



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

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 10-Mar-2015, 13:31
CMS/CFO: Sann Rada

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS
PUBLIC
Case File N° 002/19-09-2007-ECCC/TC

4 March 2015
Trial Day 252

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

The Accused: NUON Chea
KHIEU Samphan

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

Trial Chamber Greffiers/Legal Officers:
Maddalena GHEZZI
SE Kolvuthy
SIVHOANG Chea

Lawyers for the Civil Parties:
Marie GUIRAUD
LOR Chunthy
HONG Kimsuon
SIN Soworn
CHET Vanly

For the Office of the Co-Prosecutors:
Nicolas KOUMJIAN
SENG Leang
Dale LYSAK
Vincent DE WILDE D'ESTMAEL

For Court Management Section:
UCH Arun
SOUR Sotheavy

INDEX

MR. VAN SOEUN ALIAS VANN SOAN (2-TCW-847)

Questioning by Mr. De Wilde D’Estmael resumes.....page 4

Questioning by Ms. Chet Vanlypage 38

Questioning by Ms. Guiraudpage 46

Questioning by Judge Lavergnepage 48

Questioning by Mr. Koppe.....page 56

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CHET VANLY	Khmer
MR. DE WILDE D'ESTMAEL	French
JUDGE FENZ	English
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
MS. GUIRAUD	French
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. VAN SOEUN ALIAS VANN SOAN (2-TCW-847)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session and today the
5 Chamber will continue to hear the testimony of the witness, Van
6 Soeun.

7 Ms. Chea Sivhoang, could you report the attendance of the Parties
8 and individuals to today's proceedings?

9 THE GREFFIER:

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

12 As for Arthur Vercken, the counsel for the Accused is absent and
13 Nuon Chea is present in the holding cell downstairs as he
14 requests to waive his right to be present in the courtroom. His
15 waiver has been delivered to the greffier.

16 The witness who is to continue his testimony today, Mr. Van Soeun
17 and his duty counsel, Mam Rithea, are present in the courtroom.

18 Thank you.

19 [09.06.09]

20 MR. PRESIDENT:

21 Thank you. The Chamber now decides on the request from Nuon Chea.
22 The Chamber has received a waiver from Nuon Chea dated 4th March
23 2015. He confirms that due to his poor health condition -- that
24 is, headache, back pain, and that he cannot sit for long and in
25 order to effectively participate in the future hearings, he

2

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

7 Having seen the medical report by the duty doctor of the Accused
8 Nuon Chea at the ECCC, dated 4th March 2015, who notes that the
9 health condition of Nuon Chea is that he has back pain and
10 dizziness when he sits for long, and recommends that the Chamber
11 should grant his request so that he can follow the proceedings
12 remotely from a holding cell downstairs. Based on the above
13 information and pursuant to Rule 81.5 of the ECCC Internal Rules,
14 the Chamber grants Nuon Chea's request to follow the proceedings
15 remotely from the holding cell downstairs by an audio-visual
16 means for today's proceedings as he waives his direct presence in
17 the courtroom.

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

21 [09.08.28]

22 The Chamber would like to provide a narrative on interpretation.
23 Before the proceedings commence, the Chamber wishes to remind the
24 Parties that every time a person speaks into a microphone in this
25 courtroom it must be translated into two other languages. In

3

1 order to get a proper record of these proceedings and to permit
2 the interpretation professionals to do their job, it is
3 imperative that Parties speak slowly and clearly. In addition,
4 long or complex sentences and compound questions may confuse
5 individuals who are testifying and are not amenable to accurate
6 translation. Parties should therefore endeavour to use simple
7 language and avoid putting multiple questions to a witness, civil
8 party or expert simultaneously. Rather than saving time, such
9 methods create further confusion, which may prevent the orderly
10 and expeditious conduct of these proceedings.

11 [09.10.19]

12 I have asked the interpreters to inform the Chamber when the rate
13 of speech is not conducive to proper translation. I may also
14 direct Parties to simplify questions when they are overly long,
15 complex, or compound in nature. And the Chamber would also like
16 to remind the national colleagues of those foreign counsels or
17 lawyers, please assist them who speak a foreign language to slow
18 down in case he or she speaks too fast.

19 Second, please, from time to time, look at the Bench. If there
20 needs to be a signal to the Bench to request for instruction to
21 slow down the speaker. This is actually a repetitive reminder to
22 all Parties regarding the interpretation as it may have an impact
23 on the transcription. During the last few days we have some
24 issues with transcription records and in order to avoid further
25 disruption or any improper record and in order to make the

4

1 proceedings effectively, the Parties shall be reminded of this
2 process on the interpretation because we need accurate
3 interpretation of the person who speaks -- who is on the floor.
4 And now we would like to hand the floor to the Prosecution to
5 continue putting questions to this witness.

6 [09.12.27]

7 MR. DE WILDE D'ESTMAEL:

8 Thank you, Mr. President. Good morning to you, Your Honours and
9 members of the Chamber and the Parties.

10 Mr. Van Soeun, I started examining you yesterday and I will
11 continue today up to 11 a.m. Yesterday you said that you were a
12 security guard at Krang Ta Chan as from 1975. And you worked as a
13 messenger bearing messages to the districts. As part of your
14 duties you delivered envelopes and you explained that Ta An, the
15 chief of the security centre, wrote handwritten messages on those
16 envelopes. And you said that you could recognise Ta An's
17 handwriting.

18 Mr. President, I would like to give the witness a document, and
19 request that that document be placed on the screen. And it is
20 D32/7.2; it is a single page.

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 [09.13.53]

24 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

25 Q. Mr. Witness, may I request you to look at the portion that is

5

1 in the box at the bottom of the page, and on it is written:
2 "Education Centre 105. We have so far eliminated 15,000 enemies."
3 May I request the Parties to take note of the "Party Centre:
4 Signed: Ta An"?

5 Are you in a position to identify that handwriting and tell us
6 whether it is Ta An's handwriting or not?

7 MR. VAN SOEUN:

8 A. I cannot say for sure whether that is his own handwriting
9 because it's been almost 40 years when I saw his writing.

10 Q. And regarding the signature at the bottom, when you were at
11 Krang Ta Chan, did you see Ta An's signature? And if yes, can you
12 tell us whether you can recognise this signature as her
13 signature?

14 A. No, I do not recognise it.

15 [09.15.48]

16 Q. Regarding the number of entries and the procedure for
17 admitting persons to Krang Ta Chan centre, you gave a few
18 figures. You particularly stated -- and I quote. In the first
19 record of your interview D40/23, on page Khmer, 00223211; in
20 French, 00490910 -- I gave the wrong number. The English is
21 00223211; in Khmer, 00165355.

22 I believe that your counsel still has the record of your
23 interviews with him. Is that correct?

24 Let me read what you stated.

25 Question: "Regarding prisoners admitted to Krang Ta Chan centre,

6

1 in general, how many of them were there each time they were
2 brought in? When were they brought in and by what means of
3 transportation?"

4 Your answer was as follows: "They brought prisoners in two or
5 three at a time. There were about 20 to 25 prisoners a month.
6 They walked them in at night at about 7 or 8 o'clock."

7 Question: "Were the prisoners brought in restrained or shackled?"

8 Answer: "In general the prisoners were brought in both hands tied
9 behind them, one tied at the wrist, and another at the biceps.
10 And they were tied with a line from one to the next."

11 [09.17.53]

12 On the same page you stated that in each building there were
13 about 20 to 25 prisoners. And on the next page you pointed out
14 there were three buildings housing detainees at Krang Ta Chan,
15 one of which was older than the others and wasn't very much in
16 use. Regarding the figures you have given, I would like to show
17 you a report, Report E3/2109, given to the Parties in November
18 1997 (sic). I will request that only the first page of that
19 report be placed on the screen.

20 MR. PRESIDENT:

21 Yes, you may proceed.

22 [09.18.56]

23 BY MR. DE WILDE D'ESTMAEL:

24 Q. That report has already been presented. I'll read from the
25 first page.

7

1 "1. Prisoners. During November '77, '75 persons entered. Total,
2 184 persons; purged, 92 persons; died of illness, 6 persons;
3 Angkar removed to sector, 1 person, a Lieutenant Colonel. Total
4 remaining now, 85 persons." End of quote. So in this report of
5 the Krang Ta Chan centre it is stated that in the month of
6 November there were 75 persons admitted, and there were 184
7 persons in total, 92 were purged and six died of illness. Does
8 this refresh your memory regarding the fact that in one month the
9 number of executions was higher than the number you gave the
10 Co-Investigating Judges investigators?

11 MR. VAN SOEUN:

12 A. Regarding this point, I was not the one who made the
13 statistics or the list, but yes, I noticed that prisoners were
14 brought in on a monthly basis and the number varied.

15 [09.21.04]

16 Q. In this report it is stated that 92 persons were purged. In
17 the language used during that period, what does the word "purged"
18 mean?

19 A. The word "purged" means they were smashed, means executed.

20 Q. Were there periods during which you could identify more
21 entries and more executions at Krang Ta Chan centre than in other
22 years?

23 A. As I was not there on a regular basis I didn't know what was
24 happening inside the compound. And that was in addition to the
25 fact that I was the youngest amongst our unit.

8

1 Q. And when you say that you weren't there regularly, are you
2 suggesting that you were outside of the centre, since you were a
3 messenger and you only came in to deliver mails from outside of
4 the camp. Is that what you are saying?

5 A. Yes.

6 [09.22.39]

7 Q. I would like to read out what Sim, your former colleague and
8 fellow security guard at Krang Ta Chan said regarding the number
9 of new entries. And it is document D40/20. This is what he
10 stated. In Khmer the ERN is 00165333; in French, 00524321; and in
11 English, 00433572. And this is a question that was put to him --
12 and I quote:

13 "In general, how many prisoners had to be brought in each time?
14 Did the prisoners arrive in different numbers?" The answer was as
15 follows: "Sometimes 10 sometimes five, sometimes one. Almost
16 every single day new prisoners arrived." At the hearing of the
17 19th of February, Than alias Duch, between 11.12 and 11.15, he
18 pointed out that the number of prisoners brought in at Krang Ta
19 Chan varied from three, four, even up to 20 prisoners per day.
20 These two statements by Sim and -- alias Duch refresh your memory
21 regarding the number of new entries per day, per month, and the
22 frequency with which they came? At Krang Ta Chan, Sim said they
23 came in practically every day.

24 A. The number of prisoners varied and yes, the prisoners were
25 sent in almost on a daily basis.

1 [09.25.10]

2 Q. In the extract I read out earlier, you stated that there were
3 about 20 to 25 detainees per building and there were three
4 buildings. And this is what Srei Than alias Duch, a former guard
5 at Krang Ta Chan said. He said this at the hearing of the 19th of
6 February 2015 between 11.14 and 11.16, and the transcript number
7 is E1/266.1. And this is what he stated: "There were two
8 buildings at Krang Ta Chan. Each building could house 50 to 60
9 prisoners." End of quote. And, as later Duch said, were there
10 times when more than 50 prisoners were detained in each of those
11 buildings in Krang Ta Chan?

12 A. Out of the three buildings one building was very old, and for
13 the other two buildings, yes, each building could accommodate
14 that number of prisoners.

15 Q. To the best of your recollection, do you remember a time that
16 was out of the ordinary when a more significant number of
17 prisoners -- approximately 100 prisoners -- was sent to Krang Ta
18 Chan in one go? Do you remember that?

19 A. No, I did not witness that.

20 [09.27.22]

21 Q. I know you were not always there, but do you recall a time
22 when a category of persons brought into Krang Ta Chan were
23 directly executed upon their arrival without having been detained
24 and without having been interrogated?

25 A. I'd like to state that the family members of Yeay Nhor, Ta Kun

10

1 and Boeun, were arrested, interrogated and killed just after they
2 arrived.

3 Q. Very well. I have indeed understood your testimony regarding
4 Yeay Nhor, Kun and Boeun family. But regarding the other group,
5 do you have any information to the effect that that group was
6 brought to Krang Ta Chan for the purpose of being executed and
7 not for interrogation purposes?

8 A. I was there; I did not see or witness such an event.

9 [09.29.02]

10 Q. And can you tell us who brought in the new prisoners to Krang
11 Ta Chan? Who accompanied them?

12 A. The people who brought them in from the light offence
13 prisoners near Angk Roka market, I did not know them because when
14 they brought prisoners in I did not see them.

15 Q. You never saw militiamen accompany detainees to the entrance,
16 at least to the external entrance of Krang Ta Chan, and as they
17 brought them to the centre?

18 A. That is correct.

19 Q. Was there any system set up when New People would arrive
20 outside and could the people accompanying them come into the
21 centre, or do they have to stay outside and give these people to
22 the security guards?

23 A. They were brought and they were delivered to the compound
24 about one kilometre away from the detention.

25 [09.30.50]

11

1 Q. And how did the guards at the centre, how were they warned of
2 their arrival? Was it any kind of system set up to warn the staff
3 that New People would be coming in one kilometre from outside the
4 centre?

5 A. When they were brought to the point they were directedly (sic)
6 brought in because there was no telephone, no iPhone, people
7 would travel on foot to the place.

8 Q. If there were no iPhones or phones, was there any kind of bell
9 that they would ring to say that New People were arriving?

10 A. People were travelling on foot from place to place.

11 Q. I understood. And the people accompanying new prisoners to the
12 compound, would they ring a bell to warn that they had arrived?

13 A. The key and lock were at two levels, the one outside and
14 another one inside. And we would unlock the two keys to allow
15 people to bring in the prisoners.

16 [09.33.10]

17 Q. Okay, I will stop here with this topic and I'm going to get
18 back to your work as a messenger, and I will speak about the
19 communication between the Krang Ta Chan centre and the district
20 office. You said in your second written record of interview
21 E319.1.33, at question 230, which was the following:

22 [Free translation]: "Did you deliver letters from the district
23 office to the Krang Ta Chan compound."

24 Answer: "No. Generally speaking, I would deliver letters from the
25 district office to the district offices and then four to five

12

1 days later someone else would bring letters to the compound." End
2 of quote. [Free translation]

3 And in the same written record of interview, a little earlier on,
4 you said the following, at question 29: "Did you know the
5 messengers delivering letters from the Town Hall to Krang Ta
6 Chan?"

7 Answer: "Yes, there was a messenger delivering messages from the
8 Town Hall to Krang Ta Chan, and his name was Horl, H-o-r-l. Many,
9 many messengers working at the district hall but only Horl would
10 deliver the messages from the district office to Krang Ta Chan."
11 And you said yesterday that you would go to the district office
12 every day, or once every three days. And the so-named Horl, the
13 district messenger, would he also come often to the Krang Ta Chan
14 centre? As often as you would go to the district office?

15 [09.35.10]

16 A. Horl was always working with the district chief. He did not
17 often enter into the compound, but he would deliver letters at
18 the outside gate.

19 Q. Fine. So did he come often to the Krang Ta Chan compound to
20 bring mail? And you said that you would bring letters to the
21 district office, but then four to five days later someone would
22 bring letters to the compound. Did he go therefore as often to
23 Krang Ta Chan as you would go to the district office to deliver
24 letters as well?

25 [09.36.02]

1 A. I don't know that for sure. Sometimes I saw him coming to the
2 centre when I went to the district office and sometimes a day or
3 two later the letter was sent from the district to the external
4 gate of the centre at Krang Ta Chan.

5 Q. And when you were a messenger at Krang Ta Chan, did you ever
6 meet a messenger who was also working at District 105, for Ta
7 Chim and Ta Kit and whose name was Hy Toem H-y T-o-e-m? He was
8 about 12 years old and apparently he came from Cheang Tong
9 commune. Does that ring a bell?

10 A. I know only one messenger from the district office. I don't
11 know other young messengers. They were also young as me, but our
12 communication was not as friendly as other peoples, so when they
13 deliver letter and they would return so I did not talk to them at
14 the time.

