



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

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

**CONFIDENTIAL**

Case File N° 001/18-07-2007-ECCC/TC

7 April 2009, 0907H

Trial Day 5

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:

KONG Pisey  
TY Srinna  
MOCH Sovannary  
KIM Mengkhy  
YUNG Panith  
Silke STUDZINSKY  
Alain WERNER  
Philippe CANONNE

For the Trial Chamber:

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

For Court Management Section:

KAUV Keoratanak

For the Office of the Co-Prosecutors:

CHEA LEANG  
Robert PETIT  
YET Chakriya  
William SMITH  
TAN Senarong  
Alexander BATES  
Jurgen ASSMANN  
PAK Chanlino

For the Accused Person KAING GUEK EAV

François ROUX  
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. CANONNE	French
MS. CHEA LEANG	Khmer
THE GREFFIER	Khmer
MR. KONG PISEY	Khmer
JUDGE LAVERGNE	French
MR. PETIT	English
MR. ROUX	French
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	English
MR. YUNG PANITH	Khmer

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

2 (Judges enter the courtroom)

3 THE GREFFIER:

4 Please be seated.

5 [09.08.23]

6 MR. PRESIDENT:

7 The Trial Chamber declares continuity of the session.

8 First, I would like the Greffiers to report the presence to these  
9 proceedings.

10 THE GREFFIER:

11 We already checked the attendance of the parties. Today, Mr. Kar  
12 Savuth is absent. Thank you.

13 MR. PRESIDENT:

14 I would like the Greffiers to include the attendance list into  
15 the transcript.

16 The detention facility security guards, please bring the accused  
17 to the dock.

18 MR. ROUX:

19 Mr. President, I think it would be well to check to ensure that  
20 future witnesses are not in the public gallery and remind  
21 witnesses who will appear that they cannot attend hearings.

22 (Deliberation between Judges)

23 MR. PRESIDENT:

24 The Chamber would like to inform you following people when -- the  
25 people whose name appears in the witness list are not allowed to

2

1 sit in the public gallery to observe these proceedings because  
2 doing so is contradicted to the Internal Rules on witnesses.  
3 Also at this Court we have the Witness Support -- the WESU Unit  
4 who can help the witnesses to make sure that the proceedings are  
5 smoothly maintained. So from now on if the witnesses -- if you  
6 are witnesses, then you have the obligation to leave the  
7 courtroom, or the public gallery, before you are called to  
8 testify, and I would like the WESU Unit to help facilitate these  
9 proceedings as having agreed so far.

10 [9:17:06]

11 Yesterday we were asking the accused concerning the facts of the  
12 security office M-13; questions were asked by Judge Lavergne.  
13 Today the Chamber will proceed the questioning and I would like  
14 Judge Lavergne to proceed with further questions regarding that  
15 fact.

16 BY JUDGE LAVERGNE:

17 [9:17:48]

18 Q.We shall continue with the questioning and I would like to put  
19 questions to you still with regard to the conditions under which  
20 people detained in M-13 were detained there. Can you explain to  
21 us what security measures were taken to ensure that prisoners  
22 would not escape? Were there particular facilities; were there  
23 particular measures taken?

24 A.Regarding this matter, at first people were kept to do  
25 farming. The first stage, people were kept in the house. After

3

1 they were interrogated they were smashed. And the second stage  
2 they were taken to Tuol Svey Meas, a village, Tuol Svey Meas  
3 sector so that they can do farming. So at night they were  
4 shackled, in the daytime they were let out to work.  
5 And I remember that one of the detainee grabbed a rifle, weapon,  
6 and then shot at the guards and escaped. After that we relocated  
7 the location to Trapeang Chrap area as I told you yesterday.  
8 When we moved to Trapeang Chrap at night detainees were shackled,  
9 in the daytime they were let out to go -- to do farming. Female  
10 detainees were let out to grow eggplants. And for male detainee  
11 who were let by me myself to build the dyke. And I did so  
12 because I was -- be ready to judge if anyone would be willing to  
13 grab a weapon from the guard.  
14 [9:20:31]  
15 So these people were tied together in the necks using the hammock  
16 string. So one string was tied to three people so that they  
17 could not manage to escape. So this is one of the approach to  
18 keep them. And we did not have any effort to build a house or  
19 shed, that's why we chopped down some kind of bamboo to dry them  
20 and then put them under -- leave them under the water so that  
21 they could be used as fence to surround that area. And using  
22 these kind of bamboos with the bamboo as a fence then we dig the  
23 pits about two metres wide and three metres long and with the  
24 palm leaves as a roof to protect the bombing and also to make  
25 sure that the victims could not escape. And both men and women

4

1 were shackled through their legs. So this is the method to keep  
2 them in the detention so that they could not escape or could not  
3 steal a weapon to fight back.

4 [9.22.24]

5 Q: Did the guards have special instructions for cases where a  
6 detainee escaped or attempted to do so?

7 A: I have my good eyesight, and I was smart with that,  
8 especially watching people who attempted to escape, so I think I  
9 am the one who was very good at spotting any person who was  
10 willing to escape. So if -- even Brother Mam Nai was not as good  
11 as I was. So if any guard was under his watch, some detainee  
12 could escape, then he would be questioned. But for people who  
13 could manage to escape, in our strict principle, I was to report  
14 to the superior immediately when the detainee escaped, so if  
15 anyone escaped from M-13, whenever that person was arrested by  
16 the military or by any unit then that person would be smashed  
17 immediately at the spot when he or she was found.

