



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**ឯកសារដើម**

**ORIGINAL/ORIGINAL**

ថ្ងៃ ខែ ឆ្នាំ (Date): 23-Jun-2016, 14:04

CMS/CFO: Sann Rada

**TRANSCRIPT OF TRIAL PROCEEDINGS**

**PUBLIC**

Case File N° 002/19-09-2007-ECCC/TC

27 April 2016

Trial Day 404

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

The Accused: NUON Chea  
KHIEU Samphan

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Victor KOPPE  
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Trial Chamber Greffiers/Legal Officers:  
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Vincent DE WILDE D'ESTMAEL  
SENG Bunkheang  
SREA Rattanak

For Court Management Section:  
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I N D E X

Mr. PRAK Khan (2-TCW-931)

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Questioning by Mr. DE WILDE D’ESTMAEL ..... page 17

<p><b>List of Speakers:</b></p> <p>Language used unless specified otherwise in the transcript</p>
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Speaker	Language
Mr. DE WILDE D’ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KOPPE	English
The President (NIL Nonn)	Khmer
Mr. NUON Chea	Khmer
Mr. PRAK Khan (2-TCW-931)	Khmer
Mr. SREA Rattanak	Khmer

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 will hear 2-TCW-931 in relation to S-21

6 Security Centre.

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

9 [09.00.25]

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case  
12 are present except Kong Sam Onn -- <Counsel> Kong Sam Onn is not  
13 here due to his personal reasons.

14 Today, there is a witness to testify, 2-TCW-931. To the best of  
15 his knowledge, he confirms that he has no relationship, by blood  
16 or by law, to any of the two accused -- Nuon Chea and Khieu  
17 Samphan -- or to any of the civil parties admitted in this case.

18 The witness took an oath already before the Iron Club Statue  
19 yesterday, and this witness will have the duty counsel, Mam  
20 Rithea, with him.

21 The witness, together with the duty counsel, are present in the  
22 waiting room waiting to be called by the Chamber.

23 [09.01.28]

24 MR. PRESIDENT:

25 Thank you, Mr. Em Hoy.

2

1 Yesterday, the Chamber <decided> that before the Chamber proceeds  
2 to hear 2-TCW-931, the Chamber first would provide the floor to  
3 Nuon Chea to make a speech in relation to the fact of S-21, and  
4 he says that there <was> something in relation with Vietnam.  
5 So now the floor is given to Nuon Chea to make a speech.

6 [09.02.20]

7 MR. NUON CHEA:

8 I am grateful to you, Mr. President.

9 Mr. President, the last witness mentioned that the DK captured  
10 and imprisoned Vietnamese soldiers after military clashes between  
11 the two countries. He also mentioned traitors from the East Zone  
12 and interrogating traitors from the <North> Zone.

13 I would like to respond to what the witness said, and I want to  
14 explain more about the conflicts between Cambodia and Vietnam and  
15 about <traitors'> activities in Cambodia. I have discussed some  
16 of this information before, but I think it is very important to  
17 what we are discussing in this Court.

18 [09.03.47]

19 In relation to the period of 1975, particularly in early May,  
20 Vietnamese troops conquered the coastal areas of Kampot province,  
21 and on 8th of May, these troops moved inside Cambodian territory  
22 bordering with Tay Ninh province.

23 In late May, an American warship, <the> Mayaguez, trespassed onto  
24 Cambodian marine water <in> the area surrounding Koh Tang Island.

25 In executing orders of US President Ford and Secretary of State

1 Henry Kissinger, the US war planes bombed Sihanoukville port and  
2 destroyed three to five warehouses.

3 In June, Vietnam troops trespassed Cambodian <provinces>:  
4 Ratanakiri and Koh <Poulo Wai> Island.

5 [09.04.56]

6 The same month, Pol Pot and <Vietnam's> leader, Nguyen Van Linh,  
7 met and discussed the border clashes, but no decision was made at  
8 the time. The two leaders agreed to educate their soldiers not to  
9 engage in armed clash.

10 Also in June 1975, Pol Pot, Ieng Sary and I visited Hanoi.

11 Cambodian delegates requested to establish a friendship  
12 agreement, but Vietnam did not respond, as they needed a  
13 so-called "special friendship with Cambodia", the "special  
14 friendship" under the Vietnamese leadership.

15 <> Also in June, Vietnam captured Cambodian bases on Poulo Wai  
16 Island, which they <controlled> until August.

17 In August, Le Duan, General Secretary of Communist Party of  
18 Vietnam, led a delegation to visit Cambodia. Vietnam agreed to  
19 return Poulo Wai to Cambodia. However, armed clashes between two  
20 armies continued to take place along border of the two countries.

21 [09.06.51]

22 In December, armed clashes between the two armies were reported  
23 in areas <in> the <northeast> provinces. Vietnam started to  
24 repatriate to Cambodia Khmer refugees who moved there in 1954.

25 Mr. President, based on confidential information, we learned that

4

1 the returnees from Vietnam had a plan to stage a coup to topple  
2 the legitimate government of Democratic Kampuchea<>.

3 Concerning events in 1976, in May, there was a meeting between  
4 Cambodian officials and <Vietnamese> officials. However, the  
5 Vietnamese delegates refused to recognize the Brévié Line. The  
6 meeting, therefore, ended.

7 In October, Thai soldiers engaged in armed clashes with DK  
8 soldiers on the border, <in the> Thai province of Trat  
9 (phonetic). <>

10 In December, the naval forces of Thailand and Cambodia ultimately  
11 clashed.

12 In January 1977, Thai forces and DK clashed along the border <to>  
13 the west.

14 [09.08.20]

15 In February, DK made a <memorandum> to various embassies in  
16 Peking -- in Peking, explaining that between December 1976 and  
17 January 1977, Thailand had invaded Cambodia 17 times.

18 Mr. President, in 1977, we also learned that <traitors'>  
19 activities were increasing. In particular, there were coup  
20 <attempts> by the forces of Koy Thuon<>. Oeun, the commander <>,  
21 worked with Koy Thuon on this plot. <>

22 In April, Vietnamese forces invaded into Cambodia's provinces  
23 next to Chau Doc and Ha Tien.

24 In May, there was further fighting between Vietnam and DK at many  
25 places along the border of Ha Tien province.

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5

1 In August, there was an attempt in Phnom Penh to topple the DK by  
2 the <> pro-Vietnamese group within DK. Vietnamese troops later  
3 entered deeply into Cambodia at Svay Rieng, Prey Veng, Ratanakiri  
4 and Kampot.

5 [09.10.09]

6 In October<>, Vietnamese troops entered Cambodia at many places  
7 <along the border>.

8 In December, Vietnam sent 14 division troops to invade Cambodia's  
9 provinces along the border except the East Zone, where some of  
10 the cadres had defected to Vietnam. Because of Vietnam's  
11 contemptible actions, the DK announced its decision to break  
12 diplomatic <relations> with Vietnam in order to protest the  
13 Vietnamese policies of invasion, expansion and swallowing  
14 Cambodia, and also to protest Vietnam's policy of appointing  
15 <the> Indochina federation led by Vietnam.

16 Mr. President, everything came to a head in 1978. In January, six  
17 divisions of Vietnamese forces invaded Cambodia to the east of  
18 <the> Mekong River. Also, in January and in early February, both  
19 sides' forces engaged in fighting in the eastern part of  
20 Cambodia. On the Vietnamese side, there were 9,000 soldiers  
21 participating in this offensive.

22 [09.11.46]

23 In March, Vietnamese tanks invaded Cambodia at Takeo and Kampot.  
24 In April, the radio <in> Hanoi <broadcasting in Khmer> appealed  
25 to the Cambodian people to wake up and topple the DK.



6

1 In May, Vietnam incited rebellion in the Eastern Zone by inciting  
2 fighting between Khmers. Some of the leading Khmer cadres  
3 defective to -- defected to Vietnam, including Heng Samrin, the  
4 divisional leader. Fighting between DK and Vietnam was very hot  
5 at the border of Tay Ninh province and Memot district.

6 In June, Vietnam started using air forces to drop bombs on  
7 Cambodia <along> the eastern border. In August, the group of  
8 Khmer defectors who were appointed by Vietnam joined with the  
9 Vietnam to fight DK at the Eastern Zone. In October, Vietnamese  
10 forces controlled some parts of the East Zone, which led to a  
11 heightened situation.

12 Finally, Mr. President, I note that, in 1978, Vietnam also tried  
13 to <stage> a coup to topple the DK by having Vorn Vet and his  
14 clique lead it. However, it failed due to the arrest of Vorn Vet.

15 Thank you very much, Mr. President.

16 [09.13.55]

17 MR. PRESIDENT:

18 Thank you.

19 JUDGE FENZ:

20 This is to counsel now. Obviously, we always appreciate your  
21 client testifying, but perhaps you could, next time, ensure that  
22 it actually happens at the appropriate time. I still don't  
23 understand what that has to do with S-21.

24 Just advise.

25 MR. KOPPE:

7

1 Maybe, Judge Fenz, if you would have a look at the Judgment in  
2 Case 001, there is dozens of pages relating to the armed conflict  
3 with Vietnam that is directly relevant to S-21 where Vietnamese  
4 prisoners of war were taken. The whole issue of whether there was  
5 an armed conflict is directly relevant to the crimes allegedly  
6 occurring at S-21.

7 [09.14.50]

8 My client mentioned Koy Thuon and Oeun. He mentioned Vorn Vet. I  
9 know that everyone in this courtroom tries to evade--

10 JUDGE FENZ:

11 Counsel, no reason to -- I gave an advice. It would have been  
12 more helpful to do it at another stage. We have heard him. Fine.  
13 We don't need a pleading now.

14 MR. PRESIDENT:

15 You can proceed now, Nuon Chea. Do you have anything else to  
16 address the Chamber?

17 MR. NUON CHEA:

18 Mr. President, I would like to seek your permission so that I  
19 could be moved to the holding cell downstairs.

20 [09.15.55]

21 MR. PRESIDENT:

22 The Chamber is seized with the request of Nuon Chea to go to the  
23 holding cell downstairs so that he can follow the proceedings  
24 remotely.

25 Having seen the medical report of Nuon Chea by the duty doctor

8

1 for the Accused at the ECCC this morning, who notes that Nuon  
2 Chea has chronic back pain and the doctor recommends that, if  
3 possible, the Chamber should allow Nuon Chea to follow the  
4 proceeding as usual from the holding cell downstairs. And based  
5 on the above information and pursuant to Rule 81.5 of the ECCC  
6 Internal Rules, the Chamber grants his -- grants Nuon Chea his  
7 request to follow today's proceedings remotely from the holding  
8 cell downstairs via audio-visual means from this time onward  
9 until the evening -- the afternoon.

10 [09.17.06]

11 And counsel for Nuon Chea is obliged to provide the waiver with  
12 the sampling of fingerprints of the Accused to the Chamber.

13 And security personnel are instructed to bring Mr. Nuon Chea to  
14 the holding cell downstairs so that he can follow the  
15 <proceedings> remotely from that room.

16 AV personnel are instructed to link the proceedings to the room  
17 downstairs so that he can follow the proceedings. This applies to  
18 the whole day.

19 Nuon Chea -- security personnel, please bring Nuon Chea to that  
20 room.

21 And Court officer, please invite the witness, together with the  
22 duty counsel, into the courtroom.

23 (Witness enters the courtroom)

24 [09.19.20]

25 QUESTIONING BY THE PRESIDENT:

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1 Q. Good morning, Mr. Witness. Can you tell the Chamber what your  
2 name is?

3 MR. PRAK KHAN:

4 A. My name is Prak Khan.

5 Q. Thank you, Mr. Prak Khan.

6 What is your date of birth? Do you recall it?

7 A. I cannot recall my date of birth very well, but I know that I  
8 am 61 years old this year.

9 Q. And where were you born, Mr. Prak Khan?

10 Please observe the microphone, Mr. Witness.

11 A. I was born in Krang Leav village, Krang Leav commune, Bati  
12 district, Takeo province.

13 Q. And what is your current address?

14 A. I am living in Smau Khnhei village, Trapeang Sab commune, Bati  
15 district, Takeo province.

16 [09.20.37]

17 Q. What is your current occupation?

18 A. I am a vendor and also a farmer.

19 Q. And what are your parents' names?

20 A. My father's name is Prak Man, deceased; and my mother's name  
21 is Meng Van, deceased.

22 Q. What about your wife? What is her name, and how many children  
23 do you have?

24 A. My wife name -- my wife's name is Voal Hak, and I have five  
25 children.

10

1 Q. Thank you, Mr. Prak Khan.

2 Based on the report of the greffier a while ago, to the best of  
3 knowledge, you have no relationship, by blood or by law, to any  
4 of the two accused and to any of the civil parties admitted in  
5 this case. And also, you took an oath already before the Iron  
6 Club Statute to the east of this courtroom.

7 Is the report correct?

8 A. Yes, that is correct.

9 [09.22.05]

10 Q. Thank you, Mr. Prak Khan. I am now informing you of your  
11 rights and obligations.

12 As a witness in the proceedings before the Chamber, you may  
13 refuse to respond to any question or to make any comment which  
14 may incriminate you -- right against self-incrimination.

15 As for your obligation, you, as a witness in the proceeding  
16 before the Chamber, must respond to any questions by the Bench or  
17 relevant parties except where your response or comment to those  
18 questions may incriminate you, as the Chamber has just informed  
19 you of your rights. As a witness, you must tell the truth that  
20 you have known, heard, seen, remembered, experienced or observed  
21 directly about an event or occurrence relevant to the questions  
22 the Bench or parties pose to you.

23 Mr. Prak Khan, have you ever provided interviews or have you ever  
24 interviewed by the investigators of the ECCC OCIJ and, if any,  
25 how many time did they take place, and where?

11

1 A. I was interviewed at Phnum Ta Mau (phonetic) or Ta Mau  
2 (phonetic) mountain two times during the time that I was --  
3 during the investigation stage.

4 [09.23.51]

5 Q. Thank you.

6 And before you <coming> here, have you read or reviewed the  
7 written records of the interview that you provided to  
8 investigators to refresh your memory?

9 A. Yes, I have read some of them.

10 Q. To the best of your recollection, are those written records of  
11 the interview you have read correct and also consistent with what  
12 you told the investigators at Phnum Ta Mau (phonetic), as you  
13 said?

14 A. Yes, they're consistent.

15 MR. PRESIDENT:

16 Thank you.

17 And during the time that this witness is testifying, he has Mam  
18 Rithea, the duty counsel, with him. And in accordance with  
19 Internal Rule 91bis of the ECCC, the floor is first given to the  
20 Co-Prosecutors to put questions. And the Co-Prosecutors, together  
21 with the Lead Co-Lawyers for civil party is one day.

22 [09.25.32]

23 QUESTIONING BY MR. SREA RATTANAK:

24 Thank you, Mr. President. Good morning, Your Honours, everyone in  
25 and around the courtroom.

12

1 Q. Good morning, Mr. Witness. My name is Srea Rattanak. I am the  
2 National Deputy Co-Prosecutor of the ECCC. I have several  
3 questions to put to you in relation to your work between 1975 and  
4 1979, and then my <international> colleagues will have some  
5 further questions.

6 You told the Court earlier that you, in the previous times,  
7 provided interviews to the investigators and, based on the  
8 documents that I have, you used to come to testify before the  
9 Chamber in <2009>.

10 And you stated that you were part of Division <12 and then you  
11 were in Division> 703 before you were sent to S-21; is that  
12 correct?

13 MR. PRAK KHAN:

14 A. Yes, that is correct.

15 [09.26.46]

16 Q. In relation to the work that you did at S-21, when did you  
17 start working at S-21?

18 A. I cannot recall it well when I started working in S-21.

19 Perhaps it happened in late 1975 <or> early 1976.

20 Q. Was that during the rainy or dry seasons?

21 A. It was the windy season -- that is, the season that we harvest  
22 rice.

23 Q. After you were assigned to work as a guard, which location  
24 specifically were you assigned to stand guard?

25 A. At first, I was asked to station to the east of that compound

13

1 close to the sewage irrigation system.