15 Q. And I imagine you don't know the full name of Horl? Or if you
16 know his name, his full name, can you tell it to us?

17 A. I don't know his birthplace because I was young and he was
18 also young, I did not ask for his home village. And Horl was a
19 short guy, rather -- with rather white complexion, white skin.

20 [09.38.40]

21 Q. Fine. I now would like to read out to you what your former
22 colleague Sim said to the Co-Investigating Judge. This is
23 document D40/20, Khmer, ERN 00165332; French, 00524320; English,
24 00433571. And the following question is put to him:

25 "You were told during the meeting that this was a day you had to

14

1 execute the prisoners. Where did the executioners come from?"

2 Sim's answer -- and I'm going to use the English version here,

3 which seems to be a better translation, so Sim's answer in

4 English states the following:

5 "After the meetings, they had the list that had been sent to the

6 district. When those lists were returned, I looked and saw that

7 the names lined through in red ballpoint pen, were the names of

8 those who had been taken away and killed." End of quote.

9 [09.40.25]

10 And further -- and I will switch back to French, and he said the

11 following: "But since - this is how they explained it to me. The

12 names of the people who were crossed out in red had to be

13 liquidated."

14 "What was the name of the person who told you that?"

15 "Duch, the typist; he is the one who knew it; he is the one who

16 told me." End of quote.

17 Did you also see documents in the hands of the people leading

18 Krang Ta Chan with annotations or names that had been underlined

19 in red ball point?

20 A. I didn't witness anything like that.

21 [09.41.35]

22 Q. You said in your written record of interview, E319.1.33, at

23 question 54, which states:

24 "Did you notice anything strange after you had delivered letters

25 from the Krang Ta Chan Security Centre to the district office?"

15

1 Answer: "Yes, each time there were killings."

2 Question 55: "Did the executions occur before or after you
3 delivered the letters to the district office?"

4 Answer: "After I delivered letters to the district, the district
5 would then transfer these letters to Krang Ta Chan and then they
6 would start executing people."

7 Question 56: "So these letters were probably reports on prisoners
8 or confessions, is that so?" Your answer: "Yes, that is so."

9 Question 57: "So the Krang Ta Chan Security Centre would send
10 letters to the district, and then the district would answer,
11 after that executions would happen; is that correct?"

12 You said: "Yes, that is correct."

13 Question 58: "So this means that the district would take the
14 decision to execute. Is that so?"

15 "Yes, the district would make those decisions." End of quote.

16 [Free translation]

17 According to your observations --

18 [09.43.43]

19 MR. KOPPE:

20 Mr. President, I would like to object to this question. Not the
21 reading in itself, because that is indeed the question in
22 E319.1.33. However, the questions 54 between 58 are speculative,
23 because the witness has said also then, before the investigators,
24 that he didn't see the text or the content of the envelopes. So
25 repeating a speculative question within this document is again

16

1 asking for speculation. So it's asking for speculation because he
2 doesn't know what was in the envelope. So there's no connection
3 between the content of the envelopes and alleged executions, or
4 at least this witness cannot tell.

5 MR. DE WILDE D'ESTMAEL:

6 Mr. President, may I answer? The question that was put by the
7 Co-Investigating Judges, or in any case by the investigators,
8 were based on prior statements of the witness, so it was sort of
9 a summary of what the witness had already said. And also I have
10 not yet put any questions to the witness. I just quoted from this
11 record. And I was ready to put the question, so I would like to
12 be able to continue please.

13 [09.45.12]

14 MR. PRESIDENT:

15 Yes, prosecutor, you may proceed.

16 BY MR. DE WILDE D'ESTMAEL:

17 Q. So according to your observations, each time a message was
18 delivered from the district to the Krang Ta Chan centre, would
19 executions follow necessarily?

20 MR. VAN SOEUN:

21 A. Yes.

22 Q. And on the contrary, would Ta An tell you during meetings that
23 executions would take place without you having seen a messenger
24 arrive before to Krang Ta Chan?

25 A. No.

1 [09.46.27]

2 Q. Now I'm going to put to you a few questions regarding the Angk
3 Roka Detention Centre, because you spoke about this centre in
4 your written record of interview E319.1.33. And I'm going to
5 quote a lengthy passage and then I will put a few follow up
6 questions to you afterwards.

7 First, answer 60: "They would start arresting people in the
8 commune and held them at the district hall for interrogation.
9 Then they were sent to Krang Ta Chan security office."

10 Question 61: "To your knowledge, who had the authority to issue
11 the order to arrest people?" Answer 61: "When there was a
12 conflict in a cooperative, the persons involved would be sent to
13 the district. And after they had been interrogated at the
14 district, they would be sent to Krang Ta Chan."

15 Question 62: "What was the interrogation site at the district
16 office called?"

17 Answer 62: "I do not recall the name of the place. It was about
18 300 to 400 metres west of Phsar Angk Roka."

19 [09.48.03]

20 Question 63: "Did you ever go to that site?"

21 Answer 63: "I used to deliver letters there."

22 Question 64: "Did you ever see any interrogations or arrests at
23 that site?"

24 Answer: "I saw people detained and shackled."

25 Question 65: "Was that detention site a prison?"

18

1 Answer: "It was a prison but it was used for light offenders.
2 Serious offenders would be sent to Krang Ta Chan security
3 office."

4 Question 66: "Who was responsible for interrogations at the
5 prison near Angk Roka?"

6 Answer: "Meng, M-e-n-g was the interrogator, and the
7 administrator there."

8 Question 67: "What was Meng's position?"

9 Answer: "Meng worked at the district hall but held no position.
10 He only supervised the prison."

11 [09.49.24]

12 At answer 69, you said -- and I quote: "Because the place was for
13 light offenders, and some prisoners from Krang Ta Chan were also
14 sent there."

15 Question 70: "What were the approximate dimensions of the prison
16 near Angk Roka?"

17 Answer: "It was about six to seven metres, and it was entirely
18 made of wood."

19 Question 71: "To your knowledge, who had the authority to arrest
20 people throughout Tram Kak district?"

21 Answer: "My thinking was that the commune level issued arrest
22 orders and prepared the case file before forwarding it to
23 district level."

24 Question 75: "How did you know that the commune level had the
25 right to arrest people?"

19

1 Answer: "First, the cooperatives reported to the communes and
2 militiamen would go arrest the designated people and send them to
3 the prison near Angk Roka. If they were serious offenders they
4 would be sent to Krang Ta Chan, if they were light offenders they
5 were held at Angk Roka. I found out about this because commune
6 level told me." End of quote.

7 [09.50.50]

8 Do you know if this prison, located close to Angk Roka, depended
9 directly on the security office of District 105, or it was tied
10 to Krang Ta Chan Security Centre, or it was linked to both? In
11 other words, did An sometimes give direct orders to Meng who was
12 the head of Angk Roka prison?

13 A. I don't know anything based on what you quote on this matter.

14 Q. I only quoted from your record. How many times did you deliver
15 messages to that prison, or to that detention centre for light
16 offenders at Angk Roka?

17 A. I went there for two times.

18 Q. And you said that you saw prisoners who were locked up and
19 shackled. How many prisoners were there as far as you remember?

20 A. The prisoners were detained there; they were accused of social
21 problems or they raped young people, they stole chickens or
22 cassava for food, et cetera.

23 [09.52.55]

24 Q. And both of these times when you saw prisoners, did you see
25 Meng interrogate prisoners?

20

1 A. I know Meng by his name, but I didn't see him when I went
2 there two times.

3 Q. You made a distinction here between light offenders who were
4 detained at Angk Roka, and heavy offenders who were transferred
5 to Krang Ta Chan. And were 17 April People and officials and
6 servicemen from the Lon Nol regime generally part of the heavy
7 offender group that was transferred to Krang Ta Chan?

8 A. During that regime, they didn't say 17 April People or 18
9 April People. What they said, "your hair is on your head", so
10 everyone has to be mindful of our own business -- his or her own
11 business.

12 Q. So according to you there was no distinction between the Base
13 People living near Tram Kak and the people who had been evacuated
14 from the cities, such as Phnom Penh or Takeo?

15 A. At that time, people were divided into 17 April People and 18
16 April People, but when anyone committed any wrongdoing, they were
17 not distinguished from the two categories, they were the same --
18 they were considered as the same.

19 [09.55.30]

20 Q. Do you know how long the light offenders, that is to say who
21 had caused social problems or maybe who had committed rape, how
22 long they would stay at Angk Roka, and did you know what would
23 happen to them in the end?

24 A. They called them to attend a meeting, they give instruction,
25 and later they were sent back to the cooperative.

21

1 THE INTERPRETER:

2 [Interpreter correction first] It was people who had committed
3 theft and not rape. [Previous question]

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. So according to you the prisoners at Angk Roka were not
6 executed, is that what you wanted to say?

7 MR. VAN SOEUN:

8 A. Yes.

9 [09.56. 40]

10 MR. DE WILDE D'ESTMAEL:

11 Q. Mr. President, with your leave before the break, I would like
12 to show to the witness a document, which I would like to display
13 on the monitor. This is a document pertaining to the Angk Roka
14 Detention Centre; it's document E3/4093; English, it's on the
15 first page, 00831486; French, 00729674; Khmer, at pages 00270786
16 to 87. And with your leave, may I provide this document to the
17 witness?

18 MR. PRESIDENT:

19 Your may proceed, prosecutor.

20 (Short pause)

21 [09.57.58]

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. This is a message addressed by a soul named San. And in the
24 French version, the name is illegible, but in the English
25 version, this person has been identified as San. San, therefore,

1 sending a message to Bong Chhoeun -- C-h-h-o-e-u-n. And the
2 message is dated 7 August, and there is no year mentioned, and
3 I'm going to read this message.

4 "Beloved Comrade Chhoeun: With regard to prisoners from Cheang
5 Tong commune, request to send any children that cannot be
6 separated from their mothers. Any bigger children that have
7 already gone to the mobile units or children's unit, [request to]
8 let them stay there and take just the mothers. But if children
9 cannot be separated from their mothers, [request to] bring them
10 in for interrogation and after everything is finished, sweep them
11 all clean.

12 As for the widows from Trapeang Thom Khang Cheung North who are
13 currently staying at the place of Comrade Meng, request to sweep
14 them all clean. San, 7th August." End of quote.

15 Witness, this San requesting to sweep all the children and
16 mothers clean, is the same person as the chief of Tram Kak
17 district.

18 MR. VAN SOEUN:

19 A. Yes, that name was the name of the district chief.

20 [10.00.30]

21 Q. Do you know that person called Bong Chhoeun to whom San
22 addressed the message?

23 A. Yes, I do.

24 Q. Can you tell us who he was and what his duties were?

25 A. Chhoeun was also at Krang Ta Chan and he was one of the six

1 Party members there.

2 Q. And in that message addressed by San to one of the Party
3 members, he says that they should clean -- or sweep clean widows
4 from Trapeang Thum Khang Cheung who were in Comrade Meng's home.
5 These persons, who, according to the district head, had to be
6 swept clean, were they executed at Angk Roka Detention Centre or
7 at Krang Ta Chan?

8 MR. PRESIDENT:

9 Counsel Victor Koppe, you have the floor.

10 [10.02.10]

11 MR. KOPPE:

12 Thank you, Mr. President. Maybe I missed it, maybe something went
13 wrong in translation, but what exactly did the Prosecution say
14 about the illegibility of the name on the Khmer document? I think
15 I heard him say that we can read the name San in English. But of
16 course, that's not a point of reference -- the point of reference
17 is the original -- or the copy of the original version of this
18 document. So, I'm not quite sure exactly what the Prosecution
19 said, whether we can read the name San on the Khmer document.

20 [10.02.51]

21 MR. DE WILDE D'ESTMAEL:

22 Mr. President, what I said was different. What I said was that
23 the French translators were not able to read the name of the
24 person who signed that message, however, the English translators
25 were able to decipher the name, and it was indeed San. There is

24

1 no doubt on the original. The doubt has to do with the
2 translation. There was a distinction that was made in the
3 translation. Having made that clarification, can I resume my
4 examination of this witness, Mr. President?

5 MR. PRESIDENT:

6 Yes, prosecutor, you may continue.

7 BY MR. DE WILDE D'ESTMAEL:

8 Thank you. So we have a message identified as a message written
9 by San addressed to a member of the Krang Ta Chan leadership, and
10 it has to do with widows from Trapeang Thum Nord (phonetic) who
11 were in the custody of Meng, and San requested that those widows
12 be smashed.

13 Q. So my question to the witness is whether he was aware that
14 there were executions carried out near Angk Roka centre, or
15 whether those executions were carried out at Krang Ta Chan?

16 MR. VAN SOEUN

17 A. I did not know about that.

18 [10.04.38]

19 Q. The term "to sweep clean", is this synonymous to smashing or
20 purging? And you did say that purging meant to execute.

21 A. The words "to sweep clean" means to execute, but I did not
22 know about the widows or the women with the children.

23 MR. DE WILDE D'ESTMAEL:

24 Very well. I will show you another document. And it is E3/4099,
25 it is a report to Angkar by a person called Meng.

25

1 Mr. President, may I request your leave to show the witness this
2 document and to have it placed on the screen?

3 MR. PRESIDENT:

4 Yes, Prosecutor, you may proceed.

5 [10.06.11]

6 BY MR. DE WILDE D'ESTMAEL:

7 In Khmer it is 00270976, and I believe it goes onto the second
8 page. In French it is 00858037; and in English, 00322122. To sum
9 up, this is a report to Angkar sent by Meng dated the 10th of
10 January 1977, and Meng is requesting Angkar to consider the case
11 of four persons sent by the commune to interrogate them and to
12 monitor them. Among the three -- the four persons, I beg your
13 pardon, the first is called Thach Ang, Thach is spelt as follows:
14 T-h-a-c-h and Ang as A-n-g, and it is stated that it is a Khmer
15 from Kampuchea Krom, who was a soldier with the rank of Corporal.
16 He had fled from Preaek Takeo (phonetic).

17 Another person is called Sao Phon, Sao written as S-a-o, Phon
18 P-h-o-n. He was a former chief sergeant of the military who's
19 activities were that he boasted that he had the money worth
20 10,000 and forged official travel documents.

21 This Meng, referred to here, is that the person who headed the
22 Angk Roka prison?

23 [10.08.12]

24 MR. VAN SOEUN:

25 A. I did not know about this.

1 Q. In the report, mention is made of a former Lon Nol soldier. My
2 question is as follows:

3 Did you know whether there were former Lon Nol soldiers or
4 officials imprisoned at Krang Ta Chan Security Centre?

5 A. Regarding this matter, I can say that I was part of the guard
6 unit so I did not know where those people had been or from where
7 they came.

8 Q. Very well. Perhaps this will be my last line of questioning
9 before the break.

10 Regarding the description of the buildings and size at Krang Ta
11 Chan, let me quote what you stated. It is transcript D319.1.33:

12 Question 172: "Were you armed when guarding prisoners?"

13 Your answer was: "No. I guarded the soldiers but I was not armed
14 because the weapons had to be kept in the warehouse during the
15 day." End of quote.

16 [10.10.06]

17 I don't know how you translate "arsenal" in Khmer, but that is
18 where weapons are kept. Can you tell us where the arsenal at
19 Krang Ta Chan centre was in relation to Ta An's office or in
20 relation to the detention facilities or detention buildings?

21 A. Regarding the weapons in the warehouse, in fact at night-time
22 we were given a firearm each and by morning they would be
23 collected and locked in a warehouse.

24 Q. Very well; how about by night? What were you given by way of
25 weapons? Were they bladed weapons or firearms?

1 A. It was AK47 and M16 rifles.

2 [10.11.23]

3 Q. You stated in the same record of interview, answer 177, the
4 question was as follows:

5 "When you were executing -- when prisoners were being executed,
6 did you hear any noises?"

