



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

12 August 2016  
Trial Day 437

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 26-Jan-2017, 12:09  
CMS/CFO: Sann Rada

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

The Accused: NUON Chea  
KHIEU Samphan

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For the Office of the Co-Prosecutors:  
Joseph Andrew BOYLE  
Nicholas KOUMJIAN  
SREA Rattanak

For Court Management Section:  
UCH Arun

**List of Speakers:**

Language used unless specified otherwise in the transcript

| Speaker                   | Language |
|---------------------------|----------|
| Mr. BOYLE                 | English  |
| The GREFFIER              | Khmer    |
| Ms. GUIRAUD               | French   |
| Mr. KOUMJIAN              | English  |
| Mr. PICH Ang              | Khmer    |
| Mr. SREA Rattanak         | Khmer    |
| The President (YA Sokhan) | Khmer    |

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1 P R O C E E D I N G S

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today the Chamber will hear presentation of key documents in  
6 relation to security centres and internal purges. The key  
7 document presentations will last for two days and for today the  
8 Chamber will allow the Co-Prosecutors and the Lead Co-Lawyers for  
9 civil parties to present their key documents and responses will  
10 be heard next week on Tuesday, 16 August 2016.

11 Ms. Chea Sivhoang, please report the attendance of the parties  
12 and other individuals to today's proceedings.

13 [09.01.42]

14 THE GREFFIER:

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

17 Mr. Nuon Chea is present in the holding cell downstairs. He has  
18 waived his rights to be present in the courtroom. The waiver has  
19 been delivered to the greffier. Thank you.

20 MR. PRESIDENT:

21 Thank you, Ms. Chea Sivhoang.

22 The Chamber now decides on the request by Nuon Chea.

23 The Chamber has received a waiver from Nuon Chea dated 12 August  
24 2016 which states that, due to his health, that is, headache,  
25 back pain, he cannot sit or concentrate for long. And in order to

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1 effectively participate in future hearings, he requests to waive  
2 his right to be present at the 12 August 2016 hearing.

3 [09.02.51]

4 He advises that his counsel advised him about the consequences of  
5 this waiver, that in no way it can be construed as a waiver of  
6 his rights to be tried fairly or to challenge evidence presented  
7 to or admitted by this Court at any time during his trial.

8 Having seen the medical report of Nuon Chea by the duty doctor  
9 for the accused at the ECCC, dated 12 August 2016, which notes  
10 that Nuon Chea has a chronic back pain and it becomes severe when  
11 he sits for long and recommends that the Chamber shall grant him  
12 his request so that he can follow the proceedings remotely from  
13 the holding cell downstairs. Based on the above information and  
14 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber  
15 grants Nuon Chea his request to follow today's proceedings  
16 remotely from the holding cell downstairs via an audio-visual  
17 means.

18 The Chamber instructs the AV Unit personnel to link the  
19 proceedings to the room downstairs so that Nuon Chea can follow.  
20 That applies for the whole day.

21 [09.04.11]

22 In relation to the contents of the key document presentation, the  
23 Chamber would like to remind parties of its Memorandum dated 28  
24 January 2016, that is, document E315/2, in which the Chamber  
25 clarifies the following points:

1 (a) The Chamber reiterates its preference for documents directly  
2 related to the relevant trial topic;

3 (b) The parties may choose to present written records of  
4 interviews and civil party applications if they wish to do so;

5 (c) The Chamber will allow the parties further flexibility and  
6 permit the presentation of documents relevant to national level  
7 policies, although it notes that these documents might be more  
8 appropriate for the trial topic on the role of the accused;

9 [09.05.14]

10 (d) While recognizing that it may not be possible to avoid  
11 altogether commenting on the probative value of documents, the  
12 Chamber encourages the parties to focus on presenting key  
13 documents, that is, in transcript on 28 April 2015, pages 19 to  
14 20;

15 (e) Only admitted documents may be presented during these  
16 hearings.

17 (f) Documents obtained by torture must adhere to the Chamber's  
18 prior rulings on the use of such evidence. In particular, in  
19 relation to the majority decision of the judges on the use of  
20 evidence derived from torture, please refer to document E350/8.

21 On <2> June 2016, the Chamber sent an email to parties for the  
22 purpose of key document presentations and the responses to those  
23 documents if they wish to do so and the deadline was on the 1st  
24 of <July> 2016.

25 The Co-Prosecutors, the Lead Co-Lawyers for civil parties replied

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1 to that email to the Chamber that they wish to present key  
2 documents and to respond or to make observations to documents  
3 presented by other parties.

4 [09.06.53]

5 The defence teams for Nuon Chea and Khieu Samphan replied that  
6 they do not wish to present key documents. However, the defence  
7 team for Khieu Samphan reserves its right to respond or to make  
8 observations to documents presented by the Co-Prosecutors and the  
9 Lead Co-Lawyers for civil parties.

10 Likewise, via email on the 1st and later on the 5th of August  
11 2016, the Chamber instructed parties to provide lists of  
12 documents that they wish to present to the Trial Chamber and to  
13 other parties before the proceedings start and by the latest 9  
14 August 2016, with relevant ERN numbers of all <available>  
15 languages.

16 [09.07.46]

17 Co-Prosecutors and Lead Co-Lawyers for civil parties provided a  
18 list of their key document presentations per the Chamber's  
19 instruction.

20 And for the key document presentation each party is allotted half  
21 a day to present their key documents in relation to security  
22 centres, the internal purges, in the order that they deemed  
23 appropriate. The key document presentations will be first made by  
24 the Co-Prosecutors and the Lead Co-Lawyers for civil parties. And  
25 after such presentations by both the Co-Prosecutors and the Lead

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1 Co-Lawyers for civil parties, the defence team for Khieu Samphan  
2 and/or the Accused will be provided an opportunity to respond or  
3 to make observations on those documents presented by the  
4 Co-Prosecutors and the Lead Co-Lawyers for civil parties.  
5 Now, the Chamber hands the floor to the Co-Prosecutors to present  
6 their key documents. You have the floor.

7 [09.09.01]

8 MR. SREA RATTANAK:

9 Good morning, Mr. President. Good morning, Your Honours. Good  
10 morning, everyone in and around the court room.

11 And before I make key document presentation, I would like to  
12 obtain permission from MR. PRESIDENT so that the Co-Prosecutors  
13 will seek permission to provide those documents on screen  
14 including <13> documents<, two photographs> as well as <10> video  
15 clips. And we seek your permission, Mr. President.

16 MR. PRESIDENT:

17 Yes, your request is granted.

18 [09.09.44]

19 MR. SREA RATTANAK:

20 Thank you. And I would like to make key document presentations  
21 regarding security centre of Au Kanseng and in relation to the  
22 capture and the execution of about 200 Jarai prisoners.

23 And the first document that I present in relation to the capture  
24 and the execution of 200 Jarai prisoners by Division 801 per  
25 instructions from <the leader of the Party Centre in> Phnom Penh.

6

1 And the document is E3/240, which is a telegram dated 15 June  
2 <1977>, from the Secretary of the Northeast Zone, Vy, reported to  
3 brothers and copied to Om Nuon, Brother Van, Brother Vorn,  
4 Brother Khieu, office and archives. And the first paragraph of  
5 the document reads -- and I would like to have it on screen as  
6 well.

7 "At 9 a.m. of June 14, Production Unit 801 stationed at 107,  
8 while patrolling, arrested 209 Vietnamese soldiers including nine  
9 females in the vicinity of O La'ak, four kilometres <south> of  
10 Road Number 9, almost all of them are of Jarai ethnicity who  
11 speak Khmer with an ethnic accent, they have already been <taken  
12 into> custody. <They said they wanted to stay in Cambodian  
13 territory.">

14 The document was sent out before the Jarai people were  
15 interrogated. And later on it mentions that the measures taken  
16 was to seize all their belongings before questioning them, learn  
17 the plans of missing elements hiding in the jungle and their  
18 communications. <The letter was sent to seek permission from the  
19 Angkar regarding the issue.> That letter was received on the 16  
20 <June 1977 at 13.15>.

21 Also, in relation to this document, the testimony of Au Kanseng  
22 chief, <Chhaom Se,> during his testimony on the 8th of April  
23 2013, that is, document E1/177.1, at around 10.06.55, he was  
24 questioned by <the Co-Prosecutor> Vincent D'Estmael, and allow me  
25 to quote:

*Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.*



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1 [09.12.29]

2 Question: "Witness, let me repeat the question. So in this  
3 document <E3/240> that I read out to you describing 209 <people>,  
4 including nine young <Jarai> women, sent to the command post on  
5 14 June 1977, does this correspond to what you <heard that there  
6 was a> group <of people> that arrived at Au Kanseng, that had  
7 been sent by Division 801 and that you already spoke about <this>  
8 before the investigating judge?"

9 And Mr. Chhaom Se responded, "Yes <I acknowledge the arrival of  
10 those people>, but the number 209 here is not true. Only more  
11 than 100 <or 103, 104, or 105 people> were sent to my section."  
12 Also, the chief of Au Kanseng Security Centre, Chhaom Se, who  
13 died before his <other> testimony <was> due, acknowledged that a  
14 large group of Jarai people, who were captured and arrested and  
15 sent to Au Kanseng Security Centre, <were killed>. His prior  
16 testimony of Chhaom Se is important as he mentions that the order  
17 to execute were received from the Northeast Zone secretary via  
18 telegram dated 15 June '77, which requests instruction from the  
19 Centre for the capture of the Jarai people.

20 [09.14.01]

21 And I would like to spend some time to present the testimony of  
22 Chhaom Se, former chief of Au Kanseng Security Centre, who  
23 provided <it> before he passed away. And I would like to start  
24 with the portion related to the capture of Jarai people.

25 The first document is the WRI by OCIJ, document E3/407 at

8

1 question and answer 21. And allow me to quote:

2 Question: "Can you describe the event in which the Jarai people  
3 were arrested and brought into your centre?"

4 Answer: "First, they were brought by truck into my security  
5 centre. There were many Jarai people so we didn't have the house  
6 to accommodate them. The soldiers who had transported those Jarai  
7 people into my centre were the ones who killed them. Personally,  
8 my security guards did not do it. Those prisoners were taken away  
9 to be killed and buried in B-52 craters <west of Phnom Svay>."

10 [09.15.05]

11 THE INTERPRETER:

12 Mr. President, please ask the Deputy Co-Prosecutor to slow down.

13 MR. PRESIDENT:

14 Deputy Co-Prosecutor, please read it slower.

15 MR. SREA RATTANAK:

16 Thank you, Mr. President.

17 And another document which is the WRI of Chhaom Se, before the  
18 OCIJ, that is, document E3/405 in question and answer number 12,  
19 and allow me to quote:

20 [09.15.49]

21 "Those soldiers brought the prisoners in and left them with the  
22 office for only one night. They then took them and killed them  
23 during the night at pits inside the re-education and corrections  
24 office compound. The decision to do that <was> ordered <by the>  
25 zone chairman level, <> at that time Ta Lav, the zone chairman,

1 discussed the matter with Ta Sou Saroeun." End of quote.

2 And another point I would like to present is in relation to the  
3 capture of the workers at the rubber plantation, and here I refer  
4 to <> a telegram dated 15 June '77, where the zone secretary, Vy,  
5 sent to the Centre, document E3/240.

6 In the second part, it refers to the infiltrated enemies at the  
7 rubber and cotton plantations and stated that:

8 "It has been decided that Comrade Thy would find a way secretly  
9 to take away the contemptible undercovers at the rubber and  
10 cotton plantation <and in the mobile unit who had been removed  
11 from the military in 1974>. These networks are a number of links  
12 of the contemptible <Yu Nam (sic)> who were in contact with the  
13 contemptible Cheng Heng and In Tam. <Second, the link> came from  
14 over Stung Treng. <Third, Lang's links, who were in contact with  
15 the contemptible Kaev, who came from Hanoi. Fourth, the links of  
16 contemptible Thay's group; and fifth, the links according to the  
17 responses of the contemptible Lou over in> 107. Once responses  
18 have been obtained from all of them and clearly tape recorded,  
19 the request is made for a decision for the highest level for all  
20 of them." End of quote.

21 [09.17.36]

22 Two witnesses, who have been heard by the Trial Chamber in  
23 relation to Au Kanseng Security Centre, that is, Phon Thol and  
24 Moeurng Chandy, former workers at rubber plantations who were  
25 captured during the time that the telegram was transmitted. And

10

1 in relation to the capture of people implicated in the  
2 confessions by prisoners at S-21, there were two contemporaneous  
3 documents from the DK regime <about the implementations at  
4 Division 801 security centre> in relation to the capture of  
5 people implicated in the confessions of S-21, prisoners <at> Au  
6 Kanseng, as well as the knowledge of and the participation of the  
7 Party's leadership in Phnom Penh in relation to those captures  
8 made by Division 801.

9 And I <am referring> to document E3/1164, which is a report dated  
10 25th November '76, to <Om Nuon,> Om 89, Son Sen, and it was from  
11 Division 801 Commander Sou Saroeun, alias Roeun.

12 In part 4 of the report there are five requests <related to the  
13 organizational measures> and it is at Khmer ERN 0005 --  
14 [09.19.00]

15 MR. PRESIDENT:

16 Again, Deputy Co-Prosecutor, please slow down for a proper  
17 record.

18 MR. SREA RATTANAK:

19 In section 4 of the report there are five requests in relation to  
20 the organizational measures and it is at Khmer ERN 00052327, and  
21 the English is at 00516711 and French is at 00532754. And allow  
22 me to quote:

23 "1. Anyone who is suspicious of being an enemy must absolutely be  
24 arrested;

25 2. To examine the document regarding a person implicated by the

11

1 enemy and request for a temporary arrest;"

2 Four months later, on the 29th of March '77, Saroeun, Chairman of  
3 Division 801, sent another report to Son Sen, that is Uncle 89,  
4 which is document E3/1060.

5 [09.20.25]

6 At point number 5 Saroeun made the following report.

7 "Situation at units. We were following the trail of both new and  
8 old elements <that were risky for> the revolution. Those targets  
9 included those going against the revolutionary lines and those  
10 newly and previously indicated by the enemy." End of quote.

11 There is a written annotation that the report was sent to Angkar.  
12 Chief of Au Kanseng's Security Centre, Chhaom Se, during his  
13 testimony acknowledged that confessions of S-21 were sent <> from  
14 Phnom Penh to Division 801 Commander Saroeun and they were used  
15 as a basis for the arrest of cadres of Division 801 and sent to  
16 Au Kanseng Security Centre.

17 [09.21.17]

18 In his statement, that is, document E3/405, at question and  
19 answer number 6, and allow me to quote:

20 "This office was created in late 1976 and early 1977 in the  
21 vicinity of Au Kanseng. It was subordinate to Division 801. This  
22 office was created during the internal enemy movement occurring  
23 throughout the country.

24 This office was created to hold prisoners who were Division 801  
25 soldiers who were free elements, and who had inclinations, and

12

1 who had been implicated in responses. Free elements meant that  
2 they were undisciplined and went around shooting and throwing  
3 <things> freely and <using> critical words that had a negative  
4 impact on the Party.

5 There were meetings to discuss this <within> the division, during  
6 which Ta Sou Saroeun requested me from Regiment 81 to become the  
7 chairman of the Au Kanseng Re-education and Corrections Office."

8 [09.22.33]

9 And further, in answer number 8 of the same document and I quote:  
10 "These initial 50 prisoners were all soldiers that were free  
11 elements that had been sent in from units subordinate to Division  
12 801 <>. As for the offences of these military prisoners, they  
13 were, for instance, people who had been involved in responses and  
14 had been implicated in Phnom Penh."

15 In another document of Mr. Chhaom Se, that is, E3/407, at  
16 question and answer number 6, and <I> quote:

17 [09.23.11]

18 "The confessions-implications were from Phnom Penh, meaning that  
19 they were the confessions of the prisoners who had been  
20 interrogated in Phnom Penh. In them, they implicated soldiers in  
21 three new battalions which were newly integrated into <Division>  
22 801.

23 I also read and saw the confessions from Phnom Penh. There were  
24 three to four confessions. Those confessions were marked with a  
25 red ink pen saying that the prisoners with this name or that name

13

1 must be examined because they were the agents in the network. And  
2 those prisoners should be asked to clarify their activities,  
3 background and what activities they had done.

4 These confessions were not sent to my Au Kanseng Security Centre  
5 directly. They were first sent to Ta Sou Saroeun<, the division  
6 commander,> and then forwarded to the units of those prisoners so  
7 that they could arrest them and send them to the Au Kanseng  
8 Security Centre. The confessions were also sent along with the  
9 prisoners to the Au Kanseng Security Centre." End of quote.

10 There is <an> annotation on the confessions of S-21 prisoners  
11 confirming the testimony of Chhaom Se and shows that the relevant  
12 confessions related to 801 Division were sent to Sou Saroeun, the  
13 division commander, and cadres who were implicated were subject  
14 to arrest.

15 [09.24.40]

16 On the cover page of a S-21 confession of a cadre of Division  
17 502, name Sour Tuon alias Bao, that is, document <E3/3665 (sic)>;  
18 at the Khmer, ERN 00173999; English, 00224628; and French,  
19 00271447; there is a handwriting annotation of Khieu, that is,  
20 Son Sen to Comrade Roeun, Commander of Division 801, dated 2nd  
21 June '77 with the following content -- and I show it on the  
22 screen:

23 "Dear Comrade Roeun,

24 1. Please read this report <by> Mao and pick out the <> names  
25 <related to> Unit 801.

14

1 2. I will help you tomorrow as I am really busy this afternoon.

2 3. May you keep this confidential."

3 Sealed with the signature of Khieu and the date is 2nd June

4 <1977>.

