



**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

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

ថ្ងៃ ខែ ឆ្នាំ (Date): 19-May-2017, 08:21

CMS/CFO: Sann Rada

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

24 March 2015

Trial Day 262

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

The Accused: NUON Chea  
KHIEU Samphan

Lawyers for the Accused:  
Victor KOPPE  
SON Arun  
Anta GUISSSE  
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:  
CHEA Sivhoang  
Maddalena GHEZZI

Lawyers for the Civil Parties:  
Marie GUIRAUD  
HONG Kimsuon  
KIM Mengkhy  
LOR Chunthy  
SIN Soworn  
VEN Pov

For the Office of the Co-Prosecutors:  
Dale LYSAK  
SENG Bunkheang  
SONG Chorvoin

For Court Management Section:  
UCH Arun  
SOUR Sotheavy

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**List of Speakers:**  
  
Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE FENZ	English
MS. GUIRAUD	French
MR. KIM MENGKHY	Khmer
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
MR. LYSAK	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. SAUT SAING (2-TCCP-304)	Khmer
MR. SON ARUN	Khmer
MR. SUON VISAL	Khmer

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1 PROCEEDINGS

2 (Court opens at 0904H)

3 MR. PRESIDENT:

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

5 For today's proceeding, the Trial Chamber will hear the testimony  
6 of a civil party -- that is, 2-TCCP-304, as informed by an email  
7 by the Senior Legal Officer of the Trial Chamber on the afternoon  
8 <of 19 March 2015>.

9 Ms. Chea Sivhoang, could you report the attendance of the Parties  
10 and individuals to today's proceedings.

11 [09.06.11]

12 THE GREFFIER:

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

15 As for Mr. Nuon Chea, he is present in the holding cell  
16 downstairs, as he requests to waive his right to be present in  
17 the courtroom. His waiver has been delivered to the greffier.  
18 The witness who is to testify today -- that is, 2-TCCP-304, is  
19 present.

20 MR. PRESIDENT:

21 Thank you, Ms. Sivhoang. The Chamber now decides on the request  
22 by Mr. Nuon Chea.

23 The Chamber has received a waiver from Mr. Nuon Chea, dated 24th  
24 March 2015, and he confirms that due to his poor health condition  
25 -- that his, headache, back pain, and that he cannot sit for

1 long, and in order to effectively participate in the future  
2 hearings, he requests to waive his right to participate in and be  
3 present at the 24th March 2015 hearing. He has been informed by  
4 his counsel about the consequence of this waiver, that in no way  
5 it can be construed as a waiver of his rights to be tried fairly  
6 or to challenge evidence presented or admitted to this Court at  
7 any time during his trial.

8 [09.07.39]

9 Having seen the medical report by the duty doctor for the  
10 accused, Nuon Chea, at ECCC, dated 24th March 2015, who notes  
11 that the health condition of Nuon Chea is that is unchanged, but  
12 he has chronic back pain and cannot sit for long and recommends  
13 that the Chamber shall grant him his request so that he can  
14 follow the proceedings remotely from a holding cell downstairs.  
15 Based on the above information and pursuant to Rule 81.5 of the  
16 ECCC Internal Rules, the Chamber grants Nuon Chea's request to  
17 follow the proceedings remotely from a holding cell downstairs  
18 via audio-visual means for today's proceedings as he waives his  
19 direct presence in the courtroom.

20 [09.08.34]

21 The AV Unit is instructed to link the proceedings to the room  
22 downstairs so that Nuon Chea can participate in and follow  
23 today's proceedings remotely.  
24 For the proceeding, to hear the testimony of 2-TCCP-304, which is  
25 scheduled for today and tomorrow morning, the Chamber will follow

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1 the decisions of a protective measure as in the decision of the  
2 Trial Chamber dated 19th March 2015 -- that is, document  
3 <E316/2/2>, which the Trial Chamber orders that the voice and the  
4 video of this witness shall not be made public. For that reason,  
5 the Trial Chamber orders the AV Unit to block the audio and video  
6 of this witness.

7 And as for the personal background and information of this civil  
8 party, as well as his place of birth, his family members' names<,  
9 current residence,> and his <occupation>, shall also be kept  
10 confidential. And due to the technical issues, the Chamber will  
11 appoint Mr. Nhem Samnang to sit next to the civil party in order  
12 to assist with the voice transformation blocking.

13 [09.10.44]

14 QUESTIONING BY THE PRESIDENT:

15 Q. And Mr. Civil Party, can you tell the Chamber your name?

16 Mr. Civil Party, please respond to the Chamber's question. As for  
17 the assistant, you will be advised as to when you shall act. The  
18 Chamber needs to hear the name of the civil party.

19 MR. SAUT SAING:

20 A. Mr. President, My name is Saut Saing.

21 Q. And Mr. Civil Party, can you tell the Chamber your date of  
22 birth?

23 A. I was born in the year of 1957.

24 Q. Thank you. Can you read and write the Khmer language?

25 A. I did not study the Khmer letters or Khmer alphabets in detail

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1 <nor did I get to study in a proper school> so I cannot read or  
2 write the Khmer language.

3 [09.12.43]

4 MR. PRESIDENT:

5 As the civil party cannot read and write, Mr. Nhem Samnang,  
6 member of WESU is assigned to read or to whisper to the civil  
7 party the question and the answer by making a tick on the  
8 document in his hand.

9 And Mr. <Nhem> Samnang, do you have that list of questions with  
10 you? If that is the case, please make the arrangement as  
11 instructed by the Trial Chamber. In fact there are five questions  
12 on that document, and all Parties are informed that the question  
13 is about his place of birth, about his current address and the  
14 third question is about his current occupation and question  
15 number 4 is about his father's name <and> mother's names, and  
16 question number 5 is about his wife's name and the number of  
17 children. That is the list of questions about his personal  
18 information and background.

19 Mr. Assistant, please do it in a whispering form, and don't speak  
20 too loud and consult with the civil party as to which response he  
21 ticks.

22 (Short pause)

23 [09.15.18]

24 MR. PRESIDENT:

25 Defence Counsel, you have the floor.

1 MR. KONG SAM ONN:

2 While the civil party is reviewing the list of questions by the  
3 Chamber, I have a small suggestion as to the partition to block  
4 the civil party from the public. I think the partition should be  
5 a bit lower so that the Bench can have a clear view of the civil  
6 party, while the block is still effective for the audience  
7 sitting behind him and I would like to also review the response  
8 by the civil party when he finishes answering the list of  
9 questions by the Chamber.

10 MR. PRESIDENT:

11 In fact, this is the only partition that we have and it has been  
12 set up -- or it has been prepared since the commencement of Case  
13 001, and with your suggestion, the Chamber will take it into  
14 consideration.

15 And Court officer, please go and get the list of questions from  
16 the WESU support staff.

17 [09.16.49]

18 And Court officer, please take the document for the Defence  
19 Counsel's review before it can be included into the case file.

20 And Mr. Civil Party, towards the end of your testimony, you have  
21 a right -- or, rather, you will be given an opportunity to make a  
22 statement of impact of what happened to you during the period of  
23 Democratic Kampuchea, if you wish to do so. And please indicate  
24 to the Chamber as to whether you wish to take that opportunity.

25 And pursuant to Rule 91bis of the Internal Rules of the ECCC, the



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1 Lead Co-Lawyers for the civil party will be given the opportunity  
2 first to put the question to the civil party and the combined  
3 time for both the Civil Party Lead Co-Lawyers and for the  
4 Prosecution is one full morning and one session in the afternoon.  
5 You may now proceed.

6 [09.18.25]

7 MS. MARIE GUIRAUD:

8 Thank you, Mr. President. I'm going to give the floor to my  
9 colleague, Kim Mengkhy, who will begin with the questions.

10 QUESTIONING BY MR. KIM MENGKHY:

11 Good morning, Mr. President. <Good morning Your Honours.> My name  
12 is Kim Mengkhy. I'm a civil party lawyer to put question to this  
13 civil party -- that is, 2-TCCP-304.

14 Q. And good morning, Mr. <Civil Party>. I have some questions to  
15 put to you and the first question is the following: Before 17th  
16 April 1975, where were you and what were you doing?

17 MR. SAUT SAING:

18 A. In 1975, I was a soldier protecting the province of Takeo.

19 Q. Can you tell the Court which unit or division you belonged to,  
20 and whether you became a soldier at your own will?

21 A. At that time, I did not volunteer to join it. I was compelled  
22 to join the <youth unit> as we were not allowed to stay behind in  
23 the village with our parents.

24 [09.20.27]

25 Q. Can you tell the Court what kind of task or duties that you

1 did while you were in that <youth> unit?

2 A. I was in that <youth> unit and I was first asked to carry  
3 earth and to dig canals.

4 Q. And can you describe in general what you did after that and at  
5 which location in a chronological form, if you can recall it?

6 A. At that time I was building the dam in Khpob Trabek and the  
7 dam still exists today. I also involved in digging a canal  
8 stretching from Khpob Trabek to Trapeang Kul.

9 Q. And please, keep continue. After you finished, for example,  
10 working at that worksite, what did you do next and in which year,  
11 for instance, and what location and what your role at that time?  
12 Can you do that?

13 [09.22.50]

14 A. Let me go to the earlier years. In 1971 I was still living  
15 with my parents, and around 1971 or 1972, my father was  
16 imprisoned in Office 204 and in around 1972 or 1973, I joined the  
17 army and from that year up to the year 1975 or '76, I was still a  
18 soldier. But in 1975, my unit was assigned to protect or to be  
19 stationed near the Damrei Romeal Mountain and the purpose of  
20 being assigned there was to go and capture Ta Prum San, although  
21 I did not know who Ta Prum San was. That person -- that is, Ta  
22 Prum San, was accused of being a traitor, and with that  
23 instruction, we went to base ourselves there and we remained  
24 there until 1977. Let me go back a little bit. In fact in 1975,  
25 my firearm was stolen <by one of Prum San's soldiers> and then I

1 was accused of giving that firearm to Prum San's clique  
2 <somewhere under a cinnamon tree at Peang Ta Sok (phonetic) or so  
3 they said>. And in fact at that time, soldiers on patrol took my  
4 firearm as I was staying in bed contracted<> malaria at the time.  
5 I was then re-educated <at Chamka Dong -- they called it youth  
6 location --> for one whole afternoon and I was strongly advised  
7 not to betray the Party or the army so I stayed there in Trapeang  
8 Lean area -- that is, with the army during 1976, and by 1977, I  
9 was assigned to Krang Ta Chan.

10 [09.25.38]

11 Q. <Thank you.> You mentioned a person by the name of Prum San,  
12 did you know that person -- that is, Prum San, and who was he,  
13 <why was he the subject of arrest> and did you actually capture  
14 him?

15 A. I did not know Prum San at that time. <During the revolution,>  
16 I did not know him because I heard that he lived in Tram Kak and  
17 I was in Leay Bour, and only after <1979>, he became Chief of the  
18 Tram Kak commune and by that time I knew him, so that is after  
19 1979, and later on he died in Tram Kak commune.

20 Q. <Thank you.> You also stated that while you were there, you  
21 lost your firearm and then you were re-educated. Later on you  
22 were transferred to Krang Ta Chan. Can you expound a little bit  
23 further on the events around this period of time?

24 A. When <> my firearm was stolen as <I had contracted malaria,> I  
25 was resting in a trench with two other soldiers and I was

1 reassured by my other two soldiers that I could rest in the  
2 trench and leave the firearm just at the edge of the trench but  
3 actually it was stolen and as a consequence, I was re-educated  
4 for one afternoon <at the youth location at Chamka Dong> and then  
5 I remained with that army and for no clear reason I was  
6 transferred to Krang Ta Chan -- that is, to provide security  
7 there, or simply, to guard Krang Ta Chan.

8 [09.28.45]

9 Q. So upon your arrival at Krang Ta Chan, you were assigned as a  
10 guard there; is that correct?

11 A. I was transferred to Krang Ta Chan, but initially I was not  
12 allowed to go into the compound. I was put into a youth unit at  
13 Chak Chrum Pagoda and I remained there for several months, and  
14 during the rice planting season -- that is, Kramuon Sar brand of  
15 rice, I engaged in the transplanting of that rice at Krang Ta  
16 Chan.

17 Q. So first, you stayed at Chak Chrum Pagoda, then you involved  
18 in the rice plantation at Krang Ta Chan. Were you considered a  
19 staff member of Krang Ta Chan centre or a prisoner at the time of  
20 rice plantation?

21 A. Initially when I was <sent there, I was not sent there alone.  
22 I was> assigned <to station> at Chak Chrum Pagoda. <> I was  
23 accompanied by a combatant to Krang Ta Chan and then I was handed  
24 over to Krang Ta Chan. Then the army commander there, who was  
25 staying in an office in a village whose name I cannot recall

10

1 clearly -- it could be pronounced ChanTeab -- that person told me  
2 that I now would be transferred <from Chak Chrum Pagoda> to Krang  
3 Ta Chan for tempering and that I had to sacrifice myself and be  
4 loyal to the Party in order to defend the Revolution to make it  
5 more prosperous.

6 [09.31.43]

7 Q. So subsequently, you started working at Krang Ta Chan; is that  
8 correct -- that is, after you made a commitment to <> the Party?

9 A. After I was advised and educated, then I followed the advice  
10 of the Party and I remained there until 1978 when I was sent to  
11 fight against the Vietnamese troops.

12 Q. Can you state the year again -- from which year to which year  
13 -- you worked at the Krang Ta Chan Security Centre?

14 A. I started working at Krang Ta Chan office from 1977 and by  
15 1978, I was transferred back to Division 210 in order to go to  
16 the battlefield to fight against the Vietnamese troops.

17 [09.33.59]

18 Q. Thank you, Mr. <Civil Party>. Could you describe to the Court  
19 what were you assigned to do there?

20 A. At Krang Ta Chan Security Office, first I was indoctrinated by  
21 the chief of the security so that I could provide security and  
22 safety for the whole Krang Ta Chan Security Office. 2). I was  
23 asked to voice my commitment that, if one person or prisoner  
24 could escape, my life would end.

25 Q. You were <trained and> you were guarding the place to avoid

11

1 the escape of the prisoners, is that true?

2 A. After I was indoctrinated, I complied with their plan until I  
3 escaped that place <in 1978> and <went to join the> army.

