



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

25 March 2015  
Trial Day 263

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 10-Apr-2017, 08:00  
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## I N D E X

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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
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KIM Mengkhy	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
Ms. MOCH Sovannary	Khmer
The President (NIL Nonn)	Khmer
Mr. SAUT Saing (2-TCCP-304)	Khmer
Mr. SORY Sen (2-TCCP-271)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0901H)

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 civil party, Saut Saing, and after that, we will  
7 hear the testimony of Sory Sen.

8 Greffier, could you report the attendance of the Parties and  
9 individuals to today's proceedings.

10 THE GREFFIER:

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

13 As for Nuon Chea, he is present in the holding cell downstairs,  
14 as he waives his rights to be present in the courtroom. His  
15 waiver has been delivered to the greffier.

16 The civil party who is to continue his testimony today -- that  
17 is, Mr. Saut Saing, is present in the courtroom. We also have a  
18 reserve civil party that is 2-TCCP-271. Thank you.

19 MR. PRESIDENT:

20 The Chamber now decides on the request by Mr. Nuon Chea.

21 The Chamber has received a waiver from Nuon Chea, dated 25th  
22 March 2015. He confirms that due to his health condition -- that  
23 is, headache, back pain and that he cannot sit for long and in  
24 order to effectively participate in the future hearings, he  
25 requests to waive his right to participate in and be present at

2

1 the 25th March 2015, hearing. He has been informed by his counsel  
2 about the consequence of this waiver, that in no way it can be  
3 construed as a waiver of his rights to be tried fairly or to  
4 challenge evidence presented or admitted to this Court at any  
5 time during his trial.

6 [09.04.12]

7 Having seen the medical report by the duty doctor for the Accused  
8 at the Extraordinary Chambers in the Courts of Cambodia, dated  
9 25th March 2015, who notes that the health condition of Nuon  
10 Chea, is that he has chronic back pain and it becomes worse when  
11 he sits for long and recommends that the Chamber so grant him his  
12 request so that he can follow the proceedings remotely from a  
13 holding cell downstairs.

14 Based on the above information and pursuant to Rule 81.5 of the  
15 ECCC Internal Rules, the Chamber grants Nuon Chea's request to  
16 follow the proceedings remotely from a holding cell downstairs  
17 via an audio visual means for today's proceedings as he waives  
18 his direct presence in the courtroom.

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

22 [09.05.20]

23 The Chamber would like to notify the Parties that the proceedings  
24 of hearing the testimony of civil party 2-TCCP-271<, was> held  
25 partly in closed session <and then it was postponed> due to the

3

1 request for a protective measure by this civil party. And the  
2 remainder of his testimony will be held in closed session  
3 awaiting the report of the WESU and that report--

4 (Short pause)

5 (Judges deliberate)

6 [09.07.36]

7 MR. PRESIDENT:

8 There seems to be a misunderstanding on the arrangement and there  
9 is a discrepancy in the English and Khmer versions <of the  
10 decision>. For that reason, the Parties will be notified after  
11 the break after we rectify the problems. And then we will decide  
12 also on the request by Khieu Samphan's defence counsel.

13 The Chamber now hands the floor to the defence teams again <to  
14 put questions to this witness>. Defence Counsel for Nuon Chea,  
15 you may continue.

16 QUESTIONING BY MR. KOPPE RESUMES:

17 Thank you, Mr. President. Good morning, Your Honours, good  
18 morning Counsel and good morning, Mr. Witness.

19 Q. Yesterday, before the recess, I was asking you questions about  
20 the testimony of Mr. Say Sen. I will revisit that topic with you  
21 in a short while. But I would like to start with you first with  
22 some follow questions in relation to the names of prisoners and  
23 other guards.

24 [09.09.18]

25 The two other guards that I would like to ask you a question

4

1 about are the guards called Touch and Uok. One of -- One of the  
2 guards gave testimony to the Investigators of the OCIJ and said  
3 that Touch is living east of Wat Khnar south of Leay Bour. Could  
4 you confirm that?

5 MR. SAUT SAING:

6 A. I did not know his native village however he lived in Leay  
7 Bour commune. I only know the commune that he lived and not the  
8 village.

9 Q. Can you confirm if he is still alive?

10 A. Since 1979 I do not know whether he is alive.

11 Q. And Uok -- Mr. President, I am actually referring to D40/20,  
12 that's English, ERN 00433571; Khmer, 00165332; and French  
13 00524320. And this other guard, Mr. Witness gave in his  
14 testimony, the following statement about Uok. He said that, "Uok  
15 is now living in Basedth district Kampong Speu province." Are you  
16 in a position to confirm this or you don't know?

17 A. I was not sure where Ta Uok lived, whether in Kampong Speu  
18 province or not.

19 Q. Do you know if he is still alive or not?

20 A. Since 1979, I have not heard from him. <I do not know whether  
21 he is still alive.>

22 Q. Alright, thank you. Mr. Witness -- Civil Party, I would like  
23 to ask you about one name of a female prisoner that you referred  
24 to in your statement, or actually, it's your statement to DC-Cam,  
25 D22/88, and that's ERN 00379422. I just realised I don't have the

5

1 Khmer ERN right now but it's only about a name, Mr. President.

2 Mr. Witness, you mentioned somebody with the name, who was a  
3 prisoner, called Kmuoy Be. Can you tell us who Kmuoy Be is?

4 A. Kmuoy Be was very young at that time. Kmuoy Be actually was  
5 the child of Yeay Rat.

6 [09.13.16]

7 Q. I understand. The last question I have about a possible female  
8 prisoner while you were there, a female prisoner with the name of  
9 Run. Now does that ring a bell to you?

10 A. Could you pronounce that name again? I did not catch that  
11 name clearly.

12 [09.14.03]

13 Q. Run.

14 A. I know a person by the name of Run.

15 Q. Was that a female prisoner who had a love affair with Ta An,  
16 the chief of the prison?

17 A. The matter of love affair, I had no clue, I had no idea at all  
18 whether they had a love affair or not.

19 Q. What do you remember, Mr. Witness, about Run, the female  
20 prisoner?

21 A. I can recall that while I was carrying earth and also the  
22 earth from the bottom of the pond. I can recall her name at the  
23 time.

24 Q. Do you know for what reason she was detained at Krang Ta Chan?

25 A. No, I did not know why she was detained as I did not ask for



1 that reason.

2 Q. Was she a friend or colleague of the medic, the other female  
3 prisoner that we spoke about yesterday, Han?

4 A. I did not know whether they were friends or colleagues, but I  
5 saw the two of them there.

6 Q. You saw -- you mean, being together like friends or can you be  
7 a little more specific please?

8 A. In the prison compound, from my observation, they were living  
9 together and they were working together. I did not see them  
10 fighting or having any other argument.

11 Q. Thank you, Mr. Witness. A final follow up question in relation  
12 to my earlier questions yesterday, we spoke about the female  
13 prisoner Rat and I asked you, you might remember, whether you  
14 ever saw her after 1979 and I think you said that you didn't, but  
15 in one of your statements you testified that you saw her again in  
16 2000. Is that correct?

17 A. No, I did not meet with Yeay Rat but I met her <sister> Kha  
18 who came to visit me at my house.

19 [09.18.09]

20 Q. So you met the daughter of Rat, rather than Rat herself, is  
21 that correct?

22 A. In fact, I met her sister, her younger sister not her  
23 daughter. Sokha was <her sister, and> also a daughter of Yeay  
24 Nha.

25 [09.18.40]

7

1 Q. Thank you, Mr. Civil Party. Now, as I said a little bit  
2 earlier, I would like to revisit with you the testimony that Say  
3 Sen has given to investigators of this Court and to the Trial  
4 Chamber itself. Yesterday we spoke about his testimony relating  
5 to alleged sexual offences within the compound of Krang Ta Chan.  
6 What I would like to do now, Mr. Witness, is read some very  
7 specific excerpts from his testimony to you and then I would like  
8 to ask your reaction.

9 Mr. President, this is the testimony of Say Sen, E1/257 (sic) at  
10 around 10.40 and 10.42. French, ERN 01064515; Khmer, ERN  
11 01064674.

12 MR. PRESIDENT:

13 Counsel Koppe, please repeat the ERN number again. Thank you.

14 BY MR. KOPPE:

15 Yes, of course, Mr. President. It is 01064674.

16 Q. So, Mr. Witness, we are talking about -- Say Sen is talking  
17 about you and about Duch and about the other guards and the  
18 question is as follows: "There were two persons called Duch. Duch  
19 Thom and Duch Touch." No sorry, this is actually the answer, I  
20 apologise. The answer of Say Sen is: "There were two persons  
21 called Duch, Duch Thom and Duch Touch. Duch Thom was the deputy  
22 chairman, Duch Touch was the subordinate. Aside from his job of  
23 killing prisoners, Duch Touch, large Duch had the additional job  
24 of typist, making reports to be sent to the upper level. Small  
25 Duch was another name -- and another name Saing, were the

8

1 cruellest of the 12 soldiers."

2 [09.21.47]

3 Then the question comes with respect to that statement:

4 "What compelled you," -- Mr. Say Sen, "to say that Duch Touch and  
5 another named Saing were the cruellest of the 12 soldiers?"

6 Answer of Say Sen: "I said that because when he saw -- or when he  
7 thought that the prisoner made any minor mistake then he would  
8 just beat the prisoner up and beat him with his hand or kick that  
9 prisoner. Usually he was -- he was very active with his hands or  
10 feet in kicking or beating the prisoners up".

11 Now, Mr. Witness -- Mr. Civil Party, it seems that Say Sen is  
12 testifying that you and Duch were in fact, very cruel persons and  
13 that you were in fact the cruellest guards within the compound of  
14 Krang Ta Chan. What is your reaction to that testimony?

15 [09.22.48]

16 MR. SAUT SAING:

17 A. As for the prisoners or for other people working at Krang Ta  
18 Chan, I never laid a hand on any of them or resort to violence  
19 against any of them. If I <had been> a cruel person then I would  
20 have been killed. Revenge would have been taken against me and I  
21 would have not survived until today.

22 Q. And what about Duch, was he a cruel guard, mistreating  
23 prisoners?

24 A. I never saw him beat anyone. Because Duch and I stayed  
25 together and we also were on the same guard duty roster.

9

1 Q. Now, Mr. Witness, it seems that your testimony is directly  
2 contradictory to Sory Sen's testimony. It seems that you are  
3 implying that Sory Sen is in fact, not telling the truth. What is  
4 it -- what is exactly your reaction to Sory Sen's testimony, how  
5 would you qualify it?

6 MR. PRESIDENT:

7 Civil Party, please wait. And the <> International <Deputy>  
8 Co-Prosecutor, you have the floor.

9 MR. LYSAK:

10 Thank you, Mr. President, my objection is that, Mr. Koppe is  
11 leading the witness, trying to encourage him to provide an  
12 opinion or characterisation of the testimony. This is the same  
13 thing he did with another witness where he suggested the word  
14 "fabrication". The witness has provided his evidence; it's not  
15 for him to provide an opinion on the creditability of other's  
16 evidence.

17 [09.25.22]

18 MR. KOPPE:

19 Mr. President, I think I'm perfectly entitled to do so. I put  
20 before the witness that there seems to be a very big  
21 contradiction in their testimony and I think the civil party has  
22 the right, is allowed to say what he thinks or how he sees the  
23 testimony of Say Sen. So I think that is a very appropriate line  
24 of questioning in relation to this very specific topic.

25 [09.26.01]

10

1 MR. PRESIDENT:

2 You can put a question but you have to be mindful of the wording  
3 that you use <as it seems that you were trying to disqualify the  
4 civil party>. Your last question seems to try to elicit a "No"  
5 response from the civil party. Please rephrase your question and  
6 if you use inappropriate wording in your questions then the  
7 Chamber will exercise its discretion either to reject it or to  
8 instruct the civil party not to respond to that question. It has  
9 been a practice in this courtroom <for months>.

10 BY MR. KOPPE:

11 I will try to rephrase, Mr. President.

12 Q. Mr. Civil Party, when Say Sen testified that you were the  
13 cruellest guard on the Krang Ta Chan compound, was he lying?

14 MR. SAUT SAING:

15 A. In his statement and I would like to clarify the matter so  
16 everybody is clear about this. I was born in Leay Bour commune  
17 and I'm still living in the area<. Again if I had been> a cruel  
18 person then I would not <have risked my life living in the  
19 neighbourhood near the area of Krang Ta Chan since 1979>. I would  
20 go and live elsewhere and <not somewhere> near Krang Ta Chan of  
21 course.

22 Q. So again, without being repetitive I think, Mr. Witness, is  
23 Say Sen lying when he says you were the cruellest guard?

24 MR. PRESIDENT:

25 Civil Party, you do not need to respond to that question. To

11

1 assess the credibility of the evidence is the burden of the  
2 Chamber and of course Duty Counsel you were advised on this issue  
3 yesterday and please try to avoid this line of questioning in the  
4 future.

5 [09.28.44]

6 BY MR. KOPPE:

7 Q. Very well, Mr. President. Say Sen, Mr. Civil Party, did not  
8 only say that you were the cruellest guard, he also said some  
9 other things about your actions within Krang Ta Chan. And I will  
10 read another excerpt from his testimony -- that is, E1/257.1.  
11 Testimony at around 11.19, on 5 February 2015. The question, Mr  
12 Civil Party, is as follows. "Very well, now we're going to talk  
13 about Saing, the person you say is still alive. It appears that  
14 you have referred to him on several occasions and if I understood  
15 what you said correctly, you said that with small Duch, Duch  
16 Touch, he was one of the most wicked persons. Is that indeed the  
17 person you are referring to?"

18 Say Sen answers as follows: "Yes. Saing and Duch were cruel and  
19 brutal and as for Sieng he was not so much as cruel as Duch --  
20 small Duch and Saing." Question: "Yesterday and again this  
21 morning, questions were put to you regarding the execution of two  
22 little girls. And you stated, I believe yesterday, that small  
23 Duch was the person who smashed the head of the younger of the  
24 two kids on the trunk of tree and that Sieng was the one who  
25 killed the second one. Is that correct?" "Yes, I remember it was

12

1 not Saing who smashed the kids, Sieng was the one who smashed the  
2 kids. The group who killed the kids were Saing, Sieng, Small Duch  
3 and another person."

4 Question: "So this person who smashed the skull and killed the  
5 elder of the two children were Saing and Sieng, right?" Answer:  
6 "The older baby was killed by Saing and as for the younger baby  
7 was killed by Sieng."

8 [09.31.03]

9 Now again, Mr. Civil Party, Say Sen is giving, or has been  
10 giving, gruesome testimony in relation to your actions within  
11 Krang Ta Chan. Please react if you will to his testimony. Is it  
12 true or false that you were involved in the killing or execution  
13 of two small children?

14 A. I reject that statement. I never killed any young baby or  
15 <treated anyone with such> cruelty there <in the prison>.

16 Q. How about Sieng or small Duch, did they -- were they involved  
17 in the execution of two small children?

18 A. As for Sieng and small Duch, I did not know whether they were  
19 involved in the killing or when they did that killing.

20 Q. Fair enough. But you are saying that you yourself were at no  
21 point in time, during your position at Krang Ta Chan, involved in  
22 the murder of two children, is that correct?

23 A. Yes, that is correct.

24 [09.32.58]

25 Q. Again, I'll try to be careful in my phrasing, Mr. President,

13

1 again it seems that your testimony is contradictory to the  
2 testimony of Say Sen. Are you telling the truth and is Say Sen  
3 not telling the truth?

4 [09.33.20]

5 MR. PRESIDENT:

6 Please wait <the> Civil Party, You may now proceed, <the>  
7 International <Deputy> Co-Prosecutor.

8 MR. LYSAK:

9 This is just a different way of asking the questions he was  
10 asking before, trying to encourage the witness to say that  
11 someone else is lying and not telling the truth. The witness has  
12 given his response to the questions, it's not for him to  
13 characterise or provide opinions on the testimony of others.

14 MR. KOPPE:

15 Again, Mr. President, I think this is a perfectly appropriate  
16 line of questioning. The civil party is also entitled to give a  
17 reaction to that very incriminating and damaging testimony. And  
18 following up, if he would confirm that Say Sen is indeed lying,  
19 of course I would ask the question, why Say Sen is lying. So in a  
20 court of law, I think these are totally appropriate questions.

21 MR. PRESIDENT:

22 <Civil Party, you> are not required to provide your response <to  
23 the question> because you are asked to give the weight on the  
24 evidence <being cross-examined before the Chamber>. So, Civil  
25 Party, you are not required to respond to such questions. <You



14

1 may proceed with your line of questioning, Counsel.>

2 BY MR. KOPPE:

3 Q. Oh well, I'll move on, Mr President. Mr. Civil Party, did you  
4 very recently run into Say Sen and talk briefly to him?

5 MR. SAUT SAING:

6 A. I did not run into him <or have a chitchat> with him <about  
7 what we did in the past or what we are doing in the present>. I  
8 would like to tell the Court that one day during the marriage  
9 ceremony and party of his child, of Say Sen's child, I was not  
10 invited to attend the wedding procession in the morning<.

11 Initially, Say Sen's house was near mine> and I knew that Say Sen  
12 later went to live with his <new> wife at Angk Ta Saom.  
13 <Therefore,> I have never talked to <Say Sen about anything>.

14 [09.36.18]

15 Q. Mr. Civil Party, I will read to you an excerpt from a  
16 document. Mr. President -- that is, E29/466, English, ERN  
17 01066609; Khmer, 01072056; it says the following, it says that  
18 since his testimony very recently, beginning of February this  
19 year, Mr. Say Sen, "[...] met both," you, "Mr. Saut and Mr. Srei as  
20 well as relatives of Mr. Srei during his daily activities since  
21 his testimony. Mr. Sory said that Mr. Saut appeared to be afraid  
22 and asked again that Mr. Sory describe him as a victim. Mr. Sory  
23 said he felt no threat from Mr. Saing. Mr. Sory said that Mr.  
24 Srei greeted him civilly and his relatives also greeted him but  
25 perhaps with less enthusiasm than on previous encounters."

1 [09.37.44]

2 Mr. Witness -- Mr. Civil Party, this is a report drawing on what  
3 Mr. Say Sen has said to officers of this Court saying, indicating  
4 that he has very recently since his testimony met with you and  
5 little Duch. Is that correct, yes or no?

6 A. I told the Court already, I did not make any contact with Say  
7 Sen. Since 1979, I have never made any contact with Say Sen. I  
8 have never talked to Say Sen as well. <Thus,> I cannot accept the  
9 statements of Say Sen.

10 Q. So, in other words, you also never asked him very specifically  
11 that he should describe you as a victim rather than as a  
12 perpetrator?

13 A. On this matter, I never asked him about that. I never chatted  
14 with him as I said I have never met him and had a conversation  
15 with him. However, our house is close to each other.

16 Q. So, just to be 100 percent clear, you never had an encounter  
17 with him in the last one month, one month and a half, talking  
18 about your position as a victim or as a witness, is that correct?

