



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

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23 February 2015

Trial Day 248

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ថ្ងៃ ខែ ឆ្នាំ (Date): 07-Mar-2017, 13:54

Sann Rada

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List of Speakers:

Language used unless specified otherwise in the transcript

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

1

1 PROCEEDINGS

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

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

6 Ms. Se Kolvuthy, could you report the attendance of the Parties
7 and individuals to today's proceedings?

8 [09.04.16]

9 THE GREFFIER:

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

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

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

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

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

2

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

2 [09.05.40]

3 MR. PRESIDENT:

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

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

16 [09.06.39]

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

3

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

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

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

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

11 [09.08.33]

12 MR. MOEURN SOVANN:

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

17 MR. PRESIDENT:

18 Thank you.

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

24 [09.09.28]

25 QUESTIONING BY MR. LYSAK RESUMES:

4

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

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

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

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

13 Your map, Mr. Witness, is drawn a little differently than OCIJ's
14 map that I showed you last week, in that in your drawing, the
15 south side of the compound is at the top instead of the bottom.
16 Now, does this refresh your recollection that the interrogation
17 site at the Krang Ta Chan compound was located at the south side
18 of the compound?

19 MR. SREI THAN:

20 A. Yes, the interrogation <site> was in that direction.

21 [09.11.38]

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

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

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

8 [09.12.47]

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

14 A. The two room building <> belong<ed> to the prison chief. And
15 in fact, the building itself was not that big. It was only about
16 three or four metres wide and was partitioned <in the middle,
17 which had one> room<>.

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

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

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

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

1 [09.14.54]

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

8 A. I only could hear the screaming <within the typing room>.
9 However, if I was at the guard post outside, I could not hear it.

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

13 A. In a simple word, it was not a complicated building. <It> was
14 a wall -- a wooden wall and the roof was thatched roof. However,
15 the wall was <close> -- and we could not see through.

16 [09.16.50]

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

20 A. I refer to the interrogation room.

21 Q. I want to read to you some testimony we've already heard in
22 this trial about that interrogation site to ask you about. In the
23 trial transcript for the 4th of February of this year, E1/256.1
24 at approximately 15.13.05, civil party Say Sen testified as
25 follows - quote:

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

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

6 [09.18.25]

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

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

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

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

19 A. Yes, that is correct. However, around the interrogation rooms,
20 they grew vegetables and plants, including banana trees and
21 <cassava> trees<. So it seemed like a> vegetation. <We could not
22 see through.>

23 [09.19.52]

24 Q. I'd also like to ask you about a statement made by your fellow
25 guard, Sim, whom you identified last week as part of your six-man

1 unit. In OCIJ interview, D40/20, at Khmer, 00165334; English,
2 00433573; and French, 00524322; this is what your fellow guard
3 said about prisoner interrogations -- quote:

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

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

12 A. Yes. Sometimes a guard from my unit also did the cooking.
13 However, during the interrogation phase, we were not allowed to
14 go near. We couldn't hear what they were speaking. <We couldn't
15 even hear the prisoners' voices. If we could hear,> we <> could
16 <only> hear the screaming but not the <interrogation>. <We could
17 not hear from the outside.>

18 [09.22.10]

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

21 A. I didn't know about that.

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

24 A. I did not enter that room<>.

25 Q. Last week you told us that at times, your six-man unit was

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

7 A. No. We did not. <The> guard group <were only assigned> to
8 guard the outer perimeter of the prison compound<, not to guard
9 the prison gate. So, my six-man unit were guarding the outside
10 fence.> At night-time<,> we <were> allowed to guard near the
11 interns <>. But during the day time, we<, a group of three
12 guards,> were <instructed to guard> at the outer part of the
13 prison compound itself<>.

14 [09.24.16]

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

18 A. I guarded the east building.

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

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

25 [09.25.30]

10

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

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

11 [09.26.33]

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

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

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

11

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

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

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

9 [09.29.19]

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

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

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

17 A. I cannot recall it clearly. As I said, I did not have any role
18 <> at Krang Ta Chan's office. The chief of Krang Ta Chan office
19 was Leng An and his deputy was Duch. I myself was under the
20 supervision of the army and I <was sent to a guarding unit, and>
21 was not under the direct supervision of the <Krang Ta Chan
22 Office>.

23 [09.30.49]

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

12

1 his supervision at that time?

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

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

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

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

17 A. Yes, that is correct.

18 [09.32.57]

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

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

13

1 A. The statement was already in the handwritten notebook and the
2 notebook was placed on the table and I was asked to do the typing
3 from the statement in the written notebook.

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

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

8 [09.35.02]

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

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

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

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

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

19 Q. I understand that you say that you were not the person named
20 Sok Chantha who was interviewed by Meng-Try Ea. Nonetheless, he
21 interviewed someone who indicated they were a typist at Krang Ta
22 Chan. And in <E3/2120>, at page <00416394> in English only, he
23 recounted the following information from that typist about the
24 preparation of prisoner confessions -- quote:

25 [09.37.01]

14

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

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

11 A. I would like to tell the Court that the person named <Chhen>
12 and another person named Dam, these two people were already at
13 the security office <for a long time>. I could -- when I was
14 there<,> I could see Dam was already <detained> there, and as for
15 <Chhen>, he had gone to another place already. I did not know
16 where he went. And I could see only Dam who was detained at the
17 security office. <He was the former chief of that security
18 office, and then he was detained there.> I did not know the two
19 people<,> I did not recognise them and I did not know when they
20 started working at that place.

21 [09.39.03]

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

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

15

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

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

8 [09.40.22]

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

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

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

14 Answer: On the book cover, there were no other writing besides
15 pictures such as a picture of children or that of Angkor Wat."
16 End of quote.

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

21 MR. PRESIDENT:

22 The Chamber grants your request.

23 [09.41.42]

24 BY MR. LYSAK:

25 Now, Mr. Witness, I want you to first look at the cover page of

16

1 E3/4092 -- if we can show that on the screen also. This cover
2 page contains a picture or drawing of children writing and a
3 multiplication table.

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

6 MR. SREI THAN:

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

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

14 A. Yes, I <did see> this book.

15 [09.43.34]

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

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

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

24 MR. PRESIDENT:

25 You are allowed to do so.

17

1 [09.45.41]

2 BY MR. LYSAK:

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

10 MR. SREI THAN:

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

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

19 A. <Yes, the format and typing nature> is true.

20 [09.47.58]

21 Q. And what I'd like you to do now, if you could, is take the
22 notebook that I provided to you, the document E3/4092, and if you
23 could turn in that notebook to pages: Khmer, 00271156 to 57; and
24 I've put a tab at that page to make it easy for you. The pages in
25 English, 00834818 to 19; French, 00721298 to 99; and if you would

18

1 compare the handwritten notes at those pages to the typed
2 document that I just provided, can you confirm for me that the
3 typed record is based almost verbatim on the handwritten notes
4 for the seven prisoners that is listed?

5 A. <No, it was not.> There was another book with the same cover,
6 <but> I did not recall <whether this form of writing was before
7 or after '75>. When I was at that place, I could see <only> the
8 book as I described, <but> I did not <know the format of> this <>
9 book. <I did not see.>

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

16 A. No, it was not like that. I would like to confirm, once again,
17 the confession was written on a piece of paper. It was written on
18 a piece of paper, and after that, this piece of paper with the
19 confession in it, was given to me. I was asked to type this
20 confession -- the statement. <It was not written in the book.>

21 [09.51.18]

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

19

1 A. Yes, that is true.

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

5 Was Krang Ta Chan referred to in the documents you typed as the
6 District 105 Education or Re-education Office?

7 A. I did not know about this. <On> the heading, it was written as
8 the Education Office, District 105. <I did not understand whether
9 it was a District Office or Provincial Office.>

10 [09.53.03]

11 Q. Was Tram Kak district called District 105?

12 A. Yes, that is true.

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

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

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

21 [09.54.15]

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

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

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

6 My question to you, Mr. Witness, is, can you tell us whether one
7 of the groups or types of people that you saw imprisoned at Krang
8 Ta Chan, were people like this, who were accused of criticizing
9 or opposing the Democratic Kampuchea regime?

10 A. Yes, that is correct. During that regime, even if we
11 complained that we could not have enough food, we would be
12 <detained>. <No need to speak ill of something, just commenting
13 on the lack of food, and they would be sent away.> So, that's
14 what I <mostly> saw <>.

15 Q. Could you look at the second page, at the very end of this
16 report? Could you tell me if you recognize the signature or
17 handwriting at the end of the report?

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

19 [09.56.50]

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

22 A. This report was signed by An.

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

21

1 A. When I finished the typing, there was no one there to put the
2 signature. <After I left, i>n the group there were two or three
3 people, and I did not know their names. These people were the
4 ones who put the signatures.