4 Q. Later on, could you tell the Court, when you were working  
5 there as a security guard, what was the structure of the guard  
6 unit? Was there a chief and who was responsible for what duties?

7 A. I could recall some of the information because it has been  
8 over 30 years. The heads of the security office <were> Ta An, Ta  
9 Penh, <and> Ta Chhen. The three individuals were heads -- they  
10 were the leaders of the security office of Krang Ta Chan area.  
11 <For other office chiefs,> I recall <Chheang (phonetic)>, Moeun,  
12 and I could not recall all the names.

13 [09.36.57]

14 Q. Thank you very much. Could you tell the Court, where were the  
15 prisoners arrested and sent from?

16 A. When I was a guard, the people from the security office did  
17 not go to collect the prisoners. There were special units in  
18 communes, districts and sectors in respective areas so those  
19 special units would send the prisoners to the security office and  
20 people in the security office would go outside the compound to  
21 <receive> the prisoners.

22 Q. Thank you very much. As a guard at that place, when prisoner  
23 went into the security office, were their names registered or  
24 were they photographed?

25 A. I did not make any record concerning the number of the

12

1 prisoners or victims. I was not aware of it.

2 [09.38.49]

3 Q. When prisoners entered into the security office, <how> were  
4 they detained after their arrival?

5 A. Upon arrival, prisoners would be put in a house and their  
6 ankles were shackled.

7 Q. Were prisoners interrogated and tortured?

8 A. Yes, prisoners were interrogated by the security -- by the  
9 people working in the security office.

10 Q. Were they <tortured> or killed at that security office?

11 A. Yes, the prisoners were <tortured and> interrogated, <for  
12 instance,> they were beaten up <to give answers>, and plastic  
13 bags were <used to cover> their faces <>.

14 Q. Besides beating and besides plastic bags were used to <cover>  
15 their <faces>, what were the other treatments or other measures  
16 that they used on those prisoners?

17 A. I was not aware of any other type of torture.

18 Q. Were prisoners released to go outside; did they have freedom  
19 to go outside?

20 A. Yes. Prisoners may be relieved to go and live with their  
21 families and their relatives.

22 [09.42.10]

23 Q. When you were there, did you recall how many prisoners were  
24 brought in one day and how many prisoners were released?

25 A. As a guard at the -- outside the compound, the numbers varied.

13

1 Sometimes there were no prisoners coming in. Prisoners would be  
2 brought from mobile units or from cooperatives into the security  
3 office. I was guarding at the east of the compound and perhaps  
4 one day there were only two or three prisoners that were brought  
5 in, but the numbers varied, as I said.

6 Q. Thank you very much. What about the prisoners who were  
7 released? Were there many of them released from the security  
8 office?

9 A. As for the survival from the security office, I don't think  
10 there were many of them.

11 Q. What about the type of prisoners, were there any children who  
12 were detained there or were there any infants?

13 A. From my observation, children and babies, they were coming  
14 with their parents.

15 [09.44.22]

16 Q. Were there separation of children, babies or male and female  
17 prisoners in that area?

18 A. During that time, the babies or children, <regardless of male  
19 or female,> lived with their parents.

20 Q. Thank you very much. In relation to health issue and hygiene  
21 of the prisoners, were medicines provided to the prisoners or  
22 were prisoners allowed to clean themselves regularly?

23 A. I was a guard at the outer perimeter. Prisoners in the  
24 detention facility were not allowed to clean themselves  
25 <properly,> they were not provided with <proper> medicines



14

1 <either>.

2 Q. Thank you. Did you ever hear about the incident of rape or  
3 torture against female prisoners <there>?

4 A. From my observation, among the personnel there, <including the  
5 soldiers there,> I did not see any <incident of rape or>  
6 mistreatment <against> female prisoners. But I think that  
7 prisoner -- some female prisoners were already raped and after  
8 that they were brought into the security office.

9 [09.47.03]

10 Q. I would like to clarify your answer. What did you mean by the  
11 fact that the prisoners from outside were raped and after that  
12 they were brought into the office?

13 A. I would like to make a clarification on this matter. Some  
14 people had committed moral offences and after that these people  
15 were brought into the security office for re-education.

16 Q. Thank you very much. Concerning the food ration for prisoners,  
17 what was the food ration for prisoners or for people who were  
18 detained in the office?

19 A. Concerning the food ration, prisoners did not have enough food  
20 to eat. They could have gruel, mixed with cassava or potatoes,  
21 sometime prisoner could have only the watery gruel.

22 Q. Thank you very much. I'm now running out of question in  
23 relation to Krang Ta Chan Security Office but I have a last  
24 question for you. My question is: You said that you were  
25 transferred in 1978 to go into battle with the Vietnamese. Could

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1 you clarify this to the Court?

2 A. In 1978, all soldiers were collected <from everywhere> and  
3 they were put into the division in order to go to battle to fight  
4 Vietnam.

5 [09.49.38]

6 Q. What did you mean, you meant all soldiers were conscripted and  
7 collected to fight <Vietnam or to counterattack> the Vietnamese  
8 who were coming into the territory of Cambodia?

9 A. I did not know the detail, however, in 1978, I was transferred  
10 to Division 102 and I was assigned to go and fight the Vietnamese  
11 who entered the territory of Cambodia.

12 MR. KIM MENGKHY:

13 Thank you very much. I finished my line of questioning. Thank you  
14 very much the Trial Chamber which allowed me to put questions to  
15 the civil party.

16 MS. GUIRAUD:

17 Thank you, Mr. President. We have <no further> questions on  
18 <behalf> of the civil parties. <We> will give the floor to the  
19 Prosecution.

20 MR. PRESIDENT:

21 I now hand over the floor to the International Deputy  
22 Co-Prosecutor, you may now proceed.

23 [09.51.15]

24 QUESTIONING BY MR. LYSAK:

25 Thank you, Mr. President, Your Honours.

16

1 Q. Good morning, Mr. Civil Party. I want to follow up first with  
2 something that you just testified to. You said that you didn't  
3 see mistreatment of female prisoners but that some had been  
4 already raped before they were brought to the security centre.  
5 You then explained that some people had committed moral offences  
6 and were therefore brought to the security centre for  
7 re-education. I would like you to clarify, did you mean, by this,  
8 that there were women who had been raped, who were brought to  
9 Krang Ta Chan as prisoners for committing moral offences?

10 MR. SAUT SAING:

11 A. I was not aware of it, but I knew that people had moral  
12 offences and were brought into the security office and I did not  
13 know how the people viewed those people who had moral offences.

14 [09.52.55]

15 Q. You said that there were female prisoners who had been raped  
16 before arriving at the security centre, how did you know that?

17 A. For example, prisoners who had committed moral offences, they  
18 were <> allowed to go outside the compound to carry <soil,>  
19 fertiliser or cow dung <to fertilise the field, they were working  
20 alongside with me, so> I had some occasion to ask them and chat  
21 with them that's why I knew that they had committed moral  
22 offences.

23 Q. Thank you for that answer. Let me go back, I wanted to ask you  
24 some questions relating to your status in this case. You were  
25 first interviewed by the Investigating Judges on the 28th

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1 November 2007 and the following in August 2008, after you had  
2 been located and interviewed by OCIJ as a witness; you filed to  
3 become a civil party. Can you tell the Court why you wanted to  
4 become a civil party?

5 A. I have an obligation to become a civil party because I had my  
6 father and my siblings, or relatives, died in the period.

7 [09.55.23]

8 Q. I want to ask you about some testimony that another civil  
9 party, Say Sen, has given in this Court on the 5th February 2015.  
10 This is at E1/257.1 at around 11.21.55 to 11.24.20 and Civil  
11 Party Say Sen testified here about some communications you had  
12 with him regarding what he would say to this Court -- and I  
13 quote:

14 Question: "Is Saing afraid of what you may tell the Investigators  
15 and the Tribunal regarding the role he played at Krang Ta Chan?  
16 Did he give you any advice regarding that?"

17 Answer: "He used to talk to me and tell me that if I was asked  
18 anything about him, please just tell that we were prisoners at  
19 that time before. Now he addresses me as 'bong' and he suggested  
20 that I should say only that he was the prisoner there as well. He  
21 told me once or twice about this. He suggested this once or  
22 twice." End of quote.

23 My question to you, Mr. Saut Saing: Is it fair to say that you  
24 were worried or concerned about having to testify at this  
25 Tribunal about what took place at Krang Ta Chan?

1 [09.57.23]

2 MS. GUIRAUD:

3 Under your <purview and at the request of the civil party  
4 lawyer,> it would appear that we are not entitled to use the  
5 civil party's name, <and that it would be preferable> to use a  
6 pseudonym.

7 BY MR. LYSAK:

8 I am sorry; my -- the memo I received said that we are allowed to  
9 use the name of the civil party.

10 Q. Mr. Civil Party, do you remember my question? My question is:  
11 Did you have concerns or worries about having to testify at this  
12 Tribunal about what took place at Krang Ta Chan?

13 MR. SAUT SAING:

14 A. Talking about Mr. Say Sen, I did not know when he was brought  
15 into the security office. Say Sen has never talked to me and he  
16 never <stayed with me although he> lived in the same village as  
17 mine, but I was invited to his child's wedding, <but he> did not  
18 talk to <me about this matter, he never said to me that, "Oh, I  
19 am afraid of the court," or "I am> afraid to talk about the  
20 incidents at Krang Ta Chan Security Office" <nor did he say  
21 anything about the prisoners there with me>. I have never spoken  
22 with him about this matter.

23 [09.59.33]

24 Q. My question to you, Mr. Civil Party, is whether you personally  
25 had concerns or worries about having to come here and testify

1 about Krang Ta Chan.

2 A. I have filed an application to be a civil party. I have no  
3 worries and I will testify before the Court what I have  
4 experienced.

5 Q. Let me ask you a few questions regarding the period you worked  
6 in the district militia. Today you told the Court that you joined  
7 the Tram Kak district militia in 1972 or 1973. Do you remember  
8 the capture or liberation of Angk Ta Saom town by the Khmer Rouge  
9 in 1973?

10 A. In 1973, I was still in the militia unit but I was not engaged  
11 in any fighting. I was actually assigned to carry the wounded in  
12 the battlefield.

13 Q. I understand you weren't engaged in fighting. Do you remember  
14 when Angk Ta Saom town was captured by the Khmer Rouge and what  
15 was done with the residents of that town when it was liberated?

16 A. When Angk Ta Saom fell, although I knew it fell, I didn't know  
17 the year.

18 [10.02.11]

19 Q. And do you know what happened to the residents of the town  
20 after it was liberated?

21 A. I was engaged at the Front so I did not know actually what  
22 happened after Angk Ta Saom fell.

23 Q. Thank you. Let me turn to a few questions about the arrest and  
24 detention of your father at Office 204, which you told us today,  
25 took place in 1971 or 1972. In Answer 103 of your OCIJ interview

20

1 -- E319.1.23 -- it's Answer 103, you stated that you had -- and I  
2 quote: "a bad background involved with my father who was accused  
3 of being a spy." End of quote. And in answers 30 to 31 of that  
4 same interview, you testified as follows -- quote:

5 Question: "What were grounds for arrest?"

6 Answer: "Based on my observation, I did not see any grounds. But  
7 in the case of my father in 1971, the Khmer Rouge military  
8 accused my father of being a spy. At that time my father was sent  
9 to undergo training at Office 204." End of quote.

10 What and where was Office 204?

11 [10.04.19]

12 MR. PRESIDENT:

13 Mr. Witness, please wait. Defence Counsel, you have the floor.

14 MR. SUON VISAL:

15 Mr. President, I would like to object to the question raised by  
16 the Co-Prosecutor as the fact was outside the temporal  
17 jurisdiction of this Court as it happened pre-1975.

18 MR. LYSAK:

19 Your Honours, there have been testimonies about these offices and  
20 the establishment in a period prior to that in order to establish  
21 policy of the Khmer Rouge, that's the reason for the question  
22 here.

23 [10.05.09]

24 MR. PRESIDENT:

25 The objection by the defence counsel is overruled. Although it is

1 out of the scope, it is related to the facts being debated before  
2 this Court and the witness is instructed to respond to the last  
3 question put to you by the Deputy International Co-Prosecutor.  
4 And, yes, please respond, Mr. Witness.

5 MR. SAUT SAING:

6 A. In 1971, the incident involving the arrest of my father, it  
7 happened during the fight that broke out between the Lol Nol Army  
8 and the liberation force. It happened on the eighth day of a  
9 Khmer lunar calendar. My father was <participating in Buddhist  
10 prayer> at a <hall called Trapeang Toeng Phum Chreae (phonetic)>  
11 and during the fighting between the Lol Nol force and the Khmer  
12 force, my father was arrested as he was accused of a spy working  
13 for the Lon Nol side.

14 BY MR. LYSAK:

15 Q. Can you tell us what was your father's occupation at the time  
16 he was arrested and why was he accused of being a spy?

17 A. He did not hold any position. In fact he was <participating  
18 in> Buddhist <prayer> and he was known as Achar Krom (phonetic)  
19 <at Trapeang Chreae (phonetic) village> and he went to  
20 <participate in> Buddhist <prayer> at that <hall, in Trapeang  
21 Toeng (phonetic) village>.

22 [10.07.35]

23 Q. Just so I'm clear, you are saying your father was an achar at  
24 the time he was arrested?

25 A. He was not an achar <in a pagoda, nor a big one> but he was an



1 Achar <Krom (phonetic)> in the village.

2 Q. Do you know why he was accused of being a spy?

3 A. The liberation force accused him of being a spy because a monk  
4 from <Khsoeng (phonetic)> Pagoda came to <Trapeang Toeng  
5 (phonetic) Hall> where my father was and that monk <were>  
6 arrested and they found a binocular on that monk. For that  
7 reason, all the achars, including my father, were arrested and  
8 sent to be detained at Office 204.

9 Q. Do you know where Office 204 was located?

10 A. I only heard of Office 204 and I have never been there.

11 [10.09.28]

12 Q. In Answer 45 of the same interview I mentioned a while ago,  
13 E319.1.23, you stated that your father was arrested in 1971 and  
14 detained for a period of two years. After he was released, did  
15 your father tell you anything about Office 204 and what took  
16 place there while he was detained at Office 204?

