



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS - KAING GUEK EAV "DUCH"

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

1 September 2009, 0903H

Trial Day 68

Before the Judges:

NIL Nonn, Presiding
Silvia CARTWRIGHT
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YOU Ottara (Reserve)
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KAR Savuth
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. AHMED	English
JUDGE CARTWRIGHT	English
MR. CHOU VIN	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KA SUNBAUNAT	Khmer
MR. KAR SAVUTH	Khmer
MR. KIM MENGKHY	Khmer
JUDGE LAVERGNE	French
MR. ROUX	French
MS. MARTINEAU	French
MS. SOU SATH	Khmer
MS. SIRONI-GUILBARD	French
MR. TAN SENARONG	Khmer
MR. TEP SEM	Khmer
MR. TEP SOK	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	French

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

2 (Judges enter courtroom)

3 [09.03.00]

4 MR. PRESIDENT:

5 Please be seated. The Trial Chamber is back in session for
6 today.

7 This morning, based on the schedule, we will continue our
8 proceeding from yesterday. The questioning will be put to the
9 two expert witnesses and the international defence counsel will
10 put questions to the expert.

11 But before giving the floor to the defence counsel, the Greffier
12 please report the attendances of the parties to the proceedings
13 today.

14 THE GREFFIER:

15 Mr. President, the parties to this trial today are all present
16 except the civil parties lawyers, group 2 and group 3 -- group 3
17 and 4.

18 So the two experts are present; Ka Sunbaunat and Sironi are
19 present. The witnesses D1, D2, D3, D4 and D6 are all present and
20 are waiting for the invitation from the Trial Chamber. These
21 witnesses have no affiliation or relative and blood with the
22 other parties or the accused person. They were all sworn in.

23 MR. PRESIDENT:

24 Please, Alain Werner, the floor is yours.

25 MR. WERNER:

2

1 Hello. Good morning, Mr. President. Good morning, Your Honours.

2 Just two points quickly.

3 [09.05.52]

4 The first one is that there was a problem -- maybe it was a
5 problem of interpretation. It is not the lawyers of civil party
6 group 2 and 3 who are not present, but it's the lawyers of groups
7 2 and 4. That's the first point.

8 The second point is that I have one very quick, quick request,
9 Mr. President. As you know -- and I announced this yesterday at
10 the beginning of the hearing -- the civil parties who should have
11 been present wrote an open letter to the attention of your
12 Chamber and, as you know, the open letter -- and the lawyers were
13 not party to this process and the open letter was transmitted to
14 the Greffiers because the civil parties wished that the Chamber
15 would read out this letter, and we were informed after the
16 hearing that the letter was not able to reach you because it was
17 not filed according to the Rules.

18 So two things. This letter is extremely short and it would only
19 take me one minute to read it out, and this is what I suggest
20 that I do, with your leave. And if you do not wish that I read
21 this letter, well then it seems easier that -- well, we'll make
22 sure that this letter is in the case file but we do not believe
23 that that is the place of this letter, and the civil parties
24 simply wish to be heard.

25 This is why I'm asking just for one minute of your time to read

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1 this letter of five paragraphs. That way, the civil parties will
2 at least know that you heard what they wanted to say to you.

3 Thank you.

4 (Deliberation between Judges)

5 [09.10.57]

6 MR. PRESIDENT:

7 Counsel Alain Werner, please stand up.

8 You said that there is a letter from the civil parties and you
9 also said about that yesterday and you said that you filed with
10 the Greffier. My question is that whose letter it was. Was it
11 belonged to the civil party? Did the lawyer who request to
12 submit the file or the civil party themselves who request to
13 submit?

14 Based on the form of the letter, it failed to meet the formality
15 required by the Trial Chamber. Please indicate the purpose of
16 putting that letter before the Trial Chamber.

17 MR. WERNER:

18 Thank you for your question, Mr. President.

19 Regarding the exact way that we went about this, I think the
20 Greffiers will be able to provide you with better information
21 than I.

22 As far as I understand, the civil parties directly brought this
23 letter to your Chamber and this letter is not the letter of a
24 lawyer. It's been signed by 28 civil parties and, as I said to
25 you yesterday morning, we did not sign this letter and it's not a

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1 judicial act. This is why we are not partaking in these
2 proceedings because the letter was not accepted according to the
3 Rules and the Greffiers informed us about this, and the aim of
4 this letter is that you may hear what is in this letter.
5 And we suggest -- because I think this is the most economic way
6 of doing things. It won't need to be translated, there won't be
7 a need for a written request. I just would like to ask one
8 minute of your time so we can read out this letter so that you
9 can hear what the civil parties wish to communicate to you and it
10 will be in the records.

11 [09.13.19]

12 And if you do not accept it, okay, the lawyers will file the
13 motion that will have to be translated into three languages and
14 that will have to be included in the case file.

15 If that's what you prefer, okay, we will do as so, but I simply
16 wanted to propose another solution to you which seems to be the
17 best solution because it will only take five minutes of your
18 time. You will hear what the civil parties wish to say to you
19 and we will not need to file the motion that will have to be
20 translated into three languages. Thank you.

21 (Deliberation between Judges)

22 MR. PRESIDENT:

23 Based on your statement, the Trial Chamber unanimously agreed
24 that you file the letter into the case file, however, your
25 request to read to the Court now is denied.

5

1 Next, the Trial Chamber gives the floor to the international
2 defence counsels to put questions to the two psychological
3 experts and, international defence counsel; you have 40 minutes
4 to put questions to the experts. The floor is yours.

5 MR. ROUX:

6 Good morning, Mr. President. Good morning, Your Honours. Good
7 morning, Experts.

8 Mr. President, I'm going to try to put my questions to the
9 experts in 40 minutes and, if I'm not able to do so, I will
10 please ask you for a little extra time.

11 [09.16.21]

12 BY MR. ROUX:

13 Q. Experts, first of all, I would like to ask you if we can
14 provide two small rectifications in terms of form related to the
15 accused's request and, as you know, he is meticulous.

16 And therefore the accused would like, with your leave, that we
17 rectify in the French version of your assessment on page 23 when
18 you state that he has four children -- a daughter who was born on
19 the 27th of April 1977, a son born on the 14th of December 1978,
20 and a daughter born on the 30th of June 1981, and in reality it
21 is a son. And I think that you spoke about this together so,
22 therefore, for the needs of the record I wanted to provide this
23 rectification, with your leave, of course.

24 And another correction. On page 27 of your report -- and this
25 follows a question from Judge Lavergne yesterday -- on page 27 in

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1 the French version, you state:

2 "However, Duch no longer remembers the number of victims at S-21
3 at the beginning of the investigation phase, whereas he had
4 access to the archives, to the registers and to the photographs
5 and he provides the figure of 200 victims."

6 So there must be a confusion here because indeed once, as we've
7 checked the written records of interview, this figure has not
8 been stated. So you are right in saying that he does not provide
9 any figure, but he does not however provide the figure of 200
10 victims.

11 So, once again, for the necessities of the record and also
12 because, as you know, he is very meticulous, I wanted to share
13 this observation with you, and you will not find, unless we are
14 mistaken, any reference to this figure of 200 victims in the
15 written records.

16 [09.19.11]

17 Now, I've come to my questions. And I may say, first of all, Mr.
18 Sunbaunat and Dr. Sironi-Guilbaud, I will wish to extend my
19 thanks for the explanations that you provided to this Chamber
20 yesterday and explanations, as you reminded us very clearly, that
21 are no way justifications but that are an attempt to understand
22 how Duch became Duch.

23 And I may say as an introduction to my first question, that I was
24 absolutely flabbergasted by the way the Co-Prosecutors' Office
25 seemed to be analyzing this situation. And apparently Duch is

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1 not today the only one who is in a state of denial.
2 Co-Prosecutors, please interrupt me if I say one single word that
3 is not part of the case file in my question which is the
4 following.
5 Duch said that he had been a coward. Duch said that he did not
6 dare look at the reality; that he did not dare see his friends
7 being detained. Duch said that he, of course, was obeying
8 orders, but that however he was or is responsible for everything
9 that took place at S-21. Duch accepted to participate in the
10 re-enactment at Choeung Ek and at S-21.
11 Duch co-operated with the Investigating Judges as the following
12 is stated in paragraph 167 of the indictment. Duch acknowledged
13 85 percent -- we calculated this -- 85 percent of the facts that
14 were put forth by the prosecutors -- and let me please explain
15 myself about this.
16 We received in January of this year, 168 paragraphs coming from
17 the prosecution office requesting that Duch acknowledge these or
18 accept these paragraphs and he accepted 85 percent of these
19 paragraphs.
20 [09.22.41]
21 Duch asked for forgiveness, asked the victims for forgiveness by
22 saying to them, "I am not asking you to forgive me, but I am
23 asking you -- I am stating my apologies to you."
24 So in the face of this evidence, which is stemming direct from
25 the case file, which stems from the proceedings, which stems also

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1 from what you have witnessed yourselves, that is to say that you
2 yourselves have said that he co-operated with you, my first
3 question therefore is, well, is this an easy process for whomever
4 and, in particular, I would say for a Cambodian? Is it an easy
5 process to completely open up, to basically stand naked in public
6 to acknowledge publicly his responsibilities for crimes that are
7 as serious?

8 That's my first question. So therefore it is, is it easy for
9 anybody, and for Duch in particular, to carry out such a process?

10 A. (MS. SIRONI-GUILBAUD): Of course not, Mr. Roux. It's not
11 easy for anyone and it is not easy of course for Duch to go about
12 this. And if you please allow me to, I can add a comment
13 regarding his psychological development which we witnessed during
14 our sessions with him.

15 We saw him and we have been analyzing him for the past year and
16 we saw him again recently, and this is a process. Acknowledgment
17 indeed is a process. You were asking if it was something easy,
18 well, because -- but I will also speak about the process because
19 the accused is going through different phases regarding a certain
20 number of facts which we discussed with him.

21 There might be at the start denial, yes; a desire to not
22 acknowledge. I'm speaking here again about psychological
23 mechanisms, however -- and then afterwards there's de-negation;
24 that is to say an acceptance -- a partial acceptance of the
25 facts. That is to say that certain facts are accepted and others

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1 are not and maybe part of the truth is accepted. And the third
2 phase, we could say that -- and this is where it becomes
3 interesting to state it before the Chamber -- there is a change,
4 a switch, a rather rapid switch towards self-depreciation and
5 towards self-accusation, and we have not seen Duch as might be
6 the case with other accused, we have not seen a more, let us say,
7 neutral acknowledgment process.

8 [09.26.17]

9 I would like to insist right now on the fact that he switches
10 right away to self-accusation. He says, "I'm a criminal, I feel
11 guilty, and how may I go about this?" and here -- we might find
12 here a psychological mechanism in Duch that is linked to
13 psychological elements, intra-psychical elements stemming from
14 his childhood, which betrays the lack of self-confidence and the
15 feeling of being devalued and his feeling of inferiority that
16 might reappear at that moment, with an accentuation of his
17 self-accusation in certain cases. That is to say from denial to
18 self-accusation. That is the process that we can observe.

19 Q. Thank you very much. You have indeed anticipated my following
20 question, which was indeed are we dealing here with a process?
21 And this is what indeed you just stated to me and I would like to
22 add, well, in this process there might be inhibitions; there
23 might be things that are so hard to deal with that we are not
24 able to express these. Do you believe that these kinds of
25 hang-ups are part of the process as well?

10

1 A. (MS. SIRONI-GUILBAUD): Yes, Mr. Roux, this may be part of the
2 process indeed, as you say, either because there are things that
3 are too difficult to accept and that indeed the acceptance of
4 such heavy elements always goes through a process for everyone.
5 This process might take more or less time. This depends on each
6 one's personal history. This also depends on what might lead
7 someone to become aware and to accept.

8 [09.28.20]

9 We said yesterday that the trial is an element that contributes,
10 not only for Duch but for other accused people. It is he but, in
11 general, it's a more general process. So the trial contributes
12 to this acceptance and we are indeed dealing with a process and I
13 would add that there's another element which we must take into
14 account. It is the inherence of the Khmer Rouge shaping process
15 which we spoke about yesterday and which is still present in him.
16 So we can say that from an intra-psychical point of view, if we
17 imagine Duch's mental life as a battlefield where different
18 battalions or platoons are being deployed on the field, where
19 things are moving; well, we can say that this element is also
20 present, this Khmer Rouge shaping is also present, and it is also
21 mobile.

22 Q. Neither of you wish to answer directly the questions that
23 were put to you regarding Duch's sincerity, as far as his remorse
24 is concerned, but may I ask you the following question?

25 According to you, do you believe that he is sincere in the

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1 process in which he is involved -- in this process; in this
2 process of acknowledgment of his responsibility? Do you feel
3 that he is sincere about this? Can you say anything about this?

4 A. (MS. SIRONI-GUILBAUD): I'll answer first and then give the
5 floor to my colleague.

6 Yes, Mr. Roux, indeed we -- as far as I'm concerned, and I think
7 we've discussed this anyway together, there is sincerity in this
8 process, and I would also like to add that -- to complexify
9 further the question, it is not to call into question the term
10 "sincerity" that you have used but to complexify it.

11 [09.31.00]

12 Each of us are in strategies of existence and the accused also
13 has a strategy concerning existence. It is not to make him
14 perverse but he is also in this strategy and there is this
15 mechanism of the awareness of what is happening for him, for the
16 history of his country at the -- you know, this type of history.
17 Would you like to add something on the sincerity of the process?

18 A. (MR. KA SUNBAUNAT):

19 I agree with what has been said by Ms. Sironi-Gilbaud. As I
20 stated yesterday, we have not done our research on the topic of
21 sincerity because this is not the topic that we focused on.

22 However, we raised the issue that Duch -- during our interviews
23 we did not ask him directly on the details of the issues but he
24 made us aware of the intention to apologize.

25 In such situation it can be shown that whether he is sincere in

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1 expressing his apology or whether he was pressured to do so, this
2 is just the situation of our encounter with Duch and of his
3 intention to apologize, so that we can focus on the issue
4 together as whether he is sincere in his expression of apology or
5 whether there is any pressure applied to him or whether there is
6 any other plan or intention, and we have not conducted our
7 psychological assessment on the topic of the sincerity. This is
8 my response. Thank you.

9 A. (MS. SIRONI-GUILBAUD): If you allow me, I'd like to add
10 something.

11 [09.33.47]

12 Coming back to the issue of sincerity, as my colleague said, our
13 mission was not to become lie detectors. That is not the
14 purpose, the objective of an expertise, but as we were required
15 as experts it was always our role and our duty to see -- to
16 always have in mind -- keep in mind that we are not in
17 psychotherapy or treatment interviews but that we were in a legal
18 framework and that we needed to look at different elements and to
19 make sure that we were not in a manipulation of experts. And I
20 think we can answer here that no, at no time, did we have the
21 feeling that we were subject to manipulation. So I think with
22 regard to this, we can talk about sincerity and the sincerity in
23 the process.

24 Q. Your answer that both of you have given leads to another
25 question -- the process. Does it need to be encouraged or must

13

1 we blame him for not having said enough?

2 A. (MS. SIRONI-GUILBAUD): So I would say neither one or the
3 other. As experts, you can't blame a man whomsoever he may be,
4 otherwise we would be in an idea that there are monsters that, as
5 of both you have devils, ill-meaning people. This is not at all
6 our conception of the psychological functioning of an individual.

7 [09.36.14]

8 From a standpoint of a victim, a country, I can understand a
9 great many things, but here we are talking from the standpoint of
10 experts and we can neither blame nor encourage from him to
11 present apologies. We said that it is a process, a mental
12 process, and each individual, each subject is singular, is
13 unique.

14 Given the different elements of his life, of his early childhood,
15 his experience, life experience, it is -- a subject is unique and
16 each subject has a time. You can't hasten it. You can't slow it
17 down, but what you can do is to accompany the subject, the
18 accused, in this process, neither accelerating it nor slowing it
19 down.

