



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 23-Feb-2017, 12:35
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

4 February 2015

Trial Day 237

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SUON Visal
SON Arun
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
SE Kolvuthy
Matthew MCCARTHY
SIVHOANG Chea

Lawyers for the Civil Parties:
PICH Ang
Marie GUIRAUD
LOR Chunthy
VEN Pov
HONG Kimsuon
MOCH Sovannary
Martine JACQUIN

For the Office of the Co-Prosecutors:
Nicholas KOUMJIAN
SONG Chorvoin
Dale LYSAK
Travis FARR
Vincent de WILDE d'ESTMAEL

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

Mr. KEV Chandara (2-TCW-964)

Questioning by Judge LAVERGNEpage 3

Questioning by Judge FENZpage 14

Questioning by Mr. KOPPE.....page 17

Questioning by Mr. KONG Sam Onn resumes.....page 37

Mr. SORY Sen (2-TCCP-271), alias SAY Sen

Questioning by the President (NIL Nonn).....page 37

Questioning by Ms MOCH Sovannary.....page 40

Questioning by Ms. JACQUINpage 55

Questioning by Mr. DE WILDE D’ESTMAEL.....page 67

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. JACQUIN	French
Mr. KEV Chandara (2-TCW-964)	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
JUDGE LAVERGNE	French
Mr. LYSAK	English
Ms. MOCH Sovannary	Khmer
The President (NIL Nonn)	Khmer
Mr. SORY Sen (2-TCCP-271)	Khmer
Mr. SON Arun	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 The Chamber will continue to hear the remaining of the witness,

6 Kev Chandara's testimony. And then we will commence hearing the

7 testimony of another <civil party> -- that is, <2-TCCP-271>. I

8 also note that the witness requests an assistant from a TPO staff

9 to assist him during his testimony.

10 Ms. Se Kolvuthy, could you report the attendance of the Parties

11 and the individuals to today's proceedings?

12 [09.04.35]

13 THE GREFFIER:

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

15 are present except Mr. Vercken, Khieu Samphan's defence counsel

16 who is absent due to health issues. And Nuon Chea is present in

17 the holding cell downstairs due to his health. The witness, Kev

18 Chandara, who is to provide his remaining testimony, is present

19 in the courtroom. And the next civil party, 2-TCCP-271, is here

20 and ready to be called by the Chamber. Thank you.

21 MR. PRESIDENT:

22 Thank you. And I notice Counsel Son Arun, on his feet. You may

23 proceed.

24 [09.05.31]

25 MR. SON ARUN:

2

1 Good morning, Mr. President, Your Honours. Based on the medical
2 report by the duty doctor at the ECCC, Nuon Chea's backache is
3 more severe today. And requests to be following the proceedings
4 from the holding cell downstairs, and that he will deliver his
5 letter to, Your Honour, soon. And it will be in the two
6 languages, Khmer and English, and shall be ready by a coffee
7 break this morning. Thank you.

8 MR. PRESIDENT:

9 Thank you, Counsel. The Chamber has heard the request by Mr. Nuon
10 Chea through his defence counsel to follow the proceedings
11 remotely from the holding cell downstairs. For today's
12 proceedings, Nuon Chea waives his presence in this courtroom. And
13 the defence team will deliver the letter of waiver of Nuon Chea
14 to the Chamber, pursuant to Rule 81.5 of the Internal Rule, as
15 well as the medical report by the duty doctor at the ECCC.

16 [09.07.12]

17 The Chamber grants Nuon Chea's request to follow the proceedings
18 remotely from a holding cell downstairs. And that is for today's
19 proceedings. Nuon Chea's waived his right to be present in this
20 main courtroom. And the defence counsel is required to contact
21 his client to deliver the waiver to the Chamber with his <clear>
22 signature or a thumb print.

23 And AV unit, you are instructed to link the proceedings to the
24 holding cell downstairs so that Nuon Chea could follow it
25 remotely. And that applies for today's proceedings.

3

1 And now <the Chamber hands> the floor to Judge Lavergne, who has
2 some questions for this witness. You may proceed, Judge Lavergne.
3 And court officer, could you also deliver the documents that you
4 have for the witness examination. And Judge Lavergne, you may
5 proceed.

6 [09.08.49]

7 QUESTIONING BY JUDGE LAVERGNE:

8 Thank you, Mr. President. Before handing the floor over to the
9 Defence, I do indeed have a few questions that I would like to
10 address to Mr. Kev Chandara.

11 Q. Mr. Witness can you hear me <> clearly?

12 MR. KEV CHANDARA:

13 A. Yes, I do, Your Honour.

14 Q. Thank you, Mr. Kev Chandara, first and foremost for returning
15 to the courtroom. I have a few questions regarding staff members
16 who were at the Krang Ta Chan security centre <during> the time
17 that you were imprisoned there<. You> stated that the centre was
18 led by achar Chhen<; you also talked of one of his deputies>.

19 Could you provide any further clarifications? <How many staff
20 members were there? How many guards?> What was the structure? <>

21 A. As for staff working at Krang Ta Chan detention centre, I did
22 not know them all nor <the numbers>. I <only> knew achar Chhen
23 who interrogated me and another person by the name of Dam<, I did
24 not know his surname>, who was the executioner. And there were
25 some other staff who assisted Dam in the execution but I did not

4

1 <know> their names.

2 [09.10.43]

3 Q. So if you do not know their names, could you tell us the
4 approximate number of people who worked at the security centre?

5 A. I did not know the actual number of staff.

6 Q. During the time that you were in prison, you testified that
7 you were responsible for carrying out a certain number of tasks,
8 <of jobs> at the security centre. You stated that you had to
9 transport <dead bodies>, and in some cases bury dead bodies, if
10 I'm not mistaken; is that indeed correct?

11 A. Yes, that is correct. We were asked to drag the dead bodies
12 into the pits for burial. And if there were plenty of dead
13 bodies, then more than ten of us would be instructed to drag the
14 bodies into the pit. <If there were fewer bodies, seven or eight
15 of us would be instructed to drag the bodies; but the total
16 number in the security centre, I did not know. Sorry.>

17 [09.12.12]

18 Q. Were you asked to carry out other tasks, whether it be within
19 the security centre or outside<>?

20 A. More than ten days after I was detained, I was instructed to
21 carry the faeces of the prisoners and pour them into a big jar,
22 and I did this also for the urine by prisoners.

23 Q. Were you the only detainee who was charged with carrying out
24 such tasks, or were other prisoners also forced to carry out
25 certain tasks or assigned <to> different sections, such as <for

5

1 example,> the kitchen?

2 A. As for the kitchen, prisoners were not allowed to go nearby or
3 to <walk pass> that area. We were only instructed to the limit
4 that we carry faeces and urine and pour them into <three big jars
5 at> the north of the <> area.

6 Q. Did you see or do you recall having seen children or teenagers
7 working at the Krang Ta Chan security centre?

8 A. I did. The guards at Krang Ta Chan were not adults, they were
9 adolescents or young adults.

10 [09.14.25]

11 Q. Were there children who <performed tasks such as> sweeping or
12 cleaning or who were possibly working outside<>, either minding
13 cattle or carrying out any <similar> tasks?

14 A. Those who were <most> trusted were removed from the shackles
15 during the day time to go and mind the cattle and they would be
16 shackled again during the night time.

17 Q. As far as you were concerned, during the day, were you cast
18 free from your shackles? What happened?

19 A. For me, day and night there was no difference. We were not --
20 we would not be shackled, and <I, myself, was> only unshackled
21 <when I was> instructed to go and carry the faeces and the urine
22 of the prisoners.

23 [09.15.57]

24 Q. I wish now to ask you a series of questions concerning the
25 visit of Mr. Nuon Chea at Krang Ta Chan. You spoke of this. Do

6

1 you recall, more or less, if his visit occurred at the start of
2 your stay at Krang Ta Chan or near the end? Was it before the
3 liberation of the country or after the liberation of the country?

4 A. Ta Chea's visit was prior to the liberation. I said that
5 because I did not see people who left the Lon Nol regime arrived,
6 or rather who were the former Lon Nol regime's servants arrived
7 at Krang Ta Chan.

8 Q. You were the first-hand witness of his arrival or <is this
9 something you were told>?

10 [09.17.19]

11 A. When Ta Chea entered Krang Ta Chan's office, we were still in
12 shackles. However, some cadres who used to work <there>
13 recognised Ta Chea. And as for me, I was about 70 to 80 metres
14 from him and I tried to look hard in order to see him because I
15 wanted to see his face. And actually I looked through the gap in
16 the <door>.

17 Q. Could you please <give us some estimates in regards to
18 distance; was it close by or far? Were you> close <to this gap>?
19 How <> could you see<>?

20 A. As I stated, the place where I was detained and to where Ta
21 Chea was standing was about 70 to 80 metres.

22 [09.18.50]

23 Q. Do you remember the names of <the> staff members who told you
24 that <Ta> Chea was there? Who <> told you this?

25 A. People who told me later disappeared and I didn't know whether

7

1 they survived. Because after I left Krang Ta Chan, they also
2 left. They told me they were actually a former Khmer Rouge cadres
3 but I do not know their names.

4 Q. Were they security guards or prisoners who told you that?

5 A. They were prisoners; they were detained together with me.

6 Q. And do you remember their names? Do you remember who those
7 prisoners were and what <were their> duties<>?

8 A. I had not known them before<. While> we were in prison
9 together<, I did not ask their names.> So I did not know their
10 names.

11 [09.20.37]

12 Q. Therefore the prisoners who were with you had also identified
13 Ta Chea through the <gaps> in the wall<?>

14 A. Yes, they said that those people who make gestures out there,
15 one was Ta Chea. But they did not mention specifically Nuon Chea.
16 They only said it was Ta Chea.

17 Q. And for you<,> Ta Chea and Nuon Chea were the same person, or
18 were they two distinct individuals?

19 A. I did not know Ta Chea nor do I know Ta Chea now. I don't know
20 who Ta Chea was or is.

21 Q. Very well. You stated that you met Nuon Chea on a second
22 occasion. <You said that it> was during the screening of a film
23 and a performance given by a Chinese circus; can you <> confirm
24 that?

25 [09.22.28]

8

1 A. I can never forget that. Ta Chea made a brief speech and I
2 still can recall a few words that he made at the time. He stated
3 that Cambodia was an agricultural country and we will transform
4 it into <an agro-industrial> country. That's all I can remember
5 about the speech that he made.

6 Q. Could you please tell the Court <> approximately <> when <did
7 the event take place>?

8 [09.23.23]

9 A. There was no film showing<. It was a circus show,> and I
10 cannot recall the exact date.

11 Q. When you were heard by the Co-Investigating Judges; I'm
12 referring to E3/5153, ERN in French 00205094, you said the
13 following: "I saw Nuon Chea again at the end of 1976, when I saw
14 <films and circuses in> Takeo province where Nuon Chea had
15 delivered an opening speech that lasted approximately ten
16 minutes. <The members> of the circus were Chinese who spoke
17 Chinese. The speech given by Nuon Chea was as follows: 'We are
18 farmers. We are going to transform our country into an
19 agro-industrial country'." Does this match your <recollections
20 or> you are <still> not entirely certain of the date?

21 [09.25.05]

22 A. When I was interviewed at my house, it has been quite a long
23 time. Now <I am older,> I cannot make a recollection well <and>
24 maybe I still recall it well when I was interviewed at the time.

25 Q. Do you know if this Chinese circus had <come> several times to

1 Takeo?

2 A. When we were allowed to go and see it, we were thoroughly
3 searched. And I didn't know whether there had been such
4 performances there, on how many occasions, I would not know. <I
5 returned to my worksite to carry out my farming.>

6 [09.26.13]

7 Q. Very well. May it be noted for the record, that on the case
8 file, there is a document numbered D366/7.1.305. This is <a
9 journal called> "Democratic Kampuchea<: News Broadcasts from
10 Phnom Penh through 'The Voice of Democratic Kampuchea'". The
11 French ERN <is> S 00012468. There is mention of a tour undertaken
12 by the <acrobatic troop of the> Chinese People's Liberation Army
13 <across various zones of Democratic Kampuchea. And it mentions
14 that -- it> mentions their visit in several regions, including
15 <"the" visit to> Leay Bour cooperative, somewhere around the 25th
16 of November 1978.

17 Mr. Kev Chandara, did you meet any other leaders of Democratic
18 Kampuchea, be that prior or after the liberation of the country?

19 A. In Baray commune, after I left my native home, the local
20 leader there was Ta Mok. He would go to inspect <the worksite
21 and> the pumping stations where we dug canals etc., and I met him
22 there.

23 [09.28.17]

24 Q. Do you recall telling the investigators from the Office of the
25 Co-Investigating Judges that you met Mr. Ieng Sary?

10

1 A. I did not know Ieng Sary nor I ever met him.

2 Q. Very well. Perhaps this is a misunderstanding but I will note
3 that in the same document that I referred to earlier -- that is,
4 <document> E3/5153, you said on the same page, <so the same
5 reference, reads as follows: "I didn't meet anybody else but
6 grandfather Mok but I met Mr. Ieng Sary between <1966 and 1967>.
7 He was a professor of Literature at the Chamroeun Vichea School.
8 However, I was never one of his students".

9 Does this refresh your memory in any way?

10 [09.29.45]

11 A. As for Chamroeun Vichea School, I actually attended there for
12 my supplementary session or class. However, I did not know him at
13 the time. And if I were to have met him there, I would not recall
14 it now. It's been a long time already since the 1950s or the
15 1960s, I cannot recall it at all. Even my own teachers, I cannot
16 recall them.

17 Q. I would clarify that the statements that I just referenced
18 were <compiled> on the 12th of March 2008, so <> some time <has
19 passed>. Thank you very much. I have no further questions to ask
20 you, Mr. Witness. I will now allow the Defence to continue.

21 MR. PRESIDENT:

22 The Chamber would like now to give the floor to the defence
23 counsel for Nuon Chea. If you intend to put the questions to this
24 witness concerning the last series of questions put to the
25 witness by Judge Lavergne, you may proceed.

11

1 [09.31.36]

2 MR. KOPPE:

3 Thank you, Mr. President. Good morning. I'm -- I'm hesitant at
4 the moment. In the light of the answers to the line of
5 questioning, I really don't think he saw Nuon Chea there. So we
6 -- but on the other hand, we've made a interesting line up of
7 photos. And why not try that line up of photos here now with this
8 witness. Otherwise we would have to deal with this matter maybe
9 with another witness. So my -- I suppose my question will be, Mr.
10 President, if you give me permission to show a set of photos of
11 Khmer Rouge cadres, and allow me to ask the witness if he can
12 identify one of these persons, one of these photos of this person
13 on that sheet that we made.

14 [09.32.41]

15 MR. PRESIDENT:

16 Lead Co-Lawyers, you may proceed.

17 MS. GUIRAUD:

18 Thank you, Mr. President. In order to properly understand the
19 procedure, I had the impression -- <but perhaps, I'm mistaken> --
20 that Nuon Chea's defence had concluded their examination of the
21 witness and it is now <the turn of> Khieu Samphan's defence to
22 ask questions to the witness. <I would like to> properly
23 understand what is happening, are you giving the floor again to
24 the Defence? <Because you have> examined the witness,
25 <particularly> on a new document. And it would be logical that

12

1 all the Parties should have <the opportunity to pronounce
2 themselves on> that new document; that would be normal. Or do you
3 consider that you'd only give the floor to the Nuon Chea defence
4 <> on the basis of this new document? I just want to <really>
5 understand the procedure <that we must follow in this Chamber>. I
6 am new in this Tribunal and sometimes I have a hard time
7 understanding the order in which the different Parties take the
8 floor. And the manner in which the floor is again given to the
9 Parties after the Chamber has put questions to the witness, I
10 would like to know precisely when the Chamber has to take the
11 floor and what is the impact of their <examination> on the
12 Parties?

