



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): 24-Jun-2016, 14:30

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TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 April 2016

Trial Day 405

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

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
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KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
Evelyn CAMPOS SANCHEZ
SE Kolvuthy

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PICH Ang
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For the Office of the Co-Prosecutors:
Vincent DE WILDE D'ESTMAEL
SONG Chorvoin

For Court Management Section:
UCH Arun

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHET Vanly	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KOPPE	English
Judge LAVERGNE	French
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. PRAK Khan (2-TCW-931)	Khmer

1

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

2 (Court opens at 0859H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear the testimony of Prak Khan,
6 and if we have time, then we'll have -- we'll hear testimony of
7 another witness.

8 Ms. Se Kolvuthy, please report the attendance of the parties and
9 other individuals to today's proceedings.

10 THE GREFFIER:

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

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

16 The witness who is to conclude his testimony today, that is, Mr.
17 Prak Khan, as well as his duty counsel, Mr. Mam Rithea, are
18 present in the courtroom.

19 And we have no reserve witness today.

20 [09.01.00]

21 MR. PRESIDENT:

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

24 The Chamber has received a waiver from Nuon Chea, dated 28 April
25 2016, which states that due to his health, that is, headache,

2

1 back pain, he cannot sit or concentrate for long and in order to
2 effectively participate in future hearings, he requests to waive
3 his presence in the 28 April 2016 hearing.

4 Having seen the medical report of Nuon Chea by the duty doctor
5 for the accused at the ECCC, dated 28 April, which states that,
6 today, Nuon Chea has back pain when he sits for long and feels
7 dizzy and recommends that the Chamber grant him his request so
8 that he can follow the proceedings remotely from the holding cell
9 downstairs, based on the above information and pursuant to Rule
10 81.5 of the ECCC Internal Rules, the Chamber grants Nuon Chea his
11 request to follow today's proceedings remotely from the holding
12 cell downstairs via an audio-visual means.

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

16 I now hand the floor to the Co-Prosecutors to put further
17 questions to this witness.

18 You may proceed.

19 [09.02.46]

20 QUESTIONING BY MR. DE WILDE D'ESTMAEL RESUMES:

21 Thank you. Good morning, Mr. President, Your Honours. Good
22 morning to all the parties.

23 I will put some questions to the witness for about 15 minutes.

24 Q. Good morning, Witness. Yesterday, when we adjourned, we were
25 talking about Vietnamese prisoners, prisoners who stayed at S-21

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1 in 1977 and 1978. And you stated that a note was prepared, and
2 those notes had to be read. I don't know whether they had to be
3 read by Vietnamese prisoners.

4 Can you clarify this issue and tell us, what was the purpose of
5 interrogating the Vietnamese? Why were they being interrogated
6 and what did you expect to get from them those through
7 interrogations?

8 [09.04.07]

9 MR. PRAK KHAN:

10 A. As for the Vietnamese prisoners, they were instructed to
11 repeat what <had> been arranged by Mam Nai, alias Chan.

12 Chan actually prepared a statement for the prisoners to read, and
13 that is the confession that they entered the Kampuchean territory
14 in order to spy on us so the broadcast <could> be made so that
15 the Vietnamese side could hear what happened and could hear that
16 we arrested those people and, actually, they confessed.

17 And that is the purpose of Chan and Duch. They wanted the
18 Vietnamese side to hear the confession.

19 Q. And in those confessions which were prepared by Chan and Duch,
20 were the names and duties of the Vietnamese prisoners correct?

21 A. The names are the correct names of the prisoners who
22 confessed. Some of them were soldiers, and some were civilians.

23 [09.05.56]

24 Q. Did you, yourself, hear the broadcast of those confessions, in
25 quotes, those confessions obtained from those Vietnamese

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1 prisoners at S-21? Did you, yourself, hear the broadcast of those
2 confessions on the radio?

3 A. Usually, every morning at 7 o'clock, the confessions were
4 broadcast on radio. The speech was made originally in Vietnamese
5 and interpreted into Khmer.

6 Q. And how did Chan and Duch proceed to make sure the Vietnamese
7 accepted to read those confessions? Did they use tricks or
8 violence or persuasion?

9 [09.07.06]

10 A. I saw him making a gentle appeal to the prisoners or sometimes
11 he cheated them so that they would read the prepared confessions.

12 Q. I believe I heard you say yesterday that they promised to
13 liberate them if they confessed. Did I properly understand your
14 testimony yesterday, or that's something you did not say?

15 A. Yes, that is correct.

16 Q. Since you stated that, at times, there were civilians and
17 soldiers among the Vietnamese, do you know whether there were any
18 Vietnamese amongst them who had fled their countries or their
19 country and had found themselves as refugees on the boats of the
20 shores of Cambodia, on the coastal waters of Cambodia and <were
21 arrested for sailing in> the territorial waters of Cambodia?

22 A. I never saw refugees. However, I saw fishermen who were
23 caught.

24 Q. You spoke several times of a specific incident before the OCIJ
25 investigators and you made mention of a Vietnamese baby who had

1 been thrown from the roof of a building.

2 Can you describe this incident and tell us what, exactly, you saw
3 and where, exactly, that happened?

4 [09.09.11]

5 A. I'd like to backtrack a little bit before that incident, that
6 is, when I was guarding outside the compound near the fire
7 station. There was a kitchen hall there, and there was a big
8 tamarind tree at the corner, that is, to the south direction of
9 the fire truck station.

10 There was a two-storey house, and it was used as an office to
11 receive prisoners. I was standing guard on the ground floor, and
12 then there was a family -- a Vietnamese family who arrived, that
13 is, <a> husband, <a> wife and a young <daughter that was about
14 more than a year old>. The child followed the parents, and Dek
15 Bou and Tuy dragged the child away from the parents and took the
16 child out of the office, that is, to the verandah <>, and dropped
17 the child onto the ground.

18 The child subsequently died, and then he signalled me to take the
19 dead child <to the southern area> and buried it <there>.

20 [09.11.13]

21 Q. I have some more general questions now regarding the policy of
22 the regime vis a vis the Vietnamese.

23 During meetings you attended with Duch, including the meeting at
24 which Son Sen taught you policy, did they talk about the policy
25 of Democratic Kampuchea vis a vis the Vietnamese, and

6

1 particularly, did Duch and Son Sen tell you that the Vietnamese
2 had to be considered as the enemy?

3 MR. PRESIDENT:

4 Witness, please hold on.

5 And Counsel Koppe, you have the floor.

6 MR. KOPPE:

7 I object, Mr. President, to the phrasing of this question. Good
8 morning, by the way.

9 It should be clear exactly what the Prosecution is referring to.

10 Is he talking about Vietnam as a country, is he talking about

11 Vietnam's policy? Is he talking about Vietnamese people in

12 Vietnam? Is he talking about Vietnamese people living in

13 Democratic Kampuchea?

14 What, exactly, does he mean when he refers to "the Vietnamese" in
15 his question?

16 [09.12.52]

17 BY MR. DE WILDE D'ESTMAEL:

18 Q. Let me specify the period. I'm talking of the period from 1977

19 to 1978. That is the period during which you said Vietnamese

20 prisoners arrived in large numbers at S-21.

21 During that period, did Duch and Son Sen tell you that all

22 Vietnamese, regardless of who they were, had to be considered as

23 the enemy of Democratic Kampuchea?

24 MR. PRAK KHAN:

25 A. During 1977 and '78, there were no Vietnamese people living

7

1 inside Kampuchea. Those who had lived in Kampuchea before either
2 had left <for> Vietnam or they had all been killed since 1975.

3 That is one case.

4 And now I <am referring> to the war between Kampuchea and Vietnam
5 between '77 and '78. We, staff at S-21, were told that Vietnamese
6 were the hereditary enemy of the Communist Party of Kampuchea,
7 that we intended to retake the part of the Cochinchine, that is,
8 Kampuchea Krom. And these instructions were relayed by Son Sen
9 and Duch to us at S-21 during a political study session.

10 [09.14.47]

11 Q. I will take my cue from what you have just stated by saying
12 that there were no longer any Vietnamese living in Cambodia after
13 1975 and 1976 because either they had gone back to Vietnam or
14 they had been killed, from what you have just stated.

15 I would like to read out to you two <passages> of the notebook of
16 an interrogator at S-21, E3/833, and I would like you to react to
17 that.

18 The first extract is on page 69 in French, and the ERN is
19 00282536. There is no English translation of this document. In
20 Khmer, it is 00077729. And this is what the first <passage> is:

21 [09.15.47]

22 "In 1970, Vietnamese nationals in Kampuchea numbered 500,000, and
23 then you had Vietnamese soldiers from three <divisions> and then
24 you had the cadres from Hanoi who numbered more than 1,000."

25 And then it says -- it reads again, "In 1976, there were no

1 longer any Vietnamese on Cambodian soil." End of quote.

2 There's another passage which gives us another version, a
3 different version. It's on page 80 in French, 00282547, and in
4 Khmer 00077740. And I quote:

5 "The situation of Vietnamese. The Vietnamese are our deepest
6 adversaries. Their objective is to guzzle up our territory and
7 make it theirs. They still subsist -- there are still Vietnamese
8 forces subsisting in Democratic Kampuchea. We still have
9 Vietnamese nationals who are among those who had to be sent back
10 to their country in 1973, because the traitors had concealed
11 them." End of quote.

12 [09.17.13]

13 So we find that in this passage, we are talking of the situation
14 in 1973, and you said that they had left in 1975.

15 Did you ever hear Duch or Son Sen tell you that, as a matter of
16 fact, there were still some Vietnamese left in Cambodia in 1977
17 and 1978 because the traitors had concealed them in the country?

18 A. I did not hear that statement during the time.

19 Q. I have, I believe, two last questions. It has to do -- they
20 have to do with the time when you left S-21 in early January
21 1979, as the Vietnamese forces were advancing.

22 Yesterday, you'll recall that we <>covered together the <second>
23 confession <I gave you>. That was the 4th of January 1979.

24 Can you tell us when you stopped working as an interrogator and
25 what happened in the few days following the arrival of the

1 Vietnamese and your flight?

2 [09.18.53]

3 A. In late 1978 or early 1979, the situation at the time was that
4 the Democratic Kampuchea forces actually were fighting and
5 advancing inside the territory of Vietnam (sic). We could even
6 hear gun <fighting> at S-21. And that happened probably during
7 the last month of 1978.

8 And at that time, we stopped interrogating any more prisoners,
9 and I saw prisoners being transported out continuously until the
10 2nd or the 3rd of January when prisoners were no longer
11 transported out <to be killed>. And as I said, during this time,
12 there were no incoming prisoners. There were only outgoing
13 prisoners.

14 And on 7 January 1979, we at S-21 were equipped with guns.
15 Everyone was armed in order to defend ourselves against the
16 Vietnamese troops. And we saw only three <M113 tanks> from the
17 "Yvon" side, who were crossing the Monivong bridge and, later on,
18 they advanced toward <the General Staff and> Pochentong airport.
19 And the forces of Pol Pot in Phnom Penh actually retreated
20 everywhere, and the situation was rather chaotic at the time. And
21 they were withdrawing or retreating along the sewage canal, and
22 nobody was actually in charge, as the situation was so confusing.

23 [09.21.04]

24 Q. A while ago, you said that the prisoners were transported in
25 large numbers towards the exterior.

10

1 What became of those prisoners? <Do you know what> they <did> to
2 those prisoners?

3 A. I saw prisoners being transported out, and it's likely that
4 they were taken out to be executed, although I, myself, did not
5 witness any execution at the time since I did not go with them.

6 <I only saw what was happening inside S-21.>

7 They were transported out in a fully-covered 4 x 4 trucks, and
8 there were three or four trucks at the time.

9 Prisoners were ordered to board trucks, <some of them were
10 pushed> and some of them were actually thrown onto the trucks.

11 And there were about three -- 30 or 40 of them in those
12 fully-covered trucks and they were transported out. And in my
13 conclusion, they were transported to Choeung Ek area.

14 Q. On the day you fled, did the staff members of S-21 also take
15 along with them a number of prisoners who were working at S-21,
16 whether in <the painting, sculpture, or mechanics workshops? Or
17 just as sweepers or handymen?>

18 [09.22.58]

19 A. On 7 January 1979, at around 3 o'clock in the afternoon,
20 prisoners who were allowed to work within the compound of S-21,
21 namely, Chan, Mey, Vann Nath and other prisoners whose names I
22 could not recall, went together. They were fleeing to Amleang,
23 Trapeang Chrey in Kampong Speu province.

24 Q. Did you ever hear Duch <personally> say whether, on the 7th of
25 January or later, why no orders were issued that those prisoners

11

1 who were working at S-21 be executed? Did he ever talk about the
2 fact that they were not executed, and did he ever say why they
3 were not executed?

4 [09.24.09]

5 A. I did not hear any instruction at the time. As I said, the
6 situation was chaotic. We were all panicked, and people were
7 everywhere fleeing. And there was then, in my opinion, no plan to
8 execute the remaining prisoners, as Duch and other people were
9 fleeing for their life at the time as well.

10 We were fleeing through the rice fields and through other areas,
11 and by about 4 o'clock next morning, <while we were crossing the
12 National Road 3,> we saw <a few M113 tanks coming from the north>
13 trying to intercept us. <We were then separated into two groups.
14 One went forward and the other went backward. I do not know where
15 exactly the other group fled backward to, but for me, I> just
16 kept fleeing towards Amleang, Trapeang Chrey <>, and prisoners
17 were in the same condition as us. They were fleeing as well.

18 THE INTERPRETER FRENCH TO ENGLISH:

19 Correction by the interpreter. Meant to say, "workshops of
20 sweepers and cleaners" earlier.

21 MR. DE WILDE D'ESTMAEL:

22 Thank you, witness. I have no further questions for you.

23 MR. PRESIDENT:

24 The floor is now given to the Lead Co-Lawyers for civil parties
25 to put further -- to put question to the witness.

12

1 MR. PICH ANG:

2 Good morning, Mr. President, Your Honours. I would like the
3 President to give the floor to Madam Chet Vanly to put questions
4 to the witness.

5 [09.26.05]

6 MR. PRESIDENT:

7 Yes. She may proceed. And you have up to 10 o'clock this morning.

8 QUESTIONING BY MS. CHET VANLY:

9 Thank you, Mr. President. Good morning, Mr. President, Your
10 Honours, and good morning, everyone in and around the courtroom.

11 My name is Chet Vanly. I'm a lawyer for civil parties.

12 And good morning, Mr. Witness.

13 Q. Yesterday, you testified before the Chamber on the issue of
14 blood drawing, and I'd like to get clarifications from you on
15 this matter. Can you tell the Chamber which year the blood
16 drawing took place?

17 [09.26.58]

18 MR. PRAK KHAN:

19 A. I am not sure as to which year the blood drawing took place.
20 It could <have been> around 1977 or '78.

21 Q. Thank you. And did you know who actually authorized the blood
22 drawing?

23 A. I only saw the act, but I did not know who actually authorized
24 blood drawing. I saw the medic, Try, was conducting the blood
25 drawing in a room located near the main entrance to Tuol Sleng,

13

1 so <after I brought back the prisoner,> when I returned <> at
2 around 11 p.m. that night, <I went in and> I saw him drawing
3 blood from prisoners.

4 Q. You were there at the time. What happened to prisoners after
5 their blood had been drawn, and what was the status of those
6 prisoners?

7 A. After the blood had been drawn, they removed the tubes and
8 prisoners were thrown to a corner of the room and they were piled
9 up there. Then they were placed on a cart and they were taken
10 away on that cart to be buried, though I did not see that act
11 myself. Only next <day>, when I went to work outside in the field
12 at round 5 or 6 o'clock in the <evening>, <at> the field <in
13 front of the house that I stayed,> I saw fresh dirt being used to
14 cover the pits.

