



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): 06-Mar-2017, 15:10
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

6 February 2015

Trial Day 239

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
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
CHEA Sivhoang
Roger PHILLIPS

Lawyers for the Civil Parties:
Marie GUIRAUD
LOR Chunthy
VEN Pov
MOCH Sovannary
Martine JACQUIN
Mahesh RAI

For the Office of the Co-Prosecutors:
SENG Bunkheang
Dale LYSAK
SONG Chorvoin
Vincent de WILDE D'ESTMAEL

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

MR. SORY SEN (2-TCCP-271), alias SAY SEN

Questioning by Mr. Koppe resumes.....page 3

Questioning by Mr. Kong Sam Onn.....page 58

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
JUDGE FENZ	English
MS. GUIRAUD	French
MS. JACQUIN	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SORY SEN (2-TCCP-271)	Khmer
MS. SONG CHORVOIN	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

4 Please be seated.

5 The Court is now in session.

6 Today the Chamber will continue to hear the testimony of the
7 civil party, Say Sen, who will be questioned by the defence teams
8 and if time permits we will hear the testimony of a reserve civil
9 party - that is, 2-TCCP-303. The Greffier, could you report the
10 attendance of Parties and individuals to today's proceedings.

11 [09.05.20]

12 THE GREFFIER:

13 Mr. President, for today's proceedings all Parties to this case
14 are present, except Counsel Arthur Vercken, the Defence Counsel
15 for Khieu Samphan, who is absent due to his health, and Pich Ang,
16 the National Lead Co-Lawyer for Civil Parties is absent due to a
17 personal commitment. As for Nuon Chea, he is present in the
18 holding cell downstairs as he waives his right to be present in
19 the Court. The waiver by the Accused, Nuon Chea, has been
20 delivered to the Greffier. The civil party, Say Sen, is ready and
21 present in the courtroom. Today we also have a reserve civil
22 party - that is, 2-TCCP-303. Thank you.

23 [09.06.45]

24 MR. PRESIDENT:

25 Thank you. Before I hand the floor to the defence team, we decide

2

1 on the request by Nuon Chea. The Chamber received a waiver from
2 Nuon Chea to be present in the courtroom, dated 6 February 2015,
3 who states that he has health problems, namely headache, backache
4 and cannot concentrate for long, and for effective future
5 participations in the trial he waives his right to be present
6 directly in the courtroom. Today -- that is, the 6 February 2015,
7 and he also confirms that his counsel informs him of the - of the
8 waiver which does not mean that he waives his right to a fair
9 trial or rights to oppose any evidence to be put before this
10 Court. The Chamber also received a medical report by duty doctor
11 at the ECCC, dated 6 February 2015, who notes that the health
12 situation of Nuon Chea remains unchanged. He still has headache
13 and dizziness and he has pain when he sits for long and
14 recommends that the Chamber shall allow Nuon Chea to follow the
15 proceedings from the holding cell downstairs.

16 [09.08.31]

17 As aforementioned, and pursuant to Rule 81.5 of the ECCC Internal
18 Rules, the Chamber grants Nuon Chea's request to follow the
19 proceedings remotely from a holding cell downstairs via audio
20 visual means. And as he waives his right to be present in the
21 courtroom, the Chamber instructs the AV unit to link the
22 proceedings to the holding cell downstairs so that the Accused
23 can follow the proceedings remotely and that applies for today's
24 proceedings.

25 And the Chamber would like now to hand the floor, once again, to

1 Nuon Chea's defence to continue putting questions to this civil
2 party.

3 And the Chamber would also like to remind the Parties that
4 questions shall be in accordance to the instructions from the
5 Chamber yesterday, in pursuant to the request by this civil party
6 and the Lead Co-Lawyers. You have the floor now, Defence Counsel.

7 [09.09.23]

8 QUESTIONING BY MR. KOPPE RESUMES:

9 Thank you, Mr. President. Good morning, Your Honours. Good
10 morning, counsel.

11 Mr. Say Sen, I will continue my questioning which I started late
12 last afternoon with you. Yesterday I asked you some questions
13 relating to five different people. I asked you questions about
14 Grandma Nha, also known as Hun Kimseng, and her husband, Meas Kun
15 and about their two children, Meas Sarat and her brother Meas
16 Sokha and about their son-in-law, the husband of Meas Sarat, a
17 man called Mom Boeun. I asked you whether you know the reasons
18 for their arrest and your answer was that you didn't know. Maybe,
19 between my questions yesterday and now you have been able to
20 think a little bit about it some more. Would you be able to tell
21 us now if you know the reasons for their arrest?

22 [09.10.54]

23 MR. PRESIDENT:

24 The Deputy International Co-Prosecutor, you have the floor.

25 MR. DE WILDE D'ESTMAEL:

4

1 Thank you and good morning, Mr. President, Your Honours. Good
2 morning to all Parties. That question was already asked at least
3 three or four times yesterday <afternoon>. The civil party was
4 very clear. This is a repetitive question which aims to compel
5 the civil party to speculate. <If the civil party doesn't know,
6 he doesn't know and should say so; the President even reminded
7 him at the beginning of his hearing.> I think it's time to move
8 on to another subject.

9 MR. PRESIDENT:

10 The objection raised by the Deputy Co-Prosecutor is sustained as
11 the question is repetitive and the question intends to draw
12 speculation from the civil party. And of course, if you really
13 want to know the real reasons, you have to ask those people who
14 did the arrest. And Counsel Koppe, please move on and civil
15 party, you do not need to respond to the last question put to
16 you.

17 [09.12.24]

18 BY MR. KOPPE:

19 Very well, Mr. President. Mr. Say Sen, I was referring just now
20 to Grandmother Nha, Hun Kimseng, did you have some special
21 relationship with her?

22 MR. SORY SEN:

23 I didn't have any special relationship with her. It was just a
24 normal, casual relationship.

25 Q. What do you mean with that?

1 A. There was no special relationship. It was a normal
2 relationship as I treated her as a mother and she treated me as a
3 son.

4 [09.13.30]

5 Q. Did that relationship continue after 1979; her treating you
6 like a son and you treating her like a mother?

7 A. Yes, and that relationship continues till today and if we have
8 any religious ceremony to celebrate, for example, we would invite
9 one another to attend.

10 Q. When was the last time you saw Grandmother Nha?

11 [09.14.16]

12 A. I haven't gone to visit her at her house for about a year now,
13 due to the fact that I'm busy doing my own living as well.

14 Q. Do you know if she knows about the rape of her daughter?

15 A. I cannot say for certain whether she knew about it or not.

16 <She did not say anything about it.>

17 Q. Have you ever spoken to her, after 1979, about the rape of her
18 daughter, Meas Sarat?

19 [09.15.12]

20 A. From the time the regime fell until today, I have never spoken
21 to her about that. It was lucky enough for us to survive and we
22 only talked about that and I didn't want to talk about the misery
23 that we went through during the regime.

24 Q. So would I be correct if I would tell you that you wouldn't be
25 able to tell why she, in her statement to the investigators,

6

1 never said anything about the rape of her daughter. Would that be
2 correct? You don't know that?

3 [09.16.00]

4 MR. PRESIDENT:

5 Civil Party, please wait and the Deputy Co-Prosecutor, you have
6 the floor.

7 MR. DE WILDE D'ESTMAEL:

8 I believe this <is a> question <that> is <almost> twice as
9 speculative, which <> invites the civil party <once more> to
10 speculate <> and I believe that it is inappropriate <to ask this
11 question>.

12 BY MR. KOPPE:

13 Fine, I'll move on. Mr. Witness, do you know whether Meas Sokha,
14 the brother of Meas Sarat, knows about the rape of his sister?

15 MR. SORY SEN:

16 I don't know whether he knew about that or not because we never
17 talked about it.

18 Q. Mr. Say Sen, yesterday you said that Meas Sarat is still
19 alive, living in the United States. Was she still in Cambodia in
20 2004, the year that you gave a statement to DC-Cam?

21 [09.17.40]

22 A. I did not know whether she was here at that time as Sokha and
23 their parents have met each other frequently at Angk Ta Saom
24 market. As for Sarat, I have not seen her for a long time and I
25 only know about her situation through her brother and her mother.

1 <They told me that she went abroad.>

2 Q. Would you be able to tell us if, through whichever source,
3 Meas Sarat considered herself to be a victim of rape, considered
4 herself to be a civil party, wanting to file for compensations
5 for being raped at Krang Ta Chan? Do you know anything about
6 that?

7 MR. PRESIDENT:

8 Civil party, please wait and the International Lead Co-Lawyer for
9 civil parties, you have the floor.

10 [09.18.54]

11 MS. GUIRAUD:

12 Thank you Mr. President. Once again, <the> counsel for Nuon Chea
13 is asking a civil party to speculate. We <can> rise
14 systematically each time to make such an objection and I would
15 hope that the Chamber will grant our objection<, but> <it would
16 be enough for> counsel <to stop asking questions that require the
17 civil party to speculate on information he has no knowledge of>.

18 BY MR. KOPPE:

19 Mr. President, I wouldn't dare ask the witness to speculate. I'm
20 just asking if he has knowledge. If he doesn't, that's fine as
21 well. Does he have any knowledge from other sources, somebody who
22 told him, maybe he has heard something as to whether or not Meas
23 Sarat intended to file any claim for compensation or wanted to be
24 a civil party as to the rape that she allegedly experienced?

25 MR. SORY SEN:

1 No, I do not know anything about that. It was her mother who said
2 that thing, but as for her I did not know. And personally, I knew
3 that <she was harassed> - fool her around but I did not know for
4 sure whether she was raped, sexually raped at the time.

5 [09.20.38]

6 Q. Are you now saying you're not sure?

7 A. I was not sure about sexual rape but the facts that she - <I
8 knew only that she was molested>, but <I did> not <know whether
9 she was> rape<d or not>.

10 BY MR. PRESIDENT:

11 I think there is a misunderstanding in <putting the> question at
12 this moment. We want to get it clear from you<, Mr. Sen>. You
13 stated that two women were sexually raped by the security guards
14 and also they used M79 bullet head to insert into their vagina.
15 And that is a separate event from the events dealing -- or
16 involving Meas Sarat or is it the same event? To me, in the Khmer
17 channel the two women who were sexually raped were <women> from
18 the mobile unit and they were not Meas Sarat and that two women
19 died. Is my <conclusion> correct, Mr. Say Sen?

20 MR. SORY SEN:

21 Yes that is correct, Your Honour. The women from the mobile unit
22 were sexually raped and also they used M79 bullet heads to insert
23 into their vagina and after they were killed I was ordered to
24 drag their bodies into the pit and buried. And as for Meas Sarat,
25 what I saw was only <sexual harassment committed> by those people

1 <against> her, <but I did> not <see the raping>.

2 [09.22.48]

3 BY MR. KOPPE:

4 But, Mr. Civil Party, yesterday I read an excerpt from your

5 statement from DC-Cam to you and there, literally, in that

6 statement, you said that an unknown person - a guard raped her.

7 That is, ERN 00527774; Khmer ERN 00527724. So again, my question

8 is about Meas Sarat. You testified - or you gave a statement to

9 DC-Cam saying that you saw her - or that she was raped. But now

10 you're saying - well my question is what are you saying now?

11 MR. PRESIDENT:

12 Counsel, could you <state your point clearly? What you just

13 stated was not clear>, you said <he knew> about an unknown

14 person<, who was raped,> but you <last> mentioned Meas Sarat<. If

15 we heard it correctly, it was stated clearly in Khmer. It was not

16 like that. You are misleading the question.>

17 MR. KOPPE:

18 Well I'm not allowed to tell that name anymore, so I'm happy to

19 call him Mr. X but all of a sudden I'm not allowed to mention

20 that name although - well, OK.

21 (Judges deliberate)

22 [09.25.21]

23 MR. PRESIDENT:

24 If that is the case, it is permissible but in the previous

25 question you just read, I heard through the Khmer channel that

10

1 she was raped by a security guard whose identity was unknown <to
2 the civil party>. But in this case, that a group of security
3 guards raped her and that is different. And of course, the
4 instruction from the Chamber yesterday is first not to reveal the
5 identity of some individuals. And please, whenever you follow
6 such a pattern of questions, maybe it's better to use the word
7 'X', something rather than unknown, because when you say
8 'unknown' in the Khmer translation it means the person was not
9 identified and that leads to a misunderstanding. And I notice the
10 International Lead Co-Lawyer for Civil Parties on her feet and
11 you may proceed.

