



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber  
Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

28 July 2016  
Trial Day 431

**ឯកសារដើម**  
**ORIGINAL/ORIGINAL**  
ថ្ងៃ ខែ ឆ្នាំ (Date): 10-Nov-2016, 08:00  
CMS/CFO: Sann Rada

Before the Judges: NIL Nonn, Presiding  
Claudia FENZ  
Jean-Marc LAVERGNE  
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Martin KAROPKIN (Reserve)  
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I N D E X

2-TCW-1005

Questioning by Ms. GUISSÉ..... page 3

Questioning by Mr. KONG Sam Onn ..... page 32

Mr. Henri LOCARD (2-TCE-90)

Questioning by The President (NIL Nonn) ..... page 35

Questioning by Judge LAVERGNE..... page 85

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
2-TCW-1005	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUISSSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. Henri LOCARD (2-TCE-90)	English
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer
Mr. SMITH	English

1

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

2 (Court opens at 0858H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of witness  
6 2-TCW-1005, and after the conclusion of the testimony of this  
7 witness, we'll begin hearing testimony of an expert witness --  
8 that is, 2-TCE-90.

9 Mr. Em Hoy, please report the attendance of the parties and other  
10 individuals to today's proceedings.

11 [08.59.50]

12 THE GREFFIER:

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

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

18 The witness who is to conclude his testimony today -- that is,  
19 2-TCW-1005, is present in the courtroom. Today, we also have an  
20 expert witness -- that is, 2-TCE-90, who will appear after the  
21 conclusion of testimony of witness 2-TCW-1005. The expert  
22 <witness> confirms that, to his best knowledge, he has no  
23 relationship, by blood or by law, to any of the two accused --  
24 that is, Nuon Chea and Khieu Samphan, or to any of the civil  
25 parties admitted in this case. The expert witness will take an

1 oath before the Chamber.

2 [09.01.03]

3 MR. PRESIDENT:

4 Thank you, Mr. Em Hoy. The Chamber now decides on the request by  
5 Nuon Chea.

6 The Chamber has received a waiver from Nuon Chea, dated 28 July  
7 2016, which states that, due to his health -- that is, headache,  
8 back pain, he cannot sit or concentrate for long. And, in order  
9 to effectively participate in future hearings, he requests to  
10 waive his right to be present at the 28 July 2016 hearing.

11 Having seen the medical report of Nuon Chea by the duty doctor  
12 for the Accused at the ECCC, dated 28 July 2016, which notes that  
13 Nuon Chea has a chronic back pain and it becomes severe when he  
14 sits for long, and recommends that the Chamber grant him his  
15 request so that Nuon Chea can follow the proceedings remotely  
16 from the holding cell downstairs. Based on the above information  
17 and pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber  
18 grants Nuon Chea his request to follow today's proceedings  
19 remotely from the holding cell downstairs via an audio-visual  
20 means.

21 [09.02.18]

22 The Chamber instructs the AV Unit personnel to link the  
23 proceedings to the room downstairs so that Nuon Chea can follow.

24 That applies for the whole day.

25 The Chamber now hands the floor to the defence counsel for Khieu

1 Samphan to put questions to the witness. You may proceed.

2 QUESTIONING BY MS. GUISSÉ:

3 Thank you, Mr. President, and good morning. Good morning to all  
4 of you.

5 Q. Good morning, Witness. My name is Anta Guisse, and I am the  
6 International Co-Counsel of Mr. Khieu Samphan, and it is in this  
7 capacity that I'm going to put a few complementary questions to  
8 you as well as seek clarification.

9 I first would like to focus on the period in Kiri Vong where you  
10 were a messenger. Who was your direct superior during that  
11 period?

12 [09.03.25]

13 2-TCW-1005:

14 A. I was with Phorn in the regiment, which was located <to the  
15 south of Ta Mung (phonetic) pagoda> in a village, in Sla village.  
16 Later on, Phorn (phonetic) was transferred, then I was assigned  
17 elsewhere. <I was with him for almost a year.>

18 Q. When you were a messenger working for Phorn, did you have any  
19 people under your orders?

20 A. I <had> about 10 people or up to around 20 people who were  
21 under me.

22 Q. And were all of these people messengers?

23 A. Yes, we were all messengers. And later on, I became head of  
24 the group -- that is, head of the platoon. At the time, I was  
25 still pretty young. I was around between 13 to 17 years old.

1 [09.05.10]

2 Q. Where <were the messages you delivered from?> To whom were  
3 they <directed>?

4 A. For each <battalion>, we had to deliver his messages. When he  
5 requested those heads of relevant units for meetings, we had to  
6 deliver those messages.

7 Q. So if I understood you well, these were only messengers that  
8 were linked to the division you were part of. And these were  
9 messages that only concerned the people in the higher ranks of  
10 that division.

11 A. When I was there, the division was not yet formed. There was  
12 only the sector regiment <in 1976>. And then there were other  
13 <units such as Tor-1, Tor-2, Tor-3> underneath, and division was  
14 only formed later, in 1977 <after I had already gone to Kratie>.

15 Q. So during this period when there was only a regiment, were all  
16 of your messages delivered within the sector, or <would you>  
17 sometimes travel outside of the region to deliver messages?

18 A. When I was in Kiri Vong, I did not go to the sector. I  
19 delivered messages <from> the regiments to the battalions <and  
20 the companies>. I rarely went to Takeo. Usually, I moved around  
21 in Kiri Vong and in Sla village or to the border area -- that is,  
22 it was to the south side -- that is, to Preal (phonetic) pagoda,  
23 and units <such as Tor-1, Tor-2, Tor-3> were based along the  
24 border.

25 [09.08.01]

5

1 Q. And when you were in Kiri Vong, were you also in charge of  
2 operating the radio or any kind of telegraph device? <Or were>  
3 you only delivering paper messages?

4 A. When I was in Kiri Vong, I was not allowed to operate a radio  
5 yet. I was still in a platoon, and I was not given any radio to  
6 operate or to work with the telegraph.

7 Q. So if I understood you well, it's only as of the moment when  
8 you arrived in Kratie that you started working with a radio or  
9 with a telegraph transmitter?

10 A. Yes, that is correct.

11 Q. Were you trained to operate a radio?

12 A. I was trained for a period of three months; however, the  
13 actual sessions were for one <month> and a half, and then I  
14 returned.

15 [09.09.50]

16 Q. And were you also trained to use a telegraph transmitter?

17 A. Yes, I received the training. I was trained how to decode  
18 messages and how to use a code for the transmission. Actually,  
19 the message was usually typed by a typist and <I was just  
20 learning how to decode it>.

21 Q. I will get back to these questions concerning Kratie a little  
22 later on, but a point of clarification first regarding the  
23 training sessions you attended.

24 On Tuesday at around 9.17 <am>, you spoke about training sessions  
25 during which the cadres who were training you were using issues



6

1 of "Revolutionary Flag", and all of this was not very clear for  
2 me, so I'd like you to be clearer about this. Does this mean that  
3 the cadres would give you copies of "Revolutionary Flag", or  
4 would they just read out articles and interpret them?

5 A. At that point in time, I did not see the magazine. Yesterday,  
6 I was asked about that. In fact, the trainer read from a hard  
7 copy during the study session, but personally, I never saw it.  
8 The instructions or the contents were read out to the trainees,  
9 and that's what I said yesterday.

10 In fact, the principles of morality were good, but participants  
11 did not remember every single point, although the points were  
12 raised during the study sessions. We may <have remembered> some  
13 points, but not all the points that were taught during the study  
14 sessions. And that's what I testified yesterday.

15 [09.12.35]

16 Q. So -- and I want to be sure that I understood you well. You  
17 never had a copy of "Revolutionary Flag" before you?

18 A. Yes, that is correct. And I never said that I had a copy. I  
19 said that during the study sessions, the material was used. We  
20 were instructed that we had to be honest. And of course, when  
21 people got into a brawl, they never thought of the principles of  
22 morality that were taught during the study sessions.

23 [09.13.37]

24 Q. Now I would like to turn to another point. You spoke about Ta  
25 Mok on <Tuesday's hearing>, and in particular, you said, and this

7

1 was a little after 02.39.49 <pm>, you said that Ta Mok was in  
2 charge of everyone, whether it be soldiers or ordinary civilians.  
3 And you specified that the soldiers and the population loved him.  
4 "That's what I observed as someone who was living in that  
5 region."

6 And you also added that, "Everything he said was carefully  
7 considered by the soldiers." End of quote.

8 So I'd like to know, how did you reach that conclusion? What did  
9 you note? What did you note that allowed you to conclude that Ta  
10 Mok was loved by the civilian, as well as the military  
11 population?

12 A. That was on my personal observation. What I knew is that the  
13 soldiers at the time -- that is, before I departed from him in  
14 '77 or late '76 to Kiri Vong, I observed that those soldiers or  
15 army medics loved him. For example, when he went to visit a  
16 hospital, he would instruct the medics to carefully treat those  
17 wounded soldiers. And soldiers usually would complain to him of  
18 what happened or how they were treated, and he was a man of loud  
19 words, but he could resolve the situation effectively.

20 That's what I testified yesterday. And I could only testify to  
21 the extent of my knowledge.

22 [09.16.05]

23 Q. In your statement before the Co-Investigating Judge, you said  
24 in document E3/9814 at answer 30 -- this was regarding <a>  
25 question about the hierarchy, and you said at answer 30:

1 "As far as I am concerned, I believe that Son Sen was at the top  
2 of the leading unit and then it was Ta Mok and then it was Ta  
3 Muth. However, if we looked at the organization of the Southwest  
4 Zone alone, it was clearly Ta Mok who was above the others." End  
5 of quote.

6 So I'd like to know, because you said "as far as I'm concerned",  
7 so what led you to believe that Ta Mok was above all others in  
8 the Southwest Zone?

9 [09.17.30]

10 A. Allow me to respond to your question. What I observed is that  
11 he could effectively be in charge of the entire zone, both the  
12 military and the bases. All sectors were under his supervision,  
13 and here I <am referring> to Kampot, Takeo, <the southern> part  
14 of <Kampong Speu,> and Kandal province. And he could travel to  
15 any areas within those four <provinces>.

16 Even his deputy, <Bith, and his son-in-law, Raen (phonetic), from  
17 Division 2,> did not dare to raise anything with him<>. Sometimes  
18 when he went to visit an area, the son-in-law didn't dare stay  
19 there and move elsewhere, so that's why I said that he was the  
20 top leader in the zone.

21 Q. You're speaking about Ta Mok's son-in-law, so could you also  
22 remind or tell the Chamber what his name is again?

23 A. I can tell you what I know, and if I don't know, I would say  
24 so.

25 Q. So must I understand that you don't remember the name of Ta

1 Mok's son-in-law?

2 A. (Microphone not activated)

3 MR. PRESIDENT:

4 Witness, please observe the microphone.

5 2-TCW-1005:

6 A. I do not recall the surname of that person. However, I know  
7 his name, and I still recall how many of his children who were  
8 married at the time. <But they have all passed away.>

9 [09.19.50]

10 BY MS. GUISSÉ:

11 Q. So therefore, can you tell us the name you remember?

12 2-TCW-1005:

13 A. Let me talk about the eldest child who passed away -- that is,  
14 Khoem (phonetic), whose wife -- who was the wife of Meas Muth.  
15 However, later on, Meas Muth married another woman. So the  
16 in-laws -- the son <and daughter> in-law, including Meas Muth,  
17 and another teacher who got married to <Pou Raen> (phonetic),  
18 <the teacher is still alive, but Pou Raen (phonetic) has passed  
19 away>. And <Yeay> Ho (phonetic) was <married to Pou Vin  
20 (phonetic)>, but died. <They were at the division level.> And as  
21 for Pou Bora (phonetic) and Yeay Heanh (phonetic), they were also  
22 at the division level, but they passed away.  
23 And as for the youngest child, Chrech (phonetic), I did not know  
24 <the husband> because, at the time, <Chrech (phonetic)> was  
25 pretty young and I <had> already moved to Anlong <Veaeng>.

10

1 [09.21.15]

2 Q. I don't know if there was an issue in the translation of my  
3 question. Earlier, when I was <putting questions to> you about Ta  
4 Mok, you told us that he was the supreme leader in the Southwest  
5 Zone and even his son-in-law did not dare make any comments. So  
6 what I want to know is the name of this son-in-law, the  
7 son-in-law who did not dare make any comments about Ta Mok's  
8 orders.

9 A. So, you did not ask me about all the children of Ta Mok, but I  
10 could say that all the son-in-laws of Ta Mok, <including Pou Raen  
11 (phonetic) and Pou Bora (phonetic),> were afraid of him. And if  
12 he went to visit their area, they wouldn't dare to stay there.  
13 They would go elsewhere and try not to <see> him.

14 [09.22.22]

15 Q. Well, I also would like to <put> questions to you regarding  
16 another person, Ta Tom. You were questioned regarding him by the  
17 Co-Investigating Judge. This is document E3/10622, in particular  
18 at answer 123, and you spoke about the powers and the specificity  
19 of Ta Tom. And I'm going to quote in English because there is no  
20 French translation:

21 "There were sector soldiers at the sector level, yet the person  
22 in charge of the soldiers was different, not the sector  
23 committee. Yesterday, I said Ta Naim, N-a-i-m" -- pour les  
24 interprètes -- "was in charge of the sector forces. The people on  
25 the sector committee, such as Ta Saom, and Ta Tith were not in

11

1 charge of the forces. Ta Tom was different and, at the district  
2 level, had soldiers. I think that was the reason why the upper  
3 echelon accused Ta Tom of being a traitor because of the strength  
4 of those forces." End of quote.

5 So my question is the following: You said in this answer to the  
6 Co-Investigating Judge that Ta Tom had soldiers at the district  
7 level under him, so was he the only one to have soldiers under  
8 him at the district level?

9 [09.24.34]

10 A. The statement is not wrong. I said so because he was my cousin  
11 since he was a cousin of my ex-wife, <Yut>. And my mother went to  
12 Kiri Vong hospital together with <Ken (phonetic), Tith's> wife  
13 there, and Tom had his forces under him -- that is, a platoon  
14 <that was> stationed with him all the time. And there <were> also  
15 <a company and> another battalion that he assigned to be  
16 stationed elsewhere. <So it meant that he was expanding his  
17 forces.> And whenever I went to visit him, then there was a man  
18 at the door who would open his office door for me.

19 And that's why I said so, and that was probably the reason that  
20 caused him trouble. And I agree with the excerpt that you just  
21 read out.

22 Q. When you tell us that it was probably because of that that he  
23 faced problems, are those your conclusions or did you hear from  
24 someone from the sector, that it was for that reason that he  
25 faced problems? Is this a supposition or was this something that

1 was told to you?

2 A. What I said is that Ta Tith was also in the same district  
3 <before he came to the sector>, and Ta Tith could grasp the  
4 situation. And when I went to visit the house, actually, by that  
5 time, he had been removed and military commanders who were under  
6 him were also sent <along with him to Bor Ta Phang (phonetic),  
7 Anlong Phnhiv (phonetic) which was located to the west of my  
8 village>. And that was the end of the matters with his  
9 subordinates.

10 And Ta Tith told me about my uncle, that the soldiers under him  
11 were not well disciplined, and then I -- upon hearing that, I  
12 quickly went to Kratie and I did not spend time visiting my  
13 mother in <Kiri Vong>. And that's what happened.

14 And I agree with the prior statement that I made.

15 [09.28.00]

16 Q. I'm not sure that I understood your answer very clearly, so  
17 let me rephrase my question.

18 You said in the excerpt that I just read out to you that,  
19 according to you, Ta Tom had faced problems because he had  
20 soldiers under his orders.

21 So is this something that you concluded yourself or is this  
22 something that someone told you? And if somebody told you this,  
23 who was this person?

24 A. I just responded to your previous question. It was my personal  
25 conclusion that I made early. However, when I went to Takeo, I

13

1 met with Tith. Ta Tith told me that my uncle had been removed,  
2 along with a number of people. And I asked for the reason, and he  
3 spoke about the soldiers who were under him, that they were  
4 <dispersed> and that he had different groups of soldiers. Some  
5 were with him, and some were stationed at the front battlefield.  
6 That's all I can say.

7 [09.29.30]

8 Q. So maybe the misunderstanding comes from the fact that,  
9 earlier, I heard that Ta Tom was your cousin, or that's how it  
10 was translated, and now you're describing him as your uncle.  
11 So can you tell us what kind of family link you had with him?

12 A. He was not my uncle. My mother and my father <were his  
13 cousins>, so for that reason, he's kind of my uncle.

14 Q. <All right>. And in answer <135> of the same document,  
15 E3/10622, you say that Ta Tom was drinking wine, and this was  
16 something that was forbidden. Do you know if he had problems  
17 concerning his behaviour? Is this something that was reproached  
18 of him, Ta Tom?