17 A. I actually asked him after he was released from Office 204 and  
18 he told that there was no need for me to know and that I should  
19 just do what the Revolution -- what Angkar assigned me to do, and  
20 in late 1973, he died.

21 Q. In his trial testimony on the 21st January 2015, in this Court  
22 -- the reference is E1249.1 at 11.07.28 to 11.09.31 -- a witness,  
23 Meas Sokha, provided the following testimony -- quote:  
24 "Office 204 was a detention centre for former Lon Nol officials  
25 who had been arrested from Angk Ta Saom or elsewhere, and the

23

1 rich or capitalists were also detained in that office, which was  
2 located to the west of Trapeang Khang Tboung." End of quote.  
3 Do you know whether Office 204 was a site at which former Lon Nol  
4 officials were detained?

5 A. As I stated, at that time I only heard of the name of Office  
6 204 and <my father told me that I would not want to know about  
7 that, and> that was all I knew about it.

8 [10.12.03]

9 MR. PRESIDENT:

10 Thank you, Mr. <> International <Deputy> Co-Prosecutor. It is now  
11 convenient to have a 20-minute break. We will take a break now  
12 and resume at 10.30.

13 Court officer, please assist the witness during the break and  
14 invite him, as well as the WESU staff back into the courtroom at  
15 10.30. And please draw the curtain before you invite the civil  
16 party out and do the same when they return.

17 The Court is now in recess.

18 (Court recesses from 1012H to 1032H)

19 MR. PRESIDENT:

20 Please be seated. The Court is back in session and I now hand  
21 over the floor to the International Deputy Co-Prosecutor to put  
22 questions for this civil party. You may now proceed.

23 Please wait, International Deputy Co-Prosecutor. You may now  
24 proceed, Mr. Suon Visal.

25 [10.33.30]

1 MR. SUON VISAL:

2 Mr. President, Your Honours, before the International Deputy  
3 Co-Prosecutor proceeds to put more questions to this civil party,  
4 as you may be aware that this civil party received a protective  
5 measure, before the break the witness responded to the question  
6 by the <> International <Deputy> Co-Prosecutor that the civil  
7 party is not concerned about his security or safety. If it is so,  
8 why does the Court or the Chamber grant the protective measure  
9 for this civil party? I am of the opinion that the protective  
10 measure should be lifted and we should not grant protective  
11 measure for this civil party. This is my only observation.

12 MR. PRESIDENT:

13 Is it an observation or is it a request? If it is a request, you  
14 should provide reasons for your request. Observation is different  
15 from request. <And other parties do not have to respond to an  
16 observation.>

17 [10.34.58]

18 MR. SUON VISAL:

19 This is my observation and also my request. If the civil party is  
20 not concerned <about his> security or <> safety, then we should  
21 not grant a protective measure.

22 MR. PRESIDENT:

23 Your request is overruled <> because <first, it was not clear. It  
24 was an observation, and then it became a request. Second,> you  
25 have not submitted any reasons for your request and we received a

25

1 request for protective measure through Lead Co-Lawyers and the  
2 Chamber discussed with the WESU on the matter and the Chamber  
3 issued a decision already on the request. If you want to put a  
4 request before the Chamber you should have provided a clear  
5 reason. You are not allowed to raise this matter again.  
6 You may now proceed, International Deputy Co-Prosecutor.

7 [10.36.12]

8 BY MR. LYSAK:

9 Thank you, Mr. President.

10 Q. We were -- at the break, we were discussing your father and  
11 his imprisonment at Office 204. My last question on this subject:  
12 Did you ever learn subsequent -- after your father was released,  
13 at any time, who the chief of Office 204 was?

14 MR. SAUT SAING:

15 A. In the period, I did not know the leaders. I did not know who  
16 the leaders were and I do not know the composition of 204.

17 Q. I'm going to turn now to the period where you were sent to  
18 Damrei Romeal Mountain and then to work at Krang Ta Chan. In  
19 Interview E319.1.23 at Answer 56, you stated that you were part  
20 of a six-man military unit that also included Sim, Soeun, and the  
21 person named Sarat, who in Answer 69 you then identified as Small  
22 or Little Duch. Two of these people -- Soeun, Vann Soeun, and  
23 Little Duch, known as Srei Than -- have already testified in this  
24 trial and they have both confirmed that they were part of that  
25 six-man unit with you. Vann Soeun also on the 5th of March this

26

1 year -- E1272.1 at 10.44.44 to 10.45.32 -- testified that you and  
2 he were cousins. Can you confirm whether you and Vann Soeun were  
3 cousins and also whether you were in the same military unit as  
4 your cousin Soeun, Sim and Little Duch, both before you came to  
5 Krang Ta Chan and while you were working at the prison?

6 [10.39.17]

7 A. As for Vann Soeun, Vann Soeun is my <cousin>. Vann Soeun's  
8 mother <was> my father's <biological sister>. Actually, we met  
9 each other <in the army and we were sent to> Krang Ta Chan  
10 Security Office. <We did not actually want to go there.>

11 Q. Let me follow up to clarify. With regard to either Vann Soeun,  
12 Sim or Little Duch, were you in the same unit as any of those  
13 people before going to Krang Ta Chan?

14 A. After we transferred into Krang Ta Chan, we were in different  
15 units. We were in different 50-member units but we were in the  
16 same <regiment>.

17 [10.40.40]

18 Q. Let me follow up a little more. In your OCIJ statement,  
19 E319.1.23, at answer number 19, you described how prior to being  
20 sent to Krang Ta Chan -- quote: "I was assigned to prepare the  
21 arrest of Prum San who had been accused of betraying the  
22 Revolution on Phnum Damrei Romeal Mountain, Tram Kak district."  
23 End of quote. And today you testified that your unit was  
24 stationed at Damrei Romeal with the assignment to arrest Prum San  
25 in 1975. In his trial testimony on the 3rd of March 2015 -- this

1 is E1/270.1 at 14.23.27 through 14.27.11 -- your cousin, Vann  
2 Soeun, also described how he was sent to Damrei Romeal to arrest  
3 Prum San before his unit was assigned to Krang Ta Chan. My  
4 question for you: Does this refresh your recollection that you  
5 and your cousin, Vann Soeun, were both sent to Damrei Romeal to  
6 try to arrest Prum San, and after that, were sent to Krang Ta  
7 Chan?

8 A. That is true.

9 Q. Your cousin, Vann Soeun, also testified to this Court on that  
10 same day -- the 3rd of March 2015 -- this reference is E1/270.1  
11 at 14.33.36 -- that the two of you, along with Sim and Little  
12 Duch, all were sent to Krang Ta Chan at the same time. Does that  
13 refresh your recollection that you, Soeun, Sim and Little Duch  
14 all started working at Krang Ta Chan at the same time?

15 A. Yes, that is true.

16 [10.44.05]

17 Q. Vann Soeun also testified on that same day at 14.10.18 that he  
18 began to work at Krang Ta Chan in late 1975. The other members of  
19 the unit -- Sim testified in his OCIJ interview, D40/20, in the  
20 very first question that he was sent to Krang Ta Chan during the  
21 rice harvest in 1976. And then his testimony in this trial on the  
22 19th of February of this year -- E1266.1 at 11.02.54 -- Little  
23 Duch admitted that he was transferred to Krang Ta Chan in late  
24 1976. Does this refresh your recollection, Mr. Civil Party, that  
25 you, Soeun, Sim and Little Duch all started working at Krang Ta

1 Chan in either late 1975 or 1976 and not in 1977 as you testified  
2 earlier today?

3 A. I was transferred to <work there> in 1976. I did not know  
4 whether it was in late 1976 or early 1976.

5 [10.45.55]

6 Q. Thank you for clarifying that. I want to ask you about another  
7 statement you made in your interview -- E319.1.23 -- and this is  
8 at question and answer numbers 48 to 49. You testified that you  
9 had a god-grandfather named Ta Chem who was long-time friends  
10 with Krang Ta Chan prison chief, An, and that you saw Ta Chem  
11 come to visit Ta An at the prison. And in Answer 51, you gave the  
12 following testimony:

13 Question: "Was it because of the good friendship between Ta An  
14 and Ta Chem that you were appointed head of security guards at  
15 Krang Ta Chan?"

16 Answer: "Yes, that was the reason I was appointed head of the  
17 prison guards." End of quote.

18 First, I'd like you to tell me a little bit about your  
19 god-grandfather Ta Chem (phonetic). Where was he from and what  
20 did he do?

21 A. In Lon Nol period, my parents, when they were evacuated from  
22 their area to live in Totueng Thngai <village>, my parents lived  
23 with Ta Chem (phonetic). Actually, Ta Chem (phonetic) was not our  
24 relative and we were all evacuated from the <east> of National  
25 Road Number 3 to live in the <area on the west> of National Road

1 Number 3. We were evacuated because they were afraid that danger  
2 would happen on us <during the fighting there. So we had known  
3 him since then.>

4 [10.48.20]

5 Q. And what did Ta Chem (phonetic) do? Did he -- what was his  
6 occupation? Or if he was in the Revolution, what was his position  
7 in the Khmer Rouge?

8 A. Ta Chem (phonetic) had no position. He was an ordinary  
9 citizen. He was the former teacher in Lon Nol period and he said  
10 that he was the friend of Ta An.

11 Q. You indicated that you and your family lived with Ta Chem  
12 (phonetic) after you were evacuated from your village. When was  
13 it that you were evacuated from your village and your family  
14 lived with Ta Chem (phonetic)?

15 A. It was in 1971 or 1972.

16 Q. Thank you. In that same interview at Answer 67, you gave the  
17 following testimony and this is -- again E319.1.23:

18 Question: "Did the guards carry guns?"

19 Answer: "Yes they did." End of quote.

20 Can you tell us what type of gun did the guards at Krang Ta Chan  
21 carry?

22 A. As for the gun which I <was allowed to carry at Krang Ta  
23 Chan>, it was M16 and CKC.

24 [10.50.45]

25 Q. Now I want to ask you a few questions. You testified in



1 response to questions earlier identifying the leaders or Krang Ta  
2 Chan, including Ta An. In Interview E319.1.23, at Answer 53, you  
3 testified in response to the question "Who supervised the  
4 guards?", your answer was "Ta An himself". And in Answers 104 to  
5 106 of that same interview, you described self-criticism and life  
6 view meetings that were led by Ta An, at which he warned you  
7 about escaping and -- quote "instructed us to be responsible for  
8 the prisoners and prevent their escape". End of quote.  
9 My first question is: Can you tell us where these self-criticism  
10 or life view meetings were held?  
11 A. Life view, <criticism> meetings to re-educate those who  
12 committed wrongs were held in the dining hall.  
13 [10.52.27]  
14 Q. And who else participated in those meetings?  
15 A. In the <meetings>, there were combatants, people from the  
16 <office, and the three chiefs>.  
17 Q. So these were meetings for the combatants or cadres who worked  
18 at Krang Ta Chan? Is that correct?  
19 A. The leaders of the security told us that the soldiers would  
20 care of their duty and as for <those in the office,> the <Youth  
21 League, the Party members>, they were told of their different  
22 duties.  
23 Q. How often did prison chief An conduct meetings like this?  
24 A. It was not too often. The meeting would hold once a month or  
25 sometimes there was no meeting at all in a month.

1 Q. And you've talked about the instructions you received at this  
2 meeting and the commitment you had to make regarding prisoners  
3 not escaping. Can you remember and tell us a little bit about  
4 other subjects that were discussed at these meetings led by Ta  
5 An?

6 A. In the meeting -- or meetings, combatants were instructed to  
7 be in charge of their duty. If <a> prisoner could be able to  
8 escape, their life would end <on that day as well>.

9 [10.54.55]

10 Q. I realise it was a long time ago. Do you remember anything  
11 else that An talked about at these meetings other than that?

12 A. Beside this subject, it seems that were no other subjects.  
13 Actually, there was the discussion that the combatants and the  
14 people there had to find and search for food to eat in the  
15 security office by themselves.

16 Q. Earlier today you testified that it was special units in the  
17 communes or district who went to arrest the prisoners and bring  
18 them to Krang Ta Chan. I want to ask you a few questions about  
19 what happened when these prisoners arrived at Krang Ta Chan.

20 In your civil party application -- and this is document D22/88;  
21 at Khmer, 00354365; English, 00379421; and French, 01055820; you  
22 made the following statement in that application -- quote:

23 "Once I rang the bell calling those you were in the office to  
24 take prisoners back into the prison and I also followed them."

25 End of quote.

1 [10.57.10]

2 And in document -- a document that's been admitted in this case,  
3 E3/2120, at English, 00416390; this is a book only available --  
4 this excerpt is only available in English right now -- this is a  
5 book that was written by a researcher named Meng-Try Ea, who  
6 states that he interviewed you, Saut Saing, in October 2001 and  
7 he attributed the following statement to you and another guard --  
8 I quote:

9 "Former cadres Chanta and Saing reported that its prisoner  
10 escorts rang a bell that hung from a mango tree just west of the  
11 centre. Upon hearing the bell, the cadres came out to meet the  
12 prisoners and led them to cells inside." End of quote.

13 My first question for you: Was there a bell outside the Krang Ta  
14 Chan compound that was rung when prisoners were brought to the  
15 entrance of the compound?

16 A. The bell was at an outside compound of the Krang Ta Chan  
17 Security Office. There were two levels of fence and the bell was  
18 at the outside compound.

19 [10.59.00]

20 Q. Just to clarify, do you mean that the bell was outside the  
21 outer fence as opposed to the inner fence?

22 A. Yes, it was in the outer fence.

23 Q. The second excerpt I just read to you was a statement  
24 attributed to you by a researcher named Meng-Try Ea, who  
25 interviewed you in 2001. Do you remember being interviewed in

1 2001 by a person who was writing a book or doing research?

2 A. I did not remember the content of the interview. There were  
3 many interviews. Many researchers went to interview me and I did  
4 not recall all those people.

5 Q. Let me ask you now -- turn to the subject of the types of  
6 prisoners at Krang Ta Chan. Can you tell us what types of  
7 prisoners were sent to the Krang Ta Chan Security Office?

8 A. I did not know about the type of prisoners. The units in  
9 villages, commune, district and in the <province,> I saw  
10 prisoners were brought from those areas to the security office.