5 Q. At interview D232/93, answers 37 to 38, you gave the following
6 testimony:

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

8 Answer: I heard that it had been sent to the upper level, but I
9 did not know where it had been sent to." End of quote.

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

12 A. Yes, there were messengers and I did not know their names. The
13 documents were delivered by messengers, and I did not know those
14 messengers' names.

15 [09.59.20]

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

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

19 MR. LYSAK:

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

23 MR. PRESIDENT:

24 Your request is granted.

25 [10.00.30]

1 BY MR. LYSAK:

2 Q. Mr. Witness, you've previously confirmed you were shown this
3 document in interview D232/93, at answer 56, and confirmed that
4 it was a Krang Ta Chan document, from An. Let me ask you a few
5 more questions about this report. In this report of the
6 confessions or statements of two former Lon Nol soldiers: one
7 named Orm Chantha, and another named Pok Bunly, the two former
8 Lon Nol soldiers were accused of stealing coconuts and cassava
9 root to eat, walking about freely, and pretending to be ill and
10 unable to work.

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

14 <A. Yes-->

15 MR. PRESIDENT:

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

17 MR. KOPPE:

18 Thank you, Mr. President. I'm reading the document as well, and I
19 see -- and I read that -- that the involved people stole very
20 often, and repeatedly, without deterrence. So I would like to
21 have the full quote, that we are talking not somebody who stole
22 one something, but apparently repeated thieves; people who were
23 stealing very often. So, if we are being given quotes, I would
24 like to have the full quote from that document.

25 [10.02.45]

1 BY MR. LYSAK:

2 That is correct, and what they were stealing was food. Coconuts,
3 roots, sugar.

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

7 MR. SREI THAN

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

10 MR. KOPPE:

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

19 [10.04.23]

20 MR. LYSAK:

21 Mr. President, I've already noted that these were Lon Nol
22 soldiers. I don't think I'm obligated to describe the tattoo that
23 one of them had, and counsel is certainly entitled to question
24 the witness about this himself. So, with your leave, I'd like to
25 proceed to the next document, which is E3/4083. It is another

24

1 notebook with the same cover page as the one that was provided
2 before. With Your leave, if I may provide E3/4083 to the witness?

3 MR. PRESIDENT:

4 Yes, you can proceed.

5 [10.05.32]

6 BY MR. LYSAK:

7 Q. Mr. Witness, if you could look first at the cover page of this
8 notebook? Like the one I showed you before, it has a picture of
9 children writing, and a multiplication table. Can you first
10 confirm that this is one of the notebooks that you saw being used
11 at Krang Ta Chan? This type of notebook?

12 MR. SREI THAN:

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

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

1 [10.07.58]

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

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

8 A. I did not know <>.

9 Q. If you could turn a couple of pages later in the document, at
10 0068028, there are a number of prisoners who are noted as having
11 been moved to Meng's place in late 1978. Now, last week, on
12 Thursday, you described there being a group of prisoners who were
13 transferred from Krang Ta Chan to another prison in late 1978, or
14 early 1979. Can you tell us whether the prisoners on this list
15 were part of the group that was transferred from Krang Ta Chan in
16 late 1978?

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

20 [10.10.18]

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

23 A. I do not <know> him.

24 Q. On the same page, there are notes recording that a number of
25 the prisoners had died of illness. My question: Are you able to

26

1 tell us who it was at Krang Ta Chan who was responsible for
2 recording names, or keeping track of prisoners who died from
3 illness?

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

6 [10.11.28]

7 Q. The last part of this document I want to refer you to, if you
8 could turn to the -- towards the end, at Khmer, 00068036. There
9 is a handwritten list at this page. Can you tell me whether you
10 recognize the handwriting on page 68036?

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

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

18 A. No, I cannot recall it.

19 Q. Mr. Witness, prisoner number --

20 [10.13.25]

21 MR. KOPPE:

22 Mr. President, I do not -- did not object to the questions
23 raised. However, I do note that the particular page that the
24 Prosecution is referring to, looks completely different than the
25 other pages. It seems, not necessarily the case, that this page

27

1 is in fact part of the same document. So, although -- like I
2 said, no objections to the question itself, I think that's
3 something that should be noted. There is, as you can see, the
4 background colour and the lines are completely different.
5 So, we have no way in checking whether this page is in fact part
6 of the same document, which leads me to the problem in general of
7 all these documents. We do not have the originals of any of them,
8 so I think my remarks should be reflected as to the general
9 problems that we have regarding these documents. So, I don't
10 know, again, if this page is in fact part of that same document.

11 [10.14.32]

12 MR. LYSAK:

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

15 MR. PRESIDENT:

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

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

21 And Court officer, please assist the witness during the break,
22 including his duty counsel, and have them returned to the
23 courtroom at 10.30 -- that is, before the commencement of the
24 hearing.

25 The Court is now in recess.

1 (Court recesses from 1015H to 1033H)

2 MR. PRESIDENT:

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

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

6 BY MR. LYSAK:

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

10 Q. Prisoner number 28 was a person who was identified as having
11 complained about having to eat in porridge, and as your counsel,
12 it said Khmer page 00068036, prisoner 28 was someone who
13 complained about having to eat in porridge.

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

16 MR. SREI THAN:

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

21 [10.35.50]

22 Q. And the last entry on this prisoner list number 29 was a
23 73-year-old man Suong Rath, who was a former village chief
24 accused of stealing food. Did the prisoners at Krang Ta Chan
25 include elderly people?

1 MR. KOPPE:

2 Mr. President, I object again to this question. We do not know
3 for sure that this particular page is in fact a Krang Ta Chan
4 document. As I said earlier, it looks completely different from
5 the other pages. We have no way of verifying the original
6 documents or we do not know whether this page was inserted
7 somehow. Again, it looks completely different and it doesn't look
8 as far as I'm concerned, like a page on the Krang Ta Chan record.
9 So again, Prosecution is assuming that this is some document that
10 the witness has seen or in fact, is part of the Krang Ta Chan
11 prison records. We do not know.

12 [10.37.05]

13 MR. LYSAK:

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

18 MR. KOPPE:

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

20 (Judges deliberate)

21 [10.46.14]

22 MR. PRESIDENT:

23 The International Co-Prosecutor, could you inform the Chamber
24 regarding document E3/4083 whether this document is part of the
25 current case file, and whether this document is referred to in

30

1 the footnote of the indictment?

2 MR. LYSAK:

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

8 MR. PRESIDENT:

9 Thank you. The Chamber rejects the objection raised by the
10 defence counsel regarding document E3/4083, and the Prosecution
11 can refer to this document during their questioning to this
12 witness. The defence counsel is also reminded that you may use
13 your time of questioning to clarify the issue in relation to this
14 document when you put a question to this witness.
15 And the International Co-Prosecutor, you may continue.

16 [10.48.13]

17 BY MR. LYSAK:

18 Thank you, Mr. President.

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

20 MR. SREI THAN:

21 A. It is rare to see elderly prisoners.

22 Q. I want to turn now to a statement you made in D125/129 in your
23 interview, first interview with OCIJ at Khmer, 00224790; English,
24 00231675; and French, 00234576; in this part of your statement,
25 you described receiving and typing handwritten papers that

31

1 contained -- and I quote: "The confessions of prisoners saying
2 that they had been involved with the CIA, had stolen to eat, had
3 complained of fatigue, had complained of not getting their fill
4 to eat, had been involved with Lon Nol soldiers and capitalists,
5 et cetera." End of quote.

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

10 A. I did not know for sure how prisoners were categorized into
11 these two or three types. <I just do not know.>

12 [10.50.33]

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

18 A. My <older> cousin was arrested and imprisoned at Krang Ta
19 Chan, and that happened before my arrival at Krang Ta Chan, and
20 upon my arrival, he was not there anymore, and I presumed <that
21 people who were> arrested at <> village<s, communes, would be>
22 sent to Krang Ta Chan, but I did not see <my cousin, Meas
23 Phoeun,> when I arrived <there>.

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

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

4 [10.52.24]

5 MR. LYSAK:

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

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 BY MR. LYSAK:

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

17 "On 17 April 1977, a <traitor> was arrested. His name is Meas
18 Phoeun, 26 years old. He was a student of second grade senior
19 high school, and a former second lieutenant in Pochentong. He was
20 arrested from Tuol Khpos village, Leay Bour commune. We have now
21 brought him over to the police already." End of quote.

22 [10.53.54]

23 And in document D157.7, if you would look at Khmer page 00270861;
24 English, 00866430; and French, 00872805; there are notes of the
25 interrogation of a Meas Phoeun: 25 years old; wife named Mao

1 Chan; birth place Leay Bour commune, Tram Kak district, who
2 joined the Lon Nol Army in 1970, and was promoted to 1st
3 lieutenant.

