



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

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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

3 March 2015

Trial Day 251

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

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KHIEU Samphan

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For Court Management Section:
UCH Arun
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I N D E X

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

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
MR. KOPPE	English
MR. MAM RITHEA	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. VAN SOEUN (2-TCW-847)	Khmer

1 PROCEEDINGS

2 (Court opens at 1334H)

3 MR. PRESIDENT:

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

5 This afternoon the Chamber will hear the testimony of a witness,

6 2-TCW-847. And Ms. Sivhoang, could you report the attendance of

7 the Parties and individuals to today's proceedings?

8 [13.35.30]

9 THE GREFFIER:

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

11 are present. As for Anta Guisse, the Counsel for Khieu Samphan is

12 absent due to her personal matter and Mr. Nuon Chea is present in

13 the holding cell downstairs as he request to waive his right to

14 be present in the courtroom. His waiver has been delivered to the

15 Greffier. The witness who is to testify today -- that is

16 2-TCW-847 -- confirms that to his best knowledge he has no

17 relationship by blood or by law to any of the two Accused, Nuon

18 Chea or Khieu Samphan, nor to any of the civil parties admitted

19 in this case. The witness also took an oath before the ironclad

20 statue this morning and he has a duty counsel and both of them

21 are ready to be called by the Chamber. Thank you.

22 [13.36.56]

23 MR. PRESIDENT:

24 Thank you, Ms. Sivhoang. And before we invite the witness to be

25 in the courtroom, the Chamber will decide on the request by Nuon

2

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

21 [13.39.08]

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

25 Court officer, could you usher the witness into the courtroom?

3

1 Also, invite his duty counsel in. Thank you.

2 (Witness enters courtroom)

3 [13.40.46]

4 QUESTIONING BY THE PRESIDENT:

5 Good afternoon Mr. Witness.

6 Q. What is your name?

7 MR. VAN SOEUN:

8 A. My name is Van Soeun.

9 Q. Is your name Van Soeun? Isn't it? What about Soan? Are you
10 also known by Soan?

11 [13.41.25]

12 A. Soan is also my name.

13 Q. What is your official name?

14 A. I am known officially as Van Soeun.

15 Q. So your -- Soan is your alias. Is that correct?

16 A. Yes.

17 Q. Mr. Soeun, Mr. Van Soeun, what is your date of birth?

18 [13.42.08]

19 A. I was born in 1959.

20 Q. Where were you born?

21 A. I was born in Chreae, Leay Bour, Tram Kak, Takeo province.

22 Q. What is your current address?

23 A. I live in the same location at Chreae, Leay Bour, Tram Kak,
24 Takeo province.

25 Q. What is your current occupation?

4

1 A. I am a rice farmer.

2 Q. What is your father's name and also your mother's name?

3 [13.43.02]

4 A. My father is Mao Sen and my mother is Nam Phat.

5 Q. What is your wife's name and how many children do you have
6 together?

7 A. My wife is Mam Yi. We have eight children together.

8 Q. Thank you Mr. Van Soeun. As already reported by the Greffier,
9 to your best knowledge, you do not have any relative or any of
10 your in-laws admitted as a civil party in this case. Is that
11 correct?

12 A. Yes.

13 Q. And the Greffier also reported that you already took an oath.
14 Is that correct?

15 [13.44.15]

16 A. Yes.

17 BY THE PRESIDENT:

18 Mr. Van Soeun, the Chamber would like to inform you now, of your
19 rights and obligations as a witness. As a witness in the
20 proceedings before the Chamber, you may refuse to respond to any
21 question or to make any comment which may incriminate you. That
22 is your right against self-incrimination. This means that you may
23 refuse to provide your response or make any comments that could
24 lead you to being prosecuted. And now on your obligations, as a
25 witness in the proceedings before the Chamber, you must respond

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1 to any questions by the Bench or relevant Parties, except where
2 your response or comments to those questions may incriminate you,
3 as the Chamber has just informed you of your right as a witness.
4 [13.45.22]

5 You must tell the truth that you have known, heard, seen,
6 remembered, experienced, or observed directly, about an event or
7 occurrence relevant to the questions that the bench or Parties
8 pose to you.

9 Q. And Mr. Van Soeun, have you been interviewed by the
10 investigators of the Office of the Co-Investigating Judges in the
11 last few years? If so, how many times have you been interviewed
12 and where have you been interviewed?

13 [13.46.00]

14 MR. VAN SOEUN:

15 A. I have been interviewed twice. One was at my home and the
16 second time was at this Court premises.

17 Q. Thank you. And before you appear before the Chamber, have you
18 seen or reviewed your previous statements that you made with the
19 OCIJ investigators in order to refresh your memory?

20 A. The first statement was made in 2007 and I forget some parts
21 of the statements that I made at the time.

22 Q. Have you reviewed them?

23 A. Yes, I have.

24 Q. To your best knowledge and recollection, can you tell the
25 Chamber whether the written record of your statement that you

6

1 reviewed to refresh your memory are consistent with your
2 statements that you provided to the investigators at the time of
3 your interviews?

4 A. Yes.

5 [13.47.28]

6 Q. And Mr. Van Soeun, you have requested a duty counsel for your
7 -- for the period of your testimony and the Chamber has assigned
8 a duty counsel to you. And you also have been informed of your
9 rights and obligations as a witness, in particular on the point
10 of the rights against self-incrimination. Mr. Witness, have you
11 discussed -- have you made any discussion with your duty counsel?

12 A. Yes.

13 [13.48.23]

14 BY THE PRESIDENT:

15 Thank you. And duty counsel, can you inform the Chamber of your
16 name, your ID and your current office?

17 MS. MAM RITHEA:

18 Good afternoon Mr. President, Your Honours. My name is Mam
19 Rithea. My ID is 619 and our office is at 150a, Street 150,
20 Boeung Prolit quarter, Phnom Penh.

21 MR. PRESIDENT:

22 Thank you. And pursuant to Rule 91bis of the ECCC Internal Rules,
23 the Chamber will hand the floor to the Co-Prosecutors first, to
24 put questions to this witness. And the Chamber would like to
25 remind the Co-Prosecutors and the Lead Co-Lawyers for Civil

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1 Parties that the combined time for you is one full day plus one
2 session. And you may have the floor now.

3 [13.49.59]

4 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

5 Thank you Mr. President, and good afternoon to Your Honours and
6 to the Parties. Witness, my name is Vincent de Wilde and I'm
7 going to put questions to you on behalf of the OCP this afternoon
8 as well as tomorrow morning. I would like to ask you that -- to
9 tell me if you don't understand a question and then I will repeat
10 it. If you are unable to answer, do not invent an answer. Simply
11 say I do not know. I'm going to start with a few questions
12 regarding your past and what you did before 17 April 1975.

13 Between 1970 and 1974, you were between ages 11 and 15, so what
14 did you do during that period, between '70 and 1974, and where?

15 [13.51.10]

16 MR. VAN SOEUN:

17 A. From 1970 to 1974 I lived with my parents. From late 1974 to
18 1975, I was conscripted into Leay Bour commune militia in Takeo
19 province. Later on, I was sent to Tram Kak district to be part of
20 its force.