11 [11.01.32]

12 Q. Let me refresh your recollection with two statements that you  
13 provided to the Investigating Judges. First, in interview  
14 319.1.23 at Answer 91, you stated -- quote: "There was a mixture  
15 of prisoners. They were arrested on accusations they had been  
16 against the Revolution." End of quote.

17 And in your interview, D40/21, at Khmer, 00165342; English,  
18 00223551; and French, 00524330; you testified as follows:

19 Question: "What offences had the prisoners held there committed?"

20 Answer: "Some had connections to officials of previous times.

21 Some had deserted the ranks. Some had been sexually immoral."

22 My first question: What did you mean by prisoners who had  
23 connections to officials of previous times?

24 A. During the revolutionary period, they were against the  
25 previous regimes. It is my understanding that if you were accused

1 of betraying the Revolution, then you would be sent for  
2 re-education and it meant that you would be smashed. <But I do  
3 not know where or how many places exactly.>

4 [11.03.54]

5 Q. And when you talk about the previous regime, are you referring  
6 to the Lon Nol regime?

7 A. It included the Lon Nol regime and up to the time that the  
8 revolutionary regime took over. <I do not know what kind of  
9 mistakes they had made, I just saw them being brought in.>

10 Q. Did the prisoners at Krang Ta Chan include former Lon Nol  
11 soldiers or officials or people who were relatives or otherwise  
12 connected to former Lon Nol people?

13 A. Yes.

14 Q. Now in the book of Meng-Try Ea that I read an excerpt to you  
15 earlier -- who interviewed you in October 2001 -- this is E32120  
16 at English, 00416383 -- and just to advise the Court, we've  
17 requested a translation of -- there is a chapter in this book  
18 that relates to district re-education offices and has substantial  
19 information regarding Krang Ta Chan, so we've made a request that  
20 that entire chapter, which is about 30 pages, be translated. The  
21 cite -- current cite, English, 416383 -- the following statement  
22 is attributed to you, Mr. Civil Party -- quote: "Saut Saing took  
23 custody of former Lon Nol soldiers and policemen arrested by the  
24 sub-district committee and sent to the Tram Kak re-education  
25 centre. He explained that in mid-1975, a terrible number of

1 prisoners were brought in day and night, night and day. There was  
2 no sleep." End of quote.

3 [11.06.33]

4 And Mr. Civil Party, in this trial, on the 4th of February, Say  
5 Sen testified as follows -- this is at E1256.1 at 14.36.30 to  
6 14.48.17 -- quote: "The number of prisoners increased after the  
7 country was liberated -- that is, after they liberated Phnom  
8 Penh. Those former Lon Nol soldiers were regarded as prisoners of  
9 war and Phnom Penh people were considered 17 April People and  
10 they were taken there." End of quote.

11 My question to you: What can you tell the Court about the arrests  
12 of former Lon Nol soldiers and policemen in Tram Kak district in  
13 1975?

14 A. At that time, I was not aware of that as I was with the army.

15 [11.08.02]

16 Q. Did you subsequently become aware that large numbers of Lon  
17 Nol soldiers had been arrested following liberation, following  
18 the 17th of April 1975?

19 A. I did not know where the former Lon Nol soldiers who were  
20 arrested were sent to. It happened before I went to work at Krang  
21 Ta Chan.

22 Q. What did you hear or observe regarding the arrests of former  
23 Lon Nol soldiers?

24 A. At that time, I was a <combatant> in the army so I did not  
25 know what's going on at the rear.

1 Q. I understand that -- that you cannot read so I will not -- I  
2 have a document that I want to ask you about. Instead, Mr.  
3 President, I will simply read the references for the witness.  
4 This is document E3/4164 and it is a Krang Ta Chan prisoner list  
5 entitled, "Brief Biographies of Prisoners at Tram Kak District  
6 Education Office".  
7 My first question to you, Mr. Civil Party, the second and third  
8 prisoners on this list were two female medics that had been sent  
9 to Krang Ta Chan -- a woman named Han, her full name was Uch Han;  
10 and a woman named Rang Sarun. Do you remember two female medic  
11 prisoners at Krang Ta Chan named Han and Sarun, who may have also  
12 been referred to as Run (phonetic)?  
13 A. As for Han and Run (phonetic), I knew them -- <they did enter  
14 Krang Ta Chan.>  
15 (Technical problem)  
16 [11.11.15]  
17 MR. PRESIDENT:  
18 I think there is a technical issue. Court officer, please check  
19 it.  
20 MR. SAUT SAING:  
21 A. At Krang Ta Chan, Han and Run (phonetic) were there.  
22 BY MR. LYSAK:  
23 Q. Do you remember how long Han and Run (phonetic) were detained  
24 at Krang Ta Chan?  
25 MR. SAUT SAING:

1 A. I did not know the details because after I returned to the  
2 army, I did not know whether <they> returned to reunite with  
3 <their families> in the village.

4 [11.12.12]

5 Q. This prisoner list includes the prisoners' former position or  
6 occupation and whether they were 17 April People or Base People.  
7 Of the 29 prisoners on this list, 21 are identified as 17 April  
8 People and six as Base People. In addition, 11 of the prisoners  
9 are identified as former Lon Nol military and another as the son  
10 of a smashed Lon Nol captain. My question for you, Mr. Civil  
11 Party, based on your observations as a guard at Krang Ta Chan,  
12 were there more prisoners who were 17 April People or more who  
13 were Base People?

14 MR. PRESIDENT:

15 Witness, please wait, and Counsel Koppe, you have the floor.

16 MR. KOPPE:

17 Thank you, Mr. President. Two objections. It's a leading  
18 question, but most questions are leading questions, but more  
19 importantly, this witness couldn't possibly say if somebody's a  
20 17 April People -- person or not. I mean it's not tattooed on  
21 their forehead. So he cannot read and the only way that you can  
22 actually determine if somebody's a 17 April People is probably by  
23 reading, but certainly this witness is not able to determine  
24 whether somebody's a 17 April person, yes or no.

25 [11.14.12]



1 MR. LYSAK:

2 Mr. President, if I may respond, the question wasn't leading. I'd  
3 asked him for his observation. Second, there are other ways, of  
4 course, that a guard who worked at Krang Ta Chan could have  
5 information on this -- observations having learned where people  
6 were from, where they came from, or such matters. So I think, as  
7 a person who worked at Krang Ta Chan, this is a perfectly proper  
8 question for him to answer.

9 (Judges deliberate)

10 [11.15.24]

11 MR. PRESIDENT:

12 The objection raised by the defence counsel is overruled and the  
13 Chamber needs to hear the response from the witness to the  
14 question put to him by the Prosecution.

15 And Mr. Civil Party, please respond to the last question put to  
16 you by the Prosecution, and as the civil party, you worked there,  
17 then he might know about what was being put to him by the  
18 Prosecution. And please respond to the question, if you can  
19 recall, Mr. Civil Party.

20 MR SAUT SAING:

21 A. Among the prisoners <that you mentioned>, I had no idea who  
22 were the former Lon Nol soldiers or who were the Base or 17 April  
23 People.

24 BY MR. LYSAK:

25 Q. Thank you, Mr. Civil Party. Let me turn now to the question of

1 the number of prisoners who were at Krang Ta Chan. You provided  
2 some testimony this morning about arrival of prisoners and how  
3 many prisoners would arrive on given days. Also in interview --  
4 your interview D40/21, at Khmer, 00165340; English, 00223550;  
5 French, 00524328; you were asked how many prisoners were usually  
6 at Krang Ta Chan and your response was -- quote: "Sometimes 20,  
7 sometimes 30." End of quote.

8 [11.17.42]

9 Now I want to read to you some of the statements of your fellow  
10 unit members who have given evidence. Your fellow guard, Sim,  
11 testified as follows in D40/20, ERN reference Khmer, 00165333;  
12 English, 00433572; French, 00524321:

13 Question: "In general, how many prisoners were sent in at the  
14 time and how often?"

15 Answer: "Sometimes 10, sometimes five, sometimes one, almost  
16 every single day." End of quote.

17 Sim also testified at the same ERN that there were three  
18 buildings for detention and that each building had two rows with  
19 20 people in each row.

20 Little Duch, Srei Than, has testified in this Court on the 19th  
21 of February 2015, reference E1266.1 at 11.12.48 to 11.16.49. He  
22 testified that the number of prisoners brought in to Krang Ta  
23 Chan varied from three or four up to 20 prisoners per day, that  
24 there were two detention buildings and that each building could  
25 hold about 50 to 60 prisoners.

1 [11.19.50]

2 And your cousin, Vann Soeun, acknowledged in his testimony to  
3 this Court on the 4th of March 2015, reference E1271.1 at  
4 09.25.10 to 09.27.22. Soeun stated that -- quote -- "Prisoners  
5 were sent in almost on a daily basis" -- end of quote -- and that  
6 each building could accommodate at least 50 prisoners.

7 Now, Mr. Civil Party, you also acknowledged in your OCIJ  
8 interview that it was hard for you to estimate the number of  
9 prisoners because -- and I quote -- "you never counted them". Is  
10 it possible that your estimate of the number of prisoners at  
11 Krang Ta Chan is low and that the number of prisoners there was  
12 higher and more consistent with the evidence we heard from the  
13 other three guards?

14 MR. SAUT SAING:

15 A. I cannot say whether the number was less or more as I did not  
16 take count of all the prisoners <daily>. I focused on my  
17 assignment -- that is, to go and find food, to go fishing at  
18 various cooperatives and sometimes far from the centre.

19 [11.21.53]

20 Q. Can you give us your testimony on how many buildings there  
21 were where prisoners were detained and how many prisoners each  
22 building could hold?

23 A. In the Krang Ta Chan security centre, there, indeed, were  
24 three buildings. Two were situated to the east and one was to the  
25 west of the centre. As for the <> prisoners, not all buildings

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1 were fully loaded with them <all the time>.

2 Q. When the buildings were fully occupied, how many people could  
3 they hold?

4 A. I am not sure as the total number a building could  
5 accommodate, however, I can say that each building could  
6 accommodate two rows of prisoners and there was a footpath  
7 in-between.

8 Q. I'm going to read to you from another document that's been  
9 admitted in this trial. It is document E3/2109 -- E3/2109. The  
10 ERN are: Khmer, 00068014; English, 00276555; and French,  
11 00290272. Mr. Civil Party, this document is a report from Krang  
12 Ta Chan for the month of November 1977.  
13 Mr. President, with your leave, may I display this on the screen?  
14 [11.24.28]

15 MR. KOPPE:

16 For what reason, Mr. President? He can't read.

17 MR. LYSAK:

18 This is a public proceeding. It's for the benefit of the bench  
19 and for the members of the public.

20 MR. PRESIDENT:

21 There is no translation into Khmer. Court officer, could you  
22 check?

23 The Deputy Co-Prosecutor, could you please repeat your last  
24 question since there was no translation?

25 MR. LYSAK:

1 Was there a translation of the ERN or do I need to repeat the  
2 whole question?

3 (Short pause)

4 [11.26.10]

5 MR. LYSAK:

6 I understand from my colleague what wasn't translated was my  
7 response to Counsel -- Mr. Koppe. My response to him was that the  
8 displaying on the screen is not just for the benefit of the civil  
9 party or witness, it's for the benefit of the Court and the  
10 public so that's the reason for the request to display the  
11 document on the screen.

12 MR. PRESIDENT:

13 The Chamber allows it.

14 BY MR. LYSAK:

15 Q. Mr. Civil Party, this document reported that during the month  
16 of November 1977, 75 new prisoners had entered, 92 prisoners were  
17 purged, six died of illness, and one -- a lieutenant colonel --  
18 had been removed to sector by Angkar, leaving a total of 85  
19 prisoners as of the end of that month. This report tells us then  
20 that there were 109 prisoners at Krang Ta Chan at the start of  
21 November 1977. Over the course of that month, 75 new prisoners  
22 arrived, 99 were purged, died or transferred, leaving a total of  
23 85 at the end of the month. Does that refresh your recollection  
24 that as of late 1977, there were typically around 100 prisoners  
25 at Krang Ta Chan at any given time?

1 MR. SAUT SAING:

2 A. I cannot recall the number or the year as it has been far too  
3 long. It's more than 30 years now.

4 [11.28.40]

5 Q. This report also has a reference to a lieutenant colonel  
6 having been removed to sector by Angkar. Do you have any  
7 information? Were you aware of prisoners at Krang Ta Chan ever  
8 being sent to the sector?

9 A. No, I was not aware of that. I was not aware of anyone being  
10 sent to the sector level.

11 Q. You testified this morning that prisoners were not provided  
12 medicine and not allowed to clean themselves. I want to read to  
13 you another statement that was attributed to you in the book of  
14 Meng-Try Ea -- E3/2120, at English, 00416390 -- and I quote --  
15 the document number again -- E3/2120, and available in English  
16 only, 416390 --

17 [11.30.24]

18 MR. PRESIDENT:

19 The Deputy Co-Prosecutor, please repeat the ERN number again.

20 BY MR. LYSAK:

21 Q. Let me repeat the full -- it's document E3/2120, at English,  
22 ERN 00416390 -- and I quote: "Saing, a Tram Kak cadre, explained  
23 the causes of death of sick prisoners as 'most importantly  
24 weakness from lack of food and medical attention'. If a prisoner  
25 died during the night, the Khmer Rouge cadres did not take the

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1 body away immediately. They left the corpse until dawn or the  
2 next afternoon when the light offenders returned from work and  
3 could carry it away for burial." End of quote.

4 Mr. Civil Party, can you tell us how often did prisoners get sick  
5 at Krang Ta Chan and was any medical treatment ever provided to  
6 them?

7 MR. SAUT SAING:

8 A. Prisoners who were detained there -- from what I could see --  
9 did not receive any medical treatment.

10 [11.32.15]

11 Q. And do you have any -- did you have any observation as to how  
12 often prisoners died from sickness at Krang Ta Chan?

13 A. I did not know about that.

14 MR. LYSAK:

15 Mr. President, I'm about to change to a different subject if this  
16 is a convenient time?

17 MR. PRESIDENT:

18 Thank you, Deputy Co-Prosecutor. It is time -- convenient for a  
19 lunch break. We will take a break now and resume at 1.30 this  
20 afternoon.

