



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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Nation Religion King  
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**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber  
Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS**  
**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

7 June 2016  
Trial Day 414

<b>ឯកសារដើម</b>
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I N D E X

Mr. SUOS Thy (2-TCW-816)

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Mr. KAING Guek Eav alias Duch (2-TCW-916)

Questioning by the President (NIL Nonn) ..... page 41  
Questioning by Mr. LYSAK ..... page 47

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUI SSE	French
Mr. KAING Guek Eav (2-TCW-916)	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYS AK	English
The President (NIL Nonn)	Khmer
Mr. SUOS Thy (2-TCW-816)	Khmer

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the remaining testimony of

6 Suos Thy, and after that, we will hear testimony of another

7 witness, that is, 2-TCW-916.

8 Ms. Chea Sivhoang, please report the attendance of the parties

9 and other individuals to today's proceedings.

10 THE GREFFIER:

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

12 are present.

13 Mr. Nuon Chea is present in the holding cell downstairs. He has

14 waived his right to be present in the courtroom. The waiver has

15 been delivered to the greffier.

16 The witness who is to conclude his testimony today, that is, Mr.

17 Suos Thy, as well as Mr. Mam Rithea, his duty counsel, are

18 present in the courtroom.

19 The upcoming witness, 2-TCW-916, has confirmed that, to his best

20 knowledge, he has no relationship by blood or by law, to any of

21 the two accused, that is, Nuon Chea and Khieu Samphan, or to any

22 of the civil parties admitted in this case.

23 The witness will take an oath according to his religion before

24 the Chamber.

25 [09.02.42]

1 MR. PRESIDENT:

2 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the  
3 request by Nuon Chea.

4 The Chamber has received a waiver from Nuon Chea, dated 7 June  
5 2016, which states that, due to his health, headache, <and> back  
6 pain, he cannot sit or concentrate for long and in order to  
7 effectively participate in future hearings, he requests to waive  
8 his rights to be present at the 7 June 2016 hearing.

9 Having seen the medical report of Nuon Chea by the duty doctor  
10 for the accused at the ECCC, dated 7 June 2016, which states that  
11 Nuon Chea has back pain and it becomes severe when he sits for  
12 long and <he> feels dizzy and recommends that the Chamber shall  
13 grant him his request so that he can follow the proceedings  
14 remotely from the holding cell downstairs. Based on the above  
15 information and pursuant to Rule 81.5 of the ECCC Internal Rules,  
16 the Chamber grants Nuon Chea his request to follow today's  
17 proceedings remotely from the holding cell downstairs via an  
18 audio-visual means.

19 [09.04.00]

20 The Chamber instructs the AV Unit personnel to link the  
21 proceedings to the room downstairs so that Nuon Chea can follow.

22 That applies for the whole day.

23 And I'd like now to hand the floor again to the defence teams to  
24 put further questions to witness Suos Thy.

25 You may proceed, counsel.

1 QUESTIONING BY MR. KOPPE:

2 Thank you, Mr. President, and good morning, Your Honours. Good  
3 morning, counsel.

4 Q. And good morning, Mr. Witness. I have not many remaining  
5 questions left for you.

6 There's a few subjects, though, that I would like to revisit with  
7 you.

8 Yesterday, I confronted you with the testimony of the chief of  
9 the photography unit, Sreang, and I told you he had said that  
10 prisoners who were sent to Prey Sar were photographed on the  
11 premises in the office that you, yourself, also worked at.

12 [09.06.22]

13 Yesterday, you said, and I quote from the draft transcript at  
14 15.25 in the afternoon, you said:

15 "I did not know the details regarding the process of being  
16 photographed. It was possible that those people were photographed  
17 at the outer section before they were sent to the rice fields,  
18 and to my understanding, those who were sent inside and the  
19 photographs were taken, they were never sent to the rice field."

20 Having read this out to you, can you one more time tell me what  
21 your recollection is as to people that were sent to S-24 or Prey  
22 Sar or the rice fields?

23 MR. SUOS THY:

24 A. For prisoners who were sent to S-24, I did not know the  
25 details since that involved people who worked at the outer part.

4

1 Q. If you're saying you do not know the details, does that mean  
2 that it could have happened that people who were brought into the  
3 reception area, situated at the outer premises of S-21, were  
4 subsequently sent to Prey Sar?

5 [09.07.24]

6 JUDGE FENZ:

7 Counsel, convince me that this is not asking for speculation of a  
8 witness that says, "I don't know the details".

9 BY MR. KOPPE:

10 Well, that is the question. That's what he says now.

11 Let me read to you before I come back to that particular excerpt  
12 what he said himself in relation to prisoners sent to Prey Sar.

13 I'm referring to document E3/9320. It's his interview with

14 DC-Cam. More specifically, I'll be referring to English page ERN  
15 00337985, Khmer 00052031, French 00280259 (sic).

16 Let me read the whole excerpt so that it gets clear what is being  
17 asked by the DC-Cam investigator. The investigator says:

18 [09.08.38]

19 "You mentioned earlier that none of the prisoners were released,  
20 but were prisoners transferred to other prisons?

21 Answer, Suos Thy: No case of release.

22 Question: Did you mention that prisoners had been transferred  
23 from Tuol Sleng to Prey Sar?

24 Answer: No. If they had intended to send them back to Prey Sar,  
25 they would have done so. If they had brought in there they would

5

1 have been blindfolded. It was another type of case. Some of them  
2 were brought to Prey Sar. Their respective units would send the  
3 prisoners there themselves."

4 Then the question of the DC-Cam investigator:

5 "I've met those who had been imprisoned at Prey Sar. They told me  
6 that before they were brought to Prey Sar, they had been  
7 blindfolded and, later on, they were brought to Tuol Sleng. After  
8 three days of interrogation, they were blindfolded again and  
9 transferred back to Prey Sar. Did you know or hear of such case?

10 No, I don't. Maybe that was what happened initially, and  
11 prisoners were not executed."

12 [09.09.56]

13 And then it continues.

14 Q. So, Mr. Witness, although you say you do not know the details,  
15 here you seem to suggest that you know something about how  
16 prisoners ended up in Prey Sar. Is that correct, or is that not  
17 correct?

18 MR. SUOS THY:

19 A. Regarding the interview with the DC-Cam staff, it happened a  
20 long time ago, so I cannot recall the content of that interview.  
21 However, I would like to clarify the following point.

22 I worked <in> the inner premises of the compound, and prisoners  
23 who were brought to the inner compound were never taken outside  
24 again. As for those prisoners who were with the special force at  
25 the outer premises, I did not know what happened to them or



6

1 whether they were sent elsewhere. And I could only speak about  
2 the prisoners who were brought to the inner part of the compound.

3 [09.11.20]

4 Q. Without inviting you to speculate, of course, Mr. Witness, let  
5 me at least read to you what Him Huy told the Chamber, in his  
6 testimony on the 5th of May 2016, at around 10.43 and 10.45.  
7 He talks about people arriving at the reception area in -- of  
8 S-21, and then, just before 10.45, he says:

9 "Ta Hor assigned me and my men to do the job, sending those  
10 people to Prey Sar. And there was a group of prisoners who would  
11 be sent into Tuol Sleng." End of quote.

12 Can you give a reaction to what Him Huy told the Trial Chamber?

13 A. As I have stated, prisoners, when they were first brought in,  
14 would be put at the outer premises with the special force, and I  
15 did not know what happened to them next if they were not to be  
16 sent to the inner premises of the compound. And those who were  
17 sent to the inner premises of the compound were never sent back  
18 out again. And here, I refer to the inside premises of the prison  
19 compound.

20 [09.13.24]

21 Q. Let me sidestep for a bit and then come back to this subject.  
22 Do you know what the principle of secrecy was and, if you do, was  
23 that principle enforced at S-21?

24 A. As I repeatedly said, I did not pay attention to other  
25 people's works. I focused primarily on my tasks so that I could

7

1 fulfil those tasks without making any mistake.

2 Q. Let me read to you an excerpt from a document which relates to  
3 the interview with you in August 2003, by DC-Cam people, E3/7637;  
4 Khmer, ERN 00229033; French, 00344703; and English, 00185878.

5 I will read it to you. These are remarks not coming directly from  
6 your mouth, but are based upon what you told the investigators,  
7 and it says the following:

8 [09.15.18]

9 "The incoming prisoners came in from all over the country  
10 according to procedures, the details of which Thy did not know.  
11 Prisoners were sent out with the defence unit on the basis of  
12 signs -- signed forms that Hor got from Duch. Thy also did not  
13 hold the lists of prisoners who were in detention, that being  
14 another department."

15 Now comes a difficult word:

16 "This reflected the severe compartmentalization of the work, with  
17 those in the defence and interrogation units having no contact  
18 with each other, not even eating together. Thy's section had no  
19 right to go near the prisoners, about whom it was supposed to  
20 know nothing." End of quote.

21 What is being described here in relation to the principle of  
22 secrecy at S-21, is that correct?

23 A. Yes, that is correct.

24 [09.16.43]

25 Q. Following up this description of the principle of secrecy,

8

1 you, yourself, gave testimony before this Chamber in the case  
2 against Duch on the 28th of July 2009. That is document E3/7466,  
3 at 10.48, and I quote. You said:

4 "Regarding the lists of prisoners at S-21, they were not  
5 collected and compiled by me. Only Meng, who was in charge of  
6 overall lists of S-21, was in full control of the lists of  
7 detainees from S-24, too." End of quote.

8 Is that what you said? Was it, indeed, Meng who knew about lists  
9 of detainees from S-24, or Prey Sar?

10 A. I can say that Meng was in charge of an overall list <in S-21>  
11 so <> he was also in charge of the list <of the three offices>.

12 Q. Now, yesterday, Mr. Witness, I showed you a list of release of  
13 100 prisoners from Division 920. That was document E3/8648. I  
14 also showed you two biographies of --

15 [09.18.43]

16 MR. PRESIDENT:

17 Counsel, please repeat the ERN numbers again, and do it slower  
18 this time. And as I said, if possible, please repeat it.

19 BY MR. KOPPE:

20 I didn't actually mention the ERNs, just the document number, but  
21 I will do that again, Mr. President. I will repeat my question.

22 Q. Mr. Witness, yesterday, I showed you a list of release of 100  
23 prisoners from Division 920. That was document E3/8648. I also  
24 showed you two biographies with annotations saying, "Sent to the  
25 rice fields". You looked a bit confused when seeing these

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1 documents, seemed to say -- you seemed to say that release was  
2 simply not possible at S-21.

3 My question to you is the following. Isn't it true that you  
4 actually had very limited knowledges -- knowledge of what was  
5 going on at S-21 and that your earlier testimony that no one was  
6 ever released from S-21 is simply false?

7 [09.20.30]

8 MR. PRESIDENT:

9 Witness, please hold on.

10 And International Deputy Co-Prosecutor, you have the floor.

11 MR. DE WILDE D'ESTMAEL:

12 I object to the manner in which the last question was asked  
13 because the defence is trying to say that people were effectively  
14 released on the basis of the <title of a> document. The  
15 interpretation given to the word "release" is not <that> clear.  
16 And let me point out that we've already made remarks on document  
17 <E3/965> at another hearing<. As far> as the document regarding  
18 100 persons from Division 920 with the reference <E3/8648. We can  
19 now say that some of these allegedly released people> ended up in  
20 S-21 and were executed, <we have found> 45 on the OCIJ list.  
21 So to say that these persons were simply released <I believe> is  
22 false. This question should be reformulated.

23 [09.21.40]

24 At best, <in my opinion,> those persons were sent to <S-21D. That  
25 is also what is said - If we look at> the 45 persons <we were

10

1 able to find>, they were <all> from S-21D, so the interpretation  
2 given to the word "released" is such that <I would be> very  
3 cautious <in the Defence's position, when confronting the witness  
4 and saying that he did not know everything and that he did not  
5 know that people were released.>

6 These persons were not released, so we should understand the word  
7 "released" in <quotation marks>.

8 MR. KOPPE:

9 Mr. President, I find this an incredible objection. First of all,  
10 Prosecution is arguing.

11 All of a sudden, when we come up with a document, it is ready --  
12 or it should be interpreted in all kinds of ways. I have in front  
13 of me that particular document.

14 As a matter of fact, DC-Cam and the defence agree that it says  
15 names of people released on 26 November 1977, 100 combatants from  
16 Division 920. DC-Cam made a booklet out of it, published it, so  
17 now saying that these people were not released is uncalled for.

18 [09.22.54]

19 So again, I think I am entitled to ask the question which, the  
20 bottom line here is, that he simply doesn't know many things.

21 JUDGE FENZ:

22 If you claim he doesn't know things, how would he know what he  
23 doesn't know? I mean, I think we got your point.

24 MR. KOPPE:

25 That I'm very happy about, Judge Fenz, but that still remains,

11

1 the question unanswered. So let me repeat it.

2 [09.23.39]

3 MR. PRESIDENT:

4 Defence Counsel, you can ask all kinds of questions to the  
5 witness. However, you cannot ask a question that seeks to draw a  
6 conclusion on your statement. <The witness is in no position to  
7 make a conclusion on counsel's statement.>

8 MR. KOPPE:

9 I understand, but I think I'm entitled to say, "Mr. Witness,  
10 isn't it true that you didn't know anything of what was going on  
11 in S-21, only in a very limited sense?" That question is the end  
12 result of many, many questions of yesterday, and I think that the  
13 ultimate question is something that I should be able to ask.

14 MR. PRESIDENT:

15 Witness, you do not need to respond to that question. Such  
16 question is not permissible, as you are not in a position to make  
17 your conclusion on the statement by the defence counsel, and that  
18 is the duty of the bench.

19 And I believe the witness has responded sufficiently to your  
20 questions in relation to his involvement in the drawing up of the  
21 list.

22 [09.25.06]

23 MR. KOPPE:

24 It's good to know that the witness is allowed to speculate on  
25 this document that he doesn't know, but when I ask the question,

12

1 then, of course, that is not allowed. But let me move on, Mr.  
2 President.

3 Q. And let me turn to the issue of hierarchy and the issue of who  
4 was responsible for ordering executions at S-21.

5 Let me read to you what Duch said when he heard your testimony on  
6 the 28th of July 2009. That is document E3/7466, at 15.39. Duch  
7 said, about you -- about your testimony:

8 "I appreciate his testimony, that he is in his role as a middle  
9 cadre within S-21, although he did not work and contact me  
10 directly, as I also did not want any middle cadres to have any  
11 direct contact with me." End of quote.

12 Is that correct, Mr. Witness, what Duch said, that you had no  
13 contact with him and that he also didn't allow you to have any  
14 contact with him?

15 [09.26.53]

16 MR. SUOS THY:

17 A. Yes, that is correct.

18 Q. Yesterday, you testified that Hor was your superior, that you  
19 only had direct contact with him.

20 Isn't it true that you had no knowledge whatsoever about who was  
21 responsible for ordering executions?

22 A. As I have stated --

23 MR. PRESIDENT:

24 International Deputy Co-Prosecutor, you have the floor.

25 MR. DE WILDE D'ESTMAEL:

13

1 Thank you, Mr. President.

2 I think the questions are becoming too repetitive, and we've  
3 heard the witness say several times that there were annotations  
4 <made by> Duch on documents regarding persons to be executed.

5 [09.27.57]

6 Now, the question <is>, "You didn't know anything as to the  
7 person who issued orders for executions<?>"<. I believe> that  
8 question is problematic because the witness has answered that  
9 question on several occasions and it is not normal that the  
10 Defence Counsel should interpret the statements of the witness as  
11 <if there were no - as if he knew> that there <was no  
12 relationship> between Duch <and the> executions. <He spoke about  
13 annotations.> He <may not have met> Duch, but he knew that it was  
14 Duch who <made> the annotations on the documents.

15 BY MR. KOPPE:

16 Yesterday, Mr. President, I read about five or six excerpts from  
17 Duch's testimony, all saying the same thing, that it was Hor who  
18 decided upon the execution and that he only annotated if a  
19 prisoner was done with being interrogated, so -- but it's fine.

