



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

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
 ថ្ងៃ ខែ ឆ្នាំ (Date): 12-Feb-2015, 08:00  
 CMS/CFO: Sann Rada

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**  
 Kingdom of Cambodia  
 Nation Religion King  
 Royaume du Cambodge  
 Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**  
 Trial Chamber  
 Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

5 February 2015

Trial Day 238 -

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

The Accused: NUON Chea  
 KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:  
 SE Kolvuthy  
 Matthew McCARTHY

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

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

For Court Management Section:  
 UCH Arun  
 SOUR Sotheavy

INDEX

MR. SAY SEN (2-TCCP-271)

Questioning by Mr. De Wilde D’Estmael resumes.....page 6

Questioning by Judge Fenz .....page 32

Questioning by Judge Lavergne .....page 37

Questioning by Mr. Koppe.....page 68

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. DE WILDE D'ESTMAEL	French
JUDGE FENZ	English
MS. GUIRAUD	French
MS. JACQUIN	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SAY SEN (2-TCCP-271)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, we will continue to hear the testimony of this civil

6 party, Say Sen.

7 And Ms. Se Kovulthy, could you report the attendance of the

8 parties and individuals to today's proceedings.

9 [09.04.30]

10 THE GREFFIER:

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

12 are present, except Arthur Vercken, defence counsel for Khieu

13 Samphan, is absent due to his health.

14 Mahesh Rai is a new civil party lawyer recognised by the Bar

15 Association of Cambodia but not yet recognised by the Trial

16 Chamber.

17 And Mr. Nuon Chea is present in the holding cell downstairs as he

18 waives his right to be present in the main courtroom. The waiver

19 has been delivered to the greffier.

20 And the civil party, Mr. Say Sen, is ready in the courtroom and

21 we don't have a reserve witness for today's proceedings.

22 [09.05.30]

23 MR. PRESIDENT:

24 Thank you, Ms. Se Kovulthy. The Chamber now decides on the

25 request by Nuon Chea.

2

1 The Chamber has received a waiver by the Accused, Nuon Chea,  
2 dated 5th February 2015, who states that due to his health;  
3 namely, backache and headache, and that he cannot concentrate for  
4 long, to be present in the main courtroom and for effective  
5 future participation, he requests to waive his direct presence  
6 for today's proceedings. And his counsel also advised him about  
7 this waiver, which does not mean he waives his rights to a fair  
8 trial or his objection to any of the evidence presented before  
9 this Court.

10 The Chamber also has seen the medical report by the duty doctor  
11 at the ECCC, who has examined Nuon Chea's health. The report is  
12 dated 5th February 2015, and it is noted that Nuon Chea has  
13 backache and dizziness while sitting, and recommends that the  
14 Chamber shall allow him to follow the proceedings from a holding  
15 cell downstairs.

16 [09.07.07]

17 As aforementioned, and pursuant to Rule 81.5, the Chamber grants  
18 Nuon Chea's request to follow the proceedings remotely from a  
19 holding cell downstairs through a remote means.

20 And as he waives his right to be present in the courtroom -- and  
21 the AV Unit, you're instructed to link the proceedings to the  
22 holding cell downstairs so that Nuon Chea can follow the  
23 proceedings remotely. And that applies for today's proceedings.  
24 And the Chamber will now request Mr. Pich Ang to request for the  
25 recognition of a new civil party lawyer, who has not yet been

3

1 recognised by the Chamber.

2 [09.08.12]

3 MR. PICH ANG:

4 Good morning, Mr. President. Good morning, Your Honours, and  
5 everyone in and around the courtroom.

6 I will be absent from the proceedings from tomorrow until before  
7 the New Year – the Khmer New Year in April, and Mr. Ven Pov will  
8 take my place.

9 As for the new foreign lawyer who is behind me -- that is, Mahesh  
10 Rai, he is a Singaporean lawyer and who has been recognised --  
11 and recognised by the Bar Association of Singapore in February  
12 2011, and who also has been recognised by the Bar Association of  
13 Cambodia on the 2nd August 2013, and also took an oath at the  
14 Court of Appeal of Cambodia on the 14th November 2013. He works  
15 together with his national counterpart -- that is, Sam Sokong,  
16 and I would like to request your recognition of the new lawyer.  
17 Thank you.

18 [09.09.56]

19 MR. PRESIDENT:

20 Thank you, counsel.

21 Mr. Mahesh Rai, you are hereby recognised by the Trial Chamber as  
22 an international lawyer for civil parties for the purpose of  
23 proceedings before this Court in this case, and through such  
24 recognition, you have the same rights and privileges as other  
25 civil party lawyers. You may be seated.

4

1 The Chamber would like now to hand the floor again to the  
2 Prosecution to continue putting questions to this civil party.  
3 Please wait, and counsel Kong Sam Onn, you have the floor.

4 [09.10.50]

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. Good morning, Your Honours, and  
7 everyone. I have a small request to be made to Your Honour. It is  
8 in regards to the opposition by the Prosecution -- that is,  
9 document E327/4. It states that the Co-Prosecutors' copies the  
10 document to Touch Voleak and Calvin Saunders as the counsels for  
11 the Accused.

12 I understand that the decision by the Trial Chamber -- that is,  
13 E321/2 on the court-appointed lawyers for Khieu Samphan -- and it  
14 is my understanding that the instruction by the Trial Chamber is  
15 that the two counsels are not involved in the proceedings before  
16 this Court until such time there is an order from the Trial  
17 Chamber to do so. And therefore, in the document by the  
18 Co-Prosecutors, who stated that these two lawyers are the defence  
19 lawyers, the implication is that they are involved in the defence  
20 and the proceedings before this Court and that leads to a  
21 misunderstanding.

22 [09.12.35]

23 For that reason, I'd like to request the Trial Chamber to issue  
24 an instruction not -- for the Prosecution not to do this again,  
25 or maybe the Trial Chamber can seek an explanation from the

5

1 Co-Prosecutors as why they considered these two counsels as  
2 defence counsels for my client.

3 MR. PRESIDENT:

4 And the International Co-Prosecutor, you may proceed.

5 MR. DE WILDE D'ESTMAEL:

6 Good morning, Mr. President, Your Honours. Good morning to all  
7 the parties.

8 In response to what counsel for Khieu Samphan has just said, it  
9 is true that it would perhaps have been better for us to write  
10 standby lawyers on the cover page of the motion which we placed  
11 on record. But in any case, it has always been stated by the  
12 Chamber -- by your Chamber that even though these lawyers are not  
13 yet exercising their duties as counsel for Khieu Samphan, they  
14 are authorised to take stock of all the documents and that is why  
15 their names are mentioned on that document. That is just what I  
16 wanted to point out, Mr. President.

17 (Judges deliberate)

18 [09.15.00]

19 MR. PRESIDENT:

20 This is a minor issue and please be mindful and don't repeat that  
21 issue again. In the future submissions, please make it clearly as  
22 to who are the defence counsels and who are the standby counsels.  
23 I think we can deal with that.

24 And now the Chamber would like to cede the floor again to the  
25 Co-Prosecutors to putting questions to this civil party. You may



6

1 proceed.

2 [09.15.57]

3 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

4 Thank you, Mr. President.

5 Q. Mr. Say Sen, I will examine you up to about 11 a.m. this  
6 morning and I would like to revisit a point that you raised  
7 yesterday. We discussed your interrogations in 1974 after you  
8 arrived at the Krang Ta Chan Security Centre. You stated that you  
9 were interrogated regarding your relations with a person called  
10 Angk Ta Saom. I would like to read out to you an extract of your  
11 -- the record of your hearing, E3/5214. The ERNs are as follows:  
12 in Khmer, 00223058; in French, 00702889; in English, 00225503.

13 And this is what you stated -- and I quote:

14 "There were three interrogators and then there was a soldier who  
15 was there to monitor the interrogation. During the interrogation,  
16 I was asked 'Did you have contact with Prum San?' I replied that  
17 I don't know him. Then they said 'tell the truth'. I still  
18 replied 'I still do not know him'. Then the interrogators had the  
19 soldier, who was the guard, take me back and shackle me."

20 So you mentioned the name of that person. Who was that person  
21 called Prum San, in regard to whom you were interrogated?

22 [09.18.02]

23 MR. SAY SEN:

24 A. I was asked whether I knew Prum San and I said 'No, I did  
25 not'. Prum San was accused of a traitor but I did not know him.

1 Q. Were you able to learn from the guards at the prison whether  
2 Prum San fought during the five-year war on the side of the Khmer  
3 Rouge or on the side of Lon Nol?

4 A. I didn't know which side he was in. I only knew that during  
5 the time, Prum San was accused of being a traitor.

6 Q. On the following page of the same document I have just quoted  
7 in all the languages, providing the ERN, this is what you stated:

8 "At the time of my detention, I know that the other prisoners  
9 were only interrogated with regard to the history of Prum San."

10 End of quote.

11 Did you have an opportunity to discuss with the other prisoners  
12 to find out what they were interrogated about during their  
13 interrogation?

14 A. No, I did not know because we were shackled together; at night  
15 time, we were just whispering to one another. For example, one  
16 prisoner said he was accused of being connected with a former  
17 regime because his sibling or relative have a rank of a major or  
18 a captain.

19 [09.20.07]

20 Q. Thank you.

21 For the record, I would like to state that the name "Prum San"  
22 was found in Tram Kak archives and that person was mentioned on  
23 several occasions in certain reports on the Krang Ta Chan camp. I  
24 give the references of the three documents amongst others. This  
25 is E3/4095. The Khmer page, ERN is 00271090 up to 91; in French

1 it is 00721206; and in English, 00747237. The name "Prum San"  
2 also appears in a report of statements by prisoners Sum Sieng and  
3 Sum Seng. The report is E3/4101, and the Khmer ERN is 00271039;  
4 in French, 00854221; and in English, 00322129.

5 And lastly, the third example among the other documents is  
6 document D157.7 and the Khmer page ERN -- there are many pages --  
7 00270883 to 84, and also on page 00270886, and on page 00270891.  
8 In French it is on page 00872822, 00872824 and 00872829. And  
9 lastly, in English, 00866446 up to 47, 00866450, and 00866456.

10 [09.23.18]

11 Mr. Say Sen, I would like us to talk about some prisoners of a  
12 long duration at Krang Ta Chan. You mentioned Ta Chen yesterday  
13 and Ta Norn and you said that they carried out certain activities  
14 with you, bringing prisoners who were tortured for interrogation  
15 or digging pits for the executed persons. I will quote an extract  
16 once more of your transcript - record: E3/5214, the Khmer page,  
17 003064; in French, 00702895; and in English, 00225508. And this  
18 is what you stated regarding those who dug pits -- and I quote:  
19 "Apart from myself, there was Ta Norn and Ta Chen. Ta Norn died  
20 after having been beaten at Krang Ta Chan office. His crime was  
21 being a Hanoi person. Later on, Ta Norn was a prisoner who had  
22 received a lighter sentence and was ordered to work in the prison  
23 like myself. He was assigned to work in the prison -- in the  
24 kitchen to prepare food for the prisoners. While in the kitchen,  
25 he spoke to me. He said 'I'll probably die before you'. During

9

1 that conversation, suddenly Chen, a soldier at Krang Ta Chan,  
2 came to call him. Since he had disappeared for a long time, I  
3 walked to look at the site where they kill the prisoners and I  
4 saw his body. He had been killed and placed under a (inaudible)  
5 tree about 70 metres from the prison." End of quote.

6 Regarding this extract from the record of your interview, why did  
7 you say that Hanoi (sic) was considered guilty because he was  
8 someone from Hanoi?

9 [09.25.38]

10 A. Because he came from Hanoi and he married a woman in Samraong  
11 commune who was a pure Khmer, and later on he was sent to be  
12 detained at Krang Ta Chan, and I learnt that information from  
13 him.

14 Q. Apart from Ta Chen and Ta Norn, were there any other  
15 prisoners, like yourself, who enjoyed a particular status? That  
16 is to say that they were able to move about within the premises  
17 of Krang Ta Chan.