4 Mr. Witness, is the person who is described in your documents, in
5 these documents, your cousin?

6 MR. SREI THAN:

7 A. Yes. That is true. Meas Phoeun was my <older> cousin.

8 Q. And was your cousin a lieutenant in the Lon Nol Army prior to
9 1975?

10 A. I <did> not <know that he was a soldier> in Phnom Penh, I only
11 knew that he was a student at that time.

12 [10.55.42]

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

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

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

25 [10.56.56]

34

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

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

8 A. After my <cousin> was arrested and sent to Krang Ta Chan, I
9 had not yet arrived at the prison. I was still with the army.
10 <They had not sent me there yet.>

11 Q. Was your cousin ever seen again after he was arrested and sent
12 to Krang Ta Chan?

13 A. No, I did not see him.

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

18 "Names of prisoners who were smashed."

19 [10.58.41]

20 MR. LYSAK:

21 Mr. President, with your leave at this time, I would like to
22 provide to the witness document E3/4145 -- E3/4145, at Khmer,
23 00068737; English, 00762845 <to> 46; and French, 00761101 <to>
24 02; which is a partial list of prisoners. May I provide this
25 document to the witness?

1 MR. KOPPE:

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

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

12 [11.00.14]

13 MR. LYSAK:

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

20 MR. KOPPE:

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

1 MR. LYSAK:

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

5 [11.01.43]

6 MR. KOPPE:

7 It is part of E3/4145.

8 MR. LYSAK:

9 As was the list that included the relatives of the first witness
10 in this trial, which is clearly been established to be a Krang Ta
11 Chan record, this document, by the way, I've done more research
12 possible. I've already confirmed that many of the prisoners in
13 here appear in other of the same documents, Krang Ta Chan
14 interrogation notes and reports from commune chiefs in Tram Kak.
15 It's an admitted document. It clearly involves Tram Kak, and I
16 would request to proceed.

17 MR. PRESIDENT:

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

20 [11.02.48]

21 BY MR. LYSAK:

22 Q. The document you've been provided, Mr. Witness, is a partial
23 list of 37 prisoners, and it contains two annotations on it. The
24 lower one on the right side is dated 22nd of May 1977, and states
25 - quote: "A total of 37 people, both young and old whose names

1 are contained in this list have been purged."

2 Do you recognise the handwriting of that annotation?

3 MR. SREI THAN:

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

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

10 A. As the form, it was the same as the document I do -- I did the
11 typing, and as for the document stating about the killing of
12 the<se 30 or 40> people, I did not see it before, but the format,
13 as I said, it was the same as the document I did the typing.

14 [11.05.08]

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

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

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

24 A. I never saw the piles of dead bodies <>. <The answer is not
25 correct -- this question is not correct.>

1 [11.06.33]

2 Q. Mr. Witness, one of the guards in your six-man unit at Krang
3 Ta Chan who you referred to as Sim, he has made a number of
4 statements about executions at the prison that I would like to
5 ask you about. In D40/20 at Khmer, 00165330; English, 00433569 to
6 70; and French, 00524318; Sim testified that your unit was
7 assigned to guard outside during executions. And he stated -
8 quote: "Whenever prisoners were being killed, they put me on
9 guard outside the Krang Ta Chan office fence so that no one could
10 approach." End of quote. He testified that meetings which were
11 held at the prison by the prison leaders: An, Duch, <Cheng> and
12 <Penh> informed your unit -- and I quote: "Today we have to take
13 prisoners out to kill them, and then they assigned us to guard
14 outside." End of quote.

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

18 A. During the meeting, <> there were no such meeting instructing
19 us to take people to be killed. <In Krang Ta Chan Office, my>
20 six-man unit had no <role. An was the commander. It was the army,
21 it was the army chief>, and in my Division 210, Regiment 13, <>
22 Mean and Tha <were the ones who gave the> order<s>. <So, the
23 Chief of Krang Ta Chan Security Office was in no position to
24 summon me to a meeting.> I was never convened to a meeting <>.

25 [11.08.52]

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

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

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

14 Can you tell us whether loudspeakers were played during
15 executions? And can you tell us where those loudspeakers were
16 located on the prison compound?

17 A. During that time, there were no -- there were no loudspeakers.
18 [11.11.18]

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

21 A. As for Say Sen, when I arrived there, he was already there,
22 <but> I did not know how long he had been there already, and I
23 did not know the task <as well>, the responsibility of Say Sen.
24 Say Sen was at that place for a long period of time already, and
25 I did not know when he arrived there.

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

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

8 A. I did not know. I did not know where the weapons were hidden,
9 and where they were.

10 [11.12.45]

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

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

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

15 A. I did not know the location where the weapons were stored, and
16 as for our six-man unit, we were armed. Each of us was armed, and
17 we had six rifles, and I did not know where the weapons were
18 restored. Each of us got a weapon, and we were armed day and
19 night.

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

24 [11.14.13]

25 In his OCIJ statement, E319.1.24 at answers 105 through 106, Say

1 Sen testified as follows:

2 "Question: What did Little Duch do?

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

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

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

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

12 A. Whenever there were killings, we, the guards, were on duty and
13 we were outside of the perimeter. <We were not allowed to get
14 into the killing perimeter.> And as for the answer stating that I
15 was ordered to kill people, I could not respond to that question.

16 [11.16.04]

17 Q. Mr. Witness, your fellow unit member, Sim, in the same
18 statement, the same pages I read before provided the following
19 evidence:

20 "Question: Approximately how many prisoners did they kill each
21 time?

22 Answer: There were more than 100, up to 200 prisoners each time
23 they took prisoners to kill them, both children and adult. Sen,
24 who was a prisoner there, may know about this." End of quote

25 Another prison guard has testified in his OCIJ statement,

1 E319.1.23 at answer 90, that children were killed at Krang Ta
2 Chan.

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

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

8 [11.17.33]

9 Q. My last question for you: In this trial on the 5th of February
10 2015, E1/257.1 at 10.40.46 and at 11.21.55, Say Sen testified
11 that you were one of a group of guards who was present during an
12 incident in which Saing and Sieng killed two small children, one
13 who was three or four years old and the other who was five or
14 six. And on the 4th of February, at 13.37.33, Say Sen described
15 those executions as follows -- quote:

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

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

22 A. As for killings at Krang Ta Chan, I did not witness the
23 killings, and I could not make any assumption how the killing
24 were conducted. But when the people were shot at, we could not
25 hear the gunfire. However, if the killing was carried out with a

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1 hoe or with clubs, we did not know. During the killing, it was
2 very quiet. We could hear nothing. And I believed children were
3 killed through various methods, but I did not witness the
4 killings by myself.

5 [11.19.57]

6 MR. LYSAK:

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

9 MR. PRESIDENT:

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

12 QUESTIONING BY MR. LOR CHUNTHY:

13 Thank you. First of all, good morning, the Chamber and good
14 morning, everyone in and around the courtroom, and good morning
15 to those who views the proceeding remotely. I am Lor Chunthy. I
16 am one of the lawyers in the Legal Aid of Cambodia and I am
17 representing civil parties in the ECCC.

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

21 [11.21.43]

22 Q. My first question concerns the fact that you were a guard
23 outside the Krang Ta Chan Security Office and you were part of
24 the six-man unit. I would like to ask you as follow: While you
25 were on duty and when the prisoner was sent to that security

1 office, where <did you receive them?>

2 MR. SREI THAN:

3 A. Your question concern the periods in 1975. Actually, I was not
4 at Krang Ta Chan Security Office in 1975, and in <late> 1976 I
5 was transferred from the committee in the district to the
6 security office to the west. And I was sent to security office in
7 1976, and at the time<,> I was guarding outside the compound,
8 about <one> kilometre<> away from the security office.

9 [11.23.29]

10 Q. So, you mean you did not know about the transfer of prisoners
11 to the security office while you were on duty? Once again, when a
12 prisoner was sent into the security office, did you know about
13 that and did you witness it?

14 A. At that time, I was guarding <and waiting to receive
15 prisoners>, and there was a hall about one kilometre away from
16 Krang Ta Chan Security Office. My six-man unit was guarding at
17 that place <almost a year>. Prisoners from villages, from
18 communes were sent to the place where I was guarding, and after
19 that they were sent into the security office.

20 Q. Thank you. Who sent the prisoners to the place where you were
21 guarding? Were they militiamen? Were they soldiers? Who were
22 they?

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

24 Q. I want to know, who were they who sent prisoners to your
25 place?

1 A. I did not know who they were specifically, and I did not know
2 their names, and I just knew that <their roles> were soldier and
3 militiamen. They sent prisoners to my post.

4 [11.25.48]

5 Q. Thank you. Those who sent prisoners to your post, how many
6 times per day were prisoners sent to your post? Did you see the
7 same militiamen and soldier who sent prisoners to your place <or
8 different faces>?

