



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): 07-Jul-2016, 13:50
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

4 May 2016

Trial Day 408

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

The Accused: NUON Chea
KHIEU Samphan

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Travis FARR
SENG Leang

For Court Management Section:
UCH Arun

I N D E X

Mr. HIM Huy (2-TCW-906)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. FARR	English
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Mr. HIM Huy (2-TCW-906)	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. MAM Rithea	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

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

6 Huy.

7 Ms. Se Kolvuthy, please report the attendance of the parties and

8 other individuals to today's proceedings.

9 [09.02.25]

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 continue his testimony today -- that is,

17 Mr. Him Huy, as well as Mr. Mam Rithea, his duty counsel, are

18 present in the courtroom. And we do not have a reserve witness

19 today.

20 MR. PRESIDENT:

21 Thank you, Ms. Se Kolvuthy. The Chamber now decides on the

22 request by Nuon Chea.

23 The Chamber has received a waiver from Nuon Chea, dated 4 May

24 2016, which states that due to his health -- that is, headache,

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

2

1 effectively participate in future hearings, he requests to waive
2 his presence at the 4 May 2016 hearing.

3 [09.03.36]

4 Having seen the medical report of Nuon Chea by the duty doctor
5 for the Accused at ECCC, dated 4 May 2016, which states that Nuon
6 Chea has back pain and feels dizzy when he moves and recommends
7 that the Chamber grant him his request so that Nuon Chea can
8 follow the proceedings remotely from a holding cell downstairs.
9 Based on the above information and pursuant to Rule 81.5 of the
10 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
11 follow the proceedings remotely from the holding cell downstairs
12 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 to the whole day.

16 And again, I'd like to hand the floor to the Co-Prosecutors to
17 continue putting further questions to the witness. You may
18 proceed.

19 [09.04.44]

20 QUESTIONING BY MR. FARR RESUMES:

21 Thank you, Mr. President. Good morning, Your Honours. Good
22 morning, counsel.

23 Q. And good morning, Mr. Witness.

24 I want to turn now to the topic of political meetings or study
25 meetings. During your time at S-21, did you participate in any

3

1 political meetings or study meetings and, if so, can you tell us
2 who ran them and what topics were discussed?

3 MR. HIM HUY:

4 A. Allow me to respond to your question.

5 After I was assigned to work at S-21, we were required to attend
6 political study sessions to distinguish between the enemy and
7 friends, and be absolute <and> not allow <enemies> to escape or
8 to act against us. And we had to acknowledge that people who were
9 arrested by Angkar were enemies.

10 All staff <>, including <staff at Prey Sar,> the guards and the
11 interrogators, had to attend those study sessions.

12 [09.06.13]

13 Q. You just said that you were told that you had to accept that
14 people arrested by Angkar were enemies. Did that apply to all
15 people arrested by Angkar? Was everyone arrested by Angkar an
16 enemy?

17 A. For example, those who were arrested from Division 703,
18 personally, I didn't believe that they were <enemies>. And I,
19 myself, was scared, too, since I used to be with them. And to my
20 knowledge, they <were> not <involved with nor> were <they> CIA
21 <agents> or "Yuon" agents, <despite being> arrested <and
22 imprisoned for that>.

23 They said that people who were arrested by Angkar were the enemy
24 <of> Angkar.

25 Q. And you also mentioned that you were told you had to be

4

1 absolute. What does that mean for guards, and what did that mean
2 for interrogators, if you know?

3 A. Personally, I still had <doubts> about that, and I did not
4 have confidence in that because people were arrested according to
5 their network. For me, I worked at S-21 and if someone was
6 arrested and implicated others, those other people would also be
7 arrested later on. <Those unfounded arrests were unjust.>

8 [09.07.56]

9 Q. I want to just focus on the word "absolute". You said that you
10 were told that you had to be "absolute". What did you understand
11 that to mean?

12 A. While I was working there, we were required to monitor others'
13 activities and we were -- we had to attend the meeting every day
14 and we had to report to Angkar if something strange happened. And
15 that we had to follow the instructions, and if we violated it,
16 then we would be arrested.

17 Q. Who ran the study sessions that you attended? Who was the
18 teacher or instructor?

19 A. There were Hor and Duch and, in particular, it was Duch who
20 actually gave these direct sessions.

21 [09.09.06]

22 Q. And were you told anything specifically about the prisoners in
23 S-21? Were they enemies or were some of them enemies, or were
24 none of them enemies? What were you told about that?

25 A. I personally did not know who were enemies and who were not.

5

1 As I said, people that I used to work with were arrested and
2 brought to the centre, <but in fact, we were not involved with
3 anyone>. That's why I <said> that that was unjust.

4 However, they were arrested because they were implicated in the
5 confessions of others.

6 Q. And just to be clear, I'm not asking about your beliefs about
7 whether people had committed some wrongdoing. But what did --
8 what did Duch or Hor tell you about the people in the prisons?
9 Did they tell you whether the people in S-21 were enemies or not?

10 A. During the study sessions, we were told everyone who was
11 arrested by Angkar was the enemy who was against Angkar.

12 Q. And were you told what had to happen to these people because
13 they were enemies?

14 A. I did not know that detail. However, I saw them being walked
15 to be interrogated and when <almost> 80 of them had their
16 interrogation concluded, then they were transported out to be
17 killed.

18 [09.11.17]

19 Q. Were you aware of any prisoners ever being released from S-21?

20 A. No, I did not know about that.

21 Q. I want to ask you about something that you said about this in
22 your Case 001 testimony. This is E3/7461 just after 11.29 in the
23 morning. And you were asked that same question, whether you knew
24 about anyone being released, and you said -- quote:

25 "I have never seen anyone who was arrested and sent to S-21 was

6

1 released because everyone who was arrested and sent there would
2 end up being dead."

3 So my question is: Is this -- the fact that everyone who was sent
4 to S-21 ended up dead, was that something that you observed or
5 was that something you were told was a matter of policy by Duch
6 or Hor or anyone else?

7 A. It was the instruction from the trainers, <> particularly
8 Duch. He said anyone who was brought to S-21 would not have the
9 chance to go out, and that the person would be killed.

10 [09.13.02]

11 Q. So you just said that you heard that from Duch. Did anyone
12 else say that other than Duch -- that is, that anyone who was
13 brought to S-21 would be killed?

14 A. There was no one else besides Duch because Duch provided his
15 study -- his trainings at a <political> school to the south of
16 his house.

17 Q. During your time at S-21, either in these study sessions or
18 elsewhere, did you ever hear a phrase to the effect that when you
19 dig the grass, you have to dig the root as well?

20 A. Yes, I heard about that. And it was Duch who gave us that
21 instruction that if you dig the grass, you have to dig the root
22 as well. It means that if someone was arrested, then people
23 connected to his network had to be arrested.

24 Q. And you said "people connected to his network"; who would that
25 include? Who would be connected to someone's network?

7

1 A. For example, those from 703, if the commander of Division 703
2 was arrested and interrogated and if staff from 703 were
3 implicated in his confessions, then those staff would be
4 arrested.

5 [09.14.50]

6 Q. And what about family members of people who were arrested?
7 Were you -- were family members of people arrested considered
8 part of a network?

9 A. Duch taught us that if people were arrested, then all those
10 links to his network had also to be arrested, including the
11 <husbands, wives> or <> mothers or fathers.

12 Q. Mr. President, with the Chamber's leave, I'd like to play a
13 short video. The AV booth has this clip.

14 It is E3/536R from 27 minutes and five seconds to 27 minutes and
15 22 seconds, and it's part of an interview with this witness.

16 MR. PRESIDENT:

17 Yes, you may proceed. And the AV booth, please prepare and play
18 the short video clip as prepared by the Deputy Co-Prosecutor.

19 [09.16.30]

20 (Audio-visual presentation)

21 [09.16.54]

22 MR. FARR:

23 Mr. President, I don't think this is the correct video clip that
24 we're seeing here.

25 MR. PRESIDENT:

8

1 Deputy Co-Prosecutor, have you prepared that clip for the AV
2 booth?

3 MR. FARR:

4 I prepared a number of clips today. This one was identified as
5 Clip 2.

6 I'll just double check quickly to make sure I've got the right
7 one.

8 (Short pause)

9 [09.19.10]

10 (Audio-visual presentation)

11 [Interpreter] -"led to more confessions. They would arrest and
12 kill the entire families of alleged traitors. No one was spared.
13 They would arrest the wives, husbands and children, and even
14 brothers, sisters and other relatives."

15 (End of Audio-visual presentation)

16 [09.19.32]

17 BY MR. FARR:

18 Q. So Mr. Him Huy, there we just saw you saying essentially what
19 you've told us just now, that entire families of traitors were
20 arrested.

21 You also just told us that you received this instruction -- or
22 rather, you were told that this was a policy by Duch.

23 Did you see this -- did you see this policy being implemented? In
24 other words, did you see families of prisoners being brought in
25 along with the prisoners?

1 MR. HIM HUY:

2 A. As I have stated, those who linked to the network were also
3 arrested, including the wives, <children or> the family members.
4 If one person was arrested and imprisoned, then they would do a
5 research to arrest those who linked to his network.

6 [09.20.36]

7 Q. And this is something that you, yourself, saw in addition to
8 hearing about the policy. Is that correct?

9 A. I did not know that well. However, I knew for sure that Huy
10 <from the rice field> was arrested and his wife, <younger
11 siblings> and children were also arrested.

12 Q. Okay. For counsel's reference, this next question is based on
13 E3/1693; English, page 00192723; French, 00357310; and Khmer,
14 page 00191879.

15 So Mr. Witness, I'm going to ask you about another phrase or
16 saying. During your time at S-21, did you ever hear the phrase
17 "It is better to arrest 10 people by mistake than to let one
18 guilty person go free"?

19 A. That proverb or saying was taught to us by Duch at the
20 political study sessions that it's better to arrest 10 people
21 rather than by mistake to release one <guilty> individual.

22 <That's exactly what he said>

23 [09.22.22]

24 Q. And at your -- at these study sessions you attended, did they
25 explain to you what the relationship was between Angkar and

10

1 people such as yourself who worked at S-21? What was the
2 relationship between you and Angkar?

3 A. I did not know about that. When we were instructed to go for
4 study sessions, we went to attend the study sessions. And I did
5 not know about the relationship that you <asked me about>

6 Q. I'll ask you about something that you said in your Case 001
7 testimony to perhaps clarify my question. This is E3/7462, just
8 after 11.38 a.m., and this is what you said. You said -- quote:
9 "We're the children of Angkar, we're the children of the Party,
10 and we are not the children of our own parents. So when we carry
11 our work, we have to respect the Angkar in every single activity
12 -- walking, standing, working, or sleeping. And whoever fails to
13 abide by the regulations, then that person would be considered an
14 enemy and would be arrested and detained."

15 [09.23.50]

16 So do you recall being told this, that you were the children of
17 Angkar and had to respect Angkar in every activity?

18 A. Yes, I recall it. During the study sessions, there were many
19 participants, including myself, that we were the children of
20 Angkar and not the children of our parents, although our mothers
21 were the <ones> who <bore> -- who bear us, but it was Angkar who
22 were our real <parents> and that we had to implement any
23 instruction or activity imposed by Angkar.

24 Q. And how did this instruction affect the way you felt about
25 your work at S-21? Did you feel that you had any choice in

11

1 implementing the orders or instructions you received?

2 A. When I saw all events unfolding at S-21 and around 1977, Son
3 Sen came to convene the meeting at S-21 and I stood up and made a
4 request to him. I <raised> my hand and I <requested> to return to
5 the army, and he asked whether I <dared> attack the "Yuon". And I
6 said yes.

7 <> I thought that it <was> better for me to die in the
8 battlefield. If that is the case, only <I would> die. And if I
9 was arrested at S-21, it <meant> my family members and parents
10 would also be arrested.

11 [09.25.50]

12 MR. PRESIDENT:

13 Witness Him Huy, you <did> not respond directly to the question
14 because the question is whether you had a choice to choose any
15 other kind of work during the period of Democratic Kampuchea
16 regime, in particular when you worked at S-21, whether you had a
17 choice or not to follow the work assignment by Angkar.
18 For example, even if you were at S-21, could you have an option
19 not to do this work <if> you <preferred> to do another task or
20 work? Did you have that choice or option at the time?

21 [09.26.40]

22 MR. HIM HUY:

23 A. While I was at S-21, I was selected to become an interrogator
24 and I said that I did not know how to interrogate people, and in
25 addition, I did not know how to write. <I thought to myself if I

12

1 were to interrogate them>, I <would> not <be able to> make a
2 report on the confession during the interrogation, <and so I was
3 afraid I would be accused of that. My only choice was to post at
4 the place where I received the prisoners who were brought in, so
5 I would be aware of the overall situation>.

6 BY MR. FARR:

7 Q. It sounds like you've just described a situation in which you
8 weren't given a job because you didn't have the necessary
9 qualifications. My question is slightly different.

10 When you received an order or an instruction from Peng or from
11 Phal or from Hor or Duch, did you feel that you had any choice in
12 the matter? Could you have decided not to follow the order or
13 instruction if you didn't want to?

14 [09.27.54]

15 MR. HIM HUY:

16 A. I could not - not to implement the instructions, so I was not
17 selected to be an interrogator and that <was> per my request, so
18 I was then assigned to be a guard. And <when I stood guard
19 outside,> I <knew where> people <were> brought <in from>. And I
20 believe that was the only choice that I had at the time.

21 Q. And just one last question on these study sessions. You said
22 that they were attended by guards and interrogators.

23 Were they attended by all of the guards and all of the
24 interrogators, or just some of them?

25 A. During the study sessions, we all studied together at that

1 political school located to the south of Duch's house.

2 Q. And other than guards and interrogators, were any other S-21
3 staff members present there?

4 A. No. There were only those who worked at S-21, and there were
5 also other staff who came from the rice field.

6 [09.29.33]

7 Q. Okay. I want to turn now to the topic of children at S-21. Can
8 you tell us, first of all, were children detained at S-21 and, if
9 so, where were they detained, who were they detained with and
10 what were the conditions in which they were detained?

11 A. Children were detained along with their mothers.

12 Q. And I want to ask you now about something you said in one of
13 your interviews with the investigators. This is E3/5154; English,
14 00161603; Khmer, 00146651; and French, 00148099. This is what you
15 said -- quote:

16 "The children were with the mothers. The mothers were not
17 shackled. They were put in a large cell. I know this because when
18 there were many imprisoned, they had me help watch, and I saw the
19 people in the large cells. Ta Hor was stationed there."

20 So in that portion, you said that you were asked to help watch
21 the mothers and children when many were imprisoned. What did you
22 mean by "many"?

23 On the occasions when you were asked to help watch the mothers
24 and children, how many mothers and children were detained in that
25 large cell you refer to?

1 [09.31.42]

2 A. When hundreds of people were arrested and brought in, I was
3 asked to go to monitor them along the <balconies and not let the
4 guards fall asleep>, but I cannot recall the total number of
5 prisoners.

6 Q. And I'm interested not so much in the total number of
7 prisoners, but in the total number of mothers with children that
8 were detained in this large cell you described.

9 When these large groups of prisoners were brought in, are you
10 able to estimate how many children would be a part of one of
11 those large groups, on average?

12 A. I cannot recall the total number of the mothers and children.
13 I walked past and looked around at the time and then went back to
14 my location.

15 [09.32.45]

16 Q. And you've told us that you were asked to do this when large
17 groups of prisoners were brought in. How often or how many times
18 did that happen, that a group large enough -- a large enough
19 group was brought in that you were asked to help monitor the
20 group when they arrived?

21 A. When they were arrested, they were from -- they were sent from
22 different <directions>. And at the time, they were afraid that
23 there were not enough guards to secure their detention. That is
24 why I was also required to go and monitor, so we took shifts at
25 the time going around and <securing> the detention of those

1 people.

2 Q. And can you tell us what happened to these children that were
3 brought in as part of the large groups?

4 A. I don't know about that.

5 Q. Do you know whether those children were eventually killed?

6 A. I heard Peng say that those children were killed and executed
7 behind the prison.

8 [09.34.28]

9 Q. And when he said that they had been killed and executed behind
10 the prison, do you know what location he was referring to?

