



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia
Nation Religion King
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អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

21 January 2015
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CMS/CFO: Sann Rada

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

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List of Speakers:

Language used unless specified otherwise in the transcript

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

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

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

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

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

17 THE GREFFIER:

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

21 MR. PRESIDENT:

22 Thank you.

23 On 8 January 2015, the Chamber commenced hearing evidence in Case
24 002/02. The first phase of Case 002/02 pertains to the Tram Kak
25 cooperatives, including the treatment of Buddhists, and the

2

1 related Krang Ta Chan Security Centre.

2 [09.05.37]

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

16 [09.07.22]

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

21 Before hearing the Witness, the Trial Chamber will briefly
22 address a number of issues.

23 One: standby counsel.

24 First, the Trial Chamber reminds the Parties of its decision to
25 reject the request for reconsideration of the appointment of

1 standby counsel for Khieu Samphan, as no new circumstances or
2 arguments were raised which have not already been considered by
3 the Chamber. The Chamber also reminds the Parties that it has
4 rejected request for a change in seating arrangements among
5 counsel.

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

15 [09.09.52]

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

18 Thirdly, independent of these other two steps, it ordered the
19 appointment of standby counsel to prepare and maintain the
20 capacity to take over the defence of Khieu Samphan at any time,
21 should the Chamber determine it necessary to replace current
22 counsel. This measure is aimed to ensure a proper administration
23 of justice by avoiding interruption in the conduct of the trial
24 due to further defence counsel misconduct, if any.

25 Standby counsel's role flows directly from the reason they were

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

12 [09.12.13]

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

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

23 [09.13.32]

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

5

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

10 We will now continue to hear the testimony of the Witness, Meas
11 Sokha. The Court Officer, could you usher the Civil Party – the
12 Witness into the courtroom?

13 [09.15.12]

14 (Witness enters courtroom)

15 [09.16.04]

16 MR. PRESIDENT:

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

19 MR. LYSAK:

20 (Microphone not activated)

21 [09.16.42]

22 MR. PRESIDENT:

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

25 Court Officer, could you check with the AV unit to check the

6

1 equipment?

2 [09.17.24]

3 (Short pause)

4 (Technical problem)

5 [09.21.51]

6 MR. PRESIDENT:

7 Counsel Koppe, you may proceed.

8 MR. KOPPE:

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

12 MR. PRESIDENT:

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

22 And, AV unit you are instructed to link the proceeding to the
23 holding cell downstairs so that the Accused could follow today's
24 proceedings.

25 Security personnel, you are requested to take Nuon Chea to the

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1 holding cell downstairs.

2 [09.23.52]

3 (The Accused Nuon Chea is escorted from the courtroom to the
4 holding cell)

5 [09.24.18]

6 MR. PRESIDENT:

7 The Chamber has been informed by the AV Unit, through the court
8 officer, that it will take about half an hour for the AV Unit to
9 fix the current glitch. For that reason we will adjourn now until
10 such time the system is back online, maybe in half an hour.

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

12 (Court recesses from 0925H to 1000H)

13 MR. PRESIDENT:

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

15 And again the Chamber would like to give the floor to the
16 Co-Prosecutors to put questions to this Witness. Due to the
17 interruption of the equipment the Chamber will give additional
18 time to the Co-Prosecutors and the Lead Co-Lawyers. You will have
19 until lunch time. Thank you. You may now proceed.

20 QUESTIONING BY MR. LYSAK RESUMES:

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

25 [10.01.30]

8

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

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

13 [10.02.41]

14 MR. MEAS SOKHA:

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

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

21 A. The building was 12 metres by 5 metres. In the building that I
22 was put I saw more than 20 prisoners, more than 10 on each side.
23 They were either shackled or handcuffed.

24 Q. The prisoners who were shackled, can you describe how they
25 were shackled?

1 [10.04.15]

2 A. The way they were shackled was that they were put to sit on a
3 wooden floor, about three and a half -- about 30 or 35
4 centimetres from the ground and they used a round metal which was
5 -- as well as the width of the building, and they used the rings
6 to put into each ankle of the prisoner. And the prisoner has to
7 put the ring around the ankle by themselves.

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

12 [10.05.24]

13 A. All prisoners, male and female, were shackled day and night
14 and only when they were let out to work they would be released
15 from the shackles and after that they would be returned and
16 shackled again.

17 Q. In your testimony earlier this month, you told us that the
18 people from your family who were arrested included two babies and
19 a 3-year-old child. Can you tell us what was done with the babies
20 when you arrived at Krang Ta Chan? Were they also detained in the
21 same building as you?

22 A. The babies were with their mothers because they were still
23 breast fed. And when the mothers did not have any milk for the
24 babies, the babies became skinny. And sometimes the mothers were
25 let out to make a mat outside, including my mother, my elder

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1 sister and myself, we were allowed to work outside the building.
2 And each day we had to work there and at night time we were let
3 back in the building.

4 [10.07.16]

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

8 A. Yes, that is correct. The babies belonged to my relatives were
9 with their mothers and later on, due to the lack of milk, some of
10 them died.

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

15 A. As for the food at Krang Ta Chan, for each meal we was given a
16 ladle of gruel and a small piece of -- or three small pieces of
17 potato and a little bit of water plant. And they put a little bit
18 of salt in the gruel, and that's what we were given for the first
19 week. And mainly the water -- the gruel was watery. That was not
20 enough and I felt thirsty and I had to drink a water nearby where
21 they stored fertiliser. Even if I knew the water was dirty, but I
22 had to drink it in order to survive.

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

24 A. We were given two meals per day but it was not enough. It was
25 very little. And of course we were very hungry. In total for the

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1 two meals there were probably only about 20 to 30 grains of rice
2 and about six small pieces of potato.

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

5 [10.10.44]

6 A. The detention building was filled with small insects. Even at
7 night time we were bitten by these small insects, like lice. And,
8 at night time when our names were called and if we did not
9 respond or did not move, then we would be beaten by the guard.

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

13 A. Prisoners who were detained in that building, they actually
14 had a container to -- to store the faeces and a small container
15 for the urine. When a prisoner had to relieve himself, then he
16 had to turn to the side and relieve it, and then we would pass
17 from one another in order to pour the urine into the storage
18 container.

19 [10.12.33]

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

23 A. There was not treatment for any prisoner who became sick.
24 Prisoners would get sick and they would be there, left there
25 without treatment until that person died.

12

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

4 A. I saw it happen almost every day, those who starved to death
5 or who were sick and died. And there were many of them. There
6 were more than 10 of them. Sometimes they were tortured and they
7 starved and they died. So every night at least one or two of them
8 died, before they were even taken to be killed.

9 [10.14.09]

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

12 A. I was detained along with my mother from 1976 until August
13 1978, when I was transferred to another cooperative just to be
14 there temporarily before I was taken back again. So, I was
15 detained there for almost three years, just two more months and
16 it would make three years period.

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

22 [10.16.15]

23 A. My father died first but I did not see him, I only was told by
24 prison staff that he died there before, three days before my
25 arrival. As for my younger siblings, they died three months after

13

1 they were detained due to lack of milk and food.

2 Q. Mr. Meas Sokha, I would now like to ask you a couple of
3 questions about prisoner work assignments at Krang Ta Chan. In
4 your OCIJ statement, again D25/31, at Khmer pages 00173514
5 through 515; English, 00223497; and French, 00178113 through 114.
6 In that part of your interview you stated that about 20 to 25
7 days after you were at Krang Ta Chan, your mother, siblings and
8 yourself were put to work in the prison compound, but at the end
9 of the day your oldest sister and mother were sent back to be
10 shackled at night. First, can I follow up: Were your mother and
11 sister shackled every night throughout the entire time period you
12 were at Krang Ta Chan?

13 [10.18.34]

14 A. My mother and my elder sister were detained and at night time
15 they were shackled by their ankles and during the day time they
16 were asked to make gruel for prisoners. And my elder sister was
17 asked to carry termite mound. So they were shackled at the night
18 time.

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

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

24 Q. Can you describe us what areas of the prison compound you were
25 allowed to move around when you were working tending to the cows

1 or water buffalo?

2 A. I was asked to tend the water buffaloes and the cows; however
3 the area was not restricted as long as the buffaloes and the cows
4 could eat the grass and as long as I could return at 5 o'clock in
5 the afternoon. And at night time I could go out and try to catch
6 frog.

7 [10.20.50]

8 Q. During the times that you were allowed to move around the
9 prison compound area, were you able to see what was done to other
10 prisoners when they were taken out of their detention buildings?

11 A. In 1976, while I was detained in the prison I could not see
12 such activities, but from 1977 onward I could observe when people
13 from Srae Nonoung (phonetic) or Nget Non (phonetic) villages were
14 brought into Krang Ta Chan prison and as the prison buildings
15 could not hold more than these 100 prisoners, they dug pits which
16 were five square metres by diameter and three metres depth. Those
17 more than 100 prisoners were sent two, three or four at a time,
18 including children, older people or disabled people to the pit.

19 At that time it was around 4 o'clock in the afternoon while I was
20 tending the cows, I observed the killing of these people to the
21 south of a pond which was part of the prison compound. And people
22 were not allowed to go in -- near that area, except the prisoners
23 were detained there. If anyone dared to trespass that area, that
24 person would also be killed there. Also, before prisoners were
25 killed they would play music through a loudspeaker in order to

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1 hide the sound from the killing. They would also knock on various
2 instruments so that people could not actually hear the sound from
3 the killing.

