



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

ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ

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អង្គជំនុំជម្រះសាលាដំបូង  
Trial Chamber  
Chambre de première instance

**TRANSCRIPT OF PROCEEDINGS - "DUCH" TRIAL**

**PUBLIC**

Case File N° 001/18-07-2007-ECCC/TC

27 April 2009, 0930H  
Trial Day 12

Before the Judges:

NIL Nonn, Presiding  
Silvia CARTWRIGHT  
YA Sokhan  
Jean-Marc LAVERGNE  
THOU Mony  
YOU Ottara (Reserve)  
Claudia FENZ (Reserve)

For the Civil Parties:

HONG Kimsuon  
TY Srinna  
YUNG Phanit  
KIM Mengkhy  
Silke STUDZINSKY  
Philippe CANONNE  
KONG Pisey  
Alain WERNER

For the Trial Chamber:

DUCH Phary  
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LIM Suy-Hong  
Matteo CRIPPA  
Natacha WEXELS-RISER

For Court Management Section:  
UCH Arun

For the Office of the Co-Prosecutors:

TAN Senarong  
Alexander BATES  
PICH Sambath  
Stuart FORD  
PAK Chanlino

For the Accused Person KAING GUEK EAV

François ROUX  
KAR Savuth  
Heleyn UÑAC

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## WITNESSES

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BATES	English
MR. CANONNE	French
JUDGE CARTWRIGHT	English
MR. HONG KIMSUON	Khmer
MR. KIM MENGKHY	Khmer
MR. KONG PISEY	Khmer
JUDGE LAVERGNE	French
MR. ROUX	French
MS. STUDZINSKY	English
MR. TAN SENARONG	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	French
JUDGE YA SOKHAN	Khmer

1

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

2 (Judges enter courtroom)

3 [09.06.20]

4 MR. PRESIDENT:

5 The Court is now in session concerning the Santebal, S 21 and the  
6 Ta Kmao prison.

7 The Greffier, please report the attendance of the parties to the  
8 proceedings.

9 THE GREFFIER:

10 Your Honours, the President, parties in these proceedings are all  
11 present.

12 MR. PRESIDENT:

13 The Greffier, please make sure that the attendance of the parties  
14 are well included in the transcript.

15 To proceed, the Chamber would like to enquire of the parties  
16 whether they would like to make any further observations, and on  
17 the 23rd of April there was a document introduced in the Court --  
18 whether the parties object to how the document is presented or  
19 would there be any other specific issues the defence or the  
20 parties would like to raise.

21 Mr. François Roux, you can take the floor to address this matter.

22 MR. ROUX:

23 Thank you, Mr. President. The defence has examined the document  
24 which was put before the Court by the Co-Prosecutors during the  
25 last hearing. I am referring to a document which contains a

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1 number of photographs and this is what the defence has to say  
2 about this.  
3 The defence had understood from the Chamber's previous  
4 determinations that the parties could request for inclusion into  
5 the evidence documents in the record of the case, but the  
6 document which is put forward by the Co-Prosecutors is not a  
7 document in the record of the case. It is an excerpt of the case  
8 file and that is entirely different. The Office of the  
9 Co-Prosecutors has selected, from amongst the documents in the  
10 record of the case, part of the document and is presenting its  
11 own selection which is partial and, therefore, necessarily  
12 biased, before the accused has been questioned.  
13 The defence, accordingly, requests clarification in this regard.  
14 For example, with regard to the photographs of the re-enactment  
15 which is presented in the prosecutor's document, only some of  
16 those photographs selected by the prosecutor appear in the  
17 document.  
18 Does it, therefore, mean that the defence should provide to the  
19 Chamber the other remaining photographs in that particular  
20 document?  
21 [09.11.11]  
22 We are going to lose time; we are going to waste time. We  
23 understood that after the Chamber will have questioned either the  
24 accused or the witnesses, the parties can then tender, or at  
25 least more accurately, ask that evidence be included in the

3

1 record. That is evidence that is already in the case file, and  
2 only at that time the parties can select the evidence that they  
3 will choose.

4 The prosecution will choose the documents or the material that  
5 will support its case and the defence will select the material  
6 that will support its own case, but what we do not wish to see is  
7 that the Office of the Prosecutor -- before the accused is  
8 questioned, before witnesses give testimony -- selects documents  
9 in the case file and presents them as if they were objective.  
10 So either the prosecutor puts before the Chamber the entire  
11 document at the appropriate time or, if he wishes to make a  
12 selection, he waits for the accused and the witness to give  
13 testimony. This is the point on which the defence wished to make  
14 observations and for which it is seeking clarification from the  
15 Chamber.

16 [09.13.49]

17 The defence is prepared, even if it is not afforded the same  
18 human and material resources as the Co-Prosecutor. The defence  
19 is ready to work to put before the Chamber all the photographs  
20 and not just a selection of these, but it seems to me that this  
21 is a pure waste of time.

22 I summarize.

23 The point at issue here is that the prosecutor is only presenting  
24 a selection of a document that is in the case file as if it were  
25 an objective presentation. It is not objective. This is the

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1 prosecution's case, and it is premature.

2 I hope that I have made myself understood. Thank you very much,

3 Mr. President.

4 [09.15.17]

5 MR. PRESIDENT:

6 The Co-Prosecutor will take the floor.

7 MR. BATES:

8 Mr. President, thank you.

9 There are two issues, in the submission of the Co-Prosecutors.

10 The first is the Trial Chamber has requested the parties to give  
11 advance notification of the documents upon which the parties seek  
12 to rely or seek to have debated contradictorily before the  
13 Chamber.

14 That was the purpose of putting this bundle of documents before  
15 the Chamber. It was for the assistance of the Court, and it was  
16 also following something that was said in the preparatory  
17 hearings -- and I'm sorry, I don't have the exact reference -- it  
18 was either in the initial hearing or the trial management  
19 meeting, and I'm having my assistant look at this as we speak. A  
20 section in which, I believe it was Judge Lavergne who indicated  
21 that, if appropriate, the parties could put photocopies of  
22 documents before the Trial Chamber  
23 for the assistance of all concerned.

24 So, firstly, this booklet was intended as assistance for the  
25 Court.

5

1 Secondly, it is correct to say that this is a selection of the  
2 photographs from a larger exhibit in the case file but, forgive  
3 me if I'm wrong, it is the Co-Prosecutors who bear the burden of  
4 proving the guilt of the accused and, of course, the  
5 Co-Prosecutors will seek to put documents before the Chamber upon  
6 which they rely to support the conviction of the accused.

7 But this being a fair, adversarial hearing, the defence can do  
8 the same for the arguments that they seek to rely. The civil  
9 parties can select documents, or parts of documents, upon which  
10 they wish to rely.

11 [09.17.46]

12 I'm afraid I don't quite understand the time-wasting allegation.  
13 It would appear to the Co-Prosecutors -- to save time, we have  
14 focussed on those portions of the documents that we believe  
15 support our case. The defence are perfectly entitled to do the  
16 same.

17 And, just to close, the Co-Prosecutors have put these documents  
18 before the Trial Chamber, not with analysis or with conclusions  
19 because to do so would be -- we would require a Rule 92  
20 submission. How else are documents to get before the Trial  
21 Chamber?

22 I don't know whether, Mr. President, you've been provided this  
23 morning with a piece of paper that we have prepared regarding the  
24 documents that we wish to rely upon in relation to the current  
25 issue, and the reason that I raise this now is because it might



6

1 be of assistance to all parties if the Court were to lay down  
2 firm guidelines in how it wishes the parties to put documents  
3 before it.

4 The document that we've prepared this morning, or one piece of  
5 paper listing the four documents that we wish to rely on in the  
6 cross-examination -- I'm sorry, the examination of the accused --  
7 is one suggestion. If that is acceptable to the Trial Chamber,  
8 that is what we propose to do from now on; is to give advance  
9 notice of the documents upon which we rely and that, as I said in  
10 the beginning, is what we intended to do by providing the bundle  
11 of photographs and other materials that we did last week.

12 But the Co-Prosecutors make no apology for selecting those  
13 sections of the document which it considers relevant and  
14 appropriate. The defence are entitled to do exactly the same.  
15 Thank you.

16 [09.20.20]

17 MR. PRESIDENT:

18 The civil party lawyers, would you like to make any observations  
19 concerning the points raised by the Co-Prosecutors concerning the  
20 distribution of the booklet? So would you like to make any  
21 comments regarding that matter; you can now take the floor.

22 MR. WERNER (Speaking in English):

23 Your Honour, good morning. On behalf of civil parties Group 1,  
24 we do support prosecution's submission. Thank you, Your Honours.

25 MR. PRESIDENT:

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1 Civil party Group 2.

2 MR. KONG PISEY:

3 Thank you, Mr. President and Your Honours.

4 I would like to make some more observation concerning the  
5 document of the Co-Prosecutors; and I support its position; and I  
6 would like to respond also to the defence counsel.

7 I know that the defence counsel has lots of experiences  
8 concerning the burden of proof, and the burden of proof is the  
9 responsibility of the Co-Prosecutors, so all the documents  
10 related will be raised and presented for that purpose. And the  
11 defence counsel stated that this kind of document is perceived as  
12 biased, but if we think that the Co-Prosecutors bring all the  
13 burden of proof and also both the exculpatory and inculpatory  
14 evidence, they would be overloaded; so only the defence counsel  
15 who is in charge of finding the exculpatory evidence.

16 [09.22.54]

17 When it comes to the wasting of time in bringing these documents,  
18 I think it is not appropriate to say so because it is the effort  
19 of every party involved, and the prosecution is not exceptional  
20 because he or she tries their best to bring all those documents  
21 and the time to bring this evidence is not, I can see that as a  
22 waste of time.

23 That's all my submission. I'm grateful, Your Honour.

24 THE PRESIDENT:

25 Civil party lawyers Group 3, you can take the floor now.

8

1 MR. KIM MENGKHY:

2 Thank you, Mr. President and Your Honours.

3 On behalf of civil party Group 3, we do not have any observations  
4 regarding these matters at this moment, and we would like to  
5 leave it to the Chamber to make a decision.

6 I'm very grateful, Your Honour.

7 MR. PRESIDENT:

8 Civil party Group 4, you now can take the floor.

9 [09.24.09]

10 MR. HONG KIMSUON:

11 Thank you, Mr. President and Your Honours.

12 For me, as the representative of civil party Group 4, I would  
13 like to make an observation.

14 First, I would like to strongly support the motion of the  
15 prosecution.

16 Second, I think that the document submitted on the 23rd of April  
17 has nothing that can be questioned regarding the delay of the  
18 proceedings because these documents have already been placed in  
19 -- have already existed, even during the investigative phase,  
20 including the documents in the case file.

21 To me, I think these documents help speed up the proceedings, and  
22 it can also clarify the position of the proceeding so that the  
23 Chamber has nothing to delay the proceedings because by this  
24 justification of having those documents both in Khmer, in French  
25 and English, and they are well explained already, that the

9

1 documents aim to assist the party and Judges to consider the case  
2 so that all parties, including the accused himself, is well  
3 informed of the documents.

4 [09.25.47]

5 So I, therefore, can conclude that the defence counsel has  
6 participated in both the investigating phase and he also visited  
7 the S-21. So in civil law system, the party has the right to  
8 include these documents, including the Co-Prosecutors and also  
9 the civil parties.

10 Now, it depends on the Chamber itself whether it accepts or  
11 regards these documents as admissible or not. So I would like  
12 the Chamber to consider accepting these documents.

13 Thank you.

14 MR. PRESIDENT:

15 The floor is yours, Mr. François Roux.

16 MR. ROUX:

17 Yes, Mr. President, the defence has consulted the transcript of  
18 the hearing -- of the pre-trial hearing of the 15th of January  
19 2009, page 66 of the French transcript, line 16 of the French, it  
20 is said:

21 "On this occasion that the Chamber indicated that taking account  
22 of the fact that it had the duty of conducting the proceedings,  
23 it had the prerogative of presenting evidence."

24 [09.28.02]

25 In any event, this is what we understood as being the way the

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1 proceedings would be organized. Accordingly, it seems to me, as  
2 I said before, that it is premature on the part of the  
3 prosecution to tender such a document even before the Chamber has  
4 examined the accused. And it was not fair to tender this  
5 document while indicating that it was a document in the case  
6 file, whereas as the Co-Prosecutor has admitted it is a selection  
7 of documents in the case file. That is entirely different.  
8 But today, the Co-Prosecutor has distributed to all parties and  
9 participants a leaf or a piece of paper on which he indicates the  
10 documents that he intends to rely on today. I think this is  
11 useful for everyone. He had indicated beforehand what he intends  
12 to be -- put before the Chamber; that is four documents. That's  
13 very good. The defence has no objection.  
14 But the other day, the prosecutor tendered beforehand what is not  
15 a document in the case file but a selection of what is in the  
16 case file. That is what is surprising to the defence.

17 Thank you.

18 (Deliberation between Judges)

19 [09.32.38]

20 MR. PRESIDENT:

21 After having heard the observations of the defence counsel  
22 regarding the list of documents submitted by the Co-Prosecutors  
23 on the 23rd of April 2009, we noted also the submissions by the  
24 Co-Prosecutors and civil party lawyers. The Chamber still  
25 maintains its position to object the defence counsel regarding

11

1 the submission of this document.

2 The details of our decision will be made during the break.

3 As for other documents raised by the Co-Prosecutors and having

4 not been contested, then the documents can be raised.

5 Next, we would like to proceed to the questionings regarding the

6 scheduled fact, so to begin with we would like to invite the

7 security guard to bring the accused to the dock.

8 MR. WERNER:

9 (Microphone not activated)

10 MR. PRESIDENT:

11 What is your problem? You need to even seek permission first

12 before you can address the Court.

13 MR. WERNER:

14 I tried specifically to do this. There is one thing that civil  
15 party group number 1 would like to bring forth, with your leave.