20 I'll move on. I know what you think already anyway, Mr.

21 President.

22 [09.29.05]

23 Q. Let me move to my final point, Mr. Witness.

24 Yesterday, we spoke briefly about the last day at S-21, the 7th  
25 of January. Yesterday, you said that no document belonging to



14

1 S-21 was destroyed in the days before 7 January or on the 7th of  
2 January 1979.

3 In 2009, you also gave testimony about this. E3/7466 at 11.04,  
4 you said, quote, "There was no plan to destroy any document." End  
5 of quote.

6 Let me first start by saying is it -- is it correct that there  
7 also was no plan to destroy any document?

8 MR. SUOS THY:

9 A. I would like to clarify that before 7 January <>, my superior,  
10 Hor, did not give me any instruction or any plan to destroy  
11 documents, and I, myself, was not aware of the latest situation  
12 at the time. And the documents were still kept at the office.  
13 And I would like to add that I did not know about the documents  
14 that were kept at the -- by the interrogation unit. As for us,  
15 the guard unit, <regarding the list of prisoners,> I did not  
16 receive any instructions from Hor for the destruction of those  
17 documents.

18 [09.31.18]

19 Q. Now let me confront you with the following. The historian,  
20 David Chandler, wrote a book about S-21, and he says in his book  
21 that about roughly 4,300 confessions have come to light so far.  
22 You can find it in his book, E3/1684; Khmer, 001918835 (sic);  
23 English, 00192685; French, 00357268.  
24 There are other publications, but I'll just name one, E3/1684.  
25 The English ERN is 00192676; no Khmer, no French. That document

15

1 says that about 6,000 negatives or photos were found.  
2 Something that you don't know, the investigators of the  
3 International Co-Investigating Judge in Cases 003 and 004  
4 researched all S-21 documents, and in this OCIJ list, E393.2, it  
5 says that, of about 5,512 individuals, there seemed to be an  
6 execution date available.

7 [09.33.09]

8 It's difficult for you to give numbers, I understand. It's a long  
9 time ago, Mr. Witness, but is it about correct at S-21, at the  
10 Tuol Sleng premises, about 5,000, 6,000 people were detained,  
11 interrogated and, presumably, afterwards, executed?

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President, here is another assertion without any base. Simply  
14 looking at the OCIJ list, indeed, there might only be 5,500  
15 people whose names can be found and who allegedly were executed,  
16 or at least who have an execution date. We are analyzing this  
17 list because the <OCIJ> left aside many, many sources indicating  
18 the execution date of these prisoners, <which are> not in the  
19 final OCIJ list.

20 When we <are> ready, we, of course, will make a request to that  
21 effect in order to demonstrate that, <at least> regarding the  
22 number of executions, the number is much higher than that.

23 Second, it's not because there are only 4,300 confessions that  
24 were found that this means that there were only 4,300 people who  
25 were detained at S-21, so the conclusion drawn that there only

16

1 5,000 or 6,000 people <went through> S-21 is not based on facts  
2 or based on data that is reliable, so I don't think that you can  
3 make this kind of assertion.

4 [09.35.06]

5 JUDGE FENZ:

6 Can we cut through the pleadings and ask an open question?

7 Witness, do you know how many people died in S-21 during its  
8 existence? If you don't know, tell me. If you know, tell me, too.

9 MR. SUOS THY:

10 I do not know the exact number.

11 MR. KOPPE:

12 Thank you, Mr. President. I'm done.

13 [09.35.56]

14 MR. PRESIDENT:

15 The floor is now given to the defence team for Mr. Khieu Samphan,  
16 to put questions to witness Suos Thy. You may proceed.

17 QUESTIONING BY MS. GUISSÉ:

18 Good morning. Thank you, Mr. President. Good morning to all of  
19 you. Good morning, Witness. My name is Anta Guisse, and I am the  
20 Co-International Counsel for Mr. Khieu Samphan. And it is in this  
21 capacity that I'm going to put a few questions to you that won't  
22 be very long.

23 Q. My first question -- a question of clarification, first of  
24 all, following the questions that were put to you by Judge  
25 Lavergne. You spoke about your family and the people who died.

17

1 And when you were answering one of the questions put to you  
2 regarding your siblings who are still alive, you said that there  
3 were three of you, you and two sisters, who are still alive<, if  
4 I understood correctly>.

5 But I didn't understand that -- <if there were eight siblings,  
6 does that mean that> the five others <of> your siblings died  
7 during the DK regime. Could you please specify that?

8 [09.37.28]

9 MR. SUOS THY:

10 A. Let me clarify the point once again. My siblings who died --  
11 three of my siblings died in the DK. My blood siblings, three of  
12 them died in the DK, and <> one in-law also died. <There were  
13 five of us left, but> after 1979, my two other <younger> siblings  
14 died after the regime, so only three of us remained living. <We  
15 were eight siblings originally.>

16 Q. Thank you for this specific clarification. Now I would like to  
17 focus on the period when you were at S-21, but when the S-21  
18 premises were still at the PJ.

19 When you answered a question put to you by the International  
20 Co-Prosecutor at the hearing of 2 June at 9.33, you specified,  
21 when he was confronting you with your biography, that the date of  
22 November 1975 <might be> accurate regarding the start of your job  
23 at S-21 at the PJ.

24 [09.39.00]

25 I know you don't remember the exact date, but however, can you

18

1 confirm <in any case> that in December 1975, you were already  
2 working at S-21, at the PJ?

3 A. Based on the biography, it was in November, and I am not  
4 certain of the exact month -- exact date, rather.

5 Q. Thank you for this clarification.

6 My question now is, when you started working at the PJ, did you  
7 start working right away on the <records and drawing up> lists?  
8 Was drawing up lists your work as soon as you started at the PJ?

9 A. Upon my arrival at PJ prison, Hor assigned to me to be in  
10 charge of the list.

11 Q. Do you know if you were the only person back then to work on  
12 the lists, or was there other -- was there another department or  
13 other people who were also involved with lists at the PJ?

14 A. As I told the Court already, Meng was also responsible for  
15 drawing up the lists. And when I arrived at the PJ, I cannot  
16 recall it well, but at the time, Hor gave me the lists of  
17 prisoners for me to redo them.

18 [09.41.12]

19 Q. Do you know who was in charge of the lists before you arrived?

20 A. Before my arrival, or immediately after my arrival, no one had  
21 been there at the initial stage to be in charge of the lists.  
22 When I was there, as I said, Hor gave me the lists <of prisoners>  
23 and he asked me to redo them.

24 Q. I would like to know if - and I am still interested in> the  
25 period when you were working at the PJ - I want to know if you

19

1 remember if prisoners were released during the short period when  
2 you were working at the PJ.>

3 [09.42.16]

4 A. I was there for a short period of time, and no prisoners had  
5 been released out of that prison.

6 Q. I'm putting this question to you, Witness, because when you  
7 were examined by the Prosecutor at <the beginning of the trial>  
8 -- this is E3/7603, French ERN 00392492, Khmer 00145602, English  
9 00146798<,> questions were put to you regarding your work at the  
10 PJ, and this is what you said:

11 "Back then, most prisoners were workers and had not been <unduly>  
12 tortured. Some of them had even been released." End of quote.

13 So here in this interview in October 2006, you're speaking about  
14 people who were released.

15 Does this refresh your memory?

16 A. My memory does not serve me well since many things had  
17 happened in the past, long time ago. To my recollection, <when I  
18 was at the PJ,> I was working with Meng, and I cannot tell you  
19 for sure about whether or not prisoners had been released.

20 Q. So you don't remember this very clearly. Of course, we can  
21 understand. This was a long time ago. But in any case, do you  
22 remember having said that in October 2006 to the Prosecutor?

23 A. I am not certain, as I said. I cannot recall what I have  
24 stated.

25 [09.45.10]

1 Q. When you were questioned on this issue at the hearing of 2  
2 June 2016 <by the international Prosecutor>, it was a little bit  
3 before <9.43.57>, you -- and I will quote from the French draft<:  
4 "The> prisoners were not released, but taken out of the prison. I  
5 did not know and I had no information about their exiting the  
6 prison because this did not fall under my <remit>." End of quote.  
7 When you said that this was not "under my remit", do you know who  
8 was in charge <back then> of deciding on who <might be taken out>  
9 and who wouldn't? Who was in charge of that <if> it wasn't you?  
10 <Do you know?>

11 A. It was Hor who was in charge of all prisoners.

12 [09.46.36]

13 Q. Another point I would like to discuss with you, and with the  
14 leave of the President, I would like to provide you a document in  
15 order to see if this resembles a list that you might have seen at  
16 the PJ. This is document E3/965.

17 And with the leave of the President, may we please display this  
18 first page of the document on the screen? Khmer ERN 00068840;  
19 French, 00324630; English, 00316312.

20 And this is a document entitled "<Brief Biography of Released  
21 Soldiers of Company> 44", dated 20 December 1975. And on the  
22 heading on this first page, we also see that they are speaking of  
23 Brigade 703 and Battalion 96.

24 So can we provide the Khmer copy of this document to the witness  
25 and then I'll put questions to him on this document.

1 MR. PRESIDENT:

2 The request is granted. And AV Unit, please show the document on  
3 the screens.

4 BY MS. GUISSÉ:

5 Q. So I will give you the time to go over the document, Witness,  
6 but my first question is, did you ever see this list of summary  
7 biographies of released prisoners?

8 That's my first question.

9 And then second question is, do you know Battalion 96 of Brigade  
10 703? We say "brigade" here. I'm not sure that the French  
11 translation is accurate because we always spoke about "Division  
12 <703>". But can you confirm that, on this first page in Khmer of  
13 this document, they are referring to Division 703, in fact?

14 [09.49.10]

15 MR. SUOS THY:

16 A. I know Brigade 703. As for Battalion 96, I do not know about  
17 its existence, and I do not know it at all.

18 Q. And to be sure about this, did you ever hear about <Hin  
19 (phonetic), <H-I-N>, and whose name is on the first page of this  
20 document?

21 A. I have never heard of the name, and things had happened a long  
22 time ago.

23 Q. Since I understand that you do not know this document and you  
24 do not know this battalion, so I'm not going to ask you questions  
25 about <the contents of this document>, but simply going to ask



1 you questions of form.

2 [09.50.25]

3 So I'd like you to look at the second page of this document. Let  
4 me start with the Khmer ERN.

5 In Khmer, 00068841; French, 00324631; English, 00316313.

6 On this document, the brief biography of released prisoners,  
7 there is a table with the name, the age, the position, the entry  
8 date into the revolution, etc. of these people on the same line.

9 So when you were at the PJ, did you draw up similar lists, or  
10 does this not resemble at all the lists that you would draw up  
11 back then?

12 A. This list was not compiled by me. Based on the biography, I  
13 went to work at that location in November, and this was <the  
14 previous> list that <others> drew up.

15 Q. I understood, of course, that you are not the person who drew  
16 up this list. That was very clear. But my question was a bit  
17 different.

18 I wanted to know if the format of this list such as you can see  
19 it right here before you, does this format correspond to the  
20 format of lists that you would draw up when you were working at  
21 the PJ?

22 [09.52.30]

23 A. Regarding the format <I used at PJ>, yes, the list includes  
24 names, <ages,> positions and also the <> the parents' names, <but  
25 the reasons for arrest> were not included in the lists that I

1 drew up. <I was not in the position to ask them about the reasons  
2 for their arrests.>

3 Q. And at the PJ, did you list the reason why these people were  
4 detained as you can see in the last column of this table?

5 A. At PJ, <Hor did not allow me> to inquire into the reason of  
6 the arrests.

7 Q. I am done with this document.

8 Witness, let me put to you a follow-up question in relation to  
9 the questions that were put to you by my colleague, Koppe, and  
10 regarding the format of the lists that you would draw up.

11 At the PJ, did you also use a register to compile the lists that  
12 you would draw up?

13 [09.54.13]

14 A. At PJ, I did not have the possession of <notebooks> and  
15 typewriters. Usually, I hand wrote the names of prisoners and,  
16 after that, I would report the lists <of incoming prisoners> to  
17 Hor, <and Hor gave the lists to the interrogation unit, to Meng>.

18 Q. So, if I understood you well, these lists were drawn up on  
19 loose sheets of paper. Is that correct?

20 A. I wrote the names of prisoners <on a piece of paper> and, as  
21 things happened a long time ago, I cannot recall it well. And I  
22 hand wrote the names of the incoming prisoners on the lists. No  
23 typewriters were used at the time, <because I did not know how to  
24 use them>.

25 Q. Now I would like to focus on the period when you were at Tuol

24

1 Sleng, that is to say, when you were <moved to the new location>  
2 and first regarding your duties and regarding how you would  
3 organize yourself, materially speaking.

4 So can we say that, at S-21, contrary to the PJ, you had  
5 registers such as you said yesterday following the video excerpt  
6 that was screened? So can you confirm that things were a little  
7 bit different at S-21 and that, at S-21, you would work with  
8 registers?

9 [09.56.35]

10 A. When I was transferred to S-21, I did not have any books to  
11 note down the names. And at a later stage, <> Hor <told me to do  
12 that>.

13 Q. Do you remember as of when you began working with registers?

14 A. I cannot recall the exact time period.

15 Q. You told us when you answered a question that was put to you  
16 by the Co-Prosecutor or Judge Lavergne, I don't remember <but> in  
17 any case, you said that beyond the <prisoner> entry and exit  
18 lists, you were also in charge of drawing up short biographies of  
19 the staff in your unit.

20 So did I understand your testimony properly?

21 [09.58.01]

22 A. That is correct because, actually, <> staff <at S-21> were  
23 under the supervision of Hor and he was the one who gave me the  
24 figure of those staff <in> each unit or group.

25 Q. So I must conclude from your answer that he is the one who

1 asked you to draw up these lists.

2 Did he tell you what the purpose was of drawing up these lists as  
3 well as these short biographies of the staff?

4 A. Because staff were under the supervision of Hor, and Hor  
5 relied on list makers like myself <to make> the report on the  
6 <actual figure of staff to the upper level. This only refers to  
7 the report on> the members within the guard unit.

8 Q. Now I would like to -- you to provide me some clarification  
9 regarding the description of S-21, Tuol Sleng, that you provided  
10 us with.

11 You said that there was a first perimeter within which you worked  
12 and an outside area as well. And you said that there was a  
13 <corrugated tin> fence to separate both areas.

14 Do you remember if this <corrugated tin> fence existed the first  
15 time you arrived at Tuol Sleng?

16 A. I cannot recall that for sure. However, to my knowledge, the  
17 <corrugated tin> fence was erected when the prison was moved from  
18 PJ to Tuol Sleng.

19 [10.00.40]

20 Q. On several occasions, you referred to the special force that  
21 was assigned to receive persons transferred to S-21. You  
22 <yourself> even indicated that your office was located at the  
23 main entrance of the <high school>, that is, on the side of the  
24 internal perimeter, if I'm not mistaken.

25 Do you confirm what you said earlier, that, as part of your

1 duties, you were not authorized to go out of the premises and  
2 that all your work was done within the premises of the <high  
3 school??

4 A. Yes, that is true.

5 Q. You talked about your office, saying that you shared it with  
6 Hor and that, at times, there was a young man, whose name was  
7 Lan, who assisted you. My question to you is as follows.

8 <Other than> Lan, Hor and the persons who brought the persons  
9 whose short biographies you took, were there any other persons  
10 authorized to enter that office?

11 [10.02.16]

12 A. At my workplace, there were Lan, Hor, myself and  
13 photographers. We were the permanent staff there who worked <with  
14 the guards in dealing> with the incoming prisoners.

15 Q. When you state that there <were> also photographers, were they  
16 in the same office as yourself? When they took photographs, did  
17 you see them taking those photographs?

18 A. Photographers only worked in the morning, and they did not  
19 stay there during <the> night, as they returned to stay at their  
20 houses. Only Lan and I were on standby at that office. As for  
21 Hor, he had his house outside, although he worked in the same  
22 office.

23 Q. So to have a clear answer to my previous question, do you,  
24 therefore, confirm that the photographers were in the same office  
25 as yourself<, in the same room,> when they took the photographs?

