



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

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**Sann Rada**  
 CMS/CFO:.....

**ព្រះរាជាណាចក្រកម្ពុជា**  
**ជាតិ សាសនា ព្រះមហាក្សត្រ**

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

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
 Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

5 March 2015

Trial Day 253

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

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 KHIEU Samphan

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**List of Speakers:**

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 This morning the Chamber will continue to hear the remainder of

6 the testimony of the witness Van Soeun.

7 And Ms. Chea Sivhoang, could you report the attendance of the

8 Parties and individuals to today's proceedings?

9 [09.04.20]

10 THE GREFFIER:

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

12 are present.

13 Arthur Vercken, the Defence Counsel for Khieu Samphan is absent

14 due to health reasons.

15 Ms. Touch Voleak, the duty counsel for Khieu Samphan, notifies

16 the greffier that she will be a little bit late this morning.

17 And as for Nuon Chea, he is present in the holding cell

18 downstairs as he requests to waive his right to be present in the

19 courtroom. His waiver has been delivered to the greffier.

20 The witness who is to continue his testimony -- that is, Mr. Van

21 Soeun and his duty counsel are present in the courtroom. Thank

22 you.

23 [09.05.22]

24 MR. PRESIDENT:

25 Thank you, Ms. Sivhoang. The Chamber now decides on the request

1 by Nuon Chea.

2 The Chamber has received a waiver from Nuon Chea, dated 5th March  
3 2015. He confirms that due to his health conditions -- that is,  
4 headache, back pain and that he cannot sit for long, and in order  
5 to effectively participate in the future hearings, he requests to  
6 waive his rights to participate in and be present at the 5th  
7 March 2015 hearing. His Defence Counsel informed him that the --  
8 about the consequences of this waiver, that in no way it can be  
9 construed as a waiver of his rights to be tried fairly or to  
10 challenge evidence presented or admitted to this Court at any  
11 time during the trial. Having seen the medical report of the  
12 Accused, Nuon Chea, by the duty doctor at the ECCC dated 5th  
13 March 2015, who notes that the health condition of Nuon Chea  
14 today is that he has back pain and that he cannot sit for long.  
15 He also recommends that the Chamber shall grant him his request  
16 so that he can follow the proceedings remotely from a holding  
17 cell downstairs. Based on the above information, and pursuant to  
18 Rule 81.5 of the ECCC Internal Rules, the Chamber grants Nuon  
19 Chea's request to follow the proceedings remotely from a holding  
20 cell downstairs via an audio visual means for today's proceedings  
21 as he waives his direct presence in the courtroom.

22 [09.07.18]

23 The AV unit is instructed to link the proceedings to the room  
24 downstairs so that Nuon Chea can participate in and follow  
25 today's proceedings remotely.

3

1 And before the Chamber hand the floor to the defence teams, the  
2 Chamber would like to clarify and also to notify the Parties and  
3 the public that yesterday afternoon, after the 20-minute  
4 discussion, the Chamber notified the concerned Parties that after  
5 the testimony of the current witness, Mr. Van Soeun, is  
6 concluded, the Chamber will not hear the testimony of the Witness  
7 2-TCW-803 as originally scheduled.

8 [09.08.10]

9 This Witness will be rescheduled to appear in due course. The  
10 reason that the Chamber decides not to hear 2-TCW-803, is that  
11 the Co-Prosecutors proceed with the ongoing disclosures of  
12 documents and other Parties do not have the capacity and  
13 sufficient time to read and review those documents concerning two  
14 specific witnesses to appear before the Court. And the Chamber  
15 will instead hold a Trial Management Meeting to discuss the  
16 issues raised by the Nuon Chea defence teams on the ongoing  
17 disclosure process of documents by the Prosecution.

18 [09.09.10]

19 And court officer, please make an arrangement with WESU to send  
20 the reserve witness, 2-TCW-803, back to his residence. And wait  
21 for the new rescheduling of his appearance before the Court. The  
22 Chamber now would like to hand the floor to the defence team to  
23 continue putting questions to this witness. And you have the  
24 floor.

25 QUESTIONING BY MR. KOPPE:

4

1 Thank you, Mr. President. Good morning, Your Honours. Good  
2 morning, Counsel. Mr. President, with your leave, I would like to  
3 start my questioning with showing the witness a drawing made by  
4 witness, Srei Than, before the Co-Investigating Judges. It is  
5 document D125/129; English 00231677; and Khmer 00 -- excuse me --  
6 00224792. My apologies -- I don't have the French ERN quite yet,  
7 however this document has been extensively discussed. With your  
8 leave, I would also like to put it on the screen and I would like  
9 to give a paper copy of this drawing made by Srei Than to the  
10 witness.

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 (Short pause)

14 [09.11.39]

15 BY MR. KOPPE:

16 Can we put it on the screen, Mr. President, as well?

17 MR. PRESIDENT:

18 Yes, you can do so.

19 BY MR. KOPPE:

20 Q. Mr. Witness, would you be so kind and have a look at this  
21 drawing. Once you have been able to study this drawing a bit,  
22 could you tell us whether this is an accurate description of the  
23 inner compound of Krang Ta Chan?

24 MR. PRESIDENT:

25 The Deputy International Co-Prosecutor, you may proceed.

1 [09.12.29]

2 MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President, and good morning. In order not to lead  
4 the witness into error, I would like to make him understand that  
5 this map is not oriented in the normal way. The north is pointed  
6 to the south so there's a real change in relation to a normal map  
7 where the north is really on top and the south at the bottom --  
8 here to the contrary, if I'm not mistaken, so I think the witness  
9 should be -- pay attention to this.

10 [09.13.03]

11 BY MR. KOPPE:

12 I agree, Mr. President. Mr. Witness, when you have a look at this  
13 drawing, you should realise that Duch, who drew this map, puts  
14 the north on the bottom and the south on the top.

15 Q. With this in mind, and having been able to have a look, could  
16 you now tell the Chamber whether this, in your recollection, is  
17 an accurate description of the inner compound of Krang Ta Chan?

18 MR. VAN SOEUN:

19 A. The drawing is not that accurate and it is very difficult for  
20 me when the north orientation is at the bottom, it's hard for me  
21 to visualise it.

22 Q. I agree - I agree with you, Mr. Witness, but that's how it is,  
23 I'm afraid. But you said it's not all accurate. If you give it a  
24 try and have another look, what is not exactly accurate in your  
25 recollection?

