



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

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

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

អង្គជំនុំជម្រះសាលាដំបូង
Trial Chamber
Chambre de première instance

ឯកសារដើម
ORIGINAL/ORIGINAL
ថ្ងៃ ខែ ឆ្នាំ (Date): 27-Sep-2016, 11:45
CMS/CFO: Sann Rada

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

14 June 2016
Trial Day 418

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

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
SON Arun
Anta GUISSSE
KONG Sam Onn

Trial Chamber Greffiers/Legal Officers:
Roger PHILLIPS
SE Kolvuthy

Lawyers for the Civil Parties:
CHET Vanly
Marie GUIRAUD
LOR Chunthy
PICH Ang
VEN Pov

For the Office of the Co-Prosecutors:
Vincent DE WILDE D'ESTMAEL
Dale LYSAK
SONG Chorvoïn

For Court Management Section:
UCH Arun

I N D E X

Mr. KAING Guek Eav alias Duch (2-TCW-916)

Questioning by Mr. LYSAK resumes page 2

Questioning by The President (NIL Nonn) page 71

Questioning by Judge LAVERGNE..... page 90

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
The GREFFIER	Khmer
Mr. KAING Guek Eav (2-TCW-916)	Khmer
Ms. GUISSÉ	French
Mr. KONG Sam Onn	Khmer
Judge LAVERGNE	French
Mr. LYSAK	English
The President (NIL Nonn)	Khmer

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

2 (Court opens at 0900H)

3 MR. PRESIDENT:

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

5 Today, the Chamber continues to hear testimony of witness, Kaing
6 Guek Eav alias Duch.

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

9 THE GREFFIER:

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

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

15 The witness who is to continue his testimony today, that is, Mr.
16 Kaing Guek Eav alias Duch, is present in the courtroom.

17 Thank you.

18 [09.01.33]

19 MR. PRESIDENT:

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

22 The Chamber has received a waiver from Nuon Chea, dated 14 June
23 2016, which states that, due to his health, that is, headache,
24 back pain, he cannot sit or concentrate for long and in order to
25 effectively participate in future hearings, he requests to waive

2

1 his right to be present at the 14 June 2016 hearing.

2 Having seen the medical report of Nuon Chea by the duty doctor
3 for the Accused at the ECCC, dated 14 June 2016, which notes that
4 Nuon Chea has a severe back pain and feels dizzy when he sits for
5 long and recommends that the Chamber shall grant him his request
6 so that he can follow the proceedings remotely from the holding
7 cell downstairs, based on the above information and pursuant to
8 Rule 81.5 of the ECCC Internal Rules, the Chamber grants Nuon
9 Chea his request to follow today's proceedings remotely from the
10 holding cell downstairs via an audio-visual means.

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

14 I'd like to hand the floor, again, to the Deputy Co-Prosecutor to
15 continue putting further questions to the witness.

16 You may proceed.

17 [09.03.15]

18 QUESTIONING BY MR. LYSAK:

19 Thank you, Mr. President. Good morning, Your Honours, counsel.

20 Good morning, Mr. Witness.

21 Q. When we left off yesterday, we were talking about Khieu
22 Samphan and you had referenced a discussion with Pang where he
23 had told you about Khieu Samphan participating in the decision to
24 -- the meeting where a decision was made to arrest the West Zone
25 secretary, Chou Chet, alias Si. I want to read to you something

1 --

2 MR. PRESIDENT:

3 Please hold on.

4 And Defence Counsel Anta Guisse, you have the floor.

5 [09.04.07]

6 MS. GUISSÉ:

7 Thank you, Mr. President.

8 First, I would like to apologize to the Chamber because
9 yesterday, when I was on my feet, I was speaking about a document
10 from 1999, and I got confused. The document which the
11 Co-Prosecutor's referring to, E3/347, is, indeed <not - excuse
12 me, I have a problem with - I'll use this microphone> -- the
13 document E3/347 is not the interview with Nate Thayer, but with a
14 member of the UNHCR. And the segment, at ERN French, 00160922;
15 and in English, 00184998; in which the witness refers to a
16 conversation he had with Pang, well we should note that it is
17 following interviews that <were> connected to confessions, so I
18 <object to continuing this line of questioning,> if we're going
19 to base ourselves on the confessions from Pang.

20 MR. LYSAK:

21 That's not what this says. It says it was after his confession
22 was done. He's made different statements on this, too, in his
23 prior testimony as to exactly when this took place. This is
24 certainly an issue that counsel can cross-examine the witness on.
25 I'm moving on to a different issue from that. She is certainly

4

1 entitled to cross-examine and find whether and exactly the
2 circumstances of his discussion with Pang.

3 [09.06.09]

4 MS. GUISSÉ:

5 Well, let me then quote more specifically what is indicated in
6 the statement so that we are clear about this: <"If we are to>
7 believe Chhim Sam Aok's confessions, alias Pang, after Pang
8 finished writing out his confessions, I spoke to him." <End of
9 quote. In> the same way, yesterday, we said that as of the moment
10 when a person is questioned and had been questioned at S-21 <and>
11 when a person was a prisoner at S-21, anything regarding this
12 person's confessions is tainted and should not be used in a
13 proceeding <before this Chamber>."

14 MR. PRESIDENT:

15 Judge Lavergne, you have the floor.

16 [09.07.05]

17 JUDGE LAVERGNE:

18 Yes. Thank you, Mr. President.

19 I'm a little bit <uncomfortable> by Counsel Guisse's
20 observations. We know that the witness had strong ties with Pang
21 because Pang, owing to his duties, <had the opportunity to meet
22 with> the witness. We know that Pang was also detained at S-21.
23 We have Pang's confessions as well <in the file>. Unless you can
24 demonstrate to us that the information in question comes from the
25 confessions <that we have in the file>, I cannot see how, on the

5

1 basis of this simple note, you can assert that the information
2 provided by Pang were given under torture.

3 MS. GUISSÉ:

4 Well, Judge Lavergne, I have a hard time understanding your
5 remark. First of all, this simple note, a priori, <these> are
6 witness statements that state<, if we are to believe --> The
7 sentence <starts out like that, I'm not the one who - I'm not the
8 one making the assumption, it starts out:> "If <we are to>
9 believe Chhim Sam Aok's confessions, alias Pang", so it is the
10 witness himself who says that this conversation took place when
11 Pang was at S-21 and confessed.

12 [09.08.28]

13 It's not I who am saying this. It is the witness who places this
14 interview at <that> specific moment.

15 And second of all, if I refer to the Chamber's decision
16 yesterday, it's not up to me to prove that these statements made
17 by Pang were not made under torture, but up to the person who is
18 going to use elements coming from S-21 confessions to prove that
19 these elements are not tainted by torture.

20 So, here there's kind of a reversal of the burden of the proof
21 that -- which I do not understand.

22 [09.09.05]

23 JUDGE LAVERGNE:

24 You're not quoting -- you're not quoting a statement coming from
25 the confessions. We agree here. This is not a quote coming from

6

1 Pang's confessions. This is something that is much more informal.
2 And we have Pang's confessions on the case file, so you should
3 refer to the confessions to know what they contain and if,
4 indeed, this does come from the confession.

5 In any case, I think you were referring to a question that was
6 put yesterday by the Co-Prosecutor, and I do not believe that the
7 objection is founded on the questions that were put this morning,
8 so maybe we can move ahead and then you will have the opportunity
9 when you will cross-examine to put the questions that you wish to
10 clarify this issue.

11 MS. GUISSÉ:

12 I'd like to specify <again that I stood up> because -- because
13 the Co-Prosecutor said that, "You had<", started with "you had> a
14 conversation with Pang", and that's where we stopped yesterday.
15 So I was just reacting to this information<, noting this document
16 E3/347>.

17 So, of course, the Chamber can issue its decision, but at least
18 my comments are on the record now.

19 [09.10.14]

20 BY MR. LYSAK:

21 If I can proceed. Since this issue was raised, why I don't ask a
22 question to the witness now and Counsel can follow up further on
23 this.

24 Q. Mr. Witness, your conversation with Pang where he talked about
25 Khieu Samphan, was that part of his interrogation and confession,

7

1 or was that a separate conversation you had with him?

2 Can you give us some clarification on that?

3 MR. KAING GUEK EAV:

4 A. Allow me to clarify the matter.

5 At that time, Brother Son Sen had gone to the front battlefield,
6 and Brother Nuon sent Pang to take charge of S-21. I asked Pang
7 in his capacity as my superior, that is, someone who was in
8 charge of S-21. I recall that the confession of Pang was not
9 important, as he made so many denials. And what I reported in
10 this testimony in relation to <Pang's statement>, in fact, <it>
11 was in his capacity as my superior in his replacement of Brother
12 Nuon.

13 [09.11.47]

14 Q. All right. What I want to actually ask you about now is a
15 statement made by Khieu Samphan himself when he was interviewed
16 by Steve Heder. This is document E3/203, Khmer, ERN 00385413
17 through 14; English, 00424016; French, 00434236 through 237.
18 Again, the document is E3/203.

19 And let me read to you a segment from this interview.

20 Question: "What I wanted to ask was, at the time, was about
21 anyone who was accused of being either CIA agents or "Yuon"
22 agents, I want to ask if any of them were accused of being "Yuon"
23 agents in order to kill them, in order to kill true patriots. Did
24 that happen among the upper echelon?"

25 And Khieu Samphan's answer:

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

8

1 "Yes. There was a comrade in the West. He was accused by the
2 "Yuon" agents. They were responsible for that. They accused him.
3 However, they were not successful because we investigated the
4 case in a timely manner." End of quote.

5 [09.13.24]

6 And in an article Steve Heder wrote at E3/3169, Khmer, 00711413;
7 English, 00002771; French, 00722090; Heder wrote the following
8 about this statement, quote:

9 "This was evidently an allusion to the investigation he conducted
10 in the West Zone in August 1977, and Pol Pot's resulting decision
11 to kill zone secretary Chou Chet, but not his deputy, Heng Pal."
12 End of quote.

13 You told us about your discussion with Pang about Khieu Samphan's
14 participation in the meeting. Did you hear anything about Khieu
15 Samphan's participation in an investigation of who to arrest in
16 the West Zone?

17 [09.14.52]

18 A. First allow me to clarify the names that you stated. <The
19 deputy> of the West -- deputy secretary of the West Zone was not
20 Heng Phal (phonetic), but Heng Pal, and his <original> name was
21 Huot Heng (phonetic). And Brother Hem liked to call him Heng Pal.
22 And allow me to reiterate the matter related to Comrade Pang.
23 When I questioned him about Brother Hem or Brother Si, I
24 questioned him in his capacity as my superior and who actually
25 came to take charge at S-21 and that I worked with him.

1 When the Standing Committee held a meeting to decide <on> the
2 arrest of Brother Si and what was the comment made by Brother
3 Vorn, that's what I questioned him on. And this Comrade Pang did
4 not have any authority to attend meetings at 870. However, he was
5 there to <send> invitation to <people> to attend the meeting
6 based on the instructions of Uncle Pol. And that time, Comrade
7 Pang said Brother Vorn was there, but Brother Pol didn't assign
8 him to assign -- didn't ask him to invite him, but to invite
9 Brother Hem instead.

10 So Pang did not attend the meeting, but he was the one who went
11 to give invitations to those who had to attend the meeting. And I
12 was suspicious of Brother Pang<'s confession, in which he said>
13 that Brother Si was arrested because Brother Mok hated him, and I
14 questioned Pang on this. And Pang said Brother Vorn did not
15 attend the meeting and that he trusted Vorn more than Mok in the
16 judgment against Brother Si.

17 So I hope that is clear. And I do not know whether I fully
18 answered your question or maybe only answered half of your
19 question.

20 [09.17.44]

21 Q. Thank you, Mr. Witness.

22 I wanted to follow up on something you said. You indicated that
23 Brother Hem liked to call Pal by a certain name. How did you know
24 what Khieu Samphan liked to call Pal? How do you know that?

25 A. I learned of the matter at a later stage regarding this

10

1 person, Heng Pal.

2 Q. I want to ask you about another thing of part of Khieu

3 Samphan's testimony when he was giving interviews to the

4 Co-Investigating Judges.

5 He has denied having knowledge of any arrests during the DK

6 regime. He claims he only learned after 1979, that people had

7 been arrested.

8 [09.18.54]

9 I want to read to you a specific excerpt. This is from his

10 interview on the morning of 14 December 2007, E3/37, E3/37;

11 Khmer, ERN 00156675; English, 00156753; French, 00156680.

12 And in this interview, Khieu Samphan was discussing his

13 relationship with Sua Vasi, alias Doeun, and how the two of them

14 had been on the -- a committee related to the Office 870, the

15 political committee. And this is what he said about Sua Vasi when

16 he was asked about his arrest, quote:

17 "He was arrested in 1977, but I only discovered that fact after

18 the fall of the Khmer Rouge, that is, after 1979. I was not

19 surprised by his absence because, as I've said, each of us had to

20 concentrate on his or her own tasks. He traveled quite a lot,

21 Doeun. No one knew where he was except the members of the

22 Standing Committee." End of quote.

23 I want to get your reaction to this, Mr. Witness, and

24 specifically, was it well known -- very well-known during the

25 Democratic Kampuchea regime that prominent leaders such as Koy

11

1 Thuon, Chakrey, Doeun and others had been purged?

2 [09.21.02]

3 MR. PRESIDENT:

4 Witness, please hold on.

5 And Counsel Kong Sam Onn, you have the floor.

6 MR. KONG SAM ONN:

7 Thank you, Mr. President.

8 I object to the question by the Deputy Co-Prosecutor. In order to
9 seek comment from the witness or to seek his understanding of the
10 fact mentioned in his question, it is not appropriate to ask the
11 witness to make comments on the question, as he does not have to
12 ascertain the truth in this matter.

13 [09.21.44]

14 MR. LYSAK:

15 Very briefly, Mr. President, it's something the Defence Counsel
16 do all the time. But my question to him is a specific one, was it
17 well known that people like Doeun, Koy Thuon and others were
18 arrested. Was that well known? So it's a specific question within
19 his knowledge.

20 MR. PRESIDENT:

21 The question is permissible. However, the Chamber has reminded
22 parties to be careful with the words in the question, namely, to
23 ask for the witness to react and not to ask for his understanding
24 since when you ask for an understanding, it is a rather
25 subjective matter.

12

1 It would be more appropriate to ask for his reaction or his
2 observation, so it is just a matter of wording that you use so
3 that there won't be so many interruptions.

4 And Mr. Witness, please respond to the question put to you last
5 by the Deputy Co-Prosecutor, if you still recall it.

6 [09.23.24]

7 MR. KAING GUEK EAV:

8 Mr. President, allow me to clarify that for some well-known
9 individuals who were arrested and sent to S-21, <there were> two
10 categories.

11 <In the> first category, they were arrested and the information
12 was not leaked out, even some staff at S-21 <did not know about
13 it>. However, later on, it was leaked.

14 In the case of Koy Thuon, after his arrest, Koy Thuon confessed
15 and, one day, Brother Pol asked Brother Khieu, that is, Son Sen,
16 to disseminate confessions of certain individuals, including
17 those of Pang, Koy Thuon and Ya. And that was held at the
18 stadium, at the basketball court.

19 At that time, I did not attend that dissemination, and the
20 purpose was to disseminate those confessions.

21 And later on, Brother Pol, during the 17 April 1977 anniversary,
22 spoke about the arrest of Brother Ya and Brother Khuon. He stated
23 that Ya was the 10th person in the Party, so <Ya> was under Khuon
24 but, under the CIA flag, it was the opposite. And that was based
25 on the confessions from S-21 on the CIA network.

13

1 [09.25.32]

2 Ya actually instructed Khuon to do this or do that. But Khuon was
3 the ninth person <in the Party,> so that information was
4 disseminated widely. And people in the rank, that is, in the
5 cadre and the youth ranks, knew about that.

6 Even when the Party removed Koy Thuon -- that is, after he had an
7 affair with a man's wife and, later on killed that man, <that's
8 comrade Long>, the Party removed <Khuon> from <the> commerce
9 office. And that information was also known to S-21.

10 From my recollection, he was removed in April 1976. And of
11 course, that information should not <have been> leaked to S-21.
12 However, unofficially, we knew about it. As for Sua Vasi alias
13 Doeun, actually <he asked to leave the Central office, and>
14 requested to become <the minister of> the Ministry of Commerce
15 <to replace Brother Khuon>.