4 [10.23.47]

5 Q. Thank you for that response. I'll come back in a few minutes
6 to ask you some more about executions. Let me first ask you a
7 little about interrogations of prisoners. When you described the
8 Krang Ta Chan compound in your testimony earlier this month, you
9 testified that there was a place for questioning prisoners. Can
10 you tell us where this place was located in the prison compound
11 and whether you saw prisoners taken there for interrogation?

12 A. The place where prisoners were interrogated were not far from
13 where prisoners were detained. It was about 50 metres away and
14 the execution site was not that far either. When prisoners were
15 interrogated at that location there were stabs, there were
16 chains, there were axes, there were pliers used during the
17 investigation, rather the interrogation, and prisoners would be
18 tortured with those equipment. Some prisoners confessed while
19 others did not.

20 [10.25.38]

21 Q. Were you yourself ever interrogated?

22 A. No, I was not interrogated because I was a young boy. Only the
23 adults were interrogated, not the children.

24 Q. You've described for us what took place during interrogations
25 and also in your OCIJ statement when you were asked whether you

16

1 saw interrogations of prisoners, you responded that you did.
2 Since you weren't interrogated yourself can you tell us, describe
3 for us, how you were able to witness prisoners being
4 interrogated?

5 A. The interrogation took place in the location where I could see
6 while I walked around or when I went to pick up some vegetable.
7 Sometimes I picked vegetables for the kitchen as the prison
8 guards asked me to do so. It was an open place where people were
9 interrogated and it was not far from the kitchen. So, I could say
10 that the interrogation place was about five metres away from the
11 kitchen. Of course I could see it and I was not prohibited from
12 going there, but I was warned that I'd better not speak about
13 what I saw there, or that prisoners were tortured and bled.
14 That's what they warned me, but I could see what happened.

15 [10.27.54]

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

18 A. Prisoners were beaten with the stem of bamboo during the
19 interrogation, or sometimes they used a plier to pull the
20 fingernails.

21 Q. In your OCIJ interview, Mr. Meas Sokha, again D25/31, at
22 Khmer, 00163518; English, 00223500; and French, 00178116; you
23 made the following statement about interrogations, and I quote:
24 "They asked what did you do? Were you American CIA or Yuon CIA?
25 What rank were you during the Lon Nol era? When they did not

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1 respond, at times they beat them unconscious. Sometimes they
2 tortured. They covered their faces tightly with plastic bags."
3 End of quote. How did you become aware, or how did you know that
4 prisoners were interrogated about their rank in the Lon Nol
5 regime?

6 [10.30.15]

7 A. Because I was nearby I heard the interrogator ask the prisoner
8 what they did during the Lon Nol regime, whether they were a
9 Captain or Colonel or Major, or whether they were an American CIA
10 or "Yvon" CIA. And they had to answer truthfully otherwise they
11 would be beaten to death. That's what they -- that's how I heard
12 about it.

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

15 A. It was rather rare when they used a plastic bag to suffocate a
16 prisoner, and I only saw it on one occasion. A prisoner was
17 suffocated with a plastic bag for five minutes, and then the
18 prisoner confessed, and then they continued to beat that
19 prisoner.

20 [10.31.36]

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

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

2 "Answer: Yes, interrogated. Interrogated by the Chairman and the
3 Deputy Chairman."

4 Continuing later:

5 "Little Duch gave beatings as ordered. Big Duch, the record
6 keeper, recorded.

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

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

10 Continuing on later:

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

12 "Answer: A long time.

13 "Question: They did not mistreat you?

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

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

17 [10.33.36]

18 A. She was questioned about my father, where was he living and
19 did my father love liberal regimes or conservative regimes. And
20 it was my -- it was said that there was a lady to be married to a
21 Takeo province governor. And I -- we were asked -- my father was
22 asked about where to go to irrigation system. And my Dad told
23 that to the north there was an irrigation system. My father was
24 given a glass of wine, and then my father gave the glass back
25 because he could not drink. And after that my father was accused

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1 of being an agent. That is why my father did not enter the
2 Revolution.

3 [10.35.03]

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

6 A. When my mother and my older sister were interrogated, I did
7 not know where because at the outset I was put in prison and I
8 could not move freely at the outset. I did not know any
9 incidents, I could not move freely because I was put in prison
10 from -- at the outset.

11 [10.35.44]

12 MR. LYSAK:

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

19 [10.36.26]

20 MR. PRESIDENT:

21 Mr. Koppe you may now proceed.

22 MR. KOPPE:

23 Thank you, Mr. President. I object to this question. What the
24 prosecutor presumably wants to show is a photocopied piece of
25 paper of which we have no original, so to claim now, while

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1 presenting this document to the Witness, that this is an original
2 Krang Ta Chan document is incorrect. There is no such thing as an
3 original Krang Ta Chan record. Earlier witnesses have testified
4 about this. I have no problem if we do it accurately in a sense,
5 where the prosecutor shows something which is a photocopy of
6 something. But we cannot have on the record now, is my
7 submission, that this is in fact an original Krang Ta Chan
8 record.

9 [10.37.38]

10 MR. LYSAK:

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

20 [10.38.18]

21 MR. PRESIDENT:

22 Victor Koppe, you may now proceed.

23 MR. KOPPE:

24 Thank you, Mr. President, for a quick response. Sometime, a few
25 months ago, I actually went down to the Court Management Section

21

1 to see if there is in fact an original document which was the
2 basis for the photocopy that we are now discussing. There is no
3 such original document at the CMS. We have then tried to explore
4 who was the -- which organ or which party actually identified
5 this document and presented this document to the case file. We
6 have established that presumably it comes from the Documentation
7 Centre of Cambodia, DC-Cam, and we have requested DC-Cam whether
8 they have in fact the original, but they don't, because as the
9 Director has testified, the originals are gone. They are missing,
10 they don't exist as such. So, saying that we have a photocopy of
11 an original document which is somewhere, is incorrect. There is
12 no such thing as an original Krang Ta Chan document.

13 [10.39.44]

14 MR. LYSAK:

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

16 MR. PRESIDENT:

17 Judge Fenz, you now have the floor.

18 JUDGE FENZ:

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

24 [10.40.14]

25 MR. KOPPE:

22

1 Well, yes, because we don't know whether we are in fact -- the
2 authentic -- what we have is the photocopy of something, which
3 probably or presumably, it could be a photocopy of an original
4 document, but we don't know. So, my point is to object to the
5 suggestion that the Witness is actually shown a photocopy of an
6 original document that you have, or somebody has, because that's
7 not accurate.

8 [10.40.45]

9 JUDGE FENZ:

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

13 MR. KOPPE:

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

18 [10.41.14]

19 JUDGE FENZ:

20 So you are challenging the authenticity?

21 MR. KOPPE:

22 Yes.

23 MR. PRESIDENT:

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

25 [10.41.34]

1 MR. MEAS SOKHA:

2 A. I learned by myself, I was not taught by a teacher and I had
3 only little education. I could read a newspaper, that's it.
4 Because, after the Khmer Rouge regime, I was a soldier and I did
5 not go to school.

6 MR. PRESIDENT:

7 Q. Could you read people's names?

8 Mr. Meas Sokha, you can speak only when the mic is activated.
9 Otherwise your voice cannot be recorded and cannot be heard in
10 this courtroom. You are reminded to wait for the red light, so
11 please answer the question again.

12 [10.42.44]

13 A. I could not read and write because I did not go to school
14 during Khmer Rouge regime and during the state of Cambodia
15 regime. I was a soldier after Khmer Rouge period but I could read
16 some papers, but if you have any questions you can ask me,
17 perhaps I could answer.

18 MR. PRESIDENT:

19 Thank you very much for your response, you have already answered
20 about your literacy, thank you.

21 (Judges deliberate)

22 [10.44.54]

23 MR. PRESIDENT:

24 Judge Fenz, you now have the floor to respond to the objection of
25 Mr. Nuon Chea's Defence Team.

1 JUDGE FENZ:

2 Sorry, we just heard that the Witness cannot read, but still, it
3 has been clarified as an objection to -- as raising the issue of
4 authenticity which is an objection to admissibility and the time
5 for that is over. We would however -- your remarks are obviously
6 on record and we can take them into consideration when they
7 discuss the, or when we evaluate the probative value of the
8 document, but as I just said, I heard the Witness cannot read,
9 so.

10 [10.45.47]

11 MR. KOPPE:

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

20 [10.46.22]

21 MR. LYSAK:

22 First, I have never said anything about an original. There's been
23 testimony from DC-Cam and from witnesses that have identified
24 these documents as coming from Krang Ta Chan. It is a photocopy,
25 we've covered this issue before, whether -- whether we have a

25

1 photocopy or an original, photocopies are equally admissible, and
2 second, if I heard the Witness, he indicated that his reading may
3 not be good but that he reads the paper, he has indicated that he
4 read his witness statement. I would submit that at least in terms
5 of being able to read names and also to look at the cover of this
6 document to see whether he recognized soft documents like this at
7 Krang Ta Chan, that he should be able to look at this document.

8 [10.47.21]

9 MR. PRESIDENT:

10 Your request is allowed.

11 MR. LYSAK:

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

15 MR. PRESIDENT:

16 Your request is granted.

17 [10.47.49]

18 BY MR. LYSAK:

19 Mr. Meas Sokha, I've put paper clips on the pages that I wanted
20 to refer you to, and have highlighted the names of the people
21 that I want to ask you about. The first reference in this
22 document E3/4095, that I'd like to show you and ask you about is
23 at Khmer, 00271098; English, 00747250; and French, 00721219
24 through 220. And if you would look at the right side of that
25 page, the Khmer page, there are notes pertaining to two

26

1 individuals that I've highlighted and if we can show this on the
2 screen. The first individual, the notes begin as follows: "Mom
3 Boeun, Age: 28; Spouse's name: Meas Sarat; Children: Two;
4 Birthplace: Srae Kruo Village, Cheang Tong commune."

