

OLD VERSION



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

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ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

2 June 2015
Trial Day 289

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

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KHIEU Samphan

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UCH Arun
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I N D E X

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List of Speakers:

Language used unless specified otherwise in the transcript

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

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02/06/2015

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1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

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

6 that is, 2-TCCP-273.

7 Ms. Chea Sivhoang, please report the attendance of the Parties

8 and other individuals at today's proceedings.

9 [09.03.41]

10 THE GREFFIER:

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

12 are present.

13 Mr. Nuon Chea is present in the holding cell downstairs. He has

14 waived his right to be present in the courtroom. His waiver has

15 been delivered to the greffier.

16 Civil party who is to testify today -- that is, 2-TCCP-273, is

17 present and ready to be called by the Chamber.

18 We have a reserve witness -- that is, 2-TCW-804, today. To his

19 best ability, he has no relationship by blood or by law to any of

20 the two Accused -- that is, Nuon Chea and Khieu Samphan, or to

21 any of the civil parties admitted in this case. The witness took

22 an oath before the Iron Statue -- Iron Club Statue this morning.

23 Thank you, Mr. President.

24 [09.04.51]

25 MR. PRESIDENT:

2

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

12 [09.05.54]

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

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

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

3

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

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

6 (A short pause)

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

8 [09.10.07]

9 QUESTIONING BY THE PRESIDENT:

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

11 MS. SEANG SOVIDA:

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

14 My name is Seang Sovida, and my original birth name is Singuon --
15 Ly Singuon.

16 Q. What is your date of birth?

17 A. My actual year of birth is 1964.

18 Q. Where were you born?

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

20 Q. Where is your current address?

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

23 [09.11.39]

24 Q. What is your occupation?

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

4

1 Q. What is your father's name?

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

3 Q. What is your mother's name?

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

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

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

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

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

19 [09.13.29]

20 QUESTIONING BY MS. GUIRAUD:

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

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

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

6 MS. SEANG SOVIDA:

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

12 [09.15.14]

13 Q. Thank you. For a start, I will refer to your civil party
14 application. The document is D22/2531 and the ERN in French is
15 01095559, the ERN in English is 01063843; and the ERN in Khmer is
16 00552159. In the first paragraph of this civil party application,
17 you explained your experiences as of the 17th of April 1975. And
18 I would like you to confirm such experiences in order that we may
19 then focus our questions on your experiences on the 1st January
20 Dam worksite. I'm referring to this document and the first
21 paragraph; you were in Phnom Penh on the 17th of April 1975 with
22 your family and then you were evacuated to Kandal province and
23 you were secondly evacuated to Kampong Cham province. You then
24 stayed in a village in the mountains called Mukh Phnum village.
25 And then you were again transferred to Ruessei Keo village in

6

1 Preaek Prasab district, Kratie province. Can you explain to us or
2 confirm that what I've read out to you is correct?

3 [09.17.05]

4 A. Yes, that is correct. On 17 April 1975, the day that Phnom
5 Penh fell, however, I left on the 18th and then we rested at Kien
6 Svay for about one month. Further, we were sent to Wat Chumnik
7 pagoda. I was rather young at the time, and we stayed at that
8 pagoda for about a month. And then they sent about 100 to 200
9 people to Krouch Chhmar district, Kampong Cham province. We
10 stayed there for about six months. And there was nothing on the
11 top of the mountain. They built two rows of small huts for us to
12 stay. And my mother was contracted to malaria and my sibling was
13 sick. And my father was asked to use to engage in all kinds of
14 work there. My elder sister also worked. They gave us half a can
15 of rice for each person. However, the soup was communal. And each
16 family had to go and get the soup and then we could bring the
17 soup back to eat in our family, but the soup was not enough. Then
18 I tried to find supplementary diet by looking for crab and other
19 food. I went rather further to look for supplementary food for my
20 family and my parents.

21 [09.19.02]

22 And actually, my parents grew some vegetables, but after six
23 months, we were further evacuated to Ruessei Keo, Preaek Prasab
24 district, Kratie province. They build a small hut for our family,
25 and it was located behind the village. My father once again fell

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1 sick and he was accused of being a capitalist and we were
2 threatened and interrogated about the role of my father. I didn't
3 tell him the truth and I told them lies. Later on, I was placed
4 in a child's unit. And because I was a bit taller than the rest,
5 I was moved to a mobile unit working together with my elder
6 sister. I worked in the mobile unit for several months. And
7 actually, we did not work in the village. We were sent to work
8 deep into the forest. I was younger than the rest, but I had to
9 do the same kind of work the other people who were older than me
10 worked. And we were located from one worksite to the next. And I
11 cannot recall the names of those worksites. And there is one
12 worksite at Khsach Teu (phonetic) village that I just recalled,
13 and in that village, all the people there died. We were sent to
14 work in that village. And my elder sister later on was forced to
15 marry. At the time, she was around 15 to 16 years old, and she
16 didn't consent to the marriage. And my mother also didn't want my
17 sister to get married, since she was young. But we did not have
18 any choice, and we were afraid that we would be mistreated. So we
19 quietly consented to the instruction. And when my sister got
20 married, I was sent to a mobile unit at the 1st January worksite.
21 And I stayed there and worked there for about three months. And I
22 was asked to stay behind the Baray Choan Dek pagoda before they
23 could build a long sleeping building. And it took about one month
24 before that building was completed.

25 [09.22.06]

8

1 Q. Thank you, Madam Civil Party. May I request you to stop here
2 in order for me to be able to put questions that would enable you
3 to tell us what happened after you were sent to the 1st January
4 Dam worksite? It is important for us to understand clearly why
5 you left and why you were assigned to work on the dam worksite.
6 Can you tell us as briefly as possible -- if it is possible -- at
7 what time you left to the worksite of the 1st January Dam and
8 why?

9 [09.22.40]

10 A. At that time, my elder sister had married already. And since I
11 was in a mobile unit with her, she was allowed to stay in the
12 village after she got married and I decided to go to work far in
13 a mobile unit in the hope that because I was active on behalf of
14 my family, so they would not mistreat my family members. And if I
15 were not to go to the 1st January Dam worksite, then I would be
16 sent to maybe another worksite far away from the village.

17 However, upon my return, I learnt that my elder sister was
18 mistreated, she was deprived of food, and my parents were also
19 mistreated. I felt hopeless. I fell sick again when I saw what
20 happened and my mother begged me not to go back. But I told her
21 if I were to stay here, I would die anyway because during the
22 1977, a lot of people had been killed or died.

23 Q. I thank you. Please tell the Chamber how old you were when you
24 were transferred to the 1st January Dam worksite.

25 [09.24.24]

1 MR. PRESIDENT:

2 Madam Civil Party, please observe the microphone.

3 MS. SEANG SOVIDA:

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

5 If you count the age according to the Khmer method, I was 12. But
6 from the exact date of birth, I was around 11 and I was the
7 youngest member in the mobile unit.

8 BY MS. GUIRAUD:

9 Thank you. I would like to read out to you a passage of the
10 supplementary document you gave the ECCC, and it is document
11 E307/6.1.6, ERN in French, 01030294; ERN in English, 01063819;
12 ERN in Khmer, 01003357. This is what you stated in that document
13 and I would like you to react to what you said. You were
14 explaining why you left to go and work at the 1st January Dam
15 worksite. Let me quote what you stated: "That was a real
16 sacrifice from my family, going to work there. I told myself that
17 if someone in my family accepted to go and work in that very
18 far-off worksites and conditions were very difficult, the Khmer
19 Rouge would have no reason to blame my family."

20 Can you explain to the Chamber this idea that it was a sacrifice
21 for your family to have to go and work at that dam worksite?

22 [09.26.18]

23 A. It means that although I was younger, I would do everything
24 for my family so that they could be in peace. And I do not mind
25 whether I would be exhausted from hard work. And that was one of

10

1 the primary reasons for me to be part of the mobile unit. And it
2 was my expectation that my family members would be left alone
3 when I went to work far in the mobile unit. And I could not
4 understand whether my decision at the time was a correct one.

5 Q. Thank you. Please tell the Chamber who accompanied you from
6 your village to the 1st January Dam worksite? Were you with other
7 unit members or people from other villages? Can you explain to us
8 who travelled with you and how that trip unfolded?

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

16 [09.28.30]

17 Q. Do you recall how long after your trip from the village --
18 what is the distance from your village to the 1st January
19 worksite, what is the distance?

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

24 Q. Thank you. You also said in your account that you took a boat
25 and then you boarded trucks. Do you remember how many people

11

1 there were in the boat or in the trucks? Were there many of you
2 to travel to the dam?

3 [09.29.32]

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

13 Q. Thank you. When you arrived on the dam worksite, as of when
14 did you start working?

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

25 [09.31.22]

1 Q. Thank you. Can you describe the place -- the place where you
2 worked?

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

9 Q. Thank you. I will get back to that later. Do you remember when
10 approximately in which year and during which period of the year
11 you arrived on the dam worksite?

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

19 [09.34.02]

20 Q. Thank you. You also said that the place where you were working
21 was far from the place where you would sleep. Can you provide us
22 with more details on the place where you would sleep?

23 A. First, I slept in a village near Baray Choan Dek. It was about
24 one kilometre or two kilometres from the workplace. It was a bit
25 quite close to the workplace at the time. And later, I was asked

1 to sleep in another place which was about five kilometres away
2 from the worksite. I had to wake up in the early morning to go to
3 work. And after we completed our work at one particular place, we
4 were moved to a further area.

5 Q. When you say that you had to work elsewhere, can you tell the
6 Chamber the way you were to move about on the worksite during
7 these three months? Would you always go work at the same place?
8 How did things develop with your work?

9 A. For example, they measured the land for us to work on for the
10 period of half a month or one month. And after we completed the
11 work at that particular place, we move -- we would move further,
12 and we had to clear the bushes so that we can walk on. And we had
13 to move from one place to another, and it was becoming further
14 and further from our sleeping quarter. Everyone was in the same
15 situation, not only my people in my village.

16 [09.36.40]

17 Q. Thank you. You were speaking about clearing work. Can you tell
18 us what other kind of work you did during those three months at
19 the dam worksite?

20 A. During the three month period, I was asked to carry dirt and
21 soil. And for male workers, they dug the earth. I was told to
22 carry the earth from the canal and I had to carry it to the dam
23 site. So this was my routine work at the time. Sometimes, I had
24 to go and fetch water for the older because I was younger than
25 the others at that time. I would go and fetch the water for

14

1 everyone to drink. There was a kitchen or dining hall where the
2 water was kept and I had to go there and collect the water. It
3 was a bit away from our worksite. No one was allowed to go
4 individually to that kitchen to bring the water to eat. And as I
5 said, at times, I was asked to go and collect the water. There
6 was tube, so I used tube to go and collect the water for some
7 workers there to drink.

8 [09.37.26]

9 Q. Thank you. Now I would like you to explain to us how your unit
10 would operate. How many people were there in your unit? And were
11 you the youngest or not? Can you provide us with a bit more
12 details about the unit in which you worked back then?

13 A. From my rough estimate -- I believe I cannot give you the
14 exact estimate -- there were hundreds of us in the unit -- that
15 is, the unit in Prasab district. And there were many squatters. I
16 could not give you an exact number or figure of the workers.
17 Perhaps there were around 100 workers in my unit.
18 And what is your last question? I do not recall it.

19 Q. Yes. I'll get back to that later. Was your unit made up of
20 different groups or sub-groups or were you all working together?

21 A. In Prasab district, units were divided. And after that, there
22 were sub-groups and groups and Base People would be in charge of
23 those groups and sub-groups. As I said, chiefs of the unit
24 sub-groups and groups were Base People.

25 [09.40.29]

15

1 Q. Thank you. The question I asked you earlier was if you were
2 the youngest or among the youngest in your sub-group, and if you
3 remember the average age of the workers in your sub-group, and
4 more generally speaking, in your unit. If you do remember that,
5 of course.