5 [09.26.02]

6 On the cover page of a confession <from> S-21 <by> Keo Saroeun,

7 who was a member of Division 801, as well as the commander of

8 regiment, that is, document E3/2951; <in> Khmer, ERN 00414996;

9 English, 00783155; and French, is at 00807271 to 72; there is an

10 annotation dated 5th June 1977, from Duch to "Respected Brother"

11 with the following content -- and I would like to show it on

12 screen.

13 "Respected Brother, when asked about the situation in the unit

14 of A Keo Saroeun, he reported that there were up to 58 people

15 embedded in his traitorous network in Division 801, some of whom

16 were Chhaom, Lem, <Nat>, Than, Keo Narong alias Bao who have

17 already been removed to the base."

18 At serial number 6589 of the S-21 prisoners list of OCIJ, that

19 is, E3/393.2 (sic) is Prao Ban alias Chhaom, assistant of

20 Division 801 who entered S-21 on 12 June 1977, a week after the

21 annotation made by Duch.

22 In the same document at serial number 4535, the name of the

23 person is Kull Hass alias Than, who is a commander of Battalion

24 803, who entered S-21 on 12 June '77. Besides, other cadres from

25 Division 801 entered S-21 on the same day and their names are on



15

1 the list of prisoners of S-21 who entered S-21 in June '77. That  
2 is document E3/9646, at Khmer ERN 01017034.

3 [09.28.39]

4 In relation to testimony of the former chief of Au Kanseng  
5 Security Centre, I would like to conclude my key document  
6 presentation in relation to that Au Kanseng Security Centre by  
7 presenting this last testimony of Mr. Chhaom Se.

8 In his WRI before OCIJ; that is, document E3/405 at question and  
9 answer number 8 -- and allow me to quote.

10 "By 1978, the number of prisoners increased to more than 100. The  
11 prisoners were a mix of soldiers that had been arrested and  
12 brought in from units subordinate to Division 801 and people from  
13 the cooperatives and rubber plantation union workers."

14 In the same document that is, E3/405 at question and answer  
15 number 9 -- and allow me to quote --Chhaom Se makes the following  
16 statement:

17 "The prisoners who were ordinary people were youths and family  
18 people, husbands and wives, along with their children. But their  
19 small children were not prisoners. They just came to live with  
20 their parents inside the office. That's all."

21 [09.30.07]

22 In the same document at answer number 12, Chhaom Se said about  
23 the killing of the Vietnamese people at the end of the DK regime  
24 -- and allow me to quote:

25 "Shortly before 1979, before the strong Vietnamese attacks in

1 1979, I saw that a group of six Vietnamese civilians had been  
2 taken prisoner on the Ou Ya Dav <> battlefield along the border  
3 because those people had come to do reconnaissance along Route  
4 Number 19.

5 After their interrogations were completed, upper echelon decided  
6 to finish off those persons in accordance with the orders of the  
7 Division 801 commander who made the decision to finish them off.  
8 My office only had the right to interrogate and to prepare the  
9 documents and reports to upper echelon for decision."

10 And in the same document in answer number 13, and allow me to  
11 quote:

12 "But the office had steel shackles and wooden shackles, both long  
13 and short for shackling prisoners in the cells when they rested  
14 at night. Those shackled at night were involved with a serious  
15 offence."

16 [09.31.38]

17 Again, in the same document at answer number 14, Chhaom Se  
18 acknowledged that torture <was> inflicted upon those at Au  
19 Kanseng Security Centre. And allow me to quote question 14:

20 "Were prisoners who were interrogated in your re-education and  
21 corrections office tortured?"

22 Answer: "There was some torture but not all of them were  
23 tortured. Torture to get responses was done on any prisoners that  
24 we suspected were hiding things and were not responding  
25 truthfully. And prisoners were beaten, beaten with whips and

17

1 electrically shocked.

2 Comrade Chhang interrogated the prisoners in the presence of a  
3 guard. Next, Comrade Chhang made the report on the prisoners and  
4 sent them to me. When any prisoner who was an internal enemy was  
5 discovered, we prepared a document and sent <it> to Sou Saroeun,  
6 the division commander, to ask for his opinion."

7 [09.32.45]

8 In the same document in answer number 16, Chhaom Se describes  
9 about the process of sending the prisoners. And allow me to  
10 quote:

11 Question: "What measures were taken towards any prisoners who  
12 could not be re-educated and corrected? What was done with them?"

13 Answer 16: "As for those prisoners I only had the right to report  
14 to Ta Saroeun, the division commander, indicating that, according  
15 to assessment and monitoring, it seems that a prisoner had not  
16 reformed. So then I requested an opinion and decision, and if  
17 after being kept for a period of time, they still had not  
18 reformed, Ta Saroeun ordered them killed and gotten rid of. As  
19 for military personnel who were prisoners of war and who had been  
20 captured on the battlefield, the capturing unit escorted them to  
21 be executed. Most of the killings of prisoners that could not be  
22 re-educated and corrected were in late 1978. They were buried in  
23 bomb craters near Phnom Svay. Most of the prisoners who were  
24 union workers or people from the cooperatives died from disease  
25 and not from execution."

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1 And the last document is again Chhaom Se's WRI <before the OCIJ>,  
2 which is E3/3984 at question and answer number 3. And allow me to  
3 quote:

4 "The pit was dug in the south-eastern part of the centre, about  
5 150 metres from the work site. The majority of the bodies of the  
6 ordinary people were taken to be buried in about 10 existing B-52  
7 craters."

8 And I conclude my part of the key document presentation. Please  
9 allow me to cede the floor to my International Deputy  
10 Co-Prosecutor. Thank you.

11 [09.34.49]

12 MR. PRESIDENT:

13 You may now proceed, Deputy International Co-Prosecutor.

14 MR. BOYLE:

15 Thank you, Mr. President, and good morning, Your Honours. Good  
16 morning, parties.

17 I would like to present some documents in the time that I have  
18 this morning in regards to the Phnom Kraol Security Centre,  
19 Sector 105, Division 920 and some of the surrounding areas.

20 I would like to begin by reading a few excerpts from document  
21 E3/1664, which is the book, "Khmer Rouge Purges in the Mondul  
22 Kiri Highlands" by Sara Colm and Sorya Sim, to give you a brief  
23 overview of the Sector 105 organizational structure and the purge  
24 of the region.

25 [09. 35.38]

1 First, I would like to read a description of some of the relevant  
2 offices and leaders. This is at English ERN 00397614 to 15. There  
3 is no Khmer or French translations for this book.

4 Quote: "After 1975, the centre for administration and Production  
5 shifted from Saen Monourom in the south to the area around the  
6 present-day town of Kaoh Nheaek. Located near Phnom Kraol, Region  
7 105's administrative centre was called K-17. It included a  
8 school, hospital, factories, sewing workshops and machine shops.  
9 The region's military base called K-11, was located nearby, as  
10 was the main "munti santesok" and the region's commerce Office  
11 K-16.

12 The region committee consisted of region secretary Horm alias  
13 Laing and members So Kim An, known as Mei and Kheam Krut, known  
14 as Cham. Horm, a Lao Tumpoun, oversaw both civilian affairs and  
15 the provincial security apparatus as chief of K-17. Both Mei and  
16 Cham appear to have lesser roles than Kham Phoun who headed up  
17 K-16, the region's powerful commerce office.

18 Kham Phoun, a Lao Tumpoun, was related by marriage to Horm. He  
19 held a pivotal role."

20 [09.37.07]

21 MR. PRESIDENT:

22 Mr. Co-Prosecutor, please read slower to facilitate the  
23 interpretation.

24 MR. BOYLE:

25 I will, Mr. President.

20

1 He held a pivotal role as chief of K-16, which was responsible  
2 for transporting and distributing supplies from Phnom Penh to  
3 various locations in the region. Kham Phoun's son, Kham, was  
4 deputy district chief of Kaev Seima and his nephew, Svay, was  
5 district chief of Kaoh Nheaek." Close quote.

6 Next, at English ERN 00397640 to 42, I would like to read a  
7 passage that gives an overview of the 1977 purges in Division 920  
8 and Sector 105. Quote:

9 "The first and largest group to be purged in Region 105 were  
10 soldiers from Division 920. The purge of Division 920 began in  
11 February 1977, with the arrests of the division's top two  
12 commanders. Ea Cheu, alias Soy, the division's deputy secretary,  
13 was arrested on February 17, 1977. Three days after Soy's arrest  
14 Men Meng, alias Chhin, the secretary of Division 920, was  
15 arrested.

16 In March as part of a CPK trend to purge "petty bourgeois  
17 intellectuals" and replace them with basic class elements, Region  
18 105 Deputy Secretary Mei was arrested and sent to S-21. K-16  
19 Commerce Office Chief Kham Phoun, a local, took his place.

20 The arrests of more than 400 of Chhin and Soy's subordinates in  
21 Division 920 -- largely ethnic Khmer -- followed over the next  
22 two years." Close quote.

23 And the last passage I would like to read from this book at this  
24 point is at English ERN 00397653 to 54, which describes the  
25 imposition of stricter rules and an increase in arrests and

1 killings following the time when Sao Sarun took over as sector  
2 secretary of that sector. Quote:

3 "With Horm's death, Sarun, an ethnic Lao, became secretary of  
4 Region 105. The conflict between Kham Phoun and Horm and the  
5 installation of Sarun as region secretary led to the imposition  
6 of stricter rules in the region and coincided with a period of  
7 the greatest number of deaths. Many informants marked the  
8 beginning of the most radical changes in Mondolkiri to late 1977  
9 and 1978, when Sarun took power. This coincided with some of the  
10 largest waves of killings in other parts of Cambodia, linked in  
11 part to the outbreak of undeclared war with Vietnam."

12 [09.40.20]

13 "Dozens of cadres were arrested and killed as well as lower-level  
14 workers in the cooperatives and their families. A Bunong who  
15 lived in Kaoh Nheaek said; 'After Sarun became the region  
16 secretary they arrested people every day four or five people a  
17 day. The chief of the cooperatives tried to intimidate the people  
18 to work harder by telling them Sarun was going to kill the lazy  
19 people. We had to work like a machine 24 hours a day. It became  
20 very difficult. It was hard to talk with each other. If the  
21 buffalo ate the rice, they would arrest and kill us.'

22 The Khmer Rouge were now targeting local leaders in the  
23 cooperatives and dambans. 'They were looking for networks, all  
24 the way down from the chief of damban,' said a Khmer who worked  
25 near K-11 prison. 'In one day they'd kill 100 people. They would

22

1 move in 100 and move out 100.'" Close quote.

2 Also, in relation to the arrests in Sector 105, I would like to  
3 point out to the Chamber that in the OCIJ S-21 list which is  
4 E393.2 there are a total of 396 people from Division 920 and 77  
5 from Sector 105 who were sent to S-21.

6 MR. PRESIDENT:

7 Please again slow down to facilitate the interpretation.

8 [09.41.54]

9 MR. BOYLE:

10 I apologize, Mr. President. I will try to do so.

11 And in addition to those on the OCIJ list, in the document that  
12 the OCP filed just on August 8th, that is, E393/2, a supplement  
13 to the OCIJ S-21 list, there are a further 14 individuals from  
14 Division 920 and one from Sector 105.

15 I would like to now move on to reading from the statements given  
16 by -- to the OCIJ by two detainees from the Phnom Kraol Dam  
17 Security Office who passed away before they were able to testify  
18 in this courtroom.

19 The first document is E3/7703. It's the OCIJ statement of  
20 deceased civil party Uong Dos who was detained at Phnom Kraol  
21 Security Centre from September 1977 to April 1978. This first  
22 passage is at English, ERN 00242171; Khmer, 00236746; and French,  
23 00426116; where he describes his arrival and detention at Phnom  
24 Kraol. Quote:

25 [09.43.29]



1 "They put us in leg shackles until 8.30 p.m. when they turned on  
2 the lights and began to interrogate. Leng was my interrogator. He  
3 asked, 'Comrade, do you realize why Angkar has arrested you and  
4 brought you here?' I answered, 'I do not know. I did nothing  
5 wrong.'

6 In the morning they had us go out to work but our hands were  
7 still tied. When we returned, they put us in leg shackles next to  
8 one another with about 20 people in each row. Every single  
9 afternoon after the meal, they always held a meeting and accused  
10 all of us of being CIA. The number of people held in that prison  
11 reached 385, the majority of whom were soldiers from Division  
12 920. I do not know what they had done wrong but I saw them being  
13 transported in during the morning and at night they were taken  
14 away. These activities happened many times." Close quote.

15 The next passage is at English, ERN 00242171 to 72; Khmer,  
16 00236746 to 47; in French, 00426116 to 17. In this passage Uong  
17 Dos describes the interrogation, torture, beating and execution  
18 of an ethnic minority prisoner at the Phnom Kraol Dam Security  
19 Office, quote:

20 [09.45.10]

21 "I personally saw them beat a prison named Heus, an ethnic  
22 minority member, to death inside the prison while his arms and  
23 legs were shackled. They interrogated him, asking, 'Comrade, do  
24 you want to flee to the Yuon? Those in your group are all CIA.'  
25 Then they began beating him right away. They used a rectangular

1 piece of wood about half a metre long. First, they clubbed his  
2 body twice. Then they asked, 'Comrade, why do you want to flee to  
3 the Yuon?' The prisoner answered, 'I do not want to go to the  
4 Yuon.' They again asked, 'If you don't want to flee to the Yuon  
5 why did Angkar arrest you?' The prisoner answered, 'Angkar  
6 arrested me and brought me here but I did nothing wrong.' Then  
7 they said, 'There is no need to talk a lot.'  
8 Then they began beating the prisoner until he fell unconscious  
9 and blood spattered on me and the other prisoners. Then they took  
10 off the shackles and dragged him away and stabbed him to death  
11 with a bayonet there inside the prison. A lot of people beat him.  
12 There were about five of them." Close quote.

13 [09.46.28]

14 The next passage is at English, ERN 00242172; Khmer, 00236747;  
15 and French, 00426117. Uong Dos describes the conditions at Phnom  
16 Kraol Dam Security Office as well as prisoners being taken away  
17 for execution, quote:

18 "Many prisoners were transported away during the night but I  
19 don't know where they were taken. In the morning they announced,  
20 'Comrades, do not be afraid. Those who were taken away were sent  
21 back to live in their villages.' But none of them were ever seen  
22 to return to their villages.

23 The food in the prison was gruel but it was insufficient. They  
24 fed us twice a day, at noon and in the afternoon.

25 They had us work from 6.30 a.m. until 11 a.m. and we returned to

1 work from 12.00 until 4.30 p.m. when they sent us back to the  
2 prison. All the prisoners were in a weakened state and were thin  
3 and pale due to lack of food and they felt ill and there was no  
4 medicine to treat them. When prisoners urinated or defecated they  
5 had them do it in an ammunition case and there was a child to  
6 take it out.

7 They forbid us from talking to one another in prison or speaking  
8 ethnic minority languages. When we slept they had us sleep with  
9 our arms and legs shackled. There was no hygiene in the prison.  
10 The entire prison stank." Close quote.

11 [09.48.19]

12 The other deceased individual who was unable to testify is civil  
13 party Sok El who was a policeman during the Sihanouk regime from  
14 1957 until 1967, and who was arrested and detained at the Phnom  
15 Kraol Dam Security Office for seven months.

16 In his statement, E3/7702, at English, ERN 00239509; Khmer,  
17 00236727; French, 00274825; he describes his arrest. Quote:

18 "When they arrested me, they arrested my son too. They told me  
19 that they were rounding up former soldiers and policemen to  
20 assemble them in Kaoh Nheaek district. When I left Preah village  
21 there were eight of us. When we arrived at Au Khtuong the number  
22 had increased to 18.

23 We traveled with our arms tied behind our backs and we were tied  
24 together with a rope. After two nights and three days, we reached  
25 Phnom Kraol. When we reached -- initially reached Phnom Kraol

1 they hung me upside in leg shackles separate from the others for  
2 one night and one day. Then they took me down and put me in a  
3 long wooden leg shackle which held four persons." Close quote.  
4 [09.49.56]

5 Then at English, ERN 00239510; Khmer, 00236727; in French,  
6 00274825 to 26; he describes the prison itself, quote:

7 "In the Phnom Kraol prison I saw about 80 male prisoners. After  
8 they took the other prisoners away in three trucks and two Land  
9 Rovers they had the 80 remaining prisoners work in handcuffs  
10 inside the Phnom Kraol prison. Level one and level two prisoners  
11 were taken to Phnom Penh. Level three prisoners were reformed at  
12 the Phnom Kraol prison."

13 And the final passage from this statement I would like to read is  
14 at English, 00239510; Khmer, 00236728; French, 00274826. Here Sok  
15 El describes the conditions of the Phnom Kraol Dam Security  
16 Office and the execution of an ethnic minority prisoner. Quote:  
17 [09.51.19]

18 "The prison where they held me had wooden pillars and a floor  
19 made of bamboo lattice which was about three stair steps high.  
20 There were no walls. It had a thatch roof. It was located near  
21 the Phnom Kraol Dam. The bamboo lattice floor was flea-infested.  
22 In the prison I personally saw Phai beat a prisoner to death.  
23 Phai killed that prisoner because fellow prisoners had told Phai  
24 that he spoke an ethnic language. The prisoner he killed was the  
25 former husband of my present wife."

1 I would like to now move to presenting a number of telegrams and  
2 reports sent to the Centre by Sector 105 or Division 920, which  
3 show the knowledge, control and responsibility of the Party  
4 Centre for the autonomous Sector 105, including decisions on the  
5 fate of arrested prisoners.

