



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

13 June 2016
Trial Day 417



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

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KHIEU Samphan

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I N D E X

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

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Questioning by Mr. LYSAK resumes page 52

List of Speakers:

Language used unless specified otherwise in the transcript

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

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

2 (Court opens at 0859H)

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 Ms. Chea Sivhoang, please report the attendance of the parties
8 and other individuals to today's proceedings.

9 [09.00.51]

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case
12 are present except counsel Kong Sam Onn, the national counsel for
13 Khieu Samphan, who will be absent today for personal matters.

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

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

19 Thank you.

20 [09.01.33]

21 MR. PRESIDENT:

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

24 The Chamber has received a waiver from Nuon Chea, dated 13 June
25 2016, which states that due to his health -- that is, headache,

2

1 back pain, he cannot sit or concentrate for long. And in order to
2 effectively participate in future hearings, he requests to waive
3 his right to be present at the 20 -- at the 13 June 2016 hearing.
4 He advises that his counsel advised him about the consequence of
5 this waiver, that in no way it can be construed as a waiver of
6 his rights to be tried fairly or to challenge evidence presented
7 to or admitted by this Court at any time during this trial.

8 [09.02.27]

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

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

22 I'd like to hand the floor now to the Lead Co-Lawyers for civil
23 parties to continue putting further questions to the witness.

24 You may proceed.

25 [09.03.34]

1 QUESTIONING BY MS. GUIRAUD RESUMES:

2 Thank you, Mr. President. Good morning, everyone.

3 Q. Good morning, witness. I will continue putting questions to
4 you for about 30 minutes, and then I will give the floor to my
5 colleague, Mr. Ang Pich.

6 For a start, I would like to continue putting questions on the
7 topic we started with on Thursday afternoon, the issue of sexual
8 assault <and rape> at S-21. And these questions will enable you
9 to react to what you said on Thursday afternoon at 15.25. You
10 said the following, and I quote:

11 "I am only aware of one single case, that of a young man who
12 sexually assaulted my former professor. This was an error that
13 was committed as part of the interrogation."

14 Witness, who was that professor you referred to, and what can you
15 tell us about what happened during her interrogation?

16 [09.04.49]

17 MR. KAING GUEK EAV:

18 First allow me to clarify that, at S-21 office, in relation to
19 rape, the National Co-Prosecutor, Madam Chea Leang, during her
20 final pleading, said that there was only one case that a young
21 man was found to engage in sexual <assault>, that he used a stick
22 to insert into the vagina <of my former teacher>. And that was
23 the case that I heard of, and I felt so remorseful for that.
24 There was no evidence to actually prove that. I spoke about that
25 matter with <Nic Dunlop and> Nate Thayer in April 1994 since

4

1 there was no remaining document at S-21.

2 Regarding other incidents of rape, to me, they were all

3 fabricated. And that teacher or professor was Dim Saroeun.

4 At that time, I was still studying, and <she taught me> in 1955.

5 <I was in first grade.> Her husband, Ke Kim Huot, taught me at a

6 senior level during my schooling. And later on, we actually

7 joined the revolution together.

8 [09.06.40]

9 Q. And what was her husband's name? I'll show you a document
10 subsequently.

11 A. I just mentioned her husband's name. Her husband's name is Ke
12 Kim Huot. <He taught me at a senior level.>

13 Q. Thank you, witness.

14 I would like to have placed on the screen a document you have in
15 the blue folder that was given to you on Thursday afternoon, and
16 that is document E3/10277. That is a list of prisoners from the
17 women's section. The date of entry of those prisoners was the
18 13th of July 1977. ERN in Khmer -- this document is available
19 only in Khmer -- 01017149.

20 Witness, may I request you to look at entry 45 on the list?

21 Mr. President, may I be allowed to place this document on the
22 screen so that the parties and the public may acquaint themselves
23 with it?

24 [09.08.15]

25 MR. PRESIDENT:

5

1 Yes, you may proceed.

2 BY MS. GUIRAUD:

3 Q. Witness, you find here on the screen a list with a red
4 rectangle indicating the name Saroeun <(phonetic)> you referred
5 to a while ago. It is also indicated that she was the wife of Ke
6 Kim Huot. Can you confirm that?

7 I mean can you confirm that this entry on the list corresponds to
8 the professor you have just referred to?

9 MR. KAING GUEK EAV:

10 A. Ke Kim Huot was my <teacher>, and Dim Saroeun was also my
11 <teacher>. The husband and the wife were both <> my teachers <at
12 primary school>.

13 [09.09.39]

14 Q. So we have on this list you have in hand the date of entry
15 13th of July 1977. Do you recall that date, and does it remind
16 you of the date on which you <saw or became> aware that Dim
17 Saroeun and Ke Kim Huot were at S-21?

18 A. I do not have a clear recollection of the date -- that is, 13
19 of July '77. I believed in principle this list <could be> a
20 proper list. At S-21, for important prisoners, when they arrived,
21 they were not yet registered on the list. And Comrade Thy was not
22 authorized to register the names yet, so I can conclude that the
23 date of 13 July '77 -- that is, the arrival date of Ke Kim Huot
24 and his wife, could be a correct date.

25 And of course, the list was reported to me and I knew of the

1 arrival of my teachers.

2 That is all I want to say.

3 [09.11.31]

4 Q. Thank you. That is very clear.

5 Were you aware of the event you referred to at the beginning of
6 the hearing, the fact that an interrogator <allegedly> thrust a
7 stick into the vagina of teacher Dim Saroeun and, if yes, what
8 was your reaction at the time and what measures did you take?

9 A. During my current testimony as well as my previous testimony,
10 I made that point clear. However, allow me to reiterate it.

11 On that day, I was at my working place, which was also my
12 residence. I lived and worked at the same house, although it was
13 in a different room. And my main task was <reviewing> documents,
14 and that day, Hor, hurriedly came to me. And of course, <you
15 know> who Hor was.

16 He was my deputy, and he told me that this person actually stuck
17 a stick into the vagina of my teacher. I was angry and I told him
18 to remove him from the <> interrogation unit <for female
19 detainees>.

20 [09.13.00]

21 And that evening, I reported the matter to Son Sen. In my
22 capacity as the <head> of S-21, I did not have any authority to
23 request Angkar to arrest anyone, but my authority was to transfer
24 or remove that person from one post to another post.

25 I made the report to my superior, Khieu, and he did not issue any

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1 decision to arrest that individual. For that reason, that person
2 was not arrested.

3 Q. Do you remember the identity of the interrogator in question?

4 A. No, I did not actually delve into details of the matter, and I
5 cannot recall the name of that person.

6 [09.14.15]

7 Q. Thank you.

8 A question for purposes of clarification because I'm not sure I
9 properly understood the translation in French of what you said.
10 You said that the person was subsequently transferred <to> the
11 women's interrogation section. Are you talking about your teacher
12 who was transferred to the women's interrogation section and, if
13 yes, can you provide further explanations as to what you mean
14 when you say "women's interrogation"?

15 A. Thank you for asking for clarification on this matter.

16 And of course, I'd like to clarify the matter so everyone is
17 clear -- that is, for everyone here and for all Cambodian people.
18 I removed that interrogator from the <> interrogation unit <for
19 female detainees>. At the same time, I required all cadres at
20 S-21 who were married to have their wives interrogate female
21 prisoners, namely, female Comrade Mot, <Hor's wife>, who was from
22 the clothes-making factory; Comrade <Khoeun,> Huy's wife, who was
23 from former Division 703; as well as a number of other comrades,
24 including Comrades Ron (phonetic), <Comrade Trov's (phonetic)
25 wife> and also <> Pon<'s wife who was from the clothes-making

1 factory>.

2 The wives of these cadres were used to interrogate female
3 prisoners, and that was <when> they formed this female or
4 <women's> interrogation unit, and their tasks were to interrogate
5 female prisoners.

6 [09.16.35]

7 Q. Thank you.

8 As regards all those <wives>, did they stay at S-21 up to the end
9 or <did> some of them <disappear> or were <they> executed while
10 they were at S-21?

11 A. That response was also a good response. The wives of Hor, Pon,
12 Trov (phonetic) and Pon remained at the centre until the day they
13 <fled> from Vietnamese troops <on 7 January 1979>. Huy was
14 arrested and, for that reason, his wife, Khoeun, and the children
15 were also arrested.

16 So out of those female cadres, only one woman or one female
17 cadre<, Khoeun,> was arrested.

18 Q. Do you know why Dim Saroeun and your teacher, Ke Kim Huot,
19 were arrested?

20 You stated a while ago that you were informed of their presence
21 at S-21. <Did> you know why they were arrested?

22 [09.18.23]

23 A. It's a long story, and allow me to summarize it.

24 Between 1978, Brother Mok actually removed four intellectuals
25 from the Southwest Zone and <said> that they had to leave the

1 zone within 24 hours, including <Khaek> Pen alias Sou (phonetic),
2 Ke Kim Huot, and I do not recall his alias. That could be Moan
3 (phonetic). Chea Hun (phonetic) alias Van (phonetic); and another
4 individual, Um Chuon alias Mei (phonetic); they had to leave the
5 zone within 24 hours.

6 So the parties actually sent them to Northwest Zone.

7 Later on, <> they were <implicated> in a number of confessions
8 and, as a result, Office 870 arrested the four and sent them to
9 S-21. And that is the reason for their arrest and arrival at
10 S-21.

11 And Ke Kim Huot was brought along with his wife, Dim Saroeun.

12 [09.20.08]

13 Q. Thank you.

14 Let me point out that the list you have identified indicates that
15 Ke Kim Huot arrived <at S-21> on the 13th of July <1977. I would
16 like you to react to statements made by witnesses who preceded
17 you in this Chamber over the last several weeks, or during your
18 own trial,> regarding the <female interrogators,> the <wives> of
19 cadres, who <apparently> interrogated <female> detainees,
20 beginning with Prak Khan, who we already referred to on Thursday,
21 there's a transcript of your <own> case, <E3/7463>. We are on the
22 21st of July 2009, and it is 15.53.

23 And Prak Khan is questioned on the same issue -- that is,
24 regarding the presence of interrogators who were both male and
25 female. And Prak Khan was asked the following question. I'll

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1 <read> the question and then we'll look at the answer in order
2 for you to react:

3 Question: "Did you, yourself, ever have to interrogate female
4 detainees?"

5 Answer: "I interrogated a woman on one occasion."

6 Question: "When was that? Was it at the beginning of your
7 functions as an interrogator or, rather, at the end? Was it a
8 time when there were female interrogators or it was at a time
9 when there were no longer any female interrogators, or was it
10 before there were female interrogators?"

11 [09.21.54]

12 And Prak Khan's answer was as follows: "The interrogation of that
13 prisoner occurred towards the end of the period when there were
14 no longer any female interrogators, so the work done by female
15 interrogators was <reassigned> to male interrogators."

16 Question: "Did you interrogate her alone?"

17 Answer: "Yes. I was alone, but the interrogation occurred
18 differently because all those windows at the time had to be left
19 wide open in order that anyone who passed by there could see that
20 there was nothing illegal occurring."

21 What is your reaction, witness, to what Prak Khan said <during
22 your own trial>, essentially that <after> a certain point in time
23 there were no longer any female interrogators and it was male
24 interrogators who continued interrogating the <female> detainees?

25 [09.23.09]

11

1 A. Allow me to clarify the matter.

2 That development of the interrogation unit and, in particular,
3 for male detainees and for the female detainees, as the
4 development or the changes <was> like what I described earlier.

5 <After female> cadres were <> assigned to interrogate female
6 detainees, <> the <female> interrogators were not executed <later
7 on>, except <for> Khoeun. And <the reason for that was because>
8 Huy was ordered by <870> to be arrested.

9 And as for Hor, Hor was with me. How could I arrest Mot?

10 <And for Comrade Pon, he was my right-hand man. How could I
11 arrest Comrade Ny (phonetic)?>

12 So when the male cadres were working with me, it would not be
13 possible for me to arrest their wives, so that statement by Prak
14 Khan is not correct.

15 I can say that the testimony of Prak Khan before this Chamber is
16 not reliable.

17 [09.24.37]

18 Q. Thank you.

19 I would like you to react to another testimony we heard in this
20 particular case, and I'm referring to the testimony of Lach Mean.

21 We also referred to him on Thursday afternoon on 26th of April
22 2016, and it is the draft transcript for the time being, up to
23 10.02 a.m. And I will read out to you the question in order for
24 you to understand the context, and I will then read Lach Mean's
25 answer:

12

1 Question: "Were there any female interrogators to interrogate
2 women or it was the usual interrogators who interrogated female
3 prisoners? "

4 Answer: "There were no female interrogators. There was only Pon's
5 spouse. She was <a woman> working there. "As for Duch's wife, she
6 didn't work within the premises, but outside.

7 "There was another woman, <Hain's (sic)> wife, and only <Hain's
8 (sic)> wife -- <H-A-I-N (sic) for the interpreters, and Pon's
9 wife> had access to the interrogation room within S-21. However, I
10 do not know whether those women interrogated female detainees or
11 not."

12 Witness, do you have any remarks to make? Because it appears that
13 at least two interrogators were not aware of the existence of
14 that female interrogation unit, <or in any case,> they continued
15 interrogating women<, at least for Prak Kham, one woman> after
16 the unit was set up.

17 Do you have any remarks to make in that regard?

18 [09.26.38]

19 A. I do not have any remark to make, but I'd like to tell the
20 truth in relation to this individual, Lach Mean.

21 Interrogators, cadres <included> Lach Mean, but the person who
22 appeared before this Chamber in Case 001 was not Lach Mean who
23 was my subordinate; and I believe you can refer to the
24 transcript.

25 When the Office of the Co-Prosecutors showed him the signature of

13

1 Lach Mean, Lach Mean categorically denied <it>, and he said that
2 it was not his signature. And the Co-Prosecutor was laughing at
3 the time. So this proves that Lach Mean, who appeared before this
4 Chamber during the proceedings in Case 001, was another person
5 and he was not the real Lach Mean. He was only -- he was someone
6 who was made up as Lach Mean.

7 [09.27.58]

8 So for that reason, the testimony of that individual should not
9 be considered. And the statement that Pon's wife was living
10 outside and my wife was working in the military hospital,
11 although she stayed at home, that is a correct statement.

12 And later on, toward the end of the regime, she was pregnant with
13 my second child and, for that reason, she stopped working and
14 stayed at home with me. And for that reason, I did not bring her
15 to work in S-21.

16 And Hor's wife -- that is, Mot, if I still used Hor as my
17 subordinate, how could I remove Mot -- that is, his wife? <If I
18 still used Comrade Trov (phonetic), how could I remove Comrade
19 Ron (phonetic)?> <Comrade Ron (phonetic)> was a niece of
20 secretary of Sector 31, and if I dared to remove her, then I
21 would be in trouble.

22 So the female cadres who interrogated female detainees remained
23 until the <7th> of January <>. <Only Comrade Ny (phonetic)
24 disappeared.>

25 [09.29.42]

14

1 Q. Thank you.

2 I would like to put to you a last series of questions, which will
3 be based on the 12 moral commandments. And I'd like to know if
4 you remember still today these 12 moral commandments and, if yes,
5 can you tell the Chamber what you remember?

6 A. Regarding the 12 moral principles, it was disseminated in
7 <1968>, though I actually read it in 1971 after I was released
8 and then I re-engaged with my revolutionary work.

9 The first line or principle is to always love, to respect and
10 serve the <> people, always. And the second principle is that
11 wherever you are, serve the people there with all your heart --
12 that is, serve the workers and the peasants there with all your
13 heart.

14 And the third, do not engage in doing anything that impacts the
15 people, not even one chili pepper or one word.

16 [09.31.34]

17 Number 4, if you commit a mistake regarding the people, you must
18 apologize to the people.

19 And number 5, <do not drink, or eat anything that is wrong for
20 the revolution>.

21 And number 6, do not behave in any way that violates females.

22 And one of the principles states that you shall always <love and
23 always> sacrifice yourself. And allow me to expand that point a
24 little bit.

25 Ponchaud mentioned in his book -- that is, "Year Zero", that

15

1 always <love and> engage in <> labour, but the word "sacrifice"
2 and "labour" do not go hand in hand together because the word
3 "sacrifice" means you dare to die for the revolution. That is
4 sacrifice.

