



**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 - KAING GUEK EAV "DUCH"**

**PUBLIC**

Case File N° 001/18-07-2007-ECCC/TC

24 June 2009, 0901H

Trial Day 33

Before the Judges:

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
JUDGE LAVERGNE	French
MR. SMITH	English
JUDGE THOU MONY	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	French

1

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

2 [9.01.33]

3 (Judges enter courtroom)

4 MR. PRESIDENT:

5 Please be seated. The Trial Chamber is back in session for  
6 today, and this morning and tomorrow we will conduct the hearing  
7 on the facts on the operation of Prey Sar, which is part of S-21,  
8 and before we begin our program I would like to remind the  
9 parties to these proceedings, please be informed that at the  
10 request of the interpreters, requesting all of you to you use  
11 your effort to speak more slowly so that the interpreters could  
12 provide accurate, clear interpretations, so that the Trial  
13 Chamber and the conduct of the hearing and the transcript should  
14 be recorded properly and accurate.

15 In addition to that, I have a concern that I am the one who on  
16 the request for the fast speakers, so some of the parties were  
17 mentioned by the name to speak more slowly so that we can go  
18 smoothly.

19 The security officer, please bring the accused to the dock.

20 Please, Mr. Co-Prosecutor, the floor is yours.

21 MR. SMITH:

22 Good morning, Mr. President, Your Honours, Counsel.

23 Your Honour, just a brief administrative matter. After the trial  
24 management meeting yesterday -- or during it -- you advised us  
25 that the witness phase of the case will start on Monday, and you

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1 also advised us that we had one hour of questioning with the  
2 accused and similarly with the other parties.

3 I would ask that after the questioning of the Trial Chamber  
4 today, whether it was possible that the questioning start  
5 tomorrow morning from the parties' perspective, and the reason  
6 why I ask that is, as Your Honours have rightly done and we  
7 welcome that, you've provided the parties fairly strict time  
8 constraints with questioning. And as it's the last phase of this  
9 case, I would ask that we be able to review Your Honours'  
10 questions so that we don't ask repetitive questions tomorrow  
11 morning. That's a brief request.

12 [9.05.00]

13 MR. WERNER:

14 And, Your Honours, if I can at least, on behalf of my group,  
15 support that request because, again, you gave only one hour for  
16 civil parties on that topic, so that will require some  
17 co-ordination on our side. So we would be grateful if we could  
18 have some time to review. We would be ready tomorrow morning if  
19 you do finish today, but we would request not to start today, if  
20 possible. We are grateful.

21 MR. PRESIDENT:

22 The Trial Chamber takes note of this request and we consider that  
23 the proposal is appropriate and sustained, so that you can  
24 prepare your question to avoid repetitive questions and some  
25 questions that might not fall in the facts discussed, and we will

3

1 spend less time and straight to the point.

2 The Trial Chamber made its study on these facts and one day for  
3 this fact would be sufficient for the questionings because the  
4 facts, it is a part of the S-21 but it is limited when we look  
5 into the Closing Order. The Trial Chamber, as mentioned today,  
6 it may be we can use only one day for this fact but, in fact, it  
7 might be not even one day or one morning or a little bit in the  
8 afternoon. And for today and tomorrow we will focus on these  
9 facts and we keep the next week for the hearing of the survivors,  
10 so that we have enough possibility to proceed with these facts.  
11 So we decide to receive your request.

12 QUESTIONING BY THE BENCH

13 BY MR. PRESIDENT:

14 Q.The accused, once again, the Trial Chamber would like to  
15 inform you that the Trial Chamber will question you about the  
16 facts at Prey Sar, called S-24, and about its establishment and  
17 the operations. This is the subject for today's hearing.

18 [9.08.15]

19 Mr. Kaing Guek Eav, was Prey Sar a part of S-21 in Phnom Penh?

20 A.Mr. President, S-21, since I became the Chairman, there were  
21 three places. The first was S-21 in Phnom Penh; second, the  
22 killing field at Choeung Ek; the third, it was the re-education  
23 place at Prey Sar.

24 In the past when Nat was the chief, he called it S-24 for Prey  
25 Sar. I agreed with the Trial Chamber to use the term, the name

4

1 S-24 as Prey Sar, but I would like to confirm that it is a  
2 section or part of S-21. It is under my supervision. That's  
3 all.

4 Q.The real name of Prey Sar, so we call it by its name at the  
5 time; what was it?

6 A.Mr. President, the name recognized by the Standing Committee  
7 of the Central Party, it was called -- the three places it's  
8 called S-21, including the S-21 at Phnom Penh, at Choeung Ek, and  
9 the re-education camp at Prey Sar. But in the internal affairs  
10 of S-21, Nat called it as S-24 and I also recognize S-21 as Prey  
11 Sar, but it is under my control. It was absolutely under my  
12 control. That's all.

13 Q.So it means that the security office S-24 or Prey Sar was  
14 established in the same time of S-21. Is that true?

15 A.Mr. President, it is true.

16 [9.11.25]

17 Q.You said a while ago that you were the Chairman for all  
18 places, including the re-education place at Prey Sar, S-24. Do  
19 you remember and can you tell the Chamber about the structure --  
20 the regimen structure at office S-24 or Prey Sar?

21 A.Mr. President, at the beginning I would like to tell you that  
22 S-21 was created -- when Nat created security office for Division  
23 703, Neou Phan alias Sokh was purged. A number of people who  
24 were not decided by the Party were sent to Prey Sar for  
25 re-education so it continues since then.

5

1 When S-21 was officially created and when I became the Deputy  
2 Chief of Prey Sar, it was also under my supervision in my  
3 capacity as a Deputy. And when Nat was there as the Chairman,  
4 Comrade Huy -- his former name is Nun Huy -- was one of the  
5 member of the S-21 Committee.

6 At that time, Nat assigned one person to be responsible as a  
7 deputy of Nun Huy. His name You Pengkry alias Mon at Prey Sar,  
8 but later Comrade Mon alias You Pengkry was purged and only  
9 Comrade Huy was there.

10 In addition to that, every now and then I asked Comrade Phal to  
11 help the work of Comrade Huy, so the one who was always there on  
12 my behalf and on the behalf of the S-21 committee at Prey Sar was  
13 Comrade Hor. And the three of us, we worked together and we  
14 implemented the Party policy against the enemy and re-education  
15 at Prey Sar.

16 That's all I can tell you, Mr. President.

17 Q.When you were the chief of -- also the re-education camp at  
18 Prey Sar, did you know the size and the geographical area under  
19 your control? And so why were -- or from that place they said  
20 that -- and if we look into the place that they live, it seems to  
21 be far from Prey Sar so one of the survivors said that he was  
22 from Krapeu Har Pagoda and it was part of Prey Sar. What can you  
23 say about the geographical area of Prey Sar at that time?

24 [9.15.40]

25 A.Mr. President, I do not know about the existence of that

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1 pagoda, but when I went to Prey Sar, I went to the house of  
2 Comrade Huy next to the edge of the stream named Long Kam. One  
3 time I went there, I met Comrade Huy who was planting the sweet  
4 potatoes at that time and Baku was not in Prey Sar centre; it was  
5 belong to Division 703.

6 I can describe briefly the geography when I went there. When you  
7 are talking about rice paddy and rice field, it had a small rice  
8 paddy; it had the same size of rice paddies for tailors unit.  
9 There was a map at the general staff, but I could not find that  
10 map, but the area was not so large. You are talking about that  
11 pagoda, but I don't know whether it was part of Prey Sar. That's  
12 all.

13 Q.On Long Kam and the former Prey Sar Prison, how far from Prey  
14 Sar it was?

15 A.Mr. President, talking about the distance estimation, I could  
16 not make that estimation, but it is far. One is to the south;  
17 another one is at the northeast. I could not make estimation,  
18 but it's not more than 10 kilometres. It was about -- it's the  
19 maximum maybe 5 kilometres from each other. That's all I can  
20 tell you.

21 Q.Thank you. At that time, the former Prey Sar Prison from the  
22 old regime, did you use in any purpose for the Prey Sar  
23 re-education centre?

24 A.Mr. President, the former Prey Sar Prison, we did not use it.  
25 Personally, I went to

7

1 see some souvenir that I was detained there. There was nothing  
2 that we use, nothing there, and myself and S-21 Committee  
3 members, we decide not to use the former prison of Lon Nol's so  
4 we abandoned. Why did we decide that? Because we do not have  
5 waters. This is the most important thing. That's all I can tell  
6 you, Mr. President.

7 [9.19.15]

8 Q.Can you tell the Chamber what were the important roles of the  
9 re-education centre of Prey Sar? What were the roles and  
10 missions?

11 A.Mr. President, the main roles and function and the most basic  
12 function were to keep the combatant who have problem or trouble  
13 who were almost arrested for detention or interrogation and  
14 torture and smash, but they did not make that final decision and  
15 they send those combatant there. They call the "element units"  
16 as called at that time. That's all I can tell you briefly, Mr.  
17 President.

18 Q.What about the regime of making reports; that is the reporting  
19 of the activities of the re-education centre? Was the report  
20 directly sent to the upper echelon or the report had to go  
21 through you and then you would report to the upper echelon or to  
22 the Standing Committee or to your superior, Son Sen, and later  
23 on, Nuon Chea?

24 A.Mr. President, the unit of elements was designated by the  
25 Standing Committee. They lose their rights as civilians, so the

8

1 decision to smash was made halfway already. And the order was  
2 made to the S-21 committee and actually it was delivered to the  
3 committee of the 703 Division.

4 Every day Comrade Huy sent me the report on the number of  
5 elements who were sick and for those who could work, particularly  
6 regarding the incidents. Comrade Huy would report to Comrade Hor  
7 and that practice was done before even when I became the  
8 chairman. So this is about the authority.

9 [9.22.50]

10 If we compared Prey Sar to the M-13B, it was different. At M-13B  
11 people would be detained for one week just as a deterrent and  
12 then they were released, but the situation was different at Prey  
13 Sar. Since its establishment, the unit of elements were never  
14 transformed into the ordinary civilians or combatants again.

15 This is my response, Your Honour.

16 Q.You stated the important roles of the re-education centre at  
17 Prey Sar, that is to re educate the male and female youths who  
18 made an offence and the offence was decided halfway towards the  
19 smash.

20 However, in the case file there were other types of people who  
21 were kept at the re education centre at Prey Sar. Can you  
22 describe the other elements of people who were sent to Prey Sar  
23 for re-education?

24 A.Mr. President, the other elements who were sent for  
25 re-education, for the first batch it was just an experiment and

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1 there were about 30 or 30-plus of them. At that time my  
2 superior, Son Sen, brought the combatants from the East Zone to  
3 try to experiment on the re-education and that happened once.  
4 They were from the tanks unit.  
5 So after one month he instructed me to release them and to have  
6 them into the tanks unit which was newly established, and I  
7 implemented his decision. So that was the first experiment for  
8 those who were the elements outside the 703 Division.

9 [9.25.40]

10 However, based on the surviving document, it is shown that the  
11 elements from Office 62 and Office 63, from the logistics office  
12 from the General Staff, Comrade Sokh, or Sin Dara, who was the  
13 secretary of the secret force in Phnom Penh, so his group and his  
14 relatives were also sent by my superior, including May Lon, and  
15 his relatives were also sent to Prey Sar. May Lon and Comrade  
16 Sokh and his wife were smashed.

17 So this is in the surviving document. Before there was a measure  
18 on them an order needed to be sought from him. This is from my  
19 recollection and because I saw that document I could say that the  
20 people entered Prey Sar was originally the members of the 703  
21 Division, but then later on, based on the surviving documents,  
22 then members of the General Staff were also sent there.  
23 There might be other members of other units who were sent there,  
24 even from Phnom Penh, but I am not clear. If there are surviving  
25 documents to show, then I can confirm that. However, I could say

10

1 that no member or element from the countryside were sent to Prey  
2 Sar. It might be possible that members from various units in  
3 Phnom Penh were sent to Prey Sar but mostly maybe the units from  
4 the Centre Army.

