



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

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

3 June 2015

Trial Day 290

Before the Judges: NIL Nonn, Presiding
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 Jean-Marc LAVERGNE
 YA Sokhan
 YOU Ottara
 Martin KAROPKIN (Reserve)
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I N D E X

Mr. UTH Seng (2-TCW-804)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. FARR	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. UTH Seng (2-TCW-804)	Khmer
Mr. VEN Pov	Khmer

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber continues to hear the remaining testimony of

6 <the> witness, <Mr. Uth Seng> and we'll hear the testimony of a

7 reserve witness -- that is, 2-TCW-887.

8 <The Greffier,> Ms. Se Kolvuthy, please report the attendance of

9 the Parties and other individuals at today's proceedings.

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 The witness who is to continue his testimony today -- that is,

17 Mr. Uth Seng, is present and ready in the courtroom. We also have

18 a reserve witness -- that is, 2-TCW-887. The witness confirms

19 that to his best knowledge he has no relationship by blood or by

20 law to any of the two Accused -- that is, Nuon Chea and Khieu

21 Samphan or to any of the civil parties admitted in this case. The

22 witness will take an oath before the Iron Club Statue before his

23 appearance.

24 [09.04.29]

25 MR. PRESIDENT:

1 Thank you. The Chamber now decides on the request by Nuon Chea.
2 The Chamber has received a waiver from the Accused, Nuon Chea,
3 dated 3rd June 2015, which notes that due to his health -- that
4 is, backache and headache, he cannot sit or concentrate for long
5 and in order to effectively participate in future proceedings, he
6 requests to waive his presence in the -- on the 3rd 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 right to be tried fairly or to challenge evidence
10 presented or admitted to this Court at any time during his trial.
11 Having seen the medical report of the Accused, Nuon Chea, by the
12 duty doctor for the Accused at the ECCC, dated 3rd June 2015, who
13 notes that Nuon Chea has a severe back pain and has difficulty to
14 sit and recommends that the Chamber shall allow him to follow the
15 proceedings remotely from the holding cell downstairs. Based on
16 the above information and pursuant to Rule 81.5 of the ECCC
17 Internal Rules, the Chamber grants Nuon Chea his request to
18 follow the proceedings remotely from the holding cell downstairs
19 via an audio-visual means.

20 [09.06.12]

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

24 The Chamber now hands the floor to the Co-Prosecutors to continue
25 putting questions to the witness.

1 And I notice that Counsel Koppe is on his feet, you have the
2 floor, Counsel.

3 MR. KOPPE:

4 Thank you, Mr. President. Good morning, Your Honours. I have only
5 a very small request for clarification. The next witness is
6 TCW-887; is that the only witness this week? Because we noted
7 somewhere that TCW-855 might have been a reserve witness as well
8 this week. So the request is: Is it only 887 who is coming this
9 week?

10 [09.07.15]

11 (Judges deliberate)

12 [09.08.07]

13 MR. PRESIDENT:

14 The Chamber actually <informed> the Parties via email on this
15 matter. For this week, we hear the testimony of this witness and
16 another witness -- that is, 2-TCW-887 as other witnesses have
17 some personal matters to attend during this week and they cannot
18 come to testify <this week. They won't be able to come and
19 testify before the court any time soon.> And of course the
20 <Parties> will be notified once again when those witnesses are
21 available. And after the next witness, we will hear testimonies
22 of witnesses regarding the Kampong Chhnang airport worksite. And
23 for the remaining witnesses for the 1st January Dam work site, we
24 continue to hear their testimonies before the <break of the Court
25 at> the end of June.

1 And now the <International> Deputy Co-Prosecutor, you have the
2 floor.

3 [09.09.33]

4 QUESTIONING BY MR. FARR RESUMES:

5 Thank you, Mr. President. Good morning, Mr. President, Your
6 Honours, counsel and everyone in and around the courtroom, and
7 good morning to you, Mr. Uth Seng.

8 Q. At the end of the day yesterday, we were talking about the
9 special unit for lazy people that you described in your statement
10 and I think what you said was that when the members of this unit
11 were whipped by their unit chiefs, they were lined up so that
12 other workers could watch; is that correct? Did I understand your
13 testimony correctly?

14 MR. UTH SENG:

15 A. Yes, that is correct.

16 Q. And I think you also told us that they suffered no major
17 injuries; do you know whether they suffered minor injuries like
18 bruises, cuts, welts, anything of that nature?

19 A. Of course there were whipping marks on their lower part of
20 their legs; however, that was kind of a minor <warning>.

21 [09.11.04]

22 Q. And how did you feel when you were watching these workers
23 being whipped by their unit chiefs?

24 A. We were afraid and we tried our best to adhere to the
25 regulations and the disciplines within the group and the unit.

1 Q. I think you also -- I asked you whether you talked to any of
2 your fellow workers about these whippings and you said that these
3 matters could not be discussed with other workers. Why couldn't
4 these matters be discussed with your other workers -- that is,
5 the whippings?

6 A. We were allowed to watch what happened but if we were to
7 discuss the matter, then we were considered making a mistake.

8 Q. And what would happen if you made a mistake in that way by
9 discussing the matter?

10 A. If we spoke about it or we joked about it with our work
11 <friends>, we would feel that <> the feeling <of> fear would
12 remain with us as we did not know that someone overheard what we
13 talked. So usually we resorted to the phrase in Khmer which says
14 that we plant the kapok tree; it means we keep our mouth shut.

15 [09.13.14]

16 Q. I'm going to read something else from your statement. This is
17 Khmer page 00271407; English, 00282355; and French, 00482932 to
18 33; and this is what you said about the people who were being
19 whipped. You said, "They had nothing to eat so they had no
20 strength to work". What did you mean by that?

21 A. It was difficult for those workers who were placed in the
22 special unit as their <daily> food ration was less than the food
23 ration for the ordinary workers.

24 Q. So their food ration was less and I think you also told us
25 yesterday that their workload was more; is that correct?

1 A. Yes indeed, their workload was more.

2 Q. I think you also told us yesterday that you took part -- or
3 that you attended, at least, criticism meetings and at this
4 special unit for lazy people were discussed at the criticism
5 meeting. Can you tell us what was said about this special unit
6 for lazy people at this criticism meeting?

7 A. In each unit, by the end of the working hours, which was
8 around 5.00 or 5.30 p.m., a criticism and self-criticism meeting
9 was held but it <seemed> that none of the workers dared to
10 express their criticism as they feared they would be retaliated
11 <against. The meeting was organized separately in small groups in
12 the evening.> Of course we were given the right to criticise
13 someone but it was us who didn't dare to do so. And what we did
14 at the time of the meeting <was to> just <sit and listen> to the
15 plan or instruction from our unit chief.

16 [09.16.00]

17 Q. And during the course of those meetings, did the unit chief
18 tell you anything about the special unit for lazy workers?

19 A. I cannot recall it; however, during the criticism and
20 self-criticism meeting, we were told -- and the same message<,
21 which was like a threat> was repeated -- that we had to strive to
22 work harder in order to achieve the work plan.

23 Q. So going back to the whippings that you described, you said
24 that they were carried out by the two unit chiefs of this special
25 unit: one male and one female. Did you ever see any authority

1 figure try to stop these whippings from taking place?

2 A. I didn't know. I didn't know about that affair.

3 Q. Did you ever hear about the unit chiefs being punished or
4 disciplined in any way for beating their workers?

5 A. I never heard about that and when they held their meetings,
6 they held it at a different location. However, when they were
7 beating <> the workers, we could see it.

8 [09.18.02]

9 Q. Did you ever hear any announcements over the loudspeakers at
10 the worksite saying that it was unacceptable for unit chiefs to
11 beat their workers?

12 A. No, there was no announcement. However, <there were songs.
13 They were> the revolutionary songs.

14 Q. Can you tell us what that message is in the revolutionary
15 songs that you've just described?

16 A. From my recollection it was about the struggle and the
17 resistance of the combatants at the battlefield, and it's about
18 the commitment of those combatants in their attack at the
19 battlefield; for example, <combatant Say (phonetic) fought> at
20 Trapeang Pring <battlefield>, and that kind of message was played
21 over the loudspeaker.

22 [09.19.36]

23 Q. Okay. Thank you. I would like to turn now to the topic of the
24 disappearances during night work. You mentioned those briefly
25 yesterday, but I would like to go into a bit more detail and I

1 will start by reading a quote from your statement. This is page
2 00271408, in Khmer; in English, 00282355; and in French,
3 00482933; .and this is what you said -- quote:

4 "Night work was a special thing because people disappeared from
5 the other units during night. I saw them call people away at
6 night, then the next morning I heard that people had been killed
7 and thrown into a well. People who were called and taken away
8 during the night were never seen to return. At the night work
9 site, if they call someone a short distance away about four to
10 ten metres, we would not be able to see and it was an easy thing
11 to arrest someone. I was very frightened then; I did not know
12 when my turn would come."

13 Now I think I heard you say yesterday that this happened on only
14 one occasion that you recall; is that correct? Did this happen on
15 one occasion or did it happen on more than one occasion?

16 [09.21.24]

17 A. From my recollection, my unit was working near workers from
18 the new village and they were the 17 April People <> who had
19 connection with the former Lon Nol soldiers. During the day time,
20 we were working near each other and at night-time, the militia
21 called a few workers to go <out> with them. We <saw and felt>
22 that they <were in trouble for sure.> We didn't know where they
23 were taken away and killed. <We only knew that they were in a
24 pickle.>

25 Q. And what you said, I think, was that you heard the next

1 morning that they had been killed and thrown into a well; who did
2 you hear that from, who told you that?

3 A. It just happened that the chief of the youth <battalion> --
4 and allow me to say that there was also militia for the youth
5 <battalion, they were all executioners -->they actually were
6 <joking> to each other and <while passing by I accidentally>
7 overheard <them saying> that <> those few workers had been put in
8 a well <the previous night>.

9 [09.23.13]

10 Q. And just to be clear, that conversation was between the chief
11 of the youth unit and a member of the militia for the youth unit;
12 is that correct?

13 A. Yes, that is correct.

14 Q. Do you remember how many people were taken away on that
15 occasion?

16 A. I am not sure on the number, however, I saw two to three
17 workers <were walked> away and that raised my concern. <I
18 remained silent.>

19 Q. You also said -- quote: "I was very frightened; I did not know
20 when my turn would come." Why were you frightened that your turn
21 might come?

22 A. At that time we <lived> or we <survived> day by day. When we
23 woke up in the morning, we knew for sure that we lived for that
24 day and that's what happened.

25 Q. You mentioned that these people, I think, were called away by

1 the militia. Can you tell us generally were there militiamen or
2 soldiers present at the worksite on a regular basis?

3 A. We could not know whether they were <militiamen or soldiers
4 because they> all dressed in black-clad uniform.

5 [09.25.23]

6 Q. Were there armed men and women, people with rifles or other
7 weapons present at the worksite on a regular basis?

8 A. There were no soldiers armed with firearms there. <They were
9 unarmed> and we could not distinguish anyone was a militiaman or
10 not.

11 Q. I'd like to turn to another portion of your interview and I
12 will again start with a quote and then ask you some questions.
13 The page number here is in Khmer, 00271410; in English, 00282356;
14 and French, 00482934 to 35; and I'll read you both the question
15 and your answer.

16 You were asked -- quote: "Why were you constantly afraid that
17 they would kill you?"

18 And this was your answer -- quote: "Because if we did not work
19 following instructions closely, we prepared ourselves to die. In
20 the sub-district, there were security personnel who monitored,
21 they carried clubs and knives and the knives were covered with
22 dry blood. So, on our own, we became afraid of dying."