1 A. Photographers had a room to -- for photographing prisoners,  
2 and it was next to my office.

3 Q. Very well. But we agree that it was in a separate room that  
4 they took those photographs.

5 A. I did not stay in a room to register prisoners. In fact, I sat  
6 in the photographers' room and I -- there was a chair for me. I  
7 sat there and I took down the names of prisoners.

8 [10.05.05]

9 Q. Who brought the prisoners to the photographers' room?

10 A. They were guards from the outer perimeter who took the  
11 prisoners into the building.

12 Q. When you put short questions to the prisoners, were the guards  
13 present, or not?

14 A. As for the guards, the guards were standing watch at the  
15 building. However, for the guards who escorted the prisoner  
16 <inside>, they remained standing there to watch <> the prisoners.

17 Q. Let me return to my initial question regarding the office in  
18 which you did your administrative work. Apart from Hor, Lan and  
19 yourself, were other persons authorized to get into that room?

20 [10.06.54]

21 A. Anyone who had the duty to work inside that office could enter  
22 that office, that is, where I drew up the list.

23 Q. Yes, but what I'm trying to find out from you is who was  
24 authorized to enter that office.

25 A. As I have said, anyone who had business to deal with the

1 office <where> I worked would be authorized to enter the office,  
2 including personnel from the interrogation unit. Usually they  
3 could go to my office to ask for the room number or the cell  
4 number of prisoners. And usually, members of guard unit who were  
5 escorting prisoners could enter the office.

6 Q. And <conversely>, were you authorized to enter the offices in  
7 which the interrogators were working?

8 A. For the interrogators' office, I did not have authority to  
9 enter.

10 MS. GUISSÉ:

11 Mr. President, I see that time is 10 past 10.00. Perhaps it's the  
12 right time for us to take the break.

13 MR. PRESIDENT:

14 Thank you, counsel.

15 It is now appropriate for a short break. We'll take a break now  
16 and resume at 10.30.

17 Court officer, please assist the witness at the waiting room  
18 reserved for witnesses and civil parties during the break time  
19 and invite him, as well as his duty counsel, back into the  
20 courtroom at 10.30.

21 The Court is now in recess.

22 (Court recesses from 1009H to 1030H)

23 MR. PRESIDENT:

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

25 And the floor is given to the defence team for Mr. Khieu Samphan

1 to resume the questioning.

2 BY MS. GUISSÉ:

3 Thank you, Mr. President.

4 Q. Witness, I will continue with my questions, but I'm almost  
5 done.

6 I would like to know if you remember when you recorded the first  
7 Vietnamese prisoners at S-21. Do you remember the period when  
8 that happened?

9 [10.30.26]

10 MR. SUOS THY:

11 A. It happened a long time ago. I cannot recall it well. If I was  
12 -- if I'm given with a list, I can remember it.

13 Q. I'm going to try to refresh your memory with what you said in  
14 the Duch trial. This was at the hearing of 28 July 2009, in Case  
15 001 therefore, document E3/7466, at around 11.42. And this is the  
16 question that was put to you:

17 "Vietnamese POWs were brought to S-21. When<, in your opinion,>  
18 did they arrive, and how many of them were they?"

19 And your answer was the following:

20 "As I already said, the Vietnamese prisoners of war arrived on an  
21 irregular basis. We would record the prisoners who arrived,  
22 generally speaking, but I'm not sure how many Vietnamese  
23 prisoners of war <could have been> arrested and sent to S-21. I  
24 was only making sure that I <completed> my job at the end of the  
25 day."



30

1 [10.31.55]

2 So the following question was put to you then:

3 "Can you tell us if they <had already> started arriving in 1976,  
4 and if there were Vietnamese POWs in '77 <or> in 1978?"

5 And your answer was the following:

6 "In '76 and ;77, there were no Vietnamese prisoners of war. It's  
7 only when the war broke out that Vietnamese POWs arrived." End of  
8 quote.

9 So does this excerpt from your testimony in Case 001 refresh your  
10 memory in any way, and do you remember, indeed, that Vietnamese  
11 prisoners of war started arriving <to S-21> when the war broke  
12 out with Vietnam?

13 [10.32.50]

14 A. What I can recall is that <during the time of conflict>, there  
15 were Vietnamese prisoners of war coming into the prison.

16 Q. Now a question regarding this conflict specifically.

17 MR. PRESIDENT:

18 Please hold on.

19 You may proceed now, Judge Lavergne.

20 JUDGE LAVERGNE:

21 Yes. I'm sorry to interrupt you, but can you ask the witness what  
22 he understands by "prisoner of war"? What does this concept  
23 really mean in his eyes?

24 BY MS. GUISSÉ:

25 Q. Witness, you heard the question by Judge Lavergne. When in

31

1 Case 001 you used the term "<Vietnamese> prisoners of war", whom  
2 were you referring to specifically?

3 [10.34.02]

4 MR. SUOS THY:

5 A. Prisoners of war were the <Vietnamese> soldiers arrested by  
6 the army of the Democratic Kampuchea regime. Usually those  
7 soldiers were arrested at the border.

8 Q. <You said during -->I don't have the exact references, but  
9 <it's a follow-up question, so I hope> you can correct me if I'm  
10 wrong. But in any case, you spoke about the presence of  
11 Vietnamese, either civilians or servicemen, at S-21 and the way  
12 that you would record them in your lists.

13 So my question is, whether they were civilians or servicemen, did  
14 these Vietnamese arrive <after> the conflict broke out, or was  
15 there a difference between both groups?

16 A. To my knowledge, I did not know for sure the date of the  
17 arrests of those Vietnamese <people>. <> Things had happened long  
18 time ago. Regarding the prisoners of war arrested by the  
19 Democratic Kampuchea army, those <Vietnamese> soldiers were  
20 arrested during the time of conflict.

21 [10.36.00]

22 Q. So my follow-up question is, do you remember if Vietnamese  
23 civilians arrived pretty much at the same time as the Vietnamese  
24 soldiers or did they arrive at another moment?

25 A. As regarding civilians, they were not sent in at the same time

1 as the <> soldiers. They came at different occasions.

2 Q. And do you remember when this happened?

3 A. As I told you already, it happened a long time ago. I cannot  
4 recall exactly when the civilians were sent in to the prison.

5 If <you give me> the list of prisoners, I would be able to tell  
6 you.

7 Q. And now a question related to the arrival of the Vietnamese  
8 and to the conflict.

9 During the training sessions that you attended -- apparently you  
10 did not attend many, and that you did not attend the entire  
11 classes -- but during these training sessions, did you hear about  
12 the conflict that was taking place against Vietnam and, in  
13 particular, about the situation at the battlefield? Did you hear  
14 anything about that?

15 [10.38.09]

16 A. Again and again, time has passed<, it was a> long time ago. I  
17 did not pay attention to that particular issue. <I did not  
18 concentrate on whatever was> said by the people working at the  
19 outer <compound>. I only focused on the tasks that I had to  
20 perform within the S-21 prison compound.

21 Q. And a last question now, in order to try to refresh your  
22 memory. Do you remember if Vietnamese civilians, or people you  
23 understood as being Vietnamese civilians - because <I understand  
24 you did not attend -- that> you only put summary questions to  
25 people <when they> arrived -- <but in any case,> so do you

1 remember if the <people who were presented to you as> Vietnamese  
2 civilians <or as> Vietnamese soldiers arrived before the conflict  
3 or after the conflict?

4 A. I cannot recall it in relation to the incoming Vietnamese  
5 prisoners. As for the <prisoners of war>, they came in during the  
6 time of war or conflict.

7 [10.40.05]

8 Q. I'm going to try to refresh your memory with what you said in  
9 Case 001 at the hearing of 27 July 2009, document E3/7465. And  
10 this was at around 2.45 in the afternoon.

11 And the following question was put to you -- or they were asking  
12 you if there were Vietnamese soldiers or Vietnamese civilians  
13 during the period when there was an armed conflict between  
14 Vietnam and Cambodia, and your answer was the following:

15 "During the war, we received civilians as well as Vietnamese  
16 soldiers."

17 So my question, therefore, is the following. Does this refresh  
18 your memory, and did the Vietnamese, whether civilian or  
19 military, <that is, Vietnamese in general, as far as you  
20 remember,> arrive during the conflict with Vietnam<, yes or no?>

21 MR. PRESIDENT:

22 Please hold on, Mr. Witness.

23 You may proceed now, Deputy Co-Prosecutor.

24 [10.41.16]

25 MR. DE WILDE D'ESTMAEL:

1 I believe that the question is repetitive. There were many, many  
2 attempts already, and the witness was clear each time. And he  
3 said clearly that he did not remember whether <the civilians>  
4 arrived before or after the conflict. And here, the <quote> from  
5 2009 does not seem to assist him regarding <when> he said that  
6 civilians and servicemen arrived after the conflict<. That does  
7 not mean that there were none before the conflict.> I don't <see  
8 how> this provides any extra information <regarding the witnesses  
9 answers- which were clear>.

10 So I think that this question is repetitive. <I object to the  
11 question.>

12 MS. GUISSÉ:

13 I don't see how my question is not acceptable. I would like to  
14 remind you that in a cross-examination, especially with a witness  
15 who says he has problems of memory <and doesn't remember>, it's  
16 therefore perfectly <logical> to <try to> confront him with  
17 previous statements.

18 If the Prosecutor believes that it doesn't assist him, that's not  
19 the point. The point is whether or not this assists the witness  
20 in refreshing his memory. <Whether he responds> yes or no, so I  
21 don't see how the fact of confronting him with a previous  
22 statement is not something that's admissible.

23 [10.42.46]

24 So may I please put the question? If he doesn't remember, he  
25 doesn't remember, but I am perfectly entitled to ask this

1 question in order to help him refresh his memory.

2 MR. PRESIDENT:

3 Witness, you are allowed to respond to the question lastly put by  
4 the Defence Counsel.

5 And if you recall it, please proceed to the response.

6 Judge Lavergne, you have the floor first.

7 JUDGE LAVERGNE:

8 Well, here again, it's -- the point is to specify the question.

9 So the point here is that we're speaking about a conflict, so it  
10 would be good to know when the witness places this conflict.

11 Which dates can he refer to? <Can we> consider that there was a  
12 conflict during the entire DK period, or is he referring to a  
13 specific conflict that took place? <Your question may lack  
14 precision.>

15 [10.43.53]

16 MS. GUISSÉ:

17 Well, the question, of course, comes up after other questions.

18 And in my previous questions, we spoke about <the issue of> dates  
19 because we spoke about '76, '77, '78. And the witness said that  
20 he did not remember exactly. But the issue of dates was already  
21 discussed with the witness, and I did put questions in that  
22 regard. But I will once again try with the witness <one last  
23 time>.

24 Q. Witness, so when you say that -- in your answer in Case 001

25 that, during the war, you received civilians as well as soldiers,

1 can you tell us when, in terms of dates, this conflict <and this  
2 war> took place? Do you remember when it started, for example?

3 [10.44.48]

4 MR. SUOS THY:

5 A. I do not remember the month exactly when the war <with  
6 Vietnam> started. I only knew that the Vietnamese -- the conflict  
7 <with the> Vietnamese started when <there were> prisoners of war  
8 <> coming into the prison. As for <Vietnamese> civilians, they  
9 were not arrested and sent into S-21 at the same time as the  
10 prisoners of war. <They came at different times.>

11 Q. And when you say that they were not brought in at the same  
12 time, were they brought in before or afterwards?

13 A. I cannot tell you for sure about the date of arrival of those  
14 civilians. You can refer to the date of the entry in the lists in  
15 relation to the <arrests of the> Vietnamese civilians. And the  
16 same applies to the prisoners of war, the Vietnamese prisoner of  
17 war. If you refer to the lists, you will know for sure whether  
18 they were sent in after or during, or before the conflict.

19 Q. Well, we will do this research later on, but I wanted to focus  
20 on what you remember, exactly.

21 Another point now I would like to question you about very briefly  
22 speaking -- now, you might remember the <brief> film that <Judge  
23 Lavergne> screened <for> you <during his questioning>, <where>  
24 there were <images> of Pol Pot. And you said that you had the  
25 opportunity of seeing Pol Pot on several occasions in images <as

1 far as I understood>.

2 So can you tell us when you saw Pol Pot on these images and upon  
3 which occasion?

4 [10.47.28]

5 A. I saw the image of Pol Pot <> when that photo image was shown  
6 to me or to all of us. I cannot recall <where> exactly <> I saw  
7 that image.

8 Q. And if you don't remember the date, do you remember <the  
9 place> where you saw these images and upon which occasion?

10 A. I don't want to mention about the date when I saw the photo or  
11 photos. I cannot recall the location where the photo or photos  
12 were shown to me.

13 Q. Well, I <don't know, I> was not speaking about photographs. I  
14 was speaking about a film<, these two films that> I believed you  
15 were speaking about when you were answering Judge Lavergne's  
16 questions.

17 Do you remember if you were still at the PJ when you saw that  
18 film or were you at Tuol Sleng, or did this happen at another  
19 <time>?

20 [10.49.02]

21 A. Regarding the film, as I told you, I cannot recall when I saw  
22 the film footage, and also, I cannot recall the location where  
23 the film was played.

24 Q. Was it during the DK period?

25 A. Yes, during the DK period.



1 Q. And then did you know what Pol Pot's position <or post> was?

2 A. The announcement was made over the radio broadcast that Pol  
3 Pot was the Prime Minister at the time.

4 Q. A last point that I would like to cover with you is your  
5 detention after the DK period, so these are a few follow-up  
6 questions in relation to what you explained to my colleague.

7 Can you tell us who arrested you, specifically, once the regime  
8 fell?

9 A. After the Democratic Kampuchea regime, I was arrested in 1984.  
10 I did not know at the time who exactly -- or which forces exactly  
11 arrested me.

12 [10.51.20]

13 Q. When you were questioned, in order to know where you were  
14 detained, you said that you did not know exactly if this was in  
15 Vietnam or in Cambodia. And here I'm referring to your DC-Cam  
16 interview, E3/9320; French, ERN 00280501; Khmer, 00052003;  
17 English, 00909161.

18 Why do you have doubts about where you were detained?

19 A. I do not know the exact location where I was detained. I was  
20 <> blindfolded <when I was arrested> and the prison compound or  
21 cell was completely dark. <There was no window. I could only see  
22 when the light was on.> And I did not know at the time the  
23 location of the detention facility or prison.

24 [10.53.00]

25 Q. At the <French> ERN 00280502 in the same document, Khmer

1 00052004, English 00909161 to 62, you say that you were not <sure  
2 - you thought> -- well, let me simply tell you what you said.

3 So the question that was put to you was the following, "Do you  
4 believe that this prison was not in Cambodia?"

5 And your answer was the following, "I don't think it was."

6 The following question then was, "How can you assert that the  
7 prison was not in Cambodia?"

8 Your answer, "Because there were Vietnamese guards." End of  
9 quote.

10 So does this refresh your memory? Is it because you heard  
11 Vietnamese guards that you thought that the prison might not have  
12 been in Cambodia?

13 A. At the beginning, while I was in detention, I do not know for  
14 sure how long I was detained at that location. I did not know at  
15 the time where I was sent to, and later on, I heard the sounds  
16 and <I thought> perhaps <it was> the sounds of the moving tanks,  
17 <but it was the sound of a plane>. <I knew I was in Vietnam when  
18 I was already there.>

19 I was blindfolded when I was taken to that location that was the  
20 dark prison. I saw nothing inside the prison. And later on, I was  
21 released and freed to work outside. Most of the guards at the  
22 time were Vietnamese. And I was freed to -- I was freed <> at  
23 night time. When I arrived at the parking lot, I was  
24 unblindfolded and I learned that the location was in Vietnam.

25 And later on, I -- as I said, I was released, <I was transferred

1 by car> and <then> I <was> put on a boat <> travelling on a river  
2 <untill> I reached Chbar Ampov. That was the location where I  
3 <was released to go back home>.

