



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

25 June 2015
Trial Day 303

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
KONG Sam Onn
Arthur VERCKEN

Trial Chamber Greffiers/Legal Officers:
Roger PHILLIPS
CHEA Sivhoang

Lawyers for the Civil Parties:
Marie GUIRAUD

For the Office of the Co-Prosecutors:
SONG Chorvoin
Vincent DE WILDE D'ESTMAEL

For Court Management Section:
UCH Arun

I N D E X

Ms. KONG Uth (2-TCW-855)

Questioning by The President YA Sokhan page 3

Questioning by Mr. DE WILDE D’ESTMAEL page 5

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Questioning by Judge LAVERGNE page 40

Questioning by Mr. KOPPE page 43

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Questioning by Mr. VERCKEN page 57

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Ms. GUIRAUD	French
Ms. KONG Uth (2-TCW-855)	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
The President (YA Sokhan)	Khmer
Mr. VERCKEN	French

1

1 PROCEEDINGS

2 (Court opens at 0858H)

3 MR. PRESIDENT:

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

5 Today the Chamber hears the testimony of a witness, 2-TCW-855, in
6 relation to the 1st January Dam worksite.

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

9 Please turn on the microphone.

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 main courtroom. The waiver
15 has been delivered to the greffier.

16 The witness who is to testify today -- that is, 2-TCW-855,
17 confirms to her best knowledge that she has no relationship by
18 blood or by law to any of the two Accused -- that is, Nuon Chea
19 and Khieu Samphan, or to any of the civil parties admitted in
20 this case. The witness took an oath before the Iron Club Statue
21 this morning, and is ready to be called by the Chamber.

22 Thank you.

23 [09.01.10]

24 MR. PRESIDENT:

25 Thank you. And the Chamber now decides on the request by Nuon

2

1 Chea.

2 The Chamber has received a waiver from the Accused, Nuon Chea,
3 dated 25 June 2015, which notes that due to his health -- that
4 is, backache and headache, he cannot sit or concentrate for long,
5 and in order to effectively participate in future hearings, he
6 requests to waive his rights to participate in and be present at
7 the 25 June 2015 hearing.

8 Having seen the medical report of Nuon Chea by the duty doctor
9 for the Accused at the ECCC, dated 25 June 2015, who notes that
10 Nuon Chea has a back pain and dizziness when he sits for long,
11 and recommends that the Chamber shall grant him his request, so
12 that he can follow the proceedings remotely from the holding cell
13 downstairs.

14 [09.02.27]

15 Based on the above information, and pursuant to Rule 81.5 of the
16 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
17 follow today's proceedings remotely from the holding cell
18 downstairs via an audio-visual means.

19 The AV Unit personnel are instructed to link the proceedings to
20 the room downstairs so that Nuon Chea can follow it remotely.

21 That applies for the whole day.

22 Court officer, please usher the witness, 2-TCW-855, into the
23 courtroom.

24 (Short pause)

25 (Witness enters the courtroom)

1 [09.05.05]

2 QUESTIONING BY THE PRESIDENT:

3 Good morning, Madam Witness.

4 Q. What is your name?

5 (No interpretation)

6 MS. KONG UTH:

7 A. I was born in 1951.

8 Q. Where were you born? And Madam Witness, please wait until the
9 microphone is on.

10 A. I was born in Ballangk commune, Baray district, Kampong Thom
11 province.

12 Q. What is your current occupation?

13 A. I am a rice farmer.

14 [09.06.40]

15 Q. Where is your current address?

16 A. Currently I live in Ballangk commune, Baray district, Kampong
17 Thom province.

18 Q. What is your husband's name, and how many children do you
19 have?

20 A. My husband's name is Sem Ry. We have two children together.

21 Q. What are the names of your parents?

22 A. My father's name is Kang Chak (phonetic), and my mother's name
23 is Oem Chat (phonetic).

24 Q. Thank you, Madam Kong Uth. The greffier made an oral report
25 this morning that to your best knowledge and ability, you have no

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1 relationship by blood or by law to any of the two Accused – that
2 is, Nuon Chea and Khieu Samphan, or any of the civil parties
3 admitted in Case 002. Is that information true?

4 A. Yes, it is.

5 [09.08.25]

6 Q. The greffier also reported that you already took an oath
7 before the Iron Club Statue; is that correct?

8 A. Yes, it is correct.

9 Q. Thank you. The Chamber would like now to inform you of your
10 rights and obligations as a witness.

11 Regarding your rights as a witness in the proceedings before the
12 Chamber, you may refuse to respond to any question or to make any
13 comment which may incriminate you. That is your right against
14 self-incrimination.

15 Now on your obligations as a witness in the proceedings before
16 the Chamber, you must respond to any questions by the Bench or
17 relevant parties except where your response or comment to those
18 questions might incriminate you, as the Chamber has just informed
19 you of your rights as a witness. You must tell the truth that you
20 have known, heard, seen, remembered, experienced or observed
21 directly in relation to any event relevant to the questions that
22 the Bench or Parties pose to you.

23 And Madam Kong Uth, have you been interviewed by investigators of
24 the Office of the Co--Investigating Judges? And if that is the
25 case, how many times, when, and where?

1 A. I was interviewed once at the house of the commune chief.

2 [09.10.53]

3 Q. Thank you. And before your appearance before the Chamber, have
4 you reviewed or read the written record of your statement that
5 you made with the OCIJ investigators in order to refresh your
6 memory?

7 A. Yes, I have read it but I cannot recall everything.

8 Q. And to your best knowledge, is the written record of your
9 statement consistent with the statements you provided to the OCIJ
10 investigators?

11 A. I reviewed the written record of the statement but I cannot
12 recall it.

13 MR. PRESIDENT:

14 Thank you. Pursuant to Rule 91bis of the ECCC Internal Rules, the
15 Chamber grants the floor first to the Co-Prosecutors to put
16 questions to Madam Kong Uth. And the Chamber would like to remind
17 the Co-Prosecutors and the Lead Co-Lawyers for civil parties that
18 both Parties have a combined time of one morning -- that is, two
19 sessions. And the Co--Prosecutors, you may proceed.

20 [09.13.10]

21 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President, and good morning. Good morning to Your
23 Honours, and to all parties present, and to the public. Good
24 morning to you, witness Kong Uth. My name is Vincent De Wilde,
25 and I'm going to start putting questions to you on behalf of the

1 Co-Prosecution, and my colleague will also have a few questions
2 for you later. I'm going to ask you to listen to my questions
3 carefully. They will all be focused on the period that is
4 included between April 1975, and the beginning of January 1979.
5 And I hope that you will answer these questions in a succinct and
6 detailed way.

7 Q. You said in your written record of interview that you were
8 born -- and that you continued living in the village of Tras,
9 Ballangk commune, Baray district, Kampong Thom province. Could
10 you tell us if between '75 and '79, you were part of a mobile
11 unit, with people from your village and who were of the same age
12 as you?

13 MS. KONG UTH:

14 A. Between 1975 and '77, I worked in a mobile unit.

15 [09.14.55]

16 Q. And who was your group leader, or who was the leader of the
17 mobile unit during that period?

18 A. Comrade Ngim, a woman, was chief of my mobile unit. She was
19 from Chhuk Khsach village, but later on I did not know where she
20 went.

21 Q. Was she your direct superior, or was she the head of the
22 entire mobile unit, and then you had a direct leader you would
23 report to, at a lower level?

24 A. The mobile unit was formed to work at various worksites.

25 Q. Fine. And who was your direct leader? Was there another person

7

1 who would give you orders, and who was below Ngim?

2 A. I cannot recall the names.

3 Q. Were there many people from Ballangk commune in the mobile
4 unit? Do you have an idea of the number of people from that
5 commune?

6 A. For the mobile unit that I was attached to, in fact it
7 belonged to the village. And in my group, there were about 10
8 plus members.

9 [09.17.20]

10 Q. And you said in your record, on page 2 in the three languages
11 that you took part in the 1st January Dam worksite that started
12 in 1977. When you were working on that dam worksite, were you
13 still part of your mobile unit from Tras village?

14 A. Yes, I was still attached to the mobile unit in Tras village.

15 Q. And was the January Dam worksite called back then a "hot
16 battlefield"?

17 A. Indeed, that was what it was called.

18 Q. And why was it called like that?

19 A. It's because of the intensive nature of the work.

20 Q. And did you learn on site if the worksite was a top priority
21 for your zone, that is to say the former North Zone, or the
22 Central Zone?

23 A. I do not really know about that; I only concentrated on my
24 work.

25 [09.19.18]

1 Q. And you spoke about intense work. So was there a lot of
2 pressure put on the workers to finish the job, to build the
3 reservoir, to build the dam, as fast as possible?

4 A. We were instructed to work hard, and we worked with very
5 little resting time, or a short break. And the aim was to
6 complete the work sooner.

7 Q. And do you remember who was in charge of your zone back then?
8 Who was the zone leader, and if this person would come from time
9 to time to visit the 1st January Dam worksite?

