



**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

6 July 2009, 0902H

Trial Day 39

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CANIZARES	French
JUDGE CARTWRIGHT	English
MR. HONG KIMSUON	Khmer
MS. JACQUIN	French
MR. KAR SAVUTH	Khmer
JUDGE LAVERGNE	French
MR. LY HOR	Khmer
MS. SE KOLVUTHY, GREFFIER	Khmer
MR. PETIT	English
MR. SENG BUNKHEANG	Khmer
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. TY SRINNA	Khmer
MR. WERNER	English

1

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

2 (Judges enter courtroom)

3 [09.02.50]

4 MR. PRESIDENT:

5 Please be seated. The Court is now in session. The Greffier,  
6 could you please verify the attendance of the parties to the  
7 proceedings and the person to be invited by the Chamber during  
8 this morning's session.

9 THE GREFFIER:

10 Mr. President, the parties to the proceedings are all present.  
11 The person to give testimony is also presented. I have already  
12 verified the identity and awaiting the invitation of the Court.

13 MR. PRESIDENT:

14 We note the presence of Mr. Alain Werner.

15 MR. WERNER:

16 Good morning, Mr. President, Your Honours, counsels. I just have  
17 one thing to tell you before the civil party is invited.

18 As you know, a few weeks ago we told the Chamber about the civil  
19 parties who are not survivors and who will be called at one point  
20 to testify, and I myself announced that we had 37 hours with all  
21 the civil parties groups. I was informed this weekend, because  
22 one of our civil parties who we were hoping to have her come in  
23 and testify -- a new assessment was made because of some new  
24 developments and very very unfortunately, but that is the  
25 position now. She will not be able to come because we can say

2

1 that the assessment now is that she is too traumatized to come  
2 and talk to this Court.

3 This is E2/43, so unfortunately I have formally to withdraw that  
4 civil party and then for my group we are down to nine hours. For  
5 the global total we are down to 35 hours and not 37 hours any  
6 more. I would be grateful if there was any list, if that name  
7 could be formally withdrawn.

8 Thank you.

9 MR. PRESIDENT:

10 Thank you, Mr. Lawyer for informing the Court regarding the  
11 situation of the civil party to be testified before the Court.

12 [09.06.13]

13 We note the presence of Ms. Studzinsky.

14 MS. STUDZINSKY:

15 Yes, thank you. Good morning, Mr. President. Good morning, Your  
16 Honours. Good morning, counsel.

17 I would like to take the opportunity to request the following  
18 concerning civil party E2/80. She will testify this week and we  
19 learned that the story that she can tell Chamber and everybody is  
20 much broader than expected, and than the victim's Information  
21 Form accounts, and therefore I would like to request the Chamber  
22 to take more time for her because she has really a lot of things  
23 to say and I would -- if the Chamber doesn't mind -- I would like  
24 to inform maybe in a written -- the Chamber about some points of  
25 her story which would make it easier for the Chamber to question

3

1 her.

2 I think maybe another half day for her would be good to have  
3 really very important new information that she has not yet  
4 revealed.

5 Thank you.

6 MS. JACQUIN:

7 Mr. President, hello. Hello, Your Honours.

8 [09.08.15]

9 I have a question concerning our civil parties and I would like  
10 to bring it up this morning -- is that we have civil parties  
11 coming from France and they would like to be questioned, and I  
12 think they have interesting things to say. And there are certain  
13 material issues that will come up if we cannot know the dates  
14 when these civil parties will be questioned.

15 Thank you, Mr. President.

16 MR. PRESIDENT:

17 We have taken notes of the remarks and requests made by the civil  
18 party and we will make the decision accordingly in due course.

19 Regarding the civil parties who will be participating in the  
20 court session, the Chamber has a plan to determine the schedule  
21 to invite them to give their testimony. We had such a plan  
22 already but we have two issues.

23 First, we are looking at the possibility to review regarding  
24 which witnesses to be removed from the list, to be summoned to  
25 give testimony during the hearings. And if we are not yet in the

4

1 clear position, then this can be problematic for our good  
2 calculation of our schedule in the future hearings.  
3 However, the Chamber has already planned in its schedule to call  
4 those witnesses to give testimony, including the testimony via  
5 video-conference. And we have already considered this issue and  
6 we only still need to work on how witnesses would be removed from  
7 the witness list.

8 We have to also move this schedule to a later date. However, we  
9 find it rather difficult in calculating the schedule and we have  
10 to do our best to make sure that we only focus on this  
11 calculation to cover the period of six weeks. We know that our  
12 calculation is accurate at this time.

13 [09.11.46]

14 Next, before we hear the testimony of the civil party for today's  
15 session, the Chamber would like to announce the decision on the  
16 removal of witness KW-24 from the witness list, the witness to  
17 give testimony before the Trial Chamber. The Chamber wishes to  
18 inform the parties and the public of its decision concerning  
19 witness KW-24.

20 Background. On Monday 29th of June 2009, the Chamber informed  
21 the parties of its decision to remove several witnesses from the  
22 list of those to be heard in Court. It then sought the views of  
23 the parties on its proposal to remove an additional witness,  
24 KW-24, from the list of witnesses to testify in person. The  
25 Co-Prosecutors requested the opportunity to discuss this issue in

5

1 closed session or to provide written comments. The Chamber  
2 allowed the Co-Prosecutors to make written submissions by Tuesday  
3 the 30th of June at 4.30 p.m.  
4 The civil parties made no comments. The defence indicated that  
5 it had no objection to the proposal to remove this witness. On  
6 the 30th of June 2009 the Co-Prosecutors filed a confidential  
7 written submission in support of the inclusion of witness KW-24  
8 on the list of the witnesses to testify in person. The  
9 Co-Prosecutors submitted that KW-24 possesses unique knowledge,  
10 insight, and experience about the operation of Choeung Ek.  
11 The testimony of this witness would therefore be essential for  
12 ascertaining the truth about crimes committed there and cannot be  
13 replicated by another witness. They further argue that the  
14 additional time required to hear KW-24 does not outweigh the  
15 probative value of the testimony of this witness.  
16 Reasoning. The Chamber observes that KW-24's testimony would  
17 relate to facts to which other witnesses will testify. The  
18 Chamber therefore does not consider that KW-24's testimony would  
19 provide information which cannot be obtained in another way.  
20 The Chamber has weighed the interest of hearing this witness  
21 against the necessity to conduct a fair and expeditious trial and  
22 finds that, considering the availability of alternative evidence,  
23 it is unnecessary to hear this witness in person. The Chamber  
24 notes that statements of this witness made during the  
25 investigating phase will be put before the Chamber in accordance



6

1 with Rule 87.

2 [09.16.49]

3 Decision: the Chamber therefore decides to remove KW-24 from the  
4 list of witnesses to be heard in Court.

5 MS. STUDZINSKY:

6 Mr. President, only one correction: the civil party is not  
7 E2/80; it is E2/32 what I requested. Sorry for this; thank you.

8 MR. PRESIDENT:

9 The Court official is now instructed to invite the civil party Ly  
10 Hor to come to the courtroom.

11 (Witness enters courtroom)

12 MS. CANIZARES:

13 Mr. President, I would like to remind that during the preliminary  
14 hearing of the 17th of February 2009 the defence reserved itself  
15 the right to bring up certain problems relating to certain civil  
16 parties concerning S-21. I believe now that it is useful to  
17 specify to the Chamber that my client has certain doubts  
18 concerning the detention of this witness at S 21.

19 MR. PRESIDENT:

20 The defence counsel, could you please clarify your comment? What  
21 would be your remarks? Could you repeat it again?

22 [09.21.11]

23 MS. CANIZARES:

24 Yes, Mr. President. I thought that it would be useful, before  
25 questioning the civil party, that I would like to let you know

7

1 that my client has certain doubts concerning the fact that Mr. Ly  
2 Hor was detained at S-21. I was taking the leave to clarify this  
3 so that the Chamber could put the questions in a slightly  
4 different way regarding the fact that my client does have certain  
5 doubts.

6 MR. PRESIDENT:

7 I think the hearing of the testimony of each witness and also the  
8 statement of each civil party is different. It depends on the  
9 arguments and their accounts concerning the related facts as  
10 charged against the accused, so their testimony has no kind of  
11 systematic -- or kind of exactness that they have testify  
12 according to that model. So the Chamber gives the opportunity to  
13 the accused to make comments or observations concerning the  
14 testimony or statements of any witness or civil party during the  
15 session, especially after the accused has listened or has  
16 observed the testimonies or statements of those people.

17 And the defence counsel would be given the opportunity to verify  
18 the testimony or the statements of the witnesses or the civil  
19 parties. It is their opportunity to clarify or to seek  
20 clarification. So the Chamber will take the opportunity while  
21 the clarification is sought from the defence, whether the  
22 testimony is genuine and true.

23 QUESTIONING BY THE BENCH

24 BY MR. PRESIDENT:

25 Q.Mr. Witness, what is your name?

8

1 A. My name is Ly Hor.

2 [09.24.22]

3 Q. Have you got any other names other than Ly Hor?

4 A. In 1975 my name was Ear Hor. After 1979 I changed the name to  
5 Ly Hor.

6 Q. Between 1975 and 1979 what name was used by you?

7 A. Before 1979 I used the name Ear Hor.

8 Q. How old are you now this year?

9 A. I am 57 years old.

10 Q. Where do you live and what is your occupation?

11 A. I now live in Banteay Meanchey province. I am a sailor.

12 Q. Before 1975 where did you live and what was your occupation  
13 back then?

14 A. I lived with my parents before 1975 and then I was conscripted  
15 and served the army in 1972 to 1975, and then I was arrested.

16 [09.26.40]

17 Q. Before you were arrested, in which location did you serve the  
18 army?

19 A. Before I was arrested I lived in Koh Thum district, Sector 25,  
20 then when I was conscripted to work as the soldier in Regiment  
21 119.

22 Q. What was your rank in that Regiment 119?

23 A. I was a combatant.

24 Q. Just now you said you were arrested. The question is which  
25 force -- or who actually did make the arrest and where were you

9

1 detained, and on what ground was the arrest made?

2 A.I was arrested at Sector 25 and detained at Pou Tonle. Then I  
3 was transferred to the Ta Khmau prison. I then was transferred  
4 to Tuol Sleng prison and finally to Prey Sar. And then I made a  
5 decision to escape and I could manage to go home after all.

6 Q.You said you were arrested in Sector 25 and you were detained  
7 at Pou Tonle. Where were you detained at Pou Tonle?

8 A.Pou Tonle was the name of a location and I was detained at  
9 Office 15.

10 Q.What was Office 15?

11 A.It was a sector office.

12 [09.30.29]

13 Q.So it was a sector office, is that correct, or was it a  
14 security office? Because you said you were arrested, and you  
15 were arrested and detained at Pou Tonle at Office 15. And you  
16 said that office is a sector office, so it belongs to the Sector  
17 15, or whether it was the security office to detain people in  
18 Sector 25?

19 A.I only vaguely know that sector was called Sector 25 and that  
20 office was called Office 15.

21 Q.So Office 15 was a prison belonged to Sector 25. Is this  
22 correct?

23 A.Yes.

24 Q.You were arrested and sent to Office 15. Do you know when  
25 were you arrested and why were you arrested and detained at

10

1 Office 15?

2 A.I can only remember the year. I cannot remember the date. I  
3 was arrested in 1976. The reason for my arrest was that because  
4 I was hungry when I was asked to do hard labour, so I went  
5 looking for food and then I was arrested.

6 Q.So the reason for your arrest, was that because you stole the  
7 food because you were hungry? So that was the main reason for  
8 your arrest and detained at Office 15? Is this correct?

9 A.Yes.

10 [09.33.08]

11 Q.What did you steal and where did you steal the food?

12 A.There were three of us. One was Kim Chhang and two is Cheu  
13 Keang to steal the food at a house, and halfway Cheu Keang and  
14 Kim Chhang were arrested and put in Office 15 before I was  
15 arrested. So when I did not see them arrive I went to look for  
16 them. Then I was arrested.

17 Q.You were arrested and detained at Office 15. How long were  
18 you detained in that office?

19 A.I was detained in Office 15 for quite a long time, although I  
20 cannot recall the exact period. I was detained and tortured in  
21 that office. Later on I was sent to the psychiatric hospital  
22 prison in Ta Khmau.

23 Q.So at Office 15 were you detained and were you handcuffed or  
24 shackled, or were you put in a cage and locked and guarded  
25 constantly?

11

1 And while you were detained there, what were you asked to do?

2 A. In Office 15 we were not placed in a cage but we were cuffed.

3 There was a house to detain all the prisoners. We were not asked  
4 to do any labour. We were detained all day and night and we were  
5 interrogated and tortured.

6 Q. Can you recall, when were you transferred from Office 15 to  
7 the psychiatric hospital or Ta Khmau prison? Can you recall  
8 that?

9 A. I cannot recall the date. I only remember the year. It was  
10 towards the end of 1976.

11 [09.36.04]

12 Q. How long were you detained there? What treatment or  
13 ill-treatment did you receive while you were detained at that Ta  
14 Khmau prison?

15 A. While I was detained at that prison, I was interrogated three  
16 times and each time I was tortured. After my interrogation was  
17 complete, I was subsequently transferred to Tuol Sleng.

18 Q. While you were detained in that psychiatric hospital or Ta  
19 Khmau prison, can you recall how long were you detained there?

20 A. From what I can recall, I was detained there for about one  
21 month.

22 Q. Besides interrogation, did the staff at the Ta Khmau prison  
23 mistreat you? If so, in what form?

24 A. The security staff at the Ta Khmau prison did not do anything  
25 to me. However, I was beaten during the interrogation. So the

12

1 security staff did not mistreat me.

2 Q.Were you detained? For example, were you cuffed or shackled  
3 or were you free to walk around within the compound of the Ta  
4 Khmau prison?

5 A.While I was detained in that prison I was not allowed to go  
6 outside or do any work. I was detained. I was chained all day  
7 and night.

8 Q.What was the means of transportation used when you were  
9 transferred from Office 15 to the Ta Khmau prison? Were you  
10 walked or were you transported? And were other prisoners coming  
11 along with you?

12 [09.39.34]

13 A.I was transferred from Office 15 to Ta Khmau prison and there  
14 were about 10 of us. We were transferred first when we were put  
15 on the boat to cross the river and while we disembarked from the  
16 boat, then we were put into a vehicle.

17 Q.You stated that you were in the Ta Khmau prison for about one  
18 month in late 1976 and you were transferred from Office 15 to Ta  
19 Khmau prison about one month later. And during that time you  
20 were interrogated three times while you were beaten. And you  
21 were then transferred to S-21.

