



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 12-Oct-2016, 13:51
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

15 June 2016
Trial Day 419

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
EM Hoy
Maddalena GHEZZI
Ken ROBERTS

Lawyers for the Civil Parties:
Marie GUIRAUD
LOR Chunthy
PICH Ang
VEN Pov

For the Office of the Co-Prosecutors:
Dale LYSAK
SONG Chorvoin

For Court Management Section:
UCH Arun

I N D E X

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

Questioning by Judge LAVERGNE resumes page 2

List of Speakers:

Language used unless specified otherwise in the transcript

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

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of witness Kaing

6 Guek Eav alias Duch.

7 Mr. Em Hoy, please report the attendance of the parties and other

8 individuals to today's proceedings.

9 [09.01.13]

10 THE GREFFIER:

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

12 are present.

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

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

15 been delivered to the greffier.

16 The witness who is to continue his testimony today -- that is,

17 Kaing Guek Eav alias Duch, is present in the courtroom.

18 Thank you.

19 [09.01.45]

20 MR. PRESIDENT:

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

22 Nuon Chea.

23 The Chamber has received a waiver from Nuon Chea, dated 15 June

24 2016, which states that due to his health, headache, back pain,

25 he cannot sit or concentrate for long. And in order to

2

1 effectively participate in future hearings, he requests to waive
2 his presence at the 15 June 2016 hearing.

3 Having seen the medical report of Nuon Chea by the duty doctor
4 for the Accused at the ECCC, dated 15 June 2016, which notes that
5 Nuon Chea has back pain and feels dizzy when he sits for long and
6 recommends that the Chamber shall grant him his request so that
7 he can follow the proceedings remotely from the holding cell
8 downstairs.

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

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

16 And I'd like to hand the floor now to Judge Jean-Marc Lavergne to
17 continue putting questions to the witness.

18 [09.03.26]

19 QUESTIONING BY JUDGE LAVERGNE RESUMES:

20 Thank you, Mr. President. Good morning, Witness. Good morning,
21 everyone.

22 Q. Yesterday when we broke off, I was putting questions to you
23 regarding Pang. I would like you to clarify something because,
24 previously, you also spoke of a cadre who was Ieng Sary's
25 son-in-law, and you stated that you worked in relation with that

3

1 cadre who was your friend. And you said that that person was
2 implicated in <the> confessions and you had an opportunity to
3 meet that person and to ask him whether he was afraid.

4 And you said that <later> you had withdrawn his name from the
5 confessions. That is what you stated during the hearings of the
6 27th of March 2012, and it's document E1/54.1 after 11.53.

7 Do you understand what I am referring to? I am referring to a
8 person whose -- the spelling of whose name is not very clear. It
9 is either Phoeun (phonetic) or Pheum (phonetic). Do you
10 understand the person I'm referring to, and do you have any
11 details to provide regarding that person?

12 [09.05.16]

13 MR. KAING GUEK EAV:

14 A. Thank you, Your Honour.

15 In relation to the son-in-law of Ieng Sary, he was my friend
16 since 1971. And it was likely that he was also related to my
17 wife. And his <original> name was Hong (phonetic). After he
18 joined the revolution, he changed it to Poeun, Comrade Poeun. And
19 of course, I know that man, as your question focused on the name
20 of Ieng Sary's son-in-law.

21 Q. And do you recall whether his name had been mentioned in
22 confessions, and is it true that you subsequently withdrew his
23 name from the confessions?

24 A. Comrade Poeun was implicated, but I did not ask Pang about
25 that. It was a separate matter, and I reported it to Uncle Nuon.

4

1 When an important person was implicated, I needed to <seek>
2 advice from the upper echelon. <When he saw that I was scared,>
3 he said that, "Why you were scared when enemy implicated
4 important people like Poeun?". <I knew that the upper echelon was
5 not happy with that.> So when I returned to the workplace, then I
6 instructed interrogators to ignore any responses in relation to
7 Comrade Poeun.

8 So I did not ask Pang about this, but I asked Uncle Nuon about
9 this matter because by that time, Uncle Nuon was in charge.

10 [09.07.48]

11 Q. And if you removed Poeun's name, it was because Nuon had given
12 you instructions to do so. Is that correct?

13 A. In relation to the removal of Poeun's name, I instructed the
14 interrogator to instruct prisoners not to mention Poeun's name <>
15 and not to write down the name in the confession. And this was
16 done according to the instruction from Uncle Nuon.

17 Q. Very well. What was Poeun's role? Because it would appear that
18 he played a relatively significant role and you were in touch
19 with him while you were at S-21.

20 What was the relationship between Poeun, S-21, and possibly
21 Office 870 and any other persons?

22 [09.09.10]

23 A. I contacted Poeun, as we were friends, and that had nothing to
24 do with the work. Poeun never mentioned my work at S-21, nor did
25 I mention his medical experience.

5

1 Poeun spoke about his affair with Menh (phonetic) when Menh
2 (phonetic) went to China and Menh (phonetic) left a pen for
3 Poeun. <Poeun also knew about my request for marriage with
4 Comrade Rom.>

5 So we spoke to one another in relation only to personal matters,
6 and not work related < matters >.

7 Q. What were the duties carried out by Poeun?

8 A. Before 1975, Poeun was chairman of < > the Special Zone
9 hospital. In fact, there were two hospitals < for the Special
10 Zone >. One was for the treatment of soldiers and one for the
11 treatment of civilians. And Poeun was in charge of the one for
12 the treatment of civilians.

13 And after 17 April 1975, I knew he was in charge of a technical
14 office, although I was not that clear since I did not delve into
15 his work, although he was my friend.

16 [09.11.08]

17 Q. Yesterday, when I put questions to you regarding Pang, you
18 referred to the arrests of cadres referred to as cadres from
19 Hanoi and you talked of a person called Pheum (phonetic) <- I'm
20 not sure how to pronounce it correctly --> who had implicated
21 another person called Nun (phonetic).

22 Now, first of all, is the spelling of the names correct? Who,
23 exactly, were you referring to? Who were those < people >?

24 A. Thank you, Your Honour, for asking that question so that I can
25 clarify it.

6

1 Pheum (phonetic) was a cadre from Hanoi. Angkar arrested him and
2 sent him to S-21 when Nat was chairman and I was deputy. At that
3 time, the detention and the interrogation place was at the former
4 national headquarters, or <the> PJ. During the interrogation, Nat
5 instructed Pheum (phonetic) to write on the blackboard about the
6 traitors -- that is, CIA networks who were in the same network,
7 <including> Moul Sambath alias <Nhenh (phonetic)>. And that's
8 what Pheum (phonetic) wrote down on the blackboard.

9 [09.12.42]

10 And Nat took Pang inside, and Pang saw what was written on the
11 blackboard. And this is in response to your question <> as to
12 when I <knew> Pang. And that was the first time that I saw Pang.
13 And later on, when I worked with Son Sen, I was with Son Sen
14 together with Nat, and Son Sen said Pheum (phonetic) implicated
15 Nhem ,<but he referred to Nhem as> Moul Sambath alias <Nhenh
16 (phonetic)>. And I was rather afraid upon hearing that because,
17 in principle, when someone implicated a cadre inside or outside
18 the rank, that was a confidential matter, but that name was
19 written on the blackboard and it was seen by someone from
20 outside. But then <Son Sen told me not to be afraid,> he said
21 that Pang was a good person so that should not be a concern.
22 So let me clarify it again. That was the first time that I saw
23 Pang.

24 Q. Very well. And as regards Nhem, he was also referred to under
25 the name of Ros Nhim. Is that correct?

1 [09.14.13]

2 A. The real name of Nhim was <Moul Un>. And when he joined the
3 Issarak movement to fight against the French, he changed his name
4 to Moul Sambath, later on to Ros Nhim. So, all these three names
5 refer to the same individual. <He was the secretary of the
6 Northwest Zone.>

7 Q. Can you tell us what is your definition of a cadre from Hanoi?
8 <What> is a cadre from Hanoi?

9 A. A cadre from Hanoi, and this is based on my observation <since
10 1971>, when I worked for the police department of the CPK, cadres
11 from Hanoi committed so many offence -- offences against the
12 principle <>, so not many of them remained after 17 April 1975.
13 And the first person that entered S-21 -- that is, those --
14 amongst those cadres from Hanoi was Pheum (phonetic). So there
15 were not many left. And Pheum (phonetic) was the first of those
16 cadres from Hanoi who entered S-21.

17 [09.15.56]

18 Q. Did they call anyone who had been a member of the Indo-Chinese
19 Communist Party or any person who <had> stayed in Hanoi a cadre
20 from Hanoi?

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

22 After 20 July 1954, Ho Chi Minh took Son Ngoc Minh to work with
23 him in Hanoi and then 1,700 cadres were sent for training to the
24 north part of Hanoi. And over there, they were instructed to
25 forfeit their Khmer nationality and to become Vietnamese and to

8

1 leave the Communist Party of Kampuchea and to join the Labour
2 Party of the Communists of Vietnam.

3 They were then inducted into military unit to study all aspects
4 of techniques. And by <> 1971, they returned. And Pol Pot
5 instructed them to abandon their "Yvon" nationality and to become
6 Khmer and to leave the Labour Party of the Vietnamese Communist
7 Party to be part of the CPK.

8 So these 1,700 cadres returned, and that's what happened. And the
9 masses of the people usually referred to them as cadres from
10 Hanoi. And I do not know the official label for them by the CPK.
11 [09.18.07]

12 Q. So those cadres were purged before the 17th of April 1975
13 <and> after the 17th of April 1975? When did the purge of cadres
14 from Hanoi start?

15 A. The purge of individuals amongst the cadres from Hanoi who
16 committed offences, I did not know. The only thing that I know
17 was that some cadres from Hanoi were sent to M-13. And that
18 initially happened in 1973. And firstly, it was Prach Sot
19 (phonetic) alias Pot (phonetic). He was from a battalion <of the
20 CPK> who was stationed in Koh Kong.

21 This Prach Sot (phonetic) was the secretary of that battalion. He
22 was, rather, the deputy, and his superior was <Oeur Ea> Choy
23 (phonetic) alias Yan.

24 Later on, those cadres from Hanoi were sent from military
25 refashion centre and sent to M-13. <> Three of them were

9

1 interrogated and, later on, smashed.

2 [09.20.00]

3 Q. Very well. Mr. Witness, I would like to show you a document.

4 And we are moving into another line of questioning, leaving

5 <aside> the issue of the cadres from Hanoi.

6 I would like you to look at document E3/1581. We'll be looking at

7 the first two pages of this document, which contains confessions

8 of Heng Pich.

9 So it's document E3/1581; ERN in Khmer, 00172999 to 173000; in

10 French, 00224083; and in English, 00822994 to 95.

11 My first question is as follows: First of all, may I request that

12 the cover page of this document be placed on the screen?

13 And my first question is as follows: Do you recognize the

14 handwriting on this document, first of all, the writing on the

15 first page and then the writing on the second page?

16 A. The handwriting on the first page <> with the last two digits

17 - 99 -- was <the handwriting of> Son Sen. And it was on the 19

18 January 1977. And the handwriting on the second page with the

19 last two digits -- 00 -- is my handwriting. And it was dated 16

20 January '77.

21 [09.22.18]

22 Q. Very well. Do I properly understand this document if I were to

23 say that this document contains confessions you sent to Son Sen

24 with the comments we find on the second page and the comments on

25 the first page are those Son Sen<'s comments>?

10

1 If yes, can you tell us to whom Son Sen's comments were
2 addressed? Were those comments addressed to you or to someone
3 else?

4 A. All the documents that I sent to Brother Son Sen and to
5 Brother Nuon, they never returned them to me. As for this
6 document or annotation, it was meant for his 870 Committee. In
7 particular, it was meant for Brother Pol.

8 [09.23.42]

9 Q. It appears that on the first page, reference is being made to
10 a person called Prasith and that there is a recommendation that
11 Prasith should no longer work at the Ministry of Foreign Affairs.
12 That being the case, do you know what they are referring to here?
13 Why is such a recommendation being made?

14 A. This person, Prasith, was Brother Prasith who was related to
15 Brother Thiounn Thioeunn. <Their siblings included> Thiounn
16 Thioeunn, Thiounn Chum, Thiounn Prasith, Thiounn Mumm. However,
17 Dr. Thiounn Thioeunn was closely related to the revolutionary
18 movement, and the request of Brother Khieu to the Politburo of
19 the Party Centre to remove Comrade Prasith, that was his request.
20 And I did not see the decision from the Party Centre.
21 However, through my observation, Brother Prasith remained at the
22 Ministry of Foreign Affairs. And later on, he was sent to be
23 stationed at the United Nations headquarters.

24 Q. So if I sum up what you've said, you sent annotated
25 confessions to Son Sen, and Son Sen himself made some annotations

11

1 addressed to members of Office 870. And the recommendations <on
2 the --> made by Son Sen were not <necessarily> acted upon, since
3 <Son Sen> said <Prasith> should be withdrawn and <you tell us
4 that> Prasith was not <ultimately> withdrawn.

5 [09.26.25]

6 A. It is my conclusion that the request of Brother Son Sen to
7 Brother Pol to remove Brother Prasith was not decided or approved
8 by Office 870. For that reason, Prasith remained in his position.
9 And by <7> January <>, he was sent to the United Nations
10 headquarters.

11 Q. Do you know whether the confessions you sent to Son Sen were
12 subsequently sent to zones <or> divisions? And who took the
13 decision to send confessions to zones or divisions; was it Son
14 Sen or Office 870?

15 You should answer this question in light of what you know, and if
16 you don't know, say so.

17 A. During the regime, I knew it. In particular, the documents
18 that were sent to zones, I actually asked Kan alias Ken
19 (phonetic), who actually came to testify before this Chamber,
20 about the document sent by the Party and what actions <were>
21 taken by those zones.

22 And Kan said the upper echelon was rather humble in making
23 requests to the zones, and asked the zones to consider the
24 matters and to act accordingly. And the zones actually respected
25 the request by the upper echelon.

12

1 [09.28.36]

2 Whatever was sent by the upper echelon, the zones would arrest
3 and send those <enemies>. That was the time Brother Nuon told me
4 that zones knew how to do their work, but I did not see any
5 document in relation to this, although I knew about that.

6 And as for Kan, I believe his full name is Ny Kan, who was <the
7 youngest> brother of Son Sen.

8 Q. And yesterday, if I'm not mistaken, you said that, from time
9 to time, Nuon Chea would instruct you to withdraw certain names
10 from the confessions before <they were> transmitted to the zones
11 in order not to reveal that some cadres had been implicated<,
12 possibly> in order to allow their arrest later on.

13 So did I understand you correctly? Did I understand the way that
14 this worked correctly?

15 A. Yes, that is correct. Thank you for asking that question.

16 [09.30.02]

17 Q. I would like to know if, aside from <forwarding the>
18 confessions, if there was any kind of contact between the S-21
19 centre and other security centres.

20 Did you receive information from other security centres regarding
21 <certain> enemies, or do you know if some confessions obtained at
22 S-21 were forwarded to other security centres?

23 And what I would like to focus on in particular are the Au
24 Kanseng Security Centre, the Krang Ta Chan Security Centre and
25 the Phnom Kraol Security Centre.