19 A. I have never talked to him so I cannot accept what he said.

20 Q. Thank you, Mr. Civil Party. I would now like now to talk about  
21 alleged torture that has -- that has taken place during  
22 interrogations at Krang Ta Chan. I believe yesterday in your  
23 testimony you were referring to an incident of -- an incident  
24 describing interrogators using a plastic bag and put that plastic  
25 bag on the head of the person who was interrogated. My question

16

1 is, first, do you remember when you saw this incident?

2 [09.40.53]

3 A. As for putting the plastic bag on the head of the prisoners  
4 <at Krang Ta Chan>, I did not recall when it happened. And during  
5 the time that I was cooking I could see <such an> incident on  
6 some occasions.

7 Q. Let's start with one occasion that you saw this happening. Do  
8 you remember who the prisoner or the interrogee was; was it a  
9 woman or a man?

10 A. The interrogator was a <man>.

11 Q. And the person who was being interrogated at the time, was it  
12 a man or a woman?

13 A. The <man> who interrogated the prisoner was the <> prison  
14 <chief himself>.

15 Q. I understand but who was the prisoner who was being  
16 interrogated?

17 A. As for the prisoner I <did> not know, his or her name and I  
18 did not <recall> when the interrogation happened.

19 Q. You are saying that you didn't know or you don't know his or  
20 her name, does that mean that you were not able to establish  
21 whether the prisoner was a man or a woman?

22 A. I knew the prisoner was a man or woman. However, I did not  
23 know the name, I did not recall the <date and time of the  
24 interrogation.>

25 Q. Maybe something is not going well in the translation, Mr.

17

1 Witness. Was the prisoner that you saw a man or a woman?

2 A. The prisoner <being interrogated on the occasion> was a man.

3 Q. Do you remember his -- no, you don't remember his name. Do you  
4 remember any details, any -- can you give any description about  
5 this prisoner?

6 A. As for physical appearance <of the prisoner,> I could not <see  
7 clearly; thus,> I did not know how big the prisoner was and I  
8 could not see the prisoner well. <I just knew that the prisoner  
9 was being interrogated there.>

10 Q. Were you able to hear the questions that were being asked by  
11 the interrogators to the prisoner?

12 A. I did not hear the <actual> interrogation.

13 Q. Do you know how long the interrogation lasted, during which  
14 you saw this incident?

15 A. I did not know how long it lasted <but to the best of> my  
16 recollection it happened -- it started -- the interrogation  
17 started perhaps at 10.00 in the morning.

18 [09.45.32]

19 Q. You are saying the interrogation started perhaps in the  
20 morning, are you speculating or do you know that this  
21 interrogation started at 10.00?

22 [09.45.49]

23 A. That is my guess about the time and I guessed the  
24 interrogation began perhaps at 10 a.m. in the morning.

25 Q. Do you remember what exactly it was that the interrogators

18

1 were doing with the plastic bag?

2 A. Concerning the plastic bag, that is my guess only. The plastic  
3 bag was <made out of a> raincoat to cover the head <> of the  
4 prisoner <in order to suffocate him> so that the prisoner could  
5 confess.

6 Q. When you're saying, that is my guess, what exactly do you  
7 mean? Did you in fact witness it or didn't you?

8 A. I could see the incident from afar<, not directly witnessed  
9 it> and that <was> only my guess. I could not go closer to the  
10 interrogation place.

11 Q. So is it now, Mr. Civil Party, your testimony that you're not  
12 sure whether the interrogators in fact used a plastic bag in  
13 relation to the prisoner who was interrogated?

14 A. I could see that the plastic bag or sheet used to cover the  
15 head. I did not go there closer to have a look so I did not know  
16 well and saw clearly <how it was done, and what actually>  
17 happened.

18 Q. Did you see such an incident once or did you see it again  
19 happening?

20 A. I saw only one incident when I was cooking rice.

21 Q. Just to be sure, you saw it only once and not on several  
22 occasions because I think you used that word "several occasions"  
23 earlier. You're sure you saw it only once?

24 A. I saw only one incident when I was cooking rice and I did not  
25 know whether after that time <such an incident was repeated>.

19

1 Q. Do you remember whether you ever spoke to your fellow guards  
2 about this incident that you saw?

3 A. I never spoke with other guards about the matter. So we could  
4 not disclose any information to others. <It was common that you  
5 kept only to yourself what you saw. It was not advisable to share  
6 with others what you learnt. One had to mind only his> own  
7 business.

8 [09.50.10]

9 Q. Do you remember whether any of the other guards ever told you  
10 that they had seen incidents of possible torture?

11 [09.50.26]

12 A. <Within that perimeter, a person was not supposed to share  
13 what he knew with others. Thus, we> never went to ask each other  
14 about any incidents <or how an event took place>. Perhaps we  
15 could <have seen> different incidents but we did not talk to each  
16 other about the incident that we experienced.

17 Q. Thank you, Mr. Civil Party. I would like now to ask you some  
18 questions not relating to incidents during interrogation but  
19 questions relating to possible, or alleged, executions at the  
20 Krang Ta Chan compound.

21 You gave very clear testimony that you never -- you were never  
22 involved in the execution of prisoners. However, yesterday, I  
23 think, you testified that you saw, and I use the literal word, a  
24 glimpse of executions. Can you be a little bit more specific?  
25 When was it that you saw this glimpse of an execution?

1 A. <The> execution at the Krang Ta Chan Security <Centre was not  
2 just a glimpse but it had been committed for years. Having said  
3 that, I was not actually fixed in one location just to witness  
4 it,> I was not guarding only at one post. I was asked to go and  
5 fetch food and I was also asked to do the transplanting<, making  
6 fertilizers,> do the farming<, and other things according to the  
7 duty roster>.

8 Q. Can you be a little bit more specific when you say, "I saw a  
9 glimpse"? Did you see something one second, a few seconds, did  
10 you see something a minute, what exactly do you mean with "a  
11 glimpse?"

12 A. <Each> killing <did> not happen in just a brief moment<; and  
13 apparently,> we could not <just> go there <and squat down to>  
14 watch the execution. For instance, while I was cooking, there  
15 were executions, I believe, and I did not care because I was  
16 asked to do the cooking and I had to focus on <the> cooking.

17 Q. In the English translation, Mr. Witness, of your words, you  
18 say that you believed that you saw an execution. Is that what you  
19 said, that you believed that you saw it?

20 A. Yes. I saw the executions.

21 Q. Can you give us some more specifics please, Mr. Civil Party.  
22 Who was it that was being executed, was it a prisoner, was it  
23 more than one prisoner, were these women or men, can you give us  
24 some more details as to this "glimpse"?

25 A. <> There were male and female prisoners <there. And they> were

1 killed.

2 [09.54.39]

3 Q. I'm not asking you to speak in general terms, Mr. Civil Party,  
4 I'm asking you to describe in more detail the glimpse of an  
5 alleged execution. Were the prisoners -- was it one prisoner, was  
6 it two prisoners, three prisoners being executed? Were they men,  
7 women? Can you give us some details?

8 [09.55.04]

9 A. As for <that incident of> execution, I saw a man <being>  
10 executed.

11 Q. So, it was one man that you saw being killed, is that what  
12 you're saying?

13 A. Yes, that is correct.

14 Q. Can you describe this man for the Trial Chamber, Mr. Civil  
15 Party? Was he old? Was he young? Was he small? Was he big? Do you  
16 know his name?

17 A. He was a former soldier. He <was brought back in because he  
18 had> deserted the <army; however, I was not aware of his  
19 wrongdoing.> He was <in the same unit> with me <when we were  
20 attached to> the district army of Tram Kak<. Once more,> I did  
21 not know <whether he stole anything or how he deserted the army.>

22 Q. So you know -- you would be able in fact to tell us his name,  
23 is that correct?

24 \*\*\*\*\*A. During the war time with <the Lon Nol>, his name was  
25 Bong Cho (phonetic). He was the son of <Yeay Nham (phonetic)>.



1 Q. Would you be able to tell us around which time this incident  
2 took place?

3 A. The incident took place perhaps in the afternoon, maybe at  
4 3.00 or at 2 p.m. I did not recall it well. At that time I was  
5 asked to guard in the east<; and when I returned, I noticed that>  
6 Ta Cho (phonetic) -- Bong Cho (phonetic) <had> disappeared and I  
7 did not know <as to> where he was taken to be killed.

8 Q. Now you're losing me again, Mr. Civil Party. Are you now  
9 saying that this person, that you say you saw was killed, was in  
10 fact taken away and disappeared and you didn't see his killing?

11 A. <My heartfelt guess was that I had been assigned to guard  
12 outside before Bong Cho was taken away and killed; thus, once> I  
13 entered the compound<, and noticed that> Ta Cho <had>  
14 disappeared<, I then made a guess that he must have been taken  
15 away and killed. However,> I did not know <as to> where <exactly>  
16 he was taken to be killed.

17 [09.58.54]

18 Q. Remember, Mr. Civil Party, we were speaking earlier about the  
19 glimpse of an execution that you saw or experienced. Did you, in  
20 fact, see the physical act of killing this man? Did you in fact  
21 see him -- this person being beaten or killed and that he  
22 actually fell on the floor, on the ground or is it something that  
23 you didn't see?

24 [09.59.43]

25 A. I did not see the real physical act. I did not know whether

1 <a> bamboo club <> or <a hoe> was used <to kill him>, but I only  
2 knew that Bong Cho (phonetic) was gone.

3 Q. So, would it then be correct for me to summarise your  
4 testimony and say that the glimpse of an execution, that you said  
5 you saw, wasn't in fact you witnessing with your own eyes the  
6 physical act of killing someone?

7 A. As for the beating or any physical acts, I did not witness.  
8 But as I said, before I was asked to stand guard outside, Bong  
9 Cho (phonetic) was still there and in the evening when I arranged  
10 and organised the prisoners back into the place, Bong Cho  
11 (phonetic) disappeared. Bong Cho (phonetic) was the son of Yeay  
12 Nham (phonetic) and I knew that he disappeared, <and I was  
13 certain that> he was killed.

14 Q. Mr. Civil Party, so was this glimpse or this thing that you're  
15 speaking now about, the only time that you ever witnessed a  
16 possible execution?

17 A. I did not have a glimpse of the execution; however I knew that  
18 Ta Cho (phonetic) was executed that day. But I did not know how  
19 he was killed, whether he was killed with a bamboo club or not,  
20 because I did not witness the <actual> killing <>.

21 Q. Thank you, Mr. Civil Party. I would like now to ask you some  
22 questions about other acts in relation to possible executions and  
23 I would like to ask you if you were involved in this, yes or no.  
24 Did you, Mr. Civil Party, ever speak or talk to prisoners before  
25 their execution or disappearance or did you never speak to

1 prisoners in such a way?

2 A. I talked to the prisoners before they were killed <or  
3 disappeared>? No, I never talked to <any of the prisoners>.

4 [10.03.12]

5 Q. Did you ever unshackle prisoners before they were sent away or  
6 before they were possibly killed?

7 A. In each prison building, guards would be on a <duty> roster  
8 and we had to report to the office of the total number of  
9 <incoming and outgoing> prisoners. For example, for that  
10 particular night or for that particular day and the office where  
11 Ta Moeun was in charge would go <to each building himself> and  
12 verify <the number of actual prisoners against> the number that  
13 we <had> provided to him.

14 [10.04.10]

15 Q. So do I understand correctly that you were -- that you and the  
16 other guards were in general occupied with shackling and  
17 unshackling prisoners?

18 A. <Not only me, but also all guards there, were> involved in the  
19 shackling and unshackling of prisoners. <It was an absolute order  
20 that when> prisoners were brought in<, they had to be shackled.  
21 If I had not followed the order, or any prisoners had slipped  
22 away, my own> life would <have been> on the line.

23 Q. Do you remember, Mr. Civil Party, ever seeing Say Sen shackled  
24 or unshackled prisoners?

25 A. As for Say Sen, no I did not <pay attention to that> as he was

25

1 engaged in all kinds of works in the compound.

2 Q. But he didn't shackle or unshackle prisoners?

3 A. I did not know whether he involved in the shackling or  
4 unshackling.

5 Q. But my question is did you ever see Say Sen shackling or  
6 unshackling prisoners?

7 A. As I said, I did not know nor <did I see> him shackling or  
8 unshackling prisoners.

9 Q. Did you ever count prisoners before their execution or did you  
10 ever count dead bodies of prisoners after their execution?

11 A. I did not know the total number of prisoners who were there or  
12 the number of prisoners who were killed on any particular day or  
13 particular month. However, I knew that prisoners were killed at  
14 that prison.

15 Q. Let me reformulate my question, Mr. Civil Party. Did you ever  
16 count dead bodies lying on the ground of the Krang Ta Chan  
17 compound, going one, two, three, four, etc.?

18 A. We only did a head count when we changed our guard shift at  
19 night. When we changed a shift then we did a head count of the  
20 prisoners.

21 [10.07.45]

22 Q. Mr. Witness -- Mr. Civil Party, did you ever see Say Sen  
23 counting dead bodies on the ground of the Krang Ta Chan compound?

24 [10.07.57]

25 A. No, I did not see Say Sen go in and do a head count of the

1 prisoners. I only saw people from the office <and the security  
2 guards> who did that.

3 Q. I understand, thank you for your answer. But my question was,  
4 did you ever see Say Sen count dead bodies, bodies of prisoners  
5 who just had been executed?

6 A. No, I did not see him do that.

7 Q. Did you, or your fellow guards for that matter, ever dig pits  
8 which were to be used for the burial of dead bodies?

9 A. I did not know about other guards, as for soldiers they were  
10 assigned to the specific targets and we were strictly following  
11 the guidelines or instructions. But in regards to digging the  
12 pits that was the work of the staff of the centre and not us, the  
13 soldiers.

14 Q. Did you or your fellow guards ever strip off clothes of dead  
15 bodies on the compound of Krang Ta Chan prison?

16 A. No, I did not strip off any clothes of prisoners.

17 Q. How about your fellow guards?

18 A. As for the other guards, I did not know.

19 Q. Did you ever witness Say Sen strip off clothes of dead bodies  
20 right after their execution?

21 A. It was the same thing for Say Sen. I never saw him strip off  
22 any clothes from the dead bodies.

23 Q. Did you ever carry, together with your fellow guards or by  
24 yourself, dead bodies of executed prisoners?

25 A. My fellow guards and myself did not carry or drag any executed

1 prisoners.

2 Q. Did you ever witness Say Sen carry or drag around the bodies  
3 of executed prisoners?

4 A. I did not know whether Mr. Say Sen dragged or carried any dead  
5 bodies of prisoners or whether he was ordered to do so.

6 [10.12.12]

7 MR. PRESIDENT:

8 Thank you, Defence Counsel. It is now convenient to have a short  
9 break. We will take a break now and return at 10.30 to resume our  
10 proceedings.

11 Court officer, please assist the civil party during the break and  
12 invite him as well as the WESU staff back into the courtroom at  
13 10.30.

14 [10.12.44]

15 Of course as per instructions yesterday, you shall comply with  
16 the curtain drawing

17 The Court is now in recess.

18 (Court recesses from 1012H to 1031H)

19 MR. PRESIDENT:

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

21 Before I hand over the floor to the Defence Counsel I would like  
22 to inform the <Parties> in relation to the hearings of civil  
23 party -- that is, 2-TCCP-271. The hearing of civil party,  
24 2-TCCP-271, before the Chamber was held partially in closed  
25 session. The hearing of this civil party was then adjourned

1 pending the Chambers determination of a request for protective  
2 measures made by the civil party, namely the holding of the  
3 remainder of his testimony in closed session and the preparation  
4 of an assessment report by WESU. The WESU assessment report,  
5 document E29/466, indicated that <civil party> 2-TCCP-271, has  
6 since decided to withdraw his initial request for protective  
7 measures. Further to the withdrawal of his request to appear in  
8 closed session, <of the civil party> 2-TCCP-271<, the hearing>  
9 will now appear in open session after the completion of the  
10 hearing of 2-TCCP-304 to complete his evidence before this  
11 Chamber. This decision does not affect the Chamber's previous  
12 direction relevant to the procedure for the hearing of evidence  
13 concerning victims of sexual related offences.

14 I would like to inform the Defence Counsel for Mr. Khieu Samphan  
15 that in the first session the Chamber informed you that we will  
16 discuss the request of the defence team for Mr. Khieu Samphan and  
17 the Chamber has already decided <it> and <> the Chamber would  
18 like to request the Defence Counsel for Mr. Khieu Samphan to  
19 raise the matter or <submit> any request before we proceed to  
20 hearing 2-TCC-271, perhaps in the afternoon. <Counsel, you> may  
21 now proceed <with your line of questioning to this civil party>.

22 [10.34.14]

23 MS. GUISSÉ:

24 Thank you, Mr. President. I hope I understand what you are  
25 referring to<. Bearing> in mind <the decision> you have just

1 rendered<, under> these circumstances the application we are  
2 <putting forward> is that <the> part of the testimony of  
3 2-TCCP-271 <that was given in closed session on February 5, 2015  
4 should become a public document, so that we may be able to refer  
5 to it> in examining this witness <,as well as other future  
6 witnesses without any difficulty>. That is the application we  
7 would like to make following <the decision you have just  
8 rendered>.

9 My colleague says that <it was> not very clear in Khmer. <Let me  
10 try again.> The civil party was heard partly in <a> closed  
11 session on <the> 5th of February because we were expecting <WESU  
12 to put in place any possible> protective measures <>. Today you  
13 have rendered a decision taking into account the decision of  
14 WESU<, indicating> that protective measures are not necessary.  
15 Under these circumstances, I would request that the closed  
16 session of the hearing <on February 5, 2015> should <become  
17 public>, so that we can refer to this testimony without any  
18 problems in future.

19 [10.35.47]

20 MR. PRESIDENT:

21 You may now proceed, Judge Lavergne.

22 JUDGE LAVERGNE:

23 Yes, in order for us to properly understand your application,  
24 what you are asking for <-- and do tell me if I'm mistaken --> is  
25 that the transcripts of the hearing should be made public,



30

1 bearing in mind the fact that <there is> no longer any need for  
2 <the> protective measures <that were requested> and that the  
3 <witness' testimony> will be in public. Is that what you are  
4 saying?

5 MS. GUISSÉ:

6 That is indeed <correct>. I had hoped that it would be clearer in  
7 French. <But yes, that is correct.>

8 MR. PRESIDENT:

9 I would like to know whether other Parties would like to make any  
10 comments or observations.

11 [10.36.49]

12 MS. GUIRAUD:

13 Thank you, Mr. President. I have just consulted with <the>  
14 counsel for Say Sen and he says that there's no obstacle to  
15 having the application by Khieu Samphan's Defence Counsel granted  
16 by the Chamber.

17 MR. PRESIDENT:

18 Since there is no <objection> the Chamber allows and grants the  
19 request of the Defence Counsel for Mr. Khieu Samphan in relation  
20 to the hearing of civil party, <Say Sen>, in the afternoon. I now  
21 hand over the floor to the Defence Counsel for the Accused to put  
22 the line of questioning for this civil party. You may now  
23 proceed.