6 [09.52.21]

7 I will start with telegrams from the early period of this sector,  
8 during which the sector's telegrams were addressed to specific  
9 Centre leaders. These telegrams show Nuon Chea's responsibility  
10 for this region. It -- show document E3/1192, on the screens?

11 This is a telegram from Sector 105 Secretary Laing to "Beloved  
12 and missed Brother Nuon" dated 12 October '76, reporting on a  
13 variety of matters relating to the sector and confirming that he  
14 had received Nuon Chea's telegram.

15 Next, if we could please show Document E3/1194 on the screens?

16 This is a telegram from Sector Secretary Laing to "Beloved and  
17 missed Brother" dated 19 October 1976, which was circulated only  
18 to Brother Nuon, office and documentation, confirming receipt of  
19 instructions on the Party's four-year plan.

20 If we could next show document E3/1118, this is a telegram from  
21 Laing, alias Chhan to Brother Nuon dated 2 November 1976,  
22 reporting on, quote, "The situation at the Border." Close quote.

23 [09.53.55]

24 Next, if we could show document E3/1196, this is a telegram from  
25 Laing, alias Chhan to Office 870, dated 26 November 1976. It is

1 copied to Brother Nuon and Brother Khieu reporting on the  
2 situation at the base and "military measures", adopted relating  
3 to the "seven people", or Group 7, on which the, "division and  
4 sector units were in consensus".

5 The next telegram I would like to show on the screen is at  
6 English E3/160, English, ERN 00143134. The Khmer version of this  
7 telegram is at E3/160A. This is a 4 December 1976, telegram from  
8 Sector 105 Secretary Laing, alias Chhan, to M-870.

9 The third paragraph of this telegram reported on the enemy  
10 situation, quote:

11 [09.55.16]

12 "As for the situation at grassroots level, there are movements to  
13 create turmoil amongst the enemies manipulating Sihanouk's name.  
14 The enemy groups said that if anyone did not go along with  
15 Sihanouk, he or she would be killed. According to cooperative  
16 chiefs, the enemy said that he/she would be killed. They also  
17 said that six people had been arrested." Close quote.

18 That telegram was only distributed to Bong Nuon and office and  
19 archive.

20 The next document I would like to show on the screen is document  
21 E3/1199. This document shows decisions made by the Centre on  
22 persons to be arrested during the purge of Division 920. It is a  
23 6 April 1977 telegram from San, the new secretary of Division 920  
24 after the arrest of Chhin, regarding efforts to re-educate and  
25 uncover traitors within the division.

1 The report contains an annotation showing it was forwarded to  
2 Angkar by Son Sen and an annotation that says, "Arrest them",  
3 next to the names of two battalion secretaries from Regiment 92,  
4 Comrades San and Un.

5 I would like to note for the Chamber that in the OCIJ S-21  
6 prisoner list, E393.2, it includes two secretaries from Regiment  
7 92 who entered S-21 on 14 April 1977, about one week after this  
8 telegram. Those are numbers 1764, Hem San and 11538, Sek On.

9 [09.57.19]

10 An example of the coordination between the leaders of Sector 105,  
11 Division 920 and the Party Centre as well as of the Centre's  
12 knowledge and approval of arrests in Mondolkiri is E3/877, if we  
13 could please show that on the screens? This is a telegram from  
14 Sector 105, Secretary Laing, alias Chhan to Office 870, dated 20  
15 May 1977.

16 The second paragraph of this telegram reported to Office 870 as  
17 follows, quote:

18 "On 18 May 1977, Division 2 arrested two 'Yuon' on the Kaev Seima  
19 and Srae Preah spearheads. They were just contemptible Thieuists,  
20 one second and one first lieutenant. They asked to go to France."

21 Close quote.

22 Sector Secretary Liang noted at the end of this report, quote,

23 "The problem of these contemptible 'Yuon' has already been  
24 decided." Close quote.

25 [09.58.35]

1 The third paragraph of Laing's telegram reports, quote:

2 "On 13 May 1977, the sector unit sacrificed one and had another

3 severely wounded when the enemy attacked near the Tou Chouy

4 office on the Tou Sra side. This was 50 metres from the office.

5 Our assessment is that this was not an enemy from the outside. We

6 suspect the division, henchmen of the contemptible Saom and

7 contemptible Chhin. The problem has already been reported to

8 Comrade San. Despite arrests of Unit 920, activities continue one

9 after the other but we are making arrest after arrest too." Close

10 quote.

11 Another example is E3/1204, which is the last document I would

12 like to show on the screen in this group of documents.

13 This is a telegram to Office 870, dated 27 August 1977. Paragraph

14 5 of the telegram requested instructions from Office 870 on the

15 following, quote:

16 "Three people who escaped from Stung Treng were the real enemies

17 as they were holding Sihanouk pictures. One of them, called

18 Chour, was a soldier in the Northeast Zone. It is now up for a

19 decision either to purge them here or send them to the Northeast

20 Zone." Close quote.

21 [10.00.21]

22 Your Honours, the last group of documents that I would like to

23 present relate to a subject that came up repeatedly in the Phnom

24 Kraol segment and that is the relationship and conflict between

25 Democratic Kampuchea and Vietnam on the border in Mondolkiri.



1 The following two telegrams from Division 920, Secretary Chhin,  
2 showed that there were regular contacts between division or  
3 sector cadre in Mondolkiri and the Vietnamese, which were  
4 reported to the Party Centre. E3/9288 is a report from Division  
5 920, Secretary Chhin to Brother 89, Son Sen, dated 10 January  
6 1976. In paragraph 2 it states, quote:

7 [10.01.14]

8 "Along the border in Pech Chenda district there is a former  
9 Vietnamese office that was used to store their petroleum. We met  
10 Vietnamese there and we cooperated with each other to work along  
11 the border. We mentioned about spies at that place, those who  
12 were armed with AR guns. The Vietnamese were searching for those  
13 spies and they also asked us to help them look for the spies.  
14 They asked us to destroy the spies if we found them." Close  
15 quote.

16 Document E3/1020 is a report from Division 920, Secretary Chhin  
17 to Brother 89, Son Sen, dated 22 October 1976. That document  
18 reported the following in the first paragraph, quote:

19 "I would like to inform you of the following situations. At 10.30  
20 a.m. on 16 February 1976, Group 7 brought in the army, materials,  
21 mats and pillows and positioned their troops in Ou Dam Bay. There  
22 were 55 of them, equipped with all types of weapons as we were.  
23 From 15 to 21 February, we held talks with them but nothing has  
24 been achieved. Now, we are preparing a plan of attack." Close  
25 quote.

1 This Court has heard testimony from Bun Loeng Chauy and Sun Vath  
2 that the Democratic Kampuchea forces were attacking the  
3 Vietnamese at the same time that other Democratic Kampuchea  
4 representatives were attempting to negotiate resolutions of the  
5 land border conflicts with a Vietnamese delegation. This is  
6 confirmed by document E3/866, which I would like to show on the  
7 screen. This is a 7 March 1976 telegram, from Northeast Zone  
8 Secretary Ya to "Respected Brothers" which was distributed to  
9 Brothers Pol, Nuon, Khieu, Van and Doeun.

10 [10.03.35]

11 If we could please show that document on the screen?

12 This telegram reports on ongoing meetings between DK and  
13 Vietnamese delegations, which were described as "warm and  
14 friendly atmosphere", in which the Vietnamese delegation "behaved  
15 and spoke more proper and polite than before." Close quote.

16 At the end of the report Ya requested advice from the Party  
17 Centre and noted the following, quote:

18 "If Angkar agrees to it, we request 89's side to advise 920's  
19 side to slow down the fighting for a while. We have tried to  
20 contact 920's side for a long time but could not make it." Close  
21 quote.

22 [10.04.28]

23 Around the same time as these negotiations, Division 920  
24 Secretary Chhin, was reporting to Son Sen on DK military attacks  
25 against the Vietnamese. Document E3/8373 is a report sent from

1 Chhin to Son Sen on 29 February 1976, describing how when  
2 division troops had found 60 Vietnamese who had entered two  
3 kilometres into "our territory", Division 920 forces had, and I  
4 quote, "smashed them all with grenades." Close quote.

5 A few days later on 3 March 1976, in document E3/923, Division  
6 920 Secretary Chhin reported to Son Sen in paragraph one that,  
7 quote, "Our brothers attacked Group 7 again". Close quote.

8 The 11 March 1976 standing committee meeting, on problems on the  
9 eastern front, attended by both Nuon Chea and Khieu Samphan,  
10 which is document E3/217, states in Section 1, quote: "Comrade  
11 Khieu reported to the standing committee regarding the situation  
12 on the eastern frontier, especially in Mondolkiri and on  
13 discussions and contacts with Vietnam the area of our land they  
14 control and the maps they use." Close quote.

15 [10.06.08]

16 And in section 2.3 of that report which is called -- those  
17 minutes which are called "future measures", it says there will be  
18 two types of future measures, military and political, quote:

19 "(a) Military. We must have our forces to defend, not allowing  
20 any empty space at all. If they invaded all our land completely,  
21 we would attack them. They are not strong. Like in Ratanakiri and  
22 in Takeo, we attacked and defeated them completely in many  
23 locations but we attack and we negotiated.

24 (b) Political measures. First, we contact Vietnam in friendship.

25 We say we negotiate in solidarity. We do this to prevent the

1 situation from growing more tense. We keep it relaxed to prolong.  
2 We resolve it like this to gain time to prepare our forces on our  
3 own for a while." Close quote.

4 [10.07.15]

5 Also, in the 26 March 1976 standing committee meeting and results  
6 and negotiations with Vietnam regarding the eastern border,  
7 presided over by Nuon Chea and attended by Khieu Samphan, at  
8 E3/9260, Section 1, the report of Comrade Ya, quote:

9 "Comrade Ya reported to the meeting concerning the results of the  
10 negotiations with Vietnam from the evening of the 7th until the  
11 morning of the 9th March 1976."

12 Mr. President, I have one final document that I would like to  
13 present before my portion of the presentation is concluded and I  
14 would like to return at this point to the book I began quoting  
15 from, "Khmer Rouge Purges in the Mondul Kiri Highlands". This is  
16 E3/1664, English, ERN 00397623 to 24; where there is a discussion  
17 of Ya's role in negotiations with Vietnam in disagreement with  
18 Pol Pot.

19 Quote: "In March 1976, Ya led talks in Ratanakiri with a  
20 Vietnamese delegation to iron out border disputes. In May 1976,  
21 he then went to Phnom Penh to participate in talks with a  
22 Vietnamese delegation to negotiate a new border treaty. The  
23 negotiations, which reportedly became tense at times, came to an  
24 impasse over whether to accept French-drawn maps and boundaries.  
25 At Pol Pot's urging, the talks were broken off by the Cambodian

1 side, although there are indications that Ya was somewhat  
2 reluctant to do so. Ya was later criticized for being too soft on  
3 the Vietnamese, allegedly agreeing to cede territory to them and  
4 advising that division troops pull back from the border. These  
5 border talks were likely the last face-to-face negotiations  
6 between the DK regime and Vietnam before full scale war broke out  
7 between the two countries." Close quote.

8 [10.09.37]

9 And just a little bit farther on, at English, ERN 00397639, this  
10 is my final quote.

11 Quote: "Of the arrests of Ya and Keo Meas, David Chandler has  
12 written that, 'It is unlikely that the two party veterans were  
13 plotting against Pol Pot. It is more likely that Pol Pot moved  
14 against the two defenceless senior Party figures to terrorize the  
15 clients they had built up over the years.'" Close quote.

16 Continuing in footnote 217 that book states, quote:

17 "Steve Heder notes that other veteran cadres such as Pol Pot and  
18 Nuon Chea, have long-term contacts with the Vietnamese, so it was  
19 not such contacts, per se, that were the basis of the purge of  
20 Ya. Instead, relations with the Vietnamese were likely used as a  
21 pretext by Ya's enemies to purge him." Close quote.

22 [10.10.44]

23 And that book attributes in that last section to personal  
24 communication between the authors and Steve Heder. You can find  
25 that in the relevant footnote.

1 Thank you very much, Your Honours.

2 MR. PRESIDENT:

3 Thank you, Deputy Co-Prosecutor.

4 It is now convenient for a short break. We will take a 20-minute  
5 break and resume after that.

6 The Court is now in recess.

7 (Court recesses from 1011H to 1031H)

8 MR. PRESIDENT:

9 Please be seated.

10 Mr. Co-Prosecutor, you may now resume your presentation.

11 [10.31.51]

12 MR. KOUMJIAN:

13 Thank you, Mr. President. Good morning, Your Honours, counsel and  
14 everyone present.

15 I am going to speak about -- present documents about S-21 and the  
16 internal purges of the DK regime.

17 I think one document we first want to draw your attention to is  
18 one recently admitted, E404/2.1.3, and this is the Choeung Ek  
19 forensic evaluation study.

20 In the preface to that study at Khmer, ERN 01240560; and English  
21 01240557; the preface reads that, "After the 7th of January 1979  
22 liberation, i.e. in early 1981, 129 pits were discovered at  
23 Choeung Ek."

24 [10.32.58]

25 And the preface then says that, "8,985 bodies were exhumed from

1 86 pits." So the preface indicates that, while there were 129  
2 pits, exhumations, where bodies were recovered, took place in  
3 only 86 pits and the preface indicates almost 9,000 bodies;  
4 8,985.  
5 Now, going on to E3/404 (sic), which is the study -- the  
6 "Evaluation of the Choeung Ek Conservation of Victims at Killings  
7 Fields Project", in the second page in English; and the Khmer ERN  
8 is 01235435; it indicates that in the first paragraph, according  
9 to the study, in 30 months processed a total of 6,426 crania,  
10 skulls, plus 63,113 other skeletal elements.  
11 On page -- in the next page there is a table and on that page, if  
12 you look at the table, the number of right humerus bones  
13 recovered, there were 7,706 right humerus bones recovered.  
14 Now, in trying to put together, from the various pieces of  
15 evidence, how many people were killed at Choeung Ek and other  
16 sites related to where prisoners were killed from S-21 or died at  
17 S-21, we also have the prisoner list that OCIJ put together which  
18 is, E393.2, which as you know named 15,101 persons as having been  
19 detained at S-21.  
20 [10.35.14]  
21 The Co-Prosecutors recently submitted to you a filing, E393/2,  
22 and it's in that filing -- it's self-explanatory, but we suggest  
23 that there are additional lists not considered by OCIJ and that  
24 could add well over 1,000 names to the names of those known to  
25 have been passed through S-21.

1 Of course, these are based on documents that survived and were  
2 recovered, about what happened in 1975 to 1979. In evaluating  
3 those, I think it's interesting and important to consider this  
4 evidence which comes from the book, "The Lost Executioner" by  
5 Dunlop. It's at E3/2817, and in Khmer the ERN is 00370428; in  
6 English it's at page 178 (sic). It's talking about a man named  
7 Ho, he said:

8 "At the market one morning he saw women selling fried bananas  
9 wrapped in paper with handwriting on it. There had been no paper  
10 during the Khmer Rouge. Now, in the semi-derelict city, it was  
11 everywhere. Sheets of it blew through the streets. Children had  
12 begun to collect it. He picked up one parcel of bananas. He  
13 recognized the handwriting -- it was the confession of a friend  
14 from Paris. When he asked where it had come from a little boy led  
15 him down the back streets to Tuol Sleng."

16 [10.37.11]

17 Some of the documents that do survive talk about the killing of  
18 children. In particular, we want to draw your attention to  
19 killing of a couple of children whose names survive.

20 On the OCIJ list, E393.2, number 12623, there is a seven-year-old  
21 named Troeng Yaing Fak, who is described as a Vietnamese spy and  
22 killed on the 31st of October 1978.

23 Number 12950 (sic) is Le Yaing Ve, if her photograph could be  
24 displayed, because that was -- survived and was recovered, or  
25 his, rather.



1 So, this 11-year old boy from the Southwest Zone entered S-21 on  
2 the 12th of October 1978. His photograph that's on the screen is  
3 from the new collection from DC-Cam, E394.1. It's at number 610.  
4 We can show the other photograph of the -- this is a 13-year old  
5 girl. Her name is Vinh Thi Ngok. She is number 10130 on the OCIJ  
6 list. She was from Svay Rieng and entered S-21 on the 6th of May  
7 1978. Her photograph is at E3/8639.171.

8 [10.39.12]

9 You will also find that she and her eight-year-old brother,  
10 appear on E3/8463 and at 00016000 to 6004 there is a list of  
11 prisoners smashed 14 May 1978, and she is number 69. Her eight  
12 year old brother, her younger brother, Vin Yang Fa is number 578  
13 on the list of prisoners smashed on the 27th of May 1978. That's  
14 at E3/8463 and the ERN is -- I am going to refer to that document  
15 quite a bit, E463 (sic). The ERN in Khmer is 0016039 (sic) to 74.  
16 I'd like to now read some passages from various historians,  
17 journalists and others who have studied the DK regime about --  
18 and talk about what they have said briefly, about what they have  
19 said about S-21 and purges in general.

20 [10.40.39]

21 Starting with Chandler in his book "Pol Pot", E3/17 at page 123;  
22 and the Khmer ERN is 011150874 (sic); and in French, it's  
23 01242753; in the chapter on purges in DK 1975 to 1977, Chandler  
24 wrote:

25 "The most extensive documentary source for a study of Democratic

1 Kampuchea is the archive of 4,000 confessions assembled between  
2 1975 and early '79, at the regime's interrogation facility at  
3 Tuol Sleng.

4 Documents in its voluminous archive suggest that some 13,000 men,  
5 women and children passed through S-21 between the end of 1975  
6 and early '79. All but a handful were questioned, tortured and  
7 put to death.