18 Q: Did guards have weapons, and did they have any instructions  
19 with regard to how the weapons were to be used if there was an  
20 attempt to escape?

21 A: The guards had weapons, so when someone escaped, then the  
22 guards had to fire at the escapee. I would like to recall the  
23 event that happened when someone escaped and that the guard had  
24 to shoot at him or her. At that time I was not at the detention  
25 location, and the detainee who was the victim escaped, and then

5

1 Brother Mam Nai chased after him and tried to shoot him. Mr.  
2 Sarun who was good at shooting at the detainee, and then he shot,  
3 accidentally his bullet hit Brother Mam Nai, so normally this is  
4 the incident that our guard mistaken Mam Nai for a detainee. So  
5 it's part of our policy, actually, to shoot at someone who tried  
6 to escape. I would like to tell you that Brother Mam Nai did not  
7 have any, or take any revenge against Comrade Sarun, they could  
8 live together happily.

9 Q: So the instruction was to fire on any detainee who tried to  
10 escape? Before you answer, I would like to draw your attention  
11 to the fact that a list was distributed yesterday with the  
12 pseudonyms to be used for those witnesses. I would like to draw  
13 this to your attention, because we have live broadcast, and it is  
14 best to avoid any difficulties. Have you understood this  
15 clearly? Do you wish your counsel to explain what is at stake?  
16 [9.27.30]

17 To resume, you confirm that the instruction was that if a  
18 detainee tried to escape the guards were to shoot at him; is that  
19 right?

20 A. This order was laid down from the superior and I order my  
21 guards to do so accordingly.

22 Q. You also mentioned a while ago an attempt -- an escape attempt  
23 with a guard who was killed with a gun, and yesterday, if I  
24 remember correctly, you mentioned the escape of several detainees  
25 and you reported the event or the incident to your superiors,



6

1 particularly Vorn Vet, and asked for punishment, if I remember  
2 correctly.

3 Can you tell us under what conditions this last incident  
4 occurred?

5 A.Thank you, Your Honour, for raising these two matters, to ask  
6 me at the same time. These two matters are inter-related a  
7 little bit. First, when the detainee escaped at Phnom Pis, I  
8 asked one comrade to guard on the termites mound. At that time I  
9 was not in because I worked with the zone, then the comrade who  
10 was watching on the termites mound, he could smoke and there was  
11 a detainee, a strong built detainee who asked him for tobacco,  
12 then the guy grabbed the weapon and shot at the guards.

13 [9:30:22]

14 At 5 p.m. I was reported. At 7 p.m. I approached the zone and  
15 asked to meet Vorn Vet to report to him the practical event. At  
16 that time we were not ready to fire at the detainee because the  
17 guard were fired at Comrade Pon, Comrade Meas and Comrade Mao who  
18 were injured. So this is the first event.

19 For the second event there was a firing at the detainee at M-13  
20 in 1973. The detainee was named Yue. I did not know where he  
21 came from.

22 The superior would like the test -- the confession of these  
23 individuals so that we could trace where the weapon was brought  
24 in. He was aggressive and we were -- I was afraid that it would  
25 be -- the situation would repeat. I went to meet Chou Chet,

7

1 alias Si, who was not far from me, about 10 kilometres from my  
2 location.

3 When I reported the details of the event to him, Chou Chet made  
4 the decision but it beyond my purpose. My purpose was to ask the  
5 superior to allow that person to be smashed secretly but Chou  
6 Chet made a decision to ask me to order one of the comrades who  
7 allowed such a detainee to grab the weapon to shoot at that  
8 detainee in the head.

9 [9:32:35]

10 And I asked -- and I did not see the event but the detainee was  
11 shot in the head, as ordered, and the brain were scattered and  
12 stained at some of these and the event shocked everyone in the  
13 neighbourhood and this was not my original purpose, but the  
14 decision was decided by Chou Chet.

15 And after that, that person comrade -- the comrade was shot and  
16 regretful, and a few days later on he asked me to leave the  
17 location and I have never heard from him. But I never point the  
18 finger to him for shooting the detainee and I don't really point  
19 my finger to Brother Si for ordering such a shooting. But I  
20 myself am responsible for the crime because the crime is -- was  
21 so brutal and such event really intimidated other people at the  
22 location.

23 [09:33:55]

24 JUDGE LAVERGNE:

25 (Not interpreted)

8

1 MR. PETIT:

2 Mr. President, I think that suddenly channel 2 became French and  
3 channel 3 English and so there was no translation.

4 What is more, the accused's microphone was off. Perhaps the  
5 translation could tell us what the channels are. Channel 1 is  
6 Khmer, Channel 2 is English, and Channel 3 is French.

7 JUDGE LAVERGNE:

8 Can I be heard? Is it working?

9 BY JUDGE LAVERGNE:

10 Q. So you mentioned a first incident and I'd like to know whether  
11 this involved the escape of several detainees.

12 A. At first, during the first incident, there were about 30  
13 detainees who escaped. So all the detainees were -- or could  
14 manage to escape; no-one left.

15 Q. So this incident, you are relating it, and so you report this  
16 incident immediately to your superiors by asking them to punish  
17 them. Is that true?