1 A. As for the entrances, the entrances should be at the corner.

2 [09.14.57]

3 Q. Alright. What else? What else is maybe not an accurate  
4 description or drawing?

5 A. The inaccurate description is in relation to the entrance and  
6 the exit, as well as the locations of the buildings.

7 Q. Would you be able to tell us what is not accurate in regard to  
8 the buildings?

9 A. The entrance was -- the entrances were to the west and to the  
10 east and the building were aligned from east to west.

11 [09.16.07]

12 Q. And what about the interrogation room in relation to the  
13 buildings where the prisoners were detained? Can you say anything  
14 about that?

15 A. The buildings were to the north of the entrance.

16 Q. And the place where prisoners were interrogated -- where was  
17 that situated?

18 A. The interrogation room was to the south of the entrance. It  
19 was about 30 metres from the entrance.

20 Q. Mr. Witness, yesterday we spoke at the end of my questioning  
21 about the radio and the attached loud speakers. If you have a  
22 look at this drawing, would you be able to tell us where the  
23 radio and or amplifier was and where the speakers were in the  
24 period that you were stationed in Krang Ta Chan?

25 [09.17.36]

7

1 A. The radio player was kept at the location of the Chief of the  
2 office.

3 Q. And where was the office of the chief?

4 A. His office was located at the centre of the compound.

5 Q. Returning a bit to the speakers that we discussed yesterday.

6 You gave a description as to the size of the speakers yesterday.

7 Just to be sure, were there -- on the compound -- poles on which

8 the speakers could be attached so that they could produce more

9 volume?

10 [09.18.50]

11 A. No. The speakers were placed on a table.

12 Q. Thank you, Mr. Witness. Now I would like you to have a look at

13 the prisoner buildings on this drawing. We spoke yesterday about

14 grandmother Nha and her daughter Rat (phonetic), or Sarat. As I

15 understand from your testimony, both were prisoners. In your

16 recollection, where were both women detained or where were they

17 sleeping at night? In which of the two buildings?

18 MR. DE WILDE D'ESTMAEL:

19 Mr. President, I have an objection. The witness clearly said that

20 there were three buildings but on this map that was drafted by

21 Srei Than, there are only two buildings. So the question is in

22 which of the two buildings were these two female prisoners placed

23 and I don't think that this exactly corresponds to what the

24 witness said yesterday. On the one hand, Duch said that there

25 were two buildings and then this Witness says there were three,

1 one of which was less used than the other, so I think this  
2 question should be reformulated.

3 [09.20.48]

4 BY MR. KOPPE:

5 No problem, Mr. President. Forget the drawing, Mr. Witness.

6 Q. In your recollection, where were Rat (phonetic) and her  
7 mother, grandmother Nha, detained, in your recollection? In which  
8 building on the compound?

9 MR. VAN SOEUN:

10 A. Yeay Nha and Sarat were detained in the second building --  
11 that is, after the entrance to the south of the compound.

12 Q. And when you are saying detained, do you mean detained during  
13 the day or only during the night?

14 [09.21.40]

15 A. Yeay Nha and Sarat were only detained during the night time  
16 and they were let out to work during the day time.

17 Q. And do you remember whether they were always together, while  
18 detained at night, in the same building?

19 A. Yes. Rater, no. They were not together as always.

20 Q. Can you expand a little bit on that? What do you mean  
21 sometimes they were not together or what does your recollection  
22 tell you about the detention of both women?

23 A. I did not know the details because they were not at the centre  
24 at the same time. One came after another so they were detained  
25 but not exactly at the same time.

1 [09.23.09]

2 Q. Please correct me if I'm wrong, Mr. Witness, but I understand  
3 from other testimony that both were pretty much detained the same  
4 time, for a period about two years -- two and a half years. Is  
5 that your recollection as well?

6 A. The duration of the detention as you stated is correct.

7 Q. So again, I'm only asking some details as to where they were  
8 at night while detained. Were they in shackles? Some more details  
9 about what they were doing during the day. Can you tell us some  
10 more about both women?

11 [09.24.10]

12 A. I did not know much about what happened at night time as I  
13 stood guard outside the compound.

14 Q. I understand that grandmother Nha was sometimes, or most of  
15 the times, cooking for other prisoners. Do you know if her  
16 daughter Rat (phonetic) assisted her with the cooking?

17 A. Yes.

18 Q. Do you remember whether she was busy with cooking all day or  
19 was it only part of the day?

20 A. She was busy for one session in the morning and again for  
21 another meal session in the afternoon.

22 Q. In those two and a half years that both women were detained at  
23 Krang Ta Chan and cooking for prisoners, were you ever able to  
24 chit-chat with Rat, for instance?

25 [09.25.30]

10

1 A. Yes, I did.

2 Q. Do you remember why would -- what you would speak about when  
3 you were chit-chatting with Rat?

4 A. We just had casual chit-chatting. Nothing of important nature.

5 Q. Do you know or do you remember whether anything bad happened  
6 to Rat (phonetic) while she was in detention?

7 [09.26.18]

8 A. No, not during her detention because Yeah Nha, Rat (phonetic)  
9 and myself -- we were kind of close to one another and she -- she  
10 referred to me or she called me as a son or her son.

11 Q. I'll be a little more specific Mr. Witness. Do you know  
12 whether Rat (phonetic) was ever physically attacked by fellow  
13 guards or cadres?

14 A. I did not know about that.

15 Q. [REDACTED]

16 [REDACTED]

17 MR. PRESIDENT:

18 Witness, please wait. And the International Lead Co-Lawyer for  
19 Civil Parties, you have the floor.

20 MS. GUIRAUD:

21 Thank you Mr. President. I thought that the Chamber had adopted a  
22 rule asking us to be very cautious when we would refer to people  
23 who might have been victims of sexual violence during the period  
24 we are focusing on today and the names should not be revealed  
25 publically and shown to the witness. So I wanted to know if this

11

1 applies now -- for me it should. In that case, I would like the  
2 Defence to stand by the Chambers recommendations on this issue.

3 [09.28.19]

4 MR. KOPPE:

5 Mr. President, if you allow me to react. In general, I don't see  
6 why we should make a difference in asking witnesses questions  
7 about mass executions, killing of children, eating livers of dead  
8 bodies from prisoners, and we should be overly cautious when it  
9 comes to the question of sexual assault or rape, which of course  
10 is also a crime against humanity. Secondly, we have no idea  
11 whether Rat (phonetic) has any concerns about her privacy. We all  
12 pretend that we know, but nobody knows. So rather than have a  
13 vague reference to somebody's possible concerns in relation to  
14 privacy, I think we should be able to go ahead. If you don't  
15 think so, then I think -- I request to close the Chamber and  
16 allow me to ask this question. It goes directly -- and that's why  
17 I'm asking it -- it goes directly to the reliability and  
18 credibility of one witness so I should be able to ask these  
19 questions.