11 And I guess my specific question is we talked yesterday about a
12 killing location just to the west of the high school compound and
13 a killing location to the south of the high school compound. Do
14 you know whether he was referring to one of those, or to some
15 other location?

16 A. It was right behind the prison. Peng group told me about that.

17 Q. And I'll just read again something from one of your WRIs. This
18 is E3/5154; English, 00161603; Khmer, 00146651; French, 00148099;
19 this is what you said:

20 "But Peng took them and killed them" -- referring to the
21 children. "Peng took them and killed them right inside the Tuol
22 Sleng compound. They were taken and killed by him and the forces
23 along with him and buried approximately 100 metres north and
24 behind the prison."

25 So is that correct? Was the burial location of these children

16

1 about 100 metres north of the prison, or are you not sure about
2 that now?

3 A. To north of the prison and also to the west of the prison,
4 those locations were the execution sites.

5 [09.36.26]

6 MR. KOPPE:

7 Mr. President, it's a bit late objecting to the last question
8 because it took me a while to find the excerpt. But for the
9 completeness of this witness' earlier testimony, I would like to
10 refer to transcript E150 (sic) at 11.47. The witness said -- and
11 I quote:

12 "Regarding the children of the mothers who were detained and
13 executed, I don't think I have any idea about them. I think Peng,
14 with his group, conducted or carried out the operation at Tuol
15 Sleng."

16 So in this particular evidence, he seems to be speculating and
17 guessing, so I think for the completeness of the record, that
18 should be confronted to the witness as well.

19 [09.37.38]

20 BY MR. FARR:

21 I think we can deal with the question of speculation simply by
22 asking the witness what his source of knowledge is.

23 Q. Mr. Witness, how do you know that these children were killed
24 and buried at this location 100 metres north of the high school
25 compound?

1 MR. HIM HUY:

2 A. As I told the Court, Peng told me about that. Peng's group<,
3 which stood guard inside the compound,> executed those prisoners.
4 And after the killings of <> those children, the mothers <and
5 people whose interrogations were concluded were> transported to
6 Choeng Ek.

7 Q. And do you know why the children were killed there in Tuol
8 Sleng even -- at the time when the parents were sent to Choeng
9 Ek, so obviously at a time after Choeng Ek had been set up?
10 In other words, why weren't the children sent along with the
11 parents to Choeng Ek, if you know?

12 [09.38.58]

13 A. Let me tell you, they would be afraid of the secret would be
14 leaked out because if the children had been sent together with
15 the parents, those children would have cried along the way, and
16 that information would be leaked to the garment workers and
17 others who were working along the road.

18 Q. And I just want to make sure I understand your testimony about
19 the killing locations close to the high school compound.

20 As I understood it yesterday, you referred to one location to the
21 west and one location to the south, and now you're referring to a
22 location to the north. So to your knowledge, were there three
23 killing locations close to the high school compound, or am I
24 misunderstanding you?

25 A. I learned about killing locations from Peng.

18

1 Q. Okay. What ages of children are we referring to? What ages of
2 children did you personally see detained at Tuol Sleng?

3 A. The age range was between one to five or six years old.

4 [09.40.44]

5 Q. Mr. President, with the Chamber's leave, I have another video
6 clip that I'd like to play. I don't know if it's better for me to
7 write down the number or just read it out.

8 The -- it comes from E3/2357R, and it's from 40 minutes and 48
9 seconds to 41 minutes and 15 seconds. And again, this is footage
10 of an interview with this witness.

11 MR. PRESIDENT:

12 Yes, please.

13 AV technician, please project the video clip on the request of
14 the Deputy Co-Prosecutor on the screens.

15 (Audio-visual presentation)

16 [09.42.07]

17 [Interpreter] "They told the mothers that they would take their
18 children to the children's centre, and the mothers had to let it
19 happen. My boss, Mr. Peng, he took charge of the children. His
20 men took them not far from here and then killed them."

21 (End of Audio-visual presentation)

22 [09.42.29]

23 BY MR. FARR:

24 Q. Now, Mr. Witness, at the beginning of that clip, we heard you
25 say that the mothers were told that their children were being

1 taken to a children's centre. Can you tell us how you know that
2 the mothers were told that?

3 MR. HIM HUY:

4 A. Let me clarify the point once again.

5 Could you please repeat your question, rather.

6 Q. Yes, absolutely.

7 In that clip, you said that mothers were told that their children
8 were being taken to a children's centre. In fact, they were taken
9 away by Peng and killed.

10 Why -- my first question is: How do you know that the mothers
11 were told this? How do you know that the mothers were told that
12 their children were being taken to a children's centre? Did you
13 actually hear this being said to mothers, did you actually say
14 this to some of the mothers?

15 [09.43.40]

16 A. Peng told me that these children were to be taken to a
17 children's centre. If it had not been told as such, the <mothers>
18 would have learned about what we were going to do with the
19 children, so we had to -- he said we had to tell the mothers that
20 those children needed to be sent to a children's centre.

21 Q. And maybe this is an obvious question, but why was it
22 important to use this ruse to tell the mothers that their
23 children were being taken to a children's centre rather than
24 telling them that their children were being taken to be killed?

25 A. That was the rule and regulation of S-21, the mother should

1 not be <informed> that the children were sent for such <a thing>
2 but to a children's centre.

3 [09.44.52]

4 MR. FARR:

5 Mr. President, I have another video clip. This one is E3/536R
6 from 27 minutes and 38 seconds to 28 minutes and 15 seconds.

7 MR. PRESIDENT:

8 Please -- And AV technician, please project video clip on the
9 screens as requested by the Co-Prosecutor.

10 (Audio-visual presentation)

11 [09.45.37]

12 [Interpreter] "I would send off children age seven or eight years
13 old. They were killed in the same way as the adults. The children
14 were also blindfolded and their hands were tied behind their
15 backs."

16 (End of Audio-visual presentation)

17 [09.46.15]

18 BY MR. FARR:

19 Q. So Mr. Witness, there are two things that I'd like to ask you
20 about that clip.

21 The first one is, we heard you say "I would send off children
22 aged seven or eight years old". At least that's how your words
23 were translated into English. Is that accurate? Would you help to
24 gather up this group of children for Peng?

25 MR. HIM HUY:

21

1 A. At that time, it was the time that the parents needed to be
2 sent to Choeung Ek. And on that occasion, before I was to send
3 the parents to Choeung Ek, I went with my men to bring the
4 children downstairs. And <Thy's group>, at the time, gave me a
5 list of parents to be sent to Choeung Ek. And for children, they
6 were given to Peng for further action, and the parents were then
7 uploaded onto the vehicle <to Choeung Ek>.

8 [09.47.30]

9 Q. And on that particular occasion you've just mentioned when you
10 brought the children downstairs, did you actually hand them over
11 to Peng at that point, or did you just leave them there and head
12 off to Choeung Ek with the parents?

13 A. At the time, I was waiting with my group members to gather
14 parents to be sent to Choeung Ek, and I was -- I was asked to
15 bring down the children onto the ground floor and then I handed
16 over the children to Peng and I headed to Choeung Ek with the
17 parents on the vehicle.

18 Q. The other thing I want to ask you about from that clip is you
19 say they were killed in the same way as the adults. Can you tell
20 us, first of all, how you know that they were killed in the same
21 way as the adults and, second of all, what is that way of
22 killing?

23 A. It is my assumption the killings or executions would have been
24 take place in the same method.

25 [09.49.04]

1 Q. And can you just tell us what that method was, understanding
2 that your knowledge comes from the killing of adults rather than
3 children? What was the method of killing for adults?

4 A. My assumption is that the killings of children and elderly or
5 older -- and adults were in the same methods. There were <oxcart
6 axles>, cuff, and the knife. These were the equipment or tools
7 for killing those people. After those people were clubbed, then
8 they -- their throats would be slashed.

9 Q. And the last thing you said in that clip was that the children
10 were blindfolded and their hands were tied behind their back. Was
11 that -- were they already blindfolded and had their hands tied at
12 the time you handed them over to Peng?

13 A. At the time, it happened on the same occasion, the children
14 and the parents should be sent away together. And at first, <I
15 helped gather the children for Peng>, and <then> I was asked to
16 collect the <parents>.

17 [09.50.46]

18 MR. PRESIDENT:

19 I think the question is different. It's -- were the children
20 blindfolded and their hands were tied behind their back as the
21 adults.

22 MR. HIM HUY:

23 A. For the older children, their hands were tied behind their
24 back because they were afraid that those children would try to
25 escape.

1 BY MR. FARR:

2 Q. And what about babies? What about very young children?

3 Were their very young children in this group that you took and
4 handed over to Peng on this occasion?

5 MR. HIM HUY:

6 A. Those people carried the babies <in their arms>, and for the
7 older children, they were <> carried <on the hip>.

8 [09.51.56]

9 Q. Did you help to carry down any of the babies?

10 A. No. The security guards inside were those -- were the ones who
11 carried down those babies <to be killed>. And for me and my
12 group, I was responsible for sending the parents to Choeung Ek,
13 but on that day, I was asked to go and bring down the children.

14 MR. FARR:

15 And Mr. President, just one last video clip on this topic. This
16 is E3/536R, and the time code is 28 minutes, 45 seconds through
17 29 minutes, 15 seconds. So if that could be played, with the
18 Chamber's leave.

19 MR. PRESIDENT:

20 Yes, please.

21 AV technician, please project the video clip as requested by the
22 Deputy Co-Prosecutor.

23 (Audio-visual presentation)

24 [09.53.25]

25 [Interpreter] "Later, I saw guards carrying three, four or five

1 babies in their arms. I met one of the men who took those babies
2 away. It was Him Huy. He said the babies were taken to their
3 deaths. The babies were killed as well. They weren't spared.

4 (End of Audio-visual presentation)

5 [09.53.58]

6 BY MR. FARR:

7 Q. So Mr. Witness, in the first part of that video, we saw not
8 you speaking, but a man named Vann Nath. And he said that he saw
9 guards carrying three, four or five babies in their arms and that
10 he met you, and that you were one of the people taking the babies
11 away. Is that correct?

12 MR. HIM HUY:

13 A. That is correct.

14 Q. And he also said that you later told him that those babies
15 were killed.

16 Do you recall telling Vann Nath at some point that those babies
17 had been killed?

18 A. The children were taken out <to be killed> first before the
19 parents were uploaded onto the vehicle, and I went together with
20 the parents to Choeung Ek.

21 [09.55.12]

22 Q. And we're using the term "babies" here, but can you be a bit
23 more specific about the ages that we're talking about?

24 And maybe a good way to judge it is, were there children who were
25 too young to walk?

1 A. They were babies. They were between one month and older. And
2 the range -- the age range was between one month up to seven or
3 eight years old.

4 Q. Okay. I'd like to turn to another topic now. We've been
5 talking about children. Now I want to talk about the killing of
6 Vietnamese soldiers, not at Choeung Ek, but at the compound in
7 Tuol Sleng.

8 Were you aware of Vietnamese soldiers ever being killed at the
9 compound in Tuol Sleng?

10 A. The Vietnamese soldiers who had been arrested were killed
11 <after their interrogations had been concluded. They were killed
12 behind the> Tuol Sleng <prison>, to the south.

13 [09.56.50]

14 Q. And who was it who killed these Vietnamese soldiers in the
15 area to the south of the high school compound?

16 A. Peng's group was the group who killed those people.

17 Q. And do you know on approximately how many occasions Peng's
18 group killed Vietnamese soldiers there at Tuol Sleng?

19 A. I do not know about that. <There were about 40, 50, 60>
20 Vietnamese soldiers who had been arrested.

21 Q. And those 40, 50 or 60, were they arrested on one occasion, or
22 was that the total number of Vietnamese soldiers over a period of
23 time that you were aware of?

24 A. They were sent in <at> different <times>. I went to <bring
25 them from> Svay Rieng, the East Zone, on two occasions. <> Five

26

1 of them were brought in <on one occasion>. And later on, some
2 Vietnamese soldiers were further <brought> in, <but I cannot
3 recall how many of them>.

4 And <other than that, there were staff> from 703 and from other
5 directions <who were brought in> as well. But I do not know the
6 -- know them all.

7 [09.58.46]

8 Q. And again, I want to ask you about something in one of your
9 investigative statements that you said about this. This is
10 E3/5155; English, 00161591; Khmer, 00146639; and French,
11 00148084.

12 So you were asked a question, and the question was:

13 "Related to taking prisoners to kill, did they keep the
14 Vietnamese soldiers long before killing them?"

15 And your answer was -- quote: "They kept them for about half a
16 month. After interrogation, they took them to kill. They killed
17 them together behind Tuol Sleng. The teams that did this killing
18 were Peng's team and mine."

19 So now in that quote, you say that the teams that did the killing
20 were both Peng's team and yours. Is that correct? Were members of
21 your team involved in killing Vietnamese soldier prisoners?

22 [10.00.12]

23 A. When they were sent away for execution, that group was asked
24 to accompany - to help accompany the prisoners with another group
25 from the inside. And I did not know where they were sent to. I

1 was only told to wait at a specific location to receive the
2 prisoners.

3 Q. So I just want to make sure I understand you.

4 Were there members of your team, in other words, were there
5 people who were under your authority, involved in the actual
6 physical killing of Vietnamese soldiers at the Tuol Sleng
7 compound?

8 A. I do not know, and I did not question further about the
9 execution. My men and I were told to work together with the
10 security guards from inside to receive <prisoners> and send them
11 away. Each and every one of them was sent, one at a time.

12 Q. Okay. I want to turn to another topic now, and to start with,
13 I'll just ask you about someone we discussed yesterday named
14 Pauch. Can you tell us what happened to Pauch at S-21?

15 A. Pauch was with the 100-man unit of the guards.

16 [10.02.16]

17 Q. And did there come a time when he was arrested?

18 A. I cannot recall it exactly, but it was around 1977.

19 Q. And can you describe that arrest and the events that followed
20 for us in brief terms?

21 A. Regarding the arrest of the internal staff working there, I
22 did not know, but I only noticed that people disappeared when we
23 went for our mealtime.

24 Q. Was anyone else arrested, to your knowledge, at around the
25 same time as Pauch?

1 A. Yes, there were successive arrests. There were three or four
2 people from the 100-man unit who were arrested, including Sngoun
3 and Man, who was a Cham person. And in fact, there were two Cham
4 people belonging to the 100-man unit who were arrested -- that
5 is, Chorn and Man.

6 [10.03.50]

7 Q. And were they arrested around the same time as Pauch? In other
8 words, was it part of a single event?

9 A. It happened probably within the same period, as one person was
10 arrested and interrogated, and then he implicated another person,
11 and that person was immediately arrested.

12 Q. And did anyone ever tell you what happened to Pauch and the
13 other people arrested around the same time as him?

14 A. I did not know the reasons for his arrest. As I noticed,
15 people kept disappearing as there were successive arrests. Even
16 members within my group also had been arrested.

17 Q. But did anyone ever tell you what happened to him after his
18 arrest? Did you ever get any information about that?

19 A. I didn't receive information from anyone since nobody said
20 anything about those arrests. People -- we saw people arrested
21 and they were walked to be interrogated. And of course, we were
22 very concerned about <ourselves>. <My team members were also
23 arrested>.

24 [10.05.40]

25 Q. I want to read something to you from one of your investigative

1 statements. This is E3/5158; English, 00164451; French, 00164454;
2 and Khmer, 00164447.

3 So the question to you was: "Have you received any news about
4 Pauch?"

5 Your answer was: "He was arrested in 1977, probably at the order
6 of Duch, since there was no one other than Duch, even Hor, who
7 had the authority to issue an order to arrest anyone."

8 And then you were asked: "Do you know his fate after his arrest?"

9 And your answer was -- quote: "At that time, there was not yet a
10 killing site at Choeung Ek. During a meeting, Duch told us that
11 those from the 703rd who were working at S-21 and who had been
12 implicated by prisoners from the 703rd had been arrested,
13 interrogated and killed in the S-21 compound."

14 [10.07.04]

15 So hearing that, does that refresh your memory? Do you recall
16 attending a meeting with Duch at which he told you that people
17 from the 703rd working at S-21 had been arrested and then
18 subsequently killed at the Tuol Sleng compound?