19 [09.31.15]

20 A. I saw that. That is why I raised the matter up. He drank wine  
21 and he had issues within the army. He, in fact, drank wine from  
22 the jar that he used to keep wine. <I frequently visited his  
23 house. One day, I saw Ta Saom went there, so I hid my motorbike  
24 at the corner of the road and I walked in. He> asked me where I  
25 was going. I said I <was going> to visit <my uncle's house>. In



14

1 fact, at the time, Tom was <hiding> away <when he saw Ta Saom  
2 coming.> I was asked where Tom was, and I told <Ta Saom that I  
3 did not know where Tom was because I was just there>.

4 In fact, I did not <talk about his> drinking wine <at length  
5 before,> but <I am clarifying it now>.

6 Q. Apart from this incident, do you have any other elements to  
7 indicate that Ta Tom would have had problems due to his  
8 consumption of alcohol?

9 A. I had already left his house. I, in fact, made the statements  
10 <regarding the time that I was there>, and I do not know for sure  
11 <what happened after I left>.

12 [09.33.25]

13 Q. I will now come back to another point. With my co-counsel,  
14 Koppe, you spoke about the battles with Vietnam, the  
15 <intensification> of these battles after 1977. And in Tuesday's  
16 hearing, at about 01.47.21, you said, and I will quote in order  
17 to be certain as not twisting your words. You said:

18 "For example, soldiers turned against them their own weapons, and  
19 wounded soldiers were sent to the hospital. There were situations  
20 where the soldiers themselves created incidents within the army.  
21 These events affected other soldiers." End quote.

22 My question is as follows: You spoke of incidents where, I  
23 suppose, in order to get away from the front, soldiers used their  
24 own weapons against themselves or otherwise created incidents.  
25 Are these things that you, yourself, saw, that you were a direct

15

1 witness of, or are these things that you learned of?

2 [09.35.11]

3 A. I was speaking about the shelling by the "Yuon" and then the  
4 radio communication was made to assist the soldiers. Perhaps  
5 there may have misinterpreted the message or the statement that I  
6 made. <The one who made the radio communication was from a  
7 regiment. His name was Oearn (phonetic). I did not talk about the  
8 fighting with each other in the trench.>

9 I was speaking about the advancement of <the> "Yuon", and <the>  
10 "Yuon" <were> attacking and defeating the preparatory line. And  
11 could you clarify the quote that you have just made?

12 I was speaking about a radio operator. Some <soldiers> were  
13 eating <a> meal at the time, and there was an incident that 200  
14 -- 200 soldiers were killed.

15 And as for the patients, the injured soldiers who were sent to  
16 the hospital <after they shot at each other>, I was not speaking  
17 about it. However, I was talking about the radio operator asking  
18 soldiers who fired the shelling and then the shells missed the  
19 target and it dropped on our soldiers. Two hundred of them were  
20 killed.

21 At the time, hundreds of soldiers were eating <a> meal <here and>  
22 the operators were eating <a> meal <there>, and there was an  
23 incident <in which> the 200 soldiers were killed. And the  
24 shelling missed the target and dropped on our own soldiers. As a  
25 result, 200 of them <were> killed.

16

1 Perhaps you could make it clearer for me about the statement that  
2 I made the other day.

3 [09.37.25]

4 Q. This is what I cited from my French translation. You <gave> me  
5 more clarification, <and you> said that there was a misfiring and  
6 that the shells fell on the soldiers of Democratic Kampuchea<, if  
7 I understood correctly>.

8 So I will go back to another point that you also spoke of  
9 yesterday where you indicated that the Vietnamese forces were  
10 stronger and had more modern equipment, if I understood  
11 correctly. Can you clarify and give me more detail on what you  
12 said yesterday?

13 A. Yes, I can <clarify> the issue <>.

14 Concerning the weapons, we <had> the artillery, five artilleries  
15 in our division, and 100 soldiers were using <the> five  
16 artilleries. The 85-millimetre artillery <could reach only 16  
17 kilometers> and 130-millimetre artillery <could reach 28  
18 kilometers, so it> could not reach the target of the opposition  
19 Vietnamese, and the other side had modern equipment <such as a  
20 107-millimetre rocket>. And in one shot they could fire  
21 <thousands> of bullets or shells to our battlefield. <They had  
22 both tanks and infantry and> we had only <infantry and no usable  
23 tanks at the time. So,> as for their equipment, military  
24 equipment, they had more modern equipment compared to us.

25 [09.39.40]

1 Q. Now I'd like to have a little bit more detail on your  
2 functions in Kratie.

3 A short time ago, you indicated that when you were in Kiri Vong,  
4 you had from 10 to 20 people under your orders. How many people  
5 did you have under your orders in Kratie?

6 A. I was not in charge of <a lot of> soldiers. I was in charge of  
7 <about 100 people, including some of> the messengers, the  
8 drivers, telegram <and radio> operators and clothes-making  
9 workers. <I was not involved in military affairs.> However, I had  
10 the authority to communicate and make reports to the commanders.

11 I was not in charge of <> soldiers. <But> I could solve the  
12 problems in relation to ammunition, food, uniforms, etc. <I would  
13 come collect the supplies from Phnom Penh.> And I was entitled to  
14 solve these problems for the brothers at the battlefield.

15 I did not hold <a> high-ranking position, and my rank was <as an  
16 office deputy, it> could not be <equal> to the regiment level. I  
17 was below that. Whenever there were meetings of regiments, I was  
18 not invited to join the meetings. <I could attend meetings for  
19 the battalion or company level only.>

20 [09.41.46]

21 Q. Yesterday, answering a question from Judge Lavergne, you  
22 indicated that the three people you sent <reports> to were either  
23 Meas Muth, either Sou Met or Son Sen. Did I understand your  
24 statement correctly?

25 A. That is true, what I said.

1 Q. Do I understand correctly if I interpret this as saying these  
2 are the only hierarchical superiors with which you had direct  
3 communication?

4 A. The three uncles -- concerning the three uncles, I would make  
5 daily reports to the general staff, and one of them had the  
6 authority to receive my reports. And usually the reports reached  
7 those three individuals, and whether or not they responded to the  
8 reports depended on them.

9 Usually I was required to make <daily reports to them>. I had to  
10 make the reports <> concerning how much ammunitions <and  
11 supplies> I needed. Again, since they were my superiors, one of  
12 them had the authority to receive my reports.

13 [09.44.15]

14 If one was absent, the others who were there in the office would  
15 receive my reports.

16 In the context of army, if the secret was leaked, <the soldiers  
17 would be in danger>. Messages were to be decoded and <encoded>,  
18 and if the message were not correctly encoded and decoded, the  
19 soldiers <would be in danger>.

20 Q. You indicated that you had under your responsibility people  
21 who were in charge of telegrams.

22 Where was the telegraph machine that you used in the framework of  
23 your regime<, or division> located?

24 A. Usually, <telegraph machines>, that is 25 or 40 -- C25 or 46,  
25 were used by specific units and radio communicators were

1 <American->made, <and the telegraph machines> were the  
2 Chinese-made ones. The <telegraph> machine at my unit was a bit  
3 away, a bit in the distance <in a guesthouse>. It was <about 50  
4 to 60 meters> away from that of their house, the Uncles' house.  
5 And all I know is that messages were to be sent to specific  
6 location, and before the messages were sent, they had to be  
7 decoded and encoded. It was so complicated concerning message  
8 formulation, it is easier in this current period of time. We can  
9 do it faster now because of the modern technology.

10 [09.46.58]

11 Q. You indicated that the telegraphs were far from the residences  
12 of the uncles. Which uncles were you speaking of?

13 A. For instance, I was working with Uncle Rom, and his house --  
14 the office -- his office would be, for example, 50 metres or <60>  
15 metres away. <There were guards around his office.> And usually  
16 the <telegraph> machine was kept from his house in a separate  
17 office <so that it would not disturb him when messages were  
18 sent>, but it was not too far from his house.

19 Again, the <telegraph> machine was kept at a different office or  
20 house from Uncle Rom. And usually, there were people who were  
21 responsible for encoding and decoding messages and sending  
22 messages.

23 [09.48.14]

24 We had specific <telegraph> machine to be used for communicating  
25 messages to the general staff, and there were sets of telegram

1 machines used for communication to the battlefield, so the  
2 machines were not the same. <There were three telegraph machines  
3 in total.>

4 Otherwise, the delivery of the messages would be interrupted.

5 However, we used the same radio communicators.

6 I thank you very much.

7 [09.49.05]

8 Q. I would now like to have a clarification regarding the  
9 telegraph operator that you spoke of to know who and when, and  
10 now I'm talking about your statement to the Co-Investigating  
11 Judge, E3/9813, answer 29. And there, you speak of the message  
12 where you say you saw it coming from M-870, and here's what you  
13 say:

14 "To be more clear or more specific, those who brought the letters  
15 from Office M-870 from Rom were Thy and Kung, who were also  
16 telegraph operators from Meas Muth's messenger section." End  
17 quote.

18 So my first question regards when you spoke about the telegraphs  
19 that you had available to you in the division. And here, you talk  
20 about Thy and Kung, who were telegraph operators in Meas Muth's  
21 messenger unit. So my question is: Were the telegraphs used by  
22 Thy and Kung in a different place or different places from those  
23 that you used in your division?

24 [09.50.42]

25 A. Allow me to clarify the names. <> The name are confusing; Thy,

21

1 not Ty (phonetic). Thy and Kung. Not Ty (phonetic), Kong. Thy,  
2 Kung.

3 During the regime, Thy, Kung were in charge of messages for Muth.  
4 Muth was at another location together with the messenger <in the  
5 north, at Kou Loab, along the way to Sambour>.

6 Thy, in fact, was original -- originally from the airfield. In  
7 fact, <they> were not working together in the past. Thy was, at  
8 the time, <> coming from the airfield, and he brought the message  
9 to Rom.

10 Thy, Kung <were> not responsible for sending messages to <my  
11 division>. However, at the time, we, <Rom and I,> thought the  
12 message were sending -- was sent from M-870 by air <through 502>.  
13 [09.52.20]

14 Q. So I would like a clarification. You see that Thy and Kung --  
15 I don't know if you're talking just about one time where a  
16 message came by air, or if this happened several times. Could you  
17 clarify that, please?

18 A. Allow me to clarify this matter for you.

19 I want to say that Thy and Kung were the personal messengers of  
20 Muth. Muth was at <> Kou Loab <in Sambour> in the north, and I  
21 was at Kratie. And at the time, Thy and Kung were coming from  
22 502, the airfield. So I thought that the message was sent through  
23 502, and Thy and Kung were sending the message to us.

24 The message of <M->870, the one that concerned message, included  
25 Rom, the name -- the name Rom, and other individuals, to go to a



1 specific location. And these individuals listed in the message  
2 were to be received by <Yun (phonetic)> at 9 o'clock. After  
3 delivering the message, Thy and Kung were driving northward to  
4 Sambour.

5 [09.54.38]

6 Q. My specific question was to know if this was the only time  
7 that Thy and Kung brought a message to Rom, as far as you know.

8 A. That was the only one time since the period I started working  
9 there up to the time that I left. That was the only time that I  
10 saw or learned about the message.

11 Q. And just to be very clear, this message that you say you read  
12 on that day, it was not a telegram. It was a written or typed  
13 letter. It was a paper version.

14 A. Usually, the message was encoded, and then it was put into a  
15 letter. Usually, letters in physical copies were not originally  
16 produced. First, it was to go through telegram. If you have --  
17 still have doubts, I am happy to enlighten it.

18 [09.56.25]

19 Q. My question, in fact, was at the time that you read the  
20 message coming from M-870, did you know it was a telegram which  
21 had already been decoded, or was it a message that, in its  
22 original form, had been written out or typed out?

23 Were you able to know if it had arrived by telegram and then it  
24 had been decoded by the telegraph services of Thy and Kung, or  
25 did you know that it was a message which, in its original form,

1 was a message on hard copy paper?

2 A. Allow me to clarify that matter. In the past, the message was  
3 originally encoded. For example, the subject would be to Rom. It  
4 was requested that certain individuals were to be <received by  
5 Yun (phonetic) to go> to <a> specific location and then wishes  
6 were included at the end of the message. <And it states M-870 in  
7 the message.>

8 I was not quite sure at the time whether the message was  
9 originally from Thy and Kung <or from 502>, and what I knew at  
10 the time was that the message was brought by Thy and Kung from  
11 the airfield. <Rom asked Kung where the message was from and Kung  
12 said it was from 502.> And the telegraph office was three or four  
13 metres away from the location that I was working. In fact, the  
14 message was decoded from the telegram.

15 And after that, Thy and Kung were in a hurry to move on.

16 [09.59.10]

17 Q. Please excuse me if I'm insisting on this, but I hear that  
18 you're -- in the French version, I am hearing that there are  
19 several messages, the plural, so several messages brought by Thy  
20 and Kung in this way. But are you speaking of just one message or  
21 are you speaking of several messages?

22 A. As I clarified earlier, there was only one letter -- during  
23 the period of one or two years that I stayed there, there was  
24 only one handwritten letter. <And it was decoded from a  
25 telegram.> It was very difficult to deliver any hard copy mail

24

1 from Phnom Penh to other zones. Even for the injured soldiers, it  
2 was very difficult to find any planes to transport them to the  
3 hospital, and usually the communication would be done via  
4 telegraph or transmitters.

5 [10.00.25]

6 Q. So since we now agree that there was only one single letter,  
7 let me put my question to you again so I'm sure I understood you  
8 well.

9 Earlier when you answered, you said that it was not possible for  
10 me to know if the letter resulted from the decoding of a telegram  
11 or if the letter was handwritten, so do we agree that we're  
12 speaking about this letter that was given by Thy and Kung to  
13 Rom<, on that day,> and <which> you read?

14 A. As I have just said, the letter was handwritten, and it was  
15 the content of a telegram that was decoded. Kung said that the  
16 letter was sent by 502 from the airport, so we believed that the  
17 telegram originated from the airport, and it was actually coming  
18 from the general staff.

19 And as I said, there was only one single letter.

20 And I cannot recall the date of receipt since, at that time, the  
21 situation was rather chaotic with the advancement by the "Yuon"  
22 troops and many people who worked with the telegraph transmitters  
23 were killed.

24 [10.02.11]

25 MR. PRESIDENT:

1 Witness, please listen to the question carefully and limit your  
2 response to the question. If you go beyond that, it is confusing  
3 and it may lead to other series of questions that would be put to  
4 you. As in this case, the question is rather precise and if you  
5 listen carefully to the question and you respond precisely, then  
6 that would be the end of that question.

7 BY MS. GUISSÉ:

8 Q. So Witness, regarding this letter, you just told us that this  
9 letter came from the general staff and you said previously that  
10 you had seen the annotation on this handwritten letter therefore,  
11 M-870.

12 So can you -- well, are we really speaking about M-870 that you  
13 saw on this letter or was there any other kind of annotation on  
14 this letter that led you to believe that this letter came from  
15 general headquarters?

16 [10.03.35]

17 2-TCW-1005:

18 A. What I stated earlier is that if it originated from the  
19 airport -- that is, from 502, then we knew that the source came  
20 <from the general staff,> from 870. However, it went through the  
21 unit in the airport before it was sent to us.

22 The message was not a handwritten letter from the general staff  
23 to us<, it was decoded from a telegram>; however, it went through  
24 the airport. And that's what I keep repeating myself.

25 Q. In statement E3/9813 at answer 29 again, you said,

1 "Furthermore, M-870 was Pol Pot's state office" --

2 [10.04.48]

3 MR. PRESIDENT:

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

5 MR. SMITH:

6 Not an objection, Your Honour, but the reference, E3/9813, I

7 don't think that's a document from this witness. Is it E3/9513,

8 or maybe I've made a mistake? But I --

9 MS. GUISSÉ:

10 Well, indeed, I believe, Co-Prosecutor, that you're making a

11 mistake. The document E3/9813 is, indeed, a document from this

12 witness.

13 MR. SMITH:

14 Just to clarify, then, could you -- I have a document E3/9513,

15 and the date of that document is the 11th of February 2014. And

16 I'm wondering if you could clarify what the date of the document

17 of 9813 is.

18 [10.06.09]

19 MS. GUISSÉ:

20 Well, I will do so even though I believe that, according to the

21 Co-Investigating Judges, we were told not to provide the dates of

22 these statements, but it was 13 February 2014. And I'm referring

23 to the second page where we see, indeed, the name of the witness.

24 MR. SMITH:

25 Thank you.

1 Well, now that I've got the date, I'll be able to further check  
2 that. Thank you.

3 MS. GUISSÉ:

4 Maybe to assist you, the first index given to the document was  
5 E319/24.3.13. That was the first index number given.

6 MR. SMITH:

7 Well, I think the document number, then, is E3/9814, so I think  
8 you've got the wrong document number.

9 [10.07.12]

10 BY MS. GUISSÉ:

11 Well, I have a ZyLAB document here, and in French the document  
12 is, indeed, indexed E3/9813, so I don't know if there was an  
13 error in the way these documents were numbered. But the document  
14 that I have in French is, indeed, E3/9813 or, in any case, to be  
15 sure, the French ERN is 00980814. And I don't think I can be any  
16 clearer than that. And we're talking about answer 29.