15 [09.29.11]

16 Q. Prisoners whose blood was drawn, did the prisoners actually
17 die immediately after their blood had been drawn?

18 A. Prisoners did not yet die after their blood had been drawn,
19 although they were in a very weak state. They could not move <or
20 speak>. They were motionless, and I could see they were still
21 breathing.

22 Q. Since you were there, did you see how many <> sacks of blood
23 had to be drawn from each prisoner?

24 A. As to the number of sacks of blood, I could not tell you about
25 that. However, each prisoner had their blood <completely> drawn

14

1 from their body.

2 [09.30.22]

3 Q. And for you personally, how did you feel when you witnessed
4 such an incident? Were you scared?

5 A. I was shocked upon seeing the blood being drawn from the
6 prisoners, but I did not show it to anyone. During the regime, I
7 knew what was right and what was wrong, <but> I did not dare to
8 say anything to anyone or to speak about it because, during the
9 regime, if anyone who opposed would be dead.

10 Q. Yesterday, you also testified that it was a medic, Try, who
11 drew blood from prisoners. And on the 7 January 1979, when
12 Vietnamese troops arrived, what happened to the medic, Try? What
13 was his fate?

14 A. The medic, Try, was actually in charge of the medical unit.
15 And at the time, there were three or four more political --
16 medical staff there besides Try. And to my knowledge, later on,
17 the medic, Try, had been arrested, detained and executed.

18 Q. Thank you, Mr. Witness. I am now asking you about the rape at
19 S-21. As an interrogator at S-21, did you happen to see that
20 there was a rape in the compound of S-21?

21 [09.32.32]

22 A. You are asking me about the rape <of women> or about the
23 violation of rights of prisoners?

24 Q. I am asking you about the rape of women.

25 A. I witnessed and I knew that there was a rape. I could see that

15

1 the woman was sent back after she was raped. It happened at the
2 back of the house where I was interrogating a prisoner. It was
3 <between> 2 p.m <and 5 p.m>.

4 Touch, the messenger or the security guard of Mam Chan, took a --
5 Mam Nai, alias Chan, took that woman to interrogate in a room on
6 the ground floor. And that woman was raped.

7 And later on, that rape was learned by a messenger of <> Chan,
8 and Touch was arrested and detained on the first floor of Chan's
9 building. That Touch was handcuffed and his legs were not
10 shackled, so he fled to the second floor of that building and he
11 jumped off the building, touching the electrical wire, and he
12 <fell on> banana trees at the time <and so he survived>.

13 And then Touch was arrested once again.

14 [09.34.36]

15 Q. Beside the rape committed by Touch, did you see any other
16 rapes committed by any other individuals <> beside him?

17 A. I have never heard any incident of rape beside the one
18 committed by Touch.

19 Q. Did you know Lach Mean, who was a former interrogator as well
20 at S-21?

21 A. Yes, I knew Lach Mean. He was working with me. After members
22 from 703 had been all arrested, Lach Mean was sent to work with
23 me from the west by Duch. He was, at the time, around 13 or 14
24 years old.

25 Q. Thank you, Mr. Witness. <On 26 April> 2016, Lach Mean

16

1 testified before the Chamber between 11.03 to <16.08>. Lach Mean
2 said that there were three incidents of rape <at S-21>.
3 Touch committed rape against a prisoner <during the
4 interrogation>, and the second incident was committed by Than,
5 the medic, and <the third,> Soeung, the medic and also the
6 messenger of Ta Hor raped a prisoner as well.

7 Did you know about the two other incidents of rape?

8 [09.36.32]

9 A. I know all those names, but I do not know whether the two
10 <individuals> raped the prisoners, the female <prisoners> as
11 well. <I only know about Touch.> Perhaps <because> the security
12 guard, <Lach Mean, was> working outside, walking there and back,
13 <so he> knew <a lot>.

14 Q. Thank you. Did the superior of S-21 reprimand or punish those
15 who committed rapes against the female prisoner?

16 A. For instance, as Touch, the one who committed rape against a
17 female prisoner, was arrested and later detained and, later on,
18 killed.

19 [09.37.31]

20 Q. Thank you. You were an interrogator at S-21. Did you happen to
21 see prisoners committing suicide at S-21?

22 A. No, I never witnessed that, but I heard Hor and Duch say, in
23 the study session, that the prison -- one of the prisoners
24 grabbed the weapon from <a guard and shot> the guard, and <there
25 were cases where they> used the kerosene lamp to pour the

17

1 kerosene on <themselves> to burn themselves, <or cases where they
2 used a pen to stab their necks, or jump off a building. So, that
3 was what Duch and Chan raised in public>.

4 Q. Thank you. I am now asking you -- I am now moving to another
5 topic in relation to interrogation.

6 All the prisoners at S-21, who were sent out for interrogation,
7 so my question is, how long after they were detained at S-21
8 before they were sent for interrogation?

9 A. Prisoners at S-21, there was no specific period to detain
10 them. Whenever prisoners were needed for interrogation, they
11 would be sent for interrogation right away.

12 Some prisoners were detained for half a month or sometimes one
13 month before they were sent for interrogation.

14 Q. Thank you. Interrogation room; in relation to interrogation
15 room, how was it organized? Were there tables and chairs inside
16 that room?

17 [09.40.07]

18 A. Each room had a window and a door, but they were closed
19 completely. And there was a table and a chair, shackle, cuff,
20 <and a> pot <or> the <R-15 ammunition box> <> for prisoners <to>
21 relieve themselves.

22 Q. Were they blindfolded? I mean, were prisoners blindfolded,
23 <shackled or cuffed> when they were interrogated?

24 A. During the interrogation, usually they were handcuffed when
25 they were being brought inside the interrogation room. And they

1 <> were also blindfolded.

2 And after their arrival in the interrogation room, <their legs>
3 were <chained> and <their handcuffs and blindfolds were removed>.

4 [09.41.27]

5 Q. Was <it> only you <and a prisoner> in the interrogation room
6 or were there some -- were there any other people beside you?

7 A. <It> was only me and the prisoner in the interrogation room.

8 Q. Thank you. And before the interrogation, did you inform the
9 prisoner <> about the offences they committed?

10 A. Before the interrogation, <> I never told them the offences
11 they committed. And the upper echelon never informed me of the
12 offences or the network they were engaged in.

13 Q. Thank you. In principle, did you receive any annotation from
14 Duch or from any other people at S-21, when the prisoners were
15 sent to you for interrogation?

16 A. There were no annotations for interrogation. I <had> to ask
17 general questions.

18 Q. Thank you. How long did it take to interrogate each and every
19 prisoner to obtain his or her confession?

20 [09.43.10]

21 A. Usually, it took several months or a few months to interrogate
22 prisoners. <For instance, Aok Peng (phonetic), alias Chhon
23 (Phonetic), the one whom> I <interrogated and> compiled <a>
24 confession <from>, I spent about two months <interrogating> him
25 before I could obtain the confession.

19

1 But for some other cases, <it took me> several days or just <half
2 a month> to obtain the confessions, so I, on some <occasions>,
3 could get the confession for a short period of time.

4 Q. Thank you. And what about the time? So when, exactly, did you
5 interrogate the prisoners? Did you also interrogate the prisoners
6 at nighttime?

7 A. Under the rule or regulation at that compound, I had to
8 interrogate the prisoners from 7 a.m. to 11 a.m. and from 2 p.m.
9 to 5 p.m., and from 7 p.m. to 11 p.m.

10 [09.44.37]

11 Q. Thank you. When you were interrogating prisoners, did you
12 allow prisoners to sit on a chair facing you or you asked
13 prisoners to sit directly on the ground?

14 A. They were told to sit on the chair facing interrogator --
15 facing me.

16 Q. Did you ever ask the prisoners to sit on the floor, and why?

17 A. On some occasions, they were told to sit on the floor because
18 of the torture, and they fell off the chair onto the ground.

19 Q. Thank you. As an interrogator at S-21, what types of prisoners
20 did you interrogate? Did you ever interrogate foreign prisoners?

21 A. I interrogated only Khmer prisoners. I never interrogated
22 foreign prisoners.

23 Q. Were there foreign prisoners at S-21, to your knowledge?

24 A. There were Vietnamese, American and Australian prisoners whom
25 I used to see.

1 Q. Thank you. In relation to American and Australian prisoners,
2 whom -- who interrogated them?

3 A. Duch and Chan interrogated those prisoners in <the> public <
4 common area> in the compound of the prison. And that <area> would
5 be seen by everyone walking past. No one had <a> command of
6 English, so only Chan and Duch, <who knew French and English,>
7 could interrogate those foreign prisoners.

8 Q. Do you -- did you know the names of those foreign prisoners,
9 and did Duch <and Chan> use violence against those prisoners?
10 [09.47.53]

11 A. In relation to American and Australian prisoners, I could
12 recognize one foreign prisoner. The name was displayed on his
13 <denim> shirt, David Scott. And after the interrogation by Duch
14 and Chan, that prisoner said his name was David Scott. <I can>
15 recall and remember <that person>.

16 Q. Did Duch and Chan use violence against these two foreign
17 prisoners?

18 A. I saw him kicking <them>. Not beating, but only kicking.

19 Q. What was the -- what was the fate of those -- for those
20 American and Australian prisoners after <the> interrogation?
21 [09.49.05]

22 A. I did not witness <or know> about the fates of those
23 prisoners. I learned from <Soeur> (phonetic), the security guard
24 at S-21, that the American and Australian prisoners were burned
25 at the road leading from Wat Moha Montrei to Wat Tuol Tumpung,

21

1 and also to the west of the fire department.

2 And that location was a former Christian church. No one lived
3 there at that church. Only the security guards were there. And
4 the two prisoners were asked to -- were put on the middle of the
5 road and <then> used tires were placed on them, <and gasoline was
6 poured on them>. And after that, they were burned.

7 Q. Thank you. I am now moving to another topic about the
8 execution of prisoners.

9 Mr. Witness, as an interrogator at S-21, you lived and worked as
10 a security guard and an interrogator at S-21 for quite a period
11 of time. I want you to tell the Court, did you ever see prisoners
12 killed at S-21?

13 A. I never witnessed the execution.

14 Q. Did somebody tell you or did you learn from your colleagues
15 about the execution?

16 A. I heard people <talk> about executions. They told me. But
17 executions did take place during the wartime when the Lon Nol --
18 former Lon Nol soldiers were killed, and I was asked to carry
19 those dead Lon Nol -- former Lon Nol soldiers away onto -- onto
20 the vehicles.

21 [09.52.04]

22 Q. <Did you ever see whether there were prisoners being
23 transported to Choeung Ek to be killed?> What did they do to
24 those <> prisoners?

25 Did they <put> those <> prisoners onto the vehicles? So what

1 happened to those <> prisoners?

2 A. I told the Court already, but let me clarify. It happened very
3 frequent -- it happened frequently that prisoners were
4 transported on Chinese-made trucks which were fully covered. Some
5 prisoners could <not> even walk, so they were pushed up onto the
6 trucks. Some who could walk up onto the trucks were allowed to
7 walk onto those trucks <in front of the prison>. And those trucks
8 were fully covered.

9 Q. Thank you. Where were those prisoners taken to in those
10 fully-covered trucks?

11 A. I did not know at the time since I was the guard within the
12 perimeter at S-21. I learned about the executions at Choeung Ek
13 after I was interviewed by a foreign journalist at Choeung Ek.
14 <Before, I did not know about it at all.>

15 [09.53.58]

16 Q. Thank you. Mr. Witness, can you tell the Chamber if you used
17 to <hear> or you learned about the process of execution? Did they
18 shoot the prisoners dead or did they -- how did they kill the
19 prisoners?

20 A. Executions happened within S-21. It was committed by Chan, the
21 big -- who had a big build and dark complexion. <He was strong.
22 He was assigned to smash prisoners.> And prisoners were beaten by
23 clubs at the back of their necks. And after that, they were
24 thrown away into the pits. <There was no shooting, hacking or
25 stabbing.>

1 After the killers came back from the killing sites, they would
2 tell us at the dining hall while we were eating.

3 Q. Thank you. Did you ever hear that the prisoners' abdomens were
4 cut open to remove internal organs, for example, liver or
5 gallbladders, <or that prisoners were beaten with clubs or iron
6 bars>?

7 MR. PRESIDENT:

8 Please ask specifically about what the witness <heard directly or
9 what noise or sound he actually heard>. Please do not ask whether
10 <he heard what people said about something>. Sometimes what you
11 are asking is about the rumour. Sometimes what the witness or
12 what people hear may have been just the rumour, so please ask
13 specifically about what the witness have known and have heard.

14 [09.56.28]

15 BY MS. CHET VANLY:

16 Thank you, Mr. President. I am now asking the witness about the
17 detention conditions.

18 Q. Mr. Witness, for most of the prisoners who were sent out of
19 S-21, did that happen during the daytime or nighttime?

20 MR. PRAK KHAN:

21 A. Prisoners who were to be sent out of S-21 were <mostly>
22 transported at nighttime, but for bringing in prisoners into
23 S-21, it happened during the -- both the daytime and the
24 nighttime.

25 [09.57.36]

1 Q. Thank you. You told the Court yesterday that prisoners who
2 came into S-21 were collecting -- were asked to inform their
3 biography and they were also photographed.

4 So why <were they photographed>, and did this also apply during
5 the time that the prisoners died -- after the prisoner died? <And
6 Why?>

7 A. After their entry, their biographies were collected and they
8 were photographed, and also, their height was recorded, <but I do
9 not know the reasons for that. I do not understand that>. But
10 after the prisoners died, <I never saw any photograph of> those
11 dead prisoners.

12 Q. Thank you. At S-21, did you ever see if prisoners were
13 released to work outside the compound of S-21?

14 A. Only a few were released to work as mechanics <or work
15 according to their skills> at S-21, and also to install the
16 electricity <or water line> based on their expertise. Only that
17 group of prisoners were <> released <to work, but they were
18 guarded>.

19 Q. Can you tell the Chamber whether or if the security guards,
20 <who guarded the prisoners,> were equipped with weapons?

21 A. They were fully armed. I mean the security guards at the
22 outside compound were fully armed, <including those who> were
23 around 10 years old, but security guards within the compound of
24 S-21 were not armed.

25 [09.59.55]

1 MR. PRESIDENT:

2 You run out of time now, Madam Lawyer.

3 And now I am asking Judges on the bench whether or not you have
4 questions to put to the witness and, if so, you may proceed.

5 Judge Fenz, do you have any questions to put to the witness?

6 And now Judge Lavergne can take the floor.

7 [10.00.22]

8 QUESTIONING BY JUDGE LAVERGNE:

9 Thank you, Mr. President.

10 Q. Mr. Witness, I have a few follow-up questions for you.

11 This morning, if I properly understood what you said, in answer
12 to a question put to you by the Co-Prosecutor, you stated that,
13 in 1977 and in 1978, there were no longer any Vietnamese in
14 Cambodia. And you added that, and I quote, "Either they had left
15 or they had been killed." End of quote.

16 Is that, indeed, what you stated? Do you confirm these
17 statements?

18 MR. PRAK KHAN:

19 A. Yes, that is my statement.

20 Q. Can you tell the Chamber whether you were aware of orders
21 <aimed at ensuring that> Vietnamese <people left> Cambodia? Were
22 you aware of any orders to that effect?