13

1 A. Thank you, Your Honour. Let me clarify that.

2 S-21 received instructions <exclusively> from the <Standing
3 Committee>. The general staff did not contact S-21 in relation to
4 Santebal, so other zones did not contact S-21 in relation to
5 Santebal. So S-21 never received any instruction or documents
6 from <the> zones.

7 And I was not the messenger <between any other security centre
8 and> the Standing Committee of the Centre.

9 [09.31.58]

10 Q. We have a certain number of documents on the case file that
11 mention confessions forwarded to other security centres or of
12 S-21 staff that went to work in other security centres. In
13 particular, we have a witness by the name of Chhaom Se who was
14 heard before this Chamber and who was also interviewed by the
15 Co-Investigating Judges. And he said that a person by the name of
16 <No> came -- from Phnom Penh <came> and stayed for two months at
17 Au Kanseng in order to gather information on people who had been
18 implicated in confessions that were obtained in Phnom Penh. And
19 Chhaom Se specified that <this person named> No had interrogated
20 four people in particular who held important positions within
21 Brigade 801.

22 This is document E3/407, question and answer number 6; Khmer, ERN
23 00401318; English, 00406224.

24 So does the name Nau (phonetic) ring a bell, Nau (phonetic) -- a
25 certain Nau (phonetic) who apparently went to work in Au Kanseng?

14

1 [09.33.45]

2 A. There was no individual named <Nau (phonetic)> among the
3 interrogators, important interrogators at S-21. Important
4 interrogators at S-21 were Pon, Tuy and other individuals. <>
5 I have heard once about this issue during the investigation
6 stage, <in> Kampong Cham <>, and I was asked whether
7 interrogators <from S-21> went to the other security centres to
8 train <people in> interrogation. So no, no such event happened.

9 Q. Here we're speaking about someone who came with confessions
10 from S-21 in order to interrogate people who were detained at Au
11 Kanseng, so you're telling us that you do not know <anyone named>
12 Nau (phonetic), but did some of your cadres leave S-21
13 temporarily? Did they go to some places that you <perhaps did>
14 not know <about>?

15 Did some cadres leave, or did all cadres stay at S-21 on a
16 permanent basis?

17 [09.35.29]

18 A. All cadres were engaged in work at S-21. However, when my
19 superior, or Son Sen, went to work at the east, Hor was taken
20 with him. And some members of the special unit were brought along
21 with him when he went to work at the east.

22 He used them as he was the commander, and they were working as
23 the defence unit for him.

24 I would like to bring another example for clarity. Concerning
25 Santebal in Sector 32, the chief was Nom (phonetic). Prisoners

15

1 broke <out of> the prison and fled.

2 And at the time I received the information about prisoners in
3 Sector 32 of the West, the prisoners broke <out of> the prison
4 and fled. I asked the permission from my superior to go down to
5 that security centre to see <the situation there>. And usually,
6 Son Sen, when there was a request to him, he took off <his>
7 glasses and rubbed his eyes to further consider the request.
8 <When he put his glasses back on, he said that whomever S-21
9 wanted to arrest, to just report to him and he would make the
10 arrest, there was no need for me to go there myself.> So after
11 hearing that, I was a bit afraid and I was silent. <So, nobody
12 could get out. >

13 MR. PRESIDENT:

14 I would like to seek a clarification from you.

15 In document <E3/407>, <Khmer> ERN <00401318;> in that document,
16 the person's name is No, not Nau (phonetic). Perhaps there <was
17 confusion> with the name. No, not Nau (phonetic).

18 [09.38.06]

19 Mr. Witness, perhaps there is a mispronunciation of the name. In
20 the document that I have just mentioned, the person's name is No,
21 not Nau (phonetic), who was permitted by S-21 to do the
22 investigation about the confessions implicating others from Phnom
23 Penh.

24 MR. KAING GUEK EAV:

25 A. Thank you, Mr. President.

16

1 I have informed the Chamber already that there were many, many
2 interrogators at S-21. <There> were around 13 -- there were
3 around 30 interrogators at S-21 <according to the list shown by
4 the OCP>, and I cannot recall <if> there <was> an individual
5 named No. However, I would like to indicate that we <did> not
6 have enough interrogators to do the job.

7 [09.39.17]

8 And regarding laissez passer, I needed to request laissez passer
9 from Brother Khieu. I got a laissez passer from Brother Khieu in
10 1973. And that time, he was the <deputy> chief of the Special
11 Zone of the North. I recognized his handwriting since that time.
12 So in summary, I did not have authorization to issue laissez
13 passers for my staff members, so I was not entitled to write or
14 issue a laissez passer for No to go and do the investigation.
15 Usually, <the Santebal at the district level would report to the
16 district secretaries,> the Santebal in the sectors would report
17 to the <secretaries of the sectors> and Santebals within the
18 zones would report to the <secretaries> of the zones. <S-21 did
19 not have the authority to get information from any Santebal.>
20 So in principle, the subordinates would respect the hierarchical
21 order. <A district> would respect the secretary or the committee
22 level of <that> district and I, myself, respected my superiors,
23 so I had no power on other Santebal offices.
24 In conclusion, I cannot recall an individual by the name No.
25 Number two, I had no rights to issue a laissez passer for my

17

1 staff members to do the job outside S-21.

2 [09.41.18]

3 MR. PRESIDENT:

4 I think there is development in the proceedings and, based on
5 <the testimonies and> the documents that I have <seen>, No <had
6 an authorization letter from Phnom Penh>. <But> Chhaom Se said
7 that he did not remember where No from. And at the time, he said
8 No may have come from the <general staff> headquarters <> from
9 Phnom Penh. <As you had worked with Son Sen, did you know of such
10 case happening when the general staff headquarters, which was
11 under the supervision of Son Sen, could assign such tasks to
12 other Santebal offices>, for example, Au Kanseng Centre?

13 MR. KAING GUEK EAV:

14 A. Mr. President, no, <no such case happened>.

15 <> Brother Son Sen received <reports> from <the> secretary of the
16 zone, so <secretary of the zone would receive reports from> the
17 Santebal offices within the zone <>. So usually this was the
18 chain of command. <For example, 870 could only give instructions
19 to its own zone secretaries.>

20 [09.42.55]

21 BY JUDGE LAVERGNE:

22 Q. I'm now going to turn to another topic.

23 Witness, can you tell us whom you would report to while Nuon Chea
24 traveled to China and, apparently, to Korea in September 1978?

25 We know that Nuon Chea traveled there because we have <, most

18

1 notably,> photographs that were taken in Beijing, document
2 E3/3261, and he also made a speech before the Central Committee
3 -- or, rather, before the People's Assembly in Beijing. This is
4 document E3/199. And this speech dates back to 3 September 1978.
5 So during that time, who would you report to?

6 [09.44.07]

7 MR. KAING GUEK EAV:

8 A. Thank you, Your Honour.

9 When Brother Nuon went to China, I still recall it. And I also
10 remember to whom I reported. <At that time, Lin and> Pang
11 received the orders to go to S-21, and the documents from me were
12 sent to Uncle Nuon through Toeung. Sometime Comrade Chieu
13 (phonetic) went to pick up or collect the documents from me. And
14 Pang and Lin came to S-21 as well during the time on some
15 occasions.

16 <But> when Brother Nuon went to China, Lin came to collect the
17 documents and <> he made a joke that Toeung went to <another>
18 country already.

19 So again, Lin and Pang on some occasions came to S-21 to collect
20 the documents.

21 [09.45.29]

22 Q. But did Lin and Pang have the ability to take decisions and to
23 give you instructions, or do you believe they were referring to
24 someone who was above them?

25 Do you know how things were organized in that regard?

19

1 A. Comrade Lin and Comrade Pang came to S-21 as spokespersons of
2 Brother Pol. They came to S-21 <to give instructions> in the
3 capacity of spokespersons of Brother Pol. And usually, Comrade
4 Lin would go to seek <the> opinion of Brother Pol on some issues.
5 I would like to make a report on one incident or one event.
6 During the time 870 decided to have Brother <Sophea> (phonetic)
7 arrested, and Brother <Sophea> (phonetic) may have been the
8 secretary of Kratie Committee.
9 <Luon> Sao (phonetic) alias Sin, chief of Kor-17, came to make
10 the arrest, and at the time, I was there with Lin and <> it was
11 not Brother <Sophea> (phonetic) <who was arrested>. Lin told me
12 that that person was not <Sophea> (phonetic), <he asked me to
13 keep the person who was not Sophea (phonetic) outside for the
14 time being and> he decided to go on a motorbike to seek <an>
15 opinion from Brother Pol. <When Lin came back, he asked me
16 whether I sent that person inside yet and I said no. Then Lin
17 asked to meet the person who was not supposed to be arrested. He
18 said to that person, "They went to search for Kea (phonetic) and
19 you were not that person, why have you come? Don't do that
20 again." After that, Lin left.>
21 So in summary, Comrade Pang or Lin, when they went to S-21 <to
22 give instructions>, they were in the capacity of spokespersons of
23 Brother Pol.
24 [09.48.13]
25 Q. Fine. I understood, therefore, that you spoke on the telephone

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

20

1 with Son Sen and that you met Nuon at the Suramarit school.

2 Did you also have phone conversations with Uncle Nuon, and did
3 you have phone conversations with Uncle Pol?

4 A. First of all, I would like to tell the Court about <the>
5 telephone conversations.

6 I was always on phone conversations with Son Sen <for> one hour
7 or over one hour per day. And when he was transferred to the
8 battlefield, I never had any phone conversations with my later
9 superiors since Brother Nuon did not prefer phones <for>
10 communication or conversations. And usually Pol -- Brother Pol
11 did not prefer <direct contact with the S-21 chief>.

12 <When Comrade Roeun asked me about the arrival of Comrade Mon, I
13 did not reply to him because I did not want him to know about
14 S-21 confidential matters.> And <so,> there was <only> one case
15 that Pol used a telephone conversation as the last resort when he
16 asked about the arrival of Brother Mon. <I told him that Mon had
17 arrived.>

18 [09.49.58]

19 So in summary, I usually had -- I was always on phone
20 conversations with Son Sen. After 15 August 1977, I, on some
21 occasions, had telephone conversations, but not often <and
22 sometimes the conversations were not about S-21>.

23 And for Nuon Chea, he did not prefer phone conversations. And as
24 I said, I had one phone conversation with Brother Pol in relation
25 to the incident that I discussed.

21

1 Q. Aside from the confessions that you <were supposed to> forward
2 to your superiors, did you forward other documents to them such
3 as prisoner lists at S-21, or did you forward photographs of
4 prisoners at S-21 or even photographs of prisoners who had been
5 executed <at S-21>?

6 So there are different kinds of documents that I would like to
7 focus on, first of all, the lists of prisoners in order to know
8 how many prisoners there were at S-21, and other documents such
9 as photographs. So can you shed some light on that, please?

10 [09.51.48]

11 A. Thank you, Your Honour.

12 Besides confessions of prisoners, I forwarded other documents up
13 the line. That is true.

14 Concerning first the documents produced by S-21, the first
15 document was produced in the case of Ly Phel alias Phen, the
16 member of general staff of the East. I smashed Ly Phel alias
17 Phen, and, three days later, there was instruction from Son Sen
18 that, "Duch, Brother Pol wanted you to exhume Ly Phel's body to
19 have photographs taken."

20 And at the time, I thought -- I was thinking that there was bad
21 smells from the body, but since there was instruction from
22 Brother Pol, I had to exhume the body. And I used "Crésyl" liquid
23 <on the body> to stop the smell <and to kill bacteria, it was
24 made in France>.

25 And after <that>, I asked my staff members to exhume Ly Phel's

1 body. Pauch, <a company chief of S-21,> the person who was
2 responsible for the guard unit, used a knife to put on <Phel's
3 throat> and then the photograph was taken <and sent to the upper
4 echelon>. <So those types of photographs were produced since
5 then.>

6 [09.54.00]

7 And concerning the <photographs of four> foreign prisoners, I
8 also sent <the photographs of> the four foreigners to my
9 superior. I was warned not to keep the films or photographs, but
10 I developed the photos <and kept them> at <my house>. <And I
11 asked for the negatives to be destroyed.>

12 <Regarding the last people killed,> Nat, Brother Vorn, and
13 Brother <Hok> were photographed as well by me under the
14 instructions of the upper echelon. And for those we had already
15 killed, after we received the instruction from the upper echelon
16 <to have their photographs taken>, <> we took photographs of
17 them.

18 And there was one occasion that I found maps of <Thai military
19 and South> Vietnam and then I forwarded those maps <I found> to
20 the <Politburo of the Party> Centre <>. <So I did not keep them.>

21 The document <"Technique du Renseignement" by> Allen Dulles,
22 <director of the CIA>, and the document was about the information
23 methods, was found by me. And I sent that document to my
24 superior.

25 I have also found a document in relation to KGB agents of Soviet

1 or USSR. I sent the document as well to my superior.
2 Pang, later on, <was given a map I> found <> in relation to ore
3 deposit or mine, and I also forwarded that document or map of
4 mine or ore to my superior.

5 [09.56.32]

6 BY JUDGE LAVERGNE:

7 Q. I put to you a question in order to know if you forwarded
8 documents regarding the number of <prisoners> at S-21, so were
9 your superiors interested in knowing the number of people who
10 were detained at S-21? Were they interested in knowing who
11 arrived at S-21 and who was executed?

12 Did you forward this kind of information to your superiors?

13 [09.57.28]

14 MR. KAING GUEK EAV:

15 A. No. To my recollection, the practice <was> that after
16 <completing an> interrogation, that individual would be sent out.
17 <Sometimes> Brother Nuon or Brother <Son Sen asked me whether>
18 certain prisoners had been sent out and <if those> prisoners had
19 <not> been sent out<, they would instruct me to have them sent
20 out and smashed>. <But they did not ask me about the number of
21 prisoners there.>

22 I would like to <give> a real example. One day, Brother Son Sen
23 made a telephone call to me, "Duch, why I haven't received the
24 confession of Van Piny?" And I told him that I did not receive
25 Van Piny.

24

1 One or two days later, he phoned me again and asked me about
2 Piny, <he said he was told that Piny had already been sent to
3 me>. And I told him <to> give me time to check whether he was in.
4 So I asked my interrogators to check and find out whether he was
5 sent to any security centre and also other security centres
6 <including in Boeng Trabaek>. And I asked our interrogators
7 whether Van Piny changed <his> name <and whether his wife changed
8 her name as well>. <Prisoners who were former intellectuals were
9 gathered up for questioning regarding Van Piny.>

10 And at the time, <they all said> that Van Piny <> changed <his
11 name> to Teut and the wife's name was Chann. And I sent
12 information to my superior. Later on, Van Piny was sent in.
13 And because of the incident, Pang was blamed by Pol <for not
14 having> good working approaches compared to Duch. So usually, the
15 superiors did not receive the reports on prisoners from me.

16 [10.00.18]

17 Q. How about you, yourself? Were you interested in knowing the
18 number of prisoners present at S-21?

19 You have told us that, at <one> point in time, you had to create
20 room for more people to be admitted because you knew there were
21 going to be significant purges. Did you keep track of number <of
22 prisoners> at S-21 on a <daily or> regular basis?

