



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
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 Chambres Extraordinaires au sein des Tribunaux Cambodgiens

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Kingdom of Cambodia
 Nation Religion King
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 Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង
 Trial Chamber
 Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

23 February 2015

Trial Day 248

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
 SON Arun
 SUON Visal
 KONG Sam Onn
 Anta GUISSÉ

Trial Chamber Greffiers/Legal Officers:
 SE Kolvuthy
 Robynne CROFT

Lawyers for the Civil Parties:
 Marie GUIRAUD
 TY Srinna
 VEN Pov
 LOR Chunthy

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

For Court Management Section:
 UCH Arun
 SOUR Sotheavy

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LOR CHUNTHY	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. SONG CHORVOIN	Khmer
MR. SREI THAN ALIAS DUCH (2-TCW-944)	Khmer
MR. SUON VISAL	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear the testimony of a witness 2-TCW-944.

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

7 and individuals to today's proceedings?

8 [09.04.16]

9 THE GREFFIER:

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

12 And Counsel Kong Sam Onn, the defence counsel for Khieu Samphan
13 will be a bit late today.

14 And as for Nuon Chea, he's present in the holding cell downstairs
15 as he requests to waive his rights to be present in the
16 courtroom. His waiver has been delivered to the greffier.

17 The witness who is to continue his testimony today -- that is,
18 2-TCW-944 is present in the courtroom. He has Counsel Moeurn
19 Sovann for this morning as his duty counsel, and Mr. Duch Phary
20 will be present in the afternoon.

21 The reserve witness -- that is, 2-TCW-852, confirms that to his
22 best ability he has no relationship by blood or by law to any of
23 the two Accused: Nuon Chea or Khieu Samphan, nor to any of the
24 civil parties admitted in this case. This reserve witness will
25 take an oath before the Iron Statue this morning at 10 o'clock.

2

1 He will also have Moeurn Sovann as his duty counsel. Thank you.

2 [09.05.40]

3 MR. PRESIDENT:

4 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the
5 request by Nuon Chea.

6 The Chamber has received a waiver from Nuon Chea, dated 23rd
7 February 2015. He confirms that due to his poor health condition
8 -- that is, headache, back pain, and that he cannot sit for long,
9 and in order to effectively participate in the future hearings,
10 request to waive his right to participate in and be present at
11 the 23rd February 2015 hearing. He has been informed by his
12 counsel about the consequence of this waiver, that in no way it
13 can be construed as a waiver of his rights to be tried fairly or
14 to challenge evidence presented or admitted to this Court at any
15 time during this trial.

16 [09.06.39]

17 Having seen the medical report by the duty doctor for the Accused
18 at the ECCC, dated 23rd February 2015, who notes that the health
19 condition of Nuon Chea is that he has severe back pain and
20 dizziness and cannot sit for long and recommends that the Chamber
21 shall grant him his request so that he can follow the proceedings
22 remotely from a holding cell downstairs. Based on the above
23 information and pursuant to Rule 81.5 of the ECCC Internal Rules,
24 the Chamber grants Nuon Chea's request to follow the proceedings
25 remotely from a holding cell downstairs via an audio-visual means

3

1 for today's proceedings as he waives his direct presence in the
2 courtroom.

3 The AV Unit is instructed to link the proceedings to the room
4 downstairs so that Nuon Chea can participate in and follow
5 today's proceedings remotely.

6 The Chamber will like to inquire from duty counsel Moeurn Sovann.
7 You are the duty counsel for this witness, and that is based on
8 his request.

9 Mr. Moeurn Sovann, can you inform the Chamber of your ID, your
10 office address?

11 [09.08.33]

12 MR. MOEURN SOVANN:

13 Thank you, Mr. President. My name is Moeurn Sovann and my ID is
14 561. We have our office at Banteay Chas village, Sla Kram
15 district, Siem Reap province. I am part of the team Sampon Chhbap
16 (phonetic).

17 MR. PRESIDENT:

18 Thank you.

19 The Chamber will now hand the floor to the Prosecution to
20 continue putting questions to this witness. And you are reminded
21 that the combined time for the Prosecution and the Lead
22 Co-Lawyers for civil parties is for this entire morning session.
23 You may proceed.

24 [09.09.28]

25 QUESTIONING BY MR. LYSAK RESUMES:

4

1 Thank you. Good morning, Mr. President, Your Honours. Good
2 morning, Mr. Witness.

3 When we ended last week, we were discussing the subject of
4 interrogations at Krang Ta Chan. And if I may start -- during
5 your first OCIJ interview, you drew a map that showed your
6 recollection of the Krang Ta Chan compound, which is the last
7 page of your statement D125/129.

8 Q. Do you still have the statements from last week? And if so,
9 could you please refer to the last page of D125/129, the drawing
10 of Krang Ta Chan?

11 And Mr. President, with your leave, if the witness -- with your
12 leave, Mr. President, we may also show that on the screen.

13 Your map, Mr. Witness, is drawn a little differently than OCIJ's
14 map that I showed you last week, in that in your drawing, the
15 south side of the compound is at the top instead of the bottom.

16 Now, does this refresh your recollection that the interrogation
17 site at the Krang Ta Chan compound was located at the south side
18 of the compound?

19 MR. SREI THAN:

20 A. Yes, the interrogation was in that direction.

21 [09.11.38]

22 Q. And your map also shows two buildings that are marked as
23 prisoner buildings: one on the east side of the compound and one
24 on the west side. And I have a little trouble reading your
25 handwriting where you indicated the distance, your estimated

5

1 distance between the prisoner buildings and the interrogation
2 site. Can you read for me your estimate of those distances
3 between the east -- between both the east building and the
4 interrogation site and the distance between the west building and
5 the interrogation site?

6 A. The distance from one building to another is about 40 metres.
7 So the distance between each building is about 40 metres.

8 [09.12.47]

9 Q. Now, in the middle of your map is a building which is marked
10 as the kitchen and below that, to the north of that on this map
11 is another building that appears to be divided into two rooms.
12 Can you tell us what the building is that you drew to the north
13 of the kitchen?

14 A. The two room building is that one belongs to the prison chief.
15 And in fact, the building itself was not that big. It was only
16 about three or four metres wide and was partitioned into separate
17 rooms.

18 Q. And is this the building where you worked when you were typing
19 documents for the prison chief?

20 A. When I typed -- in fact I did the typing in the room of the
21 prison chief.

22 Q. And how far was this location -- the prison chief's room --
23 how far was it from the interrogation site?

24 A. The distance between the prison chief's room to the
25 interrogation site was about 70 metres or a little bit above 70.

6

1 [09.14.54]

2 Q. Last week I read to you your statement to OCIJ that you saw
3 them take prisoners for beatings and interrogations every day and
4 that you heard the screams of prisoners coming from the
5 interrogation room. Could you hear the screams from the building
6 where you worked, typing, or could you only hear the screams when
7 you were outside that building moving around the prison grounds?

8 A. I only could hear the screaming while I was in the room and
9 while I was typing. However, if I was at the guard post outside,
10 I could not hear it.

11 Q. Now in regard to the building that was used for the
12 interrogations of prisoners, can you tell us was this a building
13 that had walls or was it an open structure?

14 A. In a simple word, it was not a complicated building. There was
15 a wall -- a wooden wall and the roof was thatched roof. However,
16 the wall was -- the walls covered all corners of the building and
17 we could not see through.

18 [09.16.50]

19 Q. Can I clarify: are you talking about the interrogation site or
20 are you talking about the building where the prison chief was
21 located and where you typed documents?

22 A. I refer to the interrogation room.

23 Q. I want to read to you some testimony we've already heard in
24 this trial about that interrogation site to ask you about. In the
25 trial transcript for the 4th of February of this year, E1/256.1

7

1 at approximately 15.13.05, civil party Say Sen testified as
2 follows - quote:

3 "Question: And was the interrogation room built of strong and
4 solid walls? And if not, what were the walls made of?

5 "Answer: The front wall was made of wooden planks and it was just
6 low wooden planks up to the height of the waist. For the other
7 walls, they used coconut tree leaves in between bamboo sticks."

8 [09.18.25]

9 And on the following day at E1/257.1, approximately 10.55.20:

10 "Question: If you stood outside this building, let's say a metre
11 away, could you see through the wall the leaves, the wood or
12 couldn't you?

13 "Answer: We could see through because the front wall of the
14 interrogation room had a lower wall. And as I said, there was a
15 wall at the back where they hung their weapons and other
16 equipment." End of quote.

17 And Mr. Witness, does this refresh your recollection that on the
18 front side of the interrogation site, you could see and hear what
19 was going on inside because it was not a completely walled
20 structure?

21 A. Yes, that is correct. However, around the interrogation rooms,
22 they grew vegetables and plants, including banana trees and
23 coconut trees and it was very hard to see through those
24 vegetation.

25 [09.19.52]

8

1 Q. I'd also like to ask you about a statement made by your fellow
2 guard, Sim, whom you identified last week as part of your six-man
3 unit. In OCIJ interview, D40/20, at Khmer, 00165334; English,
4 00433573; and French, 00524322; this is what your fellow guard
5 said about prisoner interrogations -- quote:

6 "From what I could sneak a look at, when cooking nearby, I saw
7 them beating and interrogating and researching. Sometimes they
8 put plastic cloths over their faces and beat them as they
9 interrogated. Some prisoners were beaten to death at the
10 interrogation site." End of quote.

11 First of all, does this refresh your recollection that there was
12 a location nearby the interrogation site where at least one guard
13 in your unit sometimes cooked food?

14 A. Yes. Sometimes a guard from my unit also did the cooking.
15 However, during the interrogation phase, we were not allowed to
16 go near. We couldn't hear what they were speaking. We sometimes
17 could hear the screaming but not the words that they said in the
18 room.

19 [09.22.10]

20 Q. Were there plastic bags that were kept and used at the
21 interrogation site?

22 A. I didn't know about that.

23 Q. Were there weapons kept at the interrogation site, such as
24 clubs or sticks?

25 A. I did not enter that room, so I did not know.

9

1 Q. Last week you told us that at times, your six-man unit was
2 split into two groups with three of you guarding the east
3 building and three of you guarding the west building -- the west
4 detention building. When you were assigned to work at the
5 buildings, did the guards in your unit help bring prisoners who
6 were to be interrogated from the detention buildings to the
7 interrogation site?

8 A. No. We did not. We were a guard group to guard the outer
9 perimeter of the prison compound and only at night-time were we
10 allowed to guard near the interns into the prison compound. But
11 during the day time, we were at the outer part of the prison
12 compound itself, not the inner part.

13 [09.24.16]

14 Q. When you testified last week that three of you would guard the
15 east building and three the west building, where was it that you
16 were located when you were guarding those prisoner buildings?

17 A. I guarded the east building.

18 Q. And during the periods of time where you guarded the east
19 building, where were you located?

20 A. The guard post was to the east of the prison building itself;
21 it was about 20 metres from the east prison building. However,
22 when we were on guard duty for that building, for example, we
23 would come closer to the guard -- to the prison building and we
24 were sitting there.

25 [09.25.30]

10

1 Q. And during those periods when you were close to the detention
2 building, were there occasions where you helped to bring
3 prisoners out of the detention building and to bring them back
4 into the building after they were interrogated?

5 A. I'd like to clarify this point again. My six-man unit was not
6 part of the prison staff. We were allowed only to guard at the
7 field outside. And involving the guards or the taking prisoners
8 to the interrogation room or bring them back was the
9 responsibility of the part of the prison staff there and we were
10 not part of it.

11 [09.26.33]

12 Q. Mr. Witness, I want to read another excerpt from the book of
13 Meng-Try Ea; this is E3/2120. It is only in English at page
14 00416393. And as I mentioned to you last week, he has a number of
15 statements that he described having obtained from a Krang Ta Chan
16 typist, Sok Chantha alias Duch, and his book concludes the
17 following -- quote:

18 "Chantha was stationed north of the interrogation room, so he
19 often heard screams coming from it. He explained that torture
20 occurred when the prisoner did not satisfy the interrogator, and
21 torture was sometimes carried out until the prisoner was bloodied
22 from head to toe, became unconscious, and occasionally reached
23 the point of death." End of quote.

24 Did you see prisoners, Mr. Witness, who after their interrogation
25 appeared to have been beaten?

11

1 A. To respond to your question regarding the person by the name
2 of Chantha alias Duch, I do not recognise -- I do not know that
3 person. Not at all.

4 Q. Did you ever see prisoners who appeared to have been beaten?

5 A. Yes, I did. Prisoners who were beaten, I saw them but I did
6 not see it on a daily basis. Sometimes I saw prisoners who were
7 probably tortured severely. However, I did not know how they were
8 tortured or how they were interrogated.

9 [09.29.19]

10 Q. Where was it that you would see prisoners in this condition?

11 A. I saw the prisoners after they finished their interrogations
12 and those prisoners were brought back into the prisoner's
13 building.

14 Q. And can you tell us who it was to your knowledge that
15 conducted the interrogations of prisoners at Krang Ta Chan during
16 the time you worked there?

17 A. I cannot recall it clearly. As I said, I did not have any role
18 or responsibility at Krang Ta Chan's office. The chief of Krang
19 Ta Chan office was Leng An and his deputy was Duch. I myself was
20 under the supervision of the army and I was not under the direct
21 supervision of the prison chief.

22 [09.30.49]

23 Q. Mr. Witness, during the time that you worked right inside the
24 prison chief's office typing documents for him, were you under
25 his supervision at that time?

12

1 A. No, I was not. When I typed, usually they already set up the
2 typewriter with a blank sheet of paper there on the desk and then
3 they would send someone to call me to come in and do the typing.
4 And after I finish typing it, then I would just left, would just
5 go back to my post.

6 Q. We would come back to the typing of documents in just a
7 moment. Before I get to that, during the time that you were at
8 Krang Ta Chan, did the prisoners at Krang Ta Chan include a woman
9 named Yeay Nha and some of her children?

10 A. When I was at that place, these people had already been there
11 and I did not know when they were detained.

12 Q. Let me make sure I understand it. You're saying that there
13 were -- you remember prisoners, a woman named Yeay Nha and her
14 children, but they were already at Krang Ta Chan at the time you
15 arrived? Did I understand you correctly?

16 A. Yes, that is correct.

17 [09.32.57]

18 Q. I want to turn now to the subject of the reports or documents
19 that were prepared at Krang Ta Chan. And in your OCIJ interview,
20 D232/93 at answer number 10, you stated that you were assigned to
21 type documents, such as prisoners' handwritten reports. And at
22 answer 59, you stated -- quote: "They had me type by copying from
23 handwritten notebooks." End of quote.

24 Who was it that provided those handwritten notebooks to you?

25 A. The statement was already in the handwritten notebook and the

13

1 notebook was placed on the table and I was asked to do the typing
2 from the statement in the written notebook.