23 A. During the regime, there was no order to <transport> the
24 Vietnamese <back> to their country. Lots of Vietnamese people had
25 been cleansed during the Lon Nol regime, so by the time the Khmer

1 Rouge regime took over the country, there were <no more>

2 Vietnamese living inside the country.

3 Q. To the best of your recollection, were there policies <or>

4 decisions that were taken regarding Vietnamese who remained in

5 Cambodia when the Khmer Rouge came to power?

6 [10.02.53]

7 A. I did not hear anything about chasing <or transporting>

8 Vietnamese soldiers off the Kampuchean territory.

9 Q. There may well be an interpretation problem somewhere. I'm not
10 talking of Vietnamese soldiers. I am talking of persons who were

11 <Vietnamese, who were> of Vietnamese origin and who were living
12 in Cambodia.

13 To the best of your recollection, were there any such persons

14 living in Cambodia when the Khmer Rouge came to power and, if

15 yes, did you hear any orders or were you aware of any policy

16 regarding those persons?

17 A. When the Khmer Rouge took control of the country, I did not

18 hear of any principle to chase Vietnamese civilians back to their

19 country. And as I said, Vietnamese people had been cleansed

20 during the Lon Nol regime. <Later on, there were no more

21 Vietnamese in the country.> And for that reason, I never heard of

22 any policy to cleanse them during the Khmer Rouge regime.

23 [10.04.40]

24 Q. Did you ever hear the expression that -- or the expression, "a

25 Cambodian body and a Vietnamese head"? If you ever heard it, what

1 did that mean or what does it mean?

2 A. Yes, I heard of the expression "Khmer bodies with Vietnamese
3 minds" <during the present time>.

4 Q. What did it mean?

5 A. The expression means that they had the ideas or the views of
6 the Vietnamese, although they had the Khmer bodies.

7 Q. Were those people considered as the enemy?

8 A. I couldn't make that judgment.

9 Q. Did you ever hear of any directives or orders concerning
10 leaders of the Communist Party of Kampuchea who were trained in
11 Hanoi?

12 A. For these major affairs, they were beyond the realm of my
13 knowledge.

14 [10.06.49]

15 Q. During training sessions you received from Duch and Son Sen,
16 did you ever hear anyone talk of the Cham?

17 A. As for the Cham people, I did not hear anything of importance
18 about them. During the regime, there was no <distinguishing>
19 between the Cham and the Khmer people.

20 Q. Did you, yourself, ever have to interrogate Cham detainees and
21 were you aware of any detainees at S-21 who were Cham?

22 A. Yes, there were, but I cannot recall any detail regarding the
23 Cham.

24 Q. So you do not know why those persons were detained at S-21, or
25 did you know why they were detained at S-21?

1 [10.08.23]

2 A. I only knew there were Cham who were detained at S-21, but I
3 cannot recall their names <or where they lived>.

4 Q. To be sure that I have properly understood what you have
5 stated, did you, yourself, ever interrogate a Cham prisoner?

6 A. Yes, I did.

7 Q. Do you recall why the prisoner had been arrested?

8 A. No, I cannot recall that. It happened many, many years ago.

9 Q. And do you, perchance, remember the questions you put to that
10 prisoner or the instructions you were given with a view to
11 interrogating those prisoners?

12 A. No, I do not recall any.

13 Q. This morning, you also stated that you saw, if I understood
14 correctly, the bodies of former Lon Nol officials who were
15 executed. When did you see those bodies?

16 Was that before the fall of Phnom Penh or after it was captured,
17 or both?

18 A. Allow me to clarify regarding what I saw and the removal of
19 the bodies. In fact, on the day of the 17 April 1975, and after
20 the liberation, <remaining> soldiers of the former regime <in
21 Phnom Penh> were arrested and gathered at the -- at the court of
22 first instance in Takhmau, and later on, they were killed at Kouk
23 Roluos pagoda. That's what I witnessed.

24 [10.11.12]

25 Q. Do you remember the number of soldiers who assembled there,

1 and do you remember their ranks?

2 A. I can recall one individual, that is, Keth Dara, who was a
3 former Colonel of the Lon Nol regime, and he had a wife who was a
4 French national. And besides him, I cannot recall any other
5 names.

6 Q. Do you, nevertheless, recall whether those -- there were many
7 soldiers? Were there only a couple of persons, were <there 10,>
8 or <a lot> more than that?

9 A. I am not sure about the total number. However, those soldiers
10 were put onto two <CMC> trucks along with their family members.

11 MR. PRESIDENT:

12 Thank you, Judge Lavergne.

13 It is now convenient for our short break. We'll take a break now
14 and resume at 10.30.

15 Court officer, please assist the witness during the break time
16 and invite him as well as his duty counsel back into the
17 courtroom at 10.30.

18 The Court is now in recess.

19 (Court recesses from 1013H to 1030H)

20 MR. PRESIDENT:

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

22 And the floor is given to Judge Lavergne to resume his
23 questioning.

24 You may proceed.

25 BY JUDGE LAVERGNE:

1 Yes. Thank you, Mr. President.

2 Q. Witness, you were telling us before the break about the
3 execution of Lon Nol soldiers and, in particular, you spoke about
4 the execution of a Colonel. And you said that he was married and
5 his wife was French. So was this military officer executed along
6 with his family, with his wife?

7 [10.31.31]

8 MR. PRAK KHAN:

9 A. The wife and children were also executed.

10 Q. Did you hear any specific instructions regarding the execution
11 of Lon Nol soldiers back then?

12 A. People were killed. People killed one another at the
13 battlefields. That is -- that was what <was> happening during
14 wartime. It is usual that people kill one another at wartime.

15 Q. Yes, but what you're describing now, did this happen before or
16 after the 17th of April, before or after the end of the war?

17 [10.32.45]

18 A. After the war of 17 April 1975, a few days after the
19 liberation of Phnom Penh, fighting still happened in Phnom Penh
20 even one month later. And some former soldiers remaining inside
21 buildings at the time in Phnom Penh were taken away and killed.
22 If we had not killed those people, they would have <shot back at>
23 us.

24 Q. When you heard or when you saw the <bodies of these soldiers,>
25 of this executed Colonel, where were you <positioned>?

31

1 Were you in Takhmau, were you at the PJ prison? Where were you?

2 A. I was not at the PJ or pey zee (phonetic) prison. I was
3 working at Takhmau.

4 Q. Did you hear about executions of Lon Nol soldiers when you
5 were in Takhmau<, and if so, who talked about it>?

6 A. <I didn't hear about it>. I witnessed the actual killings
7 since I was asked to bring all those people onto the vehicles <to
8 be smashed at Kouk Roluos pagoda>, and I was also asked to stand
9 guard.

10 Q. Let me repeat a question I already put to you. So, can you
11 tell us if there were many executions? Were there 10, 20? How
12 many people, <generally> speaking?

13 A. Not more than people -- not more than 50 people.

14 [10.35.30]

15 Q. Now I'm going to move on to a last series of questions, which
16 will be very short.

17 When you were working as an interrogator at S-21, did you hear
18 the names of certain senior leaders in the confessions of some of
19 the prisoners?

20 A. In prisoners' confessions, they, I mean the prisoners,
21 implicated Hu Nim and Hou Youn and those below the two
22 individuals. And no other names were implicated in the
23 confessions.

24 JUDGE LAVERGNE:

25 Thank you very much, Mr. Witness. I have no further questions to

1 put to you.

2 MR. PRESIDENT:

3 Thank you.

4 The floor is now given to the defence teams for the accused,
5 starting first from Nuon Chea defence team. You may proceed.

6 [10.36.51]

7 MR. KOPPE:

8 Thank you, Mr. President. Before I begin, two preliminary
9 remarks, Mr. President, if you allow me.

10 First of all, I presume that we have at least until Monday 10.40
11 so that we have the equivalent in time to the Prosecution. That
12 is one preliminary remark I would like to make.

13 The second one, that is basically a heads up to the Chamber and
14 to the parties. As you know, we filed a motion, Rule 92 motion.
15 It has as number E399. And it is a motion called "Nuon Chea's
16 Rule 92 Motion to Use Certain S-21 Statements".

17 In it, we argue that, from the testimony of Duch on multiple
18 occasions, we conclude that Koy Thuon, when he was interrogated
19 by Duch personally, was not subject to any maltreatment or
20 torture and that, because of this, there is enough reason to
21 believe that that -- that those statements are not the product of
22 torture.

23 I believe the Prosecution has until Monday to react on this, but
24 nevertheless, it might already be -- it might already be a
25 document that we will be confronting the witness with already

33

1 today, so I'm just telling you this in advance.

2 [10.39.13]

3 MR. DE WILDE D'ESTMAEL:

4 Thank you, Mr. President.

5 If I am on my feet, it is because I don't believe that a
6 discussion on the content of confessions should take place before
7 a witness -- before a witness is examined.

8 We <may ask permission to> answer the different requests at the
9 beginning of the afternoon, not right now.

10 Now, regarding time, I believe the Defence is in error. It should
11 not be given time until 10.40 on Monday for two reasons, first of
12 all, because we started <examining this witness> around 9.30
13 yesterday morning, - so 30 minutes after the beginning of the
14 hearing because of other discussions. And second because Judge
15 Lavergne started putting questions to the witness as of 10
16 o'clock this morning, and since Judge Lavergne is not part of the
17 Prosecution, it would not be fair to say that we used up our time
18 until 10.40 today.

19 [10.40.22]

20 So I should think that we should <subtract> the time taken by
21 Judge Lavergne as well as the time lost yesterday morning, which
22 means that the Defence should have until 9.30 Monday morning,
23 possibly. <That would certainly be more useful for us to try to
24 finish today, even if we have to go past four o'clock.> Thank
25 you.

1 MR. KOPPE:

2 If I may respond -- oh.

3 MS. GUIRAUD:

4 Thank you, Mr. President.

5 A short observation to let you know that the civil parties intend
6 to respond to the Nuon Chea defence request on the foundation of
7 Rule 92. We object to the use of the three confessions mentioned
8 in the request. Our <response> is ready. It's being translated,
9 so this answer will be submitted to the Chambers within the
10 delay, that is to say, before Monday.

11 [10.41.33]

12 So please do not allow the Nuon Chea team to use these
13 confessions as long as the parties haven't filed in an official
14 response.

15 And I can already announce to the Chamber that we, as the civil
16 parties, object to the use of these three confessions. And we
17 believe that the Nuon Chea team has not provided us with the
18 evidence that these confessions do not contain the risk that they
19 were obtained under torture at S-21.

20 MS. GUISSÉ:

21 Yes, thank you, Mr. President. I would simply like to respond
22 regarding the issue of time.

23 It appears to me that, up until now, we always operated on the
24 basis of <an effectively> equal time between the Prosecution and
25 the civil parties and the <Defence>, but <given> that <when> the

35

1 Khieu Samphan defence team, as we act last, we <did> not have any
2 questions<, we reported... and we said... we said that, and we are
3 not asking for any additional time>. But today, I can tell you
4 that there will be questions for this witness <on the part of the
5 Khieu Samphan defence team>. And under these conditions, the
6 approximate calculation of the Prosecution does not suit us at
7 all, and we believe that we should have the time that was
8 normally afforded to the defence teams, that is to say, one full
9 day, <that is,> four sessions <at least>, since, and we can see
10 this in yesterday's transcripts, there was a request for extra
11 time outside of the time that was <recovered> yesterday by the
12 Prosecution, so the time that was initially scheduled for the
13 Defence should be fully used by the Defence, so 9.30 really
14 doesn't tally with that<, according to our calculations>.

15 MR. DE WILDE D'ESTMAEL:

16 My apologies, Mr. President. Indeed --

17 [10.43.41]

18 MR. PRESIDENT:

19 Enough. The Chamber decides on what has been made.

20 As long as the Chamber has not issued orally on the requests
21 submitted by parties, <it cannot be used in any case,> and <only
22 when> the Chamber allows parties to submit oral submission, then,
23 at the time, other parties may have the right to respond. And
24 after hearing <the submissions> and responses, the Chamber will
25 issue a decision or ruling on the request submitted by any

1 parties.

2 And number two, in relation to documents. And <another issue is
3 when> parties do not address the Chamber in accordance with the
4 procedures and proceeding <for> the Chamber <to> decide on and
5 consider on those submissions.

6 The Chamber is concerned on the documents to be used by the
7 parties, especially the torture-tainted documents or evidence.

8 The Chamber is cautious and is mindful of those documents
9 <concerning the risk of being obtained under torture>, although
10 those documents are newly shown to the Chamber.

11 [10.45.28]

12 And parties are reminded to be mindful <of the time> as well, and
13 so far, there are objections by parties about the torture-tainted
14 evidence. But please make sure that what -- that the time that
15 you are using <> is appropriate.

16 And let me clarify that the Chamber usually <balances> the time
17 allotted to parties, and for parties who put questions which are
18 irrelevant and which are not to ascertain the truth, then the
19 Chamber can cut off the floor.

20 And <> I told the Lead Co-Lawyers for civil party already that
21 <they> had 30 minutes to put the questions <>, and I <have tried
22 to manage and set> the time <accurately>, and I <have always made
23 up the time lost in any way. I also noticed that the break took
24 more time than usual. It was about five minutes more>.

25 And you have the floor now, Counsel Koppe.

1 MR. KOPPE:

2 Thank you, Mr. President.

3 JUDGE FENZ:

4 Sorry. Counsel, just to be clear for the record in case it wasn't
5 as clear in English as probably in Khmer, don't use the document
6 until you have a decision, and the decision will be made on
7 Monday after parties have had an opportunity to be heard.

8 [10.47.08]

9 QUESTIONING BY MR. KOPPE:

10 I will do so, Judge Fenz.

11 Q. Good morning, Mr. Witness. Let me start by following up some
12 questions right after the break in relation to execution of
13 former Lon Nol officers.

14 I heard you mention a name of that particular Colonel. Something
15 like, in Khmer, Keth Dara. Can you say that name again for me?

16 MR. PRAK KHAN:

17 A. I heard people <say> the name Keth Dara, and that name is
18 correct.

19 Q. Do you know who the former Lon Nol commander was of Takhmau
20 district?

21 A. I don't know. Keth Dara was arrested at Pet Chen (phonetic)
22 and then he was sent to the first instance court at Takhmau,
23 since I was standing guard at that location.

24 [10.49.00]

25 MR. KOPPE:

1 Mr. President, because the subject came up unexpectedly, the
2 document that I would like to show to the witness is not on the
3 interface, but I believe it's well known to the parties. It is
4 document E3/832, and it's a list with 17 names, 17 names of
5 traitors in the Special Zone.

6 The document is signed or written by Pin, a Division 703
7 commander. And on that document, English ERN, 00068921; Khmer,
8 00068920; I will provide the French a bit later; there is, under
9 number 2, a mention of a commander of Takhmau military district.
10 But anyway, I would like to show the witness this document and
11 ask him whether he recognizes any names.

12 MR. PRESIDENT:

13 Please proceed.

14 (Short pause)

15 [10.51.40]

16 BY MR. KOPPE:

17 Q. Mr. Witness, particularly number 2, as I said, Kampong -- Kham
18 Puhong, Lieutenant Colonel, former commander of Takhmau military
19 sub-district, every last member of his family is a traitor. And
20 then "This one's nature is extremely vicious".

21 Have you ever heard of someone called Kham Puhong?

22 MR. PRAK KHAN:

23 A. I have never heard all these names.

24 [10.52.34]

25 MR. PRESIDENT:

1 <In Khmer, it's Phuong (phonetic),> Kham <Phuong (phonetic)>.