7 Answer: "I heard the sounds of people being beaten and killed,
8 but I did not hear their screams since the prisoners were too
9 weak. They killed people by striking them with the backs of hoes
10 and bamboo clubs."

11 Were the hoes and bamboo clubs used for killing prisoners also
12 kept in the warehouse?

13 A. No, they were kept outside the warehouse.

14 Q. Did you see these backs of hoes and bamboo clubs, or how did
15 you know that these were the weapons that were used for executing
16 the prisoners?

17 A. I did not see them as I only guarded and worked outside.

18 [10.13.05]

19 Q. And yet you told the Co-Investigating Judges that people were
20 being killed with backs of hoes and bamboo clubs. Were spears
21 also kept in the arsenal or outside the warehouse, for purposes
22 of executing people?

23 A. No, I did not see them.

24 MR. PRESIDENT:

25 It is now convenient to have a short break. We will take a break

28

1 now and we will resume at 10.30 to continue our hearing of the
2 testimony.

3 And Court officer please assist the witness during this break,
4 and invite him as well as his duty counsel to the courtroom at
5 10.30 this morning.

6 The Court is now in recess.

7 (Court recesses from 1014H to 1033H)

8 MR. PRESIDENT:

9 Please be seated. The Court is now in session and before handing
10 the floor to the Co-Prosecutor, the Trial Chamber wishes to
11 confirm that the instruction for putting questions simple and
12 less complicated, but we found that still there were some -- so
13 many questions are complicated and many questions at the same
14 time so the Parties should keep in mind that -- keep your line of
15 questioning simple -- short so that we can be sure to
16 ascertaining here the truth.

17 The floor is now given to the Co-Prosecutor. Now you may proceed.

18 [10.34.54]

19 BY MR. DE WILDE D'ESTMAEL:

20 I will pay particular attention to that, Mr. President.

21 Q. Before the break, witness, we were speaking about the arsenal
22 where the weapons were stored during the day. If I'm not
23 mistaken, you still haven't told me where this arsenal was
24 located and maybe you could tell us where it was in relation to
25 Ta An's office? Was it far from Ta An's office?

1 MR. VAN SOEUN:

2 A. I would like to confirm that the arsenal -- it was not a large
3 warehouse for weapons, it was just a wooden box where they can
4 lock those rifles inside for that purpose.

5 [10.35.52]

6 Q. And where was this wooden box located? Was it in a home, in an
7 office?

8 A. It was kept inside the compound.

9 Q. Fine, but that's not very precise. Was it Ta An who was
10 storing these weapons or was it someone else?

11 A. He was in charge of everything inside the compound.

12 Q. Fine. You also said in your record, D40/23; in Khmer it's at
13 ERN 0065354 to 55; French, 00490909; English, 00223210 -- and I
14 quote: "I saw the prisoners being shackled and that they beat
15 them to force to answer during the interrogations." And later you
16 said: "They were beaten during the interrogations with clubs,
17 with whips, with rattan whips." End of quote. [Free translation]
18 Where were these clubs and rattan whips stored that were used
19 during the interrogations? Was it in this arsenal or was it
20 elsewhere?

21 A. They were not kept together with the weapon. So the clubs and
22 whips were kept at the place of the interrogation.

23 [10.38.31]

24 Q. And regarding this place, where were the prisoners
25 interrogated in relation to Ta An's office and in relation to

30

1 where the detainees were kept? Was it north – was it to the
2 north, to the east, to the west of Ta An's office?

3 A. It was inside the compound. It was about 30 metres away from
4 his office.

5 Q. Thank you. And in which direction? North, south, east, west?

6 A. It was to the south of his office.

7 Q. Was there a kitchen very close by to where prisoners were
8 interrogated?

9 A. Yes. The kitchen was to the east of the interrogation place.

10 [10.40.06]

11 Q. And were the prisoners interrogated in a closed building or
12 were there several sites that would allow you to see what was
13 happening inside?

14 A. The wall of the interrogation hut was not covered all with the
15 wall but there was an open place where you can see.

16 Q. I'm going to quote what Sim said, your former colleague. In
17 his record, D40/20 at Khmer page 00165334; French, 00524322;
18 English, 0044 -- I think I have an extra number here -- 3357.

19 Question put to Sim: "Do you know how prisoners were interrogated
20 -- the prisoners that were brought in?"

21 Answer: "When I would cook rice next to that place, I would
22 always take advantage to look at what was happening secretly and
23 there I saw that prisoners were being beaten during the
24 interrogation. Sometimes their heads were covered with plastic
25 bags and they were beaten while being asked questions." [Free

1 translation] "Some prisoners were beaten to death and they would
2 die right on the spot." End of quote. [Free translation]

3 [10.42.13]

4 Do you agree with Sim? Did you observe that during the
5 interrogations, plastic bags or plastic was used against the
6 prisoners?

7 A. Yes. I went into the kitchen three or four times. I witnessed
8 the same as Sim did.

9 Q. Did you hear members of the Krang Ta Chan leadership speak
10 about cold methods, hot methods that would be used during the
11 interrogations?

12 A. No, I didn't hear that.

13 Q. So I know that you said that you did not personally attend any
14 executions because you were told to guard outside of the compound
15 during the executions, but do you know, however, where the
16 prisoners were executed and then buried? For example, if you can
17 place the interrogation place, was it to the south, to the east,
18 to the west of the place where people were buried after having
19 been executed?

20 A. In the compound of the centre was the place they did what you
21 have just said.

22 [10.44.35]

23 Q. Fine. Were there several places? Would the places change over
24 time? And can you tell us where the bodies were buried in
25 relation to the place of interrogation? To the north, to the

1 south, to the east or to the west?

2 A. It was to the south of the kitchen.

3 Q. Fine. In another excerpt of your first record D40/23, Khmer
4 page 00165353; French, 00490907; English, 00223209. And the
5 following question is put to you -- and I quote:

6 "Aside from the tasks you already described, do you remember
7 anything else that they had you do?"

8 Answer: "They had me guard outside when they killed prisoners
9 held in that office."

10 Question: "How do you know that while they had you guard outside,
11 they killed prisoners?"

12 Answer: "I knew because they held meetings." End of quote.

13 Who would call and chair over the meetings each time executions
14 were to happen?

15 A. It was Ta An who did that.

16 [10.46.55]

17 Q. And what would Ta An say during these meetings regarding these
18 executions?

19 A. After the meeting of the Party members and then they told to
20 the guard outside to be careful with the guard and do not allow
21 anyone to escape.

22 Q. You said in your second record E319.1.33 at answer 212. The
23 question was:

24 "Were children also -- were the children killed as well."

25 Answer: "Sometimes they were killed and sometimes they were

1 released with their mothers." End of quote.

2 When you said "sometimes they were killed and sometimes they were
3 released with their mothers", were there more mothers with their
4 children who were killed at Krang Ta Chan in relation to those
5 who were released?

6 A. I don't recall this very well.

7 [10.48.48]

8 Q. And when you referred to children who were released with their
9 mothers, do you have any specific examples in mind? Any names;
10 for example, of prisoners who may have been released?

11 A. They were including Yeay Nhor and her children, including Kha,
12 Khom, and so on. And later Bei, the child of Yeay Rath. That's
13 all I can recall.

14 Q. So if I can sum this up, the children you remember who were
15 released with their mothers represent a few people, maybe 10 --
16 less than 10 people -- fewer than 10 people?

17 A. Yes, you are correct.

18 Q. Your former colleague, Srei Than alias Duch alias Sarat, said
19 the following in his written record of interview D232/93. And the
20 question put to him -- question 53, [Free translation]:

21 "Would the prisoners sometimes released?"

22 Answer: "Some were released and they would go home, but 99 per
23 cent of the prisoners were liquidated." End of quote.

24 Do you agree with Duch regarding the fact that the huge majority
25 of prisoners were liquidated on site?

1 A. Yes, I agree with this statement.

2 [10.51.25]

3 Q. And regarding the very small percentage that remained or that
4 survived, were these people released or were others or were some
5 transferred elsewhere? For example, to Meng's prison?

6 A. When they were released they were sent to their home villages.

7 Q. Do you know if Sen, whom you knew there -- Say Sen -- and
8 other prisoners, do you know if they were asked to make palm wine
9 from what they would pick from the sugar palms?

10 A. Yes, I know him.

11 Q. I did not understand your answer. So would they make palm wine
12 -- alcohol -- during that period for the Krang Ta Chan staff?

13 A. Yes. He was ordered to produce a bottle or sack of sour sugar
14 palm. Because I was young, I did not drink those kind of sour
15 sugar palm.

16 [10.53.32]

17 Q. Fine. And the six members of the Party of the leadership unit
18 at Krang Ta Chan -- would they drink alcohol on a regular basis?

19 A. I saw only three people, Sim, Moeun and Chhen who would drink
20 this kind of alcohol.

21 Q. Do you know if human remains - organs, such as gallbladders
22 were taken from the prisoners to be added to the palm wine?

23 A. I didn't see and I didn't know about this.

24 [10.54.52]

25 Q. I'm going to now finish with the detention conditions at Krang

1 Ta Chan between '75 and 1979. You specifically described these
2 conditions and the conditions that prevailed in the places where
3 the prisoners were detained in your record D40/23; in Khmer it's
4 at pages 00165355 to 57; in French, at 00490910 to 11; and
5 English, 00223211 to 12; and in particular you said:

6 "When the prisoners were brought to the compound, the prisoners
7 were placed into detention places, both feet shackled and a metal
8 rod from underneath the ankles was inserted through the shackle
9 rings. There were about 10 prisoners shackled to each other per
10 row and there were two rows in the buildings detaining the
11 prisoners." And later, you said that "sometimes the prisoners
12 would be handcuffed by their wrists and the handcuffs were called
13 automatic handcuffs or 8-shaped handcuffs and the 8-shaped
14 handcuffs were used to handcuff a prisoner by his two wrists. Now
15 the automatic handcuffs were used to tie two prisoners together,
16 each by the wrist."

17 [10.56.58]

18 At the following answer you said: "When the prisoners wanted to
19 relieve themselves, they called out for us -- the guards -- and
20 their handcuffs were taken off but one hand was then connected to
21 another prisoner."

22 So we will skip a question. "So the prisoner who had relieved
23 himself, did he not get to clean up?"

24 And you answered: "No, after the prisoner had relieved himself,
25 there was no cleaning up."

1 Four questions later: "In each detention building, did any
2 prisoners die? And if yes how?"

3 "Yes, some died of hunger because of the tortures to get
4 confessions and when a prisoner had been beaten too severely, he
5 would die when he would return to the detention building. There
6 were also prisoners who died because of insect bites but
7 especially they died of hunger."

8 And finally, you said at the question: "When the prisoners fell
9 ill, then what?"

10 And you answered: "There was no clinic there. The prisoners who
11 were sick just lay there moaning and died. That's all." End of
12 quote.

13 Do you know why the prisoners were treated in this way because
14 they had no water, they had no food and also there was no medical
15 care, so why were they kept in such conditions?

16 A. I don't know the reason why, nor did I know their plan for
17 doing so.

18 [10.59.28]

19 Q. When a prisoner died of illness, or as a result of beatings
20 received during interrogations in a detention building, who
21 withdrew them from that building? Were they taken out by guards
22 like yourself or other prisoners detained in those facilities?

23 A. That was carried out by the people who worked inside the
24 compound.

25 Q. When you say people working within the centres, do you mean

37

1 prisoners or staff members working at Krang Ta Chan centre?

2 A. They organised people; for example, in the case of Sen. So
3 they used the internal force there to carry out that task.

4 Q. Very well. Apart from Sen, was a person called Ta Chim also
5 responsible for taking out bodies for burial? Chim is spelt as
6 C-h-e-m or C-h-i-m.

7 A. There was one person by the name of Ta Chim but he died.

8 [11.01.28]

9 Q. Last question, witness, before I give the floor to the civil
10 parties.

11 With some detachment, remembering what happened in Krang Ta Chan,
12 are your memories of what happened painful, and if yes, can you
13 explain why to us?

14 A. I feel the pain because four of my uncles were detained there
15 and they all died. And one of my aunts also detained -- was
16 detained and died there.

17 Q. Did they die there before you got there or while you were
18 already there?

19 A. They died before I was assigned to work there.

20 MR. DE WILDE D'ESTMAEL:

21 Very well. Thank you, witness, for your patience and for your
22 answers. I know it has been long. I will now give the floor to
23 the civil parties. Thank you.

24 [11.03.04]

25 MR. PRESIDENT:

1 Thank you, Prosecutor. And the Chamber would like now to give the
2 floor to the Lead Co-Lawyers for civil parties. You can proceed.

3 QUESTIONING BY MS. VANLY:

4 Thank you, Mr. President. And good morning, Mr. President, Your
5 Honours, and good morning everyone in and around the courtroom.

6 My name is Chet Vanly. I am a lawyer for civil parties. And good
7 morning, Mr. Witness, Van Soeun. Yesterday afternoon and this
8 morning, you have testified on many points to the Chamber and
9 that would shed light on justice for this Court. And I'd like you
10 to do the same for certain questions that I will pose to you to
11 supplement all those points that you have responded so far and in
12 the interests of time, allow me to begin my questioning.

13 Q. In your statement -- that is, D40/23; Khmer, ERN is 00165353;
14 and in English, 00223209; and in French, 00490907; you stated
15 that you were assigned to guard and if people were -- people fled
16 then we would be in trouble. Can you explain to the Court what
17 you meant by that?

18 MR. VAN SOEUN:

19 A. Yes, I can do that. What I stated in the statement means if a
20 prisoner escaped, it means we -- the guards -- would be arrested
21 and detained in place of those escaped prisoners. And that's what
22 they said at the time.

23 [11.05.14]

24 Q. Thank you. So you had a serious burden on your shoulder --
25 that is, to guard that security centre. Am I right?

1 A. For us who stood guard outside -- yes, the burden fell on our
2 shoulder. It means we need -- not need to be arrested, we had to
3 walk a threat into the prison in case of a prisoner escape.

4 Q. Thank you. In performing your duty as a guard with other
5 members of your unit, and as you stated yesterday to this
6 Chamber, your main duty was to guard outside. Can you also tell
7 the Court, in term of the assignment to guard, what were the
8 details of the duty that you had to perform?

9 A. We were instructed to pay particular attention to the
10 prisoners so that -- to make them confess and to confess
11 properly. But as for us, we did not engage in those work. We only
12 engage in the working in the rice fields or to carry mound earth
13 or the earth from the bottom of the pond.

14 [11.07.00]

15 Q. Out of your six member unit, can you tell the Court the
16 specific duty for each member?

17 A. Yes. We were assigned different work but I did not know the
18 details of the assignment and I was the youngest amongst the six
19 members and I only knew about what I was assigned to do.

20 Q. Thank you. Also in your response 174 and 175 in document
21 E319.1.33, you stated that you were told for you the outside
22 guard, it means you guard -- you would stand guard outside and
23 for the staff working inside, they deal with the business inside
24 the compound. Can you elaborate a bit further on this point?

25 A. For the -- for us to guard the outer perimeter and for those

40

1 people who works inside -- their duty was to deal with the
2 killing of the prisoners.

3 [11.08.28]

4 Q. Thank you. Does it mean when you were assigned to guard
5 outside, it was the time that they were executing prisoners; is
6 this correct?

7 A. Yes.

8 Q. Thank you. During the execution, do you know who were the
9 executioners?

10 A. They were the six Party members.

11 Q. Can you tell the Court the names of those members -- Party
12 members?

13 A. They were An, Penh, Chhen, Moeun, Chheang and Chhoeun.

14 Q. Thank you. Have you come across a name Khorn or Ruos?

15 A. Before 1975 -- that is, before I arrived there, there were
16 these two people working there but I did not meet them when I
17 arrived.