3 Q. Who was it that asked you to do the typing?

4 A. Sometimes when Ta An was absent, Duch told me to do the
5 typing. And if Duch was not in the office, I was the one who do
6 the typing.

7 [09.35.02]

8 Q. Let me read from your statement, E319.1.25, at answer 34.

9 "Question: Who sent you the documents to type?

10 Answer: Leng An and Duch gave the documents to me to type, and as
11 soon as I finished typing, I left the room." End of quote.

12 Does that refresh your recollection that it was either prison
13 chief An, or his deputy Duch, who gave you the handwritten
14 notebooks to type?

15 A. Yes, these two people could call me and asked me to do the
16 typing. I could only know the basic typing and I could replace
17 them to do the typing whenever they were absent.

18 Q. I understand that you say that you were not the person named
19 Sok Chantha who was interviewed by Meng-Try Ea. Nonetheless, he
20 interviewed someone who indicated they were a typist at Krang Ta
21 Chan. And in E321.20, at page 00116394 in English only, he
22 recounted the following information from that typist about the
23 preparation of prisoner confessions -- quote:

24 [09.37.01]

25 "The Tram Kak centre had a two-stage interrogation process.

14

1 First, An asked questions and Cheng took notes. Cheng wrote down
2 the prisoners' confessions in a book (in some cases, security
3 cadres used tape recorders). Later those confession notes were
4 provided to An. Next, An gave the book to Chantha for typing.
5 Chantha explained that next, 'An took the confessions that I had
6 typed and sent them to the higher echelon for examination and
7 decision'." End of quote.

8 My first question, do you remember a cadre named Cheng who was
9 part of the prisoner leadership at Krang Ta Chan?

10 A. I would like to tell the Court that the person named Cheng and
11 another person named Dam, these two people were already at the
12 security office. I could -- when I was there I could see Dam was
13 already there, and as for Cheng, he had gone to another place
14 already. I did not know where he went. And I could see only Dam
15 who was detained at the security office. And I did not know the
16 two people and I did not recognise them and I did not know when
17 they started working at that place.

18 [09.39.03]

19 Q. Was Cheng there at any time during the period you were at
20 Krang Ta Chan or had he already left when you arrived?

21 A. There was no person by the name as you mentioned. Actually,
22 when I was there I did not see this person.

23 Q. In your interview D232/93 at answer number 30, you provided
24 the following description of the notebooks that were provided to
25 you at Krang Ta Chan for typing -- quote:

15

1 "I received the name lists which were handwritten from the
2 chairman. For that paper list, it was written in the book whose
3 covers carried titles, writing book and multiplication of cells."
4 End of quote.

5 [09.40.22]

6 And at answers 32 to 33 from that same statement - quote:

7 "Question: The name list the chairman brought you to type, were
8 they on paper or in books? Answer: It was the book which had 10
9 or 20 pages. It was the writing book for children to write.

10 Question: On the book cover, were there any other marks?

11 Answer: On the book cover, there were no other writing besides
12 pictures such as a picture of children or that of Angkor Wat."

13 End of quote.

14 Mr. President, with your leave, I'd like to provide this time
15 document E3/4092 -- E3/4092; provide this to the witness to see
16 if he recognises it and I would also request to show the cover
17 page of that document on the screen, with your leave.

18 MR. PRESIDENT:

19 The Chamber grants your request.

20 [09.41.42]

21 BY MR. LYSAK:

22 Now, Mr. Witness, I want you to first look at the cover page of
23 E3/4092 -- if we can show that on the screen also. This cover
24 page contains a picture or drawing of children writing and a
25 multiplication table.

16

1 Q. My question is this the type of notebook that was provided to
2 you for typing at Krang Ta Chan?

3 MR. SREI THAN:

4 A. No, it was not this book. It was not this type of book. This
5 book was -- I could see this book at the time and they were full
6 of names in this book. And as for the confession, it was written
7 on a piece of paper taken from this book. So the confession was
8 not written in this book.

9 Q. Mr. Witness, the books that you saw at Krang Ta Chan, did they
10 have a cover page like the document you are looking at right now?

11 A. Yes, I saw this book.

12 [09.43.34]

13 Q. And could you look at the handwriting in this book, E3/4092,
14 and tell us whether you recognise whose handwriting this is?

15 A. I did not recall and I did not recognise this handwriting.

16 Q. Mr. Witness, I'd like to provide you now a document E3/2421 -
17 E3/2421, the ERN pages, Mr. President, are Khmer, 00271176 to 77;
18 English, 00322201 to 02; and French, 00623832 to 33. It is a
19 report -- a typed report from the Krang Ta Chan chairman, An.
20 With your leave, may I provide this to the witness?

21 MR. PRESIDENT:

22 You are allowed to do so.

23 [09.45.41]

24 BY MR. LYSAK:

25 Q. Mr. Witness, if you could look at the document that's just

17

1 been provided to you, which is a 5 July 1978 typed report from
2 An. And in your OCIJ statement, D232/93, at answer 70 to 71, you
3 were shown this document, and confirmed that you used to type
4 these kinds of documents. Can you tell us whether this is one of
5 the types of records that you typed at Krang Ta Chan, using the
6 handwritten notes that were provided to you?

7 MR. SREI THAN:

8 A. I did not recall it, because the typed reports were of similar
9 nature, and I did not know whether this typed report was typed by
10 me.

11 Q. Just so you're clear, I'm not asking you whether this -- you
12 can confirm 30 years, 40 years later that this is a document that
13 you typed yourself. What I'm asking is whether this is the type
14 of document that you typed while you were working at Krang Ta
15 Chan?

16 A. As for this report, yes, it is true.

17 [09.47.58]

18 Q. And what I'd like you to do now, if you could, is take the
19 notebook that I provided to you, the document E3/4092, and if you
20 could turn in that notebook to pages: Khmer, 00271156 to 57; and
21 I've put a tab at that page to make it easy for you. The pages in
22 English, 00834818 to 19; French, 00721298 to 99; and if you would
23 compare the handwritten notes at those pages to the typed
24 document that I just provided, can you confirm for me that the
25 typed record is based almost verbatim on the handwritten notes

18

1 for the seven prisoners that is listed?

2 A. There was another book with the same cover, and I did not
3 recall it. When I was at that place, I could see the book as I
4 described, and I did not recall and recognize this type of book.

5 Q. And I understand that you don't remember, 30 years later,
6 whether a specific document was one you typed. But in general,
7 can you confirm that the process that you followed when you typed
8 documents, was to take the handwritten notes that were given to
9 you, and type them up verbatim into a report, that was then
10 signed by chairman An?

11 A. No, it was not like that. I would like to confirm, once again,
12 the confession was written on a piece of paper. It was written on
13 a piece of paper, and after that, this piece of paper with the
14 confession in it, was given to me. I was asked to type this
15 confession -- the statement.

16 [09.51.18]

17 Q. I understand. What I'm asking you is, did you take the
18 handwritten notes of confessions that were given to you on paper,
19 and turn those into a typed report that would be signed by prison
20 chairman An?

21 A. Yes, that is true.

22 Q. If you could return to the typed report that I provided to
23 you, document E3/2421, the 5 July 1978 report. At the very top of
24 that document, it reads, "Education Office District 105".

25 Was Krang Ta Chan referred to in the documents you typed as the

19

1 District 105 Education or Re-education Office?

2 A. I did not know about this. For the heading, it was written as
3 the Education Office, District 105.

4 [09.53.03]

5 Q. Was Tram Kak district called District 105?

6 A. Yes, that is true.

7 Q. Also at the top of this document, the report is addressed as
8 follows -- quote: "Respectfully report to the Party, the prisoner
9 confessions as follows." End of quote.

10 Did prison chief An or deputy Duch instruct you on how the
11 reports -- or who the reports should be addressed to, in this
12 case, to the Party?

13 A. Yes, that is true. This report was submitted and sent to the
14 Party. And I did not know where the Party was.

15 [09.54.15]

16 Q. Now, this particular report concerns a group of seven alleged
17 traitors, whose purported leader was a former Lon Nol lieutenant,
18 and who is accused of expressing the following views or opinions.

19 I'm reading from the report -- quote:

20 "In the old regime, we were very happy. We had money, we could
21 eat whatever we wanted, we could go anywhere we wanted, we could
22 have sex with girls, drink wine, and gamble any time we wished.
23 We cannot live in this regime, since it is very difficult." End
24 of quote.

25 My question to you, Mr. Witness, is, can you tell us whether one

20

1 of the groups or types of people that you saw imprisoned at Krang
2 Ta Chan, were people like this, who were accused of criticizing
3 or opposing the Democratic Kampuchea regime?

4 A. Yes, that is correct. During that regime, even if we
5 complained that we could not have enough food, we would be sent
6 away. So, that's what I saw during the regime.

7 Q. Could you look at the second page, at the very end of this
8 report? Could you tell me if you recognize the signature or
9 handwriting at the end of the report?

10 A. I did not understand the question. Please repeat it.

11 [09.56.50]

12 Q. Can you look at the end of the document, and tell me, do you
13 recognize who it was that signed this report?

14 A. This report was signed by An.

15 Q. Were all the reports you typed at Krang Ta Chan signed by
16 prison chief An, or were there other cadres who sometimes signed
17 those reports?

18 A. When I finished the typing, there was no one there to put the
19 signature. In the group there were two or three people, and I did
20 not know their names. These people were the ones who put the
21 signatures.

22 Q. At interview D 232/93, answers 37 to 38, you gave the
23 following testimony:

24 "Question: Did you know where the document was sent to?

25 Answer: I heard that it had been sent to the upper level, but I

21

1 did not know where it had been sent to." End of quote.

2 My question is: Did Krang Ta Chan have messengers who would
3 deliver documents from the prison to the District Office?

4 A. Yes, there were messengers and I did not know their names. The
5 documents were delivered by messengers, and I did not know those
6 messengers' names.

7 [09.59.20]

8 Q. Do you remember how many messengers there were who worked at
9 the prison?

10 A. I did not know how many messengers at that place.

11 MR. LYSAK:

12 Mr. President, with your leave, I'd like to now provide another
13 typed report for the witness to review, which is document
14 E3/2425. Again, E3/2425, with your leave.

15 MR. PRESIDENT:

16 Your request is granted.

17 [10.00.30]

18 BY MR. LYSAK:

19 Q. Mr. Witness, you've previously confirmed you were shown this
20 document in interview D232/93, at answer 56, and confirmed that
21 it was a Krang Ta Chan document, from An. Let me ask you a few
22 more questions about this report. In this report of the
23 confessions or statements of two former Lon Nol soldiers: one
24 named Orm Chantha, and another named Pok Bunly, the two former
25 Lon Nol soldiers were accused of stealing coconuts and cassava

22

1 root to eat, walking about freely, and pretending to be ill and
2 unable to work.

3 My question to you is: Did the prisoners who were sent to Krang
4 Ta Chan, include people like this, who were accused of stealing
5 food to eat, or pretending to be sick and too tired to work?

6 MR. PRESIDENT:

7 Mr. Witness, please hold on. You may now proceed, Mr. Koppe.

8 MR. KOPPE:

9 Thank you, Mr. President. I'm reading the document as well, and I
10 see -- and I read that -- that the involved people stole very
11 often, and repeatedly, without deterrence. So I would like to
12 have the full quote, that we are talking not somebody who stole
13 one something, but apparently repeated thieves; people who were
14 stealing very often. So, if we are being given quotes, I would
15 like to have the full quote from that document.

16 [10.02.45]

17 BY MR. LYSAK:

18 That is correct, and what they were stealing was food. Coconuts,
19 roots, sugar.

20 Q. My question again, Mr. Witness: Did the prisoners who were
21 sent to Krang Ta Chan include people who were accused of stealing
22 food to eat, or pretending to be sick and unable to work?

23 MR. SREI THAN

24 A. The prisoners who were sent there were accused of stealing
25 food, and pretending to be ill, and lazy.

1 MR. KOPPE:

2 Sorry to interrupt again. I'm re-reading the same report, and the
3 OCP is not mentioning the fact that the two prisoners involved
4 were soldiers bearing insignia of -- and I quote: "A ghost skull
5 die hard." So, apparently these were two soldiers from a certain
6 unit. So, just portraying that these were people who just stole
7 some coconut is not accurately reflecting this particular
8 document. So, I think if we are quoting documents from Krang Ta
9 Chan, we should do it all the way.

10 [10.04.23]

11 MR. LYSAK:

12 Mr. President, I've already noted that these were Lon Nol
13 soldiers. I don't think I'm obligated to describe the tattoo that
14 one of them had, and counsel is certainly entitled to question
15 the witness about this himself. So, with your leave, I'd like to
16 proceed to the next document, which is E3/4083. It is another
17 notebook with the same cover page as the one that was provided
18 before. With Your leave, if I may provide E3/4083 to the witness?

19 MR. PRESIDENT:

20 Yes, you can proceed.

21 [10.05.32]

22 BY MR. LYSAK:

23 Q. Mr. Witness, if you could look first at the cover page of this
24 notebook? Like the one I showed you before, it has a picture of
25 children writing, and a multiplication table. Can you first

24

1 confirm that this is one of the notebooks that you saw being used
2 at Krang Ta Chan? This type of notebook?

3 MR. SREI THAN:

4 A. Yes, that is correct. This is one of the notebooks that I used
5 to see. Or at least, it is similar to those notebooks that I saw.

6 Q. This notebook appears to consist of a prisoner list, rather
7 than notes of confessions or interrogations. And if you could
8 first turn to Khmer page 00068026, which I've marked for you.
9 This is English page 00323948; and French, 00778855 to 56. And in
10 the very middle of the right side of Khmer page 68026, are the
11 names of the same two prisoners that we were just discussing a
12 few minutes ago, Orm Chantha and Pok Bunly, the two former Lon
13 Nol soldiers who had been accused of stealing coconuts and
14 cassava roots. My first question, looking at this page: do you
15 recognize the handwriting on this page, or do you know who wrote
16 this list?

17 [10.07.58]

18 A. No, I do not recognize this handwriting. I didn't know who
19 wrote it.

20 Q. On that page, there are Xs marked next to the names of most of
21 the prisoners on that page, and on the next page. Are you able to
22 tell us what those Xs signified? What did it mean if a prisoner
23 had an X marked to his name -- next to his name?

24 A. I did not know the significance of the marking.

25 Q. If you could turn a couple of pages later in the document, at

1 0068028, there are a number of prisoners who are noted as having
2 been moved to Meng's place in late 1978. Now, last week, on
3 Thursday, you described there being a group of prisoners who were
4 transferred from Krang Ta Chan to another prison in late 1978, or
5 early 1979. Can you tell us whether the prisoners on this list
6 were part of the group that was transferred from Krang Ta Chan in
7 late 1978?