2 Q. Could you clarify this, the location for the Court? What was  
3 the street number of the location that you stood guard which you  
4 stated that you were standing guard close to the sewage system?

5 A. I cannot recall the number of the road clearly. It is -- it  
6 was to -- it was in the east <of the fire station,> from Monivong  
7 Boulevard.

8 [09.28.56]

9 Q. So the post you stood guard or the location you stood guard  
10 was at "rue de" -- close to sewage irrigation system; is that  
11 correct?

12 A. Yes, that is correct.

13 Q. And where did you stay or live after work?

14 A. I slept or stayed after work at the Sambak Khmum (phonetic)  
15 radio station -- that is, the Beehive radio station to the east  
16 of fire station.

17 Q. So how far was it from the place where you stood guard and the  
18 place where -- the house where you lived?

19 A. It was about 50 <or 60> metres apart.

20 [09.30.10]

21 Q. Mr. Witness, now I am telling you that I am asking you about  
22 the work or the guard duties that you performed at the outside  
23 compound of S-21. And I want you to tell the Court what were your  
24 daily works or tasks as a guard.

25 A. We had to stand guard at the gates, and we were required to



14

1 open and close the door to make sure that no one could enter into  
2 S-21 freely.

3 Q. What did you see during the time that you were on duty,  
4 particularly during the time that people were entering into that  
5 compound and the vehicles entered into that compound?

6 A. I was standing guard at the gates. I noticed vehicles coming  
7 in and out -- that is, the <4x4> vehicles, <I cannot recall the  
8 name, really>. Then those vehicles transported prisoners into the  
9 compound from time to time.

10 Q. Can you tell us where those vehicles came from or which units  
11 those vehicles belonged to?

12 A. Those vehicles belonged to S-21.

13 Q. Why were you so sure that those vehicles belonged to S-21?

14 A. I recognized those vehicles. Those were <4x4 and> Volkswagen  
15 vehicles, and I knew the <people there>.

16 [09.32.42]

17 Q. So the people you recognized on those vehicle, are you  
18 referring to the drivers or the other people?

19 A. The drivers.

20 Q. What about other trucks from other units beside those from  
21 S-21?

22 A. There were no other trucks from other units. There were only  
23 vehicles from S-21.

24 Q. Related to this matter, to refresh your memory, as you have  
25 already given the interview to the investigators, in document

15

1 E3/5156; Khmer, ERN <00146619>; English, <00161573>; French,  
2 00705389; the question is posed to you is that:  
3 "Do you recognize the <S-21 people> in the vehicles?"  
4 And your answer was: "Yes. <Mostly, the people from outside  
5 brought them in.>"  
6 Question to you was: "Did you see the vehicles from S-21 going  
7 out to transport prisoners in?" Answer: "Yes."  
8 And another question: "Did you ever see the chief of the prison  
9 going out to arrest prisoners?"  
10 Your answer was: "Only the subordinates or normal staff." End of  
11 quote.  
12 [09.34.54]  
13 So from your testimony a little bit earlier, you said that there  
14 were no vehicles from other units beside the vehicle from S-21,  
15 so what is your reaction to this quote from your earlier  
16 statement?  
17 A. <I may have been confused because according to the  
18 regulations,> there were no <outside people coming in, there were  
19 only the people from inside going out>.  
20 Q. So regarding the opening of the gate regulation, when the gate  
21 <was> opened, <did> the truck <go> straight into the compound or  
22 <did> it stop somewhere<?>  
23 A. When I opened the gate, the trucks came in the compound, <I  
24 never went inside, but> the truck arrived at the place where  
25 <Suos Thy> registered the names of people who were brought in.

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16

1 Q. You -- so where is the location where prisoners were -- where  
2 newly-arrived prisoners were registered <compared to the place  
3 you stood guard>?

4 A. It was located in <between> of C and D buildings.

5 [09.36.48]

6 Q. So the registration office, is it within the compound of S-21  
7 or still outside the compound?

8 A. Yes, it was inside the compound.

9 Q. Talking about the trucks, how many prisoners were transported  
10 on each truck?

11 A. I cannot say how many people were transported on each truck  
12 <because there were small and big trucks>; sometimes <there were  
13 one or> three or four on each one; sometimes there were many. The  
14 truck made in China could transport up to 50 or 60 people at a  
15 time.

16 Q. To refresh your memory, when you gave your testimony in Case  
17 001 on 21 July 2009 at <10.03.21> in document <E3/7463>, you said  
18 that, and I quote:

19 "In each truck, there were around <four to> 10 people if the  
20 truck was small, but if the truck was bigger, it could transport  
21 up to 20 <or 30> people." End of quote.

22 So what is your reaction to this statement that you gave earlier?

23 [09.39.10]

24 MR. PRESIDENT:

25 Mr. Prak Khan, please hold on.

17

1 MR. PRAK KHAN:

2 A. Yes, that is correct. <There were small trucks and big  
3 trucks.> When prisoners were transported by smaller <trucks>, the  
4 -- there were three or four <up to 50 to 60, not more than that>.

5 BY MR. SREA RATTANAK:

6 Q. Among those prisoners transported by truck, were their hands  
7 handcuffed?

8 MR. PRAK KHAN:

9 A. The -- yes, they were handcuffed <with the number 8 cuffs> to  
10 the back, and they were also blindfolded.

11 Q. So it means all the people transported from the outside were  
12 brought with their <hands> cuffed and blindfolded. It means there  
13 was no one who was not handcuffed or blindfolded; is that  
14 correct?

15 A. Yes, that's correct.

16 MR. SREA RATTANAK:

17 Thank you, Mr. Witness.

18 Mr. President, I have no more questions to pose to the witness. I  
19 would like to ask for your permission to hand over the floor to  
20 my international colleague.

21 [09.41.12]

22 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

23 Thank you. Good morning, Mr. President. Good morning, Your  
24 Honours. Good morning, the parties.

25 Q. My name is Vincent De Wilde, Mr. Witness. I will put questions

18

1 to you throughout this day. And for a start, I would like to  
2 reassure you that our objective is <simply> to establish the  
3 truth before this Chamber and, of course, you are appearing here  
4 as a witness, and no one is charging you with anything  
5 whatsoever.

6 [09.41.52]

7 <However, s>ince you have taken an oath, I would like you to tell  
8 the <whole> truth regarding your role at S-21, and I'll start  
9 with a few follow-up questions <because I was a bit surprised by>  
10 the answers you've <just> given to previous questions.

11 As a matter of fact, in E3/5156, your record of interview, <which  
12 was already cited-- > page 8 in French, 6 in English, and 7 in  
13 Khmer, and this is what you stated: "Most of the time, it was  
14 people from outside who brought them." And you were talking of  
15 prisoners who entered S-21.

16 And then you were asked: "Do you see S-21 vehicles go outside to  
17 bring in prisoners?" And your answer was, "I did." End of quote.

18 But you stated that, most of the time, it was outsiders bringing  
19 them, so it is persons from external units who brought them in.

20 Do you, therefore, confirm that, apart from the S-21 trucks that  
21 entered the premises of S-21, there were also other vehicles that  
22 brought in prisoners from outside the premises of S-21? Did I  
23 properly understand your testimony?

24 [09.43.24]

25 MR. PRAK KHAN:

19

1 A. Let me clarify on the issue. I may have been confused during  
2 my earlier testimony or interview given to the investigator.

3 I would like to clarify that only vehicles from S-21 <that> were  
4 sent out to transport prisoners into the prison.

5 Q. You also stated before this Chamber on oath at the hearing of  
6 the 21st of July 2009, and it's transcript E3/7463 at about  
7 09.59, and you were talking precisely of persons who were brought  
8 in by units outside of S-21, and this is what you stated:

9 "At times, they transported prisoners who were already  
10 handcuffed. At times, they transported prisoners who were then  
11 brought to a house and it was there that they were arrested."  
12 And further down, "They were arrested in the house in which I was  
13 based."

14 Does that refresh your memory, witness?

15 [09.44.50]

16 A. Yes, I can recall it. There were some <occasions> when  
17 prisoners were unloaded from the truck outside the compound, and  
18 then people from the prison arrested them from that place and  
19 brought them into the compound.

20 MR. PRESIDENT:

21 International Co-Prosecutor, based on my observation, your  
22 questions should direct -- should be directed to the details  
23 about the location of S-21 because S-21, in those days, it was  
24 different from the physical landscape like buildings that we see  
25 at present time. And based on testimonies from previous

20

1 witnesses, there were different tiers of the compound of S-21,  
2 <for example: the working area, the area surrounded with the  
3 corrugated fence, the building for interrogation, and just now  
4 the guard post was mentioned;> so if the questions are directed  
5 to the witness to clarify the physical features or landscapes of  
6 S-21 at that time, it would be more helpful.

7 [09.46.34]

8 BY MR. DE WILDE D'ESTMAEL:

9 I will try to clarify that.

10 Q. Witness, you stated that, on the one hand, there were trucks  
11 entering the <school perimeter> with buildings A, B, C, D, <and  
12 where Suos Thy was, and then there was -- and> now you're saying  
13 that there were trucks that stopped before the gate and <people>  
14 who alighted from those trucks and who had not yet been arrested  
15 were then arrested.

16 <In the passage I quoted, you> stated that they were brought to a  
17 house, and that is where you were based. Is that, indeed, the  
18 house you <just> referred to which was 50 metres from where you  
19 were supposed to stand guard at the gate? I am still talking of  
20 the exterior of the S-21 fence.

21 [09.47.37]

22 MR. PRAK KHAN:

23 A. The -- if we talk about the compound of S-21, it is about one  
24 kilometre -- it's about one square kilometre. <The inside  
25 perimeter was about 100 square metres, the outside compound, to

21

1 the east, was next to the sewage canal coming from Monivong Blvd,  
2 > to the south, it's bordered with Tuol Tumpung pagoda, <to the  
3 west, it's bordered with Moha Montrei pagoda,> and to the north,  
4 <it's bordered> with the <road from the fire station>. <So today,  
5 the outside perimeter where I was is to the east of the fire  
6 station at the> Beehive radio station, so it was a bit far from  
7 the <inside> compound.

8 So people <were> unloaded from the truck and gathered there and  
9 where they were arrested and brought into the prison.

10 Q. Very well. When you say that they were arrested, does it mean  
11 that they were handcuffed and blindfolded before they were  
12 brought into the premises of the prison?

13 A. After they had been arrested, they were handcuffed and  
14 blindfolded and then put back onto the truck and brought into  
15 <the inside perimeter>.

16 [09.49.40]

17 Q. Very well. You talked of the recording and Suos Thy. Upon  
18 <their> arrival, were the prisoners interrogated to obtain their  
19 biography<? Were> their photographs <> taken?

20 A. When prisoners arrived, based on <what I saw>, at <Suos>  
21 <Thy's> office, the prisoners were photographed, <measured> and  
22 their biographies were drawn up.

23 Q. As a guard who stood guard outside<,> at the beginning of your  
24 work at S-21, did you have the right to enter the premises of the  
25 prison?



22

1 A. When I was based outside the compound, what I told you earlier  
2 about my witnessing, it was at a later stage when I -- when I  
3 <had> already transferred to <interrogate> inside the compound  
4 that I witnessed the drawing up of biographies and photographing  
5 of prisoners <in Suos Thy's office>.

6 When I was outside the compound, I did not have the rights to go  
7 inside the compound.

8 [09.51.36]

9 Q. Thank you for this clarification.

10 Now, you saw prisoners being brought in. When the prisoners were  
11 taken outside of S-21, how did that happen?

12 You were a guard, and you could see prisoners being brought out.  
13 Were they led out of the premises on foot or in trucks, or <did>  
14 it change depending on the days?

15 A. At that time when prisoners were taken out, they were taken  
16 out to be killed at nearby places, <for instance in the alleys,  
17 between the dismantled apartments or dismantled wooden houses,>  
18 and their bodies were buried in those nearby places.

19 MR. DE WILDE D'ESTMAEL:

20 Mr. President, I do not think I got the full answer. The  
21 interpretation <in French> was cut <at some point>. <> There may  
22 be a problem with the <interpreter's> microphone. May I therefore  
23 request the witness to repeat his answer?

24 MR. PRESIDENT:

25 Co-Prosecutor, you may repeat your question because the witness

1 may have already forgotten your question.

2 [09.53.30]

3 BY MR. DE WILDE D'ESTMAEL:

4 Thank you.

5 Q. Witness, in light of what I heard, you stated that the  
6 prisoners were brought out of S-21 <(unintelligible)> prison to  
7 be executed, and I heard that<, in any case,> some of them were  
8 executed in the vicinity of S-21.

9 Is that what you stated, and did you add any details? I did not  
10 hear those details.

11 MR. PRAK KHAN:

12 A. Yes, I said so.

13 Q. When you were <still> a guard, did you also observe that the  
14 bodies of prisoners executed were buried in pits that were dug in  
15 places close to where you were living? Did you see those kinds of  
16 pits<, if they existed>?

17 MR. PRESIDENT:

18 Mr. Witness, please hold on.

19 The floor is given to Counsel Victor Koppe.

20 [09.54.45]

21 MR. KOPPE:

22 I object to this last question, Mr. President. He's leading the  
23 witness. Also, he's inviting the witness to speculate.

24 When the witness was a guard, his duties were very restricted. He  
25 offers that the prisoners that he saw being transferred out were

1 killed, but he doesn't actually have any concrete information to  
2 back that up. It's something that he mixes into his answer.  
3 We should be very precise with this witness. He is speculating.  
4 He is using post-79 knowledge to colour his answers and, on top  
5 of this, Prosecution is leading.

6 [09.55.30]

7 BY MR. DE WILDE D'ESTMAEL:

8 If I may respond, Mr. President, I do not understand this  
9 objection<: It seeks to intimidate the witness> because the  
10 Defence <is saying at the outset>, whereas the questions have not  
11 been asked<,> that the witness is speculating on the basis of  
12 information obtained after 1979. <I think that's jumping the  
13 gun.>

14 So I will put questions regarding these executions and proceed in  
15 a different manner.

16 Q. Witness, regarding S-21 prisoners who were executed in the  
17 vicinity of S-21 prison, were they buried or they were left  
18 unburied to rot?

19 MR. PRAK KHAN:

20 A. Let me clarify. During the time when I was on guarding duty  
21 outside, <I saw> the dead bodies were <buried, especially> at the  
22 <former> Saing Sarun (phonetic) theatre. So from the <alleys  
23 near> the fire <station> to that theatre, it was all graveyards  
24 for the executed prisoners. <They were buried, not left in the  
25 open.>

1 [09.57.14]

2 Q. Did you see those pits? Did you get close to them?

3 Can you describe them, and particularly, do you remember whether  
4 there was a nauseating stench from those pits<, or exhumation  
5 sites -- excuse me, or burial sites>, as you said?

6 A. <For> the burial sites, I visited <> that place when I went to  
7 find <coconuts> <after work at mid-day> and I saw the bloodstains  
8 nearby on the graves<>. <The ground would be flat if the pits  
9 were old, and it would be swollen and covered with bloodstains if  
10 the bodies had just been buried there.>

11 Q. Were prisoners buried around S-21 prison up until 1979?

12 A. Executed prisoners were buried around S-21, and this practice  
13 took place until 1979. <But that applied to one or two prisoners  
14 who died inside the prison. For big operations, during the> later  
15 years of the regime, prisoners were <sent to Choeung Ek>.

16 [09.59.10]

17 Q. In 1975 or 1976 during the months when you were standing --  
18 when you were a guard, how many, on average, prisoners arrived  
19 every day or every week?

20 I'm not asking for a precise figure. I'm just asking for an idea,  
21 or maybe, if it's easier for you, can you tell me how many trucks  
22 arrived every day or every week?

23 MR. PRESIDENT:

24 Mr. Witness, please hold on.

25 The floor is given to Counsel Victor Koppe.

1 [09.59.51]

2 MR. KOPPE:

3 Thank you, Mr. President.

4 I'm not sure where the year of 1975 is coming from. I think there  
5 is abundant evidence that S-21 as we know it now, Tuol Sleng, the  
6 A, B, C, D, E buildings compound, was established probably in the  
7 spring of -- in the spring of 1976.