4 [10.56.01]

5 Q. Yesterday, at around 9.08, when you were answering my  
6 colleague, Victor Koppe, you said that you were released if you  
7 promised to become a good citizen and that you would not object  
8 to them. And when you speak about "them", whom are you speaking  
9 about?

10 A. I read the release letter. I mean the letter specifying that I  
11 was released. And that's what I saw in the letter.

12 Q. So this letter came from which office?

13 [10.57.14]

14 A. That letter of release was from the army. I cannot remember it  
15 clearly, but perhaps it came from <the> Cambodian army.

16 Q. This will be my last question now. At <any> point in time when  
17 you were <arrested and> detained, were you allowed to defend  
18 yourself against the charges leveled against you, to consult your  
19 file, to be assisted by a lawyer and to be tried before Judges?

20 A. After I had been arrested, I was not entitled to a defence  
21 lawyer. I was immediately put in a prison.

22 MS. GUISSSE:

23 Mr. President, I am done with my cross-examination.

24 MR. PRESIDENT:

25 Thank you, Counsel.

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1 I am grateful to you, Mr. Sous Thy. The hearing of your testimony  
2 as a witness has now come to an end. Your testimony will  
3 contribute to the ascertainment of the truth. You may now be  
4 excused and return to anywhere you wish to go or to your  
5 residence. I wish you all the best.

6 Thank you, Mr. Mam Rithea, the duty counsel. You may also be  
7 excused.

8 Court officers, please work with the WESU to send Mr. Suos Thy to  
9 his residence or to anywhere he wishes to go.

10 (Witness exits courtroom)

11 [10.59.54]

12 MR. PRESIDENT:

13 Next the Chamber will start to hear a witness, Kaing Guek Eav,  
14 alias Duch, in relation to S-21 facts.

15 Security personnel are instructed to bring Kaing Guek Eav into  
16 the courtroom. And court officer, please work with the security  
17 personnel to receive the witness and invite him to the courtroom.

18 And the Chamber would like to inform the public that it is -- a  
19 security guard is allowed to sit close to the witness while <the  
20 witness is> testifying.

21 [11.00.43]

22 (Witness enters courtroom)

23 [11.02.39]

24 QUESTIONING BY MR. PRESIDENT:

25 Q. Good morning, Witness. Can you tell the Chamber your name?

1 MR. KAING GUEK EAV:

2 A. Thank you, Mr. President. My name is Kaing Guek Eav, alias  
3 Duch.

4 Q. Thank you. And Mr. Witness, you do not need to operate the  
5 microphone, as it is being controlled by the AV Unit personnel.  
6 That is for the purpose of proper interpretation of your  
7 responses, and that would leave a sufficient pause between the  
8 question/answer session.

9 And Mr. Kaing Guek Eav, do you recall when you were born?

10 A. I was born on 17 November 1942.

11 Q. And where were you born?

12 A. I was born in Pov Veuy village, Peam Bang commune, Stoung  
13 district, Kampong Thom province.

14 Q. And Mr. Kaing Guek Eav, you are currently serving your  
15 sentence at Kandal Provincial Prison. Is that correct?

16 A. Yes. That is correct, Mr. President.

17 Q. What are the names of your parents?

18 [11.04.26]

19 A. My father is Kaing Ki (phonetic) and my mother is Meas Kim  
20 Sieu (phonetic).

21 Q. Thank you. And what is your wife's name, and how many children  
22 do you have together?

23 [11.04.48]

24 A. My wife is Chhim Sophal, alias Rom. We have four children.

25 Q. Thank you. This morning, the greffier made an oral report

1 that, to your best knowledge, you are not related, by blood or by  
2 law, to any of the two accused, that is, Nuon Chea and Khieu  
3 Samphan, or any of the civil parties admitted in Case 002. Is  
4 that report accurate?

5 A. Yes, the report is accurate.

6 Q. Thank you. And Mr. Kaing Guek Eav, which religion are you  
7 practising?

8 [11.05.46]

9 A. Speaking about religion, I practise -- I respect Buddhism,  
10 Confucianism <and Christianity>. However, I do not respect <any>  
11 religion <which denies> other religions <>.

12 Q. <But currently> which is your main religion amongst them?

13 A. I do not practise any religion in principle, as I respect the  
14 three main religions, that is, Buddhism, Confucianism and  
15 <Christianity>. And as I testified in my previous trial, I did  
16 not ordain as a monk because I could not become a monk since I  
17 wanted to get married. <For Confucianism, it is like a  
18 philosophy.>

19 And for Christian -- Christianity, I made my decision in 1973, in  
20 order to experience Christianity, and I <wanted> to find out why  
21 <communism could not be spread> in eastern Europe <>.

22 [11.07.54]

23 <So I kept observing Christianity> and by 6 January 1996, I was  
24 baptised as a Christian, though I did not become a pastor.

25 However, at the present time, I do not intend to become a pastor,

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1 but I am in a position like Deng Xiaoping, <I was baptised, I  
2 also> became a member of the <Communist> Party <>, but in terms  
3 of religion, <I was secretly a Christian. For Buddhism,> the  
4 grandparents <from my mother's side deeply> believed in Buddhism.  
5 But <for> my <father's> side, they believed in Confucianism.  
6 So I can declare that, at present, I am a -- I do not practise  
7 any religion, although I respect the three main religions.

8 Q. The purpose of asking about your religion is for you to either  
9 take an oath or to make an affirmation before the Chamber, so  
10 please tell the Court which one that you wish to do, so that you  
11 can say that you will tell only the truth in relation to matters  
12 that you will be asked by parties in relation to the subject  
13 matter before the Chamber. Can you do that?

14 [11.09.52]

15 A. Mr. President, yes, I am willing to do that. I solemnly  
16 declare that I shall tell the truth, the whole truth and nothing  
17 but the truth.

18 Q. Thank you, Mr. Witness. And I'd like now to inform you of your  
19 rights and obligation as a witness. For your obligations, the  
20 Chamber would like to inform you and the public that the Supreme  
21 Court Chamber of the ECCC sentenced Kaing Guek Eav, alias Duch,  
22 to life imprisonment for <crimes against humanity and for> grave  
23 breaches of the Geneva Convention, <dated 12 August> 1949, that  
24 were committed in Phnom Penh as well as throughout the country  
25 for the period between 17 April 1975 to 6 January 1979. And that

1 was in relation to a verdict <issued> on the 3rd February 2012.

2 And it became final, and this witness is currently serving that  
3 sentence.

4 For that reason, the witness shall respond to questions put to  
5 you by the bench or by the parties even though the questions  
6 could incriminate you. And that is in relation to the principle  
7 of res judicata.

8 And for that reason, you shall respond to all questions put by  
9 the bench or by the parties. And except the questions that are  
10 outside the scope of the trial currently before us and outside  
11 the scope of the sentence that you are -- that you served and  
12 also as a witness in the proceedings before the Chamber, <you  
13 must tell the truth that you have known, heard, seen, remembered,  
14 experienced or observed directly about an event or occurrence  
15 relevant to the> questions by the bench or relevant parties  
16 except where your response or comment to those questions may  
17 incriminate you in a limited term as I just explained.

18 The -- although the verdict becomes final for case -- for your  
19 case, that is, Case 001, you still have a certain right in  
20 relation to your right against self-incrimination <because it  
21 might be related to other Cases that could be outside the scope  
22 of the verdict for Case 001>.

23 [11.13.03]

24 The Chamber actually asked the witness <about> his willingness to  
25 have a duty counsel, but Mr. Kaing Guek Eav actually did not take



1 up that offer. For that reason, <you have the right not to  
2 respond to the> questions that were put to you by the Bench or by  
3 the parties <that> are self-<incriminating> and outside the scope  
4 <of the> Case <> where the verdict <issued by the ECCC already  
5 became> final <>.

6 And Mr. Kaing Guek Eav, could you tell the Chamber whether you  
7 were questioned by investigator of the Office of the  
8 Co-Investigating Judges in relation to case -- Cases 003 and 004  
9 and if so, how many times, when, and where?

10 [11.14.15]

11 A. Mr. President, in relation to Case 003, I was interviewed once  
12 by Judge You Bunleng and Frederic Blunk. And later on, the  
13 International Co-Investigating Judge Bohlander assigned an  
14 investigator to question me at this court and that lasted for  
15 three days and I became unwell and I was transferred back to  
16 Takhmau Prison. So allow me to confirm that for the last  
17 interview, I took part for a period of three days.

18 [11.15.16]

19 Q. And before your appearance today, have you read or reviewed  
20 the written record of interviews that you made with the  
21 investigator or investigators of the Office of the  
22 Co-Investigating Judges in Case 003 in order to refresh your  
23 memory?

24 A. No, I do not read it in detail since I relied upon my  
25 recollection since I -- my recollection still serves me well and

1 I can assure you that my responses will be more or less like the  
2 ones that I provided.

3 Q. So to your best recollection, can you tell the Chamber whether  
4 the written records of your interview that you have read or  
5 reviewed in order to refresh your memory are consistent with what  
6 you provided to the Co-Investigating Judges or investigators of  
7 the Office of the Co-Investigating Judges? Can you tell us  
8 whether that WRI -- the WRIs are consistent with what you said?

9 [11.16.45]

10 A. Mr. President, in fact, I have not read the written record  
11 made by investigator Thomas and as I said, I relied on my  
12 personal memory and I do not or have not read that written  
13 record.

14 Q. That is fine; however, we need to clarify that whether the  
15 written record is consistent with what you said and that would be  
16 the basis for parties or the Bench to put the questions to you in  
17 public during this trial.

18 And pursuant to 91 bis of the ECCC Internal Rules, the Chamber  
19 will give the floor first to the Co-Prosecutors to put questions  
20 to Mr. Kaing Guek Eav and the combined time for the  
21 Co-Prosecutors and the Lead Co-Lawyers for civil parties are four  
22 days.

23 You may proceed.

24 [11.18.07]

25 QUESTIONING BY MR. LYSAK:

1 Thank you, Mr. President, Your Honours, counsel. Good morning,  
2 Mr. Kaing Guek Eav. My name is Dale Lysak and I will be asking  
3 you questions for a few days.

4 Q. I wanted to start -- you were last in this courtroom in April  
5 2012, four years ago, and after you finished your testimony,  
6 after you had left the courtroom, Nuon Chea asked to address this  
7 Court about your testimony. He did that after you had left. He  
8 didn't respond to questions after his statement, but I wanted to  
9 start by reading to you something that he said and to give you a  
10 chance to respond.

11 Your Honours, I'm referring to the -- the trial record from 18  
12 April 2012, at 9.13 in the morning. This is what Mr. Nuon Chea  
13 said that morning, quote:

14 "I would like to inform the Cambodian people that I have never  
15 had, any time, ever been responsible for the operation of S-21.  
16 What Duch has accused me has been untruthful and very unjust  
17 towards me. I have never ordered, I have never received any  
18 documents from Duch; and I have never been the superior of Duch."  
19 End of quote.

20 Q. Mr. Witness, I'd like to start by giving you an opportunity to  
21 respond to what Nuon Chea said that morning.

22 [11.20.33]

23 MR. KAING GUEK EAV:

24 A. Mr. Prosecutor, I'm surprised by the denial by <Pou> Nuon. I  
25 could not believe that.

1 S-21 Office, as well as all the police offices under the  
2 Communist Party of Kampuchea, were under the leadership of the  
3 <Communist> Party <of Kampuchea>; that is, under the orders of  
4 the CPK. And the policies of the CPK to smash <the> enemy were  
5 produced in 1971, in the fourth Party congress and that <was  
6 when> I was appointed as chief of the police office in the  
7 special zone. And that police office in the special zone was  
8 under the direct leadership of a member of the <Party Centre>;  
9 that is, Vorn Vet <who was a member of the Politburo of the Party  
10 Centre>.

11 [11.21.51]

12 And in my previous testimony during the previous trial, Counsel  
13 Son Arun put a question to me asking me to make a statement  
14 whether I was with the Ministry of National Defence; that is,  
15 under Son Sen, and if so, what were the instructions from the  
16 Ministry of National Defence to me and my response, at the time,  
17 was that S-21 was created by Article 8 of the Party's statute.  
18 And actually Counsel Son Arun asked me a few times <about> the  
19 same topic and I still maintained my previous statement that  
20 Office S-21 was created under Article 8 of the Party's statute.  
21 And I actually told Counsel Son Arun to seek the permission from  
22 the Chamber to display Article 8 of the Party's statute so that  
23 Cambodian people and -- would know about it and the world would  
24 know about it, but Counsel Son Arun declined to do that.  
25 And I am surprised by the denial by Uncle Nuon -- <Pou> Nuon.

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1 Everybody had to respect the principles of the Party decided by  
2 <> the Secretary, and the Deputy Secretary of the Party and that  
3 is the line of organization of the <Communist> Party <of  
4 Kampuchea>. So his denial is nonsense.

5 [11.24.03]

6 Q. We'll be talking about Nuon Chea throughout the time that I'll  
7 be asking you questions at various points, but I wanted to start  
8 by getting a overview from you of what Nuon Chea's involvement  
9 was in S-21 in -- in a general sense, both before the time Son  
10 Sen went to the eastern battle -- battlefront and after the time  
11 Son Sen went to the eastern battlefront.

12 Can you tell us what Nuon Chea's role was in S-21 during both  
13 those periods?

14 [11.25.07]

15 A. Allow me to speak about the organizational structure of the  
16 Party Centre. Pou Nuon was the Deputy Secretary of the Party  
17 Centre as well as a member of the <Politburo> of the Party  
18 Centre. And the word they use at the time was the <Permanent>  
19 Committee or Committee 870.

20 And let me speak about members of the 870 and members of the  
21 <Politburo of the> Party Centre. For the <Politburo of the> Party  
22 Centre, there were, first of all, Om Pol Pot and second, Pou Nuon  
23 and third, Ieng Sary and fourth, Son Sen and fifth, Vorn Vet and  
24 sixth, Son Sen (sic) and seventh, Khieu Samphan. Maybe I -- maybe  
25 the -- my numbering is not correct. First, Pol Pot; second, Pou

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1 Nuon; third, Ieng Sary; fourth, Vorn Vet; fifth, Son Sen; and  
2 sixth, Khieu Samphan. That is about the members of the  
3 <Politburo> of the Party Centre.

4 And <for> this <Politburo> of the Party Centre, <there was> a  
5 similar structure <that> existed <particularly> in the Party of  
6 China, they would refer to it as the <Politburo> of the Party  
7 Centre; however, for CPK, I never heard Son Sen speaking about  
8 <it as> the <Politburo> of the Party Centre; he only spoke about  
9 <it as> the <Permanent> Committee or the 870 Committee.

10 And allow me to add a bit more in order to clarify the issue. For  
11 the former resistance, usually they refer to the <Politburo> of  
12 the Party Centre as the -- the office for the intellectuals or  
13 they refer to the Phnom Penh group. So that is the organizational  
14 structure.

15 [11.28.30]

16 And from March 1976; that is, after my appointment as chief of  
17 S-21, until the 15th of August 1977, I never met Pou Nuon in  
18 person, not at all. And here I <am> not <talking> about Pol Pot  
19 as I only saw him when he made a presentation of documents and he  
20 was <about> 10 metres away from me and I only saw him on the day  
21 of the national commemoration <of the 17th April>. So during this  
22 specific period of time, I never met Pou Nuon in person, although  
23 Son Sen repeatedly mentioned his name, <Pol Pot's name> and  
24 mentioned the members of the Standing Committee and the 870  
25 Committee.

1 [11.29.44]

2 And allow me to give you a real example since it has an impact  
3 upon my family members. Keoly Thong Huot, my younger in-law was  
4 arrested <> in Kampong Thom and he secretly wrote me a letter and  
5 I showed that letter to Son Sen. <Shortly> after, my younger  
6 sibling and in-law were sent to S-21.

7 At that time, Son Sen said, "Keep them for now" and later on, he  
8 told me that Bong Nuon or Brother Nuon instructed me to  
9 interrogate them, so I knew -- I knew that the purpose was for me  
10 to arrest them. So I questioned them without arresting them;  
11 however, later on, my younger in-law made a mistake and I had no  
12 choice but to make an arrest.

