



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS - KAING GUEK EAV "DUCH"

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

16 July 2009, 0905H

Trial Day 46

Before the Judges:

NIL Nonn, Presiding

Silvia CARTWRIGHT

YA Sokhan

Jean-Marc LAVERGNE

THOU Mony

YOU Ottara (Reserve)

Claudia FENZ (Reserve)

Lawyers for the Civil Parties:

KIM Mengkhy

TY Srinna

HONG Kimsuon

Martine JACQUIN

Silke STUDZINSKY

Alain WERNER

Trial Chamber Greffiers/Legal Officers:

DUCH Phary

SE Kolvuthy

Natacha WEXELS-RISER

Matteo CRIPPA

Aline BRIOT

Lawyer for the witness:

KONG Sam Onn

For Court Management Section:

UCH Arun

For the Office of the Co-Prosecutors:

TAN Senarong

William SMITH

SENG Bunkheang

PICH Sambath

Zachery LAMPEL

The Accused:

KAING Guek Eav

Lawyers for the Accused: KAR Savuth

François ROUX

Heleyn UÑAC

INDEX

WITNESSES

MR. HIM HUY

Questioning by Mr. President resumes page 1

Questioning by Judge Cartwright commences page 85

Questioning by Judge Ya Sokhan commences page 93

Questioning by Judge Lavergne commences page 94

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
MR. HIM HUY	Khmer
MS. JACQUIN	French
JUDGE LAVERGNE	French
MR. ROUX	French
MR. SMITH	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	English
JUDGE YA SOKHAN	Khmer

1

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

2 (Judges enter courtroom)

3 [09.05.25]

4 MR. PRESIDENT:

5 Please be seated. The Chamber is now in session.

6 Today we will hear the testimony of the witness Him Huy.

7 Good morning, Mr. Him Huy. Court officer, could you assist the
8 witness with the hearing equipment.

9 BY MR. PRESIDENT:

10 Q. Mr. Him Huy, have you consulted with your legal counsel?

11 A. Yes, I have.

12 Q. Do you have any request for your legal counsel to be sitting
13 in the Chamber with you?

14 A. It's all right with me for the legal counsel to sit in the
15 Chamber, but it's better if he sits nearby where I sit.

16 Q. Would you wish your legal counsel to sit where he is sitting
17 now or you prefer him to sit outside the courtroom and you would
18 call him when you need his advice?

19 Or you wish to have his presence here in the Chamber during the
20 times that you will be questioned if you are not sure whether
21 your response would lead to self-incrimination and that you need
22 to seek his advice.

23 It is your choice whether to have his presence during the entire
24 time of your questioning.

25 A. I would like him to sit in the Chamber with me until I finish

2

1 my testimony.

2 Q. Mr. Him Huy, I would like to inform you that during the time
3 of your testimony you have the right to seek advice from your
4 legal counsel if you're not sure whether your response or your
5 statement might self-incriminate you, and for other questions
6 which are not leading to self-incrimination, you did not need to
7 seek his advice. You can respond by yourself.

8 [09.10.06]

9 Therefore, you should only seek his advice when you are not sure
10 whether your response would lead to self-incrimination. Do you
11 understand it?

12 A.Yes, I do.

13 Q.Mr. Him Huy, can you describe briefly about the locations and
14 your professions during the time between 1970 until 17th April
15 1975? What did you do and where were you?

16 A.Your Honours, in 1970 I was a child and about 10 years old or
17 11 years old. I studied in a school. My apology, I think I make
18 a mistake.

19 From 1970, I already stopped studying. I helped my parents with
20 rice farming. Until 1972 or late '72 or early '73, the chief of
21 the village gathered those people aged 17 and 18 years old to be
22 soldiers. So all those people within that age were gathered to
23 become the district soldiers.

24 [09.12.38]

25 We were provided the training at the Koh Thom district, but

3

1 because I missed my parents so much so I sought permission from
2 the school committee and I lied to them that my mother was sick
3 and I was asked whether I was a medic or not to go and treat my
4 mother. I responded that I was not a medic but my mother was
5 sick so I would like to visit her for a few hours, then I would
6 return. But I was not authorized to do so.

7 Later on, my cousin and I, when the training was not on, ran to
8 visit my house. We stayed overnight and returned, and then the
9 school disciplined both of us. We were told if a plane dropped a
10 bomb at the school, then we too would be shot and killed.

11 We were given three rifles and we were asked which rifle we
12 wanted to have and if the plane from Pochentong would fly and
13 drop bombs, we would be tied for the bomb to be dropped on.

14 And we were disciplined to carry water to fill all the jars in
15 the school without having any food. During the three-day period,
16 the plane did not drop the bomb.

17 Later on, we were transferred to Prey Lvea, Prey Kabbas, and at
18 that Division 12 we were recruited to be part of that division.

19 Those had big build were sent into the artillery units and the
20 small builds were used as infantry. I had been a soldier there
21 since then and I received military training, technical training,
22 and then we went into a battle in National Road Number 2.

23 Later on, we were transferred to National Road 22 to engage in
24 another battlefield. Subsequently, I was sick and I ran back
25 home and also because I missed my parents. If the situation was

4

1 better at the village, then I would stay there, but the situation
2 at the village was not any better so I went back to the unit.

3 [09.16.06]

4 Then I was sent to the battlefield to fight at the Mekong River
5 battlefield, later on at the Bassac River battlefield. Later on,
6 I also sought permission to go and visit my home. And later on
7 when the situation was intense, when we were already demoralized
8 --

9 MR. PRESIDENT:

10 I notice the presence of counsel.

11 MR. WERNER:

12 Your Honour, I do apologize for interrupting, but I can see from
13 here that the witness is reading from a document, and I think it
14 would be wise and to make sense for the Judges to know why the
15 witness has a document with him; apparently he is reading from a
16 document.

17 So I just ask if the Judges could inquire about that document.

18 Thank you.

19 BY MR. PRESIDENT:

20 Q.The witness, are you reading from your note as suggested by
21 the civil party lawyer?

22 Mr. Him Huy, you have to wait until the red light is on before
23 you can speak, and your voice would be gone through to the
24 interpreters who would subsequently interpret into English and
25 French languages, and also that's for the record of the

5

1 transcript.

2 Mr. Him Huy, we want to hear only a summary account of your
3 occupations and your whereabouts during that period, and now you
4 talk about '73 until the 17 April 1975 when the Khmer Rouge
5 troops defeated the Lon Nol regime.

6 So that was one part of the testimony. When we talk about a
7 brief account, we only want a summary of your whereabouts and
8 your occupations during such time.

9 A.I would like to continue.

10 Later on, I wanted to run back home since I was already
11 demoralized. I already stated that when I was sick I ran home
12 and I wanted actually to stay and not to come back. And when I
13 returned back home, I was asked by the Unit 100 --

14 [09.20.08]

15 MR. PRESIDENT:

16 Alain Werner, can you state clearly what you want and what is
17 your request? You have to state clearly your purpose of your
18 submission or remark.

19 MR. WERNER:

20 I will, and I apologize if I was not clear.

21 I do request the Chamber to enquire what is the document that the
22 witness has. My understanding is that the witnesses have to
23 testify without any documents with them. It can be absolutely
24 proper; I'm not inferring anything. I'm just asking the Judges
25 to request to understand what is the document because I can see

6

1 from here the witness has a document with him. I just request to
2 know what is this document, that's all. Thank you.

3 BY MR. PRESIDENT:

4 Q.Mr. Him Huy, are you reading from a document?

5 A.What I said is my personal account.

6 MR. PRESIDENT:

7 Court officer, go and see if there is any document. If there is,
8 remove it.

9 (Deliberation between Judges)

10 [09.22.12]

11 MR. PRESIDENT:

12 Court officer, these are the documents which were given to him
13 yesterday by the Court. It's the records of his interviews
14 before the Co-Investigating Judges.

15 BY MR. PRESIDENT:

16 Q.You stated that you joined the army in early '73 in the
17 district soldiers. Which district?

18 A.During that time it was called District 18. It's in Koh Thom
19 of Kandal province.

20 Q.After you joined the District 18 soldiers, you said you were
21 recruited into another level of the military. The big builds
22 were sent to the artillery and the small builds were sent to the
23 infantry unit. And what was the infantry unit called at the
24 time?

25 A.The infantry unit was 112. It was Battalion 112.

7

1 Q.And where were you stationed at the time?

2 A.We stationed at Krang Yov, Andoung Samraong and Damrei Slab.

3 Q.The Battalion 112, which division was it under?

4 A.It was under Division -- I think it was Division 12, but I was
5 not sure yet at the time.

6 [09.25.13]

7 Q.When you joined the Battalion 112 of Division 12 until the 17
8 April 1975, were you transferred to another battalion or
9 division?

10 A.I was transferred in 1974. Let me clarify that when I was at
11 Battalion 112, it was part of the 100-person unit, and in the
12 battlefield I was demoralized. I ran home twice and that's when
13 Ta Mon did not accept me and he said I could not be re-educated,
14 so he transferred to Ta Hor of the Battalion 112, and Ta Hor of
15 the Battalion 112 who was later on became the deputy chairman of
16 Duch.

17 Q.During the time that you were a soldier during the war of 1975
18 in the Battalion 112 with the commander named Hor, which unit of
19 that battalion you belonged to, and what was your assigned task?

20 A.When Ta Mon did not recognize me, then Ta Hor took me under
21 his command, so I came to work with him at his battalion and he
22 asked his messenger to send me to Prey Touch, and at Prey Touch
23 they organized an attack unit supervised by Huy Sre; the Huy Sre
24 who later on also worked at S-21.

25 Q.What do you mean by the "attack force"? Is there any other

8

1 name?

2 A.At that time it was called -- in Khmer called Samrok or the
3 attack force or simply we can call it a special force. However,
4 during that time it was known as called as Samrok or this attack
5 force.

6 Q.How many people in that attack force unit?

7 A.There were 50 or 60 of us in that attack force unit, and in
8 cooperation with the force from the East Zone, there were 50 or
9 60 of them as well.

10 [09.28.53]

11 Q.On the 17 of April 1975, what did you do and where did you
12 live?

13 A.On 17th of April 1975, I was fighting from Ta Khmau towards
14 Phnom Penh on the National Road Number 2 to the glass factory.

15 Q.Could you please describe briefly how you entered Phnom Penh
16 in 1975 -- I mean April 1975 -- through the road passing the
17 glass factory, and tell us more what had you been doing from that
18 time until 1979?

19 A.I fought along national road from Ta Khmau to Preaek Kampis
20 and toward the glass factory, and we captured the military tracks
21 of the Lon Nol soldiers with some ammunition and we arrested one
22 colonel and his son. And they took refuge from the bombardments
23 -- from the area of bombardments.

24 And then we reached Phnom Penh and we stationed at Pet Chen or
25 Yukunthor High School, and about 2 or 3 p.m. there was an

9

1 announcement that all the chiefs of the militaries in Phnom Penh
2 had to surrender. And Ta Hor told me to tell the soldiers of Lon
3 Nol at the corner of Sihanouk and Monivong to surrender.
4 And at about 7 p.m., my units, three groups all together, were
5 queuing and then at 8 p.m. there were grenades explosion. I
6 don't know whether it's the explosion of M-72 or not, but the
7 bomb exploded and a lot of people died or wounded, the wounds
8 sustained from the blast, and we escaped from the scene.

9 Q.Mr. Him Huy, do you know S-21 security office?

10 A.Yes, I do.

11 [09.32.52]

12 Q.Did you ever work or live in that Security Office S-21?

13 A.Yes, I did. I worked at S-21.

14 Q.When did you start working at S-21 and who introduced you to
15 that office?

16 A.After the fall of 1975, our unit was asked to work to build
17 dykes at the electricity department somewhere near Chak Angrae.
18 Later on, we were sent to work as rice farmers at Preaek Chrov
19 and we mainly worked with farming.

20 Q.You have already mentioned in details; it is not what we are
21 looking for. We want brief accounts. The Chamber would not want
22 to listen to the details of your story now because we are now
23 asking the particular questions concerning the facts at issue.
24 So we would like to know when you were sent to S-21; when did you
25 start working there; and who recruited you or how could you get

10

1 to work at the S-21? This is the question.

2 A.I was at Preaek Chrov -- was asked to transfer my unit. At
3 about 8 p.m., I was taken to S-21 and I asked him what's wrong
4 that I was being taken to that location and I was told by him
5 that I would know when I got there. And then I was left at that
6 prison for a few days and, later on, I was made to guard the
7 complex. By late 1976 I think at the time I came into Phnom Penh
8 to work at S-21.

9 [9.35.51]

10 Q.So in 1976, Hor was the person who recruited or who assigned
11 you to work at S-21. Is that correct?

12 A.It was not the one-eyed Hor. It was another Hor, the short
13 Hor.

14 Q.When you started working at S-21, do you recall the original
15 name of your workplace? Was it Office 21 or was there another
16 name used?

17 A.It was S-21 from the very beginning.

18 Q.Do you know S-21 very clear, and can you locate it if you are
19 asked to locate the complex? Please answer.

20 A.I think I can. Now, the office is named Tuol Sleng.

21 Q.Is it the Tuol Sleng Museum?

22 A.Yes, there is.

23 Q.When you were sent to work at the S-21 security office, what
24 was the assignment assigned to you back then?

25 A.I was the combatant and I was on guard at the complex to guard

11

1 on the detainees. And later on, I was assigned to receive
2 prisoners at the location where there was a radio communication,
3 now the Sambok Khmum radio station.

4 Q.So your recollection within the entire S-21 unit, who was the
5 chairman, overall chairman, and who was the deputy chairman?

6 A.For the defence unit, there were a few chiefs. The chief of
7 the unit of 100, there were 1,000 of them.

8 [09.39.10]

9 Q.I'm asking about the overall Chairman or we call it the
10 Committee of S-21. Are you familiar with the name of such
11 committee?

12 A.I have never heard of such a committee. I have heard that
13 there was a Chairman of S-21 and the deputy Chairman and staff
14 member.

15 Q.When you started working at S-21, my question is whether you
16 know who would have been the chairman of S-21. I'm talking about
17 the chief of S-21, not the chief of the unit of 100. Do you
18 recall who he was or she was?

19 A.The Chairman of S-21 was Duch and Hor, or Ta Hor, was the
20 deputy Chairman and other subordinates.

21 Q.You were talking about Huy. What would be his full name and
22 where did he work at S-21?

23 A.At the beginning we called him Brother Big Huy. He was the
24 member of S-21 who worked at Prey Sar.

25 Q.You said you were made to work as the guard at the location

12

1 where there was a radio communication now, the Sambok Khmum Radio
2 Station, located somewhere near the fire department. What was
3 your unit called?

4 A.Our unit was called the unit to receive detainees and to
5 transfer or transport detainees who had already been interrogated
6 to Choeung Ek.

7 [09.41.53]

8 Q.Have you ever heard the special unit?

9 A.I think every one of us called it a special unit but, of
10 course, they belonged to the defence unit.

11 Q.Was the defence unit divided into, like, inside defence or
12 outside defence?

13 A.People who were assigned to guard inside were different from
14 those who were assigned to guard outside.

15 Q.You said you were assigned to arrest, to receive, and to
16 transport and to smash detainees, as what you have just
17 mentioned.

18 How many people were there in that section or unit; and in each
19 section, what would be the sub-sections and how many people were
20 in those sub-sections if there were?

