



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia  
Nation Religion King  
Royaume du Cambodge  
Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

8 June 2016  
Trial Day 415

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

The Accused: NUON Chea  
KHIEU Samphan

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I N D E X

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

Questioning by Mr. LYSAK resumes ..... page 2

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Mr. KAING Guek Eav (2-TCW-916)	Khmer
Mr. KOPPE	English
Mr. LYSAK	English
The President (NIL Nonn)	Khmer

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear 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. His 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 [09.01.38]]

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 8 June  
23 2016, which states that due to his health, headache, back pain,  
24 he cannot sit or concentrate for long. And in order to  
25 effectively participate in future hearings, he requests to waive

2

1 his presence at 8 June 2016 hearing.

2 Having seen the medical report of Nuon Chea by the duty doctor  
3 for the Accused at the ECCC, dated 8 June 2016, which notes that  
4 Nuon Chea has back pain and occasional dizziness when he sits for  
5 long and recommends that the Chamber shall grant him his request  
6 so that he can follow the proceedings remotely from the holding  
7 cell downstairs.

8 [0902.40]

9 Based on the above information and pursuant to Rule 81.5 of the  
10 ECCC Internal Rules, the Chamber grants Nuon Chea his request to  
11 follow the proceedings remotely from the holding cell downstairs  
12 via an audio-visual means.

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

16 The Chamber now hands the floor to the Co-Prosecutors to put  
17 further questions to the witness.

18 You may proceed.

19 [09.03.20]

20 QUESTIONING BY MR. LYSAK RESUMES:

21 Thank you, Mr. President. Good morning, Your Honours, counsel.

22 Q. Good morning, Mr. Kaing Guek Eav.

23 We were talking about, yesterday, the killing of the four  
24 children of Thach Chea and his wife. That last entry in the  
25 execution list, E3/1539 that I showed you yesterday, and number

1 159, referred to the children simply as the children of Thach  
2 Chea and didn't mention them by name.

3 Can you tell us, why was it that the four children of Thach Chea  
4 weren't identified by name in the S-21 list?

5 [09.04.36]

6 MR. KAING GUEK EAV:

7 A. That was the practice, and if I make a conclusion now based on  
8 the practice, I could say that Thach Chea's children did not hold  
9 any position at the time. And as I testified yesterday, people  
10 spoke about the children and they were pretty young. And at S-21,  
11 there was no list specifically made for children.

12 Q. Thank you.

13 We also talked yesterday of how Thach Chea's wife was killed by  
14 being used for people to practise live surgery. And a meeting you  
15 had -- you and Nat had with Son Sen where his only criticism was  
16 that this had been done to the wife of a well-known person.

17 During the period that you reported to Nuon Chea later on in the  
18 regime when you reported to Nuon Chea, did he continue the  
19 practice of using S-21 prisoners for medical experiments?

20 A. To my knowledge that was the only time that live <surgical  
21 experiment> was practised, <and at that time, it was the  
22 beginning of the medical unit of S-21>. And later on, no live  
23 <surgical experiment> was put in place.

24 Q. What about other medical experiments? Was there any time when  
25 Nuon Chea ordered you to do some tests using S-21 prisoners on

1 some medicine or pills?

2 [09.07.19]

3 A. Thank you for the question.

4 Yes, there were such cases. When the confession of the enemy  
5 spoke about the plans to use pills <> to poison the cadres,  
6 <specifically, to poison Bong Pol,> and after <Angkar searched  
7 someone's house>, four tablets were found. Initially, Bong Nuon  
8 called me to see him and gave me the four pills.

9 And when I returned home, I threw away the pills and I ground  
10 paracetamols and put the powder back into the capsules, and I  
11 gave them to prisoners. And that was based on the instruction  
12 from Bong Nuon, but nothing happened because I actually changed  
13 the powder and it was replaced by paracetamol powder.

14 Q. When Nuon Chea gave you these four pills, did he -- what did  
15 he ask you to do with them, and did he tell you what the pills  
16 were?

17 [09.08.55]

18 A. The pills were not meant for treatment. The pills were found  
19 based on the confession of an enemy that they actually had pills  
20 in order to poison Pol Pot. Then a search was conducted at the  
21 house of that confessed prisoner, and Bong Nuon gave me the pills  
22 in order to test whether the pills were poisonous or not but, in  
23 fact, I changed the powder so it was not poisonous.

24 Q. Thank you. That's clear now.

25 And yesterday, we also talked about who the prisoners were in the

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1 early days of S-21. And I want to ask you about something you  
2 said on this at your trial on the 15th of June 2009.

3 This is at E3/5799, testimony of 15 June 2009 around 9.31 in the  
4 morning. This is what you said -- quote:

5 "During the time that I was the Deputy Chairman, the people who  
6 entered S-21 were mostly the former officers, the former  
7 technicians. When I became Chairman, the former officers came in  
8 less frequency from the countryside, who were arrested and sent.  
9 So majority of those for the second phase were the people inside  
10 the ranks of the Revolutionary Party of Kampuchea." End of quote.

11 Is it correct that during the period you were deputy chairman of  
12 S-21, the people who entered were mostly former Lon Nol officers  
13 and former technicians, and could you explain what you meant by  
14 "technicians"?

15 [09.11.39]

16 A. When I spoke about former technicians, I <recall very few>  
17 names. However, I recall one technician from a paper mill. His  
18 name was Phat, <but I cannot recall his full name; perhaps he was  
19 a worker>. And amongst them, there was one engineer named <Leav  
20 Sotsophointha> (phonetic).

21 And that happened when I was the deputy chief. I actually  
22 conducted the questioning and I taught them how to question the  
23 people. I recall one police inspector, Chhet Eav (phonetic), and  
24 besides that, I cannot recall other names.

25 Q. Do I understand correctly, then, that when you referred to



6

1 former technicians, you meant people who held technical work  
2 positions in the former regime, people like engineers or people  
3 who had technical skills in the former regime? Is that correct?

4 A. Yes, that is correct.

5 [09.13.12]

6 Q. And one more subject I want to try to get some clarification  
7 on is the role of the Takhmau prison.

8 In the initial period of S-21, and I'm talking about the period  
9 from October 1975 until March-April 1976, before you moved into  
10 the school premises at Tuol Sleng, were the sites that you were  
11 located in Phnom Penh, the houses, the police judiciaire, were  
12 they used primarily for interrogation and were prisoners detained  
13 who were not being interrogated at Takhmau during that period?

14 A. I actually went only to Takhmau prison <once>, <Nat took me  
15 there,> and there, I <saw> one prisoner <whom I used to know when  
16 we both were in> Sector 25. And I did not get any instructions  
17 <from Nat> regarding the functioning or the lists of prisoners at  
18 Takhmau prison.

19 As for those who were brought to the areas near Ponhea Yat  
20 school, <there> were different groups from those who were  
21 detained at Takhmau. That's all I can say about the Takhmau  
22 prison.

23 [09.15.24]

24 Q. Let me read to you a couple of excerpts from your testimony  
25 during your trial. And on the 22nd of April 2009, at 15.28 in the

7

1 afternoon -- this is document E3/524, E3/524 -- you gave the  
2 following testimony at 15.28 in the afternoon -- quote:  
3 "The Takhmau prison was a big prison but the prison at the south  
4 of the current Tuol Sleng Museum was an interrogation place. A  
5 bit later, Nat changes the place from the west of the current  
6 Tuol Sleng Museum to the general headquarters or the police  
7 headquarters, which was called PJ, but that was just an  
8 interrogation place. It was not like at the Takhmau prison." End  
9 of quote.

10 And then on the 29th of April 2009 in your trial, at document  
11 E3/5795, E3/5795, on that day at 15.34 in the afternoon, quote,  
12 your testimony:

13 [09.16.58]

14 "For the Takhmau prison, initially it belongs to the Division 703  
15 and later on it belongs to S-21 and then later on it belongs to  
16 the Ministry of Social Affairs."

17 Does that refresh your memory, Mr. Witness? Is it correct that  
18 the buildings you were using in Phnom Penh before you went to  
19 Tuol Sleng, the schoolyard -- the school premises, that those  
20 buildings were used primarily for interrogation and that the  
21 Takhmau prison was under S-21 during those initial months? Is  
22 that correct?

23 A. The word "S-21" was <officially> established on 15 August 1975  
24 when Son Sen called Nat and <me> to meet him, <and he said> that  
25 Angkar <had started> to create a new Santebal office. And he

8

1 asked what number should be used, and Nat said it should be 21  
2 <because it was a code number of radio communication>. And <Son  
3 Sen said to put> the word "S" or "sor" in Khmer is a short form  
4 for Santebal, and that is the initial inception of S-21.  
5 As for the <Takhmau hospital that belonged> to <Nat>, Division  
6 703 and the <previous> supervision <> with the number 43 or 44  
7 were part of S-21 or reintegrated into S-21, but I was not sure  
8 about the arrangement of the transportation of those prisoners.  
9 <But> they were transferred from the south part of Ponhea Yat  
10 School to PJ prison, and I was called to go there at the time.  
11 [09.19.20]  
12 So it was unclear, although they may belong to S-21, but I never  
13 interrogated people who were detained at that prison. <Initially,  
14 when I was the deputy, I was not overall in charge>; I  
15 interrogated some people <> and I taught some staff <> how to  
16 interrogate. And they were the ones who interrogated those  
17 prisoners at those locations.  
18 And one of them was <Paul Phally> (phonetic) <who> I taught how  
19 to interrogate. I assume this is part of the case file. And later  
20 on, Takhmau prison was no longer used, as prisoners were no  
21 longer there, and Nat was transferred to the general staff.  
22 So when the Takhmau prison was vacant, Son Sen made a call to me  
23 that the Ministry of Social Affairs wanted to occupy that prison,  
24 and I told Son Sen that it should not be given to the Ministry of  
25 Social Affairs since there were many bodies buried on the

*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 compound and that we needed time to exhume them.

2 [09.20.58]

3 And later on, <I told Hor about that, and about three or seven  
4 days later>, Hor came to tell me that those bodies were exhumed  
5 and cremated and except there were two bodies which were under  
6 the sewage canal that they could not remove, so I made that  
7 report to Son Sen and, further on, Son Sen <handed over that  
8 location to the Ministry of Social Affairs in accordance with>  
9 the Party<'s instruction>. This is in relation to the role of  
10 Takhmau prison as well as the PJ prison, and the prison  
11 <surrounding> the Ponhea Yat school premises.

12 Q. Thank you for that clarification.

13 And during the period before, again, the period from October 1975  
14 to March or April 1976, before you went into the Ponhea Yat  
15 School, where were the prisoners taken for execution?

16 Do you know whether prisoners during that period were taken to  
17 Takhmau for execution?

18 [09.22.22]

19 A. Before I respond to that question, allow me to speak briefly  
20 on the principle of leadership of the CPK <"The collective  
21 leadership and the individual responsibility">.

22 I was in a leadership position. However, I was not the first  
23 person in that position. For that reason, I did not know <much>  
24 about the affairs <done> by my predecessors, including what  
25 happened at Choeung Ek. <But later on, I knew that Choeung Ek was

10

1 an execution site>. And <sometimes when it was urgent>, people  
2 were smashed at houses surrounding the vicinity of S-21. For that  
3 reason, it is difficult for me to specify a particular period of  
4 what happened and where.

5 Of course, I was overall in charge, but individuals also had  
6 their personal or their individual responsibilities to conduct  
7 their tasks.

8 Q. Yes. Just for some clarification, you referred to Choeung Ek,  
9 or at least in the translation mentioned Choeung Ek.

10 We're talking about well before Choeung Ek. We're talking about  
11 the period before you had even located to the Ponhea Yat  
12 premises.

13 Let me read to you another excerpt from your trial. This is from  
14 the 17th of June 2009, document E3/5801, E3/5801, at 9.20 in the  
15 morning. This was the testimony:

16 [09.24.26]

17 Question: "The location where the S-21 committee selected for  
18 killing those people, where was it -- I mean the killing and the  
19 burial site?"

20 Your answer: "Mr. President, there are three main sites. One was  
21 at the psychiatric hospital in Takhmau. We exhumed the bones and  
22 we burned the bones so there was nothing left.

23 The second site was the area surrounding S-21 in Phnom Penh, also  
24 known as the Tuol Sleng prison. And the third site was the  
25 killing fields at Choeung Ek." End of quote.

11

1 At -- does that refresh your memory? Was there -- during this  
2 initial period, do you know whether ex-prisoners were executed at  
3 Takhmau in the initial period or phase of S-21?

4 A. In reference to my statement during my previous trial as well  
5 as what I have just stated is not different.

6 Of course, there was an execution site at Takhmau. And that's --  
7 when the Ministry of Social Affairs wanted to use the site, Son  
8 Sen made a phone call to me and I said, "Please, we needed to  
9 clean it up first, that is, to burn the bones before we could  
10 deliver that location to the Ministry of Social Affairs" as  
11 sometimes when it was urgent or necessary, people would be buried  
12 at the surrounding areas of S-21. <Since it looked so bad, I  
13 requested whitewash powder to spray on those> dead bodies in  
14 order to avoid <spreading infections to the guards>. <At the  
15 time, I made a request to Pou Nuon.>

16 [09.27.02]

17 And <then>, people were buried at Choeng Ek and, in fact,  
18 Choeng Ek had <already> been in operation <for a long time;  
19 however, I did not know when its operation had begun>. And I  
20 could only speak rather precisely about people who were sent to  
21 <Ponhea Yat high school>, and not at other sites. <So, there was  
22 a process that existed before and there was another process  
23 organized by me.>

24 Q. Thank you. We'll talk more about Choeng Ek later.

25 Last question on the Takhmau prison: when was that site -- when

12

1 was it that it was transferred to the Ministry of Social Affairs?

2 A. I do not recall the exact date. However, it happened before  
3 Son Sen went to the front battlefield because <> he and I still  
4 had some phone conversations.

5 [09.28.26]

6 Q. Let me see if I can help you again with some -- from six years  
7 ago when you gave testimony. On the 22nd of April 2009, document  
8 E3/524, at 15.49 in the afternoon, you said -- I quote:

9 "The Kmao (sic) prison existed until May or July and then we  
10 organized Ponhea Yat High School to detain prisoners."

11 And six days later, on the 28th of April 2009, document E3/5794  
12 at 9.48 in the morning through 9.57, you specified that the  
13 Takhmau psychiatric hospital was used by S-21 until at least June  
14 1976, after which it was handed over to the Ministry of Social  
15 Affairs.

16 Does that refresh your memory? Was it sometime in mid-1976,  
17 sometime May, June or July of that year that Takhmau was  
18 transferred to the Ministry of Social Affairs?

19 A. Regarding the closure of Takhmau prison, it could happen  
20 around that time. And my personal conclusion <is> based on the  
21 time that Nat was transferred out. <But after he left there>, he  
22 <could still instruct> Hor to finish all the remaining tasks.  
23 However, this is purely my personal conclusion <that it was  
24 closed around June>, and Takhmau prison had been vacant since.  
25 Even though later on it was transferred to the Ministry of Social

13

1 Affairs, some houses around that area still belonged to S-21.

2 [09.30.54]

3 So the prison was vacant for a period of time. And as to the date  
4 of the handing over to the Ministry of Social Affairs, I cannot  
5 recall it, but it happened before Son Sen went to the front  
6 battlefield, so it happened between these months. However, this  
7 is purely my personal conclusion.

8 Q. Was Hor -- was he located in Takhmau and, if so, when did he  
9 move from Takhmau and begin working with you in Phnom Penh at  
10 S-21?

11 [09.31.49]

12 A. Before I was appointed as the deputy chief, Hor was close with  
13 Nat. He was based in Phnom Penh. I did not know who was in charge  
14 of the prison at Takhmau; <however, there was a document  
15 indicating the name of comrade Hin (phonetic)> .

16 So Hor was not <usually> based at Takhmau. As I told you  
17 yesterday, when I met Sorphan, I saw <Hor> reading the confession  
18 of a prisoner outside the prison building. I knew Hor clearly  
19 because Hor and I <were> imprisoned at Prey Sar during the Lon  
20 Nol regime -- <the Sihanouk regime before the coup d'etat>. But  
21 <our work> did not <require us to talk to each other> at that  
22 time.