6 A. I could remember it. They were not old people and their ages
7 were below 30 years old. And most of them were teens -- 16, 17.
8 And some others were in late twenties. I did not see older people
9 and I was one youngest person among those people.

10 Q. Thank you. When you tell us that you were among the youngest,
11 does that mean that you saw other people who were as old as you
12 in your sub-group or in your unit? Or were you the only one who
13 was still a child back then?

14 A. I was the youngest in my unit. And people like - rather,
15 people said that I was too young at that time; I should have
16 stayed with my mother instead. So people were saying like this
17 around and I was asked whether I would stop breastfeeding at that
18 time.

19 [09.42.40]

20 Q. Thank you. You explained a bit earlier the kind of tasks you
21 were involved in at the worksite. Were you doing the same work as
22 the young adults and the adults in your unit? Or were you given a
23 different kind of work because you were younger?

24 A. People think that I was too young at the time, so the earth
25 carrier was smaller than the other. And usually, I was asked to

1 go and collect the water for workers. They did not put earth full
2 in my basket. And as for elderly or elder people, they would
3 carry a full up basket.

4 Q. Thank you. Did you have to meet certain quota? And if yes, can
5 you tell the Court how all of this was organised?

6 A. There was no specific quota for me, but the quota was set for
7 the group. So I was put in that group and help carry earth.

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

9 A. I do not recall it, I only recall that the land was measured
10 for workers and the district was divided into "sangkats", and the
11 quota was set for workers who complete in a particular period of
12 time. That's what I knew at the time.

13 [09.45.06]

14 Q. Did you feel any kind of pressure back then in order to meet
15 the quota that was set? Or were you somewhat a bit in a different
16 situation because you were so young?

17 A. I think that there was pressure on me and I was forced to
18 work. I did not care of any other matters but working. We were
19 not allowed to speak to each other -- I mean the 17 April - we
20 were not allowed to speak to each other. Some of them complained
21 about the labour and they said, what the society at that time
22 was. Because they were told to conduct hard labour, they
23 complained at times. I was hardworking at the time because I did
24 not want any blame on me. I was working hard at the 1st January
25 Dam site and one time, I collapsed.

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1 [09.46.01]

2 Q. Thank you. Can you describe your regular days and your working
3 schedule? When did you start working -- at what time -- until
4 what time? Did you have any breaks? And until what time did you
5 work in the evening?

6 A. We worked in a far place in the morning shift so I had to wake
7 up early in the morning to go to work. And when the day broke, I
8 was there already at the worksite. And we rested during lunchtime
9 for a brief moment. And after that, we would hear the bell
10 ringing for us to resume our work. The rest time was about 30
11 minutes. It was just a brief moment. During that rest time, we
12 had lunch and took a small -- a brief rest. And in the afternoon,
13 we also worked and we would return at our sleeping quarter at
14 around 9.00 or 10.00. Actually, at my sleeping quarter, there was
15 no water there for us to wash ourselves. We had to go to
16 villages, to the well to clean ourselves.

17 [09.47.22]

18 Q. Thank you. Now I would like to get back to the schedule.
19 Earlier you said that your sleeping quarters were about five
20 kilometres from the dam. Can you be a bit more specific about
21 that? Can you tell us if you remember what time you would get up
22 in the morning? You said that you would get up very early. And
23 how long it was necessary for you to walk from your sleeping
24 quarters to the dam? Do you remember this information still?

25 A. I recall that I woke up around 4.30 or 5.00 a.m. in the

1 morning. We took a very long time to go -- to arrive at our
2 workplace. I do not remember how long it would take but we had to
3 spend much time travelling to our workplace. From the national
4 road at Kampong Thma to my worksite, it took a long period of
5 time to arrive there. And that place was called Phum Tnaot
6 (phonetic) or Chea Lay Tou (phonetic). And once again, I had to
7 spend much time travelling to work.

8 Q. Was there a specific way you would follow between the dam and
9 the place where you would take your lunch break?

10 A. It was not far from the worksite to the place where we ate. It
11 was a short distance. I could not give you the estimate. It was
12 about 100 metres from the worksite, or it was less than that.

13 [09.50.55]

14 Q. Thank you. You also said earlier that you would stop working
15 between 9.00 in the evening and 10.00 in the evening. Was that
16 the time when you would stop working or was that the time when
17 you arrived in your sleeping quarters? Do you remember that or is
18 all this a bit too vague in your memory?

19 A. Sometimes, we stopped working at 9.00 or 10.00 p.m. and after
20 that, we had to return to our sleeping quarter. I recall that in
21 the evening, we had a brief period of rest, and after that, we
22 resumed our work until 9.00 or 10.00 p.m. We would arrive at our
23 sleeping quarter at 10.00 p.m. or 11.00 p.m. I do not know about
24 other villages' working hours. During the bright season, we would
25 work at night. And torch was used to light our working site --

1 our workplace.

2 [09.51.37]

3 Q. Thank you. When you said that during the dry season, you would
4 work at night, what do you mean by that exactly? Does this mean
5 after 10.00 o'clock in the evening? And if yes, how often would
6 you work at night during the dry season?

7 A. In that period, we had to work in dry and rainy season. We had
8 the same assignment. During the rainy season, I was not told to
9 go and do the transplanting. And we had to work under the rain as
10 well. There was no rest during the rainy season.

11 Q. In order to make things a bit clear, when you speak about
12 night work, what does that mean for you? It was as of what time
13 and until what time?

14 A. The night shift started from 6.00 or 7.00 p.m. We started work
15 from 6.00 or 7.00 p.m. until 9.00 or 10.00 p.m. That's for night
16 shift.

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

19 MR. PRESIDENT:

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

21 [09.54.32]

22 MR. KOPPE:

23 Good morning, Mr. President, Your honours. I think an objection
24 is in place because we heard civil party testify earlier that she
25 only worked for a period of three months, and that she stopped at

20

1 around Khmer New Year, which is around mid-April. Then it is
2 indeed true that the civil party offered evidence that she also
3 worked in the raining season. However, I think the Civil Party
4 Lead Lawyer should first clarify that difference in testimony. It
5 is my understanding that the raining season starts about May and
6 then goes up until October. So it's either working three months
7 from January to Khmer New Year or also in the raining season. And
8 then it's not possible to work only for three months. So I think
9 that should be first clarified by questions.

10 [09.55.29]

11 BY MS. GUIRAUD:

12 I simply wanted the civil party to react to what she herself had
13 said, because it seemed important for her to specify that she was
14 working during the dry season. So I simply wanted her to react to
15 what she had testified herself regarding the fact that she would
16 work at night during the dry season. So I don't know if this is
17 clear but the civil - but --

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

20 MS. SEANG SOVIDA:

21 A. Yes, I worked in the dry season. My apology; I said that I
22 arrived at the 1st January Dam site in early January or February,
23 and I said I was working there for a period of three months. But
24 perhaps I stopped working there in perhaps May. I was talking in
25 general that during that regime, everyone had to work even in dry

1 -- both in dry season and rainy season.

2 [09.56.52]

3 Q. Well, then to get to the real gist of my question, do you
4 remember having worked on the worksite during the rainy season?

5 That may be towards the end of your stay at the worksite. Do you
6 remember therefore having worked during the rainy season?

7 A. I do not have a good memory. There was rain when I was working
8 there. And as I said, I had to work even in the rain.

9 [09.57.42]

10 Q. Thank you. Did you have any days of rest during the three
11 months when you worked on the 1 January Dam worksite?

12 A. I did not have any rest. We were allowed to have one day off
13 during the Khmer New Year time. There was a meeting on that day
14 and there was instruction that -- there was instruction in
15 perhaps other places or villages that there should be two days
16 off during the time that people were working. But in my village,
17 I had no resting time.

18 Q. Thank you. You said a bit earlier on that you fainted on the
19 worksite. So how exhausted were you back then?

20 A. I was so exhausted on that day. I did not have enough sleep
21 and did not have my fill. I fainted. I was ill as well at that
22 time. I was carried away to my sleeping quarter after I fainted.

23 [09.59.30]

24 Q. Thank you. What were your food rations during those three
25 months? Were they still the same or they changed during that

1 period? Can you please explain to us what you ate during that
2 period?

3 A. In that three month period, food ration in my village in
4 Kratie was comparably good. And when I went to fetch water for
5 workers, I also ask people about food ration. And for my food
6 ration, there was soup and cooked rice. And we also had pumpkin
7 for our food. People in my village would bring those vegetables
8 to our workplace. And we could not have food as much as we
9 wanted. Food ration was given to us. And on every tenth day, we
10 would have the dessert -- that is, the sticky rice. And during
11 the Khmer New Year time, there was a -- there were two pieces of
12 ice, and those two pieces were put in a big bucket. And it was so
13 hot at that time, and the water even we had the two pieces of ice
14 was not cold.

15 [10.00.25]

16 Q. Thank you. You stated a while ago that you were taken ill. Can
17 you explain whether you regularly fell ill in the worksite and
18 also explain whether that was the only time when you fell sick?

19 A. I fainted only one time. I was not often ill. And during the
20 time that I fainted, I fell dizzy. And every time I would go back
21 to work after I got recovered from my minor illness. And after I
22 fainted, after two days I went back to work. And when I fell
23 sick, there was a medic to treat me, and the medic was not well
24 trained. I was given rabbit droppings medicine to drink for my
25 illness. I recall that when I was sick on that day, I was given a

1 tablet or a piece of medicine from a man taken from town and I
2 could recover. As for the rabbit dropping medicine given by the
3 medic of the Khmer Rouge, I did not drink it. There was no blood
4 test when we fell sick. I do not really understand how the medic
5 which was -- often was not trained, treated us.

6 [10.02.28]

7 Q. Thank you. Did any other members of your group fall sick
8 during the three months when you were working at the worksite?

9 A. Yes. Some got sick and they had coin massage at the site of
10 the worksite. And after the coin massage, they went back to work.
11 Some people, when they fell sick, they would go and take a short
12 rest. For those who were seriously ill, they were told to take a
13 rest near the worksite. And for the sick who could not recover,
14 they would be sent to the village or to the hospital in the
15 pagoda. At one time, I was seriously ill and I was sent to the
16 medical unit at the pagoda.

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

19 A. It was not during the time that I was working at the 1st
20 January worksite. Later when I was assigned to work at another
21 place, I fell seriously sick and I was sent to a medical unit in
22 the pagoda. It was in a dining hall of that pagoda. There was a
23 traditional healer in that pagoda and the healer would use the
24 herbs to cook and boil so that there was boiled water for us to
25 drink. I had dysentery at that time. And at that time, there was

24

1 water looked like the beverage water, and the liquid was put
2 inside that water and I received the injection shot from that
3 bottle.

4 [10.07.05]

5 Q. Thank you. I would like us to return to the 1st January Dam.
6 Do you remember whether workers in your group or unit were sent
7 to the hospital? Is that something you do remember? I am indeed
8 referring to the 1st January Dam worksite.

9 A. When one became seriously ill, the person would be sent back
10 to the village and commune where he or she came from for the
11 treatment there. However, it seems that no one from my village
12 became seriously ill. But it happened to other workers from other
13 villages and those people were sent back to their respective
14 village. At the worksite, there was no proper medical unit where
15 people could stay for treatment.

16 Q. Thank you. Do you know whether some of the workers you've
17 referred to returned to their villages or their communes of
18 origin and whether they returned to work on the 1st January Dam
19 worksite?

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

22 [10.08.38]

23 Q. Thank you. Did you attend any meetings while you were at the
24 1st January Dam worksite?

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

25

1 Did you attend meetings held at the 1st January Dam worksite? I
2 do not know whether you are receiving any interpretation.

3 Can you hear me, Madam Civil Party? Right, let me repeat my
4 question. Did you attend meetings while you were working on the
5 1st January Dam worksite?