23 Can you tell us where and when you saw these security personnel
24 carrying clubs and knives covered with dry blood?

25 [09.27.30]

1 A. For a period of time at the 1st January Dam worksite, the
2 cooperative chief requested to have us transferred to work at the
3 village, and at the village, we frequently met the executioner by
4 the name of Lun, who also resided in <Kang Sau> village and
5 everywhere he went, he would have his club <and sword> with him
6 all the time. <I was so afraid of him.>

7 Q. And do you know what position the person you just described
8 held or what unit he belonged to, if any?

9 A. He was the chief of the militiamen in the commune -- that is,
10 in Kampong Thma commune. I did not know how many militiamen
11 worked under him and I only knew that he was the chief of the
12 militiamen and his name was Lun.

13 [09.29.18]

14 Q. So other than that specific example, did you see other
15 security personnel armed with clubs or knives?

16 A. As for others, they didn't carry clubs or knives with them.

17 Q. And you said that the security personnel were monitoring, what
18 exactly did you mean by that?

19 A. In each village, there were covert militiamen who monitored
20 activities of the villagers as they were eavesdropping under the
21 house, in particular, the 17 April People were the target. They
22 monitored the conversation <and activities> of those 17 April
23 People<,> in particular, <to find out> whether they were
24 <secretly cooking steamed rice or rice> gruel <to eat. All of
25 their activities were monitored.>

1 [09.30.58]

2 Q. Okay. I would like to return to this person you've just
3 mentioned named Lun, and I would like to read something that you
4 said about him in your statement. And the page reference here is
5 Khmer, 00271440; English, 00282357; and French, 00482935; and
6 this is what you said about him -- quote: "There was a chief
7 executioner named Lun, he had a bicycle and he carried a sword on
8 his bicycle." And then you say where he is living today and then
9 in 1970 -- you go on to say, "In 1979, when the Vietnamese
10 arrived, he was arrested and imprisoned; that's why he's still
11 alive, otherwise the people certainly would have killed him
12 without fail. He just arrived to live there several years ago. In
13 that era, he was the chief of Kampong Thma sub-district militia."
14 Now, in this quote, and I think, also, just a moment ago you
15 referred to him as -- well, in this quote you called him "the
16 chief executioner"; a moment ago you called him "the
17 executioner". Why do you describe him as the executioner?

18 A. Because he was the chief of militia in Kampong Thma commune.
19 As I stated earlier <about the killing, he had club> and swords
20 <stained> with <dried> blood along with him while he was on the
21 bicycle. <It was viewed as a threat to frighten everyone>.

22 [09.33.13]

23 Q. So am I understanding you correctly that you described him as
24 an executioner because you saw him with these weapons with dry
25 blood on them in his possession, is that the basis of your

1 description of him as executioner?

2 A. Yes, that is correct.

3 Q. And you've described him as the Kampong Thma sub-district
4 militia chief, how did you know that he had that position?

5 A. Because in Kampong Thma <commune>, there was only him who
6 showed people his influence and might and he had weapons, such as
7 swords and <club>. The way he acted was to show that he was a
8 strong man <and chief executioner>.

9 Q. Did you ever see him at the 1st January Dam worksite or did he
10 have any role there to the best of your knowledge?

11 A. He rarely went to the 1st January Dam site, most of the time
12 he would stay in the village where there <were> many 17 April
13 People, so he, mostly, was in the village to watch over the 17
14 April People.

15 [09.35.15]

16 Q. Were you aware of him having any role in arrests?

17 A. I do not know about it. I do not know his position, but from
18 what we saw, he was the outstanding man in Kampong Thma
19 <commune>.

20 MR. FARR:

21 Mr. President, with the Chamber's leave, I would like to show a
22 document to this witness. The document is D166/156. I believe
23 that it contains a description of the person that the witness has
24 just been talking about and I would ask that he look simply at
25 the personal identifying information in this document to confirm

1 that this is in fact the person that he's just been speaking of.

2 MR. PRESIDENT:

3 Thank you, but first, Mr. Koppe, you can proceed.

4 [09.36.43]

5 MR. KOPPE:

6 Thank you, Mr. President. I object to the Prosecution showing
7 this document to the witness. First of all, because I'm sure he
8 has not anything to say from his own knowledge about the
9 document, but more importantly, we have just established that Lun
10 has nothing to do with the 1st January Dam worksite. It's very
11 interesting what the witness has to say about Mr. Lun, but it's
12 -- doesn't fall in the segment of this trial. We're dealing with
13 the 1st January Dam and the working conditions there; if there's
14 no connection whatsoever between Lun and the 1st January Dam,
15 then any questions in this line are out of the segment of this
16 trial, are out of the scope of the trial altogether, that's why I
17 object.

18 [09.37.33]

19 MR. FARR:

20 Mr. President, if I could just respond briefly. First of all, we
21 believe that this person may be an upcoming witness in this case.
22 For that reason, it would be important to establish that the
23 person this witness is talking about is exactly the person we
24 think maybe coming to testify. As to the relevance point, that's
25 one aspect of relevance of course. As to the remaining relevance

1 points, the connection, in our submission, between this commune
2 and the dam were close enough that, in the same way that Wat
3 Baray Choan Dek was almost apparently a part of the dam site;
4 evidence about things that happened in this commune are at the
5 very least relevant to what happened at the dam site.

6 MR. KOPPE:

7 Just to request for a clarification about the first remark. I
8 apologise, Mr. President. When is this Lun coming to testify?

9 MR. FARR:

10 Well, we believe that he may be 2-TCW-830, and that's of course
11 the issue that I'm trying to settle by showing this document to
12 the witness, whether he is in fact the same person.

13 [09.39.04]

14 MR. PRESIDENT:

15 You may now proceed, Counsel Kong Sam Onn.

16 MR. KONG SAM ONN:

17 Thank you very much, Mr. President. From what I heard from the
18 witness, witness stated the individual by the name <of> Lun, and
19 it appeared that Lun, mentioned by the witness, is different from
20 the witness which was said that he was going to testify before
21 this Court <because> the witness said Lun <died> already <a few
22 years ago>.

23 MR. PRESIDENT:

24 Deputy International Co-Prosecutor, could you clarify the matter
25 in relation to the individual by the name <of> Lun, whether this

1 person is the same as the one in your document you're going to
2 present?

3 [09.40.00]

4 MR. FARR:

5 Your Honour, I believe it is highly likely that it is. Obviously,
6 it's only the witness who can tell us after seeing the person's
7 full name, which I'm trying to avoid saying; <seeing> where he
8 now resides, which I'm trying to avoid saying; <seeing> the name
9 of his family members, which I'm also trying to avoid saying;
10 whether the person who gave this statement is in fact the same as
11 the person that he's just been describing to us.

12 (Judges deliberate)

13 [09.41.42]

14 MR. PRESIDENT:

15 The objection of the Defence Counsel is overruled. The Chamber
16 grants the request by the Deputy International Co-Prosecutor, and
17 Court officer you are instructed to take the document and present
18 it to the witness.

19 Mr. Witness, you may only read the name of that individual and do
20 not disclose this name in public.

21 And I would like to remind <International> Co-Prosecutor and
22 Co-Lead Lawyer that you have only one session this morning, so
23 from now on you still have about 30 minutes to conclude your line
24 of questioning.

25 [09.42.44]

1 BY MR. FARR:

2 Q. So Mr. Uth Seng, if you've had a chance to look at the
3 highlighted name and the highlighted paragraph in that statement,
4 if you could please not mention the full name, not mention any of
5 the other identifying details but just tell us whether this is
6 the same person you've just been describing to us.

7 MR. UTH SENG:

8 A. Yes, it is that person.

9 Q. Thank you. And perhaps the document should now be recovered
10 from the witness.

11 MR. PRESIDENT:

12 Court officer, please recover the document and give it to the
13 <International> Co-Prosecutor.

14 [09.44.15]

15 BY MR. FARR:

16 Q. Mr. Uth Seng, I would now like to turn to a different topic,
17 Baray Choan Dek pagoda. Can you tell us what it was and what it
18 was used for during your time at the 1st January Dam worksite?

19 MR. UTH SENG:

20 A. In that period I did not know about Baray Choan Dek pagoda, I
21 only knew in 1979 that Baray Choan Dek pagoda was the place where
22 people were killed.

23 Q. And how did you learn that in 1979?

24 A. <In that period, I did not know about Baray Choan Dek pagoda>.

25 I <only> knew <about> it <after the regime fell in 1979. Then, I

1 learnt that Baray Choan Dek pagoda was the execution site.>

2 Q. And can you be a bit more specific when you say that they were
3 digging graves to find gold?

4 A. In 1979, people living in Baray Choan Dek <village> or from
5 elsewhere were there and <dug> up the dead body from the grave in
6 order to find the valuable <objects>. And at that time, people
7 were saying they could find gold at that place so everyone went
8 there to dig grave.

9 [09.46.42]

10 Q. I just like to quickly read something from your statements
11 about the Wat Baray Choan Dek, Khmer page number 00271409;

12 English, 00282355 to 56; and French, 00482934 -- quote:

13 "There was another major killing site at Baray Choan Dek pagoda;
14 they played loudspeakers there while people were being killed;
15 they brought the people to the front of the pagoda and killed
16 them right there."

17 Can you tell us how you knew that people were killed in front of
18 the pagoda, how did you learn that?

19 A. I was in Santuk area at that time on the other side of the
20 river. <Baray Choan Dek pagoda is on the other side of the
21 river.> When I came to tend cows and cattle I heard the music
22 played over the loudspeakers, it was so loud and I could not know
23 what was going on there. But those <Base People> who went to tend
24 cows and cattle with me told me that if the music was played over
25 the loudspeaker, there would be killings <in progress> and I

1 realised that the place was used to kill people because, in 1979,
2 I went to that pagoda and I saw large graves <and human remains>
3 in that pagoda.

4 [09.48.40]

5 Q. And the people who were tending cows with you who told you
6 this, did they tell you how they knew that the loudspeakers meant
7 that killings were taking place?

8 A. They said that they came to tend cattle at that place every
9 day and they said that they <heard the music playing over the
10 loudspeakers every two or three days and they sometimes> could
11 hear the screaming. <That's what they told me.>

12 Q. I would just like to deal with one last topic which is the
13 Cham families that you mentioned in your witness interview and
14 the citation here is Khmer, page 00271411; English, page
15 00282357; and French, page 00482935; and you said -- quote:
16 "The Cham were also killed during that era. One day when I was
17 awakening, all the Cham in my village suddenly disappeared. There
18 were ten Cham families in my village and of the ten families,
19 just one person was still alive at that time, she was away
20 working at the district mobile unit."

21 First, can you tell us approximately when this occurred, this
22 disappearance as you described it?

23 A. In Kang Sau village, there were Cham families, ten families
24 perhaps. I do not remember the statistics. One day I saw scarves,
25 clothing and Cham sarongs and these kinds of material were given

1 to each house in the village and <I knew they were Cham
2 belongings. When> I went to eat a meal <the next day> I did not
3 see any Cham anymore<. Amongst the ten Cham families, there was
4 only one> Cham individual survived the period <because she was
5 sent to work in the sector mobile unit at the 1st January Dam
6 worksite.> And in 1979, when the regime collapsed, I met that
7 individual. <She did not know when her parents were killed>, but
8 after that time, <she> went somewhere else <or to Phnom Penh> and
9 I have never met <her> ever since.

10 [09.52.08]

11 Q. So other than this one individual from your village, whom you
12 met after 1979, did you ever meet or see any of the other Cham
13 people from your village after 1979?

14 A. After 1979, I met only that woman, she came to <look for> her
15 parents and after that time, she went elsewhere. I have never met
16 her again, and I also have never met any other Cham families
17 after 1979.

18 MR. FARR:

19 Thank you, Mr. Uth Seng.

20 Mr. President, I now pass the floor to Civil Party Lead
21 Co-Lawyers with the Chamber's leave.

22 [09.53.10]

23 MR. PRESIDENT:

24 Thank you, and the floor is now given to the Co-Lead Lawyer.

25 MS. GUIRAUD:

1 <> Thank you, Mr. President. Good morning to everyone<.> I give
2 the floor to my learned colleague<, Counsel Ven Pov>.