2 Have you ever heard of that name?

3 Please answer, Mr. Witness.

4 MR. PRAK KHAN:

5 I have never heard of that name, Mr. President.

6 BY MR. KOPPE:

7 Q. And just to be sure as well, you didn't, yourself, take part
8 in the execution?

9 [10.53.13]

10 MR. PRAK KHAN:

11 A. No.

12 Q. Do you know who did?

13 A. I know Oeun, the commander of a battalion, Battalion 138 <of>
14 Division of 703 from the Special Zone did the task.

15 Q. And who ordered Oeun to do this?

16 A. It's beyond my knowledge <>.

17 Q. Do you know if Oeun did this out of reasons of revenge?

18 A. I do not know how it happened. There was an order from Oeun to
19 execute the -- the prisoners of war.

20 [10.55.01]

21 Q. I might get back to that later, Mr. Witness. Let me now move
22 on to my original questions.

23 You, yourself, were a member of Division 703 or Division 12, when
24 it was still known -- how it was still known in 1975. You were a
25 member of the 143rd Battalion. Is that correct?

40

1 A. I was simply a youth. I was not a member of the <division>. I
2 was a combatant in that Division 703, Regiment 38 of the
3 artillery unit. I do not recall the number of battalion that I
4 belonged to.

5 Q. In a book written about Division 703, document E3/2117,
6 English ERN 0008130 (sic). I don't have the Khmer ERN yet, Mr.
7 President, but I will provide it shortly. On this page, Mr.
8 Witness, it says that you were a veteran of the 143rd Battalion
9 of the 12th Division. So, that is incorrect?

10 [10.57.07]

11 A. Division 703, that is correct. I cannot recall the number of
12 battalion.

13 Q. But again, were you a veteran member of the 143rd Battalion of
14 Division 12; yes or no?

15 A. The same answer from me. I cannot recall which number of
16 battalion I belonged to, but I can say -- I can recall that I was
17 a part of Division 703.

18 Q. Were you ever engaged in active combat? I believe yesterday
19 you said you were. Were you engaged in active combat with Lon Nol
20 soldiers in the liberation -- during the liberation of Phnom Penh
21 in April '75?

22 A. I was engaged in the active combat from 1973, '74, <'75> up to
23 the time when I entered Phnom Penh.

24 Q. During this active combat, did you ever see comrades of yours
25 being shot and wounded?

41

1 A. Yes, they were wounded and they died, one after another.

2 Q. What about those who were wounded but didn't die? Do you know
3 any of those?

4 A. For the combatants who were wounded and survived, actually,
5 when they were wounded, they were sent to the hospital at the
6 rear and then, after they -- after their recovery, they were sent
7 back to the battlefield.

8 [10.59.40]

9 Q. And do you know whether those wounded comrades received blood
10 given by other comrades in that hospital in the rear?

11 A. I am not sure on the particular issue. I have never heard that
12 -- heard of the blood <drawing>. However, <crude surgeries> did
13 happen on the wounded soldiers, but no major or significant
14 operation was conducted. <I also had a crude surgery, when my ear
15 was wounded.>

16 Q. Were you or your comrades in the 143rd Battalion ever asked to
17 donate blood to the wounded comrades?

18 A. No. Such <a> thing did not happen.

19 Q. Have you ever heard of a 12 Division combatant called Meng
20 Hak?

21 [11.01.23]

22 A. I belonged to Division 12 before I was part of Division 703.
23 However, I have never heard of Meng Hak, the name Meng Hak.

24 Q. Have you ever heard whether Duch himself was engaged in active
25 combat right after April '75 in Phnom Penh?

1 A. I never heard Duch mention the battlefields. He simply made
2 mention about the engagement in the ministries and administrative
3 tasks. He never made mention of active combat -- combat at the
4 battlefields.

5 Q. You said, I believe, that you, yourself, were never involved
6 in execution of people.

7 Were you or was your battalion ever involved in killing
8 Vietnamese citizens or citizens in Cambodia from -- with a
9 Vietnamese background?

10 A. As for the Vietnamese, my battalion never encountered them. We
11 never killed any Vietnamese civilian or soldier.

12 Q. This morning, you talked about the cleansing of Vietnamese
13 citizens by Lon Nol -- by the Lon Nol forces before 1975. What do
14 you mean with "cleansing"?

15 [11.04.00]

16 A. During 1970, Lon Nol had a plan to cleanse the Vietnamese
17 people from Kampuchean territory, namely, at Kantheay Island, or
18 Kaoh Kantheay, the area below Neak Loeang. <It was a
19 battlefield.> I was there, and I only saw corpses and bones, and
20 the houses that used to be -- that used to belong to Vietnamese.
21 Vietnamese -- rather, Lon Nol soldiers actually went to the area,
22 destroyed the <Vietnamese> homes and killed them. <Those homes
23 were small huts in the middle of the island.>

24 Q. Do you know how many killings there were? Did you see any mass
25 killings of Vietnamese yourself?

1 A. I did not see the act of killing. However, I saw skeletal
2 remains at those houses which had been destroyed when I engaged
3 in a battlefield there near Kaoh Kantheay at the area below Neak
4 Loeang.

5 [11.05.24]

6 Q. Now let me move to the period before you were sent to work as
7 a guard in S-21.

8 Were you, at one point in time, farming rice in Prey Sar?

9 A. After the liberation of Phnom Penh and when the situation in
10 Phnom Penh quieted down, that is, there was no more fighting, my
11 unit was sent to work in a rice field at Prey Sar, that is, in
12 the area in front of Thamatey (phonetic) pagoda. We <were> there
13 during the daytime, and at nighttime, we returned to sleep or to
14 rest in Phnom Penh. And that happened <daily>.

15 Q. And how long were you at Prey Sar in total? Were you in Prey
16 Sar all the way up to your placement in S-21?

17 A. I worked in the rice field at Prey Sar. However, our sleeping
18 <quarters were> at Kbal Thnal. And only later on, some of us were
19 recruited from the military unit to go to the Sisowath school.
20 And there were many of us who were staying at the Sisowath
21 school, and we were told we were the preparatory force to be
22 deployed to various embassies throughout the world, and some
23 would be selected to become pilots.
24 And at that stage, there were no -- there was no announcement for
25 start to work at S-21. And I waited there for quite a long time

1 before I was selected to work at Tuol Sleng.

2 [11.08.00]

3 Q. Would that be for about a year, maybe even longer, that you
4 were at Prey Sar?

5 A. I worked in the rice field at Prey Sar for one season, and in
6 fact, we did not <harvest it> yet.

7 Q. Did you ever see people, former combatants, who were being
8 tempered or re-educated at Prey Sar?

9 A. While I worked in the rice field at Prey Sar, there was no
10 detention centre or re-education centre at the time. And Tuol
11 Sleng prison was also not yet established.

12 Q. Do you know when the re-education centre or prison was
13 established at Prey Sar, when it was?

14 A. When I came to work at S-21 and, later on, I heard about S-24
15 and that Huy Sre was in charge.

16 [11.09.34]

17 Q. What happened to comrades from Division 703 who had done
18 things wrong who were considered a spy, who were involved in
19 treasonous activities? And I'm talking about the period before
20 you went to S-21. What happened to Division 703 soldiers who had
21 committed such offences?

22 A. Before I came to work at S-21, I did not notice anything with
23 soldiers in Division 703 because, at that time, S-21 was not yet
24 established.

25 Q. I understand. But this morning, you said anyone who opposed

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1 the regime would most likely be killed. Yesterday, you talked
2 about enemies, responding to a question from the Prosecution. And
3 I believe you used the word "bad fate. In other words, anybody
4 opposing the regime or being an enemy would be, if I understand
5 you correctly, killed.

6 So again, I'm not talking about S-21, but before you went to
7 S-21, what would happen to people who, according to you, were
8 opposing the regime or were enemies of the CPK?

9 [11.11.40]

10 A. Before the existence of S-21, such acts or such killings did
11 not take place. Many of these acts only took place around 1977 or
12 '78, since killings took place at the bases or at S-21.

13 And before that, I did not encounter or see such acts.

14 Q. So, is your testimony now that only as of sometime in '76 or
15 '77, people would be killed who were considered an enemy and,
16 before that, that didn't happen?

17 A. Yes.

18 [11.12.42]

19 Q. I would like to show you a document, Mr. Witness. It is a
20 document that deals with Battalion 96 of brigade -- of Division
21 703. It is a document signed by Hin, who's presumably the
22 Battalion 96 commander.

23 I have a Khmer version of this document, and I would like to ask
24 you to have a look at it.

25 Mr. President, with your leave, I would like to show the witness

1 this document and then subsequently ask him a few questions about
2 that document.

3 JUDGE FENZ:

4 I'm not sure we have heard the reference.

5 MR. KOPPE:

6 Oh, I apologize. It's E3/965, English ERN, 00316312 and
7 following; and Khmer, 00068840; and I believe I do not have the
8 French ERNs right now, but I will give that to you shortly.

9 This document is a few pages I would like to give to the witness,
10 please.

11 MR. PRESIDENT:

12 Yes, you may do that.

13 (Short pause)

14 [11.14.52]

15 BY MR. KOPPE:

16 The French ERN, Mr. President, is 00032430 <(sic)> till 36.

17 Q. Mr. Witness, I will walk you through this document. It is a
18 document which has, in English, a title "Brief biography of
19 released soldiers of Company 44". In this -- on this document,
20 you see names of the released combatants. There are about 49
21 names on this document.

22 What I would like you to do is have a look at a few of those
23 names and then ask you -- then I will ask you whether this is
24 something -- whether you recognize offences like this and whether
25 the reaction after having been arrested would be typically that

1 these people would then be released.

2 [11.16.06]

3 For instance, let's start with Number 1. Maybe duty counsel can
4 assist the witness.

5 Number 1 is an individual called Thong Ngt, and it says reason
6 held, at the very last column, "Ren implicated as being
7 unintentionally associated with the enemy".

8 Do you see that Number 1 individual, Mr. Witness?

9 MR. DE WILDE D'ESTMAEL:

10 Mr. President, thank you.

11 The calculations I gave were <indeed completely incorrect and>
12 just an estimate. The defence is entitled to a full day.

13 I have a remark<, or an objection> regarding the document titled
14 "Prisoners liberated". We <can certainly> send an analysis of
15 this document, but <in our opinion,> those who were <supposedly>
16 liberated were sent to Prey Sar subsequently, and executed. I
17 wanted to point this out so that the Chamber may understand that
18 we do not have the same vision <or> interpretation of the facts
19 regarding that <document>.

20 BY MR. KOPPE:

21 He is pleading, Mr. President. He's not objecting. We beg to
22 differ, however, if we're pleading.

23 I refer the Chamber to document E3/8778. That seems to be an
24 attempt of DC-Cam to try to locate the prisoners who were
25 released, but let's leave that aside for a later day.

1 Q. Mr. Witness, as I said before the observation of the
2 Prosecution, I referred you to Number 1, the first individual,
3 Thong Ngt, 23 years old. And in the last column, reason held, it
4 says, "Ren implicated as being unintentionally associated with
5 the enemy". Do you see that column?

6 [11.18.51]

7 MR. PRAK KHAN:

8 A. Yes, I see the name Ren.

9 Q. I'm not asking you whether you know the person because I
10 presume you do not know the person, but I'm asking you to give a
11 reaction to the reason held.

12 In your experience or your memory or recollection, if someone was
13 arrested for that particular reason, a Division 703 combatant,
14 was he, after his arrest, subsequently released, typically?

15 [11.19.36]

16 JUDGE FENZ:

17 A more open question, what happened to people like that -- except
18 --

19 MR. KOPPE:

20 Fine, yes.

21 JUDGE FENZ:

22 -- suggesting the answer.

23 BY MR. KOPPE:

24 Well, suggesting the answer is coming from the document. It's
25 called "Biography of released soldiers", but let me formulate it

1 more openly.

2 Q. Mr. Witness, can you give a reaction to that last column?

3 MR. PRAK KHAN:

4 A. I am not familiar with this list or names. Although I was in
5 the same division, we were in different units. For that reason, I
6 do not know the reason for the release. I only knew what I
7 experienced, and I cannot tell you about something that I did not
8 know.

9 Q. Can you move to individual Number 18, one eight? Number 18 on
10 the list, Mr. Witness.

11 It's a soldier, 21 years old, Ea Kok. The reason for his arrest
12 is crashing into the vehicle of Brother 703. Have you ever heard
13 of a cadre crashing into the vehicle of Brother 703?

14 [11.21.46]

15 A. No, I did not know about that. If you refer to Brother 703, it
16 means the commander of Division 703, and that is Ta Nat. But I
17 was not aware of this incident.

18 Q. Two down, someone being accused -- his name is Hin Chy. He's a
19 physician of a company accused by Heng Oeun, who implicating --
20 implicated him in poisoning cadres. Have you ever heard of such
21 incident?

22 A. For serial Number 19, that name is Hong Chen, <a Khmer medic>.
23 And the last column said he's involved with a woman name
24 Samnieng, that is, he raped her <three times>. But I am not
25 familiar with this incident.

1 Q. Maybe something went wrong because in my column, there is a
2 person called Hin Chy who is accused by Heng Oeun, who implicated
3 him in poisoning cadres. Have you heard of that incident?

4 [11.23.24]

5 A. Yes. Number 21 is Hin Chy, and I did not know this person and
6 I did not know about that incident.

7 Q. Finally, Mr. Witness, Numbers 30, 31 and 32, a soldier, a
8 child and a citizen. And the accusation was moving as a spy or
9 being a spy and stirring up people. Do you see that column, 30,
10 31 and 32?

11 A. Yes, I see these names. I did not know anything about these
12 events.

13 Q. And actually, the very last one, I would like to show you,
14 Number 45, a 29 year old person called Sin In Ny involved with
15 husband and wife CIA agents. Have you ever heard of that name?

16 A. <I only have> number 41. <In short, I did not know anything
17 about these events.>

18 Q. Forty-five .

19 A. I only have number 41.

20 MR. PRESIDENT:

21 Witness, please refer to the next page. There is another page.

22 (Short pause)

23 BY MR. KOPPE:

24 Q. Mr. Witness, have you ever heard either in 1975, itself, or

25 '76, or while you were at S-21 that combatants who had committed

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1 such offences were released?

2 [11.26.32]

3 MR. PRAK KHAN:

4 A. If there were such incidents, then they would not be released.

5 Q. But the document says that the prisoners were released.

6 A. I do not know the source of this document. However, from my
7 experience, at S-21, if people were brought in, they would never
8 be let out. If this happened, it could happen outside S-21. And
9 this document does not indicate that it is at S-21.

10 Q. I never implied this was at S-21. I was talking about a
11 policy, potentially, that combatants who were accused of this --
12 these offences were --

13 [11.28.03]

14 A. If these incidents happened outside, it's possible that they
15 could be released, <but I do not know about that, all I know is
16 that> no such cases ever happened at S-21.

17 MR. PRESIDENT:

18 Thank you, Counsel. It is now convenient for our break, and I
19 notice that the Deputy Co-Prosecutor is on his feet. What's on
20 your mind?

21 MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President. After a quick verification, I would
23 like to state that Number 1 on the list, Thong Nget, is on the
24 OCIJ S-21 list, <entry>13226, and on the OCP list, E3/432, and
25 <entry 10661, having entered S-21> the <22nd> of April 1977.

1 Furthermore, the information on this document <and on> an
2 analysis done by DC-Cam regarding this document and it is in
3 number E3/8778, and specifically on the page in English 00989320
4 to 21.

5 It <notes> that a number of persons on this list were
6 <re->arrested and executed.

7 MR. KOPPE:

8 Well, maybe the list is wrong. It's your own Excel sheet, Mr.
9 Prosecutor. But anyway, I will refer to it after the break.