20 A. (MR. KA SUNBAUNAT): I am one of the victims of the regime,
21 but I disregard the idea one side when I perform my role. I
22 perform my role as an expert under the instructions of the Trial
23 Chamber. And what we have said -- and in our report it has been
24 done within the framework with our neutral position and we do not
25 have our personal feelings interfere with our work. And we are

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1 the professionals and we have taken an oath in order to perform
2 our role as a neutral expert. Thank you.

3 A. (MS. SIRONI-GUILBAUD): I'd like to bring to the knowledge of
4 Mr. Roux and the Chamber that in the beginning of the different
5 assessment interviews, we met with the Professor Ka Sunbaunat at
6 several times and we met also with the interpreter who worked
7 with us last year in the 13 interviews, Mr. Ou Channora, who is a
8 sworn interpreter, and we discussed amongst us of this
9 counter-transferential issue what has led us, our personal
10 histories, to bring us together here even if we didn't sort of
11 decide it.

12 [09.39.06]

13 It was very important for each of us to arrive at this exercise
14 of neutrality, this posture of neutrality that my colleague was
15 talking about.

16 So to start with we actually carried out this exercise, this
17 discussion amongst the three of us and if there had been any
18 problem at that time, since I was appointed as the main expert of
19 this assessment, then I would have made sure that it does not
20 start and not to take place, to avoid any influence of our own
21 psychology or our own respective history, collective history,
22 that could have interfered. And there was no problem with regard
23 to this issue.

24 Q. You spoke when speaking about the accused of the difficulty
25 that he has, still has, in expressing feelings but, at the same

15

1 time, at least twice in this legal process we have seen the
2 accused filled with intense bouts of crying, at least three
3 times. First time at Choeung Ek during the re-enactment, he
4 collapses literally before the pits where children's bodies were
5 found.

6 Second time, still the re-enactment at S-21, he collapses --
7 well, cries on the shoulder of one of his guards while he tries
8 to read his declaration to the victims and one of the victims
9 starts to cry. And the other day this passage was shown.

10 And the third time, at this hearing, while he speaks about one of
11 the victims of S-21, Professor Phung Ton, while the widow and the
12 daughter of this victim are present and they are upset. At the
13 mention of this name, he bursts out into tears.

14 [09.42.02]

15 And I would like to ask you as experts, how do you analyze this
16 on the part of somebody who normally blocks, inhibits his
17 feelings but, at the same time, time and again, lets escape, so
18 to speak, vigorously, his emotions without holding them back? Is
19 that part of the process within which he is? I need your answer
20 on this.

21 A. (MS. SIRONI-GUILBAUD): Yes, this is part of the process. We
22 referred yesterday to the mechanism of splitting. Psychological
23 mechanism that consists in separating emotions of the rational
24 side from other parts of the self which, up until then, were
25 completely compartmentalized. But you can't be split, as it

16

1 were, forever, for a whole lifetime.

2 I'm also a psychotherapist and that is one of the jobs that we

3 do, the work we do in psychotherapy to remove this, to life it.

4 It's not just psychotherapy that actually leads to the lifting or

5 the removal of splitting, the healing, there's the whole judicial

6 process that does the same thing, and here we note that indeed

7 there are emotions on the one hand -- the crying -- which can

8 also reveal the fact that the splitting is not as watertight, so

9 to speak. We're not in the same psychological functioning.

10 And if you were to analyze further, there are a certain number of

11 situations which can lead to emotion in the accused and not in

12 others probably when he is faced with persons who respect him

13 because we said that the removal of splitting was part of the

14 process. What touches him is the source of great emotion and

15 affection. We're talking about a professor and, of course, these

16 are assumptions that we have not been able to check out, to

17 verify.

18 [09.44.35]

19 But the crying has taken place at specific moments and I think

20 similarly when Mr. Bou Meng was present here, he knew him, he saw

21 him when he was in a better shape, he is somebody who is his age,

22 and you can also think that there is this possibility of

23 projection between his physical state and the physical state of

24 Bou Meng.

25 Now if I illustrate this with these examples it is to say that

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1 splitting response to a process. We are not an all or nothing in
2 the expression of these emotions.

3 A. (MR. KA SUNBAUNAT): I want to add that in the Khmer way of
4 practice and tradition it is our customary way of expressing
5 ourselves by focusing on the behaviour not on the psychological
6 mechanism. Each one of us can hold back the feeling and not to
7 burst it out. However, the light from the eyes cannot hide the
8 inner feeling.

9 [09.46.11]

10 When Duch shed his tear upon hearing the name Phung Ton he also
11 describes his remorse and regret of his former teacher and the
12 one teacher for him -- he's the one person that he respects that
13 he has affection for. Therefore the name Phung Ton aroused his
14 feeling beyond what he could control.

15 This is why in our Cambodian customary practice people are asked
16 about the feeling by observing the behaviour, the eyes and the
17 tears. And if the question asked is overwhelming and that it
18 puts pressure on the person who is being the subject of the
19 process, we can see the evidence coming through from such process
20 and this is the way that the Cambodian customary practice has
21 done so far.

22 Thank you.

23 Q. Thank you very much for shedding this cultural light which is
24 very important for the non-Khmer people.

25 Now, at the same time we have seen in all these hearings and we

18

1 have heard the cry of the victims who have the feeling that Duch
2 does not go far enough. Now, in your report, both of you, you
3 have given us a reminder that you yourselves have used -- I don't
4 know exactly on what page -- but the term of a regime that had
5 become paranoid.

6 Now I don't know how one could actually express here publicly
7 that the victims will not get all the answers on what happened
8 during the regime because Duch doesn't have them. Can you just
9 tell us in a few words, experts, what you call a "paranoid drift
10 of the regime," as you call it in your report?

11 [09.49.48]

12 Today, can anybody give a meaning to what happened, what took
13 place? Did it have any meaning at all? Or are we running up
14 against the word "paranoia" and there is therefore no meaning.

15 A. (MS. SIRONI-GUILBAUD): This is a very important question.

16 Now, first of all, we are not historians. I need to specify
17 that. We didn't speak about regime.

18 Nonetheless, the clinical geopolitical approach teaches us that
19 it is taking into account individual history and collective
20 history; we realized that in countries with this -- suffering
21 from this paranoid drift, it is the leaders who have become
22 paranoid.

23 If we were to establish a diagnosis, according to an orthographic
24 criteria, we are truly looking at a description of paranoia. In
25 other words, a logical delirium where there is an amplification

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1 of the figure of the enemy, the need for protection and paranoia
2 gallops. In other words, it does not stop. Nothing appeases the
3 paranoid.

4 Yesterday we spoke about a psycho-political analysis concerning
5 the accused but also concerning, we could say, the entire
6 country, namely that slowly but surely the entire country, all
7 the workings operate in the same way as an individual or rather
8 the psychological change required by the adaptation of the
9 psychology of an individual to the change in the regime.

10 [09.52.20]

11 At a given moment in time, both begin to function in the same
12 way, except for the fact that all the individuals, the people, do
13 not become paranoid but they need, they have to adapt. They need
14 to develop psychological mechanisms in order to adapt and to
15 survive during such a regime. In other words, dissimulation --
16 it could be splitting. It could also be being over-zealous,
17 hyper-adaptation to survive, to fight against terror.

18 To sum up, there is a true psychology of a person living in a
19 country subjected to the totalitarian regime which is not the
20 same as the psychology of a man living in a democratic state.

21 Would you like to add something, Professor?

22 A. (MR. KA SUNBAUNAT): I would like to add to what you have
23 raised. The idea of mistrust or paranoia -- it is true that when
24 I first stepped into the Liberated Zone, which was under the
25 control of the Khmer Rouge leaders, I had the feeling that the

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1 Khmer Rouge people or the Communist people and our evacuees
2 (sic) were living in different worlds.
3 We seemed to trust what we were told by considering of what we
4 were told.

5 MR. PRESIDENT:

6 I notice the Co-Prosecutor is on his feet. You may proceed.

7 MR. AHMED:

8 Your Honours, ordinarily I don't like to interrupt proceedings
9 and certainly testimonies of expert witnesses. But most
10 respectfully, I would submit that Your Honours may advise the
11 Cambodian expert not to make personal observations of his own
12 experiences under the Khmer Rouge. He has just told you that he
13 was a victim, yet he would divorce himself from his personal
14 experiences and give an objective testimony. What we just heard
15 was essentially his personal experiences.

16 I don't mean to interrupt further but just Your Honours' advice
17 would be sufficient. Thank you very much.

18 MR. PRESIDENT:

19 Thank you, Mr. Co-Prosecutor, for your observation.

20 The Chamber would like to remind the experts that during your
21 testimony you should refrain from mentioning your personal
22 experience, including the word "victim" or what you personally
23 encountered during the regime. This issue shall not be raised
24 during the time of your testimony. So the personal experience
25 should not be shown before this Chamber and I believe as an

21

1 expert you two will be able to understand what I said.

2 [09.56.26]

3 MR. KA SUNBAUNAT:

4 Thank you, Mr. President. Based on what we have studied and
5 researched, during the Khmer Rouge there was a saying that of
6 high vigilance and we had to be vigilant against pessimism and we
7 have to be guarded against extreme idea of peace and that we
8 should not trust anyone. And these are the principles of the
9 Khmer Rouge regime and it created a situation where people
10 mistrusted each other on a constant basis.

11 That is, this is a trait of idea established to conform with the
12 theory of Communism by the Khmer Rouge. It created an
13 environment of mistrust. Thank you.

14 Q. Thank you. I have two remaining questions. First of all, the
15 following to react to what you were saying with regard to the
16 context of the regime.

17 When Duch says to the Investigating Judges, "I was actor and
18 hostage of this regime," does that properly represent what you
19 have just described of this regime at his personal level, saying
20 "I was an actor and hostage of this regime" and he adds, "of this
21 criminal regime"?

22 A. (MR. KA SUNBAUNAT): In response to your question that he said
23 that he is one of the actors and a hostage of the regime, this is
24 his personal, personal views but we need to try to understand --
25 unless we conduct a further investigation to find who he was in

22

1 that regime.

2 [09.59.27]

3 But the purpose of our psychological assessment, we did not focus
4 on those facts of he was being the actor and the hostage of the
5 regime. So I cannot respond to your question at the moment.

6 A. (MS. SIRONI-GUILBAUD): I would like to add that -- well, an
7 author and an actor, we could say. It seems to me that in the
8 different sessions that we had during the assessment with the
9 accused, well, it seems that these two positions as actor and
10 author have been mentioned. I cannot guarantee that the word
11 "hostage" was used, however, but we analyzed together the
12 workings and indeed these two positions, but I do not remember
13 exactly if the word "hostage" was used but, in any case, he
14 acknowledged that he was an actor and, as well, that he was in a
15 position where he could not dissociate himself or step out of the
16 process.

17 And I think my colleague used the word "workings" yesterday, yes,
18 and so what I would like to say is that the accused acknowledged
19 and explained to us that he was in both of these positions, even
20 if this question was not put to us explicitly.

21 Q. Thank you very much, and thus my last question. You said
22 no-one is born an executioner; one becomes an executioner. So my
23 question, therefore, is can we re-become human? You said indeed
24 that the executioner dehumanizes himself before dehumanizing the
25 victim.

23

1 [10.02.07]

2 So in the process in which Duch is involved, is it possible for
3 him to rehumanize himself? This is what you are telling us when
4 you tell us that he can be reintegrated and rehabilitated?

5 A. (MS. SIRONI-GUILBAUD): Yes indeed. Yes, we can answer your
6 question by "yes". If we really cover all of the elements that
7 we have analyzed regarding his personality, regarding the shaping
8 of common history or the influence of the common history on the
9 accused, by also analyzing the accused's psychology from the
10 start of the trial onwards, we can answer indeed yes, yes, to
11 your question.

12 No-one is born an executioner, one becomes an executioner, and we
13 can also be rehumanized and we can do so in different ways.

14 There might be other elements -- religious factors, whatever --
15 but there are different ways to do so.

16 I would just like to specify very briefly -- you asked this
17 question in relation to the accused. Well, I would like to also
18 say that we are a certain number of people across the world
19 dealing with the psychological support for authors of collective
20 violence; no matter the level, whether they were ordering this or
21 whether they actually committed this violence, but in general, in
22 our psychological support, we can see that there is the
23 possibility -- or we notice that there is the possibility to
24 change; not with everyone but yes, in the case of the accused.

25 Yes.

24

1 Q. And may I dare then put a question to you in the form of a
2 thought? You said that the executioner dehumanizes himself
3 before dehumanizing the victim.

4 Well, would you agree to say that if the executioner re-humanizes
5 himself, this will also contribute to re-humanizing the victims
6 as well?

7 A. (MS. SIRONI-GUILBAUD): Well, I would say that re-humanization
8 -- the re-humanizing of an executioner is one of the necessary
9 mechanisms and important mechanisms. This is a very important
10 element indeed in the re-humanizing process of the victim who was
11 dehumanized by the executioners. But it is a process again for
12 the victim, and because there's a lot of suffering involved
13 insofar that dehumanizing is not wished, sometimes the
14 executioner also does not wish it to happen but when he is
15 undergoing shaping.

16 [10.06.03]

17 But to return to the victim, again, it's a process. And here my
18 ability of projecting stops because I cannot answer in their
19 place, but I can simply tell you that since I have been
20 practicing for the past 20 years with victims of torture and
21 genocide, well, when the victims whom I saw, essentially in
22 Paris, migrants who had come to Paris, well, when there is
23 impunity in their home country, when there is no trial in their
24 home country, when the authors do not acknowledge or deny the
25 necessity to care for the victims, the necessity to improve --

25

1 well, it's much more difficult for them to overcome their
2 suffering than when there is a collective process of
3 acknowledgement of what happened, of the country's past.

4 MR. ROUX:

5 Mr. President, I have no further questions and I would like to
6 extend my thanks to both doctors.

7 MR. PRESIDENT:

8 Next, the Trial Chamber gives the opportunity to the accused to
9 make observations on the testimony by the two experts, yesterday
10 and today, please.

11 The floor is yours.

12 THE ACCUSED:

13 Mr. President, I would like to express my thanks for you to give
14 me the floor to make observations, and I would like to express my
15 thanks to the experts that they can understand well my
16 psychological conditions.

17 Today, I would like to say that I have the intention to the world
18 to know that I want to be as an ordinary person and I hope that
19 the two professors and the experts will help to understand about
20 my psychological condition through the Trial Chamber. Thank you.

21 [10.09.09]

22 MR. PRESIDENT:

23 The two experts, the Trial Chamber is grateful to both of you who
24 spend your time to make testimony and prepare a report to explain
25 to us about the psychological condition of the accused, and you

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1 did make an effort to respond to various questions based on the
2 psychological condition of the accused.

3 And we note that the questions and responses were complicated and
4 difficult to answer, but we acknowledge that both experts made
5 every effort to explain and to answer those difficult questions
6 until its completion.

7 So now we come to the end of your testimony as the experts to the
8 Trial Chamber and both of you can go wherever you intend to go
9 from now.

10 (Witnesses exit courtroom)

11 The next program will be one hour-and-a-half, so we would like to
12 adjourn for 20 minutes until ten thirty. We will come back in
13 session to hear the character witnesses of the accused.

14 THE GREFFIER:

15 All rise.

16 (Judges exit courtroom)

17 (Court recesses from 1010H to 1032H)

18 (Judges enter courtroom)

19 [10.32.41]

20 MR. PRESIDENT:

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

22 Court officer, can you invite the witness, Sou Sath, into the
23 Chamber?

24 (Witness enters courtroom)

25 I notice the international Co-Prosecutor is on his feet. You may

27

1 proceed.

2 MR. DE WILDE D'ESTMAEL:

3 Thank you, Mr. President. Yesterday morning, the defence shared
4 with you a certain number of suggestions with regard to the
5 witnesses who will be heard and who were presented by the
6 defence.

7 [10.34.38]

8 If it were possible, may I ask for your authorization to be able
9 to make our observations with regard to the suggestions of the
10 defence? Thank you, sir.

11 (Deliberation between Judges)

12 MR. PRESIDENT:

13 There is a request from the international Co-Prosecutor regarding
14 the process of the testimony of the witnesses on the character of
15 the accused.