21 And Court officer, please assist the civil party during this  
22 lunch break and invite him, as well as Mr. Nhem Samnang, the WESU  
23 staff, back to the courtroom at 1.30 this afternoon. And as the  
24 Chamber reminds you before, please draw the curtain during --  
25 before he leaves the courtroom and when he returns to the

1 courtroom. This applies today and also tomorrow during this civil  
2 party's testimony.

3 And security personnel, you are instructed to take Khieu Samphan  
4 back to the waiting room downstairs and have him returned to the  
5 courtroom this afternoon before 1.30.

6 The Court is now in recess.

7 (Court recesses from 1134H to 1330H)

8 MR. PRESIDENT:

9 Please be seated. The Court is now in session and the Trial  
10 Chamber is now giving the floor to the Office of the  
11 Co-Prosecutor to continue his line of questioning for the civil  
12 party. The floor is yours, Co-Prosecutor.

13 [13.31.10]

14 BY MR. LYSAK:

15 Thank you, Mr. President. Good afternoon, Mr. Civil Party. Before  
16 I go to my next subject, I want to briefly go back to something  
17 you mentioned this morning. You described how your family had  
18 been evacuated to live in Totueng Thngai with Ta Chem, the person  
19 you identified as a long-time friend of Krang Ta Chan prison  
20 chief, An. The village you mentioned Totueng Thngai, is that the  
21 same village that is sometimes called Kbal Ou? And do you know  
22 whether that was the village that prison chief, An, was from?

23 MR. SAUT SAING:

24 A. Kbal Ou village was a different village and Totueng Thngai  
25 village is another village, but the two villages were in Cheang



1 Tong commune.

2 [13.32.35]

3 Q. And do you know which village Krang Ta Chan prison chief, An,  
4 was from?

5 A. I heard about that, but I am not sure where he was from. I  
6 heard that he was from Kbal Ou village. I am not sure he was born  
7 there, or his wife's birthplace is there, I cannot confirm on  
8 this.

9 Q. Fair enough. Let me turn to another subject, that of  
10 interrogations. You testified this morning that prisoners at  
11 Krang Ta Chan were interrogated and tortured. Specifically, you  
12 said that they were beaten up and that plastic bags were tied  
13 around their faces. Can you tell us in what part of the prison  
14 compound was the interrogation room located?

15 A. The interrogation room was to the south of the building and to  
16 the south there was a cassava plantation, and after that there  
17 was a high hill, there was a building for interrogation right  
18 there under pongro tree next to the high hill, small high hill.

19 [13.34.36]

20 Q. Mr. President, with your leave I'd like to provide to the  
21 civil party and to show on the screen Document E3/5830. E3/5830.  
22 This is a map or diagram of the Krang Ta Chan compound prepared  
23 by OCIJ, which even though the witness -- witness' reading may be  
24 limited, he may be able to -- this may help some testimonies. So  
25 with your leave, I'd like to submit that to the witness at this

1 time or to the civil party at this time.

2 [13.35.29]

3 MR. PRESIDENT:

4 Co-Prosecutor, your request is granted.

5 BY MR. LYSAK:

6 Q. Mr. Civil Party, while you were looking at that map, I want to

7 read to you some testimony from your fellow guard cousin Van

8 Soeun who provided this testimony on the 4th of March 2015,

9 E1/271.1 at 10.40.06. Soeun gave the following testimony.

10 "Question: Was there a kitchen very close by to where prisoners

11 were interrogated?"

12 "Answer: Yes, the kitchen was to the east of the interrogation

13 place."

14 "Question: And were the prisoners interrogated in a closed

15 building or were there several sites that would allow you see

16 what was happening inside?"

17 "Answer: The wall of the interrogation hut was not covered all

18 with the wall. There was an open space where you can see." End of

19 quote.

20 Now, looking back at that diagram of the Krang Ta Chan compound

21 E3/5830, and if we could put that back on the screen, at the

22 bottom of this map, drawing in the middle, is a house identified

23 as an interrogation house, and to the right of that is another

24 building identified as the guards' dining hall. Q. My question

25 for you is, does this diagram accurately show the location of the

1   interrogation room and the guards' kitchen that was nearby the  
2   interrogation room?

3   MR. SAUT SAING:

4   A. Yes, you are correct. The location there is correct.

5   [13.38.03]

6   Q. I'm going to read to you now a couple of more passages from  
7   some of your fellow guards. In D40/20, at Khmer, 00165334;  
8   English, 00433573; French, 00524322; your fellow guard Sim was  
9   asked about prisoner interrogations and he provided the following  
10   statement. Quote:

11   "From what I could sneak a look at when cooking nearby I saw them  
12   beating and interrogating and researching. Sometimes they put  
13   plastic clothes over the faces and beat them as they  
14   interrogated. Some prisoners were beaten to death at the  
15   interrogation site."

16   [13.39.07]

17   And your cousin, Van Soeun on the 4th of March this year,  
18   reference E1/271.1, at 10.42.13, he was asked whether he agreed  
19   with Sim's statement and whether he also observed the use of  
20   plastic bags during interrogations, and he responded, quote:

21   "Yes. I went into the kitchen three or four times. I witnessed  
22   the same as Sim did." Later that same day at 11.13.40, Soeun  
23   testified, quote: "There was torture during the interrogation  
24   because there were clubs, rattan whips and bamboo clubs. In  
25   addition, and most importantly, they would suffocate those

1 prisoners with plastic bags during interrogation process." End of  
2 quote.

3 Now, you yourself testified earlier this morning that during  
4 interrogations, prisoners were beaten up and plastic bags tied  
5 around their faces. My question for you, is this something that  
6 you witnessed when you were in the area of the guards' kitchen?

7 A. Yes, I witnessed the <> incident. Prisoners were beaten by  
8 club and plastic sheet were used to cover their face <to  
9 suffocate them in order> to extract their confession.

10 Q. Van Soeun also testified on the 4th of March of this year  
11 E1/271.1, at 10.38.31 that, quote: "Clubs and whips were kept at  
12 the place of interrogation." End of quote. And on the 5th of  
13 February, E1/257.1, at 10.11.07, Say Sen was asked about beatings  
14 of prisoners and provided the following statement. Quote: "They  
15 used bamboo clubs about 70 or 60 centimetres long to beat the  
16 prisoners and there were three or four bamboo clubs in that  
17 room." End of quote.

18 Did you see bamboo clubs and whips at the interrogation site?

19 A. I saw only whips, but I didn't saw bamboo -- I didn't see  
20 bamboo club. I saw only whips over there. I did not see long  
21 bamboo club right there when I was there.

22 [13.42.42]

23 Q. Can you tell us, who conducted the interrogations of prisoners  
24 at Krang Ta Chan during the time you worked there?

25 A. The interrogators were three of -- there were three of them.

1 There <were> An, Penh and <Ta Chhen who did the interrogation.

2 Q. And did those three individuals keep notes of information  
3 obtained from prisoners during the interrogations?

4 A. I don't know that they took note of the interrogation, <I was  
5 not sure about it> because I was not <recording it with> them  
6 when they did the interrogation.

7 [13.43.52]

8 Q. Let me read to you a statement you made in your interview  
9 E319.1.23, at answer 108.

10 "Question: Did the centre's staff or the military group ever  
11 write down the prisoners' confessions?" "Answer: The  
12 interrogators were the recorders of the confessions." End of  
13 quote.

14 And in the book I've mentioned a few times this morning by  
15 Meng-Try Ea, E3/2120, in English 00416391, that book cites you,  
16 Saut Saing, as the source for the following statement. "The  
17 enemies that the Party arrested were to be imprisoned, starved,  
18 deceived, questioned forcibly and bluntly, cursed and tortured in  
19 order to get their confessions." End of quote.

20 Do you confirm the accuracy of these two statements that I just  
21 read?

22 A. I am sorry, Co-Prosecutor, I could not understand very well  
23 your question.

24 Q. I read to you a passage from your interview with OCIJ where  
25 you indicated that the interrogators were the recorders of

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1 confessions. Let me start with that statement. Do you confirm  
2 that that was an accurate statement?

3 A. The interrogators, <the three chiefs, were the ones who did  
4 the> interrogation, but I was not around, up close, when they did  
5 that.

6 [13.46.20]

7 Q. Fair enough, Mr. Civil Party. Let me move to my next subject,  
8 document E3/289, E3/289, and let me give the ERN references,  
9 Khmer, 01064303 through 307; English, 00168509 through 511; and  
10 French, 01066907 through 910. This document records a Democratic  
11 Kampuchea radio broadcast in July 1977, which announced that the  
12 leaders of the Khmer Rouge had given an award to Tram Kak  
13 district, recognising it as one of three model districts in all  
14 of Democratic Kampuchea.

15 My question to you, do you remember ever hearing in 1977, that  
16 Tram Kak had been recognised as a model district?

17 A. I did not receive any information as regards to Tram Kak was a  
18 model district, was an advanced district, but <what I could say  
19 is that> I would live without any information to me at all.

20 [13.48.19]

21 Q. In your interview E319.1.23, at answers 111 through 112, you  
22 made the following statement. Quote: "I saw the messenger carry  
23 Ta An's letters to the district office." Continuing below; "I  
24 only saw the script on the back of the letter addressed to the  
25 district office, but I did not know its contents." End of quote.

1 My question for you is how often did messengers deliver letters  
2 from Krang Ta Chan to the district office?

3 A. I am not sure how often it was because I was not always there  
4 at the place.

5 Q. Do you remember who the messengers were who you saw take the  
6 letters to be delivered from Krang Ta Chan?

7 A. There was only one messenger. There was an office, but later  
8 when the soldiers were sent there, and a soldier was assigned as  
9 messenger, he was Van Soeun who was assigned as messenger in  
10 addition to the existing one.

11 Q. Thank you, Mr. Civil Party. I'm going to turn to my last  
12 subject, which concerns executions of prisoners at Krang Ta Chan.  
13 In your interview E319.1.23, at answers 73 through 74 you gave  
14 the following testimony.

15 [13.50.46]

16 "Question: Do you know if any prisoners were killed?"

17 "Answer: Yes, they were."

18 "Question: Who killed them? Can you tell us the names of the  
19 executioners?"

20 "Answer: The persons who were responsible for executions were the  
21 workers there and the people from the district."

22 And in that same interview at answer 76 you stated, I quote;

23 "Before an execution took place, I had to assign people to guard  
24 an area of 300, 400 metres from the execution site." End of  
25 quote.

1 My first question, can you tell us where was it that cadres were  
2 assigned to stand guard during executions?

3 A. At the time of execution and before that, we were told and  
4 assigned to guard outside the compound and the spot was assigned  
5 to each individual for that. So, the external perimeter was to  
6 the south, <to the north,> to the west and to the east. And when  
7 we were guarding outside, the people, the staff inside the  
8 compound would do the execution.

9 [13.52.39]

10 Q. In interview D40/20, ERN references, Khmer, 00165330; English,  
11 00433569 through 570; and French, 00524318; your fellow guard,  
12 Sim, provided a similar testimony on the subject stating and I  
13 quote, "Whenever prisoners were being killed, they put me on  
14 guard outside the Krang Ta Chan office fence so that no one could  
15 approach." He also testified that meetings were held at which the  
16 prison leaders, An, Duch, Chhen and Penh informed your unit, and  
17 I quote, "Today we have to take prisoners out to kill them, and  
18 then they assigned us to guard outside." End of quote.

19 Your cousin Van Soeun in this courtroom on the 4th of March 2015,  
20 reference E1/271.1, at around 10.46.55, testified as follows.

21 [13.54.08]

22 "Question: Who would call and chair the meetings each time  
23 executions were to happen?"

24 "Answer: It was Ta An who did that." End of quote.

25 Can you tell us where on the Krang Ta Chan compound, the prison



1 chief held these meetings where assignments were given in  
2 relation to executions?

3 A. The meeting for that purpose would normally be held <at> the  
4 kitchen hall.

5 [13.55.00]

6 Q. And just to be clear, are you talking about the prisoners'  
7 kitchen or the guards' kitchen?

8 A. I am talking about the guard kitchen hall.

9 Q. Mr. Saut Saing, were you and the other guards obliged to  
10 follow whatever, whatever orders you received from prison chief  
11 An?

12 A. The order and the assignment to guard outside, all of us had  
13 to follow that order.

14 Q. Your fellow guard, Sim, also testified, this is also in  
15 D40/20, at Khmer, 00165334-335; English, 00433573; and French,  
16 00524323. Sim stated that, during executions, quote: "I heard  
17 them playing a loudspeaker. They always used -- used the  
18 prisoner, Sen, to play the loudspeaker and dig the pits to bury  
19 the bodies of those killed, the bodies of the prisoners." End of  
20 quote.

21 And Van Soeun testified here on the 4th of March, E1/271.1, at  
22 11.38.42, quote: "They would play music on loudspeakers when they  
23 do the killing of the prisoners." End of quote.

24 Can you tell us whether loudspeakers were played during  
25 executions?

1 MR. KOPPE:

2 Mr. President--

3 MR. PRESIDENT:

4 Civil Party, please hold on. And Mr. Victor -- Victor Koppe, you  
5 may have the floor.

6 MR. KOPPE:

7 Thank you Mr. President. You most likely will overrule my  
8 objection, but this is all so leading, he just feeds the civil  
9 party some information from another witness in the hope that this  
10 civil party will confirm it. I know he's being, the Prosecutor  
11 has been doing this all morning and -- and this afternoon, but  
12 this is really not the way it should be done. We are talking now  
13 about the executions. Please let the civil party testify in  
14 answering open questions. It's -- it's unbearable to witness to  
15 be honest, Mr. President.

16 [13.58.20]

17 MR. LYSAK:

18 If I may respond, Mr. President, everyone in this courtroom is  
19 allowed to present evidence to witnesses and ask them for their  
20 reaction. Counsel does the exact same thing. Moreover, we're  
21 getting near the end of this segment of the case. We've heard  
22 testimony from a number of guards and prisoners. It's  
23 particularly appropriate at this time to try to put together,  
24 wrap together that testimony and get comments from the remaining  
25 witnesses. So I don't think that what I'm doing is any different

1    than what every other lawyer in this courtroom does when  
2    questioning witnesses.