20 (Judges deliberate)

21 [09.38.58]

22 MR. PRESIDENT:

23 The Chamber would like to hand the floor to Judge Fenz to respond  
24 to the objection by the Co-Prosecutor as regard the line of  
25 questioning by the Defence Counsel for Mr. Nuon Chea. Judge Fenz,

12

1 you may proceed.

2 JUDGE FENZ:

3 Firstly, and generally, the general order issued by the Chamber  
4 concerning the protection of privacy of victims of sexual assault  
5 stands -- full stop. When it comes to the current line of  
6 questioning, the Chamber wishes to consult the transcript on  
7 something and therefore orders Counsel, for the time being, to  
8 abandon it. You will be given time after the break to follow this  
9 line of questioning and please move to another subject at the  
10 moment.

11 [09.40.04]

12 BY MR. KOPPE:

13 No problem, Judge Fenz. Mr. Witness, in the same chair as you are  
14 sitting now, your former fellow unit member, Small Duch, has been  
15 sitting as well. And I put to him a series of questions.  
16 Questions that were based upon the testimony of Say Sen. Say Sen  
17 testified before this Chamber that Duch and his fellow -- and  
18 some of his fellow unit members has been involved in execution of  
19 children, sexual assault and rape, mass executions, etc.

20 [09.41.12]

21 When confronted with this testimony, Duch answered that what Say  
22 Sen had testified to were, and I quote literally, "fabrications".  
23 Q. Now my question to you is the following: what is your reaction  
24 to Duch's testimony calling Say Sen's testimony fabrications?

25 [09.41.56]

1 MR. PRESIDENT:

2 Please wait, Mr. Witness. Mr. International Co-Prosecutor, you  
3 may proceed.

4 MR. DE WILDE D'ESTMAEL:

5 I have an objection, Mr. President, to this question. Yesterday I  
6 should have objected to the question as to whether Say Sen had  
7 lied. I do not think that the witness is in a position to take a  
8 stand regarding Say Sen's testimony, since Say Sen saw other  
9 things. He perhaps had access to other locations at the detention  
10 centre. He buried bodies, and so on and so forth. This is not the  
11 case with this witness before this Chamber. I do not see how this  
12 witness can qualify Say Sen's testimony, or Duch's reaction to  
13 Say Sen's testimony, as correct or not. Since he did not witness  
14 all that, he is not in a position to say whether Say Sen lied or  
15 not. To us, such a question would be to mislead the Chamber.

16 MR. KOPPE:

17 Mr. President, I'm -- I'm not quite sure how to react to this.  
18 Maybe by proposing in general the suggestion that maybe it's time  
19 that all Parties, including the Trial Chamber, pays an on-site  
20 visit to Krang Ta Chan? It's, I can tell you, I can assure you,  
21 very helpful in understanding things. It is a very, very small  
22 site. Of course, I'm -- I'm presenting evidence now, but it is  
23 impossible, literally impossible, not to see at least part of the  
24 things, or experience part of the things, or hear part of the  
25 things that Say Sen is testifying to. So now -- by now saying

14

1 that Say Sen somehow, miraculously, saw other things that this  
2 witness couldn't have possibly seen, is -- is incomprehensible.

3 [09.44.16]

4 MR. PRESIDENT:

5 Judge Fenz, you may proceed.

6 JUDGE FENZ:

7 As you said, Counsel, you were testifying. But since you said  
8 something in passing, is there a request or is there no request?

9 And if so, please reason it in a way that allows us a decision.

10 MR. KOPPE:

11 No, there is no such request, as you know. But this objection may  
12 actually make me right now to formulate the request that we  
13 should maybe all go there.

14 [09.45.02]

15 JUDGE FENZ:

16 That's what I'm asking. Do you make a request or don't you? And  
17 if so, reason it, please.

18 MR. KOPPE:

19 Well, you're -- you're getting me a bit by surprise, but maybe I  
20 can illustrate it by saying how incredibly important it was for  
21 our defence team to be on the site, to see the perimeters of the  
22 compound, to understand how far things are from each other, to  
23 see, in fact, the mountains and the foot of the mountains, and  
24 see the surrounding rice fields. See the buildings, although the  
25 original buildings are not standing anymore.

15

1 Then it would dawn immediately upon the Trial Chamber, Mr.  
2 President, that the objection doesn't make any sense. It's either  
3 or. I'm not suggesting that this witness or his fellow unit  
4 members should have been able to see everything, but the idea  
5 that you wouldn't be able to witness the execution, for instance,  
6 of a hundred prisoners, the burial in pits of a hundred  
7 prisoners, the awful smell that must have come from decomposing  
8 bodies, it's just simply impossible.

9 So it is our position that it is either or. Either Say Sen and  
10 Meas Sokha are lying, or the unit members are lying, the guard  
11 members are lying. So, having said this, yes, by this request  
12 that all of us should travel -- It's not very far, actually -- to  
13 travel to Krang Ta Chan and see it for ourselves.

14 [09.46.38]

15 MR. PRESIDENT:

16 The Lead Co-Lawyer, you may proceed.

17 MS. GUIRAUD:

18 Thank you, Mr. President. We've also visited Krang Ta Chan, but  
19 we do not draw the same conclusions as the Defence, so what the  
20 Defence is saying is subjective and partial. The Defence appears  
21 to take the position that this witness is testifying and telling  
22 the truth, and has nothing to hide as a guard at Krang Ta Chan. I  
23 have no problem with what the Defence is trying to achieve with  
24 the questions, but I assume that you have enough basis to assess  
25 the relevance of the testimony of this witness today. He is

16

1 saying that he did not witness all that, and at least, this is a  
2 basic consideration that the Chamber can make, on the basis of  
3 what the witness has said.

4 [09.48.04]

5 JUDGE FENZ:

6 Prosecutor, we have a formal request now. May I ask your comment?

7 MR. DE WILDE D'ESTMAEL:

8 I do not have any particular opinion to express on this matter.  
9 It is important to know how the facilities were arranged at the  
10 time. None of the buildings are in existence today, but to  
11 respond to what the Defence has said, I believe the Defence is  
12 forgetting the role of the witness as a messenger. And the  
13 witness has said on several occasions that he was very young at  
14 the time, and he only worked within the framework of the  
15 activities of his team.

