



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

4 February 2015

Trial Day 237

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

The Accused: NUON Chea  
KHIEU Samphan

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

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

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

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

For Court Management Section:  
UCH Arun  
SOUR Sotheavy

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**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. DE WILDE D'ESTMAEL	French
MR. FARR	English
JUDGE FENZE	English
MS. JACQUIN	French
MR. KEV CHANDARA (2-TCW-964)	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
MS. MOCH SOVANNARY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SAY SEN (2-TCCP-271)	Khmer
MR. SON ARUN	Khmer

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

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

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

7 testimony of another witness - that is, 2-TCW-271. I also note

8 that the witness requests an assistant from a TPO staff to assist

9 him during his testimony.

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

11 and the individuals to today's proceedings?

12 [09.04.35]

13 THE GREFFIER:

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

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

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

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

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

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

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

21 MR. PRESIDENT:

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

23 proceed.

24 [09.05.31]

25 MR. SON ARUN:

2

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

8 MR. PRESIDENT:

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

16 [09.07.12]

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

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

3

1 And now I'd like to hand the floor to Judge Lavergne, who has  
2 some questions for this witness. You may proceed, Judge Lavergne.  
3 And court officer, could you also deliver the documents that you  
4 have for the witness examination. And Judge Lavergne, you may  
5 proceed.

6 [09.08.49]

7 QUESTIONING BY JUDGE LAVERGNE:

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

11 Q. Mr. Witness can you hear me loud and clearly?

12 MR. KEV CHANDARA:

13 A. Yes, I do, Your Honour.

14 Q. Thank you, Mr. Kev Chandara, first and foremost for returning  
15 to the courtroom. I have a few questions regarding staff members  
16 who were at the Krang Ta Chan security centre. During the time  
17 that you were imprisoned there, you stated that the centre was  
18 led by achar Chhen, and that this person had assistance. Could  
19 you provide any further clarifications? What was the structure?  
20 Who else worked there?

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

4

1 [09.10.43]

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

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

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

10 A. Yes, that is correct. We were asked to drag the dead bodies  
11 into the pits for burial. And if there were plenty of dead  
12 bodies, then more than ten of us would be instructed to drag the  
13 bodies into the pit.

14 [09.12.12]

15 Q. Were you asked to carry out other tasks, whether it be within  
16 the security centre or outside the security centre?

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

20 Q. Were you the only detainee who was charged with carrying out  
21 such tasks, or were other prisoners also forced to carry out  
22 certain tasks or assigned different sections such as the kitchen?

23 A. As for the kitchen, prisoners were not allowed to go nearby or  
24 to trespass that area. We were only instructed to the limit that  
25 we carry faeces and urine and pour them into a big jar the north

1 of the kitchen area.

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

4 A. I did. The guards at Krang Ta Chan were not adults, they were  
5 adolescents' or young adults.

6 [09.14.25]

7 Q. Were there children who were sweeping or cleaning or who were  
8 possibly working outside the security centre, either minding  
9 cattle or carrying out any other tasks?

10 A. Those who were trusted were removed from the shackles during  
11 the day time to go and mind the cattle and they would be shackled  
12 again during the night time.

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

15 A. For me, day and night there was no difference. We were not -  
16 we would not be shackled, and we were only unshackled, only we  
17 were instructed to go and carry the faeces and the urine of the  
18 prisoners.

19 [09.15.57]

20 Q. I wish now to ask you a series of questions concerning the  
21 visit of Mr. Nuon Chea at Krang Ta Chan. You spoke of this. Do  
22 you recall, more or less, if his visit occurred at the start of  
23 your stay at Krang Ta Chan or near the end? Was it before the  
24 liberation of the country or after the liberation of the country?

25 A. Ta Chea's visit was prior to the liberation. I said that



6

1 because I did not see people who left the Lon Nol regime arrived,  
2 or rather who were the former Lon Nol regime's servants arrived  
3 at Krang Ta Chan.

4 Q. You were the first hand witness of his arrival or were you  
5 told of his arrival? Was it something that you heard about?

6 [09.17.19]

7 A. When Ta Chea entered Krang Ta Chan's office, we were still in  
8 shackles. However, some cadres who used to work for them  
9 recognised Ta Chea. And as for me, I was about 70 to 80 metres  
10 from him and I tried to look hard in order to see him because I  
11 wanted to see his face. And actually I looked through the gap in  
12 the wall.

13 Q. Could you please tell us, approximately, how far or close to  
14 you from the area? How well could you see him?

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

17 [09.18.50]

18 Q. Do you remember the name of staff members who told you that  
19 Nuon Chea was there? Who was the person that told you this? Or  
20 who were the people who told you this?

21 A. People who told me later disappeared and I didn't know whether  
22 they survived. Because after I left Krang Ta Chan, they also  
23 left. They told me they were actually a former Khmer Rouge cadres  
24 but I do not know their names.

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

7

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

2 Q. And do you remember their names? Do you remember who those  
3 prisoners were and what duties they had to undertake?

4 A. I had not known them before we were in prison together so I  
5 did not know their names.

6 [09.20.37]

7 Q. Therefore the prisoners who were with you had also identified  
8 Ta Chea through the hole in the wall.

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

12 Q. And for you Ta Chea and Nuon Chea were the same person, or  
13 were they two distinct individuals?

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

16 Q. Very well. You stated that you met Nuon Chea on a second  
17 occasion. It was during the screening of a film and a performance  
18 given by a Chinese circus; can you please confirm that?

19 [09.22.28]

20 A. I can never forget that. Ta Chea made a brief speech and I  
21 still can recall a few words that he made at the time. He stated  
22 that Cambodia was an agricultural country and we will transform  
23 it into a green industrial country. That's all I can remember  
24 about the speech that he made.

25 Q. Could you please tell the Court at approximately - at

8

1 approximately what time or date the event occurred?

2 [09.23.23]

3 A. There was no film showing and I cannot recall the exact date.

4 Q. When you were heard by the Co-Investigating Judges; I'm  
5 referring to E3/5153, ERN in French 00205094, you said the  
6 following: "I saw Nuon Chea again at the end of 1976 when I saw a  
7 film at a circus at Takeo province where Nuon Chea had delivered  
8 an opening speech that lasted approximately ten minutes. Members  
9 of the circus were Chinese who spoke Chinese. The speech given by  
10 Nuon Chea was as follows: 'We are farmers. We are going to  
11 transform our country into an agro industrial country'." Does  
12 this match your memory in - when you say that you are not  
13 entirely certain of the date?

14 [09.25.05]

15 A. When I was interviewed at my house, it has been quite a long  
16 time. Now I cannot make a recollection well and maybe I still  
17 recall it well when I was interviewed at the time.

18 Q. Do you know if this Chinese circus had travelled several times  
19 to Takeo?

20 A. When we were allowed to go and see it, we were thoroughly  
21 searched. And I didn't know whether there had been such  
22 performances there, on how many occasions, I would not know.

23 [09.26.13]

24 Q. Very well. May it be noted for the record, that on the case  
25 file, there is a document numbered D366/7.1.305. This is news

1 from Democratic Kampuchea. The French ERNs are S00012468. There  
2 is mention of a tour undertaken by the Chinese People's  
3 Liberation Army and their acrobatic troop. The article mentions  
4 their visit in several regions, including at Leay Bour  
5 cooperative, somewhere around the 25th of November 1978.

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

8 A. In Baray commune, after I left my native home, the local  
9 leader there was Ta Mok. He would go to inspect the pumping  
10 stations where we dug canals etc., and I met him there.

11 [09.28.17]

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

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

15 Q. Very well. Perhaps this is a misunderstanding but I will note  
16 that in the same document that I referred to earlier - that is,  
17 E3/5153, you said on the same page, "I only met grandfather Mok  
18 but I met Mr. Ieng Sary between 1976 and 1977. He was a professor  
19 of Literature at the Chamroeun Vichea School. However, I was  
20 never one of his students".

21 Does this refresh your memory in any way?

22 [09.29.45]

23 A. As for Chamroeun Vichea School, I actually attended there for  
24 my supplementary session or class. However, I did not know him at  
25 the time. And if I were to have met him there, I would not recall

10

1 it now. It's been a long time already since the 1950s or the  
2 1960s, I cannot recall it at all. Even my own teachers, I cannot  
3 recall them.

4 Q. I would clarify that the statements that I just referenced  
5 were filed on the 12th of March 2008, so it has been sometime.  
6 Thank you very much. I have no further questions to ask you, Mr.  
7 Witness. I will now allow the Defence to continue.

8 MR. PRESIDENT:

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

13 [09.31.36]

14 MR. KOPPE:

15 Thank you, Mr. President. Good morning. I'm - I'm hesitant at the  
16 moment. In the light of the answers to the line of questioning, I  
17 really don't think he saw Nuon Chea there. So we - but on the  
18 other hand, we've made a interesting line up of photos. And why  
19 not try that line up of photos here now with this witness.  
20 Otherwise we would have to deal with this matter maybe with  
21 another witness. So my - I suppose my question will be, Mr.  
22 President, if you give me permission to show a set of photos of  
23 Khmer Rouge cadres, and allow me to ask the witness if he can  
24 identify one of these persons, one of these photos of this person  
25 on that sheet that we made.

11

1 [09.32.41]

2 MR. PRESIDENT:

3 Lead Co-Lawyers, you may proceed.

4 MS. GUIRAUD:

5 Thank you, Mr. President. In order to properly understand the  
6 procedure, I had the impression that Nuon Chea's defence had  
7 concluded their examination of the witness and it is now Khieu  
8 Samphan's defence to ask questions to the witness. For me to  
9 properly understand what is happening, are you giving the floor  
10 again to the Defence to examine the witness on a new document?  
11 And it would be logical that all the Parties should have that new  
12 document; that would be normal. Or do you consider that you'd  
13 only give the floor to the Nuon Chea defence to put questions to  
14 the witness on the basis of this new document? I just want to  
15 understand the procedure. I am new in this Tribunal and sometimes  
16 I have a hard time understanding the order in which the different  
17 Parties take the floor. And the manner in which the floor is  
18 again given to the Parties after the Chamber has put questions to  
19 the witness, I would like to know precisely when the Chamber has  
20 to take the floor and what is the impact of their questions on  
21 the Parties? And how the Parties will be able to put questions to  
22 the witness again.

23 [09.34.18]

24 MR. PRESIDENT:

25 Judge Lavergne, you may proceed.

12

1 JUDGE LAVERGNE:

2 Let me first of all say that it is exceptional that Judges on the  
3 Bench ask questions during the period reserved for the Defence.  
4 So this is a peculiar situation. In this specific case, the Nuon  
5 Chea defence has been given the floor to ask questions in light  
6 of the questions I have just put to the witness and in relation  
7 to the possibility that Nuon Chea may have met the witness. That  
8 is why we are giving the floor to the Nuon Chea defence team. And  
9 we do not envisage giving the floor to the other Parties.