16 [09.35.08]

17 MR. PRESIDENT:

18 You now take the floor then.

19 MR. WERNER:

20 Thank you, thank you.

21 Mr. President, on Wednesday, April 22nd, which was last

22 Wednesday, as you know, the accused started stating about the

23 establishment of S 21 and he was examined by yourself and he was

24 also examined by Judge Ya Sokhan. And the next day, on the 23rd

25 of April, last Thursday, at the beginning of the hearing my

12

1 colleague, Maître Roux, asked the accused to be allowed to  
2 clarify one of his answers, and Mr. Roux said the following -- I  
3 would like to refer to the transcript of last Thursday, page 3 --  
4 and he said the following, I believe:  
5 "I think that there is again an interpretation problem. After  
6 having assessed with the accused the situation, I would like him  
7 to re-specify what was said concerning the horizontal  
8 communication or the vertical communication within DK. "  
9 Your Honours, Mr. President, the accused in this hearing will be  
10 called upon to testify directly and to answer questions several  
11 times, and you have decided in your order of the 20th of March  
12 2009 and each time -- and it's Rule 90.1 of the Internal Rules --  
13 and each time, the Judges and then the Co-Prosecutor, and then  
14 the civil party lawyers, and then the defence lawyers, will be  
15 able during the hearing to ask all of the questions or ask for  
16 all of this necessary specifications that they wish.  
17 [09.37.08]  
18 And this is simply what I want to say here. We believe that this  
19 dialogue between the accused on one hand and all of the parties  
20 must take place during the hearing and not outside of the  
21 hearing; and we do not believe that when the accused is  
22 expressing himself from the dock and answers questions, that one  
23 of the parties should, after the hearing, assess the situation  
24 with the accused on parts of the case file that are specifically  
25 being discussed during the hearing itself.

13

1 In order to be clear, therefore, we are not asking -- we're not  
2 asking that when the accused answers questions -- we're not  
3 asking the defence not to speak with him outside of the hearing.  
4 Let me please repeat so that it be clear. We are not asking that  
5 when the accused is in the Chamber and answers questions that he  
6 may not at all communicate with his lawyers. That's not what  
7 we're asking. That's not what we're asking. We're not saying  
8 that, and my colleagues know this very well.  
9 There is, concerning this specific point, a recent decision that  
10 was taken from the Appeal Chamber for the ICTY in the Peric case  
11 on September 5th, 2008. And then it's stated that an accused  
12 must be able to discuss with his lawyers at any time during the  
13 trial, including when he is testifying in the Chamber, and we  
14 have no problem with this but, however, in these hearings since  
15 the parties can specifically -- and again I'm referring to Rule  
16 90(1) -- ask all of the questions and ask for all of the  
17 clarifications that they wish during the hearing.  
18 We are, therefore, simply asking that during the -- while the  
19 accused is testifying and answering questions, we are simply  
20 asking that no parties, including the defence, assess the  
21 situation with the accused outside of the hearing and speak to  
22 him about things that he said during the hearing.  
23 And, once again, the reason is the following. It's stated in  
24 Rule 90.1 and it states that it is in the hearing itself that  
25 these questions have to be asked and answered.



14

1 That's what I would like to submit. Thank you, Mr. President.

2 [09.40.07]

3 MR. PRESIDENT:

4 I note your presence, Mr. François Roux.

5 MR. ROUX:

6 Thank you, Mr. President.

7 In order to clarify things that might interest the common law  
8 jurists here, we are here in a civil law proceeding and my  
9 colleague erred when he said that the accused is testifying. In  
10 a civil law proceeding you might have observed, my learned  
11 friend, that the accused does not testify. He does not take an  
12 oath. So, therefore, the rules that you're bringing up are  
13 indeed rules that we know and that we have seen before  
14 international criminal courts in which common law is applied.  
15 And I discovered these rules at -- following which, indeed,  
16 during the period in which an accused is testifying, the defence  
17 cannot bring up with him, indeed, the hearings; what was  
18 discussed during a hearing. That's true in common law, indeed.  
19 Yes, indeed, we are in a civil law trial. That is -- and in a  
20 civil law trial, my learned friends, nobody -- nobody will  
21 prevent me from speaking to my client about anything that's  
22 happening during a hearing and, therefore, to provide him all of  
23 the recommendations I feel that are suited.

24 These are our professional rules and I would be betraying my oath  
25 if I did not proceed this way. I would be betraying my oath as a

15

1 lawyer if, during the adjournments, I did not go speak to my  
2 client about what is being said during the hearing. Once again,  
3 he is not a witness in this trial. He is an accused in the way  
4 civil law understands it and he needs, therefore, to be able to  
5 speak freely with his lawyers on all of the points brought up.  
6 I think that these precisions were necessary. Thank you, Mr.  
7 President.

8 [09.42.57]

9 MR. WERNER:

10 Mr. President, may I briefly address this?

11 MR. PRESIDENT:

12 Based on your observation, this is the last matter regarding this  
13 matter. You can now take the floor, Mr. Alain.

14 MR. WERNER:

15 Mr. President, we have already discussed as to whether we are  
16 completely in a civil law system or in a common law system, and  
17 if the French law system should be followed exactly, and I don't  
18 think that it's necessary for me to get back to this point. Yes,  
19 we are following the Internal Rules and the only thing that might  
20 -- that can direct these hearings are the Internal Rules.  
21 And the Internal Rules, Rule 90 paragraph 2, states specifically  
22 -- talks specifically about the questioning of the accused and it  
23 is this rule that you must follow during these proceedings. And  
24 what 90.2 says is that the accused is, indeed, authorized and  
25 answers questions during hearings and all of the parties,

16

1 therefore, may -- the Judges and then the prosecutors and then  
2 the civil parties and then the defence -- these parties may ask  
3 questions of the accused and may ask him for clarifications.  
4 But what we're simply saying here is that these questions and  
5 clarifications must take place during the hearing itself, and  
6 what is the reason for this? What is the reason for asking for  
7 questions in the hearing itself if every evening they go speak  
8 with their clients and ask questions of their clients and ask for  
9 clarifications outside of the hearings? What is the purpose of  
10 this?

11 [09.45.41]

12 We're simply saying, therefore, that -- so that Rule 90.2 makes  
13 sense, while the accused -- if my colleagues wish to answer other  
14 questions or clarifications, they must do so during the hearing  
15 and this is the only way to guarantee the integrity of these  
16 trials, and that's all that we're saying. We're not speaking  
17 here about French or American -- or French legal systems, we're  
18 just speaking about Rule 90 paragraph 2, and Rule 90 paragraph 2  
19 requests that all parties ask questions and ask for  
20 clarifications during the hearing.

21 That's what I wanted to say. Thank you, Your Honour.

22 MR. PRESIDENT:

23 The Trial Chamber noted this matter and will respond in ruling  
24 after the break in its deliberation, and then we will come back  
25 to the party after that.

17

1 Next, we will go forward with the hearing to ask the questions in  
2 relation to the establishment of S 21, the facts of the  
3 establishment of S 21, and the prison at the psychiatric hospital  
4 at Ta Kmao, and relevant questions made on Thursday and we did  
5 not finish with all those questions.

6 Now, the Trial Chamber will give the floor to Judge Ya Sokhan to  
7 continue to ask those questions to the accused about the facts  
8 mentioned about -- yes.

9 [09.47.46]

10 JUDGE YA SOKHAN:

11 Thank you, Mr. President.

12 QUESTIONING BY THE BENCH

13 BY JUDGE YA SOKHAN:

14 Q.The charged person, the accused, you said that there were four  
15 interrogation -- there were the cool group, chewing group, and  
16 hot group. So who were in the fourth group? Fourthly, the  
17 female interrogators?

18 A.Your Honours, the fourth group, I want to say it was female  
19 cadres to interrogate the female prisoners.

20 Q.In this group, do you have any role to ask the -- to  
21 interrogate the prisoner?

22 A.Your Honours, I have no duty to interrogate any prisoner but,  
23 in fact, only one case with Koy Thuon that my superior ordered me  
24 to interrogate personally. Other than that, I did not  
25 interrogate any prisoner.

18

1 [09.49.48]

2 Q.You indicate that in Building A it was the interrogation  
3 building. Were there any police regulations for the prisoner to  
4 read before the interrogation?

5 A.Your Honours, the police regulation was not belong to S 21 I  
6 saw on the re enactment day.

7 MR. PRESIDENT:

8 Please, Judge Lavergne.

9 BY JUDGE LAVERGNE:

10 Q.Simply to clarify the question that my colleague put forth,  
11 we're speaking here about policies. Are we speaking about  
12 instructions, rules that had to be followed? What does this word  
13 "policy" mean exactly here?

14 A.Your Honours, Judge Lavergne, at the time there's a  
15 misinterpretation. The police -- it is called discipline of  
16 security. It is fabricated by the Vietnamese troops, those 10  
17 rules. I objected. It is not politics; it is called discipline.

18 BY JUDGE YA SOKHAN:

19 Q.Who was in charge of the military unit? What was its  
20 functions at the time? Who made the order to that unit?

21 A.Your Honours, I indicated that during the investigation stage,  
22 the military affair was in charge by my deputy, Comrade Hor, and  
23 now I reiterate what were the military tasks. They were  
24 including the arrest, the detention. Number 3, it is taking the  
25 prisoners to Choeung Ek to smash. And number 4, to intervene

19

1 when there is the insurgence or the attack from outside. Those  
2 belonged to the military affair from the beginning. I maintained  
3 it the same but, in addition, when I was so busy to read the  
4 confessions, when I became the chief regarding the interrogation  
5 team and the day to day, was managed by Comrade Hor. Comrade Hor  
6 had no right to read only the confession by the key prisoner.  
7 This is the order from the superior, but the day-to-day business  
8 for Comrade Hor's duty.

9 In conclusion, I would like to tell you that the criminal duty  
10 met by Hor was the crime against the death people -- the people  
11 who were already died. Why I said that, during the Khmer Rouge  
12 when the four people make decision to smash anyone, the  
13 subordinate had to arrest, detain, interrogate, torture, and  
14 smash secretly without any leak of information to their  
15 relatives. And then Comrade Hor did that job from day-to-day and  
16 his crimes ordered by the superior and under my supervision, it  
17 was his task.

18 As for myself, as I told Your Honours already, it was related to  
19 the crime with the -- related to policy to be absolute in  
20 interrogation to -- I will not object the responsibility. It  
21 looks -- it was a very severe crime for Hor, but my crime was  
22 against the people who were in freedom. It affects their  
23 reputation when they were trusted by the party, and my creation  
24 of document affected those people.

25 It seemed to be fairly long for now, but that's all for my

20

1 response now.

2 [09.56.35]

3 MR. TAN SENARONG:

4 Your Honours, I ask for your leeway to make remarks. I want the  
5 accused to provide clarification in relation to the police  
6 discipline in security office S-21. I would like to ask for Your  
7 Honours' permission.

8 MR. PRESIDENT:

9 The request is objected.

10 Please, Judge Ya Sokhan, proceed with your question.

11 BY JUDGE YA SOKHAN:

12 Q. You said a while ago that Hor was in charge of the military  
13 unit, but in the organizational chart, mentioned that Phal was in  
14 charge of military affairs. So what were the relations between  
15 Phal and Hor at that time?

16 A. Your Honours, at this security office there were two tasks.  
17 Number 1 was the security task. Secondly, was a military task.  
18 The security task was under my supervision, and the military  
19 affair was under Comrade Hor.

20 Comrade Phal -- I forget his family name, but he was one of the  
21 cadre; he was the absolute cadre. The word "absolute", I would  
22 like to clarify that. It was used to refer to anyone who were  
23 very absolute and serious in smashing the enemy. It means that  
24 it is someone who absolute to commit the crime.

25 [09.59.27]

21

1 Among the cadres of Division 703 who were transferred to S-21, it  
2 was Comrade Phal who was the determine to commit the crime  
3 compared to other cadres. To mention this matter to indicate  
4 that Phal of S-21 is different from Comrade Pol -- was different  
5 from Comrade Pol, whose full name Mien Si (phonetic) Pol of M-13  
6 who was smashed by me and the other superior already.

7 Before -- the military affairs which was under the supervision of  
8 Comrade Hor, he assigned to Comrade Phal to perform for him. He  
9 was the deputy to Comrade Hor.

10 The military task was in charge by Phal -- Comrade Phal who was  
11 subordinate of Comrade Hor.

12 Q.In the military unit, how many units were divided from that  
13 unit?

14 A.The details of the statistics and forces, I don't know much,  
15 but I would like to divide this into two.

16 First, the normal guards who were in charge of guarding the  
17 victims who were detained at S-21 in the detention. Number 2,  
18 the special guards monitored by Him Huy; he was in charge of the  
19 special guards. That's why I would like to make it clear there  
20 are two different units.

21 [10.02.45]

22 Q.To be clear, I would like the court official to project the  
23 document ERN-00154228 on the overhead projector so that the  
24 accused can see. Could you please zoom in?

25 The guards were divided into several groups, and how many groups



22

1 were there, and how many people were in each group?  
2 A.I don't know in detail of the forces. I only know that  
3 Comrade Phal, Comrade Snguon, Comrade Mam (phonetic) and Poch  
4 were the cadres from the company, and they were transferred from  
5 the division. Phal was the cadre from the company and Snguon and  
6 Mam (phone) and Poch also cadres from the company, but I am not  
7 sure I can remember the other guards.  
8 As for the special force or guards, first Peng was in charge. He  
9 himself was the cadre of the company and when he was replaced by  
10 -- he was in place of Poch, then Huy took turns to become the  
11 cadre of the platoon for the special force -- or special guards.  
12 First was Comrade Poch. When Poch was arrested, then Peng took  
13 charge. Huy was the secretary of the platoon and he was also  
14 promoted to the company position in charge of the guards.  
15 So if you look at the left-hand side you can see female cadres  
16 for interrogating female prisoners. On top was Mot, the wife of  
17 Comrade Hor. Hor was my secretary. She was the head of the  
18 female interrogators team, then followed by Khoeurn, the wife of  
19 Comrade Huy. She was the deputy of that group, female groups.  
20 And then we have Comrade Ny, wife of Comrade Pon, who was the  
21 cadre who interrogated female prisoners, and then followed by  
22 Ran, wife of Trov, and she also was a female cadre who  
23 interrogated female prisoners. But still I have not included  
24 Comrade Pouen , the wife of Comrade Meng who was already smashed.  
25 [10.07.52]

23

1 So altogether there were five female interrogators in the team.

2 Two were smashed and

3 Pouen was also smashed when Meng was also arrested. So they were

4 all the people in the female interrogating group.

5 Q. So what were the duties of the guards or the force?

6 A. The guards were tasked with guarding the prisoners, victims

7 who were detained at their premises, and they had to provide food

8 and some little medicine to the prisoners to keep them alive

9 before they're finally smashed -- and also to send victims to the

10 interrogators. They guarded them and made sure that the

11 prisoners could not abscond and make sure that they did not die

12 before the confession was cut off.

13 [10.09.48]

14 Q. Were the guards classified as inside guards and outside guards

15 at S 21?

16 A. I think I have not paid good attention to this, but through my

17 recollections I may respond as following.

18 The normal guards under Poch and Peng's supervision were only

19 guarding inside the premises, but for the people who guarded the

20 special prisons which were to the south of Ponhea Yat High

21 School, the prisoners were guarded by the special force.

22 Therefore, Peng's forces guarded inside; the special forces of

23 Comrade Huy guarded outside.

24 Q. Could you please clarify the special forces? What were they

25 assigned to do?