16 So this is what we learned, either officially or not officially.
17 However, if he said that he learned of that information after
18 1979, I believe he <was> not courageous. He <was> not that brave
19 enough as a revolutionary. He should <have served> the people,
20 and if he made <a> mistake, he should <have expressed> his
21 remorse or regret to the people.

22 [09.27.23]

23 Q. On the issue of confessions being read at Party meetings, I
24 want to ask you about something from David Chandler's book,
25 "Voices From S-21". This is document E3/1684, E3/1684; Khmer, ERN

14

1 00192046; English, 00192873. And this is something that appears
2 in a footnote 47. There's no French translation of the footnote
3 at this time. This is what David Chandler wrote, quote:

4 "Ney Sarann, alias Ya -- Ney Sarann's former bodyguard,
5 interviewed in Ratanakiri by Sara Colm in 1996, on condition of
6 anonymity, recalled Khieu Samphan reading aloud from Sarann's
7 confession for three hours at a Party meeting." End of quote.

8 Did you ever hear of Khieu Samphan reading from S-21 confessions
9 at political education or Party meetings?

10 [09.28.55]

11 A. I am surprised by that excerpt. If it is a text from David
12 Chandler, the text <used very difficult language> in that sense.
13 Ney Sarann was not a bodyguard. He was <the> secretary of the
14 Northeast Zone. And Brother Hem never went to make such
15 announcement in public. Brother Hem was <very> secretive since
16 <the> time he went into the forest.

17 Q. I think the quote may have gotten mistranslated. It was a
18 former bodyguard of Ya who was interviewed and who said this, so
19 it was a bodyguard of Ya who told a person that was interviewed
20 that he was a Party meeting, not a public -- at a Party meeting
21 where Khieu Samphan read from this confession, Ya's confession.
22 My question is simply a yes or a no. Did you ever hear of Khieu
23 Samphan reading S-21 confessions at any Party meetings? Not
24 public meetings, but Party meetings.

25 A. No, I did not. I did not hear him reading it. And I do not

15

1 want to speak about the way that David Chandler wrote his book.

2 [09.30.52]

3 Q. And on the same subject, announcements within the Party about

4 arrests of high level cadres, I also want to read to you an

5 excerpt from the May to June 1978, Revolutionary Flag. This is

6 document E3/727, E3/727; Khmer, 00064556 -- I'm sorry, 64566;

7 English, 00185333; French, 00524460.

8 And the following statement appears in that issue of

9 Revolutionary Flag, quote:

10 "The despicable Chakrey, the despicable Chhouk, the despicable

11 Thuch, the despicable Doeun, the despicable Phim, the despicable

12 Si, the despicable Keo Meas, and the despicable Chey were all

13 CIA. The only difference among them was that some of these CIAs

14 were more on the American side, while others were more on the

15 'Yuon' side." End of quote.

16 [09.32.20]

17 Do you remember -- do you remember, Mr. Witness, there being

18 discussion of purges of these high level cadres in Revolutionary

19 Flag and the names that were just listed here, other than So

20 Phim, were all of these people -- Chakrey, Chhouk, Koy Thuon

21 alias Thuch, Doeun, Si, Keo Meas, were all these people, people

22 who had been in prison and executed at S-21?

23 A. First of all, I would like to recall the names once again.

24 Chakrey was sent to S-21. The same applies to Chhouk, Thuch or

25 Koy Thuon, Comrade Doeun<, they> were all sent to S-21.

16

1 And I could not read another name from the document. Brother Si
2 was sent to S-21. Keo Meas and Brother Chey were also sent to
3 S-21.

4 And there is another individual, Brother Phim. Brother Phim was
5 not sent to S-21.

6 Q. Thank you, Mr. Witness.

7 Let me turn to something you referenced yesterday. I want to ask
8 you some questions about the meeting you attended that was led by
9 Khieu Samphan in early January 1979. You told us a little bit
10 about that yesterday.

11 How many people in total were present at this meeting that you
12 were brought to that was led by Khieu Samphan?

13 [09.34.50]

14 A. I cannot recall how many of them were present. However,
15 Comrade Roeung, the chief of state warehouse, pushed me <a> chair
16 to sit on. I know that there were other individuals at the
17 meeting.

18 Let me make my observation. The meeting was held on the 6 January
19 1979, 30 hours, perhaps 27 hours, perhaps, before the invasion of
20 "Yuon" into the country. At the time, I was called by Comrade Lin
21 to go and work with brothers or a brother. I thought I would be
22 working with Brother Nuon at the time but, in fact, when I
23 arrived, I saw Brother Hem <with several others individuals
24 outside>.

25 [09.36.04]

17

1 I decided to go since I thought that Lin would not do anything
2 without instruction <from Brother Pol>. When I arrived at that
3 location, <Comrade Roeung pushed me a chair to sit on, and> I saw
4 six or seven people at that place, <however, I did not know them
5 all>.

6 Let me say, it is my observation, <at> the time <Brother> Cheng
7 An <was> arrested, <Hok who> was from industry, <was also
8 arrested>. And I know other individuals were also arrested.

9 Brother Rith from the state's warehouse <-- sorry, the Ministry
10 of Commerce,> was not arrested by then, but he was not there at
11 the meeting.

12 This is my observation that I would like to provide to you, Mr.
13 Co-Prosecutor.

14 Q. Just so we're clear, your best estimate is that there may have
15 been six or seven people at this meeting, so this certainly was
16 not a meeting where there were many people. Am I correct, then,
17 that it was a relatively small number of people at this meeting?

18 A. The meeting was meant to discuss the work issues, and also to
19 disseminate information to <the chiefs> of units under the
20 chairmen of the committees surrounding the Centre. And the people
21 at that meeting were around <> seven, <at> most.

22 Q. So when you show up at this meeting, Lin brings you, Khieu
23 Samphan's there. You enter this room with the small number of
24 people.

25 Did Khieu Samphan ask who you are, why are you at this meeting,

18

1 or did he understand that you were coming to this meeting?

2 [09.38.29]

3 A. I don't think I can answer to the point, but I'm talking to my
4 recollection. When I arrived at the <main gate of the> Buddhist
5 school, Suramarit Buddhist school, Lin pushed <my shoulder to go
6 ahead> and a chair was given <> to me <by Comrade Roeung>.
7 Brother Hem at the time did not say any words to me, and he did
8 not invite me to take the seat. <After I took the seat, he
9 started to address the issue concerning the fact that the>
10 Vietnamese were approaching, and <he said, "Do not panic because
11 Comrade> Roeun and San were <defending> there." And we were
12 advised and encouraged to <keep doing> our work <as usual>. The
13 meeting was held on the ground floor at Suramarit Buddhist
14 School. There were no walls, and the guards may have been able to
15 observe the process of the meeting from afar at the time.

16 [09.39.52]

17 Q. Just so we're clear, do I understand -- am I correct, then,
18 that when you arrived at this meeting, Khieu Samphan was not
19 surprised and he didn't stop and ask you who you are and why are
20 you here? He said nothing when you arrived at this meeting.

21 A. He was acting normal at the time. He did not say a word to me.
22 And after I took the seat, he started to address <the situation>.
23 And I presume that he had known me in advance already, but we
24 <had not seen> each other before.

25 Q. And at this meeting, did Khieu Samphan give instructions or

19

1 orders to the people who were present?

2 A. There was an instruction to all of us. He said the situation
3 was normal. <We should not panic.> We were encouraged to work as
4 normal as well.

5 Q. And in the meeting, did he talk about the military situation
6 and refer to some of the specific military commanders and what
7 they were doing?

8 A. He did not discuss any other matters in length. He only stated
9 that the situation was normal. The situation was normal. Comrade
10 Roeun and San were defending the country, and we were told to
11 proceed with our normal work. That was his summary instruction.

12 [09.42.19]

13 Q. And I know who these two people are, but can you explain to --
14 identify for the Court who Comrade Roeun and Comrade San were?

15 A. Comrade Roeun was a secretary of a division, to my
16 recollection, secretary of Division 801. As for San, he was a
17 secretary of another division. To my recollection, San was the
18 secretary of a strong division, that is, Division 920.

19 Q. Thank you, Mr. Witness. Let me move on to another subject.

20 I want to talk to you about arrests of S-21 staff or cadres.
21 The S-21 records show a significant number of S-21 cadres
22 arrested 1977, 1978. Did you make the decisions to arrest those
23 people, or did your superiors make those decisions?

24 [09.44.10]

25 A. That was clear. Most of those who were arrested were the

1 former resistance in the city <of Phnom Penh>. And members of
2 Division 703 were arrested, so people from the city were arrested
3 since the time Nat was the chairman, to my recollection.
4 At the time, Nat made a report to the upper echelon <in his
5 capacity as chief of S-21> for the decision <from> the upper
6 echelon. Later on, some members of Division 703 were still
7 working at that location, and <there was an incident, Hor
8 reported to me about the incident, and then>, I made a report to
9 the upper echelon. And I could only make the arrests as long as I
10 got the permission <from the upper echelon>. There was a case,
11 Peng, was allowed -- allowed <Kang (phonetic)> to crawl and get a
12 weapon <from the special unit>. And after that, a fire took
13 place. And that person <shot at the special unit. After the
14 incident, I did not dare remove anyone because there was no
15 instruction from the upper echelon. However, Peng was still
16 allowed to be chief of the special unit>.
17 So, I only could make a report to the upper echelon after the
18 <shot was fired>. I <immediately> made a <telephone call to>
19 report to <Brother Son Sen> after Hor told me about the issue.
20 <After we took care of Kang (phonetic), it was done.>
21 There was another case, a young boy from <a Regiment under>
22 Division 310. When that young boy entered a front building in
23 S-21 compound, <there was> one individual <carrying an> M-16
24 <rifle to work near the place, and then contemptible Vun
25 (phonetic) grabbed the rifle, and> fired <at the guards> at that

21

1 location. Hor made a report to me about that incident, <and I
2 immediately reported to the upper echelon>; <Vun> (phonetic) was
3 <shot and> killed <later on>. <I believed he also knew about
4 that. However, the one who carried the rifle carelessly was not
5 punished.> These were the two examples which the upper echelon
6 made the decisions on the two incidents. <I recall the two actual
7 examples.>

8 [09.47.10]

9 Q. You've talked extensively in the past about the arrest of Huy
10 Sre, the head of Prey Sar.

11 What I wanted to ask you about is when Huy Sre was arrested, was
12 his wife also arrested, and what happened to her?

13 A. Thank you. There was continuing issues with Huy Sre and Hor
14 reported the matters to me. And I forwarded the report up the
15 line <subsequently>.

16 What <Comrade Hor suspected> the most was concerning a radio
17 operator at the "srae" (phonetic) or at the field. That radio
18 operator fled the field and the mistakes of Huy Sre <were>
19 doubled <>. And after the instruction of the upper echelon, I,
20 together with Hor, started to make a plan to arrest Huy Sre. <At
21 the time, it was Uncle Nuon who made the decision regarding that
22 matter, not Brother Son Sen.>

23 [09.48.46]

24 Q. And who was the superior that you reported to who made the
25 decision on what to do with Huy Sre?

22

1 A. Uncle Nuon. That is Nuon Chea -- Mr. Nuon Chea.

2 Q. And what about his -- Huy Sre's wife and -- I don't know if
3 they had children. What happened to his wife and children when
4 Huy Sre was arrested?

5 A. After the husband was <arrested>, the wife was automatically
6 arrested. Khoeun was arrested then by S-21, and they had a young
7 child, less than one year old. And that child was also arrested.
8 This was the principle of the upper echelon.

9 Q. Did either Huy Sre's wife, Khoeun, or their one year old child
10 survive?

11 A. After they were arrested, all of them were smashed. That <was>
12 the principle.

13 There was <only one> case that the arrestee was not -- was not
14 smashed. That was the case of Dy Phon <alias Thuk>.

15 [09.50.38]

16 Q. Since you brought up Dy Phon, let me ask you -- there was
17 something I wanted to ask you about Dy Phon.

18 You've indicated that after he was arrested, you got a phone call
19 or you were contacted by Nuon Chea and instructed to keep him
20 alive because they needed a dentist. How did Nuon Chea know that
21 this dentist, Dy Phon, had been arrested and sent to S-21?

22 A. Let me clarify that Dy Phon, Pol and Brother Hem had known
23 each other, and yesterday, perhaps I overstated that Pol Pot and
24 Dy Phon were friends. And they joined the Party together in
25 France.

1 However, after Dy Phon arrived, Dy Phon could not make way into
2 the <Central office>. Before 1970, that is, <during> the coup
3 d'état, Dy Phon had engaged in various activities.

4 [09.52.17]

5 Q. When -- do you remember whether Dy Phon had a wife and whether
6 she arrived at S-21 at the same time as him?

7 A. Dy Phon's wife was my teacher when I was in mathematics class.
8 <Tann> Pauline was teaching natural science. They were
9 progressive people, that is, those who loved the Communism and
10 served Communism. Pauline <had an older sibling who> was very
11 active, and <> her brother's name was <Tann Nok> (phonetic), <an
12 electricity> engineer.

13 When her husband went into the jungle in 1970, Pauline was still
14 at Phnom Penh. She did not go with Dy Phon. And later on, Dy Phon
15 married another woman, <a> widow. So later on, Tann Pauline went
16 to France.

17 That is why I said I am expecting <to see> the two women, <that
18 is, Tann Pauline and Chau Seng>. If they come to the Court, I
19 would pay my respects to those two women. And I would like to
20 apologize for not being able to secure the life of their husband.

21 Q. Mr. President, with your leave, I would like to present an
22 S-21 list to the witness at this time. It's document E3/2175,
23 E3/2175. With your leave.

24 MR. PRESIDENT:

25 You may proceed.

24

1 [09.54.43]

2 BY MR. LYSAK:

3 And if we can show this on the screen.

4 Q. The list I've just handed you, Mr. Witness, is a list of
5 prisoners from the Ministry of Social Affairs. And if you first
6 look at number 6 on the list, number 6, you'll see the name of Dy
7 Phon, alias Thuk -- I'm not sure if I'm pronouncing his alias
8 correctly -- Technical Committee at Social Affairs entered on the
9 10th of December 1978.

10 Is that the person -- the same Dy Phon, the dentist we've been
11 discussing?

12 [09.55.42]

13 MR. KAING GUEK EAV:

14 A. Yes, that is Dy Phon that we have just been discussing.

15 Q. And if you'd look down towards the end of the list, number 25
16 on the list is a female named Oeung Huon, alias Van, 36 year old
17 who's identified as the wife of the contemptible Thuk, Dy Phon's
18 alias, who entered on the same date as Dy Phon.

19 Was this the second wife of Dy Phon? Do you remember this woman,
20 Mr. Witness?

21 A. Comrade Van was the second wife of Dy Phon.

22 Q. And when Nuon Chea contacted or called you to -- and told you
23 to spare the life of the dentist, Dy Phon, did he also instruct
24 you to spare the life of his wife, or was she executed?

25 A. Brother Nuon invited me to work with him, and he demanded that

25

1 Dy Phon was to be spared. And I was reluctant at that time. He
2 said that my teeth were not good, so we all needed to spare the
3 life of Dy Phon as the dentist. <In fact, I did not dare disobey
4 Pol Pot's instructions.> And after my arrival at my office, I
5 forwarded the instruction to release Dy Phon. <I did not get any
6 instruction from Brother Nuon in relation to the case of Comrade
7 Van.>

8 Concerning Comrade <Van>, I do not know what happened to her. I
9 did not even know at the time that she was there in S-21. <I just
10 now saw her name in the list.> She may have been smashed. <I do
11 not know what happened to her child with her ex-husband. Her
12 ex-husband was Hang (phonetic).>

13 [09.58.08]

14 Q. Thank you. Let's go back to the -- we were talking about
15 arrests of S-21 cadres. I had already asked you about Huy Sre,
16 and we talked about his wife and son.

17 Mr. President, I'd like to, at this time, provide to the witness
18 document E3/3694, E3/3694. And it is a note that was written by
19 -- we believe by the witness on the cover page of an S-21
20 confession.

21 With your leave, may I provide this to the witness?

22 MR. PRESIDENT:

23 You may proceed.

24 [09.59.11]

25 BY MR. LYSAK:

26

1 Q. The document I've handed you, Mr. Witness, E3/3694, it's the
2 cover page of the confession of a person named Vong Sam Ath,
3 alias Vong Oeun, who's identified as an interrogator combatant at
4 S-21. And there is a handwritten note that appears on the page in
5 red ink.