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

6 [10.49.37]

7 MR. MEAS SOKHA:

8 A. Mom Boeun is my brother-in-law and Meas Kun is my father, Meas
9 Rattana is my sister -- Meas Sarat rather, is my sister. Hun
10 Kimseng, alias Nha is my mother and I, Meas Sokha, after that my
11 younger brother and sister Meas Sokhun, Meas Somnang (phonetic)
12 Meas Nyam (phonetic) and my younger brothers and sisters they had
13 no names yet -- they had no name yet at the time. I have nephew
14 and niece in Phnom Penh named Mom Bei alias Kim Theng (phonetic).

15 [10.50.38]

16 Q. Thank you Mr. Witness, the -- immediately below the notes for
17 your brother-in-law are notes for a person named Meas Kun, aged
18 46, spouse Nha. Just for the record, to be clear, can you
19 identify for the Court who this person is?

20 A. Meas Kun is my biological mother (sic) and Hun Kimseng
21 alias Nha, is my mother.

22 Q. This was probably just a translation issue, Meas Kun is your
23 biological father, is that correct?

24 A. Meas Kun is my biological father and it is true, I do not give
25 full answers to the Court. The Court can go to my village and ask

27

1 about the names of my father -- that is, Meas Kun.

2 [10.52.04]

3 Q. Now, your brother-in-law and father appear on the same page
4 together in this notebook. Can you tell us when your
5 brother-in-law, Mom Boeun was arrested? Was he arrested at the
6 same time as your father?

7 MR. KOPPE:

8 Mr. President.

9 MR. PRESIDENT:

10 Mr. Witness, please hold on. Mr. Victor Koppe you may now have
11 the floor.

12 MR. KOPPE:

13 Thank you, Mr. President, I object strongly against this tactic
14 of the prosecution. What he is trying to do is feed the Witness
15 the information in this document, hoping that he reads it and can
16 confirm it and by doing so laundering, as it were, the
17 information in this document. This is not a proper way of asking
18 questions.

19 [10.53.05]

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

25 MR. LYSAK:

28

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

5 MR. KOPPE:

6 Why does he need it -- why does the Witness need to have that
7 document? Just ask the question and let the Witness answer. He
8 knows or he doesn't, he doesn't need to have coaching from this
9 document.

10 [10.54.17]

11 MR. PRESIDENT:

12 The objection is not sustained. The Chamber wishes to hear the
13 response from Mr. Witness.

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

15 MR. MEAS SOKHA:

16 A. The question from the Co-Prosecutor is about the names of my
17 parents. My biological father is Meas Kun and Mon Boeun is my
18 brother-in-law's name.

19 MR. PRESIDENT:

20 Mr. Witness, please listen to the question again and I invite the
21 Co-Prosecutor to question again. Mr. Witness you are reminded to
22 listen to the questions carefully and you may respond to the
23 questions as necessary as possible. You may not need to respond
24 any other points beside the question posed by the Party. You have
25 to give your response right to the point. So, please ask the

1 question again, Mr. Co-Prosecutor.

2 [10.55.41]

3 BY MR. LYSAK:

4 Q. Thank you, Mr. President. My question Mr. Meas Sokha is: do
5 you know when your brother-in-law, Mom Boeun, was arrested?

6 MR. MEAS SOKHA:

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

10 [10.56.20]

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

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

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

19 A. My older sister, she worked in the Takeo province. She was not
20 put in Krang Ta Chan's Security Office. She was put in a
21 cooperative.

22 [10.57.44]

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

30

1 A. That is correct.

2 Q. The next references in this document, I would like you to look
3 at, about eight pages further down in the document, at Khmer,
4 00271106; English, 00747262 through 263; and French, 00721233
5 through 234. And, if we can show that on the screen.

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

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

13 MR. MEAS SOKHA:

14 (Microphone not activated)

15 MR. PRESIDENT:

16 Mr. Witness, you have to wait for the red light of the
17 microphone.

18 [11.00.03]

19 MR. MEAS SOKHA:

20 A. Meas Sarat, alias Meas Rattana is my older sister and Meas
21 Boeun -- Om Boeun -- is my father-in-law.

22 BY MR. LYSAK:

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

25 MR. MEAS SOKHA:

1 A. Hun Seng is my biological mother.

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

4 A. Yes, she used to tell me that Siv An (phonetic), Chief of
5 Krang Ta Chan prison, interrogated my mother first and then my
6 elder sister.

7 [11.01.25]

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

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

14 [11.02.14]

15 MR. LYSAK:

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

1 counsel's challenging authenticity; the cover page of this
2 document speaks for itself.

3 [11.03.25]

4 BY MR. LYSAK:

5 Q. The last references in this book I would like to ask you about
6 Mr. Meas Sokha, are at Khmer, 00271101 through 102; English,
7 00747254 through 257; and French, 00721224 through 227. And,
8 these pages contain the notes of a number of other people
9 identified from Srae Kruo village.

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

16 MR. MEAS SOKHA:

17 A. Yes, Thao Sin, was my aunt from Prey Veng, and her husband was
18 achar, a former achar.

19 [11.05.25]

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

25 A. It was the same person.

1 [11.06.12]

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

3 A. My aunt did not survive, she died along with her family
4 members including her five or six children at Krang Ta Chan
5 prison. So, as far as I know, she and her husband and her six
6 children died there.

7 [11.06.53]

8 Q. Do you know how they died?

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

12 [11.07.28]

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

17 [11.08.01]

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

24 [11.08.44]

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

1 A. Office 204 was a detention centre for former Lon Nol Officials
2 who had been arrested from Angk Ta Saom or elsewhere, and the
3 rich or the capitalist were also detained in that office. That
4 office was located to the west of Trapeang Kranhung.

5 [11.09.31]

6 Q. Thank you. The last person I want to ask you about in this
7 document is on the next page -- the next page Khmer 00271102 --
8 271102. And, on the right side of that page, there are notes for
9 an individual named Sok San, a 38-year old male from Srae Kruo
10 village. Can you tell us who Sok San was?

11 A. Sok San was the other brother of Sok Soth. They came from the
12 same village and they were related to Hem Huon. They were
13 actually nephews of Hem Huon.

14 [11.10.40]

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

23 A. He had three children namely, Sophal, Ou Sophal that is, and
24 another one was Sopheap and Roeun (phonetic). Roeun (phonetic)
25 was the youngest son.

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

3 A. The children of Yeay Sin were detained and later they were
4 killed. They were never allowed to get out -- to go outside.

5 [11.12.55]

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

10 A. No, I don't. There was no other direct sibling of his detained
11 in that centre.

12 [11.13.35]

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

18 A. Prisoners were detained within the prison compound of three
19 hectare land plot. They were never allowed to get outside.

20 I saw it happen almost every day and the execution took place
21 every week.

22 [11.14.54]

23 Q. Okay. Let me clarify the location of the place where you saw
24 pits, and prisoners taken for execution. You have described to us
25 how Krang Ta Chan had two levels of fence, an inner and an outer

1 fence. Can you describe where in relation to the inner and outer
2 fences, these executions took place?

3 A. The killing took place within the first inner fence. And, the
4 killing in 1977 took place at the outer fence. And, the distance
5 between where people were detained and the execution site was
6 about 50 metres.

7 [11.16.05]

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

11 A. When prisoners were taken to be killed, they were walked right
12 in front of me, and two or three prisoners were walked at a time
13 to the pit. And, first they were told that they would be sent
14 back to their bases and that they had to listen to Angkar when
15 they returned to their cooperative. But, before that they had to
16 meet with a bigger Angkar or Senior Angkar before they were
17 allowed to return to their cooperative.

18 [11.17.21]

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

22 A. Their throats were cut, that's what happened. Allow me to
23 elaborate a bit further. At 9 o'clock in the morning Soy Sang
24 (phonetic) was ordered to dig up a pit with Ta Chhen. And after
25 that they sharpened their sword. The sword was 60 cm long, and

1 the blade was about two fingers wide. And at 1 o'clock in the
2 afternoon I was told to go away from that prison compound in
3 order to tend my cows and water-buffaloes. But I could observe
4 that people were walked to where they would be killed, because
5 that was the only place that they were killed. And the cows and
6 the buffaloes were eating grasses near the fence. So, while I was
7 tending the cows and the buffaloes, I could see how prisoners
8 were killed. And most of them had their throats slit rather than
9 were beaten with a bamboo stump. Two would hold the prisoner
10 tight and another would slit the throat of the prisoner.

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

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

18 [11.20.06]

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

23 A. Actually it was a theatrical performance by the name of
24 Chilout (phonetic) was played over the loudspeakers.

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

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

4 [11.21.34]

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

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

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

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

17 MR. LYSAK:

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

23 [11.24.11]

24 MR. PRESIDENT:

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

1 from the Co-Prosecutor for the Witness examination.

2 BY MR. LYSAK:

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

7 MR. MEAS SOKHA:

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

12 [11.25.49]

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

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

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

20 [11.26.58]

21 A. Hun Seng was my mother and her alias was Hun Nha. That was my
22 biological mother's name.

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

25 A. Meas Sarat was my elder biological sister.

40

1 Q. Now, in the column to the far right for your sister and
2 mother, the comment reads as follows, quote: "The two women were
3 the spouses of Kun and Boeun. We smashed their husbands because
4 of their involvement in inciting people to depose a village
5 chief." End of quote. My question for you is: Did prison chief
6 An, the author of this document, ever inform you that your father
7 and brother-in-law had been smashed?