17 Q. So Witness, my apologies for this interruption.

18 In this document at answer 29, you said that, "Moreover, M-870  
19 was Pol Pot's state office." End of quote.

20 So my question is: how did you get to learn that M-870 was Pol  
21 Pot's state office?

22 [10.08.26]

23 2-TCW-1005:

24 A. What I can say is that in each division, they had to know the  
25 code number for that division, and that applies to all divisions

1 throughout the country. And if you want further details, I knew  
2 that Office 870 was a state office, and of course it belonged to  
3 those people in the leadership of the state. And I did not know  
4 whether it belonged exclusively to any particular leader.

5 And Ta Rom said Office 870 -- or messages from Office 870 <meant>  
6 it came from the state office.

7 Q. And in order to be clear about this, in the telegram unit that  
8 was under your orders, were you receiving messages from the state  
9 office directly or were these messages always transiting through  
10 Office 502?

11 A. Office 870 did not have any direct communication with us. They  
12 sent transmissions to <the general staff or> 502, and <most of  
13 the time,> 502 would further send to other units. Since 502 was  
14 not far from -- from the originator, as it was based in the  
15 airport <in Kratie>, the messages were sent to them and then they  
16 would re-transmit those messages to other units.

17 As for us, maybe on a monthly basis we transmitted <messages> to  
18 502, and 502 would forward it further.

19 [10.10.53]

20 Q. Now I would like to return to a few statements you made  
21 yesterday. When you were answering a question put to you by Judge  
22 Lavergne, I believe you spoke about -- and this was a little bit  
23 before 1.44 <pm> in the afternoon. And you spoke, therefore,  
24 about a message in which the advances of the "Yuon" were  
25 described.

1 And on top of the letter, there was a code number when you saw  
2 it. And you said that there was a note by one of the uncles on  
3 this letter. And do you remember the code number that you saw on  
4 this message describing the advances by the "Yuon"?

5 A. No, I cannot recall the head of the message. However, I recall  
6 the annotations that <> the "Yuon" troops were attacking. And  
7 upon seeing that, we knew that the message <meant> for us to  
8 prepare our forces.

9 [10.12.25]

10 Q. A little after 01.47.39 <pm> yesterday, again -- when you were  
11 answering a question by Judge Lavergne again regarding the  
12 possible contact between Meas Muth and Son Sen, you answered:  
13 "Generally speaking, the commander-in-chief of the general staff  
14 and his deputy could speak -- communicate with each other when  
15 there was an inventory drawn up." End of quote.

16 So my question is the following: <Did> you <yourself> ever have  
17 access at one point in time to the communication between Meas  
18 Muth and Son Sen?

19 A. The communication that I testified earlier was based on my  
20 analysis since they were at the upper echelon, they would meet  
21 one another and communicate in that fashion, although I did not  
22 know the details.

23 For example, when one of them was absent, then they had to  
24 communicate via such fashion in order to resolve military  
25 situations. Even when we transmitted messages to 502, 502 would



1 forward it to the two, and they had to communicate with one  
2 another in order to resolve the situations.

3 [10.14.15]

4 Q. Well, these are conclusions that you are drawing, or any -- in  
5 any case, something that you suppose, but we agree that you did  
6 not have access to this communication and that you would not  
7 process the telegrams between Meas Muth and Son Sen or from the  
8 general staff to the higher echelon.

9 Do we agree on that? Do I understand your testimony properly?

10 A. Yes, I agree with that statement because I, myself, did not  
11 see them.

12 Q. The last point regarding this famous letter summoning Rom to a  
13 meeting in Phnom Penh, <so> you described the conditions in which  
14 you read this message, and you said that you saw M-870 noted on  
15 this message.

16 So can you tell us<, if you remember,> where this annotation was  
17 on that message? Where on the letter could you see this  
18 annotation?

19 [10.15.42]

20 A. Yes, I can do that. At the top to the right-hand side, it's  
21 stated M-870, and on the envelope it said "For Rom <117>". And  
22 after we opened the envelope, the letter is addressed to Rom. And  
23 the subject is to request for him to go to Phnom Penh, and I  
24 cannot recall the date. And then they mentioned a number of  
25 people that had to go to Phnom Penh, and that's the date

1 underneath and M-870.

2 That's what I can say regarding that letter.

3 And when he left, the letter was left on his desk. And the  
4 content of the letter was not that long. <And Yun (phonetic) came  
5 to pick them up at 9 o'clock.>

6 Q. And a last point of clarification regarding this, aside from  
7 the mention M-870, do you remember a code name or another name on  
8 this letter?

9 A. I did not pay attention to that. Maybe there was no other code  
10 name. And I cannot even recall the date of that letter.

11 [10.17.22]

12 MS. GUISSÉ:

13 I have no further questions, Mr. President. I know that my  
14 colleague, Kong Sam Onn, has about 10 minutes of questions for  
15 the witness, so I don't know if you want to proceed before the  
16 break, or after.

17 MR. SMITH:

18 Just briefly, Mr. President, I apologize to counsel. I made a  
19 mistake with the document number.

20 I had an earlier version of the document, and in my notes I  
21 recorded the wrong document number, so I apologize for that.

22 MR. PRESIDENT:

23 If you don't need a long time, then you may proceed, Counsel Kong  
24 Sam Onn.

25 [10.18.10]

1 QUESTIONING BY KONG SAM ONN:

2 Thank you, Mr. President. Good morning, Mr. President, Your  
3 Honours, and good morning, Witness.

4 Q. I only have some supplementary questions to what you testified  
5 yesterday -- that is, regarding the topic of marriage.

6 You testified yesterday that you did not know about the marriages  
7 at the base, but you were aware of the marriages that <took  
8 place> with soldiers. Can you tell the Chamber regarding your  
9 knowledge of marriage where soldiers were married, can you tell  
10 the Chamber how many couples of those soldiers who got married  
11 and how many occasions that you participated in <that>?

12 2-TCW-1005:

13 A. On the issue of marriage, I cannot recall how many times that  
14 I attended <them>. From my recollection, every two or three  
15 months, then, two or three couples <would be> married. So it is  
16 difficult for me to give you a precise response. I only knew that  
17 marriages did take place, but I cannot recall how many couples  
18 were married. Sometimes there were marriages between those who  
19 were medics <and> those who worked at the garment factory. And  
20 that's what I can say about marriages.

21 [10.20.01]

22 Q. Do you know anyone amongst those who got married in your unit?

23 A. We separated from one another many, many years ago and my  
24 eyesight has become very poor, and I cannot recall anyone in  
25 particular. I returned from the northern part of Cambodia since

1 <1981-82>, and maybe some of them are still living in Anlong  
2 Veaeng area, but I lost contact with all of them.

3 Q. You <mentioned> your position, that you were a deputy chief of  
4 an office of a division headquarters. In your capacity as the  
5 deputy chief of the office, did you participate in the  
6 decision-making process where forces who were under you <> <were>  
7 to get married?

8 [10.22.01]

9 A. <I> did not have the authority to make that decision. The  
10 decisions came from the <divisional commander and I would  
11 implement it>. If people from the hospital -- that is, those  
12 medics or those who worked in the garage or <at> the garment  
13 factory -- if they loved each other, <I> did not have the  
14 authority to make that decision, <I had to ask permission from  
15 the superior>.  
16 <My> authority was to resolve other matters that happened amongst  
17 soldiers at our office, and other decisions would have to be made  
18 by the divisional commander and his deputy.

19 Q. Did you seek consultation or speak to anyone with those who  
20 got married -- that is, to speak in person with anyone who got  
21 married?

22 A. It is difficult for me to respond to your question. Sometimes  
23 we chitchatted with the people and those who got married,  
24 sometimes they were <too> shy to speak about their new status and  
25 situation. Usually, after they got married, and if they were from

34

1 the front battlefield, they would be allowed to stay with their  
2 <new spouse> three days, and they had to return to their  
3 respective units at the front. And in practice, we did not have  
4 time to chitchat with one another.

5 [10.24.17]

6 MR. KONG SAM ONN:

7 Thank you, Witness.

8 And Mr. President, I am done.

9 MR. PRESIDENT:

10 Thank you.

11 And Mr. Witness, the Chamber is grateful of your testimony, and  
12 your testimony has now concluded and it may contribute to  
13 ascertaining the truth in this case. You're no longer required to  
14 be in the courtroom and you may be excused and, therefore, return  
15 to wherever you wish to go to. The Chamber wishes you all the  
16 very best.

17 Court officer, in collaboration with WESU, please make necessary  
18 transport arrangement for the witness to return to his residence  
19 or wherever he wishes to go to.

20 It is now convenient for a break time. We'll take a break now and  
21 resume at quarter to 11.00.

22 And when we resume, the Chamber will commence hearing testimony  
23 of an expert witness -- that is, 2-TCE-90.

24 The Chamber is now in recess.

25 (Court recesses from 1025H to 1044H)

1 MR. PRESIDENT:

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

3 And next, the Chamber starts to hear the expert, Henri Locard.

4 Court officer, please invite the expert into the courtroom.

5 (Witness 2-TCE-90 enters the courtroom)

6 [10.47.00]

7 QUESTIONING BY THE PRESIDENT:

8 Q. Good morning, Mr. Expert. What is your name?

9 MR. LOCARD:

10 A. Henri Locard. Henri Locard.

11 Q. Thank you, Mr. Henri Locard.

12 Do you recall when you were born?

13 A. Yes, I do recall. On the 11th of June 1939.

14 Q. Thank you.

15 What is your nationality?

16 A. French.

17 Q. Thank you.

18 Mr. Henri Locard, how many languages can you speak fluently?

19 A. French and English, and a little bit of Khmer.

20 [10.48.19]

21 Q. Thank you.

22 Since you can speak two languages fluently, during the

23 proceedings before the Chamber, which one of the languages you

24 are going to speak?

25 A. Well, I shall answer in English to questions in English, and I

1 shall answer in French to <questions> in French. Questions in

2 Khmer, I shall answer in French, too.

3 Q. Thank you.

4 You are going to speak two languages in the proceedings, so the

5 Chamber wishes to remind you that in responding to the questions,

6 please do not switch language in the middle of your responses.

7 This is to ensure proper proceedings.

8 Mr. Henri Locard, what is your current place of residence?

9 A. For the time being, in Phnom Penh.

10 Q. What about your permanent address?

11 A. Well, I also come from the town of Lyon in France, but on my

12 passport, my permanent address is given here in Phnom Penh. I'm a

13 permanent resident in Phnom Penh.

14 [10.50.30]

15 Q. Thank you.

16 What is your occupation nowadays?

17 A. I am retired from the University Lumière Lyon 2 in France, and

18 I'm also a volunteer at the Royal University of Phnom Penh,

19 history department. This since the year 2000.

20 Q. Thank you, Mr. Expert.

21 What religion do you believe in or follow?

22 A. Roman Catholicism.

23 Q. Thank you.

24 The greffier made an oral report this morning that, to the best

25 of your knowledge, you are not related, by blood or by law, to

1 any of the two accused, Nuon Chea and Khieu Samphan, or to any of  
2 the civil parties admitted in this case. Is that correct?

3 A. Yes, it is correct.

4 [10.51.48]

5 Q. Mr. Henri Locard, pursuant to Internal Rule 31.2 of the  
6 Extraordinary Chambers in the Courts of Cambodia and as an expert  
7 witness before the Chamber, you are required to take an oath or  
8 affirmation in accordance with your religion first prior to your  
9 testimony before the Chamber. Do you agree with that?

10 A. Yes, I do.

11 Q. Greffier Maddalena, please lead the oath-taking proceedings of  
12 the expert before the Chamber. You may now proceed.

13 [10.52.42]

14 THE GREFFIER:

15 Thank you, Mr. President.

16 Mr. Locard, can you please stand up? Please repeat after me. I  
17 solemnly swear that I will assist the Trial Chamber honestly,  
18 confidentially and to the best of my ability.

19 MR. LOCARD:

20 I solemnly swear that I will assist the Trial Chamber honestly,  
21 confidentially and to the best of my ability.

22 THE GREFFIER:

23 Thank you. You can sit down.

24 BY THE PRESIDENT:

25 Q. Thank you.



1 <Witness>, the Chamber and the parties are grateful for your  
2 testimony here to assist the Chamber in the ascertainment of the  
3 truth in relation to significant matters in the trial and also  
4 for the Cambodian people as a whole.

5 [10.53.48]

6 The Chamber wishes to ask you about your academic background and  
7 a number of your writings, and the Chamber would like to remind  
8 you that the term "genocide" is a legal categorization with  
9 particular meaning. It is for the Trial Chamber to decide whether  
10 the evidence in this case establishes that the crime or crimes of  
11 genocide have been proven.

12 Please understand that, in these proceedings, this is for the  
13 Trial Chamber alone to decide after having considered all of the  
14 evidence and the parties' submissions. It is not a matter for you  
15 or, indeed, any witness to offer conclusions or opinions that  
16 genocide or any other crimes have been proven, nor is it your  
17 role to make arguments or offer opinions on the interpretation of  
18 "genocide" or other legal matters. <> Do you understand that?

19 [10.55.06]

20 MR. LOCARD:

21 A. Yes, I do, except that I believe that there is one minority in  
22 this country which has been forgotten by the Tribunal as far as I  
23 can see. I have not read everything. And those are the Khleung,  
24 what the Khmer has called the Khleungs. There are some from  
25 Southeast Asia, Indo-Europeans, and I have some evidence and Duch

1 gave some evidence that Indians, Pakistani were collected at the  
2 beginning of the regime and all exterminated simply because of  
3 their ethnic origin. And that's all I have to say on the subject.

4 Q. Thank you.

5 The issue here is that the Chamber is adjudicating the facts  
6 stipulated in the Closing Order. This is the additional  
7 information that you have obtained based on your experiences and  
8 your knowledge.

9 Again, now, the Chamber is asking you about your academic  
10 background or a number of your writings.

11 Mr. Henri Locard, could you tell the Chamber your education  
12 background, please?

13 [10.56.43]

14 A. I think this was in my biography. I was mainly educated in  
15 Lyon, secondary and higher education. I finished also in La  
16 Sorbonne in Paris. After that, I also spent three years in  
17 England.

18 In the course of my academic experience, I was -- I started my  
19 academic career as a teacher in the French school here in  
20 '65-'67. I first came to this country in 1964 as a student on the  
21 invitation of somebody working for the British Council.

22 In 1965-'67, I was asked by his minister, the minister Chau Seng,  
23 to write some article for the magazine <"Kambuja">. I was sent to  
24 Ratanakiri and investigate the Labansiek rubber plantation, now  
25 in Ban Lung, so that was my first experience in writing or in

40

1 publishing anything I owed to Chau Seng, Chau Seng, who, as  
2 everybody knows now in this Court, was tortured, interrogated and  
3 exterminated at S-21.

4 When I came back to France, I got immediately enlisted in the  
5 University of Lyon, which later became Université Lumière Lyon 2.

6 [10.58.28]

7 In the early -- and I was working in the English department at  
8 the Université Lumière Lyon 2 and also teaching in the Political  
9 Science Institute. I had a sabbatical in '93-'94 to redirect my  
10 research on Democratic Kampuchea.

11 In 1989, I returned to Cambodia on the invitation of a friend  
12 whom I thought had died, but had survived, and I was so horrified  
13 by what I saw in Cambodia, what Cambodia had become, that I tried  
14 to begin to understand what had happened and why so many people  
15 died. And so for the past -- so I started researching Democratic  
16 Kampuchea from about 1990. That's -- that's for about 25 years.

17 I took a PhD in the year 2000 on the ideology of the Khmer Rouge  
18 and the political system in the countryside. I had periods also  
19 in Singapore, in Australia as invited Fellowship for further  
20 training.

21 That's about -- and I retired from the University of Phnom Penh  
22 in -- from the University of Lyon, sorry, in the year 2000.

23 [11.00.30]

24 Q. Could you please speak a little bit away from the microphone?  
25 Otherwise, the sound is interrupted.

41

1 I heard that in 2000, you wrote a doctoral thesis on history  
2 entitled "Aspects of Extermination and Ideology Under the  
3 Democratic Kampuchea". Why did you choose this topic for your  
4 doctoral thesis?

5 A. Why? Simply because I wanted to understand, for personal  
6 reasons, to a large extent, why some of the friends, dear friends  
7 I had known in the Sangkum days had disappeared.

8 And why there's been this catastrophic regime, 1975-79, and what  
9 -- why Cambodia was brought back, it seemed, one or two  
10 generations from the Cambodia I had known in the sixties? And, to  
11 some extent, through collecting the slogans -- that is, the  
12 ideology of the Khmer Rouge, by looking at how was it that so  
13 many people died and investigating the prison system.

