



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

22 June 2016
Trial Day 423

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 20-Oct-2016, 10:13
CMS/CFO: Sann Rada

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:
Evelyn CAMPOS SANCHEZ
CHEA Sivhoang

Lawyers for the Civil Parties:
Marie GUIRAUD
HONG Kimsuon
LOR Chunthy
PICH Ang
SIN Soworn
VEN Pov

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

For Court Management Section:
UCH Arun

I N D E X

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

Questioning by Ms. GUISSÉ..... page 2

List of Speakers:

Language used unless specified otherwise in the transcript

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

1

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

2 (Court opens at 0859H)

3 MR. PRESIDENT:

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

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

6 Guek Eav alias Duch.

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

8 and other individuals to today's proceedings.

9 THE GREFFIER:

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

11 are present.

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

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

14 been delivered to the greffier.

15 The witness who is to continue his testimony today, that is, Mr.

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

17 Thank you.

18 [09.00.54]

19 MR. PRESIDENT:

20 Thank you, Ms. Chea Sivhoang. The Chamber now decides on the

21 request by Nuon Chea.

22 The Chamber has received a waiver from Nuon Chea, dated 22nd June

23 2016, which states, that due to his health, that is, headache,

24 back pain, he cannot sit or concentrate for long. And in order to

25 effectively participate in future hearings, he requests to waive

2

1 his right to be present at the 22nd June 2016 hearing.

2 Having seen the medical report of Nuon Chea by the duty doctor
3 for the accused at the ECCC, dated 22nd June 2016, which notes
4 that Nuon Chea has chronic back pain when he sits for long and
5 recommends that the Chamber grant him his request so that he can
6 follow the proceedings remotely from the holding cell downstairs,
7 based on the above information and pursuant to Rule 81.5 of the
8 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
9 follow today's proceedings remotely from the holding cell
10 downstairs via an audio-visual means.

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

14 And the Chamber now hands the floor to the Defence Counsel for
15 Khieu Samphan to put questions to witness Kaing Guek Eav, alias
16 Duch.

17 [09.02.34]

18 QUESTIONING BY MS. GUISSÉ:

19 Thank you, Mr. President. Good morning to all of you. Good
20 morning, Mr. Kaing Guek Eav. My name is Anta Guisse, and I am the
21 International Co-Counsel for Mr. Khieu Samphan, and it is in this
22 capacity that I'm going to put a few <additional> questions to
23 you.

24 I know that you speak perfect French, however, I'm going to ask
25 you to pause <briefly> between my questions and your answers so

1 that your answers may be properly translated. And again, for
2 purposes of interpretation, I'm going to ask you, please, to
3 speak relatively slowly so that I am sure that I don't miss out
4 on anything.

5 [09.03.25]

6 And I also, as an introduction, would like to tell you that I
7 noted that you conducted quite a bit of research on the DK period
8 since your detention, and on the base of the elements that you
9 received during your trial, but I would like to focus on is on
10 what you knew during the DK period. So I'd like you to keep that
11 in mind when you answer my questions. And my last recommendation,
12 if one of my questions is not clear please do not hesitate to ask
13 me to put it to you again.

14 Q. My first question is the following. During the DK period, were
15 you a member of the Standing Committee?

16 MR. KAING GUEK EAV:

17 A. Mr. President, I was far and I was much lower <than> the
18 Standing Committee.

19 Q. Were you invited to a meeting of the Standing Committee during
20 the DK period?

21 A. No, nobody ever invited me to attend the Standing Committee
22 meeting.

23 Q. During the DK period, were you a member of the Central
24 Committee?

25 A. No, I <had> not become a member of the Central Committee yet.

4

1 Q. And during the DK period, were you ever invited to a meeting
2 of the Central Committee?

3 A. No, I was not.

4 Q. During the DK period again, were you a member of a Zone
5 Committee or of a Sector Committee, or were you in charge of a
6 Zone or of a Sector Committee?

7 [09.06.20]

8 A. No, I was not.

9 Q. Between '75 and '79, is it true that the gist of your activity
10 was to act as a deputy chief and then as the chief of S-21?

11 A. Yes, that is correct.

12 Q. Now I would like to focus, therefore, on your work at S-21.
13 And you said on 20 June to my colleague, Victor Koppe, that --
14 you say that S-21 left the PJ to go to the Ponhea Yat high school
15 <at some point> after the arrest of Yim Sambath and before the
16 arrest of Chan Chakrey.

17 So did I understand your testimony properly, that is to say,
18 between 4 April and 19 May 1976?

19 [09.08.01]

20 A. Based on my recollection, Hor interrogated Yim Sambath at PJ
21 prison. As for Chan Chakrey, he was interrogated at the Ponhea
22 Yat school. It was at a house to the south of the school campus.

23 Q. Now I'd like to focus on the move to the Ponhea Yat high
24 school. And I understood from your testimony that you were the
25 person who chose that site. Did I understand you properly?

1 A. Yes, that is correct.

2 Q. Can you explain to the Chamber why you chose that specific
3 location?

4 A. The interrogation facility of S-21 was initially at the
5 location behind the Ponhea Yat school. It was next to Street 163.

6 <Then it was transferred to PJ.> And after that, the facility was
7 still in use <at the location>. However, I observed that it was
8 rather difficult to defend that location, and for that, then we<,
9 Hor and I,> made a request to use the Ponhea Yat school <as a
10 detention place>.

11 And the houses to the south of the Ponhea Yat school campus
12 <were> used for the purpose of interrogation.

13 And I made that request <to Son Sen> to use the Ponhea Yat
14 school, and he approved that, so prisoners were then moved. And
15 the interrogation was carried out outside, off campus.

16 [09.10.37]

17 Q. So if I understood the reason for you choosing that location,
18 it was because of security reasons. Is that correct?

19 A. Yes, that is correct.

20 Q. Several witnesses who worked at S-21 came to testify before
21 this Chamber, and they described the S-21 site. And indeed, there
22 is the high school itself, which you just spoke about, but they
23 also spoke about a fence, a <corrugated metal> fence, that
24 surrounded the location as a kind of security perimeter.

25 So does that correspond to your recollections? And my question

6

1 is, are you the one who requested to build such a security
2 perimeter with this <corrugated metal> fence?

3 [09.11.51]

4 A. That is the initiation by Comrade Hor. And allow me to clarify
5 that, in the past, some division commanders actually used
6 <corrugated metal> fences to <enclose> their barracks. Later on,
7 general staff instructed those divisions to remove the
8 <corrugated metal> fences.

9 As for S-21, I told my superior not to remove it, <he agreed,>
10 and I <told> Hor to use <corrugated metal> fence to surround
11 S-21. And that was approved by Son Sen.

12 Q. At the hearing of 26 April 2016, <witness> Lach Mean, a little
13 after 1.49.58 in the afternoon, described the placing of this
14 fence in the following way. He said that:

15 "There was another <corrugated metal> fence that separated the
16 main building from the interrogation places. Fifty metres from
17 the prison compound, there was a <corrugated metal> fence, and we
18 could move about freely within the prison compound. The
19 interrogators who were posted outside of the fence would
20 interrogate the prisoners in the building located in front of the
21 prison entrance." End of quote.

22 So my question is the following. Does that correspond to your
23 recollections and are we indeed, speaking about a 50-metre
24 security perimeter that surrounded the Ponhea Yat high school?

25 [09.14.23]

7

1 A. First I'd like to say that I do not -- I wish not to recognize
2 the statement of Lach Mean.

3 As for the fence, the fence was erected with <corrugated metal>
4 and the houses of the interrogators were inside the compound
5 within the perimeter of the <corrugated metal> fence.

6 <To the south of> the Ponhea Yat high school did not have a
7 proper fence, and there was an adjacent road to it. Then there
8 were two rows of houses where interrogators resided, but later
9 on, interrogators also lived in the compound, that is, inside one
10 of the buildings of the Ponhea Yat high school. And that's what
11 happened <regarding> the fence.

12 So later on, as I said, interrogators also lived within the same
13 campus as that of the prisoners. As for the medical facility, it
14 was located <to the west of Ponhea Yat high school,> outside the
15 fence.

16 [09.15.50]

17 Q. I understand that you challenge Lach Mean's testimony, but
18 however, with regard to that 50-metre distance, do you, indeed,
19 remember that the <corrugated metal> fence was 50 metres away
20 from the prison compound?

21 A. Of course, I do not recognize -- I do not wish to acknowledge
22 the statement by Lach Mean.

23 Q. So therefore, how far was the <corrugated metal> fence from
24 the prison compound, according to your recollection, if you do
25 not accept what Lach Mean testified?

8

1 A. The fence was only to the north and west. To the west, it was
2 adjacent to a road running in front of <Tuol Sleng primary
3 school<, which I used as my workshop>. To the north direction,
4 the fence was a little bit further <away>. It actually passed a
5 row of houses, and it was probably adjacent to Street 350.

6 Q. Now, a last try with regard to the distance, so are you able
7 to assess that distance, or you don't remember?

8 A. The Toul Sleng primary school and the Ponhea Yat high school
9 <were> adjacent to one another. Ponhea Yat was to the east, and
10 behind it was the Tuol Sleng primary school. And during the
11 Samdech Sihanouk regime, <Tuol Sleng primary school> was called
12 Indradevi <primary> school. And actually, that school was facing
13 my workshop. And of course, I <am referring> to this former
14 Indradevi <primary> school.

15 And as I stated, to the north, the fence was erected beyond a row
16 of houses, and I could say it was adjacent to Street 350. And you
17 may say the distance was about 50 metres away.

18 And allow me to say that the fence was not erected all around the
19 campus because the house Brother Mam Nai <used for the
20 interrogation of the "Yuon" people> was further to the north of
21 the sewage canal.

22 As for my house, it was <near by> Monivong Boulevard, and there
23 was no <corrugated metal> fence erected between that and the
24 school campus.

25 [09.19.27]

1 MR. PRESIDENT:

2 You talked about Mam Nai's house or <the house where> Mam Nai<
3 used for the interrogation that> was located to the north of the
4 sewage canal. That seems to be not <correct because the sewage
5 canal lied from north to south>.

6 MR. KAING GUEK EAV:

7 The house where Mam Nai resided and also used it for the
8 interrogation of the "Yuon" people was to the west of the sewage
9 canal, and it was opposite the house where <the> photographers
10 resided.

11 BY MS. GUISSSE:

12 Q. And last point now regarding the setup of S-21. Do you
13 remember if there was barbed wire above the <corrugated metal>
14 fence?

15 [09.20.29]

16 MR. KAING GUEK EAV:

17 A. I do not recall if there was any barbed wire. However, in the
18 Rithy Panh movie, I saw the barbed wire used surrounding the
19 buildings of the Ponhea Yat high school.

20 I went to the workshop once, and I did not notice any barbed
21 wire. I also went to the medical facility once.

22 Q. At the hearing of 2 May 2016, witness Prak Khan, a little
23 before 10.38.58, said:

24 "There was another fence, a <corrugated metal> fence, and the
25 second fence was covered with barbed wire. And there was a gate

10

1 before the fire brigade."

2 So does this refresh your memory beyond Rithy Panh's film, which
3 was shot afterwards?

4 [09.21.53]

5 A. I did not know the current location of the fire station. As
6 for the Beehive Radio Station, it was <where Huy received
7 people>. And as I stated yesterday, it was along Street 95, that
8 is, running from the north to the south. And <Street> 360
9 <crossed> it in between. And there was a fence where <a> S-21
10 guard was posted there so no one -- if someone <was not
11 authorized to enter the compound>, the person <could not enter>
12 the compound.

13 And there was no fence behind the house where Huy received
14 prisoners. And I cannot recall the exact location of the fire
15 station.

16 Q. You just said the people who were not allowed couldn't cross
17 the fence, and you also said earlier that the reason you chose
18 that location was to guarantee its security.

19 Are these choices and these security measures connected to the
20 secrecy principle and to the secrecy of your work at S-21?

21 [09.23.38]

22 A. The erection of fence served two purposes. The first was to
23 prevent prisoners from <escaping>. <The second> was to stop any
24 person encroaching or trespassing <in> the area. So, S-21 staff
25 never did their work outside the perimeter of the compound.

11

1 And allow me to explain it a bit further. When Chinese <circus>
2 performers came to Cambodia, everyone came to see it, but not
3 S-21 staffers.

4 And children from Amleang, who came to work at S-21, never knew
5 where the riverside in front of the royal palace was located
6 because they always stayed inside the compound. And even the film
7 showing the visits by Pol Pot to China and Korea it was seen by
8 everyone except staffers from S-21. And for that reason, I
9 requested the two films to be shown at S-21.

10 So S-21 staff worked within the perimeter of the compound. Nobody
11 would want to make contact with us, and we were not allowed to
12 make contact with outsiders. And that was the purpose of the
13 security for S-21 compound.

14 Q. Now, with regard to the same subject again, before this
15 Chamber, we heard people who belonged to several units such as
16 the <interrogation> unit, <or> the guard unit. And I'd like to
17 know if, as the head of S-21, provided guidelines to make sure
18 that people in different units would not speak about their work
19 to each other? Are these guidelines that you gave?

20 [09.26.23]

21 A. The slogan used during the time under the administration of
22 CPK was that "you know your work, they know their work", and we
23 knew it by heart. <For that reason,> the interrogators did not
24 dare leak information to anyone.

25 And I can give you an example in the case of Comrade Hor. Hor

12

1 read the confession of a prisoner <who was interrogated by
2 Comrade Pon>, and Phim was implicated. He was afraid, so he
3 sought advice from Son Sen, and Son Sen said Brother Phim did not
4 betray Angkar, but then he called me to not allow Hor to read any
5 confessions any more.

6 So in summary, during the time, we learned by heart the phrase
7 that "we know our work, they know theirs". <For example, Chuun
8 Phal did not care about how others did their work; he was only
9 focused on his work. He did not even know me.> And that was the
10 discipline of the CPK, "We know about our work, and they know
11 about their work".

12 [09.27.37]

13 Q. And you, yourself, did you follow this principle?

14 A. If chief of S-21 and chief of M-13 did not practise the
15 principle, he would have been beheaded long time ago.

16 Q. So therefore, I conclude that your answer is yes. Yes, you did
17 follow this principle of secrecy and of focusing on your work.

18 A. Yes, that is correct. And allow me to add the following.

19 Regarding the confessions of prisoners at S-21, at the time we
20 called them the confessions of the enemy, I had the authority
21 only to report to and to present it to my immediate supervisors,
22 that is, Son Sen and, later on, Uncle Nuon.

23 And later on, Pang came in his capacity as a spokesman for the
24 Centre, that is, for Brother Pol and that was the time that I
25 could provide some reports to him, regarding the confessions of

13

1 prisoners at S-21. <That was allowed by Brother Nuon.> And if I
2 did not maintain the principle of secrecy, then when Pang came to
3 supervise me, Pang would see the confessions that implicated him.
4 So Pang took confessions from S-21 that implicated him, and he
5 gave them to the <Standing Committee>. And as a result, later on,
6 Pang was arrested. And Brother Nuon <ordered Brother Vorn to see>
7 me to tell me about that. <So, the principle of secrecy had to be
8 absolute.>

9 So my response may be a little bit over the limit of the content
10 of your question.

11 [09.30.02]

12 Q. Indeed, Mr. Witness, we've dealt with a number of subjects.
13 I'm trying to place them under specific topics so that the
14 questions follow a certain order.

15 So when you answer my questions, please limit yourself to my
16 questions. And when you have the opportunity, you can elaborate
17 further subsequently.

18 I would like us to now talk about your work at S-21. Over the
19 past two days of hearings, I have understood that a major part of
20 your work was done in your office, and it basically consisted in
21 reading confessions and possibly putting annotations on them
22 before sending them to your superior.

