



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

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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

21 January 2015

Trial Day 230

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

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KHIEU Samphan

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INDEX

MR. MEAS SOKHA alias THLANG (2-TCW-936)	
Questioning by Mr. Lysak resumes	page 7
Questioning by Judge Fenz.....	page 46
Questioning by Judge Lavergne.....	page 49
Questioning by Mr. Pich Ang.....	page 57
Questioning by Mr. Suon Visal	page 68
Questioning by Mr. Victor Koppe.....	page 84

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
MR. MEAS SOKHA (2-TCW-936)	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SUON VISAL	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session, with the
5 proceedings in Case 002/02.

6 The Chamber <first> would like to inform the Parties and the
7 public that for the continuation of hearing the testimony of
8 Witness 2-TCW-936, for today and probably the following days.

9 The Judge, You Ottara, is absent due to his health issue and
10 after seeking consultation with the Judges of the Trial Chamber,
11 Judge Thou Mony<, the National Reserve Judge,> is appointed to
12 replace Judge You Ottara during his absence, until such time he's
13 able to perform his duty during the trial proceedings at the
14 Trial Chamber. That decision is based on Internal Rule 79.4 <of
15 the ECCC Law>.

16 Ms. Se Kolvuthy, please report to the Chamber the attendance of
17 the Parties to today's proceedings.

18 THE GREFFIER:

19 Mr. President, for today's proceeding, all Parties to the
20 proceeding are present, and the Witness 2-TCW-936 as well as <the
21 civil party 2-TCCP-296> are awaiting your call in the waiting
22 room. Thank you.

23 MR. PRESIDENT:

24 Thank you.

25 On 8 January 2015, the Chamber commenced hearing evidence in Case

1 002/02. The first phase of Case 002/02 pertains to the Tram Kak
2 cooperatives, including the treatment of Buddhists, and the
3 related Krang Ta Chan Security Centre.

4 [09.05.37]

5 On 8 January <2015>, the Chamber started hearing the testimony of
6 Witness 2-TCW-936, before the proceedings were adjourned due to
7 the ill health and hospitalization of the accused, Khieu Samphan.
8 Khieu Samphan was released from hospital on 15 January 2015. Both
9 Khieu Samphan's and Nuon Chea's fitness to stand trial are under
10 assessment by the Trial Chamber. For that purpose, expert medical
11 assessments took place earlier this week. The medical reports are
12 due in English today, and will be provided to the Parties as soon
13 as possible. Translations will be provided to counsel for the
14 Accused tomorrow, in Khmer and French respectively. The hearing
15 on fitness of the Accused is scheduled for 23rd January 2015. The
16 Parties are instructed to inform the Chamber by 22nd January
17 <2015> at 3 p.m., whether they will require <the above mentioned>
18 hearing <on this fitness?>

19 [09.07.22]

20 Today the Trial Chamber will continue the adversarial hearing in
21 Case 002/02 and hear the remainder of Witness Meas Sokha's
22 testimony. If there is time, the Chamber will then start to hear
23 Civil Party 2-TCCP-296.

24 Before hearing the Witness, the Trial Chamber will briefly
25 address a number of issues.

1 One: standby counsel.

2 First, the Trial Chamber reminds the Parties of its decision to
3 reject the request for reconsideration of the appointment of
4 standby counsel for Khieu Samphan, as no new circumstances or
5 <new> arguments were raised which have not already been
6 considered by the Chamber. The Chamber also reminds the Parties
7 that it has rejected request for a change in seating arrangements
8 among counsel.

9 The Chamber takes this opportunity to clarify, particularly to
10 Khieu Samphan, the role of standby counsel. Further details of
11 this are available in the Trial Chamber decision E321/2 of 5th
12 December 2014. In brief, the Chamber has qualified the
13 obstructive behaviour of current Defence Counsel for Khieu
14 Samphan as misconduct. As a result of this finding, the Trial
15 Chamber took three distinct actions. First, as a sanction under
16 Internal Rule 38.1, it recommended non-payment of certain counsel
17 fees.

18 [09.09.52]

19 Secondly, pursuant to Internal Rule 38.2, it referred counsel's
20 misconduct to the appropriate professional bodies.

21 Thirdly, independent of these other two steps, it ordered the
22 appointment of standby counsel to prepare and maintain the
23 capacity to take over the defence of Khieu Samphan at any time,
24 should the Chamber determine it necessary to replace current
25 counsel. This measure is aimed to ensure a proper administration

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1 of justice by avoiding interruption in the conduct of the trial
2 due to further defence counsel misconduct, if any.
3 Standby counsel's role flows directly from the reason they were
4 appointed in the first place. Most importantly, they are to
5 immediately familiarize themselves with the case file and
6 pleadings of the parties in Case 002. Standby counsel must also
7 attend all proceedings in Case 002/02 in order to familiarize
8 themselves with developments in the case. Sufficient knowledge of
9 both the case file and the proceedings are obviously
10 preconditions for a seamless replacement, should that ever be
11 necessary. Therefore, standby counsel is not replacing current
12 defence counsel at this time. They will not actively participate
13 in proceedings. Further replacement, if any, is contingent on a
14 further decision by this Chamber.

15 [09.12.13]

16 Two: Civil Party Lead Co-Lawyers' request to admit a map related
17 to the Tram Kak cooperatives.

18 The Trial Chamber will next address the request by the Civil
19 Party Lead Co-Lawyers to admit into evidence as a new document a
20 map they intend to use during the hearing of 2-TCCP-296. The
21 Khieu Samphan Defence objected to this request on 5th <December
22 2014>. The Chamber does not consider further submissions
23 necessary. The Trial Chamber finds that the proposed document is
24 not conducive to ascertaining the truth. The request does not
25 satisfy the Internal Rule 87.4 criteria, and is therefore

1 rejected.

2 [09.13.32]

3 Three: Civil Party Lead Co-Lawyers' questioning of experts during
4 fitness hearing.

5 Finally, concerning the potential hearing on the fitness of the
6 Accused, on 23rd January 2015, the Trial Chamber is seized of the
7 Civil Party Lead Co-Lawyers' submission that they should be able
8 to question the assigned experts. The Trial Chamber confirms
9 that, consistently with past practice, the Civil Party Lead
10 Co-Lawyers will be permitted to question the assigned experts in
11 accordance with Internal Rule 91.2, so long as their questions
12 are relevant to medical assessment of the fitness of the Accused
13 to stand trial.

14 We will now continue to hear the testimony of the Witness, Meas
15 Sokha. The Court Officer, could you usher the Civil Party - the
16 Witness into the courtroom?

17 [09.15.12]

18 (Witness enters courtroom)

19 [09.16.04]

20 MR. PRESIDENT:

21 The Chamber would like to give the floor to the Co-Prosecutors to
22 proceed with their questioning. You may proceed.

23 MR. LYSAK:

24 (Microphone not activated)

25 [09.16.42]

1 MR. PRESIDENT:

2 Court Officer, could you check the microphone? I see the red
3 light on the tip, but the sound doesn't come through.

4 Court Officer, could you check with the AV unit to check the
5 equipment?

6 [09.17.24]

7 (Short pause)

8 (Technical problem)

9 [09.21.51]

10 MR. PRESIDENT:

11 Counsel Koppe, you may proceed.

12 MR. KOPPE:

13 Good morning, Mr. President. My client would like to go down to
14 the holding cell because he's feeling dizzy. He asks permission
15 to go down to the holding cell.

16 MR. PRESIDENT:

17 The Chamber has heard the request by Nuon Chea, through his
18 counsel, to go down to the holding cell to follow the proceedings
19 through a remote means. As Nuon Chea waives his right to be
20 present in this courtroom, the Chamber agrees to Nuon Chea's
21 request to follow the proceedings through a remote means from the
22 holding cell downstairs for today's proceeding. And the Counsel
23 for Nuon Chea is required to deliver to the Chamber, as soon as
24 possible, the waiver of his presence in this courtroom for
25 today's proceeding, with his <signature or his clear> thumbprint.

7

1 And, AV unit you are instructed to link the proceeding to the
2 holding cell downstairs so that the Accused could follow today's
3 proceedings <remotely>.

4 Security personnel, you are requested to take Nuon Chea to the
5 holding cell downstairs.

6 [09.23.52]

7 (The Accused Nuon Chea is escorted from the courtroom to the
8 holding cell)

9 [09.24.18]

10 MR. PRESIDENT:

11 The Chamber has been informed by <technicians of> the AV Unit,
12 through the court officer, that it will take about half an hour
13 for the AV Unit to fix the current glitch. For that reason we
14 will adjourn now until such time the system is back online, maybe
15 in half an hour.

16 So, the Chamber will resume at 10 a.m.

17 (Court recesses from 0925H to 1000H)

18 MR. PRESIDENT:

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

20 And again the Chamber would like to give the floor to the
21 Co-Prosecutors to put questions to this Witness. Due to <several>
22 interruption<s> of the equipment the Chamber will give additional
23 time to the Co-Prosecutors and the Lead Co-Lawyers. You will have
24 until lunch time. Thank you. You may now proceed.

25 QUESTIONING BY MR. LYSAK RESUMES:

1 Thank you Mr. President. And Mr. Meas Sokha, thank you so much
2 for coming back to the Court again. We know your testimony has
3 been disrupted a couple of times, and we very much appreciate
4 your being here.

5 [10.01.30]

6 In your testimony earlier this month you described how your
7 entire family was arrested by the Khmer Rouge in June 1976,
8 following a meeting in which your father and others had collected
9 thumbprints regarding the removal of a cooperative chief. And
10 when we stopped earlier this month, we were discussing your
11 arrival at the Krang Ta Chan Re-education Office, and you had
12 testified that there were three buildings for keeping prisoners,
13 and that you were put into detention immediately upon your
14 arrival.

15 Q. And I'd like to pick up there and to ask you if you can
16 describe for the Court the building in which you were detained
17 when you arrived at Krang Ta Chan?

18 [10.02.41]

19 MR. MEAS SOKHA:

20 A. When I arrived at Krang Ta Chan I was put into the first
21 building at 4 p.m. My mother and my elder sister were cuffed, and
22 I and my younger siblings were not cuffed. But we were put
23 together with my elder sister and my mother.

24 Q. Can you describe what that building was like inside. How big
25 was it? Were there other prisoners there?

1 A. The building was 12 metres <in length and> 5 metres <in
2 width>. In the building that I was put I saw more than 20
3 prisoners, more than 10 on each side. They were either shackled
4 or handcuffed.

5 Q. The prisoners who were shackled, can you describe how they
6 were shackled?

7 [10.04.15]

8 A. The way they were shackled was that they were <made> to sit on
9 a wooden floor, about <> half <a metre> -- about 30 <>
10 centimetres from the ground<,> and they used a round metal <bar>
11 which was -- as <long> as the <length> of the building<,> about 12
12 metres long>. And the prisoner<s had> to put the <metal into the
13 shackles> by themselves.

14 Q. Now you just testified that you and the younger children were
15 not shackled or handcuffed, but that your mother and older sister
16 were. Can I ask you, were they also shackled at night time when
17 they were trying to sleep?

18 [10.05.24]

19 A. All prisoners, male and female, were shackled day and night<,>
20 and only when they were let out to work they would be released
21 from the shackles and after that<,> at lunch time,> they would be
22 returned and shackled again.

23 Q. In your testimony earlier this month, you told us that the
24 people from your family who were arrested included two babies and
25 a 3-year-old child. Can you tell us what was done with the babies

1 when you arrived at Krang Ta Chan? Were they also detained in the
2 same building as you?

3 A. The babies were with their mothers because they were still
4 breast fed. And when the mothers did not have any milk for the
5 babies, the babies became skinny. And sometimes the mothers were
6 let out to make <one> mat <per day> outside: <>My mother, my
7 elder sister and myself, <we> were allowed to work outside the
8 building <after we were there for a month>. And each day we had
9 to work there and at night time we were let back in the building.

10 [10.07.16]

11 Q. Do I understand correctly then that there was not a separate
12 place where babies or young children were kept? That they were --
13 but that they were in the same detention building as the parents?

14 A. Yes, that is correct. The babies belonged to my relatives were
15 with their mothers and later on, due to the lack of milk, some of
16 them died. <Three of my younger siblings died because of
17 malnutrition, lack of food.>

18 Q. I want to now ask you a little bit more about the -- what the
19 conditions were like at Krang Ta Chan. Can you tell us how often
20 you and the other prisoners detained at Krang Ta Chan were given
21 food and water?

22 A. As for the food at Krang Ta Chan, for each meal we <were>
23 given a ladle of gruel <with at most 10 grains of rice> or three
24 small pieces of potato<es> and a little bit of water plant. And
25 they put a little bit of salt in the gruel, and <I tried not to

11

1 eat in> the first week<, but later I was so hungry, so I just
2 drank that water. For drinking water,> I had to drink <> water
3 nearby where they stored fertilizer. <The water was red from the
4 fertilizer's pit. They allowed us to drink the water only twice a
5 day, at most three gulps of it, so that our throats were not too
6 dry.>

7 Q. How many times each day were you given meals?

8 A. We were given two meals per day but it was not enough. It was
9 very little. And of course we were very hungry. In total for the
10 two meals there were probably only about 20 to 30 grains of rice
11 and about six small pieces of potato.

12 Q. Was the building in which you and your family were detained,
13 clean?

14 [10.10.44]

15 A. The detention building was filled with <bedbugs. If you
16 slapped the floor, you would kill a hand full of them. At night,
17 if the guard asked, "Who moved?", and there were no answer, all
18 the prisoners inside would be beaten with a bamboo stem. The
19 punishment applied to all prisoners, regardless of who had
20 moved>.

21 Q. You've testified that most of the prisoners were shackled. Can
22 you tell us what those prisoners did when they had to relieve
23 themselves, to go to the bathroom?

24 A. Prisoners who were detained in that building<> had a container
25 to<> store the faeces <or> urine. <They had a coconut shell for

12

1 the> prisoner<s> to relieve <themselves. The prisoners> had to
2 turn to the side<, lift themselves a little bit> and relieve
3 <themselves while they were still shackled.> Then we would pass
4 <the shell> from one <prisoner to> another in order to pour <it>
5 into the <> container.

6 [10.12.33]

7 Q. Mr. Witness, how often did the people detained at Krang Ta
8 Chan become sick? And were they given medical treatment when they
9 were sick?

10 A. There was <no> treatment for any prisoner who became sick.
11 Prisoners would get sick and they would be <> left there without
12 treatment until that person died. <There was no modern or
13 traditional doctor to treat prisoners. In there, if any of them
14 got sick, they would be dead.>

15 Q. While you were at Krang Ta Chan did you see any prisoners who
16 died from starvation or disease? And if so, how often did you see
17 prisoners die?

18 A. I saw it happen almost every day, those who starved to death<,
19 those> who were sick and died<, and those who died before their
20 release>. And there were many of them. There were more than 10 of
21 them. Sometimes they were <interrogated and> tortured and<,
22 since> they <were deprived of food,> they died. So every night at
23 least one or two of them died, before they were even taken to be
24 killed.

25 [10.14.09]

1 Q. Can you tell us how long -- how long you were detained at
2 Krang Ta Chan?

3 A. I was detained along with my mother from 1976 until August
4 1978<.> I was transferred to another cooperative just to be there
5 temporarily before I was taken back again. So, I was detained
6 there for almost three years, just two more months and it would
7 make three years period.

8 Q. In your OCIJ interview -- D25/31 -- at Khmer, page 00163518;
9 English, 00223501; and French, 00178117; you stated that five of
10 your family members died at Krang Ta Chan and seven survived. Can
11 you tell us who the five people from your family were who died at
12 Krang Ta Chan and how and when they died?

13 [10.16.15]

14 A. My father died first but I did not see him, I only was told by
15 prison staff that he <was killed> there <>, three days before my
16 arrival. As for my younger siblings, they died three months after
17 they were detained due to lack of milk and food.

18 Q. Mr. Meas Sokha, I would now like to ask you a couple of
19 questions about prisoner work assignments at Krang Ta Chan. In
20 your OCIJ statement, again D25/31, at Khmer pages 00173514
21 through 515; English, 00223497; and French, 00178113 through 114.
22 In that part of your interview you stated that about 20 to 25
23 days after you were at Krang Ta Chan, your mother, siblings and
24 yourself were put to work in the prison compound, but at the end
25 of the day your oldest sister and mother were sent back to be

14

1 shackled at night. First, can I follow up: Were your mother and
2 sister shackled every night throughout the entire time period you
3 were at Krang Ta Chan?