23 A. In principle as well as in term of implementation, both went
24 hand in hand, so when the prisoners arrived, there would be a
25 list of names of those prisoners accompanying them. It was the

1 superior who spoke to me about that, that people from 310 were
2 sent <to S-21 accompanied by> a list, and that became a common
3 practice. And I told Hor about that. <And Hor assigned Huy to
4 receive them.>

5 And Lin also came to the office and, later on, people brought me
6 the list of incoming prisoners. And that's the development <> in
7 terms of the list.

8 [10.01.55]

9 And of course, <at some point> it caught my interest as to which
10 days <which> important prisoners would be interrogated, and
11 usually it was Hor <and Pon> who <were> in charge of that affair.
12 One day, I <calculated the> total number of remaining prisoners
13 and there were more than 10,000 of them. Let's say 10,000. And
14 that is why the Office of the Co-Prosecutors made it a combined
15 list of prisoners there, and the number increased, but minimally.
16 And the practice was based on instructions from the upper echelon
17 that when there were many prisoners, instructions were to clear
18 them out. And I kept certain prisoners in case the upper echelon
19 required <us> to interrogate them. And that was my observation of
20 what happened at the time.

21 Q. When you give the number of 10,000 <remaining> prisoners, is
22 that number you've taken <at random>, or you did actually see
23 that number of 10,000 prisoners at <some point at> S-21?

24 A. I kept the documents of prisoners and I could make a total at
25 any time. And on that day, I made a total of the number of the

1 prisoners based on the available documents <and there were about
2 10,000 prisoners>.

3 At that time, I did not ask my staff to do it, but I did it by
4 myself.

5 [10.04.16]

6 Q. So you got that total based on documents in your possession,
7 so that was the basis for the figure of 10,000 documents you had
8 in your possession. <Is that what we are to understand?>

9 A. It was a little bit over 10,000.

10 Q. Very well. You have talked of photographs of persons who
11 <were> executed.

12 Can you tell us how frequently you sent those photographs? Is
13 that something you did regularly or you only sent them at the
14 request of the superiors or you, yourself, took the initiative to
15 send those photographs?

16 [10.05.24]

17 A. Allow me to clarify the matter regarding my feeling at the
18 time.

19 The photograph <that was> taken <first> was that of Ly Phel alias
20 Phen. And the last sets of photos were those of Nat, Vorn and
21 Hok. And in between the first and the last, I <did> not know who
22 else was photographed. There might be the photos of the
23 Westerners.

24 The photos of those who were killed or those who had just been
25 killed were photographs based on the orders of Brother Nuon. I

27

1 did not do it arbitrarily, but Brother Nuon actually instructed
2 me to take the photos as well.

3 And allow me to <talk> about my feelings at the time <regarding>
4 the upper <echelon's> demand <for> photos. In fact, I said, <>

5 "If they don't trust me, how could they use me to carry out my
6 work? If I am ordered to kill them, then I kill them. <Don't

7 worry about it.>" That's how I felt at the time. And in

8 principle, I knew <from Bong Vorn> that Brother Pol never trusted
9 anyone. <And I believed what Bong Vorn said.>

10 [10.06.52]

11 Q. You have told us that you forwarded photographs of foreign
12 prisoners. Did you send those photographs of foreign prisoners
13 once they had been executed or upon their arrival?

14 What I have understood is that those foreign prisoners' bodies
15 were subsequently burnt up, so which photographs are you
16 referring to?

17 A. Regarding the photographs of westerners, actually, I kept a
18 set at my house, the photographs taken of them when their ankles
19 were shackled. And before they were burnt -- of course, they were
20 not burnt alive. They were executed before they were burnt with
21 car tires <to destroy evidence>. And I do not recall whether <or
22 not> photographs were taken after they had been executed and
23 <before they were> burned, but I had a set of photographs of
24 those westerners upon their arrival, and I kept them at my house.

25 MR. PRESIDENT:

1 Thank you, Judge.

2 It is now convenient for a short break. We'll take a break now
3 and resume at 10.30.

4 Court officer, please assist the witness at the waiting room
5 reserved for witnesses and civil parties during the break time
6 and invite him back into the courtroom at 10.30.

7 The Court is now in recess.

8 (Court recesses from 1009H to 1033H)

9 MR. PRESIDENT:

10 Please be seated.

11 The Court is now back in session and the floor is given to Judge
12 Lavergne to resume the questioning.

13 BY JUDGE LAVERGNE:

14 Thank you, Mr. President.

15 Q. I would like to revisit the conversations you had with Son Sen
16 and Nuon Chea.

17 During these conversations, did you speak with either Nuon Chea
18 or Son Sen <about> issues regarding the Cham and, if yes, what
19 did you hear regarding the Cham?

20 Did you hear about massive executions of Chams or did you hear
21 about a policy that had to be implemented vis-à-vis the Cham?

22 [10.34.58]

23 MR. KAING GUEK EAV:

24 A. Thank you, Your Honour.

25 Both Brother Son Sen and Brother Nuon never instructed me about

1 Cham people. Massive execution of Cham people was based, on my
2 presumption, on the telegram <from> Brother Phim <to Brother Pol,
3 in November 1975,> in relation to 500,000 Cham people that needed
4 to be removed from <the Vietnamese border and> the riverbank and
5 sent <> to the Central Zone.

6 <I saw> a document <at S-21> in relation to the execution of
7 Muslim people in <the> Arab village, not Cham people, so I made
8 my statement based on my assumption in relation to the document
9 that I have seen.

10 [10.36.15]

11 Q. And what about the execution of these Muslims in the Arab
12 villages? Were these Cham Muslims or were these Muslims from
13 abroad?

14 A. Regarding <the> Arab village, I used to see that Arab village
15 in 1959 or 1960 when I came to participate <in> and join the
16 secondary high school exam. <Currently, I do not know where it is
17 exactly.> And <I believe most> people <in that Arab village> were
18 Indian, and they practised Islam. <I have never called them Cham;
19 I refer to them as Muslims.> That Arab village, at the time, was
20 located in the vicinity of Stueng Mean Chey. <Most villagers
21 there raised only cows.>

22 Later on, I saw the list of peoples evacuated from Takhmau. <So I
23 concluded> that Muslims were evacuated out of Arab village to
24 other locations, and <Nat was> later on instructed by the Party
25 to send <those Muslims> to Takhmau, so my knowledge is based on

30

1 the document that I read.

2 I presumed that those Muslims were executed. I made my statement
3 based on my assumption when I was tried in Case 001, Your Honour.
4 [10.38.20]

5 Q. Fine. So when those facts occurred, you didn't receive any
6 specific information regarding these people. This is information
7 that you obtained afterwards, during your trial. Am I correct?
8 I see that you're nodding, so therefore, I consider that you
9 answered "yes" to that question.

10 So at any point in time during your discussions or at other
11 moments during the DK period, did you hear that the Cham had to
12 be considered as enemies?

13 A. Thank you, Your Honour.

14 Considering Cham people as enemies, in fact, I made an
15 <assumption> when I was tried in Case <002 (sic), based on
16 Brother Phim's telegram to Brother Pol. He> made mention <of>
17 about <500,000> Cham people who needed to be removed <from the
18 Vietnamese border and> the riverbank, and then they had to be
19 sent to the Central Zone. And Brother Pol denied the request.
20 And at the time, So Phim <stated that, "If Comrade Pauk did not
21 agree, Cham people that were supposed to be gathered up according
22 to the Party's request would be less than 500,000". He did not
23 refer to them as Cham people, he called them Muslims>.

24 [10.40.15]

25 Q. The document you were referring to in which <Phim> is

31

1 requesting to send the Muslims to the Central Zone, is this a
2 document you saw back then when you were at S-21, or is this a
3 document that you saw during your trial?

4 A. That document was shown to me during the proceedings against
5 me in Case 001.

6 Q. Now I would like to discuss the last days at S-21.

7 You told us that Nuon Chea gave you the order to execute the last
8 prisoners. When did he give you this order, when you met with
9 him, or did he send you a written order? What happened?

10 A. He called me to work with him at the time. He issued the order
11 verbally. And after the order, I asked him about "Yvon". In fact,
12 before that time, we interrogated "Yvon" prisoners and
13 broadcasted their confessions over the radio. And as I <asked
14 about the "Yvon" people, he said, "We can find more", I asked him
15 to keep four of them>, four "Yvons" from Y-8 or Yo-8. <He allowed
16 it, but he asked me to be responsible for them and I said yes.>
17 And I responded to the question to Your Honours already that <he>
18 called me to receive the verbal order. <The order was not in
19 writing.>

20 [10.42.45]

21 Q. Do you remember where the four members of Y-8 were detained
22 because we have a certain number of photographs that were taken,
23 apparently, during the discovery of S-21 by the Vietnamese troops
24 and we see photographs of dead people on beds.

25 Can you tell us <exactly> where these prisoners were detained and

1 who was killed on those beds, if you <know>?

2 A. After they were smashed, the interrogation of young prisoners
3 started to happen. And at <11 o'clock>, the tanks of Vietnamese
4 were driving <past my house, at that time, S-21 staff started to
5 panic as the enemies were already at our doorstep. I told them to
6 drop everything>.

7 At the time, we did not even have time to eat our rice, and <Hor>
8 told <me> that<> based on the instruction of the <Party> to be
9 <autonomous when needed>, Nat <had already> killed all of those
10 four people <with a saw>. There were a set of photographs
11 available <of the people who were killed>.

12 Norng Chanphal, who came to testify before the Chamber, said he
13 saw the photographs, but the bodies in the photographs that he
14 saw were not decomposing bodies <as seen in Ho Van Tay's film>,
15 so the photographs you mentioned <were the photographs of the>
16 members of Y-8.

17 [10.45.11]

18 Q. You said that Nat had killed the four prisoners. Who is this
19 Nat? Because we know Nat, In Lorn. But which Nat are you speaking
20 about here?

21 A. Thank you, Judge, for the clarification.

22 Not Nat - Nan (phonetic). Prak Nan (phonetic) -- not In Lorn <>.
23 Nan (phonetic) was brought by me from Amleang. He was the child
24 of peasants<from Amleang>.

25 Q. At <any> point in time, did you receive the order from Nuon

1 Chea or from someone else to destroy the S-21 archives?

2 A. Thank you, Your Honour. I would like to recall what I can
3 remember.

4 On 6 January 1979, <Brother Hem called me to work with him> --
5 let me rephrase. Lin, in fact, called me to work <> and, at
6 first, I thought <it was uncle Nuon's request>, but <I saw>
7 Brother Hem <there instead>.

8 [10.46.59]

9 I was advised to work as normal <and not to worry. I was told
10 that> San and Roeun were defending <us from the "Yuon">. And at
11 around <6 p.m.>, my younger sibling <whom I assigned to study
12 raising infants and children> came <from the Ministry of Social
13 Affairs>, and I was told by him that Uncle <Phea> (phonetic)
14 wanted him to rest. I was doubtful at the time because I had
15 received instruction from the Party in the morning at 9 a.m. And
16 at around 10 or 11, I heard the sounds of <vehicles driving past
17 my house>.

18 And at 11 o'clock, I noticed "Yuon" tanks were approaching, so I
19 left my house.

20 So <we did not do anything to all the documents in there,>

21 Brother Nuon never instructed me on the issue. And at the time, I
22 thought of <taking> the weapons with us so that I could go to
23 fight the "Yuons" and to get the documents <>. <But it was not
24 done because not enough weapons were given to us.>

25 So let me clarify it again. <Even as of 7 January,> no

1 instruction was given to me by Brother Nuon or Brother Hem to
2 destroy all the documents. Brother Hem advised me to work as
3 normal <and not to worry>, and <> Uncle Nuon said nothing at the
4 time.

5 That's all I can tell you.

6 [10.48.52]

7 Q. Later, were you criticized by Nuon Chea or by other people for
8 not having destroyed the S-21 archives?

9 A. Thank you, Your Honour.

10 To my recollection, I told Christophe Peschoux about the matter.

11 In 1983, that was the first time I met <with> Uncle Nuon after
12 the regime. And <> he said that, back then, on <that day>, I did
13 not work with him, <and that I worked with> Brother Hem, <I
14 replied, "Yes." Then,> I made mention that documents remained at
15 the time and <> the documents <were not destroyed>.

16 And he scolded me at the time, to my recollection.

17 So again, in 1983, he <said> that <all the> documents of the
18 Centre had been destroyed, and he said that I did not destroy the
19 other documents at S-21. He scolded me at the time, to my
20 recollection.

21 <On 25> June 1986, I met Son Sen before I was sent to China. Son
22 Sen called me to see him, and I made mention <of> the documents.

23 And he also said that <he wanted all those documents destroyed.>

24 He also scolded me at the time, I mean, Brother Son Sen, <for>

25 not <destroying> all the documents.

1 [10.50.50]

2 In 1983, I was once scolded by Nuon Chea <for keeping> all the
3 documents and not <destroying> them.

4 And as for the maps controlled or owned by an individual that I
5 could not recall<, they> were transported out <under Brother's
6 Khieu's order>. <Even the airports' maps were transported out
7 under his order. But documents still remained at the Centre just
8 like at S-21.>

9 So I believe I have answered beyond limit of the question, Your
10 Honour.

11 Q. Thank you. Now we're going to move on to another topic.

12 And I would like document E3/9841 to be shown to you. This is a
13 document containing prisoner lists, and it's a rather particular
14 document because the format is unusual.

15 These are prisoner lists that were written on old invoices. So is
16 it possible to provide document E3/9841 to the witness, and is it
17 possible to display the second page of this document on the
18 screen?

19 [10.52.23]

20 MR. PRESIDENT:

21 Yes, please proceed.

22 And AV Unit, please show the document on the screens as requested
23 by Judge Lavergne.

24 BY JUDGE LAVERGNE:

25 Q. So this is a document that is several pages long. I believe

36

1 you only have two pages of this document, Witness, but in
2 reality, the document is longer. It contains maybe about 10
3 pages.

4 And on the cover page, we can see the following. It's in English:

5 "Incoming list: All comrades are requested not to tear or touch
6 this book.

7 "And one shall not tear off [any page of the book] as these are
8 merely the list of enemies.

9 "Thank you in advance."

10 So then we have prisoner lists in this document. And I would like
11 you to look at the annotation that is at the bottom of the page
12 that was provided to you. <It should be> page ERN 01009861.

13 And this document is at ERN <01009860> to 75 in Khmer; in
14 English, there's an ERN, but I forgot to note it down. <I'll give
15 it to you later.> I'll -- at the bottom of this page<--> so if
16 you could please display on the screen the bottom of this page.

17 [10.54.42]

18 There is an annotation that <appears to> mention the execution of
19 prisoners at Takhmau. And the document is dated 14 November 1976.

20 Do you see this annotation, witness, and can you tell us if you
21 recognize the handwriting in this document?

22 MR. KAING GUEK EAV:

23 A. Thank you, Your Honour.

24 I have never seen this document, first of all. And <secondly,>

25 Your Honours may have observed that it is a bit strange after

37

1 reading the document.