18 [11.10.05]

19 Q. Did you know of their roles or positions at the Krang Ta Chan
20 office?

21 A. No. I did not know their background. I only heard that Khorn
22 came back from Vietnam.

23 Q. Was he also a perpetrator or an executioner?

24 A. I did not know about that.

25 Q. I'd like to read an extract from your statement before the

41

1 office of OCIJ, based on document E319.1.33. In question/answer
2 193, "To your knowledge" -- which reads:

3 "To your knowledge, did you know only Khorn and Ruos were the
4 interrogators?"

5 Answer: "There were five Party members who were perpetrators of
6 the killing: Chhieng, Penh, Moeun, Ruos and Khorn. I met Penh 10
7 years ago. Now he's dead. As for the rest, I do not know."

8 Question/answer 191: "How do you know that Khorn and Ruos were
9 there perpetrators?" Answer: "In fact one of my uncles was
10 detained there at Krang Ta Chan office and he was killed there.
11 My husband (sic) had asked me to search for him and asked people
12 about this and later they told me not to talk about it again."
13 Are these your statements? Can you tell the Court whether Khorn
14 and Ruos were the perpetrators of the killing at Krang Ta Chan
15 office?

16 [11.12.24]

17 A. My statements are correct. However, in that statement, it was
18 what I spoke -- it refers to what I spoke with Ta Chhen because
19 Ta Chhen had been at Krang Ta Chan office before I arrival --
20 before my arrival.

21 Q. Thank you. Did you yourself participate in any interrogation
22 process of prisoners' health at the Krang Ta Chan office?

23 A. No I did not.

24 Q. Did you ever see or hear about the interrogation process?

25 A. During the interrogation process, I mostly was not there. I

1 was sent to water vegetables or to plant vegetables.

2 [11.13.40]

3 Q. Mr. Van Soeun, among the six members of your guard unit, did
4 you ever hear them talking about the interrogation process, that
5 prisoners were beaten and the materials used to beat those
6 prisoners?

7 A. Yes, there was torture during the interrogation because there
8 were clubs, rattan whips and bamboo clubs, et cetera. In
9 addition, and most importantly, they would suffocate those
10 prisoners with plastic bags during the interrogation process.

11 Q. Thank you. Can you also tell the Court about some points that
12 I will put to you? Before prisoners were killed, was there a
13 meeting held that staff or guards were given specific
14 assignments?

15 A. During -- before the interrogation -- the execution took
16 place, we were assigned to guard outside and we were warned not
17 to allow any prisoners escape.

18 [11.15.14]

19 Q. Did you hear or did you know that they assigned people to dig
20 pits or to force prisoners to dig pits or to prepare a certain
21 specific period of the day for the execution of prisoners?

22 A. That was the business for the internal people working inside
23 the compound and I was not aware of it.

24 Q. Thank you. I'd like now to move on to another subject.

25 Yesterday, you testified before the Chamber that you were a

1 district soldier and you were assigned to Trapeang Pou village
2 for one month to wait and arrest any CIA agent. Can you also tell
3 the Court, before you were assigned to go there, was -- were you
4 given any specific instructions before you were sent out to catch
5 or arrest those CIA agents?

6 A. Before I was sent out on the assignment to catch CIA agents, I
7 was not given any specific details. However, only when I was
8 there, I was told that we were there in order to catch CIA agents
9 but during the more than one month period that I was there, there
10 was no sign of any CIA agent.

11 [11.17.06]

12 Q. Thank you. Can you tell the Court what you mean by CIA or CIA
13 agents? How they identified CIA or CIA agents? Were they
14 considered enemy? Please provide explanation to the Court. Who
15 were considered CIA or who were considered enemy?

16 A. CIA was those who were considered to infiltrate into the rank.

17 Q. What about the term "enemy"?

18 A. The term "enemy" referred to traitors.

19 Q. Can you also tell the Court in terms of the word "enemy", was
20 "enemy" applied only to Base People, to New People, or the 17
21 April People, or the 18 April People, or the former civil
22 servants of the Lon Nol regime?

23 A. The word "enemy" was determined for those who stole chicken or
24 potatoes or they meet staff or cooking utilities in the
25 cooperative. Those people were considered enemy.

1 [11.18.57]

2 Q. Thank you. While you were a district soldier, did you ever go
3 to lend hand to the people working in the rice fields at the
4 cooperative?

5 A. While I was a district soldier, I did assist the people in the
6 rice farming, in particular during the rainy season at Cheang
7 Tong commune, at Kus commune, at Popel and Trapeang Thum Khang
8 Cheung communes.

9 Q. Besides going down to assist the people in the rice fields at
10 the cooperative, did you, as a district soldier, understand about
11 the situation of the enemy at the cooperative?

12 A. No. That was a separate business. The district army did not
13 have any involvement with the army at the base.

14 Q. Thank you. Your district army - or, in your district army, how
15 many soldiers were there?

16 A. It was referred to as a 100-man unit and usually, the real
17 force was about 50 to 70 men. As for the 50-man unit, they're
18 supposed to be 50 men, but actually only about more than 10 was
19 in the 50-man unit.

20 [11.20.45]

21 Q. And who was overall in charge of the district army? Was the
22 administrator of the district or was it controlled by the Party?

23 A. I only know Chhoeun who was a battalion - or, rather, a
24 companion commander, but I did not know specific commander for
25 each unit underneath.

45

1 Q. Thank you. While you were with the district army, was your
2 station or barracks located at the district or was it just based
3 on a house of a villager within the district?

4 A. While I was at -- with the district army, we were based along
5 the foot of the Damrei Romeal Mountain.

6 Q. Thank you. Yesterday, you stated that at the Krang Ta Chan
7 office, six Party members led the office, including An, Penh,
8 Cheng, Moeun, so on and so forth. Does it mean the six people
9 have the rights to make decisions to execute people at Krang Ta
10 Chan office?

11 A. When there was a letter from the upper echelon they would make
12 that decision based on that letter.

13 [11.22.42]

14 Q. As for you yourself, what was your role in term of a Party
15 membership? Were you a Party member or were you in a Youth
16 League?

17 A. No, I did not belong to any of these two because I was very
18 young.

19 Q. What about the rest of your unit -- the five members -- did
20 they belong to the Party membership or did they belong to the
21 Youth League?

22 A. No. Those five members did not have any position in the two
23 sections that you've just stated.

24 MS. CHET VANLY:

25 Thank you very much for your response and in the interests of

46

1 time, I don't have any further questions for you and I'd like to
2 hand the floor to my international counterpart.

3 MR. PRESIDENT:

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

6 [11.23.55]

7 QUESTIONING BY MS. GUIRAUD:

8 Thank you, Mr. President. Good morning everyone. Witness, my name
9 is Marie Guiraud. I am Civil Party International Lawyer. I have
10 only two questions to put to you in principle.

11 This morning you stated that the interrogation room at Krang Ta
12 Chan was open and that you saw prisoners being tortured. You also
13 said that bamboo clubs or plastic bags were used. I would like to
14 put two questions to you regarding the treatment that was meted
15 out to Cham prisoners or -- I beg your pardon -- to prisoners who
16 were women.

17 Q. My first question is as follows: During your stay at Krang Ta
18 Chan, did you see women who were detainees and who were -- women
19 who were undressed by men at Krang Ta Chan?

20 MR. VAN SOEUN:

21 A. Regarding this point, in fact my aunt told me about it. My
22 aunt was detained there for three years and they used a rope to
23 hang the neck of the prisoners and my aunt still bears the mark
24 on her neck at the present time.

25 [11.25.38]

1 Q. Thank you. I wanted to know whether women who were detainees
2 were treated in a particular way different from men when they
3 were being interrogated. I'm asking you to tell me what you saw
4 with your own eyes or what your aunt told you.

5 Were women undressed before or during interrogations?

6 A. During the interrogations, as my aunt told me, they used a
7 rope to hang at her neck. However, later on when I was there, I
8 did not see any prisoners who were tortured that way during the
9 interrogation process.

10 Q. Thank you. A while ago, you talked of bamboo clubs or plastic
11 bags that were used to torture prisoners.

12 THE INTERPRETER:

13 Mr. President, we did not get the exact word used by Counsel
14 Giraud in her question.

15 JUDGE FENZ:

16 There is an interpretation issue. Please repeat the question.

17 [11.27.23]

18 BY MS. GUIRAUD:

19 Thank you, Mr. President. I will repeat my question.

20 Q. A while ago you talked of bamboo clubs and plastic bags that
21 were used as instruments to torture detainees. Did you see any
22 pliers as well?

23 MR. VAN SOEUN:

24 A. I did not see any pliers at that location.

25 Q. I just wanted you to react to something and this will be my

1 last question.

2 Say Sen, during his examination in February last year -- and I
3 will quote an extract of his record at about 10.09.54, in answer
4 to a question put to him:

5 "Did you ever hear or see detainees whose nails were removed
6 during interrogations?

7 "I only saw pliers being used to pull out nipples of women."

8 [11.29.09]

9 I'm asking you to tell me whether you saw those pliers being used
10 during interrogations to remove prisoners' nipples during
11 interrogations.

12 A. No, I did not see it.

13 Q. Last question. Regarding women detaining -- detained at Krang
14 Ta Chan, were they treated in a particular way, differently from
15 the way men were treated at Krang Ta Chan?

16 A. No, I did not know the details since I was not there directly.

17 MS. GUIRAUD:

18 Thank you, witness. Thank you, Mr. President. I have no further
19 questions.

20 MR. PRESIDENT:

21 Thank you.

22 It is now convenient and - rather, I'd like now to hand the floor
23 to Judge Lavergne.

24 [11.30.20]

25 QUESTIONING BY JUDGE LAVERGNE:

1 Thank you, Mr. President.

2 Witness, I will have a few quick questions to put to you to try
3 to clarify certain points.

4 Q. You said that at Krang Ta Chan there were two people called
5 Duch who were working there. There was Duch, who came from the
6 district; and there was another Duch, who was part of the same
7 unit as you. Do you know what the duties were of Duch -- the Duch
8 coming from the district? What were his duties at the district
9 level?

10 MR. VAN SOEUN:

11 A. Duch who was from the district office, he was the chief of the
12 district youth unit.

13 Q. And what were his duties? What did they consist of?

14 A. I don't know all of his duties.

15 [11.3148]

16 Q. You also spoke about a certain Duch who was also called Sarat.
17 You spoke about him yesterday; so who was Sarat? Was this the
18 Duch coming from the district or was this the Duch working with
19 you in the guard unit?

20 A. Duch alias Sarat, was the one who was the guard in my group.

21 Q. Was that his name or was that a nickname? Was there a specific
22 reason to call him Sarat?

23 A. At that time, he was called Duch but now he changed to Sarat.
24 I don't know the reason behind that.

25 Q. And back then, was he called Little Duch? Is that a nickname

1 you heard?

2 A. Yes. He was called Little Duch and another one was called Big
3 Duch.

4 Q. You explained that in your unit there was you and other
5 guards, Saing, for example, and Sim. You also said that before
6 arriving at Krang Ta Chan, you were at the Damrei Romeal Mountain
7 and at the village of Trapeang Lean or Trapeang Pou. Were Saing
8 and Sim with you over there?

9 A. At that time we were in different units and when we met we
10 were at Trapeang Pou village.

11 [11.34.29]

12 Q. And Little Duch -- was he with you as well at Dramei Romeal or
13 Trapeang Pou?

14 A. Only Little Duch who was always with me because he was in my
15 group -- in the same group.

16 Q. So Little Duch was always with you since Takeo all the way to
17 the Dramei Romeal village, the village of Trapeang Pou, Trapeang
18 Lean and at Krang Ta Chan as well. Did you arrive at the same
19 time as he?

20 A. Yes.

21 Q. You said yesterday that you were part of the Krang Ta Chan
22 staff and that you would receive orders from Ta An and from Penh.
23 Would you also receive orders from the military authorities --
24 from the regiment you had belonged to or would you only receive
25 orders from Ta An and from Penh?

1 A. When I was at Krang Ta chan I would receive orders only from
2 Ta An but when I was in the army I was receiving orders from my
3 unit -- my commander.

4 [11.36.28]

5 Q. Yesterday you said that you stayed at Krang Ta Chan until
6 1979. Can you confirm that?

7 A. Yes.

8 Q. And did Little Duch stay with you at Krang Ta Chan until 1979
9 as well?

10 A. No. Little Duch was removed from the place earlier.

11 Q. Aside from Little Duch, who would type up documents?

12 A. Ta An would do the typing by himself.

13 Q. I don't remember what you said concerning this but do you
14 remember having heard loud speakers at Krang Ta Chan?

15 A. Yes, I remember.

16 Q. And when would these loud speakers start working and why?

17 A. They would play music on loudspeaker when they do the killing
18 of the prisoners.

19 [11.38.42]

20 Q. And earlier on you said that you would not hear -- you would
21 hear the beatings but you would not hear their cries because they
22 no longer had the strength to yell, but would you hear the sounds
23 of the loud speakers?

24 A. They don't use a loud speaker on top of a tree but they use a
25 small square speaker -- two small box of speaker to play music --

1 to make sound.

2 Q. You also spoke about the sanitation conditions and you said
3 that in the detention buildings there were many bugs and you said
4 that some prisoners would die because they were bitten by these
5 bugs. Can you confirm this?

6 A. I did not witness -- I never entered to see that kind of
7 incident.

8 MR. PRESIDENT:

9 Counsel, you may proceed.

10 [11.40.24]

11 MR. KONG SAM ONN:

12 I am sorry Mr. President. I would like to interrupt the
13 questioning by the Judge. So it seems to us that the time is
14 passed for the lunch break so the Chamber should respect to the
15 decision by itself because we need some time for our client, Mr.
16 Khieu Samphan, to have a proper rest.

17 MR. PRESIDENT:

18 Judge Lavergne, do you have more questions to put to the witness?
19 If so, could you defer to put to this witness in the afternoon?

20 BY JUDGE LAVERGNE:

21 I have a very small question that might take 30 seconds of our
22 time.

23 Q. Witness, did you see people from the district hospital spray
24 -- spray at Krang Ta Chan to kill insects?

25 MR. VAN SOEUN:

1 A. There was one time that they visit the centre to do that.

2 [11.41.51]

3 MR. PRESIDENT:

4 Thank you, Judge Lavergne, and the witness. It is now time for a
5 lunch break. We would resume at 1.30 this afternoon.

6 Court officer, please coordinate the witness for his rest for the
7 lunch break and have them back into the courtroom and also his
8 duty counsel at 1.30 this afternoon.

9 Security personnel are instructed to bring Mr. Khieu Samphan to
10 the room -- and that is courtroom -- and have him back into the
11 courtroom this afternoon before 1.30.

12 The Court is now in recess.

13 (Court recesses from 1142H to 1333H)

14 MR. PRESIDENT:

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

16 Before the Chamber hands the floor to the defence counsel for the
17 Accused to put questions to this witness, the Chamber would like
18 to notify all the relevant parties that 20 minutes towards
19 remaining of this hearing session -- that is, 20 to 4.00, the
20 Chamber will give the floor to the Parties, in particular to Nuon
21 Chea's defence, to provide oral arguments and reasons for their
22 submission to adjourn hearings of certain witnesses so that they
23 could review relevant documents that the Co-Prosecutors' request
24 to have them transferred from Case 004 into the current case and
25 in particular the documents to 2-TCW-803 and 2-TCW-809, who have

54

1 been scheduled by the Chamber to testify from tomorrow onwards.
2 So, once again, the Chamber will spend 20 minutes of the
3 remaining session today before we adjourn the hearing to provide
4 the floor to all the concerned parties. And I'd like now to hand
5 the floor to Judge Fenz.