6 If we can show that on the screen and magnify it a little. If you
7 have a hard time reading that, I've also provided a magnified
8 copy at the end if you look at the very last page. That might be
9 easier to read your handwriting.

10 This is what is indicated in this note that we're looking at. It
11 states:

12 "To respected brother. This bastard carries out activities within
13 the S-21 interrogator group. Unlike the previous two persons, he
14 acts only among his colleagues, who are the interrogators and
15 guards in S-21. Respectfully, Duch." Dated the 26th of March
16 1978.

17 My first question, who was the "respected brother" to whom you
18 wrote this note on 26 March 1978?

19 MR. KAING GUEK EAV:

20 A. Regarding the month of March 1978, so it's -- I actually
21 separated from Son Sen on the 15th of August <'77>. And here, the
22 "respected brother" refers to Brother Nuon.

23 [10.01.39]

24 Q. Did you receive any instructions from Brother Nuon in response
25 to your note regarding the interrogators and guards at S-21 who

27

1 were named or who had been implicated?

2 A. As a principle regarding the arrest of staff of S-21, I made
3 the report to the upper echelon and then the upper echelon would
4 decide. And normally, <after someone was arrested,> it <meant>
5 that the person had to be smashed.

6 Q. And in 1978 when you were reporting to Nuon Chea, were all the
7 arrests of S-21 cadres approved or ordered by Nuon Chea?

8 A. At S-21, I never made decision to make any arbitrary arrests
9 without the authorization from Brother Nuon. And that was the
10 <principle>.

11 [10.03.16]

12 Q. Mr. President, I'd like to provide, with your leave, at this
13 time document E3/10376, E3/10376, which is a list titled "List of
14 prisoners from the S-21 office", for the months of February --
15 covering February and March 1978.

16 MR. PRESIDENT:

17 Yes, your request is granted.

18 BY MR. LYSAK:

19 Q. If you just take a brief look at this S-21 prisoner list, Mr.
20 Witness, there are 22 people named here, including the person
21 whose confession we just looked at, on which you had written an
22 annotation, Vong Sam Ath.

23 My question to you is a general one about the people on this
24 list. Was it Nuon Chea who ordered the arrests of these persons,
25 and do you remember why the people on this list were arrested?

1 [10.05.04]

2 MR. KAING GUEK EAV:

3 A. The event happened many years ago. As for the arrest of these
4 people, forces were <actually working at S-21 and> they were from
5 former Division 703, and Hor was the one who organized that. <He
6 made a report to me, and I then made a report to the upper line>.
7 And at that time, there were rather consecutive arrests of those
8 individuals.

9 As I said, in principle, Comrade Hor and I never dared to make
10 any arbitrary arrests without authorization from the upper
11 echelon. Nat once used to make arbitrary arrests and, of course,
12 those who <dared make their own decisions without any
13 instructions from the upper echelon would not be spared>, that
14 is, heads of security centres throughout the country, <about 200
15 of them> were arrested and smashed, or if any head of security
16 offices made any arbitrary arrests <or was involved with moral
17 offences> or involved in taking war spoils, they would be
18 arrested and killed. This is my personal conclusion, anyway.

19 Q. Mr. President, may I also provide another list to the witness?

20 It's document E3/9905, E3/9905, with your leave.

21 [10.06.44]

22 MR. PRESIDENT:

23 Yes, your request is granted.

24 BY MR. LYSAK:

25 Q. The other group that I wanted to ask you specifically about

29

1 the people who worked at S-21 were the medics. And in the list
2 I've just handed to you, E3/9905, if we can show this on the
3 screen, Khmer page 01011302, numbers 12 through 14 on this list
4 who I've highlighted were three of the medics at S-21.

5 Number 12, Pheng Try, identified as chairman of S-21 medical
6 office, arrested 10 May '78. Number 13, Chhim Sam Oeur, alias
7 Set, arrested 6 April '78. Number 14, Chheng Pao, arrested 8 May
8 '78.

9 We've also heard testimony from some medics and some statements
10 that most of the senior medics at S-21 were arrested at some
11 point in 1978.

12 My question to you, why were these medics -- why were the medics
13 at S-21 arrested, and was this something that was ordered by Nuon
14 Chea? What do you remember about the arrests of the medics that
15 you can tell us?

16 [10.08.38]

17 MR. KAING GUEK EAV:

18 A. Amongst the three medics, the one <who> was close to me, <the
19 one who frequently went back and forth from S-21 to the hospital
20 98>, was Comrade Try.

21 I do not recall the mistakes that Comrade Try made. However, the
22 main principles remained. Hor reported to me and I made the
23 request to the upper echelon. <Comrade Try> was the one who
24 supervised these people <in that unit> at S-21.

25 As for Comrade Oeur, again, I did not know which offence he made.

30

1 But one day, he destroyed some materials at S-21 despite the
2 instructions from Hor.

3 [10.09.52]

4 I testified that I spent several months <gathering> important
5 documents from former Lon Nol officials, from Lon Nol's residence
6 and from various parties' offices. And that's from the military
7 headquarters as well. And I maintained those documents in an
8 orderly manner.

9 One day, Sam Oeur made a request to use part of a location to the
10 west of S-21 <as a hospital>, and Hor approved that. Then he went
11 to remove books in my library despite Hor's instruction not to
12 touch it, and he threw <away> those documents that I collected
13 and that I <had> compiled in a timely manner. Hor was worried, so
14 he came to me and invited me to go and inspect the scene.

15 And when I saw the scattered documents, I asked who did that. And
16 Sam Oeur came and he said that he kept new documents and papers
17 for me to use and that he would discard the old documents. And I
18 said, "How dare you do that? These documents <are as valuable as>
19 my life because I <went to collect> them for the Party." And that
20 was the <last> mistake he made, so I made that report to <Brother
21 Nuon to ask for a decision>.

22 Regarding Comrade Pao, he came from Kaoh Thum, and he was a
23 former 703 soldier. One day, Hor came from working outside and he
24 had dysentery. And Pao gave him B Merk Sol (phonetic), that is,
25 medicine. And Hor was allergic to it, so I made an immediate

1 report to Son Sen.

2 And Son Sen said that that pill contained arsenic substance and
3 that I had to be vigilant with the medicines given to the cadres
4 by medics, so I did not know whether that was the offence that
5 led to his arrest or whether he was arrested on a different
6 ground.

7 [10.12.45]

8 To my conclusion, he was arrested at a later stage. I believe the
9 event that I just mentioned unfolded long before the date of his
10 arrest, because that happened in around 1977. And by 1978, it was
11 Try who used to come to my house. And these are the reasons for
12 their arrests.

13 At S-21, the arrests took place amongst those from the city group
14 since Nat left. Later on, the remnants of 703 <were> arrested and
15 Hor had to consider the free movement of former 703 staff and <he
16 had to monitor them all the time>.

17 [10.13.51]

18 As 17 individuals from Amleang, they were not touched by Hor
19 because I personally took those people from Amleang to work at
20 S-21. And if they -- any one of them <> made <any> mistake, then
21 a report had to be made to me and, of course, none of them ever
22 made any mistake.

23 This <was> the functioning of S-21. And <as for those from 703>,
24 Hor had to be very strict and vigilant in order to prioritize the
25 <work> at S-21 and for the proper functioning to be reported to

32

1 the upper echelon. And Hor never touched any of the staff that I
2 brought in from Amleang, since they were personally screened by
3 me before they were brought to S-21. That is all.

4 MR. PRESIDENT:

5 Thank you.

6 It is now convenient to have a short break. We'll take a break
7 now and resume at 25 to 11.00.

8 Court officer, please assist the witness at the break time and
9 invite him back into the courtroom at 25 to 11.00.

10 The Court is now in recess.

11 (Court recesses from 1015H to 1035H)

12 MR. PRESIDENT:

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

14 And the Chamber gives the floor to the Deputy Co-Prosecutor to
15 resume the questioning.

16 You may proceed.

17 BY MR. LYSAK:

18 Thank you, Mr. President.

19 Just time-wise to let you know, I'd hoped to finish this morning.

20 Things have gone a little slower the last few days. If I can

21 proceed to the -- 11.30, and then I may need a -- some additional

22 time in the afternoon. Not too much, hopefully, but if I can make

23 that request at the end at 11.30, let you know whether I need

24 another 30 minutes. It depends on how we proceed.

25 [10.36.06]

1 Q. I want to turn to some questions about the purge of the East
2 Zone, Mr. Witness. And I want to start with a document, E3/1688,
3 E3/1688.

4 If I may provide this to the witness, Your Honour, it is an
5 annotation or a note that appears written by the witness on the
6 cover page of the confession of Chap Mit, E3/1688, with your
7 leave.

8 MR. PRESIDENT:

9 Yes, please.

10 BY MR. LYSAK:

11 And if we can display this on the screen, this is the cover page
12 from this individual, who was a secretary of a district in Sector
13 22 of the East Zone.

14 Q. On this confession, you've written a note, Mr. Witness, and it
15 reads, "Submit to Pon". And then it states the following in
16 paragraph 2:

17 "Withdraw the name of Brother Chhien, Region 22, Brother Mon and
18 Brother Soe. In principle, Brother Number 2 has advised on 25
19 February 1978, that the names of Brother Soe, Region 23, Brother
20 Mon, Sector 23 (sic), Soth, 21, Chhien, Region 22, Tat and Sokh,
21 Division 170, and Tal, Division 290, must be withdrawn if they
22 appear in this confession."

23 [10.38.08]

24 My question to you, why did Nuon Chea, Brother Number 2, why did
25 he ask you to remove the names of these individuals from this

1 confession?

2 MR. KAING GUEK EAV:

3 A. This is the method or the reporting method of the confessions
4 and documents to the upper echelon. After the report, and if
5 there was an instruction by the upper echelon to <temporarily>
6 remove any <individuals' names>, I would have to revise the
7 document before that document was sent to the east, that is, the
8 chief of the east, Brother Phim. <That was the principle that we
9 followed at the time>.

10 [10.39.22]

11 So this document is the evidence that I <had> already sent it to
12 the upper echelon, <that is, Brother Nuon>, and the instruction
13 was to remove certain individuals<' names> and, also, the
14 suspicious activities relating to these individuals. <I ordered
15 Pon to retype the document based on the instruction to remove
16 those certain individuals' names.>

17 Q. Let me just read to you what you said on -- in your testimony
18 on 27 March 2012, document E1/54.1 at 10.26 to 10.29 in the
19 morning. You were asked:

20 "Q. Do you know why Nuon Chea advised you of this, to withdraw
21 the names?"

22 Your answer:

23 "We removed those names because we did not want them to be aware
24 that their names were implicated because this document was to be
25 sent to the Eastern Zone." End of quote.

1 Mr. Witness, what happened to the people who Nuon Chea had asked
2 you to remove their names from this confession? What later
3 happened to these people?

4 [10.40.53]

5 A. That was the temporary removal of the names so that Brother
6 <Number 2> could send the documents to Brother Phim for further
7 implementation. <Later on>, Brother Chhien, the secretary <of
8 22>, was arrested at the same time when the Party decided to
9 arrest Brother Phim.

10 Brother Mon was arrested under the decision of the Party as well
11 when the decision by the Party to arrest Brother Phim was made.
12 Regarding <Brother So,> Brother Tal, Brother Soth, Comrade Tat
13 and Comrade Sokh had been arrested first. They were in the
14 divisions of the Centre. These people <> were arrested. Comrade
15 Tat, Comrade Sokh and Comrade Tal had been arrested first, and
16 <those> from the east were arrested en masse on the day that So
17 Phim was arrested.

18 [10.42.30]

19 Q. Thank you, Mr. Witness.

20 Indeed, we have found all of these names in the OCIJ list, four
21 of them close to the time you're talking about.

22 I want to ask you about two of them that were arrested earlier,
23 relatively soon after the time you wrote this note. Division 170
24 secretary, Sokh -- Ke Sokh, alias Sokh, appears as number 2969 in
25 the OCIJ list. He entered on the 4th of March 1978, so a little

36

1 more than a week after this note, and was executed on the 11th of
2 May '78. His wife and his sons also were sent to S-21 later, on
3 the 17th of June '78, and executed the next day, 18 June.

4 Your Honours, these -- you'll find their names in the OCIJ list
5 at numbers -- the wife is number 10758, the sons of Division 170
6 secretary Sokh, are numbers 10753 and 754.

7 And Mr. Witness, the other person who was arrested closer to the
8 time of your note was Sector 23 secretary So, full name Uk
9 Savann, alias Uk Ngatt, alias So. He is number 5999, 5999, in the
10 OCIJ list, arrested on the 17th of March '78. His wife entered
11 S-21 on the 4th of April, was executed on the 5th of April. She
12 is number 9065, 9065. His son entered on the 4th of April, '78,
13 also number 9074, and his daughter entered on the 4th of April,
14 '78, and was executed on the 24th.

15 Your Honours, that is OCIJ number 9067.

16 My question, Mr. Witness, these two cadres and their families,
17 Division 170 secretary Sokh, Sector 23 sectary So, did Nuon Chea
18 ever tell you why these cadres, their wives and children were
19 arrested and sent to S-21? What was the reason for these people
20 being arrested?

21 [10.45.39]

22 A. I spent very minimal time working with Nuon Chea. Usually the
23 meeting with Nuon Chea lasted not more than 10 minutes, so after
24 he received the documents, he instructed So Phim to implement
25 <them>.

1 I heard from <Brother> Khieu about <Comrade Sokh>. I referred to
2 Son Sen when I <spoke with> Brother Khieu. He had radio
3 communication with me, I mean Brother Khieu. He said that
4 soldiers had been removed <by Sokh> for study sessions during the
5 time that Vietnamese were approaching.

6 Let me clarify that Sokh and I used to work under him, I mean
7 Brother Khieu. So after the arrest of Chakrey, Angkar replaced
8 Chakrey with Sokh. So <he knew that Comrade> Sokh and I worked
9 well with one another and, at the time, it was said that Sokh
10 showed his suspicious activities. I do not know about So's
11 activity at the time, <and I never even saw his face. Brother
12 Nuon rarely said anything>. This is all I can tell you.

13 [10.47.34]

14 Q. Do you remember anything Nuon Chea ever said about the people
15 from the East Zone and, later on, after the time of the note we
16 just looked, did you, at some point, receive some instructions
17 from Nuon Chea relating to prisoners from the East Zone?

18 A. Thank you. The prisoners who were sent from the east into S-21
19 were interrogated by S-21. He did not further instruct us on
20 those prisoners. He was waiting for the confessions of those
21 prisoners from the east, <and after that, those confessions were
22 sent down the line>.

23 Q. And later on at some point in 1978, did you receive any
24 instructions from Nuon Chea relating to the executions of
25 prisoners from the East Zone?

1 A. Let me tell you what I can recall. That happened <a> long time
2 ago. At the time, the situation was widely known or clear. As I
3 said, at S-21 when the specific zone -- I mean members of <the>
4 specific zone were to be arrested en masse, I was always
5 instructed to smash the prisoners who were detained at S-21, <as
6 many as possible> to reserve space for the newcomers. So
7 concerning the arrest of the East Zone cadres, that happened from
8 time to time before that period. <I believe that could have
9 happened before the> arrest of Phim <and others> in June 1978.
10 <By June> 1978, <there was another incident in which> prisoners
11 were sent to S-21 in large group.

12 [10.50.14]

13 Let me clarify the point once again. The one who was in charge of
14 sending people into S-21 was Comrade Roeung (phonetic), the
15 assistant to the general staff. He sent people to me. And people
16 were sent into S-21 en masse <when there was a decision to>
17 arrest <> Brother Phim. From that time onward, 20 to 30 people
18 were sent in <each> morning.

19 Let me clarify, Pol Pot never made mention <of> the arrest at
20 S-21, but one day the telephone rang and I went to pick up the
21 telephone. And at the time, Roeung (phonetic) was on the
22 telephone, and he said, "Duch, was Mor (phonetic) sent into
23 S-21?" And at the time, I replied, "<Why would you need> to know
24 about S-21?"

25 And in that time, I was thinking why was Comrade Roeung

1 (phonetic) poking his finger into S-21 business. And a while
2 later, Roeung (phonetic) telephoned me again and told me to wait
3 to see a brother.