23 And I would like to confirm that Hor and Nat, they <had> worked  
24 closely together.

25 Q. Mr. President, may I provide to the witness the two documents,



14

1 document E3/3187, E3/3187, and also document E3/2017, E3/2017?

2 MR. PRESIDENT:

3 Yes, your request is granted.

4 [09.33.40]

5 BY MR. LYSAK:

6 Q. I've handed you two documents, Mr. Witness. The first,  
7 E3/3187, is a list titled "List of military prisoners", and it  
8 identifies 49 former Lon Nol military personnel from various  
9 locations, but primarily Sectors 15 and 25, and a place, Ta Lei  
10 village, who were sent to S-21 between June and September 1976.  
11 The ERN references for this document as it comes -- it's part of  
12 a bigger document. For the record, Khmer, 00008785 to 8786; the  
13 English reference, 00874237 through 241; and there is no French  
14 translation.

15 This first list, Mr. Witness, there are some handwritten  
16 annotations -- If you look at the first page -- that appear next  
17 -- immediately to the right of the prisoner's name, there are  
18 annotations with the dates.

19 Do you recognize who added those annotations and what they  
20 signify?

21 MR. KAING GUEK EAV:

22 A. I'm not sure about this annotation; I do not know who was the  
23 author of it. <It was not Hor's annotation.>

24 [09.36.18]

25 Q. If you could turn to the second document I handed to you,

15

1 E3/2017, and the ERN references here, this is Khmer, 00021137;  
2 English, 00183670 through 672. This is a list of prisoners taken  
3 from Ta Lei. I'm not sure if I'm pronouncing the name of that  
4 village correctly.

5 But it is a list of 31 former Lon Nol soldiers who had arrived at  
6 the end of -- mostly at the end of August 1976 and had died.

7 Can you tell us, where was this village, Ta Lei village, and do  
8 you remember why there were former Lon Nol military who were  
9 being sent to S-21 from Ta Lei in August 1976?

10 A. I don't know where Ta Lei village is located. I have never  
11 been there before.

12 [09.38.00]

13 Q. Let me move on now to my next subject, which concerns  
14 something that you talked about yesterday, which is the children,  
15 spouses and families that were sent to S-21.

16 You made reference to this yesterday in relation to the children  
17 of Thach Chea, but can you tell us, generally, what happened to  
18 spouses and children of people who were sent to S-21 and accused  
19 of being traitors, accused of being enemies of the regime?

20 What happened to the spouses and children of those people?

21 A. Let me clarify a bit. Which Chea -- which Ta Chea are you  
22 referring to? Could you please tell me who -- which one of Ta  
23 Chea's <children> you are referring to?

24 [09.39.23]

25 Q. I think maybe it was -- I was referring to Thach Chea. My

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1 question isn't about Thach Chea, but yesterday, you talked about  
2 why -- a little about why the children had been arrested.  
3 My question is in general. In general during the time you were at  
4 S-21, what happened to the spouses and children of people who  
5 were sent to S-21 and accused of being enemies?

6 A. The spouse and children of the prisoners were treated in the  
7 same way as the prisoners. That means they would be smashed, <if  
8 they were not needed for interrogation>. <Regarding> Thach Chea's  
9 spouse and children, although Thach Chea was the minister during  
10 the Lon Nol regime, their spouse and children would face the same  
11 treatment.

12 Even Vorn Vet, who was <part of the Standing Committee of the  
13 Centre, and also the Deputy Prime Minister during> the regime,  
14 when Brother Vorn was arrested, his spouse <who named Vin> was  
15 also arrested. <To my collection, A Phen (phonetic) was not  
16 brought into S-21. A Phen (phonetic) was Vorn's> child. <The  
17 Party> sent <him> to study <aircraft> in China. <Perhaps, A Phen  
18 (phonetic) was taken to be smashed by Pang's group.> So when <>  
19 <the> father was arrested, the <children> and the spouse were  
20 also arrested.

21 [09.41.28]

22 Q. And can you tell us how it came about or whether you received  
23 instructions from your superior, how is it that this practice of  
24 spouses and children being arrested and smashed came about?

25 And so I'm asking you whether you received instructions, whether

17

1 you had discussions with your superiors on this. How did this  
2 practice come about?

3 A. Related to this practice based on what I remember, it was  
4 <automatically> implemented after 17 April 1975. Before that,  
5 <when I was at M-13, I used to receive some> children, <> and <I  
6 tried to raise some of them, but they did not survive>. At that  
7 time, we had no principle to smash children.

8 [09.42.52]

9 Q. Are you sure about that? Did -- were there children at M-13  
10 who you wanted to save but were unable to save?

11 Can you tell us about -- do you remember an incident at M-13  
12 where you were required to execute children?

13 A. Yes, there were those who were saved. First, it was the  
14 children and spouse of district chief Phoeun. They were later on  
15 sent to Pursat. And <according to the testimony of brother Sorn  
16 who was from Phom Prek, he met the spouse of head district in  
17 Pursat, and they went back together to Amleang.> Two children of  
18 Comrade Phoeun, who was district chief, they survived, and his  
19 wife was also spared. <A Kraek (phonetic) from Yea Angk village  
20 might have survived also.>

21 And for another event, I saved another child <> when I became  
22 chief of the M-13. <There was an incident in which a Cham person,  
23 Ta Loep (phonetic), had been arrested along with a child at  
24 Samrong market.>The child's name was -- I cannot remember his  
25 name now. And then I sent the child to the commune office of

1 Amleang.

2 I also tried to save and raise <> Sang Un's child. <However,  
3 regarding those who were supposed to be killed, I cannot recall  
4 them>.

5 I <just> remember that there was a time when I was instructed to  
6 kill the wives of soldiers, <who were stationed at Angk Ta Loek>,  
7 who were believed to come in and spy on us; <one of their wives  
8 was pregnant>.

9 [09.45.40]

10 Q. I'll read to you a written statement you provided. This is  
11 document E3/5752, E3/5752. And this refers to, I think, one of  
12 the people you just mentioned, Sang Un. This is what you said in  
13 this document:

14 "When I was at M-13, I strived to keep the three children of Sang  
15 Un, but since they could not be kept -- but since they could not  
16 be kept fed and kept alive, I gave in to this view of fearing  
17 revenge, and followed the opinion of Professor Son Sen after  
18 that. In the language of the communists, especially the  
19 Kampuchean communists, they called my stance of letting the  
20 children live a stance 'lacking in class anger'.

21 "After the creation of S-21, I kept on letting them do it." End  
22 of quote.

23 And also in a written statement you provided titled on "Minors at  
24 S-21", again, document E3/5758, E3/5758, paragraph 2(a), talking  
25 about this unsuccessful effort to keep those three children

19

1 alive, you said -- quote: "Seizing the opportunity of my defeat  
2 saving the lives of the children, Son Sen gave additional  
3 instructions on how the stance had to be firm." End of quote.

4 [09.47.50]

5 What I'd like -- the clarification follow-up I'd like, what  
6 instructions -- what do you remember Son Sen saying about  
7 execution of the children and the stance?

8 What stance was he referring to when he talked about the  
9 children?

10 A. Son Sen and I contacted each other almost on a regular basis,  
11 nearly every day. Let me correct that, every day. <I had a  
12 special telephone at my house.> When he wanted to talk to me,  
13 especially in the evening at around 3.00 or 4.00 in the  
14 afternoon, <I could not go anywhere.> He <made a call> to me <to  
15 ask about everything regarding the confessions>, and <he> gave me  
16 the instructions. So there were many instructions that he gave to  
17 me.

18 Regarding the phone call, when we <pressed> a button it led to a  
19 different frequency <so> that other people could not listen to  
20 our conversation, so Son Sen <and I>could talk a lot about this.  
21 And we <touched> on many issues in our phone conversations.

22 [09.49.42]

23 Things <happened a> long time ago. It's difficult for me to  
24 recall everything, <and I said earlier that the practice was  
25 automatically implemented. However>, when you raised that matter

20

1 in your reading of the document, it reminded me of things happen  
2 at that time.

3 Everything at that time did not happen <without the> Party's  
4 acknowledgement>. For example, when Vorn was arrested and then  
5 Comrade Noy (phonetic) who <was his son-in-law, was also  
6 arrested. Noy (phonetic) was the head of> the iron factory that I  
7 could not remember the designated number for the factory, and  
8 when Vorn Vet was arrested, he was also arrested. The whole  
9 family was arrested.

10 So that's my answer.

11 Q. What I was asking you, to be -- to put it in a simple way, was  
12 it your idea to kill children and spouses or did you receive an  
13 instruction from your superior, Son Sen?

14 MR. PRESIDENT:

15 Please hold on.

16 [09.51.20]

17 MR. KAING GUEK EAV:

18 A. When <husbands were> arrested<, their> spouses were also  
19 brought in. <As> for the role of S-21 as well as for every  
20 security centre throughout the country, when the husbands were  
21 arrested, their spouses were also arrested, just like the example  
22 I gave you earlier.

23 And I can give you another example. There was a child whose name  
24 was Norng Chanphal. I remember it very clearly <that> Ta Mok  
25 never sent comrades to S-21. And <I was wondering> when Norng

21

1 Chanphal <came to testify here>.

2 And when I saw the biography of his mother, I understood that his  
3 parents were arrested <and brought> in <from> the Southwest Zone.

4 That's why Norng Chanphal was also arrested and sent to <S-21>.

5 They were arrested and sent to S-21. S-21 never went out to  
6 arrest people <according to their wish; if that was the case, the  
7 chief of S-21 would have been beheaded>.

8 [09.52.44]

9 BY MR. LYSAK:

10 Q. Let's go back to this -- the three children of Sang Un at  
11 M-13. Who was this person, Sang Un?

12 MR. KAING GUEK EAV:

13 A. His name was Sang Un. He was perhaps a soldier or an evictee  
14 from Oudong. I could not remember it well. He was not the  
15 personnel within the Communist Party of Kampuchea.

16 He was probably an old soldier <or evictee> from Oudong.

17 Q. And in relation to those three children, do you remember Son  
18 Sen saying something to you about what to do with the three  
19 children of Sang Un?

20 A. I can recall some aspects of this event. Later on, when I  
21 raised the children, I could not keep them alive, and I <once>  
22 reported to Brother Son Sen. And I told him that raising the  
23 <prisoners'> children <> <was> not successful because we did not  
24 have the emotional attachment with the children.

25 Anyone who <raised> children at the prison would not be



1 successful, <and at the time, we also faced scarcity of food>.  
2 And then Brother Son Sen told us to have an <absolute> stance,  
3 have a firm stance separating between the friends and enemy. I  
4 tried my best to rescue the children, but my effort was not  
5 successful.

6 [09.55.13]

7 So raising the children did not involve only giving them food,  
8 but need to give them <the sentimental attachment in order to  
9 keep them alive>. For example, <Mam Nai's children>, when they  
10 lived <> with their parents, they grew up well because they had  
11 <sentimental> attachment with their parents. <However, regarding  
12 the children of Sang Un, they all died>.

13 I tried to save their lives, but I could not, and because of  
14 this, I reported to <my superior - Brother Son Sen>. And he told  
15 us to have clear stance regarding the enemy and our friends.

16 Q. And what was the reason for the Party's stance of also  
17 arresting and smashing the spouse and children? What was the  
18 reason for that?

19 MR. PRESIDENT:

20 Mr. Witness, please hold on.

21 The floor is given to Counsel Victor Koppe.

22 [09.56.26]

23 MR. KOPPE:

24 Yes, Mr. President. Thank you. I object to this question.

25 We were talking about Son Sen, is my recollection, so now, all of

1 a sudden, it goes from Son Sen to the whole Party Centre. I don't  
2 think that is something that the witness was saying.

3 In addition, I haven't objected to that, but I notice that all  
4 those questions are related to topics which are outside of the  
5 scope of this trial. I'm surprised that the witness is now  
6 answering these questions. But mindful of what you said  
7 yesterday, Mr. President, the questions cannot be asked to the  
8 witness if they are in relation to topics outside of the scope; I  
9 think that is something that the Prosecution should be reminded  
10 of.

11 [09.57.16]

12 BY MR. LYSAK:

13 Just briefly, the witness' testimony was about a practice that  
14 started at M-13 and continued on during the regime, so this is  
15 evidence relating to policy and practice that is part of this  
16 case and that it continued at S-21, as we've already seen.

17 In terms of my phrasing of the question, let me rephrase and  
18 focus on Son Sen.

19 Q. Mr. Kaing Guek Eav, in the discussions -- the many discussions  
20 you had with Son Sen or with other superiors or representatives  
21 of the Party, did you learn what was the reason, why did they  
22 want to also arrest and smash the spouses and children of people  
23 who were accused of being enemies? What was the reason for that?

24 MR. KAING GUEK EAV:

25 A. Son Sen always <told> to me that -- when he talked to me, he

24

1 was not in his capacity as the chief of the general staff. He was  
2 talking in the capacity as Angkar. That means in the <capacity  
3 of> 870. <Whatever his instruction was, we noted it down.>

4 [09.59.14]

5 So Son Sen instruction was treated as the instruction from the  
6 Party, so every comrade of the Party have to follow the  
7 instruction from the Party <and also try to build their stance as  
8 those from the Proletarian.>

9 As for the thinking of the Communist Party, at the time they used  
10 one phrase <> that was <an> eye for an eye.

11 And that principle was contradictory to the Buddhist principle  
12 that revenge can be defeated by non-revenge. <So, the principle  
13 of the Party was completely different from the Buddhist  
14 principle.>

15 Q. Let me read to you something you said to that effect on the  
16 25th of June 2009.

17 Your Honours, this is E3/5805, E3/5805, at 9.29 in the morning on  
18 25 June 2009.

19 Question: "Is it true that because there were children who did  
20 not have enough strength to do labour and because S-21 did not  
21 want to spend food on them, that's why they were taken and  
22 killed?"

23 Answer: "That is the second reason. The first reason is that the  
24 Communist Party of Kampuchea was afraid that the children would  
25 take revenge. That was the main factor and nothing else could be

25

1 used to counter that main factor." End of quote.

2 You just mentioned hearing a phrase about revenge. Who is that  
3 you heard speaking about concern that the children would take  
4 revenge? Who did you hear using phrases about that?

5 [10.01.56]

6 A. To my recollection, that happened since Bong Vorn was there.

7 <When I was> in Amleang, <I heard the phrase about> revenge.

8 However, it happened rather frequently when I was with <Son Sen>.

9 Regarding the class stance, that was part of theory of principle  
10 of the CPK as well as of other communist parties.

11 Q. You made mention of this, and I want to go into some detail  
12 about the spouses of -- the spouse of Vorn Vet and also the wife  
13 of Vorn Vet's deputy.

14 When Vorn Vet was arrested in late '78 and his deputy, Cheng An,  
15 was also arrested at that time, what happened to their spouses?

16 [10.03.18]

17 A. Yes, I recall the event. Regarding the arrest of the wives of  
18 Vorn Vet and Cheng An, they were arrested on the same day. Those  
19 women were taken to the Buddhist school of Suramarit and I was  
20 ordered to go and to take them.

21 And in fact, there was not much benefit from the purpose of  
22 interrogating these two women, <and so they were taken away to be  
23 smashed>. The main focus of the interrogation was on Brother  
24 Vorn.

25 As I have just stated, I did not see the daughters of Vorn Vet.

1 As for Phen (phonetic), the son, I did not see him <either>. And  
2 I concluded that they were taken by Pang's group and they were  
3 smashed since there was no gain in keeping them for the purpose  
4 of interrogation.

5 And Vorn Vet's wife actually arrived at S-21, and I was the one  
6 who actually took my group to arrest them according to the  
7 instruction from <Pou Nuon>.

8 And later on, they were smashed since the interrogation was not  
9 thorough. <The> primary focus was <only> on Vorn Vet, and not on  
10 Cheng An <>.

11 [10.05.10]

12 Q. Who was the superior who instructed you to arrest these wives?

13 A. At that time, it was Brother Nuon who gave me the direct  
14 instruction. And Pang and Lin <were> the <ones> who escorted me  
15 to go and arrest <people> based on the upper level instruction.  
16 I cannot recall exactly whether Brother Nuon called me to give me  
17 his direct instruction or whether the instruction was relayed  
18 through Pang or Lin.