23 [09.30.53]

24 My question to you now is as follows. In terms of percentage, can
25 you assess the amount of time you spent on that work? Was it 50

14

1 per cent, <60 per cent,> 80 per cent? Can you tell the Chamber
2 what percentage of your time was devoted to such work?

3 A. I could say that it was 90 per cent. As for the miscellaneous
4 affairs, they usually came to see me, namely, Comrade Hor. So I
5 remained in my office most of the time, that is, about 90 per
6 cent <of the time>.

7 Q. And what did you do during the remaining 10 per cent of your
8 time?

9 A. From mid-March 1976 to 7 January 1979, the work situation --
10 my work situation changed. It changed from the time that Nget
11 Nhu, alias Hong was arrested and sent to S-21. From that time
12 onward, I was a bit terrified <for myself>.

13 Then more arrests started to happen. I was hopeless at the time,
14 so I spent my time at the workshop chitchatting with the
15 sculptors <or painters there>.

16 [09.33.27]

17 And lastly, I was so exhausted, so I spent time sleeping at my
18 house on the 3rd and 4th <January 1976>. So <> 10 per cent of my
19 time was spent doing the work that I described<>.

20 Q. I would like you to clarify something. You stated that at
21 <one> point in time you spent <your> time sleeping, that was from
22 the 3rd to the 4th of January 1979. I would like to know whether
23 your work up to the 3rd <or> 4th of January 1979 remained the
24 same. Considering that you said your work varied at <what> point
25 in time did your work vary? Can you give us an idea in terms of

1 dates?

2 [09.34.52]

3 A. Mr. President, Counsel, I would like to make clarification as
4 follows.

5 It was from mid-March 1976, when I became chief of S-21.

6 Initially, much work was -- there was much work to do. I was
7 overwhelmed by the work at S-21. And later on, I was still
8 overwhelmed by S-21 work.

9 However, from 27 April 1977, that was the time when I had a
10 child. My wife was working at military hospital, the former Preah
11 Ket Mealea hospital. <Usually,> at 3 or 4 p.m., I <would call>
12 Long, Comrade Long, the one who was in charge of telephone office
13 of Son Sen, telling him that I wanted to see my child. And I was
14 warned not to go too frequently. So, from that time after I had
15 the child, I did not spend much time reading documents, but I
16 spent much time playing with my child and also visiting my wife
17 <almost every day>. And I was warned by Son Sen not to do that so
18 <> frequently.

19 And after the arrest of Nget Nhu, alias Hong, I was so hopeless.

20 At the time, not much work was required -- I was not required to
21 do much work.

22 <When more arrests started to happen>, I spent time reading <the>
23 Sam Kok (phonetic) story. <I wanted to know the differences
24 between the killings in the Sam Kok (phonetic) story in
25 comparison to the killings during the period CPK took power. I

16

1 found that the killings in the Sam Kok (phonetic) story were
2 somehow more reasonable than the killings at S-21.>

3 So <I spent sometimes reading the Sam Kok (phonetic) story in
4 order to understand the regime and>, during the time, I did not
5 spend time reading documents.

6 [09.37.54]

7 Q. Excuse me, Witness. I will rephrase my question, and I really
8 would request you to avoid long elaborations and to focus on my
9 question.

10 I have understood from your long answer that, at the beginning of
11 your work at S-21, you were overwhelmed and you said that the
12 first change was on the 27th of April 1977, when your child was
13 born. So what is of relevance to me <first> is mid-March 1976 to
14 the 27th of April 1977.

15 During that period, you have pointed out that you were
16 overwhelmed by work. How frequently did you leave S-21, before
17 the birth of your child?

18 A. I thank you very much, Counsel.

19 Concerning times that I spent outside, yes, I spent time -- I
20 went outside, but not <as> frequently <as every day> before I had
21 the first child. <When> I went out, it was because my superior
22 invited me to work with him. <I was called out to work once every
23 few days.> And I pointed the map the place where I went to work.

24 That was to the north of Borei Keila.

25 And perhaps counsel has seen the map.

17

1 [09.39.50]

2 <Second,> I went to Hok's residence to have <meal> with him once
3 every four, 10 or <15 days or once> a month. <Initially, Hok was
4 my superior; he was my wife's superior. I drove my wife to visit
5 him at his house.> And at the time, they had Tsingtao beers to
6 drink, so I went to his house -- Hok's house to have meal and
7 have a drink. And I had to inform my superior about that, so the
8 time that I spent out was the fact that I went to work with my
9 superior and the time that I spent at Hok's house.

10 Q. That was between March 1976 and April 1977.

11 My first question, in light of what you have just stated, and you
12 stated that on each occasion, whether it was at the invitation of
13 your superior or an order from your superior<, I suppose,> to go
14 and see him or when you had to go and have a drink in Hok's home,
15 does that mean that whenever you went out, your superior was
16 necessarily informed?

17 [09.41.25]

18 A. Mr. President, I think I have told that very clearly. My
19 superior -- I am referring to Son Sen -- called me to work with
20 him, and I also visited Hok's house, the comrade that taught me
21 in the past. And <later on, he was my wife's superior as well.>
22 I, in fact, asked the permission to visit Hok's house from my
23 superior. I never went out without any permission.

24 Q. So that was from March 1976 to the 27th of April 1977. After
25 the 27th of April 1977, did you ever leave without the

1 authorization of your superior?

2 A. I made a clarification already. My wife delivered the child at
3 the hospital, and I asked <> permission <almost every day> from
4 my superior through Long, the telephone operator. And I told him
5 to convey <> my request to the superior that I needed to visit my
6 child and wife at hospital.

7 [09.43.20]

8 Q. If I understand your answer correctly, on the 27th of April
9 1977 to the 7th of January 1979, regardless of the number of
10 times you <had to go> out, you always had to refer to your
11 superior. Is that correct?

12 A. All the time that I had to inform my superior. I had to do
13 that -- to inform my superiors from 15 August 1975, up to the
14 end. I had to inform my superior all the time.

15 And before October 1975, my immediate supervisor was Nat, so I
16 had to inform him whenever I went anywhere. And after that time,
17 <I was a deputy, but> I still informed Nat about my trips. And
18 after I became chief of S-21 <in March>, I had to inform my
19 superior, <Son Sen>, <especially when I went out for a meal, I
20 informed> Comrade Long.

21 Q. Those outings were, nevertheless, limited. Isn't that correct?

22 A. Yes. <These trips were> under <> strict discipline.

23 Q. Except when you had to go and see your superior, when you
24 <went> to visit Hok and whenever you had to visit your wife after
25 the birth of your child, where else did you go between the 17th

1 of April 1975 and the 7th of January 1979?

2 [09.46.08]

3 A. Mr. President, first I would like to make a correction. The
4 date is not the 17 April. It is 27 April 1977; <that is my
5 child's birthdate>. 17 April was the celebration of the victory.
6 I went out. I went, for example, to Kampong Som under the order
7 or instruction to see the bodies <> floating and got stuck at the
8 pier <in front of 170>. <I also went out to examine the place
9 where a grenade was thrown behind the Royal Palace under my
10 superior's order.> So if I received no instructions, I had to
11 remain at my office.

12 And there was a trip <when Hor, Mam Nai and> I had to go to see
13 when an enemy <escaped from> the prison. <Other than that>, I did
14 not go out.

15 Q. At the hearing of the 13th of June 2016, shortly after
16 15.56.51, you referred to visits to the Ministry of Commerce. How
17 many times did you go to the Ministry of Commerce?

18 A. To my recollection, I made one trip to Ministry of Commerce.
19 Pang asked me to go to see Rith with him. That was only one trip.
20 It was at nighttime, and <when we arrived,> I rested on the floor
21 <> while Pang and Rith were in conversation.

22 [09.48.24]

23 Q. So you went there once. Do you recall at what time that visit
24 took place? I mean in what year.

25 A. I do not recall that, recall the year. Pang, the messenger of

20

1 Brother Pol, asked me to accompany him to Rith's office.

2 Q. Although you do not recall the exact year, had you already
3 been appointed head of S-21, or you were still deputy head of
4 S-21?

5 A. I can recall that after the question was put to me. After 15
6 August 1978 (sic), when Son Sen went to the front, Nuon assigned
7 Pang to come and supervise me at S-21, so Pang was my immediate
8 supervisor. That is clear.

9 Pang, at the time, asked me to accompany him. It was after 15
10 August 1978 (sic).

11 Q. So to be sure since, <at least> in the draft of the 13th of
12 June 2016, I read the following sentence in French, and you are
13 referring to the Ministry of Commerce, "I regularly went to the
14 Ministry."

15 So if I understood you correctly, you did not go there regularly.
16 You only went there once. Is that correct?

17 A. <> I made <> only <one> trip with Pang because Pang asked me
18 to accompany him, so <they> was not regular trips.

19 [09.50.56]

20 Q. And you stated that that was after the 15th of August 1978,
21 during the period when Pang was your immediate supervisor. Is
22 that correct?

23 A. That is correct, Mr. President.

24 MR. PRESIDENT:

25 Judge Lavergne, you may proceed. Perhaps you want to clarify the

21

1 date.

2 Judge Lavergne, you may proceed.

3 JUDGE LAVERGNE:

4 It has to do with the 15th of August 1978. The witness said that
5 was a date when Son Sen went to the front, and then you talked of
6 the 15th of August 1977.

7 Can you clarify whether the year is 1978 or 1977?

8 [09.52.02]

9 BY MS. GUISSÉ:

10 I heard the witness' answer, and I'll respond. He was not
11 referring to the time when Son Sen went to the front, but the
12 period when <Nuon Chea> was no longer there, but I'll ask him to
13 clarify the matter.

14 Q. Witness, can you clarify whether the visit to the Ministry of
15 Commerce with Pang was at the time when he was your immediate
16 superior, or at another period? Can you specify the year?

17 MR. KAING GUEK EAV:

18 A. Thank you, Judge Lavergne. I made a mistake. The date is 15
19 August 1977, not '78. And I made several mistakes in relation to
20 the date. My apologies.

21 Q. So if I understand your testimony correctly, when you
22 accompanied Pang to the Ministry of Commerce, he was not your
23 immediate supervisor at the time. He was not the head of S-21 at
24 the time. Is that correct?

25 A. He had the authority to instruct me, when he became my

1 immediate supervisor, on behalf of Brother Nuon and Brother Pol,
2 so he was my immediate supervisor.

3 Q. And was that on the 15th of August 1977?

4 [09.54.00]

5 MR. PRESIDENT:

6 Please wait, Witness.

7 You may proceed, Judge Lavergne.

8 JUDGE LAVERGNE:

9 Yes. I am not sure we understand the <same thing> in light of
10 what the witness said.

11 I have understood that the witness stated that as of the 15th of
12 August 1977, Son Sen went to the battlefield and Nuon Chea became
13 his supervisor, and Nuon Chea designated Pang to be his
14 intermediary, so to speak. And from that time onward, Pang was in
15 charge of supervising the work at S-21. Perhaps I didn't
16 understand that, and it may well be that we need a clarification
17 by the witness.

18 [09.54.47]

19 BY MS. GUISSÉ:

20 Q. Witness, you have heard the discussion and <I> request for you
21 to clarify this matter.

22 Was Pang your <immediate> supervisor at S-21 throughout the
23 period when you said Nuon Chea replaced Son Sen, or Pang, as I
24 had understood from your prior statement, was <only> your
25 immediate superior when Nuon Chea traveled to China? Can you

1 please clarify this matter?

2 MR. KAING GUEK EAV:

3 A. Thank you, Mr. President.

4 I think Judge Lavergne's <> understanding is better than the
5 counsel's.

6 Pang came to supervise me and <he came with> Lin. And Pang, at
7 the time, was the chief of defence unit for Pol. And Pang was the
8 spokesperson for Pol Pot. He came to supervise me, but my top
9 supervisor was Uncle Nuon from 15 August 1977.

10 So at first, Pang <and Lin> came <> and after Pang's arrest, Lin
11 became my immediate supervisor.

12 [09.56.32]

13 Q. I'll revisit the point subsequently. <But> regarding the
14 dates, can you specify on what date Pang was arrested<, as you
15 recall it>?

16 A. I am not certain, but I would like to recall an event when
17 Vorn conveyed the message from Uncle Nuon <to me> to arrest Pang.
18 And the venue which was in use for the celebration of the victory
19 was not yet dismantled at the time. And that was after 30th
20 September 1977, not '78, to my recollection.

21 Q. So if I understood your testimony, Pang was arrested after the
22 30th of September 1977, and before 1978. Did I properly
23 understand your testimony, or I am wrong?

24 [09.58.16]

25 A. It was before that date and year. Let me think. I am -- I'm

24

1 not sure. I am confused now. I'm sorry. I am confused now. I do
2 not know whether it happened in 1977 or '78. In June 1978,
3 Brother Phim was arrested and the arrest of Pang happened before
4 Brother Phim's arrest. So I am confused with the date. I cannot
5 recall it well. And the date could be found in the list of names
6 arrested.

7 Q. We'll return to the issue of the arrest of Pang subsequently.
8 That will give you the time to try to jog your memory, and we'll
9 return to that later.

10 For the time being, let us talk about your work at S-21. And I
11 would like also talk about the process whereby prisoners were
12 brought in to S-21.

13 In answer to a question put to you by Counsel Koppe and Judge
14 Lavergne, you referred to Suos <Thy> at S-21. Can you tell the
15 Chamber what was that person's exact role?

16 A. Mr. President, Comrade Thy was in charge of list of incoming
17 and outgoing prisoners, so the lists were under his control.

18 [10.00.26]

19 Q. You said before this Chamber and he confirmed it as well, that
20 he was in charge of the ordinary prisoners' lists, but with
21 regard to important people, he was not dealing with that. So is
22 that what happened?

23 A. Mr. President, I think that is the correct statement by Thy,
24 if he said so. I have informed the Chamber on a continual basis
25 <that> some important prisoners were not known by Comrade Thy,

1 when they arrived. Thy learned about the arrival of those
2 important prisoners only after a period of time. <He was in
3 charge of the prisoners' lists later on.> And I do not know who
4 was in charge of the <> prisoners' lists <at the begining>.

5 Q. With the leave of the President, I would like to provide a
6 document to you that was shown to you by Judge Lavergne. This is
7 document E3/10521. And with the President's leave, I would like
8 to provide a Khmer copy of this document to the witness so that
9 he may know which document I'm talking about.

10 [10.02.04]

11 MR. PRESIDENT:

12 Yes, you may proceed.

13 BY MS. GUISSÉ:

14 Q. Does this remind you of the document that Judge Lavergne
15 showed to you two days ago?

16 This document was also shown to Suos Thy by Judge Lavergne again
17 at the hearing of 16 June 2016. And he spoke about this document
18 a little after <2.04.01> in the afternoon.

19 And the question that was put to him by Judge Lavergne was the
20 following, "Does this document come from S-21 or does it come
21 from elsewhere?"

22 And at 2.06.09, Suos Thy answered, "I do not know where this
23 document comes from. Had it existed, Duch would have had it in
24 his possession." End of quote.

25 And now I would like to refer you to other statements made by

1 Suos Thy.

2 [10.03.39]

3 MR. PRESIDENT:

4 Witness, please hold on.

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

6 MR. LYSAK:

7 I'm sorry. Just a request. Could you identify the document again?

8 It didn't come through in the English translation very well, so

9 what the E3 number is. Thanks.

10 [10.04.01]

11 BY MS. GUISSÉ:

12 No problem. This is document E3/10521.

13 Q. So, Suos Thy did not recognize this document, but I understood

14 that you assumed that this document could be the result of Suos

15 Thy's work.

16 When Suos Thy testified before this Chamber, he said that when he

17 would receive -- or when he would see the prisoners for the first

18 time, he would only ask them very basic questions, that is to

19 say, their name, their occupation, and the rest was dealt with by

20 the interrogators.