8 In 1975, only 200 prisoners were registered. In 1976, 1,622 were  
9 registered, while in '77, over 6,300 prisoners were brought in.  
10 Although the files for 1978 are incomplete, it seems that at  
11 least 5,000 prisoners were registered that year."

12 I would like to move on to a rather long passage, but I think the  
13 events he is talking about are important and relevant. This is  
14 from Short, his book on Pol Pot, E3/9, and I'll be reading -- the  
15 French ERN is 00639957 through the next three pages and in  
16 English it's 00396591 to 4. It is those four pages. He is  
17 speaking of 1978, and Short wrote:

18 [10.43.19]

19 "The same year Pol and Nuon Chea launched the biggest and most  
20 murderous purge since they had taken power. Tens of thousands of  
21 people were bludgeoned to death in prisons and on execution  
22 grounds accused of having 'Vietnamese minds in Khmer bodies', the  
23 same charge that had been hurled at the Hanoi returnees five  
24 years earlier.

25 This dichotomy went to the heart of the system Pol had created.

1 It could not exist without terror."

2 And skipping over to the next page:

3 "But it was the Eastern Zone troops who were the leadership's  
4 main concern. Local patronage strings descending from the East  
5 Zone and regional leaderships were systematically smashed and new  
6 strings answering to Mok and his cohorts installed in their  
7 place."

8 [10.44.21]

9 Short writes:

10 "In March 1978 the Western Zone Secretary, Chou Chet, was  
11 arrested. He had been the last survivor of the 'Pracheachon'  
12 group. Then the remaining Hanoi returnees were killed, along with  
13 several dozen of their children, who had been held since 1975, at  
14 a special camp near Rovieng in Preah Vihear. From there the wave  
15 of suspicion rolled over the northwest."

16 Short writes further on:

17 "But the worst of the self-inflicted blows the regime suffered  
18 that spring occurred in the east where Pol's attempts to  
19 galvanize So Phim's forces had failed to produce the results he  
20 had hoped for. By the end of March he had reached the conclusion  
21 that the root of the problem was the Eastern Zone Secretary  
22 himself. Phim was in poor health and spent April and the  
23 beginning of May in hospital in Phnom Penh.

24 During his absence the Central Zone military commander Ke Pauk,  
25 who was his deputy on the Highway 7 Front command, was ordered to

1 undertake a sweeping purge of the Eastern Zone military and civil  
2 administration. By April 20 more than 400 Eastern Zone cadres  
3 were being held in Tuol Sleng."

4 [10.46.04]

5 And Short went on to say that:

6 "On Pol's instructions Pauk returned to the Highway 7 Front  
7 headquarters in Kampong Cham and began summoning the commanders  
8 and political commissars of the Eastern Zone divisions and  
9 regional brigades to meetings where they were disarmed and  
10 detained. The more important among them were sent to Tuol Sleng,  
11 the others killed on the spot. Around the middle of May when So  
12 Phim returned Pauk summoned him to a meeting also.

13 And then Short explains that So Phim first sent a bodyguard to  
14 the meeting to see what Pauk wanted, then he sent his nephew  
15 Chhoeun to the meeting. Finally, he sent his protégé, Sok Knaol,  
16 to the meeting and all of them failed to return.

17 [10.47.06]

18 Short writes:

19 "At that point, Phim concluded that Pauk was out to destroy him.  
20 But he still refused to believe that Pol was responsible. On the  
21 28th, he set out for Phnom Penh, accompanied only by his family  
22 and bodyguards, to seek a meeting with Pol to try to set matters  
23 straight. When they reached the East Bank of the Mekong opposite  
24 the capital they were attacked by Son Sen's forces."

25 And Short tells us that:

1 "That night Phim shot himself. His wife and children were  
2 captured as they were preparing his body for burial in accordance  
3 with the Buddhist rights. They too were killed."  
4 Elizabeth Becker has also written quite a bit about Tuol Sleng in  
5 her book, E3/20 and in talking about the early years, she writes  
6 -- and this is at French ERN 00638525 and to the next page; in  
7 Khmer, it's at 00232351; and in English, it's on page 266. Becker  
8 wrote that in 1976, the people executed were members of the old  
9 society: 164 factory workers, 112 people from the population at  
10 large, 61 students, 35 professors, 20 doctors and nurses, 49  
11 engineers, 55 bureaucrats of the old regime, 209 soldiers of the  
12 old regime, and 47 students and dignitaries from overseas. Of the  
13 over 750 executions recorded that year at Tuol Sleng, no more  
14 than 12 were Communist Party members. It was the year when the  
15 'Bophanas' of Cambodia were tortured and murdered."  
16 [10.49.24]  
17 She said, "The year 1977, was a turning point, following the  
18 change in Party directives. The number of recorded executions of  
19 Party officials jumped."  
20 And then Becker, on the next page, says:  
21 "In 1976, some 2,000 prisoners were brought to the prison  
22 complex. In '77 over 6,000 were in prison and in '78, an  
23 estimated 12,000 people were brought there."  
24 And the next two books that I wish to read from are those that  
25 frequently have been cited by the defence teams.

1 [10.50.09]

2 The first is Vickery, E3/1757. There's no translation. In  
3 English, it's at page 161. And Vickery wrote:

4 "Democratic Kampuchea, then, as it developed after 1976, with  
5 policies which alienated nearly all classes, was not just the  
6 result of Communism, but of the actions of one faction, opposed  
7 by most Party veterans and experienced cadres. In support of the  
8 Pol Pot faction at the centre, was a regional administration of  
9 the Southwest, composed of men who were neither veterans of the  
10 old Party nor intellectuals, and they supplied the muscle without  
11 which the purges could not have taken place. To accommodate the  
12 victims of the purges, who were important enough to merit central  
13 government attention, a new detention and interrogation centre,  
14 now known conventionally as Tuol Sleng, was set up."

15 And Vickery then writes on the next page -- on the same page:

16 "There can be no doubt that Tuol Sleng was indeed a prison and  
17 that torture was systematically used. While the size and location  
18 prove that it can only have been an organ created by the central  
19 government leadership and its excess thus not attributable to  
20 Vietnamese infiltrators as DK leaders have claimed."

21 [10.52.02]

22 In a book called "Eyes of the Pineapple," E3/733 -- 7333, in  
23 English at 0102270 (sic); there is no translation, the author  
24 writes:

25 "The Pol Pot regime became more and more dependent on China,

1 especially for its military support. It is difficult to imagine  
2 that the Pol Pot regime was unaware of the catastrophic collision  
3 course the country was on. Still, its leaders were too proud. As  
4 long as they remained convinced of the correctness of their  
5 policies and only capable of blaming all mistakes and excesses on  
6 traitors, they would never be able to achieve a broad united  
7 front against Vietnam. The spiral of purges and violence had  
8 developed something like a momentum of its own making the Party  
9 leaders, already endowed with more than average doses of  
10 suspicion, even more paranoid. The more they purged, the more  
11 traitors they saw; the more people turned against them, the more  
12 they were inspired to trust even fewer people."

13 [10.53.32]

14 In the next section he entitles "Paranoia Fed Terror Gets out of  
15 Hand," he writes:

16 "The Tuol Sleng intake in the first five months of 1978 was 5,765  
17 persons, nearly the same as for all of '77. Even high-ranking CPK  
18 members were being eliminated including zone secretaries not  
19 considered 100 percent loyal to Pol Pot."

20 I'd also like to play a brief clip from one of the victims of  
21 Tuol Sleng; this is from Vann Nath, a survivor. Survived, as you  
22 all know, because he was chosen to paint portraits of Pol Pot and  
23 this is from an interview of him by Phil Rees. The clip is at  
24 E3/536R, beginning at 10 minutes and 50 seconds, if that could be  
25 played please and translated?

1 MR. PRESIDENT:

2 Yes.

3 (Audio-visual presentation)

4 [10.55.12]

5 MR. KOUMJIAN:

6 Your Honour, could it be asked, please, that it be played with  
7 sound, if the AV Unit could do that? We're not getting any, I  
8 believe.

9 MR. PRESIDENT:

10 AV Unit is instructed to play the video with sound.

11 (Short pause)

12 [10.56.04]

13 MR. KOUMJIAN:

14 If the unit is not ready, I could go on and come back to this. I  
15 don't know if there's a way for us to find out.

16 MR. PRESIDENT:

17 You may resume your presentation first before the video is  
18 played.

19 MR. KOUMJIAN:

20 Thank you.

21 So, there are several documents and particularly statements, from  
22 Nuon Chea, that show that while people were arrested and killed  
23 on the basis of confessions, the leadership didn't believe the  
24 confessions; didn't have any trust in them, and I'd like to cite  
25 -- I'll come back to the video just after this -- the book, of



1 course, "Behind the Killing Fields", E3/4202; in Khmer at  
2 00858359; and in French at 00849448; in English at 00757537.  
3 "Nuon Chea said that when he read confessions, he found the  
4 crimes that some of the prisoners were accused of were benign. He  
5 said some people were not guilty of anything, but they had walked  
6 somewhere, worn something, or ate something without permission.  
7 Or they were arrested just because another prisoner had accused  
8 them of wrongdoing without proof. 'They normally confessed when  
9 they were painfully and seriously tortured," Nuon Chea said.  
10 So, I believe the clip is ready. We can play the Vann Nath clip.  
11 [10.58.06]

12 MR. PRESIDENT:

13 Please show the video with sound in relation to Vann Nath.  
14 (Audio-visual presentation)  
15 (Interpretation from Khmer to English)  
16 "There was a list that Duch used to decided which person should  
17 be killed, which person should be kept alive. On the list, he  
18 circled my name and wrote, 'keep for use' next to it. The rest he  
19 marked, 'to be destroyed.' That's how I survived. When I saw the  
20 list after my release, I was shocked that I had survived because  
21 of just one sentence, 'keep for use'; otherwise, my life would  
22 have ended there."  
23 "His use was to paint propaganda pictures of Pol Pot, Brother  
24 Number One. His art saved his life. As a prisoner, Vann Nath  
25 witnessed daily horror. When he was freed, he captured on canvas

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1 memories of the treatment of fellow inmates."

2 "He was carried like an animal. I heard him speaking while they  
3 carried him. He didn't scream, but he didn't speak like a human  
4 being. He was barely alive. He'd lost his mind. He wasn't in a  
5 state to know his pain."

6 "There were between 30 and 50 prisoners in my room. If we wanted  
7 to sit up, we had to ask permission from the guards; otherwise we  
8 had to remain lying like that."

9 (End of audio-visual presentation)

10 [11.00.10]

11 MR. KOUMJIAN:

12 Going back to the confessions this torture produced, again, Nuon  
13 Chea's quoted in the Thet Sambath book, E3/4202; the book at  
14 Khmer, 00858359 and to the next page; in French at 00849449; and  
15 in English, at 00757537. The authors write that:

16 "In another confession, Democratic Kampuchea's Ambassador to the  
17 UN, Thiounn Prasith, was accused of being a traitor. Nuon Chea  
18 said he knew it wasn't true and he kept the document to himself,  
19 hiding it from Pol Pot. 'I thought they just faked these  
20 accusations,' Nuon Chea said, 'but I did not say that out loud.'"

21 [11.01.17]

22 The book also relates another very important incident which was  
23 also discussed by Duch in his testimony, particularly, I believe,  
24 in Case 002/01 and this is at Khmer 00858306 to the next page; in  
25 French, at 00849413; and in English, at 00757520.

1 The book states:

2 "'Now, it reaches a top leader who betrayed Angkar,' Duch told  
3 Nuon Chea. 'What do you mean?' he asked Duch, head of the  
4 notorious S-21 prison. 'A confession points to Bong Hem,' Duch  
5 said, using the alias for Khieu Samphan."

6 [11.02.22]

7 The authors write:

8 "'Don't say careless things,' Nuon Chea said angrily. 'Don't  
9 report this again and don't say it again. I don't believe  
10 people's confessions that lay blame on Khieu Samphan.'" It was  
11 very dangerous, Nuon Chea now says of Duch's report on Khieu  
12 Samphan. 'I suspected Duch of betrayal at that time but I did not  
13 say anything because Vietnamese troops were attacking us along  
14 the border and we were busy trying to find a way to prevent an  
15 invasion. We did not know what Duch was doing or whether he was  
16 good or bad. Duch was not happy with me because I always blamed  
17 him for making mistakes.' Duch remained silent and never  
18 mentioned Khieu Samphan to Nuon Chea again."

19 And then it quotes Nuon Chea saying, "I felt that if they now  
20 accused Khieu Samphan, that means later, they would accuse all  
21 the people and I would be one of those people."

22 Your Honours, according to the Thet Sambath book, even Pol Pot  
23 did not believe there was -- the confessions were valid.

24 [11.03.42]

25 On page 119, in English; in Khmer, at Khmer, 00858362; and in

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1 French, at 00849450 and on to the next page; they discuss an  
2 interview with a division commander, Mon Nim, who was under --  
3 served under Son Sen and Pol Pot. And he talks about a meeting  
4 where he said: "Pol Pot went on to say that some key people  
5 accused of being part of the CIA or KGB were actually innocent  
6 and only confessed because they were tortured."  
7 He quotes Pol Pot as saying, "Some confessed to being part of the  
8 CIA before they were born."  
9 Evidence of the Centres, of the leaderships' knowledge and clear  
10 approval of the arrests and killings is contained in documents  
11 such as E3/1870, which is a one-page telegram, and in that, it's  
12 a note from Pon to the Agricultural Minister Chey Suon. It says,  
13 quote: "Your detention was decided on by the Standing Committee  
14 of the Party Centre and not by some other level or part of the  
15 Party."  
16 The Standing Committee of the Party Centre.  
17 [11.05.30]  
18 E3/181 is a telegram, again, one page; telegram 11 from Son Sen  
19 to "Respected Brother, Grand Uncle and Grand Uncle Nuon and  
20 archive." It's dated the 14th of April 1978, and I direct your  
21 attention to point 5 on that telegram which says, "Comrade Tal"  
22 -- Division 290 Secretary -- "captured two 'Yuon' heads, ages 17  
23 and 27. They were sent to S-21." So here's a telegram from him  
24 reporting on the sending of people to S-21.  
25 We think it's very important for, Your Honours, to consider the

1 prior statements of the two Accused in this case. Their  
2 explanations were the purges in S-21.

3 So I'd ask now, another clip be played and this is from "Facing  
4 Genocide," and that's E3 -- for some reason, in my notes, I don't  
5 have the E3 number, but I'll come back and give that to you  
6 later. It's E3/109/2.3R. If we could play it again with sound,  
7 clip 2.

8 MR. PRESIDENT:

9 AV Unit, please play that video clip with sound.

10 [11.07.15]

11 (Audio-visual presentation)

12 "People died during the Khmer Rouge; I cannot tell you the exact  
13 figure. I'm sure many, but I don't think that there were as many  
14 as 2 million. That's a bit exaggerated."

15 "So what was your responsibility for what happened?"

16 "My responsibility? I had no power. Maybe -- but even when  
17 talking about responsibility, I cannot be accused of anything  
18 because I didn't know anything. I really did not know anything.  
19 Why didn't I know anything? Why don't you try to find out? Maybe  
20 you can blame me for that, but for me, if I don't -- didn't want  
21 to try to know, it was because I respected the Party line."

22 "But do you feel deceived by Pol Pot because he didn't let you  
23 know?"

24 "No, because afterwards, however, I felt that they were right in  
25 a way. What Pol Pot did had certain reasons behind it."

1 "And what about S-21?"

2 "I didn't know about S-21. I completely didn't know about its  
3 existence, so I cannot attribute that to Pol Pot because I didn't  
4 know anything about it."

5 (End of audio-visual presentation)

6 [11.09.05]

7 MR. KOUMJIAN:

8 Your Honours, in relation to Khieu Samphan's claim of ignorance  
9 of what was going on at S-21 and in Democratic Kampuchea, we  
10 think -- we direct your attention to E393.2, which is a list of  
11 persons sent to S-21. And if you look at that list; that's the  
12 OCIJ list, there's 97 individuals who, it's recorded, were from  
13 the state warehouse and there were 308 individuals from the  
14 commerce ministry; both aspects of the regime that were under the  
15 direction of Khieu Samphan in his role -- in his economic role  
16 for the regime.

17 [11.09.49]

18 Stephen Heder has written in E3/3169, about Khieu Samphan's  
19 involvement and in Khmer, the ERN is 00711393 and on to the next  
20 page; in French, 00722080; and in English, 0002760 (sic) to 61.

21 Heder wrote:

22 "Khieu Samphan's involvement in the general purge was  
23 bureaucratically natural because his promotion to the Party body  
24 responsible for keeping track of policy implementation coincided  
25 with Pol Pot's decision that the CPK's most important task was

1 not the economic reconstruction of Democratic Kampuchea, but the  
2 ferreting out of alleged 'enemy' agents who were supposedly  
3 sabotaging the revolution."

4 If we could then play the next clip back to the same interview  
5 with Khieu Samphan; clip 3, please.

6 [11.11.14]

7 MR. PRESIDENT:

8 AV Unit personnel, please play clip number 3.

9 [11.11.23]

10 (Audio-visual presentation)

11 "<As the head of state,> when <was it that you understood> the  
12 magnitude of the massacres?"

13 "When -- first of all, when I was coming back from Pailin. I was  
14 coming back to Pailin. This was at the end of 1998, and I already  
15 was hearing people talking about massacres. But with regard to  
16 S-21, it was necessary for me to see a film, a film made by Rithy  
17 Panh; that's all."

18 "What was your first reaction when you saw and understood all of  
19 that suffering?"

20 "My first reaction was surprise."

21 "But when you <realized> that children and elderly people were  
22 killed massively, weren't you horrified?"