5 There were nine divisions within the Centre Army and three  
6 regiments. So probably the people or the elements at Prey Sar  
7 might have come from those units. This is just my conclusion,  
8 Your Honour.

9 [9.28.05]

10 Q.However, we also saw some elements; for example, family  
11 members of the subordinates who were arrested and sent to S-21,  
12 who were the former S-21 staff. Some of them were brought there,  
13 including the rest of the family members. So sometimes, based on  
14 the documents, the husbands were sent to S-21 and smashed and the  
15 family members were sent to Prey Sar. And sometimes also the  
16 subordinates were also sent to Prey Sar. Were there such cases?

17 A.Mr. President, I cannot deny it. If there are any surviving  
18 documents, it would be beneficial to read the documents.

19 However, from my recollection, the important cadres, for example  
20 Vorn Vet when he was arrested, Brother Vin was also arrested --  
21 that's his wife -- and also his children. So I cannot make any  
22 conclusion as which cadres would be delivered to me by the  
23 superior for the detention at S-21 in Phnom Penh and who else  
24 would be sent to Prey Sar -- I mean the family members of those  
25 who were arrested and detained at S-21.

11

1 Q.The people who were sent for re-education at Prey Sar, were  
2 there women and children?

3 A.Mr. President, the people who were sent for re-education at  
4 Prey Sar, from my recollection, initially they were the male and  
5 female combatants from the 703 Division. So they were purely  
6 male and female combatants. And the supervising cadres there  
7 only had a wife -- that is You Pengkry, alias Mon -- so that was  
8 what happened at the time.

9 And about the 160 children in the list written by Comrade Hor  
10 were the children who were separated from their parents in Phnom  
11 Penh and they were kept temporarily in Prey Sar.

12 Q.The women who were kept for re-education in Prey Sar, were  
13 there any pregnant women?

14 [9.31.30]

15 A.Mr. President, when I was the chairman of the overall S-21 I  
16 did not have the figure but, based on the surviving documents,  
17 yes, there were some pregnant women kept there.

18 MR. PRESIDENT:

19 The Court official, can you take this document to show it to the  
20 accused?

21 The Co-Prosecutor, can you project on the screen document ERN, in  
22 Khmer, 00007270? Can you do that?

23 The audio and visual unit, can you link the Co-Prosecutor's  
24 computer to the main screen? The audio and visual unit, please  
25 link the screen to the computer screen of the Co Prosecutor.

12

1 The Court official, can you have this document to be projected on  
2 the slide? First project the first document.

3 MR. SMITH:

4 Your Honour, there seems to be some technical problem. We've  
5 been advised by the IT section that next week they'll improve the  
6 situation so we don't have to pull out the plug and place it back  
7 in again. But it appears it's just arisen on the screen.

8 [9.35.50]

9 MR. PRESIDENT:

10 Can you see the document on the screen? Because here on our  
11 screens we do not see anything.

12 BY MR. PRESIDENT:

13 Q.The document which is being projected on the screen that is  
14 with the ERN 000727 -- 7072, my question to you is do you  
15 acknowledge that this is the document from the re education  
16 centre in Prey Sar and that the annotation is yours?

17 A.Mr. President, in this document there are annotations from two  
18 people; that is Huy's annotation in his report to me, talking  
19 about the father and the mother and the siblings of contemptible  
20 Sokh, and later on he talks about the owner of the (inaudible)  
21 who were about to go to Battambang.

22 Q.I do not want to know the details. What I want to know is  
23 whether you acknowledge that this is the document coming from  
24 S-21 and of the re-education centre in Prey Sar?

25 A.Mr. President, I acknowledge this is the document of S-24 and

13

1 I annotated on this document.

2 [9.37.40]

3 MR. PRESIDENT:

4 Court official, can you show the second document on the screen?

5 THE ACCUSED:

6 You can see the one with the red circle. It said that the  
7 pregnant ladies were about to deliver and there were eight of  
8 them.

9 BY MR. PRESIDENT:

10 Q.Do you acknowledge this is an appropriate document? Because  
11 just then you acknowledged the first document, that it was the  
12 document from S-24 with your annotation, and this is the second  
13 document.

14 A.Mr. President, this is also a document belonging to S-24.

15 Q.So you acknowledge that the people supervising S-24  
16 acknowledged that there were also pregnant women?

17 A.Mr. President, this is true.

18 Q.Can you complete your answer?

19 [9.39.05]

20 A.Mr. President, this is a document verifying that there were  
21 pregnant women, and also the original elements of those who were  
22 sent to Prey Sar, including the medical transport unit, the water  
23 unit in Chamkar Mon and those from various divisions, and one  
24 person from the Energy Ministry. So there were various elements.

25 MR. PRESIDENT:

14

1 Court official, you can now remove the document from the slide.

2 BY MR. PRESIDENT:

3 Q.Can you tell the Chamber the form or the process of sending  
4 people who were the family members of the people who were  
5 arrested and sent to S-21 and smashed? What was the process of  
6 sending those people to Prey Sar and how was it done?

7 I think there are two ways; one is those people were already sent  
8 to S-21 but they were not entered yet. Only the people who were  
9 to be kept in S-21 were kept there and then the family would be  
10 sent to S-24 or, alternatively, the husbands would be sent to  
11 S-21 and their family members would be sent directly to S-24  
12 without going through S-21. Can you explain it to us?

13 [9.41.15]

14 A.Mr. President, based on my assumptions, I was not -- I'm not  
15 very clear. It may be that the husband was arrested and sent for  
16 a day or two and later the wives were arrested later and sent to  
17 the place marked "R", and the security sent them to Prey Sar.  
18 Why I made this assumption because I remember one of the cases.  
19 It is Vorn Vet. The Standing Committee arrested Brother Vorn at  
20 the Office of the Central Committee on the 2nd of November 1978.  
21 About one day or two days later, they arrested the wife of Cheng  
22 On and Vorn Vet's wife at Suramarit Buddhist Institute and sent  
23 to the place marked "R". And if anyone would send to Prey Sar,  
24 they need to first arrive at the placed marked "R", which is now  
25 called the Beehive radio station.

15

1 So this is my conclusion on that case. That's all I can tell,  
2 Mr. President.

3 Q.Now, talking about the working conditions, can you tell the  
4 Chamber about the aspect and the working conditions and the  
5 living conditions of those who were kept at the re-education  
6 centre?

7 A.The management and the supervision of those who were kept  
8 there, there was a strict management. During the day's work they  
9 were also guarded. The security was not armed, but I did not  
10 went there personally; I did not witness that. However, those  
11 who guarded those people who were there, together with other --  
12 those people, and those who had a problem, they stayed in a  
13 separate house and the combatant who guarded were staying in a  
14 separate house, but they bear the guns.

15 But for those who have a problem and have to stay separate,  
16 sometimes Comrade Huy arrested and kept there a night or two  
17 before sending to Phnom Penh, or he detained there two or three  
18 nights and later released. But for anyone to be sent to Phnom  
19 Penh, he had to have my decision from me so that he can send to  
20 S-21 or directly to Choeung Ek, based on the offence they  
21 committed. That's all I can tell you, Mr. President.

22 [9.45.05]

23 Q.Just now, you said that those who were supervised or managed;  
24 can you tell us who were the ones who kept at S-24 so they call  
25 that -- that group was called prisoners or what were they called?

16

1 Or just the ones who were under your supervision or those who  
2 received re-education? Was there any particular term for that?  
3 At S-21 they were called as prisoners, but for those who were at  
4 Prey Sar, did you call them as prisoner or what was the term used  
5 to refer to those people kept at Prey Sar?

6 A.Mr. President, the term used, it is country-wide used for  
7 these people. They call them as people with some elements;  
8 elements people. One of the surviving documents -- and I  
9 received the document -- it is the statistics of the General  
10 Staff, ERN 000523319. In this document on line number 13 it  
11 reads:

12 "Office S-21, there were 2,327 not including the elements."  
13 And the notes on the bottom of the page, it reads the statistic  
14 of the force surrounding Phnom Penh, there were 30,600; the  
15 statistic for -- there were 43,810 of them. So the elements unit  
16 kept at S-24, there were 1,300 of them.

17 The term used across the country, recall it's the "elements  
18 unit". It means that it's not clear that they were friend or  
19 enemy. Sometimes, they slashed us in their capacity as enemy.  
20 In some cases, they were loyal to us, so this is we called the  
21 elements unit or people in the elements units. Thank you.

22 [9.48.30]

23 Q.Can you tell us, or did you know, about the assignment for  
24 people to supervise those people at S-24? So how did that work  
25 about especially those who need to supervise those elements unit

17

1 or people in those element units? How did it work at that time?

2 A.I did not prepare as a list but, in general, I can tell you as  
3 follows.

4 They were divided into three different groups based on the true  
5 nature and the stance of those people. One group, which was  
6 considered better or good; another one is fair; and another group  
7 was the group that may cause any harm to us. So I would like to  
8 tell you that based on my conclusion, based on my understanding  
9 on the Party line, I can tell you this information.

10 Q.The divisions of the category of people based on the target or  
11 the elements under the supervision of Prey Sar, what was the  
12 purpose of that division?

13 A.Mr. President, firstly, the first purpose to manage them to do  
14 the work, and they can reveal themselves in the working and the  
15 respect of the regulation in the group, in the platoon, and they  
16 had to follow their superior. This is one of the purposes, the  
17 main purpose. It's the only purpose to have them work hard for  
18 the benefit of the Party, for the production of rice. And they  
19 had to learn to follow the superior and not to be rude or not to  
20 oppose the Party in any case whatsoever. This is the main  
21 purpose of the division of the group of people.

22 [9.51.40]

23 Q.The consequence of the division of the three categories of  
24 people at S-24, or Prey Sar -- were there any impact that  
25 signified any other harder work or any severe condition of

18

1 working or food for the type -- you say good, fair and not good  
2 element groups?

3 A.Mr. President, I was not there personally but I can tell you  
4 that the division in the food ration, it was not important but  
5 the more important is about the spy against those people because  
6 the third element that we consider as the bad element, in some  
7 cases they can cause harm to us, so there was a stick spy or  
8 monitoring, and the decision to remove these people to be  
9 detained at Phnom Penh, it's more easier to make decision. It  
10 does not need careful decision to do that. So based on my  
11 recollection I can tell you about this.

12 Q.Thank you. Another question.

13 The division into three categories of people; was there any  
14 change during the operation? For example, for the people in the  
15 good group, if anyone committed any mistake was sent to any not  
16 so good or to the worst group, to the second or the first group  
17 because they build up themselves?

18 Was there any criteria to move people from one group to another?

19 A.There might be a case but from the good categories some more  
20 people were changed from one to the second and to the third, but  
21 from the second and the third group to the first, it's very few  
22 of them; and more people from the third group to Phnom Penh and  
23 Choeung Ek.

24 Q.Talking about working hours, can you remember and tell us  
25 about the working hours for doing the work there? Because they

19

1 were all had to work from day to day, so can you tell us about  
2 that?

3 [9.54.50]

4 A.Mr. President, they did not do any other business rather than  
5 the rice productions, so when the harvesting ends they need to  
6 dig the canals and rice paddy dikes, and they need to grow the  
7 vegetables and sweet yam in addition to the production, and they  
8 need to supply to the units. The main works were rice  
9 productions and the growing of the cassava and sweet yam and also  
10 raising animals to support the units at the centre. This is  
11 about their works.

12 And talking about working hours -- at least eight hours a day.  
13 So it is the minimum and sometimes they need to wake up in the  
14 early morning when there is a strong offensive doing the job.  
15 That's all I can tell you.

16 Q.Was there any night work for them?

17 A.Yes, Mr. President. When there is a full moon night, night  
18 work were required.

19 Q.Were there any holidays within a week or within ten days, or  
20 the work continued without any break or holidays?

21 A.Mr. President, so from the beginning there was a break, a  
22 one-day break per ten days, but later every one of us, including  
23 me, we did the work every day and also the cadre like me had to  
24 do the work every day. That's all I can tell you.

25 [9.57.15]

20

1 Q.At that centre were there any animals as a driving force for  
2 ploughing and for transportation? If yes, how many were there at  
3 that time?