21 So my question is, in this <intake> process, does this ring a

22 bell? Do you know if Suos Thy only would put very basic questions

23 to the prisoners arriving and, later on, the interrogators would

24 take their time to obtain more detailed information from the

25 prisoners?

1 MR. KAING GUEK EAV:

2 A. Regarding the general work of Suos Thy, it was what he did,
3 that is, <asking> about a brief biography, gender, age and the
4 unit they came from. And he did not ask any deeper questions than
5 that. And that is the general work of Suos Thy, who was in charge
6 of the list.

7 So it has to be clear of the entry date of those prisoners. As
8 for important prisoners, he could not have the full details.

9 Regarding this document, from its date, that is, they were
10 arrested on 12 December '75 and sent to S-21, on the 6 May '76--
11 [10.06.40]

12 Q. My apologies, Witness. I was not interested in the content of
13 the document.

14 I just wanted you to have it before you so that you may know what
15 I'm talking about, but you already brought up quite a few
16 elements with Judge Lavergne and I don't need to get back to
17 that. Thank you.

18 I see, President, that it's <almost> time for the break. Would
19 you like me to stop now?

20 MR. PRESIDENT:

21 Counsel, actually, I want you to hear the <full> response of the
22 witness<>, as he started to speak about the origin of this
23 document and who produced it, and suddenly you interrupted.

24 This is a complicated case, and the facts involved were about 40
25 years ago, so it is rather difficult for the witness to respond

28

1 quickly to your question. And if you keep interrupting the
2 witness, then it seems that he's not in a good morale to respond
3 to your question in full. And I observe that he is <checking> the
4 format of the document, <not its contents>.

5 [10.08.22]

6 MR. KAING GUEK EAV:

7 Thank you, Mr. President.

8 This document mentions that those people were arrested on 12
9 December 1975 and were sent to S-21 on 6 May '76. And what about
10 the source of those who sent them to S-21; who were they?

11 I was at S-21 in December '75, as deputy chief, but here, there
12 is no indication of the person who sent them over to S-21. For
13 that reason, I do not know the source of this document at all.

14 MR. PRESIDENT:

15 Thank you.

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

18 Court officer, please assist the witness at the waiting room
19 reserved for witnesses and civil parties, and invite him back
20 into the courtroom at 10.30.

21 The Court is now in recess.

22 (Court recesses from 1009H to 1030H)

23 MR. PRESIDENT:

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

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

1 to resume the questioning. You may proceed.

2 BY MS. GUISSÉ:

3 Thank you, Mr. President.

4 Q. Witness, I <will> resume the examination where we left off.

5 Can you hear me?

6 We were talking about Suos Thy and his work. Can you tell the

7 Chamber who Suos Thy's direct supervisor was?

8 [10.31.18]

9 MR. KAING GUEK EAV:

10 A. Mr. President, Hor was the direct supervisor.

11 Q. Did it happen that you had to give direct instructions to Suos

12 Thy, or <did> you still <have to> to go through Hor?

13 A. Thank you. There was one case when Hor was assigned to be his

14 -- to be Son Sen's guard when he visited the east. I gave

15 instructions to Suos Thy through Peng. And at the time, Suos Thy

16 did not <listen to Peng> and I made annotations afterwards.

17 During the investigation, I made the point already, on one

18 particular occasion, I gave an instruction to Suos Thy through

19 Peng, and usually Hor was the one who gave instruction to Suos

20 Thy.

21 [10.33.00]

22 Q. Do you recall any particular instructions that Hor issued to

23 Suos Thy as regards the manner in which Vietnamese prisoners

24 entering S-21 had to be registered?

25 A. The principle -- regarding the principle of the CPK, the

1 collective group control, an individual <was> responsible, so the
2 work <regarding registering or drawing> up the lists <was under
3 Hor's supervision>.

4 Q. My question was whether you know whether specific instructions
5 were given by Hor regarding the registration of Vietnamese.

6 Should I understand from your answer that you do not recall that,
7 or you did not know that at the time?

8 [10.34.57]

9 A. Both of us spoke different languages. I spoke a Communist
10 language a while ago, to lead collectively, to be responsible
11 individually. I was in charge of <S-21's> overall tasks, and Hor
12 was individually responsible for his tasks. And that included the
13 registration of names, so modifications of names in the lists
14 were dependent on him.

15 So, I did not poke my fingers into his business. That was the
16 principle, to lead collectively, to be responsible individually.

17 Q. I will read out to you a passage from Suos Thy's testimony
18 before the Chamber to see whether that would jog your memory. It
19 was the hearing of the 3rd of June, in the draft, it is before
20 15.31.03, and it was in answer to a question put to him by Judge
21 Lavergne. And this is what Suos Thy stated, and I quote:

22 "Since I could not ask questions regarding the positions of
23 Vietnamese when their names were registered, Hor asked me to
24 write the label spy <under> "position". And when it had to do
25 with the Vietnamese civilians arrested in Kampong Som, they were

31

1 indicated to be fishermen. However, we knew that they entered the
2 country <either> by sea at Kampong Som or at Svay Rieng by land."

3 End of quote.

4 [10.37.04]

5 Do you recall whether Hor issued such instructions to Suos Thy
6 and that their names were registered depending on the <Vietnamese
7 prisoners'> point of entry, or <like you just mentioned, was>
8 this is an issue never discussed with Hor because it was part of
9 his specific tasks?

10 A. Mr. President, I have informed the Chamber already that
11 Vietnamese with weapons coming into our land were labeled
12 soldiers. And as for civilians, they were labeled agents. That
13 was the implementation throughout the country. <Or let's say>
14 that was the principle <> at S-21.

15 Q. And as regards that particular instruction, do you recall
16 raising the matter with Hor, or not?

17 [10.38.53]

18 A. That was the -- that was one principle among others, and
19 everyone was aware of the principle. Those who had weapons in
20 their hands and after they rose their hands after they were
21 arrested, they were labeled soldiers<, prisoners of war.> No
22 matter which port of entry<, no matter where they were from, if
23 they had no weapons with them, after> we arrested them<, they
24 were labelled as spies>.

25 And again, the general principle was that those with the weapons

1 were considered prisoners of war or soldiers. The question is
2 "banal", in French <>.

3 Q. I would now like us to talk about another point, and that is
4 something you discussed or mentioned at the hearing of the 14th
5 of June 2016, shortly after <13.38.37>. And you referred to
6 <fabricating> letters to be shown to certain prisoners, which you
7 used as a ploy to compel them to confess, and I quote what you
8 stated:

9 "As regards the interrogation of Tum (phonetic), he came to my
10 home to produce a letter that had to be shown to Tum (phonetic)
11 in order for him to confess. Once more, he claimed to have
12 written a letter to me and <that letter> stated, 'Comrade, we are
13 thinking of the measures to be taken <if Tum (phonetic)
14 confesses>.'" End of quote.

15 I believe you also referred to a similar draft prepared by Son
16 Sen as a tactic.

17 And this time, there was in Case 002/01 at the hearing of the
18 27th of March 2012, document E1/54.1. And your answer was shortly
19 after 11.10.41, and you stated:

20 [10.41.54]

21 "This was a <fabricated> document. It's a <fabrication>, and it
22 was a tactic to extract confessions from prisoners. We <did> not
23 report this document to the superiors. We never showed it to
24 them. <We could call him, but not in that case.>"

25 So you referred to the fabrication of these documents as a tactic

1 on <at least> two occasions. My question is whether such a tactic
2 was frequent as part of the interrogations that were conducted at
3 S-21.

4 A. Mr. President, concerning the fake documents, that started to
5 happen when Son Sen came to my house. He, at the time,
6 <mentioned> the interrogation of Seat Chhae, alias Tum. He said
7 that he wanted to write to Tum so that Tum confessed. <>

8 [10.43.29]

9 So at the time, he said he did not know whether he referred Tum
10 as contemptible Tum or <Comrade> Tum. After that, he decided that
11 he wrote a letter to me and asked me to show the letter to him.

12 And he <mentioned> that if Tum confessed, Angkar would
13 reconsider.

14 So the letter that he wrote -- the content of the letter that he
15 wrote to me was as follows, "To Comrade <Duch>. <Please tell Tum
16 to> confess <so that> Angkar would pardon <him>". <He wrote and
17 signed the letter and gave it to me. So, I asked Comrade Pon to
18 take the letter to Comrade Tum.> That was <perhaps> the first
19 case of fabricating a letter to convince the convicted person<>
20 to confess.

21 And there was another case of fabrication of the letter
22 concerning Ya's case, and the document -- the contemporaneous
23 document survived. And you can find that in the document.

24 Pon and I used the same trick <> with <Seat Chhae alias Tum>.

25 That does not apply to all prisoners. <I can recall that Pon and

34

1 I used the same trick with Ya and maybe with Doeun as well.>

2 Q. My question was more specific. I wanted to know whether, aside
3 from the two cases, <if> it was a tactic that you often used. Did
4 <you> use that tactic, apart from those two cases, or you recall
5 only those two cases?

6 [10.45.42]

7 A. I made clear testimony already. There were only -- there were
8 two cases, as I mentioned.

9 Son Sen came to see me at my house in the case of Tum, and Pon
10 and I discussed <the case of Comrade Ya> with one another.

11 MR. PRESIDENT:

12 Please move on. I think the answer is clear.

13 BY MS. GUISSÉ:

14 Q. Question with regard to the date of your relocation to S-21.

15 You referred to issues regarding dates <and> under the hearing of
16 the 7th of June 2016, shortly before 15.37.33 you stated -- and
17 you gave this sentence, "Hor and Nat may have pre-dated or
18 post-dated the document." End of quote.

19 My question is whether it happened often that at S-21, whether it
20 was at the PJ or subsequently at the premises of the Ponhea Yat
21 high school, <did> it happen that documents were pre-dated or
22 post-dated?

23 [10.47.29]

24 MR. PRESIDENT:

25 Please hold on, Mr. Witness.

1 You may proceed, Judge Lavergne.

2 JUDGE LAVERGNE:

3 Counsel Guisse, can you tell us what document you are referring
4 to because you are talking of a document whose date may have
5 <been> pre-dated. Are you talking of a particular document or
6 documents <in general>?

7 BY MS. GUISSÉ:

8 It's a general question that flows from an answer the witness
9 gave referring to a <particular> document. <So my question is
10 more general, he spoke of the possibility of a document in
11 question,> document E3/8493. And since this is something that
12 came from the witness' own mouth, I wanted to know whether there
13 was a practice of pre-dating or post-dating documents. This
14 question flows directly from the witness' prior statements.

15 Q. So Witness, let me reiterate my question. Did it happen that
16 documents were pre-dated or post-dated at S-21, whether at the PJ
17 or subsequently at the Ponhea Yat high school?

18 [10.49.04]

19 MR. KAING GUEK EAV:

20 A. Mr. President, regarding the dates of the documents, in Case
21 001 against me, there were three dates <that> were recorded when
22 Phing Ton (phonetic) came to S-21. And I -- we had a re-enactment
23 at S-21, and at that occasion, Suos Thy <mentioned> the important
24 prisoners that <he> was not informed of. <>

25 Yes, of course, some important prisoners <could be registered>

1 post-dated.

2 During the period that Nat came to finish off his tasks at S-21,
3 some documents were <post-dated as well>. And how frequently that
4 happened, I could not tell you.

5 [10.50.20]

6 So again, when Nat came to finish off tasks at S-21, some
7 documents concerning prisoners were <post>-dated. <Sometimes when
8 important prisoners were brought in, Suos Thy was informed later
9 on, and he then registered those dates.> And how frequently that
10 happened, I cannot say. But in general, ordinary prisoners were
11 dated correctly. And for some other prisoners, for example,
12 important prisoners, <> the dates <that they were registered> may
13 have been wrong <>.

14 Q. And was there any particular reason for pre-dating or
15 post-dating documents?

16 A. Mr. President, this is a repetitive question to explore the
17 specific reasons in the case of pre-dating and post-dating of
18 documents. I do not know what other specific reasons counsel
19 wants to know from me. I believe I have answered clearly already.

20 Q. In fact, my questioning is not repetitive. It is designed to
21 elicit more information. If you do not know the answer, you are
22 free to say you don't know the answer, but it is not up to you to
23 determine my questions are repetitive or not. <It's up to> the
24 Chamber<, or any objections made by the> parties<, but here, the
25 question is whether or not you know why.> If you do not know, you

1 can just tell the Chamber you do not know and I'll take your
2 answer for it.

3 Do I take it from your remarks that you do not know the reasons
4 why those documents were pre-dated or post-dated?

5 [10.52.43]

6 A. Mr. President, my testimony is clear. When Nat came to finish
7 off his tasks, some documents were post-dated. That was the
8 reason, <> pre-dating or post-dating was initiated by Nat. <Suos
9 Thy was not informed when some> <important> prisoners, <but he
10 was informed later on,> so <they were not properly registered>.

11 And these prisoners were <registered> post-dated later on.

12 So what other specific reasons you want from me? I believe I have
13 testified clearly.

14 Q. It should be very clear that when I put questions to you, I
15 expect you to simply answer in light of the knowledge you had at
16 the time, and that is all.

17 I would now like us to talk about Hor and Nat. You stated at the
18 hearing of the 8th of June, at about 9.33, that Hor and Nat,
19 prior to your becoming head of S-21, worked in close
20 collaboration with one another. <Beyond> the working relations
21 they had with one another, do you know whether they had a
22 <particularly friendly relationship> with one another?

23 [10.54.48]

24 A. Thank you. Mr. President, the three individuals, who are they?

25 MR. PRESIDENT:

1 The three individuals referred to Nat, Duch, you, yourself, and
2 Hor.

3 BY MR. KAING GUEK EAV:

4 A. We did not happen to see each other at S-21, for the first
5 time. Nat and I were progressive <people>. We loved Communism and
6 we <had been> part of the Party branch <since 1966>, at Kampong
7 Thom -- '65, '66 in Kampong Thom.

8 Back then, Nat was <a> member of a <> Party branch <> with me,
9 and I was chief.

10 [10.56.12]

11 MR. PRESIDENT:

12 What is going on? I do not really understand the intention of the
13 counsel. You put the question to find out about <the particular
14 relation between> the three individuals and then you interrupted,
15 so you just want the short answer "yes" or "no" only?

16 The witness has explained the reasons <regarding> the roles,
17 position <> they held at the time, and that led to the encounters
18 of the three individuals. <The witness was supposed to give full
19 testimony because> the facts were complicated by a situation
20 <that> happened a long time ago.

21 Some facts did not happen only within the <time frame> <>, that
22 is, the three years, eight months and 20 days, some events
23 happened before that <time period> during the establishment of
24 the Communist Party of Kampuchea, and it has something to do with
25 the facts before us as well.

1 Could you explain <to> the Court the intention of the question,
2 so what answer <do> you want from the witness, particularly about
3 the <specific personal relationship> between the three
4 individuals?

5 [10.57.48]

6 MS. GUISSÉ:

7 Mr. President, I interrupted the witness because I believe there
8 was a problem in the interpretation. I didn't talk <about> three
9 <people>. I talked <about only> two <people>, Nat and Hor. That
10 is why I wanted to draw the witness' attention to that because I
11 thought there was an interpretation problem. That is why I
12 interrupted him, Mr. President.

13 <I may> rephrase the question, <to make things simpler>. <But in
14 French,> I was referring only to relations between two <people>,
15 Hor and Nat.

16 [10.58.37]

17 MR. PRESIDENT:

18 Very well. Then Duch, could you please provide the answer in
19 relation to the case of Hor and Nat's <relationship>? I heard
20 <counsel> connected the two individuals with Duch. That's why I
21 mentioned a group of three.