10 [09.35.21]

11 MR. PRESIDENT:

12 Judge Fenz, you may proceed.

13 JUDGE FENZ:

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

21 [09.36.04]

22 MR. KOPPE:

23 Thank you, Judge Fenz. We've tried to establish a document  
24 selected from present documents on the case file in order to  
25 establish whether the witness is actually capable of recognising

13

1 the persons he says he has recognised on various occasions. What  
2 we have produced is as much as, I think, possible in accordance  
3 with proper guidelines in relation to confrontation, especially  
4 confrontation by photos. We have looked at case law at the ICTY,  
5 Tadic especially, and other cases we mentioned in our email. The  
6 reason I was hesitant is because I don't - well you probably know  
7 our position with respect to this witness. However, I think we  
8 might as well start with this proceedings right now because there  
9 are other witnesses who might have the same issue. So it would be  
10 our submission that we show this set of photos to the Accused -  
11 to the witness, excuse me, and ask him the question whether he  
12 recognise Nuon Chea on the set of photos.

13 [09.37.32]

14 QUESTIONING BY JUDGE FENZ:

15 This is another question to the witness.

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

17 MR. KEV CHANDARA:

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

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

21 A. When I turned 75 or 80 years old, I lose some memory. I have  
22 memory problem.

23 [09.38.35]

24 Q. Is this about things that have happened long ago or about  
25 recent things? Do you remember things that have happened long ago



14

1 or forget? Or do you remember or forget things that have happened  
2 recently?

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

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

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

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

14 A. No, it was not completely loss of memory. So it happened  
15 gradually, little by little when I turned 75 and 80.

16 Q. Thank you. No further questions.

17 [09.40.52]

18 MR. PRESIDENT:

19 Co-Prosecutor, you may proceed.

20 MR. FARR:

21 Thank you, Mr. President. We don't object to the use of the photo  
22 array if the Chamber thinks it would be helpful but we do have a  
23 few comments on probative value to attach to any evidence about  
24 it. First of all, we note that a number of these pictures are  
25 still images from a video. And we believe that the quality of the

15

1 video is considerably better. The individuals are shown for a  
2 period of a few seconds. You can see their expressions. So, on  
3 our submission it would be more probative to show the witness  
4 short clips of the video. A couple of the pictures are not of the  
5 highest quality. That's another point on probative value. And  
6 finally, the witness's evidence is in our submission more - that  
7 he didn't have a great opportunity to observe and his evidence is  
8 to a large extent related to what he was told by other people  
9 rather than what he saw himself. But with that said, if the  
10 Chamber feels it would be helpful, we don't object to the use of  
11 the photos.

12 [09.42.08]

13 MR. KOPPE:

14 If I may react shortly- quickly, Mr. President. As you know,  
15 there are very strict guidelines as how to set up a photo  
16 confrontation. The thing is, if we would do it with video, we  
17 would have a big problem in the sense that - I agree the pixels -  
18 or how you call it - is clear. However, people walk in a  
19 sequence. If you, for instance, take the Olympic stadium footage,  
20 they walk one, two, three, four in a certain sequence. So, that  
21 would possibly lead a witness to make conclusions on the sequence  
22 of people that he sees on the video. So that would be a problem.  
23 In any line up of photos, you would always need to have people  
24 who are completely unrelated to the actual person that you are  
25 seeking to identify. My experience is of course, is mostly coming

16

1 from my domestic practice, and we are following very strictly. I  
2 know the police investigations is following very strictly  
3 guidelines which they call the Oslo Guidelines - confrontation  
4 guidelines. So there are very strict ways in doing it. And by  
5 showing a video, that would be not having any probative value as  
6 to the recognition by the witness of the persons to be  
7 identified. I'm happy to sit down with the Prosecution to come up  
8 with better images. This is our first attempt. I think it was  
9 relatively well done attempt but of course it can always be  
10 better. But we are depending on the footage that we have, the  
11 footage that is on the case file. If there is better material, I  
12 would be happy to come with a better quality photo confrontation  
13 set.

14 [09.44.14]

15 MR. PRESIDENT:

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

18 MR. KOPPE:

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

20 MR. PRESIDENT:

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

24 (Short pause)

25 [09.45.50]

17

1 MR. PRESIDENT:

2 Counsel, you may proceed.

3 QUESTIONING BY MR. KOPPE:

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

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

8 MR. KEV CHANDARA:

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

12 Q. Mr. Witness, do you have glasses with you or do you use  
13 glasses?

14 A. I take my glasses but I could not see well from my glasses.  
15 Among these ten people, I don't know anyone that look familiar to  
16 me.

17 [09.47.25]

18 MR. PRESIDENT:

19 Thank you. Please move on. And court officer, could you take the  
20 photo from the witness and return to the defence counsel. And the  
21 Chambers now would like to give the floor to the defence counsel  
22 for Khieu Samphan.

23 MR. KOPPE:

24 The copy is much better of quality than maybe the photocopies you  
25 have. So I would be happy to grant you - or give you, excuse me,

18

1 give you the original. But that's up to you.

2 [09.48.21]

3 MR. PRESIDENT:

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

7 QUESTIONING BY MR. KONG SAM ONN RESUMES:

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

9 Q. On Monday, we paused on the detention of the witness at Krang  
10 Ta Chan. And there were discussions - you said that you were  
11 there for 25 - 29 days. But we have a problem to identify from  
12 what date to what date. And your response was that you did not  
13 remember, and you discuss with your family members and your  
14 children to identify the date when you were detained at Krang Ta  
15 Chan. Witness, do you recall the summary I have just told you?

16 MR. KEV CHANDARA:

17 A. After returning from Krang Ta Chan and my family members told  
18 me that I was there for 29 days. And I remember well that I was  
19 at Krabei Prey for five days. So I was detained at Krang Ta Chan  
20 for only 24 days. And my oldest son told me that "you might be  
21 detained during 1975 but it was probably in late March. And in  
22 April, after ten days of the liberation, you return home."

23 [09.50.31]

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

1 MR. PRESIDENT:

2 Please wait, Mr. Witness.

3 MR. KEV CHANDARA:

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

7 [09.51.11]

8 BY MR. KONG SAM ONN:

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

10 A. But there is one date that I can remember well. After my  
11 marriage, I took my wife to celebrate the Buddhism in the middle  
12 of its religion. That was the festival that I spent my time,  
13 seven days and nights for that celebration.

14 [09.51.54]

15 Q. Thank you. Now, I would like to discuss with you about Krang  
16 Ta Chan because you say that you were detained at Krang Ta Chan.  
17 And a while ago, you said that you were detained at Krang Ta Chan  
18 for 24 days. I would like to know, how many buildings were there  
19 at Krang Ta Chan for detention when you were there?

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

22 Q. You confirm that there was only one building but I saw an  
23 ambiguity, unclear about the size of the building. Earlier, you  
24 said that the building was 6 x 20 metre. And during the testimony  
25 here you said that it was about 3 metres x 20 metres. So could

20

1 you please tell the Court which is the correct size of that  
2 building?

3 [09.53.18]

4 A. I'm sorry. It was based on my assumption when I saw it. So my  
5 assumption is that it was three metre by 20 metre.

6 Q. Thank you. Can you tell or describe the characteristic: was it  
7 north-south or east-west building? Can you tell the Court like  
8 that?

9 A. Yes. That building had the coconut leaf wall and the roof was  
10 thatched. And the wall, there were three layer of barbed wire  
11 around the wall and also barbed wire grill or net on the ceiling.  
12 It was very thick barbed wire layer. And they used the small  
13 timber or wood for us to lie down on or sleeping. It was very  
14 rough. I was getting hurt when I lie down. So the prisoners were  
15 in shackle and cuff even though they are defecating or urinating  
16 [09.55.18]

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

19 A. It was made of sugar palmed leaf. It was a dry leaf from the  
20 sugar palm.

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

22 A. It was a west-east building. There was a bamboo groves and  
23 another tree on the other side of that building.

24 Q. Thank you. I heard your testimony to Judge Lavergne in  
25 relation to the number of staff at Krang Ta Chan. And you say

21

1 that you don't remember the number of staff. So do you remember  
2 who was the chief of Krang Ta Chan while you were detained there?

3 A. This based on my assumption. I don't know whether he is hiding  
4 away. But the interrogator was Achar Chhen.

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

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

9 [09.57.28]

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

12 A. I remember that Dam. He was one of the executioners. Everyone  
13 fear him.

14 [09.57.59]

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

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

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

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



1 [09.59.15]

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

6 Q. Thank you.

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

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

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

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

18 Q. When you were detained at Krang Ta Chan, and it is your  
19 statement before this Court that you were interrogated, can you  
20 tell the court how many times you were interrogated during your  
21 24-day detention?

22 [10.01.22]

23 A. I was questioned by the same Achar Chhen. He questioned me  
24 three times.

25 Q. Thank you. For the three interrogations, did it happen like

1 three days in a row or how did it happen?

2 A. It did not happen at the same time. I was interrogated on  
3 different days.

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

6 A. I only was interrogated by this one person. I don't know about  
7 the other prisoners.

8 Q. In relation to pits, you stated that you participated in the  
9 exhumation of eight pits.

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

14 [10.03.21]

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

18 MR. PRESIDENT:

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

21 BY MR. KONG SAM ONN:

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

1 MR. KEV CHANDARA:

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

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

6 A. When we dug, we didn't know the size of the pits. However,  
7 upon exhumation, and maybe you can still see the scar of the pit,  
8 the size varied. It could be two times two, three times four,  
9 with one or two metres depth.

10 [10.05.07]

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

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

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

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

20 Q. On the 2nd February in this courtroom at 3.16 p.m., you stated  
21 the number of the skeleton remains that you gathered and it was  
22 12,013, rather 10,013, and you drew some loss as some villages  
23 came to take them away or some were taken away by wild dogs. Can  
24 you confirm that that is the figure you stand by?

25 [10.07.19]

25

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

3 Q. Can you stated that when you - can you say whether the 10,000  
4 something skeletal remains that you stated the day before  
5 yesterday was the figure that you stand by?

6 A. Yes, that's the skulls that we gathered.

7 Q. Thank you.

8 MR. PRESIDENT:

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

12 MR. FARR:

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

17 MR. PRESIDENT:

18 And Counsel Kong Sam Onn, you may proceed.

19 [10.09.02]

20 BY MR. KONG SAM ONN:

21 Thank you, Mr. President. I'd like to - the ERN is 00527797 in  
22 Khmer; and in English 314056. My apology, Mr. President. Mr.  
23 President, my apology, that document does not exist in the  
24 English version. There is only a French version.

25 I have a question to put to you, Mr. Witness. This is an article

26

1 written by a researcher named Nhean Soheat, and it is extracted  
2 from Searching for the Truth, the magazine. That article is the  
3 sixteenth publication in 2004 and it is entitled "Krang Ta Chan  
4 Prisoners", and they talk about Krang Ta Chan prisoners and they  
5 also have a quote of the survivor.

6 MR. PRESIDENT:

7 The Deputy Co-Prosecutor, you may proceed.

8 MR. FARR:

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

11 [10.11.02]

12 BY MR. KONG SAM ONN:

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

14 In this article, and allow me to quote, "Krang Ta Chan prison is  
15 located on a hill in Krang Ta Chan village, Kus commune, Tram Kak  
16 district, Takeo province. It is part of the control of Chhit  
17 Choeun, alias Mok, who was the Southwest Zone Secretary. Through  
18 the research conducted by DC-Cam, 1,045 people were detained,  
19 tortured and killed in that prison."