18 A. No. And as I stated yesterday, there were only four or five of  
19 us who were allowed to work within the prison compound and there  
20 was no other person who was allowed to do so.

21 [09.26.48]

22 Q. Can you give us the names of the persons who were authorised  
23 to move about within the compound of the prison like yourself?

24 A. Yes, I can do that. A group of generals, siblings or  
25 relatives, Yeay Nha, Ta Chhen, Kat (phonetic) and Norn, and Hun

10

1 (phonetic), a female, and that's all.

2 Q. Thank you. I heard some names in French, very quickly. You  
3 said in you civil party application, reference number D22/1370 --  
4 just trying to clarify what I heard. It was not translated in  
5 English in entirety; in French it is 01057607, and - that's the  
6 French, 01057607, you said: "And ordered Kha, one of the sons of  
7 the old Nhor, N-h-o-r, and myself to dig pits to bury executed  
8 persons. Every day the Khmer Rouge killed at least one or three  
9 people after having tortured and interrogated them. Sometimes  
10 they executed between 50 and 100 prisoners a day."

11 Now you mentioned two names. Please, clarify who was the old  
12 Nhor, N-h-o-r, you referred to in this extract.

13 [09.28.52]

14 A. Yeay Nha or Grandmother Nha was a cook in the dining hall in  
15 the prison compound.

16 Q. Do you know the full name of that person and that person's  
17 current name?

18 A. No, I only know her first name. I never knew her family name.

19 Q. What do you know of the person called Kha, K-h-a? You said he  
20 was one of the sons of the old Nha, who also had to dig pits for  
21 burying executed persons. Do you know the full name of that  
22 person?

23 A. No. I only know the first name, Kha, who was younger than me.  
24 Kha was the son of Yeay Nha. One day Ta Chhen got sick and I  
25 asked him to lend me his hand and then we dragged a prisoner

11

1 together but he was smaller and younger than me.

2 [09.30.23]

3 Q. Very well. I would like to show the civil party a document and  
4 it is document E3/4145. I would also like to have that document  
5 placed on the screen, Mr. President, by your leave, and then  
6 we'll show the document to the witness.

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 BY MR. DE WILDE D'ESTMAEL:

10 Q. Regarding this document, we'll first look at the first page.  
11 The ERN in Khmer is 00068730; in French, it is 00761093; and in  
12 English, 00762837. It is a table titled "List of prisoners  
13 detained for months or years subject to the decision of the  
14 Party".

15 Please tell me, do you know the names of the long duration  
16 prisoners at Krang Ta Chan? First of all, look at the first name  
17 on the list -- that is, Iet Chen, aged 51, from Nhaeng Nhang  
18 commune, and it is said that he was arrested in error -- at least  
19 that is what we gather from the French translation.

20 [09.32.20]

21 MR. SAY SEN:

22 A. Yes, I do. I didn't know what offence he was alleged to be --  
23 to commit. He came in a group of six and the rest died, except Ta  
24 Chhen. As for the letters -- in the document before me, I cannot  
25 read because I am illiterate. I studied very little and I cannot

1 do the reading at all.

2 Q. I understand; I will continue reading the list. And underneath  
3 the name Iet Chen, was the person identified the same that was  
4 identified by Ta Chin?

5 A. It was the same person and it was said that Om Chin and Minh  
6 Nha should be married together.

7 [09.33.45]

8 Q. The second name that appears on the list is a person called  
9 Hun Seng, 46 years of age, coming from the village of Srae Khvav,  
10 commune of Cheang Tong, district of Tram Kak. And in another  
11 column there is mention of Meas Sarat, 26 years of age, from the  
12 same commune, and also from Srae Khvav. The notes read as  
13 follows:

14 "These two women were the spouses of Kun and Boeun. We smashed  
15 their husbands because of their involvement in inciting to depose  
16 a village chief."

17 Do you recognise the names of these two individuals, that is to  
18 say Hun Seng and Meas Sarat?

19 A. Yes, I knew them. Hun Seng was the husband of Grandmother Nha,  
20 and Boeun was the in-law of Grandmother Nha, so I knew this  
21 family -- Meas Sarat, I knew Meas Sarat also. Meas Sarat was the  
22 daughter of Grandmother Nha.

23 [09.35.18]

24 Q. Just now you said that Iet Chin and Yeay Nha -- two people  
25 that are on this list -- were slated to be married. Who was to

1 perform their marriage?

2 A. It was a joke at that time. They said -- it was said that Om  
3 Chin and Minh Nha should be married together here so the family  
4 should stay here all together. This was a joke that was said at  
5 that time.

6 Q. Very well. I'd like to refer to another page of the same  
7 document, just a bit further on, at Khmer, reference 0068736; in  
8 French, 00761100; and in English, 00762844. This is a table  
9 entitled: "Names of prisoners from M-105 detained for years  
10 pending the Party's decision." I'll ask you the same question.  
11 There's a first name on the list. That name is Yuk Sen. I would  
12 ask the assistance of the Khmer interpreters who have the  
13 document and signal that it is spelt Y-u-k S-e-n. The village is  
14 identified as Trapeang Lean, commune of Kus, district of Tram  
15 Kak, profession is farmer. And within the column of annotations,  
16 it is written, "In 1974 he was a youth who was sent to the front  
17 battlefield, but he escaped home."

18 Can you please identify that person, Yuk Sen (phonetic)?

19 [09.37.40]

20 A. Yes, I knew. Khuth Sen, I knew this person. I was asked to  
21 stay in militia unit and I did not stay there, I escaped home. I  
22 escaped home long ago and after that I traded wood and I traded  
23 wood with the Chinese. So I went to collect the wood and traded  
24 with Chinese. At that time, I used the name Khuth Sen. This name  
25 was named by grandmothers.



14

1 MR. PRESIDENT:

2 You may now proceed, Lead Co-Lawyer.

3 MR. PICH ANG:

4 Mr. President, in document F3/4145, the name was not written as  
5 Yuk Sen. It was written as Khuth Sen instead, and I heard the  
6 interpretation was Yuk Sen, but actually this name was written as  
7 Khuth Sen.

8 [09.39.08]

9 MR. DE WILDE D'ESTMAEL:

10 I believe, therefore, that there seems to be a translation error  
11 in this document.

12 I'd like to quote two other names. Those names are Hun Nha and  
13 Meas Rat. Those names appear on this list.

14 MR. PRESIDENT:

15 You may now proceed, Mr. Koppe.

16 MR. KOPPE:

17 Excuse me, Mr. President; I was just not able to follow so  
18 quickly what my learned friend from the civil parties said about  
19 the names. Would he be so kind to repeat what he just said so  
20 that I can follow?

21 [09.39.50]

22 MR. PICH ANG:

23 In fact the document referred to by the Co-Prosecutor, I could  
24 observe that the Co-Prosecutor referred the name as Yuk Sen. But,  
25 actually, in Khmer document, it was written as Khuth Sen. So the

15

1 name is Khuth Sen. The alphabet in Khmer is quite similar in  
2 writing, so when it came to interpretation I heard it was  
3 referred to as Yuk Sen, but actually the name is Khuth Sen. Thank  
4 you.

5 MR. PRESIDENT:

6 You may now resume your questioning, Mr. Co-Prosecutor.

7 MR. DE WILDE D'ESTMAEL:

8 Thank you.

9 Q. So, on the second list that we are focused on --

10 MR. PRESIDENT:

11 Mr. Say Sen, when you answer the question you should speak  
12 slowly, because what you are saying will be interpreted into the  
13 official languages of the Court, to make a proper record in the  
14 interpretation, please speak slowly. Do you understand, Mr. Say  
15 Sen?

16 MR. SAY SEN:

17 Yes, I understand, Mr. President.

18 [09.41.55]

19 MR. PRESIDENT:

20 You may now resume your questioning, Mr. Co-Prosecutor.

21 BY MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President.

23 Q. So, we were dealing just now with the second list of prisoners  
24 from M-105, you recognised your own name and you also recognised  
25 Hun Nha and Meas Rat. Can you please tell us if Hun Nha and Meas

16

1 Rat are indeed the same names that appear on the first document  
2 and the same people that you had identified as Meas Sarat and old  
3 Nha?

4 MR. SAY SEN:

5 A. It was the same person, the mother and the daughter.

6 [09.42.51]

7 Q. One final question on this document: Names of prisoners from  
8 M-105.

9 At the time, had you heard about M-105 and what did it mean?

10 A. I did not know. I heard only Sector 105 instead. I heard only  
11 District 105 instead of M-105.

12 Q. Very well. Yesterday on the subject of Lon Nol People or April  
13 17 People, they were considered prisoners, or captives of the  
14 war. Can you please tell us who referred to them as prisoners of  
15 war or captives of war at Krang Ta Chan?

16 A. The soldiers and the chiefs of the prison, they used the term  
17 "prisoners of war" at that place.

18 Q. Can you please specify once again what "17 April" meant? What  
19 did the expression mean? Was it strictly referring to 17 April  
20 People or officials or officers of the Lon Nol regime?

21 A. Shortly speaking, all prisoners were referred to as prisoners  
22 of war.

23 [09.44.48]

24 Q. Thank you. In your testimony before this Chamber, we heard the  
25 statement of Meas Sokha. She appeared on the 21st or 22nd

1 January, and was transported to Krang Ta Chan with some 100  
2 people, with Yeay Nha and another person. I'd like to quote from  
3 E1/219.1, from the hearing of 21st January, at approximately 12  
4 o'clock. Meas Sokha says the following:

5 "There were about 130 people. The 130 people were taken to the  
6 security centre."

7 And further on, it reads: "These people were not interrogated."

8 The next day, before this Chamber, Meas Sokha said in E1/E215.1,  
9 at approximately 10.51 in the morning: "On that day more than 100  
10 prisoners were killed; however, I do not know the exact figure".

11 End of quote.

12 At 10.56 he said: "I learned that the prisoners were executed and  
13 I had to bury the bodies."

14 Do you also recall a group of some 100 to 120 prisoners who were  
15 not interrogated but who were executed at Krang Ta Chan?

16 [09.46.43]

17 A. I knew about that. I did not count the numbers of prisoners.

18 It was presumed that there were around 100 prisoners. They came  
19 in 1977.

20 Q. Was that the only occasion when some 100 or 130 people  
21 arrived, or were there other occasions?

22 A. They came on different occasions. They came from Srae Ronoung  
23 and Nhaeng Nhang commune, it is true about that.

24 Q. I want to return to what you raised yesterday when you said  
25 that in 1977 there were also many arrivals and executions at

18

1 Krang Ta Chan when Vietnam attacked Cambodia. When the Vietnamese  
2 attacked, was there an influx of Khmer Krom or of Vietnamese at  
3 Krang Ta Chan?

4 A. At that time I did not know about where the people came from  
5 or what ethnicities were in that prison. Most of the prisoners I  
6 could see, they were Cham people. They did not eat pork -- that  
7 is why I knew that some of them were Cham.

8 Q. I was referring to the Khmer Krom, Khmers from Kampuchea Krom.  
9 Were you able to identify certain prisoners as people of -- Khmer  
10 speaking people from Vietnam?

11 A. I never observed those people so I did not know.

12 [09.49.36]

13 Q. I'd like to quote a segment from one of your records of  
14 interviews before the investigators of the Investigating Judges.  
15 Perhaps this can assist in refreshing your memory. I'd like to  
16 refer to E319.1.24. I will not give the ERNs, the responses are  
17 numbered. I'm referring to response 82 to response 91. I'd like  
18 to read to you what you said -- and I quote.

19 Response number 82: "The Khmer from Kampuchea Krom arrived in  
20 1975."

21 Response number 83: "They arrived over the course of time up  
22 until 1978. The Khmer from Kampuchea Krom were not in prison for  
23 very long. In one or two days, they were executed. Sometimes they  
24 came in groups of three or five."