16 The Chamber noticed that yesterday the international defence
17 counsel raised some suggestions regarding the process of hearing
18 the testimonies of the witnesses on the accused's character, and
19 in order to make it certain, the international defence counsel,
20 would you be able to reiterate again your position or suggestion
21 on the hearing of the testimonies of the witnesses regarding the
22 accused's character that you actually suggested yesterday before
23 this Chamber?

24 [10.37.53]

25 MR. ROUX:

28

1 Thank you, President. For a better clarity of the debate I
2 suggested indeed that we let the witness make a short statement
3 before we ask questions. I think that is a method that would
4 allow us to move ahead more quickly and in a more coherent
5 manner. The witnesses know very well why they are here. They
6 are here to talk about the character of the accused and I was
7 proposing that the President ask them the question, "What can you
8 tell us about the personality of the accused?" and let them make
9 their testimony. That is all I had asked for.

10 MR. PRESIDENT:

11 (No interpretation)

12 JUDGE CARTWRIGHT:

13 Yes, thank you, Mr. President. Maître Roux, there is one
14 question that I have in relation to your request. When it comes
15 to Dr. Goldstone, I have been informed by the Witness Expert
16 Support Unit that he wishes to understand the parameters of the
17 testimony he will give, and I have not attempted to respond in
18 any way.

19 Is it your intention that he too make a statement along the lines
20 that you summarized for the Trial Chamber earlier, referring to
21 the purpose of his testimony? In short, do I need to go back to
22 the Witness Expert Support Unit and tell them what I believe the
23 defence wishes him to discuss before the Trial Chamber?

24 [10.40.25]

25 MR. ROUX:

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1 Thank you, Your Honour. I do believe indeed that for Judge
2 Goldstone we are looking at a slightly different case from the
3 other witnesses and we could maybe accompany his testimony with
4 questions. We said clearly, when we had given the list of our
5 witnesses, that we were calling upon Judge Goldstone for him to
6 testify on the guilty pleas before the international criminal
7 jurisdiction and, more particularly, what the guilty pleas have
8 been able to bring by way of contribution as benefit for
9 reconciliation to the international criminal jurisdiction.
10 That was the sense of the testimony that we wished of Judge
11 Goldstone but, as far as he is concerned, if we ask him this
12 first question then he will be able to make his own statement.

13 JUDGE CARTWRIGHT:

14 Thank you. That's assisted me.

15 MR. PRESIDENT:

16 The international Co-Prosecutor, you may now proceed.

17 MR. DE WILDE D'ESTMAEL:

18 In reality, if I understand correctly, the defence had presented
19 four suggestions a little wider than merely the suggestion
20 concerning the statement read by the witness. Now, if I were to
21 take these four points, at least the three others, it was asked
22 that the statement of the witness deceased, Mr. King, be read.
23 It was also asked that authorization be given to the defence to
24 read a decision of Justice -- the Obrenovic decision -- and it
25 was finally asked that the time allocated to witness Jennar be

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1 extended.

2 [10.43.11]

3 Now, I would like to very briefly respond to these four points,
4 starting with the easiest one. Concerning the reading of the
5 statement of the late Mr. King, we are not opposed to it once the
6 statement is placed in the file and where we have the possibility
7 of making our observations in the hearing concerning this
8 statement.

9 Concerning the method that is proposed today, namely that each of
10 the witnesses that are presented by the defence be able to start
11 with the reading of a statement, we believe that we must not
12 waiver to what we have by way of practice; that you ask the
13 questions and then the parties ask the questions they wish to, in
14 order to respect some spontaneity in the testimony. We are not
15 talking here about civil parties who are making statements but of
16 witnesses under oath, and I think we need to keep the consistency
17 of the practice which is that of the Chamber -- or it has been
18 that of the Chamber.

19 Concerning the reading of a decision of justice -- quite an
20 extensive ruling. I believe we wish to oppose this.

21 This ruling is not an element of proof in itself -- is not an
22 evidence in itself. It's a decision of case law which has
23 already been filed. The defence will be able to mention it in
24 its final plea. But we are not talking about evidence as such,
25 and one can even question its relevance concerning the fact that

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1 it's a guilty plea which, as far as I know, not admitted in the
2 Internal Rules of the ECCC.
3 Confession, according to the Rules, is subject to the
4 appreciation of the Chamber just like any other mode of evidence
5 and we have to note the presence of the civil parties in this
6 Chamber and therefore it is not -- a plea bargaining is not
7 envisaged, as it may be the case before other international
8 jurisdictions inspired by common law.

9 [10.46.11]

10 Then, concerning the increase in speaking time or time for debate
11 with regard to Mr. Jennar's testimony, the prosecutors believe
12 that the time actually allotted is sufficient, not only to avoid
13 the repetitive nature or characteristic of the testimony of this
14 witness, but also with regard to the concision of the report that
15 has been filed, the report of the defence witness, the part
16 concerning directly S-21.

17 Maitre Roux yesterday spoke directly of the time devoted for the
18 examination of the expert report, Craig Etcheson, but that report
19 was clearly longer. It was 56 pages and had several footnotes
20 sustaining the statements of the expert.

21 So here we have our four suggestions to the proposal made by the
22 defence, and thank you very much for hearing me out.

23 MR. PRESIDENT:

24 The international defence counsel, you may now respond.

25 MR. ROUX:

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1 Thank you, Mr. President. I regret that my colleague from the
2 Co-Prosecutor's Office, who wasn't able to be here yesterday
3 morning when I provided my observations, was so poorly informed
4 by the other members of his office regarding my requests.
5 First point, I never requested that our witnesses read out a
6 statement. I, on the contrary, requested that they may provide a
7 spontaneous testimony, as in the system that my colleague knows
8 very well, which is the civil law system. So this point seems to
9 me to be settled and you were poorly informed.

10 [10.48.52]

11 In the same way, you received the wrong information regarding the
12 Obrenovic case. Never, never, asked the reading of the Obrenovic
13 ruling. I said very clearly that the defence was able to acquire
14 the video of the Obrenovic hearing and it selected excerpts from
15 this video and, in particular, the submission by the prosecutor
16 in the Obrenovic case, and the defence wishes that this video be
17 viewed.

18 This has nothing to do with the reading, which would be
19 unbearable for everyone, of the decision of jurisprudence. But,
20 regarding this point, I would like to reassure the Co-Prosecutors
21 Office that if this is an issue for you, if this viewing is an
22 issue for you, well then it will be part of my final statement.

23 I am free in my arguments so therefore -- but it seemed to me to
24 be preferable that the video be viewed in the context of our
25 current discussions, but now if you prefer that I only use it in

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1 my final statements, well, then you will not have the opportunity
2 of addressing it. Well, too bad for you. Too bad for you.
3 Now, as far as saying that we're not here involved in a plea
4 bargain, here again I regret to say that the Co-Prosecutors
5 Office did not provide you with all of the information that we
6 have been -- and we have been talking about this for months.
7 And, finally, regarding Mr. Jennar's statement, what bothers you?
8 What worries you about this statement, Mr. Co-Prosecutor? What
9 could justify that a defence witness benefits from less time than
10 a prosecution witness? What could justify that an expert for the
11 defence side benefit from less time than an expert from the
12 prosecutor's office whereas they're dealing with the same topic?
13 [10.51.35]
14 Why are you so worried? Are you so worried about what Mr. Jennar
15 is going to say, and I believe in fact that you are right in
16 being worried. I believe that you are right in being worried.
17 But I would like to stand by my request not that Mr. Jennar
18 benefit from the same amount of speech time as Mr. Etcheson. He
19 will require much less time, in fact, than Mr. Etcheson in order
20 to say things that will be in the end much more relevant. Thank
21 you very much.
22 MR. PRESIDENT:
23 The international Co-Prosecutor, you may respond.
24 MR. DE WILDE D'ESTMAEL:
25 Well, regarding the reading of a statement -- well, let's say

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1 regarding the spontaneous testimony -- well, we are not opposed
2 to it and you will decide what is suited, and you will decide
3 which questions you wish to ask as of the start.
4 Now, regarding the video, I will bring up the question again of
5 the relevance in relation to the case in which we are involved,
6 and I will let the Bench decide on this.
7 Now, regarding Mr. Jennar, nothing disturbs us about his
8 statements, but simply I notice that the report that is presented
9 to support his statement is very, very short and therefore does
10 not require extra time being granted for this. That's all that I
11 wanted to say.
12 Thank you, Mr. President.
13 [10.53.46]
14 MR. PRESIDENT:
15 Good morning, Madam witness.
16 QUESTIONING BY THE BENCH
17 BY MR. PRESIDENT:
18 Q.What is your name?
19 A.My name is Sou Sath.
20 Q.How old are you?
21 A.I am 66 years old.
22 Q.Where is your current address and what is your current
23 occupation?
24 A.Currently I live at Pou Saen Snay, Srayov, Stueng Saen. I am
25 a retired teacher.

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1 Q.According to the Greffier report, you have no relationship or
2 affiliation to any party to this proceeding, and that you have
3 already taken an oath before your appearance before this Chamber.

4 Is this information correct?

5 A.That is correct.

6 Q.The Chamber would like to inform you of your rights and
7 obligations.

8 Madam Sou Sath, as a witness you can decide not to respond to any
9 questions which you think could self-incriminate you; that is, if
10 you think your statement or response would place guilt upon you.

11 However, it is your obligation to only tell the truth that you --
12 of the facts that you have heard or have witnessed or seen
13 personally related to the facts currently being placed before
14 this Chamber.

15 A.Yes.

16 [10.55.53]

17 Q.Madam Sou Sath, can you describe to the Chamber the character
18 of the accused, Kaing Guek Eav alias Duch, whom you have known
19 during the time of your contact with him?

20 A.Mr. President, I would like to inform the Chamber that I was
21 in a study group with Mr. Kaing Guek Eav for two years. I
22 studied with him for two years from '59 to '60 and 1960 to 1961.
23 Mr. Kaing Guek Eav was a person of a good character, loyal, and
24 kind and generous especially. He was a good student in his
25 class. I had attention on him because he's not the person who

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1 concealed his knowledge. He always parted his knowledge to his
2 study group without hiding anything. He provided us the
3 mathematic solutions and also other solutions to the study
4 topics.

5 He was a well-known student in the class, but he had a few
6 friends only. He was a person who was not worry about love
7 affairs and he was a friend who strengthened and supported other
8 friends in the study.

9 This is my statement, Mr. President.

10 Q.You have described the accused's character during the time
11 that he studied with you for two years; that is, from 1959 to
12 1960 and from 1960 to 1961. During that period, what year were
13 you in and where did you study?

14 A.We studied at year 4 and year 3 which are equivalent to year 8
15 and 9 at the present system. We studied at the Kampong Thom High
16 School or College.

17 [10.59.15]

18 Q.You talk about his good character, understanding, kind and
19 generous and with a
20 helping attitude to his friends and his peers within his study
21 group and he parted his knowledge to the group members,
22 especially his excellence in mathematics, however, he was a
23 student with a few friends. I think there is like a
24 contradicting situation here.

25 Would you be able to shed lights to the Chamber because due to

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1 his generosity, his kindness to others, he should have had more
2 friends, but why he had only a few friends?

3 A.I did not know the reason for that.

4 Q.During the time of your study together with him, you knew of
5 his character through your observation and you have stated so
6 just then. During such time, did he ever have any conflict --
7 verbally or physically -- with his friends, classmates or within
8 his peers or with those children within the same village? Did
9 you ever observe such situation?

10 A.I did not know regarding that situation at the village level,
11 but in the class, he never had any conflict or argument with
12 anyone.

13 Q.What about his character toward teachers at that college that
14 you studied at year 3 and 4 with him? What was his character or
15 attitude toward his teachers or to the school management team?

16 A.He always respected the teachers and the management team. He
17 had never had any conflict with those people.

18 [11.01.58]

19 Q.What about the discipline. Was he a punctual student to
20 attend the class regularly during the time of his studying with
21 you?

22 A.He was very well punctual and he was never absent.

23 Q.What about the way he spoke to his peers and friends during
24 the time he studied with you; what did you observe regarding his
25 way of speaking? Was the way he spoke humble or docile?

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1 A.As I said, he was a humble and docile person. He was not an
2 animated type.

3 Q.From 1962 to the present day, had you had any contact or met
4 him personally?

5 A.From that time, we have not had any contact. I cannot recall
6 when he went back to look for me; it was either in 1965 or '66.
7 I only remember that at that time I did not have any children
8 yet. He went to my house in the village.

9 Q.From 1975 to 1979, and then from the 7 January '79 until the
10 present day, had you had any direct contact with him?

11 [11.04.27]

12 Please answer again because you are reminded to notice the red
13 lights on the head of the microphone. You have to wait for the
14 red light to be on so that your voice can go through
15 the system for the proper record of the transcript and also it
16 would go through to the interpreter.

17 A.Mr. President, could you please repeat your question?

18 Q.The Chamber would like to know, during the Democratic
19 Kampuchea regime -- that is from the 17th April '75 to the 6th of
20 January '79 and a period after that -- that is after the 7th
21 January 1979 to the present day -- have you had any direct
22 contact with him?

23 A.No, I have not met him.

24 Q.Another point we would like to come back because one of the
25 information we would like to know did you know anything during

39

1 the time when he was in the same class as yours at grade four and
2 grade three in the high school in Kampong Thom. Have you heard
3 anything about that he was influenced by the Communisms when he
4 was in the class?

5 A.No, I received no information at all at that time.

6 [11.06.41]

7 Q.Thank you, witness.

8 MR. PRESIDENT:

9 Your Honours, Judges, do you have any other questions to put to
10 the witness? If you have, please.

11 Next, the floor is given to Judge Lavergne.

12 BY JUDGE LAVERGNE:

13 Q.Good morning.

14 You told us that the accused came to see you in 1965 in your
15 home. And if I understood correctly this was the last time that
16 you met him and then you no longer had any direct contact with
17 him.

18 Can you simply tell us, if you wish to do so, what he came to ask
19 from you when he came to visit you?

20 A.Yes, he went to see me in 1965. He told me that he was
21 teaching in Skun.

22 [11.08.10]

23 Q.Did he ask you to become a teacher along with him?

24 A.No, there was no encouragement because I was already a
25 teacher.

40

1 Q.Thank you very much.

2 JUDGE LAVERGNE:

3 I have no further questions to put to this character witness.

4 MR. PRESIDENT:

5 The Trial Chamber is now giving the floor to the Co-Prosecutor to

6 put questions to the character witness if you would like to do

7 so, and you have only 10 minutes to put questions.

8 MR. TAN SENARONG:

9 Mr. President, Your Honours.

10 QUESTIONING BY THE CO-PROSECUTORS

11 BY MR. TAN SENARONG:

12 Q.Good morning, Madam Sou Sath. The Co-Prosecutor does not have

13 many questions for you but we have only one.

14 You described to the Chamber a while ago that you were in the

15 same class with Mr. Kaing Guek Eav only two years -- that is from

16 1959 to 1960 and from 1960 to 1961 -- and you said that he is a

17 person of a kind, generous and docile at that time and helpful to

18 other friends.

19 [11.10.14]

20 My question is that other than those two years -- and you said

21 that he is a person of kindness and open to other friends -- did

22 you ever go to his house and you get to know some of his family

23 members and friends at the village?

24 A.No, I have never been to his house. But in the study club

25 there were some friends who understand well and know well about

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1 the subject but they keep for themselves. But for him, he is the
2 one who is transparent about the key to solve the mathematics
3 problem or any science subject. He shared with other students in
4 the club. But I do not know his house. But I just know that his
5 parents was the fishermen in the fishing lot.

6 Q. Based on your experience, only two years in the high school,
7 it seemed to be not very long, during the education in grade
8 three and grade four it is in the high school.

9 In addition to what you observed from his knowledge and his skill
10 in the study, did you ever notice that his future view or
11 perception toward the future, have you ever noticed that kind of
12 things at that time?

13 A. When we were in the same class I did not observe any of his
14 view or future perception.

15 Q. Thank you.

16 MR. PRESIDENT:

17 Please, Mr. international Co-Prosecutors, the floor is yours.

18 MR. DE WILDE D'ESTMAEL:

19 Thank you, Mr. President.

20 [11.13.02]

21 BY MR. DE WILDE D'ESTMAEL:

22 QMs. Sou Sath, you just told us that the accused was a member or
23 maybe even the leader of a study group of which you were part.