19 A. I made my own conclusion that people from 703 who were
20 arrested implicated Pauch, so Pauch was subsequently arrested.

21 And successive arrests were later on made, but I did not know who
22 implicated them.

23 As for the arrests themselves, Duch <issued> the order to Hor,
24 and Hor to Peng, and subsequently, those arrests were made.

25 [10.08.12]

1 MR. PRESIDENT:

2 Thank you, Deputy Co-Prosecutor.

3 And before we have a short break, Mr. Witness, please, you are
4 reminded that you should not make your own conclusion in your
5 response. You are not an expert witness. You are a simple
6 witness, so please make your response according to what you
7 personally observed, experienced or saw. And please don't use the
8 word "if" or "I conclude". And if you heard something from
9 someone, please state that precisely. But if you make your own
10 personal conclusion or guess, then your testimony cannot be used
11 to ascertain the truth in this case, so please be mindful of what
12 you say in response to the questions put to you.

13 [10.09.20]

14 And you also have to know your obligation as a witness and your
15 contribution to the ascertainment of truth -- the truth in this
16 case.

17 We have a short break and resume at 10.30 to continue our
18 proceedings.

19 Court officer, please assist the witness during the break time at
20 the waiting room for witnesses and civil parties and invite him,
21 as well as his duty counsel, back into the courtroom at 10.30.

22 The Court is now in recess.

23 (Court recesses from 1009H to 1029H)

24 MR. PRESIDENT:

25 Please be seated.

1 The Court is back in session and the floor is given to the Deputy
2 Co-Prosecutor to resume his questioning.

3 BY MR. FARR:

4 Thank you, Mr. President.

5 Q. Mr. Witness, before the break, you mentioned that after Huy
6 Sre was arrested, his wife and children were arrested as well.
7 Do you happen to know how old his children were?

8 MR. HIM HUY:

9 A. I do not recall how old they were. They were quite young. I
10 was working the field at the time while he was being arrested.

11 <He was arrested at Lon Non's house>

12 [10.31.08]

13 Q. Do you know the name of either his wife or his children?

14 A. I do not remember his wife's name. Perhaps her name may have
15 been Khoeun. And there was the younger sibling of Huy named Hoeun
16 (phonetic) also who was arrested. And I cannot recall the names
17 of Huy's children.

18 Q. Okay. Thank you.

19 I'm going to turn to a discussion of Choeung Ek in a moment, but
20 first I want to ask you, focusing now on the period after Choeung
21 Ek was set up, did killings continue at the Tuol Sleng compound,
22 at the S-21 compound of Tuol Sleng?

23 So even after prisoners were being transported to Choeung Ek for
24 execution, did some people continue to be killed there at Tuol
25 Sleng?

1 A. I did not remember it well. <Even after they were being
2 transported to Choeung Ek>, <cadres> <and> guards < were still
3 being killed at Tuol Sleng>.

4 [10.32.37]

5 Q. I want to ask you about something from one of your statements.
6 This is E3/5155; English, 00161592; Khmer, 00146640; and French,
7 00148085. And you were asked: "Aside from Choeung Ek and S-21,
8 were there other locations?"

9 And your answer was -- quote: "There were only these two sites.
10 Even when Choeung Ek existed, there were still killings at S-21
11 when the number was small and they were major people."

12 So does that refresh your -- does that refresh your memory? Are
13 you aware that killings continued at S-21 for small groups of
14 people or for important people even after Choeung Ek had been
15 established?

16 A. Yes. Yes, it still happened at Tuol Sleng. Staff members of
17 that location, some of them were not sent to Choeung Ek. They
18 were killed right within the compound of S-21.

19 [10.34.12]

20 Q. So you've mentioned staff members of S-21 being killed at the
21 S-21 compound. Are there any other groups of people who continued
22 to be killed there even after Choeung Ek was established?

23 A. They were sent to Choeung Ek. In fact, only senior or
24 high-ranking cadres were killed at Choeung Ek -- rather, at S-21.

25 Q. Okay. I want to turn to Choeung Ek now and talk about the

1 establishment of that operation. And my first question is: Do you
2 know the reason -- did anyone ever tell you the reason that
3 Choeung Ek was set up, that killings were moved from S-21 to
4 Choeung Ek?

5 A. Ta Hor -- Duch talked to Ta Hor at Ta Hor's house. The
6 discussion was that the killing would be stopped at Tuol Sleng
7 and they said that they -- those -- the prisoners would be sent
8 to Choeung Ek for execution and the proper location would be
9 located for that execution.

10 [10.35.55]

11 Q. And do you remember or did you learn the reason for that
12 decision? In other words, why did they want to move the killing
13 location from Tuol Sleng to Choeung Ek?

14 A. They said there were no more killings at Tuol Sleng because
15 the killing -- the information of killings may have been leaked
16 to the international, so killings locations would <be located at>
17 Choeung Ek <instead>.

18 Q. I want to ask you about something that Duch said about the
19 reason Choeung Ek was set up and see if that maybe refreshes your
20 memory. This is E3/5766, and this is the witness confrontation
21 that you participated in along with several other people two days
22 after your site visit to Choeung Ek.

23 And the ERNs are English, 00165437; Khmer, 00165428; and French,
24 00165445.

25 And there's a discussion of transferring executions to Choeung

34

1 Ek, and one of the things that Duch says is - quote: "As I have
2 already explained, there was a risk of epidemics around S-21
3 because of the far too great number of corpses."

4 So did you ever hear that as a rationale either from Duch or from
5 Ta Hor or anyone else that the reason that the execution site
6 needed to be moved was that there was a risk of epidemics at Tuol
7 Sleng because of the number of corpses?

8 [10.38.10]

9 A. I heard <them> say that <it smelled bad> at Tuol Sleng, <there
10 were so many corpses buried there>, so the killing site would be
11 moved from Tuol Sleng to Choeung Ek.

12 Q. Okay. And before we get to the mechanics of the Choeung Ek
13 operation, I know this may be a difficult question, but do you
14 have any way of estimating the total number of people who were
15 killed at -- both at the S-21 compound in Tuol Sleng and at
16 Choeung Ek, combined?

17 A. I did not hold those documents. <Tens of> thousands of them, I
18 may say.

19 Q. And why do you say tens of thousands of people were killed at
20 those two locations?

21 A. From the evidence and from the calculation of the total number
22 <by the Documentation Centre>, there were more than 20,000
23 <people>

24 [10.39.43]

25 MR. PRESIDENT:

1 The Co-Prosecutor wants to know about your experience, your
2 knowledge in relation to what you did during the DK, and the
3 documents <> compiled or drawn up by the Documentation Centre of
4 Cambodia <were prepared after the DK>. The Co-Prosecutor wants
5 only your direct knowledge, observation and experience and also
6 what you did during <the> DK.

7 The Co-Prosecutor wants to know about <your> experience and
8 knowledge at S-21, so to your assumption -- to your recollection
9 and observation, how many prisoners at that location, why you
10 said that there were <up to tens of thousands of people?>

11 MR. HIM HUY:

12 A. Together at Choeung Ek and Tuol Sleng, there were a lot of
13 graves. I know that there were many <prisoners> killed, but <I
14 don't know how many of them were killed>. You can ask further
15 <questions> to Suos Thy about the total number of the prisoners
16 <killed because he calculated the total number from the lists>.

17 [10.41.10]

18 BY MR. FARR:

19 Q. Okay. So I want to move now to the mechanics of the operations
20 at Choeung Ek. And to start off with, can you tell us how you
21 would learn that it was time for you to take a group of prisoners
22 to Choeung Ek? Who would tell you that, or how would you be
23 informed?

24 MR. HIM HUY:

25 A. Let me tell you: Ta Hor issued an order to me and to my men to

1 prepare the vehicle to bring prisoners to Choeng Ek, so I got
2 the vehicle ready to load the prisoners from Tuol Sleng to
3 Choeng Ek, <and I handed them over to Peng's team there>.

4 [10.42.08]

5 Q. And how long in advance of taking a group of prisoners would
6 Ta Hor inform you that you needed to do this? Would he tell you
7 just hours before, would he give you one or two days' notice?
8 How long in advance would you find out that you were going to
9 need to do this?

10 A. For instance, he would tell me at around 4 p.m. that a
11 specific number of prisoners <who were already interrogated>
12 would be taken from Tuol Sleng to Choeng Ek, and he would also
13 tell me how many vehicles <I> needed to use to send those
14 prisoners to Choeng Ek.

15 Q. And what he -- when he would tell you that, would you
16 communicate that information to Comrade Teng and the people who
17 were permanently stationed at Choeng Ek?

18 A. I did not know about that. Ta Hor usually was on his
19 motorbike, and <sometimes> he told his messenger to go and tell
20 Teng.

21 [10.43.32]

22 Q. I want to ask you about something that witness Tay Teng said
23 in this Court on the 21st of April. And this is just after 3.18
24 p.m. from the transcript of that day.

25 He was talking about his task of digging pits at Choeng Ek, and

1 he said -- quote:

2 "Before they brought prisoners, Huy actually had told us two days
3 in advance to prepare those pits, that on this particular day,
4 prisoners would be brought in and, for that reason, our group had
5 to be ready with those pits."

6 So does that refresh your memory? Do you recall communicating
7 with Comrade Teng in advance to tell him that a group of
8 prisoners was going to be coming and that pits needed to be dug
9 for them?

10 A. There was one time Ta Hor asked me to go on a motorbike to
11 tell Teng to dig the graves and to tell Teng that prisoners would
12 be sent to Choeung Ek on a specific day and two graves were
13 needed to be dug. And I told Teng that no one -- no other -- no
14 staff member could go anywhere else <and they had to wait> at the
15 place to be ready for the prisoners at Choeung Ek, <because the
16 prisoners would be brought in at around 8 o'clock>.

17 [10.45.08]

18 Q. And when you say that two graves needed to be dug, how many
19 prisoners would fit into each of these -- into each of these
20 graves? So how many bodies would fit into each of those two
21 graves?

22 A. <If they were asked to dig> two graves, <there> would <be up
23 to> 100 <prisoners>.

24 Q. And is that 100 bodies combined in two graves or is that -- or
25 is that 100 bodies in each grave?

1 A. One grave could fit 50 <bodies, and if there were> 100 bodies,
2 sometimes <they were asked to dig only> one grave. <The grave
3 could fit> 50 or 60 <to 70> bodies.

4 Q. And you mentioned you informing Comrade Teng about building
5 the -- I'm sorry, about digging the grave pits on this occasion.
6 Do you know if he was informed in advance on other occasions and,
7 if so, how, or do you not know that?

8 A. When Ta Hor asked me to go and tell Teng, I would do so. And
9 usually, the graves would be ready and I did not know how long
10 before the prisoners were sent to that location <they had dug the
11 graves>.

12 [10.47.06]

13 Q. Are you able to estimate the average size of a group of
14 prisoners that you would transport to Choeng Ek?

15 A. From 50 prisoners up to 100 of them.

16 Q. And just to make sure I understood you correctly, did you say
17 50 prisoners up to 100, or did you say 50 prisoners up to
18 hundreds, in other words, multiple hundreds?

19 A. <Per> trip a vehicle could accommodate 30 up to 40 prisoners,
20 and sometime we had to go two times with prisoners on the two
21 vehicles.

22 Q. Okay. Can you tell us, were there ever groups that were
23 significantly larger than that? Do you remember groups that were
24 much larger than the average size group ever being taken to
25 Choeng Ek, in other words, multiple hundreds?

1 A. I do not know about that. <I was not the only one who went>;

2 <Phal,> Peng <or> Hor also went, so I do not know for sure.

3 [10.49.10]

4 Q. And roughly how often would you take a group of prisoners to
5 Choeung Ek? Would it happen daily, weekly, monthly? What was the
6 frequency?

7 A. I cannot <estimate it>. Sometimes I was required to go and, on
8 another <occasions>, Phal was required and sometimes Peng. I
9 cannot recall it well.

10 Q. Okay. So if I've understood you correctly, you said that
11 sometimes you would go, sometimes Peng would go, sometimes Phal
12 would go. Is that correct?

13 A. That is correct. Peng, Phal and I would take turn and went to
14 that location, so <which person would go> depended on <Hor's
15 instruction>.

16 Q. And maybe you don't know this, but if you do know, was it
17 roughly equally divided? In other words, would you go a third of
18 the time, Peng would go a third of the time, Phal would go a
19 third of the time, or was there one of you who went more than the
20 others went?

21 A. It did not depend on us to divide the workload. It depended on
22 Hor, who was the one who issued the workload. And I cannot recall
23 how many trips I went to that location and how many trips Phal
24 did the job, so it depended on Hor. My task was to receive
25 prisoners on specific locations, usually.

1 [10.51.25]

2 Q. When you were taking prisoners to Choeung Ek, approximately
3 what time of day would you usually travel there?

4 A. It was a quiet <time of day>. Perhaps it happened at around 8
5 p.m. or maybe <around then>, 8.00 or a bit later, after that
6 time.

7 Q. And were the prisoners blindfolded and handcuffed when you
8 took them to Choeung Ek?

9 A. Before prisoners <were> sent to that location, those prisoners
10 were blindfolded and their hands <were cuffed> behind their
11 backs. And <sometimes,> when <there> were <a lot prisoners> on
12 the vehicles, they were also shackled and handcuffed <because
13 they were afraid those prisoners would flee>.

14 Q. Did anyone tell the prisoners where they were being taken?

15 A. The regulation was not to tell the prisoners <that they were
16 being taken> to be killed. They were -- staff members were
17 required to tell the prisoners that they needed to go and live in
18 a new house.

19 [10.53.09]

20 Q. How many guards would you bring along with you when you took a
21 group of prisoners to Choeung Ek?

22 A. Two guards on a vehicle protecting the prisoners at the back,
23 and one driver and another guard inside the cabin.

24 Q. I want to ask you now about lists of prisoners. Did you
25 receive a list of prisoners from anyone when you were taking a

1 group to Choeung Ek?

2 A. I did not receive the list of prisoners from any other person,
3 but I was given a pen and <a book> to <note> the numbers of the
4 prisoner <who were sent out of S-21>, and then I would <show>
5 <those> notes to Suos Thy to verify the numbers of prisoners <and
6 whether it was consistent or not>.

7 [10.54.28]

8 Q. So at what points in the process would you count the number of
9 prisoners under your control? Would you count them before you
10 left Tuol Sleng? Would you count them on arrival at Choeung Ek,
11 or both, or when would you count them?

12 A. After prisoners -- in fact, Suos Thy knew how many prisoners
13 were sent out of Tuol Sleng, so I would do the head count when
14 the prisoners were being loaded onto the vehicles and then, when
15 we arrived at Choeung Ek, I would do the head count again when
16 they were being loaded <off> of the <vehicles>. For example, on
17 one occasion, perhaps 50 <or 70> to 80 prisoners were being
18 unloaded into the house at Choeung Ek. I would note the numbers
19 of the prisoners, <and the prisoners were being walked to Teng's
20 group for execution, and I noted those prisoners' names>. And
21 after the mission <was> completed, I would then send <that list>
22 to Suos Thy to verify the numbers of prisoners sent to Choeung
23 Ek, whether it <was> correct.

24 Q. And once you reported the completion of the mission to Suos
25 Thy, do you know whether he would create any further

1 documentation based on your report?

2 A. I handed over the report to him. He then would verify the
3 number of prisoners he had in hand, and he would be the one who
4 verified the number of prisoners on the report.

5 [10.56.56]

6 Q. And were you present when he was doing this? Would you see him
7 check your number against some other document, or no?

8 A. I was not present. After I handed over the report, I went back
9 to my location.

10 Q. Okay. So going back to the -- going back to the transportation
11 to Choeung Ek, once you arrived at Choeung Ek, how were the
12 prisoners unloaded and where were they put?

13 A. As I told you already, upon arrival, the vehicles would drive
14 close to a house. There was a big room in that house, and the
15 house wall was made out of wood. <They opened the door of that
16 room and a chair was placed there for the prisoners to step down
17 on it as they exited the vehicle.> And the two guards would be on
18 the vehicle help unloading the prisoners onto the ground with the
19 help of another two guards. And then the prisoners were brought
20 into that big room.