8 [11.28.24]

9 MR. PRESIDENT:

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

11 MR. KOPPE:

12 Thank you Mr. President. For the record I object to this
13 question. There was no need to read this passage from that
14 document into the questions. You could have simply asked the
15 question whether Ta An ever told him this. It's leading the
16 Witness. It's totally inappropriate.

17 [11.28.53]

18 MR. LYSAK:

19 Mr. President, there's no leading of the Witness. This Witness
20 has already testified about his knowledge regarding his father's
21 disappearance. This is a document that records the execution of
22 this prisoner, of his father, and I am asking the Witness simply
23 whether he was ever informed of this by the author of this
24 document, the prison chief.

25 MR. PRESIDENT:

41

1 The Chamber would like to hear the response by the Witness to the
2 question by the Co-Prosecutor. Witness, you may proceed with your
3 response.

4 MR. MEAS SOKHA:

5 A. The chief of prison told me that my father had been smashed
6 right there. He was not taken anywhere. And the guards also told
7 me that my father was not taken anywhere and I did not have to
8 wonder, but he was killed right there at the prison compound.

9 [11.30.12]

10 BY MR. LYSAK:

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

15 A. I was detained from June 1976 and then -- and then in August
16 1978 I was released. And I was put in a cooperative in Cheang
17 Tong district. I was put there in a temporary -- on a temporary
18 basis. And in January -- on 6 January 1979, when the Vietnamese
19 came into the country, I was sent to Phnum Kravanh, I went to
20 Phnum Kravanh -- Kravanh mountain -- and because some of us could
21 not climb up the mountain, and because of the -- because the
22 guards could not climb up the mountain, then they escaped and
23 left me there.

24 [11.31.55]

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

42

1 Ta Chan at the same time as you?

2 A. My mother and elder brother and sister were released on the
3 same dates - at the same times - and three other people were also
4 released on that - during that time. I did not know the exact
5 address of the three people who were also released. Ta Chhen and
6 Soy Sang (phonetic) were released - were also released. They were
7 at Wat Samnap (phonetic) and Sang (phonetic), now, is now
8 deceased.

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

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

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

20 [11.34.20]

21 MR. PRESIDENT:

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

24 MR. KOPPE:

25 Thank you, Mr. President. I object to the phrasing of this

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

6 MR. LYSAK:

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

12 [11.35.22]

13 MR. PRESIDENT:

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

16 MR. MEAS SOKHA:

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

22 BY MR. LYSAK:

23 Q. Let me finish my examination, Mr. Meas Sokha, by reading
24 another excerpt from your mother's OCIJ interview at D25/30, at
25 Khmer, 00163507-508; English, 00223491; and French, 00178426-427.

1 Your mother gave the following testimony:

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

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

5 Continuing later:

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

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

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

14 [11.38.01]

15 MR. MEAS SOKHA:

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

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

24 Mr. President, I have no further questions.

25 [11.38.54]

1 MR. PRESIDENT:

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

4 (Short pause)

5 [11.39.35]

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

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

9 Judge Fenz, you may now proceed.

10 QUESTIONING BY JUDGE FENZ:

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

20 [11.41.02]

21 MR. MEAS SOKHA:

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

1 close to where I was walking. And one prisoner escaped and those
2 who work in the kitchen chased the prisoner and caught him or her
3 back.

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

6 A. The interrogation was not asked in a separate room. To the
7 south, it was very open, everyone could see and to the east, the
8 room would also be seen. A brick wall was not built to make a
9 room for interrogation. There was a table, chair for prisoners to
10 be questioned, and also a chair and table for interrogators, and
11 there were people who were there to beat the prisoner.

12 [11.42.59]

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

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

18 Q. I understand, what I haven't yet completely understood is the
19 structure of the interrogation facility. Was this closed on four
20 sides by walls or on three sides or on two sides or was it just a
21 roof?

22 A. There was only roof, no walls were built. There were no walls
23 surrounding the room. It was in a big hall and behind that place
24 there were the clothes of prisoners who had been killed and taken
25 away. Because I had no clothes, I went to that area to collect

1 some clothes to wear.

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

10 [11.45.20]

11 A. The way of interrogation I had already told the Chamber.
12 Prisoners were beaten if they did not confess, and after beating,
13 they did not confess, they would be -- they would be put -- the
14 plastic bag would be put on their heads and after that there
15 would be, you know, violations, there would be violence against
16 them, such as pulling the fingernails, if they did not confess.

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

20 A. I could inform the Chamber that if the prisoner confessed
21 truly, there were no torture, and if those who insist to confess
22 that they were CIA or KGB agents, they would be beaten. Only when
23 I was away to tender the cattle, I could not see the
24 interrogation and torture. Interrogations were conducted two
25 times: in the morning and in the afternoon.

1 JUDGE FENZ:

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

3 [11.47.34]

4 MR. PRESIDENT:

5 Judge Lavergne, you may now have the floor.

6 QUESTIONING BY JUDGE LAVERGNE:

7 Thank you, Mr. President. Thank you, Mr. Meas Sokha, for being
8 here and thank you for the answers you are providing us. I have a
9 few questions to put to you. First and foremost, I wish to ask
10 you if you recall the approximate number of individuals among
11 staff who trained at Krang Ta Chan. How many security officers
12 were there, how many cadres were there, how many superiors were
13 there and what were the roles of each of those respective
14 individuals?

15 MR. MEAS SOKHA:

16 A. As for guards, there were 10 guards and some of them were
17 taken from Krau (phonetic) communes to learn about how to guard
18 prisoners. Pai An (phonetic) was the chief of the guards - the
19 guard unit and when Duch was there, he was the wide Chief after
20 these people, Moeun, Penh, Chhoeun, Ouk, Sieng (phonetic) and
21 there were a few more subordinates. I remember some of these
22 people - the names of some of these people. There were Suon, Sin,
23 Saing, Duch, Five (phonetic), Touch, and I also included the name
24 Ouk, I guess. They were guards. As for Duch, Duch was the one who
25 took notes. Sieng (phonetic) was in charge of killing. Moeun and

1 Cheng (phonetic) were killers. And there were six guards
2 collecting prisoners from the building to another location to be
3 killed.

4 [11.50.41]

5 Q. You spoke of violence inflicted on the prisoners. Can you
6 please tell the Court with regards to the female prisoners if
7 they were subject to any sexual violence?

8 A. As for sexual violence or rapes, I did not know at the time
9 because I was very young. What I knew was that those who commit
10 moral offences, their hairs would be shaved and they were asked
11 to bang the coconut shells and said that, "Please do not follow
12 what I did". During the time I was in Krang Ta Chan, I saw a man
13 was walked from the commune and I did not know whether this man
14 committed moral offence. I - once again - I did not know about
15 moral offences.

16 [11.52.19]

17 Q. I would also like for you to talk to us about the compound,
18 the building in which you, your mother and your sister, as well
19 as your brothers, were detained. Was the building reserved for
20 prisoners or workers who laboured there during the day or was it
21 also used for prisoners who were permanently detained?

22 A. As for the buildings, the buildings were for all - for general
23 prisoners. There were no distinctions between minor prisoners or
24 the specific prisoners. Every prisoners were put in the building
25 and if prisoners were there and they were deprived of a meal for

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1 a week, they would be emaciated and they could be easily killed.

2 Q. With respect to nourishment, you stated that your mother was
3 in charge of cooking gruel for the prisoners. Do you know and if
4 you can tell us, whether the same meal was provided to the
5 cadres, if it was provided to the security guards at the centre
6 or were they given a different meal?

7 [11.54.17]

8 A. Concerning meals, actually prisoners had different meals from
9 cadres. And as for cadres, they had four kind of dishes per day
10 and they had rice for their meal. And as for prisoners, they
11 would use only the dirty bowls and 10 cans of rice would be
12 cooked for prisoners, although there were tens or hundreds of
13 prisoners, they could only have the gruel of 10 cans of rice. And
14 no matter the dish was plain or was salty, they could not
15 complain.

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

17 A. Cadres - some cadres had their own wine and they drank wine.
18 They made wine by themselves. I also joined with them to make
19 wine, the white wine, and they had also had some of the internal
20 organs of human beings.

21 [11.56.11]

22 Q. With respect to what has just been stated, I heard that you
23 just testified that certain cadres consumed the internal organs
24 of human beings. Is this something that you saw and what kind of
25 innards or organs are you referring to?

1 A. I did not refer to liver, the internal organs, and they had
2 such internal organs with white wine.

3 I did not know where it was taken from and I did not know about
4 the liver. I could see internal organs were dried in the sun, and
5 one day I could see some of the superiors, they had wine and they
6 ate internal organs. As for subordinates, they did not dare to
7 eat the internal organs. Whenever -- whenever there were
8 killings, the guards would drink wine together with gallbladder.

9 Q. With respect to executions, you testified, if I understood
10 correctly, you testified that each time there was a group of two
11 or three detainees who were taken to the edge of the pit to be
12 executed. This is what happened each time. And I also understood
13 that on certain days, there were in excess of two or three people
14 who were executed, and sometimes there were significantly more
15 people. I believe that you said that there could be up to 10 or
16 20 or even more people who were killed. Can you please tell the
17 Court based on your memory if indeed that's how things unfolded?
18 Each time, two or three prisoners were taken to the edge of the
19 mass grave or pit, however there were certain occasions where up
20 to ten or twenty or more people were killed. Is this what you
21 were saying?

22 [11.59.04]

23 A. Two or three prisoners were walked to the pit at a time and
24 after that the guards would come back to collect some more guards
25 - two or three prisoners - at a time and sometimes four prisoners

1 were walked at the time to the pit and there were killers at the
2 pits. So once again, two or three prisoners were walked at a time
3 - or four prisoners were walked to the pit at a time. I did not
4 say that three prisoners were killed per day, more than that.
5 There were more prisoners killed at the place.

