



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

5 February 2015
Trial Day 238 -

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 20-Mar-2017, 15:12
Sann Rada
CMS/CFO:.....

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
SUON Visal
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
SE Kolvuthy
Matthew McCARTHY

Lawyers for the Civil Parties:
PICH Ang
Marie GUIRAUD
LOR Chunthy
CHET Vanly
VEN Pov
MOCH Sovannary
Martine JACQUIN
Mahesh RAI

For the Office of the Co-Prosecutors:
SENG Bunkheang
SONG Chorvoin
Dale LYSAK
Vincent de WILDE D'ESTMAEL

For Court Management Section:
UCH Arun
SOUR Sotheavy

I N D E X

MR. SORY SEN (2-TCCP-271), alias SAY SEN

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. DE WILDE D'ESTMAEL	French
JUDGE FENZ	English
MS. GUIRAUD	French
MS. JACQUIN	French
MR. KONG SAM ONN	Khmer
MR. KOPPE	English
JUDGE LAVERGNE	French
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PICH ANG	Khmer
MR. SORY SEN (2-TCCP-271)	Khmer

1

1 PROCEEDINGS

2 (Court opens at 0903H)

3 MR. PRESIDENT:

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

5 Today, we will continue to hear the testimony of this civil

6 party, Say Sen.

7 And Ms. Se Kolvuthy, could you report the attendance of the

8 parties and individuals to today's proceedings.

9 [09.04.30]

10 THE GREFFIER:

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

12 are present, except Arthur Vercken, defence counsel for Khieu

13 Samphan, is absent due to his health.

14 <It is also noted that> Mahesh Rai is a new civil party lawyer

15 recognised by the Bar Association of Cambodia but not yet

16 recognised by the Trial Chamber.

17 And Mr. Nuon Chea is present in the holding cell downstairs as he

18 waives his right to be present in the main courtroom. The waiver

19 has been delivered to the greffier.

20 And the civil party<, who will continue his testimony>, Mr. Say

21 Sen, is ready in the courtroom and we don't have a reserve

22 witness for today's proceedings.

23 [09.05.30]

24 MR. PRESIDENT:

25 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the

1 request by Nuon Chea.

2 The Chamber has received a waiver by the Accused, Nuon Chea,
3 dated 5th February 2015, who states that due to his health;
4 namely, backache and headache, and that he cannot concentrate for
5 long, to be present in the main courtroom and for effective
6 future participation, he requests to waive his direct presence
7 for today's proceedings. And his counsel also advised him about
8 this waiver, which does not mean he waives his rights to a fair
9 trial or his objection to any of the evidence presented before
10 this Court.

11 The Chamber also has seen the medical report by the duty doctor
12 at the ECCC, who has examined Nuon Chea's health. The report is
13 dated 5th February 2015, and it is noted that Nuon Chea has
14 backache and dizziness while sitting, and recommends that the
15 Chamber shall allow him to follow the proceedings from a holding
16 cell downstairs.

17 [09.07.07]

18 As aforementioned, and pursuant to Rule 81.5, the Chamber grants
19 Nuon Chea's request to follow the proceedings remotely from a
20 holding cell downstairs through a remote means.

21 And as he waives his right to be present in the courtroom -- and
22 the AV Unit, you're instructed to link the proceedings to the
23 holding cell downstairs so that Nuon Chea can follow the
24 proceedings remotely. And that applies for today's proceedings.

25 And the Chamber will now request Mr. Pich Ang to request for the

1 recognition of a new civil party lawyer, who has not yet been
2 recognised by the Chamber.

3 [09.08.12]

4 MR. PICH ANG:

5 Good morning, Mr. President. Good morning, Your Honours, and
6 everyone in and around the courtroom.

7 I will be absent from the proceedings from tomorrow until before
8 the New Year - the Khmer New Year in April, <but in my absence,>
9 Mr. Ven Pov will take my place <for this proceeding>.

10 As for the new foreign lawyer who is <at my right hand> behind me
11 -- that is, Mahesh Rai, he is a Singaporean lawyer and who has
12 been recognised -- and recognised by the Bar Association of
13 Singapore in February 2011, and who also has been recognised by
14 the Bar Association of Cambodia on the 2nd August 2013, and also
15 took an oath at the Court of Appeal of Cambodia on the 14th
16 November 2013. He<, represents two civil parties and> works
17 together with his national counterpart -- that is, Sam Sokong,
18 and I would like to request your recognition of the new lawyer.
19 Thank you.

20 [09.09.56]

21 MR. PRESIDENT:

22 Thank you, counsel.

23 Mr. Mahesh Rai, you are hereby recognised by the Trial Chamber as
24 an international lawyer for civil parties for the purpose of
25 proceedings before this Court in this case, and through such

4

1 recognition, you have the same rights and privileges as other
2 civil party lawyers. You may be seated.

3 The Chamber would like now to hand the floor again to the
4 Prosecution to continue putting questions to this civil party.

5 Please wait, and counsel Kong Sam Onn, you have the floor.

6 [09.10.50]

7 MR. KONG SAM ONN:

8 Thank you, Mr. President. Good morning, Your Honours, and
9 everyone. I have a small request to be made to Your Honour. It is
10 in regards to the opposition by the Prosecution -- that is,
11 document E327/4. It states that the Co-Prosecutors' copies the
12 document to Touch Voleak and Calvin Saunders as the counsels for
13 the Accused.

14 I understand that the decision by the Trial Chamber -- that is,
15 E321/2 on the court-appointed lawyers for Khieu Samphan -- and it
16 is my understanding that the instruction by the Trial Chamber is
17 that the two counsels are not involved in the proceedings before
18 this Court until such time there is an order from the Trial
19 Chamber to do so. And therefore, in the document by the
20 Co-Prosecutors, who stated that these two lawyers are the defence
21 lawyers, the implication is that they are involved in the defence
22 and the proceedings before this Court and that leads to a
23 misunderstanding.

24 [09.12.35]

25 For that reason, I'd like to request the Trial Chamber to issue

5

1 an instruction not -- for the Prosecution not to do this again,
2 or maybe the Trial Chamber can seek an explanation from the
3 Co-Prosecutors as why they considered these two counsels as
4 defence counsels for my client.

5 MR. PRESIDENT:

6 And the International Co-Prosecutor, you may proceed.

7 MR. DE WILDE D'ESTMAEL:

8 Good morning, Mr. President, Your Honours. Good morning to all
9 the parties.

10 In response to what counsel for Khieu Samphan has just said, it
11 is true that it would perhaps have been better for us to write
12 "<standby lawyers>" on the cover page of the motion which we
13 placed on record <recently>. But in any case, it has always been
14 stated by the Chamber -- by your Chamber, that even though these
15 lawyers are not yet exercising their duties<>, they are
16 authorised to take stock of all <information and are granted
17 access to all> the <procedural> documents <in the file.> And that
18 is why their names are mentioned on <the cover page of that
19 request>. That is just what I wanted to point out, Mr. President.

20 (Judges deliberate)

21 [09.15.00]

22 MR. PRESIDENT:

23 This is a minor issue and please be mindful and don't repeat that
24 issue again. In <> future submissions, please make it clearly as
25 to who are the defence counsels and who are the standby counsels.

6

1 <It is not a big issue,> I think we can deal with that.

2 And now the Chamber would like to cede the floor again to the
3 Co-Prosecutors to putting questions to this civil party. You may
4 proceed.

5 [09.15.57]

6 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

7 Thank you, Mr. President.

8 Q. Mr. Say Sen, I will examine you up to about 11 a.m. this
9 morning. <First,> I would like to revisit a point that you raised
10 yesterday. We discussed your interrogations in 1974 after you
11 arrived at the Krang Ta Chan Security Centre. You stated that you
12 were interrogated regarding your relations with a person <from>
13 Angk Ta Saom. I would like to read out to you an extract of your
14 <WRI>, E3/5214. The ERNs are as follows: in Khmer, 00223058; in
15 French, 00702889; in English, 00225503. And this is what you
16 stated -- and I quote:

17 "There were three interrogators and then there was a soldier who
18 was there to monitor the interrogation. During the interrogation,
19 I was asked 'Did you have contact with Prum San?' I replied that
20 I didn't know him. Then they said '<T>ell the truth'. I still
21 replied <that I didn't know him.> 'I still do not know him'. Then
22 the interrogators had the soldier, who was <monitoring the area>,
23 take me back and <put the handcuffs back on> me."

24 So you mentioned the name of that person. Who was that person
25 called Prum San, in regard to whom you were interrogated?

1 [09.18.02]

2 MR. SORY SEN:

3 A. I was asked whether I knew Prum San and I said 'No, I did
4 not'. Prum San was accused of a traitor but I did not know him.

5 Q. Were you able to learn from the guards <or other prisoners>
6 whether Prum San fought during the five-year war on the side of
7 the Khmer Rouge or on the side of Lon Nol?

8 A. I didn't know which side he was in. I only knew that during
9 the time, Prum San was accused of being a traitor. <I, myself did
10 not know it, just heard that from others.>

11 Q. On the following page of the same document I have just
12 quoted<, so> in all the languages <it's the following number,>,
13 this is what you stated: "At the time of my detention, I <knew>
14 that the other prisoners were <not> interrogated with regard to
15 the Prum San <affair>." End of quote.

16 Did you have an opportunity to discuss with the other prisoners
17 to find out what they were interrogated about during their
18 interrogations?

19 A. No, I did not know because we were shackled together; at night
20 time, we were just whispering to one another. For example, one
21 prisoner said he was accused of being connected with a former
22 regime because his sibling or relative have a rank of a major or
23 a captain.

24 [09.20.07]

25 Q. Thank you.

1 For the record, I would like to state that the name "Prum San"
2 was found in Tram Kak archives and <> was mentioned on several
3 occasions in certain reports <made by> the Krang Ta Chan centre
4 at the higher level>. I give the references of the three
5 documents, among others. <First there is> is E3/4095, <E3/4095>.
6 The Khmer page, ERN is 00271090 up to 91; in French it is
7 00721206; and in English, 00747237. The name "Prum San" also
8 appears in a report of statements by prisoners, Sum Sieng and Sum
9 Seng. The report is E3/4101, and the Khmer ERN is 00271039; in
10 French, 00854221; and in English, 00322129.

11 And lastly, the third example among the other documents is
12 document D157.7. <D157.7 at pages -- in> Khmer <> -- there are
13 many pages: <> 00270883 to 84, and also on page 00270886, and on
14 page 00270891. In French it is on page 00872822, 00872824 and
15 00872829. And lastly, in English, 00866446 up to 47, 00866450,
16 and 00866456.

17 [09.23.18]

18 Mr. Say Sen, <now> I would like us to talk about some <long-term>
19 prisoners <> at Krang Ta Chan. You mentioned <the name> Ta Chen
20 yesterday and Ta Norn <several times,> and you said that they
21 carried out certain <tasks> with you, <such as> bringing
22 prisoners who were tortured <during> interrogation <back to the
23 cells> or digging pits for the executed persons. I will quote an
24 extract, once more, of your <WRI>: E3/5214, the Khmer page,
25 <00223064>; in French, 00702895; and in English, 00225508. And

1 this is what you stated regarding those who dug <the> pits -- and
2 I quote:
3 "Apart from myself, there was Ta Norn and Ta Chen. Ta Norn died
4 after having been beaten at Krang Ta Chan <centre>. <He was found
5 guilty because he was> <from> Hanoi<>. <> Ta Norn <-- a little
6 later - Ta Norn> was a prisoner who had received a lighter
7 sentence and was ordered to work in the prison like myself. He
8 was assigned to work <> in the kitchen to prepare <meals> for the
9 prisoners. <One day, w>hile in the kitchen, he spoke to me. He
10 said: 'I'll probably die before you'. During that conversation,
11 suddenly <Cheng>, a soldier at Krang Ta Chan, came to call him.
12 Since he had <left> for a long time, I walked to look at the site
13 where they kill the prisoners and I saw his body. He <was> killed
14 and <his body was> placed under a <"chheuteal"> tree, about 70
15 metres from the prison." End of quote.

16 Regarding this extract from the record of your interview, why did
17 you say that <Ta Norn> was considered guilty because he was
18 someone from Hanoi?

19 [09.25.38]

20 A. <The reason I said so> because he came from Hanoi and he
21 married a woman in Samraong commune who was a pure Khmer, and
22 later on he was sent to be detained at Krang Ta Chan, and I
23 learnt that information from him <while we were detained>.

24 Q. Apart from Ta Chen and Ta Norn, were there any other
25 prisoners, like yourself, who enjoyed a particular status? That

10

1 is to say that they were able to move about within the premises
2 of Krang Ta Chan?