10 A. I do not know that person. I only heard about the person from
11 the top level, and whenever the person came to visit the
12 worksite, we were instructed to work even harder than what we
13 were doing.

14 Q. And were you often given orders to work even harder than
15 usual?

16 A. We were instructed to work starting from 4 o'clock in the
17 morning, and for the morning session we only had a 15-minute
18 break. We had lunch at 11.00. We rested a little bit, and we
19 resumed working again at 1.00 p.m., and continued working until
20 5.00. And after dinner, we had to return to work at 7.00 p.m.,
21 and only after we finished the night work, we would be allowed to
22 rest. And sometimes there were meetings at night time. And if
23 there was any meeting on that night, we could only go to sleep by
24 12.00 a.m.

25 [09.22.07]

1 Q. I will get back later to your working schedule. You said that
2 when the zone leader, or when an important figure would come to
3 visit the worksite, you had to work harder. But did they also ask
4 you to run, or to work faster when people came to visit?

5 A. Whenever there was such a visit, our group chief told us that
6 people from the upper level came to visit the worksite, and we
7 had to walk running while we were working. And we did just that.

8 Q. You spoke about your working hours. So, was the schedule
9 designed for the dam to be finished, no matter what and very
10 soon?

11 A. Yes, indeed. We were told that we had to finish the work
12 sooner.

13 Q. And you said that the work started in 1977. Do you remember
14 when in 1977? Which month? Or if you do not remember, can you
15 tell us if this was during the dry season or during the rainy
16 season?

17 A. It was during the dry season, but I cannot recall the month.
18 [09.24.02]

19 Q. Did you work for a long time on the 1st January Dam worksite?
20 And if that's the case, for how many months, if you remember?

21 A. I cannot actually recall the details, but I was there for
22 about four to five months.

23 Q. Did you then work on the 6th January Dam worksite, which was
24 right next door, and which was connected to the 1st January Dam
25 worksite?

1 A. While I worked at the 1st January Dam worksite, I was then
2 arranged to marry my husband. And after the wedding, I was
3 reassigned to work elsewhere, for example, to build rice dykes,
4 or to pull or transplant rice seedlings.

5 Q. And when you arrived at the worksite with your small team, had
6 the work already started at the 1st January Dam worksite? Or were
7 you among the first groups to arrive at the worksite?

8 A. We arrived at almost the same time and nobody was left behind.
9 I refer to my group, because our group was assigned to go and
10 work there.

11 [09.26.02]

12 Q. And at the beginning, did you attend a ceremony to launch the
13 worksite?

14 A. No, I did not. Only group chiefs, for instance, attended that
15 event.

16 Q. Fine. And did you continue working beyond the dry season? Were
17 you there working during the rainy season on the worksite?

18 A. No, I was not there. I only worked during the dry season, and
19 after that I was reassigned.

20 Q. And do you know a woman who is from Tras village, and who also
21 testified, by the name of Meas Layhuor? Maybe back then her name
22 was Huor or Lay.

23 A. If she is from Tras village, yes, I know her.

24 Q. But to be sure that she is the right person; she is married to
25 a certain Phuk Sochorn. So are we speaking about that person

1 indeed?

2 A. Yes, she's the one. Her husband's name is Sochorn.

3 [09.28.10]

4 Q. And did she work with you on the 1st January Dam worksite? If
5 such is the case, was she in the same team, in the same mobile
6 unit, as you?

7 A. She was working there as well, but I cannot recall in which
8 group she was attached to.

9 Q. So, were there then several groups from Tras village? You
10 spoke about 10 people, but were there therefore several groups of
11 10, or more than 10 people?

12 A. Yes, there were other groups. But I cannot recall how many
13 groups there were at the time.

14 Q. Now, regarding the number of workers at the worksite, you said
15 to the investigators in the written record of interview --
16 D166/18 -- at French, page 2 and 3; English, page 2; Khmer, page
17 3; you said that, "There were tens of thousands of people on
18 site, and that they came from Kampong Speu and Kampong Cham
19 provinces, and most of them were young men and women from the
20 mobile units." End of quote. [Free translation]

21 Beyond the people from Kampong Cham and Kampong Speu, since you
22 came from Kampong Thom, were there many people from Kampong Thom
23 working at the worksite?

24 [09.30.12]

25 A. At the dam worksite, there were many workers. There were tens

12

1 of thousands of workers working there, and they came from a
2 mixture of provinces, namely Kampong Thom and Kampong Cham.

3 Q. And did the people working on site come from the three sectors
4 of the old North Zone? And maybe you could also tell us if there
5 were people who came from Kratie?

6 A. I do not know if there were workers from Kratie province. I
7 know for sure workers came from Kampong Cham province.

8 Q. So how is it that you were chosen to go work at the 1st
9 January Dam worksite? Were there any kind of age or physical
10 strength criteria that were taken into account in order to select
11 the people who would work there?

12 A. As long as the women were single, they would be sent to work
13 there because they believed that single women possess more
14 strength to work.

15 [09.32.06]

16 Q. And were there also people who were very young at the
17 worksite? And can you tell us the age of the youngest people
18 working there?

19 A. No children working there at the worksite. The average age was
20 from 20 or above.

21 Q. Among workers on the worksite who were from Kampong Thom and
22 Kampong Cham, were there a majority of people who were Old
23 People, and were there also New People?

24 A. The majority of adults' age was from 20, 23 and 25, and most
25 of them were New People.

1 Q. And were there also some Cham on that worksite?

2 A. Yes, there were. There were Cham, some of them living in the
3 village. And they joined the work with us. They were in the
4 mobile units.

5 [09.34.05]

6 Q. When you say that they were living in the village, had they
7 always lived in that village, or they were moved to that village
8 from somewhere else?

9 A. These Cham people had just been evacuated from somewhere, and
10 they were put in mobile units so that they could help work.

11 Q. A while ago, you were not able to give us the name of your
12 unit leader. But in your record of interview, you said he was
13 Yoeng. You said Yoeng was the team leader -- page 4 in French;
14 and 3 in Khmer. Yoeng is written as Y-O-E-N-G.

15 A. Yoeng was the chief of the group consisting of 10 or 12
16 members. Yoeng is still alive nowadays.

17 Q. There was another group leader called Neary Me. M-E. Is that
18 the case?

19 A. No. Female Me were all died -- all died. They were in
20 different units.

21 Q. Don't you remember the position of that person in the unit?

22 A. No, this individual did nothing. This individual passed away.

23 Q. A while ago you said that you started work at 4.00 a.m. Can
24 you confirm that? Was that the time when you effectively started
25 work, or the time when you woke up?

1 A. At 4.00 a.m., we left for workstations.

2 [09.37.09]

3 Q. So at what time did you wake up during that period?

4 A. We woke up before 4.00 in the morning. And after we woke up,
5 we dressed. And after we heard the whistle, we would leave for
6 our workstation.

7 Q. You worked for several months on the worksite. Was there a
8 distance that you covered from the place where you slept and
9 where you worked? And did that distance change with time?

10 A. The sleeping quarter was far away from the worksite. It was
11 about 500 metres away from the worksite. And we stayed at that
12 sleeping quarter until the end of the regime.

13 Q. In your statement, you said that you worked in the evening,
14 and you said in the statement that it was between 7.00 p.m and
15 10.00 p.m. And you say that there were meetings held at times in
16 the evenings, and it was only at midnight that you were able to
17 go to sleep. It's page 3 in French; pages 2 and 3 in English; and
18 page 3 in Khmer. Can you explain why you worked so hard in your
19 mobile unit and slept so little?

20 [09.39.25]

21 A. We were not explained why. We were told to work hard.

22 Q. You made reference to meetings. What kinds of meetings were
23 they? Were they criticism or self-criticism meetings? Or any
24 other types of meetings in the evenings?

25 A. There was a meeting, a criticism meeting. In that meeting we

15

1 were told to work hard, and to get up on time.

2 Q. Regarding the work you did at night, were there people
3 suffering from night vision problems, and who had to work at
4 night on the worksite?

5 A. No. But the cook had night blind. And one of the cooks who
6 went to the kitchen at night because she had night blind, she
7 would fall off the road.

8 Q. Are you talking about what happened in your unit? And I
9 imagine you wouldn't know what happened elsewhere. Are you
10 correct in saying that in your unit, you didn't have people who
11 suffered from night blindness?

12 A. No.

13 [09.41.39]

14 Q. Can you tell us what your daily work on the dam worksite
15 consisted of? What work did you have to do from 4.00 a.m. up to
16 the evening?

17 A. We started work from 4.00 a.m. to 7.00 a.m., and we had a
18 break at 11.00 to have lunch.

19 Q. As a matter of fact, my question is what kind of work did you
20 have to do? Did you have to carry earth? Did you have to dig the
21 soil? Did you have to build the dam with concrete? What was the
22 nature of the work you did?

23 A. I did the earth carrying work and male workers were
24 responsible for digging soil. Female worker only did the earth
25 carrying work.

1 Q. Did you have to meet any quotas a day? If yes, how many cubic
2 metres did you have to transport each day personally?