22 How were you transported to S-21 and when were you transferred?  
23 Can you recall?

24 A.I was transferred from Ta Khmau prison to S-21 prison by a  
25 vehicle. I cannot recall the date. However, it was -- I

13

1 actually cannot recall clearly the year I was transferred to  
2 S-21.

3 Q.Were you transferred alone or were other prisoners transferred  
4 along with you from the Ta Khmau prison to S-21?

5 A.I was transferred alone.

6 Q.What was the reason, as you stated, that you were transferred  
7 from the Ta Khmau prison to S-21? Can you tell us the reason and  
8 did you know S-21 clearly at that time?

9 A.I did not know. However, the guards at S-21 office said that  
10 location was the S-21 prison.

11 [09.42.38]

12 Q.You were transferred from the Ta Khmau prison to the S-21  
13 security office. Were you transferred during the day or at  
14 night? During the time that you were being transferred, how did  
15 they treat you?

16 A.I was transferred in the afternoon. I was blindfolded and put  
17 into a vehicle. Upon arrival at the S-21 the blindfold was  
18 removed.

19 Q.When you arrived at S-21 office, can you recall what time and  
20 when you just arrived, what happened? What was the process done  
21 by the S-21 staff?

22 A.When I arrived at S-21, the guards first did not mistreat me  
23 or did anything to me. I arrived at about 7 or 8 p.m. Then I  
24 was shackled.

25 Q.You said you were transferred to S-21 security office. And at



14

1 S-21 you did not know the name but you heard the guards say it  
2 was the S-21 security office. Can you tell us what was the  
3 location of that S-21 security office? Can you recall its  
4 location?

5 A.I cannot remember clearly the location of S-21. However, as I  
6 told you, Mr. President, that while I was detained there, the  
7 guards told me the name of that location and that it was called  
8 S-21.

9 The reason I said it was S-21 -- because when I was transferred  
10 to Prey Sar, the guards at that location told me and warned me to  
11 stop running or I would be killed. And the guard told me that  
12 the location that I was last detained was called S-21.

13 Q.Can you describe the general view of the location where you  
14 were detained at S-21? Can you describe the general view of what  
15 you saw at the time from your recollection?

16 A.I was not clear on that, on the location, because the place  
17 where I was detained, I was not allowed to walk freely. So I  
18 could only remember certain points.

19 I was detained near the kitchen, adjacent to a building there.

20 [09.47.42]

21 Q.Can you describe your experience from the time you were  
22 transferred from Ta Khmau prison to S-21 and during the times  
23 that you lived at S-21 until the time you were transferred from  
24 S-21 to Prey Sar? Can you describe your accounts or experience  
25 during the periods I just described?

15

1 A.I would like the President to state your question again.

2 Q.You just told us your account that you were detained, and  
3 later on you were transferred from the Ta Khmau prison to S-21.  
4 From the time that you arrived at S-21 and during the times that  
5 you lived and stayed there on the daily life until the time you  
6 were sent to S-21, can you describe your accounts or your  
7 experience during the time that you lived at S-21 to the Chamber?

8 A.You mean to talk about the hard living conditions or that I  
9 was tortured at S-21? Is that what you wanted, Your Honour?

10 Q.So what were you -- what was you treated and how by the S-21  
11 staff? You can describe on that point.

12 And the second point you can describe what you saw. For example,  
13 the treatment by the S-21 staff toward other prisoners.

14 [09.49.43]

15 A.The condition of living in S-21 was that I was tortured. For  
16 example, if I spilled the urine then I would be beaten. And my  
17 feet, ankles, which were shackled and wounded, when I asked for  
18 medication, I was not only not given but I was beaten.

19 And in S-21 in the evening around 7 or 8 p.m., I heard the  
20 screaming.

21 Q.When you first arrived after you disembarked from the vehicle,  
22 was there a handing over procedure from the force that brought  
23 you there and the force that were receiving you or were the  
24 people who brought you there also took you inside the compound?

25 A.After I was disembarked, I was handed over to another group.

16

1 Q.Can you recall where you were handed over?

2 A.At the place where I was detained.

3 Q.When you were handed over to another group and before you were  
4 detained, what did the staff there treat you, and how?

5 A.First, after I was handed over to the security staff there,  
6 they did not do anything to me. I was detained and shackled.

7 Q.How were you were detained and shackled? You mean you were  
8 taken into a room, a cell or a building or you mean the room or  
9 the building you said adjacent to the kitchen and then you were  
10 cuffed or shackled there? Is this the way it is?

11 [09.52.32]

12 A.After I was sent to the kitchen, then I was cuffed.

13 Q.Can you recall the kitchen where you were cuffed? How far was  
14 it from the entrance, and did you have to go through other  
15 buildings or did you have to go through a barracks or other shed  
16 before you arrived at the kitchen where you were detained?

17 A.I could not remember clearly where I was detained. I only can  
18 recall that the place where I was detained, it was the location  
19 where they cooked the rice for the guards and the prisoners.

20 Q.What about your clothes when you were transferred there; what  
21 did they do to your clothes? Or were you sent directly to be  
22 detained?

23 A.They did not change my clothes. I was sent in the clothes  
24 that I was wearing.

25 Q.What clothes were you wearing at the time?

17

1 A.It was black.

2 Q.When you were transferred there, did you bring along a scarf?

3 A.No, I did not.

4 [09.54.52]

5 Q.You were detained in a room adjacent to the kitchen where they  
6 cooked and distributed the rice to the prisoners. How many  
7 prisoners were there with you or were you detained alone?

8 A.At that location, it was a detention for those who were -- for  
9 the prisoners who were really sick or for those who had a lot of  
10 wounds or diseases.

11 Q.So it means a lot of prisoners were detained there, not just  
12 only you? Can you recall how many prisoners were detained there,  
13 10, 20 or 50? Just a rough estimate.

14 A.The place where I was detained, there were more than 10  
15 prisoners. Those who could not walk because of their wounds or  
16 because of their sickness, they were detained there.

17 [09.56.25]

18 Q.During the time that you were detained there, were you  
19 interrogated?

20 A.At that location, I was called for interrogation for one time  
21 only.

22 Q.Where were you interrogated?

23 A.I cannot recall clearly, but I was taken from my location and  
24 I was sent into another building; it's the first building for my  
25 interrogation.

18

1 Q.During the time that you were interrogated, how long were you  
2 interrogated and what were you asked? And how many  
3 interrogators?

4 A.When they were interrogating me, it was more than one hour or  
5 up to two hours, and there was only one interrogator. I was  
6 asked who was my superior.

7 Q.During the time you were interrogated, what did the  
8 interrogator do to you?

9 A.While I was being interrogated, the interrogator said I was  
10 stubborn and if I was afraid of a club or an electric cable, and  
11 I told the person that, "Yes, I was afraid of that but my life  
12 depends on your brothers. If you want to kill me you can kill  
13 me." And I was -- and he replied back that I was so stubborn and  
14 that I was not afraid of the club or the electric cable.

15 While I was interrogated, the person threw a cigarette butt  
16 toward me and also the solid waste of the milk toward me and I  
17 was ordered to eat it, and after that I was taken back.

18 [09.59.00]

19 Q.When you were taken to the interrogation location, how did  
20 they do to you? Were you blindfolded or cuffed while you were  
21 being walked to the interrogation location?

22 A.I was handcuffed. I was not blindfolded.

23 Q.Both of your hands would be put to your front or behind your  
24 back?

25 A.To my back.

19

1 Q.When you were put to the interrogation room, how were you  
2 treated?

3 A.When I got there, I was threatened and they asked who  
4 initiated the idea of escape.

5 Q.Actually, we are not asking this question because you already  
6 stated clearly about how you were being treated before, but now  
7 we would like to ask you how you were being treated during the  
8 interrogation. Were you only put to the interrogation room and  
9 seated face-to-face with the interrogator while the interrogation  
10 then took place, or how was the interrogation conducted?

11 A.They put me to sit facing the interrogator and then  
12 interrogated me.

13 Q.Were handcuffs removed at that time?

14 A.No, they weren't.

15 [10.01.24]

16 Q.Were you also shackled by your legs?

17 A.No, only handcuffs were put on.

18 Q.You said during the interrogation, the purpose of the  
19 interrogation was to obtain the information about your superior  
20 and they said that you were stubborn. Were you abused physically  
21 during that interrogation?

22 A.I was not beaten, but they threatened me. They asked whether  
23 I would be scared of the electrical wire or the whip. I said  
24 that I was afraid of those devices or tools and I said that my  
25 fate was in the hands of him.

20

1 Q.When they said "these", referring to these items, for example  
2 the whip, were you shown this equipment before you?

3 A.I saw those torturing tools and they even picked one up to  
4 scare me.

5 Q.Could you please describe about the -- especially the  
6 torturing tool you mentioned in particular, referring to the --  
7 you said that it's more like a bull's penis. That's what you  
8 said. So what was it like?

9 A.I did not remember it clearly but the interrogator said that  
10 the -- they referred to the electrical cord and the so-called  
11 bull's penis torturing device. It looked more like the private  
12 thing of the bulls anyway.

13 [10.03.57]

14 Q.When you were being interrogated, was the interrogator at that  
15 time young or adult, or how was your interrogation or confession  
16 recorded; by handwriting or typewriter?

17 A.I think the guy who interrogated me was about 30 years old,  
18 and they recorded my confession by writing down on a piece of  
19 paper, not by the typewriter.

20 Q.When you were being taken back after being interrogated, were  
21 you transferred to the same location or to a different place?

22 A.I was put in the same place.

23 Q.Can you tell the Court about the location where you were  
24 detained? What was it made of? Was it made of concrete wall or  
25 was it made of wood and covered with thatch, for example? Please

21

1 tell us what was the detention location like.

2 A.I was detained in a confined area insulated with concrete  
3 wall and some barbed wires on top. Also, some barbed wires would  
4 be seen surrounding the area, and the floor was a concrete floor  
5 too.

6 Q.So it was a kind of shed built on the surface of the ground  
7 and the floor was made of concrete. What about the roof; how was  
8 the roof covered?

9 A.The roof was covered with a corrugated metal sheet.

10 [10.06.37]

11 Q.So how was the shed? How big was it?

12 A.It was about four to 10 metres square. I just estimate.  
13 Maybe it's about four to 10 square metres.

14 Q.Could you please be more precise? Is it 4 metres by 4 metres  
15 or 10 metres by 10 metres? Is it 4 metres by 4 metres or 10  
16 metres by 10 metres?

17 A.It was about 10 by 10 metres.

18 Q.When you were being taken to be interrogated, were you being  
19 walked on the corridor or were you walked along a small path and  
20 then you exited through a door, or was there any door in your  
21 room?

22 You said you were not blindfolded, so we can presume that you  
23 could have seen the surrounding areas while you were being walked  
24 to be interrogated. Could you please elaborate a bit on this?

25 A.Close to the building there was a small path, a passageway,



22

1 that I could be walked to be interrogated.

2 Q.Did you see other buildings near that location whether -- or  
3 you only saw just one small building? So did you see more  
4 buildings then?

5 A.I don't remember for sure because I was taken -- I could not  
6 see the buildings at night, in particular.

7 [10.09.25]

8 Q.You said you were being taken to be interrogated in a  
9 building. Could you describe the building, whether it was made  
10 of concrete or wood?

11 A.The building was a concrete building. I could climb into one  
12 of its storeys, so I guess the building was a one-storey  
13 building.

14 Q.What about the kitchen; where was it located? You said you  
15 were detained in that kitchen. So how far was the kitchen from  
16 the place where you were detained?

17 A.I don't remember exactly, but I remember that the kitchen and  
18 the building I was detained -- the building and the kitchen were  
19 next to one another.

20 Q.How long were you detained in that location?

21 A.About more than a month.

22 Q.What was the food rations like? Were you given food, meals?

23 A.We were given a small bowl of food.

24 [10.11.37]

25 Q.Were you given rice or thin gruel or thick gruel?

23

1 A.I was given rice.

2 Q.How often were you given such meals or were soup also given  
3 along with the rice?

4 A.We were given two meals per day with soup. The soup came in  
5 the form of water lily and it's a kind of watery soup without any  
6 meat.

7 Q.During your captivity, were you let out to do exercises?

8 A.No, I wasn't.

9 Q.How were you detained; I mean, how were you shackled? Were  
10 you handcuffed and also shackled by your legs?

11 A.I was shackled by my ankles and attached to a metal bar.

12 Q.Were you shackled on your own? I mean, alone or were you  
13 also shackled along with other prisoners in a line?

14 A.There were about 10 prisoners who were shackled together in  
15 one metal bar or so-called shackles.

16 Q.So in one line there were about 10 prisoners?

17 A.That's correct.

18 [10.14.07]

19 Q.When you had a bath -- were you allowed to have a bath and  
20 where would you have such baths, and how often did you have it?

21 A.We had a bath once after every three days.

22 Q.Were you taken out to have the baths or were you bathed inside  
23 the room?

24 A.We were taken out to have such a bath.

25 Q.So when you were taken to have the baths, how far was it from

24

1 the location where you were detained, and were you also relieved  
2 from being cuffed or shackled?

3 A.The place that we had the bath was close by, and we only  
4 handcuffed while the shackles were removed.

5 Q.So you were still remained handcuffed while having the bath.  
6 Is that correct?

7 A.When they were walking us to the baths, then we would be  
8 handcuffed, but while having a bath the handcuff would be  
9 removed.

10 Q.When you had to relieve yourself, how did you do it?

11 A.We relieved ourselves just inside the location where we were  
12 detained because we were given a small container or box for such  
13 purpose. Only when the box was filled then we would be -- they  
14 would remove it.

15 [10.16.24]

16 Q.So who actually collected these boxes of waste to be  
17 discarded?

18 A.Actually, the guards would ask detainees to take turns to take  
19 away these boxes to be discarded.

20 Q.Have you noticed other detainees who were detained also at  
21 that location? I mean, in total, how many prisoners or detainees  
22 have you -- or did you see being detained there, and what was  
23 their situation like?

24 A.I saw other detainees and their condition was miserable  
25 because they developed some wounds, and some were shackled and

25

1 some could not even walk. Some were very thin and some died in  
2 the spot.

3 Q.Did you see the people who died during the time when you were  
4 being detained, and how many people died and what were the causes  
5 of the deaths?

6 A.I saw only one person who died of sickness.

7 Q.How was the dead body managed by the guards?

8 A.I don't understand your question. Could Your Honour please  
9 repeat?

10 [10.18.36]

11 Q.When the person died, how could people prepare to discard the  
12 dead body?

13 A.When that person died, he was taken away.

14 Q.Was he removed immediately after his death or would he be left  
15 there for the whole day or afternoon before he was being taken  
16 away?