21 Q. And were the prisoners still blindfolded and handcuffed at the
22 point they were brought into the room in that house?

23 A. <When they were sent out of Tuol Sleng,> they were handcuffed,
24 <> their hands were tied behind their backs <and they were also
25 blindfolded so that> they were <> not <able> to recognize the

1 routes that they were sent <on> along the way.

2 [10.59.05]

3 Q. And do you recall there being an electric generator in the
4 house where the prisoners were put?

5 A. I can recall that there was one generator using diesel, and
6 that generator was used for the time when the prisoners were
7 there.

8 Q. Was that generator loud? When the generator was running, was
9 it possible to hear what was happening outside the house?

10 A. It <was> loud while <it was> running, and that generator <and
11 the house were> located near a tomb. <When the generator was
12 running, the prisoners were taken out of the house, and we would
13 not be able to hear where the execution took place because of the
14 loud noise the generator made.> And I do not know where the
15 prisoners were sent to when they were needed for execution.

16 [11.00.20]

17 Q. So that's what I wanted to talk to you about next. How were
18 the prisoners taken out of the house and taken to the place where
19 they were killed, if you know?

20 A. When the prisoners were sent out of -- out of the house, each
21 of <the> prisoners were sent out, one at a time, and there was a
22 chair for me. I, at that location, took the name one by one and,
23 after the names were recorded, they were sent away for execution.
24 Prisoners would be asked to sit down <next to the grave> and then
25 they were clubbed behind on the back of their neck.

1 Q. So you've mentioned that, at this point, you took their names.
2 Did you actually write down their full name rather than just
3 doing a head count?

4 A. I would write a sequential number, 1, 2, 3, <> and when each
5 prisoner was brought in, I would write down the name and the
6 number 1 and then the number 2, <> so there were names as well as
7 the sequential numbers of the prisoners.

8 Q. And who was it that was actually taking the prisoners past
9 your chair and on to the execution site?

10 A. As I said, every one of us. Prisoners were brought down from
11 the trucks and we all assisted them and then they were brought
12 into the room. And later on, they were let out one by one.

13 And Ta Hor was also there. He was the one who organized the
14 execution and how each prisoner had to be walked to the pit to be
15 killed.

16 [11.02.56]

17 Q. As the prisoners were being moved to the pits, did they give
18 any signs that they knew that they were about to be killed? Did
19 they say or do anything that indicated that they knew they were
20 about to be killed?

21 A. I did not know about that. However, <> they were told <they
22 would> be relocated to the new house <after their name had been
23 written down. That's the instruction>.

24 Q. I want to ask you about something that Tay Teng said on this
25 point. This was on the 21st of April just before 3.36. He -- so

1 he was talking about the prisoners being moved from the house to
2 the killings pits, and he said that the prisoners themselves knew
3 that this would be the end of their lives. And then he went on to
4 say -- quote:

5 "They were crying as well while they were sent out, and they put
6 their palms together to implore to spare their lives, and perhaps
7 they knew."

8 So my question to you is: Did you ever see anything like that?

9 Did you see prisoners crying or begging for their lives?

10 [11.04.22]

11 A. I did not hear that. However, I heard <them> cry as, myself, I
12 was busy writing down the name. I heard the prisoners <cry>.

13 Q. And when you heard them cry, did you hear them actually saying
14 something? Was it words or was it just a cry?

15 A. It was <> <a> cry <of pain>, as <some prisoners>, when they
16 were being walked there, they actually cried and they wept after
17 their names were written down, as they knew that they would be
18 killed. And in fact, we told them that they would not be taken
19 anywhere, but they were taken to a new house. And we had to lie
20 to the prisoners as what we were told to do.

21 [11.05.30]

22 Q. Okay. I want to turn now to the killing technique.

23 Can you tell us how the prisoners were killed at Choeung Ek?

24 A. After the name was written down, the prisoner was walked to
25 the rim of the pit. The prisoner was asked to <crouch> down. Then

1 a metal bar <of the shackles> was used to strike the nape of the
2 neck and the throat was slashed as well. And for good clothes,
3 they would be stripped down from the prisoner, but they did not
4 have to strip off the old clothes. And the instruction to strip
5 off clothes from <those> prisoners <for other prisoners to wear
6 was> from Hor.

7 Prisoners were also disemboweled. The shackles or cuffs had to be
8 removed, then they would be thrown into the pit.

9 Q. And do you know what, specifically, was used to cut the
10 prisoners' throats and to disembowel them? What kind of knife or
11 cutting weapon was used?

12 A. At that location, there was a knife -- that is, a knife for
13 cutting palm trees. And actually, the -- after the prisoner was
14 struck down, they had their throat slashed with that knife.

15 [11.07.32]

16 Q. Was there ever any training in this killing technique? Were
17 you ever told by anyone or were the other guards told by anyone,
18 "This is the proper killing technique. First you hit the people
19 with the -- at the base of the skull with a metal bar, and then
20 you cut their throats"?

21 Was that ever taught to you?

22 A. It was Hor and Duch who taught us how to kill prisoners that
23 way and <particularly, Duch> drew from <his> experience <of> how
24 to kill<>. And <he> told us where to strike <at the right place
25 so that they would die>, so a prisoner had to be struck at the

1 nape of the neck, then the throat had to be slashed. After that,
2 the cuff had to be removed, new clothes had to be stripped and
3 then after the prisoner was disemboweled then thrown into the
4 pit.

5 Q. And where did that instruction take place; was this something
6 they taught you at Choeng Ek or had they taught you at a meeting
7 somewhere previously?

8 A. Since we were at Tuol Sleng and the same instructions were
9 relayed to us when we were at Choeng Ek.

10 [11.09.11]

11 Q. You've mentioned Hor being present at Choeng Ek; was he
12 present every time that you were there or was he only present
13 sometimes?

14 A. Ta Hor was in the same vehicle as we were. As for Ta Duch, he
15 was in a separate vehicle -- that is, his Jeep, and Ta Hor came
16 with us with those prisoners.

17 Q. And just to be clear, did he come every single time you went
18 or did he come most of the time, sometimes, rarely?

19 A. He came every time.

20 Q. And what about Duch, how often did he come to Choeng Ek?

21 A. As for Duch, he rarely came; only Ta Hor. Every time there was
22 a batch of prisoners who had to be brought there, Hor would
23 accompany them.

24 [11.10.26]

25 Q. Do you remember how many times you saw Duch come to Choeng

1 Ek?

2 A. I saw him about three times.

3 Q. And I want to ask you now about who it was that actually
4 carried out the killings; was it you and the people who came with
5 you, was it Comrade Teng and the people who were stationed with
6 him, or was it -- was it everyone?

7 A. Ta Hor who organized for the force to go. There were a group
8 of us who were sent there and we had to guard along the fence of
9 the execution site and that we had to walk the prisoners to
10 Teng's group.

11 As for further <arrangements>, I did not know as, at the time, I
12 was responsible <for writing> down the <names> of the prisoners
13 who were led out to the site.

14 [11.11.40]

15 Q. Did you ever, on any occasion -- I'm not asking about the
16 usual routine now, but did you ever, on any occasion, kill one or
17 more prisoners at Choeung Ek?

18 A. At the time --

19 MR. MAM RITHEA:

20 Mr. President, I seek your leave so that I can discuss this
21 matter with the witness.

22 (Witness and duty counsel deliberate)

23 [11.12.44]

24 MR. HIM HUY:

25 A. I wish to decline to respond to your question.

1 MR. FARR:

2 Okay.

3 MR. PRESIDENT:

4 Counsel Koppe, you have the floor.

5 [11.13.06]

6 MR. KOPPE:

7 Thank you, Mr. President.

8 I believe in this particular instance, the witness has no right
9 to decline to answer the question. Two reasons, as I said, first,
10 on the matter of the content of his statement so far, there is
11 only a gradual difference in terms of criminal responsibility in
12 doing the actual killing and being there, organizing everything.
13 From a criminal point of -- criminal law point of view, he will
14 be just as guilty if he hadn't actually do the killing.
15 More importantly, and I come to the second reason for this
16 particular witness, he has been convicted by a court, after 1979,
17 for his involvement in killing at Choeung Ek. That being the
18 case, there is no risk whatsoever of, in English, double jeopardy
19 or, in Latin, ne bis in idem. There is no danger whatsoever for
20 him that he will be prosecuted.
21 If that is the case, he, in this particular instance, does not
22 have the right to decline to answer on the grounds that he might
23 incriminate himself, so we have a very special situation here.
24 Normally, we never object if a witness actually declines to
25 answer on the fear of incriminating himself, but with Him Huy;

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1 there is no such danger, factually and legally.

2 [11.15.13]

3 MR. PRESIDENT:

4 Judge Lavergne, you have the floor.

5 JUDGE LAVERGNE:

6 Yes, Counsel Koppe, are you referring to a previous conviction of
7 this witness; do you have any reference that you could provide us
8 with? Could we check this; what are we talking about exactly?

9 MR. KOPPE:

10 I don't have the exact reference for you now, but I will get that
11 shortly, Judge Lavergne. He, himself, on various occasions, but
12 definitely in the very beginning, in the eighties, said that he
13 was convicted to, I believe, 24 months or at least he served 24
14 months of a sentence.

15 [11.15.58]

16 JUDGE FENZ:

17 Counsel, do you know for what he was convicted? Do we have any
18 way to ensure that he was convicted exactly for that?

19 MR. KOPPE:

20 Well, I don't have the actual judgment, if that's what you mean,
21 but the witness, himself, has offered evidence that he was
22 convicted for, if I believe correctly, the killing at Choeung Ek
23 and his general involvement in S-21.

24 MR. FARR:

25 Mr. President, just briefly, this is obviously a matter for the

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1 Chamber. My only observation is that, in my understanding, the
2 principle of double jeopardy is very precise. It doesn't attach
3 to a, sort of, you know, cloud of facts and circumstances; it
4 attaches to a conviction for a particular act by a particular
5 mode of responsibility and so without knowing the exact terms of
6 the conviction, it's difficult to say that -- that there's --
7 there's no -- no danger to this witness. But as I said, I
8 understand this is a matter for the Chamber.

9 [11.17.14]

10 MR. KOPPE:

11 I actually have the reference now, Mr. President. It's E3/1918;
12 it's a "Searching for the Truth" article, DC-Cam. "Him Huy,
13 deputy chief of the guard unit was imprisoned in Kandal province
14 for two years."

15 JUDGE FENZ:

16 Does it provide any further information as to why he was
17 imprisoned and the verdict? That's even less information than I
18 would have expected provided that's the only thing you have.

19 [11.17.49]

20 MR. KOPPE:

21 Well, the thing is it was -- I wanted to start asking questions
22 to the witness as to the precise nature of the conviction -- for
23 what he was convicted, but I was pre-empted by this particular
24 question and the refusal to answer. So actually I think the only
25 way to really find out properly is ask the witness, himself, what

1 he knows of that conviction two years.

2 (Judges deliberate)

3 [11.18.35]

4 QUESTIONING BY JUDGE FENZ:

5 Q. Witness, do you have -- just one question: Do you have a
6 written version of the verdict that counsel just mentioned -- a
7 written copy of the verdict?

8 MR. HIM HUY:

9 A. In 1981, police from the district arrested me and they
10 detained me for about two <months> or three <months>. Then I was
11 sent to work at the rice field near the Vietnamese border and 10
12 months <later>, the police from the district released me.

13 [11.19.38]

14 Q. Do you remember a trial, a judge ever getting up and saying,
15 "You are guilty because, for instance, you killed prisoners at
16 S-21" and writing it down in a verdict?

17 A. At that time, I was accused of being Chief of Tuol Sleng
18 prison and I denied that. I said, "If I were Chief of Tuol Sleng
19 prison, I would not <have returned> to my native village, <and I
20 would have killed myself>." And I said that I was a victim of the
21 centre and that I actually <fled into the forest, and I gathered
22 forces to come back, but I was not with> the group.

23 Q. I understand that, but was there a trial; was there -- or did
24 you talk to police or whomever? Do you understand what a trial
25 is; with a judge sitting and asking the questions?

1 A. At that time, there was no such thing and later on, I was sent
2 home.

3 [11.20.56]

4 Q. So if I understand you correctly, you don't remember a trial
5 and you don't have anything in writing; is this correct?

6 A. I don't understand it.

7 QUESTIONING BY THE PRESIDENT:

8 Q. The question is: When you were imprisoned in 1981, was there
9 any Cambodia or people's trial before you were sent to prison or
10 were you actually sent to prison by the police and then later on,
11 you were sent to work at the rice fields at the
12 Cambodia-Vietnamese border?

13 MR. HIM HUY:

14 A. I was put in prison for about two <months>; then I was sent to
15 work in a rice field and after that, they took me back for
16 interrogation and I was put in prison again for several months;
17 then I was sent to work in the rice fields again and several
18 months after, I was released and sent home.

19 [11.22.28]

20 Q. So does it mean that you never actually went through a trial
21 proceeding? You were living in Kaoh Thum <district> and it means
22 that the competent court would be the provincial Kandal court;
23 were you convicted by the provincial court of Kandal province or
24 you were only at the level of the police headquarters in Kaoh
25 Thum district?

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1 Do you understand, Mr. Witness? Did you go through a trial
2 proceeding after your detention at the police office in Kaoh Thum
3 district?

4 A. I did not know about that. As I said, later on, I was sent
5 home.

6 [11.23.42]

7 MR. PRESIDENT:

8 I would like to inform the parties that since I am also a local
9 judge and I <have worked> for the Ministry of Justice since 1982,
10 if I'm not mistaken, the court was only established after 1982
11 and actually, it was in its full operation in 1984, though I may
12 need to find such a document so that it can be included into the
13 case file -- that is, the sub-decree for the establishment of the
14 court -- domestic court after 1979.

15 Based on the available information, at this stage, and that --
16 and the witness actually declines to respond to the question to
17 avoid <self-incrimination> and the Chamber deems that is
18 appropriate as the Chamber does not have the authority to compel
19 the witness to respond to any question if the witness exercises
20 that right of -- against self-incrimination.

21 And Deputy Co-Prosecutor, you may continue and you probably have
22 two or three more questions before the lunch break.

23 [11.25.27]

24 BY MR. FARR:

25 Thank you, Mr. President.

1 Q. Mr. Witness, I want to turn now to the question of the
2 authority over S-21 -- that is, the people above Duch and above
3 S-21. Do you know who Duch's superior was?

4 MR. HIM HUY:

5 A. Previously, it was Son Sen who was Duch's superior.

6 Q. And do you know for how long he remained Duch's superior and
7 can you tell us how you know that as well?

8 A. I did not know when he became Duch's superior. Later on, he
9 went <on> to engage in the battlefields <against> Vietnam and
10 from that point onward, I did not know who was actually the
11 direct superior of Duch, but previously, I knew, as I said, it
12 was Son Sen.

13 [11.26.46]

14 Q. And I just want to make sure I understand your previous
15 answer. Was it your understanding that at the time Son Sen went
16 to engage in the battlefields of the Vietnamese that he ceased to
17 be Duch's superior at that point?

18 A. Yes, he took the troops to go and fight against the Vietnamese
19 troops, <and he was still in charge of S-21>.

20 Q. And what makes you say that at the point that he led the --
21 led the troops against the Vietnamese troops, he ceased being
22 Duch's superior?

23 A. I could say that Son Sen used to come to conduct study
24 sessions for us and <I realized> that he was Duch's superior.
25 Later on, he took the forces to go and fight against the

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1 Vietnamese and as I said, at one point, I stood up and raised my
2 hand and requested to -- to go along to the battlefield so that
3 if I died, I died alone without any harm to my family members,
4 but Son Sen, at the time, declined my request.