24 BY MR. KOPPE:

25 Thank you, Mr. President. Mr. Civil Party, I have a few more

31

1 questions to you, not many, and that is relating to the same  
2 alleged actions that were undertaking -- undertaken at the Krang  
3 Ta Chan compound.

4 Q. My following question is have you ever seen fellow guards or  
5 other cadres taking out and subsequently eating the livers or  
6 gall bladders of executed prisoners at Krang Ta Chan?

7 [10.38.46]

8 MR. SAUT SAING:

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

10 Q. Thank you, Mr. Civil Party. I would like now to read to you a  
11 small excerpt from a statement to the Investigators of the  
12 Investigating Judge of a fellow guard. Mr. President , that is  
13 D40/20, it's the statement of Sim. And I would like to read to  
14 you what he has said about alleged killings. However, before I  
15 ask this question I would to ask do you know if Sim your fellow  
16 guard is still alive today? And if yes, do you know where he  
17 lives?

18 A. Sim is still alive<. He lives> far away from my place.

19 <Currently, he lives> in Trapeang Thum area.

20 Q. Is that in Samraong sub district in Tram Kak district?

21 [10.40.41]

22 A. Yes, it is in Samraong commune <of> Tram Kak district.

23 Q. Did you see him recently, did you meet with him by chance or  
24 you saw him somewhere recently?

25 A. I never met him.

1 Q. Very well. Mr. Civil Party, this fellow guard of yours, in his  
2 statement D40/20, English, ERN 00433573; French, 00524323; and  
3 Khmer, 00165334; he is giving the following statement and I would  
4 like you to comment on that. The questions are related to alleged  
5 killings at Krang Ta Chan. And he says the following, the  
6 question is as follows: "What sounds did you hear while they were  
7 killing prisoners?" And then he answers: "I heard them playing a  
8 loudspeaker. They always used the prisoner Sen to play the  
9 loudspeaker and dig the pits to bury the bodies of those killed,  
10 the bodies of the prisoners."

11 You've testified earlier about the loudspeakers not being there,  
12 and not seeing Sen, Say Sen digging pits, etc. What is your  
13 reaction to this particular testimony of your fellow guard Sim?  
14 [10.42.56]

15 A. <Regarding> prisoners who were killed at <Krang Ta Chan during  
16 which Say Sen mentioned digging pits> or concerning the  
17 loudspeakers being played during the time of the killing <of  
18 prisoners>, I was not aware of these matters. I did not see the  
19 loudspeaker, I did not know.

20 Q. So, according to your recollection, there was no loud sound  
21 being played during alleged executions in order, I don't know for  
22 what reason, maybe not to have other prisoners hear it; that did  
23 not happen in your recollection. Is that correct?

24 A. That is correct.

25 Q. Mr. Civil Party, in your recollection was there, besides the

1 buildings where prisoners were held, also a dungeon, a hole in  
2 the ground, where prisoners were being kept?

3 A. I did not see <any of them>.

4 [10.44.45]

5 Q. I would like to read to you an excerpt from a post-1979  
6 report, and that is E3/2062, English, ERN 00301366; Khmer,  
7 00079439; I'm afraid I don't have the French ERN right now. And I  
8 quote from this report as follows, just to be clear on this  
9 issue. "From late 1975 until 1977 they developed new methods of  
10 torturing. There was a square underground dungeon 2 meters on  
11 each side and 5 meters deep. Additionally they weaved barbed  
12 wires inside and roofed it with wooden boards. They dug the earth  
13 to the depth of a man's height, then put white lime in that hole  
14 and covered it with a wood board. Next they used a vice to  
15 squeeze the temples of the prisoners and hit their chests." Have  
16 you ever, no let me rephrase, you never saw such a dungeon where  
17 this was done to prisoners. Is that correct?

18 A. I did not know <whether there was any of them initially;  
19 however,> when I was transferred to Krang Ta Chan Security  
20 Office, I did not see the dungeon.

21 Q. Another question also relating to this report, was there at  
22 the compound a so-called, I hope I pronounce this correctly,  
23 strychnine tree? Sorry, Mr. President, it's the same document --  
24 that is, ERN 00301366; and Khmer 00079440. I'll repeat the  
25 question. Mr. Civil Party, was there a strychnine tree at the

1 compound?

2 [10.47.28]

3 A. As I explained already, I did not see it.

4 Q. Thank you. My last question to you, Mr. Civil Party, you have  
5 been giving testimony this morning, you've been giving testimony  
6 yesterday, and I suppose my last question could be simply  
7 answered with a yes or a no. Have you been telling the Court the  
8 truth and the whole truth?

9 A. I did not get your question.

10 Q. You have been testifying this morning and yesterday, you have  
11 been asked many questions. Did you, when answering these  
12 questions, always tell the truth and the whole truth, and nothing  
13 but the truth to the Trial Chamber?

14 A. In relation to my statements and my responses, they are all  
15 true.

16 Q. Thank you very much, Mr. Civil Party. Thank you Mr. President.

17 [10.49.03]

18 MR. PRESIDENT:

19 Thank you very much. I now give the floor to the defence team for  
20 Mr. Khieu Samphan. You may now proceed.

21 QUESTIONING BY MR. KONG SAM ONN:

22 Thank you, Mr. President. I have a few questions for the civil  
23 party. My questions are very short. First, I would like to know  
24 your civil party application. I read, document D40/21, and  
25 document D22/88, these are your documents and statements you

35

1 provided on two different occasions. <And as for the latter>  
2 document, you were <approached for> an interview <by the OCIJ  
3 team> as a witness, and one year later you became a civil party.  
4 I would like to know on what basis did you change your decision  
5 to become a civil party?

6 MR. SAUT SAING:

7 A. I would like to tell you that I filed <my civil party>  
8 application <> a long time ago when I lived near <> Chrouy  
9 Changva <bridge>. And after that <the lawyer did not accept my  
10 application and> I was asked to find a new lawyer. I did not know  
11 where to find a new lawyer for myself and I was recommended to go  
12 to the Tribunal to find a new lawyer. And I was suggested that I  
13 should remain to be a civil party <because> I lost my father <in  
14 the Lon Nol regime. After the liberation in 1975>; my relatives  
15 or siblings lost their lives in the period at Krang Ta Chan. <And  
16 then I re-filed my> civil party <application>.

17 [10.51.55]

18 Q. I would like to clarify my question. Concerning the dates <on>  
19 the documents that I <was referring> to, you were <initially> a  
20 witness <to> the Court <, and you> were interviewed on 28th  
21 November 2007, as a witness. And <on the latter document, you  
22 were admitted> as a civil party <on> the 15th of September 2008.  
23 So it <took you> almost a year <before you> made your decision  
24 <to apply to become> a civil party. <What were the reasons that  
25 made you changed your status from a witness to a civil party?>

1 Could you clarify this matter for the Court?

2 A. <> I <decided to re-filed my civil party> application <>  
3 because <> my father and relatives or siblings <were killed  
4 during> the period of three years, eight months, <and> 20 days.

5 Q. Thank you very much. You were interviewed as a witness in 2007  
6 by the Office of the Co-Investigating Judges. Did anyone go to  
7 contact you and ask you to become a <witness>?

8 A. I <do> not recall the date <>.

9 Q. My question is different. I would like to know whether <anyone  
10 was trying> to convince <you or> contact you to become a <>  
11 witness. I <was not referring to any particular date>.

12 [10.54.10]

13 A. I did not <recall> when I was interviewed at that time <as I  
14 was interviewed on several occasions in that year, and  
15 furthermore,> I did not possess any documents <as references>.

16 Q. Thank you very much. Could you tell the Court <as to> who  
17 those people <were that> went to <convince you or> contact you to  
18 become a civil party<, rather than> a witness?

19 A. I would like to tell the Court that not only did <people from>  
20 the Tribunal want to interview me <since 1979, but> there <have  
21 been> many other representatives from various organisations who  
22 <came> to interview me. I knew that <I have given interviews to>  
23 many people<; however, I cannot recall whether they were> from  
24 the Tribunal <or elsewhere>.

25 Q. Thank you very much. <Have> you ever <been approached by

1 researchers, to> your recollection? And did you give many  
2 interviews regularly to the researchers?

3 [10.55.54]

4 A. <I have been approached for interviews on many occasions. They  
5 were from> the Radio Free Asia, and <> various <other> countries.  
6 I <cannot> recall <all of> them <>.

7 Q. Thank you very much. <Regarding the shift of your status from  
8 a witness to a civil party, do you recall whether anyone  
9 approached you and convinced you to file your civil party  
10 application>?

11 A. It appears not. <It involved no one else.> I myself wanted to  
12 <file a civil party application>, but I <do not recall as to>  
13 when I filed the application <>.

14 Q. Thank you very much. You already stated in the Court hearing  
15 that you were one of the victims at Krang Ta Chan in the <first>  
16 stage and you also stated that you were one of the guards at  
17 Krang Ta Chan Security Office. I would like to ask you one  
18 question concerning your position as a guard. <Do you think that  
19 your capacity as a security guard at Krang Ta Chan may> hold you  
20 responsible for <what had happened> at Krang Ta Chan Security  
21 Office?

22 [10.58.18]

23 A. As a combatant and a former soldier, I worked in Krang Ta Chan  
24 until the liberation of that period. I was not the head or the  
25 leader there. I <just> did my duty <and followed> the orders from



1 others.

2 Q. I did not mention <> orders that you received from others <or  
3 that you did certain things at your own discretion>. My question  
4 is that; <are you in a position to hold any responsibility for  
5 what happened> in <Krang Ta Chan; for instance, detentions and  
6 killings? Did you ever consider yourself having a role to play in  
7 all those acts?>

8 A. <Kindly be informed that I am responsible for saying that I  
9 saw with my own eyes the execution that occurred in that place,  
10 and dead bodies. The exhumation of those bodies confirms what I  
11 witnessed back then>.

12 Q. <You could have misunderstood> my question. I <was not asking>  
13 whether <or not> you saw what happened at Krang Ta Chan. But my  
14 question to you <was whether or not you were partly> responsible  
15 for what <had> happened at Krang Ta Chan including <> detention,  
16 <> execution and <> torture <carried out against prisoners>, etc.  
17 <> So, my question <was actually> simple. Do you consider  
18 yourself as part of the group, or consider yourself as an  
19 individual who is responsible for what happened at the Krang Ta  
20 Chan office? Do you understand my question now, Mr. Civil Party?

21 [11.00.37]

22 A. No, I still quite don't get your question.

23 Q. Let me rephrase it. <> Krang Ta Chan office<,> according to  
24 the charges under this Court's jurisdiction, <> was <actually an  
25 execution> site or a security centre of the Democratic Kampuchea

1 regime and you were a combatant as well as a guard at the Krang  
2 Ta Chan office. And at Krang Ta Chan there were allegations that  
3 crimes were committed including the killing, the detention and  
4 the torture. And my question to you is that whether you are part  
5 of the group who <shall be held> responsible for these crimes. Do  
6 you understand it?

7 A. I am responsible for <all the acts I was involved>.

8 Q. Can you describe to the Court what kinds of actions that you  
9 are responsible for?

10 A. I was responsible for the following acts: that I was assigned  
11 to guard <over> the prisoners; that I was ordered to prepare  
12 <food> for the prisoners, etc. <I was responsible for these  
13 tasks.>

14 [11.02.38]

15 Q. Thank you. Let me go back to the beginning -- to the beginning  
16 of the line of questioning that I put to you. You <have been  
17 admitted> as a civil party <before> this Court and you just  
18 stated that you are responsible for the actions that you just  
19 described to this Court. Do you see any conflict of interest in  
20 these two statuses?

21 MR. PRESIDENT:

22 Mr. Civil Party, please wait. And the Lead Co-Lawyer for civil  
23 parties, you have the floor.

24 [11.03.26]

25 MS. GUIRAUD:

1 Thank you, Mr. President. I would like a procedural clarification  
2 to be made at this stage. This is not an objection. My learned  
3 friend has a right to ask any questions that he wishes to ask,  
4 but I would like to <simply remind> the Chamber <-- although I am  
5 sure the Chamber already knows this -- to remind> the Parties and  
6 <above all, the public,> that if Mr. Saut Saing is a civil party  
7 today it is because the Office of Co-Investigating Judges in 2010  
8 made that decision and we accepted his application as a civil  
9 party on <31st August 2010 -- a decision> that neither the  
10 Defence for Khieu Samphan nor that of Nuon Chea <> appealed  
11 against. <So, the> status of Mr. Saut Saing today as a civil  
12 party was decided by the Co-Investigating Judges at the time in  
13 2010. All the Parties had the <possibility> to appeal that  
14 decision at the time. None of the Parties appealed the decision,  
15 and <you know, in any case, we know here> in this courtroom that  
16 the issue of the admissibility of the status of <a> civil party  
17 <> is not decided at this stage of the trial but <only> at the  
18 investigative stage. I would like this clarification to be made  
19 today because it is not up to the civil party to say anything  
20 regarding his status because that status was decided by an order  
21 of the Co-Investigating Judges in August 2010.

22 [11.05.08]

23 BY MR. KONG SAM ONN:

24 Mr. President, I'd like to move on to another line of  
25 questioning. Mr. Civil Party, I'd like to ask you in relation to

41

1 a document -- that is, E319.1.23<, and> in particular that is in  
2 relation to question and answer 82. And allow me to quote: "What  
3 was the estimated number of prisoners?" I think there is a  
4 misspelling in the Khmer alphabet and your response to that  
5 question is the following: "Sometimes one, sometimes three and  
6 sometimes five or 30 prisoners. At some point there was only one  
7 prisoner at the prison." Question: "We were told that the figure  
8 was higher. Can you confirm?" Answer 83: "Such a number might  
9 possibly have been available under the supervision of Ta Chhen."  
10 Question: "When did Ta Chhen leave the Krang Ta Chan centre?"  
11 Answer 84: "He left in 1974". Question: "You also arrived in the  
12 Krang Ta Chan centre in late 1977, right?" Answer 85: "At the end  
13 of 1977 or early 1978, maybe in January or February during the  
14 harvest season, I was transferred to the army tasked with  
15 fighting the Vietnamese." End of quote.

16 [11.07.44]

17 And my question to you is in relation to the number of prisoners  
18 at the Krang Ta Chan centre, as you stated in your answer 83, you  
19 said that the number of prisoners might have been higher under  
20 the supervision of Ta Chhen. And my question to you is the  
21 following: how could you know that the number might have been  
22 higher because you arrived at Krang Ta Chan in 1977<? And  
23 yesterday> you also stated in this Court that you <arrived at  
24 Krang Ta Chan with other soldiers> in late <75 or> 76 <. It was  
25 not in 1977 or 78>. So could you please clarify that to the

1 Court?

2 [11.08.43]

3 MR. SAUT SAING:

4 A. I could not have a full understanding of the number of  
5 prisoners under the reign of Ta Chhen. However at that time I  
6 heard that a lot of former Lon Nol soldiers were executed and I  
7 heard that from the people living nearby that centre, though I  
8 did not know when that centre was established.

9 Q. So you heard from people who were living nearby. Does it mean  
10 you went to talk to them and they told you that?

11 A. In fact when Ta Dam was there, he told me about it.

12 Q. Let me go back to the question that I put to you earlier which  
13 you said that under the era of Ta Chhen the number of prisoners  
14 might have been higher. Can you state it clearly, did you know  
15 about that from Ta Dam or from the people living nearby the  
16 centre?

17 A. I heard it from Ta Dam because Ta Dam was detained there  
18 during that time then he was allowed to leave and later on he  
19 returned.

20 [11.10.31]

21 Q. So you did not hear from the neighbours or from others living  
22 nearby, but you only heard from Ta Dam. Am I correct?

23 A. Yes, I got that information from Ta Dam.

24 Q. Can you try to recall what actually was it that Ta Dam told  
25 you?

1 A. When I was talking to him while I tended the water buffaloes  
2 <and cows> I asked him about that and he said that there were  
3 more prisoners who were former Lon Nol soldiers or civil servants  
4 <>. <The number of the prisoners was less when I was there.>

5 Q. Thank you. Did you see any indication as to, for example the  
6 burial sites, the pits, that were left at Krang Ta Chan as a  
7 result of the killing of <the prisoners under the era of Ta  
8 Chhen>?

9 A. As to the graves or pits of people who died, yes, I saw -- I  
10 saw them.

11 Q. Here I refer to the graves that remained under the reign of Ta  
12 Chhen.

13 A. There were graves, rows of graves to the south <> of the  
14 <interrogation place> which <were> the result of the reign of Ta  
15 Chhen.

16 [11.12.38]

17 Q. How many graves were there?

18 A. <I did not count the> graves for those who died at Krang Ta  
19 Chan <>, but I saw those graves, though I cannot say how many  
20 graves there were, because there was a rice field where there  
21 were graves there.

22 Q. Thank you, Mr. President. I don't have any further questions  
23 for this civil party, and allow me to give the floor to my  
24 colleague.

25 [11.13.24]

1 QUESTIONING BY MS. GUISSÉ:

2 <Good morning, Mr. Saut Saing.> My name is Anta Guisse, <I'm  
3 International Co-Counsel> for Khieu Samphan. <> I will ask some  
4 follow up questions <and request> clarification. <I ask that you  
5 listen carefully to my questions so you may answer them as  
6 accurately as possible. First, I would like to go over certain  
7 parts of your statement, E319.1.23.> I'm particularly interested  
8 in <> the various officials you mentioned in your statement. In  
9 answers 10 and 15 <in this document,> you made mention of Ta  
10 Chim. You stated that he was district head at Tram Kak and that  
11 he subsequently left for the East Zone in late 1976. My question  
12 is therefore the following. First of all, <had you already met>  
13 Ta Chim when you were appointed to Tram Kak? <That's the first  
14 question.>

15 MR. SAUT SAING:

16 A. I never met Ta Chim.

17 [11.15.00]

18 Q. How did you know that he was district head and that he  
19 subsequently left for the East Zone in late 1976?

20 A. I only heard of Ta Chim's name, that's all I heard about him.  
21 But I never met him or saw him in person.

22 Q. I have understood that, Mr. Saut Saing. My question is: <if>  
23 you never spoke to him and <if> you never <met> him, in that case  
24 how did you know that he was district head and how did you know  
25 that he subsequently left for the East Zone in 1976? How did you

1 come by such information?

2 A. Everybody knew who the district chief was because that was a  
3 senior position. For example, if Ta Chim was district chief then  
4 everybody knew <him> because it was <a high-ranking position, and  
5 one could not joke around with him>.

6 [11.16.20]

7 Q. All I'm asking of you is to tell us how you got that  
8 information. Who told you that? Through what channels did you  
9 obtain that information? That is all I'm asking of you.

10 A. I knew that he was district chief and as I told you because he  
11 was a senior <cadre>, so every combatant or every villager knew  
12 that Ta Chim was the district chief. And the same thing applies  
13 to Ta Mok, who was the head of the zone. Everybody knew he as the  
14 head of the zone <though they never met him in person>.

15 Q. And when <did you learn that --> how did you learn that he had  
16 <left --> been appointed to work in the East Zone?