4 [10.51.53]

5 And at the time, I did not know who he was referring to. And I
6 knew that it was Pol Pot. And Pol Pot asked me <> whether Mor
7 (phonetic) was sent in, <and I immediately responded, "Yes." He
8 asked me about that particular point only.> And I realized that
9 Mor (phonetic) was <> Mon <>. Mon, his original known name was
10 <Sithan>. <Initially, Brother Phim appointed him to be> the
11 deputy of the general staff <in the East Zone> and, after the
12 arrest of Ly Phel <alias Phen>, Mon became the head of general
13 staff in the east.

14 <Brother Pol mentioned Mon in "The history of political struggle
15 in 18 years" and also wrote that Sieu> Heng, Pen Yuth (phonetic)
16 and Sithan were considered traitors. Sithan was Mon, so at the
17 time, Pol Pot was interested whether or not Mon was sent into
18 S-21. And as I said, people were sent into S-21 en masse at the
19 time.

20 Q. Thank you, Mr. Witness.

21 I'm trying to focus you on specific issues as best I can. I
22 appreciate your answers.

23 Just one point of clarification. The Comrade Roeung (phonetic)
24 you just referred to who called you who was an assistant to the
25 general staff, is that the same Roeung (phonetic) who was the

40

1 secretary of Division 801, or a different person?

2 A. Comrade Roeung (phonetic), the assistant to the general staff.

3 Later, he was appointed to be an assistant to general staff. I do

4 not know what happened, why he was -- why the assistant to the

5 general staff was arrested <and brought to S-21>. <Regarding

6 Comrade Roeun,> at first, <Roeun> was not arrested, but later on,

7 <Brother Mok arrested Roeun>, San, <Khorn (phonetic) with Brother

8 Pol. Comrade Roeun from 801 was arrested later on>.

9 [10.54.27]

10 Q. Let me stop you. When you talk about Roeun and San being

11 arrested, you're talking about events much later than 1979. Am I

12 correct?

13 A. Let me clarify the point. There were two <different>

14 individuals. There were two individuals, one is Roeun <from> 801,

15 and another one is Roeung (phonetic), assistant to general staff

16 <who was later arrested>.

17 MR. LYSAK:

18 Thank you for that clarification.

19 Mr. President, at this time I'd like to present to the witness a

20 document, E3/8463, E3/8463. It's a specific list from within that

21 document, that is, a list of prisoners executed on 27 May '78,

22 with your leave.

23 [10.55.33]

24 MR. PRESIDENT:

25 Yes, please.

41

1 BY MR. LYSAK:

2 Q. Mr. Witness, the document I'm giving to you, and the Khmer ERN
3 pages of this list, run from Khmer 00016039 through 74 and then
4 the English translation in E3/8463 is the translation for those
5 pages.

6 This is a list of prisoners titled "List of prisoners smashed on
7 27 May 1978", if we can show the top of the list. And it includes
8 a total of 582 prisoners, most from the East Zone.

9 If you look, the first 316 prisoners on this execution list are
10 all from Sector 23 of the East Zone. And if you could also look
11 towards the end of the list when you have an opportunity,
12 particularly at prisoner numbers 526 through 556, 526 through
13 556, at the end of this list, these prisoners are indicated or
14 recorded as arriving on the 28th of May 1978, suggesting that
15 these executions had carried over until the next day.

16 My question to you -- well, first question. This execution list
17 of many prisoners, mostly from the East Zone, began on 27 May
18 1978. Do you recall what had taken place in the East Zone two
19 days earlier, on the 25th of May 1978? Do you remember the date
20 25 May 1978, and what the significance of that date, what took
21 place two days before these executions began?

22 [10.58.36]

23 MR. KAING GUEK EAV:

24 A. As I indicated earlier, Phim and members of the committee of
25 the East Zone, together with <some of his close> combatants, were

42

1 arrested in June 1978, so there were instructions <from the upper
2 echelon> before that date that <a maximum amount of> prisoners
3 had to be withdrawn or removed to reserve space for newcomers.
4 So prisoners <were sent> to Choeung Ek in large numbers <at that
5 time> so that we were ready to receive new prisoners.

6 [10.59.23]

7 Q. And who was it that instructed you -- when you say these
8 prisoners were removed to Choeung Ek, you mean that these 580
9 people were sent to be executed. Is that correct?

10 A. Brother Nuon instructed <me to do that>, but <he did> not
11 <indicate> the exact <amount> of prisoners to be removed. I was
12 called to receive the instruction. He said that I had to remove
13 prisoners to the maximum. After I returned from the meeting, I
14 went to see Hor to relay the instruction that prisoners had to be
15 removed to the maximum.

16 So we <realized> that the purge of the East Zone would take place
17 very soon. So the instruction, once again, was that I had to
18 remove the prisoners to the maximum. So as I was in charge of
19 S-21, I was -- I could understand the instruction, what it meant.
20 So that instruction was given closer to the date -- to the date
21 that the decision was made to arrest So Phim and his other
22 subordinates.

23 [11.01.06]

24 Q. And in your past testimony, you've described an occasion where
25 you received an order from Nuon Chea to execute several hundred

43

1 East Zoners before they had been interrogated.

2 Was that this occasion, the executions that are reflected in this
3 list in late May '78, or was that something that took place later
4 in the year, if you remember?

5 A. During the year, there was an event where the East Zoners were
6 gathered and <brought in>, but to my recollection, there was only
7 one occasion that those people were removed en masse. And that
8 happened on the 3rd of January 1979. Brother Nuon called me and
9 gave me instructions to remove all the prisoners and I asked
10 about the Vietnamese, the "Yuon". And he said, "We <will> deal
11 with that later".

12 [11.02.41]

13 And then I asked him <to keep four individuals> from "Yo-8 or
14 Y-8" <who shot international visitors at the reception place.
15 Those visitors included a Westerner named> Dach Man (phonetic)
16 <and others>. And of course, I cannot recall the English names
17 properly.

18 So I requested to keep four individuals from Yo-8 <for further
19 interrogation>, and he said then I had to be responsible for
20 that.

21 So when I returned, I instructed Hor to remove all the prisoners.
22 And he came to tell me that all had been removed. Then I
23 instructed him to let the young interrogators <> interrogate the
24 remaining four <individuals> from Yo-8.

25 So allow me to confirm it is possible that this mass removal

1 happened either on the 2nd, 3rd or 4th of January '79.

2 Q. I'll ask you a few questions about the order and the execution
3 of the last remaining prisoners at S-21 later.

4 In terms of the east -- the killings of East Zone prisoners, this
5 large execution that took place to clear out room from the prison
6 as you said. Were there any further large executions of East Zone
7 prisoners after 27 or 28 May? After the execution of the 580
8 people on this list, were there further large executions of East
9 Zone prisoners?

10 [11.04.47]

11 A. It happened a long time ago, but that's from my recollection;
12 there was one occasion when East Zoners were brought in in
13 trucks. They were placed into cells, but they were not
14 interrogated and they were put back onto the trucks and sent for
15 execution. <That was the instruction from the upper echelon.> So
16 they were brought in in the morning on that day and in the
17 evening, they were put back on trucks and sent for execution.
18 There were <about 200> or 300 of them, from my recollection.

19 Q. And who was it that ordered you to take these people
20 immediately out for execution without interrogation?

21 A. The same, that is, it was Brother Nuon.

22 Q. I want to turn now to a meeting that you've described that you
23 attended in October 1978 or around then. Do you recall being one
24 of the participants who attended a political education session
25 that was led by Pol Pot sometime in October 1978, and can you

45

1 tell the Court what instructions were given by Pol Pot at that
2 meeting?

3 [11.06.37]

4 A. At that time, I went for a study session along with two other
5 cadres, that is, Hor and Huy, and it was at <the> Suramarit
6 Buddhist Institute on the upper floor. And the lower floor, was
7 where Brother Nuon worked and later on, where Brother Hem worked.
8 During the study session, the content of the presentation was in
9 two parts; the first part was about the 12 principles of morality
10 and <> the second part of the training was about the progressive
11 cooperative. <He> said that in China they built exemplary
12 cooperatives and here, in Cambodia, we would build progressive
13 cooperatives. <> Each <cooperative> had to have a house with
14 vegetables growing around <it>.

15 Q. Did you -- did you receive any instructions from Pol Pot
16 specifically relating to prisoners, arrests, interrogations at
17 this meeting and can you tell us what -- specifically what Pol
18 Pot said about that?

19 [11.08.42]

20 A. He spoke about the matter, but it <seemed> that the situation
21 <was> less intensive and that the interrogation <was supposed to
22 stop at S-21>. And he also said the Centre never gave
23 instructions to <any> police. As for the Khmer Sar, Khmer Sar did
24 not have anything to eat, so they went to <stay> in the forest
25 and we could bring them in and give them rice to eat and that

46

1 should deal with the problem. <That was his instruction.>

2 And in relation to the circular that was issued about those who
3 joined the CIA <before a> particular year, <> they would be
4 pardoned by the Party.

5 And a few days later, I was called by Brother Nuon and I did not
6 know how to react because the Party instruction was not to
7 continue the interrogation, so what should I do with the
8 remaining prisoners? And Brother Nuon said, "Oh, no, Duch, you
9 are very well versed <in> the -- the Party's line." And just
10 based on that, I resumed interrogating the remaining prisoners.
11 <That was the instruction from Pol Pot particularly in relation
12 to security centre, that is, S-21.>

13 [11.10.07]

14 MR. LYSAK:

15 I'd like you to look at a -- a note that appears in one of the
16 interrogator's notebooks.

17 Mr. President, this is the notebook that I think is the -- at
18 least the first pages are Pon -- from Pon or Tuy. It's document
19 E3/3 -- 834 -- E3/834, Khmer page 00077518, at the bottom of that
20 page; English, 00184522; no French translation. If I may have
21 this handed to the witness and also show the excerpt of the notes
22 on the screen, with your leave.

23 MR. PRESIDENT:

24 Yes.

25 BY MR. LYSAK:

1 Q. Mr --. Mr. Witness, these are -- the page that's just been
2 handed to you and you'll see some -- a green highlight around the
3 part I want you to focus on and if we can show this on the screen
4 if we have that.

5 These are notes from the interrogators dated from the 8th of
6 October 1978, and the note that I want to focus on states as
7 follows, quote:

8 "In the near term, we have plans to interrogate all of the Khmer
9 without beatings and getting 80 percent confessions, no beatings
10 and getting very detailed confessions, 70 percent. As for the
11 foreigners, the 'Yvon', the imperialist CIA; we apply absolute
12 special-branch methods completely and totally permanently."

13 [11.12.20]

14 Let me repeat that.

15 "As for the foreigners, the 'Yvon', the imperialist CIA; we apply
16 absolute special-branch methods completely and totally
17 permanently. Also in this temporary period, the task of defence
18 will temporarily apply the old principles absolutely and
19 totally." End of quote.

20 So these -- these notes indicate that -- thank you, these notes
21 indicate that at some time in the future, there were plans to
22 interrogate Khmer prisoners without beatings, but for foreigners,
23 Vietnamese, CIA; you would continue to apply absolute
24 special-branch methods, but that in the interim, the temporary
25 period, old principles would be continued to be applied.

48

1 My first question: Did you have a meeting with your interrogators
2 after your discussions with Pol Pot and Nuon Chea and do you
3 know, are -- are these instructions that you conveyed based on
4 your communications with Pol Pot and Nuon Chea?

5 [11.14.02]

6 MR. KAING GUEK EAV:

7 A. Allow me to first respond to your question with my
8 observation. I only saw two pages of this document as I stated
9 earlier. During the investigation stage, the OCP referred to it
10 as Tuy-Pon document, but after my review, this is not Tuy's
11 document because Oeun actually mentioned somewhere there that Tuy
12 actually stained some pages of the document, <so the first two
13 pages of this document belong to Oeun>, and <for the following
14 part>, I saw Tuy<'s signature>.

15 And allow me to clarify again that I have not seen that document
16 during the investigation stage as well as during my <first>
17 testimony <in my capacity as a witness which took place from 19
18 March to 10 April 2012>.

19 [11.15.10]

20 Now, let me refer to the content of this document, though I do
21 not want to say who owns that document. The content related to
22 the instructions given by Pol Pot during the time that I attended
23 the training session where he taught. I left <that day> with Hor,
24 and Huy <slept> at the training session< place. I went home.>

25 Then we called the interrogators for the presentation of those

1 documents that night and it lasted for two hours and next
2 morning, I returned to the training session again and the
3 content, of course, was related to the presentation made by Pol
4 Pot.

5 Q. Now, it says in -- in these notes that the plan some -- in the
6 future was to not have beatings with the Khmer prisoners, but to
7 continue the old special-branch methods for Vietnamese and other
8 foreigners; what -- what was the reason; did Pol Pot explain the
9 reason for that?

10 [11.16.40]

11 A. That was the principle and the objective of S-21 in
12 interrogating prisoners. We had experience and we could draw
13 lessons from those experiences, so for the Khmer prisoners, there
14 was no need to beat them and then we could obtained 70 <or 80>
15 percent of the detailed confessions. And <> that's what I
16 <presented> to the interrogators <during the meeting>.

17 As for the "Yuon", the practice remained the same and of course,
18 the same applied to CIA agents; the "Yuon", the CIA <agents> had
19 to be beaten, but <per> Brother Pol's instructions, all
20 interrogations had to be stopped.

21 Q. It says in the notes here that, sometime in the near future,
22 you would change the methods of interrogations and -- and not use
23 beatings for the Khmer prisoners, but for a temporary period, the
24 old methods would continue for all prisoners; was it Pol Pot who
25 told you to continue for a temporary period or was it Nuon Chea,

50

1 in your talk with him a few days later, who gave you the
2 instruction to continue applying old methods for the interim
3 period?

4 [11.18.34]

5 A. I have stated that during the study session, the idea of
6 <stopping the use of> torture was the idea of S-21. For that
7 reason -- actually, it was my report that we should stop beating
8 Khmer prisoners and the decision by Brother Pol on that day was
9 to stop all interrogations and it could also imply that no more
10 arrests should be made. <He said in short that, "Stop
11 interrogating.">

12 Later on, Brother Nuon called me to work and I did not know what
13 to react because I told my subordinates to stop interrogating and
14 I could <not> then answer some of his questions and he actually
15 teased me that I knew the Party's line <well>. And after I left,
16 I held meetings with my subordinates to resume the interrogation,
17 so that was the development at the time.

18 Q. Let me turn to another subject. I want to ask you a few
19 questions relating to Vorn Vet, someone you had worked for back
20 in the period at M-13 who had become a member of the Standing
21 Committee.

22 Can you tell us where -- where and when was Vorn Vet arrested?

23 [11.20.19]

24 A. Brother Vorn was arrested with An and Keu and they were sent
25 to S-21 and Comrade Lin was the one who actually went to arrest

51

1 them and <the force used for the arrest was> the guard <unit> of
2 the Party Centre and Mok was actually in charge of the operation
3 and they were arrested at the Party Centre<'s office> after the
4 meeting concluded.

5 <On that day, there was> a joke made by <Sorn (phonetic), who
6 was> Brother Nuon's wife, <she said> that Pauk was so scared and
7 he was hiding himself under the bed. As for Pauk, <> when I met
8 him at K-18, he said that there was an order from <Brother Mok>
9 to make the arrest. <Comrade Lin implemented the instruction.>
10 Of course, they were not cuffed, but <> their hands were tied
11 with a <German> plastic rope. So Vorn Vet was sent to S-21 at
12 around 5.30 or 6.00 in the afternoon after he was arrested at the
13 Party Centre's office.

14 Q. And do -- do I understand correctly that -- did these arrests
15 take place at the end of a -- a meeting of either a Party
16 congress or a Central Committee meeting; did -- did these arrests
17 take place so that -- that the other members of the Central
18 Committee or Centre, who were at this -- who were there, saw
19 these people being arrested?

20 [11.22.32]

21 A. I did not know who saw the arrest. There were some who could
22 not <have been> there and it was Brother Pol and usually he did
23 not want to be present at such a troubling spot. And the person
24 who was in charge of the operation was Brother Mok and those who
25 conducted the arrest belonged to Lin's group.

1 And as I said, I met Pauk in around 1989. He said that <at the
2 time> Brother Pol stopped him <> from going <home> and only after
3 the arrest <of Brother Vorn>, Brother Pol Pot said, "How was the
4 show; was it a good show?" <This was what Brother Pauk told me
5 about that incident.>

6 So I did not know about who actually witnessed the arrest. Maybe
7 some new members of the Centre did not witness the arrest. Here,
8 I <am referring> to San and Roeun.

9 Q. Let's turn to the interrogation of Vorn Vet. Who conducted his
10 interrogation; was any torture used and if so, what -- what types
11 of torture and what instructions did you get from your superior
12 about the interrogation of Vorn Vet?