4 [10.18.34]

5 A. My mother and my elder sister were detained <till--> and at
6 night time<, one of their ankles was> shackled<,> and during the
7 day time<,> they were asked to make gruel for prisoners. And my
8 elder sister was asked to carry <swamp mud>. <At night,> they
9 <slept in the building and they> were shackled<>.

10 Q. And what about yourself? What type of work assignments were
11 you given at Krang Ta Chan?

12 A. I was asked to tender two cows and four water buffaloes, and I
13 had to tender them in the field, but at night time I must return
14 to the prison compound before 5 o'clock in the afternoon.

15 Q. Can you describe us what areas of the prison compound you were
16 allowed to move around when you were working tending to the cows
17 or water buffalo?

18 A. I was asked to tend the water buffaloes and the cows; however
19 the area was not restricted as long as the buffaloes and the cows
20 could eat the grass and as long as I could return at 5 o'clock in
21 the afternoon. And at night time<,> I could go out and try to
22 catch frog<s or fish with others>.

23 [10.20.50]

24 Q. During the times that you were allowed to move around the
25 prison compound area, were you able to see what was done to other

15

1 prisoners when they were taken out of their detention buildings?
2 A. In 1976, while I was detained in the prison<,> I could not see
3 such activities, but from 1977 onward<, I could observe the
4 killings.> I could observe when people from Srae <Ronoung
5 commune, Nhaeng Nhang commune> were brought into Krang Ta Chan
6 prison<'s compound,> and as the prison buildings could not hold
7 more than <>100 prisoners, they dug pits which were five square
8 metres <> and three metres depth. <Among> those more than 100
9 prisoners<,> two, three or four <were sent to the pit> at a time,
10 including children, older people or disabled people<>. At that
11 time<,> it was around 4 o'clock in the afternoon while I was
12 tending the cows, I observed the killing of these people <at> the
13 south of a pond which was part of the prison compound. And people
14 were not allowed to go in -- near that area, except the prisoners
15 <who> were detained there. If anyone dared to trespass that area,
16 that person would also be killed there. Also, before prisoners
17 were killed<,> they would play music through a loudspeaker in
18 order to hide the sound <of> the killing. They would also knock
19 on various instruments so that people could not actually hear the
20 sound <of> the killing.

21 [10.23.47]

22 Q. Thank you for that response. I'll come back in a few minutes
23 to ask you some more about executions. Let me first ask you a
24 little about interrogations of prisoners. When you described the
25 Krang Ta Chan compound in your testimony earlier this month, you

1 testified that there was a place for questioning prisoners. Can
2 you tell us where this place was located in the prison compound
3 and whether you saw prisoners taken there for interrogation?

4 A. The place where prisoners were interrogated <was> not far from
5 where prisoners were detained. It was about 50 metres away<,> and
6 the execution site was not that far either. When prisoners were
7 interrogated<,> at that location<,> there were <sticks>, there
8 were chains, there were axes, there were pliers used<,> during the
9 investigation,> prisoners would be tortured with <bamboo stems
10 and rattan. The building was filled with screams>. Some prisoners
11 confessed while others did not.

12 [10.25.38]

13 Q. Were you yourself ever interrogated?

14 A. No, I was not interrogated because I was a young boy. Only the
15 adults<,>head of a household,> were interrogated, not the
16 children.

17 Q. You've described for us what took place during interrogations
18 and also in your OCIJ statement when you were asked whether you
19 saw interrogations of prisoners, you responded that you did.
20 Since you weren't interrogated yourself can you tell us, describe
21 for us, how you were able to witness prisoners being
22 interrogated?

23 A. The interrogation took place in <the open> where I could see
24 while I walked around or when I went to pick up some vegetable.
25 Sometimes I picked vegetables for the kitchen as the prison

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1 guards asked me to do so. It was an open place where people were
2 interrogated and it was not far from the kitchen. So, I could say
3 that the interrogation place was about five metres away from the
4 kitchen. Of course I could see it and I was not prohibited from
5 going there, but I was warned that I'd better not speak about
6 what I saw there, or that prisoners were tortured and bled.
7 That's what they warned me, but I could see what happened.

8 [10.27.54]

9 Q. Can you tell us whether prisoners were beaten or tortured
10 during interrogations and if so how they were tortured?

11 A. Prisoners were beaten with the stem of bamboo <and rattan>
12 during the interrogation, or sometimes they used a plier to pull
13 the fingernails.

14 Q. In your OCIJ interview, Mr. Meas Sokha, again D25/31, at
15 Khmer, 00163518; English, 00223500; and French, 00178116; you
16 made the following statement about interrogations, and I quote:

17 "They asked what did you do? Were you American CIA or Yuon CIA?
18 What rank were you during the Lon Nol era? When they did not
19 respond, at times they beat them unconscious. Sometimes they
20 tortured. They covered their faces tightly with plastic bags."

21 End of quote. How did you become aware, or how did you know that
22 prisoners were interrogated about their rank in the Lon Nol
23 regime?

24 [10.30.15]

25 A. Because I was nearby<,> I heard the interrogator ask the

1 prisoner what they did during the Lon Nol regime, whether they
2 were a captain or colonel or major, or whether they were an
3 American CIA or "Yuon" CIA. And they had to answer truthfully;
4 otherwise they would be beaten to death. That's what they <were
5 asked>.

6 Q. And you described prisoners being suffocated with plastic
7 bags. Did you see this with your own eyes?

8 A. It was rather rare when they used a plastic bag to suffocate a
9 prisoner<. They used this method only when the prisoners did not
10 answer the questions>, and I only saw it on one occasion. A
11 prisoner was suffocated with a plastic bag for five minutes, and
12 then the prisoner confessed, and then they continued to beat that
13 prisoner.

14 [10.31.36]

15 Q. Mr. Witness, I'd like to read to you now an excerpt from your
16 mother's OCIJ interview. Her statement is document D25/30; the
17 excerpt is at Khmer, 00163506; English, 00223489 through 490; and
18 French, 00178425 through 426. In her -- that part of her
19 statement, your mother gave the following testimony. Quote:

20 "Question: While you were detained were you interrogated?

21 "Answer: Yes, interrogated. Interrogated by the Chairman and the
22 Deputy Chairman."

23 Continuing later:

24 "Little Duch gave beatings as ordered. Big Duch, the record
25 keeper, recorded.

1 "Question: What did they ask during the interrogation?

2 "Answer: Asked about the reason behind the cooperative, about
3 there not being enough food."

4 Continuing on later:

5 "Question: Did they interrogate for a long time?

6 "Answer: A long time.

7 "Question: They did not mistreat you?

8 "Answer: No, if you answered straight."

9 Mr. Meas Sokha, did your mother ever tell you about her
10 interrogation at Krang Ta Chan?

11 [10.33.36]

12 A. She was questioned about my father <and herself whether,
13 during that regime,> my father love<d liberalism or communism>.
14 And <they asked my father about his daughter, the one he showed>
15 to a Takeo province governor <in '67. They stopped in front of my
16 mother's house and asked for the direction to the> irrigation
17 system. And my Dad told <them> that <the> irrigation system <was
18 to the north of the intersection>. My father was given a glass of
19 wine, and then my father gave the glass back because he could not
20 drink. <They thanked him and left.> And after that<,> my father
21 was accused of being an agent. <They said that that was> why my
22 father did not <join> the Revolution.

23 [10.35.03]

24 Q. Do you know whether your older sister or any of your other
25 relatives were interrogated while they were at Krang Ta Chan?

1 A. When my mother and my older sister were interrogated, I did
2 not know <about it> because at the outset I was put in prison and
3 I could not move freely at the outset. I did not know any
4 incidents, I could not move freely because I was put in prison
5 from -- at the outset.

6 [10.35.44]

7 MR. LYSAK:

8 Mr. President, at this time I'd like to provide to the Witness
9 one of the surviving records from Krang Ta Chan. A notebook that
10 has been admitted as E3/4095, E3/4095 and my purpose is to --
11 there are a number of names of people in this document that I
12 would like to ask the Witness about and have them identify. With
13 your leave, may I submit the document to the Witness?

14 [10.36.26]

15 MR. PRESIDENT:

16 Mr. Koppe you may now proceed.

17 MR. KOPPE:

18 Thank you, Mr. President. I object to this question. What the
19 prosecutor presumably wants to show is a photocopied piece of
20 paper of which we have no original, so to claim now, while
21 presenting this document to the Witness, that this is an original
22 Krang Ta Chan document is incorrect. There is no such thing as an
23 original Krang Ta Chan record. Earlier witnesses have testified
24 about this. I have no problem if we do it accurately in a sense,
25 where the prosecutor shows something which is a photocopy of

1 something. But we cannot have on the record now, is my
2 submission, that this is in fact an original Krang Ta Chan
3 record.

4 [10.37.38]

5 MR. LYSAK:

6 Mr. President, this document -- I certainly did not -- we all
7 know we are using photocopies here. This document was admitted,
8 it was identified as one of the documents that was obtained from
9 Krang Ta Chan. There's testimony on the record, there's no point
10 debating this at this point. This record -- the reason for
11 submitting this document to this Witness is that there are
12 individuals in here who I believe he may have information on.
13 This will also help us further to understand more about this
14 document.

15 [10.38.18]

16 MR. PRESIDENT:

17 Victor Koppe, you may now proceed.

18 MR. KOPPE:

19 Thank you, Mr. President, for a quick response. Sometime, a few
20 months ago, I actually went down to the Court Management Section
21 to see if there is in fact an original document which was the
22 basis for the photocopy that we are now discussing. There is no
23 such original document at the CMS. We have then tried to explore
24 who was the -- which organ or which party actually identified
25 this document and presented this document to the case file. We

1 have established that presumably it comes from the Documentation
2 Centre of Cambodia, DC-Cam, and we have requested DC-Cam whether
3 they have in fact the original, but they don't, because as the
4 Director has testified, the originals are gone. They are missing,
5 they don't exist as such. So, saying that we have a photocopy of
6 an original document which is somewhere, is incorrect. There is
7 no such thing as an original Krang Ta Chan document.

8 [10.39.44]

9 MR. LYSAK:

10 Mr. President, we had this argument two year --

11 MR. PRESIDENT:

12 Judge Fenz, you now have the floor.

13 JUDGE FENZ:

14 I just try to clarify what counsel actually wants. If I
15 understand it correctly, you are not raising an admissibility
16 issue of the document, you are saying I'm fine with that, but I
17 want my observations on record. Your observations are on record.
18 Can we move on? Or is there anything I've missed?

19 [10.40.14]

20 MR. KOPPE:

21 Well, yes, because we don't know whether we are in fact -- the
22 authentic -- what we have is the photocopy of something, which
23 probably or presumably, it could be a photocopy of an original
24 document, but we don't know. So, my point is to object to the
25 suggestion that the Witness is actually shown a photocopy of an

1 original document that you have, or somebody has, because that's
2 not accurate.

3 [10.40.45]

4 JUDGE FENZ:

5 But, I'm still confused, either a document is admitted or it
6 isn't admitted. So, is your argument, again, about admitting
7 documents or about the potential value of the document?

8 MR. KOPPE:

9 And the authenticity as well. Because we don't -- what we have is
10 -- we don't have an actual original version. We don't have --
11 there is no such thing as an original Krang Ta Chan record.
12 Nobody has it in this country.

13 [10.41.14]

14 JUDGE FENZ:

15 So you are challenging the authenticity?

16 MR. KOPPE:

17 Yes.

18 MR. PRESIDENT:

19 Q. Mr. Meas Sokha, could you read and write?

20 [10.41.34]

21 MR. MEAS SOKHA:

22 A. I learned by myself, I was not taught by a teacher and I had
23 only little education. I <learned just to> read a newspaper,
24 that's it. Because, after the Khmer Rouge regime, I was a soldier
25 and I did not go to school.

1 MR. PRESIDENT:

2 Q. Could you read people's names?

3 Mr. Meas Sokha, you can speak only when the mic is activated.

4 Otherwise your voice cannot be recorded and cannot be heard in

5 this courtroom. You are reminded to wait for the red light, so

6 please answer the question again.

7 [10.42.44]

8 A. I could not read and write because I did not go to school

9 during Khmer Rouge regime and during the state of Cambodia

10 regime. I was a soldier after Khmer Rouge period but I could read

11 some papers, but if you have any questions you can ask me, <> I

12 could answer.

13 MR. PRESIDENT:

14 Thank you very much for your response, you have already answered

15 about your literacy, thank you.

16 (Judges deliberate)

17 [10.44.54]

18 MR. PRESIDENT:

19 Judge Fenz, you now have the floor to respond to the objection of

20 Mr. Nuon Chea's Defence Team.

21 JUDGE FENZ:

22 Sorry, we just heard that the Witness cannot read, but still, it

23 has been clarified as an objection to -- as raising the issue of

24 authenticity which is an objection to admissibility and the time

25 for that is over. We would however -- your remarks are obviously

1 on record and we can take them into consideration when they
2 discuss the, or when we evaluate the probative value of the
3 document, but as I just said, I heard the Witness cannot read,
4 so.

5 [10.45.47]

6 MR. KOPPE:

7 That's - that's correct, but the objection was to the phrasing of
8 the question of the Prosecution. The question was phrased in the
9 sense that we have in fact a photocopy right now of an original
10 which is somewhere and there is a different discussion than for
11 instance the revolutionary flag that we had earlier. There is at
12 CMS an original revolutionary flag, we are using a copy, but
13 there are no original Krang Ta Chan documents and that the record
14 needs to reflect.

15 [10.46.22]

16 MR. LYSAK:

17 First, I have never said anything about an original. There's been
18 testimony from DC-Cam and from witnesses that have identified
19 these documents as coming from Krang Ta Chan. It is a photocopy,
20 we've covered this issue before, whether -- whether we have a
21 photocopy or an original, photocopies are equally admissible, and
22 second, if I heard the Witness, he indicated that his reading may
23 not be good but that he reads the paper, he has indicated that he
24 read his witness statement. I would submit that at least in terms
25 of being able to read names and also to look at the cover of this

1 document to see whether he recognized soft documents like this at
2 Krang Ta Chan, that he should be able to look at this document.

3 [10.47.21]

4 MR. PRESIDENT:

5 Your request is allowed.

6 MR. LYSAK:

7 And Mr. President we would also like to show on the screen the
8 parts of the document that we will be asking the Witness about,
9 with your leave.

10 MR. PRESIDENT:

11 Your request is granted.

12 [10.47.49]

13 BY MR. LYSAK:

14 Mr. Meas Sokha, I've put paper clips on the pages that I wanted
15 to refer you to, and have highlighted the names of the people
16 that I want to ask you about. The first reference in this
17 document E3/4095, that I'd like to show you and ask you about is
18 at Khmer, 00271098; English, 00747250; and French, 00721219
19 through 220. And if you would look at the right side of that
20 page, the Khmer page, there are notes pertaining to two
21 individuals that I've highlighted and if we can show this on the
22 screen. The first individual, the notes begin as follows: "Mom
23 Boeun, Age: 28; Spouse's name: Meas Sarat; Children: Two;
24 Birthplace: Srae Kruo Village, Cheang Tong commune."

25 Q. Can you tell us, Mr. Witness, who Mom Boeun was?

1 [10.49.37]

2 MR. MEAS SOKHA:

3 A. <I would like to inform the Court,> Mom Boeun is my
4 brother-in-law and Meas Kun is my father, Meas Rattana is my
5 sister -- Meas Sarat rather, is my sister. Hun Kimseng, alias Nha
6 is my mother and I, Meas Sokha; after that my younger brother and
7 sister Meas Sokhun, Meas Somnang<,> (phonetic) Meas <Nhem>
8 (phonetic) and my younger brothers and sisters, they had no names
9 yet <>. I have nephew and niece in Phnom Penh named Mom Bei alias
10 Kim Theng (phonetic).

11 [10.50.38]

12 Q. Thank you Mr. Witness, the -- immediately below the notes for
13 your brother-in-law are notes for a person named Meas Kun, aged
14 46, spouse Nha. Just for the record, to be clear, can you
15 identify for the Court who this person is?