9 A. When prisoners were sent to my place, there were different
10 <people> who came to my place. On some occasions, no prisoner was
11 sent to my place <for the whole month>, and on some other
12 occasion, 10 <or 20> people were sent to my place <in one day>.
13 <So, the number varied.>

14 Q. Based on your experience, when you received prisoners, were
15 most of them male or female, and did prisoner also include small
16 children?

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

19 [11.27.45]

20 Q. As for prisoners, what were their conditions when they were
21 sent to your place? Were they tied up? And for children, what
22 were their conditions?

23 A. Prisoner were tied behind their back, in order that prisoner
24 could not escape. As for children, they were behind the older
25 people.

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

4 A. When - later, I was placed to be on guard near the entrance
5 and later on, they knew that I could do some of the typing, and I
6 was not tasked to do the typing. I was asked to do typing when
7 they were absent.

8 Q. When you were asked to go inside and do the typing, were all
9 of you -- the six-man unit -- was asked to be in the security
10 office and do the typing or were you alone asked to do the
11 typing?

12 A. Yes, the six-man unit was asked to go inside <>.

13 [11.30.23]

14 Q. Thank you very much. Concerning your workplace, the place
15 where you did the typing, how many typewriters were there in your
16 room?

17 A. There was only one typewriter.

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

19 A. There were only two typewriters<,> An and Duch<,> and when one
20 of them was absent and there were documents to be typed, I was
21 asked to go and do the typing. So, once again, An and Duch were
22 the typewriters. There were only two of them. I <was just a
23 substitute>.

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

1 A. I did not recall, but as for typing, there would be a list of
2 prisoners enter the security office <per month>. So they would
3 hand over the list and ask me to do the typing. <There was
4 nothing other than that.>

5 [11.32.36]

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

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

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

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

16 Q. Thank you. Concerning your written records, D232/93, question
17 32, your answer concern a book consists of 10 to 20 pages and the
18 book is for children to write. And earlier, I heard the question
19 put by the Co-Prosecutor, and in your answer you said it was not
20 that book, it was a piece of paper that you received to do the
21 typing. And in your answer 32, you mentioned the book which
22 consists of 10 to 20 pages and the information was in the book
23 and the book was handed to you to do the typing. So what do you
24 have to say about this?

25 A. Actually, this book was not the book which was handed to me to

1 do the typing. And it was not the book with the information that
2 I got to do the typing. As I said, the information was written on
3 a piece of paper and it was given to me to do the typing. And as
4 I said, the book was used to register the prisoner who entered
5 the security office.

6 [11.36.07]

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

9 A. Yes, that is correct.

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

13 A. I never saw it.

14 Q. I would like to backtrack a little bit. You have just answered
15 that when you were guarding outside the compound, the supervisor
16 of the security office could not order you to do the assignment.

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

18 Who was the chief, and if there was no chief in your unit, so who
19 would coordinate the work of your unit to the security office?

20 A. I would like to clarify this matter, that my six-man unit, we
21 were not staff of Krang Ta Chan security office. We were under
22 the military district and we were sent to guard Krang Ta Chan
23 Security Office. As I said, An and Duch were the leaders, and
24 they would ask us to be on specific location and on guard, and
25 only the commanders of my regiment could replace and remove us

1 from our unit. The Division 210, the leader of this division
2 could order to remove and to assign us to wherever they want.

3 [11.39.25]

4 Q. Thank you very much. During the time that you were on duty,
5 were there any incidents? Did any incident happen? For example,
6 the prisoner escaped from the security office. And if such
7 incident happened, so who would report the matter to?

8 A. When I was at that place, there was no any incident that
9 prisoner escaped from the security office, and if any incident
10 happened, we would report to the director of the prison, meaning
11 that we would report to Leng and An.

12 MR. PRESIDENT:

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

14 [11.40.30]

15 MR. LOR CHUNTHY:

16 I will finish my questioning in 15 minutes.

17 MR. PRESIDENT:

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

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

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

25 Security personnel, you are instructed to bring Mr. Khieu Samphan

1 to the holding cell downstairs and have him returned before 1.30.

2 The Court is now adjourned.

3 (Court recesses from 1141H to 1332H)

4 MR. PRESIDENT:

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

6 And we'd like now to give the floor to the Lead Co-Lawyer for

7 civil parties to continue putting questions to this witness. You

8 may proceed.

9 BY MR. LOR CHUNTHY:

10 Thank you, Mr. President, and good afternoon, Your Honours and

11 everyone.

12 Mr. Witness, I'd like you to give more clarification on the issue

13 of typing documents.

14 Q. Can you tell the Court the person who brought the handwritten

15 document to you? Was it done by that person personally, or was

16 the document left somewhere and you would only go to pick that

17 handwritten document up and type it all day? And how long did it

18 take you to type those documents, was it an hour or two hours'

19 work or was it an all day long work?

20 MR. SREI THAN:

21 A. When I was assigned to type the documents, usually it takes

22 less than an hour, or less than half an hour to finish it because

23 the document was short, and I was only called to type

24 occasionally. It happened once a week or once a fortnight, and

25 after I finished the typing I would return to my guard post.

1 [13.35.34]

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

6 A. During the time that I used the typewriter there, that was not
7 the period that I received any prisoners. Prisoners were brought
8 in from either the west or the east, and <if they were brought
9 from the east,> then they would be handed over to the prison
10 staff. For example, from the west entrance, the prison staff from
11 the west gate would receive them.

12 As to the role of the guards there, the prison staff who were
13 there at the gate were the ones who would receive the prisoners,
14 not the guards like myself.

15 [13.36.56]

16 Q. Thank you. Did you know about the arrangement of the prisoners
17 in the two buildings? Were children or women put aside? Or were
18 they mixed together with male prisoners?

19 A. I did not know about that.

20 Q. What about the food ration for those prisoners. Can you tell
21 the Court?

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

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

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

3 Q. What about for your group, how was the food ration like for
4 your group?

5 A. For my unit, in fact, we ate outside the compound and our food
6 was not related to the food given to the prisoners. Although our
7 food was not really sufficient, but it was better than the food
8 ration given to prisoners.

9 [13.39.20]

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

11 A. Yes.

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

14 A. No, I did not.

15 Q. Within Krang Ta Chan Security Centre, did you know how many
16 staff working inside? <How many male? How many female?>

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

19 Q. Mr. Witness, did you ever see a prisoner or several prisoners
20 who could move around freely within the prison compound? For
21 example, a prisoner would go to clean up a place like in <your>
22 typing room.

23 A. Yes, I saw one man by the name of <Ta> Dam who did the
24 sweeping of the ground and watering the vegetables.

25 [13.41.58]

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

4 A. No, there was none.

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

8 A. No, there was none.

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

12 A. No, I did not meet them, nor <did I know> them.

13 [13.44.06]

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

16 A. No, I was not aware of that, as I did not pay attention to it.
17 I did not know their names because there were several names.

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

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

23 Q. How far were you from the prisoners when you heard the
24 screaming? Were you at your guard post or were you in the typing
25 room when you heard the screaming?

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1 A. I could also hear the screaming from my guard post if the
2 screaming was high or loud, but usually only when I was closer
3 that I could hear the screaming. However, usually we were not
4 allowed to go near when the interrogation was ongoing as we were
5 directed to stay at our guard post outside the perimeter of the
6 compound.

7 [13.46.48]

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

11 A. I never said a messenger came on a monthly basis. I said
12 occasionally a messenger came, and not on a monthly basis. <But I
13 did not know his name.> I only saw a messenger with a cap or with
14 a scarf around the neck came into the centre and I did not
15 recognise the face or know the man.

16 MR. LOR CHUNTHY:

17 Thank you, Mr. Witness. And Mr. President I do not have any
18 further questions.

19 MR. PRESIDENT:

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

22 [13.48.06]

23 QUESTIONING BY JUDGE LAVERGNE:

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

1 Q. Witness, you told the Chamber that you were detached, <if I
2 understood correctly,> from the 13th Regiment and that you were
3 detached from that regiment to <stand> guard at Krang Ta Chan.
4 What was the name of your superior? Since, according to you, that
5 person was neither Ta An nor Duch, what was the name of your
6 superior?

7 MR. SREI THAN:

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

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

12 A. Regiment 13 did not have a fixed base. It was constantly on
13 mobile in various villages and it was 100 kilometres away from
14 the centre, away from Krang Ta Chan centre, and in some cases it
15 was about <70 to> 80 kilometres from Krang Ta Chan.

16 [13.50.16]

17 Q. How did you communicate with <your> superiors who <were> 80 <>
18 or 100 kilometres from Krang Ta Chan<, and who were never in the
19 same place>? How did you communicate<>?

20 A. Before we were transferred, in fact they already designated us
21 to carry out the guard duty. And once we received that guard duty
22 it means that we will be at a fixed location there and if there
23 was a new instruction it would happen like two or three months
24 after. And during the period that I was at Krang Ta Chan office,
25 I only met my superior once because I was there only for four or

1 five months. And in fact, the commander never came to see us. It
2 was us who were called to meet him.