19 Comrade Lin was a member of the Ministry of S-71, while I,  
20 myself, was at Office <S-21 which was under the supervision of  
21 Ministry of S-71>. And the overall in charge person was Brother  
22 Nuon, but Lin was the one who could actually convey the  
23 instructions or the one who implemented the instruction.

24 Q. And you said that they were arrested at the Buddhist school.

25 Are you talking about the same location where you would meet with

1 Nuon Chea?

2 A. Yes, <that is correct>.

3 [10.06.58]

4 Q. Was Nuon Chea present when the wives of Vorn Vet and Cheng An  
5 were arrested?

6 A. It was the children who actually saw Uncle Nuon<, they> were  
7 watching over from a distance.

8 <On that day, Bong> Vin <was panicking, she> called me to help  
9 <her>, and I helped <her> go outside. And I passed <her> over to  
10 <Sry (phonetic)>. From my knowledge, on that day the women were  
11 called to go and work by Brother Nuon -- that is, they were to  
12 work with Brother Nuon at the Buddhist school of Suramarit. And  
13 upon their arrival, they were placed in separate rooms, and Lin  
14 took me there to show me the rooms where they were staying;  
15 <coincidentally, I heard Bong Vin shout for help>.  
16 Vin and Phoas -- that is, Phoas, the wife of An, were called to  
17 go there to work there by Brother Nuon. And <Bong Nuon might have  
18 given the instruction to> Lin <to escort> me with the forces <in  
19 order to> arrest <them>.

20 [10.08.38]

21 Q. What was the name of Vorn Vet's wife, and what did she do in  
22 the regime?

23 A. Her -- I cannot recall her birth name, but her revolutionary  
24 name was Vin, so her husband was Vorn and she was Vin.

25 As for the wife of Cheng An, her name was Phoas. And Vin was in

28

1 charge of a medical office of the Ministry of Industry, and the  
2 location was at a former Chinese hospital <or> Pet Chen, <and I  
3 do not know where the current Pet Chen is located>. And the  
4 Ministry of Industry used <> the Chinese hospital <which was  
5 opposite the Yukunthor high school> as the hospital for the  
6 industry, and Vin was assigned to work there.

7 [10.10.06]

8 MR. PRESIDENT:

9 Thank you, International Deputy Co-Prosecutor.

10 It is now convenient for a short break. We'll take a break now  
11 and resume at 10.30 to continue our proceedings.

12 Court officer, please assist the witness at the waiting room  
13 reserved for witnesses and civil parties and invite him back into  
14 the courtroom at 10.30.

15 The Court is now in recess.

16 (Court recesses from 1010H to 1031H)

17 MR. PRESIDENT:

18 Please be seated.

19 The Chamber is now back in session and I would like to give the  
20 floor to the International Deputy Co-Prosecutor to continue  
21 putting questions to the witness.

22 BY MR. LYSAK:

23 Thank you, Mr. President.

24 Q. Mr. Witness, we were talking about the arrests of the wives of  
25 Vorn Vet and Cheng An, and you had identified Vorn Vet's wife as

29

1 named Vin and indicated she was in charge of a medical office or  
2 hospital at the Ministry of Industry.

3 I want to read to you a name that appears in both the OCIJ and  
4 OCP S-21 prisoner lists. This is number 14,479 on the OCIJ list,  
5 and number 8097 on the OCP list, is a 39 year-old woman who was  
6 the chief of Hospital 75 named Prum Phal alias Vin.

7 Was that the full name of Vorn Vet's wife, and was Hospital 75  
8 the hospital that she was in charge of?

9 [10.33.22]

10 MR. KAING GUEK EAV:

11 A. I knew Brother Vorn's wife. Her name was Vin. <When I read  
12 this document,> I think that it's her because <it is not possible  
13 that> Hospital <P-75 had two chiefs. Bong Vin's original name was  
14 Prum Phal>.

15 Q. Now, with respect to Cheng An's wife who you indicated was  
16 named revolutionary name Phoas, I'd like you to look at document  
17 E3/10256, so that's E3/10256.

18 May I provide this to the witness, Mr. President?

19 MR. PRESIDENT:

20 Your request is granted.

21 [10.34.38]

22 BY MR. LYSAK:

23 Q. Now, if you could turn to the page I have marked, the third  
24 page of this document, which is Khmer ERN 01016798. This is one  
25 of the new documents that's not translated.



30

1 If you look at number 38 on that, which is the fourth from the  
2 top, and if we could show that on the screen, the fourth prisoner  
3 from the top on page 3 of this is named -- is Yan Kang alias  
4 Phoas, a 43 year-old female who entered S-21 on 21 November 1978,  
5 identified as chief of a flour factory and the wife of 30, either  
6 Brother 30 or 30.

7 Do you know, is this the woman -- well, first of all, do you know  
8 who 30 is, Brother 30? The person who's referenced as 30 with  
9 this woman and a number of others on the same page, do you know  
10 who that was?

11 MR. KAING GUEK EAV:

12 A. When I worked there, I never heard the name Brother 30. I  
13 conclude that it was probably Brother Cheng An.

14 [10.36.42]

15 Q. Well, was Cheng An's wife the chief of a flour factory, and do  
16 you remember -- did you know her? Did you ever meet her?

17 A. Cheng An's wife, I <used to meet> her <>. She could recognize  
18 me because we <were both imprisoned> at Prey Sar before 1970. At  
19 that time, I did not know her yet, <and I did not recognize her>.  
20 Later on, when Cheng An became in charge of Sector 15, I  
21 <frequently visited Bong Phoas because I had to attend> the  
22 <livelihood> meeting of the Party <with Brother Cheng An>. Later  
23 on, Phoas became the chief of a factory, but I did not know what  
24 factory it was. It was probably the flour factory.

25 I had many contacts with Brother Cheng An's wife. Frankly

31

1 speaking, at the time I used to ask her for 100 Riel to spend.>.

2 [10.38.15]

3 Q. And if you could look at that same list, the next person after

4 Phoas, so what is number 39 on the list, the fifth from the top

5 is a person named Soeng Boratt, chief of West Zone hospital,

6 who's identified as the son of 30 who entered S-21 on 6th of

7 December '78.

8 Do you know whether Cheng An had a son who was the chief of a

9 hospital in the West Zone?

10 A. Talking about this name, Boratt, I am familiar that this name.

11 I saw him only once when Ta Mok <came to take him to be his

12 messenger>. After 1975, It could be <possible that> he appointed

13 Boratt to be the chief of <a> hospital in the West Zone. <Boratt

14 did not change his name, when he was Ta Mok's messenger, he was

15 also called Boratt.>

16 So it probably true that Boratt was the son of Brother <Cheng An.

17 Regarding the number 30, it> was perhaps <a reference to> Brother

18 Cheng An.

19 [10.40.06]

20 Q. The next four names on the list, that same list, if you could

21 look at them, the next -- and if we could show that on the

22 screen, numbers 40 to 43, are four young women or girls who are

23 all identified as the daughters of 30. Their names Heng Suk

24 (phonetic) alias Ni (phonetic), 21 years old; a Heng Chan

25 (phonetic), 18 years old; Heng Pip (phonetic), 16 years old, and

*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 Heng Tan (phonetic), 15 years old.

2 Do you remember whether Cheng An and his wife, Phoas, had four  
3 daughters? Do you remember whether they had a number of  
4 daughters, Mr. Witness?

5 A. When I went to Phoas' place, I saw many children <who were>  
6 her daughters. <However, I> did not <know them, and we did not>  
7 talk to <each other>. <When I was there, I was working with  
8 Brother An away from them>. And I concluded that <those four  
9 children> were <daughters> of Brother An and Phoas.

10 Q. And when was it that you saw these children? Was this during  
11 the regime or was it before April 1975?

12 Do you remember when it was that you saw them?

13 A. I saw them <in> 1973 or 1974 when <I was attending the Party's  
14 livelihood meeting presided by Brother An; so it> was before <17  
15 April> 1975. And those children were with their mother at that  
16 time.

17 [10.42.50]

18 Q. And the last name on this prisoner list that I want you to  
19 look at is number 37, same page, and it's the person who is the  
20 third from the top on page 3.

21 This is an 18 year-old girl named Sok Sry (phonetic), who is  
22 identified as the daughter of A-10 and a medic or surgeon at  
23 Hospital P-75, which is the same hospital that Vorn Vet's wife,  
24 Vin, is identified as the chairwoman of.

25 Do you remember whether Vorn Vet and Vin had a daughter, 18

1 year-old daughter named Sok Sry (phonetic) who worked at the  
2 hospital with Vin?

3 A. I cannot recall it.

4 Q. Let me show you a few other documents of people arrested  
5 around the same time also identified as relatives of 10 --  
6 Brother 10 or A-10.

7 Mr. President, what I'd like to provide to the witness at this  
8 time, these are three S-21 biographies. They are - first,  
9 document E3/10546 at Khmer, ERN 01219656. This is TSL0703. Same  
10 E3/10546, Khmer, 01219657, is biography TSL0704. And then  
11 document E3/10563; Khmer, ERN 01219750; and this is S-21  
12 biography TSL3977.

13 May I provide these three documents to the witness?

14 [10.46.04]

15 MR. PRESIDENT:

16 The Chamber grants your request.

17 BY MR. LYSAK:

18 Q. And if you could look at these three biographies, Mr. Witness,  
19 these are three other females who all entered S-21 on the 18th of  
20 December 1978. All three are identified as relatives of 10 in the  
21 biographies.

22 The first biography, and if we can show this on the screen,  
23 biography 0703, is B-10, a 75 year-old woman identified as the  
24 mother of A-10.

25 [10.47.08]

34

1 The second biography, TSL0704, is a 17 year-old girl, Prum Pov  
2 (phonetic), identified as the niece of 10. And the third  
3 biography is -- which is TSL3977, is a six year-old girl named  
4 Nin (phonetic) identified as the daughter of 10.

5 Do you remember any of these people, Mr. Witness? Did Vorn Vet  
6 have a 75 year-old mother and six year-old daughter who were  
7 arrested and sent to S-21 in December of 1978?

8 MR. KAING GUEK EAV:

9 A. These three documents originated from S-21. That's what I  
10 would like to tell you. But as for other matters, I cannot give  
11 any comments.

12 I do not have knowledge about the two girls and the <grandmother  
13 named By Khin (phonetic)>. As for those two girls, I do not know  
14 whether they are daughters of Brother Vorn or not. <I do not know  
15 whether the number 10 was identified as a secret code of Brother  
16 Vorn>. Because I saw the sign TSL on the document, I can confirm  
17 that this document came from S-21, and these people were really  
18 brought into S-21.

19 MR. PRESIDENT:

20 I give the floor to Counsel Victor Koppe.

21 [10.49.35]

22 MR. KOPPE:

23 Thank you, Mr. President.

24 Yes. This is another clear example of the witness using post-'79  
25 knowledge to identify documents. Obviously, TSL didn't exist as

35

1 an identification form before 7 January 1979. TSL means Tuol  
2 Sleng Museum. So the witness now says, "I know this is an S-21  
3 document because it says TSL".  
4 From a contemporaneous perspective, that doesn't make any sense.  
5 So my observation would be or my request, Mr. President, to  
6 instruct the witness to give answers from his memory, not on the  
7 base -- not on the basis of something which is a clear post-'79  
8 indication.

9 [10.50.35]

10 BY MR. LYSAK:

11 Mr. President, this intervention is inappropriate. The witness is  
12 referencing the fact that this has a TSL document.

13 This is a form that the witness is -- and I will ask him. If  
14 counsel wouldn't interrupt, that was going to be my next  
15 question, whether he recognizes this form. This very form was  
16 identified by the last witness in this Court as a form used for  
17 biographies of people who entered S-21.

18 We're not relying on post-'79. This witness is competent to  
19 identify records that come from S-21.

20 Q. But if I may, let me ask you, Mr. Witness, do you recognize  
21 the format of this document, the typed format of this as a form  
22 that was used while you were chairman of S-21?

23 MR. KAING GUEK EAV:

24 A. Yes, that format was in use at S-21 at that time. And the  
25 written letter, I concluded that it was Hor's writing, although I

36

1 haven't seen Hor's writing for a long time. It was four years ago  
2 when I was called as a witness in 2012, <so I have not paid more  
3 attention to that matter>.

4 I believed that this document really came from S-21 because the  
5 format in use at that time was like this, and the writing  
6 probably belonged to Hor.

7 [10.52.46]

8 Q. Now, the last biography is that of a six year-old girl named  
9 Nin (phonetic), identified as the daughter of 10. This is the one  
10 that's identified as TSL3977.

11 You've testified, others have testified, that it was not normal  
12 practice to register children of this age. Do you know why it was  
13 that a six year-old would be registered? What circumstances were  
14 there when children of this age would be registered on S-21's  
15 lists?

16 A. This document was written by the administrative office. I do  
17 not have full knowledge on this aspect. As I said during my  
18 testimony as a witness <in 2012>, there were a number of  
19 documents which I did not see before, <and I could not recall  
20 them. However, when> there were <annotations from> Brother Chan  
21 and <me> on <this document, it indicated that this document  
22 existed>. But I <can> not remember <that document>. Brother <Mam  
23 Nai's signature and my short annotation were> on <the document>,  
24 but <> he also could not remember it. <And I was the one who told  
25 the Chamber that the document was a new format that was prepared

1 by Hor. I actually wrote an annotation that this name was not a  
2 Khmer Serei, he was C.I.A. And then Brother Mam Nai remained  
3 silent>.

4 [10.54.52]

5 So that's the affairs of the administrative office, which  
6 developed from time to time. And <as far as> these developments  
7 at the administrative office, I <did not have> full knowledge of  
8 their work. <At the time, I only focused on my task which was to  
9 report to the Party about the enemies' confessions.>

10 Q. Can you tell us, did any of the family members of Vorn Vet or  
11 Cheng An who were sent to S-21, did any of them survive?

12 A. I cannot recall it, and I don't know <about> the three  
13 children <who, as> the <Chamber have already known, had been  
14 adopted>.

15 <There was only Norng Chanphal> who had been invited <to give  
16 testimony> here <in the capacity> as an orphan <>.

17 Q. I wasn't asking about children in general. I was asking  
18 specifically about the wives of Vorn Vet and Cheng An and other  
19 -- the other family members of Vorn Vet or Cheng An who were sent  
20 to S-21 -- who were arrested and sent to S-21. Did any of those  
21 people survive?

22 [10.56.51]

23 A. I do not have full knowledge of this. I did not grasp the full  
24 situation. Based on the procedure at that time, it was I who gave  
25 the instruction, based on the order from Brother Nuon, <to smash



1 them all before the arrival of Vietnamese>. And there were only  
2 four children <whom I requested to be spared at the time>, but it  
3 surprised me when Norng Chanphal was invited to give the  
4 testimony in this Court <in the capacity as an orphan. Yes, of  
5 course, I ordered comrade Hor to implement the instruction.  
6 Nevertheless, the instruction was not implemented properly at  
7 some points; as a result, there were three children left alive.  
8 For those at the lower level, they also had difficulty in  
9 implementing the instruction. At the time, I asked him "Were they  
10 all smashed?" and he replied "They were all smashed">.

11 So I cannot comment whether any of Vorn Vet's relatives survived  
12 the regime. If <one> of them really survived the regime, it was  
13 probably one of the three left <alive or maybe that person was  
14 not arrested>.

15 Q. So -- just so I understand, you're saying you're not sure  
16 whether, of the other three children who survived, whether it's  
17 possible -- you don't know whether or not one of those three may  
18 have been a child of Vorn Vet or Cheng An. Do I understand  
19 correctly?

20 A. Yes, that is correct.

21 [10.58.37]

22 Q. Mr. Witness, we've seen -- asked you about the wives of Vorn  
23 Vet and Cheng An, who you indicated were smashed. Were you,  
24 yourself, afraid when Vorn Vet was arrested?

25 A. It's normal. As I testified in this Court long time ago, I

1 <was so afraid that I could not do anything> after the arrest of  
2 Nget You (phonetic) alias Hong (phonetic) <who came from  
3 overseas,> and <later on> Chhay Koem Houn (phonetic) -- <Kim Hor  
4 alias Hok who was from the power plant. I thought to myself that  
5 I would be arrested soon afterward.> I was so afraid that I could  
6 not do my work, I went to stay by myself, <isolated> from others  
7 at the place where the sculpture was made.