24 What was the importance of this group in the eyes of the accused,
25 given that you told us that he was an excellent student?

42

1 And being part of this group was it for him a way of feeling that
2 he was recognized or did he do this completely in a disinterested
3 manner?

4 A.Mr. Prosecutors, it's not only him, myself was also an excel
5 student. We did not consider him as the chief of the group. We
6 tried to work to study together. No one even our team leader in
7 the group.

8 Q.You said a while ago that in a way difficult to explain, the
9 accused did not have many friends and in fact Nic Dunlop mentions
10 the same thing in his book on page 46, last paragraph in English.
11 You said that he was known for his academic success in school,
12 but that he wasn't particularly popular. Do you believe that he
13 could have suffered from this state of things?

14 A.I do not know about that because I spent most of the time to
15 focus on our study.

16 Q.Thank you very much.

17 Mrs. Sou Sath, do you know Professor Kae Kim Huot, one of his
18 masters since 1958? Was he your teacher as well at that time?

19 A.I was not a student of Professor Kae Kim Huot, but I know him.
20 I did not talk to him or met with him, but I just know that he
21 was one of the teachers there.

22 [11.16.35]

23 Q.Did the accused talk about this professor and the influence
24 that this professor could have on him? Did he have normal
25 relations with this professor or special relations, according to

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1 your knowledge?

2 A.Yes, he never talked about his relationship with his
3 professor, and I do not know whether he was a student of
4 Professor Kae Kim Huot.

5 Q.If I understand your statement correctly, in what you remember
6 of him at that time, nothing led you to believe at that time that
7 one day some of his professors would end up in S-21 under the
8 direction of the accused?

9 A.I had no idea until I read the book titled "The Lost
10 Executioner" and I know that those teachers and professors end up
11 at S-21.

12 Q.How did you react when you heard this news, the death of this
13 professor, under his responsibility when he was heading S-21?

14 A.I was very stunned and terrorized by reading that book.

15 Q.You said a moment ago that you never witnessed an episode
16 where the accused would have lost control in his relations with
17 his school mates, but how did he react if anybody -- another
18 student or one of his friends contradicted him from an
19 intellectual standpoint? Did he not react or did he try and
20 persuade the other that he was right? What was his reaction?

21 A.Please, Mr. Co-Prosecutor, ask your question again because I
22 did not catch your question.

23 [11.20.03]

24 Q.I wanted to know whether in the exchanges between friends or
25 other students in the school -- if the accused said something and

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1 when somebody contradicted him, another student contradicted him
2 because they did not share his point-of-view, how would he react
3 to this? Did he not react? Did this make him angry or did he
4 try to convince the other person that he was absolutely right, or
5 did he try and understand the point-of-view of the other
6 colleague at school?

7 A.I did not see him having any quarrel or conflict with anybody.

8 Q.Two last brief questions. Mrs. Sou Sath, were you aware of a
9 failed love -- disappointment in his life when you were students
10 at the College of Kampong Thom?

11 A.I did not know about his love failure. I know nothing about
12 that.

13 Q.And, finally, I would like to ask you whether the accused at
14 that time was secretive about his Chinese origins, about his
15 past, about his political activities, and about his ambitions?
16 Did you note that he was interested in political questions at
17 that time or was he solely concentrated on his studies?

18 A.When we were at school, he didn't say anything about that.

19 [11.22.36]

20 MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President, I have no further questions. Thank you
22 very much indeed.

23 MR. PRESIDENT:

24 Please, counsel for civil party group number 3.

25 MS. MARTINEAU:

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1 Thank you. Good morning, Mr. President, Your Honours.

2 Your Chamber knows that the civil parties that are boycotting the
3 hearing have asked their lawyers to be present, in order that the
4 witnesses who are called and to whom the lawyers cannot put any
5 questions, be informed about the reason of the absence of the
6 civil parties.

7 So I'd like to ask you, Mr. President, to be able to say a few
8 words in order to explain to this witness why there are no civil
9 parties present here today in this hearing.

10 MR. PRESIDENT:

11 The Trial Chamber indicated yesterday in responding to the
12 counsel for civil parties, that the Trial Chamber do not give the
13 reasoning to the absence of the civil party in the hearing of the
14 character witnesses or the character experts.

15 So it seems very clear yesterday and there's no reason to inform
16 to the character witness about the ruling of the Chamber that
17 caused the civil party not to attend in the hearing.

18 The Trial Chamber indicated clear that it is given in the written
19 ruling and it is listed in the written decision of the Trial
20 Chamber when it is completed and issued.

21 MS. MARTINEAU:

22 Understood what was said by the Chamber yesterday, however, in
23 such an important trial I believe that it is important that all
24 witnesses be informed about the absence or the suppression of a
25 right, decision taken against the civil parties in order not to

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1 extend this hearing.

2 I'd just like to say that the civil parties -- and Madam witness
3 probably doesn't know this -- have deposited this letter and will
4 file it in due form, but anybody wishing to be informed about
5 this letter, it is enough to read the press of this morning.

6 [11.25.52]

7 MR. PRESIDENT:

8 Next, the Trial Chamber is giving the floor to the defence
9 counsel to put questions to the character witness, please.

10 MR. KAR SAVUTH:

11 Thank you, Mr. President, Your Honours, and the witness.

12 QUESTIONING BY DEFENCE COUNSEL

13 BY MR. KAR SAVUTH:

14 Q.Madame Sou Sath, I would like to ask you a question. When you
15 were in the same study group with Kaing Guek Eav; and Kaing Guek
16 Eav, when he referred to you or call you, did he call you by your
17 name? And also other friends in the group? Could you please
18 elaborate?

19 A.Mr. Counsel, he called me aunty and he called another friends
20 by the name. There were three male students and two female
21 students but he called me aunty, not by my name.

22 Q.Please indicate a bit further why did he not call you by your
23 name but he called you aunty instead.

24 A.(Microphone not activated) I do not pay much attention but
25 maybe he tried to call me following my niece and my nephew but I

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1 don't know the reason that he called me aunty. And he also
2 called my husband uncle.

3 Q.Thank you. During the time you knew Kaing Guek Eav have you
4 had any idea about his living condition in his family? Was he in
5 a well-off family or a poor family at the time?

6 A.I did not know well about his family background but he is very
7 person who like to save money.

8 MR. KAR SAVUTH:

9 I have no further questions but I would like to give the floor to
10 my colleagues to put questions.

11 MR. PRESIDENT:

12 Please, Mr. François Roux, the floor is yours.

13 MR. ROUX.

14 Thank you, Mr. President. Good morning Madam Witness and than
15 you for having come.

16 BY MR. ROUX:

17 Q.In fact, I just wanted to ask you whether it is correct that
18 you yourself worked -- have worked for an organization of human
19 rights for several years here in Phnom Penh?

20 A.Mr. Counsel, I used to work for LICADHO organization for 10
21 years from 1995 to 2005.

22 [11.30.25]

23 Q.And can you give us some indications as to what you were doing
24 in this organization, the LICADHO? What was your function?

25 A.I was a human rights trainer in that organization.

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1 MR. ROUX:

2 Mr. President, I have no more questions. It only seems to know
3 that Mrs. Sou Sath would have liked to ask the Chamber for the
4 right to visit the accused now that she has testified. I
5 specified that this is a common practice before international
6 criminal courts. Once the witnesses have completed their
7 testimony, they often ask for the authorization to be able to
8 visit the accused.

9 This of course could not take place before this testimony, this
10 hearing, and now you are the ones to be able to grant this
11 authorization.

12 MR. PRESIDENT:

13 I have not heard the intention of this witness asking for the
14 visit and I only heard it from the defence counsel, Mr. Roux,
15 yourself.

16 Madam Witness, is it your intention to visit the accused as
17 requested and suggested by the defence counsel, Mr. Roux?

18 MS. SOU SATH:

19 I would like to meet him for a brief moment if possible.
20 Probably it's going to take 10 minutes if I am permitted.

21 [11.33.01]

22 MR. PRESIDENT:

23 The Chamber will consider your request and you will be informed
24 in due course. And if we grant your request, then we would make
25 necessary arrangements for you to meet him after the adjournment

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1 of the hearing.

2 And your testimony on the accused's character has come to an end

3 now. The Chamber is grateful for your participation as summonsed

4 by the Chamber.

5 You are now excused and you can return to a location you wish.

6 You can also participate in these proceedings in the public

7 audience if you wish.

8 And today the Chamber will discuss and make our decisions

9 regarding your request for a visit to the accused because at the

10 moment we are still in the process of our trial proceedings. You

11 are now excused.

12 (Witness exits courtroom)

13 Mr. Tep Sam is now called into the Chamber.

14 (Witness enters courtroom)

15 QUESTIONING BY THE BENCH

16 BY MR. PRESIDENT:

17 Q.Good morning, Mr. Witness. Is your name Tep Sem?

18 A.Good morning, Mr. President, Your Honour. Good morning,

19 counsels, and good morning, ladies and gentlemen and good

20 morning, teacher. He's my teacher.

21 My name is Tep Sem, Mr. President.

22 Q.Mr. Tep Sem, how old are you?

23 A.I am 61 years old.

24 [11.36.36]

25 Q.Mr. Tep Sem, you are instructed not to respond quickly to my

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1 question. You have to wait for the red light on the head of the
2 microphone to be on before you can speak, so that your voice will
3 go through the system for the proper record of the transcript,
4 and that it will go through to the interpreters so that they are
5 able to translate or interpret it into English and French for the
6 participants for the proceedings. Do you understand that?

7 Where is your current address and what is is your occupation?

8 A.Currently, I live at Ta Saen village, Soutip commune, Cheung
9 Prey district, Kampong Cham province. I am a rice farmer.

10 Q.According to the Greffier's report, you have no relationship
11 or affiliation with any party to the proceedings, and that you
12 have already taken an oath before appearing before this Chamber.

13 Is this information correct?

14 A.Yes, the information you have given is correct. I am not a
15 relative to any party to this proceeding or to Mr. Duch.

16 Q.As a witness, the Chamber would like to remind you of your
17 rights and obligations.

18 As a witness, you can decide not to respond to any questions
19 which could self-incriminate you and, as a witness, you are
20 obligated to speak only of the truth that you have heard, have
21 seen personally.

22 [11.38.52]

23 Mr. Tep Sem, would you be able to describe to the Chamber of your
24 contact with the accused? During which time did you have contact
25 and for how many years? And where did you have contact with him

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1 and the reasons of your contact with him?

2 A.My contact with him started in 1965, 1966. He was a teacher

3 at the Cheung Prey

4 School in Kampong Cham province. He was my teacher at the time.

5 Q.So your teacher-student relationship existed for how long?

6 A.It started from 1965 to 1966 and it continued from '66 to '67

7 and then to '68; so the total period is three years.

8 Q.When you studied with him, which class were you in; which

9 grade were you in?

10 Please, you can only speak when you see the red light on the

11 microphone.

12 I ask you again. During your three-year contact with him, what

13 grade were you in and which subject did he teach at that school?

14 A.In 1965 to 1966; he taught me while I was in year 3 and he

15 taught mathematics and geometry.

16 Q.And from '66 to '67?

17 A.From '66 to '67, I was in the second modern grade and he

18 taught me Khmer literature.

19 [11.42.20]

20 Q.And what about from '66 to '67 -- '67 to '68?

21 A.From '67 to '68, he taught me in the first modern grade and he

22 taught mathematics, so he was my teacher for the whole three-year

23 period.

24 Q.Mr. Tep Sem, can you tell the Chamber the character of the

25 accused, Kaing Guek Eav alias Duch, through your contact that you

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1 have observed during the period as you mentioned, that is from
2 '65 to '68, in the student-teacher relationship; what was your
3 observation on his character?

4 A. In my student-teacher relationship within the years that I
5 described, that is from '65 to '68, he was a humble person,
6 gentle. He did not care about the social classes of the
7 students. He was mindful and attentive to the students. He did
8 not apply his right as a teacher to the students. He almost saw
9 the equality in teacher-student relationship.

10 Q. Did you observe any other things about his character; for
11 example, was he a mean person?

12 And that you were in the third, second and first grade, so you
13 were actually at the top level of the education system already
14 because not many Cambodian people at that time could reach that
15 level of education.

16 So, based on your knowledge, what was your observation on his
17 teaching character? For example, regarding poor students or the
18 student who could not study well or those students who were not
19 punctual or absent a lot, what would be his reaction to these
20 circumstances?

21 A. Through my three-year observation, everything he taught us was
22 according to the curriculum. He was strict and punctual on
23 timing and he was meticulous with what he did, and that earned
24 respect from every student of his.

25 [11.46.12]

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1 Q. Did he ever express his reaction or any attitude towards lazy
2 students or students who violated school disciplines, for
3 instance?

4 A. For students who were lazy or who violated school disciplines,
5 he did not mistreat them. He only reminded them to study hard,
6 to form study groups, for instance, and to be attentive to the
7 subjects being taught, and nothing else.

8 Q. Besides these observations, did you observe anything else?

9 For example, his attitude toward a poor student or to his
10 teachers, to the peer, or those who had difficulty in their
11 livelihood? What was his actual attitude towards those people
12 who were inferior economically than him?

13 A. For poor students, it is my observation that he taught them
14 freely. He would invite those students to provide private cost,
15 free of charge, and he parted his knowledge to the students so
16 that they would be well educated.

17 Q. What about his social interaction? For example, amongst his
18 peers, other teachers or the school staff; what was your
19 observation regarding this circumstance?

20 A. Within his peers, it is my observation that he never had any
21 argument or conflict with any of his peers. Whatever their
22 attitudes toward him, he never take those things seriously or
23 disputed with them. No, not like that. He only asked them to
24 assist the students.

25 [11.49.03]

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1 There were two other teachers who was his friends, and actually
2 one was the principal, Mr. Khan, and he was his friend.

3 Q.What about his interaction at the social setting; for example,
4 within the village environment? What was your observations
5 regarding his social interaction with other people outside the
6 school environment? Did he ever have any argument with
7 villagers, or what was his attitude towards them?

8 A.In his social way of living, it's a bit hard for me to say
9 because we lived a distance apart, so I could not say anything
10 regarding this matter.

11 Q.Besides his teaching activity and his good intention and
12 kindness towards the student and besides his gentle attitude
13 towards the students, did he achieve anything else during his
14 tenure as teacher at that school?

15 A.During the three-year period, I observed his focus on teaching
16 the students on his speciality and his support for the students;
17 for instance, by providing free classes, his extra classes free
18 of charge, and his encouragement for the students to study hard.

19 Q.What about the politics; during the time that you studied with
20 him -- that is the three-year period -- what was his political
21 view or his teaching? Did he ever express his political vision
22 or view as to whether he had any tendency towards the red part or
23 towards communism during the time -- that is during the '66, '67
24 or '68?

25 [11.51.52]

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1 Because during that time there was a tendency among the teachers
2 at various schools, also among the rice farmers; there were
3 plenty of contentious discussions on the doctrine of communism.
4 So during your study with him, did you ever discuss or hear him
5 speaking about communism?

6 A.During the three academic years, I heard something about the
7 communism. Towards the end of the time, usually he would talk
8 about the peasant class, about the middle class, for instance,
9 and about the bourgeoisie class. That's from my recollection.

10 Q.Were you aware of the event where the police at that time, at
11 the time of the Sangkum Reastr Niyum -- that is between the '60s,
12 that he was arrested?

13 A.During the 1960s, I heard of his arrest but I did not know the
14 reasons for his arrest because I departed from him in 1968.

15 Q.You were studying in the first grade with him. Did you
16 complete year 1 with him -- that is the final year?

17 A.I could not clearly recall. I believe my final year was
18 complete, but I am not 100 percent certain on this, but surely I
19 did study in the final year.

20 MR. PRESIDENT:

21 Judges of the Bench, do you have questions to be put to this
22 character witness?

23 The Chamber would like now to give the floor to the
24 Co-Prosecutors to put questions to this character witness if they
25 wish. You take the floor.