25 [09.50.51]

1 Question: "In what years were the highest numbers of Khmer Krom  
2 in the prison of Krang Ta Chan?"

3 Response number 84: "That was in 1977 when the Vietnamese  
4 attacked. It was also when the Khmer Krom arrived as an influx in  
5 Krang Ta Chan. At the time, the Khmer Krom were called  
6 Vietnamese. The Khmer Rouge treated them as Vietnamese. In 1977,  
7 the Vietnamese wanted to attack Cambodia but the Khmer Rouge  
8 counterattacked."

9 Question: "After 1975, did the prisoners or guards talk about the  
10 Khmer from Kampuchea Krom?"

11 Response number 87 -- or 86, rather: "Yes, they did talk about  
12 them; however, they labelled them as Vietnamese because they  
13 lived in Vietnam and spoke Vietnamese."

14 Question: "Did they talk about a policy of extermination of the  
15 Khmer from Kampuchea Krom?"

16 Response number 87: "No. However, as soon as the Khmer Krom  
17 arrived they were executed."

18 Response number 89: "The Khmer Rouge said that the Vietnamese  
19 spoke Khmer with an accent." Or response number 90: "They did not  
20 speak Khmer very well. They were only imprisoned for one or two  
21 nights, that's it."

22 And lastly, your final response, 91: "I saw one or two executions  
23 of the Khmer Krom, but you know they executed Khmer Krom each and  
24 every day." End of quote.

25 Do you recall having said that to the Co-Investigating Judges?

20

1 [09.52.44]

2 MR. PRESIDENT:

3 Please hold on, Mr. Witness.

4 Victor Koppe, you may now proceed.

5 MR. KOPPE:

6 Thank you, Mr. President. This is not actually an objection, but  
7 a request for clarification. I appreciate the translation given  
8 by the interpreter, but if we were reading all along we could see  
9 use of a different word. I'm not quite sure if this has been  
10 ruled upon. But in the translation of his statement, I see a  
11 different word used for Vietnamese. So what is exactly -- are we  
12 quoting his statement literally or are we allowing this word to  
13 be avoided?

14 [09.53.45]

15 MR. DE WILDE D'ESTMAEL:

16 Mr. President, with this particular document, it is obvious that  
17 the interpreters have to work with it on a simultaneous basis;  
18 therefore, there may be some slight discrepancies between what is  
19 written and what is spoken. I read aloud what was written in  
20 French, which was a translation of what the civil party said.  
21 There's nothing more to be said about that.

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. Mr. Civil Party, is that indeed what you said to the  
24 investigators of the Co-Investigating Judges?

25 MR. KOPPE:

21

1 I have a different translation in English then. If you are using  
2 the word "Vietnamese", I have a different translation in the  
3 English version. So I would like to find out, are we  
4 circumventing a word?

5 [09.54.42]

6 MR. PRESIDENT:

7 International Co-Prosecutor, could you clarify this concerning  
8 the word used and also the interpretation?

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. President. I do not verify up until just now the  
11 term that is used in English, I was only working with the French  
12 version--

13 THE INTERPRETER:

14 The interpreter notes, it is the French version that the  
15 interpreter is working with.

16 MR. DE WILDE D'ESTMAEL:

17 --and in English, indeed, the word "Yuon" is used. The word  
18 "Yuon" does not appear in the French translation. In replacement  
19 of the "Yuon", the word "Vietnamese" is used in the French  
20 version.

21 [09.55.43]

22 MR. PRESIDENT:

23 You may now resume your questioning, the two words may have the  
24 same meaning so - and in Khmer, they are quite similar, so you  
25 may now resume your questioning, Mr. Co-Prosecutor.



1 BY MR. DE WILDE D'ESTMAEL:

2 Mr. Civil Party, the passage that I have just read aloud from  
3 your written record of witness interview before the  
4 Co-Investigating Judges, does it refresh your memory regarding  
5 what you said concerning the Khmer Krom, the Vietnamese or the  
6 "Yuon"?

7 MR. SAY SEN:

8 A. I was interviewed by journalists and I only knew that, in that  
9 place, if people did not speak very well, they were referred to  
10 as "Yuon", and I did not know the term used -- people were  
11 referred to as Khmer Krom.

12 [09.56.52]

13 Q. And those who do not speak Khmer correctly, they were  
14 designated as "Yuon". Were they subjected to interrogation or  
15 not? Or were they immediately executed?

16 A. In 1977, I already informed the Court, repeatedly, there was  
17 fighting at the border and when these people came and arrived at  
18 the security office, some were put there for a short while and  
19 some were taken to the killing place subsequently.

20 Q. Thank you. I'd like to broach another subject, that being  
21 communications between the security centre of Krang Ta Chan and  
22 District 105. I'd like to quote E3/5214, Khmer reference,  
23 00223068; in French, 007002899; and in English, 00225511. You  
24 said the following:

25 "When the messengers from the Krang Ta Chan centre took letters

1 to the district of the chief and there were words written in red  
2 on the back of the envelope, when the letter arrived at the end  
3 of the afternoon the massacre of prisoners happened the next day.  
4 A soldier named Sim had the opportunity to talk to me about this  
5 matter. In seeing this letter, he would always complain to me  
6 that the next day there would be work to do. The messengers from  
7 Krang Ta Chan were named Sak Sarin and Oeun".

8 [09.59.37]

9 Mr. Civil Party, who at Krang Ta Chan was in charge of carrying  
10 messages between Krang Ta Chan and District 105 before April  
11 17th, 1975?

12 A. The messenger's name, I did not know the surname and I -  
13 before, I had known only Roeun (phonetic) and Noeun (phonetic) --  
14 and Oeun (phonetic), they were passengers, they were messengers,  
15 rather.

16 Q. Who was in charge of playing that role as a messenger after  
17 the 17th April 1975, up until 1979?

18 A. It was Soan. I did not know the surname of Soan.

19 Q. Did you see the messenger from the district come to Krang Ta  
20 Chan centre or was always the messenger at Krang Ta Chan who went  
21 to the district?

22 A. I only saw the district committee and he was accompanied by  
23 his messenger. He came on a motorbike, and actually, he came  
24 rather frequently.

25 [10.01.49]

1 Q. Did you notice the District Committee, or district head come  
2 to Krang Ta Chan centre with envelopes?

3 A. I did not see the district committee deliver any letter. It  
4 was only the messenger who delivered the letters. But when the  
5 District Committee came to the centre, he would be accompanied by  
6 his messenger.

7 Q. When that messenger came to the centre, did he himself bring  
8 some mail?

9 A. The messenger brought letters to Krang Ta Chan's chief and he  
10 would meet the chief in his office near the dining hall.

11 [10.02.55]

12 Q. I will read out, or quote another passage from your record of  
13 interview -- E319.1.24.

14 Answer 99, this is what you stated -- and I quote: "Yes, I saw a  
15 letter from the supreme Angkar in which were the names of those  
16 who are to be exterminated. In fact I saw these kinds of letters  
17 written in red ink, practically every day."

18 Answer 100: "In fact the messenger had in hand the letters in  
19 question. Then Duch typed the reports."

20 Answer 101: "Duch wrote reports on people who had been  
21 exterminated."

22 Question: "You talked of a messenger, are you referring to Soan  
23 (phonetic)?"

24 Answer 102: "Yes, that is true". End of quote.

25 Now, in this extract, you said that Duch typed reports on people

25

1 who had been exterminated. Bearing in mind that you did not know  
2 how to read, did you find out whether Duch also wrote reports on  
3 people who had been interrogated but had not yet been executed?

4 A. I did not know about that because I didn't dare ask him.

5 [10.04.51]

6 Q. When Soun (phonetic) brought letters from the district to  
7 Krang Ta Chan centre, who did he give those letters to,  
8 exclusively? Or, in other words, did he give those letters only  
9 to one person?

10 A. Through my observation, he would deliver the letters to any of  
11 the three -- that is, the chief and the deputy chief and the  
12 member of the Prison Committee.

13 Q. And what did the Prison Committee members do after receiving  
14 the mail or the letters? Did they give any instructions?

15 A. Occasionally, once they received the letters they would assign  
16 soldiers to act upon. For example, if they received a letter  
17 today, then they would send the soldiers to act upon tomorrow.

18 Q. And when you say that they had to act on them, what did you  
19 mean, precisely? What did those soldiers have to do?

20 A. For example when red ink was used on the back of the envelope,  
21 although I didn't know how to read, the red ink means the  
22 prisoners had to be smashed. So if it was a matter of urgency,  
23 the prisoners would be killed on the same day. Otherwise they  
24 would be smashed the next day.

25 [10.07.14]

1 Q. Thank you. I have a few questions for you regarding tortures  
2 and beatings during interrogations. You referred to that  
3 yesterday after April 1975. I am referring to interrogations that  
4 you witnessed. From what you are able to observe or learn on the  
5 spot, what was the objective of the interrogations at Krang Ta  
6 Chan?

7 A. The purpose of the interrogation was the same as I stated  
8 earlier, that was in relation to CIA spies or whether they had  
9 any connection with Prum San.

10 Q. Did you have the opportunity to hear with your own ears the  
11 questions that were asked during those interrogations?

12 A. When I was sweeping nearby I heard the interrogator and I was  
13 the only one who was allowed to do the sweeping there near the  
14 interrogation office.

15 [10.09.00]

16 Q. I believe you also stated earlier that some questions had to  
17 do with the ranks of the soldiers of the former regime. Is that  
18 indeed what you stated?

19 A. Yes, that is correct.

20 Q. During the interrogations, from what you were able to observe,  
21 did the recourse to torture something that was quite frequent or  
22 it was rather rare?

23 A. Based on my observation, if the prisoners were rather old or  
24 maybe they were alleged to have a connection with the former Lon  
25 Nol regime, then they would be tortured. As for the Base People,

1 maybe only two or three out of 10 would be tortured during the  
2 interrogation.

3 Q. Yesterday you referred to some types of torture. You talked  
4 about beatings and the use of plastic bags. Regarding beatings,  
5 were the prisoners struck with bare hands or with objects?

6 A. They used bamboo clubs, about 70 or 60 cm long to beat the  
7 prisoners. And there were three or four bamboo clubs in that  
8 room.

9 [10.11.07]

10 Q. Did you ever hear or see prisoners whose fingernails were  
11 forcibly removed during interrogations?

12 A. No, I didn't know about that. I knew about the use of pliers.  
13 Pliers were used to extract or to hurt the breast or the nipples  
14 of female prisoners.

15 Q. Was this practice of torturing prisoners during interrogations  
16 continued between 1975 up until the arrival of the Vietnamese  
17 uninterruptedly?

18 A. By 1979, it became less and less as some of them had fled to  
19 the forest, only some remained at the Centre, and there were also  
20 less prisoners there. And when the Vietnamese troops arrived, we  
21 broke the chain and the key and then we ran through the  
22 cooperative, all of us ran to the cooperative.

23 [10.12.52]

24 MR. PRESIDENT:

25 Thank you, the International Co-Prosecutor. The time is

28

1 appropriate for a short break. We will take a break now and  
2 return at half past 10.

3 And Court officer, please assist the civil party during the  
4 break, and also the TPO support staff, and have them returned to  
5 the courtroom before half past 10.

6 The Court is now in recess.

7 (Court recesses from 1013H to 1034H)

8 MR. PRESIDENT:

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

10 We again give the floor to the Co-Prosecutors to put questions to  
11 the civil party. You can proceed.

12 MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President. I think I should be able to conclude in  
14 the next 15 to 20 minutes.

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. Mr. Civil Party, just before the break we were talking about  
17 interrogations at Krang Ta Chan. Were you able to observe if  
18 somebody from the Centre, somebody from the detention centre,  
19 would be taking notes during the interrogations?

20 MR. SAY SEN:

21 A. No, there was no taker. There was only a few of them in the  
22 interrogation room.

23 Q. Yesterday, you testified that following the interrogations of  
24 prisoners, some of them would receive nothing to eat, and you  
25 even recounted the story of one prisoner who was starved for 18

1 days. Did anyone, or a security guard from Krang Ta Chan, ever  
2 explain to you why the prisoner would be deprived of food  
3 following an interrogation?