3 Q. And when did you meet him?

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

5 Q. How did you know that you had to go to the headquarters of the
6 division?

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

9 [13.51.17]

10 Q. So if I were to sum up what you have said, throughout the
11 period you spent at Krang Ta Chan, you received instructions only
12 once, and those instructions were that you should go to the
13 division. Apart from that, you never received any other
14 instructions<>?

15 A. Yes, that is correct.

16 Q. And neither Ta An nor Ta Duch could give you instructions
17 regarding work <> at Krang Ta Chan?

18 A. Yes, that is correct.

19 Q. In that case, how come your status was changed from that of a
20 guard to that of a <stenotypist or> -- typist? Who <decided you
21 would work as a typist? And who gave you the order?> <>

22 A. I was not later become a staff of the Krang Ta Chan centre. I
23 was only called to assist when the regular typist was not
24 available and it was only for a short period of time, because I
25 knew how to type so I could replace the regular typist. And after

1 I finished the typing of the documents, then I would return to my
2 guard duty.

3 [13.54.25]

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

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

7 Q. And which <one was it>?

8 A. Could you please repeat your question?

9 Q. Which of the two, <Ta An or Ta Duch,> <> asked you to work as
10 a <stenotypist>-- typist? <My apologies.> <>

11 A. Both of them in fact. Sometimes An called me to assist in
12 typing and sometimes it was Duch who called me to assist with the
13 typing. So, both of them would call me to assist in typing when
14 the typist was not available.

15 [13.56.04]

16 Q. Why, if Ta An and Ta Duch were not your superiors, why did you
17 accept to <perform those tasks>, even though your duty was to
18 work as a guard outside of the <security> centre? <Why?>

19 A. You should know at the time during the Khmer Rouge regime most
20 of the people were illiterate, and I was kind of literate because
21 I knew a bit about the letters, about the typing. So once they
22 knew that I was able to read and to type, then they asked me to
23 assist them. As a matter of fact, they did not have authority
24 over me, the two of them, but they would just call me to assist
25 and they did not have the authority to instruct the six-man unit

1 that I belonged to. But because I knew how to type and when they
2 needed assistance, then I just lend them a hand.

3 Q. Was that the only thing you did by way of <lending a hand>? Or
4 <did you do> other things to <lend a hand>?

5 A. I did not have any other skills besides the limited knowledge
6 in letters and in typing. <So, I could not do more than that.>

7 Q. I would like you to explain in further detail where you
8 learned to type.

9 A. I learned to type at Ang Chhuk (phonetic) <primary school in
10 Otdam Souriya commune, Tram Kak district, Takeo province>. I was
11 at year 8 <and the typewriter was already> old <.> In fact<,> I
12 learned to type since I was young<;> so<,> I could still remember
13 how to type. And when the war broke out, although I did not go to
14 school anymore, I could still recall how to type, although it was
15 not the skills that I actually learned or was effective in.

16 [13.59.03]

17 Q. So you are telling us that you learned to type in <> primary
18 school. Were there many pupils in the primary school who learned
19 to type<> or you were the only one<>?

20 A. Yes, there were a few other students, and not many at the
21 time. Usually we learnt to type during the break, and we actually
22 went to the library to learn to type and there was no typing
23 instructor.

24 Q. So there <were> no instructors? And there was a typewriter;
25 and since you saw the typewriter you said <to yourself> "Hey, I'm

1 going to learn how to type, it might be useful later on"?

2 A. At that time I was young and I saw a typewriter and I wanted
3 to learn how to type, and I wanted to know it. And during the
4 primary school that I was there, there was no other typewriter
5 around, there was only one <left> in the library <from the old
6 regime>, and I used it and my sole purpose was just to learn how
7 to type.

8 Q. And how old were you when you discovered <this precocious
9 aptitude, sir>?

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

12 [14.01.28]

13 Q. And between primary school and Krang Ta Chan, you never worked
14 as a typist? Never? <> Did you ever type between the time you
15 were in primary school and when you were at Krang Ta Chan?

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

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

19 A. At the beginning when I arrived in that centre, I was asked
20 about that. I reported to them that I can read and write<;> and
21 <they asked if I could type because there were typewriters there.
22 Since> I <also wanted to type; so I> told them that I can do the
23 typing <> but <> my skill was very limited.

24 Q. And you replaced someone, if I understood correctly, <based on
25 what you stated earlier>. So, who did you replace?

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

2 [14.03.35]

3 Q. So <sir,> you were the first one at Krang Ta Chan to use a
4 typewriter. Is that so?

5 A. No. It was not my first time, because there were several other
6 people did that before. I don't know how many of them do the
7 typi<ng>. But I was the last person to arrive <there> and do the
8 typing.

9 Q. I'd like you to tell me exactly how far <was> the guard post
10 <> where you were <stationed> from <the> Krang Ta Chan <Centre>?
11 Because I heard one kilometre, <and> I heard <greater distances>,
12 so I'd like to know exactly how far you were from the Krang Ta
13 Chan Centre.

14 A. <Yes, please be informed that,> there were two phases. The
15 first was when I was stationed about one kilometre away, and
16 later, about one year later, I was assigned to guard at the <very
17 front> gate to Krang Ta Chan and the gate and the surrounding
18 fence altogether, it was only 1.5 hectare, it's about 150
19 <square> meters. I was stationed at the gate and there were two
20 gates, one to the east and another one to the west of the centre.

21 [14.05.45]

22 Q. I don't understand very well. I need more clarification. You
23 say <that,> at the start, you were about a kilometre away. Is
24 that so? And then, you were at the gate. Was this gate further
25 than a kilometre away? Or was it closer to the centre?

1 A. The fence of the centre, as I told you earlier, the size was
2 probably 1.5 hectare, so the first gate was one kilometre and
3 later my place was <at the gate> and the centre was very small in
4 size, it was about <1.5 hectare, about 150 square metres>. And
5 there were two phases, the first <phase>, I was about one
6 kilometre and the second phase I was stationed at the gate of the
7 fence. And the compound <was> totally about 150 square metres.

8 Q. So you were next to a fence, circling an area of 150 square
9 metres, which means that you were very close to the centre? <You
10 were - you were> almost within the compound?

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

13 [14.08.08]

14 Q. Is <>there <the place from> where you heard <the screams of
15 prisoners being tortured> <>? <W>as it there, or was it when you
16 were a kilometre away?

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

19 Q. So you heard the prisoners scream but you never heard
20 loudspeakers? That's what you told us earlier; isn't it? Never
21 loudspeakers, never gunshots; but however you heard screams. Is
22 that the case? Can you confirm that that is what you said? Can
23 you confirm that that is <the truth>?

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

1 Q. So you're telling us that you did not hear <or did not see>
2 any loudspeakers<>?

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

4 Q. Did you see injured prisoners?

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

6 [14.10.32]

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

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

10 Q. When they stepped out, were their hands tied or were they
11 completely <unrestrained>? Was someone with them or were they on
12 their own?

13 A. When they left Krang Ta Chan Centre no one escorted them. But
14 when they were sent out from Krang Ta Chan, most of them were
15 tied up. So, these ones were not released to go to their homes.
16 When they were tied up with both hands behind, they sent out and
17 other people would come and receive them at the centre. I just
18 witnessed that they were brought out from detention and handed
19 over to another group of people to send them away. I don't know
20 what happened to them

21 [14.12.23]

22 Q. And who made up this other group?

23 A. I don't know.

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

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

4 Q. And when people would show up at the gate -- when people would
5 show up <outside> or at the <inner> gate, did they have to
6 provide documents? Did they need to obtain any kind of
7 <authorization> to <enter> the compound?

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

12 [14.14.16]

13 Q. <Very well. Since> <>you stopped working at Krang Ta Chan, did
14 you ever meet any former members of the Krang Ta Chan staff? Or
15 did you ever meet any former prisoners who were at Krang Ta Chan?

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

21 Q. So you never saw any prisoner from Krang Ta Chan again? Never?

22 A. No, later I have never met any of them. I met only Say Sen,
23 only Say Sen, but not any other prisoners.

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

25 A. No. He was one of the prisoners, but he was detained before my

1 arrival. But when I left the centre, he was still there in that
2 prison. I don't know when he was released.

3 [14.16.35]

4 Q. Let me put a question to you that might seem a little
5 <bizarre> to you, <sir, but>
6 today, do you have rather fond or unpleasant memories <from your
7 time at> Krang Ta Chan?

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

17 Q. So if I sum up what you just said, you saw very little, you
18 heard a few <cries>, and you are telling us that you have a lot
19 of regrets. So <now I would like for you to tell us:> what <are
20 these> regrets and why was your stay at Krang Ta Chan so
21 difficult?

22 A. It was not an interesting thing for me, but at that time I was
23 young. I do not remember things. So the activities or any bad
24 thing happening to other family members, I do not remember
25 everything. That is why I feel very hopeless in myself.

