



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**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

19 February 2015

Trial Day 247

ឯកសារដើម

ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 20-Mar-2017, 11:23

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Claudia FENZ
Jean-Marc LAVERGNE
YOU Ottara
Martin KAROPKIN (Reserve)
THOU Mony (Reserve)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. KOPPE	English
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SREI THAN (2-TCW-944)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0909H)

3 MR. PRESIDENT:

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

5 Today the Trial Chamber is scheduled to hear the testimony of

6 2-TCW-944 until the conclusion of questioning from the

7 Co-Prosecutors.

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

9 and individuals to today's proceedings?

10 THE GREFFIER:

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

12 are present. As for Mr. Nuon Chea, he is present in the holding

13 cell downstairs as he requests to waive his direct presence in

14 the main courtroom. His waiver has been delivered to the

15 greffier.

16 The witness to testify today -- that is, 2-TCW-944 and his

17 counsel<, Duch Phary,> are present in the waiting room. Thank

18 you.

19 [09.11.04]

20 MR. PRESIDENT:

21 Thank you. The Chamber now decides on the request by Nuon Chea.

22 The Chamber has received a waiver from Nuon Chea dated 19 of

23 February 2015, in which he confirms that he has health issue --

24 that is, backache and dizziness and that cannot sit for long, and

25 in order to effectively participate in the future hearings, he

2

1 requests to waive his rights to participate in and be present at
2 the 19 February 2015.

3 Nuon Chea has been informed by his counsel about the consequence
4 of this waiver that in no way it can be construed as a waiver of
5 his right to be tried fairly or to challenge evidence presented
6 or admitted to this Court at any time during his trial. Having
7 seen the medical report of Nuon Chea by the duty doctor for the
8 Accused at Extraordinary Chambers in the Courts of Cambodia,
9 dated 19 February 2015, the doctor notes that the health
10 condition of Nuon Chea remains unchanged and that he has severe
11 backache, dizziness when he sits for long, and recommends that
12 the Chamber should allow him to follow the proceedings remotely
13 from a holding cell downstairs based on the above-mentioned
14 information and pursuant to Rule 81.5 of the ECCC Internal Rules,
15 the Chamber grants Nuon Chea's request to follow the proceedings
16 remotely from a holding cell downstairs via an audio visual means
17 for today's proceedings. And as he waives his direct present in
18 the courtroom, the AV unit is instructed to link the proceedings
19 to the holding cell downstairs so that he can follow it remotely.

20 [09.13.23]

21 Yesterday the Trial Chamber informed to the Parties that there is
22 a pending request for protective measures and adjourned until
23 today. The Chamber recalls that pursuant to Internet Rules 79.6,
24 the hearing should be conducted in public.

25 However, the Chamber may also hold in-camera hearing in order to

1 give effect to protective measures. The Chamber has been seized a
2 request for protective measure, and in order to discuss the
3 matter, will move into closed session in accordance with the
4 Internal Rules 29.

5 The audience in the general public auditorium is requested to
6 leave during this closed session, and court officer will be
7 notified when the Chamber decides to return to a public hearing.

8 And AV unit, you are instructed to disconnect the audio and
9 visual links to the auditorium, but leave the curtain drawn in
10 order to assist the interpreters in the booth.

11 (Court goes into closed session 0917H)

12 (Court resumes in public session 1030H)

13 MR. PRESIDENT:

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

15 Before we proceed to hear the testimony of this witness, we will
16 now issue our oral ruling on the request for the protective
17 measure made by the witness 2-TCW-944. The Chamber grants the
18 request for protective measures made by the witness 2-TCW-944,
19 which was made through WESU. Detailed information on the address
20 of the witness shall not be broadcasted to the public. The image
21 of the witness shall not be disclosed to the public. In order to
22 implement this protective measure, the image will be distorted
23 during the hearing of the testimony of this witness. A reasoned
24 decision will be issued in due course.

25 The AV unit is instructed to proceed with the facial distortion

1 of this witness during this hearing.