8 <When Pou Nuon gave> the instruction to smash everyone at S-21, I  
9 became so desperate, so fatigued that I could not do anything  
10 <and fell sick> until the day the Vietnamese arrived.

11 As for my wife, every time I was called by Angkar to work, she --  
12 she trembled. She was so afraid that I would be arrested, and she  
13 felt better after she saw me returned on my motorbike. And that  
14 was a relief for her that I survived that day.

15 Of course, the screening did not have an impact on just <a few>  
16 persons, but on <many>, including myself <and my wife>.

17 [11.00.52]

18 Q. Let me read to you a part of an OCIJ interview that you gave.  
19 This is document E3/1578, E3/1578; Khmer, ERN 00178025; English,  
20 00194550; French, 00178037. This is what you said in this  
21 interview -- quote:

22 "One must understand that there were two categories of suspects:  
23 first, suspects because of their relatives (for example, Saom  
24 Meng, Saom Met or Vorn Vet and his family); second, subordinates  
25 of arrested superior cadres. For the first category, sometimes,

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1 the whole family was arrested (e.g. Vorn Vet), in other cases,  
2 surveillance was considered sufficient. For the second category,  
3 subordinates were closely watched. That's why, when Huy of the  
4 paddy fields was arrested, his messenger was arrested too. And  
5 when Vorn Vet was arrested, I worried about my personal fate."  
6 End of quote.

7 Were you worried when Vorn Vet was arrested because you had  
8 previously been a subordinate of his?

9 [11.03.01]

10 A. I have just stated <it clearly, but now> allow me to repeat  
11 it. I became so fearful and concerned about my personal safety  
12 since 1973. <After I finished work with the Central Party, on>  
13 that day I went to meet Brother Vorn at night time. And he said,  
14 "Comrade Duch, your name <is> Kaing Guek Kang (phonetic) or  
15 something like that" and that I should be careful <because in our  
16 Party's view the Chinese Communist Party was rather huge>. It  
17 <was> difficult to trust anyone, and only Nget You (phonetic)  
18 <alias> Hong (phonetic) <could> be trusted. He later on worked  
19 for the <Ministry of Commerce>.

20 And what I did at the time was that I tried to understand the  
21 lines of the Party and that I should adhere to the lines so that  
22 I would not disappear because if I disappeared, it <meant> the  
23 rest of the family members, including my <grandmother, my younger  
24 siblings> and my parents, would disappear.

25 I was the core person in my family, and I was the one who knew

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1 much more about the revolution. Later on, Nget You (phonetic)  
2 alias Hong (phonetic), was arrested. Here I go back a little bit.  
3 In 1975, I asked Comrade <Rom to marry me since I had proposed to  
4 her a long time ago, but she did not agree>. And I was angry and  
5 I talked to Pon. And Pon said, "Duch, you have to be careful. You  
6 should not get angry so easily. And if you were to be arrested by  
7 the Party, the woman would become a widow and what would happen  
8 to your family?"

9 [11.05.05]

10 And that was what happened inside the CPK, especially starting  
11 from 1973. And when I started working, Nget You (phonetic) alias  
12 Hong (phonetic), who was fully trusted by the Party, was arrested  
13 by Angkar. And that was the times that my hair stood on end.  
14 So in conclusion, that's what happened. As for my superior, Son  
15 Sen, he really liked to test his subordinates by looking through  
16 <their> facial expressions.

17 And allow me to say that, on one occasion, one day, at 5 o'clock  
18 while I was still resting and my wife was there, then the phone  
19 started ringing. I picked it up and I could clearly see -- hear  
20 the voice of Son Sen. And he asked me to press the encryption  
21 button, and I did that. And he immediately called me to meet him  
22 <at the messenger unit's station>.

23 [11.06.18]

24 I was so scared, but I had to show a firm facial expression  
25 before him because I knew that he was the one who actually wanted

1 to judge people based on their facial expressions. He looked at  
2 me, and I tried to be normal. And he said that the Party required  
3 us to arrest Chhan (phonetic), the son of Brother <Non> Suon. I  
4 said, "That should be no problem" because the person came to  
5 visit my residence rather often and I could call him to go there  
6 at any time.

7 He said, "Yes, you should do that". And he said, "What pretext  
8 should I use?" And I said that Comrade Chhan (phonetic), you  
9 should <come to collect the photographs that you had developed at  
10 my house. There were about 200 photographs>.

11 And actually, I could even ask him to bring me a <pneumatic>  
12 weapon <that he had borrowed from me>. And he said okay, I should  
13 proceed with that, but to keep this matter a secret. <He said  
14 that if Nat asked me about that, I should not tell him, and I  
15 should let Nat ask him directly.>

16 And that was the way that Son Sen liked to play with his  
17 subordinates -- that is, to instill fear within the subordinates.  
18 <I had become so fearful since the time Brother Nget You  
19 (phonetic) was arrested>. So after <the arrest of Brother Vorn>,  
20 Brother Hok (phonetic) was also arrested, and I became so  
21 desperate, so I isolated myself by staying at the sculpture  
22 location. And of course, you could ask those people who worked at  
23 that location to confirm what I have just said.

24 [11.08.04]

25 Everybody was so fearful of being arrested at the time because

1 usually the arrests would be <carried out against> those who  
2 linked to the same line. <If I were arrested, comrade Pon and the  
3 rest of my network would be arrested as well>.

4 Q. You just mentioned a meeting -- communication you had with Son  
5 Sen where he told you the Party required the arrest of -- I hope  
6 I have the names right. The Party required you to arrest Chan  
7 (phonetic), brother of Suon (sic). I don't know if I got those  
8 names right.

9 Who were these people, the Chan (phonetic) and Suon? Who were  
10 these two people? Can you explain?

11 [11.09.02]

12 A. Chhan (phonetic) was <his> revolutionary name. <His> native  
13 name was Chey Han (phonetic). Chey Han alias Chhan (phonetic),  
14 who was the deputy secretary of Division 164, <who worked with  
15 Brother Mut>.

16 Later on, the Party <was> suspicion <of> him, so he was  
17 reassigned to the general staff. That was <what the Party did to>  
18 Chan Chakrey <and others>, and <they were> under surveillance by  
19 Nat. <That was Sao Chhan's (phonetic) case.> And actually, I <had  
20 known> this person since 1967 <from> the revolutionary work.

21 And Chhan's (phonetic) father, or Chey Han's (phonetic) father,  
22 was Non Suon alias Chey Suon. And I believe you know this person,  
23 who was a former resistant who was imprisoned along with me.

24 Q. Thank you.

25 With respect to Vorn Vet and Cheng An, after they were arrested,

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1 do you remember whether there were others, subordinates of theirs  
2 from the Ministry of Industry, who were also arrested?

3 A. I did not know who came to replace him at the Ministry of  
4 Industry. They came from the Southwest. So I did not know about  
5 the screening process conducted by the incoming person who was in  
6 charge of the industry. The screening immediately after the  
7 arrest of Brother Vorn was already part of the plan to arrest  
8 this person or that person. Here, I refer to the Committee 870  
9 <or the Standing Committee> of the Party Centre <that my  
10 superior> used to <refer to it as> the "<Permanent> Committee".  
11 [11.11.45]

12 Q. I do not know if this is a translation issue, it's been  
13 translated a few times as "standby committee". Are you referring  
14 to the Standing Committee?

15 A. I testified yesterday, the Standing Committee was <a bit>  
16 different from the <Permanent> Committee. There were two members  
17 of the Standing Committee who were not members of the <Permanent>  
18 Committee<, they were Brother Phim and Brother Mok>.

19 Q. So I'm clear now. When you use the term "standby committee",  
20 you're referring to the -- what you also call "The group from  
21 Phnom Penh", the Party Centre leaders in Phnom Penh. Is that  
22 correct?

23 A. Maybe this is a problem of interpretation.  
24 The <Permanent> Committee means those who were members of the  
25 Standing Committee and who -- some were not members of the

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1 Standing Committee, and there were six of them.

2 [11.13.31]

3 And based on the documents of the Party that I read before 1967,  
4 that is before I went to the jungle, they were referred to as the  
5 "Politburo of the Party Centre". <However, when I worked with>  
6 Son Sen, <he> did not use the same phrase, he only used the word  
7 "<Permanent> Committee" or sometimes he referred to it as "870".  
8 And yesterday I spoke about it as a -- for the former resistance.  
9 Usually they refer to the <Permanent> Committee members as the  
10 "Intellectual Groups" or the "Phnom Penh Group". And two members  
11 of the Standing Committee were not members of the <Permanent>  
12 Committee, they were secretaries of zones.

13 Q. Okay, well, we'll come back and talk a little more about some  
14 of the upper echelon, and either later today or tomorrow I'm  
15 going to ask you more about Vorn Vet himself, his arrest and  
16 interrogation. But we'll talk more about Vorn Vet himself later.  
17 I want to get back to the treatment of spouses and children who  
18 were sent to S-21.

19 When spouses and children were sent to S-21 who were relatives of  
20 people accused of being traitors or enemies, were the spouses and  
21 children usually interrogated or not?

22 [11.15.29]

23 A. Mostly, they were not, and I do not recall whether Vin was  
24 even interrogated <or whether comrade Hor assigned someone to  
25 interrogate her>. To my understanding, <perhaps> she was not



1 <interrogated>. As for Phoas, Phoas was not interrogated. And as  
2 for <the wife of Bong Hok (phonetic) and Bong Heang (phonetic)>,  
3 they were not interrogated or maybe they were interrogated  
4 briefly only before they were taken away <to be smashed>. They  
5 deemed that <> women were <did not play an> important role in  
6 politics.

7 Q. These wives, for example the wives of Vorn Vet and Cheng An,  
8 were they arrested because of something they had done or were  
9 they arrested just because they were the spouses of people who  
10 were accused of being enemies?

11 A. To my current understanding, it is difficult to <> distinguish  
12 <this matter>. Usually, if the husband had a role to play, more  
13 or less, the wife <had> to <be involved>. The most important  
14 aspect is that if the husband was arrested, the wife would also  
15 be arrested.

16 [11.17.05]

17 Q. You've also indicated that the children would be arrested.  
18 Were children arrested because they were suspected of having done  
19 something wrong or were the children arrested just because they  
20 were relatives of the people who were accused of being enemies?

21 A. This is a complicated issue to make any proper analysis as in  
22 the case of Chhan (phonetic), the son of Chey Suon. He, himself,  
23 was also guilty of certain things. I think this person did not  
24 deserve to be a commander of <the military since> he was a person  
25 who liked to make jokes. That's why he was re-assigned from the

1 <deputy secretary of Division 164> to <be an assistant to> the  
2 general staff. <He was under surveillance>.

3 For some other children, they were arrested because their fathers  
4 had been arrested as in the case of Phen (phonetic), the son of  
5 Brother Vorn, who was a war plane pilot. And there were only  
6 three of these pilots at the time and they were the children of  
7 cadres, including <comrade Vuth (phonetic)>, the son of Ieng  
8 Sary; Phen (phonetic), the son of Vorn Vet; and Mey (phonetic),  
9 the son of Son Sen. They were the only three pilots who were  
10 capable of navigating war planes. <Two of them died, and only  
11 Vuth (phonetic) survived the regime, he is currently a governor  
12 of Pailin province.>

13 The children were arrested because of the mistakes committed by  
14 <their> fathers. I believe in Chhan's (phonetic) case, Chhan  
15 (phonetic) was arrested and somehow later on, Brother Chey <Suon>  
16 -- that is, the father, was arrested.

17 [11.19.30]

18 Q. How old was Chhan (phonetic)?

19 A. He was about five years younger than me.

20 Q. So when I refer to children, I'm referring not to people who  
21 are grown up sons and daughters, I'm referring to young children,  
22 people who were 14 years or younger and who did not have  
23 positions in the regime.

24 Young children, were they arrested because they were accused of  
25 wrongdoing or were they arrested just because they were the child

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1 of people accused of being enemies?

2 A. It is clear that when the mother or the father was brought in,  
3 the children had to be brought in as well. And that was a norm or  
4 part of the operation.

5 [11.20.45]

6 Q. I want to -- in relation to the issue of family members and  
7 whether or not to interrogate them, I'd like to show you a  
8 document I believe you've seen and asked about before.

9 It is, Your Honours, document E3/2047 -- E3/2047 and the first  
10 part of this document is a list of 18 people who were identified  
11 as family members of Sok and Mai -- Mai Lun.

12 With your leave, may I provide this to the witness?

13 MR. PRESIDENT:

14 Yes, you may.

15 BY MR. LYSAK:

16 Q. And Mr. Witness, can you look at the first page? Let's start  
17 with the first page of this document, E3/2047; do you recognize  
18 this? Can you tell us what this document is?

19 [11.22.35]

20 MR. KAING GUEK EAV:

21 A. This document was from Huy who was at the rice fields and  
22 these people were arrested there and sent to S-21 in Phnom Penh.

23 Actually Sok was an alias -- was alias for Sin Dara (phonetic),  
24 who was secretary of the city committee during the <secret>

25 resistance <in Phnom Penh> -- that is, prior to 17 April 1975 and

1 that's what <Nat> wrote in the report <that> you <showed me>  
2 yesterday that they belonged to the city's group and Nat made a  
3 report about this city group people.

4 As for Mai Lun, he was a professor; although, I did not know the  
5 subjects that he taught. The Party noted that he had tendency  
6 toward the Khmer Serei or "Free Khmer", then he was reassigned by  
7 the Party to work at the map section and later on, he was sent to  
8 the rice field after a number of people<, including comrade Sok,>  
9 had been arrested.

10 [11.24.17]

11 As for the people who were arrested because they were the direct  
12 siblings, <the children, and the > relatives of these  
13 individuals, <Hor> mentioned <their names> in this report -  
14 including the father <and> the mother <of Sok, younger siblings  
15 of Sok> and the <children of Mai Lun>; they were arrested by  
16 Comrade Huy, <they were sent to S-21 in Phnom Penh> because these  
17 people were family members of Sok <and of Mai Lun>.

18 And I made an annotation requesting to interrogate four of them  
19 and the rest had to be smashed. <That's the decision that I made  
20 in regards to this matter>.

21 Q. Just so we're clear, the annotation that appears at the top  
22 that says, "Propose questioning 4, and smash or kill the others";  
23 that's your handwriting?

24 A. Yes, that is my handwriting and that's the decision that I  
25 made in regard -- in regards to this matter.

1 Q. How was it decided which of these 18 family members would be  
2 interrogated or questioned?

3 A. The decision was made a long time ago, so what I say now is  
4 more or less my personal conclusion <rather> than the rationale  
5 that I had at the time. I ordered the mother and the father of  
6 Comrade Sok to be questioned and secondly, that they should be  
7 questioned about the <counterfeit> dollar <bills, because I saw  
8 Comrade Huy's annotation on the report, "They had dollar bills,  
9 they planned to flee to Battambang and they insulted us since the  
10 beginning of their arrests."> These were some parts of the  
11 rationale that I made at the time.

12 [11.26.49]

13 Q. I was actually asking what the process was for determining  
14 this and let me read to you something you said a number of years  
15 ago in OCIJ interview E3/1576 -- E31576; Khmer, ERN 00159564 to  
16 65; English, 00160723; French, ERN 00159585. You were being asked  
17 in this interview about this document and this is what you  
18 testified - quote:

19 "I acknowledge having written in the top-left corner,  
20 'Interrogate four persons, kill the rest.' This list had been  
21 sent by Huy who was in charge of the prisoners in the rice field  
22 at Prey Sar. He had requested that three of these persons be  
23 interrogated, numbers 13, 14, and 15. I reported this to Son Sen  
24 by telephone and Son Sen instructed me to interrogate the four  
25 persons mentioned under numbers 1, 2, 13, and 14 and to have the

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1 others executed." End of quote.

2 Does that refresh your memory, Mr. Witness; do you remember  
3 talking to Son Sen about which prisoners should be interrogated  
4 and which would be sent for execution? Do you remember having  
5 that conversation with Son Sen and do you know whether you sent a  
6 copy of this document to Son Sen?

7 [11.29.16]

8 A. Regarding my statement <with OCIJ> that you just read out, it  
9 refreshed my memory that at that time -- that during the time  
10 that I provided a statement, my memory was rather sharp, but now  
11 my memory is not that clear.