14 Why the prison system -- did I start with this prison system?

15 Because after this first stay in the summer 1989 in Cambodia with  
16 my wife, I was speaking in the local radio in Lyon on the Khmer  
17 program, and somebody rang me and said wanted to meet me, and  
18 this was Moeung Sonn and his wife.

19 [11.02.46]

20 And Moeung Sonn was, by then, a refugee in France. He'd worked in  
21 the oil refinery in Kampong Som, and he had been a prisoner under  
22 the Khmer Rouge for about 18 months, six months at the beginning  
23 of the regime in Ta Ney prison, one year at the end of the regime  
24 in Kaoh Chhnang -- Kaoh Chong (phonetic), sorry, Kaoh Khyang  
25 prison in Prey Nob district. And he wanted to write his story.

42

1 He tried with several people, and failed, so I started to record  
2 him. It took more than a year because Moeung Sonn was very busy.  
3 And I was amazed to -- by his experiences in the prisons, and I  
4 couldn't believe that a human -- a human being could be treated  
5 in such a way by his own compatriots, so this is why, from 1991  
6 -- I started in the summer because I was working full-time at the  
7 University of Lyon.

8 [11.04.03]

9 I spent all my summers, '91, '92, '93 and so on, until I retired,  
10 investigating the prison network and see if there were similar  
11 institutions, similar to Prey Nob district. And everywhere I  
12 went, every district I went, every province I went, I asked "mean  
13 kuk" or were there any prisons, and each time, I had the answer,  
14 "mean, mean", there is. In other words, there was not a single  
15 region, province, district, where there was no major prison in  
16 Democratic Kampuchea.

17 So we first published with a big good editor, the memoirs of  
18 Moeung Sonn and his wife, Phally, and then during that  
19 investigation, people would give me slogans. I wrote them for  
20 fun. I didn't think they were so outrageous and such a caricature  
21 of thinking and of philosophy that I had -- I wrote them on  
22 notebooks, and at the end, I had so many that I could publish  
23 them into books. And I have a French edition in 1994, I think,  
24 and an English edition at the beginning of the year 2000.

25 [11.05.36]

1 On top of that, I wrote a number of articles. Therefore, I was  
2 able, in the year 2000, to collect all these published works and  
3 have what we call in French "une soutenance sur travaux", that  
4 is, on -- published works, and then I collected all the articles.  
5 I had a -- an introduction to my studies of more than a hundred  
6 pages and that constituted my Ph.D.

7 MR. PRESIDENT:

8 Counsel Anta Guisse, you have the floor.

9 MS. GUISSÉ:

10 Yes, thank you, Mr. President. A little point of clarification; I  
11 have the impression that Mr. Locard is reading notes, so if this  
12 is the case, I would like the notes to be specified and what's  
13 the procedure to be followed? I don't know if, in a case of  
14 biographies, a witness is allowed or an expert to refer to notes.  
15 I just wanted this point, however, to be clarified.

16 BY THE PRESIDENT:

17 Q. Mr. Henri Locard, do you read from your note or do you respond  
18 based on your recollection and expertise?

19 [11.07.18]

20 MR. LOCARD:

21 A. I'm very honoured that the defence lawyer says that I seem to  
22 be reading notes. I can tell you I have no notes except the  
23 sentence I was supposed to read. Thank you very much.

24 Q. Thank you for your clarification.

25 And <Witness>, how many books have you written on Cambodia and

1 Democratic Kampuchea, in particular, as of now? Could you briefly  
2 inform the Chamber of the books on Cambodia which you have  
3 authored?

4 A. All right, well, the first book is the biography of Moeung  
5 Sonn and his wife Phally, and it was published by Fayard and  
6 under the title "Prisoner of Angkar". I could not use prisoner --  
7 prisonnier des Khmer -- en français -- "Prisonnier de l'Angkar",  
8 "Prisoner of Angkar". I could not use the -- the title "Prisoner  
9 of the Khmer Rouge" because it had been used by Sihanouk in one  
10 of his memoirs, but the Khmer version is the -- sorry, the  
11 English version is "Prisoner of the Khmer Rouge"; that was the  
12 first one.

13 The second one was my book of slogans, which is called, "Pol  
14 Pot's Little Red Book", French edition and then English edition.  
15 [11.08.56]

16 I'm not quite so sure that I would call it today "Pol Pot's  
17 Little Red Book" because I've been convinced now that the country  
18 was led not just by a single man, but by an Angkar or a Soviet, a  
19 group of men, and this Tribunal has shown that Brother Number  
20 Two; Bong Ti Pi or Uncle, as Duch called him; Number Two is, from  
21 the point of view of ideology, probably as important as Pol Pot.  
22 So I would rather call it, you know, the two brothers' little red  
23 book or the red book -- little red book of Angkar.  
24 Then lately I published in French, Pourquoi -- "Pourquoi les  
25 Khmer Rouges" -- "Why the Khmer Rouge," yes. "Why the Khmer

1 Rouge", yes, which is a summary of all my findings on the book.

2 It was a -- a book that was commissioned by one editor; I did not  
3 ask. They -- they commissioned to -- me to publish it, to write  
4 it and publish it.

5 [11.10.26]

6 And there is, now, just coming out this month a second edition of  
7 this book in a paperback edition of which -- in which I made many  
8 corrections -- many corrections to take into account what has  
9 been said in this course -- in this Court, sorry, because I do  
10 believe that this Court is find new light on Democratic Kampuchea  
11 regime.

12 With Suong Sikoeun, I made after working with a victim, namely  
13 Moeung Sonn, I worked with a Khmer Rouge intellectual, as this  
14 Court knows; originally a publisher asked me to do a biography of  
15 a Khmer Rouge intellectual who had been trained in France, a  
16 composite portrait, but I didn't think it was a good idea. I  
17 preferred to have a real human being.

18 So first of all, I thought of working with Thiounn Mumm and we  
19 had an editor. Unfortunately, Thiounn Mumm had a health problem  
20 and couldn't work and he said, "Why don't you try Suong Sikoeun?"  
21 Suong Sikoeun is the husband -- testified in this Court -- and is  
22 the husband of my compatriot, Laurence Picq.

23 Now, this has been a very long, long work and Suong Sikoeun has  
24 been a difficult person to work with; now, this Court must be  
25 aware of that, but in the end, we produced what some people have



46

1 said was a very useful book called "Itinerary of a Khmer Rouge  
2 Intellectual," published by a good editor, and in that book, I  
3 wrote a foreword. I wrote about 50 pages of the -- what I call  
4 the actors of the drama -- that is, biographical notes of all the  
5 Khmer Rouge leaders who are mentioned in -- in -- in this book.

6 [11.12.49]

7 Then there's a number of articles, but these are the main books.  
8 I have chapters in -- in books also, but these are the main  
9 things.

10 Sorry, I've also worked with Phy Phuon, the Jarai who testified  
11 at length at this Tribunal, and with So Hong or Saloth Ban, who  
12 also wanted to write their autobiographies. With Phy Phuon who  
13 died, as everybody knows, just a year ago, we have finished the  
14 work. I had a publisher and -- and so I should get down to  
15 revising the text and making it into a real book. For the time  
16 being, it's in French, but I hope to have also translations into  
17 English.

18 [11.13.51]

19 As to Saloth Ban, at this stage, I still do not know if this --  
20 his work with him will lead to a publication of a book or just a  
21 long article; I am not sure at this stage.

22 But one of my model has been Philip Short and Philip Short has  
23 written this excellent book, "The History of a Nightmare" because  
24 he interviewed many, many Khmer Rouge leaders, intellectuals  
25 including, at length, Khieu Samphan, present here, and I think

1 that's the source -- a very important source to understand the  
2 regime. He is, of course, the Khmer Rouge themselves, when they  
3 are willing to speak, and it's easier to speak privately with  
4 private individuals than within the surrounding of the Court  
5 usually.

6 [11.15.04]

7 Q. Thank you for your detailed description of your publications<,  
8 your intentions for future publications and other issues that you  
9 have noted and have been interested in>.

10 And <Witness>, have you ever done your research on genocide; if  
11 so, which countries did you mainly focus on?

12 A. I -- I'm not -- not sure I answer the question. You mean  
13 research on genocide? I did not make any specific research on  
14 genocide. I'm not a specialist of genocide like Ben Kiernan. I'm  
15 just a simple historian and I -- I've done some research on  
16 crimes against humanity in general, not specifically on genocide;  
17 except you're talking about countries. I'm not a specialist of  
18 Nazi ideology for which the word "genocide" has been coined. So I  
19 -- apart from the Khleung, I mentioned earlier, I have not made  
20 any specific research on genocide.

21 Q. Thank you. Next, I am asking you about specific books which  
22 you have authored and to start with, I'd like to ask you about  
23 the book, a book called "<Pourquoi> les Khmer Rouges." When did  
24 you start writing this book and when was its first publication  
25 and how many publications until now?

1 [11.17.21]

2 A. Yes, I think their editor Vendémiaire in Paris asked me around  
3 the year 2010 to do this book through my friend Stéphane  
4 Courtois. Stéphane Courtois is a Frenchman who is the author of  
5 "The Black Book of Communism" which was published at the end of  
6 the 1990s and which covered all Communist regimes throughout the  
7 world, made quite a scandal when it was published because he said  
8 that the total number of victims of Communist regimes was around  
9 100 million.

10 So through Stéphane Courtois, the editor Vendémiaire asked me to  
11 do a book, a general book on Democratic Kampuchea for the French  
12 public.

13 The book came out -- was finished in 2012; it was published in  
14 2013, sold quite well. So this is why in 2015, they asked me --  
15 they wanted to make a paperback edition, but as, of course,  
16 making a -- a general book about Democratic Kampuchea is very  
17 uphill work, very difficult; there are so many sources, I was not  
18 quite satisfied with what I'd written in 2012. So I made many  
19 improvements, I hope, and through new knowledge that I had  
20 acquired, to a large extent through talking with Phy Phuon. Phy  
21 Phuon has been a very useful source and therefore, I -- and this  
22 book was sent -- has been sent about 10-12 days ago to this  
23 Court, the new edition. I don't know if -- if it has arrived.

24 [11.19.30]

25 But that -- I think that in the English language, by far the best

1 book -- general book on Democratic Kampuchea is "Pol Pot: The  
2 History of a Nightmare" by Philip Short. I do not -- I don't have  
3 his talents of writer. My -- my book is more pedagogical, more  
4 for students and journalists, in general, who want to have a  
5 summary of all the aspects of the regime; how it grew, how it  
6 developed, and its -- how it collapsed.

7 [11.20.23]

8 Q. Thank you. Regarding your revised edition of the book <that  
9 was published this year>, the Chamber has received it and it has  
10 been admitted as part of the case file.

11 Regarding the 2013 and 2016 editions of your book, you made  
12 mention some differences; however, could you kindly summarize the  
13 differences between the 2013 and 2016 editions of the book?

14 A. Well, you are asking a very difficult question. I am not sure  
15 I can really answer clearly. I tried to avoid -- I think I  
16 eliminated some paragraphs some friends told me that were too  
17 controversial. I tried to put in new information that I got  
18 mainly through readings, my readings, and through the Court and  
19 through my interviews mainly with Khmer Rouge apparatchik.

20 Going into details now, I don't think I can. I hope that I've --  
21 I've made it more readable. I'm not very happy with this edition  
22 because I don't -- I disagree with my publisher about the cover.  
23 I wanted more cover to have both Pol Pot and Nuon Chea and they  
24 claimed that they could not put the two on the -- on the cover  
25 and only -- apparently -- I have not yet seen it -- there's only

1 Nuon Chea, which is absurd, and Pol Pot has disappeared which is  
2 completely absurd. And also, I don't think the index is well  
3 done. I'm -- I'm not happy with the notes at the end of the book.  
4 I'm not -- and I hope to make an English edition which would be  
5 much more academic and -- and better. I always hope to improve  
6 myself because one can always do better.

7 [11.23.02]

8 Q. Thank you. Can you tell the Chamber which subject area did you  
9 write about, that is, in your capacity as an expert and that you  
10 already wrote such a book earlier and please try to summarize it?  
11 And you will be asked questions <by the parties> at length  
12 regarding your publications of the books and your expertise; the  
13 expertise that led you to be appointed as an expert witness to  
14 appear before the Chamber. So please, once again, describe the  
15 main subject areas that you write about in the book.

16 [11.23.56]

17 A. Well, of course, my main subject area would be the provincial  
18 prisons. I regret, a little bit, that this Court has concentrated  
19 too much on S-21. Of course, that's easier because we have such a  
20 mass of archives and we are so lucky to have had the director of  
21 S-21; the only of the five accused who spoke and collaborated  
22 with the Tribunal and who enabled to have much of the truth come  
23 out.

24 I'm not saying that he was not lying by omission; some of the  
25 things that he said were not necessarily always true, but to a

1 large extent, he has helped us considerably.  
2 It is a pity that this Tribunal, from my point of view, has  
3 concentrated too much on internal purges or the singled-out  
4 victims like Vietnamese, Cham, and not sufficiently concentrated  
5 on just ordinary Khmers; and in the provincial prisons, the vast  
6 majority of the victims were just simple Khmer people from all  
7 classes, not just the favoured classes. The favoured classes are  
8 the beginning of the regime, but from 1977, all classes were  
9 taken to these dens of horror, even the most innocent victims and  
10 in total, they probably include about one-third of the people  
11 massacred or who died under Democratic Kampuchea.

12 [11.25.59]

13 I have not obtained -- coming from an English department, from  
14 the French authorities, I have not obtained research funding for  
15 that research, so it was done on my own expenses when I travelled  
16 and paid for translators, interpreters.

17 I tried to work with DC-Cam. We had this -- when the DC-Cam was  
18 launched, I had already covered quite a significant proportion of  
19 the country. DC-Cam wanted to investigate the pits, but I said,  
20 "The pits have been already investigated by the PRK period, so  
21 it's very easy to investigate -- to research what has already  
22 been researched. Much more interesting would be what has been  
23 discovered by David Hawk, an American expert, who said, 'Well,  
24 there's not just S-21; there's not just Tuol Sleng. But there are  
25 Tuol Slengs all over the country'". This, he discovered, and this

1 is what I investigated.

2 [11.27.21]

3 And then -- well, basically, DC-Cam rejected my offer of  
4 services; first, because I was a Frenchman and DC-Cam and this  
5 director is not very fond of French people apparently and doesn't  
6 know French; he was American educated and too, I came with my  
7 pockets empty; I came with no money. My experience of  
8 interviewing people and of the country didn't seem to weigh very  
9 much for him, so I had -- I continued alone.

10 And then came along the Tribunal, so I thought, "This is the job  
11 of the Tribunal." So I dropped my research in the middle. I don't  
12 know exactly what percentage of the field I covered; half,  
13 two-thirds, but a significant proportion of the -- of the land.

14 [11.28.27]

15 In 2010, a PhD student called Luc Benaiche wanted to do a PhD on  
16 the prisons in Cambodia from the colonial period. Why not?  
17 Because, as everybody knows, it is the French who established in  
18 every province the legal system and there were no people --  
19 official prisons in Cambodia before the French protectorate, just  
20 places where people were temporarily detained and detained  
21 sometimes in "khnoh", in (unintelligible), I don't know, or in  
22 shackles, iron shackles. But Luc Benaiche has abandoned his  
23 research and has limited him -- his PhD to the colonial period.  
24 So, I've still some notes about a number of provincial prisons  
25 which I did not give to the Tribunal.

1 [11.29.32]

2 As I -- to my -- somewhat disappointment, I thought the Tribunal  
3 has not done enough field research and enough field research on  
4 this principal mode of extermination. It's a little bit like if  
5 you study the Nazi regime, you concentrate on Auschwitz,  
6 Auschwitz, Auschwitz and nothing but Auschwitz and yes, but what  
7 about the other concentration camps all over Europe? And this is  
8 a little bit like how I feel here; "sor mphey muoy, sor mphey  
9 muoy , sor mphey muoy", yes, but what about all the other  
10 prisons? And in "sor mphey muoy", most of the victims were  
11 criminals themselves. I am more interested in the provincial  
12 prisons where almost all of the victims were completely innocent  
13 of any crime. So I consider myself as somewhat the voice of  
14 ordinary Cambodians who suffered a horrendous death and for to  
15 speak in the name of their families.

16 [11.31.05]

17 Q. Thank you. Due to the <huge> scope of the facts that happened  
18 throughout the country and <the fact> that it happened a long  
19 time ago, the Tribunal did not have the resources to investigate  
20 all those facts and this Court is also mandated for a certain  
21 period of time. The Chamber was seized of an indictment where  
22 certain limited facts were stipulated in the Closing Order and  
23 for that reason, the Chamber can act only within the seizure of  
24 the Closing Order as far as the authority and the existence of  
25 this Court.



1 And <Witness>, can you tell the Chamber your research  
2 methodologies in writing this book and which sources did you rely  
3 on in authoring the book?