23 "I was, of course, surprised. Why this? After the victory, why  
24 this <slaughter>?"

25 "But killing children like that, didn't this horrify you?"

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1 "But who killed? That's the question. I cannot imagine that it  
2 was Pol Pot who was killing children. Where did you see that Pol  
3 Pot was killing children? Where did you see Pol Pot torturing  
4 children? <Tell me.>"

5 (End of audio-visual presentation)

6 [11.13.06]

7 MR. KOUMJIAN:

8 Khieu Samphan has made other statements defending Pol Pot's  
9 decisions and the arrests and the paranoia. In E3/4035; in Khmer,  
10 at 00780955 and the next page; in French, at 00790532 to the next  
11 page; and in English, at 00789051 also to the next page; Khieu  
12 Samphan said:

13 "What Pol Pot was monitoring led him to see the hand of Vietnam  
14 reaching in and stirring up the breakup within the Kampuchean  
15 Party. Pol Pot did not just arrest cadres randomly. These were  
16 matters that had to be investigated, monitored, and seen clearly.  
17 He saw that and he made arrests based on his follow-up. That led  
18 to the arrests of two cadres, Chakrey and Chhouk."

19 [11.14.22]

20 So again, another document I'd like to draw your attention to,  
21 again showing Khieu Samphan speaking in detail about the reasons  
22 why Pol Pot and the process that was made in decisions to make  
23 arrests. This is E3/4032; in Khmer, it's 00784642, in French,  
24 00818737; and English, 00798304. Referring to Pol Pot, Khieu  
25 Samphan said:



1 "He paid attention to situations and cadres, particularly, key  
2 cadres. He often invited them to have chit chats. Those  
3 individuals who came for chit chats were not aware of Pol Pot's  
4 real intent."

5 Another, E3/203, Khieu Samphan's 1980 interview with Steve Heder;  
6 at Khmer, 00385409; French, 000434232 (sic), and in English  
7 00424013. Khieu Samphan told Heder, quote:

8 "There were innocent people whose lives were affected. I would  
9 like to stress that they were affected by 'Yuon' agents, by Khmer  
10 people who were 'Yuon' undercover agents in our authority lines.  
11 Those people held important positions. Some of them were in  
12 charge of major zones and they distorted the line. This was an  
13 attack on us from the inside out. It was an attempt to attack us  
14 from the inside out."

15 [11.16.27]

16 And then Khieu Samphan said:

17 "Nevertheless, we fought constantly against these defeats (sic)  
18 and defeated them. Until 1977 - '78, we managed to deal with  
19 those people completely and brought order back to the country."

20 Continuing on to the next page in all languages, Heder asked: "In  
21 1975, what percentage of them were in the senior ranks of the  
22 Party, in the Central Committee or in the Standing Committee?"

23 And Khieu Samphan answered, "There were many; less than half in  
24 the Central Committee, but nearly half in the Standing  
25 Committee."

1 As, Your Honours, know, Khieu Samphan, was previously referred to  
2 as one of the three ghosts along with Hou Youn and Hu Nim. It's  
3 interesting to see the various inconsistent answers that Khieu  
4 Samphan has given about the arrest and killing of Hu Nim.

5 [11.17.36]

6 In the interview -- in an interview with OCIJ, this is E3/210, on  
7 14 December of 2007. In Khmer, the ERN is 00156689; in French,  
8 00156694; and in English, 00156948; the investigating judge asked  
9 Khieu Samphan: "This morning, you indicated that the arrest of Hu  
10 Nim and Hou Youn were evidence that it was impossible to express  
11 any disagreement, so you knew about the arrests and executions."  
12 And then Khieu Samphan, in his answer, he said, "I brought up the  
13 examples of Hu Nim and Hou Youn, but I only learned of the  
14 information about the arrests of those two people after 1979."  
15 But let's look at what he told Stephen Heder. This is E3/3169,  
16 and in Khmer, the ERN is 00711413 and on to the next page; in  
17 French, 00156637 (sic) and the next page also; and in English,  
18 it's at 00002771.

19 In a rather long question, Stephen Heder asked Khieu Samphan:  
20 "Hou Youn and Hu Nim were friends of yours and I guess you also  
21 knew many of the leading Party cadres were killed because they  
22 were accused of being CIA agents or KGB agents or Vietnamese  
23 agents. What about all of those zone and sector secretaries and  
24 deputy secretaries and members and all those brigade secretaries  
25 and deputy secretaries and members?"

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1 [11.19.52]

2 Heder asked him: "As far as you know, there weren't any cases  
3 where people or somebody innocent was accused?"

4 And Khieu Samphan answered: "No."

5 Question: "Not a single one?"

6 Answer: "No, none."

7 Question: "So everybody who was executed was, in fact, a  
8 traitor?"

9 Khieu Samphan: "Yes, as far as I can grasp."

10 Question: "And no one was wrongly accused?"

11 And he answered: "As I said, there was one old man in the West  
12 who was accused of being a traitor, but was, in fact, loyal."

13 [11.20.34]

14 And we would submit to you in our final arguments that that  
15 person was Chou Chet's deputy, but I'll save that argument till  
16 later.

17 Your Honour, going back to the list that the Co-Investigating Judge  
18 -- Co-Investigating Judges have produced, those whose names exist  
19 on surviving documents from S-21 as having been imprisoned in  
20 that institution, we draw your attention that the list includes,  
21 by our count, 67 prisoners who were 14 or younger.

22 Of course, it's important to keep in mind that the testimony of  
23 Duch -- and I believe his name is Suos Thy, who kept the list --  
24 that the names of children who accompanied parents were generally  
25 not recorded. But in the lists that where names are recorded, we

1 count -- on the OCIJ list we count 67 prisoners under 14.

2 [11.21.36]

3 We draw your attention to three 10-year-olds. These are OCIJ  
4 numbers 5307, 12124, 12509. There were four 8-year-olds; numbers  
5 1565, 10129, 12697, and 14825. There were even four 7-year-olds;  
6 number 1566, 12623, 12660, 14823. And the very youngest prisoner  
7 on the list is a 6-year-old girl named Nin who was identified as  
8 the daughter of Brother Number 10; I believe Vorn Vet, who  
9 entered S-21 on 18 December '78 and she appears at number 14923.  
10 In that same interview, I've shown previous clips about -- Khieu  
11 Samphan was asked about children at S-21 and I'd like to ask that  
12 clip 4 be played now with sound, please.

13 MR. PRESIDENT:

14 AV Unit personnel, please play clip number 4 with sound.

15 [11.23.23]

16 (Audio-visual presentation)

17 "The youngest at S-21 were only 10 years old. <Doesn't it  
18 surprise you?>

19 "Well, I <didn't> know the reasons for that, but there were  
20 several young people. It's not a reason to erase an entire --  
21 delete an entire region of history."

22 "But what can make a 10-year-old child want to kill other  
23 children?"

24 "I didn't know the reason. Indeed, we'd need to dig into this and  
25 try to find the answer. That's why I said there are still a lot

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1 of things that <still> need to be investigated. You must  
2 understand that without Pol Pot, without the Khmer Rouge; once  
3 the coup d'état of 1970 occurred, Cambodia would have already  
4 been in the hands of the Vietnamese Communist; please, don't  
5 forget that. And what does that mean to you to be -- to have  
6 fallen into the hands of the Vietnamese? What does that mean to  
7 us, the Cambodians? That's what I'm saying to you. What would  
8 that have meant? That would have meant that not much of time  
9 would have been needed for all of the current Cambodia to have  
10 become part of the Kampuchea Krom. And how many -- the millions  
11 of Cambodians?

12 Do you know how the Cambodians live, those who are now living in  
13 the Kampuchea Krom in the South of Vietnam at this time? I will  
14 tell you. It's a huge S-21. Isn't that right? So, compared to the  
15 small S-21 here, <you want> to try to make people forget about  
16 the giant S-21 over there."

17 (End of audio-visual presentation)

18 [11.26.04]

19 MR. KOUMJIAN:

20 And again, I remind you the OCIJ has reported the names of 15,101  
21 individuals at this tiny S-21 over here, as Khieu Samphan calls  
22 it.

23 Your Honours, in E3/210, in his interview with OCIJ; in Khmer, at  
24 00156690; in French, at 00156695; and in English, at 00156948;

25 Khieu Samphan told the investigating judges when he's asked about

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1 what he knew of arrests before 1979, he said: "I observed that  
2 some members of the--"

3 He said he didn't know many of the arrests.

4 The question was: "Do you still maintain that you did not learn  
5 of any arrests before 1979?" And Khieu Samphan answered, "Not  
6 any. I observed that some members of the Central Committee  
7 disappeared, one after another."

8 [11.27.19]

9 And then if you look at E3/18, which is a book authored by Khieu  
10 Samphan himself, "Recent History"; at French, 00595513; Khmer,  
11 00103891; and English, 00103794; Khieu Samphan wrote:

12 "Near the middle of 1978, I did hear of massive arrests and  
13 atrocities committed in Preah Vihear province. It was my wife  
14 who, in tears, told me of the atrocities committed against her  
15 brothers, her relatives, and many other innocent victims."

16 And in -- in regards to Khieu Samphan's claims of not knowing  
17 anything, not even hearing of S-21 or knowing of any arrests, we  
18 direct your attention to one small point in the book, "Behind the  
19 Killing Fields"; E3/4202 at page 95; in Khmer at 00858326; and in  
20 French at 00849426; where Nuon Chea explained that he and Pol Pot  
21 always ate their meals together and Khieu Samphan often ate with  
22 them.

23 And we'd also draw your attention to E3/1550. This is a document  
24 authored by Hu Nim himself; the man that we were talking earlier,  
25 one of the three ghosts. It's dated the 18th of May 1977, after

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1 his arrest and incarceration at S-21. In Khmer, the ERN is  
2 00008923; in English (sic), 00766902; and in English 00759691.  
3 [11.29.34]

4 MR. PRESIDENT:

5 Defence Counsel, you have the floor.

6 MR. KOUMJIAN:

7 I'm not going to the content; I'm only going to read to whom his  
8 message was addressed. So it's not the content, but to whom he  
9 addressed his message.

10 So in the -- in this document, Hu Nim wrote, "Dear Communist  
11 Party of Kampuchea, whom I respect more than my life, Dear Bong  
12 Pol, Bong Nuon, Bong Van, Bong Vorn, Comrade Khieu and Comrade  
13 Hem."

14 [11.30.18]

15 So here's a man who's been incarcerated in S-21 and he  
16 understands what that means and he addresses his plea to the  
17 leadership -- Comrade Hem is Khieu Samphan -- those that he hopes  
18 can save him.

19 This might be an appropriate time for me to break, since I'm  
20 going to go and talk about Nuon Chea next, if this is the correct  
21 time.

22 Do you want me to go on and discuss Nuon Chea or should we break  
23 for lunch now?

24 MR. PRESIDENT:

25 It is now a break time. The Chamber will take a break now and

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1 resume at 1.30 this afternoon.

2 Security personnel, you are instructed to take Khieu Samphan to  
3 the waiting room downstairs and have him returned to attend the  
4 proceedings this afternoon before 1.30.

5 The Court is now in recess.

6 (Court recesses from 11H31 to 13H28)

7 MR. PRESIDENT:

8 Please be seated.

9 Next, the floor is given to the International Co-Prosecutor to  
10 resume the presentation.

11 MR. KOUMJIAN:

12 Thank you, Your Honours. I forgot to mention this morning that in  
13 speaking to my civil party colleagues earlier, they had agreed to  
14 give me a half hour of their time to finish the presentation.

15 So I want to talk about Nuon Chea and his role in the purges in  
16 S-21 and to begin, I would like, again, to hear his own words.

17 This is what he said in a video -- in a documentary called "Pol  
18 Pot's Shadow"; E3/81. If the Audio-visual could play clip 5  
19 please, with sound.

20 [13.29.29]

21 MR. PRESIDENT:

22 AV Unit, please show the video with sound.

23 (Audio-Visual presentation)

24 THE INTERPRETER KHMER-ENGLISH:

25 "We asked Nuon Chea what would happen if he were ever brought to



1 trial. 'If the court calls me, I will go and enlighten the court,  
2 so that they will know what happened at the time.' But he will  
3 not admit to any guilt. 'I would show my respect for the souls of  
4 my people who gave up their lives, at the time, and I would  
5 express my condolences to the people. I would tell them that it  
6 wasn't <> the DK that killed our own people; it was the enemy,  
7 the country that was our enemy. Allow me not to mention the name  
8 of the country and not to destroy the alliance of the  
9 friendship.'"

10 (End of audio-visual presentation)

11 [13.30.55]

12 MR. KOUMJIAN:

13 But Your Honours, in contrast to this claim in this video where  
14 Nuon Chea says those that died during DK weren't killed by the  
15 regime; they were not killed by the Khmer Rouge, but by, clearly  
16 he's referring to, Vietnam.

17 This is what he said to Thet Sambath. If we look at "Behind the  
18 Killing Fields," E3/4202 at page 103; in Khmer, ERN 00858337; and  
19 in French, at 00849434; there they say: "Nuon Chea does not deny  
20 that these Party members were killed in purges ordered by the  
21 leadership and re-iterates that they were traitors and needed to  
22 be smashed." In fact, quote: "Most of the leaders of the Centre  
23 were on Vietnam's puppet strings."

24 So, we have the earlier clip, where Nuon Chea blames the killings  
25 on the Vietnamese and then in a second interview, he says, "Those

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1 that were killed were those under the influence and on the  
2 strings of Vietnam"; contradictory statements.

3 [13.32.13]

4 Now, Nuon Chea's claim that those who killed were under the  
5 influence of Vietnam and doing their bidding and in regards to  
6 that claim, we direct, Your Honours, to E3/9644. This is an  
7 article by Mosyakov, in which he's looked through Soviet-era  
8 archives and diplomatic cables. The particular passage I want to  
9 refer you to in Khmer, is at 01120075; in English, at 01085974  
10 and on to the next page; and in French, at 01125304.

11 Here, Mosyakov relates something he's learned from these cables.  
12 "Pol Pot introduced Nuon Chea, a person trusted in Hanoi, whom Le  
13 Duan, leader of the Vietnamese Communists, in a conversation with  
14 the Soviet Ambassador called a politician of 'pro-Vietnam  
15 orientation' as the occupant of the second most important post in  
16 the Party. Speaking of Nuon Chea, Le Duan," again, he's the  
17 leader of the Party in Vietnam, "literally emphasized, 'He is our  
18 man, indeed, and my personal friend.'"

19 So, this is a record, the footnotes indicate, of the conversation  
20 of the Soviet Ambassador with Le Duan, on November 16th, 1976. So  
21 while Nuon Chea, in the second quote, was saying that those  
22 killed were those that doing the bidding of Vietnam, Vietnam  
23 thought he was the person doing their bidding.

24 I'd ask now to play clip number 6.

25 [13.34.24]

1 MR. PRESIDENT:

2 AV Unit, please show the video.

3 [13.34.46]

4 (Audio-visual presentation)

5 THE INTERPRETER KHMER-ENGLISH:

6 "Our policy was to re-educate them to stop. Number 2, we gave  
7 them two or three warnings to stop their treacherous activities.

8 Next, we required them to present their revolutionary personal  
9 history and make a self-criticism. If that did not work, they  
10 would be expelled from the Party and if they still could not be  
11 corrected, they had to be solved. These people were categorized  
12 as criminals."

13 Question: "What did you do to those criminals?"

14 Answer: "They were killed and destroyed and if we had them -- let  
15 them live, the Party line would have been hijacked. They were  
16 enemies of the people."

17 English Narrator: "This is the first time that Nuon Chea admits  
18 about the killing. When Mr. Nuon Chea told me about all these  
19 problems, then I had everything in my hand."

20 THE INTERPRETER KHMER-ENGLISH:

21 Question: "What did you think of Pol Pot's decision to kill all  
22 the traitors?"

23 Answer: "At the time, I agreed. I just wanted to get the problem  
24 solved. It was the correct solution."

25 (End of audio-visual presentation)

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1 MR. KOUMJIAN:

2 A further admission appears in the book that Thet Sambath  
3 co-authored, at page 105; in Khmer, at 00858340; and in French,  
4 at 00849435 and the next page. There it reads:

5 "Nuon Chea said he was not particularly disturbed when his former  
6 comrades and friends were executed. 'The Party decided to kill  
7 them because they were betraying the Party and the nation. I was  
8 not scared or sad when they were killed. They had done wrong and  
9 betrayed us, so they received the kind of treatment that they  
10 deserved, period.'" End of quote.

11 Again, Your Honours, we have the list of those killed just at  
12 S-21, one of about 200 security centres. OCIJ has recorded over  
13 15,000 names. And one thing we would direct your attention to on  
14 that list, E393.1, is that one of the largest sources of  
15 prisoners was the S-21 unit itself; 541 of those names listed on  
16 the OCIJ list are listed as linked -- that they were S-21 cadres.  
17 Could we please play clip 7?

18 [13.37.38]

19 MR. PRESIDENT:

20 AV Unit, please show clip number 7.

21 [13.37.49]

22 (Audio-visual presentation)

23 THE INTERPRETER KHMER-ENGLISH:

24 Question: "Why did it take you <(unintelligible)> before you  
25 started to talk to me about the inside story of the killings?"

1 Nuon Chea: "I had to be very careful about what I say, but with  
2 Thet Sambath, I talked to you step by step. I did not do it  
3 without thinking because it's about my future."

4 English Narrator: "I had to keep all the cassettes about Nuon  
5 Chea interview very secretly, because I'm worried that somebody  
6 can confiscate all my tapes. This <is> very important for the  
7 history, the facts from the top Khmer Rouge leader that we call  
8 number -- Brother Number Two, Nuon Chea."