17 A. <I was not aware of> the events <regarding his assignment and  
18 transfer to work in> the East Zone<.>

19 Q. In that case, why did you <say that to> the Co-Investigating  
20 Judges <if you didn't know>?

21 A. No, I never said that.

22 [11.17.53]

23 Q. I'll make do with that answer. In answer 28, in the same  
24 document, answering the same question, you said that the district  
25 had the powers to arrest people. So my question is <the same as



1 earlier:> how did you know that the district had the powers to  
2 arrest people?

3 A. The district chief had the authority to arrest people,  
4 although I did not know how he would exercise that authority.  
5 <For example, I committed a wrongdoing here, on his order I would  
6 be investigated. And in such case, Ta An would> communicate or  
7 send <a> letter <via his messenger> to the district office.  
8 Although, I did not know where the district office was located.

9 Q. <I want to draw the attention of the Chamber to the fact that  
10 a> witness, TCW-809, in a statement, E3/4626, stated that it was  
11 not the district but the region that had direct authority over  
12 Krang Ta Chan. Mr. Saut Saing, did you know whether it was the  
13 district or the region that had direct authority over Krang Ta  
14 Chan?

15 [11.19.35]

16 A. I did not know <what authority the man who was> overall in  
17 charge of Krang Ta Chan <had>. I <had> no clear view on the chain  
18 of command, whether it was at the district level or at the sector  
19 level.

20 Q. In answer number 27 of the same document, you made mention of  
21 a certain Ta Nhev, saying that he was secretary of the region. My  
22 question is, first of all, how did you know that he was secretary  
23 of the region and in what year was he appointed to that position,  
24 to the best of your recollection?

25 A. I did not know when Ta Nhev was appointed as the sector

1 secretary, but I knew that he was sector secretary <when I was  
2 based in Takeo>.

3 Q. In another document, this time D22/88, and the French ERN is,  
4 1055820; English, ERN 00379421; and in Khmer, 00354364; you made  
5 mention of two people and this is what you said:

6 "I observed that the presence of Ta Rous and Ta Khorn at the  
7 centre, both of whom were from the district office, was always  
8 systematically followed by the disappearance of detainees." End  
9 of quote. <First question: Can you specify -- do you know who  
10 were> Ta Rous and Ta Khorn and what were their exact functions?

11 [11.22.05]

12 A. I saw Ta Khorn and Ta <Run (phonetic) coming in and out of  
13 that place> but I did not know the level of their authority.  
14 However, they only made contact with senior people, namely Ta An,  
15 <Ta Penh and Ta Chhen. I saw them but I never made any contact  
16 with them.>

17 Q. And did you see them on several occasions? <Can> you tell us  
18 how many times you saw them, if you do remember?

19 A. As to the number of times, I cannot recall them. It is  
20 difficult for me to say how many days they went there, or how  
21 many times per month. <I just saw them coming in and out of that  
22 place.> It's very difficult for me to make such an estimate.

23 Q. I do understand, but can you tell us whether you saw them  
24 often or rarely?

25 A. I saw them coming to the centre, but I cannot recall the date.

1 They only came when they needed to come. And I did not know the  
2 nature of their visits to the centre.

3 Q. The last person with regard to which I'd like to question you  
4 is -- do you know a person called Hol Hen (phonetic)?

5 A. <The name of> Hol Hun (phonetic) does not ring a bell to me.

6 [11.24.19]

7 Q. Yesterday in answer to a question put to you by Judge Lavergne  
8 you stated that you had never been the head of the guards at  
9 Krang Ta Chan and that you did not <hold any position of  
10 authority> over them. Did I properly understand your testimony?

11 A. Yes, that is correct.

12 Q. You also stated <that --> and in this regard, I will quote  
13 your testimony D22/88, the same ERNs as before -- that is to say,  
14 in French it is, <01055820; 00354364>; and English, <00379421>;  
15 and you described the work you did among the prisoners as  
16 follows. "I was in charge of taking care of detainees in their  
17 daily work -- that is, tilling the soil, cultivating rice  
18 <,cleaning out the ponds>. I also had to count detainees when  
19 they went out to work and when they returned to their cells. I  
20 also had to work with them." End of quote.

21 My question is therefore as follows: You also stated that your  
22 duties had to do with guarding the outside <of> Krang Ta Chan  
23 centre. My question is whether you mounted guard outside the camp  
24 <at the same time as you> monitored prisoners outside, or did you  
25 carry out these duties at different times? <>

1 [11.26.44]

2 A. As for the guard duty, in fact I stood guard <over> the  
3 prisoners who worked in the field and when they had to be  
4 returned then I had to escort them back into the detention  
5 building, and I had to make sure that the head count was correct.  
6 For example if 10 prisoners were let out to work in the field,  
7 when they returned to the detention building, the number remained  
8 10.

9 Q. I <understand>. I have a follow up question <to what you just  
10 said>. Generally, how many prisoners went out with you? How many  
11 prisoners could you take outside the centre on each occasion?

12 [11.27.46]

13 A. Prisoners were let out to engage in the work there, for  
14 example to carry earth <and dig a pond>, and the number of them  
15 varied. Sometimes there were <four,> five <or six>; sometimes  
16 there were seven, however the maximum was 10.

17 Q. Thank you. But you didn't answer one question. The question  
18 <was> whether the task of taking prisoners outside of the centre  
19 was carried out at the same time as you mounted guard outside  
20 <of> the <Krang Ta Chan> centre, or did you carry out <these>  
21 functions at different times?

22 A. As for the guard duty outside, in fact it <was> the same  
23 <task> because <we had to guard over the prisoners from places  
24 not far from them> while they were let out to work at the field<;  
25 however, we split areas of responsibility.>

1 Q. According to your job description, you worked essentially  
2 outside. Did you sometimes carry out tasks inside the centre, and  
3 if so, what tasks did you carry out inside the Krang Ta Chan  
4 premises?

5 A. Inside my duty involved cooking rice and feeding the pigs.

6 Q. As part of your duties, did you have the opportunity to enter  
7 Ta An's and Ta Penh's offices?

8 A. I had access to where I slept in the compound.

9 Q. Can you be more specific in answering my question? As part of  
10 your duties did you have access or did you have the opportunity  
11 to enter the offices of Ta An and Ta Penh?

12 A. <The Krang Ta Chan Security Centre was> the office of Ta Penh,  
13 Ta Chhen and Ta An. <I had access to the compound because I  
14 cooked and fed pigs there.>

15 Q. Mr. President, I see that the time is 11.30. I would like to  
16 start another line of questioning. I don't know whether this is  
17 the right time for us to take <a> break.

18 MR. PRESIDENT:

19 Defence Counsel, can you inform the Chamber how much time you  
20 actually need because the time allocation seems to have run out  
21 already?

22 MS. GUISSÉ:

23 According to my calculations, Mr. President, unless I am wrong,  
24 we did not start immediately after the Co-Prosecutors, so I  
25 should still have about 20 min left <for my examination,> by my

1 reckoning, and I think I can wrap up my examination in about 20  
2 minutes<, maybe less>.

3 [11.32.28]

4 MR. PRESIDENT:

5 It is now convenient to have a lunch break. We will take a break  
6 now and resume at 1.30 this afternoon.

7 And court officer please assist the civil party during the lunch  
8 break and invite him as well as the WESU staff back to the  
9 courtroom at 1.30 this afternoon.

10 And security personnel <> are instructed to take Khieu Samphan to  
11 the waiting room downstairs and have him back into the courtroom  
12 this afternoon before 1.30.

13 The Court is now in recess.

14 (Court recesses from 1133H 1330H)

15 MR. PRESIDENT:

16 Please be seated. The Court is now back in session, and the  
17 Chamber will give the floor to Khieu Samphan's defence to  
18 continue putting questions to this civil party. You have the  
19 floor.

20 BY MS. GUISSÉ:

21 Thank you, Mr. President.

22 Q. Mr. Saut Saing, I'll resume my examination, and may I request  
23 you to once more listen very attentively to the questions in  
24 order to answer them as briefly as possible.

25 Yesterday, <answered> a number of questions put to you by Judge

1 Lavergne regarding the Khpob Trabek <worksite, where> you said  
2 you <worked>. I understood that that was before the 17th of  
3 April, 1975. Can you tell the Chamber whether it was before the  
4 Lon Nol coup d'Etat of 1970 or thereafter?

5 MR. SAUT SAING:

6 A. As for Khpob Trabek, I worked there in 1971 when I was in  
7 youth unit.

8 Q. I <thank you for> that clarification. During the hearing of  
9 the 24th of March, at shortly after 10.09, you did indicate <--  
10 and I would like you to confirm this --> that your father died in  
11 1973. <Is that correct? Have> I properly understood your  
12 testimony?

13 A. Yes, that is correct.

14 [13.33.20]

15 Q. As part of the experience you had within the Khmer Rouge, did  
16 your superiors mention the 12 moral principles, or the 12  
17 revolutionary commandments to you <at one time or another>?

18 A. Yes<, they did>.

19 Q. Is it correct to say that, among the 12 moral principles or  
20 revolutionary commandments, <misconduct towards women was  
21 forbidden and, in any case, it was forbidden> to commit acts of  
22 moral misconduct?

23 A. Yes, that is correct.

24 Q. You mentioned <the case of Dam, who was a former staff member>  
25 at Krang Ta Chan, and who returned to Krang Ta Chan as a

1 detainee. And <I believe> you stated that that was following an  
2 act of moral misconduct. Do you know whether that was in  
3 application of the 12 moral principles or the 12 revolutionary <>  
4 commandments that he was arrested and <then> detained at the  
5 security centre?

6 A. Yes, that person had a moral offence. That is why this  
7 individual was brought into the <Krang Ta Chan> Security Office  
8 again.

9 [13.35.19]

10 Q. A while ago, my learned colleague <Koppe -- well, a while ago  
11 and also> yesterday, <I believe> -- reminded you of a <certain>  
12 number of statements <made> by Say Sen, and I understood that you  
13 did say that you completely rejected those statements. I will  
14 read out to you <verbatim, meaning> word for word, some of what  
15 you said which was not quoted by my learned colleague, and then I  
16 will put some questions to you thereon.

17 The first quotation of a statement by Say Sen is in document  
18 E319.1.24, in answer to Question 78. And this was the question  
19 that was put to Say Sen: "Did <> Little Duch commit crimes?" And  
20 his answer was as follows: "Yes, it was Duch who committed the  
21 most crimes. He raped a large number of girls from the <mobile  
22 unit in the cruellest of manners>. He raped them, he killed them  
23 and put M-79 bullets in <their genitals before ordering me to  
24 bury them>. Saing was the superior of Duch, and he had <twelve>  
25 soldiers under him, including Duch himself." End of quote.



1 My pronunciation is not good, but it would appear that reference  
2 is made <to you in this extract>. My first question to you is as  
3 follows: Is it true or false to say that you were the immediate  
4 superior of Duch, with 12 soldiers under your orders?

5 A. I did not have any soldiers below me, and this statement is  
6 not true.

7 [13.37.48]

8 Q. May I request you to bear in mind what was said regarding the  
9 acts committed by Duch against "a large number of girls from the  
10 mobile unit". <And> I will quote another passage from the  
11 statement by Say Sen, in fact <it is> his testimony <at> the  
12 hearing of the 5th of February 2015, a little bit after <11.22  
13 a.m.>. I beg your pardon, it's the hearing of the 5th of February  
14 2015, but the time is shortly <before 10.38 a.m.>, and it's  
15 <document> E1/257.1, shortly <before 10.38 a.m.>. It has to do  
16 with the <infamous sexual assaults or rapes with M79 ammunition>.  
17 This is the question that was put to Say Sen: "Let me ask you to  
18 clarify what you said yesterday. You said <> that a soldier or a  
19 guard had raped two women from the mobile unit, and <inserted  
20 M79> bullets <into their vaginas>. Can you tell me the name of  
21 the soldier who did this?" And Say Sen's answer was as follows:  
22 "Yes, it was the <Little> Duch and Saing. <There were two> of  
23 them." End of quote.  
24 Again, is it true or false to say that you, together with the  
25 <Little Duch>, committed acts of sexual assault against two women

1 and <introduced M79 bullets into> their vaginas?

2 A. This statement is not true.

3 [13.40.04]

4 Q. Another question. A while ago when my learned colleague,  
5 Koppe, pointed out these charges that were made against you, you  
6 said that it wasn't true and that you denied them, and that, if  
7 indeed that had been the case, <if that had been true,> you would  
8 have suffered acts of reprisal from members of the population. My  
9 question to you therefore is as follows: Apart from those  
10 charges, which we told you were made against you by Say Sen,  
11 within your community, within your district, within the commune  
12 and within the region, did you hear any other persons level any  
13 such charges against you? That is the first question.

14 A. No one laid any charges against me.

15 Q. And did you hear any such charges against the <Little> Duch?

16 A. I never heard of it.

17 [13.41.36]

18 Q. I would now like to broach your statement as a civil party,  
19 <D22/88>. And let me point out that I'm particularly interested  
20 in <part B>, which is in French, and the ERN is 01055815. The ERN  
21 in Khmer is 00354360, and the ERN in English is 00379417. On this  
22 <> "Victim Information Sheet", <as it is called, we find that>  
23 the description of the crimes <allegedly committed> is requested.  
24 And you point out -- or, in any case it is stated in the form  
25 that you signed -- you mention "my imprisonment at Krang Ta Chan

1 centre".

2 <Next, in part C, under the subsequent ERNs>: in French it is

3 01055816; in Khmer, 00354361; and lastly, in English, 00379418.

4 In this <part C>, you specify the harm <or damage> that you

5 suffered<. And> it mentions that you had "headaches and

6 <shrapnel> injuries <to> the <> left <arm and knee>. I will quote

7 a <third excerpt> from this statement and then <I will> ask my

8 question. It is the last page of the document. The ERN in French

9 is 01055822; in Khmer, 00354366; and in English, 00379422. And

10 this is the explanation you furnish regarding the cause of your

11 injuries, and this is what you stated: "My left thigh and left

12 knee are still causing <me> pain because I was wounded <by

13 shrapnel>, as I fought in the army on the side of the Khmer

14 Rouge." End of quote.<>

15 My question is: When were you injured by <shrapnel>? Do you

16 remember the year and the assignment you held at the time?

17 A. I was wounded in 1973 when I was engaged in the fighting with

18 the Lon Nol soldiers in Takeo province.

19 [13.45.25]

20 Q. So we would agree that the <> harm that you refer to in your

21 Victim Information Sheet has nothing to do with the period when

22 you were at Krang Ta Chan?

23 A. Yes, that is true.

24 Q. And a while ago, when you referred to one of the reasons why

25 you applied to be a civil party, you mentioned the death of your

1 father and other members of your family. My first question to you  
2 is as follows: Do you have any family members who were detained  
3 at Krang Ta Chan?

4 A. My cousin -- that is, the son or the daughter of my uncle, was  
5 detained at Krang Ta Chan Security Office.

6 Q. And was that during your assignment <there>?

7 A. Yes, that is correct.

8 [13.47.00]

9 Q. And why did you not mention it on your information sheet?

10 A. <At that time, I mentioned> only <> my father, when I was in  
11 the 204.

12 Q. You haven't answered my question. Why did you not make mention  
13 of the other members of your family in the form, since you were  
14 talking about the period when you were working at Krang Ta Chan?

15 A. <> I did not name my cousin<. I mentioned> only my father <>  
16 in the application.

17 Q. Very well. And you did say a while ago that your father died  
18 in 1973>, so we agree that he did not die during the time you  
19 <were> at Krang Ta Chan; is that correct?

20 A. In 1973 I was not at Krang Ta Chan yet.

21 [13.48.40]

22 MS. GUISSÉ:

23 Mr. President, I have no further questions <>.

24 MR. PRESIDENT:

25 Thank you. You may now proceed, Mr. Koppe.

1 MR. KOPPE:

2 Thank you, Mr. President. Good afternoon. I have a very small  
3 correction, I think, to make in relation to what was just being  
4 translated. I heard the English translator say "79 bullets". But  
5 in English, we're actually speaking about M-79 grenades. Now,  
6 it's a technical detail maybe, but I think that the record should  
7 reflect that it is not 79 bullets, but M-79 grenades.

8 MR. PRESIDENT:

9 You may now proceed, Judge Lavergne.

10 [13.49.48]

11 QUESTIONING BY JUDGE LAVERGNE:

12 I <> have <a> very brief question, as a follow-up to the  
13 questions asked by Counsel Guisse.

14 Q. Mr. Civil Party, can you give us the names of your family  
15 members who were detained at Krang Ta Chan<? And can you> specify  
16 what were the family ties you had with those persons<? And did  
17 they die while you were there?>

18 MR. SAUT SAING:

19 A. <He was the> son <> of Pou <Yun> (phonetic) and Ming <Mech>  
20 (phonetic). <Pou Yun was my uncle. And his son> was <a> former  
21 soldier <during the> Lon Nol period, and <his name was Bong Chea  
22 (phonetic). He> was arrested and killed in Krang Ta Chan Security  
23 Office.

24 Q. I heard a <male> cousin and perhaps a female cousin<? Or was  
25 there just a male cousin? I didn't quite get that.>

1 A. The child of Pou <Chan> (phonetic) was there, <so was> the  
2 child of Ming <Mech> (phonetic) <>.

3 [13.51.30]

4 Q. <So,> I understood that Ming <Mech's (phonetic) child was Pou  
5 Yun (phonetic)> , or am I wrong? Or is it <Pou Yun's (phonetic)>  
6 child who is called Ming Yech (phonetic)?

7 A. The child of Ming <Mech (phonetic) was> Bong Chea <(phonetic);  
8 and> Pou <Yun (phonetic)> was the husband of Ming <Mech>  
9 (phonetic).

10 Q. And <what was his name>?

11 A. The one who died was Bong Chea.

12 Q. <So,> he died while you were at Krang Ta Chan? Did he die of  
13 <illness or <> was he> executed? What happened?

14 A. He was executed.

15 Q. And do you know the details of that execution? <When> did that  
16 happen? Was <he> interrogated and tortured before being executed?  
17 What happened<>?

18 A. I was not aware of the <details of his> execution<; however,>  
19 when I was in Krang Ta Chan Security Office<, later> on, I heard  
20 that he was <a> former <Lon Nol> soldier <>, and he was brought  
21 <into> that place and was killed.

22 [13.53.40]

23 Q. Mr. Civil Party, I asked you specifically a while ago whether  
24 you were present when your cousin or members of your family were  
25 at Krang Ta Chan, and you said yes. <Now, should I understand

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1 that> you were there or <that you were not?> Were they detained  
2 before you got to Krang Ta Chan, or they were detained while you  
3 were at Krang Ta Chan?