5 [11.28.17]

6 Q. You've mentioned seeing him at S-21; how many times do you
7 recall seeing him at S-21?

8 [11.28.35]

9 A. I saw him one time when he came to conduct a study session for
10 us.

11 Q. Do you know when it was that you saw him there at S-21?

12 A. I cannot recall it exactly. It was in 1977 when there <was>
13 fighting against the Vietnamese.

14 MR. FARR:

15 Mr. President, I do have about 10 minutes more worth of
16 questions, but I think we can do those after the break.

17 [11.29.19]

18 MR. PRESIDENT:

19 Thank you. It is now convenient to have our lunch break. We'll
20 take a break now and resume at 1.30 this afternoon.

21 Court officer, please assist the witness at the waiting room
22 reserved for witnesses and civil parties during the lunch break
23 and invite him as well as the duty counsel back into the
24 courtroom at 1.30 this afternoon.

25 Security personnel, you are instructed to take Khieu Samphan to

1 the waiting room downstairs and have him returned to attend the
2 proceedings this afternoon before 1.30.

3 The Court is now in recess.

4 (Court recesses from 1129H to 1329H)

5 MR. PRESIDENT:

6 Please be seated.

7 The Court is now in session and the floor is given to the
8 Co-Prosecutors to resume the questioning. The Chamber would like
9 to inform the Co-Prosecutors and the Lead Co-Lawyers that you
10 still have one more session remaining.

11 [13.30.14]

12 BY MR. FARR:

13 Thank you, Mr. President.

14 Q. Mr. Witness, before the break, we were discussing Duch's
15 superior and I think you told us that you understood Duch's
16 superior to be Son Sen, at least initially, and then, at some
17 point, Son Sen was called away to oversee the battle with
18 Vietnamese forces in the East.

19 I want to ask you about something you said in one of your
20 investigative statements about this and the reference for this is
21 E3/5155. The English ERN is 00161591; Khmer, 00146638; and
22 French, 00148083; and this is what you said - quote:

23 "Ta Son Sen, formerly he was in charge above Ta Duch. Later on,
24 Ta Khieu disappeared. I don't know about any others. I knew
25 because I saw him come once during 1977 because I asked him to go

1 to the army, but afterwards, I never saw him come again."

2 And then the question was: "Do you know when Son Sen
3 disappeared?"

4 And you said: "I know it was 1977 when he came once to teach. I
5 never saw him after that."

6 So my first question about this: In what you said there's a --
7 you refer to someone called Son Sen and you also refer to someone
8 called Ta Khieu; are those the same people or are those different
9 people?

10 [13.32.22]

11 MR. HIM HUY:

12 A. Let me inform you that Duch addressed Son Sen by the name Ta
13 Khieu and he said Ta Khieu was Son Sen.

14 Q. And the other thing I'm interested in is this language "Ta
15 Khieu disappeared"; why did you say that Ta Khieu disappeared?

16 A. I met him in a training session in 1977. He -- I mean Son Sen
17 <alias Khieu> came <to teach us> in 1977 and later on, he no
18 longer came to train us since he went to the battlefield to fight
19 against the Vietnamese. However, although he was there, away, he
20 was still in charge. He was still the superior of Duch.

21 Q. And why do you say that when he was away, he was still the
22 superior of Duch; what do you base that on?

23 A. Allow me to inform you that he -- I mean Duch -- did not make
24 -- did not make any announcement that there was another
25 individual besides Son Sen who was his superior.

1 [13.34.00]

2 Q. I want to ask you about that and I want to ask you
3 specifically, did you ever hear a reference to Brother Number One
4 or Brother Number Two during your time at S-21?

5 A. Ta Duch called <them> Brother Number One, Brother Number Two;
6 Brother Number One was Pol Pot and Brother Number Two was Nuon
7 Chea.

8 Q. And what do you remember Ta Duch saying about Brother Number
9 Two during the time you were at S-21?

10 A. He said nothing else. <Those were> the names <that> were
11 widely known; I mean Brother Number One, Number Two, and I
12 addressed -- and I used the <names> accordingly.

13 Q. Right, but I -- I'd like you to focus on your time at S-21;
14 did you hear Ta Duch use the name -- use the names Brother Number
15 One and Brother Number Two and if so, in what context and what
16 did he say?

17 A. During the time that we were invited to a training session, he
18 was referring to Brothers One and Two.

19 [13.35.48]

20 Q. I want to ask you about something another witness has said
21 about Duch talking about Brothers Number One and Two at training
22 sessions. This is from the transcript of 27 April just after
23 10.57 in the morning.

24 So this witness is Prak Khan, who was an interrogator at S-21,
25 and in his testimony here, he was asked the following - quote:

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1 "During those training sessions or those meetings which were held
2 twice a month or once a month, did Duch ever tell you who were
3 his immediate superiors to whom he reported or to whom he was
4 accountable?"

5 Answer -- so this is Prak Khan's answer: "He never told us the
6 specific names of his superiors; he simply referred to those
7 superior as Brother Number One and Brother Number Two."

8 Question: "And what did he say regarding Brother -- Brothers
9 Number One and Number Two? Did he talk about them often; if yes,
10 what did he tell you about them?"

11 Answer: "Talking about Brother Number One and Number Two, he
12 talked about the reports that he sent to the two brothers,
13 whether the two brothers accepted it or rejected it."

14 [13.37.13]

15 So does that refresh your memory in these training sessions that
16 you attended where Duch mentioned Brother Number One and Brother
17 Number Two? Does that refresh your memory that he, in fact,
18 referred to Brothers Number One and Two as his superiors?

19 A. Addressing or referring to Brothers Number One and Two, he did
20 make a mention about Brothers Number One and Number Two <during
21 the study sessions>; however, interrogators had different roles
22 to play and I had my own role to perform and at the time, I did
23 not know whether he said there were other individuals who were
24 his superiors <beside Brother number One and Number Two>.

25 [13.38.15]

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1 Q. Can I -- I'll just ask one more question on this point, so we
2 can get it as clearly as possible. You've said that Ta Duch
3 mentioned Brother Number One, Brother Number Two in these
4 meetings; can you remember him ever referring to Brothers Number
5 One and Number Two as his superiors or is that something that you
6 do not have a memory of?

7 A. I did not hear him say that the two brothers were his
8 superiors. He only made a mention that Brothers Number One and
9 Number Two were Pol Pot and Nuon Chea respectively. <Sometimes>,
10 there were meetings of interrogators with Duch <separately>. I
11 only heard he -- Duch -- I mean Duch mentioned Brothers Number
12 One and Two only <when all of us were attending the study
13 sessions>.

14 Q. And, again, just to be clear, you've just said that he
15 identified Brother Number One as Pol Pot and Brother Number Two
16 as Nuon Chea; is that something that you heard Duch say during
17 the time you were working at S-21?

18 A. When I was working at S-21, there was one time I was invited
19 -- I mean all of us were invited to <attend the> training session
20 <at the political school to the> south <of> Duch's house.

21 [13.40.05]

22 Q. Right, but the connection between Brother -- between the title
23 "Brother Number Two" and the name "Nuon Chea"; is that something
24 that Duch told you during the DK period; in other words, is that
25 something that you learned while you were working at S-21 and not

1 something you learned later?

2 A. Let me clarify that I learned it <during> the time when I was
3 working at S-21. During the training sessions presided over by
4 Duch, he identified Brothers Number One and Two as Pol Pot and
5 Nuon Chea respectively.

6 Q. Okay, on another topic, can you tell me whether you have ever
7 heard any references -- whether you ever heard any references to
8 Office 870 during the time that you were at S-21?

9 A. I heard Duch say Office 870, but I, myself, do not know where
10 Office 870 was and who supervised this office.

11 [13.41.37]

12 Q. What did you hear Duch say about Office 870?

13 A. He mentioned of Office 870 in the training sessions.

14 Q. Are you able to recall what he said about it, what the context
15 was; why did he -- why did he mention Office 870?

16 A. I <do> not know.

17 Q. And did you hear him mention it in just one training session
18 or did you hear it mention in multiple training sessions?

19 A. He mentioned the name and also the number, as I said, in every
20 training session.

21 Q. And given that he mentioned it in every training session, can
22 I just ask you to try, once again, to remember what it was that
23 he said about it?

24 A. He did not expand further on that office. He mentioned
25 Brothers One and Two and Office 870; he did not go on to explain

1 about 870. <I knew that they were Duch's superiors.>

2 [13.43.38]

3 Q. And I'll just -- I'll just try one more time. When he
4 mentioned it, did he mention it as a source of supplies; did he
5 mention it as a source of instructions or orders; did he mention
6 it being responsible for some particular aspect of things?

7 A. I don't know on this particular issue. It is not my -- it was
8 not my responsibility at the time. It was his responsibility.

9 MR. FARR:

10 Okay, thank you for answering my questions, Mr. Witness.

11 Mr. President, with the Chamber's leave, I'll hand the floor to
12 my colleagues for the civil parties.

13 MR. PRESIDENT:

14 You may proceed now. Lead Co-Lawyers for civil party, you can put
15 question now to this witness.

16 [13.44.47]

17 QUESTIONING BY MR. PICH ANG:

18 Good afternoon, Mr. President, Your Honours. Thank you, Mr.
19 President and Your Honours. Good afternoon everyone in and around
20 the courtroom and also good morning to the public.

21 My name is Pich Ang and I am the Co-Lead Lawyer for civil parties
22 together with Marie Guiraud.

23 I have a question to put to you, Mr. Witness. First, it's -- it
24 is about the time when you started working at S-21.

25 Q. Can you tell the Court when you started working at S-21 and in

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1 which specific location you were working at the time?

2 MR. HIM HUY:

3 A. I do not recall when exactly, but I -- what I can recall is
4 that I was sent to Tuol Sleng in 1976.

5 Q. Was that the time when Tuol Sleng just started its operation?

6 A. Ta Duch and Duch's group had been there for <a> long <time>,
7 <but they stayed> in the West. <Tuol Sleng had just started its
8 operation after> members of <our unit from> 703 were borrowed and
9 sent to Tuol Sleng to organize and arrange that location.

10 [13.46.22]

11 Q. You stated that you were a guard at a gate close to the
12 current Beehive radio station and you were there to receive
13 prisoners who were sent, in -- in addition to other tasks you
14 performed at the time; can you tell the Court, if you know, how
15 many gates there were at S-21?

16 A. There were many entrances or gates. The north and west gates
17 were closed and only the gates <where> I was standing guard <at
18 the Beehive radio station> <were opened>.

19 Q. So you would know who went in and out of the compound through
20 the gate <where you stood guard>; is that correct?

21 A. There was one open gate in the east; however, I did not know
22 all the people going in and out of the compound. Sometimes, some
23 vehicles could enter <directly through the main entrance of the
24 prison> and Hor <would come> to blame us <for having> no one
25 guarding the gate and allowing the vehicles to come in. <I cannot

1 recall which unit those vehicles that transported the prisoners
2 in belonged to.>

3 [13.48.08]

4 Q. Was -- did that happen on <a few exceptional occasions> only
5 when the vehicles could go directly into the compound? <Or did
6 that happen often?>

7 A. <It happened frequently.> It was our <negligence>, at the
8 time, <> we were busy with raising and feeding the animals --
9 poultry, rather, and <there were no guards standing there and
10 some might be sleeping, so the vehicles just went through>. We
11 were careless and allowed the vehicles to go inside.

12 Q. <As you said, generally the prisoners were transported into
13 S-21 by other units' vehicles or by> S-21 <vehicles, so when>
14 were those vehicles transporting prisoners into the compound and
15 what time of the day did that happen; was it during the day time
16 or night time?

17 A. It happened during the day time. Those vehicles came into the
18 compound. It happened at around <11> or 12 <>.

19 Q. What about during the night time?

20 A. It did not happen at night time, since at night time, we were
21 on guard duty.

22 [13.49.46]

23 Q. I am now asking about the vehicles <belonging> to other
24 regions which transported the people into that location. You were
25 mostly guarding <there>. How often did you see the vehicles from

1 the outside that <did> not belong to S-21 <come> into that
2 compound; did it happen once a day, two -- once <every> two <or
3 three> days <or once a week>, and how often did it happen?

4 A. There were vehicles <belonging> to Division 310 and North Zone
5 and <sometimes>, those vehicle were from 170 from the East <Zone,
6 and> there were vehicles from 703.

7 Q. You stated, a while ago, there were different vehicles coming
8 into that location; did you see other vehicles beside those you
9 mentioned or were those vehicles the same one you saw every time?

10 A. <They were not the same vehicles, and> I noticed there were
11 different vehicles<>, but the vehicles from Division 703 were the
12 same ones.

13 [13.51.35]

14 Q. Could you tell the Court, was there any time when a large
15 convoy of -- came into the compound; for example, you stated
16 there were vehicles from 310 and it came in a large group; so
17 what did -- when did that happen?

18 A. I cannot recall when it happened. Those vehicles would came to
19 the compound one or two times per day and <sometimes>, it
20 happened once every five <> days.

21 Q. Can you tell the Court, where was Division 310's
22 <headquarters>?

23 A. I do not know.

24 [13.52.54]

25 Q. Did you happen to see vehicles from the North and the East

1 were specific types of vehicles used by those zones?

2 A. Chinese-made vehicles were used or <Chinese> four-wheel drive
3 trucks were used by the East. <At that time, most vehicles were
4 Chinese-made vehicles, and those vehicles were used by the North
5 Zone as well>. Sometimes, there were American <four-wheel drive>
6 trucks used by that zone.

7 Q. <Regarding the vehicles that were used to transport the
8 prisoners from Zones or from Sectors into S-21,> could you
9 estimate how many people fit into one vehicle or could you tell
10 the Court how many people <were> transported per time in those
11 vehicles?

12 A. For American four-wheel <drives> <or> Chinese <four-wheel
13 drive> trucks, those trucks could <carry> 10 to 20 people.

14 Q. Thank you. What about S-21 vehicles; what type of vehicles did
15 S-21 <use to transport people from outside into the prison? How
16 many of them? And> what type of vehicles <were they>?

17 A. S-21 has five -- had five vehicles; two Land Rovers, one
18 Chinese-made vehicle, and another two <Chinese four-wheel drive
19 trucks> and usually, the <Land> Rovers went out to transport
20 people.

21 [13.55.27]

22 Q. How many people can those vehicles fit in?

23 A. Ten people could be transported in one Land Rover.

24 Q. Thank you. When transporting people into S-21, how many
25 security guards went on the vehicles to go and collect people

1 into S-21?

2 A. For the case of Battambang, the two Land Rovers went out to
3 collect people and one Land Rover was used by the guards for
4 protection and there were two people in the cabin and two guards
5 at the back on another Land Rover.

6 Q. When they <reached> Battambang, did they go to collect people
7 from other areas beside Battambang?

8 A. They went to bring people <to> the school -- <to> a school in
9 Battambang province. Those people had been arrested and when the
10 vehicles arrived, people were brought onto the vehicle and the
11 school was closed. After that, the vehicles left. <It happened at
12 night time.>

13 [13.57.17]

14 Q. Was there any other occasion that S-21 vehicles were sent out
15 to collect other people from other areas beside Battambang?

16 A. They were sent out to go and get people from Svay Rieng and
17 from warehouses of the state institutions.

18 Q. Can you tell the Court about the locations of warehouses of
19 the state institutions you have just mentioned; were they located
20 in Phnom Penh or in <the> provinces?

21 A. They were in Phnom Penh.

22 Q. Was there any occasion that S-21 vehicles went out to collect
23 and bring in workers or garment workers or mechanics at Ou
24 Ruessei?

25 A. I do not recall it. <Sometimes>, I went to receive people with

1 Ta Hor and on some other <occasions>, other people went with him.

2 [13.59.02]

3 Q. Thank you, Mr. Witness. I have a last set of questions in
4 relation to the transportation of people to Choeng Ek by Choeng
5 Ek vehicles.

6 Were groups divided in order to go and bring people to Choeng
7 Ek? <You stated earlier that sometimes it was you who went out to
8 transport people, and sometimes it was Ta Hor; how many groups
9 from Choeng Ek were assigned to transport people to S-21 on each
10 occasion?>

11 A. In fact, people were brought from S-21 to Choeng Ek.

12 Q. <Sorry, I was confused.> I am asking about the <times> when
13 the vehicles were sent out to collect people outside of S-21 in
14 order to bring them in S-21. <How many groups <of people was it>
15 routine to bring from outside into S-21?>

16 A. Could you clarify your question; I cannot really get it?

17 Q. You stated that <sometimes> you went out to collect and bring
18 people outside by using S-21 vehicles. These people were needed
19 to -- for detention at S-21. Sometime, <it was Ta> Hor <who went
20 out to collect people>. For the group, for example, you, who
21 <were> part of the group, were sent out to collect people from
22 outside; were those groups divided into specific group for
23 specific assignments?