6 Q. Based on your recollection, what was the highest number of
7 people who were killed in one single day? Do you have any idea?
8 [12.00.10]

9 A. What I knew is that one day prisoners were taken from Srae
10 Nonoung (phonetic) and Nget Non (phonetic). There were about 130
11 people taken to the security office and at 3 o'clock a pit was
12 dug up, five meters - square meters by diameter and three meters
13 depth, and perhaps there were more people brought to the pit.
14 These people were not first interrogated, no matter they were
15 young, old, they would be brought to the pits and would be
16 killed, because there were no space for keeping those people.

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

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

24 Q. I wish to return to a detail that you raised earlier with
25 respect to organs that you saw being eaten by the cadres. How did

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1 you know that those organs came from human beings? Is this
2 something that you knew, is it something that you were told, or
3 is it something that was widely known?

4 [12.02.45]

5 A. For gallbladders, I could see that gallbladders were dried in
6 the sun near the fence and I could know that these gallbladders
7 were from human beings. There were many gallbladders dried in the
8 sun near the fence.

9 Q. Earlier on, you also stated that you had a brother called Meas
10 Rath (phonetic). You said that he was sent to another centre. Do
11 you recall the name of the other prisoners' centre where your
12 brother was sent?

13 A. Meas Ra (phonetic), actually, not Meas Rath (phonetic). Meas
14 Ra (phonetic) was sent from Takeo to another co-operative. Meas
15 Rottana (phonetic), alias Rath, were out of the prison together
16 with my mother and with my younger brother.

17 Q. Did you ever hear about a place called M-105?

18 [12.04.31]

19 MR. PRESIDENT:

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

22 MR. MEAS SOKHA:

23 A. I do not know about M-105. I know about M-204. M-204 were the
24 place where we could see cadres. The guards asked me to help them
25 collect the woods to one office and that office, I do not know

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1 what its name, that office was the detention place and I was not
2 allowed to go into such a detention place freely.

3 JUDGE LAVERGNE:

4 May it be officially inscribed on the record, in document
5 E3/4145, which was produced earlier by the Co-Prosecutors during
6 their cross examination, there is on page 8 of this said document
7 a list entitled - quote: "List of Prisoners Detained at M-105 for
8 Several Years Put Before the Committee", and the fourth name on
9 the list is that of Meas Ra (phonetic) from the village of Srae
10 Kruo commune, Cheang Tong, from Tram Kak District, province of
11 Takeo.

12 I have no further questions to put to you. Thank you very much,
13 Mr. Witness.

14 [12.06.45]

15 MR. PRESIDENT:

16 It is now time for lunch. The Chamber is now adjourned until 1.30
17 p.m.

18 Court officer is instructed to facilitate a place for the witness
19 during the lunch break and you are instructed to bring in the
20 witness before 1.30 p.m.

21 The security guards are instructed to bring Mr. Khieu Samphan to
22 the waiting rooms below the courtroom and you are instructed to
23 bring Mr. Khieu Samphan into the courtroom before 1.30 p.m.

24 The Court is now adjourned.

25 (Court recesses from 1207H to 1335H)

1 MR. PRESIDENT:

2 Please be seated.

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

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

7 MR. PICH ANG:

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

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

13 [13.37.16]

14 QUESTIONING BY MR. PICH ANG:

15 And good afternoon, Mr. Witness. I am Lead Co-Lawyer for civil
16 parties, representing victims who filed their complaints and
17 submissions before this Chamber. And I have a number of questions
18 for you. And, in fact, you have responded to many questions
19 already since your testimony on the 8 of January, as well as this
20 morning. My first series of questions to you is in relation to
21 your time at the Mobile Unit. My question is the following:

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

24 MR. MEAS SOKHA:

25 A. I would like to describe my life and living condition in 1975

1 and 1976 as follows:

2 In fact, initially, I was asked to tend the cows because my
3 father was responsible for transporting food and food supplies.
4 So, I personally tended the cows alone while we still had the
5 private belongings, and later on, it was done for the cooperative

6 -

7 [13.39.07]

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

11 A. I actually slept at my house. The hard working was when I had
12 to tend to the cows. During that time, I had to tend the cows and
13 I slept at my house during the night time. I did not sleep at the
14 Mobile Unit. And in my team, there were only six of us who were
15 assigned to tend the cows.

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

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

22 [13.40.29]

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

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

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

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

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

7 A. At that time, my health was rather normal. I did not really
8 feel sick because I used to that kind of set of clothes;
9 sometimes I only wore a short when I was young.

10 [13.41.54]

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

13 A. There was no medic there; in fact, there was a medic at the
14 commune, but I did not know actually what happened, because I,
15 myself, never felt sick.

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

18 On the 8th of January, you testified that there was no school and
19 you did little studying under the tree. Is my recollection right?

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

21 Q. What did you study at the time?

22 A. We studied about the work, the nature of the work and three
23 tons per hectare of production.

24 Q. Were you taught literacies or alphabets and numbers, for
25 example?

1 A. No. We were not taught literacy. There was a blackboard there,
2 but we were not taught. Even our group chiefs were also
3 illiterates. So the teacher and the students, we were all
4 illiterate.

5 [13.44.19]

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

8 A. Yes, because Angkar was our parent, was the pillar of the
9 nation and we - the children - were like bamboo shoot or rattan
10 bamboos when we grow up.

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

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

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

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

16 Q. At that time, did you understand what or who Angkar was or
17 what Angkar was?

18 A. I knew that Angkar referred to the upper leaders or the upper
19 echelon.

20 [13.45.57]

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

23 In your written record of interview with the OCIJ, you stated
24 that you were allowed to visit home every 10 days; is that
25 correct? And also linked to this question, the 10-day period --

1 if it really happened -- who made that decision for you to go
2 visit your parents every 10 days?

3 A. In fact, the 10-day visit was only in theory; in practice, it
4 did not happen. For example, children whose houses were in Borei
5 Chulsa (phonetic), they could never return home to visit their
6 parents. They had to engage in digging canal or working at the
7 rice field, in Mongkol Borei or Tram Kak. So they would not have
8 the chance to visit home. I never saw them coming to visit their
9 parents.

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

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

15 [13.47.59]

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

18 A. I could not know whether it applied elsewhere. I only knew
19 what happened at the place where I stayed. Thank you.

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

22 A. Of course, I did, and sometime I had to run, to run home to
23 visit my parents and sometimes they came after me and to bring me
24 back.

25 Q. Can you explain to us what it meant when you said that you

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1 missed your family members?

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

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

8 A. While I tended the cows, I was actually assigned to do so.

9 [13.50.14]

10 Q. Could you refuse?

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

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

15 A. How could we receive anything personally? Because everything
16 was a communal; even for meal, we had to eat communally. The only
17 personal belonging was a plate and a spoon. And even if we had
18 our own spoon and plate, it had to be maintained and kept
19 communally. And the only focus that we were asked to do was for
20 me, for example, to tend the cows.

21 Q. I would like to move on to another topic in relation to
22 Buddhist religion.

23 You stated to some length about the disrobing of the monks, and
24 on the 8th of January, at 11.37 a.m., you stated that a monk
25 named Nun Nget refused to disrobe. Is the name correct, the one

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1 that I just pronounced? And if so, what happened to him after he
2 refused to disrobe?

3 A. I had the elders said that that monk refused to disrobe. In
4 fact, he took off the red robe, but he put on white clothing and
5 in 1979, he returned to a monkhood at the Langka Pagoda. At that
6 time, I was rather young and I only heard elder people talk about
7 that. And there were some monks -- about 10 monks -- who were
8 ordered to leave the pagoda and to come and settle in my village.
9 And some monks decided to disrobe in order to revert for the
10 economic section.

11 [13.53.23]

12 Q. Do you talk about social work or the economic work? And what
13 was the nature of that work?

14 MR. PRESIDENT:

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

16 MR. MEAS SOKHA:

17 A. Social work here, I refer to collecting herbal medicines at
18 units for the traditional treatment. I only saw he collecting
19 those herbal medicine, but nobody actually took it or drank it.
20 I, myself, did not see anyone using that herbal or traditional
21 medicine.

22 BY MR. PICH ANG:

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

1 Q. While you were at Krang Ta Chan – and you were there for
2 almost 3 years – in general, the people who were brought into
3 Krang Ta Chan Security Centre, when were actually they brought to
4 the Centre?

5 A. The majority of those people who were brought to Krang Ta Chan
6 were brought in at around 8 or 9 o'clock at night. Rarely people
7 were brought in during the day time, and people were brought in
8 from Nget Nun (phonetic) or Srae Nonoung (phonetic) communes.
9 They were actually brought in during the day time, but for the
10 rest of the other communes, they were brought in during night
11 time.

12 Q. Did they put those people in different categories, for
13 example, those who had been detained for quite some time and
14 those who were newly – the new arrived – newly arrived, for
15 example, like in the case of your family?

16 A. No, there was no differentiation. Prisoners would be put until
17 they – that building was full. For example, if this building
18 could accommodate 100 prisoners, then prisoners will be brought
19 in until that building was full and then the rest will be put
20 into another building.

21 [13.56.17]

22 Q. You talked about buildings. Can you explain to us in details
23 how many buildings where prisoners were detained? One, two, or
24 three buildings?

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

1 Q. What about those prisoners with young children or babies? Were
2 there young children? Where were those young children or baby
3 placed? For example, in the case of your younger siblings, were
4 they allowed to stay with the parents?