6 [13.36.30]

7 JUDGE FENZ:

8 Just to clarify, in case there was a translation issue. The 20
9 minutes are not to provide arguments on the complete motion,
10 because this hasn't been filed yet and we're not dealing with
11 non-filed motions. However, we note that one part of the motion
12 which has already been mentioned in the email pertains to the
13 next witness, so please, arguments in the afternoon are
14 exclusively to be focused on the reasons why 803 and 807 should
15 be deferred. Sorry 809.

16 MR. KOPPE:

17 Thank you, Judge Fenz, I'll be happy to do that later this
18 afternoon. If you -- if the Bench now gives us oral permission to
19 file in one language, then it is filed. The reason it's not filed
20 yet, because we're still being busy translating.

21 JUDGE FENZ:

22 We are not complaining. It's just an issue that our national
23 colleagues can't read it and I think with an issue like this,
24 everybody should be in a position to understand your arguments.

25 [13.37.45]

1 MR. KOPPE:

2 I fully appreciate that, but then, wouldn't you think it would be
3 more appropriate to await the full Khmer translation of our
4 motion and have our arguments first thing, or sometime in the
5 morning, tomorrow morning when we're finished with our
6 cross-examination.

7 JUDGE FENZ:

8 When do you expect the translation?

9 MR. KOPPE:

10 Probably sometime during the course of the morning, tomorrow
11 morning.

12 JUDGE FENZ:

13 823 is scheduled as the next one. He's already here as a reserve.

14 MR. KOPPE:

15 I understand that, that's why we've tried to do it as fast as
16 possible but -- well it's up to you to balance full understanding
17 of our motion in Khmer language versus -- we also understand the
18 position of the next witness, but that's up to the Bench.

19 MR. PRESIDENT:

20 Judge Lavergne, you have the floor.

21 [13.39.04]

22 JUDGE LAVERGNE:

23 Yes, I would like to make a correction because I hear of Witness
24 803 and 809. But I just wanted to point out that it is Witness
25 803, and we also have Witness 809 and the application concerns

1 the two witnesses. So the 20 minutes are both for the Defence and
2 the other parties.

3 MR. PRESIDENT:

4 Thank you, Judge. The Chamber would like now to hand the floor to
5 the defence team for Nuon Chea first to put the questions to this
6 witness. You have the floor.

7 QUESTIONING BY MR. KOPPE:

8 Thank you, Mr. President. Good afternoon, Mr. Witness. I would
9 like to start asking a few questions about some people who were
10 detained at Krang Ta Chan.

11 [13.40.10]

12 Q. Mr. Witness, I would like to start with reading a short
13 excerpt from your statement to Investigators of the Investigating
14 Judge, and that is E319/133 and question A90, the question is --
15 and I read as follows:

16 "Do you know about arrests made in Srae Kruo village?"

17 "Initially, in 1977" -- your answer -- "they arrested members of
18 two families, including wives and children from the village of
19 Srae Kruo, but later, in 1979, they released the wives and their
20 children back into the village. I was the one who led the wives
21 and children back to the village. Four other people were also
22 arrested and sent to Krang Ta Chan prison."

23 Question 91: "Do you remember their names?"

24 And your answer -- and I quote: "The members of the first family
25 were Kun, the husband of Yeay Nha and their children Kha, Rat and

1 another one whom I cannot recall. Kun was detained at Krang Ta
2 Chan prison. The members of the second family were Rat (daughter
3 of Kun and Yeay Nha), who was married to Boeun, a detainee at
4 Krang Ta Chan prison. The other four people included Soth, San,
5 and two other people whose names I cannot recall. Ta Soth and Ta
6 San were detained at Krang Ta Chan prison and survived to the end
7 of the Khmer Rouge regime. But I do not know whether they're
8 alive or dead now. Soth and San lived in Srae Kruo village."

9 [13.42.20]

10 And the final question 92: "Are any of them living today?"

11 And you replied: "Yeay Nha lives in Srae Kruo village."

12 Mr. Witness, is that an accurate description of your answer that
13 you gave to the Investigators?

14 MR. VAN SOEUN:

15 A. Yes. It is.

16 Q. In your answer to the Investigators in D4/23, page 4 of the
17 English version -- that is, ERN English, 00223210; Khmer,
18 00165354; and French, 00490909. Mr. Witness, in your answer you
19 referred to Yeay Nha, Grandmother Nhor as your aunt. Is that
20 correct, is Grandmother Nhor your aunt?

21 A. There are two grandmother Nhors. One was my aunt. And the
22 family of my aunt used to live at Ampil Bay Dam (phonetic) during
23 the Lon Nol regime, but I haven't met her for long time.

24 [13.44.13]

25 Q. So Grandmother Nhor who is the mother of Rath and Kha is not

1 your aunt, am I understanding you correctly?

2 A. Yes.

3 Q. Mr. Witness, in your answer to the Investigating Judges,
4 E319/133, in question A167, you are saying on the question: "Did
5 you ever communicate with any one the prisoners?" And your
6 answer, "I often gave food to them, such as to Yeay Nha. She
7 still praises me for that today." Who is -- is this your aunt
8 that you are referring to or not your aunt that you are referring
9 to?

10 A. In that instance, I did not refer to my aunt.

11 [13.45.38]

12 Q. Very well. In your statement, D4023, in the middle of -- on
13 top of page 7 - that is, English, ERN 00223213; Khmer, 00165357;
14 and French, 00490912, the question is: "Do you know whether the
15 survivor Yeay Nha is living? And your answer: "I know Yeay Nha.
16 She is at Srae Kruo village, Cheang Tong sub-district. Because
17 she visits me often with her children and grandchildren since she
18 survived because of me having given her food to eat."

19 Is my understanding that this is not the mother of Rath and Kha
20 that you are referring to, but the other grandmother Nha?

21 A. Yes. That's my aunt Nhor.

22 Q. Are you also in contact with the other Grandmother Nhor, the
23 mother of Kha and Rath, or not at all?

24 A. At present time, yes, we maintain our contact between the two
25 families.

1 [13.47.32]

2 Q. Would you be able to tell us how often both families meet with
3 each other, let's say in the last five or 10 years?

4 A. Usually I would see her at her house with the family once or
5 twice a month because sometimes I travel across her place of
6 residence.

7 Q. Now you're talking about your aunt, but my question was: Would
8 you be able to tell us if and when the two families met with each
9 other in the last five or 10 years?

10 A. Since she left to live along the border, I lost contact with
11 her.

12 Q. Let me rephrase my question. In the last five or 10 years,
13 have you spoken to Meas Sokha and his mother? Have you spoken to
14 Say Sen about anything?

15 A. Please repeat your question.

16 [13.49.09]

17 Q. My question is about the contacts that you had with other
18 families, with other grandmother Nhor, the mother of Ka and Rath.
19 Are you meeting them often, are the two families meeting each
20 other often? Could you shed some light on that?

21 A. I have not visited her at her home during the last two months.

22 Q. Fair enough. How about the last five years or 10 years?

23 A. Usually I would be invited to attend any religious ceremony
24 and she would send her children to come to invite me to attend
25 it.

60

1 Q. Have you talked to any of - to members of your family or
2 members of the other family, Grandmother Nhor, et cetera, about
3 events that happened during the regime of Democratic Kampuchea?

4 A. My relationship or contact with Yeay Nhor family was social
5 one and we did not talk about what happened during the DK regime.

6 [13.50.59]

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

8 In your statement to the Investigating Judge, E319/133 in answer
9 223, you state as follows:

10 Question: "Can you give me the names of any of those who survived
11 the Krang Ta Chan Prison that you know?" And your answer: "Yeay
12 Nha presently lives in Srae Kruo village, Cheang Tong commune,
13 Tram Kak District; Yeay Rath lives in the United States of
14 America; Soth and San lives near Yeay Nha."

15 How do you know, Mr. Witness, that Yeay Rath lives in the United
16 States of America?

17 A. When I went to visit Yeay Nhor, Yeay Nhor told me about it.
18 First, Yeay Nhor - Yeay Rath went to study in Vietnam and then
19 she returned to Phnom Penh. She then got married and she went to
20 live in the United States.

21 Q. Did she tell you how long her daughter lives in the United
22 States already?

23 A. I did not know when she left for America as I did not ask
24 about it.

25 [13.52.42]

61

1 Q. Did you ever yourself speak with Rath?

2 A. I met her in 1979.

3 Q. Did you ever speak recently to Rath?

4 A. Since she went to the United States of America, I have not met
5 her or spoken to her.

6 Q. Maybe I didn't get that answer, but do you know around which
7 year she went to the United States?

8 A. Neither do I. Yeay Nhor simply told me that she went to the
9 States and she did not tell me when she left for the States.

10 Q. Did she tell you in which city Rath lives?

11 A. No.

12 [13.54.04]

13 Q. What is the relation -- do you know -- between Say Sen and
14 Grandmother Nha?

15 A. You talk about Soy Sen (phonetic), I do not know any person by
16 the name of Soy Sen (phonetic) but if you refer to Say Sen, yes,
17 I know that person.

18 Q. I apologise for my pronunciation. I mean Say Sen, the person
19 we spoke about earlier during your testimony. Do you know what
20 his relation is, if any, with Grandmother Nhor?

21 A. No. I don't, and I don't have any contact with him either. He
22 was also a former prisoner there.

23 Q. Do you know if she, Grandmother Nhor, considered him, Say Sen,
24 as her foster son or adopted son or some equivalent of that?

25 A. No, I don't know the relationship between Say Sen and her.

1 Q. Do you know if Say Sen had a different name in the period
2 between 1970 and 1979?

3 A. No, I don't know. I only know his name as Say Sen.

4 Q. Does the name Khut Seng (phonetic) mean anything to you?

5 A. No, that name doesn't ring a bell.

6 [13.56.36]

7 Q. Mr. Witness, we spoke earlier about Rath and about her
8 husband, Mom Boeun. Do you know anything about the reason why Mom
9 Boeun was arrested and detained at Krang Ta Chan?

10 A. No, I don't know anything in that regard; I only saw him when
11 he was sent there.

12 Q. When exactly he was sent there, we will get back to that
13 later, Mr. Witness.

14 Do you know anything about the reasons for the arrest and
15 detention of the husband of Grandmother Nhor, Meas Kun?

16 A. No, I don't.

17 Q, When I say that they might have had an argument with the
18 village chief Nop (phonetic), does that refresh your memory?

19 A. No, I don't know anything about that and I also did not ask
20 her about it.

21 [13.58.19]

22 Q. Do you know anything about allegations against Mom Boeun,
23 husband of Rath, of raping an April 17 person with the name of
24 Khorn, coming from Ou Svay Chek?

25 A. No, I don't.

1 Q. Coming back to the question whether Mom Boeun and Meas Kun and
2 their respective wives were already in Krang Ta Chan when you
3 arrived or that they came -- that they arrived in Krang Ta Chan
4 after you had come? If I recall correctly, you gave mixing
5 answers, changing answers. Can you try to remember well and
6 answer the question whether they were already there or had been
7 already there when you came or that they came after you had
8 arrived?

9 A. I was there before they arrived.

10 Q. Did you see them come in, did you see them being brought in as
11 prisoners?

12 A. Yes, I did.

13 [14.00.20]

14 Q. Were you, may be, in fact one of the guards who picked them at
15 the outside gate and brought them into the prison compound or was
16 it somebody else?

17 A. The other persons brought them in.

18 Q. Do you remember them sitting in one of the two prison
19 buildings being shackled?

20 A. I am not aware of this because I was guarding outside.

21 Q. Did you see them being walked from the detention building
22 until the interrogation room?

23 A. No, I did not.

24 Q. Do I take it that you also didn't see them being interrogated?

25 A. No, I did not see that.

64

1 Q. Do you know when their respective wives arrived at Krang Ta
2 Chan?

3 A. I did not recall the dates exactly; I just saw them there
4 together with their children.

5 [14.02.35]

6 Q. I understand that you don't remember the date but would you be
7 able to tell - to give us an estimate as to when the wives
8 arrived and the time and the moment that their husbands arrived
9 at Krang Ta Chan?

10 A. The husband had arrived first, and after one or two weeks, the
11 wives arrived.

12 Q. Did you see them in shackles in the detention building?

13 A. I did not enter the compound.

14 Q. So then, you didn't see them being taken from the detention
15 building to the interrogation room; is that correct?

16 A. Yes, that is correct.

17 [14.03.57]

18 Q. I will move on to a different subject now, Mr. Witness.

19 In your statement to the Investigating Judges at A26 and 27, you
20 answered the following:

21 "After April 1975" - let me read the question first, Mr. Witness.

22 The question is: "Before you worked at Krang Ta Chan, where had
23 you worked?"

24 And your answer, A26: "After April 1975, before I came to work at
25 Krang Ta Chan, I was a soldier near Phnom Damrei Romeal Mountain.

1 I was stationed at Phnom Damrei Romeal Mountain."

2 Question: "What did they have you do when you were stationed at
3 Phnom Damrei Romeal Mountain?"

4 Answer: "I was on guard at the foot of the mountain waiting to
5 capture the enemy but there were no enemies at the time."

6 Can you give us some more detail as to what you mean with "at the
7 foot of the mountain"? Where exactly is the foot of the mountain?

8 A. Damrei Romeal Mountain, it is a range of mountain; it's -- the
9 range start from National Road Number 3 to Trabach (phonetic)
10 area.

11 [14.05.53]

12 Q. That's correct; it's west of Krang Ta Chan prison. The
13 mountain range is quite long. When you say "at the foot of the
14 mountain", where exactly, which position are you referring to,
15 which part of the mountain?

16 A. I was stationed in Trapeang Lean village, Kus commune, Tram
17 Kak district.

18 Q. Let me try it differently. When you speak about the foot of
19 the mountains, the exact spot that you're referring to, were
20 there, for instance, waterfalls close by?

21 A. There were no waterfalls. The place where I was stationed was
22 in Trapeang Lean village, Kus commune, Tram Kak district.

23 [14.07.19]

24 Q. But you're referring in your testimony that you were stationed
25 at the foot of the mountain.

1 Let me refresh your memory by reading another part of your
2 testimony -- that is, D40/23, English, page 7 - English, ERN
3 00223213; French, 00490912; and Khmer, 00165357; the question is:

4 "Do you know where prisoners were taken to be killed?"

5 Your answer: "I know it was in the fenced wall compound of the
6 office."

7 Question: "How do you know that?"

8 Answer: "Because on the days when they set out the plan, they had
9 a meeting. A moment later, they transported them to the
10 mountains. But I don't know where they transported them to throw
11 them away."

12 Now, there, again, you speak about the mountains, are these the
13 same mountains that you referred to when you were stationed at
14 the foot of the mountain?

15 A. The mountain here referred to Damrei Romeal Mountain.

16 [14.08.51]

17 Q. So that's not the same place that you were stationed in 1975;
18 is that correct?

19 A. Yes, that is correct.

20 Q. So the place at the foot of the mountain where they took the
21 prisoners, were there waterfalls close by?

22 A. I do not know.

23 Q. Was there a dam close by?

24 A. There were many dams: Ta Oum (phonetic) dam, Ta Muong
25 (phonetic) dam, at the base of the mountain.

67

1 Q. That's the place where they -- you said, they took prisoners;
2 was there a dam close by? And if yes, which dam was it?

3 A. There were many dams and I did not know whether Damrei Romeal
4 there was a dam close to that mountain.

5 [14.10.26]

6 Q. Let me try it differently. Mr Witness. Do you know if there
7 was a place where people were executed at the foot of the
8 mountain, at the foot of the Damrei Romeal Mountain?

9 A. Actually I knew that prisoners were transported out of the
10 centre and I did not know where exactly they were sent to, which
11 mountain exactly they were sent to.

12 Q. So just to be clear, you only knew that when prisoners were
13 taken out of Krang Ta Chan, they were brought to the mountains.
14 Do I understand that correctly?