10 [11.29.53]

11 MR. PRESIDENT:

12 It is now convenient for lunch break. We take a break now and
13 resume at 1.30 this afternoon.

14 Court officer, please assist the witness at the waiting room
15 reserved for witnesses and civil parties during the break time
16 and invite him as well as his duty counsel back into the
17 courtroom at 1.30.

18 Security personnel, you are instructed to take Khieu Samphan to
19 the waiting room downstairs and have him returned to attend the
20 proceedings this afternoon before 1.30.

21 The Court is now in recess.

22 (Court recesses from 1130H to 1331H)

23 MR. PRESIDENT:

24 The Court is now in session. Please be seated and the Court is
25 now in session.

1 And the floor is given to the defence team for Mr. Nuon Chea to
2 resume the questioning to this witness. Please proceed.

3 MR. KOPPE:

4 Thank you, Mr. President. Good afternoon, Your Honours.

5 Mr. Witness, we spoke about Division 703 cadres who had been
6 arrested and who, according to the document that I showed you,
7 had been released. I would like to draw your attention to a -- a
8 document in which Son Sen, a person that you know well, talks
9 about various categories of enemies and it is a talk or -- or
10 rather, a speech that he held on the 9th of October 1976,
11 together with secretaries and deputy secretaries of divisions --
12 of all the divisions and I would like to read to you a specific
13 excerpt and then ask you your reaction.

14 You've been talking about who constitutes enemies, etc., but I
15 want to now be a little bit more specific. I actually have the
16 Khmer excerpt from that document for you.

17 Mr. President, I am referring to document E3/13. I'll be showing
18 Khmer page 00052414; English, it is ERN 00940354 and 55; and
19 French 00344983.

20 [13.33.48]

21 MR. PRESIDENT:

22 Please proceed.

23 BY MR. KOPPE:

24 Q. It's the part that I highlighted in orange, Mr. Witness, and
25 it says -- and I will read with you in English.

1 "Operational Methods: 1) Continuous education is imperative; 2)
2 It is imperative to purge no-good elements absolutely in the
3 sense of an absolute class struggle. The purge is premised on
4 three principles: Category 1. The dangerous category; they must
5 be absolutely purged. Category 2. The ordinary liberal category;
6 they must be educated again and again in our education schools.
7 Category 3. The category of those who have merely been incited by
8 the enemy, merely believing in the enemy incitement, and as a
9 first step, they should undergo refashioning to get them to no
10 longer believe the enemy." End of quote.

11 [13.35.24]

12 Mr. Witness, this distinction into three categories, is that
13 something you heard Son Sen or Duch or any other senior cadre
14 ever say -- saying at S-21, category -- those three categories?

15 MR. PRAK KHAN:

16 A. <I heard about> this particular topic, particularly in <> the
17 training sessions by <Son Sen and> Duch in late 1977 and '78.
18 There were <many> arrests and study sessions. We had to be
19 vigilant, so the vigilant stance had, however, some impacts on
20 other issues. And during the time, there were continuous study
21 sessions or education for all of us.

22 Q. But just to be sure, Mr. Witness, was this distinction in --
23 into three kinds of enemies ever relayed to you; did -- was this
24 something that you knew at the time and was this a policy
25 implemented within the whole of Regiment 21 -- S-21?

1 [13.37.27]

2 A. That was the theory or principle and it did not fall within my
3 realm of responsibility.

4 Q. But what do you mean with that?

5 JUDGE FENZ:

6 Counsel, perhaps one question after the other, instead of three
7 questions in one; make it easier. You started out, "Have you ever
8 heard that?" and then you added four other questions, so perhaps
9 one question after the other.

10 BY MR. KOPPE:

11 Q. Let me -- let me try it again, Mr. Witness. The distinction
12 into three categories of enemies, this distinction; is that
13 something that you know was implemented within the whole S-21
14 network?

15 [13.38.32]

16 MR. PRAK KHAN:

17 A. That principle was to be implemented within S-21 and also
18 outside of S-21; that is the theory or principle of distinction,
19 distinction of soldiers and those who opposed Angkar and
20 revolution.

21 Q. Now, do you know which categories of enemies would go to Prey
22 Sar and who would go to the premises of S-21 -- the prison of
23 S-21?

24 (Short pause)

25 [13.39.52]

1 A. The three categories, for those who fell within the category
2 which was <> considered to be light offences were sent to Prey
3 Sar and for those who were in the category of serious one would
4 be sent to S-21.

5 Q. Now, do you know who decided that one particular person would
6 go to Prey Sar and the other would go to S-21?

7 A. I do not know who decided it; it was not my responsibility.

8 Q. Do you know where this was decided, which place?

9 A. Beyond my knowledge, Counsel.

10 [13.41.15]

11 Q. Do you know if the people, who had been in the trucks, that
12 would arrive at the Beehive Radio Station, do you know whether
13 they would go to take their photos and then go to S-21 and
14 subsequently come back and go maybe to S-24? Do you know anything
15 about this process of prisoners coming in; they then subsequently
16 have their photos taken and then what would happen afterwards
17 with them; do you have any idea as to that particular process?

18 A. I do not know on this -- on this particular issue since it was
19 not within the scope of my implementation, so I cannot say about
20 it.

21 [13.42.30]

22 Q. Let me read to you an excerpt from someone who was involved in
23 that whole process and then I will ask you whether you can give
24 your reaction.

25 I will be referring, Mr. President, to the WRI of the chief of

1 the photography unit. That is document E3/7639; more particularly
2 to English ERN, 00162736; Khmer, 00162713; and French, 00338079.

3 So, like I said, it's the chief of the photography unit, Noem Kim
4 Sreang says the following:

5 Question: "After their photos were taken, where were the
6 prisoners sent?"

7 Answer: "The majority of the prisoners who had been photographed
8 were sent to farm rice, but aside from that, I don't know. Those
9 prisoners sent to farm rice were mostly minor people. I went
10 along and photographed that. I saw that they farmed rice."

11 A little before, just to be complete, in that same WRI; English
12 ERN 00162733, 34; Khmer, 00162710; and French, 00338076; the same
13 photographer -- chief of the photography unit describes an
14 incident with Duch and he says:

15 "One day when I was developing, photos were damaged and when I
16 requested to retake the photos, I could only find two of them and
17 I asked Duch, 'Brother, the prisoners brought in yesterday, where
18 have they all gone?' He said they had all gone to the rice
19 fields. 'Go photograph them at the rice fields.'" End of quote.

20 Can you give a reaction to what he is describing; is that
21 something that you knew at the time?

22 [13.45.30]

23 A. Regarding the photographers, I have no knowledge of that issue
24 since they had different tasks to perform and I had my own
25 <tasks>.

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1 Q. I understand. Let's -- let's leave the -- the actual photo
2 taking aside, but have you ever heard from anyone, while you were
3 working at S-21, that also the people who were sent to Prey Sar
4 were registered and photograph -- photographed within S-21?

5 A. The work at Prey Sar is beyond my knowledge.

6 [13.46.28]

7 Q. Do you know whether you, when you were working a guard, were
8 in a position to tell if a truck leaving the premises of S-21
9 would either go to Choeung Ek, either go to Prey Sar, or maybe a
10 third location?

11 A. During the time when I performed my guard duty, at the time,
12 there was not yet the education location at Prey Sar. First, it
13 -- that education or refashioning location was established at
14 S-21. I do not know where the trucks were sent to and I -- I do
15 not know whether there was education location at Prey Sar.

16 Q. Do you know whether, at any point in time, prisoners you had
17 interrogated were sent to Prey Sar?

18 A. The prisoners <whom> I had interrogated, so far, were not seen
19 that they were sent to that location and the principle at S-21 is
20 that no prisoners, after interrogation, were <sent to a rice
21 field and> released.

22 Q. Maybe not released in the sense of being free, but sent to be
23 re-educated at S-24, Prey Sar; do you know whether that happened
24 with any of the people you interrogated?

25 A. I do not know about that.

1 [13.49.04]

2 Q. So, would it then be fair to say, that you have, generally
3 speaking, no idea of what would happen to prisoners that you
4 interrogated?

5 A. The reason I said I do not know is that I do not know and I
6 would -- I will only speak for what I have seen, have known, and
7 have <heard>.

8 Q. Very good, Mr. Witness, that's how it's supposed to be. Now,
9 let me move on to a few other matters before I -- I start talking
10 about the interrogation.

11 You -- you talked briefly, this morning, answering questions from
12 the civil parties' lawyers, about the house where you
13 interrogated prisoners; how many interrogation houses or places
14 were there in total on the premises of S-21 and the outer
15 perimeter?

16 [13.50.36]

17 A. <I do not know how many houses were used as> the interrogation
18 <houses>, <any house that could be used for that purpose was
19 cleaned and used as an interrogation place,> and <it was> a
20 little bit outside the fence of <the> prison, <at the outer
21 perimeter, but it did not reach the outer perimeter. It was just
22 outside the fence> and then <> there was a corrugated <iron>
23 fence outside that <area>.

24 Q. Is it correct that there were about seven houses where
25 interrogations took place?

1 A. More than seven houses or perhaps seven or more than seven.

2 Q. And do you know whether some were 50 metres away and some were
3 a hundred metres away, maybe some were the next block; can you be
4 a little bit more specific as to the location of those
5 interrogation houses?

6 A. Interrogation houses were located in the east of the gate into
7 S-21. The -- I'm -- I am referring to the old gate of S-21. It's
8 -- those houses were located, rather, to the <east and if we
9 turned to the north of the gate about more than 10 metres, then
10 headed eastward passing the sewage canal,> those houses were
11 located along the road leading to the outer fence and Duch's
12 house was located <in the west> close to Monivong Boulevard. So
13 those houses <on the front row on the right and left side of the
14 road>, <on> the block, were used for interrogation and there were
15 blocks -- other -- there was another block of houses <on the back
16 row>, also, for interrogation of prisoners as well. <It was where
17 the female prisoner was raped.>

18 [13.53.25]

19 Q. Let me focus on the house where you interrogated prisoners;
20 did you always use the same house?

21 A. I used the same house for interrogation until I left that
22 location.

23 Q. Do you know whether it was possible for prisoners on the
24 compound of S-21 to hear your voice or the voice of the person
25 who was interrogated?

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1 A. Regarding the loud voice, the loud voice could be heard since
2 the house was located around 50 <> metres away from the prison,
3 not 100 metres away from the prison.

4 [13.54.42]

5 Q. I'll -- I'll get back to that. Let me first ask you some more
6 general questions about you as an interrogator. Do you remember
7 when your first interrogation took place?

8 A. At first, <when> I interrogated prisoners <>, it was to the
9 south of S-21<'s gate>. That was the first location when I
10 conducted the interrogation <with experienced interrogators whom
11 I was supposed to learn the techniques from.> That happened at
12 the -- the small road in the south of the gate.

13 Q. But -- but do you remember when it was the first time that you
14 interrogated someone?

15 A. Could you specify the timeframe, once again; which specific
16 period of time you are asking me?

17 Q. Well, I was hoping you would tell me. My question was: Do you
18 remember when it was the first time that you interrogated a
19 prisoner?

20 A. Thank you, Counsel. I cannot recall the month and the year
21 and, at the time, I was not interested in the timeframe. I had to
22 perform my tasks and I had to complete my tasks as soon as
23 possible; I was not so interested in timelines. It may have been
24 in mid-1976 or late-1976.

25 Q. Yesterday, you identified your signature on a confession of

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1 Eng Meng Heang, alias Chhon, E3/1549; that confession and your
2 signature were somewhere in February 1977, 24 February '77. Do
3 you know whether he was one of the first people you -- you
4 interrogated or was -- was he already number 10 or -- or 15 or
5 20; do you remember?

6 [13.57.58]

7 A. That was the prisoner I first interrogated by myself. It was
8 before the time you mentioned, but I cannot tell you for sure
9 when exactly it was.

10 Q. Are you saying that he was the one you interrogated for the
11 first time by yourself and maybe before you interrogated others
12 -- other prisoners with -- with someone else?

13 A. Eng Meng Chhon, the prisoner whom I interrogated in the first
14 place, but <before that,> interrogation was conducted together
15 with another interrogator and the name of the interrogator was in
16 that document, not my name, and at the time, I was <just there>
17 learning from that interrogator how to interrogate.

18 Q. We also discussed yesterday, presumably, your -- your very
19 last interrogation, the one on the 4th of January 1979. Can you
20 give an indication as to how many prisoners you have interrogated
21 in total, between February '77 and January '79?

22 A. I cannot recall well. Perhaps there were a little bit more
23 than 20 prisoners and I cannot tell you for sure how many
24 prisoners I did the interrogation.

25 [14.00.16]

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1 Q. The organization DC-Cam did an analysis of S-21 documents and
2 they come to a number of 53 confessions, somehow with your name
3 on it; would that be a more accurate number, 53?

4 A. I simply cannot recall the number of the interrogations that I
5 did; however, I can say that maybe there were more than 20 -- 20
6 interrogations that I did and certain confessions seems to bear
7 my <name>, although it might not be <my signature. I do not know
8 which documents are which; mostly, it was copied and then my name
9 was put on it, but> the handwriting on those documents <> is not
10 mine.

11 Q. Do you know whether you were a member of a certain
12 interrogation group and I'm not talking about the chewing group
13 or the hot group or the cold group, but I'm talking about a
14 number? Were you a member of either Group 1, or Group 2, or Group
15 3?

16 A. I was in Group 3.

17 [14.02.10]

18 Q. Well, I have in front of me a confession, E3/4260, a
19 confession of -- signed by you on the 3rd of May 1977; English
20 ERN, 00782984; Khmer, 00257995; I don't have the French, at this
21 moment, Mr. President, I apologize.
22 But here it says you are a member -- you were a member of Group 2
23 and the confession that we just spoke about mentions that you
24 were a member of Group 12. That is document E3/1549; English ERN,
25 00769710; Khmer, 00174428. So what was it; Group 2, Group 3,

1 Group 12? Do you remember?

2 A. I am not a hundred percent certain which group I belonged to.

3 The first group was the hot group. The second group was the cold

4 group and <the third group was the chewing group.> So maybe my

5 memory does not serve me well in relation to which group I

6 belonged.

7 [14.03.59]

8 Q. Well, the reason I'm asking is Duch, when asked, confirms that

9 there were three methods; the hot method, the cold method, and

10 the chewing method, but there weren't three groups, as you say.

11 Let me read to you what he said, E3/1570; I only have the English

12 ERN at this stage, 00154192. He says:

13 "I confirm that there were, indeed, three methods of

14 interrogation, but I was not the one who decided to spread the

15 interrogators into three groups. I did not know about this

16 organization which may have existed since Nat's period. I

17 provided training to the interrogators on -- interrogators on

18 those methods of interrogation, but I did not spread them into

19 three groups. It means that the interrogators could use each --

20 each method depending on the prisoner."

21 Can you react to that, Mr. Witness?

22 [14.05.37]

23 A. What I studied at the political study sessions by Duch, Duch

24 re-iterated these statements and I did not know from which level

25 he received that information. He provided us with the training

1 and the techniques, that the first group was the hot group; the
2 second group was the cold group and the third group was the
3 chewing group, etc., and that each members of the group <had> to
4 follow the techniques that he taught us. That is, in relation to
5 the hot group, the prisoners had to be tortured or had to be
6 beaten and for the cold group, we had to use politics to convince
7 the prisoners that they had trust in us and confessed. As for the
8 chewing group, we had to actually trick the prisoners so that the
9 prisoners became <confused> or misunderstood a statement and
10 provided the response.

11 Q. In -- what seems to confirm what you're saying that there was,
12 indeed, such a thing as a chewing group is document E3/2007, Mr.
13 President; Khmer ERN, 00039568; English, 00233755; and French,
14 00863798.