5 A. Babies or young children were allowed to stay with their
6 mothers. They were not placed elsewhere. They would stay and lie
7 next to the mothers.

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

10 A. Nobody was allowed to make such a ceremony for the dead
11 because, at that time, Buddhist religion was prohibited. And, on
12 another hand, we were put in a prison.

13 [13.58.20]

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

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

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

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

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

4 [14.00.01]

5 Q. My last question to you, Mr. Witness, due to the time
6 constraint.

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

10 A. It was put in the wine for the - for drinking purpose to make
11 people brave. But there were many gall bladders and I did not
12 know where they were for or where they took them to. Sometimes I
13 only saw them use one or two gall bladders only for a big
14 container of a wine.

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

19 MR. PRESIDENT:

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

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

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

25 [14.01.55]

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1 MR. SUON VISAL:

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

8 I will divide my questions into four topics. One -- number 1,
9 concerning your living condition in child unit; topic number 2
10 concerns your arrest to security of Krang Ta Chan.

11 QUESTIONING BY MR. SUON VISAL:

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

14 MR. PRESIDENT:

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

17 [14.03.12]

18 MR. MEAS SOKHA:

19 A. Children of 15 years old or under 17 years old, they were put
20 in a child unit. And those who are above 15 years old were put in
21 candidate youth units.

22 BY MR. SUON VISAL:

23 Q. On 8th January, you stated before the Chamber that you were a
24 member of the child unit. And you were 15 years old at that time.
25 At that time, were you A member of a child unit, or a member of

1 candidate youth unit?

2 MR. MEAS SOKHA:

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

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

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

8 [14.04.32]

9 Q. There were six of you. And were there a specific location for
10 your work in relation to tending the cows?

11 A. I would stay in the place where cattle were kept and
12 militiamen were with us to tend cows.

13 Q. During the time you were in child units and tended the cows,
14 were there any military men with you?

15 Q. There were two military men with me.

16 Q. Thank you.

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

19 A. I could stay in my house because I was younger than the
20 others.

21 [14.06.15]

22 Q. I would like to quote your statement before the
23 Co-Investigating Judges - document D25/31; ERN in Khmer,
24 00167511; ERN 00223495, the English version -- I quote:

25 "In your child unit, were you allowed to go and visit your house?"

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1 How many days were you allowed to visit your house?"

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

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

7 A. I gave true statement - two statements to the Co-Investigating
8 Judge. This applied to all members in my unit.

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

11 A. Yes, it is true.

12 [14.07.30]

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

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

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

19 A. (No interpretation)

20 MR. PRESIDENT:

21 Court officer, please check the mic while it is off, while the
22 witness is speaking.

23 MR. MEAS SOKHAS:

24 A. Concerning food rations, the cooperative would send the food
25 to each unit and there were people responsible for going to

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1 collect the meals for all of us.

2 BY MR. SUON VISAL:

3 Q. Were food sufficient for you?

4 MR. PRESIDENT:

5 Please hold on.

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

7 [14.09.05]

8 MR. PICH ANG:

9 Thank you, Mr. President.

10 I listened to the questions by the defence counsel for Mr. Nuon

11 Chea carefully and there seemed to be many repeated questions.

12 For this reason, to save our time, I would like to ask the

13 Chamber to prohibit any repeated questions.

14 MR. SUON VISAL:

15 My questions are not repetitious because there were no questions

16 concerning the source of foods. So my question is to find the

17 truth.

18 MR. PRESIDENT:

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

20 Mr. Witness, you are ordered to respond to the last question put

21 by the defence for Mr. Nuon Chea.

22 [14.10.09]

23 MR. MEAS SOKHA:

24 A. We took the meals from our - we got the meals from our units

25 and the food ration would be for the members of each unit.

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1 However, food was not enough for all of us.

2 BY MR. SUON VISAL:

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

5 MR. MEAS SOKHAS:

6 A. I did not go and find food individually; everything belonged
7 to communal eating. We have to eat communally.

8 Q. Concerning your work, on 8 January you stated in the hearing
9 that, during the democratic Kampuchea, you tended only cattle;
10 you never dug the kennel or carried earth. Is that true you
11 stated this to the Court?

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

13 [14.11.40]

14 Q. I now quoted your statement before the Co-Investigating Judges
15 on the 31st October 2012, ERN -- in Khmer, 00163511; and English
16 ERN, 00223495.

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

18 Your answer: "I was asked to carry cow dung and to make the
19 kennel."

20 My question is: Is that your answer?

21 A. As for carrying and picking up cow dungs, we - I had to do it
22 because I was asked to tend the cattle. And, as for digging the
23 kennel, is that -- it's also true that I also did that work.

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

1 A. (No interpretation)

2 [14.13.08]

3 MR. PRESIDENT:

4 Mr. Witness, please hold on and wait for the light of the
5 microphone.

6 MR. MEAS SOKHAS:

7 A. I tended the cattle so I could come and could go to see my
8 parents. And, as I said, I was allowed to stay at home because I
9 was young at the time.

10 BY MR. SUON VISAL:

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

12 MR. MEAS SOKHAS:

13 A. My father was asked to fix the machine to mill rice and to
14 make the bamboo carriers for carrying rice. And as for my mother,
15 she was asked to take care of the babies.

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

18 A. It was 100 metres away from my house.

19 [14.14.30]

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

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

25 Q. So your family member, 12 of them were arrested; is that

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1 correct?

2 A. Yes, it is correct.

3 Q. I would like to quote your statement before the

4 Co-Investigating Judge -- document D25/31, ERN in Khmer,

5 00163513; English ERN, 00223496 -- I quote:

6 "When I returned from tending the cattle, I could see the

7 militiamen work on my family members and I was asked to go with

8 my mother. Among these people, there were my mother, my siblings

9 and I -- including me. There were eight of us. And five villagers

10 were also arrested at the time".

11 Is that correct? You stated this to the Co-Investigating Judge?

12 A. (Microphone not activated)

13 [14.16.20]

14 MR. PRESIDENT:

15 Mr. Witness, could you please repeat your answer? If you speak

16 without the mic turning on, only two of you could hear.

17 MR. MEAS SOKHAS:

18 A. It is correct; the statement that you have just read.

19 BY MR. SUON VISAL:

20 Q. You were sent to Krang Ta Chang security office or prison.

21 Upon arrival, how were you treated?

22 MR. MEAS SOKHAS:

23 A. There was the one who brought me into the building when I was

24 at -- when I arrived at the gate. And my mother and my elder

25 sisters were handcuffed or shackled.

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

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

6 [14.18.06]

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

9 A. I do not know. I do not know why I was allowed to stay outside
10 of the prison, and at night time, I was asked to hunt for birds
11 or animals and to look for trucks. That's what I knew at the
12 time.

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

14 A. Ta Chhen, Ta Seng, Sok San, Sok Soth, they were released in
15 1977. Seng, Ta Chhen, and I were released at the same time.

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

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

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

21 A. There were no other people with me. Sok San, he could climb up
22 the sugar palm tree to collect the fruit.

23 [14.20.08]

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

25 A. There was no limit concerning the area; I have -- I had to

1 tend the cattle as long as I could return at 5 o'clock in the
2 evening.

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

4 A. In the afternoon, I went to tend the cattle at 1.00 or perhaps
5 2 p.m. when the weather is not so hot for us.

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

9 A. I was not limit to walk in specific areas. And as long as I
10 could tend to the cattle and I could take care of the cattle, it
11 was fine for me.

12 [14.21.36]

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

15 A. I could move freely. I could enter anywhere I can because,
16 during that time, I was asked to collect meals from the kitchen.
17 And in the day time, I was asked to collect water lily, or to
18 collect tamarind leaves or to find flocks. I could walk anywhere
19 I could.

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

22 MR. PRESIDENT:

23 Could you ask a proper question? When you talk about -- your
24 question seems to be confused. The rights or the authorisation is
25 different from each other in Khmer term.

1 MR. SUON VISAL:

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

4 A. I was told that if I run away from my parents, my parents
5 would be killed and I was allowed to move freely. And I was told
6 that if I run away from my parents for a few months, my parents
7 would be killed. So I dare not go anywhere. During day time while
8 I was tending the cattle, I only go to some certain area to allow
9 the cattle to be fed.

10 [14.23.50]

11 Q. Were there any rules or disciplines applied for prisoners?

12 A. Prisoner -- there were disciplines applied to prisoners. They
13 were not allowed to talk to each other, they were not allowed to
14 move. They would be beaten if they move or talk to each other.

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

18 A. The building has a roof and they are -- below the roof, there
19 were barbed wires and there were barbed wire fences. Also, the
20 floor was made out of wood.

21 Q. The distance from the building, how far was it from each
22 other?

23 A. Two buildings attached to each other. And there are some
24 buildings which were 15 metres away from each other.

25 [14.25.36]

1 Q. Where was the kitchen?

2 A. The kitchen was in the middle of the compound, and the kitchen
3 of the prisoners was in the middle of the compound and the
4 kitchen for guards was to the east.

5 Q. You stated that there were two levels of fences. And how were
6 they built?

7 A. They were made out of wood and they were covered with barbed
8 wires.

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

11 A. The distance from the first level of fences and to the second
12 level was about 200 metres away from each other.

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

15 A. There were til (sic) trees and there were trunk trees.

16 Q. So there were no dense forests? Or were there only tall (sic)
17 trees as mentioned by you?

18 A. The forests were not so dense. There were large trees. And the
19 execution area were covered with coconut leaves.

20 [14.27.47]

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

23 You stated before the Co-Investigating Judges -- I quote --

24 document D25/31, in English -- Khmer ERN, 00163516; and English

25 ERN, 00223499; you stated that, during the execution, you could

1 see the incident at the time. You climbed up the tree to see the
2 execution. The tree was five metres away from the execution site.
3 You could see everything there. I quote.