21 A.When we were assigned to arrest people outside then people
22 from the defence would be borrowed to assist us in the arrest
23 operation.

24 Q.So, in total, how many people were in your group?

25 A.The group to receive detainees, to transport them, there were

13

1 10 of us.

2 [09.44.16]

3 Q.You said you received orders to make arrests of people from
4 different places under the direction of Hor, who was the deputy,
5 and that the guards from other defence who was strong build would
6 be borrowed to assist you.

7 During such operation while Hor was directing your team, where
8 were the arrests made? Were they made in Phnom Penh or were the
9 arrests also extended to other zones or various parts of the
10 country; and how often were they?

11 A.We went to arrest people in Battambang province but, of
12 course, we only went there to receive the people who had been
13 arrested for us already.

14 At Svay Rieng province, we also went there to make arrests of the
15 Vietnamese soldiers who had been captured in the battlefields.

16 At Kampong Som, we also went to receive and transport the people
17 who had been arrested already under the order and direction of Ta
18 Hor. I went with Phal, the chief of the guards unit.

19 Q.You said about transportation; you said about arrests. Now, I
20 would like to keep the matter of arrests apart a little bit while
21 we touch upon the transportation of detainees.

22 So when you were assigned to transport people in those locations,
23 for example Battambang, Svay Rieng and Kampong Som, how many
24 people would be involved in going to transport the detainees and
25 how were they transported? And in each time, how many people

14

1 would be loaded on the truck or whatever was used during that
2 time?

3 A.When we went to Battambang, there was two Land Rover vehicles.
4 And when we went to Kampong Som, we took only one Land Rover
5 vehicle with about four to five people along with Phal.

6 [09.47.18]

7 And when we went to Svay Rieng, there were just very few of us
8 with a driver to transport the detainees.

9 Q.One Land Rover vehicle was used to carry those detainees, so
10 how many detainees would be loaded on such one vehicle. Can you
11 estimate the number of people who could be loaded on each Land
12 Rover at a time?

13 A.One Land Rover could accommodate six to seven detainees at a
14 time, and then along with the guards, four to five guards. Some
15 would be standing on the front and some at the rear of the Land
16 Rover. When we went to Battambang, we took two vehicles because
17 it was a long distance.

18 Q.How people were arrested or transported from Battambang, from
19 Svay Rieng or from other special sectors like Kampong Som, to
20 S-21? How was it managed? How were the detainees treated? Were
21 they shackled, were they blindfolded, or how? Could you please
22 tell the Court how they were treated during the time when they
23 were being transported from those locations to S-21?

24 [09.49.20]

25 A.When we reached the locations where the detainees would have

15

1 been arrested already, then the blindfold would be put on the
2 detainees and then they would be shackled. And when we
3 approached them then there were handcuffs, automatic handcuffs
4 would be put, and then the hands of the detainee would be put
5 behind their back and then we walked them across the road and
6 upload them on the trucks, and we put them to sit down on the
7 vehicle before we transported them.

8 Q.Were there any wooden shackles or metal bars used as shackles
9 to be put on the detainees during the course of transportation?

10 I mean, apart from the detainees being blindfolded and
11 handcuffed, were there wooden shackles or metal bars?

12 A.After detainees were already shackled, they would not be put
13 further shackles actually and the guards were very vigilant.
14 They had to be alert at all times until the detainees were sent
15 to S-21.

16 Q.From Battambang to Phnom Penh, I think it is about 300
17 kilometres, and during the time of the war the roads were, I
18 believe, not in good condition as it would have been bombarded by
19 aerial bombardments and by floods or natural causes, so it would
20 take longer to reach Battambang and to return to S-21.

21 So how the detainees relieved themselves if they were actually
22 handcuffed or their hands were tied and cuffed behind their
23 backs?

24 A.While we travelling on the long-distance road, detainees were
25 not allowed to relieve themselves because we were afraid that

16

1 they would abscond. So if they could relieve themselves by being
2 tied up then they could take the advantage of the time when they
3 were being tied up and that the guards would not allow them to
4 get away to relieve themselves.

5 [09.52.20]

6 Q.I think you proceeded further beyond what we were about to
7 ask, but then when you talked about the transportation of the
8 Vietnamese prisoners of war in Svay Rieng, do you remember when
9 this operation took place; I mean when the Vietnamese soldiers
10 were arrested and transported to S-21?

11 And who ordered such transportation and how often did you go
12 there to transport the Vietnamese soldiers, and how many soldiers
13 were transported each time?

14 A.There were two times that we transported those Vietnamese
15 soldiers. There were 15 Vietnamese soldiers each time.

16 Q.Who ordered you to transport them?

17 A.Ta Duch, through his messenger, told me to transport the
18 prisoners -- the Vietnamese prisoners in Svay Rieng.

19 Q.When you travelled to transport prisoners in Battambang, in
20 Svay Rieng, in Kampong Som, were you given any letter, travel
21 permit or laissez-passer, for example, and who actually issued
22 such letter and who signed on it to allow you to go out and
23 transport those detainees?

24 A.The letter was given to me from Ta Hor with the signature of
25 Son Sen on it.

17

1 [09.55.04]

2 Q.Now, we would go back a little bit to the early statement that
3 you said Hor ordered the operation, the arrest operation, from
4 other locations to be transported to S-21 office in Phnom Penh.
5 So in the arrest operation, my question is -- well, just now we
6 talked about transportation. I mean the people who had already
7 been arrested and you were assigned to only collect them or
8 transport them from those locations to S-21.

9 Now, we would like to ask you about the order to go out and make
10 arrests. So were people arrested in the location of Phnom Penh
11 or were you also ordered to make arrests of peoples in other
12 zones as well?

13 A.The arrests were made at Phsar Thmei, or Central Market now,
14 and ordered by Ta Hor, and we would regroup ourselves to conduct
15 such arrests and the arrests would be made at night at that
16 location.

17 Q.Did you receive the order orally or through any written order?

18 A.Duch would order me, through Ta Hor, to make such arrests.

19 Q.So in your operation you went with Hor, who was the deputy,
20 who was your immediate supervisor. Is that correct?

21 A.Yes, that's correct, Your Honour.

22 [09.57.33]

23 Q.When arrests was made at Phsar Thmei, how many people were
24 arrested?

25 A.I don't remember. I only recollect that the operation

18

1 conducted at night.

2 Q.Did you also go out to arrest more people other than people at
3 Phsar Thmei?

4 A.There was other arrests. When people returned from France,
5 then the city messenger gave us the message that we had to
6 receive a lot of more people, like four or five people at a time,
7 and in several occasions.

8 Q.So the receiving of order and the conduct of the operations
9 outside, as you claimed led by Hor who was the Deputy Chairman of
10 S-21, did you conduct operations outside Phnom Penh, I mean at
11 various sectors and zones?

12 A.Mostly the arrests were made in Phnom Penh.
13 [09.59.30]

14 Q.When you went to make an arrest in Phnom Penh without having
15 proper documentation or photographs, did you ever make any wrong
16 arrest; or how did you identify the target before making the
17 arrest?

18 A.We were instructed already before we make the arrest. When we
19 arrived at the location, there was a cadre or two cadres who
20 already organized a group of those people to be arrested. So we
21 were shown those people that we need to make the arrest.

22 Q.Any indication or sign instructed to you to make the arrest?

23 A.For example, the two cadres who were sitting together, we
24 would not arrest them. We would only arrest those people who sat
25 a bit further from each other. They were the targets of the

19

1 arrest.

2 Q.So it means the operation led by Hor in conducting the arrest,
3 you did not go to make arrest outside Phnom Penh area. Is this
4 correct?

5 A.Yes. When we went to the countryside, we did not make the
6 arrest. We only went to receive those people who were already
7 arrested. Sometimes Peng also went with me. Sometimes I went
8 with Hor.

9 Q.You just said that you stationed at a house with the radio
10 communication, which is now known as the Beehive Radio Station,
11 and it is currently on Street 360 near the vicinity to the east
12 of the fire station. The duty of the guards at that location,
13 what were the main duties?

14 [10.02.19]

15 A.The duties of the guards at that location, for example, in my
16 unit we waited to receive the prisoners which were to be sent and
17 not to allow that car to enter the compound. We would be
18 responsible if the car would enter the compound because this is a
19 secure location.

20 Another duty besides this is to wait to receive the prisoners who
21 would be sent to our location or when we had to go to make the
22 arrest. And besides that we also raised poultry.

23 Q.You just stated that the duties of your group was to station
24 at that location and, if people were sent to you, first those
25 people were arrested, tied and cuffed.

20

1 And another duty was to receive those people who were sent from
2 various units, meaning those people had already been arrested and
3 sent to you just for the transfer from their units. And then
4 your team would send them to inside the compound. Is this a fair
5 description?

6 A.That is correct.

7 Q.Can you talk further about the city messengers who frequently
8 arrested those people who arrived from abroad? How those people
9 were sent? Were they cuffed or they were not cuffed, and how was
10 your operation of arrest of those people and brought them into
11 the S-21 office?

12 [10.04.38]

13 A.Before the arrest, we were informed earlier that those people
14 who arrived from abroad would need to be arrested, and then they
15 left. And then they would transport those people to the house
16 where we stationed and we prepared our force to arrest those
17 people.

18 And information was given to us by Hor and Duch, and the person
19 who came to inform us was Phal; that when the times to be sent,
20 then those people to be sent to the location.

21 Q.So there were two sources of information that you received.
22 One was the instruction from Duch and his Deputy, Hor, to prepare
23 your force in order to receive those people; and another source
24 was to receive the information from the city messenger, namely,
25 Pon, who came directly to inform you that there will be people

21

1 who would be sent to your location with exact numbers. Is this a
2 fair description?

3 A.Yes.

4 Q.And the messenger, when the city messenger sent those people,
5 were they already tied or cuffed, or they were not and they used
6 a different method to treat them to be sent to your location?

7 And only upon arriving at your location that they would be
8 arrested?

9 A.When they were sent to my location, they were not yet
10 arrested. They would like to go to another work location, so
11 they came along. And at my location, because we already made
12 arrangements, they were asked to enter the room, to sit at a
13 table, and then we would make the arrest.

14 [10.06.55]

15 Q.The city messenger sent those people to your location, as you
16 stated, and Pon was the co-ordinator between the city messenger
17 office and S-21. How many cases of such account happened when
18 people were sent by the city messengers, especially those people
19 who arrived from abroad? How many of them?

20 A.There were a lot of them. They were students from France, for
21 instance. I cannot recall the exact number, but there were a
22 large number of them.

23 Q.So every time they were sent, they were transported in a
24 vehicle to the location where you were stationed. Is this
25 correct?

22

1 A.That is correct.

2 Q.What about in other cases when you received people who had
3 been arrested from various units, including the military units or
4 various departments or ministries in the city or when they were
5 sent from various sectors or zones, how were those people
6 transported to you? Were the same means used as those used by
7 the city messengers or were those people already handcuffed and
8 blindfolded when they arrived at your location?

9 A.It's different. Through the ministries and the military
10 units, they work differently when those people were sent to S-21.

11 Q.Can you elaborate further on the differences between the
12 various units?

13 [10.09.01]

14 A.For example, for the military unit, Division 310, when they
15 sent those people whom they arrested, they would transport those
16 people by themselves to the location. Also, from -- when people
17 were arrested from various other units, they were cuffed already
18 when they were sent to my location.

19 Q.Besides the city's messenger group, was there any trick or
20 means used to trick those people who would later be arrested; to
21 tell lies to them without having to handcuff or blindfold them
22 and then later on they would be arrested at your location? Was
23 such means used by any other groups besides the city messenger
24 group?

25 A.Yes, there was. People were tricked to be sent to my location

23

1 and then they would be arrested.

2 Q.So, in summary, your group, who were assigned to a station at
3 another location to receive the people, and there were two types
4 of those people.

5 One group of those people, they were tricked and they were told
6 that they were transferred to another workplace, and when they
7 arrived at your location then the operation of arrests commence.
8 And another group, their respective units already arrested them
9 and transported them to your location in order to send them
10 inside a compound. Is this a fair description?

11 [10.11.01]

12 A.Yes.

13 Q.In the operation of receiving those people, how did your unit
14 operate? You only operated during the daytime or also you
15 operated during the night? And if you were worked during the
16 night, what time you finished or there was no fixed time for such
17 operation in receiving those people?

18 A.There was no fixed time to work or to rest. We worked
19 continually and irregularly.

20 Q.So it means you worked day and night as long as the operation
21 was required. Is this correct?

22 A.Yes. The operation of making the arrests or receiving the
23 people or sending them into the compound -- we only did it when
24 we received instructions from the upper echelon. Besides, we
25 would just raise poultry.

24

1 Q. So your team did not just stand or sit there permanently, but
2 your operation was dependent on the instructions from the upper
3 echelon. For example, if you had to receive people then you
4 would stay there to receive those people regardless of the time
5 of the day, and you had to accomplish the instructions, the
6 order. Is this correct?

7 A. Yes, it is correct.

8 Q. What about the place where you stayed or where your groups
9 stay? Where did your group stay at the time or you also stay at
10 that same location? You mean where you slept during your daily
11 living?

12 [10.13.34]

13 A. The location where we receive those people was also the
14 location where we stayed and lived permanently.

15 Q. Now, you're talking about the process of making the arrest, of
16 receiving the arrest -- of receiving of those people who had been
17 arrested already, and that your group was stationed there in
18 order to receive them and to send those people inside the
19 buildings, the detention buildings, within the compound of S-21.
20 How was the daily operation like?

21 A. When people who were arrested or who had been arrested and
22 transported to us, they would be sent inside the detention
23 buildings within the compound. So they were sent to Brother
24 Sothy and Brother Sothy would register their names.
25 Then they would be sent to the photography section where they

25

1 would be photographed, and with the serial name this plate on the
2 photographs and, later on, they would deliver them to Peng and
3 Peng would assign them to various rooms or individual cells.

4 Q.So your unit operation was to transfer those people from that
5 location which was your best station in order to receive them.

6 And then you send them to a location where those people would be
7 questioned on their own biographies and, later on, they would be
8 photographed and then you would take your group back.

9 Was your group still waiting to send those people inside the
10 various rooms or individual cells or was this a task of another
11 unit or group?

12 [10.16.04]

13 A.When my group sent those people into Sothy's office where they
14 would be questioned on the biography and photographed and, after
15 that, Peng's force would send them into the individual cells.

16 Q.So did the change of the group -- was at a location where
17 Sothy who registered their names and where the prisoners were
18 photographed. So the exchange of force was at that location, and
19 then the internal unit would take those prisoners into the room
20 and you would take the force back. Is this correct?

21 A.Yes, that is correct.

22 Q.Regarding the process of sending those people from their
23 location, it means your group's location is now the Beehive Radio
24 Station until they were sent into the office inside, where they
25 would be handed over to another group.

26

1 How the process was done? Were they transported in a vehicle or
2 were they walked and, if so, how was it conducted? For example,
3 in the case of a few prisoners and in the case of a large group
4 of prisoners, how did your group organize this?

5 A.Those people who were arrested, and if they were sent in large
6 numbers and after they were already arrested, then a rope would
7 be used to hook through their arms and they would be walked into
8 the prison, and actually they were blindfolded so they could not
9 see anything. And sometimes, when the prisoners were sent en
10 masse they would be sent into the prisons, they would be called
11 to go up into the house and they would be locked from the
12 outside. They would be ordered to strip off their clothes and
13 they could not protest against the guards.