5 As for "labour", it means that in the morning you have to carry
6 water in the bucket, etc.

7 So the interpretation by Ponchaud is not that accurate and, for
8 that reason, I'd like to state during this testimony that one of
9 the principles mentioned by Ponchaud is not correct.

10 As for the rest of the principles, I cannot recall them right
11 now.

12 [09.33.28]

13 Q. Thank you.

14 Can you explain to the Chamber what the purpose was or what the
15 status was of these principles? Was this an ideal to reach for
16 any revolutionary?

17 Can you somehow describe what these 12 revolutionary principles
18 <represented> back then?

19 A. Thank you. This is an appropriate question. I would like to
20 elaborate it.

21 You can refer to the terms in the 12 <principles> of a
22 revolutionary, <particularly> number 2, "Wherever you are, serve
23 the people, <workers, peasants> there with all your heart".
24 <Workers and> peasants here do not refer to <all> the people in
25 general. That is the idea of CPK. That is the <workers and>

16

1 peasants based on the Party's class.

2 [09.34.58]

3 And there is another point in the 12 <principles> of a
4 revolutionary. If you commit some mistakes regarding the people,
5 you must apologize to the people.

6 So the question is: who adhered to the 12 <principles> at the
7 time?

8 I cannot say that everyone adhered to the 12 <principles>, but I,
9 myself, was committed to the 12 <principles>, and I told the
10 Chamber about my commitment to 12 <principles>. And I had
11 committed some mistakes regarding the people, so I had already
12 apologized <to> the people.

13 And concerning the drinking<, the eating, the smoking> or did
14 anything wrong, I <> apologized <for my behavior because I am
15 human, not God>. In <1973, I drank palm wine>. <One day,> I went
16 to a study session <with Bong Phoas, Cheng An's wife,> and I
17 admitted my mistake that I had drank the <sour> palm juice, and I
18 committed -- I confessed to my mistake at the time in a study
19 session -- that is, I had drank palm wine. <And Bong Phoas
20 pointed her finger at me. So this is concerning the principle, do
21 not eat, drink anything that is wrong for the revolution.>

22 And concerning another <principle>, do not play around with girls
23 or women, I instructed <myself and others> about this
24 <principle>. I instructed them to have the doors and windows wide
25 open while interrogating <female prisoners>, and I instructed

17

1 that to the <male> interrogators. That is the principle.
2 And when Brother Nuon was my superior, he instructed me <> not to
3 interrogate female detainees, and I, myself, <> had never
4 interrogated <any> detainees since I was busy with reading the
5 documents <in order to summarize them so that it could be sent to
6 the Party>. This is what I would like to tell you. <The 12
7 principles were really absolute during the CPK.>

8 [09.37.47]

9 And <> about another 12 <principles>, <> do not touch common
10 property. <The principle was that enemy had to be smashed> and
11 the loot of the war belonged to the Party, so I did not dare to
12 touch common property. <So either at M-13 or S-21,> what I had
13 gathered, I would send it to the Party. <I thought that I would
14 be beheaded if I did not adhere to the principles.> Within my
15 family, if there was no me and if I disappeared, my parents, <my
16 grandparents,> my siblings, my niece and nephews were also gone.
17 So <I had to be firm.> I, at the time, told my professors, my
18 parents that I had to leave and join the revolution for the
19 benefits of the <family and> nation, <not to leave for my own
20 happiness or my death>. That is what I want to inform the Court.

21 [09.39.12]

22 Q. Thank you, witness.

23 I must put an end to my examination, but I have a few questions
24 regarding the moral <principles>, in particular <principle>
25 number 6 <which you described>.

18

1 So that everyone can follow you, including in a public gallery,
2 and I'd like to display on the screen document E3/776 -- excuse
3 me, E3/765; Khmer, ERN 00376493 <for the> title <of the
4 principle> and <94 for the> substance <and explanation> of the
5 <principle>.

6 And Mr. President, this is an excerpt from "Revolutionary
7 <Youth>", issue number 10, of October 1978.

8 And if you please allow me, I would like to read out <principle>
9 number 6. You <should> have these <principles> in your blue
10 folder.

11 And Mr. President, if you please allow me to, I would like to
12 display it on the screen so that, witness, you can also see it on
13 the screen. And I'm also going to read what's explained below
14 this <principle>.

15 "Do not behave in any way that violates females." It's principle
16 6 <in all languages>, ERN in French 0054--

17 MR. PRESIDENT:

18 Yes, your request is granted, and the document shall be shown on
19 the screen on the request of the Co-Lead Lawyer for civil
20 parties, particularly the specific page of that document.

21 And Mr. Witness, do you have the page of <the> document with you?

22 And let me inform you, Lead Co-Lawyer for civil parties, that the
23 witness may not be able to read the document on the screens
24 because it is blurred and is not shown clearly on the screen, so
25 please provide the documents to the witness in case of necessity.

19

1 [09.41.39]

2 MS. GUIRAUD:

3 Thank you, Mr. President.

4 There <should be> a copy in the blue folder, but I see that the
5 witness does not have it. So if you please allow me, I will
6 provide him with a second copy so that he may refer to it.

7 MR. PRESIDENT:

8 You may proceed.

9 BY MS. GUIRAUD:

10 Q. So you have the little red tab so that you may find it, but
11 <maybe> I can <--> It's <principle> number 6. So you can look at
12 the ERN number at the top of the page, 00376493 regarding the
13 title of the <principle>, and 94 for the explanation of <this
14 principle>.

15 [09.42.32]

16 And I would like to read out, Mr. President, the explanation of
17 this <principle>, which is "Do not behave in any way that
18 violates females". And the following is indicated:

19 "Briefly speaking, never violate sexual morality in no case.

20 Indeed, this issue tarnishes our honour and our influence as
21 revolutionaries. This violates the noble and clean tradition of
22 our population. Therefore, on the one hand, this damages our
23 people and, on the other hand, what is important is that if we
24 violate sexual morality, which represents, in fact, the true
25 nature, the true corrupted and stinking nature of enemies of all

20

1 kinds, the enemies will then have the means to manipulate and
2 seduce us. Therefore, we would be facing danger and the
3 revolutionary movement would also <be in> danger.

4 "Regarding the <the beginning of marital life>, there is no
5 obstacle to that today under the condition that it <is based> on
6 the two principles of the Party. First principle, the two people
7 in <question> must agree. Second, the community <is in favour, so
8 it is sealed.> There's no reason that should oblige us to
9 transgress sexual morality."

10 [09.44.12]

11 Witness, I have a question in order to allow us to better
12 understand what this principle number 6 means. Is it true that we
13 should understand from this that <all> male to female relations
14 -- <all> male to female relations had to be approved by the
15 community and, therefore, by the Party?

16 Is that how I must understand this <principle> number 6?

17 MR. KAING GUEK EAV:

18 A. Thank you. Let me clarify the point, that is, the principle.

19 Let me bring up an example in relation to my case. <> I was 32
20 years old in <1974>, so I considered myself quite old <>, so at

21 the time, I was looking for a female <fit> to be my wife. And I

22 found <Rom>, who is my current wife. At the time, I made a

23 request to the office that I loved Comrade Rom, and I asked

24 someone to ask Rom whether she loved me. And if she did not, that

25 matter should be left alone. <Otherwise, I would be embarrassed

1 if others knew about that.>

2 [09.46.12]

3 <So Comrade> Som went to ask Comrade Rom and, three days later,
4 Rom told Som that she respected the decision of Angkar. And at
5 the time, Ta Mok made a decision.

6 Rom, at the time, was under Ta Mok. She was the chief of <the
7 clothes-making factory in the Southwest Zone>, and I was under
8 Vorn, <I was chief of a police office of> the Special Zone <>,
9 and later on, I was under Son Sen. So Angkar at the time
10 <contacted> with one another.

11 On 17 April <>, I made a request to marry Comrade Rom. That is my
12 case.

13 And about the love between the younger comrades, I do not know
14 about that. There is one case, <Bong Mok was solving a case of> a
15 young man <who> loved another young woman; <they were at his
16 wife's house>, and <> later on, <> the couple <> <was> allowed to
17 get married <by Bong Mok so that they did not commit moral
18 misconduct>.

19 [09.47.36]

20 In <1998 (sic)>, I went to join a study session with Pol Pot
21 about the principles, and he said that the couple who loved one
22 another should be allowed to get married <in order to avoid the
23 violation of the principle regarding moral misconduct>. That was
24 the principle or the practice <>. <But what used to happen was
25 that when couples committed moral misconduct, they ran to join

22

1 the enemy.>

2 In 1974, there was one case who was part of the Angk Snuol
3 committee. And that person joined the enemy <>. That was the
4 situation <> at the time, so <> the 12 principles could be a
5 measure to prevent the infringements of the moral acts.
6 <Nuon,> Pol, Khieu, Hem did not violate the principles <in terms
7 of moral misconduct>, but there was another person, Koy Thuon,
8 violated the principles. And the story of Koy Thuon <started
9 with> the mistakes <regarding moral misconduct>.

10 [09.49.22]

11 Q. Thank you for shedding light on these <principles> because, of
12 course, this is relevant to all of the questions I put to you
13 previously.

14 I would like now to put a question to you in the following way:
15 <Would> sexual relations <between a man and a woman> outside of
16 <a marriage> approved by Angkar, have been considered as a form
17 a moral offence?

18 A. That is true. That was the immoral act.

19 Q. What would then happen when two people were discovered
20 engaging in moral misconduct, were both people punished? Were
21 they punished <differently,> in the same way?

22 Can you tell us exactly what would happen in that case?

23 A. Thank you.

24 If the individuals were caught in the action, they would be
25 smashed, but for some cases, they were tolerated. <For instance,

1 Bong Mok let Comrade Kung (phonetic) and the woman he loved get
2 married.> So <Bong Pol said that> the marriage would be organized
3 for those people <who loved each other so that they did not
4 violate the principle of moral misconduct>. So <it was better to
5 prevent the moral misconduct from happening than> to arrest the
6 people <for moral> misconduct.

7 <I mentioned the case of> Chhan (phonetic) already <and another
8 person who was part of Angk Snuol Committee. Comrade Chhan
9 (phonetic)> was already married, and later on, <after committing
10 moral misconduct,> Chhan (phonetic) joined the enemy. And <the
11 person who was part> of Angk Snuol Committee, that person also
12 joined the enemy.

13 [09.52.12]

14 Q. And my last question now in order to be clear about this
15 issue, when <a person --> two people were caught engaging in
16 sexual relations <without consent>, that is to say, a man that
17 might have abused a woman, in that case, <in your opinion,> was
18 the woman punished just as much as the man who had <sexually>
19 assaulted this woman?

20 What was the principle that was applied back then?

21 A. Concerning the actual incident, I cannot tell you about
22 specific cases happening at the time, but I can tell <you> the
23 general situation.

24 There were no cases of violent rapes, but there were cases that
25 the couple loved one another and committed <moral> misconduct.

24

1 And if you asked me to elaborate on specific cases, I cannot do
2 so.

3 [09.53.53]

4 MS. GUIRAUD:

5 Thank you, witness. I believe I am done with my questions. My
6 colleague also has some questions for you.

7 Thank you, Mr. President. Thank you, witness, for having answered
8 my questions.

9 QUESTIONING BY MR. PICH ANG:

10 Mr. President. Good morning, Your Honours. Allow me to have
11 follow-up questions after my colleague. Good morning, everyone in
12 and around the courtroom.

13 Q. And good morning, Mr. Witness. My name is Pich Ang. I am the
14 Co-Lead Lawyer -- the National Co-Lead Lawyer for civil parties
15 with my international colleague who has just finished her
16 questioning.

17 I have some questions in relation to the treatment of detainees
18 or prisoners at S-21. I would like to bring up the case of Chum
19 Mey. And I believe that you know Chum Mey very well. Chum Mey
20 came to testify in Case 001 before the Chamber.

21 [09.55.14]

22 Recently, Chum Mey -- Chum Mey came to testify before this
23 Chamber on 18 April 2016. In his transcript, E1/417.1 at
24 10.37.43, Chum Mey was asked a question about the torture against
25 him. "Beside beatings, what type of -- what type -- what other

1 types of torture were inflicted on you?" And he responded that at
2 the time, he was beaten up and he raised his hand and one of his
3 fingers was broken. And plyers were used to pull out his nails
4 from his big toe as well.

5 Chum Mey testified that <during the 12 days that he was
6 interrogated,> plyers were used to pull off the nail from his big
7 toe.

8 Could you explain this case before the Chamber? Was that kind of
9 torture happened -- <was> inflicted on the prisoners at S-21?

10 [09.57.00]

11 MR. KAING GUEAK EAV:

12 A. Thank you.

13 In relation to torture against prisoners in general or the case
14 of Chum Mey, <I discussed> pulling off <nails> before the Chamber
15 in <the> Case 001 proceedings. I learned of one incident.

16 Hor told me that <nails> were pulled off. He -- and at the time,
17 I instructed him -- I was serious about that, and instructed him
18 to stop that kind of practice. <That's all I know and that's all
19 I can recall about that.>

20 Chum Mey stated that his toenails were pulled off. I told the
21 Court already that I had never been informed of such incident at
22 S-21.

23 I told François already, and I told him that nothing happened to
24 Chum <Mey's toenails>. And during the proceeding in Case 001, the
25 camera showed the toenails of Chum Mey. And it was the decision

26

1 of the Court to decide on the issue, so now I do not have any
2 thing to explain you on the case. But I can <only> tell you
3 <about> what I have told you.

4 [09.58.52]

5 Q. Chum Mey says that although the nail came back, but it is not
6 in good form nowadays.

7 And do you happen to know <another form of torture> that <a>
8 needle was inserted into <prisoners' toes>?

9 A. Hor came to tell me about the practices of pulling <out>
10 nails, and I instructed Hor to stop that kind of practice. I
11 warned Hor at the time not to continue the practice. <That's all
12 I know about that.>

13 And at the time, I didn't <know how> nails <were pulled off>.

14 Q. I have another question for you, Mr. Witness. Chum Mey made a
15 mention about electrocution where electric wire was used to
16 electrocute him. And last week, you testified before the Chamber
17 that electric wires were attached to toes of detainees and then
18 the detainees were electrocuted.

19 In the same document, E1/417.1 at 10.37, Chum Mey told the Court
20 as follows:

21 "I told them that I did not know CIA or KGB agents. Although I
22 told them that, they continued beating me. Then they inserted
23 electrical wires into my ears and I could hear the explosion.
24 <And I became unconscious.>"

25 [10.01.06]

1 And the question was further put to Chum Mey: "How many times
2 were you electrocuted?"

3 Chum Mey's responded that he was electrocuted two times and now
4 one side of his <> eye <> could not see clearly and <one of his
5 ears> could not hear clearly.

6 What can you tell about the electrocution inflicted on Chum Mey?
7 Did such practice happen at S-21?

8 A. Allow me to clarify this matter.

9 Regarding the authorization and the practice of such torture
10 under the supervision of Nat, that happened -- that is, a <hand
11 cranked phone> was used for such purpose. Later on, I heard
12 Comrade Tuy said that electric wire from a wall plug <with the
13 power of 220W> was <attached> to a toe, and the other side of the
14 electric wire would be used to shock the prisoner, and that did
15 happen. <It was not attached to prisoners' ears.>

16 And I authorized the electrocution, but I strictly forbid them
17 not to let any prisoner die so that their confession or
18 interrogation <would not be> cut off. <I warned them that if they
19 beat or tortured important prisoners to death, they would be dead
20 too.>

21 [10.03.02]

22 Later on, while we fled from the "Yuon" troops, Comrade Pon
23 mentioned the practice. He said that he electrocuted a prisoner
24 named Phav Bun Sing (phonetic). One wire was attached to his
25 organ and <> another electric wire was used to shock the

1 prisoner. <As a result, the prisoner died.> And of course, <I
2 knew about> that <> so late already, I could not punish him.
3 As for Chum Mey, during his testimony <in the first case>, I
4 don't recall that one electric was <attached> to his earlobe, so
5 I cannot <talk> about electrocution by attaching one electric
6 wire to an earlobe.

7 If a prisoner was subjected to that, I do not believe the
8 prisoner would survive <with the electric wire with 220W power
9 attached to the earlobe>. And I cannot say whether such practice
10 was used on him.