13 And that is a -- a real example that I can remember it well that  
14 Son Sen had to seek permission from either Bong Nuon or Pol Pot  
15 and you may refer to a Party's document that was probably  
16 published in February or March and not the document that was  
17 produced on 10 of October.

18 The document talks about the -- the co-leaders, although the  
19 document did not specify about them exactly, but that the two  
20 leaders had to know about the situation and in case one leader  
21 was absent, <the> other leader would be able to deal with the  
22 situation.

23 And my -- the example that I gave you is a clear show of this  
24 case that <Bong Son Sen told me that> Bong Nuon actually  
25 instructed me to questioned my relative.

1 [11.32.31]

2 And after 15 August '77, when Son Sen received instruction to go  
3 to the front battlefield, Bong Nuon came to work at where I  
4 worked and that's <what> I told the investigating judges; that  
5 is, Marcel Lemonde and You Bunleng.

6 And that's not the case that I was promoted, but actually Nuon  
7 Chea came to work with the lower level, that is, with me; <so  
8 S-21, or normal people would call it the Central Police Office>  
9 because <it> received instructions from <the Standing Committee,  
10 or to be more specific,> the <Politburo> of the Party Centre <or  
11 the 870 Committee>. <So I would like to give you these two pieces  
12 of evidence.>

13 [11.33.37]

14 MR. PRESIDENT:

15 Thank you. It is now convenient for our lunch break. We take a  
16 break now and resume at 1.30 this afternoon.

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

20 Likewise, security personnel, you are instructed to take Kaing  
21 Guek Eav to the room reserved for witnesses and civil parties and  
22 have him returned to attend the proceedings this afternoon at  
23 1.30.

24 The Court is now in recess.

25 (Court recesses from 1134H to 1330H)



1 MR. PRESIDENT:

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

3 And the floor is given to the Deputy Co-Prosecutor to put  
4 questions.

5 You may proceed first, Mr. Witness.

6 MR. KAING GUEK EAV:

7 Thank you, Mr. President. I would like to emphasize three points.

8 I mentioned <> one point <incorrectly> this morning, <and I  
9 forgot to mention> two <other points>. It is about the assembly  
10 of the <Party> Centre. I told the Co-Prosecutor that was the --  
11 the fourth assembly or National Congress, but in fact, it was the  
12 third National Congress. That is the first point, I would like to  
13 correct what I said this morning.

14 [13.31.49]

15 Number 2: I want to inform the Chamber of what I have not told  
16 the Court yet. It is about a document stating the involvement of  
17 Uncle Nuon in <managing> S-21, the confession of Kung Kien, alias  
18 Eung Vet. That individual was from Division 164.

19 I made an observation to the Co-Investigating Judges that all  
20 annotations by Son Sen to the upper echelon were sent to Pol Pot.  
21 In the heading, those documents state, <"To Brother">, but for  
22 the document I mentioned this morning, it said, "To Brother Nuon  
23 <>" and <why was> that document was sent to <Bong> Nuon  
24 <directly?>; it was because, at the time, Pol Pot was sick and  
25 <Pou> Nuon <> was acting as the acting prime minister. This is

1 evidence proving that <Bong> Nuon <> was <involving> in the <work  
2 with> Pol Pot <according to the policy of the co-leadership>.

3 Another document concerned the annotation on the confession of  
4 Mok Sam Ol, alias Hong from the Ministry of <Social Affairs> in  
5 relation to malaria. <> I responded <to the Co-Investigating  
6 Judges>, at the time, <that the annotation belonged to> Son Sen,  
7 but later on, I corrected the statement and stated that in fact,  
8 that annotation belongs to <Pou> Nuon <>.

9 And in every task, <according to the policy of the  
10 co-leadership,> there was <always> involvement <from Bong> Nuon  
11 <>, although Son Sen was to perform certain tasks.

12 [13.34.34]

13 BY MR. LYSAK:

14 Thank you, Mr. Witness, and we will -- later on, at some point,  
15 we will go through some documents. You're aware of those  
16 documents. And I have some new -- new ones that perhaps you  
17 haven't reviewed. We will -- we will cover that.

18 Q. I want to come back to ask you one clarification or follow-up  
19 regarding what you told us this morning. You indicated -- you  
20 listed six people who were the members of the political centre in  
21 Phnom Penh and I'd like to ask why you included Khieu Samphan in  
22 that group and why you didn't include Ta Mok and So Phim.

23 [13.35.42]

24 MR. KAING GUEK EAV:

25 A. I am a bit tired so I need to take a -- a deep breath before

1 answering the question.

2 Thank you, Mr. Co-Prosecutor. I would like to respond to your  
3 question now. Regarding Ta Mok and So Phim, they were part of the  
4 seven-member group and that group was within the Standing  
5 Committee of the Centre and I inform and then told the  
6 Co-Investigating Judges already.

7 Members of Standing Committee of the Centre: Number 1 was Pol  
8 Pot; Number 2, So Phim; Number 3, Brother Mok; Number 4, Ieng  
9 Sary; Number 5, Vorn Vet; Number Six, Son Sen. I missed -- I did  
10 not recall the last one. Number 1, again, Pol Pot; Number 2,  
11 Uncle or Brother Nuon; Number 3, Brother Phim; Number 4, Brother  
12 Mok; Number 5, Ieng Sary; Number 6, Vorn Vet; Number 7, Son Sen.  
13 Seven of them were members of the Standing Committee of the  
14 Centre; however, two of them were not part of the <Politburo of  
15 the Party> Centre. They were So Phim. They were Phim -- Brother  
16 Phim and Brother Mok.

17 As for Khieu Samphan, he did not -- he was not the member of the  
18 Centre. That was the period from 1975 up to 1978. Again, Khieu  
19 Samphan was not the member of the <Standing Committee of the>  
20 Centre, but he was a member of <Politburo of the Party> Centre.

21 I am a bit tired, Your Honours. <I would like a little break and  
22 then I will talk about the six members of the Politburo.> My  
23 apology, Mr. President, I'm a bit tired.

24 [13.38.13]

25 JUDGE FENZ:

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1 Witness, generally, if you can go ahead, go ahead; if you can't,  
2 tell us to take a break; otherwise, it's difficult to understand  
3 what your repeated statement, "I'm tired" means.

4 BY MR. LYSAK:

5 Q. Let -- let me try to ask you a few more questions and -- and  
6 I'll ask very specific questions and--

7 A. I want to take a deep breath; in fact, <> when I -- I raise my  
8 hand, I want to indicate that I'm ready for the answer, but  
9 please do not put more question <before I finish answering this  
10 question>.

11 Once again, Khieu Samphan was a part of <Politburo of the Party  
12 Centre which was called the Permanent Committee or the> 870  
13 <Committee>.

14 During the investigation--

15 [13.39.37]

16 MR. PRESIDENT:

17 Please hold on, Duch. You have the floor now, Counsel.

18 MS. GUISSSE:

19 Thank you, Mr. President. I wanted to wait a little bit before  
20 making the comments <I've wanted> to make since this morning. But  
21 I think that for the purpose of the clarity of this discussion  
22 and in order to have short responses <so we can focus on things>,  
23 we know -- and we know this from Case 002/01 -- that the witness  
24 studied the case file in depth as well as elements that he did  
25 not have in his possession <when> the facts <occurred>. And in

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1 his questioning, he was making many comments in relation to  
2 documents that he saw post facto, so maybe it might be useful to  
3 make a distinction between what he knew back then and what he  
4 might have deduced by reading documents post facto.

5 [13.40.45]

6 It's important because otherwise we do not really know where his  
7 knowledge comes from and we cannot make a difference between what  
8 he's saying as a witness and what he's saying as a person who  
9 analyzed documents like we have. So I think that this distinction  
10 should be made and given this morning's responses, it's important  
11 to do so now so that the examination can take place in a <clear>  
12 and accurate manner.

13 MR. LYSAK:

14 Mr. -- Mr. President, I will have more detailed questions about  
15 the witness' knowledge of Khieu Samphan later. I wanted to follow  
16 up on for him to explain his comment this morning. We will get  
17 into that in full detail; Counsel can be assured. This is a  
18 witness, let's remember, who was the head of the Santebal, the  
19 head of security in Democratic Kampuchea. One of his most  
20 important functions was to know who was who in the regime, who  
21 held what positions.

22 We will get to this, Counsel, and you will certainly have the  
23 chance -- she will have the chance to cross-examine when it's --  
24 when it's their turn to ask questions.

25 [13.42.04]

1 MR. KOPPE:

2 Thank you, Mr. President. I actually had an objection according  
3 to the same lines as my -- my colleague, Guisse.

4 I think it is very important that right from the start, the  
5 witness should give testimony as to what his contemporaneous  
6 knowledge was. I know, we all know, that he has given lots of  
7 evidence in relation to who was members -- who were members of  
8 the Standing Committee. If he would add, I know this because in  
9 1977, it was Pang who told me; I have no problem with this. But  
10 if he uses his knowledge of David Chandler's book on S-21 or all  
11 kinds of other secondary sources or the case file that is very  
12 problematic. So it would be my suggestion, my very strong  
13 suggestion to the Chamber, to instruct the witness from the very  
14 beginning to tell what his contemporaneous knowledge was and not  
15 what he has from books or from his case file.

16 [13.43.22]

17 MR. LYSAK:

18 Again, Mr. President, there's no indication the witness is  
19 testifying to books. He reported to members of the Standing  
20 Committee. He is one of the only witnesses in this trial who  
21 reported directly to the Standing Committee. To suggest he  
22 doesn't have knowledge of this is -- is ridiculous and they are  
23 certainly able to cross-examine the witness when it's their turn.

24 [13.43.53]

25 JUDGE FENZ:

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1 Sorry, it would appear to me that the witness so far has always  
2 said where he has his things from. He mentioned statements  
3 frequently, so it was quite obvious his knowledge was from those  
4 statements. I mean asking him -- after each sentence, he says,  
5 "Where do you know that from?" -- is certainly not a practicable  
6 way and so far -- so far, I don't see a problem. Obviously,  
7 you'll have the opportunity to cross-examine in cases where he  
8 doesn't say where the source is from, but so far, he actually was  
9 the one who has said frequently, "I heard this from here and from  
10 there" and.

11 [13.44.34]

12 (Judges deliberate)

13 [13.47.00]

14 MR. PRESIDENT:

15 Thank you. Now, the matter is dealt as follows: We cannot really  
16 distinguish between the knowledge of the witness <during the  
17 Democratic Kampuchea regime> and what he experienced later <on>;  
18 that is, during <while> he was the Accused in Case 001. And this  
19 witness <came and testified> as a witness in Case 002/01, so we,  
20 the Chamber, advise parties to be cautious and to be aware of  
21 this and please ask about the source of his knowledge and when he  
22 <first learned> that information. And if the witness answers the  
23 question based on his observation, experience, and also his  
24 knowledge during the time that he was performing his tasks <as  
25 chief> at S-21 <during the Democratic Kampuchea regime>, I think

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1 that it's not an issue.

2 [13.48.20]

3 And the Chamber would like to inform and -- and advise Kaing Guek  
4 Eav that you may -- maybe feel tired because of your health issue  
5 and I understand that you have informed the Chamber that you will  
6 only tell the truth, nothing but the truth, so your testimony  
7 will contribute to the ascertainment of the truth before the  
8 Chamber.

9 Mr. Witness, you are advised to respond to the limit of the  
10 question put to you. By doing so, that can help with your health  
11 issue and as you know, <your> testimony is scheduled to take  
12 place <over> nine days. And I advise, also, parties to put short  
13 questions to the witness. And you may only respond or explain in  
14 detail of the question that was put to you for that purpose.  
15 For short questions, please respond to -- please respond in  
16 summary, as well, then there will be follow up questions for you  
17 to explain further on the question put to you. That can help you  
18 with your health issue.

19 [13.50.02]

20 BY MR. LYSAK:

21 Thank -- thank you, Mr. President.

22 Mr. Witness, I will -- in one of the further days, later on, I  
23 will ask you some specific questions about Khieu Samphan and how  
24 you know that.

25 What I want to focus you on now briefly is the first meeting you



1 had with Nuon Chea. You referenced that this morning. This is  
2 when Son Sen had left for the battlefield.

3 Q. Can you tell us your first meeting with Nuon Chea, where did  
4 that take place and who was there?

5 [13.51.08]

6 MR. KAING GUEK EAV:

7 A. Mr. Co-Prosecutor, that was on 15 August 1977. To my  
8 recollection, Comrade Pang called me to work with a brother, but  
9 he did not tell me exactly who that bong was.

10 After I was called by him, I was -- I took the motorbike and went  
11 to Suramarit Buddhist School and after my arrival, I went to the  
12 upper floor and met <Bong> Nuon <there>. <Normally, working with  
13 the boss, there were only me and him.> And on that day, that was  
14 the first day that I met Brother Nuon. I said -- I did not say  
15 much at the time. Brother Nuon told me that Comrade Khieu went to  
16 the battlefield, so I was to work with him from that time onward.  
17 And again, that was the first time that I met Brother Nuon.

18 Q. Was it just you and Nuon Chea in this meeting; was there  
19 anyone other than the two of you?

20 A. <When I was called to work with either Brother Son Sen or  
21 Brother Nuon, they would call me> and in the meeting, there  
22 <would> only <be> me and < one of them, one-on-one>. I <had> my  
23 diary <with me to> note <down his instruction and> what happened  
24 on the day. In the meeting, there <were> only two of us, no third  
25 person in that meeting.

1 Q. And here -- here's what I'm interested in about this meeting.  
2 At this first meeting with Nuon Chea, did he already know what  
3 S-21 was, what it did or did he have to ask you to explain what  
4 is this place, S-21?

5 A. <Pou Nuon> briefly discussed the point with me and what he  
6 said was that Brother Khieu went to battlefield so I had to work  
7 with him and it was clear that I was <Brother Khieu's subordinate  
8 and Brother Khieu was his> subordinate. So in short, he was aware  
9 of it.

10 Q. How long did this first meeting last?

11 A. I did not <look at> my watch, at the time, but it was a very  
12 short meeting.

13 [13.55.03]

14 Q. Do I understand correctly then that at this first meeting, you  
15 -- you did not have to spend hours explaining to Nuon Chea what  
16 S-21 was; is that correct?

17 A. Thank you, Counsel. I did not spend hours with him. Meetings  
18 with Brother Nuon mostly lasted for 10 minutes at the most.

19 Q. Thank you. I'm going to turn now to a subject that I'm going  
20 to spend a little time with. It's a key issue in our current  
21 trial and it concerns the treatment of former Lon Nol officials  
22 and soldiers.

23 Can you tell us, were Lon Nol soldiers and Lon Nol officials and  
24 police were they targeted for arrest and execution in the period  
25 after 17 April 1975?

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1 [13.56.39]

2 A. Allow me to briefly inform you of my background. I was at  
3 Amleang on the 17 April, then I was called to join a study  
4 session on the 20th June <1975>, and on the 15th August, <> Nat  
5 and I <were called to be> informed about the establishment of  
6 Santebal and at the time, I was told that Nat was the chief of  
7 that Santebal and I was the deputy. And then I started my work.

8 At the time, in fact, the Santebal had been established before  
9 my involvement in that centre. I was first assigned to go collect  
10 documents at houses of Lon Nol, Van Sor (phonetic), etc. The  
11 documents would be kept at S-21 and those documents remain  
12 <there> today.

13 In mid-October, I was assigned to do the interrogation tasks.  
14 Former officials and soldiers had been arrested already and I was  
15 involved in the interrogation of former workers from K-10; that  
16 factory <recycled> paper. Concerning Buddhist monks and former  
17 officials and soldiers had been screened already.

18 [13.58.52]

19 Q. Thank you, Mr. Witness. Let me -- let me focus you on -- on  
20 one specific thing you said in the many interviews you've given,  
21 to ask you for some clarification on this.

22 Your Honours, this is -- I'm reading -- going to read from the  
23 witness' July -- 7 July 2002 interview, E3/529; English,  
24 00329130; Khmer, 00095693; French; 00327360.