12 [09.26.35]

13 MS. GIRAUD:

14 Thank you, President. I have a concern. I don't necessarily have
15 a response to this concern. But since yesterday afternoon, and
16 more particularly this morning, we are talking about the identity
17 of a person who allegedly was the victim of sexual violence. This
18 morning we were told that the person likely never spoke. We don't
19 know if the person launched a proper complaint. We don't know if
20 this <event> is even known. I'm rather concerned <by> this <and
21 therefore> I wonder if the Chamber understands what the potential
22 repercussions are <of this hearing> on the life of this person
23 <whose name has repeatedly been mentioned> <since> this morning.
24 <I do not have a response to this.> I <am not requesting> an in
25 camera session<>,<for this individual,> however, <I wonder if it

11

1 is advisable to> cite people who may have been victims <of
2 crimes> during the period <that> these people have never
3 <reported> themselves, publically. Is it useful to identify
4 <them> by their names or not? I don't know. I'm putting that
5 question <before the Chamber to> respectfully request a clear
6 indication.

7 [09.27.19]

8 MR. KOPPE:

9 Mr. President, I cannot even begin to comprehend this objection.
10 I'm asking a question about --

11 JUDGE FENZ:

12 My understanding is it wasn't an objection. Counsel was raising
13 an issue of privacy when it comes to mentioning potential victims
14 of sexual violence, if I understood that correctly.

15 MS. GUIRAUD:

16 Yes, absolutely, Judge Fenz.

17 (Judges deliberate)

18 [09.33.51]

19 MR. PRESIDENT:

20 Judge Fenz, you have the floor.

21 JUDGE FENZ:

22 Regarding the issue raised by the Co-Lead Lawyers, the Chamber
23 acknowledges that there is an issue with the privacy of victims
24 of sexual violence in a public trial.

25 As to the case at hand the person has been identified, so nothing

12

1 much can be done here. For future cases the Chamber advises as
2 follows. If a Party wishes to publically identify, or have the
3 witness to publically identify, a victim of sexual violence he
4 should pass the name on a piece of paper to the person who is on
5 the stand for identification. If this leads to more questions,
6 meaning if it goes beyond identification, the Chamber will
7 envisage closed sessions, which are possible for these cases
8 under Cambodian procedural law.

9 BY MR. KOPPE:

10 Mr. Witness, did you watch, observe the rape of Meas Sarat or you
11 didn't?

12 [09.35.43]

13 MR. SORY SEN:

14 A. No, I did not.

15 Q. My follow up question would be, how did you know that she was
16 raped?

17 MR. PRESIDENT:

18 Witness, you do not need to provide your answer because you have
19 already given your answer.

20 BY MR. KOPPE:

21 Whatever, Mr. President. Mr. Witness I'll move on to the
22 execution of Meas Kun and Mom Boeun. I'm not quite clear on your
23 answer about these events from yesterday. Did you or did you not
24 observe, witness the execution of Meas Kun and Mom Boeun?

25 [09.36.36]

1 MR. SORY SEN:

2 A. For Ta Kun, I observed that he was interrogated and tortured.
3 <Then, he was taken back to the cells.> A month later Kun passed
4 away. So, Kun had passed away before Boeun.

5 Q. Although I was forbidden to ask you that question because it
6 was a repetitive question, it seems that you now remember the
7 interrogation and possibly even the torture of Meas Kun. Would
8 you be able to tell us now what the interrogation was about and
9 what the accusations were against Meas Kun?

10 [09.37.23]

11 A. He was taken to be interrogated and I <had no rights to> go
12 there to listen to the interrogation. After interrogation and
13 torture I was asked to carry him back to the detention cells and
14 I did not know about the content of interrogation.

15 Q. And you didn't ask him afterwards? Maybe, the next day or the
16 day after?

17 A. He was in prison in the west side of the building and I was at
18 the east. So we were in different cells. <I could only bring rice
19 or gruel for him when they ordered me to, and after work,
20 prisoners were brought in the detention buildings.> So I could
21 not have any, you know, relations or I did not discuss with him
22 the content of interrogation.

23 Q. And has the memory come back as to the reasons for the arrest
24 of Mom Boeun? I know Judges that you don't want to hear it, but
25 I'm allowed to ask that question.

1 MR. PRESIDENT:

2 Mr. Civil Party, the question is repetitious. You do not need to
3 give your answer because you might have been asked to speculate,
4 so you do not need to respond to the question.

5 BY MR. KOPPE:

6 Mr. Witness, do you know two people called Sok Soth and Sok San?
7 [09.39.39]

8 MR. SORY SEN:

9 A. I did not know them.

10 Q. Mr. Witness, do you have the names, do you know the names of
11 any of the prisoners in Krang Ta Chan?

12 A. Prisoners at Krang Ta Chan, I know some of the names. And
13 almost all of them passed away. Only children of Yeay Nha<, Yeay
14 Nha> and I survived the period.

15 Q. But could you give us even one name, any name, of prisoners
16 that you knew in Krang Ta Chan?

17 A. Yes, I could. Ta Chin was one of the prisoners. And he passed
18 away.

19 Q. I mean other than the ones that you discussed already, others
20 than Ta Chin or the ones that I mentioned this morning and
21 yesterday. Can you give me any name of any prisoner in the period
22 that you were detained?

23 A. As for others, they are deceased and it was a long time ago
24 and I forgot all those names. And <I know people such as>Ta
25 Norn<, a> prisoner in Krang Ta Chan.

15

1 [09.41.26]

2 Q. Mr. Witness, in answer to a question by a DC-Cam investigator
3 you said that you know most of the prisoners. What does that
4 mean? Do you know them by face? Or because you grew up with them?
5 Do you know their names? What is exactly your knowledge when it
6 comes to prisoners that were detained in Krang Ta Chan?

7 MR. PRESIDENT:

8 Please hold on, Mr. Civil Party. <>National Co-Prosecutor, I
9 notice you are on your feet.

10 MS. SONG CHORVOIN:

11 Mr. President, Counsel refers to the statement from DC-Cam. I
12 would like to request Counsel to refer exactly to which page and
13 which ERN number.

14 MR. PRESIDENT:

15 The observation is correct, so please Counsel, specify the
16 identity of the document during the period you put questions to
17 this civil party. Please specify the ERN number <for all three
18 languages> and also the document number.

19 [09.42.50]

20 BY MR. KOPPE:

21 Fine, Mr. President. I refer to E3/4846, English ERN 00527775. It
22 is actually the fifth page of the interview. The investigator
23 asks the witness: "Where did the prisoners come from?" Answer:
24 "Most came after the defeat of the Lon Nol army and I know most
25 of them".

1 Q. My question, Mr. Witness, would be, what do you mean, you know
2 most of them? Do you know them by name? Do you know them because
3 you grew up with them? Could you explain what you meant?

4 MR. SORY SEN:

5 A. I knew that they were in prison together with me. That's what
6 I knew.

7 [09.44.34]

8 Q. Mr. Witness, you said that there were thousands of people,
9 hundreds of people or prisoners. You said that you know most of
10 them. The only thing that I'm trying to do, except for Ta Chin
11 and the close -- and the five people that I mentioned this
12 morning, to give me one name of a Lon Nol officer that you know?

13 A. I knew the senior people from the former period who were
14 killed<, I knew them by their names, not by their faces>.
15 <Venerable Panh (phonetic)>, he was one of the senior military
16 officials.

17 Q. I didn't quite get that. What's his name? And when was he
18 detained?

19 A. His name was <Venerable Panh (phonetic)>. He was one of the
20 senior Lon Nol officers in Takeo.

21 Q. Would you be able to tell us his real name, and his function,
22 and even better the reason of his arrest?

23 A. I could not tell what his position was. I was too young at
24 that time. I knew that he was brought into Krang Ta Chan security
25 office and he was considered a prisoner of war. He was killed

1 later on.

2 [09.45.59]

3 Q. Maybe, maybe my questions are confusing. I'm trying to find
4 evidence that would corroborate your statement. I'm trying to
5 find a name of a prisoner, the reason of his arrest, any
6 knowledge of you as to that. So that I can maybe, possibly check
7 whether this person was detained. Some details as to how you know
8 him, what his name is, possibly what his function was in the Lon
9 Nol army. Anything.

10 A. I cannot tell you because I was a prisoner as well. I did not
11 have rights to go to ask as that person. The period<, >three
12 years, eight months and twenty days<, was a murderous regime>. So
13 I had no rights to ask the details from that person. If I was
14 asked to carry <faeces or urine or> if I was asked to do
15 something, I had to do it.

16 MR. PRESIDENT:

17 Counsel, please specify clearly your question and from the answer
18 of civil party he said he did not know about that. So, he said
19 that he was also the prisoner in that security office. And civil
20 party also stated that during the period of Democratic Kampuchea
21 specific pseudonym was used, for example they used the names such
22 as Grandmother Nha or Ta 105. <So, he did not know their family
23 names.> This civil party was not responsible for keeping the
24 entry list of prisoners <in such a prison of Krang Ta Chan>.

25 [09.48.11]

1 MR. KOPPE:

2 Thank you Mr. President. But I have heard the Witness testify
3 that he had been counting prisoners who were executed; that he
4 was unshackling prisoners before their execution; advising
5 prisoners before their execution that they would go back to the
6 cooperatives. He was playing music, he was digging the burial
7 pits, unshackling and removing corpses, stripping clothes off
8 corpses post execution, carrying and burying corpses. In all
9 respect, Mr. President, a handyman within the prison. So I don't
10 think it would be too farfetched for me to ask only one name of
11 any of the alleged victims that he saw either being tortured or
12 executed. I think that's a very fair question. And if he cannot,
13 then that's fine and I'll move on.

14 [09.49.14]

15 MR. PRESIDENT:

16 You are not allowed to put such confusing and repetitious
17 questions. I understand that you need to get the answers from the
18 civil party, particularly concerning the names of prisoners. And
19 you - the civil party already provided the name of a person
20 called Ta Chen and you insisted on other names. <Another name
21 was Ta Norn.> <You asked the civil party to provide you with one
22 name.> And I heard from civil party, he provided two names
23 already. And what he said was clear enough. And we do not need to
24 get all the names. There are no documents specifying all the
25 names. And for his task, he was asked to do some minor things in

1 the prison and he did not need to get all the names and all the
2 details of prisoners to do his job. Lead Co-Lawyer, you now have
3 the floor.

4 [09.50.38]

5 MS. GUIRAUD:

6 Thank you, Mr. President. I understand that the Defence needs
7 some latitude, but what <bothers me,> are the insinuations of <my
8 learned colleague> who is <implying> that the civil party is
9 testifying to things that are not corroborated by <evidence or
10 any person in> the records. <While we know that since the
11 beginning of the trials, two people have already identified t>he
12 civil party <> as <a> prisoner<> at Krang Ta Chan. <It's all
13 about how it is presented.> The approach used by the <Defence
14 since the very beginning, is> to present us a scenario <that
15 casts doubt upon> the evidence given by this civil
16 party<>. <Perhaps it is job of the Defence to do so, but> I find
17 the questions <they put are particularly> out of place. And may I
18 point out for the record that my learned friend has <poorly>
19 interpreted the DC-Cam testimony <given by Mr. Say Sen>, E3/4846.
20 Our learned friend, Koppe, <appears to> insinuate that Say Sen
21 had said that the person whose name we are not going to give was
22 raped, <which> is not accurate. That is not what we find in that
23 DC-Cam record of interview E3/4846. Once again, <it appears that>
24 this is a tactic by the Defence to <challenge the legitimacy of>
25 the <civil party's testimony><>. <As for us, on this side of the

1 glass divider,> we have the <WRIs> and we can read <them> for
2 ourselves. <We understand the Defence's words and we can decode
3 them.> It is a lot more difficult for people outside of this
4 courtroom, <for the public> and <the> journalists<><>. So, I
5 <must request, Mr. President, that you pay close attention to the
6 way questions are being put. Once more, I> understand that the
7 Defence needs the latitude to ask questions, but he should not
8 persistently <and continuously> insinuate that all the civil
9 parties and the witnesses who appear here before this Chamber are
10 liars.

11 [09.52.42]

12 MR. PRESIDENT:

13 Thank you very much. You may now proceed International
14 Co-Prosecutor.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you Mr. President. I would like to clarify something
17 because Counsel Koppe has <just> mentioned a <certain> number of
18 roles that the civil party <allegedly> played at Krang Ta Chan.
19 There's at least one <among those he mentioned that> is false,
20 <because> the civil party -- <and you heard it as I did> -- never
21 said that he was the person who told the prisoners that they were
22 going to go back to the cooperative. He <always> said it was
23 <Penh>. <The civil party was there to unlock the bars.> And I
24 would like this error to be corrected so that we shouldn't be
25 misled into believing that it was the prisoner who played that

1 role.

2 [09.53.33]

3 MR. PRESIDENT:

4 Thank you for the observations of Lead Co-Lawyer and
5 International Co-Prosecutor on the matter. There is one more
6 thing I would like to clarify. There is a clear rule, Rule <91.3>
7 of Internal Rules. Counsel, every Party can pose objection to the
8 question and if they consider that the answer provided from the
9 witness and civil party are not truthful. <> And I understand
10 that Parties need to hear the answers, and they have rights to
11 pose their objection to the questions by other Parties. And the
12 Chamber has the discretion to decide on some questions as well.