11 [10.04.26]

12 Q. Again in relation to Chum Mey, I'd like to ask another
13 question.

14 In the transcript again of 18 April 2016, that is the same
15 document, E1/417.1, at around 10.53.33, he said that: "When we
16 had to relieve <ourselves> and when it <spilled> on the floor, we
17 had to lick it clean. And the same thing when we had to urinate.
18 And if it spilt, we had to lick <what> spilled clean."

19 And Chum Mey said because he was afraid of being beaten, he had
20 to lick his own faeces.

21 So in this case when the victim spilled his faeces or urine, was
22 ordered to lick it clean in the detention cell, can you shed
23 light on this matter before the Chamber, whether it actually
24 happened?

25 A. This is a specific example, and I myself did not supervise

1 <every issue>, such <an> incident <was never reported to me>. For
2 that reason, on this issue when urine or faeces spilled and the
3 detainee had to lick it clean, I cannot say whether it actually
4 happened at S-21. And for that reason, I cannot acknowledge its
5 existence.

6 [10.06.40]

7 Q. At S-21, were there any regulations or rules that set out
8 about <spilling> of faeces on the floor and that <the> detainee
9 would be disciplined <for> such behaviour?

10 A. The remaining regulations that I saw and that were written by
11 Hor and that surviving document remained and I acknowledge its
12 existence.

13 As for the writing on the board regarding the Santebal rules, I
14 deny that because that's not the principles that detainees had to
15 follow those regulations.

16 There were regulations for the guards, and there is a surviving
17 document. And I believe you can refer to that. And I actually
18 acknowledge its existence.

19 As for the rules regarding the behaviour or regarding when
20 detainees had to relieve themselves, I never saw such
21 regulations.

22 Q. Before the break time, I'd like to ask you <one> more
23 question.

24 When prisoners were arrested and brought to S-21, did S-21 have
25 the mechanism to inform detainees about the right -- that is,

30

1 right to free speech, rights to counsel?

2 [10.08.47]

3 A. No, there was none. Even when I met Koy Thuon, as I testified
4 last time, I did not inform him of anything. I only said that you
5 no longer had the right to meet with Angkar and you could only
6 report to Angkar through me. However, I <did not> humbly <speak>
7 to him <like> this.

8 MR. PICH ANG:

9 Mr. President, shall we take a break now or shall I continue?

10 MR. PRESIDENT:

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

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

16 The Court is now in recess.

17 (Court recess from 1009H to 1029H)

18 MR. PRESIDENT:

19 Please be seated.

20 The Court is now back in session and the Chamber hands over the
21 floor to the National Lead Co-Lawyer for civil party to resume
22 his questioning.

23 You may proceed.

24 BY MR. PICH ANG:

25 Thank you, Mr. President. Allow me to resume my questioning. I

31

1 have a question for clarification in relation to the statement of
2 witness on 8 June 2016.

3 Q. The witness <talked> about the children -- the three children
4 of Sang Un, and that statement was made at 09.55.27. You stated
5 that the three children of Sang Un did not survive <because there
6 was no sentiment>.

7 Could you again shed light on the three children of Sang Un? What
8 was the reason that the three children did not survive?

9 [10.31.17]

10 MR. KAING GUEK EAV:

11 A. Let me bring up the issue once again. Sang Un had three
12 children, and among them there was a newborn baby, and another
13 child <a bit bigger>, and the eldest one was <female,> five years
14 old, <but I do not recall her name>.

15 <Sang Un's wife was not with him at the time. I do not know
16 whether or not she already died>. I assigned a female to look
17 after the three children, and the food <provided> was to <be>
18 equal <> to <the food ration for Mam Nai's children>. <Mam Nai
19 also had three children there. The two big children were sent
20 outside already. He still had three small children in there.> The
21 children who were given rice to eat but no sentiments by the
22 regime, at the time, did not survive the regime. The youngest
23 child died of malnutrition or swelling <>. At the time, there
24 were no medicines for treatment<, not even for the medics
25 themselves or me>.

1 In 1973 and '74, a famine happened within the revolution. Some
2 offices had only the "angkor chek" or the bananas to eat after
3 they were <sliced, boiled and then> dried <>. And the food ration
4 at M-13 was also reduced.

5 I had a meal with -- mixed with bamboo shoots at the time. We
6 faced food issue at the time.

7 Mam Nai<'s> children were raised with sentiment, with good
8 sentiment <from both parents>, with <the> best care, and <> meals
9 to eat. <They had the same conditions for hygiene, but they
10 survived.> This is the experience that I had in relation to the
11 taking care of children. So I hope I fully respond to your
12 question, and if you want to know more, you can put your
13 follow-up question.

14 [10.34.32]

15 Q. I want you to clarify in relation to the three children of
16 Sang Un. You stated that the three children died at M-13. On the
17 same date that I mentioned -- that is, the 8th June, you stated
18 that you asked Son Sen about perhaps that issue. And the
19 instruction of Son Sen was about the absolute stance <regarding
20 classes>. Could you explain further on the absolute stance
21 <regarding classes> on raising the children?

22 A. Thank you.

23 It was later on when I was assigned to work at S-21 under the
24 same supervisor or superior -- that is, Son Sen. Son Sen was also
25 my superior when I was at M-13. I did not make a full report

1 <regarding raising the children>.

2 [10.35.58]

3 Later on, the issue of <an> eye for an eye was raised. After the
4 parents were smashed, there was an issue with children. The
5 children of those who were arrested needed to be smashed as well.

6 <That was the principle.>

7 <> I made a report to Son Sen about the three children that I
8 raised <and still did not survive because there was no sentiment
9 involved, so even if we did not smash them, they would still
10 die>, <he agreed on that principle> so the stance was to be
11 absolute. After the parents were smashed, that was the time for
12 the children <to be smashed as well>. <I also talked about the
13 case of Phen (phonetic) and Bong Vorn. Phen (phonetic) was> the
14 child of Vorn, the member of Standing Committee of Centre. After
15 Vorn was arrested, the child was <not spared either> at the time.

16 Q. Thank you.

17 <Does> the absolute stance <have> something to do with the slogan
18 that is <when> digging grass, the roots has to be taken out as
19 well? <And did this slogan exist during the Khmer Rouge regime?>

20 A. In general, that slogan was used or known by the public <as>
21 the purging method of the CPK, the purging against the bad
22 elements. The slogan was correct, but CPK itself did not use the
23 slogan. <The> Party only required us to be absolute in our
24 stance. We <had> to distinguish enemies and people.

25 As I said, <according to the precepts of the revolution, wherever

1 we were,> we were instructed to serve the <peasants and workers>
2 there with all your hearts, and we <only served workers and>
3 peasants based on the class of the Party.

4 [10.38.45]

5 Q. Thank you.

6 I have another question in relation to a dentist, Dy Phon. Did he
7 survive the regime after 6 January 1979?

8 A. Thank you.

9 Dy Phon alias Thuk was released by me. <His ankle> was not
10 shackled. He had a different sleeping quarter and a different
11 food ration. He was allowed to help <the medics> at S-21.
12 <On 7 January, Bong Thuk aslo fled with others.> Later on, he
13 went together with Comrade Van. <Comrade Van> did not come to
14 testify before the Chamber<, but his statement was read here>.
15 Nhep Ho (phonetic) <was one of my cadres. He> went with a group
16 of <people> together with Dy Phon <afterward>. And for <Bong
17 Thuk>, I did not know whether he later on <was dead or alive>.

18 [10.40.42]

19 Q. Thank you.

20 I am now asking you about the food ration of prisoners at S-21.
21 What were the food rations like at S-21?

22 A. There was a document stating about the food ration, how many
23 cans of rice provided to prisoners at S-21, but I, myself, did
24 not <pay attention to> the list or document. <And I do not recall
25 any details about it.>

1 My sibling who <visited the place> made mention about the food
2 ration at S-21, and my sibling said that the food ration at S-21
3 was better than at the base. In principle, <> I did not reduce
4 the food ration as punishment for the prisoners. But let me
5 clarify <one thing, for the important> prisoners who were
6 interrogated, <we were very careful about> the food ration <and
7 the treatment> for <them>.

8 [10.42.15]

9 For example, <> there was a case of one prisoner. That prisoner
10 was from perhaps Division 160 <from the East Zone>. <His name was
11 Sour Sophan.> During the interrogation, <> the prisoner swallowed
12 a piece of iron <that he saw at a window>, and <as a result,> he
13 could not confess.

14 Seeing that, <because he was an important prisoner,> I instructed
15 to have a medic <from 98> to come and conduct the surgery to get
16 the screw out of the body. <It took several days for him to
17 recover. And then the interrogation resumed. So during an
18 interrogation of an important prisoner, we were really careful
19 with the prisoner.>

20 I observed that some witnesses who came to testify before the
21 Chamber were <exaggerating>. And there was a case that <a>
22 witness mentioned about <giving two> <teaspoons of soup> to feed
23 the prisoners. If we had had reduced food ration provided to
24 <every> prisoner <with that level>, <> many of them would have
25 died and <> the confessions would be cut off.

1 Regarding the food rations for staff members at S-21, they had
2 two mealtimes per day <just like the prisoners>. And for my case,
3 I did not like soup so usually I was provided with different
4 dishes, but not soup. <Other than that, the dishes were the same
5 for everyone there.>

6 [10.44.12]

7 Q. Thank you.

8 I am now asking you about the treatment of prisoners. What type
9 of prisoners were treated at S-21?

10 A. The important prisoners were treated at S-21. At S-21, there
11 were medical doctors, <the ones we arrested>. I used one of the
12 medical doctors at S-21 to treat a prisoner. Her name was <Hak>
13 Phadet (phonetic). She graduated from medicine from USSR.
14 There was another doctor, <a female> medical doctor, named <>
15 Lach Dara <alias Than, who was Pou Nuon's (phonetic) niece>.
16 When I was seriously ill, I asked the two doctors to come and
17 treat me <with my wife>. Initially, I used Brother Roat Kut to
18 treat my diseases. I regarded him as my senior at <monk's
19 quarter> number 3 when I was at the pagoda. And later on, I used
20 Sieng Seng. He was <a doctor> from Hospital 98, and he was also
21 <a> professor <>.

22 So let me clarify that these were the medical doctors at S-21
23 that were <re-educated by S-21>.

24 [10.46.15]

25 Q. What were the purposes <of treating> prisoners at S-21? Why

1 were prisoners <> treated at S-21?

2 MR. PRESIDENT:

3 Please wait, Mr. Witness, and observe the microphone.

4 BY MR. KAING GUEK EAV:

5 A. Prisoners were given with rice to eat and they were treated so
6 that they survived <>. When the prisoners were needed for
7 interrogation, they would be taken for interrogation. And if they
8 were to be smashed, they would be taken away to be smashed. So
9 they had to be in good form in terms of health <when they were
10 needed for interrogation>.

11 Concerning professor or teacher <Phung> Ton, he was sent into
12 S-21, but I had not been informed in advance about his case
13 <because they knew that I had sentiments for him the way I had
14 sentiments for Bong Roat Kut>.

15 <He> died because of some <illnesses>, but I did not <even> know
16 <about> that <>. In general, prisoners had to survive for
17 interrogation. And after <concluding the> interrogation, they
18 would be sent away for execution.

19 For the prisoners who were not important, after <> I got
20 instruction from <Son Sen>, I would send those prisoners out for
21 execution.

22 MR. PICH ANG:

23 Q. You were talking about smashing of prisoners. After prisoners
24 were smashed, were funeral rituals held for those smashed
25 prisoners?

1 A. <> I would like to clarify that. This kind of practice was
2 against our custom and traditions, and I think that this Court
3 <like other places> has adhered to the tradition and custom<;
4 that is, after someone has passed away, the body was sent to the
5 family. For instance,> after the accused<, Bong Mok or Ieng
6 Sary> died, the body was handed over to the family.
7 For prisoners <at S-21> at the time, after they were smashed,
8 they were buried in <common> graves. <There was no funeral for
9 them.> That was <> against the tradition and our customs.

10 [10.49.34]

11 Q. Thank you.

12 I want to ask you in relation to one document, E3/12. The heading
13 of the document is "The decision of Centre on particular
14 matters". That document is dated 30th March 1976. I want to ask
15 you about the right to smash outside and inside the rank.

16 Mr. President, may I provide the document to the witness?

17 MR. PRESIDENT:

18 You may proceed.

19 [10.50.41]

20 BY MR. PICH ANG:

21 Thank you, Mr. President.

22 Q. You could remember the first point very easily, and I would
23 like to refer you to the first page of the document. I do not
24 <need> to read the ERNs in three languages because <it is all on
25 the first> page.

1 The document states about the right to smash within and outside
2 the ranks, and objective <> is mentioned in the document, number
3 1, that: <to have> a framework in absolute implementation of our
4 revolution.

5 Mr. Witness, could you explain the first point -- that is, <to
6 have> a framework in absolute implementation of our revolution?
7 What does it mean?

8 [10.51.48]

9 MR. PRESIDENT:

10 Please hold on, Mr. Witness.

11 You have the floor first, Koppe.

12 MR. KOPPE:

13 Thank you, Mr. President. I object to this question.

14 I know the witness has given extensive testimony about this
15 document. However, the Trial Chamber in Case 001 has also
16 established itself that he never knew of the existence of this
17 document before 1979, so that is something that has been
18 established.

19 The witness has also admitted him -- this himself a few times, so
20 now asking again questions to the witness on this very subject
21 from this document that he has zero contemporaneous knowledge of
22 is something which is not appropriate and, therefore, I object to
23 this question.

24 [10.52.48]

25 BY MR. PICH ANG:

40

1 Mr. President, I would like to ask the witness whether or not he
2 was aware of the existence of this document when he was in charge
3 of S-21.

4 Q. Mr. Witness, when you were in charge of S-21, were you aware
5 or, did you happen to see that document?

6 MR. KAING GUEK EAV:

7 A. Thank you.

8 I would like to make mention of this document in two points. This
9 document was provided to me in two occasions: The first time was
10 -- the first time the document was provided to me by the
11 Co-Prosecutor and the Investigating Judges withdrew it, <and then
12 it was provided to me again,> so I could say that I saw the
13 document during the investigation stage.

14 [10.54.09]

15 That happened in a specific year, I could not recall <which>. In
16 fact, the implementation <happened> in 1971. M-13 did not have
17 the right to go around and arrest people. The decision was vested
18 within the Centre. Vorn was in charge of the specials -- Special
19 Zone, and Mok was in charge of the Southwest. <So S-21 could make
20 an arrest when they ordered S-21 to arrest someone.> That was the
21 practice; that the decision was made by the Centre.

22 M-13 did not have the right to go and arrest people. If M-13 had
23 done so, it would have been in danger.

24 And once again, <since 1971, according to research,> there were
25 196 police officers. Why were they gone? Because those officers

41

1 perhaps did not respect the decision of the Centre or perhaps
2 those officers did not adhere to the moral acts or principles.
3 In fact, the decision <> was made on 20th July 1971. That had to
4 be adhered <to> by police officers since <that> time.

5 [10.56.05]

6 Q. In fact, I do not want to go into the detail about <that>.
7 I would like <you> to <clarify one point, since> you were <not>
8 aware <of> or you did <not> see the document when you were in
9 charge of S-21<, when people said,> "absolute implementation of
10 our revolution", what does this mean?

11 A. Thank you.

12 The Communist theory or ideology is that freedom will lead to
13 anarchy. <Absolute implementation would lead to discipline.>

14 MR. PRESIDENT:

15 Please hold on, Mr. Witness.

16 You have the floor first, Anta Guisse.

17 [10.57.10]

18 MS. GUISSÉ:

19 Yes, Mr. President, I would like to repeat my colleague's
20 objection from earlier.

21 <I have no objection to my colleague's first question, but> he
22 immediately <moved onto> a document before the witness answered
23 whether or not he was aware of this document when he was heading
24 S-21. And based on his previous statements, I understood that he
25 saw this document for the first time during the investigation and

1 then he saw it again during the trial.

2 So I understood that he had not seen this document when he was
3 heading S-21, but it might be good to specify this. And in this
4 case, the second question of my colleague is not suited and,
5 therefore, I object to this second question.