13 [11.24.30]

14 A. On the issue of the interrogation of Brother Vorn, I assigned
15 Pon to do it. Vorn was arrested on the evening of 2nd November
16 '78, and <the next morning,> I went to see him and I asked him
17 some questions about <the situation of> Brother Pol, <and why he
18 was arrested>, and Brother Vorn said that Brother Pol was a <>
19 paranoid person and he did not trust anyone except Brother Van.
20 And <> he said that he had about <50,000 or 500,000> workers
21 under his command and that they were <concerned about> him using
22 the force. I used the word <in Khmer> "trodevetch", that is
23 "paranoia" <in English, which refers to someone> who <is>
24 thinking constantly about his own safety and security, that he
25 was afraid that he would be assassinated. So, in French or

1 English, it <is> more or less similar to the term "paranoia."

2 [11.26.17]

3 And before I approached <Brother Vorn in order to apologize to
4 him>, he shouted at me that "You murderer." I actually did not
5 look at his face; I looked down and I still approached him since
6 he was a former professor and he was the one who inducted me into
7 the Party.

8 And as for the interrogation, it was Brother Pon that I assigned
9 him to -- to do it and I only met Vorn briefly before I allowed
10 Pon to interrogate Brother Vorn.

11 He used torture during the interrogation because during the month
12 of November, the weather was rather cool and he used the fans and
13 with the water splashing behind the fans in order to spray it to
14 make Brother Vorn shiver, <and he was not beaten up>. That was a
15 form of torture inflicted upon Vorn <> by Comrade Pon.

16 Q. Let me ask you for a little clarification here and let me read
17 from your May 1999 interview and just for the record, I -- I
18 could not remember -- I was blanking on the name yesterday. So
19 the record is clear, this is E3/347 -- E3/347; interview
20 conducted on -- from the 4th to the 6th of May 1999, for which
21 there are audio tapes and the -- this was an interview by
22 Christophe Peschoux -- Peschoux from the UN High Commission for
23 Human Rights.

24 At Khmer, 00160905; English, 00185026; French, 00160948 through
25 49, this is what you said in May 1999.

54

1 "Comrade Pon and Vorn Vet: When he was not satisfied with Vorn
2 Vet's confession, he invited him to talk about the 'Yuon', that
3 the 'Yuon' had attacked, would we win or lose? While talking
4 about this, Vorn Vet said the 'Yuon' would win. He put ice on
5 Vorn Vet. He was old and he got cold. The torture used on Vorn
6 Vet was ice water. They put ice in water and they bathed him in
7 it. Vorn Vet was bathed in ice water and turned on a fan." End of
8 quote.

9 Can you clarify; was Vorn Vet put into cold water with ice or was
10 he simply sprayed with cold water and a fan put on him or -- or
11 do you -- are you not sure how -- what exactly was done to him?

12 A. I think there was a discussion about the matter that I was
13 accused of placing Brother Vorn into <an ice container> and that
14 was Alexander Bates, at the time, and I responded that if there
15 -- if Vorn Vet was put in <an ice container>, what was the need
16 to turn on a fan?

17 In fact, ice was put into a container and water was poured into
18 it, then they splashed that cold water on to him and then they
19 turned on a fan.

20 [11.30.42]

21 MR. LYSAK:

22 Mr. President, I anticipate -- I'll do my best -- with your
23 leave, if I could have an additional 30 or 40 minutes after lunch
24 to finish my questioning, I should -- I believe I'll be able to
25 -- to finish. So that -- that would be my request.

1 MR. PRESIDENT:

2 The Chamber will grant you an additional 30 minutes.

3 MR. LYSAK:

4 Thank you, Mr. President.

5 MR. PRESIDENT:

6 It is now convenient for our lunch break. We take a break now and
7 resume at 1.30 this afternoon to continue our proceedings.

8 Security personnel, you're instructed to take Khieu Samphan and
9 Witness to the waiting rooms, individually, downstairs and have
10 Khieu Samphan returned to the courtroom before 1.30. As for the
11 witness, invite him back into the courtroom at 1.30 this
12 afternoon.

13 The Court is now in recess.

14 (Court recesses from 1132H to 1332H)

15 MR. PRESIDENT:

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

17 And the floor is given to the Deputy Co-Prosecutor to resume his
18 questioning. You may proceed.

19 MR. LYSAK:

20 Thank you, Mr. President. The witness is -- thanks.

21 (Short pause)

22 [13.33.13]

23 BY MR. LYSAK:

24 Q. Good afternoon, Mr. Witness. We were talking about the

25 interrogation of Vorn Vet. Let me ask you, did -- did Nuon Chea

56

1 follow the progress of the interrogation of Vorn Vet and for
2 important, high-ranking prisoners such as Vorn Vet, did you need
3 to have an order or the approval of your superior in order to use
4 torture?

5 MR. KAING GUEK EAV:

6 A. Thank you. Regarding the interrogation of Vorn, <> Brother
7 Nuon followed the process of the interrogation as normal; it was
8 different from Brother Khieu <in the case of Koy Thuon's
9 interrogation>. And concerning <torture>, Brother Nuon did not
10 <pay> much <attention to> <the> interrogation of Brother Vorn.
11 Brother Vorn once told me that Pol Pot was a difficult person
12 <and that> he was a paranoid person. At the time, Pol Pot knew
13 that <> Vorn Vet supervised <about 50,000 or 500,000> workers, <I
14 cannot recall the exact number of the workers>, and at the time,
15 Pol Pot was not so concerned about the <50.000> workers
16 supervised by Vorn because <> among those workers, Vorn was <not
17 the only person who was> in charge of them, <so I started the
18 interrogation>.

19 [13.35.35]

20 <At the end, Keo Phat (phonetic), an engineer,> was implicated by
21 Vorn <that he was Vorn's superior>. I did not expect such
22 implication on that individual.

23 And whether Brother <Nuon> monitored the process of <the>
24 interrogation of Brother Vorn on a constant basis, no; in fact,
25 it was different from the <case of Brother Khuon which was

1 closely monitored by> Brother Khieu.

2 Q. I'm going to ask you -- try to ask you very precise questions
3 to try to finish in -- in the half hour, so I'll -- if you need
4 to elaborate, please -- please let us know.

5 In your OCIJ statement E3/106, Khmer 00177627; English 177637;
6 French 00177648; again, this is E3/106; in regards to the
7 interrogation of Vorn Vet, you said, quote:

8 "One must not forget that Nuon Chea was following this closely
9 and that he needed a full confession. I specify that although I
10 respected Son Sen and Vorn Vet, I feared Nuon Chea."

11 And in your OCIJ statement E3/5771, E3/5771; Khmer, 00185492;
12 English, 00185500 to 01; French, 00185509, you talked about --
13 here you were talking about an interrogation back when you were
14 reporting to Son Sen.

15 [13.37.47]

16 You said, "For simple combatants, Hor controlled everything and
17 could use torture. For important prisoners such as Ya, Son Sen
18 gave me his orders and decided on the use of torture." End of
19 quote.

20 Does -- does that refresh your memory, Mr. Witness? Did -- did --
21 for someone like Vorn Vet, did you have to have Nuon Chea's
22 approval in order to torture a member of the Standing Committee?
23 A. I, a while ago, made a <comparison which was consistent with>
24 my <previous> statements. Concerning Son Sen or Brother Khieu in
25 relation to <the> interrogation of Ya, <> Koy Thuon <and Tum>, he

1 followed closely and he instructed me on the telephone <to do
2 this and that>.
3 [13.39.11]
4 <To my collection,> regarding <the> interrogation of Tum, he came
5 to my house and he fabricated a letter to be shown to Tum so that
6 he confessed. So <> he pretended to write a letter to me. In the
7 letter, it said, "Comrade <Duch>, we would consider what to do if
8 Tum confessed." <So, he followed these cases closely,
9 particularly Koy Thuon's case. Son Sen> was so <anxious> about
10 <Koy Thuon's case>.
11 <> In relation to interrogation of Koy Thuon, I did not <use>
12 torture. Pon <and I were> not successful in obtaining the
13 confession of Koy Thuon and as the last resort, I assigned Tuy to
14 interrogate Koy Thuon, <and after that, Son Sen did not follow it
15 closely>.
16 Regarding Vorn Vet's interrogation, I constantly made reports to
17 Nuon -- Uncle Nuon. After I obtained a few pages of <a>
18 confession, I would go to make the report to Nuon Chea and he
19 would also call me to brief him <on how it went once every few
20 days>. <At the end, the full confession was obtained, and I would
21 send Uncle Nuon the document. So regarding inflicting torture on
22 Vorn during the interrogation, I cannot recall it. But sometimes>
23 Uncle Nuon <> was <too involved in> the activities of S-21. For
24 example, <regarding the arrest> of Mil <Kavin> alias Kdat, <Uncle
25 Nuon> instructed me through Son Sen and asked me to convey the

59

1 message to Kdat, that Hu Nim <> had already confessed <and been
2 sent to another place already. He asked me to use that strategy,
3 and I said that strategy was not effectively anymore. I did not
4 implement it. And then> Brother Khieu told me that Nuon <had>
5 instructed me to do what I described. <I did not have any choice,
6 so I had to do it. For me, using that strategy in obtaining
7 confessions would not be successful. It was a lie>.

8 Sometimes Brother Nuon poked his fingers deep into the business
9 of S-21, although S-21 <had> its own techniques. But for some
10 cases, Brother Nuon <did not interfere with> the process of
11 interrogation <>, for example, the case of Vorn Vet. <So, I do
12 not recall whether he gave instructions to have Brother Vorn
13 tortured or not. It was S-21 that decided to do so.>

14 [13.42.21]

15 MR. LYSAK:

16 Thank you, Mr. Witness. Let me turn to a few questions about Koy
17 Thuon's interrogation that you talked about.

18 Mr. President, with your leave, I'd like to provide to the -- to
19 the witness a couple of annotations that appear in Koy Thuon's --
20 Koy Thuon's confession, E3/1604, and also a photograph, E3/2360.
21 So, I'll provide a -- some excerpts from E3/1604 and photograph
22 E3/2360 with your leave.

23 MR. PRESIDENT:

24 Yes, please.

25 BY MY LYSAK:

60

1 And if we can show these on the screen.

2 The first page -- if you could look at the first page, Mr.

3 Witness, and for the record, this is an annotation that appears

4 on Khmer page 00006159; English 00769831; French 00766795.

5 There's handwriting up in the -- that's -- that's the next one.

6 Could we have the one on page 6159?

7 There's an annotation up in the very left-hand corner; I put a

8 yellow highlight around it. The annotation reads, "Only after we

9 made a hole in one side, did he answer." The annotation is dated

10 9 April 1977.

11 Can you tell us whose handwriting that annotation is?

12 MR. KAING GUEK EAV:

13 A. This is Khieu's annotation or Brother Son Sen's annotation.

14 Q. And what -- what exactly was done to Koy Thuon here to make

15 him confess?

16 [13.45.22]

17 A. This is one of the confessions of Koy Thuon, but I <do> not

18 know <which one>. Son Sen <called me on the telephone, he told>

19 me that <contemptible Khuon had> implicated <our forces,> and I

20 <said nothing at the time>.

21 I was instructed by Son Sen to tell Koy Thuon to speak

22 moderately, not to implicate our <forces>. So then I went to see

23 <Brother Khuon> and asked him to <rewrite his> confession <> in

24 <a> more accurate way.

25 That annotation was made by Son Sen. <He told me about that>

61

1 matter <during a> telephone <call. The annotation is that, "He
2 answered after we> made a hole on one side." <The words "made a
3 hole" mean "removed any part of his confession that implicated>
4 our <forces">.

5 [13.46.29]

6 Q. If you could look at the next page in what I provided to you,
7 there is a fairly lengthy annotation that appears in the
8 left-hand margin. This annotation is dated 8 March 1977. For the
9 record, this is Khmer, page 00006757; English, 00773088; French,
10 00965892; and if we could show that on the screen.

11 I want to ask you about the first paragraph of this annotation,
12 which reads as follows:

13 "After the guards handcuffed him, A Tuch still tried to write the
14 story further. He asked us to take off the handcuffs saying that
15 three days in handcuffs is enough. He will write everything about
16 Comrade Nim and Brother Phim's story. I decided not to let him
17 write anymore and handcuffed him for 10 to 15 days because in the
18 past, he had fabricated stories to attack the Party's forces.
19 After 10 to 15 days, I will decide to take off the handcuffs, but
20 if he still keeps writing more nonsense things, I will handcuff
21 him again." End of quote.

22 Whose handwriting is this; who wrote this note, Mr. Witness?

23 [13.48.21]

24 A. This annotation -- in fact, Son Sen said, "Khuon implicated
25 our forces, <Comrades have to be careful."> So the annotation on

62

1 the Koy Thuon<'s confession> was made on the -- the <day> before
2 the annotation states, "He confessed after we made a hole on one
3 side." <So this annotation was made before the annotation that
4 the Prosecutor just read earlier.> So <this matter was related to
5 another matter that he reprimanded over me on the telephone, and
6 then> he instructed me to ask Koy Thuon to rewrite his
7 confession.

8 Q. If I can interrupt you, is -- is this your handwriting or is
9 this Son Sen's handwriting; the -- the lengthy annotation I just
10 read about handcuffing Koy Thuon?

11 A. It's Son Sen's handwriting.

12 Q. And the reference to Koy Thuon having, in the past, fabricated
13 stories to attack the Party's forces, what -- what did that refer
14 to?

15 [13.50.07]

16 A. I have told the Court on different occasions, I myself, did
17 not read <> Koy Thuon<'s confessions> <at all> since I was not
18 aware of matters <regarding> Koy Thuon. So if I had read the
19 confessions, <> I <would> not have been able to determine his
20 <weaknesses>. So <whomever> he implicated <>, I did not know at
21 the time.

22 I received a phone call from my superior and I was told that he,
23 I mean Koy Thuon, implicated <certain individuals>. After
24 receiving the phone call, I went to Koy Thuon and told him that,
25 "The superior <would not accept it because> you implicated

1 <revolutionary forces>, so please <rewrite it>."

2 So once again, I have never read Koy Thuon's confessions
3 <closely>. What I can recall is the fact that Koy Thuon said
4 <the> Party asked him to smash Yong (phonetic), the former
5 secretary <of the North Zone>; that is <> the point that I can
6 recall.

7 And I was <wondering because> Koy Thuon was aware of how <things
8 worked> within the <CPK>, whether <> he confessed or not, he
9 would have died <in the end>. <I was wondering why he confessed
10 so easily even though I did not torture him at the time. As I
11 said earlier, I just lowered myself down to talk to him in order
12 to make him write the confession. He suggested that his
13 confessions were sent directly to Pol Pot, and I told him that I
14 would be a messenger for the occasion. Even now,> I <can't
15 understand what> Koy Thuon <was thinking>.

16 I <consulted with> Françoise <Sironi->Guilbaud, at the time, and
17 <she said that was> the psychological process of an individual,
18 so <> at the time, <> Koy Thuon <wrote what he> wanted. <So, I
19 still don't understand Koy Thuon's confession.>

20 [13.52.41]

21 Q. I thank -- thank you. I'm going to ask you to -- if you do the
22 very best you can to just answer the questions I ask because I
23 have just a little time and we want to finish this when we can.
24 If you could look at the photograph that I handed you and if we
25 could put on the screen photograph E3/2360; can you tell us who

64

1 is the person in this photograph and do you recognize where this
2 photograph was taken?

3 If we could show this on the screen; yes, thank you.

4 A. This photograph was taken at <the place he was detained> and
5 he was allowed to sleep on the rattan bed, <and he was shackled>.
6 That house <> was located to the south of S-21, the fourth-floor
7 building, and he was detained on the upper floor -- on the fourth
8 floor.

9 [13.54.03]

10 Q. A quick yes-or-no question; was -- is this the location where
11 he was interrogated?

12 A. Yes, you can say that, <that was> the place that he was
13 interrogated. I went to that place and asked him to write his
14 confessions. <I asked him to sit> on a chair, <and I gave him>
15 glasses, <> a few pages of paper <and a pen to write his
16 confessions>.

17 So I did not <interrogate> him. <Otherwise,> he <would spot> my
18 weaknesses<>. So I instead let him write what he wanted.

19 Q. I want to turn now to a few questions on the issue of the date
20 that you began reporting directly to Nuon Chea. You said that
21 that date was the 15th of August 1977. I want to ask you a few
22 questions about that.