18 [09.36.53]

19 A. I learned the information at 5 p.m. and I asked my superior,  
20 Vorn Vet, so that I could report to him at night.

21 Q. Did this event lead to modifications in the way that the  
22 prisoners were being watched over, and what were the measures  
23 that were taken in consequence?

24 A. After that incident, as I already told Your Honours, I asked  
25 Vorn Vet to punish me. A little while later there was a prisoner

9

1 who was sent into that facility again, and the principle was  
2 still applied. Detainees were shackled days and night. At first  
3 they were only shackled at night, in the daytime they would be  
4 let out to do the work, but later on they were shackled all day  
5 and night when the detainees increased in numbers. And when  
6 there were more of them, then we released -- we let them out to  
7 do the farming. At that time that we started to dig the pits to  
8 protect the bombing and to protect the victims from escaping.

9 Q. So you're telling us that the pits were dug also to avoid  
10 having the prisoners escape. Is that so?

11 A. That is correct, Your Honour. The pit was about two metres  
12 tall, so it's above the head of the victims. So if they were put  
13 in the pit they would not be able to climb up that two metres  
14 high wall.

15 [09.39.27]

16 Q. Were there collective pits and were there individual pits  
17 where there was only one prisoner?

18 A. When there was only one detainee I did not dig the pit. The  
19 pit was only dug during the B 52 bombing, so they were at least  
20 five detainees in the pit. The most number was about 10, so  
21 there was no individual pit for individual detainees. And I  
22 tried to dig the individual pit for a detainee when only I  
23 oversaw the S-21.

24 (Microphone not activated)

25 A. Could Your Honour repeat your question?

10

1 MR. PRESIDENT:

2 Make sure that the accused's mic is well activated.

3 BY JUDGE LAVERGNE:

4 Q.I'd like to repeat my question. Were there collective pits or  
5 were there also individual pits where there was only one  
6 prisoner?

7 A.I would like to state that I started to dig the pits only when  
8 B-52 bombing started. So the pit was about two metres wide,  
9 three metres long and two metres deep. These pits were designed  
10 for all detainees. It was -- they were not just designed for  
11 individual detainees.

12 [09.42.05]

13 Q.Were these pits close to the river or were these pits -- and  
14 were these pits flooded at one time?

15 A.The pits were about five metres from the riverbank. In 1974,  
16 maybe before October, I guess the pits were flooded, so everyone  
17 fled the area. Even the pigs were floating and detainees were  
18 moved to another higher area about 50 metres from that location.  
19 So in 1974, in October probably, there was a big flood.

20 Q.If I've understood correctly, you told me that the prisoners  
21 had been moved. However, were there detainees that had drowned?

22 A.So far as I remember, no detainee was drowned. At the  
23 beginning I did not allow them to move, but when the water kept  
24 increasing then I asked them to move from the pits to the higher  
25 ground. But because they were so weak to climb the wall of the

11

1 pits, I led them to the higher ground but later on they died of  
2 sickness, but they were not drowned.

3 [09.44.14]

4 Q.This flooding, was this flooding reported? Did you report  
5 about this flooding to your superiors?

6 A.I actually reported to the superior but I did not do it  
7 immediately, as immediate as I did so when the detainees escaped.

8 Q.So in this report you state only that you took measures to  
9 distance the place of detention from a place that was at risk of  
10 floods.

11 A.The flood was about 48 hours and I waited until the water  
12 receded, then I brought back the detainees to the detention  
13 facility. Only after that I managed to report to the superior.  
14 In the report I only said that we evacuated the detainees to the  
15 higher ground to avoid the flood.

16 Q.Now, I would like to ask you questions on the interrogations  
17 of the prisoners.

18 And can you tell us if there were different methods of  
19 interrogation and which means were used to interrogate the  
20 prisoners?

21 A.There was no agreement on this particular issue because there  
22 were various views. Let me start from the beginning.

23 [09.46.46]

24 From what I can recall and still remember -- I already informed  
25 Your Honours already -- one man whom I interrogated, I tried to

12

1 be humble in my interrogation but he did not confess or respond.  
2 He just said he came to buy the chicken. And I informed Your  
3 Honours yesterday at that time I myself had a fever and two Hanoi  
4 cadres came with pistols. They came and beat up that person  
5 before me.  
6 So they beat up the person and the person confessed. And I was  
7 angry and I said, "I asked you calmly but you did not respond,  
8 and now they beat you up and you confess." And I wanted to beat  
9 him up but he begged me, "Please do not beat me up," so I did  
10 not. And later on I completed my interrogation with that person.  
11 So sometimes I beat him with one or two whip. That's all.  
12 That's what I still remember. That's when I personally  
13 interrogated and tortured that person.  
14 And another one in my experience of interrogation when I led the  
15 interrogation -- and from my experience, and I wanted to  
16 experiment of what I learned, and the interrogation took almost  
17 one month. The person was Nget Sambon alias Rum Pe who used to  
18 write poems for the newspaper and he went to the Liberated Zone  
19 at the time. So I wanted to experiment and I interrogated that  
20 person for almost one month and I beat up the person by myself.  
21 That's the truth.  
22 [09.48.55]  
23 So to sum up with the torture that I did personally on at least  
24 two persons -- besides that mostly I only interrogated and I  
25 instructed others to torture. So although I instructed others to

13

1 interrogate because I was a superior person at the time, I would  
2 like to inform Your Honours that I am responsible for those  
3 crimes and the tortures over there. And the confessions from the  
4 tortured detainees I would accept their responsibility.