3    [13.59.06]

4    MR. KOPPE:

5    Mr. President, would you allow me to briefly respond? You might  
6    recall your own ruling when it comes -- when it came to the crime  
7    site Tuol Po Chrey. Once we're entering a stage that we're  
8    talking about, actual witnessing crimes, we should start with  
9    open questions and then if for some reason the witness or civil  
10   party doesn't remember then ultimately, of course, he can be  
11   confronted, but this is doing the other way around. It really  
12   shouldn't doing -- shouldn't be done like this.

13   (Judges deliberate)

14   [14.00.27]

15   MR. PRESIDENT:

16   The objection raised by the Defence Counsel is appropriate, thus  
17   sustained. So, the question shall be open first and <this  
18   question can be asked at the end or at an appropriate time. The  
19   civil party does not need to respond to this question.  
20   International Deputy Co-Prosecutor,> please rephrase your  
21   question and make it an open question. Thank you.

22   [14.01.10]

23   BY MR. LYSAK:

24   Thank you. I'm happy to proceed. I will proceed that way, Mr.  
25   President.

1 Q. My question, Mr. Civil Party, were there loudspeakers at the  
2 Krang Ta Chan site? And what were those loudspeakers used for?

3 MR. SAUT SAING:

4 A. From the time of my arrival, I did not see any loudspeaker.

5 Q. Were you aware of prisoners such as Say Sen (phonetic), being  
6 ordered to dig pits and bury the bodies of prisoners?

7 A. Whatever Say Sen (phonetic) did, that was his part, and it was  
8 not related to me or to my work.

9 Q. You testified in answer number 80 of your interview,  
10 E319.1.23. These were your words: "Bodies were buried at the  
11 execution site". End of quote.

12 Where was that execution site? And who buried the bodies there?  
13 [14.02.55]

14 A. The execution site was to the south of the interrogation  
15 location.

16 Q. And who was it that was assigned to dig pits and bury the  
17 bodies of prisoners who were executed?

18 A. Only the office-staff were assigned.

19 Q. And when you say the office-staff, can you tell us who you  
20 were referring to by that?

21 A. At that office, there were a three-member committee. And then  
22 there were members of the youth leagues, members of the Parties  
23 and members of the <militia> group.

24 Q. To follow up on that, let me read to you an excerpt from the  
25 statement of your fellow guard, Sim. He testified, that on some

1 occasions, his unit was assigned to cover the grave pits of those  
2 they had killed. This is at D40/20, same ERN pages; Khmer,  
3 00165334; English, 00433573; and French, 00524323. He was asked  
4 how often his unit received that assignment, and responded: "In  
5 some months two times, and in some months not at all, sometimes  
6 once a month." End of quote.

7 Can you tell us, was Sim's unit one of the units that on  
8 occasions was assigned to cover the grave pits of prisoners who  
9 had been killed?

10 [14.05.27]

11 A. I did not involve in the burying of the dead bodies <there at  
12 that time>, as I <was> not <> inside the compound.

13 Q. Whose unit was Sim in?

14 A. Sim was also a soldier like myself, but there were <less>  
15 soldiers working inside the compound <than outside the compound>.

16 Q. My next question for you concerns how the prisoners were  
17 executed at Krang Ta Chan. Are you able to tell the Court how it  
18 is that prisoners were killed at the execution sites?

19 A. At Krang Ta Chan centre, prisoners were killed with the head  
20 of the hoes or with a bamboo club.

21 Q. And how did you learn or know that prisoners were killed this  
22 way?

23 A. I knew about it because on some occasions, I saw it. Although,  
24 I did not see it on <a daily basis>. Sometimes, I had a glimpse  
25 at it from a distance. And that's why I came to know about this.

1 <But some days, they were strict, so I kept my distance.>

2 [14.07.36]

3 Q. Were these occasions where you were guarding during  
4 executions?

5 A. At that centre, sometimes I was on a guard duty and sometimes,  
6 I was assigned to go and find fish.

7 Q. The last subject I want to cover with you today concerns the  
8 executions of children. In your interview, E319.1.23, at answer  
9 90, you testified, quote:

10 "Question: did you know of the execution of children or foetuses  
11 at Krang Ta Chan centre?"

12 "Answer: Children were killed."

13 And this morning, you testified and told us that children and  
14 babies came to the prison with their parents. Mr. Witness, three  
15 of your fellow Krang Ta Chan guards have also confirmed that  
16 prisoners killed at the site included children, Sim, little Duch,  
17 and your cousin Van Soeun. My first question for you is, how did  
18 you know that children were killed at Krang Ta Chan?

19 A. Children and young babies were killed at Krang Ta Chan because  
20 from my personal -- it was from my personal observation, when the  
21 mothers disappeared, the children would also disappear along with  
22 their mothers. <When the children disappeared, it meant that they  
23 were killed.>

24 [14.10.08]

25 Q. One of the documents that's in evidence in this case, and it's

1 document E34093, at Khmer, 00270786 through 87; English,  
2 00831486; French, 00729674; is a letter that was from the Tram  
3 Kak district secretary Ta San, which instructed that for children  
4 who are too young to be separated from their mothers when their  
5 parents were arrested, quote: "Bring them in for interrogation.  
6 And after everything is finished, sweep them all clean." End of  
7 quote. When he testified -- when he testified in this trial on  
8 the 10th of March 2015, E1274.1, Ta San admitted that he wrote  
9 this letter and testified that he did so pursuant to instructions  
10 from the sector secretary. You've indicated -- testified that  
11 children were killed. My question for you is, were the guards  
12 ordered to kill children by prison chief An? And did he ever talk  
13 about instructions he had received from the Tram Kak district  
14 chief?

15 MR. PRESIDENT:

16 Civil Party, please wait. And Counsel Koppe, you have the floor.

17 [14.12.02]

18 MR. KOPPE:

19 Again, Mr. President, extremely leading, he's handing an answer  
20 that he wishes to hear on a platter. There's no pre-established  
21 notion of this witness knowing anything of this document, knowing  
22 anything about the testimony. I mean - from all kinds of  
23 perspectives, the answer that the witness is giving to this is  
24 totally useless. So, I really don't see the point in using this  
25 technique of questioning. So I object it's very, very, very

1 leading.

2 MR. LYSAK:

3 I disagree. We are allowed in his courtroom to submit evidence to  
4 the Parties -- I mean to the witnesses and civil parties who  
5 appear here. This is a piece of evidence that has been admitted  
6 by the author of it. This witness has already described that he  
7 has knowledge of the executions of children. I'm entitled to use  
8 the evidence that's before this Chamber and ask him questions  
9 about that evidence. There is an obvious question based on this  
10 letter as to whether this witness has knowledge of the  
11 instructions in this letter being conveyed at the prison. And  
12 that's the purpose of describing the letter and asking this  
13 question.

14 (Judges deliberate)

15 [14.14.28]

16 MR. PRESIDENT:

17 Judge Claudia Fenz is given the floor to provide an oral ruling  
18 on the last question by the Co-Prosecutor which was objected by  
19 the Defence team. Judge Fenz, you have the floor.

20 JUDGE FENZ:

21 In this case, the objection is rejected. A foundation was laid.  
22 The witness has clarified -- sorry, the civil party has clarified  
23 he has knowledge about the execution of children. And in this  
24 case, confronting him with the statement that deals with this is  
25 acceptable.



1 BY MR. LYSAK:

2 Let me repeat my question for you, Mr. Civil Party. My question,  
3 were the guards at Krang Ta Chan given orders by prison chief An  
4 that children were to be executed with their parents? And did An  
5 ever inform the guards at Krang Ta Chan of the instructions he  
6 had received from the Tram Kak district chief on such a subject?  
7 [14.15.32]

8 MR. SAUT SAING:

9 A. I was not aware whether the chief received any instruction  
10 from the Tram Kak district chief or <how the execution plan was  
11 carried out, I was not aware of that because it was only  
12 discussed among senior people>.

13 Q. The last area that I want to ask you about is to read to you  
14 testimony that civil party, Say Sen (phonetic) has given about  
15 yourself, and to give you an opportunity to respond to that. In  
16 this courtroom on the 4th of February, reference E1/256.1, at  
17 13.37.33, Say Sen (phonetic) described witnessing the execution  
18 of two small children at Krang Ta Chan. And he stated, quote:  
19 "There was a small pit to the south of the palm trees. They  
20 killed the younger one by smashing against the trunk of the palm  
21 tree. And then they brought in the elder sibling and they used a  
22 hoe to hit the neck of the back of that child." End of quote.  
23 On the next day, the 5th of February, E1/257.1, at 10.40.46 and  
24 11.21.55, Say Sen (phonetic) stated that you were one of the  
25 guards who was involved in or present during the killing of those

1 two small children. My question for you first of all, are you  
2 able to tell the Court which guards participated in the  
3 executions of children at Krang Ta Chan?

4 [14.18.03]

5 A. As for the killing of the children at Krang Ta Chan, allow me  
6 to clarify, at the Krang Ta Chan compound, there was no palm  
7 tree, not at all. And whatever Say Sen (phonetic) said <regarding  
8 where he saw the execution>, that is his business.

9 Q. Can I ask you, were there palm trees outside the inner  
10 compound?

11 A. In the prison compound, there was no palm tree. However, far  
12 from the compound, there were palm trees.

13 Q. Were you aware of palm juice being made for the prison chief  
14 and other cadres at the prison?

15 A. Palm juice was made at the villages either to the <far> north  
16 or to the <far west> of the prison compound.

17 Q. My last question, Mr. Saut Saing. The killing of children must  
18 have been a horrific experience at Krang Ta Chan. Do you remember  
19 any of the children at Krang Ta Chan who were taken away and  
20 killed?

21 [14.19.56]

22 A. As I have stated before this Court, when the father or the  
23 mother was killed, then the children would disappear along. So  
24 presumably, the children were also killed.

25 MR. LYSAK:

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1 Thank you for answering my questions today, Mr. Civil Party. I  
2 have no further questions, Mr. President.

3 MR. PRESIDENT:

4 Thank you. And I'd like to enquire with the Judges of Bench if  
5 you wish to put any questions to this Civil Party. Judge Fenz,  
6 you have the floor.

7 [14.20.43]

8 QUESTIONING BY JUDGE FENZ:

9 I've just a few follow-up questions. The first one is about the  
10 loudspeakers at Krang Ta Chan. You said you didn't see any  
11 loudspeakers. Did you ever hear loud music or loud announcements  
12 on the premises of Krang Ta Chan?

13 MR. SAUT SAING:

14 A. In that area -- and let me say, if it happened before my  
15 arrival, I could not say, however, upon my arrival, <there was no  
16 loudspeaker, and> I did not hear any music or any announcement  
17 made through a loudspeaker.

18 Q. Just to ensure that this is not a translation issue.

19 Loudspeaker or not, did you hear any loud announcements or music,  
20 no matter where it was coming from?

21 A. There was no loudspeaker used on the premises.

22 Q. I'll try one last time. Did you ever hear loud music while you  
23 were at Krang Ta Chan? Forget the loudspeaker at the moment.

24 [14.22.20]

25 A. I used to see a music player -- that is, a tape player. And

1 they used to play some songs, songs about peasants of the regime  
2 -- that is, the peasants involved in building dams or digging  
3 canals. It was a small tape player, but I cannot recall the brand  
4 of that tape player. <But there was no loudspeaker.>

5 Q. Where was this tape player located?

6 A. It was played at the building where the chief resided. And  
7 sometimes, at <a hut> where they met under the "Pongro" tree.

8 Q. There was one tape player or many tape players?

9 A. There was only one tape player in the centre.

10 Q. And can you tell me how far you could hear this tape player?

11 Meaning, did you have to be one metre, two metre, 10 metre, 30  
12 metre away to hear it?

13 [14.24.11]

14 A. From where the tape player was played from -- that is, the  
15 kitchen hall and where the prisoners were detained, the distance  
16 was not that far; it was around 30 to 40 metres.

17 Q. And so you -- to understand you correctly, you could hear the  
18 music from the tape player over 30 to 40 metres.

19 A. Yes, I could hear it.

20 Q. I'm now moving away from the loudspeakers to -- sorry, from  
21 the tape player to the issue of rape because I didn't really  
22 understand your answers, might be an interpretation problem. So  
23 I'll try to phrase it simply. My first question: do you know if  
24 during the time you were in Krang Ta Chan, any person who has  
25 been in Krang Ta Chan has been raped there?

1 A. No, I never witnessed it.

2 Q. That probably means you never saw it. Did you ever hear about  
3 it - about an incident of rape or sexual assault of any kind?  
4 [14.26.08]

5 A. I heard about it, <I saw it,> and while I was working with  
6 him, I asked him about it. In fact, it involved people from the  
7 outside unit who were accused of moral misconduct and then were  
8 brought into the centre.

9 Q. I don't want to confuse things, so let's go step by step.  
10 Somebody told you about a sexual assault. Who told you?

11 A. No, not people within the compound made any statement to me or  
12 told me about any staff who committed a moral misconduct with any  
13 prisoner or with anyone outside. What I meant is that those  
14 people who were accused of moral misconduct from outside and were  
15 arrested and brought to be <re-educated> at the centre. <And they  
16 were considered prisoners.>

17 Q. A question related to this. In case one, generally, in case  
18 one person assaulted another one, was only the person who had  
19 committed the assault considered to have done a moral offence or  
20 also the victim?

21 [14.28.05]

22 A. I think we need to put it into two different things. First,  
23 you talk about the staff, whether the staff there had any moral  
24 misconducts with prisoners, and I said no, I never saw it.

25 Q. And what's the second thing? You said two different things.

1 A. And the second thing is that for the male and female units who  
2 were outside or who worked at the villages or in various other  
3 communes and who were accused of committing moral misconduct,  
4 were arrested and brought to be detained at the Krang Ta Chan  
5 centre. And let me be clear, I never saw any Krang Ta Chan staff  
6 who was accused of a moral misconduct.

7 Q. Were there any rules or regulations within Krang Ta Chan,  
8 dealing with moral misconduct of guards or other staff?

9 A. For moral misconduct, the person would be disappeared. It  
10 means the person was not absolute with Angkar regardless whether  
11 they were a soldier or a youth in a mobile unit or female youth  
12 in a mobile unit. They had to be absolute with the Party or with  
13 the Angkar. <They were not allowed to commit any moral  
14 misconduct.>

15 [14.30.07]

16 Q. Just to be clear, but you never saw a case happening in Krang  
17 Ta Chan.

18 A. Yes, that is correct.

19 Q. Next subject. You mentioned interrogations, mistreatment  
20 during interrogations, and you said that you actually saw that.  
21 Can you tell us how often did interrogations take place - once a  
22 day, once a week, once a month?