1 [14.19.32]

2 Q. So this will be my last question, <sir>. You say that you have
3 regrets. <Are these> regrets with respect to yourself, or <are
4 these> regrets with respect to the people who were <prisoners> at
5 Krang Ta Chan?

6 A. I feel regret for myself and also those who were detained. <It
7 appeared that even prison staff, as I think, were treated worse
8 than prisoners.> <That time,> it was a wall-less, or a prison
9 without walls. When you are driving a horse cart so the horse
10 would be harnessed and with something to cover the eyes, the
11 horse can see only one direction, not the other way. So this is
12 my example for <the Court.>

13 JUDGE LAVERGNE:

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

16 MR. PRESIDENT:

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

19 [14.21.29]

20 MR. KOPPE:

21 Thank you, Mr. President.

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

1 Southwest Zone like yourself.

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

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

8 [14.22.54]

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

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

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

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

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

21 Answer 8: "Yes, he was."

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

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

7 [14.24.46]

8 QUESTIONING BY MR. KOPPE:

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

14 MR. SREI THAN:

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

19 [14.25.47]

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

25 A. No, I didn't hear anything like that. I didn't hear anyone

1 saying like that.

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

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

6 A. Yes, I heard her name, Yeay Nha, but I don't know her well.

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

10 [14.27.22]

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

13 A. I don't remember them.

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

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

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

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

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

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

25 [14.29.28]

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

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

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

7 A. After 1979, Mr. Say Sen came to my home once and I cannot
8 recall the details of that conversation. It was just a social
9 meeting, and that was the only time that I met him. <After that,
10 we have never met again.>

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

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

16 [14.31.30]

17 MR. KOPPE:

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

22 MR. PRESIDENT:

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

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

1 break now and return at 10 to 3.00.

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

5 The Court is now in recess.

6 (Court recesses from 1432H to 1453H)

7 MR. PRESIDENT:

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

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

13 MR. LYSAK:

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

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

6 [14.55.43]

7 MR. KOPPE:

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

14 MR. LYSAK:

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

1 [14.57.01]

2 MR. PRESIDENT:

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

5 MS. GUIRAUD:

6 Thank you, Mr. President. I just want to make a brief remark. To
7 the extent that the Chamber told us the last time that it would
8 <likely> rule on the manner in which Parties may disclose
9 documents <beforehand and use> <> the interface. <From our side,
10 we> would like to reiterate the fact that it is very important
11 that the interface be viewed as a tool that we can use and when
12 Parties <begin using more than> <500,> 600 <or> 700 documents on
13 the interface, it is practically impossible for the other Parties
14 to <do anything with it>. <So, at least, can> -- when the volume
15 of documents is very significant, could the Parties point <out>
16 the document on the interface, by indicating the <registration>
17 number of the document <on that interface><? This way we can at
18 least all be sure> that that document <has> indeed <been
19 uploaded> <to> the interface<. Nevertheless, t>he Chamber <must
20 ask itself> this question<:> When <we are talking about> <500,>
21 600<,> 700 <> documents -- <are we using tool that is readily
22 manageable by all the parties involved, when we know that the
23 documents must be uploaded> the day before the hearing?

24 [14.58.25]

25 MR. PRESIDENT:

1 Counsel Koppe, you have the floor,

2 MR. KOPPE:

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

4 The only thing -- there is a few things I know for certain, it is

5 that the first document that I showed to the witness, I gave an

6 explicit instruction to my consultants to put it on. That I know

7 for sure, because I've been planning to put this document on -

8 or, to the witness for some time. That's answer number one.

9 [14.58.55]

10 The second instruction was to put Krang Ta Chan documents on the

11 interface that weren't put on by the Prosecution. I used Friday,

12 Saturday and Sunday to prepare for this witness, so I wasn't able

13 to tell already on Friday morning which -- exactly which document

14 of the Krang Ta Chan documents I was going to put questions

15 about.

16 And thirdly, of course, as we all know, we got a few binders with

17 additional statements and, to be honest, I wasn't quite sure when

18 I should be able to read them, but I -- we did, as fast as we

19 could -- and just to be sure that we wouldn't get the objection

20 that it wasn't on the interface, we put it on the interface. So,

21 it's never right, I suspect, here.

22 [14.59.57]

23 MR. PRESIDENT:

24 Judge Fenz, you have the floor.

25 JUDGE FENZ:

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

14 (Judges deliberate)

15 [15.01.34]

16 JUDGE FENZ:

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

19 MR. KOPPE:

20 I don't know.

21 JUDGE FENZ:

22 So inform us what the document is and we will check if it is
23 there.

24 MR. KOPPE:

25 I just conferred with my senior consultant and she again said

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1 this document was definitely put on, as well as the others, but
2 the interface probably crashed, so that's why the Khieu Samphan
3 team had trouble in finding it, and that's why the Prosecution
4 has trouble in finding the first document. To accuse us of bad
5 faith is a little premature, I would say. Very premature.

6 [15.02.09]

7 JUDGE FENZ:

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

12 MR. KOPPE:

13 I was going to show the witness E3/2421, and E3/2107, and
14 E3/2421.

15 JUDGE FENZ:

16 So, are Parties aware of these documents? The other parties,
17 obviously.

18 MR. LYSAK:

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

1 difficult. But I think I recognize those two numbers as ones that
2 I may have used.

3 (Judge deliberate)

4 [15.05.01]

5 MR. PRESIDENT:

6 The floor is given to Judge Lavergne to interact on this with the
7 Parties.

8 Judge, you may proceed.

9 JUDGE LAVERGNE:

10 Thank you, Mr. President. I have a question to put to Counsel
11 Koppe. I would like to know how many documents were placed on the
12 interface. I understand that <he> only wants to use three this
13 afternoon. But, however, <unless I'm mistaken,> I understand that
14 hundreds were placed on the interface. So <it is a question of
15 asking whether we> can we rely on good faith.<> <In your
16 opinion,> does this <practice> seem to correspond to acting in
17 good faith?

18 MR. KOPPE:

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

23 [15.06.06]

24 JUDGE LAVERGNE:

25 Counsel Koppe, how many documents do you want to use in the

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1 examination of this witness and how many documents did you place
2 on the interface?

3 MR. KOPPE:

4 Fine, that's a question I'm prepared to answer. I would like to
5 ask the witness a few questions about the documents that I just
6 mentioned; I have a few other documents from the Krang Ta Chan
7 documents to put on the interface, five more. So, all in all, I
8 would say about 15 documents.

9 JUDGE LAVERGNE:

10 So maybe these 15 documents should be forwarded to the Parties
11 <this afternoon> so that they can be sure to find them. And
12 <perhaps> the Parties might need a bit of time to make sure that
13 these documents are <indeed> on the interface and <for them> to
14 <be able to> access them. <I am not sure what to propose we do,
15 but perhaps - should we adjourn the hearing? I don't know.><>
16 [15.07.11]

17 MR. KOPPE:

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

23 (Judge deliberate)

24 [15.08.24]

25 MR. PRESIDENT:

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1 The Co-Prosecutor, do you have any submission to address the
2 Court as regards to the request by the defence counsel to use the
3 <> documents <, for instance, document> E3/2421 <, which> was
4 <already> used by the Co-Prosecutor to examine the witness<?> Or
5 do you need some time to review these documents -- to review
6 those documents before we proceed with the hearing?

7 MR. LYSAK:

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

12 MR. PRESIDENT:

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

15 BY MR. KOPPE:

16 Thank you, Mr. President.

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

23 [15.10.20]

24 MR. SREI THAN:

25 A. At the time, I was in a unit of the district during the attack

1 of Takeo province, but we did not launch any offensive, but the
2 <> soldiers, defeated, they surrendered with the white flag. We
3 did not attack any offensive against them.

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

6 A. It is difficult for me to make the estimate, it is probably 30
7 or 40 kilometres away.

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

10 [15.11.28]

11 MR. KOPPE:

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

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

24 MR. PRESIDENT:

25 Your request is granted, counsel.

1 [15.13.17]

2 BY MR. KOPPE:

3 Q. Mr. Witness, I would like you to have a look first at the
4 Khmer page, which has on the left top the number -- the page
5 number 00271177. And now I would like you to look at the middle
6 of that page and -- it's not an original document, Mr. Witness,
7 as you know, we don't have an original document, but on the
8 middle of that page there is a signature. Please have a look at
9 that signature, would you be able to tell us whose signature that
10 is?

11 MR. SREI THAN:

12 A. This is the signature of An.

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

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

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

23 A. This is the same signature.

24 [15.15.37]

25 MR. KOPPE:

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

4 MR. PRESIDENT:

5 Counsel, your request is granted.

6 BY MR. KOPPE:

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

9 Q. Mr. Witness, you see a text on the document, on page 0068049,
10 you see a text in Khmer. I would like you first to read the Khmer
11 text.