8 There is a biography of this witness summarized by Ysa Osman  
9 saying that he actually entered S-21 as a guard in July or June  
10 1976, so he doesn't really have any knowledge post -- or pre that  
11 date.

12 BY MR. DE WILDE D'ESTMAEL:

13 I agree, yes, Mr. President, but simply, I was speaking about the  
14 period that the witness approximated. He didn't remember if he  
15 arrived at the end of '75 or 1976, but we do agree with the  
16 Defence that S-21 or, in any case, the security centre was first  
17 set up at the <premises of the criminal police> before <it was at  
18 Tuol Sleng>.

19 [10.01.09]

20 Q. So in 1976, therefore, witness, when you worked as a guard for  
21 a few months around S-21, how many prisoners did you see enter  
22 every day or every week, or how many trucks <brought> prisoners?

23 MR. PRAK KHAN:

24 A. There were only a few prisoners coming in. They -- the  
25 prisoners would come one or two a week or around <every> 10 days.

1 And it was -- there were many prisoners coming in 1978 and 1979.

2 MR. PRESIDENT:

3 Please make it clear the date and the year you are mentioning  
4 because it was only a few days in 1979 that the regime could  
5 still control the country, so please make sure that you specify  
6 dates and year clearly, Mr. Witness.

7 [10.02.35]

8 BY MR. DE WILDE D'ESTMAEL:

9 Q. So is it true that there was an increase in the number of  
10 prisoner arrivals at one point in time -- one point in time, and  
11 as of which year did this increase occur? Were you still a guard,  
12 or were you already an interrogator when this happened?

13 MR. PRAK KHAN:

14 A. When I <> stood guard at the outside compound, the numbers of  
15 -- the number of prisoners were not so many <because the internal  
16 breakdown was not that intense>, and then the increase in numbers  
17 of <prisoners> started to happen from <1976-'78> onward.

18 Q. In 1977-1978, because of the purges within the <party in> the  
19 zones and the ministries and the divisions, did that number then  
20 increase?

21 A. Yes. After the <purges>, the number of prisoners increased.

22 [10.04.25]

23 Q. Do you remember any specific days when there was a massive  
24 arrival of prisoners at S-21?

25 Can you tell us if that happened and, if that was the case, what

1 kind of prisoners were these and where did they come from?

2 A. The massive arrival of prisoners happened in perhaps late 1978  
3 during the time that the Vietnamese fought to enter into the  
4 territory of Cambodia. And many of those prisoners were  
5 <soldiers> from the East <Zone>.

6 Q. Well, let me plow ahead a little bit here.

7 When you were a security guard outside of the prison's fence, did  
8 you see interrogators bringing in prisoners to be interrogated in  
9 the houses that were located outside of the prison itself?

10 A. I wasn't aware of that since I was guarding at the outer  
11 perimeter.

12 Q. Well, exactly. I was speaking about interrogations that took  
13 place outside of the centre in the houses that were located just  
14 outside of the gate of the prison itself.

15 Did you know back then when you were a guard that interrogations  
16 were taking place outside of the prison?

17 [10.06.58]

18 A. I heard from other <people> about that since I was simply a  
19 guard, and I did not enter into the compound or prison very  
20 often.

21 Q. And back then, were you able to see certain prisoners coming  
22 back from the interrogations? And if that is the case, in what  
23 kind of physical state were they?

24 A. No <> prisoner could get <> out of the prison <from the time>  
25 they were brought in to S-21 <until> the interrogation <was

1 concluded>.

2 Q. I'm not sure that we understood each other. There might be a  
3 problem here with the interpretation.

4 So I'm going to read out what you said on 22 July 2009 before  
5 this Chamber at 09.23. It's document <E3/7464>. You said the  
6 following:

7 "I was standing guard outside. I saw detainees who, after having  
8 been interrogated, were covered with wounds on their bodies and  
9 on their back. Indeed, they had been sent to the chewing unit and  
10 they had been beaten up." End of quote.

11 [10.08.57]

12 So you're speaking about the fact that you were a guard but that  
13 you did see people coming back with injuries on their bodies and  
14 on their backs after they were interrogated.

15 Can you confirm this, witness?

16 MR. KOPPE:

17 I object to this question, Mr. President. This is another example  
18 of mixing times and mixing the functions in time of this witness.  
19 When he was a guard, he was standing at the outside perimeter and  
20 clearly must have had very limited knowledge of what was going on  
21 in S-21. When he became an interrogator, I presume he started to  
22 know about what the hot, cold and chewing unit was.

23 Importing information that he most likely could only have known  
24 when he was an interrogator into his -- into the time that he was  
25 a guard is not contributing to ascertaining the truth. We should



1 be very clear as to when he would be able to know what, exactly.

2 [10.10.14]

3 MR. PRESIDENT:

4 Let me also intervene in the matter <so that the questions in  
5 relation to this important fact are formulated properly in order  
6 and we have> clear answers and testimony <from> the witness. You,  
7 Co-Prosecutor, have to ask basic <questions> and clear  
8 <questions> in relation to the compound. I mean both the inside  
9 and outside compound of S-21, and particularly <regarding the  
10 present perimeter of the prison and> the interrogation location  
11 where the interrogation took place. And the witness has already  
12 said that he was working perhaps 50 metres outside of the prison.  
13 <So the perimeter might be further away, it might be up to 200  
14 metres away from the current perimeter of the school.>  
15 And please make sure that you ask clearly about the timeline and  
16 also about the specific location as well as the function and  
17 tasks of this witness.

18 [10.11.27]

19 As you know, this witness moved up the line from <an> ordinary  
20 staff <member><> to <an> interrogator. And I have told the  
21 witness already that when he <answers> the question, he should  
22 <be> clear about the timeline.  
23 He made -- he once made mention about 1979 when he knew about  
24 what happened at that place but, in fact, in 1979, there <were>  
25 only a few days before the DK collapsed, so please make sure that

31

1 you focus on specific facts and location, and as well as the  
2 time, <because there are still more witnesses to come, and  
3 because this is the core fact in this case>.

4 BY MR. DE WILDE D'ESTMAEL:

5 Thank you. I'm not going to waste more time about this. This was  
6 a detail, in fact.

7 Maybe I will put two other questions before the break.

8 Q. First, was there outside of the prison -- and this you might  
9 have learned as a guard or when you were an interrogator, so my  
10 question is: Was there outside of the prison a special prison  
11 where high level prisoners were detained?

12 [10.13.02]

13 MR. PRAK KHAN:

14 A. Yes. The special prisons or the main prison, the big prisons,  
15 were located in the south.

16 MR. PRESIDENT:

17 It is now time for break. The Chamber will take a short break  
18 from now until 10.30.

19 Court officer, please assist the witness in the waiting room  
20 during the break time and please invite him, together with the  
21 duty counsel, back into the courtroom at 10.30.

22 The Court is now in recess.

23 (Court recesses from 1013H to 1030H)

24 MR. PRESIDENT:

25 Please be seated.

1 The Chamber is back in session and I would like to give the floor  
2 to the International Deputy Co-Prosecutor to continue putting  
3 questions to the witness.

4 BY MR. DE WILDE D'ESTMAEL:

5 Q. Mr. Witness, you stated that you were a guard at S-21 for some  
6 time.

7 Do you recall when your status changed from that of a guard to  
8 that of an interrogator? Do you remember the year in which that  
9 happened?

10 MR. PRAK KHAN:

11 A. I cannot recall the exact year because, at that time, I did  
12 not pay attention to months and year.

13 [10.32.00]

14 Q. On the 21st of July 2009 was a time when your memory was  
15 perhaps fresher -- transcript <E3/7463>, before 10.21 -- you said  
16 it was around late 1976.

17 Perhaps to facilitate matters, do you recall for how long you  
18 worked as a guard outside of the S-21 premises before you became  
19 an interrogator?

20 A. <It might be during that period, but> as I said that I am not  
21 so clear about the time because things have happened a long time  
22 ago.

23 Q. Very well. When you became an interrogator, did you have the  
24 choice to refuse that assignment?

25 A. At that time, I had no rights to reject the assignment. Anyone

1 who rejected or refused to do the tasks assigned to them, they  
2 would be alleged of being enemy of the revolution, so no one  
3 dared to refuse or to reject the assignment.

4 [10.33.40]

5 Q. You talked of the enemies of the revolution. What was the fate  
6 reserved for enemies of the revolution under the particular  
7 system placed at S-21?

8 A. I cannot fully understand your question.

9 Q. You stated that if you disobeyed instructions, you were  
10 considered as an enemy of the revolution. At S-21, what happened  
11 to those who were considered as enemies of the revolution? Were  
12 they kept alive?

13 A. Thank you.

14 MR. PRESIDENT:

15 Mr. Witness, please hold on.

16 The floor is given to Anta Guisse.

17 [10.34.42]

18 MS. GUISSÉ:

19 Yes, Mr. President, I would like to object to the last question  
20 by the Co-Prosecutor.

21 The first part is very good, but in the second part, he's trying  
22 to enhance the answer given by the witness. <A broad, open  
23 question would not be a problem, but I object to this.>

24 BY MR. DE WILDE D'ESTMAEL:

25 Q. Witness, my question was: What happened to the enemies of the

1 revolution at S-21?

2 I am reformulating the question and withdrawing the last part of  
3 the question.

4 MR. KOPPE:

5 I also object to that question because it is asking for  
6 speculation. He was a guard. He gave a lot of evidence saying  
7 that he did not know what happened to the people in the truck  
8 exported out of the prison. When he was an interrogator, he  
9 also--

10 [10.35.39]

11 MR. PRESIDENT:

12 There is no translation in Khmer.

13 (Short pause)

14 [10.36.10]

15 MR. PRESIDENT:

16 Counsel Victor Koppe, please repeat your objection because, a  
17 while ago, there was no Khmer translation.

18 MR. KOPPE:

19 Yes, Mr. President, I object to this question because it is  
20 asking for speculation. As a guard, he clearly had no knowledge  
21 whatsoever what would happen to the prisoners being exported out.  
22 The same, most likely, applies to his function as an  
23 interrogator. It was outside the scope of his knowledge and his  
24 functioning, so the prosecutor is basically seeking the witness  
25 to have post-79 knowledge inserted into his answer.

1 [10.36.55]

2 JUDGE FENZ:

3 Counsel, I note that you, yourself, are speculating on whether  
4 the witness could know something, which is usually not the best  
5 basis for an objection against speculation.

6 MR. KOPPE:

7 But we've all read his previous evidence. We've all read the  
8 evidence of other S-21 cadres, so it's not a speculation on my  
9 side.

10 JUDGE FENZ:

11 Why did you say "most likely"?

12 [10.37.32]

13 MR. DE WILDE D'ESTMAEL:

14 Mr. President, I would like to ask this question because a few  
15 moments ago, the witness said that people were executed <right>  
16 outside of the perimeter of S-21 and buried and that the stench  
17 was nauseating<. If those are not things he had witnessed, even  
18 as a guard --> so <I believe> I have, therefore, laid the  
19 foundation for my question.

20 And he should know what happened to the enemies of the revolution  
21 who were detained at S-21, so I would like the witness to answer  
22 my question.

23 MR. PRESIDENT:

24 The Chamber overrules the objection by defence counsel Victor  
25 Koppe. The Co-Prosecutor can proceed with this question.

1 I instruct the witness to answer the question posed to you by the  
2 Co-Prosecutor if you can still remember it.

3 [10.38.35]

4 MR. PRAK KHAN:

5 A. Yes, I can answer it.

6 The question about the enemy of the revolution, the enemy of the  
7 revolution referred to those who did not follow or <did not> work  
8 for the revolution, so those people were considered as enemy of  
9 the revolution.

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. And my question, therefore, is what happened to them, what  
12 became of them, particularly at S-21?

13 MR. PRAK KHAN:

14 A. When anyone refused or rejected the assignment, that  
15 particular person <would> face a bad fate. <They would not keep  
16 that person because he or she was considered as the enemy of the  
17 revolution.>

18 Q. Witness, we do not have a lot of time.

19 Can you be more specific? What do you mean by what you have just  
20 stated that their fate was <bad, what do you mean by that>?

21 A. Their fate came to an end. It means the person would be  
22 arrested and imprisoned and killed. So that's why when I was  
23 assigned to join the interrogation unit, I joined it, because I  
24 needed to follow the order in order to survive. For anyone who  
25 refused or did not follow the instruction, that particular person

1 was arrested, imprisoned and, later on, executed.

2 [10.40.35]

3 Q. Very well. In which group of interrogators were you assigned  
4 to work in? There were several groups, and <can you> tell us  
5 which of those -- which were those groups, and what were the  
6 specific duties of your group in relation to the other groups?

7 A. When I was in the interrogation unit, I was in the chewing  
8 unit. <There were three units: cold, hot, and chewing. And I was  
9 in the chewing unit.>

10 Q. What were the other groups called apart from the chewing  
11 group? <Let's start with that.>

12 A. Beside the chewing unit, there were other two units called the  
13 <cold> unit and the hot unit. After prisoners were interrogated  
14 exhaustively and then the prisoner was sent to the chewing unit.

15 [10.41.55]

16 Q. When you received prisoners, <had> they already been  
17 interrogated by the other groups in all cases or were they  
18 interrogated directly by your group without having gone through  
19 the other two groups?

20 A. <The> prisoners I interrogated at that time were mostly those  
21 who were already tortured exhaustively, and they were sent to my  
22 unit so that we would chew for more information.

23 There were only few cases where new prisoners were sent to my  
24 unit.

25 Q. Can you tell us or tell the Chamber what the technique



1 referred to as "chewing" consisted of?

2 You said you often received prisoners who had already been  
3 tortured. What did the chewing group have to do to obtain  
4 information from those prisoners?

5 A. The so-called chewing unit, in simple terms, it means we -- we  
6 asked <back and forth, again and again> for very detailed answers  
7 until we fully <got or obtained> the full answer.

8 [10.43.47]

9 Q. When you became an interrogator, how did you learn to do your  
10 duties, to carry out your duties and responsibilities? Was it by  
11 observing interrogation sessions, or you attended some other  
12 kinds of training sessions? <Or was it through some other means?>

13 A. The first step, I observed the interrogation being practised,  
14 being done by other interrogators; for example, how to handcuff,  
15 how to blindfold prisoners, <how to interrogate, how to process  
16 the documents,> how to torture prisoners, etc.

17 After I gained the skill in all of this and then I could proceed  
18 to bring in prisoners for interrogation <and to interrogate them  
19 myself>.

20 Q. Apart from that observation phase, did you regularly receive  
21 training conducted by the officials of S-21, notably Duch?

22 A. Later on, I received instruction and training. Every half  
23 month or one month, we were invited for a <political> training  
24 session <near> Duch's house about the various techniques that  
25 should be used for interrogation, <documenting,> and torturing.

1 [10.45.53]

2 Q. Apart from that, did you also undergo training of a political  
3 nature conducted by Son Sen?

4 A. At one time, Son Sen came to train us at the political study  
5 session <near> Duch's house.

6 Q. During those training sessions with Duch and also with Son  
7 Sen, did both Duch and Son Sen talk to you about the specific  
8 role of S-21 and its significance to the <country> and the  
9 Kampuchea Communist Party?

10 A. At that time, I cannot recall it well, but what I can recall  
11 was that Duch and Son Sen said that S-21 was <key to> the  
12 country, so we had to work hard to search for <all> the network  
13 or strings that the prisoners gave us in the answers.

14 Q. Did they tell you that S-21 was an essential element in the  
15 country security apparatus?

16 A. Yes. As I said earlier, S-21 was <> key <to> Cambodia.

17 [10.48.12]

18 MR. DE WILDE D'ESTMAEL:

19 Mr. President, with your leave, I would like to have screened a  
20 video clip from the film "S-21: The Khmer Rouge Killing Machine"  
21 by Rithy Panh, and it's video E3/3924R, from 35.52 to 36.14.

22 This is an <excerpt> of the film in which the witness talks about  
23 the importance of S-21.

24 MR. PRESIDENT:

25 Your request is granted.

40

1 I instruct the audio unit to project the film on the screen as  
2 requested by the International Deputy Co-Prosecutor.