3 A. The land was measured and given to the worker to dig. There
4 was a quota set.

5 [09.43.55]

6 Q. And were the quotas the same for each period or they varied
7 depending, for instance, on the quality of the soil? And can you
8 give me an estimate of the number of cubic metres you had to
9 transport a day if you do remember?

10 A. The land was measured and given to the worker and the female
11 and male workers had to complete the land, which was measured and
12 given to us.

13 Q. And can you place yourself in the situation at that time and
14 describe to us the difficulties you faced in transporting the
15 soil? And also tell us if you suffered from any particular health
16 problems as a result of that?

17 A. I injured from hard labour and I was suffering from that and
18 the injuries sustained until now.

19 Q. What was the approximate distance you had to cover between
20 where you had to dig the soil and where the dykes were built?

21 What was the distance?

22 A. The depth of the dyke was about 30 or 40 metres and we have to
23 carry earth from the bottom of the dyke up to the embankment.

24 [09.46.30]

25 Q. Was that in the territory of Baray commune that you had to

1 transport the soil for the purpose of building the dykes?

2 A. I did the earth carrying work at Prey Srangae, Ballangk
3 District.

4 Q. Were there many rocks in that zone, rocks and stones in the
5 soil or the soil was rather soft?

6 A. The surface of the land consisted of a soft soil, but beneath
7 it, it was rocky. And as I stated, male workers did the digging
8 work and female workers had to do the earth carrying job.

9 Q. Did you witness or hear of any accidents on the worksite as a
10 result of landslides and falling rocks and stones?

11 A. I knew that the worksite close to the bridge suffered from the
12 casualty. And there was an individual breaking the rock and when
13 the rock fell off, the rock hit that individual and he died.

14 [09.49.07]

15 Q. Was part of the bridge or dam carried away by floods at a
16 point in time?

17 A. No. No soil collapse, but I heard that the rock fell on to the
18 worker and the worker died.

19 Q. Very well. We will now talk about working conditions and
20 living conditions specifically food. This is what you told the
21 Co-Investigating Judges, transcript D166/18, page 3 on all
22 languages, you are asked: What was the food ration you received?
23 And your answer was as follows: "We were given two meals of rice
24 a day, one at 11.00 a.m. and the other at 5.00 p.m. There was
25 only one kind of soup, which most frequently contained just small

1 fish and tamarind leaves." End of quote.

2 You had two meals a day. The first meal was at 11.00 a.m. What
3 did you do in order to have enough energy to work from 4.00 a.m.
4 in the morning up to 11.00 a.m. in the morning without eating?

5 A. I had to endure that working condition even though I was
6 exhausted at that time and I was suffering from injury.

7 [09.51.30]

8 Q. Regarding the long hours of work you had to do and you
9 referred to that and you had to do this work in the sun, was the
10 food given to you sufficient for you to have enough energy to do
11 all the tasks that you had to carry out?

12 A. I had to eat meal anyway, even though I did not have enough
13 food to eat. I did not eat at my fill and as I stated, I had to
14 eat it, even though that the food was not delicious.

15 Q. Did it happen that you or your colleagues would steal food in
16 hiding, for instance, harvest fruits or catch insects and frogs?

17 A. I had no such experience and I did not know about the
18 experience in other units. And I never stole things.

19 [09.53.12]

20 Q. Did workers who were sick continue to work because they were
21 afraid of being deprived of food? In other words, did it happen
22 sometimes that people were deprived of food because they hadn't
23 worked enough?

24 A. I never witnessed it. When people got sick, the sick would
25 stay in the hall and the medic would come to treat them.

1 Q. Did you have access to water of good quality -- that is,
2 drinking water, and where did you get such water from?

3 A. The water was brought from the river and it was boiled.

4 Q. Did you sometimes have to drink water that had not been
5 boiled?

6 A. Yes. If the water was not boiled in time and if I was too
7 thirsty, I would drink it.

8 Q. Did you know that you are under risk of falling sick by
9 drinking unboiled water? And why did you drink such water in
10 spite of such risks?

11 A. I knew that I would fall sick, but if I did not drink, what
12 else could I do? I had to drink it.

13 [09.56.15]

14 Q. Regarding lodgings you said on page 3 of all the languages of
15 your statements, you said that "Long wooden shack was built from
16 small and young trees. Above the ground, there was a wooden
17 support on which (inaudible) mats were covered. We ate
18 collectively, though men live separately from women." End of
19 quote.

20 Did you sleep well at the time while you were working on the 1st
21 January Dam worksite in order to recuperate following the tiring
22 work you had done the previous day?

23 A. There were long sleeping quarters. There were bed bugs and it
24 was painful to sleep in that long sleeping quarters. And as I
25 stated, when we were bitten by bed bugs, we would wake up.

1 Q. Many people spoke of flies on the worksite during the day.

2 Were you also bitten by mosquitoes at night? Did you have
3 mosquito nets covering where you were sleeping to protect you?

4 A. No, no sleeping mats or mosquito nets, rather no mosquito nets
5 and we had to sleep in the open air.

6 [09.58.31]

7 Q. Now, regarding hygiene and health, this is what you said on
8 page 3 in your written record of interview -- D166/18 -- the
9 question was the same: "Did anyone get sick at the 1st January
10 Dam worksite?" And you said, "A number of people got sick because
11 they overworked and became so exhausted. Some of the diseases
12 included fever and stomach pain. There was no hospital, but there
13 were mobile medics and there were medicine known as rabbit
14 droppings medicine. When someone was seriously ill, they would be
15 sent to the far away hospital. No one was wanted to be left at,
16 at the site". End of quote.

17 You said that there were many workers who fell sick because they
18 worked beyond their strength. So, why wouldn't these workers
19 simply complain to their chiefs and tell them that they were too
20 tired to work?

21 A. No one took the courage to tell the chief. And we had to work
22 until we could not. By then, we would be - would dare to tell the
23 chief.

24 Q. We know that you are not a doctor or a nurse, but on the basis
25 of what you saw, what were the most frequent illnesses among

1 other workers at the worksite?

2 A. Some of them got abdominal pain, headache or fever.

3 [10.01.08]

4 Q. And would workers sometimes faint on the worksite because they
5 were exhausted?

6 A. It did not happen in my group. However, some of my group
7 members got sick from overwork so we gave that person additional
8 massage of coining, and after she recovered she continued working
9 again.

10 Q. And you said that people were not left to die on site and that
11 people who were sick were sent to the hospital far away from the
12 worksite. But would it happen that some of the people who had
13 been evacuated to the hospital would not come -- return to the
14 worksite or return to the village where they came from?

15 A. For people who were moderately sick would return after they
16 recovered, but I did not see those who were seriously sick
17 returned to work again.

18 [10.03.00]

19 Q. In the French translation of the excerpt that I read out,
20 mention was made of medics who would travel to the worksite. Were
21 these true doctors who had studied or were these people who had
22 been trained on the spot?

23 A. The medic received a short training only and was assigned to
24 go and work there. And only moderate symptoms of illnesses could
25 be treated and not the serious illnesses.

1 Q. Generally speaking, after the four to five months you spent at
2 the worksite, what was the general physical condition of your
3 colleagues and what was your general physical condition? Were you
4 in good health or were you weak and skinny?

5 A. Of course some workers became weaker the longer they continued
6 working and some were ill, but I myself was lucky enough not to
7 get ill.

8 Q. Earlier you said that you had been injured and that you had to
9 work nonetheless. So what kind of injury did you suffer from?

10 A. I got a cut here or there while I was working there. Sometime
11 I step on sharp stones and I got my feet cut.

12 [10.05.40]

13 Q. And were there militiamen or guards or soldiers at the 1st
14 January Dam worksite who were there watching over you?

15 A. Yes, there were militias or guards on site, and they were
16 there to watch over the workers.

17 Q. And did you know where they came from? Did they come from the
18 communes, from the district, from the sector, or from the zone?

19 A. There were some from the same commune and there were others
20 who came from other areas, though I cannot recall from which
21 villages or communes they came. But I noticed the presence of the
22 militias from the same commune.

23 Q. And were these militiamen armed?

24 A. Yes, they were.

25 [10:07.13]

1 Q. And when you said that they would watch over the workers, what
2 would they do exactly? Would they patrol? What were they doing
3 exactly? What was their exact duties?

4 A. They were on patrol, watching over the workers outside. They
5 carried weapons and they were walking up and down to watch over
6 the workers.

7 Q. And among the people who were working at the worksite, were
8 the New People or the Cham subjected to a specific form of
9 supervision or to a specific form of discipline?

10 A. We were subject to the same treatment -- that is, regardless
11 of your status whether you were Old, Base Person or you were New
12 Person.

13 Q. And during meetings, were you told about enemies, enemies to
14 the Revolution? And who was considered an enemy to the Revolution
15 at the worksite?