13 [09.34.18]

14 MR. PRESIDENT:

15 Judge Lavergne, you may proceed.

16 JUDGE LAVERGNE:

17 Let me first of all say that it is exceptional that Judges on the
18 Bench ask questions during the period reserved for the Defence.
19 So this is a peculiar situation. In this specific case, the Nuon
20 Chea defence has been given the floor <once again so that they
21 may> ask <other> questions <related to> the questions I have just
22 put to the witness <myself.> And in relation to the <issue of the
23 visit or of the> possibility that Nuon Chea may have met the
24 witness. That is <the only reason> why we are giving the floor to
25 the Nuon Chea defence team. And, <in principle,> we do not

13

1 envisage giving the floor to the other Parties.

2 [09.35.21]

3 MR. PRESIDENT:

4 Judge Fenz, you may proceed.

5 JUDGE FENZ:

6 I just have one question to the Defence of Mr. Nuon Chea. I noted
7 that you were obviously thinking while you were talking. So in
8 order to clarify, what exactly -- it was clear that any further
9 questions should be restricted to anything which might have come
10 up after Judge Lavergne's questioning. So given that, what
11 exactly are you purporting to -- what fact exactly are you
12 purporting to prove with, I guess will be, this document?

13 [09.36.04]

14 MR. KOPPE:

15 Thank you, Judge Fenz. We've tried to establish a document
16 selected from present documents on the case file in order to
17 establish whether the witness is actually capable of recognising
18 the persons he says he has recognised on various occasions. What
19 we have produced is as much as, I think, possible in accordance
20 with proper guidelines in relation to confrontation, especially
21 confrontation by photos. We have looked at case law at the ICTY,
22 Tadic especially, and other cases we mentioned in our email. The
23 reason I was hesitant is because I don't -- well you probably
24 know our position with respect to this witness. However, I think
25 we might as well start with this proceedings right now because

14

1 there are other witnesses who might have the same issue. So it
2 would be our submission that we show this set of photos to the
3 Accused -- to the witness, excuse me, and ask him the question
4 whether he recognise Nuon Chea on the set of photos.

5 [09.37.32]

6 QUESTIONING BY JUDGE FENZ:

7 This is another question to the witness.

8 Q. Witness, remind us of your age please.

9 MR. KEV CHANDARA:

10 A. Currently, I am 80 years old, Your Honour.

11 Q. I would like to know if you have experienced problems with
12 your memory in recent years. If so, what kind of problems?

13 A. When I turned 75 or 80 years old, I lose <much> memory. I have
14 memory problem.

15 [09.38.35]

16 Q. Is this about things that have happened long ago or about
17 recent things? Do you remember things that have happened long ago
18 or forget? Or do you remember or forget things that have happened
19 recently?

20 A. I lose some memory what happened in the past. And also,
21 recently sometimes I forget the names of my children. So this is
22 my problem. I'm sorry for that, Your Honour.

23 Q. This is just a wrap-up question. Has this become worse in the
24 last six years? For the record, six years: 2008 to 2014; 2008
25 being the date of the last interview.

15

1 A. I do not understand well your question, Your Honour. Could you
2 repeat your question again?

3 Q. In this case I'll just repeat what you yourself told us. You
4 said from about the age of 75 you started losing memory. That
5 would be about five years ago; is this correct?

6 A. No, it was not completely loss of memory <in this age of 80>.
7 So it happened gradually, little by little when I turned <60> and
8 <70>.

9 Q. Thank you. No further questions.

10 [09.40.52]

11 MR. PRESIDENT:

12 Co-Prosecutor, you may proceed.

13 MR. FARR:

14 Thank you, Mr. President. We don't object to the use of the photo
15 array if the Chamber thinks it would be helpful but we do have a
16 few comments on probative value to attach to any evidence about
17 it. First of all, we note that a number of these pictures are
18 still images from a video. And we believe that the quality of the
19 video is considerably better. The individuals are shown for a
20 period of a few seconds. You can see their expressions. So, on
21 our submission it would be more probative to show the witness
22 short clips of the video. A couple of the pictures are not of the
23 highest quality. That's another point on probative value. And
24 finally, the witness's evidence is in our submission more -- that
25 he didn't have a great opportunity to observe and his evidence is

1 to a large extent related to what he was told by other people
2 rather than what he saw himself. But with that said, if the
3 Chamber feels it would be helpful, we don't object to the use of
4 the photos.

5 [09.42.08]

6 MR. KOPPE:

7 If I may react shortly- quickly, Mr. President. As you know,
8 there are very strict guidelines as how to set up a photo
9 confrontation. The thing is, if we would do it with video, we
10 would have a big problem in the sense that -- I agree the pixels
11 -- or how you call it -- is clear. However, people walk in a
12 sequence. If you, for instance, take the Olympic stadium footage,
13 they walk one, two, three, four in a certain sequence. So, that
14 would possibly lead a witness to make conclusions on the sequence
15 of people that he sees on the video. So that would be a problem.
16 In any line up of photos, you would always need to have people
17 who are completely unrelated to the actual person that you are
18 seeking to identify. My experience is of course, is mostly coming
19 from my domestic practice, and we are following very strictly. I
20 know the police investigations is following very strictly
21 guidelines which they call the Oslo Guidelines -- confrontation
22 guidelines. So there are very strict ways in doing it. And by
23 showing a video, that would be not having any probative value as
24 to the recognition by the witness of the persons to be
25 identified. I'm happy to sit down with the Prosecution to come up

17

1 with better images. This is our first attempt. I think it was
2 relatively well done attempt but of course it can always be
3 better. But we are depending on the footage that we have, the
4 footage that is on the case file. If there is better material, I
5 would be happy to come with a better quality photo confrontation
6 set.

7 [09.44.14]

8 MR. PRESIDENT:

9 The Chamber grants the photo confrontation. And court officer is
10 instructed to hand over the photo to the witness for examination.

11 MR. KOPPE:

12 He shouldn't -- he shouldn't turn around --

13 MR. PRESIDENT:

14 So, court officer, could you turn to the photo without names
15 underneath? Witness, could you look at the pictures and you
16 should wait for the question put by the defence counsel.

17 (Short pause)

18 [09.45.50]

19 MR. PRESIDENT:

20 Counsel, you may proceed.

21 QUESTIONING BY MR. KOPPE:

22 Mr. Witness, I would like you to have a close look at the ten
23 photos that you see in front of you.

24 Q. My question is: would you be able to identify for the Trial
25 Chamber the person you think Nuon Chea is?

1 MR. KEV CHANDARA:

2 A. I'm sorry, Counsel. When I look people on the photo, I don't
3 know anyone because I could not see well. Because of my eyes, I
4 cannot recognise who these people were. I'm sorry.

5 Q. Mr. Witness, do you have glasses with you or do you use
6 glasses?

7 A. I take my glasses but I could not see well from my glasses.

8 Among these ten people, I don't know anyone that look familiar to
9 me.

10 [09.47.25]

11 MR. PRESIDENT:

12 Thank you. Please move on. And court officer, could you take the
13 photo from the witness and return to the defence counsel. And the
14 Chambers now would like to give the floor to the defence counsel
15 for Khieu Samphan.

16 MR. KOPPE:

17 The copy is much better of quality than maybe the photocopies you
18 have. So I would be happy to grant you -- or give you, excuse me,
19 give you the original. But that's up to you.

20 [09.48.21]

21 MR. PRESIDENT:

22 The confrontation on photo should be concluded now. And the
23 Chamber is now giving the floor to the defence counsel for Khieu
24 Samphan to put question to the witness. Counsel, you may proceed.

25 QUESTIONING BY MR. KONG SAM ONN RESUMES:

19

1 Good morning, Mr. President, Your Honours and Mr. Witness.

2 Q. On Monday, we paused on the detention of the witness at Krang
3 Ta Chan. And there were discussions -- you said that you were
4 there for <> 29 days. But we have a <disagreement on
5 identification, over> what date to what date. And your <last>
6 response was that you did not remember <the date clearly>, and
7 you discuss with your family members and your children to
8 identify the date when you were detained at Krang Ta Chan.

9 Witness, do you recall the summary I have just told you?

10 MR. KEV CHANDARA:

11 A. After returning from Krang Ta Chan and my family members
12 <noted> I was there for 29 days. And I remember well that I was
13 at Krabei Prey for five days. So I was detained at Krang Ta Chan
14 for only 24 days. And my oldest son told me that "you might be
15 detained during 1975 but it was probably in late March. And in
16 April, after ten days of the liberation, you return home.".

17 [09.50.31]

18 Q. So this is -- the account or memory was not yours personally,
19 it was the memory of your son; is this correct, Witness?

20 MR. PRESIDENT:

21 Please wait, Mr. Witness.

22 MR. KEV CHANDARA:

23 A. Yes, it is correct as you mention because I did not have
24 anything to take note the dates for my memory because I was in
25 the prison. I'm sorry.

20

1 [09.51.11]

2 BY MR. KONG SAM ONN:

3 Q. When were you married? Can you tell the Court?

4 A. But there is one date that I can remember well. After my
5 marriage, I took my wife to <a Buddhist ceremony chaired by
6 Samdech Sihanouk and Samdech Chuon Nath>. That was the festival
7 that I spent my time, seven days and nights for that celebration.

8 [09.51.54]

9 Q. Thank you. Now, I would like to discuss with you about Krang
10 Ta Chan because you say that you were detained at Krang Ta Chan.
11 And a while ago, you said that you were detained at Krang Ta Chan
12 for 24 days. I would like to know, how many buildings were there
13 at Krang Ta Chan for detention when you were there?

14 A. The building for detention where prisoner were detained at
15 night and during the day, there was only one building.

16 Q. You confirm that there was only one building but I saw an
17 ambiguity, unclear about the size of the building. Earlier, you
18 said that the building was 6 x 20 metre. And during the testimony
19 here you said that it was about 3 metres x 20 metres. So could
20 you please tell the Court which is the correct size of that
21 building?

22 [09.53.18]

23 A. I'm sorry. It was based on my assumption when I saw it. So my
24 assumption is that it was three metre by 20 metre. <It was less
25 than 20 metres.>

1 Q. Thank you. Can you tell or describe the characteristic: was it
2 north-south or east-west building? Can you tell the Court like
3 that?

4 A. Yes. That building had the coconut leaf wall<, on the ground,>
5 and the roof was thatched. And the wall, there were three layer
6 of barbed wire around the wall and also barbed wire grill or net
7 on the ceiling. It was very thick barbed wire layer. And they
8 used the small timber or wood for us to lie down on or sleeping.
9 It was very rough. I was getting hurt when I lie down. <In the
10 middle, there were two wooden planks for placing meals for us.>
11 So the prisoners were in shackle and cuff even though they are
12 defecating or urinating

13 [09.55.18]

14 Q. Thank you. You said that the building had a thatch roof. So
15 what the roof was made of?

16 A. It was made of sugar palmed leaf. It was a dry leaf from the
17 sugar palm.

18 Q. Thank you. Was that building east-west or north-south?

19 A. It was a west-east building. <There was a "snuol" (phonetic)
20 tree at the east till today.> There was a bamboo groves and <a
21 "snay" (phonetic)> tree on the other side of that building.

22 Q. Thank you. I heard your testimony to Judge Lavergne in
23 relation to the number of staff at Krang Ta Chan. And you say
24 that you don't remember the number of staff. So do you remember
25 who was the chief of Krang Ta Chan while you were detained there?

1 A. This based on my assumption. I don't know whether <that chief>
2 is hiding away. But the interrogator was achar Chhen. <His name
3 is Chhen.>

4 Q. Do you mean that achar Chhen, the one who interrogated you at
5 Krabei Prey?

6 A. Yes. He was. He was interrogating me at Krabei Prey centre and
7 when I was sent to Krang Ta Chan, I saw him there also.

8 [09.57.28]

9 Q. Thank you. Can you recall other names of people who you know
10 that was the chief at Krang Ta Chan -- the senior chief I mean?

11 A. I remember that Dam. He was <> the executioner. Everyone
12 <feared> him.

13 [09.57.59]

14 Q. But you could not confirm that Dam was the senior chief at
15 Krang Ta Chan. Can you elaborate on this, Witness?

16 A. I could not confirm that Dam was the senior chief, because
17 after the 17 April liberation, he was also ordered to carry dirt,
18 the same as other prisoners.

19 Q. Thank you. As regards the number of prisoners in the building,
20 you said that there were about 40 or 45 prisoners.

21 I would like to know further, that during your 24 days at Krang
22 Ta Chan, was there any change in number of prisoner? The new
23 arrival or the sending out of the old prisoner? So, can you tell
24 further to the Court?

25 [09.59.15]

1 A. It happened regularly, but not constantly. I was there for 24
2 days and then I left, and during that 24-day period of my
3 detention, there had been movement of prisoners in and out and <>
4 prisoners died <there>.

5 Q. Thank you.

6 Can you tell the Court the number of new arrivals of prisoners
7 and those who left? For example, the number or the percentage of
8 those?

9 A. It's not possible to make such a calculation. Sometimes, five
10 prisoners disappeared and then five new ones arrived; sometimes
11 10 prisoners were taken away and a few more were brought in. And
12 it could happen even before or after the interrogation.

13 Q. Let me say for a daily change or for a weekly change, can you
14 tell the Court the numbers of prisoners?

15 A. As I said, I cannot make such a calculation, because the
16 number varied.

17 Q. When you were detained at Krang Ta Chan, and it is your
18 statement before this Court that you were interrogated, can you
19 tell the court how many times you were interrogated during your
20 24-day detention?

21 [10.01.22]

22 A. I was questioned by the same achar Chhen <once at Krabei
23 Prey>. He questioned me three times <at the security centre>.

24 Q. Thank you. For the three interrogations, did it happen like
25 three days in a row or how did it happen?

1 A. It did not happen at the same time. I was interrogated on
2 different days <at their will>.

3 Q. You stated that achar Chhen was the one who interrogated you.
4 Were you interrogated by other people?

5 A. I only was interrogated by this one person. I don't know <if
6 he interrogated> other prisoners <or not>.

7 Q. In relation to <mass graves>, you stated that you participated
8 in the exhumation of eight pits.

9 Did you refer to the exhumation of skulls and skeletal remains,
10 as you stated that there were about more than 10,000 of them or
11 did you refer to the times that you were instructed to bury the
12 dead bodies?

13 [10.03.21]

14 A. In regards to the pits, newcomers who were still healthy were
15 instructed to continue digging more pits. And at the same time,
16 they continued to killed more prisoners.

17 MR. PRESIDENT:

18 Counsel, please put your question rather precisely, and Mr.
19 Witness, please answer it within the limit of the question.

20 BY MR. KONG SAM ONN:

21 Q. My question is, were you the one who dug the pits to bury the
22 dead bodies or were you the one involved in the excavation of
23 skeleton remains from those pits? Did you engage in these two
24 events?

25 MR. KEV CHANDARA:

25

1 A. I and other prisoners were instructed to dig the pits and also
2 involved in the exhumation of those pits.

3 Q. Can you specify the size of the pits that you were instructed
4 to dig?

5 A. When we dug, we didn't know the size of the pits. <We dug it
6 according to what had been measured for us.> However, upon
7 exhumation, and maybe you can still see the scar of the pit, the
8 size varied. It could be two times two, three times four, with
9 one or two metres depth.

10 [10.05.07]

11 Q. The eight pits that you exhumed, were they similar in size or
12 the size greatly varied?

13 A. When we exhumed the pits, the sizes of the pits varied. Some
14 were bigger and some were smaller and the depth was also not the
15 same.