6 JUDGE FENZ:

7 Generally, we have frequently asked witnesses to comment on
8 documents on which they had no contemporaneous knowledge. It
9 depends, obviously, on the context and the question. But in
10 itself, this is not a valid objection as soon as it is clear
11 where his knowledge, provided he says he has any, is coming from.
12 So again, what was the last question, the one you are now
13 objecting to?

14 [10.58.38]

15 MR. PICH ANG:

16 Madam Judge, I did not <actually> quote <an excerpt from> the <>
17 document for <the> witness to answer. I <> only <used a
18 particular point> of the document <> so that <> I could have the
19 explanation from the witness. <I believe this practice is allowed
20 in this court.>

21 I asked the witness about the meaning of "absolute implementation
22 of our revolution", so I did not quote <an excerpt from> the <>
23 document for witness to answer.

24 JUDGE FENZ:

25 Again, why -- what, exactly, are you objecting to in -- for this

1 question -- for this special question?

2 [10.59.39]

3 MS. GUISSÉ:

4 To follow up on what you said a while ago by saying that the
5 witness has already been asked to comment on documents, <of
6 which> he didn't have prior knowledge. <So far, most of> the
7 documents presented <have been> related to S-21<, even a priori>.
8 Even though he may not have known these documents specifically,
9 if they ask questions on <the general> functioning of S-21, I
10 have no objection to that, but to ask the witness to speak as an
11 expert about documents he never saw and in respect of which he <a
12 priori> has no particular knowledge, <since if I> understand
13 <correctly > this is a decision of the Central Committee, and
14 this is what poses a problem.

15 The witness is being asked to furnish explanations and to make
16 remarks and to express his opinion on documents which he
17 <apparently> has no reason to have specific knowledge of, and
18 these are statements that <have> nothing to do with his work at
19 S-21. Unless the question is rephrased, I find that it is too
20 broad, and <in any case, refers to something about which> the
21 witness didn't have any specific knowledge at the time <of the
22 facts>. And that is why I'm objecting to this line of
23 questioning.

24 (Judges deliberate)

25 [11.06.06]

1 MR. PRESIDENT:

2 I would like to hand the floor to Judge Lavergne to make an oral
3 decision on the last question by the National Lead Co-Lawyer for
4 civil parties, which was opposed by the international counsel for
5 Khieu Samphan.

6 Judge Lavergne, you have the floor.

7 JUDGE LAVERGNE:

8 Thank you, Mr. President.

9 The Chamber wishes to underscore the point that the witness here
10 present is not an expert, so he is not in a position to give
11 <his> general opinion, particularly with regard to documents he
12 was not aware of when he was the head of S-21, so in this sense,
13 the objection raised by the Defence is perhaps upheld.

14 [11.07.02]

15 However, it is also clear that the document in question can shed
16 light on the witness' knowledge at the time regarding the manner
17 in which S-21 was called upon to function, so perhaps the
18 question should be rephrased and the witness should be asked
19 whether, <after reading> the decision of the Standing Committee,
20 he <has> another vision -- and what impact <that could have on
21 his view of> the way S-21 functioned.

22 We are not going to ask him to explain in general terms the terms
23 used by the Standing Committee.

24 MS. GUISSÉ:

25 For the record, let us recall that the document is titled

1 "Decision of the Central Committee<" and not ">Standing
2 Committee". And I would like to recall that <in the framework of
3 our appeal> we raised <a> question regarding the authenticity of
4 this document. In any case, the manner in which the document is
5 titled<-- it's a> Central Committee document.

6 [11.08.20]

7 BY MR. PICH ANG:

8 Thank you, Judge, for clarifying the question. And I'll rephrase
9 my question.

10 Q. Witness, regarding the first point of the document -- that is,
11 the objective is that there is a framework in "absolute
12 implementation of our revolution"; can you tell the Chamber your
13 understanding of that point, the first point, in terms of your
14 implementation and working at S-21?

15 MR. KAING GUEK EAV:

16 A. Thank you.

17 Allow me to clarify that all Santebal offices of the CPK -- that
18 is, from December 1970 up to the day we fled the "Yuon" troops --
19 that is, 7 January 1979, all those Santebal offices were regarded
20 as an absolute tool of the Party, and that is the definition
21 given to Santebal offices.

22 And in terms of implementation, I was repeatedly instructed and
23 warned not to make any arbitrary arrest of anyone.

24 [11.10.25]

25 Brother Mok and Brother Si -- that is, the deputy and the

1 secretary of the Southwest Zone, were also members of the Central
2 Committee. Huot Heng (phonetic) alias Pal -- that is, secretary
3 of Sector 32, was also a former <member> of the Central
4 Committee.

5 As for the <Special> Zone, Brother Vorn was a member of the
6 Central Committee; for that reason, M-13 did not go out to make
7 any arrest or receive anyone sent to us except those <who were
8 sent> by the Centre and if I were to go out and make an arrest,
9 <> I would be beheaded because that was against the principle.
10 For that reason, the document clearly set the limit of our work
11 starting from the <> 20 of July 1971 because at S-21 <and at
12 M-13>, <we> did not have any authority to make any arrests; we
13 were there only to receive people arrested by the <Centre> and
14 our implementation was consistent with what is set <out> in that
15 document.

16 [11.11.56]

17 Q. Thank you. And I'd like to also refer to other points set out
18 in the document. There are three sub-points underneath -- that
19 is, surrounding the centre office, to be decided by the Central
20 Office Committee. As for independent sectors, it <had> to be
21 decided by the Standing Committee and as for the Centre military,
22 it <had> to be decided by the general staff.

23 During your implementation, can you inform the Chamber whether
24 your implementation <was> consistent with what I just <read>?

25 A. Thank you.

1 Regarding the issues -- regarding the points surrounding the
2 Centre office and that it had to be decided by the Central Office
3 Committee, there were many offices surrounding the Centre office
4 and the <decision> had to be made by the Politburo of the Party
5 Centre.

6 As for the independent sectors, <it has to be decided by> the
7 Standing Committee of the Party.

8 [11.13.54]

9 And I'd like to mention one independent sector of Kampong Som.
10 The Kampong Som independent sector did not report through the
11 Southwest Zone secretary. It had to make a direct report to 870
12 and all decisions had to be made by 870 and not by the secretary
13 of Southwest Zone; although, physically, it was part of the
14 Southwest Zone. So usually 164 had to report to <> the Standing
15 Committee <-- that is the Politburo of the Party Centre>.

16 As for the Centre military -- and I believe there are many
17 surviving documents highlighting this Centre military-- usually
18 after meetings, Son Sen <took notes for> Comrade Pin for
19 consideration, so all implications in the confessions had to be
20 considered by Pin as who had to be arrested and who <was> not and
21 that was the chain of command regarding the Centre military.

22 [11.15.35]

23 Q. Thank you. You said that the Politburo <of the Party Centre>
24 had to make decisions and can you inform the Chamber who were
25 members of the Politburo <of the Party Centre>?

1 MR. PRESIDENT:

2 Witness, please observe the microphone.

3 MR. KAING GUEK EAV:

4 A. Actually, I made mention of members of the Politburo of the
5 Party Centre. In Cambodia, usually it - it <was> not referred to
6 as the Politburo, but it <was> referred to as the Permanent
7 Committee or the 870 Committee.

8 For the former resistance including Chou Chet -- Chou Chet alias
9 Si, Norng Ke Suon (phonetic) alias Norng Suon (phonetic); they
10 were referred to as the intellectual group or Phnom Penh group.
11 So in Cambodia, the Politburo usually <referred> to as the
12 Standing Committee or Committee 870 and there were <one,> Pol
13 Pot; two, Brother Nuon; <three>, Brother Van -- that is, Ieng
14 Sary; and number 4, Brother Vorn; number 5, Brother Khieu -- that
15 is, Son Sen; and number 6, Brother Hem -- that is, Khieu Samphan.

16 [11.17.31]

17 Q. Thank you for your response. And the title of the documents
18 that I refer to is "Decision of the Central Committee." <Are the>
19 Central Committee and office of the Party Centre <different> or
20 the same? <And was Khieu Samphan a member of the Central
21 Committee or not?>

22 MR. PRESIDENT:

23 Please, rephrase this as the witness did not mention or refer to
24 office of the Party Centre. You should quote the exact words used
25 or responded by the witness so that it does not confuse anyone.

1 BY MR. PICH ANG:

2 Thank you, Mr. President. I actually jotted down his words and
3 maybe he <used> another term -- that is a "kanak prachamka" in
4 Khmer, or Permanent Committee.

5 [11.18.47]

6 Q. So again, my question is in relation to the title of the
7 document -- that is, "Decision of the Central Committee." And my
8 question to you, witness, is that whether Khieu Samphan was a
9 member of the Central Committee on the 30 of March 1976?

10 MR. KAING GUEK EAV:

11 A. Thank you. And allow me to clarify the term, the "<Politburo>
12 of the Party Centre." The Communist Party of Kampuchea never used
13 that term -- that is, my superior, Son Sen, also never used that
14 term. However, in relation to Communist Party of "Yvon" or China,
15 they refer to the <Politburo> of the Party Centre, but in CPK,
16 they used the Permanent Committee or Committee 870 and I already
17 made mention of members of the committee -- that is, Brother Pol,
18 Brother Nuon, Brother Van, Brother Vorn, Brother Khieu, and
19 Brother Pon. There were six members.

20 As for another set of the leadership of the Party, they were
21 known as a Standing Committee of the Party Centre and there were
22 Brother Pol; Brother Nuon; Brother Phim from the East Zone; four,
23 Brother Mok from the Southwest; Brother Van, <-- that is Ieng
24 Sary; > number 5, Ministry of Foreign Affairs; and number 6,
25 Brother Vorn; and number 7, Brother Khieu, Son Sen from the

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1 general staff. And there were only seven members of the Standing
2 Committee. And that is from the Independence Day -- that is, the
3 Fourth Party Congress. And they remained members until the Fifth
4 Party Congress.

5 Brother Hem was not part of <> the Standing Committee, but he was
6 a member of the Permanent Committee and in Khmer referred to as
7 "kanak prachamka".

8 [11.21.50]

9 That's two members of the Standing Committee <who> were not
10 members of the Permanent Committee as they did not attend weekly
11 meetings in Phnom Penh -- that is, Brother Phim from the East and
12 Brother Mok at the Southwest Zone. Although they were members of
13 the Standing Committee, they were not members of the Permanent
14 Committee.

15 MR. PRESIDENT:

16 Thank you. From my observation, the question is rather repetitive
17 as the question was put to the witness by the Deputy
18 Co-Prosecutor already and the question was for you to clarify
19 about the composition of the Central Committee, in particular, in
20 relation to the document before you -- that is, in relation to
21 the decision of the Central Committee and the implementation at
22 S-21. So the question is to -- for you to respond to the limit of
23 the composition of the Central Committee.

24 [11.23.10]

25 BY MR. PICH ANG:

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1 Q. Witness, allow me to repeat my question again. By 30 March
2 1976, was Khieu Samphan a member of the Central Committee?

3 MR. KAING GUEK EAV:

4 A. Brother Khieu Samphan was a full member of the Party Centre,
5 as well as a member of the Permanent Committee.

6 Q. Thank you. In fact, I'd like to ask you on some more points in
7 relation to this document, but my time is running out and I'd
8 like to hand the floor to the Co-Prosecutors.

9 MR. PRESIDENT:

10 For the remaining time, I'd like to hand the floor to the
11 Co-Prosecutors to continue putting further questions to the
12 witness. You may proceed.

13 [11.24.33]

14 MR. LYSAK:

15 Thank you, Mr. President.

16 We have a -- just a few minutes so -- before the break. Let me
17 start, Mr. Witness, by going back to something and seeking some
18 clarification with respect to something I asked you about last
19 week.

20 Mr. President, if I could, I'd like to provide back to the
21 witness two lists that were given to him last week. You might
22 recall, these are the lists of Lon Nol -- former Lon Nol
23 personnel -- military personnel sent to S-21 who came from a
24 village called Ta lei Village and it's Document E3/2017 --
25 E3/2017; Khmer, ERN 00021137; English, 00183670 through 72; and

1 also Document E3/3187; Khmer, ERN 00008785 through 86; English,
2 00874237 through 41.

3 May I hand these to the witness?

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 [11.26.28]

7 QUESTIONING BY MR. LYSAK RESUMES:

8 Q. Mr. Witness, I showed you these documents last week and I'd
9 like to read to you now an excerpt from a book written by Michael
10 Vickery. It is document -- the book is E3/1757 -- E31757, page
11 175 of that book; English, ERN 00397090 -- there's no
12 translations presently; they've been requested.

13 In Michael Vickery's book, he writes about this location, Ta Lei,
14 a village then, and this is what he says, if you can listen to
15 this quote.

16 "A former Lon Nol official, Seng Chen An, was sent with his wife
17 to the village of Ta Lei, 15 to 20 kilometres due south of the
18 city. He wrote that the internees there were divided into three
19 sections: civilians who had recently returned from abroad, a
20 group of former urban intellectuals who had joined the
21 revolutionaries in 1972-'73, and military personnel who had come
22 back from the United States." End of quote.

23 [11.28.01]

24 My question: Does this refresh your memory, at all, Mr. Witness;
25 do you remember a group of former Lon Nol servicemen who had

1 returned to Democratic Kampuchea from the United States and were
2 later sent to S-21? Do you remember these men?

3 MR. KAING GUEK EAV:

4 A. I do not have a clue at all about Ta Lei village or who was
5 sent there. It is possible that it was the remaining task of
6 Brother Nat and Son Sen ordered Nat to finish off his work.
7 As I said, I do not know how to respond to your question in
8 relation to Ta Lei village. I have no clue at all about its
9 location.

10 Q. Just one follow-up. I'm not asking you about where the
11 location of Ta Lei village. The lists -- the S-21 lists I
12 provided to you are from August or September 1976 well after the
13 time you had taken over from Nat.

14 My question is: Do you remember prisoners, former Lon Nol
15 servicemen who were sent to S-21, who had been in the United
16 States when the Khmer Rouge gained power, but had returned to
17 Democratic Kampuchea; do you remember those former Lon Nol
18 servicemen from the United States?

19 [11.30.07]

20 A. That question is rather strange to me. Although <> the date
21 you mentioned is after I became chairman of S-21, I never
22 received any soldiers who returned from the United States at all.

23 MR. LYSAK:

24 Thank you, Mr. Witness. I just wanted to see if you had any
25 recollection of these people.

1 Mr. President, I can break here.

2 [11.30.53]

3 MR. PRESIDENT:

4 Thank you, Deputy Co-Prosecutor.

5 It is now convenient for our lunch break. We'll take the break
6 now and resume at 1.30 this afternoon.

7 Security personnel, you are instructed to take Khieu Samphan as
8 well as Witness Kaing Guek Eav to the waiting room downstairs,
9 separately, and have Khieu Samphan returned to the courtroom
10 before 1.30.

11 As for witness, please have him returned to attend the
12 proceedings at 1.30.

13 The Court is now in recess.

14 (Court recesses from 1131H to 1330H)

15 MR. PRESIDENT:

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

17 The floor is now given to the Deputy Co-Prosecutor to resume the
18 questioning, but please wait.

19 You may proceed first, Counsel Anta Guisse.

20 [13.31.34]

21 MS. GUISSÉ:

22 Thank you, Mr. President.

23 I'd simply like to make a request on part of our team. Could we
24 remind the witness to speak a bit more slowly because in French,
25 we have a real problem following the flow <and with the time lag>

1 -- and when we deal with topics that are a bit more complex
2 <particularly> with terms that are <related> to the CPK
3 <structure>, it's important for us to have <the> translation on
4 time. So it's just a simple request I'm making here.

5 MR. PRESIDENT:

6 Very well; <to> the witness, I hope <you have> understood the
7 request made by the counsel of the defence team, so please speak
8 slower. It's very important that you speak slower so that we
9 <can> have proper record and <in> the interest of the
10 proceedings.

11 You may proceed now, Counsel.

12 [13.32.45]

13 MR. LYSAK:

14 Thank you, Mr. President.

15 Good afternoon, Mr. Witness. Last week, we were talking about
16 interrogations and confessions and I had a couple more questions,
17 follow-up, I wanted to cover on that subject.

18 And Mr. President, can I return to the witness the binder of the
19 interrogator notebooks as I have a question from one of these
20 documents?