2 Number 3, I could say that we did not have enough paper to use at
3 the time, so we used Seng <Hong's invoice> at the time. I,
4 myself, have never seen such a document, and I do not know who
5 gave this document to Nat. As for the date, the date is 14
6 November 1976.

7 By that date, I believe S-21 had paper to use, the normal paper
8 that we had, the A4.

9 [10.57.06]

10 I cannot recall the names in the documents, so this is all I can
11 tell you, Your Honour. I cannot make a conclusion on the
12 document, but I am a bit suspicious in relation to this document.

13 Q. Well, I'd like to specify that on <these lists>, we can see
14 the names of many prisoners and, in particular, Cambodians who
15 returned from France. We find some of these names <on> another
16 S-21 list, prisoner list E3/3597. And this, in fact, is a list in
17 which we see the name of Professor Phung Ton.

18 There's another prisoner by the name of Phat Chantha alias Phat
19 Phai, and this name also appears in another S-21 document,
20 document E3/3180. And there is also a certain number of prisoners
21 on this list who <were members of> the Chak Angrae power plant.

22 Can you tell us a little bit about the Chak Angrae power plant?

23 [10.58.56]

24 A. Concerning this document and the list of prisoners at S-21, I
25 do not have anything to say and to comment on these documents. <I

38

1 do not understand them.>

2 But in relation to <Chak Angrae factory>, the chief of <the
3 factory> was a former Khmer Rouge who had been imprisoned
4 together with me. And after we were released, we were engaged in
5 the activities together <in Phnom Penh>. And his name, to my
6 recollection, was Chorn. He was arrested. I know this individual,
7 and I used to visit the power plant, the electricity, and the
8 water treatment location.

9 Yes, I made a visit, but that visit was informal one.

10 Later on, the <Chak Angrae factory> did not have the maps of
11 sewage system or the <electric> wire installations. I had the
12 maps, so I provided the maps to <the factory>. So again, we had
13 informal communication and we had work <in> cooperation <between
14 S-21 and the Chak Angrae factory>.

15 As for the arrests of certain individuals, I do not really
16 understand. I do not have any comments.

17 [11.00.45]

18 MR. KOPPE:

19 I apologize for interrupting, but just a small observation. It
20 seems there is a wrong translation of a date.

21 In the Khmer version of E3/9841, the very page, 01009861, I think
22 in Khmer it clearly says "13 November '76" but in the English
23 translation, it's "13 November '75". So maybe this would be a
24 moment to have that corrected.

25 JUDGE LAVERGNE:

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

39

1 I do not believe I talked of the year 1975. I believe I've always
2 talked of the year 1976.

3 MR. KOPPE:

4 I agree. It's not you; it's the document. It's the translation
5 that is wrong in the document.

6 [11.01.50]

7 BY JUDGE LAVERGNE:

8 What is important is that, on page 2 of the document and
9 subsequently, at two places, reference is made to executions
10 carried out at Takhmau. And this is what it states in English,
11 "Taken to Takhmau to be smashed", 14th of November 1976. And the
12 last date on the list is the 30th of October 1976. Yes, indeed,
13 there is an error in it.

14 Q. Very well. If I may digress slightly from what you are saying
15 regarding your friend, <the> former director of the Chak Angrae
16 power plant, you stated that he was arrested.

17 Do you recall a specific incident regarding the interrogation of
18 that director? Did he implicate anyone in particular?

19 MR. KAING GUEK EAV:

20 A. I cannot recall that. And I don't recall his official name or
21 native name. I can only recall his revolutionary name -- that is,
22 Comrade Chorn.

23 [11.03.48]

24 Q. You talked about Youk Chuong. That was at the hearing of the
25 28th of March 2012, document E1/51.1, on page 95. And you stated

40

1 that that person had implicated Khieu Samphan in his confessions.

2 And you said that, subsequently, you received instructions from

3 Nuon Chea to remove Khieu Samphan's name from those confessions,

4 and <you were given specific> explanations.

5 Can you give us further detail as to what happened?

6 A. Before I respond to your question, allow me to clarify one

7 thing. The location at Takhmau was abandoned by us by <the> end

8 of March. That is when Nat was no longer the chairperson <of

9 S-21>.

10 So by June <1975 (sic)>, there <were> no longer any executions at

11 Takhmau. So this is contradicting the date in this document.

12 Second, Your Honour raised the matter, and that was what I stated

13 during the meeting. And that's what actually happened.

14 [11.05.35]

15 Comrade Chorn, that is his alias, and his name was Youk Chuong.

16 And I just reported the matter to Your Honour about my contact

17 <with him>. During the interrogation, <he said that> it was

18 Brother Hem who was his official contact or his hidden network.

19 I raised the matter <to Uncle Nuon> and I was scolded by Uncle

20 Nuon. He said that maybe in Cambodia <he and> Pol <> were <the

21 only ones> not involved, as the rest were all implicated in the

22 CIA and that I should work properly. Otherwise, I would be sent

23 to work at an embassy.

24 And that's what I stated earlier as well about the phrase that he

25 used, <that> I would be assigned to work in an embassy. <Sending

41

1 anyone to work at an embassy referred to anyone who was not
2 trusted.>

3 And after that, <I did> not to allow Brother Chorn to say
4 anything more about Brother Hem. <I told the interrogators to
5 disregard anything he said concerning Brother Hem.>

6 [11.06.50]

7 Q. And so you withdrew the name of Brother Hem from the
8 confessions; is that correct?

9 A. That was the Party's discipline. When the Party did not want
10 any name to be included, of course, I removed the name.

11 Q. On the last pages of the document, reference is made to
12 prisoners and in English, this is what is stated: "<from the
13 'Yuon'."> Did you receive prisoners who had been handed over by
14 the Vietnamese authorities or what do you mean by "<">from the
15 'Yuon'?"

16 I am not sure this is on the pages you have.

17 Witness, are you hearing me? Can you hear me?

18 The ERN is 01009874 and it is the <second to> last <page> of the
19 document. Very well, I think you're on the right page now.

20 To your knowledge, were there any prisoners handed over by the
21 Vietnamese authorities to the Kampuchea authorities during the
22 period of Democratic Kampuchea?

23 [11.09.43]

24 A. Your Honour, no, there was none and not even for these minor
25 people. Son Ngoc Thanh was a famous person and the Labour Party

42

1 of Vietnam reported to CPK that Son Ngoc Thanh was arrested, and
2 CPK did not react to that information and whatever the Vietnamese
3 party wanted to do <to> Son Ngoc Thanh, <CPK> let them do it. So
4 there was no way that Vietnam ever sent such prisoners to
5 Cambodia.

6 Q. Very well. How about Cambodian prisoners handed over <by the>
7 Thai authorities; do you recall any Thai prisoners who were
8 handed over and were subsequently detained at S-21?

9 And if it's possible, may I request that the witness be provided
10 with the following documents: E3/961, E3/2269; those two
11 documents?

12 MR. PRESIDENT:

13 Yes, Court officer, please provide the document.

14 [11.11.50]

15 BY JUDGE LAVERGNE:

16 Q. Before looking at the documents, can you please answer my
17 question, witness?

18 MR. KAING GUEK EAV:

19 A. That was based on the actual occurrence and the action between
20 Thai and <Cambodian> side. Brother <Khaek Pen> (phonetic) was the
21 liaison officer between <Thailand> and Cambodia, at the time, and
22 <Thailand> <> sent <these people> to Cambodia and, in fact, I
23 forgot about that. However, during the proceedings in Case 001, I
24 was provided a document with the last three digits 147 and of
25 course, I acknowledged the letter since I saw my annotation

1 there. So that is true that 26 of them were sent back. That is
2 all, thank you.

3 [11.13.19]

4 Q. Now, we have several documents relating to those prisoners who
5 were not Thai, but Cambodian and who were handed over by the Thai
6 authorities. First of all, we have document E3/961 -- that is,
7 dispatch letter dated the 25th of November 1976. It was sent by
8 the Committee of the Revolutionary Army of the Northwest Zone and
9 it has to do with the dispatch of 25 traitors repatriated by the
10 Thai authorities, including a child aged 11 and the sender is
11 M-16; in other words, Office 16. The ERN in Khmer is 00090147; in
12 French, 00812755, <and> 56.

13 First of all, what is this office referred to as M-16; what does
14 it correspond to?

15 A. Thank you, Your Honour. I cannot recall about Office M-16 and
16 allow me to say that the document that I was given <later on> was
17 not given to me during my trial and that I was not asked to
18 comment on this document in Case 001.

19 Q. Well, notwithstanding that, what matters today is your
20 reactions today.

21 We have another document, E3/2269. It is the same list of
22 prisoners entitled in English, "Report on a Name List of
23 Prisoners," and it is clearly indicated, "Section: Sector 5
24 through city's messengers unit."

25 Now, the document points out that it has to do with different

44

1 persons, soldiers, and civilians who fled to Thailand and were
2 sent back on the 23rd of November 1976. Furthermore, on the
3 <left>-hand side at the top of the page, you have a handwritten
4 annotation<. Do you recognize this annotation, Witness? I will
5 specify that> the ERNs <in Khmer> are 01010578 to 81; in English,
6 00181640 to 41; in French, 00869779.

7 Do you recognize <this> annotation, Witness?

8 [11.17.18]

9 A. Thank you, Your Honour. My last comment to your last question
10 was that <this> document was not shown to me during my trial in
11 Case 001 and I refer to this document. From the first look, the
12 handwriting is mine, and allow me to repeat it, <> it was not
13 shown to me in Case 001's proceedings.

14 <And> about the report of prisoners in Sector 5 through <the>
15 city's messengers group, yes, there was Sector 5 and there were
16 city messengers, but frankly speaking, I cannot recall this
17 document. I neither deny nor acknowledge it because I simply
18 cannot recall it and if this document actually <survived>,
19 <which> was unlikely because it would have been destroyed.

20 [11.18.46]

21 Q. Let me point out that we have a third document concerning the
22 same prisoners. Since the same persons were listed on an S-21
23 list with the title, "Names of prisoners who entered on the 27th
24 of November 1976 and who hailed from Battambang and had fled to
25 Thailand," document E3/8447; ERN in Khmer 00288587; French,

45

1 <0081091> (sic) to 92; English, 00784632 to 33.

2 Let me also point out that the majority of the names of these
3 prisoners can be found on two other lists from S-21; list
4 E3/2231, <"List" of prisoners to be <kept"> and we see,
5 <notably>, numbers 35 to 43, 45, 46, 50 to 56. And we also have
6 the list E3/3858. This last list is a list of prisoners executed
7 on the 12th of May 1977.

8 Now, witness, you do not appear to have much recollection
9 regarding that event. Do you, nevertheless, know whether those
10 prisoners were sent directly to S-21 or they transited through a
11 unit in Phnom Penh and if yes, which unit?

12 [11.21.03]

13 A. Thank you, Your Honour. Please, I would like to get permission
14 to compare the list of these prisoners to the compiled list of
15 S-21 prisoners and if the names appear on that S-21 prisoners
16 list, that would be the end of the matter and if not, it might be
17 possible that these people were entered before the list was
18 compiled.

19 Q. No, we'll give you the document. We've already given you a
20 number of documents. <But let> me point out, these are events
21 that occurred in 1977.

22 Do you recall whether there was only one dispatch of prisoners
23 from Thailand or <if> prisoners were dispatched on several
24 occasions from Thailand to Cambodia?

25 [11.22.43]

1 A. Based on my recollection, I cannot recall this particular
2 document, E3/961, and only when the document was shown to me, I
3 recalled that Brother Sou (phonetic) was the liaison officer
4 between <Thailand> and Cambodia and 26 prisoners were sent in.
5 Besides that event, I cannot recall any other specific event and
6 for that matter, I insist that I <should> be able to compare the
7 names of the people on this list to the list of prisoners at
8 S-21. If they were there, we could conclude that they were sent
9 in and then they were executed. <If they were not there, I do not
10 know how to comment on this list.>

11 Q. Very well. I believe the Chamber will assess the evidence and
12 crosscheck the information contained in those documents <itself>.
13 But do you recall whether at S-21, there were any Thai prisoners;
14 do you recall <having>, among <the> foreign prisoners, Thai
15 prisoners, <in particular> Thai fishermen? <What happened to
16 them?>

17 A. On the list of S-21 prisoners, there were Thai prisoners and
18 there were about 600 of them who entered S-21. Initially, it
19 <sounded> a bit strange to me, but now I acknowledge that at one
20 point, <Hor> left S-21 and at that time, S-21 was still located
21 at the National Police Headquarters. So he went to Kampong Som to
22 <smash> a number of Thai <people> there and maybe the names
23 appear on the old list of Division 164, <which> was sent to the
24 general staff and later on, it came <into> the <possession> of
25 S-21. But later on, I recalled that at the time, I was deputy

1 chairman and Hor was sent to smash those 600 or so Thai people at
2 Kampong Som.

3 [11.25.44]

4 Q. So according to you, there were no Thai prisoners detained at
5 S-21 in Phnom Penh and all Thai prisoners were all executed at
6 Kampong Som by Hor alone, 600 persons.

7 A. No, he did not <go> alone; he was part of a group on mission
8 and at that time, I was deputy chairman and the order came from
9 the upper echelon and Nat relayed that order.

10 <And when they did this, the deputy was not aware of it.>

11 Of course, I did not deny that crime. It was <one of> the crimes
12 committed by S-21 and it is evident in the document and the
13 document actually jogs my memory.

14 And Your Honour's question is whether Hor went alone and my
15 response is that no, he did not <go> alone; he was part of a
16 group who went on a mission.

17 [11.27.14]

18 Q. Very well. Let us move on to another line of questioning and
19 we'll talk about two <rather> specific <female> prisoners
20 detained at S-21. We are talking of the two nieces of Nuon Chea;
21 we've already referred to them. And on the one hand, we have Lach
22 Dara alias Than and Lach Vary alias Nan.

23 Lach Dara alias Than was -- according to the information
24 received, which I've been able to read on the documents, she was
25 the director of the laboratory of the 17 April Hospital and you

1 can also read this in document E3/1851. The Khmer ERN is
2 00079588; English, 00250783; French, 00759986 to 94. The name,
3 Lach Dara, also appears on two prisoner lists at the Ministry of
4 Social Affairs: the documents, E3/1946 and E3/2213; ERN in Khmer
5 00040035; and ERN in English, 00887859 and 00184006. There is no
6 French translation.

7 [11.29.02]

8 Lach Dara is referred to as the spouse of the <contemptible> Sat
9 and the line <above> that, we have the name Men Tol alias Sat,
10 arrested on the 1st of May 1978, member of the Medical Committee
11 of the Hospital 17.

12 Regarding Lach Vary alias Nan, it was said that she was the Chief
13 Medical Officer in the Ministry of Foreign Affairs. See her
14 confessions at document E3/1557; ERN in Khmer, 00076349 to
15 00076373; in English, 00768111 to 31; and the French ERN is
16 00782159 to 76.

17 Lach Vary's name also appears on a prisoner list from the
18 Ministry of Foreign Affairs, document E3/8539; ERN in English,
19 00181636; and she is described in that document as the spouse of
20 the <contemptible> Yoeun.