21 Q. Thank you. You kind of jumped a little bit with relation to
22 what I was going to ask you. I'll just ask you now to answer the
23 questions I'm going to put to you. So between 1970 and 1975, in
24 which district and in which region was Leay Bour commune?

25 A. Leay Bour commune was located in Tram Kak district, in Takeo

1 province.

2 Q. Was the Tram Kak district numbered, as well as the region? And
3 if so is the case, which number?

4 A. Tram Kak district was also known as District 105 in Sector 13.

5 Q. Thank you. You said that you were conscripted at the end of
6 1974. Did you -- were you conscripted by force or did you
7 volunteer?

8 A. Actually, I was requested to carry the wounded and after that
9 they arrested me to join the force. I then escaped and later on I
10 was re-arrested and brought back into the force.

11 [13.53.38]

12 Q. You said to the investigators -- this is document E319.1.33 at
13 answer 4 -- and I quote, [Free translation]: "I was forced to
14 join the Khmer Rouge army. At the beginning I had to evacuate the
15 injured during the Lon Nol war, and then I was enrolled into the
16 Leay Bour communal militia." And at answer 5: "I had to work at a
17 district army. I was in the Tram Kak district army." End of
18 quote. Can you clarify if you first joined the Leay Bour communal
19 militia, and then the district army, or it was the same thing,
20 but then you were detached to Leay Bour?

21 A. Initially, they recruited me as a militiaman in Leay Bour
22 commune. And later on, they elevated me to the district level.

23 Q. So, if I understood well, you never belonged to a division? Is
24 that correct?

25 A. Yes.

9

1 [13.55.06]

2 Q. Now, I will turn to the period between 17 April 1975, and your
3 assignment to Krang Ta Chan. I'm going to read another excerpt of
4 your last statement. Mr. President, it might be easier for me to
5 give to the witness the two statements he gave to the OCIJ, so
6 that he can follow my questions more easily.

7 MR. PRESIDENT:

8 Yes, you may do so.

9 [13.55.53]

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. So, in the second statement before the investigators -- that's
12 E319.1.33 -- and I will read question and answer 8. Question 8,
13 [Free translation]: "What else did you have to do in 1975?"
14 Answer 8: "In 1975, I was stationed in the provincial town of
15 Takeo." Then, answer 9: "I served in the army during a time when
16 fighting was very intense, but the Khmer Rouge had not yet
17 captured Phnom Penh. I was no longer assigned to carry the
18 wounded. In early 1975, after the Khmer Rouge came to power, I
19 was still stationed in Tram Kak district as a soldier." End of
20 quote. Can you tell us where the provincial seat was of Takeo
21 province? And who were the heads of the province in 1975, before
22 the capture of Phnom Penh?

23 [13.57.18]

24 MR. VAN SOEUN:

25 A. I did not know who was in charge at that time, or who was the

10

1 chief of the sector or the province.

2 Q. And where was the office of the provincial seat of Takeo
3 located, before Takeo was captured?

4 A. Takeo provincial town was located in Traeng, which is now
5 known as Doun Keo.

6 Q. Was this provincial seat far from Tram Kak district?

7 A. It -- the border demarcation is along the rail line, or the
8 railway line, in Chambak.

9 Q. At answer 10 in the same document, you said the following. The
10 question was, "What did you have to do when you were posted to
11 Tram Kak district?" Answer 10: "They had me carry letters." End
12 of quote. So, for me, it wasn't quite clear. I didn't understand
13 quite if you were already working as a messenger at the
14 provincial seat of Takeo province, or at Tram Kak district, or
15 you only became a messenger once you arrived in Krang Ta Chan.
16 So, can you kind of clarify this a little bit?

17 A. Previously I was a messenger for the district, and later on,
18 when I was sent to Krang Ta Chan office, I was also assigned the
19 role of a messenger.

20 Q. When you were a district messenger, whose messages did you
21 deliver? To whom, and at what locations?

22 [14.00.03]

23 A. I received messages from the Krang Ta Chan office chief, to
24 the messenger at the Tram Kak district office.

25 Q. I believe you are talking of the period when you were at Krang

11

1 Ta Chan? You received messages and you delivered them in the
2 districts. I am talking of the period before you went to Krang Ta
3 Chan, when you were a district messenger. At the time you were at
4 the headquarters of Takeo province, and then you went to Tram Kak
5 district. To whom did you deliver those messages?

6 A. Let me go back a little bit. Initially I was at the district
7 unit, and I was subsequently sent to Krang Ta Chan office and I
8 was still a district office messenger. And also when I was
9 stationed at the Krang Ta Chan office, I was also a messenger for
10 that office.

11 [14.01.33]

12 Q. Very well. Who was the head of Tram Kak district in April
13 1975, or shortly after April 1975?

14 A. The chief of district of Tram Kak was Ta Chim. After that, Ta
15 Chim was transferred to Kampong Cham province in rubber
16 plantation, and Ta San was the new district committee.

17 Q. When did Ta Chim become chief of district? And when did he
18 leave Tram Kak district?

19 A. Ta Chhen (phonetic) left Tram Kak between 1976 or 1977,
20 because when there was the replacement, I was not informed of
21 that.

22 Q. You told the OCIJ investigators that Khom, K-h-o-m, was
23 district chief, and in your record, E318.1.3, you said in answers
24 146 to 154, that the daughter of Ta Mok, called Khom, had chaired
25 a meeting at Wat Angk Roka, where she told monks to defrock. Do

12

1 you remember talking about that meeting at Angk Roka, the Wat
2 Angk Roka?

3 A. Yes, I recall it. The meeting took place after Ta Chim was
4 moved, and Ta Khom was then the chief of the district committee,
5 so I forget mentioning this point.

6 [14.04.10]

7 Q. Thank you. Perhaps I will refresh your memory by reading your
8 answer in record E319.1.33, particularly regarding the date.

9 Answer 146: "I saw Buddhist monks defrocked. I saw defrocking at
10 Wat Angk Roka pagoda, in Tram Kak district, perhaps in late
11 1975."

12 Answer 148: "The Khmer Rouge organized a meeting and the
13 defrocking was carried out. About 30 to 40 Buddhist monks were
14 defrocked."

15 Question: "Who led the meeting?"

16 Answer 149: "Ta Mok's daughter, who was a district governor, led
17 the meeting."

18 Answer 150: "Her name was Khom. She was the first female district
19 governor, and the predecessor of Chim. Khom was the wife of Ta
20 Muth, chairman of Division 2."

21 Question: "How did you learn about the defrocking of the Buddhist
22 monks?"

23 Answer 151: "I was once told to bring a letter to them, and I saw
24 them defrocking Buddhist monks."

25 Answer 152: "They said there was no need to have Buddhist monks,

13

1 and they prepared one set of clothes for each of them. They did
2 not defrock them in accordance with religious doctrine."