13 [09.55.05]

14 So please, I understand that each Party has the right and tactics
15 in putting questions, <but these tactics should not be used to
16 keep other parties from putting their questions,> and as for the
17 assessing of evidence it is the discretion and duty of the
18 Chamber to decide. The Chamber <has so far reminded this several
19 times, also the Chamber> is here to expedite the hearing and the
20 process. And I remind you about this matter <once, twice or
21 thrice>, and I have always repeated what I have just said <since
22 the beginning of January>. And <this> thing <should not> happen
23 <again>. <You were just sitting quietly and then making an
24 observation.> You may now continue your questioning Mr. Victor
25 Koppe.

1 BY MR. KOPPE:

2 Q. I will phrase my question somehow broader. Mr. Witness, again
3 would you be able to give, except for the names you already
4 mentioned, <Ta Chen> and the family Meas Sokha, can you give me
5 any details of prisoners? Not necessarily the names, but maybe
6 the function, birthplace, reasons for their arrest, anything that
7 you can help me with so that I can find corroborating evidence?

8 [09.56.40]

9 MR. PRESIDENT:

10 Civil Party, <> you do not need to provide your answers to the
11 question. You already stated that you did not know. Counsel,
12 please do not insist on the answers from the civil party. And
13 please avoid from asking any question which leads to speculation
14 from civil parties. So, if you've run out of questions, please do
15 not try to delay the time of the proceedings.

16 BY MR. KOPPE:

17 Fine, Mr. President. Mr. Witness, did you witness the execution
18 of your father in Krang Ta Chan?

19 [09.57.38]

20 MR. SORY SEN:

21 A. I did not see, I did not witness.

22 Q. Mr. Witness, to DC-Cam you said that you saw it with your own
23 eyes. Are you now withdrawing that statement?

24 MS. GUIRAUD:

25 This is not an objection. Can we, again, <have> the reference<>?

1 MR. PRESIDENT:

2 Thank you Lead Co-Lawyer. And Mr. Koppe, I already reminded you
3 that specific page and ERN numbers should be mentioned by you and
4 you should cite correctly from which page and which ERN number in
5 three languages. So, we would like to have the ERN numbers from
6 three languages. You should do the same as International and
7 National Co-Prosecutors. They always mention ERN number and
8 identity of documents <twice and speak slower> so that everyone
9 can follow <such documents>. I believe that what we are doing
10 here is to expedite our proceedings, so we should avoid such
11 matters again and again. You may now proceed, Civil Party Lawyer.

12 [09.58.56]

13 MS. JACQUIN:

14 Thank you, Mr. President. I would like to point out that our
15 learned friend Koppe has asked a purely repetitive question.
16 Since I had asked that question <myself and the civil party> --

17 MR. PRESIDENT:

18 I already reminded everyone that if the questions are repetitive,
19 you should have posed your objection. <We, the Chamber, will
20 consider and decide afterwards. Council Koppe, you have the
21 floor.>

22 MR. KOPPE:

23 I am not sure if I asked before about the execution of his
24 father, but I'm happy to read part of the witness statement to
25 DC-Cam -- that is, E3/4846, English ERN 00527785. The question

24

1 is: after you saw him -- that is, his father --

2 MR. PRESIDENT:

3 Please also mention ERN in Khmer and in French.

4 MR. KOPPE:

5 Khmer ERN 00527744. It talks about his father being killed and

6 then --

7 [10.00.29]

8 MR. PRESIDENT:

9 Do you have any matters to raise? You may now proceed, National
10 Co-Prosecutor.

11 MS. SONG CHORVOIN:

12 The ERN in Khmer, or in English, I could not find in the
13 documents. There's one digit missing.

14 MR. PRESIDENT:

15 Again, Mr. Koppe<, from now on,> you are required to mention the
16 ERN numbers twice, and also in three languages.

17 [10.01.12]

18 BY MR. KOPPE:

19 ERN 00527744, and the question of the investigator of DC-Cam
20 about your father being killed: "After you saw him being killed
21 you wanted to see more?"

22 "Yes, I climbed a tamarind tree that was on the west side of the
23 prison to observe it."

24 "How did you see it?"

25 "When they took my father to the east side of the prison, that

1 was when I climbed the tamarind tree. I saw three people, my
2 father, Reach Pann (phonetic), and I don't know the name of the
3 third person. They blindfolded them near the kitchen and then
4 brought them to the killing fields and butchered their heads with
5 a grub-hoe axe."

6 "Did you see it?"

7 "I witnessed it. In the evening I went to where they killed my
8 father and took his father's sarong and shirt to use as a blanket
9 to cover him. I saw Ta An took my father's hat. From that day on
10 he wore it all the time."

11 Q. Now Mr. Witness, the question is, did you see or did you not
12 see the execution of your father?

13 [10.02.22]

14 MR. SORY SEN:

15 A. I did not see the execution. What I did was to go there to
16 collect the sarong<, the T-shirt> and the hat. <I kept these
17 things for my personal use,> but the hat was taken from me by the
18 deputy chief of the prison.

19 Q. Fine, Mr. Witness. I have some questions regarding another
20 person that you've mentioned yesterday, Kev Chandara. You said
21 that you knew him and that he was detained in Krang Ta Chan
22 prison. Would you be able to give some detail as to when you
23 think he was detained?

24 A. Which person, which Kev Chandara? <I did not know him.>

25 Q. The question was asked to you yesterday whether you know a

1 person called Kev Chandara, and you said yes, he was detained.

2 Now my follow up question is, do you know when he was detained?

3 A. I cannot recall the day or the month. As I stated earlier, I
4 only focused on my own act.

5 Q. I understand that you wouldn't be able to tell the exact
6 dates. But was it, for instance, before the liberation in April
7 '75? Was it after? Was it a year later? Any indication?

8 A. I cannot recall it. People were brought in and were taken out
9 and because I am also illiterate, so I didn't know much about the
10 date or time.

11 MR. PRESIDENT:

12 Mr. Civil Party, do you know a man by the name of Kev Chandara?

13 [10.04.59]

14 MR. SORY SEN:

15 No, I don't.

16 MR. PRESIDENT:

17 Defence Counsel, could you refer to the transcript yesterday so
18 that you can use it as a base to put questions to this civil
19 party. If I am not mistaken I did not hear about any question or
20 answer in regard to Kev Chandara yesterday. Please refer to
21 yesterday's transcript.

22 [10.05.33]

23 MR. KOPPE:

24 Mr. President, I am sure Judge Lavergne will confirm that he was
25 the one who asked that question.

1 MR. PRESIDENT:

2 Judge Lavergne you have the floor.

3 JUDGE LAVERGNE:

4 Perhaps it would be helpful to give the alias of Mr. Kev
5 Chandara? <Unless I'm mistaken, but I couldn't find the
6 documents,> I believe that <he> was also known as Sok Yav, or
7 Krou Yav. <And --> <>I understand <that my pronunciation has
8 likely> pose<d> a problem, <so I am not sure whether the> witness
9 could identify Mr. Kev Chandara.

10 MR. PRESIDENT:

11 National Co-Prosecutor, you have the floor.

12 MS. SONG CHORVOIN:

13 For transcript - for a proper transcript in fact the persons is
14 name Kev Chandara and his alias is Krou Yav.

15 [10.07.13]

16 BY MR. KOPPE:

17 Mr. Witness, again do you know when this person, Kev Chandara,
18 who you identified yesterday, with the alias, about when he was
19 detained in Krang Ta Chan?

20 MR. SORY SEN:

21 A. I didn't know Kev Chandara but I knew Krou Yav. In the
22 previous regime he was not "Krou" or teacher but only after the
23 liberation. And in fact he was detained prior to the liberation
24 of Phnom Penh.

25 Q. Maybe we're not talking about the same person. I am referring

1 to Kev Chandara who was a doctor and who was, according to him,
2 detained for a short while at Krang Ta Chan. And my question is,
3 do you remember a doctor with the name Kev Chandara or the
4 aliases mentioned? You said yesterday that this person was
5 detained. So my question is a follow up question.

6 MS. GUIRAUD:

7 To assist the Chamber, I was just going through my notes and at
8 3.13 p.m. the alias that you referred to Judge Lavergne was <Kev
9 Yav> (phonetic), <> Kev Chandara <or Kev Yav (phonetic)>. You
10 asked the civil party if <he knew> Kev Chandara<, alias Kev Yav
11 (phonetic),> and the witness replied "Yes". <So it's perhaps an
12 alias that hadn't yet been mentioned to him, Kev Yav (phonetic).>
13 [10.08.43]

14 JUDGE LAVERGNE:

15 If I could just clarify, <because I am being questioned.> <I
16 believe that> I read the record and I had read Krou Yev. Once
17 again, I am not sure how the name was interpreted. I simply read
18 aloud what was written in the French version<>, so perhaps that's
19 where <> the problem emerged.

20 BY MR. KOPPE:

21 Mr. President, unless we are all having massive amnesia here,
22 we're talking about the person at the end of the afternoon
23 yesterday who was mentioned to you, Mr. Witness. Do you remember,
24 you said that you saw this person detained? I believe you said 10
25 days, but I'm not sure about that. My question is Kev Chandara,

1 or something like that, do you know the time of year -- in the
2 year when he was detained?

3 MR. SORY SEN:

4 A. I cannot recall the year, but I knew he was there. And as I
5 said, I was illiterate and could not read. I only remember that
6 he was there.

7 Q. I will ask a very simple question then to you, Mr. Witness. Do
8 you remember whether he was detained before the liberation in 17
9 April '75, or after the liberation?

10 [10.10.22]

11 MR. PRESIDENT:

12 Civil Party, please wait. And the Deputy International
13 Co-Prosecutor, you have the floor.

14 MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President. I believe that everybody in this Court,
16 with the exception of <the> defence counsel, heard the civil
17 party say that he was <> detained before the liberation of Phnom
18 Penh. Perhaps this answer was not satisfactory for <the> defence
19 counsel and now he feels compelled to ask the question again. Be
20 that as it may, <the answer was already given, so> the question
21 is repetitious.

22 [10.11.22]

23 BY MR. KOPPE:

24 I missed that completely. But if it was before 17 April '75, then
25 I am sure you will be able to tell how long before 17 April '75?

1 MR. SORY SEN:

2 A. I cannot recall the exact period. I didn't pay much attention
3 to that. I was also a prisoner at the time.

4 MR. PRESIDENT:

5 Civil Party, if you say that you cannot recall it, please say I
6 cannot recall it and don't add anything else. Otherwise it will
7 just keep dragging on and dragging on outside the scope of the
8 trial. And then you will be bombarded by other questions based on
9 your unnecessary responses to the questions. Please remember that
10 in Khmer we have a saying: only answer to what you are asked for
11 and don't make any prolonged comment, otherwise you just put
12 yourself <confused>.

13 [10.12.47]

14 BY MR. KOPPE:

15 Mr. Witness, Kev Chandara testified in this Court and he told the
16 story about how he witnessed the mutilation and torture of women.
17 Does that ring any bell to you? He was forced -- I will add that
18 -- he was forced to watch that. Do you remember any such scene?

19 MR. SORY SEN:

20 A. No, I didn't know anything about that.

21 Q. Last question in relation to Mr. Kev Chandara. Do you know a
22 young woman who was imprisoned with him at the same time? A woman
23 of whom he says she was the only survivor together with him? A
24 woman of around 30 years old. A woman named Keo Sam At.

25 A. No, I don't know <> Keo Sam At.

31

1 Q. I'll move on to the next topic, Mr. Witness. Do you remember
2 anything about a release of around 40 to 50 prisoners at the same
3 time as the liberation of Phnom Penh, 17 April '75?

4 A. No, I did not see it.

5 [10.14.12]

6 Q. Did you give a statement to investigators of the Investigating
7 Judges that 50 prisoners were released around that day?

8 A. No, I did not make such a statement about the release of 50
9 prisoners.

10 Q. Mr. Witness, there is a witness, involved in the
11 administrative structure, who said that -- who testified that
12 around that time there were indeed 40 to 50 prisoners being
13 released, and that you were actually one of them. Could you react
14 on that please?

15 A. No, I did not see any such release.

16 Q. So to be clear, you yourself never testified --

17 (Short pause)

18 [10.16.46]

19 MR. PRESIDENT:

20 Counsel Koppe, please mention the reference documents that you
21 use in your questioning to the civil party as instructed by the
22 Chamber in order to make your questions clearer so that everybody
23 knows that your question is based on a certain reference and not
24 a presumption or something like that.

25 BY MR. KOPPE:

1 Well, we should, anyway, no, never mind. I'm referring to
2 E3/5214, the English ERN 00225505. That's the written record
3 interview of this witness. On page six, I am sorry I don't have
4 the Khmer ERN right now, but on page six it says: "From what I
5 noted 50 or less than 50 of the prisoners held prior to 17 April
6 1975 were released". And the other statement that I am referring
7 to is, well, it's a person that I cannot call by name now. But he
8 said about the same thing, and then he adds that this witness was
9 one of the released prisoners. Actually, I'll give the ERN number
10 for you. It's document E3/5522, English ERN 00426286; Khmer, I
11 have this time, it's 00414488 to 89.

