



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

ឯកសារដើម
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

20 June 2016
Trial Day 421

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

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I N D E X

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

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Judge FENZ	English
The GREFFIER	Khmer
Mr. KAING Guek Eav (2-TCW-916)	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of witness Kaing
6 Guek Eav alias Duch.

7 Mr. Em Hoy, please report the attendance of the parties and other
8 individuals to today's proceedings.

9 THE GREFFIER:

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

12 Mr. Nuon Chea is present in the holding cell downstairs. He has
13 waived his right to be present in the courtroom. The waiver has
14 been delivered to the greffier.

15 The witness who is to continue his testimony today -- that is,
16 Kaing Guek Eav alias Duch, is present in the courtroom.

17 Thank you.

18 [09.03.05]

19 MR. PRESIDENT:

20 Thank you, Mr. Em Hoy. The Chamber now decides on the request by
21 Nuon Chea.

22 The Chamber has received a waiver from Nuon Chea dated 20 June
23 2016 which states that, due to his health, that is, headache,
24 back pain, he cannot sit or concentrate for long. And in order to
25 effectively participate in future hearings, he requests to waive

2

1 his right to be present at the 20 June 2016 hearing.

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

6 Having seen the medical report of Nuon Chea by the duty doctor
7 for the accused at the ECCC dated 20 June 2016, which notes that
8 Nuon Chea has back pain and feels dizzy when he gets up and
9 recommends that the Chamber shall grant him his request so that
10 he can follow the proceedings remotely from the holding cell
11 downstairs, based on the above information and pursuant to Rule
12 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his
13 request to follow today's proceedings remotely from the holding
14 cell downstairs via an audio-visual means.

15 [09.04.46]

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

19 Before I hand the floor to the Defence Counsel for Nuon Chea, I
20 would like to mention six documents in order to get clarification
21 from witness. Court officer, please deliver the documents to the
22 witness and have the AV Unit display it one at a time on screen.

23 QUESTIONING BY MR. PRESIDENT RESUMES:

24 Q. Duch, I placed the documents in order from 1 to 6, and I'd
25 like to ask you about these documents. The first one is E3/3689,

3

1 and ERN in Khmer is 00174874; English, 00221784; and French,
2 00326427 (sic).

3 This document is a confession of Lun En, commander of Battalion
4 705, Regiment <601> and Division <174>. Please review the
5 document, and I have a few questions to put to you. And I will
6 not delve into the content of this confession, but I'd like to
7 ask you about the annotation which is now marked in red square.
8 [09.07.06]

9 The first one is to the top <>. Could you please read it <>?
10 However, firstly, can you tell the Chamber if you identify this
11 document?

12 MR. KAING GUEK EAV:

13 A. Mr. President, I have not seen this document before. However,
14 I believe that the handwriting is recognizable. The first top
15 handwriting, I tried to read it, but it is not legible.

16 As the second box at the bottom, it's about <Lun En's background
17 and activities>. Is -- the handwriting belongs to Son Sen, and it
18 reads "A copy sent to Brother Nuon", that's what I can read.

19 Q. Thank you. And the document is dated 21 October '77. And for
20 the parties -- that is for the parties' information.

21 Now I move to the second document, and please refer to the second
22 document, Witness. It's E3/1831, and the ERN in Khmer is
23 00005463; and in English, 00831455; and in French, 00343398.

24 Witness, please review that document, and I'd like to ask you
25 about the handwriting which is now in red square. First tell the

4

1 Chamber if you can identify this document.

2 [09.09.57]

3 A. I do not recognize this document. As for Division 174, I do
4 not have any recollection about that division. As for the
5 annotation in the red square or red box <on the top left>, I am
6 not sure if I can read it properly, and it could mean that, "It
7 is not thoroughly read". However, the handwriting belonged to Son
8 Sen.

9 To the bottom part, that is, the second red box, "A copy sent to
10 Brother Nuon" came with that, and I believe it is Son Sen's
11 handwriting.

12 Q. Thank you. And this document is dated 22nd October '77. Now I
13 move on to the third document.

14 Witness, please also refer to the third document, and it is
15 E3/1889. ERN in Khmer is 00001378; and in English, 00796688; and
16 in French, 00763394. This is a confession of Sao Tong Ly, and the
17 date is 22nd October '77.

18 [09.12.07]

19 And Witness, do you recognize this document? That is the first
20 question. And the second question is, please read the annotations
21 in the red boxes starting from the first top left box.

22 You may review it first and tell the Chamber if you identified it
23 and, second, if you identify the handwriting in the annotations.

24 A. Mr. President, this person Sao Tong Ly, I do not recall his
25 name offhand. Second, the handwriting is of Son Sen, and I can

5

1 read it clearly. And the first box reads, "Not yet read".
2 And below that, there is another box, and it is -- it is read
3 "Northwest", so it means this document is involved the Northwest
4 Zone.

5 As for the further right box, it reads, "Two copies to Brother
6 Nuon" and in the bracket "Not yet read". And the second line is
7 the date, that is, "9 November '77".

8 [09.14.05]

9 Q. Thank you. Please refer to the next document, that is,
10 E3/3665, and Khmer ERN is at 00174111; and in English, 002264 --
11 rather, 224634; and in French, 00386361. To me, I cannot read the
12 handwriting. However, the date seems to be of <18> October '77
13 since it's part of a compilation of similar documents.

14 And what I -- and this document is a confession of Pheng <Sun>,
15 alias Chey.

16 My first question to you is whether you can identify this
17 document and, second, if you identify the annotations in the red
18 boxes. And if so, please tell the Chamber whose handwriting it
19 is.

20 A. Thank you, Mr. President. In the top left red box, it is Son
21 Sen's handwriting. And it reads, "Already gave one copy to
22 Brother Nuon", and the date is "22nd October '77".

23 [09.16.28]

24 Q. Thank you. And to the right, I haven't put in a red box, but
25 it reads, "PP" and a half sign. Can you tell the Chamber what it

6

1 means?

2 A. Thank you, Mr. President. The shorthand of "PP" and "half"
3 could be used by Son Sen and Brother Nuon as well. It means that
4 -- the Central Zone.

5 Q. And now I refer to the fifth document, that is, E3/1839. And
6 at Khmer, ERN 00004351; English, 00835986; and French, 00766985;
7 and the date is 25th October '77. And I have two points that I'd
8 like to ask you to confirm, and they are in red boxes.

9 And I believe the second box has already been clarified by you
10 just then. And there is another box to the bottom, so as usual,
11 first tell the Chamber whether you identify this document,
12 second, if you identify the handwriting and read it to the
13 Chamber.

14 A. The name on this document is Di Leng, alias Pheap, and
15 Division 174. I do not recall any of these particulars. It could
16 be a division that belongs to the Central Zone.

17 And the annotation in the first top left corner, it is read
18 rather clear, and it reads, "Not yet read thoroughly". And the
19 handwriting belongs to Son Sen. The middle box, it reads, "PP"
20 and <"Middle">. And <> it <also> refers to the Central Zone. And
21 in fact, the third line reads "Central Zone".

22 And for the bottom annotation, it's Son Sen's handwriting, and it
23 reads, "A copy is given to Brother Nuon".

24 [09.20.07]

25 Q. Thank you. And the last document that I'd like you to clarify

7

1 is E3/3683. And it is on Khmer page 00174734; English is at
2 00221781; and French, <00289871>. Again, please review this
3 document. And the date of this document is 10 October '77.
4 I put a red box around the annotation that is to the bottom left
5 of the page. Please tell the Chamber if you identify this
6 document. Second, if you can read the annotation, please read it
7 to the Chamber and tell the Chamber whose handwriting it is.

8 A. Mr. President, allow me to talk briefly about this document.

9 The person who confessed is Um Chhoeun, alias Mai, and I
10 recognize this name. And this person was brought to S-21. Um
11 Chhoeun, alias Mai, was also a professor like myself. However,
12 since 1968, Brother Mok assigned him to work at the Northwest
13 Zone. And later on, he was arrested and sent to S-21.

14 [09.22.29]

15 As for the annotation in the red box, I can only read part of it.
16 The first part, I cannot read it. And in the bracket, it reads
17 "Comrade Khieu sent it to Comrade Nhim". And the date is "15
18 November '77".

19 And in fact, below that, it said "Not yet read", <> it's the same
20 handwriting <as the annotation in this box>.

21 And as for the owner of the handwriting, in particular the last
22 part, <it could be> Brother Nuon's handwriting. It's bigger and
23 it's easier to read. And the handwriting there is "Not yet read".

24 I hope I respond -- have responded to all your questions.

25 MR. PRESIDENT:

8

1 Thank you. Indeed, you have responded to all the questions that
2 I'd like to ask you.

3 So it's better to clear all these things up, and it is good that
4 you mentioned the big handwriting which is read "Not yet read".

5 And thank you.

6 And Judge Lavergne, it seems that you want to put a question to
7 the witness. You may proceed.

8 [09.24.28]

9 QUESTIONING BY JUDGE LAVERGNE RESUMES:

10 Yes. Thank you, Mr. President.

11 Q. Witness, most of these documents date to October or November
12 1977. You said that there was a very important date which was 15
13 August 1977, as of which you reported directly to Nuon Chea.

14 It appears, when we read these documents, that you <were>
15 addressing these confessions first to Son Sen.

16 So do these documents refresh your memory in any way regarding
17 the people you would report to and the way things were organized?

18 [09.25.20]

19 MR. KAING GUEK EAV:

20 A. Thank you, Your Honour.

21 I'd like to make a detailed response regarding this matter so it
22 is clear to the Chamber.

23 Brother Son Sen departed -- left <>, that is, on the 15 August
24 '77. I did not see him since that date.

25 And the first document that I sent to him was my letter <stating>

1 that young interrogators seemed to want to use torture. And that
2 letter was sent to him -- rather, was given to him before his
3 departure.

4 And later on, he wrote a reply, and I knew that Son Sen's
5 handwriting was difficult to read, so I asked my staff to
6 actually type it and make a copy so that interrogators could
7 stick it on the wall in the interrogation room because that is
8 <an instruction> of the Party. And I do not recall the date of
9 that document.

10 And during the previous proceedings, I wanted to read those
11 letters from Son Sen <> regarding torture, and I was interviewed
12 by Rithy Panh for his movie, and he provided me the document. So
13 I recalled that that letter was sent to me from Son Sen on the
14 5th of October '77.

15 So that was later than the 15 of August <>.

16 Upon given the letter <> to me by Rithy Panh, then I recalled the
17 date of that document.

18 And Brother Son Sen went to the front battlefield, and whenever
19 870 <or Pol Pot> required him to <work> or to be in Phnom Penh,
20 he would return <under> the instruction of Pol Pot <or 870> and
21 sometimes he also worked on S-21 documents.

22 [09.27.59]

23 I was shown some documents during my testimony or during the
24 proceedings in Case 001 and I observed that those documents that
25 he annotated, most of those letters were dated 11 November '77.

10

1 And I only observed that there was only one document dated 25th
2 November '77. That's why I made my conclusion to the Chamber and
3 during my confrontation <yesterday> with Counsel Koppe regarding
4 the dates.

5 <I clarified that these three documents came at different dates,>
6 and I confirmed that Son Sen departed me, but he still worked on
7 some remaining documents at S-21, so the three dates include the
8 5th October <>, 11 of November '77 and, lastly, 25th November
9 '77.

10 [09.29.13]

11 However, as I said, most of the documents that you provided me
12 are the documents that S-21 sent to 870, and it seems that only
13 one of these documents had his annotation <in> return. And the
14 date is 9 November '77 from Son Sen, and another document dated
15 22nd October '77.

16 So these annotations were all made after 15 August '77. And the
17 sixth document, that is, E3/3683, Son Sen dated it as 14 November
18 '77, and the handwriting that I concluded that it was Brother
19 Nuon's handwriting dated the 15th of the same month and year.

20 So based on my analysis and review of those documents, I still
21 stand by my statement that I stopped seeing Son Sen, starting
22 from 15 August '77 and these annotations have dates after 15
23 August '77, because Son Sen was called by 870 to <work with them
24 and at the same time, he tried to> finish off his remaining work
25 <at S-21>. So he worked together with Brother Nuon.

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

11

1 And I believe my response is detailed.

2 [09.31.13]

3 Q. I would like you to make one more clarification.

4 When confessions were addressed by you, yourself, <or by> the
5 Office S-21, to whom were they sent? Were they sent to Son Sen,
6 were they sent to Nuon Chea or they were sent to Office 870,
7 without you knowing the real <recipient>? Do you know to whom the
8 confessions you sent were given?

9 A. Thank you, Your Honour.

10 When Son Sen did not go to the battlefield yet, I sent the
11 documents to Son Sen, Brother Son Sen, <> through <his>
12 messengers, namely, Phorn and <Noeun>. <Phorn> came frequently to
13 S-21 to collect the documents. And on the documents, I made
14 annotation that "To Brother 62".

15 He used this code when he worked with S-21, and <when he worked
16 with the Division>, the code <> was <Brother> 89.

17 However, after Son Sen went to battlefield, Toeung came to
18 collect the documents, Chiv also came to get the documents and,
19 later, <Chiv> changed his name to Sot.

20 [09.33.09]

21 They came to collect the documents after Son Sen had gone, so the
22 instructions from the upper echelon were clear concerning who
23 would come to collect the documents, and particularly the
24 documents of S-21 that I am referring to.

25 No one dared to come and collect the document without the clear

12

1 or appropriate instructions from the upper echelon, so those who
2 came to get the documents from me, the first person who came to
3 -- came to collect documents after Son Sen had gone was Toeung,
4 <and> Chiv <alias Sot>, <later on, Pang, Lin or> Ky, the chief of
5 Office K-7, messenger of the Centre, also came to collect the
6 documents. <After Pang was arrested, only Lin was responsible to
7 collect the documents.> This is -- concerns -- this is concerning
8 the persons who came to collect the documents from me, Your
9 Honour.

10 Q. So if I were to sum up what you've said, you've stated before
11 the 15th of August 1977, you gave the documents -- can you hear
12 the translation?

13 That is, before the 15th of August 1977, you gave the documents
14 to messengers, whom you knew were Son Sen's personal messengers.
15 After the 15th of August 1977, there was a change in the group of
16 messengers, and the messengers at this time were from the Centre.
17 Did I properly understand your testimony?

18 [09.35.21]

19 A. You confuse -- you are confused with the date 17 August. At
20 the time, I raised my hand that I wanted to change the date, but
21 you made the correction already, the 15 August.

22 Your summary is correct, Toeung and Chiv, alias Sot, were not the
23 messengers of the Centre. They were Nuon Chea's messengers.

24 Q. Very well. Once again, before the 15th of August 1977, the
25 messengers who came to get the confessions were Son Sen's

13

1 messengers. After that date, it was Nuon Chea's messengers.

2 Is that correct?

3 [09.36.24]

4 A. After that date, yes, messengers of Brother Nuon, Toeung and
5 Sot, came to collect the documents. And there was one time when
6 Nuon Chea went to a visit in China. <After that time, messengers
7 of the Centre,> Pang, <and> Ky also came to collect the documents
8 under the instructions of the upper echelon, not only Toeung came
9 to collect the documents. After the date 15 August 1977, Pang,
10 <or> Ky also came to collect the documents under the instructions
11 of the superiors above.

12 Q. On <a large part of these> documents, you recognized Son Sen's
13 handwriting. For how long had you known Son Sen's handwriting?
14 <And on what basis can you confirm that it is indeed> Son Sen's
15 handwriting<?>

16 A. Your Honour, I started to recognize Son Sen's handwriting from
17 1973, at the time, he issued a laissez passer to me when I was
18 working at M-13.