3 Question: "Did any of them refuse --", sorry, "Did Ta Mok's
4 daughter speak to the monks at the meeting?"

5 Answer 154: "Yes, she was a speaker." End of quote.

6 In that extract, you clearly stated that Khom was the first
7 female district chief of Tram Kak, and she was chief before Ta
8 Chim. Does that refresh your memory?

9 [14.06.35]

10 A. Yes, that is correct.

11 Q. When you passed through Angk Roka pagoda, around 1975, and you
12 saw what was happening in that pagoda, were you travelling during
13 that period, going to Angk Roka district office? Or can you tell
14 us when that meeting was held? Was it because you were just
15 passing through that region by chance, or because you were
16 actually invited to attend that meeting?

17 A. At that time, I heard people talking about this only.

18 Q. You said: "I had to deliver letters there, and I saw them
19 defrocking monks." Did you witness that meeting from a distance,
20 or you heard people talk about it?

21 A. I was the letter courier, and people were saying about monks
22 being defrocked. And I did not explore more about this. And I
23 heard only the fact that they said monks were defrocked.

24 [14.08.19]

25 Q. And you heard that it was Ta Mok's daughter, called Khom, who

14

1 had organized and chaired that meeting?

2 A. Yes.

3 Q. Since you were a messenger during that period, can you specify
4 whether you were already a messenger delivering messages from
5 Krang Ta Chan to Tram Kak district, or during that period, you
6 were already assigned to work at Tram Kak district?

7 A. Krang Ta Chan office was in Kus commune. I delivered the
8 letter to the Krang Ta Chan office.

9 Q. So, when you heard people talk about that meeting, the meeting
10 at which monks were asked to defrock, and you were still a
11 messenger at Tram Kak district, you had not yet been assigned to
12 work at Krang Ta Chan. You were not yet living in Krang Ta Chan.
13 Is that correct?

14 A. I would like to clarify as follows. Actually I was not a
15 messenger in the district. I was a messenger in Krang Ta Chan
16 security office.

17 [14.10.18]

18 Q. Very well. So, when you went to deliver the letters, you heard
19 people talk about the meeting at the Angk Roka pagoda. Was that
20 at the beginning of your assignment at Krang Ta Chan?

21 A. Yes.

22 Q. You told us that that meeting was held in late 1975. Would you
23 therefore agree that you worked at Krang Ta Chan from late 1975?

24 A. Yes.

25 Q. After Yeay Khom and Ta Chim, who were successively chiefs of

15

1 Tram Kak district?

2 A. It was Ta San and Yeah Boeun.

3 Q. Before Ta San, did any other persons act as district chiefs
4 during short periods of time, or you are not aware of that?

5 A. I was not aware of that.

6 Q. Did you deliver messages to persons called Ta Kheav,
7 K-H-E-A-V, Ta Kit, K-I-T, and Ta Chay, C-H-A-Y?

8 A. As for the name Ta Kheav, I did not know this person. But I
9 knew Ta Kit and Ta Chay. I delivered letters to these two people,
10 Ta Kit and Ta Chay.

11 Q. Very well. Were there any kinship ties between Ta Chim and Ta
12 Kit?

13 [14.13.14]

14 A. Actually Ta Kit and Ta Chim were blood brothers.

15 Q. You talked of Ta San and Yeay Boeun. I'll go back to Yeay
16 Boeun later, but regarding Ta San, can you tell us when he became
17 district chief?

18 A. I did not know clearly. I met Ta San in 1977.

19 [14.13.59]

20 Q. And when you met him in 1977, was he already district chief,
21 or he held other positions in the district or in another commune?

22 A. When I saw or met him, he was the chief of Tram Kak district.

23 Q. Do you know whether he had been commune chief? And if not,
24 from which commune did he hail?

25 A. I did not know.

16

1 Q. Had you always known him as Ta San or do you know his full
2 name?

3 A. I knew only the name Ta San. I did not know whether he had any
4 other full name.

5 Q. Do you know whether there were any family relations between Ta
6 San and Ta Mok?

7 A. I did not know.

8 [14.15.04]

9 Q. At the time when Ta San became district chief, where was his
10 office, and where was he residing?

11 A. Mostly he was at Leay Bour commune.

12 Q. And was his office maintained at Angk Roka?

13 A. Actually, his office was in Angk Roka.

14 Q. Now this is what you said, regarding Yeay Boeun in your record
15 of interview E319.1.33, and I will quote what you stated. It is
16 answer number 82: "I knew a woman named Boeun who was Tram Kak
17 district deputy in 1978. She was the deputy of San. I never
18 brought letters to Boeun."

19 Answer number 83, this is what you stated: "Everyone in Tram Kak
20 district knew Yeay Boeun." And you said in answer number 86 that
21 Yeay Boeun and An were cousins.

22 [14.17.17]

23 Question 87: "Could it be that Boeun lived or worked in Tram Kak
24 district in 1977?"

25 Answer: "Yes, that is correct, because at that time Yeay Boeun

17

1 was chief of Cheang Tong commune."

2 Question: "What years did Boeun act as chief of Cheang Tong
3 commune?"

4 Answer 88: "Perhaps in 1977 or 1978."

5 Question 104: "Did Boeun remain District Deputy under Ta San
6 until the end of the Khmer Rouge regime in 1979?"

7 And your answer was, "Yes, she remained so until the fall of the
8 Khmer Rouge regime."

9 [14.18.09]

10 At the time when Ta San was district chief, did you see Ta San
11 and Yeay Boeun often together at the Tram Kak office -- the Tam
12 Kak District Office?

13 A. I did not know about this.

14 Q. I have the impression that I only received a small part of
15 your answer. In 1975 -- Yeay Boeun, Ta Chim, Ta Khim (phonetic),
16 Ta Kit, Ta Chay or Ta San from District 105, visit and check
17 Krang Ta Chan Centre from what you were able to see while you
18 were there?

19 A. Actually these chief of the districts never went to visit
20 Krang Ta Chan security office. They believed in what the chief of
21 Krang Ta Chan office told them.

22 Q. Were there other persons from Tram Kak district, who came to
23 Krang Ta Chan regularly to work, to assist at the security
24 centre? I'm not talking of district chiefs but cadres at the
25 level of the district?

18

1 A. Ta Phy, actually, he was the district -- he was the cadre.

2 Q. I'll talk about him later. Were there other persons like Ta
3 Duch or Ta Khorn or Ta Ruos who also came?

4 A. I knew only Ta Duch. As for Ta Ruos and Ta Khorn, I did not
5 know these people.

6 Q. I'll read out to you what you said, regarding what you did
7 when you said you left the headquarters of Takeo Province. It is
8 the first record of interview D40/13, the very first answer on
9 page 00490906; in English it is 00223208; and in Khmer it is
10 00165352. And this is what you stated.

11 "After 17 April 1975, at first I was in the district military
12 force. Next they transferred me to be based at Phnum -- Phnum
13 Damrei Romiel in Trapeang Lean village, Kus sub-district, Tram
14 Kak district. Then they had me go to be based at Trapeang Pou
15 village, Cheang Tong sub-district. Next they had me go to the
16 Krang Ta Chan Office."