4 A. I would like to tell the Court that I was <already> working in  
5 Krang Ta Chan Security Office <when> he was arrested and detained  
6 in Krang Ta Chan Security Office. <>

7 Q. Very well. Did Ta An or the leadership of the security centre  
8 know that you were related to those detainees?

9 A. He did not know, because no one told him about this.

10 JUDGE LAVERGNE:

11 Very well, I thank you. I have no further questions to put to  
12 you.

13 [13.55.04]

14 MR. PRESIDENT:

15 You may now proceed.

16 QUESTIONING BY MS. GUISSÉ RESUMES:

17 Just a follow-up question. <Because> I haven't understood  
18 everything.

19 Q. Mr. Saut Saing, you <have just> said that you <later learned>  
20 that your cousin had been detained and executed at Krang Ta Chan.  
21 When you say "<later>", was that after you left Krang Ta Chan, or  
22 while you were still at Krang Ta Chan <> that <> you <learned  
23 that? About> the fact that he had been detained there and  
24 subsequently executed?

25 MR. KIM MENGKHY:

1 Mr. President.

2 MR. PRESIDENT:

3 Please wait, Mr. Civil Party. You may now proceed, civil party  
4 lawyer.

5 [13.56.40]

6 MR. KIM MENGKHY:

7 Thank you, Mr. President. I would like to interrupt. I heard  
8 <what was said in Khmer and I also listened to the interpreting.  
9 From what I heard,> the civil party <actually> said that he <was  
10 already working> in Krang Ta Chan Security Office <when> his  
11 cousin <was brought into> Krang Ta Chan Security Office. <It does  
12 not mean that his cousin was brought into the security centre  
13 after he had left that place. Therefore,> I would like to tell  
14 the Court that <there would be no clearer response than that, and  
15 the question put by the Counsel could have stemmed from her  
16 misunderstanding that the civil party learnt of the incident  
17 after he had left that place; while actually, he was still  
18 working there when he learnt of the incident. This is what I  
19 heard from my client speaking in Khmer. Thank you.>

20 BY MS. GUISSÉ:

21 I thank my learned friend of the civil party for trying to  
22 clarify the matter. But since Mr. Saut Saing is in the dock, <I  
23 believe> it is simpler for him to be the person to furnish this  
24 clarification.

25 Q.<So,> I repeat my question, because <there is one> point <that



1 is not clear>. When did <you,> Mr. Saut Saing<, learn about> the  
2 execution of your cousin? Was it <while> you were still at Krang  
3 Ta Chan or after you <had> left Krang Ta Chan that you <learnt  
4 about> his execution?

5 MR. SAUT SAING:

6 A. I was working in Krang Ta Chan security office. Later on, he  
7 was arrested and brought into the security office.

8 [13.57.48]

9 Q. Up to that point I followed what you said, Mr. Saut Saing. My  
10 question is: When did you learn of his execution?

11 A. I <learnt of his> execution after <he had disappeared from>  
12 the security office. I <knew> that <one could hardly leave that  
13 security centre alive. So once I noticed that> he <had>  
14 disappeared <from the centre, I knew he must have been killed;  
15 however,> I did not know <or pay attention to the date of his  
16 disappearance. I took no record of those details>.

17 Q. And who told you of his disappearance?

18 A. No one told me. <When prisoners were> released to work outside  
19 in the area, <> I did not see him<. So from then on, I did not  
20 see him> until I was transferred to <work in a military unit>.

21 Q. So if I have properly understood your testimony, <nobody told>  
22 you that he had been executed, you just inferred that. <You  
23 assumed that's what happened because you didn't see him again.  
24 Did I understand your testimony correctly>?

25 A. <Through my observation,> when one disappeared from our eyes,

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1 this individual could not go anywhere but died.

2 [13.59.55]

3 Q. Let me rephrase my question therefore. It was therefore an  
4 inference that you made. No one gave you that information.

5 Agreed?

6 A. Yes, that is true.

7 MS. GUISSÉ:

8 I have no further questions <>, Mr. President.

9 MR. PRESIDENT:

10 Mr. Saut Saing, as a civil party, you will be accorded an  
11 opportunity to make a statement of impact regarding the crimes  
12 alleged against the two Accused, namely Nuon Chea and Khieu  
13 Samphan, which were inflicted upon you <during the Democratic  
14 Kampuchea>, and which caused you to become a civil party seeking  
15 moral and collective reparation <from the Accused>. And that  
16 includes the damage or the harm to you physically, materially or  
17 emotionally. And if you wish to make that statement, please  
18 advise the Chamber and you will be given an opportunity.

19 [14.01.52]

20 MR. SAUT SAING:

21 Mr. President, I'd like to make a statement. I really feel  
22 remorse for the loss <> of my father and my relatives who were  
23 killed during the Khmer Rouge regime <. I had struggled and  
24 sacrificed myself for the nation and country and> of course I  
25 cannot accept <the cruelty and the killings between Khmer and

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1 Khmer that occurred during that regime>. And I wish to appeal to  
2 all the State's institutions that they shall engage in the  
3 provision of reparation <to> the civil parties and the victims  
4 <>. As a person, and as a civil party, I cannot forget what  
5 happened. The life was in a very bad situation when I was a  
6 soldier. I engaged in the physical fighting while there was an  
7 aerial bombardment, and we did not have sufficient food to eat.  
8 And what we did was in the hope that the country would be led in  
9 a better way, for a better future. <On> the contrary, it was in  
10 the <darkest era>. And I urge the Court to find the truth and the  
11 evidence as to who was responsible for the killing of my  
12 compatriots throughout the country at the time. And I wish  
13 everyone involved in the building a better future for Cambodia.  
14 [14.03.50]

15 MR. PRESIDENT:

16 Thank you, Mr. Saut Saing, for your valuable time to testify as a  
17 civil party during the last two days before this Chamber. Your  
18 testimony will certainly assist in ascertaining the truth. Your  
19 testimony has now concluded and you may be excused. So, you can  
20 return to wherever you wish to, and we wish you a safe journey.  
21 Court officer, in collaboration with WESU, please make necessary  
22 arrangement for transporting this civil party back to his  
23 residence or wherever he wishes to go to, and the Chamber is  
24 grateful for Mr. Nhem Samnang, a WESU staff, for your <technical>  
25 assistance <in providing voice conversion> to the Chamber and to

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1 this civil party during the last two days. And you may be excused  
2 as well.

3 And Court officer, you are reminded to follow the proceedings and  
4 instructions regarding the drawing of the curtain when this civil  
5 party leaves. And after the civil party leaves, the partition can  
6 be removed.

7 And the AV Unit is instructed to link the audio and video  
8 proceedings to the public gallery outside, as in the normal  
9 practice. Thank you.

10 (Short pause)

11 [14.08.12]

12 MR. PRESIDENT:

13 The curtain can be drawn now. And Court officer, please invite  
14 the civil party, Sory Sen, into the courtroom.

15 (Civil Party Sory Sen enters the courtroom)

16 MR. PRESIDENT:

17 The Chamber now proceeds with the hearing of the testimony of a  
18 civil party, Sory Sen. And <for> information, <the Chamber would  
19 like to inform> the concerned parties and the public, that this  
20 civil party testified <from the second session on the 4th> to the  
21 6th of February <2015> already. <So far, there have been two  
22 issues in relation to his testimony. The first issue concerning  
23 his> testimony related to other staff at Krang Ta Chan <execution  
24 site>. And the <second issue stemmed from> a request for a  
25 protective measure, and for that reason his testimony was

1 adjourned and the Chamber needed to hear <recommendations> by  
2 WESU as well. However, later on the civil party changed his mind  
3 <> to withdraw his request for a protective measure, and as a  
4 result, the hearing of the testimony of this civil party, Sory  
5 Sen, is conducted in public. <The Chamber gives the floor to the  
6 Civil Party Lead Co-Lawyers and the Co-Prosecutors. The> combined  
7 time for the Civil Party Lead Co-Lawyers and the <Co-Prosecutors>  
8 is one hour -- that is, to put questions to this civil party. And  
9 you may proceed. And first the Lead Co-Lawyer for civil parties,  
10 you <may> take the floor.

11 [14.13.08]

12 MS. GUIRAUD:

13 Thank you, Mr. President. It is my colleague, Sovannary <Moch>,  
14 who will put questions to <her client, Mr.> Say Sen.

15 MR. PRESIDENT:

16 Yes, Counsel Moch Sovannary, you can proceed.

17 QUESTIONING BY MS. MOCH SOVANNARY:

18 Thank you, Mr. President. Good afternoon, everyone, and good  
19 afternoon, Mr. Say Sen. I have only a <few questions> to  
20 supplement to what you testified last time.

21 Q. As the President stated, you decided to withdraw your request  
22 for a protective measure and it infers that you don't have any  
23 fear anymore. So, my first question to you is the following: Can  
24 you tell the Chamber the reason that you no longer fear, and that  
25 you now are willing to provide testimony <in a public hearing> in

1 relation to <the identity of> the Khmer Rouge cadres working at  
2 Krang Ta Chan <prison>, as well as on the other issues and facts  
3 at Krang Ta Chan <prison? And why?>

4 MR. SORY SEN:

5 A. I don't fear anything anymore because I don't worry about  
6 anything anymore, because my testimony has been published  
7 nationwide.

8 [14.14.42]

9 Q. Thank you and my next line of questioning is <in> relation to  
10 your <> relationship with the Khmer Rouge cadres working at Krang  
11 Ta Chan. While you were detained at Krang Ta Chan <during the  
12 Khmer Rouge>, what kind of relationship did you have with the  
13 Khmer Rouge cadres, namely Little Duch, Saut Saing and Ta Chhen,  
14 whom you said was the first chief of that prison?

15 A. As for Ta Chhen, who was the first chief of that prison, I did  
16 not know what he did in his capacity as a chief there. In the  
17 end, he left me with some words <that> he considered me <> his  
18 son. <Thus, I should not say anything that violates him.> That's  
19 what I can say about him.

20 Q. And what about an individual named Saut Saing, what was your  
21 relationship with him? And what is your current relationship with  
22 him?

23 A. As for Saut Saing, during that period -- and not only for Saut  
24 Saing, even for those named individuals -- they were absolute.  
25 They did what they wanted<. However,> their behaviours at the

1 current <regime> are so much different from what they behaved  
2 during that regime.

3 [14.17.05]

4 Q. Thank you. What is your feeling towards the former Khmer Rouge  
5 cadres who are still living today? Do you feel <angry or> hatred  
6 toward them?

7 A. Despite what they did toward me, despite some of them tortured  
8 me or mistreated me, I did not have any bad feeling <or revenge>  
9 toward them because, at that time, they did what they were  
10 ordered to do and that's what I feel. <They were just trying to  
11 fit into the circumstance.>

12 Q. Thank you. And let me go back to the time before you <decided>  
13 to testify before this Court. When you made your decision to  
14 testify, did you make that decision at your own will or were  
15 there other factors that compelled you to testify before this  
16 Chamber?

17 A. My decision to testify before this Court was not made under  
18 any force or coercion. I made my own decision in order to shed  
19 light on what happened under the criminal regime so that the  
20 young generations know; and I believe some of the members of the  
21 Court staff here <did> not go through the terrible period of the  
22 regime. So that we all can search for the truth -- that is my  
23 purpose. <I say only the truth.>

24 [14.19.11]

25 Q. Thank you. And this is my last question to you. When you

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1 decide to testify in public before this Court, besides the fact  
2 that you may risk of feeling insecure as you raised <a few weeks  
3 ago>, what is actually the benefit that you gained from your  
4 public testimony? Is there any gain for you personally or for any  
5 individual?

6 A. <To> my understanding, <I would not gain anything personally  
7 from> my decision to testify <at a public hearing. The  
8 beneficiary of my testimony could be victims and> those who were  
9 killed or those who died <in each prison> at each province  
10 throughout the country. <I come here to testify> on behalf of  
11 those lost souls and I do not gain anything <personally from  
12 this>, and in fact, I sacrificed my time to be here.

13 MS. MOCH SOVANNARY:

14 Thank you, Mr. Civil Party; and thank you, Mr. President. The  
15 Lead Co-Lawyers for civil parties do not have any further  
16 questions for this civil party.

17 MR. PRESIDENT:

18 Thank you. And the <floor> is now given to the <Co-Prosecutor>.  
19 You <may proceed>.

20 [14.21.00]

21 MR. DE WILDE D'ESTMAEL:

22 Thank you, and good afternoon, Mr. President. Good afternoon to  
23 all the Parties and of course to the Judges. <>  
24 Mr. Civil Party, thanks for coming back to again answer some of  
25 our questions, <and> I have a few <> for you. As you of course



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1 know, after your testimony, many staff members from Krang Ta Chan  
2 testified before this Chamber, including Phan Chhen, Srei Than  
3 alias Duch, <also> called <Little> Duch at the time, Vann Soan or  
4 Soeun -- that is <the> messenger at Krang Ta Chan. And yesterday  
5 and today we heard the testimony of a civil party called Saut  
6 Saing. With the Chamber's leave, I would first of all like to  
7 show you a document -- <document D22/88A>, which is Saut Saing's  
8 identity card. Of course, we will not place that document on the  
9 screen, Mr. President.

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 [14.22.18]

13 QUESTIONING BY MR. DE WILDE D'ESTMAEL

14 Q. May I request you to carefully look at the photograph on that  
15 identity card? Is the person on that photograph indeed the  
16 security guard at Krang Ta Chan you referred to before this  
17 Chamber whose name <> was Saing at the time?

18 MR. SORY SEN:

19 A. Yes, that is correct. That is Saut Saing. He was a soldier.

20 \*\*\*\*\*Q. Very well. I have a long question to put to you.

21 I'll first of all lay a foundation and refer to a number of  
22 statements by <those guards> -- that is, <Little> Duch, Soan or  
23 Soeun <the messenger>, Saing <> and <also> Sim, <who> was <>  
24 interviewed by the <OCIJ>. They all confirmed that, with the  
25 exception of a few survivors, like yourself, <and like> the

1 family of Yeay Nhor, and with the exception of a few transfers  
2 <-- that all of the> prisoners <at> Krang Ta Chan <> were  
3 executed; including men, women and children. They <also> said  
4 that some of those prisoners were interrogated <and/or> tortured  
5 during the interrogations. For instance, Van Soeun, the  
6 messenger, confirmed on the 4th of March 2015, before this  
7 Chamber -- that is, <document> number E1/271.1> at about 10.47  
8 <a.m.> to 10.49 <a.m.>, he <answered -- pardon, he confirmed at>  
9 Answer 21 of the record of his interview, E319.1.33. In that  
10 answer, he states that "sometimes <we> executed children,  
11 sometimes they were liberated with their mothers". He admitted  
12 before this Chamber that <the> number of children who were  
13 released with their mothers <amounted to less than> 10 <>.  
14 Confronted <with> the statement by Srei Than alias <Little> Duch,  
15 he said at 10.50 <a.m. -- that is, Van Soeun -- he said> that he  
16 agreed with Srei Than alias Duch, to the fact that 99 percent of  
17 the prisoners at Krang Ta Chan were eliminated.  
18 [14.24.51]  
19 Another example is Saut Saing, who said yesterday at about 14.19  
20 <p.m.> -- and I quote: "As I said, when a mother or father were  
21 killed, the children <> also <> disappeared, so I assumed that  
22 they were also executed." End of quote.  
23 Those four guards: <Little> Duch, Soan or Soeun, Saing and Sim,  
24 all said that the interrogations and executions were carried out  
25 solely by staff members who were members of the prison committee

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1 or members of the Party or the leadership unit, <such as -- for  
2 instance --> Ta An, Penh, Chhen, Moeun, Sieng, or the Senior  
3 Duch. Before putting my question to you, I will read out to you a  
4 few excerpts of their testimonies <before this Chamber>,  
5 beginning with Srei Than alias Duch, on the 23rd February 2015,  
6 and the document is E1/267.1 at 9.26 <a.m>. This is what he  
7 stated: <>

8 [14.26.05]

9 "My group of six persons <> was not part of the prison staff.  
10 <We> could only mount guard outside of the centre. It was the  
11 staff of the prison, and not ourselves, who were in charge of  
12 taking the prisoners to the interrogation room and <>  
13 subsequently <accompany> them to the <> detention <facilities>."  
14 End <> of quote.

15 Van Soeun, on the 3rd of March 2015 -- and it's transcript number  
16 E1/270.1 at 15.23 <p.m.,> stated <the following>. The question <>  
17 put to him <> was as follows:

18 "You mentioned three names, An, Chhen and Penh. Were the other  
19 members of the Party also participants during the interrogations  
20 or they did not play any role?"

21 Van Soeun's answer was as follows: "In fact, they took over from  
22 one another in carrying out this task."

23 [14.27.33]

24 Question: "So the six members of the Party took turns to  
25 interrogate the prisoners; is that correct?" Answer: "Yes, that

1 is correct." And Van Soeun went on to deny <> the <group of> six  
2 security guards, of which <he was> a member, monitored the <>  
3 interrogation <area> or took prisoners to the interrogation  
4 venue.

5 The last two quotations are as follows: Van Soeun, on the <4th>  
6 of March 2015, <document E1/271.1> at 11.07 <a.m. said the  
7 following, and I quote>: "As far as we were concerned, mounting  
8 guard outside was our task. Those who worked inside were in  
9 charge of executing the prisoners -- that was their task. "

10 And at 11.08, he stated as follows:

11 Question: "During the execution, do you know who was in charge  
12 <--> or who were the executioners?"

13 Answer: "It was the six members of the Party." End of quote.

14 Let me press on before an objection is made, <if I may?>

15 [14.28.54]

16 MR. PRESIDENT:

17 Counsel Koppe, you have the floor.

18 MR. KOPPE:

19 Thank you, Mr. President. I'm not quite sure what the Prosecution  
20 is doing other than giving a sort of short crash course to this  
21 civil party as to what the earlier testimony was. I'm sure I  
22 cannot keep up with, already, the first part of what has been  
23 read out. I mean, of course, I have no problem if this civil  
24 party is being confronted with a specific excerpt from somebody's  
25 testimony, but feeding him all this testimony in 15 minutes

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1 during questions seems to bit odd to me, notwithstanding the fact  
2 that counsel is making closing submissions, it seems, because I  
3 have a totally different recollection as to what the guards in  
4 fact saw with their own eyes. So I'm happy to continue listening  
5 to this but I don't see any purpose of it so I object to this  
6 line of questioning.

7 [14.30.02]

8 MR. DE WILDE D'ESTMAEL:

9 Mr. President, if I may respond. I <am almost finished with  
10 these> quotations. It is important <> to read them out in order  
11 to elicit the reaction of the civil party, because all these  
12 people were, of course, confronted by the Defence, confronted  
13 with the statements of the civil party and on each <instance> the  
14 Defence suggested that the civil party had lied. So I consider it  
15 useful to remind the civil party of what was said before this  
16 Chamber in order to put my questions to the civil party.

17 May I proceed, Mr. President?

18 (Judges deliberate)

19 [14.32.49]

20 MR. PRESIDENT:

21 The Chamber gives the floor to Judge Fenz to decide on the  
22 objection of the Party <and the way the question was put to the  
23 civil party by the International Deputy Co-Prosecutor>. You may  
24 now proceed, Judge Fenz.