17 A.The person was removed immediately after he died.

18 Q.Besides the death of the detainee, did you observe other  
19 episodes; for example, how the guards treated other detainees? I  
20 mean, the episodes you witnessed.

21 A.I saw other situations. For example, the ammunition box which  
22 we were given for relieving ourselves, then some detainee would  
23 spill the urine inside the box and they would be beaten for  
24 spilling the urine, and when people talked loudly then they would  
25 also be beaten.

26

1 Q.I would like to go back a little bit since it is time to ask  
2 such questions.

3 You said you were sent to Ta Khmau prison. How many detainees  
4 did you see there, or were you only sent along with a few people  
5 or were you sent en masse with other big group of people?

6 A.At the psychiatric hospital in Ta Khmau, there were a lot of  
7 detainees.

8 [10.21.19]

9 Q.Were they detained and handcuffed in the building or were they  
10 released or removed from the handcuffs?

11 A.They were detained in the building.

12 Q.You said just now that you were detained at S-21 and that you  
13 were given food and how staff of S-21 treated you, and also you  
14 said you saw other conditions and how other detainees were  
15 treated by the guards.

16 The follow-up question would be: when did you leave S-21 and  
17 why?

18 A.I don't remember the dates exactly, but after I was  
19 interrogated I left the location, that office, and I was  
20 transferred to S-24, or Prey Sar.

21 Q.Were you sent alone or were you sent along with other people,  
22 and how were you sent there?

23 A.I was sent there in the afternoon alone by a truck.

24 Q.Do you still remember that -- when you were transferred to  
25 S-21, in which entrance were you sent in? And when you were

27

1 transferred out from the location, were you transferred through  
2 the same gate where you once was sent in?

3 A.I could not remember clearly because I was blindfolded in both  
4 situations because when I was being sent in I was blindfolded,  
5 and it would be applied the same when -- the time when I was out.

6 [10.24.08]

7 Q.You said you were transferred to Prey Sar. In which location  
8 were you detained?

9 A.I don't remember in which point or location I was detained,  
10 but I was put to dig canals and would be handcuffed after work.

11 Q.Were you handcuffed at Prey Sar or were you only handcuffed  
12 when you were transferred to S-21?

13 A.I was also handcuffed at Prey Sar.

14 Q.Besides digging canals, were you put to do other work?

15 A.No, I was not. They only asked me to dig canals until the  
16 time when I had to return and be handcuffed.

17 Q.How long or how many hours were you put to work to dig the  
18 canal each day?

19 A.From 4 until 12 a.m.; and then from 1 p.m. until 5 p.m.; and  
20 from 5 p.m until 9 p.m.

21 Q.When you returned to be handcuffed at night, were you alone  
22 who were handcuffed or were other detainees at Prey Sar all  
23 handcuffed by the staff at S-24?

24 A.They were all handcuffed.

25 [10.26.33]

28

1 Q.What about the women and children? Were they all shackled?

2 A.They were all shackled, the women detainees, I mean.

3 Q.What about children? Did you see children at Prey Sar?

4 A.No, I didn't. I only saw women.

5 Q.How were they shackled or cuffed? Were the same shackles --

6 for example, the same shackles at S-21 would be used at S-24 or

7 were detainees put into a building and then only locked the door

8 and left them inside the building? What would it be?

9 A.We would be put into the room and also shackled.

10 Q.So of course at the building you said that they were shackled

11 by the legs as the way they would do at S-21. And then there

12 would be an insulated wall and all doors would be locked from

13 outside. Is that correct?

14 A.That's correct, Your Honour.

15 Q.How long were you there?

16 A.I was at Prey Sar for about more than one month.

17 [10.28.34]

18 Q.How did you leave Prey Sar?

19 A.When I left Prey Sar, it was in the evening after the bell was

20 hit for dinner and I decided that if I stay I would be dead. If

21 I run away I might survive.

22 So then I asked another inmate whether he wanted to run away with

23 me and he said he did not dare. Then I told him that now I would

24 run away and if anybody asked for me, you tell them that I went

25 to relieve myself.

29

1 So one evening I decided to run away to cross the Prekhor River,  
2 and they chased after me, but it was at dusk when I finally fled.

3 Q.So you fled and you swam across Prekhor River. To which  
4 direction did you go?

5 A.I walked towards the south direction, towards the Chiso  
6 Mountain. I only walked during the night and I did not dare to  
7 walk during the day. At night, sometimes when it was full moon,  
8 and I found some fruit, then I picked up those wild fruits to  
9 eat. And at daytime I hid myself in the forest.

10 Q.So where did you walk to?

11 A.I reached Chiso Mountains and then I went to my house, that is  
12 towards the east towards Koh Thom.

13 [10.31.00]

14 Q.So it means after you fled Prey Sar you went towards your  
15 house which was located in Koh Thom District. Is this correct?

16 A.Yes.

17 Q.Did you live in your house in Koh Thom or did you go elsewhere  
18 to live?

19 A.I lived right there in my house in Koh Thom. I did not go  
20 elsewhere.

21 Q.Can you try to recall when you went to your house, when was  
22 it? Can you recall, or what is the approximate year?

23 A.I cannot recall the year, but I did not leave my house or my  
24 native village.

25 Q.So you lived at that location until the 7th of January 1979?



30

1 A. Yes.

2 Q. So when you went back to your native village, to your house,  
3 what was the reaction by the cooperative leadership there? What  
4 measure did they take against you?

5 A. When I fled back to my base village, first I hid myself in the  
6 house for about one month. I was sick. My legs were swollen and  
7 my father was very scared that they would find me. So he went to  
8 inform the district secretary whom we knew. So my father went to  
9 inform him that now I ran away and I was at home.

10 [10.33.35]

11 Then the district secretary said, "Don't worry; let him stay  
12 there and if anybody comes looking for him, I would say he is not  
13 here and if he needs some rice then I can give him rice." So I  
14 survived from that day.

15 MR. PRESIDENT:

16 Now it is time for a break. The Chamber will take a 20-minute  
17 break until 10 to 11 when it will resume.

18 Court Officer, can you assist the witness with some refreshments  
19 and invite him back to the Chamber before 10 to 11.

20 (Judges exit courtroom)

21 (Court recesses from 1034H to 1057H)

22 (Judges enter courtroom)

23 [11.00.06]

24 MR. PRESIDENT:

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

31

1 BY MR. PRESIDENT:

2 Q.Mr. Ly Hor, the Chamber would like to seek clarification  
3 regarding your background because there are some things that we  
4 need further clarification from you.

5 Your name is Ly Hor. Is that correct?

6 A.That is correct, Your Honour.

7 Q.Where were you born? When?

8 A.I don't remember when I was born.

9 Q.How old are you this year?

10 A.I'm 57 years old.

11 Q.In 1975, how old were you back then?

12 A.I don't remember, Your Honour.

13 Q.What is your father's name?

14 A.His name is Ear Thong Ly.

15 Q.Could you please repeat?

16 A.My father's name is Ear Thong Ly.

17 [11.03.14]

18 Q.What is your mother's name?

19 A.Sean Mao.

20 Q.Were your parents alive or have they passed away?

21 A.They have passed away.

22 Q.What is your wife's name?

23 A.Her name is Lo Kim Sy.

24 Q.Where does she live now and what is her occupation?

25 A.She lives with me in Banteay Meanchey and she is also a

32

1 seller.

2 Q.How many children have you got?

3 A.We have five children.

4 Q.Where were you born? In which village, in which commune,  
5 district and province?

6 A.I was born in Koh Thum district, Kandal province, Prek Sdei  
7 commune and Prek Sdei village.

8 MR. PRESIDENT:

9 The AV unit is advised to show document with ERN 00280015 in  
10 Khmer on the screen.

11 The AV Unit, could you please make sure that Judges can also  
12 receive the signal? Oh, we've got it now.

13 BY MR. PRESIDENT:

14 Q.Mr. Ly Hor, look at this document. Did you write it or did  
15 you ask somebody to produce this statement for you?

16 A.My interrogator wrote it.

17 [11.08.06]

18 Q.You said your interrogator, but when was the statement made?

19 A.I remember that when I was being interrogated then this  
20 statement would be produced.

21 Q.Where were you interrogated?

22 A.The President, I would like to apologize because I have not  
23 really seen this writing yet and I did not really make such  
24 statement, but here I feel like it is like the writing of the  
25 person who interrogated me.

33

1 Q. Did you write the statement by yourself or you asked somebody  
2 to help writing it?

3 A. I did not write it by myself.

4 Q. Who did you ask to write it for you and when exactly this  
5 piece of document produced?

6 A. I cannot remember.

7 Q. In your information and what you can see here on the screen,  
8 is it revealing the truth of your accounts and what you have  
9 encountered or come across during the Khmer Rouge regime?

10 A. It's true, Your Honour.

11 [11.10.29]

12 MR. PRESIDENT:

13 The Greffier, you are now instructed to read the information  
14 concerning the crime on the screen. There are only two pages, so  
15 please read both pages.

16 THE GREFFIER:

17 "The information concerning the crime. Early 1976 I, Ly Hor, was  
18 arrested and transferred to Tuol Sleng. This transfer was made  
19 from Office 15 to Ta Khmau and then I was transferred to Tuol  
20 Sleng through an insulated truck at about 7 p.m. When I reached  
21 Tuol Sleng I was detained and shackled by my legs and put in the  
22 room insulated by the metal bars, and I was detained overnight  
23 and the next day I would be taken to be interrogated in an  
24 interrogation room.

25 During the interrogation, the interrogator threatened me to

34

1 respond to them. When I did not respond, they used the so-called  
2 bull penis kind of torture device about the size of my toe to  
3 beat me on my chest and my upper part of my left arm, and it  
4 damages it and I could not use it properly, and every time I was  
5 being interrogated I would be beaten.

6 And during the time I was detained at Tuol Sleng, the  
7 interrogator carried three interrogations, and during that three  
8 times I were beaten with that torturing device and I was shackled  
9 by my legs, although during the time at night when I had to sleep  
10 and I would be attached with the other people or detainees, about  
11 10 of us. So the shackles were attached to our legs over 24  
12 hours. When we were taken to have a bath, the shackles were  
13 removed while the handcuffs still remained, and once every three  
14 days we would be taken to have the bath.

15 During the time of eating and relieving ourselves, everything had  
16 to be done inside the same room, and we remained handcuffed and  
17 shackled at all times. I was detained there more than a month  
18 and when I was shackled to my legs in the room, the shackles  
19 still remained during the time of eating and relieving ourselves  
20 and we were not allowed to make any loud noise by the guards.  
21 And we were warned not to make any noise of the shackles,  
22 otherwise we would be beaten with the torturing device until  
23 they're satisfied.

24 During the time I was detained at Tuol Sleng, in the detention  
25 room the smell was bad because the urine and human waste were

35

1 left for three days before they would be collected to be  
2 discarded.

3 When we had food, we had to eat them while the human waste would  
4 be casting some smell right inside the room, and we remained with  
5 the shackles and the wounds and the lice were all over our  
6 bodies. We developed some skin rashes until the full body  
7 covered with rashes."

8 Q.You have already listened to the statement and we asked you  
9 several questions and you also responded to us. But we have  
10 found out that some clarifications are needed, especially when it  
11 comes to the questions we asked about you that you said you would  
12 only be interrogated once and for a period of one hour, and later  
13 on you stated that you would be interrogated for two hours and  
14 you said that you were not tortured. And you said the  
15 interrogator only threatened verbally and only pointing to the  
16 torturing devices. But then in this statement written by you  
17 about the crimes, you stated clearly about how the interrogator  
18 treated you.

19 And you were here interrogated three times, and during each time  
20 of interrogation you would be beaten with a so-called bull's  
21 penis torturing device about the size of the toe; that the device  
22 would be used to beat you on the chest and higher part of your  
23 left arm and that it damages it, that you cannot properly use  
24 your hand any longer.

25 [11.16.36]

36

1 So the question is whether the statement you wrote about the  
2 information concerning the crime, and now filed in the case file,  
3 is correct or not. And you also responded to some questions that  
4 I asked concerning the torture carried out on you, and that you  
5 said you were not tortured. So which account is correct, based  
6 on your recollection?

7 A. According to my responses to you and that I was beaten three  
8 times using that torturing device, it happened to me here in the  
9 Ta Khmau prison. That's why I actually have mistaken the Ta  
10 Khmau prison for S-21.

11 Q. We have also observed that the urine and the excrement would  
12 be kept in the room for three days before they would be  
13 collected, so it is contradictory to your response that you said  
14 the guards would ask detainees to take turns to collect the waste  
15 to be discarded.

16 So which account would be correct, because it is very  
17 contradictory to the written statement and to your verbal  
18 testimony in this hearing?

19 A. During the three days, I think I did not make it clear  
20 regarding the person who took note of my confession. I said that  
21 the guards asked the detainees to take turns to collect these  
22 wastes to be discarded and I did not make myself clear when it  
23 comes to this matter.

24 Q. Who took away all those wastes, human waste, or were detainees  
25 asked to take turns to collect these wastes? What is your real

37

1 account of this information?

2 A.The guards would order the detainees to collect this waste to  
3 be discarded.

4 [11.19.52]

5 MR. PRESIDENT:

6 The AV unit is advised to project document with ERN 00279916 on  
7 the screen, please.

8 BY MR. PRESIDENT:

9 Q.You already stated about the written statement that, "In early  
10 1976 I, Ly Hor, was transferred to Tuol Sleng". And this morning  
11 we asked you the question and you responded that by the end of  
12 1976 that you would be transferred to Tuol Sleng -- no,  
13 correction, to psychiatric hospital at Ta Khmau for one month  
14 before you would be then transferred to Tuol Sleng.

15 So this is the event which changes the facts, the information  
16 concerning the facts. So the question is that when you were  
17 transferred directly to Tuol Sleng were you transferred at early  
18 1976 or at any other different date, through your recollection?

19 A.I don't remember the date, Your Honour, but I think it is  
20 sometime in 1976.

21 Q.What about the document before you? Is it the letter you  
22 attached with your application, civil party's application? Can  
23 you review the content of this document? You see "Ear Hor, aged  
24 21, single".

25 MR. PRESIDENT:



38

1 The AV Unit, could you please make sure that you can roll down a  
2 little bit so that we can see parts of the writing down here.