16 Regarding a trip to Krang Ta Chan, I would defer to your wisdom  
17 if you do deem such a trip necessary. I have nothing more to say  
18 on that matter.

19 (Judges deliberate)

20 [09.51.25]

21 MR. PRESIDENT:

22 The ruling: The Trial Chamber wish to suspend the request by the  
23 Defence Counsel for Nuon Chea to visit at the site and we will  
24 rule on that later, in due course. Secondly, the Chamber -- the  
25 objection by the OCP to your last question is sustained. The

17

1 witness is not required to respond to this question. The Defence  
2 Counsel is instructed to question the witness on the facts that  
3 the witness knows, so that you can avoid any question that asks  
4 the witness to make the assertion or speculative answers. So, the  
5 Trial Chamber is in the position to consider all the testimony  
6 before it comes to evaluate the evidence for ascertaining the  
7 truth.

8 [09.52.55]

9 BY MR. KOPPE:

10 Q. Mr. Witness, I will move to another subject, although it also  
11 involves Say Sen's testimony again. I would like to put before  
12 you a few of the things that Say Sen has testified to, that he  
13 was busy with while at Krang Ta Chan. He gave testimony to the  
14 Trial Chamber that one of his tasks, for instance, was the  
15 counting of prisoners who were to be executed. Do you know  
16 anything about this? Did you ever see Say Sen getting a task to  
17 count prisoners before their execution?

18 MR. PRESIDENT:

19 Please hold on, Witness. The International Co-Prosecutor, you may  
20 proceed.

21 MR. DE WILDE D'ESTMAEL:

22 Mr. President, I think the Defence should quote exactly what Say  
23 Sen said, in order not to distort his evidence. I think he said  
24 that he guarded prisoners in the detention facility. He didn't  
25 say that that was before the execution of those prisoners. He

18

1 didn't say so. So, may I request that the Defence should cite  
2 precisely either a transcript of an interview of Say Sen, or a  
3 passage from the transcript, because that is not what I heard in  
4 this courtroom.

5 [09.54.43]

6 BY MR. KOPPE:

7 Mr. President, Your Honours, we had Say Sen before us. You  
8 prepared his testimony. He gave also testimony in his written  
9 statements. In order to speed up the proceedings, I tried to give  
10 a description of the guard-like duties that he performed. I'm  
11 having here before me: counting prisoners being executed,  
12 unshackling prisoners before their execution, digging burial  
13 pits, carrying and burying corpses, stripping clothes off corpses  
14 post-execution, guarding prisoners working outside, carrying  
15 prisoners after interrogation, distributing prisoners' food and  
16 water. It's all there. I think I should be able to -- to give a  
17 general description of the duties that Say Sen says he performed,  
18 and then ask the witness whether he saw Say Sen performing these  
19 duties.

20 [09.55.56]

21 JUDGE FENZ:

22 Counsel, the only problem we are having, is that we have a Party  
23 who contests your memory, and asks you to identify the part in  
24 the transcript where the witness says what you say he said. So  
25 please do that.

1 MR. KOPPE:

2 It's not my memory. I wrote it down. I'll -- I'll ask it in a  
3 different way.

4 BY MR. KOPPE:

5 Q. Mr. Witness, did you ever see Say Sen count prisoners before  
6 being executed?

7 MR. VAN SOEUN:

8 A. No, I didn't.

9 Q. Mr. Witness, did you ever see Say Sen unshackle prisoners  
10 before their execution?

11 A. No, I didn't see that.

12 Q. Mr. Witness, did you ever see Say Sen dig pits for dead  
13 prisoners?

14 A. No, I didn't see that.

15 Q. Mr. Witness, did you ever see Say Sen unshackle and remove  
16 corpses from the buildings?

17 A. No, I didn't.

18 [09.57.30]

19 Q. Mr. Witness, did you see Say Sen ever strip clothes off  
20 corpses after the execution of these prisoners?

21 A. No.

22 Q. Mr. Witness, did you ever see Say Sen guard prisoners while  
23 they were working outside?

24 A. No, I didn't.

25 Q. Mr. Witness, did you ever see Say Sen carry prisoners after

1 their interrogation?

2 A. No, I didn't.

3 Q. Mr. Witness, did you ever see Say Sen distribute food and  
4 water to prisoners?

5 A. Yes, I saw him distributing food for the prisoners.

6 [09.58.32]

7 Q. Was that the only thing that you ever saw Say Sen do, or were  
8 there other things?

9 A. I saw him distributing food to the prisoners, together with  
10 Nha, with Yeay Nha, and Rat.

11 Q. Mr. Witness, is it your testimony that it is the only thing  
12 that Say Sen ever did while at Krang Ta Chan?

13 A. Yes.

14 Q. My last subject, I think, Mr. Witness. We've -- I've asked you  
15 questions about things that you saw, things that you saw with  
16 your eyes. Now, I would like to ask you questions about another  
17 organ that you have: your nose. While at Krang Ta Chan, did you  
18 ever smell something out of the ordinary?

19 A. Talking about this, because I was there, I smelt something.

20 Q. What is it that you smelled?

21 A. It was a smell from the human corpse.

22 Q. And when did you smell this? How strong was the smell? How  
23 often did you smell this?

24 A. It was a stink smell, and it was awful smell everywhere inside  
25 the area, the site of the compound.

1 Q. And where did this smell come from?

2 A. The smell came from the pits where corpses were buried.

3 [10.01.13]

4 Q. Where exactly was this?

5 A. The burial site was to the south of the perimeter of the  
6 centre.

7 Q. Where exactly?

8 A. The site was not large. It was 70 metres square, and the  
9 outside fence -- the outside perimeters, about 300 metres, square  
10 metres, 300 square metres.

11 Q. Did you ever ask, for instance, Ta An, whether the smell of  
12 these bodies came from prisoners or from something else? Were  
13 these prisoners who were executed? Or were these prisoners who  
14 had died because of illness?

15 A. I did not dare to ask them about that.

16 [10.02.48]

17 Q. So, you didn't know the smell that you smelled came from  
18 executed prisoners or from other dead bodies? Is that correct?

19 A. Mainly, what they spoke to us outside, that the smell was the  
20 smell from the dead corpse of a dog, or the dead corpse of a  
21 chicken.

22 Q. So, is it -- is it? I'm not -- I'm not sure if I understand  
23 you correctly. You're talking about a smell, but are you saying  
24 now that this is the smell of decomposing bodies of animals?

