



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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5 March 2015

Trial Day 253

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ថ្ងៃ ខែ ឆ្នាំ (Date): 29-Jun-2017, 15:20
CMS/CFO: Sann Rada

Before the Judges: NIL Nonn, Presiding
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I N D E X

Mr. VAN Soeun (2-TCW-847)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. SUON Visal	Khmer
Mr. VAN Soeun (2-TCW-847)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 This morning the Chamber will continue to hear the remainder of
6 the testimony of the witness Van Soeun.

7 And Ms. Chea Sivhoang, could you report the attendance of the
8 Parties and individuals to today's proceedings?

9 [09.04.20]

10 THE GREFFIER:

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

13 Arthur Vercken, the Defence Counsel for Khieu Samphan is absent
14 due to health reasons.

15 Ms. Touch Voleak, the duty counsel for Khieu Samphan, notifies
16 the greffier that she will be a little bit late this morning.

17 And as for Nuon Chea, he is present in the holding cell
18 downstairs as he requests to waive his right to be present in the
19 courtroom. His waiver has been delivered to the greffier.

20 The witness who is to continue his testimony -- that is, Mr. Van
21 Soeun and his duty counsel<, Mam Rithea,> are present in the
22 courtroom. Thank you.

23 [09.05.22]

24 MR. PRESIDENT:

25 Thank you, Ms. Sivhoang. The Chamber now decides on the request

2

1 by Nuon Chea.

2 The Chamber has received a waiver from Nuon Chea, dated 5th March
3 2015. He confirms that due to his health conditions -- that is,
4 headache, back pain and that he cannot sit for long, and in order
5 to effectively participate in the future hearings, he requests to
6 waive his rights to participate in and be present at the 5th
7 March 2015 hearing. His Defence Counsel informed him that the --
8 about the consequences of this waiver, that in no way it can be
9 construed as a waiver of his rights to be tried fairly or to
10 challenge evidence presented or admitted to this Court at any
11 time during the trial. Having seen the medical report of the
12 Accused, Nuon Chea, by the duty doctor at the ECCC dated 5th
13 March 2015, who notes that the health condition of Nuon Chea
14 today is that he has back pain and that he cannot sit for long.
15 He also recommends that the Chamber shall grant him his request
16 so that he can follow the proceedings remotely from a holding
17 cell downstairs. Based on the above information, and pursuant to
18 Rule 81.5 of the ECCC Internal Rules, the Chamber grants Nuon
19 Chea's request to follow the proceedings remotely from a holding
20 cell downstairs via an audio visual means for today's proceedings
21 as he waives his direct presence in the courtroom.

22 [09.07.18]

23 The AV unit is instructed to link the proceedings to the room
24 downstairs so that Nuon Chea can participate in and follow
25 today's proceedings remotely.

3

1 And before the Chamber hand the floor to the defence teams, the
2 Chamber would like to clarify and also to notify the Parties and
3 the public that yesterday afternoon, after the 20-minute
4 discussion, the Chamber notified the concerned Parties that after
5 the testimony of the current witness, Mr. Van Soeun, is
6 concluded, the Chamber will not hear the testimony of the Witness
7 2-TCW-803 as originally scheduled.

8 [09.08.10]

9 This Witness will be rescheduled to appear in due course. The
10 reason that the Chamber decides not to hear 2-TCW-803, is that
11 the <International> Co-Prosecutors proceed with the ongoing
12 disclosures of documents and other Parties do not have the
13 capacity and sufficient time to read and review those documents
14 concerning <> specific witnesses to appear before the Court. And
15 the Chamber will instead hold a Trial Management Meeting to
16 discuss the issues raised by the Nuon Chea defence teams on the
17 ongoing disclosure process of documents by the Prosecution.

18 [09.09.10]

19 And court officer, please make an arrangement with WESU to send
20 the reserve witness, 2-TCW-803, back to his residence. And wait
21 for the new rescheduling of his appearance before the Court. The
22 Chamber now would like to hand the floor to the defence team to
23 continue putting questions to this witness. And you have the
24 floor.

25 QUESTIONING BY MR. KOPPE RESUMES:

4

1 Thank you, Mr. President. Good morning, Your Honours. Good
2 morning, Counsel. Mr. President, with your leave, I would like to
3 start my questioning with showing the witness a drawing made by
4 witness, Srei Than, before the Co-Investigating Judges. It is
5 document D125/129; English 00231677; and Khmer 00 -- excuse me --
6 00224792. My apologies -- I don't have the French ERN quite yet,
7 however this document has been extensively discussed. With your
8 leave, I would also like to put it on the screen and I would like
9 to give a paper copy of this drawing made by Srei Than to the
10 witness.

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 (Short pause)

14 [09.11.39]

15 BY MR. KOPPE:

16 Can we put it on the screen, Mr. President, as well?

17 MR. PRESIDENT:

18 Yes, you can do so.

19 BY MR. KOPPE:

20 Q. Mr. Witness, would you be so kind and have a look at this
21 drawing. Once you have been able to study this drawing a bit,
22 could you tell us whether this is an accurate description of the
23 inner compound of Krang Ta Chan?

24 MR. PRESIDENT:

25 The Deputy International Co-Prosecutor, you may proceed.

5

1 [09.12.29]

2 MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President, and good morning. <This is not an
4 objection, but in order to avoid misleading the> witness <>, I
5 would like to <make it known> that this map is not oriented in
6 the <manner to which we are accustomed>. The north is <not
7 pointed north, but south.>

8 <As a consequence> there's a <complete and utter inversion> in
9 relation to a normal map where the north is really on top and the
10 south at the bottom -- here, <we find> the contrary, if I'm not
11 mistaken, <in Khmer,> so I think <it necessary that> the witness
12 <> be <aware of> this.

13 [09.13.03]

14 BY MR. KOPPE:

15 I agree, Mr. President. Mr. Witness, when you have a look at this
16 drawing, you should realise that Duch, who drew this map, puts
17 the north on the bottom and the south on the top.

18 Q. With this in mind, and having been able to have a look, could
19 you now tell the Chamber whether this, in your recollection, is
20 an accurate description of the inner compound of Krang Ta Chan?

21 MR. VAN SOEUN:

22 A. The drawing is not <> accurate <but if it indicated east,
23 west, north and south, I would understand it.>

24 Q. I agree -- I agree with you, Mr. Witness, but that's how it
25 is, I'm afraid. But you said it's not all accurate. If you give

1 it a try and have another look, what is not exactly accurate in
2 your recollection?