5 I just would like to emphasize about the truth that happened at  
6 the time over there at that location. And even if I was an  
7 inspector at that time who orders other people to take and to  
8 conduct activities, I am fully responsible for that.

9 I apologize. I saw Chhum Mey's face and I would like to  
10 apologize to him. I did not beat up Chhum Mey. It was Comrade  
11 Seng who beat Chhum Mey up, but I ordered him to do that.

12 MR. PRESIDENT:

13 Now, we are talking about the facts at M-13. Please do not  
14 deviate from the facts at M-13. And what you have just said was  
15 about another fact. Please focus only on the facts related to  
16 the questions raised by the Judges concerning M-13.

17 Please, Judge Lavergne, you may continue.

18 BY JUDGE LAVERGNE

19 Q. So you just told us -- it's a technical problem. I'm sorry,  
20 Your Honour. I will --

21 A. Your Honours, I apologize for what I said regarding S-21.

22 In summary, the torture was done and I am responsible for all the  
23 crimes that I personally committed or instructed other people to  
24 do it. I am fully responsible for it. And that was cruel --  
25 crueller than what I did personally when I ordered those people



14

1 to do it. It means if I ordered them to do it, it means more  
2 people were victimized. So I am responsible for these crimes.  
3 That's one issue.

4 [09.52.38]

5 Another issue is that I would like to report to Your Honours  
6 regarding the torture by means of -- by means of having a bath  
7 during rainy season. So the person shivered because it was very  
8 cold. And it happened to all female detainees. So it violated  
9 the physical -- or the rights of the detainees.

10 One day I recalled if we did not beat them up or let them take a  
11 shower with the cold wind when we could get any results from it,  
12 so that was my idea; that is, to let a person have a bath and  
13 then stood in the cold wind. And after that experiment it was  
14 not satisfactory because it did not achieve the results even if  
15 it happens on a female detainee. So I stopped that experiment  
16 that method was used upon female detainees.

17 And I could not recall any other crimes or torture I personally  
18 did on other people. What I did personally I have already  
19 informed Your Honours, including the orders to ask others to  
20 commit the torture.

21 Q.Yesterday, when you were interviewed -- I think these are your  
22 own words -- you said that in the detention centres, in the Khmer  
23 Rouge detention centres or in the older detention centres during  
24 the Khmer Issarak period, torture was unavoidable. Can you  
25 confirm that torture was unavoidable there?

15

1 A. That was the truth and nobody could deny it. In the police  
2 office during the Issarak, as well as in the police office before  
3 17 April or after 17 April, torture was used in all the police  
4 offices. It was unavoidable.

5 [09.55.31]

6 I would like to emphasize that the torture that I myself did  
7 personally or that I ordered others did or other comrades do it,  
8 if that was the truth.

9 Q. What kind of violence was used during the interrogations?

10 A. If talking about the cruel acts on the victims during the  
11 interrogation at the office M-13, there are two kinds -- three  
12 types.

13 [9.56.05]

14 One is cold method. We invited the person to talk about this, to  
15 talk about that, to persuade the person, and if they did not  
16 follow it -- but that was one in the cold method. We use verbal  
17 communication or sometimes we threatened, we threatened them, or  
18 we use like a big stick to threaten the detainee, or a sword, or  
19 a hammer, a wooden hammer, just to threaten them.

20 So the detainees were not beaten, and later on if the person did  
21 not confess, then other people would be instructed to beat them  
22 up. It could be the young cadres who could beat them up, so that  
23 was one form. And the instructions from Vorn Vet could not be  
24 implemented. I could not implement his instructions.

25 The use of the plastic bag, the Yuen use a plastic bag to cover

16

1 the head. I could not use it because in a liberated zone, we  
2 could not find any plastic bags, and I -- now I recall another  
3 form.

4 When interrogating to find weapons, the victims used to talk to  
5 each other to find the appropriate response to the questioning.  
6 I thought if that happened, if they keep telling others how to  
7 answer, then we could not find the weapons. After I thought for  
8 a while, I reported the matter to Brother Si, Chou Chet or Si,  
9 the former secretary of the Southwest Zone. So after I reported  
10 to him, he closed his eyes and pondered, and he said to erect the  
11 poles and tie them up to the poles, and do not let them talk.  
12 So because we wanted to find the weapons in order to satisfy Ta  
13 Mok, when I returned I asked them to be tied to the poles, about  
14 four poles. So after four or five days because of the tied  
15 strings tied on their hands, they got pain, and then I ask the  
16 medic to use medicine to apply to all their wrist, and that's  
17 another form of torture, by separating them and not allow them to  
18 talk to each other.

19 So that's the forms of torture that I could recall to report to  
20 Your Honours. The tying to the posts was also my instruction,  
21 and I ordered to the guards to implement that instruction.

22 Q.When you say "tied to a post", were they tied or were they  
23 hanging from it?

24 A.In order to show it clearly, I would like to stand and show it  
25 physically to Your Honours.

17

1 That was the post, and then they were tied at this spot and that  
2 spot.

3 [10.00.58]

4 THE INTERPRETER:

5 The interpreter cannot see the demo.

6 BY JUDGE LAVERGNE:

7 Q. So are you telling us that they were tied? They were not  
8 hanging from it, they had their hands behind their backs, tied  
9 behind their backs to the post?