3 [11.22.58]

4 Please move further down. The AV Unit, please move further down.

5 Please move to the next page.

6 BY MR. PRESIDENT:

7 Q.Where have you obtained this document from and have it  
8 included in the case file, Mr. Ly Hor?

9 A.This document is about my accounts during the Khmer Rouge  
10 regime.

11 Q.Where did you get this information to be enclosed with your  
12 application?

13 A.I don't know. I just seen it in the case file.

14 MR. PRESIDENT:

15 Could you please roll up a little bit to see the upper part of  
16 the page? Could you please go to page number 1, please?

17 Okay, that page.

18 BY MR. PRESIDENT:

19 Q.Here this annotation, which stated that released on the 1st of  
20 March 1976 -- correction, the 8th of March.

21 Were you released -- because there is a clear annotation that you  
22 were released on the 8th of March 1976 -- how could you say that  
23 you were transferred to Ta Khmau Psychiatric prison and later on  
24 transferred to S-21 because the document stated your release and  
25 date?

39

1 A.I have no idea. I have just seen in the case file that this  
2 document reveals that I were released, but I were not actually  
3 released. I was released from Tuol Sleng, but then detained at  
4 Prey Sar.

5 [11.26.16]

6 Q.You were arrested at Sector 25. How many times were you  
7 arrested and then sent to Office 15?

8 A.When I lived at 25 Sector, I was sent to Office 15 once and  
9 then transferred to Ta Khmau prison.

10 Q.Can you tell the Court about your actual occupation before  
11 1975? What was exactly your job back then?

12 A.Before 1975 I was a farmer. I did farming with my parents.

13 Q.Did you join the revolutionary movement during that time, and  
14 when did you take part in the movement and how long?

15 A.During that time I joined as the soldier, a Khmer Rouge  
16 soldier. I don't remember the date exactly.

17 Q.You joined the soldiers in Regiment 119. Is that correct?

18 A.Yes, it's correct.

19 Q.Which division is this regiment under its supervision?

20 A.I don't remember it.

21 [11.28.46]

22 Q.You left the army at which date, or you maintained your  
23 soldier position until you were arrested and sent to S-21?

24 A.I cannot recall the date when I was arrested and sent to  
25 Office 15. I fled and then I went to my house to hide myself

40

1 there, and then I went to the poultry office.

2 Q. So you joined the army until you were arrested and sent to  
3 Office 15? So it means you deserted and then you ran away to  
4 your house and then you went to the animal husbandry unit. Is  
5 this correct?

6 A. Yes.

7 Q. Can you recall, when did you desert to return to your village?  
8 What year was it?

9 A. I cannot recall the year, but after I left the army I went to  
10 my house and then I stayed at that animal husbandry office, and  
11 later on I was arrested and sent to Office 15.

12 Q. Can you recall, besides being at the animal husbandry office  
13 at your native village, what else did you do after you deserted  
14 the army?

15 A. It seems that I did not do any other work.

16 Q. Did you ever work as a pottery maker or iron smelter at the  
17 time?

18 A. Yes. I did not hear Your Honour's question clearly.

19 After I left the army and when I was at that office, I was used  
20 to make the pots and plates and bowls, and after that then I was  
21 arrested and sent to Office 15.

22 [11.31.46]

23 Q. So let me clarify that the Office 15 arrested you only for one  
24 time, and later on you were sent to the psychiatric hospital in  
25 Ta Khmau. And later on, as you stated, you were sent to Tuol

41

1 Sleng, and after that you were transferred from S-21 to Prey Sar.

2 Is this correct?

3 A.Yes.

4 MR. PRESIDENT:

5 The audio-visual unit, can you project 00279918 in Khmer

6 language?

7 I notice the presence of Alain Werner.

8 MR. WERNER:

9 I apologize, Your Honour, for interrupting.

10 Can I request, before we move on to 00279918, would it be

11 possible -- because we do not have any translation in French or

12 in English of 00279916 and 17, which are the two pages you showed

13 -- or were showed before.

14 Can I request that these two pages -- and I believe it can be

15 very quickly done -- these two pages being read in the transcript

16 for us to have a translation. I'm grateful.

17 [11.34.23]

18 MR. PRESIDENT:

19 The Greffier, can you read the two-page segment of the document

20 as requested?

21 THE GREFFIER:

22 "Ear Hor released on the 8th of March '76. On the right

23 annotation, request to be put in prison."

24 "1. Age 21, single, Prek Sdei village, Prek Sdei commune,

25 District 18, Sector 25. A youth of the pottery-maker office

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1 which is a branch of Office 25.  
2 2. 1970, student in year 9. 28 August '72 joined the revolution,  
3 a commune militia of Prek Sdei. November '72, a soldier of  
4 District 18. April '73, joined the Unit 119. 1974, the entire  
5 unit was integrated into the Southwest Zone. Fled to his house  
6 as initiated by Chhoy.  
7 November '74, started military training at Wat Daem Po. July  
8 '75, a pottery maker at Koh Keo. August '75, conflicts regarding  
9 the car dispute at Prek Pra and led two youths to run home.  
10 [11.36.54]  
11 While arriving at Office 15, Angkar arrested and detained him  
12 there. November '75, while working, he fled from Office 15.  
13 Request: This person has a very tricky characteristic and  
14 cannot be re-educated. Request Angkar to put him in prison.  
15 Dated 15th February '76.  
16 Ear Hor, Choy deserted from Unit 119. He ran away from the  
17 pottery unit, a branch of Office 25. 1. Biography. 2.  
18 Organizational chart. 3. Their group. 4. Personal activities.  
19 Biography. Personal history ---"  
20 MR. PRESIDENT:  
21 Stop at that page.  
22 BY MR. PRESIDENT:  
23 Q.Mr. Ly Hor, regarding this document, the document which is  
24 shown on the screen is your biography which is attached to the  
25 application. Where did you obtain this document?

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1 A.This document is correct. It is my personal biography, but  
2 because it has been so long already, that's why I am confused at  
3 some points when I was asked regarding my activities.

4 [11.39.43]

5 Q.The document is being displayed before you. It is a document  
6 that you attached to your application. And my question is, where  
7 did you obtain this document?

8 A.The biography that is being displayed on the screen, I do not  
9 know where I obtained it, but this is my personal history. I  
10 cannot recall where I obtained it.

11 MR. PRESIDENT:

12 Because this document has not yet been translated into the French  
13 or the English language, and the parties find it difficult to  
14 follow, so the Greffier, can you continue reading this document  
15 to the end?

16 THE GREFFIER:

17 "Personal history. 1. Original name, Ear Hor, age 21, single. A  
18 combatant of the pottery maker unit in office of Sector 25. Home  
19 village, number 2, Prek Sdei, Prek Sdei 1825.

20 3. Background: Started year 9 in 1970 at Prek Sdei school. From  
21 childbirth until the 18th of March '70 lived with the parents.

22 28/8/72 joined the revolution. Om Soeun the village chief  
23 introduced three months. A combatant of Prek Sdei commune  
24 militia. November '72 was a soldier at District 18. January '73  
25 joined Platoon 22, Battalion 92, Regiment 119, Sector 25. His

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1 rank: deputy chief of the intelligence unit.  
2 '74, 119 went to the southwest. '74, ran back home in Sector 25.  
3 Agreed with Chhoy to run back home while was at the battlefield  
4 at Bek Chan. He stayed for nine days at home. '74, went to the  
5 political school at Prek Ta Wa until November '74. November '74,  
6 went for military training at Daem Po.  
7 July '75, made pottery at Koh Khe. August '75, Angkar assigned  
8 to dispute to solve the car issues at Prek Pra and ran back home.  
9 He got into argument with Kor Bor regarding the car dispute. He  
10 led two people -- one, Kim Chhang, two, Cheu Keang -- to run back  
11 home with him.  
12 August '75, he ran without letter or permit. Arrested by Office  
13 15. Being detained. 23 November '75, transferred to 44. 5  
14 January '75, transferred to 43.  
15 Father Ear Thong Ly, aged 54, living.  
16 Mother, Sean Mao aged 49, living. Address, Prek Sdei, Prek Sdei  
17 1825. Occupation, farmers. Eight siblings: three sisters, five  
18 brothers. Joined the revolution: 1. Ear Hor, in prison; 2.  
19 Elder in-law, Sreang Kry at the transport section at Sector 25.  
20 The rest lived with their parents.  
21 Organizational chart. Chhoy, Combatant 92119, unknown house,  
22 unknown parents. Ear Hor, Kim Chhang."  
23 The left box:  
24 "Prek Ta Duong, Prek Thmei 1825, a pottery youth at Office 25,  
25 currently arriving from home."

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1 [11.46.34]  
2 On the right box:  
3 "Cheu Keang, Prek Ta Duong, Prek Thmei 1825, combatant, Office  
4 25, a pottery maker. Currently arriving at home. Network,  
5 superior I Chhoy, combatant of Platoon 922, Battalion 92,  
6 Regiment 119, Sector 25. Unknown address and unknown parents.  
7 Current location unknown. Persuaded him to run to Sector 25.  
8 Indoctrinate him about strong enemy, dead on the food ration.  
9 Members under Ear Hor. 1. Kim Chhang aged 25, single.  
10 Previously at 130. Deserted. Entered the pottery office, a  
11 branch of Office 25. Current address at Prek Ta Duong, Prek  
12 Thmei 1825. Unknown parents. August '75, ran away from Prey  
13 Preah where cars were repaired. Currently at the office next to  
14 the pottery office at Kok Keo near Office 15. Currently  
15 released.  
16 2. Cheu Keang aged 19, single. Combatant. Only joined  
17 revolution in '75, Prek Ta Duong, Prek Thmei 1825. Father Loch,  
18 mother unknown. August '75, ran away from Prey Preah together.  
19 Was detained at Office 15. Currently released. Currently making  
20 potteries at Kok Keo office.  
21 Previous activities. '74 deserted 119 as initiated by Chhoy.  
22 Hiding at house for nine days. Angkar sent to the political  
23 school. August '75, ran away from the car repair office at Prey  
24 Preah and, in collusion with Kim Chhang and Cheu Keang, to run  
25 away together. August '75, without the letter of authorization



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1 Office 15 arrested all three of them. November '75, ran away  
2 from Office 15 again and was arrested and sent to 44, 7 January  
3 '75.  
4 [11.50.48]  
5 Respects to Comrade Teng, Office 15. Please be informed  
6 regarding Comrade Ear Hor, who ran away from the battlefield, now  
7 returns to the iron smelting location on the 16th of November  
8 '75. Therefore, we request to bring this Comrade Ear Hor to you  
9 and request, Comrade, to receive this person. Thank you, with  
10 fraternity and revolution, 7 November '75. Iron smelter Suong."  
11 Annotation on the left:  
12 "This person joined the revolution with contemptible Sareth and  
13 convinced the person to run away from the re-education school in  
14 September '75. At this no response. 1975 November 10 at 7 p.m.,  
15 this Ear Hor provided the following information.  
16 My name is Ear Hor, aged 21, Khmer nationality. Was born at Prek  
17 Sdei village and commune, Koh Thom district, Kandal province.  
18 Presently, I live in the above address. Question answered. In  
19 September 1975, during the time that I was placed in re-education  
20 by Angkar at the re-education school of Office 15, Hao Sareth  
21 convinced me to run away from that location? Sareth told me  
22 that, 'Comrade, you look at me. I had no offence and Angkar  
23 imprisoned me for two to three months without finding any  
24 resolution, and you look at all the youths who were detained  
25 there. When they were sick, they were not allowed to sleep

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1 inside and they were allowed to sleep outside without providing  
2 any medication. And for those combatants, they have been several  
3 years already and there was no solution to that. Regarding the  
4 workload, we were forced to work day and night. You can also see  
5 that Comrade Thang ran away from the animal husbandry of Office  
6 15 and now he went to drive a vehicle for Division 12.'

7 [11.54.26]

8 Question answered. When I heard him talking about those points,  
9 I agreed to collide (sic) with him. He and I, Sareth, went to  
10 talk to Kim Chhang and Cheu Keang in order to gather more people,  
11 and these two, Chhang and Keang, also agreed with me and with  
12 Sareth.

13 Question answered.

14 After we talked to them for two days, two nights in September  
15 1975, at 8 p.m. the four of us fled to the east and when we  
16 reached the pond of the animal husbandry of Office 15, we turned  
17 to the south up to the Wat Sampan crossing ferry and we used the  
18 banana trees which were already cut by the people and we swam  
19 across towards the west, and then we walked down the road and we  
20 went to our respective homes.

21 And when I arrived at home I just went in straight and for  
22 Sareth, he went further down because his house was a bit further  
23 down from my house. And now I do not know where he is.

24 Question answered. When Angkar arrested me and detained me at  
25 Office 15 for the second time at 1 o'clock on the 10th, when

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1 Angkar sent me to work with the water, I ran away again.

2 [11.56.13]

3 The response finished at 9 p.m. on the same date and was read to

4 Ear Hor and the person confirms it is true and correct.

5 Investigating cadre Jiam (phonetic) writes "thumbprint Ear Hor".

6 Second response: 1975, November 22 at 19 o'clock Ear Hor

7 provided the following additional information.

8 Question answered. My name is Ear Hor, aged 21, Khmer

9 nationality. Was born at Ko village, Prek Sdei commune,

10 District 18, Sector 25.

11 Question answered: I joined the revolutionary November on the

12 28th of August 1972. The person who introduced me was Om Sueon,

13 the chief of Ko village, Prek Sdei commune, and Om Sueon sent me

14 to to Prek Sdei office. I stayed there for four to five days.

15 Then the commune Angkar sent me further to a unit with Ta Kat.

16 I stayed with Ta Kat for about one month. Then Angkar assigned

17 me to go to the Regiment 119 under the supervision of Brother

18 Khoeun, the inspector. This unit stationed at the Mekong River

19 and later on stationed at the Bassac River. Until August 1973,

20 Angkar assigned this 119 Regiment to station at National Road

21 Number 4.

22 In January 1974 I ran away from that unit and stayed at the

23 office of the General Staff of Office 13.