6 A. Yes, I did. I attended the meetings at the unit level, at the
7 district level, and sometimes there was a mass meeting where we
8 all attended.

9 [10.10.20]

10 Q. I will ask short follow-up questions on those meetings. Who
11 conducted and chaired those meetings?

12 A. I did not know them. They were referred to as senior cadres
13 who came to chair the meeting. They represented Angkar -- or they
14 represented the Party. And I did not know who Angkar was or who
15 the Party was. I did not see any of the senior leaders like the
16 ones in the courtroom here. I did not know who were the leaders
17 of the regime at the time. I only knew the faces of the village
18 chief, commune chief, or some cadres in the local area. But I did
19 not know who the actual leaders of the regime were as I did not
20 see them while I was working at the dam worksite.

21 Q. Thank you. How frequently were those meetings held? Were they
22 held during the day or during the working day?

23 A. Most of the time, the meeting was conducted at the end of the
24 working hours. Only when it was necessary or urgent, the meeting
25 would be conducted during the working hours. And usually,

1 meetings were held rather frequently at various levels; for
2 example, at the group level or at the unit level or at the
3 village level. As for the mass meeting, it only happened very
4 rarely. But the meetings at the group levels happened rather
5 frequently.

6 [10.12.30]

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

10 A. For this kind of small meeting, the main purpose was to push
11 us to work as hard as possible in order to finish the work before
12 other villages or communes working at the worksite.

13 During the regime, the theory that they used at the time was
14 "self-criticism". It means we had to watch one another who was
15 our work colleagues in order to catch the mistakes -- in order to
16 criticise during the meeting. And they also use a phrase that
17 "they had many eyes as pineapples". And another word that I
18 recall, they use that, the moment -- or "the momentum was
19 historical will and if you interfere with your leg or your arm,
20 it would crush you". And they also used another slogan from my
21 recollection -- that is, the "great leap forward". And another
22 one was "to keep is no gain; to lose is also no gain". And then
23 these are the typical words and slogans they used at the time.
24 And if one was to fall sick, the person would be accused of
25 pretending to be sick. It means, in general, after they took

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1 control of the regime, we had to conform to what they need. We
2 all had to get rid of the capitalism nature in ourselves.

3 [10.14.19]

4 MR. PRESIDENT:

5 The time is convenient for a short break. We take a break now and
6 resume at 10.30.

7 Court officer, please assist the civil party at the waiting room
8 for the civil parties and witnesses during the break and invite
9 her and the TPO staff back into the courtroom at 10.30.

10 The Court is now in recess.

11 (Court recesses from 1015H to 1032H)

12 MR. PRESIDENT:

13 Please be seated.

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

16 BY MS. GUIRAUD:

17 Thank you, Mr. President. I have about 15 minutes left to put
18 questions to the civil party.

19 Q. Ms. Seang Sovida, when we broke off, you were describing the
20 meetings. You were explaining that there were meetings within
21 your group and within your unit. And then there were meetings
22 which you said were larger, which were more exceptional. So can
23 you tell us a little bit more about these different kinds of
24 meetings, in particular these meetings that were less frequent
25 but that happened apparently at a higher level?

1 MS. SEANG SOVIDA:

2 A. The big meetings discussed about the harvest and work
3 assignments as in the normal meetings and we were encouraged to
4 work hard to meet the plan of Angkar so that we could be
5 prosperous in the following years. So the meetings were
6 discussing about work assignments. Nothing else was discussed in
7 those meetings. And it was said that the country had already been
8 liberated so we had to work hard for ourselves. And from that
9 time onwards, no one would run to any other places. And there was
10 shouting: bravo, bravo, and long live the revolution. I was there
11 listening to the discussion and also to those kind of shouting.

12 [10.35.39]

13 Q. Thank you. You said that nobody could leave. Were you being
14 watched on the worksite?

15 A. So we -- there were groups and sub-groups in our unit and
16 chiefs of the sub-groups and groups would watch over the workers,
17 and once in a while I saw militiamen or soldiers walking past the
18 dam site, and militiamen and soldiers were watching over us as
19 well. And in villages, there would be militiamen watching over
20 the 17 April People.

21 Q. Thank you. Did you know back then if these militiamen were
22 armed? Is this something that you still remember today?

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

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

1 A. Yes. There were loudspeakers broadcast always, and songs would
2 be played over the loudspeakers. Let me tell the truth, the songs
3 were mostly the revolutionary movement, about the leaping forward
4 movement and about the liberation, so on and so forth. There were
5 songs playing for workers, but no romantic songs were played over
6 loudspeakers. As I said, songs were about the revolution,
7 liberation, and about comrades, so on and so forth.

8 Q. How often were these revolutionary songs played? Was it every
9 day? Was it often?

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

11 [10.39.01]

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

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

21 Q. Do you remember having heard security directions telling
22 workers to be careful on the worksite? Do you remember hearing
23 that on the loudspeakers or not?

24 A. No such messages, but we were told how to carry earth and how
25 to work properly. Some people would slip while they were carrying

1 or working, so we were warned and alerted while working. There
2 was nothing but working at that time and I have never encountered
3 accidental injuries of the workers at that site.

4 [10.41.05]

5 Q. When you said that people would slip standing up, did you
6 witness any accidents?

7 A. Yes, sometimes the people got sprained ankles and sometimes
8 they would slip while working because the soil would be wet after
9 it was dug, so some people had minor accidents, but no death
10 injury at the 1st January worksite at the place where I worked. I
11 do not know about accidents in other places.

12 Q. Thank you. Do you remember having seen someone or several
13 people who were a little bit different when you were at the 1st
14 January Dam worksite for those three months?

15 A. I saw an incident while I was carrying earth. We were asked to
16 be harder in our work and we were told in advance, we were told
17 by our unit chiefs and group chief, and we were told that the
18 senior cadres would come to visit the worksite. There were about
19 10 cadres; photos were shot at that time and those people had
20 their scarf around their necks and they had a white fair
21 complexion and I do not know whether one person among those
22 people was Pol Pot. Every day we would work in our normal pace,
23 but on that day we had been told in advance that we had to be
24 quicker in our work. I saw those people on one occasion. I
25 wondered at the time who they were and I was told that those

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1 people were senior delegates, but they were not specifically
2 identified by my colleagues.

3 [10.43.54]

4 Q. Did you ever see at the worksite a film crew shooting a film
5 there? Do you remember that??

6 A. No. I have never seen any film crews there shooting film, but
7 I watched TV on the previous occasion and I could see that there
8 was a film projecting about the Khmer Rouge period. I do not know
9 whether there was a film shot during that regime. And I could see
10 from that film that the activities were of similar situation
11 while I was working at the 1st January Dam site.

12 Q. Thank you. I have only a last series of questions before I
13 give the floor to the Co-Prosecution. You said a little earlier
14 on that there was no water where you would sleep, which meant
15 that you had to go to the village to find water and get washed.
16 So could you describe a little bit more in detail the hygiene
17 conditions on the worksite and in your sleeping quarters?

18 [10.45.31]

19 A. The water condition at the worksite was that the water was
20 boiled in a big pot and we could have water from that pot. And at
21 our sleeping quarter there was no water for us to wash ourselves.
22 I walked past a village before I reached my sleeping quarter and
23 in the mid-way, there was a well and I could clean myself with
24 the water from that well. I could recall that at the sleeping
25 quarter, there was an improvised toilet, but at our worksite

1 there was a big container. We could relieve ourselves by using
2 that big container and I was afraid to fall into that container
3 so I went into the forest to relieve myself.

4 When I arrived at the worksite I received a black clothing. I had
5 my previous clothing with me but they were not clean and they did
6 not look nice. And I would use the fruit of the plants to clean
7 my teeth. We were living like in a hell. We had nothing to clean;
8 I mean the soap or other materials. The clothes were tattered and
9 I was allowed to repair my clothes. There were no threads for us
10 to sew our tattered clothes. And I would use the fibre from the
11 sack to use as thread so that I could sew my tattered clothes.
12 During that time, people were classified into Base People and New
13 People and people were also classified into petty bourgeoisie and
14 another class.

15 [10.48.38]

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

20 A. I left that worksite with my villagers. And I could recall
21 that upon our return they cook rice for us and we were given rice
22 and the dried fish, a piece of dried fish to eat along the way. I
23 feel very pity on my parents at home so I kept the rice and the
24 dried fish for my parents. And I was asked by my parents why I
25 did not eat that kind of rice and dried fish. I told them that I

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1 had enough already at the worksite. I was very patient during
2 that time because I knew that I was endured hard work. After I
3 arrived home I went to live at my original place.

4 [10.50.39]

5 MS. GUIRAUD:

6 Thank you, Madam Civil Party.

7 I am done, Mr. President, and I'd like to specify before the
8 Chamber that Ms. Seang Sovida prepared a statement about her
9 suffering that she will read at the end of today's hearing and I
10 think it's quite long. I think you should plan on 10 minutes so
11 that you should therefore organise the hearing based on that. So,
12 thank you for your attention.

13 MR. PRESIDENT:

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

17 [10.51.26]

18 QUESTIONING BY MS. SONG CHORVOIN:

19 Thank you, Mr. President, Your Honours, everyone in and at the
20 courtroom. Good morning, Madam Civil Party. I am the National
21 Deputy Co-Prosecutor. I have a few short questions for you today.
22 And because of the time I would like to ask you to give as
23 briefly - as brief response as possible.

24 Q. I would like to know about your parents. What did they do
25 before the 17th April 1975?

1 MS. SEANG SOVIDA:

2 A. My mother was a homemaker, my father was then the Khmer
3 Issarak, and after that he worked as a soldier with Chan Raingsey
4 at Kampong Speu barracks.

5 Q. What was his position, what was his rank while working as a
6 soldier?

7 A. From 1970, he was working as a "kong ta".

8 [10.53.02]

9 Q. Where did he work?

10 A. He was working at Chbar Mon barracks.

11 Q. When did he stop working?

12 A. He was in that position until the fall of Phnom Penh. Before
13 the liberation, seven days - seven days before the liberation, he
14 was in a helicopter to Phnom Penh. My house was located in
15 Kampong Speu province and my father was working as a soldier at a
16 barracks in Kampong Speu. He held a rank before 1975, but he did
17 not want anyone to know about his rank and position. But everyone
18 could know his position and his rank.

19 Q. What did he do to his biography?

20 A. He only concealed his biography. But my mother believed that
21 Sihanouk was the initiator and also was the one who created Khmer
22 Rouge regime. My mother wanted to -- she was waiting and wanted
23 to tell everyone later that my father was a former soldier. As
24 for my father, he told my mother to burn everything and my mother
25 could keep a photo, a portrait of my father's photo.

1 [10.55.25]

2 Q. I would like to move on. You stated before the Chamber and you
3 answered a question of the Co-Lead Lawyer that you arrived at
4 Baray Choan Dek before you reached the 1st January Dam site. So
5 where did you stay?

6 A. I did not stay in that pagoda. My sleeping quarter was
7 hundreds away from that pagoda. I did not recall the village
8 where I stayed at that time, but it was near or in Kampong Thma.

9 Q. Did you stay in a place near Baray Choan Dek and how far was
10 it from Baray Choan Dek?

11 A. I could not give you the right estimate. When I was bathing
12 myself with the water from the well I was told by my senior that,
13 please do not go through that pagoda, so perhaps the pagoda was
14 quite close to the worksite. And we were warned not to walk
15 around that kind of pagoda. Perhaps some would see activities
16 taking place at that site, some people would tremble after
17 returning from that worksite. I was warned and told by my senior
18 colleagues that, please do not approach that pagoda.

19 [10.57.22]

20 Q. Did they tell you why you should not go through Baray Choan
21 Dek pagoda?

22 A. They told me that they saw a group of five or 10 people were
23 asked to split wood and some people said that breast of women
24 were cut off from their body and was hanged in that pagoda. I was
25 told by my senior colleague and I was warned that, please try not

1 to worry or try not to get more information about that pagoda.