4 A. No, they didn't tell me anything. The only thing was that not  
5 to send the food to those prisoners.

6 Q. On the topic of the hierarchical structure at Krang Ta Chan,  
7 can you please tell us who, after April 17, 1975, who made up the  
8 chief's office at Krang Ta Chan?

9 A. I only knew the two people during the time that I was there.

10 [10.36.57]

11 Q. I am sorry, I do not -- I did not hear who exactly you were  
12 referring to. Can you please tell us who led the security centre:  
13 the chief, the deputy chief, and other members?

14 A. The chief was Ta An, and his deputy was Penh, and the member  
15 was Ta Chhen.

16 Q. Was Duch ever part of the committee, at any point in time?

17 A. Duch Thom or Big Duch, I didn't know whether he was a part of  
18 the committee members, but I thought that he was an assistant,  
19 and as sometimes he was in consultation with the committee as  
20 well.

21 [10.38.04]

22 Q. Thank you. I would like some details on what you told us  
23 yesterday. You said that a soldier, or a security guard, had  
24 raped two women from the mobile unit, and had inserted the rifle  
25 in their vaginas. Can you tell us the names of those soldiers?



1 A. Yes. It was Duch Touch or Small Duch, and Saing. There were  
2 two of them.

3 Q. Were those people punished by Ta An, or members of the  
4 committee? Were they punished for those actions?

5 A. No, they were not punished, although there were regulations  
6 from his chief.

7 Q. Yesterday you also talked about the massacre of two young  
8 girls. You said that the elder girl had her skull smashed against  
9 a tree and -- or the younger one had her skull smashed. And the  
10 other one had her neck broken. Can you tell us the name of the  
11 guard who did that?

12 A. Yes, they were Sim, Moeun, Saing and Duch Touch, or Small  
13 Duch.

14 Q. So there were several of them. Was there any one individual  
15 who pulled the girl from her feet to smash her head against the  
16 foot of the tree?

17 A. It was Sim who did that.

18 [10.40.46]

19 Q. I would like to quote from E3/5214, reference in Khmer,  
20 00223068; in French, 00702899; and in English, 00225511. You said  
21 the following:

22 "There were two persons called Duch: Duch Thom and Duch Touch.  
23 Duch Thom was the deputy chairman, Duch Touch was a subordinate.  
24 Aside from his job of killing prisoners, Duch Touch, large Duch,  
25 had the additional job of typist, making reports to be sent to

1 the upper level. Small Duch was another name -- and another named  
2 Saing, were the cruellest of the 12 soldiers.

3 Q. With respect to that statement, what compelled you to say that  
4 Duch Touch and another named Saing were the cruellest of the 12  
5 soldiers?

6 A. I said that because when he saw -- or when he thought that a  
7 prisoner made any or minor mistake, then he would just beat the  
8 prisoner up, beat him with his hands, or kick that prisoner.  
9 Usually he was -- he always very active with his hands or his  
10 feet in kicking or beating the prisoners up.

11 [10.42.42]

12 Q. Thank you. One last question, Mr. Civil Party: With respect to  
13 your return to Krang Ta Chan after 1979, you told the  
14 Investigating Judges that you returned to organize a ceremony, a  
15 ritual. As a prisoner who dug many pits, were you able to remark  
16 that all of the pits had still been dug, in that there were  
17 skulls, and all of the skulls had been exhumed? Or were there  
18 still remains that were buried?

19 A. They were remained the same. Nothing was done to them.

20 Q. I imagine that was at the beginning; however, yesterday we  
21 talked about a number of skulls that had been counted by some  
22 monks following the exhumation of certain remains. You were  
23 there, digging pits, and then you returned afterwards. Do you  
24 think all of the pits were exhumed? Do you think all of the  
25 remains were exhumed, or not?

1 A. Some of the pits were exhumed, but some others to the west of  
2 the village remained untouched until today.

3 [10.44.45]

4 Q. I think, to be entirely complete, I believe you stated that  
5 some people had built houses on some of these pits; is that  
6 correct?

7 A. Yes, to the south of the pond people built their houses, and  
8 the houses are still standing today.

9 MR. DE WILDE D'ESTMAEL:

10 Thank you, Mr. Civil Party. On behalf of the Office of  
11 Co-Prosecutors, we want to express our gratitude for your  
12 patience and for your testimony.

13 Mr. President, we have no further questions.

14 MR. PRESIDENT:

15 Thank you, Mr. International Co-Prosecutor.

16 Judges of the Bench, do you have any questions that you wish to  
17 put to the civil party?

18 Judge Fenz, you have the floor.

19 [10.45.50]

20 JUDGE FENZ:

21 Thank you. I have a couple of follow-up questions.

22 QUESTIONING BY JUDGE FENZ:

23 Q. I want to start with this case where you saw a woman sexually  
24 molested. The prosecutor mentioned it a couple of minutes ago.

25 And you said the perpetrators were not punished. Do you happen to

1 know why they were not punished?

2 MR. SAY SEN:

3 A. I didn't know why. Actually, it was the guards who killed  
4 those women, but before the women were killed, they had been  
5 raped.

6 Q. You also mentioned that there were regulations dealing with  
7 these kinds of issues. Can you tell us what these regulations  
8 were?

9 A. I didn't know much about that.

10 [10.47.30]

11 Q. Do you know anything about it? The reason I'm asking is  
12 because you said they were not punished even though there were  
13 regulations.

14 A. To my observation, they were not punished because they were  
15 staff there. They were soldiers there, so they were not punished  
16 at all.

17 Q. Was this incident only known to you, or was this an incident  
18 which was discussed among detainees, staff? If you know.

19 A. No, they did not let other people know about it.

20 Q. So how did you know about it?

21 A. I knew it because they told me. If they were not to tell me, I  
22 would not have known about it.

23 Q. Just to remind us, who told you?

24 A. It was Duch Touch, Small Duch.

25 [10.49.20]

1 Q. Thank you. I'm moving to another subject. First, this is a  
2 simple question. You told us yesterday that there were -- when it  
3 comes to the buildings on the site, that there were originally  
4 two buildings, and then two more buildings were added. Do you  
5 remember when these additional two buildings were added? In which  
6 year?

7 A. I cannot recall the year; however, I knew that because of the  
8 increased number of prisoners who were sent there, they built two  
9 more buildings to the east of the compound.

10 Q. Were both of those buildings built at the same time? Or one  
11 after the other, as demand rose?

12 A. No, they built one at a time. When one was completed, then  
13 they started building another one.

14 [10.50.53]

15 Q. Now I'm coming to the place where interrogations were  
16 conducted. During the five years you were there, was that always  
17 the same place? Or were there different places?

18 A. To my knowledge, there was only one interrogation place.

19 Q. Just to be clear for me, it was only one place and it was the  
20 same over five years?

21 A. Yes, that is correct. There was only one interrogation place.

22 Q. You described the building as follows: "Wood until the waist,  
23 then palm leaves in between bamboo sticks, and then a roof." Is  
24 this correct? Do I remember this correctly?

25 A. The roof was tiled, and it was very neatly covered, and the

1 walls were made of wood. And they also used wooden sticks to  
2 support the lower part of the building, probably up to 50  
3 centimetres high.

4 [10.52.48]

5 Q. I'm a bit confused. Up to 50 centimetres the wall was wood or  
6 leaves? The first 50 centimetres from the ground?

7 A. The four buildings had tiled roofs.

8 Q. I'm exclusively speaking about the building with the  
9 interrogation room, more specifically about the place where the  
10 interrogation room was. So, all my questions are only about this  
11 building, or this part of the building.

12 Again, can you describe the part of the building where the  
13 interrogation room was?

14 A. The building where I lived did not have an interrogation room.  
15 The interrogation room was not inside the building. And the  
16 interrogation room had a thatched roof, and for the walls, it was  
17 made from coconut leaves. At the back, it was a wooden, plain  
18 wall.

19 Q. I understand you told us that you heard through these walls?

20 Could you already see something through these walls?

21 A. As for the detention building, it was fully covered and we  
22 could not see through. If we were able to see through, we could  
23 not see through the cassava plantation, because of the thickness  
24 of the leaves.

25 [10.55.20]

1 Q. To be clearer, if you stood outside this building -- let's say  
2 a metre away -- could you see through the wall, the leaves, the  
3 wood? Or couldn't you?

4 A. We could see through because the front wall of the  
5 interrogation room had a lower wall. And as I said, there was a  
6 wall at the back where they hang their weapons and other  
7 equipment, but for the front wall of the interrogation building,  
8 we could see it.

9 Q. So, there was no wall, no complete wall, at the front of the  
10 interrogation building?

11 A. Yes, that is correct. There was a lower wall.

12 [10.56.36]

13 Q. And my last question: Did you ever -- do you remember an  
14 incident where people were killed in the open, in the presence of  
15 other prisoners? Tortured in the open, in the presence of other  
16 prisoners?

17 A. Yes, I did. The prisoner named Sorn (phonetic); he attempted  
18 to flee in late afternoon, in fact after they distributed meals  
19 for us to eat. We had to go and pull grass from the rice field.  
20 And at that time, he was fleeing and he was shot by a carbine  
21 rifle. So, upon hearing the shots being fired, then other  
22 soldiers ran from the compound to that area, and subsequently he  
23 was shot dead.

24 JUDGE FENZ:

25 Thank you. I have no further questions.

1 MR. PRESIDENT:

2 Judge Lavergne, you have the floor.

3 JUDGE LAVERGNE:

4 Thank you, Mr. President. Good morning, sir. I have a few  
5 questions to clarify a certain number of points.

6 [10.58.24]

7 QUESTIONING BY JUDGE LAVERGNE:

8 Q. Can we return to the staff structure at Krang Ta Chan, in  
9 particular, the chief's ranks? You said that there were three  
10 people who were in charge, and if I understood correctly, you  
11 said that before 1975, the person who led the security centre was  
12 called Chhen. Is that accurate?

13 MR. SAY SEN:

14 A. Yes, Chhen was the chief of Krang Ta Chan office.

15 Q. What happened to Chhen when he left Krang Ta Chan? Where did  
16 he go?

17 A. He told everybody and told the soldiers that he would be  
18 transferred to be in charge of Prison 204.

19 [10.59.35]

20 Q. And did you know what Prison 204 was? What kind of prisoners  
21 were sent to Prison 204?

22 A. I didn't know about Prison 204 because I was never detained  
23 there. I only heard from other prisoners who were detained at  
24 204, who told me that for Base People who were implicated because  
25 of having relatives living under the management or the control of



1 the former Lon Nol regime, were detained there.

2 Q. Do you know if, after Prison 204, Chhen assumed other  
3 responsibilities? Did he go anywhere else?

4 A. After he left 204 prison, he went to Kampong Cham, and every  
5 month or two, he would come to visit the Krang Ta Chan office in  
6 a vehicle. It's a Chinese-made 4x4.

7 Q. Is Chhen still living?

8 A. He's still alive, because I was taken to meet him during an  
9 interview which was arranged by a journalist. And his house is  
10 not far from the former house of Ta Mok.

11 [11.01.43]

12 Q. Were you talking about Chhen or Chin?

13 A. I was talking about Chhen.

14 Q. Did Chhen live in Anlong Veang?

15 A. Yes, he is now living in Anlong Veang, the birthplace of him.  
16 His house is near the former house of Ta 15.

17 Q. Were you in contact with Chhen? Did Chhen advise you as to  
18 what you could say regarding his role at Krang Ta Chan?

19 A. He told me once, I was the one who told people there that I  
20 should not be allowed to go anywhere.

21 Q. I am not sure that what you said was correctly translated.  
22 Could you please repeat your answer? Did he give you any advice  
23 regarding what you ought to say eventually here before this  
24 Tribunal?

25 A. He told me that he told people at that place that they should

1 not allow me to go anywhere, just stay in that area.

2 [11.04.20]

3 Q. I am not sure that I properly understood what you said. Was he  
4 saying that you should not talk to the investigators?

5 A. For this question, he never suggested me anything when I was  
6 with a person from DC-Cam. He just said that if the guy -- if the  
7 person from DC-Cam did not believe in what he said, he said that  
8 the staff from DC-Cam should ask me about that.