16 Q. Can you tell the Court what is the biggest size of the pit and
17 what is the smallest one?

18 A. The biggest pit was four times four, or four by four and the
19 smallest is two by two metres.

20 Q. On the 2nd February in this courtroom at <15.16.49>, you
21 stated the number of the skeleton remains that you gathered and
22 it was <> 10,013, and you drew some loss as some <villagers> came
23 to take them away or some were taken away by wild dogs. Can you
24 <still> confirm that that is the figure you stand by?

25 [10.07.19]

1 A. To my knowledge, the number of skeletal remains we dug out was
2 not the correct number.

3 Q. Can you stated that when you -- can you say whether the
4 <10,013 skulls> that you stated the day before yesterday was the
5 figure that you stand by?

6 A. Yes, that's <correct the numbers of> the skulls that we
7 gathered.

8 Q. Thank you.

9 MR. PRESIDENT:

10 What is on your mind, Deputy Co-Prosecutor? You need to be on
11 your feet before the witness responses, so that your standing or
12 being on your feet does not interrupt the flow of proceedings.

13 MR. FARR:

14 Apologies, Mr. President. Just so the record is clear, that was
15 not the only number that the witness gave for the number of
16 skulls. He also gave the number of 12,132, and that was at 2.14
17 p.m.

18 MR. PRESIDENT:

19 And Counsel Kong Sam Onn, you may proceed.

20 [10.09.02]

21 BY MR. KONG SAM ONN:

22 Thank you, Mr. President. I'd like to <present the document
23 D22/1370.2> -- the ERN is 00527797 in Khmer; and in English
24 314056 (sic). My apology, Mr. President. Mr. President, my
25 apology, that document does not exist in the English version<,

1 nor in the> French version.

2 I have a question to put to you, Mr. Witness. This is an article
3 written by a researcher named Nhean Socheat, and it is extracted
4 from <"Searching for the Truth">, the magazine <, on the section
5 of History and Research>. That article is the sixteenth
6 publication in 2004 and it is entitled "Krang Ta Chan Prisoners",
7 and they talk about Krang Ta Chan prisoners and they also have a
8 quote of the survivor.

9 MR. PRESIDENT:

10 The Deputy Co-Prosecutor, you may proceed.

11 MR. FARR:

12 Apologies for the interruption. We didn't get the document
13 number, so if Counsel could just repeat that.

14 [10.11.02]

15 BY MR. KONG SAM ONN:

16 It's D22/1370.2. And the ERN in English is 00527800.

17 In this article, and allow me to quote:

18 "Krang Ta Chan prison is located on a hill in Krang Ta Chan
19 village, Kus commune, Tram Kak district, Takeo province. It is
20 part of the control of Chhit Choeun, alias Mok, who was the
21 Southwest Zone Secretary. Through the research conducted by
22 DC-Cam, 1,045 people were detained, tortured and killed in that
23 prison."

24 Q. Mr. Witness, have you heard the quote that I just read out?

25 MR. KEV CHANDARA:

1 A. <No>, I have <not>.

2 Q. <I repeat.> That <individual> researcher presented a specific
3 number of people who were killed at Krang Ta Chan prison, that is
4 1,045. What can you say to this article written by the
5 researcher, because the number he presented is very different
6 from the number that you stated before this Court?

7 [10.13.30]

8 A. I seem <completely> lost here. Of course, we can say that we
9 did not know when they killed people. <We did not finish exhuming
10 all the pits, but> it was apparent to us as to the number of the
11 skulls and skeleton remains when we exhumed some pits, and there
12 were more than 10,000 already. <It makes no sense to me according
13 to his finding.>

14 Q. Let me go back to when you exhumed the pits. You stated that
15 you were detained for 24 days at Krang Ta Chan.
16 How many pits did you involve in digging?

17 A. I involved in digging four pits to the further east.

18 Q. Did you also involve in covering those pits with dirt?

19 [10.14.38]

20 A. I only did one<,> the largest pit <furthest to the northeast.
21 Since it was the largest and deepest pit, all prisoners were
22 ordered to cover it>.

23 Q. And after the liberation in 1979, did you actually go to
24 exhume that specific pit?

25 A. Yes, I was involved in covering that pit. And that was the

1 first pit that I exhumed.

2 Q. Can you tell the Court the size of that pit?

3 A. That pit <> furthest <to the northeast> is four by four
4 metres.

5 Q. What about the depth?

6 A. It's three metre.

7 [10.15.55]

8 Q. Did you also count the skulls that you exhumed from that
9 specific pit?

10 A. We did a accounting for all the pits that we have dug. And
11 that process was done by the monks involving in the exhumation
12 and recovering of those skulls. And actually we -- <after a
13 week,> after some of the skulls lost, we collected those
14 remaining skulls and put on a bed and started counting again.

15 MR. PRESIDENT:

16 You need more time, Counsel?

17 [10.16.44]

18 MR. KONG SAM ONN:

19 I need about 15 more minutes, Mr. President.

20 MR. PRESIDENT:

21 We will take a short break now and return at half past ten. Court
22 officer, could you please assist the witness during the break and
23 also the TPO support staff and have them returned to the Court at
24 half past ten, that is before we resume our session.

25 The Court is now in recess.

30

1 [Court recesses from 1017H to 1033H]

2 MR. PRESIDENT

3 Please be seated. The Court is now back in session. And the
4 Deputy Co-Prosecutor, you may proceed.

5 MR. LYSAK:

6 Thank you, Mr. President. To be brief, I wish to, for the record,
7 correct something that I believe was misrepresented in the
8 testimony or questioning that we just heard. There was a
9 reference, representing that DC-Cam's research only found 1045
10 victims at Krang Ta Chan. That is incorrect. Before the Chamber,
11 document E3/2063, E3/2063, is the actual record that was created
12 at the time DC-Cam went to visit Krang Ta Chan and made its
13 conclusions. And that document records an estimated number of
14 victims of 10,043, not 1,000, 10,000. It's recorded in a number
15 of places including the handwritten form -- the handwritten form
16 prepared by the DC-Cam investigator. So, it is incumbent on
17 counsel, I believe, to accurately represent the evidence that is
18 before the Chamber, not to seize upon a typo in some article
19 written by someone later.

20 [10.35.18]

21 MR KONG SAM ONN:

22 Mr. President, I would like to respond briefly to the statement
23 by the Prosecution. What we are doing before this Court is to
24 make a debate on those certain documents and this is not the
25 right time for the Prosecution to make any impression on the

31

1 correctness or the incorrectness on a witness statement.

2 MR. PRESIDENT:

3 Yes, you may proceed and you still have about 30 minutes left.

4 BY MR. KONG SAM ONN:

5 Thank you, Mr. President. Mr. Witness, before we broke, I wanted
6 to ask you about the interrogation. And you stated also that you
7 were interrogated three times while you were detained at Krang Ta
8 Chan.

9 [10.36.23]

10 Q. Can you provide a little bit more details on the buildings
11 that you were detained -- that is, six times -- six <square>
12 metres and the walls were made by coconut tree leaves. My
13 question is the following: what is the distance between that
14 detention building<, that you stated it was three by 20 meters,>
15 and the place where you were interrogated?

16 MR. KEV CHANDARA:

17 A. It was not six by six metres, it was three by six metres.
18 <There was only one wall.> The interrogation area was on the
19 ground and we were sitting on the ground while the interrogator
20 was sitting on a chair.

21 Q. Was that area to the west or to the north of the detention
22 building?

23 A. It was to the west of the prison.

24 [10.37.51]

25 Q. As for the walls made of coconut tree leaves, were all four

1 walls covered in coconut tree leaves except the door <leading to
2 the room>? Can you tell us a little bit in detail?

3 A. All four walls were covered and there was <an entrance> to the
4 north.

5 Q. Was it fully -- were all the walls fully covered or only half
6 the walls were covered? For example up to the thigh or to the
7 waist.

8 A. It was from the edge of the roof to the ground. All the areas
9 were covered.

10 Q. You stated that it was to the west of the big building. Can
11 you tell us the actual distance?

12 A. It was only about one metre away. It was not that far.

13 [10.32.12]

14 Q. Thank you. My following question is related to the
15 administrative structure in the south-west zone. You've stated
16 before this Court that you knew Ta Mok, since before the
17 liberation and that he also had contact with your family as, at
18 the time, Ta Mok was a monk. My question is the following: during
19 the period of Democratic Kampuchea regime, specifically during
20 the time of your detention at Krang Ta Chan, when did you first
21 meet Ta Mok?

22 A. I met him once when he went to Krang Ta Chan to shout and
23 instructed them for my release.

24 [10.40.37]

25 Q. When he went there, did he enter the detention building?

1 A. He actually called from outside the <compound's gate>. He was
2 standing to the east of the prison compound.

3 Q. Can you recall the exact words that he used when he shouted?

4 A. Of course, I recall it clearly. What he said was, "Achar
5 Chhen<, have you cooked> a doctor <who> was detained here <yet?>"
6 It took achar Chhen quite a long time to respond that, "Not yet,
7 brother." Then he said,> "If not, <release him,> when I return
8 from the south then I <will take> him <to the hospital>."

9 Q. Did you actually see Ta Mok when he was shouting as you said?

10 [10.41.50]

11 A. I was in the detention building, I could not see him. And <>
12 after I left, he was <not even> with the one with -- who <gave me
13 a ride with> the motorcycle.

14 Q. Did you know about the leadership level at the South-West
15 Zone?

16 A. No, I did not. I didn't know who were the leaders for that
17 zone.

18 Q. Did you know at that time, the position of Ta Mok?

19 A. I did not know which position Ta Mok had, but in general
20 during the time when people referred to a man by using the word
21 "Ta" it meant that person was of a senior position.

22 Q. Did you know Ta Mok had any position in controlling the
23 South-West Zone?

24 A. As for me and Ta Mok, I did not see him as a cruel person at
25 all <but I did not know whether it applied to other people or

1 not>.

2 Q. I'd like to remind you of what you stated about an inspection
3 at a cooperative in Kantuot commune, by Ta Mok. Do you recall the
4 event?

5 [10.44.05]

6 A. He was there and I was having my meal at that time. Ta Mok
7 blamed the chief of the cooperative and that they didn't do their
8 work properly and how could they convince us to join the
9 revolution. And then he threw away the soup and ordered the chief
10 to make new soup for us.

11 Q. Did you observe the reaction by people in that cooperative
12 toward Ta Mok said?

13 A. Nobody dared to say anything. Everybody was silent, including
14 us. We were just sitting quietly waiting for our meal.

15 Q. Did you meet Ta Mok frequently during the period of Democratic
16 Kampuchea?

17 A. No, not that frequently. He was constantly on <the move> and
18 while I was at the work-site, engaging in the water pumping
19 machines and irrigations, I saw him rather frequently for that
20 specific period of time.

21 [10.45.42]

22 Q. As to the cause for your release from Krang Ta Chan prison,
23 when Ta Mok went there to pick you up, you talked about <a
24 machine> that you conclude that -- and your conclusion was based
25 on your experience in repairing that machine. It was an equipment

1 that Ta Mok wanted you to repair. Can you tell the Court your
2 skill or expertise in fixing that equipment and can you tell the
3 Court what kind of equipment it was?

4 A. It was a radiography machine. I did not fix it alone, there
5 were other people who lent hand in repairing that machine.

6 Q. Did Ta Mok tell you anything about why he needed you to repair
7 that radiography machine?

8 A. He didn't say anything about that. He dropped me off at the
9 hospital and I involved in the fixing of that machine with other
10 people there at the hospital.

11 [10.47.24]

12 Q. What can you say about relationship between your family and Ta
13 Mok? What was it like?

14 A. After the death of my mother the relationship became rather
15 distance or remote. However, there was an advice from him that I
16 had to sacrifice all my previous social status because
17 <intellectualism and petty bourgeoisie are> part of the target to
18 be researched or monitored.

19 Q. After you left Krang Ta Chan, what was the first job that you
20 were assigned to and where was it?

21 [10.48.30]

22 A. After I left Krang Ta Chan, I did not go straight to my house.
23 I was taken to the Khmer Rouge hospital and I assisted in
24 repairing that machine. After it was repaired then I was asked
25 about the various medical equipment and what they were used for

1 and also about the medicines. <I did not count the number of
2 days.>

3 Later on I was taken back to my home.

4 Q. There was research conducted after <the event of> 1979, did
5 you -- have you had any relationship with an official from an
6 Oxfam organisation?

7 A. Yes, I had contact with a woman, Annie Brown, and another man
8 named Tozo <Pierre> (phonetic).

9 [10.49.59]

10 Q. Can you tell the Court the nature of works that you did
11 jointly with the two people you just mentioned?

12 A. They assisted in providing corn, flour and helped digging
13 wells for the poor villages.

14 Q. Did you tell them about the collection of skeleton remains at
15 the Krang Ta Chan?

16 A. As for the skeleton remains after we exhumed we stored them in
17 one place and then later on moved to store in a house. And
18 further on, we stored them in a stupa. And the stupa remains
19 standing today.

20 MR. KONG SAM ONN:

21 Thank you. Mr. President, I don't have any further questions.

22 [10.51.24]

23 MR. PRESIDENT:

24 Thank you. Mr. Kev Chandara, the Chamber would like to thank you
25 for your valuable time in testifying before this Court. Your

37

1 testimony has come to an end now and you may be excused from the
2 courtroom and returned to your residence or wherever you wish to
3 go to. And the Chamber wishes you a safe journey.

4 Court officer, in collaboration with WESU, please assist in the
5 transportation of this witness to his residence.

6 And the Chamber also would like to thank the TPO support staff
7 for your assistance in assisting this witness during his
8 testimony and you may also be excused.

9 (Witness exits the courtroom)

10 [10.52.47]

11 MR. PRESIDENT:

12 Court officer, could you usher a civil party, 2-TCCP-271, into
13 the courtroom.

14 (Witness enters the courtroom)

15 [10.54.42]

16 QUESTIONING BY THE PRESIDENT:

17 Q. Good morning, Mr. Civil Party. What is your name?

18 MR. SORY SEN:

19 A. Good morning, Your Honour. My name is Say Sen. I lived in
20 <Chheu Teal Prakeab,> Angk Ta Saom <commune>, Tram Kak district.

21 Q. Can you tell the Court your date of birth?

22 A. I cannot recall the exact date of birth, since I was young at
23 the time.

24 Q. Can you tell the Court the year you were born?

25 A. I am sorry, I cannot.

1 Q. How old are you this year?

2 A. I am 57 years old.

3 Q. Where were you born?

4 A. I was born at Trapeang Pou village, <Samraong> commune, Tram
5 Kak district, Takeo province.

6 Q. What is your current address?

7 A. I know live in Angk Ta Saom commune, <Tram Kak,> Takeo <> --
8 Angk Ta Saom commune.

9 Q. And what is your current occupation?

10 A. I am a rice farmer.

11 [10.56.50]

12 Q. What are your parent's names?

13 A. My father is Nang Say (phonetic) and my mother is Khuth San.

14 Q. And what is your wife's name and how many children do you have
15 together?

16 A. My wife's name is Khien Savung and we have seven children.

17 MR. PRESIDENT:

18 Mr. Say Sen, at the end of your testimony as a civil party, you
19 will be given an opportunity to make a statement of impact on the
20 suffering that you suffered during the period of Democratic
21 Kampuchea, if you wish to do so. <This will be granted at the
22 end; we will give you time for that.> And pursuant Rule 91bis of
23 the Internal Rules the Chamber will cede the floor to the Lead
24 Co-Lawyers for Civil Parties, first, to put questions to this
25 civil party. You may proceed.

1 MR. PICH ANG:

2 Good morning, Mr. President, Your Honours. We seek your leave to
3 designate Moch Sovannary and Martine Jacquin to put questions to
4 this civil party, Say Sen.