15 The document speaks about a chewing group of which Lach Mean was
16 also a member. It's dated the 24th of May 1978, signed by the
17 chewing group -- a person called Nan (phonetic) or Norn. Do you
18 know who Norn was; was he the chief of the chewing group?

19 [14.08.12]

20 A. Yes, there was Norn. There were <Norn, Chhen (phonetic)>, Tith
21 <> who were <> the right-hand men of Duch and they came from
22 Amleang.

23 Generally, I saw Norn at the special prison and he did not come
24 to the ordinary interrogation rooms. Norn and <Chhen (phonetic)>,
25 they <were> all bald <although they were young,> and they had

1 dark complexions since they came from Amleang area. But Norn was
2 not in charge of the chewing group; he was with the special
3 prison group. As for Tith, Tith was with the chewing group.

4 Q. Now, let me return to the number of 20 interrogations; maybe
5 there were more, but let's follow what you said, 20
6 interrogations. Did you always use the chewing method with those
7 20 prisoners or did you also resort to cold methods or to hot
8 methods?

9 A. Regarding the interrogation conducted by members of the
10 chewing group, they employed all methods, that is, cold method,
11 hot method, and sometimes, they resorted to violence.

12 [14.10.16]

13 Q. Let me -- let me restrict myself to you only, the 20
14 interrogations that you only were involved in. Did you, yourself,
15 use all three methods -- methods when necessary; the chewing one,
16 the -- the cold method, and the hot method; you, yourself?

17 A. As I have stated, we <used> all kinds of methods, that is, hot
18 and cold and there <was> the chewing<, which meant> that the
19 interrogation would last much longer. <It does not mean that
20 there was no beating when the chewing method was used.>

21 Q. Maybe it's -- it's easier to limit myself to one particular
22 interrogation. Let's -- let's stick to the interrogation of Eng
23 Meng Heang, alias Chhon, E3/1549; I just mentioned it.
24 You said that -- that his interrogation was your first
25 interrogation by yourself. Did you use with him hot methods and

1 if yes, which ones?

2 [14.12.00]

3 A. Regarding Chhon, whom I personally interrogated, torture was
4 inflicted upon him, although it was at a minimum.

5 Q. What did you do with him?

6 A. I used nearby tree branches to beat him; to beat his hand,
7 legs, and back.

8 Q. And how exactly did you do that; did you leave him in the
9 room, go out, took that tree branch and started hitting him?

10 A. The prisoner was in the room and the tree branches were about
11 1 or 2 metres away from the -- the room's wall, so I just broke
12 those tree branches, when the door was opened, and I used it.

13 Q. And do you remember, what -- what was it that made you decide,
14 at that very moment, to hit him with tree branches?

15 A. I wish not to respond to that question.

16 Q. And -- and why is that, Mr. Witness?

17 A. I wish not to answer that.

18 MR. KOPPE:

19 Mr. President, I understand the witness has a right not to
20 incriminate himself, but it seems he already answered the
21 question that he hit the prisoner, so I do not understand how he
22 could incriminate himself when he says something about the why.

23 JUDGE FENZ:

24 Perhaps duty counsel wishes to talk to the witness. Do you
25 follow, Counsel?

1 MR. KOPPE:

2 Maybe he's not following; that's possible.

3 (Short pause)

4 [14.15.56]

5 MR. PRAK KHAN:

6 When I say that I wish not to respond to that question because I
7 have repeatedly spoken about that and I don't want to speak about
8 it again; otherwise, it's going to be a burden upon me, but if
9 you insist, then I can say for one more time that I beat the
10 prisoner with tree branches because he changed his confession. So
11 sometimes, I had to scare the prisoner <with some words and some
12 beatings> and that's why I used tree branches <to beat the
13 prisoner>.

14 Q. I understand, but which part of the confession did he change;
15 what did he change from -- from what to what? What exactly was it
16 that made you decide, presumably for the first time, to hit
17 someone?

18 A. Of course, I cannot recall such details that when he changed
19 his story. What I can say is that at one point, he said something
20 and next he said something else and for that reason, I made a
21 request to the upper level <> and I was authorized <to beat him>
22 and that's what I did.

23 Q. This very first example, the very first time that you beat
24 Chhon, who gave you authorization to use tree branch to hit him?

25 A. It was Duch.

1 Q. How long did you hit him; how many times did you hit him the
2 first time?

3 A. It was not that long at the time. He was a former professor,
4 so he started writing on <papers>, his confession, that is, after
5 he was beaten, he wrote a clear story.

6 [14.18.46]

7 Q. How many times did you beat him?

8 A. I cannot recall that. It happened over 30 years ago.

9 Q. Was there a next time -- was there another time on another day
10 that you hit him again?

11 A. I cannot recall that.

12 Q. Did you use any other methods, any other hot methods with him?

13 A. The way that I <tortured> him <> is the hot method.

14 Q. I understand, but was it only once that day or did it happen
15 again and again other days?

16 A. Of course, torture was not carried out <once>; it happened
17 <many times>, but I cannot recall how many <times>.

18 [14.20.24]

19 Q. Did you use telephone wires, electrocution by telephone wires
20 with him?

21 A. For this particular prisoner, no, telephone wire was not used
22 to shock him; only at a later stage, prisoners were subject to
23 electric shock from that telephone.

24 Q. When -- when was that method introduced?

25 A. Electric shocks were used at a later stage.

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1 Q. Did you use a plastic bag to suffocate him?

2 A. Yes, that method was used.

3 Q. My question is: Did you use a plastic bag on Chhon?

4 A. No, I did not use that method with Chhon.

5 Q. Did you -- do you remember whether you, in any way, humiliated
6 Chhon?

7 A. Yes, I threatened him, but I cannot <recall when or what time
8 exactly> I did that.

9 Q. Without going into details, but do you know, in general terms,
10 the accusation against him; do you know what he was accused of?

11 [14.22.44]

12 MR. PRESIDENT:

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

15 MR. DE WILDE D'ESTMAEL:

16 Thank you, Mr. President. This is the same objection that the
17 Defence made yesterday. As a matter of fact, we have understood
18 the story told by the witness, he did not receive any documents
19 with charges against the prisoner. It was up to him to discover
20 what the <enemy> had done, so the question is not properly
21 formulated. <He had to figure it out himself,>; it was <not> up
22 to the prisoner to tell him<, or anyone to tell him> what he was
23 accused of.

24 [14.23.36]

25 MR. KOPPE:

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1 I think the Prosecution is testifying now on behalf of the
2 witness. I'm -- I'm -- as -- as you might have observed, I'm --
3 I'm limiting my questions to a very particular instance. And my
4 question, I think, without going into the specifics is -- is
5 allowed; whether he remembers what, in general, the accusation or
6 the offence was that Chhon was possibly involved in.

7 MR. PRESIDENT:

8 The question is permissible and the objection by the Deputy
9 Co-Prosecutor is overruled and Witness, please respond to the
10 question.

11 MR. PRAK KHAN:

12 During my interrogation, Chhon confessed that he was in a CIA
13 network.

14 BY MR. KOPPE:

15 Q. Let me -- let me step away from -- from that, Mr. Witness, and
16 take you back a bit in time; one or two months before you
17 interrogated Chhon, maybe to January 1977.

18 At that time, have you -- had you heard of plans to stage -- to
19 stage a coup d'état, to start a rebellion led by Koy Thuon,
20 Chakrey, Ya, from the Northeast, and others?

21 A. No, I did not know or hear anything about that; this is the
22 first time that I hear of this.

23 [14.26.10]

24 Q. Well, I'm -- I'm not allowed to go to the content of the
25 confession, but I'm not sure whether that answer is plausible,

1 Mr. Witness. But, have you ever heard, at a later stage, of
2 involvement of Koy Thuon, Division Commander Oeun, Division
3 Commander Suong, from 450, involvement in plans to overthrow the
4 legitimate government of Democratic Kampuchea?

5 A. No, I did not hear about that.

6 Q. Did you ever, at any point in time, hear about accusations
7 leveled against Koy Thuon?

8 A. I only knew that Koy Thuon was arrested, but I did not know
9 about any plan about his involvement.

10 [14.28.01]

11 Q. It's -- it's very tempting to go to his confession, but I
12 won't. But let me see if I can jog the witness' memory through
13 another way. Mr. Witness, Chan was your boss; wasn't he?

14 A. I did not know the real position Chan held; however, I saw
15 Chan at Duch workplace and, to me, it seems that he was an aide
16 or assistant to Duch.

17 MR. KOPPE:

18 Mr. President, I would like to show an excerpt from Chan's
19 notebook. The particular excerpt is written down in such a way
20 that it is -- is highly unlikely that it's coming from
21 confessions. It seems to be more the product of what he heard at
22 study sessions. It is document E3/833; Khmer ERN 00077826; there
23 seems to be no French translation. I will come to that separately
24 because it seems that there is another French translation for one
25 part of the notebook and in English for the other part.

1 I have with me the actual excerpt from the notebook and I would
2 like to show that to the witness to see if that refreshes his
3 memory.

4 [14.30.11]

5 JUDGE LAVERGNE:

6 Could you please repeat the ERN numbers? I didn't have the time
7 to jot them down.

8 MR. KOPPE:

9 The document that I have it's a bit peculiar and unusual
10 document, Judge Lavergne. It has an E3 number, E3/833. I do not
11 see an English ERN. I did find the Khmer ERN, the original Khmer
12 ERN of the notebook. There are no French ERNs of this particular
13 page, it seems. What I have established is that there is a French
14 translation of the latter part of the book and an English
15 translation of another part of the notebook. It's still a bit
16 confusing but what I do have is the Khmer version and the Khmer
17 ERN of document E3/833.

18 JUDGE LAVERGNE:

19 So under these conditions how can we check the content of the
20 document that you intend to present to the witness? I am sorry. I
21 don't have very advanced Khmer skills, I must confess.

22 [14.31.35]

23 MR. KOPPE:

24 I have a first ERN, English ERN number. I am not making this
25 document up. It is E3/833. It's called "The Chan Notebook". It

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1 says "Key text highlighted". The English ERN which we have
2 written down with a pen is 00184579 and then following. But we do
3 -- we did find the Khmer ERN of that particular excerpt and that
4 page is 00077826.

5 And it is the Khmer page that I would like to show to the
6 witness.

7 JUDGE FENZ:

8 The English ERN with -- is the translation of this Khmer page you
9 want to show; do I understand that correctly?

10 MR. PRESIDENT:

11 Court Officer, please obtain the document from counsel and
12 present it to Judge Fenz.

13 (Short pause)

14 [14.33.24]

15 MR. KOPPE:

16 Now, for the record, I can give you now the full range of the
17 English ERN, not only the first number. It is 00184579 until
18 00184618.

19 MS. GUIRAUD:

20 Mr. President, a request for clarification. I didn't understand
21 if the page <our colleague wishes to use> has been translated
22 into English or into French. I understood <that it has not>, but
23 could my colleague clarify?

24 Because I believe that there are partial translations of the
25 document <into English and French> but that the specific page

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1 that he wants to use is available neither in English nor in
2 French. Did I understand this correctly?

3 [14.34.20]

4 MR. KOPPE:

5 No, that's not correct. There is an English translation. That's
6 how I know it. I think the Prosecution yesterday also showed an
7 excerpt and said there was only a French translation of that
8 particular excerpt that he wanted to show.

9 But as I understand it, the Khmer document has been partially
10 translated in English, partially translated in French, but not
11 the same parts. That's the situation.

12 JUDGE LAVERGNE:

13 When you say not the specific pages which are the exact pages you
14 are speaking about? <I don't understand.> Are these the pages you
15 intend to use?

16 MR. KOPPE:

17 What I will be using is a Khmer page and an English page from the
18 same document. Whether there is a French translation, I do not
19 know, but I presume there isn't. Otherwise, the Prosecution will
20 say so.

21 JUDGE FENZ:

22 Just to be clear, you are using the Khmer version of what the
23 English is 00184579 to 4618?

24 MR. KOPPE:

25 Exactly.

1 [14.35.39]

2 MR. DE WILDE D'ESTMAEL:

3 Mr. President, I believe I have identified the pages. It might
4 assist the Defence in English, it is 00184591. It refers to a
5 part related to February 1978 and he is speaking about Soth
6 <(phonetic)> Chhouk and Chakrey.

7 I don't believe that there is a French translation, however.

8 [14.36.06]

9 BY MR. KOPPE:

10 That is indeed the excerpt. Meanwhile, I think the witness has
11 the original Khmer.

12 Q. Mr. Witness, did you have time to have a look at this excerpt?

13 MR. PRAK KHAN:

14 <I did not see any document.>

15 [14.36.33]

16 (Short pause)

17 [14.37.25]

18 BY MR. KOPPE:

19 Q. Meanwhile, let me read to you what I have in English and that
20 you can read along, Mr. Witness.

21 In English I have, "The group of A Soth, A Chhouk, A Chakrey as a
22 stepping board. June '76, made a coup with A Chakrey as the core,
23 that is, to attack the Party Centre, especially Brothers One and
24 Two. Later on, the unit of A Oeun apparatus; that is, the Workers
25 Party of Kampuchea with imperialist America, the 'Yuon' and the

1 Soviets above them. They intended to grab Brother at Borei Keila.

2 We arrested many of them, especially 170. The 'Yuon' and Soviet

3 forces dissolved. There remained only the forces of A Thuch."

4 These are notes, I presume, from a session but I am not sure. Do

5 you recognize the handwriting? Do you recognize the text?

6 [14.38.56]

7 MR. PRAK KHAN:

8 A. I do not know whose writing it was.

9 Q. That's no problem, but do you recognize the content? Does the
10 content somehow jog your memory in relation to your interrogation
11 of Chhon?

12 A. This document has nothing to do with the confession of Meng,
13 alias Chhon.

14 Q. Let's step away from Chhon. But do you now, having seen this
15 document, recall something about coups d'état plans led by Koy
16 Thuon and Division Commander Oeun?

17 [14.39.53]

18 A. I do not know about the plan. That was the business of the
19 upper echelon and I do not know whether the other subordinates
20 knew about that plan.

21 And for me, I do not know. At the time I did not learn that some
22 particular individuals had been arrested. I learned about that
23 later on and the plan was not disseminated to me.

24 MR. PRESIDENT:

25 Thank you. It is now time for a break. The Court will take a

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1 short break from now until 3 p.m.

2 Court officer, please find a waiting room for the witness during
3 the break time and please invite him together with the duty
4 counsel into the courtroom at 3 p.m.

5 The Court is now in recess.

6 (Court recesses from 1440H to 1459H)

7 MR. PRESIDENT:

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

9 And again the floor is given to the defence team for Nuon Chea,
10 that is, Counsel Koppe. You have the floor.

11 [15.00.07]

12 BY MR. KOPPE:

13 Thank you, Mr. President. I first have to apologize for saying
14 something about E3/833. It's just because of the printing that it
15 doesn't show an ERN. I'm sorry. It actually has ERNs
16 electronically, but here it doesn't have ERNs. So, I am sorry for
17 that.

18 Q. Mr. Witness, I read to you an excerpt from Chan's notebook
19 about Koy Thuon; Chakrey. That didn't jog your memory. Let me
20 make a final attempt as to Koy Thuon and Division Commander Oeun,
21 collaborating together to stage a coups d'état.

22 I have in front of me a statement of a female cadre, a member of
23 Division 310, document E3/7540. I am going to be reading from
24 English ERN 00337712. I will just finish the ERNs, Khmer 00055078
25 (sic) and French -- and 79 -- and French 00364274.