16 A. Meas Kun is my biological <father> and Hun Kimseng, alias Nha,
17 is my <biological> mother.

18 Q. This was probably just a translation issue< ;> Meas Kun is your
19 biological father, is that correct?

20 A. Meas Kun is my biological father and it is true<>. The Court
21 can go to my village and ask about <this>.

22 [10.52.04]

23 Q. Now, your brother-in-law and father appear on the same page
24 together in this notebook. Can you tell us when your
25 brother-in-law, Mom Boeun, was arrested? Was he arrested at the

1 same time as your father?

2 MR. KOPPE:

3 Mr. President.

4 MR. PRESIDENT:

5 Mr. Witness, please hold on. Mr. Victor Koppe you may now have
6 the floor.

7 MR. KOPPE:

8 Thank you, Mr. President, I object strongly against this tactic
9 of the Prosecution. What he is trying to do is feed the Witness
10 the information in this document, hoping that he reads it and can
11 confirm it and by doing so laundering, as it were, the
12 information in this document. This is not a proper way of asking
13 questions.

14 [10.53.05]

15 He should ask open questions as to what possibly might have
16 happened during the interrogation. I was planning to ask
17 questions on this very same topic but I have to do it in an open
18 way, not by giving him a sort of example of how he should answer,
19 this is totally inappropriate.

20 MR. LYSAK:

21 Mr. President, I am not giving anything to the Witness. We all
22 just saw that these two people are listed back-to-back in this
23 document, I'm asking the Witness a question now, when was his
24 brother-in-law arrested?

25 MR. KOPPE:

1 Why does he need it -- why does the Witness need to have that
2 document? Just ask the question and let the Witness answer. He
3 knows or he doesn't, he doesn't need to have coaching from this
4 document.

5 [10.54.17]

6 MR. PRESIDENT:

7 The objection is not sustained. The Chamber wishes to hear the
8 response from Mr. Witness.

9 Mr. Witness, please answer the question from the Co-Prosecutor.

10 MR. MEAS SOKHA:

11 A. The question from the Co-Prosecutor is about the names of my
12 parents. My biological father is Meas Kun and <Mom> Boeun is my
13 brother-in-law's name.

14 MR. PRESIDENT:

15 Mr. Witness, please listen to the question again and I invite the
16 Co-Prosecutor to question again. Mr. Witness you are reminded to
17 listen to the questions carefully and you may respond to the
18 questions as necessary as possible. You may not need to respond
19 any other points beside the question posed by the Party. <In
20 short,> you have to give your response right to the point. <If
21 you do not understand,> ask the question again, Mr.
22 Co-Prosecutor.

23 [10.55.41]

24 BY MR. LYSAK:

25 Q. Thank you, Mr. President. My question Mr. Meas Sokha is: do

1 you know when your brother-in-law, Mom Boeun, was arrested?

2 MR. MEAS SOKHA:

3 A. My brother-in-law was arrested three days before the arrest of
4 my father. And after one week, my mother, younger - my siblings,
5 were arrested, after one week.

6 [10.56.20]

7 Q. Thank you. The notes for your brother-in-law, Mom Boeun,
8 identify a younger sibling-in-law, Meas Ra, who worked at a
9 textile factory in Takeo. Did you have a sibling by that name,
10 Meas Ra?

11 A. My sister's -- my older sister's name is Meas Ra. She works at
12 a factory in Takeo province.

13 Q. Was this one your siblings who was arrested as part of your
14 family and taken to Krang Ta Chan?

15 A. My older sister, she worked in <a factory in> Takeo province.
16 She was not put in Krang Ta Chan's Security Office. She was put
17 in a cooperative.

18 [10.57.44]

19 Q. So, just so we're clear, Mr. Witness, there was one older
20 sibling of yours, Meas Ra, who was not arrested at the time your
21 other family members were arrested. Do I understand correctly?

22 A. That is correct.

23 Q. The next references in this document, I would like you to look
24 at, about eight pages further down in the document, at Khmer,
25 00271106; English, 00747262 through 263; and French, 00721233

1 through 234. And, if we can show that on the screen.

2 Mr. Witness, on the left side of that page, there are notes
3 relating to the following person: "Name: Hun Seng; Sex: Female;
4 Age: 44; Spouse's Name: Meas Kun; Birthplace: Srae Kruo village."

5 And on the right side of the same page, there are notes for a
6 person described as, "Meas Sarat. Age: 24; Sex: Female; Spouse's
7 Name: Mom Boeun." Can you identify for the Court, who these two
8 people are?

9 MR. MEAS SOKHA:

10 (Microphone not activated)

11 MR. PRESIDENT:

12 Mr. Witness, you have to wait for the red light of the microphone
13 <to be operational>.

14 [11.00.03]

15 MR. MEAS SOKHA:

16 A. Meas Sarat, alias Meas Rattana, is my older sister and <Mom>
17 Boeun <> is my <brother>-in-law.

18 BY MR. LYSAK:

19 Q. And the woman on that page, the female named Hun Seng, can you
20 tell us who that is?

21 MR. MEAS SOKHA:

22 A. Hun Seng is my biological mother.

23 Q. Mr. Witness, did your mother or your sister ever tell you who
24 - who it was that interrogated them at Krang Ta Chan?

25 A. Yes, she used to tell me that Siv An (phonetic), Chief of

1 Krang Ta Chan prison, interrogated my mother first and then my
2 elder sister.

3 [11.01.25]

4 Q. If you could briefly turn back a moment to the cover page of
5 this document - again, E3/4095, the cover page, Khmer, 00271089;
6 you will see that whoever took these notes was using what appears
7 to be a student notebook. My question for you is: While you were
8 at Krang Ta Chan, did you ever see any books like this?

9 A. No, I never saw any book like this.

10 [11.02.14]

11 MR. LYSAK:

12 Mr. President, if we could just show the document on the screen,
13 the cover page on the screen, for the Court. Because counsel is
14 challenging authenticity, I would simply like to note, for the
15 record here, for Your Honours, that proposed Witness 2-TCW-944, a
16 former cadre from Krang Ta Chan, has testified in OCIJ statement
17 D232/93, answers 30 through 33, that he received lists of
18 prisoner names from the Krang Ta Chan Prison Chief that were
19 contained in quote, "writing books for children", which he
20 describes had pictures of children on the cover and
21 multiplication tables. I note this for the record because
22 counsel's challenging authenticity; the cover page of this
23 document speaks for itself.

24 [11.03.25]

25 BY MR. LYSAK:

1 Q. The last references in this book I would like to ask you about
2 Mr. Meas Sokha, are at Khmer, 00271101 through 102; English,
3 00747254 through 257; and French, 00721224 through 227. And,
4 these pages contain the notes of a number of other people
5 identified from Srae Kruo village.

6 The first one, the notes at the top of Khmer 00271101, and if we
7 may show this on the screen, these notes relate to a 35-year old
8 women -- woman named, Thao Sin, originally from Prey Veng,
9 indicated as having been married to an Achar Huon, who had been
10 smashed. My question is: do you know -- did you know the woman
11 identified as Thao Sin in this document?

12 MR. MEAS SOKHA:

13 A. Yes, Thao Sin, was my aunt from Prey Veng, and her husband was
14 <Hem Huon>, a former Achar.

15 [11.05.25]

16 Q. The -- earlier this month, when you testified, you identified
17 a person, a prisoner, who I believe you referred to as Yeay Sin.
18 A person who -- the person who told you that your father had been
19 tortured and taken away. Is Thao Sin, the person you were
20 referring to as Yeay Sin, or was that a different person?

21 A. It was the same person.

22 [11.06.12]

23 Q. And, did your aunt, Thao Sin, did she survive Krang Ta Chan?

24 A. My aunt did not survive<.> She died along with her <entire>
25 family members including her five or six children at Krang Ta

1 Chan prison. So, as far as I know, <six of them died, including
2 her,> her husband and her <> children<>.

3 [11.06.53]

4 Q. Do you know how they died?

5 A. I did not know how they were killed. Because, when I initially
6 was placed at Krang Ta Chan, I did not know how they executed
7 people, as I were put inside, not allowed to go outside.

8 [11.07.28]

9 Q. In the notes for your aunt, Thao Sin, there is a reference to
10 her husband, Achar Huon, as already having been smashed. Do you
11 know or remember anything about Achar Huon? Can you tell us
12 anything about the circumstances of his arrest?

13 [11.08.01]

14 A. As I just said earlier, Hem Huon had been arrested on one or
15 two occasions. First, he was placed in Office 204, then he had
16 been released, and in late 1974, he had been rearrested and he
17 disappeared since. And I do not know what happened to him. Before
18 he was arrested, he was actually a commune <cadre> of the Khmer
19 Rouge.

20 [11.08.44]

21 Q. Can you tell us what Office 204 was?

22 A. Office 204 was a detention centre for former Lon Nol Officials
23 who had been arrested from Angk Ta Saom<, Takeo> or elsewhere,
24 and the rich or the capitalist were also detained in that office.
25 That office was located to the west of Trapeang Kranhung.

1 [11.09.31]

2 Q. Thank you. The last person I want to ask you about in this
3 document is on the next page -- the next page Khmer 00271102 --
4 271102. And, on the right side of that page, there are notes for
5 an individual named Sok San, a 38-year old male from Srae Kruo
6 village. Can you tell us who Sok San was?

7 A. Sok San was the <older> brother of Sok Soth. They came from
8 the same village and they were related to Hem Huon. They were
9 actually nephews of Hem Huon.

10 [11.10.40]

11 Q. Thank you. In Sok Soth's OCIJ interview, and this is document
12 D25/32, at Khmer 00163521 and 525; English 00223505 and 508; and
13 French 00178430 and 433. Sok Soth testified that in total, five
14 of his siblings died at Krang Ta Chan, including a younger
15 brother who was killed around the same time as your father.
16 You've already identified Sok San as one of those brothers. Do
17 you remember the names of any other brothers of Sok Soth's, who
18 were detained at Krang Ta Chan?

19 A. He had three children namely, Sophal, Ou Sophal<>, and another
20 one was Sopheap and Roeun<>. Roeun <> was the youngest son.

21 Q. Were these children detained at Krang Ta Chan, and if so, what
22 happened to them there?

23 A. The children of Yeay Sin were detained <to the days of their
24 killings>. They were never allowed to get out -- to go outside
25 <for work>.

1 [11.12.55]

2 Q. And, let me go back to my question. What I was asking you is,
3 whether you remember the names of any of the other brothers of
4 Sok Soth's who were detained at Krang Ta Chan, in addition to Sok
5 San?

6 A. No, <there was none>. <No one of his> direct sibling <was>
7 detained in that centre.

8 [11.13.35]

9 Q. I want to turn back now to the subject of prisoner executions
10 at Krang Ta Chan. You've, earlier today, described to us how you
11 were able to witness some circumstances in which prisoners were
12 taken to pits. Can you tell us how many times you saw prisoners
13 being taken to pits outside the prison compound?

14 A. Prisoners were detained within the prison compound of three
15 hectare land plot. They were never allowed to get outside.
16 I saw it happen almost every day and the execution took place
17 <once> every week.

18 [11.14.54]

19 Q. Okay. Let me clarify the location of the place where you saw
20 pits, and prisoners taken for execution. You have described to us
21 how Krang Ta Chan had two levels of fence, an inner and an outer
22 fence. Can you describe where in relation to the inner and outer
23 fences, these executions took place?

24 A. The <first> killing took place within the first inner fence.
25 And, the killing in 1977 took place at the outer fence. And, the

1 distance between where people were detained and the execution
2 site was about 50 metres.

3 [11.16.05]

4 Q. And, can you tell us did you witness -- just witness prisoners
5 being taken away to these pits, or did you see yourself,
6 prisoners being killed?

7 A. When prisoners were taken to be killed, they were walked right
8 in front of me, and two or three prisoners were walked at a time
9 to the pit. And, first they were told that they would be sent
10 back to their bases and that they had to listen to Angkar when
11 they returned to their cooperative. <They were told not to
12 complain about this place.> But, before that they had to meet
13 with a <big> Angkar <> before they were allowed to return to
14 their cooperative.

15 [11.17.21]

16 Q. Mr. Witness, were there any occasions where you saw with your
17 own eyes, prisoners being executed and if so can you tell us how
18 prisoners -- the prisoners were killed?

19 A. Their throats were cut, that's what happened. Allow me to
20 elaborate a bit further. At 9 o'clock in the morning <Say Sen>
21 was ordered to dig up a pit with Ta Chhen. And after that they
22 sharpened their sword. The sword was 60 cm long, and the blade
23 was about two fingers wide. And at 1 o'clock in the afternoon I
24 was told to go away from that prison compound in order to tend my
25 cows and water-buffaloes. But I could observe that people were

1 walked to where they would be killed, because that was the only
2 place that they were killed. And the cows and the buffaloes were
3 eating grass<> near the fence. So, while I was tending the cows
4 and the buffaloes, I could see how prisoners were killed. And
5 most of them had their throats slit rather than were beaten with
6 a bamboo stump <or a spade, because it would take a very long
7 time to kill them with the bamboo stems>. <They used only the
8 method of throat cutting.> Two would hold the prisoner tight and
9 another would slit the throat of the prisoner.

10 Q. On the occasions where you were able to see prisoners being
11 killed can you tell us how many prisoners were killed on each of
12 those occasions?

13 A. It -- it varied. Sometimes there were 50, 70, 80 or 100 of
14 them. And the minimum number was 20 prisoners per day. And at
15 night time prisoners were brought in every night to be detained
16 in that centre.

17 [11.20.06]

18 Q. You described for us earlier today, loudspeakers that were
19 played when prisoners were taken to be killed. Can you tell us
20 where those loudspeakers were in the prison compound and what was
21 played over them when prisoners were taken away?

22 A. Actually it was a theatrical performance by the name of <"Yeay
23 Lot"> (phonetic)<. "Yeay Lot (phonetic), Struggle, Snakebite,
24 Amputated Hands"> was played over the loudspeakers.

25 Q. And where were these loudspeakers located in the prison?

1 A. They were placed right within the prison compound where
2 prisoners were detained, not at the killing site. They were
3 placed where they detained the prisoners.

4 [11.21.34]

5 Q. You were at Krang Ta Chan for over two years. Can you give us
6 an estimate of how long prisoners were usually at Krang Ta Chan
7 before they were taken away?

8 A. Prisoners were detained at Krang Ta Chan; they would be
9 starved for one week until they became emaciated; <and then> they
10 were sent to the pit to be killed.

11 Q. And we've -- you've testified about prisoners at Krang Ta Chan
12 including young children, even babies. Did you ever see any
13 children being executed at Krang Ta Chan?

14 A. As for children, their throats were not slit. They would be
15 used to thrown against the trees and then they would be dropped
16 into the pits.

17 MR. LYSAK:

18 Mr. President with your leave I'd like to submit to the Witness
19 at this time a Krang Ta Chan prisoner list. Document E3/4145,
20 that's E3/4145, at Khmer 00068730; English 00762837; and French
21 00761093. With your leave, I'd like to submit it to the Witness
22 and show it on the screen.

23 [11.24.11]

24 MR. PRESIDENT:

25 Yes, you may proceed. Court Officer could you take the document

1 from the Co-Prosecutor for the Witness examination.

2 BY MR. LYSAK:

3 Q. Mr. Meas Sokha, this document is titled, "List of Prisoners
4 Detained for Months or Years Pending Party's Decision", and it
5 was signed on 15th May 1978 by a person named An. Can you tell
6 the Court who An was?

7 MR. MEAS SOKHA:

8 A. An was the chief and Om Penh was his deputy, and below that
9 there was <Cheng>. And the person who took -- who looked after
10 the registry was the little Duch. Because the big Duch actually
11 had left Krang Ta Chan in 1977 to be transferred to the North
12 Zone.

13 [11.25.49]

14 Q. Can you identify for the Court the prisoners who are on this
15 list; who are number two and number three on this list?

16 A. I do not review all the prisoners on the list because every
17 day I saw the person who used the typewriter to type the list of
18 prisoners.

19 Q. Let me rephrase, Mr. Witness. The second person on this list,
20 the name is Hun Seng. Can you tell us who Hun Seng was?