14 Q.Those people who arrived at your location and then your force
15 was responsible for them in sending them or in handing over them
16 to the group inside in order to detain them, what was the maximum
17 number of groups of people that you ever received?

18 A.The largest number at a time was 50 to 60, but when they were
19 delivered inside the prison they would be allowed or ordered to
20 walk one by one.

21 [10.19.54]

22 Q.We want to know when they were at your station, at your base,
23 and when they were walked by groups to the Sothy's group, so what
24 was the maximum number of them at a time?

25 A.When people were transferred to them the large number would be

27

1 50 to 60 and then we would use a rope to hook their arms, and
2 because they were in large number and there were a few people in
3 my group then we would walk them with that rope to Sothy's group.

4 Q. So you used a rope to walk them into that building. How many
5 of people in your group to walk those large group of people?

6 A. For large group when we used the rope there would be six or
7 seven of us to hold those ropes to make them tight and not loose,
8 and then we would order them to turn left or right.

9 Q. So you meant there would be one of your men who led them in
10 front by holding the rope in order to lead them. Is this
11 correct?

12 A. One would lead them, otherwise the prisoners would not know
13 where to walk, and then there would be people on the side in
14 order to make sure the rope was tight and not loose, and then
15 they would order the prisoners to turn left or right.

16 [10.21.58]

17 Q. In studying the case file, there was a point that a large
18 number of people who were the military cadres of the East Zone
19 whom were transferred to S-21 office and they were in large
20 number -- there were 300 of them. Did your base or your location
21 ever receive 300 people in one group in a day? If it existed,
22 how did your group manage to send them or to walk them from your
23 location to the group who waited to receive them inside the
24 compound?

25 A. When they were sent in large group they would be stopped at my

28

1 location and then we would ask the drivers to get off, and then
2 my men would drive those vehicles into the compound.

3 Q.So you said that all the operations were instructed by Duch,
4 the Chairman of S-21, and he ordered Hor, and subsequently Hor
5 would order your group in order to implement the instructions.

6 And in some cases Hor also participated in the operations. He
7 directly led the operation in the name as the deputy.

8 Did you know how were the orders delivered from Duch to Hor? Was
9 it verbal or written?

10 A.I did not know about that because these two people had their
11 own telephone. I did not know whether they communicated via the
12 telephone or by a written note sent through their messengers.

13 [10.24.33]

14 Q.On your team you received direct orders from the deputy, Hor,
15 or did you receive orders for the operations directly from the
16 accused, Duch?

17 A.We received most of the orders from Hor because Hor was my
18 direct superior and Duch was the superior of Hor. He would order
19 Hor and Hor would order us.

20 Q.Did you ever receive direct order from the accused, Duch?

21 A.I also received orders from him.

22 Q.In what circumstances? Can you elaborate further on the
23 situation when you received direct orders from Duch?

24 A.Sometimes he ordered me in a case to go to Svay Rieng to
25 transport those Vietnamese soldiers who were arrested. It was

29

1 his direct order.

2 Q.During the time that you worked at S-21 office in Phnom Penh
3 did you receive any information or learn of the situation when
4 Duch himself, as the Chairman of S-21, conducted his personal
5 arrest? It means he himself personally made the arrest. Were
6 you aware of such existence?

7 A.Yes, but he himself, he did not personally make arrest. He
8 ordered other people like my group to make the arrest or to order
9 Peng and Phal's groups to make the arrest as well.

10 [10.27.02]

11 Q.In what cases that he personally ordered the arrest? We are
12 here talking about the order for the arrest and we do not talk
13 about any other facts. We only talk about the facts in relation
14 to making the arrest.

15 So you said he did not personally make the arrest but he would
16 order other groups or your group to make the arrest. Can you
17 elaborate further on this?

18 A.He would call us to be instructed at his house.

19 Q.Pang, whom you said the city messenger who would bring those
20 people from abroad and handed those people to you in order for
21 you to deliver them into the prison, are you talking about that
22 Pang?

23 A.That was Pang whom we received instruction to arrest him.

24 Q.You talk about the operation of arresting Pang; how was it
25 done?

30

1 A.For the arrest of Pang, we were instructed to arrest one
2 important person -- that was Pang -- and we were instructed on
3 the exact time that he would arrive. So we concealed ourselves
4 and when he came to his house on a motorbike, he came and sit
5 with him and then we made the arrest.

6 [10.29.18]

7 Q.So it means you already made the arrangement of the targets to
8 be arrested -- that was Pang -- and the arrest was made when Pang
9 arrived at his house. So you were instructed that after he
10 arrived, after he sat with him, then you would proceed with the
11 arrest.

12 Were there any code or symbol to be used in order to signal the
13 appropriate time for the arrest or only you discussed and you
14 were instructed beforehand before his arrival?

15 A.Actually, we already discussed this with some kind of signals
16 agreed. After a brief seating, then the person was arrested.

17 Q.What about the arrest of Huy Sre -- you called him Big Huy --
18 do you know anything about the arrest of Huy Sre, who was the
19 member of the S-21 Committee, the man who worked at Prey Sar?

20 A.I was at Choeung Ek while Huy Sre was being arrested. I was
21 called by Ta Hor and there were the groups of Peng in Phnom Penh
22 and Bou and Tuy who actually went together to arrest him. Before
23 we reached him, then he was already arrested near Lon Non's
24 house.

25 Q.Where was Lon Non's house located?

31

1 A.It was located at Sla Kou.

2 [10.32.02]

3 Q.So Nun Huy or Huy Sre, the member of S-21 Committee, was
4 arrested at the former Lon Non's house at Sla Kou or called Ba
5 Kou.

6 The question is: was the accused, Duch, present at that time?

7 A.I don't think I paid any attention to his presence because I
8 was so worried by myself already that Brother Huy was arrested.
9 So I think time would come that I would be arrested too, because
10 when I was there that Huy implicated me that I would stage a
11 rebellion. And later on, they found out that I had a gun that I
12 would be staging such a rebellion, so Ta Pang from Division 703,
13 who was detained and interrogated, he implicated Hor, so I was so
14 scared that when Huy Sre was arrested, one day I would too be
15 arrested because of the implications Huy Sre would make about me.

16 MR. PRESIDENT:

17 Since the witness is moved by the latest account and since it is
18 time to take an adjournment, the Chamber would like to take 18
19 minutes adjournment.

20 We will resume at ten to eleven to continue hearing the testimony
21 of this witness.

22 The Court official is now directed to make sure that the witness
23 is taken to his waiting room and return him during that time -- I
24 mean ten to eleven.

25 (Judges exit courtroom)

32

1 (Court recesses from 1034H to 1052H)

2 (Judges enter courtroom)

3 MR. PRESIDENT:

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

5 We continue hearing the testimony of witness Him Huy.

6 BY MR. PRESIDENT:

7 Q.Mr. Him Huy, we have heard your testimony regarding the

8 operation of the arrest of Huy Sre who was a committee member of

9 S-21 office at Ba Kou or Sla Kou. And my next question is how the

10 arrest was done? Was the arrest done at day or at night, and

11 after he was arrested, where was he sent? Was he sent directly

12 to S-21 in Phnom Penh or was he sent directly to Choeung Ek?

13 A.For Brother Huy Sre's arrest, he was put into a vehicle and

14 transported to Phnom Penh.

15 [10.54.45]

16 Q.What happened to his wife and children? Were they arrested as

17 well?

18 A.His family and his siblings were also arrested.

19 Q.Let me go back a little bit. On the arrest and the sending of

20 the people to the S-21 office you already told us in the case of

21 the people who were arrested and sent from the east zone, they

22 were in the hundreds of number, and how they were walked in and

23 how they were received and handed over, and that your men would

24 drive those vehicles into the compound of the S-21 office.

25 My question is, how was the handing over of large number of

33

1 people like that processed? Because previously you told us those
2 people had to be questioned for their biographies and then they
3 would be photographed with a placard of their serial number. Was
4 the process the same for a large number of prisoners who were
5 trucked in -- I mean the process of the extraction of the
6 biographies and the photography session, and how they were sent
7 to the room or the individual cells?

8 A. When they were transported from the East Zone they would
9 arrive at my location. Then the guards and the drivers would be
10 replaced by my group.

11 [10.57.14]

12 So I also gathered the force from the guards from the S-21 and we
13 would board the trucks and we would drive the trucks into the
14 front gate of the compound, and each one of them would be ordered
15 to disembark and they would be arrested, and after the process
16 was done they would be detained at the south building.

17 So the measure was taken in order not to alarm those who were
18 still on the truck, so only one of them was ordered to disembark
19 at a time.

20 Q. So if it happens it means each one of them was not yet
21 questioned for the biography and being photographed. Is this
22 correct?

23 A. Those people who were arrested en masse, they were not yet
24 registered. They would be placed into the room first and later
25 on they would be questioned for the biography and their

34

1 photographs would be taken.

2 Q.Thank you.

3 In receiving people in your group who was tasked to receive the
4 people who were sent from various units at the location where you
5 were stationed, which is commonly known as the Beehive radio
6 station currently, the question is were there people who were
7 sent to that location? Were all of them sent from your location
8 directly to S-21 or were there any other cases where they were
9 sent to any other location?

10 [10.59.30]

11 A.When the prisoners were sent to Tuol Sleng the important
12 prisoners would be detained in the prisons, and for the less
13 important prisoners they would be sent to Prey Sar to Huy Sre's
14 section.

15 Q.So at that location then they would be classified into
16 different groups. The important prisoners to be detained at S-21
17 would be sent to S-21 and the rest, who were the less important
18 prisoners, would be sent to the re-education camp at Prey Sar.
19 Is this a fair assumption?

20 A.Yes, that is correct.

21 Q.The arrest and the sending of certain people from your
22 location to the re-education camp at Prey Sar; who made such
23 order?

24 A.I did not know clearly because those people who made mistakes,
25 made minor mistakes, were sent and only Hor and Duch who would

35

1 have the authority to order them to be sent to Prey Sar -- those
2 minor offence prisoners.

3 Q.In the operation of sending the people from your location to
4 Prey Sar, did you personally accompany those people when they
5 were transported to Prey Sar?

6 A.I did not go with them. I could not recall the force who took
7 them to Prey Sar. My group, however, would drive the vehicles
8 and accompany them to Prey Sar.

9 [11.01.54]

10 Q.During your duty and in the conduct of the operation to send
11 the people into the S-21 office in Phnom Penh, as well as some
12 who would be sent to the re-education camp at Prey Sar, did you
13 ever meet children?

14 A.When they were sent there were all kinds of people. There
15 were spouses and children. For those who were sent to Prey Sar,
16 they were first put in a house to the east of the road and then
17 they would be transported from that location to Prey Sar.

18 Q.What about those people who were later sent into S-21 for
19 their detention; did their children who were arrested come along
20 with them into S-21 security office or were the children
21 separated and sent to Prey Sar? I talk about the children and
22 the younger children here.

23 A.For the children and the mothers, who were the less important
24 prisoners, they would be sent to Prey Sar. Only the important
25 prisoners, for example the fathers, would be detained at S-21.

36

1 Q.So it means the children were also classified according to the
2 category of the father or the mother. If the father was an
3 important prisoner then they would also be sent along with the
4 father to S-21. Is this correct?

5 A.That is correct.

6 [11.04.08]

7 Q.During the time of your working there did you ever receive any
8 foreigners besides the Vietnamese prisoners of war? Were there
9 any other foreigners who were sent to your location?

10 A.I did not know where those foreigners were arrested. They
11 were also detained.

12 Q.Were the foreigners also sent through your location before
13 they were sent for detention inside S-21, or were they sent
14 directly for detention at S-21 without going through your group?

15 A.When foreigners were detained I was not aware of it but
16 another group made the arrest of those foreigners. So there was
17 another group who made the arrest of those foreigners.

18 Q.Do you know the FULRO group during the time that you worked at
19 S-21? Did you ever encounter or receive the FULRO group?

20 A.I saw those people with big builds and I just presumed they
21 were foreigners and I did not know their origin or their
22 nationality.

23 Q.How many of them, those with big builds, and how did you know
24 they had big builds over there if your group did not engage in
25 the operation of receiving and sending them into the prison? Can

37

1 you elaborate on that?

2 A.At that time I was instructed by Hor to assist when a lot of
3 prisoners were arrested, so I went inside the compound and I saw
4 them. They were those with big builds but I did not know their
5 nationalities.

6 [11.06.46]

7 Q.How was their complexion -- light complexion? And what about
8 the hair -- brown hair, black hair -- and how many of them?

9 A.From what I saw there were three or four of them. They had
10 white hair with a lot of hair on their body.

11 Q.The FULRO group -- when I talk about the FULRO group, they
12 were not those foreigners. They were from the tribal area and
13 they lived along the border of Cambodia-Vietnam. They were
14 ethnic minority and they lived in the forest and they were
15 arrested and sent to that location. Were you aware of them being
16 arrested and sent to the location there?

17 A.I did not know which group was which but I clearly saw a few
18 people who had big builds.

19 Q.Let me go back a little bit and we'll talk about the
20 Vietnamese group. You already stated about the Vietnamese
21 prisoners of war whom you went to receive them from Svay Rieng
22 province. The question is where did you receive them in Svay
23 Rieng when you went to receive them?

24 And you also stated that you went to receive them on two
25 occasions. Did you receive them only in Svay Rieng or you went

38

1 to receive them at the battlefield?

2 A.When I went to receive them I went to receive them from the
3 south of the provincial town about 400 or 500 metres of the
4 provincial town.

5 [11.08.49]

6 Q.When you went to receive those Vietnamese prisoners of war
7 from Svay Rieng province whom were already detained, and
8 transported them to S-21, did they wear their uniform?

9 A.Those Vietnamese prisoners of war whom were arrested, they
10 wore military uniforms with their rank displayed on their uniform
11 as well.

12 Q.Besides the Vietnamese prisoners of war whom you were
13 instructed from Duch to receive them from Svay Rieng and
14 transport them to S-21 in Phnom Penh, were there any other
15 prisoners of war who were transported to your location? It means
16 the location where you would receive the prisoners and later on
17 that you would send them to S-21.

18 Were there such cases? If so, were they actual Vietnamese
19 prisoners of war in uniform or were they Vietnamese civilians?

20 A.When I went to receive those Vietnamese prisoners of war and
21 transported them into the S-21 office they were the actual
22 Vietnamese soldiers with the Vietnamese military uniform.

23 Q.We already asked you about that. Besides those Vietnamese
24 prisoners of war that you went to transport on the two occasions,
25 I want to ask when you stationed at the location which is now

39

1 known as the Beehive radio station, were there any other
2 Vietnamese prisoners arrived or were sent to your location and
3 that they were sent from various other units?

4 [11.11.17]

5 Either they were Vietnamese prisoners of war or Vietnamese
6 civilians. Did you ever receive them at that location?

7 A.Those whom I went to receive them, they were not put into the
8 prison. They were sent directly to Prey Sar.

9 Q.Besides the two occasions that you went to receive them in
10 Svay Rieng, did you ever receive any other group of Vietnamese
11 prisoners of war which were sent by other units to your location
12 in Phnom Penh?

13 A.I misunderstood your previous question.

14 Yes, they were sent by their own respective unit from the East
15 Zone. When those Vietnamese soldiers were arrested and then they
16 were sent to my locations and then I would send them into the
17 S-21 Prison.