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1 [11.54.43]

2 MR. TAN SENARONG:

3 Thank you, Mr. President, and good morning, Mr. Tep Sem.

4 QUESTIONING BY THE CO-PROSECUTORS

5 BY MR. TAN SENARONG:

6 Q.I have a few questions for you. First, during the times that
7 you were his student, you told the Chamber about his tendency
8 towards Communism as he talked about the various classes -- the
9 classes of the peasants and the classes of the bourgeoisie. So
10 as a mathematics teacher did he ever instruct you or guide you
11 towards participation in the revolutionary movement?

12 A.At that time, toward the end of the class session he briefly
13 talked about this ideology but he never encouraged students to
14 join the movement.

15 [11.55.57]

16 Q.Thank you. Also during the academic year that you studied
17 with him did you observe the Communist movement or the Khmer
18 Rouge movement? Was it active among the intellectuals,
19 especially at the Prey Chhor school?

20 A.At that time it is my understanding there were some movements.
21 I would not be able to say how active the movements were. I know
22 movements existed but how progressive they were I would not be
23 able to say so.

24 Q.Thank you. When you were his pupil was you a good leading
25 student?

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1 A.At that time my academic performance was average.

2 Q.Thank you, Mr. Tep Sem. I do not have any more questions for
3 you but my colleagues would ask you some questions, with the
4 President's leave.

5 MR. PRESIDENT:

6 The international Co-Prosecutor, you may now proceed with your
7 questioning.

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President.

10 BY MR. DE WILDE D'ESTMAEL:

11 Q.Good morning. So I have some very short questions to put to
12 you.

13 [11.57.59]

14 First of all, did the accused exude any kind of natural authority
15 vis-à-vis his students? Was he naturally respected and was his
16 authority ever challenged by one of his students?

17 A.During the three-year academic period the student-teacher
18 relationship was in such a situation that students did not
19 question the authority of the teacher. However, the relationship
20 was smooth and because also he regarded us almost in the same
21 status or equal status to him as being a teacher.

22 Q.Did he grant you the same status because he was a very young
23 teacher and therefore he was very close to his pupils?

24 A.Yes, he gave me the status and to other general students as
25 well. He did not mind us as being his students. We could

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1 chit-chat with him, play around with him and he did not mind.

2 Q.This closeness that you had with your teacher, did this allow
3 him in a certain way to have an influence on your opinions and on
4 your way of being and also on your way of studying?

5 A.In this context the closeness and the understanding on his
6 part is not for me to describe. I would not know what was his
7 intention.

8 Q.Because you knew him well and because you knew him for three
9 years, was he a model for you and as well for the other students?
10 Did you admire him?

11 A.Yes. During the three-year academic performance and education
12 I can say that he is a good model for us during the three
13 academic years of teachings.

14 [12.01.18]

15 Q.Did he do everything that was possible in order to be admired
16 by his students, according to you?

17 A.He did everything. What he did was meticulous in terms of
18 teaching and explaining -- so during the teaching every year,
19 every month -- and that good job make him a good teacher and the
20 students loved his way of teaching.

21 Q.If he was generous and attentive to his students do you
22 believe that this allowed him to gain prestige from this, to gain
23 a good reputation, as well as some kind of leadership within the
24 classes that he was teaching?

25 A.I do not understand your questions. I do not understand your

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1 questions. What do you want to ask me? Please ask again.

2 Q.Since he was generous and attentive in particular towards
3 students coming from a peasant background, and also attentive
4 towards students who had trouble in class, therefore did the
5 accused benefit from some kind of prestige because of this; was
6 he even able to gain some kind of leadership within his class
7 because of this?

8 MR. PRESIDENT:

9 (No interpretation)

10 [12.03.53]

11 MR. ROUX:

12 Mr. President, I believe that this is a question that the witness
13 will have a hard time answering. He is not an expert, he just is
14 telling you what he saw, but you're asking him if he could think
15 that he was able to gain some kind of benefit from this. How do
16 you expect him to know the answer to this? This is a question
17 that you should have put to the expert psychologists and not to
18 the witness here present.

19 MR. DE WILDE D'ESTMAEL:

20 I will therefore reformulate my question.

21 BY MR. DE WILDE D'ESTMAEL:

22 Q.The fact of being attentive and generous to his students; did
23 this put him in a position in which he would be appreciated and
24 listened to and also put him in a position in which he could have
25 some kind of influence on you?

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1 A.Yes, what he did just had the impact on the students that make
2 them like him and like his teaching when he is teaching private
3 course. And he did not made any encouragement but when we just
4 get information we voluntarily go to his class.

5 Q.I have a last question. Regarding his relations with his
6 superiors, the accused's relations with his superiors -- do you
7 believe that at any given moment he would have obliged his
8 students to do things so that he could please his hierarchical
9 superiors in the aim of, for example, pleasing the principal of
10 the school or other colleagues?

11 A.Yes, normally at that time it's not only him or other
12 teachers. They would like the students to pay respects during
13 the three-year education. Every one of us respect the teacher
14 more than what we have now.

15 [12.06.51]

16 MR. DE WILDE D'ESTMAEL:

17 Thank you. I have no further questions, Mr. President.

18 MR. PRESIDENT:

19 I notice that Alain Werner is on his feet. Please, the floor is
20 yours.

21 MR. WERNER:

22 Thank you. This is a new request and we do, the civil party
23 lawyers, we do request that you, Mr. President, tell this witness
24 that the reason why the civil parties are not there is because
25 they do not understand the decision which do not authorize the

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1 lawyers to ask to this witness any questions.

2 Thank you, Mr. President.

3 MR. PRESIDENT:

4 Alain Werner, you seem to have made the repetitive statement.

5 Are you the person, the kind of person like that? We are not

6 repetitious on this matter and we will not allow you to raise

7 this matter again.

8 The accused, Kaing Guek Eav, you have just listened to the visit

9 raised by witness Sou Sath. She mentioned that following the

10 suggestion of Mr. François Roux. Do you wish to allow the visits

11 of Sou Sath to you?

12 [12.09.00]

13 THE ACCUSED:

14 Mr. President, both of us, we are friends. We are separated for

15 quite a long time and we would like to meet each other, and

16 please, with your leave, I would like to request that we would

17 like to meet.

18 MR. PRESIDENT

19 The Trial Chamber permits Sou Sath to pay a visit to the accused

20 and we are recommending the Court officer to make the arrangement

21 necessary for that visiting. And the Trial Chamber hereby

22 announce that we will give you the floor to make the observation

23 to the six character witnesses at the conclusion of the four

24 witnesses.

25 And now it is time for lunch break. The Trial Chamber is

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1 adjourned for lunch break and the hearing will start 1.30 in the
2 afternoon and the Trial Chamber is grateful and appreciate to Mr.
3 Witness, and your testimony is not completed yet and there will
4 be more questions from the defence counsels.

5 Therefore, the Trial Chamber invites you to come into the
6 courtroom again from 1.30 this afternoon so that defence counsel
7 can pose questions to you.

8 The security is to take the accused to the detention facility and
9 bring him back before 1.30 this afternoon.

10 All rise.

11 (Judges exit courtroom)

12 (Court recesses from 1211H to 1333H)

13 (Judges enter courtroom)

14 [13.33.26]

15 MR. PRESIDENT:

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

17 The Chamber would like now to give the floor to the defence
18 counsel to put questions to this character witness if they so
19 wish. You take the floor.

20 MR. KAR SAVUTH:

21 Thank you, Mr. President. Good afternoon, Your Honours. Good
22 afternoon, ladies and gentlemen.

23 QUESTIONING BY DEFENCE COUNSEL

24 BY MR. KAR SAVUTH:

25 Q.Mr. Tep Sam, you were a student of your teacher Kaing Guek Eav

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1 for three years. During the three academic years did you ever
2 see or hear any student or staff or teacher criticize your
3 teacher Kaing Guek Eav?

4 A.During the three-academic year period, all students and
5 teachers whom I knew never said anything that I could hear
6 regarding this matter. If any one of them were to criticize him,
7 I would not have known about it.

8 Q.Thank you. So you never heard of any criticism. Can we then
9 say all students, teachers and staff of that school have
10 affection on your teacher, Kaing Guek Eav; can we say that?

11 A.Yes. During the period, nobody was upset with him, neither
12 students or teacher. We just went along well; we just attended
13 the class and left at the end of it. That is all.

14 Q.Can we say that everyone was fond of him?

15 A.I cannot say everyone was fond of him because in the school
16 there was a management committee and I had no idea of their
17 feeling toward him.

18 [13.36.56]

19 Q.Thank you. This morning, you told the Chamber that Mr. Kaing
20 Guek Eav was one of the teachers who was humble, honest and
21 befriended with students -- with every student, especially those
22 poor students. And, in addition to that, you said he assisted
23 those poor students during the school holidays or during free
24 time, free of charge. Is this correct?

25 A.Yes, I said so this morning.

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1 Q.Thank you. Did you know that Mr. Kaing Guek Eav, as a
2 teacher, not only helped the poor students but he also raised a
3 few of his poorest students who could not afford to be on their
4 own during their study?

5 A.I was not aware of any children-raising by him. When I rode
6 my bicycle I rode past the house where he stayed and I saw
7 students coming in and out of that residence.

8 Q.Thank you. For poor students who could not afford writing or
9 material or books or pens -- and as his student at that time --
10 did you ever see your teacher, Kaing Guek Eav, provide this sort
11 of material to his poor students?

12 A.For poor students, I did not know much. I myself received
13 encouragement verbally from him, but I would not be able to say
14 whether any materials were given by him to those poor students.

15 [13.39.36]

16 Q.Thank you. You, personally, did you ever purchase any books
17 or school kits from any student collective? Did you ever buy
18 those books or any school materials from that student
19 co-operative at a cheaper price?

20 A.At that time, I bought school materials from the student
21 co-operative. It was located at the east of the school, but I
22 did not know the source of the establishment of the co-operative.

23 Q.Thank you. Actually, your teacher founded that co-operative
24 to assist poor students.

25 Did you know that villagers who knew Duch and who befriended with

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1 Duch, did any of them ever get upset with Duch?

2 A.Regarding the relationship between him and the villagers, I
3 hardly see this contact. His main focus was teaching students at
4 school and outside the school activities I did not have much
5 observation.

6 Q.Thank you.

7 MR. KAR SAVUTH:

8 Mr. President, we, the two defence counsels, do not have any
9 further questions for this character witness.

10 [13.41.53]

11 MR. PRESIDENT:

12 Thank you, Mr. Witness, for your testimony to the Chamber per our
13 summons.

14 The Chamber acknowledges difficulties and challenges you faced in
15 responding to questions put to you by the Chamber and by the
16 parties to the proceedings, and that you tried your best to
17 respond appropriately to the questions asked.

18 The hearing of your testimony is now coming to an end. You can
19 return to your residence or to whatever location you wish, or you
20 may prefer to sit in the public gallery to participate in the
21 proceedings. You are now excused.

22 (Witness exits courtroom)

23 Court officer, can you invite another witness, Tep Sok, into the
24 Chamber?

25 (Witness enters courtroom)

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1 QUESTIONING BY THE BENCH

2 BY MR. PRESIDENT:

3 Q.Good afternoon, Mr. Witness. What is your name?

4 A.My name is Tep Sok.

5 Q.How old are you?

6 A.I am 61 years old.

7 [13.46.08]

8 Q.Where is your current address and what is your occupation?

9 A.I live in the Sangkae Pong village, Srama commune, Cheung Prey
10 district, Kampong Cham province. I am a rice farmer.

11 Q.According to the greffier's report, you have no relationship
12 or affiliation to any party of the proceedings and that you have
13 taken an oath already this morning. Is this information correct?

14 A.That is correct.

15 Q.The Chamber would like to remind you --

16 MR. PRESIDENT:

17 I notice the presence of the defence counsel. You may proceed.

18 MR. ROUX:

19 Mr. President, if I may. In the translation it is indicated that
20 the gentleman was a cultivator -- in the French translation --
21 but, if I understand correctly, he is a school principal. So
22 maybe that needs to be changed in the transcript that he is a
23 farmer. That should be changed in the record.

24 BY MR PRESIDENT:

25 Q.Mr. Tep Sok, what is your current occupation?

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1 A.I formerly was a director of Samaki Meanchey High School. I
2 now retired and I am a rice farmer.

3 [13.48.23]

4 MR. PRESIDENT:

5 Mr. François Roux, is that clear to you now?

6 MR. ROUX:

7 Yes, indeed. Thank you Mr President.

8 BY MR. PRESIDENT:

9 Q.As a witness before this Chamber you can decide not to respond
10 to any question which you think could self-incriminate. And as a
11 witness you have an obligation to tell the truth of what you have
12 seen, have heard personally.

13 Mr. Tep Sok, have you ever known the accused Kaing Guek Eav,
14 alias Duch?

15 A.Mr. Kaing Guek Eav was my maths teacher during the academic
16 year '67 and '68. I knew him very well.

17 Q.During your contact with him as your teacher, where did you
18 study and which grade were you in and which subject he taught
19 you?

20 A.Mr. Kaing Guek Eav was my teacher teaching mathematics at the
21 Skun College at Cheung Prey district, Kampong Cham province.

22 [13.50.40]

23 Q.During the academic year that you studied with him, what grade
24 were you in?

25 A.I was in grade 4, moving to grade 3.

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1 Q.And in the next academic year what happened?

2 A.I passed the secondary exam and I moved on.

3 Q.You studied with him at the Skun College and he was your math
4 teacher. But then you said you studied in grade 4, grade 3 and
5 grade 2 together with him as your teacher. Can you tell us
6 exactly how many years did you study with him -- two or three?

7 A.I studied with him for two years; that is in grade 4 and 3.

8 Q.Did you know the accused well during that academic year where
9 you studied at the Skun College? He was just one of the many
10 teachers teaching at that school.

11 A.I knew him very well.

12 Q.Mr. Tep Sok, can you tell the Chamber the character of the
13 accused Kaing Guek Eav, alias Duch, through your observation
14 during the period of your contact with him in the status of
15 student-teacher relationship, as you have just said while you
16 were studying at the Skun College?

17 A.Mr. President, when I was studying with him I knew him very
18 well.

19 [13.53.35]

20 He was a teacher who was appreciated and affectionated by
21 students. He was very gentle and kind and especially he had a
22 great understanding and kindness toward poor students who lived
23 at the countryside. He used to provide writing, and writing
24 materials such as pens or pencils, books, to those students. He
25 also established study groups for the students to assist each

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1 other and any student could ask him any time on anything that
2 they did not understand.

3 And that is my observation of the situation at the time.

4 Q.You talked about the character of the accused. My question
5 is, during the time that he was a teacher at that school and in
6 his capacity as a teacher, was he a strict teacher regarding the
7 discipline; that is, both for himself and for students? Can you
8 tell the Chamber about the disciplines he observed and practiced
9 at that school?

10 A.At that time, it was my observation that he was firm and
11 meticulous in his work and his attitude. The way of his speaking
12 was such that we was advised, encouraged to be good students and
13 that we should focus on our study to become leading students and
14 that we should assist each other. He always had clear plans for
15 students to follow and he could be consulted at any time if any
16 student had any question for him.

17 [13.56.37]

18 Q.For those students who were lazy or who breached school
19 discipline, either in the classroom or while they were at that
20 school, did you ever observe such a situation? If so, what was
21 his reaction or treatment towards students who were lazy or who
22 breached the school disciplines?

23 A.I observed that for students who were lazy or who avoided
24 class; to me, I did not see such a case. Instead, I saw him
25 encouraging students to study hard to become leading students

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1 and, as a result, I did not see any measure taken by him
2 regarding the school disciplines.

3 Q.What about his communication within his peers; that is,
4 amongst his teachers or his communication or relationship with
5 the school management or a school staff? Did you observe these
6 circumstances?

7 A.Regarding his behaviour towards school staff or to his peers,
8 it was smooth; it was done in a co-operative way. There was no
9 conflict observed by me. I only witnessed the solidarity amongst
10 his peers.

11 Q.During that time, did you ever see any situation where he was
12 angry or upset against anyone and, if so, what did you observe?