16 A. I cannot recall that.

17 Q. And the people who committed offences or the people who
18 criticised the working conditions, were they punished?

19 A. I have no knowledge about that.

20 [10.09.55]

21 Q. Is it because this kind of case did not occur in your unit
22 that you do not know or did you learn about anything happening
23 outside of your group or outside of your unit?

24 A. It might have happened in other units, but I did not hear
25 about it.

1 MR. PRESIDENT:

2 Thank you, Deputy Co-Prosecutor. It is now convenient for the
3 Chamber to take a short break. We'll take a break now and resume
4 at 10.30.

5 The Court is now in recess.

6 (Court recesses from 1010H to 1030H)

7 MR. PRESIDENT:

8 Please be seated.

9 The floor is given to the Co-Prosecutor to resume his line of
10 questioning.

11 BY MR. DE WILDE D'ESTMAEL:

12 Thank you, Mr. President.

13 Q. Witness I would like us to talk about Baray Choan Dek. Is that
14 pagoda still in your village - Tras -- in Ballangk commune?

15 MS. KONG UTH:

16 A. Baray Choan Dek is in Tras village, Ballangk district --
17 Ballangk "sangkat", rather, Baray district.

18 Q. Was it close to the place where you were working at the 1st
19 January Dam worksite?

20 A. The 1st January Dam worksite was a bit away from this pagoda;
21 it was perhaps one and a half kilometres away from that pagoda.

22 [10.32.15]

23 Q. I will read out what you stated on page 2 of your statement,
24 D166/18, page 2 of both languages. You were asked, "Did you know
25 whether there were evacuations?"

1 You said: "I wasn't evacuated yet some inhabitants of Kampong
2 Cham were evacuated to Baray Choan Dek pagoda and were
3 subsequently executed. I did not see the killings as we were not
4 allowed to get in the pagoda but we noticed the very unpleasant
5 smell outside of the pagoda." End of quote.

6 I'll try to clarify a number of things with you because it is not
7 quite clear when you say that the inhabitants of Kampong Cham
8 were evacuated to the pagoda; what did you mean? Were they taken
9 there directly or they first worked in your village and commune
10 or on the 1st January Dam worksite before they arrived at Baray
11 Choan Dek pagoda?

12 A. These people had been evacuated from Kampong Cham province.
13 They were transported by vehicle and ox carts into Baray Choan
14 Dek pagoda. I saw they came into the pagoda and they came at
15 night-time and after they arrived at the pagoda, the scene was
16 silent. People from that province did not go to work at the dam
17 worksite; they were brought into the pagoda.

18 [10.34.26]

19 Q. Can you tell us whether that pagoda was used as a security
20 centre and for how long it was operational between 1975 and 1979?

21 A. Could you repeat your question, I could not get it.

22 Q. Yes. Did that pagoda -- Baray Choan Dek -- work as a security
23 centre where people were executed, as you said in your statement?
24 And if yes, for how long was it used as a security centre between
25 1975 and 1979?

1 A. The pagoda was turned into a security centre and it was also
2 used as a workshop at that time. Prisoners were arrested and
3 detained in that security centre. Some were killed, some were
4 released. And as for the people who were transferred from
5 somewhere else into that security office, they were killed.

6 Q. Tell us whether you know or whether you did not know, whether
7 people working on the 1st January Dam worksite were executed in
8 that pagoda, in that security centre?

9 A. I have no knowledge regarding the workers at the dam site, I
10 have no idea where they were taken and killed.

11 [10.37.02]

12 Q. Do you know whether among those executed at Baray Choan Dek
13 pagoda were Cham from Kampong Cham?

14 A. I did not know; I noticed that people were transported in
15 large groups. I did not know whether they were Cham or Chinese.

16 Q. You said something that I would also like you to clarify and
17 it is on page 3 of your statement in French; page 2, in English;
18 and page 3, in Khmer. This is what you stated. "Some guards on
19 the bridge, for instance the Cham were reported as missing but I
20 do not know why." Please tell us: Were there any Cham working as
21 guards on the 1st January Dam worksite or the Cham were there as
22 workers?

23 A. Cham who was -- there was one Cham person, female Roeun
24 (phonetic), she disappeared.

25 [10.38.45]

1 Q. Very well. Were those women workers or they were among the
2 militiamen and the guards or they were militiamen and guards?

3 A. This female was put in a mobile unit.

4 Q. And do you know why she disappeared? Do you also remember that
5 person's name?

6 A. I did not know the reason why she disappeared. She was called
7 and taken away and after that time she disappeared. Her name was
8 Ya (phonetic). She was Cham.

9 Q. Did women working on the worksite have the right to practice
10 their religion or to speak their languages?

11 A. No, she spoke only Khmer language.

12 Q. Could the Cham particularly the women continue to wear the
13 traditional attire and in the case of women, could they continue
14 to wear their scarves?

15 A. No. She wore Khmer clothing.

16 [10.40.45]

17 Q. Another subject in your village Tras, in Ballangk commune,
18 Ballangk district; were there any changes around 1977/1978 at the
19 level of the cadres? Were cadres purged and replaced by other
20 cadres?

21 A. No.

22 Q. I would like to read to you what Ke Pich Vannak, Keo Pauk's
23 son, Zone chief told investigators. It is document E3/35, page 7
24 in French; page 8 in English; and page 7 in Khmer. That person
25 died some time ago. This is what he stated -- and I quote. "When

1 people from the Southwest Zone came, there were purges from the
2 district down to the village following the arrival of people from
3 the Southwest Zone. Ta Pauch was the chief of Baray district."

4 End of quote. [Free translation]

5 So you are confirming that you didn't see people from the
6 Southwest Zone come to your region to occupy positions as cadres?

7 A. I have no knowledge of it. I do not know.

8 [10.42.40]

9 Q. Did you hear of that person Ta Pauch -- P-O-U-C-H (sic) -- the
10 chief of Baray district?

11 A. I heard of the name but I did not know this person.

12 Q. Can you tell us whether you yourself had the right to practice
13 your religion on the worksite?

14 A. No, I never practised my religion.

15 Q. Was it forbidden?

16 A. It was forbidden to practice any religion and we even could
17 not hold any rituals.

18 Q. Were you told during meetings whether there would be
19 consequences in the case of any people who practised their
20 religions, what did you risk if you practised your religion?

21 A. We were not allowed to practice any religion so we had to
22 comply with their instruction.

23 Q. During the entire period you spent on the 1st January Dam
24 worksite, were you therefore completely subject to the
25 instructions that were handed down to you by your leaders?

1 A. I had to adhere and respect my leader and if not I would be
2 refashioned or I would be warned and disciplined.

3 [10.45.30]

4 Q. You're talking of being refashioned and being subjected to
5 disciplinary measures. What kinds of disciplinary measures were
6 imposed on you if you did not abide by the orders of your
7 leaders?

8 A. I would receive verbal reprimand and I was instructed to make
9 commitment that I had to come to work on time and did not go
10 anywhere else.

11 Q. You said you stayed on the site for four or five months which
12 is not a very long time; did you know the person called T-R-Y --
13 Try -- was also from Tras village and who was also punished?

14 A. I knew this individual by the name Try. He was young at that
15 time; he was about 14 or 15 years old; his name was Try; I knew
16 this guy.

17 Q. I do not know whether we are talking of the same person Try,
18 was that someone who worked at the 1st January Dam worksite and
19 if we're talking about the same person, do you know what happened
20 to him?

21 A. I did not know exactly who was Try and I did not know what
22 happened to him.

23 [10.47.43]

24 Q. But he was working on the 1st January Dam construction
25 worksite?

1 A. Yes, he carried soil at the worksite.

2 Q. A while ago, you stated that people were aged an average 20,
3 and now you're talking of people aged 14 or 15, were there other
4 people as young as Try working on that worksite?]

5 A. Not many of them, there was only one person; he was Try,
6 living in Tras village. He was young at that time.

7 Q. Did you see that person again after 1979; did that person
8 survive the regime?

9 A. No, he disappeared ever since.

10 Q. Did you hear anything regarding the reasons why Try
11 disappeared and where he may have been led to or where he may
12 have disappeared?

13 A. I have heard of that Try was taken and killed. He was put to
14 guard the bridge.

15 [10.50.00]

16 Q. Is it correct to say that when workers had to go and relieve
17 themselves, they would leave the worksite and go into the
18 neighbouring woods?

19 A. Yes, that is true. During the time that we were working at the
20 worksite, we relieved ourselves in the forest because there were
21 no latrines.

22 Q. And were you watched by the guards who told you to hurry up
23 while you were in the woods relieving yourselves?

24 A. No. No. The guards would stay at their own places.

25 Q. In the neighbouring woods, did you notice that people from the

31

1 worksite were detained in small cages made with tree branches?

2 A. I have never seen it. I did not go deep into the forest.

3 Q. Did people talk about that in your unit, did they refer to the
4 existence of cages in which people could be detained for
5 re-education purposes?

6 A. I did not know, no one told me about cages. I did not know.

7 [10.52.33]

8 Q. Very well, last subject. A while ago you referred to the fact
9 that when senior leaders came to visit the worksite, you had to
10 work harder and people made you run to do the work. Did you see
11 any foreigners come to visit the worksite? When I talk of
12 foreigners, I'm talking of Chinese women, Laos women who came to
13 visit the worksite.