12 MR. SREI THAN:

13 A. "Re-education Centre 105: Since the date" - "Since the date --
14 I cannot read the rest after this one - "the enemy until today,
15 totalling 1500, <>please, the Party be informed<>." So,
16 "Re-education Centre, <> An."

17 [15.18.45]

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

20 A. Yes, it is correct.

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

22 MR. PRESIDENT:

23 Please wait, Mr. Witness. International Co-Prosecutor, you may
24 proceed.

25 MR. LYSAK:

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

6 [15.19.43]

7 MR. KOPPE:

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

12 MR. PRESIDENT:

13 Witness, you <can now> respond to this question. <You do not need
14 to respond to the previous question.>

15 MR. SREI THAN:

16 A. Because, under the signature, his name <was written> there, so
17 <it is not difficult to read>. I can recognize.

18 BY MR. KOPPE:

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

22 MR. SREI THAN:

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

25 [15.21.20]

1 Q. That is exactly my point, not necessarily, but I'll rephrase.

2 I'll ask you another question.

3 Can you have a look at this text that you just read out. Is that

4 Ta An's handwriting? Do you recognize that?

5 A. I don't remember.

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

7 have look at that document again, the text where it says "15,000

8 people smashed", do you recognize that handwriting as Ta An's

9 handwriting?

10 MR. PRESIDENT:

11 Please wait, witness. International Co-Prosecutor, you may

12 proceed.

13 MR. LYSAK:

14 Your Honour, I object to the question as repetitive. He's just

15 asked the same question that he already asked the witness.

16 [15.22.23]

17 MR. KOPPE:

18 It's an important document, Mr. President. It's featured

19 prominently in the Closing Order. We will try to argue at one

20 point during the document's hearing that it is a post '79

21 fabrication. So, I think I should be able to ask one more

22 question in relation to this specific document. It's very clear

23 prima facie that the handwriting is completely different than

24 other handwritings of Ta An's. I think it's a proper avenue of

25 asking this question.

1 MR. PRESIDENT:

2 The objection by the Co-Prosecutor based on the ground, it is
3 repetitive and the witness has responded to the question, and the
4 witness said that he does not recognize the writing. So the
5 witness is not required to respond to the repetitive question.

6 [15.23.36]

7 MR. KOPPE:

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

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

14 MR. PRESIDENT:

15 Your request is granted, Counsel.

16 BY MR. KOPPE:

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

19 MR. SREI THAN:

20 A. I didn't see this document.

21 [15.25.12]

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

25 MR. PRESIDENT:

1 Please wait, witness. International Co-Prosecutor, you may
2 proceed.

3 MR. LYSAK:

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

7 MR. KOPPE:

8 I apologize; I'm referring, Mr. President, to English, ERN
9 00762837; French, 00761093; and Khmer, 00068730. It's the two
10 pages that follow each other.

11 [15.26.30]

12 MR. PRESIDENT:

13 Mr. Koppe, please <reconfirm> the Khmer ERN <> and also the
14 document number. It is helpful for you to repeat each ERN <as the
15 Co-Prosecutor often repeats in presenting the documents; we
16 already told you regarding this matter>.

17 BY MR. KOPPE:

18 We were discussing E3/4145, and the specific page in English,
19 again, ERN 00762837; French, <00761093>; and Khmer, 00068730; so
20 two pages.

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

24 MR. SREI THAN:

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

1 didn't see it before.

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

7 A. No.

8 [15.28.31]

9 Q. Can you tell us why?

10 A. I see this form on this paper; I never saw it when I was
11 there. I never saw it when I was there.

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

13 MR. KOPPE:

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

18 MR. PRESIDENT:

19 Your request is granted.

20 [15.29.38]

21 BY MR. KOPPE:

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

24 MR. PRESIDENT:

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

1 MR. SREI THAN:

2 A. Yes.

3 BY MR. KOPPE:

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

7 MR. SREI THAN:

8 A. I do not recognise this document.

9 [15.31.30]

10 Q. I understand that you do not recognise the document but can
11 you tell us something whether this document -- whether the format
12 of this document, the way the categories are being used, is that
13 in accordance with what you remember, the typical document looks
14 like?

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

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

17 MR. KOPPE:

18 These are documents, Mr. President, that were put on the
19 interface but I would like to give a heads-up as to the documents
20 that I would like to read small fragments from. It's respectively
21 E3/2454, E3/2424, E3/4093, E3/2453, and E3/2048. Mr. President,
22 all these five documents are Krang Ta Chan documents. So I
23 believe they should all be familiar to the Prosecution. What I'll
24 do from each of those five documents is read only one page per
25 document and I will give you the three ERN Numbers, but I would

1 like to read all five different pages from the five documents at
2 once and then ask, if that is alright with you, Mr. President,
3 the witness -- the question.

4 [15.33.45]

5 The first document is, as I said, E3/2454, more specifically,
6 English, ERN 00364288; Khmer, 00271054; and French, 00612215. Mr.
7 Witness, it's a document -- it's a report to the "Respected Base
8 Party of Tram Kak district". It's about what a certain person is
9 alleged to have done and it's about stealing and the document
10 says that "the unit chief re-educated this person four times and
11 that he didn't listen at all". That's the first document:

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

13 The second document, E3/2424, English, ERN 00322217; Khmer, ERN
14 00270751; and French, ERN 00612215. Also this is a report and
15 it's about what allegedly somebody has done and in the middle it
16 says that the person is good at stealing things, et cetera
17 "although we have tried to educate him in whatever manner". That
18 sentence, I would like you to remember.

19 [15.35.45]

20 The same about E3/4093 -- Mr. President, this is English, ERN
21 00831489; Khmer, 00270790; and French, ERN00729676. Again, this
22 is a report and about somebody who did something apparently wrong
23 and the document says in the middle of the page, "no matter how
24 she is educated, she refuses to refashion herself".

25 Mr. President, the fourth document - the fourth of the five is

1 E3/2453; English, ERN 00388578; Khmer, ERN 00270775; and French,
2 00611770. The same background; it's a report about somebody. It
3 says in the middle of the page: "Furthermore, this one has
4 carried out activities to wreck the co-operative, for instance,
5 throwing plates so they break, throwing out soup, stealing
6 potatoes, stealing this and stealing that without end, no matter
7 how he is re-educated." So, here again a sentence, "no matter how
8 this person is re-educated".

9 [15.37.21]

10 And finally, Mr. President, document E3/2048, that's the page in
11 English, ERN <00276566>; Khmer, ERN 00079094 until 5; and French,
12 ERN 00611663. Again report this time to Comrade An himself. It
13 says in the third paragraph: "Request the police make the
14 decision because these two, the Base has re-educated them to the
15 utmost of its capabilities."

16 BY MR. KOPPE:

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

23 MR. PRESIDENT:

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

25 MR. LYSAK:

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1 Thank you, Mr. President. My objection to what counsel has done
2 here is, he started by representing that these are Krang Ta Chan
3 documents. Most of them, in fact, I think almost all of them are
4 not - they are reports from communes from the Base. We submitted
5 documents to this witness that were documents generated by where
6 he worked. I submit that he's asking the witness to provide, to
7 speculate and provide an opinion about how communes referred
8 people; that is outside his knowledge base.

9 [15.39.28]

10 MR. KOPPE:

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

1 of re-education, that's my question.

2 [15.40.41]

3 MR. PRESIDENT:

4 The objection by the Deputy Co-Prosecutor is not appropriate and

5 the Chamber needs to hear the response from the witness. The

6 witness can respond to any question that is based on what he

7 personally observed during the Democratic Kampuchea regime.

8 And Mr. Witness, please respond to the question put to you by the

9 defence counsel if you still recall it.

10 MR. SREI THAN:

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

12 And as for -- to the other question that if I was in a meeting

13 with Ta An, the answer is no. I did not attend any meeting with

14 him.

15 [15.41.41]

16 BY MR. KOPPE:

17 Q. Mr. Witness, you typed documents, you typed confessions; what

18 would you, in general, be able to say about the reasons that

19 people were sent to Krang Ta Chan? Was it because they couldn't

20 be re-educated or you simply don't know?

21 MR. SREI THAN:

22 A. I did not know <about this>.

23 Q. Following up this question, you have stated that -- or you

24 have given testimony that 99 per cent of people who entered Krang

25 Ta Chan were smashed. My question is: If that is true, what was

1 the rational or what was the reason that these people were
2 interrogated in the first place, do you know?

3 A. They were tortured during the interrogation and I did not know
4 <what> they were being interrogated <about>.

5 [15.43.29]

6 Q. But you said you were a typist. You must have known certain
7 things that were going on. My question is: If people were going
8 to be killed anyway, what was the reason to ask them questions,
9 to torture them? It doesn't -- I don't understand.

10 A. I also cannot respond to your question because I did not
11 <understand> what they did or what their policies were.