2 Q. Thank you. While you were working at that 1st January
3 worksite, what was the water condition? You stated already that
4 you were told to fetch the water, so where did you go and get
5 that water?

6 A. There was a hall in the worksite where the water was boiled in
7 a big pot, and the boiled water would be poured into a large
8 container for us to drink. Some people had tubes, some others had
9 water containers so they could put and collect water by using
10 that tube and container. Sometimes, as I said, I was told to
11 fetch the water for some workers to drink.

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

14 A. It was boiled for workers at the worksite, however, I did not
15 know about the water itself. Usually in the area the water was
16 fetched from a creek, a stream or a river, or from a pond. There
17 was no tap water. And if one was too thirsty, he or she could
18 drink from a small creek on the road or a small pond, but usually
19 at that small shelter they boiled water for workers to consume.

20 [11.00.22]

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

23 A. At the kitchen it was not that clean. There was no dining
24 table. We used hay or tree leaves as a cover and we put our bowl
25 or dish on top. And of course the bowl -- and the condition was

1 not that clean; there was no soap to wash our dishes.

2 Q. During the time that you were working at the dam worksite,
3 were you allowed to have a casual conversation or chit-chat or
4 could you yourself take a rest when you were tired?

5 A. No. We could not take a rest whenever we wanted; otherwise,
6 everyone would take a break when he or she needed. There was a
7 set time for rest and of course we could not chit-chat in groups
8 and we could not have a free conversation here or there. We
9 taught ourselves to plant kapok trees -- that is, to keep quiet.

10 [11.02.20]

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

15 A. For Preaek Prasab district, Sieng (phonetic) was a man who was
16 in charge of that affair. He was the one who measured the land
17 for Preaek Prasab district workers and that would be subdivided
18 into various communes within the district. And he was the one who
19 took control of the land measurement for workers in the district.
20 And above him, I did not know who was in charge. I myself focused
21 on carrying the dirt.

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

24 A. He was a villager from Preaek Prasab district but he was
25 appointed as unit chief in charge of our workers -- of my group,

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1 and he was in charge of all the workers in Preaek Prasab
2 district.

3 [11.04.12]

4 Q. And who actually decided on the work that you did and that it
5 was considered complete so that you can move on to the next
6 segment?

7 A. It was likely that Sieng (phonetic) was in charge of that as
8 well. And I did not know whether he made a joint decision with
9 others or not. I only moved to the next segment when I was
10 instructed to do so.

11 Q. While you worked at the 1st January Dam worksite, did you know
12 or did you have any observation that some workers disappeared? I
13 mean disappeared and never returned?

14 A. On the issue of disappearance, we were told that that
15 particular worker -- or those workers were required to work
16 elsewhere; for instance, back at the village. I heard other
17 senior workers there, or workers who were older than me told me
18 about this, or while they were discussing about the issue that
19 people were transferred to work elsewhere, though I myself did
20 not know the reason.

21 [11.05.45]

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

24 A. Yes. There were Khmer Islam or Cham people who had been
25 evacuated to live in my village, and they worked with us, the

1 Khmer people. There was no discrimination against them and it
2 seems that some Cham people, or a few, who were also assigned to
3 work with us at the 1st January Dam worksite.

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

7 A. It was difficult for the Cham people as they did not eat pork,
8 so when there was a soup with pork, then they did not eat, but
9 they could ask for soy sauce to eat with their rice. But I myself
10 was not sure about the arrangement, although I never witnessed
11 that any specially prepared food was made for Cham people.

12 [11.07.23]

13 Q. I'll now move on to another topic regarding your elder sister.
14 In your document -- that is, D22/2531, ERN in Khmer is 00552159;
15 in English, 01063843; and in French, 01095759; you described
16 about your elder sister who was forced to marry and you said --
17 and allow me to quote:

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

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

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

23 Q. Which commune and district?

24 A. Ruessei Keo village, Preaek Prasab district; I was living with
25 my parents and siblings.

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

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

3 [11.09.25]

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

6 A. There was a meeting at night-time; I also attended the
7 meeting. They told us that Angkar from the above sent an
8 instruction for people to get married. And we were wondering how
9 come those people already had their name on the list. So those
10 whose names appeared on the list were required to stay behind and
11 then they made an announcement, but, I myself, I didn't go
12 because I wanted to see what happened. And then they announced
13 that this woman would marry this man.

14 And I was pretty young so I ran to tell my mother about this and
15 next morning I did not know what happened, and maybe my mother
16 went to tell them that my elder sister was too young and she
17 didn't want her to get married. And it was likely that she was
18 told not to disobey the instruction and, as I said that the
19 historical wheel was in motion and if you interfered with your
20 leg or your arm, it would be crushed. And for that reason nobody
21 refused the instruction.

22 [11.11.09]

23 I was not allowed to attend the ceremony itself, but I asked my
24 elder sister, that my sister's name was announced to marry a man
25 by the name of Kum Chat (phonetic), and who was a former

1 intellectual or a pilot from Phnom Penh, although I am unclear on
2 his background. Then the names of the 21 couples were announced
3 and they got married and they were given a set of a mosquito net
4 and a blanket.

5 Q. Did your elder sister say whether she consented to the
6 proposed marriage?

7 A. She told me that she would not marry that man as she didn't
8 love him. Actually the man was just our neighbour, and she didn't
9 want to marry him, but she was forced to and she could not
10 refuse.

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

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

25 [11.14.10]

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

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

6 A. At that time her name and her husband's name were announced
7 that they would be transferred to live in another village. She
8 was pregnant at that time. She was four months pregnant and that
9 announcement was in July. Since she was pregnant, my mother had
10 pity on her and my father was not in the village as he was
11 assigned to work along Dang Rek mountain range. My mother went to
12 seek permission from them not to transfer my elder sister and in
13 fact, allow me to say that, that was not the first transfer that
14 people had been transferred to live in another village. It was a
15 continuous activity of transfer and my mother wanted them to hold
16 on the transfer of my elder sister until my father returned.

17 [11.15.48]

18 There was a big pond behind the village so they went to get my
19 father but they didn't go to get me from the worksite. Later on,
20 my parents and my elder sisters packed their belongings and they
21 were put on to a truck, a covered truck with other villagers and
22 they were told to go to another village and they were brought
23 into an area called Sala Chong and they were instructed to remove
24 their jewelleries and other valuable things there. I only heard
25 this from my elder in-law as she was walking, crossing the area

1 and she observed what happened, that my elder sister was the
2 young one -- was the last one there and my mother was hugging her
3 and she was instructing my elder sister to take off her clothes
4 as she was probably wearing two sets of -- two layers of clothing
5 and they forced her to remove the clothing. And then, after they
6 removed the first layer, then she was put back into the truck and
7 they dropped them off at Chrouy Ampil pagoda.

8 [11.17.38]

9 Then they detained them there and they killed some women first,
10 they were detained in a temple in the pagoda and the execution
11 lasted for three days and during these three days, they played
12 music over the loudspeaker to mask the execution and my relative
13 who lived in a nearby village heard about what happened and she
14 actually later on applied as a civil party in this case. I myself
15 did not do know what happened at the time and only later when I
16 met my relative at Chbar Ampov, I was told about what happened. I
17 never learnt of what happened during the regime and later on
18 during a meeting, they asked us to raise our hands if we had our
19 relative or family members who had been evacuated to another
20 village and I did not raise my hand. And later on, when I arrived
21 at the worksite called Rolum Pnov --

22 MS. SONG CHORVOIN:

23 Due to the time constraint, I would like to hand the floor to my
24 international colleague. Thank you, Mr. President.

25 MR. PRESIDENT:

1 Thank you. And the International Co-Prosecutor, you have the
2 floor.

3 [11.19.24]

4 QUESTIONING BY MR. KOUMJIAN:

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

9 MS. SEANG SOVIDA:

10 A. There were my mother, my father, my younger siblings; all of
11 my family members died at the time, and only I survived because I
12 worked far away so they didn't have a chance to go and get me
13 back to the village for the evacuation. I had a great pity for my
14 older parents. And actually when I decided to return to the
15 worksite, I did not fully recover from my fever but I wanted to
16 go there in order to work hard, to show them that I worked hard
17 so they didn't mistreat my family. But unfortunately, they did
18 and they killed all my family members.

19 (Short pause)

20 [11.21.13]

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

23 A. I can continue.

24 Q. Madam Civil Party, the first witness to discuss the 1st
25 January dam was a village chief under the Khmer Rouge and he

1 supervised workers at the dam, he told us that New People and
2 Base People were treated the same. Was that your experience, can
3 you comment on that?

4 A. We worked under the same conditions, but the New People didn't
5 have any rights. We were considered as their enemies and only the
6 Base People who had the position to control us. And the Base
7 People amongst themselves -- the lower part of the lower class of
8 the Base People -- even treated us worse than the other part of
9 the Base People. I didn't know why they seem to consider us as
10 their enemies. Whatever we did was wrong.

11 [11.22.57]

12 Q. Thank you. Just, I want to clarify something about your
13 father. I didn't understand what rank, do you know if he had a
14 particular rank? Was he a soldier or an officer?

15 A. He was a soldier.

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

24 A. We didn't have any freedom of movement. During the three
25 months period that I worked there I was not permitted to visit

1 home and that applies to all workers from Ruessei Keo village.
2 Only upon the completion of the three months period, were we
3 allowed to return to the village.

4 [11.24.36]

5 Q. Were you allowed to practice religion in these difficult
6 circumstances, could you do ceremonies to Buddha? And if you
7 know, were the Cham people were allowed to practice their
8 religion?

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

12 Q. Did you have freedom of speech? Could you say to your friend,
13 we're really working too hard, could you say at a meeting, yes,
14 they should -- you should reduce the hours that we have to work?

15 A. No. We could not challenge the working conditions; however, we
16 could speak about the working conditions only to our closer
17 colleagues who worked nearby.

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

21 A. There was a mixture of men and women in my unit and there was
22 some Cham workers.

23 [11.26.35]

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

1 A. At the worksite, we were all single, unmarried -- that is,
2 those from my village.

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

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

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

11 A. It was in the East Zone. I do not know which sector it was in.
12 [11.28.18]

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

16 A. Are you referring to the meeting which was held for the
17 organisation of the work force to go to the 1st January Dam
18 worksite? If that's what you mean, we were told that they
19 organised the forces throughout the country for people to go
20 there and it also applies to our Preaek Prasab district. Some of
21 us would be requested to go to the 1st January Dam worksite while
22 others would go to various other worksites within Kampong Cham or
23 to Svay Teab and I myself wanted to go to build dam because I
24 heard that at Ou Kambot, the working and living condition there
25 was worse as we were told that people -- workers at the 1st

1 January Dam worksite had better food than those who worked at Ou
2 Kambot. And if we didn't decide to go, we would be selected to go
3 anyway.

4 Q. So did anyone refuse to go?

5 A. No, no one dared to refuse. If the person was unwell, the
6 person would be allowed to stay behind until he or she recovered,
7 then he or she will be sent to another worksite. But nobody dared
8 to refuse.

9 [11.30.25]

10 Q. You said that you heard that the food situation was better at
11 the dam than other worksites; did you have enough to eat when you
12 were working those three months at the 1st January Dam?

13 A. No, the food was insufficient. We were hungry but the food was
14 not enough and soup was mainly watery, there was rarely any meat
15 in the soup and the condition was even worse at other worksites
16 as the gruel was purely watery.

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

22 A. It was at that work site every tenth day, they prepared
23 dessert and little bit of it was given to each worker, and in
24 fact the dessert was made from our village and then delivered to
25 the worksite and distributed to us.