24 [11.58.35]

25 When I arrived at the office of the General Staff, Angkar

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1 assigned me to make mines with Brother Prach until November 1974.  
2 Brother Khoeun requested me to go to Office 13 with him.  
3 In November 1974 Brother Khun was assigned by Angkar to provide  
4 training, military training, at Wat Daem Por, and myself was also  
5 requested to go along with Brother Khoeun.  
6 In January 1975 Angkar appointed Brother Khoeun to work with a  
7 raft at the Mekong River and I myself was assigned by Angkar to  
8 look after the state vegetables at Wat Daem Po and to raise  
9 poultry and look after the cows, and in June 1975 Angkar assigned  
10 me to work at the iron smelting at Koh Khe under the supervision  
11 of Ta Suong.  
12 In August 1975 Ta Suong assigned me, Cheu Keang and Comrade Kim  
13 Chhang to get the car at Prek Pra, and while we were at Prek Pra  
14 for six or seven days, I used -- I asked Comrade Keang and Chhang  
15 to look for corn at Prek Ta Duong in order for our consumption.  
16 After these two went for so long, so I went after them, and while  
17 I was on my way at Angkor in Po Ban commune, the military there  
18 stopped me because I had no letter of authorization for  
19 traveling.  
20 [12.00.46]  
21 Angkar detained me at Office 15 and re-educated me and at that  
22 time I met Comrade Keang and Chhang in the same re-education  
23 school at Office 15. I was at the re-education school for three  
24 or four days. Then with the encouragement from Hao Sareth, a  
25 combatant of Office 13, who was also detained at Office 15, to

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1 run away from the re-education school.

2 The essence of what was said by Hao Sareth was mentioned in my  
3 previous statement. At the same time, Hao Sareth assigned to  
4 convince Comrade Keang and Chhang to run along with me and Sareth  
5 confirmed that we would run to hide in our respective houses.  
6 I myself went to talk to those two people as suggested by Hao  
7 Sareth. After I did it, one day later, Hao Sareth, myself, Cheu  
8 Keang and Kim Chhang all together ran away from the re-education  
9 school of Office 15 at 8 p.m.

10 On the 7th of November 1975, the Angkar of Office 13 sent me to  
11 Office 15 and I was detained for four days. That is, on the 10th  
12 of November 1975 when Angkar assigned me to work on the water  
13 wheel, I ran away from that Office 15 again, but then I was  
14 arrested by the guards.

15 Records: Question answered. When I ran away from Office 15 one  
16 time, one and again, because I was educated and asked advice by  
17 Ta Praung in May 1975 at Wat Daem Po when he and I were looking  
18 after the state vegetables and animal husbandry, he advised me  
19 that in joining the revolution where would you run to -- to your  
20 house or elsewhere, Angkar would not be worried.

21 [12.03.29]

22 And Angkar would not track you down. Presently, Ta Praung is at  
23 the iron smelting office at Office 13 at Koh Khe.

24 Question answered. From January 1975 I did receive an education  
25 from Ta Prang and that I was fearful of the front battlefield and

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1 that my spirit was not strong, and he advised me that, 'Why Hor,  
2 why you want to go to the front battlefield with insufficient  
3 food and you slept in the open under the rain? If you stay with  
4 me, you have plenty of food to eat. Why do you want to have  
5 difficulty going to the front battlefield?'

6 The instructions and the advice repeatedly done from him on me,  
7 from January until April 1975, after the war ended. His  
8 instructions made my emotion and stance not wanting to go to the  
9 front battlefield at all because of the difficulty. And after I  
10 was instructed if Angkar assigned me to go to the front  
11 battlefield, then I would run away to the rear.

12 Question answered.

13 In mid-June 1975, while I was at the iron smelting office of Kok  
14 Keo, Ta Praung, again talked to me and to request Angkar to stop  
15 making the revolution and go to make my living at home. He told  
16 me that, "Hor, you could request Angkar to stop because we only  
17 ate the same type of rice. Even if at home, you eat the same  
18 rice and you work in the same rice field." And I, myself, Ta  
19 Praung, also request Angkar to stop because I lost my spirit to  
20 work any longer, and as, Hor, you can see, Angkar now demoted me  
21 to only chief of the group.

22 Question answered. I know clearly that Ta Praung stole the  
23 Angkar's property. For example, a roll of cloth, 25 litres of  
24 fuel, 10 litres of gasoline, and more than one pound of rice.  
25 And I knew that he hide the one sack of cloth at the house of

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1 Comrade Chan Si, south of the house of the chief of the commune  
2 in Koh Thom.

3 [12.06.25]

4 Question answered. I clearly know that Brother Khoeun and Ta  
5 Praung are very close and that they colluded to steal the state  
6 property, the Angkar property, and without reporting anything to  
7 Angkar.

8 The response temporarily stopped at 2210H and was read back to Ly  
9 Hor, who confirmed it was correct.

10 BY MR. PRESIDENT:

11 Q.Ly Hor, what is your comment on this? The document read out  
12 by the Greffier regarding your biography, is it revealing your  
13 true biography and background?

14 A.It is true, Your Honour, to my background.

15 Q.These records that made at Office 15 about your  
16 ill-disciplined behaviour, and also whether it reflects your  
17 background too?

18 A.It is true, Your Honour.

19 Q.Do you know Office 44? What is it?

20 A.I don't know that Office, Your Honour.

21 Q.What about Office 43?

22 A.I don't know it either.

23 [12.08.28]

24 Q.We noted in one point that, "We tried to run away from Office  
25 15 again, and then were sent to Office 44 straight away".

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1 So what was Office 44? Because after you left Office 15, do you  
2 remember where you would be sent next? Would you be sent to the  
3 psychiatric hospital at Ta Khmau in Phnom Penh or to other  
4 office?

5 A. After Office 15, I would be straight away sent to Ta Khmau  
6 prison.

7 MR. PRESIDENT:

8 I think it is now time to adjourn for lunch, so the Chamber will  
9 take the lunch adjournment and resume at 1.30 p.m.

10 The court officials, could you please make sure that Mr. Ly Hor  
11 is well assisted during lunchtime, and have appropriate rest?

12 The security guards, please take the accused to the detention  
13 facility and bring him back to the courtroom by 1.30 p.m.

14 [12.09.55]

15 (Judges exit courtroom)

16 (Court recesses from 1209H to 1331H)

17 (Judges enter courtroom)

18 [13.31.43]

19 MR. PRESIDENT:

20 Please be seated. The Chamber is now back in session. We  
21 continue our hearing of the testimony of the civil party Ly Hor.

22 Now, I would like to ask the Judges of the Bench if you have  
23 questions to be posed to the civil party.

24 Judge Cartwright, you take the floor.

25 JUDGE CARTWRIGHT:



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1 Thank you, Mr. President.

2 [13.32.32]

3 BY JUDGE CARTWRIGHT:

4 Q.Mr. Ly Phal (sic), I want to thank you for coming here today  
5 to tell us about the dreadful experiences that you had 30 years  
6 ago. I realize it must have been very difficult for you and that  
7 you were probably very scared coming here today. I just have a  
8 technical question to ask you.

9 Can you tell me when you spoke to your civil party lawyer about  
10 these experiences?

11 A.Could you please clearly state your question again?

12 Q.Yes. I'm sorry; I didn't make it very clear.

13 Have you spoken to your civil party lawyer about your  
14 experiences, and when did you speak to your lawyer?

15 A.I spoke to my civil party lawyer last month but I cannot  
16 recall the exact date.

17 JUDGE CARTWRIGHT:

18 Thank you very much.

19 Mr. Werner, do I assume that you are one of the civil party  
20 lawyers for this civil party?

21 [13.34.29]

22 MR. WERNER:

23 Yes, Your Honour, that is correct.

24 JUDGE CARTWRIGHT:

25 Can you explain to me why the documentation today was not known

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1 to you -- the documentation that was filed in support of this  
2 civil party's application?

3 MR. WERNER:

4 Your Honour, it was known to me. The thing is that we, as other  
5 parties did, request for translations. Apparently the  
6 translation was not made. As a result, I had an informal  
7 translation for myself in order to understand the document but,  
8 as I understand, translations were still not made. And I know  
9 that several of us did request for translation to be made.  
10 But I'm sorry if you were under the impression that I was not  
11 aware of the documents. I was aware of the documents but I was  
12 working with an informal translation provided to me because I  
13 could not work with official translation.

14 JUDGE CARTWRIGHT:

15 Yes, we all work under these difficulties, of course, but you  
16 have capable Cambodian co-lawyers and I suppose you would agree  
17 with me that this civil party has been very poorly prepared for  
18 this morning's experience.

19 [13.36.06]

20 MR. WERNER:

21 Well, Your Honour, I mean the testimony is what it is. And if  
22 you want, maybe not in the presence of the civil party, but to  
23 understand why we decided to call him, I can of course provide  
24 that explanation to Your Honour.

25 Now we are about to ask -- and I agree with you that that maybe

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1 should have been done before. We are about to ask the  
2 intermediary organization to provide a sworn affidavit to explain  
3 where they got this document from and that may shed some light  
4 for Your Honour.

5 But otherwise I would not entirely agree with you that the civil  
6 party were not prepared and I can tell Your Honour that I saw  
7 myself three times this civil party and the testimony is what it  
8 is. He wanted to come today to tell his story and it was our  
9 assessment that there was enough ground for him to come.

10 JUDGE CARTWRIGHT:

11 Thank you, Mr. Werner.

12 I don't propose to prolong this civil party's experience in this  
13 very stressful environment. This is simply an indication that I,  
14 and no doubt my colleagues, expect better preparation of civil  
15 parties in the future. Thank you.

16 Thank you, Mr. President. I have no questions of this civil  
17 party.

18 MR. PRESIDENT:

19 Judge Lavergne, you take the floor.

20 [13.37.53]

21 BY JUDGE LAVERGNE:

22 Q. Good afternoon. I would like to get some clarifications, not  
23 only for the Chamber but for the parties as well. Before this  
24 hearing did you meet with an investigator, a policeman to whom  
25 you made a statement?

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1 A.I met him the other day for one time.

2 Q.Whom did you meet; the Court investigator from the ECCC or did  
3 you meet someone from an organization called DC-Cam?

4 A.I met a representative from the DC-Cam.

5 Q.Did this DC-Cam representative introduce himself as being an  
6 official investigator or did he say he was only a representative  
7 of DC-Cam?

8 A.I cannot recall what he said at the time.

9 Q.Prior to this meeting, were you aware of the existence of the  
10 Extraordinary Chambers in the Courts of Cambodia?

11 A.Yes, I was aware of it.

12 Q.I do not know whether this question should be put to you or to  
13 your legal representative, but I don't understand what Office 44  
14 or Office 43 means? I do not know whether the documents we saw  
15 this morning prove that they come from S-21, in fact. Perhaps  
16 some clarification should be sought. I would like someone at  
17 this stage to provide information to the Chamber in this regard  
18 because this is all very confusing.

19 [13.41.18]

20 MR. WERNER:

21 Yes, Your Honour, I was reluctant to give evidence from the bar  
22 table, but I guess at this stage I can, especially because we are  
23 -- as I told Your Honour, Judge Cartwright, we are asking a sworn  
24 affidavit and we will file in the case file this affidavit as  
25 soon as we have it.

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1 Our understanding is that every single piece of document that was  
2 read this morning comes from S-21, Tuol Sleng. That is our  
3 understanding. That's what was told to us at the outset, and we  
4 worked under this assumption. Because of the problems with  
5 translation -- and I accept Judge Cartwright's comment that  
6 everybody works under difficult circumstances. It's not be any  
7 means an excuse, but just to explain that because it was not  
8 translated officially, it was not clear to us that -- it was not  
9 clear.

10 JUDGE LAVERGNE:

11 This is my question. Do these documents in themselves indicate  
12 in any way or prove in any way that the civil party was detained  
13 in S-21?

14 MR. WERNER:

15 As I said, Your Honour, these documents were found that provide  
16 from S-21, and my understanding is that the original of these  
17 documents still are at S-21 and DC-Cam only got a copy that they  
18 provided to us, and that is my understanding.

19 [13.43.16]

20 And again, we are about to get a sworn affidavit from DC-Cam  
21 attesting that indeed these documents provided, they were found  
22 at S-21.

23 JUDGE LAVERGNE:

24 I shall repeat my question again. I understand that these  
25 documents were found in S-21 but that is not my question.

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1 My question is whether these documents in themselves bear proof  
2 that the civil party was detained in S-21.

3 MR. WERNER:

4 Your Honour, it may be the case that later the testimony will  
5 come and later testimony will be able to attest of that fact, but  
6 on the face of them, if that is your question -- on the face of  
7 them, nothing attests that they are coming from S-21. There was  
8 no mention in the documents that they do come from S-21.

9 JUDGE LAVERGNE:

10 So my next question is do you know what Offices 43 and 44 mean?

11 MR. WERNER:

12 This question would -- only the civil party can answer and I do  
13 believe he did this morning. I cannot provide any further  
14 explanation on that.

15 JUDGE LAVERGNE:

16 Mr. President, I have no further questions unless the accused  
17 wishes to tell us what Offices 44 and 43 means. I do not know  
18 about the Office of the Prosecutor, but perhaps someone might  
19 shed light on this issue.

20 MR. PRESIDENT:

21 The Co-Prosecutors, would you be able to clarify or provide  
22 further information regarding Office 44 or Office 43?

23 MR. PETIT:

24 Good afternoon, Mr. President.

25 Unfortunately at this stage we're not. The information was not

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1 readily available over the short period of time of lunchtime, but  
2 we will endeavour to seek further clarification.

3 [13.46.17]

4 MR. PRESIDENT:

5 The accused, had you received or heard any information regarding  
6 the Office 44 and 43? And these offices were related to Sector  
7 25 and you are well aware of the information regarding the Sector  
8 25.

9 Can you provide any information that this civil party was sent  
10 from that office to S-21?

11 THE ACCUSED:

12 Mr. President, Office 44; when I was working at S-21, I was not  
13 clear but there are surviving documents -- it's D57 Annex 003 --  
14 that Nat ordered 39 people to be smashed under the facade of  
15 being released, and under Company 44 and Battalion 96 regiment.  
16 Based on this document I think Office 44 was a security office of  
17 Division 703 established after 17 April 1975 under the  
18 supervision of Nat.

19 For Office 43, I do not have any available documents to see but I  
20 would say Office 43 was the psychiatric hospital. That is the Ta  
21 Khmau prison, although I do not have any available documents to  
22 attest to that.

23 That is my response, Your Honour.

24 MR. PRESIDENT:

25 The accused, do you know the location of Office 44? Where was

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1 it?

2 THE ACCUSED:

3 I do not know the location of Office 44. What I have said is  
4 based on the surviving documents that I read.

5 [13.48.55]

6 MR. PRESIDENT:

7 Thank you.

8 Judge Lavergne, you take the floor.

9 JUDGE LAVERGNE:

10 So if I understand the accused correctly, he was referring to a  
11 document, which is D57 Annex 3. This document in French is  
12 entitled "Summary Biography of prisoners Freed Within Company 44  
13 Security". Perhaps there is a translation issue? Does this  
14 actually mean Office 44? I do not know.