3 (Audio-visual presentation)

4 [10.50.54]

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. In this video clip, Mr. Witness, you state that as  
7 interrogator<s> and worker<s> at S-21, the right hand of the  
8 Party, can you specify in what way you were the right hand of the  
9 Party?

10 MR. PRAK KHAN:

11 A. The right hand of the Party means that whatever assignment the  
12 Party gave to <that individual>, <he or she> must implement it<>  
13 because the Party had trust and confidence in <him or her>.

14 Q. Did Son Sen and Duch ever tell you that, by doing your work  
15 <well> and by being determined, you were defending the interests  
16 of the Party?

17 A. They frequently instructed us to follow the order of the  
18 Party.

19 [10.52.18]

20 Q. I would like to read an extract of a document which is on <the  
21 case file>, E3/833. It is the notebook of Mam Nai, one of the  
22 guards at S-21, <on page 00373115 in French>; in English,  
23 00242263; and in Khmer, 00077951. And it is dated the 25th of  
24 July 1978. And this is what is written in this notebook by an  
25 interrogator at S-21, and I quote:

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

41

1 "The elimination of traitors certainly transforms the movement by  
2 making it take a leap forward, a great leap forward, by  
3 transforming a weak revolution into a powerful movement. In light  
4 of this, we are the political police and we must endeavour to  
5 accomplish our task by adhering to this movement and wrapped in  
6 documents." End of quote.

7 Did you hear Son Sen, Duch, Mam Nai alias Chan, <or> other cadres  
8 at S-21 pride themselves on the fact that eliminating the  
9 traitors assisted the revolution in making a leap forward?

10 [10.54.10]

11 A. Yes, I heard about that many times. They instructed us to work  
12 hard and to be determined in order to achieve what they said was  
13 democracy.

14 THE INTERPRETER:

15 Correction by the interpreters: The reference for the English was  
16 0007795.

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. In the <passage> I read, they talk of political police. <Did  
19 they tell you -- did they use that term, that you were part of>  
20 the political police of the country?

21 MR. PRAK KHAN:

22 A. At that time, I was considered as a security guard, not a  
23 policeman. <During that period, I never heard it used.>

24 [10.55.22]

25 Q. I do understand what you did as a guard. How about what you

1 did as an interrogator?

2 In light of the fact that you said that you had to <identify>  
3 networks of traitors, <did they talk to you using> that term  
4 "political police" to characterize those who worked as  
5 interrogators to bring to light the <networks>?

6 A. Yes.

7 Q. Among those networks, which ones did you try to identify  
8 during the interrogations of prisoners? Which were the principal  
9 networks that you were specifically <ordered> to identify?

10 A. They required us not to target or identify any special  
11 network. We -- there were many networks, including CIA, KGB, <the  
12 'Yuon' network,> so it depended on which network that the  
13 prisoners gave to us.

14 [10.56.52]

15 Q. Apart from the CIA and the KGB, you also had the network of  
16 Vietnamese who guzzled up territory.

17 A. Yes. Among the prisoners who confessed, some of them were  
18 network of the "Yuon". Some were networks of the Khmer Sar or  
19 Khmer Serei or other networks.

20 Q. During those training sessions or those meetings which were  
21 held twice a month or once a month, did Duch ever tell you who  
22 were his immediate superiors to whom he reported?

23 A. He never told us the specific names of his superiors. He  
24 simply referred to those superior as Brother Number One, Brother  
25 Number Two.

1 [10.58.25]

2 Q. And what did he say regarding Brothers Number One and Two? Did  
3 he talk about them often?

4 If yes, what did he tell you about them?

5 A. Talking about Brother Number One and Two, he talked about the  
6 reports that he sent to the two brothers, whether the two  
7 brothers accepted it or rejected it. So he raised this matter  
8 during the meeting in regards to whether the reports <of the  
9 prisoners' confessions> sent to the superior were accepted by  
10 Brother Number One and Two, or not.

11 Q. And did he send -- speak about sending reports to Brother One  
12 and Brother Number Two during the entire period when you were an  
13 interrogator or at a specific period?

14 A. Yes, he said that sometimes he reported to Brother Number One  
15 and Brother Number Two, but he did not tell us the names of the  
16 two Brothers. <So I do not know their names.>

17 [11.00.06]

18 Q. And what was Son Sen's status? You said that he came at least  
19 once to attend a political training session.

20 Was there a hierarchical relation between Son Sen and Duch?

21 A. I met Son Sen when he came to train us during the political  
22 study session near Duch's house. He was in the -- he was the  
23 commander-in-chief of the army.

24 Q. Did Duch ever mention Brother Number Two as an example as he  
25 had authorized the arrest of his nephew, Sat, S-A-T?

1 MR. PRESIDENT:

2 Koppe, you can proceed now.

3 MR. KOPPE:

4 I object to this question. The witness has just said that he  
5 doesn't know who Brother Number One and Brother Number Two are  
6 and, therefore, he's also not in a position to say who the  
7 cousins or nephews or whoever of Brothers Number One and Two are.

8 I know there is evidence from Duch as to who Brothers Number One  
9 and Two might be. Whether that is, in fact, the case, especially  
10 in the light of Son Sen, is another matter, but since he doesn't  
11 know who Brothers Number Two and One are, he cannot answer any  
12 questions as to nephews.

13 [11.02.11]

14 BY MR. DE WILDE D'ESTMAEL:

15 I object to this objection, Mr. President. Maybe it's not  
16 necessary to use the nephew's name.

17 Q. Well, then, I will simply rephrase the question by asking if  
18 Duch ever mentioned Brother Number Two as an example for having  
19 arrested or authorized the arrest of one of his nephews, whoever  
20 he was.

21 MR. PRAK KHAN:

22 A. I have never heard of that term or word. It is not within the  
23 realm of my business that I had to know.

24 Q. At the time when Son Sen would -- came at least once to S-21,  
25 what <did they call him>? What was his revolutionary name? How

1 was he called?

2 How did Duch call him?

3 A. I did not know how Duch addressed those people. He did not  
4 address those people by real or actual names. And usually, Duch  
5 addressed <everyone else as comrade. But I was told by some other  
6 people who knew that the person was> Son Sen.

7 [11.03.56]

8 Q. Did Duch ever tell you from which echelon the orders came in  
9 order to arrest the <army> division leaders and the zone leaders  
10 or ministers <in office>? Did Duch ever speak to you about which  
11 echelon the orders came from when this type of arrests occurred?

12 A. It is beyond my knowledge.

13 Q. Well, you spoke about Son Sen. Did he come once or several  
14 times?

15 A. I saw him only once <> <when> he came to <teach a> political  
16 training session.

17 [11.05.32]

18 BY MR. DE WILDE D'ESTMAEL:

19 Q. And this political - or these political training sessions, did  
20 they take place in the context of a general annual assembly at  
21 S-21, or were these separate events?

22 MR. PRAK KHAN:

23 A. These <political> sessions were held on separate <occasions>.  
24 It did not happen -- they did not happen within the annual  
25 general assemblies or sessions <>. <It was a simple meeting in



1 the political school.>

2 Q. Do you remember how much time went by between the moment when  
3 you arrived at S-21 and the moment when you saw Son Sen at this  
4 political training session?

5 So in other words, did this happen during the first or second or  
6 third year when you were there?

7 A. I cannot recall the year exactly. At that time, I did not pay  
8 attention to the date or the specific year when things happened.

9 I was concerned that I would be arrested <and detained in the  
10 prison> and, at the time, I did not take note of the time and  
11 year that happened.

12 [11.07.25]

13 Q. Maybe this will assist you if I give you some time pointers.

14 Was this before the great Vietnamese offensive that took place at  
15 the end of 1977 or was this after? Was it afterwards that you saw  
16 Son Sen?

17 A. It was before <the> Vietnamese <arrived>, long before that  
18 time. During the time, the situation was chaotic within S-21 and  
19 almost all the interrogators had been arrested at the time. And  
20 after that, Son Sen went to that location, so I cannot tell you  
21 for sure which year was it -- which years it was.

22 Q. Fine. Was there any specific form of discipline for  
23 interrogators, and can you also tell us what the objective was  
24 that you had to reach as an interrogator? What did you have to  
25 obtain from the prisoners?

1 A. Could you repeat your question? It is -- it does not come  
2 clear to me.

3 [11.09.22]

4 Q. Yes, yes. Let me break up my question in two.

5 So as an interrogator, when you had to interrogate a prisoner,  
6 what was the aim you had to reach? What was the final objective  
7 of that interrogation?

8 A. The purpose to interrogate prisoners was to obtain <a>  
9 confession. And after the confession was obtained, that would be  
10 sent to the upper echelon.

11 Q. Was it necessary to always obtain confessions, or was it  
12 acceptable to tell your superiors that you were not successful in  
13 obtaining confessions?

14 A. After the confession was obtained, I would forward the  
15 confession or I would make a report to the superiors. And for  
16 those who did not -- who <were> not able to obtain the  
17 confession, they were instructed to extract or to use further  
18 efforts so that confession would be obtained.

19 [11.11.22]

20 Q. We will get back to the different methods later on.

21 So was it necessary to obtain a complete confession and,  
22 therefore, was it necessary to obtain the confessions without the  
23 interrogated person <dying>?

24 A. The process of interrogation, some <confessions> --  
25 <sometimes> the content of <confessions> <was> not correct, but

1 at the end, we had to forward the confession up the line. And for  
2 the prisoners, I do not know whether they died after the  
3 interrogation, but sometimes they sustained wounds or injuries.

4 Q. The question was: Did you receive instructions regarding the  
5 fact that you had to keep the prisoners alive until they had  
6 completely confessed?

7 A. That is true. That was the instruction from the upper echelon  
8 that we had to do everything to keep prisoners alive so that we  
9 could obtain the confession. If they died, we would have no  
10 confession. Whatever we used or when we beat them, we had to --  
11 we do -- we were required <not> to beat them severely to avoid  
12 the death of those prisoners. And if a prisoner would have -- if  
13 the prisoner died, <we could not have obtained the confession  
14 and> we would have been <punished> as well.

15 [11.13.58]

16 Q. Were you afraid when you were an interrogator that you would  
17 make mistakes in your job?

18 Were you afraid of not performing well? Were you afraid of not  
19 obtaining the confessions that were requested from you?

20 What was your state of mind?

21 A. In relation to the state of mind of mine, I was so scared,  
22 particularly in relation to the process of the document and how  
23 to record the confession and also how to prevent the prisoners  
24 from dying. I was afraid that the prisoners would die <> as a  
25 result of <the torture or sometimes illness>. Although I

1 inflicted torture, the torture would usually be light.

2 [11.15.25]

3 Q. I will get back to the interrogation techniques later, but

4 before, you spoke about the fact that, at one point in time,

5 there were many interrogators who apparently had been<-- I can't

6 remember the term you used-- but who were> arrested, I believe.

7 So can you tell us why some of your colleagues were arrested? Did

8 they commit offences, any specific offences that justified their

9 arrest?

10 A. Interrogators from my group -- my group consisted of 12

11 members and 30 people in total in the three groups. And from time

12 to time, the interrogators, <one or two of them at a time, were

13 arrested and killed> and only I remained. I was from Division

14 703.

15 And later on, children, young children from the west were sent in

16 to replace <them> and to be in charge of that task.

17 Q. Can you, however, provide us with examples, examples of

18 mistakes, if such mistakes occurred<, for which interrogators

19 were punished,> as far as you know?

20 Well, let me rephrase the question. As far as you know, were

21 there any specific offences that were held against the

22 interrogators that led to their disappearances? If you know of

23 any examples, could you please provide us with these?

24 [11.17.41]

25 A. Regarding offences, there were no noticeable offences. For

1 example, Chom (phonetic), Thorn (phonetic), <Khorn (phonetic),>  
2 and other interrogators whom I cannot recall all their names  
3 worked with me. And some of them had been arrested and sent to  
4 the special prisons to be interrogated. And they were covered  
5 with a blanket to <prevent the staff there> from seeing their  
6 faces. Usually, their feet or legs would be seen.  
7 And usually, these interrogators were arrested based on their  
8 network. For example, the leaders of <Division 12> were arrested.  
9 Later on, subordinates were also arrested. For instance, people  
10 from 703, <who were in the interrogation unit,> were arrested  
11 from time to time and only I remained surviving after 7 January.  
12 Q. Well, the prisoners you interrogated yourself, did they come  
13 from all of the units or zones or divisions or ministries across  
14 the country or were you only dealing with a certain kind of  
15 prisoners? That is to say, were you specialized, specialized in a  
16 specific region, or did you deal with all kinds of prisoners whom  
17 you had to interrogate?

18 [11.19.57]

19 A. For the prisoners who were sent to me to be interrogated, I do  
20 not know where they were from. They were in the general category.  
21 <But they were in low ranking positions.> For example,  
22 combatants, chief of battalions and < platoons> were sent to me  
23 for interrogation.

24 Q. So you're telling me that they came from all regions or all  
25 zones or all entities throughout the country. They could come

1 from anywhere, in fact, in Cambodia.

2 Did I understand you properly?

3 A. That is true.

4 Q. Well, among the prisoners you interrogated upon orders from  
5 your superiors, <> had some been arrested because their names had  
6 been mentioned in confessions that had been gathered at S-21?

7 A. Could you repeat your question?

8 [11.21.40]

9 Q. Fine. So you would interrogate prisoners. Did your superiors  
10 ever tell you or did the prisoners ever tell you during the  
11 interrogations that these people had been denounced as traitors  
12 by other prisoners at S-21 who had been interrogated previously?  
13 In other words, when an S-21 prisoner confessed and denounced  
14 accomplices, did you then sometimes have to interrogate one or  
15 several of these accomplices who had been denounced previously?

16 A. That did happen. Arrests did happen from <time to time>, and  
17 prisoners usually implicated others in their confessions, so we  
18 had to search for all those related people in the confessions.

19 [11.23.23]

20 Q. I see that I have about five or six minutes left.

21 So then I might want to put a few questions to you during these  
22 minutes on the structure of S-21.

23 So aside from Duch, who was part of the senior cadres at S-21,  
24 who was Duch's deputy and who were the cadres in charge of the  
25 different units at S-21?

1 A. The chief was Kaing Guek Eav alias Duch, and then Hor was  
2 after him. Hor was the deputy. I do not know his full name. And  
3 members were Phal in charge of security guards, and Peng was also  
4 a member responsible for internal security guards.

5 Phal was in charge of guards at the outside the compound, but  
6 Peng was in charge of prisoners inside the compound -- in charge  
7 of guards, rather, inside the compound. And there were no other  
8 individuals within that structure.

9 Q. Does the name Huy, H-U-Y -- and I'm speaking about Him Huy  
10 because there were two. <I'm talking about Him Huy, it's not Hoy  
11 (phonetic), it's Huy.> Does the name Him Huy ring a bell, and  
12 what was he in charge of?

13 A. Yes, I know Him Huy. He was in charge of guards at the --  
14 outside the compound.

15 [11.25.38]

16 Q. Was it Him Huy's unit that was in charge of leaving S-21 to  
17 ferry the people who had been arrested in the S-21 trucks and to  
18 bring them to the prison?

19 A. Yes. He was in charge of receiving prisoners coming into S-21,  
20 so he was in charge of bringing, transporting prisoners in and  
21 out.

22 Q. What was Mam Nai alias Chan's role. C-H-A-N<?>

23 A. Mam Nai alias Chan, to my knowledge, although he was in that  
24 location, <he> had no specific role or position. He was working  
25 with Kaing Guek Eav alias Duch. He was working as an assistant to

1 Duch.

2 Q. Was he Duch's assistant regarding the interrogator's unit?

3 A. Yes, regarding the interrogation unit.

4 [11.27.38]

5 Q. And with regard to your successive chiefs within the chewing  
6 unit, could you please provide me with the names of the people  
7 who were your superiors? And could you please let me know if  
8 <they> changed over time, and if you could give me the names of  
9 the people by starting with the first all the way until the  
10 person who was in charge of <your> unit when the Vietnamese  
11 arrived?