12 <Now I would like to emphasize the biographies of comrade Sok and  
13 Mai Lun.> Regarding Mai Lun, Son Sen was more precise regarding  
14 this person, and <regarding comrade Sok>, he was <under direct  
15 supervision of Son Sen> since 1973. <Son Sen was also in charge  
16 of the affairs in Phnom Penh.> And I did not know whether I read  
17 <the document> to him and he relayed his instruction or whether  
18 it was given to him in person, but as I said, the statement that  
19 you read out probably was a clear sign that my memory at the time  
20 was <> sharper than now.

21 [11.30.28]

22 Q. And before we take our break, two of the people who were on  
23 this list that you talked to Son Sen about; number 7 and 8 on the  
24 list, were 6 year-old and 4 year-old girls, children; they were  
25 not part of the four who were to be interrogated, so they were

1 part of the 14 to be executed.

2 Did Son Sen authorize the killing of the 6 year-old and 4  
3 year-old girl who were identified on this list?

4 A. Frankly speaking, at the present time, I cannot remember it; I  
5 cannot recall whether I sought authorization from Son Sen. So  
6 regarding these <children>, if I made a report to him and he  
7 instructed me to question only four and he didn't give any  
8 specific instructions for the rest, it means that the rest had to  
9 be smashed.

10 Q. Before we break, Your Honour, let me just note for the record  
11 the group who -- whose killing was decided in this document, you  
12 will find the names of these people who are recorded as being  
13 executed on 7 April 1977, the date of this report, you will find  
14 their names in the OCIJ list at numbers 3 -- 3338, 3342, 3345,  
15 3347, 3353 through 57, and 3360 records the execution of these  
16 individuals.

17 [11.33.11]

18 MR. PRESIDENT:

19 Thank you.

20 It is now an appropriate time for lunch break. We'll take a break  
21 now and resume at 1.30 this afternoon.

22 Security personnel, you are instructed to take Khieu Samphan to  
23 the waiting room downstairs and get him returned to the courtroom  
24 this afternoon before 1.30 and Mr. Kaing Guek Eav shall be taken  
25 to the waiting room reserved for witnesses and civil parties and

1 invite him back into the courtroom this afternoon at 1.30.

2 The Court is now in recess.

3 (Court recesses from 1133H to 1328H)

4 MR. PRESIDENT:

5 Please be seated.

6 The Chamber is now back in session and I give the floor to the  
7 International Co-Prosecutor to continue putting questions to the  
8 witness.

9 MR. DE WILDE D'ESTMAEL:

10 Mr. President, my colleague is arriving, so I'm going to ask you  
11 for just a few moments of patient. I -- I'm sorry for his coming  
12 late.

13 (Short pause)

14 [13.29.36]

15 BY MR. LYSAK:

16 My apologies, Your Honour.

17 Q. Good afternoon, Mr. Witness. Do you still have the document  
18 that we were looking at before lunch, exhibit E3/2047? I can  
19 provide you with another copy.

20 (Short pause)

21 [13.30.39]

22 BY MR. LYSAK:

23 Q. Mr. Witness, if you could look at the second page of that  
24 exhibit. The first page was the list of the 18 family members of  
25 the two individuals that we discussed, Sok and Mai Lun. The



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1 second page is another report or list from Huy, also dated on the  
2 7th of April 1977 -- same date -- that lists 11 pregnant women;  
3 can you tell us why was Huy sending a list of 11 pregnant women?

4 MR. KAING GUEK EAV:

5 A. <Regarding this issue,> I can still recall that <I was once  
6 questioned. However,> I cannot recall whether it was in Case 001  
7 or <during the investigation stage>; I cannot recall everything,  
8 so I would like to encourage you to look back at my previous  
9 testimony.

10 Q. Well, I certainly can do that, but do you remember what  
11 happened to the pregnant women on this list and do you have any  
12 memory of why Huy would send you lists of women who were pregnant  
13 at Prey Sar?

14 A. I cannot recall it.

15 [13.33.07]

16 MR. KOPPE:

17 Just a request for clarification, Mr. President. Where does it  
18 say that Huy sent this document to S-21?

19 MR. LYSAK:

20 Well, it's attached to another document and I think you'll find  
21 from the next -- your answer in the next document I'm about to  
22 use, Counsel.

23 MR. KOPPE:

24 Well, it is attached in this document, but whether it was  
25 attached at the time, that is unclear.

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1 MR. LYSAK:

2 Mr. President, to answer Counsel's question, I'd like to go to  
3 the next document which is E3/10506 -- E310506 and the specific  
4 Khmer pages -- this is one of the new lists that's only in Khmer;  
5 the specific Khmer ERNs 01019382 through 9383, if I could submit  
6 this to the witness.

7 [13.34.22]

8 MR. PRESIDENT:

9 The Chamber grants your request.

10 BY MR. LYSAK:

11 Q. Could you look at the page - the page that I've marked with a  
12 Post-it and the following page? You will see on this list, an  
13 S-21 execution list, the 10 pregnant -- or the 10 women who were  
14 identified in Huy's report as pregnant.  
15 My first question: For each of these women whose number on the  
16 list I've highlighted -- and for the record, Your Honours, you'll  
17 find the names of these women at numbers 147 through 149, 151,  
18 156 to 157, 159, and 1 -- 167 and 169 through 170 on the  
19 execution list, E3/10506.

20 [13.35.47]

21 MR. KOPPE:

22 Mr. President, I object to what's happening now. I realize that  
23 this is an untranslated document; that we have been using  
24 documents which have not been translated yet either, but at least  
25 I should be able to follow what the Prosecution is saying. Right

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1 now, I cannot follow what he's saying.

2 He says there is a connection between the previous list and this  
3 list; I cannot be sitting here and not saying anything about  
4 this. We should be able, all of us, to verify what the  
5 Prosecution is saying and right now, I can't.

6 JUDGE FENZ:

7 This is exactly the reason why we have actually asked to put  
8 these documents on the -- on -- to display them so our in-court  
9 resources can help us with translations.

10 [13.36.40]

11 MR. LYSAK:

12 We can do that. We can put it on the screen and may I also say,  
13 this is the reason we were given time off. I spent the time doing  
14 what Counsel asked Your Honours for, which is going through and  
15 seeing if we could find new connections through the new list.  
16 We obviously had to rely on Khmer speakers in our team to help us  
17 identify these people. The Defence have Khmer speakers too, so I  
18 am not in any different position than the Defence.

19 JUDGE FENZ:

20 No, but we need to follow your arguments--

21 MR. LYSAK:

22 Yes.

23 [13.37.18]

24 JUDGE FENZ:

25 --on the basis of what -- of these documents--

1 MR. LYSAK:

2 Yes.

3 JUDGE FENZ:

4 --the arguments you make today.

5 BY MR. LYSAK:

6 Yes, which is why I will also identify the numbers. I thank you.

7 Q. So Mr. Kaing Guek Eav, I've highlighted the numbers I just  
8 read on that list. I want to ask you about the notes that appear  
9 in the very right column for those women's names. Can you read  
10 for us -- let's start with number 147 on the list; can you read  
11 for us the annotation or the note that appears in the right-hand  
12 column and if we could show that on the screen?

13 (Short pause)

14 [13.38.40]

15 MR. KAING GUEK EAV:

16 A. Thank you. First, I would like to read it to you. The date  
17 that Comrade Huy wrote the letter to me -- the date is 7 April  
18 1977. And next, I would like to read the date on page 72, so it  
19 was the page preceding my page.

20 First, Khieu Seat (phonetic), female, the <navy> transportation  
21 unit; she was smashed on 7 April 1977. So it means that  
22 immediately after she was sent in, she was smashed. <These people  
23 were> smashed on 7 April 1977, so that means once they arrived at  
24 S-21 <in Phnom Penh>, they were sent away immediately to be  
25 smashed.

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1 <Or in other words,> Hor <arranged> for the transportation <of  
2 those people,> from the rice field unit <to be> smashed  
3 immediately at Choeung Ek without going through S-21. <I cannot  
4 recall what was happening.>

5 [13.41.10]

6 MR. KOPPE:

7 For the -- for the record, Mr. President, I have not been able to  
8 follow what the witness has been saying whatsoever. I get, on my  
9 screen, a note that that name cannot be read on page 72. Whether  
10 that's true or not, I cannot verify, but I strenuously object to  
11 this way that we are dealing with this now.

12 JUDGE FENZ:

13 But Counsel, you have the co-counsel; you have a Khmer-speaking  
14 co-counsel. We are all in the same position.

15 MR. KOPPE:

16 Yes, but I need to follow it as well. I'm also the International  
17 Co-Lawyer and I need to be able to follow it as well.

18 [13.41.49]

19 JUDGE FENZ:

20 Why don't you cooperate?

21 MR. KOPPE:

22 I get the -- I get the remark that it doesn't say so, but--

23 JUDGE FENZ:

24 Then you will have to address this, yes?

25 [13.42.03]

1 MR. LYSAK:

2 Let me help. The reason I found the underlying list is because we  
3 first matched these names to the translation in the OCIJ list, so  
4 let me -- in response to Counsel, let me also give you the  
5 corresponding numbers for these women in OCIJ's list.

6 Number 1 on Huy's list -- that is, the list of 12 pregnant women,  
7 appears as number 3339 in the OCIJ list. Number 2 on Huy's list  
8 appears as number 3343 in OCIJ. Number 3 in Huy's list, a  
9 pregnant woman appears as OCIJ number 3351. Number 4 in the list  
10 of pregnant women appears as OCIJ number 3359. Number 5 on Huy's  
11 list of pregnant women appears as OCIJ Number 3362. Number 6 on  
12 the list of pregnant women is OCIJ 3340. Number 7 on the list of  
13 pregnant women is OCIJ Number 3361. Number 8 is OCIJ 3349. Number  
14 10 is OCIJ 3348 and Number 11 of the list of pregnant women  
15 appears as OCIJ Number 3341.

16 [13.43.54]

17 I will note here also that the only pregnant woman on Huy's list  
18 who we did not find in the S-21 list is Number 9, Sao Sovannary  
19 (phonetic), who, if you look at Huy's list, you will see an  
20 annotation next to her name that says, "Not seen". That Number 9  
21 is the only one -- or the person who's indicated as not seen is  
22 the only one who does not appear on this -- on the OCIJ list and  
23 the underlying execution list that the witness has identified.

24 [13.44.42]

25 BY MR. LYSAK:

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1 Q. Mr. Kaing Guek Eav, Mr. Witness, the references in the  
2 right-hand column to these women being smashed, what -- is the  
3 word "smashed" used or is there a shorthand reference to indicate  
4 they -- they were executed?

5 (Short pause)

6 [13.45.45]

7 MR. KAING GUEK EAV:

8 A. The annotation in -- was in Khmer. The word "smashed", it  
9 means that the person had already <been> killed and the  
10 handwriting, as far as I can remember, is -- was <Hor's>  
11 handwriting.

12 Q. My question was: Did Hor -- did he use the full name, smash -  
13 "kom tech" or did he use a short -- shorthand reference and if  
14 so, you can say in Khmer what the -- what the reference is  
15 please.

16 A. The word "kom", it was an abbreviated form of the full word  
17 "kom tech" but because it's too long to write the full word, we  
18 simply <wrote> the short one -- that is, "kom".

19 Q. Now, I note in the report you -- the report from Huy, dated 7  
20 April 1977, at least the first woman on the list in the right  
21 column, she is described as nearing full-term pregnancy. If you  
22 look at the right column of E3/2047, it indicates that she was  
23 nearing full-term pregnancy and do you understand whether or not  
24 the names below her, Huy's report, does this indicate or mean  
25 that the other women were also nearing full-term pregnancy?

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1 [13.48.23]

2 A. The women who <were> near full-term pregnancy and whose names  
3 appeared in the list, there were totally eight of them. <The  
4 first name was mentioned with a full description, and as for the  
5 names below her,> there was the annotation next to their names,  
6 "doch" (phonetic) or in English "the same" -- the same -- the  
7 same. <So, it means that those eight women were all near  
8 full-term pregnancy, not just the one on top of the list.>

9 Q. What was the reason, Mr. Witness, that eight women nearing  
10 full-term pregnancy were sent from Prey Sar to be executed at  
11 Choeung Ek? What was the reason for that?

12 A. I cannot recall it.

13 Q. Was there a practice at Prey Sar when people were sick -- too  
14 sick to work or in this -- in this case, women who were in the  
15 late stages of pregnancy could not work, were those people sent  
16 away for execution?

17 A. I cannot recall everything related to these principles that  
18 you just mentioned.

19 [13.50.10]

20 Q. Do you recall how often Huy sent reports listing women who  
21 were pregnant or nearing their full-term pregnancy?

22 A. I cannot recall it, but let me give you an event or example  
23 during the testimony here. When the Chamber tried Case 001, there  
24 was a witness named Bou Thon, who was a widow. She was  
25 transported by truck and she delivered her baby in the city and



1 that was the incident that I can -- I can remember. That's the  
2 only one I can remember.

3 As for the other cases of other women, I cannot recall it <since  
4 it happened a long time ago>.

5 Q. And at the bottom of this list -- Huy's list of pregnant  
6 women, there is a handwritten note that reads, "Among these,  
7 there may be some small children as well." Do you recognize the  
8 handwriting; who is it that wrote the line at the bottom -- the  
9 handwritten line that states that there may be some small  
10 children as well?

11 A. I would like to clarify to you that I cannot remember Huy's  
12 handwriting. <But it was Huy who made this report.>

13 [13.52.34]

14 Q. Do you know, Mr. Witness, what happened to small children of  
15 women when those women were sent away for execution; what  
16 happened to their children?

17 A. Related to this story -- it related to the story I told you  
18 earlier about children <of the enemy>. In principle, children of  
19 the enemy who were not mature yet, they needed to be smashed <if  
20 their parents were traitors>, and that was based on the general  
21 principle of the Party implemented at that time.

22 There was one occasion when I gave the answer in this courtroom.

23 If this case was not the general principle or policy of the  
24 Party, then we would ask how many <orphanages> there <were>

25 during the Democratic Kampuchea regime. So the general policy was

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1 that when the parents were considered traitors, the children  
2 would be taken away and killed.

3 [13.54.30]

4 I was asked in this courtroom <or during the investigation stage>  
5 about particular children who were spared; for example, Mam Nai's  
6 children. <I said that regarding> Mam Nai's <children, their  
7 parents were> the cadres, so the children were spared. <They were  
8 not sent to school> and <usually, they> went out to find rats in  
9 the rice fields. But if Mam Nai became a traitor, his children  
10 also would be killed. That was the general policy at that time.  
11 <In short, when the head of the family, the man, was considered a  
12 traitor, the spouse and the children were also taken away.>

13 MR. LYSAK:

14 Thank you. I'd like to now turn to another family that appears in  
15 the S-21 records.

16 Your Honour, may I submit to the witness document E3/3187 --  
17 E3/3187 and the specific pages of this list, Khmer, 00008758 to  
18 59; the corresponding English pages, 00874194 to 96? With your  
19 leave, may I submit this to the witness?

20 MR. PRESIDENT:

21 Yes, you may proceed.

22 [13.56.45]

23 BY MR. LYSAK:

24 Q. The document -- the first document in what's been handed to  
25 you is a list of prisoners executed in December 1976 and I'm

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1 going to refer you to a number of people on this list who are  
2 identified as family members of Toek Seng Heng, who is -- was a  
3 chief of new road construction or maintenance identified from the  
4 railway unit.

5 And if you look at number 77 on this list, first of all, number  
6 77 is Toek Seng Heng's wife, Nay Sim, who entered S-21 on the  
7 19th of December 1976 and was executed on the 28th of December  
8 1976.

9 The same list, if you look back on the same page where we've  
10 highlighted the names for you, numbers -- it contains six  
11 children of this couple. Numbers 65 to 69 on the list are five  
12 daughters of Toek Seng Heng, who entered S-21 with their mother  
13 on the 19th of December: Toek Koam Reasei, number 66; number 67,  
14 Eng Vuthy; number 68, Eng Raksmei; number 69, Eng Vutha; all of  
15 whom were executed six days after their arrival on the 25th of  
16 December 1976.