4 A.Mr. President, yes, there were very few of that driving force  
5 animals. When we needed to do the ploughing we needed to use  
6 hoes to dig the ground in the rice paddy. Most of the time most  
7 units, combatant units, used the hoes to dig the rice paddy  
8 instead of ploughings. That's all I can tell you.

9 Q.Was there any arrangement for ploughing that people were used  
10 as a driving force like animals at that time?

11 A.I cannot say no, but there is some unit in Phnom Penh. They  
12 used that practice but if yes, there were a few cases only.

13 Q.Talking about the strictness of the discipline or the  
14 regulation for those who were in the elements unit, or those  
15 under the supervision, did they have the right to move around in  
16 the territorial area of S-24? Could they move out of the area  
17 that they were kept?

18 A.Mr. President, nobody had the authority to authorize anyone to  
19 leave outside the unit. That was the common practice.

20 In Phnom Penh, I just give you an example, the interrogation  
21 cadres who were strictly forbidden to leave their unit or to talk  
22 to other people in various units regarding the importance or the  
23 essence of documents -- and for those in Prey Sar they had no  
24 authority to walk or to move to various other units.

25 The Secretary of S-24 had no authority to allow anyone to leave

21

1 the compound. However, they could talk to other elements within  
2 the compound although they might be in other units. They could  
3 only talk to their workmates but they could not talk to the rest.  
4 So their right of movement was restricted. Their freedom of  
5 speech was also restricted only to those within their units.  
6 It was just a small chit-chat, and they could only talk in  
7 details when it comes to the criticism meetings in the evening.  
8 So I say again, in general, at both locations at S-21 and S-24,  
9 the right of movement was restricted.

10 [10.01.30]

11 Q.Let me clarify it. So it's for both the S-21 staff in Phnom  
12 Penh and the re-education centre at Prey Sar, both staff were not  
13 allowed to communicate easily; so there was a clear restriction.  
14 And, secondly, they were not allowed to take leave, for example,  
15 to go and visit their parents. Is this correct?

16 A.Mr. President, they were not allowed at all to go and visit  
17 their parents at their home town.

18 Let me just say it frankly. Even I, myself, never had the  
19 authority to seek for leave from my superior to visit my mother.

20 I never went to Stong; I only went there once after my marriage  
21 when I accompanied my mother to go back.

22 So in the entire unit when I, myself, behaved like that, nobody  
23 else would dare to behave differently.

24 Q.At S-24 security office or Prey Sar, was there a medical unit  
25 for the treatment of the sick? If so, what was the medical

22

1 service like?

2 A.The medical health at both locations, at S-21 and S-24, was  
3 almost non-existent. As I already reported to the Chamber,  
4 initially, there was a medic, Comrade Sith. Later on he was  
5 removed, replaced by Comrade Try. And after Try was removed it  
6 was hardly to have any medic.

7 Even I, myself, when I got sick, I had to seek assistance from  
8 the two medics from the prisoners; one was the nephew of Nuon  
9 Chea, Than, and another person from Soviet, Hak Phadet.

10 [10.04.10]

11 So, in conclusion, not even in S-21 in Phnom Penh, the health  
12 service was very restricted. I did not think about a further  
13 training to provide the medical service.

14 This is my response, Your Honour.

15 Q.What about the pregnant women? From the document I've just  
16 shown, there were eight pregnant women who was almost due for the  
17 delivery and the report was in '77, November. So what happened  
18 to them? How did they deliver the babies? Were there midwives  
19 with such scarce medical resource?

20 A.Mr. President, for the pregnant women who were to deliver and  
21 who were in the units of elements, they had no authority to go to  
22 deliver the babies at the state hospital outside. They had to  
23 deliver the babies within the compound of S-21. I was not sure  
24 about the midwives, could be May who learned some techniques  
25 before or it could be just a traditional midwife.

23

1 As I said, I did not pay much attention to the medical service,  
2 neither for my staff and unit nor for the unit of elements. And  
3 for some wives of the cadres when they were sick, I sent them to  
4 the state hospital. So it was my mistake not to consider to  
5 provide the medical service.

6 Q.What about the food ration, what was it like? You said people  
7 were categorized in three categories, the serious, the medium and  
8 the lesser serious group, in order to monitor the activities  
9 based on the groups. And you also said the second group could  
10 join the -- could move into the third group, but then the third  
11 group can never move up to the second or the first group.

12 And the question is, the food ration for them, comparing to the  
13 prisoners at S-21 in Phnom Penh, was it the same or was it in a  
14 better ration?

15 [10.07.30]

16 A.Mr. President, talking about the food ration for the unit of  
17 elements, it was better. The food rations for the prisoners in  
18 Phnom Penh were less than those at the unit of elements in Prey  
19 Sar.

20 If you talk about the medical service for those elements, it was  
21 also better than the medical service for the prisoners detained  
22 in Phnom Penh, however, for some important prisoners with  
23 important confessions, the medical service was better than the  
24 rest. It was an exception in order to complete the confession.

25 So for some people in Phnom Penh, the food ration and their

24

1 medical service was less than those people at Prey Sar.

2 Q.At the re-education centre in Prey Sar, was there any

3 establishment of units such as interrogation or torture team?

4 A.Mr. President, from what I can recall, no, there was no such

5 establishment. Why? Because if they were interrogated there

6 then who would bring the confessions to me for the annotation,

7 and who were the interrogators there and who would appoint them?

8 So I did not believe there were interrogations or torture at Prey

9 Sar without my authorization.

10 [10.09.25]

11 Q.However, there are testimonies of the survivors who said for

12 the third group they had received the interrogation and torture,

13 including the beating-up and electrocution.

14 In the agreed facts for Prey Sar in paragraph 232, at Prey Sar

15 the guards beat the prisoners up and scold the prisoners when

16 they were sick and could not work, and you did not contest to

17 that.

18 Also at paragraph 233, in one room in Prey Sar, the male and

19 female prisoners were interrogated by electrocution and you did

20 not contest.

21 And for paragraph 234, those people who were sent to Prey Sar,

22 when they came their heads were shaved and they had their skin

23 flayed from the application of electric shocks by the

24 interrogators, and you did not contest to the facts.

25 So these are the agreed facts between you and the Co-Prosecutors

25

1 and this is contradicting to what you just stated. At that time  
2 you did not contest. What is your opinion on what I have just  
3 read on the agreed facts regarding the Prey Sar in point 232, 233  
4 and 234?

5 A.I would like to clarify that the interrogation might have  
6 happened, however, it would have happened without my appointment.  
7 It's possible that Comrade Huy asked others to interrogate before  
8 they were sent to S-21, and the electrocution was a separate  
9 matter. I do not believe there was such incidents there because  
10 there were limited generators.

11 So, in conclusion, the interrogation there might have happened.  
12 If it did, it was without my authorization and, in addition,  
13 there were no reports or confessions sending to me for  
14 annotation. So I do not contest to the possibility that Comrade  
15 Huy might have done this without my knowledge.

16 [10.12.50]

17 Q.At the re-education centre at Prey Sar, were there Prey Sar  
18 staff who were disciplined and included in the unit of elements  
19 under the supervision of the Prey Sar staff?

20 A.Mr. President, the people who re-educated them to supervise  
21 them, if they made another mistake or offence they would not be  
22 included into the elements. For serious offence, it would be  
23 reported to the upper echelon and they would be brought to Phnom  
24 Penh.

25 Q.The people who were arrested and sent to S-21 in Phnom Penh,

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1 including those who were directly sent to Choeung Ek, also that  
2 included the staff of the re-education centre in Prey Sar and  
3 those people within the unit of elements, altogether how many of  
4 them? Can you provide a rough estimate?

5 A.For those elements who were interned into Phnom Penh, there  
6 were more than 100 of them. So in total within that three-year  
7 period, there were more than 100 of them. Separately, for the  
8 staff of the combatant unit supervising the work in Prey Sar,  
9 there were less than 100 of them because in total all the staff  
10 in Prey Sar who were detained, there were only more than -- a  
11 little bit more than 100 altogether.

12 Q.On paragraph 190, it reads:

13 "At least 571 people, including the people and the S-24 staff,  
14 were arrested and sent from S-24 to Tuol Sleng."

15 And you did not contest to this fact. So the figure is far from  
16 what you said because here it mentions a clear figure of 571.

17 What is your comment on this point because the figure is so  
18 different?

19 A.One is the figure and, yes, I respect the figure, and the  
20 other one is my recollection. It might not be as accurate as the  
21 real figure. So, yes, I acknowledge the real figure.

22 Q.I did not ask who made the decision to arrest the staff at the  
23 security office at S 24, or Prey Sar, because you already  
24 answered to that; who was overall made that decision. However,  
25 for the operation of the arrest of people and to send them from

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1 Prey Sar to S-21 in Phnom Penh or who were sent directly to  
2 Choeung Ek, which unit was responsible for such operation?

3 [10.17.50]

4 A.Mr. President, the task was ordered -- was decided by me and I  
5 ordered Comrade Hor to implement my order and, of course, it  
6 would fall under the special unit.

7 Q.In general, was the operation conducted during the day or  
8 during the night-time?

9 A.It was within the same unit, so I believe it was done during  
10 the daytime. The arrest of Comrade Huy was also done during the  
11 daytime. I ordered the people who had to arrest Comrade Huy  
12 during the daytime under the pretext that he was called for  
13 training or for work assignment, so I believe the more  
14 possibility would be that the operation was conducted during the  
15 daytime rather than the night-time.

16 Q.The arrest of Nun Huy, or Huy Sre, was his wife or children  
17 also arrested and brought along with him?

18 A.Mr. President, when I ordered for the arrest, I only ordered  
19 for the arrest of Comrade Huy, and for his wife and children it  
20 would be decided by Comrade Huy (sic).

21 Q.So it means the wife of Huy Sre, who was the Chairman of Prey  
22 Sar and a member -- actually he was a member of the S-21  
23 committee in charge of S-24, his wife and children were also  
24 arrested and smashed. Is that correct?

25 A.Mr. President, that is correct. Comrade Huy was arrested just

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1 one month before the 6th of January. He was arrested on the 6th  
2 of December '78 and Comrade Khoeun was probably arrested one day  
3 after, along with the children, with the son.

4 Q.What was the ground for the arrest of Nun Huy alias Huy Sre?  
5 When you address several times, there was the one fault that he  
6 allowed his messenger or the one who -- the radio operator fled  
7 away. Was it the main ground of his arrest? My question is that  
8 the incident happened at that time. Who reported to you or how  
9 did you know about that?

10 [10.20.55]

11 A.Mr. President, the grounds that led to the arrest of Comrade  
12 Huy, there were several grounds but I forget. But the key ground  
13 of the arrest, because his radio operator fled, so a series of  
14 facts or incidents based on my observation and monitoring by me  
15 and Hor against Comrade Huy.

16 And therefore, what become known to me, the incident in relation  
17 to Comrade Huy, and when his radio operator fled and it was  
18 reported to me, and I looked at that report and it is not  
19 reasonable. And then I reported to the upper echelon and Nun Huy  
20 and I request the upper echelon to arrest Nun Huy. I requested  
21 from Uncle Nuon. And he agreed to that.

22 But based on my several reported to him but Uncle Nuon requested  
23 to see Comrade Huy, including myself, Hor and him, so when the  
24 upper echelon understands more better about Comrade Huy and then  
25 the decision would come. But I would like to tell you that story

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1 that I remember and the main ground is that he allowed his radio  
2 operator to flee.

3 [10.23.05]

4 Q.When some people or the staff were removed, including those  
5 who were in the re education centre at Prey Sar and those who  
6 were in the elements unit under the supervision at Prey Sar and  
7 later sent to be executed at Choeung Ek -- so my question is that  
8 how many times of that kind of arrest and execution and the list  
9 of people who were taken from Prey Sar to Choeung Ek -- how did  
10 the list prepared for that purpose?

11 A.In real practice I do not know well about that, about the list  
12 and how many times of operation. That's all I can tell you. But  
13 I can understand in principle. So any arrest against the  
14 combatant, there must be approval from me. This is the right of  
15 the combatant and for any arrest of the people in the elements  
16 unit, especially in the third group, I did not feel interested in  
17 that arrest. I assigned the subordinate to do that.