18 Q.Were they in large number?

19 A.Yes, they were in large number.

20 Q.Can you estimate how many of them all together in combination
21 of those whom you went to receive on two occasions in Svay Rieng?
22 How many prisoners of war, Vietnamese prisoners of war all
23 together?

24 A.From my estimation, it could be in the amount of 60 people who
25 were sent to my location.

40

1 [11.13.06]

2 MR. PRESIDENT:

3 I notice the presence of the defence counsel. You take the
4 floor.

5 MR. ROUX:

6 My apologies, Mr. President, but I just would like to let you
7 know that sometimes the translation is -- we haven't heard the
8 entire translation when you speak again, so if you could please
9 wait until the end of the translation, for those who do not speak
10 Khmer.

11 MR. PRESIDENT:

12 Thank you, François Roux, for your comment. I will try to
13 improvise the timing.

14 BY MR. PRESIDENT:

15 Q.During the times that your group was tasked to send people
16 from your location inside S-21, were there elder female prisoners
17 who were arrested along with their husbands?

18 A.Yes, there were. They were put inside S-21 prison.

19 Q.Were they the mothers or the grandmothers of the important
20 prisoners or did they themselves commit an offence?

21 A.Regarding this matter, I did not know much about what mistakes
22 they made. I just know that when they were sent to my group then
23 I would send them.

24 [11.15.18]

25 Q.Because they were elder prisoners and when they arrived at

41

1 your location, when they arrived they arrived in groups of
2 families with elder female people or with younger children. Were
3 they come in a group or were the female people come separately?
4 Or were they come along with their families? Or were they the
5 relatives of those important prisoners?

6 A. There were elder male and female prisoners. They were 30
7 years old or 40 years old. However, I did not ask much about
8 this. Once I received them then I would send them to Sothy's
9 group.

10 Q. Did you ever receive pregnant women who arrived at your
11 location and subsequently you sent them inside S-21 office?

12 A. I cannot recall whether there were any pregnant female
13 prisoners. And also I did not pay much attention as to whether
14 those women were pregnant or not. Once I received them, then I
15 would send them inside.

16 Q. Now let me talk about the arrest of the S-21 staff including
17 the S-21 office in Phnom Penh as well as the Prey Sar location.
18 During the time that you worked at S-21 office in Phnom Penh, did
19 you know any events related to the arrest of the cadres or staff
20 of S-21 office as well as at Prey Sar whom were later detained at
21 S-21 office?

22 A. In 1977 cadres working at S-21, as well as the combatants,
23 were arrested because of the implications made by the soldiers
24 who were interrogated and who were sent from the Division 703.
25 So those soldiers implicated some of the S-21 staff and, as a

42

1 result, the cadres and the staff who used to be in the same
2 division were arrested continually, both at Prey Sar and at S-21
3 office.

4 Q.Can you try to recall the total number of the staff or cadres
5 of S-21 who were arrested by the S-21 force and that they were
6 detained at S-21? How many of them in total from the initial
7 screening until the end of the operation? There is no need for
8 you to talk about the Nun Huy or Huy Sre. I want to talk about
9 other people, other cadres and staff.

10 [11.19.42]

11 A.The force that worked at Tuol Sleng, or S-21, the total staff
12 was about 400. The guards totalled about 300 and later on they
13 were arrested continually. In the end there were only 50 or 60
14 of them left. For those who were considered having minor offence
15 would be sent to work in Prey Sar, like Peng Kry, Saom Met, Chek
16 from my group were sent by Ta Hor to Prey Sar. I actually
17 requested him to re-educate the person for one or two days but
18 then I was refused and he was sent to Prey Sar.

19 And regarding the guards, there were like 10 of them in that
20 group and later on they were arrested and only two of them
21 remained.

22 Q.Are you talking about a unit of 100 and there were about 10 of
23 them, and what happened, and later on how many of them left? And
24 can you recall those cadres or staff who were arrested and
25 detained at S-21?

43

1 A.I cannot recall them all because there were numerous names and
2 it has been so many years already. I can only recall Chem
3 Snguon, Man -- he is a Muslim. And Brother Pauch and there were
4 several others. I cannot recall their names. And also some
5 interrogating cadres, including Hak and several others. Also
6 some guards were arrested.

7 Q.In total, how many of them; could you estimate? Were there up
8 to 100 or hundreds or less than 100? Roughly, can you estimate?
9 Was the number under 100, 70, 80 or was it more than 100? Can
10 you estimate the arrest of the S-21 staff and cadres?

11 [11.22.40]

12 A.They were in hundreds. It was more than 100, probably up to
13 200.

14 Q.And the level of the mistakes they made; what type of mistakes
15 they made?

16 A.I did not know who made what mistake. I did not know that.
17 We ate our meal at the same time in the evening and later on they
18 were arrested and in the morning they disappeared. I could not
19 see them.

20 Q.Did you know who ordered the arrest of the S-21 staff and
21 which group conducted the arrest of those S-21 staff?

22 A.I did not know which group conducted the arrest but it is my
23 conclusion that it's Peng's group.

24 Q.Do you know who issued the order for the arrest? And you said
25 probably Peng was the one who carried out the order, so who

44

1 issued the order?

2 A.At S-21 the most senior person was Duch. So it was only him
3 who could order for such arrest.

4 Q.What about Hor? Did Hor have the authority to instruct people
5 to be arrested or to be killed? Because he was a deputy
6 chairman.

7 A.Hor did not have the authority to issue an order for the
8 arrest. An order to arrest had to be made from Duch.

9 [11.24.55]

10 Q.Order is different from a decision. So a decision for the
11 arrest of a person or persons at S-21, who made such decision?

12 A.Only Duch could make such a decision. He was the most senior
13 person at S-21.

14 Q.Besides having his position as the Chairperson of S-21, do you
15 have any other reasons to believe that the accused, Duch, made
16 the decision to arrest the S-21 staff?

17 A.At that time I did not think of any reasons because he was the
18 Chairman and any person who was implicated and in a confession
19 would be decided by him; that is, Duch.

20 Q.What about the staff at Prey Sar? Was there an order to
21 arrest those and take them to be detained at S-21?

22 A.At Prey Sar those people who made mistakes or who were
23 implicated, their fate would be decided by the person here from
24 S-21; that is, only from Ta Duch.

25 Q.Which group would implement the order to arrest, or in the

45

1 operation to arrest the staff or cadres at Prey Sar and that they
2 were later detained in S-21 office in Phnom Penh?

3 A.The arrest of those people in Prey Sar was done by another
4 group but I did not know which group because one day I and Kry
5 were instructed to go, but on that day the car capsized and then
6 we did not go, and only later on another group went, but I didn't
7 know which group because there was Phal's group -- Phal was my
8 superior -- and Peng's group. Peng was also my superior.

9 Q.Can you recall when a staff or cadre of S-21 office or of the
10 re-education camp at Prey Sar who was arrested and detained at
11 S-21 office in Phnom Penh, was the arrest only on that target or
12 was the family also arrested and brought along? I mean, was the
13 whole family arrested or only an individual person was arrested?

14 A.People who were implicated in the confessions would be
15 arrested, and I don't know whether the spouse of the person who
16 was being arrested would have been arrested too, and I think I'm
17 not quite sure on this.

18 [11.29.38]

19 Q.You gave an example regarding the arrest of Snguon, Man, Pauch
20 or Hak, especially the interrogators who were arrested.

21 The question is: were the wives of those people also arrested?

22 A.Any cadre whose spouse was arrested, he or her would have been
23 arrested too.

24 Q.Can you help to recollect the time when you worked at S-21 in
25 the defence section? Have you observed any release -- I mean the

46

1 release of people from S-21 to their original units or to their
2 hometowns?

3 A.Mr. President, I'm sorry, could you please repeat your
4 question?

5 Q.According to the time when you worked at the S-21, did you
6 know that people could have been released, and how many of them
7 were released, if you know?

8 A.I have never seen anyone who was arrested and sent to S-21 was
9 released, because everyone who was arrested and sent there would
10 end up being dead.

11 Q.Just now you said about the operations you were assigned to
12 assist the internal defence section, for example, to guard inside
13 the complex. The assignment you said was not very frequent.

14 My question is: had you ever witnessed interrogation sessions, I
15 mean the interrogations of the detainees who were arrested and
16 sent to that complex?

17 [11.33.04]

18 A.I have never been close to the interrogation team or sections
19 because I had a different assignment apart from them.

20 Q.During the time you were on guard, what is your observation
21 regarding the condition of the detainees detained? Can you tell
22 the Court of your recollection regarding their condition?

23 A.When I entered into that location I saw detainees being
24 detained and there was some kind of bad smell from each room
25 because it was not properly cleaned, and I think I had only to

47

1 work hard to make sure that the guards were on duty. And I also
2 noticed that the interrogators who were interrogated and returned
3 with wounds sustained on their backs.

4 I did not actually visit or see any particular place of
5 interrogation. I was only been very cautious to make sure that
6 the guards were vigilant while they're on duty, and then I
7 returned to my place.

8 Q.Did you notice that the detainees were allowed to be washed?

9 A. Detainees were allowed to have a wash, but normally they
10 could have been washed by a spray of water from a water hose, and
11 they would not be released to have a wash because the guards
12 would be afraid that they would abscond.

13 [11.35.24]

14 Q.What about the food rations? What is your observation
15 regarding these food rations, whether they were given adequate
16 rations of food?

17 A.A detainee was offered two meals a day. They were given
18 gruel, and I don't remember whether they were also given good
19 soup, but normally the soup would be just banana tree soup, I
20 guess.

21 Q.So tell us about the size of the meal; I mean how many dishes
22 each detainee would be offered.

23 A.Each meal, any detainee would be offered two ladles, you know,
24 full ladles -- correction, one and a half ladles. That's the
25 most.

48

1 Q.When you helped, as ordered by the upper echelon, to guard the
2 complex and you said you saw foreigners with blond hair and hairy
3 bodies, for example, were those detainees detained with the
4 normal Cambodian detainees or were they separated?

5 A.Foreigners were detained in the building -- the south
6 building.

7 Q.Is it Building A? I mean from the east gate, then you would
8 see the building on the left-hand side or another building across
9 or past that building to the west?

10 A.It is that building, the building to the south.

11 Q.So is it correct to say that it's Building A as it is now?

12 A.That's correct, Your Honour.

13 Q.In which building were the female detainees detained, or had
14 you ever seen female detainees put or placed in any particular
15 location or building?

16 A.Female detainees were placed in the third building on top
17 floors and they would be put all together in a common room
18 because they believed that women were weak and they could not
19 counterattack the guards.

20 [11.39.13]

21 Q.Were they put in just one common room or in separate common
22 rooms?

23 A.I seem to forget. I think at least those female detainees
24 were put in three different common rooms.

25 Q.Were they shackled or were they just left behind in the rooms

49

1 and then locked?

2 A.Those women were detained in the common room together without
3 being shackled or handcuffed.

4 Q.Have you seen that their children would have been detained
5 along with them in those rooms? Because you said that you
6 guarded that location, so you might have seen the children.

7 A.I saw the children with their mothers.

8 Q.You said the third building. Which building was it?

9 Now, let's put it this way: if we enter the premises from the
10 east, so which direction is this building located?

11 A.The third building was next to the north building, which is --
12 the women were then put on the top floors.

13 [11.41.31]

14 Q.Actually there are four buildings. You could see two
15 buildings; one on the left, one on the right-hand side, and the
16 other two just facing us when we enter S-21 premises from the
17 front gate.

18 So tell us in which particular building the women were detained.

19 A.The third building here referred to, Building C.

20 Q.During the time when you had worked in that location did you
21 observe that women would have been separated and placed in an
22 individual cell and that they would not have been detained along
23 with other women in the common room? Is that a case?

24 A.I don't think I paid attention to where the women detained in
25 those individual cells but I noticed that I saw them in a common

50

1 room because while being on guard I was ordered to only inspect
2 the guards, not the detainees.

3 Q.Based on your recollection, were female detainees taken to put
4 into the north building, the building to the north of the
5 premises; the Building D, for example?

6 A.I think it is possible that those women would have been
7 detained there too.

8 Q.During the time you were on guard as ordered by your superior,
9 did you also pay a visit to a building in which the Vietnamese
10 prisoners of war could have been detained? And what was the
11 condition of those prisoners?

12 [11.44.38]

13 A.Vietnamese prisoners of war were detained on the second floor
14 in the south building, which is in the building where there were
15 individual cells.

16 Q.Were the Vietnamese soldiers who were sent to S-21 stripped to
17 their underwear or were they allowed to wear normal clothes? So
18 what is your impression concerning these recollections?

19 A.Everyone who would be sent to that location would be stripped
20 of their clothes to their shorts only.

21 Q.Have you noticed that those people were weak and malnourished,
22 for example? I mean the prisoners of war, the Vietnamese.

23 A.The Vietnamese prisoners of war, as well as other Cambodian
24 detainees, they were very thin.

25 Q.The food ration to be offered to the Vietnamese prisoners of

51

1 war and compared with the ration given to the normal Cambodia
2 detainee, was it the same or different?

3 A.I don't know anything about the food ration offered to the
4 Vietnamese prisoners of war.

5 Q.Had you noticed any wounds sustained by a stick or any sharp
6 edge on the bodies of any Vietnamese prisoner of war?

7 A.When I saw them there were no wounds on their bodies. They
8 were just normal.

9 [11.47.36]

10 Q.What about the high-ranking officials of the Khmer Rouge
11 regime or people in the DK's rank? Where were they detained?
12 Were they put together with the other detainees or were they
13 separated?

14 A.They would have been put in that south building but I did not
15 even see where they were actually detained.

16 Q.So are you referring to the building which is located on the
17 left-hand side from the entrance or would there be another
18 building facing us from the entrance?

19 A.I think it is the building which is to the south, lying from
20 the east to the west.

21 Q.You said you often were on guard at the building. So have you
22 noticed that children would be placed separately?

23 A.When I saw the children they were with their mothers and I did
24 not notice that children would be detained separately.

25 [11.49.42]

52

1 Q.You said at the beginning that anyone who was arrested and
2 sent to S-21 would never be released, so can you tell us what
3 happened to the people who were arrested and sent to be detained
4 at S-21? Tell us about their fate if they would not be released,
5 as what you said.

6 A.All prisoners or detainees who were detained at S-21 never be
7 released. They only waited until the day they would be
8 interrogated and executed.

9 Q.You said they would be waiting to die or executed. Could you
10 please elaborate further on this?

11 A.The prisoners would be interrogated and tortures would have
12 been inflicted on and then they sustain the wounds, then they
13 could die of the wounds in the prison cell. Some people would be
14 taken away to be executed after such interrogations.

15 Q.In the case when a detainee were interrogated and then taken
16 to be executed, do you know where they would be taken to? And if
17 you know that, what would be the operation; when exactly the
18 operation took place -- at night, during the daytime?

19 A.People who were interrogated at night about 8 to 9 p.m., they
20 would be walked out to be executed to the south of Tuol Sleng
21 complex.

22 [11.52.33]

23 Q.Were they taken to be executed elsewhere; for example, to the
24 west of the complex or to the north or within the premises of
25 Tuol Sleng compound?

53

1 A.People who would be buried inside the compound of S-21 were
2 those who died in that prison. Otherwise they would be buried
3 outside -- I mean, people who did not die by themselves in the
4 prison.

5 Q.When detainees were taken to be executed was only one detainee
6 at a time who would be taken out to be executed, or execution
7 could be carried en masse? Could you please tell the Court if
8 you can recall this?