4 [11.32.28]

5 A. Are you talking about my last book, "Pourquoi les Khmer  
6 Rouges"? All right, well, like every historian, I have secondary  
7 sources and primary sources. Secondary sources, I tried to read,  
8 of course, all the main authors and first of all, David Chandler,  
9 his book -- all his book about Cambodia history, a general book  
10 of history or "The Tragedy of Cambodian History," which covers a  
11 more recent period, his book on S-21, his biography of Pol Pot.  
12 Next, of course, as I mentioned earlier, is the very important  
13 book by Philip Short. Philip Short's biography of Pol Pot is, I'm  
14 afraid, better than that of the academic because Philip Short did  
15 more fieldwork and interviewed far more Khmer Rouge officials,  
16 intellectuals, apparatchik, however you call them, and -- and  
17 therefore, he -- and he's a very good writer and therefore, his  
18 book is absolutely a mine of information.

19 [11.33.55]

20 I was also believed a very important primary sources are all the  
21 life stories, autobiographies of the victims of the Khmer Rouge.  
22 There are about 30, 40, 50 altogether. I have got so many at  
23 home. I have read all those that were written in French. I have  
24 read, I believe, mostly all those that were written in English  
25 and I think they were a very important source.

1 I must say I have not worked on the "sor mphey muoy" archives, on  
2 the Tuol Sleng archives because first of all, barrier of  
3 language, of course; I would have had to use translators, but the  
4 second thing is that as all researchers, we are concentrating on  
5 S-21. I did not need to duplicate the work of so many  
6 distinguished colleagues.

7 So my sources were, to a larger extent mainly oral from my  
8 interviews. I don't know how many Cambodians I had interviewed;  
9 perhaps not as many as Ben Kiernan, perhaps not as many as  
10 Michael Vickery, but certainly hundreds and hundreds, if not  
11 thousands. These are my main sources and of course, articles;  
12 sometime, they were excellent articles and speeches.

13 [11.35.43]

14 Oh, and the Foreign Broadcast Information Service has been a very  
15 important source. It has been a very important source for this  
16 Tribunal and it's -- it's marvelous we have speeches by Khieu  
17 Samphan, by Pol Pot. We have the description of all the visitors.  
18 We have the propaganda. Unfortunately, we don't have -- nobody in  
19 the world, neither the BBC nor the Americans, copied or  
20 registered all the programmes of Democratic Kampuchea Radio which  
21 is a pity because we don't have the songs; we don't have the  
22 slogans and we certainly miss many things, but that's a very  
23 important source.

24 [11.36.46]

25 MR. PRESIDENT:

1 Thank you, <Witness.>

2 It is now convenient for a lunch break. The Chamber will take a  
3 break now and resume at 1.30 this afternoon.

4 Court officer, please assist the witness, the expert witness  
5 during the break time and invite him back into the courtroom at  
6 1.30 this afternoon.

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

10 The Court stands in recess.

11 (Court recesses from 1137H to 1330H)

12 MR. PRESIDENT:

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

14 BY MR. PRESIDENT:

15 Q. I still have a series of preliminary questions to put to you  
16 and now I'm asking you about one of your books, "Prisoner of the  
17 Khmer Rouge," <E3/2419>. When did you start writing this book;  
18 when was its first publication?

19 [13.31.48]

20 MR. LOCARD:

21 A. Well, I started soon after my return journey to Cambodia,  
22 1989. I had left Cambodia in 1967, so that was more than 20  
23 years. I got this letter, Henri Locard, Lyon, and the letter  
24 jogged me and because one of my friends, Koh Kamatry (phonetic),  
25 who thought had died, had survived and he met me.

1 Only on return from this journey, as I told earlier, Moeung Sonn  
2 wanted to meet me and said that he'd gone through this  
3 extraordinary experience through two Khmer Rouge prisons and he  
4 wanted to write his autobiography and he needed some help. So we  
5 started quite soon afterwards, around 1990, and the book was  
6 completed early in 1993, I think, because Moeung Sonn, by then,  
7 was commuting between France and Cambodia setting up a travel  
8 agency, Eurasie Travel, so he was not always available.

9 [13.33.05]

10 We recorded -- I taped everything he said and re-organized it a  
11 little bit, but followed the chronological order and once it was  
12 completed, I showed it -- the manuscript to Ben Kiernan who said,  
13 "Oh, I interviewed that guy when he arrived in France 10 years  
14 earlier." And then I offered the manuscript to a few publishers  
15 and it was immediately taken and immediately published; I think  
16 1994, if I check the date.

17 (Short pause)

18 [13.34.06]

19 MR. LOCARD:

20 No, 1993, sorry, 1993.

21 It was plunge into Democratic Kampuchea; the most tragic and the  
22 most dramatic aspect of Democratic Kampuchea.

23 BY MR. PRESIDENT:

24 Q. Regarding this book, which subject area did you write about;  
25 please summarize it?

1 MR. LOCARD:

2 A. Well, it was the autobiography of Moeung Sonn. Now, whenever  
3 victims or people who lived under Democratic Kampuchea write  
4 their own autobiographies, either they write it themselves, like  
5 Pin Yathay, Soam Le Sar (phonetic), and a number of other people,  
6 or they ask for some speech writer, a book writer to help them  
7 and certainly Moeung Sonn was -- could have written in Khmer, but  
8 he could not have -- as many Khmers, he was excellent at talking  
9 and speaking, but not so good at writing, so I don't think he  
10 could have organized the book by -- by himself, so I recorded  
11 everything by question and answers and from the tapes, I  
12 organized his testimony in chapters and of course, what  
13 fascinated most was his 18 months that almost half of the time of  
14 the regime was in prison. Now, it was quite exceptional because  
15 most people who processed through the Khmer Rouge prisons do not  
16 come out and die. In S-21, nobody was released at all.

17 [13.36.23]

18 In all provincial prisons, there were some releases, but over the  
19 years, although the Democratic Kampuchea regime lasted only three  
20 years, eight months and 20 days there were quite significant  
21 differences between the year '75 and the year '78.

22 In '75-'76, most prisoners were victims of the old regimes, that  
23 is, the Republican regime and people connected with the  
24 Republican regime and the Sangkum regime, educated people.

25 [13.36.59]

1 Monks who refused to be disrobed<, well,> only people.

2 In the second part of the regime from '77 and '78, the prisoners  
3 in Democratic Kampuchea tended to come from not just the favoured  
4 classes, the elite of the nation, but all classes and more and  
5 more from within the ranks of the revolution, the civilians and  
6 the military.

7 And you see that in the history, in the story of Moeung Sonn,  
8 very clearly when he was in Ta Ney prison. Most people were like  
9 people like him. He was a technician or you would call him middle  
10 class/upper class -- an upper class and a few ex-monks.

11 And after six months, he was in prison in December, sometimes in  
12 June.

13 [13.38.17]

14 And quite a large -- I forgot the details but at least up to 50  
15 people were released from Ta Ney prison.

16 In other words, in the first phase of the pre-existence of  
17 prison, there were the old favoured classes, like in all  
18 Communist regimes.

19 By the way, you asked me which other countries I have studied.

20 Yes, I approached Democratic Kampuchea from the history of the  
21 Cold War. Therefore, the regimes closest to Democratic Kampuchea  
22 are Vietnam, Communist Vietnam, Communist China, the Soviet Union  
23 and North Korea. So I have read everything I could read on these  
24 three -- on these countries, particularly on China, because  
25 Democratic Kampuchea was modelled on China, a combination of the

1 Great Leap Forward and <cultural> revolution.

2 [13.39.10]

3 Similarly, in all Communist regimes, the old elite which is a  
4 revolution, a new elite came to power and the old elite was got  
5 rid of completely, like in North Korea and gradually, of course,  
6 in the Soviet Union but not as thoroughly, radically as in  
7 Democratic Kampuchea. In other Communist regimes, the old elite  
8 just were sent back to the civilian life, ordinary life where  
9 they remained or put in re-education camps but not necessarily  
10 killed.

11 The choice of the -- of Democratic Kampuchea was, as they came  
12 last in the history of the Communist regimes, they were -- the  
13 last regime was already <sapped> by revisionism. So they felt  
14 that the other Communist regimes were on their way to failure  
15 because they had not been radical enough. They had not got rid of  
16 the old elite sufficiently.

17 And also there was this race with Vietnam. As Khieu Samphan  
18 explained to me when I interviewed him, "We had to rush because  
19 we came last in the history and we did not want to be overrun,  
20 overtaken by Vietnam".

21 So that was the first phase.

22 [13.40.47]

23 In the second phase when Moeung Sonn was arrested again and that  
24 was at the end of '77, it was in a totally different setup, a  
25 different kind of prison. It was a bigger prison, Kaoh Khyang

1 near -- in Prey Nob district close to the seaside.

2 And surprisingly enough for him, in that prison there was a vast  
3 number of Khmer Rouge themselves, either "kamaphibal", that is,  
4 Khmer Rouge civilian officials or military.

5 And the rate of extermination was much higher. In other words,  
6 virtually nobody was released, was freed and most were executed.

7 Now, how did Moeung Sonn survive? You could survive in the Khmer  
8 Rouge prisons either because you were completely uneducated, a  
9 real proletariat and you've been arrested by mistake and you've  
10 never done any action against the revolution so you could be  
11 released.

12 Also, some people were spared because they were of some use to  
13 the prison because they were able to do some repairs or they knew  
14 how to repair watches. They knew how to repair motorbikes or  
15 bicycles and that was the case of Moeung Sonn and he was called  
16 "pou cheang", the uncle uncle artisan or specialist worker.

17 [13.42.38]

18 So -- and in the second prison, he was in prison alone, not with  
19 his wife, not with his children or some of his children as in the  
20 first prison.

21 Now, all the people around him were killed, except himself  
22 because he was of some use and when the Vietnamese moved in, the  
23 Khmer Rouge moved the prison into the Cardamom and he was still a  
24 prisoner of the Khmer Rouge until they reached the Thai border.

25 So what was interesting in this -- there is two things that were



1 fascinating in this autobiography is, one, you had the live --  
2 what was the Khmer Rouge prison, how it operated and, two, you  
3 had the history of the Khmer Rouge prison and its evolution from  
4 the beginning of the regime to the end of the regime.

5 [13.43.46]

6 And contrary to what too many people think, they tend to think  
7 that most Khmer Rouge revolutionaries, the "kamaphibal" or  
8 "yothea" -- that is, the civilian and the military were mainly  
9 processed in some open way in S-21. No.  
10 They were prisons -- they were officials and throughout the  
11 country in practically all Khmer Rouge prisons in 1977 and 1978.  
12 And I even found two or three prisons in the countryside that  
13 were exclusively reserved to Khmer Rouge. One was in Kampong  
14 Thom. The Kampong Thom -- ex-Kampong Thom city, ex-<colonial>  
15 prison, the inmates were, I think, almost exclusively Khmer  
16 Rouge. In Ou Reang Ov in Kampong Cham province, I have another  
17 prison which was exclusively for Khmer Rouge officials.

18 [13.44.55]

19 And, oh, yes. In Prey Veng province, Prey Veng, the centre of  
20 Prey Veng province, a place where "khnoh" or the iron, you know,  
21 rings were made to tie the prisoners, in Prey Veng prisons, the  
22 centre of Prey Veng, there is a third prison in which there were  
23 only Khmer Rouge officials.

24 So I think that if you look at the general population, the  
25 general population -- basically Marek Sliwinski, the demographer

1 who made the most serious study of the victims, number of victims  
2 under Democratic Kampuchea, gave the figure of about 25 per cent  
3 of the population.

4 I would say nobody has reckoned what is the percentage of  
5 revolutionaries themselves who were purged. I think it could be  
6 almost as high as 50 per cent. So if you -- because they killed  
7 their own people, particularly in '77 and '78 throughout the  
8 country massively, of course, in the East region, with a big  
9 purge of the East region, automatically they were purged or  
10 killed without going through the present process. They were just  
11 all massacred.

12 But there were purges throughout the country of the Khmer Rouge  
13 officials.

14 [13.46.36]

15 If you were an ordinary person, of course 25 per cent of the  
16 population, by and large, the best chance of survival under  
17 Democratic Kampuchea was this category of people between ordinary  
18 farmers, ordinary people and the Khmer Rouge. That is every  
19 people working in the technical services. I mean the drivers, the  
20 car drivers, the lorry drivers, all the people who were fishing,  
21 all the people who were tending the electricity in Phnom Penh,  
22 the water services in Phnom Penh. They had the highest chance of  
23 survival. They were quite well fed. They could move. They were --  
24 they didn't have political -- they didn't starve. They didn't  
25 have political duties.

64

1 So that was the best chance of survival and that's why, you know,  
2 Moeung Sonn survived because he could do things with his hands.

3 [13.47.55]

4 Q. Thank you. Please give a summary because there will be other  
5 questions to be put by parties since you were appointed to be an  
6 expert witness.

7 I have another question for you, that is: why did you choose  
8 "Prisoner of the Khmer Rouge" as a title? Could you please  
9 explain its meaning behind for the Chamber?

10 A. Yes. Well, that's a very obvious answer. As I said, I could  
11 not in French use "prisonniers des Khmer Rouges" because this was  
12 already -- the title was already taken by Samdech Euv, by Norodom  
13 Sihanouk.

14 But for the English version, I could take "Prisoner of the Khmer  
15 Rouges" because Sihanouk's book was not translated into English.  
16 Of course, for the French public "Angkar" means very little so it  
17 was perhaps not a title that would attract readers.

18 [13.49.18]

19 But what my idea was that everybody -- you know, Cambodia --  
20 Democratic Kampuchea was like a prison without walls. Everybody  
21 says it is a prison without walls. People had no freedom  
22 whatsoever. All freedoms had been abolished, including freedom of  
23 movement of course.

24 But what I wanted to convey with this title is behind the fact  
25 that every Cambodian became a prisoner, there were institutions

1 which were not called "kuk". They were not called prisons.  
2 And Ieng Sary could deny that there was any prison. Well, there  
3 was no prison in the sense that we understand in the modern world  
4 and in the world of human rights. They were called re-education  
5 centres or "munti santesok", security centres. But the ordinary  
6 people, whenever I went to any place, when I asked were there any  
7 local "kuk", any prison, and they said yes, "mean". So ordinary  
8 people call them "kuk". Official names were re-education centres  
9 or security centres.

10 But I wanted to show to the general public that behind the  
11 enslavement and imprisonment of the totality of the population,  
12 there was these prisons, these special centres. We don't know how  
13 to call them because they were not prisons in the normal sense of  
14 the word. They were torture, execution, interrogation centres.  
15 Literally interrogation, torture, execution centres.

16 [13.51.10]

17 Q. Thank you.

18 There is also another book authored by you. You have partially  
19 answered already and the book is entitled "Khmer Rouge Gulag".  
20 The Khmer translation is "Prisons Without Walls in the Khmer  
21 Rouge Regime."

22 In fact, some of your answers already responded to the book I am  
23 going to ask, so why you have two different titles for two  
24 books<?>

25 So my question is about the "Khmer Rouge Gulag" book, dated from

1 17 April 1975 (sic). So what is the meaning behind this book, or  
2 what is the meaning behind its title?

3 [13.52.30]

4 A. All right. Well, the "Khmer Rouge Gulag" is a summary of my  
5 research of the provincial prisons which I made. There are  
6 several versions of it. I think the first one is 1995 and then  
7 the one -- I kept revising it -- it was published in an academic  
8 magazine called "Communism", "Communist" in French. And it's just  
9 a summary of what I found by my investigation of the Khmer Rouge  
10 provincial prison system.

11 In fact, my investigation of the Khmer Rouge prison system is  
12 imbalance, is uncompleted because I expected the Tribunal would  
13 follow suit and complete my investigation. This has been  
14 explained to me this was not possible but now I can say I have  
15 enough primary sources. I have enough information from the  
16 Tribunal to write another book specifically on the Khmer Rouge  
17 prison system, including S-21. I had excluded S-21 from my  
18 investigations because all the attention of international  
19 historians, and national historians, was concentrating on S-21.  
20 But now -- and the "Khmer Rouge Gulag" or the "Khmer Rouge Gulag"  
21 is not a book. It's a long article. It's just an article. But  
22 that, of course, with my research could be transformed. That's  
23 another project. It could be transformed into a book.

24 [13.54.30]

25 Q. Thank you.

1 Concerning "Pol Pot's Little Red Book" E3/2812, when did you  
2 start your research on this particular book? When did you begin  
3 writing this book and when was the first publication available?

4 A. I started when Moeung Sonn gave me the first slogan. I -- in  
5 this first book, there are just perhaps three, four, five, six  
6 slogans, which everybody knew and repeated.

7 But when I was starting on my investigation of the provincial  
8 prisons, that is, in summer 1991, wherever I went, whatever  
9 province, whatever region I went, people came out, particularly  
10 people who had been adolescents under the Khmer Rouge. And that  
11 was -- as I was interviewing them 10 years, 15 years after the  
12 regime. They were in their thirties and they were regurgitating  
13 the slogans that they had heard in their political training as  
14 children and adolescents. And I wrote them on little notebooks  
15 and for fun.