18 And I don't know well about how many times an operation against  
19 those people in the group.

20 Q.So we can say that the taking away of people from Prey Sar to  
21 Choeung Ek -- would there be any case that there were no lists?  
22 Those victims were not on the common list of the people who were  
23 sent and killed?

24 A.I dare not confirm for sure, but I can say that it might be in  
25 -- they were also in the common list of the people.

30

1 Q.For those who were sent for re-education at Prey Sar that you  
2 call the elements in the element units, were any of them  
3 released? What were the criteria for their release and who made  
4 the decision for that release?

5 A.There were no releases, as I told you earlier. S-24 was not  
6 the same as M-13B. At M-13B sometimes peopled detained one week  
7 or two and later released. So at S-24 none of the victims were  
8 released other than the 30 people that I told you. Most of the  
9 people in the elements unit were sent to Choeung Ek or S-21.

10 MR. PRESIDENT:

11 Thank you. Now it is time for us to take a morning break. The  
12 Chamber would like to take a 20-minute break and we will come  
13 back after that to continue our proceedings.

14 (Judges exit courtroom)

15 (Court recesses from 1027H to 1049H)

16 (Judges enter courtroom)

17 [10.50.17]

18 MR. PRESIDENT:

19 Please be seated. The Chamber is now back in session.

20 BY MR PRESIDENT:

21 Q.The last question I put to you and responded clearly that the  
22 people at the re-education office in Prey Sar, none of them was  
23 ever released except about 30 people who were required militarily  
24 to stay. So besides, there was no release at all and it was  
25 different from the M-13.

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1    However, there was an indication to issues. One is the  
2    functioning of Prey Sar which was to re-educate the male and  
3    female combatants who made offences and who were yet to be  
4    smashed and who were called the elements.  
5    [10.35.56]  
6    And another indication that you show was that people at Prey Sar  
7    were divided into three categories. One is the light group; the  
8    second was the medium; and the third group was the serious  
9    offence group. And you stated that there was very little number  
10   of people who moved from the second to the first group. And the  
11   movers from the one to the second and from the second to the  
12   third group.  
13   Can you explain further the intention of the re-education without  
14   ever releasing them? What was the purpose? And the level of  
15   supervision from the light to the serious, and finally to be  
16   killed, because if it is a re-education probably at an  
17   appropriate time, there might be a committee to make assessment  
18   of those, whether at what levels those people had been  
19   re-educated that they could be returned back to their respective  
20   units.  
21   Was that the essence of it? But in this case they were never  
22   released and they were categorized differently into various  
23   groups. Can you explain to us regarding the three categories of  
24   the people and what did it mean by re-education and that they  
25   were never released? Finally, for the third group whose fate was

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1 to be smashed.

2 A.Mr. President, the term "re-education" was officially used  
3 during that regime and the word "element" was also used  
4 officially. And the division of the elements into three  
5 categories had to be done; even within the military units,  
6 members had to be divided into various categories. For example,  
7 the strong teams, the medium team or the weaker team. And in  
8 actual practice, there was never a movement from the serious to  
9 the lighter group; it's only one way.

10 [10.54.32]

11 Secondly, the principle and the Party line -- it was never ever  
12 showed that we have to rescue them. For example, if they have  
13 been in re-education for three years and now they can be  
14 released. There was no such stipulation in the Party line, and  
15 that was the reality.

16 Even the 30 people whom the Party instructed us to re-educate  
17 them for one month and then they were integrated into the tank  
18 unit. Later on, Son Sen said they did not learn, they did not  
19 re-educate and sometimes, once in a while a unit would send one  
20 or two of their members to us. So in practice the re-education  
21 aimed towards the final stage which was to smash.

22 And the word "re-education" was just like a display. But  
23 finally, one at a time they would be smashed.

24 Q.Can I make an assumption that the term "re-education" was a  
25 political term because the main objective was sooner or later

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1 that those people would be smashed. Those who were at Prey Sar.  
2 There was no other way around, no alternative. The only thing is  
3 that there might be a delay in their smashing than those who were  
4 directly sent to S-21. Is this correct?

5 A.Mr. President, that was the direction of development.  
6 Everybody could see that clearly. But there was no stipulation  
7 in the Party's document. But the direction of the revolution was  
8 to smash them one by one, progressively.

9 [10.57.03]

10 Q.You said the operation to arrest people at the re-education  
11 centre in Prey Sar or S-24 usually was conducted during the  
12 daytime. For example, the arrest of Huy Sre who was a member of  
13 the S-21 committee in charge of the Prey Sar affairs. However,  
14 there are some evidence which can be believed that a number of  
15 people disappeared during the nighttime and they never returned.  
16 Frequently people were missing or disappeared from their  
17 respective unit during the nighttime. When they were called,  
18 they were never returned. That is the reason for the people who  
19 lived there felt scared and shocked. Do you agree to that?

20 A.Mr. President, it is possible that it happened because I did  
21 not directly involve deeply into this affair. However, I still  
22 believed that if the arrest was to be made, it would be better to  
23 do it during the day time. It is still my belief. Because the  
24 arrest which was asked for the assistance for the S-21 staff were  
25 done during the daytime. Comrade Pon and Kuy Thuon were sent

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1 during the daytime as well, and I assigned the staff there for  
2 the arrest. In Phnom Penh as well it was done during the  
3 daytime.

4 So usually for the arrest of the people within the unit, it was  
5 done during the daytime. They were called for work assignment  
6 and they were arrested. For example, Comrade Pon at around 3  
7 p.m. when Nuon Chea gave me a confession to use as a pretext, and  
8 when he arrived we arrested him at 3 p.m.

9 So through the experience and practice, the arrest was done  
10 during the daytime and of course I do not deny that the arrest  
11 was ever made at night.

12 MR. PRESIDENT:

13 Dear Judges of the Bench, do you have any questions to be put to  
14 the accused?

15 Judge Thou Mony, you take the floor.

16 [11.00.02]

17 JUDGE THOU MONY:

18 Thank you, Mr. President.

19 BY JUDGE THOU MONY:

20 Q.Mr. Kaing Guek Eav, can you confirm, at Prey Sar, how was the  
21 organization of the working units at Prey Sar and how many units  
22 were there at Prey Sar?

23 A.Your Honour, talking about the number of units, I would not be  
24 able to provide the details. Even in Phnom Penh at S-21, I did  
25 not think of the actual numbers of staff, and now I'm trying to

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1 understand the numbers of staff working at S-21 and at Prey Sar,  
2 which the total of the staff amounted to more than 2,300. So the  
3 S-21 staff working at Prey Sar amounted -- or were more than the  
4 staff working in Phnom Penh. However, the different categories  
5 of the working units and organizations or supervision, I would  
6 not be able to provide such a precise answer to that.

7 Q.During the time of your supervision at S-21, as well as at  
8 Prey Sar, did you personally go to Prey Sar?

9 A.Your Honour, I went to Prey Sar four times, according to my  
10 recollection.

11 First, I went there after I became the Chairman in order to  
12 familiarize myself with the location and the buildings. That was  
13 the first time. The second time I went to open a study session  
14 for the staff there. And, next, I went to speak to the elements  
15 of the soldiers from the East Zone before they were integrated  
16 into the tank unit. At that time I went there with Comrade Hor,  
17 the three of us.

18 And, finally, I went there to visit once, to visit Comrade Huy  
19 but he was not there, he went to plant the potato. So I made  
20 four visits to the area.

21 [11.03.33]

22 Q.Thank you. During the time you went to Prey Sar, what did you  
23 observe regarding the working and living conditions of the  
24 elements and the staff there?

25 A.Your Honour, when I went there I did not go and inspect the

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1 unit or to inspect their situation. I went straight into that  
2 house, and on the date that I went to open the training I went to  
3 the school and after I left I went straight to Comrade Huy's  
4 house, stayed there, had my lunch and worked in the afternoon.  
5 So for the four times I went there, I did not observe the  
6 situation.

7 At one time when I went to the rice field, I saw Comrade Huy  
8 planting potato. He was planting potato with the elements.  
9 There were a few of them with him at the time. I think there  
10 were less than 10 elements. That was my observation.

11 So for the three visits I stayed at Comrade Huy's house, and for  
12 the other visit I saw Comrade Huy planting potato with some  
13 members of the elements.

14 Q. In Prey Sar, the elements were arrested and sent there for the  
15 purpose of re education through tempering. Can you explain to us  
16 the term "re-education and tempering"?

17 [11.05.44]

18 A. Your Honour, the word "re-education", I have already reported  
19 to the President that it was a general slogan raised throughout  
20 the country. It was to re-educate, to build oneself as new, but  
21 in real practice the process would finally lead to the arrest,  
22 one-by-one, progressively. That is the meaning of  
23 "re-education".

24 As for "tempering", tempering involved two means; one, by labour  
25 and, two, by respecting the disciplines, by respecting the chief

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1 or the groups or the teams. So these are the two directions of  
2 tempering; one by labouring, working hard, and the second one was  
3 to respect the disciplines. So these are the two points of  
4 tempering.

5 Q.Thank you. You answered before the Co-Investigating Judges  
6 that those people who were sent -- arrested and sent to Prey Sar  
7 means they committed offence in their unit in Phnom Penh. Can  
8 you confirm those people who were arrested and sent to Prey Sar,  
9 what type of offence did they commit in their unit?

10 A.Your Honour, what I said to the Co-Investigating Judges at the  
11 time was basically correct, but I did not think in details at the  
12 time. Let me recap the essence.

13 Who made the decision, that is to send people from various units  
14 to the re-education centre in Prey Sar? From what we can see  
15 now, also with the support of the surviving documents, I can say  
16 the people who made the decision were those heads of the units  
17 who made the request to the upper echelon, that is to the  
18 Standing Committee, to make decision.

19 [11.08.57]

20 So if that is the case, then the offence was not ordinary one.  
21 At the time that I spoke before the Co-Investigating Judges I did  
22 not think in details on this point.

23 In conclusion, as I already told the President, the people who  
24 were within the unit of elements, they were already regarded as  
25 half-enemy, and it was the decision of the upper echelon to send

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1 them to Prey Sar. Whatever unit it was, it has to be decided by  
2 the upper echelon. And when they were there, then the S-21 would  
3 have the authority over them either to send them to Choeung Ek or  
4 to send them to Phnom Penh. So S-21 couldn't do that after they  
5 were brought to S-24.

6 Q.Can you verify which units sent their staff to Prey Sar? Was  
7 it both military and civilian units?

8 A.Your Honour, initially it was vague when I reported to the  
9 Co-Investigating Judges. Now, based on the documents, it is  
10 clear. Not only those from the nine divisions, so the military  
11 units, some members from the civilian units were also sent there,  
12 including one person from the energy, one from the fire truck  
13 unit, and one also from the water works and another one from the  
14 marine transport.

15 [11.11.30]

16 So for the general conclusion, for all the units in Phnom Penh  
17 there might be a possibility that staff members of those units  
18 might have been sent to Prey Sar for re-education.

19 Q.Thank you. How was the sending of the people who had to be  
20 arrested and sent to Prey Sar done? Did the respective units  
21 send them directly or the staff of S-21 went to make the arrests  
22 and send them?

23 A.Your Honour, first it was the issue of who made the decision.  
24 Within the military framework there was only one person. That  
25 was my superior, Son Sen. The organizational line designated him

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1 for that authority. For other units, for example the energy unit  
2 or the fire truck unit, the decision had to be made by the top  
3 echelon before those people could be sent to Prey Sar. So once  
4 the decisions were made we would wait to receive those people,  
5 with the order from Son Sen.

6 Without the order nobody would dare to do anything, including  
7 Comrade Huy. They had no authority to receive them, even Comrade  
8 Hor. Only after they received my order that on this day there  
9 would be these people who would be sent to Prey Sar, then they  
10 would wait to receive and they did not involve in the arrest of  
11 those people from their respective units. When they were brought  
12 in they were not handcuffed.