9 A.When detainees were being taken out one detainee would be
10 taken out at a time.

11 Q.According to the records some detainees -- after 1979 a lot of
12 mass graves were exhumed, and in those graves there were
13 sometimes 10 people, and in some pits there were even 32 people.
14 So through your recollection, if in one pit that 32 people were
15 buried and that you said detainees would be taken one at a time,
16 so this process took quite a while before it was completed.

17 And how was the pits managed and how was the execution carried
18 out? And how misleading pretext, for example, used by the guards
19 to the detainees -- or would the guards be instructed to do so,
20 to tell the prisoners the pretext, misleading pretext, for
21 example, before they were taken away to be executed?

22 A.The execution at the rear of S-21 took place from 1977 from
23 the previous cadres, and Peng group were the executioners. At
24 the time there were executioners, one would be walking with one
25 prisoner at a time and the execution took place at night.

54

1 [11.56.48]

2 Q.So while detainees were being taken out to be executed were
3 you aware of any kind of misleading pretext so that to calm down
4 detainees? Can you tell us something about this? And when
5 detainees were being sent out from the prison how was this
6 process administered?

7 A.So far as I remember, any guard who were not on guard duty
8 would be borrowed to assist the execution; for example, when
9 people were transported to Choeung Ek, we were only asked to tell
10 the detainees that they would be moved to a new home.

11 Q.When detainees were being taken away to be executed, were they
12 shackled, handcuffed or blindfolded like the time when they were
13 being sent in, or were they not blindfolded because it was at
14 night?

15 A.Detainees who were taken to be executed were treated the same
16 as the ones who were being sent in because we did that to avoid
17 letting the detainees know where they would be taken to or they
18 would even react, and that's why their hands would be tied behind
19 their back.

20 Q.When the handcuffs were used and after they were killed and
21 dropped into the fields, were the handcuffs removed for -- it's
22 re-use?

23 [11.59.19]

24 A.When they were killed, first they were asked to sit at the
25 edge of the pit. Then they were struck. Then their throats will

55

1 be slashed. Then they would take off their clothes and then the
2 handcuffs.

3 Q.Did you know about a group which took the prisoners and killed
4 them, or the group which the pit in order for the prisoners to be
5 killed in there and buried later on? Was there a distinction or
6 a separate group between the groups who only dig the pits and
7 those groups -- and the other group which has the task to kill
8 the prisoners? Or who was assigned the duty to kill the
9 prisoners also had the duty to dig the pits by themselves and
10 buried the dead bodies?

11 A.Initially, the guards unit and other units would dig the pits,
12 but since Pauch and Peng were the supervisors there and some
13 other cadres were also there, so I was not sure which group was
14 assigned to do what because I was waiting outside.

15 Q.When you were there, where did you have your meal; where was
16 the dining hall?

17 A.Initially, I had my meal where the sign is now displayed for
18 the -- the genocide sign is displayed. So when it's mealtime, we
19 ate there at that location.

20 Q.When people were killed en masse like that, did you smell the
21 bad odour from the dead bodies while you were having your meal?

22 [12.02.06]

23 A.At that time, the killing place was a bit distant from where
24 we had meals. And while we patrolled and guarded the location, I
25 did not go near to where the pits were. So I just walk and I

56

1 return back to the edge near the road adjacent to the sewerage,
2 then I turned to the road crossing to the south.

3 Q.Thank you, Mr. Him Huy.

4 Now, it is time for the adjournment for lunch break and the
5 Chamber would like to remind you that your testimony is not yet
6 finished. There are numerous issues that need to be put before
7 you, however, because now it is break time so we will adjourn for
8 lunch.

9 We will resume in the afternoon starting from one-thirty.

10 Court officer, can you make necessary arrangements for the
11 witness, Him Huy?

12 And the security guard, you take the prisoner -- the accused back
13 to the waiting room and bring him back before 1:30 p.m.

14 The Chamber is now adjourned.

15 (Judges exit courtroom)

16 (Court recesses from 1203H to 1335H)

17 (Judges enter courtroom)

18 MR. PRESIDENT:

19 Please be seated. The Court is now in session. We are
20 continuing to hear testimony of Him Huy.

21 We note that the prosecutor is on his feet.

22 MR. SMITH:

23 Thank you, Mr. President. Good afternoon.

24 [13.36.05]

25 Just a brief point. This morning the witness seemed to be quite

57

1 moved in a couple of places in relation to the evidence that he
2 was giving, and I was wondering whether or not it might be
3 appropriate to advise him of the possibility of witness
4 assistance whilst giving evidence, if that would help him get
5 through this.

6 (Deliberation between Judges)

7 MR. PRESIDENT:

8 Thank you, Co-Prosecutor, for your remark.

9 BY MR. PRESIDENT:

10 Q.Mr. Him Huy, during the course of your testimony before the
11 Chamber do you think you need an assistant other than the legal
12 counsel provided to you who is here with you on your right-hand
13 side, because the Co-Prosecutor raised the matter of the
14 situation when you were moved when you were giving testimony and
15 he advised that whether you would like to have another assistant
16 other than the legal counsel.

17 So the Chamber would like to know your position. Do you think
18 you would wish to have an assistant other than the lawyer?

19 A.If there is an assistant ready to assist me, I would be
20 grateful.

21 Q.To assist you here means the person can be directed to sit
22 next to you only, but that person will not be in any position to
23 give you any ideas or consult with you regarding any particular
24 points in your testimony.

25 [13.39.27]

58

1 If you feel you do not want to incriminate yourself in any
2 particular response to the Chamber or to the party, then you can
3 consult with your legal counsel who is on your right-hand side.
4 And you, of course, before consulting with him, you can ask to
5 the Chamber for the permission to talk to him.
6 Regarding another assistance with good intention by the
7 Co-Prosecutor, it's just a different or just another case which
8 is not related to your self-incrimination matter, so it depends
9 on how you give your testimony and that if you feel you don't
10 want to give any testimony because you are afraid that you would
11 be incriminating yourself, then you can discuss with the lawyer.
12 However, this assistant only will be here to assist you
13 emotionally, I mean to assist you with the time when you are
14 moved, for example.
15 Do you understand what we want you to understand here?
16 A.Yes, I do, Mr. President.
17 Q.Do you think you can proceed to respond to our questions as
18 what you did this morning?
19 A.Yes, I do.
20 [13.42.00]
21 Q.So now please be ready to listen to the questions and respond
22 to them.
23 You already indicated in relation to the situations and when the
24 security guards of S-21 took the detainees to be executed.
25 The next question; we would like to know about the children whose

59

1 parents were detained, and you said that you saw those children
2 were detained with their parents. So if everyone had to be
3 executed without any exception, what happened to the children of
4 those detainees?

5 A.Regarding the children of the mothers who were detained and
6 executed, I don't think I have any idea about them. I think
7 Peng, with his groups, conducted or carried out the operation at
8 Tuol Sleng.

9 Q.Where were those children killed and buried, I mean, in the
10 compound of S-21, to which direction, if you can recall?

11 A.They were perhaps detained at the rear of the S-21 compound.

12 Q.Can you estimate or give us some estimation of the number of
13 children who were detained with their parents from 1975 to 1979?
14 How many children were arrested, approximately, and executed in
15 S-21? Just give us an approximate figure.

16 A.I don't remember how many of them were executed, but I guess
17 at least 50 to 100 children were executed there.

18 [13.45.42]

19 Q.Do you know the age of the children? How young or how old
20 were they?

21 A.The children's age ranged from one year to eight years.

22 Q.What about the fate of the foreigners whom you seen? You said
23 you saw the well-built figures with blond hair. So what happened
24 to them?

25 A.I saw that they were interrogated and four of them were

60

1 executed to the south, the southwest of the location that they
2 were transported there.

3 Q.You said that there were foreigners who were executed. Do you
4 know how were they killed?

5 A.I don't know, but I saw they were burned with car tires on the
6 National Road.

7 Q.Were they burned alive or were they dead before they were
8 burned?

9 It can be different when the foreigners were burned alive and
10 that only when their body were burned. So could you please
11 recollect the event?

12 A.So far as I know, they were executed already before they
13 burned.

14 Q.Thank you.

15 Mr. Him Huy, please be reminded that as a witness you are to tell
16 the Court about what you witnessed, what you heard, and you are
17 not supposed to make any assumption or conclusion based on your
18 opinion. So only tell the Court the truth what you saw, what you
19 heard and what you knew.

20 You have been told earlier about this already. Are you still
21 reminded of this?

22 A.I'm still well reminded, Mr. President.

23 I think when -- normally, the practice at S-21 when someone was
24 burned, that person must have been dead already. This is very
25 exceptional because normally Cambodian detainees would be

61

1 executed and buried, not burned.

2 [13.49.27]

3 Q.This morning, you said there were about 60 Vietnamese
4 prisoners of war and that you were ordered from the accused to
5 transport them from outside S-21 to S-21, and that some of them
6 also were transported to S-21 without having your team involved
7 to transport them. So can you tell the Court what happened to
8 those Vietnamese?

9 A.The Vietnamese prisoners of war who were detained and
10 interrogated were executed to the southwest of S-21 or Kok Tuol
11 Sleng.

12 Q.Were they all killed during the same night simultaneously or
13 were they killed at different times?

14 A.The prisoners were killed gradually -- I mean, not at just one
15 single time. Those who were interrogated first would be killed
16 first.

17 MR. PRESIDENT:

18 The WESU Unit, do you think you can find a person who can assist
19 Him Huy?

20 But as I was told actually, the psychiatrist is ready to assist
21 Him Huy.

22 [13.52.24]

23 BY MR. PRESIDENT:

24 Q.Mr. Him Huy, do you think you want that person to be sitting
25 next to you now?

62

1 A.I don't need that person for the time being.

2 MR. PRESIDENT:

3 Thank you. So we proceed further with the questions.

4 The Court official is directed to tell that person to be waiting,
5 and only when the witness is so moved by his testimony, then his
6 assistance would be well needed. Now, is he in a good mood.

7 BY MR. PRESIDENT:

8 Q.Now, we come to the operation regarding the process of how
9 detainees were taken to be executed at Choeung Ek.

10 Do you know why Boeng Choeung Ek was initially taken as the
11 killing site and when?

12 A.I actually don't remember the date when Choeung Ek was chosen
13 to be the killing site.

14 Q.If you can recollect, in what year that Boeng Choeung Ek was
15 chosen to be the killing site?

16 A.In 1977, Boeng Choeung Ek was chosen as the killing site, but
17 who made such a decision, I don't know.

18 [13.54.57]

19 Q.Thank you. Can you remember the events in which detainees
20 were being sent from S-21 office in Phnom Penh to Choeung Ek?

21 How were the detainees sent there and when did it happen?

22 A.Detainees were transported to be executed at Choeung Ek at
23 nights. The list of the detainees to be smashed were prepared by
24 Ta Hor and Try and Peng. So I don't know actually what they've
25 been doing but, actually, they knew the number of detainees to be

63

1 sent out.

2 Q.How were they transported or how did detainees get to Choeung
3 Ek; by walking or by being uploaded on the trucks?

4 A.After having the lists of the detainees to be executed at dusk
5 at about 6 to 6.30 p.m., people would be removed from their
6 detention cells and walked from that prison, and the truck would
7 be parked next to the gate and a chair would be put behind or at
8 the rear of the truck while detainees would be directed to step
9 on that chair to walk into -- to climb into the trucks and sit
10 down.

11 Q.And what happened next? Were there any reactions from the
12 detainees while they were being transported or were there any
13 words used by the guards to the detainees while they were being
14 uploaded onto the truck before they were sent to Choeung Ek?

15 A.While detainees were being shackled and blindfolded, Hor
16 advised the forces that while they were being transferred on the
17 truck tell the detainees that they are or they were being
18 transferred to a new home and never let them know that they would
19 be executed. So no other phrase except that they would be sent
20 to a new home should be told to detainees.

21 Q.So the words that are used to tell them that they are being
22 moved to a new house was used as a standard when the prisoners
23 were taken out from the detention to be killed. Does it happen
24 on every occasion?

25 A.Yes, the guards on the transport team were instructed to use

64

1 this standard phrase.

2 [13.59.15]

3 Q.In transporting the prisoners for each load how many prisoners
4 were taken and how many prisoners were in each truck or in each
5 vehicle?

6 A.During the transportation there were small and large vehicles
7 including a Land Rover or 4 X 4, a Chinese truck. In each
8 vehicle, for example in the 4 X 4 there could be 60 prisoners and
9 about 10 plus in the Land Rover. So in each load there could be
10 60, 70 or up to 100 prisoners.

11 Q.What about during the trip; did you ever encounter any
12 obstacle; for example when they were transported from S-21 in
13 Phnom Penh to Choeung Ek, and how long did it take for each trip?

14 A.I could not estimate how long it took. It might be half an
15 hour to reach Choeung Ek.

16 Q.About arriving at the location when the prisoners were
17 transported to Choeung Ek; what was the operation done and
18 organized by the S-21 security guards while they arrived at that
19 location?

20 A.Upon arriving, our unit, which was there to receive the
21 prisoners, they would switch on the generator. Also, the light
22 would be on in the house. When the vehicles arrived they would
23 open to the back of the truck. Then they will put a chair and
24 each prisoner would be ordered to disembark and then they would
25 be put one by one underneath the house. There was a big room

65

1 there. And after that, that team would take the light and their
2 necessary tools to bring along to the pits in order to be ready
3 to kill.

4 [14.02.16]

5 Q.And what happened during the killing process?

6 A.At that time my force would provide the protection to those
7 prisoners and the executioners would be ready at the pits. And
8 some guards would be posted near the gate and each prisoner would
9 be walked toward the pit to be killed.

10 Q.Was there a check of the prisoners list? Because when they
11 were sent there would be a checking of the list of prisoners
12 between Hor and Sothy before the prisoners were embarked, were
13 put onto the vehicles. So did they check a list of those
14 prisoners; for example, the names A, B, C, D and the total number
15 of the prisoners per that load before they were put into the
16 vehicles?

17 A.When the prisoners were sent from the prison, actually they
18 already made a list of the prisoners and the total number of the
19 prisoners. So when I went to transport them then I take the list
20 and then I would check the names against the list that I was
21 given to make sure that the total number of the prisoners was
22 correct. Otherwise, I would be responsible.

23 Q.So the method of the operation is that when you arrived and
24 before the prisoners were taken out from where they were placed
25 temporarily under the house, a generator was switched on and then

66

1 you would check the names against the list of the prisoners and
2 then they would be taken out. This is to make sure that the
3 number of the prisoners was correct. Is this a fair assumption?

4 [14.04.56]

5 A.That is correct. Upon arrival then the names would be checked
6 again and the total numbers of the prisoners would be checked
7 again, for example 80 or 100 people, and then the list would be
8 brought back to Phnom Penh.

9 Q.For the transportation of the prisoners to the killing site at
10 Choeung Ek were the prisoners transported by the vehicles close
11 to the house where they were waiting to receive them or the
12 vehicles would be stopped a further distance and that the
13 prisoners would be ordered to walk for 5 or 10 minutes before
14 they could reach that house?

15 A.Actually, the prisoners were transported on the track next to
16 that house.

17 Q.And the prisoners who were transported there, they were
18 ordered to disembark and then they would be ordered to sit
19 underneath the house in a big room underneath the house with the
20 enclosed walls. Is this correct? Or whether they were put on
21 the house?