5 [10.58.45]

6 MR. PRESIDENT:

7 Yes, you may proceed.

8 Counsel Koppe, you have the floor.

9 MR. KOPPE:

10 I am sorry to interrupt so early, Mr. President, but I -- there
11 some confusion on our side about both the date of birth and the
12 name of his father. I just want to make sure we have the actual
13 civil party in front of us before we go on. I have a different
14 name for his father in his statements. I have also a different
15 date of birth. So, if you could ask the civil party some more
16 questions on this I would highly appreciate it.

17 [10.59.36]

18 MR. PRESIDENT:

19 Counsel, you will also have time to put questions to this civil
20 party and you may ask for clarification on issues that you want.
21 And as he stated he cannot recall his date of birth or his year
22 of birth but he told the Chamber, his age. In Khmer culture,
23 usually, we don't refer to the date of birth and we actually tend
24 to give the age rather than the date of birth. Of course we like
25 to get clarification from him on his exact date of birth and in

40

1 the practice of the domestic court we would ask the witness to
2 give us his year or, if he cannot recall, his age at that moment.
3 So, in a few years' time, we can also know how old he will become
4 based on the age that he said during the previous hearing and we
5 can make that calculation accordingly.

6 Counsel Kong Sam Onn, you have the floor.

7 MR. KONG SAM ONN:

8 Thank you, Mr. President. I'd like to make a small request
9 regarding document, E319.1.5, by the Prosecution and other
10 relevant documents, since this kind of document is not accessible
11 by our defence team. For that reason, I'd like the Chamber to
12 make an arrangement so that the defence teams will have access to
13 the documents that will be referred to or used by the
14 Prosecution.

15 (Judges deliberate)

16 [11.05.25]

17 MR. PRESIDENT:

18 Thank you for your request, Mr. Kong Sam Onn. You addressed the
19 document to be used for questioning before the Trial Chamber and
20 you <as one of the parties> cannot access the document you
21 requested for the Chamber's instruction. The Chamber will
22 deliberate and rule on that during the recess for lunch break.
23 So, the Chamber gives the floor to the Lead Co-Lawyer to put
24 questions to the civil party.

25 QUESTIONING BY MS. MOCH SOVANNARY:

1 Thank you, Mr. President. Mr. President, Your Honours at the
2 Bench, my esteemed counsel, Co-Prosecutors, defence counsel and
3 Mr. Say Sen, <the civil party> and all in and around the
4 courtroom. I have a number of questions to ask you, Mr. Civil
5 Party.

6 First of all I would like to ask you -- to confirm to the Court
7 about your biography and your parents before the arrival of the
8 Khmer Rouge regime.

9 Q. Can you tell the Court, who was your father and how <did he>
10 know <> your mother<? Where were you born? How was your>
11 relationship with <> your <father>?

12 [11.07.30]

13 MR. SORY SEN:

14 A. At the beginning, my mother worked for Sok Say during the
15 Sihanouk regime. And then Sok Say married to my mother and she
16 had pregnant and she left <from Angk Ta Saom> to the liberated
17 zone of the Khmer Rouge in <'70>. And she gave birth to me. And
18 my father, Sok Say was not the lawful husband of my mother.

19 Q. If I am not mistaken, you were born in the liberated zone of
20 the Khmer Rouge, it was not in your father's place of residence.
21 How do you know your father and to what extent you know him as
22 your father?

23 A. I don't know him very clearly, but his relatives told me that
24 Sok Say is my father because my mother was the one who married --
25 who co-inhabited with him first.

1 [11.08.55]

2 Q. Can I say that you and your father do not know each other very
3 well and you did not live together at all after your birth?

4 A. No. We never lived together, because I just heard from the
5 relatives that I am his son. I just saw him from a distance only.

6 Q. In your response to the President, you said your name is Say
7 Sen. Did you use this name during the DK regime? Do you use this
8 name since your birth?

9 A. I did not use this name before. I used Khuth San. So, if I use
10 Say Sen, I might have been killed because my father was killed.

11 Q. I have another question for you. Why you use Khuth as your
12 surname during that regime?

13 A. My -- there was another old lady told me to use Khuth San. So,
14 if I use Say Sen I will be identified by the Khmer Rouge <that I
15 was the district chief Say's son,> and I will be the target for
16 execution so I used Khuth San. <And she told me to tell them that
17 I was an orphan.>

18 [11.11.12]

19 Q. In relation to your age, I want you to tell the Court again,
20 when the Khmer Rouge liberated your area, how old were you at
21 that time?

22 A. I cannot remember my age but I think I was probably <more
23 than> 10 years old.

24 Q. Thank you, Civil Party. Before I move on to what happened to
25 you during the Khmer Rouge regime, I want to ask you the

1 interview by the OCIJ in document -- statement dated the 30th of
2 October 2007, E3/5129. You cannot provide information regarding
3 Krang Ta Chan due to security reason and another document, dated
4 1st September 2008, E3/5214, you said -- you respond -- you gave
5 your question to the OCIJ investigator. Why you could respond in
6 the second interview? <Were> you also in fear when you gave the
7 interview in the second meeting?

8 A. I could respond during the second interview. On the first
9 meeting I was fearful that the regime may return to power<, so I
10 would be the first to die.> And later I thought that the regime
11 will not be returned so I decided to respond.

12 [11.13.32]

13 Q. You say that you were in fear and you were also in fear after
14 the fall of the Khmer Rouge regime, so did you experience any
15 beating or any bad experience that cause you to be in fear? So
16 can you tell the Court about your experience?

17 MR. PRESIDENT:

18 Yes, we could hear but Counsel is instructed to speak more slowly
19 so that the interpretation can work properly and we can have a
20 proper Court record for your examination.

21 BY MS. MOCH SOVANNARY:

22 Thank you, Mr. President.

23 Q. Civil party do you remember my question or would you like me
24 to ask you again?

25 MR. SORY SEN:

1 A. Could you please ask again?

2 [11.15.17]

3 Q. You said you were in fear and what -- was there any attack or
4 mistreatment against you that caused you to live in fear? Was
5 there any problem that caused you any injury or scars so that you
6 still are living in fear?

7 A. Yes. I did not respond at the beginning because <five or six
8 of> those who were at Krang Ta Chan were still living in my
9 community. Because I am a farmer I would move around and those
10 people were still living in my community and they -- one of them
11 beat me on my head and -- for accusing me of stealing cassava.
12 But of course, I didn't steal it. <During the rainy season, the
13 cassava fell. When I carried the faeces away, I picked up the
14 cassava. Then he accused me of stealing it, and he beat me with a
15 rifle.>

16 Q. Thank you. So, you said that -- you refer to Krang Ta Chan
17 prison. When were you arrested and sent to Krang Ta Chan prison?

18 A. I can recall the year, it was in 1974 but I cannot remember
19 the month.

20 [11.16.53]

21 Q. Thank you. Can you describe for the Court, the event of your
22 arrest? Who made the arrest and the reason of your arrest?

23 A. At the beginning there was one militiaman who took me -- who
24 would send me to the youth unit at Angk Roka. And my grandmother
25 told me that -- told him that, "He is too young to be in the

1 unit." And two militiamen took me to Angk Roka to see <Ta> Khon
2 (phonetic) and <Ta> Khon (phonetic) sent to Trapeang Pring where
3 Ta Kil was in charge and at Ta Kil's house he sent me to Krang Ta
4 Chan prison. When I was transferred there, I cannot remember, it
5 was about half month or 10 days, I was not interrogated but I was
6 shackled and detained <night and day>. And later I was
7 interrogated and then I have connection to Prum San who was a
8 bandit in the jungle. But in fact I had no connection to this
9 person.

10 Q. When you were detained at Krang Ta Chan, were you always
11 detained and shackled? What did they have you do at the time?

12 A. At the beginning I was always under detention for about a
13 month or so and then I was let out to do some farming, including
14 clearing the grass or carrying human faeces from the detention
15 place. And Ta Chen also assigned to do that. And for a period of
16 time they trusted me and they authorised me to work outside
17 tending cattle and so on.

18 [11.19.27]

19 Q. Can you tell the Court, why you were released and worked
20 inside the compound of the prison?

21 A. I was released to do labour because he told me that I am the
22 youngest and I was told to be quiet so that I should not tell
23 anyone so that they will spare me if not I will be killed. So I
24 was <released to work inside> to tender buffalo and dig the pits
25 for the corpse and to carry the prisoner who died in shackle and

1 then I was ordered to drag -- to bury in the grave. And then we
2 were told to grow coconut on the grave with Ta Chen. It was a
3 long story but I forget some details because it was forty <one>
4 years now.

5 Q. Thank you. Why they order you to do that? They don't have any
6 staff to do that task? Do you know the reason behind that?

7 [11.21.08]

8 A. Yes, I can tell you. There were 12 security guards. They were
9 called combatant and there were <three members: a chief, a>
10 deputy chief and <a member.> There were 15 all together in their
11 group. But they were also tired from their duties and they order
12 me and Ta Chen to dig the grave or to dig the pits or also to
13 bury the pits. <But for the execution, it was done by their
14 staff.> The <office> chief asked me, "Can you collect the sugar
15 palm juice?" I said yes and then <asked others how to make sugar
16 palm juice. Then> I <collected> sugar palm juice <and made it
17 sour> for him to drink.

18 Q. Thank you, Civil Party. The task was assigned by the chief or
19 by the other staff. Could you refuse any task at the time?

20 A. No, I could not do that. I was expecting to be assigned. I
21 prayed to get the assignment because those assignments can help
22 me to survive. So, I <could meet my parents again. If I were
23 detained in there, I would be dead. When I was outside, they
24 could tell me> to do anything <even though> I could not do it at
25 all<, I would ask people around how to do it>.

1 Q. You said that you were authorised to work during the daytime,
2 so where did you stay during the night time?

3 [11.23.13]

4 A. During the daytime I was let out to tend cattle and I returned
5 at 4 p.m. and other <12> or <13> people were assigned to doing
6 farming, other, growing vegetables. But I was also detained and
7 shackled at night. But I had to put the shackles on by myself.
8 <But I was at the end of the row. There were four buildings for
9 detention.> So, I was ordered to carry away the dead bodies
10 before I shackled myself in the building.

11 Q. Thank you Civil Party. Talking about food rations and meals,
12 and for those prisoners who were let out to do labour, did they
13 receive any different meals than the prisoners who were in
14 detention and under shackled?

15 [11.24.25]

16 A. The food ration for each meal, it was hard to describe. There
17 were four buildings, <and the number of prisoners were not
18 fixed;> there were about <50, 100, 70 or> 20 <> prisoners per
19 building, but the rice they cooked was a very small quantity<,
20 about four cans of rice>. But they would use a coconut shell to
21 distribute for each prisoner. And then I was assigned to carry
22 those porridge to another building and to give, distribute the
23 porridge to those prisoners. And there was some rice grain in the
24 porridge at the bottom of the pan and I could use that remaining
25 for myself. But the other prisoners received only a few grains of

1 rice in the water in the porridge.

2 [11.25.30]

3 Q. Thank you. When you were in this situation you were let out to
4 do labour during the daytime and at night you were detained in
5 shackles. <Were> there any changes in conditions for you during
6 that time?

7 A. It was always like that until the end of the regime. I was
8 considered to be the less serious offender and they spared my
9 life and then they ordered me to come back to the detention
10 building <late in the evening. I had to shackle myself, but they
11 were the ones who locked the door from the outside.> But if
12 there's a dead body in the building, I had to remove and bury
13 <them> before I come to the building to shackle myself as part of
14 the detention, yes.

15 Q. A while ago, you described briefly about the condition of the
16 detention of the prisoners in shackles. I would like to know the
17 condition of detention for the prisoners who were always shackled
18 and detained days and nights, from <> April 1975<>. So could you
19 describe the conditions of <prisoners in each> detention
20 <building>? What can you tell the Court based on your experience
21 and what you saw during the time?

22 [11.27.35]

23 A. Talking about prisoners under shackle and detention, it was
24 beyond my description. It is beyond our understanding. They were
25 in miserable conditions. There were bed bugs and insects

1 surrounding them<. There were at least three or four prisoners
2 died because of bed bug bites,> and they <also> died of
3 starvation<>. So I remember certain details but I forget some of
4 them.

5 Q. A while ago you said -- and you described about the food
6 ration for the prisoners. They used a coconut shell to distribute
7 meals. So can you tell the court how those prisoners in shackles
8 relieved themselves when they are in shackles?

9 A. They would relieve themselves. I don't want to describe <such
10 a thing>. Both legs were in shackles<, so they would tilt
11 themselves,> and they used the coconut shell for relieve
12 themselves and they passed from one prisoner to another and then
13 they dropped into a bucket. And then they used the same coconut
14 shell and then just cleaned by water, and they used the same
15 coconut shell for giving the water to the prisoners. So when I
16 talk about this, it is hard for me to describe, I feel emotional
17 on that. <I do not wish to remember it again.>

18 Q. You said that they used the same coconut shell for collecting
19 human faeces, urine and also they used the same coconut shell for
20 giving water to the prisoners. <Was it the same coconut shell or
21 a different one>?

22 [11.30.02]

23 A. Yes, they used the same coconut shell. So I was ordered to
24 collect those coconut shells with human faeces and urine to put
25 in the bucket<. If the coconut shells were left in the building,

1 they would accuse the prisoners of breaking out using them>. And
2 any prisoner who made any sound to the shackles, he or she would
3 be <beaten to death that> night. <The guards were rotating each
4 other two at a time to guard the prisoners every hour. If anybody
5 moved, they used the pincer to check the shackle. And if the
6 shackle was found to be loose, the prisoner would be beaten to
7 death that night in front of all the prisoners in the building.>

8 Q. Thank you, Civil Party. I would like to know the detention of
9 the prisoners, were they mixed between women prisoners and male
10 prisoners in the same building?

11 A. During the war period, before the fall of Phnom Penh to the
12 Khmer Rouge, in a building there were two rows of the prisoners.
13 <In the middle, they made a path for inspection.> So, one row for
14 women prisoners and another for male prisoners. But after the
15 liberation they detained mixing men and women prisoners in the
16 same row, in the same building.

17 [11.31.44]

18 Q. So in your detention building you saw female prisoners there.
19 Can you tell the court when the female prisoners were also
20 shackled in the same row, did you notice any difficulties
21 suffered by those female prisoners?

22 A. For female prisoners who were in shackles they suffered much
23 more difficulty. But everyone did not say anything so they --
24 they could relieve themselves in any way, the same as other. They
25 don't feel -- they had no right to be shy, so everyone lose their

1 weight during the detention.

2 Q. Thank you. Earlier you said that you were arrested and sent to
3 Krang Ta Chan prison in 1974, until the fall of Phnom Penh in
4 1979, <led by the Vietnamese>. I would like you to tell the Court
5 about the event you saw in the prison, the sending in of the
6 prisoners, and can you tell the Court how many prisoners were
7 sent from one day to another? Was there any difference in number
8 of prisoners who were sent there <from time to time>?

9 A. I cannot remember but I saw there were many prisoners after
10 the liberation by the Khmer Rouge. There were <sometimes 100,
11 sometimes 70, or 80 per day>. But before that there were from
12 two, three, four, five, each time they were brought in. <They
13 were brought in only at night.> But after the liberation of Phnom
14 Penh<, I did not know the exact date,> I saw they brought in 50<,
15 60> or <30,> 20, sometimes <5. It was not fixed.>

16 [11.34.18]

17 MR. PRESIDENT:

18 Thank you, Counsel. Now it is an appropriate time for Court
19 recess for lunch break and until 1.30 this afternoon.

20 Court officer, please work with the Witness Support Section to
21 assist the civil party and to have a place for them to rest and
22 have lunch, and also the TPO staff, and bring them back before
23 1.30.

24 Security personnel are instructed to bring the Accused to the
25 holding cell and bring them back before 1.30 to the courtroom

1 this afternoon. The Court is adjourned.