24 A. <Security guards> from the <inside> compound together with the
25 guards <from> the outside compound were sent out to guard people

1 who were to be loaded up on to the vehicles <in order to secure
2 the transport along the way>.

3 [14.01.12]

4 Q. Can I say that there were no specific groups which were
5 assigned to go to bring people in; is that correct?

6 A. Yes, that is correct. We worked as a big group <to bring them
7 in> because sometimes, there were shortages of staff or guards
8 working at the outer part of the compound <since most of them
9 were arrested>.

10 Q. When people were brought in, let's say, from Battambang or
11 Svay Rieng into S-21, was there anyone among <your forces> who
12 went to transport those people, tell the prisoners about their
13 rights; for example, the right to speak or the right to certain
14 <freedoms>; did any of <your forces> actually tell prisoners of
15 their rights?

16 A. No one said anything and while they were in the vehicles, they
17 were told to keep quiet.

18 [14.02.48]

19 Q. Since you, yourself, <were involved> directly in this
20 activity, did you ever notice that prisoners talked to one
21 another when they were arrested or when they were being
22 transported to S-21?

23 A. No, there was none.

24 Q. And did you observe the condition of the prisoners, whether
25 they were scared when they were arrested?

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1 A. Of course, prisoners were in a state <of fear> as their --
2 some of <them were trembling>.

3 Q. Did any of the guards in the vehicles beat prisoners during
4 transportation -- that is, between the point they were arrested
5 and S-21?

6 A. There was a strict rule that we should not do anything to the
7 prisoner during the transportation and that they should be
8 transported safely to S-21 for the purpose of interrogation.

9 [14.04.16]

10 Q. While prisoners were en route from Battambang <or> Svay Rieng
11 <to S-21>, did any of the prisoners ever mention that they were
12 exhausted or <did> they request water to drink or something like
13 that and if so, did you provide food or water to such prisoners?

14 A. While en route, none of them ever demanded water or food since
15 we were all in a hurry to reach our destination, <and it was at
16 night time>.

17 Q. You said that some of the prisoners had their <wives> and
18 children accompany them and if that is the case, can you tell the
19 Chamber whether those children cried while they were being
20 transported in vehicles?

21 A. I never, myself, encountered those with children or
22 <families>; other guards did.

23 [14.05.53]

24 Q. I'd like now to move to another subject. You were a guard at
25 S-21 or you were the one who <was> among those guards who <sent>

1 prisoners from S-21 to <Choeung Ek>; can you tell the Chamber how
2 <frequently> the vehicles <were> used to transport prisoners
3 <through the gate you stood guard at, from> S-21 to Choeung Ek?
4 <How many times did it happen per day?>

5 A. It varied depending on how many confessions -- how many
6 interrogations were concluded, <and they counted them
7 accordingly, and after that, they would send them out. Sometimes,
8 it happened once a month or every two weeks>.

9 MR. KOPPE:

10 I think it went -- I think something went wrong in the
11 translation because the question was about, if I understood
12 correctly, from S-21 to Prey Sar, but the translation got back
13 from S-21 to Choeung Ek.

14 [14.07.16]

15 BY MR. PICH ANG:

16 I'd like to ask the witness about sending people from S-21 to
17 Choeung Ek since he was a guard at the <> entrance of S-21. Maybe
18 I made a mistake on my end or maybe there is a mistake in the
19 interpretation. Allow me to continue.

20 Q. Regarding the training conducted for S-21 guards or, for that
21 matter, other staff who were working in the same capacity as you,
22 what kind of trainings did you receive?

23 MR. HIM HUUY:

24 A. All of us were required to obtain training. We were
25 <generally> told that we were the children of Angkar and that we

1 had to keep up with the wheel of history and anyone who was
2 arrested by Angkar deemed to be the enemy of Angkar.

3 [14.08.30]

4 Q. Did you receive any training <in> what you should do or
5 whether you should inform the <prisoners> about their rights
6 <and> that you had to respect their rights? Were you taught this
7 aspect either from Hor, from Duch or from Son Sen?

8 A. As I have stated, prisoners who were brought in did not have
9 any rights since they were accused of being <enemies>. So their
10 rights were forfeited.

11 Q. Can I then conclude that is it right that upon the training
12 conducted by Hor, Son Sen or Duch at S-21 you were never taught
13 about <how> to respect the rights of prisoners?

14 A. That not only applied to me but applied to everyone else since
15 anyone who was arrested was considered an enemy so they did not
16 have any rights. If any of us actually gave a certain right to a
17 prisoner and <someone found out>, then we would be <arrested>.

18 [14.10.11]

19 Q. If there is a case then was there such a case <of> anyone who
20 actually respected the rights of the prisoners and they ran into
21 trouble?

22 A. I did not know about that since I was a guard at the outer
23 part. However, if anyone <gave> closer care or <greater>
24 attention to prisoners, <they> would be subject to monitoring. If
25 anyone <secretly brought> rice or food <to> the <prisoners, they>

1 would be <called to a meeting, and if they did not change, then
2 they would be> arrested and imprisoned.

3 Q. In your capacity as a security guard at S-21, did you engage
4 in any physical training <exercises>, for example, in karate or
5 in such self-defence?

6 A. Ta Hor actually taught us karate and I was amongst the
7 trainees. However, one day I was hit in my mouth and from that
8 day onward I stopped doing that. <I still have that scar today.>

9 Q. Can you tell the Chamber why it was necessary for security
10 guards like yourself or other guards to receive karate training
11 at S-21?

12 A. Ta Hor was the karate instructor and we had to attend the
13 training in order to prepare ourselves for the arrest of
14 prisoners. <If we did not train, we would not be able to catch
15 them.>

16 [14.12.16]

17 Q. So the training was for you to effectively engage in your
18 duty?

19 A. Yes. The training was for us not to allow the prisoners to
20 protest or to counterattack us.

21 Q. Thank you. And before I move to the topic of Choeung Ek, I
22 would like to put the question for clarification. You have
23 responded in detail to the question by the <International> Deputy
24 Co-Prosecutor regarding the execution of children at S-21.
25 When children were taken from the upper floor down to the lower

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1 floor of the building at S-21, and you said that before the
2 parents were taken out <to Choeung Ek>, the children had already
3 been <killed>. Was there any instance where the parents who had
4 been taken to Choeung Ek and later on their children were <killed
5 at> S-21?

6 A. No, there was no such incident.

7 [14.13.55]

8 Q. Can you please clarify whether there was such an incident or
9 you did not recall it?

10 MR. PRESIDENT:

11 Please, Mr. Witness, observe the microphone.

12 MR. HIM HUY:

13 A. Children had to be taken first before the mothers were taken.
14 Otherwise, the children would cry and make noise in the building.

15 BY MR. PICH ANG:

16 Q. I would like now to move onto another topic -- that is,
17 Choeung Ek. I don't have many questions and my colleague will put
18 some questions to you as well.

19 You stated that the Choeung Ek people were executed by way of
20 striking the nape of the neck; had their throats slashed and then
21 they were disemboweled before they were thrown into the pit.

22 Could you tell the Chamber after the prisoners had been struck in
23 the nape of the neck and their throats slashed, why was it
24 necessary to disembowel them <>?

25 MR. HIM HUY:

1 A. Ta Hor and Ta Duch gave instructions that after striking
2 <their necks>, we had to slash their throats and the purpose of
3 the disembowelment was not to allow the body to swell so that the
4 stink would get out -- the stench would get out, <and people
5 would know about that>.

6 [14.15.45]

7 Q. And at the -- can you tell the Chamber was there any incidents
8 where <babies> were brought along with <the prisoners> from S-21
9 to Choeung Ek and later executed?

10 A. When I went with those prisoners, there <were> no <babies>.
11 <However, other than that, I did not know whether babies were
12 brought <from somewhere or S-21>. <As the task was either
13 assigned> by Peng <or Phal, I would not know about that>.

14 Q. Again, talking about Choeung Ek, you expressed the way <
15 prisoners'> names were registered; written on a list -- that is,
16 for those who were <sent to be> killed at Choeung Ek. Can you
17 tell the Chamber when exactly the registration was done? Was it
18 when the prisoners were let out from the <wooden> house to <the>
19 pits?

20 A. When prisoners were taken out from the house, they were taken
21 towards a place where I was and where there was a lightbulb and a
22 chair and their names would be written down there, <and then they
23 were taken directly to the pits>.

24 [14.17.40]

25 Q. And the lightbulb you spoke about, how far was it from that

1 location to the house?

2 A. It was rather far.

3 Q. Did you actually have a list of names <that you just ticked
4 off> or did you have to rewrite the names of the prisoners?

5 A. As I testified earlier, I had to write down sequential numbers
6 and write down <the prisoners'> names<>.

7 Q. Did you have to verify the names with the list of names sent
8 from Tuol Sleng?

9 A. The list of names from Tuol Sleng was with Thy and he
10 instructed me to re-write the names again so that he could use my
11 list to <check> with the list in his possession.

12 Q. So the process of writing down the names that you described is
13 routine? For example, when people were taken out from the wooden
14 house, you <had> to write down their names and then you returned
15 to S-21? Was that a routine of writing down the names of
16 prisoners when they were let out from that wooden house?

17 A. After I wrote down their names, they were sent to be killed
18 and at the end I would take the list of names together with me
19 and I <got in> the vehicle.

20 And upon arrival at Tuol Sleng, I gave that list of names to Suos
21 Thy.

22 [14.19.50]

23 Q. Did you, yourself, verify that prisoners actually had been
24 killed and <were> dead at the pits?

25 A. No, I did not mention that. I only gave him the list of names

1 that I wrote and then I returned to my place.

2 Q. This may be my last question and then my colleague will put
3 some questions to you.

4 You worked at S-21 from 1976 to '79. Can you tell the Chamber
5 about your feeling at the time or maybe -- or any regrets that
6 you might have from your activities working in that particular
7 location?

8 A. While I was working at S-21 and Son Sen came to conduct a
9 meeting and, as I said, I was afraid that sooner or later I would
10 be arrested and killed <because I fled on three occasions, and I
11 attended Serei (phonetic) school two times>.

12 In 1975 when Phnom Penh was liberated, <on the 16th> there was an
13 incident when a colonel was released, <and on 17 April there was
14 a case of Lon Nol's soldiers being given firearms>. Later on, I
15 was brought to work at S-21 and I was rather afraid <because> of
16 my previous activities. For that reason, I <asked> Son Sen to <go
17 back> to the army so that if I was in trouble, only <I> would die
18 and not the rest of my family members.

19 [14.21.46]

20 <Later on, I ran out of options, and> I actually also had <a>
21 plan to convince <relevant forces> to rebel but it was leaked <by
22 Nop Nuon (phonetic), and then he implicated me as the one who had
23 made the plan> and Ta Duch was aware of that and during our study
24 session, Duch asked me <if what Nop Nuon> (phonetic) actually
25 said, that I <> had a plan to rebel, <was true>. But I said that,

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1 "No, that was nonsense. It was nothing like that."

2 But in fact three days previously, Hor <was the one who was
3 supervising> the weapon warehouse; <I asked for the key from
4 Hor's messenger and> I actually entered the weapon warehouse to
5 see what weapons were stored there.

6 Ta Duch was concerned about that and he asked his <messengers> to
7 move those weapons to the general staff office. Later on, I was
8 sent to work at a rice field <to the south of> Choeung Ek <until
9 the end of regime in '79>, and later on, I was <sent with others>
10 to the forest.

11 And later on, I actually gathered some <forces> about 20 of us
12 with some weapons -- and we fled away from <Duch's> group. Some
13 of us actually died <along the way back home.> Later on, <after a
14 while, they left me far behind> and I became sick. <But because
15 villagers rescued me and brought me along with them, I have>
16 survived till today.

17 [14.23.17]

18 Q. When you were assigned to bring people from other provinces or
19 from Tuol Sleng to Choeung Ek for execution, how did you feel?
20 How did you feel about those victims of S-21 since you were a
21 staff member of S-21 as well?

22 MR. PRESIDENT:

23 Lawyer for civil party, that question is not appropriate. This is
24 a witness and not a civil party and it is not appropriate for you
25 to ask about <his suffering> or feelings. The question can be put

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1 to the Accused at the end during the pleading or you may put such
2 questions to witnesses who were the victims and civil parties<,
3 but> not to the witness.

4 So please, rephrase your questions <to be> appropriate for
5 witnesses. Because to me, your question seemed to be more
6 appropriate for civil parties rather than witnesses.

7 [14.24.43]

8 MR. PICH ANG:

9 Thank you, Mr. President. I conclude my session and I would like
10 to hand the floor to my colleague, Marie Guiraud.

11 MR. PRESIDENT:

12 Yes, you may proceed, counsel.

13 [14.25.01]

14 QUESTIONING BY MS. GUIRAUD:

15 Thank you, Mr. President, and good afternoon to all of you.

16 Q. Good afternoon, witness. My name is Marie Guiraud, and I am
17 representing with my colleague, Ang Pich, the civil party
18 collective. I have a few very brief questions, brief follow-up
19 questions to put to you this afternoon.

20 You said this morning to the Co-Prosecutor that on two occasions
21 you went to Svay Rieng to go collect detainees. Were these people
22 -- I see that you have a problem apparently with your headset.

23 (Short pause)

24 [14.26.19]

25 BY MS. GUIRAUD:

1 Q. Can you hear me now, witness? Well, let me please repeat my
2 question.

3 You said this morning that you went to Svay Rieng upon two
4 occasions to go collect Vietnamese to bring them to S-21. So I
5 wanted to know if all of the people you brought to S-21 upon
6 those two trips, if they were all military or if there were also
7 civilians among these Vietnamese that you brought to S-21.

8 MR. HIM HUY:

9 A. I did not know who were soldiers and who were not, but I
10 learned that five Vietnamese soldiers were arrested and we were
11 sent to pick them up.

12 [14.27.20]

13 Q. Can you tell us a little bit more about the circumstances in
14 which you went to collect the prisoners? Where did you find them
15 exactly in Svay Rieng? Where were they? Were they already
16 detained? How were you able to know if they were soldiers or not?
17 What recollections do you have regarding these two specific trips
18 to Svay Rieng to go collect these people of Vietnamese origin?

19 A. We went to pick them up at <a school to> the south <> of the
20 provincial town office. They were being detained there. They were
21 tied and cuffed there.

22 So when I arrived at the place, we <removed their cuffs> and we
23 put our own cuffs <on them> and then transported them back.

24 Q. Were they wearing uniforms? How were you able to know if they
25 were soldiers or if they were civilians?

1 A. Yes, they were wearing military uniforms with a military cap.

2 [14.28.46]

3 Q. Once you brought these prisoners to S-21<,> what was the
4 procedure and was the procedure different if you were dealing
5 with Vietnamese prisoners or if you were dealing with prisoners
6 who were not Vietnamese? <Did you know at the time?> Do you
7 remember today?

8 A. We sent them to the room -- that is, at Thy's room and I left
9 them there and then I returned to my place. <I do not know how
10 they were treated afterward.>

11 Q. We have two witnesses who came to testify before this Chamber
12 and who spoke about a film that apparently was made of these
13 prisoners, of these Vietnamese military prisoners arriving at
14 S-21.

15 And the references are Prak Khan, on 27 April 2016 at 15.59,
16 spoke about this episode during which Vietnamese soldiers were
17 <shown> before Buildings A and B. And this event was filmed.

18 And we also have Lach Mean, who, on 26 April 2016 at 10.49 spoke
19 about this as well. He said that the Vietnamese -- he spoke about
20 the Vietnamese prisoners who were brought to S-21 and said that
21 they were filmed and then this film was shown during the training
22 sessions to the S-21 staff.

23 So do you remember anything about this? Do you remember anything
24 about a film on the arrival and the confessions of the Vietnamese
25 prisoners at S-21?