23 [14.30.43]

24 A. For the interrogation, it varied. Sometime it was held in the  
25 morning, sometimes it was held in the afternoon, and it is very

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1 difficult to say. However, I can say that it did not happen on a  
2 daily basis.

3 Q. Not on a daily basis. So what was the longest time you can  
4 remember when there were no interrogations?

5 A. I cannot recall that.

6 Q. Did -- did you ever, during '75 to beginning of '79, see Nuon  
7 Chea or Khieu Samphan?

8 A. During that period, I never saw them in person. I only heard  
9 of their names.

10 JUDGE FENZ:

11 Thank you, that's all for me.

12 MR. PRESIDENT:

13 Thank you, Judge Fenz. And Judge Lavergne, you have the floor.

14 [14.32.44]

15 QUESTIONING BY JUDGE LAVERGNE:

16 <Yes,> thank you, Mr. President. I also have a few questions to  
17 put to <you, sir>. This morning, you explained to us that when  
18 you joined the army, you were first sent to go and work on the  
19 site of a dam and the dam was Khpob Trabek, <if I've understood  
20 correctly>.

21 Q. Can you tell us how long you worked at that dam site and how  
22 many people worked on the site and when was that exactly?

23 MR. SAUT SAING:

24 A. I was working at Khpob Trabek worksite. I don't remember the  
25 year. And there were tens of thousands worker were sent from the

1 districts, many districts of the province to that worksite.

2 [14.33.33]

3 Q. I heard tens of thousands of workers. Did I properly  
4 understand what you stated or <did you> mean to say tens or  
5 dozens of workers? And what were the working conditions on that  
6 site?

7 A. There were people working at Khpob Trabek worksite but I  
8 forget the year when I was work there. There were people from  
9 male and female unit, and there were tens of thousands of them  
10 who were working there.

11 Q. Do you recall whether, at the time of the construction of that  
12 dam, there were any bombings, specifically American bombings?

13 A. At that time, <> I <only> heard <> of bombardment, <I had not  
14 arrived there yet,> and there were other dam worksites and <while  
15 I was in the youth unit,> I was assigned from one place to one  
16 worksite and then other group of people were sent to that  
17 worksite <for a month>. I was transferred to another worksite for  
18 one month. And we did that following the plan from the upper  
19 echelon. For example, the youth unit would spend one month at one  
20 worksite and then replace to another one and then another unit,  
21 other units will come, and so on.

22 Q. Do you recall whether leaders came to <launch> <> the work  
23 that had been done, <the work that was carried out>?

24 A. I was working there, but I did not spend until the completion  
25 of the worksite. We were <there to be> prepared and ready to <be



1 sent> to the frontline of the battlefield and later <when there  
2 were no more youth at the battlefield,> we were sent <from the  
3 rear> to the battlefield.

4 [14.36.18]

5 Q. And do you know for how long the work went on? Was it a few  
6 weeks or several months? Do you have an idea <>?

7 A. I don't remember the date, because as far as I told you  
8 earlier, I do not recall the year or months when the dam worksite  
9 was started. But I joined in the construction and later I was  
10 sent to the battlefield as a soldier.

11 Q. And what were the working conditions on that site? Was that  
12 site situated in Tram Kak district or not? Was it in Tram Kak  
13 district? Was it close to a cooperative, where was it exactly?

14 [14.37.23]

15 A. The dam worksite <is still in operation today, it is> in Khpob  
16 Trabek, it was in Ou Saray commune, Tram Kak district of Takeo  
17 province.

18 Q. And what were the working conditions on the site? Were the  
19 people sheltered? Did they have enough food to eat? Was the  
20 discipline <> stern? How was it organized?

21 A. When I was working at dam -- at that dam worksite, people were  
22 assigned to work in a group <-- they did not call it a unit at  
23 the time --> and I was assigned to dig the soil and the ground  
24 to build a foundation for the bridge and we were assigned to  
25 complete one foundation within three days. So if anyone who could

1 not complete, we <would be refashioned>. Living condition was not  
2 sufficient, was miserable, and when we hear a sound of the  
3 airplane, <we had to get down on the ground and not move at all  
4 or> we should flee and hide ourselves in the jungle. This is what  
5 we did.

6 Q. To your mind, did many people die on that worksite? Did some  
7 people die because they did not have enough to eat or <because  
8 they were overworked>?

9 A. At Khpob Trabek worksite, I did not witness anyone who died of  
10 starvation <since I did not stay there until the end>. But in my  
11 youth unit, no one died or had any problem. But I don't know what  
12 happened when I left to the battlefield.

13 [14.40.05]

14 JUDGE LAVERGNE:

15 Mr. President, I still have a few questions. I do not know  
16 whether this would be the right time for us to take a break or I  
17 should continue putting questions to the witness. I think I still  
18 have about 10 minutes worth of questions to put to him.

19 MR. PRESIDENT:

20 You may proceed and to complete your line of questioning.

21 BY JUDGE LAVERGNE:

22 Thank you, Mr. President.

23 Q. How old were you, Sir, when you were sent to work on that  
24 worksite -- that is, when you were at <the> Khpob Trabek dam  
25 worksite? How old were you then?

1 [14.40.54]

2 MR. SAUT SAING:

3 A. In that year, I do not remember how old I was. In 1970, before  
4 the coup d'état, I became a monk. I was then 15 years old, <and I  
5 am 59 or 60 now,> so I cannot tell you my exact date. But I think  
6 I was about 10 years or more at that time.

7 Q. We will press on and we will talk about re-education. This  
8 morning, you stated that while you were on the mountains looking  
9 for Prum San, you were punished and you were subjected to a  
10 re-education session or re-education sessions. What did <this>  
11 re-education consist of? Did it last one afternoon or more than  
12 one afternoon?

13 A. When I was sent for re-education <after> my rifle <was stolen  
14 in 1975>, it was done in one afternoon because it was done in the  
15 same military unit. But I was sent to the district youth unit  
16 outside of my military unit because I was accused of giving my  
17 rifle to the group of Prum San. And I got malaria at the  
18 mountainous area, so I kept my rifle with my group <members> and  
19 later my rifle was stolen and I then received that accusation and  
20 experienced re-education for that <instead of them>.

21 Q. I have indeed understood all that, sir. But what did  
22 re-education consist <of>? <What were you told?> <Were you  
23 punished>? Did you receive corporal punishment? Were you beaten  
24 up? <Were you interrogated?> What happened that afternoon when  
25 you went for re-education?

1 [14.43.43]

2 A. I was not punished. I was interrogated and asked many  
3 questions. He told me that I betrayed the revolution and I was  
4 warned that from <that day> on I should be very faithful to the  
5 Party, otherwise I will be shot to death. And then I was staying  
6 with my <military> unit, all the way until I was sent to Krang Ta  
7 Chan centre.

8 Q. Very well. I subsequently understood that you were sent to do  
9 <agricultural work>, mainly transplanting rice or harvesting<>. I  
10 also understood <this morning> that you <had to meet> with an  
11 army official before you went to Krang Ta Chan. Did I understand  
12 your testimony correctly? Did you indeed meet one of your  
13 military superiors before you went to Krang Ta Chan?

14 [14.44.51]

15 A. Before I was transferred to Krang Ta Chan, the six people in  
16 my group, some of them went earlier and I was the one who came  
17 later because I was sent for re-education <at the district youth  
18 unit> at Wat Chak Chrum before sending to the centre. <I was  
19 assigned to work at the pagoda.> It was during the <early>  
20 season. People were assigned to transplant "kro muon saur", rice  
21 patty. It was the good quality rice, the number one quality rice  
22 <in the country> for Angkar. And I was assigned to do  
23 transplanting rice at Krang Ta Chan all the way when I arrived  
24 for the first time.

25 Q. Before you got there, did you meet with a military superior

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1 who gave you specific instructions? This morning, I <heard> you  
2 <say that you> met with a military <cadre> who told you that you  
3 had to be loyal henceforth and that you had to make a sacrifice  
4 for the revolution. Is that the kind of <thing> you <were told>  
5 and <if so, what does that mean>?

6 A. When I left Wat Chak Chrum pagoda and I went to an office, I  
7 met a person at Chan Teab village. He was a commander who  
8 assigned -- who ordered me to arrest Prum San and he told me to  
9 be faithful to the revolution and be cautious and not to betray  
10 the revolution and "You should be honest to Angkar and from today  
11 onward, you should go and work at Krang Ta Chan." And then I went  
12 along with other people to Krang Ta Chan.

13 [14.47.37]

14 Q. And when you heard those instructions, did you understand that  
15 it was not possible for you to <refuse to obey> the instructions  
16 that were given to you on the spot?

17 A. When I arrived at the place, I was thinking that and I think  
18 of leaving Krang Ta Chan, but <I did not know how, so> I was  
19 trying in difficulty to stay and work there until 1977. And then  
20 I met an old person who was <> friend with my father <since 1971>  
21 and he was <>one of the teachers who <knew> Ta An <during Sangkum  
22 Reastr Niyum,> and he told me that, "You should follow my advice  
23 otherwise you should be killed." And I asked him "How should I  
24 do, grandfather?" And he said that, "You should request for a  
25 marriage and after your marriage you can request to live in the

1 cooperative."

2 [14.49.02]

3 And I followed his advice to request for a marriage, but I was  
4 still there at Krang Ta Chan. But then the Vietnamese troop <had  
5 advanced into Cambodian territory, and I was sent from Krang Ta  
6 Chan to join the army. After I had joined the army, I thought to  
7 myself that I had no strength to fight against> the Vietnamese  
8 troop, <so I decided to desert the army.> We fled <and in 1974 I  
9 reached> Srae Angko Damnak Sdach (phonetic), next to the Thai  
10 border <where the "Yuon" caught up with us> and then <> I  
11 returned to my home village.

12 Q. So if I properly understand what you're telling us, you're  
13 telling us that <following> the advice of Grandfather <Chhen  
14 entailed obeying> all orders that were given to you. Is that  
15 <what Grandfather Chhen intended>?

16 A. I had to follow the order of the commanders. <I did not make  
17 it up as I went.>

18 Q. Did you at any point in time receive an order to execute  
19 prisoners, Sir?

20 A. I never received any order to execute <prisoners>. All orders  
21 I received was to guard outside of the compound <to not let any  
22 villagers or civilians come near the place>. That was the only  
23 order that I followed.

24 Q. While you were at Krang Ta Chan, did you hear any <screams> by  
25 prisoners? And if yes, why were the prisoners <screaming>?

1 A. The screaming or the cries from the prisoners I heard when  
2 they were interrogated and they suffered from torture or beating  
3 during interrogation, I would hear screaming.

4 Q. I haven't quite understood something you said. Tell me, were  
5 you appointed the chief of the guard unit? Answer by a yes or a  
6 no.

7 [14.52.21]

8 A. I had never been a chief of <the guard unit>. <The guard unit  
9 was assigned by the office people,> those who were members of the  
10 Youth League, <the Party members, or the core group. They were  
11 the ones who supervised the army>.

12 Q. So you never held a <senior> position <> vis-a-vis any of the  
13 other guards at Krang Ta Chan?

14 A. No, I was not the <guard> chief of Krang Ta Chan. I was only a  
15 <soldier> who would guard outside of the compound at Krang Ta  
16 Chan.

17 [14.53.22]

18 Q. Who was in charge of the guards who mounted guard outside of  
19 the Krang Ta Chan premises?

20 A. The six of us were guards. No one was assigned as the chief.  
21 <The office people were the ones who assigned us to guard.>

22 Q. Did you ever see members of the district office come to visit  
23 Krang Ta Chan? If yes, who did you see<>?

24 A. The visits by the leader, I don't remember any visit, because  
25 I was just guarding outside. But I saw only Rous and Khorn who

1 would visit the centre. <Other than them, I did not see.>

2 Q. Did you see or did you <hear people speak> of a <man> called  
3 Phy who was <> lame <in one leg>?

4 A. Phy, the lame <in one leg> person, I met him a long time  
5 before at Krang Ta Chan. But when I was at Krang Ta Chan, I  
6 didn't see him over there.

7 Q. Did you see or did you hear <people speak> of a person called  
8 Dam who was imprisoned for <> moral misconduct?

9 A. Talking about Ta Dam, he was there at the centre long time  
10 ago, since the creation of that centre. But he had a problem and  
11 he was sent away for a while and later he committed moral  
12 misconduct outside and he was arrested and sent back to Krang Ta  
13 Chan.

14 Q. So, when he was sent back to Krang Ta Chan, he was a prisoner  
15 and not a member of the staff of Krang Ta Chan, is that what  
16 you're saying?

17 A. He used to be a staff at that centre and later, I don't what  
18 mistake he made, but he was sent out and he committed moral  
19 misconduct outside and he was arrested and sent to Krang Ta Chan  
20 as a prisoner.

21 [14.56.51]

22 Q. According to you, while you were at Krang Ta Chan, how many  
23 pits were <there that were> used for burying bodies and, <in your  
24 opinion and to the best of> your knowledge, how many people <--  
25 how many people> were buried in those pits?



1 <(Technical problem)>

2 <I do not know whether I can hear you-- whether you >can hear my  
3 questions.

4 A. The victims who died at Krang Ta Chan, I don't know the exact  
5 number of them. But I'm sure they <did die> over there.

6 Q. This is my last question to you, sir. The experience that you  
7 had at Krang Ta Chan must have been very traumatizing. What, to  
8 the best of your recollection, was the most traumatizing  
9 experience you had as a guard at Krang Ta Chan, <what traumatised  
10 you>, if at all something was traumatizing <for> you there?

11 [14.58.19]

12 A. The trauma as a consequence of my work at Krang Ta Chan was  
13 serious for me, especially my father and my relatives who were  
14 taken for execution. <I could not trust anyone anymore since>  
15 people could kill <their own> race.

16 JUDGE LAVERGNE:

17 Thank you, Sir. I have no further questions for you.

18 [14.59.05]

19 MR. PRESIDENT:

20 It is now appropriate time for a recess. The Court will take  
21 recess until 3 o'clock, 20 minutes.

22 And court officer, please coordinate civil party during the court  
23 recess and have him and Mr. Samnang back in the courtroom at  
24 3.20.