21 [11.26.58]

22 A. Hun Seng <is> my mother and her alias <is> Hun Nha. That <is>
23 my biological mother's name. <She's still alive today.>

24 Q. And the person below Hun Seng on this list, number three, is
25 Meas Sarat. Can you confirm who that was?

41

1 A. Meas Sarat was my elder biological sister.

2 Q. Now, in the column to the far right for your sister and

3 mother, the comment reads as follows, quote: "The two women were

4 the spouses of Kun and Boeun. We smashed their husbands because

5 of their involvement in inciting people to depose a village

6 chief." End of quote. My question for you is: Did prison chief

7 An, the author of this document, ever inform you that your father

8 and brother-in-law had been smashed?

9 [11.28.24]

10 MR. PRESIDENT:

11 Witness, please wait. Counsel Koppe, you may proceed.

12 MR. KOPPE:

13 Thank you Mr. President. For the record I object to this

14 question. There was no need to read this passage from that

15 document into the questions. You could have simply asked the

16 question whether Ta An ever told him this. It's leading the

17 Witness. It's totally inappropriate.

18 [11.28.53]

19 MR. LYSAK:

20 Mr. President, there's no leading of the Witness. This Witness

21 has already testified about his knowledge regarding his father's

22 disappearance. This is a document that records the execution of

23 this prisoner, of his father, and I am asking the Witness simply

24 whether he was ever informed of this by the author of this

25 document, the prison chief.

1 MR. PRESIDENT:

2 The Chamber <needs> to hear the response by the Witness to the
3 question by the Co-Prosecutor. Witness, you may proceed with your
4 response.

5 MR. MEAS SOKHA:

6 A. The chief of prison told me that my father had been smashed
7 right there. He was not taken anywhere. And the guards also told
8 me that my father was not taken anywhere and I did not have to
9 wonder, <no doubt,> he was killed right there at the prison
10 compound.

11 [11.30.12]

12 BY MR. LYSAK:

13 Q. This prisoner list is dated 15th May 1978, and as I indicated,
14 it is titled, "List of Prisoners Detained for Months or Years
15 Pending Party's Decision". Do you remember how long after this
16 document, when it was that you were released from Krang Ta Chan?

17 A. I was detained from June 1976 and then -- and then in August
18 1978 I was released. And I was put in a cooperative in <Ta Reab
19 village,> Cheang Tong district. I was put there in a temporary --
20 on a temporary basis. And in January <> 1979, when the Vietnamese
21 came into the country, <my family and> I <were> sent to Phnum
22 Kravanh, <> and because some of us could not climb up the
23 mountain, they <ran their separate ways>.

24 [11.31.55]

25 Q. Can I ask you, were your mother and sister released from Krang

1 Ta Chan at the same time as you?

2 A. My mother and elder brother and sister were released on the
3 same dates - at the same times - and three other people were also
4 released on that - during that time. <One of them died and one is
5 still alive, but> I did not know <which district or commune they
6 were from. I only knew that the district was Kiri Vong, but I do
7 not know the commune. It was a woman. Another one was> Ta Chhen
8 and <Say Sen>. They were at <Kus commune, in front of> Wat Samnap
9 (phonetic) <pagoda, but they are> now deceased.

10 Q. Did anyone from Krang Ta Chan or the district tell you why you
11 were being released?

12 A. I do not know because the Committee - the Chief of the
13 Committee - in the region came to the place once. That's what I
14 know.

15 Q. Let me follow up on that. Mr. Witness, on 30th of June 1977,
16 one year after your entire family was imprisoned at Krang Ta
17 Chan, the leaders of the Khmer Rouge gave an award to Tram Kak
18 District recognizing it as one of three model districts in all of
19 Democratic Kampuchea. My question for you is did you ever see any
20 leaders of the Khmer Rouge come to visit Krang Ta Chan prison?

21 [11.34.20]

22 MR. PRESIDENT:

23 Mr. Witness, please hold on. Mr. Victor Koppe, you may now
24 proceed.

25 MR. KOPPE:

1 Thank you, Mr. President. I object to the phrasing of this
2 question, specifically, the words "the Khmer Rouge". We're now in
3 '77. The Khmer Rouge is a sort of general, generic term. The
4 Witness might know the regime as "the Khmer Rouge", but in fact
5 it's, at that time in DK, a word or description of not any value.
6 So I object to the word "Khmer Rouge".

7 MR. LYSAK:

8 Mr. President, and I'm aware of the terminology, with cadres who
9 are here, party members, we use the party term, with witnesses
10 who are not members of the Party, I think it's entirely
11 appropriate for us to use the more generic, common use "Khmer
12 Rouge". So with your leave, may I proceed?

13 [11.35.22]

14 MR. PRESIDENT:

15 The objection is not appropriate. The Chamber wishes to hear the
16 response from Mr. Witness to the question by Co-Prosecutor.

17 MR. MEAS SOKHA:

18 A. I was in Krang Ta Chan Security Office. I did not know any
19 senior leaders and I also did not know about when the leaders
20 came in the office. One time there were Chief of Committees of
21 the region come into the office and I was chased out of the
22 compound.

23 BY MR. LYSAK:

24 Q. Let me finish my examination, Mr. Meas Sokha, by reading
25 another excerpt from your mother's OCIJ interview at D25/30, at

1 Khmer, 00163507-508; English, 00223491; and French, 00178426-427.

2 Your mother gave the following testimony:

3 "Question: Did you see Khmer Rouge leaders come to Krang Ta Chan?

4 "Answer: They came. Ta Mok, Ta Kit, Ta Keav from the District
5 Committee."

6 Continuing later:

7 "Question: How many times did Ta Mok come?

8 "A. Once or twice he came just to look at the prisoners. He did
9 not ask anything. Ta Kit, Ta Keav were the same. Kit and Keav
10 came many times." End of quote.

11 Mr. Meas Sokha, did you know Ta Mok or any of the other leaders
12 identified by your mother well enough to have recognized them if
13 they came to Krang Ta Chan? And if so, do you remember seeing any
14 of those people at Krang Ta Chan?

15 [11.38.01]

16 MR. MEAS SOKHA:

17 A. I used to see them but I did not know them well because they
18 are leaders - they were senior leaders. I did not pay attention.
19 I was young and afraid. At that time, I did not pay attention and
20 they never appeared - they did not want to appear to let everyone
21 see. I know - I knew that Ta Kit came into the office and I do
22 not know whether other leaders came to the office.

23 Q. Thank you very much, Mr. Meas Sokha, for your time and
24 responding to my questions.

25 Mr. President, I have no further questions.

1 [11.38.54]

2 MR. PRESIDENT:

3 Court officer, you are instructed to facilitate with AV
4 technician to change the DVD.

5 (Short pause)

6 [11.39.35]

7 We now resume our hearing because the new DVD has been replaced.

8 I would like to ask Judges of the Bench whether or not you have
9 any questions.

10 Judge Fenz, you may now proceed.

11 QUESTIONING BY JUDGE FENZ:

12 I have a follow up question to something the prosecutor asked you
13 some time ago. It is in relation to what you told the Chamber
14 about interrogations of prisoners. You testified both to content,
15 meaning what they were asked, and to how they were asked, meaning
16 that torture was applied. When the prosecutor asked you how you
17 knew that, or if you had seen that or heard that yourself, you
18 said yes, and then the prosecutor asked how, and you said, "I was
19 nearby". Could you perhaps explain this a bit further? What it
20 means when you said "I was nearby"?

21 [11.41.02]

22 MR. MEAS SOKHA:

23 A. In relation to interrogation, I was walking in the compound at
24 that time. In the morning, I was not yet asked to tend the cows
25 and buffalos. In the morning, I was asked to collect vegetables

1 and bring to the kitchen hall, and the interrogation <site> was
2 quite close to where I was walking. <It was not far away. If
3 prisoners escaped during the interrogation, the kitchen staff
4 would help catch them. There was a case where> one prisoner
5 escaped and those who work<ed> in the kitchen chased the prisoner
6 and caught him or her back. <I saw that incident. It happened
7 very close to the guards' kitchen.>

8 Q. To follow up on that, so the interrogation was in a room or
9 was it in the open?

10 A. The interrogation was not asked in a separate room. <They made
11 an office with a one-sided wall at the back.> To the south <and
12 to the north>, it was very open, everyone could see <through it,>
13 and to the east, the room would also be seen. A brick wall was
14 not built to make a room for <the> interrogation. There was a <>
15 chair for prisoners to <sit>, and also a chair <> for
16 interrogators, and there were people who were there to beat the
17 prisoner<s or to ask the questions>.

18 [11.42.59]

19 Q. So you could openly see into or look into this interrogation
20 room because there was no wall, or did you look in through a
21 window?

22 A. Everyone could see. It's about the distance from Your Honours
23 to me.

24 Q. I understand, what I haven't yet completely understood is the
25 structure of the interrogation facility. Was this closed on four

1 sides by walls or on three sides or on two sides or was it just a
2 roof?

3 A. There was only <a> roof, no walls were built. <There was only
4 a short wall about 50 centimetres from the ground.> There were no
5 walls surrounding the room. It was in a big hall and behind that
6 place there were the clothes of prisoners who had been killed and
7 taken away. Because I had no clothes, I went to that area to
8 collect some clothes to wear.

9 Q. Thank you. That clarifies the structure. And then I have one
10 more question. You were asked how often you had actually seen -
11 in this case it was about the special way to torture that was the
12 bags over the head - and you said, "I saw this once." Now my
13 question to you is - again, to clarify - how often did you see
14 any kind of torture, meaning beatings or any kind of violence
15 against prisoners during interrogations, not only the -- the bag
16 issue, but any kind of violence, if you remember, how often?

17 [11.45.20]

18 A. The way of interrogation I had already told the Chamber.
19 Prisoners were beaten if they did not confess, and after beating,
20 they did not confess, they would be -- they would be put -- the
21 plastic bag would be put on their heads and after that<, if they
22 still did not answer the questions, they would be beaten to death
23 at that spot. And> there would be, you know, violations, there
24 would be violence against them, such as pulling the fingernails,
25 if they did not confess.

1 Q. I understand. My question is how often did you personally see
2 this? Now, I'm not asking necessarily for a number, but if you
3 remember once a week, once a month, once a day?

4 A. I could inform the Chamber that if the prisoner confessed
5 truly, there <would be> no torture<.> And if those who insist
6 <not> to confess that they were <American> CIA or <Vietnamese
7 CIA>, they would be beaten. Only when I was away to tender the
8 cattle, I could not see the interrogation and torture.

9 Interrogations were conducted two times <a day>: <at 7 a.m.> in
10 the morning and <at 1 p.m.> in the afternoon.

11 JUDGE FENZ:

12 I guess that's as far as I can get here, thank you.

13 [11.47.34]

14 MR. PRESIDENT:

15 Judge Lavergne, you may now have the floor.

16 QUESTIONING BY JUDGE LAVERGNE:

17 Thank you, Mr. President. Thank you, Mr. Meas Sokha, for being
18 here and thank you for the answers you are providing us. I have a
19 few questions to put to you. First and foremost, I wish to ask
20 you<,> if you recall, the approximate number of individuals among
21 <the> staff who <supervised> Krang Ta Chan. <What was the
22 structure? Who was the director? Who were the deputies? And how
23 many guards were there who worked under their orders?> <What was
24 the role of each individual?>

25 MR. MEAS SOKHA:

1 A. As for guards, there were <12> guards and some of them were
2 taken from <other> communes to learn about how to <kill people
3 and other things as well>. Pai An (phonetic) was the chief of the
4 guards - the guard unit<,> and when Duch was there, he was the
5 <deputy chief. Below> these people <were> Moeun, Penh, <Cheng,>
6 Chhoeun, Ouk, Sieng (phonetic) and there were a few more
7 subordinates. I remember some of these people -- the names of
8 some of these people. There were <1)> Suon, <2)> Sin, <3)> Saing,
9 <4)> Duch, <5)> Touch, and I also included the name Ouk, I guess.
10 They were guards. As for Duch, Duch was the one who took notes.
11 Sieng (phonetic) was in charge of killing. Moeun and Cheng
12 (phonetic) were killers. And there were six guards collecting
13 prisoners from the building to another location to be killed.
14 [11.50.41]

15 Q. You spoke of violence inflicted on the prisoners. Can you
16 please tell the Court with regards to the female prisoners<,> if
17 they were subject to any sexual violence <as well>?

18 A. <Please do not ask me about the> sexual violence <>, I did not
19 know at the time because I was very young. What I knew was that
20 those who commit moral offences, their hairs would be shaved and
21 they were asked to bang the coconut shells and said that, "Please
22 do not follow what I did." <After> I was <released from> Krang Ta
23 Chan, I saw a man <,>I forgot the name,> was walked from the
24 commune <office> and I did not know whether this man committed
25 moral offence. I - once again - I did not know about moral

1 offences.

2 [11.52.19]

3 Q. I would also like for you to <tell> us about the <> building
4 in which you, your mother and your sister, as well as your
5 brothers <and sisters>, were detained. Was the building reserved
6 for prisoners <> who laboured there during the day or <were there
7 also> prisoners who were <> <permanently> detained?

8 A. As for the buildings, the buildings were for all - for general
9 prisoners. There were no distinctions between <> prisoners <who
10 committed minor offences and the ones who committed serious
11 offences>. <All> prisoners were put in the building and if
12 prisoners were there and they were deprived of a meal for a week,
13 they would be emaciated and they could be easily killed.

14 Q. With respect to nourishment, you stated that your mother was
15 in charge of cooking <the soup, the> gruel for the prisoners. Do
16 you know<,> and if you can tell us, whether the same meal was
17 provided to the cadres, <to the staff at Krang Ta Chan? Was there
18 a same meal for everyone or were the meals> different<>?

19 [11.54.17]

20 A. Concerning meals, actually prisoners had different meals from
21 cadres. <Prisoners could only have gruel.> And as for cadres,
22 they had four kind of dishes per day and they had rice for their
23 meal. And as for prisoners, they would use only the dirty bowls<,
24 which were placed under a sandpaper tree and we were not allowed
25 to clean the bowls.> And 10 cans of rice would be cooked for

1 prisoners, although there were tens or hundreds of prisoners,
2 they could only have the gruel of 10 cans of rice <and five
3 kilograms of potatoes, with a scoop of salt>. And no matter the
4 dish was plain or was salty, they could not complain.

5 Q. Did you see if certain cadres consumed alcohol?

6 A. Cadres - some cadres had their own wine and they drank wine.

7 They made wine by themselves. I also joined with them to make

8 wine<. They made> the white wine <three times per year>, and they

9 <> also <added> some <> human <gallbladders>.

10 [11.56.11]

11 Q. With respect to what has just been stated, I heard that you

12 just testified that certain cadres consumed the internal organs

13 of human beings. Is this something that you saw and what kind of

14 innards or organs are you referring to? <And which human beings

15 are you referring to?>

16 A. I did not refer to liver, <I said gallbladders>, and they had

17 <gallbladders> with white wine.

18 <I never saw them eat human liver.> I did not know <how the

19 gallbladders were> taken from<>. I could see <many gallbladders>

20 were dried in the sun<. I did not know where they would send them

21 to. I only saw that they were drying. They did not do that

22 openly, but I happened to walk there and saw them,> and one day I

23 could see some of the superiors, they had wine and they ate

24 <gallbladders>. As for subordinates, they did not dare to

25 <drink>. Whenever -- whenever there were killings, the guards

1 would drink wine together with gallbladder. <They brought the
2 wine and gallbladders with them to drink during the
3 interrogation.>

4 Q. With respect to executions, you testified, if I understood
5 correctly, you testified that each time<,> there was a group of
6 two or three detainees who were taken to the edge of the pit to
7 be executed. <> <E>ach time. <But> I also <seem to have>
8 understood that on certain days, there were in excess of two or
9 three people who were executed, and sometimes there were
10 significantly more <>. I believe that you said that there could
11 be up to 10 or 20 or even more<>. Can you please tell the Court
12 based on your memory if indeed that's how <it happened>? <That
13 is, e>ach time, two or three prisoners were taken to the edge of
14 the <> pit; however<,> sometimes many more were executed each
15 day>. Is this what you were saying?