2 [10.32.55]

3 QUESTIONING BY THE PRESIDENT:

4 Mr. Witness, what is your name?

5 MR. SREI THAN:

6 A. My name is Srei Than.

7 Q. What is your date of birth?

8 A. I was born in 1957.

9 Q. What is your current occupation?

10 A. Currently, I am a rice farmer.

11 Q. What are your parent's names?

12 A. My parents -- my father is Tuy Ngil and my mother is Tuy Chim.

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

15 A. My wife's name is Long Von and we have five children.

16 Q. The Greffier, could you deliver document D125/129, to the
17 witness and ask the witness to confirm the highlighted portion of
18 this statement, whether it is true and correct.

19 Is the address mentioned in the document correct?

20 A. Yes, that is correct.

21 Q. Thank you, Mr. Witness. As reported by the Greffier, to your
22 best knowledge, you do not have any relatives or any family
23 members, ancestors or descendants, or your in-laws, who are
24 recognized by the -- as civil parties in this case. Is this
25 information correct?

1 A. Yes, it is.

2 Q. Have you taken an oath?

3 A. Yes, I have.

4 [10.35.55]

5 Q. You are now informed of your rights and obligations as a
6 witness before this Court. As a witness to the proceedings before
7 this Court, you may refuse to respond to any question or request
8 for your comments that would incriminate yourself. That is your
9 right against self-incrimination, meaning, it's because of your
10 response or comments that you may be led to prosecution. As for
11 the obligations as a witness to the proceedings before this
12 Court, you must respond to all the questions put to you by the
13 Bench or by any other Parties, except when your response to such
14 questions or your comments would incriminate you, as I mentioned
15 earlier regarding your right against self-incrimination. Also, as
16 a witness, you must tell the truth that you have known, have
17 heard, have remembered or have experienced or observed personally
18 any events that are related to the questions put to you by any of
19 the parties or the Bench.

20 Mr. Witness, do you understand your rights and obligations?

21 A. Yes, I do.

22 Q. Thank you. And, Mr. Witness, have you testified before or have
23 you been interviewed by the OCIJ? And if so, how many times and
24 where it happened?

25 [10.37.53]

6

1 A. To my recollection, I have testified on two or three separate
2 occasions, but I cannot recall the dates.

3 Q. And can you recall where you testified?

4 A. It happened at my home.

5 Q. Thank you. Before your appearance before the Chamber, have you
6 read or reviewed the written records of your previous interviews
7 that were conducted at your house, in order to refresh your
8 recollection?

9 A. Yes, I have.

10 Q. And, to your knowledge and recollection, can you inform the
11 Chamber whether the statements that you have reviewed reflect
12 your statements or whether they are consistent with your
13 statements that you made with the investigators at your house?

14 A. Yes.

15 [10.39.19]

16 Q. It seems that now you have a duty counsel assigned by WESU,
17 per your request. Have you taken any consultation with your duty
18 counsel?

19 A. Yes, I have consulted with my duty counsel.

20 Q. That is a good thing, that you have consulted with your duty
21 counsel, and of course, from time to time, you may seek
22 consultation with your duty counsel during your testimony if you
23 think the question may lead yourself to self-incrimination if you
24 respond or make comments to that question. The right to respond
25 to the questions is yours. However, you should refuse only to

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1 respond to the questions when you think that your response would
2 lead to self-incrimination. Secondly, in order to clarify the
3 matters, you are reminded that you must respond to all the
4 questions posed to you by the Parties or the Bench, and if you
5 don't know the response, or you don't know about the events that
6 you were asked, please say so, because when you say you don't
7 know, that is also a response. Are you clear on that, Mr.
8 Witness?

9 [10.41.14]

10 A. Yes. Yes, I understand it.

11 MR. PRESIDENT:

12 Pursuant to Rule 91bis of the Internal Rules, the Co-Prosecutors
13 are given the floor first, to put questions to this witness. You
14 may proceed.

15 QUESTIONING BY MR. LYSAK:

16 Thank you, Mr. President. Good morning, Mr. Witness. I'm going to
17 start with some questions relating to the period from 1973 to
18 1976, when you were a district soldier in Tram Kak District. And,
19 in your OCIJ interview D125/129, at the start, you indicate that
20 you became a Khmer Rouge soldier in late 1973 and that you fought
21 Lon Nol soldiers as part of Regiment 13.

22 Q. My first question for you is whether you were involved in the
23 combat with Lon Nol forces when Angk Ta Saom was captured by the
24 Khmer Rouge.