22 A.There were no prisoners in the house. The prisoners were put
23 under the house because underneath the house they also placed a
24 wall around.

25 Q.Did you notice that they used a lot of light and a generator?

67

1 How big was the generator?

2 A.I did not notice the power of the generator. However, about
3 10 fluorescent lights could be used. And the length of the
4 fluorescent lights were 50 to 60 centimetres each.

5 Q.The distance from the house where the prisoners were ordered
6 to sit temporarily to the location of the pits where they would
7 be later killed, how far was it?

8 A.I believe it's about 50 or so metres.

9 Q.The huge number of people, 70, 80 or 100, as you just stated
10 -- and for such a large number of people how long did it take to
11 have them killed?

12 A.It took hours. We departed Phnom Penh around 8 o'clock and we
13 arrived there about 8.30 after about half an hour regimen, so
14 it's 9 o'clock, and it's finished by about 1 or 2 a.m. in the
15 morning.

16 Q.What about the pits to bury the dead bodies? How were they
17 prepared and who were in charge of digging the pits, and who was
18 in charge of burying the dead bodies after they were killed?

19 A.It's Teng's group who was in charge in one section of Choeung
20 Ek. He was in charge of digging the pits, of killing the
21 prisoners and of burying their bodies.

22 [14.09.25]

23 Q.Did you know how the prisoners were killed at Choeung Ek?

24 Were they shot or were they clubbed or were they struck with a
25 club, or what method of killing of the prisoners at that

68

1 location?

2 A.The executioners were instructed to kill the prisoners by
3 asking the prisoners to kneel down near the rim of the pits.
4 Then they would use an oxcart axle to strike the back of the
5 necks and later on they would use a knife to slash the throat,
6 and after that, when they were dead, then they would untie or
7 remove the cuff and remove the clothes.

8 Q.So the killing was a very bad -- they were struck and then
9 they would be thrown into the pits. So actually they were struck
10 and then their necks were cut and then the handcuffs were removed
11 and the clothes were removed before they were thrown into the
12 pit. Is this correct?

13 A.That is correct.

14 Q.As far as you know, the killing of the prisoners who were
15 transported in large number, how long did it take to have the
16 process of transporting them and killing them at Prey Sar? On
17 average, how many days did it take to have such a session?

18 A.As far as I know, it happened between one to two weeks after
19 they completed their confessions.

20 [14.11.59]

21 Q.After the prisoners were killed, did those who have the
22 responsibility to bury the dead bodies, they would bury the dead
23 bodies straightaway or they had to wait until next day?

24 A.After they were killed their bodies would be buried
25 immediately. They did not wait until the next day.

69

1 Q.As far as you know, were children sent to that location to be
2 killed?

3 A.When we transported the prisoners we did not see any children.
4 The children were the responsibility of Peng's group and they
5 were killed right at Tuol Sleng.

6 Q.At Choeung Ek were any Vietnamese prisoners of war sent to be
7 killed at Choeung Ek?

8 A.As far as I know, the Vietnamese people were not transported
9 to Choeung Ek to be killed.

10 Q.During the time that you worked as a staff of S-21 in the
11 Guard Unit and that you arrived and stayed at Choeung Ek, did you
12 know of any event or occasion when a prisoner or prisoners
13 successfully escaped?

14 A.When I transported the prisoners in large groups, one of the
15 prisoners escaped. I checked the list and the list was actually
16 correct, but when I returned next day in the morning, the
17 Division 703 arrested a prisoner who escaped, and then they
18 telephoned to report to Duch and then the situation went a bit
19 chaotic.

20 [14.14.58]

21 The prisoner was brought back and Hor instructed my group -- all
22 of us, including the drivers and those who worked at Choeung Ek
23 -- to a meeting and he wanted to find out who actually let the
24 prisoner escape, but for the whole morning meeting he could not
25 find anyone responsible for it. And when the prisoner was

70

1 arrested he was still in the cuff or with the tie.

2 Q.So the prisoner who successfully escaped and later on
3 re-arrested by the Division 703, what happened to that prisoner?

4 A.He was brought back to the prison.

5 Q.Let me go back a little bit and let me talk about the
6 important prisoners who were actually members of the Party or the
7 cadres or the CPK members.

8 Where were they killed? Were they also taken to be killed at
9 Choeung Ek?

10 A.For the important cadres, they were killed at the vicinity
11 near Tuol Sleng. They were not taken to Choeung Ek.

12 Q.Whereabouts in S-21? Was it to the west or the north of Tuol
13 Sleng?

14 A.It was only to the south and the west of Tuol Sleng where they
15 were killed.

16 [14.17.26]

17 Q.You mentioned the west of Tuol Sleng. How far was it? Was it
18 further from the Russian market of Tuol Tompong, or was it toward
19 the Olympic Stadium?

20 Was it from the traffic light at Tuol Tompong toward the east of
21 the Olympic Stadium near the Moha Montrey Pagoda? Or was it only
22 at the boundary of that road to the east?

23 A.It was to the south near the creek; and the one to the west,
24 it was near the road running at the back of S-21.

25 Q.What about the S-21 staff who were arrested? Were they

71

1 interrogated in the same way as the other prisoners were
2 interrogated?

3 A.The S-21 staff were also interrogated in the same manner as
4 the other prisoners and they were also killed at the vicinity
5 near the prison.

6 Q.Let me go back now to Prey Sar.

7 [14.19.23]

8 Were the Prey Sar staff arrested and sent directly to be killed
9 at Choeung Ek?

10 A.I do not know much about those who were arrested at Prey Sar
11 or they were taken and killed at Choeung Ek. They would be
12 detained first, interrogated, and later on they would be taken
13 and killed.

14 Q.This morning you stated, in relation to a residence of Lon Non
15 in Ba Kou or Sla Kou, which was an operation to arrest Nun Huy,
16 or Huy Sre, and this person was a member of the S-21 committee in
17 charge of the re-education camp at Prey Sar.

18 Did you know about that event? What was that location at Sla Kou
19 used for?

20 A.Sla Kou was not the area where the prisoners were arrested and
21 I was not at that location as well. I was at a village to the
22 east of the Lon Non's residence. And when we worked in the rice
23 field, we actually worked near the vicinity of that area.

24 Q.Where was the location where the prisoners worked in the rice
25 field for Prey Sar and there was a large number of children who

72

1 stayed there? Which unit was in charge of the children,
2 somewhere near Sla Kou?

3 A.At Sla Kou this was non-existent. There was only a unit in
4 Prey Sar. As far as I know, Huy and Phal were there and they
5 worked together, and after Phal was transferred from Phnom Penh
6 then he was assigned to work with Huy at that location.

7 [14.22.28]

8 Q.Did you know an event when the children were gathered from
9 Prey Sar and they were killed at Choeung Ek? I mean the group of
10 children.

11 A.I was not aware of that.

12 Q.Let me go back a little bit. Did you know about the
13 arrangement of the units for the operation? You talk about the
14 Peng's group. What was his position and what was he responsible
15 for?

16 A.Peng was an overall chairman of the guards unit to provide the
17 security to the entire prison and Phal was also the chairman of
18 the guard unit. And later there was Sry who was a member, and I
19 was a temporary deputy chief in charge of bringing in the
20 prisoners from outside.

21 Q.In the guard units, how many teams were there, or probably --
22 what, a unit of 100? How many of them?

23 A.For the guard unit there was a messenger unit, so there was
24 one entire unit on its own, and then there's a guard unit. But
25 after a lot of members were killed, then these two units combined

73

1 into one unit and it was known as the guard unit.

2 Q.So after a lot of them were killed then there was only one
3 guard unit for both the outside and the inner guard team. Is
4 this correct?

5 [14.25.21]

6 A.The guards and the messengers were arrested. Even some people
7 working in the kitchen were also arrested. A lot of people from
8 various units were also arrested and in the end only one guard
9 unit remained.

10 Q.And what happened to the interrogation unit? Any members of
11 the team arrested?

12 A.The interrogation unit, the guards unit and various other
13 units -- members of all the units were arrested.

14 Q.Regarding some other events -- for example, the situation in
15 regards to the medical unit at S-21 -- were you familiar with the
16 medical unit there? If you were aware of it, how many staff
17 working in that medical unit, and who was the chief and what
18 happened to them?

19 A.The guards unit, the interrogation unit, the economics unit,
20 the kitchen unit, the medical unit -- the fate of all the members
21 of all the respective units; somehow were arrested. There were
22 quite a lot of number of staff working in the medical unit but in
23 the end there were only a few left.

24 Q.Did you know any staff working for the medical unit, and who
25 was the chief, and who were arrested?

74

1 A.I remember the names. The medic Rin was arrested. Rin was in
2 charge of the medical unit for the general treatment for both the
3 prisoners and staff.

4 Q.Was there a medic named Thy?

5 A.Yes, Brother Thy fled with us to the forest and I did not know
6 whether he's dead or alive.

7 Q.Regarding the medical staff, how many male and how many female
8 staff?

9 A.As far as I know they were all male. There were six or seven
10 of them.

11 [14.29.00]

12 Q.Where was the medic house located?

13 A.I don't remember but maybe they stayed at the place where
14 Brother Thy stayed or maybe at the other side of the prison's
15 wall.

16 Q.I think you have already given us a lot of accounts of the
17 past and that when detainees were taken from the prison compound
18 to be executed, who ordered such operation? Was the order made
19 orally or was it made in a written form?

20 A.I don't know. I only learned from Ta Hor and Brother Sothy
21 Thy and mainly from Ta Hor. I did not know who made the decision
22 but I think only Duch, who would be the person who made the
23 decision through Hor, that such operation could be conducted.

24 Q.Where were all these defence unit members from?

25 A.They were from 703 and from the west, from Kampong Chhnang.

75

1 Q.From which direction there were more forces than the other --

2 I mean, from the west and from that other location?

3 A.There were two groups of people from the west and there were
4 more people from 703. There was about a unit of 100 from
5 Division 703.

6 Q.So how many people were there in the unit of 100?

7 A.For the unit of 100 there were about 300 people.

8 [14.32.20]

9 Q. So who conducted the arrest? Were the people from 703 or
10 were the people from the west who were assigned to make such
11 arrest?

12 A.I don't know about this. The only thing I know is that more
13 and more people disappeared.

14 Q.I'm not asking that question. I asked you to tell the Court,
15 when it comes to the arrest -- and you told us that there were
16 forces from the west and from 703, so in those arrests -- I think
17 I would like to rephrase the question.

18 When the people were arrested -- I mean even staff members of
19 S-21, so in which section or which forces were the arrests made
20 the most? Do you understand my question?

21 A.I think more people were executed in the -- the people from
22 703.

23 Q.Had you ever attended any political sessions or trainings? If
24 you had, where were those sessions while you were still a staff
25 member at S-21?

76

1 A.The study sessions would be conducted fortnightly and staff
2 members would be called to meet at Duch's house next to the sewer
3 canal. And people from security prisons like Prey Sar also would
4 be called to study there at his house.

5 Q.Do you remember the content of the session? What documents
6 were handed out to all of you during the sessions?

7 [14.35.47]

8 A.We were taught based on the documents about the proletarian
9 class and that we were trained to respect the organizational
10 discipline and that we had to be absolute toward the enemies.
11 And those who can follow the so-called wheel of history would be
12 spared, those who could not follow so would be dead, end that we
13 were trained to be absolute to elicit enemies' confessions.

14 Q.Did you also learn torture techniques from him or were you
15 trained how to act violently against the people who were
16 arrested?

17 A.The trainings in which I attended was not about torture
18 techniques. I was not trained to mistreat prisoners.

19 Q.We heard twice already -- first in the morning, that people
20 were killed and buried in the mass grave and that detainees would
21 be smashed or clubbed and then their throats would be slit and
22 the handcuffs and blindfolds would be removed later on before the
23 detainees would be plunged into the pits. And such executions
24 were carried out both at S-21 and Boeng Choeung Ek.

25 So who actually taught you these techniques to beat the prisoners

77

1 by way of using the club or by slitting their throats? Did you
2 learn these spontaneously or were you trained to do so?

3 A.I think the torturing or the execution techniques was trained
4 by Ta Hor. Ta Hor told us that to kill any one of the detainees
5 we first had to club them at the back of the neck and then have
6 their throats slit, and then their clothes and cuffs removed
7 before they would be kicked into the pits.

8 [14.39.17]

9 Q.Had you observed that the accused ever acted violently against
10 or towards any detainee? Had you ever witnesses such behaviour
11 from Duch?

12 A.When detainees were arrested and sent into the prison I never
13 saw him beating them.

14 Q.Do you know if Duch ever interrogated detainees? If you know,
15 how many had he interrogated?

16 A.I don't know whether he had ever interrogated any detainees
17 because it is beyond my responsibility.

18 Q.You said upon the assignment from the superior you were asked
19 to guard inside the complex of S-21. During the course of your
20 duty had you ever seen the presence of Duch in the complex? And
21 if you had seen so, how often did you see him?

22 A.I saw him pay a visit to the grandfathers at the workshop
23 where they were painting and working with their art skill, and I
24 saw him going into that workshop.

25 Q.So you only saw him going to that place, the old prisoners who

78

1 were put to paint portraits and other art works. Is that
2 correct?

3 A.Yes, that's correct.

4 [14.41.56]

5 Q.Do you know what was the purpose behind his paying a visit to
6 that place?

7 A.He went there to inspect the portraits he asked the
8 grandfathers to draw, the portraits of Pol Pot.

9 Q.Had you ever seen the accused at Choeung Ek? And if you had,
10 how often did you see him?

11 A.I saw him twice at Choeung Ek.

12 Q.Why did he go there and how long each time when he visited the
13 location?

14 A.He stayed there until all detainees were executed. Then he
15 would leave.

16 MR. PRESIDENT:

17 Since it is now time to take adjournment, the Chamber will take
18 19 minutes adjournment. We resume at 3 o'clock.

19 The Court official is instructed to co-ordinate with the witness
20 to have a rest before he is returned to the courtroom by 3 p.m.

21 (Judges exit courtroom)

22 (Court recesses from 1443H to 1503H)

23 (Judges enter courtroom)

24 MR. PRESIDENT:

25 Please be seated. The Chamber is now back in session.

79

1 We continue to hear the testimony of the witness Him Huy.
2 However, before we continue hearing his testimony, the Chamber
3 would like to announce a decision or a request for protective
4 measures for witness KW-10 as follows.
5 On the 3rd of April, 2009 the Chamber deferred its ruling on the
6 pending request for protective measures for the witness E40 which
7 at that time it deferred its ruling on a pending request for
8 protective measures for proposed witness KW-10.
9 The Chamber would like to inform the parties of its decision on
10 this request. The Chamber has reviewed the request in light of a
11 strictly confidential risk assessment which was prepared by the
12 Witness and Expert Support section with respect to witness KW-10.
13 In this risk assessment the Witness and Expert Support section
14 noted that the role of this witness as an interrogator at S-21 is
15 publicly known through a variety of media-related events. He is
16 therefore well known in the public. He could readily be
17 identified even if protective measures such as testifying in
18 closed session were adopted.
19 Accordingly, the Witness and Expert Support section did not
20 recommend protective measures for this witness. The Chamber
21 observes that KW-10 has made his image widely known. He is so
22 well known that protective measures would be ineffective. In
23 addition, his family and relatives, as well as a large part of
24 his neighbours know of his background.
25 The Chamber accordingly agrees with the WESU's recommendation and

80

1 decides not to grant protective measures to this witness.