16 [11.59.04]

17 A. <You may not understand what I told you regarding the
18 execution.> Two or three prisoners were walked to the pit at a
19 time and after that<,> the guards would come back to collect some
20 more <prisoners until there was none left in the building. In
21 that building, there were 30, 50, 20 or 70 prisoners, and they
22 walked> two or three prisoners <> at a time and sometimes four
23 prisoners were walked at the time to the pit and there were
24 killers at the pits. So once again, two or three prisoners were
25 walked at a time - or four prisoners were walked to the pit at a

1 time. I did not say that three prisoners were killed per day,
2 more than that. There were <> prisoners killed at the place
3 <almost every day>.

4 Q. Based on your recollection, what was the highest number of
5 people who were killed in one single day? Do you have any idea?
6 [12.00.10]

7 A. What I knew is that one day prisoners were taken from Srae
8 <Ronoung> and <Nhaeng Nhang commune>. There were about 130 people
9 taken to the security office and at 3 o'clock a pit was dug up,
10 five meters - square meters <> and three meters depth, <that
11 night, over 100 people were executed;> and perhaps there were
12 more people <consequently> brought to the pit. These people were
13 not first interrogated, no matter <if> they were young, old,
14 <male, female,> they would be brought <here to> be killed,
15 because <the information was already passed from the outside to
16 dig the pits; no need to wait until the next day; because> there
17 were no space for keeping those people.

18 Q. You also testified that there were schedules. You talked about
19 schedules for interrogations that were conducted in the morning
20 and <schedules for interrogations> in the afternoon. Were there
21 also schedules for executions?

22 A. Killings started perhaps in the afternoons. Killings started
23 from 2 p.m., and killing never happened in the morning. Killing
24 would -- took place from 2 p.m., until 5 p.m. and on some
25 occasions, it would last until 8 p.m.

1 Q. I wish to return to a detail that you raised earlier with
2 respect to <innards or> organs that you saw being eaten by the
3 cadres. How did you know that those organs came from human
4 beings? Is this something that you knew, is it something that you
5 were told, or is it something that was <> known?

6 [12.02.45]

7 A. For gallbladders, I could see that gallbladders were dried in
8 the sun near the fence <while I was tending cows.> And I could
9 know that these gallbladders were from human beings<, because>
10 there were many gallbladders<, and those couldn't be cows or
11 buffalos gallbladders>.

12 Q. Earlier on, you also stated that you had a brother called Meas
13 Rath (phonetic). You said that he was sent to another centre. Do
14 you <know> the name of <this> other <> centre where your
15 brother<, Meas Rath (phonetic),> was sent?

16 A. Meas Ra (phonetic), actually, not Meas Rath (phonetic). Meas
17 Ra (phonetic) was sent from Takeo to another co-operative. Meas
18 Rottana (phonetic), alias Rath, <was always with me until we were
19 released and then went to Ta Reab village. She was> out of the
20 prison together with my mother and with my younger brother.

21 Q. Did you ever hear about a <centre> called M-105?

22 [12.04.31]

23 MR. PRESIDENT:

24 Mr. Witness, please hold on. You may answer unless you could see
25 the red light on microphone.

1 MR. MEAS SOKHA:

2 A. I do not know about M-105. I know about M-204. M-204 <was at
3 the soybean farm in front of Damrey Romeal (phonetic) mountain,>
4 where <senior Khmer Rouge> cadres <from the commune level, unit
5 chiefs or district level were stationed>. The guards asked me to
6 help them collect the woods to one office and that office, I do
7 not know what its name, that office was <also a> detention place
8 and I was <told> not <> to go into such a detention <> freely.

9 JUDGE LAVERGNE:

10 May it be officially inscribed on the record, in document
11 E3/4145, which was produced earlier by the Co-Prosecutors during
12 their cross->examination, there is on page 8 of this said
13 document a list entitled<>: "<Names> of Prisoners <from> M-105
14 <detained> for years <pending Party's decision>", and the fourth
15 name on the list is that of Meas Rat from the village of Srae
16 Kruo<>, Cheang Tong <commune>, from Tram Kak district, province
17 of Takeo.

18 I have no further questions to put to you. Thank you very much,
19 Mr. Witness.

20 [12.06.45]

21 MR. PRESIDENT:

22 It is now time for lunch. The Chamber is now adjourned until 1.30
23 p.m.

24 Court officer is instructed to facilitate a place for the witness
25 during the lunch break and you are instructed to bring in the

1 witness before 1.30 p.m.

2 The security guards are instructed to bring Mr. Khieu Samphan to
3 the waiting rooms below the courtroom and you are instructed to
4 bring Mr. Khieu Samphan into the courtroom before 1.30 p.m.

5 The Court is now adjourned.

6 (Court recesses from 1207H to 1335H)

7 MR. PRESIDENT:

8 Please be seated.

9 The Court is now back in session, and the Chamber would like to
10 give the floor to the Lead Co-Lawyers to report the questions to
11 this witness.

12 And you have 20 minutes to do so. You may proceed.

13 MR. PICH ANG:

14 Good afternoon, Mr. President, Your Honours. And thank you for
15 ceding the floor to our team.

16 This morning after Your Judges put question to the witness -- I
17 believe you started at 11.35 -- and we should have 25 minutes to
18 do the questioning.

19 [13.37.16]

20 QUESTIONING BY MR. PICH ANG:

21 And good afternoon, Mr. Witness. I am Lead Co-Lawyer for civil
22 parties, representing victims who filed their complaints and
23 submissions before this Chamber. And I have a number of questions
24 for you. And, in fact, you have responded to many questions
25 already since your testimony on the 8 of January, as well as this

1 morning. My first series of questions to you is in relation to
2 your time at the Mobile Unit. My question is the following:

3 Q. Can you tell the Chamber, while you were in the Mobile Unit,
4 how was your living condition like in 1975 and early 1976?

5 MR. MEAS SOKHA:

6 A. I would like to describe my life and living condition in 1975
7 and 1976 as follows: <I was 15 years old.> In fact, initially, I
8 was asked <only> to tend the cows because my father was
9 responsible for transporting <> food supplies. So, I personally
10 tended the cows alone while we still had the private belongings,
11 and later on, <transporting food and supplies> was done for the
12 cooperative --

13 [13.39.07]

14 Q. While you worked in the Mobile Unit, how was your living
15 condition like? Did you live in a proper house, for example? And
16 where did you sleep?

17 A. I actually slept at my house. The <only> hard working was when
18 I had to tend <> the cows. During that time, I had to tend the
19 cows and I slept at my house during the night time. I did not
20 sleep <in a forest or at the field> at the Mobile Unit. And in my
21 team, there were only six of us who were assigned to tend the
22 cows.

23 Q. You just said you did not sleep at the field or in a forest,
24 so who actually slept in the field or in a forest? Who were those
25 people?

1 A. There were other groups who engaged in carrying earth to build
2 the dams; for example, a canal. Wherever they worked, they would
3 rest there. They were not allowed to return home.

4 [13.40.29]

5 Q. Did they have a proper house to stay in?

6 A. Some did in, the village, but the Unit's chief would not allow
7 them to return.

8 Q. What about the clothing? Did you have enough clothes to wear
9 during the times that you worked there?

10 A. No, I did not have enough clothes to wear. I only had one set
11 of clothes for one year and I had to use it all day around, all
12 day long.

13 Q. And did it have any impact on your health?

14 A. At that time, my health was rather normal. I did not really
15 feel sick<. Just like today,> I <am> used to <wearing whatever I
16 have>; sometimes I only <wear> short<s>.

17 [13.41.54]

18 Q. What about those people who became sick or a member of your
19 team who became sick? Was the person given any medical treatment?

20 A. There was no medic there; in fact, there was a medic <at the
21 Moeang Char pagoda,> at the commune, but I did not know actually
22 what happened, because I, myself, never felt sick.

23 Q. Thank you, Mr. Meas Sokha, and let me ask you another set of
24 questions on the education.

25 On the 8th of January, you testified that there was no school and

1 you did little studying under the tree. Is my recollection right?

2 A. Yes, we studied under a tree, sometimes under a coconut tree.

3 Q. What did you study at the time?

4 A. We studied about the work, the nature of the work and three
5 tons <of rice> per hectare of production.

6 Q. Were you taught literacies or alphabets and numbers, for
7 example?

8 A. No. We were not taught literacy. There was a blackboard there,
9 but we were not taught. Even our group chiefs were also
10 illiterates. So the teacher and the students, we were all
11 illiterate. <Thus, nothing had been taught.>

12 [13.44.19]

13 Q. At the time that you were studying, did your teacher ever say
14 -- ever said that Angkar was your parent?

15 A. Yes, because Angkar was <their> parent, was the pillar of the
16 nation and we - the children - were like bamboo shoots <> <who
17 would> grow up.

18 Q. Were you taught what you should do with Angkar?

19 A. We were asked to love Angkar without any limitation.

20 Q. What else regarding the instruction to you about Angkar?

21 A. We had to love and love one another; we had to have our joint
22 solidarity; we had to eat and live communally.

23 Q. At that time, did you understand what or who Angkar was or
24 what Angkar was?

25 A. I knew that Angkar referred to the upper leaders or the upper

1 echelon.

2 [13.45.57]

3 Q. Now I move on to another topic, and that is the relationship
4 between you and your parents.

5 In your written record of interview with the OCIJ, you stated
6 that you were allowed to visit home every 10 days; is that
7 correct? And also linked to this question, the 10-day period --
8 if it really happened -- who made that decision for you to go
9 visit your <family> every 10 days?

10 A. In fact, the 10-day visit was only in theory; in practice, it
11 did not happen. For example, children whose houses were in
12 <Bourei Cholsar district>, they could never return home to visit
13 their parents. They had to engage in digging canal or working at
14 the rice field, in <Angkor> Borei or Tram Kak <district>. <Going
15 forth and back within one day was impossible>. I never saw them
16 coming to visit their parents.

17 Q. The 10-day time period for visit, was it kind of a day off,
18 during the working period?

19 A. The 10-day period was the time they set for us to rest, but,
20 in fact, we never had the chance to do so. We still engage in
21 working.

22 [13.47.59]

23 Q. Did you know this 10-day period of once a visit, did it apply
24 elsewhere?

25 A. I could not know whether it applied elsewhere <because it was

1 far from my place>. I only knew what happened at the place where
2 I stayed. Thank you.

3 Q. When you did not have a chance to visit your family during the
4 -- after the 10-day period, did you miss your family members?

5 A. Of course, I did, and sometime I had to run, to run home to
6 visit my parents and sometimes they came after me <> to bring me
7 back. <Whenever I missed, I ran away.>

8 Q. Can you explain to us what it meant when you said that you
9 missed your family members?

10 A. I missed my mother and I missed my father, but they were sent
11 to work outside and I, myself, I was rather fatigued with the
12 work that I did as well.

13 Q. You said that you did not want to work anymore because you
14 were tired. Did you have a choice to make; for example, whether
15 you wanted to tend the cows or not?

16 A. While I tended the cows, <if I missed my parents, I asked
17 their permission to go home, but they didn't allow that.> I was
18 actually assigned to <tend cows>.

19 [13.50.14]

20 Q. Could you refuse?

21 A. I had to do it; I could not refuse.

22 Q. While you did the work, did you give -- did you receive any
23 benefits? For example, to receive rice or any other benefits for
24 you, yourself, or your family members?

25 A. How could we receive anything personally? Because everything

1 was a communal; even for meal, we had to eat communally. The only
2 personal belonging was a plate and a spoon. And even if we had
3 our own spoon and plate, it had to be maintained and kept
4 communally. And the only focus that we were asked to do was for
5 me, for example, to tend the cows.

6 Q. I would like to move on to another topic in relation to
7 Buddhist religion.

8 You stated to some length about the disrobing of the monks, and
9 on the 8th of January, at 11.37 a.m., you stated that a monk
10 named Nun Nget refused to disrobe. Is the name correct, the one
11 that I just pronounced? And if so, what happened to him after he
12 refused to disrobe?

13 A. I <heard from> the elders said that that monk refused to
14 disrobe. In fact, he took off the red robe, but he put on white
15 clothing and <stayed in the pagoda, and never went anywhere.> In
16 1979, he returned to a monkhood at the Langka Pagoda. At that
17 time, I was rather young and I only heard <from> elder people
18 talk about that. <In '74,> there were some monks<,> about 10
19 monks <in Prey Cho (phonetic) pagoda,> who were ordered to leave
20 the pagoda and to come and settle in <Srae Kruo> village. <They
21 did not agree to take off their red robes. In '75, they reminded
22 the monks to leave the monkhood again,> and some monks decided to
23 disrobe in order to <do social work>.

24 [13.53.23]

25 Q. Do you talk about social work <>? And what was the nature of

1 that work?

2 MR. PRESIDENT:

3 Mr. Witness, please wait till the microphone is operational.

4 MR. MEAS SOKHA:

5 A. Social work here, I refer to <mixing> herbal medicines <for
6 the members of the> units for the traditional treatment. I only
7 saw <him mixing> those herbal medicine<s>, but nobody actually
8 took it or drank it. I, myself, did not see anyone using that
9 herbal or traditional medicine.

10 BY MR. PICH ANG:

11 Thank you, Mr. Witness. Now, I'd like to touch upon the issues of
12 Krang Ta Chan, and I try to avoid repeating the questions that
13 I've put before you already.

14 Q. While you were at Krang Ta Chan - and you were there for
15 almost 3 years - in general, the people who were brought into
16 Krang Ta Chan Security Centre, <what time> were actually they
17 brought to the Centre?

18 A. The majority of those people who were brought to Krang Ta Chan
19 were brought in at around 8 or 9 o'clock at night. Rarely people
20 were brought in during the day time<. Only my family was brought
21 in at day time, and about 100 people from Nhaeng Nhang and Srae
22 Ronoung communes, who were taken to be killed until 8 p.m.,> were
23 actually brought in during the day time, but for the rest of the
24 other communes, they were brought in during night time.

25 Q. Did they put those people in different categories, for

1 example, those who had been detained for quite some time and
2 those who were newly - the new arrived - newly arrived, for
3 example, like in the case of your family?

4 A. No, there was no differentiation. Prisoners would be put until
5 they - that building was full. For example, if this building
6 could accommodate 100<, 50 or 70> prisoners, then prisoners will
7 be brought in until that building was full and then <they would
8 be taken away>.

9 [13.56.17]

10 Q. You talked about buildings. Can you explain to us in details
11 how many buildings where prisoners were detained? One, two, or
12 three buildings <in Krang Ta Chan>?

13 A. There were three buildings where they housed the prisoners.

14 Q. What about those prisoners with young children or babies? Were
15 there young children? Where were those young children or baby
16 placed? For example, in the case of your younger siblings, were
17 they allowed to stay with the parents <during the day time or
18 night time before they died>?

19 A. Babies or young children were allowed to stay with their
20 mothers. They were not placed elsewhere. They would stay and lie
21 <on> the mothers <because there was no space>.

22 Q. When a baby died or in the case of your family member died,
23 were you given an opportunity to make a ceremony for the dead?

24 A. Nobody was allowed to make such a ceremony for the dead
25 because, at that time, Buddhist religion was prohibited. And, on

1 another hand, we were put in a prison<; how could ceremony be
2 possible?>

3 [13.58.20]

4 Q. I have only a few more questions for you before my time is
5 running out.

6 After the fall of the Democratic Kampuchea regime, have you ever
7 had a chance to return to Krang Ta Chan Security Centre to find
8 skeleton remains of your relative?

9 A. In fact, I did, but I could not find the skeleton remains of
10 my relatives because there were so many. I was a committee member
11 for the building of a stupa there, and we collected the bones for
12 the religious ceremony.

13 Q. At present, what would be your request or proposal for your
14 family members who were -- died at that Centre or for the
15 survivor, like yourself?

16 A. I would like the government, as well as the national and
17 international communities, to assist in building something there
18 to symbolize those who died.

19 [14.00.01]

20 Q. My last question to you, Mr. Witness, due to the time
21 constraint.

22 In your response to Judge Lavergne's question on gall bladder
23 that were put - or used in the wine, can you explain to us what
24 was the purpose of putting the gall bladder in the wine?

25 A. It was put in the wine for the - for drinking purpose to make

1 people brave. But there were many gall bladders and I did not
2 know where they were for or where they took them to. Sometimes I
3 only saw them use one or two gall bladders only for a big
4 container of a wine.

5 Q. You said gall bladder was used to be put in the wine for
6 people to drink to be brave. Was it the understanding of the
7 militia at the Krang Ta Chan Security Centre or it was a common
8 knowledge?