12 A. Let me tell you, <when> I worked at S-21, and particularly  
13 when I was guarding outside, I was under Huy. And after I was  
14 reassigned to be part of interrogation unit, <Sngun> was <my>  
15 group chief. And after his arrest, <Chorn (phonetic)> came to  
16 that position. And after <Chorn (phonetic)>, Tith was the chief  
17 of my group until the liberation of 7 January. And I, at the  
18 time, did not know where <Tith> fled to.

19 MR. PRESIDENT:

20 Well, it is now the time for lunch break. The Chamber will take  
21 lunch break from now until 1.30.

22 Court officers, please find a proper waiting room for this  
23 witness during the lunch break, and please invite him, together  
24 with the duty counsel, into the courtroom in the afternoon.

25 And security personnel are instructed to bring Khieu Samphan to



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1 the waiting room downstairs, and please have him returned into  
2 the courtroom before 1.30.

3 The Court is now in recess.

4 (Court recesses from 1130H to 1331H)

5 MR. PRESIDENT:

6 Please be seated.

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

10 [13.31.18]

11 BY MR. DE WILDE D'ESTMAEL:

12 Thank you very much, Mr. President.

13 Before I continue, I'd like to make sure, in terms of time, since  
14 we started at <around> 09.30, so I'd like to know if it would be  
15 possible for us to continue until 9.30 tomorrow morning and if  
16 that is the case, I will continue putting questions today and the  
17 civil party lawyers will pick up tomorrow morning for 30 minutes.  
18 Well, that's it.

19 Q. Witness, we were discussing the structure of S-21 and I had  
20 one or two questions left regarding that. Did you ever hear of  
21 the names -- the names of two people coming from Office S-71 and  
22 the names were Pang, P-A-N-G and Lin, L-I-N?

23 MR. PRAK KHAN:

24 A. No, I never heard of these names.

25 [13.32.39]

1 Q. And at S-21, was there also a messenger unit working with the  
2 head of the prison, Duch?

3 A. There was a messenger unit <that> accompanied Duch from  
4 Amleang.

5 Q. Do you know if this messenger unit was in charge of  
6 transmitting envelopes and, therefore, messages to Party  
7 authorities?

8 A. The messenger was in charge of delivering letters to the upper  
9 level and from the upper level to the lower level.

10 Q. Earlier, you spoke about reports that were sent by Duch to  
11 Brothers Number 1 and 2; who were the messengers at S-21 who were  
12 in charge of delivering these reports? Do you know <some of >  
13 their names?

14 A. I do not -- I did not know the names of the messengers. I knew  
15 -- I just knew that there were messengers.

16 [13.34.44]

17 Q. Were sometimes entire families arrested at S-21; did you  
18 sometimes see entire families; husband, wife, and children,  
19 arrive at S-21?

20 A. I saw staff who worked at S-21, the person by the name Heng,  
21 <my former group chief,> and his wife <was> Ri (phonetic); they  
22 were all imprisoned.

23 Q. Aside from the S-21 staff, did you see women coming from other  
24 places; let us say, from the zones, from the ministries, or from  
25 the divisions either because they were with their husbands or

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1 because they had been arrested as enemies?

2 A. (Microphone not activated)

3 [13.36.07]

4 Q. I did not hear the interpretation. I heard "ming" (phonetic)  
5 in Khmer, but I did not hear the French interpretation. Can you  
6 please repeat your answer, witness, regarding women?

7 A. Yes, there were -- there were cases where prisoners were  
8 arrested and brought in along with their husbands and wives and  
9 children.

10 Q. Now, regarding children, did Duch tell you ever in training  
11 sessions why children were also arrested and for what purpose?

12 A. I do not know the details regarding this matter. I only saw  
13 that the prisoners were brought in along with their spouse and  
14 children.

15 Q. Were you ever asked to interrogate children?

16 A. No, never.

17 [13.37.54]

18 Q. And did you know the expression "removing all roots" back  
19 then; does that mean anything to you?

20 A. Yes, I heard the phrase "removing the grass, we needed to  
21 remove its roots." When we arrested the enemy, we had to arrest  
22 everyone in that network from the higher up to the low -- down to  
23 the lower level.

24 Q. And among the people who belonged to the enemy networks, were  
25 the <wives> and children also included?

1 A. I understood that anyone related to the enemy would be  
2 arrested, <but> whether <their> spouse or children <would be  
3 arrested or not, there were no rule for that>.

4 Q. Now, regarding the women, did you sometimes interrogate any;  
5 did your superiors assign <any women to work with you for the  
6 interrogations>?

7 A. Yes, I used to.

8 [13.39.52]

9 Q. Is it true that at S-21, there were relatively few women who  
10 were interrogated in relation to men?

11 A. Yes, that is correct.

12 Q. I heard "bat bat"; I didn't hear the translation, so I imagine  
13 it means yes, yes, so yes. So it was a small technical glitch  
14 here, Mr. President.

15 Did Duch, during the training sessions, tell you that it was also  
16 necessary to resort to violence or torture against women if the  
17 women did not confess or when the women did not confess?

18 A. Talking about torturing, regardless of whether the prisoners  
19 were men or women, as long as that prisoner refused to confess,  
20 we <had to> use torture.

21 Q. Were all prisoners detained at S-21 interrogated and if not,  
22 what was the approximate proportion of people who were  
23 interrogated in relation to those who were not?

24 A. I do not fully know about the details, but about 50 or 60 per  
25 cent of the prisoners were interrogated.

1 [13.42.12]

2 Q. Did you have enough interrogators? Did you have enough time to  
3 interrogate the prisoners? Is it the lack of time and staff that  
4 explains or that -- that explains why not everyone was  
5 interrogated? <Do you have an answer for that?>

6 A. I said that 50 or 60 per cent because initially, we had many  
7 interrogators <and not that many prisoners>. Later on,  
8 interrogators were also arrested and executed. While the number  
9 of <prisoners> increased, the number of <interrogators>  
10 decreased. <So only important prisoners were interrogated; I do  
11 not know where the rest of them were taken to.>

12 I saw prisoners were <shackled> in the upper floor of the  
13 building; 10 or 15 of them were <shackled> together and I did not  
14 see those prisoners brought for interrogation.

15 [13.43.45]

16 Q. So you're telling us that, at one point in time, there were  
17 fewer interrogators than prisoners, many fewer; therefore, did  
18 you receive any orders to accelerate the cadence in obtaining  
19 confessions and, in particular, were you asked to change  
20 interrogation techniques to be more efficient to go faster?

21 A. The methods to expedite the interrogation process were  
22 instructed to us, but in reality, we could not do this because,  
23 in some cases, for example, <for me, initially, an> interrogation  
24 of one prisoner took up to two months and we had to do many  
25 tasks, including <typing> the confession by ourselves, so it

1     slowed the process. <But they did not reprimand me.>

2     Q. I'm going to turn to another topic and I'll be very quick  
3     about this. This will be about the detention conditions of the  
4     prisoners in these cells.

5     You spoke about prisoners being shackled to an iron bar, so I'm  
6     not going to speak about all the conditions because we have  
7     already discussed these in detail. In Case 001, for example, you  
8     spoke <at length> about these conditions before the Investigating  
9     Judges, but I still do have a few questions.

10    The prisoners you interrogated, were they thin?

11    A. The prisoners whom I interrogated, some of them were thin,  
12    some of them had physical <injuries>. <They became thinner and  
13    thinner> because they did not receive enough food to eat while  
14    they were detained in the prison.

15    [13.46.13]

16    Q. Was your work as an interrogator sometimes delayed because the  
17    prisoners were ill or was your work interrupted because prisoners  
18    died of illness in their cells?

19    A. Yes, there were such cases happened. Sometimes, during the  
20    course of the interrogation, the prisoner died.

21    MR. PRESIDENT:

22    The floor is given to Counsel Victor Koppe.

23    [13.47.10]

24    MR. KOPPE:

25    I apologize; sorry.

1 No objection, Mr. President, but an observation, an observation  
2 as to something the Prosecution said three or four questions ago  
3 when he started talking about the detention situation. He said,  
4 "I'm going to be short because we discussed this already in Case  
5 001."  
6 That might seem like an, sort of, innocent remark, but I believe  
7 it's a very telling remark because we, on this side of the  
8 courtroom, haven't discussed the detention conditions of S-21 at  
9 all and I think I would like to be on the record as saying that I  
10 find that remark very troublesome and it is illustrative of what  
11 has been going on in this particular segment up until now.  
12 The Prosecution has a big advantage of having been in this very  
13 courtroom in Case 001 interviewing this witness. We haven't and  
14 if we are being confronted or are we continuously getting the  
15 idea that we're just doing this case quickly again and move on, I  
16 find it very problematic. So I want to have on the record that  
17 for the Defence, at least for Nuon Chea, this is the first time  
18 that he has the opportunity to challenge the evidence to hear the  
19 witnesses.  
20 The Prosecution now is saying, "I have to move on quickly because  
21 we already dealt with it"; that's fine, but we haven't and I  
22 think it is very important that the Chamber should note that that  
23 is something we find very difficult to accept.  
24 [13.49.10]  
25 MR. DE WILDE D'ESTMAEL:

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1 Mr. President, I would like to respond. Of course, if there are  
2 objections and/or observations, may they please be short because  
3 the Defence has been objecting for practically five minutes  
4 already.

5 We agree, of course. This is very personal. I'm not going to  
6 insist upon the detention conditions, but of course, the Defence  
7 is there and will have the opportunity of putting all questions  
8 they wish regarding the detention conditions. So I don't see why  
9 it's -- it was necessary to interrupt my examination at this  
10 moment. We understand that the Nuon Chea defence was not there in  
11 the first case and the Nuon Chea defence is entitled to put all  
12 the questions it wishes regarding the detention conditions at  
13 S-21. That's absolutely not a problem.

14 [13.49.57]

15 BY MR. DE WILDE D'ESTMAEL:

16 Q. Witness, regarding your last answer in which you said that  
17 certain prisoners had died in their cells and you also said that  
18 some prisoners had died during the interrogations, do you know a  
19 comrade by the name of Try, T-R-Y, who was working at the S-21  
20 medical unit?

21 MR. PRAK KHAN:

22 A. I know medic Try; he was the chief of the medical unit <at  
23 S-21>.

24 Q. I would like to read out an excerpt of an interrogator's  
25 notebook, < E3/833>. It was only translated into French. It's on



1 page 40; French, ERN 00282507; Khmer, 00077700; and, therefore,  
2 there is no English translation as I said.

3 And this is an excerpt in which a criticism and self-criticism  
4 session is described and I quote: "Comrade Try<" -- T-R-Y -- ">is  
5 afraid when enemies die massively. He's afraid of being arrested  
6 by Angkar. Right now, <spirits are low> because too many people  
7 are dying." End of quote.

8 So, according to your recollection, were there periods during  
9 which there were epidemics or <enemies> who would die massively  
10 because of illness?

11 [13.52.11]

12 A. I did not know much about whether prisoners were <infected  
13 with an> epidemic, but there were cases where prisoner died one  
14 after another. <Some prisoners died instantly, some illnesses  
15 were chronic. Maybe because there was not enough food to eat, I  
16 do not know for sure, but> <one> prisoner died <after the other,  
17 and the medic was running back and forth> every day.

18 Q. And during the interrogations, did you have the prisoners' -  
19 prisoners' biographical details at hand? You said that Suos Thy  
20 recorded the prisoners and would draw up their biographies, so  
21 did you have these biographies available to you in order to begin  
22 the interrogations and to know, for example, <the person's name>,  
23 how old that person was, where that person lived, and what that  
24 person's job was, and how many children that person may have had,  
25 and the location as well as the arrest date? Did you have this

1 data available?

2 A. When the prisoners were first brought in for interrogation,

3 <Duch or> Ta Chan gave us the letters including the names, the

4 <ages>, and the provinces the prisoner came from and he gave this

5 to us.

6 [13.54.05]

7 Q. Was this on a <piece> of paper or was this on a full page with

8 the title, "Prisoner's Biography"?

9 A. It was a brief note, about three-fingers-size, including brief

10 information like the names, the provinces the prisoner came from,

11 <then they were brought to Suos Thy and he would show> the number

12 of the holding cell <and the building> of the prisoners.

13 Q. Thank you. Now, another question regarding the interrogations:

14 Did you usually interrogate the prisoners alone?

15 A. Normally, when I observed the -- when I just started the

16 interrogation assignment, I was put with one senior or

17 experienced interrogator, but later on after I became

18 experienced, I did it alone.

19 Q. Did your group leader, in particularly, the last one, Tith, as

20 well as Chan, Hor, or Duch, did they ever come into the

21 interrogation room -- in your interrogation room and listen and

22 watch how you would interrogate prisoners?

23 A. Yes, the <> three <or four> names you just mentioned, yes;

24 they came to inspect me sometimes because they were in superior

25 position so they had the right to go into <the room where I

1   interrogated prisoners> for inspection.

2   [13.56.42]

3   Q. Did Tith, your group leader, as well as Duch, the head of  
4   S-21, sometimes put questions to the prisoners you were  
5   interrogating?

6   A. Tith or Duch, yes, they came in and they asked the prisoners  
7   what their name was, the provinces they came from <and whether or  
8   not they had confessed yet>. Yes, there were occasions when they  
9   came in and asked questions.

10   Q. Did you put preliminary questions at the beginning of an  
11   interrogation in order to understand, briefly, the prisoner's  
12   biography?

13   A. Yes. In the first step, we asked them about their biography,  
14   <about their living standard, and> about their relationships. We  
15   used the techniques to ask for <detailed> answers for a few days  
16   until the prisoners gave us the confession and if the prisoners  
17   refused to confess and then we sought permission from Duch and  
18   Chan to use torture.

19   [13.58.30]

20   Q. What were the exact objectives of using torture<, according to  
21   the terms that you used>; what was necessary to obtain when the  
22   prisoner was tortured?

23   A. The objective was to obtain the confession.

24   Q. And who trained you to torture; who gave you ideas on how to  
25   torture?

1 MR. PRESIDENT:

2 Mr. Witness, please hold on. The floor is given to Counsel Victor  
3 Koppe.

4 MR. KOPPE:

5 I object to the word and the question the Prosecution the word  
6 "torture". I'm not sure this particular prosecutor was there when  
7 I made the same objection. They're all -- there are various  
8 degrees of treatment. It's fine if the witness is using that  
9 word, but it's not fine if the Prosecution doesn't know the legal  
10 distinction between various forms of treatment, torture, inhuman  
11 and degrading treatment, and other treatment which might not  
12 necessarily fit the legal definition.

13 [13.59.59]

14 JUDGE FENZ:

15 Counsel, first of all, it struck me that yesterday, after we have  
16 made a ruling, you, yourself, used the word "torture" frequently,  
17 but this is just aside. In this case, it would appear that the  
18 witness has used the word "torture". Now, the Prosecution, well,  
19 you can obviously ask him what he means by torture, but we are  
20 not forbidding the witness to use the term. We can ask for  
21 clarification; that's very obvious.

22 MR. KOPPE:

23 I'm not aware that I used the word "torture" yesterday in  
24 relation to very specific treatments during interrogation; I  
25 don't think I have. And, as I said, I don't have a problem if the

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1 Khmer word for -- the Khmer word or equivalent of torture is  
2 used, but we are here dealing with also a legal distinction and I  
3 think in -- I think you, Judge Fenz, agreed that the Prosecution  
4 should refer to this very specific treatment that the witness is  
5 talking about and not use the generic term "torture".

6 [14.01.10]

7 JUDGE FENZ:

8 I'm just pointing out that the situation is different. Yesterday,  
9 we had a prosecutor who, himself, summed up something as torture.  
10 Today, we have a witness who uses the word "torture". That's a  
11 different issue.

12 MR. KOPPE:

13 That's correct, but that is because it's my understanding that in  
14 Khmer there's only one word and legally and in English, there are  
15 different words for different kinds of treatment. There is no  
16 such word in Khmer for inhuman, degrading treatment or other  
17 lighter forms, so they -- as I understand the Khmer language to  
18 be, there's a generic word for it. So I don't think there is even  
19 another word to distinguish between torture and, on the other  
20 hand, inhuman and degrading treatment or other forms of treatment  
21 which might not reach that qualification.

22 So obviously I'm not a Khmer language expert, but I think it  
23 shouldn't matter which -- or that the witness is only using that  
24 very specific Khmer word when he indicates a very broad range of  
25 treatments.