1 [15.01.54]

2 MR. DE WILDE D'ESTMAEL:

3 Mr. President, in the introduction to the question, I heard the
4 Defence say something <in French, at least> which <seemed> to
5 establish that Koy Thuon <and Oeun had> prepared a coup d'état. I
6 do not think the Defence has laid the foundation <to claim that
7 at this time>, apart from relying on the sources <from>
8 confessions from S-21.

9 I think Counsel should <re->start by laying the foundation for
10 this <matter>. Thank you.

11 MR. KOPPE:

12 I really do not understand this objection, Mr. President. I will
13 tell you why.

14 We filed a motion recently asking for six additional witnesses,
15 all Division 310 combatants who all speak about the coup d'état,
16 the plans of Koy Thuon, Division Commander A Oeun, etc.

17 JUDGE FENZ:

18 Counsel, nothing is established until the Chamber has established
19 it. Just watch the language.

20 BY MR. KOPPE:

21 Well, I am using the word "establish" because that's what the
22 Prosecution is saying. I am explaining. But I don't really
23 understand why I have to keep explaining the evidence that we
24 have. And you can look angry, but that's it. So anyway, Mr.
25 President, I have in front of me that DC-Cam statement.

1 Q. And Mr. Witness, I will read that to you.

2 This is, as I said, a female cadre who was involved in that coup
3 d'état attempt who was subsequently sent to Prey Sar. And on --
4 in this DC-Cam statement she says the following:

5 "Were you under the leadership of Oeun in that division?"

6 "Yes, Oeun."

7 "After the liberation of Phnom Penh, Oeun was arrested. Were you
8 aware of that?"

9 Answer: "I knew about that at the time of the arrest, but we did
10 not know what to do because we were too far away. If we had been
11 near him we would have --"

12 Question: "It would have erupted?"

13 "Yes. It erupted in '76, but I cannot recall the month. I have
14 forgotten the month. In late 1976, we were going to erupt but it
15 was exposed. The two North Zone divisions were readied from Wat
16 Phnom northward. The East Zone in charge to the south was ready
17 to fight but it was exposed. And Khuon," -- Koy Thuon -- "the
18 chairman of the North Zone was arrested."

19 [15.05.00]

20 A little bit further in that same DC-Cam statement, English ERN
21 00337714; Khmer, 00055079; and French, 00364275; she says the
22 following:

23 "On March '76," -- I presume she means March '77 -- "They
24 arrested me and took me to Prey Sar and they announced we had to
25 realize that it was not only us in the cadre ranks in the city

1 who were traitors, that even our parents in the rear battlefields
2 were also traitors, because the North and East Zones had all
3 joined the 'Yuon'. They announced that at Prey Sar. That's how I
4 knew."

5 End of quote.

6 Mr. Witness, this is a Division 310 female cadre who speaks about
7 plans to attack Phnom Penh, plans of Koy Thuon and Division
8 Commander Oeun. Does this somehow jog your memory now?

9 MR. PRAK KHAN:

10 A. I did not know about these plans. It was the matter of the
11 upper level and I was not authorized to know about these.

12 [15.06.49]

13 Q. Did you know anything about weapons stored, weapons to be used
14 for an attack on Phnom Penh?

15 A. I did not know about that.

16 Q. Did you know anything about secret meetings and houses near
17 Wat Phnom?

18 A. I did not know.

19 Q. Did you, while at S-21, ever hear military attacks or planned
20 military attacks on Phnom Penh airport, Radio Pochentong or,
21 sorry, Pochentong Airport and Radio Phnom Penh?

22 [15.07.58]

23 A. I was not sure about this matter. In some confessions, there
24 was mentioning of the attack on -- at the airport at Pochentong,
25 at the propaganda office or communication office, in order to cut

1 off the mode of communication, but I did not know anything about
2 the plan or coup d'état.

3 MR. PRESIDENT:

4 International Deputy Co-Prosecutor, you have the floor.

5 MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. President.

7 With this answer given by the witness we are going into the
8 contents of the confessions from S-21<, and we know what kind of
9 conditions they were compiled in>. We <have crossed> the line
10 which we should not cross since he is dealing with the contents
11 of confessions and they are not talking of what the witness
12 learned during training sessions and from other sources.

13 BY MR. KOPPE:

14 Well, I cannot control the answer of the witness. I was asking
15 him questions about evidence coming from statements taken by
16 DC-Cam, evidence coming from this courtroom. If he makes the
17 connection to confessions, that is not something that I can help.
18 If I may move on, Mr. President?

19 Q. Let me ask you a simple question, Mr. Witness. When you
20 started interviewing Chhon did you know who Koy Thuon was?

21 [15.10.10]

22 MR. PRAK KHAN:

23 A. I cannot recall that.

24 Q. What is it that you can't recall? Can you not recall the name
25 or what is it that you cannot recall?

1 A. I cannot recall the event, as well as the names that <Keat
2 (phonetic)> Chhon <implicated> in his confession. I cannot recall
3 that.

4 Q. Let me ask it differently. When you -- before you started
5 interviewing -- interrogating Chhon, did you know who Koy Thuon,
6 alias Khuon, alias Thuch, was?

7 A. At the time I did not know about that and only when it was
8 near 7 January I knew about Koy Thuon in the North Zone. And
9 before that I did not know anything about him.

10 [15.11.53]

11 Q. Did you know who Oeun was?

12 A. I only heard of his name later on, that is, years after his
13 arrest that he was a former Division 310 commander.

14 Q. So are you saying, that at the time of your interrogation of
15 Chhon, that you didn't know that Oeun had just been arrested?

16 A. Yes, that is correct. I did not know him before that.

17 Q. Is the confession of Chhon a spontaneous statement from Chhon
18 and his answers were not prompted by your questions?

19 MR. PRESIDENT:

20 Witness, please hold on.

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

22 [15.13.36]

23 MR. DE WILDE D'ESTMAEL:

24 Thank you, Mr. President.

25 This question is not appropriate. It is repetitive. A while ago

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1 the Defence established with the witness that he had to beat him
2 up. Now, he is talking of spontaneous confessions. I think there
3 is a fundamental contradiction here. Counsel should rephrase the
4 question <or> change the topic.

5 JUDGE FENZ:

6 Counsel, you are dancing around the contents.

7 [15.14.09]

8 MR. KOPPE:

9 That's because I cannot show him the confession, because that's
10 where he talks about Koy Thuon and Oeun. But at least I should be
11 able to establish whether that confession was something that
12 Chhon wrote himself or whether it was prompted by actual
13 questions from the interrogator, because that is one of our
14 central points of Defence and very important to understand.

15 JUDGE FENZ:

16 I don't think that these two questions are a problem. I just
17 repeat. One of your questions was, "Did he write them down
18 spontaneously?"

19 So can you answer? Do you remember if Chhon, when you asked him,
20 wrote down the answers spontaneously? Whatever the answers were.

21 MR. PRAK KHAN:

22 Regarding <Keat> (phonetic) Chhon's confession, I did <follow>
23 what he wrote by himself. So, first he wrote his confession and
24 then I typed everything from his notes. I did not make <him
25 write> his statement <according to what I wanted>. That is his

1 full confession.

2 MR. PRESIDENT:

3 Judge Lavergne, you have the floor.

4 [15.15.54]

5 JUDGE LAVERGNE:

6 Sometimes, I have the impression we are not in the same
7 proceedings as Counsel Koppe. It appears that his witness said a
8 while ago that he had to <take> a branch and beat up the witness
9 he was interrogating and that he had <to> use intimidation.

10 This appears to be relatively contradictory compared to
11 spontaneous declarations.

12 <Honestly,> I think the questions that are being put to the
13 witness by Counsel Koppe are completely inappropriate.

14 [15.16.44]

15 MR. KOPPE:

16 Let me withdraw the word "spontaneous". I understand that is a
17 word that can be misinterpreted.

18 What I am trying to establish is whether Chhon spoke about coup
19 d'état attempts of Koy Thuon or wrote it down out of himself or
20 when answering a question. Because if it's the first variation
21 that is potentially corroborating the evidence which is not
22 coming from confessions. Otherwise he -- otherwise he couldn't be
23 knowing something that 40 years later people would be testifying
24 to in court.

25 JUDGE FENZ:

1 You are using the contents of confessions. We have told you
2 yesterday, obviously for the proof of their accuracy, that's
3 exactly what the majority decision prohibits.

4 JUDGE LAVERGNE:

5 And those confessions are presumed to have been obtained by
6 torture. That is not something too complicated to understand to
7 my mind.

8 MR. PRESIDENT:

9 Q. Witness, regarding Chhon who wrote the confession, did he
10 write that confession before you exerted to using force or
11 violence, that is, using the guava tree branch? Did he write
12 before or after you used the violence against him?

13 [15.18.35]

14 MR. PRAK KHAN:

15 A. <Keat (phonetic) Chhon> wrote his confession before, before
16 that, but because it seems that he did not tell a complete story,
17 that's why I beat him in order for him to make <the> confession
18 <clear>.

19 Q. Since he already completed his confession, why did you have to
20 use violence against him and after that act of violence what
21 happened? Did he alter his confession, to his already written
22 confession?

23 [15.19.26]

24 A. Allow me to clarify regarding the confession of <Keat>
25 (phonetic) Chhon. Actually the confessions were written several

1 times, not just one or two times. But the <documents that were
2 not typed yet> were sent to Duch and Chan and then they annotated
3 on those <> documents, <and this process happened> maybe four or
4 five times <before it was decided to be typed and sent>.

5 And that's what I did. I interrogated him further. I used a
6 variety of methods, cold and hot and I had to also use violence
7 against him.

8 Of course what you show me is his confession but it was not
9 complete so I had to use violence so that he could produce a more
10 complete confession.

11 MR. DE WILDE D'ESTMAEL:

12 If I may, Mr. President, we of the Prosecution have explained
13 this in our answer -- our response to the Defence motion filed on
14 Monday. In any case, we are of the view that all the prisoners at
15 S-21 whether they were beaten up or not, insofar as they were
16 detained under inhumane conditions, because they were deprived of
17 their freedom and they were not treated as human beings; because
18 they heard the screams during the interrogations of other
19 persons; they were threatened<; because> tricks <and threats were
20 used to psychologically break them, even before turning to
21 physical violence>; all of that <falls> under the definition of
22 torture according to the convention which forbids the use of
23 confessions in these kinds of proceedings. <That is our position.
24 We believe that even if someone was not beaten before confessing,
25 the> context of S-21 shows that people were <subjected to>

1 <coercion and torture, therefore we request that> all <of> these
2 questions should not be allowed.

3 [15.21.48]

4 MR. KOPPE:

5 Just to respond, Mr. President. We are not going to be arguing in
6 our closing brief that the hot method or the torture was lawful.

7 We are not going to be arguing that.

8 We are also not going to be arguing that the confession is not
9 the product of torture or maltreatment.

10 What we can argue is that the arrest of Chhon and his detention
11 as such were lawful because he was a suspect of an offence which
12 is a crime in any country right now.

13 So we should be able to establish, and in the Duch judgment there
14 are considerations and rulings in this respect, that also the
15 arrest and detention as such was unlawful.

16 [15.22.38]

17 We will argue that that is not the case and, therefore, I think
18 it is appropriate that we try to find out from this particular
19 witness what he knew about the content of the accusations what
20 exactly he was asking for, what was he looking for, in order to
21 establish that, in this particular instance, Chhon was lawfully
22 arrested and subsequently lawfully detained.

23 Whether he was lawfully beaten, no, we are not going to be
24 arguing this. But that's what -- one of the things that I would
25 like to be able to establish with this witness.

1 (Judges deliberate)

2 [15.24.54]

3 JUDGE FENZ:

4 Can I just clarify something, because I think by now so many
5 things have been raised that it is a bit unclear where we are
6 standing?

7 Is there actually now in your view an open decision by the
8 Chamber on what questions -- whatever questions should be allowed
9 and why because frankly, I have lost track by now. We have had a
10 debate on what you tried to prove and not to prove. Let's forget
11 that at the moment. Is there an open decision by the Chamber and,
12 if so, what is it?

13 [15.25.29]

14 MR. KOPPE:

15 What I was trying to seek with this witness whether the mention
16 of Koy Thuon in the confession, whether that was brought up by
17 Chhon himself or whether that was an answer prompted by a
18 question.

19 JUDGE LAVERGNE:

20 <But> when you say <whether it was the result of a> decision <by>
21 Chhon and are you saying that it's a decision that was taken
22 freely without torture<, and not the result of a confession
23 obtained via torture>? Is that what you are saying?

24 [15.26.06]

25 MR. KOPPE:

1 These questions were prompted by the fact that he says he didn't
2 -- he had no idea about the coup d'état, about Koy Thoun, about
3 Oeun, the moment he started interrogating Chhon. And if that is
4 correct and Chhon offered this information himself without him
5 prompting it, then that is for us interesting information --
6 interesting evidence.

7 (Judges deliberate)

8 [15.28.33]

9 MR. PRESIDENT:

10 I would like to give the floor to Judge Fenz to make an oral
11 ruling on the objection to the last question put to the witness
12 by the Defence Counsel so that we can move on.

13 Judge Fenz, you have the floor.

14 JUDGE FENZ:

15 Since the question directly references effect from the
16 confession, it comes under the -- it's forbidden and I thereby
17 reference or, yes, reference the majority's decision on the use
18 of confessions.

19 [15.29.27]

20 BY MR. KOPPE:

21 I will move on to the next subject.

22 Q. Mr. Witness, Koy Thuon or alias Thuch or Khuon, doesn't really
23 ring a bell with you, it seems.

24 Have you ever heard of someone called So Phim?

25 MR. PRAK KHAN:

1 A. I heard of So Phim, and I even saw his photo when he actually
2 shot himself to death in the East Zone.

3 Q. And what is it that you knew about So Phim when you started
4 your first interrogation?

5 [15.30.34]

6 A. Through interrogations of other prisoners, we learned that So
7 Phim was chief of the East Zone and that later on Angkar wanted
8 to arrest him. He fled but since he could not escape, he shot
9 himself to death. And Duch showed a photo of So Phim who shot
10 himself to death to staff working at S-21.

11 Q. I understand that So Phim shot himself and that he was accused
12 of treason at one point. My question is what did you know about
13 So Phim in February 1977?

14 A. I do not know about other incidents happening to him.

15 Q. What kind of acts did So Phim do? What did he do to commit
16 treason? What were his treasonous activities that you know when
17 you were an interrogator at S-21?

18 A. I do not know about that. How could I -- what else could I
19 say?

20 Q. Let me see if I can assist you in jogging your memory.

21 Again, I go to the notebook of Chan, Mr. President, E3/833,
22 English, 00184614; Khmer, 00077946. And again, I would like to
23 show a page from Chan's notebook to the witness.

24 [15.33.03]

25 MR. PRESIDENT:

1 Yes, please.

2 BY MR. KOPPE:

3 Q. It says in the notebook, "Why do we look for concrete
4 evidence?" And it says, "Meetings with A Phim that have the
5 footprints of the 'Yuon'." End of quote.

6 Does that jog your memory, Mr. Witness, that the evidence that
7 you and Chan and other interrogators were looking for was
8 meetings with So Phim that have the footprints of the Vietnamese?

9 (Short pause)

10 [15.34.48]

11 MR. PRESIDENT:

12 Can you answer the question? The note is just the basis for the
13 question. Can you answer that question and can you recall what
14 was going on in relation to that document? And please tell the
15 Court about what you knew at S-21, while you were working. It's
16 not about what you learned later on.

17 MR. PRAK KHAN:

18 I do not know much about what happened to So Phim. I saw only the
19 photograph depicting the death of So Phim after he shot himself
20 to death.