22 MR. KAING GUEK EAV:

23 Thank you, Mr. President. I made a clarification a while ago with
24 the President, and you said the group of three were Hor, Nat and
25 Duch. Now I am answering the question.

1 I started to know Hor when <we were> imprisoned at Prey Sar
2 together. And when I was transferred to Sector 25, in December
3 1975, I met Hor again.

4 And Nat -- as for Nat, he was sent <to a> battalion <from> the
5 southwest to <Sector 25 to> be in charge of S'ang, Kaoh Thum,
6 Kien Svay and Leuk Daek <>. It was from then that Hor was the
7 chief of special forces unit under Nat<, under Division 703>. So
8 as for the connection or <relationship> between the two, when a
9 subordinate could perform a better task for the chief, then the
10 <relationship> or connection was good between the two. <That
11 happened before the establishment of S-21.>

12 [11.00.55]

13 BY MS. GUISSÉ:

14 Q. So I understand from your answer that Hor and Nat had good
15 personal relations.

16 My following question now is linked to when Nat was removed from
17 the head of S-21. So did you play any role in that, in the fact
18 that Nat was removed from the head of S-21?

19 MR. KAING GUEK EAV:

20 A. Regarding the term of position, it was rather generic. Maybe
21 the defence counsel wants to know, maybe I actually instigated
22 Son Sen to remove Nat. If that is your intention, then I will
23 provide the following response.

24 No, I did not do that, not at all. Because when he was chief, it
25 was rather easy for me to be the deputy since I had gone through

41

1 a lot of police work<, I did not want the position>.

2 [11.02.15]

3 When Nat was removed by the superiors, I actually begged Son Sen
4 to replace him with Hok since Hok was a former student of Son Sen
5 and he was a progressive person for the CPK as well, but then Son
6 Sen scolded me <and asked> why I wanted that and <> what was <>
7 so special about S-21.

8 So in conclusion, I did not have any plan at all to instigate the
9 superiors to remove Nat.

10 Q. In Case 002/01 at the hearing of 21 March 2012, document
11 E1/52.1 -- and this was a little bit before 3.49.55 in the
12 afternoon -- you said the following:

13 "But I would criticize Nat on a daily basis when the occasion
14 arose, and I did so because I thought that was part of my duties
15 since I had seen Nat make mistakes, so I tried <to> criticize
16 him." End of quote.

17 So my question <is>, on the base of your statements here, don't
18 you believe that your criticism of Nat played a role in his
19 removal from the leadership of S-21?

20 [11.04.25]

21 A. Thank you, counsel. And allow me to respond, Mr. President. I
22 did not think about that and, indeed, it was not because of that
23 matter.

24 First, I <criticized> Nat in one case only, and that was a
25 one-<on>-one criticism because we were from the same Party branch

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1 of progressive persons. I told him that it was too risky for him
2 to make arbitrary arrests of those individuals. And if he died,
3 I, <as> his deputy, would also die. And that would be
4 contradicting the Party's line. And for that reason, I had to
5 speak to him. And that was because we also had a good
6 relationship since before 1967, before we ran <into> the <>
7 forest.

8 And when Son Sen called us to go to work, he wanted to behave in
9 his superior capacity. He spoke about the arrest of <Ear> Kok
10 (phonetic) and about the vehicle. Son Sen removed his glasses and
11 put <them> on <again> and started scolding him, that he was so
12 selfish to make that arbitrary arrest.

13 [11.06.06]

14 And Nat was so scared upon hearing that, and that was one case.
15 As for the removal of Nat, I wondered why he was removed and I
16 think counsel should refer to the Party's <document, it says in
17 the middle> not to give forces to Nat and to Mean, that is, Chan
18 Chakrey, to control. And that was a document of Brother Pol Pot.
19 And Pol Pot gave <those> instructions to the Party Centre, and I
20 did not know the motives behind the matter.

21 So it was not my intervention at all in his removal.

22 Q. Now I would like to turn to the practical day-to-day work at
23 S-21. You said that you would read confessions, you would make
24 annotations and you would forward them to your superior, and
25 those confessions were given to you by the interrogator unit.

1 So my question is, did you have any direct ties with the
2 interrogators or was it always Hor who would provide you with the
3 interrogators' reports?

4 [11.07.57]

5 A. Regarding ordinary prisoners, once they had been interrogated,
6 the report would be sent to Hor, and Hor would forward them to
7 me. As for important prisoners or special prisoners, initially,
8 Son Sen gave firm instructions not to allow Hor to read those
9 confessions, and this is what I have just stated.

10 So Pon and Tuy would bring me those documents. And later on, the
11 matter of Phim actually expanded within S-21, and Hor also read
12 Pon's <documents>.

13 And later on, it was forwarded to me, sometimes Hor and sometimes
14 Pon, who gave me those documents. And that was the development at
15 S-21.

16 Q. And to be sure I understood you well, does that mean that no
17 matter the report, no matter the kind of interrogation, whether
18 it be the interrogation of ordinary people or of important
19 people, you would systematically get the reports? Is that so?

20 A. I think my previous response is clear, I said for ordinary
21 reports the report would go to Hor, and Hor would forward them to
22 me. As for special prisoners -- and of course, as I said, parties
23 did not want Hor to read it since he <had> leaked it before.

24 I used the word "leaked" because he raised the matter with Son
25 Sen about someone who was implicated. And Son Sen said Phim was

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1 not a traitor and Son Sen gave me firm instructions not allow Hor
2 to read the confessions of important or special prisoners and I
3 stopped that for a while. And later on, Hor realized the
4 principle of secrecy and that since the matter was leaked to the
5 East Zone, he was allowed to read also confessions of special
6 prisoners and then he would forward them to me.
7 I hope that is clear enough Counsel.

8 [11.11.07]

9 Q. Based on what you just told us with regard to Hor's <leaking
10 information>, did you speak to him directly and did you feel that
11 there was a change in your relations with Hor? At one point in
12 time, did you ask yourself if Hor was afraid of you or is it
13 something that never crossed your mind?

14 A. The matter that Hor reported to Son Sen and asked him about
15 whether Phim was a traitor, it was Hor who told me that he
16 reported the matter to Son Sen and separately Son Sen gave me
17 instructions not to allow Hor to read confessions in relation to
18 Phim. <So I instructed Pon not to let Hor read nor see the
19 confessions.> And he observed that I did not have any grudge
20 against him, <so> the process went rather smoothly and that was
21 the development there.

22 [11.12.49]

23 Q. I'm putting this question to you in relation to Hor's possible
24 fear, because you told us that he was working <well> with Nat
25 when he was at S-21 and I'd like to read to you statements by

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1 Suos Thy to see if this refreshes your memory or if any case, if
2 this rings a bell with regard to your relations with Nat and Hor.
3 So the first excerpt I'm going to read out is the DC-Cam document
4 of Suos Thy, document E3/9320; Khmer, ERN 00052028; English,
5 00337982; French, 00280526. And the question that's put to Suos
6 Thy is the following, "Ta Nat was afraid of Duch?" And the -- and
7 Suos Thy's answer is the following:

8 "Yes, he also was afraid of Duch, however, Ta Nat was managing a
9 division, but he was afraid of Duch. I came to this conclusion
10 based on my analysis. And Hor was very much afraid of Ta Nat."

11 And to complete what I've just said, in your trial, Witness<,
12 perhaps your remember>, Suos Thy said at the hearing of 28 July
13 2009, document E3/7466; this was after 2.13.27 seconds in the
14 afternoon, he said:

15 "Yes, once again, I would like to repeat that I don't know what
16 kind of relations there were between Nat and Duch, but I can tell
17 you that with regard to Hor and Duch, Hor was very much afraid of
18 Duch." End of quote.

19 So let me get back to my original question. This is what Suos Thy
20 said. So in your relations with Nat and with Hor, did you get the
21 impression that both of these people were afraid of you?

22 [11.15.56]

23 A. Yes, Nat was afraid of me, but sometimes he dared to do
24 something as well. Because I only spoke to him when there were
25 issues in relation to the Party line and I spoke to him about his

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1 arbitrary arrest and, of course, I referred to him as "Brother",
2 that is, "Bong". So I spoke to him only when the Party line
3 <matterd>. But sometimes he was rather daring and everybody knew
4 that, even my superior.

5 And as for Nat's removal, it was not my initiative to do that. I
6 was <already> so happy to be his deputy because to be a chief, it
7 was difficult, <much> more difficult than <being> a deputy.

8 And please, I urge you again to read the Party line and that may
9 <have been> published in March '76. Brother Pol said that Nat and
10 <Mean> should not be provided with any forces. And that was the
11 instruction from the secretary of the Communist Party of
12 Kampuchea and I did not know when Nat <started to be> the subject
13 of scrutiny. When Nat spoke -- spoke to me, sometimes he
14 threatened me, but I only replied to him based on the principle
15 of the Party line.

16 MR. PRESIDENT:

17 What about Hor and you, what about the relationship; was Hor also
18 afraid of you because actually the counsel put the question to
19 you in relation to the two individuals? So to be more complete,
20 please respond to this individual relationship as well.

21 [11.18.20]

22 MR. KAING GUEK EAV:

23 A. Thank you, President. I had kindness for Hor, although when
24 sometimes he <did something bad to> me, I kept silent. In my role
25 as a leader, I had kindness for people under my leadership.

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1 As a leader, I had three principles against my subordinates;
2 mainly, that is to <love> them<, to be true to> them <and> to
3 have kindness toward them.

4 When Nat was removed, Hor was rather concerned. I spoke to him
5 about the three principles of leadership and <then> he was afraid
6 of me <and respected me>.

7 [11.19.22]

8 BY MS. GUISSÉ:

9 Q. Now, I'd like to turn back to the report that you would read
10 and to the annotations that you would write. You said that you
11 would send the reports, first of all, to Son Sen and upon several
12 occasions, documents were shown to you that had been annotated by
13 Son Sen. And I'd like you to confirm that these annotations by
14 Son Sen, you had never seen them directly; it is only during your
15 trial <before this Chamber> that you saw Son Sen's annotations
16 for the first time or in any case, after the facts. So did I
17 understand your testimony properly?

18 MR. PRESIDENT:

19 Witness, please hold on and International Deputy Co-Prosecutor,
20 you have the floor.

21 MR. LYSÄK:

22 Thank you, Mr. President. I just want to seek clarification, make
23 sure that -- is Counsel asking solely in regards to annotations
24 on confessions or other documents written by Son Sen?

25 BY MS. GUISSÉ:

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1 Yes, indeed, let me specify this. I'm speaking about annotations
2 on confessions, so let me rephrase my question.

3 Q. So did you see Son Sen's annotations on confessions during the
4 DK period or <only> after the facts when these documents were
5 provided to you by other people?

6 [11.21.35]

7 MR. KAING GUEK EAV:

8 A. Regarding my annotations to Brother Son Sen, I knew that for
9 documents that I sent to my superior, I <made annotations>;
10 however, for documents that I stored, that I kept, I did not make
11 any annotations and that was the principle.

12 And later on, this Court was not yet established and it was
13 around end of April 1999, Nate Thayer presented to me a
14 confession of Kung Kien, alias Vet and the person used to work
15 with me and I made annotations on certain pages of that
16 confession. Then there was <a> comment from Brother Nuon and I
17 spoke to Christophe Peschoux at <Monorom> Hotel, for <several>
18 days from 28 April until the 3rd of May.

19 I said for the documents that I sent, Son Sen would have
20 annotated and those documents <> <belonged> to the Party Centre's
21 office; however, the documents that maintained at S-21 did not
22 bear any of his annotation.

23 Later on, when I was sent from the military tribunal to this
24 Court; that is on the 31st of July 2007, I was questioned by the
25 OCIJ. So for me, by that time, the annotations made by Son Sen

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1 <were> not a new document that was shown to me. The first time
2 that I saw it was when Nate Thayer presented it to me.

3 Q. But in order for things to be clear here, at the time, during
4 the facts -- and I'm going to quote from you in Case 002/01. This
5 is at the hearing of 4 April 2012, document E1/59.1; and this was
6 a little bit before 2.43.50 and you said:

7 "The S-21 documents that were sent to my superiors only contained
8 my annotations on the confessions given by the prisoners. Later
9 on, after having sent the reports, the documents that I had
10 annotated previously were never sent back to me." End of quote.

11 So you confirm this; correct?

12 [11.25.10]

13 A. Yes, Counsel, I concur with this statement, but as I stated, I
14 saw my superior's annotations since 27 or 28 April 1999. That's
15 why I provided you with my response that I did not see it <for
16 the first time> on the 31st July 2007, when I was brought here,
17 but I <had seen> his annotations <in> 1999, that is, annotations
18 on the reports that I sent to him.

19 Q. Now, let me turn to another short topic before the lunch
20 break. In your testimony on 7 June 2016, a little bit after
21 2.03.51 in the afternoon, you spoke about a young man and -- <I
22 apologize in advance for my poor pronunciation -->by the name of
23 Sim Mon (sic), S-I-M <M-A-N> (sic); he was a young Cham who was
24 working at S-21. Does this ring a bell?

25 [11.26.54]

1 A. Regarding Sim Mel, alias Man, he was an individual from 703
2 and he was at the company level. Phal (phonetic) was the
3 secretary and Pauch was deputy of that company and that
4 individual was a member. <Sim> Mel, alias Man, that is his name.
5 <He was a Cham person.>

6 Q. And what was his position at S-21?

7 A. Sim Mel, alias Man, initially was a guard in a guard company.
8 Later on, he committed an offence, then I decided to send him to
9 work with Huy at the rice fields and later on, he committed
10 another mistake. He fled, then he was arrested; he was
11 interrogated and subsequently, he was smashed.

12 MS. GUISSÉ:

13 Now, I would like to provide you with a photograph and like to
14 know if you recognize Man in this photograph. This is document
15 E3/1822; ERN 0078508; and with the leave of the President, I
16 would like to provide the document in question to the witness in
17 order to see if this person <we are talking about>.

18 MR. PRESIDENT:

19 Yes, you may proceed, Counsel.

20 MS. GUISSÉ:

21 And with the President's leave -- and this will be -- will be my
22 last point, can we please display this photograph on the screen?

23 [11.29.11]

24 MR. PRESIDENT:

25 Yes, you may proceed.

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1 BY MS. GUISSÉ:

2 Q. So is this the Man you were speaking about; do you recognize
3 him on this photograph?

4 I see that you are reading the comments, comments provided by the
5 author of "Oukoubah" and this photograph comes from that book,
6 but I'd like you to rely on your recollections and to let us know
7 if this photograph rings a bell because in the comments, it's
8 indicated that we're not very sure about this young man's
9 identity, so I'd like to know if you have any recollections with
10 regard to this young man. Witness? Witness?

11 [11.30.47]

12 MR. KAING GUEK EAV:

13 A. Thank you and allow me to clarify it. I <saw a> photograph of
14 the face of Man, since I <used> him. Initially, I sent him to
15 Amleang with Pon, that is, to take a letter to my fiancée. And
16 even from my attempts to identify him through the photo, I'm
17 still unclear as whether it is him and that's why I tried to read
18 the annotation underneath in order to refresh my memory, but it
19 is still unclear to me.

20 MR. PRESIDENT:

21 Thank you, Witness. This is now time for a lunch break. We take a
22 break now and resume at 1.30 this afternoon to continue our
23 proceedings.

24 Court officer, please assist the witness -- rather, Security
25 personnel, you are instructed to take Khieu Samphan as well as

1 the witness to the waiting rooms downstairs separately and have
2 Khieu Samphan returned to the courtroom before 1.30. As for
3 Witness, please have him back into the courtroom at 1.30 this
4 afternoon.