17 [13.58.57]

18 And Your Honours, one of these daughters appears in a photograph  
19 -- an S-21 photograph, E3/8639.1064. Let me repeat that and if we  
20 could put that photo on the screen. E3/8639.1064 is a photograph  
21 from S-21 of Eng Raksmei, one of the daughters of Toek Seng Heng.  
22 And the last name I want to refer to you on this list before I  
23 have some questions for you, Mr. Witness: Number 61 on the same  
24 list is Eng Saroth, also identified as a child of Toek Seng Heng,  
25 entered S-21 19 December 1976 and was executed two days later on

1 the 21st.

2 We also, Your Honours, have his S-21 photograph in the new  
3 collection of DC-Cam photos; this is E394.1 at page P01223708  
4 through 09. I've included that in your packet, Mr. Witness.

5 There is a photograph of a young boy, if we can show that  
6 photograph on the screen now, he is photo number 120 in the new  
7 DC-Cam collection of S-21 photos. And for the record, he is  
8 identified on the back of the photograph as Eng Saroth, son of  
9 Toek Seng Heng, with the date 19 December 1976. That corresponds  
10 to his S-21 record.

11 And the same photograph is also in evidence as E3/8639,  
12 E3/8639.283.

13 [14.01.58]

14 My first question, Mr. Witness, while we are trying to get that  
15 photograph on the screen, in this list and others, there were a  
16 significant number of people from the railway who were sent to  
17 S-21 in late 1976, including, in this case, an entire family from  
18 people.

19 Yes, and if you are looking at the screen, if we could zoom in on  
20 it a little better, the picture in the very bottom right, number  
21 120, is the -- there we go. That is the photograph of Eng Saroth,  
22 one of the children of this family who appears on this list.

23 Do you have any recollection of why people, including entire  
24 families, were being arrested and sent to S-21 from the railway  
25 in late 1976?

1 MR. KAING GUEK EAV:

2 A. I do not recall that.

3 [14.03.29]

4 Q. The main thing I wanted to ask you about this family, Mr.  
5 Kaing Guek Eav, as I just indicated, the children were all  
6 executed within a week of their arrival though in one case,  
7 number 65, I should note, the S-21 list indicates that on the  
8 same day that her sisters were killed she committed suicide by  
9 hanging, if you look at number 65, Eng Makea Vin identified as  
10 committing suicide by hanging on the 25th of December.

11 But the reason I wanted to ask you about this family, the father  
12 Toek Seng Heng, he entered S-21 a few days before them on the  
13 16th of December 1976, but he was not executed until nine months  
14 or over nine months later on the 19th of September 1977.

15 And Your Honours, for the record, the father, Toek Seng Heng,  
16 appears in document E3/2285; E3/2285, Khmer -- it's a list of  
17 prisoners smashed on 19 September 1977 which is Khmer, 00009083  
18 to 85; English, 00873172. He is number 79 on that list.

19 [14.05.19]

20 So my question, the children and the mother were all executed  
21 fairly soon after their arrival at S-21. The father was not  
22 executed until nine months later but why was that?

23 A. I did not have full knowledge regarding this event.

24 Q. Let me ask you this way, Mr. Witness. You have already  
25 testified that normally the wives and children were not

1 interrogated. When children and spouses were brought to S-21 and  
2 not interrogated, were they kept around while the father was  
3 being interrogated or were they taken away for execution before  
4 his interrogation was completed?

5 A. There was no fixed rule regarding this matter. Allow me to be  
6 frank with you, Mr. Prosecutor, regarding the photos, I am not  
7 sure regarding the note behind or at the back of the photos and  
8 that it was before 7 January <>. To me, that is not clear. I did  
9 not know whether the writing at the back of the photos was done  
10 before or after 7 January <>. I see the old serial numbers and  
11 then new serial numbers <appear>. So what is the difference  
12 between the two sets of numbers?

13 [14.07.55]

14 Q. Was the new numbering system done by S-21 or by somebody else  
15 and what was the reason for the new numbering system?

16 A. As for the names of the people in the photos, I am unclear  
17 whether these names appear on the list of <S-21> prisoners made  
18 by the <Office of the> Co-Prosecutors -- that is, out of those  
19 <over 12,000>, or whether they are new names. So, to me, this  
20 figure and the photos are unclear.

21 I could tell you about the actual practice at the time. The  
22 principle is that, for important prisoners, they would be  
23 questioned first, and later there would be a decision whether any  
24 of their wives <and children> would be questioned; <if they were  
25 needed for the purpose of interrogation, they would be

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1 questioned, but if they were not important, they would be taken  
2 out>.

3 However, these are numbering systems and these lists trouble me.

4 I do not know whether the names were extracted from the list of  
5 S-21 prisoners provided to me by the Office of the Co-Prosecutors  
6 and that's the list that was used during the proceedings, prior  
7 proceedings regarding the facts at S-21, or whether this is a new  
8 list of prisoners.

9 And as for the list, I believe Co-Prosecutor Vincent De Wilde is  
10 <very> familiar with it regarding the process of compiling that  
11 list.

12 [14.09.40]

13 Q. Well, Mr. Witness, perhaps I will show you this full new  
14 collection. It did -- it was something discovered by DC-Cam, a  
15 new set of photos, after the proceedings against you. There are  
16 about 1,000 new photos. The first half from 1976 don't have name  
17 tags; they have handwritten names on the back. The second part of  
18 that group have name tags.

19 I can also tell you that a witness from the photography unit who  
20 testified earlier has identified the handwriting on the back of  
21 these photos as being the head of the photography unit.

22 But perhaps in one of these subsequent days I will give you the  
23 whole book so that you can look at it.

24 I can also tell you that we have -- sorry, Your Honour.

25 [14.10.46]

1 JUDGE FENZ:

2 Just a very short remark.

3 Mr. Witness, there is a new list; yes, a list you haven't seen so  
4 far. So that's a fact. And some of the questions and supporting  
5 material which you have not yet seen because they only -- were  
6 only made or compiled by the Office of the Co-Investigating  
7 Judges recently and brought to the attention of the Trial Chamber  
8 a couple of months ago.

9 So yes, you will be confronted with a list and supporting  
10 material you have not yet seen. Is that clear?

11 [14.11.25]

12 BY MR. LYSAK:

13 Thank you, Judge Fenz.

14 Let me also just for the record, so it's clear, the photographs  
15 that appear here have numbers on the front which were added by  
16 DC-Cam. So if you are looking at the numbers that were done  
17 sequentially, that was done by DC-Cam in putting together the new  
18 material that was received. But the information on the back of  
19 the photographs comes from the originals.

20 Q. Mr. Witness, we have talked about children who accompanied  
21 their parents. Yesterday, I showed you a daily control list for  
22 S-21. And I want to briefly come back to that document with you  
23 and you probably don't have that there.

24 So if I can provide again to the witness -- this is document  
25 E3/8493, Your Honours, E3/8493. It is a list - or, it is the



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1 daily prisoner control list for 11 April 1976, if I can provide  
2 that again to the witness?

3 [14.13.01]

4 MR. PRESIDENT:

5 Yes, you can do that.

6 BY MR. LYSAK:

7 Q. Now, the part of the list I want to ask you about today, Mr.  
8 Witness, if you look on the first page where the chart is  
9 reflecting totals, you will see there is an indication there "New  
10 arrivals" a total of 58 new arrivals and you will also see some  
11 totals in the chart of "Children outside detention".

12 And then if you turn to the second page which is also dated 11  
13 April 1976, you will see a list of 33 people with names, people  
14 who are indicated as coming from Preaek Dach (phonetic), Sector  
15 25, identified as Arab/Pakistan/Indian.

16 [14.14.18]

17 And then at the end of that list there is an indication of there  
18 also being 20 male children and five female children. And if you  
19 add 33, 20 and 5, that comes to -- the 58 corresponds to the 58  
20 new arrivals that are indicated on the cover page.

21 My question to you is: can you explain to us why it is that the  
22 25 children were not included -- were not named and put on the  
23 registration lists and are only referred to in totals here? What  
24 was the reason for that practice?

25 MR. KAING GUEK EAV:

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1 A. The list of the Pakistanis, I believe I made my statement once  
2 during the investigative act as well as during the proceedings in  
3 Case 001. I stated that Nat took <Cambodian> people who were  
4 Muslims to Takhmau before they were <> taken out.

5 And if I am not mistaken, those Muslim people <from the Arab  
6 village> were finally smashed at S-21 after they had been  
7 evacuated to various locations. And <in February,> I was not yet  
8 chief and I believe that they were held at Takhmau prison and  
9 later smashed.

10 [14.16.29]

11 So I believe they applied the same principle. When the parents  
12 were considered traitors, the children would be smashed as well.

13 And if you compare these <Muslim> matters to a telegram <that  
14 Brother Phim sent to Brother> Pol, <it happened after the  
15 telegram had been sent to him; so> the measures taken by the  
16 Party for Muslims happened after they planned to move the Muslims  
17 along <the borders and> the river to the <Northwest Zone and the>  
18 North Zone. And that is a matter between the Muslims and -- the  
19 Muslim people and the CPK.

20 Again, as I have stated, if the fathers were removed, the wives  
21 and the children would also be removed. And that was the practice  
22 in principle regarding the policy of the CPK towards the  
23 <Cambodian> Muslim people.

24 [14.17.37]

25 Q. So in your past testimony where you've talked about these

1 people, you called them as from the Muslim village, those people  
2 are the people who appear on this list; do I understand  
3 correctly?

4 A. I spoke about Muslim people from "Phum Arab" (phonetic).  
5 That's one of the names <used> in Khmer for Arab village, <but I  
6 do not know what it is called currently>; and they usually raised  
7 livestock there and the village was located outside the skirts of  
8 Phnom Penh City at the time.

9 So they were evacuated to various locations and finally Nat was  
10 instructed by Angkar to gather them up <>. And that happened  
11 around <in> February <'76 after Brother Phim had sent the  
12 telegram to Brother Pol> in relation to about <500,000> Muslim  
13 people from the East Zone and that was in line with the policy of  
14 the CPK towards the Muslims after the event that unfolded in the  
15 East Zone.

16 Q. Just so we're clear, at the top of the page, the second page,  
17 there is a reference to "these people have been brought in from  
18 Preaek Dach (phonetic)". Do you know where Preaek Dach (phonetic)  
19 was? Was that the same location of the villagers you were talking  
20 about or is that a different location?

21 [14.19.29]

22 A. The village location that I mentioned was located at the  
23 outskirts of Phnom Penh.

24 For Preaek Dach, as I said, <after 17 April>, people in Phnom  
25 Penh were evacuated out of the city including those Indians from

1 Arab village. And they were evacuated to Preaek Dach and at  
2 various stages, they were evacuated elsewhere.

3 And it is my conclusion that, later on, Nat was instructed by  
4 Angkar to gather them up at Takhmau. And from the date on the  
5 document, that event took place after Phim sent a telegram to  
6 Brother Pol on the situation of the Muslim people. <He called  
7 them Islamic people>. And to my recollection, that telegram was  
8 sent on the 2nd of November 1975.

9 [14.20.37]

10 Q. Okay. Thank you for that information, Mr. Witness.

11 I want to talk in general about the children who were taken or  
12 brought to S-21 with their parents. Other than the three or four  
13 who you've indicated were still alive when the Vietnamese  
14 arrived, were the other children who came with their parents  
15 killed?

16 A. The adults, as well as the children -- that is, <> they all  
17 had to be removed. <I cannot recall the exact date, but> that was  
18 between the 1st and the 3rd of January, and <> Uncle Nuon  
19 actually called me to relay that instruction. <To remove them all  
20 means to remove both the adults and the children. As for the  
21 children,> they were <taken out once a while>.

22 Q. I was asking a more general question about the entire period  
23 that you were chairman or deputy chairman or chairman of S-21.

24 What happened to the children who came to S-21 with their  
25 parents? Were there any survivors other than those three or four

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1 who were left at the end of the regime?

2 A. I think the three children who survived were those who were  
3 entered in late 1978.

4 As for the children who were entered from 1975, up to that period  
5 had all been smashed.

6 [14.23.01]

7 Q. And where -- when the children were smashed, Mr. Witness,  
8 where were they taken to be killed?

9 A. I may not be able to provide you a precise response. I can  
10 only make a general statement in my capacity as a person who was  
11 overall in charge <of S-21>. They were sent to be killed at  
12 Choeung Ek.

13 I was busy reading documents everyday starting from 6 o'clock in  
14 the morning until 12 midnight, as I had to make reports to my  
15 superior. And that was my main role at the time.

16 Q. Were these children -- were children kept for long periods at  
17 S-21 before they were taken away for execution? And if so, where  
18 were the children kept?

19 A. I did not know the real practice at the time or where the  
20 children were kept.

21 Q. Well, you talked about the fact that there weren't orphanages.  
22 Were there -- was there a big day care centre or school at S-21  
23 where there were hundreds of children waiting for their parents  
24 to be interrogated?

25 [14.25.11]

1 A. I have stated that if, during the Pol Pot regime or the CPK  
2 regime, if there were no instructions to kill orphans, then there  
3 had to be <orphanages>. But nobody ever saw any orphanage <that>  
4 existed during the regime. And that is evidence indicating that  
5 the CPK instructed subordinates to smash the wives and the  
6 children when the fathers or the husbands were considered  
7 traitors.

8 So, in conclusion, we can say that during the Pol Pot regime when  
9 the parents were smashed, the children would also be smashed  
10 since there was no sign of any existence of an orphanage during  
11 the regime.

12 [14.26.22]

13 Q. Mr. Witness, I want to read to you an excerpt from a book that  
14 was written by Teth Sambath who conducted extensive interviews of  
15 Nuon Chea. This book is document E3/4202 -- E3/4202. Reference is  
16 English, 00757337; Khmer, 00858358 to 59; French, 00849448.

17 In a section of his book that discusses S-21, Teth Sambath  
18 attributes the following statement to Nuon Chea -- quote:

19 "'They normally confessed when they were beaten painfully and  
20 seriously tortured', Nuon Chea said. This confession could not be  
21 valid and usable so they must be released. Some of the accused  
22 were very young." End of quote.

23 We're going to talk about torture and confessions later. For the  
24 moment I want to focus on the last part of this quote attributed  
25 to Nuon Chea about S-21, his statement that some of the accused

1 were very young.

2 Do you remember having any conversations with Nuon Chea about  
3 children at S-21? Did you send him any reports? Do you know how  
4 it is that Nuon Chea was aware that there were people at S-21 who  
5 were very young?

6 [14.28.36]

7 A. I think that statement by Uncle Nuon was not according to the  
8 real situation at all. No one was ever released after they were  
9 sent to S-21<, they> had to be smashed. And I can have Nuon as my  
10 witness on this matter.

11 There was a dentist, <> 870 <authorized to arrest and send him to  
12 S-21> and his name was <Dy> Phon. And <that person> was with Pol  
13 Pot<'s group when> they were <in> France. That person was  
14 arrested, and <shortly after, Uncle> Nuon called me to see him  
15 and that party instructed for the release of this <dentist, Dy>  
16 Phon.

17 And I did not even respond to his request to instruction yet and  
18 he said that, "You have to release him so that he could be used  
19 as a dentist to fix our teeth, to treat -- for the treatment of  
20 our teeth" <Whenever I heard the word "release", I was not  
21 arguing with him. But the word "release" here did not mean> that  
22 he should <> be released <to go home; it meant that> he could be  
23 released for the purpose of working inside S-21 and maybe he  
24 would be allowed to stay there with the prisoners. That was the  
25 only instance that I ever received instruction for the release of

1 prisoners for working inside the compound; <the instruction was  
2 from CPK - Brother Pol>.

3 So that statement by Nuon is not based on the real situation at  
4 the time.

5 [14.30.41]

6 Q. I understand. We will come back because he says more about his  
7 review of confessions. And I'll ask you about -- to respond to  
8 what he says about that later.

9 I wanted to focus now on -- only on the part of the statement  
10 about some of the accused at S-21 being very young.

11 And my question to you is: do you remember having any discussions  
12 with Nuon Chea about children at S-21? Did he receive reports  
13 about children?

14 Do you have any understanding of how Nuon Chea knew there were  
15 people at S-21 who were very young?

16 A. I did not hear the interpretation.

17 MR. PRESIDENT:

18 Please check the audio equipment. Please check the battery of the  
19 equipment.

20 (Short pause)

21 MR. PRESIDENT:

22 [14.32.43]

23 The Co-Prosecution, please repeat your <last> question because  
24 the witness did not hear the interpretation in Khmer.