3 A. <Because> the entrance <was in> the corner <instead>.

4 [09.14.57]

5 Q. Alright. What else? What else is maybe not an accurate
6 description or drawing?

7 A. The inaccurate description is in relation to the entrance and
8 the exit<. There was the entrance, the exit and the rooms.>

9 Q. Would you be able to tell us what is not accurate in regard to
10 the buildings?

11 A. The entrance was -- the entrances were to the west and to the
12 east<,> and the buildings were aligned <to the north of the road;
13 the rooms and the kitchen were to the south of the road>.

14 [09.16.07]

15 Q. And what about the interrogation room in relation to the
16 buildings where the prisoners were detained? Can you say anything
17 about that?

18 A. The <detention> buildings were to the north of the <road, and
19 the interrogation room was to the south of the road.>

20 Q. And the place where prisoners were interrogated -- where was
21 that situated?

22 A. <It> was <30 metres> to the south of the <road>.

23 Q. Mr. Witness, yesterday we spoke at the end of my questioning
24 about the radio and the attached loud speakers. If you have a
25 look at this drawing, would you be able to tell us where the

7

1 radio and or amplifier was and where the speakers were in the
2 period that you were stationed in Krang Ta Chan?

3 [09.17.36]

4 A. The radio player was kept at the <office> of the chief <>.

5 Q. And where was the office of the chief?

6 A. His office was located at the centre of the compound.

7 Q. Returning a bit to the speakers that we discussed yesterday.

8 You gave a description as to the size of the speakers yesterday.

9 Just to be sure, were there -- on the compound -- poles on which
10 the speakers could be attached so that they could produce more
11 volume?

12 [09.18.50]

13 A. No. The speakers were placed on a table.

14 Q. Thank you, Mr. Witness. Now I would like you to have a look at
15 the prisoner buildings on this drawing. We spoke yesterday about
16 grandmother Nha and her daughter <Rath>, or Sarat. As I
17 understand from your testimony, both were prisoners. In your
18 recollection, where were both women detained or where were they
19 sleeping at night? In which of the two buildings?

20 MR. DE WILDE D'ESTMAEL:

21 Mr. President, I have an objection <to this question>. The
22 witness clearly said that there were three buildings but on this
23 map that was drafted by Srei Than <aka Duch>, there are only two
24 buildings. <The> question is; in which of the two buildings were
25 these <victims placed, that is, the> two female prisoners<.> I

8

1 don't think that this exactly corresponds to what the witness
2 said yesterday <during the hearing>. On the one hand, Duch said
3 that there were two buildings and then this Witness says there
4 were three, one of which was <old and> less used than the other,
5 so I think this question should be reformulated <Mr. President.>.

6 [09.20.48]

7 BY MR. KOPPE:

8 No problem, Mr. President. Forget the drawing, Mr. Witness.

9 Q. In your recollection, where were <Rath> and her mother,
10 grandmother Nha, detained, in your recollection? In which
11 building on the compound?

12 MR. VAN SOEUN:

13 A. Yeay Nha and Sarat were detained in the second building --
14 that is, after the entrance to the south of the compound<. The
15 rooms were side by side>.

16 Q. And when you are saying detained, do you mean detained during
17 the day or only during the night?

18 [09.21.40]

19 A. Yeay Nha and Sarat were only detained during the night time
20 and they were let out to work during the day time.

21 Q. And do you remember whether they were always together, while
22 detained at night, in the same building?

23 A. <They were not detained together>.

24 Q. Can you expand a little bit on that? What do you mean
25 sometimes they were not together or what does your recollection

9

1 tell you about the detention of both women?

2 A. <I don't know how to say that because one went away before the
3 other. Ta Kun died first. And his family went there afterwards,
4 and then they were detained.> I did not know the details because
5 they were not at the centre at the same time. One came after
6 another so they were detained but not exactly at the same time.

7 [09.23.09]

8 Q. Please correct me if I'm wrong, Mr. Witness, but I understand
9 from other testimony that both were pretty much detained the same
10 time, for a period about two years -- two and a half years. Is
11 that your recollection as well?

12 A. The duration of the detention as you stated is correct.

13 Q. So again, I'm only asking some details as to where they were
14 at night while detained. Were they in shackles? Some more details
15 about what they were doing during the day. Can you tell us some
16 more about both women?

17 [09.24.10]

18 A. I did not know <> what happened at night time as I <was>
19 outside <>.

20 Q. I understand that grandmother Nha was sometimes, or most of
21 the times, cooking for other prisoners. Do you know if her
22 daughter <Rath> assisted her with the cooking?

23 A. Yes.

24 Q. Do you remember whether she was busy with cooking all day or
25 was it only part of the day?

10

1 A. She was busy for one session in the morning and again for
2 another <> session in the afternoon.

3 Q. In those two and a half years that both women were detained at
4 Krang Ta Chan and cooking for prisoners, were you ever able to
5 chit-chat with Rat, for instance?

6 [09.25.30]

7 A. Yes, I did.

8 Q. Do you remember why would -- what you would speak about when
9 you were chit-chatting with Rat?

10 A. We just had casual <chit-chat>. Nothing of important nature.

11 Q. Do you know or do you remember whether anything bad happened
12 to <Rath> while she was in detention?

13 [09.26.18]

14 A. No, <during that period, there was no bad time> because Yeah
15 Nha, <Rath> and myself -- we were kind of close to one another
16 and <> she referred to me or she called me as a son or her son.

17 Q. I'll be a little more specific Mr. Witness. Do you know
18 whether <Rath> was ever physically attacked by fellow guards or
19 cadres?

20 A. I did not know about that.

21 Q. [REDACTED]

22 [REDACTED]?

23 MR. PRESIDENT:

24 Witness, please wait. <>

25 MS. GUIRAUD:

11

1 Thank you Mr. President. I thought that the Chamber had adopted a
2 rule asking us to be very cautious when we would refer to people
3 who might have been victims of sexual violence during the period
4 we are focusing on today and the names should not be revealed
5 publically <but rather> shown to the witness <on a piece of
6 paper>. So I wanted to know if <you consider this to be the case
7 in this particular instance,> for me, it should <be>. In that
8 case, I would like <to ask> the Defence to stand by the Chambers
9 recommendations on this issue.

10 [09.28.19]

11 MR. KOPPE:

12 Mr. President, if you allow me to react. In general, I don't see
13 why we should make a difference in asking witnesses questions
14 about mass executions, killing of children, eating livers of dead
15 bodies from prisoners, and we should be overly cautious when it
16 comes to the question of sexual assault or rape, which of course
17 is also a crime against humanity. Secondly, we have no idea
18 whether <Rath> has any concerns about her privacy. We all pretend
19 that we know, but nobody knows. So rather than have a vague
20 reference to somebody's possible concerns in relation to privacy,
21 I think we should be able to go ahead. If you don't think so,
22 then I think -- I request to close the Chamber and allow me to
23 ask this question. It goes directly -- and that's why I'm asking
24 it -- it goes directly to the reliability and credibility of one
25 witness so I should be able to ask these questions.