17 And in your record of interview E319.1.33 in answer to question
18 27, which was, "What did you have to do when you were at Damrei
19 Romiel Mountain?" and your answer was, "I was on guard at the
20 foot of the mountain waiting to capture the enemy, but there were
21 no enemies at the time." End of quote.

22 On that mountain called of Phnom Damrei Romiel in Trapeang Lean
23 village, Kus commune, in Tram Kak in 1975, you said that your
24 role was to guard the foot of the mountain and to track down the
25 enemy. Do you know what enemy you were talking of at that time?

1 [14.23.27]

2 A. Anyone escape from cooperative or from their local areas, they
3 were accused of being enemies.

4 Q. Were there many people trying to leave the cooperatives during
5 that period?

6 A. At that time no one was trying to leave their cooperatives.

7 Q. Did they tell you what you ought to do in the event of the
8 arrest of enemies?

9 A. I was told to capture those people, and I was not asked to do
10 anything on these people.

11 [14.24.29]

12 Q. During that period, did they tell you of a person called Prum
13 San that you had to capture?

14 A. Yes.

15 Q. And who was that person called Prum San?

16 A. I currently know that Prum San betray the revolution at that
17 time, and now he is the chief of the commune and it was such that
18 Prum San betrayed the revolution and he escaped into the forest.

19 [14.25.44]

20 Q. When you were up Mountain Damrei Romiel and was subsequently
21 transferred to Trapeang Pou village, were the guards of your
22 group Krang Ta Chan called Saing and Sim already with you during
23 that period?

24 A. Yes. They were in my group.

25 Q. What did you do in Trapeang Pou village, Cheang Tong commune

20

1 when you are assigned there? Did you stay there for long? And
2 what did you do there?

3 A. I was told that then I was to station in Trapeang Pou village,
4 Cheang Tong commune to capture CIA agent. After I was there for a
5 few months, I did not see any CIA agents.

6 [14.27.11]

7 Q. I would like to read out to you an extract from the record of
8 your interview regarding Sim, a former guard at Krang Ta Chan.
9 Was that person called Sim from the same village as yourself,
10 Chreae village in Leay Buor commune?

11 A. Yes.

12 Q. That statement is the record of the interview, D40/20, in
13 Khmer it is 00165329; in English it is 00433569; and in French it
14 is 00524317. And this is what that person called Sim stated, and
15 I quote, "After the fall of Phnom Penh in 1975, I worked as a
16 soldier in Takeo, and then I was transferred to Damrei Romiel."
17 And then he says that it is in 1976, during the harvest season
18 that he was again transferred to Krang Ta Chan Centre, and this
19 is what he states. "On the day I arrived, that is at Krang Ta
20 Chan, I was ordered to go to Trapeang Pou village for three days
21 and three nights to wait to arrest a Lon Nol captain whom they
22 said would be coming to make contact there. No arrest was made at
23 that time."

24 Do you recall having to do that at Trapeang Pou village?

25 A. Yes. I recall that.

1 [14.29.25]

2 Q. Sim says that in fact, he was obliged to leave Krang Ta Chan
3 to go to Trapeang Pou village in order to carry out this arrest
4 that did not happen. Did it happen often, or from time to time
5 that Krang Ta Chan guards would be sent outside of the security
6 centre in order to arrest people or to transfer prisoners?

7 A. No, I was not aware of that. I was rather young at that time,
8 and I was not assigned to do that job.

9 Q. But you did go to the village of Trapeang Pou. Who told you to
10 go to that village?

11 A. It was Ta An.

12 [14.30.49]

13 Q. In the same written record of interviews, Sim says, and on the
14 same page, that after having returned from Trapeang Pou and I
15 quote, "After my return I was in charge of supervising the
16 prisoners," [Free translation], "and then I was ordered to go to
17 Yeay Khim's house to receive the people they were bringing in."
18 End of quote.

19 And finally, he could not find Yeay Khim's house. So were you
20 with him when he went to look for Yeay Khim's house, K-h-i-m?

21 A. No, I did not.

22 Q. Then earlier you said that you were assigned to the security
23 centre of Krang Ta Chan in 1975. What did you know about Krang Ta
24 Chan before you were told to go there? Had you ever heard what
25 the purpose of the centre was?

22

1 A. Before I was sent there - that is, to the security office, I
2 knew it was known as a security office.

3 Q. And did you know what the security centre was meant for under
4 the Khmer Rouge regime? Did you know that prisoners were being
5 detained there that some were being interrogated and that some
6 would be executed?

7 A. Initially, I was not aware of that, and only about a fortnight
8 after I was there then my movement was very restricted.

9 [14.32.58]

10 Q. And you said that you had been assigned there and you
11 mentioned the name. The head of a 50 member unit, district unit,
12 by the name of Phin, who said that you were assigned to Krang Ta
13 Chan. This is in your record D40/23. It's answer 4. This Phin,
14 head of the district unit 50, did he tell you who decided to
15 assign you to Krang Ta Chan?

16 A. At that time I did not know who.

17 [14.33.36]

18 Q. I would now like to read out another excerpt of your written
19 record of interview -- that is, D40/23, at Khmer page 00165353 to
20 54; French 00490908; English 002232010. And I quote, "In the
21 Krang Ta Chan office, how many people worked there like you?"

22 Your answer: "There were six in the guard unit."

23 Question: "What were the names of those six?"

24 "Duch, Sim, Saing, Touch, Uok," -- that is, U-O-K, "and myself."

25 So we already spoke about you, and about Sim and about Saing. And

1 you said that they had same background as you. That they had gone
2 to the district and then to the Damrei Romiel Mountain to
3 Trapeang Pou village. Was it the same for Duch, Touch, and Uok?
4 Did they have the same history as you and did they arrive at
5 Krang Ta Chan at the same time as you?

6 A. Yes.

7 Q. And as a security guard, what were the first tasks that were
8 given to you at the Krang Ta Chan security centre?

9 A. My main task was to guard the office day and night, and also
10 during the day - the daytime, I had to be a messenger.

11 Q. And when you were assigned to Krang Ta Chan, on site was there
12 already a young prisoner by the name of Sen (phonetic) who was
13 working at the centre and who was tending the cows and who was
14 harvesting or who would dig pits. Does that ring a bell to you?
15 Does Sen (phonetic) remind you of anything?

16 A. Yes. I knew him. When I went there, he was there.

17 [14.36.58]

18 Q. I'm going to quote what you said. Well, in fact, you mentioned
19 his name at -- in the written record, D40/23, in Khmer 00165357;
20 in French 00490912; English 00223212.

21 Question: "Among the prisoners who were brought to the centre,
22 were some released?"

23 Your answer: "Only the female prisoners with their children were
24 released, in particular, the family of Yeay Nhor," N-H-O-R, "And
25 most of the prisoners died because they were ill or because they

24

1 were executed. Very few prisoners survived. That is to say, Sen,
2 who was one of them, who lives next to Angkor Leay pagoda." End
3 of quote.