16 [13.56.07]

17 Why did I do that? Because as most of my years I have been a  
18 teacher in university and I had one colleague who made a sort of  
19 compendium or a collection of extraordinary things that you find  
20 in students essays or in students papers which are sometimes very  
21 funny, invented and he would put them in the teachers room for us  
22 to read.

23 So, I collected them just for fun. I never thought that I would  
24 have enough that it could make a coherent whole and it's only  
25 over the whole of the nineties that I realized that if they were

1 reorganized according to themes, the Maoist slogans, the "hunt  
2 for enemies" or slogans about work; around the death of the  
3 individual and so on or the collective life, that could make  
4 sense and we could understand the ideology, the ways of thinking  
5 of the Khmer Rouge.

6 I must say that it's a way of thinking reduced to zero. It's, of  
7 course, very hollow and this is why the people make fun of them.  
8 There was humour even under this delusional regime and people  
9 made fun of the Khmer Rouge by -- not writing of course, but  
10 whispering to each other counter slogans to make fun of the Khmer  
11 Rouge and I collected some of those counter slogans.

12 [13.58.00]

13 Now, needless to say that these are from oral sources. I did not  
14 go through the archives of DC-Cam or S-21 to find slogans or  
15 advice to interrogators or things like that. I made a point of  
16 it's just from oral tradition; what the people remembered 30  
17 years, 35 years -- I'm sorry, 10 or 15 years after the fall of  
18 the regime.

19 Q. Thank you, <Witness>.

20 Now, <we move to another topic, that> is, about <> security  
21 centres or prisons. The Chamber has selected in Case 002/02 four  
22 security centres; namely, Krang Ta Chan, Phnom Kraol, Au Kanseng  
23 and S-21 for trial proceedings.

24 And <Witness>, did you conduct your research <on> and document  
25 security centres or prisons <throughout> Cambodia?

1 [13.59.24]

2 A. Yes. As I was saying earlier, not a single individual could  
3 cover the entire Cambodia and not even the United Nations, Khmer  
4 and Khmer Tribunal. So I don't pretend that I covered absolutely  
5 all districts and all communes. Yet, I went to many places.  
6 And it so happened that the four prisons selected by the  
7 Tribunal, I came across them so I could identify them.  
8 Of course, S-21 -- S-21, I did not find anything specific that  
9 other people have not found. I said this was not the object of my  
10 research except that when I made the collection of slogans, I did  
11 not put the slogans that were put on the wall at S-21 because  
12 they didn't sound like Khmer Rouge slogans to me. They sounded  
13 like advice given to interrogators, but privately as at training  
14 sessions but they would never have been put on a wall.  
15 And nowhere, anywhere in Democratic Kampuchea were there any  
16 slogans on the wall.

17 [14.00.59]

18 And I was right because Duch, in that case I think he said the  
19 truth. There was no slogans on the wall and, in particular, no  
20 slogan on the -- above the entrance of S-21.  
21 This was copied from Auschwitz in which you have "Arbeit macht  
22 frei", "works makes you free". So the advisors, the East German  
23 advisors who set up S-21 into a museum, a Tuol Sleng museum,  
24 thought of doing the same thing as at Auschwitz.  
25 So that's -- also, well, there is a few things about S-21 but I



1 did not investigate. And I gave the Tribunal my few interviews of  
2 some of the survivors of S-21.

3 Krang Ta Chan, I made a long research. Thanks to my colleague,  
4 now deceased, Iv -- I'm sorry -- Iv Chan, who was working in the  
5 Royal University of Phnom Penh -- and at that time he was working  
6 at DC-Cam and he gave me a photocopy of the surviving archives of  
7 Krang Ta Chan because DC-Cam did not want to have anybody to look  
8 at original archives.

9 [14.02.27]

10 Thanks to that, I realized that study called Tram Kak in which I  
11 compared also -- I put it into its historical context because I  
12 compared it between Pen Sovann and Ta Mok, Pen Sovan representing  
13 the more pro-Vietnamese tradition wing of the Communist Party of  
14 Kampuchea and Ta Mok the more Maoist wing of Democratic  
15 Kampuchea.

16 So this paper, I realized for a conference in Melbourne in  
17 December 1996, when David Chandler retired. I was invited to go  
18 there and I gave that paper and I thought the minutes of the  
19 conference would be published. And then my paper was not  
20 published so I thought, well, it was discarded. But then I  
21 learned later that none of the papers at that conference were  
22 published.

23 So this paper has remained unpublished. I give it to some people  
24 when they ask me. I gave it to the Tribunal.

25 And I found interesting things. It is not, by far, the complete

71

1 archives of Krang Ta Chan. They are only very, very partial.

2 [14.03.52]

3 I have got here in my notes, but perhaps I am not allowed to look  
4 at my notes, a diagram which I made with the help of a Cambodian  
5 friend called Haem Borith, who was a teacher at Sisowath High  
6 School -- a diagram of the age of the prisoners.

7 The average age of men who were killed was 34. The average age of  
8 women was 33 and a half, so in the prime of life. Only 10 per  
9 cent of the victims are women. Same -- David Chandler found for,  
10 I think, Tuol Sleng or S-21, only six per cent were women. So  
11 this explains why, after the fall of the regime, far more women  
12 survived than men because, massively, the men were killed in the  
13 prison system. So you have the sex and the age and you have the  
14 reasons for arrest.

15 There are a few criminals which were arrested, you know, at Krang  
16 Ta Chan; people, some Khmer Rouge officials who were accused of  
17 having killed too many people. I remember, of course, most of the  
18 victims were people who tried to escape to Vietnam. So this was  
19 one of the main reasons for being arrested when you try to run  
20 away from the country.

21 [14.05.17]

22 Other poor victims were Kampuchea Krom, people who suffered  
23 discrimination in Vietnam and tried to find refuge in Cambodia,  
24 poor people. They landed at Krang Ta Chan and so on.

25 So this I really, I can say I studied and I think I made a study

1 useful for the Tribunal.

2 As to the two other prisons, the two names didn't ring any bell.

3 I have no idea what it was. Then fortunately the Tribunal

4 supplied me the district -- the province, the region, "Aisan",

5 the provinces, Mondolkiri and Ratanakiri and the commune which

6 the Tribunal, for a reason I can't understand calls

7 sub-districts, they always -- people call "khum" in commune in

8 Cambodia. And I found out that I had some information on these

9 two prisons and they are in my notes on the "Aisan" period -- in

10 "Aisan" region.

11 [14.06.26]

12 In fact, for Ratanakiri and for Au Kanseng or -- I forgot exactly

13 - it's the prison in Ban Lung for which I have some information

14 about the number of inmates, the buildings, also what you have to

15 know is that Ban Lung in those years was not the Ban Lung at all

16 we know today. The capital of Ratanakiri was Lumphat set up by

17 Sihanouk and Nhiek Tioulong, who created the new -- the new

18 provinces in -- around 1959-1960; Preah Vihear, Ratanakiri,

19 Mondolkiri and Koh Kong. This was -- these new provinces were

20 under the responsibility of the military in Sihanouk's period.

21 Now, Lumphat was the capital and Ban Lung in Khmer Rouge days was

22 just essentially an army barracks, a small village; very small

23 and behind there was a hospital and behind the hospital there was

24 this detention centre.

25 [14.07.49]

1 By the way, there was another place in Ratanakiri where people  
2 were detained. But as far as I found, this was the only prison in  
3 the whole Ratanakiri. Similarly, for the one in Kaoh Nheaek.  
4 Now, what the investigation that was given to me of the  
5 investigators of the Tribunal itself concerning Kaoh Nheaek and  
6 Phnom Kraol -- that's right, if I remember properly -- now Saen  
7 Monourom, when the province was established by Sihanouk,  
8 Mondolkiri province, it's the largest -- it's the largest  
9 province in Cambodia. Saen Monourom is very close -- some of you  
10 might have gone there. It's very close to the Vietnamese border  
11 and, of course, the Khmer Rouge did not want the people to be  
12 close to the Vietnamese border. Otherwise, they would have all  
13 run away.

14 So they moved all the population from very far or the "chun  
15 cheat", the Phnong population, mostly "chun cheat", they moved  
16 them all to Kaoh Nheaek. And Kaoh Nheaek had become the capital  
17 of Mondolkiri province at the time of the Khmer Rouge, a capital  
18 complete with electricity -- a factory producing electricity, a  
19 weaving factory where they made "kramas"; another factory that  
20 made traditional medicine. So -- and they concentrated all the  
21 population there.

22 [14.09.35]

23 So of course there was a detention centre, a small Kraol -- Phnom  
24 Kraol, a small detention centre, but imagine. This, as far as I  
25 could see it is the only detention centre for the whole of

1 Ratanakiri -- of Mondolkiri. I'm not sure because I travelled by  
2 elephant from Saen Monourom to Kaoh Nheaek. That was the only way  
3 when I did the investigation in 1994. I hired an elephant and I  
4 had a teacher, a Khmer teacher used as an interpreter between the  
5 Phnong language and my Khmer. So I was there. So that's how I  
6 found it.

7 Q. Thank you. And once again, <Witness>, please try to summarize  
8 your response since my questions to you are the initial questions  
9 and you will be questioned extensively by the parties.

10 And to your knowledge and research, that is, <through> your <own>  
11 research <>, can you tell the Chamber <> the approximate number  
12 of security centres in Cambodia during the DK period <that you  
13 have done your research on>?

14 [14.11.10]

15 A. Well, I defy anybody to be able to come out with even an  
16 approximate number.

17 What was certain is that there was one important prison at the  
18 peak of the pyramid. This is, of course, S-21. And contrary to  
19 all the other prisons, it covered the entire country. In other  
20 words, it received people from the whole country.

21 As far as regional prisons, there were prisons "phumipheak".

22 "Phumipheak", which in Khmer means region, regional prisons. I  
23 could identify a few like the ex-colonial prison in Siem Reap was  
24 the prison of the North and I found prisoners who came from as  
25 far as Rovieng in Preah Vihear prison; they were sent to Siem

1 Reap prison.

2 [14.12.22]

3 Below -- so eventually, there was a major prison for each region.

4 As far as "damban", which is untranslatable and which is an

5 administrative division that did not exist before the Khmer Rouge

6 and did not exist after, there were "damban" prisons and I have

7 sometimes identified some prisoners which were said to be

8 "damban" prisoners.

9 What is -- when we come to the next administrative division, it's

10 clearer, the "srok"; "srok" or district. Now, the "srok" and

11 district existed before the Khmer Rouge and existed after the

12 Khmer Rouge although now the PRK period, People's Republic of

13 Kampuchea, divided a number of "srok" so they are more "srok"

14 today than they were under Democratic Kampuchea.

15 [14.13.21]

16 From the evidence I found, there were about 150 districts, 150

17 "sroks" in -- at the time of Democratic Kampuchea, and I am sure

18 that the "srok" was from the point of view of security, from the

19 point of view of public works, from the point of view of Party

20 celebrations a very important centre; a very important

21 administrative division. It had its own band or music. It had its

22 own organization of workforce. It had its own prison.

23 So every district had a district prison and in some districts,

24 there was at least one and in some districts there were several

25 district prisons like in Kampong Thom or in Kampong Chhnang in

1 the centre.

2 As Marek Sliwinski has shown very well in the extermination of  
3 Cambodia, the closer to the centre you are of Cambodia, the more  
4 -- the highest around the Tonle Sap and the Tonle Mekong. The  
5 more concentration of population you have, the more towns and  
6 villages and the further you are from the centre, the more forest  
7 you had -- we no longer have today -- the more forest and the  
8 less population. So of course, the density of the prisons were  
9 much higher in the centre of Cambodia than in the outlying  
10 regions.

11 [14.15.14]

12 This is why perhaps it's not impossible that in Mondolkiri there  
13 was just one prison. Mondolkiri was a "damban", curiously enough,  
14 but a huge one. I think it's 105 and it covered a whole province.  
15 The provinces are supposed to have disappeared under Democratic  
16 Kampuchea.

17 Now, as we -- when we come to the people's communes - "sahakar"  
18 -- which, as you know, I refuse to call cooperatives because  
19 nobody ever cooperated, I mean they were cooperatives in Cambodia  
20 before the Khmer Rouge regimes; they are cooperatives after the  
21 Khmer Rouge regimes, but under the Khmer Rouge regimes there were  
22 no cooperatives. There were collectives.

23 [14.16.01]

24 Everything was collectivized - collectives -- as they were  
25 modelled on China. In China you called them the people's

1 communes. Now, every people's commune, which re-grouped at the  
2 beginning was just one village, then three villages; then five  
3 villages -- five villages were bigger and bigger. Each people's  
4 communes had a police -- a police centre in which the people who  
5 are accused, who are tied, were first brought.

6 So if you ask me the number of prisons, at least perm -- I say  
7 permanent institutions because so many places -- used temporarily  
8 to shut up a number of people, but it is unaccountable. Even  
9 Prince Sisowath Monireth, for instance, who lived in a big house  
10 on Norodom Boulevard at the beginning of the regime, apparently  
11 so said Duch recently last June, Prince Sisowath Monireth's house  
12 served as a prison. Right. But that I don't count, that I don't  
13 count, it's just temporary. You put a number of prisoners in that  
14 place.

15 [14.17.05]

16 Now, permanent, that is with an existence; some of them existed  
17 before the fall of the regime, but existed throughout the  
18 country. There was at least one per district, so that's at least  
19 150, to which you add all the "sahakar", number of "sahakar", I  
20 don't know but it goes into hundreds or thousands, right.

21 So my answer is, I cannot answer the number of prisons. If some  
22 institutions gave the number of 196, this is purely -- pure  
23 fantasy, pure fantasy.

24 [14.17.46]

25 Q. Thank you. And you have done quite a lot of research into the



1 security centres, that is, those security centres throughout  
2 Cambodia <during the DK period> at the zone level as well as at  
3 other levels.

4 And the Chamber would like to know more about your research into  
5 those security centres. Please summarize, based on your research,  
6 the different sorts of security centres that existed <during the  
7 DK period>. In particular, I am interested in the different  
8 levels of administrative structure <at the> sector, district,  
9 military <or at the zone level> etc. Could you tell us, based on  
10 your research, and please try to be brief in your response?

11 A. Well, you are asking me to recite by heart my paper called  
12 "The Khmer Rouge Gulag". This is exactly what I do in that paper.  
13 As I am not allowed to read the paper and we don't have time to  
14 read that paper, what I -- what remains in my memory is that they  
15 were certainly very unequal in size and in importance.

16 [14.19.34]

17 Some prisons, the last two prisons that I named -- that were  
18 named -- chosen by the Tribunal, the one in Ratanakiri and the  
19 one in Mondolkiri, I would put in the last tier, you know, the  
20 least important.

21 They were -- the prisoners were less than -- certainly less than  
22 100 or even less than 50. In these prisons, some prisoners were  
23 released quite often. The tortures were very simple, mainly  
24 beating and using the plastic bag, you know, to stifle people.  
25 In no provincial prisons, the prisoners wrote themselves their

1 own autobiography. This is an invention of Duch and this applies  
2 only to S-21. Everywhere else it was scribes or "smean"  
3 (phonetic) or whatever you call them, who were writing the answer  
4 or summary of the answers in school children's notebooks usually.  
5 And in these simple first-tier prisons, there could be just one  
6 person asking the questions, threatening to beat and writing  
7 down.

8 [14.21.12]

9 Now, that's the first tier. In the normal district prison, you  
10 have at least three people -- well, first of all, there are more  
11 inmates -- you have the problem of "Khnoh chheu" or "Khnoh daek"  
12 (phonetic), that is -- I don't know how to call it in English or  
13 in French -- but "Khnoh", these are the iron used to tie people  
14 or in wood. Now, the "Khnoh chheu" in wood, this was a tradition  
15 in Cambodia since times immemorial, just as in Europe, the iron  
16 came later.

17 Now, the people usually are always put in a smaller prison, the  
18 "Khnoh" might just be wood, but in the normal prison, district  
19 prison, they are almost invariably in iron.

20 [14.22.12]

21 Now, for interrogations, you have always at least three people:  
22 one who asks questions, one who writes in the notebooks, and one  
23 who hits or threatens to hit. Or sometimes you have more than  
24 three people; you have two people doing the torture -- right, but  
25 the average is three as is very well explained in Moeung Sonn's

1 testimony at Kaoh Chhnang (phonetic), sorry, Kaoh Khyang and Ta  
2 Ney. This pattern is repeated throughout Cambodia.  
3 Now, above that, you have more bigger prisons in which the  
4 inmates might be into the hundreds and even up to 1,000. This, I  
5 think, was the case of Siem Reap Prison from which I have -- on  
6 which I have written and for which you, the Tribunal, has had  
7 excellent witnesses.