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

21 MR. KEV CHANDARA:

22 A. Yes, I have.

23 Q. That researcher presented a specific number of people who were  
24 killed at Krang Ta Chan prison, that is 1,045. What can you say  
25 to this article written by the researcher, because the number he

1 presented is very different from the number that you stated  
2 before this Court?

3 [10.13.30]

4 A. I seem lost here. Of course, we can say that we did not know  
5 when they killed people. But it was apparent to us as to the  
6 number of the skulls and skeleton remains when we exhumed some  
7 pits, and there were more than 10,000 already.

8 Q. Let me go back to when you exhumed the pits. You stated that  
9 you were detained for 24 days at Krang Ta Chan.

10 How many pits did you involve in digging?

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

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

13 [10.14.38]

14 A. I only did one of the covering earth - dirt with the largest  
15 pit. That's only one of those four pits.

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

18 A. Yes, I was involved in covering that pit. And that was the  
19 first pit that I exhumed.

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

21 A. That pit to the furthest east is four by four metres.

22 Q. What about the depth?

23 A. It's three metre.

24 [10.15.55]

25 Q. Did you also count the skulls that you exhumed from that

1 specific pit?

2 A. We did a accounting for all the pits that we have dug. And  
3 that process was done by the monks involving in the exhumation  
4 and recovering of those skulls. And actually we - after some of  
5 the skulls lost, we collected those remaining skulls and put on a  
6 bed and started counting again.

7 MR. PRESIDENT:

8 You need more time, Counsel?

9 [10.16.44]

10 MR. KONG SAM ONN:

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

12 MR. PRESIDENT:

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

17 The Court is now in recess.

18 [Court recesses from 1017H to 1033H]

19 MR. PRESIDENT

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

22 MR. LYSAK:

23 Thank you, Mr. President. To be brief, I wish to, for the record,  
24 correct something that I believe was misrepresented in the  
25 testimony or questioning that we just heard. There was a

1 reference, representing that DC-Cam's research only found 1045  
2 victims at Krang Ta Chan. That is incorrect. Before the Chamber,  
3 document E3/2063, E3/2063, is the actual record that was created  
4 at the time DC-Cam went to visit Krang Ta Chan and made its  
5 conclusions. And that document records an estimated number of  
6 victims of 10,043, not 1,000, 10,000. It's recorded in a number  
7 of places including the handwritten form – the handwritten form  
8 prepared by the DC-Cam investigator. So, it is incumbent on  
9 counsel, I believe, to accurately represent the evidence that is  
10 before the Chamber, not to seize upon a typo in some article  
11 written by someone later.

12 [10.35.18]

13 MR KONG SAM ONN:

14 Mr. President, I would like to respond briefly to the statement  
15 by the Prosecution. What we are doing before this Court is to  
16 make a debate on those certain documents and this is not the  
17 right time for the Prosecution to make any impression on the  
18 correctness or the incorrectness on a witness statement.

19 MR. PRESIDENT:

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

21 BY MR. KONG SAM ONN:

22 Thank you, Mr. President. Mr. Witness, before we broke, I wanted  
23 to ask you about the interrogation. And you stated also that you  
24 were interrogated three times while you were detained at Krang Ta  
25 Chan.



30

1 [10.36.23]

2 Q. Can you provide a little bit more details on the buildings  
3 that you were detained - that is, six times - six by twenty  
4 metres and the walls were made by coconut tree leaves. My  
5 question is the following: what is the distance between that  
6 detention building and the place where you were interrogated?

7 MR. KEV CHANDARA:

8 A. It was not six by six metres, it was three by six metres. The  
9 interrogation area was on the ground and we were sitting on the  
10 ground while the interrogator was sitting on a chair.

11 Q. Was that area to the west or to the north of the detention  
12 building?

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

14 [10.37.51]

15 Q. As for the walls made of coconut tree leaves, were all four  
16 walls covered in coconut tree leaves except the door? Can you  
17 tell us a little bit in detail?

18 A. All four walls were covered and there was a door to the north.

19 Q. Was it fully - were all the walls fully covered or only half  
20 the walls were covered? For example up to the thigh or to the  
21 waist.

22 A. It was from the edge of the roof to the ground. All the areas  
23 were covered.

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

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

2 [10.32.12]

3 Q. Thank you. My following question is related to the  
4 administrative structure in the south-west zone. You've stated  
5 before this Court that you knew Ta Mok, since before the  
6 liberation and that he also had contact with your family as, at  
7 the time, Ta Mok was a monk. My question is the following: during  
8 the period of Democratic Kampuchea regime, specifically during  
9 the time of your detention at Krang Ta Chan, when did you first  
10 meet Ta Mok?

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

13 [10.40.37]

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

15 A. He actually called from outside the compound. He was standing  
16 to the east of the prison compound.

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

18 A. Of course, I recall it clearly. What he said was, "Achar  
19 Chhen, who was a doctor detained here - there was a doctor was  
20 detained here, did you feed him yet? If not, feed him and when I  
21 return from the south then I feed him up."

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

23 [10.41.50]

24 A. I was in the detention building, I could not see him. And only  
25 after I left, he was with the one with - who rode the motorcycle.

1 Q. Did you know about the leadership level at the South-West  
2 Zone?

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

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

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

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

11 A. As for me and Ta Mok, I did not see him as a cruel person at  
12 all.

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

16 [10.44.05]

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

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

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

1 Q. Did you meet Ta Mok frequently during the period of Democratic  
2 Kampuchea?

3 A. No, not that frequently. He was constantly on mobile and while  
4 I was at the work-site, engaging in the water pumping machines  
5 and irrigations, I saw him rather frequently for that specific  
6 period of time.

7 [10.45.42]

8 Q. As to the cause for your release from Krang Ta Chan prison,  
9 when Ta Mok went there to pick you up, you talked about an  
10 equipment that you conclude that - and your conclusion was based  
11 on your experience in repairing that machine. It was an equipment  
12 that Ta Mok wanted you to repair. Can you tell the Court your  
13 skill or expertise in fixing that equipment and can you tell the  
14 Court what kind of equipment it was?

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

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

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

22 [10.47.24]

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

25 A. After the death of my mother the relationship became rather

1 distance or remote. However, there was an advice from him that I  
2 had to sacrifice all my previous social status because that I was  
3 an intellectual and it is a part of the target to be researched  
4 or monitored.

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

7 [10.48.30]

8 A. After I left Krang Ta Chan, I did not go straight to my house.  
9 I was taken to the Khmer Rouge hospital and I assisted in  
10 repairing that machine. After it was repaired then I was asked  
11 about the various medical equipment and what they were used for  
12 and also about the medicines.

13 Later on I was taken back to my home.

14 Q. There was research conducted after 1979, did you - have you  
15 had any relationship with an official from an Oxfam organisation?

16 A. Yes, I had contact with a woman, Annie Brown, and another man  
17 named Tozo Chea (phonetic).

18 [10.49.59]

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

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

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

25 A. As for the skeleton remains after we exhumed we stored them in

35

1 one place and then later on moved to store in a house. And  
2 further on, we stored them in a stupa. And the stupa remains  
3 standing today.

4 MR. KONG SAM ONN:

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

6 [10.51.24]

7 MR. PRESIDENT:

8 Thank you. Mr. Kev Chandara, the Chamber would like to thank you  
9 for your valuable time in testifying before this Court. Your  
10 testimony has come to an end now and you may be excused from the  
11 courtroom and returned to your residence or wherever you wish to  
12 go to. And the Chamber wishes you a safe journey.

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

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

18 (Witness exits the courtroom)

19 [10.52.47]

20 MR. PRESIDENT:

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

23 (Witness enters the courtroom)

24 [10.54.42]

25 QUESTIONING BY THE PRESIDENT:

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

2 MR. SAY SEN:

3 A. Good morning, Your Honour. My name is Say Sen. I lived in Angk  
4 Ta Saom, Tram Kak district.

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

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

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

9 A. I am sorry, I cannot.

10 Q. How old are you this year?

11 A. I am 57 years old.

12 Q. Where were you born?

13 A. I was born at Trapeang Pou village, Saraong commune, Tram Kak  
14 district, Takeo province.

15 Q. What is your current address?

16 A. I know live in Angk Ta Saom commune, Takeo district - Angk Ta  
17 Saom commune.

18 Q. And what is your current occupation?

19 A. I am a rice farmer.

20 [10.56.50]

21 Q. What are your parent's names?

22 A. My father is Nang Say and my mother is Khuth San.

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

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

1 MR. PRESIDENT:

2 Mr. Say Sen, at the end of your testimony as a civil party, you  
3 will be given an opportunity to make a statement of impact on the  
4 suffering that you suffered during the period of Democratic  
5 Kampuchea, if you wish to do so. And pursuant Rule 91bis of the  
6 Internal Rules the Chamber will cede the floor to the Lead  
7 Co-Lawyers for Civil Parties, first, to put questions to this  
8 civil party. You may proceed.

9 MR. PICH ANG:

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

13 [10.58.45]

14 MR. PRESIDENT:

15 Yes, you may proceed.

16 Counsel Koppe, you have the floor.

17 MR. KOPPE:

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

25 [10.59.36]



1 MR. PRESIDENT:

2 Counsel, you will also have time to put questions to this civil  
3 party and you may ask for clarification on issues that you want.  
4 And as he stated he cannot recall his date of birth or his year  
5 of birth but he told the Chamber, his age. In Khmer culture,  
6 usually, we don't refer to the date of birth and we actually tend  
7 to give the age rather than the date of birth. Of course we like  
8 to get clarification from him on his exact date of birth and in  
9 the practice of the domestic court we would ask the witness to  
10 give us his year or, if he cannot recall, his age at that moment.  
11 So, in a few years' time, we can also know how old he will become  
12 based on the age that he said during the previous hearing and we  
13 can make that calculation accordingly.

14 Counsel Kong Sam Onn, you have the floor.

15 MR. KONG SAM ONN:

16 Thank you, Mr. President. I'd like to make a small request  
17 regarding document, E319.1.5, by the Prosecution and other  
18 relevant documents, since this kind of document is not accessible  
19 by our defence team. For that reason, I'd like the Chamber to  
20 make an arrangement so that the defence teams will have access to  
21 the documents that will be referred to or used by the  
22 Prosecution.

23 (Judges deliberate)

24 [11.05.25]

25 MR. PRESIDENT:

1 Thank you for your request, Mr. Kong Sam Onn. You addressed the  
2 document to be used for questioning before the Trial Chamber and  
3 you cannot access the document you requested for the Chamber's  
4 instruction. The Chamber will deliberate and rule on that during  
5 the recess for lunch break.

6 So, the Chamber gives the floor to the Lead Co-Lawyer to put  
7 questions to the civil party.

8 QUESTIONING BY MS. MOCH SOVANNARY:

9 Thank you, Mr. President. Mr. President, Your Honours at the  
10 Bench, my esteemed counsel, Co-Prosecutors, defence counsel and  
11 Mr. Say Sen, and all in and around the courtroom. I have a number  
12 of questions to ask you, Mr. Civil Party.

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

16 Q. Can you tell the Court, who was your father and how do you  
17 know the name of your mother and their relationship with you -  
18 your parents relationship to you?