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 [13.33.32]

24 BY MR. LYSAK:

25 Q. Mr. Witness, I'm handing you back the binder and the specific

1 excerpt I want to ask you about comes from the statistics list
2 interrogator notebook, document E3/8368; Khmer, pages 00007470
3 through 71, 740 -- excuse me, 7470 through 71; English, 00225395;
4 French, 00278759 through 760; and this is in the section 4 titled
5 "Views and Stances on Enemy Confessions."

6 Paragraph 2, I've marked it in your book, reads as follows --
7 contains the following statement - quote: "We only ask the points
8 that the Party instructs us to ask because the Party grasps the
9 situation." End of quote.

10 What -- you've indicated the -- that these are notes from
11 instructions you gave to the interrogators, but what was meant by
12 the statement that we only ask the points that the Party
13 instructs us to ask?

14 MR. KAING GUEK EAV:

15 A. I have not found the right statement you quoted; which
16 paragraphs and which number you are referring to?

17 [13.35.35]

18 Q. It's -- I've marked it with -- it's marked with the letter A
19 on the Post-it. Yes, if you look at the bottom -- at the bottom
20 of that page, if you read paragraph 2, you'll see a reference in
21 there to this, "We only ask the points that the Party instructs
22 us to ask"; do you see that in the notes?

23 What was meant by that?

24 A. Thank you. Before responding to your question, I would like to
25 make a clarification. These documents <> belonged to <one of my>

1 interrogators and the note was about the methods of interrogation
2 <that I had instructed>. The owner of this notebook is Pou Phally
3 (phonetic).

4 Concerning the issue that you raised as to <the> points that the
5 Party instructed us to ask, I <already> told the Court, <over>
6 the last days, that first, we permitted the prisoners to respond
7 and to tell <us> whatever they wanted <regarding their
8 backgrounds> and then we would determine the advantages and <>
9 determine the weak points of the prisoners and the points that
10 the Party was instructed us to ask <were the points> in relation
11 to the enemy network and also the CIA or <other> agents.

12 [13.38.05]

13 And <> I don't think that the interrogators would include <all>
14 the points of my instruction<>. And once again, <the principle
15 was that> the interrogators should not allow <prisoners> to know
16 what the interrogators <wanted> to obtain <from their answers>.
17 Interrogators <were not supposed to let> the prisoners <know>
18 what they wanted; for example, in the case of Yim Sambath, the
19 interrogator was trying to avoid the fact that <> the
20 interrogator wanted to get the implication about Chan Chakrey.

21 [13.39.10]

22 MR. LYSAK:

23 Well, let me give a few examples that I found in the
24 interrogation records on this issue of what was presented or what
25 was told to prisoners during interrogations.

1 Mr. President, if I may provide to the witness document E3/8374
2 -- E38374; it's a 25 September 1976 note or letter from Pon to
3 the witness.

4 MR. PRESIDENT:

5 Yes, please.

6 BY MR. LYSAK:

7 Q. First question: Do you recognize this as a note that was
8 written by interrogator Pon?

9 MR. KAING GUEK EAV:

10 A. Thank you. This writing belongs to Pon. This letter <was a
11 trick that Pon and I used to> interrogate Bong Ya; that is the
12 letter <from Pon to me> that we fabricated. <Bong Ya's original
13 name was Men San.>

14 [13.41.15]

15 Q. Let me read, Mr. Witness; I want you to focus. The first
16 paragraph talks about the use of torture that had been instructed
17 by Angkar. It's the second paragraph I'd like to focus on and it
18 states, "The essence of propaganda based on the instructions" and
19 then point A -- well, first of all, A is a letter that was from
20 you dated 24th that I believe was supposed to be shown to Ya, but
21 it's the next two points that are -- I want to ask you about
22 because Pon writes -- I quote: "We quoted the confession of Chhou
23 Bun Leat from 703 and Mam Visal from 107 to show him."

24 [13.42.17]

25 And then the next point, "Propagated from the confession of

1 VIII"; VIII was a pseudo -- a number or pseudonym that was being
2 used -- had been used in relation to Chhouk. "Propagated from the
3 confession of VIII" and then it states, "The assignment of a new
4 party with Keo Meas and Brother Chhouk acting as Central
5 Organization Committee."

6 My first question: What did it mean to say that you were -- that
7 the interrogator propagated from the confession of 8?

8 A. Co-Prosecutor is reading a different and more-detailed
9 document, I believe, and <the document in my hand> is the letter
10 which <was> <written by> Pon. <I cannot recall which person was
11 referred to as number 8. It was a number given to a prisoner
12 during the interrogation.> I made the report of the names to Son
13 Sen; particularly, in relation to the confession of Chhou Bun
14 Leat at 703 and Mam Visal 107 to show <Bong Ya>. In fact, I was
15 permitted by Son Sen and in terms of interrogation, on some
16 occasions, I needed to have permission from the upper echelon and
17 I told the Court already that I had telephone communication every
18 evening with Son Sen.

19 "C). Propagated from the confession of number VIII". I do not
20 know who number VIII is. I do not recall the person by the name
21 number VIII.

22 [13.44.48]

23 The assignment of a new party with Keo Meas and Brother Chhouk
24 <as members of the Standing Committee of the Party>; <it was> not
25 the <Communist> Party <of Kampuchea> that was created in the

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1 1960s.

2 The Party here, I guess, referred to the Party that was in
3 existence long time ago <> -- that is <after> 20 July <> 1954<>,
4 and Mr. Co-Prosecutor, you may recall the date <> 20th July 1954
5 <regarding Geneva>.

6 Chhouk and Meas were part of the Standing Committee of that party
7 and Ya was also an important individual within the party. <That
8 was why excerpts from the confessions of Bong Meas and Bong
9 Chhouk were shown to Bong Ya.>

10 And the other point is the secret contact <between the Party and>
11 Vietnam when Meas <was> in Phnom Penh, so the purpose was to
12 encourage Ya to talk about the conversation with Bong Meas.

13 [13.46.23]

14 Q. Mr. Witness, did the information about this new party, the
15 information about the contacts with Vietnam, did -- is this
16 information that had come, come from the confessions of previous
17 people who had been interrogated, such as the people who are --
18 who are identified in this document?

19 A. That happened a long time ago; however, after my reading of
20 this document, these were quoted from those individuals, Bun
21 Leat, Chhouk, and Mam Visal, so the statements of the three
22 individuals were combined together and put in this document so
23 that the information <could> be used <during an interrogation>.
24 The main purpose of the interrogation was to find contact with
25 "Yuon".

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1 MR. LYSAK:

2 Thank you, Mr. Witness.

3 Mr. President, next I'd like to present another document. This is
4 an -- report from an interrogator, a report dated 22 July 1977;
5 document E3/1705 -- E3/1705. May I present it to the witness, Mr.
6 President?

7 [13.48.11]

8 MR. PRESIDENT:

9 Yes, you may.

10 BY MR. LYSAK:

11 Q. What I've handed to the witness are Khmer ERN pages 00014091
12 through 96. Again, this is from E3/1705. The corresponding
13 English page, 00183285 through 290; and French, 00373117 through
14 120; this is a report from an interrogator on the interrogation
15 of former Sector 7 secretary, Ke Kim Huot and it -- towards the
16 end where I've put the Post-its, Mr. Witness, the parts I wanted
17 to ask you about, first of all, Section 4, paragraph 1, reports
18 as follows - quote: "On the morning of 18 July 1977, we decided
19 to do torture. We told him the names of those who had implicated
20 him." End of quote.

21 [13.49.47]

22 And then, if you look on the next page of the Khmer, in section 5
23 of the report, the interrogator specifies further as follow -
24 quote: "I told them that those who had implicated him were: 1)
25 Sou, said he was CIA; 2) Mai, said he was CIA; 3) Tiv Ol, said he

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1 was CIA; 4) Yi Yon, said he was CIA; and 5) Dim Saroeun alias Men
2 also said he was CIA." End of quote.

3 My first question: How did the interrogator know the names of the
4 people who had implicated Ke Kim Huot?

5 (Short pause)

6 MR. KAING GUEK EAV:

7 A. What is the name of the concerned interrogator? I presume that
8 <> his name was Hak -- Comrade Hak (phonetic)? How could he <get>
9 the information? Hak (phonetic) was one of <the interrogators>
10 and he was assigned to conduct the interrogation, so the
11 information in the confession was owned by the group of
12 interrogators, so they may have known who implicated whom. <So,
13 Pon's group had those documents.>

14 [13.52.05]

15 BY MR. LYSAK:

16 Q. And do you understand what was the purpose of telling the
17 prisoner that was being interrogated who had implicated him; what
18 was the purpose for doing that?

19 MR. KAING GUEK EAV:

20 A. Thank you. Kim -- Brother Kim Huot alias Sot was a stubborn
21 person and he did not confess easily, so when we had no way out
22 and after we had permission, we showed the implication to him.
23 In fact, these measures were not so good, so we used these kinds
24 of measures only when we had no way out.

25 MR. LYSAK:

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1 Thank you, Mr. Witness.

2 Next, Mr. President, I'd like to present to the witness an
3 excerpt from document E3/1891 -- E3/1891; this relates to the
4 interrogation of Division 310 Secretary Oeun.

5 [15.53.45]

6 MR. PRESIDENT:

7 Yes, please.

8 BY MR. LYSAK:

9 For the record, the specific pages I'm going to ask the witness
10 about are a statement and this is the first or second day, the
11 arrival of Division 310 Secretary; a document dated 20 February
12 1977; English, ERN 0096819 through 20; and Khmer, 00017901
13 through 03; again, E3/1891; no French translation at this time.

14 I've marked the pages for you, Mr. Witness. The statement I
15 wanted to ask you about reads as follows -- and this is from
16 Division Secretary Oeun, he said -- he wrote:

17 "I am supposed to report about my plans for a coup d'état against
18 the Party which I respect as much as I respect my own life. I
19 have nothing to hide from the Party. I have had no thoughts of
20 carrying out a coup d'état against the Party. I find this
21 question preposterous because the thought has never even occurred
22 to me."

23 And here's the specific point I want to ask you about, Mr.

24 Witness - quote: "Another thing--

25 [13.55.30]

1 MR. PRESIDENT:

2 Please hold on. You may proceed now, Counsel Anta Guisse.

3 MS. GUISSÉ:

4 Well, here, I'm objecting in principle. It appears to me that the
5 Chamber's decision was that we're not supposed to read the
6 content of confessions, but this is what the Co-Prosecutor is
7 doing right now, so I object to this line of questioning or in
8 any case, the way the questions are being phrased because he's
9 reading straight from a confession.

10 [13.56.04]

11 MR. LYSAK:

12 Your Honour, this is the, in fact, exact opposite of a
13 confession. This is the very first statement from this prisoner
14 and he is adamantly denying that he is involved in anything, so
15 this is not something that could possibly be barred by the
16 Torture Convention. This is not a -- this is not a confession;
17 this is the witness -- I mean the prisoner saying, "I did nothing
18 wrong." And the relevance of this is to show the procedure here;
19 he makes specific reference to what he was being shown by the
20 interrogators. So this is not -- the Torture Convention bars
21 statements obtained by torture; it does not bar admission of a
22 prisoner saying, "Why are you arresting me? Why are you torturing
23 me? I've done nothing wrong."

24 [13.57.08]

25 MS. GUISSÉ:

1 Well, here again, I have an issue in principle. I believe that we
2 spent a lot of time speaking about how the interrogations <took>
3 place at S-21 and how different methods were used as the
4 different witnesses explained here before us.

5 Here, what the Co-Prosecutor is telling us is that since what
6 transpires from this confession is something that he feels is
7 useful for his case, he can use it; whereas, if we stick to what
8 was said until now by the different witnesses, <once> someone is
9 interrogated; whether it's the cold method, whether it's the hot
10 method, as soon as someone is being interrogated, either there's
11 torture or duress. You said this in different decisions that you
12 issued for different witnesses <before this Chamber>; here, the
13 only difference, of course, is that the Co-Prosecutor believes
14 that the contents support his case.

15 Here, I object and I stand by my objection.

16 [13.58.26]

17 MR. PRESIDENT:

18 You may proceed now, Judge Lavergne.

19 JUDGE LAVERGNE:

20 Yes, a question for the Co-Prosecutor. I'd like <to understand>
21 -- do you intend to use the content of these confessions or do
22 you intend to use annotations and do you intend to read out the
23 content to give meaning to the annotations?

24 I'm a bit unclear about this because <the --> statements made by
25 prisoners at S-21<, whether they are initial statements or

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1 statements made at a later time> imply a presumption; the Chamber
2 said so, the presumption being that there is a <real> risk that
3 these statements were obtained under torture. So can you explain
4 to us what the purpose is of this reading that you are proposing?
5 [13.59.15]

6 MR. LYSAK:

7 Your Honour, we are relying here on the rule of the Torture
8 Convention; we're not relying on this, as Counsel says, because
9 it helps us. The rule of the Torture Convention is that what is
10 precluded are statements obtained by torture.
11 Yes, there is a presumption because of the circumstances there
12 that statements obtained were under duress. But we have, in this
13 situation, and we have this -- we see this sometimes, that there
14 were some prisoners who at the outset of their detention and
15 there were prisoners who despite the use of torture said, "I am
16 innocent. You -- I did not do these things you accused me of."
17 How could that possibly be a statement obtained by torture? It is
18 the exact opposite of a statement obtained by torture. It is a
19 prisoner saying you can torture me but I am innocent.
20 And the significance of this is not so much the statement, the
21 truth of the statement of this detainee. It's what he says about
22 what the interrogators were doing which is that they were reading
23 to him excerpts from the confession of Koy Thuon to try to get
24 him to confess. And he is saying here there is no truth to any of
25 this.

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1 So our position, so it's very clear, this cannot be a statement
2 that is barred by the Torture Convention.

3 (Judges deliberate)

4 [14.02.30]

5 JUDGE FENZ:

6 Can I just ask a clarification as to exactly what your argument
7 is? Is your argument, yes, I am confronting him with the contents
8 of a statement made under torture, but because he says it wasn't
9 me so it's not technically confession, it's not covered? Or is
10 your argument, this cannot possibly be - have made a statement
11 under torture, because he said I am innocent? So which argument
12 is it; is it an argument which goes to we can use some of the
13 contents of the decision - of the statement even if it was made
14 under torture, or is the argument the presumption that S-21
15 statements were made under torture doesn't apply here? So which
16 is the argument?

17 [14.03.27]

18 MR. LYSAK:

19 Thank you for letting me clarify that; it's more the latter
20 because we've - and we've already used - let me remind you - and
21 admitted a number of these in the past where we've had a few
22 particularly high profile prisoners, who, at the very outset of
23 their detention wrote letters or statements saying - often
24 addressed to the Party leader saying: "What are you doing? Why
25 are you arresting me? I haven't done anything." We've used that

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1 initial statement from Hu Nim; also from, I think, the secretary
2 of Sector 103 or 106, Pou Phat (phonetic), and this is the same
3 thing. This is a statement from this prisoner when he first
4 arrived at S-21, maintaining his innocence.

5 So, our position is that there cannot be a statement precluded by
6 the Torture Convention because it is an assertion of innocence by
7 the witness - I mean, by the prisoner. The prisoner is doing the
8 opposite - the very opposite in defying what the interrogators
9 wish him to do in asserting his innocence.

10 [14.04.37]

11 JUDGE FENZ:

12 But this is mixing argument again. Again, is the primary argument
13 the presumption that S-21 statements were made under torture is
14 rebutted here because if he says I didn't do it, he obviously
15 didn't do that under torture; is this the basic argument?

16 MR. LYSAK:

17 In a word, yes.

18 MR. PRESIDENT:

19 Yes, Defence Counsel, you have the floor.

20 MS. GUISSÉ:

21 The Court's indulgence. I'm sorry to interrupt you before you go
22 into deliberations.

23 Bearing in mind the clarifications of the Co-Prosecutor, the
24 question arises as to the basis on which the Co-Prosecutor says
25 that this document is different from other S-21 documents whereas

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1 <once again,> we have had before this Chamber witnesses who
2 explained the process of interrogating the prisoners. <There was
3 one interrogation on peoples' identities, and then there were
4 questions from the interrogators.> What is the basis for this
5 presumption? I do not see any reasons why we should consider that
6 this document should be admissible<, under these conditions>.