25 JUDGE FENZ:

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1 This is obviously not primarily an issue of law but of  
2 methodology. Frankly, I agree, I couldn't keep up with the very,  
3 very long time you have quoted now and I wonder what question  
4 could actually be asked that covers everything. Now I understand  
5 -- so we would suggest you choose two or three quotes and then  
6 try and get a reaction to it. I guess the reason you're doing it  
7 the way you're doing it is to get all the quotes onto the record  
8 -- well, there are time limits which might be pertinent to choose  
9 the most relevant quotes for any given topic you wish to address.  
10 [14.33.53]

11 BY MR. DE WILDE D'ESTMAEL:

12 Thank you.

13 Q. Mr. Civil Party, let me come to my question now. Do you agree  
14 with that security guard or these security guards in general --  
15 that is, Saing, Chim, Little Duch, Van Soeun, when they state  
16 that they had no role to play, be it during <the> interrogations,  
17 nor in the executions, because their role was exclusively to  
18 guard the exterior of Krang Ta Chan?

19 MR. SORY SEN:

20 A. The statements of those individuals are not true. They were  
21 the ones who arrested and killed <prisoners except Van Soeun who>  
22 I did not know<. At that time, there was no person named Van  
23 Soeun there>.

24 Q. You have indeed understood that I'm talking about the security  
25 guards, <meaning:> Saut Saing, Sim, <Little> Duch and Van Soeun?

1 According to them, they were members of the same security guard  
2 corps at Krang Ta Chan.

3 A. I did not -- I do not agree with the statements of those  
4 individuals. After they received the order from the chief of the  
5 security office, they were the one who arrested<, transferred>  
6 and executed prisoners. <There were actually in charge of those  
7 tasks. All of them worked inside the prison, not outside the  
8 prison.> And once again, as for Van Soeun, I did not know this  
9 individual. <>

10 [14.36.10]

11 Q. For purposes of clarification, Van Soeun or Soan, that person  
12 was a messenger at Krang Ta Chan. Having <> pronounced the name  
13 this way, is it clearer for you? Did you know him?

14 A. Yes, I knew the person by the name Soan but I did not <know  
15 any> individual by the name <of Van Soeun. I did not even hear  
16 the name.>

17 Q. Can you tell me whether amongst the staff at Krang Ta Chan  
18 were members of the Kampuchea Communist Party?

19 A. I knew that Ta Chhen and Moeun <were the big cadres,> and Big  
20 Duch was the deputy chief. <I knew that> Ta Chhen and Ta Moeun  
21 were <> Party members and Sieng was also <a> Party member.

22 Q. What about Ta An, Ta Penh, were they also members of the  
23 Party?

24 A. Ta An was the chief, Ta Penh was the deputy. Ta Penh actually  
25 was the member and Big Duch was the deputy.

1 [14.37.55]

2 Q. Very well. From what you were able to observe, did the  
3 security guards <such as> Saut Saing; Soan, the messenger; <>  
4 Little Duch and Sim, as well as Thuch <and if I'm not mistaken,>  
5 Uok -- were all these security guards under a duty to obey the  
6 orders and instructions meted out to them by Ta An or another  
7 member of the prison committee?

8 A. From my observation, Ta Chhen sometimes gave orders<. And if  
9 Ta Chhen was not around,> it was <> Ta An <who gave the order. If  
10 Ta An was not available>, then the order would come from Ta  
11 Penh<. The order would come from that chain of command. These  
12 three individuals listened to each other.>

13 Q. Van Soeun confirmed that they were under a duty to obey at the  
14 3rd of March 2015 hearing, transcript E1/270.1 at 15.13 <p.m.> to  
15 15.15 <p.m.>, this is what he stated: "As a subordinate, yes, we  
16 had to obey the orders, <the orders> that were <issued> by our  
17 <hierarchical> superiors. If we did not obey them, we would be  
18 detained in the prison." End of quote.

19 Did you yourself see what happened when a guard did not obey the  
20 orders issued by Ta An, <or> Ta Penh or Ta Chhen?

21 A. I did not know about this and I did not know how the order was  
22 implemented. <They never let the prisoners know how they  
23 implemented the orders.>

24 [14.40.05]

25 Q. I will now request you to tell the Chamber whether you were



1 able to observe the role of <> security guards like Saut Saing,  
2 Little Duch, Sim and Soeun, as well as Soan, the messenger --  
3 according to Ta An's orders <> or the orders of the prison  
4 leadership <-- were> they under a duty to accompany newly arrived  
5 prisoners from the external perimeter to the house in which the  
6 prisoners were detained?

7 A. Yes, I used -- I used to see these people went to receive the  
8 <prisoners> at the exterior perimeter. The <prisoners then> were  
9 brought by militia men to the exterior perimeter and these people  
10 <> went outside to collect prisoners.

11 Q. Did you also see those security guards <monitoring> the  
12 prisoners while they were working during the day?

13 A. That time -- during that time, I was released to go <to work>  
14 outside and <there were two or three security guards on the  
15 embankment> to stand guard <over six prisoners who were> farming  
16 <>.

17 [14.42.00]

18 Q. Did it happen that security guards like Saing, Sim, <> Little  
19 Duch or Soeun or Soan -- pardon me -- <monitored> the prisoners<?  
20 Or> were <you> always the person <doing that>?

21 A. These people <rotated> their <guard> duties.

22 Q. Did it also happen that the same security guards escorted the  
23 prisoners from the detention house to the place of interrogation  
24 in order for them to be interrogated?

25 A. Yes, I saw those events. They rotated their duty, for example,

1 <> Little Duch or Sim would accompany <> prisoners to the  
2 interrogation place for interrogation and <the Chiefs were  
3 waiting there. On> the other day there would be other  
4 <individuals> from the same group accompanying <prisoners> to the  
5 interrogation place.

6 Q. And when they arrived at the place of interrogation, <> did  
7 they <go back> to <perform> other tasks or <did they> remain  
8 there to <monitor> the <interrogation venue while the prisoner  
9 or> prisoners <> were being interrogated?

10 A. I was <cleaning up the area nearby> the interrogation place.  
11 There was no chair. There were <> big <pieces of wood> that the  
12 guards could sit on<. They were armed and waiting> for the  
13 prisoners. <Two people would be armed with two rifles. Ta Chhen,  
14 Ta Penh and Ta An were interrogating.> And as for torture, the  
15 <bamboo> club would be used <to beat the prisoners -- by those  
16 soldiers. It was the soldiers who would use> the plastic sheet  
17 <made out of raincoat> to cover the <head> of the <prisoners  
18 whose hands had been tied to their back during the  
19 interrogation>.

20 [14.44.31]

21 Q. When you talk of <"the soldiers">, are you referring to those  
22 security guards, such as Little Duch, Sim, Saing and Soan?

23 A. Yes, <I was referring to them when I mentioned> the soldiers  
24 <>. No one else was there, only these people were there <>, in  
25 short <-- or to simply put it, each individual> working in Krang

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1 Ta Chan <prison was a direct> perpetrator<. All of them fell in  
2 the same category>.

3 MR. PRESIDENT:

4 It is now time for a break and we will adjourn from now until 3  
5 p.m.

6 Court officer, please facilitate a proper room for this civil  
7 party during the break time and please invite him back at 3 p.m.

8 The Court is now adjourned.

9 (Court recesses from 1445H to 1505H)

10 MR. PRESIDENT:

11 Please be seated. The Court is now back in session, and I notice  
12 that the International Lead Co-Lawyer for civil parties is on her  
13 feet, you may proceed.

14 MS. GUIRAUD:

15 Thank you, Mr. President. <We noticed that we're falling behind  
16 and> I would like to point out to the Chamber that Mr. Say Sen  
17 absolutely has to return home this evening, so I am wondering  
18 whether we may extend the hearing this afternoon in order to  
19 enable him to meet his commitments tomorrow such that he may be  
20 able to go back home this evening.

21 MR. PRESIDENT:

22 If that is the case, then we need to reduce the time starting  
23 from the time deducted from the time of the Prosecution.

24 [15.06.48]

25 BY MR. DE WILDE D'ESTMAEL:

1 I will try to be more brief, Mr. President.

2 Q. Mr. Say Sen, was the role of the security guards, such as Saut  
3 Saing, Little Duch and others, to escort prisoners who were to be  
4 executed?

5 MR. SORY SEN:

6 A. Yes, he was the one who took the prisoners out of the  
7 detention building to be executed.

8 Q. Was it the role of the security guards, and the guard corps as  
9 subordinates, to execute prisoners at Krang Ta Chan? Whether they  
10 were men, women or children.

11 A. In general<, the soldiers were the perpetrators.>

12 Q. If it was the soldiers who were in charge of such actions, can  
13 we say that the security guards <or the> soldiers, who were  
14 subordinates at Krang Ta Chan, were <responsible for> carrying  
15 out all the dirty work at Krang Ta Chan, such as beating  
16 prisoners during interrogations or executing them?

17 A. <They were> the same <people>.

18 [15.08.55]

19 Q. I would like to revisit what Saut Saing said yesterday at the  
20 hearing, <yesterday> afternoon at about <14.18 p.m.>. This is  
21 what he stated -- and I quote:<>

22 "Regarding the execution of children at Krang Ta Chan, I would  
23 like to <clarify the following: Within the premises of> Krang Ta  
24 Chan, there were no palm trees. There wasn't a single palm tree.  
25 There were no palm trees within the premises, but far from the

1 premises there were indeed palm trees. And it is true that palm  
2 juice was produced <in the villages> North and South <of the  
3 premises." End of quote.>  
4 <It also seems that> Saut Saing did not <clearly> answer the  
5 question <concerning the fact that you> were in charge of  
6 harvesting <sugar from the sugar palm trees> for producing <palm>  
7 wine. Yet <his cousin,> the messenger, Soeun, confirmed that that  
8 was your role. <Since you were the one who climbed the sugar palm  
9 trees, were> there palm trees <which you climbed within the  
10 first> perimeter of Krang Ta Chan, <> near the buildings? If yes,  
11 where were they located <within> the perimeter?  
12 A. Yes, <there were. Initially there were no palm trees inside  
13 Krang Ta Chan prison or at the> execution site <located on the  
14 south of the prison. And later on, when the pits were full, still  
15 the execution was done within the internal perimeter of the  
16 prison, but it was moved to the area to the west of a pond where  
17 there were some palm trees. At one point in time, while I was  
18 collecting juice from a palm tree, I saw them killing a child at  
19 the exact> palm tree <from which I was collecting juice. I was in  
20 the tree, while the execution was taking place on the ground at  
21 the base of the tree. The palm tree is still around to this day.  
22 Out of the three palm trees there, two have been felled; thus,>  
23 only one palm tree remains standing.  
24 [15.11.06]  
25 Q. Were there also sugar palm trees outside of the first

1 perimeter?

2 A. Yes. There <> were many palm trees <within> the first  
3 perimeter <outside the prison, and it was rather to the west of a  
4 pond>. In fact, I <was actually asked to collect juice from over>  
5 10 palm trees within the <perimeter in order to make palm juice  
6 wine for the staff there>.

7 Q. Were all the staff members at Krang Ta Chan, including  
8 security guards, aware <that> one of the tasks assigned <to you>  
9 by Ta An <was> to climb <sugar> palm trees and to collect juice  
10 for the production of alcohol?

11 A. Yes, all of them knew <-- were aware of my tasks>.

12 Q. Now you spoke at length of the massacre of two little girls,  
13 which you witnessed while you were up a palm tree. <You were  
14 therefore able to witness the event>. I'd like to show you now  
15 two photographs and a <diagram>.

16 With the leave of the Chamber, may I request that photographs  
17 D125/220.30 and .31 <> be placed on the screen, as well as the  
18 <diagram,> and the reference is D125/220.35. Mr. President, may I  
19 show the witness <these documents>?

20 [15.13.15]

21 MR. PRESIDENT:

22 Yes. You may do that.

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. According to the <captions, Mr. Say Sen, you are featured in  
25 these two photographs showing the investigators the remains of

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1 the> palm tree from which you were able to observe <the execution  
2 of> the two little girls, <as well as the location of the palm  
3 tree -- that's the photo we see now -- where the security guards  
4 killed> the little girls <right before your eyes>. Is that  
5 <correct? Are these> indeed the locations where<, on the one  
6 hand,> the little girls were killed<, and on the other, where>  
7 that <> palm tree <you climbed was, from> which you <were able>  
8 to observe the massacre?

9 MR. SORY SEN:

10 A. Yes. That is correct. <I was pointing at> the three palm  
11 trees.

12 [15.14.39]

13 Q. On <diagram> D125/220.35 <-- I know you have trouble reading,  
14 but I highlighted the two locations at which> the photographs  
15 <you saw> were taken. And <we> can see <that> on that <diagram,>  
16 the place where the two girls -- according to you -- were  
17 executed, <> was <located> outside of the first perimeter, and it  
18 is situated between the first and the second security perimeters,  
19 and that was to the west of the security centre at a distance of  
20 about 100 metres, if I rely on the scale of this map, <so> about  
21 100 metres from the first perimeter. Is that indeed a reflection  
22 of what you showed the Investigators and does it also tally with  
23 your recollections?

24 MR. PRESIDENT:

25 Civil Party, please wait. And Counsel Koppe, you have the floor.

1 MR. KOPPE:

2 I object, Mr. President. We'll be suggesting that Prosecution  
3 actually sits down on the chair and answers the question himself.  
4 It's leading the witness so much -- it's leading the witness to a  
5 platter of the answer that he likes to hear. It doesn't -- it has  
6 nothing to do with proper examination. First, he shows a tree. It  
7 could be any tree. And then he sort of directs him to the map  
8 hoping that he would confirm and tick the box. I mean, what  
9 examination really is this?

10 [15.16.23]

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, I am entitled to respond. First of all, <the  
13 photos:> it is the civil party himself who is showing the  
14 locations and confirming to the Parties that that it was indeed  
15 the place where the little girls were executed and the <diagram>  
16 itself was established on the basis of photographs that were  
17 taken <based on> GPS <data>. This is a very objective <diagram>  
18 based on what the civil party showed within the premises of Krang  
19 Ta Chan, so I am not leading the witness. He himself showed the  
20 locations <that were pinpointed by the Co-Investigating Judges on  
21 that diagram>. So I don't see the basis for this objection.

22 (Judges deliberate)

23 [15.17.36]

24 MR. PRESIDENT:

25 The Chamber denies the objection by Nuon Chea's defence counsel,



1 Koppe. The question <was> appropriate <as it was based on the  
2 report and document made> by the Investigator of the OCIJ. And  
3 the Civil Party, please respond to the last question put to you  
4 by the <International> Co-Prosecutor.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. I'll perhaps repeat the question. Mr. Civil Party, is the  
7 place you have pointed to as a location where the <little> girls  
8 were killed to the west of the first perimeter of the prison at a  
9 distance of about 100 meters from the internal perimeter? On the  
10 screen it is not visible, numbers 29 and 30, which correspond to  
11 the place where those photographs were taken?

12 MR. SORY SEN:

13 A. It was outside the first perimeter fence, but inside the  
14 second perimeter. It was less than 100 meters <on the West> and  
15 from the best estimate, I could say <it was> about 50 or 60  
16 meters from the first fence.

17 [15.19.10]

18 Q. Very well. I am almost done, Civil Party. I would like us to  
19 revisit the issue of the number of pits and bodies at Krang Ta  
20 Chan at the hearing of the 4th of February 2015, E1/256.1 at  
21 15.16 <p.m.>, you stated that, "As of 1977, when mass executions  
22 were carried out, there were too many burial places within the  
23 first perimeter," and you had to <leave> the premises and go  
24 beyond the second perimeter <-- end of quote --> in order to bury  
25 the bodies.

1 We heard the allegations made by the Defence. The Defence team  
2 doubt that 10,000 people could have been buried on the site of  
3 Krang Ta Chan. Do you confirm today that <many people were  
4 executed (sic) or their bodies thrown into pits located outside  
5 of the> first perimeter, <> because there was no longer any room  
6 <> within the premises?

7 A. Through my observation of the area, it could be in excess of  
8 more than 10,000 because, initially when people exhumed the  
9 bodies and trying to look for gold <in 1979>, the skeletal  
10 remains that they found totalling for more than 10,000 already<.  
11 And the area on the west of the prison, which was the area  
12 in-between the first perimeter and the second perimeter was also  
13 the execution site where the remains have not been exhumed yet.>  
14 [15.21.30]

15 Q. Can you simply tell me whether you yourself had to dig pits  
16 outside of the first perimeter in order that bodies could be  
17 buried in them?

18 A. Yes. <> I and Ta Chhen were ordered to dig the pits. In fact,  
19 Kha (phonetic), Ta Chhen and <I were> ordered to dig <> pits <to  
20 the south of> the location where the young children were killed.  
21 <I guess we dug between 10 and 20> pits and in each pit they  
22 buried <between 10 and 30> bodies of the prisoners who were  
23 executed. <I cannot recall everything since it happened a long  
24 time ago.>

25 Q. Last series of questions. There is a site identification

1 report for Krang Ta Chan. The reference is D125/220. It is a  
2 report that was <drafted> by the Co-Investigating Judges, notably  
3 on the basis of your statements, when you accompanied them to the  
4 site<. And> it is stated in this report <:;>

5 "The pits were only 1 to <1.5 metre> deep, and after a day or  
6 two, the <soil parted because> the bodies <had begun to swell.  
7 When> the nauseating smell <became> unbearable, <Ta An, the  
8 prison chief, asked Say Sen to cover the corpses again and dig  
9 new> pits elsewhere."

10 Did you tell the Investigators that indeed after a day or two the  
11 land would open up because the bodies started swelling up?

12 A. Yes, I did tell them that. And Ta An, the chief of the office  
13 talked about the smell from the cracking up of the pits. So when  
14 he <gestured> that he smelled something fouled, it <meant> that I  
15 should go and cover those pits, which were opening up. <I knew  
16 that he came in order to tell me to cover those cracks with more  
17 dirt so that the stench would no longer blow to the direction of  
18 the prison where prisoners were being detained.>

19 [15.24.21]

20 Q. Inversely, when the bodies were completely decomposed <and  
21 only bones were left, did> the contrary happen <?> That is, the  
22 <soil> collapsed; that <instead of a swelling,> a slump  
23 <appeared> on the surface of the pits. <> Is that correct?

24 MR. PRESIDENT:

25 Civil Party, Sory Sen, please speak slowly because your speed is

1 rather fast and it is difficult for the interpreters to interpret  
2 your statement.

3 MR. SORY SEN:

4 A. <When the dead bodies decomposed, the pits would subsided>,  
5 then four or five more prisoners would be executed <and buried>  
6 on top of that pit and then I <was> ordered to <put more soil to>  
7 cover the pit.

8 [15.25.32]

9 Q. So if I understand correctly, the pits were used on several  
10 occasions, once <some corpses had> decomposed, <that> made room  
11 for the burial of other bodies <in the same place>, and then you  
12 had to cover those pits up again; is that correct? <Did I  
13 understand correctly?>

14 A. Yes, that is correct.

15 Q. You made mention of the role of Soeun or Soan as a messenger  
16 at the Krang Ta Chan Security Centre. When he himself testified,  
17 he said that he was not in charge of delivering messages from the  
18 district office to Krang Ta Chan, but only from the security  
19 centre of Krang Ta Chan to the district office. And he said that  
20 there was a district messenger called Hol who was in charge of  
21 delivering messages to Ta An at the Krang Ta Chan Security  
22 Centre. Does that name Hol, a messenger working at the district  
23 level, ring a bell?