21 And on the line below that, we have the name Pich Huon alias
22 Yoeun, chief of Office 62 at the Ministry of Foreign Affairs and
23 it is indicated that both of them were arrested on the 9th of
24 June 1978.

25 [11.30.56]

1 And lastly, we have the confessions of Pich Huon alias Yoeun on
2 record and the reference number is E3/1857; ERN in Khmer,
3 00075059 to 560. We have more than 500 pages of confessions and
4 the ERN in English is 00764001 and 00193545 to 55; and in French,
5 00733677 (sic).

6 Do you remember Lach Dara alias Than and Lach Vary; do you recall
7 their husbands and do you recall the circumstances under which
8 they were arrested, the reasons why they were arrested?

9 A. Allow me to say this: These two young <people>, <Nan> and
10 Than, I knew that <> Uncle Nuon <was their uncle>. And a few days
11 ago, I spoke about that, as well, that I had plenty of medics to
12 use; first, Roat Kout (phonetic) and then Professor Sieng Seng
13 (phonetic) and later on, Hakk Phadet, the wife of Hakk Sieng Lay
14 Ny, who went to study medicine in the former Soviet Union. And
15 Lach Dara alias Than, who studied <medicine> in China. And Lach
16 Dara alias Than was a <niece> of Uncle Nuon and for Sat, Sat was
17 the husband of Than.

18 [11.33.14]

19 And the document annotated by Nai <was> about <farmers> and
20 <ownership>.

21 And I <said> in my presentation that we should look at Brother
22 Number Two. <He did not claim anything or anyone to be his.> Even
23 in the case of Lach Dara, he <allowed> Lach Dara to be arrested
24 and sent to S-21 -- that is, Comrade Than. But in <> Mam Nai's
25 document, he used <> the name Sat instead.

50

1 [11.33.51]

2 I cannot recall the details of <Nan's> confessions <which were up
3 to 400 to 500 pages, not even the details regarding her husband,>
4 Yoeun <>, so I do not know the content of that confession. I did
5 not read it because it was not part of the confessions that the
6 upper echelon were interested in; however, I could say that the
7 two actually arrived at S-21; Sat, Nan, and <her> husband were
8 smashed and Than survived. Later on, we fled <after the arrival
9 of the Vietnamese, but later on, Than> died along the way from
10 lack of food.

11 MR. PRESIDENT:

12 Thank you. It is now convenient for our short break we take for
13 our lunch break. We <shall> take a break now and resume at 1.30.
14 Security personnel, you are instructed to take Khieu Samphan and
15 witness Kaing Guek Eav to separate waiting rooms downstairs and
16 have Khieu Samphan returned to the courtroom before 1.30. As for
17 Kaing Guek Eav, invite him back into the courtroom at 1.30.

18 The Court is now in recess.

19 (Court recesses from 1135H to 1329H)

20 MR. PRESIDENT:

21 Please be seated.

22 The Court is now in session and I give the floor to Judge
23 Lavergne to put questions to the witness. You may proceed.

24 [13.30.42]

25 BY JUDGE LAVERGNE:

51

1 Thank you, Mr. President.

2 Q. We -- this morning, we stopped when I was putting questions to
3 you about Lach Dara and Lach Vary, Nuon Chea's nieces. If I
4 understood properly what you told me, you told me that Lach Dara
5 alias Than had survived; did I understand you properly? And can
6 you tell us why she was not executed? Was this because Nuon Chea
7 had ordered that or was it because you considered that she could
8 be useful as a doctor?

9 [13.31.44]

10 MR. KAING GUEK EAV:

11 A. Lach Dara survived, but <only until> 1980. She died on the way
12 <while fleeing after the arrival of the Vietnamese>. <She died
13 along with my siblings, my nephews/nieces, Mam Nai's wife, Pon's
14 wife, and others at that time.> So Lach Dara survived the regime
15 after 1979, but <> she died while fleeing. <Regarding the fact
16 that I kept Than at S-21, I kept her there so that I could use>
17 her <as a medic>, together with <Hakk Phadet alias Voeun>. So
18 there were no instructions from Uncle Nuon.

19 That <was> why there was one time I made a speech about ownership
20 and Mam Nai made note of that. <> Ownership <meant that there
21 were no family attachments. For instance, Brother Number 2
22 allowed Than to be arrested and sent to S-21,> and I recall that
23 you, Your Honour, asked me about <this matter, but> Mam Nai made
24 note about Comrade Sat, not Than <>.

25 [13.33.30]

52

1 Q. However, do you know if her sister, Lach Vary alias Nan, and
2 their husbands were killed and did they have children and were
3 the children also executed?

4 A. The two siblings, I mean Comrade Nan and Than, were pregnant.
5 <> Nan was pregnant <when> she was smashed <at S-21> and Than
6 <delivered> a child <on the way while fleeing>.

7 Q. And were the husbands also executed?

8 A. Sat and another individual <had> died already.

9 Q. Fine. Do you remember if Nuon Chea spoke to you about the
10 existence of traitors in the family; did he speak, for example,
11 about <one of> his uncles -- his uncle by the name of Sieu Heng?

12 A. Your Honour, Nuon Chea never discussed Sieu <Heng> with me, <>
13 not at all.

14 [13.36.01]

15 Q. Were the arrests of Lach Dara and Lach Vary connected to a --
16 an attempt to poison the leaders of Democratic Kampuchea?

17 A. I do not recall that, Your Honour.

18 Q. Fine. Now, let's move on to another topic regarding S-21's
19 operations and staff and I would like to provide a document, too,
20 which is document E3/1848 - 1848 (sic), that is; Khmer, ERN
21 00162476; English, 00193064; French, 00229039. And can we please
22 display this document on the screen as well?

23 (Short pause)

24 [13.37.53]

25 BY JUDGE LAVERGNE:

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

1 This document is titled "The number of units to feed who are
2 stationed in the Phnom Penh area from March 1977" and this
3 document is dated 7 April 1977. And there is a list of all of the
4 divisions and regiments and there are two lines I'd like to focus
5 on, lines 10 and line 13.

6 Line 10 is entitled "S-21 Office" and we see below, in the total
7 number column, a figure of 2,327. And below -- and this is
8 separated -- we have line 13 which is entitled "The number of
9 people at S-21 to feed" and here there is a figure of 1,300.

10 Q. So did you ever see this document, first of all; can you
11 explain to us what these figures represent?

12 MR. KAING GUEK EAV:

13 A. Your Honour, in the previous proceedings, there was a better
14 list of S-21 and I cannot make <any conclusion regarding> this
15 document, <I cannot tell whether or not this figure included
16 prisoners as well>. And concerning the <S-21> forces <> who went
17 to collect rice<, they collected it for prisoners and> staff
18 members from S-21 and those from the field or from <the> "srae".
19 The figure here <> is not 2,000, but 600, <at S-21> to my
20 reading. I think it is 600. Oh, no, 2,317 people <so it could
21 include both prisoners and staff, but I would like to clarify
22 that> I cannot explain <> the figure <to you>.

23 [13.41.10]

24 Q. Well, regarding the French version of this document at line
25 10; can you see line 10? On line 10, it is written down "S-21

54

1 Office" and here I see a total number of 2,327 people, so is that
2 the same thing that you see in your document?

3 A. The same, Your Honour.

4 Q. Fine. Now, in line 13 in French, it is written, "The Number of
5 People at S-21 to Feed, 1,300." So there are two <series> of
6 numbers for S-21, so can you provide some clarification on this;
7 do you know what these figures correspond to given that it is
8 clear when we read this document that these are <different kinds
9 of> figures because there is a first <total> for the 12 first
10 units and below that, the staff of people to feed at S-21 was
11 added and we have a general total following that? So it is clear
12 for me that there're two different kinds of figures involved here
13 and can you provide some clarification on that?

14 [13.43.14]

15 A. I can understand your statement, Your Honour, and I could not
16 read clearly line number 10, but now, I can figure out what it
17 is. But still, I cannot tell you whether the number in line 10 is
18 the total number <including> the prisoners <or not>.
19 For line 13, it is about the people to feed at S-21 and I believe
20 the figure 1,300 refers to the combatants and cadres and as for
21 prisoners who were <on hand and in the> field or "srae"<, there
22 were> around 1,467; this is all I can explain to you <about the
23 figures>.

24 Q. So according to you, line 13 corresponds to the number of
25 prisoners and to the staff working at S-21 in Phnom Penh at the

1 Ponhea Yat high school site and line 10, maybe corresponds to the
2 members of S-24 -- that is to say, those who were working in the
3 rice fields.

4 [13.45.05]

5 A. Let me clarify the matter once again. Line 10, to my
6 understanding -- I would like to shed light on the figure; 2,760
7 <refers to the number of people to feed, it> included <the
8 prisoners and> the staff members <of S-21> both at Phnom Penh and
9 at the field or "srae" and line 13, it states the people to feed
10 at S-21 consists of 1,300. So I can tell you that the <number of>
11 staff members <at> S-21 <in Phnom Penh and in> the field together
12 is 1,300.

13 Q. <>Line 13 is the line with the figure of 1,300; <in the French
14 version,> line 10 lists a figure of 2,327, so did you maybe
15 invert line 10 and line 13?

16 A. I am not confused. <> The total number of prisoners together
17 with the staff members <is> more than the <total number of the>
18 staff members. <Regarding the staff to feed at S-21, there were
19 1,300.>

20 So again, the total number of prisoners together with the staff
21 members is 2,767. And as I told you, there is another list shown
22 to me during the proceedings in Case 001; the list makes <a>
23 clear distinction between the number of prisoners and staff
24 members, so I am a little bit confused with the figures shown in
25 this list.

1 [13.47.47]

2 Q. Fine, we'll get back to this when we check to see if there are
3 other lists on the case file in that regard. Now, I would like to
4 move on to another document.

5 Counsel Koppe, I think you will have the time to put questions to
6 the witness there, so I'd like to continue with my examination.

7 Thank you.

8 I would like now to look at document E3/8386, so can we please
9 provide this document to the <defendant (sic)>?

10 This document falls under the following ERNs; in Khmer,
11 <00002637> to 40; English, 00521631 to 34; French, 00532733 to
12 36. Have you already seen this document, witness?

13 A. Thank you, Your Honour. This document was shown to me during
14 the investigation stages and also in the proceedings of Case 001.
15 This is what I can tell you.

16 Let me add; every time the document <was> shown to me, I said I
17 confirmed that I recognized this document and this document
18 belonged to S-21.

19 [13.49.49]

20 Q. Are you the author of this circular?

21 A. Hor was the one who wrote this circular. It was not me; <it
22 was> Hor, in fact.

23 Q. Fine, I will get back to the circular later on, but what I
24 would like to focus on, for the moment, is the last page of this
25 document because on the last page of this document, we see

57

1 figures and indications regarding the number of people. Do you
2 know who wrote this page?

3 A. I do not know who wrote it. And <I do not think that> it is
4 Hor's writing<>. But to my observation, this list represents the
5 situation at S-21 <as far as> the number of guards within S-21,
6 <the number of staff from the economic support unit> and <the>
7 number of staff from <the> messenger unit and also, it's
8 consistent with the number in relation to <children's> unit.
9 However, as I said, I cannot tell you who wrote <it>.

10 And as for <whether this document belongs to S-21 and> whether
11 <or not these figures are> accurate based on the numbers of staff
12 members at <> S-21 at the time, I cannot tell you whether it
13 reflects the exact number of staff members at S-21. <I never
14 thought about it before.>

15 [13.52.18]

16 Q. What I read here is that the numbers <- we don't know the date
17 this document was written, but the numbers on this document> are
18 much lower than what is listed in the previous document. When we
19 look, for example, at the security unit staff, we have 143
20 people; for the economic unit, 46 people; for the messengers, 62
21 people; for the children's unit, we have 76 people. So basically
22 speaking, this amounts to a total of about 340 people, so does
23 this seem to reflect the reality in terms of the number of people
24 at S-21 or do you remember that or not?

25 A. Thank you, Your Honour. Let me emphasize that S-21 includes

58

1 Phnom Penh and also <the> "srae", the field. So S-21 includes
2 Phnom Penh and the field, not <22,> 23 or 24 as others said. And
3 <in> this list, the number represents <only> the combatants or
4 cadres within Phnom Penh; that's why you could see the number is
5 lower than the previous document. The number of staff members
6 <from> Phnom Penh <here is> 366 <or something, I can't see it
7 clearly> from the document.

8 [13.54.40]

9 Q. So let me specify again that this document is not dated and
10 now I would like to look at the circular, the circular itself. So
11 you said that the circular had been written by Hor and in
12 particular, I would like to look at <item> 6<, the first part,>
13 which concerns the surveillance of the enemies.

14 Generally speaking, in the circular, people are described as
15 enemies and never as prisoners. So can you confirm that at S-21,
16 prisoners were usually called enemies and that's how they were
17 called, enemies?

18 A. The word "enemy" was widely used and that word refers to
19 prisoners who were arrested -- who had been arrested and had to
20 be <interrogated and then> smashed. So those who entered S-21
21 never returned back home; they were enemies.

22 [13.56.10]

23 Q. I'm going to read out <item> 6 in this circular. "If the
24 enemies attempt to break the locks -- to break the locks on the
25 doors, if they attempt to commit suicide by hanging themselves or

1 to slit their wrists or to cut their throats or to pretend to
2 swallow screws, then it will be necessary to immediately take
3 emergency measures."

4 So, was the fear of seeing prisoners escape or seeing prisoners
5 commit suicide, was this a major concern at S-21?

6 A. That was the main concern. Let me clarify that.

7 At S-21 there was a case <of> one prisoner <who was able to> make
8 an escape <one> time. Mam Nai, Hor, and I <went> to <> the rural
9 area to ask for hens and chickens <to raise> and <at that time>
10 an individual from Division <170> <was able to> make an escape
11 back to his own division. And after that, the Division <> sent
12 that individual back to S-21 through the general staff.

13 So we were warned from that time onwards not to go out
14 altogether. There <had to> be one person, <either Hor or me,> on
15 standby. This is one incident.

16 [13.58.28]

17 There was another case. Achar Kong (phonetic) took <a> gun and
18 <fired it>.

19 And another case was the event <when> Roeun (phonetic) took M16
20 <from a guard> and <fired it> and <another case was> Sou Sophan
21 (phonetic), the prisoner, the deputy <of> Division 170, while he
22 was in detention, he swallowed a screw from the window and <then>
23 he got abdominal pain at the time, so I called in a doctor or
24 medic <from P-98> to conduct the surgery to get that screw out.

25 [13.59.18]

60

1 <But this document was made before the case of Guo Xiaoqing
2 (phonetic), a cardiologist>, <who was arrested from Hospital 17
3 and> was detained at S-21. <> That <> prisoner <found a> razor
4 and <she used it to> cut open her <abdomen>. She was pregnant at
5 the time.

6 So we were warned after the incidents happened and this is
7 <consistent with the situation> at S-21.

8 [14.00.00]

9 Q. We have a number of documents <on the case file> referring to
10 suicides or attempted suicides. I would like to point out, for
11 instance, that in document E3/3181 -- I have only the English
12 (sic) ERN and that is 00728980 -- and this document refers to a
13 female detainee called Penh Khim from Regiment 152 who committed
14 suicide by hanging herself.