3 A. No. And as I stated yesterday, there were only four or five of
4 us who were allowed to work within the prison compound and there
5 was no other person who was allowed to do so.

6 [09.26.48]

7 Q. Can you give us the names of the persons who were authorised
8 to move about within the compound of the prison like yourself?

9 A. Yes, I can do that. A group of <> siblings or relatives <of>
10 Yeay Nha, <including Khom (phonetic), Khay (phonetic), Hab
11 (phonetic)>, <also,> Ta <Chen>, <me> and Norn, and Hun
12 (phonetic), <> and that's all.

13 Q. Thank you. I <will try to clarify> some names in French,
14 <which I heard> very quickly. You said in you<r> civil party
15 application, reference number D22/1370<>-- it was not translated
16 in English in entirety<, but we have the references in Khmer and
17 French>; <in Khmer it is 00527705 and> in French it is
18 01057607<>, <and I quote what> you said: "An<> ordered Kha,
19 <K-H-A,> one of the sons of the old Nhor, N-h-o-r, and myself to
20 dig pits to bury executed persons. Every day the Khmer Rouge
21 killed at least <two> or three people after having tortured and
22 interrogated them. Sometimes <the Khmer Rouge would> execute
23 between 50 and 100 prisoners a day." <End of quote.>
24 Now you mentioned two names <here>. Please, clarify who was the
25 old Nhor, N-H-O-R, <sometimes also spelled N-H-A, whom> you

11

1 referred to in this extract?

2 [09.28.52]

3 A. Yeay Nha or Grandmother Nha was a cook in the dining hall in
4 the prison compound.

5 Q. Do you know the full name of that person, <> <their> current
6 name?

7 A. No, I only know her first name. <I only knew her name there.
8 They called her Penh.> I never knew her family name.

9 Q. What do you know of the person called Kha, K-H-A? You said he
10 was one of the sons of the old Nha, who also had to dig pits <to>
11 bury <people who had been executed>. Do you <perhaps> know the
12 full name of that person?

13 A. No. I only know the first name, Kha, who was younger than me.
14 Kha was the son of Yeay Nha. One day Ta <Chen> got sick and I
15 asked <Kha> to lend me his hand and then we dragged a prisoner
16 together but he was smaller and younger than me.

17 [09.30.23]

18 Q. Very well. I would like to show the civil party a document and
19 it is document E3/4145. I would also like to have that document
20 placed on the screen, Mr. President, by your leave, <as well as>
21 show the document to the witness.

22 MR. PRESIDENT:

23 Yes, you may proceed.

24 BY MR. DE WILDE D'ESTMAEL:

25 Q. Regarding this document, we'll first look at the first page.

12

1 The ERN in Khmer is 00068730; in French, it is 00761093; and in
2 English, 00762837. It is a table titled "List of prisoners
3 detained for months or years subject to the decision of the
4 Party".

5 Please tell me, do you know the names of the long <term>
6 prisoners at Krang Ta Chan? First of all, <if you know> the first
7 name on the list -- that is, Iet Chen, aged 51, from Nhaeng Nhang
8 commune, and it is said that he was arrested in error -- at least
9 that is what we gather from the French translation.

10 [09.32.20]

11 MR. SORY SEN:

12 A. Yes, I do. I didn't know what offence he was alleged to be --
13 to commit. He came in a group of six and the rest died, except Ta
14 <Chen>. <He just died recently.> As for the letters -- in the
15 document before me, I cannot read because I am illiterate. I
16 studied very little and I cannot do the reading at all.

17 Q. I understand; I will continue reading the list. <When you hear
18 the name "Iet Chen", you said he was among a group of six people
19 and all died except him. Was it the same person that you>
20 identified <as> Ta <Chen, with whom you dug graves and buried
21 executed people>?

22 A. It was the same person and it was said that <father Chen> and
23 <mother> Nha should be married together. <This was just to make
24 fun of the two because both had been there quite a long time.>

25 [09.33.45]

13

1 Q. The second name that appears on the list is a person called
2 Hun Seng, 46 years of age, coming from the village of Srae
3 <Kruo>, commune of Cheang Tong, district of Tram Kak. <Regarding
4 this woman in another column and regarding the next woman named>
5 Meas Sarat, 26 years of age, from the same commune, and also from
6 <the same village,> Srae <Kruo <> in the commune of Cheang Tong>.

7 The note read as follows:

8 "These two women were the spouses of Kun and Boeun
9 <respectively>. We <killed> their husbands <for having called on
10 the others to sign a petition> inciting to depose a village
11 chief."

12 Do you recognise the names of these two individuals, that is to
13 say Hun Seng and Meas Sarat?

14 A. Yes, I knew them. Hun Seng was the husband of Grandmother Nha,
15 and Boeun was the in-law of Grandmother Nha, so I knew this
16 family -- Meas Sarat, I knew Meas Sarat also. Meas Sarat was the
17 daughter of Grandmother Nha.

18 [09.35.18]

19 Q. Just now you said that Iet <Chen> and Yeay Nha - <meaning two
20 of the people who> are on this list -- were <supposed> to <get>
21 married. Who <said that they had to marry>?

22 A. It was a joke at that time. They said -- it was said that
23 <father Chen> and <mother> Nha should be married together here so
24 <they> should stay here <> together <as a family>. This was a
25 joke that was said at that time.

14

1 Q. Very well. I'd like to refer to another page of the same
2 document, just a bit further on, <in> Khmer, reference
3 <00068736>; in French, 00761100; and in English, 00762844. This
4 is a table entitled: "Names of prisoners from M-105 detained for
5 years pending the Party's decision." I'll ask you the same
6 question.

7 There's a first name on the list. That name is Yuk Sen. I would
8 ask the assistance of the Khmer interpreters who have the
9 document <before them,> and signal that it is spelt Y-U-K <and
10 then,> S-E-N. The village is identified as Trapeang Lean, commune
11 of Kus, district of Tram Kak, <Takeo;> <> farmer. And <there is a
12 note with regard to Yuk Sen>, <which reads>, "In 1974 he was a
13 <young man. He> was sent to the front <> <and he deserted to
14 return> home."

15 Can you please identify that person, Yuk Sen<>?

16 [09.37.40]

17 A. Yes, I knew. Khuth Sen, <> this person <is me>. I was asked to
18 stay in militia unit and I did not stay there, I escaped home. I
19 escaped home long ago and after that I traded wood and I traded
20 wood with the Chinese. So I went to collect the wood and traded
21 with Chinese. At that time, I used the name Khuth Sen<, not Say
22 Sen>. This name was named by grandmothers <so that no one knew
23 that I was the son of the district chief, Say>.

24 MR. PRESIDENT:

25 You may now proceed, Lead Co-Lawyer.

15

1 MR. PICH ANG:

2 Mr. President, in document F3/4145, the name was not written as
3 Yuk Sen. It was written as Khuth Sen instead, and I heard the
4 interpretation was Yuk Sen, but actually this name was written as
5 Khuth Sen.

6 [09.39.08]

7 MR. DE WILDE D'ESTMAEL:

8 <Thank you for that clarification.> I believe, therefore, that
9 there seems to be a <French> translation error in this document.
10 I'd like to <read out to you> two other names. Those names are
11 Hun Nha and Meas Rat, <who also> <> appear on this list.

12 MR. PRESIDENT:

13 You may now proceed, Mr. Koppe.

14 MR. KOPPE:

15 Excuse me, Mr. President; I was just not able to follow so
16 quickly what my learned friend from the civil parties said about
17 the names. Would he be so kind to repeat what he just said so
18 that I can follow?

19 [09.39.50]

20 MR. PICH ANG:

21 In fact the document referred to by the Co-Prosecutor, I could
22 observe that the Co-Prosecutor referred the name as Yuk Sen <in
23 the French translation>. But, actually, in Khmer <original>
24 document, it was written as Khuth Sen. So the name is Khuth Sen.
25 The alphabet in Khmer is quite similar in writing, so when it

16

1 came to interpretation I heard it was referred to as Yuk Sen, but
2 actually the name is Khuth Sen. Thank you.

3 MR. PRESIDENT:

4 You may now resume your questioning, Mr. Co-Prosecutor.

5 MR. DE WILDE D'ESTMAEL:

6 Thank you.

7 Q. So, on the second list that we are focused on --

8 MR. PRESIDENT:

9 Mr. Say Sen, when you answer the question you should speak
10 slowly, because what you are saying will be interpreted into the
11 official languages of the Court, to make a proper record in the
12 interpretation, please speak slowly. Do you understand, Mr. Say
13 Sen?

14 MR. SORY SEN:

15 Yes, I understand, Mr. President.

16 [09.41.55]

17 MR. PRESIDENT:

18 You may now resume your questioning, Mr. Co-Prosecutor.

19 BY MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President.

21 Q. So, we were dealing just now with the second list of prisoners
22 <detained at> M-105 <for a few years>, you recognised your own
23 name and you also recognised Hun Nha and Meas Rat. Can you please
24 tell us if Hun Nha and Meas Rat are indeed the same names that
25 appear on the first document and the same people that you had

1 identified as Meas Sarat and old Nha? <Or are they other people?>

2 MR. SORY SEN:

3 A. It was the same person, the mother and the daughter.

4 [09.42.51]

5 Q. One final question on this document: <the title reads "List">
6 of prisoners <detained at> M-105".

7 At the time, had you heard <the name> "M-105" and <did you know>
8 what <> it <referred to>?

9 A. I did not know. I heard only <District> 105 instead. I heard
10 only District 105 instead of M-105.

11 Q. Very well. Yesterday on the subject of Lon Nol People or April
12 17 People, <you said> they were considered prisoners, or captives
13 of the war. Can you please tell us who referred to them as
14 "prisoners<>" or "captives of war" at Krang Ta Chan?

15 A. The soldiers and the chiefs of the prison, they used the term
16 "prisoners of war" at that place.

17 Q. Can you please specify once again <if this expression referred
18 to all the 17 April People or only> <military> or <civil
19 servants> of the Lon Nol regime?

20 A. Shortly speaking, all prisoners were referred to as prisoners
21 of war.

22 [09.44.48]

23 Q. Thank you. <>Before this Chamber, we heard the statement of
24 <another prisoner detained at Krang Ta Chan called> Meas Sokha.

25 <Meas Sokha> appeared on the <last> 21st <and> 22nd <of> January

18

1 <and talked of a group of 100 to 130 people who had been>
2 transported <from two communes> to <the> Krang Ta Chan <centre.

3 And I think he said the communes of Srae Ronoung and Nhaeng
4 Nhang>. <I will cite what he said.> I'd like to quote from

5 <E1/249.1>, from the hearing of 21st January, <2015> at
6 approximately 12 o'clock. Meas Sokha says the following:

7 "There were -- <there were> 130 people. The 130 people were taken
8 to the security centre."

9 And further on, it reads: "These people were not interrogated."

10 The next day, before this Chamber, Meas Sokha said in <E1/250.1>,
11 at approximately 10.51 in the morning: "On that day more than 100
12 prisoners were killed; however, I do not know the exact figure".

13 End of quote.

14 At 10.56 he said <and I quote>: "I <saw afterwards> that the
15 prisoners were executed and I <saw> the bodies <being buried>."

16 <End of quote.>

17 Do you also recall a group of some 100 to <130> <people,>
18 prisoners, who were not interrogated but who were executed at
19 Krang Ta Chan?

20 [09.46.43]

21 A. I knew about that. I did not count the numbers of prisoners.

22 It was presumed that there were around 100 prisoners. They came
23 in 1977.

24 Q. Was that the only occasion when <more than> 100 <prisoners> or
25 <about 100 prisoners> arrived <at once to Krang Ta Chan>, or were

19

1 there other occasions?

2 A. They came on different occasions. They came from Srae Ronoung
3 and Nhaeng Nhang commune, it is true about that.

4 Q. I want to return to what you raised yesterday when you said
5 that in 1977 there were also many arrivals and executions at
6 Krang Ta Chan <from the moment in which> Vietnam attacked
7 Cambodia. When the Vietnamese attacked <Cambodia>, was there an
8 influx of Khmer Krom or of Vietnamese at Krang Ta Chan?

9 A. At that time I did not know about where the people came from
10 or what ethnicities were in that prison. Most of the prisoners I
11 could see, they were Cham people. <I know this because> they did
12 not eat pork -- that is why I knew that some of them were Cham.

13 Q. I was referring to the Khmer Krom, Khmers from Kampuchea Krom.
14 Were you able to identify certain prisoners as people of -- Khmer
15 speaking people, <who came> from Vietnam?