7 [14.06.10]

8 JUDGE FENZ:

9 Any further comments from any of the other -- counsel?

10 MR. KOPPE:

11 Other than that I am very curious how you are going to deal with
12 this in the light of your decision not -- that we cannot use Koy
13 Thuon's confession.

14 (Judges deliberate)

15 [14.07.46]

16 MR. PRESIDENT:

17 The Chamber rules that the objection by the defence counsel of
18 Khieu Samphan to the question by the Deputy Co-Prosecutor with an
19 excerpt of a statement obtained -- presumably obtained under
20 torture and that any document arising from S-21 is the result of
21 torture and the Chamber holds that that objection is sustained.
22 For that reason, Deputy Co-Prosecutor <and other parties>, you
23 are reminded not to use excerpts of the statements to put
24 questions to this witness or to any other upcoming witness before
25 this Chamber -- upcoming witnesses before this Chamber.

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1 [14.08.43]

2 MR. LYSAK:

3 Thank you, Mr. President.

4 Let me move to my next document and next subject.

5 I want to return briefly, Mr. Witness, to the issue of prisoners
6 who were sent from Prey Sar to S-21 for execution.

7 And Your Honours, I would like to present to the witness document
8 E3/1041 -- E3/1041, which is a report from Huy from Office 24
9 dated the 24th of March 1977, with your leave.

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 [14.09.47]

13 BY MR. LYSAK:

14 And if we may display this on the screen?

15 Q. Mr. Witness, document E3/1041 dated the 24th of March 1977 is
16 a report signed by Huy. In the chart it lists five people who
17 have infectious diseases.

18 And the first thing I want to refer you to is the handwriting
19 that appears at the bottom of the document. This is -- and let me
20 read -- the handwriting that I am interested in states the
21 following: "The number of people requested to send to 21
22 includes"-- and then there are four items listed - "of people who
23 have infectious diseases, five people; those who acted against
24 revolution, four people; people who were seriously incapacitated,
25 moved freely, were lascivious, 15 people; and then people who

1 were pregnant, 13 people; for a total of 37 to be sent to S-21."

2 The first question: Do you recognize the handwriting of this note
3 that appears at the bottom of this document? Whose handwriting is
4 that?

5 [14.11.46]

6 MR. KAING GUEK EAV:

7 A. Huy made a report to me with his handwriting, but it happened
8 a long time ago so it is very difficult for me to identify his
9 handwriting. Here is his signature.

10 However, this document should be part of <S-21's> work and that
11 37 people were sent from the rice fields to Phnom Penh. However,
12 they were not supposed to be <interrogated,> they were supposed
13 to <be sent> from <the rice fields> to Choeung Ek.

14 Q. And can you explain why is it that -- let's start with the
15 five people who had diseases. Do you -- what was the reason that
16 people with diseases were being sent from Prey Sar to Choeung Ek,
17 to S-21 for execution?

18 A. The five prisoners had infectious diseases -- that is,
19 sexually transmitted diseases and TB.

20 [14.13.25]

21 Q. And so what was the reason for killing these people, Mr.
22 Witness?

23 A. The first reason is that they could infect other inmates.
24 Second, we did not have medicine or treatment for sexually
25 transmitted diseases and tuberculosis.

1 MR. LYSAK:

2 Your Honours, and for the record, there are nine specific names
3 of people in this report. The first five, the people with
4 diseases and then the next four who are also identified below
5 them, each of them appears on the OCIJ S-21 list as having been
6 executed on the 25th of March 1977, the day after this report.
7 For the record, you will find those, the reference numbers in the
8 OCIJ list for these nine people are number 3259, number 3306,
9 number 3289, number 3272, number 4422, number 3248, number 3270,
10 number 2119 and number 3292.

11 [14.15.26]

12 BY MR. LYSAK:

13 Q. There is a reference in the note at the bottom to 15 people
14 who were seriously incapacitated, moved freely or were
15 lascivious. What was meant by that? Who were these people and
16 what had they done to deserve to be sent to S-21 or Choeung Ek
17 for execution?

18 MR. KAING GUEK EAV:

19 A. This is the first time that I <am seeing> this document and,
20 of course, I made my comment regarding the first part of the
21 document based on my knowledge.
22 And to respond to your second question, you spoke about people
23 who were seriously ill who could not walk <>, <but in this
24 document, it states that there were different kinds of people-
25 those who> were seriously <disabled>, <and those who were liberal

1 and> lascivious. I believe the solution to these problems was the
2 principle that we implemented <> -- that is, to keep is no gain,
3 <> to remove means no loss.

4 [14.17.22]

5 MR. LYSAK:

6 Thank you, Mr. Witness.

7 And Mr. President, next I would like to present to the witness
8 document E3/10506 -- E3/10506 and E3/8657 -- E3/8657. These are
9 two lists or prisoner lists from S-21.

10 MR. PRESIDENT:

11 Yes, you may proceed.

12 [14.18.14]

13 BY MR. LYSAK:

14 Now, let me specify for the record the information from these
15 lists that on which I focus, and if we could display on the
16 screen as well.

17 The first list, E3/86 -- E3/8657; these are documents that are
18 just in Khmer. The Khmer ERN is 00230070 through 71. This is a
19 list of prisoners who entered in March 1977 in the section for
20 S-21D, S-21-kor, and there are six elderly women who were
21 transferred from Prey Sar to S-21 who appear in this list. They
22 are numbers 799 through 803 and 806 on the list, if we can show
23 that on the screen.

24 Your Honours and Mr. Witness, the six women who were being
25 transferred on the 25th of March 1977 from Prey Sar to S-21 were

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1 a 75 year-old Sok Nay (phonetic), 74 year-old Eav Touch
2 (phonetic), 73 year-old Preap Tut (phonetic) alias Tun
3 (phonetic), 70 year-old Yus Phol (phonetic), an 82 year-old woman
4 Neang Im (phonetic), and another woman, Hour Deng (phonetic), who
5 was listed as 92 years old.

6 The second list I gave you, Mr. Witness, which is E3/10506 at
7 Khmer page 01019379, records the execution of the six women on
8 the day of their transfer to S-21. They appear as numbers 102
9 through 106 and 109 on that page if we can display that on the
10 screen.

11 And my question to you again, Mr. Kaing Guek Eav: Why were these
12 very elderly women being transferred from Prey Sar to S-21?

13 [14.21.38]

14 MR. KAING GUEK EAV:

15 A. First, allow me to make my impression on these two lists.

16 Can you tell me whether these lists were extracted from the lists
17 of prisoners at S-21 that were used to question to me or <are>
18 these two separate lists?

19 Q. These are S-21 records. I believe they are part -- they have
20 been discovered and put into evidence through a new list done by
21 OCIJ but -- so they are probably not documents that you have been
22 examined on before.

23 Do you recognize these as the format of S-21 prisoner lists?

24 [14.22.40]

25 A. If <the> documents <were> extracted from the prisoner's list

1 at S-21 that <was> used to question me and that was used to put a
2 verdict to send me to life imprisonment, <it is not like that> as
3 the sequential number of the lists was different and <the names
4 were> in Latin <>.

5 <I used to see, know and hear about those lists.>

6 And now I am presented with a new list and it is rather strange
7 to me. So I do not know how to respond to your question, and I
8 actually need time to read these documents fully before I can
9 respond to your question.

10 MR. PRESIDENT:

11 Mr. Kaing Guek Eav, as you have been informed a number of days
12 ago, in fact that there is a new updated list of prisoners at
13 S-21 besides the list that was used for your Case 001 and with
14 the judgment <sentencing you to> life imprisonment. At that time
15 the list included about 11,890 names. However, with the new
16 investigations in other cases; namely, Cases 003 and 004, the
17 Office of the Co-Investigating Judges made an updated list of
18 prisoners including the names of about 15,000 and the increased
19 number was the result of findings of new documents that were used
20 to compile the new list.

21 [14.25.03]

22 So these two documents are the new documents that were not used
23 to confront you in Case 001 and the new list has a new figure and
24 it is modified from the previous list of around 11,000 to 15,000
25 <in the new list>. That is the latest development in relation to

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1 the list of prisoners.

2 And the new list has been part of the case file at present and
3 that parties can use the list to question you. Of course, it is
4 appropriate for you to review the list fully so that you are in a
5 position to provide a precise answer to the questions put to you
6 by the parties.

7 So this is just to explain to you about the development of the
8 list.

9 Deputy Co-Prosecutor, you have the floor.

10 [14.25.58]

11 BY MR. LYSAK:

12 Thank you, Mr. President.

13 Q. Mr. Witness--

14 MR. PRESIDENT:

15 Deputy Co-Prosecutor, please hold on. We notice that Witness Duch
16 wants to speak.

17 Please hold on and wait for the microphone to be operational.

18 MR.KAING GUEK EAV:

19 Mr. President, I'd like to put question to the Chamber in
20 relation to the list of names of those who died at S-21. The old
21 list was about -- included about <1,200 (sic)> names and later
22 on, after I was tried, several names were added to the list and
23 they were still in the computer. From what I heard that those
24 names of around 12,000 were <carved> or inscribed at Tuol Sleng
25 with <funding> from the German government.

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1 I recall that recently John Kerry, <United States> Secretary of
2 <State>, visited Tuol Sleng <on 6 February> before he went to pay
3 his courtesy calls to Hun Sen or Hor Namhong or the opposition
4 party.

5 [14.27.36]

6 And to my knowledge, I think both national and international
7 community acknowledge those 12,000-plus names inscribed at Tuol
8 Sleng. This is my comment that I would like to make.

9 And the second part of my comment is that <> it is strange that I
10 was confronted with this new list of people <> who were sick and
11 <who> were sent to S-21. And <in order to be> able to make my
12 full response, I would seek your permission to review the
13 documents, the list first.

14 MR. PRESIDENT:

15 Deputy Co-Prosecutor, maybe you should try to use another line of
16 questions to put questions to the witness and if you want to use
17 this line of questioning relying on the new list, it is better to
18 give the list first to the witness so that he'll have time
19 <perhaps tonight> to review them before he can respond.

20 Otherwise, there would be interruptions during the proceedings
21 and he would need time to review those lists.

22 And Judge Claudia Fenz, you have the floor.

23 [14.29.30]

24 JUDGE FENZ:

25 I want to say something very general, witness.

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1 This is a separate trial. Your trial was a separate trial. This
2 is a separate trial. So whatever the prosecutor or anybody else
3 said in the first case, and you have frequently referred to the
4 National Prosecutor, is of very limited importance in this case.
5 Second, yes, there is additional evidence that you are not
6 familiar yet. We don't know yet where this evidence will go but
7 we have to deal with it.

8 So it doesn't really help if you tell us any time you haven't
9 seen a document in your own case that you don't like it because
10 it wasn't presented to you in your own case.

11 I would invite you to comment on the documents as far as you can
12 but, as I said, these are two different proceedings. Is this
13 clear?

14 MR. PRESIDENT:

15 Yes, Witness Duch, you can speak.

16 [14.30.58]

17 MR. KAING GUEK EAV:

18 A. I am satisfied with the explanation by Judge Fenz. I would
19 <need> to have a list -- that is, the old list of around <12,300>
20 people before me so that I can actually compare the old list to
21 the new list. Of course, we had the proceedings in Case 001 and
22 if you refer to the previous documents, I am familiar with them
23 and I can respond rather quickly. But with the new lists, I need
24 time to review <whether or not I was aware of any of this
25 information or situation at that time>, and if I have the old

1 list with me here too, I can do a cross-reference. I <would>
2 appreciate it if I <could> be provided with the old list <as
3 well>.

4 MR. PRESIDENT:

5 And Counsel Koppe, you have the floor.

6 [14.32.00]

7 MR. KOPPE:

8 Yes, thank you, Mr. President. I would like to react to what the
9 witness is saying. We would strenuously object the witness being
10 provided either the old OCP list of 12,000-plus prisoners or the
11 new list provided or made by the investigators of the
12 International Co-Investigating Judges.

13 He is, as he said himself, the chairman of S-21. He should be
14 able to give evidence on the documents, the original
15 contemporaneous documents that are shown to him.

16 For him to be construing evidence on the basis of an Excel sheet
17 either drafted by the Prosecution or the OCIJ would be
18 unacceptable. If that's going to happen, we, again, will have an
19 unacceptable mix of his own evidence together with the products
20 of the investigation. So we really object to the Chamber handing
21 him either the old list or the new list.

22 [14.33.20]

23 MR. LYSAK:

24 Your Honours, I don't think anyone is proposing to do that, to
25 hand him either the list of 12,000 or 15,000. We are asking him

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1 to review some original records. That's all.

2 So I think the records should be clear that nobody is suggesting
3 that he be asked to review the 15,000 or 12,000 lists.

4 JUDGE FENZ:

5 Can I just put something on the record? I'm not sure I remember
6 it correctly.

7 You are very stuck on this old list. This became obvious. Is it
8 true that you were actually involved in compiling this list
9 during the investigation, the old list, or does my memory trick
10 me?

11 [14.34.10]

12 MR. KAING GUEK EAV:

13 A. Thank you.

14 I <took> a copy of the combined list with me <to> Takhmau. <But I
15 did not bring it with me this time>. That list was given to me
16 during the investigation stage and the day after, I was
17 <questioned> <by Judges Lemonde and You Bunleng> about the list
18 that <was> given <to me to review> the previous day. <I said the
19 document was basically correct.> However, Vorn's name <and my
20 younger in-law's name were> missing, but later on, I found <their
21 names in there. In fact, Keoly Thong Huot was mentioned in there
22 as Keo and for Bong Vorn, he was mentioned as Pen Thuok, not as
23 Vorn Vet.> And the list was sent back to the Co-Prosecutors for
24 revision.

25 The list was revised twice before it became final and a final

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1 version of the document's heading is "List of prisoners at S-21",
2 the revised version. That is the list that I have read before.
3 And during the time that I was adjudicated by the Supreme Court
4 Chamber, I also reviewed that list. That list was drawn up based
5 on our consultation during the proceedings at the time and
6 Vincent was familiar with the list, I believe.
7 And <I took> a copy of <the list with me to> Takhmau.

8 [14.36.10]

9 JUDGE FENZ:

10 Thank you. I was about to ask this; I think he had basically the
11 whole case file in his cell.

12 So you still have the list at your disposal -- that makes the
13 whole debate kind of moot -- Is that true, you still have the old
14 list in your cell?

15 MR. KAING GUEK EAV:

16 A. That is correct. I've got that <old> list with me at Takhmau
17 cell together with the binder of what I stated during the
18 proceedings. But right now, those documents are kept at the cell,
19 not with me here.

20 JUDGE FENZ:

21 I understand. I think that clarifies that issue. Go ahead.

22 (Judges deliberate)

23 [14.37.28]

24 MR. PRESIDENT:

25 Thank you very much. I think the issue has been dealt with and it

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1 is now an appropriate time for the short break. The Chamber will
2 take a short break from now until 3 p.m.
3 Court officer, please assist the witness in the waiting room
4 during the break time and please invite him back to the courtroom
5 at 3 p.m.

6 The Court is now in recess.

7 (Court recesses from 1437H to 1459H)

8 MR. PRESIDENT:

9 Please be seated. The Court is back in session.

10 Again, the floor is given to the Deputy Co-Prosecutor to continue
11 putting further questions to the witness.

12 [15.00.14]

13 BY MR. LYSAK:

14 Thank you, Mr. President.

15 Let me turn to another subject. I want to talk a little bit with
16 you about the Vietnamese prisoners at S-21 and instructions you
17 received relating to that.

18 Q. Were there prisoners at S-21 who were Vietnamese soldiers and
19 did you receive instructions from your superior on what to do
20 with prisoners who were Vietnamese soldiers?

21 MR. KAING GUEK EAV:

22 A. Yes, I recall that. It was Vu Dinh Ngo who was a former
23 Thieu-Ky soldier and who was the first "Yuon" soldier that was
24 arrested and later on he became a soldier of Vietcong and was
25 arrested by Khmer soldiers on the 6th of January of '88 (sic).