12 [10.18.57]

13 "Question: Who appointed you as function (sic) of Krang Ta Chan
14 office?"

15 "Answer 41: "The district, but I want to clarify that I was not
16 the chairman. I was the commune chairman. That's all. I released
17 40 persons".

18 And then he mentions a few names. Muok, Chhong, Oar and Say Sen."

19 Q. So my question is; did you give testimony to the investigators
20 that there was a release of 40 to 50 prisoners, and can you react
21 on the particular statement of this district chairman that you
22 were one of the released prisoners?

23 [10.19.59]

24 MR. SORY SEN:

25 A. No, I did not see such a big release. I saw a release of about

1 four or five prisoners.

2 Q. So is it now your testimony that what you said to the
3 investigators is not correct?

4 A. What you said is incorrect because I never saw a release of
5 <50> prisoners. I only saw a release of four or five prisoners.
6 [10.20.07]

7 Q. Well, Mr. Witness, I didn't -- I just quoted your own
8 statement. If you are saying now it's four or five that's fine.
9 But my question is could you react to this other statement saying
10 -- coming from someone in the hierarchy, using the same amount of
11 prisoners being released, and that you were one of them. Is that
12 a correct statement or an incorrect statement of this witness?

13 A. I didn't see a release of 30 or 40 prisoners, no, not at all.

14 Q. Mr. Witness, I have to establish whether this other witness,
15 who apparently had a function that he was authorised to release
16 prisoners, I have to try to verify it, and he's saying you were
17 released, probably around the day of liberation. Now my question
18 is simple. Is he incorrect and are you right in your statement?

19 [10.21.17]

20 A. To this point I cannot accept it, because personally I was
21 freed in 1979.

22 MR. PRESIDENT:

23 Counsel Koppe, please wait. And the Deputy International
24 Co-Prosecutor, you have the floor.

25 MR. DE WILDE D'ESTMAEL:

1 Thank you Mr. President. I believe there seems to be some
2 ambiguity in response 41, which was only partially <cited> by
3 Counsel Koppe. <And I believe that> it can be understood by
4 reading the <rest of the> answer <provided by this> <> person.
5 <It> says, "I <only> recall 3 or 4 names. Muok, Chhong, Oar and
6 Say Sen." <Then, in between parentheses :> "<He> now lives <south
7 of> the pagoda of Ponnareay, Kus commune."
8 "<As for> Say Sen, <I released him> when I returned from Prey
9 Kduoch <while he was> imprisoned at Krang Ta Chan. At the time he
10 was <> young, and I asked An and <Phy> to release him to look
11 after the water buffaloes. They <accepted my proposal>."
12 I believe just that piece of information should be enlightening.
13 <Thank you.>

14 [10.22.43]

15 MR. KOPPE:

16 What, the release or the buffaloes? I mean I see the word
17 release, so I'm just asking was he released, yes or no? And
18 tending the buffaloes is something else than being detained. Or
19 maybe not, but he can explain I am sure. A follow up question,
20 Mr. President, would be relating to -

21 MR. PRESIDENT:

22 Counsel Koppe, please wait. And Judge Lavergne you have the
23 floor.

24 JUDGE LAVERGNE:

25 <Yes, always in order> to clarify what was indeed said to the

1 investigators, at response number 42, it reads as follows. "At
2 the time Say Sen was about 12 or 13 years old. I met him in late
3 1974. <He saw me> when I returned from Prey Kduoch. He <> walked
4 up to me and asked me to help him. I felt sorry for him. <So I>
5 requested that they have him tend the water buffaloes."

6 [10.24.20]

7 BY MR. KOPPE:

8 I have seen that answer, but tending the buffaloes and being
9 released, or tending the buffaloes and being a prisoner is not
10 necessarily the same thing. So, I'm just asking for
11 clarification.

12 My follow up question, Mr. President, would be relating to this
13 person but I'm not allowed to ask that question. So, I would like
14 to note for the record that I would like to ask these questions,
15 but then in camera, and I will move on now to another topic. Is
16 that fine? Okay.

17 Q. Mr. Witness, did you ever speak to authorities on the events
18 that took place in Krang Ta Chan after 1979? 1997, excuse me.

19 MR. SORY SEN:

20 A. For the year of the liberation I can talk about those events.

21 Q. My question is, did you give testimony like you are doing now,
22 or you have done before to investigators of the OCIJ, but then to
23 authorities here in Cambodia after 1979?

24 A. Of course, I have spoken to my neighbors, to former Krang Ta
25 Chan survivors, and of course I would probably have spoken to

1 some of those people who were the local authorities.

2 Q. Let me be more specific, Mr. Witness. Have you talked to
3 representatives of the governor of Tram Kak district in or around
4 1995, 1996?

5 A. I think I have done that, because I was asked by the local
6 authorities of the events and my experience during the time.

7 [10.26.55]

8 Q. Do you remember specifically, the things that you told
9 investigators of the authorities in 1996?

10 MR. PRESIDENT:

11 Civil Party, please wait. And Deputy International Co-Prosecutor,
12 you have the floor.

13 MR. DE WILDE D'ESTMAEL:

14 Thank you Mr. President. I think we have some difficulties with
15 the French interpretation because <we hear that> each question it
16 is prefaced with: "Did you tell the authorities in <1975->1976
17 etc." I don't think that was the original question. I think there
18 is some confusion and I'm not following the questions <all too
19 clearly>. Perhaps, <>could <they> be reformulated and <can it be
20 ensured that they are> interpreted <into French> accordingly?

21 BY MR. KOPPE:

22 If the prosecutor would know the document that I am referring to.
23 I am of course referring to a document called E3/2062, an
24 investigation that apparently took place in March 1996 by the, it
25 seems to be the Tram Kak district hall, Culture and Fine Arts

1 office. So, if something went wrong with the translation, I mean
2 1996.

3 Q. Do you remember speaking to them, and do you remember what you
4 told them?

5 [10.29.02]

6 MR. SORY SEN:

7 A. I cannot recall the details because I have been interviewed by
8 many, many sources and I cannot recall any one in detail.

9 Q. Do you remember that you spoke to them about the killing of
10 your father? The event that we just briefly discussed.

11 A. As I said I cannot recall it because I have been questioned by
12 several individuals.

13 Q. I would like to read this - a brief passage from this 1996
14 report. That would be, as I said, E3/2062, English ERN 00301369;
15 Khmer 00679441 , 442. I read and I quote, as follows.

16 [10.30.14]

17 "At the site which they later expanded through questioning a
18 surviving prisoner they sent out to work the palm trees, the palm
19 trees, named Say Sen, son of the former sub-district chief, Say.
20 He clearly saw his father being killed with many other people
21 while he was climbing a palm tree to collect palm juice."

22 Mr. Witness, does this revive your memory? Did you talk to the
23 local authorities or the national authorities in 1996 about the
24 killing of your father?

25 [10.31.02]

1 A. I cannot recall it, as it has been many, many years ago.

2 Q. Did you maybe speak to the authorities about the arrest,
3 detention, possible execution of two Cambodian movie stars,
4 actors, film actors?

5 A. Yes, I recall that I spoke about the two film stars.

6 Q. Do you remember what you told them?

7 [10.31.38]

8 A. I recall that I was interviewed, maybe by a journalist, about
9 Kim Nova and Nop Nem, who were the movie -- the former movie
10 stars.

11 Q. Sorry, Mr. Witness, do you remember the detention, the arrest,
12 maybe even the interrogation of these two movie stars? Or these
13 film actors, I prefer to use the word neutral, actually.

14 A. As for the two film stars, I saw them arriving in one
15 afternoon and later on they were taken out and executed <that
16 evening. They were not detained>.

17 Q. Let's take it step by step, Mr. Witness. What do you remember?
18 When was it -- which year was it around, that they were brought
19 in?

20 [10.32.53]

21 A. The two film actors were brought in but I cannot recall the
22 year. However, it was after the liberation of Phnom Penh. They
23 were not detained. They were brought in and then the husband was
24 <first> taken out and killed immediately. And then <the> wife
25 <and another child were> being played around by the people who

1 were in charge there. And after that, she <and her child were>
2 taken out and killed.

3 Q. Let's take it step by step. Do you remember witnessing the
4 interrogation of the female actor or the actress?

5 MR. PRESIDENT:

6 Civil Party, please wait. And Deputy Co-Prosecutor, you have the
7 floor.

8 MR. DE WILDE D'ESTMAEL:

9 I do not object to any questions being asked on these events. But
10 yesterday <as well as> today, the civil party said <they were>
11 never <detained; that they were> executed <almost immediately>.
12 And that <question> didn't come up in the <interrogation><>. <I
13 have the impression that> the defence counsel is <attempting to
14 mislead> the witness and get him to say that there was an
15 interrogation. <>He never said that <before>.

16 [10.34.49]

17 BY MR. KOPPE:

18 Fine. I'll ask an open question to the witness.

19 Q. Do you remember when this female actor, this actress, came in?

20 She came in, what happened?

21 MR. SORY SEN:

22 A. I didn't know about that.

23 Q. Mr. Witness, I'm not from this country as you can see, but

24 I've been told that the person that you're referring to, that

25 we're speaking about now, was a very famous actress in the

40

1 beginning of the '70s. So maybe if you think some more, you will
2 be able to remember what happened when she was brought in.

3 A. At that time, I didn't know much about what was happening.

4 [10.36.02]

5 Q. But apparently, you knew she was an actress. Can you explain
6 then to me how you know that the woman that we are speaking about
7 was an actress?

8 A. I knew it because the office<'s> chief there asked me whether
9 I knew the two people, and I said I did not know. And they told
10 me that they were Nop Nem and Kim Nova.

11 Q. Okay. So we are clear on people that we're speaking. My
12 question is: did you actually see the actress enter Krang Ta
13 Chan? And if yes, was she detained? Was she then maybe
14 subsequently interrogated? What happened with this actress? I
15 would like to have some details.

16 A. As I stated, they were not imprisoned. First, they took the
17 husband out and killed. And the husband was -- the wife was taken
18 to Ta An's office. And after a while, she was taken out and also
19 killed.

20 [10.36.58]

21 Q. But, step by step, Mr. Witness. They came in or she came in.
22 Was she put in detention? Was she shackled; do you know? If yes,
23 how long did she stay in detention before she was interrogated,
24 if at all?

25 MR. PRESIDENT:

1 The International Lead Co-Lawyer for Civil Parties, you have the
2 floor.

3 MS. GUIRAUD:

4 <> Thank you, Mr. President. I am following up <on> the objection
5 <> of the Co-Prosecutor. <It seems to me it had been noted> that
6 the civil party never said that the <actress> was ever
7 interrogated. And <I believe that we had> agree<d> that these
8 questions <in regards to the interrogation> are unfounded because
9 the civil party never said <that she> was interrogated, <in three
10 occasions already>. <> <So, we ask that you take note that we
11 object to questions being asked regarding an event that t>he
12 civil party <has> said on three occasions that <she was not
13 present for>.

14 [10.38.12]

15 MR. PRESIDENT:

16 Counsel Koppe, the observation by the Lead Co-Lawyer for Civil
17 Party is partly correct. And Counsel Koppe, you should re-arrange
18 your question. I think part of your question has been answered by
19 the civil party, and you should only put question to him
20 regarding the other part. And don't try to put a question in a
21 way that is to intimidate him. Of course, you know that there are
22 two parts to your question, and one part is not yet answered by
23 your civil party. For example, whether she was handcuffed upon
24 her arrival. But on the issue of detention and torture, this
25 civil party <already> clearly responded to that.

1 MR. KOPPE:

2 Well, Mr. President, what is interesting about this actress is,
3 she's not only being described as being detained at Krang Ta
4 Chan, she apparently was a very famous actress. But on top of
5 that, it seems that in the documents that you have, the Krang Ta
6 Chan documents, she's referenced. She's described as being
7 detained, interrogated, etc. So there is actual possible
8 confirmation from the Krang Ta Chan document. So I will be happy
9 to guide you to the relevant document, D157.7. ERN English
10 00866461. So I'm trying to help this witness a little bit by
11 talking not about an unknown Lon Nol official, but about a famous
12 actress. So maybe that would trigger his memory, and that's what
13 I'm trying to do.

14 [10.40.12]

15 MR. PRESIDENT:

16 You should understand, Counsel, that not everyone is familiar or
17 is interested in all well-known film actors. As in my case, I'm
18 not interested in any film actors or know any of the famous film
19 actors. And that is the reality. So you cannot consider everyone
20 as you. If you're interested in film actors, not everyone is
21 interested in film actors. And of course, when you put the
22 question to the civil party already, then you are not allowed to
23 repeat your question. And as I have heard, it is clear that the
24 civil party responded to part of your question. That's why I
25 advise you to re-arrange your question, probably to make it into

1 parts. For the part that he's not yet responded, you should put
2 that to the civil party. And of course, you cannot put the
3 question where he already replied.