19 And <> I confirmed the handwriting of Son Sen in relation to the
20 date of annotation of 5th October 1977. Again, I started to
21 recognize Son Sen's handwriting from 1973 when he issued a
22 laissez passer to me when I was at M-13. And after that period, I
23 had frequently seen his handwriting <until the time Phnom Penh
24 fell, his handwriting was then not as easy to read as the
25 handwriting on the laissez passer he issued for me>.

14

1 And in 1986, there was another time when I went to see Son Sen.

2 <In 1988,> I came back from China. His handwriting, at the time,
3 was becoming so messy or so complicated, and it <was> difficult
4 <for me> to read from that time onward. <It was read to me
5 instead by young staff at an office.>

6 So in summary, I started to recognize his handwriting in 1973, on
7 my laissez passer.

8 [09.39.38]

9 Q. Very well. On the last document presented to you, you have
10 stated, if I do understand you correctly, that, according to you,
11 it was Nuon Chea's handwriting. Is that something you inferred or
12 <did> you <have> a basis for asserting that it was, indeed, Nuon
13 Chea's handwriting, and for how long had you known his
14 handwriting?

15 A. Your Honour, Brother Nuon's handwriting was recognized by me
16 since the time he went to supervise me. He never issued a laissez
17 passer for me, but he sent me <> short notes with the name Buon
18 (phonetic), not <Nuon>, at the time. And those notes were
19 received by me after 15 August 1977 up to 6 January 1979.

20 [09.41.09]

21 Four of them, four short notes with the square handwritings were
22 given to me. That is why I could recognize his handwriting. And a
23 while ago, I said it is easy for me -- it was easy for me to read
24 the big handwriting, and that handwriting belongs to Brother
25 Nuon. <So, I recognized his handwriting not because I saw that

15

1 his position was Son Sen's superior, but because I recognized it
2 as I used to see his handwriting. When I fled after the arrival
3 of the Vietnamese, I clipped those short notes from Brother Nuon
4 together and kept them> at my house. And those short notes can be
5 the evidence to show that the handwritings belong to Nuon Chea.

6 Q. I didn't quite understand<, what do you have at home and what
7 do you call "home"?> What notes <do you want to talk about>?

8 A. Thank you for the question for clarification.

9 I told the Chamber already that Brother Nuon did not contact me
10 on the telephone communication, and in case of <necessity>, he
11 would send me short notes with four or -- with three or four
12 lines to me <>.

13 From 15 August 1977 up to 6 January 1979, when I fled, he wrote
14 me four <to five> short notes or letters, <five> of them,
15 perhaps. And <> those small notes <were> kept by me in a separate
16 folder. <I clipped those notes together> and <I kept> those <>
17 notes in <a> folder <at my house>. And those notes can be as the
18 evidence to show to the Court Nuon Chea's handwriting.

19 [09.43.55]

20 Q. And today, where <is this folder>?

21 A. The -- in fact, the folder was kept by me at my house <on
22 Monivong Boulevard>, and I did not bring <it> along when I fled.
23 I only got a pen with me when I fled. And the documents together
24 with those notes at my house were collected -- had been collected
25 <already> after the regime.

16

1 JUDGE LAVERGNE:

2 Well, thank you for these explanations.

3 I have no further questions for the witness, Mr. President.

4 [09.44.57]

5 MR. PRESIDENT:

6 I thank you very much.

7 And the floor is now given to the defence team for Mr. Nuon Chea,
8 to put questions to the witness.

9 You may proceed now, Counsel.

10 QUESTIONING BY MR. KOPPE:

11 Thank you, Mr. President. And good morning, Your Honours . Good
12 morning, counsel. Good morning, Mr. Witness.

13 Q. Let me follow up on this subject, the dates or the time that
14 Son Sen went to the battlefield. It was the subject I was
15 discussing with you last Thursday.

16 It seems that in your testimony, there are two crucial dates. One
17 is the 15th of August 1977, the day Son Sen went to the
18 battlefield, and 25th of November 1977. That is the day that you
19 said that Son Sen's last signature could be seen. And I believe
20 you concluded that on having read the case file.

21 Now, let's keep those two dates in mind, 15 August and the 25th
22 of November '77.

23 [09.46.26]

24 As I said, crucial in your testimony is that Son Sen had left
25 Phnom Penh and was at Neak Loeng at the battlefield.

17

1 Mr. Witness, I would like to start with you, reading some
2 excerpts from Radio Phnom Penh, or from the Phnom Penh News
3 Service.

4 Mr. President, I'll be referring to some FBIS reports, of which
5 there are no Khmer and French translations, only English. The
6 first document that I'll be using is E3/143; English, ERN
7 00168769.

8 It's a report, Mr. Witness, from 28 September 1977. And it's a
9 report about a delegation led by Pol Pot leaving Democratic
10 Kampuchea to go to China.

11 [09.47.48]

12 And in this document, it describes the delegation and it also
13 describes the delegation seeing Pol Pot off at Pochentong
14 airport. And the delegation seeing Pol Pot leave for China on the
15 28th of September consists of Comrade Khieu Samphan, chairman of
16 the State Presidium, Comrade Nuon Chea, chairman of the Standing
17 Committee of the Cambodia People's Representative Assembly, Cheng
18 An, Ieng Thirith, Mey Prang, Yun Yat, Comrade Savat and also Son
19 Sen.

20 So according to this radio report or broadcast report, Son Sen
21 was saying goodbye to Pol Pot on the 28th of September 1977, and
22 I presume could not have been, that day -- on that day at the
23 battlefield.

24 Can you give me your reaction?

25 [09.49.24]

1 MR. KAING GUEK EAV:

2 A. Mr. President, I would like to respond to the question of
3 Koppe as follows.

4 Once again, I would like to make a clarification for the Chamber.

5 The date 15 August '77 and the date 25th November 1977, were made
6 mention clearly by me when I answered the question by Judge
7 Lavergne. It was clear at the time.

8 Fifteen August 1977, was the date when <> Brother Son Sen <left,>
9 from that time onwards, although sometime I had the occasions to
10 see him. <The document dated 25th was the last document that I
11 saw with his signature.> And <it> was shown <to me> in the
12 proceedings Case 001 against me <or this Case>.

13 [09.50.45]

14 The date -- first date, 15 August '77, was the date when I
15 separated from him, and 25/11/77, was seen by me on the document
16 when I was shown in the proceedings in Case 001 against me <or
17 this Case>.

18 Brother Son Sen was the member of Politburo of the Party Centre.
19 <Brother Pol could call on him at any time.> The distant from
20 Neak Loeang to Phnom Penh was about 60 kilometres, and the road
21 condition back then was good.

22 He could come with no difficulty, so Brother Son Sen could come
23 to Phnom Penh any time <Brother Pol> wanted.

24 [09.51.36]

25 And the same happened on the date when he saw Pol Pot's -- Pol

19

1 Pot off <to China>. That was the matter between the Party
2 <Centre> and the Brother Son Sen. To my recollection, Pol Pot
3 went to China on the 27 <>. And I believe that <I knew the names
4 of all> those people <who> came to see Pol Pot off at the time.
5 Q. Well, Mr. Witness, it wasn't only on the 28th of September
6 that Son Sen apparently found the time to travel to Phnom Penh.
7 On the 27th of November '77, the President of Burma visited DK.
8 Mr. President, E3/291, English ERN only, 00168600; describes the
9 visit of His Excellency, U Ne Win, President of Burma. And
10 present at the meeting receiving him were Nuon Chea, Ieng Sary,
11 Vorn Vet, Thiounn Thioeunn, Yun Yat, others and, again, Son Sen.
12 Can you react to that, please?

13 [09.53.23]

14 A. Thank you, counsel.

15 The President of Burma back then was not U Ne Win, to my
16 recollection. And perhaps it was U Maung Maung Kha, the -- who
17 was the President of Burma. But I did not discuss -- I will not
18 discuss this issue, the President of Burma. I am now answering
19 the question of Counsel Koppe.

20 Son Sen was the member of the Political Bureau of the Party
21 Centre, so the -- concerning the secret issues or <non secretive
22 issues or> concerning the fact that he came to greet any
23 particular dignitaries, he would come when he was invited from
24 Neak Loeang to Phnom Penh. And the distance from that to Phnom
25 Penh was not far. <So, he could come anytime on demand of 870 or

20

1 the Politburo of the Party Centre.>

2 [09.54.39]

3 Q. That's fine. In the same document, E3/291, English ERN only,

4 00168605, which relates a radio broadcast on the 29th of

5 November, two days later, there, the President of Burma is being

6 said goodbye. And it says that Son Sen and others, "joined the

7 motorcade from the state guest place or palace to Pochentong

8 airport, where President Ne Win and the others were greeted."

9 So Son Sen welcomed him and told him goodbye two days later, so

10 he was in Phnom Penh for all those days. And it seems he was also

11 in Phnom Penh on the 3rd of December 1977 saying welcome to a

12 very high Chinese delegation.

13 Mr. President, I'll be -- I'm referring now to E3/1339, English

14 ERN only, 00168316. It's the visit of Standing Committee member

15 of the Chinese Communist Party, Chen Yonggui. He's visiting on

16 the 3rd of December and he's leaving on the 15th of December, and

17 Son Sen is also saying goodbye.

18 So it seems, Mr. Witness, that Son Sen was also in Phnom Penh in

19 December. And he didn't talk to you then or he didn't visit you?

20 A. Thank you. Concerning the case that Son Sen came to Phnom Penh

21 under the invitation of 87 -- 870, it is clear for all of us. I

22 will not discuss further.

23 Chen Yonggui was, in fact, came to -- coming to Cambodia, <> and

24 870 held a special receipt celebration -- celebration for Chen

25 Yonggui. Son Sen was the member of Politburo or Party member, and

21

1 he was the deputy prime minister and Minister of the National
2 Defence.

3 He had the role to come and receive and also see Chen Yonggui off
4 as the deputy prime minister and Minister of National Defence.

5 [09.58.03]

6 Q. What I don't understand, Mr. Witness, if it was so easy for
7 Son Sen to travel between Neak Loeang and Phnom Penh, why was it
8 that he had transferred his duties to Nuon Chea on the 15th of
9 August 1977?

10 A. Brother Son Sen did not hand over the authority to Brother
11 Nuon Chea. Brother Nuon Chea was the second in CPK, and Son Sen
12 was the seventh. <He held higher position than Son Sen.>

13 After Son Sen had gone to the battlefield, Brother Nuon Chea came
14 to supervise me through Pang.

15 No, it did not -- it was not Brother Son Sen transferring the
16 authority to Nuon Chea. Brother Nuon Chea came to supervise me
17 directly.

18 [09.59.37]

19 Before that, <he> supervised me <through Son Sen> and, later on,
20 <after Son Sen went to the battlefield,> it was Nuon Chea who
21 supervised me <directly>. <But for some tasks, he ordered Pang to
22 supervise me.>

23 This is the working approaches of 870. Evidence -- remaining
24 evidence shows that Son Sen came to Phnom Penh on a frequent
25 basis to finish off the remaining work at S-21. I said that

1 because it is due to the contemporaneous signatures of Son Sen.

2 Q. Well, let me see about that, Mr. Witness, because now I would
3 like to refer you to something you said yourself. And in order
4 for you to be able to read exactly what you said and also to be
5 able to have a look at the documents, I have prepared binders for
6 you.

7 And Mr. President, with your leave, I would like to give the two
8 binders to the witness. I will keep updating them with
9 transcripts, and I believe we can also put the various documents
10 on the screen.

11 MR. PRESIDENT:

12 Yes, you may do that.

13 (Short pause)

14 [10.01.35]

15 BY MR. KOPPE:

16 Q. The binder that you now have in your hand consists of the
17 various statements you made yourself. That is a binder we will
18 keep updating, Mr. Witness, because I will -- I would like now to
19 be speaking about a document that was shown to you in your own
20 case which is called "The Last Joint Plan".

21 In E3/1579, that's in your statement to the Investigating Judges;
22 English, ERN 00398206; French -- sorry, Khmer, 00398197; and
23 French, 00398214.

24 Mr. Witness, you've -- you are being shown -- that's your
25 statement. And in the other binder, there is actually "The Last

1 Joint Plan", two pages of it that I would like to show you. It's
2 Tab 3 in the other binder.

3 [10.02.54]

4 This is what you said, and let me read it to you:

5 "However, another document written by Pon at my request has been
6 found and constitutes a summary report of the networks of
7 traitors. This document was presented by David Chandler in his
8 book about S-21 as an, "ultimate plan", which I am supposed to
9 have drafted. In reality, Pon drafted it upon my orders. The
10 document did not yet have a title, but Ung Pech, the first
11 Chairman of the Tuol Sleng Museum, wrote on top of the first,
12 "S-21 summary report".

13 And then you say the following, and that is important to me:

14 "All of this demonstrates that Son Sen still considered himself
15 to be my superior, and I acted the same way. The fact that he
16 called me to the training session, that he asked me to draft this
17 document and that he continued to deal with security issues by
18 calling me demonstrate this."

19 Do you recall saying this, Mr. Witness?

20 [10.04.50]

21 A. I think the Defence Counsel still confused about the dates,
22 and allow me to clarify it once again.

23 The document made by Comrade Pon initially was not shown to me by
24 OCP. I saw the title of the document and I was wondering at the
25 time, and <> during the proceedings in Case 001, the OCP provided

24

1 me a copy of a scanned colour page, and I was given like three
2 minutes to review the document. And it was not my handwriting,
3 but Pon's.

4 And I said it was Pon's handwriting, so then, from that day
5 onward, everyone understood that the document was written by Pon.
6 And I explained that before he left for the front battlefield, he
7 gave instructions to me to prepare a work plan and a report about
8 the enemy's activity in term of their attempts to destroy
9 security. And I assigned Pon to do that because Pon was assigned
10 to interrogate important prisoners who were former senior cadres
11 of the CPK.

12 I actually made my own report, but it was not finished.

13 [10.06.54]

14 Q. Mr. Witness, let me interrupt you because -- let me take you
15 to the -- that document, "The Last Joint Plan", E3/527. And I've
16 printed for you a page from that document. That's Khmer page
17 00285387, and the English page is 00069054. And this is an
18 interesting page because it shows that this document was most
19 likely drafted in April 1978, because it actually includes that
20 month.

21 It also, on Khmer page 00285393 and English page 00069057, refers
22 to incoherent incriminations against So Phim, Ros Nhim and Bong
23 Si -- Brother Si.

24 So it seems that the last joint plan was ultimately, or at the
25 last drafted -- at the latest moment drafted in April '78.

25

1 You're saying that Son Sen ordered you to write this and that
2 this document demonstrates that he considered you -- he
3 considered himself to be still your superior. Is that correct?

4 A. This document was not produced in a day. It could not be
5 produced in a day's time. I did not know how many months it took
6 Pon to produce a final version of this document, but -- and Hor
7 wrote <> on the last page that it was <finished at S-21> on the
8 12th of July '78, so allow me to confirm it was an incremental
9 compilation made by Pon.

10 [10.09.41]

11 Q. Well, I'm not giving up yet, Mr. Witness. In that same WRI,
12 E3/1579, you also speak about Comrade Pin, who came to a study
13 session in a wheelchair because his car had been blown up by a
14 mine. Do you remember when it was that Comrade Pin came to a
15 study session during which Son Sen was also present, came in a
16 wheelchair after his vehicle had been blown up by a mine? Do you
17 remember when that was?