24

1 A.The special force had the following six tasks. First, to  
2 guard outside the premises. Two, to wait to receive victims who  
3 were brought in. Normally, outside units sent victims to be  
4 detained at S 21. First they delivered them to a house labelled  
5 as R, or R in English. Now, it is the location where Beehive  
6 radio station is occupied. Those people received prisoners and  
7 registered their names and then delivered them to the guards, and  
8 Huy would take the prisoners to Comrade Peng. After that, Huy  
9 could be relieved of their duty. So this is the duty of the  
10 guards: to receive prisoners and deliver them to the guards.  
11 Third duty, the internal intervention. For example, when the  
12 enemies grabbed a weapon, then the special force would intervene  
13 under the supervision of Comrade Hor to fight fiercely to defend  
14 the unit, the office, and the party at the premises.  
15 Fourth, if there were any outside intervention these people would  
16 be ready to defend the premises from the outside intervention,  
17 but there was none of such intervention from the outside.

18 [10.13.47]

19 Number 5, sometimes this special force arrested people who were  
20 made decision -- the people who were already decided by the  
21 superior to arrest, for example, like in the case of Koy Thuon  
22 and when Chhim Sam-Aok alias Panng was arrested by the special  
23 force. So Hor, Comrade Hor, did conduct such of the arrests.  
24 There were only people and I was the commander, Hor was the  
25 arrester and Chhim Sam-Aok alias Panng was the victim who would

25

1 be arrested, and according to the order from Nuon Chea. So the  
2 special force had the above roles. That's all.

3 Q.In the force, the guards unit, were any guards assigned to  
4 guard at Choeung Ek?

5 A.The guards who were stationed at Choeung Ek was part of the  
6 special force. I just learned that they existed when I was  
7 introduced to the enactment time because they were responsible  
8 for digging the pits and buried the corpses. They were living  
9 with those corpses.

10 Q.How many people were in that group?

11 A.So far as I remember, there were four people in that small  
12 unit; three-to-four people who were stationed at that location.  
13 They were be careful to make sure that people could not see where  
14 the dead bodies were buried.

15 [10.16.48]

16 Q.Apart from the interrogating unit and the military unit, were  
17 there any other units within S 21 structure?

18 A.There were other units, numerous units. I may tell about the  
19 units as following; I may forget some.

20 First, the unit in charge of typing. Another one is the unit to  
21 manage the phone functions at S 21. The third one is the  
22 photography unit. Fourth, the medics unit. Five, food security  
23 unit, the unit divided into kitchens -- kitchens for victims and  
24 kitchen for cadres and combatants.

25 And there were small sub-units: the unit to copy the maps. This

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1 unit was in charge of making a copy of that big map; the unit in  
2 charge by Comrade Thy. There was a unit in charge of keeping the  
3 documents and also the unit in charge of production and  
4 plantation.

5 Q. Who was in charge of the typewriting unit?

6 A. That unit was in charge by -- the unit in charge of  
7 typewriting the copy or the extracts of the confession of  
8 prisoners. So people in this unit received the confessions from  
9 Comrade Hor and when, if necessary, I also needed to give the  
10 confession to them. So they were in charge of typing the  
11 confessions and maybe other documents, but mainly they only typed  
12 the confessions. So the most secret confession was not under the  
13 task of Comrade Huy. My two messengers were in charge: Comrade  
14 Chhen and Sam, and Hor could not see that most secret confession  
15 because my messengers were exclusively in charge of such  
16 confessions.

17 [10.21.14]

18 Q. The telephone unit for outside or inside communication of S  
19 21?

20 A. Your Honour, the telephones from outside, yes, there was a  
21 phone call. It was directly to my house. Only one place that  
22 they call in. That was a special telephone communication; when  
23 we start to communicate and we push on a button, and the voice  
24 frequency was changed. No-one could use the pin to listen on the  
25 line. The phone was changed from the human voice to a technical

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1 voice; the connection of the line from my -- the road to my  
2 house. And the central telephone was in at the office of  
3 Professor Sen which I marked as B on the Phnom Penh map that I  
4 submitted. It was the central telephone communication location.  
5 And inside S 21 there were two types of telephone communication.  
6 One type, I called it electronic, used by the military people  
7 with the battery -- two batteries and they -- it was in one of  
8 the centres. It was used by 10 people -- more than 10 peoples.  
9 It was not connected to my house because to avoid interference.  
10 Another telephone, I call it automatic telephone, that I dialled  
11 by my finger. It was very small. It was about three comm units;  
12 one at my home, another one at Comrade Hor's home. So when I  
13 needed to talk to Comrade Hor, I call him through this telephone.  
14 In conclusion, Comrade Peng was in charge of that telephone  
15 connected to my house from outside and connected from my house to  
16 the central, to the automatic phone. In addition to that, he was  
17 in charge of the electronic telephone but I did not know whether  
18 he allocated those to which unit or company.

19 Q. Was the photograph unit -- how many people were there in that  
20 unit? What was its task?

21 A. Your Honour, the photograph unit, there were about five or six  
22 people, and the Chief was Sreang. Sreang, I asked him to take  
23 photo of the victim who were recently arrived. It was Comrade  
24 Sreang who did the map shot. He was the chief of the group.  
25 Number 2 was Comrade Song. Comrade Song was in charge of taking

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1 photos of those who were sent to the re-education camp at Prey  
2 Sar.  
3 Another one was in charge of taking photos, but he was in secret.  
4 It's Comrade Sry in the special unit, so could you move to the  
5 special force. So Comrade Sry, he was the deputy secretary of  
6 the special unit. When Uncle Nuon order to a secure -- so he  
7 will -- then Comrade Sry who did that photo for him. So this is  
8 the special force. It was their secret task so the photograph --  
9 there were two small teams. He was in the special unit, but he  
10 acted as the photographer.  
11 Another one was in charge in S-21 was Comrade Sreang. Another  
12 one who was in charge in Prey Sar was Comrade Song.  
13 [10.26.05]  
14 Q.How many people were there in the medics unit and what were  
15 their tasks at S-21?  
16 A.I do not know how many people in the medics group, but from  
17 the beginning Comrade Sam Oeun (phonetic) -- the name, I'm sorry  
18 I may confused -- but later he was smashed. And then Try  
19 (phonetic) became the chief.  
20 The medic unit, initially it was in charge of provide treatment  
21 to the cadre, but later Comrade Pao use (inaudible) for  
22 (inaudible) for the diarrhoea, the cadre who was diarrhoea, but  
23 that medicine composed of arsenic and there's a bad allergy and a  
24 report -- it was reported to the upper echelon and then he was  
25 arrested, and later on the cadre who were sick from S-21 sent to

29

1 Hospital 98 and, finally, the medics there, they had the duty to  
2 provide treatment for the victim so that they can survive for  
3 extracting a confession.

4 And another role was to produce traditional medicines, so I would  
5 like to finish the task of the medics now.

6 [10.28.25]

7 Q.You said a moment -- that they had a duty to produce the  
8 traditional herbs for S-21. Was it for the cadre or only for the  
9 prisoner?

10 A.Most of the cases, for the prisoner because the cadre were  
11 sent to Hospital 98 for treatment.

12 I would like to tell Your Honour that Hospital 489 was the  
13 military hospital. It was the code of Professor Son Sen was 89,  
14 but it was worse to be 98 as the name of hospital.

15 Q.The food supply unit, how many people were there in this unit  
16 and what were its duty and tasks at S-21?

17 A.The food supply unit, I know very well Comrade Than who  
18 brought me very often the fruit. The sources of fruit was in Ta  
19 Kmao and also vegetables and the pig-raising location was also  
20 in Ta Kmao. I do not remember how many people were there, and  
21 they were in charge of pig-raising, and growing fruit and  
22 vegetable at Ta Kmao.

23 And the kitchens unit was divided into two sections: the kitchen  
24 for the combatants and the cadre of S-21. Those were in charge  
25 of cooks was Mom, the wife of Mam Nai alias Chan, and those who



30

1 were in charge of cooking for the prisoners -- the victims who  
2 were detained at S-21 -- sometimes it was (inaudible); later a  
3 man and I do not remember, but they were taken from the prisoner  
4 who do the cooking, and Comrade Than was also in charge of taking  
5 the food supply from the logistic unit for other unit.

6 [10.31.39]

7 MR. PRESIDENT:

8 The Trial Chamber would like to declare a break for 30 minutes to  
9 work on its decision and we'll resume again at 11 o'clock.

10 (Judges exit courtroom)

11 (Court recesses from 1032H to 1108H)

12 (Judges enter courtroom)

13 [11.08.24]

14 MR. PRESIDENT:

15 Please be seated.

16 The Trial Chamber is now back in session and before we come to  
17 the hearing the Trial Chamber hereby declares its ruling  
18 regarding the objections to the books and photographs extracted  
19 from the case file that were proposed by the prosecutor without  
20 any analysis or comment, and the Trial Chamber hereby instructs  
21 all parties that all parties have the right to compile the  
22 documents, photographs to circulate to the Trial Chamber and  
23 other parties in the purpose of facilitating the hearing  
24 procedure.

25 In order to facilitate the proceeding, if any party wishes to

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1 raise any documents to the hearing, you should give advance  
2 notice to the Trial Chamber through the greffiers of the Trial  
3 Chamber. In addition, the observation by the defence counsel --  
4 my apologies. All parties have the right to propose one or more  
5 documents for a hearing but the party should not make any  
6 comments or analysis. The request should specify that the  
7 document was the original or the photocopy or the extraction of  
8 the document from the case file.

9 To move on our hearing, I would like to invite Judge Cartwright  
10 to ask questions in relation to the lawyer of the civil party of  
11 Group 1. Please, Your Honour Cartwright.

12 JUDGE CARTWRIGHT:

13 Thank you, Mr. President.

14 Before I commence I would like to correct the English translation  
15 of part of the President's decision. The translation should be:  
16 "In order to facilitate the proceedings it would be helpful if  
17 parties who wished to put documents before the Trial Chamber  
18 advised the greffiers."

19 This is not mandatory. This is something that the parties may do  
20 if they wish to do. It is not a requirement.

21 [11.12.28]

22 Now moving back to your comments, Mr. Werner, my understanding --  
23 which differed slightly from my colleagues' understanding -- of  
24 your objection was this: You are not suggesting that there  
25 should be a rule against communication between defence counsel

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1 and the accused. Is that correct?

2 MR. WERNER (Speaking in English):

3 You're correct, Your Honour.

4 JUDGE CARTWRIGHT:

5 Secondly then, what you were objecting to was defence counsel

6 summarizing the evidence of -- the testimony of the accused

7 before all parties had had the opportunity to put their

8 questions. Am I correct in my understanding?

9 MR. WERNER (Speaking in English):

10 Yes, Your Honour. But in addition it is true that our reading of

11 Rule 90 second paragraph is that only on the evidence given by --

12 on what the accused is saying during the day of the hearing, only

13 about that when he's in the box and answering questions. But

14 discussion, there should not be communications at night with the

15 defence counsel, and the reason is that the defence counsel is

16 allowed to ask any question or clarification the next day or the

17 day after, whenever he will have the opportunity.

18 [11.14.16]

19 So when I answered your first questions, we are not saying of

20 course that defence counsel cannot talk to the accused. He can

21 talk any time to the accused. We have no problems about that.

22 But our reading of Rule 90 second paragraph, our understanding of

23 the rationale of this Rule, is that when -- as it is the case now

24 -- he's answering questions, until that is done at night he

25 cannot discuss what was discussed during the day with the defence

33

1 counsel and clarify. If the defence counsel wants to clarify,  
2 ask questions, he can do that whenever he will be allowed to do  
3 it. That was -- I hope that clarifies your question.

4 [11.14.57]

5 JUDGE CARTWRIGHT:

6 Yes, thank you, Mr. Werner.

7 MR. PRESIDENT:

8 The Trial Chamber noted the remark by Alain Werner and the Trial  
9 Chamber will take these remarks.

10 THE INTERPRETER:

11 So there was no translation in French.

12 MR. PRESIDENT:

13 Please, the defence counsel, if you have any points to make. The  
14 defence counsel, François Roux, who intended to raise other  
15 issues, the floor is yours.

16 MR. ROUX:

17 Thank you, Mr. President. After the clarification provided by my  
18 colleague, Werner, and before the Chamber making again a decision  
19 on this issue, I would like indeed to make a few observations.  
20 We're dealing with a very serious matter that might modify the  
21 result of the hearings. Once again I can understand perfectly  
22 well the position expressed by Mr. Werner. Indeed when we are in  
23 a proceeding -- and I understand that if we are in a proceeding  
24 in which the accused takes an oath and when we are in a  
25 proceeding when the accused is being interviewed as a witness,

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1 then I can understand Alain Werner's position. But this is not  
2 the case here.

3 [11.18.07]

4 The accused is not being questioned as a witness and Alain  
5 Werner, Mr. Werner, I would like to reassure you I don't only  
6 speak to my client in the evening, no; I speak with him in the  
7 morning, I speak with him at every break and I speak with him  
8 also in the evening because that is my duty as a lawyer. And  
9 indeed I bring up with him all of the questions that we are  
10 dealing with in these proceedings.

11 So very respectfully, Your Honour Judge Cartwright, indeed I  
12 understand that she understands these common law proceedings very  
13 well in which we are not allowed to bring up during the  
14 questioning of the accused when he is a witness -- we are not  
15 allowed to bring up his statements. I understand that. I  
16 respect this system. But when we are in this system, working  
17 with this system, but it would be disastrous to install this rule  
18 here now. This rule is absolutely not included in Rule 90  
19 paragraph 2 and for the mere reason that Rule 90 paragraph 2 did  
20 not state that the accused has taken an oath.

21 Where is it written that the accused is taking an oath? Nowhere.

22 So please, if the accused does not take an oath, do not try to  
23 institute here rules that can stand in tribunals in which the  
24 accused takes an oath. Thank you.

25 MR. PRESIDENT:

35

1 The Chamber does not allow further debate on the matter. We note  
2 the remarks made by lawyer Alain Werner and the Chamber will make  
3 a decision at a later date on this matter.

4 Next, Judge Ya Sokhan, you can proceed with questionings to the  
5 accused regarding the scheduled facts.

6 [11.21.10]

7 JUDGE YA SOKHAN:

8 Thank you, Mr. President.

9 The Court Officer is instructed to project Document 0054228  
10 again.

11 BY JUDGE YA SOKHAN:

12 Q.The accused, in other parts of other units the Chamber notes  
13 the administration and personnel unit. Who was in charge of the  
14 unit at S 21? Were there any new staff recruited to work in that  
15 unit?