15 A. Yes. You are right.

16 Q. Can you tell us how often prisoners were taken out of Krang Ta
17 Chan and brought to the mountains?

18 A. I know that it happened only once.

19 Q. Can you tell me something about this one time that you saw or
20 you knew about it, when exactly was that?

21 A. It was at night-time and I did not know how many prisoners
22 were taken out. It was at night-time.

23 [14.12.17]

24 Q. Can you tell us how you knew about that, how did you know
25 prisoners were taken to the mountains?

1 MR. PRESIDENT:

2 Please hold on, Mr. Witness. You shall wait for the microphone
3 activation.

4 MR. VAN SOEUN:

5 A. I was asked to guard the trucks.

6 BY MR. KOPPE:

7 Q. How many trucks were there?

8 MR. VAN SOEUN:

9 A. Actually there were no trucks within the compound. Trucks were
10 driven from outside and there was only one truck.

11 Q. What exactly was your duty, what did they make you do?

12 A. I was asked to guard the outside area.

13 Q. What exactly do you remember you saw?

14 A. I did not see anything.

15 [14.14.02]

16 Q. But you spoke about a truck. I gather you saw a truck. Can you
17 give us some more details?

18 A. The truck arrived at night-time and I was told in advance that
19 the truck would arrive at night-time.

20 Q. Did you see prisoners being loaded into the truck?

21 A. I did not see. There was no light so I could not see.

22 Q. Mr. Witness. On page 7 of your statement, D4023, the very last
23 question, so I don't have to give the ERNs, the very last
24 question of your statement, the question is being asked:

25 "While you worked at this office, did you ever see any high level

1 leader go to inspect there?"

2 And then your answer: "Only Phy and Duch who worked at Tram Kak
3 district, they often rode motorcycles and vehicles there."

4 Earlier there was question about Phy and you called him
5 handicapped Phy, if I remember correctly. What more can you tell
6 us about Phy?

7 A. I did not know Phy's background and he was referred to the
8 "handicapped Phy" and everyone in Tram Kak district knew the
9 "handicapped Phy".

10 [14.06.08]

11 Q. Was it because his leg was amputated; do you know anything
12 about that?

13 A. I never asked anything about him and this person Phy, when he
14 arrived at the place, he would talk only to the high leaders.

15 Q. Do you know what happened to Phy after 1979?

16 A. I do not know after that, but at that time, I could see Phy
17 arrive at the place very often.

18 Q. Do you know if Phy was executed in 1979 or 1980?

19 A. I do not know.

20 [14.17.28]

21 Q. Another topic, Mr. Witness, that is your answers to questions
22 A127 up until A130 -- that is, E319.133 (phonetic): Question from
23 the Investigators, Mr. Witness, is as follows:

24 "You just mentioned a moment ago about the arrests made in Tram
25 Kak district with regard to light offenders and serious

70

1 offenders. We would like you to give examples of or distinguish
2 between those who fell under the light offenders and serious
3 offender category."

4 Your answer, 127: "Light offenders included those who stole
5 potatoes or chicken or raped women. Serious offenders included
6 political prisoners and man and women who fornicated. Their
7 punishment was to soil on shoulder polls."

8 Question: "Was rape a light offence?"

9 "The victim", you answered, "was a light offender, while the
10 rapist was a serious offender".

11 Question: "Was the victim also punished?"

12 "Yes, they were, but they were released."

13 Question: "In what category were the prisoners who were sent to
14 Krang Ta Chan Security Office?"

15 "To my knowledge", you answered, 130, "serious offenders were
16 sent to Krang Ta Chan Security Office; light offenders were not
17 sent there".

18 [14.19.15]

19 Can you tell the Chamber what your knowledge is of - about the
20 difference between light and serious offenders, how do you know
21 that?

22 A. I do not know how the offenders were determined and the light
23 offenders were not sent to Krang Ta Chan, and as for serious
24 offenders they would be sent to Krang Ta Chan Security Office. I
25 did not attend the meeting so I did not know how they were

71

1 determined, whether those people were light offenders or serious
2 offenders.

3 Q. I understand you don't know the answer to specific people but
4 could you tell us how you know or what the basis of your
5 knowledge about this general distinction between light offenders
6 and serious offenders, is that something maybe that you heard
7 while you were a guard at Krang Ta Chan prison?

8 A. I heard about this from another guard.

9 Q. Which guard?

10 A. Sieng told me that serious offenders were to be sent to Krang
11 Ta Chan Security Office and as for light offenders, they would
12 not be sent there and I was asked to be cautious and to be
13 careful of these offenders.

14 [14.21.20]

15 Q. And do you remember how he knew about this?

16 A. Sieng was a Party member.

17 Q. Very well. Another topic: Mr. Witness, you spoke about that
18 already earlier -- that is, question in E319/133, question 138,
19 you were being asked by the Investigators the following:

20 "After 17 April '75 when Lon Nol had been defeated by the Khmer
21 Rouge, what happened to the Lon Nol soldiers and White Scarves?"
22 Your answer, 138: "They evacuated them all."

23 Question 140: "At Krang Ta Chan Security Office, were there any
24 prisoners who were former Lon Nol soldiers?"

25 Your Answer: "While I worked at Krang Ta Chan Security Centre,

1 there were none.

2 [14.22.37]

3 Question: "After you had worked for a period of time at Krang Ta
4 Chan Security Office, were any former Lon Nol soldiers sent
5 there?"

6 Your Answer: "No."

7 "After 17 April '75, did you know if former Lon Nol soldiers and
8 their families had been taken away for execution?"

9 Your Answer: "I did not know about that since I was in the rear
10 ranks. Once the provincial town of Takeo had been captured, I was
11 moved back to the district."

12 Last question, 143: "As a soldier after the victory on 17 April
13 1975, did you ever receive any instructions with regard to
14 encounters with former Lon Nol soldiers?"

15 And your answers to the Investigators: "No. They just had us send
16 Lon Nol soldiers back to their hometowns."

17 Is that, in fact, what you told the Investigators?

18 A. Yes, this is my statement. It is true.

19 [14.23.50]

20 Q. How can you be sure that the prisoners who were at Krang Ta
21 Chan were not in fact former Lon Nol soldiers or officers?

22 A. People were talking about this from one another and I did not
23 know where this information was from.

24 Q. So to the best of your knowledge, there were no former Lon Nol
25 soldiers or officers detained in Krang Ta Chan prison; is that

1 your testimony?

2 A. Yes.

3 [14.24.46]

4 Q. I would like take you back to another answer -- different
5 subject -- that is, D4023, page 5 in the English version; French,
6 ERN 00490909; Khmer, ERN 00165354; the question in the middle of
7 the page:

8 "Did you ever see them kill prisoners while you were working at
9 the Krang Ta Chan office?"

10 Your answer: "I never saw it. I noted while I was working there,
11 I was the youngest one of all and perhaps since they always
12 feared a breach of secrecy, that may have been why they did not
13 let me know."

14 My question now is about the second part of that sentence --
15 "they always feared a breach of secrecy". What exactly did you
16 mean when you gave that answer with "the fear of breach of
17 secrecy"?

18 A. They were afraid that if I walk anywhere and met with people,
19 they were afraid that I would talk about this to people that is
20 why they did not let me know.

21 [14.26.24]

22 Q. I understand that.

23 Do you remember what exactly your orders or instructions were?
24 Were you specifically instructed or ordered not to speak to
25 villagers about events that took place within the compound of

1 Krang Ta Chan?

2 A. I was not given any order. I received an instruction that I
3 should shut my mouth.

4 Q. That might seem a little bit technical point, but I just want
5 to be sure that I understand correctly, you were a former
6 soldier, what is exactly the difference between an instruction
7 and an order. Were you only told or were you ordered in your
8 capacity as a soldier not to speak to villagers?

9 A. I was threatened and I warned not to let anything out of my
10 mouth and if I talk about it I would be in danger.

11 [14.28.03]

12 Q. Do you remember -- it's long time ago, I understand -- but do
13 you remember the exact words when you were threatened not to tell
14 anything about what happened at Krang Ta Chan?

15 A. That is true.

16 Q. What is true?

17 A. I was told that when I learned any information from outside I
18 should not say anything about it otherwise my head would fall
19 down on the earth.

20 Q. May be there was something wrong in the translation, but were
21 you specifically instructed not to speak outsiders, for instance,
22 villagers as to what happened at Krang Ta Chan while you were at
23 Krang Ta Chan?

24 A. I was not allowed to go and make any contact with the people
25 outside the compound. The compound -- there were two levels of

1 fences surrounding the compound.

2 [14.29.40]

3 Q. I understand what you're saying, Mr. Witness. But we've heard
4 the testimony of another witness, the person that we just spoke
5 about, Say Sen, he told the Chamber that he was allowed to leave
6 the compound tending the cows. Do you know if he had any
7 instructions not to speak to villagers about what happened at
8 Krang Ta Chan?

9 A. Personally, I never spoke to Say Sen. Maybe he received his
10 instructions from his chief. If that is the case, I would not
11 know.

12 Q. If I understood that the testimony of Say Sen correctly and
13 also the testimony of Meas Sokha, they were allowed, apparently,
14 so they say, to wander around tending the cows. Do you know about
15 any instructions to Meas Sokha not to speak to villagers?

16 A. The two of them tended the cows but I did not know about the
17 instructions relayed between their chief and them.

18 [14.31.08]

19 Q. The instructions or orders or whatever they were, not to speak
20 to anybody about what happened at Krang Ta Chan, did that also
21 apply to your fellow guards, the five other guards within your
22 unit, did they have that same order or instruction?

23 A. I was specifically instructed on that issue because I was the
24 youngest member of the unit.

25 Q. My question was whether you know whether the fellow members of

1 your unit had similar instructions. Do you know anything about
2 that?

3 A. I only met one person and I was instructed not to say
4 anything.

5 Q. I apologise, Mr. Witness. Maybe my questions are not very
6 clear. My question was relating to the fellow members of your
7 unit, your military unit and I take it you received orders, do
8 you know whether the other members of your unit, like Duch, for
9 instance, or Saing, whether they received orders not to speak to
10 anybody about what happened at Krang Ta Chan?

11 A. I did not know if they did because I only knew what I was
12 told. As for Saing or Duch, they could receive instructions but I
13 did not know what instructions were given to them?

14 [14.33.24]

15 Q. Mr. Witness, I, myself, have never been in the military but
16 isn't it true and it is also the case within the Revolutionary
17 Army that instructions were given to units or platoons or
18 battalions as a group or am I mistaken?

19 A. In the Army, the Commander issued order but when I was at
20 Krang Ta Chan office, we were no longer under the military
21 command and our instruction was to guard the Krang Ta Chan office
22 and in practice, under the military command, for example if were
23 to attack or engage in a battlefield, there would be a meeting
24 and in the meeting there would be plans and the plans would be
25 relayed to all members of the unit engaged in such a battlefield.

1 Q. You're saying that this was not the practice in relation to
2 your unit which was stationed at Krang Ta Chan?

3 A. Yes, that is correct.

4 [14.35.07]

5 Q. My next question, Mr. Witness -- that is, your Answer to
6 question 163, document E319133 (phonetic): "Did Ta An ever tell
7 you or give instructions on how to behave with prisoners?"

8 Answer: "He instructed us to be gentle but firm with the
9 prisoners."

10 Now I want to ask you a question about the "us", asked you a
11 question about "to be gentle but firm with the prisoners". Do you
12 remember this specific order and are you able to tell us what he
13 meant with that specific order?

14 A. The word "firm but gentle", at that time was commonly used. We
15 had to be gentle but at the same we had to be firm.

16 Q. I understand your answer, however earlier testimony you
17 indicated that possibly prisoners were being tortured, were being
18 executed. Did you think at the time that that was a strange order
19 or you had no idea or not thought about that specific order to
20 treat the prisoners firm but gently?

21 A. On this point, I myself did not understand it.

22 [14.37.14]

23 Q. Fair enough, but the order you remember specifically, "firm
24 but gentle treatment of prisoners"; correct?

25 A. Yes.

78

1 Q. Do you remember in which year or – in which year specifically
2 this order was given, were you there already for a long time or a
3 short time, do you remember?

4 A. During meetings, it was one of the main points that they
5 raised.

6 Q. So it was told to your unit more than once, is that your
7 testimony?

8 A. Yes.

9 Q. And at these meetings, do I understand correctly, your fellow
10 unit members were present and heard this order as well?

11 A. There are two kinds of meeting: a meeting held for staff
12 working inside the Krang Ta Chan office and a meeting held for
13 us, the guards outside.

14 [14.39.02]

15 Q. I'm telling -- I'm asking you questions about the meeting with
16 your fellow unit members and you were told as a group several
17 times; is that correct, to be gentle but firm with prisoners?

18 A. Yes.

19 Q. And let me revisit my earlier question. These group sessions,
20 when you receive this order, were there also other orders given
21 to you and your unit members?

22 A. They did not give too many instructions; they only spoke on
23 the main points, including this one.

24 Q. And do you remember which other points were discussed or other
25 points that you were given as instructions on?

79

1 A. As for them, they held meetings only among themselves, the
2 senior people. As for us, we were the outside guards and usually
3 the meetings that were held for us it was held once a month.

4 MR. PRESIDENT:

5 Thank you, counsel. It is now a convenient time for a short
6 break. We will take a break now and resume at 3 o'clock.

7 And Court officer, please assist the witness during the break and
8 invite him, including his duty counsel back to the courtroom at 3
9 o'clock.

10 The Court is now in recess.

11 (Court recesses from 1441H to 1501H)

12 MR. PRESIDENT:

13 Please be seated. The Court is back in session, and I now hand
14 over the floor to the defence counsel for Mr. Nuon Chea to put
15 your further questions. You may now proceed.

16 BY MR. KOPPE

17 Q. Thank you, Mr. President.

18 Mr. Witness, I would like to discuss a -- another topic with you,
19 if that's all right with you, and more specifically, I would like
20 to take you to your statement -- D4023 -- English, page 5, in the
21 middle, English, ERN 00223211; French, 00490909; Khmer, 00165354.

22 Now, you've been asked a very specific question by the
23 Investigators, and the question is as follows:

24 "Did you ever see them kill prisoners while you were working at
25 the Krang Ta Chen office?"

1 Answer: "I never saw it."

2 Do you remember whether that was in fact your answer to the
3 Investigators?

4 MR. VAN SOEUN:

5 A. Yes.

6 Q. In other words, you never saw with your own eyes somebody die
7 in front of you? That's not a way of phrasing it, but is that
8 correct?

9 A. Yes.

10 [15.04.12]

11 Q. Witnesses Meas Sokha and Say Sen have also given testimony
12 earlier last month to this Chamber, and both of them have given
13 quite graphic testimony as to the killings that they said they
14 witnessed at Krang Ta Chan. Would you be able to give some
15 explanation as to why you never saw anything, and they saw all
16 kinds of killings happening at Krang Ta Chan?

17 MR. PRESIDENT:

18 Please hold on, Mr. Witness. Deputy International Co-Prosecutor,
19 you now proceed.

20 MR. DE WILDE D'ESTMAEL:

21 I will speak French. I would like to object to this question
22 given that he is asking the witness to speculate. One thing is
23 asking the witness what he saw, but asking why the others might
24 have seen but not him, that is speculation. He's asking the
25 witness to speculate about why the others may have seen the

81

1 executions, so I think that this question should be reformulated.

2 Thank you.

3 [15.05.05]

4 MR. KOPPE:

5 Although I think this prosecutor is maybe the last person in this
6 room who should say something about speculation, nevertheless I
7 think it is an appropriate question. I'm trying to reconcile two
8 possibilities, two witnesses saying -- testifying before this
9 Chamber that they saw all kinds of gruesome atrocities, and this
10 witness says again, "I never saw anything". And apparently all of
11 them were there, and I think asking, without asking to speculate,
12 if he would know there's a reason why he didn't see anything and
13 they did, is within the realm of what is possible.