25 BY MR. LYSAK:



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1 Q. My question had to do with the statement by Nuon Chea that  
2 some of the people at S-21 were very young. Did you -- do you  
3 remember any conversations with Nuon Chea about children at S-21?  
4 Did you send him reports or do you know how it is Nuon Chea was  
5 aware that there were young people, very young people at S-21?

6 MR. KAING GUEK EAV:

7 A. Thank you.

8 I never sent the list of prisoners to Uncle Nuon.

9 I sent to Uncle Nuon and Brother Son Sen <> the confessions from  
10 the <important> prisoners <who were under the Party surveillance,  
11 and I tried to conclude the task quickly and accurately>. I made  
12 the annotations at this particular place where I would like to  
13 draw their attention. <I only made a short annotation,> so the  
14 documents that we all saw can be <an example> of what I did at  
15 that time. <I did not report to him regarding how many of  
16 children there were.>

17 So that's why I said earlier that what Brother Nuon said was not  
18 true, <there were no children left alive at S-21> and I did not  
19 know the reason and I cannot comment on why he said so.

20 [14.34.46]

21 Q. Let me ask you this. In your communications with Son Sen and  
22 Nuon Chea, did any of them ever instruct you that children should  
23 not be taken to S-21 or that children should not be killed? Did  
24 anyone -- did either of them ever tell you not to arrest, not to  
25 detain or not to kill children?

1 (Short pause)

2 [14.35.46]

3 MR. PRESIDENT:

4 Duch, could you hear well?

5 MR. KAING GUEK EAV:

6 A. Thank you. I <will> now provide you a short answer <"No">.

7 There was never <any> instruction to me not to kill children,

8 <older people, or pregnant women>. There was never such an

9 instruction and I recall it clearly that when <they planned to

10 arrest> New People <>, Brother Son Sen always instructed me to

11 take those arrested people out so that new arrestees could be

12 brought in. He wanted to make sure that the prison had enough

13 vacant space to receive new prisoners. <For instance, they

14 planned to arrest the North Zone network because there were

15 implications in Koy Thuon's confession. He instructed me to take

16 a maximum number of prisoners out of the prison so that new

17 prisoners could be brought in, and also to prepare the

18 interrogation of those new prisoners in time for him.>

19 There was never any instruction not to kill children, not to kill

20 pregnant women, not to kill <older people>. There was never such

21 instruction.

22 <As I already gave an example,> I received the order from Brother

23 Pol <through Uncle Nuon> not to kill <Brother Dy> Phon, who was a

24 dentist<, so I did not kill him> and that was the only incident

25 that I received such instruction.

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1 MR. PRESIDENT:

2 Thank you. It is now a convenient time for a break. The Chamber  
3 will take a break from now until 3 o'clock.

4 Court officer, please assist the witness in the waiting room  
5 reserved for the witness and please bring him back into the  
6 courtroom at 3 o'clock.

7 The Court is now in recess.

8 (Court recesses from 1437H to 1458H)

9 MR. PRESIDENT:

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

11 Again, the floor is given to the Deputy Co-Prosecutor to continue  
12 putting further questions to the witness. You may proceed.

13 [14.59.37]

14 MR. LYSAK:

15 Thank you, Mr. President. Before I resume my questions, just a  
16 logistic matter, just to let the Court know of how we plan to  
17 divide our time with the civil party lawyers. They have asked for  
18 three sessions.

19 Our plan, if it is agreeable to the Court, is that they will  
20 actually start tomorrow, perhaps in the afternoon, maybe midway  
21 through the first session, do one and a half sessions Thursday,  
22 one and a half sessions Monday morning and then I will resume and  
23 do the remaining time from there. That is our plan if that's  
24 acceptable to the Court.

25 Mr. Witness -- Your Honour, at this time I'd like to ask the

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1 witness about document E3/2133 -- E3/2133. So may I provide that  
2 exhibit to the witness?

3 MR. PRESIDENT:

4 Yes, you may.

5 [15.01.12]

6 BY MR. LYSAK:

7 Q. The document you've been handed is a one-page document titled,  
8 "Names of prisoners under Brother Huy Sre to be eliminated."  
9 There is a list of 18 names and then there appears -- the  
10 document is dated 23 July 1977 and then there is a handwritten  
11 note at the bottom which states, "Total number of persons, 178."  
12 Total -- I'm sorry -- "Total prisoners including children smashed  
13 178 persons including 160"--

14 MR. PRESIDENT:

15 Please hold on, Deputy Co-Prosecutor.

16 Counsel Koppe, you have the floor.

17 [15.02.16]

18 MR. KOPPE:

19 Last week a corrected version was filed and notified. The word  
20 "smashed" does not appear anymore because it doesn't appear in  
21 the original Khmer. So, the Prosecution should be using the  
22 corrected version.

23 BY MR. LYSAK:

24 Thank you. I did have the old.

25 Q. Mr. Witness, why don't we have you -- do you recognize the

1 handwriting -- well, first of all, do you recognize who signed  
2 this report?

3 [15.02.58]

4 MR. KAING GUEK EAV:

5 A. This document as well as the handwriting, I believe I made my  
6 comment already since -- during the investigation stage. And it  
7 is not difficult for me to acknowledge this document as well as  
8 the handwriting of Hor. And the document itself belonged to S-21.

9 Q. So it's Hor's signature. Is the note that is written also  
10 Hor's handwriting?

11 A. Yes, that is clear; it is Hor's handwriting.

12 Q. And for the record, could you read what Hor wrote at the  
13 bottom of this list?

14 A. Allow me to read a bit further from the top part, "Made on  
15 23rd July '77. Including 160 children, altogether from the rice  
16 fields section, 178 persons."

17 [15.04.35]

18 Q. So there are 18 persons who were identified by name. The note  
19 indicates there would be a total of 178 including 160 children.  
20 What happened to the 160 children that are referenced in this  
21 document?

22 A. Like we looked at the title of this document together, the  
23 title reads "names of prisoners smashed by Huy Sre's section or  
24 Huy at the rice field". So it means that <on that day,> 178  
25 people were smashed, including 160 children and 18 adults.

1 Q. In situations where people were sent from Huy Sre's unit, Prey  
2 Sar, to be executed, do you know were they sent directly to  
3 Choeng Ek or did they come to S-21, the S-21 prison first before  
4 they were sent to Choeng Ek?

5 A. I did not administer this process. However, I can talk about  
6 the general principle.

7 There was no procedure to transport people from Prey Sar to Phnom  
8 Penh and back from Phnom Penh <> to Choeng Ek. <When the  
9 decision was made,> they were transported from Prey Sar directly  
10 to Choeng Ek.

11 [15.06.56]

12 Q. And this document concerns prisoners from Brother Huy Sre's  
13 unit, but the document is signed by Hor. Can you explain why it  
14 is that Hor signed this document?

15 A. It was not Sre's unit who wrote this document based on its  
16 content. They refer to prisoners smashed by Huy Sre's unit. So I  
17 believe, this document was <probably> written by someone in Phnom  
18 Penh and that could be Comrade Thy.

19 But I believe this document was drawn up by people in Phnom Penh  
20 about the activity of Huy Sre's unit, and it was not Huy Sre  
21 <himself> who compiled this document. And for that reason, we see  
22 the signature of Hor on this document.

23 [15.08.09]

24 Q. Mr. Witness, this evidence indicates that on one day, a single  
25 day, 160 children were killed. Do you have any sense, any

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1 estimate for the Court as to how many children were killed over  
2 the entire course of S-21's operations? Are you able to give us  
3 any estimate?

4 A. It is very difficult to provide you an estimate. For example,  
5 when I was asked about the work forces of S-21 and I said there  
6 were about 600, but when I saw the statistics on the document the  
7 number differs. So it is very difficult for me to give you an  
8 estimate on the number. My primary task there while I was chief  
9 of the centre was to read documents, read lots and lots of  
10 documents and to make a report.

11 I led the people collectively and my subordinates were  
12 responsible for their tasks individually. For example, if the  
13 people had to be smashed, it <meant> the instruction had to be  
14 implemented and prisoners had to be smashed.

15 And as we could see, there were only three surviving children.

16 And this is a clear example. It would not make sense to transport  
17 people from Prey Sar to Phnom Penh and then to Choeung Ek <other>  
18 than in an efficient way -- that is, to transport those people  
19 from Prey Sar directly to Choeung Ek.

20 [15.10.15]

21 Q. One last question relating to children. In testimony that you  
22 gave on the 22nd of June 2009 in your trial, this is E3/5802 at  
23 9.35 in the morning, you said the following - quote:

24 "All the children would be separated from their parents. The  
25 majority of them were sent to the rice fields at Prey Sar and

1 then they would be smashed. And the rest will be killed around  
2 the compound of the Ponhea Yat College." End of quote.

3 Were there -- were some of the children who arrived at S-21  
4 killed in the surrounding area of Tuol Sleng and, if so, who was  
5 responsible for those executions? Who was responsible for  
6 carrying out those executions?

7 A. I acknowledge people were killed around the areas of Ponhea  
8 Yat College, when it was <urgent,> when <a large number of>  
9 prisoners arrived and we had to have rooms to accommodate them;  
10 <those prisoners were adults>. As for the children, the children  
11 were to be killed at Choeung Ek.

12 [15.12.14]

13 Q. All right. Let's -- I am going to turn to another subject now  
14 and we are going to talk about interrogations of S-21 prisoners.  
15 I want to start with some questions about the general procedures  
16 relating to interrogations at S-21.

17 And my first question is when new prisoners would arrive at S-21,  
18 how was it determined which prisoners would be interrogated and  
19 to which interrogator or to which interrogation group they would  
20 be assigned? And can you tell us how that decision was made?

21 A. Prisoners that I assigned Pon to question were those who the  
22 upper level <was interested in, and from whom> they wanted <a>  
23 statement.

24 There was one prisoner that I was strictly instructed from the  
25 upper echelon to interrogate myself -- that is, Koy Thuon. And



1 another one, <Yim> Sambath, who was from <a Company under  
2 Division 170 of> the East Zone, <who threw a grenade behind the  
3 Royal Palace>, and Hor was strictly assigned <by the upper  
4 echelon> to interrogate that person without beating him up.  
5 Besides these two special individuals, <when there were>  
6 instructions from the upper echelon, I <always assigned either  
7 comrade Pon or comrade Tuy> to interrogate those prisoners;  
8 <other than those prisoners, it was comrade Hor who assisted in  
9 my tasks. They were actually my tasks, but he assisted me since I  
10 was very busy at the time>.

11 So since the time that I started to become Chairman of S-21, I  
12 only questioned one person -- that is, Koy Thuon, in person, and  
13 for other important prisoners, it was Comrade Pon who questioned  
14 them.

15 [15.14.58]

16 Q. But for the other members of the interrogation groups, do you  
17 know how it was decided which prisoners would be assigned for  
18 interrogation and to what groups they would be assigned? Are you  
19 able to explain that to us?

20 A. Regarding the level of importance of prisoners and who to be  
21 assigned to, in fact Pon and Hor were closely related to this  
22 matter. So they were aware of who <was> important. And for that  
23 reason, upon the arrival of those prisoners, <> they would assign  
24 <> interrogators to question them.

25 In some other instances; for example regarding the four

1 Westerners, I was the one who assigned <interrogators> to  
2 interrogate them -- that is, <I gave two of them> to Brother Mam  
3 Nai <for questioning>, and the other two were given to Pon <for  
4 questioning>.

5 As for Vietnamese "Yuon" soldiers and "Yuon" civilians, Mam Nai  
6 was the exclusive interrogator of these Vietnamese people since  
7 <I assigned him to study> Vietnamese and he could communicate in  
8 Vietnamese with these people. He actually learned from two  
9 prisoners in the compound, to learn and to speak Vietnamese  
10 better. <Those two prisoners were Pha Tha Chan and Vu Dinh Ngo.>  
11 So <they were assigned with different tasks. To sum up>, I  
12 interrogated one <> person only, <Hor questioned one person only,  
13 Pon questioned important prisoners>, Mam Nai was in charge of  
14 interrogating Vietnamese prisoners <and two other Western  
15 prisoners>, and the rest <depended> on the other interrogators.  
16 <So we could not question all prisoners in time since there were  
17 fewer cadres compared to the large number of prisoners.>

18 [15.17.35]

19 MR. LYSAK:

20 With your leave, Mr. President, I am going to have at times  
21 questions for the witness where I want to refer to the three  
22 notebooks from S-21 interrogators that are in evidence. I have  
23 put the documents into a binder so that the witness can have it  
24 there so we don't have to be moving papers back and forth.  
25 For the record, the three notebooks that have been identified as

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1 S-21 -- notebooks from S-21 interrogators, in order here: E3/8368  
2 -- E3/8368, which is the notebook that on the cover page is  
3 referred to as a statistics list of special branch is the title  
4 on the cover of this notebook.

5 Now, the second one is E3/834 -- E3/834. This is the notebook  
6 that is normally referred to as the Pon-Tuy notebook.

7 And the third is E3/833; E3/833 which has been identified as Mam  
8 Nai's notebook.

9 With your leave, can I provide the binder to the witness?

10 MR. PRESIDENT:

11 Yes, you can.

12 [15.19.25]

13 BY MR. LYSAK:

14 Q. The specific reference that I want to ask you about right now  
15 is in Mam Nai's notebook, so it's the last -- it's the third and  
16 last tab in there and if you could turn to page Khmer 00077895?

17 If you need any help finding that page, please let us know. But

18 the Khmer page in the Mam Nai notebook, E3/833. It is Khmer

19 00077895. This page has an English-only translation 00184607.

20 On this page of Mam Nai's notebook the following note appears:

21 "Since April '77, we have the following groups: cold, hot, making  
22 documents and Group A."

23 My question to you is: what was Group A? We have heard testimony

24 about the other three groups. Do you know what Group A was?

25 MR. KAING GUEK EAV:

1 A. My <apologies>. I cannot locate the relevant page <in> the  
2 binder.

3 [15.21.17]

4 MR. PRESIDENT:

5 Court officer, could you assist the witness?

6 MR. LYSAK:

7 And Court officer, it's page 00077895, and it's the last -- the  
8 last document, so 77895.

9 (Short pause)

10 [15.22.30]

11 BY MR. LYSAK:

12 Q. Do you see the reference to the interrogation groups and the  
13 reference to Group A and can you tell us what Group A was?

14 MR. KAING GUEK EAV:

15 A. My <apologies>. I cannot properly respond precisely to your  
16 question since this matter happened a long time ago. It is  
17 possible that this group was a special group to interrogate  
18 special prisoners and if I am able to read the whole document  
19 maybe I can provide a better answer, but from a quick look, I can  
20 say that <it's possible that> this refers to a special group.

21 Q. Let me read to you some of your prior testimony and see if  
22 that might help.

23 On the 16th of June 2009 testimony in E3/5800, E3/5800 testimony  
24 at 9.56 to 9.59 that morning, you gave the following testimony,  
25 quote: "Interrogation at S-21 took place by what I can call the

1 preliminary interrogation team. This team would only ask  
2 questions to grasp the core essence of the confession and then  
3 Hor would make a decision with consultation with me or make a  
4 decision alone whether the people would be sent to a respective  
5 group; for example, cold, hot or chewing."

6 Do you remember the preliminary interrogation team and was that  
7 the same as Group A or was that a different team?

8 [15.25.10]

9 A. There might <be> a preliminary investigation team and to my  
10 understanding, it was Hor himself who led the preliminary  
11 interrogation, rather, in order to grasp the situation. However,  
12 there <was> a special group where I assigned to Comrades Tuy and  
13 Pon. <Interrogating> important cadres, that <was> for Pon.

14 As for Tuy, sometimes it <was> a bit risky to have Tuy  
15 interrogate those important prisoners since he might resort to  
16 torturing them <more severely than the instruction would allow>.

17 And this Group A could be that special group. And I did not know  
18 whether this group <had> to <get> authorization from Hor or not.

19 To my knowledge, I coordinated this group based on instruction  
20 from the upper echelon to interrogate important cadres. And if  
21 Pon was <too> busy then Tuy would be assigned.

22 [15.26.32]

23 As for the hot method or the cold method that refers to the  
24 method of interrogating the prisoners, the first was cold, the  
25 second was hot and the third method was the chewing, and I

1 believe this is mentioned in the notebook <in which Comrade  
2 Phally (phonetic)> actually copied the presentation that I made  
3 regarding these methods. And there is no need for me to comment  
4 on the three methods.