4 And here you spoke about Yeay Nha's family, at answers 90 to 92,
5 at E319.1.3. So those are answers 90 to 92, you spoke about
6 certain members of Yeay Nhor's family, or Yeay Nha, who were
7 detained but who survived Krang Ta Chan. And you also said in
8 your written record of interview, which I just quoted from, that
9 prisoners died because they had been beaten during the
10 interrogations and you also spoke about Yeay Nha's husband as
11 well as the spouse of a -- spouse of a surname Rat (phonetic) was
12 one of Yeay Nha's daughters. Can you tell us when you arrived at
13 Krang Ta Chan, were the members of this family, the family of
14 Yeay Nha, were they already on site, or did they arrive after you
15 had been assigned to Krang Ta Chan?

16 A. As for Yeay Nha family they were there on site by the time I
17 arrived.

18 [14.39.39]

19 Q. However in your written record of interview -- that is,
20 E319.1.33 at answer 90 you said, following a question, which was
21 the following:

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

23 And you answered, "Initially in 1977, they arrested members of
24 two families in Srae Kruo village, including wives and children.

25 But later in 1979 they released the wives and their children back

25

1 into the village. I was the one who led the wives and children
2 back to the village." Question: "Do you remember their names?"
3 [14.40.28]

4 Answer 91: "The members of the first family were Kun, the husband
5 of Yeay Nha and their children, Kha," that is K-H-A, "Rat
6 (phonetic), and another one whom I cannot recall. Kun was
7 detained at Krang Ta Chan prison. The members of the second
8 family were Rat (phonetic), the daughter of Kun and Yeay Nha, who
9 was married to Boeun, a detainee at Krang Ta Chan prison." And
10 here you placed their arrest in 1977, you told us that you had
11 been in Krang Ta Chan since 1975, so do these dates refresh your
12 memory? And in light of what you said, did you see these people
13 on -- arrive or can you say that they were already there?

14 A. They had -- in fact, I was there before they were arrested.
15 [14.41.39]

16 MR. DE WILDE:

17 Fine. Mr. President, maybe it's time to take a break. Thank you.

18 MR. PRESIDENT:

19 Thank you. It is now convenient to have a break, and we will take
20 a break now and resume at 3 o'clock.

21 And court officer, please seize the Witness and the duty counsel
22 during the break and have them returned to the courtroom at 3
23 o'clock before the hearing resumes.

24 The Court is now in recess.

25 (Court recesses from 1442H to 1502H)

26

1 MR. PRESIDENT:

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

3 Before giving the floor to the Co-Prosecutor, I would like to
4 verify the time allotted to Parties. Co-Prosecutor together with
5 the Civil Party will have one day to put question to this
6 witness. Earlier, I said you should have one full day and one
7 session, but actually Co-Prosecutor together with Civil Party,
8 you will have only one day to put question to the -- this
9 witness. You may now proceed, Co-Prosecutor.

10 [15.03.28]

11 BY MR. DE WILDE D'ESTMAEL:

12 Thank you, Mr. President.

13 Q. Mr. Witness, we'll now go into another line of questioning. It
14 is the structure of staff organisation at the Krang Ta Chan
15 security centre. When you arrived there in 1975 -- that is, at
16 Krang Ta Chan security centre, did you stop receiving
17 instructions from your former unit leader Phin or the head of the
18 district military force?

19 MR. VAN SOEUN:

20 A. I did not receive the orders from him.

21 Q. Once you got to Krang Ta Chan, who gave instructions to all
22 staff at the centre? Who was in charge of discipline? And who
23 chaired meetings at the centre?

24 [15.04.49]

25 A. An and Penh.

1 Q. What were Ta An's functions and Penh's functions?

2 A. Ta An was the Party member.

3 Q. Was he the person who headed the Krang Ta Chan centre?

4 A. It was Ta An.

5 Q. And what were Ta Penh's functions in relation to Ta An?

6 A. Penh was the deputy.

7 Q. Now, concerning you, who ordered you to deliver letters and
8 therefore to be a messenger?

9 A. Ta An ordered me to be a messenger.

10 [15.06.19]

11 Q. And when you arrived on site with the five other guards, aside
12 from Ta An and Ta Chhen, who belonged to the committee at the
13 security centre?

14 A. There were only two individuals as I mentioned who were the
15 leaders of the security centre.

16 Q. And you also spoke about a so-named Cheng, C-H-E-N-G. In your
17 written record of interview D40/23, at Khmer ERN 00165353, French
18 00490907 to 08, English 00223209. And you said the following:

19 Question: "What was the name of the person who said that during
20 the meeting and who was he?" Answer: "He was a so-named An. He
21 was the leader of the Krang Ta Chan office but I forgot his last
22 name". [Free translation].

23 Next question, "With regards to the meeting to implement the
24 plan, aside from An who was the chief, were there any other
25 people?"

1 Answer: "Aside from An, there was a so-named Penh," P-E-N-H, "and
2 Cheng," C-H-E-N-G, "but I do not know their last names either."
3 Does the name Cheng remind you of a particular function at the
4 Krang Ta Chan centre or not?

5 [15.08.31]

6 A. I did not know Cheng's position or function. However I knew
7 that the six individuals were Party members.

8 Q. Very well. Do you remember the names of the six members of the
9 Party apart from An, Pehn and Cheng I have already referred to.
10 Who were the three others?

11 A. An, Pehn, Cheng, Chhieng, Choeun, and another person's name
12 also Chhieng there were two Chhieng. And Duch the chief of the
13 unit in the district.

14 Q. In the record of your interview, the same one was referred to
15 before, you also talked of a person called Moeun; does that name
16 remind you of any member of the Party?

17 A. Yes. Actually this person- I knew this person and I forgot
18 mentioning his name.

19 [15.10.18]

20 Q. How did you know that those six or seven persons were members
21 of the Party -- that is, the Communist Party of Kampuchea?

22 A. Actually there were two types of meetings.

23 Q. My question was whether those six persons told you they were
24 members of the Communist Party of Kampuchea, if not, how did you
25 know that they were members of the Party?

1 A. <Based on my observation,> there were two types of meeting at
2 that time. One type of meeting <was for security guards and the
3 other for> Party members.

4 Q. Very well. So there were six Party members when you arrived
5 with your group of six -- that is, the six security guards. Is it
6 correct to say that your unit consists of six security guards was
7 subordinate to the unit composed of six Party members?

8 A. Yes.

9 Q. As a subordinate, did you have to obey orders from members of
10 the Party, particularly the committee of the Krang Ta Chan
11 leadership or you had the choice not to do what you were asked to
12 do?

13 [15.12.37]

14 A. Actually six of us were the guards stationed outside of the
15 compound.

16 Q. My question was different. I wanted to find out whether as
17 subordinates to the unit of Party members, you were under a duty
18 to obey any instructions meted to you, for instance, carry out
19 certain tasks and to work as messengers.

20 A. Yes, we had to obey the order because the order came from the
21 superior.

22 Q. Do you know what would have happened during that period if you
23 did not abide by these disciplinary measures handed down to you
24 by the leadership of the Krang Ta Chan centre?

25 A. If we did not comply with the disciplines or the order, we

30

1 would be detained in the prison.