8 A. I cannot recall that. However, in late 1978, prisoners were
9 sent out, and I did not know where they were sent to. But in
10 fact, there was a sending out of groups of prisoners.

11 [10.10.18]

12 Q. Do you know who Meng was? This document refers to transferring
13 prisoners to Meng's place. Who was Meng?

14 A. I do not recognize him.

15 Q. On the same page, there are notes recording that a number of
16 the prisoners had died of illness. My question: Are you able to
17 tell us who it was at Krang Ta Chan who was responsible for
18 recording names, or keeping track of prisoners who died from
19 illness?

20 A. I do not know who would do that. To me, it seems there was no
21 one who was responsible for that.

22 [10.11.28]

23 Q. The last part of this document I want to refer you to, if you
24 could turn to the -- towards the end, at Khmer, 00068036. There
25 is a handwritten list at this page. Can you tell me whether you

1 recognize the handwriting on page 68036?

2 A. No, I cannot recall it, and I don't recognize it.

3 Q. In this list, the first 20 people on it are described as being
4 a network of 20 traitors whose offence consisted of planning to
5 escape to Vietnam or Thailand. Can you tell us whether one of the
6 types of prisoners at Krang Ta Chan were people accused of
7 planning or trying to escape Democratic Kampuchea, and flee to
8 Vietnam or Thailand?

9 A. No, I cannot recall it.

10 Q. Mr. Witness, prisoner number --

11 [10.13.25]

12 MR. KOPPE:

13 Mr. President, I do not -- did not object to the questions
14 raised. However, I do note that the particular page that the
15 Prosecution is referring to, looks completely different than the
16 other pages. It seems, not necessarily the case, that this page
17 is in fact part of the same document. So, although -- like I
18 said, no objections to the question itself, I think that's
19 something that should be noted. There is, as you can see, the
20 background colour and the lines are completely different.
21 So, we have no way in checking whether this page is in fact part
22 of the same document, which leads me to the problem in general of
23 all these documents. We do not have the originals of any of them,
24 so I think my remarks should be reflected as to the general
25 problems that we have regarding these documents. So, I don't

1 know, again, if this page is in fact part of that same document.

2 [10.14.32]

3 MR. LYSAK:

4 Counsel's free to explore this in his questioning. This is an
5 admitted record. May I proceed with my next question?

6 MR. PRESIDENT:

7 That is appropriate, although there are different strategies by
8 the opposing parties. However, make sure that your question is
9 clear which document you refer to.

10 The time is now appropriate for a short break. We will take a
11 break now and return at 10.30.

12 And Court officer, please assist the witness during the break,
13 including his duty counsel, and have them returned to the
14 courtroom at 10.30 -- that is, before the commencement of the
15 hearing.

16 The Court is now in recess.

17 (Court recesses from 1015H to 1033H)

18 MR. PRESIDENT:

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

20 And again, the Chamber will hand the floor to the Prosecution to
21 continue putting questions to this witness. You can proceed.

22 BY MR. LYSAK:

23 Thank you, Mr. President. We are discussing document E3/4083 and
24 a particular list at the end of this document. I just have two
25 more questions on this list.

28

1 Q. Prisoner number 28 was a person who was identified as having
2 complained about having to eat in porridge, and as your counsel,
3 it said Khmer page 00068036, prisoner 28 was someone who
4 complained about having to eat in porridge.

5 My question: Did the prisoners at Krang Ta Chan include people
6 whose offence consisted of complaining about the lack of food?

7 MR. SREI THAN:

8 A. Prisoners who were detained at Krang Ta Chan prison were those
9 who allegedly complained about lack of food, about our work et
10 cetera, for that reason, they were taken and detained there, or
11 at least most of them were in this category.

12 [10.35.50]

13 Q. And the last entry on this prisoner list number 29 was a
14 73-year-old man Suong Rath, who was a former village chief
15 accused of stealing food. Did the prisoners at Krang Ta Chan
16 include elderly people?

17 MR. KOPPE:

18 Mr. President, I object again to this question. We do not know
19 for sure that this particular page is in fact a Krang Ta Chan
20 document. As I said earlier, it looks completely different from
21 the other pages. We have no way of verifying the original
22 documents or we do not know whether this page was inserted
23 somehow. Again, it looks completely different and it doesn't look
24 as far as I'm concerned, like a page on the Krang Ta Chan record.
25 So again, Prosecution is assuming that this is some document that

29

1 the witness has seen or in fact, is part of the Krang Ta Chan
2 prison records. We do not know.

3 [10.37.05]

4 MR. LYSAK:

5 Mr. President, this is the same objection; he is entitled to ask
6 questions. This is an admitted record. My question to the witness
7 is simply: Did the prisoners at Krang Ta Chan include elderly
8 people?

9 MR. KOPPE:

10 I'm going to interrupt. I would like you to rule on this.

11 (Judges deliberate)

12 [10.46.14]

13 MR. PRESIDENT:

14 The International Co-Prosecutor, could you inform the Chamber
15 regarding document E3/4083 whether this document is part of the
16 current case file, and whether this document is referred to in
17 the footnote of the indictment?

18 MR. LYSAK:

19 Mr. President, it's certainly part of the case file; it's an
20 admitted document. I can't tell you without checking whether it'
21 cited in the Closing Order, but it was a document that was
22 admitted as part of the Tram Kak records that were put before the
23 Chamber during the 002/01 trial.

24 MR. PRESIDENT:

25 Thank you. The Chamber rejects the objection raised by the

30

1 defence counsel regarding document E3/4083, and the Prosecution
2 can refer to this document during their questioning to this
3 witness. The defence counsel is also reminded that you may use
4 your time of questioning to clarify the issue in relation to this
5 document when you put a question to this witness.

6 And the International Co-Prosecutor, you may continue.

7 [10.48.13]

8 BY MR. LYSAK:

9 Thank you, Mr. President.

10 Q. Mr. Witness, were there elderly prisoners at Krang Ta Chan?

11 MR. SREI THAN:

12 A. It is rare to see elderly prisoners.

13 Q. I want to turn now to a statement you made in D125/129 in your
14 interview, first interview with OCIJ at Khmer, 00224790; English,
15 00231675; and French, 00234576; in this part of your statement,
16 you described receiving and typing handwritten papers that
17 contained -- and I quote: "The confessions of prisoners saying
18 that they had been involved with the CIA, had stolen to eat, had
19 complained of fatigue, had complained of not getting their fill
20 to eat, had been involved with Lon Nol soldiers and capitalists,
21 et cetera." End of quote.

22 We've covered a number of these subjects already. My question to
23 you now is: Were there many prisoners at Krang Ta Chan, who were
24 former Lon Nol soldiers or people accused of having connections
25 to the Lon Nol regime?

1 A. I did not know for sure how prisoners were categorized into
2 these two or three types.

3 [10.50.33]

4 Q. I want to turn to some questions about a cousin of yours. You
5 indicated in interview D232/93 at answer 68 that you had a
6 cousin, Meas Phoeun, who was arrested and taken to Krang Ta Chan
7 prison. Can you first tell us, how did you learn that your cousin
8 had been arrested and sent to Krang Ta Chan?

9 A. My cousin was arrested and imprisoned at Krang Ta Chan, and
10 that happened before my arrival at Krang Ta Chan, and upon my
11 arrival, he was not there anymore, and I presumed he was arrested
12 at his village and sent to Krang Ta Chan, but I did not see him
13 when I arrived.

14 Q. What did your cousin do, and where did he live during the
15 Khmer Rouge period?

16 A. Before the Khmer Rouge regime, he lived in Phnom Penh, and
17 after he left Phnom Penh, he went to live at Angk Ta Nu village,
18 Leay Bour commune, Tram Kak district, Takeo province.

19 [10.52.24]

20 MR. LYSAK:

21 Mr. President, with your leave, I'd like to provide to the
22 witness two documents that relate to a person by the same name,
23 Meas Phoeun, who was arrested in Tram Kak district. These are
24 documents D157.39 -- D157.39, and document D157.7. With Your
25 leave, may I provide these to the witness?

1 MR. PRESIDENT:

2 Yes, you may proceed.

3 BY MR. LYSAK:

4 Q. Mr. Witness, the first of the two documents that you are just
5 given, D157.39 is an 18 April 1977 report to the Party from
6 Office 105, which states as follows -- quote:

7 "On 17 April 1977, a trader was arrested. His name is Meas
8 Phoeun, 26 years old. He was a student of second grade senior
9 high school, and a former second lieutenant in Pochentong. He was
10 arrested from Tuol Khpos village, Leay Bour commune. We have now
11 brought him over to the police already." End of quote.

12 [10.53.54]

13 And in document D157.7, if you would look at Khmer page 00270861;
14 English, 00866430; and French, 00872805; there are notes of the
15 interrogation of a Meas Phoeun: 25 years old; wife named Mao
16 Chan; birth place Leay Bour commune, Tram Kak district, who
17 joined the Lon Nol Army in 1970, and was promoted to 1st
18 lieutenant.

19 Mr. Witness, is the person who is described in your documents, in
20 these documents, your cousin?

21 MR. SREI THAN:

22 A. Yes. That is true. Meas Phoeun was my cousin.

23 Q. And was your cousin a lieutenant in the Lon Nol Army prior to
24 1975?

25 A. I was not sure of his rank. While I was in Phnom Penh, I only

1 knew that he was a student at that time.

2 [10.55.42]

3 Q. Now the notes for your cousin in D157.7 contain the following
4 statement -- quote:

5 "This man is a string of 'A' Chin Han and 'A' Map, who have a
6 plan to betray us. These men said, 'We should be patient. Later,
7 our country will be changed to be what it was in the past. At
8 that time there will be religion, school, private property and
9 money again."

10 From continuing in the next paragraph, "These men do not have a
11 clear plan. They are only waiting for their group to come from
12 outside. At present, they are frustrated with the hard work and
13 shortages because they used own many things during the regime of
14 Lon Nol." End of quote.

15 [10.56.56]

16 Now, Mr. Witness, in your interview D232/93 at answer 53, you
17 testified that very few prisoners were released from Krang Ta
18 Chan, and you said -- and I quote: "99 per cent of prisoners were
19 smashed."

20 My question: Was your cousin one of the few who were released
21 from Krang Ta Chan, or was he part of the 99 per cent who were
22 executed?

23 A. After my husband was arrested and sent to Krang Ta Chan, I had
24 not yet arrived at the prison. I was still with the army.

25 Q. Was your cousin ever seen again after he was arrested and sent

1 to Krang Ta Chan?

2 A. No, I did not see him.

3 Q. Mr. Witness, the last subject I will cover with you today is
4 the executions of prisoners at Krang Ta Chan. And in your OCIJ
5 interview, including D232/93 at answer 29, you have testified
6 that the documents you were given to type included - quote:

7 "Names of prisoners who were smashed."

8 [10.58.41]

9 MR. LYSAK:

10 Mr. President, with your leave at this time, I would like to
11 provide to the witness document E3/4145 -- E3/4145, at Khmer,
12 00068737; English, 00762845246; and French, 00761101202; which is
13 a partial list of prisoners. May I provide this document to the
14 witness?

15 MR. KOPPE:

16 Mr. President, again we have a situation with this particular
17 document. I'm not sure whether you actually understood well my
18 earlier objection, but let me focus now on this particular
19 document.

20 We did a research on this document, and this is one of the very
21 few documents relied upon by the Prosecution of which there seems
22 to be an original document. The original document, however, is
23 only to be found at Tuol Sleng. So it seems that this is not
24 actually a Krang Ta Chan document, but rather possibly, I don't
25 know, a document from S-21.

1 [11.00.14]

2 MR. LYSAK:

3 Mr. President, this is an admitted document. There are many Tram
4 Kak records that are stored at the Tuol Sleng archives. That
5 doesn't mean it's a Tuol Sleng document. And if I may proceed, I
6 will be able to question the witness on this document. He can
7 question this witness on this document. That's the only way we
8 will learn anything about it.

9 MR. KOPPE:

10 Mr. President, this is E3/4145. As you can see, these are mostly
11 East Zone division soldiers, and if we are talking about an S-21
12 document - we are not talking about a Tuol Sleng document, but an
13 S-21 document and this witness cannot possibly say anything
14 intelligently about it.

15 MR. LYSAK:

16 Counsel is looking at the wrong page. That is not the page that
17 -- that is being presented. It's not the list. This is not a list
18 of East Zone prisoners.

19 [11.01.43]

20 MR. KOPPE:

21 It is part of E3/415.

22 MR. LYSAK:

23 As was the list that included the relatives of the first witness
24 in this trial, which is clearly been established to be a Krang Ta
25 Chan record, this document, by the way, I've done more research

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1 possible. I've already confirmed that many of the prisoners in
2 here appear in other of the same documents, Krang Ta Chan
3 interrogation notes and reports from commune chiefs in Tram Kak.
4 It's an admitted document. It clearly involves Tram Kak, and I
5 would request to proceed.

6 MR. PRESIDENT:

7 The objection of defence counsel for Mr. Nuon Chea is overruled,
8 and the request from Co-Prosecutor is granted.

9 [11.02.48]

10 BY MR. LYSAK:

11 Q. The document you've been provided, Mr. Witness, is a partial
12 list of 37 prisoners, and it contains two annotations on it. The
13 lower one on the right side is dated 22nd of May 1977, and states
14 - quote: "A total of 37 people, both young and old whose names
15 are contained in this list have been purged."

16 Do you recognise the handwriting of that annotation?

17 MR. SREI THAN:

18 A. I did not recognise the handwriting, but I know the person who
19 could put annotation on the document were An and Duch. However, I
20 could not assume that the handwritings belonged to An or Duch.

21 Q. And you testified that you typed prisoner lists, including
22 prisoners who had been smashed. The typed part of this document,
23 is this similar to the form of lists that you would type?

24 A. As the form, it was the same as the document I do -- I did the
25 typing, and as for the document stating about the killing of the

37

1 people, I did not see it before, but the format, as I said, it
2 was the same as the document I did the typing.

3 [11.05.08]

4 Q. In your interview, D232/93 at answer 26, you testified that -
5 quote: "Prisoners were taken to be killed, both inside and
6 outside the prison, and that when prisoners were killed inside
7 the prison, I heard their screams." End of quote.

8 You also testified in statement E319.1.25 at answer 23 that you
9 saw -- and I quote: "Dead bodies piled up on each other outside
10 the fence."

11 Can you tell us on what side of the prison it was that you saw
12 this pile of dead bodies? The north, south, east or west side?