18 A. Can you please specify which study session and which year
19 since I do not have the document with me?

20 Q. Well, I'm -- you referred in your own WRI, to an education
21 session during which you said it was the last time you saw Son
22 Sen. And you remember that, at this education session, Comrade
23 Pin was present but that Comrade Pin had come in a wheelchair
24 because his car was -- had been hit by a mine. My question to you
25 is, do you recall when this education, that Son Sen attended,

1 took place?

2 [10.11.34]

3 A. I recall about that study session, although I do not recall
4 the date. And compare it to the 15 August, it is likely that that
5 study session happened after the 15 August. And in 1978, I no
6 longer attend any study session with Son Sen. In fact, in 1978, I
7 attended study session with Brother Pol.

8 And in '77, it was with Son Sen.

9 So it is possible that, at that time, 870 assigned Son Sen to
10 open a study session at the general staff. However, regarding
11 Brother Pin, it seems that he actually had gone to the
12 battlefield before Brother Khieu went.

13 Q. Let me interrupt you, and then I'll finish because it's almost
14 time, Mr. President.

15 Was it -- is it possible or do you remember whether Brother Pin
16 was injured in around or just before 8 April 1978?

17 [10.13.23]

18 A. I do not recall that. I did not know about that date but, in
19 fact, Brother Pin had his car stepped on a mine and it exploded,
20 so he got injured and he could not walk for a while. And he came
21 to the study session on a wheelchair. But I do not recall the
22 date of the training session by the general staff, and usually it
23 did not happen in April or March, but it happened usually around
24 July.

25 So first, Pol Pot would have a study session amongst those

27

1 members of the Central Committee, and then <Brother Khieu would
2 take those documents to conduct study sessions for those at the
3 general staff. So, Brother Pol never taught study sessions on any
4 other months than July>.

5 Q. Just for completeness sake, Mr. President, I was -- in
6 relation to the date of 8 of April 1978, I was referring to
7 document E3/1117, English, ERN 00434870; which seems to suggest
8 that just before 8 of April, Comrade Pin was injured by an
9 anti-tank mine.

10 MR. PRESIDENT:

11 Thank you, Counsel.

12 It is now time for a short break. We'll take a break now and
13 resume at 25 to 11.00.

14 Court officer, please assist the witness at the waiting room
15 reserved for witnesses and civil parties during break time and
16 invite him back into the courtroom at 25 to 11.00.

17 The Court is now in recess.

18 (Court recesses from 1015H to 1034H)

19 MR. PRESIDENT:

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

21 And the floor is given to the defence team for Mr. Nuon Chea to
22 resume its questioning. You may proceed.

23 BY MR. KOPPE

24 Thank you, Mr. President.

25 Q. Mr. Witness, let me finish this subject about Son Sen and the

1 battlefield.

2 I know you don't accept the testimony of Lach Mean, but let me
3 nevertheless confront you with what he said two months ago in
4 this courtroom on the 26th of April at around 14.29.

5 [10.35.40]

6 MR. PRESIDENT:

7 Please wait, Counsel.

8 Lach Mean. Please pronounce it correctly with the names.

9 Otherwise, the witness is confused with another individual. And
10 another witness is Pin, not Pun, so one time I heard Pun and
11 another time I heard Pin, so the actual name is Pin.

12 MR. LYSAK:

13 Mr. President, before we move on to the next subject, I had
14 assumed Counsel was going to actually advise the Court of the
15 telegram that he had cited. It should be noted the telegram that
16 he mentioned just before the break in which Comrade Pin is
17 injured, document E3/1117, let me just make it clear for the
18 record what this telegram says:

19 "Comrade Pin has been injured again, injured again by the
20 internal enemy. His vehicle ran over an anti-tank mine laid by
21 the enemy."

22 [10.36.53]

23 And then later on, it explains:

24 "Comrade Pin himself was lightly wounded and is able to talk by
25 field telephone."

29

1 Interestingly, too, this telegram is from Son Sen himself using
2 the code number he used while on the battlefield, 47, so this is
3 actually a telegram sent while Son Sen was on the battlefield.

4 And the fact -- 47, yes.

5 The fact that Comrade Pin was not injured in this incident is --
6 seriously injured, is also reflected in a telegram one week
7 later, E3/859, which reports he was still at the battlefield at
8 that time.

9 BY MR. KOPPE:

10 Mr. President, I don't need to go into the discussion. The reason
11 I was using this telegram because it describes the actual
12 incident, a vehicle running over an anti-tank mine, which is
13 exactly the same thing that Duch had referred to in his own
14 statement. But let me move away from this. I'm sure we will have
15 submissions on this subject.

16 [10.38.16]

17 Q. I was referring you to Lach Mean, and I said I know you don't
18 acknowledge Lach Mean's testimony. However, on the 26th of April
19 2016, in this courtroom, at 14.29, he said that in 1978, he saw
20 Son Sen three or four times during the period that he worked as
21 an interrogator, which was 1978.

22 Maybe you can just give a quick reaction, Mr. Witness.

23 MR. KAING GUEK EAV:

24 A. Thank you, Counsel. Mr. President, before I answer the
25 question, I would like to clarify the last question put by the

1 counsel before the break.

2 He made mention about the date, 18 April 1978<, that> there was a
3 session <> held by Son Sen. <That's not correct.> In fact, the 17
4 April 1978 was the celebration of victory against Lon Nol regime.
5 It was special on the day because Pol Pot chaired that
6 celebration, and the participants included Uncle Nuon, Brother
7 Thiounn Thioeunn, Brother Vorn and Brother Hem. They were on the
8 stage.

9 [10.40.17]

10 It was on that day, a little bit before that time, the arrest of
11 Si happened, Si, alias Chou Chet. <It was around> April <that> I
12 asked Pang about the arrest of Chou Chet. I had asked Pang
13 whether Brother Vorn had been in the meeting to decide the arrest
14 of Chou Chet, so I am sure that Brother Son Sen did not chair
15 <any> meeting on the 18 April 1978. <Son Sen was at the
16 battlefield. Only> Pol Pot, <Brother Nuon, Thiounn Thioeunn,
17 Brother> Vorn <and> Brother Hem <> were present on the stage <at
18 that time>.

19 Concerning the question in relation to Lach Mean testimony, I do
20 not recognize the statement of Lach Mean concerning his role at
21 S-21 in the proceeding of Case 001 against me.

22 [10.41.48]

23 Q. Fine. Thank you, Mr. Witness. Let me move to my next subject.
24 And that is the evidence that you gave in relation to your
25 overall position in the Party's hierarchy.

31

1 Now, one of your very last WRIs in the Case 003 and 004, your
2 testimony on the 1st of February 2016 -- Mr. President, I don't
3 think there is an E3 number yet, but it is document E319/42.3.1,
4 question and answer 8, so it's the same in all languages.

5 Mr. Witness, you called yourself a "medium level cadre". What did
6 you mean with that when you said that?

7 A. The "<mid-level> cadres" were used by me and also by CPK. <It
8 meant that> cadres entered the Party long time ago, but <were>
9 not yet <members of the Party Centre>. <They could supervise an
10 office>. And for those who became members of the Party <Centre>
11 were considered cadres of the Centre. For example, Pang and Uncle
12 <Nuon and Brother> Hem were <great leaders>.

13 Again, mid-level cadre could only lead or supervise an office.

14 [10.44.11]

15 Q. Did you at one point in time in an interview with Nate Thayer
16 also call yourself a Party member at its lowest level?

17 MR. PRESIDENT:

18 Please hold on, Mr. Witness.

19 You have the floor first, International Deputy Co-Prosecutor.

20 MR. LYSAK:

21 Yes. Just two quick points, one just a request for the
22 references, ERN and document references for the Nate Thayer
23 quote.

24 Second, just a housekeeping matter. I think the interview that
25 Counsel quoted from before, E319.42.3.1, was one of the Duch

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1 interviews we had identified in an 87.4 motion and suggested that
2 they should be admitted during Duch's testimony. I don't think
3 the Court has -- I don't know if the Court has formally ruled on
4 the request we filed. If I did, perhaps I missed the ruling. But
5 there was a -- we sent an email before the start of Duch's
6 testimony with two of his WRIs that the Defence hadn't included
7 and a confession, one of the underlying documents from the OCIJ
8 list.

9 [10.45.41]

10 The Trial Chamber asked us to file a formal request, which we
11 did, back a couple weeks ago, but I don't think there's been a
12 ruling on it. But I think that these documents should be formally
13 admitted before Counsel uses them. And of course, we agree to
14 their admission.

15 (Judges deliberate)

16 [10.46.23]

17 MR. PRESIDENT:

18 The Chamber decides that the document is admitted as evidence by
19 the Chamber, and the reasoning for the decision will be issued in
20 due course.

21 And counsel and concerned parties can use those -- the document
22 or those documents for the basis of questioning the witness.

23 BY MR. KOPPE:

24 Thank you, Mr. President.

25 Answering the first question, I'm referring to E3/347; English

1 ERN only, 00002523.

2 [10.47.15]

3 Q. So my question again, Mr. Witness, you call yourself a Party
4 member at its lowest level.

5 Did you, indeed, say that, and if yes, what did you mean with
6 that?

7 MR. KAING GUEK EAV:

8 A. Thank you, Counsel.

9 Concerning the issue between me and Nate Thayer, I did have very
10 minimal conversation with him. <> On the 24th of April 1999, I
11 went to Monorom Hotel in Battambang, and the <> interviewer was
12 Christophe Peschoux, the former deputy of <OHCHR> in Cambodia.
13 And <Thomas> Hammarberg was the director at the time.
14 Mademoiselle -- Madam Ruth Hugo was also there, and the one who
15 assisted me in psychological support at the time was <Father
16 Bernard>, and <Heng> Ham Kheng was the interpreter. <Nate Thayer
17 was there. He was the only one who did not know French. He did
18 not know Khmer. He knew English.>

19 [10.49.00]

20 <So,> I did not have much conversation with Nate Thayer. He once
21 went to Samlout and showed me Kung Kien's document. And after
22 that interview or the meetings, statements were known and were
23 seen in <> documents. And perhaps there was not good translation
24 of the statements that I gave.

25 I was <not responsible for an entire ministry. I was a cadre at

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1 a> lower level, <but> not the lowest level. <I was a mid-level
2 cadre.> I was <a> Party member <> for quite some time, <but I was
3 not a member of the Party Centre yet.> And perhaps at the time we
4 did not understand each other between the -- in language
5 communication. There was clear procedure in hierarchy within the
6 CPK.

7 [10.50.10]

8 Q. It might have been, indeed, the Peschoux interview, but let me
9 move on to my next question, that is also about your position in
10 the hierarchy, or at least how you considered yourself.

11 I've put in a binder for you something you and your lawyer said
12 on your behalf. It's document E3/5725; English, ERN 00145457;
13 Khmer, 00145434; French, 00145476. It's in the green folder. Mr.
14 Witness, it's in the green folder, the other one. Mr. Witness.
15 I have put more than one folder. It's actually the green folder
16 which is lying there.

17 MR. PRESIDENT:

18 Court officers, please assist the witness in finding documents
19 <so that it> could be found quickly by the witness.

20 BY MR. KOPPE:

21 Q. Yes. So whenever, Mr. Witness, I'm going to something you said
22 yourself, I will go to that binder that you have in your hand.
23 In that testimony, or in that statement, one can read that your
24 lawyer called you or said that you had the -- that you were the
25 equivalent of a Colonel in the hierarchy. In that statement, you

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1 can also read that you didn't study with highest ranking cadres,
2 but with those at the battalion and regiment level.

3 And your lawyer is also quoted as saying something you endorsed,
4 that you were, "very distant from those at the high level".

5 Do you remember saying this, and do you remember your lawyer
6 saying that?

7 [10.53.15]

8 MR. KAING GUEK EAV:

9 A. Thank you. Mr. President, the issue has something to do with
10 the understanding of François Roux, and he, perhaps, did not
11 understand the <words> used by the <CPK>.

12 I did not deny that I was the secretary of a regiment, the
13 independent regiment. That means the regiment was not under any
14 other brigades or divisions, so I was not a high level cadre, but
15 I was <a mid-level> cadre, <not a cadre of the Centre>. And that
16 <confusion> happened because we did not understand each other due
17 to language difficulty.

18 [10.54.17]

19 Q. Let me interrupt you, Mr. Witness. It wasn't François Roux who
20 said that on your behalf. It was Mr. Kar Savuth who said it on
21 your behalf.

22 He said that you were the equivalent of a Colonel in the
23 hierarchy and that you were very distant from those at the high
24 level, and you agreed with him. You were asked that question.

25 So please, do you remember this and can you give a reaction to

1 that?

2 THE INTERPRETER:

3 Correction from the interpreters. The witness said he was the
4 mid-level cadre.

5 MR. PRESIDENT:

6 Please wait, Witness.

7 Judge Lavergne, you have the floor.

8 [10.55.02]

9 JUDGE LAVERGNE:

10 Yes. Counsel Koppe, can you <remind us of the> date on which
11 <these statements were> made?

12 <Unless I am mistaken,> it was a statement made <during a> debate
13 regarding <pre-trial> detention. It was not on the merits.

14 MR. KOPPE:

15 "Et alors", I would say in French, and -- I mean, it's argued on
16 his behalf. I don't think it matters where -- on what occasion it
17 was.

18 JUDGE LAVERGNE:

19 And so Mr. Koppe, it appears that, at the time, Duch was not
20 examined on the merits. <The debate took place without him taking
21 the floor.> In any case, I think it is important <that this
22 information be reflected in> the record.

23 BY MR. KOPPE:

24 Q. Mr. Witness, did your lawyer, Kar Savuth, call you a Colonel,
25 equivalent of a Colonel, and that, with your endorsement, he said

1 that you were very distant from those at the highest level -- at
2 the high level?

3 [10.56.39]

4 MR. KAING GUEK EAV:

5 A. Mr. President, from what I heard, Judge Lavergne prohibited
6 the Counsel from asking the same issue, so the same question on
7 the same issue was put by counsel, so does the Chamber allow me
8 to answer the question?

9 MR. PRESIDENT:

10 Duch, you are allowed to answer the question. <It> was to have
11 the proper records in the transcript <to show the relation
12 between> the proceedings in <first stage and other stages
13 regarding your defence lawyer's right to intervention during the
14 proceedings in Case 001 before the Chamber concerning whether or
15 not the accused should be detained>.

16 So that was the statement of your defence counsel back then, and
17 the question by Koppe is about your reaction to that statement.
18 So what is your reaction?

19 [10.58.02]

20 BY MR. KAING GUEK EAV:

21 A. Thank you, Mr. President. And allow me to make a clarification
22 in relation to the question by Koppe as follows.

23 Within CPK, the ranks, <like> Colonel, six stripes, seven stripes
24 <were called something else>.

25 <I was a secretary of a regiment.> I was not the Party member of

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1 the Centre. Brother Pin was not also the member of the Centre.
2 There were two cadres <at a division level> from the <general>
3 staff who were members of the Centre, <> Muth and Met. <Brother
4 Pin,> Nat, I, <Oeun> and others were invited to a study session
5 chaired by Son Sen.

6 So above me, there was committee of a division, and above the
7 division, there were cadres of the Centre, for example, Pang, Met
8 were the assistants to the Centre. And there were also candidate
9 members of the Centre. And there were full right members of the
10 Centre above the candidate members. <And then there were 870
11 Committee and the Standing Committee.>

12 [10.59.48]

13 So in terms of <> hierarchical orders, there were many cadres
14 above me. This is <> the hierarchy <of the CPK, and he compared
15 my rank to Major, Lieutenant Colonel, or Colonel,> so that was
16 his analysis in relation to my rank.