10 A. When the person came, he was tied to the post with the hands  
11 behind the post. So one segment of the hand was tied and the  
12 wrists were also tied.

13 Q. So the detainees stayed there for four days without being  
14 allowed to speak to the detainees nearby? Were they able to be  
15 fed?

16 A. I forget whether they were allowed to eat or let the guards  
17 feed them. I forget.

18 Q. Did you see any detainees hanging either from their hands,  
19 their arms or their feet to be interrogated?

20 A. I did not order that method, and there was nothing to hang  
21 them anyway.

22 Q. Did you see any prisoners who might have been plunged into  
23 water in the pond?

24 A. I would like to inform Your Honours that taking the prisoners,  
25 the detainees, to bath and then to stand in the cold wind, that

18

1 was the method used only once. The -- I use a female detainee  
2 with Comrade Pon, and then later on I did not allow any other  
3 people to do this method. It only happened once.

4 [10.04.02]

5 Q. So you never saw a session during which the detainee's head  
6 was submerged into water?

7 A. When a person was submerged under the water with somebody  
8 holding the head to submerge it, in the M-13 office there was no  
9 such method. It means the submersion under the water.

10 Q. Did you see detainees who were forced to eat, drink sour  
11 drinks or detergents or soapy water?

12 [10.05.08]

13 A. I would like to inform Your Honours that at that time, I  
14 myself did not even have any soap to use or to wash my clothes.

15 Q. Did you see detainees who had needles stuck under their nails?

16 A. That form was not existent.

17 Q. Did you see detainees who had had their nails pulled out?

18 [10:05:09]

19 A. The torture, at that time, was monitored by me closely; that  
20 form was not used and there was no needle to use and there was no  
21 order for me to use that form of torture. I did not order that  
22 and I did not see anyone pulling the nails out, or the submersion  
23 under the water.

24 [10.06.45]

25 Q. Were detainees burned with lit torches containing wax?

19

1 A.It happened once. I would like to describe about this event  
2 in details to Your Honours. That night Comrade Pol was arrested.  
3 I ordered him to be arrested from -- with the order from the  
4 upper echelon; however, I wanted to train Comrade Meas to  
5 torture, to interrogate Comrade Pol. I wanted to train Comrade  
6 Meas to torture Comrade Pol, to interrogate Comrade Pol. That  
7 night three or four of us were around. I was a superior and I  
8 was lying in the hammock and Comrade Pon -- next in rank after me  
9 -- he was also lying in his hammock. Comrade Meas was the  
10 youngest and he interrogated. So for the psychological plan, he  
11 was the younger and he joined the Youth League later, too.

12 Q.(Not interpreted)

13 A.Let me report again. There were four of us; I, myself,  
14 Comrade Pon, two, Comrade Meas, the third; he was the  
15 interrogator, and Comrade Pol was the interrogatee. Let me  
16 emphasize that Comrade Meas was the youngest amongst us and he  
17 joins the Youth League after Comrade Pol. After he interrogated  
18 with Comrade Pol, then Comrade Pol got angry. After Comrade Pol  
19 angry, he had his grip and then hit Comrade Meas. So Comrade Pon  
20 stood up and the torch -- the lit torch was nearby. He stood up,  
21 took the lit torch and pushed it on the face a few times -- on  
22 the face of Comrade Pol and then it burns the faces -- the face  
23 of Comrade Pol. When I heard that, I stood up and Comrade Pol  
24 saw me standing up, he was afraid and he begged me, "Oh, Brother"  
25 and then I rest my hand to stop him and let talk in normal way.

20

1 So I was also responsible for this because I asked Comrade Meas  
2 to interrogate Comrade Pol. If I were, myself, interrogated then  
3 -- interrogating then probably it would not happened. If I was  
4 not there probably Comrade Pon would not use the lit torch to  
5 attacks the face of the Comrade Pol. Because if I were there,  
6 what happened then it -- Pon would also be responsible for it.  
7 So Pon quickly took to grab the lit torch in the sense of  
8 protecting me as well.

9 In conclusion, the lit torch used on the victim, it did happen  
10 and I witness with my own eyes.

11 [10.12.35]

12 Q. So the detainee who was being interrogated at the time was  
13 called Pol. Beforehand, had this detainee been part of the  
14 staff, the support staff, of M-13?

15 A. It is true, Your Honours. Let me talk a bit about Comrade  
16 Pol. His full name was Min Sophal. He was the young man from  
17 Phnom Penh to Sector 25. Later he came with me to Amleang as  
18 well.

19 [10:14:00]

20 When I was over managing the creation of M-13B, I assigned him to  
21 be the deputy of Comrade Sum. While he stayed there for awhile,  
22 he got problem with women so my superior transferred him to  
23 another unit. After he's transferred to another unit, probably  
24 in November, my superior transferred him to another unit; I do  
25 not know which month, but later in November, I saw him arriving

21

1 at my house in Amleang. He held an AK-47, a new one. He came  
2 with a new AK-47 and handed with two hands to me and when I went  
3 to work, I reported the matter through teacher Son Sen. I took  
4 the weapon, as well, to him. My superior did not give any  
5 instructions, but later on when I went to see him, he told me to  
6 arrest him, interrogate him and smash him. So Comrade Pol was a  
7 cadre of M-13, not a candidate member but he was a member of the  
8 Youth League.