2 Q. Have there been any examples in the past of guards who didn't
3 comply with disciplinary measures who were detained at the Krang
4 Ta Chan security centre?

5 [15.14.27]

6 A. Yes.

7 Q. Can you give us the name or the names of persons who were
8 detained for that reason?

9 A. This person had the moral offence with a lady outside of the
10 compound and he was detained in the prison.

11 Q. You no longer remember that person's name? Or can you give us
12 the revolutionary name of that person?

13 A. His name was Soeung (phonetic).

14 Q. Does the name Dam mean anything to you?

15 A. Yes. Ta Dam and Soeung (phonetic) committed a moral
16 misconduct.

17 Q. I'll now talk about the detailed functions of the members of
18 the Party -- that is, the Party leadership. First as regards the
19 administration, were the members of the Party in charge of
20 administration, inter alia, keeping records, writing letters and
21 reports and keeping lists of prisoners?

22 [15.16.36]

23 A. I was not aware of this because I was young at that time.

24 Q. One of your colleagues, Sim, said in the record of his
25 interview D40/20 and the Khmer page is 00165330; in French, it is

1 00524319; and in English, it is 00433570. This is what Sim stated
2 and I quote: "There was a person called Duch. He was a chief in
3 charge of records and documents". A while ago, you mentioned a
4 name Duch who worked at the district. That person called Duch,
5 did he have any specific duties at Krang Ta Chan centre?

6 A. I saw him participate in the meeting every month. I did not
7 dare to look at his face.

8 Q. To be very specific, you referred to another Duch in your
9 guard unit and he was from a district. Did they distinguish them
10 by different names in order not to confuse both persons, or the
11 names of both persons during that period?

12 [15.18.36]

13 A. One Duch was from the district and one Duch was a guard. And
14 Duch who was working as a guard was assigned and asked to do the
15 typing.

16 Q. And the person who came from the district, did he also know
17 how to type or it was the other Duch who could type?

18 A. <Yes, they both knew how to type.>

19 Q. So if I understand you correctly, it was only the junior Duch
20 from your unit who knew how to type; is that correct?

21 A. <Only small Duch worked regularly at that time. Big Duch came
22 to work occasionally.>

23 Q. In a record of your interview, E319.1.33, in answer to
24 question number 56, which had to deal with letters -- that is,
25 letters you delivered at the (inaudible) district as a messenger.

32

1 These letters were reports on prisoners and confessions, right?
2 And your answer was, "Yes, that is correct". So your answer
3 appears to indicate that you nevertheless knew that the letters
4 you delivered had to do with reports. How did he know that the
5 mails you delivered dealt with reports, confessions and prisoner
6 list?

7 [15.21.01]

8 A. As for the letters, I had the letter and I delivered them to
9 their respective places and I did not dare to open and read the
10 letters. Otherwise I would be killed.

11 [15.21.25]

12 *Q. The second function I would like us to focus on, still with
13 regard to the six members of the Party, has to do with the duties
14 that those members carried out regarding the interrogation of
15 prisoners. I'll read out what you stated in the first record of
16 your interview D40/23; in Khmer, 00165354; in French, it is
17 00490908; and in English, 00223210. And I quote:

18 The question: "How many people work in the centre, the chiefs and
19 their subordinates?"

20 And your answer is: "Twelve, in all." Next question: "What were
21 their names?" Answer: "It was An, Penh, Cheng, Chhieng, Moeun,
22 Chhoeun, Duch, Saing, Sim, Uok, Touch, and the last was myself."

23 Next question: "At that centre, were people divided into sections
24 to carry out work?"

25 [15.22.55]

1 You answer: "Yes, the interrogation section and the guard
2 section."

3 Question: "Who was in charge of the interrogation section?"

4 Answer: "An, Cheng and Penh."

5 So you gave three names, An, Cheng and Penh, among the six Party
6 members. Did the other Party members also play any role during
7 the interrogations or did they not play any role?

8 [15.23.24]

9 A. They rotated in their work in this matter.

10 Q. So the six Party members took turns in interrogating the
11 prisoners. Is that correct?

12 A. Yes, that is correct.

13 Q. Now, during the interrogations, did the security guard unit
14 have any role to play? For instance, guarding the interrogation
15 venue or taking prisoners to the locations where they had to be
16 interrogated."

17 A. <Those six guards made the arrangements on their own.>

18 Q. I would like us to talk of the role of the leadership
19 committee of the Party, regarding the execution of prisoners. And
20 I'll read out two extracts from the record of your interview. The
21 first is D21/23; and in Khmer, it is 00165355; in French, it is
22 00490909; and in English, 00223211. And the question was as
23 follows: "As for those who were in charge of the execution of
24 prisoners, do you know where they came from?"

25 And your answer: "That section consisted of the six party

1 members."

2 Question: "What were the names of each of those six party
3 members?"

4 And your answer was: "An, Penh, Chhen, Chhieng, Moeun and
5 Chhoeun." End of quote

6 And in the second record of your interview, your answer is
7 somewhat different, and I'll read it out. And it is E319.1.33.

8 Question 193: "Was it only Khorn and Ruos," R-U-O-S, "who were
9 perpetrators of the killing, to your knowledge?"

10 Answer 193: "There were five Party members who were perpetrators
11 of the killing: Chhieng," C-H-H-I-E-N-G, "Penh," P-E-N-H,
12 "Moeun," M-O-E-U-N, "Ruos," R-U-O-S "and Khorn" K-H-O-R-N.
13 [15.27.05]

14 Question 196: "How do you know that Penh, Chhieng, Ruos, Khorn
15 and Moeun were the executioners?" Answer -- that is, 196:
16 "Because they were the only other people who worked at the
17 detention office."

18 And you end with this strange answer: "Did you ever hear people
19 say those five were the executioners?" Your answer was, "No."
20 [15.27.34]

21 So, I would like you to specify who were in charge of the
22 execution of prisoners. Was it the entire leadership, consisting
23 of the six Party members plus two persons, called Khorn and Ruos,
24 or they were specifically the individual persons that you
25 mentioned?

35

1 A. <Other than those I mentioned, I really did not know anyone
2 and> I <really> did not know Ruos and Khorn.

3 Q. Did you at any point in time during your assignment at Krang
4 Ta Chan, did some of your colleagues among the six security
5 guards receive orders from Ta An or Ta Penh to play any role in
6 the execution of prisoners?

7 A. I myself was not involved in the task, because it was said
8 that I was too young.

9 Q. Very well, I am not accusing you of anything. I know that you
10 were very young, but as regards the five other persons who were
11 members of your security guard unit, did some of them receive any
12 orders to take part in the execution of prisoners?

13 A. During that period, I was not aware of this matter, because I
14 was a messenger sending letters out to the outside areas, and I
15 did not know about this.

16 [15.29.48]

17 Q. You said that you were the youngest in the group and that you
18 were not asked to participate in the executions. Were there any
19 other kinds of tasks that were not given to you because of your
20 age, whether it be in terms of supervising the prisoners or any
21 other kinds of tasks linked to the security centre?