12

1 (Judges deliberate)

2 [09.38.58]

3 MR. PRESIDENT:

4 The Chamber would like to hand the floor to Judge Fenz to respond
5 to the objection by the Co-Prosecutor <(sic)> as regard the line
6 of questioning by the Defence Counsel for Mr. Nuon Chea. Judge
7 Fenz, you may proceed.

8 JUDGE FENZ:

9 Firstly, and generally, the general order issued by the Chamber
10 concerning the protection of privacy of victims of sexual assault
11 stands -- full stop. When it comes to the current line of
12 questioning, the Chamber wishes to consult the transcript on
13 something and therefore orders Counsel, for the time being, to
14 abandon it. You will be given time after the break to follow this
15 line of questioning and please move to another subject at the
16 moment.

17 [09.40.04]

18 BY MR. KOPPE:

19 No problem, Judge Fenz. Mr. Witness, in the same chair as you are
20 sitting now, your former fellow unit member, Small Duch, has been
21 sitting as well. And I put to him a series of questions.

22 Questions that were based upon the testimony of Say Sen. Say Sen
23 testified before this Chamber that Duch and his fellow -- and
24 some of his fellow unit members has been involved in execution of
25 children, sexual assault and rape, mass executions, etc.

13

1 [09.41.12]

2 When confronted with this testimony, Duch answered that what Say
3 Sen had testified to were, and I quote literally, "fabrications".

4 Q. Now my question to you is the following: what is your reaction
5 to Duch's testimony calling Say Sen's testimony fabrications?

6 [09.41.56]

7 MR. PRESIDENT:

8 Please wait, Mr. Witness. Mr. International Co-Prosecutor, you
9 may proceed.

10 MR. DE WILDE D'ESTMAEL:

11 I have an objection, Mr. President, to this question. Yesterday I
12 should have <also> objected to the question <that was posed to
13 the witness> as to whether Say Sen had lied. I do not think that
14 the witness is in a position to take a stand regarding Say Sen's
15 testimony, since Say Sen saw other things. He perhaps had access
16 to other locations at the detention centre, <he was capable of
17 climbing sugar palm trees>. He buried bodies, and so on and so
18 forth. This is not the case, <I believe,> with this witness
19 before this Chamber. <So,> I do not see how this witness can
20 qualify Say Sen's testimony, or Duch's reaction to Say Sen's
21 testimony, as correct or not since he did not witness all that,
22 he is not in a position to say whether Say Sen lied or not <for
23 example>. To us, <this approach is not useful for ascertaining
24 the truth because posing> such a question would be to mislead the
25 Chamber.

14

1 MR. KOPPE:

2 Mr. President, I'm -- I'm not quite sure how to react to this.

3 Maybe by proposing in general the suggestion that maybe it's time

4 that all Parties, including the Trial Chamber, pays an on-site

5 visit to Krang Ta Chan? It's, I can tell you, I can assure you,

6 very helpful in understanding things. It is a very, very small

7 site. Of course, I'm -- I'm presenting evidence now, but it is

8 impossible, literally impossible, not to see at least part of the

9 things, or experience part of the things, or hear part of the

10 things that Say Sen is testifying to. So now -- by now saying

11 that Say Sen somehow, miraculously, saw other things that this

12 witness couldn't have possibly seen, is -- is incomprehensible.

13 [09.44.16]

14 MR. PRESIDENT:

15 Judge Fenz, you may proceed.

16 JUDGE FENZ:

17 As you said, Counsel, you were testifying. But since you said

18 something in passing, is there a request or is there no request?

19 And if so, please reason it in a way that allows us a decision.

20 MR. KOPPE:

21 No, there is no such request, as you know. But this objection may

22 actually make me right now to formulate the request that we

23 should maybe all go there.

24 [09.45.02]

25 JUDGE FENZ:

15

1 That's what I'm asking. Do you make a request or don't you? And
2 if so, reason it, please.

3 MR. KOPPE:

4 Well, you're -- you're getting me a bit by surprise, but maybe I
5 can illustrate it by saying how incredibly important it was for
6 our defence team to be on the site, to see the perimeters of the
7 compound, to understand how far things are from each other, to
8 see, in fact, the mountains and the foot of the mountains, and
9 see the surrounding rice fields. See the buildings, although the
10 original buildings are not standing anymore.

11 Then it would dawn immediately upon the Trial Chamber, Mr.
12 President, that the objection doesn't make any sense. It's either
13 or. I'm not suggesting that this witness or his fellow unit
14 members should have been able to see everything, but the idea
15 that you wouldn't be able to witness the execution, for instance,
16 of a hundred prisoners, the burial in pits of a hundred
17 prisoners, the awful smell that must have come from decomposing
18 bodies, it's just simply impossible.

19 So it is our position that it is either or. Either Say Sen and
20 Meas Sokha are lying, or the unit members are lying, the guard
21 members are lying. So, having said this, yes, by this request
22 that all of us should travel -- It's not very far, actually -- to
23 travel to Krang Ta Chan and see it for ourselves.

24 [09.46.38]

25 MR. PRESIDENT:

16

1 The Lead Co-Lawyer, you may proceed.

2 MS. GUIRAUD:

3 Thank you, Mr. President. We've also visited Krang Ta Chan, but
4 we do not draw the same conclusions as the Defence, so what the
5 Defence is saying is <indeed> subjective and partial. The Defence
6 appears to take the position that this witness is testifying and
7 telling the truth, <or that the witness would have nothing to
8 gain from hiding certain details even though the witness has been
9 informing the Chamber for the past two days that he was> a guard
10 at Krang Ta Chan.

11 I have no problem with what the Defence is trying to achieve with
12 the questions, but I assume that you have enough basis to assess
13 the relevance <and the veracity> of the testimony of this witness
14 today. <The case is not that, just because he> is saying that <he
15 didn't see anything, that nothing actually happened. I hope that
16 we are all in agreement, at least, on this point; a point that
17 seems quite basic. Thank you.>

18 [09.48.04]

19 JUDGE FENZ:

20 Prosecutor, we have a formal request now. May I ask your comment?

21 MR. DE WILDE D'ESTMAEL:

22 I do not have any particular opinion <> on this matter. It is
23 <true that, overall, it is always useful to travel to the sites
24 so as> to know how the facilities were arranged at the time.
25 <What I do know is that none of the buildings from that period

17

1 remain intact today but I shall rely on your wisdom regarding
2 that point.>

3 <However, perhaps to> respond to what the Defence has said, I
4 <also> believe the Defence is forgetting the role of the witness
5 as a messenger <and was subsequently not always to be found on
6 the grounds>. And the witness has said on several occasions that
7 he was <younger>, and <that> he <was allowed to, in a way -- that
8 he was in a way outside of> the framework of the activities of
9 his team.