24 A. Yes, I know the person though I was not sure whether Hol was a  
25 messenger or not.

1 MR. DE WILDE D'ESTMAEL:

2 I have no further questions, Mr. President, and I hope that the  
3 civil party will be able to go back home this evening.

4 [15.27.30]

5 MR. PRESIDENT:

6 Thank you. The Chamber would like to hand the floor now to the  
7 defence teams, first, the Nuon Chea defence.

8 JUDGE FENZ:

9 For organizational purposes -- just a second -- may I just ask  
10 the question how long the defence teams expect to need this  
11 afternoon because since we just heard the civil party has to go  
12 home today, we might have to make arrangements of some sort or  
13 decisions of some sort?

14 [15.28.06]

15 QUESTIONING BY MR. KOPPE:

16 To be honest, I think we should be able to finish four-ish.

17 Q. Mr. Civil Party, just to follow up some questions that were  
18 just asked by the Prosecution about the matter of decomposing  
19 bodies, and I just heard you gave the number of 10,000 people who  
20 were executed. You've also testified that you have been back on  
21 more than one occasion to the site, which is now the memorial  
22 centre of Krang Ta Chan. When you go back there, you see stupa,  
23 you see a big box, I would call it, with skulls. Do you know how  
24 many skulls there are in that stupa at the Krang Ta Chan Memorial  
25 Centre?

1 A. I did not do any counting. It was the committee who did that,  
2 and <an organization so-called "Youth For Peace" was working  
3 there in the area.>

4 [15.29.45]

5 Q. Do you know if there is a difference between the number that  
6 you just gave, 10,000, and the amount of skulls that you can see  
7 in that stupa?

8 A. Based on the work done by the elderly and the committee and  
9 <"Youth For Peace" personnel, though I did not consult the record  
10 or know when they actually started doing that,> there were many  
11 skeleton remains <>, the skulls were more than 10,000 and there  
12 were still many pits <on the west of the prison>, which <have>  
13 not yet been <> exhumed <>.

14 Q. Fine. Mr. Witness, Civil Party, I would like to ask you a few  
15 questions about something that happened after your testimony  
16 before the Trial Chamber on 6th of February this year.

17 I am referring, Mr. President, to D219/203, and it probably  
18 should be in E something number, but I don't see it on my  
19 document. It's ERN 01072285 and it contains a report of a -- of  
20 the record <of> conversation. I think, I know -- I think that you  
21 know to which document I'm referring.

22 Mr. Civil Party, do you remember that right after you gave  
23 testimony on the 5th of February -- 6th of February that you were  
24 approached by an Investigator of the Tribunal?

25 A. No, I was not.

1 [15.32.03]

2 Q. So after you finished your testimony, you didn't have a chat  
3 with a foreign investigator who was accompanied by a Khmer  
4 interpreter?

5 A. I cannot get your question. Please repeat it.

6 Q. Once you had done testifying, you had, I believe, a 10-minute  
7 talk with an International Investigator asking you some questions  
8 about your testimony somewhere I presume outside of this  
9 building; is that correct?

10 A. Yes, I had a small talk. He met me about the worries and  
11 concerns when I came to testify before this Court. I was told  
12 that I had to be strong. However, I was still concerned and  
13 afraid.

14 Q. Do you remember he asked you questions about Rat and about her  
15 mother Yeay Nha?

16 A. No.

17 Q. Did he ask you what, according to you, had happened to Rat  
18 during her time at Krang Ta Chan? Do you remember you spoke to  
19 him about this?

20 A. Yes. I told that individual <about that>.

21 [15.34.25]

22 Q. And do you remember what you told him?

23 A. I told <him> that Duch physically touched Rat.

24 Q. And did you tell him that was -- that you believe that was all  
25 Duch done -- had done to Rat?

1 A. Yes.

2 Q. So just to be clear, and I think I can ask this question in an  
3 open session, Rat was never raped by Duch according to you; is  
4 that correct?

5 A. No. But Rat was physically touched by that individual.

6 Q. Did you speak also informally with this investigator about a  
7 female prisoner called Run?

8 A. I <did not> talked <much> with Run, but E Run went into forest  
9 with Ta An <when the Vietnamese was advancing in 1979, I remained  
10 at the prison with Ta Chhen and others.> Later on, I met E Run  
11 and she told me that <she was taken in by Ta An, and he  
12 instructed her not to tell anyone that he had been a prison  
13 chief. And> she survived from the period.

14 Q. And did you tell this Investigator informally that you  
15 believed that Run had had a love affair with An during her time  
16 as a prisoner at Krang Ta Chan?

17 A. Yes.

18 [15.36.48]

19 Q. Did you tell this Investigator also her current address, and  
20 in other words, that she is still alive?

21 A. She is still alive. She <currently lives> in Dang Tong  
22 district, Kampot province.

23 Q. Do you know whether Run was a friend of a -- of another female  
24 prisoner who used to be a medic -- a nurse, named Han?

25 A. Her friend was Han and she is now <> in the north of Angk



1 Roka, Srae Khvav.

2 Q. So Run was in fact a friend or a co-female prisoner with Han.

3 And both women, you're saying, are still alive; is that correct?

4 A. E Han and E Run are still living today.

5 Q. And would you also be able to give the exact address -- exact

6 current address of Han?

7 MR. PRESIDENT:

8 Please wait, Civil Party. You may now proceed, civil party

9 lawyer.

10 [15.39.01]

11 MS. MOCH SOVANNARY:

12 Mr. President, I would like to object to the last question put by

13 the Defence Counsel for Mr. Nuon Chea. The question is nothing to

14 do with the facts before us. And it's not related to our case

15 file.

16 MR. KOPPE:

17 That's a new objection for me. Mr. President, I think it is very

18 relevant because it seems that both females were incarcerated at

19 Krang Ta Chan. I think we even have their names on possible Krang

20 Ta Chan documents. And locating both women and possibly having

21 them give testimony would, I think, contribute to ascertain the

22 truth. So I think my question as to the whereabouts of both Han

23 and Run are very relevant questions.

24 MR. PRESIDENT:

25 The objection is overruled. The Chamber needs to hear possibly

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1 the testimony of the two individuals to ascertain the truth in  
2 this case <if it is possible to identify them>.

3 Mr. Civil Party, you are instructed to give your response to the  
4 question by the Defence Counsel.

5 [15.40.35]

6 MR. SORY SEN:

7 I know her address. E Han lives in Pou Doh village<, Moeung Cha  
8 commune>.

9 MR. PRESIDENT:

10 You may now proceed, Judge Fenz.

11 JUDGE FENZ:

12 Please write the address on a piece of paper, if you know it. Can  
13 somebody please provide the witness with a piece of paper, so he  
14 can write down the address for us?

15 MR. PRESIDENT:

16 You may now proceed, <the> International <Deputy> Co-Prosecutor.

17 MR. DE WILDE D'ESTMAEL:

18 <You might> recall that at the hearing of the 4th to the 6th of  
19 February, the civil party had stated that he cannot read. <At  
20 least that's what I recall, so> I am not sure he is able to write  
21 either.

22 [15.41.53]

23 MR. PRESIDENT:

24 The civil party can tell the court officer, and court officer can  
25 help to write the address.

1 (Short pause)

2 [15.44.23]

3 JUDGE FENZ:

4 Witness, could you tell the -- your help -- the full name of the  
5 person? Apparently, this only is the first name or -- which  
6 wouldn't perhaps allow to identify the person. So if you know  
7 more than this part of the name.

8 MR. PRESIDENT:

9 Actually, I saw the word "E" before the name. Is it the surname  
10 or the first name? <Or does it mean Aunty?>

11 MR. SORY SEN:

12 I often refer the two <individuals> as E Run and E Han. And I can  
13 help you to find the two <individuals'> addresses <if you need my  
14 help>.

15 [15.45.39]

16 MR. PRESIDENT:

17 I saw in the paper you wrote the district name, but did you know  
18 the commune <and village where Run currently lives?>

19 MR. SORY SEN:

20 Yes, I know the commune.

21 MR. PRESIDENT:

22 Court officer, please ask civil party to write the district as  
23 well <as> the commune <and village names>.

24 (Short pause)

25 [15.46.30]

1 MR. PRESIDENT:

2 Please exclude the word "E" because "E" here is not the surname.

3 You can only write the name -- that is, the first name and  
4 together with the individual gender.

5 MR. LYSAK:

6 While the civil party is doing that, for the records, this may be  
7 of assistance. The person who I believe he is referring to, the  
8 full name can be found at document D157.7; Khmer, 00270874;  
9 English, 00866433 through 34; French, 00872808 through 09. This  
10 record has both the full name and also a reference to the  
11 nickname that has been used here. So, to the extent we're looking  
12 for a full name, that's probably it.

13 MR. PRESIDENT:

14 Thank you very much, the International Deputy Co-Prosecutor.

15 Mr. Koppe, you may resume your line of questioning.

16 [15.48.39]

17 BY MR. KOPPE:

18 Thank you, Mr. President.

19 Q. Mr. Civil Party, I have one more question about possible other  
20 female prisoner. Do you know a female prisoner with the name Set  
21 Yem (phonetic)?

22 MR. SORY SEN:

23 A. It appears that I have never heard of the name.

24 Q. Fine. Returning now to these three other female prisoners --  
25 Rat, Run and Han -- do you know -- or are you able to recollect

1 if these three women were in the position to see the same things  
2 in relation to the activities of the guards as you?

3 A. I know the three individuals as mentioned by you.

4 Q. Yes, we have established that, Mr. Civil Party. But my  
5 question is: would you be able to tell the Chamber whether these  
6 three women were able in that period to see the same things that  
7 the guards were doing as you have described?

8 A. I did not dare to say anything about <them>.

9 [15.50.34]

10 Q. I'll move on quickly. Did I hear you testify earlier this  
11 afternoon, Mr. Civil Party, that one of the tasks of the guards  
12 was also to arrest prisoners?

13 A. Yes, it is true. Soldiers had such rights -- the arrest and  
14 execution duties.

15 Q. So, is it your testimony that these soldiers were not only  
16 guarding Krang Ta Chan but also went to the villages to arrest  
17 the prisoners?

18 A. I knew that they went to <bring in prisoners from afar  
19 communes such as Srae Ronoung, Leay Bour. I noticed that he went  
20 to collect prisoners from Srae Ronoung the most. Most of the  
21 prisoners I talked to were from Srae Ronoung village.>

22 Q. Last question, Mr. Civil Party. You said earlier this  
23 afternoon that one of the reasons that you are testifying is that  
24 you are -- that you would like to contribute to the search for  
25 the truth and that you are in fact acting on behalf -- and I

1 quote you, "of those lost souls". In that mission that you  
2 described, is it alright for you to also sometimes not tell the  
3 truth to the Chamber?

4 A. I do not get your question. Please, say it again.

5 [15.52.48]

6 Q. You said earlier this afternoon that it is your mission to  
7 assist the search for the truth and that you are acting on behalf  
8 of those lost souls. My question to you in this mission that you  
9 see that you have, is it allowed sometimes or more often to not  
10 tell the truth about what you saw during DK to the Chamber?

11 A. I <am telling the truth. I do> not think it is necessary to  
12 lie to the Court. I will not gain any interest or benefit for  
13 myself. <I am not making up stories before this Court.> I am here  
14 <for the interest of> the victims and the <survivors> of the  
15 period -- the three years, eight months and 20 days. And as I  
16 said, I do not gain any interest.

17 Q. One last follow-up question. I asked Saut Saing this afternoon  
18 whether he spoke to the Chamber the truth, the whole truth, and  
19 nothing but the truth; have you done the same thing?

20 A. I will tell <the court only> what I experienced, what I saw<.  
21 I tell the truth. I cannot say what I did not see>. A few days  
22 ago, I listened to <> Radio Free Asia concerning Ta Chhen, who  
23 testified before this Court, and <during his testimony,> Ta Chhen  
24 <asked> the Court <> not believe <me>, Soy Sen <who> was  
25 <allegedly> too young at that time, and he <was naive. His claim

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1 is not true. I actually knew everything that happened in the  
2 compound of Krang Ta Chan prison at that time.>

3 MR. KOPPE:

4 Thank you, Mr. President.

5 [15.55.39]

6 MS. GUISSÉ:

7 Mr. President, I was waiting for you to give me the floor. I have  
8 the heavy burden of being the last person to put questions to the  
9 civil party. I know we are running out of time, so I'll try to be  
10 as brief as possible. I'll need the assistance of the Court  
11 officer because I understand that the civil party is not able to  
12 read. Will it be possible for the Court officer to take document  
13 E319.1.4 and <whisper> to the civil party questions 107 and 108  
14 <as well as their corresponding answers>, which I have  
15 highlighted in yellow in the Khmer copy in order that I may be  
16 able to put questions to the civil party subsequently?

17 MR. PRESIDENT:

18 Court officer, you are instructed to assist the civil party in  
19 this matter. You may now proceed, <the> International Deputy  
20 Co-Prosecutor.

21 [15.56.46]

22 MR. DE WILDE D'ESTMAEL:

23 Thank you, Mr. President. I do not see the relevance in  
24 whispering to the civil party <what is in writing. It suffices  
25 that counsel reads> out the question <in French> and it will be

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1 translated into Khmer simultaneously <by the interpreters>.

2 MS. GUISSÉ:

3 Thank you, Prosecution, for <pointing out what appears to be  
4 fairly evident, but if> I want to proceed in this manner, it is  
5 <for a reason:> because <I believe it is the> practice <of> this  
6 Chamber to refrain from divulging the identity of a person who is  
7 a victim of rape, <and that is why I'm taking these precautions:  
8 it's that simple. I have no intention of mentioning their names  
9 and this is a way to avoid giving the names of such persons in a  
10 public hearing.> So, if it is possible for the two questions to  
11 be read out to Mr. Say Sen, 107 and 108, and <> I'll then put  
12 questions to him<?> May I request <the person who does it> to pay  
13 particular attention <to> not <> reveal the names of the persons  
14 in question?

15 (Court officer reads questions to civil party in Khmer)

16 [15.58.54]

17 QUESTIONING BY MS. GUISSÉ:

18 Court officer, <are you done>? And I can now put my questions<?  
19 Were both questions and answers read out to Mr. Say Sen?>

20 Q. Mr. Say Sen, my question to you is as follows: Do you recall  
21 stating that a female prisoner was raped at Krang Ta Chan? And do  
22 you remember giving <her> name to the Co-Investigating Judges and  
23 saying that that rape was reported to you by the mother of the  
24 woman who was raped? Do you recall making such an utterance  
25 before the <OCIJ> investigators?



1 MR. SORY SEN:

2 A. Yes, I recall it. Actually, that female prisoner was not  
3 raped; she was <sexually assaulted>. But as for two other female  
4 prisoners, <they were apparently raped before they were killed>,  
5 and M-79 <grenade heads> were inserted <into their vaginas and  
6 then I was ordered to bury the dead bodies of the two female  
7 prisoners.>

8 [16.00.16]

9 Q. Why then, Mr. Say Sen, did you say that those women were  
10 raped? Whereas according to your statements today, <and at the  
11 last hearing, she was not raped? Why> would you make such a  
12 statement before the OCIJ investigators, <> whereas it wasn't  
13 <>true>?

14 A. <It was a misunderstanding.> There were <two> different women.  
15 Rat was <sexually assaulted>. As for two other female prisoners,  
16 they were raped <before they were killed. I think that was a  
17 misunderstanding>.

18 Q. Following your testimony, may I request you, Witness, not to  
19 <mention> names.

20 Why, I repeat, did you tell the Co-Investigating Judges that  
21 these women had been raped, whereas they hadn't been raped? Why?

22 MR. PRESIDENT:

23 Civil Party, please wait. You may now proceed, <Civil Party> Lead  
24 Co-Lawyer.

25 MS. GUIRAUD:

1 Thank you, Mr. President. Again, we are trying to leave the  
2 Defence to do their work, but in order to be <thorough>, we  
3 should also say that that was not the statement of Say Sen during  
4 the 5th of February hearing. He testified at length on <these  
5 rapes> and the <fact that these were two separate> incidents <>.  
6 We spent a lot of time obtaining clarifications on <these  
7 incidents> and he ended up making the following statement<. And  
8 I'll slow down, Judge Fenz. Concerning the person in question:  
9 "All> I saw is that they played with her, but I did not witness  
10 any sexual acts as such".

11 [16.02.31]

12 And lastly, in answer to a question put to him by Counsel Koppe  
13 in the end, when he was asked whether he witnessed the rapes of  
14 those persons, he stated very clearly at 9.35 <a.m., "No">. So  
15 once again, we have had all the latitude to discuss these <>  
16 issues. Mr. Say Sen spoke on the 5th, 6th, and 7th of February on  
17 this matter <during the hearings>. His testimony on this matter  
18 is clear. He did not witness the rapes of those persons. He  
19 pointed out that those persons were touched sexually. <Full  
20 stop.> I wanted <to make this clarification> for <> the record.  
21 <Thank you.>

22 [16.03.22]

23 MS. GUISSÉ:

24 Yes, Mr. President, I do quite understand the clarifications of  
25 my learned friend, but I must say that my question is all the

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1 more relevant because I am not trying to revisit the facts <when>  
2 Mr. Say Sen said <on repeated occasions> that he was not a  
3 witness to those events. And my question is, <why? Since> he said  
4 he wasn't a witness, why did he tell the investigators of the  
5 OCIJ <those things>, whereas he knew that it was not true? That  
6 is the question. <And I believe> it is relevant since <in answer  
7 to> the questions put to him by his counsel <> he said he had no  
8 reason to lie <or> to <say> things that were not true. <So, my>  
9 question therefore to him is: why he made that statement before  
10 the Co-Investigating Judges, whereas he knew that it wasn't true?  
11 My question is why? I'm not asking him to give details <on  
12 incidents> that he did not <see, of which he was not a>  
13 witness<>. My question is: why <did he give> a version that  
14 doesn't tally with the reality?

15 MR. PRESIDENT:

16 Witness stated clearly already <in Khmer that there could have  
17 been a misunderstanding> in relation to the incidents. And I  
18 believe the question is repetitive. And perhaps, the better  
19 question <should be: whose misunderstanding was it? Was it the  
20 misunderstanding> of the investigator or <was it his own  
21 confusion during the time of the WRI making>?  
22 <Since> it is a repetitive question, Civil Party, you are <>  
23 instructed <not> to give your response because you stated already  
24 that there <could have been a misunderstanding on> this matter.  
25 [16.05.21]

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1 BY MS. GUISSÉ:

2 Q. Mr. Say Sen, you stated that there was a mix-up with regard to  
3 this issue, but in answer number 107, you stated that the rape  
4 was reported to you by the mother of the woman in question. In  
5 the interest of Chamber and the parties, I would refer you to  
6 document E3/5844, which is the record of an interview of the  
7 mother of the <presumed> victim <>. In Khmer, the ERN is  
8 01056209; in French, 01056617; in English, 01056615. This is a  
9 partial transcript of the audio recording of the interview of  
10 that person. And <my> question is as follows: Mr. Say Sen, you  
11 state that the mother of that person told you of an act of sexual  
12 assault or rape she was victim of. If I were to tell you that the  
13 mother of that person was interviewed by the OCIJ investigators  
14 and she stated that none of her children <were mistreated at  
15 Krang Ta Chan. What> reaction would that elicit in you<? And>  
16 would you confirm that the mother of that person <told you that  
17 her> daughter suffered <an assault,> of any nature?