13 A.I did not see such a situation.

14 Q.During the time of his teaching at the Skun College, did you
15 ever go to the residence where he stayed?

16 A.The house where he stayed was along National Road number 6,
17 and there were always students coming in and out to study or to
18 put questions to him at that residence.

19 [14.00.08]

20 Q.What about his social interaction amongst his neighbours or
21 his relationship with other people in the community; did he have
22 good relationship with his neighbours or was he proud to be a
23 teacher with higher salary like 7,000 riels per month? And if we
24 compare his salary to other professions at that time, his salary
25 was very high. So what was your observation regarding this

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1 aspect?

2 A.It was not a problem at all for his neighbours. I only saw
3 solidarity amongst those neighbours and him.

4 Q.During your study, and as you have shown to the Chamber in
5 your teacher-student relationship, and not only you but other
6 students also enjoys the study groups founded by him and that you
7 assisted each other in your study quest.

8 The question is, during such time, did he ever address the issue
9 or present his view or tendency toward communism, or that did he
10 ever tell you or your peer of his view on communism?

11 A.He never said anything regarding the doctrine or the tendency
12 towards
13 Communism. Instead, he always educated us to love human beings
14 and to focus hard on our study, and that we should be kind to one
15 another and to assist one another when needed. And that is his
16 teaching, his instruction, and encouragement for all of us as his
17 students at the time.

18 [14.02.37]

19 Q.Besides his teaching at the school official hour and at the
20 extra hours through the formation of the study groups or through
21 his spare time where he provided his teaching free of charge, did
22 he do anything else for the students at Skun during his tenure as
23 teacher at that school?

24 A.During the time that I had a student-teacher relationship with
25 him, I was always assisted by him when needed. He provided me

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1 with books -- writing books -- pens and he taught all the
2 students free of charge if we wanted to study. Every student
3 liked him very much; respected him very much. That is all, Mr.
4 President.

5 Q. Another point. When you had a relationship as student and
6 teacher at that time, did you notice that he was the one who
7 liked to order others or he liked to establish equal relationship
8 between others and if any task he would like to do himself, he
9 would do himself, or he is a kind of person like to order others
10 to do things? What is your observation on this point?

11 A. As I told the Chamber earlier, he was a simple person, a
12 respectful person. He did not show any bad habits and he liked
13 to show appearance that other people like him.

14 MR. PRESIDENT:

15 Your Honours, do you have any other questions to pose to this
16 character witness? If you don't have any questions I would like
17 to give the floor to the Co-Prosecutor to pose questions to the
18 witness and I would like to remind you that you have 10 minutes
19 to pose questions to the witness. Please, the floor is yours.

20 MR. TAN SENARONG:

21 Thank you, Mr. President, and good afternoon, Mr. Tep Sok.

22 [14.06.05]

23 QUESTIONING BY THE CO-PROSECUTORS

24 BY MR. TAN SENARONG:

25 Q. You were one of the students of Mr. Kaing Guek Eav, alias

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1 Duch. My question for you is that in each of his teachings and
2 during the break time at the end of the day did you observe your
3 teacher Kaing Guek Eav, alias Duch, talk anything in that break
4 time?

5 A. During the break time I never saw him talking anything. He
6 never talked to me during the break time at the end of the day.
7 I saw him when going to his place after the teaching.

8 Q. As you are aware that during that time the Communist movement
9 became even more active, did you notice any other professor or
10 teachers told you or other students about the struggle, about the
11 society evolution based on their perceptions and their views?

12 A. In general, when I was a young student I heard sometimes they
13 are talking about class struggle but it was not directly from
14 them, but I heard from somebody that they are talking about class
15 struggle but I do not understand what it is.

16 Q. Thank you, Mr. Tep Sok. I don't have any questions and I give
17 the remaining time to my colleagues to pose questions to you.

18 MR. PRESIDENT:

19 The floor is yours, Mr. Co-Prosecutor.

20 [14.08.27]

21 MR. DE WILDE D'ESTMAEL:

22 Thank you, Mr. President. I would like to start by asking a
23 question that might give rise to a contradiction that we noted.
24 The contradiction is the following: in the table that was given
25 to us by the defence, that is to say Table E5/9 regarding the

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1 witnesses they wish to call, the description regarding Mr. Tep
2 Sok states that he was a student in the Skun High School in
3 Kampong Cham province during the '68-'69 academic years, as well
4 as '69 to 1970. And today the witness is telling us that he was
5 in the Skun High School and that the accused was his professor in
6 1967 and in 1968.

7 BY MR. DE WILDE D'ESTMAEL:

8 Q. So therefore I would like him to tell us if indeed he's
9 referring to '67-'68 and '68-'69 and thus there is an error in
10 the table that was given to us by the defence, or was he a
11 student during other years? And in that case, if he could please
12 tell us which. Thank you.

13 A. Yes, when I was his student, the Professor Kaing Guek Eav from
14 1977-1978 (sic) and I continue until 1968 and until 1970. Yes,
15 I'm sorry that I made a mistake earlier.

16 Q. Thank you. During the time when you were at school in the
17 Skun High School did your professor, therefore the accused -- was
18 he arrested? Was he ever arrested?

19 A. I did not know whether he is not arrested.

20 Q. Thank you. Based on what the accused said -- and I would like
21 you to react to this -- well, the accused was apparently arrested
22 on the 5th of January 1968 and was released in April 1970; that
23 is to say exactly when you tell us that you were his student.
24 Therefore, how can you explain this to us?

25 [14.12.16]

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1 A.Talking about that incident, I was his student when he
2 disappeared. I have no idea where he went. I received no
3 information about his imprisonment and about his arrest. I have
4 no idea. He disappeared later and that but I don't know anything
5 about that.

6 Q.So therefore you stand by the fact that you were his student
7 during two consecutive years or during part of these academic
8 years which you mentioned to us earlier. Was he a math teacher
9 during those two years and, therefore, as of when did he
10 disappear?

11 A.When I was his student he disappeared in late 1968 -- yes,
12 1968. I'm not quite sure because I did not pay more attention to
13 that. As a student I focus only on my study but not the
14 disappearance of the professor or teacher because of that. I
15 could not tell you the specific date of his disappearance.

16 Q.However, earlier on you were quite precise when you gave us a
17 rather flattering description of your teacher. So this didn't
18 trouble you that he was arrested while you were his student, when
19 he was supposed to have been your teacher?

20 A.When he disappeared my feeling at that time -- I thought at
21 the time that I do not have a math teacher from that time because
22 it is the official and the civil servants arrangement for that
23 teacher to teach at the high school.

24 Q.Did the principal in that junior high school provide any kind
25 of explanation regarding this arrest? Was there any kind of

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1 political connotation to it?

2 A.The school principal at the time -- do you want to know the
3 disappearance of the school principal? I did not know about that
4 and I did not follow their fate. In summary, I don't know about
5 that.

6 Q.No, no. I think that there was a problem of interpretation.
7 It's not that it is the principal who disappeared, but did the
8 principal provide any kind of explanation regarding the
9 disappearance of the accused? And you say that this occurred at
10 the end of 1968.

11 A.At that time the school principal did not inform us anything
12 about his disappearance.

13 [14.16.45]

14 Q.Thank you. And you finished your statement by answering the
15 President by the following sentence, which is you said that the
16 accused did not have any shortcomings and he liked to present
17 himself as such.

18 So therefore, do you indeed believe that he was only showing an
19 outside appearance? Was his aim only to be well considered by
20 others and to be liked by others? Do you believe that this was
21 hiding another kind of personality, that there was another kind
22 of personality behind these appearances?

23 A.At this moment I can say only what I observe in the
24 relationship as student and teacher; only in that moment.

25 Q.Mr. Tep, during your presentation you did not mention to us

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1 what you had done between 1975 and 1979, so it seems useful to
2 us, in order to analyze your statement, to know where you were
3 and what you did during that period. Were you evacuated? Did
4 you join the Khmer Rouge?

5 Could you provide us with a few details, a few rapid details
6 regarding what you did during the period of Democratic Kampuchea?

7 Thank you.

8 A.I cannot respond to your question because I don't understand
9 your question.

10 [14.19.21]

11 Q.So therefore I will clarify this. Between April 1975 and
12 January 1979, did you work in a co-operative, for example, or
13 were you obliged to travel somewhere else in Cambodia? Were you
14 forced to work or did you wilfully work for the Khmer Rouge?

15 This is what I would like to know.

16 A.Yes, during the Khmer Rouge regime I participate in doing the
17 labour work at the co-operative. It is the Khmer Rouge
18 co-operative.

19 MR. DE WILDE D'ESTMAEL:

20 I have no further questions for the moment. Thank you, Mr.
21 President.

22 MR. PRESIDENT:

23 The counsel for civil parties, I notice that you are on your
24 feet, so what is your wish now?

25 MR. KIM MENGKHY:

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1 Thank you, Mr. President. On behalf of the counsel for the civil
2 parties, we request the President to inform the following
3 character witness about the right of the civil party to pose the
4 question to the character witness that, based on the recent
5 ruling of the Chamber after --

6 MR. PRESIDENT:

7 This is not a new proceeding. It is just a new character witness
8 to come. And the Trial Chamber will not respond to what has
9 already been responded to you. And we will not give you the
10 opportunity to stand up and make any request or statement when
11 the character witness comes to the next testimony.

12 [14.22.23]

13 And now we give the floor to the defence counsel to pose the
14 question to this character witness if you wish to do so, please.

15 MR. KAR SAVUTH:

16 Thank you, Mr. President, Your Honours, and ladies and gentlemen.

17 QUESTIONING BY DEFENCE COUNSEL

18 BY MR. KAR SAVUTH:

19 Q.Mr. Tep Sok, I would like to ask you that when you were a
20 student and Mr. Kaing Guek Eav was your student (sic) what were
21 his support and assistance to you at that time?

22 A.When I was a student, Teacher Kaing Guek Eav taught me. He
23 spent his effort to teach me when I was a poor student and later
24 I became a good student. He helped us with some education study
25 including books, pencils and pens and he encouraged us to study

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1 hard and to build good friends, love and like the classmates.

2 These are his encouragement to us.

3 Q.Thank you. So I would like to confirm your statement that you
4 told to the Chamber that you used to be a poor student, but after
5 the encouragement by Professor Kaing Guek Eav you became a good
6 student and excel student. Is that true?

7 A.Yes, it is correct.

8 Q.So those are the students who were weak or poor, and what is
9 the average that became from poor students to excel students, so
10 can you say about that?

11 A.During that academic year the students I observed that they
12 were improved, including knowledge, skills and decency, and they
13 liked him very much because he spent most of his effort to teach.

14 Q.Thank you. Your teacher was a mathematics professor. Did you
15 know that your teacher taught at Skun High School -- what other
16 subjects that he taught at high school?

17 A.I know only mathematics. It might be chemistry or physics.
18 I'm not quite sure.

19 Q.Thank you. So when you were a student of your teacher were
20 you a poor student or a well-off student at that time?

21 A.When I was a student at that time all the poor students and
22 well-off students were regarded equally by the teacher. There
23 was no discrimination in this regard.

24 [14.26.39]

25 Q.I would like to ask a bit further about you yourself. Were

80

1 you a poor student or a rich student at that time?

2 A.Yes, I was a poor student. I lost one of my parents.

3 Q.Yes, you were a poor student and you lost one of your parents.

4 Did you ever stay at the house of your teacher?

5 A.Yes, my house located close to the school, but I was not

6 living in the same house as him.

7 Q.Then did you know that your teacher takes some of the poor

8 students of the poor family to live and feed them?

9 A.Yes, he took some of the poor students to live and stay with
10 him.

11 Q.Thank you. Could you remind or recall, since you know your
12 teacher, what were the achievement and the works that your
13 teacher created for the school?

14 A.When I was his student I observed that he established a
15 co-operative and he sold the books and other education material
16 at a cheap price.

17 [14.29.05]

18 Q.Thank you that you recall the achievements made by your
19 professor.

20 During the time that you were with your teacher did you ever
21 observe any student, staff or teacher ever criticize your
22 teacher?

23 A.No, there was no criticism made towards him.

24 Q.Thank you. So do you mean that no one ever criticized your
25 teacher because of his good and outstanding character? So can we

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1 say in another way that he was loved by everybody else? Can you
2 specify on this point?

3 A. Personally, as his student it is my observation that all the
4 students were fond of him, with no exception. Also I observed
5 that he was actively involved with the staff and teachers at that
6 school.

7 Q. Thank you. I no longer have questions for you.

8 MR. KAR SAVUTH:

9 Mr. President, my international counsel and myself do not have
10 questions for this character witness.

11 MR. PRESIDENT:

12 I notice the defence counsel is on his feet. Mr. Roux, you may
13 proceed.

14 MR. ROUX:

15 Yes, Mr. President, just a few more questions.

16 [14.31.13]

17 BY MR. ROUX:

18 Q. Thank you, Mr. Witness. I think that we need to clarify two
19 points with you, Mr. Witness.

20 The first point is the question of dates. The Co-Prosecutor who
21 questioned you was right in reminding you that indeed since the
22 beginning of 1968 Duch disappeared. And I therefore appeal to
23 your memory. In your mind is there not any confusion in the
24 school years that you are talking about?

25 Now, if Duch disappeared as of the beginning of 1968 -- the

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1 beginning of 1968 -- and if you were his student for two years,
2 it would be years before this date. Can we check that with you
3 please? Can you confirm that?

4 A.Regarding the dates, I think maybe I get confused. I cannot
5 recall correctly on the academic year where I studied with him.
6 It could be 1967, '68. What I said was from my recollection, so
7 the actual date could be different from what I can remember at
8 this stage. I apologize if this caused inconvenience.

9 Q.For us this is not a problem. If you are sure or certain to
10 have been a student of Duch for a period of two years, according
11 to what you said, that is important; then of course we can
12 double-check on the dates. But the question is that is it true
13 that for a period of two years you were a student of Duch? That
14 is the question. For a period of two years were you a student of
15 Duch?

16 A.Yes, I studied with him consecutively for two years but the
17 date could be different. It could be '67 and '68 or '66 to '67.
18 Regardless of the date, I studied with him in the grade 3 and in
19 the grade 2 but I think I did not complete the grade 4.

20 [14.34.50]

21 Q.Thank you for these clarifications.

22 You said that at that time you were a mediocre student coming
23 from a poor family and that Duch helped you. Is that correct?

24 A.He assisted me during the time of my studying with him. Mr.
25 Kaing Guek Eav did not only help me but he helped every other

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1 student who needed help.

2 Q.And you yourself continued your studies and you yourself
3 became a professor. Is that correct?

4 A.Later on I became a teacher, but before I became a teacher I
5 had to work during the Lon Nol regime and only after that I
6 became a soldier.

7 [14.36.29]

8 Q.You worked under the regime of Lon Nol and you were a soldier
9 in the Lon Nol regime?

10 A.That is correct, Counsel.

11 Q.Mr. Prosecutor will have the answer to his question, I guess.
12 So after having been a teacher, you became a principal of a
13 junior high school. Is that correct?

14 A.That is correct.

15 Q.Looking at your professional career -- a modest student and
16 then teacher and then principal of a junior high school -- do you
17 have the feeling that Duch is in part responsible for the career
18 that you were able to achieve? Is it, in part, thanks to the
19 assistance that you received by Duch that you were able to become
20 a teacher and then a director or principal of a junior high
21 school? Would you say that?

22 A.That is correct.

23 Q.When did you learn that Duch -- during the years '75-'79 --
24 was heading S-21? When did you learn this information?

25 A.I heard that Mr. Kaing Guek Eav, alias Duch, was the Chairman

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1 of S-21 when he was arrested and brought before this Chamber.

2 [14.39.19]

3 Q.And what did you think upon learning this, Mr. Witness?

4 A.When I heard the news I was regretful for him as a man of
5 virtue and that he became a criminal. I am very regretful for
6 this.

7 Q.And despite this -- because it was a man who assisted you, who
8 helped you -- you decided to come and testify at this trial as a
9 character witness. Is that correct?

10 A.That is correct.

11 MR. ROUX:

12 Thank you, Mr. President. Thank you, Mr. Witness, for having
13 coming here. Thank you very much.

14 MR. PRESIDENT:

15 Thank you, Mr. Tep Sok, for providing your testimony as summoned
16 by the Chamber. The Chamber has noticed that you have tried your
17 best to answer the questions posed to you by the Chamber and by
18 the parties to the proceedings.