13 A. I never saw the piles of dead bodies, and I did not know the
14 answer.

15 [11.06.33]

16 Q. Mr. Witness, one of the guards in your six-man unit at Krang
17 Ta Chan who you referred to as Sim, he has made a number of
18 statements about executions at the prison that I would like to
19 ask you about. In D40/20 at Khmer, 00165330; English, 00433569 to
20 70; and French, 00524318; Sim testified that your unit was
21 assigned to guard outside during executions. And he stated -
22 quote: "Whenever prisoners were being killed, they put me on
23 guard outside the Krang Ta Chan office fence so that no one could
24 approach." End of quote. He testified that meetings which were
25 held at the prison by the prison leaders: An, Duch, Chan

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1 (phonetic) and Pin (phonetic) informed your unit -- and I quote:
2 "Today we have to take prisoners out to kill them, and then they
3 assigned us to guard outside." End of quote.

4 Do you recall your unit receiving these assignments? And can you
5 tell us where on the Krang Ta Chan compound these meetings were
6 held where assignments were given?

7 A. During the meeting, there was no -- there were no such meeting
8 instructing us to take people to be killed. The six-man unit had
9 no responsibility to deal with the killing, and in my Division
10 210, Regiment 13, An and Tha -- Mean and Tha ordered me to do the
11 assignment. I was at the outside guarding, so I was never
12 convened to a meeting to get such assignments.

13 [11.08.52]

14 Q. Mr. Witness, was your guard unit obliged to follow the orders
15 that you received from your superiors?

16 A. My six-man unit received the order from the commander of
17 Regiment 13. We were asked to be on guard at Krang Ta Chan
18 Security Office. As I mentioned, I was not part of the staff at
19 Krang Ta Chan Security Office.

20 Q. Let me read to you another part of your fellow unit member's
21 testimony. This is at Khmer, 00165334 to 35; English, 00433573;
22 and French, 00524323; Sim testified that during executions -
23 quote: "I heard them playing a loudspeaker; they always used the
24 prisoner Sen to play the loudspeaker and dig the pits to bury the
25 bodies of those killed, the bodies of the prisoners." End of

1 quote.

2 Can you tell us whether loudspeakers were played during
3 executions? And can you tell us where those loudspeakers were
4 located on the prison compound?

5 A. During that time, there were no -- there were no loudspeakers.
6 [11.11.18]

7 Q. Were you aware whether prisoners such as Say Sen were ordered
8 to dig pits and bury bodies of the killed prisoners?

9 A. As for Say Sen, when I arrived there, he was already there,
10 and I did not know how long he had been there already, and I did
11 not know the task, the responsibility of Say Sen. Say Sen was at
12 that place for a long period of time already, and I did not know
13 when he arrived there.

14 Q. Let me read one more statement by your fellow unit member from
15 the same pages. He described the instruments that were used to
16 kill prisoners. And he testified - quote: "When they killed
17 people, they used hoes, bamboo trunks. There were also swords for
18 cutting their throats." End of quote.

19 Are you able to tell us where weapons were stored at the Krang Ta
20 Chan compound?

21 A. I did not know. I did not know where the weapons were hidden,
22 and where they were.

23 [11.12.45]

24 Q. Mr. Witness, was your unit armed?

25 A. For my team, we were armed with M16, AK (sic) and CKC.

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1 Q. Was there a location at the Krang Ta Chan site where weapons
2 were stored such as those guns?

3 A. I did not know the location where the weapons were stored, and
4 as for our six-man unit, we were armed. Each of us was armed, and
5 we had six rifles, and I did not know where the weapons were
6 restored. Each of us got a weapon, and we were armed day and
7 night.

8 Q. Before I finish, Mr. Witness, Say Sen, the prisoner you've
9 identified has provided some testimony about your role at the
10 prison that I would like to read to you and give you a chance to
11 respond.

12 [11.14.13]

13 In his OCIJ statement, E319.1.24 at answers 105 through 106, Say
14 Sen testified as follows:

15 "Question: What did Little Duch do?

16 Answer: Little Duch typed using a typewriter, but Duch also
17 killed prisoners if there were many of them, and he wrote the
18 report the next day.

19 Question: Did you see Little Duch kill people with your own eyes?

20 Answer: I saw it very often. Before killing women, he told them
21 to get naked." End of quote.

22 Mr. Witness, were there occasions because of the number of
23 prisoners to be killed that your guard unit was ordered and
24 assigned to assist with executions?

25 A. Whenever there were killings, we, the guards, were on duty and

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1 we were outside of the perimeter. And as for the answer stating
2 that I was ordered to kill people, I could not respond to that
3 question.

4 [11.16.04]

5 Q. Mr. Witness, your fellow unit member, Sim, in the same
6 statement, the same pages I read before provided the following
7 evidence:

8 "Question: Approximately how many prisoners did they kill each
9 time?

10 Answer: There were more than 100, up to 200 prisoners each time
11 they took prisoners to kill them, both children and adult. Sen,
12 who was a prisoner there, may know about this." End of quote
13 Another prison guard has testified in his OCIJ statement,
14 E319.1.23 at answer 90, that children were killed at Krang Ta
15 Chan.

16 Can you tell us whether the prisoners who were executed at Krang
17 Ta Chan included children?

18 A. That is true concerning the question you asked. But I did not
19 remember how many children, male and female, were killed. But,
20 actually, there were killing of children.

21 [11.17.33]

22 Q. My last question for you: In this trial on the 5th of February
23 2015, E1/257.1 at 10.40.46 and at 11.21.55, Say Sen testified
24 that you were one of a group of guards who was present during an
25 incident in which Saing and Sieng killed two small children, one

1 who was three or four years old and the other who was five or
2 six. And on the 4th of February, at 13.37.33, Say Sen described
3 those executions as follows -- quote:

4 "There was a small pit to the south of the palm trees. They
5 killed the younger one by smashing against the trunk of the palm
6 tree and then they brought in the elder sibling and they used a
7 hoe to hit the neck of the back of that child." End of quote.

8 Mr. Witness, what can you tell us about the execution of children
9 at Krang Ta Chan?

10 A. As for killings at Krang Ta Chan, I did not witness the
11 killings, and I could not make any assumption how the killing
12 were conducted. But when the people were shot at, we could not
13 hear the gunfire. However, if the killing was carried out with a
14 hoe or with clubs, we did not know. During the killing, it was
15 very quiet. We could hear nothing. And I believed children were
16 killed through various methods, but I did not witness the
17 killings by myself.

18 [11.19.57]

19 MR. LYSAK:

20 Mr. President, I have no further questions. I went over my time a
21 little bit, but I'll pass the floor to the civil parties now.

22 MR. PRESIDENT:

23 Thank you very much. I now pass the floor to the civil party
24 Lawyer to put question to this witness.

25 QUESTIONING BY MR. LOR CHUNTHY:

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1 Thank you. First of all, good morning, the Chamber and good
2 morning, everyone in and around the courtroom, and good morning
3 to those who views the proceeding remotely. I am Lor Chunthy. I
4 am one of the lawyers in the Legal Aid of Cambodia and I am
5 representing civil parties in the ECCC.

6 Now, I would like to say good morning to Mr. Witness. I will put
7 a few questions concerning some of the facts which you
8 experienced from 1975 to 1979.

9 [11.21.43]

10 Q. My first question concerns the fact that you were a guard
11 outside the Krang Ta Chan Security Office and you were part of
12 the six-man unit. I would like to ask you as follow: While you
13 were on duty and when the prisoner was sent to that security
14 office, where were you?

15 MR. SREI THAN:

16 A. Your question concern the periods in 1975. Actually, I was not
17 at Krang Ta Chan Security Office in 1975, and in 1976 I was
18 transferred from the committee in the district to the security
19 office to the west. And I was sent to security office in 1976,
20 and at the time I was guarding outside the compound, about six
21 kilometres away from the security office.

22 [11.23.29]

23 Q. So, you mean you did not know about the transfer of prisoners
24 to the security office while you were on duty? Once again, when a
25 prisoner was sent into the security office, did you know about

1 that and did you witness it?

2 A. At that time, I was guarding, and there was a hall about one
3 kilometre away from Krang Ta Chan Security Office. My six-man
4 unit was guarding at that place. Prisoners from villages, from
5 communes were sent to the place where I was guarding, and after
6 that they were sent into the security office.

7 Q. Thank you. Who sent the prisoners to the place where you were
8 guarding? Were they militiamen? Were they soldiers? Who were
9 they?

10 A. Soldier and militiamen sent prisoners to my post.

11 Q. I want to know, who were they who sent prisoners to your
12 place?

13 A. I did not know who they were specifically, and I did not know
14 their names, and I just knew that they were soldier and
15 militiamen. They sent prisoners to my post.

16 [11.25.48]

17 Q. Thank you. Those who sent prisoners to your post, how many
18 times per day were prisoners sent to your post? Did you see the
19 same militiamen and soldier who sent prisoners to your place?

20 A. When prisoners were sent to my place, there were different
21 militiamen and soldier who came to my place. On some occasions,
22 no prisoner was sent to my place, and on some other occasion,
23 tens of people were sent to my place.

24 Q. Based on your experience, when you received prisoners, were
25 most of them male or female, and did prisoner also include small

1 children?

2 A. As for prisoner, most of them were male, and there were only a
3 few female and a few children. Most of them were male.

4 [11.27.45]

5 Q. As for prisoners, what were their conditions when they were
6 sent to your place? Were they tied up? And for children, what
7 were their conditions?

8 A. Prisoner were tied behind their back, in order that prisoner
9 could not escape. As for children, they were behind the older
10 people.

11 Q. From your recollection, at the time that you were asked to go
12 inside the security and do the typing, when was that? When were
13 you assigned to do the typing?

14 A. When - later, I was placed to be on guard near the entrance
15 and later on, they knew that I could do some of the typing, and I
16 was not tasked to do the typing. I was asked to do typing when
17 they were absent.

18 Q. When you were asked to go inside and do the typing, were all
19 of you -- the six-man unit -- was asked to be in the security
20 office and do the typing or were you alone asked to do the
21 typing?

22 A. Yes, the six-man unit was asked to go inside the security and
23 on guard in the security office.

24 [11.30.23]

25 Q. Thank you very much. Concerning your workplace, the place

1 where you did the typing, how many typewriters were there in your
2 room?

3 A. There was only one typewriter.

4 Q. For typewriter, how many were they at that place?

5 A. There were only two typewriters -- An and Duch -- and when one
6 of them was absent and there were documents to be typed, I was
7 asked to go and do the typing. So, once again, An and Duch were
8 the typewriters. There were only two of them. I would replace
9 them whenever they could not do the job.

10 Q. Did you recall what type of documents did you receive and were
11 you asked to type?

12 A. I did not recall, but as for typing, there would be a list of
13 prisoners enter the security office. So they would hand over the
14 list and ask me to do the typing.

15 [11.32.36]

16 Q. Thank you. After you typed the documents, was there anyone
17 there to verify your typing?

18 A. There was no one there. After I did the typing, I would place
19 the piece of paper on the desk and there was no one entering the
20 room, only An and Duch, who could enter the room and verify the
21 information that I typed.

22 Q. And after the document was typed and if there was any error,
23 was the document sent back to you to re-type?

24 A. No. After I did the typing, they would correct the information
25 by themselves with their handwritings.

1 Q. Thank you. Concerning your written records, D232/93, question
2 32, your answer concern a book consists of 10 to 20 pages and the
3 book is for children to write. And earlier, I heard the question
4 put by the Co-Prosecutor, and in your answer you said it was not
5 that book, it was a piece of paper that you received to do the
6 typing. And in your answer 32, you mentioned the book which
7 consists of 10 to 20 pages and the information was in the book
8 and the book was handed to you to do the typing. So what do you
9 have to say about this?

10 A. Actually, this book was not the book which was handed to me to
11 do the typing. And it was not the book with the information that
12 I got to do the typing. As I said, the information was written on
13 a piece of paper and it was given to me to do the typing. And as
14 I said, the book was used to register the prisoner who entered
15 the security office.

16 [11.36.07]

17 Q. You mean, the book was for registering prisoners, and the
18 books were not given to you to do the typing; is that correct?

19 A. Yes, that is correct.

20 Q. Thank you. After you got the assignment to do the typing, did
21 you ever see any annotation -- red annotation on a piece of
22 letter?

23 A. I never saw it.

24 Q. I would like to backtrack a little bit. You have just answered
25 that when you were guarding outside the compound, the supervisor

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1 of the security office could not order you to do the assignment.

2 I would like to know about the structure of your six-man unit.

3 Who was the chief, and if there was no chief in your unit, so who

4 would coordinate the work of your unit to the security office?

5 A. I would like to clarify this matter, that my six-man unit, we

6 were not staff of Krang Ta Chan security office. We were under

7 the military district and we were sent to guard Krang Ta Chan

8 Security Office. As I said, An and Duch were the leaders, and

9 they would ask us to be on specific location and on guard, and

10 only the commanders of my regiment could replace and remove us

11 from our unit. The Division 210, the leader of this division

12 could order to remove and to assign us to wherever they want.

13 [11.39.25]

14 Q. Thank you very much. During the time that you were on duty,

15 were there any incidents? Did any incident happen? For example,

16 the prisoner escaped from the security office. And if such

17 incident happened, so who would report the matter to?

18 A. When I was at that place, there was no any incident that

19 prisoner escaped from the security office, and if any incident

20 happened, we would report to the director of the prison, meaning

21 that we would report to Leng and An.

22 MR. PRESIDENT:

23 Lawyer, do you have any question to ask this witness?

24 [11.40.30]

25 MR. LOR CHUNTHY:

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1 I will finish my questioning in 15 minutes.

2 MR. PRESIDENT:

3 It is now time for lunch break. The Chamber will grant eight
4 minutes for you to put question to this witness, so you will have
5 eight more minutes to ask this witness.

6 It is now convenient time for lunch break, from now until 1.30.

7 Court officers, please facilitate a proper place for witness
8 during lunch break and have him returned before the Chamber -
9 before the Bench before 1.30 pm.

10 Security personnel, you are instructed to bring Mr. Khieu Samphan
11 to the holding cell downstairs and have him returned before 1.30.

12 The Court is now adjourned.

13 (Court recesses from 1141H to 1332H)

14 MR. PRESIDENT:

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

16 And we'd like now to give the floor to the Lead Co-Lawyer for
17 civil parties to continue putting questions to this witness. You
18 may proceed.

19 BY MR. LOR CHUNTHY:

20 Thank you, Mr. President, and good afternoon, Your Honours and
21 everyone.

22 Mr. Witness, I'd like you to give more clarification on the issue
23 of typing documents.

24 Q. Can you tell the Court the person who brought the handwritten
25 document to you? Was it done by that person personally, or was

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1 the document left somewhere and you would only go to pick that
2 handwritten document up and type it all day? And how long did it
3 take you to type those documents, was it an hour or two hours'
4 work or was it an all day long work?

5 MR. SREI THAN:

6 A. When I was assigned to type the documents, usually it takes
7 less than an hour, or less than half an hour to finish it because
8 the document was short, and I was only called to type
9 occasionally. It happened once a week or once a fortnight, and
10 after I finished the typing I would return to my guard post.