17 And as I said, I was the secretary of an independent regiment
18 and, above me, there was a division.

19 MR. KOPPE:

20 Q. And is it correct that you were only allowed to study with
21 those at the battalion and regiment level?

22 A. In the regiment, there were battalions and companies. I
23 supervised members in my regiment. Hor was deputy secretary of
24 the regiment, and Huy was a member of the regiment committee.

25 And later on, <after Huy was arrested,> I promoted Comrade Phal

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1 to regimental level. <I did not assign anyone to supervise the
2 battalion yet. I only assign people to supervise the company
3 level.> As for Peng, was a company level, and Him Huy was at
4 platoon level.

5 So I -- my regiment capacity was only within S-21 hierarchy, and
6 it did not interact or interfere with the other regiments.

7 [11.01.50]

8 Q. Let me see if I can approach it from another direction, Mr.
9 Witness.

10 You compared yourself with someone else in terms of hierarchy.

11 That is document E3/106, that's also in the green binder, I
12 think; English, ERN 00177635; Khmer 001772 -- sorry, 7625; and
13 French, 00177646.

14 In this WRI, E3/106, Mr. Witness, you said that during the
15 regime, you had the same rank as Prime Minister Hun Sen, that is,
16 the commander of a regiment. Is that correct?

17 A. From 17 April to the 7 January 1979, I never heard of Hun
18 Sen's name, and only after 1990 or maybe before that, Hun Sen
19 became the Minister of Foreign Affairs in 1978 or '79, and that
20 was the time that I heard of his name. And I asked people about
21 him, and people said that before he fled to Vietnam to "Yuong"
22 country, he was a secretary of a regiment. And before that, he
23 was secretary of Special Battalion, and it was a special position
24 he held there.

25 [11.04.32]

40

1 And that was what I knew about Hun Sen's position within the
2 rank. And I said that he and I were at the same level, <at a
3 regiment level,> and that's what I made a comparison, that is, my
4 position and the position of the current Prime Minister.

5 Q. Let me follow up on this because in that same statement, you
6 said the following:

7 "Hun Sen at the time had the same rank as me, that is, commander
8 of a regiment, but he had combatants under his orders and was at
9 the border, which was not the case for me." End of quote.

10 What does that distinction exactly mean?

11 A. Hun Sen had soldiers under his command in his regiment, and
12 they were fighting along the Cambodia - "Yuon" border. Let's say
13 he would take his soldiers to walk for 10 kilometres, and
14 probably it took him two hours. And his soldiers were fully
15 armed, and nobody dared to get in his way.

16 As for me, I had nothing. I could not do that. That's the
17 comparison that I refer to.

18 So Hun Sen could flee to Vietnam with his fully-armed soldiers,
19 but for me, I could not do that because I had nothing.

20 [11.06.38]

21 Q. Well, that brings me to my next subject, the nature and
22 character of Regiment 21, or S-21.

23 In your testimony, E3/453, English, 0014758 -- 7983 (sic); Khmer,
24 00146572; French, 00147944, you said that S-21 was part of the
25 military.

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1 And in E3/347, you said that -- at English, 00002523; "We were
2 considered an armed force."

3 Also, you gave extensive testimony as to the military character
4 of Regiment 21 being under the subordinate of the general staff.

5 So, Mr. Witness, isn't it true there is not really any
6 contradiction between the S-21 regiment in terms of military
7 hierarchy and the regiment of Prime Minister Hun Sen?

8 (Short pause)

9 [11.08.39]

10 A. Allow me to speak about the regiment within the general staff
11 of the Centre's army. And the independent regiments included S-21
12 and the regiment of Brother Win (phonetic), that is, the clothes
13 -- the garment factory, and another regiment of Pheap (phonetic),
14 that is, the artillery, and another regiment in charge of
15 telecommunications. So for people who are familiar with the
16 general staff would know about this structure.

17 As for Pin, Pin had a regiment under his supervision, and that is
18 a separate structure since they had combat forces. Then they had
19 the regiment of infantry, regiment of reconnaissance and regiment
20 of special force like Hor. Hor was from the special force from
21 703, and he was assigned as deputy secretary of S-21.

22 As for the regiment under Hun Sen command, he led that regiment
23 far from me so I do not want to make any comment on that.

24 [11.10.16]

25 Q. Let's move away from him. Let's return to what I'm actually

1 trying to get at.

2 In that same interview that I referred to, E3/347, same English
3 ERN only, there's a literal transcript of your interview, and it
4 goes as follows:

5 "So were you civilian or military?"

6 And then you say, "We were considered armed force."

7 "Question: And thus military?"

8 "Yes."

9 So isn't it true that from the very beginning of its creation
10 until the very end, S-21 or Regiment 21 was a military
11 organization, a militarily-run organization?

12 [11.11.23]

13 A. Allow me to clarify it, Your Honour.

14 Regarding the independent regiments <> of the general staff meant
15 that they were an entire <military> entity by themselves. And I
16 don't think there is any question about this.

17 Q. So you do not dispute that you were a military officer from
18 the very beginning until the end of S-21's existence. Correct?

19 A. Yes, that is correct.

20 Q. Now let me discuss two documents with you. They are in your
21 binder.

22 One document is E3/849, Mr. President. English, ERN 00183956;
23 French, 00334995; Khmer, 00052319. And in your folder, in your
24 black folder -- your black folder, Mr. Witness, it's number 4.

25 And maybe we can have it on the screen as well, with your leave,

1 Mr. President.

2 MR. PRESIDENT:

3 Yes, you may proceed.

4 [11.13.38]

5 BY MR. KOPPE:

6 Q. Here it is on the screen as well. Mr. Witness, this is a
7 document, dated 7th of April 1977. It's called "Joint statistics
8 of Armed Forces over the period of March 1977", and it lists the
9 various divisions and military offices. And you can find under
10 number 13, between the other military divisions, Office S-21.
11 And there, it says that the total number of combatants that were
12 part of Regiment 21 was 2,327.

13 Do you see that number, Mr. Witness?

14 MR. KAING GUEK EAV:

15 A. Thank you. Yes, I see it.

16 Q. And in the next column, it says "Not including components" or
17 in the French, "sans compter les éléments". That refers,
18 presumably, to prisoners.

19 But is it correct that in March '77, Regiment 21 had about 2,327
20 combatants?

21 [11.15.45]

22 A. Thank you. And the column that reads "Not including
23 components", previously I believed that the figure did not
24 include prisoners in Phnom Penh; however, after I rethink about
25 this, it means this figure did not include those at the rice

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1 fields. But as I maintain that I did not have a concrete figure,
2 <it might be over 2,000, > and the number included those that had
3 to be fed and <that may include those at the rice fields and> may
4 exclude prisoners who were chained or who were being
5 interrogated. And the statistic shows the food regime and the
6 expenses for prisoners and staff at S-21.

7 Q. I'm not sure if I completely follow, but let -- let me -- let
8 me check. Are you saying that that number of 2,327 included the
9 prisoners?

10 A. I am not sure about that. So maybe some components were not
11 included as the word "components" or "somasapheap" (phonetic) is
12 too general. So it -- it may exclude those who were sent for
13 re-education at the rice fields or maybe my combatants at the
14 rice fields. Although they were referred to as combatants at the
15 rice fields, they did not have full rights as they were being
16 refashioned. So I am uncertain as what were excluded from this
17 figure.

18 [11.18.06]

19 Q. Well -- well, let me see if I can assist you by showing you
20 another document which is also in that same binder, Mr. Witness.
21 That's E3/1136; English, ERN 00543743; Khmer, 00160081; French,
22 00548764. It's a document which is called "A Rice Consumption
23 Plan" and it dates the 4th of January 1976.

24 I hope you can find it, Mr. Witness. It's -- oh, it's not in your
25 binder; I -- I'm just told, sorry for that. Maybe we can show it

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1 on the screen and then you can have a look on the screen, Mr.

2 Witness.

3 This is a -- a rice consumption plan for all military divisions

4 including Regiment 21, but it was the time that Comrade Sen or

5 Nat was still in charge and you will see on the number 11 that

6 Unit 21 consisted of about 2,048 members. So that's Khmer page

7 00160081. There it is. Maybe you can go to number 11, Mr.

8 Witness.

9 (Short pause)

10 [11.20.19]

11 BY MR. KOPPE:

12 I have -- if you have difficulty reading on the screen, Mr.

13 Witness, I have a printed copy for you. If you don't need it,

14 it's -- this document being from January 1976, I don't think

15 there were many prisoners at Prey Sar; maybe Prey Sar wasn't

16 founded at all yet.

17 Q. Is it correct that Regiment 21 consisted of about 2,000

18 combatants in January '76?

19 (Short pause)

20 [11.21.19]

21 MR. KAING GUEK EAV:

22 A. Mr. President, regarding the management of staff of the

23 forces, I was not directly involved; as I said, the leaders,

24 Brother Son Sen and Brother Nuon, actually focused the work on

25 the confessions of the enemy. So it is difficult for me to

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1 provide you with a concrete response, Counsel, because I cannot
2 provide you a concrete one; although, I may make my conclusion.
3 Regarding the rice consumption or fuel consumption for use
4 including the medicines, they were all covered and distributed by
5 the general staff. So the general staff had all this list of the
6 consumption and distribution; I, myself, did not involve in that
7 and as I said, my chief only focused my work on the confessions
8 of the enemy.

9 [11.22.36]

10 Q. I'm not sure if -- if I can follow you in this answer, Mr.
11 Witness. You -- you were the Chairman of Regiment 21; surely, you
12 would at least be able to tell us how many combatants were in the
13 regiment that you led.

14 A. Allow me to remind you, Counsel, that when I first questioned
15 by the Chamber, I said that combatants from 703 who became part
16 of S-21 were between 300 to 600 and I also had 17 combatants that
17 I took from Amleang and I did not pay focus on the total
18 statistics. As for the consumption -- rice consumption of food,
19 it was the responsibility of the general staff.

20 [11.23.56]

21 And allow me to clear the matter, since I was the deputy chief,
22 by October or mid-October, I took that position and I stopped
23 collecting document from houses -- from the houses of those
24 senior Lon Nol regime officers and officials and whenever Son Sen
25 called, Nat and I would go together. Son Sen never called Nat to

1 go alone.

2 As for other divisions, Son Sen only called the secretaries of
3 the divisions for meetings and, later on, when Nat was removed, I
4 alone went to see him and Hor did not accompany me. So he only
5 called me to update him on the confessions and the progress of
6 the confessions of the enemy and we also saw surviving documents
7 from the general staff about the meetings held at the rice fields
8 and I did not go there since Comrade Huy was <the one who went>
9 there.

10 And before I <saw> documents, that is, the work of the general
11 staff on the rice consumption plan etc., I still thought that
12 Division 703 only gave me 300 to 600 staff; that is, soldiers
13 from their division, so I did not pay attention to the overall
14 figure of staff <>.

15 [11.25.52]

16 Q. So -- so let me get this right. You're the chairman of
17 Regiment 21, but basically you -- if this document is correct,
18 you have no idea what about 2,000 or 1,900 men of your regiment
19 were, in fact, doing; correct?

20 A. Mr. President, I have reiterated the points several times.
21 Initially, S-21 belonged to Nat and the detention and
22 interrogation was at Takhmau Hospital and later on, they had
23 another office in Phnom Penh and that was the initial founding of
24 S-21.

25 And I joined S-21 by mid-October. At the time, I, myself,

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1 interrogated some prisoners and I taught staff how to interrogate
2 prisoners. Finally, Nat was reassigned; however, he still had
3 authority to finish off his remaining works at S-21.
4 As for me, although I was secretary of the regiment, the Party
5 entrusted in me and that I should focus only on the confessions
6 of the enemy and others would take care in term of the rice
7 consumptions and other works. And my superior never questioned me
8 at all about the rice productions in the rice fields, not at all,
9 and surviving documents actually were the evidence <> that <Huy
10 was the one in charge of the works at the rice fields, not Hor
11 nor I>.

12 [11.27.59]

13 Q. Let me move to another document, Mr. Witness, that is, I
14 think, in your binder; it's E3/1585. It is a -- a list of
15 participants of the first general staff training; English, ERN
16 00897649; Khmer, 00095532; and French, 00611636. And in your
17 binder, it is number 11 in your folder.
18 On -- there is actually two pages I put in your document. It
19 lists the participants of this first general staff training, all
20 the division members; Division 310, Division 450, etc., etc. It
21 also says Office 62, 37 cadres and you are participant 284; Hor
22 286; Huy 287, but you are listed as a member of Office 62. Do you
23 know why it was that you and Hor and Huy and others were listed
24 as participants coming from Office 62?

25 (Short pause)

1 [11.30.20]

2 A. Regarding Office 62, it was the -- an office in charge of
3 logistics. Initially, Brother Sao was assigned to take charge of
4 this logistic office and <Office 62> is not <referred to> my
5 office<>.

6 Regarding letters or documents that I wrote to Brother Son Sen,
7 usually I addressed him as "To Brother 62" and messengers from
8 the general staff knew that it was meant to Brother Khieu; that
9 is, Son Sen. So Office 62 had 37 staff so that refers to that
10 logistics office under the supervision of Brother Sao.

11 Q. But in this document, you were also considered to be part of
12 Office 62; do you remember whether that was a -- whether there
13 was a reason for that, that you were considered as a member of
14 the general staff?

15 [11.31.54]

16 A. When I was called for -- to attend study sessions and that I
17 went along with Son Sen, I went in my capacity as Office S-21 and
18 when I attended study sessions with others; that is, when Comrade
19 Saom made -- provided lectures during those trainings and the
20 office was -- he instructed that <the title> S-21 should not be
21 used and that Office 62 should be used instead and that is what
22 happened.

23 Q. But my -- my point is whether S-21 was a part of the general
24 staff office from the beginning until the end. Let me try it
25 differently, Mr. Witness, and that will be my last question, Mr.

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1 President.

2 Maybe you can have a look at document E3/2028; that's document 15
3 in your binder. It's Khmer, ERN 00021084; English, 00185219.
4 That's a prisoners list from S-21, Mr. Witness, and various
5 people who belonged to S-21, for instance, number 3: Nhem Thai,
6 ex-economic support unit; Ly -- Ly Thong, deputy chief of the
7 mapping group; all these cadres from S-21 who were arrested were
8 called or were -- were considered to be prisoners from the
9 general staff office. Do you see that document, Mr. Witness?

10 (Short pause)

11 [11.34.34]

12 MR. PRESIDENT:

13 Counsel, are you sure that the document is part of the dossier
14 before Witness?

15 And Court Officer, please assist the witness since the document
16 shown on the screen is not that clear.

17 BY MR. KOPPE:

18 It's Document Number 15 in your binder. E3/2028.

19 (Short pause)

20 [11.36.20]

21 Q. So Mr. Witness, prisoners who worked for S-21, even in July
22 '78, were still considered to be prisoners coming from the
23 general staff office?

24 (Short pause)

25 [11.37.18]

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1 MR. KAING GUEK EAV:

2 A. Regarding the general staff office, as I made mention earlier,
3 it refers to the logistics office or Office 62.

4 As for prisoners who were arrested, it is likely that most of
5 them came from the logistics office and, of course, logistic
6 office was under the direct supervision of the general staff
7 office committee. And S-21 was not under the direct supervision
8 of the general staff office committee as our primary work was to
9 obtain the confessions of the enemy, but the general staff would
10 take care of supplies and logistics <and invitations for study
11 sessions>.

12 And S-21 was directly under 870 in term of confessions of the
13 enemy. So we could say that it -- S-21 was part of the general
14 staff since we obtained food, fuel, batteries, <medicines,> etc.,
15 from the general staff and the decision <would> be made from the
16 general staff office <regarding those supplies>.