22 A. I was assigned to do the outside guard.

23 Q. I'm going to try to understand what your security guard unit
24 might have done, since they were under the authority of the Party
25 members. Did Ta An or the other members of the committee ask

1 members of your unit, that was therefore subordinate, to
2 supervise the prisoners who were working outside to make sure
3 that none would escape?

4 [15.31.19]

5 A. Yes.

6 Q. Were some members of your unit also asked to supervise
7 prisoners in the detention houses?

8 A. When they started -- from the day we started doing the guard
9 duty it was assigned to guard outside.

10 Q. I will get back to that tomorrow probably. Were the members of
11 your team requested to bring the new prisoners who arrived at
12 Krang Ta Chan outside -- was your unit asked to bring them to the
13 detention buildings so that these prisoners would be shackled?

14 A. No, they only did that work among themselves.

15 Q. Were certain members of your unit -- that is to say, the unit
16 that was under the Party, not speaking about you, speaking about
17 the other members, were they asked to bring prisoners to the
18 interrogation place and then to bring them back after the
19 interrogation?

20 A. We, the guards, were not used for that task.

21 Q. So, who then brought the prisoners to the interrogation place
22 and then who brought them back? Was it the members of the
23 leadership or the guards or other prisoners who were in charge of
24 doing so?

25 A. <It was the Party members who brought them and who took them

1 back.>

2 [15.34.13]

3 Q. So, to sum things up, if I understood well, with regard to the
4 administration, the interrogation and the execution of the
5 prisoners, this was only the leadership that took care of that
6 while the security guards did practically nothing. Is that
7 correct?

8 A. Yes.

9 Q. A few questions regarding people you associated to the Krang
10 Ta Chan centre in your written record of interview, and I'm going
11 to start with Duch and Phy. And this is what you said in your
12 first record D40/23. It's the very last question, and I don't
13 need therefore to mention the ERNs:

14 [15.35.16]

15 "While you worked at this office did you ever see any high-level
16 leader go to inspect there?"

17 Your answer: "Only Phy and Duch who worked at Tram Kak district.
18 They often rode motorcycles and vehicles there." End of quote.
19 And you confirmed earlier that these two people indeed would go
20 to the security centre and you said that Duch was head of the
21 youth at the district level. Was the Duch staying on site at
22 Krang Ta Chan, I'm speaking about the Big Duch, or did he only
23 come periodically?

24 A. The Big Duch only came from time to time.

25 Q. Your colleague, Little Duch, therefore, at the hearing and in

1 his written record of interview D32/93, answer 4 said: "I
2 remember that the Krang Ta Chan prison chief was called An and
3 his underling was Duch." End of quote. [Free translation]. Do you
4 disagree with Little Duch regarding Big Duch's role as Ta An's
5 deputy at Krang Ta Chan?

6 A. I did not know the details in this matter.

7 Q. As far as you know, and based on what you noted there, why did
8 Big Duch come to Krang Ta Chan? Was it to supervise the
9 prisoners, to observe, to carry out investigations, or to manage
10 the administrative aspects of the centre or any other reasons?
11 Can you tell us why he would come to Krang Ta Chan?

12 A. I did not know the details of his visits.

13 [15.38.02]

14 Q. Did you ever see Big Duch come to Krang Ta Chan until the end
15 of 1978 or the beginning of 1979?

16 A. Sometimes he came <a few times a month. Yes in 1978, he came
17 more frequently.>

18 Q. So, you suggest that he would come until the very end of the
19 security centre?

20 [15.38.53]

21 A. I did not know the details of his visits. However, during
22 1978, he came more frequently, and sometimes he stayed overnight
23 or sometimes he stayed for two nights.

24 Q. I'm going to read an excerpt -- not right away, in fact. Well,
25 I can tell you that on the case file, there is a written record

1 of interview of Big Duch E46/27; at page 00163992, in Khmer; in
2 French 00651258 in French; and English 00223475; Big Duch says
3 that he went to assess the situation --

4 MR. KOPPE:

5 Mr. President, thank you. I'm not sure if it has been established
6 yet that the witness the prosecution is referring to, who is, as
7 we know, dead, is in fact the same person as Big Duch. So, unless
8 the prosecution can convince me otherwise, I think I should
9 object to this question.

10 [15.40.26]

11 BY MR. DE WILDE D'ESTMAEL:

12 It's going to be hard to establish this specifically with the
13 witness here.

14 Q. So does the name Iep Duch mean anything to you in relation to
15 Big Duch? Are these the same people or are they two different
16 people?

17 MR. VAN SOEUN:

18 A. There were two Duchs at Krang Ta Chan. One was Big Duch and
19 another one was a Small Duch. And one was Duch alias Sarat
20 (phonetic) and another one, I only knew him by his name, Duch.

21 [15.41.19]

22 Q. I would like to ask you Witness, if you saw personally actors
23 Kim Nova and Nop Nem at Krang Ta Chan or if you've ever heard
24 about them?

25 A. No, I did not.

40

1 Q. Another question pertains to Ta Phy, and you said earlier on
2 that when coming from - when you came from Tram Kak district, he
3 went to Krang Ta Chan security centre, so what do you believe
4 were Ta Phy's duties at Krang Ta Chan? What district - what was
5 his position at the district level?

6 A. Ta Phy, the handicapped. I did not know about his actual role
7 or position but he was overall in charge of Krang Ta Chan office.

8 Q. Did he maybe have any kind of duties in terms of security or
9 are you not sure?

10 A. I was not sure at all.

11 Q. Earlier on, I quoted to you excerpts from your written records
12 of interview. You spoke about an old man Khorn and Ta Ros or
13 Ruos, R-O-S, who would execute people. And you told us that you
14 never heard about these people. Can you confirm this? Can you
15 confirm that these people did not come to Krang Ta Chan to
16 execute people?

17 A. I did not know Ta Khorn and Ta Ruos. I don't know if they came
18 at night time but during the day time I did not see them.

19 [15.44.09]

20 Q. So you're telling us that nobody would come from the district
21 to assist in the execution of prisoners and therefore it is only
22 the six members of the Party who would take care of this at Krang
23 Ta Chan.

24 A. Yes.

25 Q. Now I would like to turn to your role as a Messenger at Krang

41

1 Ta Chan centre working with the district. Were you the only one
2 at Krang Ta Chan to travel to the district to deliver envelopes
3 from the Krang Ta Chan centre or were there other people doing
4 the same?

5 A. There were two of us. One was Moeun, a Party member and I,
6 myself.

7 [15.45.18]

8 Q. Would Moeun travel to the district by bicycle to the district
9 office in Angk Roka?

10 A. At that time bicycles were the only means of transportation.

11 Q. Aside from you and Moeun, do you know if the Party cadres
12 working at the district level such as Big Duch or Ta Phy would
13 bring letters with them when they would come to Krang Ta Chan.
14 Did you see them deliver letters to Ta An when they arrived?

15 A. I did not stay inside the compound so I did not see what
16 happened.

17 [15.46.29]

18 Q. Did ever happen that it was Ta An, Ta Duch or Ta Penh or
19 Chhieng who would give you letters directly to deliver to the
20 district?