2 [Court recesses from 1135H to 1331H]

3 MR. PRESIDENT:

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

5 And before I hand the floor to the assigned lawyers for civil

6 party, the Chamber will rule on the request by the defence team

7 regarding documents placed on the interface <by the

8 Co-Prosecutors>. This morning Khieu Samphan's defence made a

9 request on the certain documents, placed in the interface by the

10 Co-Prosecutors.

11 The Chamber also noted that all Parties received hard copies of

12 the documents from the Co-Prosecutors. We also issued a decision

13 on the use of the interface -- that is, document E319/7. And the

14 Chamber would like to remind the Parties to follow the procedures

15 in that document E319/7, and in order to assist Parties regarding

16 the use of documents we will provide you a list of the documents

17 with the reference for the use in the trial proceedings in Case

18 002/02.

19 [13.34.25]

20 The Chamber also observed that Defence Counsel, Kong Sam Onn,

21 already received that copy because we noted that you signed the

22 letter on the document 319/6.1.

23 And now we'd like to again, give the floor to the assigned

24 counsels for civil parties to continue putting question to this

25 civil party.

1 And you are reminded, please <slow> down in your questioning. As
2 when you speak too fast, it would not be proper for the
3 interpretation to render it fully and effectively. You may now
4 proceed.

5 BY MS. SOVANNARY MOCH:

6 Good afternoon again, Mr. Civil Party. I will now like to ask you
7 question regarding the situation of children and the killing of
8 those children at Krang Ta Chan.

9 Q. Did you witness any killing of the children and if so how the
10 killing was done?

11 [13.35.47]

12 MR. SORY SEN:

13 A. I witnessed one event when a child was killed. The parents had
14 been killed before, and two children were brought in along. Two
15 or three days after their parents had been killed, those children
16 -- one of the children, maybe the younger sibling, age around 3
17 to 4 years old and the eldest one was about 5 to 6 years old, but
18 the younger one was taken first. At that time, I was climbing a
19 palm juice tree in the afternoon <to take the juice for the
20 chief> and from the top of the palm tree I could see that the two
21 children were taken away. And usually, while I was climbing they
22 would wait for me to bring down the palm juice, and that day I
23 heard the sound of the children and then I heard the sound of
24 cracking the children against the palm tree. And when I looked
25 down, I saw the children were smashed against the palm trees and

1 then the gallbladder were taken out from the both the children
2 and hanged there.

3 [13.37.33]

4 There was a small pit to the south of the palm trees and there
5 were two of them waiting there. I didn't climb down to get. I was
6 just sitting there at the top of the palm tree. In fact, there
7 were -- there was a row of palm tree and I could move from one
8 palm tree to the next. So first as I said they killed the younger
9 one by smashing against the trunk of the palm tree, and then they
10 brought in the elder <sister to sit at the west of the palm root>
11 and they used a hoe <about one meter> to hit the neck of the back
12 of that child, <they didn't blindfold her like they did to
13 adults,> and for older people when they hit them with a hoe, they
14 would use a <machete> to <slit their throats>, but in this case
15 they hit the child with a hoe and then dragged <her body> into
16 the pit. <And then they walked back and acted casual.> That's how
17 I saw the event unfolded.

18 [13.38.46]

19 Q. Thank you. Besides that event that you witnessed the killing
20 of the two <girls> and their gallbladders were taken out, did you
21 ever witness or hear about the killings of other children?

22 A. Yes. I even know some of the killers and some of them are
23 still living today.

24 Q. Thank you, Mr. Civil Party, and thank you, Mr. President. I
25 would like to cede the floor to Ms. Martine Jacquin to continue

1 putting questions to this witness.

2 MR. PRESIDENT:

3 Thank you. And yes, you may proceed.

4 QUESTIONING BY MS. MARTINE JACQUIN:

5 Good afternoon, Mr. President. Good afternoon, Your Honours. Good
6 afternoon, Co-Prosecutors, dear colleagues, and everyone here
7 present, and good afternoon, Mr. Sen Say. At the beginning of the
8 examination, you answered questions regarding your civil status
9 and my learned friend of the Defence pointed out that you hadn't
10 given the <name, or rather, first name> for your father before
11 and at the time of the investigation. <Would you> kindly explain
12 to us why?

13 [13.40.28]

14 MR. SORY SEN:

15 A. Yes, I can do that. When I first entered the courtroom, I was
16 a bit anxious. And in fact, my father's name is Tit <Say>, not
17 Nang Say (phonetic). Nang Say (phonetic) is his elder brother.

18 Q. It <appears> from the statements on record, and which you
19 confirmed, that you were at Krang Ta Chan Prison for five years.
20 Can you confirm that to us?

21 A. Yes, I can describe about the -- my experience there. I was
22 rather young when I was detained there, and maybe I cannot
23 recollect -- recall everything. I believed my detention was due
24 to my father being District Chief during the Sihanouk regime. I
25 myself did not commit any wrong-doing and at that time, they

1 would screen the background for capitalist and feudalists were
2 their targets.

3 Q. Could you please describe to us the prison as it was -- its
4 surface area and how it was fenced?

5 [13.42.38]

6 A. In the prison compound the building I like to describe varied
7 in size. Sometimes the buildings are 5 metres wide and 12<, 9 or
8 15> metres long, and most of the buildings were <> made by
9 prisoners and underneath the floor that we slept on, they laid
10 barbed wire, and they would also use a small wood to support the
11 walls. And also about the roof, they also laid barbed wires, but
12 the roofs were tiled and very neat in order to prevent any
13 attempts to escape through the roof.

14 Q. Were there several fences around the camp?

15 A. There was a first layer of fence, which was closer to the
16 current fence and then there was a third fence to the east and
17 then -- a second fence to the east and a third fence to the
18 south, and the first one was rather thick and it was laid with
19 barbed wire.

20 Q. You have told us about the prisoners, explaining that they
21 were chained inside the buildings. Can you also confirm that
22 there were children and women in the buildings?

23 A. Yes, there were children and female prisoners. Younger
24 children could not be shackled or cuffed so they were allowed to
25 lay next to their parents because they did not have cuffs small

1 enough to put around their ankle or wrist.

2 [13.45.31]

3 Q. In general terms, how many people died in each building on a
4 daily basis?

5 A. It varied. People who died -- let me say for newcomers, they
6 would be taken for interrogation at the interrogation place, and
7 <they were beaten and> when they couldn't walk, then I was
8 instructed to carry that prisoner into the building and sometimes
9 we had to carry them. They were tortured and when they were
10 brought into the building, they will be shackled and cuffed again
11 and they would be deprived of any rice or porridge. At that time
12 they were accused of <treason>, so they will not be given food to
13 eat during that time. As for male prisoners, they <died after
14 having no> food for 18 days. I noted that, because for each day I
15 would bend a piece of palm leave -- palm leaf so I could count up
16 to 18 when the person went without food and died. <Then I would
17 be ordered to drag the bodies out to bury in the pits.>

18 [13.47.12]

19 Q. According to you, what was the <leading> cause of <death> in
20 the camp?

21 A. They tortured those prisoners during interrogation. I didn't
22 know how they were interrogated <because I did not go near them>.
23 At the interrogation place, they would tie them up, and they
24 would be blindfolded. If they didn't confess then, for example,
25 they stole something from the cooperative, namely a coconut or a

1 mango or a potato and because those people starved then they
2 stole, if they didn't confess then they would be beaten until
3 they confess.

4 Q. Do you have any additional information regarding means of
5 torture used against prisoners?

6 A. Those people who, for example, saw a piece of potato laid
7 around would be -- they would take it, but for that reason, they
8 would be arrested. <If they did what they were told and did not
9 touch anything else, they would be okay.>

10 [13.49.14]

11 Q. But were special torture methods used against the prisoners to
12 compel them to confess?

13 A. They did, and as I have stated if prisoners were asked about
14 what they did at the cooperatives, for example, did they destroy
15 a hoe, did they steal a coconut or did they broke a head of a
16 hoe, if they confess, they would not be beaten and they would be
17 taken back into the detention building.

18 Q. Did they sometimes put the heads of the prisoners in plastic
19 bags?

20 A. I didn't know the reason. It was their plan at the
21 interrogation place.

22 [13.50.44]

23 Q. What happened if a prisoner, who had been brought out, tried
24 to escape?

25 A. It would be a serious offence if a prisoner attempted to

1 escape <even one step away>, they would not be beaten. They would
2 be shot. For example, two or three soldiers would escort five
3 prisoners to go and work, and if any of them attempted to flee,
4 then they would be shot.

5 Q. What was the procedure? <Meaning,> what did they do to get the
6 people out of the buildings in the evening to have them executed?

7 THE INTERPRETER:

8 Mr. President, the Counsel is speaking too close to the
9 microphone and there are cuts.

10 MR. SORY SEN:

11 A. Mainly it was the Deputy Chief of the prison --

12 MR. PRESIDENT:

13 Judge Fenz, you may proceed.

14 [13.52.33]

15 JUDGE FENZ:

16 We had a message from the translation booth. Counsel, you are
17 speaking too close to the microphone. That results in cuts and in
18 a translation which isn't complete.

19 BY MS. MARTINE JACQUIN:

20 Thank you, Your Honour.

21 Q. My question was how were the people who are to be executed
22 each day, designated?

23 A. Before prisoners were taken to be killed, they could open the
24 buildings though and say that they would be allowed to return to
25 <their respective> cooperative, <they therefore must> follow the

60

1 Angkar's plan <but> only some of them would be taken first. Then
2 they would read the names from a list and that they would remind
3 them again to follow Angkar's plan and not to oppose <the wheel
4 of history> of Angkar. They would call out two names at a time,
5 and those who were called then would be unshackled and came
6 through -- came outside the building and then they would walk to
7 the south of the prison where there was a <jungle of cassava>
8 plantation, and two soldiers were there <awaiting> them.

9 [13.54.10]

10 They then would be requested to be blindfolded and their hands
11 were tied behind their back, <it was about 10 metres away from
12 the prison,> and they said that the reason was for them not to
13 take revenge against Angkar. Then they were taken to the killing
14 site, and they would play music on a loudspeaker and sometime
15 they would crack firewood nearby in order to muffle the sound of
16 the killing that they are about to do. They would play the Khmer
17 Rouge songs over the loudspeaker, and then after they did the
18 killing, then they would return for more. <When they returned,
19 they would lower the sound of music and that of firewood
20 cracking.>

21 Q. Could you please specify exactly how the people were killed?

22 [13.55.14]

23 A. Prisoners were walked into the -- near the pit. Then they were
24 ordered to kneel and they would use a hoe to hit the back of
25 their neck, <they then kicked them down,> and after that<, for

61

1 men and older persons, as I stated before,> they use <a machete>
2 about 40 to 50 centimetre long to slash their throat, then they
3 would be dropped into the pit, and then they would undress those
4 people, and pile them in a pile. And after they completed the
5 day's killing, I would be ordered to collect the clothes and to
6 bring them into a pond to <wash them at> the west of the prison
7 and <dried them> there <for a few days. Then I brought the
8 clothes to keep in> a warehouse <near the interrogation place>.
9 And later on, there would be a vehicle coming to transport those
10 clothing to the cooperative.

11 Q. If they were not executed, for how long were the people able
12 to survive under those conditions of detention?

13 A. Prisoners who were tortured and detained there could not stay
14 longer than one month. They would be shackled all the time there
15 <without any food>.

16 [13.57.04]

17 Q. Does that mean that in any case, they died within a month,
18 even if they hadn't been executed before <then>?

19 A. Yes, because before they were <interrogated> and brought back
20 into the building, they were in very bad shape already during
21 those series of being tortured.

22 Q. Did you dig mass graves for burying the dead?

23 A. Yes, I did. It was -- I was not used yet for the -- what they
24 -- the so-called year of liberation. I <fully> engage in the
25 digging and burial of the dead bodies in 1977. At that time there

1 was a war going on near the Cambodia-Vietnamese border and the
2 activity of the killing there was very active at that time.

3 [13.58.37]

4 Q. Was the conduct of some of the guards unacceptable <>
5 vis-a-vis women?

6 A. Yes, some soldiers were kind and pitiful for prisoners, but
7 others <were> not. <They had no compassion for prisoners.>

8 Q. Did you see one or several <guards> rape women?

9 A. I saw one guard, and at that time he <instructed> me <to go>.
10 He told me about that incident. <I did not actually see it
11 happened.> One day at about three or four, while I was taking the
12 water buffalo back, there was a so-called "dark" <prison> to the
13 <south> part of the compound that is underground <but the> prison
14 <cell was above. That prison building was surrounded with the
15 forest of cassava plantation.> He told me to go to the south and
16 I asked him why he wanted me to go to the south. He told me that
17 he just <did> it, and I should go and organise the place. When I
18 went there, in fact, he had just raped two women from a mobile
19 unit and he used <bullet tips of M-79> to insert it into the
20 vagina of the women, <I was ordered to bury these corpses,> and I
21 can tell you that <person> is still alive today.

22 [14.00.40]

23 Q. Generally speaking, were there sexual relations between the
24 head of the camp and prisoners?

25 A. Yes, but I did not see it clearly. In fact the prison chief

1 was flirting with the female prisoners who were allowed to cook
2 rice in the kitchen. In 1979 when the Vietnamese troops arrived,
3 he fled and he took along a woman to be with him <in the jungle>
4 and the woman is still alive, but that person or that man died.
5 <At the end, she said that he took her as his woman.>

6 Q. Were there different categories of prisoners in that camp?

7 A. As for the types of prisoners, whatever types you were in, the
8 treatment towards them was the same. And the number of prisoners
9 or the number of those who were killed varied from day to day,
10 <and> the killing <did not> happen every day<. Sometimes the
11 killing happened four, five or 10 times per month, but> they were
12 all in the same condition and situation. They were treated the
13 same.

14 [14.02.34]

15 Q. Were some prisoners called the New People?

16 A. Yes, most of the prisoners were the New People called 17 April
17 People. It was -- happened in 1975, but later in 1977 they were
18 categorised the same, and anyone who commit any mistake were sent
19 to Krang Ta Chan at that time when <the situation became
20 chaotic;> war was happening at the border.

21 Q. Did you yourself almost die or were almost killed?

22 A. Yes, one time I was beaten on my head with the rifle <butt>,
23 but I was beaten with a whip many times when I picked some
24 vegetable or cassava leaves, but the most severe beating happened
25 when I stole cassava for food.

1 Q. Did you lose many members of your own family in this camp?

2 A. I lost one father in that prison.

3 [14.04.44]

4 Q. Did you see or did you only learn about the execution of your
5 father?

6 A. Yes, I heard it from the soldier and the old people who told
7 me, but the chief did not tell me about that, but other soldier
8 who <took pity on> me told me about that.

9 Q. Did anyone wear the hat belonging to your father?

10 A. The hat, sarong and t-shirt, <after washing,> I took them for
11 myself, but <Cheng>, the Deputy Chief took the hat, and he would
12 wear it, and other people would wear it sometime and wore the hat
13 of my father. <Sometimes Ta An wore the hat. So I was left with
14 his shirt and sarong to cover myself at night.>

15 Q. How many people stood guard of the camp?

16 A. There were 12 soldiers and other chief. There were 3 chiefs.
17 Sometime when there were more prisoners and other soldiers were
18 sent <from Angk Roka Office of Ta Khon, and Ta Kil of Trapeang
19 Pring from the west. They assembled here.> so for ordinary day
20 there were <regular number of> people <there>. They would send
21 more staff and soldier to the prison when the prisoners increase
22 at that place.