16 A.The administration and personnel unit did not have new  
17 recruited staff, but I think I may complicate myself regarding  
18 this matter. After the establishment of the S 21 I asked for  
19 permission from my superior, Son Sen, to bring teenagers from  
20 Sector 31 -- some of them from Sector 31 -- and I was allowed to  
21 do so from Son Sen because people from the base, combatants from  
22 Division 703, were peasants regarded as upper middle-class  
23 peasants where the party did not have good faith in.

24 So having established the S 21, after the establishment of the S  
25 21 I asked to recruit teenagers from Sector 31 from Kampong

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1 Chhnang to be included in that unit. There were two truckloads  
2 of them. Each time there was a truckload of a Chinese truck, so  
3 there were about two truckloads of them to be recruited.  
4 So these new staff were requested to be included to that unit  
5 after the establishment of S 21; that's all. However, the  
6 personnel and administration unit was supervised by Comrade Thy.  
7 The registration of the staff personnel when people left and  
8 entered were included in that documentation, supervised by that  
9 person, so there was no recruitment of new staff but there was a  
10 transfer. For example, the transfer of Comrade Ling (phonetic)  
11 from the special force to the company of the guard. So they  
12 registered clearly who were arrested and when.  
13 But the staff at S 21, from the very beginning when I was  
14 conducting investigations, there was no list of S 21 but, in  
15 principle, the list existed.  
16 [11.25.35]  
17 Q.Regarding the recruitment of children and teenagers to work at  
18 S 21, in which part were they assigned to take their duty?  
19 A.Those teenagers were not mature enough to be tasked with any  
20 duties. When they were arriving I was about to manage them, but  
21 I was asked later to let these people controlled by the military  
22 section. So among the about 60 people, I selected some of them  
23 to be my messengers, so there were three of them that I could  
24 recruit to become my messengers. Some were my messengers, some  
25 were the children who were in charge of finding the morning glory

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1 to feed the rabbits, but I did not actually deliberately manage  
2 this unit. So only my messengers could come close, but these  
3 people were too young to be tasked with important duties.

4 Q.At S 21 was there a messenger unit?

5 A.There were only four messengers at the whole S 21. Sorry,  
6 there were five including Comrade Huy Sre, Nun Huy, and Hor has  
7 one -- had one messenger and I had also a messenger. But the  
8 other person, who was handicapped, was in charge of receiving  
9 phone calls, and there would be a phone call then he would run to  
10 call me to answer the phone and prepared documents.

11 So regarding the messenger unit, there was no unit at all. Nun  
12 Huy, Hor and I myself had personal messengers, but there was no  
13 unit.

14 Q.In the administration and personnel unit, you said that there  
15 was the person named Thy. Was he in charge of managing documents  
16 at S 21?

17 A.The victims who were detained at the prison were recorded by  
18 Thy. Thy kept all the records of both victims and the personnel  
19 at S 21. So the staff and the personnel and victims'  
20 registration was in the hands of Comrade Thy, but I think it is  
21 only my assumption because I did not really fully check or kept  
22 so much for that documents under Thy's supervision.

23 [11.29.40]

24 Q.Did you remember how many people were there in that unit?

25 A.I don't really want to know about who -- or how many people



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1 were in the unit because each day I paid so much attention in  
2 reading the documents and annotated the documents so that they  
3 can be sent to the upper echelon so that I could get their  
4 advice, and with that kind of task I had been so busy already  
5 that I could hardly complete the task properly.

6 Q.You said that in other units there was a unit to copy a map.  
7 What was it assigned or designated for at S 21?

8 A.The mapping is more a technical task and I liked technical  
9 works. That's why we brought the map to be copied, and we put a  
10 glass and then laid the map under that table -- under the glass  
11 on the table, and then we used the pencil to trace the map. It  
12 is aimed -- it was aimed to train people or staff to be able to  
13 copy the map, and then we could use the map in our presentation  
14 in the training sessions. And Pol Pot asked S 21 to copy the map  
15 and then make a cover of the map and laminate the map so that it  
16 could be sent through Pung (phonetic) to the upper echelon.

17 So at the beginning, it was only to train staff and persons at S  
18 21 to know how a map worked, but later on we were asked to even  
19 copy the maps to be presented in sessions -- training sessions.

20 [11.32.18]

21 JUDGE YA SOKHAN:

22 The Court Officer, could you please project the document with ERN  
23 number 00154229.

24 BY JUDGE YA SOKHAN:

25 Q.Could you please clarify if you look at the organization chart

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1 of -- the first organization of S 21 and the second  
2 organizational chart, why were they different? Why was the first  
3 chart replaced by the second one?

4 A.The change of this organizational structure was due to the  
5 fact that the upper echelon decided to arrest Comrade Nun Huy  
6 from the field, according to the incidents reported by S 21.  
7 After the head -- after arrested the key person, Comrade Hor,  
8 then Phal, was to replace that position. And Peng at that time  
9 was also promoted to a level to be in charge of the military  
10 unit.

11 Phal -- Comrade -- went to the fields exclusively. Here you can  
12 see Phal, who was at Prey Sar exclusively. He was in charge of  
13 correction of three combatants, of ill-disciplined combatants,  
14 and also in charge of production and plantation at that location.  
15 Phal here was not the guy from M-13 who had been smashed earlier,  
16 so Phal still lives and then he left to the countryside and I  
17 later on introduced or sent him to Ta Mok.

18 [11.35.32]

19 Now, coming back, regarding your question concerning the chain of  
20 organizational chart. At Prey Sar, at the beginning when Phal  
21 was not yet in charge and then there was a change, when Nun Huy  
22 was arrested it was -- he was arrested one month before  
23 Vietnamese came. It was on the 7 December 1978, maybe six or  
24 seven; so it was one month before Vietnamese came in.

25 And then I assigned the work at the fields, I did not really

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1 assign it to Hor any longer, then I went personally to that  
2 location. So Phal had to be accountable or to answer directly to  
3 me. As you can see the structure here and the reason of the  
4 chain, I reported to Uncle Nuon, or Nuon Chea, and I had to  
5 implement according to the request.  
6 Regarding Phnom Penh task, Hor was exclusively in charge. At the  
7 beginning Hor was guilty of compromising the confession in which  
8 the implication was regarding to Brother Pon, the secretary of  
9 the east. And then Pon already deceased, then Hor was in charge  
10 -- placed by me to in charge all matters in Phnom Penh. All kind  
11 of affairs were under his exclusive supervision.  
12 So every matters concerned in Phnom Penh had to be gone through  
13 Hor while Phal had to answer to me regarding matter of Prey Sar.  
14 I personally attempted to distance myself from S-21; that's why I  
15 changed this structure. I said -- and I have to say again that I  
16 did not want the police work, and after the 30th of April I asked  
17 I be transferred to industrial section but Son Sen did not agree  
18 and after Nat was removed if I asked if Chhay Kim Huor could be  
19 in place of Nat. But Son Sen warned me how big was S-21, how --  
20 why did not I take that position?  
21 [11.38.44]  
22 And then, taking this into account and then after Huy was  
23 arrested, I said that I would like Hor to be in charge of S-21 as  
24 a whole. Then Brother Nuon -- Uncle Nuon Chea threatened me. He  
25 said that don't forget the chief of S-21 was me; he said that.

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1 And then I could know that -- I could not distance myself.

2 So the reason we changed -- or I changed the organizational chart  
3 was to make sure I can distance myself from S-21. But after all  
4 I knew that it's just a matter of time when my turn to be  
5 arrested would come.

6 Q. So I want to go back a little bit. On the 23rd of April 2009  
7 you said that the organization chart was prepared by yourself and  
8 there was no influence from anyone. But your response at the  
9 Co-Investigating Judges, you said the organizational chart was  
10 decided by the upper echelon. Which response is correct, based  
11 on the Document 00154222, line number 2? It is the document of  
12 the Co-Investigating Judges.

13 A. I would like to tell Your Honour that I did not quite  
14 understand your question but I try to respond based on my  
15 recollection.

16 I said that it has no influence from anyone; it means that the  
17 organizational chart -- it was done in accordance with the  
18 assignment where myself and Comrade Hor prepared with the  
19 authorization from Uncle Nuon; Nuon Chea. So I said there was no  
20 influence from anyone, it was there, and so Comrade Phal was not  
21 assigned, so Uncle Nuon did not say that, so I assigned Comrade  
22 Phal. He was the military and he had his force there, how many  
23 hundreds.

24 [11.42.10]

25 So the terms I say, there was no influence from others, it was

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1 prepared in accordance following in the equivalent manner to  
2 replace Huy by Comrade Phal but there was no influence and after  
3 we completed we reported to Uncle Nuon. He agreed to that  
4 preparation. This is based on my recollection.

5 Q. Did the first -- the chart and the second chart was approved  
6 by the upper echelon?

7 A. It was not. This is decided in detail, it was only the  
8 appointment of Comrade Phal to replace Comrade Huy. It was  
9 decided by the upper echelon before we proposed that we have a  
10 discussion in our committee.

11 MR. YA SOKHAN:

12 Mr. President, I have no more questions.

13 MR. PRESIDENT:

14 The Court Officer, please show the Document 00153467 on the  
15 screen.

16 BY MR. PRESIDENT:

17 Q. The accused please look at the document and please indicate  
18 that, whether it is submitted by you to the Co-Investigating  
19 Judge.

20 A. Your Honours, this document was prepared by myself and I  
21 submitted it to the Co-Investigating Judge.

22 Q. Can you indicate the locations on the map which indicate the  
23 office, the house, detention house, interrogation place and your  
24 house at that time? Where was it, where is it? And this morning  
25 you replied to Judge Ya Sokhan in relation to R location, which

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1 is now is the Beehive radio station. Can you elaborate a bit  
2 more detail on the location on the map?

3 A.Your Honour, Mr. President, thank you for Your Honour that you  
4 raise this question again, because on the first day I went very  
5 fast. This is location A. Location A from the beginning it was  
6 a few numbers of victims were detained there and interrogated  
7 there. It's on the corner of Road 360 and 163 and it's the  
8 interrogation is right here, it's on the road here but I forget  
9 the number of the road.

10 [11.46.20]

11 At that time I was not married. I stayed in house number 1 here.  
12 House number 1, as far as my recollection, is on Road 143. As I  
13 told to Your Honour earlier, it was the old house of Chea Kim Eng  
14 which is rented to UNDP. Nat ordered me to stay there and the  
15 prisoner was on the corner of Road 360 and 163.

16 So at that time I thought there was only the prisoner, but after  
17 reading the document there were other prisoner were at Ta Kmao.

18 As I told Your Honours earlier, Nat moved the interrogation place  
19 and the training for interrogation moved to the P.J., it is the  
20 general inspectorate. We don't have that on the map. Nat no  
21 longer allowed me to stay here -- and please move a bit backward  
22 on the screen.

23 Yes, house number 2, it's on Road 302 or Road 306. The  
24 interrogation was trained at house number 2. As I told earlier,  
25 house number 2 it was the villa of Dr. Mey Samedi. And later the

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1 superior ordered me to move out of P.J. and I was no longer at  
2 house number 2. I placed the victims for interrogation at  
3 location A; location A here. However, my house was no longer  
4 there. I moved to -- it was not my house. It was my office  
5 after my marriage and I stayed at a small house. It's right on  
6 the ground, only one-grounded house on number 3. A flat.  
7 [11.49.11]  
8 My photo with Comrade Sok was on the veranda before that house.  
9 I stayed there for a while and I decided to move detention and  
10 interrogation to location B. It is in the compound of the land  
11 of Ponhea Yat High School so that it is easier to detain, and  
12 interrogation, and also to avoid any escape, and I asked  
13 permission from the superior, as I told Your Honours earlier.  
14 However, in the south of this location was the prisoner, for Pon  
15 to interrogate the important prisoner. That's what I told Judge  
16 Ya Sokhan this morning the special unit people guarding there.  
17 And talking about my house and offices moved from one place to  
18 another until I went to number 7 (inaudible) here at the corner.  
19 It was the communal kitchen of the cadre and the combatants.  
20 I might be confused about the road. It was the place where Hor  
21 received the truck sending the victims to be detained at S 21.  
22 It was at R. I do not know what R means. So I heard it is now  
23 R. It was Sambok Khmum radio station now. This is  
24 the location R. And later on my house is replaced more  
25 frequently, but the prison and interrogation location were not

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1 moved. I spent the most of my time -- it's on house number 7 on  
2 Monivong Boulevard. It was 7 Prime. It's number 7 here.  
3 Opposite is my office. These are my details to Mr. President  
4 about this location.

5 MR. PRESIDENT:

6 So to the corner of 163 and 360, location A -- please move the  
7 map on the screen to location A.

8 BY THE PRESIDENT

9 Q.On the map there is a double E on the map; English double E.  
10 What was the location for at that time?

11 A.Your Honour, EE here, from the beginning it was a Protestant  
12 church called Bethlehem Church. From the beginning I took this  
13 location for education of cadre and combatants of S 21, and when  
14 I organized A, Road 305 next to my house number 7, EE here became  
15 the place where copying the map was trained.

16 [11.53.15]

17 Q.Location 1, 2, 3 and 3 Prime, what were they? What were the  
18 purpose? Were they part of S 21?

19 A.1 here, it's the house -- it's my first house and office. I  
20 reported to Your Honour that it's the old house of General Chea  
21 Kim Eng. Number 2, it was a house and my office when the  
22 location for interrogations stationed at P.J. Number 2 was a  
23 former house of Dr. Mey Samedi. Number 3, it was my office when  
24 the interrogation location moved to location A. However, my  
25 house after my marriage -- my wife moved from Longveak to live



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1 with me. I stayed with my house -- at my house 3 Prime at the  
2 street 163.

3 BY MR. PRESIDENT:

4 Q. So these are the locations you used to stay and work there and  
5 after you left the place, you turned the place to be the office  
6 or to be the detention/interrogation location during the  
7 operation of S-21 at location A. Is it correct?

8 A. Your Honour, house number 1, no one will interrogate there and  
9 number 2, we gave to Pen Huot. It is the permanent committee who  
10 informed me to go out, and number 3 when I move out, it was left  
11 vacant and number 3 Prime also left vacant after I left. And  
12 from location A to P.J. and from P.J. to B and from A to B, it  
13 was moved for the location of interrogation and detention.

14 Q. Now come to the A's to Monivong Boulevard, and you mark as  
15 numbers 5, 5 Prime, 6, 6 Prime. So what were those places used  
16 at the time?