9 Q. Was the order to interrogate this comrade given because he had  
10 had what was described as immoral conduct or because he was  
11 carrying a weapon that he should not have had access to?

12 A. The orders I received regarding Comrade Pol was that, number  
13 1, the immoral issue was minor, but the actual issue is that he  
14 went -- when he was transferred to another unit he caused  
15 troubles in that unit. So in the old unit some of the people  
16 understood him and forgave him, but when he went to the new unit  
17 he caused trouble and he was reported to the upper echelon.

18 [10.17.30]

19 Q. In your view, when violence was used was the objective to  
20 obtain confessions that tallied with the truth or was it to  
21 obtain confessions in line with what you were being requested to  
22 provide?

23 A. The question Your Honours asked is did, in politics, let me  
24 answer, according to my view and understanding.  
25 Personally, before I conducted torture or ordered others to do



22

1 tortures, I instructed them to first interrogate them. So first,  
2 whatever it needs in order to get the confessions which would  
3 reveal the truth to a limited -- to a certain extent.  
4 However, although that's what happened I never believed the  
5 confessions I received tallied to the truth. The most was  
6 probably 40 percent true. I said 40 percent, that means I talk  
7 about as a politician but not like Son Sen. When Son Sen says 50  
8 percent, it's complete, but 40 percent here is the 40 percent in  
9 the name of mathematicians.  
10 So the confessions I received, the truth in it was probably 40  
11 percent. So that's the situation that they confessed. But about  
12 those, they implicated only 20 percent is true.  
13 [10:19:54]  
14 Every time I was scared. I was scared that it could implicate  
15 other people, and that is my understanding and my practice and  
16 what I compared, but it is very hard for me to compare and give  
17 you an actual percentage. So that is in the operation, but if  
18 you talk about the crimes from those tortured confessions, there  
19 is no scientific monitoring following the confessions.  
20 The crimes is the crime and it is the crimes that I am  
21 responsible. And, in practice, what I have said is just to  
22 reveal the truth, to some extent, in the operations. So the  
23 crimes exist, but there is no scientific method to verify the  
24 truth in those confessions. That's what I would like to inform  
25 Your Honours.

23

1 Q.I am now going to put questions to you regarding executions.  
2 What can you tell us about executions? Who decided at what time  
3 and who decided who was in charge of carrying out executions?  
4 A.Your Honours, in the Khmer Rouge regime those who had the  
5 authority to make arrests and, if the order is to arrest or to  
6 smash, sooner or later we had to do it; it means to smash. So  
7 once the -- the sooner the interrogation finish, the better.  
8 So that makes me shocked. If I thought if my superior be tried  
9 then I will be gone as well, then my head will roll from my neck.  
10 Brother Kim Huor assured me that that's all right because those  
11 who make the decision was the members of the Central -- of the  
12 Standing Committee, Ta Mok, Si or Chou Chet and Brother Pal; Huot  
13 Heng, that was his original name. They were the members of the  
14 Central Committee, so they were responsible before the history  
15 because they were the ones who made decision.  
16 [10:23:08]  
17 But right now, let me return to the question you asked; the  
18 people who orders the arrest and sent to Office M-13 was the one  
19 who ordered the smash as well. So you the comrade, once you  
20 finish the interrogation, you have to smash them.  
21 That is the principle, but in practice I also want to satisfy the  
22 upper echelon and when the interrogation finish I show them, here  
23 is a complete interrogation, the confession. So that was like a  
24 pot of coal or my humbleness to my superior. So that is the  
25 principle of smashing and after I received such principle, then I

24

1 would order the smash.

2 Brother Meas was young. He was a peasant, a son of a peasant in

3 Amleang in Thpong. He was a person built specially for the

4 protection and for the smashing. And those who led the smashing

5 was Comrade Meas and other comrades. For example, Comrade Nan

6 was also in the team, and I don't recall the names of other

7 comrades because it was my guard's unit who carry out the smash.

8 Once in a while, Comrade Pon would join but not frequently, and

9 he reported to me that Comrade Meas was skilful and that he could

10 not follow Comrade Meas because of his skill in carrying out his

11 duty.

12 So, in conclusion, the smashing, I was not a model in the

13 smashing because I was afraid.

14 As I already informed Your Honours, Brother Kim Huor told me

15 about this duty but I told him I was not -- I was afraid to carry

16 out that. We, the intellectuals, we had witnesses so that I

17 should assign this duty to the children of the peasants, they

18 would do it better, although that's what happened.

19 Everytime, there was a smashing. I ordered that smash. I

20 decided.

21 [10.26.09]

22 So the crimes in the smashing of the people, although the

23 decision was made from the upper echelon, I was responsible at my

24 level for every smashing order. So the burden is still fall on

25 me, it's my responsibility, and I would like to apologize to the

25

1 souls of those who died. I still cannot forget their names and I  
2 would write their names in a book. I can never forget the crimes  
3 that fall on my head and responsibility.

4 Q. So what you're telling us is that the executions were carried  
5 out to follow orders that had been issued by your superiors. In  
6 particular you said that these were decisions taken by members of  
7 the Central Committee. Is that correct?