14 (Judges deliberate)

15 [15.07.13]

16 MR. PRESIDENT:

17 I now give the floor to Judge Fenz to decide on the objection to
18 the question. You may now proceed, Judge Fenz.

19 JUDGE FENZ:

20 Firstly, the Chamber doesn't appreciate the insult to the
21 prosecutor, and suggests you stop that. Secondly, the objection
22 is rejected, the question is allowed.

23 BY MR. KOPPE:

24 Q. Mr. Witness, would you be able to give an explanation as to
25 why Meas Sokha and Say Sen were able to witness gruesome

82

1 executions at the compound of Krang Ta Chan, and you didn't see
2 any killing?

3 MR. VAN SOEUN:

4 A. Because there were two levels of fences, and there were also a
5 lot of bananas, so I could not see, since I was guarding outside.

6 [15.08.36]

7 Q. To follow up on this, it is also the testimony of Meas Sokha
8 and Say Sen that they left the compound during the day to tend
9 the cows and the buffalos. So, it seems that they were also
10 outside the inner perimeter. So, my question again is how do you
11 know -- is it possible that they saw all kinds of things and you
12 didn't see anything?

13 MR. PRESIDENT:

14 Please hold on, Mr. Witness. You may now proceed, Deputy
15 International Co-Prosecutor.

16 MR. DE WILDE D'ESTMAEL:

17 The Defence is suggesting or at least trying to suggest that Meas
18 Sokha only tended cows or buffalos. That is not the right
19 representation of what he said. Say Sen was clear about his role.
20 He said that he played many roles; that he would come into the
21 compound and not only be outside. So, I think that this question
22 is not well-formulated, and leads the witness into error.

23 [15.10.03]

24 BY MR. KOPPE:

25 Q. Let me rephrase.

1 Mr. Witness, you were guarding outside. Where did you sleep when
2 you were done guarding?

3 MR. VAN SOEUN:

4 A. I was sleeping close to the fence.

5 Q. So, you're saying you didn't actually sleep within the inner
6 compound? Is that your testimony?

7 A. Yes.

8 Q. What about Duch? He was often within the inner compound,
9 typing. Did he sleep also inside or did he sleep outside?

10 A. There were two Duchs. Which one are you asking?

11 Q. I'm asking about your member, your unit member, Duch the
12 typist. Was he sleeping outside as well?

13 A. We slept in the same -- in different rooms, close to the
14 fence.

15 [15.11.48]

16 Q. Let me -- I'll revisit this topic. I'll start asking you some
17 other questions now.

18 The same Say Sen that we just spoke about gave testimony a few
19 weeks ago to this Chamber. His testimony was very, very bad about
20 the behaviour of your unit of six. He gave testimony to the
21 effect that four or five cadres within your unit were in fact --
22 had in fact participated in rape of a female prisoner. Do you
23 know anything about that?

24 A. That is not true.

25 Q. So the members of your unit never raped any female prisoner?

1 Is that your testimony?

2 A. No, they never.

3 Q. Just to be sure, Mr. Witness. Let me read a passage from Say
4 Sen's testimony before this Chamber.

5 [15.13.28]

6 Mr. President, it's E1257; it's 5 February 2015, at 10.38 in the
7 morning. My question to Say Sen is as follows -- and I read that
8 to you now, Mr. Witness.

9 "Mr. Say Sen", I say, "I would like some details on what you told
10 us yesterday. You said that a soldier, or a security guard, had
11 raped two women from the mobile unit, and had inserted their
12 rifle in their vaginas. Can you tell us the name of those
13 soldiers?" And Say Sen answers: "Yes, it was Duch Touch, or Small
14 Duch, and Saing. There were two of them."

15 My question: What is your reaction on this testimony of Say Sen
16 about the behaviour of two of your unit members? Is his testimony
17 true or false?

18 A. That is not true.

19 Q. Now, again, Mr. Witness, my question would be a bit similar to
20 the earlier question about the killings. Do you have any idea, if
21 it's not true, why Say Sen would give such testimony about your
22 unit members?

23 A. There were killings, but as for rape, I don't think there were
24 rapes that happened there.

25 [15.15.32]

85

1 Q. Are you now saying 'I don't think'? Just to be sure, are you
2 aware or do you have knowledge about an act of rape committed by
3 members of your fellow -- fellow members of your unit? Yes or no?

4 A. That statement is not true.

5 Q. In other words, you're saying Say Sen has been lying before
6 this Chamber. Is that your answer?

7 A. Yes.

8 Q. But that wasn't the only thing that Say Sen said about your
9 unit. He said some other things as well. And on the exact same
10 page, Mr. President, of that transcript of the same day, question
11 to Say Sen, my question: "Yesterday, you also talked about the
12 massacre of two young girls. You said that the elder girl had her
13 skull smashed against a tree. And/or the younger one had her
14 skull smashed, and the other one had her neck broken. Can you
15 tell us the name of the guard who did that?" That was my
16 question. Say Sen answers: "Yes. They were Sim, Moeun, Saing,
17 Duch Touch or Small Duch."

18 So, again, Mr. Witness, it seems that Say Sen is giving testimony
19 accusing fellow members of your unit of killing children. What is
20 your reaction to that?

21 A. I was guarding outside. I did not know. And there were no
22 rapes. If there were rapes, I would know about that. Or perhaps I
23 was away, and rapes happened there. And I did not know about the
24 statement that he made.

25 [15.17.56]

1 Q. To be clear, Mr. Witness, I didn't speak about rape. This time
2 I spoke about the killing of two small children. Did members of
3 your unit -- were they involved in the killing of small children
4 as just described by me in the answer of Say Sen? Did they in
5 fact kill children?

6 A. I do not know.

7 Q. You have been with your unit members for several years. Were
8 you friends with your unit members?

9 A. We were together, and we were not friends. And sometimes we
10 did not get along with each other.

11 [15.19.20]

12 Q. My question again would be, do you have an explanation as to
13 why Say Sen is saying these things about your unit members, and
14 that you're saying that you don't know anything about killing of
15 children?

16 A. The reason that I said I do not know, Say Sen was the
17 prisoner. He was detained in the prison. And if he knew about
18 this incident, I did not know how did he know that. I was
19 guarding outside and I did not know.

20 Q. Earlier you gave an answer to the Chamber about the
21 possibility that cadres - or, the allegation that cadres were
22 eating the livers and the gallbladders of dead prisoners. You
23 said that you had never heard about that, that you didn't know
24 about that. Again, would you be able to give us some explanation
25 as to why he is giving that testimony, and that you have no idea

87

1 about, or no knowledge about gallbladders and livers being taken
2 from bodies of dead prisoners?

3 A. Concerning the fact that there were -- they were eating liver
4 or gallbladders, I do not know about that.

5 [15.21.15]

6 MR. KOPPE:

7 Mr. President, with your leave, I would like to show the witness
8 a small excerpt from a video. A video that I - video with ERN
9 number -- sorry, with E3 number that I mentioned in an earlier
10 email to the Senior Legal Officer. It's two minutes, from
11 E3/3116R. It is between minutes 22.20 and 24.11.

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President.

14 MR. PRESIDENT:

15 Deputy International Co-Prosecutor, you may proceed.

16 [15.22.07]

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President. We viewed this excerpt, and this
19 excerpt relates indeed to livers and gallbladders that might have
20 been extracted. But since the witness said that he knows nothing
21 about this, I don't know if this could be of any interest to us,
22 or if the Defence could tell us why this could be of interest to
23 us, because the witness did not say any -- did not speak about
24 it.

25 MR. KOPPE:

88

1 Correct, but I thought maybe -- let me rephrase. This is such a
2 -- at least to be incredibly graphic -- footage, and it is such a
3 -- such an important thing, or important element of Say Sen's
4 testimony. So my intention is to show this footage to the
5 witness, and then ask him whether images like this, similar like
6 this, would refresh his memory in relation to gallbladders and
7 livers being taken from dead bodies.

8 (Judges deliberate)

9 [15.24.45]

10 MR. PRESIDENT:

11 You may proceed, Judge Fenz.

12 JUDGE FENZ:

13 The Chamber rejects the request to show the video to this witness
14 at this time. Given what the witness has said so far, the
15 relevance hasn't been demonstrated by the Defence. Just because
16 this is graphic evidence isn't in itself good enough. But there
17 might be a time later in the proceedings, when it comes to
18 pointing out relevant documents or pieces of evidence, to show
19 it. But it hasn't been demonstrated why it would be relevant at
20 this point in time with this witness.

21 [15.25.35]

22 MR. KOPPE:

23 Then my subsidiary or alternative request would be not to ask
24 that particular question that I just formulated. But then,
25 whether he saw or has any knowledge of similar practices while he

1 was fighting within the civil war, fighting Lon Nol troops,
2 whether he has any knowledge of this. Then my question would go
3 back to the period before 1975.

4 The reason I'm -- I have particular interest in showing this
5 footage is, not only on general principle that I think the public
6 is entitled to -- to graphic footage sometimes that we see. I
7 also note that very recently, only two weeks ago, the Ambassador
8 -- Ambassador Scheffer -- used in fact the evidence of Say Sen as
9 to the taking out of livers and gallbladders as an example of
10 atrocities that took place in Krang Ta Chan. And I would like to
11 establish whether that was in fact something done by CPK cadres,
12 or Khmer Rouge cadres, or whether that was in fact a practice
13 long established before that, and particularly engaged in by Lon
14 Nol troops.

15 (Judges deliberate)

16 [15.27.35]

17 MR. PRESIDENT:

18 Judge Fenz, you may proceed.

19 JUDGE FENZ:

20 The additional arguments by the Defence haven't convinced the
21 Chamber. The ruling stands.

22 BY MR. KOPPE:

23 Very well.

24 Q. Mr. Witness, I would like to turn now to another topic and I
25 would like to draw your attention to something that you said

1 before the Co-Investigators, at page 4 of the English version --
2 that is, English, ERN 00223/ -- sorry, 00223210; French,
3 00490909; and Khmer, 00165354. The question at the bottom of the
4 page is: "When they beat and interrogated, what tools did they
5 use?" And you answer: "They beat with clubs and rattan whips.
6 Before I worked in that office, I heard them say that they had
7 hung them on ropes tied around their necks."

8 [15.29.01]

9 Mr. Witness, this passage has been read to you earlier by the
10 International Co-Prosecutor, but there's something more in your
11 answer, and that is the following:

12 "I learnt about this matter clearly from my aunt who had been
13 held there, and from two of my uncles as well. But it was my aunt
14 who told me about hanging from the neck. And I know there are
15 marks still on her neck today." Now, in the light of this answer,
16 did you in fact see with your own eyes what happened during
17 interrogation of prisoners?

18 MR. VAN SOEUN:

19 A. I did not witness this. I was guarding outside.

20 Q. I understand your answer, but did you at no time, while you
21 were stationed at Krang Ta Chan, enter the inner compound during
22 the day, and brought yourself in the position that you would be
23 able to watch interrogations?

24 A. During the interrogations I was asked to go outside the
25 perimeter of the compound.

1 [15.30.41]

2 Q. Let me rephrase. Is it your testimony that, in all those
3 years, those three years, or two years, or three years that you
4 were at Krang Ta Chan, you never -- you were never able to watch
5 interrogation in the interrogation room; is that correct?

6 A. Yes.

7 Q. Did you ever speak to any of your unit members about
8 interrogations?

9 A. No, because it was not our duty. And I did not speak to any of
10 them about it.

11 Q. Meas Sokha, the person I mentioned earlier, not only gave
12 testimony about executions at Krang Ta Chan, but also about
13 incidents of torture. Would you be able to give an explanation as
14 to why he was able to see torture going on, and you weren't?

15 A. I'd like to re-state that I was never allowed to work inside
16 the compound. Only Party members were allowed to work in, and
17 usually when they engaged in such a process, we were ordered to
18 stay at the outer part of the compound.

19 [15.32.46]

20 Q. So your testimony is that only Party members were allowed in,
21 which I understand. Could you then tell us how Meas Sokha and Say
22 Sen were able to watch interrogations?

23 A. I did not know how they would be able -- in a position to do
24 that.

25 Q. I would like to talk some more about the compound of Krang Ta

1 Chan. Your fellow unit member, Duch, testified, I think only last
2 week, before the Chamber, and he said that there were no
3 loudspeakers at the compound. You just said earlier, at the end
4 of this morning, that there were in fact loudspeakers. Who is
5 right, he or you?

6 A. There was a small amplifier, or small loudspeaker, the size
7 that I've just indicated. It's not that big, and with two
8 removable speakers on both sides. And the main function of that
9 thing was radio.

10 Q. What do you mean "with radio"?

11 A. I speak about this player, which is small in size and with two
12 detachable speakers on both sides.

13 [15.34.56]

14 Q. But was the main function of the speakers and the radio to
15 listen to Radio Kampuchea? Is that what you're saying?

16 A. Yes, we used it to listen to radio broadcasts -- that is,
17 domestic radio broadcasts.

18 Q. And was that the only purpose of these loudspeakers?

19 A. As I said, there were no loudspeakers. There were indeed only
20 these two small speakers, detachable from this radio machine.

21 Q. Would you, with your hands, be able to describe the size of
22 these loudspeakers?

23 A. That is the size of the player itself, and then to the sides
24 there were two small, detachable speakers.

25 Q. Do you remember anything about the volume?

1 MR. PRESIDENT:

2 Counsel, please wait. Judge Fenz, you have the floor.

3 [15.36.50]

4 JUDGE FENZ:

5 This doesn't work for the transcript. So, perhaps the transcript
6 doesn't show what you demonstrated. Can you give us measurements,
7 if you remember, of the size of the loudspeakers?

8 MR. VAN SOEUN:

9 A. The player itself is about 40 centimetres wide, and as for the
10 two detachable speakers, it is about 10 centimetres wide each.

11 BY MR. KOPPE:

12 Q. It's a long time ago, I realise, Mr. Witness, but would you be
13 able to tell how far the volume of these two little speakers
14 would reach? How many metres you had to stand in relation to
15 these speakers to be able to still hear the sound coming from
16 these speakers?

17 MR. VAN SOEUN:

18 A. You could hear the sound from the loudspeakers if you stood
19 about 15 metres away.

20 [15.38.26]

21 Q. And when you were, let's say, 20 metres, 30 metres away, you
22 wouldn't be able to hear the speakers anymore. Is that what
23 you're saying?

24 A. Yes.

25 Q. The reason I'm asking, Mr. Witness, is that Say Sen gave

1 testimony to the Chamber, saying that the loudspeakers were used
2 in order for the prisoners not to hear the screams of executions.
3 In other words, that the volume was so loud that prisoners were
4 not able to hear what was going on, either in the interrogation
5 room or behind it. What is your reaction to that testimony?

6 A. I could not say anything to what this person spoke of, or
7 spoke about, because as I told you, they did not use any
8 loudspeakers.

9 [15.39.40]

10 MR. KOPPE:

11 Thank you, Mr. Witness.

12 Mr. President, I would like to go to another topic, but I see
13 it's 20 minutes before 4.00.

14 MR. PRESIDENT:

15 Thank you, defence counsel, and thank you, Mr. Van Soeun. The
16 hearing of your testimony is now postponed, and it is not yet
17 concluded, just to confirm, and you will be invited again to come
18 to this Court, tomorrow morning at 9 o'clock. So, you can now go
19 and rest.

20 And Court officer, please make an arrangement with WESU for the
21 necessary transportation of this witness to his residence, and
22 invite him to return to this courtroom tomorrow morning before 9
23 o'clock.

24 Likewise, Mr. Mam Rithea, the duty counsel, you're invited to
25 return tomorrow morning to attend to the proceedings of hearing

1 the remainder of the testimony of this witness. And you too may
2 be excused.