3 MR. PRESIDENT:

4 You may proceed, Mr. Ven Pov.

5 [09.53.40]

6 QUESTIONING BY MR. VEN POV:

7 Good morning, Mr. President, Your Honours, everyone in and around
8 the courtroom.

9 Good morning, Mr. Uth Seng. I have a few questions to put to you.

10 Q. I would like to first ask about the written report of your

11 <response to the Co-Prosecutor's question>, document E3/5267: ERN

12 in Khmer, 00271405; English, 00282353; French, 00482931; in

13 question and answer you were asked about the time you arrived at

14 your <birthplace>, what were you assigned to do. Your answer is

15 that<,> "One week <after> arriving at that place I was asked to

16 dig a reservoir at Tang Krasang. I did not know how long I worked

17 there. I worked at that place <for several months> during the dry

18 and rainy season." <>

19 I would like to know when you first arrived in that area, what

20 <kind of person> were you considered <to be>?

21 MR. UTH SENG:

22 A. In 1975, there were no division of people classes <-- that is

23 17 or 18 April People> yet<. They were mobilizing forces> and

24 communal eating was not implemented yet and I was assigned by my

25 village chief to go and dig a <pond or a> reservoir <at Tang

1 Krasang> with Base People <or Old People>. I was the 17 April
2 Person and <we had> three <or four young people assisting our
3 force in the village. But,> I do not recall when it was <that I
4 performed that work>.

5 [09.56.00]

6 Q. Thank you. In relation to another document, Mr. President,
7 document D366/7.1.848, it is your written record of interview as
8 well. You stated that between 1976 and 1977, I was assigned by
9 the cooperative to work at the 1st January Dam site in Kampong
10 Thma sub-district. Rather, it was in Kampong Thma village, <>
11 Santuk district<, Kampong Thom province. You said there were tens
12 of thousands of workers working at the dam site because that> dam
13 belonged to the zone. <My question is how> did you know that <dam
14 belonged to the zone? Who did you get this information from?>

15 MR. PRESIDENT:

16 Please, observe microphone, Mr. Witness.

17 MR. UTH SENG:

18 A. <Generally speaking, if it involved> many workers coming from
19 different sectors to work in one particular dam, the dam would be
20 <considered to be the zone's dam. A medium size dam belonged to
21 the sector. For example the Sector dam in Kampong Thom province.
22 It was called the 'Sector Dam'.> So, because there were many
23 workers from sectors <42> and <43,> the dam was <regarded as the
24 zone's dam. It involved tens of thousands of people building it.>

25 [09.57.53]

1 BY MR. VEN POV:

2 Q. You stated that the dam was under the responsibility of the
3 zone and did you see any leaders of the zone coming to <visit>
4 that 1st January Dam <at that time>?

5 MR. UTH SENG:

6 A. I knew it because songs were played over the loudspeakers and
7 there was announcement over the loudspeakers about workers from
8 Zone <> 304 <or the Sector 42 or Sector 43>, so we heard that
9 announcement by ourselves <about the Zone 302 or 304. Whenever it
10 involved so many people it was well-known. So, it spontaneously
11 came to our knowledge that it was the zonal dam, for instance,
12 the dam of Zone 303 or Zone 304.>

13 Q. In relation to your statement provided to the Co-Prosecutor
14 yesterday, I would like to have a follow up. You stated that
15 there were 30 members in your unit. Were there only males in your
16 unit or were there also females in your unit?

17 A. We were not all from the same village, the members in the unit
18 came from various villages <in the commune> and we were
19 <organized as> the youth <battalion composed of members from
20 different villages in the commune. Young men were organized in
21 the second youth battalion and then they were divided in units.
22 There were male and female forces from different villages.>
23 Female workers, <they> were grouped <in the female Battalion 3.
24 Male and female workers could not stay close to one another>
25 because they were afraid of the fact that there may be moral

1 offences.

2 [09.59.50]

3 Q. You stated that the assignment was given to you and sometimes
4 three of you would work in one group and the work quota was
5 sometimes one or <one point five> cubic metres. What happened if
6 you could not complete the work quota? <Were you required to
7 continue working at night?>

8 A. The work quota received from the youth unit -- for example,
9 <the battalion instructed us to work on> 30 metres of land <> and
10 we had to divide <ourselves into three groups among 30 of us. In
11 fact, the work quota of one or one and a half cubic metres for
12 each person was our routine> to work on a daily basis. And as for
13 that work quota, the whole group could finish it by 5 p.m <or
14 5:30 p.m>.

15 Q. I would like to ask you if anyone could not complete the work
16 quota, did they have to work at night-time?

17 A. Most importantly, we, as a group, had to help each other to
18 complete the work assignment. So when we <received> the work
19 quota, we had to complete it within our own <> unit. <We divided
20 the work among ourselves in the unit and helped each other to
21 complete it.>

22 [10.01.40]

23 Q. Yesterday you stated about the accident at work and you stated
24 also that people fainted because they were exhausted. To your
25 observation, did this happen because of their overwork or because

1 they did not have enough food to eat?

2 A. Our strength were becoming weaker and weaker from day to day
3 because we did not have enough food to eat, even when we relieved
4 ourselves, there was no bad smell at all from our waste. <It was
5 like the pig's waste.>

6 Q. In relation to food ration, could you tell the Court <if> the
7 food <> hygiene <was> enough and <if> the surrounding area of the
8 worksite <was> clean?

9 A. If you speak about sanitation, there was no sanitation at all.
10 There were many flies as people relieved <themselves> here and
11 there in the <open air> or in the forest.

12 Q. In your response to the Co-Prosecutor's question <> regarding
13 the resting time, <yesterday> you said that there <was a> short
14 break and only <> at the end of the working you could rest at the
15 sleeping quarter. How far was the sleeping quarter from your
16 actual worksite?

17 A. For our youth unit, the sleeping quarter was about <200> to
18 300 metres <apart> and we actually had to first go to the kitchen
19 area where we had our gruel and <then> we continued to the
20 sleeping quarter to rest.

21 [10.04.09]

22 Q. Can you tell us the condition of the sleeping quarter or the
23 building itself and were you provided with a mosquito net or mat,
24 sleeping mat <or blanket>?

25 A. The building was long about 100 metres long and we would sleep

1 in two rows, however, the roof was fully covered. We slept on a
2 floor which was made of small trees and we had to find our own
3 means of getting a mat or a mosquito net and the most important
4 thing <was that we had> to keep our own eating container and a
5 spoon as well as the working equipment, including basket and
6 hoes. <We had to take good care of our own belongings.>

7 Q. <How were clothes distributed?> How many <pairs of shoes> or
8 set of clothes did you receive while working there?

9 A. The 17 April People were not entitled to any distribution of
10 new clothes or flip flops. They only had a pair of clothing that
11 they were wearing. <We had used our trousers until they became
12 shorts and a long sleeve shirt became short sleeve shirt.>

13 [10.05.42]

14 Q. Mr. President, I would like to quote another extract from a
15 document <in relation to the written record of his interview,>
16 which is E3/5267, and the Khmer ERN is 00271407; in English,
17 00282354; and in French, 00482932. The question was about how <>
18 each group <was assigned to build the dam> and the reply was that
19 it <depended> on the <size of the> soil <> and <the quota was
20 three cubic metres to dig the canal and,> "if we were considered
21 to be lazy we would be placed into a special unit for lazy
22 workers; and if we didn't strive to work hard, we would be taken
23 away and killed". <> End of quote.

24 My question to you is the following: Before a worker was
25 considered a lazy worker and placed in a special unit and later

1 maybe being sent away and killed, was that worker sent for
2 re-education or was he or she reprimanded <one or two> times <>
3 or <was he/she killed soon after he/she was observed to have been
4 idle>?

5 A. For those workers, although they were alleged to be lazy
6 workers <> in fact they exhausted themselves from overwork.
7 However, sometimes <they> went here <and> there freely without
8 the authorisation from Angkar<. They were wrong with the rules of
9 Angkar. These> workers were gathered and placed into a unit
10 called <> special unit and there were both male and female
11 workers who were placed in that unit and they had to work harder
12 than ordinary workers.

13 [10.08.16]

14 Q. My next question is in relation to children. From your
15 observation at the worksite, did you see any younger children or
16 children under 12 or <13> years old who were assigned to work at
17 the dam site?

18 MR. PRESIDENT:

19 Mr. Witness, please observe the microphone.

20 MR. UTH SENG:

21 A. At the 1st January Dam worksite or other major worksites, I
22 did not see the involvement of any children working with the
23 adult. Usually children were assigned to work at the village to
24 collect cow dung <or to cut Kontreang Khaet (phonetic) tree>, for
25 example. <They could not engage in large worksites.>

1 [10.09.15]

2 BY MR. VEN POV:

3 Q. On the issue of forced marriage, in your village at the
4 worksite, did you witness any arranged marriage, or did <any>
5 arranged marriage happen in your unit <during the Khmer Rouge
6 regime>?

7 MR. UTH SENG:

8 A. In the youth unit, usually Angkar arranged marriage for the
9 Base People only. <The majority of them were local young people.
10 The> 17 April People were not arranged <> to get married <by
11 Angkar>. Angkar would organise a marriage ceremony <at the
12 commune office> for <five or> 10 <or more couples> of the Base
13 People. <However, I did not attend such ceremony. For example, I
14 only knew that on this day Angkar organized a marriage ceremony
15 for a few comrades. That's all I knew and> I cannot say whether
16 it was forced or not.

17 Q. My last question is in relation to the death of workers. <You
18 said you witnessed workers died or were killed,> If <> a worker
19 <died or was killed> either at the worksite or at the village,
20 was any traditional ritual for the dead allowed to be organised?

21 A. For those people who died, we don't even know where their dead
22 bodies were. We were not allowed to conduct any traditional
23 ritual for the dead. Even if one's mother was sick at the
24 village, we would not be authorised to visit, because we were
25 asked whether we were a medic or not, and if we were not, then we

1 would not be allowed to visit. <If we persisted, we would be sent
2 to the special unit. We were not allowed to see even the dead
3 body of our relative.>

4 [10.11.35]

5 MR. VEN POV:

6 Thank you, Mr. President. I am done for this witness.

7 MR. PRESIDENT:

8 Thank you. It is now convenient for a short break. We take a
9 break now and resume at 10.30 a.m.

10 And Court officer, please assist the witness <by providing him
11 with a place to rest> in the waiting room <reserved> for the
12 witnesses and <experts during the break time> and invite him into
13 the courtroom at 10.30 a.m.

14 The Court is now in recess.

15 (Court recesses from 1012H to 1032H)

16 MR. PRESIDENT:

17 Please be seated.

18 The Court is back in session and the floor is <first> given to
19 the defence teams for <Nuon Chea to put questions to this
20 witness>. You may proceed, Defence Counsel for Mr. Nuon Chea.

21 Please hold on, Mr. Koppe. Judge Lavergne has some questions to
22 put to this witness. You may now proceed.

23 [10.33.09]

24 QUESTIONING BY JUDGE LAVERGNE:

25 <Yes,> thank you, Mr. President. I won't be very long. I have

1 perhaps two or three questions to put to the witness. Good
2 morning, sir.

3 Q. Can you tell us whether to your knowledge the 1st January Dam
4 was the first dam built on the Chinit River <or indeed in the
5 environs of> Kampong Thom province?

6 <Before the 1st of January Dam was built, were> there any other
7 dams built? Either on the Chinit River or close to it<.>

8 MR. UTH SENG:

9 A. Before the existence of the 1st January Dam, there was another
10 dam <called> the 30th September Dam <which was built in 1977, a
11 year before the construction of the 1st January Dam.> However, I
12 do not know exactly about this <> dam <because I had never been
13 there>. The 1st January Dam was built in 1978, so it was
14 considered the second dam to be built.