25 A. Yes.

22

1 Q. It may be a strange question to you, but -- and if you don't  
2 -- if you are not able to answer this, I have no problem with  
3 that. Are you able to make a distinction between the smell of  
4 decomposing bodies of animals and human remains?

5 [10.04.30]

6 A. When we walked past the people who worked inside, and we said  
7 that we smell something, and they would reply that it could be  
8 the smell from a decomposing body of a dog, of a dead dog. That's  
9 what they said.

10 Q. Mr. Witness, do you know whether the site where Krang Ta Chan  
11 was situated used to be a grave site before 1973?

12 A. No, I was not aware of that.

13 Q. I apologize for the short interruption, Mr. President. I'm  
14 just reviewing my questions. There's one last subject, Mr.  
15 Witness, with your permission, I would like to discuss with you,  
16 and that is part of the testimony that your fellow unit member,  
17 Duch, gave to the Chamber. That is his testimony on 19 February  
18 of this year, E1/2661. English, ERN 01069786; and French,  
19 01069755. It's a question from the Prosecution. I will read the  
20 question to you, and then I will read Duch's answer to you:

21 [10.06.30]

22 Prosecution: "Let me just follow up one more question. Were you  
23 ever aware, at any time, of prisoners being transferred from  
24 Krang Ta Chan to other prisons?"

25 Answer: "Yes, there were sending of the prisoners to other place,

1 but I don't know whether they were other prisons. I don't know  
2 what happened, or their destination."

3 Question: "How often were prisoners transported to other sites?"

4 Answer: "It was not very often, when they were sent. It happened  
5 late 1978 and early 1979."

6 Question: "Do you have any information as to where it was that  
7 these prisoners were sent in late '78 or early '79?"

8 Answer: "I don't know their destination."

9 My question to you, Mr. Witness, do you remember -- we spoke  
10 about it briefly yesterday -- but do you remember, now that I  
11 have refreshed your memory, whether prisoners were taken out of  
12 Krang Ta Chan and transported to other prisons, other prisons in  
13 the zone or in the region?

14 [10.07.52]

15 A. No, I did not know about that.

16 MR. KOPPE:

17 Thank you, Mr. Witness. With the exception of -- of one or two  
18 questions that I have -- that I still have, I'm finishing now my  
19 examination, and would like to ask my national colleague if he  
20 has any questions.

21 QUESTIONING BY MR. SUON VISAL:

22 Good morning, Mr. President, and good morning, Mr. Witness. Mr.  
23 Witness, you have testified for almost two days, and many  
24 questions have been put to you. I only have a few questions for  
25 you, and I seek your help in clarifying them.

1 [10.09.02]

2 Q. My first question is related to the transfer from the district  
3 army to work at Krang Ta Chan office. Were you transferred under  
4 the order of your direct commander?

5 MR. VAN SOEUN:

6 A. No, in fact I was not transferred. Krang Ta Chan office  
7 requested some force to assist them in the guarding duty there.

8 [10.09.44]

9 Q. When you came to work at Krang Ta Chan office, did you  
10 maintain any contact or relationship with your military  
11 commander?

12 A. No.

13 Q. Once you arrived at Krang Ta Chan office, who was your  
14 immediate supervisor?

15 A. It was Ta An.

16 Q. When you arrived at Krang Ta Chan office, you stated before  
17 this Court that you became a guard there. Did you have a guard  
18 post? Or did you mainly patrol the perimeter of the compound?

19 A. I stood guard outside, at the outside entrance.

20 Q. When you were at the entrance at the outer part, were there  
21 other forces who patrolled the perimeter of the compound,  
22 including you, or were you only mainly stationed at the entrance,  
23 at the outer entrance?

24 A. I only guarded at the outside perimeter. And besides that, I  
25 was a mail or letter courier.

1 Q. When you were a guard for the outer perimeter, or a messenger  
2 there, did you ever enter the inner compound of that re-education  
3 office?

4 A. Yes, I was allowed, for example, during the meal time. We were  
5 directed where to go -- that is, to enter from the east entrance,  
6 and head directly toward the dining hall.

7 Q. Did you ever wander to see this building, or that building,  
8 located within the compound?

9 A. Yes.

10 [10.12.19]

11 Q. You also stated that there was an interrogation room. During  
12 the period that you worked there, did you ever go to that  
13 interrogation room?

14 A. No.

15 Q. Also, while you were working there, did you ever see  
16 Vietnamese people who had been arrested and sent to that office?

17 A. No.

18 [10.13.09]

19 Q. As for Kampuchea Krom people, did you ever hear that they were  
20 arrested and sent to that office?

21 A. No.

22 Q. What about the Cham people? Did you see them there?

23 A. No.

24 MR. SUON VISAL:

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

1 MR. PRESIDENT:

2 Thank you. It is now convenient to take a short break. We will  
3 take a break now and return at 10.30.

4 And Court officer, please assist the witness during the break,  
5 and have him return to the courtroom with his duty counsel at  
6 10.30.

7 The Court is now in recess.

8 (Court recesses from 1014H to 1040H)

9 MR. PRESIDENT:

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

11 And the Chamber would like to give the floor to the Defence  
12 Counsel for Khieu Samphan so that he can have an opportunity to  
13 put the question to the witness.

14 Counsel, you may proceed.

15 [10.41.29]

16 QUESTIONING BY MR. KONG SAM ONN:

17 Thank you, Mr. President, Your Honours, and Mr. Witness, Van  
18 Soeun.

19 Q. I have a question as regard your background. I would like to  
20 know that your parents were they -- are they still alive because  
21 on your PV, D40/23 and E319.1.33 there were some discrepancies  
22 between your background and especially your parents.

23 On the first document, you indicated that your parents are  
24 deceased, but on the second document you say that your parents  
25 are still alive. Can you tell the truth to the Court, which one

1 is correct?

2 MR. VAN SOEUN:

3 A. My parents died for seven months ago, so -- so they both die  
4 in the same months. The -- the gap in time was only one week  
5 between the -- the father and the mother.

6 [10.43.00]

7 Q. Did they die two weeks ago or when did they died?

8 A. They both die for seven -- seven months now.

9 Q. Thank you, but in the document, it appeared that it was  
10 prepared in 2007. You said that your father has died, but in  
11 another document, in another case, you indicated that your  
12 parents are still lives. Can you tell the Court why it is like  
13 this?