2 The Chamber accordingly rejects the request for protective
3 measures for Witness KW-10.

4 A decision on the remaining pending requests for protective
5 measures for witnesses and civil parties will be issued in due
6 course.

7 We will now continue to hear the testimony of this witness.

8 BY MR. PRESIDENT:

9 Q.Before the break you answered several of my questions
10 regarding the presence of the accused at the killing field at
11 Choeung Ek on two separate occasions, and you also stated that he
12 was present there until the operation of killing the prisoners
13 was complete.

14 [15.07.35]

15 The question is, during the two occasions that he was present,
16 what year was it?

17 A.It was in 1977.

18 Q.How far was it from his first visit and his second visit?

19 A.It was a bit further. It was not too close.

20 Q.How many months apart?

21 A.I cannot recall exactly. I think it's a fortnight.

22 Q.Can you try to think a bit further whether his presence at
23 Choeung Ek was before or after an event where a prisoner escaped,
24 and that the prisoner escaped still with his hands tied, and
25 later on he was arrested by the Division 703? Did he visit that

81

1 location before or after this event?

2 A.For the first visit he went there before that incident where a
3 prisoner escaped.

4 [15.09.22]

5 Q.What about his second visit?

6 A.It was after the incident where a prisoner escaped.

7 Q.Can you try to recall, during his visits, where did he stay?

8 Did he stay at the house where the prisoners were placed
9 temporarily; or whether he stayed somewhere near the residence of
10 the staff; or whether he was near the pits where the prisoners
11 were killed?

12 A.When he went there, first he stayed near his car, which was to
13 the north of the current stupa, and Hor was at the house where
14 the prisoners were temporarily detained.

15 Q.Are you talking about the memorial which is currently in this
16 regime or was it there during that period?

17 A.To the north of that memorial stupa, he was there, and this
18 memorial was only built in this regime.

19 Q.Did he enter the house where the prisoners were temporarily
20 detained or was he quite a distance from that house?

21 A.I did not observe his clear movement at the time. There were
22 several people at the time, and Hor assigned me to work quickly
23 on the prisoners in order to check and verify before they were
24 let out to be killed.

25 [15.11.48]

82

1 Q. Did you see the presence of the accused nearby the vicinity
2 where the prisoners were killed?

3 A. There were many prisoners at the time from the evening until
4 the early morning. I did not notice clearly whether he was
5 sitting near the pit. There were many people. Hor ordered me to
6 be quickly because it was almost dawn otherwise we might risk
7 being known.

8 Q. You, yourself, you left S-21 in Phnom Penh; and when did you
9 leave?

10 A. I left Phnom Penh in late 1978 or mid-1978 after I went to do
11 the rice farming stuff of Choeung Ek. I ploughed the rice fields
12 there and I looked after the cattle and I organized a place where
13 they store the water pump for the rice farming.

14 Q. How far was the location where you did the rice farming from
15 the killing field at Choeung Ek, and how many of your were
16 working the rice field at the time?

17 A. First, two groups were transferred to do the rice farming,
18 including myself at the time.

19 Q. So was it near the Chek village? How far was it from the
20 Choeung Ek location where there was a house to detain prisoners
21 temporarily?

22 A. It was about one kilometre away.

23 [15.14.11]

24 Q. Did you know that those people who were arrested and detained
25 and interrogated, were any tortures used on them, and did you see

83

1 any court judgments on their sentencing? Do you see any such
2 court documents?

3 A.During the Khmer Rouge regime, the court was non-existent.
4 They were taken and killed. It was simply like that.

5 Q.So you, yourself, never heard people talking about the court
6 or the judicial institution at the time. Is this correct?

7 A.That is correct.

8 Q.From the time you started working as a guard for the S-21
9 office until the liberation day of the 7 January 1979, were you
10 allowed permission to visit your home or visit your parents or to
11 do any other work or to leave your unit?

12 A.During the entire period that I worked for S-21, I was not
13 allowed to visit home. One day Mon assigned me to go with other
14 four people to go to the village, my village, and at that time I
15 took the opportunity to inquire about my parents.

16 Q.What about the rest of the S-21 staff; were they allowed to
17 have a home visit or there was no such permission for home visit?

18 A.I did not know about the rest.

19 [15.16.47]

20 Q.You have known certain facts as you were a guard outside. The
21 question is, how many vehicles were used on a permanent basis at
22 S-21 and what were the makes of those vehicles?

23 A.The vehicles used at S-21 included Land Rover -- there were
24 two Land Rovers and four-by-four from China. There were two
25 four-by-four trucks and one saloon. That's a small car for

84

1 transporting vegetables.

2 Q.Did you ever see a GMC, the military truck from the former
3 regime; the 10-wheeled GMC military truck. Did you ever see such
4 a truck at S-21?

5 A.There was a GMC truck. However, it was later on given to Huy
6 Sre.

7 Q.How many of the GMC trucks and when was it delivered to Huy
8 Sre?

9 A.I knew when Meas Peng Kry left Tuol Sleng he went to drive at
10 that location and it was in late '77.

11 Q.In the operation of arrests in Phnom Penh, did your group or
12 the group that's led by Hor, did the group ever use the GMC truck
13 to transport those people to be detained at S 21?

14 A.My apology; there was another truck which was fully covered
15 and it was used, too, for the arrest of people.

16 [15.19.20]

17 Q.The question is whether you used the GMC military truck from
18 the Lon Nol regime to make the arrests? Did you ever use such a
19 vehicle to arrest and transport those prisoners throughout Phnom
20 Penh? I want you now to only focus on that vehicle in
21 particular; the GMC military truck.

22 A.No, we did not.

23 Q.Can you think of the general food ration for the prisoners?

24 You already stated that a plate was used for each prisoner to
25 distribute gruel for the prisoners. Did you ever see, at S-21,

85

1 that a mug, American mug, was used for the distribution of gruel
2 for the prisoners?

3 That American mug, some people refer to it as in the shape of an
4 arched shoe; was that the type of mug used for the distribution
5 of gruel for prisoners?

6 A.I did not go in and see how the prisoners were distributed
7 with gruel. However, I believe the mug was used to fetch the
8 gruel and to put them onto the plates.

9 Q.So you implied that the mug was used in the place of a ladle
10 to fetch the gruel?

11 A.The mug was used in place of a ladle because a ladle was
12 small, so the mug was bigger and it fetched more gruel so it can
13 be distributed on more plates for the prisoners.

14 [15.22.02]

15 Q.Thank you, Mr. Him Huy. I do not have any more questions for
16 you.

17 MR. PRESIDENT:

18 Judges of the Bench, do you have questions for this particular
19 witness?

20 Judge Cartwright, you take the floor.

21 JUDGE CARTWRIGHT:

22 Thank you, Mr. President.

23 BY JUDGE CARTWRIGHT:

24 Q.You have told us today that you were aware that Vietnamese
25 prisoners of war were detained at S-21, and that they were killed

86

1 and buried around S-21. Is that correct?

2 A.That is correct, Your Honour.

3 Q.And I think you put a number of about 60 Vietnamese prisoners

4 of war. Is that correct?

5 A.That is correct.

6 Q.As well as prisoners of war, did you see any other Vietnamese

7 detained at S-21, such as ordinary Vietnamese people or people

8 who were described as Vietnamese spies?

9 A.I only saw the Vietnamese soldiers. I did not know whether
10 they were soldiers or spies because they spoke only Vietnamese.

11 [15.24.16]

12 Q.Earlier in this trial the accused has agreed that 345

13 Vietnamese prisoners, who are described sometimes as soldiers,

14 sometimes as spies and sometimes as ordinary people were detained

15 at S-21. Does that number -- do you agree with that number also?

16 A.Whatever figure he says then I would agree because I would not
17 have a whole understanding of the total number.

18 Q.Given that the accused agrees that there were 345 Vietnamese,

19 do you suggest that they were all killed and buried around S-21?

20 A.That is correct.

21 Q.Can you tell me how they were killed and where they would have
22 been buried?

23 A.The killing was the same. They were ordered to kneel near the

24 pits and they would be struck. Later on they would be thrown

25 into the pits and buried.

87

1 Q. So there must have been some very large pits dug around S-21.

2 Is that correct?

3 A. That is correct.

4 [15.26.51]

5 Q. Was your unit responsible for the digging of these pits? Or
6 if not, which unit would have dug them?

7 A. The guards section were responsible. That was Ta Peng's
8 group.

9 Q. You have spoken of the Vietnamese prisoners of war and some
10 westerners. What about other nationalities; did you see Thai
11 prisoners detained at S-21?

12 A. Your Honour, I saw them detained at S-21 but they were
13 released later on.

14 Q. So you are telling us that Thai prisoners were detained but
15 were released. Can you explain why that would be?

16 A. I did not know how it happened, but they were sent out.

17 Q. Were they sent out by truck to go to Choeung Ek or were they
18 simply released from the prison S-21?

19 A. They were taken out without being shackled like the way they
20 were being sent in and they were even given clothes, so they
21 would have been released.

22 Q. And do you know what happened to them after that?

23 A. I don't know because after they left I have no further
24 information.

25 JUDGE CARTWRIGHT:

88

1 Mr. President, I note that Maître Roux wishes to address the
2 Court.

3 MR. PRESIDENT:

4 Mr. François Roux, you take the floor.

5 MR. ROUX:

6 I apologize for interrupting you but this has no connection here
7 with the questioning, but we smell that there's a burnt smell
8 here, so I would just like to ask the security service to see if
9 there might not be a problem here. There's a burning smell here.
10 So it might be a good idea to check this.

11 JUDGE CARTWRIGHT:

12 We will check.

13 MS. JACQUIN:

14 We also smelled this too.

15 MR. PRESIDENT:

16 The security personnel and the Court official are now directed to
17 check out what is happening.

18 [15.31.02]

19 JUDGE CARTWRIGHT:

20 May I continue in the meantime, Mr. President, seeing as we can
21 see no smoke yet?

22 BY JUDGE CARTWRIGHT:

23 Q.What about other nationalities such as Indians, Laotians --
24 Indians and Laotians, anyway; did you see any such nationalities
25 at S-21?

89

1 A.No, I didn't.

2 JUDGE CARTWRIGHT:

3 I gather there's no need to panic. There's waste being burned
4 outside.

5 BY JUDGE CARTWRIGHT:

6 Q.I want to turn now to Cham Muslims who might have been
7 imprisoned at S-21. And I refer to ERN number 00078437, a book
8 called "Oukoubah" by Othsmen and in particular at ERN 78457.
9 In this book a number of Cham Muslims are identified by the
10 author as having been detained at S-21 and the execution dates
11 for about two-thirds of them are also recorded. Do you recall
12 any Cham Muslim detainees at S-21?

13 A.No, I don't.

14 [15.33.52]

15 JUDGE CARTWRIGHT:

16 Can I now turn to ERN 00242285? I apologize but I have only the
17 English for this. Is the Court officer able to find the Khmer
18 version?

19 I wonder, President, if I might ask the Court officer to put this
20 list on the -- ask AV to put this list on the screen please?

21 Can we scroll it so that we see the ERN number please? So the
22 ERN number in Khmer is 00006728.

23 BY JUDGE CARTWRIGHT:

24 Q.Can you see, Him Huy, that that is a list with the title
25 "Prisoners' names smashed by Brother Huy Sre"?

90

1 Are you able to read that or shall I tell you what the list says?

2 A.Could you please read for me?

3 Q.Yes. In that list there 18 names of prisoners smashed by

4 Brother Huy Sre and the list is dated 23 July 1977. Underneath

5 the list, the following words appear:

6 "Total prisoners, including 160 children smashed by Brother Sre,

7 are 178 persons."

8 [15.37.33]

9 My question to you is, am I right to assume that all 178,

10 including the 160 children were killed at Choeung Ek?

11 A.I don't know about this.

12 Q.At S-21 did you see children detained with their parents, with

13 their mothers in the cells?

14 A.As I already stated earlier, I saw children who were detained

15 along with their mothers.

16 Q.What happened to those children?

17 A.Peng made the decision to get them out to be smashed. I don't

18 know whether the children would have been transported to be

19 executed at Choeung Ek.

20 [15.39.24]

21 Q.And finally, can I return to the westerners whom you say were

22 first executed and then burned using tyres? How were they

23 executed and where were they executed?

24 A.These four people were executed near the church and then they

25 were burned using tyres just on the road, the paved road.

91

1 Q.Can you remind me which road this was, please?

2 A.I only know the Bethlehem location but I don't know the name
3 of the road.

4 Q.Thank you.

5 JUDGE CARTWRIGHT:

6 Mr. President, I have no further questions for this witness but
7 may I ask the accused some questions in relation to this?

8 MR. PRESIDENT:

9 You take the floor.

10 JUDGE CARTWRIGHT:

11 Thank you.

12 Kaing Guek Eav, can you confirm that Cham Muslims were imprisoned
13 at S-21?

14 [15.41.23]

15 THE ACCUSED:

16 I only learned of these matters through the list. Through my
17 analysis these people were the people who did business in Arab
18 village, the village in which Cham Muslims raised cattle. They
19 were evacuated and later on Nat gathered them and detained at Ta
20 Khmau prison. I think there were about 30 of them or something.
21 So that's what I learned.

22 JUDGE CARTWRIGHT:

23 Are you familiar with the list to which I referred earlier that
24 is found in the book "Oukoubah"?

25 THE ACCUSED:

92

1 This list -- I don't know whether the Office of Co-Prosecutors or
2 the Co-Investigating Judges who made available to me and that
3 they asked me to give my explanation concerning the detainees to
4 be smashed. That's why I found out the number of the Cham
5 Muslims people. These names also contained in the list of what
6 we call the master list of S-21 too.

7 JUDGE CARTWRIGHT:

8 Thank you.

9 Now, returning to the list of prisoners' names smashed by Brother
10 Huy Sre, which has the statement at the foot of the list, total
11 prisoners including 160 children smashed by Brother Sre are 178
12 persons. I know you have acknowledged this fact earlier but what
13 I want to understand from you is how and where these children
14 were executed.

15 [15.44.10]

16 THE ACCUSED:

17 These children were removed from S-21 -- from Prey Sar at the
18 rice field. Other people were also taken from that section.
19 That's why it states in the document at the section of Huy Sre,
20 so Hor was the one who signed on that piece of document. So Hor
21 managed this execution and I believe that they were executed at
22 Choeung Ek.

23 JUDGE CARTWRIGHT:

24 And you have said previously that you were not certain how they
25 were executed but that you believe they may have been executed by

93

1 striking them against a tree. Is that correct?

2 THE ACCUSED:

3 Your Honour, I still am convinced that these people could have
4 been treated that way and I'm very remorseful to hear that and I
5 am convinced that they could be ended up like that.

6 JUDGE CARTWRIGHT:

7 Thank you. The purpose in my questions is to establish the facts
8 so that the Court has the opportunity to make a decision and so
9 that the people of Cambodia will have factual information.
10 Thank you for answering my questions.

11 Thank you, Mr. President.

12 MR. PRESIDENT:

13 Judge Ya Sokhan, you take the floor.

14 [15.46.18]

15 BY JUDGE YA SOKHAN:

16 Q.Mr. Him Huy, earlier on this morning you have spoken of the
17 accused and Hor who had a conflict. What was the conflict?