14 A. I never saw because my work station was far from the place
15 where the senior people came to visit the worksite. As I stated I
16 was working far from that place.

17 MR. DE WILDE D'ESTMAEL:

18 Thank you. I have no further questions. I will now give the floor
19 to the civil parties, Mr. President.

20 MR. PRESIDENT:

21 You may now proceed, Lead Co-Lawyer for civil parties.

22 [10.54.00]

23 QUESTIONING BY MS. GUIRAUD:

24 Thank you, Mr. President. Good morning, everyone. Good morning,
25 Witness. My name is Marie Guiraud. I am lawyer for the civil

1 parties. I have some questions to put to you today.

2 Q. You very briefly stated earlier in the morning that you were
3 married during the Democratic Kampuchea regime. In what year, if
4 you do recall, and in which month were you married?

5 MS. KONG UTH:

6 A. I got married in 1967. I did not recall the exact date; I
7 could only recall that I got married in 1967 -- 1977.

8 Q. Thank you. Who organised the marriage?

9 A. It was Angkar, arranged my marriage. There were 25 couples in
10 that marriage. The marriage ceremonies were held in another
11 village, DOUNG (phonetic) village. It was far from our own
12 villages. The chief of the unit, BON (phonetic), arranged the
13 marriage for all of us.

14 [10.56.18]

15 Q. Thank you. During that period, did your parents agree with the
16 decisions of the unit leader that you would be married?

17 A. The chief of the unit did not consult with parents but both
18 sides of the parents had discussions already before we got
19 married.

20 Q. Did you know your spouse before you got married?

21 A. I know him because we lived in the same village, TRAS village.

22 Q. How were you informed that you had to get married? Do you
23 remember when you were informed by your unit leader that you had
24 to be married to the man from your village?

25 A. For example, if tomorrow I had to get married, I would be told

1 one day before that.

2 Q. If I understand your testimony properly you have said that you
3 were informed one day before your marriage, the day before your
4 marriage; is that correct?

5 A. Yes, that is correct and our parents knew in advance that we
6 were going to get married.

7 [10.59.10]

8 Q. And were you told why Angkar was marrying you?

9 A. Angkar did not give any explanation to all of us, but perhaps
10 there was a meeting to inform us at the time, but I cannot recall
11 it.

12 Q. And what were your spirits then when you learnt the day before
13 your marriage that you were going to get married; can you tell us
14 what you felt back then?

15 A. I felt that I did not want to get married but they came to
16 call me a few times and I had to go.

17 Q. Did you feel free back then to refuse the marriage?

18 A. I did not dare to refuse the marriage and if I dare to do so I
19 would be accused of opposing them. I would be accused of being
20 against Angkar; I had to accept that.

21 Q. And back then, did you ever meet women or even men who were
22 asked to marry and who refused to get married?

23 A. No. People in my village did not take the courage to refuse
24 the marriage.

25 [11.01.51]

1 Q. And you said earlier on, that there were 25 couples that were
2 married so I want to put a few questions to you with regard to
3 the marriage ceremony. Do you remember who presided over the
4 marriage ceremony?

5 A. I did not remember it; I do not know who presided over the
6 marriage ceremony. As I told you already, the marriage ceremony
7 took place in Doung (phonetic) village. It was away from my
8 village.

9 Q. And when during the day did the ceremony take place, do you
10 remember?

11 A. They came to call me at 2.00 p.m. and when we arrived at the
12 place, we were sitting in line and at 4.00 p.m. or 5.00 p.m.,
13 they made a speech and the dinner would be served after the
14 ceremonies.

15 Q. And when you're speaking about "they came to fetch me" who are
16 these people, who are these "they" who came to fetch you?

17 A. I cannot recall the names. I mentioned the names of those who
18 came to call me to attend the ceremony. They were from "sangkat"
19 or commune level.

20 [11.04.25]

21 Q. And did you make any wishes during the ceremony and if that's
22 the case, what were the wishes you were asked to formulate during
23 the marriage ceremony, if you remember?

24 A. Each of us was asked to make a resolution or commitment but I
25 myself did not do it.

1 Q. Why? Why didn't you do it?

2 A. Because I was not called to do it; in fact, I would like to
3 clarify the matter in -- only the representative or the married
4 couples was asked to make a resolution during the meeting and
5 after that dinner was served.

6 Q. And did the representative represent all of the couples; he
7 would speak on behalf of the couples because I want to sure about
8 your testimony?

9 A. Yes indeed, there is a case. The representative was one who
10 represented the 25 newly married couples.

11 [11.06.26]

12 Q. And do you remember the wish that was formulated by the
13 representative of the 25 couples; do you remember what he said
14 during the ceremony and later on during the dinner?

15 A. I cannot recall the words that were used at the time.

16 Q. And did your parents attend the wedding ceremony?

17 A. No, they were not in attendance. They were not called to
18 attend the ceremony, only the individuals to be married were
19 called.

20 Q. Can you explain to us what the ceremony you attended during
21 which you were married or how it was different or how it was
22 similar to wedding ceremonies that were organised before the
23 Democratic Kampuchea regime, what were the similarities and what
24 were the differences?

25 A. No, it was nothing similar to the current practice of holding

1 a wedding ceremony.

2 [11.08.25]

3 Q. Can you provide a bit more detail so that we may understand
4 how this had nothing in common with current ceremonies, for
5 example were there monks, was it possible to make offerings, was
6 there any music, can you provide us with details with regard to
7 the differences between the ceremonies back then and the ceremony
8 during which you were married, what were the differences between
9 the traditional ceremonies and the ceremonies under the
10 Democratic Kampuchea regime?

11 A. It was not similar in nature at all. Currently, there would be
12 a procession of offering, there would be a session where it was
13 called haircut ceremony and there would be sermons given by the
14 monks, etc. The list of activities was at length compared to a
15 very brief ceremony held during the regime. I'm not a woman of
16 many words so that's all I can describe to you.

17 Q. Thank you, Witness, for all of these details. I know it is
18 difficult to relive all of this which dates way back and you're
19 not saying maybe that much but we understand exactly what you're
20 saying. So, what happened once the ceremony was completed? You
21 said there was a dinner, so what happened after the dinner? Were
22 the couples obliged to spend the night together, to be specific
23 about this?

24 [11.10.47]

25 A. After the meeting and after the dinner, we were requested to

1 return to our respective house.

2 Q. So if I understood you properly, you did not spend the first
3 night with your husband, is that what I must understand?

4 A. Yes, that is correct, I returned home.

5 Q. And after that first night, did you get together with your
6 husband at any point in time?

7 A. We were told to stay together for three days and after that we
8 went our different ways to do our work assignments and after that
9 we were allowed to meet each other every tenth day.

10 Q. Thank you. Did militiamen ever come to watch over your house
11 when you met with your husband during the first nights of your
12 marriage?

13 A. No, no one came.

14 [11.13.00]

15 Q. I would like to read out to you a testimony and this is what
16 was stated during the hearing of 26th May 2015, the person that
17 you said you knew because she came from the same village as you
18 -- Meas Layhuor -- she also got married during the Democratic
19 Kampuchea regime, she got married in 1977 and she indicated on
20 26th May -- and I'm going to read out what she said. It is
21 transcript E1/305 and this is at around 09.45 a.m. in the
22 morning.

23 [Free translation] "After my marriage, militiamen came to watch
24 over us and they came to see if we had celebrated the ritual
25 after the marriage, if we were delighted in each other's company,

1 if we had burnt incense, if they had caught us burning incense we
2 would have been brought away and taken away and executed."

3 And then she states a bit further on at 09.47.16: "I was not the
4 only one who was watched over by the militiamen, the militiamen
5 would watch over all of the married couples." So is this
6 something that you were aware of back then, that is to say, were
7 you aware of militiamen coming to watch over the married couples?

8 A. No, I was not aware of that, but I believed that they did not
9 come and do that.

10 [11.14.40]

11 Q. Did you stay with your husband? You said earlier on that you
12 got married - or, that you are married and that you have two
13 children. So the two children you have, are they -- did you have
14 these two children with the person you married in 1977?

15 A. Yes, I bore the two children from the marriage with him in
16 1977.

17 Q. And were your children born during the Democratic Kampuchea
18 regime, that is to say, before 1979 or were they born after 1979?

19 A. They were born in 19 -- one of them was born in 1981.

20 Q. But I'm not sure I understood properly. So you are still
21 married now with that husband?

22 A. Yes, I remained married to him. I only have one husband.

23 Q. I hadn't understood properly. I wasn't sure that you were with
24 the same husband or not.

25 After the marriage ceremony, you said that you had been married

1 with 25 couples; did you ever have an opportunity to see these
2 people again, to see the people who were married on the same day
3 as you?

