing testimonies of witnesses and civil
8 parties in relation to the Kampong Chhnang Airport worksite,
9 starting from Monday, 8 June 2015. And after the conclusion of
10 the testimonies on the Kampong Chhnang Airport worksite, the
11 Chamber will hear the testimony of 2-TCW-830 witness on the 1st
12 January Dam worksite before the end of June.
13 Today's hearing has come to a conclusion, and we will adjourn now
14 and resume tomorrow - that is, 3 June 2015, starting from 9
15 o'clock in the morning. Tomorrow the Chamber will continue to
16 hear the testimony of this witness, Uth Seng, and possibly we'll
17 hear the testimony of another witness -- that is, 2-TCW-887.
18 Mr. Uth Seng, the Chamber thanks you for your time and presence.
19 However, your testimony is not yet concluded. Therefore, you are
20 invited to return tomorrow, and it will commence at 9 o'clock in
21 the morning.
22 Court officer, please make the necessary arrangements for
23 transporting the witness to his place of stay, and do that with
24 the collaboration of WESU, and invite him to return to the
25 courtroom before 9 o'clock.

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1 Security personnel, you are instructed to take the two Accused
2 back to the <ECCC> detention facility and have them returned to
3 attend the proceedings tomorrow, before 9 o'clock.
4 The Court is now adjourned.
5 (Court adjourns at 1606H)

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