14 A. I think it was a mistake by the interviewer or the  
15 investigator.

16 Q. Thank you. Can you clarify the members of the soldiers in your  
17 group who were the guards? Are -- were any of them related to you  
18 by blood or in-laws?

19 A. One of them related to me.

20 [10.44.44]

21 Q. Who was he?

22 A. His name was Saing.

23 Q. What is his relationship to you?

24 A. He was my cousin, elder cousin.

25 Q. Do you know that Saing has given any interview or testimony to

1 this Court?

2 A. No, I don't know about that.

3 [10.45.32]

4 Q. Can you tell the Court his full name?

5 A. He usually referred to or called Saing.

6 Q. Is he Saut Saing?

7 A. Yes.

8 Q. I would like to read a document for -- to you, document  
9 E3/4346; ERN in Khmer, 00527731; in French, 00943268; in English,  
10 00527778. In this document, it is the statement of Say Sen. He  
11 indicated that the guards were all cousins. And he also indicated  
12 that you two were siblings, including Saing. Did you know other  
13 relationship between other members of the guard group in your  
14 group?

15 A. Only me and Saing were cousins. And other people were not  
16 related as siblings or cousins.

17 Q. Thank you. Talking about the execution of the prisoners at  
18 Krang Ta Chan, earlier you indicated that some time it happened  
19 once a month or once in two months. However, Say Sen in his  
20 testimony before the Trial Chamber, here, document E3 -- I'm  
21 sorry, E1/256.1, after 14.00.42 hours Say Sen said that I -- and  
22 I quote, "Sometimes there were four, five or 10 times of  
23 execution and the execution happened subsequently, but the types  
24 of execution and prisoner were the same. No prisoners and as for  
25 the prisoners the other side, I could see something." So the --

1 his statement seemed to be very vague, difficult to understand.  
2 But he said that the execution happened four times a month, for  
3 five times a month, sometimes 10 times a month, which is  
4 different from your testimony. Can you make any comment on his  
5 testimony?

6 MR. PRESIDENT:

7 Please wait, Mr. Witness.

8 International Co-Prosecutor, you may proceed.

9 [10.50.42]

10 MR. DE WILDE D'ESTMAEL:

11 Thank you, Mr. President. I didn't hear the witness say before  
12 this Chamber, during this hearing, that executions took place  
13 only one or two times a month. He perhaps told Investigating  
14 Judges at particular location and at a particular time, but the  
15 Defence Counsel doesn't cite any passage to that effect. That  
16 hasn't been said before this Chamber. The witness said that  
17 whenever letters were delivered, there were executions. He  
18 shouldn't rely on a very vague recollection of what Say Sen said.  
19 He should rely on a specific passage cited from the transcript of  
20 what Say Sen said.

21 BY MR. KONG SAM ONN:

22 [10.51.35]

23 Q. Document E319.1.32 at question and answer 81, it is your  
24 testimony given to the question: "Were the prisoner -- were the  
25 execution happened very often?" And you responded that, "Some

30

1 time it happened one time or two times a month." Can you recall  
2 this? If so, you can respond to my earlier question I put to you  
3 a moment ago?

4 MR. VAN SOEUN:

5 A. To my knowledge I can say it happened one time a month or two  
6 times a month and more than that I cannot say. I don't know.

7 Q. Thank you. Now I -- I would like to move on to another point  
8 as regard Ta San on the 3rd of March 2015, you responded before  
9 the Chamber in the afternoon session before -- before 14.15 hours  
10 at some time -- somewhere about this hour you said, and I quote,  
11 "No, I am not quite sure, but I met him in 1977." You met Ta San.  
12 This is the time that you met Ta San at that time. And the  
13 question: "So when you met him in 1977, was he the district  
14 chief, or what was his role in that district?" And your response  
15 was that, "Yes, when I met him, he was the Tram Kak district  
16 chief." End of quote.

17 I would like you to tell the Court now, and my question is that,  
18 what was the circumstances that led you to meet with Ta San at  
19 that time?

20 A. I met him when I visited my parents in Leay Bour commune, and  
21 I met him at cooperative of Khan Mouy, Unit One, at Leay Bour  
22 commune.

23 [10.54.45]

24 Q. Did you know his role and what did he do when you met him at  
25 Leay Bour cooperative?

1 A. I met him during the lunchtime at that time.

2 Q. I would like you to tell me, how did you know that Ta San was  
3 the district chief?

4 A. I heard from the villagers telling me that he was the new Tram  
5 Kak district chief.

6 Q. Do you know any of those villagers by name and who were they,  
7 their roles, who can indicate or who -- who was indicating Ta San  
8 as the district chief?

9 A. No, I cannot indicate because they were at the district and  
10 commune level. As I was a young boy, I could not know about that.

11 Q. But my question for you is that who were the people who told  
12 you that Ta San was the new district chief? I would like to know  
13 the role and responsibility of those peoples to see why they know  
14 Ta San as district chief, as new district chief?

15 [10.55.53]

16 A. I cannot identify any of those villagers because I heard from  
17 one person to another at the cooperative.

18 Q. Thank you. Do you have any official knowledge that Ta San was  
19 the district chief of Tram Kak?

20 A. I am clear that when Ta An arrived at Krang Ta Chan he said  
21 that now Ta San became the district chief.

22 Q. Could you indicate again please who told you at Krang Ta Chan  
23 that Ta San became the district chief?

24 A. It was Ta An who said that.

25 Q. In which occasion that he indicated this to you?

1 A. When he entered into the kitchen for meals, Ta An said that  
2 now the new district chief was -- is Ta San.

3 [10.58.17]

4 Q. I would like to ask you about the activities and work at Krang  
5 Ta Chan. Did you attend any meeting with Ta An or any other  
6 people at Krang Ta Chan Security Centre? I am talking about  
7 official meeting?

8 A. No, I didn't.

9 [10.58.50]

10 Q. You say that you didn't attend the meeting. Are you talking  
11 the whole period when you were working there? Do you mean that  
12 there was no official meeting at Krang Ta Chan, all the way from  
13 the beginning to the end when you worked there or you didn't  
14 remember any meeting? So which of the two?

15 A. Since I started working at Krang Ta Chan, I never attended any  
16 meeting.

17 Q. And how about other cadres who were Party members? Did they  
18 hold or did they attend any official meetings?

19 A. Yes, there was Penh.

20 Q. How often did you attend the meetings with Penh?

21 A. Yes, every once every month.

22 Q. Can you tell the Court the subject or the topic of each  
23 meeting you were attending?

24 A. The contents of the meeting was mainly about the guarding  
25 duty, about working in the rice fields, about the plantation,

1 about carrying earth, mound earth and the earth from the bottom  
2 of the pond.