9 THE INTERPRETER KHMER-ENGLISH:

10 Question: "You were saying you talked to Pol Pot about sweeping  
11 <out> our traitors?"

12 Nuon Chea: "We had to solve the traitor problem in <a> way that  
13 <> it did not get out of control and <it did not affect> the  
14 innocent people <below>, so <we needed to measure it in order> to  
15 conclude <that the solution> was <the> correct <one, but if we  
16 did not look at the big picture, if we looked at it in a narrow  
17 sense, we would have> shown mercy to these people, <and then> the  
18 nation would have been lost."

19 English Narrator: "This is the first time a top Khmer Rouge  
20 leader admits the killing like this. Pol Pot, he never said this  
21 kind of stuff."

22 THE INTERPRETER KHMER-ENGLISH:

23 Nuon Chea: "That we could find out and then we know the history.  
24 It was often like looking for a needle in the sea; we did not  
25 arrest people randomly. People did not know about that. Pol Pot

1 and I did not know about that, but there were so many of them  
2 bringing the problems in."

3 Question: "<> About the killings of people, when did you start to  
4 learn about that fact?"

5 Answer: "It's difficult for me to say because it happened a long  
6 time ago. We had to do our work. We did not take note of the  
7 time."

8 (End of audio-visual presentation)

9 [13.40.31]

10 MR. KOUMJIAN:

11 Your Honours, in the "Behind the Killing Fields" book, at Khmer  
12 00858309 and the next page; French, 00849415; and on page 84 in  
13 English; it's stated that Nuon Chea does not apologize for S-21,  
14 even though his niece and others close to him were sent there. He  
15 often stated that the enemies responsible for killing people in  
16 the countryside had to be smashed. Others were conspiring to  
17 overthrow Pol Pot and had to be stopped, but for every person  
18 they killed, they found out through the traitors' confessions  
19 obtained at S-21, that there were more enemies.

20 Could we play clip 8, please?

21 MR. PRESIDENT:

22 AV Unit, please show clip number 8.

23 [13.41.43]

24 (Audio-visual presentation)

25 "A confession from a Khmer Rouge officer named Nhiem Sim

1 (phonetic), included a note from his interrogator. It describes  
2 torturing a prisoner until he confessed that he was involved in  
3 the CIA. It was passed to Nuon Chea."

4 "I have a document here. It's the confession of the Central Zone,  
5 Division 174 Commander, Nhiem Sim (phonetic), and it includes a  
6 note with this written on the top, 'One copy to Brother Nuon'."

7 "No, I never had such a report."

8 "It's got written on it there, 'A copy to Brother Nuon'."

9 "I don't know who wrote it."

10 "What they sent a report. I don't know this. I've never seen it.  
11 Sometimes, they wrote that, but I've never seen it."

12 "You never saw it? Here's another document; it's the confession  
13 of Kun Kien and this document talks of many cadres being killed  
14 in S-21 and a note in the corner of it says that it was presented  
15 to Brother Nuon personally."

16 "I don't know this. These documents could be forged."

17 "Yes?"

18 (End of audio-visual presentation)

19 [13.43.23]

20 MR. KOUMJIAN:

21 Your Honour, this claim by Nuon Chea that he didn't see  
22 confessions, they weren't brought to him, is contradicted in this  
23 very next clip. Can we play clip 9, please?

24 MR. PRESIDENT:

25 AV Unit, please show clip number 9.

1 [13.43.55]

2 (Audio-visual presentation)

3 INTERPRETER KHMER-ENGLISH:

4 "You always read the confessions of S-21, so you could use them  
5 for educational purposes. Could you clarify it; how did you read  
6 them and how did you use it -- use them to educate your cadres?"

7 Answer: "I did not read all the documents because there were so  
8 many of -- of them. It wasn't my duty to read them all. I just  
9 highlighted some of the enemies' dangerous tricks to warn our  
10 junior cadres. The enemy led our cadres astray from the Party's  
11 principle, offering sex, wine and the trappings of power.  
12 Debauchery, alcoholism, and gambling are the ruin of the society.  
13 You may not be gambling yourself, but your wife might be. So I  
14 used these -- the confessions to show our cadres how the enemy  
15 was undermining us with materialism."

16 (End of audio-visual presentation)

17 [13.45.24]

18 MR. KOUMJIAN:

19 Thank you. We draw your attention, also, to a couple additional  
20 quotes from "Behind the Killing Fields", E3/4202, which  
21 demonstrate Nuon Chea having knowledge of why people were  
22 arrested by the leadership, why they were killed.

23 On page 111, Nuon Chea said, matter of factly, that Doeun was  
24 killed because he was Koy Thuon's string.

25 On page 115, according to reports Nuon Chea received, which meant



1 confessions extracted from S-21, So Phim was selling rice to  
2 Vietnam without asking the Centre if he could do so.

3 [13.46.06]

4 There's a whole chapter on enemies where Nuon Chea goes into  
5 details about why he says various of the top leaders were killed.  
6 And very interesting admission by Nuon Chea --which corroborates  
7 the testimony of Duch, which has been challenged by the Defence  
8 here in trial -- on page 85 of the book; in Khmer, the ERN is  
9 00858310; and in French, 00849416. Again, "Behind the Killing  
10 Fields," page 85.

11 "For the first half of Khmer Rouge rule, Nuon Chea didn't have  
12 direct control over S-21, but as one of the top leaders of the  
13 movement, he was involved in decisions to purge top cadres. And  
14 when Khmer Rouge Defence Minister Son Sen was dispatched to take  
15 care of border conflicts with Vietnam and growing tension with  
16 the Eastern Zone in the fall of 1977, Nuon Chea became the de  
17 facto head of the interrogation centre, according to Brother  
18 Number Two and testimony from Duch, in the spring of 2009."

19 So here, Thet Sambath and Gina Chow (sic), confirm that Nuon Chea  
20 corroborated to them what Duch has said; that when Son Sen went  
21 to the battlefield, Nuon Chea took direct control of S-21 after  
22 previously playing an important role in the decision to purge top  
23 cadre.

24 [13.47.53]

25 And going back to some of the lists of executions, I'd just like

1 to bring out -- note something from E3/8463 which is a long list  
2 of people executed. And given this admission from Nuon Chea that  
3 he came -- took direct control in the fall of 1977 -- which Gina  
4 Chon -- Chow (sic) was American -- Chon -- American, so that  
5 means 'in the fall', is September through November approximately  
6 -- I think it's interesting to look at specific days in 1978,  
7 where over 100 prisoners were executed. So we've just noted a few  
8 of those all contained, for now, in E3/8463.

9 On the 14th of February 1978, 104 prisoners were executed. It's  
10 only in Khmer and the ERN is 00016147 on to page -- to 50. I'm  
11 only going to read the Khmer ERNs' last four digits for the rest  
12 of these to save time; it's all in the same series.

13 [13.49.09]

14 On the 16th of February 1978, 210 prisoners were executed. That  
15 can be found at the Khmer ERN that begins -- ends 6153.

16 On the 10th of March 1978, 162 prisoners were executed; 6224 is  
17 the Khmer ERN.

18 On the 13th of March 1978, 121; ERN 6161.

19 On the 25th of March, 111; ERN ending 6248.

20 On the 1st of April '78, 108 prisoners executed; ERN ending 6165.

21 On the 11th of April 1978, 110 prisoners executed; ERN ending  
22 6105.

23 On the 29th of April 1978, 230 prisoners executed; 6123.

24 On the 5th of May 1978, 167 human beings executed; ERN ending  
25 6184.

1 On the 11th of May 1978, 255 prisoners executed; ERN ending 6199.  
2 And between the 27th and the 28th of May 1978, 582 human beings  
3 were executed at S-21; the ERNs are, ending in Khmer 6039 to 74;  
4 and there is an English translation of this list, it's at  
5 01032508 to 36.

6 There is another surviving list, E3/10455, that indicates that on  
7 the 31st of December, the last day of the year in 1978, after  
8 Vietnamese troops had already entered Cambodia, 225 prisoners  
9 were executed.

10 [13.51.32]

11 All of these in 1978, when according to Duch and according to  
12 what Nuon Chea told Thet Sambath, he was in direct control of  
13 S-21.

14 Why all these people killed? We direct your attention to E3/196,  
15 which is a talk that Nuon Chea gave to the Danish -- to a Danish  
16 delegation and later it was published by DK authorities. In  
17 Khmer, the ERN is 00224475; and in English 00762401. He told the  
18 Danes:

19 "The leadership apparatus must be defended at any price. If we  
20 lose members, but retain the leadership, we can continue to win  
21 victories. Defending the leadership of the Party is strategic. As  
22 long as the leadership is there, the Party will not die. There  
23 can be no comparison between losing two to three leading cadres  
24 and 200 to 300 members; rather the latter than the former."

25 [13.52.50]

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1 So, what we see is that Nuon Chea and the leadership were  
2 concerned with their own preservation and better to kill hundreds  
3 of others, cadre, so long as they would be safe.

4 I'd like to end my presentation just with Nuon Chea's own words  
5 in clip number 10, if that could be played. Thank you.

6 MR. PRESIDENT:

7 AV Unit, please show clip number 7 (sic).

8 MR. KOUMJIAN:

9 It's label 10; I may have said 7. The last clip, 10.

10 MR. PRESIDENT:

11 AV Unit, please show clip number 10.

12 [13.53.45]

13 (Audio-visual presentation)

14 THE INTERPRETER KHMER-ENGLISH:

15 "If those individuals had been left alive, we would have lost our  
16 country and our people. We would have no Cambodia today if we  
17 have had kept them. We have sentiments for both the nation and  
18 the individuals, but I will always put the needs of the nation  
19 before those of the individuals. And individuals' needs can be  
20 met later, but if the individuals became a problem, then <they>  
21 must be solved."

22 Question: "Are you sorry for those who were killed?"

23 Answer: "I have no regrets."

24 (End of audio-visual presentation)

25 [13.54.40]

1 MR. KOUMJIAN:

2 Thank you, that finishes my presentation.

3 MR. PRESIDENT:

4 Thank you very much, Mr. Co-Prosecutor.

5 And now the floor is given to the Lead Co-Lawyers for civil  
6 parties to present the key documents. You may proceed, Counsel.

7 [13.55.10]

8 MR. PICH ANG:

9 Good afternoon, Mr. President, Your Honours, everyone in and  
10 around the courtroom and also civil parties. I have documents  
11 from 11 civil parties to present to the Chamber during the key  
12 documents hearing today.

13 First civil party concerns Au Kanseng Security Centre, Mr. Sev  
14 Liem. Mr. Sev Liem is a civil party. In 1977, he was forced to  
15 become a soldier to attack the Vietnamese. His colleagues died;  
16 60 of them died, and only <he> survived and became handicapped  
17 later on.

18 And he was also forced to fight the Vietnamese although he was in  
19 bad health. He <refused>, at that time, and as a result, he was  
20 arrested.

21 In document E3/6004, I would like to quote what he said.

22 [13.56.39]

23 "In July 1978, there were 30 Khmer Rouge who came to take me and  
24 tied me up and I was carried and then placed in Boeng Kanseng  
25 Prison in Ban Lung, Ratanakiri. I was accused that I failed to go

1 and attack the Vietnamese.

2 During the interrogations, I was electrocuted and I fainted. I

3 was interrogated once every two or three days and then the day

4 <came when> I was taken to be killed, <on 6 January 1979>. On

5 that day, the Khmer Rouge wanted to kill all the detainees

6 because the Vietnamese had entered the country, into Cambodia. On

7 6 January 1979, that was the day that hundreds of people or

8 detainees were <> killed and I was the last one on the list to be

9 killed. <They> wanted to kill me at around 6 p.m. in the evening

10 on that day. However, I was so fortunate -- it was fortunate for

11 me at the time. I fainted, seeing that the Khmer Rouge threw me

12 onto the piles of bodies and I lied on those corpses <from

13 morning till evening>.

14 And <until the 7 January 1979, at around midday,> I became

15 conscious, <got up> and I <sat> on the piles of corpses. I then

16 walked away but I did not know where I was going.

17 After walking 50 metres away from the corpses, I stopped and <sat

18 down>. I was thinking how to survive, how to find food and water

19 to drink. I was sleeping and moaning because of the pain in my

20 neck and in my earlobe."

21 [13.59.17]

22 <I forgot to provide the ERN.> The <Khmer> ERN of that document

23 is 00496478; English, 01066675 through 76; and French, 01142540.

24 The second civil party, the second document of the civil party

25 that I would like to present is -- the civil party concerns Phnom

1 Kraol Security Centre in Kaoh Nheaek district, Mondolkiri  
2 province.

3 This civil party is a <woman> and her name is Om Mon. She is now  
4 deceased. In her victim form, document E3/4927; with ERN 00545992  
5 through 00545993; Khmer (sic), ERN 01060162; and French, is  
6 00940149 through 50; this civil party states, in the relevant  
7 part of the victim form, that she and her husband were sent to --  
8 <she was sent> from Takeo to Kratie to join the military training  
9 and then <she was> further sent to Kaoh Nheaek district. I would  
10 like to quote, as follows:

11 [14.01.45]

12 "One evening, after I arrived in Kaoh Nheaek, they assigned me to  
13 Koh Royaul as a member of the women's unit of the division  
14 commanded by Ta Soy and Ta Chhin. That division was tasked with  
15 defending the border to stop the Vietnamese troops from crossing  
16 into Cambodia. The unit consisted of approximately 40 to 60  
17 people with 10 guns. Sophea was the sector secretary. He was  
18 based <in> Kaoh Nheaek district. Later on, Ta Soy and Ta Chhin  
19 were mistreated and I had to be transferred to Sector 105, and  
20 made to work in Office K-11, located in Kaoh Nheaek district. Ta  
21 Sophea was in charge of the district.

22 Then they forced <tried to force> me to marry a man of Phnong  
23 ethnicity. They <tried to force> me three times to get married  
24 but I refused each time.

25 [14.02.45]

1 Afterwards they had me marry a Khmer man named Then from Takeo  
2 province, where I was from. After the marriage, they had my  
3 husband construct houses and a rice storehouse because he knew  
4 how to build houses.

5 Three months after the marriage, I was pregnant and suffered  
6 morning sickness. The sickness was <so> severe that I was unable  
7 to do anything. They then sent me to the district hospital.

8 At the time there were people who got jealous <of> my husband  
9 because they saw him being good at work. His superiors  
10 sympathized with him and dropped me a bag of clothes through the  
11 window for me to use while being hospitalized.

12 Then, due to my morning sickness, I got outside and picked up a  
13 'chambak' fruit. I ate it with other four pregnant women who also  
14 had morning sickness. They were Khon, Lai and other two Phnong  
15 women whose names I do not remember. <Afterwards, they were>  
16 taken to be killed during late pregnancy.

17 Kam, the younger brother of Sophea, came to accuse us of  
18 gathering to run away. He also accused us of defecting to the CIA  
19 and the KGB. They called all of us to admitting for questioning.

20 Kam asked me if we were about to go and join the CIA and the KGB.  
21 He kept asking me the same question and I gave the same response.  
22 It lasted for three days. Then he stopped asking me.

23 [14.04.20]

24 Later on I was taken to be imprisoned at Office K-11. In the  
25 prison, about 20 prisoners stayed with me and had their legs tied



1 to the wooden shackles, each of which could hold five prisoners.  
2 Approximately once every two weeks, newcomers arrived and  
3 mistreatment worsened. The shackles on their legs were tightened.  
4 It was my understanding that Ta Van was also a cadre in control  
5 of the prison of Office K-11 and I do not know if he is still  
6 alive or dead at the present time.

7 Later on many other female prisoners came to stay with me. They  
8 had been arrested from Peam Chi Miet village, Nang Khi Loek and  
9 other areas in Mondolkiri province, for they had been accused of  
10 being in the CIA, KGB agents or being in a traitorous network.  
11 Male prisoners were held in the prison of Phnom Kraol. It was  
12 close to the area of Phnom Kraol in the south. I am not sure if  
13 the Phnom Kraol prison also housed female prisoners."

14 (Short pause)

15 [14.05.55]

16 MR. PICH ANG:

17 She also went on to say that:

18 "Prisoners were tied and shackled at night and they were not  
19 given food to eat and there was no medical treatment provided. In  
20 the morning, they had to be walked to work after their shackles  
21 were removed <from the legs>. However, <their hands were tied  
22 and> they were under constant armed guards.

23 I felt ashamed because I was being tied and worked and the work  
24 involved transplanting rice seedlings.

25 One day when it was raining, while I was carrying rice seedlings,

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1 I fell into the rice field and as a result, I lost my baby <two  
2 months into my pregnancy>. There was blood everywhere <in the  
3 rice field>. And then I was walked back to the prison.

4 [14.07.01]

5 I asked for a cup of wine from Sophea in order to drink and I was  
6 never taken to be treated at any hospital. I lived in miserable  
7 conditions and only once in a while, my husband came to visit me  
8 and because I was forced to work <while> being chained, I <have  
9 had> a problem with my <hip until now>.

10 And later on I was asked to make some ropes <to tie prisoners>.

11 And every couple of days <prisoners> were taken <away on trucks>.

12 And people <said that they> were taken on the trucks to be killed  
13 along the road to Kratie province. In the evening the trucks  
14 would return.

15 One day they had me sit up and watch them <> beating a child aged  
16 about eight. They had caught a child who was found picking up  
17 fruit to eat because he was hungry. He was hung upside down by  
18 the female guards. He was badly mistreated. It was very brutal.