13 [11.13.40]

14 Q.The sending of the prisoners, except from those who were sent  
15 from S-21 to Prey Sar, were those people arrested from their  
16 respective units directly to Prey Sar or they had to go through  
17 S-21 in Phnom Penh?

18 A.Your Honour, it had to go through the location marked with  
19 letter R on the map, and if you talk about the authority to  
20 receive them, we only can do that after I receive instructions  
21 from my superior. Then the special unit organized by Comrade Huy  
22 would be able to receive them. So it was not direct; it had to  
23 go through me first after I received instructions from my upper  
24 echelon. There was no direct sending to Prey Sar.

25 Q.So the arrest of those people were registered in the list and

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1 they were photographed as those who were sent to S-21?

2 A.Your Honour, they were registered in a separate list, I  
3 believe, and their photographs were not taken at the same place  
4 as those who were detained at S-21. Their photographs were taken  
5 separately. From what I can remember, it was Comrade Song who  
6 was the photographer and it was not a Comrade Sreang at all.

7 Q.Thank you. As you have confirmed, at Prey Sar there was no  
8 interrogation for confession of those who were the elements. The  
9 question is were there any people detained and tortured? I mean  
10 those who were there.

11 A.Your Honour, there was a small location for detention. Yes, I  
12 was aware of it as I was told by Comrade Huy, and I authorized  
13 him to do so. However, regarding torture, I was not aware of it  
14 but I believed they did it without my knowledge, but there was no  
15 official confessions which were sent to me for my annotation in  
16 order to send to the upper echelon at all.

17 [11.16.56]

18 Q.What about the monitoring and supervising the prisoners? How  
19 was it done? I mean for both during the working hours and during  
20 the resting period.

21 A.Your Honour, for both the working hours and the resting period  
22 there were S-21 staff working at Prey Sar. They monitored them.  
23 They worked alongside with them so they knew the situation and  
24 they would report through their chain of command from their team  
25 to the group, then to their platoon up to the company, and

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1 finally end up at Huy's place.

2 So there was no daily report to S-21 every day. They only  
3 reported, usually on a weekly regime, on those who were sick or  
4 who could not work, and the incidents that happened. But usually  
5 I assigned Comrade Hor to take charge in the matter. So that was  
6 the chain of command and the report was delivered on a weekly  
7 basis.

8 Q.As you stated earlier, those people who were sent to Prey Sar  
9 were divided into three categories: light, medium, and serious.  
10 What about the work allocation?

11 Was the work allocation also based on the groups they belonged;  
12 it means light work and heavy work? And what about the working  
13 hours; were they the same?

14 A.Based on my assumption, the labour and the food ration were  
15 not different, but the only difference -- it was about the rights  
16 and freedoms. The right to live in the third group, it was very  
17 small. When they commit any small mistake, they were vulnerable  
18 to danger and they were very vigilant against them, and so it's  
19 only the rights and freedoms that is different. That's all.

20 Q.The working hours for those who were in Prey Sar, what were  
21 the working hours? You said that at least they had to work eight  
22 hours a day, so eight hours or 10 ten hours -- there was a shift  
23 or what was the working hour allocated?

24 [11.21.02]

25 A.Your Honour, as far as I remember and based on my assumption,

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1 there was two shifts from four hours in the morning and another  
2 four hours in the afternoon. So when there is a lot of work to  
3 do, they need to wake up in early morning from 4.00 a.m. in the  
4 morning. And when there was a lot of work to do, they had to  
5 work at night when there is moonlight at night. That's all I can  
6 tell.

7 Q.For those who were arrested and sent to Prey Sar, they need to  
8 be re-educated, and during the time they spent at Prey Sar were  
9 there any meetings or education for them?

10 A.Those who were re-educated, if talking about those who were in  
11 the elements unit, it was under Comrade Huy. For me, when I call  
12 someone from Prey Sar to Phnom Penh, it was under my supervision  
13 only for the combatant, military combatant, but people who were  
14 in the elements, it was under Comrade Huy.

15 Q.Did you know what were the contents of that education or  
16 re-education?

17 A.Your Honour, in that education -- so it based on the education  
18 the superior learned from the Standing Committee and then they  
19 took that lesson to the subordinates.

20 So three of us went to the Standing Committee and when we return,  
21 I conduct education to the staff in Phnom Penh. All staff  
22 members from Prey Sar, from Phnom Penh, was organized for me to  
23 conduct education.

24 And at Prey Sar, it was Comrade Huy who did the education. So we  
25 learned the Party lines the same, so we used those Party lines

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1 for education to our subordinates. Thank you.

2 [11.23.51]

3 Q.Can you tell us those who were -- experienced the education or  
4 tempering, was there any measure against the one who violated the  
5 rules or the instructions of the chairpersons? For example,  
6 failure to complete the work as planned and anyone who failed to  
7 follow the discipline, what was the result of that failure?

8 A.Your Honour, the disciplinary actions they suffered that I  
9 knew at that time; there was one place they used to detain the  
10 victim for a period of time before sending to Phnom Penh or to  
11 release. But the statement that people was called or beaten and  
12 they used a bad word or a derogation against them, yes, I agree.  
13 And in some case, I authorize them to do. It was a detention in  
14 one place in a house and during the detention, I believe there  
15 was torture against the victim. Yes, I believe that.

16 Q.So for those who failed to follow the instruction of the  
17 chairman may result in a reprimand or the scolding. Was there  
18 any case about the deprivation of food as the disciplinary  
19 actions?

20 A.Your Honour, that might be the case, but it has not been very  
21 long because it may cause the victim to weak and cannot work. So  
22 there's a case that food deprivation one day or two days.

23 [11.26.36]

24 Q.At Prey Sar, were there anyone who were sent for re-education?  
25 Was the victim a foreigner or the westerner or were there any

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1 Vietnamese victims?

2 A.Your Honour, there were no westerner or foreigner from the  
3 western area. There were no Vietnamese victims because the  
4 Vietnamese victims, they were sent to S-21, not because they were  
5 Vietnamese. They were the person who commit any fall or offence  
6 against the regime and they were arrested and sent to S-21. So  
7 the staff member in the military of the Central -- or the  
8 Standing Committee, there was no one was Vietnamese,.  
9 So, in conclusion, those who were in Prey Sar, none of them were  
10 Vietnamese and no westerner. And if anyone from the west, they  
11 would be sent to S-21. That's all.

12 Q.Were there any women and children experienced the re-education  
13 at Prey Sar centre?

14 A.Your Honour, yes there were women. The children might be true  
15 because they followed their mothers.

16 Q.What was the system of management at Prey Sar? Did they allow  
17 the women and children to stay together or stay in the same house  
18 as the men?

19 A.Let me mention one word; the children can stay with the women,  
20 but the men and women were not stay in the same house or  
21 building.

22 Q.You just mentioned earlier that you went to Prey Sar four  
23 times and you did not see very well about those who were in the  
24 elements unit so how can you say about the food rations for those  
25 who were in the elements unit at Prey Sar?

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1 A.Your Honour, the food rations was determined; yes, there was  
2 food ration. It applied since the creation of that re-education  
3 centre. I dare not change that ration because I'm afraid -- I  
4 was fearful of a violation of the Party line, but I can say that  
5 the food ration was not better or it's not even the same as for  
6 the combatant. When I visited there and I saw Comrade Huy who  
7 were growing sweet potato with other four or five combatant, I  
8 observed that the health condition was not much different among  
9 those at the elements and other people.

10 [11.31.03]

11 Q.Can you say the food ration there was sufficient at that time?

12 A.No, it's not sufficient; not enough. Even myself, I was a  
13 cadre, as I told you earlier; we do not have enough to eat.

14 Q.Based on your statement in the case file, you said that those  
15 who were sent there were forced to do forced labour and many  
16 hours of work, but they received not enough food. What can you  
17 say about this? Was there torture or was there punishment  
18 against those people?

19 A.There were several aspects, but one of the main aspect -- it  
20 is the truth happened everywhere in Cambodia at that time -- it  
21 was the CPK like to give food, a little food to the people only  
22 during the hard-working season and then they provide a better  
23 food and there was a slogan so they located to a certain degree  
24 of rice, but the truth across the country it's like that. So I  
25 would like to tell you briefly like that.

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1 Q.At Prey Sar, it was where the people in the elements unit had  
2 to do the rice productions. What was the yielding and where did  
3 they send the yielding to?

4 A.Your Honour, in the first year and the second year, I don't  
5 know well about that. So for the first year and the -- I do not  
6 know well about the first year, and the second year they have  
7 enough to eat. And the third year we have some surplus of rice,  
8 I forget how -- the quantity. And I send the surplus of rice to  
9 the Standing Committee through Uncle Nuon.

10 [11.34.16]

11 Q.So it means that Prey Sar was a unit to produce rice to  
12 support S-21 and in some year, there was a surplus of rice. Why  
13 don't you use the rice to provide enough food for the unit?

14 A.Your Honour, so it was a common crime to deprive people from  
15 food. It was a crime of the CPK and my crimes against those  
16 victims. I do not dare change any political party so we have to  
17 follow the allocation of food ration for the unit. So if there  
18 was any surplus in rice, we had to give or provide to the Party.  
19 That's all I can say.

20 Q.As far as you know, can you tell us was Prey Sar in the same  
21 manner as other re-education centre across the country?

22 A.Your Honour, my conclusion is that it was the same as other.

23 Q.Thank you.

24 Now, come to the staff member of S-21 who were arrested and sent  
25 to S-21, were they experience torture to extract the confession

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1 in the same manner as other prisoners?

2 A.Your Honour, anyone who decided by the Standing Committee to

3 arrest will be

4 sending an interrogator with torture; however, the importance or

5 the people who don't know much, they don't keep for a long time

6 and they were taken to Choeung Ek. So it is -- the decision is

7 in the hands of the operation to keep for a long time or a short

8 time, it depends on the necessity of the person who accused of

9 being the traitor. So anyone who were arrested mustn't

10 (inaudible) detain, torture and extracted for the confession, and

11 in relation to extract information on the traitorous network.

12 [11.37.48]

13 Q.The case of arrest of Nun Huy called Huy Sre, was the arrest

14 made at Prey Sar or at S-21?

15 A.Your Honour, I had someone to go and call Comrade Huy to work

16 at Baku. I would like to mention where Baku was. It was on the

17 road to the glass factory. There was Lon Nol's house. It

18 belonged to Section 3 and later it was part of S-21. I had

19 someone to call Comrade Huy to work there and then Comrade Huy

20 saw Comrade Hor and me and Phal. He was in a simple character so

21 I made the arrest at Baku.

22 Q.The question is that you said that Nun Huy was arrested at

23 Baku. Was Baku part of Prey Sar?

24 A.Your Honour, Baku, at the beginning it belonged to Division

25 703, but later when the military men went to the battlefield, I

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1 requested to include Baku to be part of S-21, and we just  
2 received that place from that division and we made the arrest of  
3 Nun Huy at the place.

4 Q.At Baku was there any unit who controlled the people like Prey  
5 Sar?

6 A.Your Honour, at Baku we got it back from 703 and the Prey Sar  
7 team supervised Baku, not us from Phnom Penh.

8 JUDGE THOU MONY:

9 Thank you, Mr. President. I no longer have questions for the  
10 accused.

11 [11.40.25]

12 MR. PRESIDENT:

13 Judge Cartwright, do you have questions for the accused?

14 Judge Cartwright, you take the floor.

15 JUDGE CARTWRIGHT:

16 Thank you, Mr. President.

17 BY JUDGE CARTWRIGHT:

18 Q.Kaing Guek Eav, some of my questions will be to clarify  
19 answers to earlier questions because the translation has not  
20 allowed me to understand clearly your answers.

21 First of all, can you tell me when Prey Sar was first established  
22 as part of S-21? Did that occur when S-21 was established in  
23 1975?

24 A.Your Honour, Prey Sar was established after the 17 April 1975;  
25 just a little bit after that. It was when the Communist Party of

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1 Kampuchea assigned 703 Division, which had a police office who  
2 had a connection with the Standing Committee. So the unit was  
3 already in existence and when S-21 was established, Nat came to  
4 supervise the unit in the name of the chairman, and the  
5 supervision extended to Prey Sar as well.