4 [10.41.23]

5 MR. KOPPE:

6 Mr. President, I fully appreciate it that you are not interested
7 in movies. I am myself am interested. But it seems that the
8 witness remembers very well, talks about it as well. That a
9 witness -- an actress, a famous actress, entered Krang Ta Chan.
10 He spoke to local authorities. He spoke in his statement about
11 this. I think he testified to it yesterday or the day before
12 yesterday. So my question really is: if he's not interested in
13 film at all, it's not really relevant, I would imagine; my
14 question to him is what does he remember from this actress being
15 brought in Krang Ta Chan.

16 MR. PRESIDENT:

17 Deputy Co-Prosecutor, you have the floor.

18 [10.42.20]

19 MR. DE WILDE D'ESTMAEL:

20 Thank you. I must <intervene> again, Mr. President, because we
21 have cross-checked the contents of this document <that was just
22 cited in a public hearing>, <D157.7,> ERN <00866461>, <>in
23 English.

24 <It is certainly about> an actress <who> arrived at Krang Ta
25 Chan. Her name was Nauk Lina<, 25 years old>, <> born in Kampot.

1 There is no mention -- <no mention> of an actress called Kim
2 Nova, to our knowledge. Again, it would appear that the defence
3 is trying to mislead this Chamber, and that must be corrected.

4 MR. PRESIDENT:

5 Civil Party, you do not need to respond to the last question by
6 defence counsel for Nuon Chea. The time is appropriate for a
7 short break. We will take a break now and return at 11.

8 And court officer, please assist the civil party and the TPO
9 support staff during the break, and have them return to the
10 courtroom at 11 a.m. The Court is now in recess.

11 (Court recesses from 1044H to 1104H)

12 MR. PRESIDENT:

13 Please be seated. The Court is now in session. I hand over the
14 floor to counsel for Nuon Chea to resume questioning if you still
15 have further questions.

16 [11.05.18]

17 BY MR. KOPPE:

18 Thank you, Mr. President. Just responding to the objection to the
19 Prosecution on this particular actress. The document that I'm
20 referring to D157.7 refers to an actress; correct. But on the
21 same page, it says that she acted in two movies entitled one:
22 "Time to Cry", and the second movie was "Will any Woman Not
23 Cry?". Now, it turns out that the movie "Crying Time" or "Time to
24 Cry" was a very famous movie in Cambodia. And there were two
25 actresses starring in that movie: Kim Nova and a woman called

45

1 Vichara Dany. Vichara Dany, I hope I pronounce it well. And as
2 you can see, there's a name, at least Vichara her husband's name.
3 There are only two actresses or leading actresses in that movie.
4 So whether we are dealing with Kim Nova or her co-supporting
5 star, we don't know. But that's something I would like to try to
6 find out. So the objection saying that I'm talking about some
7 random actress, that's not correct. She's a leading actress
8 together with Kim Nova, possibly in that movie. So I think my
9 questions are no longer irrelevant because of this document, but
10 also because this witness has testified as to the detention and
11 execution of a very famous actress starring in that particular
12 movie. So could I please continue?

13 [11.07.34]

14 Q. Mr. Witness, you --

15 MR. PRESIDENT:

16 Please wait, Counsel. You now proceed, Judge Lavergne.

17 [11.07.25]

18 JUDGE LAVERGNE:

19 I believe that we'll have to read in more detail this document
20 because if the names of the films in which this actress <was
21 supposed to have> starred, one can <see> that <Kim Nova is never
22 referred to> In fact it, <it refers to a lady called> <> Nauk
23 Lina<>. <It says that> her husband is called Prak Vichara, <not
24 Nep Nom>. I don't know, but Counsel Koppe, <to me it seems that
25 earlier you had no doubts>. And in fact, <when you asked your

1 question,> it is Kim Nova that <you asked about>. So if you have
2 any doubts, perhaps you can express them more explicitly.
3 However, the manner in which you are asking your questions is
4 highly problematic.

5 MR. KOPPE:

6 Well, I haven't actually seen the movies but it seems there are
7 two starring actresses in this movie and I'm just trying to
8 figure out which one of the two actresses he in fact claimed he
9 saw at Krang Ta Chan. Was it Kim Nova or was it the other
10 actress, Vichara Dary? I think -- to be honest, I wasn't even
11 referring to the document. I was asking the witness open
12 questions as to what happened to that film actress.

13 [11.08.50]

14 MR. PRESIDENT:

15 You have the floor Lead Co-Lawyer.

16 MS. GUIRAUD:

17 Thank you, President. Just before the break, I think the civil
18 party was very clear. He did not recognise the actress because he
19 wasn't well versed in cinema. However, somebody told him <about
20 this and disclosed> the identities of the actors. <So I wanted to
21 - well,> I <wonder> what the relevance of that line of
22 questioning is because, <in any case,> the civil party didn't
23 recognise the actress. I'm not sure why we need to continue on
24 this <road? I simply wanted to point that out because I - I am
25 not sure>.

1 [11.09.34]

2 MR. PRESIDENT:

3 Please listen to the question posed by counsel. You are required
4 to raise your objection specifically to the question. <There
5 should not be a general objection.> Otherwise, it is a kind of
6 disturbance to the time for counsel. <You now proceed, Council
7 Koppe.>

8 BY MR. KOPPE:

9 Q. So, again I'm not referring to the document but I'm asking a
10 question again as to the actress -- the female actor that you saw
11 entering Krang Ta Chan. I would just again like you to describe
12 what you saw with this female prisoner. What happened to her?
13 I'm being sabotaged, Mr. President. Enough is enough. Really.

14 [11.10.36]

15 MR. PRESIDENT:

16 Civil Party, please do not respond to the question. <We just
17 decided> before the break already, that you do not need to give
18 your answers to the questions which have already been asked.
19 Please be seated, Lead Co-Lawyer. And Mr. Koppe, you may now
20 proceed with your questioning. <Lead Co-Lawyer, no need to stand,
21 sit down.>

22 MR. KOPPE:

23 Mr. President, it's your ruling that I'm not allowed to ask
24 questions about the executioner of this actress.

25 MR. PRESIDENT:

1 <We> decided already that your last question is a repetitious one
2 because you have already asked before the break.<We clearly>
3 recall that question. And <we> have already reminded you that you
4 should separate your question into parts. And you are allowed to
5 ask only the questions which have not provided the answers from
6 the civil party. And <we> observe that you insisted on asking the
7 same question from civil party. So, <we> asked civil party not to
8 respond to your last question. Your repeated question is not
9 leading to ascertaining the truth.

10 [11.12.09]

11 MR. KOPPE:

12 I'm not sure which questions I am repeating. I'm asking questions
13 about the execution of a apparently, very famous actress.
14 Everybody -- a lot of people in Cambodia would like to know
15 exactly what happened to this woman. So I'm asking a general
16 question. I haven't asked that before, what exactly happened when
17 he saw this actress come in. He hasn't answered that question
18 yet. So my very simple question is: did you see that actress come
19 in? Was she detained? How long was she detained? Was she
20 interrogated? Was she then brought back? Was she executed? Did
21 you see the execution? All those questions I haven't been able to
22 ask yet.

23 [11.12.54]

24 MR. PRESIDENT:

25 Civil Party, you do not need to provide your answer to the

1 question. You have already answered to all the questions <> which
2 have been just asked. Mr. Koppe, you may put other questions.

3 Otherwise, <we> assume that you've run out of question.

4 [11.13.18]

5 BY MR. KOPPE:

6 Fine, Mr. President.

7 Q. Mr. Witness, do you know what the official name was of Krang
8 Ta Chan?

9 MR. SORY SEN:

10 A. I did not know. I know only the name Krang Ta Chan.

11 Q. Have you ever seen papers, documents, anything on it --
12 anything with the name of the place that you were detained on it?

13 A. No.

14 Q. Do you agree that the place that you say that you were
15 detained was a re-education office? Or a re-education centre, or
16 a re-education site?

17 A. No, I did not know about this. What I knew is that it is named
18 as Krang Ta Chan security office or prison.

19 [11.14.43]

20 Q. So you never heard anybody, not even one of the guards, speak
21 about the name of the place that you say you were detained?

22 A. No, I never heard.

23 Q. Do you know if people who were sent to Krang Ta Chan were
24 re-educated?

25 A. No, I also did not know about this.

1 Q. Just to be sure, you never heard from any of the guards or
2 from Ta An or from anybody that the purpose of this place was to
3 re-educate people?

4 A. I never knew about it, and I have also never heard about it.

5 Q. Mr. Witness, you said -- you testified that you know Ta An,
6 that you spoke to him. I can mention the name because Ta An is
7 dead. Can you say something more about your conversations with Ta
8 An?

9 [11.16.45]

10 A. I did not say anything with Ta An. Ta An asked me to bring the
11 sour palm juice and to tend water buffalo. And I talked with him
12 only the duties I worked in that place.

13 Q. Maybe you can explain something to me, Mr. Witness. This
14 Chamber has ruled in its judgement that CPK shrouded itself in
15 secrecy, people were lured into doing things, there was --
16 everything was being kept secret. Re-education camps were being
17 kept secret. However, you were allowed to enter this re-education
18 centre at your free will. You were allowed to tend the cows, the
19 buffaloes, go outside of the premises and come back. Did that not
20 surprise you?

21 [11.17.53]

22 MR. PRESIDENT:

23 The question appears to be incorrect. You misrepresented the
24 testimony of that civil party. Civil party stated already that he
25 did not hear people refer Krang Ta Chan as re-education office. I

51

1 advise counsel to put a proper question, not to confuse the civil
2 party. So please re-arrange your last question.

3 BY MR. KOPPE:

4 Well, let me then just quote a passage from your judgement, Mr.
5 President. "It seems that the DK shrouded itself in secrecy,
6 especially when it comes to the policy of internal and external
7 enemies." However, you were allowed to be in prison, walk out of
8 prison to tend the cows and the buffaloes, come back.

9 Q. My question to you: did that never surprise you in those days?

10 [11.18.42]

11 MR. PRESIDENT:

12 International Deputy Co-Prosecutor, you have the floor.

13 MR. DE WILDE D'ESTMAEL:

14 Thank you, <Mr.> President. It goes without saying that not only
15 does this civil party not have access to the findings of the
16 Chamber at the time, he <probably> didn't understand <either>
17 what was happening throughout the country from a broader
18 perspective, <and is therefore not able to draw comparisons>.
19 <Could he have been surprised by his own personal circumstances
20 vis-a-vis the general circumstances prevailing in the country?>
21 He's not an expert, he cannot speculate. He can only <recount>
22 what he knows <> <about> what happened at Krang Ta Chan. He
23 cannot be expected <to say whether he was surprised or not>.

24 [11.19.57]

25 MR. PRESIDENT:

1 International Co-Prosecutor, you had a proper basis. The question
2 seems to ask the civil party to speculate, particularly on any
3 event that the civil party did not know. So you are not required
4 to answer to the question, Civil Party.

5 BY MR. KOPPE:

6 Mr. Civil Party, did you observe yourself that the guards, that
7 the leaders of the prison at Krang Ta Chan security centre,
8 re-education centre, were being secretive; that they were trying
9 to hide what was happening in that camp, that they were trying to
10 hide the fact that people were being executed, that people were
11 being interrogated and even possibly tortured? Was that the
12 things that you saw yourself with your own eyes?

13 [11.20.32]

14 MR. SORY SEN:

15 A. I did not see with my own eyes.

16 Q. But you saw barbed wire around the premises, loud music was
17 being played to prevent people from seeing executions. Was there
18 anything that you could observe when you were there that
19 indicated that they were being secretive about what they were
20 doing?

21 A. I saw barbed wires <around>. Three levels of barbed wires. And
22 as for other information, I did not know.

23 Q. My question to you is without any reference to anything. Were
24 you not yourself, those days, surprised that you were allowed to
25 walk in and out of the prison and tend the cows and buffaloes?

1 [11.22.13]

2 A. I was fearful at the time while I was tending water buffaloes.
3 So there were three levels of fences and I was tending the water
4 buffaloes outside the fence.

5 Q. But did Ta An, or any of the guards tell you, you are not
6 allowed to speak to people outside of the premises of Krang Ta
7 Chan?

8 A. There were no people living around the prison. So I could not
9 see any people living in that area.

10 Q. Is your testimony that nobody lived, in let's say a parameter
11 of five to ten kilometres around Krang Ta Chan between '75 and
12 '79?

13 [11.23.02]

14 A. Outside the parameters of Krang Ta Chan security office, I did
15 not see a resident living outside the parameters <>. And I did
16 not see people walk in and out of the prisons. <I only saw the
17 staff who worked there.>

18 Q. But Mr. Witness, you have testified to the investigators of
19 the Investigating Judge. You have indicated where you lived in
20 the years after, very close by to Krang Ta Chan. I've seen a map,
21 I've been there. There are many little villages around Krang Ta
22 Chan; is that not correct?