17 And when we got sick, we had to go to the hospital and <it> would
18 mean that we were part of the general staff. The only exception
19 was the confessions of the enemy that it had to be exclusively
20 sent to 870 and that was the organizational structure of S-21;
21 that's why it is labelled as an independent regiment and the food
22 supplies and logistics were decided and made by the general staff
23 office and only the enemies confessions were sent directly from
24 S-21 to 870.

25 [11.39.44]

52

1 MR. PRESIDENT:

2 Thank you and thank you, Witness. It is now appropriate for a
3 lunch break. We take a break now and resumed at 1.30 this
4 afternoon to continue our proceedings.

5 Security personnel, you are instructed to take Khieu Samphan as
6 well as Kaing Guek Eav, alias Duch, to separate waiting rooms
7 downstairs and have Mr. Khieu Samphan returned to the court
8 before 1.30. As for Duch, have him returned at 1.30 this
9 afternoon.

10 The Court is now in recess.

11 (Court recesses from 1140H to 1331H)

12 MR. PRESIDENT:

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

14 And the floor is given to the defence team for Mr. Nuon Chea, to
15 resume the questioning.

16 But please wait, Duch, you can take the floor first.

17 MR. KAING GUEK EAV:

18 Thank you, Mr. President. First of all, I would like to make a
19 clarification in relation to some events.

20 In 1977 -- late-1977, to my recollection, that is, on <27>

21 September 1967 (sic), Pol Pot celebrated the creation of the

22 Party <at Borei Keila> and I was <present> at the time and after

23 the celebration, Pol Pot took the airplane and left <for

24 Beijing>.

25 MR. PRESIDENT:

1 Please clarify the date again. I heard you say 1967, the -- the
2 date -- the year; perhaps 1977?

3 [13.32.49]

4 MR. KAING GUEK EAV:

5 That is right, Mr. President. Thank you for the -- for reminding
6 me, <27> September <1977>. He celebrated the -- the creation of
7 the Party <in Cambodia> and in the evening, he left for China.
8 <He visited China for about a month.> Then he came back; he held
9 the study sessions among the members of the Centre until October
10 and then Son Sen convened a study session <at Borei Keila> for
11 <military cadres including me>. Pin was also there <after he was
12 injured>. It was during the time that we saw the signature of Son
13 Sen on S-21 documents, so during the period he was in Phnom Penh
14 <> on a permanent basis. This is what I want to clarify, Mr.
15 President.

16 MR. PRESIDENT:

17 Thank you very much and the floor is now given to the defence
18 team for Nuon Chea.

19 [13.34.10]

20 BY MR. KOPPE:

21 Thank you, Mr. President.

22 Good afternoon, Mr. Witness. Before the lunch break, we were
23 speaking about S-21 and Regiment 21 being subordinate to the
24 general staff from the beginning till the end.

25 You were also mentioning Son Sen. Let me follow up with reading

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1 another excerpt from Phnom Penh Radio Broadcasting about Son Sen.
2 Mr. President, that is, document E3/293; English only, ERN
3 00169774.

4 Mr. Witness, this is about an event on the 29th of July 1978, and
5 it says -- the title is "Son Sen Leads Military Delegation to the
6 People's Republic of China."

7 Let me read to you the first sentence of that press report. It
8 says, and I quote:

9 "A military delegation of the Government of Democratic Kampuchea
10 led by Comrade Son Sen, alternate member of the Standing
11 Committee of the CPK Central Committee, Deputy Prime Minister for
12 National Defence, and Chairman of the Committee of the General
13 Staff of the Kampuchean Revolutionary Army at 12.30 on 29 July,
14 left Phnom Penh by air force for -- by air for an official
15 friendship visit to China." End of quote.

16 Do you remember this event, Mr. Witness, Son Sen leaving for
17 China in July '78, leading a military delegation?

18 [13.36.41]

19 MR. KAING GUEK EAV:

20 A. Thank you. Yes, I can recall that and there was a civilian,
21 <Brother Rith, Yun Yat's younger brother-in-law>; that person was
22 not <a> soldier. Brother Rith was also seeing Son Sen off <but I
23 cannot recall any of the> delegation from military <>.

24 Q. So -- so as this press report indicates, on the 29th of July,
25 Son Sen was still the chairman of the general staff and still

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1 deputy prime minister for national defence; do you know whether
2 there was ever a moment after 29 July '78, that Son Sen stepped
3 down as deputy prime minister for national defence or chairman of
4 the committee of the general staff?

5 [13.38.02]

6 A. The -- things changed at S-21. After 15 of August 1977,
7 secretary of S-21 reported directly to Uncle Nuon; that was the
8 change at S-21 and the rest was remaining the same.

9 And the study session <for the general staff> had been held by
10 Son Sen, but later on, <in> 1978, Pol Pot convened the meeting
11 among the <S-21 staff> as well. <And Son Sen held study sessions
12 for other regiments under the general staff.> So these were the
13 changes, nothing changed beside two issues that I raised.
14 The only thing that changed, as I said, the secretary of the
15 regiment of S-21 reported directly to Uncle Nuon when he <came to
16 supervise S-21>.

17 Q. Well, I'm not sure if you answered my question, but my
18 question was: Did Son Sen, after 29 July, step down as prime
19 minister for -- deputy prime minister for national defence or
20 from his position as chief of the general staff; yes or no?

21 A. I have just told the Court nothing changed. The position of
22 Brother Son Sen as the deputy prime minister and minister of
23 national defence was still the same. He was still the chairman of
24 the general staff; nothing changed in relation to his position.

25 Q. Mr. Witness, are you aware of any documents; a "Revolutionary

1 Flag," a -- a telegram, radio broadcast, anything that would
2 support your evidence that Nuon Chea took over from Son Sen on
3 the 15th of August 1977?

4 (Short pause)

5 [13.41.09]

6 A. That was a normal matter within CPK, that was <a> minor issue
7 within CPK; when one is -- was absent, the other one took charge.
8 But <what happened was> that the high-level cadre lower himself
9 to be in charge of S-21 <when the lower level went away. The
10 "Revolutionary Flag" documents were written for the purpose of
11 educating people within the Party regarding the psychological and
12 political structure.> There was <no circular, there was> no
13 evidence <for that, but> the practice, at the time, was like
14 <that>.

15 Q. But you were Party member at this lowest level far away from
16 the top; you couldn't possibly know, could you?

17 A. Thank you. How <> could I <> not know <clearly> about that
18 issue? Uncle Nuon called me to see him and said Brother Son Sen
19 had gone to the battlefield and <he would worked with me from
20 then on, but he would also assign> Pang <to work with me
21 occasionally as well>. <What he said was clear.>

22 [13.42.46]

23 Q. Now, let me finish this subject with -- according to you or
24 something. You said -- last week, on the 8th of June at 9.58 in
25 the morning, you said and I quote:

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

1 "When Son Sen talked to me, he was not in his capacity as chief
2 of the general staff, but talking in his capacity as Angkar." End
3 of quote.

4 Can you tell me how you knew that? What happened if you were
5 calling; would he say, "Hello, Duch, now I'm talking to you not
6 as chief of staff, but as Angkar", or how were you able to
7 distinguish between those various capacities?

8 A. Thank you, Counsel, for this question. S-21 <was established
9 since August 1975.> In fact, I was in <management> of S-21 in
10 mid-October 1975 and at the time, there were individuals who
11 wanted to contact chief of S-21. <During a meeting,> Seat Chhae,
12 alias Tum wanted to talk to me about a female. Son Sen <was also
13 at that meeting and he> saw that. That female's name was Kim
14 (phonetic); he <said> she had only a <set> of clothes <she was
15 wearing> when she arrived at S-21. <I told him it was fine.>
16 Later on, Brother Khieu called me and said, "Duch, I led you at
17 S-21 as Angkar, not as a general staff." So no one could
18 interfere and check the documents at S-21, only he could <> have
19 the access to the document at S-21. <He represented Angkar, and
20 he came on behalf of Pol Pot.> That happened in late 1975 and
21 early 1976.

22 [13.45.31]

23 And as I said, Brother Nuon lower himself to took charge -- to
24 take charge of me; he was Angkar. So Brother Khieu, when he came
25 to work at -- at S-21, he came to work at S-21 on behalf of

1 <Angkar,> Brother Pol and Brother Nuon Chea and when Brother Son
2 Sen had gone to the battlefield, Nuon Chea came to work at S-21
3 as Angkar as well.

4 Q. Although you have no reason of knowing this at all, but do you
5 know who was going to succeed Pol Pot in the case Pol Pot would
6 die?

7 A. Thank you very much. I do not know how to respond to the
8 question. You asked the question; you should find the answer for
9 yourself.

10 [13.46.43]

11 MR. PRESIDENT:

12 This is a hypothetical question. Such question cannot be put to
13 the witness as instructed by the Chamber.

14 BY MR. KOPPE:

15 Well, it's not a hypothetical question. I know the answer to the
16 question, but I think the witness doesn't know the answer to the
17 question, but I'm not inviting for speculation, Mr. President, so
18 I'll move on.

19 Q. Mr. Witness, do you recall what Ta Mok's opinion was of you?

20 MR. KAING GUEK EAV:

21 A. In 1973, Ta Mok and I had a brawl or dispute. At the time, he
22 came to Office 201 to train soldiers. He was a -- he arrested a
23 cadre from Hanoi and sent to S-21 and that cadre <named> Prach
24 Som (phonetic), alias Pot (phonetic). I talked about this
25 individual already.

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1 <That> Pot (phonetic) shot <his own Battalion> secretary <named>
2 Yan (phonetic).
3 I ran to see him and he <asked if> Yan (phonetic) came to attend
4 the study session and I was told to check the hammock and the
5 cadre's stuff and I was warned that if Pot (phonetic) did not
6 confess, I should break his head. And then I was given a pistol,
7 <a> small one, with the six-point-something calibre. The pistol
8 had no bullets. <> After taking the pistol, I went to Comrade Yan
9 (phonetic). When <> I went to Comrade Yan (phonetic) --
10 [13.49.23]

11 MR. PRESIDENT:

12 The counsel does not want to hear the response as you have just
13 answered. I do not know the intention of the counsel. He wants <>
14 you <to guess> the opinions of Ta Mok <towards you>. I do not
15 <how general> the question <is>, but <he's asking you to guess
16 someone else's opinion towards you.>

17 BY MR. KOPPE:

18 Indeed, that was my question and let me immediately read to the
19 witness why I want to know this. Mr. President, E3/1564; English,
20 ERN 00403892; Khmer, 00403981 (sic). In -- in this WRI, Duch, the
21 witness, says, "Ta Mok detested me since '73 and he did not want
22 to employ me."
23 French, by the way, 00403902.

24 Q. Is it true, Mr. Witness, that Ta Mok detested you?

25 [13.50.34]

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1 MR. PRESIDENT:

2 Please repeat the document number -- document number and ERN
3 numbers. The interpreters did not follow you reading the document
4 identity and ERN numbers and please mention the document number
5 together with ERNs twice.

6 BY MR. KOPPE:

7 It's document E3/1564; English, ERN 00403892; Khmer, 00403981;
8 French, 00403902.

9 Q. My question, Mr. Witness: Is it correct that Ta Mok detested
10 you since 1973 and he did not want to employ you?

11 [13.51.43]

12 MR. KAING GUEK EAV:

13 A. Thank you. I thank you very much for your question, but this
14 question is not of my interest to give my response because the
15 question is not full; it's partial one. If <> you do not want to
16 listen to my statement <regarding Yan (phonetic)>, I think <>
17 what I said is correct. I do not have anything <more> to tell
18 you.

19 Concerning my case with Yan (phonetic), that was known to Pol Pot
20 and the fact that Ta Mok did not want to use me, that was known
21 to Pol Pot as well. Ta Mok did not test me.

22 Q. Maybe something went wrong in the translation. I was using the
23 English word "detested" you, despised you, found you
24 contemptible; is that something that you said?

25 [13.53.01]

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1 A. Superior and subordinate -- <there is always a reason> when
2 superior hates a subordinate, <and> the subordinates hate the
3 superior. <If you do not want to listen to the reason, there's
4 nothing more I can tell you about it.> So he did not use me; <he
5 talked about that with> Pol Pot and I learned that the issue
6 between him and I was known to Pol Pot from Vorn <in 1973>.

7 JUDGE FENZ:

8 I--

9 MR. KOPPE:

10 The reason I'm asking --

11 JUDGE FENZ:

12 I think perhaps what -- what the witness tried to do when he was
13 interrupted earlier is explain the reason for this kind of
14 assessment.

15 [13.53.51]

16 MR. KOPPE

17 I -- I understand, but it's -- the story takes forever and I
18 wanted to interrupt him, but the actual reason why I'm asking is
19 -- let -- let me -- let me go to that particular document. That's
20 Thet Sambath's book, Mr. President, E3/4202 on English page 119;
21 Khmer, ERN 00858361; French, 00849450; and English, 00757538.

22 There is -- there the situation is described as follows: Ta Mok
23 told Nuon Chea to get rid of you because you were malfunctioning
24 completely. Nuon Chea tried three times with Son Sen to have you
25 fired; you were investigated, but Son Sen didn't want to let you

1 go.

2 Is that something you knew at the time; is that something that
3 you heard of?

4 MR. PRESIDENT:

5 Please wait, Mr. Witness. You have the floor now International
6 Deputy Co-Prosecutor.

7 [13.55.24]

8 MR. LYSAK:

9 I -- I'd ask Counsel that Counsel simply read the quote rather
10 than characterizing it because some of the characterizations he's
11 made are -- are his own. He should just read the quote from the
12 book.

13 MR. PRESIDENT:

14 Mr. Witness, you are instructed to respond. Do you recall the
15 question?

16 MR. KAING GUEK EAV:

17 A. Mr. President, I think that Thet Sambath was an external
18 person; he knew nothing about what happened.

19 I knew Nuon Chea. I knew what he was like and what Ta Mok was
20 like and what Son Sen was like back then. So I do not have
21 anything to explain about the imaginary opinions of Thet Sambath.
22 Thet Sambath was not engaged in the task, so how could he be sure
23 of what happened?

24 MR. PRESIDENT:

25 You may proceed, Judge Lavergne.

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1 JUDGE LAVERGNE:

2 Yes, Counsel Koppe, when you refer to the book <by> Thet Sambath,
3 <was> Thet Sambath <himself referring to> the statement made by
4 Nuon Chea; otherwise, what is the source of <what you read to us?
5 What is the basis>? Can you clarify that issue please?

6 [13.57.14]

7 BY MR. KOPPE:

8 No, I cannot, Judge Lavergne, but I'm -- I'm happy to read the
9 exact quote, also, following the remarks from the Prosecution.
10 It says, not as a quote, Nuon Chea later told Son Sen three times
11 about what Ta Mok had told him. Son Sen said he would investigate
12 the matter, but he didn't remove Duch and said he was good.
13 Nuon Chea also told Pol Pot what Ta Mok had said and then follows
14 a quote, "I don't know what he thought about that."

15 Q. But having -- having said that, Mr. Witness, let me ask the
16 question in general. Are you aware of any attempts to have you
17 removed from your position, any attempts from people in the
18 Standing Committee to have you removed and Son Sen refused?

19 [13.58.29]

20 MR. KAING GUEK EAV:

21 A. That is why I said Thet -- Thet Sambath was a man out of the
22 story or he was not engaged in the task. The statement by Uncle
23 Nuon was beyond the truth. I wanted to explain you <the truth,
24 but> you interrupted me, so that's all I could say. So how could
25 I explain that to you if you interrupted me? I want to tell the

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1 truth about what happened.