10 <There you have it.>

11 Regarding a <possible> trip to Krang Ta Chan, I <> defer to your
12 wisdom <and whether or not> you do deem such a trip <useful>. I
13 have nothing more to say on that matter.

14 (Judges deliberate)

15 [09.51.25]

16 MR. PRESIDENT:

17 The ruling: <First,> the Trial Chamber wishes to suspend the
18 request by the Defence Counsel for Nuon Chea to visit at the site
19 and we will rule on that later, in due course. Secondly, the
20 Chamber <rules that> the objection by the OCP to your last
21 question is sustained. The witness is not required to respond to
22 <the last> question <by Counsel, Mr. Koppe. Third,> the Defence
23 Counsel is instructed to question the witness on the facts that
24 the witness knows, so that you can avoid any question that asks
25 the witness to make <> assertions or speculative answers

18

1 <regarding the other witnesses' testimonies. As the expert>, the
2 Trial Chamber is in the position to <evaluate whether the
3 testimonies are accurate or not. It is at the Chamber's
4 discretion to consider this and make a final decision for the
5 judgment only>.

6 [09.52.55]

7 BY MR. KOPPE:

8 Q. Mr. Witness, I will move to another subject, although it also
9 involves Say Sen's testimony again. I would like to put before
10 you a few of the things that Say Sen has testified to, that he
11 was busy with while at Krang Ta Chan. He gave testimony to the
12 Trial Chamber that one of his tasks, for instance, was the
13 counting of prisoners who were to be executed. Do you know
14 anything about this? Did you ever see Say Sen getting a task to
15 count prisoners before their execution?

16 MR. PRESIDENT:

17 Please hold on, Witness. The International Co-Prosecutor, you may
18 proceed.

19 MR. DE WILDE D'ESTMAEL:

20 Mr. President, I think the Defence should quote exactly what Say
21 Sen said, in order not to distort his evidence. <He essentially>
22 said that he guarded prisoners <at one point> in <a> detention
23 facility. He didn't say that that was before the execution of
24 those prisoners. He didn't say so, <not to my knowledge in any
25 case>. So, may I request that the Defence <> cite precisely

19

1 either a transcript of an interview of Say Sen, or a passage from
2 the transcripts <of the hearings>, because that is not what I
3 heard <here> in this courtroom <nor is it part of what I have
4 read either>.

5 [09.54.43]

6 BY MR. KOPPE:

7 Mr. President, Your Honours, we had Say Sen before us. You
8 prepared his testimony. He gave also testimony in his written
9 statements. In order to speed up the proceedings, I tried to give
10 a description of the guard-like duties that he performed. I'm
11 having here before me: counting prisoners being executed,
12 unshackling prisoners before their execution, digging burial
13 pits, carrying and burying corpses, stripping clothes off corpses
14 post-execution, guarding prisoners working outside, carrying
15 prisoners after interrogation, distributing prisoners' food and
16 water. It's all there. I think I should be able to -- to give a
17 general description of the duties that Say Sen says he performed,
18 and then ask the witness whether he saw Say Sen performing these
19 duties.

20 [09.55.56]

21 JUDGE FENZ:

22 Counsel, the only problem we are having, is that we have a Party
23 who contests your memory, and asks you to identify the part in
24 the transcript where the witness says what you say he said. So
25 please do that.

1 MR. KOPPE:

2 It's not my memory. I wrote it down. I'll -- I'll ask it in a
3 different way.

4 BY MR. KOPPE:

5 Q. Mr. Witness, did you ever see Say Sen count prisoners before
6 being executed?

7 MR. VAN SOEUN:

8 A. No, I didn't.

9 Q. Mr. Witness, did you ever see Say Sen unshackle prisoners
10 before their execution?

11 A. No, I didn't see that.

12 Q. Mr. Witness, did you ever see Say Sen dig pits for dead
13 prisoners?

14 A. No, I didn't see that.

15 Q. Mr. Witness, did you ever see Say Sen unshackle and remove
16 corpses from the buildings?

17 A. No, I didn't.

18 [09.57.30]

19 Q. Mr. Witness, did you see Say Sen ever strip clothes off
20 corpses after the execution of these prisoners?

21 A. No.

22 Q. Mr. Witness, did you ever see Say Sen guard prisoners while
23 they were working outside?

24 A. No, I didn't.

25 Q. Mr. Witness, did you ever see Say Sen carry prisoners after

1 their interrogation?

2 A. No, I didn't.

3 Q. Mr. Witness, did you ever see Say Sen distribute food and
4 water to prisoners?

5 A. Yes, I saw him distributing food for the prisoners.

6 [09.58.32]

7 Q. Was that the only thing that you ever saw Say Sen do, or were
8 there other things?

9 A. I <only> saw him distributing food <and water> to the
10 prisoners, together with <> Yeay Nha <> and <Yeay> Rat.

11 Q. Mr. Witness, is it your testimony that it is the only thing
12 that Say Sen ever did while at Krang Ta Chan?

13 A. Yes.

14 Q. My last subject, I think, Mr. Witness. We've -- I've asked you
15 questions about things that you saw, things that you saw with
16 your eyes. Now, I would like to ask you questions about another
17 organ that you have: your nose. While at Krang Ta Chan, did you
18 ever smell something out of the ordinary?

19 A. Talking about this, because I was there, I smelt something.

20 Q. What is it that you smelled?

21 A. It was a smell from the human corpse.

22 Q. And when did you smell this? How strong was the smell? How
23 often did you smell this?

24 A. It was a stink smell, and it was awful smell everywhere inside
25 the area, the site of the compound.

1 Q. And where did this smell come from?

2 A. The smell came from the pits where corpses were buried.

3 [10.01.13]

4 Q. Where exactly was this?

5 A. The burial site was <in> the perimeter of the centre.

6 Q. Where exactly?

7 A. The site was not large. <The perimeter of the inside fence>
8 was 70 metres square, and the outside fence -- the outside
9 perimeters, about 300 metres, square metres, 300 square metres.

10 Q. Did you ever ask, for instance, Ta An, whether the smell of
11 these bodies came from prisoners or from something else? Were
12 these prisoners who were executed? Or were these prisoners who
13 had died because of illness?

14 A. I did not dare to ask them about that.

15 [10.02.48]

16 Q. So, you didn't know the smell that you smelled came from
17 executed prisoners or from other dead bodies? Is that correct?

18 A. Mainly, what they spoke to us outside, that the smell was the
19 smell from the dead corpse of a dog, or the dead corpse of a
20 chicken.

21 Q. So, is it -- is it? I'm not -- I'm not sure if I understand
22 you correctly. You're talking about a smell, but are you saying
23 now that this is the smell of decomposing bodies of animals?