23 [14.07.09]

24 Q. Who carried out the interrogations?

25 A. Only the chief and deputy chief, including <Cheng>, An and

1 Penh who did the interrogation.

2 Q. Do you know if it was chief Ta An who selected the people who
3 would be executed?

4 A. I don't know about that because I was one of the prisoners
5 because they would kill prisoner every two or three days. Before
6 the execution he would call two of his messengers, and I was
7 tending cow next to the prison, and when I saw the messenger
8 <rode a horse> to the district office and they returned with an
9 envelope. Sometime the next morning, there <would> be a program<.
10 Ta Norn also died there. Before his death, he> was <ordered> to
11 dig the pit. <I thought whenever there was a pit digging, there
12 must have been killing.>

13 Q. What did you find buried beneath the soil when you were
14 planting the coconut trees?

15 [14.08.54]

16 A. The coconut was -- were grown on the grave where body was --
17 were buried and the dead body of the prisoner who died of
18 starvation and they were buried in the individual grave<. For
19 instance, when two people died, I would dig their graves close to
20 the fence. Next morning,> the <prison> chief ordered me to grow
21 coconut right on the grave and also cassava at the same time.

22 Q. When the camp was liberated, how many skulls did you count?

23 A. I did not participate in the counting. I join in the
24 excavation. At the beginning, there was no NGO organisation
25 advise us to do so. <Initially, half of the number of people in

1 my commune rushed to excavate to find my father's gold teeth.>
2 But <some> villagers <got it but for me I just stood there to
3 observe>, but later the skull were count and there were more than
4 10,000 of skulls found, but I don't remember the exact number.

5 [14.10.37]

6 Q. Over the course of those years at the camp, did you see any
7 important political figures <of the regime> visit the camp?

8 A. I do not recall the year I saw him visiting. In one visit, two
9 visit or three visits, he would spend about one hour and the
10 staff told everyone to put the prisoner in shackle and only the
11 cadre who would move around and then for a while the -- those
12 leader would left by car. <I could not see that in person; I
13 peeked from the wall.> And during the last visit, I was beaten
14 with a whip on my back.

15 Q. Can you please specify the name, or names, of those leaders?

16 [14.12.02]

17 A. I don't know very clearly, but I heard from the soldier. He
18 asked me, do you know him? And he told me he was <>Ta 15. That's
19 what he told me.

20 Q. Following the liberation of the camp, were you able to quickly
21 forget?

22 A. Talking about what happened at Krang Ta Chan, I try to forget,
23 even though I am at home. I do some small business, and sometimes
24 the newspaper journalists came to interview, and then they list
25 down my name, and they would come to my house. I don't want to

1 give any interviews because <at night I imagine I am still
2 detained at> Krang Ta Chan. I don't want to hear, to see. I would
3 like to close this story, but I could not avoid that.

4 [14.13.33]

5 MS. MARTINE JACQUIN:

6 Thank you very much, Mr. Say Sen. I have concluded my questions
7 for you.

8 MR. PRESIDENT:

9 Thank you. And the Chamber wishes to hand the floor to the
10 Co-Prosecutor to ask -- to put questions to the civil party.

11 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

12 Thank you, Mr. President. <> Good afternoon to you, to Your
13 Honours. Good afternoon to all Parties present. Good afternoon to
14 you, Mr. Civil Party. I have a few questions to put to you this
15 afternoon, as well as during tomorrow's morning session. I want
16 to <delve> into more detail <concerning> what you have already
17 stated to my <> learned colleagues from the civil parties. If you
18 do not understand <> one of my questions, please signal so. <What
19 is important is that you understand them clearly> and I would ask
20 that you limit yourself to describing to us what you saw or what
21 you heard at Krang Ta Chan, and to also <refrain from replying if
22 you do not know the answer to> a question.

23 [14.15.04]

24 Q. <First,> I want to return to the period during which you were
25 arrested, and the way the arrest proceeded. I gathered from this

1 morning that when you were arrested, you talked about <Angk Roka
2 and another location as well, a commune that starts with>
3 Trapeang<>, but <we didn't get the full French translation.> Can
4 you please just repeat<, as you told us this morning, exactly>
5 where you were taken at the point of <your> arrest, prior to your
6 arrival at Krang Ta Chan?

7 MR. SORY SEN:

8 A. I was taken away from my house, from Trapeang Lean village,
9 and I was sent to Angk Roka office, where the youth unit stayed.
10 It was the office of Ta Khon's prison. And then I was sent <back>
11 to Trapeang Pring. It was called Ta Kil prison. And later that
12 night I was sent to Krang Ta Chan. <To wrap up, there were two
13 stages.>

14 [14.16.25]

15 Q. At Angk Roka, did you see other prisoners who were arrested
16 <like you>?

17 A. <At night> I saw a line of prisoners who were detained at Angk
18 Roka prison. There were about seven or ten prisoners. I spent
19 only one night, and later that morning, I was sent to Krang Ta
20 Chan.

21 Q. How were you sent to Krang Ta Chan? Were you sent there by
22 foot, or were you driven there?

23 A. There was no vehicle or motorbike. I was tied up, and another
24 prisoners were marched on foot. I was walking in front, and
25 another prisoner walking behind me. But we were tied up <with the

1 same> string.

2 [14.17.41]

3 Q. Was there a security guard, or several security guards, or
4 militia, who accompanied you?

5 A. When I arrived at the office at Angk Roka, and Trapeang Pring,
6 at Ta <Kil, no militiamen but> there was soldiers from Krang Ta
7 Chan came and escorted us. And so the village militia, who
8 brought people to Krang Ta Chan, they could reach only the
9 external fence. When they arrived at that fence, at the place,
10 they rang the bell and the staff from Krang Ta Chan would come
11 and receive the prisoner from the external fence, and then those
12 militiamen from the village or commune would return.

13 Q. Thank you. When you arrived at Krang Ta Chan, within the very
14 centre, within the inner compound, what <was the process>? Were
15 you identified? Were you photographed? What happened at that
16 point?

17 A. There was no photo taken <at that time. Regardless of any
18 status,> prisoners were sent to the building and then locked up.
19 And they left them there. They would call for interrogation two
20 or three days after arrival.

21 [14.19.43]

22 Q. Do you know if, at the point of <your> arrival at Krang Ta
23 Chan, <> the guards or militia who escorted you <handed your
24 documents> to the <staff> at Krang Ta Chan?

25 A. No, I don't know about that. We were just escorted and sent to

1 the place, but I don't know about <such documents>.

2 Q. After 17 April 1975, do you know if people were transferred
3 from Angk Roka <prison> to Krang Ta Chan?

4 A. <Yes, I knew that.> I asked the fellow prisoners, "Where are
5 you from?" Some of them said they came from Angk Roka, others
6 said that he is from Angk Roka, <Srae Ronoung, Otdam Souriya> and
7 other places.

8 Q. At Krang Ta Chan, were there prisoners who came <only> from
9 the surrounding communes, or were there also prisoners who came
10 from <the> more remote communes <in Tram Kak district>?

11 [14.21.27]

12 A. As far as I observed, when I removed urine or faeces from the
13 prisoners, I heard from them that some were sent from remote
14 areas, not from Tram Kak district. I heard from the soldiers.
15 They told me that the prison belonged to the zone.

16 Q. If I understand your response correctly, you are telling us
17 that Krang Ta Chan was a security centre <at> the district level.
18 Is <what I understood> correct?

19 A. It belonged to District 105. But the prisoners were from Ta
20 Nee (phonetic), Tuk Meas (phonetic), <Kampot,> Takeo<, Kandal>
21 province and Speu -- Kampong Speu. And I heard from the soldiers
22 that the prison was operated by the zone.

23 [14.22.45]

24 Q. Thank you. Just now, or earlier, you described <a certain
25 number of> places or buildings within the Krang Ta Chan security

71

1 centre. I would like to ask you if the buildings that you
2 described <> -- the fences, <> the areas where the prisoners were
3 detained, and the interrogation <venues>, if any of those areas
4 underwent renovations <at some point,> after April 17, 1975? Or
5 if the areas remained as is, during the time that you were there?

6 A. There was no change to those buildings, but there was some
7 things built in addition to that. Before 1975 there were only two
8 buildings, and later they built another two buildings. <Together
9 there were four buildings.>

10 [14.24.02]

11 Q. When you refer to those two buildings prior to 1975, and then
12 the following two buildings that were built after 1975, am I to
13 understand that they were buildings that housed prisoners, or did
14 they serve other purposes?

15 A. They were built for the prisoners, because they built with
16 barbed wire, as the security for detention. I think it was for
17 the prisoners.

18 Q. Thank you. Mr. President, I would like to show the civil party
19 a map. I would like to have this diagram shown on the screen. It
20 was produced by the Office of the Co-Investigating Judges, based
21 on <testimony> given by <Mr. Say Sen> when he travelled to Krang
22 Ta Chan <to identify a certain number of locations, including the
23 front gates, security guard posts, detention centres,
24 interrogation rooms and execution sites>. This is under
25 D125/220.37. <I repeat, D125/220.37.> It is one single page, I

1 will therefore not cite the ERNs. With your authorization, I
2 would like to hand this document over to Mr. Civil Party, and to
3 have <it> projected on the screen.

4 [14.26.13]

5 I'll read to you what is written on top, and then describe the
6 map <while I give you time to observe it. It reads:>

7 "<Annex D.> Diagram of Krang Ta Chan <security centre>, based on
8 the information provided by <the witness> Mr. Say Sen. There is
9 no longer any remnants of the building."

10 Now, on this map, we see that there is a field that measures
11 about <90> metres <long> by 75 metres <wide>. Can you please
12 specify if the map corresponds to the entire Krang Ta Chan site,
13 <with its three enclosures,> or only <to> a portion of the site?
14 A. This is the internal fence. The first fence, we called it. It
15 is 70 metres by 90 metres. It used to be a large place, but after
16 1979, a villager claimed for some part of land, and so this is
17 only the inside compound. But the other places <in the south and
18 the west villages> were the burial sites outside the current
19 location, marked on this sketch.

20 [14.27.53]

21 Q. Very well. And on this map, there seems to be two <entryways
22 to the inner camp>, one to the west and one to the east of the
23 centre. At each of these entrances, there is a <> security guard
24 post <nearby. Could you tell us> which entrance <was used to
25 bring in the people who had been arrested to Krang Ta Chan>?

1 A. There is not specific for the entrance. When there were more
2 prisoners from <the east gate, and less from> the west gate,
3 <here, there was an entrance, a bell and a sign,> but no one was
4 always on duty on the west gate. But when prisoners were brought
5 in, they would ring the bell and then the people inside came to
6 receive them. It also happened the same at the east gate. <There
7 were guards at the east gate during the day time only. At night,
8 all guards were guarding inside the prison.>

9 Q. Now, <we see that> there are four <guard> posts, based on this
10 <map. So two entryways,> a western and <an> eastern gate, <also>
11 two near the centre. Can you please tell us where the chief of
12 Krang Ta Chan, Ta An, <worked> after 17 April 1975? Where <on>
13 this map was <his> office located?

14 [14.29.43]

15 A. The year when he went there to replace the first chief. The
16 first chief was Ta Chhen, and then Ta An came in -- I forget the
17 year -- but he came after the liberation of Phnom Penh by DK. But
18 when there are a lot of tasks to do, and then I saw Ta Pi
19 (phonetic), Chhen and An <came together at one place>. They need
20 to do more work over there, especially after 1975. They came and
21 spent time working there during the daytime, but other cadres
22 would return to their place at night.

23 Q. Did Ta An have an office?

24 A. No, he did not. He usually was at -- near where I was
25 detained. It was just opposite from where I was detained.

1 Q. Several times before the Co-Investigating Judges, you
2 mentioned that there was a <typist> at Krang Ta Chan. Did that
3 person have an office? Where within the compound of the camp did
4 the <typist> work?

5 [14.31.28]

6 A. The typist was also a soldier, but he was more knowledgeable,
7 and maybe a little bit more educated than others. <There were two
8 Duch's.> Then the leader, Duch, had him type. That's the small
9 Duch, Duch Thuch (phonetic) in Khmer. The place where he used the
10 typewriter is <Ta An's place, which was> not far from where I was
11 detained. <It was about two meters away from where I was
12 detained.>

13 Q. Did you have access to the place where the <small Duch typed>
14 documents <within> that centre? <Was it an enclosed place or> did
15 you have access to <it> since you were a prisoner who <enjoyed
16 certain -- certain freedoms>?

17 A. Yes, I could. I could go to where those people worked, because
18 I was also a cleaner there, to go and clean and wash his desk.

19 [14.32.57]

20 Q. Can you explain to us -- <because you told us that his office
21 or the place where he worked> wasn't <> very far from where you
22 were -- <from the moment you arrived> to Krang Ta Chan camp, in
23 which of the buildings<-- in which detention centre> were you
24 <detained>?

25 A. Initially, in 1974, there were only two buildings. I was

1 detained in the west building for several months before I was
2 moved to the east building. Later on, I was moved to another new
3 building also at the east, and it was <in the middle> close to
4 where <Ta An> was.

5 Q. And was that last building to the east <a building> where
6 prisoners who had light sentences were held or was it for
7 prisoners with heavy sentences?

8 A. I was detained to the south part, and there was another one on
9 the north part. But we were allowed to work. Usually, when they
10 removed the metal bar, then we would be released to go and work
11 outside, and I would be the first one amongst the prisoners in
12 that row.

13 [14.34.37]

14 Q. You described four detention buildings. Can you give us
15 further details regarding the material used for building them,
16 <and tell us if> there were differences in the way buildings for
17 prisoners with light sentences <and> buildings for prisoners with
18 heavy sentences were built?

19 A. No, the buildings were built in a similar fashion, and light
20 offence prisoners had to work. And if there was a plan from the
21 upper echelon to execute them, they will be executed, regardless
22 whether they were light or serious offence prisoners, as in the
23 case of Ta <Norn, who worked with me, was responsible for
24 fishing>. After he returned from working, Ta <Cheng> called him.
25 And then he told me that he would go first, and after that I

1 would hear a sound: that is a sound of him being killed. So,
2 regardless whether you are light or serious offence prisoners,
3 you would be <treated the same>.

4 Q. Right. However, do you know how the Khmer Rouge, or the
5 cadres, made the distinction between prisoners with light
6 sentences and prisoners with <heavy> sentences? What were the
7 criteria they used to place <each> in one category or the
8 other<>?

9 [14.36.30]

10 A. No, I didn't know about that.

11 Q. This morning you stated that, prior to the liberation -- that
12 is, <before> 17th of April 1975, prisoners were brought in in
13 groups of two, three<, four> or five, <but that> after the
14 liberation, a <bigger group> of people were brought in, <I think
15 you said 20, 30, or> 50 <people>. Can you tell us whether, in the
16 <days, weeks, or> months following the 17th of April 1975, there
17 was a significant increase in the number of prisoners held at
18 Krang Ta Chan?

19 A. The number of prisoners increased after the country was
20 liberated -- that is, after they liberated Phnom Penh. Those
21 former Lon Nol soldiers were regarded as prisoners of war, and
22 Phnom Penh people were considered 17 April People, and they were
23 taken there. That was the time they accused those people of being
24 implicated. As in my case, my father worked for the former
25 regime, and I was implicated. And other people would be accused

1 of being CIA spies. And the majority of the 17 April People,
2 after the liberation, were asked about the rank they held in the
3 previous regime. <>

4 [14.38.17]

5 Q. How did you know that they were former Lon Nol soldiers, or 17
6 April People? Was that something you were able to discuss with
7 the prisoners themselves? Or you came by such information by
8 talking to the guards or the cadres at <Krang Ta Chan>?

9 A. It was both; from the victims and from the soldiers. A few of
10 those soldiers trusted me, and sometimes they chit chatted with
11 me, and told me about that.

12 Q. Who were the soldiers with whom you spoke the most <often,>
13 who provided you with information? I mean <soldiers> at Krang Ta
14 Chan.

15 A. It was Sim, sometimes little Duch, Soan or Saing. They were
16 the ones who told me because they could use me whenever they
17 wanted, and sometimes they left rice crusts for me to eat.