2 Q. Let me move on to my next subject, Mr. Witness, and that is
3 your work at S-21, itself, and your work in relation to
4 investigations into treason and rebellion etc.

5 But before I go into that, let me first ask you some questions
6 about the beginning of S-21 at what is presently known as the
7 Tuol Sleng Museum and the last days of your work there.

8 It's still, to me, a bit unclear as to when the exact moving of
9 the operation of S-21 was to what is now known as the Tuol Sleng
10 Museum or the formerly known Ponhea Yat High School.

11 [13.59.58]

12 In -- I'm referring to a statement or testimony that you gave to
13 the investigators of the Investigating Judges, E3/5748; Khmer,
14 ERN 00153458; English, 00153567; French, 00153444. There you say,
15 "In April '76, I decided to transfer the centre to the Ponhea Yat
16 High School."

17 I'm trying to be very specific as to the dates. You have given
18 testimony that Division 170 cadre, Yim Sambath, was arrested
19 shortly after he threw that grenade; do you recall whether you
20 were already working from the Ponhea Yat High School when Yim
21 Sambath was arrested or were you still at the other premises when
22 the grenade incident of the 4th April '76 happened?

23 (Short pause)

24 [14.01.41]

25 A. At that point in time, I worked at the former National Police

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1 Headquarters and <I> assigned Comrade Hor to interrogate Yim
2 Sambath. The building he was interrogated in was -- actually
3 faced the north direction.

4 Q. North where?

5 A. It was the building in the -- the middle.

6 Q. So just to be a hundred percent clear so that I understand,
7 when Yim Sambath was arrested, you had not yet moved to what is
8 now known as the Tuol Sleng Museum premises; correct?

9 A. First allow me to correct your statement. You refer to Tuol
10 Sleng Museum; in fact, Tuol Sleng Museum is a new label after 7
11 January 1979 and the word "S-21 Office" was the official name
12 assigned by the <Communist> Party <of Kampuchea>, so please don't
13 get confused between the two.

14 And regarding <the arrival of> Yim Sambath, at that time, the
15 interrogation office of S-21 was at the PJ location that is the
16 National Police Headquarters.

17 Q. That's very clear. Before I come back to the interrogation of
18 Yim Sambath, just to be sure, I would like to -- to show you a
19 document that's in your binder, tab 29. I'm not sure if the
20 binder is --here's the binder again.

21 So, Mr. President, that is document E3/1062 -- 10062 -- 10062.
22 There's a Khmer version only. It's document ERN Khmer, 01012815;
23 and maybe we can have it on the screen as well.

24 [14.04.52]

25 MR. PRESIDENT:

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1 Yes, you may proceed and AV unit, please project the document on
2 screen.

3 BY MR. KOPPE:

4 There it is; tab 29, Mr. Witness.

5 (Short pause)

6 [14.05.37]

7 MR. KOPPE:

8 I would like you to have a look at that document and then
9 especially the second name from the top.

10 (Short pause)

11 [14.06.04]

12 MR. KAING GUEK EAV:

13 A. Yes, I see it.

14 Q. What does it say? Which name?

15 A. It's 107. That is the number. It reads "Yim Sambath, Kbal
16 Thnal, Phnom Penh, Group of 50, <Division 170> from the East".
17 The date is 4/4/76.

18 Q. So this is the day that Yim Sambath was arrested but he was
19 not yet detained at any building on the premises of the former
20 Ponhea Yat High School. Correct?

21 A. In the Democratic Kampuchea regime when someone was arrested
22 means the person will be sent straight to be detained. There was
23 no judicial proceedings against that person.

24 Q. That was not my question. I am trying to establish what the
25 exact date was when you moved the S-21 organization to what is

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1 now known as the Tuol Sleng Museum premises, formally the Ponhea
2 Yat High School. You said it was after Yim Sambath was arrested.
3 Can you give us an indication as to how long after the grenade
4 incident it was that S-21 was established at what is now known as
5 the Tuol Sleng Museum?

6 [14.08.04]

7 A. Mr. President, allow me to clarify this matter again.

8 It's S-21. We should refer to it as S-21 and it belonged to Pol
9 Pot. Why do you keep using the words, "Now known as <Tuol Sleng>
10 museum"? And I said the label <Tuol Sleng> museum was only used
11 after 7 January '79, because Duch was the president or chief of
12 S-21 office <that> belonged to Pol Pot.

13 And I have mentioned at length regarding the assignment by the
14 Party Centre <for me> to be <deputy> chief of S-21, that is, from
15 the 15th August '75 and by mid-March 1976, the Party Centre
16 assigned me to be chief when Nat was transferred out. He was no
17 longer the secretary of S-21.

18 And from the day that Nat left, I was acting as chief. And when
19 the superior called me to work with him, I was the only one who
20 was called and before that when Nat was in, I would go along with
21 Nat.

22 So, initially I was deputy and later on I became chief. I have
23 made mention of this on several occasions and I hope that you
24 would not put these questions again.

25 [14.10.04]

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1 Q. Mr. Witness, it would be better for everyone if you actually
2 listened to the question I am asking you.

3 Let me try it with a different document. Let me show you on the
4 screen. I don't think it's in the binder, document E3/10085. Mr.
5 President, that is, Khmer 01013478. With your leave I can give a
6 paper copy to the witness and maybe he can be shown --

7 MR. PRESIDENT:

8 Yes, you can proceed.

9 AV Unit, please project the document on the screen as <requested>
10 by the Defence Counsel.

11 (Short pause)

12 [14.11.17]

13 BY MR. KOPPE:

14 Q. Mr. Witness, do you recognize the document?

15 MR. KAING GUEK EAV:

16 A. Chan Chakrey, alias Mean was the Secretary of Division 170 and
17 I know this person, <> we were born in the same year. He was
18 arrested and sent to S-21. However, the handwriting on this
19 document did not belong to anyone at S-21.

20 Q. Now, you have given testimony that Chan Chakrey was arrested
21 on the 19th of May 1976. Considering this document, was S-21 on
22 the 19th of May, still not moved to the premises, what is now
23 known as the Tuol Sleng Museum?

24 [14.12.56]

25 A. I can recall that Chan Chakrey was interrogated at the outside

1 compound of the former Ponhea Yat High School. He was not
2 interrogated within the -- in the compound of the premises.

3 Q. So by the time that Chan Chakrey was interrogated, you had in
4 fact moved; correct?

5 A. Yes, that is correct <>.

6 Q. Now, let me go to the last days of the operation of S-21. You
7 have given testimony about that last day, the 7th of January
8 1979. Let me quote to you so that I can help you a bit.

9 E3/452, Mr. President; English, ERN 00147564; Khmer, 00146550;
10 and French, 00147927.

11 You said: "On 7 January, at 11 hours, an opposition army tank
12 force arrived at my house. At that time all S-21 personnel were
13 bewildered because this was contrary to the instruction and
14 orders of 6 January '79." End of quote.

15 Can you say something about the state of bewilderment of you and
16 the other S-21 cadres? Why was it that you were bewildered?

17 A. In fact, the word "bewilderment" was not a proper translation
18 of the Khmer term. If you want to know the real situation at the
19 time, I can explain that to you. Otherwise, you may keep the word
20 "bewilderment" with you.

21 [14.15.37]

22 MR. PRESIDENT:

23 Witness Duch, please state the matter clearly so that is clear
24 once and for all. Of course, you are being cross-examined by the
25 Defence Counsel and they have different techniques and strategies

1 in questioning you.

2 So please respond to the questions put to you by the Defence
3 Counsel so that it is clear and you would not be asked that
4 question again.

5 MR. KAING GUEK EAV:

6 A. Thank you, Mr. President. A few days ago I made mention of
7 that situation as well.

8 On the 6th of January 1979, Comrade Lin came to me and asking me
9 to go and work with the brother. So I went, that is, at the
10 Suramarit Buddhist School.

11 And at that time I went to work with Brother Hem and not Brother
12 Nuon. And of course the way that I worked with Brother <Hem>, I
13 made mention of that at length. And allow me to repeat what
14 Brother Hem said.

15 [14.17.01]

16 He said that Comrade -- and here he wanted to refer to everyone
17 that we should not be panicked or surprised. Although a "Yuon"
18 group came deep inside, Roeun and San were defending against
19 their advancement and so that we should keep working. That night
20 I was not well and Thirith (phonetic) sent my younger <sibling
21 back>. In fact, I sent my younger <sibling> to learn how to do
22 the childcare course. And by 12 o'clock I heard the thundering
23 sounds of convoys of vehicles and I was wondering what happened
24 because we just received instructions from the Party <a day
25 before that>.

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1 At 11 o'clock, I was taking my wife for a meal and then a tank
2 was rolling <pass my house> and I said, "Oh, the 'Yuon' had
3 arrived <at Phnom Penh>." And I shouted to the soldiers to stop
4 having their meals and return to their respective posts and
5 awaiting new instructions. At the time Hor was standing near me
6 and <I asked him> about the four people from Y-8 and he said that
7 the four had been smashed <by Nan> per instructions from Brother
8 Nuon.

9 [14.18.41]

10 And I sent people to survey the roads. They saw people from <Yun>
11 Yat School who wanted to take refuge with us. And once in a while
12 a tank was passing by to the north direction.

13 And by about 3 o'clock, I left S-21, that is, the former Ponhea
14 Yat School and I headed towards Son Som Kosal (phonetic) pagoda,
15 <at that time, it was a> school. And by about 5:30 or 6 p.m., I
16 took a shortcut <at> the <Steung Meanchey> radio station <and I
17 went toward the Air Defence Forces headquarter>.

18 And I actually asked them to cooperate in order to counterattack
19 the advancement of the "Yuon" and then <the chief of the> air
20 force from 502 said, "How come <no one told you> brother, because
21 everybody left and why you are still here? <I will leave too as
22 soon as I destroyed> the artillery cannons<>".

23 So then we went further and at National Road Number 4, I saw
24 columns of tanks rolling. At that time we split into two
25 <groups>. Van took a group and left to the other side of National

1 Road Number 4 while I took another group to Tmat Pong.

2 [14.20.18]

3 So the situation was not bewildered. Of course, we all had
4 experience, we were calm and nobody <in my group> was in a panic
5 mode. But I was <just surprised> because the situation seems to
6 contradict what the Party just instructed us not many hours ago.

7 BY MR. KOPPE:

8 Well, Mr. Witness, what I am particularly interested in about
9 that day is the following. And let me read to you what you said
10 to the Investigating Judges.

11 Mr. President, E3/452; English, 00147570; Khmer, 00146557;

12 French, 00147932.

13 You were talking about confessions and you said the following,
14 and I will quote you:

15 "The confessions had to be done in duplicate. I kept the copies
16 and originals were sent to the upper echelon. The copied
17 documents I kept in my garage. And when I fled I never touched
18 all those documents." End of quote.

19 [14.21.46]

20 Q. My first question is where exactly did you keep those
21 confessions that you had assembled in the garage?

22 A. I left -- I kept those things on the floor in the garage since
23 I did not have any <cabinets> to store them. Comrade Chhen, my
24 messenger, was the one who usually maintained those documents in
25 the garage.

1 And allow me to add one thing. Initially I made two copies of
2 documents. However, if the document had to be sent to a zone then
3 I had to make extra copies, for example, one <more> copy <made to
4 be sent> to the North Zone, as the policy of making two copies
5 was the initial concept.

6 [14.23.07]

7 Q. Do you remember the copies of those confessions that you kept
8 in the garage on the floor whether these were all the confessions
9 or all the statements ever given to you or to interrogators by
10 the prisoners? Was that the total -- those confessions, were they
11 all there were?

12 A. I am not sure about the confessions whether they were all the
13 confessions or whether they were confessions of important
14 prisoners. There could be some confessions <remaining> at the
15 office of Comrade Pon.

16 Q. When you fled with the others did you see any of the other
17 cadres, especially Suos Thy, but also others, carry any of the
18 confessions from S-21?

19 A. I do not recall that. However, I recall that Mam Nai, Hor,
20 Pon, Phal and I went together as a group and only Comrade Van,
21 that is, a cadre who took another group <and went to the south of
22 the National Road. Comrade Van's original name was Nhep Ho,> in
23 fact, there was his WRI <> although he did not come to testify
24 here in person. <Comrade Van was Comrade Peng's biological
25 brother.> And I cannot recall who else went with Comrade Van.

1 Also, for Comrade Thy I did not know which group he fled along
2 with.

3 [14.25.38]

4 Q. Now, in your own trial you have read extensively the book that
5 historian David Chandler wrote on S-21, document E3/1684. And in
6 his book English, ERN 00192685; Khmer, 001981835 (sic); and
7 French, 00357268; in his book he says that about 4,300
8 confessions were roughly saved, were found around the premises of
9 S-21 at S-21 itself.

10 Do you remember reading that in Chandler's book and are you in a
11 position to say whether that is in fact the total number of
12 confessions that either you at your house kept or others at other
13 places?

14 A. Regarding the confessions of the enemy, and allow me to use
15 the word enemy because that was the term that was used during the
16 regime, I cannot recall how many confessions there were. And I
17 also do not recall about what was stated by David Chandler. And
18 because of the sheer amount of papers he said he was swimming
19 amongst those documents and he could not know the exact number of
20 documents.

21 [14.27.52]

22 Q. I realize it is difficult to know exact numbers but, again, my
23 question is 4,300 confessions. Could that be an accurate total
24 that was found in your house and other houses by the Vietnamese
25 troops?

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1 A. I cannot say anything about that because there were also many
2 prisoners who were smashed without having any confessions. Of
3 course the number of confessions of 4,000 or something is also a
4 lot but I cannot say for sure whether that was the actual number.
5 I do not want to make a speculation here.

6 Q. I will get back to that number when we will talk about some
7 other subjects of S-21.

8 But let me return now, Mr. Witness, to the person that I referred
9 to earlier, Yim Sambath. As you confirmed, he arrived at the
10 other premises of S-21 on the 4th of April '76, but he was
11 arrested for a reason.

12 Earlier you said he was arrested because he had thrown a grenade
13 behind the Royal Palace. Can you expand a little bit as to what
14 happened? What had Yim Sambath done? Can you be more specific?
15 Can you give more details as to what exactly happened with him
16 and other Division 170 cadres?

17 MR. PRESIDENT:

18 Witness, please hold on.

19 Judge Lavergne, you have the floor.

20 [14.30.26]

21 JUDGE LAVERGNE:

22 Is Yim Sambath supposed to have had any conversations apart from
23 the interrogations of this prisoner at S-21<, whether at S-21> or
24 at the central police station? Was what he was able to read from
25 the interrogations of a prisoner not tainted by torture?

1 BY MR. KOPPE:

2 Well, there are various documents that actually refer to an
3 incident and I want to establish whether the incident took place.
4 So it seems that before Yim Sambath was arrested maybe there were
5 eye witnesses as to what happened. So throwing off a grenade or
6 bombs or multiple grenades is an action and doesn't necessarily
7 have anything to do with statements or confessions.

8 Q. So my question is, Mr. Witness, do you know anything about
9 that grenade-throwing incident other than your information from
10 any statements, any confessions from anyone?

11 (Short pause)

12 [14.32.13]

13 MR. KAING GUEK EAV:

14 A. I would like to clarify the location behind the Royal Palace.
15 That location was initially managed or owned by Division 170 of
16 Chakrey.

17 Division 180 managed by Pang, Lin and Kham My, was the division
18 protecting <the> Centre.

19 And after the grenade-throwing incident, Division 170 was removed
20 from that location <>.

21 <> Pang went to that location and examined what happened. <He was
22 interested in a house where Yim Sambath stayed. He called me
23 there to show me that house. We agreed that it was more than 50
24 percent chance> that a person from inside the house went outside
25 and threw the grenade <>.