17 A. Your Honours, the Prime is a mark for the house where I stay  
18 and the number without Prime it was offices, number 4. When I  
19 work at office number 4, my house I live with my wife in 4 Prime.  
20 And when I was working at office number 6, my house with my wife  
21 was 6 Prime. And then number 6 when I move out, it became the  
22 interrogation place for Vietnamese prisoner interrogated by Mam  
23 Nai. So when I moved to work at number 5, number 5 Prime it was  
24 my house. So when I moved to office number 7, my house was on  
25 number 7 Prime.

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1 [11:57:15]

2 Number 7 Prime here it was the place where Koy Thuon was sent,  
3 number 7 the place where Nun asked Peng to get into number 7 and  
4 then he ordered me and Hor to arrest.

5 Q. In the structure of the state institution as what S-21  
6 belonged to, did it belong to the national defence industry or it  
7 belonged to the civil industry or did it belong to the security?

8 A. Your Honour, in the practical implementation, S-21 has to  
9 position -- it's like it had two legs. It was a unit of the  
10 general staff; it consider as the battalion and independent  
11 regiment. The logistics we get from the general staff. The  
12 force resource also we are content with the general staff. Rice  
13 production also contacted with the general staff, and the medics  
14 was under the general staff.

15 [11:58:58]

16 In addition to that, the annual study session in which myself,  
17 Comrade Hor and Comrade Huy were sent to study under the general  
18 staff until 1977. We were sent to a study session at the general  
19 staff. This is one leg of S-21.

20 Another leg of S-21 regarding security tasks, S-21 was to receive  
21 the people who were decided by the permanent committee. No-one  
22 has no authority to send anyone to S-21. It's only myself to  
23 receive the list of names or the names from the standing  
24 committee and then the lower echelon would act on that. It's  
25 only the people were sent by the standing committee, then we can

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1 receive. If it was not sent by that committee, we will be  
2 committing a mistake and then we will be beheaded.  
3 Number 2, the reports by S-21, we did not have any authority or  
4 any right to report to any other place. We could not report to  
5 the division to -- we could not report to any other industry. We  
6 had to report to the standing committee and if you made any wrong  
7 report, we will be beheaded. These are the principle that we  
8 perform there.

9 There were a lot of documents to prove this statement. I have  
10 the intention to tell Mr. President here regarding the documents  
11 that I report directly to the standing committee, so if -- with  
12 your leave I will report, I will tell this to Your Honour.

13 [12.01.27]

14 Q.You are allowed to put to us the documents you mentioned.

15 A.First, I would like to pick up the report of Yi Luy about the  
16 activity of Mean, Phen and Sophan. Mean is Chann Chakkrey. Phen  
17 is --

18 THE INTERPRETER:

19 Excuse me, the interpreter cannot really follow. Could you  
20 instruct the accused to repeat these for the record? When he  
21 talk about names, could he slow down a little bit?

22 BY THE PRESIDENT:

23 Q.There are a lot of documents and it will be time-consuming to  
24 work on the documents and since we're running out of time  
25 already, we wouldn't take a break, a lunch break.

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1 But before the break, the Chamber would like to inform the  
2 accused that you can still present this document in the afternoon  
3 session, but please make sure that you read the names of the  
4 people concerned clearly and slowly so that the interpreters can  
5 deliver the service fully and also for the purpose of good  
6 record.

7 The Chamber is adjourned for lunch and resumes at 1.30.

8 The parties to the proceedings, come back before 1.30. The  
9 security personnel are instructed to take the accused back to the  
10 detention facility and bring him here before 1.30.

11 (Judges exit courtroom)

12 (Court recesses from 1204H to 1338H)

13 THE GREFFIER:

14 Please stand up.

15 (Judges enter courtroom)

16 MR. PRESIDENT:

17 The Court is now back in session. The security guard are  
18 instructed to bring the accused to the dock.

19 Next, the accused can proceed with the reflection of some of the  
20 documents related to the reporting forms of S-21 to the Standing  
21 Committee so you can now take the floor.

22 [13.39.36]

23 THE ACCUSED:

24 First, I would like to report about Yi Luy who had relation to  
25 Mean, Phan, and Peng -- correction Phal. This document is found

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1 in B32/4.

2 First, I would like to touch upon the ERN-00173044. May the  
3 President instructed the court official to project it on the  
4 projector so that it can be shown.

5 MR. PRESIDENT:

6 The court official is instructed to put that document on the  
7 projector.

8 THE ACCUSED:

9 Before I describe about this, I would like to tell you that the  
10 person concerned here is called Yi Luy; Yi Luy's confession. He  
11 was the military cadre of division in the east.

12 This confession had something to do with the person named Mean --  
13 his name is Chann Chakkrey, and Phan, the revolutionary name of  
14 Ly Phel, the general military staff of the east zone, and then so  
15 Phan, the Deputy Secretary of Division 170.

16 [13.42.51]

17 The reason I would like to emphasize on this is how the  
18 confession was recorded, and how the report was conducted. So on  
19 the top left-hand side of the page, you may see my handwriting.  
20 This copy is to be sent to Brother Khieu directly so that Brother  
21 can examine at first because I annotated a few points for you to  
22 be able to understand, with respect.

23 The reason I raised this issue before the Chamber because I would  
24 like to indicate that the annotation on the confession, I had to  
25 contact with my superior on a daily basis.

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1 And next -- the next page, which is 00175145 -- correction  
2 00173145 still in Document D32/4, I would like the court official  
3 to only zoom into my annotation written by me into my annotation  
4 written by me.  
5 To respectful Brother, one, this confession is a base; two, there  
6 has been some confusion because the internal cadres, including  
7 Brother Sok and Sao, included Brother Sok who was the deputy --  
8 who was the Secretary of 170 and then he was suspended and then  
9 the Party appointed Brother Sok as the Secretary and then Brother  
10 Sao was appointed as a Deputy Secretary.  
11 [13.45.11]  
12 I would like to repeat; there has been confusion. He included  
13 internal cadre and mixed them up with CIA agents and some  
14 insiders, enemy.  
15 Three; we have already asked for the confession to be typed but  
16 it has not been done yet. So this document, the genuine  
17 communication to my superior had to be done in this form so that  
18 he could be well informed of the situation.  
19 I would like to conclude my report concerning this document  
20 concerning how the annotation was made.  
21 Next, may I be permitted to present Document 00204310 until  
22 002043110? This document is hard to read. I requested that the  
23 Chamber allow the original document in colour.  
24 THE PRESIDENT:  
25 The Chamber allows such a document to be shown on the projector.

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1 THE ACCUSED:

2 This document indicates how I reported to my superior. The first  
3 step was to report to Son Sen, so this is my writing.

4 Dear Brother: One, the forces reported here were people from  
5 Sector 22, including those in the revolutionary line or rank and  
6 network of Kok Minh Taing at Pea Reang, two, the senior forces,  
7 the highest forces that implicated was A Tum. I repeat, the  
8 highest -- the most highest force implicated was A Tum. A Tum  
9 was Brother Siet Chhae or Brother 81. Before he was arrested he  
10 was the deputy of the General Staff.

11 [13.48.51]

12 Three; Comrade Eang Sipheng, he said he was the person who  
13 followed the revolutionary. Luy Muy alias Chhuon told us that he  
14 was not involved in the CIA.

15 So this is how I reported to my superior concerning the forces  
16 from Sector 22 at Pea Reang and I had to report this to him on 11  
17 of -- sorry, correction -- the 15th of October 1977. So this is  
18 about the history of the traitorous activity of Luy Muy alias  
19 Chhuon.

20 This document, completed on the 2nd of September 1977, after  
21 having received my document my superior noted that he look at his  
22 writing. He said that it would be important, first. Number two,  
23 this guy has a network with the Chinese immigrants to be in  
24 translation. Section three; I have not read it yet, I would like  
25 Brother to read it first.

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1 So this is the words where my superior referred or sent to  
2 Brother Pol and he made such an annotation on the 17th of October  
3 1977.

4 I would like to move to the left-hand side of the page, on the  
5 top. Look at the term -- in particular Khieu section had to  
6 contact the east. So this is the writing of Brother Pol. Pol  
7 Pot made a decision for Brother Khieu and Son Sen to contact the  
8 east regarding this document.

9 [13.51.34]

10 Can we move to the check on the right-hand side like a V letter.  
11 This is a sign made by Pol Pot. So after reading any document he  
12 would then check like that. After having received the document  
13 my superior, Son Sen, said the document was already sent on the  
14 11 November '77. So it means he already sent the document to the  
15 east already on that date.

16 This document indicates that I, the Chairman of S-21 reported  
17 directly to the superior, to Son Sen and from Son Sen to Pol Pot,  
18 then Pol Pot asked Son Sen to contact the east.

19 I would like to conclude my report on this document.

20 MR. PRESIDENT:

21 The prosecutor, would you like to make any observation?

22 MR. BATES:

23 It's simply that we don't have an ERN number for this document;  
24 we don't know where it comes from. It looks like it's contained  
25 in a booklet and of course we'd all be interested to find out the



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1 source for this document. And if there is an ERN number or a  
2 document number can it be read into the record, please.

3 MR. PRESIDENT:

4 Judge Cartwright, you may now read the ERN numbers to the public,  
5 as referred in the ZyLAB.

6 JUDGE CARTWRIGHT:

7 Yes, the ERN number that the accused read out, 00204310 produces  
8 that page in handwriting, as we have seen it shown by the Court  
9 official. It appears to be part of a much longer document and  
10 it's in Khmer so I can't help you any more than that.

11 [13.54.05]

12 MR. BATES:

13 Your Honour, just to reply; it seemed that there were two  
14 different documents. The first document was the document number  
15 that I noted down at the beginning. No, I'm sorry, I correct  
16 myself.

17 The first document was a black and white document and this  
18 coloured document, is that the document with the ERN number that  
19 Your Honour has just read it?

20 JUDGE CARTWRIGHT:

21 No, I was wondering where the original came from because what is  
22 on ZyLAB is the black and white one, the ERN number -- I'm going  
23 slowly -- the ERN number which I have given to you. So we need  
24 to find out where the original with the red ink annotations comes  
25 from.

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1 MR. BATES:

2 Yes, please. Thank you, Your Honour.

3 [13.55.09]

4 MR. ROUX:

5 Thank you, Mr. President. We have an index D93/3 with an ERN --

6 a Khmer ERN number for the Khmer document, 00204310.

7 And in fact this document is -- the coloured document is included

8 in an answer that the accused provided upon a civil party

9 request. And it's indexed in the context of this answer and the

10 index is D93/iii, but three in Roman numerals. D93/iii, and

11 three in Roman numbers; that's the index number.

12 MR. PRESIDENT:

13 Please, Judge Lavergne?

14 JUDGE LAVERGNE:

15 Must I understand that in the file there's only a black and white

16 version and that the accused was able to address the civil party

17 by including a coloured document? I don't really understand.

18 MR. ROUX:

19 During an interview Judge You Bunleng provided this coloured copy

20 to the accused as what was happening often during the

21 investigations when documents were being provided to the accused

22 so that he may comment them.

23 And it is therefore this coloured copy that later on was used to

24 address a question that was raised by one of the civil parties

25 and therefore it was indexed D93/iii. But originally it is the

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1 Co-Judge, Mr. You Bunleng, who provided this copy during an  
2 investigation sitting.

3 [13.58.02]

4 BY MR. PRESIDENT:

5 Q.Next, the accused may present the other document in relation  
6 to the reporting regime in S-21, regarding to the standing  
7 committee.

8 A.Your Honour, President, a while ago I reported about a  
9 document of S-21 reporting to the standing committee and the  
10 standing committee would then forward it to the zone and in  
11 particularly to the East Zone.

12 The following, I would like to present another document which I  
13 reported to the standing committee but the standing committee  
14 just circulated and made decisions amongst the committee. It is  
15 number ERN 0017300 -- 00173000. It is D32/iv. I noted to the  
16 superior on the 11 of January 1977, "Respectfully Brother One,  
17 this contemptible are most of the time talking about the  
18 substantive".

19 MR. PRESIDENT:

20 The Court officer, please display the document on the projector.

21 BY THE PRESIDENT:

22 Q.The accused, please go ahead.

23 A.This is my annotation to my superior, Son Sen, regarding the  
24 confession of Heng Pich alias Chhan. My annotation is that:  
25 "Respectfully, Brother, this contemptible most of the time is

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1 talking about a contempt, about the secret stance of activity,  
2 about a stance of struggling for everlasting in order to conduct  
3 infiltration, especially in the CPK.

4 [14.01.25]

5 One, this contemptible often said more about the context, the  
6 substance about the secret stance, about the stance of  
7 everlasting stance in order to infiltrate the Communist Party of  
8 Kampuchea."

9 Number two; regarding the member of KGB which he implicated, he  
10 said that he extended to another member, named Seang Ho Long,  
11 he's the new KGB agent named Seang Ho Long, respectfully dated  
12 the 16 of January 1977."

13 This is my annotation to my superior. When he received this  
14 document he noted. This indicated that this document was  
15 circulated and worked out in the standing committee. It is in  
16 ERN 00172999 D32/iv.

17 On the top he said "secret" This is my superior writing, Son  
18 Sen; this is notes right beneath. Number one; this document lead  
19 us to understand about the infiltration plan espionage, the  
20 building of treacherous force of the recidivism. Number one;  
21 this document lead us to understand about infiltration plan, spy,  
22 plus the building of treacherous activity of the recidivism.  
23 Number two; to understand well about the treacherous network,  
24 especially about Pra Seth in this case we pay more attention to  
25 the case of -- Pra Seth is the brother of Chuon Mom --

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1 understood well a number of the assignment treacherous network,  
2 especially in the case of Pra Seth. Pra Seth, in the previous  
3 case there was the reply or the response that he recommended the  
4 KGB to continue its activity. Based on my opinion we should pay  
5 more attention and we should allow him to work on anything which  
6 is not related to the foreigner.

7 Number 3, he said that he built up one member, Seang Ho Long, a  
8 former economics engineer from East Germany and nowadays he is in  
9 the civil aviation sector. Haksieng Lainy was the superior, the  
10 big superior who led every activity dated 19/1/77. Son Sen  
11 receiving that document and he made the annotation and circulated  
12 among the Standing Committee and it was Son Sen who reported to  
13 Pol Pot. The note, this note of Son Sen, is to Pol Pot.

14 [14.05.57]

15 MR. BATES:

16 Just for the record and also for the assistance of all the  
17 parties when we come to look back on the transcript, the  
18 documents we've now understood the accused to be producing are  
19 from Document D32/iv but in that case document there are over 100  
20 annexes which refer to individual colour copies of confessions.  
21 And for the assistance of Your Honours and all parties, if the  
22 accused can state the number of the annex. This appears to be  
23 Annex 18 to which he has just referred, but if we can be precise  
24 and specify the annex number as well it would be of great  
25 assistance in a later stage.