25 [10.43.09]

1 MR. SREI THAN:

2 In 1973, I was a district soldier and by late 1973, I moved into
3 the sector army under the so-called Khmer Rouge command and that
4 was in Regiment 21. I cannot recall which division it was under
5 at the time. <There was no division. There existed only
6 regiment.> And that what happened during 1973. And in 1975, when
7 the Khmer Rouge attacked Phnom Penh, I moved to Regiment 13, of
8 Division 210, rather, Division 3.

9 Q. Thank you. Before we get to April 1975, do you remember the --
10 anything in regards to the capture of Angk Ta Saom?

11 A. I cannot recall that.

12 Q. Now, in your first OCIJ statement D125/129, at Khmer ERN
13 00224788; English 00231673 through 74; and French 00234574
14 through 75; you stated that you were in Takeo provincial town, on
15 the 17th of April 1975, prepared for combat. That the provincial
16 town fell the following day -- that is, the 18th of April. And
17 you then described what you saw at the time, as follows, and I
18 quote: "I saw the Lon Nol soldiers raise white flags requesting
19 to surrender.[...] I saw" - continuing later -- "I saw fully armed
20 Khmer Rouge soldiers order the people to leave toward the west,
21 along National Highway 22 up until 5 p.m., when it became quiet."
22 End of quote.

23 My first question -- follow-up question is, what was done with
24 the Lon Nol soldiers who surrendered in the Takeo provincial
25 town?

1 [10.46.56]

2 A. The Lon Nol soldiers who were <leaving from> the Takeo
3 provincial town were sent to the cooperative in the Tram Kak
4 district.

5 Q. Were any of the Lon Nol soldiers or officials, in particular
6 high-ranking ones, arrested during that period?

7 A. I didn't know about that.

8 Q. Do you know a site that was called "Office 204", that was
9 located in Prey Kdouch in the northwest corner of Tram Kak
10 district?

11 A. No, I don't.

12 Q. I'm going to skip ahead in time for just a moment here, and
13 refer you to interview E319.1.25. Mr. President, perhaps, at this
14 time, for ease, could I provide a copy to the witness and his
15 counsel of all three of his OCIJ statements so that he has them,
16 if he wishes to refer, with your leave?

17 MR. PRESIDENT:

18 Yes, you can do so.

19 [10.49.25]

20 BY MR. LYSAK:

21 Q. Now, the statement I'm referring to, Mr. Witness, is in your
22 third statement, which is E319.1.25, at answer number 13, where
23 you stated, quote: "After leaving Krang Ta Chan, I was sent to
24 Prey Kdouch and then to many other places, but all within the
25 Southwest zone." End of quote. Can you tell us when you were sent

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1 to Prey Kdouch, were you assigned to an office, called Office
2 204? And if not, what was it that you were assigned to do in Prey
3 Kdouch?

4 MR. SREI THAN:

5 A. When I was transferred from Krang Ta Chan, I actually returned
6 to my former division, but I was not transferred to Prey Kdouch.
7 In fact, I was -- I returned to <> Regiment <13>, under Division
8 210.

9 Q. Are you saying then, that at no time did you work in the area
10 of Prey Kdouch? Or work near an office called Office 204?

11 A. I never worked there.

12 Q. I'm going to ask you some questions, further questions, about
13 the events immediately following 17 April 1975. We've heard
14 testimony in this trial from a witness, Kev Chandara. In his
15 testimony, OCIJ statement E3/5153, at English 00205090; Khmer
16 00172044; and French 00205095; this witness described how
17 evacuees were gathered at a pagoda called Wat Champa in Ta Phem
18 commune, after 17 April 1975. And he estimated, and I quote, "70%
19 of the incoming evacuees at the Wat Champa centre were killed at
20 Krang Ta Chan, Krabei Prey, Office 160 and Office 204." End of
21 quote. Can you tell us whether evacuees or New People in Tram Kak
22 district were gathered at Wat Champa, following the 17th of
23 April, 1975? And what happened to them?

24 [10.53.24]

25 A. <> The Khmer Rouge took control of Phnom Penh on 17 April, I

11

1 myself was not in Tram Kak district, so I did not know what
2 happened in that district.

3 Q. When did you return to Tram Kak district after the 17th of
4 April, 1975? When was it that you came back to Tram Kak?
5 [10.53.52]

6 A. I did not work <> in Tram Kak, because I <served as a soldier
7 and> always was attached to Regiment 13 of Division 210.