23 First, was Son Sen still in Phnom Penh when you began reporting
24 to Nuon Chea or did this transition take place at the time that
25 Son Sen relocated to the battlefield?

65

1 A. Brother Khieu was transferred to the battlefield and, <> I
2 cannot <recall the exact date, but> what I can recall is that <>
3 on the 15 August 1977, <> I was asked to go and see Nuon Chea on
4 the <second> floor of <the middle building of> the Suramarit
5 Buddhist School. He told me at the time that I had to work with
6 him since Brother Khieu had already been transferred to the
7 battlefield. <And he assigned> Pang <> to <work there>.

8 [13.56.48]

9 Q. My next question which is a yes or no unless you need to
10 explain something, the time that you stopped reporting to Son Sen
11 and started reporting directly to Nuon Chea, was that around the
12 same time that Chau Seng was being arrested? Did -- was the --
13 was the time that you started reporting to Nuon Chea around the
14 same time that Chau Seng was arrested?

15 A. In relation to Chau Seng's arrest, first, I was told about
16 that by Son Sen. Then Brother Nuon reiterated the arrest of Chau
17 Seng. So the fact was confirmed.

18 Chau Seng's name was changed to Chen Suon <because Son Sen
19 instructed me to do so, and not to tell anyone about that>, and
20 later on, Brother Nuon asked me to go work with him. He <> asked
21 whether Chau Seng had already <arrived> at that location, I said
22 yes, and he <> told me <not to say anything about it if people
23 from Ministry of Foreign Affairs asked me> about that matter,
24 <and let them ask him that instead. So, I got duplicate
25 instructions regarding this case>.

66

1 [13.58.27]

2 Q. So the reason I have asked you these two questions, and I am
3 going to confront you with a few pieces of evidence to see if
4 that helps refresh your memory on when it was that you began
5 reporting to Nuon Chea -- first of all, the OCIJ list of S-21
6 prisoners records the arrest of Chau Seng under the very alias
7 that you have described, Chen Suon, as taking place in November
8 1977.

9 That is, Your Honours, that is number 14164 on the OCIJ S-21
10 list, 14164.

11 The second thing I want to tell you, there are records of DK
12 radio broadcasts if we look at them for the months of September
13 and October showing that Son Sen was still in Phnom Penh during
14 that period and at least part of November.

15 The third thing I want to bring -- ask you about before I put
16 this question to you, are some references in your interrogators'
17 notebooks. In Mam Nai's notebook -- and for the record this is
18 E3/833 at Khmer, ERN 00077826; English, 00184592; this is a note
19 from February '78. He writes, "The 'Yuon' attacked us strongly in
20 November and December 1977 and entered 30 kilometres into our
21 territory."

22 [14.00.24]

23 Similarly, in the notebook that we have described as the Pon-Tuy
24 notebook, E3/834; Khmer, ERN 00077447 and also Khmer 77456;
25 English, ERNs 00184483 and 488; there is an annotation about the

67

1 "Yuon" attacking in October and November. They had a medium
2 attack. And then it states, "Our army arrived in December." And a
3 few pages later in the page I cited it states, "At 12 /77" -- in
4 other words December 1977 -- "Centre troops arrived."
5 So the reason I have asked you this, the timing of Chen Suon's
6 confession or his arrest, is November '77 and the records shows
7 that it was in late '77 that the Centre forces were sent to the
8 Vietnamese front to engage in battle with Vietnamese forces.
9 Taking all of that into account, is it possible that the 15
10 August 1977 date you have used, may be off by a few months and
11 that it wasn't until later in the year, perhaps November, that
12 you began reporting directly to Nuon Chea?

13 [14.02.13]

14 A. Allow me to clarify it. Important people who were sent to S-21
15 <were not> initially <put> on the register by Comrade Thy because
16 he was not allowed to know. For that reason, the <arrival> dates
17 <of important people> on the register could not be the exact
18 ones.

19 Secondly, the day Brother Nuon told me was actually 15 August
20 '77, and from that day onward I never saw Son Sen's face again,
21 <but> we <sometimes> communicated by radio <regarding other
22 matters that were not related to S-21's affairs>. For example,
23 sometimes he would call me to refer to a <1/50,000 scale map>;
24 that is, <to> ask me what the word "area" for example means, <he
25 asked me to check that word in a dictionary, and I told him that

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

68

1 the word "area" meant "Dom Bonn" (phonetic) in Khmer>. So usually
2 I would communicate with him through an encrypted telephone.
3 First, we used the radio but the radio signal would go through
4 the desk phone and there <was> a button there for me to press it
5 in order to encrypt the message. <> Actually, I wrote him a
6 letter before he went to the front battlefield regarding some
7 young staff who misbehaved and I received his reply on the 5th of
8 October.

9 [14.04.09]

10 And I was waiting <for> the Co-Prosecutor <to> show me that
11 document so that document would actually mean it is exculpatory
12 evidence but it was never shown to me. Later on, a reply was made
13 to me on the 10th of October <when he came to attend the Party
14 Centre Politburo meeting>. And on some <S-21> documents, <Brother
15 Khieu> still made annotations until the 11th of November <1977>
16 and I observed that the last documents that he annotated <were>
17 on the 25th of November '77. This shows that he regularly
18 attended the < Party Centre Politburo> meetings regularly.
19 And I no longer saw <Brother Khieu's> annotations or signature
20 after the 25th <>, and I could conclude that <Brother Khieu
21 arrived at the> battlefield <around that date>. So, I could say
22 that this was the period that Chau Seng was arrested; that is,
23 <perhaps around> 15 August '77<>.

24 [14.05.32]

25 BY MR. LYSAK:

69

1 If I can follow up with a few more questions?

2 Q. You have acknowledged that you continued having radio
3 communications with Son Sen even after he was relocated to the
4 battlefield. Did there come a time when you no longer were
5 allowed to communicate with Son Sen and can you explain why it
6 was that you stopped communicating with Son Sen at some point in
7 1978?

8 MR. KAING GEUK EAV:

9 A. I was a subordinate and I would respond when I was called by
10 my superior. So after those series of communications, I no longer
11 received any <calls> from him. And <in fact> no one actually
12 prohibited me from making any communication with him.

13 Q. Let me read to you what you said in your May 1999 interview
14 with Christophe Peschoux. This is E3/347; Khmer, 00160918;
15 English, 00185050; French, 00160970.

16 This is what you said in that interview, quote:

17 "After Professor Son Sen fought the 'Yuon' for a lengthy time,
18 nearly to the liberation near the time the 'Yuon' came in, there
19 was someone who implicated Son Sen. I went to get Nuon Chea's
20 opinion. An enemy had implicated Brother Khieu. Nuon Chea thought
21 for a minute. He said, 'Oh, have him write it down and bring it
22 and I'll have a look.'

23 Professor Son Sen had been implicated. After that I saw that S-21
24 was not a tool used to search for the truth but a tool which they
25 used to smash others for themselves. It was wrong. I did it. I

70

1 was wrong. I violated the truth."

2 Do you remember at what point in 1978, was it that Son Sen was
3 implicated and was it at that point that you stopped having any
4 communications with Son Sen?

5 [14.08.39]

6 A. These were two separate matters. The matter that I met with
7 Brother Khieu or Son Sen <>, the fact that I no longer met with
8 Son Sen both face to face and <the fact that we stopped having
9 radio communication> was one matter. <In fact, he was the one who
10 stopped calling me>.

11 And <on> the second matter, that is, the implication of Son Sen
12 by a prisoner, I sought instruction from Brother Nuon and he told
13 me about what you just read out in the excerpts. So these were
14 two separate matters.

15 Q. Let me just -- and my time is ending. Let me just ask you one
16 or two more questions, with your leave, Mr. President.

17 [14.09.54]

18 Son Sen was implicated -- we have talked about a member of the
19 Standing Committee, Vorn Vet, being arrested. Leaders of almost
20 every zone; North Zone, Koy Thuon; Northwest Zone, Ros Nhim; West
21 Zone, Chou Chet; the New North Zone, Kang Chap; all these people
22 arrested, leaders of almost all of the military divisions.

23 The leader of Division 170, Chan Chakrey; Division 290 Tali;
24 Division 310 Ouen; Division 450 Suong; Division 920 Secretary
25 Chhin; all these people are brought to S-21 accused of being

71

1 traitors and killed.

2 In any of the times that you had discussions with Son Sen and
3 Nuon Chea, did anyone ever ask how it was possible for the CPK to
4 have waged a successful revolution and defeated the Lon Nol
5 government if all along half of the Central Committee, half of
6 the leaders of the Party and the military were traitors? Did that
7 occur to anyone? Did they ever raise that issue with you?

8 [14.11.34]

9 A. No, there was none. No one raised the matter with me.

10 MR. LYSAK:

11 Thank you, Mr. President, for the additional time.

12 And thank you, Mr. Witness, for answering my questions.

13 QUESTIONING BY THE PRESIDENT:

14 Thank you.

15 Q. I also have some questions to put to the witness. It is of a
16 general context. We have heard you speak about the changes of
17 leadership at S-21, that is, from Son Sen to Nuon Chea. And the
18 date that you <mentioned> is clear -- that is, 15 August '77. Can
19 you tell the Chamber about any event that led you to remember the
20 exact date of the change, that is the day, the month and the
21 year?

22 [14.12.58]

23 MR. KAING GUEK EAV:

24 A. Thank you, Mr. President.

25 I recall that date clearly because it is too important for me. I

1 met the 2nd Brother and I worked under, the 2nd Brother as the
2 2nd Brother <moved to a lower rank> to <supervise> me, and that
3 <was> constantly <on> my mind.

4 During the trial proceedings in the past, <it was> said that Son
5 Sen came to inaugurate the Centre <which was> on the <exact> same
6 day <and month>, that is, 15th August although it was a different
7 year, that is, '75. So it was 15 August '75. <These two events
8 happened on the same day and month although they were in
9 different years>.

10 And there is also another factor, that is, the day that I left
11 Phnom Penh for <the> countryside which was on the 15th of August
12 1970.

13 These three events <happened on> the same day and month, <that
14 is, 15 August> although they <happened in> different years.

15 [14.14.24]

16 Q. Thank you for your clarification. In your testimony in Case
17 002/01, as well as during the last few days, you said Koy Thuon
18 was arrested and detained in a house based on <an> order from Pol
19 Pot. That was on the 21st of March <2012, document E1/52.1,> ERN
20 in Khmer is 00792500 and English 00793703, the transcript for
21 that day.

22 Can you tell the Chamber who gave <the> precise order for the
23 arrest of this person to be detained <in a house> and why did you
24 know <that> Pol Pot <gave the instruction to have> Koy Thuon
25 <arrested and detained in a house? Did you know that yourself or>

1 who told you that?

2 [14.15.50]

3 A. The person who spoke about this was Brother Son Sen. We both
4 <knew> about <the plan regarding> the arrest of Koy Thuon <for a
5 long period of time. "We" refers to> Son Sen and I. And that day
6 Son Sen told me that Pol Pot made a decision to arrest Koy Thuon.
7 And he told me to be very careful as I was -- I used to be under
8 his supervision. So the person who conveyed the message or the
9 order from Pol Pot was Son Sen.

10 And actually, Koy Thuon was led to my house at the Monivong
11 Boulevard where he was arrested.

12 Q. The first house where Koy Thuon was arrested, before he was
13 sent to S-21, can you tell the Chamber the exact location of that
14 house?

15 A. Koy Thuon <was> removed <from> the Party as well as from his
16 position as the Minister of Commerce. In fact, he was detained at
17 the Centre's office, and <to my recollection,> that happened on
18 the 8th of April 1976.

19 Later on he was sent to me <based on the instruction from Brother
20 Pol> since there had been more implications <in> other
21 confessions; <to my recollection, Koy Thuon was brought to me on
22 25th of January 1977, and I started to question him, and> on the
23 29th, Koy Thuon started to confess and later on, <on 1st of
24 February>, hundreds of people were arrested from the North Zone.

25 Q. So the upper echelon decided to arrest Koy Thuon and detain

74

1 <him> at the house, at the Party Centre's office. You were not
2 aware of the initial detention or the location where he was
3 detained; is that correct?

4 [14.18.50]

5 A. I did not know the exact house where he was initially
6 detained, <or> where the Centre's office was. To my recollection,
7 it was possible that it was on the 8th of April <>, although I
8 did not know where I learnt of that date and <> it was <not>
9 Brother Khieu, <that is, Son Sen> who told me about the date, or
10 maybe I learned of the date after I interrogated Koy Thuon. That
11 date was the <day> that he was removed from the Party as well as
12 from the Party Centre and from <his> position as the Minister of
13 Commerce. <I cannot recall from whom I learnt of that date.>

14 Q. Do you know the reasons that led to the initial detention of
15 Koy Thuon at the house? Was there anything strange that led to
16 the detention? Because usually when people were <arrested,> they
17 would be sent to S-21, however in Koy Thuon's case, he was
18 detained in that house for a period of time before he was sent to
19 S-21.

20 [14.20.21]

21 A. The ongoing issue with Koy Thuon was <that he was> having
22 affairs with women even when he was in the North Zone and after
23 he was transferred to work in Phnom Penh, he had an affair with a
24 man's wife and when the man knew, <Koy Thuon> planned to kill
25 that man. And Brother Khieu said that it was Koy Thuon who also

75

1 took part in the arrest of the wives -- of the husband of that
2 woman. His name was Long. So he smashed that man and later on his
3 rights was removed by the Party and <he was> detained at the
4 Centre's office.

5 Q. Did you know who made the order to send Koy Thuon from that
6 house to <S-21? According to what you stated, he was brought to>
7 your house <and was arrested there.>

8 A. It was 870 who made that decision and I do not recall who
9 actually sent him over.

10 Q. Thank you. And I will move onto another topic. You have
11 actually responded in details <> in relation to <a dentist>, Dy
12 Thon (sic), alias Thuk, can you tell the Chamber clearly
13 regarding the final stage of Dy Thon's (sic) fate? <> This person
14 was the only one that the upper echelon released so that he could
15 provide dental treatment <>. Can you tell the Chamber the final
16 fate of this dentist, Dy Thon (sic)?

17 And I have more questions to put to you in relation to this
18 dentist.

19 [14.23.19]

20 A. Regarding Dy Phon, Brother Pol instructed <us> to spare him so
21 that he could <work and> provide services to S-21, <but he was
22 not released to go outside.> And of course he did not have the
23 right to become a Party member again. And we used his dental
24 expertise. <Brother Nuon asked me to keep Dy Phon to serve as a
25 dentist>.

76

1 And another fact related to Dy Phon alias Thuk, he worked amongst
2 other staff at S-21 and he <also> worked as a <medic>. And on the
3 day that we fled the "Yuon", Dy Phon fled along <with us> but
4 separated from my main group as we crossed National Road Number
5 4. And <Nheb Hor alias Vann (phonetic)> led another group to the
6 other side of National Road Number 4.

7 And by 3 p.m. on 7 January, when we left S-21, Dy Phon <was>
8 still alive. But we separated at night time <around 7 p.m.> when
9 we took a separate direction at National Road Number 4. So from
10 that point onward I did not know about his fate. And of course, I
11 tried to follow up and asked what happened to him, but I did not
12 receive any information.

13 [14.25.09]

14 Q. However, in the transcript of 8 June 2016 <at 14.25.02>, you
15 said that you were waiting for two women from France; that is
16 Madam Chau Seng and Madam Dy Phon, that is, <Pann> Pauline (sic),
17 the wife of Dy Phon, and your purpose of waiting for the two
18 women was to kneel before them and to apologize before them that
19 you failed to protect someone that you respected. However, you
20 just informed the Chamber that Dy Phon survived, that is, on the
21 7 January '79, <> he was fleeing together with S-21 staff.

22 Can you tell the difference, that is, that he is survived on that
23 day and that you intended to apologize to the two women for your
24 failure to protect someone who you respected?

25 [14.26.41]

77

1 A. Chau Seng had done a lot of things for the nation and for
2 myself. He actually transformed the national curriculum.
3 Secondly, he actually established the pedagogical school so that
4 those who just finished high school could enrol and become
5 professors. That was his gratitude towards the nation. For that
6 reason I had an obligation to protect him. Importantly, he was a
7 progressive person who loved and who participated and contributed
8 to the revolution.