15 In any event, it is indicated that he is the alternate of the  
16 commander of Battalion 96 and then there is a letterhead,  
17 "Kampuchea Revolutionary Army Brigade 703 Battalion 96". I can  
18 give the ERN in Khmer. It is 00068840 to 00068843.  
19 Perhaps we could find out what is indicated in the Khmer original  
20 and found out whether there is in fact an Office 44 which is  
21 under the 703rd Division.

22 MR. PETIT:

23 Could I suggest that the Chamber continues the proceedings and we  
24 can verify this information later if we are able?

25 [13.51.30]



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1 MS. STUDZINSKY:

2 I can inform the Chamber and the parties there is a document  
3 talking about Office 44 in English and as part of S-21. This is  
4 on ERN 00142092 and it is a testimony, a record of interview, and  
5 starts the document at 00142091. And the document number is, as  
6 far as I can read it, D2.3/3.

7 MR. PRESIDENT:

8 The audio and visual unit, can you display this document again;  
9 00279927? It's in the Khmer language.

10 The audio and visual unit -- okay, now it's on the screen.

11 BY MR. PRESIDENT:

12 Q.Mr. Ly Hor, you stated that you met with an investigator from  
13 the Documentation Centre, DC-Cam. Did DC-Cam make any written  
14 record of your interview? If so, when was it done and was it in  
15 writing?

16 A.Last month I met with people from the DC-Cam. The person  
17 spoke to me but I was not sure whether he wrote anything that --  
18 of the record.

19 Q.Did you provide your thumbprint on any paper or document made  
20 by the DC-Cam representative?

21 A.I cannot recall whether I provided any thumbprint, but I did  
22 speak to the person from the DC-Cam. I cannot recall about  
23 providing the thumbprint.

24 MR. PRESIDENT:

25 What I wrote -- because when -- if you look at the document

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1 displayed on the screen regarding the date and the additional  
2 information that you provided, it is the form of the record and  
3 it is written of the date in letters, in alphabet, not in number.  
4 This is my first observation of this document.  
5 The AV Unit, can you scroll to the bottom of the document?  
6 [13.56.21]  
7 Here, if you look at it, the last three lines, it's written:  
8 "The question -- the response temporarily stopped at 2210H and  
9 was read back to Ly Hor, who confirmed it was correct.  
10 Investigating cadre, signed Jiam (phonetic). Right thumbprint,  
11 Ly Hor."  
12 This form of the record, it means the starting and the finished  
13 form is similar in format practiced at present, and the format  
14 which was done during that regime was different from this format.  
15 This is just my observation. And that the record was read back  
16 to the interviewee to verify whether it was correct or not.  
17 The AV Unit, you can return to the normal view of the courtroom.  
18 Next, I would like to give the floor to the Co-Prosecutors if you  
19 have questions for the civil party.  
20 QUESTIONING BY THE CO-PROSECUTORS  
21 MR. SENG BUNKHEANG:  
22 Thank you, Mr. President.  
23 BY MR. SENG BUNKHEANG:  
24 Q. Good afternoon, Mr. Ly Hor.  
25 You said you were arrested and sent to Ta Khmau prison -- or

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1 known as a psychiatric hospital. Do you know what was that  
2 location back then and why you were arrested and sent to that  
3 location?

4 [13.58.40]

5 A.I don't know much about that location of the psychiatric  
6 hospital. I only knew that I was sent to that location that  
7 people called the psychiatric hospital.

8 Q.Thank you. You said you were sent to Tuol Sleng and were  
9 questioned once. Do you remember the person who interrogated  
10 you; what was his name?

11 A.I don't remember his name.

12 Q.Can you briefly describe his appearance?

13 A.That person had a fair complexion, a rather thin person, a  
14 medium-height person.

15 Q.Did you ever meet Duch at S-21?

16 A.No, I didn't.

17 MR. SENG BUNKHEANG:

18 Mr. President, I have no further questions at the moment.

19 MR. PRESIDENT:

20 The international Co-Prosecutor, take the floor.

21 MR. PETIT:

22 Thank you, Mr. President, but I have no question for the witness.  
23 Just, with your permission, to thank him for his testimony today.

24 [14.00.53]

25 MR. PRESIDENT:

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1 It is now opportunity for the civil party lawyers to put  
2 questions to the civil party, so could you please tell the Court  
3 how you allocate the times; as allocated or would you like to  
4 take most of the time since you are the civil party of the client  
5 here before us, or what is the mechanism of sharing your time?

6 MR. WERNER:

7 I will, with the consent of my colleagues, I will take most of  
8 the time, with your leave.

9 MR. PRESIDENT:

10 You take the floor.

11 MR. WERNER:

12 Thank you, Mr. President.

13 QUESTIONING BY CIVIL PARTY COUNSEL

14 BY MR. WERNER:

15 Q. Good afternoon, Mr. Ly Hor.

16 Let me ask you your first question because it was not clear to me  
17 this morning.

18 [14.02.12]

19 You explained to this Court that you were told by a guard when  
20 you went to what you believe is S-21, you were told that, indeed,  
21 that location was S-21. But later you said, as well, that when  
22 you left S-21 and you went to S-24, when you arrived at the S-24,  
23 you were told as well that you had come from S-21.

24 So my question is this. Were you told -- how many times were you  
25 told that the place where you were detained was S-21? Was it one

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1 time or more than one time?

2 A.I knew that it was S-21 because the guards who were guarding  
3 the detainees told me that you were now leaving S-21 and make  
4 sure that you never try to escape again. That's why I knew that  
5 I was leaving S-21.

6 Q.So just to clarify and to be completely clear, so you were not  
7 told that when you came the first time to S-21? You were told  
8 that when you left S-21. Is that correct?

9 A.That's correct.

10 MR. WERNER:

11 Your Honour, with your leave, can I have again the document  
12 starting ERN 00279916 on the screen?

13 MR. PRESIDENT:

14 The AV Unit is instructed to display the document with the ER  
15 number as suggested by the civil party lawyer.

16 BY MR. WERNER:

17 So that document was read this morning into the records.

18 Let me ask you this. Can you -- because it was not completely  
19 clear, can you confirm that the handwriting on this document is  
20 not your handwriting?

21 A.It is not my handwriting.

22 Q.And do you know whose handwriting it is?

23 A.I don't know whose handwriting it is. Maybe the handwriting  
24 of the person who interrogated me, maybe.

25 [14.06.06]

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1 Q.Now, sir, let me ask you one more question about this  
2 document. When you were at S-21, did you ever hear the name of  
3 an interrogator who would have been called Chan? Did you hear  
4 that name: Chan?

5 A.No, I never.

6 MR. WERNER:

7 Thank you, your Honour. That document can be taken out of the  
8 screen.

9 MR. PRESIDENT:

10 The AV is advised to remove to the normal screen.

11 BY MR. WERNER:

12 Q.Now, sir, this morning two confessions were read to you in  
13 details. And I have some questions about those confessions. But  
14 let me ask you this first: is it the position that you do not --  
15 you cannot remember whether these confessions were taken at Ta  
16 Khmau or at S-21. Is that the case, that you cannot remember?

17 A.Yes, that's the case. I don't remember whether it was done at  
18 Ta Khmau or at Tuol Sleng.

19 Q.Now, as it was read out in the transcript this morning, sir,  
20 in these two confessions you have mentioned a number of names.  
21 You mentioned Hao Sareth, you mentioned Kim Chhang, you mentioned  
22 Cheu Keang, you mentioned Ta Praung, you mentioned Chan Sy. So  
23 just for us to be completely clear about what happened during  
24 this interrogation, why did you basically give these names in  
25 your confessions? Why did you do that? Why did you give these

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1 names?

2 A.Because they asked for my superior and associates, how many  
3 people I had been in association with. That's why I listed down  
4 those names.

5 [14.08.48]

6 Q.But were you -- again, to be completely clear, were you  
7 threatened to give these names?

8 A.I was threatened, of course, to write down the names of my  
9 superiors and associates. And I had to confess to them.

10 Q.Sir, do you know what happened, if anything, to the people I  
11 have mentioned: Hao Sareth, Kim Chhang, Cheu Keang, Ta Praung,  
12 and Chan Sy. Do you know if anything happened to them?

13 A.After my confession I had no idea what happened to them  
14 because I was detained, and when I arrived home I had no further  
15 ideas or information of those people because we lived probably  
16 far apart from one another.

17 Q.Now, to clarify about what you said this morning -- because  
18 you explained that you had not been beaten up during the  
19 interrogation but you did mention that some -- when people in  
20 your cell at S-21, for example, spilled urine or made noise, they  
21 were beaten up. Were you ever beaten up yourself, inside your  
22 cell at S-21?

23 A.It is true that during a period of three days the guards would  
24 ask the detainees to collect the waste -- human waste -- and if  
25 any urine was spilled, then we would be beaten. And also when we

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1 made noise, then the guards would beat us up.

2 [14.11.27]

3 Q.And how many times yourself were you beaten up, sir?

4 A.May I ask you the question: are you asking me about the  
5 situation at Ta Khmau or at S-21?

6 Q.At S-21, sir. When you were in your cell at S-21, you told us  
7 that people were beaten up inside the cell when they made noise  
8 or when they spilled the urine. And I'm just asking you, were  
9 you beaten yourself and, if so, how many times at S-21?

10 A.Regarding the spilling of urine and the beating of the  
11 detainees, these episodes took place several times.

12 Q.And just concentrate on my question. Did it happen to  
13 yourself? Were you yourself beaten up inside the cell at S-21?

14 A.Of course I was beaten once when I was spilling the urine and  
15 I was deprived of my meal for one meal.

16 Q.Now you, this morning -- and it was not very clear on the  
17 record -- you spoke about you hearing sounds when you were at  
18 S-21. Do you remember that? Do you remember when you were  
19 inside the cell you heard sounds of other people?

20 A.In the evening at about 7, 8, or 9 p.m. I would hear screaming  
21 almost every evening.

22 [14.13.43]

23 Q.And when you were inside the cell at S-21 did you see anyone  
24 coming back from interrogation sessions?

25 A.No, I did not.



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1 Q.Let me ask you the question again. I'm not sure you  
2 understand the question. When you were inside the cell did you  
3 see anyone, any detainee, coming back to the cell from  
4 interrogation sessions?

5 A.For detainees who were taken to be interrogated and after the  
6 interrogation session, I never seen them returned.

7 Q.And how many times did you see people leaving your cell and  
8 not coming back?

9 Was it only once or was it several times?

10 A.The detainees who were detained with me, normally when they  
11 were taken out they would never be sent back, and since there  
12 were just about 10 people, I think I have not seen several of  
13 them.

14 Q.Now, you explained this morning that you were handcuffed.  
15 After your detention at S-21, did you suffer from anything with  
16 your hands as a result of your detention at S-21?

17 A.I had some wounds on my ankles and also my arms resulting from  
18 the handcuffs. And I also got a wound on my head, and scars can  
19 be seen until now.

20 [14.16.35]

21 Q.And after your time at S-21, were you able to use your hands  
22 normally or not?

23 A.The severed hand could not be used as normal ever since.

24 Q.And was it the fact that you could not use your hands any more  
25 -- was it the result of the handcuff or was it because of

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1 anything else? Can you explain?

2 A.I think it has been the result of the handcuff and also of the  
3 beating.

4 Q.And how long were you not able to use your hands any more?  
5 How long did that happen?

6 A.I had only noticed that during the last five or six years, and  
7 emotionally I experienced some kind of anger and I started to be  
8 scared of other people and I could not lift my hand.

9 So I could -- you know, like because of this it makes me feel bad  
10 and I got a God-sister at Angkor Borey who could tell me also  
11 about my condition during the Khmer Rouge regime, that I was  
12 severely beaten; that I could become mentally ill and that I  
13 tried to find some kind of medicine to cure the sickness, but it  
14 was impossible.

15 But, later on, I could use the medicine my family sells that I  
16 could control my emotion and I have been living with this kind of  
17 anger and traumatization.

18 Q.Now, sir, you explained to this Court that from S-21 you were  
19 transferred to Prey Sar, S-24. How do you know that the place  
20 where you were transferred to was Prey Sar, or S-24?

21 [14.19.57]

22 A.I knew it was Prey Sar because the guard told me so. That's  
23 why I believed that it was Prey Sar because the guy told me that  
24 you now were sent to Prey Sar; so I learned from the guard.

25 Q.And was it at the time that you arrived at Prey Sar?

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1 A.After I had been detained there quite a while that I was told  
2 that it was Prey Sar.

3 Q.And can you tell us about the food at Prey Sar? Did you  
4 receive enough food at Prey Sar?

5 A.I did not receive adequate food. We were given a small bowl  
6 of rice each meal.

7 Q.My last question, sir, and then my colleague will have just  
8 one or two questions for you.

9 Do you want to make any claim for reparation to this Court  
10 yourself now or are you happy to leave that to your lawyers?

11 A.I'm not asking any other reparation now, but I would like to  
12 leave it to my lawyer to act on my behalf regarding this matter.

13 [14.22.02]

14 Q.Thank you, sir, for answering my questions. I give the floor  
15 to my colleague. Thank you.

16 MR. PRESIDENT:

17 The national lawyer of civil party group 1, you take the floor.

18 MS. TY SRINNA:

19 Good afternoon, Mr. President and Your Honours.

20 I would like to seek clarifications from this civil party.

21 BY MS TY SRINNA:

22 Q.First, I would like to ask whether you currently paid a visit  
23 to S-21?

24 A.I paid a visit to S-21 after I was called by Angkar, the  
25 organization, about my application, that later on I went to visit

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1 S-21.

2 Q. Have you noticed the tall buildings in the compound or have  
3 you noticed anything that can really give you the indication that  
4 you once stayed in those locations? I mean, anything that is  
5 familiar to you to prove that you were surely detained at S-21?

6 A. I went into the compound. I could see some things that are  
7 familiar to me, although I have got my poor memory now, but I  
8 still can recall some locations inside the premises.

9 [14.24.18]

10 Q. Do you remember that there are buildings that are in the  
11 compounds of S-21?

12 A. I'm not quite sure of the buildings. I think I still remember  
13 that there was a building on the left-hand side, which is to the  
14 south if we go through the front entrance, and I could remember  
15 the coconut tree next to the kitchen. But still I forget a lot.

16 MS. TY SRINNA:

17 I would like you to confirm some information regarding document  
18 ERN 00279930. With the President's leave, I would like this  
19 document to be displayed. Once again, ERN 00279930.

20 MR. PRESIDENT:

21 The AV unit is instructed to display this document in Khmer on  
22 the monitors.

23 MS. TY SRINNA:

24 Thank you, Mr. President. Could the AV unit be instructed to  
25 scroll down to see the handprint, please? Thank you.