5 The Court is now in recess.

6 (Court recesses from 1132H to 1331H)

7 MR. PRESIDENT:

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

9 Again, the floor is given to the defence team for Khieu Samphan
10 to put further questions to the witness.

11 BY MS. GUISSÉ:

12 Thank you, Mr. President. Good afternoon, Witness. I will
13 continue where we left off.

14 Q. I would like you to clarify something. We talked about Suos
15 Thy and the fact that you did say that he contented himself with
16 using summary elements when he drew up lists.

17 Regarding more complete biographical information, do I understand
18 <correctly> that when prisoners were interrogated by the
19 interrogators, those biographical data were taken?

20 [13.32.39]

21 MR. KAING GUEK EAV:

22 A. When the interrogator <brought a> prisoner <for
23 interrogation>, he or -- he or she would have detailed
24 information of that prisoner so that they could find weak spots
25 and they used those weak spots against that particular prisoner.

1 As for a summary <of> information; <the> brief biography by Suos
2 Thy was a different one, but the interrogators themselves, would
3 have detailed biographies of prisoners.

4 Q. When you say that the interrogators took summary biographical
5 data of the prisoners, do you mean in principle that it was the
6 interrogators who asked questions regarding the prisoners
7 biographies at the beginning of the interrogation sessions?

8 A. Interrogators would have separate biographies of prisoners so
9 they understood the strong and weak points of a particular
10 prisoner and they <had to> focus their interrogations or
11 questions accordingly.

12 [13.34.17]

13 MS. GUISSÉ:

14 When you state that they took their biographies, let me be more
15 specific <to simplify> my question.

16 I would like <to show you> document E3/10607; that is a
17 statement before the OCIJ and it is question 18 and question 19
18 that are of interest to me.

19 With your leave, Mr. President, may I request that the document
20 be shown to the witness?

21 MR. PRESIDENT:

22 Yes, you may proceed.

23 [13.35.11]

24 MS. GUISSÉ:

25 You'll find a little orange <label> on the document and it is

1 against answer number 18.

2 And with your leave, Mr. President, may I also request that
3 answers 18 and 19 be placed on the screen?

4 MR. PRESIDENT:

5 Yes, you may proceed.

6 BY MR. GUISSÉ:

7 Q. So this is what you state when you are questioned on the
8 procedure for collecting confessions and biographies and this is
9 what you state -- may I inform the interpreters that I'll speak
10 in English because this document is not available in French.

11 "Simply speaking, a biography included a name, year of birth and
12 so on. Most Cambodians, at that time, could not remember like we
13 can today; therefore, they took information such as their name
14 and year of birth, place of birth, education, affiliation,
15 occupations, parents' occupations, and siblings' occupation. This
16 information was gathered using the cold interrogation method."

17 End of quote.

18 So let me put my question to you again. Do you confirm what you
19 told the Co-Investigating Judges, that is, that the interrogators
20 using the cold method, which you referred to a few days ago, they
21 used that method to obtain more complete biographical information
22 at the beginning of their interrogations of the prisoners?

23 (Short pause)

24 [13.38.00]

25 MR. KAING GUEK EAV:

1 A. Thank you. Mr. President, my statement does not convey any
2 message that <> interrogators had detailed information or
3 biographies <beforehand> and the biography <had to> include <the>
4 name and date of birth <since> ordinary people do not remember
5 those details <the way we could>. For that reason, they <took>
6 down <the person's name,> date of birth, place of birth,
7 <education, relationships,> professions, and parents' and
8 siblings' <professions>. And <those are> the principles
9 interrogators used.

10 But they did not have information or <biographies on> those
11 prisoners beforehand and that is what I meant in this statement.
12 So when they started the interrogation, they started with these
13 series of questions. <They did not focus on dates because>
14 ordinary people usually do not remember <> dates <>.

15 [13.39.18]

16 Q. And that method, consisting in obtaining biographical data
17 using the cold interrogation method at the beginning of the
18 interrogation sessions, are you the one who imparted such a
19 method to the interrogators?

20 A. I was the one who told them and I was the one who taught them
21 how to do it. There was a document that I used to teach them and
22 there <are> remaining notebooks of some of those instructions.

23 Q. Another point on which I would like you to provide some
24 clarifications is as follows. On the 20th of June in answer to a
25 question put to you by my colleague Counsel Koppe -- and I'll

1 quote what you said precisely -- and it was the hearing of the
2 20th of June shortly after <15.39.18>. The question he put to you
3 was as follows:

4 "Did you, indeed, say that<, and was it indeed not sufficient for
5 a> person be accused <just> once?" And the question <was "to be
6 arrested when the person was> accused <by> confessions".

7 [13.40.54]

8 And the answer you gave was as follows:

9 "In this regard, accusing someone only once did not suffice to
10 arrest someone. The principle handed down by Pol Pot during the
11 17 April celebrations, was that you needed 10 confessions in
12 order to be able to arrest someone." End of quote.

13 Before asking my question, I would like to refer you to other
14 statements you gave before this Chamber. This time around, it was
15 on the 3rd of April 2012, document E1/58.1 and it was shortly
16 before 14.02.13 and this was the question put to you, "Was there
17 a rule or principle according to which when you were implicated
18 in three different confessions, you had <a high> probability of
19 being arrested <yourself>? Was this rule of three accusations --
20 three confessions, a rule that existed; did it actually exist in
21 reality?"

22 And your answer was as follows, "There was no such rule." End of
23 quote.

24 [13.42.13]

25 So today, my question to you is whether there was a rule relating

1 to the number of implications in confessions or not, because the
2 answer you gave in 2012 made me understand that there was no such
3 rule; can you explain this to the Chamber?

4 A. Allow me to verify it one more time. Pol Pot's instruction on
5 the commemoration day of 17 April '77 was merely a theory. It was
6 only a theory; he did not specify how many times a person was
7 implicated before that person <would be> arrested and the
8 statement that when a person was implicated three times, <that>
9 person had to be arrested, <this> existed only in theory.

10 And allow me to give an example in relation to Brother Mok. S-21
11 prisoners implicated him in 15 confessions; however, he was still
12 the deputy commander-in-chief of the People's Revolutionary Army
13 and he remained alive until he was imprisoned with me at the
14 military tribunal. So the number of implications existed only in
15 theory and the person <had> to be under surveillance to see what
16 actually happened.

17 [13.44.14]

18 And, of course, I believe the Chamber understands the case in
19 <relation> to Nat very well. There was a Party's document that
20 existed in around March, that Pol Pot said Mean and Nat should
21 not be given any <power> and I did not know when these two
22 individuals <started being> under constant surveillance. And Nat
23 was later transferred to the Ministry of Foreign Affairs and in
24 order to send him as an ambassador and maybe he did not perform
25 that work well as in the case of Hok <and Kim Huot>, <so> he was

1 subsequently arrested.

2 So, the number of 3 or 10 implications in a confession or
3 confessions existed only in theory and it depended on the
4 activities of those under surveillance. <Whether> the person
5 <had> to be arrested or not, <> the decisions had to be made by
6 870, that is, in terms of the arrest of the Party's cadres. So
7 you could not use these numbers of implications as a measure to
8 arrest them.

9 [13.45.43]

10 Q. I would like to move to another point and it has to do with
11 armed conflict. You stated that the armed conflict started on the
12 31st of December 1977; did I properly understand your testimony?
13 And when I talked of armed conflict, I'm referring to the armed
14 conflict with Vietnam, for the purpose of completeness.

15 A. No, it was not an armed conflict. In fact, the Communist Party
16 of Kampuchea declared war <on> the Communist Party of Vietnam,
17 that is, on the 31st of December 1978. Yes, that is correct. That
18 was the date that the Party <declared> war and I cannot recall it
19 clearly whether it was <in> '77 or '78. It was 1978.

20 Q. Yesterday, it appears that you mentioned the 31st of December
21 1977. In any case<, we reminded you of> the statements you gave
22 in Case 001<, but> I will try to jog your memory otherwise. Do
23 you recall ever hearing someone talk of conflicts on the border
24 <in> 1977, <late> 1977; does that ring a bell?

25 [13.47.52]

1 A. Please hold on. I cannot think whether it is the correct year;
2 that is, 1977 or '78. And on the issues of clashes between the
3 combatants of the CPK and the combatants of the "Yuon" Communist
4 Party, indeed, that happened.

5 At that time, Phan Hien actually made a protest to <the> liaison
6 entity of the CPK, regarding the clashes and at that time, <there
7 were> skirmishes <along the border> and that happened on the 15
8 of May 1976.

9 Phan Hien spoke about the issue and then Pol Pot gave
10 instructions that there should be no internal <leak> of the issue
11 and, of course, it was not worded as an armed conflict, but <as>
12 skirmishes along the border.

13 [13.49.12]

14 And there was a letter sent to the upper echelon about Vietnamese
15 civilians who came <looking for> firewood in the forest inside
16 Kampuchean territory and before 15 May 1975, there were incidents
17 where Vietnamese people entered Kampuchean territory <and some of
18 them were then arrested, some were chased away>. And from the 15
19 of May <>, there were clashes between the two forces and
20 gradually it continued, and it continued until the 31st of
21 December 1978, when the CPK declared war.

22 And allow me to finish it at this point.

23 Q. Very well. I would like you to pay particular attention in
24 answering my questions; you have to answer in light of what you
25 knew at the time.

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1 My question to you now is whether you recall hearing a speech by
2 Pol Pot in early 1978; in any case, in April 1978 <at the
3 latest>, during which he referred to incidents that occurred
4 between the army of Democratic Kampuchea and that of Vietnam?
5 Does Pol Pot's speech in early 1978, ring a bell to you?

6 [13.51.23]

7 A. Before I respond to your question, Counsel, and Mr. President,
8 before I respond to that question, allow me to clarify what I
9 said in my last response.

10 My knowledge in that response was similar to the knowledge that I
11 learned within the period of 17 April 1975 to <7> January '79 and
12 there is no need for the counsel to remind me of that.

13 And I have no clue about the speech made by Pol Pot. You have to
14 be specific as to which speech he made.

15 MS. GUISSSE:

16 Mr. President, the document is E3/4604. That speech features in
17 the April 1978, "Revolutionary Flag" magazine and the ERN in
18 French is 00520342; ERN in English, 00519832; and in Khmer the
19 ERN -- there's two paragraphs that are of interest to me and the
20 ERNs are 00064710 and the following page. And to make sure there
21 are no translation problems, may I ask my colleague Kong Sam Onn
22 to read the two paragraphs that are relevant to me in Khmer. So
23 he'll read it directly in Khmer.

24 With your leave, Mr. President, may I also request that these two
25 paragraphs be placed on the screen and my team will take care of

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1 that?

2 [13.53.35]

3 MR. PRESIDENT:

4 Yes, you may proceed.

5 MR. KONG SAM ONN:

6 Thank you, Mr. President. Allow me to read the relevant excerpt.

7 "This year, in particular, during November and December, during
8 the first round of their large-scale attacks against us, they
9 used up to nine divisions of their regular forces to strike at
10 and <penetrate> our eastern border. These nine divisions, not
11 counting their scattered additional regional district and militia
12 units, were their concentrated units. Many of those nine
13 divisions were their renowned regular force divisions. Of the
14 renowned ones, one was Division 9."

15 [13.54.46]

16 "The 'Yuon' 9th Division was their most renowned in the fight
17 against the Americans. This renowned division came to strike us
18 during 1977. During the months of November and December, they
19 attacked and entered our territory in Svay Rieng, Eastern Kampong
20 Cham, Takeo, and Kampot as you have successively been informed.
21 However, we counterattacked them and broke them. They entered
22 Kampot for three days before we attacked and smashed them and
23 they left. In Takeo at Kaoh Andaet and Kirivong, they entered for
24 more than a week before we attacked and smashed them and then
25 they left. In Svay Rieng, they were there for about a month

1 before we attacked and smashed them and then they left. In
2 Eastern Kampong Cham, Eastern Kampong Cham meaning Ponhea Kraek,
3 Memot, and Tuek Chrov districts, they entered for about half a
4 month before we attacked them and smashed them to bits and then
5 they left."

6 This is the end of the excerpt. Thank you, Mr. President.

7 [13.56.29]

8 BY MS. GUISSÉ:

9 Q. Witness, you have heard that <passage> read out by my
10 colleague, Kong Sam Onn, directly in Khmer; does it refresh your
11 memory? Does this excerpt of Pol Pot's speech remind you of
12 something you may have heard during that period?

13 MR. KAING GUEK EAV:

14 Mr. President, I would like the counsel to provide me with that
15 copy of the excerpt.

16 MR. PRESIDENT:

17 For purpose of clarity, court officer, could you deliver the
18 document from the counsel for the witness <to examine>?

19 BY MS. GUISSÉ:

20 Q. Since the speech was read out to you in Khmer, I suppose that
21 you heard it. There are no translation problems in the text. Does
22 it refresh your memory as regards whether or not you may have
23 heard it?

24 [13.57.58]

25 MR. KAING GUEK EAV:

1 A. Thank you and please allow me to put a question to you; from
2 which <revolutionary> magazine publications that you take this
3 excerpt?

4 Q. As I pointed out a while ago, it is the "Revolutionary Flag"
5 of April 1978, document E3/4604. But the question is as follows:
6 Does the <excerpt> refresh your memory? If it doesn't refresh
7 your memory, I would also understand.

8 A. Allow me to respond briefly to your question. Yes, I I heard
9 that. It was during the commemoration day of 17 April 1978.

10 [13.59.16]

11 Q. Is it during this speech that you heard for the first time
12 about the different clashes between November and December 1977,
13 or even before the speech you had heard about that at S-21?

14 MR. PRESIDENT:

15 Counsel, could you clarify the date in your question? The
16 publication of the revolutionary magazine <issue 4> was in April;
17 is this April 1977 or April 1978 and I -- yes, rather 1978 is the
18 <> year of publication?

19 BY MS. GUISSÉ:

20 Indeed, Mr. President, that is the date I mentioned in French in
21 any case, April 1978. So my question remains the same.

22 Q. Witness, did you hear about these clashes in November and
23 December 1977? Did you hear about these clashes for the first
24 time during this speech or had you heard about them before when
25 you were at S-21?

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1 (Short pause)

2 [14.01.13]

3 MR. KAING GUEK EAV:

4 A. I heard about that before. I recall it clearly. That <was> on
5 the 6th of January 1978. Pol Pot celebrated a ceremony and he
6 made a speech about building up of the army and there is the
7 sources <from poor> peasants<, they> were the foundation of the
8 army. That was also the time that Pol Pot <chased> "Yuon" <> away
9 from Cambodia. And that happened on the 6th of January '78.

10 And then, in April 1978, there was another celebration and there
11 were five dignitaries onstage. Actually, I spoke about that once.
12 There were Brother Pol, Nuon, Vorn, Hem and Thiounn Thioeunn. The
13 five were onstage. And that is my response to you; that I had
14 heard about this matter before.

15 [14.02.26]

16 BY MS. GUISSÉ:

17 A point of clarification here because I believe there might have
18 been a translation issue. At the 13 June 2016 hearing, a little
19 bit after 10.55, you were speaking about 196 police officers in
20 Democratic Kampuchea, at least according to the French
21 translation, and then a little bit later on we heard "police
22 office". In Khmer I was told that you were speaking about 196
23 security centres inside Democratic Kampuchea.

24 Q. So can you tell us indeed if, in Khmer, you were indeed
25 speaking about security centres?

1 MR. KAING GUEK EAV:

2 A. The number 196 was shown to me <during> the proceedings in
3 Case 001. <Regarding security centres> throughout the nation,
4 there were at least 196 <individuals> including S-21. This figure
5 was determined by the Office of the Co-Prosecutors. It was not
6 the figure that I came up with through my research.

7 MR. PRESIDENT:

8 Duch, please repeat it again. I believe there could be confusion
9 in the terms that you used. You spoke about 196 <individuals>
10 including S-21. Please use the proper word for the <individuals>.
11 Are you referring to the security centres or individuals as human
12 beings?