8 A. Your Honour, I already emphasized it in details but I may add  
9 further that the power to arrest or smash was made from the  
10 people at the regime from the members of the full Tri-Standing  
11 Committee. But people who were interrogated, in principle I  
12 could manage to smash without any problem but sometimes -- but in  
13 general after a few interrogations then I would report to the  
14 superior whether these people were ready to be smashed, just to  
15 please them; so before they were smashed, ultimately.

16 Q. You mentioned a team, so to speak, a specialized team for  
17 executions. Could you tell us how old the team members were?

18 A. Your Honour, Comrade Meas was used by me since he was 16, and  
19 it is the way I used him. But when he was 18 he entered the  
20 Party but still maintained the duty, but he was then below 18  
21 when he was used by me.

22 Q. Were there any children who were in charge of some executions?

23 [10.29:56]

24 A. At that time a 12-year-old boy who was a teenager -- there  
25 were two teenagers whom I used as messengers, so they were not

26

1 smashed. Apart from them, people above 12 years old, there were  
2 two children. First was the son of our comrade and also the  
3 brother of our messenger. They were too young. They were not  
4 used, they could just play around.

5 So in conclusion, there were two children that were not smashed,  
6 and two teenagers who were used as my personal messengers.

7 Q.I asked you the question to know if children were in charge of  
8 executing. In other words, were children brought to kill  
9 prisoners?

10 A.The two children who belonged to our comrades were a bit --  
11 did not see the site where people were smashed. I cannot  
12 remember whether the two teenagers who were my messengers were  
13 there. Their names were Sae and Chhen and they were not at the  
14 smashing site. So they may went there without any assignment but  
15 I myself did not assign them to enter the study session; never.

16 Q.How were the executions carried out? Which methods were used  
17 to execute the prisoners?

18 A.At M-13 and at other police offices they used the stick to  
19 club the back of the neck, and apart from that there was no other  
20 method.

21 Q.Did you carry out executions personally or did you witness  
22 these executions, or did you explain how executions were to be  
23 carried out?

24 A.Talking about instruction, I kept reminding them -- to remind  
25 them not to let the people escape before they were smashed and

27

1 make sure that they could not scream to -- so that their  
2 executions were compromised. So this was my regular task, but  
3 regarding where the detainees would be beaten then, I also  
4 instructed through Comrades Meas and Pon, and I also told them  
5 about how the execution was applied; for example, from the way  
6 Chhay Kim Huor done that, and he advised me to be careful. And  
7 he advised us also to make sure that the dead people were buried  
8 deep in the underground so that they were not to be pulled out by  
9 tigers, for example.

10 [10.35.00]

11 So this is the way I observed the execution but I trusted Comrade  
12 Pon, who oversaw these executions, but I never personally went  
13 there by myself. I already stated yesterday that in my mind the  
14 person who killed -- and did not have -- was not guilty. Prince  
15 Sihanouk was guilty of such a killing. I of course was involved  
16 in their crimes but I did not commit the crimes personally.

17 MR. PRESIDENT:

18 Now we should adjourn and resume at 15 minutes to 11:00.

19 THE GREFFIER:

20 All rise.

21 (Court recesses from 1037H to 1045H)

22 THE GREFFIER:

23 Please be seated.

24 [10.56.11]

25 MR. PRESIDENT :

28

1 The Court is now in session.

2 Before giving the floor to Judge Lavergne, I would like to inform  
3 the accused that when you listen to the questions in French then  
4 you should pause to let the interpreters to translate the  
5 question before you proceed to respond. Because we have noticed  
6 that when you immediately responded to the questions after you --  
7 after the French version, we had a little bit of problem with the  
8 translation because we should give them enough time to translate  
9 the questions.

10 Second, when you finish your response you should deactivate your  
11 mic in order that the proceeding is smooth, you understand that.

12 I would like now to give the floor to Judge Lavergne to proceed.

13 [10.57.40]

14 THE ACCUSED:

15 I would like to state more clearly my last statement that I was  
16 not clear at the beginning, before the break. May I?

17 The last statement that I made I was so quick to say that and  
18 that's why it was rather confused. It was from the meaning I  
19 intended to say I was talking about Preah Pehn. I talked about  
20 King Norodom Sihanouk, the head of state, and then I linked that  
21 situation to me myself.

22 I would like to now emphasize that the Norodom Sihanouk, the head  
23 of state, at that time the person was sentenced in the name of  
24 the King so that accused, who were sentenced to death at that  
25 time, had the right to ask for pardon or amnesty from the King.

29

1 So the King title was very high, it was equal to the Central  
2 Committee at that time.

3 So when I recalled the crimes then I moved so quickly to that but  
4 I did not compare myself to King Sihanouk, the head of state at  
5 that time.

6 BY JUDGE LAVERGNE:

7 Q.These executions, were they secret in character? Did they  
8 take place in specific places or the people who were in charge of  
9 executing; were they instructed not to speak about these  
10 executions?

11 [11.00.09]

12 A.Your Honours, the unit or the individual who were entitled to  
13 smash victims at M-13 had to make sure that the execution was  
14 secret where the detainees or victims were smashed and how they  
15 were smashed and must be kept secretly. Because of the secrecy  
16 principle that's why the location where the dead people were  
17 smashed and buried were not far apart from our office. It was  
18 about 100 metres. So it was about how to keep secrecy concerning  
19 the smashing.