11 [13.35.34]

12 Q. I'd like now to clarify with you again on the prisoners being
13 brought in. When prisoners were brought in, while you were inside
14 the compound, the prison compound, was it your job to receive the
15 prisoners and take them to the prisoners' buildings?

16 A. During the time that I used the typewriter there, that was not
17 the period that I received any prisoners. Prisoners were brought
18 in from either the west or the east, and then they would be
19 handed over to the prison staff. For example, from the west
20 entrance, the prison staff from the west gate would receive them.
21 As to the role of the guards there, the prison staff who were
22 there at the gate were the ones who would receive the prisoners,
23 not the guards like myself.

24 [13.36.56]

25 Q. Thank you. Did you know about the arrangement of the prisoners

1 in the two buildings? Were children or women put aside? Or were
2 they mixed together with male prisoners?

3 A. I did not know about that.

4 Q. What about the food ration for those prisoners. Can you tell
5 the Court?

6 A. As to the food ration, from what I could observe, the most
7 food that a prisoner could eat or was given was a coconut shell
8 full of rice; that was the most.

9 Q. Was the coconut shell used for rice or for other things?

10 A. The coconut shell was used for gruel, or for cooked rice mixed
11 with soup in it.

12 Q. What about for your group, how was the food ration like for
13 your group?

14 A. For my unit, in fact, we ate outside the compound and our food
15 was not related to the food given to the prisoners. Although our
16 food was not really sufficient, but it was better than the food
17 ration given to prisoners.

18 [13.39.20]

19 Q. Thank you. Do you know a person by the name of Duch?

20 A. Yes.

21 Q. Did you have any contact or relationship with him? Did you
22 ever have a joint meal together?

23 A. No, I did not.

24 Q. Within Krang Ta Chan Security Centre, did you know how many
25 staff working inside?

1 A. In Krang Ta Chan Security Centre, I did not know the exact
2 number of staff working there.

3 Q. Mr. Witness, did you ever see a prisoner or several prisoners
4 who could move around freely within the prison compound? For
5 example, a prisoner would go to clean up a place like in a typing
6 room.

7 A. Yes, I saw one man by the name of Dam who did the sweeping of
8 the ground and watering the vegetables.

9 [13.41.58]

10 Q. During the time that you worked there, was there a ceremony of
11 the so-called making a resolution, or in simple terms, of getting
12 married, held at that centre?

13 A. No, there was none.

14 Q. You were questioned by the Co-Prosecutor in relation to the
15 time that prisoners were killed, that they played music over a
16 loud speaker. Was such a music played over a mobile loudspeaker?

17 A. No, there was none.

18 Q. During the time that you worked there, did you see two women
19 who were sent from a mobile unit to the centre and if so, did you
20 know what happened to them later on?

21 A. No, I did not meet them, nor see them.

22 [13.44.06]

23 Q. When you did the typing of the documents, did you come across
24 the names of the two women?

25 A. No, I was not aware of that, as I did not pay attention to it.

1 I did not know their names because there were several names.

2 Q. You stated that you saw tortured prisoners. Can you tell the
3 Court where did you exactly see them?

4 A. To respond to your question, I myself did not witness the
5 tortured prisoners. What I heard was the screaming of the
6 tortured prisoners. But I did not witness them with my own eyes.

7 Q. How far were you from the prisoners when you heard the
8 screaming? Were you at your guard post or were you in the typing
9 room when you heard the screaming?

10 A. I could also hear the screaming from my guard post if the
11 screaming was high or loud, but usually only when I was closer
12 that I could hear the screaming. However, usually we were not
13 allowed to go near when the interrogation was ongoing as we were
14 directed to stay at our guard post outside the perimeter of the
15 compound.

16 [13.46.48]

17 Q. You stated that a messenger came on a CL motorbike to the
18 centre on a monthly basis. Did you personally see him -- that is,
19 the messenger?

20 A. I never said a messenger came on a monthly basis. I said
21 occasionally a messenger came, and not on a monthly basis. I only
22 saw a messenger with a cap or with a scarf around the neck came
23 into the centre and I did not recognise the face or know the man.

24 MR. LOR CHUNTHY:

25 Thank you, Mr. Witness. And Mr. President I do not have any

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1 further questions.

2 MR. PRESIDENT:

3 Thank you. Judges of the Bench, do you wish to put questions to
4 the witness? Judge Lavergne, you may proceed.

5 [13.48.06]

6 QUESTIONING BY JUDGE LAVERGNE:

7 Thank you, Mr. President. I have a few follow up questions for
8 the witness.

9 Q. Witness, you told the Chamber that you were detached from the
10 13th Regiment and that you were detached from that regiment to
11 mount guard at Krang Ta Chan. What was the name of your superior,
12 since according to you that person was neither Ta An nor Duch?
13 What was the name of your superior?

14 MR. SREI THAN:

15 A. The commander of Division 210 and Regiment 13 that I knew was
16 Tha and Mean.

17 Q. How did you receive orders from Tha and Mean? How far away
18 from you was the regiment to which you belonged?

19 A. Regiment 13 did not have a fixed base. It was constantly on
20 mobile in various villages and it was 100 kilometres away from
21 the centre, away from Krang Ta Chan centre, and in some cases it
22 was about 80 kilometres from Krang Ta Chan.

23 [13.50.16]

24 Q. How did you communicate with the superior who was 80
25 kilometres or 100 kilometres from Krang Ta Chan? How did you

1 communicate with him?

2 A. Before we were transferred, in fact they already designated us
3 to carry out the guard duty. And once we received that guard duty
4 it means that we will be at a fixed location there and if there
5 was a new instruction it would happen like two or three months
6 after. And during the period that I was at Krang Ta Chan office,
7 I only met my superior once because I was there only for four or
8 five months. And in fact, the commander never came to see us. It
9 was us who were called to meet him.

10 Q. And when did you meet him?

11 A. It was during the daytime at the division headquarters.

12 Q. How did you know that you had to go to the headquarters of the
13 division?

14 A. A messenger came to call us. At that time the only way of
15 communication was via a messenger.

16 [13.51.17]

17 Q. So if I were to sum up what you have said, throughout the
18 period you spent at Krang Ta Chan, you received instructions only
19 once, and those instructions were that you should go to the
20 division. Apart from that, you never received any other
21 instructions; is that correct?

22 A. Yes, that is correct.

23 Q. And neither Ta An nor Ta Duch could give you instructions
24 regarding work you had to do at Krang Ta Chan?

25 A. Yes, that is correct.

1 Q. In that case, how come your status was changed from that of a
2 guard to that of a typist? Who instructed you to work as a
3 typist?

4 A. I was not later become a staff of the Krang Ta Chan centre. I
5 was only called to assist when the regular typist was not
6 available and it was only for a short period of time, because I
7 knew how to type so I could replace the regular typist. And after
8 I finished the typing of the documents, then I would return to my
9 guard duty.

10 [13.54.25]

11 Q. You have not answered my question. Who instructed you to
12 assist as a typist?

13 A. There was only one of the two: Ta An or Ta Duch.

14 Q. And which of the two gave you those instructions?

15 A. Could you please repeat your question?

16 Q. Which of the two persons asked you to work as a typist? Ta An
17 or Ta Duch?

18 A. Both of them in fact. Sometimes An called me to assist in
19 typing and sometimes it was Duch who called me to assist with the
20 typing. So, both of them would call me to assist in typing when
21 the typist was not available.

22 [13.56.04]

23 Q. Why, if Ta An and Ta Duch were not your superiors, why did you
24 accept to assist as a typist, even though your duty was to work
25 as a guard outside of the centre?

1 A. You should know at the time during the Khmer Rouge regime most
2 of the people were illiterate, and I was kind of literate because
3 I knew a bit about the letters, about the typing. So once they
4 knew that I was able to read and to type, then they asked me to
5 assist them. As a matter of fact, they did not have authority
6 over me, the two of them, but they would just call me to assist
7 and they did not have the authority to instruct the six-man unit
8 that I belonged to. But because I knew how to type and when they
9 needed assistance, then I just lend them a hand.

10 Q. Was that the only thing you did by way of assistance? Or you
11 did other things to assist?

12 A. I did not have any other skills besides the limited knowledge
13 in letters and in typing.

14 Q. I would like you to explain in further detail where you
15 learned to type.

16 A. I learned to type at the primary school in Ang Chhuk
17 (phonetic). I was at year eight in the old education system and
18 in fact I learned to type since I was young so that I could still
19 remember how to type. And when the war broke out, although I did
20 not go to school anymore, I could still recall how to type,
21 although it was not the skills that I actually learned or was
22 effective in.

23 [13.59.03]

24 Q. So you are telling us that you learned to type in the primary
25 school. Were there many pupils in the primary school who learned

1 to type? Or you were the only one who learned to type?

2 A. Yes, there were a few other students, and not many at the
3 time. Usually we learnt to type during the break, and we actually
4 went to the library to learn to type and there was no typing
5 instructor.

6 Q. So there was no instructor? And there was a typewriter? And
7 since you saw the typewriter you said "hey, I'm going to learn
8 how to type, it might be useful later on"?

9 A. At that time I was young and I saw a typewriter and I wanted
10 to learn how to type, and I wanted to know it. And during the
11 primary school that I was there, there was no other typewriter
12 around, there was only one in the library, and I used it and my
13 sole purpose was just to learn how to type.

14 Q. And how old were you when you discovered these gifts?

15 A. I was probably 13 or 14 years old. It was before the coup
16 d'état in 1970. I was probably 13 or 14 years old.

17 [14.01.28]

18 Q. And between primary school and Krang Ta Chan, you never worked
19 as a typist, never; is that correct? Did you ever type between
20 the time you were in primary school and when you were at Krang Ta
21 Chan?

22 A. No, I didn't. I didn't do any typing in between.

23 Q. So how did Ta An and Ta Duch get to know that you knew how to
24 type? How did they get to know that?

25 A. At the beginning when I arrived in that centre, I was asked

1 about that. I reported to them that I can read and write and I
2 told them that I can do the typing and I told them that I can do
3 typing but I was a bit fearful at the beginning because my skill
4 was very limited.

5 Q. And you replaced someone, if I understood correctly. So who
6 did you replace?

7 A. No, I did not replace any one of them.

8 [14.03.35]

9 Q. So you were the first one at Krang Ta Chan to use a
10 typewriter. Is that so?

11 A. No. It was not my first time, because there were several other
12 people did that before. I don't know how many of them do the
13 typist (sic). But I was the last person to arrive and do the
14 typing.

15 Q. I'd like you to tell me exactly how far the guard post was
16 where you were working from the centre at Krang Ta Chan, because
17 I heard one kilometre, I heard further, so I'd like to know
18 exactly how far you were from the Krang Ta Chan Centre.

19 A. There were two phases. The first was when I was stationed
20 about one kilometre away, and later, about one year later, I was
21 assigned to guard at the gate to Krang Ta Chan and the gate and
22 the surrounding fence altogether, it was only 1.5 hectare, it's
23 about 150 meters. I was stationed at the gate and there were two
24 gates, one to the east and another one to the west of the centre.

25 [14.05.45]

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1 Q. I don't understand very well. I need more clarification. You
2 say at the start you were about a kilometre away, is that so? And
3 then you were at the gate. Was this gate further than a kilometre
4 away? Or was it closer to the centre?

5 A. The fence of the centre, as I told you earlier, the size was
6 probably 1.5 hectare, so the first gate was one kilometre and
7 later my place was closer to the compound and the centre was very
8 small in size, it was about one kilometre and a half. And there
9 were two phases, the first, I was about one kilometre and the
10 second phase I was stationed at the gate of the fence. And the
11 compound totally about 150 square metres.

12 Q. So you were next to a fence, circling an area of 150 square
13 metres, which means that you were very close to the centre,
14 almost within the compound.

15 A. When I was assigned to the gate, it was inside the centre. The
16 place where we stayed was adjacent to the gate to the centre.

17 [14.08.08]

18 Q. Is it there where you heard prisoners screaming? Prisoners who
19 were being tortured -- was it there or was it when you were a
20 kilometre away?

21 A. Yes, when I was closer at the gate I could hear the screaming
22 from the prisoners.

23 Q. So you heard the prisoners scream but you never heard
24 loudspeakers. That's what you told us earlier; isn't it? Never
25 loudspeakers, never gunshots, but however you heard screams, is

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1 that the case? Can you confirm that that is what you said? Can
2 you confirm that that is what happened?

3 A. Yes, this is true. I told you the same account as I told the
4 Court earlier.

5 Q. So you're telling us that you did not hear any loudspeakers,
6 or you did not see any?

7 A. I did not see nor did I hear any music on the loudspeaker.

8 Q. Did you see injured prisoners?

9 A. No, I don't. I have never seen that.

10 [14.10.32]

11 Q. Did you see any prisoners step out of the compound?

12 A. Yes, I saw some of them who stepped out. But I don't know
13 whether they were let out to go home or to go anywhere.

14 Q. When they stepped out, were their hands tied or were they
15 completely free? Was someone with them or were they on their own?

16 A. When they left Krang Ta Chan Centre no one escorted them. But
17 when they were sent out from Krang Ta Chan, most of them were
18 tied up. So, these ones were not released to go to their homes.

19 When they were tied up with both hands behind, they sent out and
20 other people would come and receive them at the centre. I just
21 witnessed that they were brought out from detention and handed
22 over to another group of people to send them away. I don't know
23 what happened to them

24 [14.12.23]

25 Q. And who made up this other group?

1 A. I don't know.

2 Q. Were they there just by chance or were these people who had
3 received specific instructions, according to you?

4 A. I don't know whether they came accidentally or they received
5 orders from anybody. I have no idea. I just saw them taking the
6 prisoners away.

7 Q. And when people would show up at the gate -- when people would
8 show up at the wall or at the gate, did they have to provide
9 documents? Did they need to obtain any kind of leave to come
10 within the compound?

11 A. No. They were in black uniform, carrying rifle, and they enter
12 into the compound. All I had to do was to open the door for them.
13 I did not ask for their identity because they were in such
14 uniform. So I had to open the door for them.

15 [14.14.16]

16 Q. Since you stopped working at Krang Ta Chan, did you ever meet
17 any former members of the Krang Ta Chan staff? Or did you ever
18 meet any former prisoners who were at Krang Ta Chan?

19 A. For the staff who worked with me in a six-man group, I have
20 never met him. We were separated and they were married. And I
21 didn't see any prisoners because I left Krang Ta Chan in July
22 1978 and I returned to my unit, because I was the first one to
23 leave and join my unit.

24 Q. So you never saw any prisoner from Krang Ta Chan again, never?

25 A. No, later I have never met any of them. I met only Say Sen,

1 only Say Sen, but not any other prisoners.