15 [10.34.43]

16 Q. So the other dam you referred to, the <30th> September Dam,
17 was that built <after> 1975 or prior to 1975?

18 A. The 30th September Dam was built after 1975. I learned that
19 the 30th September Dam was built after 1975. I learned about this
20 <dam> in 1979 or 80 after the regime.

21 Q. We have spoken at length of the construction of the dam and
22 the work consisted in transporting <soil> for the purpose of
23 building <earthen dikes. Yet> it appears that <you> would have
24 needed <> concrete <structures in order> to build the dam. And
25 <to build these concrete structures>, you would need cement <or

1 possibly even> iron or steel <materials>. Did you witness the
2 construction of <> concrete <structures>?

3 A. <In that regime,> I did not know how the dam was built. And we
4 knew only what we were doing at our worksite. I did not know
5 where the cement or the iron steel materials were taken from.

6 [10.37.06]

7 Q. And the persons who were assigned to work on <the> steel
8 <sections of the structure>, was it a specialised technical team
9 or the workers were from the mobile units, who lived in the
10 neighbouring villages? Do you know anything about that?

11 A. I heard that the strong workers <from different places> were
12 selected and put to work at that specific location mentioned by
13 Your Honour. <The joint force of energetic youth was galvanised
14 to work there.> And whether they were specialised or technical
15 teams, I have no idea.

16 Q. Perhaps this question has already been put to you. If that is
17 the case, I crave your indulgence. But I do not remember hearing
18 you say anything on the subject. Can you tell us whether you
19 remember seeing people come to <record> video footage of people
20 working on the 1st January Dam worksite?

21 A. As for doing a video footage, I have no idea. But <> I heard
22 <about> delegates <-- the Angkar> senior delegates coming to
23 participate in the <ground-breaking> ceremony. And I was told
24 that Chinese delegates were also in attendance during that day.
25 That is what I know. <I did not see them.>

1 [10.39.20]

2 Q. Which means that you yourself were not present at that
3 ceremony on the day of the inauguration; is that the case?

4 A. I was there during the inauguration ceremony. But because
5 there were too many <youth> workers and I was located <about one
6 kilometre away from the venue of the ceremony> and I only heard
7 over the loudspeaker, I could not see anyone's face -- I mean the
8 delegates' faces. <So, I do not know who those leaders were.>

9 Q. You made mention of people who were sick on the worksite --
10 that is, members of your unit. Can you describe to us the
11 principal symptoms of the illnesses people suffered from on the
12 worksite?

13 A. For the sick in the unit or groups, most of them were sick
14 with swelling bodies or they had dysentery and diarrhoea because
15 they did not have enough <sugar or> salt to eat.

16 Q. When you refer to <oedemas, where could they be found on the
17 body?> Which parts of the body were swollen?

18 A. When we had not enough food to eat <and our body was
19 swelling>, we could use our fingers to press any parts of our
20 body. And we learnt that the body was swelling as the result of
21 lack of food.

22 [10.42.02]

23 Q. Can you tell us why you noted the presence of oedemas <?> And
24 what were the effects of such swelling? <In physical terms.> Did
25 they cause any handicaps? <What were the effects of these

1 oedemas>?

2 A. Generally speaking, <in our unit,> no one thought of <other
3 person's> health. We had to take care of our own. When we were
4 sick with swellings, we would go to see a medic. There was a
5 medic <for our battalion, but> there were no special medicines
6 for all of us. And we were prescribed with the rabbit droppings
7 medicines.

8 Q. I have indeed understood what you have said. However, I
9 haven't really understood the consequences of those <oedemas>.
10 Were <they located> in the joints? Were people unable to use
11 their joints; in their arms, <legs,> elbows and wrists? What were
12 the effects <>?

13 A. They had swellings because of lack of food. And if people did
14 not have food to eat for a long period of time, they would <>
15 suffer <> from swellings. And the medicine perhaps could be used
16 to treat that kind of swelling. And if we had had more food to
17 eat, we would not have had the swellings. And as I said, we did
18 not care <or analyse> about the swellings<. We tried> to work
19 hard, and then we could survive.

20 [10.45.03]

21 Q. What proportion of the workers suffered from oedemas or <>
22 other diseases? Was it all the workers, some of the workers, a
23 small proportion of the workers?

24 A. There were 30 of us in the unit, and a few of them, three or
25 four, had swellings because of lack of food. And I did not have

1 the full grasp of information. And within our group, we could
2 clearly notice that one individual had swelling and we could tell
3 each other and share <with them some more food -- that is one or
4 two spoons of gruel. We could only do that with the same 17th
5 April People>.

6 Q. Apart from oedemas, you talked about other symptoms, and you
7 specifically talked about people suffering from diarrhoea. Can
8 you elaborate on that and tell us what were the causes <-- do you
9 have any idea of what caused this> diarrhoea?

10 A. <In general, there> was no hygiene in our meal. We would
11 resort to anything to eat whenever we found it. We had whatever
12 we found: tree leaves, the ripe palm fruits or even the herbs.
13 <Consequently, we had diarrhoea.>

14 Q. You also stated that some of the workers had sores. Did you
15 note that those sores were infected? And <whether there were> any
16 treatments <available to heal infected sores>?

17 A. As I told the Chamber already <> we had only rabbit dropping
18 medicines. And there was <> liquid <B12 and B6> in the bottle
19 used <to inject us>.

20 [10.48.35]

21 Q. As for the liquid <contained> in bottles, do you know <what
22 the> contents <were>? And what was the mode of administration?
23 Were they meant to be drunk or injected?

24 A. As for the liquid, we were told that they were B12. And <it>
25 was used to inject <into our muscle>. And as for the tablets, we

1 would be prescribed with those tablets to drink.

2 Q. Who <> administered the injections?

3 A. Those who were seriously ill were referred to a hospital in
4 the "sangkat" or the commune and <for the workers who had mild
5 illness, they were referred to> mobile medic in the unit <or
6 battalion>.

7 Q. And did the members of the mobile units have to move about on
8 the site to administer the injections?

9 A. The mobile medic was stationed in a hall or a shelter <of the
10 unit>. And if anyone was sick and <needed> the injection, this
11 individual would be told to go to the medic and <then they
12 received> the injection. <Or we could request the chief of the
13 unit for an injection.> That is what I learned at that time.

14 [10.51.05]

15 Q. And do you know whether the mobile units had the necessary
16 equipment for sterilising the syringes <used> for those
17 injections?

18 A. Yes.

19 Q. And how did they go about sterilising the instruments?

20 A. The needles and syringes were boiled every time.

21 JUDGE LAVERGNE:

22 Thank you very much, sir. I have no further questions for you.

23 MR. PRESIDENT:

24 Thank you very much, Judge Lavergne. And now, the floor is given
25 to the defence team for Mr. Nuon Chea. You may now proceed.

1 [10.52.32]

2 QUESTIONING BY MR. KOPPE:

3 Thank you, Mr. President. Good morning, Mr. Witness. I have some
4 questions to put to you.

5 Q. In your statement to the investigators of the Investigating
6 Judge -- E3/5267 -- on the very first page: English, 00282351;
7 French, 00482929; Khmer, 00271403; you said that at the time of
8 liberation in 1975, you were a student at the Lycée Tuol Tumpung;
9 is that correct? And if yes, what were you studying at the time?

10 MR. UTH SENG:

11 A. In 1975, I was a student at the Lycée Tuol Tumpung. I was in
12 Grade 3A in the <national> modern schooling system. I do not
13 recall the subject I was in at that time. And I was about to
14 attend the <secondary high school> examination at that time, but
15 there was <the 17th April> liberation before the examination.

16 Q. I'm asking you this question because at that same page, you
17 told investigators that you at one point after 1979 became an
18 official of the Kampong Thom Provincial Water Resources and
19 Meteorology office. Do you remember or do you know why you became
20 an official in Kampong Thom? Was that related to your education
21 before 1975?

22 [10.54.56]

23 A. In 1979 or 1980, I became a public servant in the agriculture
24 <department> of Kampong Thom province. I did not have full
25 training at that time yet, but I was selected to be a public

1 servant in the agriculture of that province. And later on, I
2 moved to work in the Kampong Thom Provincial Water Resources and
3 Meteorology <department>. I have received trainings afterwards
4 after 1979 -- limited trainings.

5 Q. And in which year did you become a provincial water resources
6 official in Kampong Thom?

7 A. It was in 2000; the government established the Ministry of
8 Water Resources and <> Meteorology<. It> was separated from the
9 Agriculture Ministry in 2000.

10 Q. A little bit further down in the same statement: English,
11 00282354; French, 00482932; and Khmer, 00271407; you gave the
12 following answer to a question.

13 The question was: "Can you compare the old and the new dam
14 systems?"

15 And then you answered -- and I quote: "From 1979 until 1990, we
16 still used the old dam of Pol Pot. After 1990, the dam was
17 damaged. Then the Ministry began restoration work. Beginning in
18 2000, the new project was created."

19 [10.57.41]

20 I'm particularly interested in the use of the dam between 1979
21 and 1990. What can you tell us about the functioning of the dam
22 in those years? Did the 1st January Dam function properly? What
23 is it that you can tell us about that?

24 A. After the fall of the regime in 1979, we still used the old
25 dam <-- that is, the 1st January Dam,> because the old dam was

1 destroyed very little and the dam was under the <management> of
2 the <Provincial> Agriculture <department>. The provincial
3 irrigation office <was> in charge of that old dam. <Until 1990,>
4 the dam was used to secure water for Santuk and Baray districts
5 in Kampong Thom province.

6 Q. And was the water subsequently used for irrigation purposes in
7 that area?

8 A. There was one <main> canal in <Santuk> district. And the water
9 can be <released> from that canal <on a permanent basis for
10 irrigation in Kampong Thma> during the rainy season. And water
11 could be secured for Kampong Thma -- the whole Kampong Thma
12 <commune>. And <there was another main canal in Baray district.
13 The> water is also <used for irrigation in Ballangk commune>.

14 [10.59.56]

15 Q. And are you able to tell whether after the dam came into
16 operation, rice production by the farmers in that area increased?

17 A. From 1979, the water could be irrigated from the <main> canal
18 for farmers to <> use on a daily basis <because there was a canal
19 system left by the Khmer Rouge, which had made a significant
20 achievement>. And the dam was very beneficial and the water could
21 be irrigated to the <rice fields very well>. And <the rice
22 yields> appeared to be good. For example, <if our target was to
23 achieve three metric tons of yield per year we could achieve
24 exactly> three tonnes per year or a bit lower than that,
25 depending on the water flow fluctuations. And <some parts of the>

1 canal became shallower <because some dikes were washed away by
2 floods. So, the> harvest yield was less than that. <Still, we>
3 received <about> 60 <or 70> per cent of the yield.

4 Q. And this rice production of three tonnes per hectare, was it
5 achieved in 1979, 1980, 1981, et cetera, and subsequent years?

6 A. We did not conduct any surveys, but we observed the condition
7 of the rice plants itself. And we did not make any <test> -- I
8 mean <we did not conduct any proper tests>, but we observed the
9 yield <was about two or three tonnes. We only observed that with
10 our mere eyes.>

11 [11.02.35]

12 Q. Is it then fair for me to say that in the years between 1979
13 and 1990, the 1st January Dam worked properly, did its job, made
14 sure that water was irrigated and that the farmers could profit
15 from it?

16 A. Yes, that is correct.

17 Q. You just mentioned, in responding to questions of Judge
18 Lavergne, a dam called the 30th September Dam. Now we've also --
19 we also know about a dam called the 6th January Dam. Are these
20 two separate dams or are they the same?

21 A. The 1st January Dam and the 6th January Dam <are> simply a
22 continuation of a long stretch of dam, and the total length is 60
23 kilometres. The 30 September Dam is located separately in another
24 district adjacent to Siem Reap province.