1 [11.32.02]

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

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

6 A. I was about 1.2 or 1.3 meters high at the time - that is, when
7 Phnom Penh fell and other people, including my elder siblings
8 said that I was lucky that I was allowed to go and work at
9 worksite because if I were to stay with my family then I would be
10 taken away along with my family members and executed. However,
11 when I was young I was quite active and I enjoyed working. At
12 that time, I think I was about 30-something kilogrammes only.

13 MR. KOUMJIAN:

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

15 [11.33.24]

16 MR. PRESIDENT:

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

19 Court officer, please assist the civil party at the waiting room
20 for the civil parties and witnesses during the lunch break and
21 invite her, as well as the TPO staff back into the courtroom at
22 1.30 this afternoon.

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

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1 The Court is now in recess.

2 (Court recesses from 1134H to 1330H)

3 MR. PRESIDENT:

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

5 And the floor is now given to the defence teams to put questions
6 to the civil party.

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

9 QUESTIONING BY JUDGE LAVERGNE:

10 Thank you, Mr. President. Good afternoon, Madam Civil Party. I
11 have just one question for you. This morning you stated that you
12 noted that people disappeared on the 1st January Dam worksite;
13 can you tell us whether those disappearances occurred frequently,
14 did many people disappear?

15 MS. SEANG SOVIDA:

16 A. My colleagues were working together, not many of them
17 disappeared. Mostly male workers were told that they had to go to
18 work in a new place or sometime they required to have these male
19 workers to work with other forces in other worksites and as I
20 said mostly male workers disappeared.

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

24 [13.33.29]

25 A. They were 17th April people, they were mostly adults. I used

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1 to see them but later on they were told that they need to go to
2 work in other places. As for unit chiefs, they were still there
3 and female unit chiefs were also there. At the outset, the
4 disappearance did not occur much but later in 1977, there was
5 much disappearance of people.

6 Q. This morning you also talked about working conditions, you
7 talked of clothes that were so frayed that they became like rags
8 and you also talked about difficulties you had in repairing them.
9 Please tell us were you also provided with shoes on that
10 worksite?

11 A. No, we were not given shoes. I did not receive any shoes.
12 After we left our home, we had some things to barter for shoes
13 but the shoes were made out of tyres and New People, many of New
14 People did not have shoes to wear and mostly they were wearing
15 only tattered clothes. When I arrived at the 1st January Dam
16 site, I was given a set of clothes and when I was living in the
17 village, I was told that since my mother had clothing for me to
18 wear I was not given any clothing and we also had hats and the
19 cone hats and my mother took that cone hat and combined with a
20 piece cloth, the raincoat, the sheet from raincoat and we could
21 wear it and cannot get wet during the raining time.

22 JUDGE LAVERGNE:

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

24 MR. PRESIDENT:

25 Now I give the floor to the defence team for Mr. Nuon Chea to put

1 questions to this civil party, you may now proceed, Mr. Koppe.

2 [13.36.50]

3 QUESTIONING BY MR. KOPPE:

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

5 Good afternoon, Madam Civil Party. I have a few questions for

6 you, not very many.

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

16 [13.38.10]

17 MS. SEANG SOVIDA:

18 A. In my statement I did not put everything in it because I was
19 told give a brief statement. Actually there were many other
20 incidents such as lack of food, lack of gruel, etc., and I was
21 asked about the 1st January Dam work so I made my statement in
22 that document that I was there at the 1st January worksite for
23 three months and in fact in addition to that information, I
24 witnessed some killings as well. On one particular night, they
25 were about to take me away to be killed but I was lucky on that

1 day but my colleague who was staying close to my place was taken
2 away and killed.

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

11 [13.40.08]

12 A. Actually at that time I was told to go and meet the lawyer in
13 Tuol Kork neighbourhood and I was given a piece of paper relating
14 to perhaps Cases 003 or 004 and I was asked about the 1st January
15 Dam site. I was asked about that matter later on.

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

22 [13.41.17]

23 A. They disagreed. They wanted me to work in my village but there
24 was information in the unit that there -- they needed forces to
25 work at Tuol Tnaot Pnov (phonetic) and 1st January Dam site and I

1 asked them what I had to do at the 1st January Dam site and I was
2 told that I had to carry earth. I did not want to go to work in
3 the farm because I was afraid of the worm that is why I decided
4 to go to work at the 1st January Dam site. I decided to go
5 because I wanted them to consider that I sacrificed to work at
6 that place and my family would be spared.

7 Q. Do you remember whether your parents were upset that you
8 ignored their advice and notwithstanding their negative advice
9 you went to the 1st January Dam anyway, were they upset?

10 A. They were not happy but my older siblings consoled them that
11 if I did not go at this time I would have to go later on. During
12 that time I decided to go because I wanted to work there and I
13 observed that the situation was becoming worse. Everyone in the
14 village decided to go to work because they were afraid of the
15 saying that "keeping is no gain, taking away is no loss", if one
16 did not go to work and as I said during that period, they needed
17 the active people to go and work.

18 [13.43.49]

19 Q. Thank you. This morning you also said that people thought at
20 the time, that you were in fact too young to go to work at the
21 1st January Dam worksite, do you remember who these people were
22 who thought that and told you this?

23 A. Many of them and people were saying I was too young, why I
24 decided to go and work in the mobile unit. I was considered a
25 young child at that time. I did not know how to swim but I

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1 decided to go and work there even I knew that we had to travel by
2 boat to reach that worksite. And as I said earlier, I wanted to
3 go and carry earth rather than work in the field because I was
4 afraid of worms in the field.

5 [13.45.01]

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

9 A. Base villagers knew my parents and 17th April People also
10 mentioned about me. Most of the time I could speak to the 17th
11 April People, I was not courageous enough to speak with Base
12 People. Many adults spoke about me, about the time that I decided
13 to go and work.

14 [13.46.01]

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

18 A. No. They did not complain.

19 Q. Now, Madam Civil Party, I have some questions, some additional
20 questions about the working conditions at the dam site. Some
21 witnesses have come to this Trial Chamber and sat in the same
22 chair as where you are sitting and testified that the lunch break
23 on an average day was between 11.00 and 1.00 or 11.00 and 2.00
24 o'clock. Is that a correct testimony from these witnesses or what
25 is your reaction, please?

1 A. I did not have watch, I do not recall it. Actually we heard
2 the bell ringing when there was a break time for lunch. Lunch
3 break was very short, after we had lunch and drink water we
4 returned to work, it was a short break, I did not have watch and
5 I did not have time. I did not usually take a nap during that
6 time.

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

10 (Short pause)

11 [13.48.25]

12 MR. PRESIDENT:

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

14 MS. SEANG SOVIDA:

15 A. Yes, that is true.

16 BY MR. KOPPE:

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

22 MS. SEANG SOVIDA:

23 A. I am not sure. Normally I went to fetch and collect the water
24 perhaps it was during that time, the time that I went to collect
25 water, it was break time. I recalled only the break time for

1 lunch and the break time in the evening.

2 [13.49.36]

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

8 A. From my recollection, during the time which the moon was not
9 waxing, we would -- they would use the torch, they burn the torch
10 to light the worksite and we worked.

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

12 [13.50.53]

13 A. I do not recall it well. It was night time I went to work. The
14 older colleagues would tell me that there was no break time at
15 night and when we were asked to be in full swing, we would worked
16 until 10 p.m. For example, there would be sometime a quota for us
17 to complete in one month so we had to be active during that time.

18 Q. Your answer brings me to my next subject and it is the matter
19 of quota. You said that for you there weren't any specific quota
20 but do you remember whether your group had quota in the sense of
21 "x" amount of cubic meters per day had to be dug at the time? Do
22 you remember any specific number of cubic meters?

23 A. I do not recall it well. I do not recall the amount of dirt we
24 were required to complete. I was so young at that time and as I
25 said I was told to fetch water for workers on some occasion. I do

1 not recall how many cubic meters was required for one worker to
2 complete.

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

6 [13.53.19]

7 A. He only encouraged us to work. He never met -- he's never made
8 any strong threats but we were told to work hard in our
9 assignment. There were no beatings by him and no fatal accidents
10 occurred at the 1st January Dam site.

11 Q. You also spoke about workers in your group or unit who got
12 sick, who were allowed to go back to their village to be taken
13 care of and that these people didn't come back because it was
14 only three months, do you know whether within your group, workers
15 were rotated or were replaced by other workers from your village
16 or was your group always the same, of the same composition in
17 those three months?

18 [13.54.37]

19 A. No, I have never noticed any such rotation and for the sick
20 they would be sent to the villages and treated.

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

1 A. The one who transported the food was in my village, he was in
2 charge of economy and he was the one who transported rice and the
3 food supplies to the worksite.

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

6 A. He did not transport food supplies quite often. He would
7 transport food supplies every four to 10 days, it was not too
8 frequent that he transported those food supplies. Sometimes he
9 would bring those food two weeks after another.

10 Q. Did he also bring other things than food from the village to
11 your group or unit, things that you or your colleagues had asked
12 for, things like clothes or mosquito nets, that kind of things,
13 or did he only bring food?

14 A. I do not know about this matter. I only knew that he
15 transported food supplies. Whether he brought along other
16 materials it is beyond my understanding.

17 [13.57.25]

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

22 A. Mostly the sick would be brought to the villages with the one
23 who was in charge of transporting food supplies and in other
24 worksites the sick would be put on the same cart used by the
25 transporter of food supplies.

1 [13.58.23]

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

6 A. I know about it because the medic did not know how to treat
7 the sick; there was no blood test and if one happens to get
8 dysentery or diarrhoea, that person would be given the rabbit
9 dropping medicine and those medic were children of Base People.
10 Actually these people, I mean the medics would perhaps receive
11 some short training how to give injections or how to give
12 medicines and this medic did not know how to read and write,
13 mostly they were illiterate.

14 Q. Do you know anything about the training or medical backgrounds
15 in terms of education of the medics who were working at the
16 district hospitals or at this hospital in the pagoda that you
17 were speaking about this morning, do you know anything about
18 their background?

19 A. They actually, they were not actual -- there were no medics,
20 the modern medics at the hospital -- in the hospital at the
21 pagoda. Mostly they were traditional healers. I knew one person
22 Ta Mon (phonetic), he would boil the herbal medicines and give to
23 the patients and as for the liquid as I said, there was a liquid
24 in the bottle and the liquid would be used to give injection for
25 the patient. There were no proper clothing for those medics. They

1 wore black clothing.

2 [14.01.10]

3 Q. Is it nevertheless correct when I say that when you were sick,
4 you were given medical treatment, good or not but it wasn't
5 withheld to you because you were a New Person, is that correct?

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

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

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

16 [14.02.56]

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

21 A. Maybe they suspected him but they didn't know for sure. Chorn
22 (phonetic) one day interrogated me about my father's position and
23 I said he didn't do anything he was a merchandise and he works in
24 a rice field and that's what was written in the biography however
25 as for my brother, elder brother in-law they searched his

1 belonging and they found the military uniform in his bag pack and
2 it was rather frequent time that they conducted a search by
3 searching through our belongings looking for any clothes linking
4 to any enemy and the search was conducted village wide. My father
5 was a hardworking man and he worked very hard and in order not to
6 allow them to have any suspicion on him. However he also knew how
7 to treat people but he didn't reveal about what he knew on the
8 treatment. Nobody knew that he could treat the people and I
9 believe that they only had a suspicion on him.

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

13 [14.05.04]

14 A. I did not know because after a few days after they got married
15 I was assigned to work at Stueng Chinit river -- that is, the 1st
16 January Dam worksite so I did not know the details about what
17 happened back at the village. I only heard from others regarding
18 what happened and I didn't have a full account of the event.

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

22 A. After the liberation on 17th April 1975, they worked in the
23 rice fields as other villages, that was per the instructions by
24 the Khmer Rouge.