23 MR. PRESIDENT:

24 Counsel, please quote exactly the specific information you have
25 just raised. And I remind you again, please quote or mention ERN

1 numbers and document numbers so that we can follow what you have
2 just asked and whether or not you have the basis for your
3 question.

4 [11.24.28]

5 MR. KOPPE:

6 Mr. President, I'm asking the witness general knowledge, not
7 necessarily based on any document; just about the villages that
8 are surrounding Krang Ta Chan. My question to him is: is he
9 saying now that there are no villages between '75 and '79 around
10 Krang Ta Chan? That is --my question is not based on any document
11 it's just based on his experience and his knowledge.

12 MR. PRESIDENT:

13 You said very clearly that you refer to the statement before
14 OCIJ. You have referred to the question in -- you have referred
15 to the document in your question. That is why we observe that you
16 sometime misrepresented the information in documents. As a
17 result, there is confusion in questioning. <And we lost much
18 time.>

19 MR. KOPPE:

20 Fine. Mr. President, I will look up for you the site
21 identification report from the investigators of the OCIJ. That
22 is, document D125/220, English ERN 00363337. It's a document
23 extensively citing Mr. Say Sen. And attached to this site
24 identification report is a map. And on this map, it says that
25 very close by -- that is, map D125/220.36, ERN 00363332. I'm

1 sorry I don't have the Khmer number right now. It's a map showing
2 Krang Ta Chan two kilometres away, three kilometres away what it
3 appears to be the home of this witness, the home of Say Sen it
4 says. And around it, even closer by sometimes, there are numerous
5 villages between Road 3 and Road 33. So my question again is:
6 isn't it true, Mr. Witness, that there are villages around Krang
7 Ta Chan? And weren't they afraid that you might talk to people?
8 [11.27.12]

9 MR. PRESIDENT:

10 International Co-Prosecutor, you have the floor. I once again
11 remind you to mention specifically the map. I guess the map has
12 just been drawn <during the investigation in 2008 or 2009>. And I
13 understand that the question should be involved with the period
14 of DK that the civil party had experienced. You have the floor
15 now, International Co-Prosecutor.
16 [11.28.19]

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President. You are right. Nowhere on the map is
19 there any specification of the date at which the map was drawn
20 up. In any event, when Counsel Koppe states that we see Say Sen's
21 house is about two or three kilometres from Krang Ta Chan, if you
22 look at the scale which is noted at the bottom <right> of the
23 map, <which is five kilometres,> <the distance leads one to
24 believe> that the house was located much further than five
25 kilometres <away>. Counsel Koppe also <tells us> that there were

1 <a certain> number of villages surrounding Krang Ta Chan. And
2 according to this map, I think that Counsel Koppe is confus<ing
3 "phum", meaning village, and "phnom", meaning small mountains or
4 hills. There are <> five <> hills, "phnom", which are mentioned.>
5 There are no <surrounding> villages <mentioned>. There <are> a
6 couple of villages that are located <more or less> ten kilometres
7 away, <from what we can see><>. <That is all I wanted to say.
8 This is again an instance of misrepresenting the facts of this
9 case.>.

10 [11.29.13]

11 MR. PRESIDENT:

12 Counsel, please re-arrange your question. Based on the Document
13 D125/220, the map was drafted by OCIJ in 2008. So it perhaps does
14 not reflect the real location at the time of Krang Ta Chan, which
15 civil party had experienced in the period of <1974> to <the end
16 of '78 or early> 1979.

17 BY MR. KOPPE:

18 Mr. President, I surely don't-- I'm not claiming to be an expert
19 on Cambodian topography. However, I see numerous villages in the
20 circle of two three kilometres around Krang Ta Chan. I'd be happy
21 to mention them for you but I find that a rather useless way of
22 going ahead.

23 Q. My question is: are you now saying there aren't villages in
24 the direct surroundings of Krang Ta Chan, and if he says yes or
25 no, then that's fine. But there are in fact, I have been there

1 myself, numerous villages very close by.

2 [11.30.35]

3 MR. SORY SEN:

4 A. At the present time, there are numerous villages surrounding
5 that area.

6 MR. PRESIDENT:

7 Q. What about during the period of DK period? Were there any
8 villages surrounding Krang Ta Chan security office? And how many
9 villages were there?

10 A. In that period, there were no villages <> surrounding the
11 security office. There was only security office in that place.

12 BY MR. KOPPE:

13 Thank you for that answer. Then I go back to my question before
14 that. Were you told by any of the guards or the leaders of the
15 centre not to speak to anybody in a range of maybe ten kilometres
16 or 15 kilometres?

17 A. As I said, there were no village<rs> living surrounding that
18 area. And as for whether or not other people suggested me
19 anything, like what I said, only some guards there suggested that
20 I should have talk only, that we were the same prisoners.

21 [11.32.10]

22 Q. Mr. President, I see it's almost 11.30. I will have a last
23 question to this witness. The question I think I'm entitled to
24 ask and I should ask this witness. It's mandatory for a defence
25 lawyer. Having said that Mr. Witness, I put it to you that if you

58

1 were detained at Krang Ta Chan centre at all, that was very
2 briefly before 17 April '75, that you were released and never
3 were, after the liberation in 1975, in that camp; is that
4 correct?

5 A. That is not correct. I escape from <that prison> in 1979 <when
6 the Vietnamese came in>.

7 [11.33.35]

8 MR. PRESIDENT:

9 It is now time for lunch break. So the Court will resume at 1.30
10 p.m. in the afternoon.

11 Court officer, please find a proper place for support staff from
12 TPO and for this civil party and have them returned before 1.30
13 in the afternoon.

14 Security personnel, you are instructed to bring Mr. Khieu Samphan
15 to the waiting room downstairs and have him return into the
16 courtroom before 1.30.

17 The Court is now adjourned.

18 (Court adjourns from 1133H to 1352H)

19 MR. PRESIDENT:

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

21 And the Chamber will give the floor to the Defence Counsel for
22 Mr. Khieu Samphan to have an opportunity to put question to the
23 civil party. Now Counsel, you may proceed.

24 [13:52:37]

25 QUESTIONING BY MR. KONG SAM ONN:

1 Thank you, Mr. President, Your Honours. Good afternoon, Civil
2 Party. I have a number of questions in relation to Krang Ta Chan,
3 especially your experience and what you have heard, you witnessed
4 during DK regime and a bit before and a bit after that regime.

5 [13:53:06]

6 Q. My first question will be on your response testifying on the
7 5th of February 2015, at 9.38 and a bit about this hour. You told
8 the Chamber that you fled from a <militia> unit and you stay in a
9 cooperative, and you also said that you do - you did <your
10 business by> collecting wood, firewood to earn a living. My
11 question for you, how long have you been a member in a militiaman
12 before you fled away or you went away from that unit?

13 MR. SORY SEN:

14 A. It was in the year - it might be in a year where there was a
15 bomb plane, B-52 bomber flying, and <in that year> I was assigned
16 to do - to be on guard duty <with youth. Since I was the
17 youngest, I was not allowed to go>, and there was a bombardment
18 at the main road, and then I fled to my house, my village, but I
19 was not assigned as a militiaman.

20 Q. So you were not one of the members of the militia. You were
21 simply assigned or allowed to take possession -- did you take any
22 possession of any rifle or any weapon during that time?

23 A. Yes, we use the wooden bell with other group and if you heard
24 anything, any incident you ring - you ring the wooden bell to
25 signal <or whenever wounded soldiers, who fought against Lon Nol

60

1 army, were carried in>, and then I left the place where I was
2 assigned to signal the bad situation, and then I returned to my
3 village.

4 Q. When you say Thdouv (phonetic) in Khmer, was it a wooden bell
5 kind of thing when you made sound to signal about something? Is
6 it correct, Civil Party?

7 A. Yes, you are correct. It is -- it' a kind of wooden bell. It's
8 like a bell when you ring to signal something.

9 [13:56:04]

10 Q. Thank you. Can you indicate for the Chamber the year when you
11 were there, if you -- if you can recall?

12 A. I'm not quite sure whether it was 1973 or 197<2. It was the
13 time of B-52 bombarded>.

14 Q. Thank you, Civil Party. Talking about the transfer of yourself
15 to Krang Ta Chan, you described the incident in which you were
16 arrested, and you responded to the Court already, and were there
17 anyone else or other people brought to Krang Ta Chan on the same
18 trip as yours?

19 A. There was another person who is adult <but I did not know
20 him,> and he was detained in the western prison in the western
21 building. <I was detained in the east building.> And later, after
22 that, I did not see him any longer because I was also detained.
23 <Later on, when I was let out to work, I did not see him. I did
24 not know where he went.>

25 [13:57:39]

61

1 Q. Thank you. You have already told before the Trial Chamber that
2 you don't remember the month you were arrested, but you indicated
3 that it was in 1974. I would like to get a clarification from you
4 that when you were travelling, was it a rainy season, or a dry
5 season, and was the ground wet or dry? Can you tell the Court
6 about that?

7 A. Yes, when I was travelling the paddy field was growing, and I
8 could see fish jumping on the paddy dike.

9 Q. Thank you. Can you tell the Court that it was a rainy -- rainy
10 season?

11 A. Yes, it was a rainy - rainy season.

12 Q. Thank you. Mr. President, I would like to hand document,
13 <D125/220.37>, to the civil party, and this document has been
14 used for questioning by the Co-Prosecutor, and we request to have
15 it shown on the screen.

16 MR. PRESIDENT:

17 Your request is granted. Court officer is instructed to hand over
18 the document to the civil party for examination, for review.

19 BY MR. KONG SAM ONN:

20 [13:59:34]

21 Q. Before I ask you questions about this map, can you read the
22 letter or the text on the map?

23 MR. SORY SEN:

24 A. No, I cannot read.

25 Q. Thank you. So I would wish to read for you, and you can look

1 at the - the image on the map on the top left far - far left in
2 the box say -- reads 'the west house for light offense
3 prisoners'. Can you see that image on the map, Civil Party, on
4 the far left of the page?

5 A. Yes, I do.

6 [14:01:14]

7 Q. Thank you. And next to it, there was a small oval, round
8 shape. It's called a guard post. And then there's the middle
9 house for serious offense prisoners. Do you see these three
10 images on the map?

11 A. Yes, I do.

12 Q. <I would like to continue. There are> a box with the title
13 'house of prison chief' <and 'dining hall for light offence
14 prisoners>, then 'middle house for serious offence prisoners',
15 and then there is a 'guard post' and <at the second end, which
16 is> further on to the right is 'east house for light offence
17 prisoners', and the last box is a guard post. Can you see all the
18 boxes that are just described, there are nine total? So, the nine
19 <rectangular> boxes that I just described, can you see them all?

20 A. Yes.

21 Q. Also, I described the wording in those boxes, for instance, <>
22 it's a 'west house for light offence prisoners', and <> the
23 'middle house for serious offence prisoners'. My question to you
24 is the following; was there a categorisation of the prisoners?

25 A. No, I did not see any categorisation of prisoners for people -

1 for prisoners who allowed to work would be housed in the house
2 east on the dining hall.

3 Q. Have you seen this sketch before or did you provide
4 information so that this sketch was drawn based on that
5 information?

6 A. I cannot recall it, and I'm not sure about this sketch or the
7 nature of it.

8 Q. Can you tell the Court the building that you were initially
9 detained?

10 A. Yes, initially upon my arrival I was detained in the west
11 house, and several months later I was sent to the eastern house
12 of the dining hall.

13 [14:04:57]

14 Q. When you referred to the west house, do you refer to the left
15 or to the right-hand side of the sketch?

16 A. I referred to the left.

17 Q. You have stated before this Court about the interrogation
18 house, when you said that there was a lower wall. And the
19 question is the following. There is a box with the word
20 'interrogation house', which is almost to the middle of the
21 sketch, and in fact, there are two boxes, but this interrogation
22 house is the first box on the left. Can you identify it on the
23 sketch?

24 A. Yes, I can.

25 [14:06:38]

1 Q. Was the interrogation house remained at this one location
2 during the entire period that you were at Krang Ta Chan or did it
3 move at any point in time?

4 A. To my knowledge, it remained at this same location.

5 Q. You were detained and you were shackled in the building. We
6 read your statements but there are still some things that I need
7 to verified - get verification from you, and also in the
8 transcript on the 4th of February 2015, at 11.18.25 in the
9 morning, you stated the following. That you were detained there
10 for about 10 days or <half a month>. And further down you said
11 you were detained for up to one month or more than one month. So
12 during just this brief period of time on your testimony, you gave
13 two different answers. So, can you tell us what is the actual
14 period of your initial detention there?

15 A. As I stated, I did not think about counting the time due to
16 the fact that I was rather young at that time, and I stated that
17 I could be there for <more than 10 days or half a month>.