5 [15.27.13]

6 Q. Thank you.

7 What I want to focus on now, what I would like to try to  
8 understand is when prisoners were first assigned to an  
9 interrogator, how was the interrogator informed of what the  
10 accusations were against the prisoner? How were they briefed on  
11 that? Were there documents that came with the prisoners when they  
12 arrived? Were interrogators given confessions that had implicated  
13 the person that they were to interrogate? How were the  
14 interrogators told what you called what was to be the essence of  
15 the confession, what they were to interrogate the prisoner about?

16 A. Your question is very important and at S-21 there was <an>  
17 introductory part to the biography. I instructed the staff to use  
18 cold methods to understand the weak and the strong points of the  
19 enemy. Let me use the word "enemy" since that's the word I used  
20 at the time - that is, to use the cold methods for the prisoners  
21 to speak about their biography or their background. Then we could  
22 listen to it and try to find the weak points and focus on those  
23 weak points.

24 [15.29.28]

25 And I warned the interrogators not to allow the enemy to

1 understand the points that we <wanted> them to speak on. So what  
2 we <did was> allow the prisoners to speak and try to catch the  
3 weak points and use those bad points to question them, to grill  
4 them on those points, and then we could observe the reaction from  
5 the prisoners. That <was> my instruction.

6 So as you can see, in relation to S-21 documents, you could  
7 usually see prisoners talking about their backgrounds and I was  
8 actually asked <by Uncle Nuon> why I allowed prisoners to speak  
9 at length about their backgrounds and why not to talk about the  
10 current situation. I did not respond to that comment by my  
11 superior but that was the method that I used.

12 So responses or confessions from the enemy started with their  
13 backgrounds and, as I said, that was the method that I used.

14 [15.30.51]

15 Q. In cases where the person to be interrogated had been  
16 implicated by a previous prisoner, were the interrogators given  
17 the confession of the person who had implicated the person they  
18 were interrogating?

19 A. No, I never did it. I never let the <arrestee see the>  
20 confession from the previous person who implicated <them>.  
21 When the person was first brought in, we tried to grasp the  
22 general biography of that person, and based on knowledge from the  
23 previous people, we could identify some aspect related to the new  
24 person that we just brought in, <and perhaps comrade Hor told  
25 them a few important things about this and that. However>, we

1 never showed the confession from the previous person to the new  
2 person that we just brought in.

3 [15.32.20]

4 Q. Perhaps my question wasn't clear. I wasn't asking whether you  
5 showed the confession to the prisoner, I was asking whether the  
6 interrogators had access to the confessions so they knew what had  
7 been said about this person?

8 A. In S-21, generally we did not allow the <person to see the>  
9 confession that implicated <them>. <I used a word "I" to refer to  
10 "S-21". I did not instruct them to show confessions to the  
11 prisoners.>

12 We allowed our staff to search for the <real> information from  
13 the prisoner by themselves and we let <our staff build their own  
14 capacities to overcome the enemies' tricks>.

15 [15.33.37]

16 Q. I will come back to this with some specific documents on this  
17 a little later.

18 Let me read to you -- before I do that, where were confessions,  
19 when they were completed, you sent copies to your superior. Did  
20 you keep copies -- where were the copies at S-21 kept; in what  
21 office? Where were the confessions from past prisoners kept at  
22 S-21?

23 A. Thank you. The confessions from prisoners were mostly sent to  
24 the superior.

25 If the confessions implicated people in the zones and then I sent



1 those confessions to the zones level. For example, <one person>  
2 implicated people in the West Zone <and> the <North> Zone, I made  
3 three copies: <one> sent to the West Zone and another one sent to  
4 the <North> Zone and one we kept at S-21. And most of the  
5 confessions that we kept at S-21 were kept at my <house in the  
6 garage near Monivong Boulevard>.

7 [15.35.31]

8 Q. Did you organize those confessions yourself or did you have  
9 someone who organized and filed them for you?

10 A. Comrade Chhen, my messenger, <was> responsible for keeping  
11 <the> confessions <of the important enemies>. And for others, it  
12 was Hor's responsibility.

13 Q. On this issue of assignment of prisoners to units, I want to  
14 ask you about some testimony that Prak Khan gave on 27 April this  
15 year, 2016, in the transcript at around 1041H in the morning.

16 He testified that he was in the chewing or documentation unit and  
17 he said the following in relation to the stage of the  
18 interrogation process at which prisoners would normally be  
19 assigned to his unit. I quote:

20 "Beside the chewing unit, there were two other units called the  
21 cool and hot unit. After prisoners were interrogated  
22 exhaustively, and then the prisoner was sent to the chewing unit.  
23 The prisoners I interrogated at that time were mostly those who  
24 were already tortured exhaustively, and then they were sent to my  
25 unit so we could chew them for more information. There were only

1 a few cases where new prisoners were sent to my unit." End of  
2 quote.

3 What was the reason that prisoners were first interrogated by the  
4 cold or hot units before being sent to the chewing unit; what was  
5 the reason for that?

6 [15.38.02]

7 A. This was just principle, but for the real implementation, it  
8 was the cold unit who carried out the work. And as I told you  
9 earlier, when the prisoners were brought in, the cold unit asked  
10 <them> about <their biographies>. And after they got some answers  
11 related to the <weak and strong points, they then considered  
12 these points, and they would bring in another prisoner to be  
13 questioned, and> the <previous> prisoners <would be> put aside.  
14 And then it was the hot unit who took on the job to grill for  
15 more answers.

16 For example, I <will> give you an example of a person who was a  
17 member of the general staff. He was third in hierarchy in the  
18 general staff. <His name was Seat Chhae alias Tum>. He was a  
19 <reserve> candidate of the Central Committee of the Party.

20 I <first> ordered Pon to interrogate <him>, but he could not get  
21 the answers, <and although Son Sen made a phone call to tell him  
22 the strategy for interrogation, he still could not get the  
23 answer>, so I assigned it to Comrade Tuy and Comrade Tuy used the  
24 hot method to interrogate.

25 [15.40.00]

1 And Brother Tum gave the answer that we did not believe. He  
2 answered that he committed moral offence with his own daughter,  
3 and we could not accept this answer because we thought that it  
4 was just his excuse because of the <harsh> method used <on him>  
5 by Comrade Tuy.

6 So that is my -- that case was an answer that I explained to you  
7 about when method -- various methods: cold, hot or chewing were  
8 used.

9 Another example was about Comrade <Yim> Sambath who <was  
10 interrogated by Comrade Hor,> said that he <was> the one who  
11 threw the bomb <and he also explained the reason for doing that>.

12 And then <I asked Comrade Hor to record the audio of> the  
13 <confession> and we sent it to the <upper echelon since they  
14 needed it immediately.> And <then he was sent> to the other unit  
15 to interrogate for more answers. <So, we had to be flexible.>

16 As for <Khan's> testimony regarding the chewing for more  
17 information, that rarely happened because we had so many  
18 prisoners that we needed to interrogate, <and there were fewer  
19 interrogators>. So only very few of them went to the chewing  
20 stage.

21 [15.42.02]

22 And I would like to clarify to you that some of the prisoners,  
23 they -- their standard of knowledge <was> even higher than the  
24 interrogators. For example, Koy Thuon <was a full member of  
25 Central committee and the ninth person of CPK. I was instructed

1 strictly from the upper echelon to be careful with his case  
2 because I used to respect him>. So when he was arrested <and  
3 brought in S-21>, I hid behind the curtain and once he was  
4 <handcuffed>, I came out from behind the curtain and I  
5 interrogated him.

6 I asked him what happened and then he told me that, "<It was not  
7 serious. I was just involved with a moral offence>. Comrade, you  
8 don't need to interrogate me, I can report about my case to the  
9 Angkar." I told him then that, "Now, in <this> condition, you  
10 cannot report <directly> to Angkar. You can only give your answer  
11 to me and I can report to Angkar on your behalf." <And then, he  
12 was strictly guarded in a special room. To my knowledge, Prak  
13 Khan might be among those guards. They were instructed to guard  
14 him carefully not to let him commit suicide.>

15 So when Koy Thuon was <placed there for half an hour or an hour>,  
16 and then I <went to see him there>, and I told him that,  
17 <"Brother, I was your younger brother,> if you wanted to report  
18 to Angkar, <you can write it down>, I can be your messenger. I  
19 can report on your behalf to Angkar."

20 So after he agreed and then he wrote down -- he produced a page  
21 of writing and then he tore the paper apart and <broke> the pen  
22 and <threw> the paper and the pen away.

23 [15.44.23]

24 And then I told my people that we had to <watch> him carefully to  
25 prevent him from committing suicide. And <half an hour or> one

1 hour later, I <went to talk> to him again. I told him that I  
2 would not beat him <> to death <before he gave a complete  
3 answer>, I <kept> him <alive> and I encouraged him to write down  
4 his confession. And I promised with him that I would not read  
5 what he wrote down <and that I would personally send his  
6 confession to Angkar>. <I really did not read his confession  
7 because it was beyond my knowledge. I would not know how to make  
8 any judgement on it.> And finally he agreed to write down his  
9 confession.

10 Son Sen kept calling me about the result of his confessions and I  
11 told him maybe finally we <got> the confession. <He asked me to  
12 record the audio of the confession, and he would ask Phon  
13 (phonetic) to take it from me. I did not even finish recording it  
14 properly when the man came to collect it from me. So, I never  
15 read Koy Thuon's confession.>

16 So that was the strategy that I employed at the time. Sometimes I  
17 had to lower myself <below> the enemy by employing the cold  
18 method and that produced results.

19 Koy Thuon actually wrote his confession <> four times and Son Sen  
20 told me that, in fact, his confession -- that is, the third one,  
21 was the true one. As for the rest, they were fabricated. And I  
22 believe the interrogation was successful. We had to make a clear  
23 distinction between our position and the position of the enemy.

24 [15.46.30]

25 So sometimes there were risks in employing a particular method

1 during the interrogation. And maybe the testimony by Khan could  
2 be true to an extent, but not everything.

3 Q. The first person you mentioned, the first prisoner, you  
4 indicated was someone who Tuy had interrogated because he had not  
5 been cooperating. You said he was third in the hierarchy at the  
6 general staff. Are you referring to Seat Chhae alias Tum? My  
7 pronunciation probably isn't correct. Is that the prisoner?

8 A. Yes, that is him.

9 Q. We'll come back and talk because I want to ask you  
10 specifically about your interrogation of Koy Thuon. I'll do that  
11 a little later.

12 For now, I want to just ask some general questions about the  
13 interrogation process and team.

14 During the time that you were the Chairman of S-21, how many  
15 interrogators were there who worked at S-21?

16 [15.48.00]

17 A. I cannot recall it. And the interrogation teams kept changing.  
18 <There were> interrogators who interrogated <prisoners> and the  
19 prisoners died during the interrogation; <those interrogators  
20 were> also punished; for example, the case of Hak (phonetic) <and  
21 Pho (phonetic)>. <They> beat <prisoners> < to death before the  
22 interrogations were concluded>. And <there was another person  
23 whom I> removed <from the interrogation unit because he committed  
24 a criminal act against a female teacher. As for the other  
25 interrogators, I cannot recall them. Later on, I increased the

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1 interrogation unit to interrogate female prisoners>.

2 So I would like to clarify that the interrogation team and the  
3 methods of interrogation kept changing <with> time.

4 MR. LYSAK:

5 Mr. President, if I may, I'd like to provide to the witness  
6 document E3/1170 -- E3/1170, and the specific page that I will  
7 ask him about is Khmer, 00443015 - again, Khmer, 00443015;  
8 English, 00602543; French, 00544894; and I believe in the English  
9 and French translations it should be the first page or close to  
10 the first.

11 May I provide this to you witness?

12 [15.49.55]

13 MR. PRESIDENT:

14 Yes, you may proceed.

15 BY MR. LYSAK:

16 Q. Mr. Witness, I've given you a -- some of the pages from this  
17 notebook. The page that I'm particularly interested in is the  
18 very first page as there is a list of S-21 interrogators divided  
19 into four groups and then a list of a total of 31 people.

20 A first general question, do you recognize any of the handwriting  
21 that appears in the various pages that I've given you from this  
22 notebook?

23 [15.51.26]

24 MR. KAING GUEK EAV:

25 A. Thank you. Except page 1 with ERN <00443016>, <on> the other

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1 pages the handwriting belongs to Brother Mam Nai.

2 Q. And looking at the very first page -- and I'm directing you to  
3 the right-hand side of the first page where there is a list of  
4 S-21 interrogators -- was this Mam Nai's handwriting or is this  
5 someone else's handwriting?

6 A. I <think the handwriting on page E3/1170> was not Mam Nai's  
7 handwriting. Mam Nai's handwriting started <> from <0443016 (sic)  
8 onwards>.

9 Q. So the pages that contain charts of organizations from a  
10 number of zones and units. That is Mam Nai's handwriting; is that  
11 correct?

12 A. From page <00443016>, that was the handwriting of Brother Mam  
13 Nai.

14 [15.53.40]

15 Q. We can come back to these other parts later.

16 Can you go back to the first page that has the names of the  
17 interrogators in the various units. There's listed here a total  
18 of about 31 people, 27 to 31 people.

19 Does that refresh your memory that -- at least that at some point  
20 there was a total of around 30 interrogators at S-21? And,  
21 second, do you recognize the names of the people that are on this  
22 list?

23 A. No. On page 00443016, and I refer to the Khmer document. I  
24 don't know about the English. In Khmer document page 00443016--

25 MR. PRESIDENT:



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1 Co-Prosecutor, <please clarify it again. It might be confusing>.  
2 Please specify the <ERN> numbers <on the relevant pages because  
3 he could not find them.> In <the> Khmer document <it is likely  
4 that it is on page 00443015>.

5 MR. LYSAK:

6 Mr. President, I think the witness is now looking at the second  
7 Khmer page 00443016 which corresponds to English 00602544, which  
8 is a chart, I believe, of the Northwest Zone army.

9 The previous page before that is the--

10 [15.56.45]

11 MR. PRESIDENT:

12 Please hold on.

13 MR. KAING GUEK EAV:

14 A. I looked at page 2 with ERN in Khmer 00443016<, which> talked  
15 about the army in the Northwest Zone, <not the North Zone.> And  
16 for the <Khmer> page 00443015, it was not Mam Nai's handwriting.  
17 It was the list of the interrogators at S-21 <that indicated how  
18 many of them were on cold team, hot team and others. It was the  
19 task management at that time>.

20 [15.57.38]

21 I cannot recall <> whether at that time it was me who made it <or  
22 if it was> Comrade Hor who made it.

23 There were <changes> at some point <regarding the number of  
24 interrogators>, the numbers of interrogators decreased because  
25 some of them had committed wrongdoing and they were punished and

1 removed or smashed.

2 At some point, the number of interrogators increased, especially  
3 at the time when the numbers of interrogators decreased and then  
4 I asked Hor to recruit some from the special unit to be  
5 incorporated into the interrogation unit. <Actually, Prak Khan  
6 was transferred from the special unit to the interrogation unit,  
7 he was not taught by me from the beginning.>

8 So I recognize or acknowledge that <list>, although this list may  
9 not be made by Brother Mam Nai, I acknowledge that at <the  
10 beginning of the interrogation unit,> there <were> 33  
11 <interrogators> who were categorized into different teams.

12 <>

13 [15.59.10]

14 MR. PRESIDENT:

15 The hearing today <has come> to an adjournment.

16 The Chamber will resume its hearing tomorrow, <Thursday 9 June  
17 2016, commencing> from 9 o'clock to hear the witness Kaing Guek  
18 Eav alias Duch. Please be informed.

19 The Chamber would like to thank witness Kaing Guek Eav alias  
20 Duch. The hearing of your testimony as a witness is not concluded  
21 yet. Therefore, you are invited to come back to testify tomorrow  
22 at 9 o'clock.

23 <Security personnel, you are instructed to take the two accused  
24 as well as Kaing Guek Eav back to the detention facility and have  
25 the two accused as well as the witness returned to the courtroom

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1 tomorrow morning before 9 o'clock.

2 And as for Kaing Guek Eav, please invite him into this courtroom  
3 at 9 o'clock.

4 The Court is now adjourned.>

5 (Court adjourns at 1600H)

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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.*