25 Q. If their identity as former Lon Nol military, if that wasn't

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1 known for two years, do you know if someone within the village
2 betrayed them to the village chief, or to Angkar or to the
3 authorities?

4 [14.07.05]

5 A. That is a possibility but I cannot say for sure. Initially my
6 elder brother in-law and my elder sibling were taken away and
7 killed and it was my parents who actually made a request to live
8 with my other siblings. And that was the first time on the 21st
9 in July '77, when my siblings and family members were killed and
10 at that time my mother did not know that my elder sister was
11 killed and as she was instructed to relocate to another village,
12 she requested to accompany my elder sister since she was pregnant
13 and she also requested my parent to come along. He was at a
14 plantation at Boeng Rey which was about two or three communes
15 away. It is my understanding that they did not suspect the
16 position or the role of my father in the previous regime but he
17 might be the victim of the position of my elder brother in-law.

18 MR. KOPPE:

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

21 MR. PRESIDENT:

22 Yes, Counsel, you may proceed.

23 [14.08.55]

24 QUESTIONING BY MR. LIV SOVANNA:

25 Thank you, Mr. President. Good afternoon, Mr. President, Your

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1 Honours, and everyone. Good afternoon, Madam Civil Party. My name
2 is Liv Sovanna, I am defence counsel for Nuon Chea's defence and
3 I only have a few questions for you to seek for your
4 clarification.

5 A while ago you said that people were taken away from the
6 worksite as they were told to relocate to work at other worksites
7 and can you tell the Chamber at which worksite did this happen?

8 [14.09.39]

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

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

14 MR. PRESIDENT:

15 Madam Civil Party, please observe the microphone.

16 MS. SEANG SOVIDA:

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

19 BY MR. LIV SOVANNA:

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

24 [14.10.56]

25 MS. SEANG SOVIDA:

1 A. There were many worksites namely the 1st January Dam worksite
2 and only a few cases happened there. However at Rumlum Pnov
3 (phonetic), Kouk Mlu (phonetic), Veal Suong (phonetic) and Kohsor
4 (phonetic) worksites, people disappeared and in some instances I
5 knew for sure that they had been killed. However I am not sure
6 what happened to those workers who were relocated from the 1st
7 January Dam worksite. And at Rumlum Pnov (phonetic), as I said
8 earlier, a woman who stayed next to me was taken away by an ox
9 cart and she was killed. And I was a target of being killed too,
10 as I was the only remaining member of my family however
11 unfortunately the lady next to me was taken away and killed.

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

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

16 [14.12.25]

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

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

23 MR. LIV SOVANNA:

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

25 MR. PRESIDENT:

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

3 [14.13.32]

4 QUESTIONING BY MS. GUISSÈ:

5 Thank you, Mr. President. Good afternoon, Madam Seang Sovida, I
6 am Anta Guissé, I am one of -- I am the International Co-Counsel
7 for Khieu Samphan so I have a few very brief questions to you so
8 that you can clarify your testimony.

9 Q. This morning you said that when you arrived to work on the 1st
10 January Dam, you first were assigned to a place that was not far
11 from your sleeping quarters you said it was about one or two
12 kilometres away. So my question is how long did you stay over the
13 three month period when you were there? How long did you stay at
14 that particular place which was about one or two kilometres away
15 from where you would sleep?

16 [14.14.27]

17 MS. SEANG SOVIDA:

18 A. It was about a month, until that building was completed.

19 Q. So, if I understand clearly what you said, you worked for one
20 month in that particular place and during the two other months,
21 you worked somewhere that was a little bit more distant; is that
22 correct?

23 A. Yes, that is correct.

24 Q. And again in order to try to understand clearly what you said
25 this morning, I believe I understood that you started working on

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1 the dam somewhere in February and you said you worked there for
2 three months and I believe I heard from your testimony that you
3 said that you left around the Khmer New Year. So my question is;
4 was it before or after the Khmer New Year that you left the dam
5 site?

6 [14.15.47]

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

14 Q. Now another point of clarification with regard to what you
15 said this morning about the 1st January Dam site, you said that
16 the place where you would eat wasn't far from the site where you
17 would work and you also spoke about containers in which they
18 would boil water. So my question is the following, was this water
19 that people boiled used only for your group, from your village
20 group or was this water going to be used by all of the groups
21 that you worked with on the worksite. So, just like the food, was
22 it the unit chief who was in charge of distributing the water or
23 was it more general was the water given to the other units as
24 well?

25 [14.17.39]

1 A. It was a general water for workers consumption and it was
2 boiled in a large cooking pot, not in a water boiling kettle. And
3 the water was boiled by various groups, for example, in our group
4 we boiled the water for our own group consumption and it happened
5 to other groups.

6 Q. Another aspect I would like to react to, with regard to the
7 organisation of the groups. I understood that when you arrived
8 there were about 10 people per village. So my question is, in the
9 place you worked were you still working on village base, so in
10 your group therefore there were only about 10 people or were
11 there other people from other villages?

12 A. At that time, the village workforce was combined with the
13 other forces from the villages under the commune and then we
14 worked under the district. So there were quite a number of
15 workers in terms of all the workforces from the villages under
16 the one commune for example Ruessei Keo commune. And that's how
17 it happened and I can only speak about what happened under my
18 village and commune. And you can say that usually the workforce
19 would be organised per commune under the district.

20 [14.19.49]

21 MS. GUISSÉ:

22 Thank you, Madam Sovida. I have no further questions, Mr.
23 President. I believe my colleague has a short extra question to
24 put and then we will be done.

25 MR. PRESIDENT:

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

2 QUESTIONING BY MR. KONG SAM ONN:

3 Thank you, Mr. President. Good afternoon, Your Honours, and good
4 afternoon, Madam Civil Party. I have a quick question regarding
5 your testimony and your response to Judge Lavergne's question on
6 the issue of disappearance.

7 You said that people -- more disappearance happened after 1977
8 and you just also said that people disappeared at the 1st January
9 Dam worksite although there were only a few cases and more
10 similar cases happened at other worksites.

11 [14.20.59]

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

17 MS. SEANG SOVIDA:

18 A. I do not know when the construction work started. Since I
19 arrived there had been workers there and when I left the
20 construction work was not yet completed. And there were workers
21 there from Baray, Tang Kouk and other nearby communes continued
22 working while I returned to my village. So to briefly answer your
23 question, I'm not sure.

24 Q. Did you return to the village only by yourself or your entire
25 unit from your village returned?

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1 A. All the workforce in the district returned.

2 [14.22.28]

3 Q. You also said that you volunteered to sacrifice yourself to
4 work at the 1st January Dam worksite as you believed it would
5 assist the tense conditions or situation within your family as
6 you considered going to work in the hot zone or hot battlefield
7 would assist in this matter. Can you tell the Court did you make
8 that decision when you was around 11 or 12 years old at that
9 time?

10 [14.23.18]

11 A. I thought that the group chief and village chief seems to
12 actually oppress the 17th April People in terms of working
13 conditions and we the Phnom Penh city dwellers were being asked
14 about our background and I was with the children of the Base
15 People and I learnt some additional information. And I learnt
16 that we, the 17th April People, had to work hard otherwise we
17 would be sent or transferred to work further and more intensive
18 far away from the village with little food distribution. So when
19 I took into account these factors and also from what I say on the
20 beating up of a man named Liv Thong, who was in a mobile unit and
21 I was afraid that they beat up a person in term of the working
22 condition and due to his half-blood Chinese background. I was
23 told that actually he was taken away to be killed and buried
24 under a tree however for some reason he survived and the killer
25 was Chong (phonetic). And I learnt various other information from

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1 people in the village and based on the information and from what
2 happened to this man, I came up with that decision and allow me
3 to continue, an elder brother in-law of my sister in-law who was
4 in a mobile unit and he knew that my other sister was about to
5 get married so he gave her a scarf as a souvenir and later on we
6 learnt that he had been killed in a nearby village.

7 [14.25.55]

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

10 A. It happened around early 1977, before I left for the 1st
11 January Dam worksite as when I returned I only stayed for three
12 days at the village.

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

17 [14.26.49]

18 A. I was told about the tense condition and situation in the
19 village and it was my own thinking that if I were to work hard
20 far away from my village then my family members would be safe and
21 I understood that in my family, my parents were old and I was the
22 main person with strength to work and to assist the family and if
23 I did not go to work at the dam site then I would sent to work
24 elsewhere anyway.

25 Q. My question to you is in relation to the name of the person

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1 who told you about working hard or that you had to sacrifice to
2 work hard?

3 A. I cannot recall the name. However, I spoke to children of the
4 Base People and some of them are still alive and I was told not
5 only by one child but by many children.

6 Q. You mean children of your peer?

7 [14.28.18]

8 A. Yes.

9 Q. The man Ly Thong, that you mentioned, what happened to him,
10 did it happen in your cooperative?

11 A. It happened in my village.

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

13 A. It was Ruessei Keo Leu

14 MR. KONG SAM ONN:

15 Mr. President, I'm done.

16 [14.28.54]

17 MR. PRESIDENT:

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

1 if you wish to do so, you have the floor.

2 MS. SEANG SOVIDA:

3 Mr. President, I -- may I ask questions?

4 MR. PRESIDENT:

5 You cannot put the questions directly to the Accused. However,
6 you can put your questions through us, the Bench.

7 [14.30.10]

8 MS. SEANG SOVIDA:

9 I would like to put a question through Mr. President of the Trial
10 Chamber. The Khmer Rouge leader made a propaganda that they
11 wanted to save the nation and to save the people however upon
12 gaining the victory they did the contrary, they massacred their
13 own people, they forced their own people to work and they
14 deprived their own people of food and they considered their
15 people as their enemies. And I -- it is my belief that they
16 considered the 17th April People as their enemies and I want to
17 know why they did that and for what purpose and for what gain.
18 And I would like to them to answer in details about the reasoning
19 behind this so that the young Cambodians and the next generation
20 will understand their motive and this will also enlighten the
21 people as it bring out the truth. And it will also be the truth
22 for the victims including my parents and siblings and relatives
23 who died during the regime. I would like them to tell us the
24 truth and not anymore lies. They kept saying that they did not
25 know about what happened and that what happened was done by the

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1 lower cadres. Do you mean that you, who were at the level, at the
2 upper level did not have any authority at all during the regime?
3 You did not control the country at all, please tell us the truth,
4 tell us what happened and this is part of the Cambodian history
5 so that the young generation can understand.

6 [14.32.15]

7 And I would like a library be built in order to contain any
8 documents relating to what happened during the Khmer Rouge regime
9 as well as the archives of the proceedings in this Court since
10 Case 001 as this is one of -- as in the world there has not been
11 a similar case that people killed their own people. I think it
12 might be a personal revenge that they killed the people from
13 Phnom Penh. Not everyone wanted to live in Phnom Penh if you can
14 imagine. In Phnom Penh aerial bombardment happened almost every
15 day at that time, we didn't have a proper chance to go to school
16 regularly and although some people who worked for the former Lon
17 Nol regime or who were military officials also actually joined or
18 assisted those who worked for the revolution as they provided
19 secret information to the Khmer Rouge side. And my father he
20 never committed any wrong doing and I want justice for him. And I
21 want them to tell the truth as soon as possible because they are
22 very old now before it is too late. And I want the truth to be
23 told by them so that the victims can hear it and hear the truth
24 in this Court.

25 [14.34.04]

1 We all were delighted when this Court was established and
2 initially I was very angry when I heard about Khmer Rouge leaders
3 were being detained at this Court, I wanted to kill them as a
4 revenge because they were the ones that led me to misery, led me
5 to lose my family members and beloved parents. They claimed that
6 they did not know what happened at the upper level why they
7 didn't go down to the base to observe first hand as to what
8 happened. If you were leaders of the country, it is similar as
9 you are the custodians in the family, you should know what is
10 going on in your family. My father spoke of Khieu Samphan when he
11 was alive. He said after the end of the Issarak regime, he wanted
12 to actually flee into the forest to join the movement but in the
13 end I don't understand what happened. And by 1970, Prince Chan
14 Raingsey allowed him to stay behind in the barracks to take
15 control and to manage the finance.