25 [11.04.18]

1 Q. I see. Thank you, Mr. Witness. Now I would like to go back to
2 the work at the dam site. You said that you yourself worked for a
3 period of three months at the dam. Did the same apply to the
4 other members of your unit? The other 32 or 31 members of your
5 unit, did they all work a period of three months?

6 A. Personally, I worked there for a short period of time since
7 the chief of the cooperative made a request to the <battalion>
8 chief to have me transferred to work in the village. When the
9 request was made, I was very scared but I could not do anything.
10 And he came in person to make such a request. So I was then
11 transferred to work in the village, and I didn't work fully at
12 the 1st January Dam worksite.

13 [11.05.53]

14 Q. If it was not three months that you worked at the dam, would
15 you be able to give an estimate as to how many weeks you worked
16 in total at the dam?

17 A. I never thought of the number of days I worked there. However,
18 I spent quite a <> long time working at the 1st January Dam
19 worksite. Although I did not work there for a complete
20 three-month period, I was there for quite a long time, maybe
21 almost for three months. And I did not think of the number of
22 days <or of whether it was Friday or Saturday when> I worked
23 there, as whenever I woke up, I thought of simply going to work
24 <with earth-carrying baskets and a hoe>.

25 Q. So was it then only a few days, maybe one or two weeks that

1 you left, before the other members of your unit went back to the
2 village?

3 A. The <battalion> that I worked under remained there. And I
4 myself attached to the <battalion>. And as for the workers under
5 the <battalion> remained working for the <battalion> until the
6 fall of the regime <in 1979>. In my case, it was rather different
7 as I was requested by the cooperative chief to return to work in
8 the village.

9 [11.08.24]

10 Q. But the remaining people from your unit, the other 32 or 31,
11 did they all work three months at the dam? And if yes, how did
12 you know, since you had left them at one point?

13 A. Immediately after the three month period, and that is after I
14 returned to work in the village, I no longer knew what happened
15 to that <battalion or> unit.

16 Q. When you were asked to leave the unit and go back to the
17 village, do you know whether the other members of your unit knew
18 where you were going? Were you able to tell them that you were
19 asked to go to the village?

20 A. For those people whom I worked closely with, I told them that
21 I was requested for transfer by the cooperative chief. I was
22 rather concerned with the request, however I couldn't do
23 anything. And I only told those people who were close to me <in
24 secret> about the request for transfer.

25 [11.10.20]

1 Q. But is it fair to say that it turned out that you were
2 concerned for nothing in terms of yourself?

3 A. When someone was being requested to be transferred <to the
4 village or elsewhere>, that individual would have a rather big
5 concern. <We did not know what would happen next.> Only upon the
6 arrival at the destination then, as in my case, it was a relief.

7 Q. I understand. You spoke about a group of around 33 people of
8 which you were a member. Yesterday, you also spoke about this
9 group being part of a much larger group consisting of 1000
10 people. In your statement to the investigators, you talked about
11 five to 600 people. Would you be able to give an estimate as to
12 the total amount of workers that your group was part of, was it
13 600 or was it rather 1000?

14 A. For the second youth <battalion>, the maximum number of the
15 workers there was between 500 <and> 600.

16 Q. So would it then be correct for me to say that if there were
17 around 600 workers divided into groups of 33 members, that there
18 were about 19 or 20 groups? Is that a proper calculation from me?

19 [11.12.55]

20 A. I cannot say for sure. However, I only knew well about my
21 personal unit and my chief of the unit.

22 Q. I understand that your chief was called Lai. Were there then
23 about, let's say, 17 or 18 chiefs like Lai, people who were
24 leading their unit, their respective units?

25 A. I think it is about right since there were a lot of workers.

1 The most important thing for members of the unit was to remember
2 the face of the unit chief well.

3 Q. And is it correct to say that in terms of quota, in terms of
4 work, you only -- you and your groups members only had to deal
5 with Lai. Lai was the person who was giving instructions to you;
6 is that correct?

7 A. Yes, that is correct.

8 Q. And the 33 members of your unit, were they all from the same
9 village or were they coming from different villages?

10 A. They came from various units or various villages, rather.

11 Q. And are you able to tell which percentage of this group of --
12 or this unit of 33 people were Old People and who were -- which
13 percentage was consisting of New People?

14 [11.15.13]

15 A. We do not know <> whether there were more Base People or <New>
16 People. <We dared not ask whether they were Base People or New
17 People.> And in my case, I only knew about a handful of workers
18 whom I was close to.

19 Q. When you speak about a handful, you mean four or five or six
20 or 10?

21 A. Please repeat your question.

22 Q. You spoke about a handful of people was in your unit of 33
23 that you were close to. When you say a handful, do you mean
24 three, four, or five people that you knew well?

25 A. Yes, that is about right.

1 Q. Do you remember the names of these three or four or five
2 people that you were close to?

3 A. Yes, I do.

4 [11.16.57]

5 Q. Could you give me their names?

6 A. I only know them by their first <names, Comrade Vorn
7 (phonetic), Choeun (phonetic), Ney (Phonetic), <Chhin>
8 (phonetic), and Rin (phonetic), two of whom died of illness.

9 Q. So these were the five people -- five workers in your unit
10 that you were close to. Do you know whether they were Old People
11 or New People, these five people that you just mentioned?

12 A. They were 17 April People. We could not be friends with the
13 Base People <because we were afraid of them.>

14 Q. What about the other 28 people in your group? I presume that
15 you were not close to them. But are you able to tell whether they
16 were New People or Old People?

17 A. We didn't know whether they were New People or Old People
18 since we were not close to them. However, from the appearance of
19 the clothing they were wearing, we could make a conclusion. If
20 they were wearing old torn clothes, then it was <more> likely
21 that they were 17 April People.

22 Q. When your group of 33 was eating, did everybody at the 1st
23 January Dam worksite get the same food, all 33 people were eating
24 the same portion of gruel, etc.?

25 [11.20.16]

1 A. When we returned at the kitchen hall, we had to manage
2 ourselves for food, for example, in my case, I had my own <food>
3 container<, plate, or kettle>. Then we went to get food <from the
4 people in charge of the economy>. And only the people at the
5 kitchen knew who <Old People were> or who <New People were>. And
6 in my case, I only went there to receive the food and I ate the
7 food.

8 Q. But there were about five to 600 workers. Did people in the
9 kitchen know of each person, whether he or she was a New Person
10 or an Old Person? And if yes, how were they able to see that or
11 to decide that?

12 A. It is my understanding that they <recognised> the difference
13 by the clothing. If the clothing was old and torn, and maybe
14 sleeves were torn off, then they recognised that they were 17
15 April People. And if the clothing was new, it <was more> likely
16 that they were the Base People.

17 [11.22.08]

18 Q. I understand that that is how you thought at the time. People
19 were divided. But my question is, how do you know for certain
20 that the kitchen people who gave food to the workers were able to
21 make a distinction between New People and Old People?

22 A. As I just said, it is likely that they noticed the difference
23 by the clothing the workers were wearing. And another <distinct>
24 sign is that Old People usually were wearing a cap while the New
25 People were wearing hats made from palm leaves and wearing <torn

1 scarves>.

2 Q. Let me ask you very concrete question. Did you ever see
3 somebody in the kitchen give less food to a person than other
4 people getting food because he or she was wearing old clothes or
5 a cap?

6 A. At the food distribution area, we had to wait for quite a long
7 time. And of course because we were working there for quite some
8 time together, they knew the difference between the Old People
9 and the 17 April People. <We could distinguish them based on the
10 way they dressed themselves, clothes, caps, shirts and scarves.
11 17 April People were easily recognized. They did not have
12 outstanding belongings. However, it was no use for us to stand
13 there long judging their appearances. We would move out quickly
14 after we got our gruel ration. We might not want to get in other
15 people's ways.>

16 [11.24.36]

17 Q. Let me ask you differently, Mr. Witness. And that's my last
18 question on the subject. Did you ever hear on the loudspeakers
19 Angkar giving instructions to cooks that they should give more
20 food to New People -- sorry, to Old Ppeople than to New People?

21 A. No, there was no such announcement.

22 Q. Now, I would like to go to the topic of this special unit for
23 lazy people. Do you know whether any of your unit members -- any
24 of your 32 fellow unit members ever ended up in the special unit
25 for lazy people?

1 A. No, there was no such transfer of any worker from my unit to
2 that special unit.

3 Q. And when did this special unit for lazy people start
4 operating, start working? Was it after a while, after a few
5 weeks, or was it there -- was this unit there from the very
6 beginning when you arrived at the worksite?

7 [11.26.32]

8 A. I did not know when the special unit was formed. Only later I
9 saw it, and people talked about this special unit.

10 Q. But did you see this group of workers at the end of your
11 approximately three months' work or was it in the middle of your
12 time? Can you be a little more specific?

13 A. I did not get your question. Please rephrase it.

14 Q. You were not quite sure as to when this special unit started
15 working. And my question is, was it more toward the end of your
16 working time there or was it roughly in the middle? Do you
17 remember the first time that you saw a group of people apparently
18 belonging to some special unit?

19 A. It was likely that the special unit was formed only when some
20 workers were considered lazy workers, and they would be placed
21 into the newly formed special unit in order to warn other
22 workers. And I only learned that when we lined up in the morning
23 to start work and people <mentioned about> that special unit.

24 [11.28.40]

25 Q. I understand your answer, Mr. Witness. But when you say it's

1 likely, you might be speculating. So, I would like to ask you
2 whether you know for sure when this unit was formed?

3 A. I do not know for sure when that unit was established, as I
4 worked in a separate unit and my main focus was on my work.

5 Q. Do you know whether this unit always had around 20 members or
6 was this special unit smaller in the beginning after it was
7 formed?

8 A. As I said, at the beginning, there were only fewer members in
9 the special unit. Later on, people became more exhausted from
10 overwork, and as a result, members of that group grew <from 10 to
11 20 members and more. There were male and female workers and youth
12 in that unit>.

13 Q. You said that you only spoke or that you were only close to
14 about four or five people within your unit, and that you didn't
15 speak to the remaining people from your unit. Is it correct to
16 say that you also didn't speak to members of other units working
17 at the dam site?

18 A. It is correct. Usually, I only spoke a few words each day and
19 for the remainder of the day, I kept my mouth shut. <It was
20 better not to speak. That made us safe.>

21 [11.31.08]

22 Q. How is it then that you know that people were placed in a
23 special unit because they were lazy? What was the source of your
24 information?

25 A. It was the unit chief at the conclusion of a working hour one

1 day. The meeting was held, and the unit chief reminded us to work
2 hard and he spoke about the special unit and its members.

3 Q. Did he also say how long people had to stay in this special
4 unit for lazy people? Were they there for a few days or a few
5 weeks? Do you know?

6 A. The special unit <existed> at the worksite <until it completed
7 or> it <possibly continued to remain> at the <commune or
8 Sangkat>. However, allow me to say clearly that I had left the
9 worksite earlier <before the worksite was finished. But,> the
10 special unit continued to exist.

11 Q. Again, Mr. Witness, please answer the questions only if you
12 know things. But my question was actually whether you know if the
13 people placed in the unit were there -- in the special unit were
14 there for a few days only or one day or maybe a few weeks or
15 permanently? Do you know anything about that?

16 [11.33.40]

17 A. During the time that I worked there, I noticed the presence of
18 the workers in the special unit and I did not know for sure later
19 on whether they were removed from the special unit.

20 Q. Mr. President, I'm mindful of the clock. My last question in
21 relation to this topic, Mr. Witness. Is my calculation correct
22 when I say there were about 600 workers, around maximum 20
23 members in the special unit. This would be about a few per cent
24 of the total amount of workers in that special unit; is that
25 correct?