1 [14.02.30]

2 JUDGE FENZ:

3 That wouldn't be the way to go to ask him this clarification. We  
4 are not forbidding a witness to use whatever language they want.  
5 We can ask to clarify.

6 [14.02.44]

7 MR. DE WILDE D'ESTMAEL:

8 Very well, I'll proceed after this interruption.  
9 We are going round in circles because <once I> use another term,  
10 supposing <I think> that the legal definition of that term would  
11 correspond to the one given by the Defence yesterday, <which is  
12 open to debate, by the way>, even if I were to use another word,  
13 it would be <still> translated<, according to the Defence, by the  
14 term "torture",> in such a manner that the witness will  
15 <certainly> have to understand and will have to respond by using  
16 the term "torture" as well. On the other hand, we have, in this  
17 Chamber, legal professionals tasked with applying a definition  
18 and a legal characterization of the facts <so> I think th<at>  
19 should clinch the debate.

20 [14.03.35]

21 MR. KOPPE:

22 Allow me, Mr. President, to give one example. I believe this  
23 witness is on record in a film, I think by Rithy Phan, where he  
24 says that at one point during an interrogation, he beats the  
25 table really hard which scared the person confessing.

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1 Now, I mean, we are in a court of law, so we have to be very  
2 precise about that. Maybe that is something that he considers  
3 falling under the generic term "torture". A small clap is for him  
4 torture, but legally, as you said yourself, might -- it might  
5 fall under a different -- different term, so there's -- there --  
6 when we just do not pay any attention to what exactly constitutes  
7 torture, what exactly does he mean when he's not factual, then we  
8 just are not really ascertaining the truth.

9 [14.04.47]

10 MR. PRESIDENT:

11 As the President of the Chamber, I'd like to make the following  
12 observation. I am pretty sure that during yesterday's  
13 proceedings, even Counsel Koppe used the word "torture" during  
14 the questioning of the witness and that happened after the  
15 Defence rose and spoke about the torture, and later on, Judge  
16 Fenz made an observation on this term. And I also make an  
17 observation of the generic definition of the term "torture"  
18 within the Khmer context versus its legal definition.  
19 <When Counsel Koppe used this word yesterday, there was no  
20 observation regarding this issue.> And I do not know which term  
21 Counsel Koppe used in the English language, but through the Khmer  
22 interpretation, it came out as torture in Khmer. <Because we took  
23 account of this point, we asked the legal officer to study this  
24 issue in order to give us some recommendations.>  
25 That could be a discrepancy in the use of the language -- that

1 is, in Khmer and English, and for that reason, <parties>, you  
2 should limit yourself to other terms, probably like inhuman and  
3 degrading treatment because the word "tearunakam" in Khmer or  
4 generic torture definition is really common in the Khmer context.  
5 For example, when a father disciplines a child, we also use the  
6 same word "tearunakam" and that could not be legally defined as  
7 torture, so the word has been embedded within the behaviour and  
8 tradition and culture of Cambodia.

9 [14.06.50]

10 And this is just my observation and, of course, we will review  
11 this matter further and, again, the parties, if possible, try to  
12 use alternative terms, for example, on the treatment and try to  
13 avoid using the term "torture" and that would minimize the  
14 discrepancy of the definition of that term during questioning of  
15 relevant witnesses.

16 You may continue, Deputy Co-Prosecutor.

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Mr. Witness, who trained you in these interrogation techniques  
19 that were violent involving the use of violence and physical  
20 coercion?

21 MR. PRAK KHAN:

22 A. Regarding the beating and the violent <acts>, initially, there  
23 were previous workers there who taught me how to use that. They  
24 were Heng, Snguon, etc., who told us how to use such techniques  
25 and that's how I learned from them.



1 [14.08.30]

2 Q. Did Duch, himself, suggest interrogation techniques which  
3 necessarily involved the use of violence?

4 A. Duch, himself, also provided us the training in the political  
5 study <sessions> on the techniques to mistreat prisoners and not  
6 to make it <so> severe <> that they died and the confession <was>  
7 cut off. And he provided successive trainings on this matter and  
8 the method of waterboarding was also taught by him, how prisoners  
9 had to be forced to eat faeces and to drink urine; they were all  
10 taught by Duch.

11 [14.09.43]

12 Q. In general terms, did prisoners spontaneously confess  
13 <everything,> depending on the soft techniques used, or <did> you  
14 <almost always or often have> to use the techniques that Duch or  
15 <other> superiors of yours had taught you and which involved  
16 recourse to violence? And did prisoners frequently confess all  
17 that they had done without any recourse to violence?

18 A. <There were> instances where a non-violent act was applied,  
19 prisoners actually confess. Sometimes, we had to appeal to the  
20 prisoners to confess and sometimes, that was successful. And in  
21 other instances, violent <acts> or mistreatment or beating had to  
22 be implemented so that the prisoners would confess.

23 Q. Did the soft <methods include> psychological pressure or  
24 threats deployed against prisoners?

25 A. Cold <methods> employed including making an appeal to <a>

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1 particular prisoner to give them food to eat and another way  
2 <was> that if they <confessed>, then the party would release  
3 them. These are the methods that we used.

4 [14.12.06]

5 Q. I'll return to that, but before we do so, I want to bring up  
6 something you said in E3/5156 on page 14 in French, 9 in English,  
7 and 11 in Khmer. This is what you stated and I quote:

8 "99 per cent of the prisoners claimed not to have committed any  
9 faults after the interrogations."

10 And further down: "When they were interrogated, in most cases,  
11 they said that they were not guilty; however, the confessions,  
12 when obtained, generally showed that they were not innocent. The  
13 fact that they had been brought there was proof that they were  
14 guilty." End of quote.

15 So here you state that in 99 per cent of the cases, the prisoners  
16 started by saying that they hadn't committed any faults. Do you  
17 have any remark to make regarding this?

18 [14.13.23]

19 MR. KOPPE:

20 I object to this question, Mr. President. The witness can only  
21 say something in relation to, I believe, 50 or so interrogations  
22 that he was involved in. I don't think he can say anything about  
23 interrogations of other prisoners. If the number of 50 is  
24 accurate, I'm not quite sure; that's what I read in Ysa Osman's  
25 account, but asking this prisoner -- this witness to give a

1 generic overview of what all interrogations produced in S-21 is  
2 going beyond the realm of his knowledge.

3 MR. DE WILDE D'ESTMAEL:

4 Mr. President, I'd like to respond. First of all, I didn't talk  
5 of 50 interrogations; it was only Ysa Osman who said so.

6 Regarding the objection, the sources of information used by the  
7 witness may come from interrogation sessions he conducted himself  
8 and training sessions he attended with Duch <or any> other  
9 superiors. All I'm doing is to quote what he says in the record  
10 of interview.

11 I would like him to comment on what he said at the time;  
12 essentially that 99 per cent of prisoners said they hadn't  
13 committed any faults after the initial interrogations.  
14 May I ask the witness to respond to this question, Mr. President?

15 [14.15.10]

16 MR. PRESIDENT:

17 The objection by the defence counsel for Nuon Chea, Counsel  
18 Koppe, is overruled. The question is proper so that it can be put  
19 to the witness and the Chamber would also like to hear response  
20 from this witness.

21 MR. PRAK KHAN:

22 A. To respond to the last question about 99 per cent of those  
23 prisoners who did not confess and that is correct. Initially,  
24 they did not acknowledge their wrongdoings or they did not  
25 confess. And sometimes, prisoners would confess upon the

1 deployment of a cold method, <but it did not mean that they would  
2 confess right away. It took one to two days, or four to ten days  
3 for them to confess;> but <some> others did not <confess>, so we  
4 had to resort to other methods or they had to be tortured or they  
5 had to be beaten or that then we had to use plastic bag to  
6 suffocate them so that they <confessed>. <Some would not confess  
7 at all until they were taken away to be executed.>

8 And I can also say that a hundred per cent of them did not answer  
9 at the first go.

10 [14.16.55]

11 BY MR. DE WILDE D'ESTMAEL:

12 Q. So let us clarify something regarding the time when you  
13 received the instructions to use hot methods -- that is, to have  
14 recourse to violence. When tricks and persuasion hadn't worked,  
15 did you have to report to your superiors; notably to Tith and  
16 Chan, the stage in which your interrogations were; did you need  
17 an order each time and for each prisoner before having recourse  
18 to violence?

19 MR. PRAK KHAN:

20 A. Before I used violent acts on prisoners, I had to seek  
21 authorization from Tith, my group chief, whether torture could be  
22 used on that particular prisoner because, for example, I had  
23 spent three or four days and the particular prisoner had not  
24 confessed. Then <Tith> would <either decide or> seek further  
25 authorization from Ta Chan or Ta Duch before I could use the

1 violent act.

2 [14.18.30]

3 Q. Was each interrogator entitled to develop their own techniques  
4 resorting to violence insofar as it didn't lead to the death of  
5 the prisoner?

6 A. We only had the authority for small acts, for example,  
7 <pulling> hair from their leg, <pinching etc.,> but for minor --  
8 for more serious acts, permission had to be sought.

9 Q. Very well. In order to understand you clearly, let me read  
10 what you said in E3/79 and the page in French is 00164585; in  
11 English, 00161553 up to 54; and in Khmer, 00146594 and 95; and  
12 the question put to you was as follows:

13 "As for the tools used, was it the same for everyone in the case  
14 of all interrogators, or each interrogator used whichever methods  
15 they wanted or it was Duch who ordered them to use <this or that  
16 material>?" This is a poor translation dating back to 2009.

17 And your answer was as follows: "The instruments used for torture  
18 were not ordered. We were not instructed to use one tool or the  
19 other; it was up to us interrogators to choose ourselves whatever  
20 means we had at our disposal, such as electric wires, pliers to  
21 remove nails, needles to stick under the nails; in a word,  
22 anything that we were able to find on the spot." End of quote.

23 Witness, do you confirm that you had at your disposal instruments  
24 that you could use to resort to violence as you wished<,  
25 depending on the person being interrogated>?

1 [14.21.22]

2 A. As for torture, <pliers were> used to pull <fingernails> or  
3 sometimes a nail <was> inserted under the fingernail, <or plastic  
4 was used to suffocate prisoners etc.> so the measure was  
5 previously employed by <Duch and> Ta Chan, but later on, we  
6 modified the method a little bit. <> For example, <when a  
7 fingernail was already pulled, later on, we just used a plier to  
8 squeeze the wound and that would also be painful; so we modified  
9 a little bit, we did not have to wait for them to tell us to pull  
10 it off to do so. Most of the time, we did not pull it off,> we  
11 used a nail <> <inserted> under the fingernail and when it became  
12 swollen, <> it was painful <> for the prisoners and <they would  
13 scream>.

14 Q. Witness, I have a rather personal question for you. How did  
15 you feel when you received orders to carry out these acts of  
16 torture in order to extort confessions from the prisoners? How  
17 could you afford to be insensitive in the face of such a  
18 situation and carry on doing your work?

19 [14.23.15]

20 A. Are you referring to my <feelings> while I am working at the  
21 present time or my <feelings> at that time?

22 Q. I'm referring to the feelings you had at the time; how could  
23 you afford to cope with such a situation in which you had to  
24 torture people <on your superiors' orders>? <What did you do to  
25 remain human>?

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1 MR. PRESIDENT:

2 Witness, please hold on and Counsel Koppe, you have the floor.

3 MR. KOPPE:

4 I'm not sure why the question is relevant. Why are the feelings

5 of the witness during these acts -- why are they relevant for any

6 question that the Chamber has to answer?

7 I'm sure the witness didn't like doing it but if he did or he

8 didn't, it doesn't really add anything to the legal and factual

9 questions that the Chamber has to answer.

10 [14.24.39]

11 MR. DE WILDE D'ESTMAEL:

12 Mr. President, I think it is relevant because in the context at

13 the time it was part of a system <with a whole indoctrination

14 system> and I would like to know how this witness faced such a

15 situation, how he experienced it <and, possibly, how his

16 superiors told him to> to view <or consider >the people that <he

17 tortured. I think the question is justified.>

18 MR. KOPPE:

19 Maybe not a very relevant response, Mr. President.

20 We have a presidential candidate in the United States who

21 propagates waterboarding right now. I mean we all have our

22 opinions about that but what -- I know it's out of context, I

23 agree, but what's the feelings of this witness in relation to

24 those to contribute to the truth?

25 (Judges deliberate)

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

1 [14.26.27]

2 MR. PRESIDENT:

3 The objection or the observation -- that is, what I heard through  
4 the Khmer interpretation, is overruled. This question is  
5 permissible since it's related to his functioning during the time  
6 that he worked at S-21 Security Centre.

7 And Mr. Witness, you can respond to that question if you recall  
8 it.

9 MR. PRAK KHAN:

10 A. At that time when they set us a plan and that we could use the  
11 torture, I, myself, felt scared. Sometimes, my body trembled  
12 during the daytime and sometimes during the nighttime. I was  
13 thinking about it, whether torture should be implemented.  
14 On one hand, I had to fulfil the order; on the other hand, I did  
15 not want to engage in such acts of torture or violence, that it  
16 is our tradition that we <do> not resort to such violence  
17 <against human beings>. So <there were two feelings> that I had  
18 at the time; <one, I did it so that I would be unharmed, and  
19 another one was that> at nighttime I was thinking of how I could  
20 survive tomorrow.

21 Even <now> when I think of what happened at the time, my body  
22 still trembles because of the constant fear in my feeling.

23 [14.28.29]

24 I used to fight at the front battlefield but I never felt as  
25 scared as I was at S-21. At S-21, I could never sleep well at



1 nighttime.

2 And only after the 7 January day, I felt better. But even at  
3 present time when I think of what happened at the time, my chest  
4 is pounding.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. I apologize for having to put other questions to you regarding  
7 what happened back then.

8 When Duch and your superiors were speaking about prisoners, did  
9 they use the word "prisoner" or did they use the word "enemy"?

10 [14.29.44]

11 MR. PRAK KHAN:

12 A. Generally, they were referred to as enemy and not as  
13 prisoners. But for me, the term "enemy" has a more severe  
14 connotation <so I used the word "prisoner">.

15 Q. Did the enemies at S-21 have the slightest chance of being  
16 released one day after having confessed what they were asked to  
17 confess?

18 A. From the time I started working at S-21, I never saw any  
19 prisoner who confessed and was subsequently released.

20 Q. <The> enemies would enter S-21 on the basis of an arrest  
21 decision.

22 <Did> Duch ever tell you that it was possible that Angkar might  
23 have made a mistake by arresting some people?

24 A. I never heard the words, "making mistake" in arresting the  
25 prisoners. They never used that. <Everyone who was arrested and

1 brought in was considered as the enemy.>

2 [14.31.45]

3 Q. Therefore, was it possible for you to tell your superiors that  
4 the enemy or the prisoners you were interrogating was <actually>  
5 innocent after having interrogated this prisoner?

6 MR. KOPPE:

7 I object to this question, Mr. President. It has its own  
8 conclusion in it. The Prosecution has been leading all along.  
9 There is ample evidence that prisoners who were detained at S-21  
10 were released. We discussed this earlier. About 150 prisoners  
11 from Division 703 were released. There is evidence from the chief  
12 photographer saying that people--

13 JUDGE FENZ:

14 Sorry, counsel, you're testifying again. What's the ground for  
15 the objection?

16 You can make these statements when it's your turn. You always --  
17 not always, but occasionally you get up; start testifying and  
18 object on the basis that your opinion is different from what the  
19 witness might say.

20 [14.32.55]

21 MR. KOPPE:

22 Well, the Prosecution is framing its questions in such a way, for  
23 instance: does the prisoner -- did the prisoner have the  
24 slightest chance of being released? And then he builds in his own  
25 conclusion. So he is just framing the questions in such a way

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1 leading the witness to exactly where he wants to go, whereas  
2 there is plenty of evidence, and that was the point that I am  
3 trying to make, suggesting that a substantial number of prisoners  
4 were released or sent to Prey Sar.