4 A. No. I have not seen them since as they were from various
5 villages surrounding the village that I lived.

6 [11.17.35]

7 Q. So you were the only couple from Tras village that got married
8 that day; is that correct?

9 A. There were two couples, including mine, from Tras village and
10 we actually went to get married in Doung (phonetic) village at
11 the time.

12 Q. I had understood that. I have one last question only. Did you
13 know back then if it was possible for marriages to be celebrated
14 between New People and Base People or was there a rule
15 discriminating the New People and the Base People? So were you
16 aware back then of the existence of that rule or not?

17 A. At that time, only Old People were allowed to get married and
18 in fact I believe there was a measure in place where New People
19 would be allowed to get married to New People but it did not
20 happen yet in 1977.

21 [11.19.42]

22 Q. And according to you, when did this measure come into effect?

23 A. I did not know about that.

24 Q. And you explained to us that during the ceremony when you got
25 married, which was -- do you know if there was other marriage

1 ceremonies that were organised after yours or before yours around
2 1977 and during which villagers from Tras also got married?

3 A. No.

4 Q. So as far as you know, this ceremony which included 25 couples
5 is the only one that took place during the Democratic Kampuchea
6 regime, is that what I must understand from your testimony? I'm
7 speaking about of course your commune.

8 A. Yes, that was the only occasion of the marriage ceremony and I
9 did not see any other ceremonies during the regime.

10 MS. GUIRAUD:

11 Thank you, Madam Witness, for having answered my questions. Thank
12 you, Mr. President, I am done.

13 MR. PRESIDENT:

14 Judge Lavergne, you may proceed.

15 [11.21.57]

16 QUESTIONING BY JUDGE LAVERGNE:

17 Thank you, Mr. President. I have two brief questions for the
18 witness for her to clarify certain points in her testimony this
19 morning.

20 Q. Maybe I didn't hear or understand well what you said, but can
21 you tell us that if when you were on the 1st January Dam site, if
22 you saw people who had been arrested and did people disappear at
23 the worksite?

24 MS. KONG UTH:

25 A. I never saw any workers arrested; however, there was a

1 disappearance of a Cham woman and that was the only case I knew
2 at the time of disappearance at the worksite but I never saw any
3 workers being arrested.

4 [11.23.15]

5 Q. You also spoke about the Wat Baray Choan Dek pagoda this
6 morning. You said that you had seen many people being led to that
7 pagoda. Do you know or do you have an idea of the number of
8 people who were taken to Wat Baray Choan Dek?

9 A. I cannot give you a figure but people were being taken to that
10 location by vehicles and also by ox cart and it happened usually
11 in the early evening.

12 Q. Did this happen on a regular basis, did this happen every day
13 or did this happen from time to time, can you tell us?

14 A. It happened from time to time and it did not happen on a daily
15 basis.

16 [11.24.51]

17 Q. After the end of DK regime, did you go back to the Wat Baray
18 Choan Dek pagoda?

19 A. I returned to live in my house near that pagoda after the
20 regime fell and my house was not far from the fence of the
21 pagoda.

22 Q. And do you know if bodies were found, buried bodies around the
23 pagoda? And if yes, do you have an idea of how many bodies were
24 found around the pagoda?

25 A. After the regime fell, I saw four or five pits but I cannot

1 tell you the number of dead bodies in those pits and the pits
2 were pretty large in size. In fact, the pits were exhumed and
3 skeleton remains, including skulls, were collected as evidence of
4 the crimes committed during the regime.

5 Q. And were these skulls or bones placed at the stupa; what
6 happened to them?

7 A. The skeleton remains are preserved in a stupa and it is in the
8 compound of that pagoda and a ritual ceremony has been held since
9 every year.

10 [11.27.35]

11 Q. Did people in your family disappear or were executed during
12 the DK period?

13 A. During the period of Democratic Kampuchea, none of family
14 members was killed.

15 Q. And among the villagers - or, rather, among the Base People in
16 the village, did anyone disappear during the DK period?

17 A. There were some, however, most of them were not Base People,
18 they were from other areas.

19 Q. So most of the people who disappeared during the Democratic
20 Kampuchea period and who were living in your village were people
21 from elsewhere and also New People, is that what I must
22 understand?

23 A. Yes, that is correct, most of them were New People.

24 JUDGE LAVERGNE:

25 Thank you very much, Witness. I have no further questions for

1 you.

2 [11.29.50]

3 MR. PRESIDENT:

4 Thank you, Judge Lavergne. It is now convenient to have our lunch
5 break; we take a break now and resume at 1.30 to continue our
6 proceedings.

7 Court officer, please assist the witness during the lunch time
8 and invite her to return to the courtroom again at 1.30 this
9 afternoon.

10 Security personnel, you are instructed to take Khieu Samphan to
11 the waiting room downstairs and have him returned to attend the
12 proceedings this afternoon before 1.30.

13 The Court is now in recess.

14 (Court recesses from 1130H to 1328H)

15 MR. PRESIDENT:

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

17 The Chamber now hands over the floor to the defence teams for the
18 Accused. The two defence teams will have two sessions in this
19 afternoon. First, you may now proceed, the defence team for Mr.
20 Nuon Chea.

21 [13.30.14]

22 QUESTIONING BY MR. KOPPE:

23 Thank you, Mr. President. Good afternoon, Madam Witness. I only
24 have very few questions for you. Q. Allow me to start by asking
25 you few questions about your marriage. You testified before the

1 lunch break that you are still married to the same man you
2 married in 1977. I also understood that he was from the same
3 village as you were from. Can you tell us why this man was chosen
4 for you to marry -- why him and why not someone, some other man
5 from your village?

6 MS. KONG UTH:

7 A. I did not know about that. It was the village chief who
8 initiated the idea that I had to marry my spouse. He was the one
9 who paired me with my husband. And he went to tell our parents
10 that we two had to get married.

11 [13.31.58]

12 Q. And do you remember what the reaction of your parents was and
13 what your own reaction was when this was suggested to you?

14 A. My parents did not object to the marriage as my husband was
15 related to my parents.

16 Q. How about your own reaction; were you okay with the
17 suggestion, was it all right for you?

18 A. I agree with the decision of my parents.

19 Q. Now going to the first nights after you married your husband,
20 were you sleeping -- the two of you -- under a mosquito net?

21 A. No. No mosquito net. We spent time in a room with only
22 blankets and pillows.

23 Q. And do you know why there was no mosquito net?

24 A. There were no mosquito nets at that time; none at all. We were
25 sleeping without mosquito nets.

1 [13.34.17]

2 Q. So was that then also the reason that you didn't have mosquito
3 nets at the 1st January Dam worksite, simply because there
4 weren't any mosquito nets?

5 A. Yes, there weren't any mosquito nets. And at the worksite, our
6 sleeping quarters had no mosquito nets.

7 Q. Now my next question is about the period of time you worked at
8 the 1st January Dam worksite. Earlier this morning you said it
9 could have been four or five months. Is it also possible that it
10 was a period of three months rather than four or five months?

11 A. Yes. It was perhaps so. I cannot recall it well because it
12 happened long time ago.

13 Q. I understand, Madam Witness. Were you told at the time why it
14 was only three months -- or not only -- but why it was three
15 months that you were assigned to work?

16 A. After I was married, I was removed from my mobile unit and I
17 was assigned to work in specific location far away from my place.

18 [13.36.26]

19 Q. Maybe my question wasn't framed well. What I meant to ask you
20 is: were you told at the time why you and the others were
21 assigned to work at the 1st January Dam for a period of three
22 months? Why three months and not two or not four, did anybody
23 tell you?

24 MR. PRESIDENT:

25 You may now proceed, Deputy Co-Prosecutor.

1 MR. DE WILDE D'ESTMAEL:

2 I have a problem with this question. Since the witness said four
3 or five months, she may have said three months subsequently
4 because she didn't remember the exact period. And the counsel for
5 Nuon Chea has stated that it's three months as if it was – she is
6 very specific that that is the case. He should rephrase the
7 question because it doesn't reflect what we heard the witness
8 say.

9 BY MR. KOPPE:

10 I will rephrase my question.

11 Q. Madam Witness, were you told at the time why it was a limited
12 amount of time that you had to work and not an indefinite period
13 of time? Do you remember what -- was that told to you at all or
14 you have no recollection?

15 [13.38.03]

16 MS. KONG UTH:

17 A. I cannot recall it.

18 Q. Do you know whether there was a system of rotation of workers?

19 A. No. No rotation system; the one who work there was there until
20 the end.

21 Q. I understand, but was there a rotation of groups of workers?

22 In other words, you said that after you had been working at the
23 1st January Dam worksite, you were assigned to work in the rice
24 fields; did that apply to all the people in your group? In other
25 words, was the whole group rotated in terms of work?

1 A. No. No rotation, but those who were married were removed into
2 another unit -- that is, the middle age unit, doing the rice
3 farming.

4 [13.39.33]

5 Q. Thank you, Madam Witness. Is it -- let me rephrase. Did you,
6 while working at the 1st January Dam, have a resting day every
7 ten days?