16 A. I never observed those people so I did not know.

17 [09.49.36]

18 Q. I'd like to quote a segment from one of your records of
19 interview before the investigators of the Investigating Judges.
20 Perhaps this can assist in refreshing your memory <in this
21 regard>. I'd like to refer to E319.1.24. I will not give the
22 ERNs, <these are> the responses <that you gave and that> are
23 numbered. I'm referring to responses 82 <through> 91. I'd like to
24 read to you what you said -- and I quote:

25 Response number 82: "The Khmer from Kampuchea Krom arrived in

1 1975."

2 Response number 83: "They arrived over the course of time up
3 until 1978. The Khmer from Kampuchea Krom were not in prison for
4 very long. In one or two days, they were executed. Sometimes they
5 came in groups of three or five."

6 [09.50.51]

7 Question: "In what years were the highest numbers of Khmer Krom
8 in the prison of Krang Ta Chan?"

9 Response number 84: "That was in 1977 when the Vietnamese
10 attacked. It was also when the Khmer Krom arrived as an influx in
11 Krang Ta Chan. At the time, the Khmer Krom were called
12 'Vietnamese'.<">

13 <Response number 85: ">The Khmer Rouge <call>ed the<Khmer Krom>
14 'Vietnamese'. In 1977, the Vietnamese wanted to attack Cambodia
15 but the Khmer Rouge counterattacked."

16 Question: "After 1975, did the prisoners or guards talk about the
17 Khmer from Kampuchea Krom?"

18 Response number <> 86, <you said>: "Yes, they did talk about
19 them; however, they labelled them as 'Vietnamese' because they
20 lived in Vietnam and spoke Vietnamese."

21 Question: "Did they talk about a policy of extermination of the
22 Khmer from Kampuchea Krom?"

23 Response number 87: "No. However, as soon as the Khmer Krom
24 arrived they were executed."

25 Response number 89: "The Khmer Rouge <called them 'Vietnamese'

21

1 and> said that the<y> spoke Khmer with an accent." <R>esponse
2 number 90: "They did not speak Khmer very well. They were only
3 imprisoned for one or two nights, that's it."
4 And lastly, your final response, 91: "I saw one or two
5 executions,"<-- implicitly,> of the Khmer Krom - "but you know
6 they executed Khmer Krom <> every day." End of quote.

7 Do you recall having said that to the Co-Investigating Judges?
8 [09.52.44]

9 MR. PRESIDENT:

10 Please hold on, Mr. Witness.
11 Victor Koppe, you may now proceed.

12 MR. KOPPE:

13 Thank you, Mr. President. This is not actually an objection, but
14 a request for clarification. I appreciate the translation given
15 by the interpreter, but if we were reading all along we could see
16 use of a different word. I'm not quite sure if this has been
17 ruled upon. But in the translation of his statement, I see a
18 different word used for Vietnamese. So what is exactly -- are we
19 quoting his statement literally or are we allowing this word to
20 be avoided?

21 [09.53.45]

22 MR. DE WILDE D'ESTMAEL:

23 Mr. President, with this particular document, it is obvious that
24 the interpreters have to work with it on a simultaneous basis;
25 therefore, there may be some slight discrepancies between what is

1 written and what is spoken. I read aloud what was written in
2 French <in> the civil party<'s statement>. There's nothing more
3 to be said about that.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. Mr. Civil Party, <I read aloud> what you said to the
6 investigators of the Co-Investigating Judges <concerning the
7 Vietnamese and the Khmer Krom> --

8 MR. KOPPE:

9 I have a different translation in English then. If you are using
10 the word "Vietnamese", I have a different translation in the
11 English version. So I would like to find out, are we
12 circumventing a word?

13 [09.54.42]

14 MR. PRESIDENT:

15 International Co-Prosecutor, could you clarify this concerning
16 the word used and also the interpretation?

17 MR. DE WILDE D'ESTMAEL:

18 Thank you, Mr. President. I do not verify up until just now the
19 term that is used in English, I <only read> the French version--

20 THE INTERPRETER:

21 The interpreter notes, it is the French version that the
22 interpreter is working with.

23 MR. DE WILDE D'ESTMAEL:

24 <I verified, and> in English, indeed, the word "Yuon" is used.

25 The word "Yuon" does not appear in the French <version>. In

1 replacement of the <word> "Yuon", the word "Vietnamese" is used
2 in the French version. <I don't think that affects my question
3 very much. With your leave, may I continue?>

4 [09.55.43]

5 MR. PRESIDENT:

6 You may now resume your questioning, the two words may have the
7 same meaning so - and in Khmer, they are quite similar <just like
8 the word Khmer and Cambodian>, so you may now resume your
9 questioning, Mr. Co-Prosecutor.

10 BY MR. DE WILDE D'ESTMAEL:

11 Mr. Civil Party, the passage that I have just read aloud from
12 your written record of witness interview before the
13 Co-Investigating Judges, does it refresh your memory regarding
14 what you said concerning the Khmer Krom, the Vietnamese or the
15 "Yuon"?

16 MR. SORY SEN:

17 A. I was interviewed by journalists and I only knew that, in that
18 place, if people did not speak very well, they were referred to
19 as "Yuon", and I did not know the term used -- people were
20 referred to as Khmer Krom.

21 [09.56.52]

22 Q. And those who <didn't> speak ,<> correctly, <and who> were
23 designated as "Yuon"<, w>ere they subjected to <an> interrogation
24 or not? Or were they <> executed <before even being
25 interrogated>?

1 A. In 1977, I already informed the Court, repeatedly, there was
2 fighting at the border and when these people came and arrived at
3 the security office, some were put there for a short while and
4 some were taken to the killing place subsequently.

5 Q. Thank you. I'd like to broach another subject, that being
6 communications between the security centre of Krang Ta Chan and
7 District 105. I'd like to quote <a passage from your written
8 record of interview,> E3/5214, Khmer reference, 00223068; in
9 French, <00702899>; and in English, 00225511. You said the
10 following:

11 "<I just knew that w>hen the messengers from the Krang Ta Chan
12 centre took <the> letter <from> the district <to> the chief <of
13 Krang Ta Chan centre,> there were words written in red on the
14 back of the envelope<. W>hen the letter arrived at the end of the
15 afternoon, the massacre of prisoners happened the next day. A
16 soldier named Sim had the opportunity to talk to me about this
17 matter. In seeing this letter, he would always complain to me
18 that the next day there would be work to do. The messengers from
19 Krang Ta Chan were named Sak Sarin and Oeun".

20 [09.59.37]

21 Mr. Civil Party, who at Krang Ta Chan was in charge of
22 <delivering> messages between Krang Ta Chan and District 105
23 before April 17th, 1975?

24 A. The messenger's name, I did not know the surname and I -
25 before, I had known only <Rin> <> and Oeun <>, <> they were

1 messengers, rather.

2 Q. Who was in charge of playing that role as a messenger after
3 the 17th April 1975, up until 1979?

4 A. It was Soan. I did not know the surname of Soan.

5 Q. Did you see the <opposite? M>essengers from the district come
6 to Krang Ta Chan centre? Or was <it> always the messengers at
7 Krang Ta Chan who went to the district?

8 A. I only saw the district committee and he was accompanied by
9 his messenger. He came on a <Honda> motorbike, and actually, he
10 came rather frequently.

11 [10.01.49]

12 Q. Did you notice <if> the District Committee<> or district
13 <chief><, who> c<a>me <with his messenger, also delivered
14 envelopes> to Krang Ta Chan centre<>?

15 A. I did not see the district committee deliver any letter. It
16 was only the messenger who delivered the letters. But when the
17 District Committee came to the centre, he would be accompanied by
18 his messenger.

19 Q. When that messenger came to the centre, did he himself bring
20 some mail?

21 A. The messenger brought letters to Krang Ta Chan's chief and he
22 would meet the chief in his office near the dining hall.

23 [10.02.55]

24 Q. I will read out, or quote another passage from your record of
25 interview -- E319.1.24.

1 Answer 99, this is what you stated -- and I quote: "Yes, I saw a
2 letter from the supreme Angkar in which were the names of those
3 who <we>re to be exterminated. In fact I saw these kinds of
4 letters written in red ink, practically every day."

5 Answer 100: "In fact the messenger had in hand the letters in
6 question. Then Duch typed the reports."

7 Answer 101: "Duch wrote reports on people who had been
8 exterminated."

9 Question: "You talked of a messenger, are you referring to
10 Soan<>?"

11 Answer 102: "Yes, that is true". End of quote.

12 Now, in this extract, you said that Duch typed reports on people
13 who had been exterminated. Bearing in mind that you did not know
14 how to read, did you find out whether Duch also wrote reports on
15 people who had been interrogated but had not yet been executed?

16 A. I did not know about that because I didn't dare ask him.

17 [10.04.51]

18 Q. When <Soan> brought letters from the district to Krang Ta Chan
19 centre, who did he give those letters to, exclusively? Or, <> did
20 he give those letters only to one person?

21 A. Through my observation, he would deliver the letters to any of
22 the three -- that is, the chief and the deputy chief and the
23 member of the Prison Committee.

24 Q. And what did the Prison Committee members do after receiving
25 the <> letters? <Were> any instructions <given>?

1 A. Occasionally, once they received the letters they would assign
2 soldiers to act upon. For example, if they received a letter
3 today, then they would send the soldiers to act upon tomorrow.

4 Q. And when you say that they had to "act on them", what did you
5 mean, precisely? What did those soldiers have to do?

6 A. For example when red ink was used on the back of the envelope,
7 although I didn't know how to read, the red ink means the
8 prisoners had to be smashed. So if it was a matter of urgency,
9 the prisoners would be killed on the same day. Otherwise they
10 would be smashed the next day. <They would act casual so that the
11 prisoners did not know what would happen.>

12 [10.07.14]

13 Q. Thank you. I have a few questions for you regarding tortures
14 and beatings during interrogations, <as y>ou referred to <>
15 yesterday<, but> after April 1975. <Not> interrogations that you
16 <endured, but rather, interrogations that other prisoners
17 endured>. From what you <were> able to observe or learn on the
18 spot, what was the objective of the interrogations at Krang Ta
19 Chan?

20 A. The purpose of the interrogation was the same as I stated
21 earlier, that was in relation to CIA spies <of Lon Nol> or
22 whether they had any connection with Prum San.

23 Q. Did you have the opportunity to hear with your own ears the
24 questions that were asked during those interrogations?

25 A. When I was sweeping nearby I heard the interrogator and I was

1 the only one who was allowed to do the sweeping there near the
2 interrogation office.

3 [10.09.00]

4 Q. I believe you also stated earlier that some questions had to
5 do with the ranks of the soldiers of the former regime. Is that
6 <correct? Did I clearly understand> what you stated?

7 A. Yes, that is correct.

8 Q. During the interrogations, from what you were able to observe,
9 <was> the recourse to torture something that was quite frequently
10 <used> or <> was <it> rather rare?

11 A. Based on my observation, if the prisoners were rather old or
12 maybe they were alleged to have a connection with the former Lon
13 Nol regime, then they would be tortured. As for the Base People,
14 maybe only two or three out of 10 would be tortured during the
15 interrogation.

16 Q. Yesterday you referred to <certain> types of torture. You
17 talked about beatings and the use of plastic bags. Regarding
18 beatings, were the prisoners struck with bare hands or with
19 objects?

20 A. They used bamboo clubs, about 70 or 60 cm long to beat the
21 prisoners. And there were three or four bamboo clubs in that
22 room.

23 [10.11.07]

24 Q. Did you ever hear or see prisoners whose fingernails were
25 forcibly removed during interrogations?

1 A. No, I didn't know about that. I knew about the use of pliers.
2 Pliers were used to extract or to hurt the breast or the nipples
3 of female prisoners.

4 Q. Was this practice of torturing prisoners during interrogations
5 continued between 1975 up until the arrival of the Vietnamese
6 uninterruptedly?

7 A. By 1979, it became less and less as some of them had fled to
8 the forest, only some remained at the Centre <to keep watch over
9 prisoners>, and there were also less prisoners there. And when
10 the Vietnamese troops arrived, <they> broke the chain and the key
11 and then we ran <to take refuge at> cooperative<s or villages>,
12 <I had no more information since 1979. When the Vietnamese
13 entered, we fled>.

14 [10.12.52]

15 MR. PRESIDENT:

16 Thank you, the International Co-Prosecutor. The time is
17 appropriate for a short break. We will take a break now and
18 return at half past 10.

19 And Court officer, please assist the civil party during the
20 break, and also the TPO support staff, and have them returned to
21 the courtroom before half past 10.

22 The Court is now in recess.

23 (Court recesses from 1013H to 1034H)

24 MR. PRESIDENT:

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

1 We again give the floor to the Co-Prosecutors to put questions to
2 the civil party. You can proceed.

3 MR. DE WILDE D'ESTMAEL:

4 Thank you, Mr. President. I think I should be able to conclude in
5 the next 15 to 20 minutes.

6 BY MR. DE WILDE D'ESTMAEL:

7 Q. Mr. Civil Party, just before the break we were talking about
8 interrogations at Krang Ta Chan. Were you able to observe if
9 somebody from the <> centre, would be taking notes during the
10 interrogations?