9 MR. PRESIDENT:

10 Mr. Witness, you do not need to respond to this question; because
11 the witness would never be able to answer this question.

12 And I think your time is running out, Mr. Lead Co-Lawyer.

13 Now, the Chamber gives the floor to the defence team for Mr. Nuon
14 Chea to put questions to the witness. You may now proceed.

15 [14.01.55]

16 MR. SUON VISAL:

17 My name is Suon Visal. Good afternoon, Your Honours. I am the
18 defence for Mr. Nuon Chea. Before I put my question, I would like
19 to inform the witness that I would like to ascertain the truth,
20 and I would like your brief responses only since you have already
21 responded to some questions by the Co-Prosecutor and the Lead
22 Co-Lawyer.

23 I will divide my questions into four topics. One -- number 1,
24 concerning your living condition in child unit; topic number 2
25 concerns your arrest to security of Krang Ta Chan<, 3) concerning

1 the killings, and 4) concerning the torture of the prisoners>.

2 QUESTIONING BY MR. SUON VISAL:

3 Q. My first question relates your living condition. When you were
4 in a child unit, how were you selected?

5 MR. PRESIDENT:

6 Mr. Witness, please hold on. You have to wait until the mic gets
7 activated.

8 [14.03.12]

9 MR. MEAS SOKHA:

10 A. Children of 15 years old or under <15> years old, they were
11 put in a child unit. And those who <were 17> years old were put
12 in candidate youth units.

13 BY MR. SUON VISAL:

14 Q. On 8th January, you stated before the Chamber that you were a
15 member of the child unit. And you were 15 years old at that time.
16 At that time, were you <a> member of a child unit, or a member of
17 candidate youth unit?

18 MR. MEAS SOKHA:

19 A. At the time, I was in the preparatory child unit.

20 Q. In your community, how many children were there in your unit?

21 A. In my preparatory unit, there were six of us; and other units,
22 there were many members. And I was asked to tend the cows and
23 cattle.

24 [14.04.32]

25 Q. There were six of you. And were there a specific location for

1 your work in relation to tending the cows? <Were there any team
2 leaders there?>

3 A. I would stay in the place where cattle were kept and <there
4 were two> militiamen <> with us <tending> cows.

5 Q. During the time you were in child units and tended the cows,
6 were there any <militiamen> with you?

7 A. There were two <militiamen> with me.

8 Q. Thank you.

9 You just said that you received special conditions than others
10 and you could go to stay in your house; is that correct?

11 A. I could stay in my house because I was younger than the
12 others.

13 [14.06.15]

14 Q. I would like to quote your statement before the
15 Co-Investigating Judges - document D25/31; ERN in Khmer,
16 <00163511>; ERN 00223495, the English version -- I quote:

17 "In your child unit, were you allowed to go and visit your house?
18 How many days were you allowed to visit your house?"

19 Answer- your answer: "When I was in a child unit, I was away from
20 my family and I could not have time to visit my family. I could
21 visit once every 10 days, about twenty minutes."

22 My question is: Is it true that you say - you stated this to the
23 Co-Investigating Judge?

24 A. I gave <this statement, but> this applied to all members in my
25 unit.

1 Q. You stated this but it was not your case, it is -- it was your
2 colleagues' case; is that true?

3 A. Yes, it is true.

4 [14.07.30]

5 Q. Thank you. Concerning food rations, so what was your meal
6 during the time you were in child unit?

7 A. We ate communally. Six of us ate together; and other units,
8 they had different meals together.

9 Q. So who cooked for your group - for your unit? And where did
10 the food -- where were the food from?

11 A. (No interpretation)

12 MR. PRESIDENT:

13 Court officer, please check the mic while it is off, while the
14 witness is speaking.

15 MR. MEAS SOKHAS:

16 A. Concerning food rations, the cooperative would send the food
17 to each unit and there were people responsible for going to
18 collect the meals for all of us.

19 BY MR. SUON VISAL:

20 Q. Were food sufficient for you?

21 MR. PRESIDENT:

22 Please hold on.

23 Lead Co-Lawyer, you may now have the floor.

24 [14.09.05]

25 MR. PICH ANG:

1 Thank you, Mr. President.

2 I listened to the questions by the defence counsel for Mr. Nuon
3 Chea carefully and there seemed to be many repeated questions.
4 For this reason, to save our time, I would like to ask the
5 Chamber to prohibit any repeated questions.

6 MR. SUON VISAL:

7 My questions are not repetitious because there were no questions
8 concerning the source of foods. So my question is to find the
9 truth.

10 MR. PRESIDENT:

11 The objection of Lead Co-Lawyer is not sustained.

12 Mr. Witness, you are ordered to respond to the last question put
13 by the defence for Mr. Nuon Chea.

14 [14.10.09]

15 MR. MEAS SOKHA:

16 A. We took the meals from our - we got the meals from our units
17 and the food ration would be for the members of each unit.
18 However, food was not enough for all of us.

19 BY MR. SUON VISAL:

20 Q. You did not have enough food. Did you have the opportunity to
21 find and collect food to fill your stomach?

22 MR. MEAS SOKHAS:

23 A. I did not go and find food individually; everything belonged
24 to communal eating. We <had> to eat communally. <All things were
25 put communally; and this was what we were told. If we ate

1 individually, there would be a problem.>

2 Q. Concerning your work, on 8 January you stated in the hearing
3 that, during the democratic Kampuchea, you tended only cattle;
4 you never dug the <canal> or carried earth. Is that true you
5 stated this to the Court?

6 A. Yes, that's what I told the Court.

7 [14.11.40]

8 Q. I now quote<> your statement before the Co-Investigating
9 Judges on the 31st October <2007, document D25/31>, ERN -- in
10 Khmer, 00163511; and English ERN, <00223494>.

11 Question: "During the time, what did you do?"

12 Your answer: "I was asked to carry cow dung and to make the
13 <canal in the child unit>."

14 My question is: Is that your answer?

15 A. As for carrying and picking up cow dungs, we - I had to do it
16 because I was asked to tend the cattle. And, as for digging the
17 kennel, is that -- it's also true that I also did that work <when
18 I had some free time>.

19 <Q. My question is whether you answered like this.

20 A. Yes.>

21 Q. During the time you were in your child unit, had you got the
22 opportunity to communicate with your family?

23 A. <(Microphone not activated)>

24 [14.13.08]

25 MR. PRESIDENT:

1 Mr. Witness, please hold on and wait for the light of the
2 microphone.

3 MR. MEAS SOKHAS:

4 A. I tended the cattle so I could come and could go to see my
5 parents. And, as I said, I was allowed to stay at home <at night>
6 because I was <the youngest child> at the time.

7 BY MR. SUON VISAL:

8 Q. What did your parents do at the time?

9 MR. MEAS SOKHAS:

10 A. My father was asked to fix the machine to mill rice and to
11 make the bamboo carriers for carrying <fertilizer or anything
12 else>. And as for my mother, she was asked <to sift rice in the
13 cooperative because she just had a baby.>

14 Q. So where were your parents' cooperatives? How far -- how was
15 it from your house? How far was it from your house?

16 A. <My village's cooperative> was 100 metres away from my house.

17 <Q. It was quite near, right?

18 A. Yes.>

19 [14.14.30]

20 Q. Concerning your arrest, you said you were arrested in June
21 1976. At the time, how many people were arrested?

22 A. The arrest of my family members: My mother and I were
23 arrested. <Twelve> - actually, 10 members of my family were
24 arrested and Yeay Sin family members were also arrested; four of
25 them.

1 Q. <I only want to know about your> family member<. So,> 12 of
2 them were arrested<.>
3 <> I would like to quote your statement before the
4 Co-Investigating Judge -- document D25/31, ERN in Khmer,
5 00163513; English ERN, 00223496 -- I quote:
6 "When I returned from tending the cattle, I could see the
7 militiamen <walking> my family members and I was asked to go with
8 my mother. Among <my mother's relatives>, there were my mother,
9 my siblings<, my nieces/nephews;> including me<,> there were
10 eight of us. And five villagers were also arrested at the time."
11 Is that correct? You stated this to the Co-Investigating Judge?
12 A. (Microphone not activated)
13 [14.16.20]
14 MR. PRESIDENT:
15 Mr. Witness, could you please repeat your answer? If you speak
16 without the mic turning on, only two of you could hear.
17 MR. MEAS SOKHAS:
18 A. It is correct; the statement that you have just read.
19 BY MR. SUON VISAL:
20 Q. You were sent to Krang Ta Chang security office or prison.
21 Upon arrival, how were you treated?
22 MR. MEAS SOKHAS:
23 A. There was the one who brought me into the building when I was
24 at -- when I arrived at the gate. And my mother and my elder
25 sisters were handcuffed or shackled.

75

1 Q. You arrived there for 20 or 25 days -- you were put there for
2 20 or 25 days. How were you treated in that period?

3 A. During the period of 25 to 30 days, nothing happened to me. My
4 mother was interrogated and I was not yet released to work
5 outside the prison.

6 [14.18.06]

7 Q. Why were you allowed to be out of the prison? Why were you not
8 detained? Did you know?

9 A. I do not know. I do not know why I was allowed to stay outside
10 of the prison<.> At night time, I was asked to hunt <> animals
11 <or catch frogs> and<, at dawn, I took the buffaloes to plough
12 with them>. That's what I knew at the time.

13 Q. Beside you, were these applied to other prisoners?

14 A. <There were some people like>Ta Chhen, Ta Seng, Sok San, Sok
15 Soth,<but> they were released in 1977. <Sok Soth,> Seng, Ta
16 Chhen, and I were released at the same time.

17 Q. When you were allowed to be out of the security office, what
18 were you asked to do?

19 A. I was asked to tend two cows and four water buffaloes.

20 Q. Were there any other person go to tend cow and cattle with you
21 at the time?

22 A. There were no other people with me. <Two or three of those had
23 other tasks, and> Sok San <> climb<ed> up the sugar palm tree to
24 collect the fruit.

25 [14.20.08]

1 Q. Where were you assigned to tend your cattle at the time?

2 A. There was no limit concerning the area; I have -- I had to
3 tend the cattle as long as I could return at 5 o'clock in the
4 evening.

5 <MR. PRESIDENT:

6 Continue with your questions.

7 BY MR. SUON VISAL:>

8 Q. What time did you go to tend your water buffaloes?

9 <MR. MEAS SOKHAS:>

10 A. In the afternoon, I went to tend the cattle at 1.00 or perhaps
11 2 p.m. when the weather is not so hot for us. <If it was too hot,
12 I started at 2 p.m. If it was cool weather, I started at 1 p.m.>

13 Q. You received freedom to move. Were you allowed to move freely
14 in the whole compound of the security office or were there limits
15 to the area you can walk?

16 A. I was not limit<ed> to walk in specific areas. And as long as
17 I <did not lose> the cattle<, I could walk freely because
18 sometimes the buffaloes resisted and ran when they needed water.>

19 [14.21.36]

20 Q. My question is: In the prison compound, could you move freely
21 in that compound? Could you visit any of the buildings there?

22 A. I could move freely. I could enter anywhere <> because, during
23 <night> time, I was asked to collect meals from the <guards'>
24 kitchen. And in the day time, I was asked to collect water lily,
25 or to collect <caraway,> tamarind leaves or to find frogs. <On

1 some days,> I could walk anywhere I could. <I even walked to
2 Damrei Romeal (phonetic) mountain.>

3 Q. It means that you have the same rights as other guards in that
4 place; is that true?

5 MR. PRESIDENT:

6 Could you ask a proper question? When you talk about -- your
7 question seems to be confused. The rights or the authorisation is
8 <far> different from each other in Khmer term.

9 MR. SUON VISAL:

10 Q. Do you have rights -- do you have the same rights as those of
11 guards in the prison?

12 A. I was told that if I <ran> away from my parents, my parents
13 would be killed<. So I didn't dare to run. Where would I run to
14 when they said, "You can walk anywhere you want, but if you go
15 away for several nights, or a month or two, they will kill your
16 mother."> So I <dared> not go anywhere. During day time, while I
17 was tending the cattle, I only <went> to some <> areas <about
18 four to five kilometres away> to allow the cattle to be fed.

19 [14.23.50]

20 Q. Were there any rules or disciplines applied for prisoners
21 <there>?

22 A. Prisoner -- there were disciplines applied to prisoners <day
23 and night>. They were not allowed to talk to each other, they
24 were not allowed to move <when they slept>. They would be beaten
25 if they mov<ed> or talk<ed> to each other.

1 Q. I have a few questions more concerning the location of the
2 prison. You stated already but it was not clear -- it is not
3 clear to me. What is the building like?

4 A. The building <had> a <tile> roof<>, <wooden walls, and> there
5 were barbed wires <laid out like a grid under the roof tiles and
6 on the walls,> and there were barbed wire fences. Also, the floor
7 was made out of wood.

8 Q. The distance from the building, how far was it from each
9 other?

10 A. Two buildings attached to each other. And there <was another
11 building which was> 15 metres away <>.

12 [14.25.36]

13 Q. Where was the kitchen?

14 A. The <> kitchen of the prisoners was in the middle of the
15 compound and the kitchen for guards was to the east <corner, next
16 to the interrogation place>.

17 Q. You stated that there were two levels of fences <in the whole
18 prison compound>. And how were they built? <What were they made
19 of?>

20 A. They were made out of wood and they were covered with barbed
21 wires.

22 Q. From the level 1 of fence to the second level, so how far was
23 it from each other?

24 A. The distance from the first level of fences <> to the second
25 level was about <100> metres away from each other.

1 Q. When you were put in the prison, were there any trees or
2 forests surrounding the prison?

3 A. There were <big gum> trees and there were <varnish> trees.
4 <They put coconut palm leaves around the south of the compound.>

5 Q. So there were no dense forests? <Were there any forests
6 surrounding that area?> Or were there only tall <> trees<>?

7 A. The forests were not so dense. There were large trees. And the
8 execution area <was> covered with coconut leaves.

9 [14.27.47]

10 Q. Thank you for your response. To save our time, I have a few
11 more questions in relation to execution of people.

12 You stated before the Co-Investigating Judges -- I quote --
13 document D25/31, in English -- Khmer ERN, 00163516; and English
14 ERN, 00223499; you stated that, during the execution, you could
15 <secretly> see the incident at the time. You climbed up the tree
16 to see the execution. The tree was five metres away from the
17 execution site. You could see everything there. I quote.

18 Question: "When you saw the execution, how far was it from the
19 execution site?"

20 And your answer is that, "It was five metres away from the
21 execution site." Is that your answer?

22 A. It is my answer; that is correct.

23 [14.29.31]

24 Q. Thank you. I would like you to reconsider your statement.

25 <In this courtroom,> how far <is> it from you to Mr. President?

1 A. It is about seven or eight metres.

2 Q. From my estimate, <during the break,> it is about 10 metres
3 <from you to the Bench>. So it means that when you saw the
4 incident, you were in the middle, between you and Mr. President;
5 is that correct?

6 MR. PRESIDENT:

7 Please hold on, Mr. Witness.

8 Mr. Co-Prosecutor, you may now have the floor.

9 MR. LYSAK:

10 Mr. President, I'm not sure whether the counsel or the witness
11 were speaking quite quickly. So I'm not sure something is been
12 missed in the translation. But it seemed as if counsel was
13 testifying himself about the distance. And I'd object on that
14 basis. If that is not the case, then we're missing some of the
15 statements that are coming from the witness because they are
16 speaking too quickly.

17 [14.30.45]

18 MR. PRESIDENT:

19 Thank you, Mr. Co-Prosecutor, for your observation.

20 Defence counsel, you may continue. And please leave a sufficient
21 pause between question and answer session so that interpreters
22 could do their job.

23 And also, Mr. Witness, you should only respond when you see the
24 red light on tip of the microphone. Your microphone is operated
25 by the AV personnel.

1 You may proceed now, defence counsel.

2 BY MR. SUON VISAL:

3 Thank you, Mr. President; and thank you, Mr. Co-Prosecutor, for
4 your observation. I'll try to slow down my pace.

5 Q. The witness has not yet responded to my question and I urge
6 him to do so, Mr. President.

7 MR. MEAS SOKHA:

8 A. Could you please repeat your question?

9 [14.31.50]

10 Q. The question that I put to you is that, while you were
11 <secretly> looking or watching the killing, you said you were
12 five metres away and the distance, based on my estimation between
13 the Bench and you is about 10 metres. My question to you is that,
14 the distance that you refer to as five metres means you are in
15 the middle between you and the Bench right now?