24 A. Yes.

25 Q. It may be a strange question to you, but -- and if you don't

1 -- if you are not able to answer this, I have no problem with
2 that. Are you able to make a distinction between the smell of
3 decomposing bodies of animals and human remains?

4 [10.04.30]

5 A. When we walked past the people who worked inside, <they>
6 said<, "Has a chicken died somewhere?" Or they also said, "Has a
7 dog died somewhere? It stinks."> That's what they said.

8 Q. Mr. Witness, do you know whether the site where Krang Ta Chan
9 was situated used to be a grave site before 1973?

10 A. No, I was not aware of that.

11 Q. I apologize for the short interruption, Mr. President. I'm
12 just reviewing my questions. There's one last subject, Mr.
13 Witness, with your permission, I would like to discuss with you,
14 and that is part of the testimony that your fellow unit member,
15 Duch, gave to the Chamber. That is his testimony on 19 February
16 of this year, E1/2661. English, ERN 01069786; and French,
17 01069755. It's a question from the Prosecution. I will read the
18 question to you, and then I will read Duch's answer to you.

19 [10.06.30]

20 Prosecution: "Let me just follow up one more question. Were you
21 ever aware, at any time, of prisoners being transferred from
22 Krang Ta Chan to other prisons?"

23 Answer: "Yes, there were sending of the prisoners to other place,
24 but I don't know whether they were other prisons. I don't know
25 what happened, or their destination."

24

1 Question: "How often were prisoners transported to other sites?"

2 Answer: "It was not very often, when they were sent. It happened
3 late 1978 and early 1979."

4 Question: "Do you have any information as to where it was that
5 these prisoners were sent in late '78 or early '79?"

6 Answer: "I don't know their destination."

7 My question to you, Mr. Witness, do you remember -- we spoke
8 about it briefly yesterday -- but do you remember, now that I
9 have refreshed your memory, whether prisoners were taken out of
10 Krang Ta Chan and transported to other prisons, other prisons in
11 the zone or in the region?

12 [10.07.52]

13 A. No, I did not know about that.

14 MR. KOPPE:

15 Thank you, Mr. Witness. With the exception of -- of one or two
16 questions that I have -- that I still have, I'm finishing now my
17 examination, and would like to ask my national colleague if he
18 has any questions.

19 QUESTIONING BY MR. SUON VISAL:

20 Good morning, Mr. President, and good morning, Mr. Witness. Mr.
21 Witness, you have testified for almost two days, and many
22 questions have been put to you. I only have a few questions for
23 you, and I seek your help in clarifying them.

24 [10.09.02]

25 Q. My first question is related to <your> transfer from the

1 district army to work at Krang Ta Chan office. Were you
2 transferred under the order of your direct commander <or of
3 someone else>?

4 MR. VAN SOEUN:

5 A. <In> fact<,> I was not transferred. Krang Ta Chan office
6 requested some forces to assist them in the guarding duty there.
7 <That's what they said.>

8 [10.09.44]

9 Q. When you came to work at Krang Ta Chan office, did you
10 maintain any contact or relationship with your military
11 commander?

12 A. No.

13 Q. Once you arrived at Krang Ta Chan office, who was your
14 immediate supervisor?

15 A. It was Ta An.

16 Q. When you arrived at Krang Ta Chan office, you stated before
17 this Court that you became a guard there. Did you have a guard
18 post? Or did you mainly patrol the perimeter of the compound?

19 A. I stood guard outside, at the outside entrance.

20 Q. When you were at the entrance at the outer part, were there
21 other forces who patrolled the perimeter of the compound <during
22 the day and at night time? Or> were you only mainly stationed at
23 the entrance, at the outer entrance?

24 A. I only guarded at the outside perimeter. And besides that, I
25 was a <messenger>.

1 Q. When you were a guard for the outer perimeter, or a messenger
2 there, did you ever enter the inner compound of that re-education
3 office?

4 A. Yes, I was allowed, for example, during the meal time. We were
5 directed where to go< to the west, to the east> -- that is, to
6 <the east >, and head directly toward the dining hall. <We were
7 not allowed to look to the left or to the right; we had to walk
8 straight back.>

9 Q. <So, you never wandered> to see <the> buildings or <other
10 places, is that correct>?

11 A. Yes.

12 [10.12.19]

13 Q. You also stated that there was an interrogation room. During
14 the period that you worked there, did you ever go to that
15 interrogation room?

16 A. No.

17 Q. Also, while you were working there, did you ever see
18 Vietnamese people who had been arrested and sent to that office?

19 A. No.

20 [10.13.09]

21 Q. As for Kampuchea Krom people, did you ever hear that they were
22 arrested and sent to that office?

23 A. No.

24 Q. What about the Cham people? Did you <ever> see <them being
25 arrested and sent> there?

1 A. No.

2 MR. SUON VISAL:

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

4 MR. PRESIDENT:

5 Thank you. It is now convenient to take a short break. We will
6 take a break now and return at 10.30.

7 And Court officer, please assist the witness during the break,
8 and have him return to the courtroom with his duty counsel at
9 10.30.

10 The Court is now in recess.

11 (Court recesses from 1014H to 1040H)

12 MR. PRESIDENT:

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

14 And the Chamber would like to give the floor to the Defence
15 Counsel for Khieu Samphan so that he can have an opportunity to
16 put the question to the witness.

17 Counsel, you may proceed.

18 [10.41.29]

19 QUESTIONING BY MR. KONG SAM ONN:

20 Thank you, Mr. President, Your Honours, and Mr. Witness, Van
21 Soeun.

22 Q. I have a question as regard your background. I would like to
23 know that your parents were they -- are they still alive because
24 <in both of your documents>, D40/23 and E319.1.33 there were some
25 discrepancies between your background and especially your

1 parents.

2 On the first document, you indicated that your parents are
3 deceased, but on the second document, you say that your parents
4 are still alive. <Could you clarify that>?

5 MR. VAN SOEUN:

6 A. My parents died <> seven months ago, so -- so they both died
7 in the same months. The -- the gap in time was only <half a
8 month> between the -- the father and the mother.

9 [10.43.00]

10 Q. Did they die <half a month> ago or when did they died?

11 A. They both die for seven -- seven months now.

12 Q. Thank you, but in the document, it appeared that it was
13 prepared in 2007. You said that your father has died, but in
14 another document, in another case, you indicated that your
15 parents are still lives. Can you tell the Court why it is like
16 this?

17 A. I think it was a mistake by the interviewer or the
18 investigator.

19 Q. Thank you. Can you clarify <whether> the <> soldiers in your
20 group <at the Krang Ta Chan office, which you stated> were <>
21 guards<,> were any of them related to you by blood or <by> law?