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1 MR. PRESIDENT:

2 Mr. François Roux, the floor is yours.

3 MR. ROUX:

4 I have D32/iv Annex 18 and an ERN number for the French, which is  
5 00224083; for the French translation.

6 MR. PRESIDENT:

7 The accused, please continue to present your documents.

8 THE ACCUSED:

9 Mr. President, the next document, just to indicate that I was the  
10 one who reported to Son Sen or to Uncle Nuon, and later to Uncle  
11 Nuon and he circulated, and the document is D43/4 ERN 00174100.

12 This document is the confession of Meas Touch, alias Kem, a  
13 former ambassador of Cambodia to Laos. This is the title about  
14 the history of the traitorous activity. I made the annotation to  
15 the upper echelon that respectfully, Brother, his activities in  
16 Laos were two: one, with the imperial leaders it connected to  
17 the organization of HCR with In Tam to solve, to withdraw the  
18 Cambodian from Laos regarding the emigrant from Laos. HCR is one  
19 part of the UN. It is the High Commissioner for Refugees.

20 [14.10.00]

21 Number 2, with the Yuon, the Vietnamese, he worked closely with  
22 the ambassador of Vietnam named Daniel Lim, and the foreign --  
23 the Official of Foreign Affairs of Laos, Phoun Si and the  
24 Vietnamese needed to use the migrant Cambodians in Laos for their  
25 activities. So 9/2/78, based on the date, and I took this

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1 document to report to Uncle Nuon. It was no longer Son Sen  
2 because he left for the battlefield.  
3 His activity in Laos he wrote from page 37 onward. This is my  
4 annotation. On the top left there is a few letters to Comrade  
5 Vann. This is the writing of Nuon, so Nuon Chea. So my purpose  
6 to tell you about the document, the document is -- that's all.  
7 There are a number of documents but I have another document too.  
8 [14.11.37]

9 MR. BATES:

10 Mr. President, we note the record for the previous document is  
11 Annex 41. Thank you. We've identified that from our database.  
12 It's just easier for all parties to have both the ERN number and  
13 the annex number. I'm sorry, Your Honour.

14 JUDGE CARTWRIGHT:

15 You said the previous document. You said that was Annex 18. Do  
16 you mean this document that we're looking at now?

17 MR. BATES:

18 Yes.

19 JUDGE CARTWRIGHT:

20 It's Annex 43?

21 MR. BATES:

22 41.

23 JUDGE CARTWRIGHT:

24 41.

25 MR. BATES:

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1 I'm sorry, I believed the accused to be going on to another  
2 document, so I was referring to the document he'd just mentioned.

3 Thank you.

4 So if, please, Mr. President, the accused could be reminded or at  
5 least his defence counsel could be reminded to specify the annex  
6 number as well as the ERN number, that would be of great  
7 assistance to all parties when we come to review this evidence.

8 Thank you.

9 [14.12.44]

10 MR. PRESIDENT:

11 There seems to be an inconsistency of how we understood, as I  
12 observed. I think the accused has already shown all the ERN  
13 numbers, related ERN numbers, or would you like the accused to  
14 present the ERN number in three languages including the French,  
15 the Khmer and the English version before he could proceed?  
16 Because he seems to be precise with the ER numbers for all the  
17 related documents he presented, and all his words have been well  
18 recorded in the transcript, as we believe.

19 MR. BATES:

20 Mr. President, there is no problem with simply referring to ERN  
21 numbers when the first page is the ERN cited by the accused. But  
22 if the accused selects an ERN number that is in the middle of the  
23 group it's difficult, in fact impossible to find, on the ZyLAB  
24 system without the annex number. I hope that translates  
25 effectively enough, but the annex number is the category of



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1 documents.

2 I see my learned friend getting to his feet. Perhaps he can add  
3 something too.

4 MR. PRESIDENT:

5 The defence counsel, you take the floor.

6 [14.14.28]

7 MR. ROUX:

8 Thank you, Mr. President.

9 Our document is at D32/4, Annex 41, to confirm what the  
10 prosecutor says. For some of the index numbers, there are many  
11 annexes, so this document is in fact Annex 41, and to our  
12 knowledge there is no translation either into English or to  
13 French of this document.

14 Thank you.

15 [14.15.22]

16 MR. PRESIDENT:

17 Q.Once again, if the ERN number is raised, then there would be a  
18 problem then. To clarify, as the defence said, the document was  
19 document 43/4 and, later on, if the accused intends to refer to  
20 the document could he be instructed to refer to the Annex as  
21 well?

22 Now we may proceed.

23 A.The next document did not have my annotation, but there was  
24 Son Sen's annotation, but it was a document from S-21, Document  
25 D32/4, ERN 00172986. I would like to only raise this first page

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1 to present to you.

2 It is about the history of a person who entered a free Khmer  
3 through Loem Pheng Tong Heang from 1968. So this is the title of  
4 the confession of Mom Voeun, alias Muny, Division 290. The role  
5 of Mom Voeun, alias Muny, was in the company.

6 We would like to also present to you the annotation of my  
7 superior concerning the arrest and the arrangement of the tax  
8 which were done by Son Sen.

9 So the management of the security for the military unit at the  
10 central office was already stated on the decision of the 9th of  
11 October 1975.

12 I would like to read the annotation of this document to Comrade  
13 Pal and Nan, 27th of October 1977. So all tax I had to report to  
14 my superior and the superior then made sure the document be sent  
15 to Brother Pal, the secretary of Division 290, and Nat, who was  
16 the former chairman of S-21.

17 Nat was removed from S-21 to be the assistant to the army chief.  
18 So the decision made to smash people in the division, the Central  
19 Division, was done was done by Son Sen, according to the document  
20 dated on the 30th of March 1976. It indicated clearly this  
21 matter; the general staff made such a decision. So S-21  
22 reported, but the general staff made such a decision.

23 [14.19.46]

24 MR. ROUX:

25 Mr. President, this document is also registered under D32/4, and

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1 this is Annex 9 under this index number. The ERN Number in  
2 French is 00289864.

3 Thank you.

4 MR. PRESIDENT:

5 Q.The documents related to the reporting regime concerning the  
6 operation of S-21 is coming to an end but my -- our question is  
7 that the reporting regime, concerning the daily activity or  
8 weekly or monthly activity of S-21, was there any reporting  
9 regime arranged at S-21 and reported to the superior? If there  
10 was, then how was it done?

11 A.The interrogation task and report about the confession  
12 extracted through tortures have already been stated. However,  
13 the activities in our unit, I did not report in writing to my  
14 superior because my superior met me very often. So when I meet  
15 -- I met him, I would then report about the activities in the  
16 unit, partially before we came to discuss the matter of security.  
17 So the monthly or weekly reports was not done on a regular basis;  
18 only when I met him, then I would report to him, upon on our  
19 meeting, that -- that's short.

20 Q.The structure drawn by you before the Co-Investigating Judges  
21 concerning the management structure at S-21, you indicated that  
22 there was a link of S-21 to S-24 which was Prey Sar. So when the  
23 S-21 was initially established was S-24 or Prey Sar was included  
24 in the plan, and by way of copying the structure of M-13 or what  
25 would it be?

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1 [14.23.38]

2 A.First, I would like to emphasize on the M-13A and B. First,  
3 there was only M-13 alone. Then, having noted that I did not  
4 want prisoners -- sorry -- guards who released the prisoners,  
5 also people detained and shackled and smashed, that's why I made  
6 a request to establish M-13B and it was agreed by Vorn Vet, and  
7 Vorn Vet fully agreed with the request but S-21 itself was a unit  
8 the Standing Committee of the Central Committee created and I was  
9 the Deputy Chairman.

10 Before S-21 was established there was M-03 supervised by Nat.  
11 Then when Nat left I did not know whether there was S-24, I  
12 didn't know.

13 [14.25.15]

14 Then during the investigation phase and after many years passed I  
15 did not even know what S-24 were. Then I had to recall to what  
16 happened and based on the document S-21 was recognized by the  
17 Party.

18 The Standing Committee only recognized S-21 alone and Huoy  
19 attended a meeting, agricultural meeting at the -- on behalf of  
20 S-21, not S-24. So to recall it, Nat wanted the unit to become a  
21 big ministry and S-22 was the Ta Kmao Prison, S-23 was the  
22 plantation where fruits were planted and S-24 was Prey Sar  
23 because at that time there was no Choeung Ek yet.

24 So I have to admit that crimes did not only happen in Phnom Penh  
25 but it happened elsewhere. However, there was only Prey Sar

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1 which was the S-24. So all together Nat unofficially created  
2 S-24 but it was under my supervision anyway, although I was not  
3 of -- any knowledge of that office.

4 BY MR. PRESIDENT:

5 Q.Now we move to another facts in relation to the Ta Kmao prison  
6 and the prison located on the psychiatric hospital at the Ta Kmao  
7 and you presented some of the details but it was not clear. The  
8 question is did you know the prison at the psychiatric of the Ta  
9 Kmao -- this morning you said about that prison, so when was it  
10 established?

11 A.Mr. President, M-03 or the police office of 703 Division, it  
12 was located in Ta Kmao. As I told you, the psychiatric hospital  
13 at the Ta Kmao and the Ta Kmao plantation and the special prison  
14 in -- at the Sisovat Monireth residence for detaining the special  
15 prisoner; all together it is called the police office of Division  
16 703, it was created from the beginning regarding the Ta Kmao  
17 prison. Yes, that's all.

18 [14.28.46]

19 Q.It mean that you are not clear about the existence of Ta Kmao  
20 Prison. Was it established after the liberation in 1975 or right  
21 before that?

22 A.Ta Kmao was liberated on the 17 of April 1975. It was created  
23 about two or three day after the liberation.

24 Let me indicate; based on my observation, add military unit  
25 502650 their only role is to erase the former official of Lon Nol

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1 for smashing, especially Division 703 to conduct the search of  
2 Sector 23, including Sok Butchamroeun, Neou alias Sok and Huot Se  
3 alias Bun Than were the members. And therefore the internal  
4 purge in the Party and in Division 12, it was known as Division  
5 12 -- right after the 17 April, in the meantime when the former  
6 military official and the former civil servant were arrested to  
7 detain in the Ta Kmao.

8 Q. You told us this morning that based on your understanding  
9 when you were dealing with the establishment of S-21, and it is  
10 now called Tuol Sleng compound, you believed that those who were  
11 detained in the psychiatric hospital, the prison and there were  
12 many prisoners; is that true, the accused?

13 A. I am not clear how many but a few of them were brought there  
14 for interrogation and later at P.J. and P.J. was the place where  
15 I taught the people to do the interrogation and a large number, I  
16 don't know how many but I did not enter into that prison.

17 [14.31.34]

18 Q. Earlier you said that -- about the assignment of your deputy  
19 to organize and to exhume the ashes of the victim before you  
20 transfer to the Social Affair Department. My question is that  
21 when he did the exhumation for the ashes of the victim and to  
22 burn out, so did he found many of the victim or how many of them?

23 A. Mr. President, I did not go there. After two week they  
24 reported to me -- they report to me that that's all, only two --  
25 only two pits remained un-exhumed.

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1 I believe at that time and then I report it to the superior and I  
2 report to the superior that, Brother, the place were completely  
3 exhumed except the two grave and then it was silent and during  
4 the investigation stage I recall that -- oh, at that time maybe  
5 Comrade Hor failed to exhume all the pits and then in the  
6 document of investigation, Investigating Judge or the prosecution  
7 saying that were marks of crime there. But I can say that I  
8 order Comrade Hor to do the exhumation and he did that and he  
9 reported to me but I do not get the detail information about how  
10 many victims but -- from -- I made the report and he report to me  
11 it's about half month of work.

12 Q.You said that there were two remain un-exhumed; it's two pits  
13 or two graves?

14 A.It was two victim under the dike. It's not two pits, two  
15 dike.

16 [14.34.05]

17 Q.Could you try to recall the date when you transfer the  
18 psychiatric hospital to the Ministry of Social Affairs; when was  
19 that happen? ...

20 A.I take one date as the basis. It was the 15 August 1977 as  
21 far as I recall. It was the day when Uncle Nuon came to replace  
22 Son Sen to supervise me, and he told me that Son Sen went to the  
23 battlefield, and if I take this date as the basis, it was a bit  
24 earlier than that. It's about four or five months; I'm not  
25 clear. It was before Son Sen left me, so that's my recollection.

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1 MR. PRESIDENT:

2 Your Honours, do you have any questions to pose to the accused  
3 regarding the facts that we address in this hearing?

4 Please, Your Honour Judge.

5 [14.35.36]

6 JUDGE CARTWRIGHT:

7 Yes, thank you, Mr. President.

8 BY JUDGE CARTWRIGHT:

9 Q. Just one final question about Ta Kmao Prison, please.

10 I'm not clear -- you may have given the answer, but I am not  
11 clear -- it was originally a psychiatric hospital. Is that  
12 correct?

13 A. Yes, Your Honour. During Norodom Sihanouk's regime it was  
14 Sunmom (phonetic) Psychiatric. In Lon Nol it might be remained a  
15 psychiatric hospital. It's only in the Democratic Kampuchea.  
16 Nat has turned that into his prison. Yes, that's all I can  
17 remember.

18 Q. (Microphone not activated) of the 17th of April 1975. Is that  
19 correct?

20 A. Your Honours, this is my analysis and my conclusion. At that  
21 time, I was at Amleang. This is just my conclusion, my analysis  
22 based on the facts remaining in the document that I read.

23 Q. Yes I understand that you don't have personal knowledge but I  
24 would like to ask one more question, please. Do you know what  
25 happened to the psychiatric patients at that hospital? No



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1 French translation?

2 THE INTERPRETER:

3 We don't have the French interpretation?

4 JUDGE CARTWRIGHT:

5 Apparently not.

6 [14.37.40]

7 JUDGE LAVERGNE:

8 If I may, I think we are facing problems because I think the  
9 questions overlapped, so they were not all translated in French,  
10 so we don't know where we are right now.

11 So would you perhaps repeat not the last question but the one  
12 before that?

13 JUDGE CARTWRIGHT:

14 Yes. The earlier question that I put to the accused was to ask  
15 him if it was correct that Ta Kmao Psychiatric Hospital was taken  
16 over as a prison within a few days of the 17th of April 1975.

17 And the accused, noting that he had no personal knowledge of  
18 that, confirmed that that was his understanding from the  
19 documents he's reviewed.