8 Q. Where was Regiment 13 based? Where did you work? Where were
9 you located when you were a soldier in Regiment 13?

10 A. We did not have any one particular base, as we were constantly
11 transferred to other locations.

12 Q. Are you able to give us any general description of where you
13 were normally located in the period after 17 April 1975, for the
14 remainder of that year and into 1976?

15 A. From 1975, that is probably a month after, I was transferred
16 to Phnum Noreay on Noreay Mountain <to break rocks>, and then
17 <moved> to Kaoh Andaet district in Kiri Vong, to engage in rice
18 farming there. There were various locations within that area that
19 I did rice farming, but I cannot recall <the exact places>.

20 Q. I'm going to now turn to the period that you worked at Krang
21 Ta Chan. But let me just follow up on your last question. Was
22 there any period, prior to the time that you were assigned to
23 Krang Ta Chan, where you were working in Tram Kak district, or
24 was the first time you were sent to Tram Kak district when you
25 received your assignment at Krang Ta Chan?

12

1 [10.56.44]

2 A. No, I did not.

3 Q. Okay. I first want to cover with you the time period that you
4 were at Krang Ta Chan. In your third OCIJ interview, E319.1.25,
5 at Answer 3, you were asked: "Question: When did you start
6 working in Krang Ta Chan?" And your response was, quote: "In 1976
7 or 1977." In your other statements, you had said it was 1977 when
8 you were assigned to Krang Ta Chan. But also in a statement,
9 D232/93 at Answer 3, you also indicated that there were six
10 others, or that you were part of a group of six that was sent to
11 Krang Ta Chan at the same time as you, a group that included a
12 person named Sim and a person named Son. Can you tell us, the
13 group of six that you were assigned to Krang Ta Chan with, were
14 you all from the same unit?

15 [10.58.20]

16 A. Amongst the six of us, we were assigned to guard at Krang Ta
17 Chan office.

18 Q. And my question is, prior to the time you were assigned to
19 Krang Ta Chan, were these other people part of the same unit as
20 you, prior to the time you came to Krang Ta Chan?

21 A. Yes, we were in the same unit.

22 Q. Mr. President, at this time I would like the witness to look
23 at two OCIJ statements, D40/20 and E319.1.33. These are
24 statements of two other witnesses who I will not name, and I
25 would ask the witness not to name. I want him to look at the

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1 initial pages of these statements, and tell us whether these two
2 persons were part of the group that went to Krang Ta Chan with
3 him. So, with your leave, if I can provide these statements, and
4 the witness and his counsel should understand we do not want him
5 to publically read the names of these people.

6 MR. PRESIDENT:

7 Yes, you can do that. And the <Court> officer, please deliver the
8 document from the Deputy International Co-Prosecutor for the
9 witness's examination.

10 BY MR. LYSAK:

11 Q. So it's clear, my question for you, Mr. Witness, is to -- on
12 the initial pages of these statements contain the names and
13 identifying information about these individuals. If you could
14 look at that information for both individuals, my question is
15 whether these two persons were part of the group that was sent to
16 Krang Ta Chan at the same time as you?

17 [11.01.12]

18 MR. SREI THAN:

19 A. Yes, Saing and Sim were from the same unit.

20 Q. Now, the first person in D40/20, referring to Khmer, page
21 00165329; English, 00433568; French, 00524317; that person
22 indicates that he was sent to Krang Ta Chan during the rice
23 harvest in 1976. The second person who you identified as being
24 assigned to Krang Ta Chan at the same time as you, and this is in
25 E319.1.33, at Answer 15, that person testified that he was

14

1 assigned to be a guard at Krang Ta Chan in October or November
2 1976. Does this refresh your recollection that it was late 1976,
3 and not 1977, when you were assigned to Krang Ta Chan?

4 [11.02.54]

5 A. In late 1976, I was transferred, but not to Krang Ta Chan
6 prison. It was to the Krang Ta Chan, but <to guard> at the outer
7 fence of Krang Ta Chan, which was about one kilometre from the
8 main compound itself.