25 This is what you said in this interview, quote,

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1 "After liberation day, I saw people all along the roads and cars  
2 parked on the middle of the roads. Later on, I heard that the  
3 sub-district committees selected and divided the people and took  
4 a number of them to be smashed. They were military and police  
5 officers." End of quote.

6 My question, Mr. Witness, do you remember what sub-district  
7 committees you were referring to and how you heard that some  
8 sub-district committees had divided the people and taken military  
9 and police officers to be smashed; can you -- can you tell us  
10 where you -- what the source of information was?

11 [14.00.44]

12 A. Thank you, Mr. Co-Prosecutor. Let me clarify the point that <>  
13 this is my statement, what you quoted. <Regarding the  
14 sub-district committee,> at the time, I was at Amleang, <> in  
15 fact, <> I left Amleang for Phnom Penh on 20th June during the  
16 evacuation of Phnom Penh.

17 The one who wanted me to go to Phnom Penh was Mam Nai. He wanted  
18 me to go there and help -- and discover if his relatives <were>  
19 sent to Phnom Penh and he wanted his relatives to be <kept in  
20 M-13>.

21 <That was why I knew that> the sub-district committee of Amleang  
22 did the screening <>.

23 Q. And how did you know about the screening that was done by the  
24 Amleang sub-district committee?

25 [14.02.22]

1 A. I think I made it clear just then. It was Brother Mam Nai and  
2 I believe you still recall his name. Mam Nai had some relatives  
3 living in Phnom Penh and he knew about the evacuation, so he  
4 asked me to go and check at Som's (phonetic) place, <the place  
5 where they did the selection and> in case his relatives were  
6 there, <> he would request them to go and live with him. That's  
7 why I knew about <it>.

8 Q. Thank you for clarifying that. Division 703 what do you know  
9 -- what did you know about Division 703's role in arresting or  
10 executing Lon Nol's soldiers and officials?

11 [14.03.48]

12 A. Regarding the role of Division 703 in relation to the arrest  
13 of officials and soldiers, I did not obtain that information from  
14 Nat. What I knew was from those young men in relation to the  
15 evacuation of people.

16 During a self-criticism session, a <young> member of a company  
17 named Man (phonetic) said that during the course of the  
18 evacuation, people had to be moved and if they refused to, then  
19 <guns> would <be fired> into the air to scare them off so that  
20 they would move.

21 And another young man, <Sem Man> (phonetic), who was a Cham  
22 person <-- and> You Pengkry, that is another person, <> spoke of  
23 Huot Tat, the chief monk who had many affairs with women and for  
24 that I made my personal conclusion that he would be the subject  
25 of arrest by Division 703.

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1 And later on those young men from Division 703 spoke at length  
2 about a special commando unit in the Lon Nol government led by  
3 Hem <Keth> Dara. <They threw> grenades <at soldiers>. Hem <Keth>  
4 Dara was later on arrested together with three truckloads of  
5 ammunition.

6 So this information was not official but I learned it from those  
7 young <men> while I <was a deputy> at S-21.

8 [14.05.55]

9 Q. But let me ask you about another statement that you have  
10 given.

11 This is, Your Honours, OCIJ statement E3/429, E3/429, ERNs Khmer,  
12 00403909; English, 00403920 through 921; French, 00403932 through  
13 933; 932 through 933.

14 This is what you said in this statement and I want to ask you  
15 about some follow up, Mr. Witness. You testified, quote:

16 "I know that after 17 April soldiers were systematically  
17 eliminated. This was confirmed to me by Khoem Pin, secretary of  
18 Division 703, and by Hor, my deputy. After the liberation,  
19 soldiers were hunted down and fled. Pol Pot, Vorn Vet and Son Sen  
20 were informed of this and asked Khoem Pin to monitor the  
21 situation.

22 He told me, for example, that Generals Chea Kim Eng and Chhim  
23 Chhuon reported to him to surrender and were liquidated  
24 afterwards.

25 Hor told me the same thing about General Deng La Yom." End of

1 quote.

2 Does this refresh your memory, Mr. Witness? What I would like to  
3 know is what it was that Pin, who became the secretary of  
4 Division 703, what exactly did Pin tell you about what had taken  
5 place with Lon Nol soldiers?

6 [14.08.29]

7 A. Allow me to clarify this matter. The name is Khoem Pin, not  
8 Khoem Pen (phonetic).

9 Khoem Pin and my wife came from the same village and commune.  
10 Initially he was a deputy secretary of Brigade 703.  
11 And <as a revolutionary, a member from the same Party,> he <told>  
12 me that we were frank to one another <because> <he and my wife>  
13 came from the same native village. He said that after 17 April  
14 1975, the situation of those soldiers <was> rather chaotic and  
15 Pol Pot told Khoem Pin to monitor and control the situation.  
16 And Pin said, "Who gave orders to <the combatants> to arrest  
17 those <> soldiers?" upon hearing that combatants actually were  
18 fleeing.  
19 And General Chea Kim Eng came to salute him, mentioning that he  
20 was a general and later on, General Chhim Chhuon also came to  
21 salute him.  
22 Chea Kim Eng and Chhim Chhuon were later taken away <secretly>.  
23 And upon the arrest of the two generals, the situation <regarding  
24 the arrests of the soldiers by the combatants in open places>  
25 seemed to quiet down.

1 I <cannot> recall <clearly> about General Deng La Yom. I am not  
2 sure whether at that time this general also went to salute him.

3 [14.10.59]

4 MR. LYSAK:

5 Mr. President, at this time I would like to show -- ask the  
6 witness about a document that's in evidence. It's document  
7 E3/832, E3/832. With your leave, may I provide that to the  
8 witness?

9 THE PRESIDENT:

10 Yes, you may do that.

11 BY MR. LYSAK:

12 Q. Mr. Witness, the document you have been handed is dated the  
13 4th of June 1975, a document from Comrade Pin of the Special  
14 Zone, identifying 17 Lon Nol military personnel the Party had  
15 decided to smash. Is this the same Pin who you were just talking  
16 about? Was there a military division in which Nat and Pin were  
17 from, still part of the Special Zone in June 1975?

18 [14.12.41]

19 MR.KAING GUEK EAV:

20 A. I cannot recall which Pin came from the Special Zone. I knew  
21 Khoem Pin who was a former deputy secretary of Brigade 703, but  
22 after the establishment of S-21, Nat was transferred to be chief  
23 and <Pin> became the <secretary> of that brigade. And I am not  
24 familiar with the Pin from the Special Zone as you mentioned. So  
25 this document could be in reference to Brother Pin from 703.



1 Q. But can I ask you one clarification, that the division that  
2 became 703; had it previously been under the Special Zone?

3 A. Thank you for your question. In relation to a Special Zone,  
4 actually <the> Special Zone covered two sections. Before 17 April  
5 1975, it encompassed Phnom Penh. Here I refer to the south and  
6 the north parts of the Special Zone and <the south part of the  
7 Special Zone> covered four districts; namely, S'ang, Kaoh Thum,  
8 Leuk Daek and Kien Svay.

9 Division 12, where Nat was the commander or secretary and Pin was  
10 the deputy, was part of the south part of the Special Zone, and  
11 later on this 703 was named.

12 [14.14.51]

13 Q. Could you take a look at the names, the 17 names listed here?  
14 The document says, "These 17 persons have been examined by the  
15 Party and the Party has decided they are to be smashed."

16 Do you recognize any of the 17 people who are listed here?

17 A. These 17 people, through my quick review, I am not familiar  
18 with any of them.

19 Q. Thank you, Mr. Witness. You mentioned how, after June 1975,  
20 when you came to Phnom Penh, one of the assignments you had was  
21 to look for Lon Nol -- look through houses for Lon Nol documents.  
22 Do you also remember receiving an assignment to investigate or  
23 collect information about some former Lon Nol officials who were  
24 located in Kampong Thom province in Baray? Do you remember being  
25 assigned to do that?

1 [14.16.54]

2 A. I went around collecting documents, documents from the  
3 secretariats of the enemy and from the military headquarters as  
4 well as from the house of Van Sor (phonetic) and the residence of  
5 Lon Nol. I actually gathered some documents from his residence.  
6 So I only collected these materials or documents and my mission  
7 was not to go outside the Phnom Penh area.

8 Q. What was the information that you collected, the documents you  
9 collected? What was it used for? Who did you give those documents  
10 to?

11 A. The documents that I gathered, I maintained them at S-21 so  
12 they could be used as sources for further investigation.  
13 As for some important documents, I provided to my superior  
14 including those documents I gathered from Lon Nol's residence,  
15 including the map drawn by the United States, <of> military  
16 barracks <in> South Vietnam, <the Thieu-Ky soldiers>. And I  
17 cannot recall <what else I provided to my superior, but the>  
18 important <thing> that I <can recall is this one>.

19 [14.19.06]

20 And I also maintained those documents written by Lon Nol; that  
21 is, for my personal knowledge including a book authored by Lon  
22 Nol, <"Dom Ner Khmer Thmei," (phonetic)> and it assisted in dual  
23 formats; that is, French and English side by side.  
24 I also gathered documents from a location like a Party's house  
25 from the former Lon Nol government. And I also gathered documents

1 from the <PJ>, that is, the National Police Commissariat. I  
2 actually collected two binders of documents <about the chief of  
3 police and the deputy chief of police> and I maintained them at  
4 my place.

5 [14.20.15]

6 Q. I would like to show you another document, Mr. Witness. With  
7 your leave, Mr. President, may I provide E3/1052, E3/1052, may I  
8 provide that to the witness?

9 THE PRESIDENT:

10 Yes, you may do so.

11 BY MR. LYSAK:

12 Q. If you could look at this document and tell me; is this a  
13 document you recognize? Is this a report that you prepared in  
14 1975?

15 MR. KAING GUEK EAV:

16 A. Thank you. Actually, this document was requested by Nat. And  
17 Brother 03, here, refers to Nat and the purpose was to report to  
18 him on the -- on the issue of trying to arrest a number of people  
19 including <Keam Tort, Ngov Va, etc.> And this is a three-page  
20 document. And my purpose; that is, I did not have the authority  
21 to arrest anyone.

22 <> But I was shown only one page out of the three pages. And here  
23 it said it's up to Brother Nat whether he decided to arrest those  
24 people or not. That is the point I'd like to prove before the  
25 Co-Investigating Judges that I did not have the authority to make

1 the arrest and only Nat did have that authority.

2 [14.22.30]

3 Q. I think that's clear, though. If you look at the last, the  
4 very last line it says, "Arrests were not -- depends on your  
5 analysis and decision."

6 Why was Brother Nat -- why was Nat referred to as Brother 03?

7 A. The practice of the combatants at that time was to refer to  
8 their direct superior by using the unit number. So usually I  
9 would <be refered> to <> as S-21 <even by my superior Son Sen and  
10 comrade Pang, as for combatants at S-21, they> referred to me as  
11 <> "Brother from the East", <and they referred to comrade Hor as  
12 "Brother from the West">.

13 And for Nat, usually we referred to him as Brother 03. In fact it  
14 was an abbreviated form of Brother 703; that is, from Division  
15 703, but we only used two digits so that we referred to him as  
16 Brother 03.

17 [14.23.43]

18 Q. So when Brother Nat was no longer the head of 703, would I be  
19 correct that he was no longer called Brother 03 at that point?

20 A. To my knowledge, since the Party removed him from S-21, <he no  
21 longer had anyone who was subordinate to him, so> I did not know  
22 whether he was still referred to as Brother 03. Because after he  
23 was removed from S-21, he was assigned to the Secretariat or to  
24 the General Staff and later on to the Ministry of Foreign  
25 Affairs.

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1 Q. The report that you wrote to Brother Nat primarily concerns  
2 two individuals who had falsified their biographies claiming they  
3 were workers.

4 What positions have these people actually held during the former  
5 regime?

6 A. In the previous regime, that is, before 1970, Keam Tort was a  
7 professor of Khmer literature. While he studied at the  
8 pedagogical school, he <> strongly <supported> the Lon Nol  
9 government and <he> collected <> signatures to make a petition to  
10 Sihanouk to arrest Khieu Samphan.

11 And Keam Tort used to be a former principal of a <high> school in  
12 Kampong Thom. And <at the time,> Nat was <> a former director of  
13 an electricity factory in Kampong Thom. So he was well aware of  
14 the background of Keam Tort.

15 [14.26.37]

16 As <for Bundin>, <he was the same age as me, but I> graduated  
17 <before him>. Later on he became a principal of a <high> school  
18 in Kampong Chhnang <because he was a suck-up,> and after the  
19 coups d'états by Lon Nol, he became a part of a committee of the  
20 Peace League. <I learned about that when I gathered documents.>

21 As for Nat, after 17 April 1975, he was busy trying to find his  
22 former fiance and later on he told me Mouen Kom Ieng (phonetic),  
23 that is his former fiance, was found at Baray. And through his  
24 searching for his former fiance, he came across Keam Tort and  
25 <Din in Phdau Chum village, they falsely claimed> <> to be

1 workers.

2 [14.27.54]

3 Q. Let me read to you some testimony you gave back in 2012, about  
4 these people.

5 This is, Your Honours, on the 26th of March 2012, E1/53.1  
6 testimony around 14.19 to 14.20 of the afternoon.

7 You identified who these two people were and then you said the  
8 following after identifying their positions, "That's why Nat  
9 wanted these individuals arrested in accordance with the Party's  
10 policy."

11 What I wanted to ask you is, what was the Party policy that  
12 required that these people be arrested?

13 A. Regarding the Party's policies, and I made mention of it this  
14 morning as well, that policies were issued in 1971, that is,  
15 during the third Party congress, that all enemies had to be  
16 smashed.

17 And another -- a policy that was also issued in 1973, and I  
18 actually spoke at length about that policy, and allow me to  
19 reiterate the point. <In 1973,> in the "Revolutionary Flag"  
20 magazine, it made mention of that policy of the special class  
21 which included two elements <in Cambodia>; that is the former  
22 monks who actually <poisoned> people about karma. But Buddhism in  
23 Cambodia was good compared to the practices of Buddhism elsewhere  
24 like in Tibet, as Cambodian monks were children of Khmer peasants  
25 and since Khmer peasants were of good background, so the

1 <Cambodian> monks were also of good background. That was part of  
2 the special class.

3 [14.30.57]

4 And the second element of the special class were soldiers and  
5 police. These people held <the enemy> guns in their hands and  
6 killed people with <the> guns.

7 And that was the policy. However, such policy was only  
8 implemented after <17> April <>, that is, after they took control  
9 of the country.

10 Q. And specifically in regards to these two people in your  
11 report, Keam Tort and Ngov Va, why were these two people  
12 considered enemies?

13 A. I do not know Ngov Va. Again, I do not know Ngov Va. I was  
14 talking about Tab <Bundin> and Keam Tort. But Nat said that Ngov  
15 Va was from the city. Ngov Va was from the city, used to enter  
16 Lon Nol's residence and met Boret and Pan <Sothy> frequently so  
17 he was the secret agent of Sin Dara (phonetic) , alias Sok  
18 (phonetic), the secretary of Phnom Penh. That is why this  
19 individual was regarded as an enemy.

20 [14.33.07]

21 Q. Thank you, Mr. Witness. During 1975, when efforts were being  
22 made to locate Lon Nol officials and soldiers, what happened to  
23 people who were discovered to be hiding Lon Nol soldiers or Lon  
24 Nol officials?

25 A. Thank you, Mr. Co-Prosecutor. I did not know about this in

1 detail. I do not know about those who hid the former officials.  
2 Actually screening did happen after the evacuation and those  
3 people who were found to <have> no bad elements would be sent to  
4 <Khmer peasants' houses in the rural areas> and they were  
5 considered 17 April People.