3 Q. Did you ever attend any meetings on the plans to execute the  
4 prisoners?

5 A. No.

6 Q. In -- in the transcript document E1/250.1 dated 22nd February  
7 -- January rather, 2015, Mr. Meas Sokha testified before this  
8 Chamber at 12 o'clock -- at 12.00.53 hours. At that time he was  
9 asked by counsel Anta Guissé and I quote, in relation to a  
10 meeting on the plan to execute 100 prisoners and the meeting was  
11 attended by all staff, including guards and the party members.  
12 And my question to you is did you -- do you recall there was such  
13 a meeting held in 1977?

14 A. I was not allowed to attend that meeting because whenever  
15 meeting to assign plans to be implemented, I would not be allowed  
16 to attend.

17 [11.03.14]

18 Q. Can you tell the Court that you were not allowed to attend and  
19 that you were asked to stay outside, and what was the main  
20 reasons? And what about other guards? Were they allowed in?

21 A. I cannot say about other guards. For myself my main duty was  
22 to stand guard outside and to be a letter courier.

23 [11.03.51]

24 Q. In Meas Sokha's testimony, that is in the same document that I  
25 quoted, and almost at the same time, Meas Sokha responded and I

1 would like to quote, "The -- As for the executioners they were  
2 all there except Big Duch and one or two staff working in the  
3 kitchen. Big Duch was -- went outside the district at that time."  
4 And then the person was again the question, "What about Penh and  
5 Soan? Were they also present in the meeting?" And the witness  
6 replied, "Yes, they were present." And they referred to you as  
7 Soan, that you were present in the meeting. How do you react to  
8 this statement by Meas Sokha?

9 A. I'd like to clarify that if Meas Sokha makes this statement  
10 and if that statement is true, we can go and ask the mother of  
11 Meas Sokha because at that time I was not allowed in and I stood  
12 guard outside and I was not involved in such a meeting to lay out  
13 the plans.

14 Q. You said that you were always outside and with Meas Sokha's  
15 mother. Can you tell or can you provide a bit more details on  
16 that?

17 A. We can go and ask Meas Sokha's mother, because I was not  
18 involved with Penh with any other guards there, my work was  
19 different from theirs.

20 [11.06.46]

21 Q. Do you wish to make any further comments regarding the  
22 statements of Meas Sokha that I just read out to you that Meas  
23 Sokha alleged that you attended that meeting?

24 A. I'd like to state that Meas Sokha was the child of Yeay Nha  
25 and I was in the rooms at the outer gate alone, and Meas Sokha,

1 in fact, slept in the room where I was too.

2 Q. Thank you.

3 However, my question is related to the statement by Meas Sokha  
4 that you attended the meeting, but you denied it, and I'd like to  
5 ask whether you have any further comment to make regarding this  
6 statement - that is, on the point that he -- that the witness  
7 alleged you attended the meeting?

8 [11.07.56]

9 A. As I stated, once in a while, I attended a meeting organized  
10 by Penh, but I never attended a meeting when they laid out the  
11 plans to execute the prisoners.

12 Q. Can you tell the Court if there is any reason for Meas Sokha  
13 to tell this Court that you did not - that you attended the  
14 meeting where they laid out the plan to execute one hundred  
15 prisoners?

16 A. I cannot say anything, because that is Meas Sokha's statement,  
17 and Meas Sokha was a prisoner there, and how could Meas Sokha  
18 know about the execution of these so many, 100 prisoners?

19 Q. In relation to your document E319.1.33, which is your written  
20 record of interview, at question-answer number 131, you were  
21 asked:

22 "Did you ever hear the word 'enemy'?" And you said: "Yes" and you  
23 said "The enemy referred to the opponents during the fighting  
24 with the Lon Nol soldiers. And when the Khmer Rouge captured the  
25 Lon Nol soldiers, those soldiers were considered the enemy."

1 [11.09.52]

2 And the next question is, as I quote: "After 17 April 1975, did  
3 they still refer or talk about the enemy?"

4 And your response is as follows: "No."

5 [11.10.13]

6 And my question to you, Mr. Witness, is this: What was the reason  
7 or what was the basis for your statements that after 1975 they  
8 stopped talking about the enemy or they stopped using the word  
9 "the enemy"?

10 A. They said that the policy was that we were all Khmers and we  
11 all had to reconcile amongst ourselves in order to build the  
12 country. That's all what he said.

13 Q. And who said that?

14 A. It was Ta An.

15 Q. Did you hear any other persons speaking about this?

16 A. No.

17 Q. Under what circumstance did Ta An make that statement?

18 A. It was during a lunch time.

19 Q. Was it a meeting amongst the staff there or did he only  
20 converse with you one-on-one, on this matter?

21 A. An was talking to Penh, and I was on the same table and I  
22 overheard it.

23 Q. Also in the same document, at question-answer 136, the  
24 question that was posed to you is the following, and I quote:

25 [11.23.38]

1 "What did you hear about the White Scarves and when did you hear  
2 it?"

3 And your response is: "The White Scarves referred to the Khmer  
4 Krom."

5 And the next question is: "Did the White Scarves fight alongside  
6 Lon Nol soldiers against the Khmer Rouge or were they - or were  
7 the Khmer Rouge and the White Scarves fighting the Lon Nol  
8 soldiers?"

9 [11.13.10]

10 And your response 137 is: "They were aligned with the Lon Nol  
11 side to fight against the Khmer Rouge." End of quote.

12 Can you tell the Court about the White Scarves group that you  
13 referred to as the Khmer Krom and that they aligned with the Lon  
14 Nol side to fight against the Khmer Rouge? How did they align  
15 with the Lon Nol side?

16 A. At that time -- that is, during '71 or '72, I was rather young  
17 and I have an elder cousin who was a soldier at Kampuchea Krom  
18 and who was assigned to guard at Ou Chambak (phonetic) to the  
19 north of Takeo province. He said that he joined the White Scarves  
20 group and the White Scarves group referred to the Khmer Krom. And  
21 at that time, there was fighting against the Khmer Rouge soldiers  
22 and that the White Scarves cooperated with the Lon Nol soldiers  
23 to fight against the Khmer Rouge. And that's how I learned about  
24 this.

25 Q. Did you have any experience in the battlefield -- that is, in

1 the fight against the White Scarves group at the time? That is  
2 around '73 or '74, you stated?