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

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

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

9 [14.29.31]

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

11 How far was it from you to Mr. President?

12 A. It is about seven or eight metres.

13 Q. From my estimate, it is about 10 metres. So it means that when
14 you saw the incident, you were in the middle, between you and Mr.
15 President; is that correct?

16 MR. PRESIDENT:

17 Please hold on, Mr. Witness.

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

19 MR. LYSAK:

20 Mr. President, I'm not sure whether the counsel or the witness
21 were speaking quite quickly. So I'm not sure something is been
22 missed in the translation. But it seemed as if counsel was
23 testifying himself about the distance. And I'd object on that
24 basis. If that is not the case, then we're missing some of the
25 statements that are coming from the witness because they are

1 speaking too quickly.

2 [14.30.45]

3 MR. PRESIDENT:

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

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

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

11 You may proceed now, defence counsel.

12 BY MR. SUON VISAL:

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

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

17 MR. MEAS SOKHA:

18 A. Could you please repeat your question?

19 [14.31.50]

20 Q. The question that I put to you is that, while you were looking
21 or watching the killing, you said you were five metres away and
22 the distance, based on my estimation between the Bench and you is
23 about 10 metres. My question to you is that, the distance that
24 you refer to as five metres means you are in the middle between
25 you and the Bench right now?

1 MR. PRESIDENT:

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

3 MR. MEAS SOKHA:

4 A. I estimated that the distance between me and the killing site
5 was about five metres. And at that time, one of the executioners
6 actually pointed a finger at me to chase me away.

7 BY MR. SUON VISAL:

8 Q. So while you were watching, you were also seen by the
9 executioners and you were not afraid of the killing; is that
10 true? So does it mean that you don't need to steal a look but you
11 could look freely; is that correct?

12 MR. MEAS SOKHA:

13 A. In fact I was rather scared as I was threatened and I was
14 warned that next time I should not go and look at that event. In
15 fact, I did not intend to do so but I was tending my cows.

16 [14.33.46]

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

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

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

23 A. I knew the number of prisoners when they were brought in
24 because, when they were brought in they were counted and they
25 would be registered into the list--

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

3 A. I did not have a right to do so but I heard them talking about
4 the number of people; for example, today, 100 prisoners were
5 brought in or on the other day, 30 people were brought in. And of
6 course, you could see people were brought in. Sometimes, two sets
7 of them were brought in, sometimes three sets of them were
8 brought in during the night. And sometimes -- or each time, there
9 could be 20 of them, 30 of them or 10 of them.

10 [14.35.34]

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

14 A. They trusted me because I never talked to anyone else about
15 what happened. Because I knew if I talked about it then I would
16 be in trouble.

17 MR. SUON VISAL:

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

20 [14.36.18]

21 MR. PRESIDENT:

22 Thank you.

23 And the time is appropriate for a short break. We will take a
24 20-minute break and we will adjourn (sic) at five to 3.00 to
25 continue our proceedings.

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

4 (Court recesses from 1436H to 1458H)

5 MR. PRESIDENT:

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

7 Next, the Chamber gives the floor to the defence counsel for Mr.
8 Nuon Chea.

9 If you have further questions for this witness, you may now
10 proceed.

11 MR. KOPPE:

12 Mr. President, would you be able to indicate how many more
13 minutes I have for the examination of this witness? An hour?

14 MR. PRESIDENT:

15 I have already informed that the defence teams - both of the
16 defence teams - have two sessions, in this afternoon, for your
17 questioning. And if you cannot finish your questioning today,
18 then, maybe, some time tomorrow morning for both defence teams.
19 But I suggest that you should try to finish your questioning
20 today. Thank you.

21 [15.00.01]

22 QUESTIONING BY MR. KOPPE:

23 Q. Good afternoon, Mr. Witness. I have a question for you about
24 what you said an hour earlier today -- that you have been a
25 committee member involved in the collecting of bones for the

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1 stupa at Krang Ta Chan. Is that correct? And if yes, could you
2 tell the Court when you became a member of this committee?

3 MR. MEAS SOKHA:

4 A. I was not one among the committee members to collect bones; I
5 was a member of the building committee.

6 [15.01.00]

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

9 A. We are responsible for building the halls -- the religious
10 halls -- and also the halls for children to study.

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

13 A. Actually, I am not involved in building the stupas, I was
14 involved in constructing the dining halls. We have the
15 contribution from our villagers -- our people -- and I was the
16 one who is in the construction committee.

17 Q. And do you remember when you were appointed to do this? To do
18 these activities?

19 A. It was in 2006. I submitted a request to the village chief to
20 include me in the construction committee.

21 [15.03.00]

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

24 A. After 1979, I was a soldier from 1980 to 1997. After that, I
25 quit my military service.

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

2 A. Yes, that is correct.

3 Q. Where were you stationed?

4 A. I was stationed in Tram Kak District, Takeo Province.

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

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

10 [15.04.50]

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

14 A. I do not know about that.

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

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

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

1 A. Actually, it was not in the rainy season that prisoners would
2 be interrogated. The prisoners would be interrogated any time
3 they want.

4 [15.07.10]

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

9 A. It was in the dry season.

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

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

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

16 A. That is correct.

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

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

22 [15.09.03]

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

25 A. In the Krang Ta Chan Security Office. I was asked to pick up

1 krasanh fruits in the morning.

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

4 A. I slept near the prisoner -- the detention building on a bed
5 under til tree.

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

8 A. That is correct.

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

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

14 [15.11.10]

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

18 A. I did not count the prisoners at the time. I could see the
19 detention buildings were filled with the prisoners.

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

23 A. Prisoners were not allowed us to see. Prisoners were kept, and
24 after that, they were killed, so my villagers were all killed, so
25 I did not remember them.

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

3 A. Prisoners were not outside of the prison cells. They were put
4 in the cells or in the buildings. After interrogation, they were
5 placed in the prisons; they were not allowed to stay outside of
6 the prisons.

7 [15.13.08]

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

10 A. So you asked about prisoners during the time I was at Krang Ta
11 Chan or prisoners before the time I arrived there? So, could you
12 repeat your question, please?

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

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

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

25 A. I do not remember.

1 [15.15.05]

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

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

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

10 A. Yes.

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

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

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

17 A. I saw a prisoner who was brought to -- they put a plastic bag
18 on him. He was a little bit fat. The purpose of putting the
19 plastic bag on his head is to make this person weak so that he
20 can -- he could confess.

21 [15.17.20]

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

24 A. I could not remember anything else besides that he was fat.

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

1 A. He was quite tall and he was a man. Really women were not
2 interrogated.

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

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

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

7 A. I saw him when I walked out of my sleeping place, when I
8 brought the sour fruit - that is, krasanh, to the kitchen for
9 cooking.

10 [15.19.17]

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

12 A. Yes, that is correct.

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

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

15 Q. Was it after breakfast?

16 A. I saw him when I brought the sour fruit, or krasanh fruit for
17 cooking. It was at 9.00 a.m. At the time, we did not have
18 breakfast yet.

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

22 A. I woke up and went to pick up the sour fruits and I was asked
23 to bring the sour fruits to the kitchen. After that, I was asked
24 to split the wood for the kitchen. During that time, I saw the
25 man who was suffocated with a plastic bag.

1 [15.21.17]

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

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

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

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

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

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

16 A. During that time, I was walking and I was bringing the sour
17 fruits to the kitchen, and I was also asked to bring the wood for
18 the kitchen. During that time, I saw that man while I was walking
19 to the kitchen. I was trusted, that is why I was allowed to bring
20 in stuff into the kitchen. The kitchen was not a place that
21 allowed anyone to go into, only one who is trusted could go into
22 that kitchen.

23 [15.23.42]

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

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

3 Q. Please, Mr. Witness, stay, if you will, in the chronology.

4 Do you remember who were the guards that were escorting this fat
5 man?

6 A. They were guards; they were interrogate -- he or she was a
7 guard, and he or she was an interrogator. The name was Cheng.

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

9 A. Yes, that is correct.

10 [15.25.04]

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

12 A. The guard walked the man to the south, to the interrogation
13 place.

14 Q. Then what happened?

15 A. Then, the interrogation took place. After, the person was
16 suffocated with a plastic bag and, after several interrogations
17 -- and after this person fainted, this person was brought back
18 into the prison building.

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

20 You saw two guards bringing this fat prisoner to the
21 interrogation room. They went inside that little house. Then what
22 happened?

23 A. Upon arrival, the prisoner was asked to sit down and hands
24 were handcuffed. Interrogation started. Those who denied to
25 confess, they would be beaten. And as for plastic bag, I could

1 see only this man was suffocated with the plastic bag and later
2 on I did not dare to look at the interrogation because it was
3 scary.

4 [15.26.56]

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

8 MR. PRESIDENT:

9 Witness, please hold on.

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

11 MR. LYSAK:

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

20 [15.28.05]

21 BY MR. KOPPE:

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

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

25 MR. MEAS SOKHA:

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

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

7 A. I saw everything.

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

11 A. There was a table and there were two other tables for the
12 interrogators. There was a chair for the prisoner and the guard
13 who was standing to the side of the prisoner. And then they
14 started the interrogation.

15 [15.30.05]

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

18 A. Yes, that is correct.

19 Q. Were they using a typewriter or were they using a pen to write
20 down the answers?

21 A. They used a pen.

22 Q. Who was using the pen?

23 A. The deputy was named Om Penh, used a pen; and Pai An
24 (phonetic) was the interrogator.

25 Q. Could you hear, from that distance, the questions that the

1 interrogators were asking?