22 A. One of them <was> related to me.

23 [10.44.44]

24 Q. Who was he?

25 A. His name was Saing.

1 Q. What is his relationship to you?

2 A. He was my cousin, elder cousin.

3 Q. Do you know that Saing has given any interview or testimony to
4 this Court?

5 A. No, I don't know about that.

6 [10.45.32]

7 Q. Can you tell the Court his full name?

8 A. He usually referred to or called Saing.

9 Q. Is he Saut Saing?

10 A. Yes.

11 Q. I would like to read a document for -- to you, document
12 <E3/4846>; ERN in Khmer, 00527731; in French, 00943268; in
13 English, 00527778. In this document, it is the statement of Say
14 Sen. He indicated that the guards were all cousins. And he also
15 indicated that you <and another guard> were siblings<; his name
16 is> Saing. Did you know <of> other relationships between other
17 members of the guard group in your group? <Were there any
18 cousins?>

19 A. Only me and Saing were cousins. And other people were not
20 related as siblings or cousins.

21 Q. Thank you. Talking about the execution of the prisoners at
22 Krang Ta Chan, earlier you indicated that sometimes it happened
23 once a month or once in two months<, they took prisoners away to
24 be killed>. However, Say Sen in his testimony before the Trial
25 Chamber, here, document E3 -- I'm sorry, E1/256.1, after 14.00.42

30

1 hours, Say Sen said that I -- and I quote, "Sometimes <the
2 execution happened> four, five or 10 times <per month. It
3 happened,> and the execution happened subsequently, but the types
4 of <> prisoners were the same. No prisoners <--> and as for the
5 prisoners <from> the other side, <they> could see <them better."
6 Sorry,> his statement seems to be very vague, difficult to
7 understand<, I would like to end the quote. I would like to
8 clarify the quote which I just read, and> he said that the
9 execution happened four times a month, for five times a month,
10 sometimes 10 times a month, which is different from your
11 testimony. Can you make any comment on his testimony?

12 MR. PRESIDENT:

13 Please wait, Mr. Witness.

14 International Co-Prosecutor, you may proceed.

15 [10.50.42]

16 MR. DE WILDE D'ESTMAEL:

17 Thank you, Mr. President. I didn't hear the witness say before
18 this Chamber, during this hearing, that executions took place
19 only one or two times a month. He perhaps <said that to the>
20 Investigating Judges at particular location <that is yet to be
21 determined. However,> the Defence Counsel <isn't even citing this
22 particular> passage <in any case. And that was not said by the
23 witness, in fact the opposite was said.>
24 The witness said <rather> that whenever letters were <received
25 from the district that, then>, there were executions. <Therefore

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1 I do not think that we can contest what Say Sen said <on such an
2 unreliable basis as this>. He should <perhaps> rely on a specific
3 passage cited from Say <Sen's WRI and provide the specific ERN
4 numbers so that we can know exactly what the witness stated
5 previously>.

6 BY MR. KONG SAM ONN:

7 [10.51.35]

8 Q. Document <E319.1.33> at question and answer <181>, it is your
9 testimony given to the question: "Were the prisoner -- were the
10 execution happened very often?" And you responded that,
11 "Sometimes it happened one time or two times a month." <That was
12 your statement.> Can you recall this? If so, you can respond to
13 my earlier question I put to you a moment ago?

14 MR. VAN SOEUN:

15 A. To my knowledge I can say it happened one time a month or two
16 times a month <only,> and more than that I cannot say. I don't
17 know.

18 Q. Thank you. Now I -- I would like to move on to another point
19 as regard Ta San on the 3rd of March 2015, you responded before
20 the Chamber in the afternoon session before -- before <14.15.57>
21 hours <> -- somewhere about this hour you said, and I quote, "No,
22 I am not quite sure, but I met him in 1977." <> This is the time
23 that you met Ta San at that time. And the question: "So when you
24 met him in 1977, was he <already> the district chief, or <did he
25 have another> role in that <commune,> district?" And your

1 response was that, "Yes, when I met him, he was the Tram Kak
2 district chief." End of quote.

3 I would like you to tell the Court now, and my question is that,
4 what was the circumstances that led you to meet with Ta San at
5 that time?

6 A. I met him when I visited my parents in <Chreae village,> Leay
7 Bour commune, and <I went to Leay Bour commune office, and> I met
8 him at cooperative of <Kong> Mouy, Unit One, at Leay Bour
9 commune.

10 [10.54.45]

11 Q. Did you know his role and what did he do when you met him at
12 Leay Bour <>?

13 A. I met him during the lunchtime at that time.

14 Q. I would like you to tell me, how did you know that Ta San was
15 the district chief?

16 A. I heard from the villagers telling me that he was the new Tram
17 Kak district chief.

18 Q. Do you know any of those villagers by name and who were they,
19 their roles, who can indicate or who -- who was indicating Ta San
20 as the district chief?

21 A. No, I cannot indicate because they were at the district and
22 commune levels. As I was a young boy, I could not <go to meet
23 them>.

24 Q. But my question for you is that who were the people who told
25 you that Ta San was the new district chief? I would like to know

1 the role and responsibility of those peoples to see why they know
2 Ta San as district chief, as new district chief?

3 [10.55.53]

4 A. I cannot identify any of those villagers because <they were
5 regular villagers, and> I heard <it> from one person to another
6 at the cooperative. <That's what I knew.>

7 Q. Thank you. Do you have any official knowledge that Ta San was
8 the district chief of Tram Kak?

9 A. I am clear that when Ta An arrived at Krang Ta Chan, he said
10 that now Ta San became the district chief. <That's what he said.>

11 Q. Could you indicate again please who told you at Krang Ta Chan
12 that Ta San became the district chief?

13 A. It was Ta An who said that.

14 Q. In which occasion that he indicated this to you?

15 A. When he entered into <-- during the meal time>, Ta An said
16 that now the new district chief was -- is Ta San.

17 [10.58.17]

18 Q. I would like to ask you about the activities and work at Krang
19 Ta Chan. Did you attend any meeting with Ta An or any other
20 people at Krang Ta Chan Security Centre? I am talking about
21 official meeting?

22 A. No, I didn't.

23 [10.58.50]

24 Q. You say that you didn't attend the meeting. Are you talking
25 the whole period when you were working there? Do you mean that

34

1 there was no official meeting at Krang Ta Chan, all the way from
2 the beginning to the end when you worked there or you didn't
3 remember any meeting? So which of the two?

4 A. Since I started working at Krang Ta Chan, I never attended any
5 meeting <with Ta An>.

6 Q. And how about other cadres who were Party members? <>

7 A. Yes, there was <only> Penh.

8 Q. How often did you attend the meetings with Penh?

9 A. Yes, <once a month>.

10 Q. Can you tell the Court the subject or the topic of each
11 meeting you were attending?

12 A. The contents of the meeting was mainly about the guarding
13 duty, about working in the rice fields, about the plantation,
14 about carrying earth, mound earth and the earth from the bottom
15 of the pond.