13 MR. KAING GUEK EAV:

14 The number of 196 refers to security centres throughout the
15 country, including S-21. So there were 195 security centres
16 besides S-21.

17 [14.05.18]

18 BY MS. GUISSÉ:

19 Q. You have just, in fact, anticipated the following question
20 which is; where did you obtain this figure from? And you said
21 that it was during the investigation that you became aware of
22 this figure. So the logical question following this is you,
23 during the DK period, how many security centres were you aware
24 of?

25 A. I was aware of a small number of security centres, <I used to

1 visit a> security centre at Kampong <Tom. It> was managed by my
2 younger <in-law, Keoly Thong Huot, he was a deputy there.> And
3 Norm (phonetic) was in charge of <a> security centre <at Sector
4 32>. <Khan> (phonetic) was the <former chief> of that centre. So
5 <during the regime, I was aware of> these <> security centres <as
6 well as my security centre,> and <there was a security centre
7 that was no longer used, it was called> Office 15<, which> was
8 <run> by Teng (phonetic).

9 [14.06.45]

10 Q. Do you know this because you had so little information? Was it
11 because of the principle of secrecy or was it because security
12 centres were not in contact with each other?

13 Does this explain why you had so little information?

14 A. Thank you very much for asking me that matter. This allows me
15 to make a clarification again.

16 Security <centres> at the district did not respect the security
17 centres at the sector level. The secretary of the security centre
18 district respected the secretary of the district committee. So
19 the instruction orders came from the committee, secretary of the
20 committee at a district level. And as for the security centre at
21 the sector level<, they> received the orders from the secretary
22 of the sector level and the same applied to <the> zone.

23 Q. Please, I apologize. I must interrupt you because apparently
24 there was a problem in the interpretation of what you said. So
25 the interpreters did not understand everything. So please can you

1 repeat your answer? I am asking you once again to please answer
2 on the basis of the knowledge you had during the DK period.

3 [14.08.50]

4 A. Thank you. I am talking of what I knew at the time. The
5 security centre at the district level respected the secretary of
6 district committee. That was the chain of command. And usually
7 there was no <horizontal> communication, <meaning there was no
8 communication between security centres at the district level and
9 security centres at the sector level>. S-21 did not have the
10 authority to be in charge of any other security centres. So, S-21
11 received orders and instructions from 870 and the reports would
12 be sent as well to 870 <only>. This is what I learned at the
13 time.

14 [14.10.10]

15 MS. GUISSÉ:

16 Well, let me move ahead and I will return to a translation
17 problem we identified between Khmer and French but for the moment
18 I would like to move ahead. You spoke about your <first> meeting
19 with Pang <, if I understood,> when you were still at the PJ. Did
20 I understand your testimony well? I am not asking you to go into
21 the details of your meeting with him, but is it true that it is
22 at the PJ where you saw him for the first time?

23 A. Yes, that is true.

24 Q. Let me pick up from an answer that you provided us this
25 morning. You told us that as of the 15th of August 1977, Pang

1 allegedly held functions at S-21. So I would like to know what
2 his duties were exactly. What was his role at S-21 after 15
3 August 1977, which is the day you tell us Son Sen went to the
4 battlefield?

5 A. This has something to do with the interpretation. Nothing is
6 complicated. Brother Nuon introduced Pang to me at the time. He
7 came to supervise me at S-21.

8 Q. So he came to supervise you at S-21. You are speaking about
9 Pang, and when you say he came to supervise you what do you mean
10 exactly? What kind of supervision duties did he have over you?
11 What exactly did he do?

12 A. I was in charge of work at S-21. He conveyed the words from
13 870 to me and when I wanted to report <to 870>, I had to report
14 through Pang <since I did not get to speak to Uncle Nuon on the
15 telephone directly>. Pang was not <like> Lin. He went deep into
16 S-21, even to the the sculptors' <workstation>.

17 [14.13.30]

18 Q. Well, let us try to make a distinction here. You are telling
19 us that you would provide him with elements that he would forward
20 to 870 and then he would provide you with elements coming from
21 870 in turn. That's what I understood from your testimony. And
22 here this does not appear to be supervision work. It appears that
23 you are describing the role of an intermediary here.

24 So regarding this aspect of Pang's work, was he involved in other
25 aspects such as confessions or such as the operations within S-21

1 beyond just transmitting information?

2 [14.14.37]

3 A. It's not correct to say that he was an intermediary <or a
4 messenger>. He had the <basic> authority<, maybe it is hard to
5 understand that term>. <In fact, when> he <came> to S-21<,> he
6 came as a spokesperson. If I wanted to send a report, I would
7 send <it> through him.

8 Sometimes, for some work, I had to ask him for <his> opinion
9 since he was aware of some tasks and for other jobs that he did
10 not know how to deal with <and>, he would ask me to wait until he
11 got the opinion from the upper echelon.

12 Sometimes he would also give <me an> opinion or advise me. And he
13 also made <it> clear when he received direct instruction from the
14 upper echelon <or 870> and he would tell me so. So again, he came
15 to S-21 as a supervisor.

16 Q. So I have a bit of trouble understanding you here <in these
17 conditions>. I understood at first that after Son Sen's
18 departure<, you said in the earlier hearing, that> Nuon Chea
19 became your direct superior whereas here <according to your
20 description,> I have the impression that it is Pang, rather. Pang
21 was the person you saw on a daily basis?

22 A. That is your understanding concerning the work of CPK and you
23 you are not familiar with the security work under the CPK.
24 My superior was Nuon Chea. He would call me to work with him once
25 every three or four days and as for Pang and Lin, they came to

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1 S-21 any time they wanted. Sometimes they would come to S-21 one
2 or two times a day. It <depended> on them.

3 [14.17.13]

4 And the enemies' <confessions> were sent through Pang <to Uncle
5 Nuon>. And <usually> Toeung would come to receive the confessions
6 from me and give <them> to Nuon Chea. And Lin and Pang also
7 received the confessions in order to deliver <them> to Nuon Chea
8 as well. <So, my main superior was Uncle Nuon.> And my former
9 chief <was Son Sen, but he had gone> to the battlefield already
10 and after <that> I had to work with Nuon Chea but there were
11 others who came <to S-21> to receive documents.

12 Q. So he would come pick up the documents and he would take them
13 to his superiors.

14 My question, therefore, is the following: You also spoke about
15 another issue, saying that Pang involved himself in the sculpture
16 workshop. So can you tell us exactly what his role was and what
17 his involvement was?

18 [14.18.35]

19 A. Everyone knew that Pang and Lin were <messengers or> part of
20 the security guards or defence unit for Pol Pot, the top leader.
21 Everyone was aware of that at S-21. In fact, he went to S-21 and
22 he was the one who gave Pol Pot's portrait to me <so that it
23 could be painted>. And he went to the sculpture <workshop> also
24 to have a look at whether <or not> the painting resembled Pol
25 Pot. So he went deep into the workshop to examine the work there.

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1 Q. So when you are speaking about his involvement you are telling
2 us that he went once or that he went several times?

3 A. Comrade Pang went to my house and also went to the sculpture
4 workshop on many occasions. Three times -- two or three times he
5 went to the workshop <but> not more than five times. Now let me
6 say <he did not go> to the workshop <more than three times>.
7 However, he went to my house on a frequent basis.

8 [14.20.12]

9 Q. So he was allowed to move about freely within the S-21
10 compound?

11 A. That is true. However, he needed to have me <accompanying
12 him>. Otherwise, he <> would not have the authority to walk
13 around freely.

14 Q. And could he attend the interrogations of prisoners?

15 A. No. He was not engaged in interrogation of prisoners.

16 Q. So when you would give Pang confessions, were these
17 confessions in a sealed envelope or he could read the confessions
18 directly before giving them to whomever he had to?

19 A. And the envelopes <that> used to be sent to 870 were of good
20 quality, <Hor found the envelopes, which belonged to Belgian
21 Embassy. So,> the confessions were completely sealed.

22 [14.22.03]

23 Q. So I understand from your answer that he was, therefore, not
24 allowed to read these confessions unless he would open the
25 envelopes without having the authorization to do so.

1 A. That is what I want to say but he could read some confessions
2 that Nuon Chea <required> him to read after the big supervisor or
3 chief read the confessions and he was allowed to read <them> in
4 order to get the <clarification> from me. That is what he could
5 do.

6 So again, after Uncle Nuon read the confessions, Pang -- and if
7 Nuon Chea was not quite sure about some confessions, he would ask
8 Pang to get the <clarification from> me for confirmation. <He
9 would give the confessions without envelopes to Pang to bring
10 them to me. So Pang had slightly different role than other
11 messengers like Toeung or Chiv alias Sot etc. >

12 Q. So you were not present when Pang would give the confessions
13 to the people he had to do that? You were not present when that
14 would happen; correct?

15 A. Pang gave a sealed envelope <of> confessions <to Uncle Nuon>
16 at the <Central> Office <> and I was at <S-21>. <So, I did not
17 know about that.>

18 [14.24.01]

19 MS. GUISSSE:

20 Before I continue with Pang, I would like to return to a
21 translation issue.

22 Mr. President, with your leave I would like to provide to the
23 witness an excerpt from the draft transcript of 8 June 2016, a
24 little bit after 9.51.15 seconds in the morning. And the witness
25 speaks here about the security centres throughout Cambodia. I am

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1 going to read out what I have in French, but I would like to
2 check the Khmer version so we can maybe solve this interpretation
3 issue.

4 And I do not know if I have your leave, Mr. President, to display
5 the Khmer version on the screen so that the Khmer speakers may
6 follow this directly. Of course, this is only a draft transcript
7 but at least it will also allow the interpreters to follow, if
8 you give me your leave, Mr. President.

9 MR. PRESIDENT:

10 Yes, you can do so. However, could you please identify the
11 document number and also the ERN?

12 BY MS. GUISSÉ:

13 I don't have the index number and I don't have the ERNs because
14 these are only draft transcripts. It's the draft transcript of 8
15 June 2016. All I can tell you is that this is after 9.51.15 in
16 the morning.

17 So Witness, I will let you read this a little bit first.

18 Q. Fine. I am going to ask for your assistance, Witness, for you
19 to read that out afterwards in Khmer for there to be a proper
20 interpretation.

21 In my French version, here you are speaking about the arrest at
22 S-21 and you say, and this is what I have in French interpreted
23 to English and I would like you to read it out in Khmer: "When a
24 husband was arrested the wife was also brought to S-21 and in all
25 of the security centres throughout the country when the husband

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1 was arrested, the wife was also arrested." End of quote.

2 I was told that in Khmer you did not make this generalization.

3 You did not say that this happened in all security centres. So

4 please can you read out the answer you provided yesterday to the

5 Chamber and then I will put a question to you?

6 [14.27.11]

7 MR. KAING GUEK EAV:

8 A. "After the husband was arrested, the wife would also be

9 arrested". So perhaps <the role of> S-21 <was> similar <to that

10 of> other security centres throughout the country."

11 Q. Well, I understand here that when you answered this question

12 you were telling us that this may be happened in the other

13 security centres but here you are just supposing this. Is that

14 what I must understand from your answer?

15 In Khmer you are saying "maybe". Maybe this is what happened in

16 the other security centres just like what was happening at S-21.

17 But I understand from that that you do not know that clearly that

18 your -- this is only a hypothesis. Did I understand you

19 correctly?

20 [14.28.28]

21 A. Mr. President, after a husband was arrested that was the time

22 for the wife <to be arrested, too>. This <was> the Party

23 <Centre>'s principle. So no other security <centre> implemented

24 <a different principle>. <When> the husband was arrested, then

25 the wife was also arrested.

1 But perhaps there were <exceptional> cases; for example, Ke Kim
2 Huot was arrested and then <his wife,> Dem Saroeun (phonetic),
3 was also arrested. However, the oldest child, Ke Kandara
4 (phonetic) wanted --asked permission to see me and he survived
5 the regime.

6 The oldest child was working in the east. Ke Kim Huot and Dem
7 Saroeun (phonetic) were <in> the northwest. The husband and wife
8 had been arrested but the child, the elder child, was not
9 arrested.

10 The general principle was that <when> the husband <was arrested,
11 the> wife would be arrested <as well>.

12 Q. You yourself explained a while ago that S-21 was not by
13 vocation, supposed to supervise the other security centres but
14 you said that under Democratic Kampuchea you knew two other
15 security centres out of the 196 security centres identified
16 during your trial.

17 My question to you is as follows. You, yourself, can you only
18 talk about what happened exactly the way it happened at S-21,
19 <where you worked. You do not know exactly how things happened in
20 the other security centers.> Do you agree with me that during the
21 period of Democratic Kampuchea you did not know exactly what
22 happened in the other security centres?

23 [14.31.02]

24 A. In principle that statement is correct.

25 Q. I would like us to talk about Pang now. We've referred to what

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1 you presented as your work as a supervisor at S-21, and you said
2 that Pang came <regularly> to S-21<, that if he accompanied you,>
3 he was authorized to move about in S-21. Was he aware of the
4 principle that you referred to in your testimony, that persons
5 who were arrested had to be smashed?

6 A. I believe that he knew about it because that was the general
7 principle of the CPK.

8 Q. You say that you believe he was aware of it. Is it because you
9 never discussed the fate of prisoners with Pang, the fate of
10 prisoners at S-21 with Pang?

11 [14.32.49]

12 MR. KAING GUEK EAV:

13 A. That was the universal general principle of the CPK, that
14 anyone who was arrested had to be smashed. So there would be no
15 sense to speak about the fate of those arrested. <The> Party's
16 line was not something to be discussed whether it was appropriate
17 or not. Whatever was determined by the Party, it had to be
18 implemented.

19 BY MS. GUISSÉ:

20 Q. Do you recall the date on which Pang was arrested? This
21 morning you said you were not very sure that you didn't quite
22 remember. Do you remember more clearly now, in what year and in
23 what month Pang was arrested?

24 MR. KAING GUEK EAV:

25 A. If you don't ask me the question, I would even seek the floor

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1 from the Chamber to speak about the arrest of Pang, since I
2 recall it. Vorn went on the 20th or 21st of April '78 and it was
3 not on the day of the commemoration of the Party's day of '77,
4 because during that period, Pang went with Pol Pot to Korea and
5 China. And on the celebration, we celebrated for three days,
6 <the>16, 17 and 18th and in fact the material was not yet removed
7 when Brother <Vorn> came.

8 So allow me to say that it happened after the 18th April <when
9 Brother Vorn came>. I believe Pang was arrested likely on the 20
10 or 21st of April of '78.

11 [14.35.20]

12 Q. Do you recall how many or already -- do you recall whether
13 <after> his detention at S-21, he was smashed?

14 A. Once a person was arrested, <detained, and> interrogated, if
15 <the person was too stubborn,> there was no need to keep them,
16 <so> the person had to be smashed. As in the case of Pang, it
17 seems that there was no need to keep him since his confessions
18 were confusing, so he was smashed.

19 Q. Do you recall on what date he was smashed?

20 A. No, I do not recall that.

21 [14.36.34]

22 Q. I would like to use the document with the witness and possibly
23 place it on the screen. I don't know, Mr. President, whether you
24 would like us to go on break now or I can continue? Can I
25 continue?

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1 MR. PRESIDENT:

2 Yes, you may continue for a few more minutes.

3 MS. GUISSÉ:

4 Thank you. May I request therefore that the page or, rather,
5 document E3/1596, be placed on the screen? The ERN in French is
6 00758366; ERN in Khmer, 00013354; ERN in English, 00753743. And
7 may I also request that the Khmer version be given to the
8 witness<, I have it available here.>

9 MR. PRESIDENT:

10 Yes, you may proceed.

11 [14.38.03]

12 BY MS. GUISSÉ:

13 Q. Witness, you now have the document before you. May I request
14 that it also be placed on the screen?

15 On the first page of this confession it is indicated, as follows,
16 "Confessions of 010". Do you know what the code 010 refers to,
17 the person it refers to?