8 There, of course, the turnover was quite rapid. People were  
9 interrogated over a period of just one, two, or three days  
10 because room had to be made for new inmates. The people usually  
11 did not survive more than a maximum of three months, but the  
12 average, I would say, would be 3-4 weeks and people were being  
13 processed.

14 [14.23.55]

15 And people everywhere were liberated; quite a significant number  
16 of people in the first year or so or two of the regime and <much  
17 few> people, as I said earlier, in '77 and '78.

18 When they were freed, they were not automatically sent back to  
19 their people's communes, they went through sometimes a kind of  
20 re-education camp that served as a link between the prison and  
21 back to civilian life.

22 In some of these prisons, the executions were very massive,  
23 particularly in the Northeast (sic). I'm thinking of Sisophon and  
24 Kralanh. Kralanh district in Siem Reap where you had so-called  
25 the "fours" or ovens; very big open pits. There were three

81

1 operating in alternatively. There was a big plank thrown across.  
2 The victims were put on the plank and died and into the pits and  
3 then straw was thrown into the dead bodies and they burned. And  
4 then after, the ashes were spread into the field.

5 Now, this was in Sisophon (sic). The people were interred or  
6 buried with big machinery not just by hand, so it was on, you  
7 know, the extermination in the Northeast (sic) were sometimes on  
8 very massive scale.

9 [14.25.50]

10 Q. Thank you. I have a few additional questions to put to you. I  
11 have reviewed relevant documents in the case file, <particularly  
12 in the Closing Order>. For S-21, it had the prefix of "S" which  
13 is said by some to mean Santebal. Do you know why other security  
14 centres did not use this prefix "Santebal"?

15 A. Well, I am sorry to disappoint you but I have not -- not  
16 exactly as professionally and as technically as the Tribunal has  
17 -- I have not identified the names. I have <> identified the  
18 geographical names of these places but not their code names.  
19 I think that they might have different codes or you might find  
20 traces of code names but now we all know that S-21, that "S" was  
21 for Santebal security and that "21" was the number of Nat.  
22 Now, the idea of giving numbers to institutions or even to people  
23 comes from China. It is modelled on China. You asked me which  
24 other countries I have studied. I told you already. The other --  
25 I tried to compare Democratic Kampuchea with other Communist

1 countries.

2 Now, China had an absolute mania for giving numbers to places and  
3 to people.

4 [14.27.53]

5 Apparently -- I read somewhere surprisingly that Mr. Mao  
6 <Tse-toung> was called Mr. 87, so one question that I am asking  
7 myself is, if, as the Khmers, as I suppose with Indians are  
8 supposed to have invented the zero, I wonder if 87, you know,  
9 Munti 87, the Party Centre, the Politbureau, the Standing  
10 Committee -- nobody knows how to call it -- got the idea from  
11 Mao, you know, to call it -- we shall do like Mao, 87, but we  
12 shall do it infinitely better than the Chinese. So, that was and  
13 would be the origin of 87.

14 So on the code numbers of the local prisons, I'm sorry, Mr.  
15 Judge. I did not investigate that.

16 Q. Thank you. Thank you for your response. That is alright if you  
17 cannot provide response in relation to the prefix of Santebal.

18 You have conducted research in various locations throughout  
19 Cambodia including security centres, which were part of the  
20 <charges against the accused>. Can you tell the Chamber whether  
21 the security centres existed <as a> part of a hierarchical  
22 system?

23 And in the affirmative, can you tell us who had the control <of>  
24 this system and what are the actual elements or other evidence on  
25 which you rely?

1 [14.29.54]

2 A. Well, if you start from the grassroots, which I have been  
3 doing, I didn't study Democratic Kampuchea from Phnom Penh, or  
4 from S-21, from the leadership; I started from the grassroots,  
5 from the provinces, from the communes, from the people's communes  
6 and from ordinary people.

7 What I was surprised of was that in every prison there was --  
8 when an accused was being brought, there was never any accusation  
9 made to that person. It was up to the prisoner to say why he had  
10 been arrested. So the first question was always asked: Why -- why  
11 are you here? Tell us why you have been brought here.

12 So of course, if the same question is asked everywhere, it means  
13 that central directives or guidelines must be given to the  
14 Santebal throughout the country. I am told too that this was  
15 similar in other Communist regimes. The Soviet Union, for  
16 instance, where you were brought to these detention centres, you  
17 were not accused of anything specific. It was up to the accused  
18 to confess that he had committed such and such a crime.

19 [14.31.28]

20 Similarly, the mode of interrogation was very similar. The  
21 torture that were inflicted were very similar.

22 We are told by Duch that it was Vorn Vet who learned from the  
23 Vietnamese that we should -- they should use massively the  
24 plastic bag. Unfortunately, in M-13 there was not yet many  
25 plastic bags so Duch could not use that technique. But you have

1 later, you know, a few years later, plastic bags all over the  
2 place.

3 And the conviction that every person who was brought to this  
4 Munti Santebal, Santebal or the security centre was by definition  
5 culprit. It was by definition not an innocent. This absolute  
6 conviction that Angkar is always right, Angkar cannot make  
7 mistakes; the Party is always right; if the Party has decided to  
8 arrest you, then you must be guilty of grave political mistakes.

9 [14.32.48]

10 So this was the general pattern throughout the country.

11 Therefore, the system cannot having anything but been highly  
12 centralized.

13 Now, Duch kept saying, "I did not make any decision to arrest  
14 anybody. I was" -- and he said that he was an equivalent to Heng  
15 Samrin. He said recently: "I was a military leader" although he  
16 is a teacher but I know he was part of the "yothea" or military  
17 makeup.

18 Yes, in Democratic Kampuchea, you had the "kamaphibal", the  
19 civilians, and you have the military. There was no police. The  
20 police was the army. The army was in charge of external security  
21 and internal security. And apparently, the army was only the  
22 armed arm of the Party. In other words, they had blindly to obey  
23 the Party.

24 [14.33.53]

25 And this is what Duch says, you know, at this place last month. I

1 find it hard to believe. But I found when I revised my note for  
2 this interview today, when I revised my notes of Bophea region,  
3 the East region, I saw some people making exactly the same  
4 declaration: We, the soldiers, we the "yothea" do not make  
5 arrests. It is the political commissar, the political commissar,  
6 the local political commissar at the district level or at the  
7 commune level who says, "This person is suspect. Arrest him."  
8 So it is really the civilians who make the decisions. And as you  
9 know, the structure of power which has been analyzed now for  
10 seven years in this Tribunal, so I am not saying anything new,  
11 is, it was highly centralized. There was no horizontal  
12 communication, only vertical communication and so they had to  
13 make sure that everything was similar everywhere. I am convinced  
14 that this was the case.

15 [14.35.21]

16 MR. PRESIDENT:

17 I thank you very much. I am done with my questions and I would  
18 like to know whether other Judges have questions to put to this  
19 expert.

20 You may now proceed, Judge Lavergne.

21 QUESTIONING BY JUDGE LAVERGNE:

22 Yes, thank you, Mr. President.

23 Q. I have some follow-up questions at this stage and I reserve  
24 the right to ask further questions once the Co-Prosecutors and  
25 the civil parties have posed their questions.



1 At this stage I would like to come back a little bit to the  
2 sources that you were basing your studies of the security centres  
3 on.

4 You spoke of Krang Ta Chan. You said you didn't <study S-21> but,  
5 of course, you know about the functioning of S-21 and its  
6 operation. Is it correct to say that <along with S-21,> Krang Ta  
7 Chan, is the only security centre of which certain archives have  
8 survived and made it to us or are you aware of other security  
9 centres in which archives have survived?

10 [14.36.46]

11 A. Yes. This is a question that I had asked <>Craig Etcheson,  
12 <while he> was working for the Court and he told me that, "Yes,  
13 we have found some written archives in <one or> two sites."  
14 But now, I have the impression that you haven't found them which  
15 I regret. However, I can tell you that, indeed, when the  
16 Vietnamese came in, there were abundant archives, papers flying  
17 around in all of the security centres on the 7th of January '79.  
18 So why did these archives disappear? For two reasons: The first  
19 is that the population was in such misery and had been so  
20 deprived that their main concern was to survive; there were many  
21 other things that were more important and secondly, that in some  
22 places, they were systematically destroyed; in particular, I  
23 believe in Chea Sim's district. Now, Chea Sim's is now deceased  
24 -- certain people saw that the -- the name of Chea Sim was in  
25 those papers and those were systematically destroyed.

1 [14.38.10]

2 I think there was a certain type of revisionism of Democratic  
3 Kampuchea that occurred during the People's Republic of Kampuchea  
4 period. And, there was a desire to make people believe that under  
5 Democratic Kampuchea, there was <one> prison: Tuol Sleng, Tuol  
6 Sleng, Tuol Sleng, and the other prisons disappeared. So, I think  
7 that there was also a will, a desire to make the archives  
8 disappear and I regret that very much.

9 I am also often told, "Yes, in the <"kaet" (phonetic)>, in the  
10 provinces, yes, we found papers." But then, in fact, we found  
11 that was very nothing.

12 I am very grateful to Ben Kiernan because he is the one who  
13 preserved the archives of Krang Ta Chan, which allowed us to have  
14 solid, incontrovertible proof that, indeed, there were written  
15 archives for all of the district prisons at least.

16 [14.39.13]

17 Q. Then about the Krang Ta Chan <documents>, can you tell me  
18 where you consulted them, when you were able to proceed to the  
19 consultation, and in which form were they presented; were they  
20 original documents or were they copies?

21 A. Yes, those archives are, in fact, problematic. I regret to be  
22 saying this in public, but DC-Cam is not very open to the public;  
23 especially the French public and especially no one can see the  
24 originals of their archives. They always tell us, "consult the  
25 website or consult the photocopies". On the other hand, we can

1 <not> see their photographs.

2 Iv Chan, who I mentioned earlier, who was my colleague -- in  
3 1994, I had a <> sabbatical 1993 to '94. I pursued research on  
4 the prisons and also <taught at> the history <department> of the  
5 Royal University of Phnom Penh and my colleague, at that time,  
6 worked at DC-Cam and made photocopies of these documents for me,  
7 so I have photocopies of Krang Ta Chan, but they are photocopies.

8 [14.40.44]

9 And I learned this recently, because you know that there was a  
10 committee established by the ministry of culture and UNESCO, in  
11 order to digitize the archives of the Khmer Rouge and  
12 particularly, the archives of S-21. So we can wonder, did Ben  
13 Kiernan give to S-21 the original archives or photocopies? So,  
14 with the director of Tuol Sleng, the name <was> verified -- it  
15 seemed that in Tuol Sleng, there were only photocopies, so I  
16 don't know if the originals were at S-21 or if the originals are  
17 in the home of Mr. Ben Kiernan.

18 In any case, they are very incomplete archives. There are <490  
19 detainees, about 500,> and Krang Ta Chan existed before the Khmer  
20 Rouge period so there should be thousands and thousands of  
21 prisoners.

22 Q. All right. For the moment, I understood that in 1994 during  
23 your sabbatical, you consulted these archives. I understand that  
24 you only had access to the copies and these copies were given to  
25 you by DC-Cam.

1 [14.42.10]

2 A. No, DC-Cam did not give them to me. They do not even give  
3 photocopies, well, to me. They -- they don't give original  
4 archives. I had them, we can say, through the back door, through  
5 Iv Chan, my friend and colleague, who was very kind to make the  
6 copies for me.

7 Q. All right, but do you know if the photocopies were photocopies  
8 of photocopies or photocopies of originals?

9 A. Unfortunately, I can no longer ask him because he is deceased.

10 Q. What we know, in any case, is that at this time at Tuol Sleng,  
11 there are only photocopies; that's clear.

12 So to carry out this work of analyzing Krang Ta Chang's archives,  
13 did you, yourself, have the support of a translator or did you,  
14 yourself, directly read the documents in Khmer?

15 A. I, with great difficulty, decode the Khmer and I also used  
16 translators, who I paid myself with my salary, and I think  
17 everyone proceeded in this way. David Chandler also worked with  
18 Khmers. I think Stephen Heder is the only Western researcher who  
19 could work completely without a translator.

20 [14.43.55]

21 Q. So, besides the analysis of these written documents, did you  
22 also go on-site; did you question witnesses; have you kept any  
23 recordings or notes of <the> interviews that you carried out?

24 A. Yes, quite clearly, I did go on-site. This was a very crucial  
25 centre and I'm very pleased that the Court chose it because Ta

1 Mok was a very exceptional character in the regime, on the one  
2 hand<.> And on the other hand, Tram Kak, according to the  
3 literature of the country, was a model district. It was there  
4 that the model peoples' commune that any visitors could go visit,  
5 whether it was the Swedes, the Yugoslavs, anyone; they all went  
6 there. On the radio, this area was constantly lauded and praised.  
7 <So of course, I visited the site.> You can see this in the notes  
8 that I submitted to the Court.

9 I did find witnesses, but not as many as the Court did. The Court  
10 did better work than I did, certainly. So, if we add the  
11 witnesses found by the Court to my witnesses and the work that I  
12 carried out on the archives, I think that the chapter of Krang Ta  
13 Chan can be closed. We can write a definitive version and close  
14 that chapter on Krang Ta Chan.

15 <Unfortunately,> I returned recently with a group and buildings  
16 had been completely made to disappear. It was very poorly  
17 preserved and there is almost nothing left there now.

18 [14.46.06]

19 Q. Witness, all of your answers are very interesting but can you  
20 simply respond to the question that we are asking you without  
21 trying to provide additional explanations?

22 So, my question was as follows: You answered -- you said that you  
23 did go on-site and that you did interview certain people. Did you  
24 record these interviews that you carried out and did you keep  
25 notes outside of the written studies that you sent to the

1 Tribunal?

2 A. Yes. I was not very professional. I admit that. I did not make  
3 any recordings. When I worked with my colleague, as of 2010, then  
4 we did have recordings.

5 I do have many, many notebooks so I do have more details. I  
6 submitted my summaries or the most important and most interesting  
7 points of my notes to the Court.

8 I worked for two or three months for the Court and I made a  
9 condensed summary of my notes for the Court.

10 [14.47.21]

11 So, I do retain at my home the notes on Tram Kak <with more  
12 detailed> notes <than what> I gave to the Court. <Yet, I believe  
13 I gave the Court the most interesting details.> But I did write  
14 this work on Tram Kak, which, I think, is what needs to be  
15 retained and, <perhaps> published because I think that this  
16 presents the summary. And I need to verify this and crosscheck it  
17 against what the Court has. Perhaps there are some things to be  
18 added to complete it.

19 JUDGE LAVERGNE:

20 Mr. President, I have perhaps three or four other questions to  
21 ask of the witness but perhaps we need to take a break because  
22 sometimes the answer can take a bit longer than expected?

23 [14.48.10]

24 MR. PRESIDENT:

25 The Chamber needs to take a short break now because it is a bit

1 beyond our scheduled break as as often <happens>.

2 It is now time for a break and we will resume at 10 past 3.00.

3 Court officer, please assist the <expert> witness during the

4 break time and please invite him back into the courtroom at 10

5 past 3.00.

6 The Court is now in recess.

7 (Court recesses from 1448H to 1510H)

8 MR. PRESIDENT:

9 Please be seated.

10 The Court is now back in session and I'd like to hand the floor

11 to Judge Jean-Marc Lavergne to put further questions to the

12 expert.

13 BY JUDGE LAVERGNE:

14 Thank you, Mr. President.

15 Q. <Witness>, you have stated the methods and the sources you

16 used in the research you have done on the Krang Ta Chan Security

17 Centre. You also stated what you focused on in the two other

18 security centres which are the focus of this trial, that is, the

19 Au Kanseng Security Centre and the Phnom Kraol Security Centre.

20 [15.12.31]

21 I have somewhat the same questions as those I asked before,

22 notably, whether you took notes or whether you recorded the

23 interviews you conducted and whether you obtained evidence which

24 is not annexed to your studies? Do you have any documents

25 regarding those centres that you can disclose to us?

1 MR. LOCARD:

2 A. I started my investigations on the prisons - <in> the  
3 provinces in 1991, in 1991, 1992, 1993. I was not authorized to  
4 visit somewhat <far-flung> provinces because roads <barely  
5 existed> at the time. I was authorized to go to Mondolkiri and  
6 Ratanakiri in 1994, but that is <almost> 25 years ago; that is a  
7 very long time ago.

8 No, at the time, I did not record interviews.

9 Now, when I visited ethnic minorities, in view of the fact that  
10 those places are regarded as a cradle of the revolution, I was  
11 interested not only in the detention centres but in the manner in  
12 which those two big provinces were administered. What was life in  
13 those provinces like and what had happened?

14 [15.14.20]

15 So in the notes I have, I cover practically all the aspects of  
16 Democratic Kampuchea in Ratanakiri and Mondolkiri. I noticed the  
17 difference between Mondolkiri and Ratanakiri.