16 Q. Did you ever attend any meetings on the plans to execute the
17 prisoners?

18 A. No.

19 Q. In -- in the transcript document E1/250.1 dated 22nd February
20 -- January rather, 2015, Mr. Meas Sokha testified before this

21 Chamber at 12 o'clock -- at 12.00.53 hours. At that time he was

22 asked by counsel Anta Guissé and I quote, "In relation to a

23 meeting on the plan to execute 100 prisoners and the meeting was

24 attended by all staff, including guards and the Party members."

25 And my question to you is did you -- do you recall there was such

1 a meeting held in 1977?

2 A. I was not allowed to attend that meeting because whenever
3 <there was a> meeting to assign plans to be implemented, <they
4 asked me to stay outside>.

5 [11.03.14]

6 Q. Can you tell the Court that you were not allowed to attend and
7 that you were asked to stay outside, and what was the main
8 reasons? And what about other guards? Were they allowed in?

9 A. I cannot say about other guards. For myself my main duty was
10 to stand guard outside and to be a <messenger>.

11 [11.03.51]

12 Q. In Meas Sokha's testimony, that is in the same document that I
13 quoted, and almost at the same time, Meas Sokha responded and I
14 would like to quote, "The -- As for the executioners they were
15 all there except Big Duch and one or two staff working in the
16 kitchen. Big Duch was -- went outside the district at that time."
17 And then the person was again the question, "What about Penh and
18 Soan? Were they also present in the meeting?" And the witness
19 replied, "Yes, they were present." And they referred to you as
20 Soan, that you were present in the meeting. How do you react to
21 this statement by Meas Sokha?

22 A. I'd like to clarify that if Meas Sokha makes this statement
23 and if that statement is true, we can go and ask the mother of
24 Meas Sokha because at that time I was not allowed in and I <was
25 always> outside <with Meas Sokha's mother,> and I was not

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1 involved in such a meeting to lay out the plans.

2 Q. You said that you were always outside and with Meas Sokha's
3 mother. Can you tell or can you provide a bit more details on
4 that?

5 A. We can go and ask Meas Sokha's mother, because <I always snuck
6 out some rice for her, and> I was not involved with Penh <or>
7 with any other guards there, my work was different from theirs.
8 [11.06.46]

9 Q. Do you wish to make any further comments regarding the
10 statements of Meas Sokha that I just read out to you that Meas
11 Sokha alleged that you attended that meeting?

12 A. I'd like to state that Meas Sokha was the child of Yeay Nha
13 and I was in the rooms at the outer gate alone, and Meas Sokha,
14 in fact, slept in the room where I was too.

15 Q. Thank you.

16 However, my question is related to the statement by Meas Sokha
17 that you attended the meeting, but you denied it, and I'd like to
18 ask whether you have any further comment to make regarding this
19 statement -- that is, on the point that he -- that the witness
20 alleged you attended the meeting?

21 [11.07.56]

22 A. As I stated, once in a while, I attended a meeting <with>
23 Penh, but I never attended a meeting when they laid out the plans
24 to execute the prisoners.

25 Q. Can you tell the Court if there is any reason for Meas Sokha

1 to tell this Court that you did not -- that you attended the
2 meeting where they laid out the plan to execute one hundred
3 prisoners?

4 A. I cannot say anything, because that is Meas Sokha's statement,
5 and Meas Sokha was a prisoner there, and how could Meas Sokha
6 know about the execution of these so many, 100 prisoners? <Where
7 did he see or where did he hear it from? I don't know.>

8 Q. In relation to your document E319.1.33, which is your written
9 record of interview, at question-answer number 131, you were
10 asked:

11 "Did you ever hear the word 'enemy'?" And you said: "Yes" and you
12 said "The enemy referred to the opponents during the fighting
13 with the Lon Nol soldiers. And when the Khmer Rouge captured the
14 Lon Nol soldiers, those soldiers were considered the enemy."

15 [11.09.52]

16 And the next question is, as I quote: "After 17 April 1975, did
17 they still refer or talk about the enemy?"

18 And your response is as follows, "No."

19 [11.10.13]

20 And my question to you, Mr. Witness, is this: What was the reason
21 or what was the basis for your statements that after 1975 they
22 stopped talking about the enemy or they stopped using the word
23 "the enemy"? <Could you clarify that?>

24 A. They said that the policy was that we were all Khmers and we
25 all had to reconcile amongst ourselves in order to build the

1 country. That's all what he said.

2 Q. And who said that?

3 A. It was Ta An.

4 Q. Did you hear any other persons speaking about this?

5 A. No.

6 Q. Under what circumstance did Ta An make that statement?

7 A. It was during a lunch time.

8 Q. Was it a meeting amongst the staff there or did he only

9 converse with you one-on-one, on this matter?

10 A. An was talking to Penh, and I was on the <edge of the> table

11 and I overheard it.

12 Q. Also in the same document, at question-answer 136, the

13 question that was posed to you is the following, and I quote:

14 [11.23.38]

15 "What did you hear about the White Scarves and when did you hear

16 it?"

17 And your response is: "The White Scarves referred to the Khmer

18 Krom."

19 And the next question is: "Did the White Scarves fight alongside

20 Lon Nol soldiers against the Khmer Rouge or were they -- or were

21 the Khmer Rouge and the White Scarves fighting the Lon Nol

22 soldiers?"

23 [11.13.10]

24 And your response 137 is: "They were aligned with the Lon Nol

25 side to fight against the Khmer Rouge." End of quote.

1 Can you tell the Court about the White Scarves group that you
2 referred to as the Khmer Krom and that they aligned with the Lon
3 Nol side to fight against the Khmer Rouge? How did they align
4 with the Lon Nol side?

5 A. At that time -- that is, during '71 or '72, I was rather young
6 and I <had> an elder cousin who was a soldier at Kampuchea Krom
7 and who was assigned to guard at Ou Chambak (phonetic), to the
8 <west> of Takeo province<, Takeo provincial town>. He said that
9 he joined the White Scarves group<,> the Khmer Krom <army. I knew
10 only that>. And at that time, there was fighting against the
11 Khmer Rouge soldiers and <> the <Khmer Krom army> cooperated with
12 the Lon Nol soldiers to fight against the Khmer Rouge. And that's
13 how I learned about this. <That's what my elder cousin told me.>

14 Q. Did you have any experience in the battlefield -- that is, in
15 the fight against the White Scarves group at the time? <Or did
16 you know of any fighting against the White Scarves group at that
17 time?> That is around '73 or '74, you stated?