9 Q. Thank you for clarifying that, Mr. Witness. In regards to the
10 function of Krang Ta Chan, you made the following statement in
11 interview D125/129, and the page references are: Khmer, 00224789;
12 English, 00231674; and French, 00234575. Where you said the
13 following, quote: "Krang Ta Chan was a re-education office. I
14 heard people, talking to one another, say that a re-education
15 office was a site to kill people, and that those people brought
16 into the site could not live, meaning that they all died." End of
17 quote. Can you tell us who it was that you heard describe what a
18 re-education office was?

19 A. I heard from villagers, saying that the security centre in
20 Tram Kak was the killing site<>.

21 Q. Can you tell us, during the time, the entire time, that you
22 worked at Krang Ta Chan, at the Krang Ta Chan re-education
23 centre, were there any teachers there?

24 A. There was no teacher.

25 Q. Now, you have described, and you made a reference to this,

15

1 you've described in your OCIJ interviews how you initially worked
2 as an outside or external guard at Krang Ta Chan, but later were
3 assigned to work inside the compound, and to help type documents
4 for the prison chairman. I want to first ask you some questions
5 about how prisoners arrived at Krang Ta Chan during the entire
6 time you were there. That is, the period both that you were
7 working outside the prison, and the period you were working
8 inside.

9 [11.06.28]

10 In your interview, D125/129, at Khmer, 00224789; English,
11 00231674; and French, 00234575; you describe how people who had
12 been arrested were, and I quote: "walked in with their arms tied
13 tightly behind their backs." End of quote. Can you first tell us
14 who it was that brought the arrested people to Krang Ta Chan with
15 their arms tied tightly behind their back?

16 [11.07.28]

17 A. When those people were sent in, I don't know who made the
18 arrests, but the commune chief -- the people from the commune and
19 from -- the commune, who sent those people in.

20 Q. Are you saying that it was commune militia who brought the
21 prisoners? My question is specifically about who the people were
22 who brought them to the outside of Krang Ta Chan.

23 A. They were not arrested by the commune militiamen. The
24 prisoners were <already> tied up and sent, but I don't know who
25 made the arrests of those prisoners.

16

1 Q. But let me clarify again. I'm not asking you who arrested
2 them. What I'm asking you is who were the people who brought them
3 to Krang Ta Chan? Who delivered the prisoners to the Krang Ta
4 Chan area?

5 [11.08.55]

6 A. Those who brought them in were the commune <militias>.

7 Q. Mr. Witness, a book that was written by an individual named
8 Meng Try Ea, that is in evidence in this case and I'm referring
9 to Document E3/2120 -- E3/2120. This book refers to interviews
10 that Meng Try Ea conducted in December 2000 and October 2001 of a
11 person who identifies as, and I quote, "Sok Chantha, aka Duch,
12 former Tram Kak re-education centre typist cadre." My question to
13 you is, do you remember being interviewed about Krang Ta Chan in
14 2000 or 2001 by a person named Meng Try Ea.

15 A. No. I don't remember.

16 [11.10.30]

17 Q. Have you ever used the name Sok Chantha as an alias?

18 A. No. I never used this name.

19 Q. Let me read to you a short excerpt to see if that refreshes
20 your recollection. In this book E3/2120 and the excerpt is at,
21 English 00416390. These excerpts have not been translated and the
22 translations have not been completed yet so I will just read them
23 into the record. We made requests for the translation. At this
24 page, the following statement is made and it's attributed to the
25 person who he interviewed that he identifies as a typist at Krang

17

1 Ta Chan with the alias Duch and to a guard named Saing.

2 "These former cadres recorded that its prisoner escorts rang a
3 bell that hung from a mango tree just west of the centre. Upon
4 hearing the bell, the cadres came out to meet the prisoners and
5 led them to cells inside." End of quote.

6 First, was there a bell outside the Krang Ta Chan compound that
7 was rung by the militia when they arrived with prisoners?

8 A. No. There was no bell.

9 [11.12.48]

10 Q. I'm now going to turn to some questions about the number of
11 prisoners detained at Krang Ta Chan. In your interview, D232/93,
12 at answers 19 through answer 20, you gave the following
13 testimony. "Question: While being sent were prisoners
14 blindfolded?"

15 "Answer: They were not blindfolded but only their hands were
16 tied. Each time when prisoners were tied and walked there were
17 about five to six of them who were tied and walked, one after
18 another".

19 "Question: How many prisoners were there to the maximum?"

20 "Answer: Sometimes they were 20 people, sometime they were three
21 or four people."