21 MR. PRESIDENT:

22 Thank you, Mr. Witness. If you do not know you just say so, you
23 do not know. The answer you do not know is complete and is -- and
24 that answer complies with the obligation that you are required
25 before the Chamber.

1 BY MR. KOPPE:

2 Q. Let me go to another notebook, Mr. Witness, and let me read to
3 you what the notebook of Pon and Tuy say about So Phim. That is
4 Khmer ERN 00077476. It's the same kind of print. The English ERNs
5 start with 00184483. The exact ERN I will give to you a bit
6 later, Mr. President.

7 [15.36.56]

8 In this notebook, Pon refers to the smashing of So Phim's network
9 as equal to the victory of 17 April 1975. So in other words it
10 says literally, "The meaning of the great victory of A Phim and
11 his clique and the future direction of the work of the special
12 branch."

13 And then it goes on to say that 17 April and the victory over So
14 Phim were seen the same, as the same.

15 Does that somehow jog your memory?

16 JUDGE LAVERGNE:

17 Maybe you should ask the witness what the special branch is. <Are
18 these the interrogators?> Are we referring here to the content of
19 confessions obtained by the interrogators?

20 [15.38.00]

21 BY MR. KOPPE:

22 Let me -- I will withdraw the part on the special branch

23 Q. It seems to be notes from a meeting, Mr. Witness, where the
24 writer or the author of these notes refer to the great victory
25 over So Phim having the same value as the 17 April; victory.

1 Does that jog your memory? Was the defeat of So Phim seen in such
2 a category?

3 MR. PRAK KHAN:

4 A. I heard Duch say that it was the defeat of So Phim and thanks
5 -- it was the defeat of So Phim thanks to the activities by the
6 Party. That is what Duch said.

7 Q. Have you ever heard of the Workers Party of Kampuchea?

8 A. Workers Party of Kampuchea? It was heard during the period of
9 the Party's establishment. That was told to us during the
10 training session and later on it was known as the Communist Party
11 of Kampuchea.

12 Q. Did you know that, at least according to the CPK, there was
13 another party called the Workers Party of Kampuchea led by So
14 Phim, Ros Nhim, Ya, Koy Thuon and others?

15 [15.40.32]

16 A. I have never heard of that.

17 Q. You talked about Vietnam earlier, Mr. Witness, and about
18 Vietnam being the enemy. What was your understanding, when you
19 were working in S-21, that the intentions were of Vietnam?

20 What was Vietnam, in the view of Duch, Son Sen and others, going
21 to do?

22 A. I heard the statement of Duch that Vietnam and the Communist
23 Party of Kampuchea were competing with each other. <Duch was
24 praising> that the Communist Party of Kampuchea had a <great>
25 victory on the 17 April <because the Party was witty>, and

1 Vietnam <praised> that they had <their> victory <on> 30 April
2 <because they fought against> the Thieu-Ky soldiers or South
3 Vietnamese soldiers <and they had won>. <So, they achieved
4 victory after Communist Party of Kampuchea had won. Therefore,
5 these two parties were competing with each other because> they
6 felt proud of what they did at the time.

7 [15.42.27]

8 Q. Have you ever heard of something called the Indochinese
9 Federation?

10 A. Yes. But I do not know the definition of that word.

11 Q. I will move on to another subject, Mr. Witness.

12 You said at one point during your testimony, I believe yesterday,
13 that you believe that around 50 to 60 percent of persons detained
14 at S-21 were interrogated, was interrogated; 50 to 60 percent.

15 Can you tell me how exactly did you come to that testimony?

16 A. It is based on <my estimation because there were larger>
17 number of prisoners, compared to the fewer number of
18 interrogators. And at the time I was walking <back and forth> to
19 <bring back> the prisoners, so I could see that some prisoners
20 remained detained in the cells without <being sent> anywhere else
21 for interrogation or for anything <until the day before the 7
22 January>.

23 And for those who needed <to be interrogated> to find out what
24 they did and about their activities, they were sent out for
25 interrogation. And for others who were not interrogated were

1 waiting for the day that they would be killed.

2 Q. But how would you know that someone who was in his cell was
3 not going to be interrogated the next day or while you, yourself,
4 were interrogating someone else? How would you know?

5 [15.45.01]

6 A. I said based on what I saw at the time. I walked back and
7 forth <every day to bring prisoners for interrogation>.

8 Q. Let me try it differently.

9 Can you give me one example of one prisoner who was detained but
10 wasn't interrogated?

11 A. For instance, female prisoners within Buildings A, B, C, D
12 there were no partitions on those -- in those buildings. And
13 female prisoners, <20 to> 30 <> of them were there and they had
14 never been sent out for interrogation.

15 Q. But how do you know?

16 [15.46.13]

17 A. I witnessed that.

18 Q. But you were also busy interrogating others maybe even almost
19 every day. How do you know that those women were not
20 interrogated?

21 A. I said what I saw. I <brought> out the prisoners and <brought>
22 them back to the cells <back and forth every day in the morning,
23 in the evening and at nighttime> and I could see and witness
24 those prisoners. So I said what I saw.

25 Q. Let me again try a different way. Why was it then that these

1 women were not interrogated? What was the reason?

2 A. I cannot give my own description since I do not know. But all
3 I know is that they were detained within those buildings. Perhaps
4 those people were needed for some other occasions but I <do not
5 know>.

6 MR. PRESIDENT:

7 Mr. Witness, please, if you do not know you just say so. Do not
8 try to give your estimate -- provide your estimate or expand
9 further on the issue asked by counsel. You cannot draw a
10 conclusion, what you have to answer is -- is that they have to
11 come out of your own observation of what you have seen and what
12 you have heard. And observations can be also the basis for your
13 answer, since during the time you know of prisoners who were
14 detained for quite some time within the prison.

15 So please answer what you have seen, known and observed.

16 [15.48.45]

17 BY MR. KOPPE:

18 Q. Let me try it a final time, Mr. Witness. Taking as a starting
19 point the judgment of this Chamber in Case 001 there were about
20 12,000 prisoners and your percentage is correct; 6,000 persons
21 were not interrogated. What is the source of your information?
22 How would you come to that big of a number?

23 MR. PRAK KHAN:

24 A. It is my conclusion, my own conclusion because I have seen the
25 prisoners at the time. You are grilling me on the issue. That's

1 why I am trying to give you the specific percentage <so I
2 estimate that it was about 50 or 60 per cent> but <> there was no
3 clear <source of information about it>.

4 Q. You were asked a question this morning about Cham prisoners.
5 Do you know whether there was also an S-21 interrogator who was
6 Cham?

7 [15.50.30]

8 A. Yes, there was an individual by the name Man.

9 Q. And what do you remember about him?

10 A. Man was Cham but could speak Khmer. He was later on killed.

11 Q. And was it a problem within S-21, that Man was a Cham person?

12 A. To my knowledge, it was not because of the accusation that he
13 was of a different nationality or ethnicity. And perhaps there
14 was an issue within that location that's why he was arrested.

15 MR. KOPPE:

16 Just to be 100 percent sure that we are talking about the same
17 person, Mr. President, I have a photo of Man and I would like to
18 show the witness the photo and ask him whether that is indeed the
19 same Man who he referred to. It's from Ysa Osman's book,
20 "Oukoubah", E3/1822, English ERN 00078508. It's only a photo but
21 I will give you the Khmer ERN shortly

22 [15.52.32]

23 MR. PRESIDENT:

24 Yes.

25 BY MR. KOPPE:

1 Q. Is that him, Mr. Witness?

2 MR. PRAK KHAN:

3 A. It is not Man, the interrogator that was working with me.

4 Q. Who is this person then?

5 A. I do not know him. <The> Man, that I knew was older and his
6 <face was shaped> like a square. He had a square <face>. <His
7 face was not like this.>

8 [15.53.53]

9 MR. PRESIDENT:

10 So, now you defer your questions put to this witness. First, I
11 would like to give the floor to Judge Lavergne for some
12 questions.

13 Judge Lavergne, you stated that you are -- you want to ask
14 questions to this witness. So now it is your time.

15 [15.54.16]

16 JUDGE LAVERGNE:

17 Yes. Mr. Koppe, maybe you have a few conclusions to finish this
18 line of questioning, then I will have a few questions to put to
19 the witness <myself> but I don't want to interrupt your
20 cross-examination.

21 [15.54.37]

22 MR. KOPPE:

23 Well, we -- I have come to a point that I have to say that I am
24 not quite finished with my questions. I would still like to ask
25 him questions about the blood drawing, about the situation of

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1 children, about the arrests of spouses, the corpses that he said
2 he saw while he was a guard. We also have to deal with the issue
3 of the confession of Koy Thuon.

4 So my request would be that the Chamber will allow me one more
5 session to finish my questions. I believe the Khieu Samphan team
6 also still has questions. I'm not sure how many they have.

7 So, I was finished with the Cham subject and if you allow me to
8 continue with my other subjects on Monday morning, then I would
9 be happy with that.

10 [15.55.47]

11 MS. GUISSÉ:

12 I believe we were all, of course, upset by the Prosecution's
13 <erroneous> calculation earlier. A priori there is no problem for
14 my colleague to continue on Monday morning. We were given one
15 full day, so we haven't used up our four sessions.

16 As far as I am concerned, I will need one session a priori
17 speaking, for my cross-examination, but of course this will
18 depend on how everything progresses with the questioning by my
19 colleague and by Judge Lavergne. But a priori speaking, I will
20 need one session and if I will need extra time it shouldn't be
21 too much in relation to the time that is normally given to us.

22 MR. PRESIDENT:

23 Judge Lavergne, you can take the floor now.

24 QUESTIONING BY JUDGE LAVERGNE RESUMES:

25 Thank you, Mr. President. As far as I am concerned, I wanted to

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1 put a few questions to the witness regarding what he told us this
2 morning concerning a so-named Keth Dara, who was a colonel and he
3 was tasked <with burying the> body.

4 Q. So witness, do you remember what you said this morning
5 regarding Colonel Keth Dara? And I would like to ask you, do you
6 remember if you were told that this colonel headed the MoNatio
7 movement, a movement by the name of MoNatio, <or the "Mouvement
8 National">?

9 [15.57.33]

10 MR. PRAK KHAN:

11 A. I do not know about that so-called movement or any other
12 movements. Keth Dara was at Pet Chen (phonetic) and he shot a few
13 soldiers <dead>. Then he was arrested after he was starved. He
14 later on was sent to the first instant court at Takhmau.

15 Keth Dara, together with the family members and his clique were
16 transported on the <CMC> vehicles to Takhmau. <Each truck was not
17 completely full. There were maybe less than 50 people in total.>

18 I do not know what he was engaged in at the time but all I know
19 is that he held the rank of colonel.

20 Q. It happens to be that on the case file and, even in our
21 judgment, references <were> made to a person by the name of Hem
22 Keth Dara, a person who apparently played a very short role on 17
23 April 1975, as leader of a group by the name of MoNatio. And an
24 article, also, of Jean-Jacques Cazaux's, speaks about Keth Dara
25 who was an AFP correspondent. This is document E3/3365.

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1 And also Hem Keth Dara is mentioned in Sydney Schanberg's
2 notebooks, document E3/9749.

3 [15.59.29]

4 Now, regarding this last document the ERNs are the following:

5 French 00955412 to 5414 and in Schanberg's notebooks and in
6 Cazaux's article, it is stated that Hem Keth Dara was married,
7 that he had a French wife, that he had two children and that he
8 had summoned journalists before the Ministry of Information on 17
9 April 1975, where he was seen with a revolver shouting orders.

10 So it's <apparently> possible that we have a photograph of Hem
11 Keth Dara. So, I would like to show this photograph to the
12 witness so that he may possibly recognize the person on the
13 photograph.

14 Mr. President, if you please allow me? I would like to present
15 this photograph to the witness as well as to the parties.

16 MR. PRESIDENT:

17 Court officers, please process that. Please process that as
18 requested by Judge Lavergne.

19 [16.00.53]

20 BY JUDGE LAVERGNE:

21 Let me point out that this photograph appears in a video on <the
22 case file>, and that is document E3/3939R at 2.05.

23 It was also published with an article that appeared in

24 "Newsweek", the 19th of May 1975 edition, a document called

25 "Cambodia's 'Purification'", document <E190.1.307>. The ERN <in

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1 English> is <00445259>.

2 Q. It is perhaps difficult to identify that person because you
3 probably saw only his body, but does this photograph of that
4 person -- may I point out that it appears to be a person holding
5 a revolver in hand and screaming. Does this photograph jog your
6 memory? Have you seen this photograph before or does it ring a
7 bell?

8 [16.02.23]

9 MR. PRAK KHAN:

10 A. I am not sure since that it happened a long time ago.

11 JUDGE LAVERGNE:

12 Very well. Thank you Mr. Witness. I have no further questions for
13 the witness.

14 (Judges deliberate)

15 [16.03.10]

16 JUDGE FENZ:

17 This is to counsel to get the basis for a decision on time to be
18 granted to both defence teams on Monday. Altogether, how much
19 time is needed for both of you?

20 MS. GUISSÉ:

21 I'm not very good in mathematics. I said I needed one session.
22 And I will leave my colleague to tell the Chamber how much time
23 he would need.

24 MR. KOPPE:

25 I hope to be able to finish it also in one session.

1 [16.03.53]

2 JUDGE FENZ:

3 So one and one makes two?

4 MR. KOPPE:

5 Yes.

6 JUDGE FENZ:

7 Okay. Decision on Monday.

8 MR. DE WILDE D'ESTMAEL:

9 I would like to clarify the calculations that have been made. I
10 would like to say I am sorry for <earlier>.

11 If the Defence has up to 11 o'clock on Monday morning it would
12 correspond to the time that we used ourselves. If <they> need
13 <more time>, they will make an additional request.

14 [16.04.37]

15 MR. PRESIDENT:

16 Thank you. The clarification will be made on Monday and the
17 calculation by the Co-Prosecutors may be appropriate, and I will
18 confirm once again on Monday about the time allocated to the
19 Defence. Perhaps it is correct that they have to finish
20 questioning by 11. The time should be equal <for> all parties.
21 Usually one party cannot have <more> extra minutes than the other
22 party.

23 It is now time for the adjournment and the Chamber will resume
24 its hearing on <Monday>, 2nd May 2016. The Chamber will hear Prak
25 Khan onto his conclusion and then we will proceed to hear

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1 <2-TCW-808>. So please be informed.

2 MR. KOPPE:

3 I heard Tuesday, but I presume it's Monday?

4 THE INTERPRETER:

5 Correction from interpreter. Monday.

6 [16.06.10]

7 MR. PRESIDENT:

8 It is clear I said Monday. I <read> from my script from my

9 document. I do not do anything that is beyond my control. I am

10 reading from my document, Counsel.

11 The Chamber will resume its hearing on Monday, 2nd May 2016, at 9

12 a.m.

13 And on Monday the Chamber will continue hearing Prak Khan to his

14 conclusion and then proceed to hear 2-TCW-808.

15 Thank you, Mr. Witness. The hearing of your testimony has not

16 come to an end yet. You are therefore invited to come here once

17 again to testify on Monday, 2nd May 2016 at 9.am.

18 Thank you, Mr. Mam Rithea, duty counsel. You are also invited to

19 accompany and assist the witness on Monday next week as well.

20 Security personnel are instructed to bring the two accused, Nuon

21 Chea and Khieu Samphan back to the detention facilities of the

22 ECCC and have them returned into the courtroom on Monday, 2nd

23 May, 2016 before 9 a.m.

24 The Court is now adjourned.

25 (Court adjourns at 1607H)