5 JUDGE FENZ:

6 He asked an open question.

7 [14.33.43]

8 BY MR. DE WILDE D'ESTMAEL:

9 Thank you. I'm going to put that question again to the witness  
10 and I will take advantage of this <to say> that we don't agree  
11 with the finding that people <were> released<, as> Prey Sar <was  
12 also part of S-21>.

13 Q. So witness, was it possible after a prisoner was interrogated  
14 for you to believe that a prisoner or an enemy <that you  
15 interrogated> was innocent? And was it possible for you to relay  
16 that information to your superiors?

17 A. When I reported to my superior, I told him that I did not lead  
18 the prisoner to answer. I simply told my superior that the  
19 prisoner did not answer the interrogation yet. I did not seek  
20 permission for <their> release. <I did not dare give any  
21 recommendation.>

22 MR. PRESIDENT:

23 I would like to inform parties that <based on my experience as a  
24 judge,> the word "guilt" based on the observation of Cambodians,  
25 ordinary Cambodian people they are not much aware of the <legal>

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1 meaning of the word "guilt".

2 I do not hear the translation in French language. Judge Marc

3 Lavergne, did you hear the translation in French language?

4 [14.36.14]

5 BY MR. DE WILDE D'ESTMAEL:

6 That's not a problem. I believe I understood that the Cambodians

7 don't understand the full meaning of the word "guilt" or

8 "innocence". Well, now, I would like to turn to something else.

9 Q. So during the training sessions with Duch as--

10 MR. PRESIDENT:

11 The word "guilt" is a legal term that has very deep meaning. Even

12 students who are currently studying law are not well aware of the

13 meaning of that word.

14 I encourage parties to use the words that are well understood by

15 other parties so that the -- so that answering the questions will

16 be easy and it will contribute to the ascertaining of the truth

17 when parties understand the meaning of the terms.

18 BY MR. DE WILDE D'ESTMAEL:

19 Thank you, Mr. President.

20 Q. Witness, during the training sessions with Duch and your other

21 superiors, did they ever tell you that you should feel no

22 feelings or no pity for the enemies you were interrogating? Were

23 you told that kind of thing?

24 [14.37.41]

25 MR. PRAK KHAN:

1 A. When I studied, they told us not to feel pity for the enemy.

2 Even our parents, we must also treat them in the same way if they  
3 are considered as enemies.

4 We had to be absolute. We had to have a firm position. We had to  
5 be loyal to the Party.

6 MR. PRESIDENT:

7 It is now a convenient time for the break. The Chamber will take  
8 a break from now until 3 o'clock.

9 Court officer, please assist the witness at the waiting room  
10 reserved for the witness and please bring him back along with his  
11 duty counsel into the courtroom at 3 o'clock.

12 The Court is now in recess.

13 (Court recesses from 1438H to 1458H)

14 MR. PRESIDENT:

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

16 The floor is now given again to the Deputy Co-Prosecutor to put  
17 further questions to the witness. You may proceed.

18 MR. DE WILDE D'ESTMAEL:

19 Thank you, Mr. President. I would like to inform the Chamber now  
20 that we'll need 15 additional minutes to cover all the subjects  
21 <that we prepared>. This is justified by the various  
22 interruptions on torture and the pleadings or objections <from  
23 the Defence that> looked rather like <closing arguments>.

24 I would like to inform the Chamber of this request now.

25 [15.00.26]

1 MR. PRESIDENT:

2 Yes. Do you wish to extend the time this afternoon?

3 BY MR. DE WILDE D'ESTMAEL:

4 No. The additional time I am requesting would be for tomorrow  
5 morning, 15 minutes before the Civil Party Co-Lawyers take 30  
6 minutes to examine the witness. Thank you.

7 Q. Thank you. For a start, I recall that we talked about the  
8 instructions of Duch and your superiors, witness, and they told  
9 you that you are not supposed to have any feelings for the  
10 enemies you are interrogating and that you had to be absolutely  
11 firm.

12 [15.01.12]

13 MR. DE WILDE D'ESTMAEL:

14 With your leave, Mr. President, I would like to have screened an  
15 extract of the same video we saw a while ago, E3/2330R between 42  
16 minutes, 46 seconds and 43 minutes, <34> seconds. It's also a  
17 portion in which this witness is talking about torture in that  
18 film by Rithy Panh.

19 [15.01.46]

20 MR. PRESIDENT:

21 Yes, you may do that.

22 And AV Unit personnel, please show that video clip on the screen.

23 [15.02.00]

24 (Audio-visual presentation)

25 [15.02.57]

1 BY MR. DE WILDE D'ESTMAEL:

2 Q. In this video clip from that film, witness, you state  
3 specifically that you didn't think about the life of the enemy  
4 you interrogated but that you saw that person as an animal. Was  
5 it Duch, <or> your <superiors>, who told you that you didn't have  
6 to see the enemy you were interrogating as human beings?

7 MR. PRAK KHAN:

8 A. It was Duch who taught us who gave us such instructions that  
9 we had to be cruel. We had to be arrogant and that we should not  
10 think of or have any pity towards prisoners and that we had to be  
11 absolute in striking the enemy.

12 Q. During the interrogations, witness, did you apply rules of  
13 discipline that the prisoners had to abide by? These are referred  
14 to<, I think,> as the Rules of Santebal and, if yes, what were  
15 those rules?

16 A. In general, the rules forbid prisoners from shouting, from  
17 protesting. However, prisoners were kept in small cells and no  
18 such incident ever happened.

19 [15.05.05]

20 Q. Did those rules also include the rule that they had to answer  
21 questions directly without straying away from the questions?

22 A. Yes, it was displayed in the building prison. However, it was  
23 not displayed at my unit location.

24 Q. What did you mean? I didn't quite understand your answer. In  
25 that case I withdraw what I said. It was a poor interpretation.

1 Was it -- were the prisoners also forbidden to make any noise, be  
2 it during interrogations or while they were in the cells in which  
3 they were detained?

4 A. Yes, prisoners were prohibited from speaking loudly or from  
5 shouting to one another.

6 [15.06.40]

7 Q. During the interrogations when a prisoner violated those  
8 rules; for instance, if he or she shouted while being maltreated,  
9 were there any sanctions meted out to the prisoner in such cases?

10 A. Any prisoner who violated the regulations, the punishment is  
11 to shut them up by putting a cloth over his mouth.

12 Q. Did the rules also provide that they be struck or beaten or  
13 subjected to electric shocks if they didn't follow the rules?

14 A. Yes, they were prohibited from shouting. However, sometimes  
15 when they were being beaten, they shouted. However, the room  
16 where they were being beaten has the doors and windows locked and  
17 closed so the sound could not go outside the room.

18 [15.08.25]

19 Q. Was keeping prisoners in total silence, apart from when they  
20 were being interrogated during their detention at S-21 <a>  
21 deliberate measure on the part of Duch or the cadres with a view  
22 to weakening the resilience of those prisoners?

23 A. That was a measure from Duch that prisoners should not talk to  
24 one another or to make any bodily gesture to one another.

25 Q. Did Duch and your superiors also recommend that you humiliate



1 or insult the prisoners?

2 A. During the interrogation, we were allowed to humiliate or  
3 scold prisoners.

4 Q. Did Duch ever talk about another technique which consisted in  
5 asking the prisoners interrogated at S-21 to pay to worship  
6 objects or images of dogs?

7 A. Yes, that was the case. During the political study session, an  
8 image of a dog was used and prisoners were instructed to pay  
9 homage to the image of the dog. <Some prisoners did that and some  
10 did not dare do so.>

11 [15.10.55]

12 Q. Was that solely with a view to humiliating the prisoners or  
13 there was another purpose behind the use of those images of dogs  
14 that had to be <worshipped>?

15 A. Yes, the purpose was to humiliate the prisoner <if> they  
16 <would not> confess. And this is also to degrade the value of the  
17 prisoner as the prisoner had to respect the image of the dog.  
18 <Some prisoners would not do that.>

19 Q. There is another explanation that I would like to read out and  
20 it is an <excerpt from the notebook> of an S-21 <interrogator> --  
21 E3/833; 00242259 in English; in Khmer, 00077925. So there is  
22 three zeros at the beginning, so 00077925 and in French it is  
23 00373113, dated the 28th of May 1978. I will read out that  
24 <passage>:

25 "1) Regarding the interrogation of enemies after they have been

1 brought in.

2 1) Order them to salute statues of two dogs because it is a kind  
3 of a question. It is a political symbol. One dog is equal to the  
4 American imperialists, and the other dog is equal to the  
5 Vietnamese who swallow up territory. We ask them to salute them  
6 in order to destabilize them, first and foremost, because  
7 immediately after their arrests <90 per cent of them> claimed  
8 that they were revolutionaries. If they salute the two dogs  
9 properly, it means that they recognize their treason."

10 [15.13.23]

11 And further down: "If they refuse, don't beat them immediately.  
12 Give them a minute and after that order them to say that they  
13 served those dogs and to give the year and in what organization  
14 they did so." End of quote.

15 I would like you to react to this. Were the images of dogs also  
16 used to represent certain types of enemies such as the American  
17 imperialists and Vietnamese?

18 A. That was what Duch prepared, although I did not understand the  
19 full details. An image of dog was used for prisoners to pay  
20 homage to in order to declass the value of the prisoner <>.

21 [15.14.35]

22 Q. I would like us to talk about different types of acts of  
23 physical violence committed against prisoners when they did not  
24 spontaneously confess or <confess following> the cold methods.  
25 You've talked about slashes; you've talked about electrocution;

1 you've talked of the use of plastic bags to suffocate the  
2 detainees; I would like us to look at one or the other of those  
3 techniques regarding slashes with sticks, whips or branches of  
4 trees. Was that kind of ill treatment the most common one used?

5 A. Yes, these techniques were regularly used.

6 MR. PRESIDENT:

7 Counsel Koppe, you have the floor.

8 [15.15.50]

9 MR. KOPPE:

10 Yes, Mr. President, I was in time on my feet.

11 I object to this question as I objected earlier as well. The  
12 questions should be limited to those interrogations during which  
13 this witness was present or in which he participated. He is being  
14 asked questions in general about the interrogations that took  
15 place in S-21. There were interrogations taking place in a  
16 special prison. He never visited that prison.

17 In total, as I mentioned at one of the hearings earlier, there  
18 seem to be about 4,300 confessions, most likely the equivalent of  
19 the same number of interrogations.

20 He is constantly being asked to give far-reaching statements or  
21 evidence as to what happened during interrogations participated  
22 in by others.

23 In addition to this, he said that he was a member of the  
24 so-called chewing unit. He was not a member of the so-called hot  
25 unit. So he seems to be offering evidence which is not based on

1 his own eyewitness observations.

2 [15.17.19]

3 MR. DE WILDE D'ESTMAEL:

4 Mr. President, if I may respond, I think the witness has  
5 understood all the questions and he understands that those  
6 questions have to do with his <own> experience as an  
7 interrogator, first and foremost, because he observed  
8 interrogations by others, because he himself interrogated the  
9 detainees and because he received instructions and orders by  
10 telephone or during training sessions regarding such violent  
11 treatment.

12 I do not know why we would <have to> talk <about> the special  
13 <prison. My question was not at all about the special prison>.  
14 That is where I would like to proceed in my questions, Mr.  
15 President.

16 MR. PRESIDENT:

17 The objection by counsel for Nuon Chea -- that is, Counsel Koppe,  
18 is overruled and the question is permissible as the Chamber also  
19 wants to hear the response from the witness.

20 [15.18.33]

21 THE INTERPRETER:

22 Correction by the interpreter: The Co-Prosecutor meant special  
23 prison, not special presence.

24 MR. PRAK KHAN:

25 Please, sir, repeat your question.

1 BY MR. DE WILDE D'ESTMAEL:

2 Q. In fact, I will proceed to the next question because you have  
3 already answered the question and the objection was made  
4 immediately after your answer.

5 Following the use of lashes with branches and sticks, did the  
6 prisoners you <personally> interrogated or other prisoners you  
7 may have heard of, did some prisoners sustain serious injuries  
8 <and> infections?

9 MR. PRAK KHAN:

10 A. Of course, when prisoners were beaten with whips, they have  
11 wounds and scars onto their body and their backs and sometimes  
12 the wounds would last for several months.

13 [15.20.00]

14 Q. In view of the risk of infection and the risk that such  
15 treatment would affect the health of the prisoners, were you  
16 instructed at any point in time to resort to other forms of  
17 violence that did not entail the kinds of treatment that caused  
18 the prisoners to sustain open wounds?

19 A. There was no other -- different forms of tortures as it might  
20 <have a lot of risks; so there were only those several>  
21 techniques that we used towards those prisoners.

22 Q. I am not sure I completely understood your answer. It may be a  
23 problem of interpretation.

24 I will read out what you told the Co-Investigating Judges in

25 E3/79 and the page in French is <00164585; in English, 00161554;

91

1 and in Khmer, page 3, that is, 00146595>; let me quote what you  
2 stated regarding torture:

3 "Initially no one told us much <about torture,> but thereafter we  
4 were asked to use plastic bags, electrocution to avoid wounds on  
5 the back, sores all over the body. The problem of <> sticking  
6 pins under nails was secondary. We had to do whatever was  
7 necessary to extort responses."

8 <The French translation is bad, so I hope that you understood in  
9 Khmer.>

10 So my question to you was whether you were asked to use  
11 techniques such as the simulation of suffocation using plastic  
12 bags <or> electrocution to avoid inflicting open wounds on the  
13 backs of prisoners.

14 [15.22.41]

15 A. Yes, that statement is correct and I stand by that statement.

16 Q. When, on the orders of your superiors, you had to resort to  
17 electrocution of prisoners interrogated, did prisoners sometimes  
18 faint under such treatment?

19 A. Allow me to clarify regarding the electric shock. In fact, we  
20 did not use electricity from the electricity cable as we used in  
21 our current residence. At that time we used electricity generated  
22 from a <hand crank> phone -- that is, an old American <> phone  
23 and the energy from that electric shock also sometimes made the  
24 prisoners unconscious.

25 Q. Was this type of torture effective? Did the electrocution make

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

1 the prisoners confess <quickly>?

2 A. On the matter of electrocution, some prisoners confessed while  
3 others did not and some prisoners who did not confess, sometimes  
4 they were taken out and executed. So it does not mean  
5 electrocuting a prisoner was a successful means of extracting the  
6 confession.

7 [15.24.45]

8 Q. Regarding the use of plastic bags, did Duch or your superiors  
9 tell you for how long you had to keep the plastic bag tightly  
10 closed on the head of the prisoners to prevent death resulting  
11 from such treatment?

12 A. It depended on the real situation. If we saw that the prisoner  
13 actually suffocated and could not breathe, then we would remove  
14 the plastic bag. And if not, then we continued to tighten the  
15 bag. And the duration varied. <We did not time it.>

16 Q. Did you ever use traps used for trapping animals to <inflict  
17 pain on> the detainees during interrogations?

18 A. No, I never used this form of torture.

19 [15.26.07]

20 Q. There has been much talk of such torture. There was the use of  
21 psychological methods and tricks. They used <> forms of  
22 <physical> coercion and violence.

23 What were the techniques that generally caused the prisoners to  
24 <give in>? Was <there a particular physical method> that <pushed>  
25 the prisoners to confess <right away> or <was it> all of the

1 <various conditions of their detention and> different forms of  
2 violence <inflicted on them as a whole>, whether we are talking  
3 of psychological or physical violence that forced the prisoners  
4 to succumb? This is a difficult question. Did you observe  
5 anything along these lines?

6 A. I cannot say which techniques that would make the prisoner  
7 confess immediately. It varied. Sometimes this technique was more  
8 effective than that technique, but it varied.

9 [15.27.32]

10 Q. Did you learn from your superiors that in some cases -- and I  
11 am not talking <about> you in particular -- prisoners died after  
12 interrogators used violent methods against them? Did you learn  
13 anything in that regard?

14 A. Yes, there was. I never saw it actually but during the study  
15 session, Duch gave an example of this interrogator or that  
16 interrogator who mistreated a prisoner and as a consequence that  
17 prisoner died.

18 And sometimes another example he would raise was that <some  
19 interrogators> actually burned the <genitalia> of a prisoner and  
20 that these kinds of methods should not be used.