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1 BY MS. TY SRINNA:

2 Q. Could you please, Mr. Ly Hor, look at the handprint on the  
3 screen?

4 [14.26.54]

5 Please pay attention to the handprint. Do you remember you did  
6 give a handprint and where did you give such a handprint? At Ta  
7 Khmau or at DC-Cam or at S-21?

8 A. I cannot recall this writing and handprint but, although, it  
9 is sure my handprint there on the piece of paper. And I don't  
10 remember giving the handprint in any particular location.

11 Q. If you cannot remember, you can also think about it and give  
12 us the response at a later date to clarify the date when you once  
13 gave such a handprint.

14 Mr. President, with your leave, I would like him to be given some  
15 time to recall or to review the document because my client has  
16 not been able to review the document yet. I think, with your  
17 President's leave, he would need some time to recall the date and  
18 location which he gave such a handprint.

19 MR. PRESIDENT:

20 Do you want to continue or what?

21 The Greffier, you can provide a copy of this document to the  
22 Civil Party so that he can examine the paper and provide  
23 clarification on this matter.

24 I notice the presence of the international Co-Prosecutor. You  
25 can take the floor.

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1 MR. PETIT:

2 Thank you, Mr. President. Might I suggest that we recess 10  
3 minutes earlier so that the witness can read the statement and  
4 also perhaps, by then, we will be able to provide some answers to  
5 your learned colleague's request regarding Office 44.

6 [14.30.26]

7 Just a simple suggestion. Thank you.

8 MR. PRESIDENT:

9 Thank you for your observation, Mr. Co-Prosecutor.  
10 We will now take a 20-minute break and we will resume at ten to  
11 three. During the this time, the civil party lawyers, could you  
12 ask your civil party to see and examine the document?

13 (Judges exit the courtroom)

14 (Court recesses at 1431H)

15 (Judges enter courtroom)

16 MR. PRESIDENT:

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

18 I would like now to give the floor to the civil party lawyer. I  
19 think you only have a little bit of time left. So in total you  
20 only have 10 minutes left. You take the floor.

21 MS. TY SRINNA:

22 Thank you, Mr. President. I only have one last question for the  
23 civil party.

24 [14.52.55]

25 BY MS. TY SRINNA:

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1 Q.Can you confirm the documents that I showed you before the  
2 break -- so did you provide your thumbprint in Ta Khmau or at  
3 S-21?

4 A.The document that I was given to examine, I am unclear whether  
5 I provided a thumbprint at Ta Khmau or at Prey Sar, but the  
6 handwriting -- the handwriting actually was the handwriting  
7 either at Ta Khmau or at Prey Sar. I cannot confirm clearly at  
8 which location.

9 Q.You said the document was produced either at Ta Khmau or at  
10 Prey Sar. Is this correct?

11 A.The document was in fact produced at either Ta Khmau or Tuol  
12 Sleng, not Prey Sar. I was mistaken; my apology. So it was only  
13 one of these two locations; either Ta Khmau or Tuol Sleng. I  
14 cannot recall it clearly.

15 MS. TY SRINNA:

16 Thank you.

17 MS. JACQUIN:

18 Mr. President, if I can put some questions.

19 [14.54.45]

20 BY MS. JACQUIN:

21 Q.Good afternoon, Mr. Ly Hor. I know that this has been an  
22 extremely difficult period for you and you have suffered severe  
23 mental trauma, but I must put some questions to you.

24 When you arrived in S-21, were you photographed?

25 A.When I arrived at S-21, I cannot recall whether I was

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1 photographed or not.

2 Q.Were you given a number?

3 A.Can you please rephrase your question?

4 Q.Were you given a number; that is, in replacement of your name?

5 A.No, I was not.

6 [14.56.06]

7 Q.How were the other prisoners chained with you dressed?

8 A.They didn't enforce a dress. Whatever was on our body, we  
9 wore that clothes.

10 Q.You stated that the prisoners with you were in poor health.

11 Some were ill and some could not move. Did they receive medical  
12 attention?

13 A.No, there was no treatment from the Chairman of the detention  
14 centre.

15 Q.In speaking to you, how did the guards address you? In what  
16 manner did they speak to you?

17 A.When the guards spoke to me, they spoke to me in the manner  
18 that they were afraid. And when it was quiet, they told me at 11  
19 or 12 o'clock at night, "I would throw some medicine to you. And  
20 don't tell anybody that I know you." That person, that guard,  
21 was afraid.

22 Q.You also stated that sometimes you were not blindfolded. Were  
23 you able to see the people who interrogated you?

24 A.When I was interrogated I was not blindfolded, but I can  
25 remember that at Tuol Sleng, the person had dark complexion,



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1 average size, and the age was a little bit above 30. This is the  
2 description of my interrogator.

3 [14.59.19]

4 Q.If you were to be shown photographs of the interrogators,  
5 would you be able to recognize them, do you think?

6 A.I cannot remember; it's been so many years already.

7 Q.Thank you very much. I no longer have any further questions.

8 MR. PRESIDENT:

9 Hong Kimsuon, you take the floor.

10 MR. HONG KIMSUON:

11 Thank you, Mister President. I only have one question to ask.

12 BY MR. HONG KIMSUON:

13 Q.Mr. Ly Hor, just then I heard what you said to the Chamber,  
14 that your head was injured. Did it happen at the psychiatric  
15 hospital in Ta Khmau or did it happen in Tuol Sleng?

16 A.My head was injured at Office 15.

17 Q.Was it when you first arrested and detained at Office 15,  
18 before you were transferred to the psychiatric hospital, right?

19 A.My head was injured before I was sent to the psychiatric  
20 hospital or Tuol Sleng. I was still at Office 15.

21 [15.01.09]

22 Q.When did it recover?

23 A.I could not say. It took days and probably month.

24 Q.My question is did your injury recover when you arrived at  
25 Tuol Sleng?

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1 A.Yes, when I arrived at Tuol Sleng it was recovered.

2 MR. HONG KIMSUON:

3 Thank you, Mr. President, I have no more questions.

4 MR. PRESIDENT:

5 I notice the presence of the international Co-Prosecutor.

6 You take the floor.

7 MR. PETIT:

8 Thank you, Mr. President.

9 I wish, with your leave, to assist the Court in answering the  
10 question for earlier from Judge Lavergne and to perhaps prevent  
11 some further questioning from my learned friend, the defence.  
12 The question referred to Office 44 and Office 43, which were  
13 mentioned this morning. Office 44, if I recall, was mentioned in  
14 conjunction with a document at ERN 00279925; that is the Khmer  
15 ERN. You will recall that this was the activities report wherein  
16 it states that on November '75 the civil party was transferred to  
17 Office 44.

18 [15.02.54]

19 If I can assist the Court by referring it to the following ERNs;  
20 first one in Khmer, 00145548 to 00145556; the English equivalent  
21 being 00146771; and finally the French version of the same  
22 document can be found at ERN 00147713 to 00147715.

23 This is a statement taken by the Office of the Co-Prosecutors in  
24 2006 which is part of the case file, which is a statement of an  
25 individual who states that he was a guard at Ta Khmau, which was

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1 known at Office 44.

2 Further, if I may, refer the Court to ERN 00081277 to 00081488,  
3 this is an English ERN; this is extract from the book entitled  
4 "The Khmer Rouge Division 703" wherein it states that Office 44  
5 was indeed part of Division 703 and was the Ta Khmau Hospital.  
6 As well as stating or describing Office 43 as being located west  
7 of Wat Lanka in Phnom Penh, describing it as a re-education  
8 office.

9 I am grateful, my learned friend from civil party group 2, for  
10 the initial reference to the D number. I hope this was helpful.

11 MR. PRESIDENT:

12 Thank you, Mr. Co-Prosecutor, for the information.

13 Now I would like to give the floor to the defence counsel. If  
14 you have any questions to be put to the civil party, you take the  
15 floor.

16 MR. KAR SAVUTH:

17 Thank you, Mr. President, Your Honours. I would like to get the  
18 President's permission that I do not want to ask the question to  
19 this person. However, I would like to make some observations,  
20 with the President's leave.

21 [15.06.29[

22 MR. PRESIDENT:

23 Go ahead.

24 MR. KAR SAVUTH:

25 My observations are as follows.

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1 At S-21, Mr. Ly Hor stated that he was not photographed and there  
2 was no number given to him. However, all the witnesses until  
3 today except Mr. Ly Hor all were photographed and were given a  
4 number, an ID number. This is my first observation.

5 MS. TY SRINNA:

6 Mr. President, my apology for interruption.

7 I would like to state that my client said that he cannot recall.  
8 This is different from the statement that he was not  
9 photographed. My client stated that he cannot recall whether he  
10 was photographed or not.

11 MR. PRESIDENT:

12 Please continue.

13 I notice again the presence of the Co-Prosecutor.

14 [15.07.57]

15 MR. PETIT:

16 I apologize to my learned friend. I would ask directions from  
17 the Chamber if it is appropriate, during the course of a witness  
18 or civil party's testimony -- who is sitting right here, whereas  
19 there are several other witnesses waiting to be heard -- if it  
20 is appropriate for the Court to entertain pleadings from any  
21 parties about any topic.

22 If my learned friend or anybody else has comments, observations,  
23 critiques, or pleadings to make about any particular piece of  
24 evidence, I would suggest that they do so when the Court allows  
25 us to do at the end of the evidence, as is, I believe, more

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1 proper and certainly a better use of the Court's time.

2 I suggest, therefore, that if my learned friend does not have any  
3 questions, then we might move on. Respectfully submitted.

4 MR. PRESIDENT:

5 Thank you very much for your observations. So we would like to  
6 move to our normal proceedings.

7 The accused, would you like any make any comments concerning the  
8 testimony given by the civil party Ly Hor?

9 THE ACCUSED:

10 Mr. President, Your Honours.

11 First, with your leave, could the prosecutor be instructed to  
12 give that document to us concerning Office 43 and 44 because I  
13 have never been able to access to those documents yet.

14 [15.10.03]

15 Next, I would like to give some description regarding a brief  
16 comment on the documents taken from S-21 and what documents they  
17 are.

18 The first document with ERN 00279915, this document is the notes  
19 of Oeng Pech group, the chief of the Tuol Sleng committee at the  
20 outset. It said Ear Hor in Latin and Khmer, E40 steel melting  
21 office, and this is the notation of Oeng Pech.

22 And the document we received at S-21 from Office 15 includes,  
23 first, Comrade Ear Hor entered Office 15 and he left Office 15 to  
24 the iron melting office and then he was arrested by Comrade  
25 Suong, the chief of that office. Suong, after making an arrest,

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1 wrote a letter in 1975 to send Comrade Ear Hor to Office 15, to  
2 send back. So the content of which was read out by the Greffier  
3 with the order of the President already.

4 On the margin of the page it stated that this person was involved  
5 in the revolution with Sareth and we got the signature of Comrade  
6 Teng, original name Meung Samnang.

7 So this is the first document with ERN 00279926. So this  
8 happened at the beginning at Office 15.

9 Then on the 10th of November 1975, Comrade Teng ordered Comrade  
10 Cheang to interrogate the person at Office 15 in 1975, November,  
11 of course the 10th of November at 7 p.m. and this is how Office  
12 15 interrogated detainees. So this is the document obtained from  
13 Office 15.

14 [15.13.22]

15 Next, the second interrogation, 1975, November 22nd at 7 p.m., so  
16 this is the second document regarding the interrogation. And in  
17 the last page there was a thumbprint, Ear Hor, so it is true that  
18 the thumbprint belongs to Ear Hor. So these two confessions were  
19 obtained at Office 15. And who actually conducted interrogation  
20 at S-21 and who was conducting such interrogation? And I would  
21 like to elaborate as follows.

22 First, there were two interrogators at S-21 and I did not know  
23 who interrogated first. First, if you look at ERN 00279916, it  
24 is the writing of Brother Mam Nai. So he ended his writing on  
25 the 11th of that and then he did not write anything else. And

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1 then he started to annotate and said that the person should be  
2 jailed.

3 So this writing belongs to Mam Nai, Brother Mam Nai, but I cannot  
4 really conclude whether the writing -- the whole content of the  
5 writing -- belonged to anyone. But I could also remember that  
6 when the person -- annotation with the release belonged to  
7 Comrade Hor, and whether the release is a fabricated one or not,  
8 I will tell further to the Court.

9 According to the writing concerning the interrogation of Ear Hor,  
10 with ERN number 00279918 to ERN 00279926 -- sorry -- once again,  
11 00279925 -- it was the writing of another interrogator named  
12 Comrade Ha. He was young. He was about 23 years old, while Mam  
13 Nai, Brother Mam Nai, was 40 years old. He was 10 years older  
14 than me. He was a -- he is a tall man. Comrade Nak was a youth  
15 and he was young and handsome.

16 [15.16.49]

17 So these were the documents from S-21, and the other documents  
18 belonged to the application -- civil party application of Brother  
19 Ly Hor. And after having reviewed all the documents from S-21, I  
20 would like to tell the President that I believe solely that --  
21 entirely that -- and I also would like to express my sentiment,  
22 deep sentiment, and share the suffering Mr. Ly Hor had suffered  
23 during that regime; that he was beaten on the head and that the  
24 scar should leaves -- the scar is there. And I believe that he  
25 was tortured. And I would like to also state that further that,

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1 according to these documents, Comrade Ear Hor already died. So  
2 these documents prove that he died.  
3 And also in the smash list of S-21 prepared by the Co-Prosecutors  
4 containing about 300 pages, the name of this person in page 59 --  
5 you could find Ear Hor's name in the order of 1972. If you look  
6 at this number, you can see that Ear Hor already died. So this  
7 document about the release, I think it is in the framework that I  
8 already said earlier that Nat fabricated the release as a tactic  
9 to release 61 -- 62 people, including this person. And you can  
10 find this document in D57, Annex 3.  
11 And in the list of Brother Mam Nai's note, there were 14 people  
12 of detainees that he would release and I could even read his ERN  
13 number, 0007792986 -- correction, with ERN 0007778. There were  
14 eight people. So all together there were nine people in the  
15 list, and including the other document with E5/2.8, all together  
16 there were 11 people; including this person, then there were 12.  
17 So they appear in the fake lists of release to be produced on the  
18 3rd -- the 8th of March 1976.  
19 [15.20.24]  
20 So I would like to also read the list, the E5/2.8 about the  
21 people who were smashed. So Comrade Hor already died.  
22 Number two, in order to prove that my conclusion is correct, I  
23 would like to give you my observation.  
24 First, if you look at the writing, I believe that the writing in  
25 these civil party applications of Ly Hor were written by Ly Hor



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1 himself, including the document 00279954 to 00279959. This is a  
2 set of documents. And then another document, 00280015 to  
3 00280017. I think this is another set of handwriting that  
4 belongs to Brother Ly Hor.  
5 If we compare the handwriting in document 00279927, I could see  
6 that the two handwriting is 50 percent different from that of --  
7 the handwriting of Ly Hor. So I can conclude that Comrade Ear  
8 Hor and Mr. Ly Hor are different people.  
9 So having analyzed on the confession obtained by Comrade Chhay in  
10 1975, he said that he was 21 year old back then. So in 1975,  
11 extracted by 21, so Ear Hor was born in 1959.  
12 The victim you need stand on the application of civil party in  
13 2008. At that time, he said -- he told the Victim Unit that he  
14 was 57 years old. So if you check that statistic, you can see he  
15 was born in 1951. So one was born in 1951 and one was born in  
16 1954, so I could see the difference between the death or  
17 birthdays of these two people already, and I hope I have  
18 clarified something.  
19 And regarding the documents from S-21, Ly Hor did not, frankly,  
20 tell the Court about how this document was included in his  
21 application. Why he was startled; I mean, why he could not  
22 provide his clear testimony to the Court regarding this document.  
23 So this is another observation of mine concerning the ambiguity  
24 of the testimony of Ly Hor.  
25 And Ms. Ty Srinna just asked the question recently that the

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1 thumbprint on page ERN 00279930, it is very clear from our  
2 inspection and I think that's all my submission to the President  
3 and the Chamber, Mr. President.