1 A. Yes, that is correct.

2 MR. KOPPE:

3 Thank you, Mr. President.

4 [11.34.52]

5 MR. PRESIDENT:

6 Thank you, Counsel. It is now time for our lunch break. We take a
7 break now and resume at 1.30 p.m. Court officer, please assist
8 the witness <by giving him a room to rest> at the waiting room
9 <reserved> for witnesses and experts during the lunch break and
10 invite him to return to the courtroom at 1.30 this afternoon.
11 Security personnel, you are instructed to take Khieu Samphan to
12 the waiting room downstairs and have him return to participate in
13 the proceedings this afternoon before 1.30. The Court is now in
14 recess.

15 (Court recesses from 1135H to 1331H)

16 MR. PRESIDENT:

17 Please be seated. The hearing is back in session.

18 Before the Chamber gives the floor to the Defence team for the
19 Accused, the Chamber would like to inform Parties and the public
20 that during the hearing this afternoon, Judge You Ottara, <a
21 National Judge,> has personal business and he is not able to
22 attend this Court hearing. After deliberation and discussion with
23 the Judges of the Bench, the Chamber decides to assign Judge Thou
24 Mony, to replace Judge You Ottara in this afternoon's session.
25 This decision is based on Internal Rule 79.4 <of the ECCC>. And

1 now the Chamber gives the floor to the Defence team to resume the
2 line of questioning.

3 BY MR. KOPPE:

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

5 Good afternoon, Mr. Witness. I have a few more questions that I
6 would like to put to you. Before the lunch break we were speaking
7 about this special unit of lazy people, as you called it. I
8 believe you also gave testimony earlier that you thought that the
9 majority of the people who were working in that unit were Base
10 People. Is that indeed your testimony and can you tell us why you
11 knew or how you come to know that they were, in the majority,
12 Base People in that special unit?

13 [13.34.20]

14 MR. UTH SENG:

15 A. To my observation, when I was in the same unit as them, I
16 mentioned this point already, we had our own clothing for 17
17 April People, so we could recognise the 17 April People <or the
18 Base People> by their clothing.

19 Q. So, it's on the basis of clothes that the people in that
20 special unit were wearing that you are saying that the majority
21 in that special unit for lazy people consisted of Base People. Is
22 that correct?

23 A. Yes, that is correct.

24 Q. Do you remember the name of the chief of this unit, this
25 special unit of lazy people?

1 A. I do not know this individual's name, but I could recognise
2 his face.

3 Q. Do you remember, or do you know to whom he himself had to
4 report? Who his superior was?

5 A. I do not know about it.

6 [13.36.19]

7 Q. Okay, thank you. Now let me get back to the question about the
8 approximately 97% of the workers who were apparently not to be
9 considered lazy working at the dam. We listened to the audio
10 recording of your interview and we heard that you say at one
11 particular time that if your group had finished the work or not,
12 you could continue the work the next day, and that you were not
13 forced -- and that you were only forced to work hard and nothing
14 else. Is that something that you said, that you remember saying
15 to the investigators?

16 A. It appears that I made such a statement.

17 Q. And we also heard you say that as long as the workers in your
18 group were not lazy, then there would not be any problem for them
19 and for you. Is that correct as well; as long as you are not
20 lazy, no problem?

21 A. Yes, that is correct, nothing happened to us.

22 [13.38.06]

23 Q. So is it then fair to conclude that 97% of the workers at the
24 dam site that you were working with in your unit had no problem?

25 A. That is true. There was no problem happening on them.

1 Q. Now one or two questions, Mr. Witness, about working times.

2 There are -- there is a witness, and one or two seem to have
3 confirmed this, that lunch -- the lunch break was between either
4 11 and 2 o'clock or 11 and 1 o'clock. Is that a correct
5 observation of these witnesses?

6 A. We rested from 11.30 a.m. and from that time we could have
7 lunch and we had to resume our work at 1.30 in the afternoon.

8 Q. Some other witnesses who have testified before the Trial
9 Chamber last week have also told us that there was a break in the
10 morning session, a break of about 15 minutes right in the middle
11 of the morning session, in the session before lunch; is that
12 correct as well?

13 A. Yes, that is correct. There was a short break in between that
14 time.

15 Q. Some witnesses have also given testimony about working at
16 night. One has said that working at night was occasional, only
17 sometimes. And one also said there was only working at night when
18 the moon was waxing, so about once a month. Is that your
19 recollection as well, your recollection about the times working
20 at night?

21 [13.41.01]

22 A. For night shift, yes there were night shifts and when there
23 was a special case the light would be turned on.

24 Q. And can you explain us when there would be a special case?

25 Under what circumstances would there be a special situation that

1 would make the workers work at night?

2 A. Actually we did not know <what> the special situation <was>
3 that the light was turned on.

4 Q. Thank you. Do you remember seeing heavy equipment at the dam
5 site, such as bulldozers shoving away soil?

6 [13.42.39]

7 A. I never saw the heavy equipment, but after the collapse of
8 1979, I saw the heavy machinery such as bulldozers<, other
9 machineries and D7 Machines> in the forest <at the 6th January
10 Dam.>

11 Q. And where these, in your memory, bulldozers and the heavy
12 equipment that had been left there by the authorities in the DK
13 regime?

14 A. Yes, the government of the Democratic Kampuchea left behind
15 <the> heavy equipment when they were running away <after the
16 collapse of the regime in 1979>.

17 Q. And in your recollection do you know what kind of heavy
18 equipment it was that you saw? Were they bulldozers, etc., what
19 kind of machinery did you see?

20 A. I noticed there were bulldozers<,> excavators and <equipment
21 in the> steel <garage or workshop at the machineries site>.

22 Q. During the time that you worked at the 1st January Dam
23 worksite did you ever see soil collapse and soil subsequently
24 burying workers, or did you never see that?

25 A. I never saw soil collapse but I heard it happened at another

1 place. I heard that there was soil collapse at the major
2 <construction> worksite where the earth was deeply dug and there
3 was soil collapse and it resulted in the fatal accident. <But I
4 did not know the number of workers who died or were injured in
5 that accident.>

6 [13.45.54]

7 Q. Did you, while you worked there, also experience the use of
8 explosives to soften up the rocky bottom?

9 A. They never used any kind of explosives.

10 Q. Returning again to the food situation in your unit that worked
11 at the dam, do you know who was responsible for bringing the food
12 at the dam site where you worked? Who was responsible for the
13 food logistics?

14 A. For gruel and food situation we walked to the hall to eat. No
15 one brought food to our worksite. And the dining hall was about 1
16 kilometre away from our worksite.

17 [13.47.38]

18 Q. I understand. But do you know who brought the food to the
19 dining hall where everybody was eating? How did the food get
20 there and who was responsible for bringing that food in the
21 dining hall?

22 A. No one transported food to that place. We had a container with
23 us and we went to the kitchen and at that place we could get
24 food. <Everybody had to do the same.>

25 Q. I apologise, maybe my question is not very clear. I am trying

1 to find out how the food that you ate had gotten there. Who had
2 brought it to the place? Where did the food come from?

3 A. There was a chief of <economy> at the sangkat and there was a
4 warehouse keeping rice. <Every morning, cooks> of units would go
5 and fetch the amount of rice given by that chief, and as for
6 gruel for workers, when it was time to have meals we would bring
7 our container to the dining hall and get our gruel.

8 Q. This logistics chief, was he coming from the sector or was he
9 coming from a district?

10 A. I heard of his name and he was living close to <the village>
11 where I was living. Actually this individual was a female and her
12 name was <Yeay Nai> (phonetic). She <had> joined the <struggle>
13 movement and as a result she was appointed to be the chief, I
14 mean <economy> chief.

15 Q. So this female cadre was responsible for the five or six
16 hundred people that were working together; is that correct?

17 [13.51.03]

18 A. She was in charge of the <overall economy> for the <whole>
19 sangkat <or commune and> there were three <battalions in the
20 commune>: male workers, females and youth <battalions. I did not
21 know the exact numbers of people in those battalions but there
22 were around> five to six hundred members <in my youth battalion
23 -- that is, the 2nd Battalion>.

24 Q. Is this female cadre that you just mentioned still alive
25 today?

1 A. She passed away in 1980.

2 Q. This morning we spoke -- you spoke briefly about a militiaman
3 named Lun. I believe you also said this morning that you rarely
4 saw him at the dam. He himself gave testimony to investigators
5 and he said that he had never been at the dam. Can you try to
6 recollect if you ever saw him at the dam, and if yes, when that
7 was?

8 [13.53.04]

9 A. I told the Court already this morning, most of the time he was
10 working in <those few> villages. I rarely saw him at the 1st
11 January Dam site. I noticed his presence <at the site> only
12 <occasionally> and I did not know why he was there.

13 Q. Yes, do you remember where you saw him, under what -- under
14 which circumstances? Did he just pass by or can you give us a
15 little more detail?

16 MR. PRESIDENT:

17 Please hold on, Mr. Witness. You may now proceed, International
18 Deputy Co-Prosecutor.

19 MR. FARR:

20 Thank you, Mr. President. I just want to correct what I think is
21 an inaccurate characterisation of the statement that Lun gave.
22 There is a point in his statement in which he says that he was
23 never sent to guard the 1st January Dam. But he also says that he
24 saw Ke Pauk come to inspect the 1st January Dam, and that he was
25 tasked with carrying earth at that construction site for three

1 months. So the statement is not that he was never there. The
2 statement was that he was there for three months.

3 BY MR. KOPPE:

4 Q. Yes, I think it's, he seems to limit it to guard. But the
5 point was more, Mr. President, to ask the witness when he says
6 rarely, what that means. So I retract and ask the witness some
7 more -- I would like to ask the witness some more details about
8 the word rarely. So it was once that you saw him? What else do
9 you remember of this occasion?

10 [13.55.54]

11 MR. UTH SENG:

12 A. I saw him pass by. He was in charge of people in <Kang Sau>
13 village, so he could walk past <> the worksite where his people
14 were working <at the 1st January Dam worksite>. Perhaps he went
15 there to visit his workers from Kang Sau village.

16 Q. Thank you, Mr. Witness. Moving on to a next subject, this
17 morning you said that you overheard people say something about
18 two or three workers being taken away and thrown in a well and
19 killed. Do you know the names of the people that you overheard?

20 A. I could recall their names and they were the chiefs of <the>
21 youth <battalion>, they are alive <now>.

22 Q. Do you know how they knew about the fate of these workers? Had
23 they seen it themselves? Or had they in their turn subsequently
24 heard it as well? Do you know the source of their apparent
25 knowledge of the fate of these people?

1 [13.58.10]

2 A. I do not know. I only overheard about that.

3 Q. Do you remember, I realise it's a long time ago, but do you
4 remember their exact words? Do you remember exactly what you
5 overheard?

6 A. They said that keeping <you> is no gain, taking <you> away is
7 no loss. They used this kind of saying at that time. <They also
8 said this, "You can arrest someone by mistake; never release him>
9 by mistake."

10 Q. I understand, but that sounds very general. Did you hear them
11 say anything specific about these two or three workers? Details
12 as to which well, what time, thrown in by whom, why? Any specific
13 detail?

14 A. I do not recall it well. When I overheard it -- I would like
15 you to repeat your question.

16 [14.00.12]

17 Q. My question is about any detail you might remember about this
18 conversation that you said you overheard. Did they say which well
19 these two workers were thrown in, by whom, at what time, why? Did
20 you hear anything specific?

21 A. I do not recall the content of the statement <well>. I only
22 overheard that, last night two or three people were thrown into a
23 well and I did not know the whereabouts of the well they were
24 referring to <but I was concerned about my own safety.>

25 Q. I'll move on to my last questions, Mr. Witness. You spoke

1 briefly this morning about a visit of a Chinese delegation. Do
2 you know anything more specific? Do you know any names of Chinese
3 leaders that came visiting the 1st January Dam?