19 [11.07.30]

20 MR. SAY SEN:

21 A. At the beginning, my mother worked for Sok Say during the  
22 Sihanouk regime. And then Sok Say married to my mother and she  
23 had pregnant and she left to the liberated zone of the Khmer  
24 Rouge in Angk Ta Saom. And she gave birth to me. And my father,  
25 Sok Say was not the lawful husband of my mother.

40

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

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

8 [11.08.55]

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

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

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

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

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

20 A. My - there was another old lady told me to use Khuth San. So,  
21 if I use Say Sen I will be identified by the Khmer Rouge and I  
22 will be the target for execution so I used Khuth San.

23 [11.11.12]

24 Q. In relation to your age, I want you to tell the Court again,  
25 when the Khmer Rouge liberated your area, how old were you at

1 that time?

2 A. I cannot remember my age but I think I was probably 10 years  
3 old.

4 Q. Thank you, Civil Party. Before I move on to what happened to  
5 you during the Khmer Rouge regime, I want to ask you the  
6 interview by the OCIJ in document – statement dated the 30th of  
7 October 2007, E3/5129. You cannot provide information regarding  
8 Krang Ta Chan due to security reason and another document, dated  
9 1st September 2008, E3/5214, you said – you respond – you gave  
10 your question to the OCIJ investigator. Why you could respond in  
11 the second interview? Where you also in fear when you gave the  
12 interview in the second meeting?

13 A. I could respond during the second interview. On the first  
14 meeting I was fearful that the regime may return into power and  
15 later I thought that the regime will not be returned so I decided  
16 to respond.

17 [11.13.32]

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

22 MR. PRESIDENT:

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

1 BY MS. MOCH SOVANNARY:

2 Thank you, Mr. President.

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

5 MR. SAY SEN:

6 A. Could you please ask again?

7 [11.15.17]

8 Q. You said you were in fear and what – was there any attack or  
9 mistreatment against you that caused you to live in fear? Was  
10 there any problem that caused you any injury or scars so that you  
11 still are living in fear?

12 A. Yes. I did not respond at the beginning because those who were  
13 at Krang Ta Chan were still living in my community. Because I am  
14 a farmer I would move around and those people were still living  
15 in my community and they – one of them beat me on my head and –  
16 for accusing me of stealing cassava. But of course, I didn't  
17 steal it.

18 Q. Thank you. So, you said that – you refer to Krang Ta Chan  
19 prison. When were you arrested and sent to Krang Ta Chan prison?

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

22 [11.16.53]

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

25 A. At the beginning there was one militiaman who took me – who

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

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

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

19 [11.19.27]

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

22 A. I was released to do labour because he told me that I am the  
23 youngest and I was told to be quiet so that I should not tell  
24 anyone so that they will spare me if not I will be killed. So I  
25 was ordered to tender buffalo and dig the pits for the corpse and

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

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

7 [11.21.08]

8 A. Yes, I can tell you. There were 12 security guards. They were  
9 called combatant and there were chief and two deputy chiefs and  
10 there were 15 all together in their group. But they were also  
11 tired from their duties and they order me and Ta Chen to dig the  
12 grave or to dig the pits or also to bury the pits. The chief  
13 asked me, "Can you collect the sugar palm juice?" I said yes and  
14 then I collecting sugar palm juice for him to drink.

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

17 A. No, I could not do that. I was expecting to be assigned. I  
18 prayed to get the assignment because those assignments can help  
19 me to survive. So, I even told them to do anything that I could  
20 not do it at all.

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

23 [11.23.13]

24 A. During the daytime I was let out to tend cattle and I returned  
25 at 4 p.m. and other 15 or 14 people were assigned to doing

1 farming, other, growing vegetables. But I was also detained and  
2 shackled at night. But I had to put the shackles on by myself.  
3 So, I was ordered to carry away the dead bodies before I shackled  
4 myself in the building.

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

9 [11.24.25]

10 A. The food ration for each meal, it was hard to describe. There  
11 were four buildings, there were about 20 or 40 prisoners per  
12 building, but the rice they cooked was a very small quantity. But  
13 they would use a coconut shell to distribute for each prisoner.  
14 And then I was assigned to carry those porridge to another  
15 building and to give, distribute the porridge to those prisoners.  
16 And there was some rice grain in the porridge at the bottom of  
17 the pan and I could use that remaining for myself. But the other  
18 prisoners received only a few grains of rice in the water in the  
19 porridge.

20 [11.25.30]

21 Q. Thank you. When you were in this situation you were let out to  
22 do labour during the daytime and at night you were detained in  
23 shackles. Where there any changes in conditions for you during  
24 that time?

25 A. It was always like that until the end of the regime. I was



1 considered to be the less serious offender and they spared my  
2 life and then they ordered me to come back to the detention  
3 building 4 or 5 o'clock. But if there's a dead body in the  
4 building, I had to remove and bury before I come to the building  
5 to shackle myself as part of the detention, yes.

6 Q. A while ago, you described briefly about the condition of the  
7 detention of the prisoners in shackles. I would like to know the  
8 condition of detentions for the prisoners who were always  
9 shackled and detained days and nights, from 17 April 1975, until  
10 the end of the regime. So could you describe the conditions of  
11 the detention? What can you tell the Court based on your  
12 experience and what you saw during the time?

13 [11.27.35]

14 A. Talking about prisoners under shackle and detention, it was  
15 beyond my description. It is beyond our understanding. They were  
16 in miserable conditions. There were bed bugs and insects  
17 surrounding them and they died of starvation and also from  
18 disease. So I remember certain details but I forget some of them.

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

23 A. They would relieve themselves. I don't want to describe. Both  
24 legs were in shackles and they used the coconut shell for relieve  
25 themselves and they passed from one prisoner to another and then

1 they dropped into a bucket. And then they used the same coconut  
2 shell and then just cleaned by water, and they used the same  
3 coconut shell for giving the water to the prisoners. So when I  
4 talk about this, it is hard for me to describe, I feel emotional  
5 on that.

6 Q. You said that they used the same coconut shell for collecting  
7 human faeces, urine and also they used the same coconut shell for  
8 giving water to the prisoners. So could you describe about that?

9 [11.30.02]

10 A. Yes, they used the same coconut shell. So I was ordered to  
11 collect those coconut shells with human faeces and urine to put  
12 in the bucket and then I need to return the same coconut shells  
13 to each prisoner. And any prisoner who made any sound to the  
14 shackles, he or she would be tortured by beating during the  
15 night.

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

19 A. During the war period, before the fall of Phnom Penh to the  
20 Khmer Rouge, in a building there were two rows of the prisoners.  
21 So, one row for women prisoners and another for male prisoners.  
22 But after the liberation they detained mixing men and women  
23 prisoners in the same row, in the same building.

24 [11.31.44]

25 Q. So in your detention building you saw female prisoners there.

1 Can you tell the court when the female prisoners were also  
2 shackled in the same row, did you notice any difficulties  
3 suffered by those female prisoners?

4 A. For female prisoners who were in shackles they suffered much  
5 more difficulty. But everyone did not say anything so they - they  
6 could relieve themselves in any way, the same as other. They  
7 don't feel - they had no right to be shy, so everyone lose their  
8 weight during the detention.

9 Q. Thank you. Earlier you said that you were arrested and sent to  
10 Krang Ta Chan prison in 1974 until the fall of Phnom Penh in  
11 1979. I would like you to tell the Court about the event you saw  
12 in the prison, the sending in of the prisoners, and can you tell  
13 the Court how many prisoners were sent from one day to another?  
14 Was there any difference in number of prisoners who were sent  
15 there a week or so?

16 A. I cannot remember but I saw there were many prisoners after  
17 the liberation by the Khmer Rouge. There were seventy hundreds  
18 (sic) at one time. But before that there were from two, three,  
19 four, five, each time they were brought in. But after the  
20 liberation of Phnom Penh I saw they brought in 50 or 20,  
21 sometimes 70.

22 [11.34.18]

23 MR. PRESIDENT:

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

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1 Court officer, please work with the Witness Support Section to  
2 assist the civil party and to have a place for them to rest and  
3 have lunch, and also the TPO staff, and bring them back before  
4 1.30.

5 Security personnel are instructed to bring the Accused to the  
6 holding cell and bring them back before 1.30 to the courtroom  
7 this afternoon. The Court is adjourned.

8 [Court recesses from 1135H to 1331H]

9 MR. PRESIDENT:

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

11 And before I hand the floor to the assigned lawyers for civil  
12 party, the Chamber will rule on the request by the defence team  
13 regarding documents placed on the interface. This morning Khieu  
14 Samphan's defence made a request on the certain documents, placed  
15 in the interface by the Co-Prosecutors.

16 The Chamber also noted that all Parties received hard copies of  
17 the documents from the Co-Prosecutors. We also issued a decision  
18 on the use of the interface - that is, document E319/7. And the  
19 Chamber would like to remind the Parties to follow the procedures  
20 in that document E319/7, and in order to assist Parties regarding  
21 the use of documents we will provide you a list of the documents  
22 with the reference for the use in the trial proceedings in Case  
23 002/02.

24 [13.34.25]

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

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1 already received that copy because we noted that you signed the  
2 letter on the document 319/6.1.

3 And now we'd like to again, give the floor to the assigned  
4 counsels for civil parties to continue putting question to this  
5 civil party.

6 And you are reminded, please so down in your questioning. As when  
7 you speak too fast, it would not be proper for the interpretation  
8 to render it fully and effectively. You may now proceed.

9 BY MS. SOVANNARY MOCH:

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

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

15 [13.35.47]

16 MR. SAY SEN:

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

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1 down the palm juice, and that day I heard the sound of the  
2 children and then I heard the sound of cracking the children  
3 against the palm tree. And when I looked down, I saw the children  
4 were smashed against the palm trees and then the gallbladder were  
5 taken out from the both the children and hanged there.

6 [13.37.33]

7 There was a small pit to the south of the palm trees and there  
8 were two of them waiting there. I didn't climb down to get. I was  
9 just sitting there at the top of the palm tree. In fact, there  
10 were - there was a row of palm tree and I could move from one  
11 palm tree to the next. So first as I said they killed the younger  
12 one by smashing against the trunk of the palm tree, and then they  
13 brought in the elder sibling and they used a hoe to hit the neck  
14 of the back of that child, and for older people when they hit  
15 them with a hoe, they would use a saw to finish it, but in this  
16 case they hit the child with a hoe and then dragged him into the  
17 pit. That's how I saw the event unfolded.

18 [13.38.46]

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

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

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

1 putting questions to this witness.

2 MR. PRESIDENT:

3 Thank you. And yes, you may proceed.

4 QUESTIONING BY MS. MARTINE JACQUIN:

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

12 [13.40.28]

13 MR. SAY SEN:

14 A. Yes, I can do that. When I first entered the courtroom, I was  
15 a bit anxious. And in fact, my father's name is Tit Soy, not Nang  
16 Soy. Nang Soy is his elder brother.

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

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

1 their targets.