8 A. Sometimes, I had one day off.

9 Q. Was that the day that you also got a dessert, some form of
10 special treatment?

11 A. In every 10 day, we were served with dessert.

12 Q. And was that a day that you had a free day and that you were
13 allowed to do whatever you like?

14 A. Yes.

15 Q. Now going back to the worksite itself, is it correct that
16 every time the work started, every time a break was announced,
17 one bell was used for your mobile unit and for all workers at the
18 1st January Dam worksite?

19 A. Yes, the bell was rung when the break time came. And then the
20 second bell was rung to alert us to go back to work.

21 [13.42.05]

22 Q. But the bell that rang was that for all the workers from all
23 the villages and mobile units or was it only for your unit?

24 A. The bell was rung for everyone that they had to go back to
25 work.

1 Q. Do you know a chief from a village from your commune called Or
2 Ho?

3 A. Ho; I know this guy.

4 Q. Was he indeed a village chief in your commune?

5 A. He was the chief at the worksite.

6 [13.43.25]

7 Q. He also gave testimony as to working times, and I would like
8 to read what he has testified to and then ask your reaction on
9 various points, Madam Witness.

10 Mr. President, that is E3/5255; English, ERN 00250046; French,
11 00277227; and Khmer, 00239909: Question: "When did working hours
12 begin and end?"

13 And then Or Ho answers: "They began work at 6.30 a.m. and
14 continued until 12.00. They continued from 2.00 until 5.00 and
15 from 7.00 until 10.00."

16 He is -- to start with the morning hours, he is saying that the
17 people from his village didn't start 4 o'clock but rather at 6.30
18 in the morning. There are other witnesses who say that the work
19 started at 7.00. You said earlier it was 4.00. Can you give a
20 reaction to the difference in starting time on a day?

21 A. No, the work did not start at 7.00 a.m. Actually 7.00 a.m. was
22 the time that we had a 10-minute break. And when I stopped
23 working at that site, I have no idea.

24 [13.45.50]

25 Q. But what about the lunch break, was that between 11.00 and

1 1.00 or 11.00 and 2.00?

2 A. Lunch was at 11.00 a.m. and we resumed work at 1.00 in the
3 afternoon.

4 Q. I put the same question to someone else from your unit, Meas
5 Layhuor. And on 26 May 2015 at around 10.43, she confirmed that
6 it was indeed lunch between 11.00 and 2.00. Would it be possible
7 that lunch was between 11.00 and 2.00 rather than between 11.00
8 and 1.00?

9 A. I had lunch at -- from 11.00 to 1.00 and after that time, I
10 resumed my work.

11 Q. Did you, at the time, have a watch? Were you carrying a watch?

12 A. I did not have a watch but the time was set very clearly when
13 they rang the bell exactly at 1.00.

14 Q. But how do you know it was 1.00?

15 MR. PRESIDENT:

16 Judge Lavergne, you may now proceed.

17 [13.48.02]

18 JUDGE LAVERGNE:

19 Yes. Counsel Koppe, I have the impression that you read Mr. Or
20 Ho's statement only partially. It is indeed E3/5255. Is that
21 correct; 5255?

22 MR. KOPPE:

23 5255, yes.

24 JUDGE LAVERGNE:

25 And this is what I read on it: "Work started at 6.30 in the

1 morning up to 11.00 a.m. And it starts at 2.00 p.m. and up to
2 5.00 p.m., and at night from 17.00 to 10.00 p.m. In order to meet
3 the work quotas, workers had to work from 4.00 up to 2.00 p.m.
4 and at night from 7.00 to midnight"; is that indeed the right
5 version?

6 MR. KOPPE:

7 I'm reading from the transcript. But didn't I -- the second
8 sentence "to complete the dam construction plan, they had us work
9 from 4.00" -- I didn't read that; "from 4.00 until 11.00 and we
10 continued from 2.00 until 5.00 and from 7.00 until 10.00 p.m."

11 [13.49.47]

12 JUDGE LAVERGNE:

13 It is someone -- it's a case of forgetfulness perhaps.

14 BY MR. KOPPE:

15 Q. Let me ask you a question about the time that you stopped.

16 That was 5 o'clock -- p.m.; that is correct?

17 MS. KONG UTH:

18 A. Yes, at 5.00.

19 Q. And night work, was that done regularly or only on special
20 occasions?

21 A. It was regular work.

22 [13.50.32]

23 Q. Now I put that same question to your colleague, Meas Layhuor,
24 and she said -- she gave testimony also on the 26th of May 2015
25 at 10.45. She said that she agreed that night work was only done

1 on special occasions. Is she right or are you right that it was
2 done regularly rather than on special occasions?

3 A. No, special occasion. I had to do night work regularly.

4 Q. Then I think I -- I will ask you now my last question, Madam
5 Civil Party. Do you recall that in order to get rid of the flies
6 at one point in time, people sprayed pesticide?

7 A. I never saw that they spray pesticide. Perhaps I went to work
8 and I did not witness that.

9 Q. One last question. When it comes to the guards, the militiamen
10 that you said you saw, can you tell us how far away they were
11 from the workers? Were they standing, for instance, in between
12 the workers or were they standing more to the side where the
13 forest started?

14 A. They were at far end away from us.

15 [13.53.08]

16 Q. Do you remember whether they were also looking to the side of
17 the forest to make sure that the security was in order, to
18 prevent the workers from outside threats? Do you recall any of
19 that?

20 A. I did not make any observation on militiamen. I was trying to
21 work hard because I was afraid that I would be refashioned.

22 MR. KOPPE:

23 Thank you, Madam Witness. My national colleague, Mr. President,
24 has some questions as well.

25 MR. PRESIDENT:

1 You may now proceed, National Counsel.

2 [13.54.16]

3 QUESTIONING BY MR. LIV SOVANNA:

4 Thank you very much, Mr. President. Good afternoon, Madam

5 Witness. My name is Liv Sovanna. I am one of the national

6 counsels for Mr. Nuon Chea. I have a few questions for you this

7 afternoon.

8 Q. You have answered to some questions put by my colleague. You

9 stated that your chief paired you with your husband and that they

10 came to discuss with your parent. And you also said that you

11 agreed with the decision of your parents. So it was the decision

12 of your parents and your husband's parent that you agreed to get

13 married; is that correct? It was not the decision of the chief.

14 MS. KONG UTH:

15 A. Yes, it was the decision of my parents.

16 MR. PRESIDENT:

17 You may now proceed, Co-Prosecutor.

18 [13.55.33]

19 MR. DE WILDE D'ESTMAEL:

20 Unfortunately, it's too late, Mr. President. The witness indeed

21 said that it was the leader or the chief who chose and that

22 subsequently her parents were informed of the chief's choice. And

23 they subsequently accepted because the parents either had to

24 accept or they couldn't have dared say no. That is what we heard.

25 And the question that counsel has just put to the witness is

1 clearly a leading question.

2 MR. PRESIDENT:

3 You may now proceed, Judge Lavergne.

4 JUDGE LAVERGNE:

5 I think we can continue because the objection is now mute.

6 MR. PRESIDENT:

7 You may now resume your line of questioning, Counsel.

8 [13.56.48]

9 BY MR. LIV SOVANNA:

10 Thank you. I would like to resume my line of questioning.

11 Q. There are some witnesses coming to testify before this Chamber

12 and some of them said that they did night work during the bright

13 moon season. And as for you ,you stated that you had to do

14 regular work at night. Was there any light turned on at that

15 time? And how could you do the work if there was no light?

16 MR. PRESIDENT:

17 Please wait, Madam Witness. You may now proceed, Deputy

18 Co-Prosecutor.

19 MR. DE WILDE D'ESTMAEL:

20 Thank you. I don't want to rise and interrupt each time. But if

21 counsel for the defence is referring to a specific testimony

22 showing that the witness had specific work, they should give us

23 the reference when this witness said so, at what time, and give

24 us the reference of the document. They cannot just ask questions

25 in the air, because we haven't heard the same testimony given by

1 this witness in this hall -- in this courtroom.

2 MR. PRESIDENT:

3 You may rephrase your question so that the witness can give her
4 answer.

5 [13.58.35]

6 BY MR. LIV SOVANNA:

7 You stated you did night work, so was there any light during the
8 time that you were working at night?

9 MS. KONG UTH:

10 A. I did the night work. There was light turned on for workers
11 and the light was attached to poles. And sometimes, we got injury
12 because we were hit by rock.

13 Q. You stated this morning that the one who was seriously ill was
14 referred to the hospital and he never returned. I would like to
15 know whether there were any of your colleagues that fell sick.

16 A. No one got serious illness in my unit. And some of them got
17 fever and abdominal pain. No one got serious illness in my unit.

18 [14.00.15]

19 Q. This morning you testified that people with serious illness
20 were sent to the hospital and never returned. Did you hear about
21 it or did you actually observe the situation? And if so, please
22 give us some names.

23 A. I did not witness it myself, but there were other workers in
24 other units who were seriously ill and were transferred to
25 hospital. I did not know their names. And in my group, nobody

1 fell seriously sick. So I only heard about it. And I heard that
2 the hospital was far from the worksite.