4 [14.02.05]

5 A. I do not recall any, nor Ta Mok; <> I only knew that there was
6 a visit by a delegation <coming for the inauguration ceremony>
7 and <we were told that> we had to work harder on that day. There
8 were many workers at the time and I was at a far distance from
9 the location of the delegation.

10 Q. You were instructed to work harder when the delegation was
11 visiting. Were you also instructed to put more soil in the
12 baskets and to run with the soil rather than to walk?

13 A. Yes, on the day that we were to receive the delegation we
14 acted actively and we worked harder than the normal days that we
15 worked.

16 Q. And did that also include putting some extra soil in the
17 baskets that you were carrying?

18 A. Yes, our baskets were fully loaded and we had to carry it
19 <more quickly>. And actually it was a self-conscious act because
20 we were actually told by our unit chiefs to work a bit harder on
21 that particular day and it lasted for only a few hours.

22 Q. It's maybe a little bit difficult question that I am going to
23 ask you, but would it be possible for you to make a distinction
24 in the amount of soil in terms of kilos that you would put on a
25 normal day on your basket and on your basket in those few hours

1 that the foreign delegation came to visit? Would you be able to
2 make such an estimate?

3 A. On the normal working day we put the dirt up to the rim of the
4 basket <or less than that>, but on that particular day we loaded
5 a bit more soil onto the basket.

6 [14.05.41]

7 Q. It was a long time ago, I understand. But are you able to
8 estimate how many kilos of soil you would typically carry?

9 A. It is difficult to give you an estimate.

10 Q. I understand, I understand. My last question, Mr. Witness, do
11 you know why the 1st January Dam and the 6th January Dam got
12 their respective names? Why were the dams called the 1st January
13 Dam and the 6th January Dam? Do you know?

14 A. I am not sure on that.

15 Q. Thank you very much, Mr. Witness. I am looking at my national
16 colleague. We are done. Thank you, Mr. President.

17 [14.07.08]

18 MR. PRESIDENT:

19 Thank you. The Chamber now hands the floor to Khieu Samphan's
20 defence. You can proceed, Counsel.

21 QUESTIONING BY MS. GUISSÉ:

22 Q. Thank you, Mr. President. Good afternoon, <Mr. Uth Seng>, my
23 name is Ante Guisse. I am the Co-International Counsel for Mr.
24 Khieu Samphan. I'm going to put to you a few brief questions in
25 order to obtain some clarification with regard to your testimony.

1 I believe I understood, <from your testimony,> that when the <>
2 1st January Dam was inaugurated, you had already started working
3 on that dam. Did I understand you correctly?

4 [14.08.14]

5 MR. UTH SENG:

6 A. Yes, that is correct.

7 Q. And I also understood that you had worked there for a little
8 less than three months. So my question is <as follows:> after
9 having finished your job on the 1st January Dam did you have to
10 go back to the dam as the work was progressing on that dam <or
11 when it was being completed>?

12 A. I went back before the completion of the dam project.

13 Q. I understood that, well in fact my question is, after having
14 finished working on the dam: did you go back to the dam for any
15 reason, for example, if there was a ceremony when the dam was
16 completed?

17 [14.09.38]

18 A. When the project was concluded I did not return to the <1st
19 January Dam> site.

20 Q. You said that this dam was rather large and <that there were
21 -- canals, in any case,> spread over many <> kilometres. So can
22 we say that when you worked on that dam, you were only working on
23 a specific site <within this vast worksite? And> that you did not
24 go and visit the sites that were a bit further away from the
25 worksite where you were?

1 (Short pause)

2 [14.10.44]

3 Maybe I should <> rephrase my question because I did not obtain
4 an answer from you. So my question was in fact, do we agree that
5 when you worked on that worksite, on the 1st January Dam
6 worksite, you only worked in one specific location on the
7 worksite. That is to say that you did not go visit all of the
8 other worksites <for the dam> that spread over several tens of
9 kilometres?

10 A. Yes that is correct, I agree to your statement.

11 Q. And getting back to what you said earlier to my colleague; you
12 said that at the site where you were working, you did not see any
13 machines; but then you said that after the fall of the regime you
14 saw machines in the forest. So my question is the following, can
15 we say that it is possible that machines were not used when you
16 worked in your specific part of the worksite, but that machines
17 <could have been> used in other parts of the worksite without you
18 having been able to see them?

19 [14.12.23]

20 A. I do not know about that because we worked far away from one
21 another and after the fall of the regime in 1979, I saw some
22 heavy machinery including bulldozers, <D7 machines> and a <big>
23 workshop with spare parts <left behind by the Khmer Rouge>.

24 Q. That is specifically what I wanted to get to, <Mr. Witness>.

25 In your statement E3/5267, French ERN, 00482932; <> Khmer <ERN>,

1 00271407; English <ERN>, 00282354; this is what was noted in your
2 statement: "This dam was built out of soil only, and <> by hand."
3 And with regard to the machines that you saw, responding to Judge
4 Lavergne's <remark>, that <at least the wall of> the dam had been
5 built out of concrete <reinforced with iron bars; when you say
6 that "this dam was built out of soil only, and by hand,"> you are
7 only speaking about the part that you worked on. Am I correct?

8 [14.14.27]

9 A. Yes, that is correct, however while working there we only
10 heard that <a big structure was in the process of building at>
11 other parts of the dam<; however, we were not entitled to go to>
12 see it personally.

13 Q. Another point I would like to focus on with you, is the
14 meetings you described. You spoke about meetings that were held
15 at the end of the day when you finished working. And I would like
16 to know if during one of these meetings, your unit chief or
17 someone else, explained to you why this dam was being built? You
18 said to my colleague a little earlier on that this dam was used
19 after 1978, and used in fact until the 1990s. So my question is:
20 during these meetings that were held on the worksite, were you
21 told what the purpose was of this dam or not?

22 A. They did not tell us about the use or the benefit of the dam.
23 What they actually told us was <that we had> to strive hard in
24 our work <on a regular basis>.

25 [14.16.24]

1 Q. And you, who attended the inauguration of this dam -- in fact
2 you said that even if you were far away, you heard <certain>
3 speeches <and presentations> in the distance and through the
4 loudspeakers; so on that day were you told what the purpose was
5 of the dam, or don't you remember?

6 A. I cannot recall it, and yes <to> put <it more simply,> I
7 cannot recall it, although I heard something from a distance.

8 Q. There's no problem if you don't remember; I will not bother
9 you any more about this. I would like simply to get back to your
10 <testimony before> the Co-Investigating Judges and to a point
11 that you started discussing with my colleague, but I would like
12 however to look more specifically at what you said exactly when
13 you spoke to the Investigators. Because here we have the official
14 transcript of <part of> this interview and I would like to
15 present a few <points> to you <by reading out your statement> and
16 then ask you questions about these. So, this is document
17 D166.82.1, French ERN, 01101656; Khmer <ERN>, 01101597. And there
18 is no English version, but this is the transcript of audio
19 document D166/82R and the segments I would like to look at are
20 between 01.33.25 and 01.35.30. And you speak about this point<,
21 once more,> with my colleague but however I'd like to get back to
22 what you said exactly on that day. This is the question that was
23 put to you regarding the way the work was organised in your
24 group; and the investigator's question, Em Hoy, is the following:
25 [14.19.07]

1 "But once you were split into subgroups, how was the work quota
2 assigned to each member? How many cubic metres of soil did each
3 three-member groups have to transport?" And your answer was the
4 following: "This would vary, depending on the size of the canal
5 <in question>. We believed that each person would have to dig 1
6 cubic metre of soil per day." And the investigator continues:
7 "But you personally, how many cubic metres of soil did you have
8 to transport every day?" And you answered: "Per day? Yes?" And
9 the investigator continues: "Do you still remember?" And here,
10 your answer is the following: "Each one had to transport 1 cubic
11 metre of soil per day along the canal. If we <didn't manage to>
12 do so, we would not continue working normally. However, it was
13 not useful to lie about our performance at work because we were
14 not doing anything wrong. Since we couldn't reach the quota, we
15 had to continue the next day." End of quote.
16 So, my first question in relation to this first segment is first
17 of all, do you remember having said that <>? And can you confirm
18 that when you were not able to meet the quota, you would have to
19 continue the following day?

20 [14.20.52]

21 A. I would like to clarify this matter. When I spoke about one
22 metre long, I meant the work done for the smaller <> canal at the
23 commune -- that is, the top part was five metres wide and the
24 lower part of the canal was four metres wide. And the embankment
25 itself was only about one metre wide. But <> this is not about

1 the 1st January Dam worksite. For the 1st January Dam worksite,
2 our unit was subdivided into three groups, and we had to do the
3 work collectively per group. And when I referred to the one metre
4 long of soil that we had to carry, I referred to a separate
5 worksite for smaller canals. And the depth varied <because it
6 depended on the terrain>.

7 Q. So, my question is in fact going to focus on another part, to
8 make sure that we agree. Later in the same transcript you say the
9 following: "The work quota was, for example, organized as
10 follows. If a subgroup would receive a quota of three metres soil
11 to be carried, the three members would have to work together." So
12 the investigator's question: "All three of them?" And your
13 answer: "If we could not finish the job, we could continue the
14 next day <without any problem, otherwise> we would demonstrate
15 <lack of> perseverance in our work." End of quote.

16 <My question is as follows.> So here again, are you speaking
17 about the canals that are not connected with the 1st January
18 Dam<? Or did> these <guidelines -- guidelines to do teamwork and
19 respect a team quota -- also> correspond to your work on the 1st
20 January Dam?

21 [14.23.20]

22 A. For the 1st January Dam project, my unit was subdivided into
23 three groups, and as I said, we worked collectively, and we tried
24 our best, whether we could complete the daily quota or not. And
25 if we could not finish it, we had to continue working it the next

1 day, compounded with the new quota for the next day. <And, we had
2 to keep up our hard-work.>

3 Q. And is it true that for you it was hard to assess exactly what
4 a cubic metre of quota <assigned to the group,> represented? <>

5 A. We continued digging, and we did not stop. We had to work to
6 the best of our <ability>, and although we completed the daily
7 quota, we <were not allowed to> rest earlier. We had to continue
8 working until the end of the working hours. So it meant that we
9 had to work actively from the start of the working hours until
10 the end of the working hours.

11 Q. I understood that part of your testimony, <Mr.> Witness.
12 <Yet,> my question is somewhat different. I understood that you
13 worked <as> best <you could>, but my question is, were you able
14 to assess what a cubic metre meant? I know that you were digging,
15 <I understood --> but were you able to understand what the volume
16 represented in terms of cubic metres? And if you were not, no
17 problem. I will move on to another point.

18 [14.25.47]

19 A. The work plan we received from the work <battalion>, for
20 instance, a number of metres that we had to dig, then that work
21 plan was subdivided into three groups, and each group had to work
22 collectively to complete the quota. And of course, I could not
23 tell you the volume of the cubic metre that each group had to dig
24 collectively.

25 Q. Thank you. That's exactly in fact -- <> the point of my

1 question. The last point that I'd like to discuss with you is:
2 you spoke about a certain Lun, <Lun,> with the Co-Prosecutor and
3 also with my colleague. And I believe I understood from your
4 testimony, that <you said that> this Lun died three or four years
5 ago. In any case, this is what I noted down. So, can you confirm
6 this? Or <have> we misunderstood <your statement>?

7 A. I never said that he passed away. However, he disappeared
8 after he was released from prison in 1979. I met him briefly
9 after his release. And from 1980, he disappeared, as he didn't
10 dare to stay in his village. <My residence is not far away from
11 his.> Since then I have never met him and I learnt that he tried
12 to avoid meeting with <me>. But I <did not say> whether he's dead
13 or alive, or maybe I <forgot> what I said.

14 [14.28.04]

15 Q. And getting back to one of the questions that was put to you
16 by my colleague a little earlier on, during the time when you
17 were on the worksite, did you ever see Lun among the units that
18 were digging the canals on the worksite <for the 1st January
19 Dam>?