22 The first thing I wanted to clarify, when you referred to a
23 maximum of 20 prisoners, to what were you referring? Were you
24 referring to the most prisoners who had arrived on any day? Were
25 you referring to the maximum capacity of the prison? What were

18

1 you referring to when you referenced there being sometimes 20
2 prisoners?

3 [11.14.39]

4 A. My response saying that <10 or> 20 <prisoners;> it based on a
5 particular day that the prisoners were sent <> but it does not
6 happen every day.

7 Q. So just to clarify, you were talking about the arrivals of
8 prisoners, is that right?

9 A. Yes.

10 Q. We've heard testimony in this trial from a witness -- a civil
11 party, excuse me, Say Sen. He has described how there were
12 originally two buildings for detention of prisoners but that
13 during the period of Democratic Kampuchea, sometime after 17th
14 April 1975, an additional two buildings were built. And my first
15 question for you is, do you recall that the number of buildings
16 at Krang Ta Chan that could be used for the detention of
17 prisoners and can you give us an estimate of the capacity of each
18 of those buildings. How many prisoners could be held in each
19 detention building?

20 A. The prisoners building -- there were two buildings in Krang Ta
21 Chan <compound>. Each building could hold about 50 to 60
22 prisoners.

23 [11.16.49]

24 Q. Let me just come back to this one once, and let me make the
25 reference. This is the testimony of Say Sen, at E1/257.1 that is

19

1 the trial transcript for the 5th February 2015, at approximately
2 at 10.50.53. He described how because of the increased number of
3 prisoners they built two more buildings which he described as
4 being to the east of the compound. Does that refresh your
5 recollection? Do you remember there being two additional
6 buildings that may -- were not inside the immediate or the inside
7 compound but were built just outside it?

8 A. I don't remember the number previously but when I arrived
9 there were only two buildings one in the west and another one to
10 the east.

11 [11.18.25]

12 Q. One of the documents in evidence in this Trial is a report for
13 the month of November 1977, from the prison and with your leave,
14 Mr. President, I would like to provide this document to the
15 witness and display it on the screen. It is document E3/2109' at
16 Khmer page 00068014; English 00276555; and French 00290272. With
17 your leave, Mr. President, may I provide this to the witness and
18 display it on the screen?

19 MR. PRESIDENT:

20 Your request is granted.

21 [11.19.50]

22 BY MR. LYSAK:

23 Mr. Witness, I would direct you to the -- what is paragraph one
24 of this document and if we could show that part on the screen, it
25 is a report regarding the prisoner numbers for the month of

1 November 1977. It states that 75 new prisoners entered that
2 month, that 92 prisoners were purged, six died of illness and one
3 Lieutenant Colonel was removed to sector by Angkar, leaving a
4 total of 85 prisoners as of the end of the month.

5 Q. My first question is, do you remember reports like this being
6 prepared on a monthly basis?

7 MR. SREI THAN:

8 A. No, there was no such report.

9 Q. Do you recognise the handwriting in this document?

10 A. Yes, I recognise. I recall. This handwriting was done by Duch.

11 Q. And when you refer to Duch, who are you referring to?

12 A. I refer to Duch who was the deputy of the chief named <Leng>

13 An.

14 [11.22.02]

15 Q. Just so the record is clear, Mr. Witness, there were two
16 cadres at Krang Ta Chan who had the alias or name Duch. There was
17 yourself and then there was also the person who you just
18 identified as the deputy of the prison chief. Am I correct?

19 A. Yes, you are correct.

20 Q. This report states that one person, a Lieutenant Colonel, had
21 been removed to sector by Angkar. Can you tell us what does it
22 mean for a prisoner to be removed to sector?

23 A. I don't understand.

24 Q. Was there a security office for the sector in which Tram Kak
25 district was located?

1 A. I don't know about that.

2 [11.23.42]

3 Q. Let me just follow up one more question, were you ever aware
4 at any time of prisoners being transferred from Krang Ta Chan to
5 other prisons?

6 A. Yes. There were sending of the prisoners to other place but I
7 don't know whether there were other prisons. I don't know what
8 happened or their destination.