6 I would like to also confirm that the word "S-24" used by Nat,  
7 from my analysis. S-21, he only focused on the small area in  
8 Phnom Penh. As for S-22, it means the fruit farm location  
9 somewhere in Ta Khmau area, and S-23 was possibly meant the  
10 prison in Ta Khmau in the psychiatrist hospital, and S-24 meant  
11 for Prey Sar.

12 [11.43.08]

13 This is for Your Honour to know that Prey Sar was established  
14 during the Nat era. It means before I entered Phnom Penh. And  
15 when I got assignment at S-21 as a deputy chairman, the committee  
16 had four members: Nat, the biggest; I, the deputy; Hor in charge  
17 of Phnom Penh; and Huy in charge of the rice fields. So S-21  
18 established since the establishment of the police office of  
19 Division 703 directly led by Son Sen.

20 Q. And to your knowledge, did Prey Sar always operate as a  
21 tempering and re education site; that is, from the 17th of April  
22 1975?

23 A. Your Honour, based on the analysis, let me use your word based  
24 on my understanding. Prey Sar became the re-education office  
25 after -- a little bit after the 17th April '75 until the 7th of

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1 January '79.

2 Q.Now, during the questioning by the President, there were some  
3 figures mentioned that were a little confusing for me and I want  
4 you to clarify them, please.

5 First, are you able to say how many, in total, people were  
6 detained at S-24 from the time you became deputy chairman until  
7 the 6th of January 1979?

8 A.Your Honour, the figure -- I did not think of the figure at  
9 the time, but the President said the actual figure was 571  
10 people. These 571 people, based on Mr. President's statement,  
11 was extracted from the agreed document; the total 571 including  
12 both the elements who were arrested from Prey Sar and the S-21  
13 staff who worked in Prey Sar. So these two figures, these two  
14 groups combined together, made a total of 571 people.

15 [11.46.41]

16 JUDGE CARTWRIGHT:

17 Well, just so I can get this clear, could we see document E68.41  
18 on the screen?

19 Now, I think we're still at the stage where it's necessary to  
20 call on the services of the Co-Prosecutors. Is that still the  
21 position? In which case could the AV Unit switch to the Office  
22 of Co-Prosecutors, and it's document E68.41, Khmer-English ERN  
23 00333677 to 00333700. Thank you.

24 BY JUDGE CARTWRIGHT:

25 Q.Now, the title to that document is "S-21 Prisoners Arrested

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1 From S-24 or Prey Sar". And if you go to the very end, the last  
2 page of that document, and if we can perhaps look at the number  
3 on the far left column, you will see that there are 590 people on  
4 that list. Do you accept that this is the number of prisoners,  
5 S-21 prisoners, arrested from S-24?

6 A. Your Honour, yes, I accept it.

7 Q. So in fact, these are just a few of the prisoners held at Prey  
8 Sar, are they not? These are only the prisoners who were  
9 arrested and taken to S-21. Is that correct?

10 A. Your Honour, I am not sure whether the figure includes the  
11 combatants of S-24 or not. I am not sure at all whether they  
12 were purely the elements totalling up to 590 or does it include  
13 my combatants working at Prey Sar? I am not sure on this point.

14 [11.50.43]

15 JUDGE CARTWRIGHT:

16 Well, there are further documents in that list that we can look  
17 at -- 68.42 which is 00333701 to 00333703. Can we put that list  
18 up on the screen? Mr. Co-Prosecutor?

19 MR. SMITH:

20 Thank you, Your Honour. Yes, we can do it. It's a  
21 labour-intensive exercise. We need to pull out a plug and put it  
22 back in. We have been advised that that will be resolved next  
23 week. But it will take a couple of minutes, so I was wondering  
24 whether we will do that if you want to continue questioning.

25 JUDGE CARTWRIGHT:

52

1 All right. Thank you.

2 BY JUDGE CARTWRIGHT:

3 Q.Well, perhaps I can do it like this for the moment. That  
4 document is headed, "S-21 Prisoners who are former S-24 staff,"  
5 and although you can't see it yet on the screen, there was a  
6 total of 47 in that list.

7 Then E68.43, which is 00333704 to 00333718, the title of that  
8 document is, "S-21 Prisoners previously prisoners at S-24" and  
9 the total in that group is 342. And the third list, E68.44, ERN  
10 00333719 to 00333728, has the title, "S-21 Prisoners from S-24  
11 but not clearly identified as former S-24 prisoners." And the  
12 total in that list is 201.

13 Now the three lists to which I have just referred with totals of  
14 47, 342, and 201 amount to the total of 590 which is the list  
15 that we have just looked at.

16 [11.54.12]

17 If you accept for the moment, without having the chance to look  
18 in detail at those three lists, that they are lists of former  
19 S-24 staff, previous prisoners at S-24, and others who cannot  
20 clearly be identified as former S-24 prisoners but who come from  
21 S-24, are you able to say that the 590 in total is simply the  
22 list of those who were sent to S-21 from S-24?

23 A.Your Honour, I accept the figure of 590 as a total number of  
24 the S-21 staff working at Prey Sar as well as the elements who  
25 were the subjects of being monitored. Yes, I accept the figure.

53

1 Q.Thank you. Are you suggesting that this 590 represents the  
2 total number of people who were detained at S-24 including staff  
3 who were sent to S-21? In other words, there were somewhat fewer  
4 than 590 people detained in total at S-24.

5 A.Your Honour, the number of 590 was a total addition of the  
6 people whom we arrested from S-24. It was a sum of additions of  
7 my staff, of S-21 staff working at Prey Sar as well as the  
8 elements who were under the supervision and subject to being  
9 monitored. So I use the word, rather than the word "element."  
10 So make the figure of 590 is the sum of these two components. I  
11 am concerned that I might not understand your question precisely.  
12 If so, you can ask me again.

13 Q.Yes, I realize there is a difficulty in understanding each  
14 other, so the next question I have is, did some of the people at  
15 S-24 get sent direct to Choeung Ek without going first to S-21?

16 A.Your Honour, the elements that means those who were subject to  
17 being monitored, might at some times be sent directly from Prey  
18 Sar to Choeung Ek.

19 [11.58.35]

20 Q.Are you able to estimate how many that would be, those who  
21 were sent direct to Choeung Ek?

22 A.Your Honour, I can not estimate because the figure you just  
23 gave to me, I suspect that those people who were sent directly to  
24 Choeung Ek was the group of those 47 people. This is just my  
25 suspicion.

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1 Q.Now, can I ask you about the children at Choeung Ek? The  
2 President, for example, referred you to a list of eight pregnant  
3 women who were due to deliver their babies. Were they permitted  
4 to keep their babies once they had been born?

5 A.Your Honour, in the case when the mother was not arrested and  
6 the mother remain the person in the element unit, the baby was  
7 consider as normal. When the decision was to arrest the mother,  
8 and the baby or the children would follow the mother.

9 So let me mention it again. So if the mother remain as the  
10 person and not arrested to Phnom Penh, they allow her to continue  
11 to live as a civilian and the baby live and stay with the mother.  
12 If the mother was arrested, the baby or the children would be  
13 killed. So if there was no arrest, the baby live with her  
14 mother.

15 [12.01.07]

16 Q.So some children would go with their mothers to S-21 and be  
17 killed, and others might have gone to Choeung Ek direct with  
18 their mothers and be killed there. Is that correct?

19 A.Your Honour, if the mother were transferred directly from Prey  
20 Sar to Choeung Ek, the baby would be transferred directly  
21 together with the mother to Choeung Ek.

22 Q.You said, at one stage, that there was no release from S-24  
23 except for the 30 people who were the military and required to  
24 stay. Did I understand that correctly?

25 A.Your Honour, it is correct.

55

1 Q. So we don't know how many people in total went to direct to  
2 Choeung Ek. We have a list of 590 people who were sent to S-21.  
3 We don't know how many children were included in either group.  
4 What happened to all the rest of the people at S-24 who were  
5 there for tempering or re-education, particularly, on the 6th or  
6 7th of January 1979?

7 A. Your Honour, those who were in the elements unit, on the 7  
8 January 1979 they fled together with me. I fled from Phnom Penh  
9 at 2 p.m. and we ran to one place and we break awhile at Sansam  
10 Kosal Pagoda, and we met other people from S-24 to the south of  
11 the glass factory and we continue our trip at night.  
12 So those people from the element unit went with me -- all of them  
13 -- and when we reach Road Number 4 and some people went another  
14 direction and I went to the direction to Amleang, and half of the  
15 all people were fled separately to two different destination.

16 [12.04.26]

17 Q. Can you give an estimate of how many people fled with you from  
18 S-24?

19 A. Your Honour, all of them fled, but there might be one or two  
20 people but, in general, all of them fled even though some people  
21 in the unit -- my unit in Phnom Penh -- there were nine people  
22 that the photo of them were known to the world.

23 Q. You see, I can't get a clear picture of how many people there  
24 were at S-24 who were detained there, and I'm trying to add up  
25 the numbers in some way that makes sense to me. Are you able to

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1 help me?

2 A.Your Honour, based on the surviving document that I received  
3 recently -- it is the statistics dated March 1977 -- in that  
4 time, the general staff of the revolutionary military prepared.  
5 S-24, there were combatant and cadre; 2,327 excluded the people  
6 in the elements unit and the elements in total, there was 1,300  
7 people in the elements unit. So in total, in March 1977, there  
8 were 1,300 people.

9 Q.And just before we break for lunch, I just want to ask one  
10 more question.

11 The word "element" is a word that the Communist Party of  
12 Kampuchea used for this group of people. Would it be fair to say  
13 that they were detainees?

14 [12.07.41]

15 A.Your Honour, your conclusions can be correct, but I would like  
16 to explain the definition of the "elements" as used in the CPK.  
17 The terms "elements" simply, if in French, it's called "compose"  
18 in French. For example, in our body, it was not clear whether he  
19 or she a friend or enemy, so if they suspect that person of being  
20 a friend or enemy so they consider them and detain one place,  
21 subject them to the forced labour like animal so that they cannot  
22 oppose or fight against the Party. That's all.

23 Q.Thank you.

24 This may be a good time to take the lunch recess.

25 MR. PRESIDENT:

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1 Now, it is time for the Trial Chamber and the hearing to postpone  
2 for a lunch break and we will be back in session from 1.30 to  
3 continue our proceeding.

4 The Security Officer, please bring the accused to the waiting  
5 room and bring him back before 1.30 this afternoon for the  
6 hearing.

7 (Judges exit courtroom)

8 (Court recesses from 1209H to 1331H)

9 (Judges enter courtroom)

10 [13.31.18]

11 MR. PRESIDENT:

12 Please be seated. The Trial Chamber is now back in session and  
13 we will continue our proceeding, and I give the floor to Judge  
14 Cartwright to continue to put questions to the accused.

15 JUDGE CARTWRIGHT:

16 Thank you, Mr. President. I have very few more questions to ask.

17 BY JUDGE CARTWRIGHT:

18 Q.What I would like to know is that those whom you called  
19 elements you now agree were detainees. Is that correct?

20 A.Your Honour, the detainees who were detained in the prisons  
21 without fences or walls.

22 Q.Detainees in the sense that they had no freedom to leave Prey  
23 Sar. Is that correct?

24 A.Yes, that is correct, but in addition to that most of their  
25 rights and freedoms were deprived.

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1 Q.Thank you.

2 Now, again just so that I can understand your testimony this  
3 morning, at one point you mentioned spies. When you are  
4 referring to spies in relation to Prey Sar do you mean detainees  
5 who were accused of being spies, or spies employed by Prey Sar to  
6 find information about the detainees?

7 A.Your Honour, at Prey Sar there were two separate elements.  
8 The first element -- it may confuse when I use the word  
9 "elements," let I say -- I would like to say again the "elements"  
10 I used just now, it's difficult to understand. At Prey Sar there  
11 were two kind of people. One were the staff members of S-21.  
12 The second group of people, they were called elements or  
13 components detained there for the purpose of labour work, and  
14 tempering them on discipline and labour work.