20 BY JUDGE CARTWRIGHT:

21 Q.My next question is, noting that you have no personal  
22 knowledge of the first period of the Ta Kmao Prison, do you know  
23 what happened to the psychiatric patients at that hospital?

24 A.Your Honours, this is also my conclusion and my analysis.

25 The fate of those patients in that psychiatric hospital, I do not

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1 know whether they were released or they were smashed at the time.  
2 I am not clear, but I would like to give you my analysis in  
3 comparison to those who get leprosy. In Sector 15, those leprosy  
4 people were smashed, ordered smashed, and the upper echelon  
5 ordered to smash all those who get leprosy, so the leper.  
6 And the victim, I'm more than 15 percent that all the patients at  
7 the psychiatric hospital were smashed, based on my repeated  
8 analysis. This is, again, my conclusion and my analysis but I  
9 cannot guarantee it is correct or incorrect. Thank you.

10 [14.41.02]

11 Q.Yes, thank you.

12 I now have a brief question about the Vietnamese detainees who  
13 were brought to Ponhea Yat High School, and I refer to ERN  
14 00153575, which is the map of the layout of the buildings at S  
15 21. You said that the Vietnamese were interrogated to the east,  
16 but I did not understand at what part of the site they were held,  
17 detained and interrogated. Can you clarify that, please?

18 A.Your Honours, I know only the interrogation location. I gave  
19 house number 6 for Mam Nai to interrogate the Vietnamese and a  
20 studio was installed there. And a detention facility, it might  
21 be in Building B, C, D of Ponhea Yat High School. I don't --  
22 clear about which one was the one to detain the Vietnamese  
23 prisoners.

24 Q.Thank you. I want to turn finally to the fate of the female  
25 interrogators who were assigned to interrogate women detainees at

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1 S 21. You gave us an organizational plan, 0000154228, and I  
2 think in that plan you listed four women interrogators. Do you  
3 recall that?

4 A. Your Honour, the female interrogator cadre, there were five of  
5 them, but when I prepared the organizational chart I forget one  
6 comrade. It was Comrade Poeun. Comrade Poeun was arrested by S  
7 21, smashed because her husband was smashed; her husband named  
8 Mein.

9 And later, S-21 received an order to smash Comrade Huy, Huy at  
10 the rice paddy, Huy is there and another Prok Khoeun. And only  
11 three of them remain. Number 1, Comrade Mot. Number 2, Comrade  
12 Ny, the wife of Comrade Pon. And Mot was the wife of Huor.

13 Before -- I'm sorry. Before Mot married to Huor, comrade Mot was  
14 the cadre of the battalion of the sewing unit.

15 When she was sent to S-21, I assigned her to be the chief of the  
16 squad in charge of interrogating female prisoner. At that time,  
17 Huor was also there. And another one, Comrade Ny, the wife of  
18 Comrade Pon. And both of Ny and Pon was still -- still survived  
19 there.

20 One was Comrade Ran. She was not survive because of Trov but  
21 Trov was survived because of Ran because she have an uncle of  
22 Sector 31 of the West Zone. Her uncle was a big man from Peam,  
23 his name was Yoem, he was from Kampong Tralach or Kampong Chhnang  
24 and until the 7 of January 1979, only three female interrogators  
25 were still alive.

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1 [14:46:41]

2 BY JUDGE CARTRIGHT:

3 Q. In summary, wives of trusted cadres were selected to be  
4 interrogators, but when their husbands were no longer trusted and  
5 were themselves detained, the wives were also detained and  
6 smashed. Is that the summary?

7 A. Your Honours, Mr. President, this is the true, the regime of  
8 smash; when the husband is smashed, the wife would end up the  
9 same.

10 Q. (Microphone not activated) for bringing two truckloads of  
11 teenagers and children from Kampong Chhnang to supplement the  
12 staff at S-21. You said that some of those were assigned to be  
13 messengers, but that was only about five of them. What did the  
14 other children or teenagers do at S-21?

15 A. Your Honours, five of them who were assigned to work in S-21  
16 were all not from Kampong Chhnang. The messenger of Nun Huy from  
17 Sector 25 from Sa Ang Koh Tom (phonetic); Comrade Tha, the  
18 messenger of Hor was also from Sa Ang Koh Tom; another Mui, my  
19 messenger, lost one hand is from 703.

20 My only messenger who was selected from among the children and  
21 used Kampong Chhnang was Comrade Tan. He was from Kampong  
22 Chhnang from Sector 31. And Comrade Chhen. Chhen was from  
23 Amleang from Trapeang Traok. I selected him since 1973.

24 [14:49:20]

25 These are the situation of the five messengers of the three of

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1 us: myself, Nun Huy and Hor. I selected three of them who were  
2 from Kampong Chhnang. First, I selected Comrade Sum. The  
3 children from Kampong Chhnang but I observed that he is not -- he  
4 was not qualified to be trusted and then I transfer to Comrade  
5 Hor to educate so that he can be a guard.  
6 And then I selected another one. Name -- his name was Comrade  
7 Mao and then when I found he is not qualified, I reverted to Hor,  
8 and finally I select Comrade Thann and three messenger from  
9 Kampong Chhnang, only one, only Thann remained my messenger.  
10 These are the people from Kampong Chhnang and only three of these  
11 people, and another one who met me at Somlaut, Comrade Tuy. He  
12 told me that he want the children to collect the morning glory to  
13 feed the rabbit, and they were 50 of them about 12 years old and  
14 two youths or teenagers who was from 17 or below 17. But I don't  
15 know the name of others people.  
16 But I would like to tell you that among the 60 people from  
17 Kampong Chhnang were the same as people from Amleang. No one can  
18 arrest or do any hurt to them because they were from their good  
19 class of the society. The class protected them at the time,  
20 that's all I can say.  
21 [14:51:56]  
22 Q.So, in summary, most of those children and teenagers from  
23 Kampong Chhnang worked looking for morning glory to feed the  
24 rabbits; one or two were messengers; and that's what they did for  
25 the whole time they were at S-21. Is that correct?

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1 A.The work to look for morning glory to feed the rabbit is part  
2 of the task and I'm not sure to -- of that task. But as I told  
3 you, Tuy approached me in Samlaut and said that he was the former  
4 child who worked to look for the water -- morning glory to feed  
5 the rabbit. So there were only some of them who worked in that  
6 section to look for morning glory to feed the rabbits, but I  
7 don't know the other.

8 But these people could not be arrested for any offences and no  
9 one could report them to be arrested because of their good class  
10 nature.

11 Q.Did any of them work as guards, inside or outside guards?

12 A.I'm not sure.

13 JUDGE CARTWRIGHT:

14 For the benefit of the French speakers, my question was did any  
15 of those children or teenagers work as inside or outside guards,  
16 and the accused says he's not sure.

17 Thank you. I have no other questions.

18 [14:53:51]

19 BY JUDGE LAVERGNE:

20 Q.I'd like to get back a little bit to the conditions in which  
21 S-21 was created.

22 If I've understood correctly, S-21 -- the staff of S-21 was made  
23 up of, on the one hand, of elements from the 703rd Division as  
24 well as from -- elements coming from M-13, but also, if I've  
25 understood correctly, people who had worked in Phnom Penh before

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1 the fall of Phnom Penh and therefore who would have been used as  
2 information agents, as intelligence agents. Is this so or not?

3 A.The translation in Khmer said the spies, which means  
4 intelligence agents. I think it is not correct in the term of  
5 your question, because you may repeat your question and I try to  
6 listen into French.

7 Q.I hope that my question will be correctly translated into  
8 Khmer, above all.

9 The question that I was asking regarded the staff of S 21 when S  
10 21 was established. So which elements made up this staff? If  
11 I've understood correctly, a part of the staff came from the  
12 Division 703, another part came from M 13, but it seemed to me  
13 that part of the staff also came from party members who had  
14 worked in Phnom Penh before the fall of Phnom Penh and who later  
15 on had provided information. So did you understand my question  
16 and can you answer my question?

17 A.Your conclusion and your questioning are correct. The S 21  
18 forces made up of forces from Division 703. There were a lot of  
19 them and there are other small forces from the Phnom Penh -- from  
20 the city and from M 13, and later on there were more young people  
21 from Kampong Chhnang. Altogether your question is correct.

22 [14.58.15]

23 Q.Then we know you explained earlier on that a certain number of  
24 the staff members of S 21 were victims of purges. So can you  
25 tell us if among these three components that we just described,

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1 that if there were purges in each one of these components do the  
2 purges -- were they generally directed to people from the 703rd  
3 Division or from -- was it more directed toward the M 13 staff  
4 members, or was it more directed towards what I would call the  
5 city agents from Phnom Penh?

6 A. The purge conducted at S 21 Unit affected only the forces from  
7 Division 703 exclusively and people from Phnom Penh. There was  
8 only one person left -- people from Phnom Penh, from the city.

9 As for people from M 13 were not affected and so were people from  
10 Kampong Chhnang.

11 MR. PRESIDENT:

12 The Chamber would like to adjourn for 20 minutes and resume after  
13 that.

14 (Judges exit courtroom)

15 (Court recesses from 1500H to 1526H)

16 (Judges enter courtroom)

17 [15.26.30]

18 MR. PRESIDENT:

19 Please be seated.

20 Do you have any questions, Ms. lawyer?

21 MS. STUDZINSKY:

22 I would come very briefly to another issue. We wanted to submit  
23 a document which has a deadline tomorrow. It is a response to an  
24 application by co-lawyers for civil party Group 1. We have sent  
25 this document to the translation service, so ICT (sic), on Friday



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1 at noon. Today I received the notice that ITP told us that they  
2 are not able to translate this document from English into Khmer.  
3 They indicated that on 29 April it would be possible to have the  
4 document translated, and therefore I would request the Chamber to  
5 grant us an extension until 29 April 2009 to submit this  
6 document. And we'd be grateful to get a decision today because  
7 we are not able to submit this in writing because, as we know,  
8 the translation services are not able to translate this request  
9 into Khmer, and so we would like to take the opportunity to do  
10 this orally today. Thank you.

11 MR. PRESIDENT:

12 Please, Judge Cartwright.

13 [15.28.54]

14 JUDGE CARTWRIGHT:

15 Thank you, Mr. President.

16 Ms. Studzinsky, is this the response to civil party group 1's  
17 application seeking a direction from the Trial Chamber that when  
18 a civil party group files documents it should identify which  
19 group? Well, I presume that your response will be very brief in  
20 writing.

21 MS. STUDZINSKY:

22 It is only a two-pages text. It's really a very brief document.

23 JUDGE CARTWRIGHT:

24 Two pages is brief?

25 MS. STUDZINSKY:

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1 Text with --

2 JUDGE CARTWRIGHT:

3 Can you give us your answer orally now to cut through the  
4 translation and other problems? What is your response? Can you  
5 give it to us now orally, very briefly, please? Two sentences I  
6 should think would do it.

7 MS. STUDZINSKY:

8 About the content of the document?

9 JUDGE CARTWRIGHT:

10 Yes, tell us what your response is.

11 [15.30.02]

12 MS. STUDZINSKY:

13 The response is that mentioning the numbers, the group numbers,  
14 on the front page is first not necessary and the document shows  
15 by naming the lawyers who submit and appear as filing party is  
16 enough to identify clearly what or from which -- or who submits a  
17 document.

18 And furthermore, that it is rather more confusing to name the  
19 numbers of the different groups because it occurred already that  
20 not -- the groups did not share -- or members of every so-called  
21 group did not share the same opinion, and it happened already  
22 that parts of one group filed together with another group and so  
23 on, so that naming group numbers and then the question is should  
24 it be then Group 2 with parts of Group 3 or 4 and so on, and it  
25 was more -- or would be more confusing.

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1 That is a summary of the content of this document.

2 JUDGE CARTWRIGHT:

3 Thank you.

4 Mr. President, may I ask if any other civil party group wishes to  
5 comment on that response?

6 Does any other civil party group wish to comment on that  
7 response?

8 [15.32.00]

9 MR. WERNER (Speaking in English):

10 Your Honours, we have nothing further. I think our submission  
11 was summarizing our -- our view summarizing our submission and we  
12 have nothing further. Thank you.

13 JUDGE CARTWRIGHT:

14 Civil party Group 3?

15 MR. CANNONE:

16 Yes, Your Honour. Thank you for giving me the floor. Civil  
17 party Group 3 has no observations.

18 JUDGE CARTWRIGHT:

19 Thank you.

20 Civil party Group 4?

21 MR. HONG KIMSUON:

22 Thank you, Your Honours. I have no observation. I have no  
23 objection because on the document it specifies the name of  
24 lawyers. Failure to specify a number of group, there will be no  
25 problem. More importantly, it's the lawyer who signs the

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1 documents. Thank you.

2 JUDGE CARTWRIGHT:

3 Thank you.

4 The Co-Prosecutors, do you wish to comment? No comment.

5 Does the defence wish to comment? No? Thank you.

6 Mr. President, may I suggest that we accept that summary of the  
7 response and indicate that we will give our decision orally in  
8 the next day or two, and ask that the Civil Party Group 2 not  
9 proceed with its written response.

10 [15.33.57]

11 MR. PRESIDENT:

12 Yes, the Trial agrees to do so.

13 Next we move to the hearing of the facts, related facts. Your  
14 Honour, do you have a further question to ask to the accused?  
15 Please check, Jean-Marc. ...

16 BY JUDGE LAVERGNE:

17 Q. Before the break we were talking about the various components  
18 of the staff of S 21. You said there were three of these. There  
19 was one from the 703rd Division; that is the largest, and this  
20 was the victim -- or this contained the largest number of purged  
21 victims; is that correct?

22 I see that the accused has nodded. I do not know whether this  
23 has been recorded.

24 There was another component. This was the one coming from M-13  
25 which was not purged at all; is that correct?

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1 A. (No interpretation)

2 [15.35.28]

3 Q. I think it would be best for you to respond in Khmer. Please  
4 do not speak French.

5 A. The units who inflicted and who experienced the purge, there  
6 were two units. I would like to say it again. There were two  
7 units who were affected by the purge. Number one was Unit 703.  
8 Another one was those who were from the city. There were a few  
9 of them who were from the city, but the purge went on and only a  
10 few people left and Pon, Sokhon (inaudible) and those who were  
11 from 703, almost all of them were purged.

12 As for those who were from M-13; no-one affected. As for those  
13 young people who were from Sector 31, as far as I remember,  
14 no-one was affected because no-one there touched these people.  
15 In conclude, that's all my answer to you.

16 Q. So if I understand you correctly, the people from the city  
17 were all purged before the establishment of S-21; is that  
18 correct?