19 [14.08.19]

20 They did it to warn him to stop picking up fruits. They forced my  
21 group and the child's mother to watch the child being hung, until  
22 blood came out from his eyes when they stopped torturing him. The  
23 child was then released and became conscious a while later. The  
24 child's father was being held in a wooden Phnom Kraol prison with  
25 thatched roof walls and wooden floors above the ground."

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1 And for the same civil party I refer to another document of hers,  
2 that is, E3/7700, and the ERN in Khmer, is at 00236695 through to  
3 97; English, is at 00239532 through to 33; and French, is at  
4 00267707 to 08.

5 And allow me -- allow me to quote the following:

6 "In 1975, I was a female combatant in a division which was  
7 commanded by Ta Hor and Ta Nat. We attacked and entered Phnom  
8 Penh. In the same year I was called to board a boat headed for  
9 Kratie province. At that time I became a female combatant in a  
10 division commanded by Ta Chhin and Ta Soy in Mondolkiri province.  
11 After the arrest of Ta Chhin and Ta Soy, I was transferred to be  
12 a female combatant in Office K-11, Sector 105 located in Kaoh  
13 Nheaek which was under the control of Ta Sophea.

14 [14.10.40]

15 After staying there for about a year working in the rice field  
16 and building dams in the production unit, I was arrested and  
17 imprisoned in the same Office K-11. One day at that prison other  
18 women prisoners and I <were> in shackles <and> saw an eight year  
19 old son of a female prisoner being hung upside down by female  
20 guards. They forced us and the child's mother to watch their  
21 action."

22 And for the next civil party who spoke about her experience and  
23 event at S-21 Security Centre, and her name is Kong Teis. Kong  
24 Teis is deceased now and she lost her husband Sek Chhiek who was  
25 executed at Tuol Sleng prison. She learned of that information

1 from Sek Horn, her nephew.

2 [14.12.00]

3 And in her civil party application, that is, E3/5887; at Khmer,

4 ERN 00211452; English, is at 00234051; and French, is at

5 00285241; she states the following, and I quote: "In 1978, the

6 southwest cadres entered the area and took control of the village

7 and replaced the leadership in the village. They were all new

8 people and they spoke with accent.

9 People who worked in the commune were called to a meeting in

10 Romeas Haek office district including my husband, Sek Chhiek. I

11 only knew that he went for a meeting at the district office and I

12 did not know where he went further.

13 However, when I went to work <in the same month>, I met with Sek

14 Horn who <currently> works in <the> Bavet area near the border,

15 who is my nephew and <asked> me whether I knew that my husband

16 had been arrested and thrown into a truck and taken away. And Sek

17 Chhiek also is on the list of prisoners of the OCIJ at number

18 10431.

19 The next civil party that I would like to speak about is Madam

20 Khaut Yav. She lost her husband who was taken and killed at Tuol

21 Sleng, S-21 prison.

22 Initially, she and her husband lived in Kaoh Thum district and

23 <were> transferred to work in Kampot. Her husband was transferred

24 first and he built <looms and he trained others to do that. And

25 she worked in the> textile <unit>. Later on her husband

1 disappeared and she made the following statement in her civil  
2 party application. The document is E3/6353; at Khmer, ERN  
3 00535452; there is no English translation although a request has  
4 been made; and the French, ERN is at 01298058.

5 [14.15.59]

6 Allow me to quote the following:

7 "In October 1976, my <pregnancy was at term and I went into  
8 labor>. My husband went to work as usual. My baby died about a  
9 fortnight after I delivered due to the lack of breast milk.  
10 And while I was hospitalized, I never saw my husband coming to  
11 visit me and only <> young children came to bring me food. And I  
12 was wondering where they took him to because I had seen other  
13 husbands of other women disappeared. And a few days after the  
14 husbands disappeared, the wives would be taken away.

15 [14.17.05]

16 When <the> workers returned, I asked them about my husband. I  
17 told them to tell me the truth where my husband had been to, but  
18 nobody told me anything. They only said that my husband was  
19 called to make this textile tool or "kei". And I asked my child,  
20 who was about eight years old, who told me that he saw two Khmer  
21 Rouge with guns who came to walk my husband away and he  
22 disappeared since.

23 In 2004, I received a letter from the Documentation Centre of  
24 Cambodia, upon which I realized that my husband was arrested in  
25 the 26th of October 1976, and he was detained at Tuol Sleng

1 prison, which belongs to Duch, and he, of course, was killed  
2 there."

3 Her husband's name, Prom Mi appears on the OCIJ's prisoners list  
4 <6615>, which mentions that he entered S-21 on 26th October '76,  
5 and was smashed on 16 January '77. Document E3/6355 (sic); at ERN  
6 <00535457>, in Khmer; and in French is 01298060 to 61; is a  
7 biography of a prisoner, that is the husband of the civil party  
8 and her husband's name is Prom Mi. And, Mr. President, with your  
9 permission I'd like to display the biography of Prom Mi on the  
10 screen. It is a document from Tuol Sleng.

11 [14.19.56]

12 MR. PRESIDENT:

13 AV Unit personnel, please show that document on the screen.

14 MR. PICH ANG:

15 This is a S-21 document, showing the name of Prom Mi, who is the  
16 husband of civil party Khaut Yav. He is a victim at S-21.

17 Also in relation to this civil party, there is another document,  
18 E3/9842, which is a list of prisoners who entered S-21 in 1976.

19 And Prom Mi, her husband, was arrested on 26 October '76 and that  
20 highlight appeared on page 86.

21 With your permission, I'd like to show that document on screen,  
22 that is E3/9842?

23 [14.21.26]

24 MR. PRESIDENT:

25 AV Unit, please show that document on screen, that is, document

1 E3/9842.

2 MR. PICH ANG:

3 Thank you. And the name displayed here is Prom Mi, who is the  
4 husband of the civil party.

5 ERN of that document is at 01009961 in the Khmer language and it  
6 is not available in English or French.

7 Another document on which Prom Mi's name was mentioned is  
8 document E3/3185; and it's at ERN 00088514, in Khmer; and in  
9 English, is at 00837640 to 41; and French, is at 00845907. The  
10 document also shows the name of Prom Mi at number 154. And in  
11 order to save time, I do not wish to display this document on  
12 screen.

13 There is also another document, that is, <E3/100990 (sic)>, which  
14 is a prisoner list, and Prom Mi's name is mentioned at number 22  
15 (sic), and it is at Khmer ERN 01159541. There is no English or  
16 French translation.

17 [14.23.43]

18 And now I'd like to move on to another civil party whose family  
19 members were sent to S-21. Her name is Nuon Neang. She lost her  
20 husband in 1977, that is, after he was arrested and disappeared.

21 Her husband's name is Pream Kim Sorn, alias Man, who was arrested  
22 from Mondolkiri province and were taken to Phnom Penh on 8th  
23 March 1977.

24 This is based on document <D2/3026C (sic)> and in document  
25 E3/5014, which is her Civil Party Application, in which the

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1 following ERN <> she made the statement below. The ERN in Khmer,  
2 is 00559070; English, 01063351; French, 00903137.

3 Maybe I made a mistake with the document. Allow me to <clarify>  
4 it. It's D22/3026C and the ERNs that I just provided is part of  
5 document E3/5014 and allow me to quote the relevant excerpt:

6 "In 1977, there was a genocidal group which called for my husband  
7 to be educated in Phnom Penh. A fortnight later, some new people  
8 were moved <in> to live <there>."

9 [14.26.12]

10 This is the information that she learned, that her husband was  
11 called to Phnom Penh, and <> her husband's name also appears in  
12 document E3/10604, which is a prisoner list of OCIJ and her  
13 husband's name appears at number 6,910.

14 And her husband's name also appears in document E3/10506, which  
15 is a list of incoming prisoner on 17 February 1977 to 17 April  
16 1977; <on> page 39 and at number <9 (sic)>; her husband's name  
17 appears. And that is at Khmer ERN 01019331 and there is no  
18 translation in French or English. And her husband's name <Pream  
19 Kim Sorn> appears in this document.

20 And, Mr. President, I'd like to have this portion of the document  
21 projected on the screen.

22 MR. PRESIDENT:

23 AV Unit, please show the portion of document E3/10506 on screen.

24 [14.27.58]

25 MR. PICH ANG:



1 In the red box, the name is Pream Kim Sorn, alias Man, who is her  
2 husband and he was a soldier from a battalion<, but there is no  
3 detail about him.>

4 In another document, that is E3/9845, which is the list of  
5 incoming prisoners in March 1977, her husband's name, that is,  
6 Pream Kim Sorn, alias Man, was also mentioned. And her husband's  
7 name appears at number 319. And, Mr. President, I'd like to have  
8 this document shown on screen.

9 MR. PRESIDENT:

10 AV Unit personnel, please show that document on screen, that is,  
11 document E3/9845.

12 [14.29.15]

13 MR. PICH ANG:

14 In the highlighted red box at number 19 -- my apology, it's at  
15 319 -- the name is Pream Kim Sorn and it's stated that his  
16 position is a soldier from a battalion.

17 Now, I would like to move on to another civil party and the name  
18 is Cheng Chhun Eang. He lost his elder sister and her husband. He  
19 also lost his younger sister. They were all sent to Tuol Sleng  
20 Prison.

21 In the Civil Party Application, that is, document E3/4740; at  
22 Khmer, ERN 00484591 to 92; English, 00864149; and French,  
23 00950262 to 63; she (sic) makes the following statement and I  
24 quote:

25 "My younger brother, Cheng Kalyaing, who joined the Khmer Rouge

1 army in around 1970, in order to stand-up against the Khmer  
2 Republic of Lon Nol and who is currently living in France, told  
3 me that <Brother> Nguon Eng, alias Ta Ni, and elder sister, Cheng  
4 Chhun Sreng, along with their five children, were put on a  
5 vehicle and taken away in December 1978. The surviving document  
6 at Tuol Sleng, stated that Nguon Eng, alias Ni, who was a deputy  
7 chief of Office S-8, that is, the Public Works, was arrested by  
8 Khmer Rouge Angkar and put in Tuol Sleng Prison on 3rd December  
9 '78. As for <my> elder sister, Cheng Chhun Sreng, who was chief  
10 of a warehouse of the Ministry of Public Works, <she> was  
11 arrested and sent to Tuol Sleng Prison on 4 December '78. There  
12 was no mention of any of the five children."

13 [14.32.45]

14 Further down, the document says:

15 "The younger sister, Kalyanei, alias Nei, was the Khmer Rouge  
16 cadre. She was the head of the General Disease Department, M1.  
17 She was arrested by Angkar and sent to Tuol Sleng on 3rd March  
18 1978. I have read the confession which was written by my younger  
19 sister and that confession is dated 17 March 1978."

20 In the same document with ERN number, 00484620 through 21, that  
21 is, Khmer ERN; in English, 00864149; and French, 00950262 through  
22 63; this is the biography of a detainee, Nguon Eng.

23 [14.34.11]

24 My apology, I am now looking for the ERN and identity number of  
25 that document. In fact, this is the document, which I have

1 already quoted, E3/4740. This is the biography of Nguon Eng. This  
2 person, Nguon Eng, was detained at Tuol Sleng, S-21.

3 Mr. President, I would like to seek your permission to display  
4 the biography of Mr. Nguon Eng, document E3/4740.

5 MR. PRESIDENT:

6 AV Unit, please display the document E3/4740 on the screen.

7 MR. PICH ANG:

8 In this document, point number 1, the original name is Nguon Eng,  
9 the alias name is Ni; age, 51; male; nationality, Khmer.

10 And Cheng Chhun Sreng is also a detainee at S-21 who is related  
11 to the above-mentioned individual.

12 And I would like to display this document as well, Mr. President.

13 MR. PRESIDENT:

14 AV Unit, please display it on the screen.

15 [14.36.23]

16 MR. PICH ANG:

17 Thank you. In this current document, number 1, the original name  
18 Cheng Chhun Sreng, this individual is the elder sister of the  
19 civil party and <> her alias name is Nun. Age, 42 years old;  
20 female; nationality, Khmer. This is the biography of her <sister>  
21 from S-21. Thank you.

22 I would like emphasize as well that Cheng Chhun Eang <> was also  
23 detained at S-21 and the document I am referring to is E3/10604.

24 This person appears <> at the number, serial number 753, in the  
25 list of prisoners from S-21.

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1 Mr. President, I am now moving to the seventh civil party<, Mao  
2 Eng Chhun,> and this civil party has relatives who were sent to  
3 S-21. <> The civil party lost one elder brother, <> Mao Chhai  
4 Kean alias Mao Chhun <who was sent to Tuol Sleng prison> and <>  
5 the document number is E3/6263 and we have only the ERN in Khmer.  
6 That is <00529043>. And I am quoting it now:  
7 [14.38.42]  
8 "From the time that my brother, Mao Chhai Kean, married in 1976,  
9 I never received any news from him.  
10 I received his news only after 1979, after the liberation by  
11 Vietnamese. I met his friend who used to work with him and his  
12 friend's name was Ouk. <> I do not know where he is living now.  
13 <He> asked <me> about the whereabouts of my brother <at the house  
14 in Kampong Cham>.  
15 My mother <said that he never returned home,> we had no news <>  
16 from him. Ouk said that he saw my elder brother <in Phnom Penh>  
17 two months before the liberation.  
18 Later on, <> the Documentation Centre of Cambodia <brought a  
19 brief> biography <of my brother during revolution> at Tuol Sleng  
20 <prison to my mother in Kampong Cham> and later on <my family>  
21 learned that he was kept at S-21 and later on was smashed. And  
22 his name appears in the list of the OCIJ, serial number 9291.  
23 In the same document E3/6263 <> there is a biography of a  
24 detainee, Mao Chhai Kean alias Chhun, the elder brother of the  
25 civil party, and his elder brother was detained at the Ministry

91

1 of Foreign Affairs on 7 April <1977>.

2 Mr. President, I would like to display the same document, that  
3 is, E3/6263 with ERN in Khmer 00529063. May you please instruct  
4 the AV Unit to display the document, Mr. President?

5 [14.41.08]

6 MR. PRESIDENT:

7 AV Unit, please display it on the screen.

8 MR. PICH ANG:

9 Point number one, it is the original name of Mao Chhai Kean and  
10 the alias name Chhun. And this Mao Chhai Kean was related to <the  
11 civil party>. Thank you.

12 This individual, Mao Kean alias Chhun, appears in the document  
13 E3/9905. This document is the list of prisoners who entered S-21  
14 in February, between February and June of 1978. Among all the  
15 names there was the name Mao Kean, alias Chhun, age 31. He was  
16 <the> chief <of> civil aviation and he was brought into S-21 on 6  
17 April 1978.

18 And I would like, Mr. President, to get your permission <> to  
19 show document <E3/9905,> with <Khmer> ERN number 01011313 on the  
20 screen.

21 [14.42.40]

22 MR. PRESIDENT:

23 AV Unit, please display it on the screen.

24 Counsel, please activate your microphone before you speak.

25 MR. PICH ANG:

1 My apology, Mr. President.

2 At number <14> appears the name Mao Kean, alias Chhun, age 31 and  
3 he was the chief of civil aviation.

4 Another document, Mr. President, is E3/10361, the list of  
5 prisoners who <> entered S-21 at 7 April 1978. In that list  
6 appears the name of Mao Chhai Kean, that is, the elder brother of  
7 the civil party Mao Eng Chhun. <This person appears at the serial  
8 number 434 -- >

9 [14.43.50]

10 MR. PRESIDENT:

11 Thank you very much, lawyer.

12 It is now time for the break and we will take a short break from  
13 now until 3 p.m.

14 (Court recesses from 1443H to 1502H)

15 MR. PRESIDENT:

16 Please be seated.

17 The Chamber wishes to make <an oral> ruling. On 1 August 2016,  
18 the Lead Co-Lawyers communicated to the Chamber their proposed  
19 list of civil parties for the hearings on the harm suffered by  
20 the civil parties for the 4th trial topic on the security centres  
21 and internal purges and <the Lead Co-Lawyers for civil party>  
22 requested the admission of two documents into evidence, D22/289A  
23 and D22/2732. And these two documents are related to listed civil  
24 parties, 2-TCCP-1050 and 2-TCCP-1048, respectively and that is  
25 document E315/1/6.

1 [15.04.15]

2 Subsequently, on <1> August 2016, the Lead Co-Lawyers informed  
3 the Trial Chamber by email that, 2-TCCP-1048 from their proposed  
4 list, would be replaced by 2-TCCP-1051.

5 Proposed document D22/289A, provides supplementary information to  
6 the civil party application of 2-TCCP-1050, who will appear  
7 during the hearings on the harm suffered by the civil parties  
8 during the 4th trial topic.

9 The Trial Chamber recalls its practice to admit into evidence all  
10 prior statements of civil parties or witnesses who appear before  
11 it pursuant to Internal Rules 87.3 and 87.4. It is in the  
12 interest of ascertaining the truth that the Chamber and parties  
13 have access to all of the statements of civil parties and  
14 witnesses who will be heard in Case 002/02.

15 The Chamber therefore grants the Lead Co-Lawyers' request to  
16 admit proposed document D22/289A and assigns it document number  
17 E3/4733A.

18 [15.06.07]

19 Proposed document D22/2732, is the civil party application of  
20 2-TCCP-1048, who is now withdrawn from the appearance list by the  
21 Lead Co-Lawyers. As this is, accordingly, not a prior statement  
22 of a civil party who will appear before the Chamber and no  
23 further justification on the basis of Rules 87.3 and 87.4 had  
24 been advanced, the Chamber rejects the request to admit the  
25 document.

1 This constitutes the Chamber's official response to E315/1/6.

2 And the floor is now given again to the Lead Co-Lawyer to

3 continue his key document presentation.

4 [15.07.23]

5 MR. PICH ANG:

6 Once again, good afternoon, Your Honours, and good afternoon

7 everyone.