2 Q. And wasn't Say Sen a prisoner at Krang Ta Chan?

3 A. No. He was one of the prisoners, but he was detained before my
4 arrival. But when I left the centre, he was still there in that
5 prison. I don't know when he was released.

6 [14.16.35]

7 Q. Let me put a question to you that might seem a little strange
8 to you.

9 Today, do you have rather fond or unpleasant memories of Krang Ta
10 Chan?

11 A. At the moment, I would like to tell Your Honours that for the
12 rest of my life I don't want to know, I don't want to see any
13 such a regime. I don't want to recall, to remember for my younger
14 generation. This is my bitterly experience. I don't know much
15 because I was young. I was not a cadre. I know very little
16 information. Because I could not see, I could not hear, sometimes
17 I just heard. This is my regret that I do not remember everything
18 very well. However, I could say that it is my bad regret in my
19 life.

20 Q. So if I sum up what you just said, you saw very little, you
21 heard a few howls, and you are telling us that you have a lot of
22 regret. So what is this regret and why was your stay at Krang Ta
23 Chan so difficult?

24 A. It was not an interesting thing for me, but at that time I was
25 young. I do not remember things. So the activities or any bad

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1 thing happening to other family members, I do not remember
2 everything. That is why I feel very hopeless in myself.

3 [14.19.32]

4 Q. So this will be my last question. You say that you have
5 regret. Is this regret with respect to yourself, or is this
6 regret with respect to the people who were detained at Krang Ta
7 Chan?

8 A. I feel regret for myself and also those who were detained. It
9 was a wall-less, or a prison without walls. When you are driving
10 a horse cart so the horse would be harnessed and with something
11 to cover the eyes, the horse can see only one direction, not the
12 other way. So this is my example for you, Judge.

13 JUDGE LAVERGNE:

14 Mr. President, I have no further questions to put to this
15 witness.

16 MR. PRESIDENT:

17 Now the floor is given to the defence counsel for Mr. Nuon Chea
18 to put questions to the witness. You may proceed.

19 [14.21.29]

20 MR. KOPPE:

21 Thank you, Mr. President.

22 Good afternoon, Mr. Witness. I have a few questions to put to
23 you. I would like to take you back first to the period before
24 1975, before Takeo provincial town was taken. And I would like to
25 read to you part of a statement of a cadre, also from the

1 Southwest Zone like yourself.

2 Mr. President, I would like to put before the witness E127/7.1.8,
3 English, ERN 00901569; French, ERN 00978646; and Khmer, ERN
4 00893277.

5 Mr. Witness this is a statement, like I said, from a southwest
6 zone cadre, and I would like to read a few excerpts from this
7 statement and I would like to ask your reaction please.

8 [14.22.54]

9 So this cadre says the following in question A5 - the answer A5:

10 "With this regard, Grandfather Mok issued an order that the
11 commune, district, and sector levels did not have the authority
12 to make arrests or kill people."

13 The investigator then asks the following question: "Grandfather
14 Mok said that the district and sector levels did not have the
15 authority to kill people? Why were many people killed in the
16 district and the sectors?"

17 And then the cadre answers in A7: "I did not know either about
18 the implementation, but I recall Grandfather Mok's remarks
19 clearly."

20 Next question: "Was Grandfather Mok in the Zone Committee?"

21 Answer 8: "Yes, he was."

22 Then specifically the next passage, I would like to ask your
23 reaction on that -- that is, question A9: "When did Grandfather
24 [...] make this announcement?" Answer: "Grandfather Mok made this
25 announcement prior to 1975 during a wrap-up meeting held annually

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1 in forest, participated by the commune, district and provincial
2 committees and the regiments. After 1975, there was another
3 meeting in the provincial town of Takeo, in the presence of
4 Grandfather Mok, and Saom, who was in the Sector 13 Committee,
5 announced that soldiers with the ranks from Second Lieutenant to
6 Colonel were not to be harmed."

7 [14.24.46]

8 QUESTIONING BY MR. KOPPE:

9 Q. My question specifically goes to the last sentence, that there
10 was an announcement in '75 that soldiers with the "ranks from
11 Second Lieutenant to Colonel were not to be harmed". Does a
12 meeting like this or earlier meetings in the Southwest Zone bring
13 back any memories with you?

14 MR. SREI THAN:

15 A. Since I joined the Khmer Rouge Army, I never attended any
16 meeting. I have never met Ta Mok, I heard only his name. Even
17 though in a small or a large meeting, I did not attend any of the
18 meetings at all, so I don't know what happened, what announced in
19 any meeting.

20 [14.25.47]

21 Q. Maybe you did not personally attend such a meeting but do you
22 remember if in 1975, or before 1975, your commanding officer or
23 his commanding officer said words to the same effect that
24 soldiers with the rank from Second Lieutenant to Colonel were not
25 to be harmed? Do you remember any of this?

1 A. No, I didn't hear anything like that. I didn't hear anyone
2 saying like that.

3 Q. Thank you, Mr. Witness. I would like to move on now to Krang
4 Ta Chan, the re-education centre.

5 Do you remember well a woman in that re-education centre, a woman
6 who was cooking for prisoners, Grandmother Nha?

7 A. Yes, I heard her name, Yeay Nha, but I don't know her well.
8 But Yeay Nha was detained there before my arrival. When I left
9 the centre I don't know whether she was still there. When I was
10 assigned to Krang Ta Chan, she was already there ahead of me.

11 [14.27.22]

12 Q. Do you remember two of her children: Meas Sarat or Rat, and
13 Meas Sokha or Kha?

14 A. I don't remember them.

15 Q. Earlier you were asked about Meas Phoeun. I take it from your
16 previous answer that you wouldn't know whether Meas Phoeun is in
17 any way related family-wise to Meas Sarat or Meas Sokha?

18 A. No, there was no relationship by blood or in law.

19 Q. But this would imply that you would know Rat and Kha -- Meas
20 Sarat and Meas Sokha. Or am I misunderstanding your answer?

21 A. I heard their names but I don't know them.

22 Q. Do you happen to know whether a fellow guard, his name was
23 mentioned earlier, Vann Soan, was somehow related to the husband
24 of Meas Sarat?

25 A. No, I don't know. I don't know this person.

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1 [14.29.28]

2 Q. One quick question about Say Sen before I move on, and I will
3 come back to Say Sen. But are you living right now close to him,
4 about two kilometres from his village? Is that correct?

5 A. I don't know where he is living. I don't know his residence.

6 Q. So this means that you are also not in contact with him. Have
7 you spoken to him after 1979?

8 A. After 1979, Mr. Say Sen came to my home once and I cannot
9 recall the details of that conversation. It was just a social
10 meeting, and that was the only time that I met him.

11 Q. Just to be sure, did you not after 1979 ever speak of the
12 events in Krang Ta Chan with Grandmother Nha; her children, Sarat
13 or Sokha; or anybody else who were detained there or who was a
14 guard?

15 A. After 1979 I have not spoken or met any of them.

16 [14.31.30]

17 MR. KOPPE:

18 Mr. President, I would like to show the witness a few pages from
19 some documents. This line of questioning might take a while. I
20 don't know if you would like to break now or if I should continue
21 with these questions?

22 MR. PRESIDENT:

23 If that is the case we break early so that it's not going to
24 interrupt the process of your questioning.

25 The time is now appropriate for a short break. We will take a

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1 break now and return at 10 to 3.00.

2 Court officer, could you assist the witness and the duty counsel
3 during the break and have them returned to the courtroom at 10 to
4 3.00.

5 The Court is now in recess.

6 (Court recesses from 1432H to 1453H)

7 MR. PRESIDENT:

8 Please, be seated. The Court is back in session and, again, the
9 floor is given to Noun Chea's defence to continue putting
10 questions to this witness.

11 Counsel Koppe, please wait. And the International Co-Prosecutor,
12 you have the floor.

13 MR. LYSAK:

14 Thank you, Mr. President, I'll be brief. We noted today that the
15 Defence -- Noun Chea Defence -- had put on the interface for this
16 witness at least 557 documents, it was unclear to me whether they
17 were trying to put more because there was numbering that went up
18 to 1300 entries. And despite this, the first document that he
19 used was not on the interface. Now, I'm not inclined to raise
20 objections and to prevent people from using documents because
21 they were not in the interface, however, I think there needs to
22 be good faith here. I think we need to figure out what the rules
23 are going to be, if all the parties here are acting in good
24 faith, then, I think, the system works well. I would submit I
25 have questions about whether they are operating in good faith

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1 when they put this many documents on the interface, and then the
2 first document they use is one that isn't there. So, I would
3 simply ask counsel one question before we resume: Are there any
4 more documents he is planning on using this afternoon that aren't
5 in the 600, or so, that are on the interface right now?

6 [14.55.43]

7 MR. KOPPE:

8 Mr. President, of course, I immediately turn around and ask my
9 consultants whether they put this document on the interface and
10 the answer was "Yes, absolutely." I didn't actually -- I don't
11 even know how to do it -- so my consultants put it there. I
12 specifically remember instructing actually putting it on the
13 interface. So, what can I say? It's there.

14 MR. LYSAK:

15 I can assure you it's not there. And I think the problem may be
16 that they broke the interface. As I said, their documents start
17 at number 753 and go up to 1309, which is how you get to 557
18 entries. I suspect that maybe the system doesn't have the
19 capacity to list the 1300 documents that they tried to dump onto
20 the interface and that's why the first 700 don't appear. Either
21 way, we have a bit of a problem here, when someone is putting
22 that number of documents onto the interface and I think there's a
23 problem on the good faith of that and there seems to be a
24 technical problem, too, in the number of documents that the
25 interface can actually handle.

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1 [14.57.01]

2 MR. PRESIDENT:

3 Thank you. And the International Lead Co-Lawyer for the civil
4 parties, you have the floor.

5 MS. GUIRAUD:

6 Thank you, Mr. President. I just want to make a brief remark to
7 the extent that the Chamber told us the last time that it would
8 rule on the manner in which Parties may disclose documents by
9 placing them in the interface. I would like to reiterate the fact
10 that it is very important that the interface be viewed as a tool
11 that we can use and when Parties place 600 -- 700 documents on
12 the interface, it is practically impossible for the other Parties
13 to make use of those documents. When the volume of documents is
14 very significant, could the Parties point the documents on the
15 interface, by indicating the number of the document, and saying
16 that that document is indeed on the interface so the Chamber
17 should rule on this question. When Parties place 600 - 700 -
18 documents on the interface, is it reasonable for the Parties to
19 expect the other parties to use those documents, the day -- when
20 they place the documents the day before the hearing?

21 [14.58.25]

22 MR. PRESIDENT:

23 Counsel Koppe, you have the floor,

24 MR. KOPPE:

25 If you allow me, Mr. President, I will reply.

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1 The only thing -- there is a few things I know for certain, it is
2 that the first document that I showed to the witness, I gave an
3 explicit instruction to my consultants to put it on. That I know
4 for sure, because I've been planning to put this document on -
5 or, to the witness for some time. That's answer number one.

6 [14.58.55]

7 The second instruction was to put Krang Ta Chan documents on the
8 interface that weren't put on by the Prosecution. I used Friday,
9 Saturday and Sunday to prepare for this witness, so I wasn't able
10 to tell already on Friday morning which -- exactly which document
11 of the Krang Ta Chan documents I was going to put questions
12 about.

13 And thirdly, of course, as we all know, we got a few binders with
14 additional statements and, to be honest, I wasn't quite sure when
15 I should be able to read them, but I -- we did, as fast as we
16 could -- and just to be sure that we wouldn't get the objection
17 that it wasn't on the interface, we put it on the interface. So,
18 it's never right, I suspect, here.

19 [14.59.57]

20 MR. PRESIDENT:

21 Judge Fenz, you have the floor.

22 JUDGE FENZ:

23 A general comment to that, we are in the process of preparing the
24 guidelines that have been requested, but sometimes in these
25 guidelines we refer to good faith because the alternative is

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1 micro-management of each and every of these issues. Now, I
2 suggest that we try the good faith thing first, otherwise we
3 really get into what I call micro-management and that might very
4 well involve the necessity to extend the notice period for
5 material of this size. Obviously, we also have to check how much
6 the interface can stomach before it crashes. So, two information:
7 One, we are in the process of issuing this, this is a couple of
8 -- an issue of one or two days; and the second, as I said, one
9 can exploit each and every leeway, then we have to start
10 micro-managing and I don't think this is in anybody's interest.

11 (Judges deliberate)

12 [15.01.34]

13 JUDGE FENZ:

14 The counsel, Koppe, question: The document you are planning to
15 use now, is this on the interface?

16 MR. KOPPE:

17 I don't know.

18 JUDGE FENZ:

19 So inform us what the document is and we will check if it is
20 there.

21 MR. KOPPE:

22 I just conferred with my senior consultant and she again said
23 this document was definitely put on, as well as the others, but
24 the interface probably crashed, so that's why the Khieu Samphan
25 team had trouble in finding it, and that's why the Prosecution

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1 has trouble in finding the first document. To accuse us of bad
2 faith is a little premature, I would say. Very premature.

3 [15.02.09]

4 JUDGE FENZ:

5 At the moment I'm not accusing you of anything, I just want to
6 see how we can go ahead. For the document you are planning to use
7 now, which document is it? So we can figure out if other Parties
8 are aware of it.

9 MR. KOPPE:

10 I was going to show the witness E3/2421, and E3/2107, and
11 E3/2421.

12 JUDGE FENZ:

13 So, are Parties aware of these documents? The other parties,
14 obviously.

15 MR. LYSAK:

16 Your Honour, I recognize those numbers. We just printed out the
17 part of their listing that did appear, which was from number 752
18 to 1300, it's 9 -- how many pages? Sorry, 23 pages of things to
19 look through to try and find it, so all we ask for, at this time,
20 is that we be given notice of -- in sufficient time -- so we can
21 call it up in our screen, because finding the actual document,
22 whether -- on the interface connection right now is very
23 difficult. But I think I recognize those two numbers as ones that
24 I may have used.

25 (Judge deliberate)

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1 [15.05.01]

2 MR. PRESIDENT:

3 The floor is given to Judge Lavergne to interact on this with the
4 Parties.

5 Judge, you may proceed.

6 JUDGE LAVERGNE:

7 Thank you, Mr. President. I have a question to put to Counsel
8 Koppe. I would like to know how many documents were placed on the
9 interface. I understand that you only want to use three this
10 afternoon. But, however, I understand that hundreds were placed
11 on the interface. So can we rely on good faith and does this seem
12 to correspond to acting in good faith?

13 MR. KOPPE:

14 Again, I resent the implication that I'm not doing something in
15 good faith. What is that about? We're putting documents on the
16 interface and we're doing it properly. I've asked my consultants
17 to do it, what is this about, bad faith?