2 A. During the interrogation, of course I heard the questions
3 because they spoke loudly. They asked, "What were you doing?" And
4 the prisoner responds: "No, I did not do anything", and the
5 interrogators said: "You -- you are stubborn, you are a colonel;
6 you work as a CIA agent. Confess. If you don't confess, I'll beat
7 you."

8 [15.31.48]

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

11 A. I cannot recall the details of every question because I heard
12 the questions from a distance. I can remember the gist of the
13 questions that - what he were doing, what was his rank during the
14 former Lon Nol regime? That's how I remember it.

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

17 A. During the interrogation, sometimes they accused prisoners of
18 breaking a plough part or they stole a chicken or a duck or that
19 they oppose the cooperative. There were many, many questions and
20 I cannot remember them all. As you know, it happened many, many
21 years ago. But mainly the questions focused on the American CIA
22 or the "Yuon" CIA.

23 Q. Mr. Witness, I would appreciate it if you don't give general
24 answers. I am asking you, do you remember specific questions
25 being asked by the interrogators and do you also remember the

1 answers that were given by this particular prisoner.

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

4 [15.33.47]

5 Q. What was his answer?

6 A. Some prisoners confess truthfully that they were a colonel or
7 that they were a one-star general depending on how often they
8 were beaten. And then they were asked how many of them altogether
9 and based on that answer more people would be arrested.

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

12 A. By then he could not say anything else because he became very
13 weak after he was suffocated with a plastic bag. He did not
14 respond and for that reason he was suffocated with a plastic bag
15 and he became unconscious and he was taken back to the building.

16 [15.34.52]

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

19 A. I did not know how many minutes he was suffocated with a bag.
20 The next thing I saw was that the guard drag him back into the
21 building where he was detained. The next day, he died and then he
22 was buried.

23 Q. Mr. Witness, you're standing on the compound. You watch the
24 prisoner go into this building. He sits on a table. He gets a
25 question. My next question to -- my question to you is: How long

1 did it take before those two guards put a plastic bag over his
2 head?

3 A. It depends on prisoners responses. If they responded quickly,
4 then they would not be suffocated with a plastic bag, but for
5 those who refused to respond then they would be beaten and beaten
6 again and the next thing they would be suffocated with a plastic
7 bag.

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

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

14 [15.37.07]

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

19 A. They only asked two questions. What was his position and what
20 was his rank.

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

25 A. Yes.

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

3 [15.38.30]

4 MR. PRESIDENT:

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

7 MR. KOPPE:

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

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

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

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

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

25 [15.40.34]

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

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

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

10 A. First, they interrogated the prisoner, then they kicked and
11 they beat the prisoner. They used violence, or force against the
12 prisoner in order to force them to confess before they used the
13 plastic bag.

14 [15.42.02]

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

17 A. They actually wore (inaudible), American made boot, to kick a
18 prisoner during the interrogation.

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

22 A. It was Ta Chhen.

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

25 A. He used his right foot and when the right foot got hurt he

1 used his left foot to kick the prisoner.

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

3 A. Of course there was no reaction because the prisoner was
4 handcuffed and he was difficult in breathing because of the
5 torture.

6 [15.44.02]

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

10 A. Some did confess. They confessed, "Please, don't touch me",
11 while others refused to respond. They would bite their lip and
12 remain silent despite the beating and some would just confess
13 anything when they were beaten.

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

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

18 Q. Did he speak at all that morning?

19 A. Initially, he said that he did not have any position, that he
20 was a tricycle driver but those interrogators did not believe
21 him.

22 [15.45.42]

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

24 A. They did not believe him and they continued their
25 interrogation. They accused him of being an American CIA and they

1 showed him a report as well.

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

3 A. I cannot recall it.

4 Q. But why do you call it report?

5 MR. PRESIDENT:

6 Please wait.

7 Counsel, you may proceed.

8 MR. KONG SAM ONN:

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

11 Would the Bench please consider the adjournment for today's
12 proceedings?

13 JUDGE FENZ:

14 He cannot even follow from the holding cell? I understand he
15 cannot follow from here. Could he follow from the holding cell?

16 [15.47.22]

17 (Short pause)

18 JUDGE FENZ:

19 Please note. We are talking 10 minutes, basically. Ten minutes
20 left.

21 (Short pause)

22 [15.48.07]

23 MR. KONG SAM ONN:

24 Mr. President, my client, Khieu Samphan, would like the Bench to
25 adjourn the proceedings; however, if the Chamber wishes him to

1 continue following the proceedings from the holding cell
2 downstairs, he would abide by that decision.

3 [15.48.26]

4 MR. PRESIDENT:

5 The Chamber has heard the request by the Accused, Khieu Samphan,
6 through his counsel, to follow the proceedings through the
7 holding cell downstairs due to exhaustion, to personally follow
8 the proceedings in the Court for the remainder of today's
9 proceedings as we try to expedite the proceedings. For that
10 reason, we, the Chamber, would like Mr. Khieu Samphan to follow
11 the proceedings in the holding cells downstairs through a remote
12 means.

13 And the AV Unit, you are instructed to link the proceedings to
14 the holding cell downstairs for the remainder of today's
15 proceedings.

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

19 (Short pause)

20 MR. PRESIDENT:

21 Counsel Koppe, please repeat your last question to the witness
22 due to the interruption as the witness may not recall that
23 question.

24 BY MR. KOPPE:

25 Q. Mr. Witness, You said that the interrogators showed a report.

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1 Can you tell us why you think it was a report?

2 MR. MEAS SOKHA:

3 A. Because they wanted to know about the stories or the history
4 of who did what based on the reports as there were reports from
5 the cooperative of the village as who did what during the former
6 regime or which rank that some people held.

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

10 A. Because when I saw document I presumed it was a report and it
11 was shown to the prisoner and I believe it was a report made from
12 the village.

13 [15.51.32]

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

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

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

21 A. I did not have a watch to time the suffocation. I saw it and
22 then I walked away. In fact, later on I returned and then I saw
23 him being walked back to the building where he was detained.

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

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

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1 Q. So is your testimony that everything lasted around an hour?

2 Would that be a fair assumption or am I wrong?

3 A. That is correct.

4 [15.53.28]

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

7 MR. PRESIDENT:

8 Mr. Witness, please hold on.

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

10 MR. LYSAK:

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

15 BY MR. KOPPE:

16 Mr. President, I was asking the witness whether this was the only
17 time during his presence at Krang Ta Chan that he saw a man being
18 suffocated with a plastic bag.

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

21 MR. MEAS SOKHA:

22 A. I saw it for one time and after that I did not try to watch it
23 anymore.

24 [15.54.48]

25 Q. So what happened to the man when he was brought to his cell?

1 Do you remember?

2 A. Nothing happened to him because next day he died and he was
3 dragged out and buried. That was his last day on earth. He was
4 severely beaten and died. As I said, the next day he was dragged
5 out and buried.

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

7 MR. PRESIDENT:

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

10 MR. MEAS SOKHA:

11 A. In the morning, sometimes I was used to open the door and I
12 saw the prisoner died and Sok San and Ta Chhen were ordered to
13 dig a pit to bury that prisoner's body.

14 [15.56.14]

15 BY MR. KOPPE:

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

18 A. It was inside the building.

19 Q. Which building?

20 A. It was in the second building.

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

22 A. It was the second building where they house prisoners. The
23 buildings were used to house prisoners regardless of the severity
24 of their mistakes or offence as long as there were rooms to
25 accommodate prisoners.

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1 [15.57.16]

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

4 A. He was in-between other prisoners.

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

7 A. I could see them every day whenever I was asked to carry the
8 urine container as fertiliser for the rice fields and I had to
9 carry the urine container twice a day: one in the morning and one
10 in the afternoon.

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

12 A. He died in the second building.

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

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

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

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

17 [15.59.10]

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

19 A. Other prisoners were lying in a row -- like a row of pigs
20 in-between.

21 Q. Can you describe what you saw when you came in that building?

22 You saw the dead body, what else did you see?

23 A. I saw his dead body. I saw other prisoners lying in a row in
24 that building.

25 Q. Is it my understanding that you saw him walking back from the

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1 interrogation place to his -- to the prison cell? And if that is
2 correct, how was his general condition, do you remember?

3 A. He was in bad shape. He was actually carried into the
4 building.

5 Q. Do you know why that was?

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

9 [16.01.30]

10 MR. PRESIDENT:

11 Counsel Kong Sam Onn, you have the floor.

12 MR. KONG SAM ONN:

13 I apologise, Mr. President. I been informed by the people
14 downstairs that the blood pressure of Khieu Samphan is high and
15 he cannot follow the proceedings. And I would like to request for
16 the adjournment for today's proceedings.

17 MR. PRESIDENT:

18 Thank you for that information. And the time is appropriate for
19 today's adjournment. The Chamber will adjourn now and we will
20 resume tomorrow starting from 9 o'clock in the morning.

21 And tomorrow, the Chamber will continue to hear the remainder of
22 the testimony of the witness, Meas Sokha, and then to hear the
23 testimony of a civil party, 2-TCCP-296. And we would like to
24 inform the Parties and the public about tomorrow's proceedings.
25 Court officer, in cooperation with the Witness Support Section,

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1 please arrange the -- for the transport of this witness to his
2 appropriate accommodation and bring him back to this courtroom
3 before 9 o'clock in the morning tomorrow.

4 And security staff, you are instructed to take the two Accused
5 back to the detention facility and have them back in the
6 courtroom tomorrow morning before 9 a.m.

7 The court is now adjourned.

8 (Court adjourned at 1603H)

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