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

16 A. <Those> who were sent out were new prisoners but not the old
17 ones. The old ones had all been smashed and the new prisoners who
18 were sent in <in 1978; in> the time of the confusing situation
19 and that was when they were sent out.

20 [15.45.15]

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

1 MR. KOPPE:

2 Mr. President, I'm referring to transcript E1/257 <sic> -- that
3 is, around 10.40 in the morning; English, ERN 01064599; and Mr.
4 Witness, this is Say Sen giving testimony about you.

5 The question is as follows: "I would like some details on what
6 you told us yesterday. You said that a soldier or a security
7 guard had raped two women from the Mobile Unit and had inserted
8 the rifle in their vaginas. Can you tell us the names of those
9 soldiers?" That's the question.

10 And then the answer of Say Sen is as follows: "Yes, It was Duch
11 or small Duch and <Saing>, they were two of them."

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

14 "No, they were not punished although there were regulations from
15 this Chief."

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

21 And then Say Sen answers: "Yes, they were Sim, Moeun, <Saing> and
22 Duch or Small Duch."

23 [15.47.40]

24 BY MR. KOPPE:

25 Mr. Witness, it seems that Say Sen is accusing you of

1 participating in atrocities at Krang Ta Chan. Would you give us
2 your comment on this testimony?

3 MR. SREI THAN:

4 A. I cannot respond to that question.

5 Q. Why is it that you cannot respond?

6 A. Because I did not do it and I did not know about it so how can
7 I respond.

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

9 A. I do not know.

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

14 [15.49.26]

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

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

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

1 A. No, that is not correct.

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

3 A. Yes. That is correct.

4 [15.50.52]

5 Q. Mr. Witness, Say Sen also gave testimony to the Investigators

6 of the Investigating Judge. Mr. President, I refer to E319.1.24,

7 that is on question A107, the English, ERN 00969632; the question

8 is: "Did you see Duch rape female prisoners?"

9 And Say Sen answers the following: "Yes, I saw him raping a

10 female prisoner who was a cook at night. Their mother told me

11 about that. Duch did not kill her after raping her but she died

12 in '79, and her husband was killed in Krang Ta Chan."

13 So Mr. Witness, it means that Say Sen is accusing of raping a

14 female prisoner. Can you give your reaction on that?

15 A. That answer or that statement is not correct. It is

16 fabricated.

17 Q. Do you have any explanation why Say Sen is fabricating about

18 you? Fabricating these stories?

19 A. Yes. You are aware during the Khmer Rouge period, sexual rape

20 or somebody who committed sexual rape would not be spared. So

21 rape was prohibited. For that reason, such a statement is a

22 fabricated one.

23 [15.53.08]

24 Q. I understand that you say that his testimony was fabricated

25 but my question is: Would you be able to give us - to shed some

1 light as to why he would fabricate such an awful story?

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

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

7 Mr. President, that is, E3/4846; English, ERN 00527774; Khmer,
8 ERN 00527724; and French, ERN 00943272 until 73. The question to
9 Say Sen is the following -- it's in the middle of the page.

10 "Did they rape women prisoners before they are killed?"

11 And then Say Sen answers: "I have seen it once done by someone
12 else, but for Duch, I did not see him do it. Duch used to kill
13 the young girls in the prison. They took the dead bodies,
14 inserted the head of M79 missiles into the girls' vaginas. They
15 called on me to bury the bodies. Duch had asked me if I saw the
16 M79 in the girls' vaginas. I told him I did see it and asked him
17 why he did that. After burying the bodies, Duch and his comrades
18 laughed about it."

19 And then the Investigator asked: "Is Duch still alive?"

20 "Yes, still alive", Say Sen answered, "He lives in Otdam Souriya
21 commune."

22 Question: "Do you know what village he lives in?"

23 "I only know that it is Otdam Souriya commune, I don't know the
24 village. Duch had raped Rath, <old> female who now lives in Kbal
25 village."

1 And the Investigator asked: "Oh, the small, short Eah Rath over
2 there?"

3 "Yes, the small one. "

4 [15.55.45]

5 MR. PRESIDENT:

6 Please wait.

7 <(Judges deliberate)

8 MR. PRESIDENT:>

9 Counsel Koppe, are you now trying to establish a fact or are you
10 putting questions to the witness. The Chamber gives you floor so
11 that you can put questions to the witness and not establish
12 facts. Please rephrase your question and follow the procedures
13 applicable before this Court.

14 And Judge Fenz, you have the floor.

15 [15.56.40]

16 JUDGE FENZ:

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

21 BY MR. KOPPE:

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

1 MR. SREI THAN:

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

4 [15.57.40]

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

8 A. Yes, that is correct.

9 MR. KOPPE:

10 I would like to give the floor, Mr. President, to my national
11 colleague.

12 MR. PRESIDENT:

13 Yes, you can proceed.

14 QUESTIONING BY MR. SUON VISAL:

15 Thank you, Mr. President. I only have a few questions for this
16 witness.

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

20 MR. SREI THAN:

21 A. When my unit was assigned to guard the office, it was to guard
22 -- that is, to provide protection or guarding to the district -
23 or Education Office <> 105.

24 [15.59.22]

25 Q. Did they set out instruction or policy for smashing enemy or

1 taking necessary measure to suppress the prisoners?

2 A. No.

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

7 A. The guarding duty was similar for the two phases. However,
8 initially we were far from the centre and the second phase was
9 closer -- that is, to guard the fence of the centre.

10 [16.00.28]

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

14 A. I think I have already responded to that question <several
15 times concerning the guarding>. My six-man unit was assigned the
16 guard duty -- that is, the east and west <front> gates,
17 <however,> when prisoners were taken and killed, we were not
18 allowed to go and guard.

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

22 A. Yes. They did. Some prisoners were allowed to work outside the
23 detention buildings.

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

25 A. Some of them carried earth, or engaged in transplanting rice

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1 < if it is the transplanting time.>

2 Q. Did they also raise livestock there, for instance, horses or
3 cows?

4 A. Yes, there were cows. However, only the prison guard tended
5 the cows not the prisoners.

6 [16.02.40]

7 Q. You mean the prisoners were allowed to work within the prison
8 compound, were not allowed to <tend> the cows; is that correct?

9 A. Yes, it is correct.

10 MR. SUON VISAL:

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

13 MR. PRESIDENT:

14 Yes, you may proceed.

15 BY MR. SUON VISAL:

16 Q. Mr. Witness, I would like to <ask> you a question in relation
17 to the interrogation. During the interrogation, did you know
18 <whether> the light offence prisoners were allowed to go near
19 where the interrogation took place?

20 MR. SREI THAN:

21 A. During the interrogation time, nobody was allowed to go near,
22 including the light offence prisoners. All prisoners were
23 detained during the interrogation.

24 [16.04.00]

25 Q. As for prisoners who were let out to work within the prison

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1 compound, did anyone of them successfully flee?

2 A. Since the time that I went to work there, no prisoner ever
3 successfully fled. <They never fled.>

4 MR. SUON VISAL:

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

7 MR. PRESIDENT:

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

9 [16.04.41]

10 MR. LYSAK:

11 Thank you, I'll be brief. I have one request relating to the Nuon
12 Chea's team's documents for the next witness. They have listed
13 752 entries for the next witness. As we saw today, where they
14 listed over 400, only used 15. I have a request that tomorrow
15 they notify the Parties by email of the actual documents that
16 they intend to use so that we're not scrambling like we were
17 today to try to find documents because it is virtually impossible
18 to get them, to make use of the interface when that many
19 documents have been put on it.

20 (Judges deliberate)

21 [16.05.58]

22 MR. PRESIDENT:

23 Thank you for the remark by International Co-Prosecutor. And the
24 defence counsel for Mr. Nuon Chea, please give the list <that
25 counsel> will use for the next witness that will start from

1 tomorrow.

2 Now it is time for Trial Chamber to adjourn for the day and the
3 proceeding will be resumed tomorrow on the 24th February 2015,
4 from 9 o'clock in the morning.

5 Tomorrow we will hear the witness, Mr. Srei Than, and we may
6 continue with 2-TCW-552. And all Parties are invited to the
7 hearing. Thank you, Mr. Witness, for today. Your testimony before
8 the Chamber has not come to an end for today and you are invited
9 to the Court tomorrow from 9 o'clock, and now you are excused and
10 you can return to your place of accommodation.

11 And Court officer is instructed to work with the Witness Support
12 Section to facilitate the witness to his accommodation and only
13 the witness today will come to the hearing in the morning and
14 reserve witness will be waiting in the waiting room.

15 Duty counsels are also invited to attend the hearing.

16 The security personnel are now instructed to bring the Accused
17 back to the detention facility and bring them back to the
18 courtroom tomorrow before 9 o'clock.

19 The Court is adjourned.

20 (Court adjourned at 1608H)

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