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

4 [13.42.38]

5 A. In the prison compound the building I like to describe varied  
6 in size. Sometimes the buildings are 5 metres wide and 12 to 20  
7 metres long, and most of the buildings were ordered to be made by  
8 prisoners and underneath the floor that we slept on, they laid  
9 barbedwire, and they would also use a small wood to support the  
10 walls. And also about the roof, they also laid barbed wires, but  
11 the roof were tiled and very neat in order to prevent any  
12 attempts to escape through the roof.

13 Q. Were there several fences around the camp?

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

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

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



1 [13.45.31]

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

4 A. It varied. People who died - let me say for newcomers, they  
5 would be taken for interrogation at the interrogation place, and  
6 when they couldn't walk, then I was instructed to carry that  
7 prisoner into the building and sometimes we had to carry them.  
8 They were tortured and when they were brought into the building,  
9 they will be shackled and cuffed again and they would be deprived  
10 of any rice or porridge. At that time they were accused of  
11 betraying the country, so they will not be given food to eat  
12 during that time. As for male prisoners, they could be without  
13 food for 18 days. I noted that, because for each day I would bend  
14 a piece of palm leave - palm leaf so I could count up to 18 when  
15 the person went without food and died.

16 [13.47.12]

17 Q. According to you, what was the first cause of mortality in the  
18 camp?

19 A. They tortured those prisoners during interrogation. I didn't  
20 know how they were interrogated. At the interrogation place, they  
21 would tie them up, and they would be blindfolded. If they didn't  
22 confess then, for example, they stole something from the  
23 cooperative, namely a coconut or a mango or a potato and because  
24 those people starved then they stole, if they didn't confess then  
25 they would be beaten until they confess.

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

3 A. Those people who, for example, saw a piece of potato laid  
4 around would be – they would take it, but for that reason, they  
5 would be arrested.

6 [13.49.14]

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

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

14 Q. Did they sometimes put the heads of the prisoners in plastic  
15 bags?

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

18 [13.50.44]

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

21 A. It would be a serious offence if a prisoner attempted to  
22 escape, they would not be beaten. They would be shot. For  
23 example, two or three soldiers would escort five prisoners to go  
24 and work, and if any of them attempted to flee, then they would  
25 be shot.

1 Q. What was the procedure? What did they do to get the people out  
2 of the buildings in the evening to have them executed?

3 THE INTERPRETER:

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

6 MR. SAY SEN:

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

8 MR. PRESIDENT:

9 Judge Fenz, you may proceed.

10 [13.52.33]

11 JUDGE FENZ:

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

15 BY MS. MARTINE JACQUIN:

16 Thank you, Your Honour.

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

19 A. Before prisoners were taken to be killed, they could open the  
20 buildings though and say that they would be allowed to return to  
21 the cooperative, but in order to follow the Angkar's plan only  
22 some of them would be taken first. Then they would read the names  
23 from a list and that they would remind them again to follow  
24 Angkar's plan and not to oppose the plan of Angkar. They would  
25 call out two names at a time, and those who were called then

1 would be unshackled and came through - came outside the building  
2 and then they would walk to the south of the prison where there  
3 was a potato plantation, and two soldiers were there to wait for  
4 them.

5 [13.54.10]

6 They then would be requested to be blindfolded and their hands  
7 were tied behind their back, and they said that the reason was  
8 for them not to take revenge against Angkar. Then they were taken  
9 to the killing site, and they would play music on a loudspeaker  
10 and sometime they would crack firewood nearby in order to muffle  
11 the sound of the killing that they are about to do. They would  
12 play the Khmer Rouge songs over the loudspeaker, and then after  
13 they did the killing, then they would return for more.

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

15 [13.55.14]

16 A. Prisoners were walked into the - near the pit. Then they were  
17 ordered to kneel and they would use a hoe to hit the back of  
18 their neck, and after that they use about 40 to 50 centimetre  
19 long to slash their throat, then they would be dropped into the  
20 pit, and then they would undress those people, and pile them in a  
21 pile. And after they completed the day's killing, I would be  
22 ordered to collect the clothes and to bring them into a pond to  
23 the west of the prison and there - because there was a warehouse  
24 there. And later on, there would be a vehicle coming to transport  
25 those clothing to the cooperative.

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

3 A. Prisoners who were tortured and detained there could not stay  
4 longer than one month. They would be shackled all the time there.  
5 [13.57.04]

6 Q. Does that mean that in any case, they died within a month,  
7 even if they hadn't been executed before?

8 A. Yes, because before they were tortured during the  
9 interrogation and brought back into the building, they were in  
10 very bad shape already during those series of being tortured.

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

12 A. Yes, I did. It was - I was not used yet for the - what they -  
13 the so-called year of liberation. I did engage in the digging and  
14 burial of the dead bodies in 1977. At that time there was a war  
15 going on near the Cambodia-Vietnamese border and the activity of  
16 the killing there was very active at that time.

17 [13.58.37]

18 Q. Was the conduct of some of the guards unacceptable - that is,  
19 their conduct vis-a-vis women?

20 A. Yes, some soldiers were kind and pitiful for prisoners, but  
21 others did not.

22 Q. Did you see one or several guard's rape women?

23 A. I saw one guard, and at that time he used me. He told me about  
24 that incident. One day at about three or four, while I was taking  
25 the water buffalo back, there was a so-called "dark" prisoner to

1 the west part of the compound that is underground prisoner. He  
2 told me to go to the south and I asked him why he wanted me to go  
3 to the south. He told me that he just need it, and I should go  
4 and organise the place. When I went there, in fact, he had just  
5 raped two women from a mobile unit and he used a bullet-head to  
6 insert it into the vagina of the women, and I can tell you that  
7 female prisoner is still alive today.

8 [14.00.40]

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

11 A. Yes, but I did not see it clearly. In fact the prison chief  
12 was flirting with the female prisoners who were allowed to cook  
13 rice in the kitchen. In 1979 when the Vietnamese troops arrived,  
14 he fled and he took along a woman to be with him and the woman is  
15 still alive, but that person or that man died.

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

17 A. As for the types of prisoners, whatever types you were in, the  
18 treatment towards them was the same. And the number of prisoners  
19 or the number of those who were killed varied from day to day,  
20 but the killing happened every day, and they were all in the same  
21 condition and situation. They were treated the same.

22 [14.02.34]

23 Q. Were some prisoners called the New People?

24 A. Yes, most of the prisoners were the New People called 17 April  
25 People. It was - happened in 1975, but later in 1977 they were

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1 categorised the same, and anyone who commit any mistake were sent  
2 to Krang Ta Chan at that time when war was happening at the  
3 border.

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

5 A. Yes, one time I was beaten on my head with the rifle, but I  
6 was beaten with a whip many times when I picked some vegetable or  
7 cassava leaves, but the most severe beating happened when I stole  
8 cassava for food.

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

10 A. I lost one father in that prison.

11 [14.04.44]

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

14 A. Yes, I heard it from the soldier and the old people who told  
15 me, but the chief did not tell me about that, but other soldier  
16 who were closer to me told me about that.

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

18 A. The hat, sarong and t-shirt, I took them for myself, but  
19 Chhen, the Deputy Chief took the hat, and he would wear it, and  
20 other people would wear it sometime and wore the hat of my  
21 father.

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

23 A. There were 12 soldiers and other chief. There were 3 chiefs.  
24 Sometime when there were more prisoners and other soldiers were  
25 sent in so for ordinary day there were only 12 people or 15

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1 people. They would send more staff and soldier to the prison when  
2 the prisoners increase at that place.

3 [14.07.09]

4 Q. Who carried out the interrogations?

5 A. Only the chief and deputy chief, including Chhen, An and Penh  
6 who did the interrogation.

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

9 A. I don't know about that because I was one of the prisoners  
10 because they would kill prisoner every two or three days. Before  
11 the execution he would call two of his messengers, and I was  
12 tendering cow next to the prison, and when I saw the messenger  
13 went to the district office and they returned with an envelope.  
14 Sometime the next morning there will be a program and Ta Nong  
15 (phonetic) was also killed there, and before his death he was  
16 used to dig the pit.

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

19 [14.08.54]

20 A. The coconut was - were grown on the grave where body was -  
21 were buried and the dead body of the prisoner who died of  
22 starvation and they were buried in the individual grave, and they  
23 order - the chief order me to grow coconut right on the grave and  
24 also cassava at the same time.

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



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1 A. I did not participate in the counting. I join in the  
2 excavation. At the beginning, there was no NGO organisation  
3 advise us to do so. But the villagers were digging out trying to  
4 find gold from the victims, but later the skull were count and  
5 there were more than 10,000 of skulls found, but I don't remember  
6 the exact number.

7 [14.10.37]

8 Q. Over the course of those years at the camp, did you see any  
9 important political figures visit the camp?

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

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

17 [14.12.02]

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

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

23 A. Talking about what happened at Krang Ta Chan, I try to forget,  
24 even though I am at home. I do some small business, and sometimes  
25 the newspaper journalists came to interview, and then they list

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1 down my name, and they would come to my house. I don't want to  
2 give any interviews because it reminds me of Krang Ta Chan. I  
3 don't want to hear, to see. I would like to close this story, but  
4 I could not avoid that.

5 [14.13.33]

6 MS. MARTINE JACQUIN:

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

9 MR. PRESIDENT:

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

12 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President. Mr. President, good afternoon to you,  
14 to Your Honours. Good afternoon to all Parties present. Good  
15 afternoon to you, Mr. Civil Party. I have a few questions to put  
16 to you this afternoon, as well as during tomorrow's morning  
17 session. I want to return in more detail to what you have already  
18 stated to my colleagues - to my learned colleagues from the civil  
19 parties. If you do not understand any one of my questions, please  
20 signal so, and I would ask that you limit yourself to describing  
21 to us what you saw or what you heard at Krang Ta Chan, and to  
22 also indicate if you have not fully heard or understood a  
23 question.

24 [14.15.04]

25 Q. I want to return to the period during which you were arrested,

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1 and the way the arrest proceeded. I gathered from this morning  
2 that when you were arrested, you talked about Trapeang commune,  
3 but I'm not sure if we fully grasped the name of the commune. Can  
4 you please just repeat and tell us again where you were taken at  
5 the point of arrest prior to your arrival at Krang Ta Chan?

6 MR. SAY SEN:

7 A. I was taken away from my house, from Trapeang Lean village,  
8 and I was sent to Angk Roka office, where the youth unit stayed.  
9 It was the office of Ta Khon prison. And then I was sent to  
10 Trapeang Pring. It was called Ta Kel (phonetic) prison. And later  
11 that night I was sent to Krang Ta Chan.

12 [14.16.25]

13 Q. At Angk Roka, did you see other prisoners who were arrested  
14 such as yourself, the way you were arrested?

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

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

20 A. There was no vehicle or motorbike. I was tied up, and another  
21 prisoners were marched on foot. I was walking in front, and  
22 another prisoner walking behind me. But we were tied up, only in  
23 one string.

24 [14.17.41]

25 Q. Was there a security guard, or several security guards, or

1 militia, who accompanied you?

2 A. When I arrived at the office at Angk Roka, and Trapeang Pring,  
3 at Ta Kel (phonetic), there was soldiers from Krang Ta Chan came  
4 and escorted us. And so the village militia, who brought people  
5 to Krang Ta Chan, they could reach only the external fence. When  
6 they arrived at that fence, at the place, they rang the bell and  
7 the staff from Krang Ta Chan would come and receive the prisoner  
8 from the external fence, and then those militiamen from the  
9 village or commune would return.