15 Were there <many> cases of suicides?

16 A. If there was a case of a suicide, then a report had to be made
17 to me because <it was a> strange <incident>. Personally, I never
18 heard of any suicide committed at S-21 besides the incident of
19 <someone> swallowing a screw and <the other> incident of <Guo
20 Xiaoqing (phonetic) alias Nan (phonetic)> cutting open her own
21 abdomen.

22 My main concern was to prevent any important enemy from <dying
23 before the interrogation was concluded>. And I did not know about
24 the incident involving this individual from 152.

25 [14.02.16]

61

1 Q. You are referring to important prisoners and it was absolutely
2 necessary to prevent them from committing suicide. Is that a
3 concern you had as regards to Koy Thuon and were any specific
4 steps taken in that regard?

5 A. Koy Thuon was a special person and I was the one who was in
6 charge of S-21 and I personally interrogated him. I placed him on
7 the fourth floor of a house which was located to the south of
8 Ponhea Yat College and that was a part of the detention facility
9 of S-21. He was sitting and sleeping on that rattan bed. And I
10 placed two special guards to watch over him.

11 [14.03.42]

12 There was also -- I also placed a desk phone there. There were
13 only three sets at S-21. One was with Hor, one was at my house
14 and one was placed at that special room <where Koy Thuon was
15 detained>. And I simply warned the two guards not to allow him to
16 commit <> suicide. So when he tore pieces of paper, broke off his
17 glasses or broke off <a pen and threw away> the chair, I was
18 informed of <those incidents>. And I told the guards to just
19 remain there and "Don't do anything, <just don't let him commit
20 suicide>" and then I would go there <after a> half an hour or so.
21 When I saw him, I just simply smiled at him. But I constantly
22 <thought> of ways to prevent him from committing suicide.
23 Koy Thuon was the only person that I interrogated in my capacity
24 as the chairperson and I took what <I> needed in order to prevent
25 his confession being cut off.

1 [14.04.56]

2 Q. So if I understand correctly, there were two guards
3 permanently monitoring Koy Thuon to make sure he didn't commit
4 suicide. Is that correct? And if it is, can you tell us whether
5 furthermore, Koy Thuon was handcuffed <or> shackled to prevent
6 him from <moving around as he wished>?

7 A. The photo <> was <shown to me> by Your Honours <> or maybe it
8 was the Co-Prosecutor who showed me that photo -- Koy Thuon was
9 placed on a rattan bed and his ankle was chained <so that he
10 could not go anywhere, but still I was afraid he could find other
11 ways to commit> suicide, <so I put two guards to watch him
12 there>.

13 And the two guards were not ordinary guards. They were special
14 guards <>.

15 Q. Were there any particular reasons why you feared that Koy
16 Thuon risked committing suicide?

17 A. Koy Thuon was a member of the Central Committee and he was the
18 first person of that capacity to arrive at S-21. For that reason,
19 it was imperative to keep him alive in order to obtain his
20 confession and I would resort to all kinds of measures in order
21 to do that.

22 [14.07.20]

23 Q. Was that an initiative on your part or you were acting on
24 instructions you'd received?

25 A. It was the principle not to allow a prisoner to die or the

1 confession was cut off.

2 However, regarding the posting of the special guards was my idea.

3 Q. I would like you to be given two other documents, document

4 E3/10077 and document E3/10087. The ERN of the first document is

5 01012991 -- that is for the Khmer; and 01245974 in English.

6 Let us start with document E3/10077. Do you recognize the

7 annotations on that document?

8 Let me point out that this is a report regarding the escape of

9 two prisoners on the 24th of November 1977. Both of them were

10 members of Unit Number 13. That is a unit that produced palm

11 sugar, notably Tao Sokhoeun alias Khoeun, former member of

12 Regiment 152 and Vai alias Bora also an ex-member of Regiment

13 152.

14 So we have here a report and a note <we just saw> on the screen,

15 <I believe,> and it is circled. Can you tell us who were the

16 authors of the report and the annotations?

17 [14.10.20]

18 A. Based on the content of this report, the three who fled did

19 not run from Phnom Penh. In fact, they ran away from the rice

20 field.

21 And for the detention at the rice fields there, there was no

22 proper fence, <their ankles were not shackled> so they could

23 actually flee. <After they fled, Comrade Vy (phonetic), whom I

24 did not know, reported to Hor.> And Hor mentioned that,

25 "According to the information from the <general> staff, Sector 25

64

1 has arrested them. I had already sent men to collect them". So
2 Hor actually sent forces to get them back.

3 Q. Very well. Let us look at the other document. The ERNs are as
4 follows -- that is, the ERNs for document E3/10087. The ERN in
5 Khmer is 01159473; in English, 01245975.<Can you read the title
6 of this -->

7 MR. PRESIDENT:

8 Judge Lavergne, please repeat the ERN numbers for the document
9 again since the interpreter cannot get it.

10 [14.12.13]

11 BY JUDGE LAVERGNE:

12 So that is document E3/10087. The ERN in Khmer is 01159473; in
13 English, 01245975.

14 Q. Can you please read out for us the title of that list?

15 MR. KAING GUEK EAV:

16 A. The title of the document is list of prisoners to be fed.

17 Q. I mean just the title. It is somewhat different in English
18 because it is translated as the "List of Prisoners to be
19 Fattened."

20 Now, does this list translate the concern <of keeping alive> the
21 prisoners who had not yet given their full confessions, are we
22 talking of prisoners who suffered from malnutrition and who had
23 to be properly fed so that their status would improve?

24 A. Based on my knowledge, <generally,> the prisoners <would>
25 receive proper food regimes so that they would not die and their

65

1 confessions <would not be> cut off. Regarding this list, I note
2 that Ke Kim Huot's name also appears on this list and Ke Kim Huot
3 was rather stubborn and he did not confess <easily>. <During the
4 interrogation, he became weak.> For that reason, he had to be
5 properly fed so that his health was strong and that the
6 interrogation could resume.

7 However, this is my own conclusion and in practice, I did not
8 make such arrangement.

9 [14.15.17]

10 Q. Witness, what is relevant here is that it was necessary to
11 draw up specific lists of prisoners who needed to be fed. Are
12 these prisoners who may have gone on hunger strike or refused to
13 eat?

14 Were there any cases of prisoners who refused to eat and who had
15 to be forcibly fed?

16 A. To my recollection, at S-21 there was no prisoner who went on
17 a hunger strike in order to protest. No, there was no such case.
18 There were cases where prisoners were being interrogated and
19 after a while their health deteriorated and for that, the
20 interrogation would <be suspended> and the person would be
21 properly fed or sometimes medicine was used to treat them so that
22 their health recovered and the interrogation could resume. <Based
23 on the current analysis and conclusion, such treatment applied to
24 important prisoners only.>

25 [14.16.45]

1 Q. Now, according to you, what was the purpose of that list?
2 Since all the prisoners, as you say in principle, were correctly
3 fed, what was the purpose of this list? <What was the goal? Why
4 was it necessary?>

5 A. This is the instruction from the person who was in charge of
6 the guard unit to those who provided food to the prisoners and
7 that their food regime was different from the ordinary prisoners.
8 That's why this list was compiled so that these prisoners' food
9 <could> be properly rationed. However, this is beyond my personal
10 analysis and I <was> not <involved> in this implementation or
11 practice. I believe this <was> done in accordance with the
12 principle of obtaining <full confessions> or of not allowing
13 <important> prisoners to die and <thereby cutting off their>
14 confessions.

15 Q. We have two prisoners <in particular> on the list. You have
16 talked of Ke Kim Huot. That was a while ago. Is that the same
17 prisoner who, in the course of his torture, had to eat his own
18 excrement?

19 A. Yes, that was that prisoner that Tuy beat and forced to eat
20 his own faeces. And he ate two spoons of faeces.

21 [14.18.50]

22 Q. Can you read out the name of the prisoner who is number 17 at
23 the very bottom of the list? That prisoner is described as being
24 a leader from "Yuon". That is prisoner number 17. Who was that
25 person?

67

1 A. Number 17 names Chhau Kao Kchey (phonetic), a leader from
2 "Yuon". I do not understand this and I did not know anything
3 about this individual. For that reason I cannot provide you with
4 any explanation whether this person was important or not.

5 Q. Among the other persons on the list <can you say if> these
6 were important persons or ordinary persons, I see for instance
7 number four. That is someone described as the chief of Sector
8 Number 4. Then we have commune secretaries, district secretaries,
9 deputy secretary of the Kratie special sector; secretary of
10 Regiment 124, secretary of the Kok Lak district, deputy secretary
11 of Moug district, secretary of Battalion 802, secretary of Srae
12 Ambel district, and deputy secretary of Sector Number 24.

13 [14.20.51]

14 So it appears, nevertheless, that among these people were persons
15 who occupied <relatively> important positions.

16 A. The status of the prisoners, whether they were important or
17 not, was based on the situation at the time. For example, the
18 deputy secretary of Division 170 was of an important status and
19 when he swallowed a screw, <so> I instructed staff to bring a
20 medic from hospital, P-98, to <perform> surgery to remove the
21 screw.

22 And later on the <> status of those who were secretary and deputy
23 secretary of divisions was not that important as the focus was on
24 those who were linked to the Northwest Zone, in particular those
25 from Sector 4 of that zone.

1 So for that reason, the situation depended on the role of the
2 persons who were arrested.

3 [14.22.43]

4 Q. Very well. I would like to talk about more specific documents.

5 These are documents that can be referred to as checklists
6 concerning staffing numbers at S-21. These were <daily> lists
7 that were <apparently> prepared on a daily basis. And we have two
8 types of lists on record. I will hand you the first model,
9 document E3/9955.

10 Please hand the witness document E3/9955.

11 And the ERN in Khmer is 01012143; in English, 01249682.

12 So we have a table which is relatively simple and on it at the
13 top is indicated <in English, "Daily updated list of prisoners,"
14 and we have the annotation> "Office S-21, Phnom Penh" and then we
15 have other columns for electricity, <the base,> commerce;
16 internal elements; <civil servants -> "officials", soldiers,
17 staff at factories, bandits, and spies.

18 [14.24.43]

19 On the first table we have a line <on top> titled "Daily Update"
20 that is the number of prisoners listed on a daily basis according
21 to the different columns.

22 And then <a bit further down> we have another table detailing the
23 number of men, women, boys, and girls and a total number is
24 given.

25 And we have the <end>, the very last table indicating the number

69

1 of <incoming> prisoners and the number of prisoners released and
2 the number of prisoners who died from ill health. And below that
3 we have an annotation concerning the list of prisoners who died
4 from sickness. Further down, we have another column <planned> for
5 list of prisoners brought in a specific day. This document is
6 dated the 8th of January 1977.

7 I believe we have on 12 documents <the case file> corresponding
8 to this model. These are documents on record with the number
9 E3/9955 up to E3/9967.

10 Witness, did you ever see these kinds of documents? And if yes,
11 can you provide us with some explanations on that?

12 [14.26.44]

13 A. I do not recall whether I saw the list during the proceedings
14 in Case 001. However, allow me to say this. Based on my
15 observation, this document is consistent with the real situation
16 at Office S-21 and the handwriting was <Hor's>.

17 JUDGE LAVERGNE:

18 I have a problem because I am not receiving any interpretation on
19 the French channel. <I don't know, can the French speakers hear
20 anything?> I haven't heard anything said by the witness. <Did you
21 hear anything?>

22 JUDGE FENZ:

23 English works.

24 JUDGE LAVERGNE:

25 Perhaps I have to change my<-->.

1 Q. I am sorry, but may I request you to repeat your answer
2 because I didn't hear it

3 A. Allow me to repeat my response again.

4 I do not recall about the list whether the list was shown to me
5 during the proceedings in Case 001. I do not recall that.

6 However, the handwriting and the figure belong to Comrade Hor.

7 [14.28.42]

8 As for Keo Meas, Keo Meas was one of special prisoners who was
9 sent to S-21.

10 So I can say that the list belongs to S-21 and this is a daily
11 updated list of prisoners.

12 The three furthest columns to the right -- that is, for the new
13 <incoming> prisoners, the number of prisoners released and the
14 number of prisoners <who> died, <and this> was an old form and
15 Nat used to use this form as he used to release prisoners. He
16 sometimes arrested prisoners arbitrarily without the knowledge of
17 the Party. For that reason the word "release" <was> still used in
18 the form. At S-21, no one was ever released.

19 [14.30.01]

20 And to my recollection, there were between 40 <and> 50 people
21 that Nat arrested arbitrarily without the knowledge of the Party.

22 And that was also mentioned in <Chan's> notebook. <And later on,
23 the Court showed me a list of more than 40 prisoners at Office
24 43.> So the number could be <> 50 or 60. That's why the word
25 "release" was used in that column.

71

1 And in late 1978, Brother Nuon sent some people from Division 920
2 or Division 290. I don't recall that clearly. And there were more
3 than 200 of them who were sent to me and they had to be smashed.
4 Actually, Hor typed, <> "The names of the prisoners to be
5 released". However, I made a correction that instead it should be
6 a list of prisoners to be removed and not released because I
7 <would> not use the word "release" as Nat <did>.

8 [14.31.22]

9 So, <I used the word> "to be removed" <which meant> "to be
10 smashed", and there was no prisoner who was released <from> S-21.
11 Whoever was sent to S-21 had to be smashed. So this is just my
12 observation regarding that particular column with the word
13 "release". So I believe this list was the remaining format used
14 by Nat.

15 Q. I wasn't expecting this but I would like to provide another
16 document to you that I have available. This is document E3/9960.
17 Because it appears that <subsequently> there was a change in the
18 titling of the different columns.

19 So would it be possible to provide this document to the witness,
20 please? Thank you.

21 (Short pause)

22 [14.32.35]

23 BY JUDGE LAVERGNE:

24 Q. It appears that later on the word "released" disappeared from
25 the titles of the <columns>. They indicated, rather, the number

72

1 of prisoners who had been smashed and the number of prisoners who
2 died of illness. Is that is indeed what appears in the document
3 that I had just provided to you? I apologize <to the parties> but
4 I don't believe that there is an English translation of this
5 document.

6 Witness, first of all, on the page that I pointed out to you, can
7 you tell us if the headings <on the columns> changed and if
8 instead of mentioning "released prisoners" the headings mention
9 "executed prisoners" and there is also another column for the
10 prisoners who died of illness?

11 MR. KAING GUEK EAV:

12 A. I see this document, Your Honour, the document that you have
13 just mentioned. I found it and I see it now. I agree with you,
14 Your Honour, in relation to the <changes>. <They changed from
15 "release" to> "died from illness" and another column, <it was
16 changed from "died from illness" to> "smashed".

17 And let me make the point that on that day, the day that the list
18 of prisoners was drawn up, there was one individual, <Ty Tuy Heng
19 (phonetic,)> who died from <injuries caused by torture> and no
20 newcomers at S-21. <I do not know any details regarding this
21 person. No one reported to me about him, maybe he was not an
22 important prisoner. And I did not report to the upper echelon
23 about him either.>

24 [14.34.36]

25 Q. Fine, thank you.

73

1 Can you give us the date of this list because I forgot to jot it
2 down? Witness, you have my document in your hands so I cannot
3 read it any longer. So can you please provide me with the date of
4 this list?