9 Q. How often were prisoners transported to other sites?

10 A. It was not very often when they were sent; it happened late
11 1978 and early 1979.

12 Q. Do you have any information as to where it was, that these
13 prisoners were sent in late '78 or early '79?

14 A. I don't know their destination.

15 Q. I made reference a little while ago to the testimony of one of
16 the civil parties who we have heard, a man named Say Sen. In your
17 OCIJ statement, D125/129, at Khmer 00224790 through 91; English
18 00231675; and French 00234576; in that statement, you identified
19 Say Sen as one of the surviving prisoners from Krang Ta Chan. Can
20 you confirm that Say Sen was a prisoner at Krang Ta Chan during
21 the entire time you worked there?

22 A. Say Sen was actually the former prisoner at Krang Ta Chan but
23 I don't know when he was sent to that prison. Upon my arrival I
24 saw him, he was already there.

25 [11.27.07]

1 Q. So you just confirmed that Say Sen was there when you arrived.

2 Did he remain a prisoner at Krang Ta Chan during the time that
3 you worked there?

4 MR. PRESIDENT:

5 Please wait, Mr. Witness. Mr. Victor Koppe, you may proceed.

6 MR. KOPPE:

7 Thank you Mr. President, I'm not sure I heard something different
8 I think than the prosecution. I heard the witness say he was a
9 former prisoner and so asking the question back he was prisoner
10 is not reflecting the testimony. I heard him say that he was a
11 former prisoner.

12 [11.27.57]

13 MR. LYSAK:

14 And then he said, he was there when I arrived at Krang Ta Chan.

15 MR. KOPPE:

16 Yes, but it doesn't mean that he was a prisoner. Does it.

17 BY MR. LYSAK:

18 Let -- let me clarify then.

19 Q. When you said Say Sen was at Krang Ta Chan, when you arrived
20 in late 1976, was he a prisoner?

21 MR. SREI THAN:

22 A. Upon my arrival in early 1977, I saw Say Sen in Krang Ta Chan
23 prison but he was let out to work outside to do cooking in that
24 prison.

25 Q. And when you say he was let out to do cooking, was that during

23

1 the day time and what did he do at night time?

2 A. At night he was sent to detain in the prison.

3 [11.29.18]

4 Q. And did Mr. Say Sen remain at Krang Ta Chan the entire time
5 you were there?

6 A. When I was working at Krang Ta Chan for about one year and Say
7 Sen was always there.

8 [11.29.45]

9 Q. I would like to turn to a different subject, the subject of
10 interrogation of prisoners at Krang Ta Chan. And in your OCIJ
11 statement, D125/129, at ERN Khmer 00224790; English 00231675; and
12 French 00234576; you provided the following testimony and I
13 quote. "I saw them take prisoners for beatings and interrogations
14 every single day at the interrogation room approximately 50
15 meters from the building where I worked. I heard the prisoner's
16 screams coming from the interrogation room." Can I start by
17 having you describe for us, where the interrogation room was
18 located in the Krang Ta Chan compound?

19 A. The interrogation room was located right within the compound
20 of the Krang Ta Chan prison.

21 [11.31.38]

22 MR. LYSAK:

23 Mr. President, with your leave, I'd like to provide to the
24 witness at this time document D125/220.37, that's D125/220.37,
25 and this is the OCIJ map or diagram of the Krang Ta Chan

1 compound. With Your leave, I'd like to provide that to the
2 witness and show it on the screen.

3 MR. PRESIDENT:

4 Yes, the Chamber allows that.

5 BY MR. LYSAK:

6 Q. Mr. Witness, if you could look at this diagram, and if we can
7 show it on the screen, can you tell us, and I'd direct you to the
8 bottom half of the compound map, there is a building that's
9 identified as the interrogation house towards the south side of
10 the compound. Can you tell us, does this map accurately show the
11 location of the interrogation house at Krang Ta Chan?

12 [11.33.35]

13 MR. SREI THAN:

14 A. When I was there, it was not located at the location shown on
15 this sketch.

16 Q. Can you tell us where you believe it was located in relation
17 to where it is shown on this map?

18 A. I cannot recall it exactly, but to me it <appeared> not at the
19 location as shown on this sketch.

20 Q. Let me ask you a -- try to follow up on that. Do you remember
21 there being a kitchen or dining hall for the guards that was
22 located next to or nearby the interrogation room?