15 [13.35.10]

16 The first type of group of people was my combatants and the  
17 second group was the elements and from outside. So your  
18 question, I feel a bit confusion. I can respond only two kind of  
19 group of people, so if you want to know further, please ask.

20 Q.Thank you. I am trying to clarify what was meant by you when  
21 you used the word "spies" this morning. Did any of the staff of  
22 S-24 spy on the elements or detainees?

23 A.Your Honour, S-21 staff who were members of S-21, they  
24 supervised, they controlled and reported against those elements  
25 or detainees at S-24. It's not only spying but also they manage,

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1 they scold, they curse, they force them to do the work, and they  
2 reported about their psychological or their ideology. It was  
3 different from someone from a distance to spy for one time to  
4 another. I think it was a translation problem, but my staff  
5 assigned to work there, they did every work against those bad  
6 elements, including forced them to do the work; including also  
7 the cursing, scolding and monitoring and reporting to the upper  
8 echelon and to the three of us. So they perform every task that  
9 done by the staff of S-21.

10 As for the elements, they don't have that kind of role and  
11 rights. What they had to do is to do the forced labour. That's  
12 all.

13 Q.Thank you. So none of the staff were given the task of  
14 listening to private conversations of the elements or detainees?

15 A.Your Honour, when you are talking about that, yes, there was  
16 someone assigned to listen, the same member of the S-21 staff who  
17 do the listening to the conversation.

18 [13.38.39]

19 Q.And those conversations were reported to the superiors just as  
20 if it was ordinary monitoring of work and behaviour generally.

21 Is that correct?

22 A.Your Honour, that is one kind of the surveillance or  
23 monitoring so that they can report to me any point that may cause  
24 them to danger.

25 Q.And this spying was done perhaps at night time when people

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1 went back to their places to sleep. Would that be right?

2 A.Your Honour, yes they did the spy at night.

3 Q.One final question. When you use the word "elements", are you  
4 referring in fact to the people from all three groups; group 1,  
5 2, and 3?

6 A.Your Honour, elements were divided into three groups. Those  
7 who were under the supervision and the monitoring were divided  
8 into three groups. There were three groups in the elements.

9 JUDGE CARTWRIGHT:

10 (Microphone not activated) this time.

11 [13.40.31]

12 MR. PRESIDENT:

13 Do the Bench have any further questions to put to the accused?

14 Please, Judge Jean-Marc, the floor is yours.

15 BY JUDGE LAVERGNE:

16 Q.This morning you told us that there had been a deliberate  
17 decision not to use the premises of the old Prey Sar prison, not  
18 to use those buildings. You also said, if I understood you  
19 correctly, that this decision was made because there was no  
20 water.

21 Would it not also be fundamentally for a more political reason?

22 Indeed, the Prey Sar prison could be somehow symbolic of the  
23 oppression wielded by the older regime, the previous regime, and  
24 possibly under the Kampuchea Democratic regime, officially,  
25 ideologically, there were no prisons. Detention centres were

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1 secret places and they were to remain secret places.

2 A.Your Honour, S-21, Nat decided not to use, and every one of us  
3 tried to use the place in Phnom Penh. This is true that I  
4 recall.

5 If you are talking about as a symbolic of the old regime prison,  
6 it is one of the political idea containing in the CPK. The  
7 Communist Party of Kampuchea never recognized itself as a regime  
8 that has a prison or chains or any cuff or cycles. This is the  
9 position and the behaviour of the Communist Party of Cambodia  
10 maintained a long time ago.

11 [13.43.45]

12 And before all the prisons in the CPK were kept as confidential  
13 and, in fact, all the prisons of the Communist Party of Kampuchea  
14 we should not call it in French as "prison". It should be called  
15 as "chambre de la mort" in French. Because there was no law to  
16 protect the right of the detainees in that period, the detainees  
17 were detained for a period of time after interrogation; they were  
18 taken for execution.

19 So, in conclusion, what I told you. I did not use the former  
20 prison for our utilization because there was no more water.

21 Later on, Nat decided not to use that either.

22 And the big prison in Phnom Penh, I visited one time, but it  
23 opened to the public and it may be known to the Chinese visitors.

24 And, in summary, the Communist Party of Kampuchea did not allow  
25 anyone to know about their prisons. They want to keep that in

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1 secret. This is one issue.

2 I would like to explain that also I pick several points at the  
3 same time so if you don't -- quite clear, please ask further  
4 questions.

5 Q.I would like to seek clarification on another issue now.

6 Specifically, could you tell us who had the right to decide about  
7 sending someone for "re-education", re-education being in  
8 inverted commas? Would this authority rest with the same people  
9 who were also those who could decide to smash enemies or was this  
10 authority vested with a broader group of people?

11 [13.47.08]

12 You said, I believe, this morning, that as far as military people  
13 were concerned, the decision rested with Son Sen. For people  
14 from other units or ministries, the decision was with other  
15 people, those people who were in charge of those units or  
16 ministries.

17 Now, first of all, is what I'm saying correct? And, secondly,  
18 would you say that that authority to make such decisions would  
19 have been shared by yet a larger group of people?

20 A.Your Honour, this morning I said that the military people were  
21 decided by Son Sen. Yes, this is correct; this is true. And  
22 other units, the civil units, I went very fast and it caused an  
23 unclear in its sense.

24 The civilian unit should be decided by the upper echelons,  
25 someone above Son Sen. It may be Pol Pot or Nuon Chea who made

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1 that decision. And then it came down to Son Sen and Son Sen  
2 ordered to me.

3 In conclusion, I would like to respond to your question. Were  
4 those who decision were broader than other military units or the  
5 same? I can say it was the same.

6 It went even higher. It went to Pol Pot before they sent people,  
7 or the victims, to me. That's all I can tell you, Your Honour.

8 Q.Concerning the reasons that would have resulted in people  
9 being sent to so-called re-education, I am not sure I understood  
10 correctly what you said this morning but what I heard was that,  
11 according to you, this was for people who were not known -- whose  
12 status was not known. It was not known whether they were friends  
13 or enemies, but the Party wanted to make sure that by making them  
14 do forced labour they would not cause any harm to the Party.

15 In other words, was this a policy based on doubt, on misgivings?  
16 You found a person dubious or somehow suspicious, and  
17 consequently this person had to be re-educated? Is this the  
18 meaning of what you said this morning or did I misunderstand you?

19 A.Your Honour, based on what you have said, I think you clearly  
20 understand what I had said this morning.

21 [13.51.26]

22 Q.This morning you also stated -- responding to a question about  
23 what was the aim of re-education, you stated that when a person  
24 was arrested to be sent to Prey Sar, the decision to smash that  
25 person had already been half taken; it was already half decided

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1 that she would be -- that this person would be smashed. Is this  
2 correct?

3 A.I accept the word I said this morning is what you have just  
4 described.

5 Q.I'm still making sure that I've understood you correctly.  
6 This morning you said that apart from 30 people who were released  
7 there and then to be used as military support, beyond that any  
8 other detainee at Prey Sar had in principle no hope of being  
9 released. Is this what you said this morning?

10 A.Your Honour, yes, that was what I said this morning. Thank  
11 you.

12 Q.This morning did you also indeed say that Prey Sar detainees  
13 could not hope for an improvement of their conditions and could  
14 not hope to be upgraded from group 3 -- that's to say the most  
15 potentially dangerous group -- to group number 2 or even to group  
16 number 1 with the lighter offenders, or the lighter detainees?  
17 Is this also what you said this morning?

18 A.Your Honour, yes indeed, that was what I said.

19 [13.53.58]

20 Q.So now I would like to ask you specifically who had the  
21 authority to decide about smashing Prey Sar detainees, be it by  
22 sending them directly to Choeung Ek or by sending them to Tuol  
23 Sleng. Were you systematically and necessarily consulted? Were  
24 you supposed to refer back to your superiors about this? What  
25 were the reasons for which such detainees could be smashed? For

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1 instance, a lack of zeal at work could be a sufficient reason?  
2 It seems to me that this morning you also said that -- you said  
3 that for the arresting of any combatant your authorization was  
4 necessary, but also that for all elements in the third group --  
5 this is what I recall hearing you say -- you said that you were  
6 not very interested in this and that you had delegated this  
7 particular authority to a subordinate of yours.

8 Can you answer all these questions, please?

9 A. Your Honour, I would like to reiterate what I said. All the  
10 combatants belonging to S-21, either working in Phnom Penh or at  
11 Prey Sar, before a decision to arrest them it needs to be  
12 approved from the upper echelon with clear reasons, and the clear  
13 reasons were those that destroys or that affects the forces and  
14 not the reason for ineffective work.

15 And as for those detained in Prey Sar whom I called the elements,  
16 the decision to smash them was in the hands of the S-21 committee  
17 but I assigned the responsibility to my subordinate, to the  
18 deputy secretary, to make that decision, except the documents  
19 this morning, which talk about the family of Sin Dara, alias  
20 Sokh, and the family of Mae Lon, whom I needed to seek opinion  
21 from the upper echelon.

22 [13.58.16]

23 When he was sent there was a strict instruction that there needs  
24 to be his opinion first before the person was smashed, so I had  
25 to seek his opinion on these families. And the rest, the

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1 decision was made by the subordinate.

2 I would like to frankly reiterate that what I say is not to deny  
3 the crimes that I committed on the elements. I am accepting that  
4 responsibility, although I did not make the decision, but the  
5 principles set out by the upper echelon means that the  
6 executioners or the implementers had to be responsible before me.  
7 So whatever they had to do, they had to do it in order not to  
8 make the elements rebel or destroy the Communist Party of  
9 Kampuchea. So this is my clarification and that I accept the  
10 crime although the decision was made by my subordinate. That is  
11 all, Your Honour.

12 Q.However, I believe that it's important to make things a bit  
13 clearer. Who decided on the breakdown into these three groups?  
14 Who made the decision between the light offenders and the heavy  
15 offenders? Who decided to send prisoners directly to Choeung Ek  
16 or to Tuol Sleng? I mean, there are decisions that were not the  
17 same, so it might be important to know who did what.

18 A.Your Honour, the division of the elements into three  
19 categories was made by the two persons and the decision to send  
20 them directly and immediately to Choeung Ek without having them  
21 to go through Phnom Penh was decided by me, myself.

22 [14.01.53]

23 Q.So therefore, there was no delegation here. You didn't  
24 delegate anything to a subordinate. You knew perfectly well that  
25 if you were sending somebody directly to Choeung Ek, well, it was

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1 to execute that person. So on the basis of which information  
2 would you make such a decision? What were the reasons that you  
3 checked when you were looking at these lists?

4 A.Sometimes there were requests to me that those people need not  
5 to be interrogated and their confessions were not needed. After  
6 I heard that and after I had a quick examination, then I made a  
7 decision that those people needed to be sent to Choeung Ek  
8 directly. If people were sent to Choeung Ek wrongly, then it  
9 means their confessions will be cut off, so they needed to seek  
10 my approval before those people could be sent to Choeung Ek.  
11 This is my response, Your Honour.

12 Q.Is this the reason why children were also directly sent to  
13 Choeung Ek without passing first through Tuol Sleng?

14 A.Your Honour, for that reason the 160 children were sent  
15 directly to Choeung Ek. And in fact those children were sent to  
16 Choeung Ek without even having any consultation with me because  
17 there was no reason in getting the confession from those  
18 children.

19 [14.05.05]

20 Q.Could you please give us a few more details about these  
21 children? Where did they come from? Had the parents already  
22 been smashed? Were they separated from their parents? When were  
23 they arrested and when were they executed?

24 A.Your Honour, for such detail, I do not have the information.  
25 I do not know the real situation. I can only conclude that the

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1 160 children were those who were separated from their parents who  
2 were detained in Phnom Penh and they were kept at Prey Sar. I  
3 believe this conclusion is not too far from the reality of the  
4 situation at the time. This is my response, Your Honour.

5 Q.Were children obliged to work at Prey Sar and as of what age  
6 were they separated from their mothers? Were they immediately  
7 separated from their mothers or could they remain with their  
8 mothers for a certain while? Were there children at Prey Sar,  
9 and who took care of these children?