16 MR. PRESIDENT:

17 Mr. Witness, please wait until the microphone is operational.

18 MR. MEAS SOKHA:

19 A. I estimated that the distance between me and the killing site
20 was about five metres<, because I was tending cows near that
21 area, and I climbed up to see>. And at that time, one of the
22 executioners actually pointed a finger at me to chase me away.

23 BY MR. SUON VISAL:

24 Q. So while you were watching, you were also seen by the
25 executioners and you were not afraid of the killing; is that

1 true? So does it mean that you don't need to steal a look but you
2 could look freely; is that correct?

3 MR. MEAS SOKHA:

4 A. In fact I was rather scared as I was threatened and I was
5 warned that next time I should not go and look at that event. <I
6 told them,> in fact, <that> I did not intend to do so but I was
7 tending my cows<, and the cows were running near the fence and I
8 was afraid they would ruin the fence and then, I would be in
9 trouble.>

10 [14.33.46]

11 Q. When you were actually stealing a look, how long did you look?

12 A. It took me about 10 minutes to do so.

13 Q. This morning you testified that for the killings, sometimes 50
14 to 100 prisoners were killed at a time and you said that you
15 spent about 10 minutes watching the killing. How many prisoners
16 were killed during the 10-minute period?

17 A. I knew the number of prisoners when they were brought in
18 because, when they were brought in they were counted and they
19 would be registered into the list--

20 Q. So when the prisoners were brought in you could also look at
21 the registry? Did you have the right to do so?

22 A. I did not have a right to do so but I heard them talking about
23 the number of people; for example, today, 100 prisoners were
24 brought in or on the other day, 30 people were brought in. And of
25 course, <I> could see people were brought in. Sometimes, two sets

1 of them were brought in, sometimes three sets of them were
2 brought in during the night <from other villages, or from one
3 village to another>. And sometimes -- or each <night>, there
4 could be 20 of them, 30 of them or 10 of them.

5 [14.35.34]

6 Q. Does it mean that the prison guards actually trusted you while
7 they were working since you seem to know the in and out of their
8 work?

9 A. They trusted me because I <dared not to> talk<> to anyone else
10 about what happened. Because I knew if I talked about it then I
11 would be in trouble.

12 MR. SUON VISAL:

13 Thank you, Mr. Witness, for answering my questions and my
14 colleague will continue putting more questions to you. Thank you.

15 [14.36.18]

16 MR. PRESIDENT:

17 Thank you.

18 And the time is appropriate for a short break. We will take a
19 20-minute break and we will adjourn (sic) at five to 3.00 to
20 continue our proceedings.

21 Court officer, could you arrange a proper accommodation for the
22 refreshment for this witness during the adjournment and bring him
23 back at five to 3.00.

24 (Court recesses from 1436H to 1458H)

25 MR. PRESIDENT:

1 Please, be seated. The Chamber now resumes the hearing.

2 Next, the Chamber gives the floor to the defence counsel for Mr.

3 Nuon Chea.

4 If you have further questions for this witness, you may now

5 proceed.

6 MR. KOPPE:

7 Mr. President, would you be able to indicate how many more

8 minutes I have for the examination of this witness? An hour?

9 MR. PRESIDENT:

10 I have already informed that the defence teams - both of the

11 defence teams - have two sessions, in this afternoon, for your

12 questioning. And if you cannot finish your questioning today,

13 then, maybe, some time tomorrow morning for both defence teams.

14 But I suggest that you should try to finish your questioning

15 today. Thank you.

16 [15.00.01]

17 QUESTIONING BY MR. KOPPE:

18 Q. Good afternoon, Mr. Witness. I have a question for you about

19 what you said an hour earlier today -- that you have been a

20 committee member involved in the collecting of bones for the

21 stupa at Krang Ta Chan. Is that correct? And if yes, could you

22 tell the Court when you became a member of this committee?

23 MR. MEAS SOKHA:

24 A. I was not one among the committee members to collect bones; I

25 was a member of the building committee.

1 [15.01.00]

2 Q. Could you tell the Court, Mr. Witness, what your activities
3 were in this committee? What exactly did you do?

4 A. We are responsible for building the halls -- the religious
5 halls -- and also the halls for children to <learn how to draw>.

6 Q. Were you also responsible for the construction of the stupa in
7 which the skulls are contained?

8 A. Actually, I <was> not involved in building the stupas, I was
9 involved in constructing the dining halls, for which my relatives
10 contributed.> I was <involved only once during a construction
11 there>.

12 Q. And do you remember when you were appointed to do this? To do
13 these activities?

14 A. It was in 2006. I submitted a request to the <Kus commune>
15 chief to include <my son, a venerable monk in Moeang Char
16 pagoda,> in the construction committee.

17 [15.03.00]

18 Q. Mr. Witness, you also mentioned the fact that you have been a
19 soldier after '79, when was that?

20 A. After 1979, I was a soldier <until> 1997. After that, I quit
21 my military service.

22 Q. So you were in the army 15 years; is that correct?

23 A. Yes, that is correct.

24 Q. Where were you stationed?

25 A. I was stationed in Tram Kak district, Takeo province.

1 Q. Mr. Witness, do you know anything about a criminal
2 investigation by the Ministry of Propaganda and Culture to the
3 events that happened in DK?

4 A. I do not know about that investigation, what I know is that
5 Democratic Kampuchea committed torture against people.

6 [15.04.50]

7 Q. Mr. Witness, do you know anything about an investigation by
8 the Tram Kak District Hall, Culture and Fine Arts Office in the
9 year 1996?

10 A. I do not know about that.

11 Q. Mr. Witness, I would now like to take you back to a particular
12 day in the years '75-'79, specifically after June 1976. And even
13 more specifically, about the day that you saw -- you said -- that
14 somebody during this interrogation, a prisoner was suffocated by
15 a plastic bag. Do you remember that day well?

16 A. I do not remember the exact date. I was also a prisoner at the
17 time and I could see one incident that a prisoner was suffocated
18 by a plastic bag. After I saw the incident, I tried to forget it.

19 Q. I understand, Mr. Witness, but I would still like to take you
20 back to that day. I'm not asking for a specific day but do you
21 remember whether it was in the hot season or in the rainy season?

22 A. Actually, it was not in the rainy season <or dry season.

23 Whenever there were> prisoners<, they> would <> interrogate

24 <them> any time they want<, or they would interrogate them every

25 day. They interrogated them in the morning. If they hadn't killed

1 the prisoners yet, they would interrogate them in the evening
2 also.>

3 [15.07.10]

4 Q. Mr. Witness, my question was: The day you saw somebody being
5 suffocated with a plastic bag, do you remember whether the day
6 was maybe -- was it in the rainy season or was it in the dry
7 season?

8 A. It was in the dry season.

9 Q. Do you remember how long you had already been at Krang Ta Chan
10 when the events of that particular day unfolded?

11 A. I had been there for three months already.

12 Q. So would it be fair to say that the day that you saw a
13 prisoner being suffocated with a plastic bag was in September --
14 approximately September 1976?

15 A. That is correct.

16 Q. Would it be fair to say that was a day in the wet season of
17 that year?

18 A. I did not know whether it was in the rainy or in the dry
19 season. I did not know how to read the rainy or dry season. I knew
20 only that the day was hot.

21 [15.09.03]

22 Q. Mr. Witness, that day you woke up in the morning, can you tell
23 us where you were sleeping?

24 A. In the Krang Ta Chan Security Office<,> I was asked to pick up
25 <"krasaing"> fruits <to make sour soup> in the morning.

1 Q. My question was, Mr. Witness, do you remember where you were
2 sleeping before you woke up in the morning of that day?

3 A. I slept near the prisoner -- the detention building on a bed
4 under <a gum> tree.

5 Q. So you were sleeping in the compound, but not in the same
6 building as the prisoners; correct?

7 A. That is correct.

8 Q. Do you remember, from that day, the faces or maybe even some
9 names of the prisoners who were detained at Krang Ta Chan?

10 A. These people are all deceased. How could I remember them? I
11 could recognize or remember only those who are survived -- who
12 survived, rather.

13 [15.11.10]

14 Q. Let me ask another question. Do you remember, that particular
15 day, how many prisoners approximately were detained in the
16 prisons?

17 A. I did not count the prisoners at the time. I could see the
18 detention buildings were filled with the prisoners. <How could I
19 count?>

20 Q. That particular day, do you remember -- I'll ask it again --
21 any faces? Maybe somebody that you knew from the village, who was
22 detained there?

23 A. <We> were not allowed <> to see <prisoners>. <When> prisoners
24 <were taken away,> they <were> killed<. They wouldn't let us
25 remember their faces.> My villagers were all killed, so <how

1 could> I <> remember them<?>

2 Q. When you woke up that morning, did you have a look - a peek -
3 at the prisoners who were there?

4 A. Prisoners were not outside of the prison cells. <Except for a
5 few of us,> they were <all> put in the cells or in the buildings.
6 After interrogation, they were placed in the prisons; they were
7 not allowed to stay outside of the prisons.

8 [15.13.08]

9 Q. Did you see any of the prisoners, maybe, in the days before --
10 arrived at Krang Ta Chan?

11 A. So you asked about prisoners during the time I was at Krang Ta
12 Chan or prisoners before the time I arrived there? <>

13 Q. I was asking you about the people who were detained that day;
14 maybe, it would be possible that you had seen some of them arrive
15 the night before or two nights before. Do you remember that?

16 A. I have already told the Court, prisoners were brought in every
17 night: 10 or 20 or 30 or 50 people were brought in, most of the
18 days, almost <every> day.

19 Q. Let me rephrase, Mr. Witness. What do you remember of the
20 faces, or maybe even names, of the prisoners who were brought in
21 the night or two nights before the day that you saw somebody
22 being tortured with a bag? Do you have any recollection of
23 prisoners being brought in the day before that day, or two days
24 before that day?

25 A. I do not remember.

1 [15.15.05]

2 Q. Mr. Witness, in the days before that day, did you see any
3 prisoner being brought from the prison building to the
4 interrogation building?

5 A. I saw - every day - I saw this every day.

6 Q. That was not my question, Mr. Witness. I'm asking for a
7 specific day. The days before that day that you saw somebody
8 being tortured with a bag, did you see any prisoners being
9 brought from the prison building to the interrogation room?

10 A. Yes.

11 Q. Please describe what you saw, Mr. Witness.

12 A. Prisoners were brought out to be interrogated every day.

13 Q. That was not my question, Mr. Witness. I'm asking you to
14 remember what you saw the days before. Did you recognize the
15 person? How did the prisoners look like, that you saw? Can you
16 give me some details as to what you saw the days before?

17 A. I saw a prisoner who was brought to -- they put a plastic bag
18 on him. He was a little bit fat. The purpose of putting the
19 plastic bag on his head <was> to make this person weak so that he
20 <couldn't run away, and that> he could confess <after resisting
21 to respond.>

22 [15.17.20]

23 Q. So you are speaking about a man who was a little bit fat. Can
24 you give some more details; more things that you remember?

25 A. I could not remember anything else<>.

1 Q. Was he tall? Short? Was it a man?

2 A. He was quite tall and he was a man. <>Women were <rarely>
3 interrogated.

4 Q. Do you remember seeing this man -- this fat man -- in the
5 prison before that day he was allegedly tortured?

6 A. I did not see the person you described.

7 Q. So the first time that you saw him, was where?

8 A. I saw him when I walked out of my sleeping place, when I
9 brought the <"krasaing" fruits> to the kitchen for cooking,<
10 during the interrogation. I saw him at that time.>

11 [15.19.17]

12 Q. Was he the only person that you saw that morning?

13 A. Yes, that is correct.

14 Q. Do you remember what time it was when you saw him?

15 A. It was 9.00 a.m., in the morning.

16 Q. Was it after breakfast?

17 A. I saw him when I brought the <"krasaing" fruits> for cooking.

18 It was at 9 a.m. <There was no> breakfast <available in the
19 detention buildings>.

20 Q. Could you explain to me where you went? From which point to
21 which point bringing this food? I'm not quite sure if I
22 understand exactly where you saw this man and how that happened.

23 A. I woke up and went to pick up the <"krasaing"> fruits and I
24 was asked to bring the <"krasaing"> fruits to the kitchen. After
25 that, I was asked to split the wood for the kitchen. During that

1 time, I saw the man who was suffocated with a plastic bag.

2 [15.21.17]

3 Q. Mr. Witness, I'm still in the morning, I'm trying to figure
4 out exactly where you saw him.

5 Did you see him in the presence of other prisoners?

6 A. I saw this man were with the guards. During the time this
7 prisoner was interrogated, this prisoner was not together with
8 other prisoners.

9 Q. So he was the only prisoner that you saw that day in the
10 compound?

11 A. At that interrogation place, I saw only this man. There were
12 not many prisoners to be interrogated at the same time. So,
13 during that time, I saw only one prisoner at that interrogation
14 place.

15 Q. My question was: Did you only see him walking on the compound?
16 Was he the only prisoner that you saw walking on the compound?

17 A. During that time, I was walking and I was bringing the
18 <"krasaing"> fruits to the kitchen, and I was also asked to bring
19 the wood for the kitchen. During that time, I saw that man while
20 I was walking to the kitchen. <No other people could see that.
21 Only the staff there could see. Others had other tasks, they
22 couldn't see that.> I was trusted, that is why I was allowed to
23 bring in stuff into the kitchen. The kitchen <was even more
24 strict than the king's kitchen. It> was not a place that allowed
25 anyone to go into, only one who is trusted could go into that

1 kitchen.

2 [15.23.42]

3 Q. This fat man that you saw, was he walking by himself or was he
4 escorted by guards?

5 A. This man was walked by security guards and after -- you know
6 -- interrogation, this man was suffocated with a plastic bag.

7 Q. Please, Mr. Witness, stay, if you will, in the chronology.
8 Do you remember who were the guards that were escorting this fat
9 man?

10 A. They were guards; they were interrogate -- he or she was a
11 guard, and he or she was an interrogator<, a killer>. The name
12 was Cheng.

13 Q. So it was Cheng who was escorting the prisoner; correct?

14 A. Yes, that is correct.

15 [15.25.04]

16 Q. You saw them walk; where did they go?

17 A. The guard walked the man to the south, to the interrogation
18 place.

19 Q. Then what happened?

20 A. Then, the interrogation took place. After, the person was
21 suffocated with a plastic bag and, after several interrogations
22 -- and after this person fainted, this person was brought back
23 into the prison building.

24 Q. One step at a time, Mr. Witness.

25 You saw two guards bringing this fat prisoner to the

1 interrogation room. They went inside that little house. Then what
2 happened?

3 A. Upon arrival, the prisoner was asked to sit down and hands
4 were handcuffed. Interrogation started. Those who denied to
5 confess, they would be beaten. And as for plastic bag, I could
6 see only this man was suffocated with the plastic bag and later
7 on I did not dare to look at the interrogation because it was
8 scary.

9 [15.26.56]

10 Q. Mr. Witness, I'm not sure if I follow. You see the two guards
11 going with the prisoner into the building, door closes. Where
12 were you standing? What was happening? What did you hear?

13 MR. PRESIDENT:

14 Witness, please hold on.

15 Co-Prosecutor, you may now have the floor.

16 MR. LYSAK:

17 Thank you, Mr. President. I don't have any objection if counsel
18 wants to spend his time about - rather, particular details about
19 a day a long time ago. What I would ask from counsel is that he
20 not misstate and mislead the evidence. This witness was examined
21 in detail about this point and said this was not a house. It
22 didn't have doors. It had a roof. It was an open structure. So I
23 have no problems but counsel should not be misleading the witness
24 and creating a false record here.

25 [15.28.05]

1 BY MR. KOPPE:

2 Fine, fine. I'll move on, Mr. President.

3 Q. They went - those two guards went with this prisoner into this
4 building. Where were you standing?

5 MR. MEAS SOKHA:

6 A. At that time, I was standing to the northeast near the kitchen
7 hall and the interrogation place was about from where I am now to
8 the door. So I would estimate it was about 20 metres away.

9 Q. Am I to understand, Mr. Witness, that everybody who was
10 standing where you were standing could see what happened inside
11 in that building during the interrogation?