19 The hearing of your testimony has come to an end now. Therefore,
20 you can now go to the public audience to continue observing the
21 proceedings if you wish, or you may like to return to your
22 residence or any location you wish. You are now excused.

23 (Witness exits courtroom)

24 It is now appropriate for an adjournment. The Chamber will take
25 a 20-minute break and we will resume at 3 p.m. to continue our

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1 proceeding. We will hear another character witness when the
2 Chamber resumes.

3 THE GREFFIER:

4 All rise.

5 (Judges exit courtroom)

6 (Court recesses from 1442H to 1502H)

7 (Judges enter courtroom)

8 MR. PRESIDENT:

9 Please be seated. The Trial Chamber is back in session.

10 The Court officers, please invite character witness Chou Vin to
11 come to the courtroom.

12 (Witness enters courtroom)

13 QUESTIONING BY THE BENCH

14 BY MR. PRESIDENT:

15 Q.Good afternoon, Mr. Witness. What is your name?

16 A.My name is Chou Vin.

17 [15.04.17]

18 Q.Mr. Chou Vin, how old are you?

19 A.(Microphone not activated).

20 Q.Please respond again. You are reminded to wait until the
21 question is completed and the microphone is activated, and then
22 your voice could be heard in the system and also in the courtroom
23 for proper transcripts and for the benefit of interpretation into
24 English and French so that the parties to the proceeding can hear
25 what you said in your testimony. Do you understand that?

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1 A.Yes, I understand, Your Honour.

2 Q.How old are you?

3 A.I am 50 years old.

4 Q.What is your current address and what is your occupation?

5 A.I am living in Souphi village, Kampong Svay district, Serei

6 Saophoan city, Banteay Meanchey province. My occupation is

7 teacher.

8 [15.05.59]

9 Q.Mr. Chou Vin, based on the report of the Greffier, you have no

10 affiliation in blood or consanguinity with any party of the

11 proceedings and that you take an oath before entering into the

12 courtroom.

13 A.Yes, it is correct.

14 Q.Mr. Chou Vin, as you are a witness, you have the right not to

15 respond to any question or any statement that may bring you to

16 self-incriminate. In the same time you have the obligation to

17 tell the truth, what you saw, you heard and you witnessed

18 personally.

19 Mr. Chou Vin, did you know the accused Kaing Guek Eav, alias

20 Duch, during which period?

21 A.Yes, Your Honour. I know Mr. Kaing Guek Eav, alias Duch. I

22 know his name later. I used to know him in the name of Hang Pin

23 since 1995 until 1997.

24 Q.When you know him at that time, to what extent as relationship

25 -- as you were the colleagues or just accidental meeting during

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1 that year?

2 A.I knew him as we are colleagues, teachers in the school.

3 [15.08.14]

4 Q.Did you remember when you met with him and have a relationship

5 in work with him, with the accused that you said he was Hang Pin

6 but you know him as Kaing Guek Eav, alias Duch, only later after

7 you have the relationship in work with him before?

8 My question for you is that during those meetings and you worked

9 together with him, where was it, where is the place, and what

10 school was it?

11 A.At the time he was a teacher in Phkoam village. It has a

12 school under the education department of Svay Chek district and

13 later on, due to his personal security, he came to stay in the

14 office to ensure his security, so I arranged him to stay in the

15 district education department -- (microphone not activated)

16 MR. PRESIDENT:

17 Please turn on the microphone so that the witness can continue

18 his response.

19 MR CHOU VIN:

20 He was one of the colleagues, a teacher in Phkoam village.

21 Phkoam Primary School is under the education department of Svay

22 Chek district in 1995.

23 BY MR. PRESIDENT:

24 Q.Was Phkoam school a primary school or a secondary school or a

25 high school? What was the subject that he taught and what grade

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1 was it?

2 A.He taught at Phkoam High School and he taught physics and
3 chemistry.

4 [15.11.02]

5 Q.So what grade he was teaching?

6 A.I do not remember that, Your Honour.

7 Q.Phkoam High School was under the government or under the Khmer
8 Rouge force, because in 1995 there was no integration of the
9 power of the Party?

10 A.In 1995 the area was an integrated area. It started
11 integrated in 1994 and he start his teaching and he is enrolled
12 in the education program.

13 Q.You said later he came to stay at the education department at
14 the district for his personal security. At that office what was
15 his function and position?

16 A.Yes, Your Honour, when he came and stayed in the district
17 education department at Svay Chek district his reason was because
18 of his personal security because his family was robbed and his
19 wife was killed, and I tried to arrange that he can come to work
20 and help to do some job at the office. But there was no specific
21 assignment; he was just my assistant at that time.

22 Q.Mr. Chou Vin, can you tell the Trial Chamber about the
23 character of Kaing Guek Eav, alias Duch, that you used to know
24 him by the name of Hang Pin, based on your observation when you
25 were working with him and have some relationship as the

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1 colleagues in doing the work there, please?

2 A.In 1995 when he came to work at the education department of
3 the district his character was humble and meticulously in doing
4 the work. He worked very hard and very well, correctly as per
5 the assignment. I assign him to do anything; he can do that.

6 [15.14.46]

7 Q.Other than the character that you notice, what are other
8 behaviour or attitudes of the accused in summary about his
9 personality? What are the facts that you can notice and tell us
10 now?

11 A.Yes, Your Honour. During the time he stayed with me he was
12 very friendly. He is popular in the education field. He worked
13 very hard and very well.

14 From the beginning, I don't know him as Hang Pin. He was called
15 Krou Ta; it's a grandpa teacher. So this is his pseudonym called
16 grandpa teacher, but I saw him on the list as Hang Pin.

17 [15.16.07]

18 Q.During the time he worked with you as your assistant and
19 colleague, what is your position and role that you can -- that
20 you could assign him to do some job? So what was your position
21 in 1995 to 1997 that you have contact with the accused?

22 A.Yes, Your Honour. During 1995 to 1997, he came over and
23 requested me to do some work. I was the deputy administrator in
24 charge of staff and accountant at the same time. And then I
25 assigned some tasks him to do; for example, school book

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1 distribution, and he organized the list of distribution following
2 the plan set by the Ministry of Education. And he did a good job
3 and he always met the deadline.

4 Q.What was the reason that you decided him to be a teacher? And
5 you said that he can become in the official civil servant
6 framework, and during that year, as I remember, anyone can become
7 a teacher. One must experience the training, psychological
8 training, so that a person can become a teacher or professor for
9 any place across the country. So what was your ground that you
10 selected him as the teacher at Phkoam High School and also the
11 staff at the education department of the district?

12 A.In 1995 -- 1994 or 1995 -- it was the fighting area between
13 the tripartite factions and the government, and in Thma Puok it's
14 the integrated area, and it was confusion about teacher
15 recruitment and there was some returnees from the camps and they
16 are living in different areas in those areas.

17 So we selected the person, the person who knows a little bit who
18 can teach the other trade and the one who knows much should teach
19 the other better literacy. So we have a lack of teacher and
20 professor, that's why the school principal decided to select him
21 and he get into the civil servant framework and then he request
22 to the department and then he gets the approval to be the
23 teacher.

24 [15.20.04]

25 Q.You observed his character in communication or relation among

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1 the teachers and students when he was the teacher at Phkoam High
2 School, and later when he was in charge of your assistant at the
3 district education department of Svay Chek?

4 A. Based on my observation, and my conclusion is that he is a
5 person of friendly to many people. Many teachers respect him and
6 like him very much and call his grandpa teacher. And I ask
7 myself why people call him like that? Because he is a
8 well-educated person and he is humble and people, young and old
9 people, recognize that he has a good teaching skill, work very
10 hard, and all teachers and students all are like him have as
11 ordinary friends.

12 Q. When he worked with you, as you were the deputy administrator
13 in charge of certain tasks and works, my question for you is, did
14 you ever notice his character, his activity that appeared to you
15 or showed to you when he spoke or during the discussion in any
16 meeting? For example, when there's a controversial in political
17 perception between other parties of the Cambodia because there
18 was a controversial discussion between the faction at that time,
19 have you ever noticed or discussed about the Khmer Rouge regime,
20 and what was his character in that discussion?

21 A. During the period he worked with me, I observed that his
22 character was normal. He did not talk about any political
23 perception or tendency. Then I, of course, only worked with him.

24 [15.23.08]

25 Q. Did he attend a public meeting of teachers or the staff of the

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1 education department of the district or in any other meetings
2 that assigned by the department for him to attend?

3 A.Yes, Your Honour. He attended only the meetings in the
4 department about the organization or setting up the office. If
5 you are talking about assignment for him to attend on behalf of
6 department, we don't have that kind of assignment for him. So he
7 was in charge of the warehouse, of school education material, and
8 so on.

9 MR. PRESIDENT:

10 Please turn on the microphone so that the witness can continue
11 his statement.

12 MR CHOU VIN:

13 And he often good staff, being punctual to come to the office,
14 among other office colleagues, because they were living far from
15 the office, but he's the one who is very punctual.

16 BY MR. PRESIDENT:

17 Q.When we are talking about teaching and teacher and professor
18 often get the improvement, my question is that when he was a
19 teacher in Phkoam High School, did he receive any assignment and
20 sent him for any improvement in terms of pedagogical training
21 improvement? This is the general policy of the education, to
22 improve and to strengthen the capacity of teachers and professors
23 for the benefit of education, and improve the quality of
24 education as part of the Government of Cambodia policies. And
25 there is always this kind of improvement program for the teacher.

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1 The question is that was he assigned to the improvement for the
2 benefit of future career?

3 A.He was one of the good teachers in the school. He always give
4 advice under his teaching and I noticed that there was no
5 assignment for him to get the improvement course. There was just
6 kind of internal improvement class and training because at that
7 time we do not have a good organization.

8 [15.26.53]

9 So we allow the department or each office to take action so that
10 we can follow the program designed by the Ministry of Education.

11 Q.Can you recall and tell us, in order to recruit him to be the
12 teacher at Phkoam High School, in his request so that he can be a
13 teacher for Phkoam High School, what were the requirements under
14 the form or the request? Was there a photo attached to the form?

15 A.Yes, Your Honour. In order for him to become a teacher he
16 needed to meet the requirement. There has to be a photo attached
17 to the application.

18 Q.You said that he used his name as Hang Pin. My question is
19 that did he use any alias name in the application form to be a
20 teacher at that school?

21 A.Yes, Your Honour. In his application form he used only Hang
22 Pin but his nickname was Grandpa Teacher Krou Ta but it was not
23 indicated in the application form. So we keep calling him Hang
24 Pin.

25 Q.Can you recall the teacher's application form that he filled

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1 in? What was the requirement of the application form?

2 A.Mr. President, I cannot recall the actual application form but
3 in practice, indeed, it is compulsory to have a teacher's
4 application form in order to teach at the primary or secondary
5 schools.

6 [15.29.50]

7 There needs to be a biography and a photograph and also an
8 agreement before one can be employed by the Ministry of Education
9 and before the ministry approves the application. Actually the
10 department and the district had direct contact with the Ministry
11 of Education for the employment of teachers at the location I
12 mentioned.

13 Q.Can you recall whether you actually examined and reviewed his
14 application, including his biography?

15 A.I only looked at his information sheet with his photo
16 attached. He mentioned that he was a widow, his wife passed
17 away, and he also stated his children and what he did during the
18 Khmer Rouge regime et cetera and what qualifications he has had.

19 Q.Can you recall, in his biography, what were the surnames for
20 his children? We would only like to know the surname or surnames
21 he used in his application form for his children.

22 A.I cannot recall it, Your Honour.

23 Q.As you told us you observed his relationship with his other
24 teachers, with his staff at the Skun High School during the time
25 of his employment at the district's education department, did you

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1 also observe his contact or his interaction in the society; that
2 is with the people in the village or with his neighbours?

3 [15.32.22]

4 A.I cannot recall that, Your Honour, I'm sorry. However, I
5 observed that he was well-befriended with many people and he was
6 famous and that information reached the district education
7 department. And during the curriculum year of '95-'96 he was
8 requested to teach the French language at the Svay Chek Primary
9 School. That was his outstanding point as his knowledge was
10 acknowledged and he was requested to teach French.

11 I personally, the deputy person -- the deputy chairman of the
12 district education department -- I assigned him to teach the
13 French language on the 28th of October 1996.

14 Q.After the reintegration of all the main factions all the
15 forces in most units or departments were combined together; that
16 is, the government force and the three-party faction. However,
17 the reintegration was formed with particular detail of each
18 faction to be integrated and the personnel they sent to be
19 reintegrated within a certain unit or department, and the
20 government department or ministries would have an overall control
21 of the management of the force or the particular personnel.

22 And from your recollection can you tell us whether he was from
23 any party or faction or from the tripartite factions?

24 A.Your Honour, I apologize. I do not actually recall the exact
25 party or faction he came from. At that time the situation was

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1 confusing and chaotic because the main purpose is to recruit
2 those people who were knowledgeable in order to form a group of
3 teachers in order to teach and educate young children.
4 Actually, at that time the situation was not yet peaceful and
5 stable and the war was still sporadic. In certain areas the
6 district education department did not dare to go there. Only the
7 school principals came to make contact with the department.

8 MR. PRESIDENT:

9 Judges of the Bench, do you have any questions to be put to this
10 witness of character?

11 Judge Lavergne, you take the floor.

12 [15.36.27]

13 BY JUDGE LAVERGNE:

14 Q. Good afternoon, witness. You indicated to us that you met
15 Duch and he had been victim of a burglary in the course of which
16 his wife had died. Did you have the opportunity of talking about
17 these events with him, and what did he tell you about these
18 events?

19 A. I find it hard to answer your question because I did not
20 understand well of the situation surrounding the robbery. I
21 myself never went to that location and he only came to the
22 department to contact me and inform me of the robbery.
23 And that was the reason for him to be allowed to stay at the
24 department because in the course of the robbery his wife was
25 killed. But I never actually asked him in details regarding the

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1 situation surrounding the robbery.

2 Q.Hang Pin is a name which is Chinese sounding, if I understand
3 correctly. Did Duch talk about his Chinese ancestry?

4 A.I apologize, Your Honour. I do not know well about his
5 ancestral background.

6 Q.At that time had the accused converted to Christianity? Did
7 he talk to you about religion?

8 A.During the time that he was allowed to stay at the district
9 education department he already converted to Christianity but I
10 did not know the exact time of his conversion from Buddhism to
11 Christianity. We never talked in detail regarding his religion
12 conversion.

13 [15.38.53]

14 Actually I was wondering whether he ever talked about his
15 religion conversion but I personally did not pay much attention
16 to his personal observance of religion.

17 Q.If I understand correctly what you have said to us, there are
18 a lot of aspects regarding the accused that you discovered later
19 on, aspects that were never dealt with in your discussions with
20 him, or they were hidden. Did you get the impression that it was
21 somebody who was trying to hide something, keep secrets?

22 A.When he was allowed to stay at the district education
23 department it was for his personal security and for his own
24 protection and actually staff at that time was sufficient, so he
25 was not required to be an agent or a staff, a full-time staff of

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1 the district education department.

2 The main purpose was for his own protection. That's why he was
3 allowed to stay at the department. He did not hold any official
4 position while he stayed at the department. Actually, it was the
5 principal of the school who supervised him and he was only
6 assigned work to do, this or that, by me personally. He was like
7 my personal assistant, so he was only assigned to do what I
8 required of him.

9 Q.I understand. So Duch was somebody who was close to you, with
10 whom you worked every day. You saw him every day or almost every
11 day. But can we say today that he was somebody who had a
12 secretive side? Did you notice this secretive side in him at
13 that time, or was it a complete surprise for you to learn who
14 Hang Pin really was?

15 [15.51.44]

16 A.Your Honour, I was actually surprised when he was detained and
17 arrested, and that his actual name was Kaing Guek Eav or Duch.
18 During the time that he stayed with me he was an ordinary
19 personnel. It was an area where people were not well off. If
20 you were a little bit well off then you would be robbed. And not
21 only Hang Pin -- anybody else, with no exception.
22 So I did not pay much attention to his personal information.