9 In the case of Dy Phon, he engaged in a movement in France and
10 later on he was implicated.

11 The most important of all was Tann Pauline, that is, his wife.
12 They were both progressive people who loved the revolution. <As I
13 said this morning, Tann Mok, who was Tann Pauline's brother,>
14 developed forces <to provide electricity within> Cambodia.
15 <Therefore, I treated them as respected people.>

16 [14.28.19]

17 Of course, it was true that Chau Seng died. And for Dy Phon, I
18 failed to protect him and I mean that someone implicated him and
19 he was arrested. The arrest order was made by Brother Pol. And
20 after 7 January '79, when we separated, I did not learn of his
21 fate.

22 As for Madam Pauline, she changed her name to Dy Phon Pauline.
23 Today I do not know whether Dy Phon <survived> after our
24 separation.

25 Q. My next question relates to the Suramarit Buddhist School. You

78

1 have responded at length regarding your contact with Nuon Chea in
2 terms of work. That is the senior leadership level to S-21
3 Centre, where you were the chairman, and that he transferred the
4 charge -- rather, the leadership of S-21 was transferred from Son
5 Sen to Nuon Chea, <and you frequently went to see him>.

6 Can you tell the Chamber the exact location of this Suramarit
7 Buddhist School? And can you also tell the Chamber that -- where
8 it happened when Nuon Chea called you to report to him; that you
9 said that each time it lasted no more than 10 minutes? And who
10 else was present during such meetings?

11 [14.30.18]

12 A. <The> Suramarit Buddhist School, to my recollection, is
13 located on Dr. Hann Road, that is the east -- the road stretching
14 from the east to the west, parallel to the Royal Palace, that is
15 <in front of> the old national assembly.

16 So the building of Suramarit Buddhist School was located between
17 these two buildings and parallel to the front <of the> Royal
18 Palace. The building was <long and parallel to the sunlight's
19 direction>. <There was no room on the ground floor.> There was
20 only one staircase leading to the upper floor and usually I was
21 called to meet him on the upper floor.

22 And on the first day, that is, 15 August '77, I was also called
23 to go to the upper floor. But after that I met him on the ground
24 floor.

25 He <would be> sitting at his desk facing the south and I <would

79

1 be> sitting opposite him. There were only <ever> two of us
2 present at such meetings. And of course he was part of the
3 Centre. There had to be bodyguards located outside. However,
4 inside the room only the two of us were present.

5 [14.31.58]

6 Q. Thank you. If you can recall, when you were called by Nuon
7 Chea to go work with him or to receive direct orders or
8 instructions, how many times did you go to that location and have
9 the meetings with Nuon Chea since the time that he was in charge
10 of S-21?

11 A. Thank you, Mr. President. He called to me to work with him at
12 that location on many occasions. I would see him once in every
13 three or four days. <But> at Borei Keila there were small rooms,
14 I went to Borei Keila two or three times to work with Brother
15 Nuon. Again, I would go to see and work with Nuon Chea <at
16 Suramarit Buddhist School> once every three or four days.

17 And Lin and I agreed that if we were called to the meeting <at
18 river bank location>, we would go to the Buddhist school, and if
19 we were called to Borei Keila, it was on a hill that we had to
20 meet. <That was what we agreed on. They usually called me on a
21 phone. But Brother Nuon never made a phone call to me.>

22 Q. Thank you. I have several other questions to put to you. The
23 question now is about the procedures employed at S-21.

24 Before arresting a prisoner, did it <only> depend on the
25 implications by the previous prisoners <who were interrogated at

1 S-21,> or were there other methods or procedures used; for
2 example, investigation or the reviewing of a confession <from
3 S-21> before the arrest happened?

4 [14.34.51]

5 A. Based on the contemporaneous documents and in accordance with
6 the principles of the Party, after they got confessions from
7 S-21, they would meet among themselves. For example, in the case
8 of Long Muy alias <Chuon>, Brother Khieu sent the confession to
9 Brother Pol <to make a decision>. That was one of the procedures.
10 And another procedure used at the time was to send confessions to
11 each zone for review, <it stated that, "Comrade, please examine
12 based on the facts". When enemies implicated certain individuals
13 at the zone level, the upper echelon sent those confessions to
14 the particular zone for review, and if the upper echelon thought
15 that someone was deeply involved in particular activities, that
16 person would be arrested>. Son Sen was in charge of <the arrest
17 within> the army. For example, one document <was> sent to Comrade
18 Pin for examination. So, Pin, when he received the document, he
19 would adhere to the order or instruction in the document and
20 people would be arrested. That <was what I have known regarding
21 this matter>.

22 I mentioned this to Nuon Chea and Nuon Chea said, "<> Comrade,
23 <they know> how to do the job."

24 [14.36.39]

25 Q. I have another question before we take a short break. The

81

1 Chamber has heard evidence in relation to a meeting held in Phnom
2 Penh on 20th of May 2015 (sic), <and the participants were from
3 different places>. Did you ever attend a meeting held on 20th of
4 May 1975, at the National Stadium?

5 A. Thank you, Mr. President. I was at Amleang <at> that time and
6 I was working at Amleang for quite a long time, and after <I had
7 thought about how long I would be there,> I wanted to get
8 married.

9 I was at Amleang so I was not aware of whatever was going on in
10 Phnom Penh.

11 THE PRESIDENT:

12 Thank you very much, Mr. Witness, for your answers.

13 It is now time for a short break and the Chamber will resume its
14 hearing at 3 p.m.

15 Court officers, please assist the witness in the waiting room
16 during the break time and please invite him back into the
17 courtroom at 3 p.m.

18 The Court is now in recess.

19 (Court recesses from 1438H to 1459H)

20 BY THE PRESIDENT:

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

22 Q. And Witness, I still have some more questions to put to you.

23 My question is related to Sua Vasi, alias Doeun. Yesterday you

24 testified that he was chairman of Office 870. Based on your

25 recollection, can you tell the Chamber when Sua Vasi, alias Doeun

1 was arrested and sent to S-21?

2 MR. KAING GUEK EAV:

3 A. Sua Vasi, alias Doeun, was arrested but I cannot recall the
4 exact date. What I recall is that his arrest was made after the
5 arrest of Koy Thuon.

6 Q. Do you recall the year of his arrest?

7 A. It was in 1977.

8 [15.02.06]

9 Q. And did you know who ordered the arrest of Doeun?

10 A. My statement remains the same that arrest orders came from the
11 upper echelon, that is, from 870.

12 Q. I'd like to refer to a document or -- rather, some documents
13 relating to questioning of the facts relating to <Doeun>,
14 document E3/1625; at Khmer, ERN 00011608; and English is at
15 00768020.

16 Can you refer to the annotations, which <are> highlighted in
17 <green> before you and <it is mentioned that "To Doeun">, the
18 date of the annotation is 30 April 1977.

19 Do you find that annotation? I actually have it tabbed there for
20 you to refer to.

21 (Short pause)

22 [15.04.18]

23 BY THE PRESIDENT:

24 Q. And Duch, do you find the relevant annotation? It is on Khmer
25 ERN 00011608 and I actually highlighted that annotation. Please

1 refer to the first tab.

2 MR. KAING GEUK EAV:

3 A. Yes, I located the relevant annotation and allow me to read

4 the annotation as follows: "Mr. Doeun, to my little

5 understanding, this document indicates that you are hiding

6 something. It's like a cat hiding its feces.

7 And I do not know whether this statement is correct or not.

8 Please take some time besides your dreams to review the text and

9 report the matter truthfully based on the nature of the issues.

10 Duch, 30 April 1977."

11 Indeed, this is my own annotation.

12 [15.06.13]

13 Q. Can you tell the Chamber the meaning of that annotation since

14 you wrote it?

15 A. This is one of the techniques of interrogation that Pon and I

16 invented together and I wrote this annotation by myself to Doeun

17 and that means that he should stop lying. He used to lie. He had

18 something to hide and that's why I referred to a cat covering its

19 own feces and instructed him to stop lying and to tell the truth.

20 Doeun and I had known each other since October '77 (sic), when

21 Doeun went to work with Koy Thuon and <I was with Koy Thuon at

22 that time;> that was one of the factors, that I instructed him to

23 write the truth.

24 [15.07.35]

25 Q. Thank you. Please refer to the second tab with Khmer ERN

84

1 00011629. The English is at 00768021. It is a letter that you
2 wrote to "Monsieur Doeun" and the date of the annotation is 11
3 May 1977. It is highlighted in green.
4 Mr. Duch, do you recognize that text or document?
5 A. The handwriting is <from> Pon, who <interrogated Doeun>.
6 And allow me to read it as follows:
7 "Monsieur Doeun, I would like to give you the following
8 reminders. In summary, the text you wrote and those that you are
9 writing now are all about other <peoples'> stories. <In any
10 case>, you did not reveal any factual event of your story that
11 you <had> direct involvement in the <treason>.
12 If you continue to maintain this position, it is required under
13 the adopted decision of the Ministry of Santebal that your
14 <Achilles> tendons be pierced. Do you believe that I will dare
15 turn this warning into real practice instantly in front of your
16 eyes if you are still obstinate? You said in your statement that
17 Brother Phim was drunk and released the 'triple hook' letter and
18 Kem has also seen that. Was this point in your statement a true
19 fact? Dare you commit to replace your eyeballs with this if,
20 through an inquiry, Kem says that he has not seen it?
21 Mr. Doeun, to put your <Achilles> tendons and eyeballs at risk is
22 not an ordinary deal. It will become a real deal if you continue
23 to be a headstrong, hypocritical fascist. It is requested that
24 you write a page or two to illustrate this as clearly as
25 possible, 11 May 1977. Pon."

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 [15.10.51]

2 Q. Can you tell the Chamber why the word "monsieur" was used? It
3 is rather strange that <the> word <> was used during the
4 Democratic Kampuchea Regime, that is, at your S-21 centre.

5 A. In fact, the word "monsieur" in Khmer context was a degrading
6 form to address a person. That is all I can say about the word
7 "monsieur" <>.

8 Q. And based on the warnings that you just read out, did anything
9 happen? Was Doeun subject to such ordeal during his detention at
10 S-21 or were such practices ever used against other detainees?

11 A. To my knowledge, it was merely a warning and it was not used
12 on anyone.

13 Q. You have responded repeatedly about Pon, that is, the person
14 that you refer to and who was the author of this document. Can
15 you tell the Chamber the actual role and function or position of
16 Pon at S-21?

17 [15.13.05]

18 A. After I was released from prison I stayed at a Monks'
19 residence Number 3 and Pon also stayed there. He was a teacher at
20 Kampong Seila but he fled and came to reside with me at the same
21 Monks' residence.

22 And I taught him the interrogation techniques. He was a person
23 that I taught rather closely in relation to the interrogation
24 techniques and <I also taught> another young member, Meas
25 (phonetic) but he passed away. <He did not serve at S-21, but> he

1 helped me with some work at M-13 Office.

2 So for important or special prisoners, I would assign Pon to
3 interrogate them. And I jointly worked with him in interrogation
4 while we were at M-13.

5 But when we were at S-21, our roles were different and, of
6 course, there I assigned him to interrogate important prisoners.
7 He never beat any important prisoner <up to the point> that the
8 confession was cut off, no, he never did that. <Most of the
9 time,> he <> got a result from his interrogation.

10 [15.14.43]

11 Q. Thank you. Also in relation to Doeun, please refer to tab
12 Number 3, in the document before you, that is, E3/1625; at Khmer,
13 ERN <00011671>; in English, 00768023.

14 This is another letter that was written two or three days before
15 the day that we just -- the date of the letter that we just
16 discuss. And this is a letter that Doeun wrote to you. Have you
17 located that letter, Witness?

18 A. Thank you, Mr. President. Allow me to read the letter:

19 "Beloved Brother Duch, I could not find any words to describe the
20 condition of my detention from the beginning until today. All
21 kinds of punishment and torture were inflicted against me. Was it
22 right or wrong to do so? <I never betrayed the Party> --"

23 MR. PRESIDENT:

24 Please hold on, Witness, and Counsel Anta Guisse, you have the
25 floor.

1 MS. GUISSÉ:

2 Mr. President, thank you. I am on my feet right now because I
3 understood that you're asking the witness to read a letter
4 written by Doeun in which explains that he was being
5 interrogated.

6 So here, again, we're talking about a torture-tainted document.
7 So I wanted to make this observation now before the witness
8 continues with his reading of the letter.

9 MR. LYSAK:

10 I believe the purpose of this is to show that torture was used.
11 That letter specifically describes the detainee being subject to
12 torture and to -- I cannot again imagine how the Torture
13 Convention prohibits evidence that talks about the use of
14 torture.

15 It cannot possibly be the case, that the Convention against
16 Torture prevents evidence, a statement from a detainee where he
17 is talking about being tortured. If that was the case, up is down
18 and down is up and the Torture Convention is being used for a
19 purpose that it was not intended.

20 So I think any evidence where the detainee is talking about being
21 tortured is admissible.

22 [15.17.57]

23 MS. GUISSÉ:

24 Well, if I may make a short comment about this. Well, if the
25 point is to know whether or not torture was inflicted to Doeun,

1 well, we have enough evidence of that to reach that conclusion. I
2 believe that the statements of the witness himself are sufficient
3 to prove that and, in any case, duress<, as we saw in the
4 annotations, which were authorized by the Chamber,> also was
5 proven.

6 And now saying that we can use the content of statements made by
7 a person who was subjected to an interrogation <involving
8 treatment that falls> within the scope of the Convention Against
9 Torture, <in that - this is the second point --> these are <not>
10 statements that <simply mention> torture<, but which also
11 describe the reasons why this person was detained,> and therefore
12 we're dealing here with documents that are torture-tainted and
13 that correspond perfectly to what the Convention Against Torture
14 prohibits.

15 That's exactly the sense of the decision you issued yesterday, so
16 I stand by my observation.

17 BY MR. PRESIDENT:

18 The only <reason> that I <am referring> to this document is that
19 I could not find any other surviving document and this is the
20 only document that I have found.

21 Anyway, I asked general questions to Duch. Duch, in fact, there
22 was a request for a pardon so that the person could be spared and
23 he would do whatever tasks were assigned to him or that he could
24 be demoted from the rank of Party member to become a simple
25 peasant.

1 Q. So, Duch, could you tell the Chamber regarding the facts that
2 this person made <a request for a pardon> to you or to the upper
3 echelon? And <> were there are other cases that <were> similar to
4 this one <at S-21>?

5 [15.20.45]

6 MR. KAING GUEK EAV:

7 A. I cannot recall the events involving Doeun. And as for this
8 particular letter, I cannot say whether I saw it before.

9 Yes, there were other prisoners who <requested a> pardon,
10 including Kang Chap alias Sae, who <wrote a letter to beg> me for
11 the Party to spare him because he knew how to make rope to lead
12 cattle and I raised the matter to Brother Nuon and he laughed and
13 he would not allow that to happen.

14 In the case of Doeun, I cannot say whether I read that letter.
15 Regardless of whether I read it or not, Doeun was not allowed to
16 <be> let out.

17 One day Pon requested to go and interrogated Koy Thuon in person
18 and he actually blamed Koy Thuon and Koy Thuon became quiet, and
19 I did not know the full details of his confessions; I cannot
20 recall it.

21 [15.22.10]

22 MR. PRESIDENT:

23 Thank you. I do not have any further questions for witness. And
24 any Judges for the Bench? I notice that Judge Lavergne wants to
25 put some questions.

1 Judge Lavergne, you have the floor.

2 QUESTIONING BY JUDGE LAVERGNE:

3 Thank you, Mr. President. Good evening, Witness.

4 Q. I have a certain number of questions to put to you which are
5 essentially follow-up questions, and I would like to revisit the
6 case of Nat.

7 Do you know who decided to transfer Nat from the S-21 jail to the
8 Staff Committee? Who is the person who took that decision; was it
9 Son Sen, was it someone else?

10 [15.23.18]

11 MR. KAING GUEK EAV:

12 A. Thank you, Your Honour. The person who conveyed the message --
13 who conveyed the message to me and Nat was Brother Son Sen. In
14 fact, both of us were called by him to work and he said that S-21
15 was assigned to Duch to be in charge.

16 And as for Nat, Nat could conclude the remaining tasks for a
17 period of two to three months, although it may be -- the work may
18 <have been> left behind but that would <have been> all right.

19 <Those were> his instructions.

20 So based on these instructions from Brother Son Sen, he came to
21 S-21, not in <his> capacity as <> the general staff, but he was
22 there in his capacity representing 870 or representing the
23 <Politburo> of the Party Centre.