21 Q. Did the interrogator who caused the death of a prisoner during  
22 the interrogations, such as the one who burned the genitals of  
23 another prisoner, were those interrogators sanctioned or <did>  
24 they continued to work as interrogators?

25 A. The <interrogators> who tortured a prisoner <to death or



1    tortured a prisoner> by burning his <or her> genitals <were>  
2    later arrested and detained. And after that, that example was  
3    raised <during the meeting> by Duch so that it was kind of a  
4    reprimand to <other> interrogators not to use that technique.  
5    [15.30.10]

6    Q. When you believed that the interrogation was completed and  
7    that you had received full confessions, what were you expected to  
8    do exactly? What kind of documents did you have to deliver to  
9    your superiors?

10   A. After I received the full confession, I <had to make six to  
11   seven> documents and I sent them to <Ta Chan or> Duch.

12   And if <they> had not returned any feedback to us and then we  
13   would go and bring in other prisoners for interrogation.

14   If there were any particular aspects that <they> still wanted us  
15   to interrogate the prisoner, then <they would write on paper  
16   that> we would <need to> bring the prisoners back for further  
17   interrogation <and that we would need to redo the documents as  
18   well>.

19   [15.31.33]

20   Q. In the documents that you would deliver, were there different  
21   kinds of documents? Were there typed documents? Were there  
22   handwritten documents?

23   And, furthermore, did you also provide a summary of the  
24   confessions to your superiors?

25   A. Talking about the confessions and the <documents that had been

1 done>, I would then type <according to the confessions> and I  
2 would make sure that there was <not a> single word missing in the  
3 typing. And then the <documents> would be sent <> to <Duch or  
4 Chan>.

5 Q. Well, let me be a bit more concise for the sake of <the second  
6 part of the question.>

7 So did you have to draw up a summary of the confessions of the  
8 prisoners on top of, of course, relaying the full confessions?

9 A. I did not summarize it. I sent the full confession. There was  
10 no summarized confession version. Each report easily had 50 to 60  
11 pages <or> between 30 and 40 pages.

12 [15.33.30]

13 Q. Was there a list of all of the person's accomplices at the end  
14 of the confessions?

15 A. In the report, I put the name of the interrogators and the  
16 name of the prisoners and then signed it.

17 Q. Well, I would like to provide you with an example of a  
18 confession which you signed. It's document E3/1549. These are the  
19 confessions of Eng Meng Heang; Eng, E-N-G and Meng M-E-N-G, Heang  
20 H-E-A-N-G, alias <Chhon> C-H-<H->O-N who was the head of the  
21 power plant for the Ministry of Energy.

22 Mr. President, I would like to provide a coloured copy of certain  
23 pages of these confessions to the witness.

24 [15.35.01]

25 MR. PRESIDENT:

1 You may proceed.

2 [15.35.17]

3 BY MR. DE WILDE D'ESTMAEL:

4 So here we can see the signature of someone by the name of Prak  
5 Khan in Khmer on page 00174394.

6 And if you turn the page, witness, I believe that it's on page 3  
7 that we see your signature. These are not the full confessions.  
8 These are just a few pages.

9 And in the Khmer version at page 00174434, we see that as well.  
10 That's rather towards the end. In French, it's on page 00965739  
11 and as well as 00965779. In English it's on page 3, that is to  
12 say 00769685; and at the end of the translated document before  
13 the list as well.

14 Q. Witness, can you please look at the signature next to the name  
15 "Prak Khan"? Is that your signature on this document?

16 MR. PRAK KHAN:

17 A. Yes, it is my signature. <> Eng Meng Heang alias Chhon <was  
18 during the initial stage of documenting> and I cannot recall all  
19 the details. <But generally, the documents were rarely  
20 summarized.>

21 Q. Do you basically remember what was held against this person  
22 who was working for the Ministry of Energy?

23 [15.37.35]

24 MR. PRESIDENT:

25 Mr. Witness, please hold on.

1 And the floor is given to Counsel Anta Guisse.

2 [15.37.48]

3 MS. GUISSÉ:

4 I must object here because apparently the Co-Prosecutor is  
5 focusing on what was held against the person who was  
6 interrogated.

7 But, based on what the witness said regarding the way he obtained  
8 confessions or the way that he managed to know how that person  
9 had been arrested depended only on what that person said  
10 following the interrogation. So necessarily, if we look at what  
11 was held against the person concerned, necessarily we are dealing  
12 with the content of the confession that was obtained under  
13 torture or<, in any case,> under violence and duress. So I must,  
14 therefore, object to the question.

15 [15.38.34]

16 BY MR. DE WILDE D'ESTMAEL:

17 Yes, I agree. It was a bit clumsy on my part so I will put  
18 another question to the witness.

19 Q. So do you remember if it was necessary to resort to violence  
20 to obtain confessions from this person?

21 MR. PRAK KHAN:

22 A. Yes, there violence <was used>.

23 Q. Well, there is a section called "Summary" in the pages which I  
24 have provided to you. It's on Khmer page 00174393 and 94, and on  
25 page 4, which I gave to you, that is to say 00174432; in French

1 it's on pages 00965738 and 39. And I am not sure I have the  
2 English ERN or, in any case, there are not very many pages in  
3 English.

4 So there is a section called "Summary". So do you remember  
5 anything about this <now>? Does this refresh your memory  
6 regarding the fact that there was a section that would summarize  
7 the confessions of the prisoner who was being interrogated?

8 A. I only recalled after I had seen this document because things  
9 have happened a long time ago and I cannot recall everything. So  
10 what I gave in earlier testimony and now may be different from  
11 each other <because I forgot a lot>.

12 [15.40.48]

13 Q. Well, in the copy I gave to you I did not select a list of  
14 people who were involved.

15 But I have another confession here, E3/8650. These are the  
16 confessions of <Chaun, C-H-A-U-N. Maing, M-A-I-N-G, alias Yang,  
17 Y-A-N-G, who was the secretary of Sector <104> in the Northeast  
18 Zone.

19 These are confessions dated 4 January 1979, and it's specified at  
20 the end that these are incomplete confessions.

21 MR. DE WILDE D'ESTMAEL:

22 So, Mr. President, may I provide some of the pages of these  
23 confessions to the witness? Thank you.

24 [15.41.50]

25 MR. PRESIDENT:

1 You may proceed.

2 BY MR. DE WILDE D'ESTMAEL:

3 First of all, on the fourth page of what I -- among the pages I  
4 gave to you, there is the same signature as in the previous  
5 confession. I don't have the Khmer page number but in French it's  
6 00763691 and in English 00752850.

7 So this is the end of the confession.

8 <Counsel> it's on the fourth page among the pages I gave to you,  
9 so the fourth.

10 Q. My first question is: Do you see the signature on this  
11 document and is that your signature there where there is a blue  
12 line, <a blue sticker>?

13 I think I found the Khmer, ERN 00254529.

14 MR. PRAK KHAN:

15 A. Yes, it is my signature.

16 [15.43.36]

17 Q. On the following page there are three or four pages of lists  
18 called "Lists of people who were implicated in the <Chaun>  
19 Maing's treacherous activity account". Can you please look at  
20 this list?

21 [15.44.09]

22 <Counsel>, you can show this list to him. It's in the following  
23 pages.

24 This list that appears at the end of the confession, is it a list  
25 that the interrogator, that is to say yourself, drew up on the

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1 basis of the person's confessions?

2 MR. PRESIDENT:

3 Please -- Mr. Witness, please observe the microphone. You give  
4 the answer when the microphone is operational.

5 [15.44.45]

6 MR. PRAK KHAN:

7 A. Yes, I drew up the list because I was instructed to list all  
8 the names <in a separate paper after the interrogations were  
9 concluded>.

10 BY MR. DE WILDE D'ESTMAEL:

11 Q. Well, I am done with this document, Mr. Witness. You can put  
12 it aside. And I am going to ask you to listen to the following  
13 question.

14 Did you ever receive orders from Duch or from Chan or from Tith,  
15 your superior, regarding the content of the confessions and, in  
16 particular, the fact that some names of leaders in Democratic  
17 Kampuchea should not appear in the confessions, that these names  
18 could not be quoted or listed among the list of accomplices?

19 Did you ever receive orders of that nature; that is to say that  
20 there were certain leaders, certain senior leaders whose names  
21 could not appear in the confessions?

22 A.I cannot fully understand your question. Please repeat it.

23 [15.46.32]

24 Q. Yes, I just showed you the list that was annexed to one of the  
25 confessions that you had extorted and there are numerous names on

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1 that list.

2 So did Duch or any of your superiors <ever> tell you that there  
3 are names of senior leaders in the Party who -- which should  
4 never appear in the confessions and in the annexed lists; that is  
5 to say that it was not acceptable for a prisoner to mention these  
6 names?

7 A. There were no such cases.

8 Q. Well, now I would like to speak about the blood sampling  
9 because you spoke about this in your WRIs as well as before the  
10 Chamber about six or seven years ago.

11 Can you tell us what you saw concerning blood that was taken out  
12 of prisoners at S-21?

13 [15.48.17]

14 A. Talking about the taking of blood out of prisoners, as I have  
15 already testified earlier, I, myself, witnessed the taking of  
16 blood of a prisoner.

17 It was medic Try, who lived in a house near the front gate of  
18 Tuol Sleng. It was a low house. It was a bit to the north of the  
19 main entrance into Tuol Sleng compound, <where I was to the east  
20 of it>. When I took prisoners to be kept <> at 11 at night and  
21 when I walked back, <I saw the lights were still on and a bunch  
22 of people there, and> I heard the noise -- the sound, rather, <so  
23 I walked in there,> and I witnessed about 10 prisoners who had  
24 already been -- whose blood had already been <drained>. And those  
25 prisoners <whose blood was drained were thrown> near the fence



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1 and new prisoners were brought in for their blood to be  
2 <drained>. <I do not know for how long they continued to do that.  
3 I went back after work.>

4 So I witnessed this incident with my own eyes.

5 Q. Did you know back then or did you ever learn if prisoners  
6 whose blood had been drawn were prisoners who had been  
7 interrogated previous to that? If you don't know the answer, of  
8 course you can say, I don't know.

9 A. I am not sure whether the prisoners had already been  
10 interrogated or not.

11 [15.50.40]

12 Q. And based on what you saw, what happened to the people whose  
13 blood had been drawn after all this was over? Did they survive?  
14 Did they die?

15 Can you tell us a little bit more about that?

16 A. For those prisoners whose blood had been drawn, they were  
17 nearly dead. But the medic carried them and <threw> them aside  
18 and then brought in new prisoners, <put them in a bed and tied up  
19 their hands and legs, covered up their mouths and blindfolded  
20 them, then inserted a needle in each arm> for their blood to be  
21 drawn and then those prisoners whose blood had been drawn, they  
22 became very weak and nearly died. And then they would be <thrown>  
23 aside again. <I do not know how many prisoners exactly. I did not  
24 stand there and count. I just witnessed that incident with my own  
25 eyes.>

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1 MR. DE WILDE D'ESTMAEL:

2 I would like to show to the witness, Mr. President, document  
3 E3/2164.

4 With your leave, Mr. President, this is an S-21 list titled "The  
5 names of the prisoners of the blood-drawing unit" and it's dated  
6 25 October 1977.

7 [15.52.40]

8 MR. PRESIDENT:

9 Yes, your request is granted.

10 MR. DE WILDE D'ESTMAEL:

11 Q. On the first page in the three languages, we see the title --  
12 that is to say, the names of the prisoners of this blood-drawing  
13 unit of 25 October 1977.

14 So their names are provided and there are five names. I am going  
15 to read them out: Tat Saran, Sim Seng, Neang Saran, Ney Chea and  
16 <Smaonh A>. And it's specified as well that they come from S-21,  
17 S-21D and that their entry date at S-21 is 21 October 1977.

18 And regarding their position, these are all people who belonged  
19 to Regiment 152. Do you know any of these former workers at S-21  
20 who belonged to Regiment 152?

21 Do these five names ring a bell, Mr. Witness?

22 MR. PRAK KHAN:

23 A. I do not know any one of them, I mean, in this name list. And  
24 I never <saw> them either.

25 [15.54.20]

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1 Q. I am going to ask you to turn the page and we will be dealing  
2 with something completely different.

3 And there is a table on the second page that lists the S-21 staff  
4 dated 25 October 1977 and it is stated that, "The total of  
5 remaining staff was 980 knowing that five people of Regiment 152  
6 had been considered as exiting." And these are probably the same  
7 people that we find on page 1.

8 But in any case, we note on this list as well that there are 325  
9 prisoners who were coming from the <Northwest>. Do you know why  
10 there were so many cadres and combatants from the Northwest at  
11 S-21 at the end of 1977?

12 [15.55.41]

13 A. As I said earlier that in 1977-78, there were increasing  
14 number of prisoners <> because of the internal <dissent>, there  
15 were so many prisoners that there was not enough space in the  
16 prison for them. Trucks brought them in day and night -- daytime  
17 and nighttime until the 7 January 1979.

18 I would like to say that in 1977-78, there were many, many people  
19 brought in from the <Northeast>, the North, <the East> and from  
20 other zones. Some of them were not brought directly into the  
21 prison but instead sent straight away to Choeung Ek.

22 So that was based on the information I received from guards.

23 [15.57.03]

24 Q. Fine. I would like to start dealing with the last topic or one  
25 of the last topics during the five last minutes remaining. This

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1 is the topic of the Vietnamese prisoners.

2 Do you know if there were Vietnamese prisoners at S-21 between

3 '76 and '79, and <if so,> were there already Vietnamese prisoners

4 <there> when you were a guard -- that is to say, outside? Or was

5 it only when you were an interrogator that they arrived?

6 A. It happened in 1977-78 when there were many <Vietnamese>

7 brought in and those <people> included civilians and soldiers and

8 <some of them> were brought in along with their spouse and

9 children. They were not sent straight to the prison but they were

10 ordered to sit down in front of Building A and B <after they were

11 cuffed> and there was an interpreter <for> Duch and Chan <so that

12 what they said could be interpreted> from Vietnamese into Khmer

13 and vice versa. They prepared a note <in Vietnamese> on paper and

14 then read <it> out and <it was recorded and then played for the

15 Vietnamese civilians and soldiers to listen to>.

16 [15.59.05]

17 Q. Among the interpreters assisting Chan, in particular to

18 interrogate these Vietnamese prisoners, was there a prisoner

19 among them by the name of Phan, P-H-A-N, Than, T-H-A-N, Chan,

20 C-H-A-N?

21 A. <I do not think I had seen him.> Ta Chan was a mechanic and a

22 cook working in the backyard kitchen hall. It was a different

23 person who prepared the note <in Vietnamese language> for the

24 reading when the Vietnamese prisoners were brought in. <Maybe

25 after the Vietnamese prisoners were brought in, and after the

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1 reading and all, and then one of them was released to be an  
2 interpreter. But I saw a different person,> not Chan.

3 Q. And who would bring the Vietnamese prisoners to S-21? <If you  
4 ever saw it, did> they come by S-21 trucks or did they come in  
5 trucks from other units, in particular from the military  
6 divisions?

7 A. I did not know about this matter because I was based inside  
8 the compound. So I had no ideas of where those trucks came from.  
9 I only knew about the prisoners inside the compound.

10 [16.01.18]

11 MR. PRESIDENT:

12 Thank you, Mr. Witness.

13 It is now convenient time for the adjournment. The Chamber will  
14 resume its hearing tomorrow, Thursday, 28 April 2016 at 9  
15 o'clock.

16 And tomorrow we hear the testimony of this witness and maybe a  
17 reserve witness. Parties, please be informed about this.

18 The Chamber would like to thank Mr. Prak Khan. Your testimony has  
19 not come to a conclusion yet. Therefore, you are invited to come  
20 back again tomorrow.

21 And the Chamber also wishes to thank duty counsel Mam Rithea. And  
22 we also invite you to come back tomorrow.

23 Court officers -- rather, security personnel are instructed to  
24 bring Khieu Samphan and Nuon Chea back to the detention facility  
25 and have them returned to the courtroom tomorrow morning before

1 9.00.  
2 The Court now is adjourned.  
3 (Court adjourned at 1602H)  
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