18 MR. KAING GUEK EAV:

19 A. The code 010, to my knowledge, I do not recall who it was.
20 Previously there were designated codes for certain individuals
21 but I cannot really recall them now. I do not recall whose
22 confession it was in relation to the document presented to me.

23 [14.39.22]

24 MR. PRESIDENT:

25 Thank you. Thank you, Witness.

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1 It is now appropriate for a short break. We will take a break now
2 and resume at 3 o'clock.

3 Court officer, please assist the witness at the waiting room
4 reserved for witnesses and civil parties during the break time
5 and have him return to the courtroom at 3 o'clock. The Court is
6 now in recess.

7 (Court recesses from 1439H to 1450H)

8 MR. PRESIDENT:

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

10 Again, the floor is given to the defence team for Khieu Samphan
11 to put further questions to the witness.

12 [15.01.19]

13 BY MS. GUISSÉ:

14 Thank you, Mr. President.

15 Q. Witness, getting back to the document that was provided to you
16 just before the break and you said that at the ERN that I
17 indicated to you, that is to say, 00013354, code <010> doesn't
18 mean anything to you.

19 So please look at the first page of this document, that is to
20 say, at the ERN that ends in 53 in Khmer. It's not very legible,
21 but at the upper right-hand side of this document, we see "Pang"
22 written out. We see "Statement of 18 July 1978", and in Khmer you
23 wrote on the left-hand side -- you have to look at the first
24 page; yes, I don't -- I believe you are not looking at the right
25 page. Witness, can you please look at this page? Can we maybe

1 display it on the screen so that it may be easier for the witness
2 to spot it?

3 [15.02.28]

4 So, it's document E3/1596, on the first page in all three
5 languages. And in Khmer, Witness, on the first page of this
6 document, on the upper left-hand corner, we see the name of Chhim
7 Sam Aok alias Pang who is the security chief <at S-71, you should
8 see that in Khmer>. Maybe the photocopy is a bit dark. You should
9 be looking at the first page. Witness, are you following me? The
10 first page.

11 MR. PRESIDENT:

12 Deputy Co-Prosecutor, you have the floor.

13 MR. LYSAK:

14 Yes, if the first page is what I'm looking at, Counsel may want
15 to clarify this. I'm not sure this is a part of the original
16 document. Usually, there's a cover that's been added by either
17 the Tuol Sleng or whoever was the repository that found this, but
18 I think that should be clarified because I'm not sure that this
19 is part of the original document.

20 BY MS. GUISSÉ:

21 Well, I haven't seen the original document. I can only note that
22 the document is annexed and the ERNs follow each other.

23 Q. So I don't know if, Witness, when you read the first page, you
24 see "Pang" on the first page and does that ring a bell? Does that
25 first page correspond to the first page of Pang's confessions

1 and, especially, was Pang known as Brother <010>?

2 [15.04.54]

3 MR. KAING GUEK EAV:

4 A. Mr. President, I have many questions regarding this document.

5 The code here is 010, and I was asked by the Co-Prosecutor at one
6 point about code number 10 and number 30, <> one was Vorn and
7 <another one> was <An>.

8 And the content of this document seems to indicate that code
9 number 10 refers to Pang, and in the revolutionary rank of CPK,
10 the word "Aok" was not spelled as it is on this page.

11 Also, at S-21 or at the Party Centre, nobody would write the word
12 "damboung" with the word "T" it should be with "D" and in English
13 <it means> "at the beginning".

14 So <these are> the discrepancies that I noticed, however, the
15 content of the confession seems to originate from S-21 and the
16 handwriting is mine. So I neither deny it nor accept this
17 confession, although the content seems to be consistent.

18 [15.06.30]

19 I recall that Pang's confessions were rather confusing and Uncle
20 Nuon gave me a letter about the fact that Pang called on the
21 radio to the East to bring bread with meat stuffed inside and
22 what it meant and he would ask me to clarify the matter, but from
23 my reading of Pang's confessions, it was confusing. And <from> my
24 glimpse at this document, it seems that the content is
25 consistent, since he was close to a Comrade Ya.

1 Q. Fine. So, <let's put this document aside> if you're not sure
2 that these are Pang's confessions, <even if you say they could
3 be,> you said that as far as you remember, Pang was allegedly
4 arrested after the 17 April 1978 celebration. Do you remember for
5 how long he was detained at S-21?

6 I'd like to add that the date of 28 May 1978, appears and
7 apparently this document was forwarded in July 1978, so I don't
8 know if these dates ring a bell but do you remember if Pang was
9 detained for one or two months after his arrest <at S-21>?

10 [15.08.38]

11 A. It is rather difficult for me to clarify this matter. If I am
12 given a list that I worked <on> with the OCP, it is <easier> for
13 me to <comment on it> because on the list, there are columns
14 <for> entry and <smash> dates. In the case of Pang, what I could
15 say is that his confessions were not that beneficial.

16 Regarding the date he was smashed, I can say that he was arrested
17 in April and by about June Phim was arrested and it is likely
18 that I instructed my staff to execute him before that date of
19 Phim's <arrest> in June, <in line with to Uncle Nuon's order>.
20 But I can't really recall clearly the date that he was smashed,
21 however, regarding the date of his arrest, that was <around the
22 time of> the ceremony<>.

23 [15.10.00]

24 Q. You made the distinction that at S-21, between ordinary and
25 important prisoners. Was Pang considered an important prisoner?

1 A. Comrade Pang was an important prisoner as he was close to the
2 leadership, that is, close to Brother Pol.

3 Q. Who interrogated him, if you remember?

4 A. I assigned Pon to interrogate him.

5 Q. Do you know if he was interrogated several times by Pon?

6 A. When I assigned Pon to interrogate any particular prisoner, he
7 would try his best to interrogate that person. And I believe that
8 the torture committed upon Pang was <the hot method>. <And it
9 took quite a long time because it was difficult to get him to
10 confess.>

11 Brother Nuon gave me a list of questions that I had to clarify
12 through the interrogator, that is, regarding the bread stuffed
13 with meat that <was> sent to the East Zone and what it meant by
14 that.

15 <Most of the things he said were all over the place and I found
16 it pointless.> The interest <in him began because> he joined the
17 Youth League and when he left school, he dropped his bag and in
18 the bag there were magazines of the "Progressive Youth". He made
19 a report of the loss to the Party and he was re-assigned by the
20 Party. That's what I can recall about his confessions.

21 So allow me to repeat it. Pon interrogated Pang and he used the
22 hot method and the interrogating lasted quite some time.

23 [15.12.43]

24 Q. I'd like to remind the witness, please, that we shouldn't
25 speak about the content of the confession. So, please, just focus

1 on the answers to my question.

2 My question was he interrogated several times and you said he was
3 interrogated several times by Pon with the hot method. So during
4 his detention, did you speak to Pang?

5 A. No.

6 Q. So, between the moment when he arrived at S-21 and the moment
7 when he was executed, you never spoke to him. So did you see him,
8 however?

9 [15.13.42]

10 A. No, I did not.

11 Q. Where was he detained aside from his interrogations or was he
12 in an interrogation room during his entire stay at S-21?

13 A. I do not recall that.

14 Q. I will get back to that later. For the moment now, I would
15 like to discuss with you the January 1979 meeting, during which
16 you said you attended<-- and correct me if I'm mistaken --> this
17 meeting that was <apparently> chaired by Khieu Samphan and
18 apparently it was held on 6 January, that is to say, the day
19 before the Vietnamese arrived. Did I understand you correctly?

20 A. Yes, that is correct.

21 [15.15.01]

22 Q. So, if I summarize your previous statements. So you were
23 called to the Buddhist school and you entered a room which Khieu
24 Samphan was present. There was only a small number of people who
25 were present. That's what you said at the hearing. There were six

1 or seven people back then, and Khieu Samphan made a brief
2 presentation on the fact that you had to stay calm despite the
3 advance of the Vietnamese and that it was necessary to continue
4 working.

5 So am I summarizing your testimony properly?

6 A. It was not that accurate. First, allow me to mention the
7 number of people who were there before I arrived. There were five
8 or six altogether, including myself, and there was not up to
9 seven.

10 Regarding the summary of speech made by Brother Hem, <it> was
11 that "Yuon" came deep inside but San and <Roeun> actually
12 countered their advancements so we <were not to> panic and we
13 <were to> continue our working.

14 So the statement that you read out is a little bit off at some
15 points, namely, including the number of people present before
16 Brother Hem as well as the content of a speech made by Brother
17 Hem.

18 [15.17.00]

19 Q. So what you are telling us is that there were five or six
20 people aside from you at that meeting. Is that correct?

21 <A. There were five or six people, including me.>

22 THE INTERPRETER:

23 The Interpreter cannot hear the first part of the witness's
24 statement.

25 JUDGE FENZ:

1 Could you please repeat the statement, the interpreter couldn't
2 hear the first part?

3 MR. KAING GUEK EAV:

4 When I entered, I sat on an empty chair and people were present
5 <there with> Hem, <there> were six <people at> most, including
6 myself.

7 BY MS. GUISSÉ:

8 Q. In your statement E3/456; at Khmer, ERN 00198872; at French,
9 ERN 0198889; and English, 0019880 (sic), you say -- and while --
10 you're speaking about a figure that's a bit different.

11 And with your leave, Mr. President, I would like to provide the
12 statement to the witness and may you also, please, display it on
13 the screen?

14 [15.18.53]

15 MR. PRESIDENT:

16 Yes, you may proceed.

17 BY MS. GUISSÉ:

18 Q. So can we, please, display this document on the screen? In
19 this document, you say that there were three or four people who
20 attended that meeting. Does that match your recollections or do
21 you stand by the fact that there were six people rather?

22 [15.19.55]

23 MR. KAING GUEK EAV:

24 A. I acknowledge that this statement was the one that I made
25 before the Co-Investigating Judges in Case 001. At that time, my

1 memory was fresher, so allow me to stand by this statement. And
2 what I said is the following: "I'd like to mention again what I
3 said on 23 August 2007, regarding that meeting. Nuon Chea told <>
4 Toeung to call me to meet him at the Buddhist school. Upon my
5 arrival, I was surprised because I instead saw Khieu Samphan
6 there. I hesitated to enter the room, but Lin pushed me in.
7 Khieu Samphan did not address to me, but he spoke in general to
8 three or four people who were present there. I did not know them
9 all except Roeung, chief of the state's warehouse. In fact, after
10 the screening in 1978, there were many newcomers and then there
11 were more."

12 So allow me to repeat that. I'd like to stand by this statement
13 that I made before the Co-Investigating Judges and because that
14 one was made in 2007 and now it is 2016, so it <was about> <nine>
15 years ago, and my memory at the time was fresher than now.
16 And it is usually my habit that once I make an accurate
17 statement, I don't think about it any more.

18 Q. So I imagine that you also confirm what appears on the same
19 page in this document, that is to say, that you said nothing
20 during that meeting; that you just listened to Khieu Samphan.
21 So my first question is, can you assess how long this meeting
22 lasted?

23 [15.22.35]

24 A. Brother Hem spoke only a few words, so starting from the time
25 that I took the motorbike to see him and that I returned to my

1 house, the total duration was about 15 to 20 minutes. And the
2 distance from my house <on Monivong Boulevard> to the Buddhist
3 school was not that far. And Brother Hem spoke about five minutes
4 at the most.

5 Q. So during those five minutes, did Khieu Samphan ask you to dig
6 trenches or to ask your men to dig to trenches to protect
7 yourself against possible shelling?

8 A. Brother Hem did not speak about this matter and what he said
9 is that we had to be firm and continue working. He said that
10 Roeun and San were encountering the advancement of "Yuon". That
11 was his main message. He did not mention digging trenches.

12 [15.24.01]

13 Q. So during those short minutes, did he speak about the
14 necessity of leaving Phnom Penh for a while?

15 A. No, he did not.

16 Q. I'm putting these questions to you, Witness, because in Case
17 002/01, two witnesses came to testify before this Chamber and
18 they each spoke about a meeting which Khieu Samphan allegedly
19 chaired, and I'd like to read out their statement to make sure if
20 this corresponds to what happened.

21 The first witness was Sim Hao -- S-I-M then H-A-O is the last --
22 document E1/206.1. This was the hearing of 12 June 2013.

23 Oh, I'm sorry, I have the wrong document. He speaks about it
24 essentially in the second document of the next day, so that's 13
25 June 2013, E1/207.2. And a little bit before 02.20.44, he speaks

1 about a meeting which was attended by 100 participants, and a
2 little bit afterwards at 02.22.32, he says that Khieu Samphan
3 said the following, and I quote:

4 [15.26.00]

5 "Comrades, when you're going to go home you must dig trenches
6 <for yourselves> because the American bombing is imminent and if
7 you're going to be bombed you're going to have to fight back."

8 Then there is a second witness. This was Ruos Suy, document
9 E1/184.1. This is the hearing of 25 April 2013, a little bit
10 after 11.48.02, and this is what he said -- so the question that
11 was put to him was, "Did Khieu Samphan speak to him about the
12 situation of the Vietnamese offensive?"

13 And he answered:

14 "Yes, that's true. Generally, if there was a meeting it was to
15 meet certain specific objectives. We had to leave the city on a
16 temporary basis only in order to prepare our defence against the
17 Vietnamese troops."

18 And then the following question is put to him.

19 "So therefore did I understand you well? He said that the plan
20 was to leave Phnom Penh on a temporary basis in order to prepare
21 an attack against the Vietnamese forces. Did I sum up properly
22 what you said?"

23 And Ruos Suy answers: "That is true." End of quote.

24 [15.27.40]

25 And in order to be more specific here, this again at that same

1 hearing of 25 April 2013, this time at around 11.35.15, Ruos Suy
2 said that this meeting allegedly took place on 5 January.

3 So in view of these statements, do you stand by your statement
4 that you attended a meeting with only <three or four> other
5 people and Khieu Samphan <did not tell> you that you should dig
6 trenches nor to leave the city on a temporary basis but, on the
7 contrary, to just keep on working as usual?

8 A. I still stand by my statement.

9 Q. You also said that following this meeting, you went back to
10 S-21. Did you give any specific instructions to your subordinates
11 following this meeting?

12 [15.29.26]

13 A. It seems that I did not. I only instructed interrogators about
14 the four individuals from Y-8, after I returned from the meeting
15 with Brother Hem, <along Sihanouk Boulevard> near Pet Chen
16 (phonetic), I saw Brother Van who was in a land cruiser and he
17 was staring at me and his face <had a> rather stern expression.
18 And these individuals from Y-8 were implicated in the shooting of
19 the guest. And I gave instructions to interrogators <to
20 interrogate> these people from Y-8.

21 And as for the information from Brother Hem, I did not
22 disseminate that information and <even if I did,> I only informed
23 Hor about that <and no one else>.

24 Q. You have just referred to Brother Van. Are you indeed
25 referring to Ieng Sary? Are you therefore saying that you bumped

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1 into Ieng Sary while he was in his vehicle; is that correct?

2 [15.31.09]

3 A. Brother Van means Professor Ieng Sary. He was in a vehicle
4 from the west <going> east while I was riding my motorbike <from
5 east to west> when I left the Buddhist school.

6 And, of course, as I said, his facial expression was rather stern
7 and when I refer to Brother Van, I refer to Professor Ieng Sary.

8 Q. In a statement E3/1576; the ERN in Khmer is 00159561; in
9 English, 00160700; and in French, 00159582; in this statement you
10 refer to the period of 3rd to the 7th January and you state --
11 perhaps with your leave, Mr. President, may I request that this
12 statement be placed on the screen? And I would like the Court
13 Officer to give the passage to the witness.