25 The Court is now in recess.

1 (Court recesses from 1459H to 1520H)

2 MR. PRESIDENT:

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

4 And the Chamber would like to hand the floor to the defence

5 teams. And first, we would like to give the floor to Nuon Chea's

6 defence to put questions to this civil party. You have the floor.

7 QUESTIONING BY MR. KOPPE:

8 Thank you, Mr. President. Good afternoon, Mr. Witness. I have a

9 few questions for you.

10 Q. Mr. Witness, my first question is, while you were at Krang Ta

11 Chan, do you remember a woman, possibly a female prisoner, called

12 Grandmother Nha?

13 MR. SAUT SAING:

14 A. Yes, I knew Yeay Nha.

15 Q. Can you tell us a little bit more about Yeay Nha? What was she

16 doing at Krang Ta Chan, for instance?

17 A. At Krang Ta Chan, initially Yeay Nha was not a prisoner. Her

18 husband was a prisoner. And when I asked Yeay Nha about her

19 husband, Yeay Nha's husband was accused <of betraying the

20 revolution because> he said there was a thunder without any rain.

21 And just by saying that, he was accused by Angkar of being a

22 traitor. When the husband was brought into Krang Ta Chan, the

23 wife and the children were later brought along.

24 [15.22.58]

25 Q. Would you be able to remember, Mr. Witness, whether you were

1 already stationed at Krang Ta Chan when Grandmother Nha was  
2 there, or did they -- or did you come afterwards? In other words,  
3 were they already staying there before you came?

4 A. Yeay Nha arrived there in the same year that I did. <I arrived  
5 there before she did.>

6 Q. I understand, but were you there already or was she there  
7 already? So, in other words, who came first?

8 A. I had been there before her arrival.

9 [15.24.06]

10 Q. Do you remember seeing anything of her interrogation?

11 A. No, I did not see her being interrogated. However, if it  
12 happened later on when <I went to work in the field,> I would not  
13 have any idea. But I saw her working in the kitchen hall at Krang  
14 Ta Chan.

15 Q. Was that her main activity at Krang Ta Chan, working at the  
16 kitchen and cooking food for the prisoners and the staff?

17 A. Yeay Nha cooked rice for the prisoners. However, sometimes the  
18 prison staff asked her to wash the dishes.

19 Q. Do you remember whether Yeay Nha had any children who were  
20 also at Krang Ta Chan?

21 A. From my recollection, two <of her> children came along. In  
22 fact there were three, <including her eldest daughter who  
23 already> got married, and the other two boys came along with her  
24 as well.

25 Q. What do you remember about the one who you say got married?

1 Was that a daughter?

2 A. Yes, it was Yeay Rat -- that is, the daughter of Yeay Nha, who  
3 <already> got married.

4 Q. Maybe it's a translation thing. Are you saying 'got married'  
5 or 'was married'?

6 A. I spoke about Yeay Rat, the daughter of Yeay Nha, who  
7 <already> got married, <she was brought to> Krang Ta Chan as  
8 well.

9 Q. Right. Do you remember ever speaking to Rat while she was at  
10 Krang Ta Chan? Were you ever chit-chatting about things?

11 A. Yes, I chit-chatted with her. And it happened almost every  
12 day, because we worked together there. Sometimes we carried the  
13 earth mound, <fertiliser> or sometimes the earth from the bottom  
14 of the ponds to fill in the rice field.

15 [15.27.37]

16 Q. When you were chit-chatting with Rat, do you remember things  
17 that you spoke about?

18 A. Besides a casual chit-chatting, I did not speak on anything or  
19 any serious matter, or on any policies.

20 Q. Would it be correct if I said that Rat was at Krang Ta Chan  
21 maybe for a period of two years, two and a half years?

22 [15.28.29]

23 A. I cannot recall the year, or in fact the date of her arrival.  
24 I cannot recall that.

25 Q. But maybe give us your best estimate. Was she there around two

1 years in your recollection?

2 A. I cannot recall the number of years. She was there probably in  
3 1977, early 1977. That's around the time that I carried the earth  
4 mounds. But <by that time,> the earth mound was gone, <so I do  
5 not recall the year, I just know that the ponds there were rather  
6 big,> and at that time we also carried the earth from the bottom  
7 of the pond <to put in the rice field>. And we were asked to make  
8 a natural fertiliser for the rice fields in the area at that  
9 time. <We were not allowed to have any free time, even the  
10 soldiers were not allowed to have any free time.>

11 Q. Having chit-chatted with Rat for an amount of time, would you  
12 consider her as a colleague, or as a friend? Or somebody -- or  
13 just as somebody who was also there at Krang Ta Chan? Would you  
14 be able to give us a characterization of your relation with her?

15 A. Our relationship was -- because we did not belong to the same  
16 unit. <Chit-chatting was not allowed according to the centre  
17 regulations. We could not chit-chat with each other openly. We  
18 had to chit-chat secretly because it was against the centre  
19 regulations where we had made our commitment to the Party, the  
20 Angkar. We were allowed to chit-chat about the Party's progress.  
21 Other than that, it was prohibited.> So we just had a casual  
22 chit-chat, and by the end of the working hours, <> she returned  
23 to her <place> and I returned to my place <as usual>. <We did not  
24 have any other thoughts.>

25 [15.31.28]

1 Q. Would you be able to recollect how her relationship was with  
2 the other guards in your unit? Was it the same friendly  
3 relationship as she had with you?

4 A. As I have just stated, it was a casual relationship. And <when  
5 the staff from the centre came along with us,> we tried to work  
6 hard. And <if they did not go along,> we just treated our  
7 friendship as normal. We only chit-chatted during the working  
8 hours, and by the time they had to be returned, then I would  
9 return them back into the compound.

10 Q. Thank you, Mr. Witness. That answer to me is very clear.  
11 However, my question was whether you remember anything about her  
12 relationship with your fellow guards, such as Small Duch, your  
13 cousin Van Soeun, or any other of the guards? Do you remember  
14 anything about that?

15 A. Yeay Nha and Yeay Rat were casual with other people. The way  
16 they were living was normal. And sometimes <when they were tired  
17 from work and> when the staff from the centre did not come along,  
18 then if we had a coconut, for example, <> then we would share  
19 with them. <But this was done secretly. If the staff from the  
20 Centre saw that, we just needed to deal with them ourselves by  
21 saying that we were sharing coconut among our group.> Then she  
22 would dare eating the coconut with us. And we never treated them  
23 in any different way from the way that I described earlier.

24 [15.33.49]

25 Q. Have you ever seen or spoken with Rat or her mother after

1 1979?

2 A. As I have said, I chit-chatted with her at that time. However,  
3 what we chit-chatted was in no way intentional to harm or to  
4 affect the <Angkar> or the revolution. Not at all.

5 Q. Thank you, Mr. Civil Party, but maybe my question didn't come  
6 across well. My question was whether after 1979, you spoke with  
7 Grandmother Nha or her daughter? So, not during your time at  
8 Krang Ta Chan, but after 1979.

9 A. After 1979 I have never met Yeay Nha or her children again.

10 Q. Do you know where Yeay Nha and her daughter Rat are now?

11 A. I know that they are living in their native village at Srae  
12 Kruo, though I do not know the exact location in Srae Kruo. One  
13 day, Sokha (phonetic), that is one of her children, came to visit  
14 my house, and I asked about her family members. And I was told  
15 that her mother was fine, but became much older. And that's all I  
16 knew about what happened to her and her family. <But I do not  
17 know of her current situation.>

18 [15.36.19]

19 MR. KOPPE:

20 Thank you, Mr. Witness. Mr. President, I would like to revisit  
21 this topic maybe ten minutes before four, but then asking for a  
22 closed session. And just move on now to be practical, and not to  
23 -- I presume you know where I'm going with my questions, but --  
24 Or I can continue now, but then I think I, in following your  
25 recent decision, the doors should be closed.

1 [15.37.00]

2 (Judges deliberate)

3 [15.37.37]

4 MR. PRESIDENT:

5 Your request is granted, Counsel.

6 BY MR. KOPPE:

7 Thank you, Mr. President.

8 Q. Mr. Civil Party, do you recollect whether you had any similar  
9 interactions with two other female prisoners, prisoners who were  
10 mentioned earlier who were female medics, Han and Born  
11 (phonetic)?

12 A. Among the prisoners including Yeay Han and another, Vorn  
13 (phonetic), I don't know this individual. I heard that Yeay Han,  
14 from -- working as a medic, but I did not inflict any ill  
15 treatment against her. She was always working at the worksite,  
16 <for instance, carrying earth mount, or dirt from the bottom of  
17 the ponds,> along with me most of the time.

18 Q. I wasn't implicating at all, Mr. Civil Party, about you doing  
19 any wrongdoing to her. My question was more, did you chit-chat  
20 the same way with her as you did with Rat and her mother Nha?

21 A. It was simple chit-chatting <like I did with Yeay Nha and Yeay  
22 Rat>, and <Yeay Han and Run (phonetic)> also talked to me as an  
23 ordinary person and friend, but I did not take <anything they  
24 said personally>.

25 Q. Do you know how the relationship was between your fellow



1 guards and Han? Was it the same as their relationship with Rat  
2 and her mother?

3 A. There was no problem with me. I could not say that he or they  
4 had a problem. <It was up to the Angkar to decide on that, but  
5 there was no problem with me. But I asked them not to try to  
6 escape> so that all of us could survive.

7 [15.40.30]

8 Q. So am I right, Mr. Witness, when I say that between you and  
9 the guards on the one hand, and Han, there was no problem? There  
10 was no difficulty in your relationship. Is that correct?

11 A. Our relationship was not in any difficulty. As I told you  
12 earlier, that those prisoners were let out to work <> outside,  
13 <and> I was in charge of supervising them, and my life <would end  
14 when> any prisoner fled away. <For instance, if I was in charge  
15 of supervising five prisoners,> when they completed a daily work,  
16 those prisoners were sent back into the detention building. <>

17 [15.41.41]

18 Q. Thank you, Mr. Witness. Do you remember another female  
19 prisoner called Set Yem (phonetic)?

20 MR. SAUT SAING:

21 A. Counsel, could you please repeat your question, because I  
22 didn't catch it.

23 MR. SON ARUN:

24 Q. Her name is Set Yem (phonetic).

25 MR. SAUT SAING:

1 A. I don't recall this name.

2 BY MR. KOPPE:

3 Q. Do you remember prisoners at Krang Ta Chan who used to be,  
4 before 1975, film stars? Actors?

5 A. I don't remember any prisoners who were movie stars or actress  
6 <before 1975, or 1975-76>. I don't <know them>.

7 Q. Do the names Kim Nova and Nop Nem mean anything to you?

8 A. When you refer to Kim Nova and Nop Nem, <I did not know them  
9 outside,> I would see them on the movies, because I watched those  
10 movies, but I don't know they were sent to Krang Ta Chan and what  
11 happened to them there. I had no idea.

12 Q. So you never saw them, and you've never heard about the fact  
13 that they were possibly detained at Krang Ta Chan. Correct?

14 [15.44.05]

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

16 Q. I have another -- I have one follow-up question in relation to  
17 the tape recorder. Would you be able, if necessary, with your  
18 hands -- and then Mr. President, I will ask the Court record to  
19 reflect it -- but, with your hands, the measurements of the tape  
20 recorder. Could you indicate how small or how big the tape  
21 recorder was that we spoke about earlier?

22 A. That tape recorder, we don't use -- we didn't use battery, but  
23 a battery of six volts. It was an old model battery. It's like a  
24 box. And the tape recorder was operating by a cassette. <The tape  
25 player was> about 50 centimetres long <and 20 centimetres in

1 width>. The recorder was called 'National Brand'. Yes, there was  
2 one tape recorder over there. I recall it. I used to play it, but  
3 I played the music or song of the revolution, about the peasants.  
4 But it was just music for fun, for my leisure, not for any  
5 special purpose at the time.

6 [15.46.19]

7 Q. Mr. Civil Party, you see in front of you a monitor. It's that  
8 black thing right in front of you. Could you make a comparison  
9 between the tape recorder that was there at Krang Ta Chan and the  
10 monitor that you see in front of you? Was the tape recorder  
11 smaller, bigger? Would you be able to give us a comparison?

12 A. That tape recorder, I'm talking about the <height>. <> It is  
13 shorter, it's lower. But when talking about the size, it's <>  
14 about the same size as the <computer> screen.

15 Q. And is it correct that the sound was only coming from the tape  
16 recorder itself, and from nowhere else?

17 A. That tape recorder would be played for music. It was not used  
18 as a means of <covering other sounds>, but it was used for music  
19 listening purposes, as usual.

20 Q. I think your answer is very clear, but just to be a hundred  
21 percent sure, there were no wires coming out of the tape recorder  
22 leading to any amplifying loudspeakers. Is that correct?

23 A. To be honest for you, there was a wire. There was a cable from  
24 the battery to the tape recorder. That's why we could play the  
25 tape. There was no cable to any amplifier or to any speaker,

1     rather than the speaker of that tape recorder itself.

2     [15.49.08]

3     MR. KOPPE:

4     Thank you, Mr. Witness. It's a little bit before 10 to 4.00, but

5     actually I'm coming to my subject now, Mr. President, so I

6     request to, in line with your earlier ruling, close the doors.

7     MR. PRESIDENT:

8     The Trial Chamber granted your request, and the hearing will be

9     in closed session for the last part. And court officer and

10    relevant staff should take action following the decision by the

11    Chamber.

12    First, AV unit is instructed to cut off the voice to the public

13    gallery, and secondly, the civil party is authorized to

14    participate in the proceeding as a party, but you should keep

15    your testimony confidential. And you should not share any

16    information you testify here to anyone outside at all. And you

17    may proceed, Counsel.

18    [15.50.37]

19    MR. KONG SAM ONN:

20    Thank you, Mr. President. In case we will have a closed session

21    for now, may I request that the voice should not be distracted,

22    because Mr. Khieu Samphan could not hear the voice from the civil

23    party well.

24    MR. PRESIDENT:

25    That is why we advised the AV staff so that we can conduct

1 proceedings in a closed session, and the image and the voice will  
2 become normal. So the AV unit staff need some time to do that.

3 (End of public session 1551H)

4 (Court goes into closed session)

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