18 Q. You mentioned one thing that you bent or cracked a coconut
19 tree leaf in order to mark it as a count for each day of
20 prisoners who entered the centre. Can you recall that?

21 A. Yes, I do. I counted a bend in the branch of a palm tree leaf
22 for each day that a prisoner could survive after being tortured,
23 and a <female> prisoner could survive up to 18 days.

24 [14:09:52]

25 Q. Did you do -- can you tell the Court when did you do that

1 counting by marking the palm tree leaves?

2 A. After I was let out to work during the day and at night time I
3 make a bend or crack on the tree leaf to note a day that had
4 passed.

5 Q. Can you tell the court when, what year you did that?

6 A. I cannot recall the month or the year that I did it, because
7 it happened so long ago. <I was not interested.>

8 [14:10:50]

9 Q. Did you do it during the first year that you were there, or
10 was it towards the middle of the regime or towards the end of the
11 regime that you were at Krang Ta Chan?

12 A. I had been there for quite some time before I was allowed to
13 work outside -- that is, to carry urine and faeces. And after
14 that I started doing this day counting.

15 Q. Let me return to my previous question on the number of days
16 that you were detained at Krang Ta Chan. And you just said at
17 that time you could be detained for 10 days or a fortnight or one
18 month or more than one month, and that you cannot give a concrete
19 answer to that. Can you tell the Court about the prisoners who
20 were released to work outside as in your case? Could you recall
21 any names of those prisoners who were allowed to release for the
22 purpose of working outside and not to be released and to - to go
23 back to your villager or cooperative?

24 A. I can do that. At that time, there was a group a group of Yeay
25 Nha that is Yeay Nha and her relatives, and then there was Ta

1 Chin and I, and then there were others, namely Ta Muok and his
2 group. I cannot recall all their names, and many of them have
3 died.

4 Q. I'd like to ask you again to repeat your answer so that I can
5 get clarification. And you said you were arrested in 1974 and
6 that you were detained initially there for about a month or so.
7 And I want to know that is during the period of 1974, how many of
8 you were released when you were released? <Can you recall?>

9 A. No one was released. In fact, we were let out to work, and
10 that happened during 1974. And as I stated, I cannot recall their
11 names because they were older than me and we were housed in
12 different buildings, east and west.

13 [14:14:02]

14 Q. I'd like now to talk about the time that you were in that
15 detention house. You have stated before the Court that you
16 actually was the one who inserts the metal bar or the iron bar
17 into the ring of other prisoners and that you will - you would do
18 that last because you were -- you were the last person in a row.
19 My question is the following. How long did you continue doing
20 that?

21 A. When the prison was full of prisoners then I was the one who
22 was the last person who would remove the iron bar.

23 [14:15:02]

24 Q. My question is that, during the time of your detention at
25 Krang Ta Chan and that you had to shackle other prisoners, and

1 then shackle yourself, how long did you practice doing that?

2 Could be how many days or months or year?

3 A. I cannot recall the month or the year.

4 Q. What about the amount of time?

5 A. I cannot recall it. I was young at the time.

6 Q. You also stated before this Court about distribution of meals

7 to prisoners, and you described your role of tending water

8 buffaloes and cows. My question is the following. Did - were you

9 assigned to also cook for prisoners at Krang Ta Chan prison?

10 A. No, I was not involved in the cooking. Only Yeay Nha was the

11 cook, and because she was rather old and then, and as I was young

12 then two of us were assigned carry rice and soup for the

13 distribution.

14 [14.17.36]

15 MR. KONG:

16 Q. Was that meal distribution regular work that you had to do or

17 it was a non-regular work?

18 MR. SORY SEN:

19 A. It happened only occasionally, and it only happened when there

20 were more prisoners in the building.

21 Q. Can you tell the Court the frequency of doing that kind of

22 work?

23 A. It was rather frequent, but I cannot say the actual numbers of

24 days.

25 Q. Let's say, in a month, how many days did you distribute rice

1 or gruel to prisoners?

2 A. I cannot do the calculation per month as I did not ever think
3 about how many days that I carried food for prisoners per month.

4 Q. You have just stated that in each prison building, two of you
5 were assigned to carry meals to the prisoners. Can you recall who
6 was the other young man?

7 A. There was no younger person there, there was I and Ta Chin<,
8 only two>; and Yeay Nha would prepare the food there in coconut
9 shells, at the kitchen hall. Then we were instructed to carry
10 those meals to the prisoners, and I only did it once or twice.

11 [14.20.02]

12 Q. For the prisoners, like you, who were assigned to carry meals
13 for the prisoners, how many young men, like you, at the time?

14 A. I cannot say how many young men like myself because there were
15 different groups.

16 Q. Can you recall any names?

17 A. No, not for the young men there. I only can recall the names
18 of the children of Yeay Nha.

19 Q. Did you involve in any other work at the Krang Ta Chan prison
20 during your detention throughout the regime that you haven't told
21 the Court yet?

22 [14.21.35]

23 A. My regular work was to tend to water buffalos, and cows, and
24 to plough the rice fields. <I was assigned to tend buffalos,> As
25 Ta Chin, he tended the horses, and another person <tended the

1 cows>, it's Kha. <My work was also to plough.>

2 Q. What did you plough with?

3 A. I used a plough and I used the water buffalos for the
4 ploughing.

5 Q. And what did you plant?

6 A. It was for a rice plantation. During the dry season we also
7 grew different vegetables, like cucumber, etc.

8 Q. Can you recall anyone who worked with you in ploughing the
9 field?

10 A. Yes. It was Ta Chin. Ta Chin and I were the ones who worked
11 together there as we had a pair of water buffalos and cows <>.

12 Q. Anything else besides ploughing the field?

13 A. The work there varied, after the ploughing work concluded,
14 then we would be assigned to carry urine and faeces from the
15 prison buildings. Ta Chin and I did that work together <and
16 carried this stuff to the rice paddy>.

17 [14.23.18]

18 Q. I'd like you now to tell us about the administrative structure
19 <of leadership within> Krang Ta Chan prison. Can you do that?

20 A. As for the leaders, I have already testified before this
21 Court, there were <only> three of them in a committee of the
22 prison and there were more than 10 security guards or soldiers.

23 Q. I'd like you also to specify the time period -- that is, prior
24 to 1975, and after 1975, if there was any changes to the
25 administrative structure in the Krang Ta Chan prison. For

70

1 instance, when you entered Krang Ta Chan in 1974, who were in the
2 leadership or in the management of the prison at the time?

3 A. Yes, I can do that. When I initially arrived, there was Ta
4 Chhen, that was prior to 1975; and after 1975, it was Ta An and
5 Ta Penh (phonetic) and Duch 'Thom' or big Duch.

6 [14.24.52]

7 Q. And after that? You spoke about Ta An just then.

8 MR. PRESIDENT:

9 Counsel, we already gave you instructions as to the identity of
10 certain individuals working at Krang Ta Chan. If you have
11 questions dealing with those identities, we would deal with it in
12 due course. That is, after the Chamber rules on the request
13 <based on> the report by WESU.

14 BY MR. KONG SAM ONN:

15 Thank you, Mr. President. We would like also to inform the
16 Chamber that we will have some questions as to the relationship
17 between the civil party and certain cadres working at the Krang
18 Ta Chan office. Thank you.

19 Q. I have some more questions for you, Mr. Civil Party. There was
20 one event that you spoke about, that is on the sexual rape of two
21 <members> in a mobile unit. You stated before this Court about
22 the wording used by a security guard: "When he came to see me, he
23 told me that he had just done it and asked him to go and see."
24 Can you tell the Court, when you said that the person had "done
25 it", what does it mean?

1 [14.27.22]

2 A. Yes, I can do that. He had done it, he had killed the people
3 already and he used the bullet <tips> to insert into their vagina
4 already. Then I -- he asked me to go and see it, and then to bury
5 the dead bodies of the women.

6 Q. In Khmer version you said "he had done it." What does it mean?
7 That he had killed the women or that he had concluded a certain
8 task or it was in relation to the sexual rape?

9 A. He told me that "I had just done it," and that "I just killed
10 them," and "you could go and see and tell me what else you saw."
11 <And I said, "Yes, I saw it.">

12 Q. You just said that you went and told him that you "saw it".
13 What does it mean? You just added this new thing.

14 [14.29.04]

15 A. He asked me whether I saw something and I said, "Yes, I did."
16 I think he meant that whether I saw the bullet <tips> in the
17 vagina of the women, but I didn't want to mention it straight,
18 like this.

19 Q. I am not really understanding what you said. Did you speak to
20 the security guard before or after you went to see the dead
21 bodies?

22 A. Let me say, that area was prohibited, and only when the
23 security guards instruct a prisoner to go and do something, then
24 the prisoner could be allowed to go. Initially, after he had done
25 it, then he sent me to bury the dead bodies and after I returned

1 he asked me whether I saw something. Of course, I did see the
2 bullet heads that he inserted into the vagina. <So now I make it
3 clear to the Court.>

4 Q. Can I then say that you met the security guard two times:
5 first, when he instructed you to go and see; and, upon your
6 return, he asked <you> of what you saw? So, you met this security
7 guard twice. Am I correct in saying that?

8 A. <It> was <only> once<. He instructed me> to bury the dead
9 bodies, and only upon my return that he asked if I saw something
10 and I said, "Yes, I did."

11 [14.30.49]

12 Q. I'm confused now, Mr. Civil Party. First, of course, you said
13 you could not go there unless you were ordered to. Was there an
14 order for you to go there? And, second, when you went there, and
15 upon your return, did you report or talk to that particular
16 security guard?

17 A. The thing was that, as a prisoner, I didn't have to speak
18 about this. I was ordered to bury the dead bodies after he had
19 killed it, and, after that, I returned and I didn't dare to say
20 about this to anyone. I would do anything as long as I could
21 survive.

22 Q. You said that you returned and then you were asked a question
23 again. So, it means there was a second meeting that took place.
24 Can you tell the Court whether there was a second meeting?

25 A. It happened once because when I returned, he laughed <at me>

1 and he opened the prison building to let me in, and if the Court
2 does not believe me, you can call him to confront with me. That
3 person is still living today. <If you would like to know what he
4 would say in front of me.>

5 [14.32.50]

6 Q. I'd like to ask you some more -- for details in regards to the
7 so-called moral offences. Did you ever hear such a term, "moral
8 offence", during that period?

9 A. Yes.

10 Q. To your knowledge and experience, in terms of the implication
11 of the word "moral offence", what did it mean at the time?

12 A. To my understanding at the time, to commit a moral offence
13 means to play around with a woman or to molest a woman.

14 Q. And what is your understanding on the punishment for a moral
15 offence?

16 A. For that, I do not know.

17 Q. Among the prisoners who were detained at Krang Ta Chan, have
18 you heard of any prisoner who were accused of being -- committing
19 a moral offence?

20 A. I don't know that because I didn't ask any person.

21 [14.34.56]

22 Q. Thank you, Civil Party. In your testimony before the Trial
23 Chamber on the 4th of February, 2015, at hours 14, 4 minute and
24 45 seconds, you told the Court that when you responded to a
25 question related to Ta Mok, you told the Court that you saw him

1 about once, twice or three times. But when he was there he spent
2 just a short period of time, about one hour. If the senior
3 leader, the prisoners were sent to the detention, they were
4 locked up, everything had to be completed before the arrival. I
5 would like you to clarify for the Court that; how many times did
6 you see Ta Mok?

7 A. I did not count his visits. Probably two or three times,
8 because I did not imagine that I would be called to testify
9 before a court like I do now.

10 Q. Thank you. Do you recall the year when you saw Ta Mok?

11 [14.37.08]

12 A. It was probably after the liberation <year> of Phnom Penh.

13 Q. How many years after the liberation you saw him there?

14 A. I cannot recall that.

15 Q. I would like to follow up this question. How do you know he
16 was Ta Mok?

17 A. I heard from the soldiers. The soldiers told me. <They> told
18 me that he was Ta 15.

19 Q. How do you know that Ta 15 was Ta Mok?

20 A. The soldiers told me.

21 Q. And, did he tell you both Ta 15 and Ta Mok? Is this correct?

22 A. Yes.

23 Q. When you saw Ta Mok, where were you? Were you inside the
24 detention building or inside the compound?

25 A. I saw him while I was walking water buffalo to the water. It

1 is next to the second fence.

2 Q. Do you know why or how those soldiers tell you that he was Ta
3 15? What was the reason that they told you?

4 A. I don't know the reason behind that, because one of the
5 soldiers walked behind me and he told me about that.

6 [14.39.29]

7 Q. After you heard that, do you remember all the way, was there
8 any circumstances that triggered you to remember Ta Mok?

9 A. Yes, I remember because at that time we would hear Ta 15, but
10 I got a chance to see him because people in the mobile unit just
11 heard his name, but they did not see him.