18 A.I have learned this information from Ta Hor. Ta Hor told me
19 that he had feuds with Duch for three times regarding his people
20 because he said that he was in favour of 703 while Duch was not.

21 Q.Was the feud started before the arrest of members of staff at
22 S-21?

23 A.The feud started before the arrest of staff members at S-21
24 were made.

25 Q.Earlier, you were telling us that the staff members of S-21

94

1 were those from 703 and there were no executions of the forces
2 from the west. Can you tell us more about this?

3 A.The reason I said this, because Ta Hor said that Duch accused
4 him of being biased toward the 703 forces at S-21. Later on, 703
5 people were arrested and implicated the 703 people who were
6 working at S-21. And then the 703 people at Tuol Sleng were
7 subsequently arrested.

8 Q.When staff members of S-21 were arrested, how were they
9 treated? Were they treated the same as the other detainees?

10 A.I don't know how they were treated. The only thing I knew for
11 sure is that people kept disappearing and I don't know what
12 happened to them; why they were arrested.

13 [15.49.36]

14 Q.You said the female detainees were not shackled and that they
15 were put into a large common room while they were locked behind a
16 closed door.

17 Could you tell the Court whether you know anything about times
18 when those women could relieve themselves?

19 A.The female detainees who were detained at that common large
20 room could relieve themselves in that room.

21 JUDGE YA SOKHAN:

22 I have no further questions, Mr. President.

23 MR. PRESIDENT:

24 Judge Lavergne, you take the floor.

25 BY JUDGE LAVERGNE:

95

1 Q.Good afternoon.

2 Is it so that when you arrived at S-21, you had the position of
3 just a simple guard or did you immediately have any kind of
4 senior position with responsibilities?

5 A.When I first arrived at the location, I was the normal
6 combatant.

7 Q.Then you were in charge of the unit which was in charge of
8 transporting prisoners to Choeung Ek and also to process their
9 arrival or to arrest them. So for you, were these high-level
10 responsibilities? And in which circumstances were you led to
11 take on these responsibilities? Who designated you to do this
12 and why?

13 [15.52.15]

14 A.After quite a while, I was put to be in charge of the chief of
15 the unit and in 1977 when the cadres in the prison were arrested,
16 I was promoted to be charge of the unit of 100 and in charge of
17 transportation and process of the detainees. So Ta Hor was the
18 one who designated this task to me.

19 Q.What happened to the people who previously held the same
20 position? What happened to these people; the people who had this
21 position before you? Were these people arrested?

22 A.I don't know what happened to them. I only learned that when
23 they disappeared then I would be promoted by Ta Hor.

24 Q.What can you tell us about the discipline at S-21? You told
25 the President earlier on that during your entire stay over there

96

1 you were never allowed to go visit your family. But what can you
2 tell us about the day-to-day life? Were there strict rules? For
3 example, were you allowed to speak to your colleagues? Were you
4 allowed to speak to members of different units? Were you allowed
5 to move about? Could you take leave?

6 What can you tell us about this?

7 A.At the beginning when I worked there, I was so scared of dying
8 at the prison. When Son Sen came to give lectures there, I
9 learned that I would not have a good life here at the court and I
10 asked him if I could be sent back to the military. He asked me
11 whether I dare fight the Vietnamese and I said, yes, I did.

12 [15.55.22]

13 At the beginning at that location, we could move about, talk to
14 one another or had fun. But later on, after cadres inside the
15 prison were arrested, then we were put on high alert and people
16 would watch us at every move and our wrongdoing would be
17 reported, and we were restricted to stay where we belonged and
18 that we could not move about easily. Even going to the
19 superior's house would be banned.

20 Q.Do you remember a device that was located close to where you
21 were working; a device that would have been used to listen to --
22 or to record phone conversations? Do you remember something like
23 that?

24 A.I don't remember it.

25 Q.During a confrontation that took place before the

97

1 Co-Investigating Judges -- and that is indexed at D54 of the case
2 file -- Mam Nai, the witness, Mam Nai, who spoke yesterday,
3 indicated that there were, close to where you working, a device
4 that was used to record phone conversations and you, yourself,
5 were questioned and you said that:
6 "There was a machine that had been installed before I arrived. I
7 was very young back then and I believe that this resembled a
8 device to listen to songs with tapes."
9 Does this remind you of anything?
10 A.Peng, who was the radio operator, was in charge of managing
11 that device but I don't know where the device would be kept and
12 how it would be operated because I was so green when it comes to
13 that recording device.
14 Q.When you were questioned by the Co-Invesitgating Judges, or at
15 least by the investigators, you spoke about purges within the
16 S-21 staff. You even spoke about this today and you provided us
17 with figures.
18 You said that, according to you, in each S-21 group or the
19 different units -- you said that about 70 percent of the staff
20 had been purged. Is this a figure that seems realistic to you
21 and what do you base yourself on to provide us with this figure?
22 A.In the beginning there were plenty of us but later on there
23 were less and less members of the team.
24 [15.59.43]
25 Q.Apart from the members of staff of Division 703, were there

98

1 other staff members who were victims of the purges?

2 A.The majority of them were from Division 703. The majority of
3 people working at S 21 were from Division 703.

4 Q.Did you have the opportunity to meet the accused often and
5 what can you tell us in that case about his behaviour? Was he
6 authoritarian? Was he feared? How did he conduct himself? Did
7 he speak to you?

8 A.The meeting between him and myself -- it was hard to listen to
9 him. He spoke softly but he was very strict on his work
10 performance.

11 Q.Were you afraid of him? Were you afraid when you were working
12 at S-21?

13 A.I was very afraid since first seeing the prison. So first of
14 all I was fearful of the prison and later on when there was much
15 arrest of people from Division 703 and later the staff of S-21,
16 then I became more fearful of Duch and also of Hor. Even Hor he
17 scolded me. He blamed me.

18 Q.You said that you observed that people around you were
19 disappearing. Do you know what kind of mistake or fault a person
20 could commit in order to be sent for re education?

21 [16.02.55]

22 A.Those who were sent for re-education at Prey Sar, for example,
23 Peng Kry, he capsized the vehicle while it was with him, and Sou
24 Met was removed because he was implicated with another person
25 called Brother Meng, who was arrested and detained at S 21. And

99

1 I did not know the reasons for other people's arrest.

2 Q.You yourself stated at one point that you went to work in the
3 rice fields. Did you go to work in Prey Sar? Were you there for
4 re-education or were you there as a camp official?

5 A.I was sent to go there in order to work in the rice field and
6 to build dams and to dig canals. The work lasted until late
7 evening or at night-time. At 6 or 7 p.m. we had to carry the
8 soil and it was so dark that I could not even recognize the
9 team's members.

10 Because we were working together with other people, some were
11 from Division 703, and sometimes we could only rest at 11 a.m.
12 and in the morning we had to wake up early and dig canals again.

13 Q.Were you in charge of a team? Did you supervise the team or
14 were you yourself assigned to work directly in the rice field?
15 Were you the builder directly or were you there to supervise the
16 building?

17 A.When I was working in the rice field I was not supervising any
18 unit. I was working alongside with other people. I dug canals
19 and built dams.

20 [16.05.52]

21 Q.When you were sent to Prey Sar were you told that you were
22 being sent there to be re-educated? Were you told why you were
23 being sent there?

24 A.I did not know the reason. I was transferred to be a member
25 of the team there and I was asked to dig canals and build a dam

100

1 from Prey Sar until the east of the river and from the north. It
2 was further than the Lon Non's residence.

3 To the south it was about another kilometre. We built the dams
4 until almost at the vicinity of Huy's house. I worked together
5 with members of the Division 703.

6 Q.Were you shackled at night? What were your detention
7 conditions like? Were you locked in?

8 A.I was not locked in. I was only asked to do my work, also to
9 build a road in order for the vehicles to transport rice. I
10 slept normally at night.

11 Q.I would now like to return to Duch's role and the way you have
12 testified about that.

13 Can you tell us whether the accused participated personally in
14 arrests and what was his exact personal role in such cases?

15 A.His role was a major one. He supervised us in making the
16 arrests and have to implement the instructions successfully.

17 Q.When you were interviewed by the investigators -- and I'm
18 referring to document number D49/6, page 4 of the French. You
19 say this in this document:

20 "I do not know what sort of person Duch used to go and arrest by
21 himself. He went out to arrest people within Phnom Penh.
22 Outside Phnom Penh, Hor did so."

23 [16.09.33]

24 So were you a witness to the fact that Duch personally made
25 arrests or was Duch personally present during arrests in Phnom

101

1 Penh?

2 A. In making the arrest, he was not present at the arrest
3 vicinity. It was my team who conducted the arrest because he
4 knew every one of them, so if they saw him they would realize
5 that they would be arrested.

6 Q. I would like to get some clarification regarding what you said
7 a while ago regarding the presence of the accused at Choeung Ek.
8 The investigators also interviewed you on this matter.
9 You described the method of execution of the prisoners, which is
10 consistent with what you have said today, however, you also said
11 this -- I am still referring to document number D49/6 and now at
12 page 7. You say:

13 "The prisoners were beaten while handcuffed. Their necks were
14 cut because Ta Duch and Ta Hor wanted this to be done. The
15 orders came from Ta Hor. If Ta Duch came, it was to observe the
16 place of execution. He called people on site to a meeting. He
17 said that hitting prisoners with a metal bar was not enough and
18 that they should have their throats slit, and after that he went
19 to see the place of execution."

20 [16.12.11]

21 And the question is put:

22 "How was the method of execution taught?"

23 The answer is this:

24 "Duch and Hor gave instructions during the meeting saying that
25 they should get the prisoners to kneel down, hit them with the

102

1 axle of a wagon and slit their throats."

2 Do you remember such a meeting? Do you remember seeing the
3 accused attend such a meeting and issue instructions; that is to
4 say instructions that prisoners should be hit on the nape and
5 also have their throats slit?

6 A.I can recall the statement. Before the prisoners were taken
7 to be killed, then we were instructed on how to execute them.
8 After we struck the blow to the neck, then we have to slit their
9 necks to make sure they were dead.

10 Q.I understood that clearly, and that is what you said today,
11 but my question was clear. Were these instructions given to you,
12 as I have read out and as it seems you stated before, by the
13 accused himself in the course of a meeting? Do you understand my
14 question?

15 A.Yes, I understand your question.

16 Before we did the killing, we received instructions on how to
17 execute them, so we just followed what we were instructed to do.

18 [16.14.18]

19 Q.You can also tell me that you do not wish to answer my
20 question -- that might be a simpler option -- but I'm going to
21 repeat it for the last time. Did the accused give you
22 instructions regarding the method of execution?

23 A.Yes, the method was instructed by Hor to us.

24 Q.Hor is not Duch. Did Duch give you instructions?

25 A.The instructions were given by Hor, but the decision to issue

103

1 such instruction was made by Duch.

2 Q.Still with regard to the same document, that is D49/6, on page
3 9 of the French, a question is put to you as follows; that is,
4 whether you participated in executions and you said this, and the
5 question is put to you:

6 "If your group was participating in an execution, who carried out
7 the executions?"

8 And you said that:

9 "It depended on Hor and he gave orders when we accompanied the
10 prisoner to Choeung Ek. Duch accompanied people. There was one
11 left and he asked me "Are you determined or not?" and I said in
12 response, "I am determined". If I hadn't said that, I was afraid
13 that he might say that I was opposing him. He ordered me to kill
14 the person."

15 [16.16.42]

16 Do you remember this question and do you remember the answer you
17 gave?

18 A.Yes, I remember my statement.

19 There was a mass killing when he went to visit that location and
20 it was almost dawn, and sitting at the pit it was clearly my
21 leader, Duch, but because I had to rush to finish my job and he
22 asked me whether I was absolute or not and I responded that I was
23 absolute because I was afraid if I was not absolute then it might
24 mean that I opposed him.

25 At that time, I could not clearly say who was who because it was

104

1 almost dawn and a lot of people were there including him and
2 Duch. So after I did that execution, then I went back in order
3 to verify the list.

4 Q.Did the accused order you to execute someone on several
5 occasions? Did this happen only one time?

6 A.Let me say clearly whether -- I am not really sure now whether
7 at that time it was Duch or Hor because it was almost dawn and it
8 was a rush to finish the job. So after I received the
9 instruction, then I executed that prisoner.

10 [16.19.11]

11 JUDGE LAVERGNE:

12 Perhaps Duch could be asked to stand up.

13 BY JUDGE LAVERGNE:

14 Q.There you are. Do you recognize this person here in this
15 courtroom standing up, Mr. Him Huy?

16 A.Yes, I recognized him.

17 Q.Who is he?

18 A.He is my superior.

19 Q.Was he the person on the edge of the pit with you early in the
20 morning and who asked you to execute a prisoner?

21 A.As I just stated, it was a rushing period because the trucks
22 were ready to leave because we were afraid if we -- if it was
23 clearly dawn, then people might have seen us and we would break
24 our secrecy.

25 So I was not sure if it was him or not at the time. It was

105

1 either him or Hor because he was also present at the time there
2 together with Hor.

3 [16.20.47]

4 JUDGE LAVERGNE:

5 The accused may sit down. He probably will be allowed to make
6 his comments later on.

7 BY JUDGE LAVERGNE:

8 Q.After the fall of Phnom Penh, what did you do? Were you
9 yourself in trouble?

10 A.After the fall of Phnom Penh, Duch and Hor's group gathered us
11 from the rice fields in Prey Sar from Huy's group, and we fled to
12 the forest together. And we stay about a little bit more than
13 one month in the forest.

14 Then I asked Hor to run back home, that we should no longer do
15 the revolution, but he did not want to come with me. So I led
16 some force to flee from them.

17 Q.Were you arrested in 1983 and if so, why?

18 A.In 1983, I was arrested. I was accused of being the Chairman
19 of the Tuol Sleng prison.

20 Q.Were you punished? Did you remain in detention? What
21 happened?

22 A.After I was arrested, I did not flee; I stayed there. Several
23 months later, I was asked to work in the rice fields at the
24 Vietnamese border and to carry the rice bags. They did not
25 mistreat me. And after 10 months, I was allowed to return home.

106

1 JUDGE LAVERGNE:

2 I have no further questions for this witness.

3 MR. PRESIDENT:

4 The proceedings of hearing the testimony of the witness, Him Huy,
5 is now running a little bit late. It's already twenty past four.

6 [16.24.14]

7 And as the hearing or the testimony has not yet come to an end,
8 Mr. Him Huy, the Chamber really understands the concerns that you
9 had to answer several questions on the facts which happened
10 several years ago, so your recollection is limited.

11 However, your testimony hearing is not yet finished and the
12 Chamber will require you to provide your testimony again on the
13 20th of July 2009 from 9 a.m.

14 According to the schedule, probably you will be required for one
15 day at the most or could be less. Do you understand that?

16 MR. HIM HUY:

17 Yes, I understand, Your Honour.

18 MR. PRESIDENT:

19 The Chamber will now adjourn and it will resume on Monday
20 morning, the 20th of July 2009, starting from 9 a.m.

21 Court officer, could you make necessary arrangements for the
22 return of Mr. Him Huy, so that you can work in cooperation with
23 the WESU unit and he shall be returned to the Chamber on Monday.
24 Security guards, take the accused back to the detention facility
25 and bring him back on Monday morning on the 20th of July 2009.

107

- 1 The Court is now adjourned.
- 2 (Judges exit courtroom)
- 3 (Court adjourns at 1626H)
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25