11 MR. SORY SEN:

12 A. No, there was no taker. There was only a few of them in the
13 interrogation room.

14 Q. Yesterday, you testified that following the interrogations of
15 prisoners, some of them would receive nothing to eat, and you
16 even recounted the story of one prisoner who was starved for 18
17 days. Did <Sim> or a<nother> security guard from Krang Ta Chan<>
18 ever explain to you why the prisoners would be deprived of food
19 following an interrogation?

20 A. No, they didn't tell me anything. The only thing was that not
21 to send the food to those prisoners.

22 Q. On the topic of the, <> structure at Krang Ta Chan, can you
23 please tell us who, after April 17, 1975, who made up the
24 <committee of the security centre>?

25 A. I only knew the two people during the time that I was there.

1 [10.36.57]

2 Q. I am sorry, <> I did not hear who exactly you were referring
3 to. Can you please tell us <the names of the persons> who led the
4 security centre, <meaning;> the chief, the deputy chief, and
5 <the> members?

6 A. The chief was Ta An, and his deputy was Penh, and the member
7 was <Ta Cheng>.

8 Q. Was <Big> Duch ever part of the committee, at any point in
9 time?

10 A. Duch Thom or Big Duch, I didn't know whether he was a part of
11 the committee members, but I thought that he was an assistant,
12 and as sometimes he was in <frequent> consultation with the
13 committee <consisted of Ta Cheng and Penh>.

14 [10.38.04]

15 Q. Thank you. I would like some details on what you told us
16 yesterday. You said that a soldier, or a security guard, had
17 raped two women from the mobile unit, and had inserted <M79
18 bullets> in their vaginas. Can you tell us the names of the
19 soldier <who did that>?

20 A. Yes. It was Duch Touch or Small Duch, and Saing. There were
21 two of them.

22 Q. Were those people punished by Ta An, or members of the
23 committee, <> for those actions?

24 A. No, they were not punished, although there were regulations
25 from his chief.

1 Q. Yesterday you also talked about the massacre of two young
2 girls. You said that the <young>er girl had her skull smashed
3 against a tree and <> the other one<, the older one,> <was hit on
4 the head>. Can you tell us the name of the guard who <killed the
5 younger of these two girls>?

6 A. Yes, they were <Sieng>, Moeun, Saing and Duch Touch, or Small
7 Duch. <Together, there were four of them.>

8 Q. So there were several of them. Was there any one individual
9 <among them> who <specifically> <grabbed> the girl <by> her feet
10 to smash her head against the foot of the tree? <And can you tell
11 us the name?>

12 A. It was <Sieng> who did that.

13 [10.40.46]

14 Q. I would like to quote from <your WRI,> E3/5214, reference in
15 Khmer, 00223068; in French, 00702899; and in English, 00225511.

16 You said the following:

17 "There were two persons called Duch: <Big> Duch <> and <Small>
18 Duch<>. <Big> Duch <> was the deputy <chief>, <Small> Duch <> was
19 <from the lower echelon>. Aside from his job of <executing>
20 prisoners, <Small> Duch <> had the additional job of typist,
21 <using a typewriter to draft> reports to be sent to the upper
22 <echelon>. Small Duch <> and another, named Saing, <S-A-I-N-G>
23 were the cruellest of the 12 soldiers.<">

24 Q. With respect to that <last> statement, what compelled you to
25 say that <Small> Duch <> and ,<> Saing were the cruellest of the

1 12 soldiers?

2 A. I said that because when he saw -- or when he thought that a
3 prisoner made any or minor mistake, then he would just beat the
4 prisoner up, beat him with his hands, or kick that prisoner.

5 Usually he was -- he always very active with his hands or his
6 feet in kicking or beating the prisoners up.

7 [10.42.42]

8 Q. Thank you. One last question, Mr. Civil Party: With respect to
9 your return to Krang Ta Chan after 1979, you told the

10 Investigating Judges that you returned to organize a <ritual>

11 ceremony <of transfer of merits>. As a prisoner who dug many

12 pits, were you able to remark that <after '79> all of the pits

13 had <>been dug <up> <> and all of the skulls had been exhumed? Or

14 were there still <skulls that were never exhumed at the site>?

15 A. They were remained the same. Nothing was done to them.

16 Q. <Very well.> I imagine that was at the beginning; however,

17 yesterday we talked about <>numbers, of skulls that had been

18 counted by some monks <during> the exhumation of <various pits at

19 the Krang Ta Chan site>. You were there, digging pits, and then

20 you returned afterwards. <In your opinion, were> all of the pits

21 <> exhumed <> or not?

22 A. Some of the pits were <initially> exhumed, but some others to

23 the west of the village remained untouched until today.

24 [10.44.45]

25 Q. I think, to be entirely <thorough>, I believe you stated that

1 some <villagers> had built houses on some of these pits; is that
2 correct?

3 A. Yes, to the south of the pond people built their houses, and
4 the houses are still standing today.

5 MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. Civil Party. On behalf of the Office of
7 Co-Prosecutors, we want to express our gratitude for your
8 patience and for your testimony.

9 Mr. President, we have no further questions.

10 MR. PRESIDENT:

11 Thank you, Mr. International Co-Prosecutor.

12 Judges of the Bench, do you have any questions that you wish to
13 put to the civil party?

14 Judge Fenz, you have the floor.

15 [10.45.50]

16 JUDGE FENZ:

17 Thank you. I have a couple of follow-up questions.

18 QUESTIONING BY JUDGE FENZ:

19 Q. I want to start with this case where you saw a woman sexually
20 molested. The prosecutor mentioned it a couple of minutes ago.
21 And you said the perpetrators were not punished. Do you happen to
22 know why they were not punished?

23 MR. SORY SEN:

24 A. I didn't know why. Actually, it was the guards who killed
25 those women, but before the women were killed, <they could do

1 anything because that time they had all authority.>

2 Q. You also mentioned that there were regulations dealing with
3 these kinds of issues. Can you tell us what these regulations
4 were?

5 A. I didn't know much about that.

6 [10.47.30]

7 Q. Do you know anything about it? The reason I'm asking is
8 because you said they were not punished even though there were
9 regulations.

10 A. To my observation, they were not punished because they were
11 staff there. They were soldiers there, so they were not punished
12 at all.

13 Q. Was this incident only known to you, or was this an incident
14 which was discussed among detainees, staff? If you know.

15 A. No, they did not let other people know about it.

16 Q. So how did you know about it?

17 A. I knew it because they told me. If they were not to tell me, I
18 would not have known about it.

19 Q. Just to remind us, who told you?

20 A. It was Duch Touch, Small Duch.

21 [10.49.20]

22 Q. Thank you. I'm moving to another subject. First, this is a
23 simple question. You told us yesterday that there were -- when it
24 comes to the buildings on the site, that there were originally
25 two buildings, and then two more buildings were added. Do you

1 remember when these additional two buildings were added? In which
2 year?

3 A. I cannot recall the year; however, I knew that because of the
4 increased number of prisoners who were sent there, they built two
5 more buildings to the east of the compound<, both were attached.>

6 Q. Were both of those buildings built at the same time? Or one
7 after the other, as demand rose?

8 A. No, they built one at a time. When one <at the west> was
9 completed, then they started building another one <at the east>.

10 [10.50.53]

11 Q. Now I'm coming to the place where interrogations were
12 conducted. During the five years you were there, was that always
13 the same place? Or were there different places?

14 A. To my knowledge, there was only one interrogation place.

15 Q. Just to be clear for me, it was only one place and it was the
16 same over five years?

17 A. Yes, that is correct. There was only one interrogation place.

18 Q. You described the building as follows: "Wood until the waist,
19 then palm leaves in between bamboo sticks, and then a roof." Is
20 this correct? Do I remember this correctly?

21 A. The roof was tiled, and it was very neatly covered, and the
22 walls were made of wood. And they also used wooden sticks to
23 support the lower part of the building, probably <> 50

24 centimetres <down into the ground>.

25 [10.52.48]

1 Q. I'm a bit confused. Up to 50 centimetres the wall was wood or
2 leaves? The first 50 centimetres from the ground?

3 A. The four buildings had tiled roofs.

4 Q. I'm exclusively speaking about the building with the
5 interrogation room, more specifically about the place where the
6 interrogation room was. So, all my questions are only about this
7 building, or this part of the building.

8 Again, can you describe the part of the building where the
9 interrogation room was?

10 A. The building where I lived did not have an interrogation room.
11 The interrogation room was not inside the building. And the
12 interrogation room had a thatched roof, and for the walls, it was
13 made from coconut leaves. <There was a wall at the back and the
14 front was open, but they built a lower wall.> At the back, it was
15 <a place to store bullets and guns>.

16 Q. I understand you told us that you heard through these walls?
17 Could you already see something through these walls?

18 A. As for the detention building, it was fully covered and we
19 could not see through. If we were able to see through, we could
20 not see through the cassava plantation, because of the thickness
21 of the leaves <which prevented the seeing of the interrogation
22 site>.

23 [10.55.20]

24 Q. To be clearer, if you stood outside this building -- let's say
25 a metre away -- could you see through the wall, the leaves, the

1 wood? Or couldn't you?

2 A. We could see through because the front wall of the
3 interrogation room had a lower wall. And as I said, there was a
4 wall at the back where they hang their weapons and other
5 equipment, but for the front wall of the interrogation building,
6 we could see it.

7 Q. So, there was no wall, no complete wall, at the front of the
8 interrogation building?

9 A. Yes, that is correct. There was a lower wall.

10 [10.56.36]

11 Q. And my last question: Did you ever -- do you remember an
12 incident where people were killed in the open, in the presence of
13 other prisoners? Tortured in the open, in the presence of other
14 prisoners?

15 A. Yes, I did. The prisoner named Sorn (phonetic); he attempted
16 to flee in late afternoon, in fact after they distributed meals
17 for us to eat. We had to go and pull grass from the rice field.
18 <Since the grass was high,> and at that time, he was fleeing and
19 he was shot by a carbine rifle. So, upon hearing the shots being
20 fired, then other soldiers <, each armed with AK rifles,>ran from
21 the compound to that area, and subsequently he was shot dead.

22 JUDGE FENZ:

23 Thank you. I have no further questions.

24 MR. PRESIDENT:

25 Judge Lavergne, you have the floor.

1 JUDGE LAVERGNE:

2 Thank you, Mr. President. Good morning, sir. I have a few
3 questions to clarify a certain number of points.

4 [10.58.24]

5 QUESTIONING BY JUDGE LAVERGNE:

6 Q. <First of all, I would like to> return to the staff structure
7 at Krang Ta Chan, in particular, <the leadership>. You said that
8 there were three people who were in charge <of the leadership>,
9 and if I understood correctly, you said that before 1975, the
10 person who led the security centre was called Chhen. Is that
11 accurate?

12 MR. SORY SEN:

13 A. Yes, Chhen was the <first> chief of Krang Ta Chan office.

14 Q. What happened to Chhen when he left Krang Ta Chan? Where did
15 he go?

16 A. He told everybody and told the soldiers that he would be
17 transferred to be in charge of Prison 204 <to the west of
18 Trapeang Andeuk>.

19 [10.59.35]

20 Q. And did you know what Prison 204 was? What kind of prisoners
21 were sent to Prison 204?

22 A. I didn't know about Prison 204 because I was never detained
23 there. I only heard from other prisoners who were detained at
24 204, who told me that for Base People who were implicated because
25 of having relatives living under the management or the control of

40

1 the former Lon Nol regime, were detained there.

2 Q. Do you know if, after Prison 204, Chhen assumed other
3 responsibilities? Did he go anywhere else?

4 A. After he left 204 prison, he went to Kampong Cham, and every
5 month or two, he would come to visit the Krang Ta Chan office in
6 a <Chinese-made> vehicle. It's a Chinese-made 4x4.

7 Q. Is Chhen still living?

8 A. He's still alive, because I was taken to <Dangrek mountain at
9 Thai border to> meet him during an interview which was arranged
10 by a journalist. And his house is not far from the former house
11 of Ta Mok<, alias Ta 15>.

12 [11.01.43]

13 Q. Were you talking about Chhen or Chin?

14 A. I was talking about Chhen.

15 Q. Did Chhen live in Anlong Veang?

16 A. Yes, he is now living in Anlong Veang, the birthplace of him.
17 His house is near the former house of Ta 15.

18 Q. Were you in contact with Chhen? Did Chhen advise you as to
19 what you could say regarding his role at Krang Ta Chan?