5 A. The date on this list is 23rd of February 1977.

6 [14.35.22]

7 Q. Thank you.

8 I would like to specify that on the case file we have 12
9 documents that meet this format and these 12 documents of course
10 correspond to different days during the period extending from 8
11 January 1977 to 29 March 1977. I counted the number of prisoners.
12 It appears that during this period, 201 prisoners entered S-21
13 and 154 either died of illness or were executed. The highest
14 amount is 1,120 prisoners on 29 March 1977. We can see this
15 figure again in document E3/9966.

16 So now let's move on to another category of daily lists, daily
17 checklists of prisoners. This is the list that was already
18 presented to you by the Co-Prosecutor, I believe. I am going to
19 give you a copy of it.

20 Can we please provide to the witness document E3/9970? This is a
21 document with ERN 01012237 in Khmer and a document was created on
22 8 May 1977.

23 (Short pause)

24 [14.37.55]

25 BY JUDGE LAVERGNE:

74

1 I would like to specify that on the case file there are 72
2 documents that are formatted in the same way. I drew up a table
3 that <summarizes> all of the documents formatted in this way for
4 the period extending from 6 May 1977 to 31 December 1977, and in
5 total 70 days are covered out of a period that's <of course> much
6 longer. <There are a lot of documents missing.>

7 Q. So witness, I believe that you already have seen this kind of
8 document. Do you have any comments to make? Have you already seen
9 this kind of document? Do you recognize the signatures? And what
10 can you tell us about all of this?

11 [14.39.23]

12 MR. KAING GUEK EAV:

13 A. Allow me to tell you about this document. When I was chief of
14 S-21, I did not pay attention on the list. After I woke up, I
15 would read the <prisoners' confessions> so that I could make
16 annotations and <then reported> to the upper echelon. Based on
17 this document, this document reflects the situation at S-21
18 <regarding> the removal of prisoners and about how many prisoners
19 remained on one particular day and this document also tells the
20 origin of the prisoners who were sent to S-21.

21 And in relation to annotation below, 76 <were> removed; <> 75
22 were smashed, and one died of illness.

23 And Ket Chau (phonetic) alias Sen (phonetic), the chief of Office
24 K-1, the guard unit, <became sick>: first he got pain in his
25 chest and he was fatigued and had difficulty breathing. And after

75

1 three hours, the condition became worse. He was treated for one
2 hour and after that, he died of illness, and you <can> see the
3 signature was put on the document.

4 [14.41.18]

5 So it is true that Ket Chau (phonetic) alias Sen (phonetic) was
6 arrested. He was the chief of <the> defence unit of the <>
7 Angkar. So let me emphasize that this is really the document of
8 S-21.

9 MR. PRESIDENT:

10 It is now time for a break, Judge. So the Chamber will take a
11 short break from now until 3 p.m.

12 Court officer, please assist the witness during the break time in
13 the waiting room and please invite him back into the courtroom at
14 3 p.m.

15 The Court is now in recess.

16 (Court recesses from 1442H to 1459H)

17 MR. PRESIDENT:

18 Please be seated.

19 The Court is now back in session and, again, the floor is given
20 to Judge Jean-Marc Lavergne to continue putting further questions
21 to the witness.

22 [15.00.07]

23 BY JUDGE LAVERGNE:

24 Thank you, Mr. President.

25 Q. Witness, can you tell us whether the documents <I> have shown

76

1 you, the daily lists of numbers of prisoners at S-21? Are those
2 numbers, numbers that concern S-21 and Prey Sar or they are only
3 lists for Phnom Penh?

4 It appears that the first form<, which is> in force <until> the
5 29th of March 1977, we find <in the corner> that it is the list
6 for <the> "<Office> S-21 Phnom Penh. Do you see that caption on
7 the first type of form, "Office S-21 Phnom Penh", and can we
8 therefore infer that these numbers are only for prisoners at S-21
9 Phnom Penh or <does> the list also include persons who <were>
10 working in rice fields?

11 [15.02.05]

12 MR. KAING GUEK EAV:

13 A. Usually the lists of prisoners <in> the rice fields were
14 separate <from the others>. Here it states clearly that it's
15 about Office S-21, Phnom Penh. However, this is my personal
16 conclusion and based on the format of this document, it belonged
17 exclusively to Phnom Penh.

18 Q. Let me point out that on the second format we do not find this
19 specification, "<Office> S-21 Phnom Penh". <But that> being the
20 case, if we look at the figures we will find that the number is
21 <clearly> more or less the same.

22 Regarding the second format, <does it also include> only
23 prisoners at S-21 in Phnom Penh or <does> it also includes
24 prisoners who were working <in> rice fields?

25 A. <Even though> the first format <> did not mention the word <>

77

1 "S-21, Phnom Penh", <it belonged exclusively to Phnom Penh>. As
2 for the <S-21> forces in the rice field, they would state <>,
3 first, the combatants and the number of those who were sick, etc.
4 So this is the work of Phnom Penh.

5 [15.04.00]

6 Q. So if I understand correctly, there <was> a difference in
7 terminology. <People> who <were in> rice fields, were referred to
8 as combatants whereas those who were at S-21 were referred to as
9 prisoners. Is that what you are trying to tell us?

10 A. Yes, that is correct.

11 Q. Let me point out that on the second form as we have seen it on
12 the screen, there is <much> more detailed description of the
13 origins of the detainees. We have the same information regarding
14 distribution between women and men, and we also have a table
15 detailing the number of prisoners on a given day -- that is, a
16 number of prisoners who were brought in and a number of prisoners
17 who were removed. And then we have a total at the end of the day.
18 We have a number at the beginning of the day and a number at the
19 end of the day.

20 [15.05.46]

21 Let me specify that the table that I drew up and I believe it was
22 sent to all the parties -- I believe all the parties have
23 received it and no one is objecting to it -- that table
24 highlights <quite a bit> of information.

25 First of all, we have the maximum number of prisoners and we'll

78

1 find that in respect of the date of the 15th of October 1977. And
2 the maximum number for that given period is 1,729 prisoners. That
3 is document <E3/10008>. We do not have the numbers for the
4 following days. And the next document is <not until> the 24th of
5 October 1977. That is document <E3/10009> and then we have the
6 number of prisoners which dropped very significantly because it
7 is now only 953. So this is a drop of more than 760 detainees in
8 a few days. The <lowest> number <of> prisoners <is dated> 31
9 December 1977, and that is document E3/10035, and the number at
10 the end of that day is <just> 736 prisoners.

11 MR. PRESIDENT:

12 Judge Lavergne, could you please repeat document E3/10008 and the
13 date. The date that you mentioned of 24 October 1979 could not be
14 the correct date. Please verify it.

15 [15.08.32]

16 JUDGE LAVERGNE:

17 The document is E3/10008 -- is a document drafted on 15 October
18 1977 and the number of prisoners at the end of that day is in the
19 tune of 1,729.

20 Document E3/10009 is a document established on 24 October 1977
21 and at the end of that day the number of prisoners was 953
22 prisoners.

23 [15.00.15]

24 BY JUDGE LAVERGNE:

25 Q. So we have a very significant drop in the number of

1 prisoners. I do not know whether that table has been given to
2 you, Witness, and can you see the lines I'm referring to?

3 MR. KAING GUEK EAV:

4 A. I cannot locate that document.

5 MR. PRESIDENT:

6 Court officer, do you have <> the document? <Please provide it to
7 the witness.>

8 MR. KOPPE:

9 Mr. President, meanwhile may I ask some clarification as to the
10 ultimate status of this document? Is this going to be attached to
11 the transcript or is it going to have some formal status at one
12 point?

13 (Short pause)

14 JUDGE LAVERGNE:

15 Perhaps if I may respond to Mr. Koppe. This document is, of
16 course, part of the proceedings and it is <I believe> the Chamber
17 <plans on attaching> it to the transcripts of this hearing.

18 [15.11.11]

19 BY JUDGE LAVERGNE:

20 Q. Now, can you see the figure I have just indicated for the date
21 of 15 October 1977?

22 MR. PRESIDENT:

23 Court officer, could you check with the witness whether he has
24 the relevant pages for him to review it so he can respond?

25 The relevant document is E3/10008. As for those other documents,

80

1 please take them away so that he doesn't get confused.

2 (Short pause)

3 [15.13.33]

4 JUDGE LAVERGNE:

5 Perhaps the witness should also be shown document E3/10035. That
6 is the document concerning 30 December 1977. It <was written> on
7 the 31 December 1977 and it shows the numbers of 736 prisoners as
8 of that date.

9 MR. PRESIDENT:

10 Court officer, please take another document and give it to the
11 witness.

12 (Short pause)

13 [15.15.00]

14 MR. KAING GUEK EAV:

15 A. Thank you, and allow me to get back to you. However, I get
16 lost through looking through these various numbers of documents.
17 Could you please repeat your question again?

18 BY JUDGE LAVERGNE:

19 Q. What I was saying was that there was an initial document, and
20 it is document E3/10008, and that document corresponds to the
21 list that was established on 15 October 1977. On that list, we
22 have a number, 1,729 prisoners, and I have noted that that was
23 the most significant number on the documents that we have on <the
24 case file> for that period.

25 [15.16.09]

81

1 And we have the next document, which is E3/10009, dated 24
2 October 1977, and which shows a figure of 953 detainees at the
3 end of the day. This shows an extremely significant reduction in
4 the total number in only a few days.

5 And, lastly, we have document E3/10035, which was established on
6 31 December 1977, and at the end of the day the number of
7 prisoners is to the tune of 736.

8 Have you been able to acquaint yourself with these documents and
9 what comments do you have on them?

10 MR. KAING GUEK EAV:

11 A. I have responded to the questions to the Chamber on a number
12 of occasions. Sometimes a large number of prisoners had to be
13 removed so that there were spaces for a large of number of
14 incoming prisoners. <I was instructed by my superior to do so.>
15 And these three documents clearly stated the date as well as the
16 number of prisoners removed each day. And I thank you, Your
17 Honour, for giving me the documents to support my previous
18 statements.

19 [15.18.00]

20 Q. Very well. Let me point out that if we calculate the total
21 number of prisoners who were brought in for each day and the
22 total number of prisoners who were removed for each day, we have
23 a total for 70 days considered 1,506 prisoners detailed as having
24 entered and 1,512 detainees who were removed.

25 [15.18.44]

1 I asked the question whether that list of documents concerned
2 only S-21 or Prey Sar.

3 I would like to now show you a document, and it is document
4 E3/2285. The ERNs of this document are as follows: in Khmer,
5 00009094 to 9096; in English, it is the following ERN, 00873193
6 to 201. The title of this list is "Names of prisoners who were
7 executed on 30 June 1977 at the section of Brother Huy Sre". That
8 is a list of 31 prisoners - or, rather, 91 prisoners.

9 I note that at number 7, there is a person called Daung Neal
10 alias Dan and it is indicated against that person "Released" in
11 English. As regards that <annotation,> "Released", does that
12 correspond to the comments that you have already made; that it
13 wasn't that they were released but they were executed?

14 A. Thank you, Your Honour, for allowing me to respond to this
15 rather clear situation.

16 The word "release" here <> meant that the person was taken away
17 and executed because Nat arbitrarily arrested the person so he
18 had to conceal that. <Such cases only happened in Phnom Penh.>

19 As for Huy <in> the rice field, sometimes he arrested people and
20 shackled them before a report was made to Phnom Penh, then I
21 instructed them to immediately release <those people because no
22 one authorized those arrests, and he did actually release them>.
23 However, that was done <at> the rice field <only, not in the
24 whole country>.

25 [15.22.22]

1 Q. I would like to point out that the number 91 detainees
2 smashed or executed, doesn't feature on the daily checklists
3 corresponding to the dates -- that is, <on> the form for the 1st
4 of July, we don't find it, and it's simply indicated that two
5 prisoners were removed. And we find that form in document
6 E3/9985.

7 That <also> doesn't correspond to the number for the 30 June 1977
8 -- that is, document E3/9984, where the number of persons removed
9 is <to the tune of> 42. This shows that there were two <lists> of
10 prisoners separated in terms of S-21 and S-24, but the situation
11 is not as simple as that.

12 I would like you to be shown another list and it is list E3/9763.

13 JUDGE LAVERGNE:

14 Do we have document E3/9763? If you don't have it, I can give the
15 witness this document.

16 (Short pause)

17 [15.24.40]

18 BY JUDGE LAVERGNE:

19 Q. On this document, we have a list of names of prisoners whose
20 blood was drawn. That list was done up on <25> October 1977, and
21 on it we have the names of five persons who were former members
22 of the 152 Regiment. And it is indicated that those prisoners
23 were from S-21 <Kor> and if <I> understood correctly that
24 corresponds to S-21D.

25 On the corresponding daily list, which we find in document

1 E3/8763, we find on it a number of persons removed and they were
2 from Regiment 152 and that number is five detainees and there's
3 another person who died of sickness. So for that day under
4 consideration, we have six prisoners who were withdrawn from the
5 lists.

6 Now, do you know whether the prisoners whose blood was drawn were
7 prisoners who were being sought at Prey Sar or they were
8 prisoners who were selected among S-21 prisoners in Phnom Penh?

9 [15.26.54]

10 MR. KAING GUEK EAV:

11 A. As for the blood-drawing subjects, usually they were selected
12 from Phnom Penh and I did not have knowledge about that at Prey
13 Sar.

14 In Phnom Penh, usually the subjects were those who were good
15 looking and who did not have any infectious diseases, namely TB
16 or <sexually> transmitted disease.

17 As for the medical staff at S-21, we could only identify the
18 blood group, <we had> very limited knowledge, so allow me to
19 clarify the blood-drawing experiment was <only> done <to>
20 <prisoners> in Phnom Penh.

21 Q. I very well understand that blood <drawing> was done only in
22 Phnom Penh <but> you, yourself, have said that you had to choose
23 prisoners who appeared to be looking well.

24 My question to you is: who was in charge of selecting those
25 prisoners, and was the person charged with selecting those

1 prisoners <could ask> Huy Sre bring those persons from Prey Sar
2 to S-21 <for that reason>? <That is, bringing people from Prey
3 Sar to S-21 for the purpose of having their blood drawn.>

4 [15.28.54]

5 A. I am not sure about that, however, in Phnom Penh mostly it
6 was me who selected those prisoners. I selected those with good
7 health and I tried to avoid those with infectious diseases. And,
8 as I said, we did not have the medical <knowledge> to treat TB.
9 For sexually transmitted disease, we could treat it to a limited
10 degree. And maybe Hor communicated with Huy in relation to
11 <selecting prisoners from the rice field and sending them for>
12 blood-drawing <in Phnom Penh>.

13 Q. What do you mean by "Hor communicated with Huy"? Does that
14 mean that Hor would ask Huy to send prisoners for their blood to
15 be drawn?

16 A. That was one possibility because medics were not sent to draw
17 blood <in> the rice fields.

18 [15.30.24]

19 Q. Well, I was saying this because on this list we see that
20 these prisoners come from S-21D <but> there are other documents
21 on the case file that mention other prisoners coming from S-21D
22 as well.