12 Q. How far were you standing when you saw Ta Mok?

13 A. I was standing in close proximity, about two or three metres
14 away while I was walking the buffalo. <But I did not dare look at
15 his face.>

16 Q. When you saw him, what did he do? I mean Ta Mok.

17 [14.40.58]

18 A. He left his car and he walked toward Ta An, and Ta An came to
19 receive him and they go together - they went together.

20 Q. Did you see him while he was disembarking from a car or
21 leaving the car or when he was walking on the road?

22 A. There was no road, there was a small path. He left his car and
23 walked into the office, and then the chief of the office came to
24 receive him. So, I was walking water buffalo, I was not expecting
25 his arrival, but I accidentally saw him.

1 Q. I would like you to indicate the place where the car was
2 parking; was it inside the compound of Krang Ta Chan or was it at
3 the gate or the way toward Krang Ta Chan?

4 A. I saw him next to the gate to the prison, it was the east
5 gate.

6 Q. So, it means that the car was not entering into the compound,
7 it was parking next to the east gate, is this correct, Civil
8 Party?

9 A. Yes, it was parking nearby the east gate.

10 MR. PRESIDENT:

11 Now is an appropriate time for a recess. The Court will resume at
12 3 o'clock.

13 Court officer, please work with the WESU officer and also the TPO
14 staff to have a break and then bring them back before 3 o'clock.
15 The Court is adjourned.

16 (Court recesses from 1443H to 1503H)

17 MR. PRESIDENT:

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

19 And again the Chamber will cede the floor to Khieu Samphan's
20 defence to continue putting further questions to this civil
21 party. You may proceed.

22 [15.04.35]

23 BY MR. KONG SAM ONN:

24 Thank you, Mr. President. And I'll continue putting more
25 questions to this civil party.

1 Q. Mr. Civil Party, just then we talked about Ta Mok's visit. And
2 you talked about a car parked outside the compound of Krang Ta
3 Chan's office. Could a car parked in the inner part of the
4 compound? And was there any case that a car was parked in the
5 inner compound or inner part of the compound?

6 MR. SORY SEN:

7 A. No. Because there was an inner fence and a second fence and a
8 third or outer fence, and the car could only be parked at the
9 third <> outer fence.

10 [15.05.41]

11 Q. Can you tell the Court why you were tending the cows near the
12 east gate, and that you were about two metres from the gate?

13 A. No, I did not tender the cows there. Actually, I was walking
14 the water buffalo to drink water through the second gate. And
15 that was part of the gate of the outer fence or outer parameter.

16 Q. Does it mean the water buffaloes that you tended could also
17 enter the vicinity of the second fence -- that is, the first, the
18 second, but that it could not go beyond in through the inner
19 fence? Am I correct in saying that?

20 A. Yes, that is correct. It could go up to the second parameter
21 or the second fence.

22 Q. You also stated that you saw Ta Mok get off the vehicle. How
23 did you see him? Did you see him when you were facing him or you
24 were behind him when he was getting off the vehicle?

25 [15.07.20]

1 A. He was getting off the vehicle. And actually the security
2 guards asked me to urgently move the water buffaloes. And in fact
3 I was to his left walking my water buffaloes from the hill.

4 Q. Did you take a look at him?

5 A. No, I did not dare look straight at him.

6 Q. Was there any special figure or special mark or expression
7 that you could recognise him as Ta Mok?

8 A. No. Nothing. But I was told by the security guard that he was
9 Ta 15.

10 Q. That security guard or that soldier, when did he tell you? Was
11 it during the time that Ta Mok was still there or after he had
12 left? And if after he had left, how long after he had left that
13 he told you?

14 [15.08.28]

15 A. Ta Mok actually already left after I brought the water buffalo
16 back from the pond, and he told me.

17 Q. Was that security guard or soldier always -- told you about
18 the events, about the cadres or about any special events that
19 happened in Krang Ta Chan office?

20 A. No. He only told me about this Ta 15.

21 Q. Did he tell you the same day that Ta Mok came to Krang Ta Chan
22 or was it the next day that he told you?

23 A. He told me for one time, and that was it.

24 Q. My question is that: you told us that you were told by him
25 after Ta Mok left; was it on the same day or was it next day that

1 he told you?

2 A. It was the same day after I brought my water buffaloes back
3 from the pond.

4 Q. I'd like you to look at a document -- that is, a sketch that I
5 just handed to you. Please look at the left side of the sketch.
6 There is a long standing rectangular and it reads: "grave pits".
7 [15.11.12]

8 A. Please repeat your question. I did not get it.

9 Q. I'd like you to refer to the sketch that I handed to you
10 earlier. To the furthest right, there is a long vertical
11 rectangular - it's not really rectangular but it's a little bit
12 oval. Can you see it? And it marks as "grave pits" on it.

13 A. Yes, I see it here on the sketch but not at the actual place.

14 Q. Can you tell the Court the location identified on the sketch?
15 That is, the grave pit; to which direction was it located in
16 compared to the location of Krang Ta Chan?

17 A. It was to the south.

18 Q. What about the size? The size of the grave pit is indicated on
19 the sketch. Can you tell us the actual size?

20 [15.13.01]

21 A. No, I cannot do it. I cannot make any estimate of it.

22 Q. What about the number of pits within the compound. How many
23 pits were all together?

24 A. I could not count all the pits because there were many pits.
25 There were smaller pits and larger pits. One pit, for example,

1 contained only two or three bodies.

2 Q. I'd like you to only specify the number of the pits and not
3 the dead bodies within each pit. Can you tell the Court how many
4 pits were all together?

5 MR. PRESIDENT:

6 The civil party already replied that there were many, many pits
7 and smaller pits contained two or three or four dead bodies. And
8 I think it is clear enough in the Khmer language. And Civil
9 Party, you do not need to respond to that question.

10 MR. KONG SAM ONN:

11 The civil party replied that there were several pits and that was
12 not an exact figure. <The exact figure, for example, should be
13 20, 30 or 100, 200 or so.>

14 [15.14.24]

15 MR. PRESIDENT:

16 He said that he did not count the numbers of the pits because
17 there were several pits and smaller pits contained two, three or
18 four bodies, and then there were larger pits.

19 BY MR. KONG SAM ONN:

20 Thank you.

21 Q. Within the vicinity of the grave pits, how many large pits
22 altogether?

23 MR. SORY SEN:

24 A. I did not count it.

25 Q. The -- please refer to the lower part of the sketch and you

1 see there are several circles. In fact there are a total of ten
2 circles. And it reads that "it's a line of coconut trees and
3 bodies buried beneath". The coconut trees that were planted and
4 there were bodies buried beneath. How many coconut trees <or how
5 many pits> altogether?

6 [15.15.38]

7 A. <>There were many, many but some of them died, and maybe now
8 there are only twenty to thirty coconut trees left standing.

9 Q. Can you tell us the number of the coconut trees at the
10 beginning, because you said that there were many? Was it like a
11 hundred coconut trees or a thousand?

12 A. In fact, I did not count them all.

13 Q. I'd like to ask you about your participation in the burial of
14 the pits. During the time that you were at Krang Ta Chan, how
15 many pits did you cover personally?

16 A. I cannot recall them all because there were so many.

17 Q. What about the number of larger pits that you participated in,
18 in the covering?

19 A. I only did with the small pits for those prisoners who died in
20 the prison building.

21 [15.17.57]

22 Q. Now, I'd like to talk about the period after the liberation in
23 1979, that you participated in the exhumation of the pits -- that
24 is, to look for golden teeth of those dead bodies. When you
25 participate in finding gold or counting skulls in each pit; when

1 did you actually do that?

2 A. It was the year of the liberation. In fact, I did not engage
3 in finding gold. It was the nearby villagers.

4 Q. Did you go there and indicate where the dead bodies were
5 buried to -- that you indicated to the villagers?

6 A. No, I did not. But when I went there, the pits had been dug
7 out, and there was a strong smell.

8 Q. When people -- my question is: was the digging or the
9 exhumation happened only one time or there were several
10 occasions?

11 A. To that I cannot respond.

12 [15.19.07]

13 Q. Did you yourself participate in the digging up or exhumation
14 of pits?

15 A. No.

16 Q. Did you go there to -- just to observe the exhumation? And if
17 so, how often was it?

18 A. No. I only went there during religious ceremony to bring food
19 there, to pray to the dead.

20 Q. Did you participate in the exhumation of the skeleton remains
21 in order to be counted?

22 A. No, I did not.

23 Q. Were you aware of the exhumation of skulls to be counted in
24 order to preserve?

25 A. No, I was not aware about that. In fact, there was a committee

1 of clergymen and monks who involved in this process.

2 Q. Now, I'd like to ask you about the family members of Yeay Nha.

3 You actually stated before this Court that you had a close

4 relationship with Yeah Nha, and you treated her as mother and she

5 treated you as a son. Can you tell us about this co-relationship

6 between you and Yeay Nha? When did it start?

7 [15.21.20]

8 A. It started when we were in prison together.

9 Q. Had you known Yeay Nha's family before you were detained?

10 A. No.

11 Q. Had you known Yeay Nha's husband before Yeay Nha and her

12 family were detained?

13 A. Yes, I do. In fact, I had known her husband Ta Kun before

14 because he was detained before the rest of the family members.

15 Q. Did you get to know Ta Kun only when he was detained at Krang

16 Ta Chan or you had known him prior to that?

17 A. I knew him only when he was detained.

18 Q. Can you tell the Court, how long was - how long had Ta Kun

19 been detained before Yeay Nha was brought in for the detention?

20 [15.23.10]

21 A. I cannot recall it.

22 Q. You described about the family members of Yeay Nha, and also

23 in this Court, you stated the same. Can you tell the Court about

24 the children of Yeay Nha. Were there any of her children not

25 detained at Krang Ta Chan? And if so, how many? And did you know

1 them all?

2 A. I only knew those who were detained with me. And if there were
3 any other children outside, I did not know.

4 Q. Did you know all of them?

5 A. No, I did not know all of them. As I stated, I only know those
6 who were detained with me.

7 Q. Did you know all her children who were detained at Krang Ta
8 Chan?

9 A. Yes, I did. But I didn't know the actual name of the youngest
10 girl. She was called Mila<-et> (phonetic), that is <a very small>
11 girl in Khmer.

12 [15.24.31]

13 Q. Can you tell the Court all the names of her children?

14 A. Yes, I do. The mother was Yeay Nha, the husband Ta Kun, and
15 then there was Rat and Boeun, the in-law, Kha, <> Kom (phonetic),
16 <Ah Be (phonetic)> and finally Mila<-et> (phonetic).

17 Q. Can you tell the Court what work they engage in while they
18 were detained at Krang Ta Chan?

19 A. They engage in the same kind of work that I engage in, for
20 example, plantation and working rice field. We did what we were
21 ordered to do.

22 Q. Did you know whether they were interrogated?

23 A. I knew that her husband - that is, the husband of Yeay Nha and
24 Boeun were interrogated.

25 [15.26.05]

1 Q. Did you see that any family members of Yeay Nha being
2 mistreated? I apologise. When I said about the family members
3 here, I refer to her children or her children-in-law.

4 A. I only saw Boeun and Yeay Nha's husband who were tortured
5 during interrogation. And after that, they died from the beating.

6 Q. Can you tell the Court that Yeay Nha was the cook at Krang Ta
7 Chan's office?

8 A. Yeay Nha was the oldest woman. She was not assigned to engage
9 in any hard work and she was asked to cook porridge or gruel.

10 (Short pause)

11 [15.27.39]

12 MR. KONG SAM ONN:

13 Thank you, Mr. President. My next line of questioning is to deal
14 with the identities of individuals at Krang Ta Chan. And as we
15 are not allowed to put those questions, we will do them whenever
16 the time is appropriate and when there is a ruling by the
17 Chamber. Thank you.

18 (Judges deliberate)

19 [15.28.43]

20 MR. PRESIDENT:

21 We only have a little bit of time remaining. And also today is
22 Friday afternoon, and the buses will leave town at four. For that
23 reason, the Chamber decides to adjourn the proceedings today
24 right now, and will resume Monday the 9th February 2015, from 9
25 a.m.

1 And on - and for Monday, we will hear the testimony of an expert
2 2-TCE-97.

3 The Chamber is grateful for Mr. Say Sen's testimony. And your
4 testimony has not yet concluded. And you may be called again by
5 the Chamber to continue your testimony in the near future. You
6 may now return to your residence.

7 [15.29.58]

8 And the Chamber also would like to thank the TPO support staff,
9 and you may be excused from the courtroom.

10 And court officer in co-operation with WESU, please make the
11 arrangement for the transportation of Say Sen. And another
12 reserve witness 2-TCCP-303 to return to their residence or
13 wherever they wish to return.

14 And security guards, you're instructed to take the two Accused
15 back to the detention facility of the ECCC and have them return
16 to the courtroom on the Monday morning at 9 February 2015, before
17 9 a.m. The Court is now adjourned.

18 (Court adjourns at 1530H)

19

20

21

22

23

24

25