20 A. He told me once, <he> was the one who told people there <to
21 keep me alive. He told me> that I should <keep quiet and not> go
22 anywhere.

23 Q. I am not sure that what you said was correctly translated.

24 Could you please repeat your answer? Did he give you any advice
25 regarding what you ought to say eventually here before this

1 Tribunal?

2 A. He told me that he told <his successors> at that place <to
3 keep me, and> that <I> should not <> go anywhere, just stay in
4 that area<, and be quiet>.

5 [11.04.20]

6 Q. I am not sure that I properly understood what you said. <Does
7 that mean that he advised you to> not talk to the investigators?

8 A. For this question, he never suggested me anything when I was
9 with a person from DC-Cam. He just said that if the guy -- if the
10 person from DC-Cam did not believe in what he said, he said that
11 the staff from DC-Cam should ask me about that <because he
12 thought of me like a son>.

13 Q. When Chhen left, I understood that he was replaced by <An,> Ta

14 An. Is Ta An alive today? Did he survive after 1979?

15 A. I did not know. I knew only that his wife and his children are
16 alive. And for him, I did not know<; some people told he was
17 dead>.

18 [11.06.04]

19 Q. <Was> his wife a former detainee of Krang Ta Chan?

20 A. His wife was not the prison -- his wife was not the prisoner
21 in that place because her husband was the head of the prison, and
22 she had right to visit his -- her husband.

23 Q. I would now like to understand who was the third member of the
24 leadership. I believe I heard you say at one time the name of
25 Penh, <Pin> (phonetic) -- I don't know exactly, and later on you

1 told the prosecutor that the person called Duch, served as an
2 assistant <at times>. Can you clarify this matter and tell us who
3 was the third member, and what Duch's role was?

4 A. I knew that Duch Touch was first the head of District 105, and
5 Duch and An were top cadres in the district there, that is what I
6 knew.

7 Q. You mean of the district or the security centre?

8 A. He was at the security office and I never saw him going in --
9 going to the field. And as for Small Duch or Duch Touch, he was
10 the head of District <Youth>105. Upon my arrival there for one
11 year, I saw Small Duch in the district and I did not know whether
12 he was the chief or he was the deputy chief. <But if the chief or
13 the deputy chief had any issues, they had to discuss with him.>

14 [11.08.50]

15 Q. Now, was <Small> Duch <> the person who was in charge of
16 typing reports?

17 A. Later on, <Small> Duch was responsible for typing since he
18 knew <more> and he knew how to read and write, and <the chief>
19 did not know much writing or reading, from my observation<, Ta
20 Penh was literate. The chief, on the other hand, had little
21 education>.

22 Q. Apart from the <Small> Duch<>, was there another member of the
23 staff called Duch?

24 A. There are only two Duchs: Big Duch and Small Duch.

25 Q. Is <> Big Duch still alive today?

1 A. Big Duch is already deceased because of illness. He passed
2 away, perhaps two years ago.

3 Q. Did Ta Penh stay at Krang Ta Chan throughout that period, or
4 <did he leave>? And if he did leave, where did he go?

5 A. I saw he was there through the period. He did not go anywhere
6 else.

7 [11.10.48]

8 Q. Did some cadres leave to go to Kampong Cham? Apart from Chhen,
9 <were there other cadres who left to go to Kampong Cham>?

10 A. Yes. Big Duch, he went to live in Kampong Cham.

11 [11.11.21]

12 Q. Do you remember a person called <Khon>, who was in charge of
13 the Angk Roka office?

14 A. Yes. His name was <Khon>, Ta <Khon>, the head of Angk Roka
15 office.

16 Q. <Did he also come to work> at Krang Ta Chan?

17 A. He -- he went -- he came and go very often, and he -- his
18 office was at the west of Trapeang Pring, so he went perhaps
19 almost everywhere. He just come and go. <When they had to execute
20 a lot of prisoners, Ta Khon, Ta Kil and Ta Ros (phonetic) would
21 come.>

22 Q. Did the other security offices fall under Krang Ta Chan on the
23 hierarchy? In other words, did Krang Ta Chan supervise other
24 <security> offices in that district?

25 A. I knew that it cover the area Ta <Kil>'s house and Angk Roka.

1 [11.13.10]

2 Q. And where was that house situated?

3 A. I did not understand. I do not understand the question. Please
4 repeat, Your Honour.

5 Q. Yes. You said that Krang Ta Chan covered Angk Roka and Ta
6 Kun's house, <if I've understood correctly>. Can you tell us
7 where that house was situated?

8 A. Ta <Kil>'s house was at the west of Krang Ta Chan office. It
9 was named as headquarter of Ta Kil. It was about one kilometre
10 from the prison.

11 Q. Very well. It was Ta Kil, and not Kun, who was in charge of
12 Angk Roka. These are two different persons. We have, <on the one
13 hand,> Ta Kun <who was> in charge of Angk Roka, and then we have,
14 on the other hand, Ta Kil<>?

15 A. Yes, that is correct.

16 [11.14.38]

17 Q. <Now> I would like us to talk a little more about the soldiers
18 and guards working at Krang Ta Chan. I noted the following names.
19 Please tell me whether these names are names of soldiers: <> Uok,
20 <U-O-K. Uok.> Does that name ring a bell to you?

21 A. It was not Uk; it was Uok. He later work<ed> at <Ta Kil's>
22 headquarters. At first, he was at Krang Ta Chan.

23 Q. Do you know whether he is still alive today?

24 A. I do not know about him now today whether he is alive or he is
25 deceased. I never -- I have never seen him.

1 Q. <Then,> how about the name Chhoeun, C-H-H-O-U-N (sic), does
2 that name ring a bell?

3 A. <Chen> was the prisoner.

4 [11.16.22]

5 Q. Moun, M-O<>-U-N <(sic)>, was that person a soldier?

6 A. I knew him. Moeun was the soldier at that place, and at last
7 from what I heard, he was the member of the Party. He became the
8 member of the Party.

9 Q. Is he still alive?

10 A. He is deceased. Only his wife survives until now. Moeun passed
11 away in 1979.

12 Q. Was he executed?

13 A. He <ran away from there,> at the time there was the conflict
14 with Vietnam. He perhaps passed away <in battle> at Damrei Romeal
15 Mountain in 1979 during the fighting.

16 Q. Please tell me now whether the name Sieng is the name of a
17 soldier?

18 A. Saing <> was a soldier. He came in a group. Later he became a
19 Party member. He first came as a soldier.

20 [11.18.28]

21 Q. I didn't say Saing, but Sieng. I don't know whether there is a
22 difference between those two names <in Khmer>. <But when I read
23 it in French,>the name I am referring to is written as follows<>:
24 S-I-E-N-G, and not S-A-<I>-N-G <>. <So,> are you talking of Sieng
25 or Saing?

1 A. <Saing>.

2 Q. Now can someone tell me whether it is Sieng, as I've read out
3 the name in French, or Saing? Now, is the Saing you have referred
4 to still alive today?

5 A. Saing is alive nowadays. As for Sieng, he is deceased.

6 [11.19.44]

7 Q. Very well. Now we are going to talk about Saing, the person
8 <who> is still alive. It appears that you have <already> referred
9 to him on several occasions. And if I understood what you said
10 correctly, you <stated> that, <alongside> <S>mall Duch<,> he was
11 one of the most wicked persons. Is that indeed the person you're
12 referring to?

13 A. Yes. Saing and Duch were cruel and brutal, and as for Sieng,
14 he was not so much as cruel as Duch -- Small Duch and Saing.

15 Q. Yesterday and again this morning, questions were put to you
16 <and you mentioned> the execution of two little girls. And you
17 stated, I believe yesterday, that the small Duch was <the> person
18 who smashed the head of the younger of the two kids on the trunk
19 of a tree, and that<> Sieng was the one who killed the <eldest>
20 one; is that correct?

21 A. Yes, I remember it was not Saing who smashed the kids; Sieng
22 was the one who smashed the kids <against the trunk of a palm
23 tree>. The group who killed the kids were Saing, Sieng, small
24 Duch and -- and <Sim>.

25 [11.21.55]

1 Q. <Very well.> So the person who smashed the skull <or who>
2 killed the elder of the two children, was <that> Saing <or>
3 Sieng<>?

4 A. The older <child> was killed by Saing, and as for the younger
5 <child>, was killed by Sieng.

6 Q. <Very well.> Were you in touch with <Saing>? Did you have any
7 opportunity to meet with him?

8 A. Yes, I some time met him, but when I encounter him he tried to
9 go away from me. He does not want to see me.

10 Q. Is Saing afraid of what you may tell the investigators and the
11 Tribunal regarding the role he played at Krang Ta Chan? Did he
12 give you any advice regarding that?

13 A. He used to talk to me and tell me that if I was asked anything
14 about him, that please just <help to save him by telling> that we
15 were the <the same> prisoners at that times<>. Now, he addresses
16 me as "Bong" and he suggested that I should say only that he was
17 <a> prisoner there as well<, and that he was also a victim>. <>He
18 suggested this once or twice.

19 [11.24.20]

20 Q. <Did> some of the guards <who are> still alive in the Tram Kak
21 district<> ever <offer> you money to <keep quiet>?

22 A. Yes. It was not soldier from Tram Kak district. He was the
23 head. I did not say anything about him. I did not say anything
24 about him. He said that he considered that I am his child, his
25 son so he could -- so he told me that I can go and ask him for

1 help. But as for money, I have never said anything with him about
2 money, and he suggested that we were prisoners and received
3 torture at that place as well.

4 Q. <Are you> referring to Ta Chhen?

5 A. <For this context,> I was talking about Ta Chhen. And because
6 your question concerns the bribing about money, so Ta Chhen told
7 me that he considered me as a son so he could give some money for
8 me to do any business if I want.

9 [11.26.14]

10 Q. How many of the guards who worked at Krang Ta Chan are still
11 alive today and live close to where you live today? Can you tell
12 us who is still alive and who lives near your house?

13 A. Yes, I can tell Your Honour, they stay away from my house
14 perhaps 10 kilometres away from my house. Some of them live about
15 7, 8 or 10 kilometres from my house. <Soan>, Saing, <Sim>, Duch,
16 they live away -- quite away from my house.

17 Q. So, there are three or four guards who still live near your
18 home?

19 A. Four -- four of them live away from my house.

20 Q. Among the guards who worked at Krang Ta Chan, were some of
21 them members of the same family -- that is, brothers <or cousins>
22 to one another?

23 A. As for soldier, yes, some of them were siblings and relatives.

24 [11.28.10]

25 Q. When the investigators came to see you for the first time, I

1 mean, the Tribunal investigators, you did not want to talk to
2 them. I believe that yesterday you explained that it was because
3 you had some fears. Are you still sometimes afraid of talking
4 today?

5 A. Yes. I am still afraid as of now, and even more afraid when I
6 am before the Chamber and I am speaking from my memory, and from
7 what I told the Court in the document, and when I return home, I
8 am also afraid. I am a person doing business in renting
9 loudspeaker and table for parties. <So I feel afraid when I am
10 walking around at night.>

11 Q. I believe I even read that you wrote or you said that you were
12 sometimes so afraid that you wouldn't sleep in your home; that
13 you would sleep in the fields. Is that correct?

14 A. It is true. At first when I was interviewed I do not remember
15 who went to interview me. I did not dare to speak because they
16 would know about what happened to me at Krang Ta Chan and I am
17 afraid that some information came from my mouth and people would
18 do something to me. And as -- there was <a feeling that I was
19 still in Krang Ta Chan prison and> one person came to threaten me
20 <> when I decided to talk about Krang Ta Chan Security Office.

21 [11.30.41]

22 Q. Can you tell us who threatened you?

23 A. In fact, I was not saying that there is someone threatening
24 me. I am just feeling afraid of this incident will happen because
25 I occasionally, you know, go outside at night as well.

1 Q. I would like to go <back> through the list of guards at Krang
2 Ta Chan. <I>s the name Soan, S-O-A-N, the name of one of the
3 guards?

4 A. Soan was a soldier and a guard, so a guard is also a soldier.

5 Q. <Was t>he name Dam <> the name of a soldier as well?

6 A. Dam was a soldier at first. And he passed away already.

7 Q. <Did he become> a prisoner at <some> point in time?

8 A. Yes, he was there. He had problem. He had moral offence with a
9 lady so he was removed to 204 with Ta Chhen. And at Ta Chhen
10 area, he had problem again. So he was sent back to Krang Ta Chan.