24 [15.24.35]

25 Q. So what you're telling us is that it is Son Sen who spoke on

1 behalf of Office 870. Is that what we must understand?

2 A. Son Sen came to S-21 in his capacity as Office 870, not in his
3 capacity as general staff.

4 Q. Well, for the record, because this is a document that you are
5 not aware of, but I'd like to say that on the case file we have
6 the minutes of the Standing Committee of 21 April 1976. It's
7 document E3/235; English, ERN 00183419; French, ERN 00322971;
8 Khmer, 00019146.

9 And we find the following in particular:

10 "Now, regarding super comrades Mean and Nat, they are only mobile
11 cadres from the Staff Committee who come to support the Staff
12 Committee. Regarding the combat operations, they do not have
13 direct control over the forces involved."

14 So what I'd like to know is if later on when Nat was at the Staff
15 Committee, you had the opportunity of seeing him again; of
16 participating in meetings which he attended? And did he continue
17 supervising, as a member of the general staff, S-21s activity?

18 [15.26.45]

19 A. A document that, <according to> Your Honour's, quote, I only
20 saw at a later stage, that is, during the proceedings in Case
21 001. <Pol Pot did not allow> Mean and Nat <to be involved with
22 the forces>.

23 Initially, Nat had many roles to play. He was assistant to the
24 Centre, Chairman of the Medical Committee, Chairman of the
25 Military Telecommunication and, later on, became Chairman of

1 S-21.

2 Gradually, he was removed from those positions and finally he was
3 assistant to the general staff.

4 That's what I learned at the time and, later on, Son Sen told me
5 about his replacement, that I succeeded him, and the document
6 that you just read out I saw that later on, as by that stage the
7 Party no longer trusted him.

8 [15.28.08]

9 Q. That was not exactly the question I was putting to you. My
10 question was, later on, did -- when Nat was working for the
11 general staff, did he continue supervising S-21s activities or
12 <rather> was he still involved in S-21s operations or was it only
13 Son Sen, your contact person at general staff <and no one else>?

14 A. Nat used to <pretend to give me a fabricated order> after his
15 transfer and that <was> during the interim period that he had to
16 finish his remaining work, and <I> made a report to Son Sen and
17 Son Sen said next time I should scold him not to interrupt my
18 work. And it did happen. Nat came and then I warned him that I
19 <would> report his presence to Angkar. <Of course, he actually
20 pretended to give me a fabricated order in relation to <the> S-21
21 operation>.

22 Q. In order for what you are saying to be perfectly clear, to the
23 best of your recollection when did Nat completely stop all
24 activities related to S-21?

25 A. It was around June.

1 Q. That is June 1976<, for the record>. Do you know whether Nat,
2 at a point in time, was transferred to the Ministry of Foreign
3 Affairs?

4 A. A long while after, Nat was transferred from the general staff
5 to the Ministry of Foreign Affairs, that is a few months <before>
6 I attended the study session where Pol Pot made a presentation.
7 My <apologies>, I heard the incorrect interpretation. That
8 happened before, before I attended the study session together
9 with Nat.

10 [15.31.16]

11 Q. Are you referring to a training session with Pol Pot or with
12 Nat or a training session with Pol Pot in which Nat participated?

13 A. Allow me to clarify it. The training session chaired by Pol
14 Pot; Hor, Huy and I were participants. Nat was also a participant
15 and Hok was also a participant.

16 Q. And was that meeting held in October 1978?

17 A. I cannot recall the exact date and year, Judge.

18 [15.32.28]

19 Q. Very well. You stated that you recall that Nat was transferred
20 to the Ministry of Foreign Affairs. Was that transfer some kind
21 of demotion or was it something that happened often, that people
22 in a state of disgrace were transferred to the Ministry of
23 Foreign Affairs? And, if so, why was the Ministry of Foreign
24 Affairs was the target ministry?

25 A. Thank you, Judge. <A> cadre <would be removed> and then

1 transferred to Ministry of Foreign Affairs, that was the first
2 measure against that individual.

3 Hok <> was transferred to that location. Nat, Ke Kim Huot were
4 <also> transferred to Ministry of Foreign Affairs before their
5 arrests.

6 Q. And do you recall when Nat was arrested?

7 A. It was in late 1978.

8 Q. Well, we have Nat's confessions, <In Lorn alias Nat, in the
9 case file>, and it is document E3/1710, and those confessions
10 date back to the very end of December 1978.

11 Do you recall who you reported confessions to? First of all, do
12 you recall Nat's confessions and to whom did you report Nat's
13 confessions?

14 [15.34.49]

15 A. Thank you. <I sent> Nat's confession <> to Nuon, Uncle Nuon.
16 Nat and Brother Hok were arrested all together.

17 Q. And where was Nat detained? He must have known quite a number
18 of persons working at S-21, so where was he detained?

19 A. At the time, the interrogation place was located in Ponhea Yat
20 <> high school. Hor knew Nat, but no one dared to intervene <with
21 the case or> release <> Nat.

22 Q. You stated that you reported to Nuon Chea. It so happens that
23 Nat was detained very shortly before the arrival of the
24 Vietnamese. Did you receive any orders to execute Nat and, if so,
25 who issued those orders?

1 [15.36.31]

2 A. Regarding the smashing of Nat, <there was nothing special
3 about it, and> that happened in normal procedures. He was not
4 kept for <long enough to obtain> sufficient confession.

5 After the interrogation, he was sent away. <To my collection,> he
6 was sent away together with two <other> individuals. Three of
7 them were sent out, <they were> Nat, Brother Hok and Brother
8 Vorn; three of them were sent out. <They were not sent> to
9 Choeung Ek, but perhaps to a bush <close to> Road <163 and Mao
10 Tse Tung Boulevard>.

11 Q. I believe you have already talked about that location. You
12 have talked of a lake<, I believe,> very close to where important
13 <people> were executed. Is that correct?

14 A. That location you have just mentioned, the bushes close to a
15 pond north of Road <163>. And it was close to Mao Tse Tung
16 Boulevard.

17 Q. When you were appointed director of S-21, tell me if I am
18 wrong, you <assumed> the function of director of S-21 and the
19 secretary of the S-21 committee. Is that correct?

20 A. Thank you, Judge. I was appointed in mid-March 1976. That was
21 after the removal of Nat and I became the secretary of the Party
22 branch of S-21.

23 Q. Very well. You were secretary of the S-21 Committee. You had a
24 deputy secretary whose name was Hor and you had a member called
25 Huy, Huy Sre. Regarding these two members, Hor and Huy, were both

1 of them members of Division 703? Is that the case?

2 [15.39.44]

3 A. That is correct. I was the only secretary of S-21. Huy and Hor
4 <> originally were from <Division> 703. One was <> the deputy
5 secretary and the other one was the member.

6 Q. Regarding Huy -- and we know he was chief of Prey Sar -- was
7 he ever the head of Takhmau Prison at any point in time?

8 A. Prey Sar Prison was located in the farming field of S-21. We
9 never used Prey Sar Prison in fact.

10 <> I recall that during the proceeding <stage,> you, Judge, said
11 that we did not use Prey Sar Prison because <the> Party did not
12 want anybody to see that the <CPK> had <a> prison. <That was what
13 Judge said at the time. So, in fact,> we did not use Prey Sar
14 Prison.

15 [15.41.25]

16 Q. Please may I request you to listen to the questions I am
17 putting to you. I did not talk about Prey Sar Prison. All I asked
18 was whether Huy, at any point at the beginning of his activities,
19 was in charge of the Takhmau execution site. <We're talking about
20 Takhmau.> We're not talking of Prey Sar. We know that he headed
21 Prey Sar as a <reeducation> centre, but that is not what we are
22 talking about.

23 A. Thank you, Judge. Concerning duties of Huy and Hor, I was -- I
24 do not know about their duties before March, but when I was in
25 charge of them, Huy was <in charge of> rice farming <and

97

1 re-education> at Prey Sar. And as for Hor, he supervised <the
2 affairs in> Phnom Penh and also Choeung Ek.

3 Q. Huy was arrested and executed. Hor was neither arrested nor,
4 <obviously>, executed. How do you explain the fact that Hor,
5 former member of Division 703, was not purged? Who decided that
6 members of Division 703 were to be <purged or not>?

7 A. Huy was smashed at S-21 but not Hor. We did not just smash
8 members or people from 703. Hor was very meticulous of his tasks
9 before the Party.

10 [15.44.03]

11 Q. So there was someone who decided who were the good elements
12 and the bad elements in Division 703. My question is this. Who
13 decided who was a good or a bad element? There were many S-21
14 staff members who were members of Division 703, many.

15 A. Who decided who was good or bad. The decision was made
16 <according to> the movement or the tasks that they did. Hor was
17 concentrating on his duties and work <very well>, but Huy made
18 many infractions or mistakes, and he was not serious about his
19 work.

20 The primary and the most noticeable mistake was to allow a radio
21 operator to flee to somewhere else, and we could not find that
22 individual.

23 [15.45.34]

24 Q. I would like to put a few questions to you regarding <Pang>.

25 Can you tell us when you met Pang for the first time? Since when

1 had you known him?

2 A. Thank you, Judge. I started to know Pang when Nat brought Pang
3 to introduce to S-21. At the time, I was working at the <>
4 General Commissariat of <the> National Police.

5 Nat brought Pang to the location and, later on, Son Sen said that
6 <Phim (phonetic),> the cadre from Hanoi, confessed and <Nat's
7 group> wrote down the names of those who were implicated.

8 And Son Sen told me about that issue and I was scared. Son Sen
9 consoled me and <> told me not to worry since Pang was a good
10 person. So from that point onward, I started to know Pang.

11 Q. I do not quite understand what you are saying. You said you
12 were afraid because Son Sen had told you that cadres from Hanoi
13 were going to be arrested. What were the cadres from Hanoi coming
14 to do and why were you afraid?

15 A. Thank you. That were the two different types of procedures
16 that we performed our tasks. Nat asked the cadre from Hanoi that
17 we arrested to write on the board. <The cadre> from Hanoi named
18 Phim (phonetic) implicated Nhim, <from the Northwest zone>.
19 Son Sen came to see me and said contemptible Phim (phonetic)
20 implicated <Comrade> Nhim and I was scared after hearing that. I
21 was terrified because usually we did not allow other cadres, I
22 mean Pang, to see confessions of enemies.

23 [15.49.01]

24 Q. When you saw how important Pang's role was, and from what you
25 are saying Pang must have had an important role to play so he

1 <could> consult <the confessions>, when you saw how important
2 Pang's role was, did you understand that Pang was a member of the
3 Santebal?

4 A. Later on, I learned that Pang was not an ordinary individual,
5 he was <one of the assistants to> the Centre, the first <person>.
6 So I started to respect him because he usually conveyed the
7 instructions of Pol Pot to S-21.

8 [15.50.21]

9 Q. So Pang was a link between S-21 and Pol Pot or the Centre, is
10 that correct? Did you ever hear anyone talk of an Office referred
11 to as S-71 and if yes, what do you know as regards S-71?

12 A. Thank you, Judge. Previously, I had known that Pang was the
13 spokesperson of Pol Pot and the Chief of the Guards Unit of Pol
14 Pot.

15 In these hearings, I saw a list of S-21 stating that Pang was the
16 Chief of Ministry S-71.

17 Q. It may be difficult, but I would like you to make a
18 distinction between what you knew at the time and what is
19 relevant to me, and what you knew subsequently.

20 During that period, did you know that Pang headed an Office
21 called S-71?

22 A. Back then, I knew that Pang was a spokesperson of Pol Pot. He
23 was the Chief of Pol Pot's guard unit <>.

24 Q. Did you see Pang carry out any arrests or did you see him
25 <driving> persons who were arrested to S-21?

100

1 A. Thank you, Mr. President (sic). Pang brought people to me for
2 the arrests. I could recall Men San alias Ya, he was brought to
3 my house to be arrested, the house which was located on Monivong
4 Boulevard.

5 [15.53.19]

6 Q. Did Pang bring to S-21 a number of persons working at the
7 Ministry of Foreign Affairs?

8 A. I cannot recall it well.

9 Q. Let me point out that we've heard here before this Chamber
10 Saloth Ban, on 24 April 2012 at 10.04, and is transcript E1/67.1,
11 and he explained that among the persons who came to get people in
12 Ministry of Foreign Affairs was Pang.

13 Do you know whether Pang had other duties including, for example,
14 do you know whether he had any links with Boeng Trabek or Chraing
15 Chamres or other organs that were under the Centre?

16 [15.54.42]

17 A. My <apologies>, I do not get your question. Do you want to
18 know about Pang<'s relationship> with other individuals?

19 Q. What I would like you to tell us is whether you were aware
20 that Pang had other activities, <notably> activities related to
21 the Boeng Trabek centre or Chraing Chamres centre, or other
22 organs that were under the Centre?

23 A. Pang told me of his frequent trips to Boeng Trabek and Chraing
24 Chamres and other locations. He was so busy and he was actively
25 engaged in those tasks.

101

1 Q. Was one of Pang's activities the reception of Cambodians
2 living abroad and who were returning to Cambodia? And did Pang
3 bring some <Cambodians> who were just coming <back to> Cambodia
4 from abroad <directly> to S-21?

5 A. Thank you. Bringing the Khmer people who had arrived in
6 Cambodia <from other countries> and then <bringing them> to S-21,
7 I cannot recall the events well. <However, I believe there were
8 many incidents like that that happened.>

9 Q. Very well. You stated, in answer to a question put to you
10 during these proceedings, that you had conversations with Pang.
11 I would like to know whether you had those conversations before
12 Pang was arrested and detained at S-21, or you had those
13 conversations only after his arrest?

14 [15.57.40]

15 A. I asked Pang <about> various issues on frequent basis because
16 he <conveyed instructions from the upper echelon to S-21 as well
17 as bringing other individuals to S-21 to be arrested, or he
18 brought> outside prisoners to S-21 <>. And as for our
19 conversations that I had with Pang, <they> happened before Pang's
20 arrest. After Pang was arrested, I did not go to see <him>.

21 Q. Very well. After Pang's arrest, there was another person
22 called Lin. Is <that> Khan <Lin> alias Ken or <are we> talking of
23 someone else?

24 A. After <> Pang, it was <> Comrade Lin alias Ken or Kaen
25 (phonetic), <I cannot recall his alias, but I am sure it was

102

1 Comrade Lin>. No, Lin was not arrested after Pang. There was
2 error with interpretation. Lin was not arrested.

3 Let me continue what I want to say. Lin had a division, that is,
4 Division 180. Division 180 defended the whole Centre office. And
5 Pang was above Lin. Lin was above Kham My, so there was a group
6 of the three individuals as I have just mentioned.

7 [16.01.00]

8 Q. In order for it to be clear, who replaced Pang?

9 A. Thank you. Lin alias Ken replaced Pang.

10 Q. When was Lin arrested because if he replaced Pang he <had to
11 have been> arrested afterwards?

12 A. There was no arrest made against Lin. I met Lin in <the>
13 1980s, 1985, to my recollection.

14 Q. So whom were you speaking about when you said that he had been
15 arrested before Pang? Who was this person; was this someone by
16 the name of Kim (phonetic) --?

17 You said earlier that someone whom I thought was Lin had been
18 arrested before Pang, so whom were you speaking about?

19 A. Phim (phonetic) <>, the cadre from Hanoi, <was arrested before
20 Pang>. Phim (phonetic) <> mentioned Nhim who joined the traitors.

21 Q. Did Phim (phonetic) have any kind of connection with Ieng
22 Sary?

23 A. <I did not know about the> level of communication between Ieng
24 Sary and Pang, but Pang had held a powerful position so he could
25 enter <every> office easily.

103

1 MR. PRESIDENT:

2 It is now time for the adjournment. The Chamber will resume its
3 hearing tomorrow on Wednesday 15 June 2016, at 9 a.m.

4 Tomorrow, the Chamber will continue hearing the testimony of
5 Duch, Kaing Guek Eav, alias Duch. Please be informed and be on
6 time.

7 Thank you, Kaing Guek Eav alias Duch, your testimony has not come
8 to an end yet so you are invited here again tomorrow at 9 a.m.

9 [16.04.23]

10 Security personnel are instructed to bring the accused <as well
11 as the witness> back to the ECCC detention facility <> and have
12 them returned <to the courtroom> before 9 a.m. <and as for the
13 witness, please have him returned to the courtroom at 9 a.m.>
14 respectively.

15 The Court is now adjourned.

16 (Court adjourns at 1604H)

17

18

19

20

21

22

23

24

25

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.