18 [15.06.06]

19 JUDGE LAVERGNE:

20 Counsel Koppe, how many documents do you want to use in the
21 examination of this witness and how many documents did you place
22 on the interface?

23 MR. KOPPE:

24 Fine, that's a question I'm prepared to answer. I would like to
25 ask the witness a few questions about the documents that I just

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1 mentioned; I have a few other documents from the Krang Ta Chan
2 documents to put on the interface, five more. So, all in all, I
3 would say about 15 documents.

4 JUDGE LAVERGNE:

5 So maybe these 15 documents should be forwarded to the Parties so
6 that they can be sure to find them. And the Parties might need a
7 bit of time to make sure that these documents are on the
8 interface and to access them. I don't know what we should do,
9 maybe we should adjourn or --

10 [15.07.11]

11 MR. KOPPE:

12 Judge Lavergne, these are documents -- Krang Ta Chan documents --
13 the Prosecution has just, from one morning, referred to these
14 documents. He himself says he knows them by heart. So what is the
15 point of giving the Prosecution extra time? They know the
16 documents. It's been on the case file for ever.

17 (Judge deliberate)

18 [15.08.24]

19 MR. PRESIDENT:

20 The Co-Prosecutor, do you have any submission to address the
21 Court as regards to the request by the defence counsel to use the
22 15 documents and a number of document -- E3/2421 -- was used by
23 the Co-Prosecutor to examine the witness or do you need some time
24 to review these documents -- to review those documents before we
25 proceed with the hearing?

1 MR. LYSAK:

2 Mr. President, I think we can proceed. We'll follow along as long
3 as counsel announces the documents ahead of when he is going to
4 use them, we'll follow. I don't think it's necessary for us to
5 take a break.

6 MR. PRESIDENT:

7 Mr. Victor Koppe, you may continue with your line of questioning
8 for this witness.

9 BY MR. KOPPE:

10 Thank you, Mr. President.

11 Q. Mr. Witness, before I actually turn to these documents, I have
12 one follow-up question in relation to my questions before the
13 break, and that is also in - referral to an answer you gave to
14 the Investigating Judges. You were talking about taking of Takeo
15 provincial town on the 18 of April 1975. Were you involved in
16 actual fighting in order to capture Takeo provincial town?

17 [15.10.20]

18 MR. SREI THAN:

19 A. At the time, I was in a unit of the district during the attack
20 of Takeo province, but we did not launch any offensive, but the
21 Lon Nol soldiers, defeated, they surrendered with the white flag.
22 We did not attack any offensive against them.

23 Q. Just so we know, how far, in your estimate, is Takeo
24 provincial town from Krang Ta Chan Centre?

25 A. It is difficult for me to make the estimate, it is probably 30

1 or 40 kilometres away.

2 Q. Thank you, Mr. Witness. I would like to move on now to the
3 documents that I would like to show you.

4 [15.11.28]

5 MR. KOPPE:

6 Mr. President, I have actual physical copies that I can give to
7 the witness, but I'm also, if that's alright with you, able to
8 show it on the screen. It's not actually about the whole
9 document, it is about pages within the document, more
10 specifically, the signature in the document. So, I would like to
11 start with document E3/2421. It doesn't make sense to show or to
12 tell the English ERN because I'm showing the signature, so I'm
13 only referring to the Khmer ERN number -- that is, 00271177, and
14 in that same document, 00271180.

15 With your leave, Mr. President, I would like to show the witness
16 these pages and it will simultaneously, hopefully, show on the
17 screen as well.

18 MR. PRESIDENT:

19 Your request is granted, counsel.

20 [15.13.17]

21 BY MR. KOPPE:

22 Q. Mr. Witness, I would like you to have a look first at the
23 Khmer page, which has on the left top the number -- the page
24 number 00271177. And now I would like you to look at the middle
25 of that page and -- it's not an original document, Mr. Witness,

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1 as you know, we don't have an original document, but on the
2 middle of that page there is a signature. Please have a look at
3 that signature, would you be able to tell us whose signature that
4 is?

5 MR. SREI THAN:

6 A. This is the signature of An.

7 Q. Thank you, Mr. Witness. Now, in that same document, I would
8 like you to have a look at the page, Khmer ending - on the left
9 bottom -- with 1180. Same document, 1180. ERN -- sorry --
10 E3/2421. And again, on that page, Mr. Witness, you see a
11 signature. Would you be able to tell us whose signature that is?

12 A. This is the same signature of the same person, An.

13 Q. Thank you. And now to the third document, Mr. Witness -- that
14 is, E3/2425; Khmer, ERN 00270926; and again, the same question:
15 In the middle of the page, you see a signature. Would you be able
16 to recognize that signature?

17 A. This is the same signature.

18 [15.15.37]

19 MR. KOPPE:

20 Mr. President, now I would like to show another document to the
21 witness -- that is, E3/2107. With your permission, I would like
22 to give it to the bailiff and show it to the witness.

23 MR. PRESIDENT:

24 Counsel, your request is granted.

25 BY MR. KOPPE:

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1 And if everything goes well, Mr. President, with your leave, it
2 will also be shown on the monitor.

3 Q. Mr. Witness, you see a text on the document, on page 0068049,
4 you see a text in Khmer. I would like you first to read the Khmer
5 text.

6 MR. SREI THAN:

7 A. "Re-education Centre 105: Since the date" - "Since the date --
8 I cannot read the rest after this one - "smash the enemy until
9 today, totalling 1500, especially" - "please, the Party be
10 informed, 15,000 in total." So, "Re-education Centre. Signature:
11 An."

12 [15.18.45]

13 Q. And now my question to you is: Is this, according to you, the
14 signature of An?

15 A. Yes, it is correct.

16 Q. Can you explain how you've come to that conclusion?

17 MR. PRESIDENT:

18 Please wait, Mr. Witness. International Co-Prosecutor, you may
19 proceed.

20 MR. LYSAK:

21 Yes, Mr. President, he's now asking for the witness to provide
22 some sort of conclusion, or opinion. I think the witness -- as a
23 lay witness -- can identify signatures. I'm not sure how he's --
24 whether he's now asking to turn him into an expert witness or
25 not, but I think the question calls for conclusion.

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1 [15.19.43]

2 MR. KOPPE:

3 My question is how the witness is able to tell that this
4 signature is, in fact, the same as the other three signatures. So
5 that is my question, I'm not asking for a conclusion. I'm just
6 asking how he knows that the fourth signature is Ta An.

7 MR. PRESIDENT:

8 Witness, you have to respond to this question.

9 MR. SREI THAN:

10 A. Because, under the signature, his name in Khmer is there, so I
11 can read. I can recognize.

12 BY MR. KOPPE:

13 Q. Maybe I'll rephrase my question. we know the name is An in
14 that document, but my question is: how do you know that that
15 particular signature is, in fact, An's signature?

16 MR. SREI THAN:

17 A. Because I saw his name next to it, so the signature of a
18 person whose name is there, this is the person.

19 [15.21.20]

20 Q. That is exactly my point, not necessarily, but I'll rephrase.
21 I'll ask you another question.

22 Can you have a look at this text that you just read out. Is that
23 Ta An's handwriting? Do you recognize that?

24 A. I don't remember.

25 Q. I would like to ask you to have another try. Can you please

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1 have look at that document again, the text where it says "15,000
2 people smashed", do you recognize that handwriting as Ta An's
3 handwriting?

4 MR. PRESIDENT:

5 Please wait, witness. International Co-Prosecutor, you may
6 proceed.

7 MR. LYSAK:

8 Your Honour, I object to the question as repetitive. He's just
9 asked the same question that he already asked the witness.

10 [15.22.23]

11 MR. KOPPE:

12 It's an important document, Mr. President. It's featured
13 prominently in the Closing Order. We will try to argue at one
14 point during the document's hearing that it is a post '79
15 fabrication. So, I think I should be able to ask one more
16 question in relation to this specific document. It's very clear
17 prima facie that the handwriting is completely different than
18 other handwritings of Ta An's. I think it's a proper avenue of
19 asking this question.

20 MR. PRESIDENT:

21 The objection by the Co-Prosecutor based on the ground, it is
22 repetitive and the witness has responded to the question, and the
23 witness said that he does not recognize the writing. So the
24 witness is not required to respond to the repetitive question.

25 [15.23.36]

1 MR. KOPPE:

2 Maybe I didn't hear the answer properly. If he doesn't recognize
3 it, then that's fine. I'll move on, Mr. President, to the next
4 documents that I would like to show -- that is, a document that
5 has been shown before by the Prosecution, E3/4145.

6 With your leave, Mr. President, I would like to show this
7 document again, physically, to the witness.

8 MR. PRESIDENT:

9 Your request is granted, Counsel.

10 BY MR. KOPPE:

11 Q. Mr. Witness, what can you tell us about this document? Have
12 you seen it before? Does it look familiar to you?

13 MR. SREI THAN:

14 A. I didn't see this document.

15 [15.25.12]

16 Q. But are you able to tell the Court something about the format,
17 about the use of different lines, different categories? Does it,
18 in general, look familiar to you?

19 MR. PRESIDENT:

20 Please wait, witness. International Co-Prosecutor, you may
21 proceed.

22 MR. LYSAK:

23 Thank you, Mr. President. I just want the counsel to be clear on
24 the record, which pages he's referring to, because this E3/4145
25 has different list in it, so --

1 MR. KOPPE:

2 I apologize; I'm referring, Mr. President, to English, ERN
3 00762837; French, 00761093; and Khmer, 00068730. It's the two
4 pages that follow each other.

5 [15.26.30]

6 MR. PRESIDENT:

7 Mr. Koppe, please read the Khmer ERN again and also the document
8 number. It is helpful for you to repeat each ERN in the three
9 languages, so please, do so.

10 BY MR. KOPPE:

11 We were discussing E3/4145, and the specific page in English,
12 again, ERN 00762837; French, 007671093; and Khmer, 00068730; so
13 two pages.

14 Q. Again, my question, Mr. Witness, does the format of this
15 document -- the use of categories, et cetera, somehow look
16 familiar to you?

17 MR. SREI THAN:

18 A. It seems to me that I didn't see this document before. No, I
19 didn't see it before.

20 Q. Again, Mr. Witness, I'm not asking you if you saw this
21 specific document before, but does the format -- the way it
22 looks, the way the categories are made -- does it somehow look
23 familiar to you? Is this the way documents were drafted in Krang
24 Ta Chan?

25 A. No.

1 [15.28.31]

2 Q. Can you tell us why?

3 A. I see this form on this paper; I never saw it when I was
4 there. I never saw it when I was there.

5 Q. Okay. Thank you, Mr. Witness.

6 MR. KOPPE:

7 Now, in that same E3 document, E3/4145, I would now like to show
8 the witness Khmer ERN page 0068736. And with your permission,
9 again, Mr. President, I would like to show a physical copy to the
10 witness.

11 MR. PRESIDENT:

12 Your request is granted.

13 [15.29.38]

14 BY MR. KOPPE:

15 Q. Mr. Witness, could you please have a look at this specific
16 document that ends with Page 736?

17 MR. PRESIDENT:

18 Mr. Witness, can you locate the relevant page?

19 MR. SREI THAN:

20 A. Yes.

21 BY MR. KOPPE:

22 Q. What can you tell us about this document? So I'm referring
23 again, to be sure, page 0068736. What can you tell us about this
24 document, Mr. Witness? Does it look familiar?

25 MR. SREI THAN:

1 A. I do not recognise this document.

2 [15.31.30]

3 Q. I understand that you do not recognise the document but can
4 you tell us something whether this document -- whether the format
5 of this document, the way the categories are being used, is that
6 in accordance with what you remember, the typical document looks
7 like?

8 A. No. It wasn't similar at all.

9 Q. Thank you, Mr. Witness. I will move on to other documents.

10 MR. KOPPE:

11 These are documents, Mr. President, that were put on the
12 interface but I would like to give a heads-up as to the documents
13 that I would like to read small fragments from. It's respectively
14 E3/2454, E3/2424, E3/4093, E3/2453, and E3/2048. Mr. President,
15 all these five documents are Krang Ta Chan documents. So I
16 believe they should all be familiar to the Prosecution. What I'll
17 do from each of those five documents is read only one page per
18 document and I will give you the three ERN Numbers, but I would
19 like to read all five different pages from the five documents at
20 once and then ask, if that is alright with you, Mr. President,
21 the witness -- the question.

22 [15.33.45]

23 The first document is, as I said, E3/2454, more specifically,
24 English, ERN 00364288; Khmer, 00271054; and French, 00612215. Mr.
25 Witness, it's a document -- it's a report to the "Respected Base

1 Party of Tram Kak district". It's about what a certain person is
2 alleged to have done and it's about stealing and the document
3 says that "the unit chief re-educated this person four times and
4 that he didn't listen at all". That's the first document:

5 "Re-educated four times and that he didn't listen at all."

6 The second document, E3/2424, English, ERN 00322217; Khmer, ERN
7 00270751; and French, ERN 00612215. Also this is a report and
8 it's about what allegedly somebody has done and in the middle it
9 says that the person is good at stealing things, et cetera
10 "although we have tried to educate him in whatever manner". That
11 sentence, I would like you to remember.

12 [15.35.45]

13 The same about E3/4093 -- Mr. President, this is English, ERN
14 00831489; Khmer, 00270790; and French, ERN00729676. Again, this
15 is a report and about somebody who did something apparently wrong
16 and the document says in the middle of the page, "no matter how
17 she is educated, she refuses to refashion herself".

18 Mr. President, the fourth document - the fourth of the five is
19 E3/2453; English, ERN 00388578; Khmer, ERN 00270775; and French,
20 00611770. The same background; it's a report about somebody. It
21 says in the middle of the page: "Furthermore, this one has
22 carried out activities to wreck the co-operative, for instance,
23 throwing plates so they break, throwing out soup, stealing
24 potatoes, stealing this and stealing that without end, no matter
25 how he is re-educated." So, here again a sentence, "no matter how

1 this person is re-educated".

2 [15.37.21]

3 And finally, Mr. President, document E3/2048, that's the page in
4 English, ERN 0027566 (phonetic); Khmer, ERN 00079094 until 5; and
5 French, ERN 00611663. Again report this time to Comrade An
6 himself. It says in the third paragraph: "Request the police make
7 the decision because these two, the Base has re-educated them to
8 the utmost of its capabilities."

9 BY MR. KOPPE:

10 Q. Now, Mr. Witness, this is a long question. I've shown you five
11 documents, but the thread of my question is the same in relation
12 to all five documents. It seems that before somebody was sent to
13 Krang Ta Chan, people in the district or in the communes, tell to
14 An or others that they did their utmost to re-educate the person.
15 Now this is phenomenon, does that ring a bell with you?