9 Q. When Chhen left, I understood that he was replaced by Ta An.  
10 Is Ta An alive today? Did he survive after 1979?

11 A. I did not know. I knew only that his wife and his children are  
12 alive. And for him, I did not know.

13 [11.06.04]

14 Q. Is his wife a former detainee of Krang Ta Chan?

15 A. His wife was not the prison -- his wife was not the prisoner  
16 in that place because her husband was the head of the prison, and  
17 she had right to visit his -- her husband.

18 Q. I would now like to understand who was the third member of the  
19 leadership. I believe I heard you say at one time the name of  
20 Penh, Orn (phonetic) -- I don't know exactly, and later on you  
21 told the prosecutor that the person called Duch, served as an  
22 assistant. Can you clarify this matter and tell us who was the  
23 third member, and what Duch's role was?

24 A. I knew that Duch Touch was first the head of District 105, and  
25 Duch and An were top cadres in the district there, that is what I

1 knew.

2 Q. You mean of the district or the security centre?

3 A. He was at the security office and I never saw him going in --  
4 going to the field. And as for Small Duch or Duch Touch, he was  
5 the head of District 105. Upon my arrival there for one year, I  
6 saw Small Duch in the district and I did not know whether he was  
7 the chief or he was the deputy chief.

8 [11.08.50]

9 Q. Now, was Duch Touch the person who was in charge of typing  
10 reports?

11 A. Later on, Duch was responsible for typing since he knew a lot  
12 and he knew how to read and write, and Ta Penh did not know much  
13 writing or reading, from my observation.

14 Q. Apart from the little Duch or Duch Touch, was there another  
15 member of the staff called Duch?

16 A. There are only two Duchs: Big Duch and Small Duch.

17 Q. Is the Big Duch still alive today?

18 A. Big Duch is already deceased because of illness. He passed  
19 away, perhaps two years ago.

20 Q. Did Ta Penh stay at Krang Ta Chan throughout that period, or  
21 he left? And if he did leave, where did he go?

22 A. I saw he was there through the period. He did not go anywhere  
23 else.

24 [11.10.48]

25 Q. Did some cadres leave to go to Kampong Cham apart from Chhen?

1 A. Yes. Big Duch, he went to live in Kampong Cham.

2 [11.11.21]

3 Q. Do you remember a person called Kun, who was in charge of the  
4 Angk Roka office?

5 A. Yes. His name was Kun, Ta Kun, the head of Angk Roka office.

6 Q. Is it possible that he worked at Krang Ta Chan?

7 A. He -- he went -- he came and go very often, and he -- his  
8 office was at the west of Trapeang Pring, so he went perhaps  
9 almost everywhere. He just come and go.

10 Q. Did the other security offices fall under Krang Ta Chan on the  
11 hierarchy? In other words, did Krang Ta Chan supervise other  
12 offices in that district?

13 A. I knew that it cover the area Ta Kun's house and Angk Roka.

14 [11.13.10]

15 Q. And where was that house situated?

16 A. I did not understand. I do not understand the question. Please  
17 repeat, Your Honour.

18 Q. Yes. You said that Krang Ta Chan covered Angk Roka and Ta  
19 Kun's house. Can you tell us where that house was situated?

20 A. Ta Kun's house was at the west of Krang Ta Chan office. It was  
21 named as headquarter of Ta Kil. It was about one kilometre from  
22 the prison.

23 Q. Very well. It was Ta Kil, and not Kun, who was in charge of  
24 Angk Roka. These are two different persons. We have Ta Kun in  
25 charge of Angk Roka, and then we have on the other hand Ta Kil,

1 right?

2 A. Yes, that is correct.

3 [11.14.38]

4 Q. Very well. I would like us to talk a little more about the  
5 soldiers and guards working at Krang Ta Chan. I noted the  
6 following names. Please tell me whether these names are names of  
7 soldiers? U-o-k, Uok, does that name ring a bell to you?

8 A. It was not Uk; it was Uok. He later work at Kul (phonetic)  
9 headquarters. At first, he was at Krang Ta Chan.

10 Q. Do you know whether he is still alive today?

11 A. I do not know about him now today whether he is alive or he is  
12 deceased. I never -- I have never seen him.

13 Q. How about the name Chhoeun, C-h-h-o-u-n (sic), does that name  
14 ring a bell?

15 A. Chhoeun was the prisoner.

16 [11.16.22]

17 Q. Moeun, M-o-e-u-n, was that person a soldier?

18 A. I knew him. Moeun was the soldier at that place, and at last  
19 from what I heard, he was the member of the Party. He became the  
20 member of the Party.

21 Q. Is he still alive?

22 A. He is deceased. Only his wife survives until now. Moeun passed  
23 away in 1979.

24 Q. Was he executed?

25 A. He collapsed at the time there was the conflict with Vietnam.

1 He perhaps passed away at Damrei Romeal Mountain in 1979 during  
2 the fighting.

3 Q. Please tell me now whether the name Sieng is the name of a  
4 soldier?

5 A. Saing (phonetic) was a soldier. He came in a group. Later he  
6 became a Party member. He first came as a soldier.

7 [11.18.28]

8 Q. I didn't say Saing, but Sieng. I don't know whether there is a  
9 difference between those two names. The name I am referring to is  
10 written as follows in French: S-i-e-n-g, and not S-a-u-n-g (sic).  
11 Are you talking of Sieng or Saing?

12 A. Sang (phonetic).

13 Q. Now can someone tell me whether it is Sieng, as I've read out  
14 the name in French, or Saing? Now, is the Sieng you have referred  
15 to still alive today?

16 A. Saing is alive nowadays. As for Sieng, he is deceased.

17 [11.19.44]

18 Q. Very well. Now we are going to talk about Saing, the person  
19 you say is still alive. It appears that you have referred to him  
20 on several occasions, and if I understood what you said  
21 correctly, you said that with the small Duch -- Duch Touch -- he  
22 was one of the most wicked persons. Is that indeed the person  
23 you're referring to?

24 A. Yes. Saing and Duch were cruel and brutal, and as for Sieng,  
25 he was not so much as cruel as Duch -- Small Duch and Saing.

1 Q. Yesterday and again this morning, questions were put to you  
2 regarding the execution of two little girls. And you stated, I  
3 believe yesterday, that the small Duch was a person who smashed  
4 the head of the younger of the two kids on the trunk of a tree,  
5 and that's Sieng was the one who killed the second one; is that  
6 correct?

7 A. Yes, I remember it was not Saing who smashed the kids; Sieng  
8 was the one who smashed the kids. The group who killed the kids  
9 were Saing, Sieng, small Duch and -- and another person.

10 [11.21.55]

11 Q. So the person who smashed the skull and killed the elder of  
12 the two children was Saing and Sieng, right?

13 A. The older baby was killed by Saing, and as for the younger  
14 baby, was killed by Sieng.

15 Q. Were you in touch with Sieng? Did you have any opportunity to  
16 meet with him?

17 A. Yes, I some time met him, but when I encounter him he tried to  
18 go away from me. He does not want to see me.

19 Q. Is Saing afraid of what you may tell the investigators and the  
20 Tribunal regarding the role he played at Krang Ta Chan? Did he  
21 give you any advice regarding that?

22 A. He used to talk to me and tell me that if I was asked anything  
23 about him, that please just tell that we were the prisoners at  
24 that times before. Now, he addresses me as "Bong" and he  
25 suggested that I should say only that he was the prisoner there

1 as well. He told me once or twice about this. He suggested this  
2 once or twice.

3 [11.24.20]

4 Q. Now, some of the guards were still alive in the Tram Kak  
5 district. Did they ever give you money to shut up?

6 A. Yes. It was not soldier from Tram Kak district. He was the  
7 head. I did not say anything about him. I did not say anything  
8 about him. He said that he considered that I am his child, his  
9 son so he could -- so he told me that I can go and ask him for  
10 help. But as for money, I have never said anything with him about  
11 money, and he suggested that we were prisoners and received  
12 torture at that place as well.

13 Q. Was he referring to Ta Chhen?

14 A. I was talking about Ta Chhen. And because your question  
15 concerns the bribing about money, so Ta Chhen told me that he  
16 considered me as a son so he could give some money for me to do  
17 any business if I want.

18 [11.26.14]

19 Q. How many of the guards who worked at Krang Ta Chan are still  
20 alive today and live close to where you live today? Can you tell  
21 us who is still alive and who lives near your house?

22 A. Yes, I can tell Your Honour, they stay away from my house  
23 perhaps 10 kilometres away from my house. Some of them live about  
24 7, 8 or 10 kilometres from my house. Suon, Saing, Sin (phonetic),  
25 Duch, they live away -- quite away from my house.



1 Q. So there are three or four guards who still live near your  
2 home.

3 A. Four -- four of them live away from my house.

4 Q. Among the guards who worked at Krang Ta Chan, were some of  
5 them members of the same family -- that is, brothers to one  
6 another?

7 A. As for soldier, yes, some of them were siblings and relatives.  
8 [11.28.10]

9 Q. When the investigators came to see you for the first time, I  
10 mean, the Tribunal investigators, you did not want to talk to  
11 them. I believe that yesterday you explained that it was because  
12 you had some fears. Are you still sometimes afraid of talking  
13 today?

14 A. Yes. I am still afraid as of now, and even more afraid when I  
15 am before the Chamber and I am speaking from my memory, and from  
16 what I told the Court in the document, and when I return home, I  
17 am also afraid. I am a person doing business in renting  
18 loudspeaker and table for parties.

19 Q. I believe I even read that you wrote or you said that you were  
20 sometimes so afraid that you wouldn't sleep in your home; that  
21 you would sleep in the fields. Is that correct?

22 A. It is true. At first when I was interviewed I do not remember  
23 who went to interview me. I did not dare to speak because they  
24 would know about what happened to me at Krang Ta Chan and I am  
25 afraid that some information came from my mouth and people would

1 do something to me. And as -- there was one person came to  
2 threaten me so when I decided to talk about Krang Ta Chan  
3 Security Office.

4 [11.30.41]

5 Q. Can you tell us who threatened you?

6 A. In fact, I was not saying that there is someone threatening  
7 me. I am just feeling afraid of this incident will happen because  
8 I occasionally, you know, go outside at night as well.

9 Q. I would like to go through the list of guards at Krang Ta  
10 Chan. Does the name Soan, S-o-a-n, the name of one of the guards?

11 A. Soan was a soldier and a guard, so a guard is also a soldier.

12 Q. The name Dam (phonetic), the name of a soldier as well?

13 A. Dam was a soldier at first. And he passed away already.

14 Q. Was he a prisoner at any point in time?

15 A. Yes, he was there. He had problem. He had moral offence with a  
16 lady so he was removed to 204 with Ta Chhen. And at Ta Chhen  
17 area, he had problem again. So he was sent back to Krang Ta Chan.

18 [11.33.02]

19 Q. Did he die at Krang Ta Chan, or he survived?

20 A. He has just passed away. Perhaps he passed away, perhaps two  
21 years ago.

22 Q. Was Sim a soldier?

23 A. Sim was a soldier.

24 Q. How about Song (phonetic)?

25 A. I have never heard the name Song (phonetic). There is no Song

1 (phonetic) from my testimony.

2 Q. It may well be that I am not pronouncing it correctly. In  
3 French it is written as follows: S-o-u-n-g, Soung.

4 A. I knew Soung. Soung is now a layperson at Samlaut, near the  
5 border.

6 Q. So he is alive today?

7 A. Yes, he is alive today. Soung, from his background, I observe  
8 that he was the most cruel person at Krang Ta Chan. He should not  
9 have been alive and now become a layperson.

10 [11.35.10]

11 Q. Touch. T-o-u-c-h; I'm pronouncing that word very badly. Is it  
12 Touch or Tuch (phonetic)?

13 A. Yes, I knew Touch. He is deceased.

14 Q. A while ago, you talked about Kel (phonetic) . Is Kel  
15 (phonetic) still alive? And what was his role precisely?