8 I <shall> continue with my key document presentation and I will

9 take about 10 to 15 more minutes.

10 The next civil party that I'd like to present is <> Madam Ros

11 Men. She lost her brother, Ros Thim, who was executed at Tuol

12 Sleng Prison.

13 In her civil party application, E3/4672, at Khmer, ERN 00211239;

14 English, 00233378 to 79; French, 00285212, she mentions the

15 following, and allow me to quote:

16 "Later, Khmer Rouge soldiers turned up in the village for

17 two-to-three months. They captured all the monks from the pagodas

18 <in order to force them out of the monkhood>. At that time, <it

19 was a rainy season in 1975, after> all monks <were defrocked,

20 they> were <forced> to wear black clothes <made by the> Khmer

21 Rouge soldiers. They had to wear black uniforms and then they

22 <had> to serve in the army. There were about 11 monks and all of

23 them were <defrocked>, including my younger brother, Ros Thim who

24 died. Kim Neth was also killed by the Khmer Rouge and Kim Theap,

25 another monk -- currently he resides in Mream Khang Cheung



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1 Village, Mream Sub-district, Romeas Haek District, Svay Rieng  
2 province. All of the other monks disappeared.

3 In 2007, the Documentation Centre of Cambodia brought a biography  
4 of prisoners, including a photograph of my younger brother, Ros  
5 Thim, who was imprisoned at Tuol Sleng Prison. They brought me  
6 that document to my house."

7 [15.10.20]

8 And <I would like to confirm that> the name Ros Thim also  
9 appeared on the lists of prisoners at S-21, which is the OCIJs  
10 list, and it appeared at number <7,897>, which states that he  
11 entered S-21 on 27 January '77. In document E3/7514, which is a  
12 biography of a prisoner named Ros Thim, who is the younger  
13 brother of civil party Ros Men. Ros Thim was arrested in Division  
14 170 on 27 January 1977.

15 And with your permission, Mr. President, I'd like to show  
16 document E3/7514 on screen. It is at Khmer, ERN 00079580;  
17 English, 00234039; French, 00290804. And I seek your permission  
18 to show that document on screen, Mr. President.

19 MR. PRESIDENT:

20 AV Unit, please show that document on screen.

21 [15.12.14]

22 MR. PICH ANG:

23 At number 1, the name displayed is Ros Thim and his photo is also  
24 attached to this biography, and at that time he was 21 years old.

25 Thank you.

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1 And in another document, that is E3/9843, which is a list of  
2 incoming prisoners in January 1977, Ros Thim is also mentioned  
3 and his name is mentioned at Khmer ERN 01010006 and, again, with  
4 your permission, Mr. President, I'd like to show document E3/9843  
5 on the screen at the relevant ERN number that I just quoted.

6 MR. PRESIDENT:

7 AV Unit, please show that document on screen.

8 MR. PICH ANG:

9 At number 07.17, which is a house number and at serial number 8,  
10 the name <> is Ros Thim. This is a Tuol Sleng document.

11 I'd like to now move on to the rest of the civil parties and  
12 there are two remaining, and they are related to the segment on  
13 internal purges.

14 [15.14.16]

15 The first document is the civil party application of Madam Ken  
16 Mao, and Madam Ken Mao passed away, and in her civil party  
17 application she mentioned that she lost her younger brother  
18 during the regime. He was a Khmer Rouge soldier. In her document  
19 at E3/5949, which is a civil party application <in> Khmer, <at>  
20 ERN <004221691 (sic)>; and English, 00476154; and a French  
21 translation is not available, however, a request has been made;  
22 she stated the following, and <I> quote:

23 "My young brother who worked as a soldier, was killed by the  
24 Khmer Rouge at Prey Korki pagoda, <> and Sophy was in charge of  
25 that pagoda.

1 The pagoda was located in Trapeang Sangkae village, situated west  
2 of the pagoda, and that happened in early 1978. I saw my brother  
3 taken, passing my house, by the Khmer Rouge soldiers. Each of the  
4 soldiers was armed and I could not do anything only shedding my  
5 tears. I did not dare to help my brother as I was afraid that I  
6 would be killed."

7 [15.16.22]

8 And the next civil party is <Madam> Lat Leng. This civil party  
9 <has> also passed away. She lost her eldest son who was killed at  
10 Yun Sophy's office. In her document, that is, E3/5950; Khmer, ERN  
11 00421708; and in English, 00488028; and there is no French ERN,  
12 however, a request for translation has been submitted.

13 She made mention of the following point and I quote:

14 "My eldest son was killed in 1977, by the Khmer Rouge. He was a  
15 soldier during the Pol Pot's regime. He had struggled for the  
16 nation but ended up being killed. He was just 15 years old when  
17 he was killed. Before my son was killed, a Khmer Rouge soldier  
18 told me that he took him for work in a factory. On the contrary,  
19 he was recruited as a soldier. <Later, my son> sent a letter to  
20 me that he was not assured the work in the factory but was made  
21 to work in Rong Chhkeal (phonetic) in Prey Veng. He went on to  
22 say that he worked in the paddy fields under the baking sun. He  
23 did not receive enough food to eat.

24 [15.18.27]

25 Later, I heard that he returned home to Ou Reang Ov. I then asked

1 my husband to go and receive him. My husband waited there for a  
2 few nights but did not hear anything about our son's whereabouts.  
3 Later, we were told that our son was killed at Yun Sophy office.  
4 Most soldiers were killed at the office. The news of our son's  
5 death hurt us tremendously, but we just could not make it known  
6 for fear that we, too, would be taken to be killed."  
7 And, lastly, the civil party is <Madam Var Son>. This civil party  
8 passed away, and during the Khmer Rouge regime she lost her elder  
9 brother named <Var> Mao who was <the> chief of a cooperative and  
10 who was subordinate to So Phim.  
11 [15.19.56]  
12 In her Civil Party Application, that is E3/6067, at Khmer, ERN  
13 00501624; and there is no English or French translation; she  
14 mentions the following point, and allow me to quote:  
15 "In May 1978, Va Mao (phonetic), that is, my eldest brother,  
16 disappeared. During the Long Nol regime, my <> elder brother <>  
17 lived in Kaoh Soutin, Kampong Cham province.  
18 After the Khmer Rouge took control on 17 April 1975, he, Va Mao  
19 (phonetic), was appointed by the Khmer Rouge as chief of a  
20 cooperative and I do not know the name of that cooperative. And,  
21 later on, <after> So Phim, who was the the Chief of the East Zone  
22 in early 1978, <was defeated,> people in the village, in our  
23 village, whose name I cannot recall although it was in Kaoh  
24 Soutin district, Kampong Cham province, were angered and they  
25 went on a strike to take revenge against Va Mao (phonetic), who

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1 was a subordinate of So Phim. However, in fact, Va Mao (phonetic)  
2 only implemented the order from the upper echelon for various  
3 assignments in the cooperative.

4 The Khmer Rouge soldiers, whose names are not known, tied him up  
5 and sent him away. And that happened in May 1978."

6 This is the information concerning the last civil party, Va Sun.  
7 And I conclude my part on the key document presentation, and with  
8 your permission, Mr. President, I'd like to give the floor to my  
9 International Lead Co-Lawyer to present her part.

10 [15.22.14]

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 MS. GUIRAUD:

14 Thank you, Mr. President. Good afternoon, everyone.

15 This afternoon I will be presenting a series of prisoner lists  
16 from S-21 and this will be in relation to six civil parties.

17 Before presenting these documents, I would like to explain to the  
18 Chamber that the list of the Office of Co-Investigating Judges,  
19 E3/10604, has proven to be a very important tool for the civil  
20 parties because it has enabled us to identify lists of that time  
21 on which the names of friends and family of the civil parties  
22 were found for the first time and that the information that the  
23 civil parties never had, such as the date of entry of their  
24 <loved ones>, into S-21 or the date of them being smashed in  
25 S-21, was made available to them for the first time.

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1 [15.23.41]

2 Thus, a series of documents concerning the close friends and  
3 family <members> of six civil parties and, Mr. President, so that  
4 this <presentation> can flow as <seamlessly> as possible our  
5 consultants have already organized with the greffier so that this  
6 can flow as <seamlessly> as possible without me needing to ask  
7 you to authorize each document.

8 If this is agreeable to you, this method, Mr. President, so that  
9 I can move as quickly as possible and as smoothly as possible  
10 through this afternoon's presentation.

11 MR. PRESIDENT:

12 Yes, you can do that.

13 [15.24.30]

14 MS. GUIRAUD:

15 Thank you, Mr. President. And before beginning <this>  
16 presentation, I would like to draw the attention of the parties  
17 <and> the Chamber to the fact that all of the information we are  
18 presenting today and all of the information contained in civil  
19 party applications have been verified by our section directly  
20 with the civil parties themselves except, obviously, those who  
21 are already deceased.

22 So, I will be beginning my presentation with the documents and  
23 lists related to the civil party, Seang Thann. Seang Thann became  
24 a civil party through E3/5020. Seang Thann lost her husband at  
25 S-21, Van Nguon. And speaking of her husband, Van Nguon, I would

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1 like to read from an excerpt from her civil party application,  
2 <ERN in Khmer> 00560584; 00894116, in English; 00893426, in  
3 French.

4 [15.26.04]

5 In this civil party document, Seang Thann explains that her  
6 husband was a Khmer from Kampuchea Krom. He was a civil servant  
7 in the Lon Nol regime. He worked <at> the National Bank of  
8 Cambodia and he worked up until <>Phnom Penh fell on 17 April  
9 1975.

10 "And later he disappeared and we didn't know where he had gone.  
11 Then I was told he had been brought to Tuol Sleng Prison in order  
12 to be killed there."

13 We found two lists from that era which contain her husband's name  
14 and before presenting these two lists and showing them on the  
15 screen, I would like to cite the number associated with the entry  
16 of the civil party's husband into the lists of the OCIJ, number  
17 8,418.

18 And I will be presenting two prisoners' lists beginning by the  
19 list E3/10234, ERN 01016657. If we could have the document? And  
20 you will see in this document that Van Nguon was aged 23 years  
21 when he entered S-21 on 20 March 1978; that he came from the  
22 Southwest; that he was a "Yuon" from Kampuchea Krom.

23 The second list concerning Van Nguon, is E3/10234. This is a list  
24 of prisoners, which entered S-21 on 20 March 1978, and which  
25 contains additional information because we learn there that Van

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1 Nguon worked in the fields -- working at the fields.

2 And now, I will go to the second civil party, Keo Kim Horn, who  
3 joined as a civil party following the death of her husband, Thach  
4 Nuon. And when she joined as a civil party, she said the  
5 following in document E3/5089; Khmer, ERN 00907563; English,  
6 001312564; French, 01312566.

7 [15.29.53]

8 "My husband was Thach Nuon <who> was a <primary school> teacher  
9 <in> Chaktomuk, Phnom Penh. We had five children, one daughter  
10 and four sons."

11 And we find Thach Nuon's name on the list of the OCIJ at entry  
12 number 12,544, and this list allowed us to identify documents  
13 from the period, including two prisoner lists which are going to  
14 be displayed to you on the screen right now.

15 The first list that gives us information on the entry date of  
16 Thach Nuon at S-21 and the second list gives us the <date> Thach  
17 Nuon <was smashed> at S-21.

18 [15.30.56]

19 And I'm going to start with the first list, E3/10453, where you  
20 can see at entry number 64 that was circled in red, Thach Nuon's  
21 name, that is to say, the husband of the civil party. And we  
22 learn that he comes from Phnum Srok; that he entered S-21 on 13  
23 February 1976.

24 And then document E3/10507, which is another S-21 list from that  
25 period, we learn that that very same person who was a teacher



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1 from Phnum Srok, was smashed on 23 May 1976.

2 Another civil party, who joined following the death of one of her  
3 loved ones at S-21, Seang Vandy. This civil party lost her  
4 brother, <Seang> Phon, at S-21, and I would like to read out an  
5 excerpt from her <civil party petition> so that we may get to  
6 know more about her brother.

7 I'm going to read an excerpt from document E3/5888; at the Khmer  
8 ERN, 00211315; English, 00234586; French, 00234700. Seang Vandy  
9 says the following:

10 "In 1974 my two <younger> brothers, Seang <Phat, born in 1950,  
11 and Seang Phon, born in 1954, were conscripted into> the Khmer  
12 Rouge army. Their home town was Khsach Tob <village>, Chrouy  
13 Banteay sub-district, Preaek Prasab district, Kratie. <From that  
14 point in time, until 7 January 1979, they did not return home>. I  
15 had <no information> about them until 2006. <Late 2007, a friend  
16 of my brothers' showed me a publication. This publication  
17 featured> a biography and <a> photograph of Seang Phon."

18 [15.34.14]

19 The name of this civil party's brother is listed on the OCIJ list  
20 at number 6,627. And we have two documents to show to you. The  
21 first document is a list of prisoners from S-21 and the second  
22 document is the cover page of Seang Phon's confession at S-21.  
23 And the first document, E3/9951 at entry number 20, mentions this  
24 brother's name, Seang Phon. He was 25 years-old. He entered S-21  
25 on 4 October 1977, and he was a member of Battalion 701. And the

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1 cover page of his biography, which we can find at E3/3648,  
2 provides us with complementary information. He was a member of  
3 Battalion 701 of Division 174.

4 [15.36.00]

5 Another civil party, and another relative who died at S-21, this  
6 is civil party Chum Noeu, who lost her husband, Nou Samoeun. And  
7 this is what she explains in her civil party application at  
8 E3/4670; at Khmer, ERN <00211374>; English, 00239756; French,  
9 00250006.

10 And she says that on 9 August 1977, her husband, Nou Samoeun was  
11 detained at Tuol Sleng. Her husband is at number 5,747 on the  
12 OCIJ list and his name was found in two lists from the period,  
13 which I would like to show to you now; starting with document  
14 E3/9954, where we can see the name of Nou Samoeun as the first  
15 entry. He was 29 years-old and he entered S-21 on 30 July 1977.  
16 The second document, E3/8591, contains at entry 61 the name Nou  
17 Samoeun and we are informed that he was a combatant within K-62.  
18 Martine Lefeuvre also joined as a civil party before this Court,  
19 following the psychological harm she suffered following the death  
20 of her husband, Ouk Ket. Her husband was the third secretary of  
21 the Embassy of Cambodia in Senegal and she joined as a civil  
22 party through document E3/4682.

23 And we have two documents regarding Ouk Ket. And I'd like to let  
24 you know that the second document is the document regarding,  
25 which I sent an email <about> this morning to know if there was

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1 any kind of objection to the fact of presenting this list that we  
2 hadn't identified before this morning.

3 [15.39.36]

4 So, Ouk Ket is at entry 4,612 of the list from the OCIJ, and we  
5 would like to show two lists from the period, two S-21 lists,  
6 which tell us about the entry date and the execution date of Ouk  
7 Ket.

8 And I would like, also, to show first document E3/9646 (sic),  
9 where you can see at entry number 3 of this document called "List  
10 of Prisoners Entered on 15 July 1977". At entry number 3, you  
11 therefore see Ouk Ket's name, his age -- he was 31 years-old when  
12 he was detained at S-21 and we also see that he came from the  
13 Ministry of Foreign Affairs and that he was the third secretary  
14 of the Embassy.

15 Document E3/7210, includes Ouk Ket's name at entry number 43 and  
16 this list is titled "Names of Prisoners Smashed on 9 December  
17 1977".

18 [15.41.50]

19 The last civil party regarding whom we would like to present  
20 documents that seem important to us and to which we would like to  
21 draw the Chamber's attention is Ou Yat, who lost a relative named  
22 Tuon Sayen. Ou Yat joined as a civil party and I would like to  
23 read an excerpt from document -- from the Supplementary  
24 Information document, which will allow us to understand who this  
25 person was. This is document E3/6013A; Khmer, ERN 00581945;

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1 English, 00850666. French translation was requested but the  
2 translation is not yet available.

3 In this Supplementary Information sheet, Ou Yat, the civil party,  
4 indicates that she would like to forward to the Chamber Tuon  
5 Sayen's biography, who was a 31 year-old man and who was detained  
6 on 21 January 1977 at Tuol Sleng. And he was her mother's cousin.  
7 This name was found on the list that was compiled by the OCIJ.  
8 And his name is at entry 12,897 and we have three documents to  
9 show to you.

10 [15.43.58]

11 The first, which is the biography, E3/6013A, which is the  
12 document that Ou Yat forwarded to the Chamber and on which we can  
13 see the photograph of Tuon Sayen.

14 And then we have document E3/2266, which is a prisoner list from  
15 S-21, where you can see Tuon Sayen's name and his alias At.

16 And, finally, document E3/2001, which also shows at entry number  
17 12, that Tuon Sayen, alias At, who was a painter and who was  
18 detained at S-21.

19 Mr. President, I am done with my presentation of key documents  
20 and thank you very much for your attention.

21 [15.45.55]

22 MR. PRESIDENT:

23 Thank you, Lead Co-Lawyer.

24 It is now time for the adjournment today, and the Chamber will  
25 resume the key documents hearing on Tuesday, 16 August 2016, at 9

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1 a.m. And on Monday, 15 August 2016, the Chamber will continue to  
2 hear the Victim Impact Statements and Injury which were inflicted  
3 upon civil parties during the DK in relation to security centres  
4 and internal purges. Therefore, you are all invited to be here on  
5 time next week.

6 Security personnel are instructed to bring the two accused, Nuon  
7 Chea and Khieu Samphan, back to the ECCC detention facility and  
8 have them returned into the courtroom on Monday before 9 a.m.

9 The Court is now adjourned.

10 (Court adjourns at 1547H)

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