16 [14.35.37]

17 And they, the leaders, they should know about the wellbeing and
18 about the living condition of their own people and if they do not
19 know anything about that, what was -- what were they doing at the
20 upper level. For them they didn't lose their family members but
21 for us, we lost, I lost family members and it was a great misery
22 for us. If someone lose a family member maybe we could only
23 express our condolence but if it happens to your family, your
24 feeling is much, much different. In fact after the fall of Phnom
25 Penh I was told -- I was asked to join the military and I wanted

1 to do so, to take revenge. I loved my parents very much if I
2 could exchange the position then I would rather die so that my
3 parents could live. I did everything, I sacrificed everything
4 during the Khmer Rouge regime in order to have my family. I do
5 not want anything from anyone I just want myself to be relieved
6 from the pain of losing my parents. And my father always advised
7 me not to take revenge against the revenge or the bad deed that
8 happened.

9 [14.37.17]

10 I have been keeping, thinking about this and it keeps going in
11 circle and I try myself to be busy and not to think about that
12 but still my mind is occupied constantly with what happened.
13 Every day my tear flows and sometimes I was observed by my son
14 when I was weeping quietly in my room. And I urge, I urge them to
15 tell the truth and not just to give lies or pretext to lies. We
16 are all born and of course we will die and if you loved the
17 nation, love the people, please allow the Cambodian younger
18 generation to understand the truth, to understand the history of
19 what happened and I beg you to tell the truth. And you should
20 know you're lucky to be detained here, your life is not as misery
21 as what happened to us. Here you're living in a controlled,
22 comfortable environment with air-con, with a proper food regime
23 and the only thing that I want from you is simply the truth.
24 Whether you were in a position and you did not have the authority
25 at all during the regime and that is all that I want to know.

1 [14.38.57]

2 MR. PRESIDENT:

3 Madam Civil Party, Seang Sovida, we would like to inform you that
4 after ascertaining the position of both Accused on 8th January
5 2015, regarding their exercise of the right to remain silent, the
6 Chamber notes that the two Accused maintained their expressed
7 positions unless and until such time the Chamber is expressly
8 informed otherwise by the Co-Accused or by their Counsels. It is
9 therefore incumbent upon them to inform the Chamber in a timely
10 and efficient manner, should the Accused resolve to waive the
11 right to remain silent and be willing to respond to questions by
12 the Bench or relevant Parties at any stage of the proceedings. As
13 of today, the Chamber is not informed that the Co-Accused have
14 changed their expressed positions and thus agreed to provide
15 their responses to questions.

16 The hearing of the testimony of the civil party, Seang Sovida, is
17 now concluded and the Chamber will commence hearing the testimony
18 of another civil party -- that is, 2-TCCP-804, 2-TCW rather.

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

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

24 [14.41.15]

25 MS. GUIRAUD:

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1 I wish to intervene in this last minute, Mr. President, because I
2 know Ms. Sovida has prepared a long testimony on suffering and
3 I'm not sure she has presented all that she wanted to present so
4 may I request your leave, Mr. President, to once more ask her
5 whether she has indeed presented all her sufferings because she
6 had envisaged reading a document in which she detailed all the
7 harm she suffered during the Democratic Kampuchea regime. I have
8 the impression that after putting questions to the Accused, she
9 cut short her presentation and didn't read out what she had
10 intended to read. So I would request you, Mr. President, to give
11 her a chance to read out what she has prepared, if time allows.

12 Thank you.

13 [14.42.14]

14 MR. PRESIDENT:

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

19 MS. SEANG SOVIDA:

20 I have given many responses already in the morning and what I am
21 planning to make the last statement before the Chamber reflects
22 what I have given already but I would like to make a brief
23 statement before the Chamber. I already spoke about the
24 evacuation when I left Phnom Penh and reached Ruessei Keo. I
25 wanted to mention about the mistreatment happening on my family

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1 at Ruessei Keo. My father realised that the civil servants and
2 intellectuals were identified. We told them that my father was a
3 merchandise and we were in the field. I feel so pity on my father
4 because he was mistreated. When my father fell sick -- when he
5 reached Ruessei Keo Leu, he fell sick, it was in 1976. My elder
6 sibling and I went to Stueng Thum worksite and I was told by a
7 person on the ox cart that my father was ill. I made a request --
8 two of us made a request but only one of us was allowed to visit
9 my father.

10 [14.44.46]

11 I encountered suffering the most when he was taken away and
12 killed. I would like to make a brief statement. My elder sister
13 Sing (phonetic) could witness the killing and she went to the
14 killing site to observe the incident. My people were killed,
15 their belongings were confiscated. In 2000, I went to join the
16 ceremony and Khim (phonetic) and Khom (phonetic) survived the
17 period he witnessed the incident about the killing and I was told
18 that there were two people surviving at the period, I really want
19 to know about the killing of my father. I really want to see the
20 two individuals who witnessed the killing of my father. I do not
21 want to waste the Courts time, I have the same sufferings as
22 Cambodian people have had. I do not feel well when I am
23 mentioning and stating about the sufferings. We have encountered
24 the same sufferings.

25 (Short pause)

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1 [14.46.57]

2 I would like to skip some points. I endured sufferings, very huge
3 sufferings after I returned to live in Phnom Penh. My children
4 always ask me why I am not happy all the time and I told my
5 children how could I be happy because I have lost my beloved
6 relatives and parents. I do not want to go on Mr. President
7 because I feel like I am going to collapse when mentioning about
8 the experience I have went through. I was mentally, morally
9 tortured because everything happened on my parents and my
10 siblings. So, I would like to conclude my last statement because
11 I do not want to go on. I feel unwell, Mr. President.

12 [14.48.23]

13 MR. PRESIDENT:

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

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

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

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

25 The Court is now in recess.

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1 (Court recesses from 1449H to 1511H)

2 MR. PRESIDENT:

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

4 And the Chamber will hear 2-TCW-804. Court officer, please invite
5 the witness into the courtroom.

6 (Witness enters courtroom)

7 [15.12.48]

8 QUESTIONING BY THE PRESIDENT:

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

10 MR. UTH SENG:

11 A. My name is Uth Seng.

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

14 A. I was born on 7 January 1956.

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

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

18 Q. And what about your current address? Where do you live? And
19 what is your occupation?

20 A. Currently, I am living in Kang Sau village, Kampong Thma sub
21 district, Santuk district, Kampong Thom province. I am an
22 official of the Kampong Thom provincial water resources and
23 meteorology office.

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

25 A. My father's name is Uth Khieu, and my mother's name is Loeung

1 Ieng.

2 [15.14.40]

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

5 A. My wife's name is Kham Salat. We have three children, two sons
6 and one daughter.

7 Q. Thank you, Mr. Uth Seng. In accordance with the oral report of
8 the greffier, to your best knowledge, none of your father,
9 mother, ascendants, children or descendants, brothers and
10 sisters-in-law, you have no relationship with any one of the
11 Accused in this case. Is that true?

12 A. I have no relationship.

13 Q. Thank you. And I was told that you have taken an oath already
14 before you are before this Chamber. Is that true?

15 A. Yes, that is true.

16 [15.16.01]

17 Q. Now the Chamber would like to inform you of your rights and
18 obligations as a witness. Mr. Uth Seng, as a witness in the
19 proceedings before the Chamber, you may refuse to respond to any
20 question or to make any comment which may incriminate you. That
21 is your right against self-incrimination. Your obligation, as a
22 witness in the proceedings before the Chamber, you must respond
23 to any question by the Bench or relevant Parties, except where
24 your response or comments to those questions may incriminate you,
25 as the Chamber has just informed you of your rights as a witness.

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1 And as a witness, you must tell the truth that you have known,
2 heard, seen, remembered, experienced or observed directly about
3 an event or occurrence relevant to the question that the Bench or
4 parties pose to you.

5 Mr. Uth Seng, have you ever provided any statement to the
6 investigator of the OCIJ? If you have, how many times have you
7 provided that statement?

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

10 Q. Thank you. Before you are here, have you read the previous
11 statement that you gave to the investigator of the OCIJ?

12 A. Yes, I have already read it.

13 [15.18.20]

14 Q. To your best knowledge, and to your recollection, does this
15 statement reflect what you have stated?

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

17 MR. PRESIDENT:

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

23 [15.19.28]

24 QUESTIONING BY MR. SREA RATTANAK:

25 Thank you, Mr. President. Good afternoon everyone in and around

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1 the courtroom. Good afternoon, Mr. Witness. I am Srea Rattanak,
2 the National Deputy Co-Prosecutor. I have a few questions to put
3 to you in relation to the work that you conducted between 1975
4 and 1979.

5 Q. Where did you live before 1975?

6 MR. UTH SENG:

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

8 Q. What did you do then?

9 A. I studied in Tuol Tumpung college. I was a student.

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

12 A. On -- I was evacuated from Phnom Penh, and I went to live in
13 my birth village, in Kang Sau village, Kampong Thma district,
14 Kampong Thom province. I had to travel one month to reach my
15 destination.

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

19 A. I know it clearly because the dam was located near my village.

20 [15.22.01]

21 Q. Beside the fact that the 1st January Dam was close to your
22 village, what -- how did you know -- how did you know it well?

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

25 Q. I would like to ask you about the period between 1975 and

1 1979. You told the Court that you were living close to the dam,
2 and besides that, why did you know this dam well?

3 A. In late 1976, I was put in the youth unit in Kampong Thma sub
4 district to dig the canal and to build the dam at Stueng Chinit.
5 But first I was asked to work on the canal as the dam itself was
6 not yet built until 1978. So I was asked to work in the dam site
7 of the Sangkat, or village.

8 [15.23.59]

9 Q. I heard you mention Stueng Chinit dam. Was there any other
10 name for this Stueng Chinit dam?

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

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

13 A. I do not recall it, but I remember that I was put in the youth
14 group or unit. In fact, this dam belongs to the zone, and there
15 were many sectors in the zone, so there were 42 or 43 sectors.
16 There was Sector 42 and 43 working at that dam site.

17 Q. From what I heard, there were many workers from Sectors 42 and
18 43. Is that correct to say the dam was built by many workers from
19 Sectors 42 and 43?

20 A. Yes, you could say so.

21 Q. To your observation, how many workers were there building the
22 dam?

23 A. There were many of them and I knew only the fact that there
24 were many people working at the dam site close to my workstation.

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

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

2 [15.27.00]

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

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

8 Q. How was the group divided? Based on what situation that the
9 group was divided?

10 A. The total numbers of workers in the units was more than 1000,
11 and then these workers were divided into units.

12 [15.28.23]

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

18 A. I understand that this is a warning for us. And these people
19 were put in a special unit, because they did not perform hard
20 enough. And there were only 20 members in that unit. We were
21 afraid of being put in the special unit. If we were to be put in
22 that special unit, we would be asked to perform harder work.

23 Q. You stated that 20 people were selected from the 500 workers
24 and put in that special unit. How did you know that?

25 A. The food ration given to the 17 April People and the Base

1 People was different. The gruel for 17 April People was watery.

2 And for the Base People, they could have better gruel.

3 Q. I would like to reformulate my question. How did you know that
4 there was a special unit at that place?

5 A. The mobile units in the commune were working close to each
6 other, and in the evening we had to join the criticism meeting.

7 And we were instructed and told that there were special units.

8 The purpose of having special units was to deter other people
9 from being lazy.

10 Q. I would like to know about your working conditions. What were
11 you assigned to do at that time?

12 A. I was told to carry dirt. Only the unit chief was standing and
13 looking at us, and for other workers, they had to join in the
14 work assignment -- that is, carrying earth.