12 A. I saw everything.

13 Q. Can you tell me where the guards or the interrogators were
14 sitting? And where the prisoner was sitting? Was there a table?
15 Can you tell me something about the furniture in that building?

16 A. There was a table <at the front> and there were two other
17 tables for the interrogators. There was a chair for the prisoner
18 and the guard<,> who <was there to beat up the prisoner,> was
19 standing to the side of the prisoner. And then <their superior>
20 started the interrogation.

21 [15.30.05]

22 Q. So from the distance, you could see them sitting down and
23 starting to ask questions to the prisoners; is that correct?

24 A. Yes, that is correct.

25 Q. Were they using a typewriter or were they using a pen to write

1 down the answers?

2 A. They used a pen.

3 Q. Who was using the pen?

4 A. The deputy was named Om Penh<> and Pai An (phonetic) was the
5 interrogator.

6 Q. Could you hear, from that distance, the questions that the
7 interrogators were asking?

8 A. During the interrogation, of course I heard the questions
9 because they spoke loudly. They asked, "What were you doing?" And
10 the prisoner responds: "No, I did not do anything", and the
11 interrogators said: "You -- you are stubborn, you are a colonel;
12 you work as <an American> CIA <or "Yuon" CIA> agent. Confess. If
13 you don't confess, I'll beat you."

14 [15.31.48]

15 Q. What was the first question, do you remember, Mr. Witness,
16 that was asked to the prisoner?

17 A. I cannot recall the details of every question because I heard
18 the questions from a distance. I can remember the gist of the
19 questions that - what he were doing, what was his rank during the
20 <> Lon Nol regime? That's how I remember it.

21 Q. I would like you to think a little bit more, Mr. Witness. Do
22 you remember other specific questions that were asked?

23 A. During the interrogation, sometimes they accused prisoners of
24 breaking a plough part or they stole a chicken or <other things,>
25 or that they oppose<d> the cooperative. There were many, many

1 questions and I cannot remember them all. As you know, it
2 happened many, many years ago. But mainly the questions focused
3 on the American CIA or the "Yuon" CIA.

4 Q. Mr. Witness, I would appreciate it if you don't give general
5 answers. I am asking you, do you remember specific questions
6 being asked by the interrogators and do you also remember the
7 answers that were given by this particular prisoner.

8 A. The only thing I remember clearly is what was his position and
9 what rank did he hold at the time.

10 [15.33.47]

11 Q. What was his answer?

12 A. Some prisoners confess<ed> truthfully that they were a colonel
13 or that they were a one-star general depending on how often they
14 were beaten. And then they were asked how many of them altogether
15 and based on that answer more people would be arrested.

16 Q. Witness, that was not my question. What did the fat prisoner
17 answer to the question what rank he had?

18 A. By then he could not say anything else because he became very
19 weak after he was suffocated with a plastic bag. He did not
20 respond and for that reason he was suffocated with a plastic bag
21 and he became <weak, and died. He couldn't answer anymore,> and
22 he was taken back to the building.

23 [15.34.52]

24 Q. Mr. President - sorry - Mr. Witness, how long was the prisoner
25 inside before he was suffocated?

1 A. I did not know how many minutes he was suffocated with a bag.
2 The next thing I saw was that the guard drag him back into the
3 building where he was detained. The next day, he <was dragged
4 outside to be> buried.

5 Q. Mr. Witness, you're standing on the compound. You watch the
6 prisoner go into this building. He sits on a table. He gets a
7 question. My next question to -- my question to you is: How long
8 did it take before those two guards put a plastic bag over his
9 head?

10 A. It depends on prisoners responses. If they responded quickly,
11 then they would not be suffocated with a plastic bag, but for
12 those who refused to respond then they would be beaten and beaten
13 again and the next thing they would be suffocated with a plastic
14 bag.

15 Q. That was not my question, Mr. Witness. My question was: How
16 long did it take for these guards to use a plastic bag to make
17 this prisoner answer? Was it five minutes? Was it half hour? Was
18 it two hours? Was it all day? Please tell me.

19 A. They would not suffocate the prisoner for hours. It was only
20 for minutes. But I could not know how many minutes.

21 [15.37.07]

22 Q. Maybe that was the translation, but my question was: Mr.
23 Witness, how long did it take -- how many questions were asked --
24 during how much time, before the guards or the interrogators used
25 the plastic bag to make this prisoner answer questions?

1 A. They only asked two questions. What was his position and what
2 was his rank.

3 Q. So, is your testimony that the prisoner was inside for a
4 minute and after a minute - let's say roughly -- the guards or
5 the interrogators took the bag and tried to suffocate him? Is
6 that your testimony?

7 A. Yes.

8 Q. So would it be right then to conclude that the prisoner was
9 inside 10 minutes -- 15 minutes?

10 [15.38.30]

11 MR. PRESIDENT:

12 Mr. Witness, you do not need to respond to this question. You do
13 not need to respond to any assumption made by the counsel.

14 MR. KOPPE:

15 My question -- let me rephrase, Mr. President.

16 My question to you, Mr. Witness, is: How long exactly did it take
17 before the prisoner was brought out of that building again, after
18 he was apparently suffocated?

19 A. Before he was suffocated with a plastic bag, they will
20 interrogate the prisoner for 10 to 20 minutes and when the
21 prisoner refuse to respond, then they would use a plastic bag.
22 And, of course, with the plastic bag covered over his head, he
23 could not respond.

24 Q. Could you explain, Mr. Witness, how these interrogators put
25 the plastic bag on the head of this prisoner?

100

1 A. How could you ask me to provide any further details? I have
2 repeatedly answered your questions. The purpose of using the bag
3 was to force the prisoner to respond or to confess on his
4 position or the activities he involved in or on other former
5 civil servants. And a prisoner who was suffocated with a bag
6 would not be able to respond because he felt too weak.

7 [15.40.34]

8 Q. My question, Mr. Witness, again, how did the guards put this
9 plastic bag on the head of this prisoner? Who of the two did it?
10 Did they use force? Can you explain a little bit what you saw?

11 A. They did not have to force to use the plastic bag. They only
12 used on selected prisoners who refused to respond to their
13 questions during the interrogation.

14 Q. Again, Mr. Witness, that was not my question. My question was:
15 How did these two guards or interrogators do it? Did they use
16 force with this fat prisoner?

17 A. First, they interrogated the prisoner, then they kicked and
18 they beat the prisoner. <They pulled out the prisoner's
19 fingernails, using pliers.> They used violence, or force against
20 the prisoner in order to force them to confess before they used
21 the plastic bag.

22 [15.42.02]

23 Q. So now the interrogators also kicked the prisoner, I
24 understand. Who kicked the prisoner and how did he do that?

25 A. They actually wore (inaudible), American made boot, to kick a

1 prisoner during the interrogation.

2 Q. Mr. Witness, please don't answer in general terms. I'm asking
3 about what you saw that morning on that day. Who of the two
4 interrogators kicked this prisoner?

5 A. It was Ta <Cheng>.

6 Q. And how did he do it? Which -- was it his left leg or his
7 right leg?

8 A. He used his right foot and when the right foot got hurt he
9 used his left foot to kick the prisoner.

10 Q. Can you tell the Court what the reaction of the prisoner was?

11 A. Of course there was no reaction because the prisoner was
12 handcuffed and he was <almost out of air> because of the torture.
13 [15.44.02]

14 Q. But did the prisoner maybe say something. "Please stop". Or "I
15 will tell you my rank". Or - Can you be a little more specific in
16 the details, Mr. Witness?

17 A. Some did confess. They confessed, "Please, don't <hurt> me",
18 while others, <were stubborn in refusing> to respond. They would
19 bite their lip and remain silent despite the beating and some
20 would just confess anything when they were beaten.

21 Q. Again, Mr. Witness, that was not my question. My question was:
22 What did this prisoner answer to that question? What was his
23 reaction to him being beaten? What did he say?

24 A. There was no reaction. He remained silent.

25 Q. Did he speak at all that morning?

102

1 A. Initially, he said that he did not have any position, that he
2 was a tricycle <and a truck> driver but those interrogators did
3 not believe him.

4 [15.45.42]

5 Q. What did they say when he gave that answer?

6 A. They did not believe him and they continued their
7 interrogation. They accused him of being an American CIA and they
8 showed him a report as well.

9 Q. What was that, what report? Do you remember?

10 A. I cannot recall it.

11 Q. But why do you call it report?

12 MR. PRESIDENT:

13 Please wait.

14 Counsel, you may proceed.

15 MR. KONG SAM ONN:

16 I apologise for my interruption. My client said he -- my client
17 is fatigued and he cannot continue following the proceedings.

18 Would the Bench please consider the adjournment for today's
19 proceedings?

20 JUDGE FENZ:

21 He cannot even follow from the holding cell? I understand he
22 cannot follow from here. Could he follow from the holding cell?

23 [15.47.22]

24 (Short pause)

25 JUDGE FENZ:

1 Please note. We are talking 10 minutes, basically. Ten minutes
2 left.

3 (Short pause)

4 [15.48.07]

5 MR. KONG SAM ONN:

6 Mr. President, my client, Khieu Samphan, would like the Bench to
7 adjourn the proceedings; however, if the Chamber wishes him to
8 continue following the proceedings from the holding cell
9 downstairs, he would abide by that decision.

10 [15.48.26]

11 MR. PRESIDENT:

12 The Chamber has heard the request by the Accused, Khieu Samphan,
13 through his counsel, to follow the proceedings through the
14 holding cell downstairs due to exhaustion, to personally follow
15 the proceedings in the Court for the remainder of today's
16 proceedings as we try to expedite the proceedings. For that
17 reason, we, the Chamber, would like Mr. Khieu Samphan to follow
18 the proceedings in the holding cells downstairs through a remote
19 means.

20 And the AV Unit, you are instructed to link the proceedings to
21 the holding cell downstairs for the remainder of today's
22 proceedings.

23 Security personnel, you are instructed to take Mr. Khieu Samphan
24 to the holding cell downstairs to follow the proceedings for the
25 remainder of today's proceedings.

1 (Short pause)

2 MR. PRESIDENT:

3 Counsel Koppe, please repeat your last question to the witness
4 due to the interruption as the witness may not recall that
5 question.

6 BY MR. KOPPE:

7 Q. Mr. Witness, You said that the interrogators showed a report.
8 Can you tell us why you think it was a report?

9 MR. MEAS SOKHA:

10 A. Because they wanted to know about the stories or the history
11 of who did what based on the reports as there were reports from
12 <> the village as <to> who did what during the former regime or
13 which rank <> some people held.

14 Q. Mr. Witness, again you are answering in general terms. My
15 question is: Why you think what you saw was some kind of report
16 that was shown by the interrogators to the prisoner?

17 A. Because when I saw document I presumed it was a report and it
18 was shown to the prisoner and I believe it was a report made from
19 the village.

20 [15.51.32]

21 Q. Why do you believe that, Mr. Witness?

22 A. I believe so because, at that time, people could live or die
23 based on the report from the Base. Krang Ta Chan was the
24 execution site and they did that based on the report from the
25 village and the commune level.

1 Q. Mr. Witness, I'll go back to the suffocating with the plastic
2 bag. How long did it last, that suffocating?

3 A. I did not have a watch to time the suffocation. I saw it and
4 then I walked away. In fact, later on I returned <to collect the
5 wood again,> and then I saw him being walked back to the building
6 where he was detained.

7 Q. And when was that, that you saw him walking back?

8 A. It was around 10 o'clock in the morning.

9 Q. So is your testimony that everything lasted around an hour?
10 Would that be a fair assumption or am I wrong?

11 A. That is correct.

12 [15.53.28]

13 Q. And is your testimony that this is the only time that you saw
14 an event like this, when you were in the compound?

15 MR. PRESIDENT:

16 Mr. Witness, please hold on.

17 And the International Co-Prosecutor, you have the floor.

18 MR. LYSAK:

19 Mr. President, I'd ask counsel to be more specific in his
20 question. An event like this is rather vague. Is he asking him
21 whether this is the only occasion he saw suffocation with a
22 plastic bag or is he asking him a different broader question?

23 BY MR. KOPPE:

24 Mr. President, I was asking the witness whether this was the only
25 time during his presence at Krang Ta Chan that he saw a man being

1 suffocated with a plastic bag.

2 Q. Mr. Witness, was it the only time that you saw something like
3 this happening?

4 MR. MEAS SOKHA:

5 A. I saw it for one time and after that I did not <pay attention>
6 anymore.

7 [15.54.48]

8 Q. So what happened to the man when he was brought to his cell?
9 Do you remember?

10 A. Nothing <more> happened to him because next day he died and he
11 was dragged out and buried. That was his last day on earth. He
12 was severely beaten and died. As I said, the next day he was
13 dragged out and buried.

14 Q. How do you know that, Mr. Witness?

15 MR. PRESIDENT:

16 Mr. Witness, please watch the microphone. When it is operational
17 with the red light, then you can speak.

18 MR. MEAS SOKHA:

19 A. In the morning, <> I was <ordered> to open the door and I saw
20 <that> the prisoner <was dead,> and <Say Sen> and Ta Chhen were
21 ordered to dig a pit to bury that prisoner's body.

22 [15.56.14]

23 BY MR. KOPPE:

24 Q. My question is about the prisoner, the fat prisoner. Where did
25 you see his dead body?

1 A. It was <right> inside the building.

2 Q. Which building?

3 A. It was in the second building.

4 Q. Can you explain what you mean with the second building?

5 A. It was the second building where they house prisoners. The
6 buildings were used to house prisoners regardless of the severity
7 of their mistakes or offence as long as there were rooms to
8 accommodate prisoners.

9 [15.57.16]

10 Q. So you saw his dead body in the prison building between the
11 other prisoners. Is that my understanding?

12 A. He was in-between other prisoners.

13 Q. So you were able to have a look at the prisoners in that
14 building; is that correct?

15 A. I could see them every day whenever I was asked to carry the
16 urine container as <fertilizer> for the rice fields and I had to
17 carry the urine container twice a day: one in the morning and one
18 in the afternoon.

19 Q. Mr. Witness, where was the dead body lying exactly?

20 A. He died in the second building.

21 Q. That was not my question. Where was his body lying?

22 A. It was in a bed to the south side within the second building.

23 Q. In a bed? It was not in shackles?

24 A. He was in a bed and his ankles were shackled.

25 [15.59.10]

1 Q. And he was surrounded by other prisoners; is that correct?

2 A. Other prisoners were lying in a row -- like a row of pigs
3 in-between.

4 Q. Can you describe what you saw when you came in that building?
5 You saw the dead body, what else did you see?

6 A. I saw his dead body. I saw other prisoners lying in a row in
7 that building.

8 Q. Is it my understanding that you saw him walking back from the
9 interrogation place to his -- to the prison cell? And if that is
10 correct, how was his general condition, do you remember?

11 A. He was in bad shape. He was actually carried into the
12 building.

13 Q. Do you know why that was?

14 A. Because he was beaten severely and he could not walk by
15 himself. He did not have food to eat for a few meals and he was
16 beaten severely and his hands were also cuffed.

17 [16.01.30]

18 MR. PRESIDENT:

19 Counsel Kong Sam Onn, you have the floor.

20 MR. KONG SAM ONN:

21 I apologise, Mr. President. I been informed by the people
22 downstairs that the blood pressure of Khieu Samphan is high<; he
23 is fatigue,> and he cannot follow the proceedings. And I would
24 like to request for the adjournment for today's proceedings.

25 MR. PRESIDENT:

1 Thank you for that information. And the time is appropriate for
2 today's adjournment. The Chamber will adjourn now and we will
3 resume tomorrow starting from 9 o'clock in the morning.
4 And tomorrow, the Chamber will continue to hear the remainder of
5 the testimony of the witness, Meas Sokha, and then to hear the
6 testimony of a civil party, 2-TCCP-296. And we would like to
7 inform the Parties and the public about tomorrow's proceedings.
8 Court officer, in cooperation with the Witness Support Section,
9 please arrange the -- for the transport of this witness to his
10 appropriate accommodation and bring him back to this courtroom
11 before 9 o'clock in the morning tomorrow.
12 And security staff, you are instructed to take the two Accused
13 back to the detention facility and have them back in the
14 courtroom tomorrow morning before 9 a.m.
15 The court is now adjourned.
16 (Court adjourned at 1603H)
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