23 And the only observation I was making is that regarding the daily
24 checklist of prisoners, these prisoners appear to have been taken
25 into account in these lists.

86

1 Now, I would like another list to be provided to you; it's
2 document E3/10264; Khmer, ERN 01249736 to 41. Oh, I'm sorry, I'm
3 sorry, it's the wrong document apparently.

4 Well, is this the list you were talking about earlier which you
5 showed during the investigation and regarding which you said that
6 when they spoke about released prisoners, it meant prisoners had
7 been withdrawn rather? So is that the list that you were speaking
8 about?

9 A. Yes, that is the list that I refer to. Thank you, Your
10 Honour.

11 Q. Well, the title of this list is "List of those 'released' on
12 26 November 1977, Division 920" and it contains 100 names.
13 I'd like to specify that if we refer to the daily checklist for
14 26 November 1977, we do not find 100 prisoners who apparently
15 were withdrawn but only six prisoners who apparently were
16 withdrawn from S-21 on that day.

17 [15.34.03]

18 So here there's something that's rather odd. When you tell us
19 "withdrawn", were they withdrawn to be sent where, to Prey Sar?
20 What do you mean by "withdrawn"? Where were these prisoners sent
21 to?

22 [15.34.39]

23 A. Allow me to make a clarification on <a> real situation based
24 on my memory. There was one day Brother Nuon -- Uncle Nuon called
25 me to work with him. He said that members of 920 were sent to me

1 to be smashed, and when those people came in, Hor prepared the
2 list and he made <the> title as "The Prisoners Who Were to be
3 Released". <At that time, I did not know the way Nat used the
4 word "release".>
5 And after I got the list, I made a red annotation stating that
6 "for removal". "Removal" here means "smash" under the
7 instructions of the upper echelon. These people were from
8 Division 920 and after I saw the list, I made a red annotation
9 that "for removal" -- that is, smash. <And then it was written at
10 the end that they already removed all these names with the word
11 "release".>
12 From that time onward, Hor did not <play with the word> in
13 relation to the removal of prisoners. That document remained
14 since the time that Nat was the Chairman.
15 [15.36.25]
16 Q. Well, here we can see that Nat was no longer a leader for a
17 long time and, furthermore, we will return to this list because
18 there might be more research that has to be conducted.
19 Apparently, certain prisoners<' names> appear on lists <of
20 executed prisoners> but at a further date.
21 Anyway, I now would like to turn to another topic. On the case
22 file we have a document, a video document that's entitled "<Die>
23 Angkar". This is document E3/719. It's a document which you do
24 not know, but I would like to show a few excerpts from this
25 document to you.

88

1 First, there is a first excerpt which presents a <gate>, the
2 entry <gate> to S-21.

3 JUDGE LAVERGNE:

4 So would it be possible for the AV Unit to screen the video
5 excerpt of the <Die> Angkar documentary? It's called "Gate
6 Entrance"; that is as of 10.24.13 to 10.24.15.

7 [15.38.00]

8 (Presentation of audio-visual document)

9 [15.38.50]

10 JUDGE LAVERGNE:

11 Well, we can't see very well, but could we then screen the image
12 at minute 10.24. Could we screen that image, please?

13 [15.39.20]

14 (Presentation of audio-visual document)

15 [15.39.29]

16 BY JUDGE LAVERGNE:

17 Q. Do you remember if above one of the entry <gates> at S-21,
18 there was this kind of sign boards; a red sign board with yellow
19 letters?

20 I would like to specify that what we see here on the screen is --
21 the image is not very, very good and the ITU translated the
22 document in English and we find the translation at E3/719 and at
23 ERN 01248211. And the following is stated in English:

24 "Constantly, <heighten> the spirit of the -- of revolutionary
25 vigilance..."

1 Then there is a word that cannot be read, illegible, and the
2 sentence continues as follows:

3 "All enemy tricks and absolutely protect the nation, the
4 revolution, the people and the Party."

5 Duch, does this ring a bell to you?

6 MR. KAING GUEK EAV:

7 A. Thank you, Your Honour. At the gate of S-21, there was no
8 sign board, and a sign board depicting Ponhea Yat <high school>
9 was gone when we moved to S-21.

10 [15.41.40]

11 And let me bring a real example that was on the anniversary of
12 the Party celebration and anniversary of 17 April. We posted a
13 sign board and the sign board stating the principles of the
14 <Communist> Party <of Kampuchea>, "Smashing <the> CIA, KGB and
15 Vietnamese enemy, the expansionists and aggressors of Cambodian
16 territory", and after the celebrations, we would remove all those
17 sign boards.

18 The venue for the celebration to be held was located close to my
19 house. There was a wooden house there to be used as the venue for
20 anniversary celebration of 17 April and also the anniversary of
21 <30 September>. <So, no such sign board as shown here with this
22 type of writing and such contents there.> Yes, in fact, there
23 <were> sign boards with yellow letters <>, but there was no sign
24 board posted at the gate of S-21.

25 [15.43.10]

1 Q. Well, maybe here a point of clarification. Apparently, the
2 sign board was not found above the main gate to S-21, but maybe
3 above the east gate on one of <gates on one of> the sides of
4 S-21.

5 Does this refresh your memory in any way? And did you see a
6 similar sign board whether it be above a gate or elsewhere?

7 A. We <did not erect> the sign boards with the slogans <on a
8 regular basis>. As I said, we erected the sign boards <at the
9 venue> during the celebration of <the> 17 April anniversary and
10 <the> anniversary of Party's creation.

11 The gate of S-21 was the east gate, that was the main gate, and
12 we never erected a sign board above that gate.

13 [15.44.38]

14 Q. Fine. Now, I would like to screen a second excerpt of this
15 documentary in which we can see a list which apparently contains
16 the same daily checklists that we spoke about earlier.

17 So this is the video excerpt called "Log Book" and it begins at
18 10.23.00 to 10.24.03:

19 (Short pause)

20 [15.46.06]

21 MR. PRESIDENT:

22 What's going on, Judge Lavergne? The witness <does not> appear to
23 understand your question.

24 JUDGE LAVERGNE:

25 Yes, I was asking the AV Unit to screen the video excerpt of the

1 documentary called "<Die> Angkar", the video excerpt called "Log
2 Book" and that begins at 10.23.46.

3 MR. PRESIDENT:

4 AV Unit, please project the video clip as requested by Judge
5 Lavergne.

6 [15.46.45]

7 (Presentation of audio-visual document)

8 [15.47.10]

9 BY JUDGE LAVERGNE:

10 Q. So I would like to specify that the log book in question, it
11 starts at 30 March 1977 and goes all the way to 3 December 1977.

12 So during this period, the documentary makers said that they
13 listed 4,296 prisoners who were coming and 4,373 prisoners who
14 exited.

15 So do you have any comments to make and have you already seen a
16 similar log book to the one that we have just seen in the video
17 excerpt?

18 MR. KAING GUEK EAV:

19 A. I have never seen such a big log book and I did not have the
20 information in relation to the incoming and outgoing prisoners.
21 At first, I was focusing on the confessions of the prisoners who
22 were <of interest to> Angkar <because I was closely monitored>.
23 <Even after> Son Sen <> was already sent to the battlefield, <I>
24 was still <monitored by Uncle Nuon>.

25 [15.48.46]

1 I would like to tell you about <my> feeling at one occasion when
2 I was hopeless. Uncle Nuon at the time asked me what happened to
3 me, and he said I knew nothing <of> what was going on at the
4 time. So my interests and my daily work at the time was to focus
5 on the confessions of prisoners.

6 So in relation to the log book concerning the number of
7 prisoners, I have no idea, but at my house I had documents,
8 set-up documents, that I can use to total the number of
9 prisoners.

10 So I do not want to make any comments in relation to the log book
11 <in "Die Angkar"> which I have not received physically, in
12 physical copy.

13 Q. Fine, but can you tell us which documents you had at home and
14 which allowed you to <personally> calculate the number of
15 prisoners at S-21; which documents were these? Were these lists
16 <of names,> or were these lists just with numbers?

17 A. Sometimes I wanted to monitor the incoming prisoners so I
18 asked my staff members to list the names, <but I could not manage
19 this task. So I kept the lists of the names> on <a separate>
20 table <>, and I had the daily log <lists> to review. From time to
21 time, I totalled the number of prisoners on those lists together.
22 I did not have the whole set of lists <with me>, but I <could>
23 ask my staff members to bring in the lists of prisoners <who> <>
24 were of my interest. <So there were such tasks for me to do, but
25 I was too busy to do it.>

1 <> I also asked my staff members to note down the names on the
2 small pieces of paper <so that I could select which prisoners> I
3 wanted <for interrogation>. <But I could not do that either, I
4 was so busy.>

5 [15.51.50]

6 Q. So if I understood you well, the documents you had available
7 were lists <of names> that allowed you to account for the number
8 of prisoners who had been detained at S-21 since the beginning of
9 S-21's operations? But did this allow you to know the number of
10 prisoners on a given day? Do you understand the difference, the
11 total number of prisoners since the beginning of S-21's
12 operations and the number of prisoners <for any> given day? Were
13 you able to calculate the number of prisoners on a given day?

14 A. On one occasion, I <was able to> calculate the total number
15 of prisoners at S-21, <> I based my calculation on the <figures
16 from the original> documents <that I got from> my staff members.
17 Sometimes <> I was not able to have <some original documents, I
18 had only some figures from the original documents>. If I had had
19 -- if I had calculated the total numbers of the prisoners from
20 the beginning until the end, <the number could increase>. <> I
21 calculated the numbers of prisoners <based> on <figures that I
22 had gotten from others>.

23 [15.53.40]

24 Q. Earlier, you gave us the figure of 10,000 prisoners if I
25 understood you correctly, so when you're speaking about 10,000

1 prisoners you're not speaking about 10,000 prisoners since S-21's
2 operations, you're speaking about 10,000 prisoners who, according
3 to you, were there at a given day?

4 A. When I did the <> calculation, <> I based <it> on the lists
5 that I had since the beginning <of S-21>, and I did not know
6 <until which date I based my calculation on>. <It ended before>
7 31 December of 1978. And Nuon instructed me to take out all
8 prisoners <perhaps> on 3 January the next year. So I did the
9 calculation based on the numbers from the beginning and also
10 based on the monthly list of prisoners.

11 [15.55.16]

12 Q. Fine. Now, I would like to turn to another topic which is
13 medical experiments.

14 You provided us with many explanations on this topic. You spoke
15 about Thach Chea's wife who was dissected while she was still
16 alive. So how do you know that Thach Chea's wife was used to
17 study the anatomy of the human body? Was a request made to you
18 and did you partake in this anatomy class? Did you have -- did
19 you receive a report? Do you know who carried out this
20 dissection?

21 A. Thank you, Your Honour, for putting this question. I have
22 repeatedly explained about the medical experiment.

23 At the time, I was the deputy. It was after I went to collect
24 documents from the <houses of> important leaders of the Lon Nol
25 regime.

1 There was one day when S-21 was posted at the National Police
2 Headquarters, I was at my office and the young <medics> came to
3 ask permission from me to have <Thach> Chea's wife for <an>
4 operation, and I said please find another person for experiment,
5 <not her>.

6 [15.57.25]

7 I thought at the time the issue was solved. However, later on,
8 one day, Son Sen called me and Nat to work with him, and he asked
9 me what happened to <Thach> Chea's wife and Nat said, "I asked
10 the medics to get her for surgery already." And at the time, I
11 replied that I told <them> not to take her.

12 And Nat was advised and admonished by Son Sen that he should not
13 have taken <an important> person <like her> to go through <a>
14 medical experiment <and that he should take a normal person's
15 wife instead>. So he was admonished by Son Sen and after that
16 time onward, there <were> no more medical experiments.

17 And as I said, from that time onwards, no medics came to seek
18 instructions or permission from me to have further surgery on
19 human beings, <be it alive or dead>.

20 Q. So, according to you, Thach Chea's wife was the only prisoner
21 at S-21 who underwent that kind of medical experiment? Simply
22 tell me yes or no.

23 A. Before I was transferred to S-21, I did not know whether
24 there were other individuals underwent medical experiments, but
25 after I was the deputy chief, there was only one case of <a>

1 medical experiment.

2 [15.59.35]

3 Q. Do you recall having mentioned on the list of prisoners, of
4 female prisoners, an annotation indicating medical
5 experimentation? Do you recall that?

6 A. I cannot recall that; my apology, Your Honour.

7 Q. In that case, I would like the witness to be shown document
8 E3/1671. And the ERN is 00171142 for the Khmer, 00181789 for the
9 English, and 00296035 for the French.

10 JUDGE LAVERGNE:

11 And if this document is available, may I request that it be
12 screened?

13 It is about the person who is second on the list. It may well be
14 that is not the right page. It's page 00171142.

15 (Short pause)

16 [16.01.56]

17 BY JUDGE LAVERGNE:

18 Q. So the second person on the list is a prisoner whose name is
19 Ten Sakhoeun, aged 23. She hailed from Prasat district and was
20 the wife of Neang Him.

21 There is a handwritten annotation that has already been shown to
22 you, Witness. Do you recognize that handwritten annotation and is
23 that your handwriting?

24 MR. KAING GUEK EAV:

25 A. It is my handwriting, and as for taking a female prisoner for

97

1 <a> medical experiment, I don't recall that, but if it was the
2 case that prisoners were taken to test the poison <under the
3 instruction of Uncle Nuon>, I recall that those prisoners were
4 male <and there were four of them>. <There was no other medical
5 experiment because S-21 did not produce any medicines.>
6 There was a case that the enemies confessed that they attempted
7 to poison Pol and <Nuon ordered to have the poison found. Then> I
8 was provided with the poison, <it was> a few capsules, <it was
9 given to> me <in order> to test <it on> the prisoners. And I,
10 later on, <asked to have> four <prisoners with their ankles
11 shackled brought to Thy's office, and I brought the poison there
12 with me>. As I said, I changed the ingredients inside the
13 capsules already at the time <to> paracetamol before I gave <it>
14 to <the prisoners to take>.

15 [16.03.47]

16 JUDGE LAVERGNE:

17 Excuse me, witness. You have already explained all that, and it
18 is perhaps time for us to adjourn.

19 Let me point out that I will perhaps need another session to
20 examine the witness, and tomorrow I will show you other documents
21 relating to this issue of medical experiments.

22 [16.04.23]

23 MR. PRESIDENT:

24 Thank you, Judge.

25 It is now time for the adjournment, and the Chamber will resume

1 its hearing tomorrow on Thursday, 16 June 2016 at 9 a.m.

2 Tomorrow, the Chamber will continue hearing Kaing Guek Eav alias
3 Duch.

4 [16.04.48]

5 I am grateful to you, Mr. Witness. The hearing of your testimony
6 as a witness has not come to a conclusion yet. You are therefore
7 invited to come and testify once again tomorrow.

8 Security personnel are instructed to bring the two accused and
9 also the witness to the ECCC's detention facility and have them
10 returned into the courtroom before 9 a.m. and <as for Kaing Guek
11 Eav, please have him returned into the courtroom> at 9 a.m.
12 respectively.

13 The Court is now adjourned.

14 (Court adjourns at 1605H)

15

16

17

18

19

20

21

22

23

24

25