18 Q. Very well. A while ago, you said you moved <two or three
19 times> from one detention facility to another. Did it happen that
20 you were housed somewhere else, as opposed to being housed in the
21 detention centre with other prisoners?

22 [14.40.15]

23 A. I was a prisoner and I was moved to the east building. The
24 east building housed those prisoners who were allowed to work
25 inside the compound, and among those prisoners, I was the first

1 person in a row. And that's because I also knew how to make sour
2 palm juice for him. <At night, I was released to make sour palm
3 juice for him and after that> I also helped him when he went to
4 <catch turtledoves>. Usually, they would use a dynamo to produce
5 light, enough light, to go and shoot <turtledoves> at night. And
6 when they returned, they would ask me to make a sour palm juice
7 for them to drink.

8 Q. Thank you. I see that the time is moving very fast. <Before
9 moving ahead with other questions,> perhaps this might be the
10 time for a break, Mr. President?

11 MR. PRESIDENT:

12 The time is appropriate for a short break. We will take a break
13 now, and return at 3 p.m. The Chamber would like to inform the
14 Co-Prosecutors that you only have 30 more minutes when we return.
15 And, of course, it won't go through to tomorrow morning's
16 session, as you stated while you were asking questions to this
17 civil party.

18 [14.42.05]

19 MR. DE WILDE D'ESTMAEL:

20 Just one clarification, Mr. President. I haven't quite understood
21 what <was> said. I believe that the civil parties and the
22 Prosecution <all> have one day to put <their> questions to the
23 civil party, and <that> the defence also have one full day. I
24 believe that, after the break, we would have <until 4 o'clock,
25 meaning that> I have <> one hour. <And I also> would like to use

79

1 up the whole of tomorrow morning. <Thank you.>

2 (Judges deliberate)

3 [14.43.57]

4 MR. PRESIDENT:

5 Maybe I am mistaken myself. I think the civil party is going to

6 give testimony for two days, so one full day will be for the

7 Prosecution and the Lead Co-Lawyers for civil party.

8 Court officer, could you assist the civil party during the break,

9 and also for the support staff from TPO and have them return to

10 the courtroom at 3 p.m. The Court is now in recess.

11 [Court recesses from 1444H to 1503H]

12 MR. PRESIDENT:

13 Please, be seated. The Court is now back in session.

14 Again the Chamber will give the floor to the Co-Prosecutors to

15 put questions to this civil party. You may now proceed.

16 BY MR. DE WILDE D'ESTMAEL:

17 Thank you, Mr. President. Mr. Civil Party, we left off during our

18 examination of the map of Krang Ta Chan, <which> was devised by

19 the Office of the Co-Investigating Judges based on <your

20 statements. On this map, we can see two dining halls: one> for

21 prisoners and one for the security guards<, the latter being>

22 just next to the interrogation <venue>.

23 [15.05.08]

24 Q. Can you please tell me if you were authorized, as a prisoner

25 <responsible for fulfilling a> certain <number of> tasks<>, to

1 move freely about <and to enter into these two dining halls or>
2 kitchens>?

3 MR. SORY SEN:

4 A. No. I could move only within the limit of the kitchen for the
5 prisoners, and only when I was ordered to go and fetch something
6 by the guards, then I could go to the kitchens used by those
7 guards.

8 Q. I require a clarification with respect to the sleeping
9 quarters, and <to prevent any misunderstanding,> I would like to
10 show you an article that was published by DC-Cam, the
11 Documentation Centre of Cambodia, <> entitled, "Searching for the
12 Truth"; it is D22/1370.2. <D22/1370.2.> I would like to read a
13 segment of this article that was <written about> you, Mr. Say
14 Sen.

15 On ERN page <in> English 00527800; in Khmer 00527797; it reads
16 the following, and I <quote. And, to the attention of the
17 interpreters, be warned that I> shall be reading in English:
18 "After a long period of time, Sen managed to gain the trust of
19 his guards and was permitted to sleep in the kitchen hall with
20 another prisoner named Chin." <End of quote.>

21 [15.07.29]

22 Mr. Civil Party, did you ever dwell in the kitchen area or in the
23 dining hall alongside <another prisoner> called Chin?

24 A. Yes, I did. That's because the prison building was full<,
25 after I completed shackling those prisoners,> and then I was

81

1 allowed to sleep there together with Ta Chin, at the kitchen. The
2 guards were nearby and the chief of the prison was also nearby
3 where I slept.

4 Q. I noticed that you called Chin, "Ta Chin" in numerous
5 statements that you've made<. How old was this person that you
6 could> call him Ta Chin?

7 A. I cannot say for sure, at that time he was fifty-something
8 years old.

9 Q. Very well, I'll return to that topic later on. I want to refer
10 you back to the Map <D125/220.37. Perhaps we can project it again
11 on the screen.> There is an <interrogation> area located some 10
12 or so metres away from the <building> where the prisoners were,
13 is that indeed what you showed or told the investigators from the
14 Co-Investigating Judges Office?

15 [15.09.23]

16 A. Yes, I did that. It was my estimation, it was more than 10
17 metres, almost 20 metres.

18 Q. There is also a cassava plantation that is <> depicted there.
19 It's located somewhere between the interrogation <area> and the
20 <various detention centres. Did this cassava plantation allow
21 you> to view the interrogation area <from the detention centres>?

22 A. We only could see the roof, not the building itself due to the
23 thickness of the <cassava> plantation.

24 Q. During the five years that you were at Krang Ta Chan, were you
25 able to observe what the interrogation <venue> looked like? Can

1 you please tell us or describe to us what the <building> looked
2 like?

3 A. Yes, I can do that. At the front there was a low level veranda
4 and the interrogator would sit on a piece of wood, and they also
5 had a wooden chair there. As for guards and the cadres, they were
6 sitting to the sides, and the chief was sitting at the front on
7 that piece of wood. It was not a proper chair, but like a piece
8 of wood. As for the <interrogation> equipment, they used a bamboo
9 club, about that size, there were three or four of them, there
10 were a few scarfs and plastic sheets to cover the face of the
11 prisoners.

12 [15.11.53]

13 Q. Were you able to see all of that from outside the
14 interrogation <venue> or were you, from time to time, permitted
15 to enter the interrogation <room>?

16 A. I did enter the interrogation room in order to sweep clean the
17 floor, and I usually did that before they started working, around
18 8 or 9 o'clock in the morning.

19 Q. Later on I will touch upon the subject of interrogations, but
20 can you please tell us if there was sufficient room to
21 interrogate two individuals <at once> or <did they only
22 interrogate one person> at a time?

23 A. There was only one prisoner being interrogated at one point,
24 at one time.

25 [15.13.05]

1 Q. <Were the walls of> the interrogation room <> solid <? And> if
2 not, what were the walls made of?

3 A. The front wall was made of wooden planks, and it was just low
4 wooden planks, up to the height of the waist. For the other walls
5 they used coconut tree leaves in-between bamboo sticks.

6 Q. Can you give us an approximation of the distance that
7 separated the <kitchen or the> guard's dining hall <from> the
8 <prisoner> interrogation <> area?

9 A. The distance is the same, about more than 10 metres from the
10 guard's dining hall to the interrogation area.

11 [15.14.24]

12 Q. Thank you. Still referring to D125/220.37, we see <that> one
13 <mass> grave <is mentioned> to the <east of Krang Ta Chan; a
14 large mass grave to the> southeast, <at the site of an old
15 dungeon. And similarly, it's indicated that bodies were buried at
16 the foot of a row of> coconut <trees, to the south of Krang Ta
17 Chan>. Can you please tell us if there are other areas where
18 prisoners were executed and buried within this first perimeter,
19 or if other people were executed <> and <their> bodies were
20 thrown into graves <> beyond that perimeter, <as we see it on the
21 map?>

22 A. Yes, there were even for the outer part -- that is, along the
23 fence and they would plant coconut trees above. Prisoners who
24 died, every night, one or two of them would be carried and buried
25 there <in the rice paddy, south of the tamarind tree>. Probably

1 the depth of the pits where the bodies was buried was only about
2 60 centimetres. <So that when we did soil raking there, it
3 wouldn't touch with the bodies.>

4 [15.15.58]

5 Q. I'm not sure I entirely understood what you said. Are you
6 saying that, in addition to these three areas where many dead
7 bodies were buried, there were, beyond the perimeter <on this map
8 -- for example>, between the <first and second fence or the>
9 second and third fence, there were other pits where bodies were
10 buried?

11 A. Yes, there were, to the west of <the> village <and to the
12 south of a pond's edge. The grave still exists up to now>.

13 Q. From <what> point in time, were bodies buried beyond the
14 <first security> perimeter?

15 A. That happened in 1977, when massive killings took place<,
16 bodies would be buried outside>.

17 Q. Can you please tell the Chamber why, as of 1977, it was
18 necessary to bury the bodies of those who had died in mass
19 executions beyond the <first> perimeter?

20 [15.17.39]

21 A. Because there were too many burial places within the first
22 perimeter already, so, they had to do it at the outer perimeter
23 <at the south of the pond's edge>. This is a little bit further
24 beyond the second perimeter.

25 Q. Very well, thank you. With leave of the Chamber, Mr.

85

1 President, I would like to display a photo to Mr. Civil Party, it
2 was a photo taken by the investigators when the civil party
3 accompanied the investigators to the <Krang Ta Chan centre> in
4 March 2009. It is D125/220.24; <P 00355388>; and, with your
5 authorisation, I would like to give the civil party a copy of
6 this photo and have it projected on the screen.

7 MR. PRESIDENT:

8 Yes, you can proceed.

9 [15.19.12]

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. Thank you, President. I think the photo will appear in a few
12 moments. <But since you have it before you can> you please
13 describe to <the Chamber> what you see on this photo? Do you
14 recognize <the premises>?

15 MR. SORY SEN:

16 A. Yes, I recognize it. Initially it was a small pond which was
17 handmade; however, in 1977 the water reservoir to the south was
18 where they buried the bodies and that pond was initially <small,>
19 dug by prisoners.

20 Q. Did you yourself dig this pit alongside other prisoners?

21 A. Yes, I did. However, I was only involved in the last part of
22 the digging. That was in 1977, when they needed the place to bury
23 more bodies.

24 [15.20.42]

25 Q. Thank you. I want to talk now about the detention conditions

1 at Krang Ta Chan and the various detention buildings. I'd like to
2 read a segment from your <WRI> before the Co-Investigating
3 Judges, E3/5214. ERN in French, 00702900; and in English,
4 00225512; and in Khmer, 00223069. I'd like to read out loud what
5 you said. These are your words:

6 "The detention <centres> were built out of wood. <The walls were
7 composed of boards.> The roof was <covered in tiles. They were
8 surrounded by a> metal wire <fence> on the <lower part, across
9 the ground> floor, and the roof. <Each wall was reinforced with>
10 planks of wood, <the prisoners would lay down on the planks,
11 above which there was a metal wire fence as well>." <End of
12 quote.>

13 <> You already have <> confirmed those statements <today in the
14 hearing>, and I would like to <now> show you <four> photos that
15 were taken after 1979 <inside> the memorial of Krang Ta Chan. The
16 first photo I would like to show you, with permission from the
17 President <-- actually, there are two photos. The first is <>
18 D313/1.2.150; <I repeat, D313/1.2.150, reference number>
19 P00407123. And the second photo is D313/1.2.151, which is also
20 referenced under P00407125. Mr. President, can I please hand
21 these photos over to the civil party and <then> have them
22 displayed on the screens?

23 [15.23.40]

24 MR. PRESIDENT:

25 Yes, you can proceed.

1 BY MR. DE WILDE D'ESTMAEL:

2 Mr. Civil Party, do you recognize the places depicted in <> these
3 <two> photos? <Or this type of> house?

4 MR. SORY SEN:

5 A. Yes, I do.

6 Q. Can you please tell us what they are?

7 [15.24.35]

8 A. That was an old house, an old building, and initially it was
9 not a detention centre, to the south there was another dining
10 hall and the place where they put the barbed wire was in 1979
11 <after the liberation>. In fact, they used this kind of grill, as
12 you can see, to show the handcuffs or the shackles for other
13 people to see. Bodies were in fact collected and stored in this
14 house and this house was not for the detention of the prisoners,
15 it was a former office. Later on, as I said, dead bodies were
16 collected and stored there and <chains and> cuffs were displayed
17 along the grilled wall of the house. Later on it was rebuilt.

18 Q. Thank you. <So, precisely,> on the windows, there are metal
19 shackles that are hanging; <> please look at that. The shackles
20 that you see in those photos, were they the shackles that were
21 used at Krang Ta Chan? Are they similar? Are they identical to
22 <those that were> used at Krang Ta Chan to shackle the <> feet of
23 the prisoners?

24 A. Yes, that is true<.They are not fake.>

25 [15.26.26]

1 Q. Can you please tell us if it was painful to be cuffed by those
2 shackles? <Could they cause injuries to the ankles?>

3 A. As I stated this morning, and in fact, I don't want to see it
4 again. If you look at my ankles, my -- there is a scar <which
5 still> remains there and it's been for many years already and it
6 reminds me to tell my grandchildren what happened. That I
7 suffered from such crime.

8 Q. I beg your pardon. I apologize for asking you these questions
9 that <reopen> old wounds. <For certain prisoners, were> the
10 wounds that were caused by wearing these shackles prone to
11 infection?

12 A. Indeed, infections had occurred and relapsed occurred and
13 relapsed. Thanks to my mother's shawl, I actually killed small
14 frogs and ground it with salt and then I apply on that wound area
15 so that it could be treated temporarily.

16 [15.28.11]

17 Q. I want to talk about some of the sanitary conditions <that
18 prevailed> in the <> detention <centres>. You've already told us
19 about how people relieved themselves and how people were fed. Did
20 prisoners have water? Were they able to wash their hands before
21 they ate <or after> they relieved themselves?

22 A. After meals time I was ordered to carry a bucket -- a handmade
23 bucket of water and I carried that one bucket with a coconut
24 shell and placed it along the row of where the prisoners were
25 having their meal and whoever wanted the water, they would use

1 the coconut shell to fetch the water from that bucket. So,
2 whoever finished first would use the bucket that they used to
3 have their meals to take the water to drink and to wash their
4 face. They couldn't -- they had to do it quickly, otherwise the
5 guards would scold them.

6 [15.29.41]

7 Q. When the prisoners were eating, did they eat with utensils or
8 did they have to use their hands?

9 A. Some prisoners would use the palm tree leaf to make -- to use
10 as spoons, or sometimes they would just empty the soup from the
11 coconut shell, but most of them used palm tree leaves as a spoon.
12 They would not allow prisoners to use a spoon, as they were
13 afraid that the prisoners would use the spoon to unshackle
14 themselves. So, they were very strict on using -- on prisoners
15 using any spoon.

16 Q. Was the smell in the houses, in which the prisoners were
17 detained, bearable?

18 A. After a while the smell became normal. But at night-time,
19 because people relieved themselves, in terms of urinating and
20 having faeces, they had to do it there. But, the thing is,
21 because of the lack of food, not many people relieved themselves,
22 they only urinated.

23 [15.31.24]

24 Q. You stated that you were a prisoner who was assigned tasks, so
25 your detention conditions were relatively better than those of

1 others. Were the <ordinary> prisoners treated by the guards <and
2 the cadres> at Krang Ta Chan with respect and dignity?

3 A. There was no 100 percent respect but when I was let out to
4 tender buffaloes, cows and horse, <because they trusted me. To
5 get out,> I could eat coconut fruit and also cassava root and I
6 can bake or cook them for meals. There was pit for compost
7 fertiliser and we set fire<. During the cattle tending,> I took
8 one piece of cassava and cook for eating.