20 A. <I saw him when he was walking past by where I worked>, but I
21 did not know if <he> belonged to any unit.

22 Q. Your -- in the translation I <have the noun in> plural. So,
23 can you tell me if you're speaking about one single person, or
24 <several people>? I was speaking about Lun in fact, in my
25 question.

1 A. I only referred to one person.

2 Q. And do you know whether militias from your commune were
3 assigned to work <on the canals> at the 1st January Dam worksite
4 at any point in time?

5 [14.29.47]

6 A. I am unsure on this point.

7 Q. <And the very> last question before I give the floor to my
8 learned colleague, Kong Sam Onn, who also has some questions for
9 you. On the day you saw Lun, on the 1st January Dam <>, did you
10 see him <digging soil>?

11 A. Yes, I saw him briefly walking past by where I worked.

12 MS. GUISSÉ:

13 Mr. President, I have no further questions for the witness. I now
14 give the floor to my colleague, Kong Sam Onn.

15 [14.30.53]

16 MR. PRESIDENT:

17 Thank you, and Counsel Kong Sam Onn, you have the floor.

18 QUESTIONING BY MR. KONG SAM ONN:

19 Q. Thank you, Mr. President. Good afternoon, Your Honours, all
20 Parties, and good afternoon, Mr. Uth Seng. I have some questions
21 <> that I need to seek your clarification. As for your <place> of
22 birth, you said you came to study in Phnom Penh, and after the 17
23 April 1975 liberation, you returned to your native village. And
24 that it was in Kang Sau village, Kampong Thma <commune>, Santuk
25 <district>, Kampong Thom province. My question to you is the

1 following: were your parents and siblings staying in the village
2 when you returned?

3 MR. UTH SENG:

4 A. During the war period of the 1970s, my elder sister came to
5 live in Phnom Penh with her husband and children. And my father
6 also came along to live in Phnom Penh. I myself came with her,
7 and at <> my native village only my other elder sister and my
8 mother lived there. On the <15> or 16 April 1975, due to the
9 <overcrowding condition> in the <small> house, <I went out for a
10 walk.> I actually walked from Kirirom to my uncle's house in Toul
11 Kork. And that happened on the 15th, and on the 16th there were
12 heavy aerial bombardments. And on the 17th, <Lon Nol's regime
13 fell. Then, my siblings, nephews and I were like birds without a
14 nest. So,> the five of us packed our belongings<, rice and pots.
15 We> were told to leave Phnom Penh for two or three days, so we
16 did. And we were <en> route <through> National Road 5, and it
17 took us one full month to reach Kampong Thma. And I didn't know
18 the whereabouts of my elder sister then.

19 [14.32.12]

20 Q. And allow me to clarify. Based on your statement, there were
21 two groups. One was the Base People, including your mother and
22 your elder sister. As for you and your father, both of you were
23 considered 17 April People. Am I correct?

24 A. Yes, that is correct.

25 Q. Regarding food rations, while you worked in your <work> unit,

1 were the 17 April workers eating communally with the Base People,
2 or were you given a separate <cook>?

3 A. In our second youth <battalion>, and there were hundreds of us
4 there, there was only one dining hall. And everyone received the
5 same food supply from the kitchen. We were given our individual
6 food ration, and we could eat wherever <> we could in the area of
7 the kitchen.

8 [14.35.15]

9 Q. So, the cook prepared food <for everyone>, and then each
10 worker would be given a set of daily food rations. Am I correct?

11 A. Yes, that is correct.

12 Q. Also again on the issue of food rations, did the cook prepare
13 separate food for the Base People and the 17 April People? Or was
14 the food given to each worker prepared and cooked in the same
15 cooking pot?

16 A. The food was from the same cooking pot. However, for the Base
17 People, or chief of unit, or chief of <battalion>, the person who
18 was in charge of the economics was also a Base Person, so we
19 noticed that sometimes two ladles of food were given to a Base
20 Person. And for the 17 April People, we were only given one ladle
21 <of food> each. <We did not get any extra ration.>

22 Q. And did you observe that there was any protest to this uneven
23 food distribution?

24 A. No one dared to challenge the food ration.

25 Q. Can you tell the Court if you observed that 17 April workers

1 received less food than the Base People who worked in the same
2 unit? I mean if you know the names of the 17 April People who
3 worked in the same unit?

4 [14.38.07]

5 A. I cannot remember their names. However, when we went to
6 receive our food, there was a crowd of workers swamped the
7 kitchen area. And of course, the cook and the people who were
8 distributing the food could recognize who <> the 17 April People
9 <were>, and who <> the Base People <were>. And as I said earlier,
10 they specifically made such identification based on the clothes
11 that we were wearing. <For the 17 April People, we had to soak
12 our shirts with mud otherwise they would blame us for maintaining
13 the style of wearing stripe clothes. Then, we could risk our life
14 because of that>.

15 Q. So, based on your statement, food distribution was at the sole
16 discretion of the cook or the food distributor, so to say, and
17 there was no instruction from the upper echelon regulating this
18 uneven food distribution amongst the Old and the New People<. Is
19 it correct?>

20 [14.39.31]

21 A. There was no instruction from above. However, it was those
22 people who worked in the economic section, and the chief of the
23 <youth battalion>, who made such instructions.

24 Q. You said that you belonged to the second youth <battalion>.
25 Did the <battalion> belong to the district, sector or zone?

1 A. Our youth <battalion> belonged to the Kampong Thma commune,
2 and not the district, or the province, or the sector.

3 Q. In relation to Wat Baray Choan Dek pagoda, but you said Baray
4 Son Daek (phonetic) pagoda, can you tell us the difference in the
5 two names?

6 MR. PRESIDENT:

7 Mr. Witness, please observe the microphone.

8 MR. UTH SENG:

9 A. In writing, it is read <as> Baray Choan Dek, but in the spoken
10 form, it's Baray Son Daek (phonetic). It's like "trasak" which
11 refers to cucumber, but in the spoken form it is pronounced
12 "tassak".

13 BY MR. KONG SAM ONN:

14 Q. <Thank you.> In relation to <the> written record of <your>
15 interview -- that is, E3/5267, and <in> Khmer ERN, <> 00271412;
16 <> English <ERN>, 00282358; and in French, 00482936. And I'd like
17 to make a quote from the statement. You were asked about senior
18 leaders, whether they came to inspect the worksite. And your
19 response, and let me quote: "The leader of the zone, Ke Pauk,
20 came once to inaugurate the 1st January Dam worksite." End of
21 quote. Was Ke Pauk the zone leader? Was he the one who actually
22 came to inaugurate the 1st January Dam worksite? Or was it
23 someone else who inaugurated the worksite? <Could you reaffirm
24 your position or recollection of the inauguration event?>

25 [14.43.22]

1 MR. UTH SENG:

2 A. During the inauguration day, we were told that senior Angkar
3 <officials> came to inaugurate the 1st January Dam worksite, and
4 there were also Chinese visitors. And from that day, I heard of
5 that name -- that is, Ke Pauk, and I do not know who else came to
6 inaugurate the worksite on that day.

7 Q. How did you know that Ke Pauk came to inaugurate the 1st
8 January Dam worksite?

9 A. Ta Pauk had a house at the 1st January Dam worksite, and he
10 frequently came to the worksite. Therefore, I heard of his name
11 rather often at the time. However, I did not see him physically.

12 [14.44.55]

13 Q. You spoke at length of your work at the 1st January Dam
14 worksite, and that also you worked at various other canal
15 worksites at the commune. And you also told the Court about the
16 total length of the 1st January Dam worksite and the 6th January
17 Dam worksite, which is roughly 60 kilometres. Can you tell the
18 Court <about the length of the> 1st January Dam<? Where is its
19 start and where is its end?>

20 A. Yes, I can do that. However, only by 1990 did I learn about
21 the length of the 1st January Dam worksite, as we did the
22 measurement <based on the map>. And actually, the dam was built
23 to block the water from the 1st and the 6th January Dam <rivers>.
24 And we did the measurement for the entire length of the <two>
25 dams, and it went up to 60 kilometres. However, during the regime

1 while I was working there, I did not know anything at all about
2 the length of the dams, or where it was heading to.

3 Q. Can you tell the Court just about the 1st January Dam? Where
4 it starts and where it ends?

5 A. From the start of the main construction of the ten sluices
6 water gate to <the 6th January river, it runs 7 kilometres and>
7 it runs 32 kilometres <from the main structure to Baray
8 district>, that is, towards the Kampong Cham -- towards the
9 border of the Kampong Cham province. <>

10 Q. And where did you work? At which segment of the dam you worked
11 during the DK period?

12 A. Yes, I remember that. I worked at an area called Tbaeng Kaong
13 (phonetic). There was a construction there called Toek Vel
14 (phonetic). And from that point, we, the second youth
15 <battalion>, were responsible for some length of the building of
16 the dam.

17 [14.47.51]

18 Q. I have a last question to you in relation to a person named
19 Lun. You confirmed that Lun was a militiaman, and his work
20 involved in the arrest of certain individuals. Further, you added
21 that Lun was arrested by a judicial authority and detained
22 subsequently. Can you tell the Court when he was detained? Or how
23 long was he detained?

24 [14.49.08]

25 A. I cannot recall when Lun was arrested. However, when I met

1 inmates from Kampong Thom prison, <I was told> that Lun had been
2 arrested and detained, and I said if that is the case, then he
3 would survive, as he would avoid the revenge by villagers. <I do
4 not have any revenge on him.> And after he was released, he
5 <once> came to <engage in Khmer traditional> music performance
6 for a wedding <in my village> around 1985 or <1986>, and <at that
7 time> he noticed that there were many former 17 April workers,
8 people, <near at place>. So he was scared <and he even could not
9 play the Khmer musical instrument, 'Tro',> and wanted to run
10 away>, and I <have> never <seen> him coming to the village again
11 <since then>.

12 Q. <Thank you.> And can you recall exactly as to when Lun
13 disappeared from your village, before he was detained?

14 MR. PRESIDENT:

15 Mr. Witness, please observe the microphone.

16 MR. UTH SENG:

17 A. During the late 1978, I heard about the activities <of the>
18 army <from here and there>. People who worked at the commune <and
19 logistics> started to flee, and some of the workers from the
20 youth <battalion> that I worked in also returned to their
21 respective homes in the village.

22 MR. KONG SAM ONN:

23 Thank you, Mr. Uth Seng. Mr. President, I am done.

24 [14.51.33]

25 MR. PRESIDENT:

1 Thank you. Today's proceeding has come to an adjournment <early
2 because the> reserve witness, 2-TCW-887, has some health issues
3 due to a long travel <to the ECCC>. So we cannot commence hearing
4 the testimony <of this witness> this afternoon. Therefore we
5 adjourn <> today's proceedings, and resume it tomorrow -- that
6 is, <Thursday the 4th of> June 2015, commencing from 9 o'clock in
7 the morning.

8 Tomorrow the Chamber will hear testimony of a witness -- that is,
9 2-TCW-887. This information is for the concerned Parties and the
10 public.

11 And Mr. Uth Seng, the Chamber is grateful <to you for> your
12 presence and time to testify before us. Your testimony may
13 contribute to ascertaining the truth in this matter, and you are
14 no longer required to be present in the courtroom. Therefore, you
15 may return to <your residence or> wherever you wish to go. We
16 wish you all the best, and bon voyage.

17 Court officer, in collaboration with WESU, please make the
18 necessary transportation for Mr. Uth Seng to return to <his
19 residence or where he wishes to go>.

20 Security personnel, you are instructed to take the two Accused,
21 Nuon Chea and Khieu Samphan, back to the <ECCC> detention
22 facility, and have them return to attend the proceedings tomorrow
23 before 9 o'clock in the morning.

24 The Court is now adjourned.

25 (Court adjourns at 1453H)