3 (Witness and Duty Counsel exit courtroom)

4 [15.41.29]

5 MR. PRESIDENT:

6 We now turn to the issue of the request by Nuon Chea's Defence,
7 which was submitted to the Trial Chamber. The request has not yet
8 been translated into Khmer language. However, the defence counsel
9 made it clear that they want to adjourn the hearings after the
10 conclusion of the testimony of this witness because the issue is
11 related closely to the documents submitted by the Prosecution.
12 Those documents are derived from Case 004, and in order to form
13 the basis, as foundation for our decision, and due to the urgency
14 of this matter, the Chamber now would like to hear only the oral
15 argument by the defence counsel for the hearing of the upcoming
16 testimonies of witnesses 2-TCW-803 and 2-TCW-809.

17 [15.42.53]

18 As for the remaining relevant witnesses, the Chamber will not
19 hear your oral arguments now. For that reason, Nuon Chea's
20 defence is given the floor to provide your oral arguments on
21 these two witnesses. You have 10 minutes to do so. The combined
22 time for the Prosecution and the Lead Co-Lawyers is 10 minutes in
23 order to make a response to the oral arguments by Nuon Chea's
24 defence.

25 Counsel Koppe, you have the floor now.

1 MR. KOPPE:

2 Thank you, Mr. President. It's not easy to only surgically focus
3 on the next witness, because as you understand, or you might
4 appreciate, everything is tied together. But saying it in one or
5 two sentences, we feel that, because of the magnitude of new
6 evidence coming in, it's no longer responsible to continue with
7 crime sites that are located in the Southwest Zone, or the
8 Northwest Zone. Why that is, I will not go into now. I would like
9 to refer to the draft motion that we sent to you earlier this
10 morning via email.

11 [15.44.32]

12 If I bring it back to the very urgent question as what to do with
13 the upcoming witness, it is our position, like I said, that we
14 should stop altogether. However, we have no interest at all in
15 slowing down the proceedings. That is not our intention. So,
16 that's why we formulated an alternative, and that is that we, in
17 principle, could continue with witnesses who give testimony, or
18 are able to give testimony, about things that happened at Krang
19 Ta Chan. There are some other guards, I think, still scheduled.
20 We wouldn't also have problems with, if there are any witnesses
21 who can testify as to what happened on the ground, grassroots, as
22 you will. We have had witnesses earlier. However, the moment we
23 start speaking about tomorrow's witness, or the witness that
24 follows, we are entering into a structure, not only within
25 District 105, but also Sector 13 and other sectors, and

1 ultimately the Southwest Zone.

2 [15.45.53]

3 Just to give you some figures. In the disclosed statements, which
4 are about almost 3,000 pages, we did a word search on a few
5 things, just to give you an idea. In the binders that were given
6 to us in the new statements of Case 003 and 004, the word "Sector
7 13" is mentioned 69 times, "District 105" is mentioned eight
8 times, "Office 204" is mentioned 35 times, "Tram Kak" is
9 mentioned 212 times. Case 004 is, in essence, about events that
10 unfolded in the Southwest Zone in general, but also in District
11 105 and Sector 13 of that zone.

12 Just to elaborate a bit on that. If you -- I'm not quite sure how
13 to -- how to approach this, but if you have a look, Mr.

14 President, at one of the statements that tomorrow's potential
15 witness gave to the investigators -- that is, D119/82, on page
16 10, he is extensively being confronted with testimony of a person
17 that -- well, was indicted in absentia yesterday. And whatever
18 she is saying, or will be saying in that case, whatever other
19 witnesses have said about her in that case are all extremely
20 relevant, I think, for our case.

21 [15.47.50]

22 Tomorrow's witness is about structure, about lines of
23 communication between the districts, the sectors and ultimately,
24 the Zone. So, I think -- and I'm not even talking about the
25 practical impossibility of dealing with so much new evidence -- I

1 think we should step away as soon as we can from Krang Ta Chan.
2 Not go into any crime sites in the Northwest Zone, but move away
3 to safer areas, safer grounds. And the suggested 1st January Dam,
4 I think, as the next segment would be a plausible alternative.
5 And because we do not want to delay the proceedings, we are -- we
6 have given an alternative, and that is to continue with guards,
7 or potentially other prisoners within Krang Ta Chan. By offering
8 this solution, I think no irreparable damage will be done, but I
9 think it is important that we realise the magnitude of what's
10 happening. And that's why I would really seek a possibility to
11 discuss this issue at length, and not now be forced to micro --
12 or to zoom in only as to the next witness. I understand the
13 request. But I think we have reached such a fundamental issue. It
14 is such a fundamental debate, what we should do with Case 003 and
15 004, entering Case 002, that we should have. And I think that's
16 one of the points of relief. We should have -- we should schedule
17 a Trial Management Meeting as soon as possible to discuss how we
18 should proceed further.

19 [15.49.46]

20 But for tomorrow, I really think we should not be hearing the
21 witness. And also the other one mentioned. He's also somebody on
22 district level, who has been asked all kinds of questions about
23 sectors and about events that happened within the Zone. And that
24 is the topic that has been -- these are the topics that are being
25 investigated maybe right now still, by the International

1 Co-Investigating Judge.

2 So again, zooming in only about -- on tomorrow's witness, I think
3 he should not be called. I think we should turn to an
4 alternative, and that could be any of the, I think, two or even
5 three remaining Krang Ta Chan cadres or guards.

6 MR. PRESIDENT:

7 Thank you, and Counsel Kong Sam Onn, you have the floor.

8 [15.50.45]

9 MR. KONG SAM ONN:

10 Thank you, Mr. President. I have two observations to make at this
11 stage. First, on the issue of having a discussion on this issue,
12 that has been set up (sic) by you, Mr. President, on the urgency
13 matter of this issue. However, the Chamber should also consider
14 that our group works base on the French language, and the
15 documents that have been included in the case files are mostly in
16 English. For that reason, I'd like to urge the Chamber to
17 consider that we should have sufficient time to discuss on a
18 particular issue, or at least, that we should be afforded the
19 French version or translation of those Khmer or English documents
20 so that it can facilitate our working process, or review, of
21 those documents.

22 [15.51.59]

23 And now on the second point, we do face a number of difficulties.
24 At lunch time, for instance, today, we only received the two
25 additional binders from the Co-Prosecutors, which had just been

100

1 translated. The documents that we have received so far made us
2 difficult in understanding, as they had to be translated into the
3 French language. And for that reason, the issue of language
4 translation is one of the fundamental issues concerning the
5 documents they take from other cases; namely, 003 and 004, and
6 place them into the current case.

7 And also, we don't have a full access to the documents.

8 MR. PRESIDENT:

9 Counsel, you are reminded that we only have 20 minutes to engage
10 in this discussion, and mainly that the oral arguments from your
11 team concerning the upcoming witnesses, 2-TCW-803 and 809. In
12 further, two witnesses have been scheduled quite a long time ago,
13 and only recently we received your submission to adjust the
14 hearings of these two witnesses. It is not easy for the Chamber
15 to reschedule the hearing, as we have to face other possibilities
16 of delaying, of criticisms by the general public, for instance.
17 We do not want to postpone the hearing again and again.

18 [15.53.51]

19 Now, we just try to get this time for you to discuss on the
20 documents placed into this case file by the -- one of the
21 Parties. And as I told you, the documents filed into this case
22 exist mainly only in English. There are not Khmer translations
23 yet of those documents. And you should provide your arguments on
24 that so that we, the Chamber, may use it as a foundation, whether
25 we decide to adjourn the hearing of these two witnesses or not.

101

1 And of course, you have been given time to submit a Khmer written
2 submission to the Chamber. We set this time today because the two
3 upcoming witnesses are scheduled for tomorrow afternoon.

4 [15.54.59]

5 MR. KONG SAM ONN:

6 Yes, you are right, Mr. President. I am now right on the point.
7 Because the documents included in the case file are relevant to
8 Krang Ta Chan office. And if cadres from Krang Ta Chan office are
9 to testify, and if we don't have the opportunity to review those
10 documents, that is the kind of difficulty that I am raising, Mr.
11 President. Because mainly the documents that we received, the
12 latest one, I mean, were only given to us at lunch time today.
13 And that is one of the reasons, or arguments, that we urge the
14 Chamber to adjourn the hearing and to provide us sufficient time
15 to review those documents. The documents exist in thousands of
16 pages, and we need an appropriate time to do so. Thank you, Mr.
17 President.

18 [15.56.02]

19 MR. PRESIDENT:

20 Thank you.

21 Judge Lavergne, you have the floor now.

22 JUDGE LAVERGNE:

23 Yes, Mr. President, I'll be very brief. And maybe the Defence
24 could interrupt me if what I'm saying is not correct.

25 We are concentrating on witnesses 803 and 809, and we are

102

1 focusing on statements from Cases 003 and 004. These were
2 provided on the 16th of October, last year. After having been
3 rejected, they were accepted by the defence of Nuon Chea on the
4 4th of November and by the Khieu Samphan Defence on the 22nd of
5 December. Unless I am wrong, it appears that Nuon Chea's defence
6 has indicated, and I believe it was in the month of February,
7 that they had had the occasion, the possibility, of reading all
8 the documents that had been disclosed to them as of that date.
9 That was at the hearing of the 23rd of February 2015.

10 [15.57.11]

11 MR. KOPPE:

12 I don't think, with all respect, Judge Lavergne, that you are
13 correct. We received, and I'm sure the Prosecution can confirm,
14 even this morning new statements. We received five/six binders
15 last Thursday. As a matter of fact, the trial proceedings were
16 postponed for two and a half days in order for us to be able to
17 read those new statements. So, it's not evidence that I'm talking
18 about that we received in October. And of course, we wouldn't
19 have any point. But it is literally almost 3,000 pages that we
20 received in the last two weeks, and we were not able to read all.
21 That is impossible. But what we've seen is that it goes directly
22 to the heart of events that happened in the Southwest Zone in
23 general, and also structure, et cetera, in relation to what we
24 are discussing.
25 So, it's not something that we knew already for some time. It's

103

1 something that just came up only within the last week.

2 [15.58.21]

3 MR. PRESIDENT:

4 Thank you. And the Deputy International Co-Prosecutor, you have
5 the floor.

6 MR. LYSAK:

7 Thank you, Mr. President. I'll try to be as brief as I can. I do
8 agree that there should be more discussion of the broader issues
9 later. But let me focus on the two witnesses, and particularly
10 the witness scheduled for tomorrow. I note for the record that
11 809 -- TCW 809 -- had originally been scheduled to follow, but
12 has now been postponed until almost the end of this month. So, I
13 think the issues with respect to 809 are not as pressing.
14 There has been no showing at all by the Defence of a reason to
15 postpone the testimony of this witness. It is not sufficient to
16 come in here and say that there are a large number of new
17 statements. In fact, of the new statements, there is a group of
18 20 and a group of 90 that were disclosed last week, the week
19 before. There are only 10 of those interviews that relate to Tram
20 Kak and Krang Ta Chan. I've been through them, word by word.
21 There is only one of those 10 interviews that has any mention of
22 the upcoming witness. Only one. And that person, their testimony
23 about the upcoming witnesses is limited to this: that the person
24 was district secretary in 1978, and presided over meetings
25 attended by the commune chiefs. That is the sum total of the

1 evidence relating to the upcoming witness in these interviews
2 that were recently disclosed.

3 [16.0016]

4 That information, I would note, is well-known to everyone. It is
5 something that has been testified by numerous other witnesses who
6 are part of the case file. So, our first position, Your Honour,
7 is that it's essential that these matters be decided based on a
8 showing of good cause, a showing of specific information. There
9 is no reason to delay this witness, and in our submission, there
10 is no reason to delay any Tram Kak witnesses. There is nothing in
11 any of these new interviews that warrants a delay in hearing
12 further Tram Kak testimony.

13 So something is clear, the statements that were delivered today
14 were not new statements. These were additional translations. What
15 has happened is, because the Defence doesn't have electronic
16 access to these records, when new translations of the interviews
17 already disclosed are posted, they don't have access to the new
18 translations. So, what they received today were not new
19 interviews. These were just additional new translations of
20 previously disclosed interviews.

21 [16.01.37]

22 Last, most of the argument I've heard is based on the general
23 complaint about the number of statements. Let me just say this:
24 Case file 002 involves over 20,000 documents. It is a large case
25 file. Nuon Chea's counsel last week, when they were listing

105

1 documents for a single witness that they suggested that they were
2 going to use in half a day of questioning, listed more documents
3 than the number of interviews we're talking about here. They had
4 a break. You gave them a number of days. They say it's not
5 enough. I can't comment on that. All I can say is, they need to
6 divide these interviews up amongst the team, and I would think
7 that they would have had sufficient time.

8 In the Prosecution's office, we're not only obliged to read these
9 interviews. While we're doing this trial, we have to read all
10 interviews that come in on Cases 003 and 004. We then have to
11 identify what issues they relate to. Then we have to file motions
12 and go through that whole process ourselves, and do summaries of
13 them, at the same time as we are doing an appeal response.

14 [16.03.14]

15 So I understand, all of us here understand, the demands of these
16 trials, but from our perspective, there is simply no good cause
17 here to delay the testimony of these upcoming witnesses.

18 MR. PRESIDENT:

19 You may proceed, International Co-Lead Lawyer.

20 MS. GUIRAUD:

21 Thank you, Mr. President, a few brief observations to let you
22 know that we are willing to hear Witness 803, and so therefore we
23 will rely on the Court's wisdom with regard to the Defence's
24 request. However, we are also facing practical difficulties, and
25 we are therefore willing to discuss these difficulties orally

106

1 during a TMM, or by filing written submissions to answer Nuon
2 Chea.

3 [16.04.29]

4 The practical difficulties that we're confronting are linked in
5 particular to the very strict rules regulating the usage of
6 documents. That makes in-depth, proper work impossible with these
7 documents. We cannot photocopy these documents. We can't read
8 them over the weekends. Our interns cannot work on these
9 documents. It's impossible. It's really impossible. So, if we
10 have one single request to make, it's that we may be able to
11 discuss the conditions to use these documents.

12 MR. PRESIDENT:

13 Thank you very much. You may proceed, Victor Koppe.

14 [16.05.20]

15 MR. KOPPE:

16 Thank you, Mr. President. The remarks of the Prosecution would
17 actually force me to go back to the bigger picture, but obviously
18 we don't have time. So I regret his remarks, because it doesn't
19 give the whole picture as we see it. The bottom line, Mr.
20 President, we just can't do it. That's it. We have no capacity to
21 be able to process them in such a way that is responsible and is
22 within the realm of an effective defence. I think we mentioned in
23 our motion that the Prosecution comes here with six different
24 prosecutors doing the examination. I'm here by myself. I have
25 simply no time to read those documents, all of them, in such a

107

1 way that I find it responsible to go on with a witness in a
2 leading position.

3 [16.06.19]

4 As an alternative, we offer -- let's have a broader discussion.

5 Let's not go with this witness tomorrow. Let's find an
6 alternative. That's why we've -- we sent a courtesy copy, so to
7 have this discussion today. We've never said in the last two
8 years that we weren't able to do something, but this is the first
9 time.

10 MR. PRESIDENT:

11 Thank you for the comments made by Parties in relation to the
12 matter raised by the defence counsel. The Chamber will issue a
13 decision or ruling on this matter in due course, in particular
14 before the hearing of 2-TCW-803 and 809.

15 The hearing today has come to an end. The hearing will resume
16 tomorrow on the 5th of March 2015, starting from 9 a.m. The
17 hearing will resume the hearing of the testimony of Witness Van
18 Soeun.

19 Personnel -- security personnel, you are instructed to bring the
20 two Accused back to the detention facility and have them returned
21 to the courtroom before 9 a.m.

22 The Court is now adjourned.

23 (Court adjourns at 1608H)

24

25