11 [11.33.02]

12 Q. Did he die at Krang Ta Chan, or he survived?

13 A. He has just passed away. Perhaps he passed away, perhaps two
14 years ago.

15 Q. Was Sim <the name of> a soldier?

16 A. Sim was a soldier.

17 Q. How about Song (phonetic)?

18 A. I have never heard the name Song (phonetic). There is no Song
19 (phonetic) from my testimony.

20 Q. It may well be that I am not pronouncing it correctly. In
21 French it is written as follows: S-O-U-N-G, Soung.

22 A. I knew Soung. Soung is now a layperson at Samlaut, near the
23 border.

24 Q. So he is alive today?

25 A. Yes, he is alive today. Soung, from his background, I observe

1 that he was the most cruel person at Krang Ta Chan. He should not
2 have <> become a layperson.

3 [11.35.10]

4 Q. Touch. T-O-U-C-H; I'm <undoubtedly> pronouncing that <>very
5 badly. <> Touch or Tuch (phonetic)?

6 A. Yes, I knew Touch. He is deceased.

7 Q. A while ago, you talked about <Kil>. Is <Kil> still alive? And
8 what was his role precisely?

9 A. Ta Kil, he stayed -- he worked at the headquarter (sic) of his
10 headquarter to send people to Krang Ta Chan office. Nowadays, he
11 is deceased.

12 JUDGE LAVERGNE:

13 Very well. I think we can take our break here. I still have a few
14 questions to put to you <> this afternoon. Thank you.

15 MR. PRESIDENT:

16 Thank you.

17 You may now proceed, civil party lawyer.

18 [11.36.35]

19 MS. JACQUIN:

20 Good morning, Mr. President, Your Honours. I think it may be
21 appropriate that, at the beginning of the afternoon session, <we
22 mute the sound in the courtroom to allow the civil party to speak
23 while being less> <> afraid. <We've seen on his face that h>e is
24 <uneasy> now, and I believe he will be able to speak more freely
25 regarding specific problems with regard to the management of the

1 camp, if <his speech is muted to the public>.

2 JUDGE FENZ:

3 Can I just ask: Is this a formal request to go into closed
4 session?

5 MR. KOPPE:

6 For our questions as well or only the--

7 JUDGE FENZ:

8 Well, if -- let me first clarify. Is it a formal request? If so,
9 I think it should be reasoned a bit more clear; for what kind of
10 questions, for what time.

11 [11.37.55]

12 MR. PICH ANG:

13 Mr. President, Your Honours, in fact we may have closed session
14 or <non->public session during the testimony of civil parties and
15 witness. And we would like to request a closed session for the
16 civil party. <The public can stay but> we do not want his voice
17 to be heard in the public <> galleries because of what Mr. Say
18 Sen mentioned just now. It is about his fears, what he talked --
19 what he spoke before the Court. He started to mention many names
20 more and more, who worked at Krang Ta Chan, and who were cadres.
21 Some of them are survived -- some of them survived today. So,
22 from our observation, he may be afraid of his safety and
23 security. That is why we would like to request the Chamber that
24 when it comes to names, we should hold closed session so that we
25 can make him comfortable and he can feel free to talk.

1 And as for other parts of his testimony -- or rather, their
2 names, hearings may be held in public. Once again, when it comes
3 to names of cadres or people who work at Krang Ta Chan, it should
4 be held in closed session.

5 [11.39.53]

6 MR. PRESIDENT:

7 For other party, do you have any observations?

8 You may now proceed, counsel for Mr. Nuon Chea.

9 MR. SUON VISAL:

10 Your Honours, what has just been said by Lead Co-Lawyer is not
11 reasonable. What has been speaking by this civil party is now
12 known to the public so there is nothing to hide. So I would like
13 to object to the request.

14 MR. KOPPE:

15 Yes, Mr. President, I would like to add that not only does the
16 request seem very unreasoned; it's also very untimely if it goes
17 to the names of guards and people who were working in the prison.
18 The Judge has been asking questions for, I think, half hour on
19 this topic. So if it was any fear for naming names, it's a little
20 untimely, I would imagine. However, only in very concrete, very
21 urgent circumstances, can the general rule that hearing should be
22 in public be dismissed. And there should be a very concrete fear,
23 well-articulated by the witness or the civil party. I haven't
24 heard anything other than sort of vague utterances of fear which
25 he didn't distract (sic). So it's untimely, unreasoned, so I

1 think it should be dismissed, the request.

2 [11.41.36]

3 MR. PRESIDENT:

4 You may now proceed, Mr. Kong Sam Onn.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President.

7 Mr. President and Your Honour, it is very difficult for
8 application of this matter. It's very difficult to decide when to
9 hold in closed session for some names. And it's very difficult to
10 open the hearing in closed session and again in public session
11 repeatedly. From my observation, it's very difficult to do like
12 this.

13 And, as for the request from Lead Co-Lawyer on some parts of this
14 testimony, I believe that the request is not substantiated. Civil
15 party have provided answers so far. And if there are any
16 concerns, the concern should be material so that the Chamber can
17 observe and decide whether to have hearings in closed session.

18 [11.43.02]

19 JUDGE FENZ:

20 I understand where the Co-Lead Lawyers are coming from but there
21 are certain rules and among other things -- and I'm not
22 discussing the timeliness issue -- would have to be stated that
23 by giving, in this case, further testimony when it comes to names
24 of guards or prisoners, his life or health or that of his family
25 would be in danger. Is this alleged? And if so, on what basis?

1 Perhaps, it makes sense to think about that during the break. And
2 have a look at the provisions and then formulate -- not formulate
3 -- a specific request ready for us to rule on -- rule upon.

4 (Short pause)

5 [11.44.25]

6 MS. JACQUIN:

7 <Yes,> M<adam> President, this is an application we are making
8 depending on the way the proceedings are going. <I believe that,>
9 if <we wish for> the questions <to> elicit further information
10 from this civil party <to delve deeper into more specific
11 testimony>, I believe it is better for him to feel safe enough,
12 <otherwise he might be holding back concerning certain elements
13 that could help clarify, be of interest; and that he could share
14 with> the Chamber<>.

15 MR. PRESIDENT:

16 Thank you. The Chamber will take the matters into consideration.
17 Your observation or request should be made together. I remind
18 this matter many times already.

19 [11.45.33]

20 MS. GUIRAUD:

21 Thank you, Mr. President. Given the <exceptional> nature of this
22 application, let me follow up the proposal made by Judge Fenz,
23 and to commit <to> -- <from our side, to reflect on> the matter
24 during the lunch break, and <if necessary, to> come back to the
25 Chamber with a concerted application that is well reasoned,

1 <which we can present> when we resume the hearings at 1.30 p.m.

2 MR. PRESIDENT:

3 It is now convenient time for lunch break. The Court is now
4 adjourned from now until 1.30 p.m.

5 Court officer, please facilitate a proper place for civil party
6 during the lunch break, and also a proper place for staff from
7 TPO, and have them returned before 1.30 p.m. in the afternoon.

8 Security personnel, please bring the Accused, Khieu Samphan and
9 Nuon Chea to the holding cell under the courtroom and have them
10 returned before 1.30 p.m.

11 The Court is now adjourned.

12 (Court recesses from 1147H to 1336H)

13 MR. PRESIDENT:

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

15 And before we continue to hear the testimony of this civil party,
16 the Chamber will hand the floor to the Lead Co-Lawyers for civil
17 parties to make a statement or submission regarding their request
18 this morning, so that we will have the grounds for our
19 deliberation before we continue hearing the testimony of this
20 civil party. And you may proceed.

21 [13.37.40]

22 MR. PICH ANG:

23 Good afternoon, Mr. President, Your Honours, and Parties to the
24 case, as well as the general public. Before I make a request and
25 the ground to be given for our request for a closed session, I

1 would also like to make a request to Mr. President that my
2 request and the grounds for my request to be submitted to Your
3 Honour should also be held in-camera. And if granted, then I --
4 we will provide the reasons for our request for the closed
5 session for this civil party. And that is our position and we are
6 waiting for your response, Mr. President.

7 MR. PRESIDENT:

8 Yes, we get your point and any feedback or any comment from other
9 Parties?

10 First, the Lead Co-Lawyer for civil parties wish to have a closed
11 session on their request and the reasons before we proceed with
12 the closed session of this civil party.

13 [13.39.28]

14 MR. KOPPE:

15 I have one comment, Mr. President. Good afternoon. I'd be
16 interested if the grounds leading to the request are related in
17 time in the sense that they came up in the last few days, or that
18 it's something which is known already for months and years.

19 Because if the latter is the case, I really don't see the need
20 why we are being -- to use that word -- "ambushed" with this
21 request. So, may be that would be my comment relating to the
22 request of the civil parties.

23 (Judges deliberate)

24 [13.41.53]

25 MR. PRESIDENT:

1 The Chamber has heard the request by the Lead Co-Lawyers for
2 civil parties on the proceedings to express their grounds on the
3 request for closed session to be in-camera, and we grant that as
4 your request may be related to certain issues that need to be
5 done in-camera.

6 And the AV Unit, you're instructed to disconnect the audio of the
7 proceedings to the public gallery outside. And when you do that,
8 and after you disconnect it, please inform the Chamber.

9 (Court goes into closed-session)

10 [13.43.02]

11 (Court recesses from 1427H to 1503H)

12 (End of closed-session and court resumed in public session)

13 MR. PRESIDENT:

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

15 The proceedings now is in public, and the AV Unit, you are
16 instructed to link the proceedings and the audio to the public
17 gallery.

18 I'll hand the floor to Judge Fenz to make an oral decision on the
19 request made by the Lead Co-Lawyers for the civil parties. Judge
20 Fenz, you have the floor.

21 [15.05.22]

22 JUDGE FENZ:

23 The Chamber notes the request by the Lead Co-Lawyers for
24 protective measures covering a certain part of the testimony of
25 the civil party. It further notes that --

1 (Technical problem)

2 [15.06.51]

3 MR. PRESIDENT:

4 Again, Judge Fenz, you have the floor in order to make the oral
5 ruling by the Chamber regarding the request submitted by the Lead
6 Co-Lawyers for civil parties concerning the in-camera hearing of
7 this particular civil party. Judge Fenz, you may proceed.

8 JUDGE FENZ:

9 The Chamber notes the request by the Lead Co-Lawyers for
10 protective measures covering a specific part of the evidence of
11 the civil party, mainly the part that deals with identifying
12 former staff members of KTC, Krang Ta Chan. It further notes that
13 Rule 29 foresees a report by the Witness Support Section, or the
14 Victims Support Section, additionally an assessment on the
15 existence of a life and/or death threat. The Chamber doesn't have
16 all the information necessary to make this decision at this point
17 in time. This decision is, therefore, postponed, but the
18 questioning will go ahead.

19 [15.08.31]

20 However, in order to preserve the objective of the request for
21 protective measures, and until such time as a final decision has
22 been made, questions covered by the request are not allowed.
23 Parties will be given an opportunity to ask these questions after
24 the decision has been taken in the manner that is decided in this
25 decision. If this means recalling the civil party, then the

1 Chamber will do that.

2 Mr. Civil Party, as far as you are concerned, until further
3 notice -- until we tell you something else -- you do not have to
4 answer questions that you are concerned about when it comes to
5 identification of staff members. If you feel that a question
6 comes too close to such identification, you say, "I don't wish to
7 answer it". Do you understand that?

8 [15.09.57]

9 MR. SORY SEN:

10 Yes, I do.

11 MR. PRESIDENT:

12 Thank you. The Chamber will now hand the floor again to Judge
13 Lavergne to continue putting questions to this civil party. And
14 Judge Lavergne, you have the floor.

15 BY JUDGE LAVERGNE:

16 Thank you, Mr. President.

17 Q. I will try and ask you a few questions because we need to
18 progress, even though I know it may be particularly difficult for
19 you, sir. I wish to return to the topic of the detention
20 conditions at Krang Ta Chan. If I understood what you said, there
21 were prisoners whose <treatment could be qualified as harsh or>
22 severe <> and those who received a more moderate treatment. Those
23 who were subject to particularly <> severe treatment, <if I've
24 understood correctly,> <> were shackled at the ankles and, <some
25 of them, also had their> wrists <handcuffed>. Is that correct? Is

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1 that what we are to understand? Were they <shackled> <at the
2 ankles and had their wrists handcuffed>? Were they all
3 <restrained,> or <>only<> some <of them were?>

4 [15.11.27]

5 MR. SORY SEN:

6 A. Yes, that is correct. For prisoners who were initially brought
7 in<, regardless of minor or serious offense>, would be shackled,
8 and then they would also be cuffed by a metal ring <attached to>
9 a long bar.

10 Q. Can you please tell the Court how the prisoners were placed in
11 the building? <How were their heads or feet positioned vis-à-vis
12 the wall, <for example>? <>

13 A. The building size is more than 5 metres long, and there is a
14 foot pass in-between, and then there were two rows of prisoners
15 and they laid down with their heads against the walls. And then
16 they used metal rings for the ankles -- to shackle the ankles of
17 those prisoners with a long bar.