10 Q. Thank you. When you arrived at Krang Ta Chan, within the very  
11 centre, within the inner compound, what happened? Were you  
12 identified? Were you photographed? What happened at that point?

13 A. There was no photo taken. Any kind of prisoners were sent to  
14 the building and then locked up. And they left them there. They  
15 would call for interrogation two or three days after arrival.

16 [14.19.43]

17 Q. Do you know if, at the point of arrival at Krang Ta Chan,  
18 documents were given to the - were given from the guards or  
19 militia who escorted you to the security guards at Krang Ta Chan?

20 A. No, I don't know about that. We were just escorted and sent to  
21 the place, but I don't know about that.

22 Q. After 17 April 1975, do you know if people were transferred  
23 from Angk Roka to Krang Ta Chan?

24 A. I asked the fellow prisoners, "Where are you from?". Some of  
25 them said they came from Angk Roka, others said that he is from

1 Angk Roka, Thriang Dong (phonetic) and other places.

2 Q. At Krang Ta Chan, were there prisoners who came from the  
3 surrounding communes, or were there also prisoners who came from  
4 more remote communes, located away from Krang Ta Chan?

5 [14.21.27]

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

10 Q. If I understand your response correctly, you are telling us  
11 that Krang Ta Chan was a security centre that was accountable to  
12 the district level. Is that correct?

13 A. It belonged to District 105. But the prisoners were from Ta  
14 Nee (phonetic), Tuk Meas (phonetic), Takeo province and Speu -  
15 Kampong Speu. And I heard from the soldiers that the prison was  
16 operated by the zone.

17 [14.22.45]

18 Q. Thank you. Just now, or earlier, you described some places or  
19 buildings within the Krang Ta Chan security centre. I would like  
20 to ask you if the buildings that you described, and the fences,  
21 and the areas where the prisoners were detained, and the  
22 interrogation areas, if any of those areas underwent renovation  
23 after April 17, 1975? Or if the areas remained as is, during the  
24 time that you were there?

25 A. There was no change to those buildings, but there was some

1 things built in addition to that. Before 1975 there were only two  
2 buildings, and later they built another two buildings.

3 [14.24.02]

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

8 A. They were built for the prisoners, because they built with  
9 barbed wire, as the security for detention. I think it was for  
10 the prisoners.

11 Q. Thank you. Mr. President, I would like to show the civil party  
12 a map. I would like to have this diagram shown on the screen. It  
13 was produced by the Office of the Co-Investigating Judges, based  
14 on a description given by the civil party when he travelled to  
15 Krang Ta Chan and identified the entrance, the security guard  
16 post, the execution centres - the execution sights. This is under  
17 D125/220.37. It is one single page. I will therefore not cite the  
18 ERNs. With your authorization, I would like to hand this document  
19 over to Mr. Civil Party, and to have a copy of the map projected  
20 on the screen.

21 [14.26.13]

22 I'll read to you what is written on top, and then describe the  
23 map.

24 "Diagram of Krang Ta Chan, based on the information provided by  
25 Mr. Say Sen. There is no longer any remnants of the building."

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1 Now, on this map, we see that there is a field that measures  
2 about 75 metres by 75 metres. Can you please specify if the map  
3 corresponds to the entire Krang Ta Chan site, or only a portion  
4 of the site?

5 A. This is the internal fence. The first fence, we called it. It  
6 is 70 metres by 90 metres. It used to be a large place, but after  
7 1979, a villager claimed for some part of land, and so this is  
8 only the inside compound. But the other places were the burial  
9 sites outside the current location, marked on this sketch.

10 [14.27.53]

11 Q. Very well. And on this map, there seems to be two entrances,  
12 one to the west and one to the east of the centre. At each of  
13 these entrances, there is a security guard post. Of those who  
14 were arrested, which entrance did they go through?

15 A. There is not specific for the entrance. When there were more  
16 prisoners from the west gate, but no one was always on duty on  
17 the west gate. But when prisoners were brought in, they would  
18 ring the bell and then the people inside came to receive them. It  
19 also happened the same at the east gate.

20 Q. Now, there are four security posts, based on this sketch.

21 There is a western and eastern gate, and two near the centre. Can  
22 you please tell us where the chief of Krang Ta Chan, Ta An, after  
23 17 April 1975, where in this map was Ta An's office located?

24 [14.29.43]

25 A. The year when he went there to replace the first chief. The

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1 first chief was Ta Chhen, and then Ta An came in - I forget the  
2 year - but he came after the liberation of Phnom Penh by DK. But  
3 when there are a lot of tasks to do, and then I saw Ta Pi  
4 (phonetic), Chhen and An. They need to do more work over there,  
5 especially after 1975. They came and spent time working there  
6 during the daytime, but other cadres would return to their place  
7 at night.

8 Q. Did Ta An have an office?

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

11 Q. Several times before the Co-Investigating Judges, you  
12 mentioned that there was a transcriber at Krang Ta Chan. Did that  
13 person have an office? Where within the compound of the camp did  
14 the transcriber work?

15 [14.31.28]

16 A. The typist was also a soldier, but he was more knowledgeable,  
17 and maybe a little bit more educated than others. Then the  
18 leader, Duch, had him type. That's the small Duch, Duch Thuch  
19 (phonetic) in Khmer. The place where he used the typewriter is  
20 not far from where I was detained.

21 Q. Did you have access to the place where the little group was  
22 typing documents in that centre? As a prisoner, did you have  
23 access to that particular location, since you were a prisoner who  
24 was allowed access to several places in the prison?

25 A. Yes, I could. I could go to where those people worked, because



1 I was also a cleaner there, to go and clean and wash his desk.

2 [14.32.57]

3 Q. Can you explain to us what you meant when you said that where  
4 you worked wasn't that very far from where you were? When you got  
5 into Krang Ta Chan camp, in which of the buildings were you  
6 residing, were you staying?

7 A. Initially, in 1974, there were only two buildings. I was  
8 detained in the west building for several months before I was  
9 moved to the east building. Later on, I was moved to another new  
10 building also at the east, and it was close to where he was.

11 Q. And was that last building to the east, where prisoners who  
12 had light sentences were held or was it for prisoners with heavy  
13 sentences?

14 A. I was detained to the south part, and there was another one on  
15 the north part. But we were allowed to work. Usually, when they  
16 removed the metal bar, then we would be released to go and work  
17 outside, and I would be the first one amongst the prisoners in  
18 that row.

19 [14.34.37]

20 Q. You described four detention buildings. Can you give us  
21 further details regarding the material used for building them,  
22 because you said there were differences in the way buildings for  
23 prisoners with light sentences were built, and the way prisoners  
24 - buildings for prisoners with heavy sentences were built?

25 A. No, the buildings were built in a similar fashion, and light

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1 offence prisoners had to work. And if there was a plan from the  
2 upper echelon to execute them, they will be executed, regardless  
3 whether they were light or serious offence prisoners, as in the  
4 case of Ta Moeun. After he returned from working, Ta Chhen called  
5 him. And then he told me that he would go first, and after that I  
6 would hear a sound: that is a sound of him being killed. So,  
7 regardless whether you are light or serious offence prisoners,  
8 you would be killed.

9 Q. Right. However, do you know how the Khmer Rouge, or the  
10 cadres, made the distinction between prisoners with light  
11 sentences and prisoners with serious sentences? What were the  
12 criteria they used to place the one or the other in one category  
13 or the other category?

14 [14.36.30]

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

16 Q. This morning you stated that, prior to the liberation - that  
17 is, the 17th of April 1975, prisoners were brought in in groups  
18 of two, three or five. After the liberation, a larger number of  
19 people were brought in, about 50 and more. Can you tell us  
20 whether, in the months following the 17th of April 1975, there  
21 was a significant increase in the number of prisoners held at  
22 Krang Ta Chan?

23 A. The number of prisoners increased after the country was  
24 liberated - that is, after they liberated Phnom Penh. Those  
25 former Lon Nol soldiers were regarded as prisoners of war, and

1 Phnom Penh people were considered 17 April People, and they were  
2 taken there. That was the time they accused those people of being  
3 implicated. As in my case, my father worked for the former  
4 regime, and I was implicated. And other people would be accused  
5 of being CIA spies. And the majority of the 17 April People,  
6 after the liberation, were asked about the rank they held in the  
7 previous regime. And that's why they detained those people.

8 [14.38.17]

9 Q. How did you know that they were former Lon Nol soldiers, or 17  
10 April People? Was that something you were able to discuss with  
11 the prisoners themselves? Or you came by such information by  
12 talking to the guards or the cadres at the camp?

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

16 Q. Who were the soldiers with whom you spoke the most? That is,  
17 who provided you with information? I mean people at Krang Ta  
18 Chan.

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

22 Q. Very well. A while ago, you said you moved from one detention  
23 facility to another. Did it happen that you were housed somewhere  
24 else, as opposed to being housed in the detention centre with  
25 other prisoners?

1 [14.40.15]

2 A. I was a prisoner and I was moved to the east building. The  
3 east building housed those prisoners who were allowed to work  
4 inside the compound, and among those prisoners, I was the first  
5 person in a row. And that's because I also knew how to make sour  
6 palm juice for him. I also helped him when he went to shoot at  
7 birds. Usually, they would use a dynamo to produce light, enough  
8 light, to go and shoot birds at night. And when they returned,  
9 they would ask me to make a sour palm juice for them to drink.

10 Q. Thank you. I see that the time is moving very fast. Perhaps  
11 this might be the time for a break, Mr. President?

12 MR. PRESIDENT:

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

19 [14.42.05]

20 MR. DE WILDE D'ESTMAEL:

21 Just one clarification, Mr. President. I haven't quite understood  
22 what you said. I believe that the civil parties and the  
23 Prosecution have one day to put questions to the civil party, and  
24 the defence also have one full day. I believe that, after the  
25 break, we would have only four hours. After the break, I have

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1 only one hour. That is why I would like to use up the whole of  
2 tomorrow morning.

3 (Judges deliberate)

4 [14.43.57]

5 MR. PRESIDENT:

6 Maybe I am mistaken myself. I think the civil party is going to  
7 give testimony for two days, so one full day will be for the  
8 Prosecution and the Lead Co-Lawyers for civil party.

9 Court officer, could you assist the civil party during the break,  
10 and also for the support staff from TPO and have them return to  
11 the courtroom at 3 p.m. The Court is now in recess.

12 [Court recesses from 1444H to 1503H]

13 MR. PRESIDENT:

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

15 Again the Chamber will give the floor to the Co-Prosecutors to  
16 put questions to this civil party. You may now proceed.

17 BY MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President. Mr. Civil Party, we left off during our  
19 examination of the map of Krang Ta Chan, a map that was devised  
20 by the Office of the Co-Investigating Judges based on information  
21 that you provided; there seems to be one area for prisoners and  
22 one for the security guards. The security guard's area was just  
23 next to the interrogation area.

24 [15.05.08]

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

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1 to assume certain tasks and, therefore, to move freely about in  
2 between the kitchen area and the adjoining areas?