1 There was an <> order from the <upper echelon> regarding the
2 questioning of "Yuong" soldiers and the purpose was for them to
3 confess that they invaded Kampuchea and they wanted to use
4 Kampuchea as an umbrella of Indo-China. Their voices would be
5 recorded and broadcast and that <required> two segments of five
6 minutes each per week. <It was Pou Nuon who ordered me to do
7 that.>

8 [15.02.30]

9 And actually, by that time, Brother Khieu went to the front
10 battlefield and I assigned Mam Nai with Phan Than Chan, who used
11 to study in Hanoi to question "Yuong" soldiers. This Phan Than
12 Chan knew how to speak "Yuong" language as well as Thai and
13 <Laotian>.

14 So Mam Nai actually learned "Yuong" language from this Phan Than
15 Chan <and Vu Dinh Ngo,> and I used <Chau Seng> to assist Mam Nai
16 in doing <this> work. So this is what happened to "Yuong"
17 soldiers.

18 Q. Who was the superior? Who was it that instructed you to make
19 audio recordings of confessions of the Vietnamese soldiers that
20 could be broadcast on the radio? Who gave you that instruction?

21 A. I have just made that point. It was Brother Nuon.

22 In fact, Son Sen had not met me face to face starting from the
23 15th of August 1978. I apologize. It was in 1977. That is the
24 time the Kampuchea declared that "Yuong" was our enemy, and that
25 announcement was made on the 31st of December '78.

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1 When Vu Dinh Ngo arrived, I received an order from Brother Nuon
2 regarding the audio recording of the confessions. So it was not
3 Son Sen that I received orders from. It was Brother Nuon.

4 [15.04.30]

5 MR. PRESIDENT:

6 Judge Lavergne, you have the floor.

7 JUDGE LAVERGNE:

8 Thank you, Mr. President.

9 I am sorry to interrupt your examination. I would like a
10 clarification because in French we heard at <one> point that the
11 first Vietnamese soldier who was arrested was arrested on the 6th
12 of January 1988, unless I am wrong. So I think that date is
13 wrong.

14 I do not know whether you heard the same erroneous date in
15 English but this is a matter that should be clarified by the
16 witness.

17 On what date was the first Vietnamese soldier admitted to S-21?

18 [15.05.30]

19 MR. KAING GUEK EAV:

20 A. Thank you, Judge. It was 6 January 1978.

21 BY MR. LYSAK:

22 Q. Thank you for clarifying that, Mr. Witness.

23 Was it the year -- were Vietnamese prisoners arrested and sent to
24 -- Vietnamese soldiers arrested and sent to S-21 throughout the
25 year 1978 -- that is, from January through December of that year?

1 MR. KAING GUEK EAV:

2 A. I do not recall the exact number; however, there were many of
3 them.

4 [15.06.45]

5 Q. I want to read to you an excerpt from your testimony in your
6 trial on the 10th of June 2009. This is document E3/525 at 09.33
7 in the morning to 09.35 in the morning, and this is what you said
8 on the subject -- quote: "The Communist Party of Kampuchea used
9 the voices of the Vietnamese people and the Vietnamese language
10 for propaganda purpose."

11 Question: "Did you therefore direct that these Vietnamese
12 soldiers be interrogated so that you could get material for radio
13 broadcasts?"

14 Answer: "The objective is determined from the upper echelon and
15 I, myself, I ordered the interrogators to do what it took in
16 order to achieve the objective of the upper echelon -- that is,
17 Vietnam invaded Cambodia in order to put Cambodia into the
18 Indo-Chinese Federation. The essence of the confessions of those
19 Vietnamese were sent to Uncle Nuon. Therefore, whatever it is he
20 would adjust and then he would send it to me and I would make
21 some changes.

22 So the purpose of the propaganda was determined from the upper
23 echelon and I just tried to fulfil those objectives." End of
24 quote.

25 What I wanted some clarification on, you indicate -- indicated in

1 your testimony that the confessions of these Vietnamese prisoners
2 were sent to Uncle Nuon, to Nuon Chea for him to review and that
3 he provided some changes to the confessions.

4 Do you remember that and do you remember the nature of the
5 changes or comments Nuon Chea would make about the Vietnamese
6 confessions?

7 [15.09.07]

8 A. First, allow me to bring up a matter. The excerpts that you
9 raised seem to focus on the "Yvon" people <rather> than the
10 "Yvon" soldiers. Only a few "Yvon" people were arrested and the
11 rest were all "Yvon" soldiers.

12 And at that time many "Yvon" soldiers were arrested and brought
13 to the centre. What was the purpose of interrogating the "Yvon"
14 soldiers; for example, on the plans to invade or on who issued
15 the invasion orders? In fact, it would be a waste of time to
16 interrogate them on this matter and I <was> satisfied with the
17 orders from the upper echelon -- that is, to do what <was> needed
18 for them to confess that they were sent by their superiors to
19 invade Kampuchea and to include Kampuchea into the Indo-Chinese
20 Federation.

21 And I believe in that plan because that was the hidden agenda of
22 Vietnam. Through <Vietnamese> history, you could see that.

23 [15.10.40]

24 And I sent the audio recording as well as our voice interpreting
25 the audio recording. And only minor changes were made. For

1 example, a number of firearms -- for example, for 15 firearms, he
2 would change it to 20 firearms. So he only made minor changes.
3 And that is a bit contradictory to my stance since usually I
4 would stick to the facts.

5 And I did not want to see discrepancies in the "Yuon" language
6 and the Khmer language.

7 Oh, I apologize. In fact we only wrote the Khmer script and it
8 would be read out by radio broadcaster and it was not audio
9 recorded in Khmer.

10 [15.11.42]

11 Q. When you said "he made minor changes", who were you referring
12 to?

13 A. I referred to Uncle Nuon, as I stated earlier, because by that
14 time Brother Son Sen had gone for quite a long time to the front
15 battlefield.

16 Q. So just that I understand correctly, you sent Vietnamese
17 confessions to Nuon Chea. He would make minor changes such as
18 increasing the number of firearms to be higher. Do I understand
19 correctly?

20 A. Yes. He only made minor changes. He made changes to the Khmer
21 text and then it would be given to the radio broadcaster to
22 announce it.

23 Q. Did Nuon Chea also give you orders relating to photographing
24 and taking some films of the Vietnamese soldiers who were
25 prisoners at S-21?

1 A. Yes, there was an order to take photographs and the
2 photographs were taken by S-21 and Pang would assist me in
3 selecting which photographs to keep and which not to keep. In
4 fact, there was a conference in Indonesia that we should select
5 some documents - some photographs in order to show them that,
6 indeed, "Yuon" <had> invaded Kampuchea based on those
7 photographs.

8 [15.13.58]

9 And in fact, they did not <make> a video of the "Yuon" soldiers.
10 They actually made movies of the "Yuon" soldiers by Theng, who
11 was a cameraman. <Theng was Pol Pot's nephew.> And I actually
12 asked Hor to take Theng to prepare a stage so that movie could be
13 made of the "Yuon" soldiers. And that location was to the east of
14 Street 163 and to the north of Mao Tse Toung Boulevard. And as I
15 stated earlier, there <were bushes and> a pond there and that was
16 the setting stage for movie-making. And actually, those "Yuon"
17 prisoners wore their military uniforms when they were arrested
18 in.

19 Also, at S-21, a stage was prepared for the movie as the "Yuon"
20 soldiers saluted and then showed their names and ranks. <Some of
21 the scenes from> the movie <were filmed> at my workplace -- that
22 is, at Street 95 and that house was facing the west. So <some
23 scenes were filmed> there as well.

24 [15.15.28]

25 Q. And you said that the person who -- the cameraman who came to

1 make this movie was named Theng. Can you explain to the Court who
2 Theng was?

3 A. Allow me to repeat it. Theng was the nephew of Pol Pot. He
4 studied <film> and cinematography in China.

5 Q. When you received the instructions from Nuon Chea about
6 photographs of the Vietnamese soldiers, did he explain what type
7 of people he wanted photographs? Did he give you any further
8 explanations of the people that he wanted shown in these photos?

9 A. That was the general instruction. However, it was up to Theng
10 to make the arrangements of the movies. Even when the movie was
11 shot at my house at Street 95, usually "Yuon" soldiers <held>
12 their cap in the left hand, but Theng gave instructions for them
13 <not> to hold their cap in <their> left hand.

14 And Theng <and Hor were> the <ones> who also selected where to
15 shoot movies near the pond.

16 [15.17.31]

17 Q. Let me -- I want to talk about, not about the movies first but
18 about the photographs that Pang helped you pick. Let me read to
19 you a statement, a written statement from you in the
20 investigation in Case 001. This is document E3/5756 -- E3/5756.

21 This is what you stated - quote:

22 "I wish to clarify that for all the Vietnamese, both military and
23 civilian, I had been ordered:

24 "1) To interrogate them. These responses were taken for broadcast
25 on the radio..." and it continues on.

1 And then number two of what you had been ordered you said the
2 following: "2) To select four to 10 'Yuon' soldiers to be taken
3 and photographed; select those with very 'Yuon'-featured faces;
4 enlarge to 18 by 24 dimensions. S-21 made the photographs. Pang
5 helped select the photographs and sent them to upper echelon."
6 End of quote.

7 Who is it that gave you the instruction to select people who had
8 very "Yuon"-featured faces?

9 [15.19.09]

10 MR. PRESIDENT:

11 Witness, please hold on.

12 And Counsel Anta Guisse, you have the floor.

13 MS. GUISSÉ:

14 I am sorry to have to interrupt the Co-Prosecutor. I just wish to
15 have the reference.

16 BY MR. LYSAK:

17 It's a short one-page or two-page document so it -- and the
18 document number is, again, E3/5756.

19 Q. Mr. Witness, who gave you the instruction to select soldiers
20 with very "Yuon"-featured faces for the photographs?

21 A. It was Pang who conveyed the orders and I cannot recall
22 whether the order was given by Brother Nuon, but it was Pang who
23 actually conveyed the message.

24 And allow me to add that there was <> one person whose face
25 looked very much like "Yuon" but the name is Tach Tep (phonetic).

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1 So then we discarded that photo because of <the> name. The name
2 did not sound like a "Yuon" name<, it sounded> like a Kampuchea
3 Krom's name.

4 [15.20.50]

5 Q. What happened -- Mr. Witness, what happened to the Vietnamese
6 soldiers after their confessions had been obtained and they had
7 been photographed, these movies had been made; what happened to
8 them after that?

9 A. In principle, both civilians and soldiers had to be smashed.

10 Q. I want to ask you about another reference in the
11 interrogators' notebooks, so if you could take the yellow binder,
12 the yellow binder that's in front of you and if you can find the
13 place where I've marked with the letter "B".

14 MR. LYSAK:

15 Your Honours, this is in the Pon-Tuy S-21 interrogators'
16 notebook. It is document E3/834; Khmer ERN, 00077476; English,
17 00184498.

18 [15.22.27]

19 BY MR. LYSAK:

20 Q. And on this page -- if you need some help to find the page,
21 let us know. It has a yellow Post-it on it with the letter "B"
22 and the Khmer ERN is 00077476 in document E3/834.

23 This is what I wanted to ask you about. There is a note from the
24 interrogators from 18 June 1978, and if we have this, we can show
25 it on the screen also. The note reads -- quote: "The problem of

1 the 'Yuon' hidden in Kampuchea, they are hiding everywhere." End
2 of quote.

3 And then a few pages later -- for you, I've marked - also put a
4 Post-it marked with the letter "C", at Khmer, 0077485; English,
5 00184504; there are the following notes from 18 July 1978 - quote
6 -- and if we can show this on the screen:

7 "1. Why are we looking for the 'Yuon'?

8 "We have captured some 'Yuon' in the Northwest.

9 "In Tramoung district, we have captured 'Yuon'.

10 "We must set the view clearly that the 'Yuon' will do whatever
11 they must to take Kampuchea. So in the middle, there must be
12 'Yuon' there too."

13 [15.24.24]

14 And point number 2 in the notes:

15 "2. Have we found the 'Yuon' or not? Maximum victory equals
16 finding the 'Yuon'. Minimum victory equals finding additional
17 traitor connections who are 'Yuon' agents." End of quote.

18 My question, Mr. Witness, do you remember providing instructions
19 in 1978 to interrogators on the problem of "Yuon" who had
20 remained and were hidden in Kampuchea and the necessity of
21 finding those people? Do you remember providing those
22 instructions to your interrogators?

23 MR. KAING GUEK EAV:

24 A. Regarding the operation at the time as well as the excerpt
25 that you read, it is consistent. Of course, "Yuon" soldiers who

1 were hiding in Kampuchea at the time were being searched.
2 And I'd like to add one thing. This is not Comrade Tuy's
3 document. Tuy did not have any remaining documents at S-21. I
4 only <saw> the two pages and not the rest of this document. And,
5 of course, I agree with you in the searching for "Yvon" soldiers.

6 [15.26.40]

7 Q. Whose notebook is this if it's not Tuy? Is it Pon's?

8 A. As for Comrade Pon, he wrote a document and it was considered
9 important and, actually, the Co-Prosecutors kept it <up> to the
10 last proceedings during my trial. And then the prosecutors showed
11 me the document and asked me to identify it and I immediately
12 recognized the handwriting and I said that was Pon, Pon's
13 document.

14 And as I said regarding this document, I only recognize the
15 <first> two pages here in this document, and that it belonged to
16 Comrade <Oeun>. As for the rest, I do not recognize them. And I
17 actually already <talked> about the purpose of interrogating
18 "Yvon" soldiers and that was our objective.

19 Q. Are you sure this is a reference to "Yvon" soldiers, Mr.
20 Witness? There's a reference here to having captured "Yvon" in
21 the Northwest. Do you remember any Vietnamese soldiers being
22 captured in the Northwest, a part of Democratic Kampuchea?

23 A. Regarding the arrests of "Yvon" in the Northwest Zone <during
24 Democratic Kampuchea>, I cannot recall that and maybe there was
25 none. What I could say is that they were maybe arrested along the

1 Kampuchea-Vietnamese border.

2 [15.28.44]

3 Q. Were you also instructed, in addition to looking for
4 Vietnamese soldiers, to look if there were any Vietnamese
5 nationals or people who had remained behind in Cambodia when most
6 of the people had left back in 1973 or '75? Were you instructed
7 to look for those people also?

8 A. I actually wrote quite a long statement on this matter
9 regarding the "Yvon" presence in Kampuchea and that their
10 presence ended in 1974.

11 <At that time,> Le Duan requested Pol Pot to have them returned
12 to "Yvon" in order to engage in the vote and Pol Pot was happy
13 with that, so all of them were chased away and, in fact, in some
14 instances they fired shots into the air in order to chase them to
15 return to their country. So <that was the reason I wrote that>
16 the risk of "Yvon's" presence in Kampuchea ended in 1974 and from
17 that day onward, I did not see any "Yvon".

18 [15.30.18]

19 And I recall that there was a "Yvon" person who was a mother of
20 my friend. He was Vietnamese but he joined the Party with me and
21 he actually went to the forests before me. His name was Yo Yang
22 Ngea (phonetic) and in Khmer, his name was Ho Ngea (phonetic). He
23 was a year younger than me. I met his mother briefly at Preaek
24 Kdam after 1975. <He> was the only "Yvon" that I saw after 1974.
25 So I could say that there was no longer any "Yvon" after 1974

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1 and, in particular, after 17 April 1975. There were Vietnamese
2 soldiers who came to station near the border and who wanted to
3 take part of the <country>. As for the "Youn" civilians, they
4 were no longer present in Kampuchea by end of '74.

5 [15.31.30]

6 Q. You said something a little different in one of your OCIJ
7 statements I'd like to ask you about, Mr. Witness.

8 In your OCIJ interview E3/1580 -- E3/1580; Khmer, ERN 00177580;
9 English, 00177587; French, 00177594 through 595; this is what you
10 said -- testified in that statement -- quote:

11 "After 17 April 1975, most of the Vietnamese who remained in
12 Cambodia were eliminated. There were very few left, however, I
13 remember seeing S-21 lists carrying the names of Vietnamese who
14 were still living in Cambodia. Civilians and the military were
15 treated in the same way. They were interrogated and sent to
16 execution." End of quote

17 Does that refresh your memory, Mr. Witness? While most of the
18 Vietnamese had left the country, was it not the case that there
19 were some who had stayed behind and, if so, is it correct that
20 those who stayed behind were executed?