15 [15.32.34]

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

17 A. For instance, if one unit chief received a quota of 100 metres
18 of land to work on, and then the unit chief would assign that
19 plot of land -- that is, 100 metres of land, for workers to do.

20 Q. What do you mean by referring to the metres, 100 metres of
21 land?

22 MR. PRESIDENT:

23 Please observe the microphone, Mr. Witness.

24 MR. UTH SENG:

25 A. The land was measured based on the land condition. If the land

1 condition was quite good, then the person, or the group or unit,
2 would receive a large amount of work to do.

3 [15.33.54]

4 BY MR. SREA RATTANAK:

5 Q. I understand that at that time, the land was measured in cubic
6 metres. How -- what do you mean by saying about the measurement
7 of the land?

8 MR. UTH SENG:

9 A. So, if we received our work assignment of 10 metres for the
10 group, we had to complete it at the end of the day, and to make
11 it into a shape of canal.

12 Q. You stated that people had to work in groups, and one group
13 may have received 30 metres of land to work on. Was there any
14 subgroups divided at that time?

15 MR. PRESIDENT:

16 Please wait, Mr. Witness. You may now proceed, Lawyer Kong Sam
17 Onn.

18 MR. KONG SAM ONN:

19 I would like to pose the objection to the question. Mr. Witness
20 did not state that one could receive the quota of 30 metres of
21 land to work on. The witness said that one group may receive 30
22 metres of land to work on, and in some other groups, they may
23 have received 10 or 20 metres of land to work on. It depended on
24 the land conditions, so the statement made by the Co-Prosecutor
25 is not correct.

1 [15.35.41]

2 BY MR. SREA RATTANAK:

3 Q. I heard that the work -- the amount of land would be given to
4 respective groups, and I would like to ask the witness about this
5 matter. Did you personally receive the quota of work? So what was
6 your quota of work you had to do at that time?

7 MR. UTH SENG:

8 A. There were two or three members in one group. We could decide
9 to select our group members. If we could finish one or two metres
10 of soil for the day, and if we were satisfied with any members of
11 the group, we could choose and select members of our own group.
12 However, we had to complete our work quota or work assignment in
13 one day.

14 Q. You may continue your answer, please.

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

16 [15.37.34]

17 Q. You were about to mention about the group, and you have stated
18 that there were 10, perhaps 10, members in your group. And you
19 also stated that there were two or three members in one group,
20 and you could choose and select group members. So, could you
21 elaborate more on this?

22 A. The work was divided among all of us. For example, if our
23 group had 10 members, or if our group had two or three members,
24 we had to complete our work assignment. If one worker received
25 one metre of land to work on, and if another worker received the

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1 same amount of land to work on, we can join together and work on
2 the combined amount of land together.

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

7 (Short pause)

8 [15.39.46]

9 MR. SREA RATTANAK:

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

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

15 [15.40.26]

16 A. For instance, the two metres of land must -- had to be
17 completed by two of us, and we had to make it into a canal.

18 Q. Who actually set the quota and the depth of the canal? Who
19 actually set it? And what was the maximum depth of the canal? And
20 how wide was the canal?

21 A. Here I refer to the smaller form of a canal. The upper width
22 was five metres wide, and the lower - and the bottom part was
23 four metres wide and the depth was two metres deep. And it was
24 actually measured for us already.

25 [15.41.42]

1 Q. What I'm to ask you is in relation to your work quota at the
2 1st January Dam worksite. However, you just talked about the
3 smaller form of canal. Are you referring to the same worksite or
4 to another worksite? Because from your previous statement, you
5 said you worked at various worksites. However, my line of
6 questioning is only related to the 1st January Dam worksite.

7 A. No, I refer to the smaller feeding canals, branch, of the 1st
8 January Dam worksite. As for the 1st January Dam worksite itself,
9 our unit worked in -- worked in a - at a bigger scale. The upper
10 width was about 20 metres wide, and the depth was between two to
11 three metres deep.

12 Q. Please do not confuse between the measurement of a canal and
13 the measurement of the dam itself. I refer to the work that you
14 did at the 1st January Dam worksite. Please clarify to the Court.
15 Did the assignment of a two metre land strip for two workers was
16 at the 1st January Dam worksite?

17 [15.43.42]

18 A. I refer to a smaller feeder canal, assigned by the commune for
19 the commune mobile unit, and not the 1st January Dam worksite.

20 Q. And while you worked at the 1st January Dam worksite, what was
21 the work quota?

22 A. At the 1st January Dam worksite, we worked in groups and in a
23 unit. For example, for a piece of 30 metres land plot, the group
24 had to complete the work quota jointly. And the previous
25 measurement referred to for the commune's mobile unit.

1 Q. Please pay attention to my question, as I am only interested
2 in your work at the 1st January Dam worksite. So allow me to say,
3 your group would receive an assignment to work on a 30-metre land
4 plot, and for this 30-metre land plot assignment, was it for how
5 many workers? And was it at the 1st January Dam worksite?

6 [15.45.10]

7 A. My unit of 30 workers was jointly at the 1st January Dam
8 worksite.

9 Q. And the work assignment for your unit? For instance, how much
10 land did you have to work on per day?

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

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

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

15 Q. And while working there, were you allowed to rest while -
16 during -- in between working hours?

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

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

21 [15.47.36]

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

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

1 A. I only noticed the unit chief, and I could not say if there
2 were others, because there were many, many workers at the
3 worksite.

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

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

8 Q. From your experience working there, did you have any
9 work-related injury, or did you observe any work-related injury
10 caused to other workers?

11 A. Yes, I did observe that.

12 [15.49.22]

13 Q. Can you elaborate a bit further?

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

16 Q. Were there many similar cases?

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

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

25 "However, if there was a special need, we had to work from 6.30

1 p.m to 9 p.m., and electricity was provided at the worksite. And
2 we only worked at night for a special assignment. Some workers
3 disappeared during the night." And my question to you is the
4 following: what was the special condition for night work?

5 [15.51.33]

6 A. We were asked to work at night for the special reasons - that
7 is, because at night time it was quite dark, and it was easier
8 for them to call someone to the dark part of the worksite, and to
9 tie them up and take them away. I knew what happened, because at
10 the nearby unit, something happened in that unit, and next day,
11 members of the unit disappeared.

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

13 A. I only knew once.

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

17 A. It was during a dry season.

18 [15.53.01]

19 MR. PRESIDENT:

20 Counsel Koppe, you have the floor.

21 MR. KOPPE:

22 Thank you, Mr. President. No objection, but an observation in
23 relation to the previous question. The Deputy Co-Prosecutor
24 quoted a passage from the statement of the witness, and it seems
25 that both in French and in Khmer, working time in the afternoon

1 is being noted down as between 1 o'clock and 5.00. However, in
2 the English version, we have between 1.00 and 6.00. I think I
3 just take the opportunity to make an observation so that it can
4 be corrected at one point in time. It is indeed, and I'm looking
5 at the Prosecution, indeed at the Khmer version, 1.00 till 5.00,
6 rather than 1.00 till 6.00.

7 [15.54.18]

8 BY MR. SREA RATTANAK:

9 Q. While you worked at the worksite, please tell us whether it
10 was during a rainy season or a dry season?

11 MR. UTH SENG:

12 A. It was during a dry season.

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

15 A. No, there was no shade for us to take refuge under.

16 [15.55.08]

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

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

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

22 MR. PRESIDENT:

23 Witness, please observe the microphone.

24 MR. UTH SENG:

25 A. Besides short breaks, there were no other resting times. That

1 is, until the working hours concluded, then we could rest at our
2 sleeping quarters.

3 MR. SREA RATTANAK:

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

6 [15.56.19]

7 MR. PRESIDENT:

8 Thank you. And yes, International Deputy Co-Prosecutor, you may
9 proceed.

10 QUESTIONING BY MR. FARR:

11 Q. Thank you, Mr. President. And good afternoon, Mr. Uth Seng. I
12 want to ask you a few more questions about the special team for
13 lazy people that you've already told us a little bit about. And
14 I'm going to read a quote from your witness interview. This is at
15 page - in Khmer, 00271407; in English, 00282355; and in French,
16 00482932 - 33. And this is what you said: "When they considered
17 us as being lazy, they would put us in another team for lazy
18 people. If we did not strive to work there, they would kill us."
19 Now, you were asked earlier how you knew about this team, and you
20 said that mobile units worked closely together. Do we understand
21 from that, that you were actually able to see this special unit
22 for lazy people at work?

23 [15.57.54]

24 A. The special unit comprised of people who were considered lazy,
25 or who evaded the work, or who went back to their village without

1 authorisation, or who violated work-related disciplines.

2 Q. Let me read you something from your next answer. You were
3 asked how the special – and this is just the next question on in
4 the statement – you were asked how the special unit was different
5 from the ordinary one, and you said: "They monitored. Anyone
6 considered lazy would be beaten and mistreated. I saw them beat
7 people." And then a bit later you say: "They only beat and
8 mistreated those in the special team." So, you've just told us
9 that you saw people in the special unit being beaten. Can you
10 describe these beatings? Can you tell us, for example, where they
11 occurred? Who carried them out? And what was used to beat these
12 people?

13 [15.59.25]

14 A. Workers who were placed into this special unit were those
15 youths who were Base People, who had some freedom, and who did
16 not strictly adhere to the work-related disciplines. And they
17 would be instructed to work longer hours than the workers in the
18 ordinary units. I said that they were beaten up. In fact, they
19 were only beaten up with a whip, and not physically beaten up
20 with hands or with legs. However, they were threatened to work
21 hard.

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

24 A. It was the chief of that special unit, and in fact, there were
25 two distinct unit chiefs for that special unit. One was male, to

1 supervise the male workers in the unit, and another one was the
2 female unit chief, who supervised the female workers in that
3 special unit, respectively.

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

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

7 [16.01.46]

8 Q. And can you tell us, did this occur in a public place? Were
9 other workers able to observe these beatings taking place?

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

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

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

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

19 A. They remained standing still and quiet.

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

22 A. It was not a major injury.

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

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

1 A. No, I did not. Such matters could not be discussed with other
2 workers. We kept it to ourselves, as we were afraid that we would
3 be in trouble if others overheard us discussing such matters.

4 [16.04.19]

5 MR. FARR:

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

8 MR. PRESIDENT:

9 Thank you. And before we adjourn for today, the Chamber would
10 like to inform the Parties that we received information from the
11 Witness and Expert Support Section yesterday that the witness
12 2-TCW-830, cannot testify this week due to personal matters.
13 After the conclusion of the testimony of a witness 2-TCW-887, the
14 Chamber will move to hearing testimonies of witnesses and civil
15 parties in relation to the Kampong Chhnang Airport worksite,
16 starting from Monday, 8 June 2015. And after the conclusion of
17 the testimonies on the Kampong Chhnang Airport worksite, the
18 Chamber will hear the testimony of 2-TCW-830 witness on the 1st
19 January Dam worksite before the end of June.
20 Today's hearing has come to a conclusion, and we will adjourn now
21 and resume tomorrow - that is, 3 June 2015, starting from 9
22 o'clock in the morning. Tomorrow the Chamber will continue to
23 hear the testimony of this witness, Uth Seng, and possibly we'll
24 hear the testimony of another witness -- that is, 2-TCW-887.
25 Mr. Uth Seng, the Chamber thanks you for your time and presence.

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1 However, your testimony is not yet concluded. Therefore, you are
2 invited to return tomorrow, and it will commence at 9 o'clock in
3 the morning.

4 Court officer, please make the necessary arrangements for
5 transporting the witness to his place of stay, and do that with
6 the collaboration of WESU, and invite him to return to the
7 courtroom before 9 o'clock.

8 Security personnel, you are instructed to take the two Accused
9 back to the detention facility and have them returned to attend
10 the proceedings tomorrow, before 9 o'clock.

11 The Court is now adjourned.

12 (Court adjourns at 1606H)

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