4 In conclusion, Ear Hor died and I'm not doing anything to harm  
5 his dead soul -- and I share the suffering of Ear Hor who had  
6 suffered during the regime. That's all.

7 (Deliberation between Judges)

8 MR. PRESIDENT:

9 The defence counsel actually requested for his observation on the  
10 testimony of the Civil Party, Ly Hor, without putting any  
11 question to him. That request was objected by the Co-Prosecutors  
12 on the proceedings.

13 [15.31.48]

14 The Co-Prosecutor made an observation that it should be done  
15 toward the end of the hearing during the final submission. After  
16 the discussion, the Chamber finds that what was raised by the  
17 Co-Prosecutor has merit so the defence counsel is not allowed to  
18 make your observation on the testimony of this civil party.

19 If you have question, of course, you can ask him. If not, then  
20 the Chamber will continue the proceeding.

21 MR. KAR SAVUTH:

22 Your Honours, just then I only wanted to suggest to the Chamber  
23 that I do not need to put questions to the civil party, I only  
24 would like to make my observation.

25 If I am not allowed then I will opt to ask questions. Based on

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1 the time allocation for the defence counsel and if I do not put  
2 questions then my international defence counsel would put her  
3 questions to the civil party and I do not delay the Court's time  
4 during this very busy period of the proceeding. This is not my  
5 intention.

6 And if I am only allowed to put questions, of course, then I will  
7 proceed with my questions.

8 MR. PRESIDENT:

9 Your request for observations was objected by the Co-Prosecutor  
10 and the Chamber takes the view that the objection raised by the  
11 Co-Prosecutor is valid and, whether you have the questions or  
12 not, it is your right within your time allocation. And if you  
13 have any questions, it starts from the time from now.

14 MR. KAR SAVUTH:

15 Your Honours, I would like to ask Mr. Ly Hor some questions.

16 QUESTIONING BY DEFENCE COUNSEL

17 BY MR. KAR SAVUTH:

18 Q.On the 10th of November, 1975, where were you?

19 A.In 1975, I was in Sector 25 at Wat Daem Po.

20 Q.The date was the 10th of November 1975 and you said you were  
21 at Daem Po, at Wat Daem Po. In this document, on the 10th of  
22 November 1975, with ERN 00279929, that on the 10th of November  
23 '75 "when Angkar assigned me to work on the waterwheel", so that  
24 day, Angkar assigned you to work on the waterwheel.

25 How come now you said you were at Daem Po? Can you verify?

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1 [15.36.28]

2 A.I cannot recall clearly because it was still within 1975 and I  
3 was also at Daem Po and I was also assigned to work on the  
4 waterwheel. and I cannot recall the exact dates.

5 Q.The reason I ask you for the 10th of November 1975 because on  
6 that day, the 10th of November '75, there was a Ly Hor or Ear Hor  
7 who was arrested and put into S-21 on that day. So can you  
8 recall and verify if you know another person, Ear Hor, who was  
9 also arrested and sent to S-21 on that day?

10 A.I cannot recall for sure because in 1975 I was in Daem Po  
11 after Phnom Penh fell. When the Cambodian people from Phnom Penh  
12 were evacuated to Daem Po, then I was assigned to watch those new  
13 people. So I cannot say clearly on exact date my whereabouts in  
14 1975.

15 Q.Thank you. I only ask for your clarification.

16 At S-21, you stated to the Chamber that you were given rice and  
17 soup, sometime eat the banana -- banana stalk soup or water lily  
18 soup. I want to know whether you were given rice or gruel.

19 A.I was given rice.

20 Q.Thank you. You stated to the Chamber this morning that the  
21 shackles that you were in was in a row with another 10 to 15  
22 inmates. Is that correct?

23 A.Yes.

24 MR. KAR SAVUTH:

25 Previous witnesses said the shackle could only hold up to 10

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1 inmates. This is the reason why I asked you this question.

2 [15.39.28]

3 Thank you, Mr. President. I no longer have questions for this  
4 civil party.

5 MR. PRESIDENT:

6 The international defence counsel, you take the floor.

7 MS. CANIZARES:

8 Thank you, Mr. President. I should like to put a number of  
9 questions to the civil party, however, I should like to start  
10 with a remark. This is not a pleading I'd like to say in  
11 response to the Co-Prosecutor.

12 On the 17th of February 2009, it was clear that all the documents  
13 of the civil parties be disclosed to the defence in French and  
14 English. Today's hearing shows that this, unfortunately, is not  
15 the case. We would like this request to be respected so that the  
16 difficulty should not arise for further civil parties.

17 I shall now like to put a number of questions to Mr. Ly Hor.

18 BY MS. CANIZARES:

19 Q. Good afternoon, Mr. Ly Hor. Do you remember under what  
20 circumstances you decided to act in the trial of Mr. Kaing Guek  
21 Eav?

22 [15.40.58]

23 A. Could you refresh your question? What is the purpose of your  
24 question?

25 THE INTERPRETER:

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1 Could the speaker please be directed to move closer to the  
2 microphone? The interpreter is having trouble following her.  
3 Could the speaker please be directed to speak closer into the  
4 microphone as the interpreter was not able to follow the last  
5 question.

6 JUDGE CARTWRIGHT:

7 The interpreter has said that he or she cannot hear you because  
8 you're not speaking closely enough into the microphone. Would  
9 you mind repeating your question? Thank you.

10 MS. CANIZARES:

11 Thank you, Your Honour. I shall approach the microphone and  
12 repeat my question.

13 BY MS. CANIZARES:

14 Q.I was asking Mr. Ly Hor whether he remembered under what  
15 circumstances he decided to take part in the trial of Mr. Kaing  
16 Guev Eav, and I perhaps might elucidate the question by asking  
17 him how he came to know of this trial and how did he decide to  
18 apply as a civil party?

19 A.Because I suffered during the regime of the period of the  
20 three years, eight months, and after I heard that it's going to  
21 be a trial for Duch, then I determined to participate.

22 [15.43.22]

23 Q.This morning, you told us that you met a representative of  
24 DC-Cam, the other day you said. I am referring to an exhibit  
25 number E261/1 KH 00279934 to 00279935. This DC-Cam document

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1 indicates that DC-Cam transmitted your application to the civil  
2 party unit on the 1st of September 2008, which means that from  
3 the 1st of September 2008 you have been in contact with DC-Cam at  
4 the very least.

5 Can you confirm that for me, please?

6 A.I, myself, and all the documents, I did not go to the DC-Cam  
7 office.

8 Q.Perhaps you did not yourself go to the DC-Cam offices, but I  
9 believe you did meet with a representative of that organization.  
10 Could you, if it is possible, tell us approximately when you had  
11 this meeting for the first time?

12 A.I only met people. I did not meet people from the DC-Cam  
13 organization.

14 Q.You never did meet a DC-Cam representative? It seems to me  
15 that this morning or early this afternoon you said that such a  
16 meeting had taken place, although you did not give the exact date  
17 when such a meeting might have taken place.

18 A.I only met people from the Documentation Centre for Cambodia.

19 Q.Well, right. Perhaps I used a term that you didn't understand  
20 because like you, I am referring to the Documentation Centre for  
21 Cambodia. So we are referring to the same organization.

22 [15.47.11]

23 So can you tell me, around when you met one of these  
24 organization's representatives for the first time?

25 A.I cannot recall the date.

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1 Q.Approximately, sir. I am not asking for an exact date, just  
2 around when, what year?

3 A.It was within this year, a few months back. It was within  
4 this year. It was after the New Year.

5 Q.Another question. Mr. Ly Hor, this morning you said that you  
6 did not know where you had obtained a document called "Biography  
7 of Ear Ly Hor", ERN 00279915 to 0027993 -- that is E2/62.2.

8 Might it have been representatives of DC-Cam who showed you this  
9 document?

10 A.Can you repeat your question, please?

11 Q.This morning, you indicated that you did not know where a  
12 document entitled "Biography of Ear Hor" came from. So the  
13 question is, is it possible that this might have been provided to  
14 you by a representative of the Documentation Centre of Cambodia?

15 A.The document that I was given was the true document of my  
16 biography.

17 [15.50.34]

18 Q.So who gave you this document, exactly?

19 A.The Documentation Centre for Cambodia.

20 Q.Did the person who gave you the document say anything when he  
21 or she gave you the document? If so, what did this person say?

22 A.I was given the document and I was asked whether this is a  
23 true document of mine and I said, yes, it was my document.

24 Q.Thank you.

25 MS. CANIZARES:



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1 Mr. President, I have no further questions to put to this civil  
2 party.

3 MR. PRESIDENT:

4 I would like now to give the floor to Judge Lavergne.

5 JUDGE LAVERGNE:

6 Thank you, Mr. President. It seems to me that after the  
7 explanation provided by the accused, we have new material that we  
8 need to return to because if I understood the accused, he  
9 acknowledges that the documents put to the Court in support of  
10 the civil party's application do, in fact, come from S-21.

11 [15.52.46]

12 He mentioned a number of annotations indicating that he  
13 recognized the authors of these annotations and, therefore, in  
14 his view, there is no challenge to the fact that one Ly Hor was  
15 detained in S-21. However, Ear Hor was detained in S-21, but he  
16 indicates that the said Ear Hor is deceased and that, further,  
17 his name appears on the list of executed prisoners provided by  
18 the Co-Prosecutors.

19 So it seems to me that some clarification is required for the  
20 Chamber and perhaps the prosecutors might be able to help us with  
21 that.

22 MR. PETIT (Speaking in French):

23 Thank you, Your Honour.

24 This is a somewhat unusual situation to have an accused who  
25 refers you to documents. I shall leave my learned friend, civil

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1 party, to provide a longer or a more extended reply. But I would  
2 like to say that during the translation or interpretation in  
3 English, the references were not very clear, so I am not in a  
4 position to evaluate the accused's statement.

5 But I would ask my learned friend, the civil party, to respond if  
6 he has anything to say.

7 JUDGE LAVERGNE:

8 If the accused could provide the references that he mentioned  
9 once again when he took the floor.

10 JUDGE CARTWRIGHT:

11 I think the primary reference is to the revised prisoner list,  
12 00329681, and if you look at the left column, number 1968, refers  
13 to a 21 year-old male named Ear Hor whose position at the date of  
14 his arrest was member of iron melting section, Koh Khe Office 13.  
15 Date of entry to S-21, 10 November 1975. Date of execution, some  
16 date in 1975.

17 And if I may, Mr. President, I would like to follow-up on Judge  
18 Lavergne's request for clarification and ask the civil party  
19 lawyers if they accept that this is an accurate entry connected  
20 to the documentation that we have been trying to clarify for most  
21 of the day, and which the accused acknowledges was documentation  
22 from S-21 with authors, among others, Mam Nai and Hor.

23 Do you accept that this is the position, Mr. Werner?

24 [15.56.56]

25 MR. WERNER:

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1 Your Honour, yes, concerning what the accused said, but I think  
2 maybe he clarify it because indeed, in English, it was not  
3 completely clear, but that was my understanding. Now, whether or  
4 not the person on the list you just referred, if we do accept or  
5 not that that is our civil party, I cannot answer that now, and  
6 we would need to show that list to him.

7 But I can otherwise confirm that that was our position that,  
8 indeed, this list was from the ERN 279916 was from Tuol Sleng,  
9 and you will have noticed that when I asked the question, the  
10 question I asked Chang was indeed the person, the accused  
11 referred to Mam Nai.

12 (Deliberation between Judges)

13 JUDGE CARTWRIGHT:

14 Yes, thank you, Mr. President.

15 The prosecutors, I want to ask you to clarify that the reference  
16 that I have just read from revised S-21 prisoner list is, in  
17 fact, the most recently compiled list of prisoners from S-21 that  
18 was revised from the original after certain anomalies were  
19 discerned, particularly from the accused himself, but that this  
20 so far as the prosecutors are concerned is the authoritative S-21  
21 prisoner list at this time.

22 MR. PETIT:

23 Thank you, Madam Judge. Yes, inasmuch as it reflects the records  
24 that we've consulted, we have never said of course that it  
25 exhaustively represents the numbers of prisoners or the names of

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1 prisoners that went through S-21.

2 JUDGE CARTWRIGHT:

3 Yes, thank you, Mr. Prosecutor.

4 Mr. President, thank you.

5 MR. PRESIDENT:

6 The testimony of Ly Hor comes to an end already. The Chamber  
7 would like to express our thanks to Mr. Ly Hor for spending so  
8 much of your time to give your testimony in today's hearing, and  
9 the Chamber notes also very well that it is very difficult for  
10 you to testify before the Court and to respond to some difficult  
11 questions from the parties, and really appreciates your kindness  
12 in providing this testimony.

13 The Chamber will adjourn now and resume our session tomorrow at 9  
14 a.m. Parties to the proceeding are invited to come to the Court  
15 tomorrow by then.

16 The Court officials, could you please make sure that Mr. Ly Hor  
17 is taken back to his residence and work with the Witness Unit for  
18 this.

19 The security guards, please take the accused to the detention  
20 facility and bring him back to the Court by 9 a.m.

21 The Court is adjourned.

22 (Judges exit courtroom)

23 (Court adjourns at 1602H)

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Trial Chamber - Trial Day 39*

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