21 A. I cannot recall it. Such incident did not happen. Frankly
22 speaking, I do not recall it.

23 [15.33.40]

24 Q. We may come back if I have time and look at some specific
25 Vietnamese prisoners who -- at S-21.

1 I want to turn now to some questions about your function in
2 reviewing the confessions from your interrogators. Specifically,
3 when you received confessions that had been drafted by your
4 interrogators, before you sent them on to your superior, did you
5 review the accuracy of information, the accuracy of the names of
6 people that were identified in the confessions?

7 And what I want to know is, was one of your functions to try to
8 make sure that the people that were named in these confessions
9 were actual - were real people and that -- with the actual
10 positions stated in the document?

11 A. Thank you. If we talk about people's names who were
12 implicated by prisoners, <the> interrogator <unit> would examine
13 all those people's names by themselves. <In fact,> the superiors
14 did not <> know <> people's names <in all the> units. <It was the
15 interrogation unit who was in charge of checking names.>

16 <And> I would review the content of the confessions,
17 <particularly>, the confessions <that interested> Son Sen<, and I
18 would make short annotations on them>. <> I highlighted clearly
19 the content in Kung Kien's confession. This person used to go to
20 Sector 25 with me. I made short annotations on his confession.

21 [15.36.15]

22 And <the> confession of Meas Touch was <> highlighted <a lot> by
23 me. Touch was once working at the Laotian Embassy.

24 And <I very minimally highlighted> most of the confessions.

25 And <for the> confession <of> Long <Muy> alias Chuon, <I noted

1 down that he was the network of Kok Minh Tang (phonetic)>. <And
2 Bong Khieu wrote a letter to Pol Pot regarding Long Muy alias
3 Chuon. It could be important, but I did not read it yet.> And Pol
4 Pot <replied back instructing Bong Khieu to solve this matter
5 with the East Zone>.

6 In summary, I did not make a notation whether certain prisoners
7 spoke or confessed <the truth>. I only made <it> short <>. And <>
8 the interrogators would be responsible for the content of the
9 confession, and I would only make annotations on some confessions
10 <in order to get the attention of> my superiors.

11 [15.37.46]

12 Q. My question to you is: what did you do if you received --
13 when you received a confession from one of your interrogators and
14 it named a person as, let's say, the head of the West Zone who
15 was not actually the head of the West Zone? But what did you do?
16 Did you ask the interrogator to make corrections or did you just
17 send that document on to your superiors?

18 A. Thank you. This issue was widely known at S-21. For example,
19 there was a case of one prisoner who implicated Brother Phim, the
20 Secretary of the East.

21 I was first asked whether <the prisoner> should be further
22 interrogated, so I had to seek the permission of my superior.
23 Usually, <any> confession <that implicated Phim was> annotated by
24 me with the <letter> "S" or "sor" in a circle or in a box.
25 And in the case of Oeun, he made the annotation that if the enemy

1 implicated <important> people, the <> Brother of the West should
2 be asked about that issue and brother of the West was Hor. So it
3 depended on the permission given to all of us whether or not
4 prisoners should be further interrogated.

5 [15.40.22]

6 MR. PRESIDENT:

7 Thank you. It is now time for break. My apology, I'm confused
8 with the time. You may continue your questioning.

9 MR. LYSAK:

10 Thank you, Mr. President.

11 BY MR. LYSAK:

12 Q. Let me turn to a new subject with the last 20 minutes we have
13 here today. I want to ask you a few questions about Mr. Khieu
14 Samphan and I want to make clear, I want you to provide this
15 answer based on the knowledge you had during the time of the
16 Democratic Kampuchea regime when you were the Chairman of S-21.
17 What positions did Khieu Samphan have in the Party and the regime
18 between April 1975 and January 1979?

19 MR. KAING GUEK EAV:

20 A. The public announcement over the radio was that Khieu Samphan
21 was the State Presidium of the Democratic Kampuchea or DK, but in
22 reality he was the chief of a committee surrounding the Centre.

23 [15.42.39]

24 Q. I want to read to you -- this is a statement you gave in May
25 1999 before the time you were being prosecuted by this Court and

1 had access to any case file, and in May 1999 -- this is in
2 document E3/347 -- E3/347; Khmer, ERN 00160890; English,
3 00184998; French, ERN 00160922; this is what you told the
4 interviewer back then in 1999 -- quote:

5 "Khieu Samphan, he was a full rights member of the Central
6 Committee of the Communist Party of Kampuchea. In an
7 administrative role, he was both head of state and Chairman of
8 the Central Committee Office." End of quote.

9 So as of 1999, you knew, as you just testified now, that Khieu
10 Samphan was the Chairman of the Central Committee Office.

11 How did you know that? How did you know that Khieu Samphan had
12 that position?

13 [15.44.20]

14 A. That is the interpretation or translation of CPK's policy and
15 the translation is not 100 per cent accurate. The Secretary of
16 the Party <Centre> was Pol Pot. Within the Party, <Hem> was known
17 as the head or chairman of committees, various committees
18 surrounding the <Party> Centre. This is what I said in the
19 previous proceedings. <> That was known by the public in general.
20 Regarding some issues, I told the Court about various issues that
21 is -- that are true, but sometimes I did not recall those facts
22 at the time.

23 In <April 1977>, Chou Chet alias Si was arrested and sent to
24 S-21. At the time, I <suspected> that Ta Mok <was taking> revenge
25 <on> Si or I started to ask Pang about that issue. <Pang said

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1 that Vorn was a difficult person to work with.> In meetings, <he
2 would just be> quiet <with an angry face>. <At that time, Vorn
3 was at the office, but> Pol asked Hem to attend a meeting. <That
4 was the day that Si was arrested,> and I do not really understand
5 why Si was arrested.

6 [15.46.41]

7 And number 2, during the investigation stage, at the time the
8 National Co-Prosecutor, Yet Chakriya, questioned me as follows.
9 Khieu Samphan was not <a> member of the Standing Committee of the
10 Centre. Why, Khieu Samphan was present <in 17 out of the 19>
11 meetings of the Standing Committees. I responded that I do not
12 know.

13 And another issue about Son Sen. Son Sen went to battlefield and
14 the laissez-passer <for S-21> was issued by Brother Hem and <> he
15 used the name Khang at the time. I gave answers on different
16 occasions about the laissez-passer <that> the laissez-passer
17 remains today and whenever I went out, I asked Thy to <keep the
18 laissez-passer for me and when I was called by the upper echelon
19 to go somewhere, I asked Thy to go get the laissez-passer for
20 me>. And after further consideration, I realized that Hem was a
21 member of <the Politburo> of the Party Centre.

22 [15.48.08]

23 And later on during the investigation stage, <I said that> in
24 every country <under> the communist regime, there was a political
25 bureau of the Party Centre<, but CPK did not seem to have any

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1 list of documents concerning political bureau>. At the time,
2 Marcel Lemonde and Judge You Bunleng <were> silent and did not
3 <answer> me <about that>. And perhaps at the time the list of the
4 document concerning political bureau existed but I was not shown
5 with that document <by the OCIJ>.

6 During the investigation stages, <> questions were put to me but
7 <> I was not able to respond at the time but, later on, I could
8 think of all the issues based on the documents that I have seen.

9 Q. Thank you. I understand that some of these organizations or
10 committees, different people use different terms for them, so I
11 want for us to be absolutely clear about what we're talking about
12 here.

13 You started your testimony about Khieu Samphan by indicating that
14 he was the chief of a committee of the Centre of some nature. I
15 read you an interview from 1999 where -- and this is an English
16 translation. The way it was translated in English here was
17 "Chairman of the Central Committee Office". You just referred to
18 "Political Bureau of the Centre".

19 What is the terminology? What was the exact terminology of the
20 office or committee that Khieu Samphan was the chairman of?

21 [15.50.18]

22 MR. PRESIDENT:

23 (No interpretation)

24 MS. GUISSÉ:

25 Maybe for reasons of transparency with regard to the witness who

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1 often, or several times, has questioned this interview with Nate
2 Thayer, <in addition to the dates> we should maybe explain the
3 circumstances of this <first> interview because <if we have to
4 confront him with the exact terms of this interview, we have to
5 remind him what he said about this document. It's> not really an
6 objection <per se>, but <it's> important to <highlight for> the
7 witness that this is, indeed, the interview with Nate Thayer.

8 [15.51.06]

9 MR. LYSAK:

10 That's actually incorrect. This is not the interview by Nate
11 Thayer. I believe it was done by the United Nations Human Rights
12 Commissioner at the time. So that's simply incorrect. In any
13 event, the witness has said the same thing since 1999.

14 BY MR. LYSAK:

15 Q. Please tell me the -- what was the entity -- what is the exact
16 name that you would like to use of the entity that Khieu Samphan
17 was chairman of, that Sua Vasi alias Doeun used to be chairman
18 of?

19 MR. KAING GUEK EAV:

20 A. I would like to tell the Court frankly that Sua Vasi alias
21 Doeun was not <a> trusted <> member <of the Party Centre>. Sua
22 Vasi alias Doeun was separated from Koy Thuon at the time. Sua
23 Vasi alias Doeun was <a> head <of an office> of the Centre, in
24 charge of technical aspects; that he was the chairman of an
25 office within the Centre.

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1 [15.52.48]

2 Later on, after the investigations, Sua Vasi alias Doeun was
3 arrested. The arrest happened after Koy Thuon's arrest.
4 Yesterday, I made mention <of> the date of Koy Thuon's arrest,
5 but the date was <confusing>. Koy Thuon was arrested on 25
6 January 1977, not '76, and on 1st of February, people from the
7 <North>, many of them had been sent in. So again, after <the>
8 confession of Koy Thuon, Sua Vasi alias Doeun was also arrested.
9 The position that <Sua Vasi alias Doeun> had was for a temporary
10 period, and Khieu Samphan was the chairman of various committees
11 surrounding the Centre as shown in various <pieces of> evidence.
12 He was in charge of <External Commerce at the> Ministry of
13 Commerce <of Bong Rith>. He was in charge of ministries'
14 warehouses, and to my recollection, <> this is unofficial. He
15 <was> in charge of the logistics, delivering the water pump, and
16 also other products from abroad to other offices.

17 [15.54.50]

18 Sua Vasi alias Doeun had the nominal position only, <he was only
19 supposed to read documents. As for Khieu Samphan, he had> the
20 power <in his hands>, so the two individuals held different
21 positions.

22 Q. And did you know about the positions held by these two men,
23 Sua Vasi alias Doeun and Khieu Samphan? Did you know about this
24 position that you talk about relating to the Centre office during
25 the time you were Chairman of S-21; did you know about that then?

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1 A. Frankly speaking, <> later on, I did not see Sua Vasi alias
2 Doeun. When I was with Koy Thuon, I met Doeun on October 1967
3 when Doeun was called by Koy Thuon to work with him.
4 Later on, when I was transferred to Phnom Penh, I never met
5 Doeun. <> I <only> knew that Doeun was in charge of <office
6 work>. He kept all the communication and <it was the office work
7 of the Centre>.

8 When Pol Pot held a meeting, Sua Vasi may have been invited to
9 the meeting as well to submit the reports.

10 [15.56.45]

11 Q. Now, I want to again - I know that it's difficult 30/40 years
12 later. How did you know during the regime that Doeun, Sua Vasi
13 alias Doeun, had this position where he was responsible for
14 logistics and communications? Did you hear about that from other
15 cadres? Did you have any dealings with him? How did you learn
16 that he had that position?

17 A. Let me clarify the point. Number 1, the Ministry of State
18 Commerce was a big ministry. That ministry was <under the
19 supervision of> Son Sen's in-law. Bong Rith and I had friendly
20 relationship and I used to go into the ministry. That is why I
21 learned about that.

22 The report of Rith <that was> sent to <Khieu Samphan> was seen by
23 me and that <report> was also shown to Pang <by Rith when Pang
24 asked me to take him to see Rith at night.> One side of the
25 document <was already used>, so he used <> <used> paper to note

1 some information. So, again, Rith used <> <used> paper to <make
2 a> report and send to Brother Hem.

3 [15.58.52]

4 As for state's warehouse, on 6 January at around <10.00>, Lin
5 called me to work with a brother and, at the time, I thought it
6 was Brother Nuon but, in fact, <it> was Hem. <There were several
7 people there.>

8 There was an empty chair and Comrade Lin pushed me on my shoulder
9 so that I went to take a seat on that empty chair. <I had never
10 worked with Bong Hem before that. When I entered the room, Bong
11 Hem did not even speak to me.> And Hem said that, "Comrades,
12 please do not feel scared about the <invasion> of Vietnamese. San
13 and Roeun were responsible for the invasion of the Vietnamese.
14 You all, comrades, should be concentrating on your work." At the
15 time, Roeun pushed the chair to me so that I could take the seat,
16 so Roeun was working with Brother Hem at the state's warehouse.
17 During the proceedings that I attended <on> the previous
18 occasions, I was asked how could I assume that Roeun was working
19 with Hem when I just saw him there. I said <normally, in the CPK,
20 when the superiors had a meeting, it was usually a meeting with
21 their subordinates. That was the case of Roeun>.

22 Q. We'll come back -- and I want to ask you about this meeting
23 you had with Khieu Samphan tomorrow.

24 Before we break, you mentioned Pang, and so I want to ask you
25 about what was Pang's position in the Centre office and can you

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1 explain the difference between the position that Pang had and the
2 position that Khieu Samphan and Sua Vasi alias Doeun had?

3 [16.01.25]

4 A. Initially, I thought Pang was the chairman of an office of
5 the Centre. Brother Nuon said that Pang could replace me on some
6 tasks whenever <he was> assigned to do <so>. So Pang could do
7 some of the tasks that I did <if he was assigned to do so>, and I
8 was instructed to make reports on what I did to Pang as well. So
9 <I thought that> Pang was the chairman of <a> office of the
10 Centre.

11 However, later on, I saw a contemporaneous document <at S-21> and
12 I found that Pang was the chairman of S-71. Pang was the
13 assistant <of> the Centre committee. He was the first person and
14 he was higher than Cheng An. <>

15 [16.02.42]

16 Q. One last question before we break. Did you ever -- did Pang
17 ever talk to you about Khieu Samphan, and do you remember, if so,
18 what Pang said about Khieu Samphan?

19 A. What I can recall is that Pang told me about the arrest of
20 Brother Si. Khieu Samphan was called by Pol Pot to attend a
21 meeting and Vorn Vet was not invited to that meeting. Pang had
22 conversations with me on different occasions. He went to the
23 workshop of the artists or <sculptors> and he talked to me
24 <about> various issues, <so prisoners as well as guards could
25 recognize Pang,> and Pang usually <said> bad things about Brother

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1 Khieu.

2 As far as you recall <regarding the air force>, there was an
3 individual name Tol. Perhaps I made that statement to Thomas, the
4 investigator. There was an individual named Tol, the Lon Nol
5 regime <pilot>. His original name was Khieu Yousowath (phonetic)
6 or Serei Wat alias Tol.

7 Pech Lim Kuong was also a pilot and <the two pilots> landed the
8 aeroplane at Kratie and later on joined the DK.

9 During the training, Tol took off and fled to Thailand. A
10 helicopter was used to chase the aeroplane of Tol, <but it could
11 not catch up with Tol>. At the time, I was told <by Pang> that
12 everyone <including Comrade Met and Bong Khieu> praised Tol, but
13 now Tol <had> fled.

14 [16.05.37]

15 So <this is> concerning the conversation between <Pang and me>,
16 usually <Pang> <discussed> various issue <with me>. And
17 concerning the conversation between Brother Hem and <me>, there
18 was <only> one conversation that I could recall until now.

19 MR. PRESIDENT:

20 Thank you. It is now time for the adjournment.

21 The hearing will resume tomorrow, on Tuesday, 14 June 2016 at 9
22 a.m. And tomorrow, the Chamber will continue hearing the
23 testimony of Duch.

24 Thank you, Mr. Witness. The hearing of your testimony as a
25 witness has not come to an end yet. You are therefore invited to

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1 come here again tomorrow at 9 a.m.

2 Security personnel, please bring the Accused and also the witness
3 to the cells of the ECCC and invite and bring the Accused back
4 into the courtroom before 9 a.m.

5 For the witness, please invite him into the courtroom at 9 a.m.

6 The Court is now adjourned.

7 (Court adjourns at 1606H)

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