14 MR. PRESIDENT:

15 Yes, you may proceed.

16 BY MS. GUISSÉ:

17 Q. This is what we can read on this page. You state that on 3rd
18 January 1979:

19 "I was very tired, both physically and mentally. I slept all day
20 up until 7 January at 2 p.m. when I left S-21 with a unit of
21 around <two> persons." End of quote.

22 Does this reflect what you can remember and can you explain why
23 you were very tired both physically and mentally as of 3 January
24 1979?

25 [15.33.45]

1 MR. KAING GUEK EAV:

2 A. Physically, I am referring to my health. At the time I was so
3 tired physically, I could not do the job. As for my mental issues
4 at the time, I was always thinking <about my survival since> the
5 arrest of Nget Nhu, alias Hong, and then the arrest of Vorn and
6 Hok happened. I was thinking <at> the time that one day it would
7 be my turn. This is the mental fatigue.

8 Back then, my wife was a medic. She measured the blood pressure
9 on my both <arms> and the blood pressure was not <the same for
10 both arms> at the time. So I was hopeless and I was very tired
11 mentally and physically.

12 [15.35.04]

13 Q. You told this Chamber that prisoners were executed in January
14 1979. My question is as follows.

15 Are you sure that it was in January 1979 that the last executions
16 at S-21 took place? Wasn't it rather in late December<, December
17 31,> 1978?

18 A. The instruction was made perhaps on 3 January 1979, however, I
19 am not quite sure about the date. The instruction was to kill all
20 of prisoners. I am confused with the dates. The instruction may
21 have <been> issued on 1 January and all the prisoners had to be
22 killed by 3 January 1979.

23 However, I cannot recall well, so I would like to tell the Court
24 that I would stand by my previous statement. The instruction was
25 made by Nuon, Uncle Nuon.

1 Q. I say so, Witness, because during the confrontation you had
2 with several witnesses who worked at S-21, in late December 1978
3 and early January 1979 -- and I'm referring you to the -- to
4 document E3/5769; ERN in French, 00166574; ERN in Khmer,
5 00166591; and ERN in English, 00166564.

6 The question put to you by the Co-Investigating Judge was as
7 follows:

8 "Did you witness massive executions in January 1979?

9 <And the answer from witnesses> Suos Thy, Prak Khan, Him Huy,
10 Saom Met<, Makk Sithim,> and Mam Nai's answers were all -- <"We
11 are> not aware of that." End of quote.

12 [15.38.03]

13 And to be complete, Suos Thy was also examined <again> on the 3rd
14 of June, before this Chamber and we have the draft transcript of
15 the 3rd of June, shortly after 10.10.15. He was examined in
16 regard to the list of outgoing prisoners who may have been
17 executed and he states as follows:

18 "To my knowledge, that was the last list of prisoners who had to
19 be <smashed>. That was from 31 December 1978." End of quote.

20 Is this something that refreshes your memory? Are you sure that
21 the last executions occurred in January 1979?

22 [15.39.10]

23 A. Let me repeat. That happened a long time ago. I made my
24 statement already, <and> I do not recall <it now>.

25 To my recollection, all of them may have been killed by 3rd

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1 January, because there were many prisoners. It was difficult to
2 smash all of them in just three days.

3 Q. I would like to refer you as well to one of your prior
4 statements, and it is document E3/530, dated 6 March 1999. And
5 the ERN in Khmer is 00095691; ERN in English, 00329135; and in
6 French, 00327365.

7 With your leave, Mr. President, may I request that this statement
8 be placed on the screen and that the hard copy of the statement
9 be given to witness?

10 MR. PRESIDENT:

11 You may proceed.

12 [15.41.09]

13 BY MS. GUISSÉ:

14 Q. This is therefore your statement before the Military Tribunal,
15 dated 6 March 1999 and you are being questioned in regard to Ta
16 Mok, Son Sen, Ieng Sary and Khieu Samphan, and this is what you
17 stated regarding Khieu Samphan and Ieng Sary:

18 "As regards Mr. Khieu Samphan and Ieng Sary, till date we have
19 never met, not even once." End of quote.

20 Today, <and in> your statements <made after 1999>, you are saying
21 that you saw Khieu Samphan during the famous meeting on 6th of
22 January 1979. You also state that you saw Ieng Sary on the date
23 of the same meeting and that you saw him staring at you as he was
24 in a vehicle.

25 This contradicts what you told the Military Tribunal. Are you

1 sure that your memory is not muddled up? Are you sure that you
2 saw Khieu Samphan at the meeting in January 1979, as well as Ieng
3 Sary, since in 1999 you said something else to the Military
4 Tribunal?

5 [15.42.46]

6 MR. KAING GUEK EAV:

7 A. I would like to make an observation on this document. I have
8 never forgotten the time when I met Brother Hem. I have never
9 forgotten it at all.

10 And I encountered Ieng Sary as well after I left from the meeting
11 with Brother Hem.

12 Toeung called me to work with A Bong (phonetic) and after my
13 arrival at Buddhist school, I saw Hem, Brother Hem, instead who
14 was there to instruct me. It was a surprise to me, <> at 10
15 <o'clock on the previous day, he gave me instructions, but at> 11
16 in the morning of 7 January 1979, the tanks, the Vietnamese
17 tanks, were moving in front of <my house>. So I cannot forget all
18 these things in my life.

19 Q. What is strange, Witness, is the fact that a while ago when
20 you were confronted with the difference in the figures at the
21 meeting of 6 January 1979, with your statement of 2007, you said
22 that you were referring to your statement in 2007, because those
23 events happened a long time ago and your memory was fresher.
24 And in 1999 when you were questioned, your memory should have
25 been even fresher and you stated that, "I did not see Khieu

1 Samphan and Ieng Sary, not even once".

2 How do you explain, your memories were so fresh in 1999, <that
3 you did not mention this> when you were questioned on those two
4 persons?

5 [15.45.05]

6 A. Mr. President, I have an observation on this document. This
7 document appears to be strange to me. I have never forgotten the
8 two events in my life. I do not know in what capacity I was
9 interviewed at the time, and perhaps the above sentences were not
10 read and the meaning was not full.

11 The meeting between me and Brother Hem <> has been <on> my mind
12 <> my <entire> life. I am not telling lies to this Court.

13 And a group of six people, including me, were there at the
14 meeting with Brother Hem and you, Counsel, <mentioned> that there
15 was a group of seven instead of six. So I decided to stand by my
16 own statement about that matter.

17 So you read only part of the document and you ignored the other
18 parts so that <is not the full> meaning and, as I said, I have
19 never forgotten the two events in my life.

20 [15.46.55]

21 Q. Today, you are saying that you challenge the contents of that
22 statement. Let me, nevertheless, point out that <you were
23 questioned, and in your statement made on 06 March 1999,> your
24 fingerprints and signature <are> on the document. You were
25 questioned by the Co-Investigating Judge himself <in the presence

1 of the clerk, and most notably,> a lawyer.

2 Do you stand by your statement that what you said was distorted
3 and that you <referred> to that meeting with Khieu Samphan and
4 Ieng Sary and that was not recorded in that first statement in
5 1999?

6 [15.47.45]

7 A. Mr. President, I would like to point out that this document
8 belongs to the Military Court. I <was> shown two documents from
9 <the> Military Court. The first document was about the meeting
10 between <myself> and other individuals, 3 or 4, including Pang.
11 Judge Lavergne then put a question to me in relation to the issue
12 and I made my response already, <I said no,> and usually the
13 events were described with respective conjunctions and time-lines
14 but the document did not mention it clearly. <The judge asked me
15 to clarify my statement. At first, I suggested the Court to check
16 the authenticity of the document.>

17 Judge Cartwright, at the time, asked me to tell the Court <based
18 on the available document> and I started to tell the Court about
19 the question that was put to me and the document was shown to me
20 later on.

21 And a question was put to me by Vercken and asked me whether the
22 document was really signed by me and I told him that I was there
23 and I was interviewed and -- a judge asked me why I did not ask
24 for the correction in relation to the matter and I told the judge
25 that I did not ask for correction because that part of statement

1 was not incriminating me.

2 Now, again, this document was shown to me. <> I am not talking
3 about <the> authenticity of the document, so the document, the
4 same document, was shown to me twice in relation to Brother Hem.

5 I have never forgotten the meeting that I had with Brother Hem.

6 [15.50.31]

7 Q. To be complete as regards this document you, yourself, state
8 that you did not make any amendments to the document because
9 <that> part did not incriminate you.

10 Do I understand that you are changing your statements depending
11 on whether you think it would incriminate you or not? I do not
12 quite understand your explanation, could you be -- please be more
13 specific?

14 A. Now let <us> find the truth together. The document was once
15 shown to me in relation to Pang, who spoke to me on <four>
16 occasions and then the authenticity of the document was brought
17 before the Chamber and one of the lawyers <refused> to have the
18 discussion of authenticity. And Judge Cartwright back then said
19 that <the document had already been in the case file so I should
20 give my statement. And she said that> the Defence methods of
21 Francois Roux were used.

22 Then I decided to speak and <talk> about the action, the real
23 action, happening at the time. And, later on, Judge Lavergne put
24 a question <to me> and I explained the grammatical system in
25 <the> Khmer language <to him, that the same verb, adverb and

1 adjective could never be> used <to describe four different
2 events>.

3 [15.52.47]

4 And Vercken then put a question to me, pointed <out> the
5 signature and thumbprint to me, and said that the thumbprints or
6 signature belonged to me and I told Vercken that, <yes>, I <put
7 my> thumbprints and signature <on the document after it was read
8 out loud to me> and Vercken <> put a follow-up question and asked
9 me <whether I knew that there were incorrect statements, I said
10 yes. He then asked me> why I did not challenge and make a request
11 for a correction.

12 And in my reply, I said since that part of the sentence did not
13 incriminate me, I did not challenge it. <So you only read a part
14 of the document, what about the rest of it? What is it about?> So
15 this is my observation on this document. I am not talking about
16 authenticity <now>.

17 And, number 2, again, I have never forgotten the meeting I had
18 with Brother Hem. I have never forgotten it at all.

19 [15.54.00]

20 Q. My last point. Not what happened in Case <002/01>, <but> in
21 relation to these documents <from 06 March> 1999, I understand
22 that you do not deny the fact that this record of interview was
23 given to you, <you reviewed it>, and you appended your signature
24 and thumbprint to it. <Do we agree that> you do not contest that
25 fact?

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1 MR. PRESIDENT:

2 Please hold on and observe the microphone, Duch.

3 MR. KAING GUEK EAV:

4 That is why I said this document is suspicious to me, the
5 document from the Military Court.

6 BY MS. GUISSÉ:

7 Q. <Is it> suspicious to you because it didn't include
8 information you provided on the meeting or the fact that you did
9 not at all refer to that meeting when you were interviewed by the
10 Co-Investigating Judges in 1999.

11 Why is this suspicious? <I don't understand.> If you do not
12 challenge its authenticity, if you do not challenge the fact that
13 <you reviewed it> and that you appended your fingerprints and
14 signature to it, why would it be suspicious to you?

15 [15.55.38]

16 MR. KAING GUEK EAV:

17 A. For clarity, please, Counsel, give me the <> full written
18 records of the interview, <> not just this one document, the
19 interviews that I was present <for> the whole day on that day.
20 <If possible, please provide me with the original document so
21 that there will be no more confusion regarding these copies.>

22 Q. Witness, we are not at S-21, where you can order <me> to do
23 whatever you want. This is <my> examination< where> I ask <you>
24 questions on documents <that> I <have chosen>, with excerpts that
25 I <have chosen>, on which I <am asking> you to make remarks.

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1 Another point that I would like to broach with you is the
2 following. A while ago, you said something regarding instructions
3 and you said <you did not remember> --

4 MR. PRESIDENT:

5 The witness did not order you, he made a request to have all the
6 written records.

7 You may proceed now, Co-Prosecutor.

8 [15.57.17]

9 MR. LYSAK:

10 Yes, Mr. President, I also want to make clear for the record the
11 witness has been raising this document and I can -- you can see
12 that he hasn't even been provided with the full interview that
13 was conducted on this particular day. He's only been provided
14 with one page it appears.

15 BY MS. GUISSÉ:

16 <Absolutely.> I have given the witness the page on which I'm
17 questioning him. I have no problem <subsequently> giving the
18 witness the rest of this statement, but that wouldn't resolve the
19 issue that in this statement he doesn't refer to the meeting of 6
20 January 1979. I will give him the document subsequently.

21 I <will> complete my examination and I <think I will need> a few
22 more minutes tomorrow. <Before that, I would like to> conclude on
23 the point I broached, that is, the instructions <that may or may
24 not have been> issued after the meeting of 1979.

25 [15.58.17]

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1 Q. A few minutes ago, Witness, you stated that you do not recall
2 issuing any instructions following that meeting of 6 January
3 1979. In a record of interview, E3/452, dated 23 August 2007, ERN
4 in French, 00147928; ERN in Khmer, 00146551; ERN in English,
5 00147565.

6 You state in that statement that you disseminated information
7 that was given to you by Khieu Samphan on that day. Does that
8 refresh your memory or are you sure that you did not hand down
9 any instructions after that meeting on 6 January 1979?

10 With your leave, Mr. President, I would like to give the
11 <excerpt> I have just referred to on the dissemination of
12 instructions in this <record of interview from 23 August 2007,
13 so> document E3/452 and <to be thorough,> I will also give the
14 <entire suspect statement made by the witness,> document E3/530
15 which I referred to<, dated> 6th of March <1999>, and I will give
16 the witness these two documents and we'll revisit the matter
17 tomorrow morning, Mr. President.

18 MR. PRESIDENT:

19 You may proceed.

20 BY MS. GUISSÉ:

21 Q. So I'm going to give you the time, Witness, to look at this
22 document E3/530 of 6 March 1999, <this evening> after the
23 hearing, but can you answer the question; <did you or did you
24 not> <disseminate> or not <this> information following the
25 meeting with Khieu Samphan on 6 January 1979, to the S-21 staff?

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1 (Short pause)

2 [16.01.50]

3 BY MS. GUISSÉ:

4 Do your statements of 2007 refresh your memory, and did you
5 <disseminate> or not any information following that meeting on 6
6 January 1979?

7 MR. KAING GUEK EAV:

8 A. Thank you. I have already told <you> about that. The
9 <priority> at the time was <in the interrogation of> the four
10 combatants from Y-8. And Number 2, I did not convene the meeting
11 <like we do today,> and <I did not ask> my staffers to salute,
12 and then after that the instruction was conveyed.
13 And as I told the Court already, I was advised that Roeun and San
14 <were> countering the advancement of the Vietnamese and <we> had
15 to be firm and not panic. <I told that to Hor only.>
16 In fact, I heard the gunfire and also the sound of vehicles
17 moving from 12 midnight and I was aware of that and others were
18 also aware of that but we pretended to act as normal.
19 And, again, at the time the instructions from the Party were
20 about the four combatants of Y-8 and also about the fact that we
21 had to be firm and not to be panic.

22 [16.04.08]

23 MR. PRESIDENT:

24 Thank you very much, Mr. Witness. It is now time for the
25 adjournment.

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1 The Chamber will resume its hearing tomorrow on Thursday, 23 June
2 2016, at 9 a.m.

3 The Chamber will continue hearing the testimony of Kaing Guek Eav
4 alias Duch.

5 I am grateful to you, Mr. Kaing Guek Eav alias Duch. The hearing
6 of your testimony as a witness has not come to a conclusion yet.

7 You are invited to come and testify again tomorrow.

8 Security personnel are instructed to bring the two accused and
9 the witness back to the ECCC detention facility and have them
10 returned into the courtroom before 9 a.m. and at 9 a.m.

11 respectively.

12 The Court is now adjourned.

13 (Court adjourns at 1605H)

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