3 MR. SAY SEN:

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

8 Q. I require a clarification with respect to the sleeping  
9 quarters, and I would like to show you an article that was  
10 published by DC-Cam, the Documentation Centre of Cambodia, a  
11 document entitled, "Searching for the Truth"; it is D22/1370.2.  
12 To prevent all misunderstandings, I would like to read a segment  
13 of this article that was presented to you, Mr. Say Sen.  
14 On ERN page English 00527800; in Khmer 00527797; it reads the  
15 following, and I shall be reading the segments in English: "After  
16 a long period of time, Sen managed to gain the trust of his  
17 guards and was permitted to sleep in the kitchen hall with  
18 another prisoner named Chin."

19 [15.07.29]

20 Mr. Civil Party, did you ever dwell in the kitchen area or in the  
21 dining hall alongside a person called Chin?

22 A. Yes, I did. That's because the prison building was full and  
23 then I was allowed to sleep there together with Ta Chin, at the  
24 kitchen. The guards were nearby and the chief of the prison was  
25 also nearby where I slept.

1 Q. I noticed that you called Chin, Ta Chin in numerous statements  
2 that you've made; who was this person? Who was he and why did you  
3 have to call him Ta Chin?

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

6 Q. Very well, I'll return to that topic later on. I want to refer  
7 you back to the Map D125/220.51 - or .37. There is an area  
8 located some 10 or so metres away from the security centre where  
9 the prisoners were, is that indeed what you showed or told the  
10 investigators from the Co-Investigating Judges Office?

11 [15.09.23]

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

14 Q. There is also a cassava plantation that is annotated, or that  
15 is depicted there. It's located somewhere between the  
16 interrogation house and the prison. From this area and from the  
17 prison areas, were you able to view the interrogation areas?

18 A. We only could see the roof, not the building itself due to the  
19 thickness of the plantation.

20 Q. During the five years that you were at Krang Ta Chan, were you  
21 able to observe what the interrogation area looked like? Can you  
22 please tell us or describe to us what the area looked like?

23 A. Yes, I can do that. At the front there was a low level  
24 veranda and the interrogator would sit on a piece of wood, and  
25 they also had a wooden chair there. As for guards and the cadres,

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1 they were sitting to the sides, and the chief was sitting at the  
2 front on that piece of wood. It was not a proper chair, but like  
3 a piece of wood. As for the equipment, they used a bamboo club,  
4 about that size, there were three or four of them, there were a  
5 few scarfs and plastic sheets to cover the face of the prisoners.

6 [15.11.53]

7 Q. Were you able to see all of that from outside the  
8 interrogation house or were you, from time to time, permitted to  
9 enter the interrogation area?

10 A. I did enter the interrogation room in order to sweep clean the  
11 floor, and I usually did that before they started working, around  
12 8 or 9 o'clock in the morning.

13 Q. Later on I will touch upon the subject of interrogations, but  
14 can you please tell us if there was sufficient room to  
15 interrogate two individuals or could only one person be  
16 interrogated at a time?

17 A. There was only one prisoner being interrogated at one point,  
18 at one time.

19 [15.13.05]

20 Q. And was the interrogation room built of strong and solid  
21 walls, and if not, what were the walls made of?

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

25 Q. Can you give us an approximation of the distance that



1 separated the guard's dining hall and the interrogation house or  
2 area?

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

5 [15.14.24]

6 Q. Thank you. Still referring to D125/220.37, we see one grave or  
7 one pit, and then to the southeast, or to the South of Krang Ta  
8 Chan, there is a coconut plantation. Can you please tell us if  
9 there are other areas where prisoners were executed and buried  
10 within the first perimeter or if other people were executed - or  
11 if some people were executed and whose bodies were thrown into  
12 graves, pits, beyond that perimeter.

13 A. Yes, there were even for the outer part - that is, along the  
14 fence and they would plant coconut trees above. Prisoners who  
15 died, every night, one or two of them would be carried and buried  
16 there. Probably the depth of the pits where the bodies was buried  
17 was only about 60 centimetres.

18 [15.15.58]

19 Q. I'm not sure I entirely understood what you said; are you  
20 saying that, in addition to these three areas where many dead  
21 bodies were buried, there were, beyond the perimeter - that is,  
22 between the second and third fence, there were other pits where  
23 bodies were buried?

24 A. Yes, there were, to the west of Wat (phonetic) Trapeang  
25 village.

1 Q. From that point in time, were bodies buried beyond the  
2 perimeter?

3 A. That happened in 1977, when massive killings took place.

4 Q. Can you please tell the Chamber why, as of 1977, it was  
5 necessary to bury the bodies of those who had died in mass  
6 executions beyond the perimeter?

7 [15.17.39]

8 A. Because there were too many burial places within the first  
9 perimeter already, so, they had to do it at the outer perimeter.  
10 This is a little bit further beyond the second perimeter.

11 Q. Very well, thank you. With leave of the Chamber, Mr.  
12 President, I would like to display a photo to Mr. Civil Party, it  
13 was a photo taken by the investigators when the civil party  
14 accompanied the investigators to the area in March 2009. It is  
15 D125/220.24; 00345388; and, with your authorisation, I would like  
16 to give the civil party a copy of this photo and have it  
17 projected on the screen.

18 MR. PRESIDENT:

19 Yes, you can proceed.

20 [15.19.12]

21 BY MR. DE WILDE D'ESTMAEL:

22 Thank you, President. I think the photo will appear in a few  
23 moments.

24 Q. Can you please describe to us what you see on this photo? Do  
25 you recognize any of the places?

1 MR. SAY SEN:

2 A. Yes, I recognize it. Initially it was a small pond which was  
3 handmade; however, in 1977 the water reservoir to the south was  
4 where they buried the bodies and that pond was initially dug by  
5 prisoners.

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

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

10 [15.20.42]

11 Q. Thank you. I want to talk now about the detention conditions  
12 at Krang Ta Chan and the various detention buildings: I'd like to  
13 read a segment from your written record of witness interview  
14 before the Co-Investigating Judges, E3/5214. ERN in French,  
15 00702900; and in English, 00225512; and in Khmer, 00223069. I'd  
16 like to read out loud what you said. These are your words: "The  
17 detention houses were built out of wood. The roof was made of  
18 leaves and there were some metal wire on the main floor and on  
19 the roof. There were planks of wood, and there was also an iron  
20 grid." Did - Could you confirm those statements? You already  
21 have, rather, confirmed those statements, and I would like to  
22 show you photos that were taken after 1979 at the memorial of  
23 Krang Ta Chan. The first photo I would like to show you, with  
24 permission from the President. There are two photos. The first is  
25 D313.1.2150 - D313/1.2.150; P00407123. And the second photo is

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1 D313/1.2.151, which is also referenced under P00407125. Mr.  
2 President, can I please hand these photos over to the civil party  
3 and have them displayed on the screens?

4 [15.23.40]

5 MR. PRESIDENT:

6 Yes, you can proceed.

7 BY MR. DE WILDE D'ESTMAEL:

8 Mr. Civil Party, do you recognize the places depicted in two of  
9 these photos? Do you recognize the houses?

10 MR. SAY SEN:

11 A. Yes, I do.

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

13 [15.24.35]

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

24 Q. Thank you. On the windows, there are metal shackles that are  
25 hanging; can you please look at that. The shackles that you see

1 in those photos, were they the shackles that were used at Krang  
2 Ta Chan? Are they similar? Are they identical to what was used at  
3 Krang Ta Chan to shackle the legs and feet of the prisoners?

4 A. Yes, that is true that they were the shackles that were used.  
5 [15.26.26]

6 Q. Can you please tell us if it was painful to be cuffed by those  
7 shackles?

8 A. As I stated this morning, and in fact, I don't want to see it  
9 again. If you look at my ankles, my - there is a scar remains  
10 there and it's been for many years already and it reminds me to  
11 tell my grandchildren what happened. That I suffered from such  
12 crime.

13 Q. I beg your pardon. I apologize for asking you these questions  
14 that unleash these old wounds. Were the wounds that were caused  
15 by wearing these shackles prone to infection?

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

20 [15.28.11]

21 Q. I want to talk about some of the sanitary conditions in the  
22 prison detention houses. You've already told us about how people  
23 relieved themselves and how people were fed. Did prisoners have  
24 water? Were they able to wash their hands before they ate and  
25 where could they relieve themselves?

1 A. After meals time I was ordered to carry a bucket - a handmade  
2 bucket of water and I carried that one bucket with a coconut  
3 shell and placed it along the row of where the prisoners were  
4 having their meal and whoever wanted the water, they would use  
5 the coconut shell to fetch the water from that bucket. So,  
6 whoever finished first would use the bucket that they used to  
7 have their meals to take the water to drink and to wash their  
8 face. They couldn't - they had to do it quickly, otherwise the  
9 guards would scold them.

10 [15.29.41]

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

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

20 Q. Was the smell in the house in which the prisoners were  
21 detained bearable?

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

1 they only urinated.

2 [15.31.24]

3 Q. You stated that you were a prisoner who was assigned tasks, so  
4 your detention conditions were relatively better than those of  
5 others. Were the prisoners treated by the guards at Krang Ta Chan  
6 with respect and dignity?

7 A. There was no 100 percent respect but when I was let out to  
8 tender buffaloes, cows and horse, but I could eat coconut fruit  
9 and also cassava root and I can bake or cook them for meals.  
10 There was pit for compost fertiliser and we set fire and I took  
11 one piece of cassava and cook for eating.

12 Q. Very well. You have just described to us what you have  
13 accessed to. You said that the other prisoners could stay put for  
14 months. Were the others treated like human beings by the guards  
15 at Krang Ta Chan?

16 A. At that time I was scared to watch. I had to respect them. You  
17 cannot make friends with them.

18 [15.33.40]

19 Q. When a prisoner died in a detention centre for instance at  
20 night. How long did it take the prison guards to remove the body  
21 from the camp?

22 A. Anyone who died at night, so they kept the bodies until the  
23 evening. So they waited until the other prisoner returned from  
24 work and then they removed the dead body and I was the one who  
25 was ordered to unshackle the dead body and remove. So, I was

1 ordered to remove the body at 4 or 4.30 in the evening.

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

7 A. After the prisoner returned and I was ordered to remove. So  
8 anyone who died at night, they would keep the dead body in  
9 shackles the day – the next morning and wait until the evening  
10 then they removed the dead body.

11 [15.35.44]

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

17 A. When I was sent to Krang Ta Chan. I was detained rather long,  
18 it was about more than 10 days or even one month and then I was  
19 interrogated. And after interrogation, I was let out to do  
20 labour. During interrogation, the question was that, "Are you  
21 connected to anyone at Angk Ta Saom or anywhere else?", I  
22 responded "No.", and then they concluded the interrogation and I  
23 was sent back to the detention cell and the next morning they let  
24 me out to clear the grass in the paddy field.

25 [15.37.24]



1 Q. Did anyone of the two interrogations have to do with your  
2 relations with your father?

3 A. Those questions were saying, "Were you connected with anyone  
4 in Angk Ta Saom or anywhere else in Takeo?" and I responded  
5 "No."