3 A. When my cousin spoke about it, he referred to the period of  
4 '71 or '72 and not '73.

5 Q. Did you know about the organizational structure of the White  
6 Scarves group, whom you referred to as the Khmer Krom? For  
7 example, who was their leader and what was their policies?

8 [11.15.43]

9 A. No.

10 Q. Did you know whether the White Scarves group assisted and  
11 until when?

12 A. No, I did not know.

13 Q. Did you know anyone else who was a member of the White Scarves  
14 group or who is alive today?

15 A. I know Saom (phonetic), but he's dead. Saom (phonetic) used to  
16 live near where I lived and he used to be a soldier for the White  
17 Scarves group.

18 Q. Did you meet and speak face-to-face with Saom (phonetic) about  
19 the mission of the White Scarves group or what their political  
20 tendencies were?

21 [11.17.06]

22 A. No, I did not.

23 Q. Why did you know that the White Scarves group aligned with the  
24 Lon Nol side to fight against the Khmer Rouge?

25 A. I only heard from him that at that time the Lon Nol side

1 cooperated with the White Scarves group and at the time the  
2 Vietnamese entered the territory of Kampuchea.

3 Q. Also, in the same document, at question-answer 140, the  
4 question to you is the following, and I quote: "At Krang Ta Chan  
5 security office, were there any prisoners who were former Lon Nol  
6 soldiers?" And response: "While I worked at Krang Ta Chan  
7 security centre, there was none." End of quote.

8 Why did you know that there were no Lon Nol soldiers at Krang Ta  
9 Chan office? What was the reason for you to make such a  
10 statement?

11 A. I said that I did not know, because I did not know where those  
12 prisoners had been arrested before they were brought to the  
13 centre.

14 Q. Can you please clarify this matter, because, in your statement  
15 that I just read out, you said that there was no former Lon Nol  
16 soldiers, so it implies that you knew about the prisoners there.  
17 Or do you wish to make changes to your previous statement?

18 [11.19.43]

19 A. I did not know who those prisoners were.

20 Q. Also, in the same document and in question-answer 143, you  
21 were asked the following question, and I quote: "As a soldier,  
22 after the victory on 17 April 1975, did you ever receive any  
23 instructions with regards to your encounter with former Lon Nol  
24 soldiers?"

25 [11.20.33]

1 And your response is: "No, they just sent Lon Nol soldiers back  
2 to their hometowns."

3 Can you tell the Court what was the reason for your statement and  
4 who actually authorized to send Lon Nol soldiers back to their  
5 hometowns?

6 A. I did not know the details. We simply knew that they were sent  
7 back to their respective families. That's what we were told.

8 Q. You used the word to send them back to their hometowns. Does  
9 it mean to allow the former Lon Nol soldiers to go back to their  
10 native villages?

11 A. Yes.

12 Q. From whom did you hear the instructions to authorize Lon Nol  
13 soldiers to be sent back to their native villages?

14 A. It was a word from one to another, that's how I heard it.

15 Q. Can you properly clarify the source? From whom did you hear  
16 and when was that and under what circumstance?

17 A. Amongst the soldiers at a Takeo provincial town, those  
18 soldiers were sent back to their respective families. That's all  
19 I knew, and I did not know from which level the instructions  
20 came.

21 Q. Did you hear about the instructions amongst your fellow Khmer  
22 Rouge soldiers or combatants?

23 [11.23.10]

24 A. Yes.

25 Q. Was it possible that your military commander relayed such

41

1 instructions?

2 A. Yes, we heard about it from one to another.

3 Q. You mean from one fellow soldier to another fellow soldier?

4 A. Yes, from one soldier to another.

5 Q. I'd like now to return to document E3/4846, and in fact I used  
6 that document earlier to put questions to you in relation to your  
7 relationship with Saing.

8 [11.24.30]

9 And I'd like to put a few more questions in relation to this  
10 document; at ERN in Khmer, 00527731; and in French at, 00943268;  
11 and in English, 00527778. That is -- that document is the  
12 interview of Say Sen, and he was interviewed by representative  
13 from the DC-Cam by the name of Sophearith (phonetic). And I'd  
14 like to read an extract from this statement:

15 "Saing and Soeun are they biological brothers?" And Sen replies:

16 "Yes, they were biological brothers."

17 Question: "And were both of them killers?" Answer: "Yes, they  
18 were the most vicious killers. They were the direct

19 perpetrators." Question -- I beg your pardon, allow me to unquote  
20 now.

21 I'd like you to react to this statement of Say Sen when he said  
22 that Saing and Soeun, or here the pronunciation is Soeun, that  
23 refers to you, that Saing and Soeun were the biological brothers  
24 and that both of them were the perpetrators and were the killers.  
25 What is your reaction to this statement?

1 A. Personally, I never participate in any of this event or  
2 killing, and I denied it.

3 Q. You mean that you did not participate in the killing at all,  
4 is that what you mean?

5 A. Yes.

6 Q. Did you participate in other activities, for example, on the  
7 transportation of the prisoners, or on the walking of the  
8 prisoners to the execution site, or on the torture of the  
9 prisoners?

10 A. No, I did not.

11 MR. KONG SAM ONN:

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

14 MR. PRESIDENT:

15 Thank you, Counsel. Before we adjourn this morning's hearing,  
16 this morning we received a request from Nuon Chea's defence for a  
17 closed session on the issue of a sexual assault against a female  
18 prisoner. And in order to protect the privacy of the relevant  
19 individual, the Chamber will hold a closed session to hear the  
20 testimony of this witness on this particular issue. And that is  
21 pursuant to Article 316 of the Code of Criminal Procedure of the  
22 Kingdom of Cambodia.

23 [11.29.25]

24 And, security personnel, you are instructed to please invite the  
25 audience to leave the podium.

1 And also, the Chamber would like to inform the concerned Parties  
2 that for the afternoon session, we will also have an in-camera  
3 hearing. And for that reason, please, security personnel, you are  
4 advised not to bring any audience into the courtroom, and also  
5 this information is for the Public Affairs section and to take  
6 measures accordingly and appropriately.

7 AV unit, you are instructed to disconnect the audio and visual  
8 communication to the podium outside, but leave the curtain drawn  
9 to facilitate the interpreters in the booth.

10 And, civil parties who are present in the courtroom, you are  
11 reminded that you are allowed to remain in the courtroom during  
12 this closed session hearing, but you must not share the  
13 information you hear or see during this closed session.

14 (End of public session 1131H)

15 (Court goes into closed session)

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