16 A. Ta Kil, he stayed -- he worked at the headquarter (sic) of his  
17 headquarter to send people to Krang Ta Chan office. Nowadays, he  
18 is deceased.

19 JUDGE LAVERGNE:

20 Very well. I think we can take our break here. I still have a few  
21 questions to put to you and I will do that this afternoon. Thank  
22 you.

23 MR. PRESIDENT:

24 Thank you.

25 You may now proceed, civil party lawyer.

1 [11.36.35]

2 MS. JACQUIN:

3 Good morning, Mr. President, Your Honours. I think it may be  
4 appropriate that, at the beginning of the afternoon session, we  
5 should hold our hearing in-camera without having the public  
6 present because he is afraid. He is still afraid now, and I  
7 believe he will be able to speak more freely regarding specific  
8 problems with regard to the management of the camp, if questions  
9 are put to him in that regard by the Judge.

10 JUDGE FENZ:

11 Can I just ask: Is this a formal request to go into closed  
12 session?

13 MR. KOPPE:

14 For our questions as well or only the--

15 JUDGE FENZ:

16 Well, if -- let me first clarify. Is it a formal request? If so,  
17 I think it should be reasoned a bit more clear; for what kind of  
18 questions, for what time.

19 [11.37.55]

20 MR. PICH ANG:

21 Mr. President, Your Honours, in fact we may have closed session  
22 or public session during the testimony of civil parties and  
23 witness. And we would like to request a closed session for the  
24 civil party. We do not want his voice to be heard in the public  
25 and galleries because of what Mr. Say Sen mentioned just now. It

1 is about his fears, what he talked -- what he spoke before the  
2 Court. He started to mention many names more and more, who worked  
3 at Krang Ta Chan, and who were cadres. Some of them are survived  
4 -- some of them survived today. So, from our observation, he may  
5 be afraid of his safety and security. That is why we would like  
6 to request the Chamber that when it comes to names, we should  
7 hold closed session so that we can make him comfortable and he  
8 can feel free to talk.

9 And as for other parts of his testimony -- or rather, their  
10 names, hearings may be held in public. Once again, when it comes  
11 to names of cadres or people who work at Krang Ta Chan, it should  
12 be held in closed session.

13 [11.39.53]

14 MR. PRESIDENT:

15 For other party, do you have any observations?

16 You may now proceed, counsel for Mr. Nuon Chea.

17 MR. SUON VISAL:

18 Your Honours, what has just been said by Lead Co-Lawyer is not  
19 reasonable. What has been speaking by this civil party is now  
20 known to the public so there is nothing to hide. So I would like  
21 to object to the request.

22 MR. KOPPE:

23 Yes, Mr. President, I would like to add that not only does the  
24 request seem very unreasoned, it's also very untimely if it goes  
25 to the names of guards and people who were working in the prison.

51

1 The Judge has been asking questions for, I think, half hour on  
2 this topic. So if it was any fear for naming names, it's a little  
3 untimely, I would imagine. However, only in very concrete, very  
4 urgent circumstances, can the general rule that hearing should be  
5 in public be dismissed. And there should be a very concrete fear,  
6 well-articulated by the witness or the civil party. I haven't  
7 heard anything other than sort of vague utterances of fear which  
8 he didn't distract (sic). So it's untimely, unreasoned, so I  
9 think it should be dismissed, the request.

10 [11.41.36]

11 MR. PRESIDENT:

12 You may now proceed, Mr. Kong Sam Onn.

13 MR. KONG SAM ONN:

14 Thank you, Mr. President.

15 Mr. President and Your Honour, it is very difficult for  
16 application of this matter. It's very difficult to decide when to  
17 hold in closed session for some names. And it's very difficult to  
18 open the hearing in closed session and again in public session  
19 repeatedly. From my observation, it's very difficult to do like  
20 this.

21 And, as for the request from Lead Co-Lawyer on some parts of this  
22 testimony, I believe that the request is not substantiated. Civil  
23 party have provided answers so far. And if there are any  
24 concerns, the concern should be material so that the Chamber can  
25 observe and decide whether to have hearings in closed session.

1 [11.43.02]

2 JUDGE FENZ:

3 I understand where the Co-Lead Lawyers are coming from but there  
4 are certain rules and among other things -- and I'm not  
5 discussing the timeliness issue -- would have to be stated that  
6 by giving, in this case, further testimony when it comes to names  
7 of guards or prisoners, his life or health or that of his family  
8 would be in danger. Is this alleged? And if so, on what basis?  
9 Perhaps, it makes sense to think about that during the break. And  
10 have a look at the provisions and then formulate -- not formulate  
11 -- a specific request ready for us to rule on -- rule upon.

12 (Short pause)

13 [11.44.25]

14 MS. JACQUIN:

15 Mr. President, this is an application we are making depending on  
16 the way the proceedings are going. And if the questions would  
17 elicit further information from this civil party, I believe it is  
18 better for him to feel safe enough to provide information to the  
19 Chamber, which he thinks is important.

20 MR. PRESIDENT:

21 Thank you. The Chamber will take the matters into consideration.  
22 Your observation or request should be made together. I remind  
23 this matter many times already.

24 [11.45.33]

25 MS. GUIRAUD:

53

1 Thank you, Mr. President. Given the nature of this application,  
2 let me follow up the proposal made by Judge Fenz, and to commit  
3 myself that we, the Civil Party Lead Co-Lawyers, will consider  
4 the matter during the lunch break and we will come back to the  
5 Chamber with a concerted application that is well reasoned when  
6 we resume the hearings at 1.30 p.m.

7 MR. PRESIDENT:

8 It is now convenient time for lunch break. The Court is now  
9 adjourned from now until 1.30 p.m.

10 Court officer, please facilitate a proper place for civil party  
11 during the lunch break, and also a proper place for staff from  
12 TPO, and have them returned before 1.30 p.m. in the afternoon.  
13 Security personnel, please bring the Accused, Khieu Samphan and  
14 Nuon Chea to the holding cell under the courtroom and have them  
15 returned before 1.30 p.m.

16 The Court is now adjourned.

17 (Court recesses from 1147H to 1336H)

18 MR. PRESIDENT:

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

20 And before we continue to hear the testimony of this civil party,  
21 the Chamber will hand the floor to the Lead Co-Lawyers for civil  
22 parties to make a statement or submission regarding their request  
23 this morning, so that we will have the grounds for our  
24 deliberation before we continue hearing the testimony of this  
25 civil party. And you may proceed.



1 [13.37.40]

2 MR. PICH ANG:

3 Good afternoon, Mr. President, Your Honours, and Parties to the  
4 case, as well as the general public. Before I make a request and  
5 the ground to be given for our request for a closed session, I  
6 would also like to make a request to Mr. President that my  
7 request and the grounds for my request to be submitted to Your  
8 Honour should also be held in-camera. And if granted, then I --  
9 we will provide the reasons for our request for the closed  
10 session for this civil party. And that is our position and we are  
11 waiting for your response, Mr. President.

12 MR. PRESIDENT:

13 Yes, we get your point and any feedback or any comment from other  
14 Parties?

15 First, the Lead Co-Lawyer for civil parties wish to have a closed  
16 session on their request and the reasons before we proceed with  
17 the closed session of this civil party.

18 [13.39.28]

19 MR. KOPPE:

20 I have one comment, Mr. President. Good afternoon. I'd be  
21 interested if the grounds leading to the request are related in  
22 time in the sense that they came up in the last few days, or that  
23 it's something which is known already for months and years.  
24 Because if the latter is the case, I really don't see the need  
25 why we are being -- to use that word -- "ambushed" with this

1 request. So, may be that would be my comment relating to the  
2 request of the civil parties.

3 (Judges deliberate)

4 [13.41.53]

5 MR. PRESIDENT:

6 The Chamber has heard the request by the Lead Co-Lawyers for  
7 civil parties on the proceedings to express their grounds on the  
8 request for closed session to be in-camera, and we grant that as  
9 your request may be related to certain issues that need to be  
10 done in-camera.

11 And the AV Unit, you're instructed to disconnect the audio of the  
12 proceedings to the public gallery outside. And when you do that,  
13 and after you disconnect it, please inform the Chamber.

14 (Court goes into closed-session)

15 [13.43.02]

16 (Court recesses from 1427H to 1503H)

17 (End of closed-session and court resumed in public session)

18 MR. PRESIDENT:

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

20 The proceedings now is in public, and the AV Unit, you are  
21 instructed to link the proceedings and the audio to the public  
22 gallery.

23 I'll hand the floor to Judge Fenz to make an oral decision on the  
24 request made by the Lead Co-Lawyers for the civil parties. Judge  
25 Fenz, you have the floor.

1 [15.05.22]

2 JUDGE FENZ:

3 The Chamber notes the request by the Lead Co-Lawyers for  
4 protective measures covering a certain part of the testimony of  
5 the civil party. It further notes that --  
6 (Technical problem)

7 [15.06.51]

8 MR. PRESIDENT:

9 Again, Judge Fenz, you have the floor in order to make the oral  
10 ruling by the Chamber regarding the request submitted by the Lead  
11 Co-Lawyers for civil parties concerning the in-camera hearing of  
12 this particular civil party. Judge Fenz, you may proceed.

13 JUDGE FENZ:

14 The Chamber notes the request by the Lead Co-Lawyers for  
15 protective measures covering a specific part of the evidence of  
16 the civil party, mainly the part that deals with identifying  
17 former staff members of KTC, Krang Ta Chan. It further notes that  
18 Rule 29 foresees a report by the Witness Support Section, or the  
19 Victims Support Section, additionally an assessment on the  
20 existence of a life and/or death threat. The Chamber doesn't have  
21 all the information necessary to make this decision at this point  
22 in time. This decision is, therefore, postponed, but the  
23 questioning will go ahead.

24 [15.08.31]

25 However, in order to preserve the objective of the request for

1 protective measures, and until such time as a final decision has  
2 been made, questions covered by the request are not allowed.  
3 Parties will be given an opportunity to ask these questions after  
4 the decision has been taken in the manner that is decided in this  
5 decision. If this means recalling the civil party, then the  
6 Chamber will do that.

7 Mr. Civil Party, as far as you are concerned, until further  
8 notice -- until we tell you something else -- you do not have to  
9 answer questions that you are concerned about when it comes to  
10 identification of staff members. If you feel that a question  
11 comes too close to such identification, you say, "I don't wish to  
12 answer it". Do you understand that?

13 [15.09.57]

14 MR. SAY SEN:

15 Yes, I do.

16 MR. PRESIDENT:

17 Thank you. The Chamber will now hand the floor again to Judge  
18 Lavergne to continue putting questions to this civil party. And  
19 Judge Lavergne, you have the floor.

20 BY JUDGE LAVERGNE:

21 Thank you, Mr. President.

22 Q. I will try and ask you a few questions because we need to  
23 progress, even though I know it may be particularly difficult for  
24 you, sir. I wish to return to the topic of the detention  
25 conditions at Krang Ta Chan. If I understood what you said, there

1 were prisoners who received severe treatments and those who  
2 received a more moderate treatment, those who were subject to  
3 particularly heavy treatment -- heavy, severe treatment -- they  
4 were shackled at the ankles and wrist. Is that correct? Is that  
5 what we are to understand? Were they handcuffed? Were they all  
6 handcuffed or did it only apply to some?

7 [15.11.27]

8 MR. SAY SEN:

9 A. Yes, that is correct. For prisoners who were initially brought  
10 in, would be shackled, and then they would also be cuffed by a  
11 metal ring and a long bar.

12 Q. Can you please tell the Court how the prisoners were placed in  
13 the building? Did they have -- where were they positioned  
14 vis-à-vis the wall? Were their heads facing the wall or were  
15 their legs facing the wall?

16 A. The building size is more than 5 metres long, and there is a  
17 foot pass in-between, and then there were two rows of prisoners  
18 and they laid down with their heads against the walls. And then  
19 they used metal rings for the ankles -- to shackle the ankles of  
20 those prisoners with a long bar.