18 A. When my cousin spoke about it, he referred to the period of
19 '71 or '72<; if it happened until '73, I did not know.>

20 Q. Did you know about the organizational structure of the White
21 Scarves group, whom you referred to as the Khmer Krom? For
22 example, who was their leader and what was their policies?

23 [11.15.43]

24 A. No.

25 Q. Did you know whether the White Scarves group assisted and

1 until when?

2 A. No, I did not know.

3 Q. Did you know anyone else who was a member of the White Scarves
4 group or who is alive today?

5 A. I know Saom (phonetic), but <now> he's dead. Saom (phonetic)
6 used to live near where I lived and he used to be a soldier for
7 the White Scarves group.

8 Q. Did you meet and speak face-to-face with Saom (phonetic) about
9 the mission of the White Scarves group or what their political
10 tendencies were?

11 [11.17.06]

12 A. No, I did not.

13 Q. Why did you know that the White Scarves group aligned with the
14 Lon Nol side to fight against the Khmer Rouge?

15 A. I only heard from him that at that time the Lon Nol side
16 cooperated with the White Scarves group and at the time the
17 Vietnamese entered the territory of Kampuchea.

18 Q. Also, in the same document, at question-answer 140, the
19 question to you is the following, and I quote: "At Krang Ta Chan
20 security office, were there any prisoners who were former Lon Nol
21 soldiers?" And response: "While I worked at Krang Ta Chan
22 security centre, there was none." End of quote.

23 Why did you know that there were no Lon Nol soldiers at Krang Ta
24 Chan office? What was the reason for you to make such a
25 statement?

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1 A. I said that I did not know, because I did not know where those
2 prisoners had been arrested before they were brought to the
3 centre. <So, I answered that I did not know.>

4 Q. Can you please clarify this matter, because, in your statement
5 that I just read out, you said that<, "There> was <none." You did
6 not say, "I did not know."> So it implies that you knew about the
7 prisoners there. Or do you wish to make changes to your previous
8 statement?

9 [11.19.43]

10 A. I did not know who those prisoners were.

11 Q. Also, in the same document and in question-answer 143, you
12 were asked the following question, and I quote: "As a soldier,
13 after the victory on 17 April 1975, did you ever receive any
14 instructions with regards to your encounter with former Lon Nol
15 soldiers?"

16 [11.20.33]

17 And your response <143> is: "No, they just sent Lon Nol soldiers
18 back to their hometowns."

19 Can you tell the Court what was the reason for your statement and
20 who actually authorized <you> to send Lon Nol soldiers back to
21 their hometowns?

22 A. I did not know the details. We simply knew that they were sent
23 back to their respective families. That's what we were told.

24 Q. You used the word to send them back to their hometowns. Does
25 it mean to allow the former Lon Nol soldiers to go back to their

1 native villages?

2 A. Yes.

3 Q. From whom did you hear the instructions to authorize <the
4 former> Lon Nol soldiers to be sent back to their native
5 villages?

6 A. It was a word from one to another, that's how I heard it.

7 Q. Can you properly clarify the source? From whom did you hear
8 and when was that and under what circumstance?

9 A. Amongst the soldiers at a Takeo provincial town, those
10 soldiers were sent back to their respective families. That's all
11 I knew, and I did not know from which level the instructions
12 came.

13 Q. Did you hear about the instructions amongst your fellow Khmer
14 Rouge soldiers or combatants?

15 [11.23.10]

16 A. Yes.

17 Q. Was it possible that your military commander relayed such
18 instructions?

19 A. Yes, we heard about it from one to another.

20 Q. You mean from one fellow soldier to another fellow soldier?

21 A. Yes, from one soldier to another.

22 Q. I'd like now to return to document E3/4846, and in fact I used
23 that document earlier to put questions to you in relation to your
24 relationship with Saing.

25 [11.24.30]

1 And I'd like to put a few more questions in relation to this
2 document; at ERN in Khmer, 00527731; and in French at, 00943268;
3 and in English, 00527778. That is -- that document is the
4 interview of Say Sen, and he was interviewed by representative
5 from the DC-Cam by the name of Sophearith (phonetic). And I'd
6 like to read an extract from this statement:
7 "Saing and Soeun are they biological brothers?" And Sen replies:
8 "Yes, they were biological brothers."
9 Question: "And were both of them killers?" Answer: "Yes, they
10 were <> killers. They were the direct perpetrators<, they were
11 called the direct perpetrators>." Question<: "When you entered
12 into Tuol Sleng, that's"> -- I beg your pardon, <allow me to
13 erase the word "entered into Tuol Sleng",> allow me to unquote
14 <at the part, "They were called the direct perpetrators.">
15 I'd like you to react to this statement of Say Sen when he said
16 that Saing and Soeun, or here the pronunciation is <Soan
17 (phonetic)>, that refers to you, that Saing and Soeun were the
18 biological brothers and that both of them were the perpetrators
19 and were the killers. What is your reaction to this statement?
20 A. Personally, I never participate in any of this event or
21 killing, and I denied it.
22 Q. You mean that you did not participate in the killing at all,
23 is that what you mean?
24 A. Yes.
25 Q. Did you participate in other activities, for example, on the

1 transportation of the prisoners, or on the walking of the
2 prisoners to the execution site, or on the torture of the
3 prisoners?

4 A. No, I did not.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. I don't have any further questions for
7 this witness.

8 MR. PRESIDENT:

9 Thank you, Counsel. Before we adjourn this morning's hearing,
10 this morning we received a request from Nuon Chea's defence for a
11 closed session <to hear the testimony of the witness, Van Soeun,>
12 on the issue of a sexual assault against a female prisoner <at
13 Krang Ta Chan security office>. And in order to protect the
14 privacy of the relevant individual, <that Nuon Chea's defence
15 will put their questions to,> the Chamber will hold a closed
16 session to hear the testimony of this witness on this particular
17 issue. And that is pursuant to Article 316 of the Code of
18 Criminal Procedure of the Kingdom of Cambodia<, 2007>.

19 [11.29.25]

20 And, security personnel, you are instructed to please invite the
21 audience to leave the podium.

22 And also, the Chamber would like to inform the concerned Parties
23 that for the afternoon session, we will also have <the Trial
24 Management Meeting in closed session>. And for that reason,
25 please, security personnel, you are advised not to bring any

1 audience into the courtroom, and also this information is for the
2 Public Affairs section and to take measures accordingly and
3 appropriately.

4 AV unit, you are instructed to disconnect the audio and visual
5 communication to the podium outside, but leave the curtain drawn
6 to facilitate the interpreters in the booth.

7 And, civil parties who are present in the courtroom, you are
8 reminded that you are allowed to remain in the courtroom during
9 this closed session hearing, but you must not share the
10 information you hear or see during this closed session.

11 (End of public session 1131H)

12 (Court goes into closed session)

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