3 Q. And why did you say that you didn't see them return to the
4 worksite?

5 A. They were sent away and I did not see them return.

6 Q. You said each group unit was not allowed to make any contact.
7 Please enlighten the Court how you knew that those seriously sick
8 workers did not return to their respective unit.

9 A. What else can I say? I didn't see them return.

10 Q. Can you give the Court their name or names of those people?

11 A. I cannot remember all those names. I forgot them all.

12 [14.02.50]

13 Q. Was that worker male or female?

14 A. The majority of the seriously sick were female.

15 Q. How far was that group away from your group? I refer to the
16 group where the members of the group were seriously ill.

17 A. I cannot tell you the proximity. It's been a long time. I
18 forget it.

19 Q. You yourself were born in Tras village, Ballangk commune. And
20 during the DK regime, you lived there. And at present, you are
21 still living there. Could you kindly tell the Court, before the
22 construction of the 1st January Dam, was it difficult for
23 peasants in your area do the farming?

24 A. Before the construction of the dam, people in my village
25 engage in the mutual farming, if my recollection is correct.

1 Q. Was water sufficient for the irrigation?

2 A. Yes.

3 [14.05.30]

4 Q. My question to you is that: was there sufficient irrigation
5 system and water before the construction of the dam? And if so,
6 what was the source of water?

7 A. There was enough water, and mainly the source of the water was
8 rain.

9 Q. Was there any year that your area was hit by drought?

10 A. Indeed there was some time rice yield was not that fruitful
11 due to drought, so the farming in my area was very traditional --
12 that is, dependent solely on the season.

13 Q. And what about the situation after the dam construction, did
14 the people in your area still rely on rain water or relied on the
15 water source from the dam?

16 A. Some peasants relied on water source from the dam for their
17 dry season farming. And during the rainy season farming, they
18 relied on the rain.

19 Q. Do you have any knowledge as to which district actually used
20 water source from the 1st January Dam at present?

21 A. I do not have that knowledge, but I know people in Baray
22 district use dam water.

23 [14.08.30]

24 Q. What about peasants in Santuk district, did they rely on water
25 source from the dam?

1 A. Indeed they also used water source from the dam. And may I
2 also add that peasants in the Santuk district mostly relied on
3 the water source from the dam.

4 Q. Through your observation of the current situation, how many
5 harvests could peasants achieve per year by relying on the water
6 source from the dam?

7 A. They actually could do two farming per year: dry season rice
8 farming and rainy season farming.

9 MR. LIV SOVANNA:

10 Thank you, Madam Witness. And Mr. President, I am done.

11 MR. PRESIDENT:

12 Thank you. The floor is now given to the co-counsel for Khieu
13 Samphan's defence. You may proceed, Counsel.

14 [14.09.54]

15 QUESTIONING BY MR. VERCKEN:

16 Thank you, Mr. President. Good afternoon, Witness. My name is
17 Arthur Vercken, and I'm one of Mr. Khieu Samphan's counsels. I
18 don't have many questions because most of the questions that I
19 had prepared have already been answered. I still have a few
20 remaining questions, however. I will therefore be rather brief.

21 Q. My first question is based on -- or focuses on your children.
22 I believe you have two children and earlier on, however, you
23 mentioned one single birth date in 1981. So are both of your
24 children twins or can maybe -- can you give us the specific birth
25 dates of your two children?

1 MS. KONG UTH:

2 A. I have two daughters actually. But I cannot recall their --
3 the year they were born. If you count it according to the Khmer
4 zodiac, one was born in the year of rat and the other one was
5 born in the year of the rooster.

6 [14.11.32]

7 Q. Thank you. Was one of your daughters born during the DK
8 regime, that is to say, between 1975 and 1979?

9 A. They were -- my daughters were born after the fall of the
10 regime. But my apology to you, I cannot recall the year. But I
11 knew one was born in the year of rooster and the other one was
12 born in the year of rat.

13 Q. Thank you. That suits me perfectly well. I'm now going to turn
14 to another topic.

15 How would you care for yourself in 1975 when you became ill?
16 Would you resort to traditional remedies or would you go to a
17 hospital?

18 A. During the regime, I rarely fell sick. And even before that,
19 when I fell sick I would seek traditional treatment.

20 [14.13.20]

21 Q. And in your village, the people who fell ill before 1975,
22 would they resort to traditional treatment or would they go to
23 the hospital?

24 A. The hospital was far from my area and the modern medic was
25 scarce at the time. And only when an individual fell seriously

1 sick, then that individual would be referred to a modern
2 hospital.

3 Q. And can you tell us where this hospital was located?

4 A. The district hospital was far from my house. The proximity was
5 about five kilometres.

6 Q. A witness came to testify before this Chamber, Uth Seng. This
7 is index E1/309.1. This was 3 June 2015 and at around 10.50.35 in
8 the morning. Questions were put to him regarding the mobile
9 medical units that would come to the 1st January Dam worksite.
10 And this is the question that was put to him and there is the
11 answer -- and I quote:

12 [Free translation] "Did the people from the medical mobile unit
13 travel to the site to provide injections?"

14 Answer: "The mobile medical unit were under a shelter, and the
15 people who needed to be vaccinated would go to the shelter. This
16 is what I learnt back then."

17 Question: "Do you know if the mobile medical unit had the
18 necessary equipment to sterilize the needles?"

19 Answer: "Yes."

20 "And how would they go about this, how would they sterilize the
21 needles?"

22 Answer: "The needles were boiled each time they were used." End
23 of quote. [Free translation]

24 My question is: In your unit, did you ever have to deal with this
25 mobile medical unit that this witness was speaking about or you

1 never came across this unit?

2 [14.17.12]

3 A. No, I never went to a mobile medical unit. As I told the Court
4 earlier, I rarely fell sick.

5 Q. Thank you. But did you ever hear about this unit or never?

6 A. No, I did not hear about it.

7 Q. Thank you. Now I would like you to clarify a point which you
8 testified about just now. But I need a bit of clarification. This
9 regards your day of rest that you spoke about. And I think this
10 morning when you answered a question that was put to you, you
11 said that during this day of rest, you would meet your husband.
12 And then this afternoon, you seem to be saying that you had left
13 the 1st January Dam worksite quite soon after your marriage. So
14 what I wanted to know or what I would like you -- or in fact, I
15 would like you to clarify this. That means did you have the time
16 to spend some time with your husband during your days of rest or,
17 for example, were you assigned to the same place or were you
18 separated from each other? So could you please clarify this?

19 [14.19.01]

20 A. When I was allowed to rest, I went to see my husband. And
21 after that I returned to my quarter. And that did not last for
22 long since I was later reassigned to various other locations;
23 namely, engaging in rice farming -- that is, after I was
24 reassigned from working at the dam site.

25 Q. And your husband continued working there or not?

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1 A. My husband did not work at the dam construction site; he
2 worked in the rice field. And mostly he was asked to do dry
3 season farming.

4 Q. During the period when you would meet with him every 10 days,
5 would you meet in your village -- in the village you both came
6 from?

7 A. We met at my house in Tras village.

8 [14.20.55]

9 Q. And in that village, which was your home village, did you have
10 a mosquito net?

11 A. During the regime, there was no mosquito net.

12 Q. And then, when you were reassigned to that rice paddy after
13 having worked at the dam, did you then stop seeing your husband
14 or did you continue seeing your husband on a regular basis?

15 A. I was still allowed to go and see him occasionally.

16 MR. VERCKEN:

17 I believe I'm done with my questions, Witness. Thank you very
18 much. I am done.

19 [14.22.31]

20 MR. PRESIDENT:

21 Thank you, Counsel.

22 The hearing of testimony of witness Kong Uth has now concluded.

23 And Madam Kong Uth, the Chamber is grateful of your valuable time
24 to testify before us as a witness during this whole day. And your
25 testimony may contribute to ascertaining the truth in this case.

1 The time for your testimony is now concluded and the Chamber
2 wishes you the very best and safe journey back home.
3 Court officer, please collaborate with WESU to make necessary
4 transportation arrangement for the witness to return to her
5 residence.

6 The hearing today adjourns now and we will resume on Monday 27
7 July 2015. The Chamber would also like inform the Chamber (sic)
8 that from Monday next week until the 24th of July 2015, the
9 Chamber will have a judicial recess. So there will be no hearing
10 during this specified period. And the proceedings will resume on
11 the 27 of July. By then, the Chamber will hear testimonies of
12 witnesses and civil parties regarding the Trapeang Thma Dam
13 worksite. And the Chamber has already notified the Parties
14 regarding the list of civil parties and witnesses for this
15 segment of the hearing.

16 Security personnel, you are instructed to take the two Accused --
17 that is, Nuon Chea and Khieu Samphan, back to the detention
18 facility, and have them returned to attend the proceedings on
19 Monday, 27 July 2015, before 9 o'clock.

20 The Court is now adjourned.

21 (Court adjourns at 1425H)

22

23

24

25