21 A. Sometimes when they visit to their families, they would bring
22 the letters or sometimes they handed me the letters when they
23 went outside to where I stood guard.

24 Q. And when you would deliver the messages, given to you by the
25 leadership, would you give them directly to the district seat at

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1 Angk Roka? And you would hand them to the District Chief directly
2 or did you deliver them to, what you described as the office of
3 commerce at Angk Roka?

4 A. It happens sometimes every day sometimes every three days. I
5 did not deliver the message or the letter directly to the
6 district chief but instead I handed it to the messenger -- his
7 messenger.

8 Q. Was the commerce office at Ang Roka in the same building as
9 the District Seat at Tram Kak or were -- was there any kind of
10 distances between both offices?

11 A. I was not really familiar with the district office but in fact
12 I went to the commerce office. I believe there were two locations
13 of the district office. One was at Leay Bour and other was at
14 Trapeang Thum.

15 [15.49.12]

16 Q. When we speak about Angk Roka, can you tell us where this
17 place was in relation to which Commune?

18 A. Angk Roka was located near the bridge near the -- where the
19 market is, it is in Trapeang Thum Khang Tboung commune.

20 Q. So was this place located at the west of Angk Ta Saom and if
21 so, how many kilometres away?

22 A. From Angk Ta Saom market to Angk Roka market, the distance is
23 about ten kilometres.

24 Q. Aside from the letters that you would deliver to the district,
25 did you deliver letters elsewhere, whether it be to certain

1 communes, or co-operatives or to other security centres located
2 in Tram Kak district?

3 A. No, I did not. I only couriered the letters between Krang Ta
4 Chan office and the commerce office.

5 [15.51.06]

6 Q. You mentioned in your written record of interview the Angk
7 Roka prison. I'll get back to that later but can you tell us if
8 the Angk Roka prison was far from the office of commerce in Ang
9 Rokar, therefore far from the market?

10 A. They made a location about 300 or 400 meters from the current
11 Angk Roka market where they housed the light offence prisoners.

12 Q. And was this prison close to the office of commerce or to the
13 district seat, how far was it about from these two other places?

14 A. The distance from the commerce office was only about 400 to
15 500 meters. As for the real office -- district office, I did not
16 know it's real location.

17 Q. And earlier you told us that if you had opened an envelope,
18 you would be executed. That's also what you said in your written
19 record of interview, E3/19.1.33, at answer 47. You said, "I would
20 never read because they warned me that if I dared open an
21 envelope, I would be executed." End of quote. [Free translation].

22 Who told you that if you would open an envelope, you would be
23 executed? Do you believe that it was a real threat or was it just
24 some kind of supposed threat?

25 A. At that time from my observation, it was not a just a mere

1 threat, if I were to open the letter or the envelope, I would be
2 executed.

3 [15.53.50]

4 Q. I am going to read to you another excerpt of the same written
5 record of interview, E3/19.1.33, therefore, question 34.

6 "Were the letters you carried in envelopes or stamped?"

7 Answer: "They were typewritten and placed in an envelope but they
8 were not stamped. They were only sealed in the envelope with
9 glue. Sometimes there was one letter and sometimes there were two
10 or three letters in one envelope."

11 Question: "How did you know that these letters were typed?"

12 Answer 37: "Because Krang Ta Chan security office had one
13 typewriter but I never read the letters, I only saw them typing
14 letters in the room and then place them in envelopes."

15 Question: "Who did the typing?"

16 Answer: "Initially the chairman wrote the letters by hand, then
17 handwritten draft was brought to the typist."

18 Question: "Did you see An write these letters?"

19 Answer: "Yes, I saw An write these letters in his office. I was
20 about six or seven meters away from his office but I was not
21 allowed to come close to where he was working."

22 Answer 45: "I never read any letters. Even when they made a
23 report, they did not let me look at it." End of quote.

24 [15.55.42]

25 Earlier on you suggested that you were only guarding outside and

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1 in this excerpt however, we understand that you saw letters being
2 typed, the letters that you had to deliver, that An would
3 handwrite these letters and then he would give them to the typist
4 and then you saw all of this personally. And you also speak about
5 letters and reports in fact. So can you give us details about
6 what you saw in this office when letters were handwritten by Ta
7 An and then typed? You said that it was Little Duch who typed
8 these letters. You were six or seven meters away, so what did you
9 see when you were there?

10 A. In that compound, we were not allowed to go near in particular
11 as I was a young boy. And I looked through the window and I saw
12 him writing the letters and that's what I stated in the
13 statement.

14 Q. Did Duch Sarat (phonetic) -- that is to say, Little Duch,
15 spend a lot of time typing in this office, in Ta An's office?

16 A. He used the typewriter every day mostly in the morning.

17 [15.57.34]

18 Q. So this means, how often in the morning or for how long, was
19 it for a few minutes or was it for the entire morning?

20 A. It varied and I was not there all the time so I cannot say for
21 certainty.

22 Q. In your written record of interview E3/19.1.33, at question
23 36:

24 Question: "Was there any handwriting on the envelope?"

25 You answered: "There was only the addressee, for example, to Ta

1 San. Mostly they were addressed to Ta San."

2 And did you also for a certain period of time before sending the
3 letters of Ta San, did you also deliver letters to Ta Chim, to Ta
4 Kit or to Ta Chay?

5 A. No, during that period I did not know about it.

6 [15.59.24]

7 Q. Was the name on the envelope typed or handwritten?

8 A. The envelopes were handwritten.

9 Q. And from what you were able to see when you looked in through
10 the window, was it Ta An writing or Little Duch?

11 A. It was Ta An who wrote on the envelopes.

12 Q. Can we say that you are familiar with Ta An's handwriting? Can
13 you recognise his handwriting?

14 A. At the present time no, I cannot recognise but back then I
15 could.

16 Q. Mr. President, I believe we can stop here because I would like
17 to show the witness some documents to refresh his memory.

18 MR. PRESIDENT:

19 Thank you the International Co-Prosecutor.

20 The Chamber adjourns the hearing now and resume tomorrow morning
21 -- that is, Wednesday the 4th March 2015, commencing from 9
22 o'clock. in the morning. And tomorrow the Chamber will continue
23 to hear the testimony of witness Van Soeun. This information is
24 for the concerned Parties and the general public.

25 Mr. Van Soeun, the hearing of your testimony as witness has not

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1 yet concluded. You are therefore invited to return to the Court
2 tomorrow and hearing will commence from 9 o'clock in the morning
3 and you may now return to your residence.

4 [16.01.52]

5 Court officer, in collaboration with WESU please arrange the
6 transportation of Mr. Van Soeun to his residence and arrange him
7 to return to the courtroom before 9 o'clock tomorrow.

8 The duty council, you are also invited to return tomorrow during
9 the testimony of this witness.

10 Security guards you are instructed to take the two Accused back
11 to the detention facility of the ECCC and return them to the
12 courtroom tomorrow morning before 9 o'clock.

13 The Court is now adjourned.

14 (Court adjourns at 1602H)

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