23 A. No, there was none.

24 Q. Was there a separate dining hall for the guards, a separate
25 place from where the prisoners ate?

1 A. There was no dining hall for prisoners.

2 [11.35.27]

3 Q. Let me ask you an open question then. Where was it that the
4 guards ate their meals in the prison compound and where was it
5 that the prisoners ate their meals?

6 A. I was a guard <with> the six of us in the unit; we ate
7 separately from the prisoners. And as for us, there was no set
8 dining area. Some days we ate here, next day we ate there.

9 Q. Let me be clear. I'm asking you about the period where you
10 were located and working inside the prison compound, a period
11 where you indicate you were helping to type documents. During
12 that period, where was it that you would eat your meals?

13 A. At that time, I was having my meal within my unit.

14 Q. And where did prisoners eat meals?

15 A. As for prisoners, they ate their meals in the detention
16 building.

17 Q. I want to make sure that I'm not having a translation issue
18 here. So, instead of dining hall, I'm going to ask you about the
19 kitchens at the compound. Were there kitchens at the Krang Ta
20 Chan compound and, if so, where were they located?

21 A. Yes, there was a kitchen, but it was old, so they no longer
22 used it by the time I arrived.

23 Q. And so where was it in the compound that meals were cooked?

24 [11.38.21]

25 A. It is difficult for me to respond to your questions, because

1 as I said earlier, cooking was done at various locations. There
2 was no fixed kitchen or dining hall or set of cooking utensils.
3 And let me clarify, that we, the guards unit, comprising of six,
4 we had our own cooking.

5 Q. Before I finish this, the subject of the kitchens and where
6 you ate meals, was -- you said that you ate together with your
7 unit of six. During the time you were working inside the
8 compound, was there a building or specific location where you and
9 the other guards ate your meals?

10 A. My unit, that is the six of us, in terms of guarding the two
11 buildings, one to the east and one to the west, three of us would
12 guard each building, and as for meal time, sometimes we went to
13 eat at the east building or sometimes at the west building.

14 [11.40.08]

15 Q. Let me move on to another subject. Let me ask you --

16 MR. PRESIDENT:

17 The time is appropriate for our lunch break, and before we break,
18 the Chamber would like to inform the Prosecution and the Lead
19 Co-Lawyers for Civil Parties that you will have this entire
20 afternoon to put questions to this witness. The Chamber also
21 ruled on the request for the protective measure as follows:

22 The Chamber has granted protective measures for the witness
23 2-TCW-944, including non-disclosure of his address and not making
24 his image available to the public. In covering this trial, the
25 media are ordered not to publish any photographs or images of the

1 witness, regardless of when they were taken.

2 It is now appropriate for a lunch break --

3 (Judges deliberate)

4 [11.42.28]

5 MR. PRESIDENT:

6 As for today's proceedings, the Chamber will adjourn now and will
7 resume on the 23rd February, 2015, commencing from 9 o'clock in
8 the morning. Mr. Witness, the hearing of your testimony is not
9 yet concluded and you are invited to return on the 23rd of
10 February 2015, starting from 9 o'clock in the morning, and this
11 also applies to the duty counsel.

12 And, Duty Counsel, Mr. Duch Pary, you can proceed.

13 MR. DUCH PHARY:

14 Mr. President, as I have notified the WESU that on Monday, the
15 23rd February 2015, I am not available for the morning session
16 and I am only available for the afternoon of that day. Thank you,
17 Mr. President.

18 [Judges deliberate]

19 [11.44.21]

20 MR. PRESIDENT:

21 Thank you, Duty Counsel, for the information, as we have not
22 received that information previously, and we will try to assign
23 another duty counsel during your unavailability on that morning.
24 And, as we stated, Mr. Witness, please return on the 23rd
25 February 2015, and you may now leave the Court to return wherever

1 you wish to or to your place of residence. And this information
2 also applies to all the Parties to the case.

3 We will resume on the 23rd February 2015.

4 Court officer, in cooperation with WESU, please make necessary
5 transportation arrangements for this witness to return to his
6 place of residence and have him return to the Court in order to
7 continue his testimony on the 23rd of February 2015, before 9
8 o'clock in the morning.

9 Security guards, you are instructed to take Nuon Chea and Khieu
10 Samphan to the detention facility and have them return to
11 participate in proceedings on 23rd February 2015, before 9
12 o'clock.

13 The Court is now adjourned.

14 (Court adjourned at 1145H)

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