18 [15.12.53]

19 Q. Therefore, the walls of the detention centre were made out of
20 wood planks; were there any <cracks> <on this> wall <made out of
21 wood planks>?

22 A. As for the walls, the walls were not fully enclosed. They, in
23 fact, used wooden planks to cover a series in-between -- that is,
24 like a partition. They would use wooden planks on both sides and
25 then we could actually see through the gaps of the wooden planks

1 of the wall.

2 Q. <Very well.> Does the name Kev Chandara, alias Krou Yav, ring
3 a bell to you?

4 A. Not only heard about him, but I <also> know him.

5 Q. Where did you know him?

6 A. He was detained there for less than 10 days, I think, and he
7 is currently living in Ta Phem village <Angk Ta Saom commune,
8 Tram Kak district>.

9 [15.14.33]

10 Q. This morning, and yesterday as well, you talked about <the>
11 <>torture that was inflicted on the prisoners. You talked about
12 beatings and <also pliers> and plastic bags. Were you a witness
13 <to> or did you ever hear about torture using <> acid <and lime>?

14 A. No, I did not. What I experienced or what I saw was that
15 prisoners were -- their hands were tied -- their arms were tied
16 to their backs and they would use a plastic sheet to <cover his
17 face>.

18 Q. You also mentioned <> the production of palm juice and <in
19 particular, I believe,> how it was used to make alcohol. Is that
20 a correct understanding?

21 A. Yes. Initially I didn't know how to make the sour palm juice.
22 One day he asked me whether I knew how to make it, then I raised
23 my hand and I was allowed to work on the palm trees to extract
24 the juice.

25 [15.16.21]

1 Q. <T>he palm juice <as such> wasn't alcoholised, but; <was
2 alcohol made from this palm juice? Did> the staff members from
3 Krang Ta Chan <> drink alcohol?

4 A. In the afternoon, I would bring in one or two tubes of the
5 sour palm juice for the chief, and I didn't know, maybe he drank
6 himself or drank with few of his peers. <In the morning, I would
7 deliver him two or three tubes of sour palm juice.>

8 Q. But, the <> palm juice; was it <alcoholic or non-alcoholic>?
9 And <to be more precise, and> without giving me any names of
10 <the> staff members: <did you ever see a staff member> <> at
11 Krang Ta Chan inebriated because they had <drunk> alcohol?

12 A. Of course, when you drink sour palm juice, you get drunk. And
13 once he got drunk, he would use big words or shout -- or he would
14 shout at other people.

15 Q. And was that the case? Did you see <inebriated> people? You
16 don't have to mention names, but did you see any <inebriated
17 staff members>?

18 A. Yes, I did see them because I <myself> made those sour palm
19 juice for them.

20 [15.18.10]

21 Q. Were there any prisoners that were placed in what can be
22 called "dark<> cells"? Cells that were dug in the earth, like
23 dugouts. Is that something that existed?

24 A. <Yes,> there <is. It was located near a> tamarind tree, that
25 was a little bit further west of the interrogation area and

1 currently it is near where the stupa is.

2 Q. Perhaps there is a <problem with the translation>. <>Were
3 certain prisoners placed in holes <dug out> in the earth?

4 A. Prisoners -- some of them -- were not put in - like you said
5 -- in a dungeon, but, in fact, it was a <> underground prison.
6 <They laid down barbed wires in the dungeon.> It was rather
7 large, about 3 or 4 metres, and they would also build a
8 <cone-like> roof to cover it. After a prisoner was beaten, then
9 they would use a rope. It was quite a large rope, to tie to the
10 waist of the prisoner and to drop the prisoner into that
11 underground prison. And after a while, <the prisoner lost his
12 balance,> then they would pull the prisoner back up. <>Ta Chim
13 and I were <instructed> to pull the prisoner and drag them back
14 into the detention building.

15 [15.20.24]

16 Q. <Now,> I have a question concerning the number of detainees
17 housed in each building. <You said> that there are a certain
18 number of buildings, which comprise the entire Krang Ta Chan
19 detention centre. Can you please describe to us <> those
20 buildings and tell us approximately how many people <could fit
21 into> in each building?

22 A. The number of prisoners varied, sometimes there were less,
23 sometimes there were more. When new -- when the <new buildings>
24 were not yet built, the prisoners were crowded into the
25 buildings. Sometimes for the size of 1 metre length, four

1 prisoners would be crammed together, because the metal bar that
2 was used to shackle the prisoners -- the length of that bar could
3 accommodate up to seven prisoners in a row. I did not actually
4 count the number of prisoners in each building when I carried the
5 food for them. <I had no right to count them.>

6 [15.21.42]

7 Q. In your opinion, and if it's not possible, please, tell me
8 <"it's not possible">, but -- can you give us an indication of
9 the maximum number of prisoners who were at Krang Ta Chan at
10 <any> one given time? Do you understand my question? What is the
11 absolute maximum number of prisoners <> present at the same time
12 at Krang Ta Chan?

13 A. When the prison was full, as I said, for the one length of the
14 metal bar, there were only two <or three> prisoners <for each
15 piece of metal, making some space for prisoners to sleep>. But,
16 when more prisoners were brought in, for that one piece of metal
17 bar, they would put seven to eight prisoners. So, for both sides
18 -- for the two rows in the building, it could accommodate 100 <to
19 200> prisoners.

20 Q. So you believe that in one building there could be up to <200>
21 people?

22 A. Yes. When it was full, the maximum number could be 100 or
23 more. <When it was too crowded, it might be up to 200 prisoners.>
24 But when two more buildings were built, then the numbers
25 decreased, it would be less than 100 prisoners in each building.

1 [15.23.48]

2 Q. I would like to open another subject concerning the visits of
3 leaders. I'm not talking about <staff> members <> of Krang Ta
4 Chan, but I'm talking about <the> leaders <who came to visit
5 Krang Ta Chan security centre>. Can you please confirm to us --
6 <which I believe you previously mentioned> -- that Ta Chin came
7 to the security centre? Can you please tell us what Ta Chin's
8 responsibilities were?

9 A. It was not Ta Chin, it was Ta Chim. Ta Chim was the District
10 105 <Chief>. He would visit at least once a month to the Krang Ta
11 Chan office.

12 Q. Did he have any particular affiliation with Ta Mok?

13 A. I didn't know whether he had any contact or relationship with
14 Ta Mok <because I was merely a prisoner>. And I believe, of
15 course, when he came he would have contact amongst themselves.

16 Q. Do you know if Ta Chim <left> Tram Kak <district> to go
17 <somewhere else,> to another district?

18 A. Yes. I knew about it because the soldiers there said about it
19 that Ta Chim was no longer a district chief, then he went to take
20 charge of a rubber plantation in Kampong Cham. <Now, Phy, the
21 handicapped, took charge.>

22 [15.25.50]

23 Q. You also spoke of Ta Mok. Was Ta Mok also called "Ta 15"?

24 A. At that time I didn't know him, but it was the soldiers who
25 talked about him because when - after the prisoners were brought

1 in, there was a jeep coming in. In fact, he was sitting in the
2 front seat with his young driver. The driver was rather young.
3 And at that time I was tending the water buffalo, and the
4 soldiers asked me whether I knew him, and I said "No". Then a
5 soldier said that that was Ta 15.

6 Q. How many times did you see him?

7 A. I cannot say how many times, it was occasional. <The last
8 time, it was> in late 1977, he came with two messengers and a
9 driver, then he entered the prison compound. He had a hook --
10 like a stick -- then he knocked it on my back and asked me what I
11 was doing, and I said I did not do anything. At that time<, I was
12 on the road,> I was either tending the water buffaloes or horses,
13 that time was an afternoon, but I cannot recall the exact hour or
14 time.

15 [15.27.48]

16 Q. Does the name Ta Phy <ring a bell> at all? <Someone who had
17 one leg.>

18 A. Phy was a handicapped person <, one of his legs got
19 paralysed>. I know him very clearly.

20 Q. Did he come to Krang Ta Chan and what were his duties?

21 A. Initially, I didn't know which position he held, he was at
22 Prey <Ta Dok> office, and later on, after Ta Chim <>, became a
23 district committee in Kampong Cham, then he<, the handicapped Ta
24 Phy,> became the district committee 105. And he would come to the
25 Krang Ta Chan office about three to four times a week.

1 Q. He came to Krang Ta Chan?

2 A. Yes.

3 Q. Did you ever hear about a lady called "Old Bo" (phonetic)<,
4 "Yeay Bo" (phonetic)>?

5 A. Not only heard about h<er>, I know h<er> -- I know her
6 clearly. Yeay Bo (phonetic), and I even know her native village.
7 [15.29.36]

8 Q. Did <she> have any affiliation with Ta Mok and did she come to
9 Krang Ta Chan?

10 A. I did not see her come. I knew her when I was rather young.
11 She worked for the United Front in 1972, and that was the year
12 that I knew her.

13 Q. So, am I to understand that you didn't see her afterwards at
14 Krang Ta Chan?

15 A. I never saw her come to the office, or if she came and I was
16 not there, I could not say.

17 Q. Does the name Ta Tit <> mean<> anything to you?

18 A. I heard about him.

19 Q. Did you see Ta Tit <> at Krang Ta Chan?

20 MR. PRESIDENT:

21 Please, allow the civil party to say again.

22 BY JUDGE LAVERGNE:

23 Q. Can you please repeat your answer? Because I don't believe
24 that it was interpreted.

25 MR. SORY SEN:

1 A. I heard about Ta Tit <> but I never saw him coming to Krang Ta
2 Chan.

3 [15.31.26]

4 Q. Did you see any other leaders of the district, or even from
5 higher echelons? Either leaders from the sector, from the region
6 or any other leaders, who came to Krang Ta Chan?

7 A. No, I did not, except Ta 15 from the Zone level. And I saw him
8 once or twice coming to that office.

9 Q. Does the name Kaing Guek Eav -- also known as Duch, known for
10 having been the <chief> of S-21 -- does that name mean anything
11 to you?

12 A. I did not know him.

13 Q. Did he come to Krang Ta Chan?

14 A. I did not see him. I have just heard of his name in the
15 present time.

16 [15.32.40]

17 Q. To conclude my line of questioning, <I would like to attempt
18 to understand what is your --> what difficulties you <had to
19 overcome> following your detention at Krang Ta Chan. Could you
20 tell us about the physical problems you had, the mental problems
21 you may have had? Did you suffer from any particular traumas;
22 <what> can you tell us about all that?

23 A. As for my background, I have already told the Court already
24 and I did not want to mention about my full background when I was
25 at Krang Ta Chan. I did not want to say anything about my life

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1 during the time I was at Krang Ta Chan. I never expect that I
2 could survive today and I don't even want to tell <even my
3 children> about my background and also my experience during the
4 time I was at Krang Ta Chan.

5 [15.34.07]

6 Q. I do understand that such memories are very painful for you.
7 What I mean is, is remembering all that, <does it cause>
8 insomnia<, difficulty in> controlling your emotions? <Do you ever
9 feel> <> total despair? <Do you ever experience> <difficulty in
10 being> able to work, to concentrate<>? <Have you> experienced
11 such problems?

12 A. When I did not recall the experience -- my sufferings at that
13 time, I am happy. However, whenever I try to recall my past
14 experience, I could not sleep well. I imagined that, I feel like
15 I was back at Krang Ta Chan and I could only hear what I was told
16 that I should go and collect sugar palm juice. So I do not want
17 to say anything about my sufferings from that time. Actually, I
18 had a lot suffering experience at that time, some I forgot and
19 some I recalled and because from that time, until now, it is 41
20 years already. So when I am sitting and trying to recollect the
21 events, I could recall some and I forget some others.

22 [15.36.08]

23 Q. <Do you> sometimes <> have nightmares, do you wake up at night
24 with an impression that someone was going to come -- <come> and
25 take you back to Krang Ta Chan?

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1 A. Yes, I had bad dreams. When journalist came to meet me, the
2 name "Say Sen" was at Krang Ta Chan <in 1974> - was written at
3 Krang Ta Chan, so journalist could find the name there, my name
4 there and journalist came to meet me to interview. And whenever I
5 was not reminded of the events, I did not have any sufferings.
6 <Last year>, TPO created a self-help group and again I recalled
7 the bad experience. One night there was a person from one
8 organisation which I did not know, I was working, I was
9 installing (inaudible) at that time and, just a sudden, I
10 recalled bad experience. <> That <night>, my wife tried to
11 console me during the night time after my work and I really do
12 not want to mention anything about the time I was at Krang Ta
13 Chan.