19 Did you hear me?

20 A. (Speaking in French). Yes

21 [15.37.40]

22 Q. I shall repeat my question. Were the workers from the city  
23 mostly purged before the establishment of S-21?

24 A. The force -- the guard force who were from the city were  
25 transferred to S-21 after the establishment of S-21 but before

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1 Nat has left, and therefore the purge of those people happened  
2 gradually. Until Nat has left, there were two or three of them,  
3 and the incidents continued, and almost all of them were finished  
4 except one left.

5 Q.Were these people purged within S-21 proper? Were they  
6 detained and then executed through S-21? How did that happen?

7 A.Yes, Your Honour, the staff of S-21 was arrested by S-21; S-21  
8 who detained them. S-21 interrogated them, followed by -- with  
9 torture and finally they were smashed by S-21. It's -- the  
10 decision was made from the upper echelon. This is the only  
11 remark I can make.

12 Q.Did the same process apply for people coming from the 703rd  
13 Division?

14 A.The process was exactly the same applied.

15 Q.Was the decision to bring in adolescents to support the  
16 personnel taken because the adolescents were considered to have  
17 good biographies, unlike the staff who had been purged?

18 A.It is true as requested by me, myself, to Son Sen and he  
19 agreed that I can recruit people who -- to find people with good  
20 biographies, so he approved of that request. That's why when I  
21 went out to search for them it was my intention to find those  
22 with good biographies.

23 [15.41.34]

24 Q.On what basis, and who took the information or who took the  
25 decision that the staff from the city or staff from Unit 703 did

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1 not have good biographies and were to be purged?  
2 A.I would like to confirm that the staff from Division 703  
3 included a secretary before Nat who was smashed. That secretary  
4 was No Pon (phonetic) alias Sok. He was at Division 12 before.  
5 Then when the chief was smashed, then his subordinates would be  
6 falling in the same manner. After the key person is smashed,  
7 then the subordinates were fearful even when they committed small  
8 wrongdoings.  
9 Therefore, when these people committed wrongdoings, Hor were  
10 attracted to their commitment -- to their wrongdoings. He had to  
11 report to me and if Hor did not report to me and when he made any  
12 mistake, then he, himself, would be in trouble.  
13 So when I was reported then I would report to the superior. The  
14 superior made the decision to smash and I had to follow the  
15 orders. People from 703 and the people under the supervision of  
16 Hor were not -- who were under control of Hor were not affected.  
17 I would like to say again that the unit from Division 703 who  
18 were the subordinates, direct subordinates of Hor, they were not  
19 affected. So only those who lost their superiors, those whose  
20 superior were smashed, then they were no longer trusted by others  
21 and by me. When I refer to "they" here in this context, it was  
22 referring to Hor.  
23 As for people from the city, they came without their superior  
24 coming along. So the people were not very determined in the  
25 crimes of interrogation and torturing and they, at any point,

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1 contested such attacks. Therefore, by having contested such  
2 things, Nat was interested to report to the superior.  
3 These people had been purged before Nat came, and later on Hor  
4 and I, myself, agreed to report further, and after all only one  
5 person left. In conclusion, the falling stone or the scapegoat  
6 in this purging affair was falling on partially people from  
7 Division 703.

8 [15.48.37]

9 Q. Correct me if I'm wrong. I understand that in terms of  
10 elimination or smashing, to use your term, there were rules.  
11 When a member of a family was arrested and smashed, the other  
12 members of the family had to suffer the same fate. This appears  
13 to me to be what you said just now. Do you confirm that?

14 A. It is true. So people were purged based on their network and  
15 family relationship.

16 Q. You have also indicated that the principle of purging also  
17 applied to networks. That means when there was a leader all his  
18 subordinates had to suffer the same fate. And you said, or  
19 perhaps I understood you wrongly, that Sok, who was the head, had  
20 been purged. So I understand that he was the first to be  
21 eliminated or purged, and subsequently the others were  
22 eliminated. Is that what you said?

23 A. First Sok was purged, it was true. Then when he was purged,  
24 his subordinates were monitored and traced by the upper echelon.  
25 People who were followed or monitored, they would not be able to



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1 escape from being purged as well. So when the superior was  
2 arrested, it was just a matter of time before his subordinates  
3 were also arrested. It is the principle.

4 [15.52.10]

5 Q.That said --

6 A.It's Sok who were with Comrade Hor and I, myself. Whenever we  
7 noticed something we didn't like, for example, the person talked  
8 back and contested, and if we did not do anything and later on  
9 there would be consequences on us, and then I had to report to  
10 the superior, and after that the superior would make a decision.  
11 I would like to indicate what was the contest that could not be  
12 -- that was not bearable. For example, people were not allowed  
13 to beat prisoners until they die and that the confession was cut  
14 up. People who were arrested because -- due to these incidents,  
15 there were two so far as I remember; two of them. They were  
16 Comrade Khoem Phau, cadre from the company, and Comrade Hak. I  
17 don't remember his last name.

18 So if they were perceived to be confronting us, then they would  
19 be in trouble. So people who were from Division 703 who we  
20 perceived as confronting or challenged the -- to task, were  
21 people who were very proud and, too, they liked to show off. But  
22 having said that, I seem to point the finger to the victims who  
23 already died.

24 We as educators, reporters, we are part in these crimes for sure.

25 We did not educate them to be determined in their work but we

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1 were so quick to report their wrongdoings and it were part of the  
2 crimes. I personally was scared when Vorn Vet was arrested. Why  
3 didn't I see the same when other people, especially subordinates,  
4 were arrested? I did not even think of that. I only valued  
5 myself higher than the others at that time.

6 So in conclusion, the people from Division 703 and the people  
7 from the city were the victims. So in conclusion, the reason why  
8 they were arrested, because of their background. They were  
9 cadres and they had received the falling stone or become the  
10 scapegoat, and then we at the same time on top of this trouble  
11 reported to the superior and they ended up in big trouble.

12 So I may conclude the people who were purged at S 21 now.

13 [15.58.46]

14 Q. When you reported on what you describe as these unacceptable  
15 acts to your superiors, were you aware that such report meant  
16 that this staff or these staff members were going to be smashed?

17 A. When I reported and then after Comrade Hor also agreed with  
18 the reports and after all it was for sure that there would be a  
19 decision to arrest them. First we said that this person belonged  
20 to these cadres and their acts were classified as this and that.  
21 And they were educated like this but they did not follow or did  
22 not learn the lesson, but after they failed to do that and then  
23 we had to report to the superior, then they would be arrested for  
24 sure.

25 [16.00.02]

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1 Q.Well, I'm not sure that you answered my question completely  
2 but that's not a problem. I wanted to know when these reports  
3 started being established. Did they start before Nat's departure  
4 or after Nat's departure?

5 A.When Nat was there he was the one who report. In addition  
6 there is another incident which is fairly long but just to tell  
7 you one thing. Nat decided to arrest the combatants of the cadre  
8 of Division 12 and Division 703. He made that decision  
9 unilaterally. And Nat, sometimes he requests for the advice from  
10 the superiors. Sometimes he made the arrests without the  
11 consultation with the superior.

12 As for me, after Nat has left I wait until I get the decision  
13 from the superior. Then I order Comrade Hor to implement.

14 Q.Can you tell us what were -- what are, if there are any, the  
15 fundamental differences in the operational modes between M 13 and  
16 S 21? What are the fundamental differences in the way M 13 and S  
17 21 operated, if there are any differences? Did you understand  
18 the question?

19 A.I would like to try to describe one point to another to tell  
20 to Your Honours. From the beginning I would like to say about  
21 the same characteristic. The same characteristic was education.  
22 We received a number of young youth and then we provided them  
23 with education. The education is aimed at cruelty, absolute and  
24 very extreme direction. We used the Communist terminology for  
25 that education. And therefore, in any unit, the education played

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1 an important role to make an innocent people to be a cruel  
2 person.

3 The children of the peasants who were good people we trained, we  
4 educated them to be the combatants and to be the members of the  
5 Youth League of the Party.

6 Therefore, we took the youth and then we trained them so that  
7 they can adhere the extreme situation that they dare interrogate  
8 their race, and they're to do anything ordered. For example, the  
9 youth from Amleang, we took them, we educated them, we trained  
10 them in the movement, in the cruel movement to kill the people,  
11 to detain the people. For example, the youth, the combatants  
12 from Kampong Chhnang, they were young people and then we took  
13 them and we trained them.

14 In reality, those who lived with me I know well, but I can say in  
15 summary these people changed all of their nature after the  
16 training or education. They changed their nature. They became  
17 from the gentle to become cruelty, very extreme in the matter of  
18 arresting, cursing. and detaining people. They were in the class  
19 wrath, class anger.

20 And therefore, in conclusion, they worked here and there. I  
21 don't know that but the one who made the education, it was me, to  
22 turn them to be extreme, to be absolute. It is like that.

23 [16.07.41]

24 Q. So this transformation; I don't know if I could use the word  
25 "education" but maybe it's better to say, so this transformation

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1 that you're speaking about, it existed at M-13 and it continued  
2 at S-21. The same transformation process continued at S-21. So  
3 were there other points of similarity between S-21 and M-13, or  
4 are there differences? Or for you, what happened at S-21, was it  
5 the continuation of what happened before at M-13?

6 A. Your Honours, the nature in which S-21 continued from the  
7 nature implemented in M-13, and the education and the training of  
8 the youth to the direction of crime and cruelty, it was the same  
9 in nature. Secondly, the interrogation methods with torture and  
10 the effort to convince them and to like them in the  
11 interrogation, it was a continuation from M-13. As for other  
12 matters, it was consistent with the security offices of the Khmer  
13 Rouge across the country.

14 I say that it was the same throughout the country. It does not  
15 mean that I saw every places but, as I heard, it was the same.

16 They were the same; for example, the method of execution, way of  
17 beating people up, especially the most important thing which  
18 introduced by Division 703 that consider as their works or their  
19 reputation at S-21 was the techniques in making arrest, because  
20 they were in a special unit. The execution method was one of  
21 their specialties.

22 As for the detention method and other methods I saw, I saw the  
23 detention method was a continuation of the police security office  
24 from Division 703 as long as other security office across the  
25 country, but the difference between other security offices are

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1 the produce of the confession. This is the clear differences  
2 between those security offices.

3 [16.12.51]

4 Q. There was therefore, all throughout Cambodia, security centres  
5 that were applying the same methods. That's what you're telling  
6 us. So according to you, why were you asked personally to take  
7 on responsibilities in order to manage the S 21 centre? For  
8 which reason were you selected to manage S 21?

9 A. Your Honours, I would like to confirm that this question was  
10 asked by -- asked me by Judge Marcel Lemonde. I responded to him  
11 based on my understanding at that time. I responded to Judge  
12 Marcel Lemonde. I mentioned to him that I was the one who much  
13 better in interrogation than Nat. However, as far as my  
14 understanding now, it was not only that matter. Firstly, I am  
15 better than Nat in terms of interrogation.

16 I taught the people to interrogate. I did it better than that.  
17 This is true. I do not deny that. But if I go back to that  
18 situation, the Party did not trust Nat, but the Party trusted me.  
19 My superior, Son Sen, when Nat has left, he kept saying that Nat  
20 was full of tactics, full of tricks. And they trusted in me  
21 because I was honest to them, I can say. Bamboo would have a  
22 partition. As for me, it could be compared to the leaf of onion.  
23 I was very faithful to the Party. I would rather die if I had to  
24 lie anyone.

25 [16.16.06]

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1 So in conclusion, they assigned me to S-21 to replace Nat because  
2 I was the one who is faithful or very honest to them. That's all  
3 my response.

4 Q.You spoke about an answer that you had provided during one of  
5 your interrogations with Judge Marcel Lemonde. So I'm going to  
6 read an excerpt of your interview which is indexed as D-11 of the  
7 file, and your answer in French is on page 3 of this interview,  
8 and the ERN number is the following, 001417894. I do not have  
9 the numbers for the Khmer or English versions, however, but I  
10 will read and then maybe somebody will be able to complete it.  
11 Well, in fact, the following question was put to you:

12 "Why did Nat -- why was Nat replaced?"

13 That was the question.

14 "And the official reason was that he had to go supervise the  
15 communication -- the Military Communications Unit for the entire  
16 country and he was not competent to be an interrogator, but he  
17 was good at military matters because previously he had been a  
18 division leader. This was the reason why he was replaced and I  
19 had skills in terms of interrogating and I had been doing this  
20 since 1971. And furthermore, Nat did not want to do this  
21 interrogation work and I had the impression that even if I hated  
22 and still hated this police work and interrogations, I had to do  
23 this job, and I was doing it better than Nat. I had to do it.  
24 That was unavoidable. It was an order and I had to do this  
25 work."

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1 The package that you are referring to, is that so?

2 A. Your Honours, the words -- all the words you read were from my  
3 heart that responded to Judge Lemonde. I clearly remember that I  
4 respond another word saying the superior making a decision to  
5 remove Nat, I don't know. This is the statement that I responded  
6 to Judge Lemonde.

7 [16.31.01]

8 In addition, there is another incident. Maybe Your Honour did  
9 not read that -- through that portion. I proposed my superior --  
10 my superior Son Sen to take Chhay Kim Huor to replace me in  
11 replacement of Nat and I wanted to continue to be a deputy. I  
12 would like to confirm to Your Honour that Chhay Kim Huor was also  
13 one of the students of Son Sen who was educated by Son Sen ahead  
14 of me. He was one of the students of Son Sen who gets educated  
15 in communism far before me.

16 Chhay Kim Huor educated me to understand communism. Therefore,  
17 when Son Sen asked me to supervise S-21, I was terrified and it  
18 was the time when I contested such offer, but I did not really  
19 contest right in front of him, but I -- openly, I just would like  
20 Brother Kim Huor -- Chhay Kim Huor to become the chairperson  
21 instead.

22 Then Son Sen threatened me. This morning, I already told you  
23 about this. He said, "What the hell was it? How big was S-21?"  
24 And by hearing that, I was compelled to continue taking the  
25 offer. No further contest.



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1 [16.24.15]

2 In conclusion, the wording as read out by Your Honour was the  
3 statement I made before the Co-Investigating Judges. They are  
4 correct.

5 However, at this moment, when I recall the situation, I could say  
6 that the upper echelon trusted me, but they did not have good  
7 faith in Nat. So simply, I was like their "Berger" or dog.

8 MR. PRESIDENT:

9 It is now time to adjourn for the day, so the hearing is now  
10 adjourned and the session will be resumed tomorrow at 9 a.m.  
11 Security personnel are instructed to take the accused back to the  
12 detention facility and bring him here before 9 a.m.  
13 Parties and public are also informed to come back to tomorrow's  
14 session before 9 a.m.

15 (Judges exit courtroom)

16 (Court adjourns at 1625H)

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