6 Q. Let me read something from another statement you gave. This is  
7 document E3/429, OCIJ statement E3/429; Khmer, ERN 00403909;  
8 English, 00403921; French, 00403933. I quote -- this was your  
9 testimony to OCIJ:

10 "If it was discovered that someone in authority had been hiding  
11 Lon Nol soldiers, he was obviously punished, i.e. arrested and  
12 executed, but I never saw a document to this effect. However, I  
13 remember that one day in 1976, Son Sen called me on the telephone  
14 and told me that he had heard that Comrade Oeun, secretary of  
15 Division 310 had hidden General Nou Thau. I replied that it was  
16 not true because I knew that this general had been executed in  
17 Koh Kong by Brother Soeurng, commander of the West Zone." End of  
18 quote.

19 And I apologize if I mispronounced the general's name.

20 [14.35.57]

21 Do you remember this conversation with Son Sen and can you tell  
22 us how did you know that this general had been executed in Koh  
23 Kong?

24 A. Mr. Co-Prosecutor, the pronunciation is wrong. It is Nou Thau  
25 and Soeurng, the commander -- was the commander who arrested <and



1 killed> Nou Thau.

2 I learned that information from my wife. Let me indicate that my  
3 wife was the chief of clothes-making factory from the West Zone,  
4 but <before, she was the chief of clothes-making factory from the  
5 Southwest Zone>, <and> after the division of the zones, she was  
6 part of the west. <Soeurng was a commander. He was close to my  
7 wife.>

8 [14.37.12]

9 Concerning <> arrest of Nou Thau by Soeurng, <my wife learned>  
10 that information <and she told me about that>, and Son Sen,  
11 Brother Khieu, asked me that whether or not Oeun hid General Nou  
12 Thau and I replied to Son Sen or Brother Khieu that; no, that was  
13 not true. <I told him that Nou Thau was already smashed by  
14 Soeurng.>

15 THE PRESIDENT:

16 Thank you. It is now break time.

17 The Court will take a short break from now until 3 pm.

18 Court officer, please work with the security personnel to bring  
19 Duch to the waiting room for this witness and please return him  
20 into the courtroom at 3 pm.

21 The Court is now in recess.

22 (Court recesses from 1438H to 1458H)

23 THE PRESIDENT:

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

25 And the floor is given to the Deputy Co-Prosecutor to put the

1 questions to the witness.

2 [14.59.41]

3 BY MR. LYSAK:

4 Q. Thank you, Mr. President. Mr. Witness, we were talking about  
5 former Lon Nol officials and soldiers. Do you remember a person  
6 who had been the deputy governor of either Phnom Penh or Doun  
7 Penh District? I believe the name is Sar Phorn, but I may be  
8 mispronouncing it. Do you remember this person and do you know  
9 what happened to him after 17 April 1975?

10 MR. KAING GUEK EAV:

11 A. Mr. Co-Prosecutor, I can recall that. The person's name is Sar  
12 Phorn, the deputy governor of Doun Penh District in Lon Nol  
13 regime. Sar Phorn was implicated by an individual who ran away  
14 from Phnom Penh to Amleang to find <his> parents and <his> name  
15 <was> Mardy but I cannot recall his surname. I, on one occasion,  
16 took the confession of Mardy to Son Sen, my superior, and that  
17 document was in the hands of Son Sen and Pol Pot.

18 After the victory of Phnom Penh, Son Sen used <his> right-hand  
19 man, that is, Nat, to arrest Sar Phorn for interrogation and the  
20 interrogation was conducted at the prince's residence -- Prince  
21 Sisowath Monireth's residence. That was the special prison <>.  
22 <Nat took me there to show me the special prison and I saw Sar  
23 Phorn there.>

24 [15.02.27]

25 I would like to tell you as well that at the time I was already

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1 the <deputy> chief of S-21 and <normally, in a police office,> as  
2 long as one was arrested, he or she was never released.

3 Q. Did you see Sar Phorn in detention at the special prison at  
4 the Monireth residence?

5 MR. KAING GUEK EAV:

6 <A. I saw him. Nat took me there to show that to me, but I did  
7 not interrogate him because it was not my task at that moment. It  
8 was Hor's task.>

9 [15.03.20]

10 JUDGE FENZ:

11 There is no translation into English.

12 (Short pause)

13 [15.04.11]

14 JUDGE FENZ:

15 Can I just ask because -- did you hear a translation because I  
16 was just given a new -- I don't think this solves it. But let's  
17 try, yes. Did you have one?

18 BY MR. LYSAK:

19 No, I don't think anyone heard. I'll try -- we'll try again.

20 Q. Mr. Witness, let me read to you a statement you made in your  
21 testimony in this Court on the 22nd of April 2009. This is  
22 document E3/50 -- I'm sorry, E3/524 and this was testimony at  
23 15.25 in the afternoon. This is what you testified:

24 [15.04.54]

25 "Nat took me again to a special prison. The special prison is for

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1 those from Kampong Chhnang. It was a villa of the Prince Sisowath  
2 Monireth's. It was on Norodom Boulevard to the south of the  
3 National Bank. Nat took me there and I saw Sar Phorn there  
4 sitting there writing confessions."

5 Does that refresh your recollection? Did you see Sar Phorn  
6 writing confessions at the special prison at the Monireth  
7 residence?

8 MR. KAING GUEK EAV:

9 A. Thank you.

10 Yes, I saw him. It is true what is stated -- what is stated in  
11 that document. But it's a bit strange to me when you quoted that  
12 that special prison was for people from Kampong Chhnang. <Maybe I  
13 was confused when I said that. I'm not sure. In fact,> it had  
14 nothing to do with those from Kampong Chhnang in terms of <Nat's>  
15 special prison.

16 [15.06.23]

17 Q. Let me ask you, how many people were there detained at that  
18 special prison and who were those people other than Sar Phorn?

19 A. I went to that location and saw Phorn for a brief moment. I  
20 also saw <Hor> sitting on a bench <watching the guards while>  
21 reading the confessions and I do not recall who else I saw on  
22 that day.

23 Q. You've talked about during this period being involved in  
24 interrogations of Lon Nol officials or soldiers. What was the  
25 objective when you were interrogating a former Lon Nol official

1 or soldier? What was the objective of those interrogations?

2 A. I <> did not engage in the interrogation of any former Lon Nol  
3 soldiers. <> Could you please read or quote <the confessions a  
4 bit more>?

5 [15.08.14]

6 Q. Well, during your testimony in your trial on the 28th of April  
7 2009, you were shown a confession of Sar Phorn, on which you  
8 identified some annotations that you had written, including --  
9 I'll quote you:

10 "Our purpose is we want the actual location of the group, their  
11 names, their physical descriptions, how many of them go abroad  
12 and how many of them are still in the country and who are they?"  
13 These are annotations that you identified in your own handwriting  
14 and this is testimony on the 28th of April 2009, at 15.23 to  
15 15.27 in the afternoon, document E3/5794.

16 Does that refresh your recollection, Mr. Witness? Do you remember  
17 providing advice in relation to interrogation of certain people?  
18 Do you remember doing that and was the -- was your objective to  
19 find information on where other Lon Nol officials were?

20 A. That was the purpose of interrogation at the time.

21 MR. LYSAK:

22 And Mr. President, with your leave I'd like to provide a document  
23 to the witness at this time. It is document E3/3652, E3/3652,  
24 with your leave.

25 THE PRESIDENT:

1 Please repeat the document number and identity again.

2 [15.10.30]

3 MR. LYSAK:

4 Yes. It is document E3/3652 and it is a confession or a report  
5 relating to a prisoner named Lang Pring.

6 THE PRESIDENT:

7 You may do so.

8 MR. LYSAK:

9 And with your leave, Mr. President, may we display this document  
10 on the screen?

11 THE PRESIDENT:

12 Yes, the request is granted and, in principle, your request to  
13 provide the witness with the document and also to show the  
14 documents is granted as long as there is no objection from  
15 parties.

16 [15.11.33]

17 BY MR. LYSAK:

18 Thank you, Mr. President. If we can show this on the screen, the  
19 cover page of this document?

20 Q. Mr. Witness, do you recognize this document and, in  
21 particular, do you recognize who signed the document in the  
22 bottom right-hand corner of the cover page?

23 MR. KAING GUEK EAV:

24 A. The person who placed the signature at the bottom on the right  
25 is Nat.

1 And another name of Nat is Sem. Nat used the name Sem in the  
2 battlefield at Neak Loeang. In fact, the name Sem was the name of  
3 a dead soldier and after the <> soldier died, Nat used the name  
4 Sem <as> his name. <But very few people would call him Sem. Only  
5 Pin called him that; other than that, they referred to him as  
6 Brother 03.>

7 Q. And across from Nat's signature on the bottom there are some  
8 markings. There is an indication, and if you look in this  
9 document you will see that there are names in the document that  
10 have been placed in a box and other names that have been  
11 underlined in a certain colour.

12 And on the very bottom there is an indication that the box meant  
13 the person had been arrested and one colour indicated, "request  
14 to be arrested". Another colour indicated, "must be tracked".  
15 Do you remember this system? Was this something that Nat used  
16 while he was in charge of the security operations?

17 [15.14.25]

18 A. I was going around and collecting the documents and <I> was  
19 not yet in operation at that centre and if I gave -- and if I am  
20 giving the response right now, it appears that I am concluding on  
21 the matter. And as for Nat, he was a little bit liberal in  
22 arresting people.

23 Q. If you could look -- and we don't want you to speculate here  
24 so I am going to ask very precise questions. If you could look at  
25 the annotation, the handwriting on the cover page that appears in

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1 the upper left? And to help you I have given you a copy in which  
2 we have magnified that.

3 And If we could also show it magnified on the screen? Do you  
4 recognize the handwriting that appears in the upper left corner  
5 of this document?

6 [15.15.32]

7 A. I saw it now, Mr. Co-Prosecutor.

8 Q. Whose handwriting is that on the document?

9 A. It was my superior's handwriting, <his name was> Khieu or  
10 Brother Son Sen <>.

11 Q. The reason I am asking you about this document is you  
12 mentioned that you had been involved in some -- at some point, in  
13 interrogations of some workers from a paper factory. This  
14 detainee was from the K-5 paper mill and there are 14 people in  
15 Nat's report who are identified and proposed for arrest.  
16 My question is, were you involved in interrogations subsequent to  
17 this document of people who were later arrested from this paper  
18 factory?

19 A. Yes, I did ask about that particularly -- I did the  
20 interrogation. I conducted the interrogation on those former  
21 <paper> factory workers from K-5 to my recollection or perhaps  
22 K-10.

23 Q. And do you remember whether these were people who had been  
24 identified as former Lon Nol soldiers?

25 [15.18.10]



1 A. To my recollection, I <interrogated> one person only; <the  
2 name was Phat, a factory worker>. <This person was not a former  
3 soldier.> This person was involved in the burning down the  
4 factory so that the factory could not -- could no longer be in  
5 operation. That factory was located at Chak Angrae.

6 Q. So the person that you interrogated was not someone who was a  
7 former Lon Nol soldier; is that correct?

8 A. Correct.

9 Q. Let's now focus on the initial period when S-21 began  
10 operations. Can you tell us who were the initial prisoners  
11 brought to S-21 when it began operations in, I think, October  
12 1975 and where did those people come from?

13 [15.19.40]

14 A. Mostly they were arrested from Sector 25. I have informed you  
15 of Sector 25, which included <S'ang,> Kaoh Thum, <Leuk Daek> and  
16 Kien Svay <district>. That is the older base of <Division 12 of>  
17 Nat. <>

18 Q. And the initial prisoners at S-21 were these people who had  
19 been transferred from other prisons, such as the Takhmau prison,  
20 or were these all people who were -- had just been newly  
21 arrested, or was it both?

22 A. To my recollection, the prisoners at Takhmau were smashed  
23 separately from others. <Although> Nat was removed from S-21 in  
24 March, he still was entitled to enter S-21 to finish up his work  
25 at that location and to <lead> Hor <to finish up his remaining

1 works>. And <> concerning the people who were arrested <later  
2 on>, they were interrogated at a place <on> a corner. That  
3 location was on a road that I could not recall the number <>.  
4 First, they were interrogated at that location behind the new  
5 S-21 before they were put into the prison. <And then it was  
6 located at the PJ before it was relocated at the previous place.  
7 That was when Nat was removed.>

8 So again, to summarize, after the removal of Nat from S-21, the  
9 Party still allowed Nat to come and finish up his work at that  
10 centre. He was just there to finish up his work <in> a shorter  
11 period of time.

12 [15.22.31]

13 Q. I want to focus on the period while Nat was still the chairman  
14 and you were the deputy and, in particular, in October 1975 when  
15 S-21 first began operations. And let me read to you something  
16 from your testimony in your trial on the 22nd of April 2009,  
17 document E3/524, at 15.28 in the afternoon. You are talking about  
18 October 1975, and you state the following:

19 "Nat ordered me to stay in a house in the Street 413 or 431. The  
20 house belonged to General Khieu Kim Eng (sic). I stayed there and  
21 then I was asked to bring the prisoners from Takhmau to that  
22 house for the cadres to interrogate them." End of quote.

23 Does that refresh your memory? Do you remember bringing prisoners  
24 from Takhmau to the house -- the houses in Phnom Penh where you  
25 first began operations?

1 [15.23.56]

2 A. That is true. During the initial operation of that centre, I  
3 was assigned by Nat to work and stay at Chea Kim Eng's residence,  
4 and prisoners were detained to the south of that residence.

5 Young men from Amleang were tasked with interrogation of the  
6 prisoners at the first -- at the initial stage.

7 Q. And these initial prisoners at S-21, how many of them were  
8 people who were former Lon Nol soldiers or officials? What -- can  
9 you give us an estimate; were they the majority or what  
10 percentage of the prisoners were former Lon Nol people?

11 A. To my recollection, most of those prisoners were former paper  
12 mill workers, and they were from the electricity factory at Chak  
13 Angrae or perhaps at Phsar Touch (phonetic).

14 MR. LYSAK:

15 Let's look at another document, Mr. Witness, and this is one of  
16 the initial or earliest S-21 lists that we have. May I provide  
17 E3/1539 to the witness; E3/1539?

18 [15.26.10]

19 MR. PRESIDENT:

20 Your request is granted.

21 BY MR. LYSAK:

22 Q. The document I've handed to you, Mr. Witness, is entitled  
23 "Names of Prisoners who Died at Office S-21 Kor - S-21C", and it  
24 is a list of over 159 people, mostly former Lon Nol soldiers of  
25 various ranks, who were executed primarily between 22 March 1976

1 and 30 March 1976.

2 My first question to you, what was "21 Kor - 21C"? What is meant  
3 by the reference to "S-21C"?

4 [15.27.40]

5 MR. KAING GUEK EAV:

6 A. I do not know about S-21 Kor or C, frankly speaking. When I  
7 was overall in charge, there <were S-21 offices> at the <rice>  
8 field <called Prey Sar and at Phnom Penh> but when you are  
9 speaking of <A, B, C or D,> I am confused now.

10 After the party removed Nat, Nat was still entitled to come and  
11 finish off his work at S-21, and <when he came, he assigned Hor  
12 to perform the task.> So I was not -- I had no experience in  
13 dealing with the former soldiers <because generally, soldiers  
14 were to be smashed>.

15 Q. Well, let me ask you a related question. The prison at  
16 Takhmau, you already confirmed that you transferred some  
17 prisoners there to S-21. How long did S-21 continue to use the  
18 prison at Takhmau?

19 You've given some testimony about how at some point it was  
20 transferred to the Ministry of Social Affairs. Do you remember  
21 how long the Takhmau prison was used by S-21 and was it referred  
22 to as S-21C during that time period?

23 A. I am not able to respond to your question in relation to S-21  
24 A, B, C, or D. The document that I have seen is about office at  
25 Takhmau, that office was Office 43 or perhaps 44.

1 MR. LYSAK:

2 I'm going to come back to this list, but I want you to look at  
3 another document now to see whether it helps you identify what  
4 S-21C was -- is, and the document I'd like you to look at is  
5 E3/8493. May I provide E3/8493 to the witness?

6 [15.30.40]

7 MR. PRESIDENT:

8 Yes, you may proceed.

9 BY MR. LYSAK:

10 Q. Mr. Kaing Guek Eav, this is a document that is dated 11 April  
11 1976 and it contains totals, a daily list of the total prisoners  
12 at S-21.