18 MR. SORY SEN:

19 A. No. <Her mother told me that she had only been sexually  
20 assaulted. That's> all.

21 [16.07.45]

22 Q. So, you stand by your statement that it was the mother of that  
23 person who told you of the touching? <Is that correct?>

24 A. Yes.

25 Q. And regarding the supposed death of that person, was that also

1 a mix-up?

2 A. Please repeat your question.

3 Q. In the part of your statement that was read out to you, you  
4 also referred to the death of that person. So my question <> is  
5 whether that was also a mix-up in what you told the investigators  
6 regarding the supposed death of <this person?>

7 A. I knew that <the> two women brought in from Srae Ronoung  
8 <village> were raped by him and after they <were killed>, he  
9 inserted the M-79 <grenade> heads into their vaginas. <After  
10 that, he told me he had already finished the two women and then  
11 he asked whether I saw the M-79 grenade heads in their vaginas. I  
12 said "yes, I did" and I was also ordered to bury the dead bodies  
13 of the two women.>

14 [16.09.35]

15 Q. Who <told you that>?

16 A. Mr. President, can I say his name?

17 Q. <Yes, if someone told you that> and if that is not the name of  
18 a victim, <so if it's someone who relayed the story to you,> yes,  
19 you are entitled to give <> that name.

20 A. Yes, and I was told by Bong Duch.

21 Q. Should I take it then that you did not witness the incident,  
22 but it was someone who told you about that incident, and <when>  
23 you say that it was Duch? <Was it> Little Duch or Senior Duch?

24 MR. PRESIDENT:

25 Civil Party, please wait, and the International Deputy

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1 Co-Prosecutor, you have the floor.

2 [16.10.55]

3 MR. DE WILDE D'ESTMAEL:

4 Thank you, Mr. President. I have the impression <> that we are in  
5 a mix-up here. We talked of a rape <or rather> sexual touching,  
6 and now the civil party has to explain the circumstance of the  
7 death of two women <-- from the mobile unit, I believe --> who  
8 were raped <with ammunition,> and now we're told it is Duch who  
9 said that. <So, it would be best that when questions are asked,  
10 we clearly differentiate between one event and the other, because  
11 now I have the impression that it's becoming increasingly>  
12 difficult for us to follow the examination.

13 <MS. GUISSSE:

14 My questions, in fact, aim precisely to clarify the situation-->

15 MR. PRESIDENT:

16 Defence Counsel, please wait.

17 (Judges deliberate)

18 [16.12.24]

19 JUDGE FENZ:

20 Counsel, how many more questions do you have? Question of time  
21 management at the moment.

22 MS. GUISSSE:

23 I believe that if I'm allowed to <finish this line of questioning  
24 and> obtain <> clarifications on these issues, I would have about  
25 five <more> minutes <on this matter,> and I have three minutes of

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1 questions on another matter. <That is,> if the answers are clear.

2 <Now, I-->

3 <JUDGE LAVERGNE:

4 The problem here is to determine whether to go into a closed

5 session-->

6 (Judges deliberate)

7 [16.15.09]

8 MR. PRESIDENT:

9 Due to the practical issues and there seems to be a confusion of  
10 the exchanges of questioning and answering session just then. <As  
11 the President of this Chamber, I have found certain difficulty in  
12 trying to completely understand the questions. Thus,> in order to  
13 ensure that the <responses are precise,> then the Defence Counsel  
14 must make sure that the questions she put to him shall be the one  
15 that can be asked publicly. <And if you are done with your line  
16 of questioning, the Chamber shall be informed.> And if you want  
17 to ask the question on the sexual rape or harassment at Krang Ta  
18 Chan, you need to seek permission from the Chamber first, as the  
19 Chamber may decide whether it shall be held in closed session or  
20 not, and that is for the sake of ascertaining the truth in this  
21 case.

22 MS. GUISSSE:

23 I do very well understand, Mr. President, and I will take your  
24 advice into consideration. But it appeared that the Chamber had  
25 decided that we cannot mention the names of the persons <,the

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1 names of the persons who had been> raped, but that we could refer  
2 to the facts in public session, so I'm paying particular  
3 attention <in the questions that I ask> to avoid having names of  
4 such persons mentioned<, but I believed that had been in fact the  
5 Chamber's decision>.

6 [16.16.40]

7 JUDGE FENZ:

8 The idea is that you go ahead with questions that had nothing --  
9 you said you had additional questions that had nothing to do with  
10 the rape or sexual assault. You ask these questions in open  
11 session, then we close the session, that allows an open debate  
12 with names, et cetera, to clarify the couple of things you still  
13 want to have clarified about sexual offences. So please go ahead  
14 now with the questions that have nothing to do with the sexual  
15 offences, then we'll go into closed session where everybody can  
16 use the names of the victims, which will make the debate much  
17 easier. At least we hope so. Is that clear?

18 [16.17.23]

19 BY MS. GUISSÉ:

20 It is clear, Judge Fenz. I <simply> wanted to avoid a closed  
21 session, because it will be a further waste of time, but I do  
22 understand.

23 Q. Mr. Say Sen, at the hearing, in the course of your testimony,  
24 you stated that <you had been taken> -- that was at the hearing  
25 of the 4th of February 2015, E1/256.1, shortly <before --



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1 shortly> after 15.45.25 p.m.>, the question put to you was as  
2 follows <>: "When <we took them" -- no, actually, pardon me, you  
3 had answered: "When we took them> out to cultivate rice" -- and  
4 you were referring to prisoners <-- "for example,> there were  
5 seven prisoners. Since there were many, we were asked to stay and  
6 <monitor> them and to pay attention. If a prisoner had escaped, I  
7 would have been executed. <So, yes>, I did such monitoring on the  
8 worksite." End of quote.<>

9 Today, a guard, Saut Saing, pointed out that, amongst his duties  
10 was the task of watching prisoners when they worked outside of  
11 the Krang Ta Chan Security Centre.

12 My first question is as follows: Who assigned you to play the  
13 role of <monitoring> prisoners? Do you agree that such a role  
14 corresponded to the role played by the guards?

15 MR. SORY SEN:

16 A. I was a prisoner and I had been there quite longer than  
17 others. So, when the chief left, then we were told that amongst  
18 the six or seven of you had to guard the prisoners and if any of  
19 them attempted to flee and if one of them fled then you all will  
20 be in trouble. <At that time, we were ordered to keep guard over  
21 the prisoners between 10 and 20 minutes.>

22 [16.19.58]

23 Q. And what did you do to prevent the prisoners from escaping?

24 A. Nobody fled, because those prisoners were all female -- that  
25 is, Yeay Nhor/Nha and her family members and Ta Chhen and

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1 myself.<We were old prisoners there.>

2 Q. And did you not have any weapons as part of your  
3 <monitoring> duties?

4 A. Of course, I was a prisoner and I was not given any weapon.

5 Q. Did the other prisoners know that one of your roles was to  
6 <monitor> them?

7 A. No.

8 Q. So they thought you were a prisoner on the same footing as  
9 they were? <Is that so?>

10 A. Yes, they considered me as just another prisoner.

11 [16.21.31]

12 Q. A while ago in answer to a question put to you by your counsel  
13 you stated that you did not feel any hatred or anger towards the  
14 guards at Krang Ta Chan and you explained that you had testified  
15 without any hatred. I would like to read out to you a statement  
16 you gave to DC-Cam, and it is document E3/4846, and the ERN in  
17 French is 00943276; the ERN in English is 00527786; and the ERN  
18 in Khmer is 00527748. And in answer to a question regarding the  
19 facts, your answer was that: "To think about those <three> years  
20 again and to hear the names of those persons again, makes me so  
21 angry. My memories are clear. I sometimes feel like taking an axe  
22 and killing all those people." End of quote.

23 Would you agree with me, Mr. Say Sen, that when you were  
24 interviewed by DC-Cam you made a statement which is at variance  
25 with what you have told this Chamber today?

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1 MR. PRESIDENT:

2 Civil Party, please wait, and the <International> Deputy  
3 Co-Prosecutor, you have the floor.

4 [16.23.44]

5 MR. DE WILDE D'ESTMAEL:

6 This is <not> an objection, but in the interest of the public  
7 that is watching us, I want to say that the interview <with>  
8 DC-Cam <> took place in 2004.

9 BY MS. GUISSÉ:

10 Q. So, let me repeat my question, if need be.

11 Do you agree that the statement you made to DC-Cam is different  
12 from what you are telling the Chamber today?

13 MR. SORY SEN:

14 A. Yes, I agree, because at that time, there was no law in this  
15 regard <and I was angry at that time>, and now we have a proper  
16 legal system with a proper court, so my view is different.

17 [16.24.51]

18 Q. I would like us to move to questions relating to  
19 clarifications regarding the rape. I believe I can ask my  
20 questions without having us go into closed session, because I  
21 don't intend to give the names of the persons concerned, but I am  
22 in the Chamber's hands, but I believe I can ask those questions  
23 without referring to the names of the supposed victims.

24 MR. PRESIDENT:

25 If you don't mention the name of the individual, but please try

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1 to simplify your question so that he can respond. From what I  
2 listened to the Khmer interpretation, your questions are so  
3 complicated. So please try to do that. <It is likely that you  
4 could manage to draw a distinction between the two cases. You may  
5 proceed.>

6 BY MS. GUISSÉ:

7 I hope, Mr. President, that they are less complicated in French.  
8 I will endeavour to avoid such complications.

9 Q. Mr. Say Sen, you made mention of three persons. One person is  
10 alleged to have been a victim of touching and two other women  
11 were victims of rape with M-79 grenades. Do we agree that you are  
12 making the distinction between the woman, the woman whom you said  
13 today was a victim of sexual touching and two other women who  
14 were raped with grenades? Do you make the distinction between the  
15 two?

16 [16.26.48]

17 MR. SORY SEN:

18 A. Yes, <I can make the distinction between the two.> I knew  
19 about the two women who were raped and later on M-79 <grenade>  
20 heads were inserted into their vaginas. <He himself told me their  
21 names. And I was ordered to bury the dead bodies of the two  
22 women.> As for another woman, she was only <sexually assaulted>,  
23 and I mentioned that clearly <three or four times already. But  
24 you still ask me to repeat it over and over again>.

25 Q. Very well, my questions to you now have to do with the two

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1 women you said were raped with ammunition. Is that clear? Would  
2 you like to add anything, Mr. Say Sen? Is it now clear to you  
3 that the questions that I'm going to put to you now have to do  
4 with the two women you say were raped with ammunition?

5 A. Yes, I told you repeatedly already about the two women. And,  
6 actually, I mentioned that since my first testimony last time.

7 [16.28.20]

8 MR. PRESIDENT:

9 Civil Party, please wait for the question to be put to you, and  
10 please make your response brief and precise. You need to listen  
11 to the questions first.

12 BY MS. GUISSÉ:

13 Q. I am not asking you to revisit the description of the facts,  
14 what I'm asking you to do is to clarify before this Chamber,  
15 first of all<: did you witness those rapes?>

16 MR. SORY SEN:

17 A. I also testified on that point. After he raped the two women,  
18 he killed them and then he ordered me to bury the dead bodies of  
19 the two women.

20 [16.29.23]

21 Q. A while ago when we referred to those facts, I heard that Duch  
22 related the incidents to you <but> that you did not personally  
23 witness the rapes. Can you tell the Chamber whether you witnessed  
24 those rapes, <> yes or no?

25 A. No. I did not witness the rape, and it was Duch himself who

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1 told me that, that he <had> raped them, he killed them and then  
2 he <ordered> me to bury them, and then he asked whether I saw the  
3 M-79 <grenade> heads in their vaginas and I said yes, I did.

4 Q. So, can you specify whether it was Little Duch who related the  
5 rape he committed and who asked you whether you had seen the M-79  
6 <ammunition>?

7 A. Yes, it was the Little Duch.

8 Q. <> Was it on that same day <of the events> that he related the  
9 incidents regarding the rape to you?

10 A. Yes, it was just a little while after it happened.

11 Q. At the hearing on the 5th February 2015, you stated that the  
12 Little Duch and Saut Saing committed those rapes. Who told you  
13 that Saut Saing was also present when those rapes were committed?

14 A. It was Duch who told me that.

15 [16.31.51]

16 MS. GUISSÉ:

17 Mr. President, I'm done with my questions, but I'd like to make a  
18 motion, because in view of the gravity of the allegations and the  
19 fact that the two witnesses are available, we should confront  
20 them in order for the truth to be brought to light.

21 MR. PRESIDENT:

22 What about other Parties? Do you wish to make any comments  
23 regarding the requests?

24 MR. DE WILDE D'ESTMAEL:

25 Mr. President, <the motion> is not clear<. It is late. Can> the

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1 Defence <> make a written application<? She's> talked of  
2 confronting <two> witnesses <meanwhile here we have one civil  
3 party, we have other witnesses, we have> talked of Saut Saing,  
4 <we have> talked of Duch. <Frankly speaking, I don't understand  
5 what this is about and> I don't think there is need for a lengthy  
6 debate on this, <when> the Defence could <very well make a  
7 written application. Thank you.>

8 <MS. GUISSÉ:>

9 I have no problem with making a written application.

10 <MR. PRESIDENT:>

11 <The Civil Party Lead Co-Lawyer, you have the floor.>

12 [16.33.17]

13 MS. GUIRAUD:

14 Thank you, Mr. President. We will also need a bit of time to  
15 react to <this> application, and if it is in writing, it will be  
16 simpler for us. We have heard the two persons at length today,  
17 <Saut Saing on the one hand and Say Sen on the other. Each of  
18 them have different versions>, and I don't see how <a>  
19 confrontation before this Chamber will <contribute to bringing>  
20 the truth to light. And we should also bear in mind that this  
21 application is rather tardy. <We are at the trial stage, we've>  
22 had the investigations and <> a lot of time <passed between the  
23 closing order and our hearing today. The> Defence had several  
24 opportunities to make such an application. <> It never did so  
25 during the investigation. And the civil parties are of the view

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1 that it is tardy and it is irrelevant to the manifestation of the  
2 truth. We <would end up at a hearing with> two persons, each of  
3 whom will dig in their heels and stick to their statement,  
4 <making the Chamber and the parties waste valuable time>. So,  
5 subject to the possibility of <fleshing out> our remarks in  
6 writing and if the Defence agrees to make an application in  
7 writing, we <> object to such a confrontation taking place<>.

8 [16.34.48]

9 MR. KOPPE:

10 If I may briefly reply, Mr. President. I think it might be a good  
11 idea to have a written procedural -- proceedings about this. What  
12 I do like to note is that I don't think the civil party lawyer  
13 should be the one discussing this issue. I think there are two  
14 lawyers both representing one civil party and the other civil  
15 party. It would be a conflict of interest, I think, if one lawyer  
16 now is giving the position on, I think, both civil parties. We  
17 all agree you have actually asked that question to the civil  
18 parties that there is a conflict of interest, so I don't think it  
19 is appropriate now for one lawyer to speak about this issue.  
20 However, having said that, it's late. We won't have a  
21 confrontation right now; I think that's unfeasible, so maybe we  
22 should have a written proceeding about this.

23 [16.35.57]

24 MR. PRESIDENT:

25 The Chamber now instructs the initiator to submit it in writing



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1 to the Chamber.

2 Mr. Say Sen, as a civil party, you are given an opportunity to  
3 make a statement regarding the crimes alleged against the two  
4 Accused, Nuon Chea and Khieu Samphan, and which caused you harm  
5 during the Democratic Kampuchea regime and which led you to apply  
6 as a civil party for collective and moral reparations, as well as  
7 the harms inflicted upon you physically, emotionally and  
8 materially which are the direct result of the crimes. If you wish  
9 to do so, the floor is yours.

10 MR. SORY SEN:

11 I am grateful to you, Mr. President, for allowing me to testify  
12 before this Khmer Rouge Tribunal on behalf of the victims <not  
13 only in Krang Ta Chan but also> throughout the country in order  
14 to enlighten the Court on behalf of those who died during the  
15 regime. I myself do not <gain any personal> benefit from my  
16 testimony, but it is <merely for> the <interest of> the young  
17 <generations> and also for those lost souls who would reincarnate  
18 in the next life and without having to go through such heinous  
19 crimes again. <I do not want to see any society with such crimes  
20 again.> And I have a question to put to you, <the> Chamber, which  
21 is the following: Why, when there was plenty of food around<,  
22 were> people <> deprived of food and as a result they died? I  
23 just want to have a clear few words to this question and that is  
24 all, Mr. President.

25 [16.38.16]

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1 MR. PRESIDENT:

2 Thank you, Mr. Say Sen. The Chamber would like <> to inform <you>  
3 that <since the evidential hearing on the 8th of January 2015>,  
4 the Chamber observed that the two Accused still wish to retain  
5 the right to remain silent and so far there is no indication as  
6 they change their position. Once the Chamber is expressly  
7 informed of their status, and that will be the responsibility of  
8 the Accused and their counsel that they have to immediately  
9 inform the Chamber if the Accused changes his mind and wishes to  
10 respond to any questions put to any of them by the Bench or by  
11 the Parties, but so far we have not received any such response on  
12 the change of their status of their exercise of rights to remain  
13 silent. And as such, the Chamber cannot instruct the Accused to  
14 respond to your questions, as they are protected by their right  
15 to remain silent.

16 [16.40.03]

17 Today's proceeding has come to an end. We <> adjourn today's  
18 proceeding now and we will resume tomorrow morning, commencing  
19 from 9 o'clock in the morning. And for tomorrow, the Chamber will  
20 hear the testimony of <civil party> 2-TCCP-880 (sic). This  
21 information is for the concerned parties and the general public.  
22 Mr. Say Sen, the Chamber is grateful for your testimony as a  
23 civil party, in addition to your previous testimony. And your  
24 testimony may contribute to ascertaining the truth. And now your  
25 testimony is concluded and you may be excused from the courtroom

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1 so that you can return to your place of residence or wherever you  
2 wish to go, and the Chamber wish you a safe journey.

3 Court officer, in collaboration with WESU, please make necessary  
4 transportation for Mr. Say Sen to return to his residence or  
5 wherever he wishes to go to.

6 Security personnel, you are instructed to take the two Accused  
7 back to the detention facility and have them back into the  
8 courtroom tomorrow morning before 9 o'clock.

9 The Court is now adjourned.

10 (Court adjourns at 1641H)

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