16 MR. PRESIDENT:

17 Witness, please wait, and Deputy Co-Prosecutor, you can proceed.

18 MR. LYSAK:

19 Thank you, Mr. President. My objection to what counsel has done
20 here is, he started by representing that these are Krang Ta Chan
21 documents. Most of them, in fact, I think almost all of them are
22 not - they are reports from communes from the Base. We submitted
23 documents to this witness that were documents generated by where
24 he worked. I submit that he's asking the witness to provide, to
25 speculate and provide an opinion about how communes referred

1 people; that is outside his knowledge base.

2 [15.39.28]

3 MR. KOPPE:

4 Mr. President, I used the generic term, "Krang Ta Chan
5 documents" or "Tram Kak documents". I said I think that they are
6 not documents from within the prison itself, but I used these
7 documents to ask a general question whether the witness knows in
8 his capacity as typist, whether people who were sent to Krang Ta
9 Chan had been re-educated or there were attempts to re-educate
10 them several times before them being sent to Krang Ta Chan.
11 Now, I fully agree that the witness cannot say anything about
12 these documents themselves because he doesn't know them. Now,
13 this is something that obviously doesn't stop the Prosecution
14 from showing documents to other witnesses. But besides this, the
15 general thread of my question is whether this is something what
16 he experienced or what he knew may be from meetings with Ta An or
17 others; that people who were sent to Krang Ta Chan were in fact,
18 at least in the eyes of the authorities, lost cases in the sense
19 of re-education, that's my question.

20 [15.40.41]

21 MR. PRESIDENT:

22 The objection by the Deputy Co-Prosecutor is not appropriate and
23 the Chamber needs to hear the response from the witness. The
24 witness can respond to any question that is based on what he
25 personally observed during the Democratic Kampuchea regime.

1 And Mr. Witness, please respond to the question put to you by the
2 defence counsel if you still recall it.

3 MR. SREI THAN:

4 A. To respond to that question, no, I did not know about that.

5 And as for -- to the other question that if I was in a meeting
6 with Ta An, the answer is no. I did not attend any meeting with
7 him.

8 [15.41.41]

9 BY MR. KOPPE:

10 Q. Mr. Witness, you typed documents, you typed confessions; what
11 would you, in general, be able to say about the reasons that
12 people were sent to Krang Ta Chan? Was it because they couldn't
13 be re-educated or you simply don't know?

14 MR. SREI THAN:

15 A. I did not know the reason for them being sent to the Krang Ta
16 Chan centre.

17 Q. Following up this question, you have stated that -- or you
18 have given testimony that 99 per cent of people who entered Krang
19 Ta Chan were smashed. My question is: If that is true, what was
20 the rationale or what was the reason that these people were
21 interrogated in the first place, do you know?

22 A. They were tortured during the interrogation and I did not know
23 why they were being interrogated.

24 [15.43.29]

25 Q. But you said you were a typist. You must have known certain

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1 things that were going on. My question is: If people were going
2 to be killed anyway, what was the reason to ask them questions,
3 to torture them? It doesn't -- I don't understand.

4 A. I also cannot respond to your question because I did not know
5 what they did or what their policies were.

6 Q. My other follow-up question would be, you said earlier in your
7 testimony that in late '78, according to you, prisoners were sent
8 out of Krang Ta Chan. How does that relate to your earlier
9 testimony that 99 per cent of people were smashed?

10 A. The prisoners who were sent out were new prisoners but not the
11 old ones. The old ones had all been smashed and the new prisoners
12 who were sent in was at the time of the confusing situation and
13 that was when they were sent out.

14 [15.45.15]

15 Q. I'm not sure if I understand but I'll move on, Mr. Witness.
16 I have a question about another topic and that is the testimony
17 of Mr. Say Sen. The Prosecution has already put to you a few
18 excerpts of his earlier testimony and I would like to confront
19 you with some more passages from his testimony.

20 MR. KOPPE:

21 Mr. President, I'm referring to transcript E1/257 -- that is,
22 around 10.40 in the morning; English, ERN 01064599; and Mr.
23 Witness, this is Say Sen giving testimony about you.

24 The question is as follows: "I would like some details on what
25 you told us yesterday. You said that a soldier or a security

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1 guard had raped two women from the Mobile Unit and had inserted
2 the rifle in their vaginas. Can you tell us the names of those
3 soldiers?" That's the question.

4 And then the answer of Say Sen is as follows: "Yes, It was Duch
5 or small Duch and Siang, they were two of them."

6 And then the question is: "Were those people punished by Ta An or
7 members of the committee, were they punished for these actions?"

8 "No, they were not punished although there were regulations from
9 this Chief."

10 Another question: "Yesterday, you also talked about the massacre
11 of two young girls. You said that the elder girl had her skull
12 smashed against the tree and -- or the younger one had her skull
13 smashed and the other one had her neck broken. Can you tell us
14 the name of the guard who did that?"

15 And then Say Sen answers: "Yes, they were Sim, Moeun, Sann and
16 Duch or Small Duch."

17 [15.47.40]

18 BY MR. KOPPE:

19 Mr. Witness, it seems that Say Sen is accusing you of
20 participating in atrocities at Krang Ta Chan. Would you give us
21 your comment on this testimony?

22 MR. SREI THAN:

23 A. I cannot respond to that question.

24 Q. Why is it that you cannot respond?

25 A. Because I did not do it and I did not know about it so how can

1 I respond.

2 Q. Is Say Sen making up this story then, according to you?

3 A. I do not know.

4 Q. Mr. Witness, Say Sen has given some more testimony -- same
5 document, Mr. President, E1/257.1; it's on 5th February, page 43,
6 below; English, ERN 01064612; Say Sen is saying the following
7 about you, Mr. Witness. I'll read the question first.

8 [15.49.26]

9 "Very well, now we're going to talk about Saing, the person you
10 said is still alive. It appears that you have referred to him on
11 several occasions. If I understood what you said correctly, you
12 said that Small Duch, Duch Touch, he was one of the most wicked
13 persons. Is that indeed the person you are referring to?"

14 And then Say Sen answers: "Yes, Saing and Duch were cruel and
15 brutal. As for Sieng, he was not as much as cruel as Duch, Small
16 Duch and Saing."

17 Mr. Witness, Say Sen seems to implicate that you are wicked,
18 cruel and brutal. Would you please give your reaction on that
19 testimony of Say Sen? Is he right or is he wrong?

20 A. No, that is not correct.

21 Q. You are not cruel and wicked, is that your answer?

22 A. Yes. That is correct.

23 [15.50.52]

24 Q. Mr. Witness, Say Sen also gave testimony to the Investigators
25 of the Investigating Judge. Mr. President, I refer to E319.1.24,

1 that is on question A107, the English, ERN 00969632; the question
2 is: "Did you see Duch rape female prisoners?"

3 And Say Sen answers the following: "Yes, I saw him raping a
4 female prisoner who was a cook at night. Their mother told me
5 about that. Duch did not kill her after raping her but she died
6 in '79, and her husband was killed in Krang Ta Chan."

7 So Mr. Witness, it means that Say Sen is accusing of raping a
8 female prisoner. Can you give your reaction on that?

9 A. That answer or that statement is not correct. It is
10 fabricated.

11 Q. Do you have any explanation why Say Sen is fabricating about
12 you? Fabricating these stories?

13 A. Yes. You are aware during the Khmer Rouge period, sexual rape
14 or somebody who committed sexual rape would not be spared. So
15 rape was prohibited. For that reason, such a statement is a
16 fabricated one.

17 [15.53.08]

18 Q. I understand that you say that his testimony was fabricated
19 but my question is: Would you be able to give us - to shed some
20 light as to why he would fabricate such an awful story?

21 A. I do not have any explanation to it. I don't know what he
22 wanted.

23 Q. In the last passage from his testimony, I would like to put to
24 you -- that is actually not testimony that he gave here before
25 this Court but it is the statement he gave to DC-Cam.

1 Mr. President, that is, E3/4846; English, ERN 00527774; Khmer,
2 ERN 00527724; and French, ERN 00943272 until 73. The question to
3 Say Sen is the following -- it's in the middle of the page.
4 "Did they rape women prisoners before they are killed?"
5 And then Say Sen answers: "I have seen it once done by someone
6 else, but for Duch, I did not see him do it. Duch used to kill
7 the young girls in the prison. They took the dead bodies,
8 inserted the head of M79 missiles into the girls' vaginas. They
9 called on me to bury the bodies. Duch had asked me if I saw the
10 M79 in the girls' vaginas. I told him I did see it and asked him
11 why he did that. After burying the bodies, Duch and his comrades
12 laughed about it."
13 And then the Investigator asked: "Is Duch still alive?"
14 "Yes, still alive", Say Sen answered, "He lives in Otdam Souriya
15 commune."
16 Question: "Do you know what village he lives in?"
17 "I only know that it is Otdam Souriya commune, I don't know the
18 village. Duch had raped Rath, female who now lives in Kbal
19 village."
20 And the Investigator asked: "Oh, the small, short eah Rath over
21 there?"
22 "Yes, the small one. "
23 [15.55.45]
24 MR. PRESIDENT:
25 Please wait.

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1 Counsel Koppe, are you now trying to establish a fact or are you
2 putting questions to the witness. The Chamber gives you floor so
3 that you can put questions to the witness and not establish
4 facts. Please rephrase your question and follow the procedures
5 applicable before this Court.

6 And Judge Fenz, you have the floor.

7 [15.56.40]

8 JUDGE FENZ:

9 There is a clear protective measure not to identify the address
10 of the person; neither by asking him directly nor indirectly by
11 confronting him with something. So we just wish to remind counsel
12 of that.

13 BY MR. KOPPE:

14 Q. Mr. Witness, I read a passage from Say Sen's testimony to
15 DC-Cam, he is talking about two instances of rape and he says
16 that in both instances you were involved. Please give your
17 reaction to that testimony.

18 MR. SREI THAN:

19 A. As I have stated earlier, such an accusation is a false
20 accusation. It is a fabrication.

21 [15.57.40]

22 Q. So to summarise your testimony, everything Say Sen has said
23 about you, you being involved in rape, killing, et cetera, is a
24 fabrication, correct?

25 A. Yes, that is correct.

1 MR. KOPPE:

2 I would like to give the floor, Mr. President, to my national
3 colleague.

4 MR. PRESIDENT:

5 Yes, you can proceed.

6 QUESTIONING BY MR. SUON VISAL:

7 Thank you, Mr. President. I only have a few questions for this
8 witness.

9 Q. Mr. Witness, I have a question for you, in 1976 when you were
10 assigned to guard the Krang Ta Chan office, did your superior
11 give you any detailed instruction?

12 MR. SREI THAN:

13 A. When my unit was assigned to guard the office, it was to guard
14 -- that is, to provide protection or guarding to the district -
15 or Education Office of 105.

16 [15.59.22]

17 Q. Did they set out instruction or policy for smashing enemy or
18 taking necessary measure to suppress the prisoners?

19 A. No.

20 Q. Another point that I'm still unclear about is that there were
21 two phases that you did your guard duty, one was at the outskirt
22 and one was part of the internal compound. Can you tell the Court
23 the difference?

24 A. The guarding duty was similar for the two phases. However,
25 initially we were far from the centre and the second phase was

1 closer -- that is, to guard the fence of the centre.

2 [16.00.28]

3 Q. You stated before this Court, this morning, that when
4 prisoners were killed, you were on guard duty too. Can you tell
5 us where did you guard when the killing took place?

6 A. I think I have already responded to that question. My six-man
7 unit was assigned the guard duty -- that is, the east and west
8 gates, and when prisoners were taken and killed, we were not
9 allowed to go and guard.

10 Q. During the time that you worked as a guard at Krang Ta Chan
11 office, did they allow prisoners to work inside the compound of
12 the office?

13 A. Yes. They did. Some prisoners were allowed to work outside the
14 detention buildings.

15 Q. What kind of work were they allowed to do?

16 A. Some of them carried earth, or engaged in transplanting rice
17 or harvest the rice.

18 Q. Did they also raise livestock there, for instance, horses or
19 cows?

20 A. Yes, there were cows. However, only the prison guard tended
21 the cows not the prisoners.

22 [16.02.40]

23 Q. You mean the prisoners were allowed to work within the prison
24 compound, were not allowed to tender the cows; is that correct?

25 A. Yes, it is correct.

1 MR. SUON VISAL:

2 In fact I have three more questions, Mr. President, but we're now
3 past our regular time; am I allowed to do so?

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 BY MR. SUON VISAL:

7 Q. Mr. Witness, I would like to answer you a question in relation
8 to the interrogation. During the interrogation, did you know
9 where the light offence prisoners were allowed to go near where
10 the interrogation took place?

11 MR. SREI THAN:

12 A. During the interrogation time, nobody was allowed to go near,
13 including the light offence prisoners. All prisoners were
14 detained during the interrogation.

15 [16.04.00]

16 Q. As for prisoners who were let out to work within the prison
17 compound, did anyone of them successfully flee?

18 A. Since the time that I went to work there, no prisoner ever
19 successfully fled.

20 MR. SUON VISAL:

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

23 MR. PRESIDENT:

24 And the International Deputy Co-Prosecutor, you have the floor.

25 [16.04.41]

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1 MR. LYSAK:

2 Thank you, I'll be brief. I have one request relating to the Nuon
3 Chea's team's documents for the next witness. They have listed
4 752 entries for the next witness. As we saw today, where they
5 listed over 400, only used 15. I have a request that tomorrow
6 they notify the Parties by email of the actual documents that
7 they intend to use so that we're not scrambling like we were
8 today to try to find documents because it is virtually impossible
9 to get them, to make use of the interface when that many
10 documents have been put on it.

11 (Judges deliberate)

12 [16.05.58]

13 MR. PRESIDENT:

14 Thank you for the remark by International Co-Prosecutor. And the
15 defence counsel for Mr. Nuon Chea, please give the list -- who
16 will use for the next witness that will start from tomorrow.
17 Now it is time for Trial Chamber to adjourn for the day and the
18 proceeding will be resumed tomorrow on the 24th February 2015,
19 from 9 o'clock in the morning.
20 Tomorrow we will hear the witness, Mr. Srei Than, and we may
21 continue with 2-TCW-552. And all Parties are invited to the
22 hearing. Thank you, Mr. Witness, for today. Your testimony before
23 the Chamber has not come to an end for today and you are invited
24 to the Court tomorrow from 9 o'clock, and now you are excused and
25 you can return to your place of accommodation.

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1 And Court officer is instructed to work with the Witness Support
2 Section to facilitate the witness to his accommodation and only
3 the witness today will come to the hearing in the morning and
4 reserve witness will be waiting in the waiting room.

5 Duty counsels are also invited to attend the hearing.

6 The security personnel are now instructed to bring the Accused
7 back to the detention facility and bring them back to the
8 courtroom tomorrow before 9 o'clock.

9 The Court is adjourned.

10 (Court adjourned at 1608H)

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