21 [15.12.53]

22 Q. Therefore, the walls of the detention centre were made out of  
23 wood planks; were there any tiles in the wall?

24 A. As for the walls, the walls were not fully enclosed. They, in  
25 fact, used wooden planks to cover a series in-between -- that is,

1 like a partition. They would use wooden planks on both sides and  
2 then we could actually see through the gaps of the wooden planks  
3 of the wall.

4 Q. Does the name Kev Chandara alias Krou Yav ring a bell to you?

5 A. Not only heard about him, but I know him.

6 Q. Where did you know him?

7 A. He was detained there for less than 10 days, I think, and he  
8 is currently living in Ta Phem village.

9 [15.14.33]

10 Q. This morning, and yesterday as well, you talked about torture  
11 sessions; torture that was inflicted on the prisoners. You talked  
12 about beatings and pyres and plastic bags. Were you a witness of  
13 this torture or were you a witness or did you ever hear about  
14 torture using hot acid?

15 A. No, I did not. What I experienced or what I saw was that  
16 prisoners were -- their hands were tied -- their arms were tied  
17 to their backs and they would use a plastic sheet to blindfold  
18 him.

19 Q. You also mentioned the fabric -- the production of palm juice  
20 and how it was used to make alcohol. Is that a correct  
21 understanding?

22 A. Yes. Initially I didn't know how to make the sour palm juice.  
23 One day he asked me whether I knew how to make it, then I raised  
24 my hand and I was allowed to work on the palm trees to extract  
25 the juice.

60

1 [15.16.21]

2 Q. But the palm juice wasn't alcoholised but the staff members  
3 from Krang Ta Chan used it to make alcohol. Did they drink  
4 alcohol?

5 A. In the afternoon, I would bring in one or two tubes of the  
6 sour palm juice for the chief, and I didn't know, maybe he drank  
7 himself or drank with few of his peers.

8 Q. But the sour palm juice, was it alcoholised or not? And  
9 without giving me any names of staff members, can you please tell  
10 me if you ever saw anyone at Kran Ta Chan inebriated because they  
11 had drunken alcohol?

12 A. Of course, when you drink sour palm juice, you get drunk. And  
13 once he got drunk, he would use big words or shout -- or he would  
14 shout at other people.

15 Q. And was that the case? Did you see drunk people? You don't  
16 have to mention names, but did you see any drunk people?

17 A. Yes, I did see them because I made those sour palm juice for  
18 them.

19 [15.18.10]

20 Q. Were there any prisoners that were placed in what can be  
21 called "darkened cells"? Cells that were dug in the earth, like  
22 dugouts. Is that something that existed?

23 A. There was one made of tamarind tree, that was a little bit  
24 further west of the interrogation area and currently it is near  
25 where the stupa is.

1 Q. Perhaps there is a misunderstanding. Did certain prisoners --  
2 were certain prisoners placed in holes, dugout, in the earth?

3 A. Prisoners -- some of them -- were not put in - like you said  
4 -- in a dungeon, but, in fact, it was a cold and underground  
5 prison. It was rather large, about 3 or 4 metres, and they would  
6 also build a roof to cover it. After a prisoner was beaten, then  
7 they would use a rope. It was quite a large rope, to tie to the  
8 waist of the prisoner and to drop the prisoner into that  
9 underground prison. And after a while, then they would pull the  
10 prisoner back up. And sometimes Ta Chim and I were used to pull  
11 the prisoner and drag them back into the detention building.

12 [15.20.24]

13 Q. I have a question concerning the number of detainees housed in  
14 each building. I know that there are a certain number of  
15 buildings, which comprise the entire Krang Ta Chan detention  
16 centre. Can you please describe to us each of those buildings and  
17 tell us approximately how many people were in each building?

18 A. The number of prisoners varied, sometimes there were less,  
19 sometimes there were more. When new -- when the true prisons were  
20 not yet built, the prisoners were crowded into the buildings.  
21 Sometimes for the size of 1 metre length, four prisoners would be  
22 crammed together, because the metal bar that was used to shackle  
23 the prisoners -- the length of that bar could accommodate up to  
24 seven prisoners in a row. I did not actually count the number of  
25 prisoners in each building when I carried the food for them.



1 [15.21.42]

2 Q. In your opinion, and if it's not possible, please, tell me so,  
3 but can you give us an indication of the maximum number of  
4 prisoners who were at Krang Ta Chan at one given time. Do you  
5 understand my question? What is the absolute maximum number of  
6 prisoners who could be present at the same time at Krang Ta Chan?

7 A. When the prison was full, as I said, for the one length of the  
8 metal bar, there were only two prisoners. But, when more  
9 prisoners were brought in, for that one piece of metal bar, they  
10 would put seven to eight prisoners. So, for both sides -- for the  
11 two rows in the building, it could accommodate up to 100  
12 prisoners.

13 Q. So you believe that in one building there could be up to 100  
14 people?

15 A. Yes. When it was full, the maximum number could be 100 or  
16 more. But when two more buildings were built, then the numbers  
17 decreased, it would be less than 100 prisoners in each building.

18 [15.23.48]

19 Q. I would like to open another subject concerning the visits of  
20 leaders, I'm not talking about members of the steering committee  
21 of Krang Ta Chan, but I'm talking about leaders. Can you please  
22 confirm to us that Ta Chin came to the security centre? Can you  
23 please tell us what Ta Chin's responsibilities were?

24 A. It was not Ta Chin, it was Ta Chim. Ta Chim was the District  
25 105 Secretary. He would visit at least once a month to the Krang

1 Ta Chan office.

2 Q. Did he have any particular affiliation with Ta Mok?

3 A. I didn't know whether he had any contact or relationship with  
4 Ta Mok. And I believe, of course, when he came he would have  
5 contact amongst themselves.

6 Q. Do you know if Ta Chim went from Tram Kak to go to another  
7 district?

8 A. Yes. I knew about it because the soldiers there said about it  
9 that Ta Chim was no longer a district chief, then he went to take  
10 charge of a rubber plantation in Kampong Cham.

11 [15.25.50]

12 Q. You also spoke of Ta Mok. Was Ta Mok also called Ta 15?

13 A. At that time I didn't know him, but it was the soldiers who  
14 talked about him because when - after the prisoners were brought  
15 in, there was a jeep coming in. In fact, he was sitting in the  
16 front seat with his young driver. The driver was rather young.  
17 And at that time I was tending the water buffalo, and the  
18 soldiers asked me whether I knew him, and I said "No". Then a  
19 soldier said that that was Ta 15.

20 Q. How many times did you see him?

21 A. I cannot say how many times, it was occasional. In late 1977,  
22 he came with two messengers and a driver, then he entered the  
23 prison compound. He had a hook -- like a stick -- then he knocked  
24 it on my back and asked me what I was doing, and I said I did not  
25 do anything. At that time I was either tending the water buffalos

1 or horses, that time was an afternoon, but I cannot recall the  
2 exact hour or time.

3 [15.27.48]

4 Q. Does the name Ta Phy refresh your memory at all?

5 A. Phy was a handicapped person. I know him very clearly.

6 Q. Did he come to Krang Ta Chan and what were his duties?

7 A. Initially, I didn't know which position he held, he was at  
8 Prey Kduoch office, and later on, after Ta Chim (phonetic),  
9 became a district committee in Kampong Cham, then he became the  
10 district committee 105. And he would come to the Krang Ta Chan  
11 office about three to four times a week.

12 Q. He came to Krang Ta Chan?

13 A. Yes.

14 Q. Did you ever hear about a lady called Old Bo (phonetic)?

15 A. Not only heard about him, I know him -- I know her clearly.

16 Yeay Bo (phonetic), and I even know her native village.

17 [15.29.36]

18 Q. Did Yeay Bo (phonetic) have any affiliation with Ta Mok and  
19 did she come to Krang Ta Chan?

20 A. I did not see her come. I knew her when I was rather young.  
21 She worked for the United Front in 1972, and that was the year  
22 that I knew her.

23 Q. So, am I to understand that you didn't see her afterwards at  
24 Krang Ta Chan?

25 A. I never saw her come to the office, or if she came and I was

1 not there, I could not say.

2 Q. Does the name Ta Tit (phonetic) meaning anything to you?

3 A. I heard about him.

4 Q. Did you see Ta Tit (phonetic) at Krang Ta Chan?

5 MR. PRESIDENT:

6 Please, allow the civil party to say again.

7 BY JUDGE LAVERGNE:

8 Q. Can you please repeat your answer because I don't believe that  
9 it was interpreted?

10 MR. SAY SEN:

11 A. I heard about Ta Tit (phonetic) but I never saw him coming to  
12 Krang Ta Chan.

13 [15.31.26]

14 Q. Did you see any other leaders of the district, or even from  
15 higher echelons? Either leaders from the sector, from the region  
16 or any other leaders who came to Krang Ta Chan?

17 A. No, I did not, except Ta 15 from the Zone level. And I saw him  
18 once or twice coming to that office.

19 Q. Does the name Kaing Guek Eav also known as Duch, known for  
20 having been the chair of S-21, does that name mean anything to  
21 you?

22 A. I did not know him.

23 Q. Did he come to Krang Ta Chan?

24 A. I did not see him. I have just heard of his name in the  
25 present time.

1 [15.32.40]

2 Q. To conclude my line of questioning, may I ask you to tell us  
3 what difficulties you faced following your detention at Krang Ta  
4 Chan? Could you tell us about the physical problems you had, the  
5 mental problems you may have had? Did you suffer from any  
6 particular traumas; can you tell us about all that?

7 A. As for my background, I have already told the Court already  
8 and I did not want to mention about my full background when I was  
9 at Krang Ta Chan. I did not want to say anything about my life  
10 during the time I was at Krang Ta Chan. I never expect that I  
11 could survive today and I don't even want to tell about my  
12 background and also my experience during the time I was at Krang  
13 Ta Chan.

14 [15.34.07]

15 Q. I do understand that such memories are very painful for you.  
16 What I mean is, is remembering all that, remembering the problems  
17 you had, insomnia you may have had. Being a master of your  
18 emotions -- controlling your emotions, the feeling of total  
19 despair; in spite of all that, were you still able to work, to  
20 concentrate on what you had to do? Did you experience such  
21 problems?

22 A. When I did not recall the experience -- my sufferings at that  
23 time, I am happy. However, whenever I try to recall my past  
24 experience, I could not sleep well. I imagined that, I feel like  
25 I was back at Krang Ta Chan and I could only hear what I was told

67

1 that I should go and collect sugar palm juice. So I do not want  
2 to say anything about my sufferings from that time. Actually, I  
3 had a lot suffering experience at that time, some I forgot and  
4 some I recalled and because from that time, until now, it is 41  
5 years already. So when I am sitting and trying to recollect the  
6 events, I could recall some and I forget some others.

7 [15.36.08]

8 Q. Does it happen sometimes that you have nightmares, do you wake  
9 up at night with an impression that someone was going to come and  
10 take you back to Krang Ta Chan?

11 A. Yes, I had bad dreams. When journalist came to meet me, the  
12 name "Say Sen" was at Krang Ta Chan - was written at Krang Ta  
13 Chan, so journalist could find the name there, my name there and  
14 journalist came to meet me to interview. And whenever I was not  
15 reminded of the events, I did not have any sufferings.

16 In 2001, TPO created a self-help group and again I recalled the  
17 bad experience. One night there was a person from one  
18 organisation which I did not know, I was working, I was  
19 installing (inaudible) at that time and, just a sudden, I  
20 recalled bad experience. At that time, my wife tried to console  
21 me during the night time after my work and I really do not want  
22 to mention anything about the time I was at Krang Ta Chan.

23 [15.38.07]

24 JUDGE LAVERGNE:

25 Thank you ,sir, for your testimony. I have no further questions

1 for you.

2 MR. PRESIDENT:

3 Thank you.

4 Now, I hand over the floor to counsel for the defence. First,  
5 counsel for Nuon Chea, you have the floor for putting question to  
6 the civil party. You may now proceed.