1 [14.30.53]

2 A. Yes, that is correct. I recall it. They were ordered to stand
3 in a line and their photographs were taken and they were filmed.
4 Later on the film was shown to staff at S-21. They had -- some of
5 them had their insignia on their shoulders, including a general,
6 <but> some did not have any rank, <and they were simply wearing
7 their uniforms and caps>.

8 Q. What do you remember of that film? Was it only the Vietnamese
9 prisoners <arriving> at S-21 <who> were filmed or did you receive
10 any <other> information during those training sessions?

11 A. <The film was shown to us> after <they were filmed completely.
12 However, I do not know whether> they were interrogated <or not,
13 and their execution was also filmed and then shown to us>.

14 Q. So the film showed the arrival of the prisoners, the
15 interrogation of the prisoners, and subsequently the execution of
16 the prisoners. Did I properly understand the thrust of your
17 testimony?

18 A. That is true.

19 [14.32.38]

20 Q. Was that film specifically on the Vietnamese prisoners or
21 <did> you <see> other <scenes> involving the arrival, the
22 interrogation<, and execution> of other prisoners <at S-21> who
23 are not Vietnamese <soldiers>?

24 A. I do not recall it well. That film <depicted> a soldier with
25 <an> insignia -- that is, <a> general, and also those people were

1 wearing military caps. <However, I do not know whether they were
2 interrogated or not, and I only knew that they were executed
3 because> the film was also about the execution.

4 Q. And do you remember where those Vietnamese prisoners were
5 executed? Was it <on site> at S-21? At> Choeung Ek? And is that
6 something you remember today?

7 A. Not at Choeung Ek. Those prisoners died <at> Tuol Sleng.

8 [14.34.05]

9 Q. Thank you. I would like to put to you a last series of short
10 questions in the five minutes left.

11 At the time when you were working at S-21, did you hear <about>
12 the issue of moral <offences>? Was that an expression that was
13 used at S-21?

14 A. There was a young guard who raped a female prisoner. That
15 young guard had moral offence with the female prisoner and later
16 on he was arrested, detained and killed.

17 Q. Do you remember the name of that young guard?

18 A. I did not recognize that guard well since he was working
19 inside the compound under the supervision of Peng.

20 Q. How did you learn about that incident? Is that an incident you
21 yourself witnessed or was it someone else<, another colleague,>
22 who told you of that incident? Otherwise, how did you know that a
23 young guard had raped a prisoner?

24 A. The securities inside or perhaps Peng told me about that since
25 I was a guard outside. I was told that guards who raped prisoners

1 were to be arrested and that a young guard was arrested and
2 detained.

3 [14.36.10]

4 Q. Apart from that incident <you mentioned>, do you recall other
5 incidents and other events of that nature when you were working
6 at S-21? What I mean is: do you know of any other guards who were
7 punished for <moral offences?>

8 A. I do not know besides that one incident.

9 A staff member at S-21, to my recollection, was arrested and
10 detained and the lock did not <work> well at the time and <he was
11 able to> escape and went to Vietnam. <I do not recall whether the
12 one who stood guard there was arrested or not>. After the --
13 after 1979, he worked as a police officer in Kandal province and
14 <now> he is deceased.

15 [14.37.34]

16 Q. Just to wrap up my line of questioning, Mr. President, if you
17 will allow me.

18 What were the reasons for which that guard was imprisoned? <I'm
19 assuming it was linked to a moral offence, but am I reaching the
20 wrong conclusion?> <Was that> person <detained> for committing
21 <moral> offences?

22 A. One guard had been arrested for committing a moral offence
23 with a female prisoner. Perhaps there was another guard who had
24 been arrested as well for allowing a prisoner to escape out of
25 the prison.

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1 And as for <the young guard who raped a> female prisoner<, he>
2 was also arrested, <detained> and killed since they did not want
3 any other staff to commit such an act again>.

4 Q. And do you know the name or any other details on the victim
5 you've referred to<,> who was killed?

6 A. I do not know her name. That female prisoner was later on sent
7 to be under the responsibility of other groups, of another group.

8 I was not there in charge of that case. <I stood guard outside.>

9 [14.39.20]

10 MS. GUIRAUD:

11 Thank you, Mr. President. I believe I have run out of time. Thank
12 you.

13 Thank you, witness, for answering my questions. <Thank you, Mr.
14 President.>

15 MR. PRESIDENT:

16 Thank you. It is now break time. The Chamber will take a short
17 break from now until 3 p.m.

18 Court officer, please assist the witness in the waiting room
19 during the break time and please invite him back into the
20 courtroom together with his duty counsel at 3 p.m.

21 The Court is now in recess.

22 (Court recesses from 1440H to 1459H)

23 MR. PRESIDENT:

24 Please be seated.

25 The Court is back in session, and International Lead Co-Lawyer,

1 you have the floor.

2 [15.00.32]

3 MS. GUIRAUD:

4 Thank you, Mr. President. Just a short observation because I
5 believe there was a slight problem in the interpretation into the
6 English and into the French for the last answers of the witness.
7 And I think it might be useful to the ascertainment of the truth
8 that the witness may provide the name of the last guard he spoke
9 about<, > who apparently fled to Vietnam and apparently returned
10 because this was not very clear in the translation.

11 And I would like the witness to provide us with the name of the
12 guard whom he spoke about who escaped to Vietnam and who recently
13 passed away; if you allow me to put that last question to him or
14 if I may put it through you, Mr. President?

15 [15.01.36]

16 MR. PRESIDENT:

17 Thank you.

18 And Witness, please respond to that question. Do you recall the
19 name of the guard who had a problem and fled to Vietnam and later
20 on returned to become a policeman in Kandal province; however he
21 is now deceased?

22 What is the name of that man?

23 MR. HIM HUY:

24 A. His name is Choy (phonetic). He was a former guard at S-21. He
25 fled from the prison and reached Vietnam. He returned from

1 Vietnam in 1979 and became a policeman. He is now deceased. I
2 never <saw> him <after> he fled; however, Soam Meth (phonetic)
3 told me about this event. <Meth (phonetic) used to see him>.
4 [15.02.41]

5 MR. PRESIDENT:

6 Thank you.

7 And before I hand the floor to the defence teams, I notice that
8 Judge Lavergne has some questions to put to the witness.

9 You may proceed, Judge.

10 QUESTIONING BY JUDGE LAVERGNE:

11 Thank you, Mr. President.

12 Q. Witness, I have a few questions to put to you, a few follow-up
13 questions.

14 And first of all, I would like to speak about the film you spoke
15 about this afternoon again, the film of the Vietnamese prisoners
16 who arrived at S-21. You said that this film was a summary; that
17 their arrival had been filmed, that their interrogation had been
18 filmed and that their execution had also been filmed.

19 Do you remember which methods were used to interrogate the
20 prisoners as shown in the film? <Did> they use torture? Was <the>
21 torture filmed?

22 [15.03.56]

23 MR. HIM HUY:

24 A. Yes, that is correct. Those Vietnamese soldiers who were
25 arrested<, > were tortured and I saw bloodstains on their

1 <bodies>. <Actually,> the film was <taken by En's team>.

2 Besides that, I did not know any further details.

3 Q. So you mean that in the film you would see interrogators
4 torturing the prisoners -- or in the film, did you see Vietnamese
5 prisoners who had blood on their clothes and who had wounds <from
6 beatings>? What do you mean, exactly?

7 A. When I went to Thy's place, I saw them being walked to be
8 interrogated and I saw wounds on their <backs>. But I did not
9 know the details about the interrogations they engaged in since I
10 did not have the authority to go there. <At the time, I stood at
11 the main gate of the prison.>

12 [15.05.20]

13 Q. I would like to get back to the film precisely. You said that
14 this film was screened during the training sessions. Now, in the
15 <images of the> film itself, did you see prisoners being
16 tortured?

17 A. I did not pay attention to that; however, what I saw in the
18 film was that they were ordered to walk <single> file and later
19 on they were executed and they were disemboweled.

20 Q. So you mean that in the film you would also see the execution
21 of these prisoners? Did you see them being disemboweled? Was that
22 filmed or is this something that you saw outside of the film?

23 A. I saw it in the film. En was the group who made that filming.
24 The film actually had all those processes -- that is, including
25 their interrogation and execution.

1 Later on we were shown that film.

2 [15.07.20]

3 Q. When this film was screened you said that it was screened
4 during a training session. What comments were made? Did anybody
5 make any comments about the film? Who was there when the film was
6 being screened?

7 A. Everyone was <> watching the film <at a place in front of the
8 prison>. They had a big screen there. But from my recollection,
9 <it seems like> there was no sound from the film. <I do not
10 recall who voiced their comments or who translated it. We simply
11 watched it> .

12 Q. Aside from the film, did you see S-21 photographers take
13 pictures of bodies; photographs of prisoners who had been
14 executed? Do you remember that?

15 A. I cannot recall that. On the film I saw photos of important
16 people and of people whose -- who were <disemboweled> and that
17 was the evidence that they had been executed.

18 [15.09.02]

19 Q. Do you remember the names of the important figures you saw in
20 the film? Were these figures people who had been detained at S-21
21 or were they leaders?

22 A. What I saw was that Ta Pang's (phonetic) photo was amongst
23 them, and the photo of Hu Nim was there as well.

24 Q. There might have been a slight interpretation problem. I heard
25 the photograph of Hu Nim, and the photograph of Ta Kun

1 (phonetic), if I'm correct.

2 So could you please repeat your answer? There was Hu Nim; so do
3 you confirm that there was Hu Nim's photograph? And <the other
4 person, who was it?>

5 A. I saw the photographs of Hu Nim and Ta Pang (phonetic).

6 Q. And who was Ta Pang (phonetic)?

7 A. I am unsure of his position. Ta Hor said he was from the
8 logistic section of the general staff.

9 [15.11.10]

10 Q. In the film once again, did you see interrogators strike the
11 Vietnamese prisoners? Did you see them beat the Vietnamese
12 prisoners?

13 A. No, I did not. What I saw was that they were being walked and
14 they had their military helmets and their uniforms on, and later
15 on, they were executed.

16 Q. Were there images in the film of the prisoners confessing?

17 A. No, I did not see that. As I said, I did not see that.

18 Q. Do you remember <the date when> you saw this film? Was it at
19 the start of your work at S-21 or, rather, towards the end?

20 A. I cannot recall it. It was during the study session and that
21 was on the 17th April. <We were asked to attend the study
22 session, and on that night> we were shown the film.

23 Q. So this is a film that was screened to celebrate the 17th of
24 April <1975>? Is that what I must understand?

25 A. Yes, that is correct.

1 [15.13.40]

2 Q. You said that everyone was there. Can you tell us where the
3 screening took place? Was it in <an> ordinary room or was this
4 actually in a screening room? How many people watched this film?

5 A. It was in front of the prison along the road. That's where the
6 film was screened and those who watched the film, including those
7 from Prey Sar, the interrogators, and the staff of S-21.

8 Q. So this was an open air screening? And do you have any idea of
9 how many people attended this screening? Was it a few dozen
10 people or were there hundreds of people?

11 A. There were hundreds of people who watched the film since they
12 included all the staff there and those staff from Prey Sar.

13 Q. Was Duch there?

14 A. I did not pay that attention but I -- it was likely that he
15 was there since he actually conducted the training during that
16 period and that film was shown on the 17th of April. <He went>
17 there <with Ta Hor and others to watch> the film.

18 [15.15.53]

19 Q. Were there any leaders at the screening; for example, Son Sen?

20 A. No, he was not there. There <were> Ta Duch, Ta Hor, <> staff
21 <at S-21, and those from Prey Sar>.

22 Q. Do you remember if there were any Western prisoners at S-21?

23 A. There were two of them. They had big builds and people said
24 that they were Americans.

25 Q. Do you know if they were executed and, if that is the case, do

1 you know how they were executed?

2 A. They were taken and executed at the road to the north of the
3 compound, <where there> was <> across road junction <to the north
4 and south>. That's where they were killed.

5 At that time, after they were killed, there was an instruction to
6 bury them but Ta Duch ordered Ta Hor not to bury the bodies of
7 foreigners and that their bodies had to be burned.

8 At that time I was on guard <in> the vicinity, and there were
9 those who wanted to go to inside the compound of S-21 and people
10 came to the east part of the sewage canal where our house was
11 located. Three of us were on patrol in each team. And at that
12 time I saw the burning of the dead bodies <there>.

13 [15.18.40]

14 Q. If I understood you well, a priori speaking, all prisoners at
15 S-21 were buried normally but these prisoners were <cremated>.

16 Why? Why were they cremated? <Do you know of any reason?>

17 Is there a specific reason that you know explaining why they were
18 cremated?

19 A. I heard Hor say that Duch <did not allow> the bodies <to be
20 burned> <> as the dead bodies may -- might have some gas coming
21 out. <Those staff were ordered to find firewood to cremate the
22 bodies on the main road>

23 [15.19.34]

24 MR. PRESIDENT:

25 Witness, your testimony is rather confusing. You said at one

1 point that the bodies should not be burned, but previously you
2 said they should not be buried and that you or some other people
3 had to go and find firewood to cremate the bodies. So it is
4 confusing and it's very unlikely that your response is proper.
5 Please, make your response once again.

6 MR. HIM HUY:

7 A. Ta Hor ordered the dead bodies to be buried, but then there
8 was an order from Duch not to bury them so they had to find
9 firewood to cremate them since <the foreigners' dead bodies had
10 gas>. And for that reason, they had to find firewood from around
11 the area or from the old walls of the buildings and bury them --
12 rather, and burn them <on the main road>.

13 [15.21.00]

14 BY JUDGE LAVERGNE:

15 Q. Can you tell us, Mr. Witness, based on your recollection, how
16 old was the youngest of the guards working at S-21?

17 MR. HIM HUY:

18 A. <About> 15 years old.

19 Q. Do you remember if there were collective marriages arranged
20 for the S-21 staff?

21 A. People who got married at S-21, including about six couples,
22 women were brought in from the garment section to marry the S-21
23 staff. That evening they had a reception and there was coconut
24 juice and there was some chicken.

25 On that day <I went there last>, Duch also asked me whether I

1 wanted to have a wife and I said, "What for?"

2 I did not want a wife. I thought that if I had a wife, there
3 might be a problem for me.

4 So those who got married all died except Pon. The rest all died.

5 I mean both the husbands and wives, as well as their <children>.

6 [15.23.15]

7 Q. So did you attend the weddings of these six couples?

8 A. As I said, I was there last and it happened that they had the
9 reception. There was a long table where they laid out the food
10 there with coconut juice.

11 Huy Sre was also there. So I actually joined them having meal
12 together. And Duch asked whether I wanted to have a wife and, as
13 I said, I didn't know why I should have a wife. As I said, being
14 alone was better than to have a wife.

15 And later on, as I said, those couples all died except Pon and
16 his <wife because they both could flee into the forest>. <The
17 rest> were arrested and detained there at Tuol Sleng.

18 Q. As far as you remember, did the people who got married on that
19 day know each other before?

20 A. They did not know each other before but they were arranged to
21 marry one another.

22 Q. And who decided to arrange the marriages?

23 A. The one who made that decision was Duch.

24 Allow me to correct <myself,> two couples survived; Pon and his
25 wife, and Hor and his wife. <Beside those two couples, they all

1 died>.

2 [15.25.45]

3 Q. Do you know if there were other detention places in Phnom Penh
4 aside from S-21?

5 A. No, I did not.

6 Q. Did you ever hear about a prison next to the Wat Phnom?

7 A. No, I did not.

8 Q. Earlier you spoke about a former guard who became a prisoner
9 who had fled. Do you know if other S-21 prisoners were able to
10 flee<, escape>?

11 A. Please repeat your question.

12 Q. Earlier you spoke about a person by the name of Choy
13 (phonetic), I believe, and you told us that he managed to escape
14 from S-21. So what I would like to know is if, as far as you
15 know, if there were other cases of prisoners at S-21 managing to
16 escape.

17 A. No, there was none.

18 [15.27.50]

19 Q. Did you also work as a messenger when you were at S-21? Did
20 you deliver messages ever?

21 A. When I went to bring people -- that is, the Vietnamese people
22 from Svay Rieng, while we were en route and at Kraol Kou, Duch's
23 messenger met me and asked me to take him to Son Sen's place
24 which was to the north of Svay Rieng province. So I got off of
25 the vehicle and I went with him to that place to deliver that

1 message to Son Sen and then I returned.