1 Later on, an individual, Yim Sambath, was arrested and I was
2 instructed not to interrogate <him myself and not to let Pon
3 interrogate him, so I let Hor interrogate him instead>. <I was
4 instructed not to beat him.>
5 <And Yim Sambath's first confession was that> the
6 grenade-throwing incident was meant to only break a little stuff
7 at that place, not to cause destruction <> to make the incident
8 known to the world. <Later on, he eventually underwent torture as
9 well.>

10 [14.34.08]

11 BY MR. KOPPE:

12 Q. But what did you know about that incident? Did people die? Was
13 it one grenade, more than one grenade? Were there eye witnesses?
14 Can you tell us anything about that particular day?

15 MR. KAING GUEK EAV:

16 A. Eye witnesses, under the Western law, were not found after the
17 incident but, as I said, that location was in charge by Division
18 170. So whatever happened within the location of 170, Division
19 170 should be responsible before the Party. After the explosion
20 of the grenade, Division 170 was removed <from that location
21 under Angkar's order>.

22 [14.35.27]

23 Pang took me to that location and explained to me about what had
24 happened and I presumed <that there was a> 50 percent <chance>
25 that an individual from within the house <where Yim Sambath

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1 stayed> went outside and <threw> the grenade <>. Later on, Yim
2 Sambath was arrested. Again, that location was managed by
3 Division 170 <and Yim Sambath's unit was there> and no one got
4 injured from the incident.

5 Q. You spoke at E3/9362, that Yim Sambath detonated grenades,
6 multiple, behind the Royal Palace. Did those grenades explodes on
7 the same day as he was arrested on the 4th of April '76?

8 If you are looking for it, it's E3/9362; English, ERN 00792004;
9 Khmer, 00787956.

10 So again my question: Was Yim Sambath arrested on the same day as
11 those grenades were detonated behind the Royal Palace?

12 A. The grenade-throwing incident and the day that he was arrested
13 <were> not close to one another. He was not immediately arrested
14 after the incident.

15 In practical speaking, that location was managed by Division 170
16 and Yim Sambath's <platoon> was there as well. That <platoon> was
17 managed by Yim Sambath. <I would like to clarify that there was
18 only one grenade thrown there. In Khmer, singular and plural
19 nouns are not different, we just say "grenade", but in French,
20 they use the article "les" with plural nouns.>

21 [14.38.06]

22 Q. So then my following question would be, how did you come to
23 Yim Sambath? Why was it that Yim Sambath was arrested?

24 A. Regarding the arrest of Yim Sambath it is because, number one,
25 that location was in charge by him to secure the security of

1 Phnom Penh and, number two, which enemy could enter into that
2 headquarters or location? And after I went with Pang to the
3 location to examine the situation, I presumed <> that there was
4 an individual from within the house went outside and threw <> the
5 grenade <there>.

6 [14.39.26]

7 Q. Now, you said on multiple occasions that Yim Sambath was not
8 tortured. Let me read to you something more specific on this,
9 E3/356; English, ERN 00242900; Khmer, 00242889. The reason as to
10 why Yim Sambath was not, "tortured" is because you said, "Son Sen
11 did not want himself in an inferior position with respect to Chan
12 Chakrey, who would have been able to hold against him that the
13 confession had been made under torture." End of quote.

14 What exactly did you mean when you said that Son Sen did not want
15 to be in an inferior position with respect to Chan Chakrey?

16 A. For clarity, I would like to explain the issue in broad
17 aspect. Chakrey was an individual suspected by the Centre.
18 Chakrey was <Phim's favourite>, <Phim was> the secretary of the
19 east and then <Chan Chakrey> was removed and put in the general
20 staff as an assistant to the general staff <so that he could be
21 monitored>. So he was <an> assistant <of the general staff, not a
22 full member of the general staff committee>.

23 And after the division of the land, <Division 170 was located>
24 behind the Royal Palace <where Yim Sambath threw a grenade>.

25 So the decision to arrest was made by Son Sen and I was

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1 instructed by Son Sen not to interrogate Yim Sambath by myself
2 and <another> individual should be assigned to interrogate <him>
3 but not Pon. <Son Sen instructed us not to beat him.>
4 After the arrest, I gave Yim Sambath to Hor for interrogation. A
5 few hours later, I went on my motorbike to see Hor and Hor gave
6 me <Yim Sambath's audio recorded confession> together with a text
7 and I wrapped that <up> and sent it up the line.

8 [14.43.08]

9 <Later on, Son Sen called people including Chakrey to work. There
10 were Chakrey, myself, the audio recording, > and <> a photograph
11 of Yim Sambath sitting and drinking coconut which was given to
12 him. That photo was shown to Chakrey so that he confessed and at
13 the time Chakrey said that <only> Yim Sambath who did or created
14 the incident. And Son Sen got angry after hearing that.

15 So Son Sen instructed me not to beat up Chan Chakrey and, as I
16 said, I showed the photograph of Yim Sambath drinking coconut
17 <and the audio recording> to Chakrey to confess. <That was what
18 happened at that time and the statement made in the Case was> a
19 summary of the incident and since it <was a> summary <it was> a
20 bit different from <what really happened>. <So, that is why I
21 want to clarify what really happened.>

22 Let me add another point. Later on, Yim Sambath still underwent
23 torture but for the first or initial stage <when his confession
24 was audio recorded at first,> he was not tortured.

25 MR. PRESIDENT:

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

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1 Thank you, Mr. Witness. It is now break time.

2 The Chamber will take a short break from now until five past 3
3 p.m.

4 Court officers, please assist the witness in the waiting room
5 during the break time and invite him back to the courtroom at
6 five past 3 p.m.

7 The Court is now in recess.

8 (Court recesses from 1445H to 1505H)

9 MR. PRESIDENT:

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

11 And again, the floor is given to the Defence Counsel for Nuon
12 Chea to put further questions to the witness.

13 [15.06.07]

14 BY MR. KOPPE:

15 Q. Yes, Mr. Witness. We were speaking about the interrogation of
16 Yim Sambath before the break. Let me read to you what you said in
17 E3/429, your statement to the Co-Investigating Judges; English,
18 ERN 00403920; Khmer, 00403908. You said, and I quote:

19 "Son Sen said that Chakrey responded violently when he read the
20 confession. Son Sen then decided to continue the investigation
21 before any arrests were made." End of quote.

22 Can you tell us what kind of investigations Son Sen conducted
23 before any arrests were made?

24 [15.07.32]

25 MR. KAING GUEK EAV:

1 A. After having heard the tape of the confession of Yim Sambath,
2 I was also there because Son Sen called me. There were myself,
3 Chakrey, Saom, an assistant to the general staff. So there were a
4 few of us, Son Sen, Chakrey, myself and Saom.
5 After we listened to the taped confession of Yim Sambath, Chakrey
6 became agitated and the words he used were rather serious. Of
7 course, I cannot imitate what he said at the time. He said that
8 there was no other line of traitors. There was only Yim Sambath.
9 And at the time Son Sen made the proper <announcement> that Yim
10 Sambath was interrogated and not beaten. And Son Sen said Chakrey
11 was agitated. And the way Son Sen worked was similar to that of
12 the <Communist Party of Kampuchea> as well as <other general>
13 police offices. They tried to find all the <relevant> elements
14 before a decision was made for the arrest, that is, after those
15 elements were found and investigation complete.
16 So the evidence was that Yim Sambath threw a grenade behind the
17 Royal Palace. That was one element. Then they searched for other
18 elements before someone was arrested. For example, regarding the
19 arrest of Chakrey or Brother Chhouk, they tried to find all those
20 relevant elements before a decision was made.
21 For example, when Phim had to make that decision regarding the
22 arrest of Chhouk, Phim was called for a meeting <with> the
23 <Standing Committee> before that decision was made.
24 [15.09.55]
25 Q. I am specifically interested in the words that you used in

1 that excerpt. Son Sen decided to continue the investigation. What
2 did he do other than maybe continue interrogating Yim Sambath?
3 What kind of investigation methods did Son Sen apply after the
4 grenade incident?

5 A. Chakrey was given to Son Sen by Pol Pot's order. So they did
6 whatever they could in order not to <> raise any suspicion <that
7 he was under the Party's monitoring>. They usually would send
8 Chakrey on this assignment or that assignment.

9 And allow me to give you an example. I got married on the 20th of
10 December '75 and Son Sen said I could take a rest for 10 days,
11 but three days after, I was sent to Kampong Som and Chakrey also
12 went <there>. And Nat went with Chakrey, so that he could monitor
13 the activities of Chakrey.

14 So they usually would send him <on made up missions> in order to
15 check on his activities and at that time <I was there to check> a
16 ship coming into the port <>.

17 [15.11.42]

18 Q. So would Chakrey be followed? Was his division infiltrated?

19 I think, Mr. President, there is something wrong with the -- do
20 you hear me?

21 (Short pause)

22 [15.12.34]

23 BY MR. KOPPE:

24 Q. Can you hear me, Mr. Witness?

25 So my question is, do you know what specific investigation

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1 methods were used before Chakrey was arrested? Was he monitored?

2 Was he followed?

3 (Short pause)

4 [15.13.18]

5 BY MR. KOPPE:

6 Q. Let's try again. Can you hear me?

7 So my question is, Mr. Witness, do you know what kind of

8 investigation methods were used against Chan Chakrey? Was he

9 monitored? Was he being observed? Was his unit or regiment

10 infiltrated? What is it exactly that Son Sen did to gather

11 evidence against Chan Chakrey?

12 (Short pause)

13 [15.14.10]

14 MR. KAING GEUK EAV:

15 A. There was no infiltration of forces. Regarding the grenade

16 incident, Yim Sambath was not the only one who was subjected to

17 investigation. People who were implicated in Yim Sambath's

18 confessions were also under investigation and Nat, Nat would

19 constantly follow Chan Chakrey.

20 At S-21, if someone's confession was of a high interest, then we

21 would receive strict instructions to do it properly, that is, in

22 terms of interrogating that individual.

23 [15.15.01]

24 BY MR. KOPPE:

25 Q. Let me ask it more concretely. Do you know what was done

1 between the 4th of April 1976 and the 19th of May 1976, when Chan
2 Chakrey was arrested?

3 (Short pause)

4 [15.15.57]

5 MR. KAING GUEK EAV:

6 A. I was not there when Nat had to monitor Chan Chakrey at the
7 general staff office. However, those who had links to Division
8 170, were gradually arrested. When names were mentioned in the
9 confessions then those names of those individuals were subject to
10 be under surveillance as well.

11 Chakrey and Sour Sophan were removed and Sokh became the
12 secretary of the division. <Sokh> was the person who was trusted.

13 [15.16.40]

14 BY MR. KOPPE:

15 Q. Well, let me take you a document, the content of which you
16 were unaware of at the time but a document that you saw in your
17 case file much later. That is, in your binder, document number 2.

18 That is, Mr. President, E3/183; English, ERN 00183393 and
19 further; Khmer, 00019108 and further; French, 00292868. And
20 specifically I am interested in page 11 of that document which is
21 in Khmer, 00019121; French, 00292881; and English, 00183403.

22 These are minutes of the standing committee meeting of 9 October
23 1975.

24 And on that page that is in your document, the subject of
25 discussion within the standing committee was Comrade Mean and the

1 division. Let's ask you first. Is Comrade Mean the same person as
2 Chan Chakrey?

3 (Short pause)

4 [15.18.45]

5 MR. KAING GUEK EAV:

6 A. Yes. Comrade Mean was Chan Chakrey.

7 Q. Now, in this document which, as I said, is dated on the 9th of
8 October '75, it turns out that Chan Chakrey is already monitored
9 closely in politics, in ideology, etc. It says in these minutes:
10 "From his previous history, we may get the idea he could not
11 stand it and fled, but he did not join the enemy. He came into
12 Angkar and Angkar sent him to the base."

13 And then it says, "Must be careful about speech that he is seen
14 as a traitor. If we use the word traitor that is serious. Finding
15 his history through our own networks is better and Comrade Mean
16 was formerly close to Comrade Chhouk."

17 It ends with saying that, "Comrade Mean has many good points."

18 Now again, at the time you were unaware of the content of this
19 document, but is it known to you or was it known to you at the
20 time that, before the grenade incident or the grenades incident,
21 Comrade Chakrey was already monitored very closely?

22 [15.20.44]

23 A. I know part of <it>.

24 (Short pause)

25 [15.21.26]

1 MR. PRESIDENT:

2 Defence Counsel, you should proceed with further questions as he
3 just responded that he knew part of the event. If he makes a
4 lengthy response probably you would interrupt, so please further
5 with your question so that the witness can respond to those
6 questions.

7 [15.21.52]

8 BY MR. KOPPE:

9 Indeed, but I saw him going through the pages and I thought he
10 was going to provide more evidence. That's why I was waiting, Mr.
11 President.

12 Q. But again, Mr. Witness, did you know that Comrade Mean or Chan
13 Chakrey was already closely monitored before the grenade incident
14 on the 4th of April? And if yes, what did you know?

15 MR. KAING GUEK EAV:

16 A. I started to know about the event when Son Sen sent me and Nat
17 with Chakrey to Kampong Som.

18 After we met, Son Sen said the situation at present was difficult
19 because Chakrey <had> quite a senior position and if he were to
20 incite another group <to rebel,> it would be very difficult to
21 control him. For that reason we had to come up with different
22 assignments for him to go here or there. In this case that he was
23 sent on a mission to Kampong Som with us.

24 And that was the first time that I knew about that.

25 [15.23.32]

1 BY MR. KOPPE:

2 Let me turn to another document. I am not sure whether you are
3 aware of that document. It is in your binder under tab number 32.
4 Mr. President, that is, document E3/13; Khmer, ERN 00052402 and
5 further; English, 00940336 and further; French, 00334972.

6 Q. Mr. Witness, these are minutes of a meeting of secretaries and
7 deputy secretaries of divisions and independent regiments on the
8 9th of October 1976. If you have found it, then maybe my first
9 question is: Is it correct that you were not present at this
10 meeting?

11 (Short pause)

12 [15.25.33]

13 MR. KAING GUEK EAV:

14 A. Thank you. Based on my recollection, I did not attend the
15 meeting on 9 October '76. No, I did not attend that meeting.

16 Q. Do you know why it was that you were not present or were you
17 not allowed to be present at meetings attended by secretaries and
18 deputy secretaries of divisions and independent regiments?

19 A. My work was rather separate from theirs. If they dealt with
20 tanks or radios or telecommunications, I would not have any
21 comments to make on those topics and, of course, <others> did not
22 understand the nature of <my> work as well.

23 If I made report of this particular confession or that
24 confession, they would not have a clue of what I talked about.

25 That's why I did not attend that meeting.

1 Q. Now, in the meeting, the grenade incident is being discussed.
2 On English, ERN 00940341; Khmer, 00052405; and French, 00334975;
3 we can read that the history of Chakrey is that he was originally
4 in the North, but there were previously incidents of guns being
5 fired near the fine arts school and leaflets being thrown near
6 the Royal Palace. Then in early April '76, they threw grenades
7 and threw leaflets again.

8 And then, a little bit further, Son Sen is speaking and is
9 talking to division commanders, including division commander Oeun
10 of Division 310, and he says:

11 [15.28.31]

12 "The Enemies to the East. The key plan of the enemy of the East,
13 the Vietnamese with the Soviets behind them, was to attack from
14 the inside through the traitorous forces of Ya, Keo Meas, Chhouk
15 and Chakrey. What they would have liked in terms of an attack
16 from the outside was to attack in the Czechoslovakian and Angolan
17 style, but this was merely a moral boost because given our
18 situation this was not something the enemy could do." End of
19 quote.