14 [15.38.07]

15 JUDGE LAVERGNE:

16 Thank you, sir, for your testimony. I have no further questions
17 for you.

18 MR. PRESIDENT:

19 Thank you.

20 Now, I hand over the floor to counsel for the defence. First,
21 counsel for Nuon Chea, you have the floor for putting question to
22 the civil party. You may now proceed.

23 QUESTIONING BY MR. KOPPE:

24 Thank you, Mr. President.

25 Good afternoon, Mr. Witness, Mr. Civil Party. In the coming 20

1 minutes I would like to revisit a few issues in relation to your
2 personal biography, if it is alright with you and first the issue
3 about you age.

4 [15.39.10]

5 Q. Is it correct that you were born in January 1958?

6 MR. SORY SEN:

7 A. As for my age, I do not recall the exact birth date. When I
8 was detained at Krang Ta Chan, I was about 16.

9 MR. PRESIDENT:

10 Please, hold on, Mr. Civil Party, and please hold on, Mr. Victor
11 Koppe. There is a technical problem with AV system.

12 (Short pause)

13 [15.40.02]

14 MR. PRESIDENT:

15 Mr. Say Sen, you may now provide your answer.

16 MR. SORY SEN:

17 A. I do not recall the exact of date of birth. When I was
18 detained at Krang Ta Chan, I was perhaps 15 or 16 and as of now I
19 am 57 years old.

20 BY MR. KOPPE:

21 Q. Mr. Civil Party, that would be my calculation as well that
22 when you were arrested in '74, you were around 16 years old. I
23 just want to clarify that because I think you testified yesterday
24 that you were around 10 years old and you said the same thing to
25 DC-Cam. But when you got into Krang Ta Chan in '74, you were

1 around 16 years old. That is correct, right?

2 MR. SORY SEN:

3 A. That is correct. When I was at Krang Ta Chan, I was perhaps 15
4 or 16 years old.

5 [15.41.30]

6 Q. I would now like to ask you some questions about some people
7 that you were testifying earlier about. You testified earlier
8 about somebody called Grandmother Nha, do you remember that?

9 A. Yes. I recall that I was talking about Grandmother Nha.

10 Q. This morning, in answer to the Prosecution, you said that Hun
11 Seng was the husband of Grandmother Nha. At least, that's what I
12 wrote down. Are you standing by that answer?

13 A. Please repeat your question. I could not follow your question.

14 Q. This morning, in reply to a question of International
15 Co-Prosecutor, you said that the husband of Grandmother Nha was
16 Hun Seng. Do you stand by that answer?

17 A. I do not know this person's real name. Her husband's name was
18 -- the name that was used at the security office was not Hun
19 Seng. I may forget this person's name.

20 [15.43.39]

21 Q. Would it possible that Grandmother Nha was in fact named
22 herself Hun Seng?

23 A. No. Hun Seng was the daughter and Yeay Nha was the
24 grandmother, as I said, Grandmother Nha.

25 Q. Was the other name of Grandmother Nha Hun Kimseng?

1 A. No. I know that she has the name Grandmother Nha, and as for
2 other names, she did not have other names.

3 Q. Was Grandmother Nha married to a man called Meas Kun?

4 A. Her husband name was Sokun, and as for Sieng<, the husband of
5 Yeay Rat. H>e was the son-in-law. So, Sokun was her husband.

6 Q. Mr. Civil Party, are you sure the husband of Grandmother Nha
7 was not Meas Kun?

8 A. Yes, you are right, Kun was her husband's name.

9 [15.45.58]

10 Q. Do you know any of their children, the children of Meas Kun
11 and Hun Kimseng, alias Grandmother Nha?

12 A. Yes. I know only those who were detained at Krang Ta Chan
13 Security Office. <I did not know the ones in the base area.>

14 Q. Would you be able to name them, which ones were detained?

15 A. Yes, I could recall some. There was a small girl who was
16 detained there and I did not know the real name of this little
17 girl<. Aunty Rat (phonetic), Khom (phonetic)> and Kha was
18 detained there; an in-law of a grandmother was also detained
19 there.

20 Q. When you say "Kha", do you mean Meas Sokha?

21 A. Yes, you are right.

22 Q. Was the sister of Meas Sokha also detained and was her name
23 Meas Sarat?

24 A. Meas Sarat was not the younger sister of Sokha; in fact, Meas
25 Sarat was the older sister of Meas Sokha.

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1 [15.48.01]

2 Q. That is possible. Thank you.

3 Now, asking a little bit further on Meas Sarat, the older sister,
4 I would get back to the incident later probably tomorrow. But is
5 she the Rat, or Ra, or Rattana that you mentioned in relation to
6 a rape incident in which she was raped by the use of shells or
7 grenades -- M79 grenades, is that the same Rat - is the sister of
8 Meas Sokha?

9 A. There were two people. Rat was arrested, and -- as for ladies
10 -- there were two incidents; one was raped by M79 grenade, and
11 another lady was arrested and also raped.

12 Q. Mr. Civil Party, I would like to go to your statement in front
13 of DC-Cam - that is, E3/4846, ERN number, English, 00527774; and
14 in Khmer, 00527724. In the middle of the page you speak about the
15 rape of two girls with M79 missiles and underneath -- on the last
16 part of that page, you said the following: "I only know that it
17 is <Otdam Souriya> commune, I don't know the village. Duch had
18 raped eah <Rat> (older female), who now lives in Kbal village."
19 The question is: "Oh, the small, short eah <Rat> over there?" And
20 you say "Yes, that small one. She has a child working and living
21 in Phnom Penh."

22 [15.50.34]

23 MR. PRESIDENT:

24 Please hold on, Mr. Koppe. You may now proceed, Judge Lavergne.

25 JUDGE LAVERGNE:

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1 Mr. Koppe, <> we had agreed that whenever you have questions <to
2 put><>, <these questions> shouldn't have to do with the names
3 <of> members <of the> Krang Ta Chan <security centre>. Unless I
4 am mistaken<, that is exactly what you are doing.> I think it was
5 very clear, <but if you can't abide by that, well - I don't know;
6 it will be difficult to continue.>

7 [15.51.23]

8 BY MR. KOPPE:

9 I will try to call him X. It wasn't my -- I didn't want to ask
10 any questions about him, it was about eah Rat - Rat, rather.

11 Q. So your answer is: "Yes, the small one, she has a child
12 currently living and working in Phnom Penh. She was in prison
13 with me. Rat and Grandma Ngor are still alive." And then the
14 question is: "<Rat> and Grandmother Ngor?" And then you say,
15 "Grandma Ngor is the mother of <Rat>." Now, again, my question
16 is: Is the Rat that you speak about and being the daughter of
17 Grandmother Ngor (phonetic) the same as Meas Sarat that I
18 referred to earlier?

19 MR. SORY SEN:

20 A. This person was -- just two names: Rat or Sarat. Before, she
21 was called <Ah> Bei<'s mother> (phonetic) and <the> child of Rat
22 is working in Phnom Penh.

23 [15.52.31]

24 Q. Just to be clear; Meas Sarat or Rattana is, as I understand,
25 the older sister of Meas Sokha. My question is: Is Meas Sarat or

1 Rattana or Rat still alive?

2 A. For <Aunty> Rat, she is alive now today.

3 Q. Do you know where she is now?

4 A. I learnt two or three years ago. Kha went to my house and she
5 told me that her older sister - that is, Rat was in the USA.

6 Q. So Meas Sarat, or Ra, or Rat, is alive but in the United
7 States? Do I understand you correctly?

8 A. Yes, that is correct.

9 [15.53.48]

10 Q. And was Meas Sarat married to a man called Mom Bun?

11 A. Not Mom Bun, Mom Boeun. He goes by the name Au Bei<'s father>
12 (phonetic) as well.

13 Q. What else do you know about Mom Boeun?

14 A. I do not know about Mom Boeun. Mom Boeun and his son-in-law
15 were detained at Krang Ta Chan <not even for a month> and these
16 two people -- Boeun and Kun -- were <tortured to death> and the
17 bodies were buried <at the south fence and I planted two> coconut
18 tree <on their grave>.

19 Q. What else do you know about Mom Boeun? For instance, do you
20 know why he was arrested, when?

21 A. I did not know. I know that Boeun was sent to the security
22 office. I was young at that time and I had no right to ask any
23 question. <I could ask only the ones who were shackled near me
24 where they were from. That's all.>

25 [15.55.37]

1 Q. Do you remember when Mom Boeun was arrested?

2 A. I did not know. <I saw him in the morning because we were
3 detained at separate buildings>. He arrived at the night time and
4 after that he was placed in the <west> prison and I <was at the
5 east prison. After a few days, after he had been beaten and
6 interrogated, he was placed in the east prison. I> could see him
7 <then>.

8 Q. What do you remember about him?

9 A. I did not <know> anything about Kun and I did not know why
10 they were sent to the security office. I was too young; I was
11 also a prisoner. As I said, I had no right to question.

12 Q. Would you be able to tell us roughly when Meas Kun was
13 arrested?

14 A. I did not know when he was arrested. I only saw him there. I
15 did not recall the exact date, month or year.

16 [15.57.13]

17 Q. But you don't remember how long you saw him, how long he was
18 detained?

19 A. From my guess, he was there for a period of one month. As I
20 said earlier, I could not count the days how long he was there.

21 Q. Are you sure it was one month?

22 A. I am not quite sure the exact <numbers of> days he was there.
23 As I said, I did not count the days he was there. I did not know
24 exactly how many days he was there and I never expect that I will
25 before the Chamber as today.

1 Q. Do you know Grandmother Ngor (phonetic) entered the prison?

2 A. I knew that her husband had already passed away. Her husband
3 was <beaten> and after that he died as a result of torture. After
4 her husband died for 10 days or for <half a> month, members of
5 the family were brought in.

6 [15.59.02]

7 Q. Could you try maybe, you said you were arrested yourself
8 sometime in 1974, how long after you were arrested did Meas Kun,
9 Hun Kimseng enter the prison?

10 A. I was there longer than the two persons. I was there <before
11 the liberation>, as I said, and I was there long ago before them.
12 <They arrived after the liberation.>

13 Q. Just trying a little bit more, Mr. Civil Party. Was it a year
14 after the liberation, two years, one month after the liberation,
15 would you be a little more specific?

16 A. I cannot give you the specific periods, and as I told you I
17 was a prisoner, so I could only tell what I know and I do not
18 know how long I was there. And after that, there were other
19 prisoners came in.

20 [16.00.38]

21 Q. What about Meas Sarat and her husband Mom Boeun, do you know
22 when they entered the prison?

23 A. Rat arrived later with Yeay Nha with her family members, Boeun
24 <and Ta Kun> arrived first. <The two were interrogated and
25 tortured to death. It was around 10 days or half a month after

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1 their death, the> members of <their> family were brought in<, I
2 asked, she told her name "Yeay Nha.">- actually, first, I did not
3 know Boeun and Kun, after their family arrived that I <learned>
4 that the two people were Boeun and Kun.

5 Q. Would you be able to tell us something about the reasons why
6 these four people were arrested: Meas Kun, Hun Kimseng, Meas
7 Sarat, and her husband Mom Boeun? What was the reason that they
8 were in Krang Ta Chan?

9 A. I did not know the reasons why.

10 [16.02.10]

11 Q. When they were in prison -- these four people -- did at any
12 point in time you spoke to them about the reasons for their
13 arrest?

14 A. The four people and I were together but I did not ask them the
15 about reason why they were arrested. I was too young at that
16 time. <Also> I did not think about anything else -- the date of
17 the entry of the prisoner. What I did was only to help myself
18 survive.

19 Q. Mr. Civil Party, your testimony is that you were able to walk
20 around freely, sometimes see and hear interrogations, talk to
21 prisoners, do all kinds of jobs. My question is specifically as
22 to the reasons why these four people were arrested. Are you
23 saying that you are not aware of any particular reason?

24 A. Yes, I was not aware.

25 [16.03.45]

1 MR. PRESIDENT:

2 Thank you, Counsel. It is now convenient time for break. The
3 Chamber is now adjourned and the hearing will resume from 9.00
4 a.m. tomorrow onwards.

5 Thank you, Mr. Say Sen. The hearing of your testimony as a civil
6 party has not come to a complete yet. The Chamber invites you to
7 come back to give testimony <> on <Friday> the 6th February 2015,
8 at 9 o'clock. You are now excused.

9 Court officer, please facilitate with WESU to send Mr. Say Sen to
10 his preferred destination and have him returned tomorrow before
11 9.00 a.m., and the Chamber also invites staff from TPO to assist
12 the civil party during the hearing tomorrow.

13 Security guards, you are directed to bring the two Accused back
14 to the detention facility of the ECCC and have them returned
15 before 9.00 a.m. tomorrow.

16 The Court is now adjourned.

17 (Court adjourned at 1605H)

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