18 In Mondolkiri, the people were a lot less enthusiastic regarding  
19 the revolution than in Ratanakiri. Furthermore, people did not  
20 know <Pol Pot or> Ieng Sary or Son Sen at the time as had been  
21 the case in the past, whereas in Ratanakiri I found many  
22 witnesses who were able to relate to me what had happened <at the  
23 beginning of> the revolution in Ratanakiri. So, that is what I  
24 focused my study on; how the revolution started in those  
25 <far-flung> provinces.



1 And <that is how I came across these> security centres. I can  
2 look at my notes. I still have my notebooks. I believe I have  
3 said what is essential regarding those two security centres.

4 [15.15.25]

5 I did not conduct investigations <in a lot of detail>. The more  
6 so I do, it was difficult to find witnesses who were present  
7 because the population had been completely <displaced since>.  
8 Kaoh Nheaek, in 1994, was no longer the centre of the province. I  
9 found a few peasants in isolated villages, <on the plain along  
10 the riverbank>, and Ban Lung was completely different from what  
11 it had been before<, it had been the centre of the province>, so  
12 it was very difficult for me to obtain information.

13 The information I <gathered> was from the local authorities and  
14 on each occasion I found <two or three> witnesses, but the  
15 investigations I carried out were not very detailed. I did not  
16 exhaust the subject.

17 [15.16.20]

18 Q. Apart from those security centres that are specifically  
19 targeted and that fall within the scope of the trial, the Closing  
20 Order refers to other security centres when we're dealing with  
21 more general issues, such as the treatment of the Cham, or the  
22 treatment of the Vietnamese, or some worksites.

23 For example, the 1st January Dam worksite in the Closing Order,  
24 as regards that worksite, mention is made of the Wat Choan Dek  
25 Security Centre, and I believe that you have studied that

1 security centre and you did so when you carried out research on  
2 the security centres in the region of Kampong Thom. That is what  
3 I find in the E/3218 (sic).

4 I also note that you <studied> - or, rather, the question I would  
5 like to ask is whether you've studied the worksite -- I don't  
6 know whether you <would call it> <a> worksite <rather than a>  
7 security centre, that of the Kampong Chhnang <airport>, <is that  
8 correct>?

9 [15.17.57]

10 A. You have asked two questions, one concerning Kampong Thom, the  
11 major 1st January or 6th January Dam worksite<, there are several  
12 names>. And the second question also refers to the Krang Leav  
13 airport worksite.

14 In the weeks <prior to> this Tribunal, I did not look at all my  
15 notes regarding all the provinces. <That would have taken months  
16 of work>. I covered only the Eastern region, <Bophea> so I <can't  
17 remember because I reviewed everything I had given the Court  
18 regarding the Eastern region.>

19 As regards Kampong Thom, I <remember> practically all the prisons  
20 in Kampong Thom were <in pagodas>. That is not the case with the  
21 rest of Cambodia, so it is <very> possible that I did mention  
22 that pagoda but I'll have to check that in my notes because <I  
23 can't remember very well>.

24 As regards the major dam worksites, Kamping Puoy, Battambang,  
25 Banteay Meanchey, and that of the 6th of January in Kampong Thom,

1 I did not particularly study those worksites, so I do not know  
2 any more than you already now.  
3 [15.19.49]  
4 However, as regards Krang Leav, I <may> know something. In Krang  
5 Leav, it's extremely difficult to talk about that worksite. <I  
6 have been there many times, but that> worksite covers a very  
7 broad period in terms of time. You have Krang Leav at the  
8 beginning of the worksite and Krang Leav at the end of the  
9 worksite was radically different. That place had to be kept very  
10 secret. It was a secret base.  
11 Now, the question that arises is whether it was a Cambodian air  
12 base <for an air force that> <barely even existed,> or was <it>  
13 an air base <for> the Chinese? This is a taboo question that no  
14 one dares to ask. What I know is that it had to be kept secret,  
15 so I believe it was <elite troops who were sent at the beginning  
16 of the worksite, who were> properly treated, who were close to  
17 the Chinese advisors, who ate <more or less the same food, etc.>  
18 The situation got worse with time and <in the end> it was  
19 inhabited by people who <were displaced or> deported from the  
20 East Zone and who <were> to be executed.  
21 So, we hear a lot of things said by witnesses, things that are  
22 very contradictory depending on whether we're thinking of the  
23 first period or the second period.  
24 We should bear in mind that <for> the most significant  
25 archaeology <that remains> of <Democratic> Kampuchea, if you want

1 to know <about Democratic Kampuchea>, you have to go to Krang  
2 Leav. <Unfortunately, that> is what the tourism office hasn't  
3 realized. <But I think for political reasons, they don't want to  
4 show too much of what the Chinese did here.> For the time being,  
5 it's <still> a place that <isn't> visited by tourists <but> it's  
6 extremely spectacular.

7 [15.21.58]

8 Q. I would like you to focus on the studies you carried out and  
9 the sources.

10 Let me point out to you that apart from those sites, <the Closing  
11 Order also refers> to other security centres, notably, as regards  
12 the treatment of <the> Cham.

13 <There is a reference> to the Wat Au Trakuon Security Centre,  
14 which is situated in the Kang Meas district in the Central Zone.  
15 Did you also study that security centre?

16 [15.22.40]

17 A. Kang Meas is <a> district to the right of the Mekong, so  
18 Kampong Cham province was split into two sub-provinces. You had  
19 the administrative division of Democratic Kampuchea and Kang Meas  
20 is in the North or Centre Zone, since both <sectors> were  
21 restructured. In fact, the name rings a bell but I did not  
22 <review> my notes on that part. I <did not review> my notes on  
23 the North and Centre region, so it's just a name that I have in  
24 mind, but I believe that Duch said last month that <at> S-21,  
25 people were -- people who were Cham were not specifically brought

1 there and I would say the same if I rely on my memory. I do not  
2 recall <that they classified people as> Cham.  
3 As regards the slogans, I do not have any slogans against the  
4 Cham and this corroborates my conviction that, if <they were more  
5 likely to be victims than the average population,> to the tune of  
6 <35-38> per cent, as according to <Marek Sliwinski's estimates>,  
7 <it was not because they were hated by the regime for being an  
8 ethnic minority<, but first and foremost, they wanted to>  
9 continue practising their religion, like <all> Muslims<, that is  
10 praying five times a day, on one hand, and on the other,  
11 particularly> in the Krouch Chhmar district, they revolted.  
12 <That> revolt was the most serious <offence> they <committed, of  
13 course> and I believe that when the Cham were massacred,  
14 <according to statements I got from the Cham,> they were  
15 massacred, they were arrested not to be <brought to> prison but  
16 to be executed without any further ado.

17 [15.25.03]

18 Q. I have no doubt that <there will be> have some questions on  
19 the subject.

20 I would like to end by pointing out to you that in the Closing  
21 Order, mention is made of another security centre, Khsach -- I'm  
22 not sure I'm pronouncing it correctly. That security centre was  
23 also based in a pagoda in Yeang village in the sub-district of  
24 Ruessei Lok commune in the Siem Reap region. Mention is made of a  
25 number of <murders> of Vietnamese. Does that name ring a bell to

1 you?

2 A. I'm sorry to disappoint you, Honourable Judge, I absolutely do  
3 not recall that. I have 25 to 30 of notebooks with hundreds of  
4 thousands of pages.

5 I started my investigations 25 years ago. <I'm like the Civil  
6 Parties,> I do not recall research I did 25 years ago <if> I did  
7 not review my notes on all the regions. <I did not do a good job  
8 before coming here, I did not review all the regions, so that  
9 does not ring a bell.>

10 [15.26.30]

11 Q. Very well. The last question has to do with slogans which you  
12 collected.

13 Did you do that nationwide or you did it only in certain specific  
14 places? Were the slogans the same everywhere or <were> some of  
15 the slogans <more> "regional"?

16 A. I'm sorry, I'll disappoint you here as well. When I collected  
17 those slogans, it was <just for fun. I never planned on turning  
18 it into a publication.> I didn't note the names of <authors or>  
19 places. <A couple of times I did at two or three places, so  
20 that's in the notes.> I can reassure you that those slogans were  
21 collected nationwide, absolutely nationwide, and they all say  
22 more or less the same thing and the thrust of the thought is the  
23 same. It's the rhetoric that may change. It is possible <that in  
24 Phnom Penh> -- and it's unfortunate that Mr. Khieu Samphan  
25 doesn't want to furnish any <explanations to the Chamber,>

100

1 because he should know whether the major slogans were chosen at a  
2 <political> level; the Politburo, the Standing Committee, <the  
3 Permanent Committee,> Office 870; whether they were disseminated  
4 during meetings of cadres. I believe that the main outlines were  
5 provided and given <the mentality of the Khmer, as an oral  
6 civilization, that from the major national themes, made by a team  
7 -->

8 [15.28.20]

9 <Many of the words used are very sophisticated.> Some of the  
10 words are Pali words, Sanskrit words like "comprador", which is a  
11 Portuguese word and I believe that most of the people did not  
12 know that word. These learned words and slogans were disseminated  
13 <at the centre,> and it was up to the local authorities to set  
14 them to music and to use a different rhetoric. <But in general,>  
15 they were collected nationwide and this is proof that the regime  
16 was highly centralized.

17 JUDGE LAVERGNE:

18 At this stage, I do not have any further <questions>. I now give  
19 the floor back to you, Mr. President.

20 MR. PRESIDENT:

21 Thank you. The Bench would like to ask about some questions for  
22 the proceedings tomorrow as the Chamber wishes to hear responses  
23 from parties to the request by Khieu Samphan's defence, which  
24 were sent by email to the Chamber this afternoon, in order to  
25 make some observations regarding the book published by Henri

101

1 Locard in the 2013 edition.

2 First, I'd like to hand the floor to the requestor, that is the  
3 Khieu Samphan defence, to summarize their request. You may  
4 proceed.

5 [15.30.19]

6 MS. GUISSÉ:

7 Yes, thank you, Mr. President. It's <a> very brief request  
8 following <up> on the question that you asked Mr. Locard and his  
9 responses.

10 I understood this morning that there were sometimes significant  
11 differences between the French version <of his book> "Pourquoi  
12 les Khmers rouges", "Why the Khmer Rouge", between the 2013 and  
13 2016 version.

14 And I had understood in his answers this morning also that he had  
15 some new information following interviews and also following  
16 certain elements that he had discovered in his study of the  
17 proceedings before this Chamber.

18 [15.31.02]

19 So I think that all of the parties when we are questioning an  
20 expert, it's very interesting to know <his or her sources and>  
21 which elements were used to arrive at certain conclusions. And  
22 regarding the question of effectiveness of methods, we would like  
23 to be able to use the 2013 version and to compare it with the  
24 2016 version to see when there were changes what the sources were  
25 and what the reasons behind these changes in the new version



1 were.

2 Insofar as you have admitted <in full> Chapters 3 to 11 of the  
3 2016 version of Mr. Henri Locard's work, <decision E3/10640, I  
4 would like for> Chapters 3 through <10> of <the> 2013 <version  
5 to also be admitted, so we can also use them for our  
6 examination>, I'm <not> asking for Chapters 3 to 11 because there  
7 is an additional chapter in the version <in the 2016 version, and  
8 if I am mistaken Mr. Locard can correct me.> So we would like to  
9 have the equivalent chapters to the 2016 version, which the  
10 Chamber admitted into evidence, and we would like the same  
11 chapters from the 2013 version, so that <regardless of subject,  
12 the parties can use> both versions and <focus more on what is  
13 essential, insofar as> the sources used by the expert.

14 [15.32.40]

15 I hope that my request is clear. I can give more clarification if  
16 you have additional questions, but the idea is to <have> both the  
17 2013 and 2016 versions <on the case file, to have> the same  
18 passages and the same topics in order to be able to use both  
19 versions during the <examination>.

20 I see Her Honour Judge Fenz with her hands on her head. Is this  
21 indicating that there's an issue of interpretation or is it clear  
22 for the Chamber and the parties?

23 JUDGE LAVERGNE:

24 I don't know if I should interpret, what you said <in French>,  
25 but I believe I understood. You can correct me if I'm wrong, but

103

1 I understood that what you would like is to have admitted as  
2 evidence the original version to see what the differences are  
3 between that and the current version. So you would like to have a  
4 little bit more than the current version including the original  
5 version <admitted into evidence>.

6 [15.33.52]

7 MS. GUISSÉ:

8 Yes, I am very glad to know that at least in French I was  
9 understood. That is what I was saying.

10 MR. PRESIDENT:

11 Thank you. The Chamber now gives the floor to the Deputy  
12 Co-Prosecutors to respond to the request by defence team for Mr.  
13 Khieu Samphan. You may proceed.

14 [15.34.30]

15 MR. DE WILDE D'ESTMAEL:

16 Thank you. Mr. President, good afternoon, Your Honours. Good  
17 afternoon to all the parties.

18 I must admit that I am not familiar with the entire request  
19 because, for technical reasons, I do not have access to my email  
20 in the courtroom but, according to what I've just heard, it is  
21 just to be able to make this comparison in order to question the  
22 witness. So I have no objection to this request as long as once  
23 the witness has been questioned. Perhaps the only passages that  
24 were concerned could be further isolated rather than looking at  
25 all 10 chapters as the Defence has asked for.

104

1 But, regardless, I have no objection at this stage on behalf of  
2 the Co-Prosecutors regarding this request. Thank you.

3 [15.35.25]

4 MR. PRESIDENT:

5 The floor is now given to Lead Co-Lawyers for civil parties. You  
6 may proceed.

7 MR. PICH ANG:

8 Good afternoon, Mr. President, Your Honours. The Lead Co-Lawyers  
9 for civil parties have no objection to the request by the defence  
10 team. Thank you.

11 MR. PRESIDENT:

12 And what about the defence team for Mr. Nuon Chea?

13 MR. KOPPE:

14 No observations, Mr. President, other than we support the  
15 request.

16 [15.36.01]

17 JUDGE FENZ:

18 Can I just clarify? So this is an 87.4 request for the 2013  
19 version because the 2016 version is already admitted?

20 MS. GUISSSE:

21 Yes, we can say that under these conditions, <it is a> 87.4, even  
22 if we can't say that it is a new document, it's the original  
23 version of this document, the one that we had at the beginning,  
24 had asked other parties, and concerning what the witness said  
25 today concerning the many changes and the fact that the Chamber

105

1 has already admitted all of those chapters. For better  
2 clarification, yes, that's the case. If we need to put that,  
3 we'll say <it's a> 87.4.

4 [15.37.03]

5 JUDGE LAVERGNE:

6 This is simply a technical point at this stage, partially  
7 technical, because the 2016 version was put on the shared-matter  
8 drive and therefore it has ERN numbers. I am not certain that we  
9 will have time to <digitize> the 2013 version and I would like  
10 first to know if all of the parties have a copy of the 2013  
11 version because even if we declare that it is admissible, it  
12 would not be ready for tomorrow.

13 MS. GUISSÉ:

14 I don't know if it will be ready for tomorrow. Perhaps it could  
15 be ready for Monday, at least? But what I can do in the context  
16 of our <examination, at least>, we can try to identify the  
17 <corresponding> passages <as we were able to do on the parties>,  
18 but <I must say that it is because the Chamber accepted these  
19 chapters in full that I have to make this request. I was not  
20 prepared to request the these chapters in full.>

21 From a practical point of view, <all> I can say <is that for the  
22 examination by the Khieu Samphan defence team,> we will <discuss  
23 the pages from the old version and> give the ERNs of the new  
24 version<, if we do not have new ERNs, even if we have to correct  
25 it later.> Or, another possibility, we could delay further

106

1 questioning of the witness until this issue is resolved, but <all  
2 I can do is give this> practical suggestion to give the pages in  
3 the French version and the ERN for the 2016 version.

4 [15.39.02]

5 MR. DE WILDE D'ESTMAEL:

6 For the sake of information because Judge Lavergne had asked for  
7 it, we do have a 2013 copy of the book and I think, moreover,  
8 that I have also seen the civil party Co-Lead Lawyers also have a  
9 copy. Thank you.

10 MR. PRESIDENT:

11 Thank you for all observations and submissions.

12 It is now time for the adjournment, and the Chamber will resume  
13 its hearing tomorrow, on Friday 29 July 2016, at 9 a.m.

14 Since <the> parties have no questions to put to the expert on the  
15 fitness to stand trial of the accused, the Chamber will proceed  
16 to continue hearing the testimony of this current expert  
17 tomorrow, as usual.

18 [15.40.30]

19 You are invited to come and testify once again, <Witness>,  
20 tomorrow to testify.

21 Court Officer, please work with the WESU Unit to send <the  
22 Witness> to the place where he is staying at the moment and  
23 invite him back into the courtroom tomorrow at 9 a.m.

24 [15.40.42]

25 Security personnel are instructed to bring Khieu Samphan and Nuon

1 Chea back to ECCC's detention facility and have them returned into  
2 the courtroom before 9 a.m. tomorrow.

3 (Court adjourns at 1540H)

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