20 Mr. Witness, do you remember Son Sen speaking to you ever about
21 the key plan of Ya, Chhouk, Chakrey with the Vietnamese
22 supporting them?

23 MR. PRESIDENT:

24 Witness, please hold on. International Deputy Co-Prosecutor, you
25 have the floor.

1 [15.29.45]

2 MR. LYSAK:

3 Thank you, Mr. President. It should be very clear -- and counsel
4 has skipped over these parts of the minutes that much, if not
5 all, of the information Son Sen is reporting in this meeting is
6 described as coming from the responses or answers of the people
7 who had been arrested.

8 And specifically if you look at page -- I have just the English
9 page, but one of the pages cited by counsel, 00940341, in English
10 states:

11 "From the responses of these men, we knew of a certain number of
12 their plans." End of quote.

13 Our position is that the document may be used because it shows
14 the use of confessions by the leaders but in terms of -- in terms
15 of the -- being used to show the truth of these plans, it should
16 be very clear that this information is coming from confessions
17 and is not admissible for that purpose.

18 MR. KOPPE:

19 If I may respond, Mr. President. That is speculation on the side
20 of the Prosecution.

21 We have established that Chan Chakrey was monitored already
22 extensively. The witness, on multiple occasions, has talked about
23 surveillance, other monitoring proceedings, investigation
24 methods. Simply saying that anything that was ever known by Son
25 Sen or others must have as its only source confessions is

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1 speculation. So I think, in general terms, this question should
2 -- I should be able to ask this question.

3 [15.31.44]

4 MR. LYSAK:

5 Briefly, it's not speculation, it's right in the document itself.

6 A second -- it's only counsel who's described investigation
7 methods. The witness has said nothing other than someone
8 monitored or watched this person.

9 MR. PRESIDENT:

10 The objection of the International Deputy Co-Prosecutor is
11 appropriate because the question is based on the content of the
12 confession.

13 Mr. Witness, please do not respond to the <last> question that
14 has been put by Counsel Koppe.

15 [15.32.35]

16 BY MR. KOPPE:

17 Q. Mr. Witness, tomorrow I will come back to you and read from
18 evidence that has nothing to do with S-21, so I'll be revisiting
19 this subject extensively. So let's park that subject for a
20 second.

21 Let me talk about the investigation method of monitoring or
22 surveilling people.

23 What is it that you know about that, in general? What was done
24 other than interrogating people?

25 MR. KAING GUEK EAV:

1 A. It is difficult for me to comment in relation to the
2 surveillance on New People <at the base area>, but what I can say
3 is that people had been evacuated from Phnom Penh and other
4 provinces and they were placed together with the Base People or
5 the Old People. They worked together and lived together
6 collectively. <They were under surveillance.>
7 However, the Base People had the authority to supervise the
8 newcomers or New People and the <commune> and village levels had
9 the authority to report to the upper echelon on <irregular
10 activities of some> people<>.

11 [15.34.46]

12 Q. Well, let me read to you two things that you said to
13 investigators.

14 First, something you said in document E3/65; English, ERN
15 00147523; Khmer, 00146483; French, 00147898. You said:

16 "Regarding those for whom it had been decided to arrest, if they
17 had important status, they were monitored extremely closely
18 before they were arrested."

19 And in another document, E3/451; at Khmer -- at English, ERN
20 00204339 until 340; Khmer, 00187650, 51; and French, 00186170,
21 you said, and I quote you:

22 "Normally --

23 [15.35.53]

24 MR. PRESIDENT:

25 Once again, Counsel Koppe, read slower the ERN numbers and also

1 the document identity number, otherwise the interpreters cannot
2 follow your reading of the ERNs number and you will waste the
3 time to repeat it again.

4 MR. KOPPE:

5 E3/451; Khmer 00187650 to 51; English 00204339 till 340; French,
6 00186170. In this document, E3/451, Mr. Witness, you said:

7 "Normally --

8 MR. PRESIDENT:

9 Again, there's issue with the ERN numbers and document identity
10 number. Perhaps something went wrong with the interpretation
11 system that makes the interpreter could not hear what you were
12 saying.

13 The AV Unit said there is no interpretation, equipment error.

14 I remind you again, Counsel Koppe, to read slower the ERN
15 numbers. The interpreter did not follow you a while ago.

16 [15.37.50]

17 BY MR. KOPPE:

18 Well, I'm happy to read it a third time, but -- E3/451; English,
19 00204339 till 340; Khmer, 00187650 till 51; French, 00186170.

20 Q. Now, again for the third time, Mr. Witness. In this document,
21 E3/451, you said:

22 "Normally, implication in one confession was not sufficient for a
23 person to be arrested. It had to occur several times.

24 Furthermore, a number of suspects were under close surveillance
25 and we waited for such implication in the confession, as was the

1 case with Chakrey and Pang." End of quote.

2 Is that something you said? Is that correct that implication in
3 one confession was not sufficient?

4 [15.39.18]

5 MR. KAING GUEK EAV:

6 A. Thank you. Concerning the fact that one time confession was
7 not justified for the arrest, <that is true>. Only one confession
8 could not justify for the arrest.

9 In principle, the principle set by Pol Pot during the 17 April
10 celebration, 10 confessions could be the justification. <But that
11 was just a speech to make it look good. Some people just needed
12 only one confession. For example, the case of Chakrey and Comrade
13 Pang,> Chakrey was under surveillance or was suspected for a long
14 period of time and as long as there <was any> sufficient
15 confession, Chakrey would be arrested. <As for high ranking
16 people, for example,> there were implications in the case of Vorn
17 in the confessions of prisoners, but the instruction needed to be
18 obtained from the upper echelon <whether or not to listen to such
19 confessions>. <As for the case of> Pang, at the beginning, <he
20 defended S-21> but, later on, he <was angry with S-21>.

21 We were advised <by Brother Pol not to believe in everything that
22 was said in the enemies' confessions>, the enemies may have
23 <their ways> to change their confessions.

24 [15.41.09]

25 Q. Let me see if I can try it differently. Is it possible, Mr.

1 Witness, that you had no idea at the time what kind of
2 surveillance or monitoring happened in relation to people who
3 were subsequently arrested because the only thing that you did
4 was read and analyse confessions.

5 Is it correct that you had no idea what kind of investigation was
6 going on outside your workplace?

7 A. I could just say in one word. Some people were arrested based
8 on one or two words in the confessions <of one or two people>,
9 <those people> were under surveillance for a long time ago
10 already, so they were arrested not based on <S-21 documents>. <At
11 the outside, people followed the Party's principle, the Principle
12 10b, anyone> who worked well <as a team> and could adhere to the
13 lines of the Party, they were considered good.

14 [15.42.35]

15 Q. The reason I'm confronting you with the possibility that
16 because of your position in the hierarchy, you might have not had
17 any idea what was going on in terms of investigation, is what was
18 written down in the last joint plan about implications against So
19 Phim and Ros Nhim. But more specifically about -- because of a
20 document that was shown to you earlier I think by the President
21 of the Chamber. That's document E3/1604. It is Document 12 in
22 your binder.

23 It is an annotation from you on Koy Thuon's confession. The
24 document -- the Khmer ERN is 00006757; I repeat 00006757 -- maybe
25 we can have it on the screen as well -- and English 00773088.

1 And in that annotation on Koy Thuon's confession, it says:

2 "He will write everything about Comrade Nhim and Brother Phim's
3 story."

4 So here, Koy Thuon in his confession is implicating Nhim and
5 Phim. Do you recall that annotation?

6 A. The annotations were made by the brothers up the line without
7 my knowledge, and that information was leaked to me when Son Sen
8 was on phone with me, that he was -- he said that Khuon attacked
9 our forces. So the annotations were made separately by the
10 superiors above. And I was told separately by Son Sen that Khuon
11 attacked our forces.

12 Q. Now, this annotation is dated 8 March 1977, and it talks
13 about Koy Thuon's implication of Ros Nhim. Do you remember when
14 Ros Nhim was arrested?

15 [15.45.55]

16 A. Brother Nhim was arrested in 1978. I do not know -- recall
17 the month when he was arrested. The arrest of Nhim <happened>
18 before the arrest of Phim.

19 Q. Is it correct that Ros Nhim was arrested sometime May-June
20 1978?

21 A. That may have been so, in May, probably -- it may have
22 happened in May. <In> June, the event at the East started to
23 arise and the arrest of Phim <and others happened all over the
24 place>.

25 Q. Now, are you able to tell us why it took 12-13 months before

1 Nhim was arrested? He was implicated already by Koy Thuon in
2 March '77. I believe Brother Phim was already implicated much
3 earlier. Do you have any idea why it took so long for Ros Nhim to
4 be arrested?

5 [15.47.28]

6 MR. PRESIDENT:

7 Please hold on, Mr. Witness. You may proceed, Co-Prosecutor.

8 MR. LYSAK:

9 Yes, Mr. President. I think counsel is testifying himself here
10 and he read a few words from this annotation, but he left out the
11 subsequent comments by Son Sen in which he clearly states that he
12 considered this to be fabrication. So to then ask why it took
13 this long from this date after he was implicated, Son Sen says
14 right in this annotation he considers this to be a fabrication.

15 BY MR. KOPPE:

16 Well, I think the Prosecution is testifying now on behalf of the
17 witness.

18 But the question still stands, and let me move away from this
19 document. That's fine with me.

20 Q. Mr. Witness, do you remember when it was the first time that
21 So Phim and Ros Nhim were implicated?

22 [15.48.45]

23 MR. KAING GUEK EAV:

24 A. I do not remember it. Concerning Brother Phim, I was <>
25 interested in his case <too>; in December 1975, <Sok

1 Butchamroeun> ordered the killing of a cadre <from the city>. His
2 name was <Huon> Keat (phonetic).

3 I said at the time before the arrest of a Party member, there
4 should be a decision from the Centre. It was said at the time
5 that Sok Butchamroeun was the member of the Centre. <That's not
6 correct.>

7 It was from the time onwards that I was interested in the case of
8 Phim. It was not good to arrest a Party member without the
9 decision or instruction from <the> Centre.

10 I do not know about the case of Nhim when was he so concerned by
11 the Party, but for the case of Phim, it happened like what I
12 described. Phim defended <Yang> Ly Phel (phonetic), Yang Mon
13 (phonetic) <who came to work at> the general staff of the army,
14 and he <took> some of the people from the prison, who <did not
15 join the party yet, and made one of them> the secretary of Pea
16 Reang <district>, for example. There was another case. He
17 expanded the forces by using the former Lon Nol soldiers in the
18 army. <That was also wrong.> There were different scenario and
19 cases. For example, he asked the soldiers of the East to wear the
20 enemy's uniforms <or the American military uniforms> and he
21 advocated his action at the time by saying <Revolutionary Army of
22 Kampuchea> were poor <and we should use whatever we confiscated>.
23 So he had contradicted views with <Pol Pot's principles>. That
24 made me interested in his case.

25 [15.51.17]

1 Later on, I do not know which individual implicated Phim. Hor was
2 so scared at the time <because Phim was the secretary of the East
3 Zone>, and <Hor asked> Son Sen <about Phim's case>. Son Sen
4 replied that Brother Phim did not betray but, later on, I was
5 told by Son Sen that Hor should not be allowed to read any
6 documents, secret documents, of S-21. It might have impacts on
7 cadres.

8 So, not one confession could be the justification for the arrest
9 of <a high profile cadre like> Brother Phim. He was -- he had
10 been under surveillance for quite a long time before he was
11 arrested in June.

12 There was one meeting of the political bureau of the Party
13 Centre, and after that meeting, subordinates of Brother Phim
14 <were> arrested and Phim did not <even> know <about that> at the
15 time. So, <> after having <a> confession, one individual was
16 never arrested immediately.

17 [15.52.35]

18 Q. So then my very concrete question is, do you remember how
19 long it took before the upper echelon was finally convinced that
20 So Phim was a traitor? How long until the first -- between the
21 first time So Phim was implicated and the ultimate moment of him
22 being definitely suspected as traitor and his suicide on 3 June
23 '78? How long did that period of surveillance last?

24 A. Your question is not based on the real situation, how long
25 <before the decision was made? How many people did the Centre

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1 want to arrest? In reality, they had to wait until it was the
2 right time to do so>; the decision to arrest was based on the
3 practical situation whether there would be <any> reaction <from
4 the public or not>. <They tried to avoid any reaction from the
5 public. Even so, there were still reactions.> The arrest of <any>
6 high profile cadre would <result in having reactions from> the
7 public. So there was no clear principle of how long <someone>
8 could be arrested <after that person was implicated in a
9 confession>. The <870> would have to consider thoroughly before
10 the arrest <could> happen, otherwise, the society would be in
11 chaotic situation. <Although they had tried to consider this
12 issue, the situation in the whole country still became chaotic
13 after the arrest of Phim and Nhim.>

14 [15.54.23]

15 Q. Let me try it in another different way, Mr. President -- Mr.
16 Witness, sorry.

17 How many times was Phim implicated before it was decided that he
18 was betraying Democratic Kampuchea -- 10 times, 15 times, 20
19 times -- do you know?

20 A. At S-21, I, <> myself did not total how many times Brother
21 Phim was implicated, but at S-21, Hor was so scared <that he
22 would be in trouble> because he learned that high profile cadres
23 were implicated gradually. He went to ask and seek advice from
24 Brother Khieu and Brother Khieu <said that it was okay, but>
25 later on, <Brother Khieu> advised me not to let Hor read S-21

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1 documents.

2 So how many times he was implicated could not be told by me, it
3 based on the practical situation during that period.

4 Q. Mr. Witness, did the upper echelon take your work seriously?
5 Did they take the confessions that you provided seriously? Isn't
6 it true that many confessions were not taken seriously at all?

7 [15.56.15]

8 A. Thank you, Counsel. They would consider whether <it was>
9 seriously or not based on whether or not they got other
10 information <that could> be used as a basis. And they would have
11 to consider whether <or not> the confessions I sent were feasible
12 or could be used for the basis.

13 <For instance,> Brother Phim was <implicated that he had
14 contacts> with the <East meaning> "Yuon"<, not the East in terms
15 of the East Zone>. That was mentioned in various documents, so he
16 was put under surveillance. <> Confessions from S-21 were <a
17 small> part of the justification and whether <or not the
18 confessions> could be used <as the basis>, depended on them, <on
19 how many people supported the arrest of Phim> after <they read
20 the confessions>.

21 MR. KOPPE:

22 Mr. President, I'm coming to a new subject. Maybe this would be
23 an appropriate time to break.

24 [15.57.40]

25 MR. PRESIDENT:

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1 Thank you, Counsel. Thank you, Mr. Witness.

2 It is now time for the adjournment today. The hearing will resume
3 tomorrow on Tuesday 21 June 2016 at 9 a.m. Please be informed and
4 please be on time as scheduled.

5 I'm grateful to you, Mr. Kaing Guek Eav alias Duch. The hearing
6 of your testimony as a witness has not come to an end yet. You
7 are therefore invited to come here and testify once again
8 tomorrow.

9 Security personnel are instructed to bring the two accused,
10 together with the witness, back to the ECCC's detention facility
11 and have them returned into the courtroom tomorrow before 9 a.m.
12 That's for the accused. And as for Kaing Guek Eav, he should be
13 brought into the courtroom at 9 a.m. in the morning.

14 The Court is now adjourned.

15 (Court adjourns at 1558H)

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