6 Q. Do you remember the name of the person called Angk Ta Saom  
7 regarding which that question was put to you?

8 A. No. His question was, "Did you connect to anyone inside  
9 there?" and the former Chief An, told other people that. And  
10 Chhen, who told the chief saying that, "Please spare his life  
11 because he knew nothing." And he is now maintain connection and  
12 relationship with me and Chhen is now living in Anlong Veang.

13 Q. Should I take it that the person called Chhen, who  
14 interrogated you, was the only person present or there were other  
15 persons present during those interrogations?

16 [15.39.26]

17 A. There was no one else, only Ta Chhen. And Ta Chhen and Cheng  
18 (phonetic) were there before An.

19 Q. You were alone with him in the room in which you were  
20 interrogated or there were other persons present in that room  
21 during that interrogation - during those interrogations?

22 A. There were three Khmer Rouge Cadres but only Chhen who  
23 interrogated me. One of them was the soldier and it was called an  
24 office for them. It was a temporary office and one of the soldier  
25 armed with rifle standing on guard.

1 [15.40.29]

2 Q. Thank you. Let us know talk about the period following the  
3 17th of April 1975, and the various roles you played in Krang Ta  
4 Chan centre. You have already referred to a number of them. I  
5 would like to read out to you an extract of your - record of your  
6 interview. And that record is E35214. In Khmer it is 00223063; in  
7 French 00702894; and in English 00225507 up to 08. And I will  
8 quote your statement.

9 [15.41.43]

10 "I knew because I was no longer considered as the other prisoners  
11 were. At times they asked that I should be monitored like the  
12 soldiers who were there but I did not have any weapons and I  
13 could not go very far. Sometimes I was ordered to count the  
14 number of prisoners. The prisoners were being massacred on a  
15 daily basis. The method of taking and killing them was different.  
16 First they used me to unlock the shackle bars from outside then  
17 Penh, the member instructed the prisoners, 'Now some of you are  
18 being released to return to the cooperative and you must respect  
19 the plans of Angkar in the cooperative and not to do anything to  
20 impede Angkar, impede the wheel of history'."

21 [15.42.45]

22 "We couldn't go into the prison because there were noxious smells  
23 from the urine in the prisoner and the excrement. Penh used a  
24 list to call out the names of the prisoners who were to be taken  
25 and killed to have them come out, four at a time. First, they

1 took them and placed them in the interrogation site, then they  
2 told the prisoners that they had to tie and blindfold them using  
3 the pretext that it was so they would have no grudge against  
4 Angkar. Then they took them to the killing site. When they killed  
5 the prisoners, they used me to chop firewood and had me turn on a  
6 tape player to play music through a loud speaker so the sounds of  
7 the prisoner's screams would not be overheard."

8 [15.43.36]

9 You have confirmed by and large what has been read out in this  
10 statement and I would like us to go through it one point at a  
11 time.

12 First of all you stated in that extract, that sometimes you had  
13 to watch the prisoners but you did not have any weapons. Can you  
14 tell us where and on what occasions you had to monitor the  
15 prisoners?

16 [15.44.12]

17 A. Yes, I can indicate that. When I was sent to the cell, so  
18 before I was ordered to shackle myself, I was ordered to count  
19 other prisoners. So, they would ask me, "How many prisoners are  
20 there in a row" I told 25. "And another row, how many?", 24, for  
21 example.

22 Q. Very well. Regarding keeping watch over the prisoners, did you  
23 have any particular role to play, for instance, did you accompany  
24 the prisoners to any of the places where you worked, and so on  
25 and so forth. What was your specific role as someone assigned to

1 watch over the prisoners?

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

7 [15.45.45]

8 Q. Regarding the sites where those prisoners went to work, were  
9 they first, second or third perimeters at that camp?

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

12 Q. Thank you. A while ago you stated that you counted the  
13 prisoners within the detention building where you were sleeping,  
14 is that correct?

15 A. Yes, I did the counting in the detention cell. It happened in  
16 the evening when they sent prisoners back to be unlocked in  
17 shackles. I did the counting and I reported to him and later they  
18 would come and count for themselves every 30 minutes or one hour  
19 at night.

20 Q. How many prisoners were there in the building in which you  
21 were detained in all - that is, putting the two rows together?

22 [15.47.43]

23 A. The number of prisoners varied from time to time. Sometime we  
24 have 20 today and some were removed and others were sent in,  
25 sometimes 30 prisoner at a time.

1 Q. You mentioned on several occasions that after the events of  
2 17th April 1975, there was an influx of prisoners. At that time,  
3 were the four detention buildings sufficient to house all the  
4 prisoners who were brought to Krang Ta Chan.

5 A. Yes. There were prisoners who were already detained. Those  
6 prisoners who were Base People were detained for longer than the  
7 17 April People. For anyone who was famous, for example, the  
8 movie actress and actor including Kim Nova, Nop Nem, the  
9 personnel told me their names and then they took the husband for  
10 execution and the staff touch her cheek and touch her body and  
11 their children asked, "How long Dad will stay there?" and the  
12 mother told the children that he will come back and later they  
13 sent Kim Nova and her children, they were killed around 4 p.m. in  
14 the afternoon.

15 [15.50.05]

16 Q. I haven't quite understood what you said. I said, you talked  
17 about two episodes, when the prisoners were brought in, were they  
18 kept in the building of the prisoners or they were executed  
19 without even having to sleep in those two buildings?

20 A. When Nop Nem was sent there, I don't know him. The Chief of  
21 the Krang Ta Chan told me and they said they will send Nop Nem to  
22 see Angkar and he was taken for execution and his wife was  
23 sitting before - in front of Ta An's office and he touched her  
24 body and then after they were all executed, he told me that was  
25 the family of Nop Nem who was a famous movie star in the old

1 region, that's why I know.

2 Q. Thank you for this detail. My question was aimed at finding  
3 out from you whether those people, the group in which they were  
4 entered Krang Ta Chan, and were executed almost immediately or  
5 they spent a few days in the building housing the prisoners  
6 before they were executed?

7 [15.51.53]

8 A. There were two categories of prisoners. They would keep the  
9 Base People prisoners for longer. For others, for 17 April People  
10 for those were former soldiers, who were captain or lieutenant,  
11 they would detain them no longer than one week and for the 17  
12 April prisoners, they kept some of them a bit longer but later  
13 they were also executed.

14 Q. Regarding the 17 April People, did it happen that some of  
15 those people could not sleep in the prison because they were too  
16 many people at the detention centre or in the prison?

17 A. No, it was not like that. For the 17 April People, for example  
18 for the high ranking official, they were brought and kept outside  
19 at the house and other staff would serve them coconut for them. I  
20 heard that from Ta Choeun and Chhen. And one of the victims was  
21 the commander during the old regime, so I heard from Ta Chhen.  
22 They were kept outside and they were marched in line to the  
23 killing site, they were not brought into the detention building.

24 [15.54.03]

25 Q. Very well, thank you very much. In the few minutes left, I

1 would like us to talk of the procedure whereby prisoners were  
2 brought in and executed. You had to open the external gate of the  
3 camp and when the prisoners were being taken out for execution,  
4 they were told they were going back to the cooperatives or to  
5 their homes. How did those prisoners react to the statement that  
6 they were being taken to their homes or to the cooperatives?

7 A. Some of them feel very sad but some others was clapping and  
8 enjoying after that statement and for those who had an idea of  
9 what was going to happen for them they were feeling sad. I  
10 observed.

11 Q. In the extracts I read it is said, that they were then taken  
12 to the interrogation venue. Tell us, who took the prisoners to  
13 the interrogation venue? Who bound their eyes? Do you know any  
14 specific cadres who would did that?

15 A. They would bring one prisoner for interrogation at a time.  
16 Cheng (phonetic) was the one who took the prisoner and he would  
17 unshackle and walk the prisoner to the interrogation house and  
18 then brought back. So, in each interrogation they would spend one  
19 hour so anyone who gave good answer could return. He told me to  
20 go to the southern area and Ta Chen and me were ordered to drag  
21 the body into - and thrown into the pit.

22 [15.57.06]

23 Q. Thank you. I believe there's some confusion. There's a mix up  
24 somewhere, Mr. Civil Party. In the extract I read out their  
25 always talking of the execution procedure and there are various

1 stages to take them to the place of interrogation. They had to  
2 bind their hands and blindfold them. I'm not talking of the  
3 interrogation procedure; I'm talking of the stages leading to the  
4 point where they were taken to the interrogation site. Let us  
5 talk about children. Were they bound and blindfolded as well  
6 before they were executed?

7 A. For children, I witness only in one incident when I was in  
8 sugar palm. So I don't know the procedure in which they killed  
9 other children. I saw - I witnessed only the execution of the  
10 adult prisoner.

11 [15.58.18]

12 Q. Regarding adults, can you please give us the names of  
13 different soldiers or guards who escorted the prisoners to the  
14 execution site? You mentioned two cadres a while ago, can you  
15 tell us whether it was all the guards who took part in the  
16 executions or only some of them?

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

20 Q. You also stated that you had to play music and cut wood during  
21 the execution. Where were the instruments used for playing music  
22 located?

23 A. Yes, there was a tree at the gate and the kitchen was five  
24 meter away from that. There was the loud speaker installed there  
25 and I was ordered to chop the firewood. I was chopping when I saw



1 they took the prisoner away and we played music on the loud  
2 speaker and we increased the volume at their order.

3 [15.00.21]

4 Q. Were the loud speakers directed towards the camp where the  
5 prisoners were held or directed towards the execution site where  
6 the prisoners were being executed?

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

9 Q. Thank you. If I understood what you said properly, you had to  
10 play music or chop wood, whenever there were executions and you  
11 also had to dig pits. When did you do that - how long before the  
12 execution did you have to do that?

13 A. For example, the killing will be in this evening, they order  
14 me, Ta Chen and Ta Norn and one of the soldiers were there to  
15 watch us and they would order us to follow his instruction  
16 especially the size of the pit and then we did that and when we  
17 complete. So we were digging at the order and the supervision by  
18 the soldier.

19 [16.02.13]

20 Q. If there were executions in the evenings, does it mean that  
21 you very often had to leave your detention building in order to  
22 chop wood or to throw earth on people who had been executed or  
23 you had to do that the following day in the morning?

24 A. After the execution, they used the soil to cover the dead  
25 bodies, except the pits which were used were very deep. For

1 example, it is too deep for 30 corpses, so a day or two after  
2 there was a smell – strong smell or stink, it was very bad and  
3 the chief called me, "San, please go to the south" and I  
4 understand that he ordered me to cover – to use the soil to cover  
5 the dead bodies. Later they used the same pits for burying the  
6 corpses.

7 [16.03.45]

8 MR. PRESIDENT:

9 Thank you Co-Prosecutor, the Trial Chamber wishes to adjourn for  
10 today.

11 Mr. Say Sen, thank you for your time today. Your testimony has  
12 not come to a conclusion. You are invited to give testimony on  
13 the 5th of February 2015, from 9 a.m. Now you are excused and can  
14 return to your residence.

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

18 The Chamber also thanks for the staff from TPO and you are also  
19 excused and you are also invited to return tomorrow for the  
20 hearing.

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

24 The Court is adjourned.

25 [Court adjourned at 1604H]