2 Q. When you were a guard or when you were working at S-21, did
3 you ever meet messengers who would come pick up messages or who
4 would come deliver messages? And if that is the case, do you know
5 whom these messages were addressed to?

6 A. I did not know about that.

7 Q. When you were at S-21, did you attend meetings and sessions at
8 locations other than at S-21? For instance, did you attend
9 meetings at the Olympic Stadium or at any other locations in
10 Phnom Penh?

11 A. We were trained <at> study sessions conducted by Son Sen at a
12 location to the south of the Olympic Stadium and that was the
13 only occasion that I went there.

14 [15.30.35]

15 Q. Were those training sessions exclusively for S-21 staff
16 members or also for other <people>?

17 A. It was a mixed session as the -- that school was full of other
18 people from other <units> that I did not know. And as I said, the
19 venue was to the south of the Olympic Stadium.

20 Q. Do you know the activities of the other participants at those
21 training sessions? Were those people from divisions<, or people
22 who worked at> other security centres? What can you say in that
23 regard?

24 A. During that particular study session, all the participants
25 were all soldiers. They were all soldiers.

1 Q. But were some of those soldiers working in other security
2 centres? First of all, <were> you aware of the existence of other
3 security centres apart from S-21?

4 A. I did not know about that. I did not know where they were
5 from. I was there just to attend and join that study session.

6 [15.32.50]

7 Q. Very well, this is my last question, witness.

8 During the training sessions, were magazines published during
9 Democratic Kampuchea, such as the "Youth Revolutionary Flag" or
10 the "Revolutionary Flag" <used>?

11 A. Regarding the study session, the subject of discussion was the
12 building of the country and agricultural production, military
13 strategies, including sending forces <to> a specific location,
14 particularly to Chramos Chruk (phonetic) to fight against the
15 Vietnamese and the <infiltrated> enemies were also discussed in
16 that study session.

17 Q. And who <were> those designated as the <enemies who>
18 infiltrated the ranks? <Who were these infiltrated enemies?>

19 A. It was Son Sen who made mention that we should be careful of
20 infiltrated enemies. That was the public discussion on the
21 subject.

22 Q. And did you hear of a magazine called the "Revolutionary Flag"
23 <or> "Revolutionary Youth"?

24 A. Yes, they mentioned the "<> Revolutionary <Youth Flag>". They
25 were the <pillars> of the country.

1 [15.35.15]

2 Q. Do you know who among the staff of S-21, were members of the
3 CPK? Were you, yourself, a member of the Communist Party of
4 Kampuchea?

5 A. No, <I was not>. Members of CPK included Hor, Huy and <Duch.
6 There were> no others.

7 Q. So, among the staff of S-21, only three or four persons were
8 members of the CPK; is that what I should understand from your
9 testimony?

10 A. <There was another person named Chem Snguon (phonetic)>, but
11 he was arrested and killed. Phal was also a member of that Party.
12 These were the members of the CPK and I do not know whether other
13 members -- other staff members were part of the CPK as well.

14 [15.36.52]

15 Q. To the best of your recollection, while you were working at
16 S-21, did it happen that you didn't have enough food for the
17 staff of S-21?

18 A. At the outset, we had gruel. And later on, together with the
19 messengers <of> cadres who had been arrested and with other
20 forces<, we> were sent to <Boeng Tumpun> to participate in the
21 agricultural production <in order to supply S-21>.

22 And later on after we had the yield, <a> good yield, we were able
23 -- and we were provided with rice, cooked rice to eat.

24 Q. Did the staff of S-21 receive the same quantities of food as
25 the detainees or <did> they receive different quotas of food or

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1 food rations?

2 A. Only <a few elderly prisoners, who worked at the workshop
3 outside the compound>, had the cooked rice to eat <like my team
4 did>. Even the <guards and the interrogators>, they had different
5 <amounts> of meals to eat and also dishes, <and they ate in a
6 different dining hall>. For example, compared to interrogators,
7 sometimes we had less <meals> to eat.

8 Q. And from what you were able to observe, did the prisoners also
9 have less to eat?

10 A. Those prisoners - I mean <the few elderly prisoners> had
11 cooked rice to eat <because there was a lot of leftover steamed
12 rice and food>. However, for the inmates, I mean the prisoners
13 inside the cells, they had only watery gruel to eat.

14 [15.39.40]

15 JUDGE LAVERGNE:

16 Thank you, <witness>.

17 Mr. President, I have no further questions for the witness.

18 MR. PRESIDENT:

19 Thank you, Judge.

20 And the floor is now given to the defence team for the Accused,
21 starting first from the defence team for Nuon Chea. You may
22 proceed.

23 [15.40.00]

24 QUESTIONING BY MR. KOPPE:

25 Thank you, Mr. President.

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1 Q. Good afternoon, witness. I will be asking you questions on
2 behalf of Nuon Chea. Let me start by asking you some questions
3 about the punishment you received in the early 1980s. Let me read
4 to you a small excerpt from a document and then I will ask you
5 some questions about this.

6 Mr. President, it is E3/9195. It's an article I referred to
7 earlier from DC-Cam at English, ERN 00104911; and Khmer -- it's a
8 partial translation -- 00340092.

9 Mr. Witness, this DC-Cam article, this excerpt reads as follows:
10 "Beginning in 1980, most former S-21 comrades were re-educated.
11 Some of them were arrested and sent to prisons. Suos Thy, who
12 kept lists of prisoners' names, was detained in a high security
13 prison for four years by Kandal province authorities after the
14 regime was defeated. Him Huy, who was deputy chief of the guard
15 unit, was imprisoned in Kandal province for two years." End of
16 quote.

17 Let me start by asking you, Mr. Witness: Were you, yourself,
18 re-educated and, if yes, what exactly did you have to do in order
19 to be re-educated?

20 [15.42.35]

21 MR. HIM HUY:

22 A. The re-education at the prison was to carry water, brush the
23 rubbish -- clean up the rubbish, carry bags of rice onto the
24 vehicles and also harvest and transplant rice.

25 Q. Did you also, during that re-education in the early 1980s,

1 have to do some form of self-criticism?

2 A. I <was> panicked after the Pol Pot's regime, so I did not
3 contest -- or protest any kind of -- any forms of labour after
4 the regime.

5 [15.43.42]

6 QUESTIONING BY THE PRESIDENT RESUMES:

7 Q. <The question is not like that.> I guess <counsel> has a
8 different question in relation to the time when you were
9 imprisoned in <1980 or> 1981 <> in Kandal Province, <and> you
10 <were> required to perform <some> kind of labour, <was there any
11 form of self-criticism at the time>?

12 MR. HIM HUY:

13 A. I was imprisoned and during the imprisonment, I ate and slept
14 in that prison.

15 Q. Do you understand the term "self-criticism"? And was there
16 self-criticism held during the time that you worked at S-21?

17 A. <At S-21> we <usually> had meetings <every> evening. For those
18 who did not commit any kind of mistakes, they had to be there in
19 the meetings as well

20 Q. What about during the time when you were imprisoned in Kandal
21 province after <1979>? Were you required to attend a
22 self-criticism session?

23 A. At the time, there were no such meetings. However, we were
24 told not to flee from the prison and we were also told to work
25 while being imprisoned.

1 [15.45.32]

2 MR. PRESIDENT:

3 You can now resume your questioning because the witness a while
4 ago did not respond to your questions and I had just put some
5 clarification questions instead of you. You can now proceed.

6 BY MR. KOPPE:

7 Thank you, Mr. President.

8 Q. Were you in fact, as this article seems to suggest, imprisoned
9 in Kandal for two years?

10 MR. HIM HUY:

11 A. Could you repeat your question?

12 Q. Certainly. Were you as this article seems to suggest,
13 imprisoned for two years in Kandal province?

14 A. Yes.

15 [15.46.37]

16 Q. And were you convicted or were you punished for the things you
17 did at S-21 or punished for the things you did at Choeung Ek?

18 A. I <do> not know. While I was there, I carried dirt and soil.

19 Q. And did they ask you to do certain things for you in order to
20 -- in order for you to be released? Were there any conditions put
21 on you before you were released?

22 A. There was a condition suggesting and warning me not to commit
23 the <same mistakes> again and I was encouraged to try to provide
24 <enough> food for my family members and also for my children.

25 Q. Were you also encouraged to speak about your time at S-21 to

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1 anyone, to film crews or to journalists or to anyone?

2 A. I cannot recall it, counsel.

3 Q. Do you know if it is correct what this article seems to
4 suggest that Suos Thy was detained in a high security prison for
5 four years?

6 [15.49.18]

7 MR. PRESIDENT:

8 Mr. Witness, please hold on.

9 You have the floor first, Lead Co-Lawyer for civil parties.

10 MR. PICH ANG:

11 Mr. President, Your Honours, the question - lastly, the questions
12 - lastly, the questions put by the defence team are not within
13 the scope of our trial. I, therefore, would like to register my
14 objections to those questions.

15 And if Koppe thinks that those questions are within the scope of
16 our trial, I would like to ask him to provide reference in which
17 paragraphs <of closing order> did those kind of things fall into?

18 MR. KOPPE:

19 The purpose of my questions are twofold, Mr. President. First,
20 they go to questions of reliability. We are trying to find out
21 whether there were any conditions put on him by the then
22 authorities urging him to say certain things about the events at
23 S-21 or Choeung Ek.

24 It also goes to establishing whether he has in fact the right to
25 incriminate himself or not to incriminate himself, excuse me.

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1 [15.50.52]

2 It also goes to what generally was done to S-21 guards and cadres
3 and I think it is relevant to establish also for the upcoming
4 witness if it is true that he was, in fact, convicted to four
5 years in a high security prison. I don't intend to dwell on it
6 too much, but I think we should know, for all kinds of reasons,
7 what exactly happened in terms of punishment in relation to
8 former S-21 cadres.

9 JUDGE FENZ:

10 But, counsel, you will not ask for more time in the end, because
11 other more relevant questions didn't make it into the scheduled
12 time.

13 MR. KOPPE:

14 I thank you for your sarcasm again, Judge Fenz.

15 JUDGE FENZ:

16 The objection is overruled. Go ahead.

17 [15.52.05]

18 BY MR. KOPPE:

19 Q. Mr. Witness, do you know whether Suos Thy was convicted to
20 four years and served his time in a high security prison?

21 MR. HIM HUY:

22 A. After I fled and left the forest, I did not <communicate with>
23 or contact anyone, <and I only tried to do my business>. I did
24 not know who else <was> imprisoned.

25 And later on, I was invited by Rithy Panh, together with other

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1 people, to be filmed. From that occasion onwards, I learned that
2 he was imprisoned in <this and> that location, <but I do not know
3 where else he was imprisoned>.

4 After <that occasion>, each and every one of us was trying to
5 make our living for our <wives> and children, so we had no time
6 to go and have communication or contact with one another.

7 [15.53.16]

8 Q. Thank you, Mr. Witness. Let me move on to my next subject.

9 Did you, at one point in time, leave S-21? And I mean in the
10 period before 7 January '79, did you at one point in time stop
11 working as an outside guard or a special unit person?

12 A. In mid-1978 I was removed to work <in> the field and Hor
13 <said> that those who were assigned to work the fields had to
14 focus on the work, and that <applied> to <those> <in Phnom Penh>
15 as well. <We were not allowed to contact one another.>

16 So during that time, I was working, digging -- working the field,
17 transplanting and harvesting rice. I had to do the work while <it
18 was> raining as well.

19 And <after the fall of the regime in> 1979, <we were asked to
20 leave> the area <and go> to the location where the <artillery was
21 placed in Chbar Ampov. We went there to receive those who were
22 from Phnom Penh. However, when I arrived there, I did not see
23 them. At the time, the artillery soldiers told me to leave that
24 location as soon as possible because there would be an exchange
25 of gun-fire>.

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1 And at the time, <once> I left that location, I went back to Prey
2 Sar <>. And at the time I heard that the Vietnamese had already
3 been in Chbar Ampov and I was warned that we would have <to>
4 escape very soon since <the> Vietnamese were <> approaching the
5 location. And at the time, <we fled to Prey Sar, and then we
6 <fled at night,> together with those at Prey Sar, crossing
7 National Road number 4 and we went westward>.

8 [15.55.35]

9 Q. Were you removed from S-21? Were you sanctioned when you were
10 sent mid-'78 to go work at Prey Sar? What was the underlying
11 reason, do you know?

12 A. Let me tell you, counsel, I was punished at the time because
13 <Nop Nuon (phonetic)> implicated me <in having a> plan <for a
14 prison break. That's why I was removed.> As I told you,
15 <messengers were asked to transport> weapons <from> the warehouse
16 <to place at> the general staff <office>.

17 Pou Chek was within the same group as <me> and it was said that
18 Chek was very stubborn. And I asked Hor <for> Chek <to> be kept
19 there for a while so that I could refashion <him>. I felt pity
20 <for> him <so he was allowed to> go and work <in> the field.
21 Later on, although he was not punished and <was> allowed to work
22 <in> the field and grow morning glory, he hung himself and
23 committed suicide because he thought that he would be killed one
24 day.

25 And while I was working <in> the field, I was thinking to myself

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1 that I would one day be arrested. And thanks to Hor that I was
2 not arrested at the time.

3 Q. In your testimony, E3/7462, your testimony in Case 001, at
4 about 14.48 in the afternoon you said:

5 The question is: "Mr. Him Huy, I am trying to make sure that the
6 Trial Chamber understands clearly. When you were sent to the rice
7 field, was that Prey Sar?"

8 And then you answer: "I was put to plant rice in Phnom Penh
9 because I was told that Comrade Nuon (phonetic) implicated me in
10 his confession."

11 Nuon (phonetic), who exactly is that? Is that Huy or is that
12 someone else?

13 [15.58.20]

14 MR. HIM HUY:

15 A. Nop Nuon (phonetic), that was the person's name, Nuon; Nop
16 Nuon (phonetic). <Previously, he was in the army unit, and> he
17 was the former messenger of a cadre and after that cadre had been
18 arrested, he was also sent to S-21. <> He was first working as a
19 guard<,> as I was working at the time, <but he was in a messenger
20 unit. Later on, he was transferred to the interrogation unit. His
21 group members were all messengers; that's why it was called a
22 messenger unit>.

23 Later on, Nuon was arrested and I, after that time, was sent to
24 work the field as well.

25 MR. PRESIDENT:

1 Thank you.

2 BY MR. KOPPE:

3 One question just to finish the subject, Mr. President. Thank
4 you.

5 Q. Duch, in that same hearing, says that you were a trusted cadre
6 and that you were still working at S-21 on the 7th of January.

7 Can you give a reaction to that?

8 MR. HIM HUY:

9 A. I did not believe in what Duch said. Duch and Hor had a
10 <>conflict on three occasions. After the conflicts<>, <the forces
11 from the west were sent there, and then> members of 703 were
12 <removed to work in the field>. Huy was first arrested; then Hor
13 and I, together with other members of 703 <at S-21>, were all
14 arrested.

15 [16.00.21]

16 MR. PRESIDENT:

17 Thank you. Now it is an appropriate time for the adjournment. The
18 Chamber will resume its hearing on Thursday, 5 May 2016 at 9 a.m.
19 Tomorrow, the Chamber will continue hearing Mr. Him Huy. Please
20 be informed and please be on time.

21 Thank you, Mr. Him Huy. The hearing of your testimony as a
22 witness has not come to an end yet. You are therefore invited to
23 come and testify once again tomorrow.

24 I am grateful to you as well, Mr. Mam Rithea, duty counsel. You
25 are also invited to come here to assist the witness tomorrow.

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1 Court officers, please work with the WESU unit to send Mr. Him
2 Huy to the place where he is currently staying and please invite
3 him into the courtroom tomorrow to testify.
4 Security personnel are instructed to bring Khieu Samphan and Nuon
5 Chea back to the detention facility of the ECCC and have them
6 returned to the courtroom before 9 a.m.
7 The Court is now adjourned.
8 (Court adjourns at 1601H)

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