10 A.On this matter I am also unclear because I did not see it with  
11 my own eyes. I can only conclude that the very young children  
12 who were separated from their mothers, just after they were  
13 separated from their mothers they would immediately be smashed  
14 nearby the compounds of the Ponhea Yat High School. Therefore,  
15 those children -- those 160 children -- were not the very young  
16 children; at least they were seven years old or eight years old  
17 and up. Those children, when they arrived there, they were  
18 forced to do labour. The question is, what did they do? I  
19 thought of the child of Brother Mam Nai and another child. At  
20 night they went around trying to catch mice. Every night they  
21 went around looking to catch mice. And usually they rested  
22 during the day.

23 So in summary, this is my response to you, Your Honour, regarding  
24 the children.

25 Q.Well, another question now in dealing with different topic.

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1 Were the people who were arrested and brought to Prey Sar, were  
2 they informed of the reasons why they had been arrested? And in  
3 that case, were they able to contest and to challenge that order?

4 A.Your Honour, there was none. During the Democratic Kampuchea,  
5 there was no contest could be raised. There was no, about the  
6 transfer from one unit to another, they don't tell the reason for  
7 that. The time was not allowed for the victim to contest or to  
8 raise any argument.

9 [14.12.06]

10 Let me give you an example that I mentioned a little bit  
11 yesterday. When Nat himself, who was removed by Son Sen from  
12 S-21, the grounds was not told for that removal. He just told  
13 that it was beneath for him to do the work. And he said that the  
14 military communication needs him very strongly.

15 This I would like to reflect to Brother Nat and so for those who  
16 were sent to Prey Sar, they were not informed of the grounds of  
17 their sending or their arrest. That's all my response, Your  
18 Honour.

19 Q.And among the reasons that could justify being sent to be  
20 re-educated, well the simple fact of maybe having a poor  
21 biography could be sufficient. The fact of maybe having a member  
22 of your family who had been arrested and imprisoned at S-21 or  
23 the fact of being close to someone who could be suspicious --  
24 were these sufficient reasons?

25 A.Your Honour, if you are talking about a bad biography, it

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1 refers to the head of the family which has been arrested and  
2 smashed. It is correct.

3 If you say that because of the class origin that he or she was a  
4 professor like me, for example, we can not say that as a bad  
5 biography. This type of people could not be arrested on that  
6 matter.

7 [14.15.38]

8 I would like to explain a bit more. In each family, there was  
9 one head of family. If the head of the family fell down, other  
10 members in the family might be arrested and smashed or be sent to  
11 Prey Sar. This is true.

12 So the second list indicates clearly number 00007271 about a case  
13 number 9, a female member number 9 and her husband was Chan  
14 Sarath. He was a member, a staff member of S-21. He was a  
15 member of S-21 and her husband was arrested. The upper echelon  
16 sent her to Prey Sar.

17 This is my explanation: when the husband was arrested, the wife  
18 would be sent to Prey Sar.

19 Q. So up until now in the proceedings we used the terms  
20 "re-education", "components" quite often. And in the Closing  
21 Order there is reference to another terminology, much more legal  
22 terminology. And it's not -- there is no mention of re-education  
23 sites. It is, on the contrary, it is mentioned "enslavement."  
24 So for you, Prey Sar; was Prey Sar a place where people were  
25 enslaved?

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1 And I can read paragraph 135 of the Closing Order where the  
2 following is -- it's paragraph 135 of the Agreed Facts, where it  
3 is stated that the prisoners at S-21 and at Prey Sar were obliged  
4 to do forced labour. In all of the aspects of their lives they  
5 were continuously under strict control and they were subject to a  
6 true appropriation which would often be translated as the  
7 restriction of their liberty and of their living space, and this  
8 being done through measures aiming to prevent them from escaping  
9 and by submitting them to punishment and other cruel treatment.  
10 All of these acts resulted in depriving the prisoners of their  
11 free choice.

12 So I would like to repeat my question. So was Prey Sar for you a  
13 place where people were enslaved?

14 A.Your Honour, the language in the international law used for  
15 Prey Sar, yes, it's correct. It is a kind of description; it is  
16 true.

17 [14.21.00]

18 Q.So I'm going to continue with another question, where this  
19 time I'm going to ask you if for you Prey Sar was a place where  
20 people were persecuted, and was it also a place that contributed  
21 to an extermination policy?

22 I'd like to remind you that this morning, unless I did not  
23 understand, where you said that the objective in the long run  
24 regarding the prisoners at Prey Sar was to exterminate them. So  
25 I'm going to read again the paragraph in the Closing Order

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1 dealing with extermination. It is said that:

2 "The living conditions imposed at S-21..." --

3 And S-21 therefore also includes Prey Sar:

4 -- "...were calculated to bring about the death of detainees.

5 These conditions included but were not limited to the deprivation of

6 access to adequate food and medical care."

7 Does this paragraph also apply to Prey Sar, according to you?

8 A. Your Honour, this paragraph in fact reflects the crimes at

9 Prey Sar.

10 JUDGE LAVERGNE:

11 Well, I do not have any further questions for the moment to the

12 accused but I still would like to draw the accused's attention to

13 documents that have just been included in the case file and that

14 are documents that the Co-Investigating Judges obtained in Case

15 number 2 and that they brought before the Trial Chamber because

16 they thought that they could be useful.

17 [14.23.22]

18 And among these documents there are confessions but also prisoner

19 lists, and I would like the accused to please examine, during an

20 adjournment, a document which is E47.10, which is titled,

21 "Prisoner Lists From Division 920 Released" and dated November

22 26th, 1977.

23 So I think therefore it is possible for you to refer to this

24 document and eventually to the other documents that were included

25 by the Co-Investigating Judges in the case file, and eventually I

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1 will ask you questions about these lists. But Mr. President, I  
2 do not have any further questions. Thank you.

3 MR. PRESIDENT:

4 Please, Mr. Lawyer, the floor is yours.

5 MR. WERNER:

6 I would like to refer to two paragraphs in the Closing Order.  
7 Paragraph 135, that was referred to, but there was no reference  
8 in the Closing Order to -- the paragraph number in the Closing  
9 Order relating to extermination was not mentioned, and it is  
10 paragraph 139. It is paragraph 139 of the Closing Order, which  
11 relates to extermination. Thank you.

12 [14.25.25]

13 MR. PRESIDENT:

14 The Bench, do you have any further questions to the accused?  
15 If you don't have any questions I have a few questions remaining  
16 in relation to the facts.

17 BY MR. PRESIDENT:

18 Q.A while ago you used the language in response to Judge Silvia  
19 Cartwright, saying that the staff members of Prey Sar were  
20 combatants. I would like to know further, were the staff members  
21 of Prey Sar the armed force with the guns or just a security  
22 people in civilian uniform?

23 A.Your Honour, as far as I remember, there were no guns or arms  
24 at Prey Sar but there was a few of them with the messenger or  
25 guard only. The militia men were over those elements and we

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1 conducted through the inspection and monitoring only. That's  
2 all.

3 Q.Thank you. We feel interested in this matter because in the  
4 Closing Order and on the minutes of the Agreed Facts indicated  
5 that those elements who are working were frequently and strictly  
6 monitored by the armed force, fully armed. That's why I asked  
7 this question for clarification but it's your right to respond,  
8 but we will have more witnesses to testify on this matter.  
9 My second question for you: those people who were in the third  
10 group, which is the serious offenders group, what were the  
11 treatment for them at night when they stay or they sleep at  
12 night? What were their treatment then?

13 A.Your Honour Mr. President, they might be kept in the house or  
14 the stable and lock the door from the outside.

15 [14.28.35]

16 Q.When the re-education centre at Prey Sar received the children  
17 and there was not a kind of examination, but for the small  
18 children were separated from their mothers, were smashed next to  
19 the centre at Phnom Penh, it's only those who were seven or eight  
20 years old who were detained -- were sent to Prey Sar before  
21 sending to Choeung Ek; was that true?

22 A.Mr. President, I said that, it is true, but it was my  
23 conclusion.

24 Q.My question is that when they were sent there and before the  
25 decision to transfer them for smashing, was there any

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1 organization or arrangement that allowed them to learn any  
2 language or any script?

3 A.Mr. President, there was no kind of education, even though the  
4 children of the cadre -- for example, the son of the cadre, Mam  
5 Nai -- they did not study but they caught the mouse.

6 [14.30.20]

7 Q.This morning you admitted that there were pregnant women who  
8 were full pregnancy -- it was in 1977 -- and Judge Cartwright  
9 asked you that question and you said that for those babies who  
10 were delivered from the mothers, and if the mothers were smashed,  
11 the babies were also smashed.

12 So now come to the situation where the mother was allowed to stay  
13 after her delivery of the child, and if she needed to go to the  
14 rice paddy to work, so was there any arrangement to allow her for  
15 a certain day -- for her to stay for a breastfeeding? So if she  
16 had to go to dig the canal or build the rice paddy dyke, so what  
17 happened to those small babies?

18 A.Mr. President, frankly speaking, I did not witness it and I  
19 did not consider that matter. What I reported is based on my  
20 analysis. The newborn babies had to stay with their mothers.  
21 When the mother just delivered the baby, they had to rest and  
22 that was unavoidable; however, the period of maternity rest  
23 depended on the mother's health. Whenever the health was strong  
24 enough for them to work in the rice fields and nobody would take  
25 care of the young babies, she would have to take the baby with

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1 her and left the baby under the tree while she worked in the rice  
2 fields. This is my assumption.

3 Q.You said the elements had to be supervised in the Prey Sar  
4 Security Office were required to attend criticism and  
5 self-criticism meetings. Criticism meeting means to report to  
6 the meeting on their misbehaviours, and that's for the  
7 self-criticism and also to criticize other people's mistakes.  
8 What about their daily routines? Did they have regular work?  
9 And what about the meeting? Was it held on a weekly basis or  
10 every 10 days? And when it was held; during the night or the  
11 daytime?

12 A.Mr. President, it was not held every day. In principle, it  
13 was held every seven days at night. However, sometimes it was  
14 postponed due to the urgency of the work in the rice fields.

15 [14.34.03]

16 Q.My last question to you.

17 You replied to Judge Cartwright that the re-education office in  
18 Prey Sar was a prison without walls, and the question is: during  
19 the times that people or the elements were sent for re-education  
20 at Prey Sar, besides one staff who was in charge of the operation  
21 of the radio for Nun Huy or Huy Sre, were there any other people  
22 who escaped from this prison without walls?

23 A.Mr. President, from what I can recall, there was none. The  
24 strict measure was applied for anyone who attempted to escape, in  
25 order to prevent them from escaping. And the second strict

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1 measure was not to allow them to have any chance to rebel against  
2 us or to grab our weapons. So there were not many weapons; there  
3 was only a few for the protection of Comrade Huy.

4 Q.What about one staff who held the radio for Nun Huy and he  
5 fled; was he recaptured and brought back?

6 A.Mr. President, the person who fled, he fled and we could not  
7 catch him and I reported the matter to the upper echelon, and it  
8 was reported to various units in order to arrest him. So we were  
9 not sure whether he was recaptured and smashed, and that was what  
10 happened, from my recollection. However, he was not recaptured  
11 and brought back to S-21 in Phnom Penh or interrogated, no.

12 [14.36.51]

13 Q.Thank you.

14 MR. PRESIDENT:

15 The Chamber Judges have no further questions regarding the  
16 establishment and the operation of the re-education office at  
17 Prey Sar, or S-24.

18 And this morning we had a request from the Co-Prosecutors, with  
19 the agreement from the international lawyer for Group 1 civil  
20 party. The Chamber accepted that request, which means the  
21 proceedings on the fact will be adjourned today, and for the next  
22 proceeding, the next hearing, we will start at 9 a.m. tomorrow  
23 morning.

24 And it is the duty of each party to have the opportunity to  
25 question the accused regarding the operation and the

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1 establishment of the re-education office, S-24, or Prey Sar. So  
2 this is the information for all the concerned parties.

3 Prison officials, can you take the accused back to the detention  
4 facility and bring him back tomorrow morning before 9 a.m.?

5 (Judges exit courtroom)

6 (Court adjourns at 1439H)

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