23 Q.Thank you very much, witness.

24 JUDGE LAVERGNE:

25 I have no further questions for the witness. Thank you.

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1 MR. PRESIDENT:

2 The Chamber would like to give the floor now to the
3 Co-Prosecutors to put questions to this witness. You take the
4 floor.

5 MR. TAN SENARONG:

6 Thank you, Mr. President.

7 QUESTIONING BY THE CO-PROSECUTORS

8 [15.43.16]

9 BY MR. TAN SENARONG:

10 Q. Good afternoon, Mr. Chou Vin. You have told Your Honour that
11 when you received the teachers who were sent to teach at your
12 department, and the accused was one of them who filled in his
13 personal information regarding his background during the Khmer
14 Rouge regime, for instance what he did -- the question is, did
15 you personally review his information sheet and what he did
16 during the Khmer Rouge regime and what he did before that?
17 Can you elaborate on this point?

18 A. Mr. Co-Prosecutor, after he filled in the information sheet,
19 from my recollection he talked about that he was a teacher before
20 the Khmer Rouge regime and during the Khmer Rouge regime he was
21 an author of books for school curriculum and later on he was a
22 teacher. I think that was all.

23 Q. Thank you. Also, did you get an opportunity to discuss with
24 him during the time he was a teacher at your department and did
25 you ask from which faction he came?

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1 A. For his own safety and protection in 1995, he was allowed to
2 stay at the district education department for a short while; it
3 was not for long, and he was required to teach at a primary
4 school. So during the period of '95-'96, I sent him to teach at
5 the Svay Chek High School. So I did not discuss in details of
6 his personal background or which faction he came from.
7 At that time, the situation was rather chaotic with the
8 integration of the tripartite faction. Some teachers came in the
9 place of other teacher's names, so it was rather confusing, but
10 everything was clear and his name was on the payroll, once we
11 received the information from the Ministry of Education on the
12 level of his teaching at various schools and the service scale.
13 I did not pay particular attention to any other factions as my
14 party at the time was with the governing party.

15 [15.46.05]

16 Q. Thank you, Mr. Chou Vin. From the time you knew him, and
17 later on he became your colleague at the district and until the
18 time you knew Hang Pin was actually Kaing Guek Eav, can you tell
19 us any outstanding points of Mr. Kaing Guek Eav or as you known
20 him as Hang Pin? What type of person he was then as he mentioned
21 in his biography and later on as he became your colleague at the
22 district education department and then later on he was arrested?
23 Would you be able to elaborate on these various stages of his
24 circumstances?

25 A. From the time he joined us as a teacher within the framework

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1 of my supervision in
2 1995 and '96, he came to stay at the district education
3 department and he did not show any behaviour that attracted our
4 attention. His outstanding point was that among all the
5 teachers, he was the most well-educated teacher with experience
6 until he was nicknamed the "grandpa teacher."
7 And I knew him well only in '95 when he came to stay at the
8 district education department. Before that, I did not know him,
9 but once I learned of his nickname as the grandpa teacher, I got
10 to know him and later on he was sent to teach at the Phkoam High
11 School, and I did not follow him further later on.
12 The only point that attracted my attention was his outstanding
13 skill in teaching experience and his infamous nickname as grandpa
14 teacher. And, later on as I mentioned earlier, he was required
15 to teach the French language due to his experience and
16 background, and he was sent to teach French on the 28th of
17 October 1996.

18 [15.48.48]

19 MR. TAN SENARONG:

20 Thank you, Mr. Chou Vin. I no longer have question for you,
21 however, I would like to give the floor to my international
22 colleague, with the President's leave.

23 MR. PRESIDENT:

24 The international Co-Prosecutor, you may proceed.

25 MR. DE WILDE D'E' STMAEL:

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1 Thank you, President.

2 BY MR. DE WILDE D'ESTMAEL:

3 Q.Mr. Chou Vin, I'd like to ask you two or three questions or
4 maybe some more than
5 that concerning this period.

6 A while ago, you spoke about the fact that as a result of his
7 personal security, the accused was authorized to lodge in your
8 premises -- in your building in the offices where you worked. Is
9 this something that you would do commonly for any other person
10 who would have been a victim of burglary?

11 A.As a leader, I was responsible for the well-being of my
12 teachers regardless of his
13 situation or circumstance, therefore, for the 30 of my teachers
14 then I would consider the circumstance.

15 At that time, the situation was unsafe and insecure; shooting,
16 robbery existed almost every day. Law was not respected at the
17 time; therefore, it was obligatory to take care of my teachers
18 and to protect them wherever I could for their own safety and
19 protection.

20 [15.50.44]

21 Q.The best way of guaranteeing the security of a person, would
22 it be not to know what were the reasons for this insecurity? Did
23 you try to find out with him who he was scared of? Was it just
24 like a robber, somebody who would have come back? Was it the
25 Khmer Rouge, the government? It's difficult to understand that

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1 you didn't ask the accused this question. Do you remember having
2 asked him this question?

3 A.The area was insecure and not only him was robbed. Tun Bun
4 Chhin and a few others were also guarded to stay at Svay Chek
5 district. The chief of the village and the chief of the
6 sub-districts, after the re-integration, also guarded themselves
7 and lodged at the district education department. It was
8 customary at that time -- actually, teachers were also armed in
9 order to protect themselves for their own protection. So if we
10 worked for the State of Cambodia, we were armed and we were
11 allowed to stay at the district education department.

12 Q.Was the accused armed at that time?

13 A.At that time, he was not armed. He was gentle. He did not
14 speak much. He did what was asked of him. If he was asked to
15 clean the place, he cleans the place. So everybody observed the
16 goodness out of him. And later on -- actually, when he came, the
17 war was almost over, but the insecurity still existed.

18 [15.53.22]

19 Q.Are you sure that there was no rumour concerning the past as a
20 Khmer Rouge cadre or as director of S-21 concerning Mr. Hang Pin?
21 At that time, was there such a rumour; did you not hear any such
22 rumour? Did you not want to give this -- such a rumour any
23 importance?

24 A.During that time, I did not pay my attention to former Khmer
25 Rouge cadres or any prison chairman or the name Kaing Guek Eav;

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1 none so whatever. I only heard of that name after his arrest and
2 I was surprised.

3 I could not believe that he held such a senior position during
4 the regime because in my mind he was an elder, respectful person
5 who was weak and who was kept at the department for his own
6 safety.

7 MR. PRESIDENT:

8 The Co-Prosecutor, you have five more minutes in your questioning
9 of this character witness.

10 MR. DE WILDE D'ESTMAEL:

11 Mr. President, I will finish very soon.

12 BY MR. DE WILDE D'ESTMAEL:

13 Q. There is an episode that is reported in Nic Dunlop's book,
14 page 244-245 in the English version, where he says that in 1994
15 several teachers, colleagues of Hang Pin, had gone to Phnom Penh
16 and that one of them visited Tuol Sleng.

17 [15.55.41]

18 And it is said -- reported in this book at any rate -- that this
19 colleague is supposed to have recognized Hang Pin as being Duch
20 as a result of the photographs that he saw in S-21; that he is
21 supposed to have spoken about this to his colleagues, but all
22 would have decided not to say anything out of fear.

23 Did you hear this story told to you by your colleagues or do you
24 believe that this does not actually correspond to reality?

25 A. I was not informed of this news. Actually, the colleagues who

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1 came to Phnom Penh was actually my superior, and he did not tell
2 me this information because at that time Ieng Sary and Khieu
3 Samphan were integrated into the government already and that they
4 were pardoned by the government, and everywhere else there was
5 amnesty for those former Khmer Rouge soldiers. So we did not
6 actually pay much attention to this. We only focused on our work
7 and task.

8 Q.Mr. Chou Vin, when you finally learnt that Hang Pin was Duch,
9 was the Director of S-21, did you feel afterwards -- did you feel
10 betrayed by Hang Pin because he'd dissimilated his name, his
11 criminal past, and because he could have put into danger --
12 jeopardized the life and the teaching -- the life of these
13 students or of the teachers in your establishment? Did you tell
14 yourself that this is incredible, that Duch is an excellent actor
15 and has misled everybody?

16 A.Mr. Co-Prosecutor, up to the day of his arrest, I did not
17 learn of his Kaing Guek Eav or Duch. I was actually surprised.
18 How could he held onto his secrecy for so long because I learnt
19 of nothing at all?

20 [15.58.38]

21 Maybe now when he's seeing me he would smile of what he held back
22 from me, but during the time that he stayed with me our
23 relationship was smooth, nothing else, and I was not aware at all
24 of the existence of his criminal past. And only after his arrest
25 that I learned, oh -- if at the time, if he had the feeling of

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1 betrayal, then I would have been killed or would be in danger,
2 but at the exact time I did not feel that. His teaching was
3 excellent, actually.

4 MR. DE WILDE D'ESTMAEL:

5 Thank you, Mr. President. I have no further questions. Thank
6 you, Mr. Witness.

7 MR. PRESIDENT:

8 Next, the Trial Chamber would like to give the floor to the
9 defence counsel to put questions to this character witness if you
10 wish to do so, please, Mr. Counsel.

11 MR. KAR SAVUTH:

12 Thank you, Mr. President.

13 QUESTIONING BY DEFENCE COUNSEL

14 [15.59.59]

15 BY MR. KAR SAVUTH:

16 Q.Mr. Chou Vin, I would like to ask you the following questions.

17 My question is that Kaing Guek Eav, formerly Hang Pin, when he
18 reintegrated into the government -- before the reintegration or
19 after the reintegrations?

20 A.Since I know him, he came after the reintegration because when
21 there is the reintegration there was him and other teachers come
22 to apply for the job, and so Svay Chek and Thma Puok. They were
23 under the supervision of the department, but after the
24 reintegration my department has the supervision power over those
25 two areas.

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1 Q.Thank you. So after the reintegration, meaning that after he
2 came, when he defected from the Khmer Rouge, did he continue to
3 maintain any relationship with other Khmer Rouge soldier or
4 cadre?

5 A.When he came to work with me after the reintegration, I
6 observed that he had no connection or relation with other people
7 in the Khmer Rouge. He was always staying in Svay Chek. This is
8 a short period of time when he stayed with me in 1995 and in 1996
9 he went to teach at the high school and later after that, I do
10 not know.

11 Q.Thank you. During the time you (sic) stayed with you, you
12 said that he had no connection or relationship with the Khmer
13 Rouge. So my question for you is, currently the accused, who
14 used to stay and live with you, did he cause any problem or
15 trouble to the community?

16 A.Mr. Duch did not cause any trouble or problem to the community
17 or to other teachers. He is a quiet person. He requested my
18 person to go to the church in Battambang to practise his belief
19 and religion in Battambang.

20 [16.03.26]

21 Q.Thank you. So can you say whether or not the accused can be
22 reintegrated in the community or society?

23 A.Based on my assumption, when he was in Phkoam -- you mean
24 Phkoam or Svay Chey?

25 Q.I would like to say with you.

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1 A.With me, yes.

2 MR. PRESIDENT:

3 The counsel, please reframe your question. You should refrain
4 from any question that leads the witness to give you the
5 assumption or conclusion because he is not qualified to make any
6 conclusion, as it is for the experts. So he is testifying in a
7 different manner.

8 BY MR. KAR SAVUTH:

9 Q.Please listen to my question again. During the time the
10 accused stay and live with you. You can say that the accused can
11 be reintegrated and live in the society or community. Is this
12 correct?

13 A.Yes, Mr. Counsel. He can do so.

14 Q.Thank you. When the people or the mass gave him the pseudonym
15 as "grandpa teacher" because they understood that he was the best
16 teacher of other teachers, what were his good character in
17 addition to what you said earlier?

18 A.I keep asking the staff and personnel why they called him
19 grandpa teacher, so they said based on his skill in teaching and
20 his adjustment to the society. So they used that pseudonym to
21 the person who is popular and well-known. So he was called
22 grandpa teacher.

23 [16.06.08]

24 Q.Thank you, Mr. Chou Vin for responding to my questions. I no
25 longer have questions.

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1 MR. KAR SAVUTH:

2 So with you leave, Mr. President, I had the floor to the
3 International defence counsels.

4 MR. PRESIDENT:

5 But I would like to remind the witness that be mindful using of
6 the reintegration because there's the repatriation of the refugee
7 camp under the Paris Peace Accord. It is a different matter.
8 And when you are talking about reintegration, we are talking
9 about the Khmer Rouge force who refused to participate in the
10 election organized by the UNTAC; and another final step that the
11 remaining Khmer Rouge force defected to the government. These
12 are the chronological order so that you can indicate the facts
13 more clear. If you are not clear, and then it will cause the
14 Trial Chamber a little difficulty in understanding the context.
15 But you should make a difference between the repatriation of the
16 refugee camp people of the tripartite factions under the Paris
17 Peace Agreement so that they can come into the country,
18 participate in the election in 1993, and there was another
19 reintegration of the Khmer Rouge factions in June 1996. At the
20 time, there was a large reintegration and another reintegration
21 happened in 1998.
22 So in using those terms, you should be more specific because in
23 relation to the accused we are hearing the testimony regarding
24 his corrector and it has the connection to the Khmer Rouge regime
25 and especially to the accused.

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1 [16.08.47]

2 Next, the floor is given to Mr. Roux to put questions to the
3 character witness. Please, the floor is yours.

4 MR. ROUX:

5 Thank you, Mr. President. Good afternoon, Mr. Witness.

6 BY MR. ROUX:

7 Q.You therefore told the Chamber that you had very much
8 appreciated Duch back then even if he did not bear that name.
9 And you also said that you were very much surprised when you
10 learned that Mr. Hang Pin was the former Chairman of S-21.
11 And therefore my question is the following. Didn't you have any
12 problems to come testify today in his favour? Didn't you have
13 any difficulties to do so? Now that you know that he was the
14 Chairman of S-21, what do you think about this today? What do
15 you think about his character?

16 A.Yes, Mr. Counsel. After knowing that he was the former Chief
17 of Tuol Sleng Prison, and I am now the character witness, I will
18 respond to the question, only the truth. But I don't know what
19 to do that I know that he was the former Chief, so I will use my
20 best effort to respond to the question as asked and instructed by
21 the Trial Chamber, but based on my observation upon his
22 character, it's only those that I describe.

23 [16.11.47]

24 Q.And you also described him to us as someone who you very much
25 appreciated during the entire period you knew him. Is that the

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1 case? You liked him, and you described his qualities during this
2 period when you knew him. Isn't that so?

3 A.Yes, Mr. Counsel. I did say that I appreciate him, based on
4 his performance and his acumen. This is his good deed, but I
5 have no idea what he did in the past. This is -- I can tell you
6 the truth.

7 Q.This is indeed what the Chamber was expecting from you, that
8 you say the truth. And you provided -- you gave the detail of
9 what you knew of the accused and I thank you for this. On behalf
10 of the defence, I thank you for having come all the way to this
11 Chamber to speak to us about the character of the accused, and we
12 have no further questions to put to you.

13 MR. ROUX:

14 Mr. President, I thank you.

15 MR. PRESIDENT:

16 Thank you, Mr. Chou Vin, that you appeared to provide testimony
17 to the Trial Chamber as per our summons, and we noticed that you
18 faced some difficulty to respond to some questions from the Bench
19 and from other parties to this proceeding.

20 However, the Trial Chamber noted that you spent your best effort
21 to perform obligation as the character witness, and your
22 testimony is coming to an end and you can go back to your
23 residence or you can go where you wish from this time on.

24 (Witness exits courtroom)

25 And the Court officer, please co-ordinate with the Witness and

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1 Experts Unit to help the witness so that he can return to his
2 home village, and the other two witnesses who are yet to be
3 heard, and please inform them that we don't have time for them
4 today and we would defer them to be heard for tomorrow morning.

5 And the Trial Chamber is now adjourned for today and we will
6 resume tomorrow from 9 o'clock.

7 The security, bring the accused to the detention facility and
8 bring him back before 9 o'clock tomorrow.

9 (Judges exit courtroom)

10 (Court adjourns at 1615H)

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