7 QUESTIONING BY MR. KOPPE:

8 Thank you, Mr. President.

9 Good afternoon, Mr. Witness, Mr. Civil Party. In the coming 20  
10 minutes I would like to revisit a few issues in relation to your  
11 personal biography, if it is alright with you and first the issue  
12 about you age.

13 [15.39.10]

14 Q. Is it correct that you were born in January 1958?

15 MR. SAY SEN:

16 A. As for my age, I do not recall the exact birth date. When I  
17 was detained at Krang Ta Chan, I was about 16.

18 MR. PRESIDENT:

19 Please, hold on, Mr. Civil Party, and please hold on, Mr. Victor  
20 Koppe. There is a technical problem with AV system.

21 (Short pause)

22 [15.40.02]

23 MR. PRESIDENT:

24 Mr. Say Sen, you may now provide your answer.

25 MR. SAY SEN:

1 A. I do not recall the exact of date of birth. When I was  
2 detained at Krang Ta Chan, I was perhaps 15 or 16 and as of now I  
3 am 57 years old.

4 BY MR. KOPPE:

5 Q. Mr. Civil Party, that would be my calculation as well that  
6 when you were arrested in '74, you were around 16 years old. I  
7 just want to clarify that because I think you testified yesterday  
8 that you were around 10 years old and you said the same thing to  
9 DC-Cam. But when you got into Krang Ta Chan in '74, you were  
10 around 16 years old. That is correct, right?

11 MR. SAY SEN:

12 A. That is correct. When I was at Krang Ta Chan, I was perhaps 15  
13 or 16 years old.

14 [15.41.30]

15 Q. I would now like to ask you some questions about some people  
16 that you were testifying earlier about. You testified earlier  
17 about somebody called Grandmother Nha, do you remember that?

18 A. Yes. I recall that I was talking about Grandmother Nha.

19 Q. This morning, in answer to the Prosecution, you said that Hun  
20 Seng was the husband of Grandmother Nha. At least, that's what I  
21 wrote down. Are you standing by that answer?

22 A. Please repeat your question. I could not follow your question.

23 Q. This morning, in reply to a question of International  
24 Co-Prosecutor, you said that the husband of Grandmother Nha was  
25 Hun Seng. Do you stand by that answer?



1 A. I do not know this person's real name. Her husband's name was  
2 -- the name that was used at the security office was not Hun  
3 Seng. I may forget this person's name.

4 [15.43.39]

5 Q. Would it possible that Grandmother Nha was in fact named  
6 herself Hun Seng?

7 A. No. Hun Seng was the daughter and Yeay Nha was the  
8 grandmother, as I said, Grandmother Nha.

9 Q. Was the other name of Grandmother Nha Hun Kimseng?

10 A. No. I know that she has the name Grandmother Nha, and as for  
11 other names, she did not have other names.

12 Q. Was Grandmother Nha married to a man called Meas Kun?

13 A. Her husband name was Sokun, and as for Sieng he was the  
14 son-in-law. So, Sokun was her husband.

15 Q. Mr. Civil Party, are you sure the husband of Grandmother Nha  
16 was not Meas Kun?

17 A. Yes, you are right, Kun was her husband's name.

18 [15.45.58]

19 Q. Do you know any of their children, the children of Meas Kun  
20 and Hun Kimseng, alias Grandmother Nha?

21 A. Yes. I know only those who were detained at Krang Ta Chan  
22 Security Office.

23 Q. Would you be able to name them, which ones were detained?

24 A. Yes, I could recall some. There was a small girl who was  
25 detained there and I did not know the real name of this little

71

1 girl and Kha was detained there; an in-law of a grandmother was  
2 also detained there.

3 Q. When you say "Kha", do you mean Meas Sokha?

4 A. Yes, you are right.

5 Q. Was the sister of Meas Sokha also detained and was her name  
6 Meas Sarat?

7 A. Meas Sarat was not the younger sister of Sokha; in fact, Meas  
8 Sarat was the older sister of Meas Sokha.

9 [15.48.01]

10 Q. That is possible. Thank you.

11 Now, asking a little bit further on Meas Sarat, the older sister,  
12 I would get back to the incident later probably tomorrow. But is  
13 she the Rat, or Ra, or Rattana that you mentioned in relation to  
14 a rape incident in which she was raped by the use of shells or  
15 grenades -- M79 grenades, is that the same Rat - is the sister of  
16 Meas Sokha?

17 A. There were two people. Rat was arrested, and -- as for ladies  
18 -- there were two incidents; one was raped by M79 grenade, and  
19 another lady was arrested and also raped.

20 Q. Mr. Civil Party, I would like to go to your statement in front  
21 of DC-Cam - that is, E3/4846, ERN number, English, 00527774; and  
22 in Khmer, 00527724. In the middle of the page you speak about the  
23 rape of two girls with M79 missiles and underneath -- on the last  
24 part of that page, you said the following: "I only know that it  
25 is Udam Sorya commune, I don't know the village. Duch had raped

1 eah Rath (older female), who now lives in Kbal village." The  
2 question is: "Oh, the small, short eah Rath over there?" And you  
3 say "Yes, that small one. She has a child working and living in  
4 Phnom Penh."

5 [15.50.34]

6 MR. PRESIDENT:

7 Please hold on, Mr. Koppe. You may now proceed, Judge Lavergne.

8 JUDGE LAVERGNE:

9 Mr. Koppe, I thought we had agreed that whenever you have  
10 questions for the civil party, they shouldn't have to do with the  
11 names or family members of cadres who worked at Krang Ta Chan.  
12 Unless I am mistaken I think it was very clear and it shouldn't  
13 be too difficult for you to continue your examination along those  
14 lines.

15 [15.51.23]

16 BY MR. KOPPE:

17 I will try to call him X. It wasn't my -- I didn't want to ask  
18 any questions about him, it was about eah Rat - Rat, rather.

19 Q. So your answer is: "Yes, the small one, she has a child  
20 currently living and working in Phonm Penh. She was in prison  
21 with me. Rat and Grandma Ngor are still alive." And then the  
22 question is: "Rath and Grandmother Ngor?" And then you say,  
23 "Grandma Ngor is the mother of Rath." Now, again, my question is:  
24 Is the Rat that you speak about and being the daughter of  
25 Grandmother Ngor (phonetic) the same as Meas Sarat that I

1 referred to earlier?

2 MR. SAY SEN:

3 A. This person was -- just two names: Rat or Sarat. Before, she  
4 was called Meas Bei (phonetic) and now the daughter -- child of  
5 Rat is working in Phnom Penh.

6 [15.52.31]

7 Q. Just to be clear; Meas Sarat or Rattana is, as I understand,  
8 the older sister of Meas Sokha. My question is: Is Meas Sarat or  
9 Rattana or Rat still alive?

10 A. For Rat, she is alive now today.

11 Q. Do you know where she is now?

12 A. I learnt two or three years ago. Kha went to my house and she  
13 told me that her older sister - that is, Rat was in the USA.

14 Q. So Meas Sarat, or Ra, or Rat, is alive but in the United  
15 States? Do I understand you correctly?

16 A. Yes, that is correct.

17 [15.53.48]

18 Q. And was Meas Sarat married to a man called Mom Bun?

19 A. Not Mom Bun, Mom Boeun. He goes by the name Au Bei (phonetic)  
20 as well.

21 Q. What else do you know about Mom Boeun?

22 A. I do not know about Mom Boeun. Mom Boeun and his son-in-law  
23 were detained at Krang Ta Chan and these two people -- Boeun and  
24 Kun -- were killed and the bodies were buried under the coconut  
25 tree.

1 Q. What else do you know about Mom Boeun? For instance, do you  
2 know why he was arrested, when?

3 A. I did not know. I know that Boeun was sent to the security  
4 office. I was young at that time and I had no right to ask any  
5 question.

6 [15.55.37]

7 Q. Do you remember when Mom Boeun was arrested?

8 A. I did not know. I saw Boeun arrive in the -- at the night  
9 time. He arrived at the night time and after that he was placed  
10 in the east of the prison and I could see him the day after he  
11 arrived.

12 Q. What do you remember about him?

13 A. I did not anything about Kun and I did not know why they were  
14 sent to the security office. I was too young; I was also a  
15 prisoner. As I said, I had no right to question.

16 Q. Would you be able to tell us roughly when Meas Kun was  
17 arrested?

18 A. I did not know when he was arrested. I only saw him there. I  
19 did not recall the exact date, month or year.

20 [15.57.13]

21 Q. But you don't remember how long you saw him, how long he was  
22 detained?

23 A. From my guess, he was there for a period of one month. As I  
24 said earlier, I could not count the days how long he was there.

25 Q. Are you sure it was one month?

1 A. I am not quite sure the exact days he was there. As I said, I  
2 did not count the days he was there. I did not know exactly how  
3 many days he was there and I never expect that I will before the  
4 Chamber as today.

5 Q. Do you know Grandmother Ngor (phonetic) entered the prison?

6 A. I knew that her husband had already passed away. Her husband  
7 was bitten and after that he died as a result of torture. After  
8 her husband died for 10 days or for one month, members of the  
9 family were brought in.

10 [15.59.02]

11 Q. Could you try maybe, you said you were arrested yourself  
12 sometime in 1974, how long after you were arrested did Meas Kun,  
13 Hun Kimseng enter the prison?

14 A. I was there longer than the two persons. I was there in 1974,  
15 as I said, and I was there long ago before them.

16 Q. Just trying a little bit more, Mr. Civil Party. Was it a year  
17 after the liberation, two years, one month after the liberation,  
18 would you be a little more specific?

19 A. I cannot give you the specific periods, and as I told you I  
20 was a prisoner, so I could only tell what I know and I do not  
21 know how long I was there. And after that, there were other  
22 prisoners came in.

23 [16.00.38]

24 Q. What about Meas Sarat and her husband Mom Boeun, do you know  
25 when they entered the prison?

1 A. Rat arrived later with Yeay Nha with her family members, Boeun  
2 arrived first. That is why I did not recall when these people  
3 came in. After the husband died and members of his family were  
4 brought in - actually, first, I did not know Boeun and Kun, after  
5 their family arrived that I knew that the two people were Boeun  
6 and Kun.

7 Q. Would you be able to tell us something about the reasons why  
8 these four people were arrested: Meas Kun, Hun Kimseng, Meas  
9 Sarat, and her husband Mom Boeun? What was the reason that they  
10 were in Krang Ta Chan?

11 A. I did not know the reasons why.

12 [16.02.10]

13 Q. When they were in prison -- these four people -- did at any  
14 point in time you spoke to them about the reasons for their  
15 arrest?

16 A. The four people and I were together but I did not ask them the  
17 about reason why they were arrested. I was too young at that  
18 time. I did not think about anything else -- the date of the  
19 entry of the prisoner. What I did was only to help myself  
20 survive.

21 Q. Mr. Civil Party, your testimony is that you were able to walk  
22 around freely, sometimes see and hear interrogations, talk to  
23 prisoners, do all kinds of jobs. My question is specifically as  
24 to the reasons why these four people were arrested. Are you  
25 saying that you are not aware of any particular reason?

1 A. Yes, I was not aware.

2 [16.03.45]

3 MR. PRESIDENT:

4 Thank you, Counsel. It is now convenient time for break. The  
5 Chamber is now adjourned and the hearing will resume from 9.00  
6 a.m. tomorrow onwards.

7 Thank you, Mr. Say Sen. The hearing of your testimony as a civil  
8 party has not come to a complete yet. The Chamber invites you to  
9 come back to give testimony tomorrow on the 6th February 2015, at  
10 9 o'clock. You are now excused.

11 Court officer, please facilitate with WESU to send Mr. Say Sen to  
12 his preferred destination and have him returned tomorrow before  
13 9.00 a.m., and the Chamber also invites staff from TPO to assist  
14 the civil party during the hearing tomorrow.

15 Security guards, you are directed to bring the two Accused back  
16 to the detention facility of the ECCC and have them returned  
17 before 9.00 a.m. tomorrow.

18 The Court is now adjourned.

19 (Court adjourned at 1605H)

20

21

22

23

24

25