13 And the reason I'm handing you this list now is there are --  
14 there is a total of prisoners indicated for Office 21A. If you  
15 look at the first page of the document, it shows a total of 262  
16 prisoners located at Office 21A and 396 prisoners located at  
17 Office 21C for a total of 658 prisoners.

18 My question to you is, does this help you remember during this  
19 time period what was 21A and what was 21C, if you remember?

20 [15.32.30]

21 MR. KAING GUEK EAV:

22 A. To my recollection, that numbering was made by Hor. And as I  
23 mentioned at length regarding what happened at S-21, some events  
24 were not known to me and this is the case that this is outside of  
25 my knowledge. And as I said, even after the re-assignment by the

1 Party, Nat still had the authority <to lead Hor> to finish off  
2 his remaining works at S-21. <That was Nat's right to do so and  
3 it was announced so by Son Sen.>

4 So it is possible that the numbering A, B, C or D were made by  
5 Hor and him, but for me, I had no clue at all about this  
6 numbering system because when I became chief of the centre, I  
7 never referred to this sub-section A, B or C at all.

8 Q. Can we tell from this document, was this before you relocated  
9 to the school site at Tuol Sleng? The date of this document, 11  
10 April 1976 where we have 262 prisoners at S-21A, 396 at 21C; can  
11 you tell whether this was before or after you had relocated to  
12 Tuol Sleng?

13 [15.34.41]

14 A. I began <> working <> at Chea Kim Eng residence. Later on, Nat  
15 sent me to work at the National Police Commissariat. Then I  
16 returned to the vicinity around Chea Kim Eng's residence;  
17 however, I found it rather difficult to work there, then I asked  
18 for permission to use that <Ponhea Yat high> school as a new site  
19 for the detention of prisoners.

20 Q. And my question was, do you think it was before or after 11  
21 April 1976 that you relocated to the school prison?

22 A. It is difficult for me to say as the date could be before or  
23 after that, and that is still a contentious issue. Hor and Nat  
24 could have pre-dated or back-dated the date on the document.

25 [15.36.14]

1 Q. We'll come back to this daily list later.

2 Now, if you could go back to E3/1539, the list of 159 prisoners  
3 who were smashed at the end of March. I have a few names I want  
4 to ask you on that list, so if you could go back to the previous  
5 document that I gave to you.

6 And I want to ask you about a prisoner who appears who is Number  
7 37 on this list. Do you remember a lieutenant-colonel named --  
8 and pardon my pronunciation -- Ban Ouch Nil Pich, a  
9 lieutenant-colonel?

10 Do you remember this person and what can -- what do you remember  
11 about him?

12 A. Ban Ouch Nil Pich, Nat took me to see <him> and Nat presented  
13 <him> to me as <his uncle>, and <he was a> former <leader of>  
14 Issarak <movement> and <he was> given <the title>, "Ban Ouch Nil  
15 Pich", by King Sihanouk and <> he was a lieutenant-colonel.

16 I did not understand <Nat's> intention as he did not make it  
17 clear to me. However, I could say that Nat wanted me to hide that  
18 person as he prepared a room with a bed, but that place was not  
19 near the <present-day> Tuol Sleng premises, that is, the former  
20 Ponhea Yat School, but it was near the vicinity of the National  
21 Police Precinct. He prepared a room with a bed there.

22 [15.38.49]

23 And to my recollection, the person was not <interrogated> and I  
24 presumed Nat did not dare to keep him alive and for that reason,  
25 <the person> was later on smashed. I believe I made mention of

1 this event in my previous testimony and I can say that, yes, I  
2 saw that person.

3 Q. And so the record is clear, that -- was a Ban Ouch, was he a  
4 relative of Nat?

5 A. Yes, that is correct. Ban Ouch Nil Pich as <Ta> Ouch <> was  
6 Nat's uncle and <"Nil Pich"> was a title given to him by  
7 Sihanouk.

8 Q. This document, E3/1539, indicates that he was smashed,  
9 executed, on the 26th March 1976. Why was it that Nat -- Nat was  
10 still chairman at this time -- why was it that Nat had to have  
11 his own uncle killed?

12 [15.40.25]

13 A. Ta Ouch was a famous person known to every leader at the time,  
14 and for that reason Nat did not dare to keep him alive.

15 Q. Why was he famous?

16 A. Previously, he was a former leader of Issarak movement, who  
17 bore arms to engage in the resistance. Later on, he defected to  
18 Sihanouk and Sihanouk gave him the title.

19 And that is the same <for Dap> Chhuon, <> he was given a title by  
20 Sihanouk as <"Chhuon Mochulpich">. And the same thing is for Ban  
21 Ouch as he was given <the> title Nil Pich, so <his> full name and  
22 title was Ban Ouch Nil Pich.

23 Q. The next group of people on this list I'd like to ask you  
24 about, there are at least 12 people who are not identified as  
25 soldiers or officials with positions but are identified simply as



1 relatives or family members of Long Boret, the former prime  
2 minister.

3 They are numbers -- if you're looking at the list -- numbers 44  
4 through 49, and if we could show those on the screen, 135 to 136,  
5 149 and 153 to 155. Each of these people is identified as a  
6 relative or family member of Long Boret.

7 Why were relatives -- why were relatives, family members of Long  
8 Boret arrested and killed at S-21?

9 [15.42.55]

10 A. First allow to me say that, yes, I saw these names on the list  
11 at S-21, but I never saw any of them starting -- or having  
12 surname "Long".

13 Second, Long Boret was a famous person and for that reason, he  
14 had to be smashed along with his relatives if they could not  
15 manage to escape.

16 Q. And if you could look at the very last entry on this list,  
17 number 159. Number 159 on this execution list are the four  
18 children of Tach Chea.

19 Now, I know you've testified about this before, but can you  
20 remind the Court who Tach Chea was, and did you know his wife and  
21 his children?

22 [15.44.20]

23 A. Tach Chea was a former professor before I graduated and I  
24 could say he could be the first batch of professors who were --  
25 who graduated. <I was the sixth batch.>

1 As for his wife, she was also a former professor. Later on, he  
2 was promoted to be a state secretary <of the Ministry of  
3 Education> while Keo Sang Kim was a minister.

4 And during the demonstration by students, there was a person  
5 named Sar Son (phonetic) who led the demonstration to kill <Keo  
6 Sang Kim and Tach Chea>. Sar Son (phonetic) was not a Khmer Rouge  
7 and I did not know about his political <tendencies>, and on 17  
8 April <>, CPK gained victory and Long Boret's wife and children  
9 were arrested.

10 MR. PRESIDENT:

11 Witness, we are speaking about Tach Chea and not Long Boret.

12 MR. LYSAK:

13 Q. So do I -- at the time that Tach Chea was killed in, I  
14 believe, 1974, was he an official who worked for the Minister of  
15 Education at that time?

16 MR. KAING GUEK EAV:

17 A. Yes, that is correct.

18 [15.46.15]

19 Q. And his four children who are listed here as being executed,  
20 do you remember how old his children were?

21 A. I did not know. When I entered S-21, I did not go and visit  
22 Tach Chea's wife, but before that, I saw her walking with Tach  
23 Chea when <he> went to show a film at the pedagogical school.

24 Q. Was Tach Chea's wife also detained at S-21? And can you tell  
25 the Court what happened to her there?

1 [15.47.33]

2 A. There was a conflict between Nat and me in relation to Tach  
3 Chea's wife. One day, <> young <men> requested Tach Chea's wife  
4 <for> the medic <to study> on the surgery process, but I said no.  
5 And days after that, Nat and I were called by the superior for  
6 meeting and I did not know the reason but Nat made a report that  
7 Tach Chea's wife was sent to <> the medic <so that he could  
8 learn> how to conduct surgery and I said no, that was not the  
9 case. But Nat said, no, it happened and then our superior  
10 actually blamed <him> that we should not do that. We should not  
11 do it to the wife of a famous person.

12 And later on, she died <because of that experiment>, and as for  
13 the four children, I only heard about them. They were pretty  
14 young and that's all I knew about the family members of Tach Chea  
15 and his wife.

16 Q. I want to read to you, to get some clarification, Mr. Witness,  
17 I want to read to you from your testimony in your trial on 16  
18 June 2009, E3/5800, at 1606H in the afternoon -- or strike that  
19 -- at 1559 to 1606H in the afternoon. You gave the following  
20 testimony:

21 "The matter of conducting surgery on the live prisoner was done  
22 from the early stage. When I was the deputy I did not dare to  
23 tackle the problem. When I was aware that the wife of Tach Chea  
24 was used for the training, I asked and urged Nat, who was close  
25 to me, I asked Nat to replace Tach Chea's wife with another

1 person.

2 [15.50.15]

3 But when we went to see the superior, he boasted about taking  
4 Tach Chea's wife away for that purpose. Then, at that time, I  
5 understood the intention that it was the instruction from the  
6 superiors to use live prisoners for the training of surgery." End  
7 of quote.

8 Does that refresh your memory, Mr. Witness? Did you learn from  
9 this meeting with the superior in fact that he had approved the  
10 surgery on Tach Chea's wife?

11 A. As I have mentioned, the medic who <requested her> for the  
12 surgery, <and> I refused the request and I said, use somebody  
13 else. I did not beg my subordinates to do that, but I gave an  
14 order to them.

15 However, when <we> were <meeting with> the superior things went  
16 on as I just said. And the superior <asked>, why Tach Chea's wife  
17 was used for that purpose? There could be somebody else that  
18 could be used. And <after that>, there <were> no requests <to  
19 take> a person for training purposes.

20 [15.51.52]

21 So, in conclusion, I can say that if the superior authorized for  
22 the use of another person's wife, then that would be <the>  
23 principle, but for me, I objected to <the statement that I  
24 begged> Nat, <I did not beg him>. <I forbade my subordinates from  
25 taking her and told them to take someone else.> And, actually, we

1 contested that point before our superior and the superior blamed  
2 Nat for that. And that is based on my recollection and I still  
3 remember that well.

4 Q. A couple of follow-ups. Just so we're clear, who is the  
5 superior that you and Nat met with on this question?

6 A. I refer to Son Sen <alias> Brother Khieu.

7 Q. And do I understand correctly that Son Sen was okay with doing  
8 live medical surgeries on people, he just blamed you for using a  
9 well-known person for the medical experiment. Do I understand  
10 correctly?

11 MR. PRESIDENT:

12 Witness, please wait for the microphone to be operational.

13 [15.53.28]

14 MR. KAING GUEK EAV:

15 We could draw that conclusion; that's what happened in principle.

16 BY MR. LYSAK:

17 Q. Just so we're clear, what Son Sen criticized you for was  
18 picking a famous person's wife for this? He wasn't criticizing  
19 Nat or you for doing -- for the surgery being done. Is that  
20 correct?

21 MR. KAING GUEK EAV:

22 A. Yes.

23 Q. And the four children of this woman and Tach Chea, why were  
24 they killed? Why did S-21 kill the four children of this couple?

25 [15.54.45]

1 A. In the real situation after 17 April <>, when the parents were  
2 taken away and killed, the children would be taken away and  
3 killed as well.

4 Q. Do you remember how old Tach Chea's wife was when this took  
5 place; when she was killed by a medical experiment?

6 A. I did not review her biography and, in fact, I did not even  
7 know her name. And from what I saw her <in 1996 (sic)> when I was  
8 still studying at the pedagogical school, she could be a few  
9 years older than me. And, of course, Tach Chea was also older  
10 than me.

11 Q. In this list of prisoners who were killed in late March 1976,  
12 if you look at numbers 51 through 53, 51 through 53 -- and this  
13 is again document E3/1539, and if we could show this on the  
14 screen -- these three individuals, a student, a lieutenant and a  
15 medical student, they are described in the far-right column as  
16 "The Catholic religion".

17 What was the significance of these prisoners having the Catholic  
18 religion? Why was that something noted in this S-21 execution  
19 list?

20 (Short pause)

21 [15.57.13]

22 BY MR. LYSAK:

23 Mr. Witness, you should have the document. It's the list -- it's  
24 a prisoner list that has document number E3/1539 on it. You  
25 should have it in your collection there.

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1 MR. KOPPE:

2 Mr. President, I object to this question because we have  
3 established that the document was not made by the witness. He  
4 also doesn't recognize Office 20 -- S-21C. Presumably it's  
5 something that Nat did, so now asking the witness to speculate as  
6 to what that annotation "Catholic religion" means is not  
7 appropriate.

8 MR. LYSAK:

9 Mr. President, the witness was the Deputy Chairman of S-21 at  
10 this time. It is certainly fair to ask the deputy chairman of  
11 S-21, the person who was deputy chairman, why people were  
12 identified as being from the Catholic religion in an S-21 record.  
13 [15.58.38]

14 MR. PRESIDENT:

15 The objection by the defence counsel for Nuon Chea is overruled.  
16 The question is permissible and, Witness, please respond to that  
17 question.

18 And, Court Officer, could you assist witness by showing the  
19 relevant part of the document before him, so that he can review  
20 it and respond to the question.

21 BY MR. LYSAK:

22 And just to remind, we're looking at numbers 51 to 53 on this  
23 list. The list is E3/1539, numbers 51 through 53.

24 Q. Do you know why these prisoners were identified as being of  
25 the Catholic religion; what was the significance of that?

101

1 [16.00.10]

2 MR. KAING GUEK EAV:

3 A. In fact, this is a separate matter that I was not aware of.

4 However, I was aware of other events.

5 One day Son Sen called me and Nat to meet him, and I think I have

6 testified before regarding this event. When we met him, he said

7 that at the Sector 32 or 33, they found CIA <agents> and once one

8 person became a CIA agent, that person would remain a CIA agent.

9 <Not like us, if we did not attend any Party meeting for six

10 months, we would no longer be a member of the Party.>

11 <I could not take it, but it was the upper level's order.> And he

12 asked why we could not find any CIA at S-21 and why in other

13 sectors they could find CIA agents and that they even did not

14 resort to beating them up. And that we were sent back to our work

15 and to work harder to find CIA agents.

16 Then I saw the constitution of the Democratic Kampuchea, which

17 provided religious freedom to Cambodian people and <the right to>

18 oppose reactionary religions.

19 [16.02.01]

20 Then I was questioned by the Co-Investigating Judges, as what

21 reactionary religions were. I could not respond to that <clearly

22 at that time>, but then I <did some> research <regarding> how

23 many <Catholics and how many Protestants were killed>, and I met

24 Pastor Ponchaud on 26 July 2013, and I asked him that question

25 and he <was reluctant to say> that 13 of those people were



1 killed.

2 He mentioned one person, Joseph Chhmar Salas, who was killed, and  
3 <now> the person's name was used for a community religious  
4 gathering <in Phnom Penh, they called it "Paravar Saint Joseph"  
5 (phonetic)>.

6 So Catholic religion was regarded as a reactionary religion.

7 To my understanding, there was one Protestant who survived, <the  
8 person was from New Life Church> and the name was Kaing Guek  
9 Houeng (phonetic) who lived near the TB control centre hospital.  
10 The rest died including Tep Im (phonetic) who was actually Khmer.  
11 So I believe the two religions <could be> regarded as reactionary  
12 religions.

13 MR. PRESIDENT:

14 Thank you. The Chamber will adjourn the proceedings now and  
15 resume tomorrow, that Wednesday 8 June 2016, commencing from 9  
16 o'clock in the morning.

17 Tomorrow, the Chamber continues to hear testimony of witness  
18 Kaing Guek Eav. The information is for the parties and the  
19 public.

20 Mr. Witness, the hearing of your testimony as a witness is not  
21 yet concluded. You are invited to return again tomorrow.

22 Security personnel, you are instructed to take the two accused,  
23 as well as Kaing Guek Eav, to the detention facility and return  
24 the two accused as well as the witness to attend the proceedings  
25 tomorrow morning before 9 o'clock.

103

1 And as for Kaing Guek Eav, please return him to the waiting room  
2 reserved for witnesses and civil parties and invite him to be in  
3 this courtroom at 9 o'clock.

4 The Court is now in recess.

5 (Court adjourns at 1605H)

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