9 Q. Very well. You have just described to us <the food that> you
10 <had access> to. <But you> said that the other <ordinary>
11 prisoners <often only lasted for one month. In your opinion,
12 were> the others treated like human beings by the <staff> at
13 Krang Ta Chan?

14 A. At that time I was scared to watch. I had to respect them <in
15 order to survive.>

16 [15.33.40]

17 Q. When a prisoner died in a detention centre, for instance, at
18 night<, how> long did it take <for the body> to <be> removed from
19 the <centre>?

20 A. Anyone who died at night, so they kept the bodies until <4
21 p.m.. They did not remove the corpses in morning; rather they
22 waited until the evening.> So they waited until the other
23 prisoners returned from work and then they removed the dead body
24 and I was the one who was ordered to unshackle the dead body and
25 remove. So, I was ordered to remove the body at 4.00 or 4.30 in

1 the evening.

2 Q. If I understood your testimony correctly, that applied to the
3 prisoners who were working. I believe there is a translation
4 problem. <> I would like you to specify whether you could <only>
5 remove the body from the detention centre when you came back from
6 your work<, is that right>?

7 A. After the prisoner returned and I was ordered to remove. So
8 anyone who died at night, they would keep the dead body in
9 shackles the day -- the next morning and wait until the evening
10 <at 3 pm or 4 pm,> then they removed the dead body. <They would
11 not remove the bodies in the morning because it was during the
12 time the prisoners were let out to work, and they did not want
13 anyone to know where they put the bodies.>

14 [15.35.44]

15 Q. Thank you. I would like us to delve somewhat on your
16 interrogation at Krang Ta Chan. You said you were arrested at a
17 point in time in 1974. Can you tell us whether, after you were
18 arrested, you were interrogated and how many times<>?

19 A. When I was sent to Krang Ta Chan. I was detained rather long,
20 it was about more than 10 days or even one month and then I was
21 interrogated. And after interrogation, I was let out to do
22 labour. During interrogation, the question was that, "Are you
23 connected to anyone at Angk Ta Saom or anywhere else?", <because
24 that time there were Lon Nol soldiers in Angk Ta Saom, in Takeo.>
25 I responded "No.", and then they concluded the interrogation and

1 I was sent back to the detention cell and the next morning they
2 let me out to clear the grass in the paddy field.

3 [15.37.24]

4 Q. Did <either> of the two interrogations have to do with your
5 <relationship> with your father?

6 A. Those questions were saying, "Were you connected with anyone
7 <or any Lon Nol soldier> in Angk Ta Saom or anywhere else in
8 Takeo?" and I responded "No.".

9 Q. Do you remember the name of the person <from> Angk Ta Saom
10 <about whom these> questions <were> put to you?

11 A. No. His question was, "Did you connect to anyone inside
12 there?" and <I said, "No." But> the former <chief requested Ta An
13 to spare me. It was Ta> Chhen, who told the chief saying that,
14 "Please spare his life because he knew nothing." And he is now
15 maintain connection and relationship with me and Chhen is now
16 living in Anlong Veang. <He took me as his son.>

17 Q. Should I take it <is> Chhen who interrogated you? Were <there>
18 other persons present during those <two> interrogations?

19 [15.39.26]

20 A. There was no one else, only Ta Chhen. And Ta Chhen and Cheng
21 <> were there before An.

22 Q. <Were you all> alone with him in the room in which you were
23 interrogated or <> were <there> other persons present in that
24 room <but who didn't ask any questions>?

25 A. There were three Khmer Rouge Cadres but only Chhen <and

1 Cheng> who interrogated me. One of them was the soldier and it
2 was called an office for them. It was a temporary office and one
3 of the soldier armed with rifle standing on guard.

4 [15.40.29]

5 Q. Thank you. Let us know talk about the period following the
6 17th of April 1975, and the various roles you played in Krang Ta
7 Chan centre. You have already referred to a number of them, <but>
8 I would like to read out to you an extract of your <WRI,
9 E3/5214>. In Khmer it is 00223063; in French 00702894; and in
10 English 00225507 up to 08. And I will quote your statement.

11 [15.41.43]

12 "I knew because I was no longer considered as the other prisoners
13 were. At times they asked that I <> monitor, like the soldiers
14 who <worked> there, but I did not have any weapons and I <was not
15 allowed to> go very far. Sometimes I was ordered to count the
16 number of prisoners. <They were> massacred on a daily basis. The
17 method <for> taking <the prisoners to be executed> was <as such:
18 first they ordered> me to unlock the <> bars from outside, then
19 Penh, the member, instructed the prisoners, 'Now some of you are
20 being released to return to the cooperative and you must respect
21 <> Angkar's <orders> in the cooperative and not <> do anything to
22 <oppose> the wheel of history <of Angkar.'>"

23 [15.42.45]

24 "<These instructions were given at the door to the prison.> We
25 <wouldn't> go into the prison because there were <putrid> smells

1 <of> urine<,> excrement<,> etc>. Penh used a list to call out the
2 names of the prisoners who <had to be executed. He would> have
3 them come out, four at a time. First, they took them and placed
4 them in the interrogation <venue>. Then they told the prisoners
5 that <their hands would be tied> and blindfold them using the
6 pretext that it was so they would have no grudge against Angkar.
7 Then, they took them to the <execution> site. When they
8 <executed> the prisoners, they <ordered> me to chop firewood and
9 had me turn on a tape player to play music through a loud speaker
10 so the sounds of the prisoner's screams would not be overheard."

11 [15.43.36]

12 You have confirmed by and large what has been read out in this
13 statement, <but> I would like us to go through <through these
14 different roles and obtain more details from you,> one point at a
15 time <>.

16 First of all you stated in that extract, that sometimes you had
17 to <monitor> the prisoners but <that> you <obviously> did not
18 have any weapons. Can you tell us where and on what occasions you
19 had to monitor the prisoners?

20 [15.44.12]

21 A. Yes, I can indicate that. When I was sent to the cell, so
22 before I was ordered to shackle myself, I was ordered to count
23 other prisoners. So, <the chief or a guard, who stood at the
24 door> would ask me, "How many prisoners are there in a row" I
25 told 25. "And another row, how many?", <I replied, "32">, for

1 example. <They asked, "Is that including you?" I said, "No,
2 because I'm not shackled yet.">

3 Q. Very well. Regarding keeping watch over the prisoners, did you
4 have any particular role to play, for instance, did you accompany
5 the prisoners <somewhere, or to work,> and so on and so forth?

6 What was your specific role as someone assigned to watch over the
7 prisoners, <on occasion>?

8 A. When they were let out to do rice growing, for example, there
9 was seven prisoners and as there were so many prisoners and they
10 ordered to me saying, "You must stay here to watch them and be
11 careful if any prisoner escape, you will be killed." Yes, I did
12 the watching at that worksite.

13 [15.45.45]

14 Q. Regarding the sites where those prisoners went to work, were
15 they <within the> first <perimeter, or further out, within the>
16 second or third perimeters<>?

17 A. That work site was outside the first -- it was between the
18 first and the second fence of the perimeter.

19 Q. Thank you. A while ago you stated that you <had to count> the
20 <number of> prisoners. <If I understood correctly, you had to
21 count the number of prisoners> within the detention building
22 where you were sleeping. Is that correct?

23 A. Yes, I did the counting in the detention cell. It happened in
24 the evening when they sent prisoners back to be <locked> in
25 shackles. I did the counting and I reported to him and later they

1 would come and count for themselves every <> one hour <>.

2 Q. How many prisoners were there in <your detention centre> in
3 <general> -- that is, <in each of the> two rows <>?

4 [15.47.43]

5 A. The number of prisoners varied from time to time. Sometime we
6 have 20 today and some were removed and others were sent in,
7 sometimes 30 prisoners at a time.

8 Q. You mentioned on several occasions that after the events of
9 17th April 1975, there was <a massive> influx of prisoners. At
10 that time, were the four detention buildings sufficient to house
11 all the <people, all the> prisoners who were brought to Krang Ta
12 Chan?

13 A. Yes. There were prisoners who were already detained. Those
14 prisoners who were Base People were detained for longer than the
15 17 April People. For anyone who was famous, for example, the
16 movie actress and actor including Kim Nova, Nop Nem, <I knew
17 their names because> the <office chief> told me <> and then they
18 took the husband for execution <first.> <And the staff touch her
19 cheek and touch her body and their children asked, "How long Dad
20 will stay there?" and the mother told the children that he will
21 come back and later they sent Kim Nova and her children, they
22 were killed around 4 p.m. in the afternoon. <I saw this with my
23 own eyes.>

24 [15.50.05]

25 Q. I haven't quite understood what you said. I <understood that>

1 you talked about <the incident where two actors> were <killed.
2 When they arrived>, were <these actors> kept in the <detention
3 centre or were they> executed without <having slept> in those <>
4 buildings?

5 A. <Once> Nop Nem was sent there, I don't know him. The <office
6 chief> told me and they said they will send Nop Nem to see Angkar
7 and he was taken for execution and his wife was sitting before --
8 in front of Ta An's office and he touched her body and then after
9 they were all executed, he told me that was the family of Nop Nem
10 who was a famous movie star in the old <regime>, that's why I
11 know.

12 Q. Thank you for this detail. My question was aimed at finding
13 out from you whether those people<, or> the group <of people with
14 whom> they were, entered Krang Ta Chan, and were executed almost
15 immediately or they spent a few days in the <detention centre>
16 before they were executed?

17 [15.51.53]

18 A. There were two categories of prisoners. They would keep the
19 Base People prisoners for longer. For others, for 17 April People
20 for those were former soldiers, who were captain or lieutenant,
21 they would detain them no longer than one week and for the 17
22 April prisoners, they kept some of them a bit longer but later
23 they were also executed.

24 Q. Regarding the 17 April People, did it happen that some of
25 those people could not sleep in the prison because they were

1 <already> too many people at the detention centre<>?

2 A. No, it was not like that. For the 17 April People, for example
3 for the high ranking official, they were brought and kept outside
4 at the house and other staff would serve them coconut<>. I heard
5 that from Ta <Chhoeun> and <Ta Chhen>. And one of the victims was
6 the commander during the old regime, so I heard from <Ta Chhen>.
7 They were kept outside and they were marched in line to the
8 killing site, they were not brought into the detention building.

9 [15.54.03]

10 Q. Very well, thank you very much. In the few minutes left, I
11 would like us to talk of the procedure whereby prisoners were
12 <taken to be> executed. <In the excerpt that I read, you> had to
13 <unlock the bars of> the external gate of the <detention centres>
14 and <then Penh called out> the prisoners <who> were <to be
15 executed, and he> told <them> they were going back to the
16 cooperatives or to their homes. How did those prisoners react to
17 the statement that they were being taken to their homes or to the
18 cooperatives?

19 A. Some of them <knew> feel very sad but some others <including
20 me who did not know were> clapping and enjoying after that
21 statement and for those who had an idea of what was going to
22 happen for them they were feeling sad. I observed.

23 Q. In the <extract> I read, it is said that, <"Then,> they were
24 <> taken to the interrogation venue." Tell us, who took the
25 prisoners to the interrogation venue? Who bound their <hands and

1 who blindfolded them? Were there> any specific <guards> who <>
2 did that?

3 A. They would bring one prisoner for interrogation at a time. <Ta
4 Cheng or Ta Penh> was the one who took the prisoner and he would
5 unshackle and walk the prisoner to the interrogation house and
6 then brought back. So, in each interrogation they would spend one
7 hour so anyone who gave good answer could return. <If not, they
8 would beat them up until the prisoners lost their balance. After
9 that, he came to his house --> he told me to go <south and take
10 care of it. Then, when a prisoner was clubbed to his death,> Ta
11 Chen and me were ordered to drag the body <out>.

12 [15.57.06]

13 Q. Thank you. I believe there's <been> a mix up somewhere, Mr.
14 Civil Party. In the extract I read out <I was> talking of the
15 <procedure leading to the> execution <> and<, as an intermediary
16 stage, it said that they were taken> to the <> interrogation
17 <venue> to bind their hands and blindfold them. I'm not talking
18 of the interrogations <themselves>; I'm talking of the stages
19 leading to the point where they were taken to the <execution
20 site>. Let us talk about children. Were they bound and
21 blindfolded as well before they were executed?

22 A. For children, I witness only in one incident when <the
23 children's stomachs were cut open for their gallbladders.> I was
24 <on the top of> sugar palm <tree>. So I don't know the procedure
25 in which they killed other children. I saw -- I witnessed only

100

1 the execution of the adult prisoner<, whose hands were tied and
2 blindfolded>.

3 [15.58.18]

4 Q. Regarding adults, can you please give us the names of
5 different soldiers or guards who <regularly> escorted the
6 prisoners to the execution site <and executed them>? You
7 mentioned <12 guards> a while ago, can you tell us whether it was
8 all the guards who took part in the executions or only some of
9 them?

10 A. When I was there for years, the chief would patrol with his
11 knife and other soldiers and guards did the killing. All of them
12 participated in the killing.

13 Q. You also stated that you had to play music and cut wood during
14 the execution. Where were the <speakers> used for playing music
15 located?

16 A. Yes, there was a tree at the gate and the kitchen was five
17 meter away from that. There was the loud speaker installed there
18 and I was ordered to chop the firewood. I was chopping when I saw
19 they took the prisoner away and we played music <louder> and we
20 increased the <noise of chopping> at their order.

21 [16.00.21]

22 Q. Were the loud speakers directed towards the <detention
23 centres> or directed towards the execution site<, for example>?

24 A. The loud speaker was installed with the direction to the
25 detention building where the prisoners were detained.

101

1 Q. Thank you. If I understood what you said properly, you had to
2 <dig graves,> play music<, etc.> whenever there <was an>
3 execution<.> How long before the execution did you <get the order
4 to dig the graves>?

5 A. <There was no fixed time.> For example, the killing will be in
6 this evening, they order me, Ta Chen and Ta Norn<, together
7 three,> and one of the soldiers were there to watch us and they
8 would order us to follow his instruction especially the size <and
9 depth> of the pit and then we did <according to what has been
10 instructed. We could not dig at our will because there was a
11 supervisor there.>

12 [16.02.13]

13 Q. If there were executions in the evenings, does it mean that
14 you very often had to leave your detention building in order to
15 <fill the grave> or to throw <dirt> on people who had <just been>
16 executed or <did> you <have to wait until> the following day <to
17 bury the bodies>?

18 A. After the execution, they used the soil to cover the dead
19 bodies, except the pits which were used were very deep. For
20 example, it is too deep for 30 corpses, so a day or two after<,
21 when the corpses became swollen, cracking the covered soil.>
22 There was a smell -- strong smell or stink, it was very bad and
23 the chief called me, "<Sen,> go to the south" and I understand
24 that he ordered me to cover -- to use the soil to cover the
25 ,<decomposing> bodies. Later they used the same pits for burying

1 the corpses.

2 [16.03.45]

3 MR. PRESIDENT:

4 Thank you Co-Prosecutor, the Trial Chamber wishes to adjourn for
5 today. <The hearing will continue tomorrow starting at 9 a.m.>

6 Mr. Say Sen, thank you for your time today. Your testimony<, as a
7 civil party,> has not come to a conclusion. You are invited to
8 give testimony on the 5th of February 2015, from 9 a.m. Now you
9 are excused and can return to your residence.

10 Court officer, please work with the WESU and co-ordinate his
11 transport to his residence and have him back to the courtroom
12 tomorrow before 9 a.m.

13 The Chamber also thanks for the staff from TPO and you are also
14 excused and you are also invited to return tomorrow for the
15 hearing.

16 Security personnel are instructed to bring back the two Accused
17 to the detention facility and have them back to follow the
18 proceedings tomorrow before 9 o'clock.

19 The Court is adjourned.

20 (Court adjourned at 1604H)

21

22

23

24

25