20 Q.Were these executions numerous? Were people being executed  
21 every day? Can you give us any indication about that, please?

22 A.At M-13 office the victims who were detained and smashed, in  
23 conclusion I can say that there were not exceeding 300 people and  
24 no less than 200, but in Amleang Commune I can recall that there  
25 were about 20, 25 or 30 people. So I can just estimate that



30

1 people at the base, there were about 60 people in total including  
2 the people at the base and people who were brought from the other  
3 area who were accused of being spies. Altogether there were no  
4 more than 300 people.

5 Q. So these people were spies, enemies, cadres from the Communist  
6 Party, from the Cambodian Communist Party. Were they purges back  
7 then?

8 A. Regarding the people who were accused of being spies, there  
9 were some of them at the beginning people who entered from Lon  
10 Nol territory to the liberated zone. But in the reference  
11 location at Amleang people were -- those who were accused of the  
12 enemy of the class who rebelled against the revolution. And  
13 former cadres of the Democratic Kampuchea regime, I remember  
14 clearly first Sangha Hoeun, the close person of Ta Mok -- I  
15 already informed you yesterday, he was the artist and another one  
16 that the person -- the cadre from Hanoi, Mr. Prach Sonn, alias  
17 Pot, who I was instructed to interrogate him but I did not do so,  
18 and later on there was another person.

19 [11.04.21]

20 So the cadres in the Democratic Kampuchea were arrested. So  
21 these are the people I remember. I don't remember other people.  
22 There were four cadres from Hanoi. So altogether there were  
23 about six or seven people.

24 As for the people who lived near the village close to the area  
25 where enemies stay, in Pao village, as Son Sen claimed, six to

31

1 seven of them were brought into M-13 to be interrogated, the rest  
2 were sent to Battambang province.

3 So altogether the crimes were inflicted on the people who were  
4 accused of being the spies and the people who, in the reference  
5 base, who were accused of being the people who were attempting to  
6 rebel, people who belonged to the feudalism class and the people  
7 who were accused of being the traitors of the revolution and  
8 people who were influenced by the enemies because they lived  
9 close to the village regarded as the enemy zones.

10 [11.05.55]

11 Q.Were Vietnamese imprisoned and executed at M-13?

12 A.No Vietnamese was brought to M-13, or maybe I did not  
13 remember, but so far as I know none of Vietnamese was there.

14 [11.06.28]

15 Q.Did it happen at times that there was a high amount of  
16 civilians who were brought to M-13, for example, because of the  
17 war -- for example, the fall of Oudong? Did this lead to an  
18 influx of civilian prisoners?

19 A.Regarding the fall of Oudong, I cannot recall but since you  
20 asked me this question I may now emphasize. The fall of Oudong  
21 -- the victory over Oudong, a lot of people were sent to M-13 but  
22 temporarily, and then at night those people were sent to  
23 Battambang province, leaving just six to seven people for me to  
24 interrogate them.

25 Q.So concerning Pal, whom we spoke about earlier on, were other

32

1 staff members executed at M-13?

2 A.None, except Comrade Pal. No other staff of M-13 was executed  
3 or smashed at M-13. So at M-13A my staff who were recruited from  
4 the commune, if I noticed that they did not pay good attention to  
5 their work then I would like -- I just managed to make sure they  
6 could be reunited into their commune or villages; no smash.

7 Q.Was there punishment for the staff other than execution? Were  
8 there ways of controlling the staff? How were the self-criticism  
9 sessions organized and what was being said during these  
10 self-criticism sessions?

11 A.Apart from the smashing I already informed Your Honours  
12 recently, people who could not fulfill their task properly I  
13 managed to send them back to their villages.  
14 Second, the way people controlled one another by way of  
15 self-criticism for the children, for the young people, these kind  
16 of even took place regularly and clearly once a week. The team  
17 leader would conduct such a meeting. Even I am the member of the  
18 candidate I had to attend such a self-criticism meeting once  
19 every fortnight at the office of the zone. So in the DK regime  
20 people could not escape from attending such self-criticism  
21 meetings.

22 Q.You said that the staff would control each other. Does this  
23 mean that there was an instruction to favour people denouncing  
24 each other? Do you understand "denouncing each other"? Was  
25 there anything there to encourage people in the staff to denounce

33

1 each other; to denounce maybe staff members who did not perform  
2 properly?

3 [11.10.40]

4 A.Regarding this punishment on the severe misconduct, or  
5 misconducts other than the self-criticism, this kind of thing  
6 existed. At M-13A I did not allow these things to happen. I  
7 just allowed the people who had this problem to move to their  
8 villages without telling them their real causes of the problem.  
9 First I asked Comrade Pal to become the chairman of M-13A and he  
10 had a moral misconduct with a woman, along with Comrade Pi and  
11 Pal who was a member of the Youth League, was removed to --  
12 relocated to another unit.

13 So this problem happened because the superior noted the  
14 incidents. However, for me I did not really relocate them to  
15 another unit and I would just send them to their villages.

16 Because I recruited them, I knew for sure that I myself belonged  
17 to an intellectual class as a professor, and I was worried about  
18 my status who joined the revolution. So when I recruited people  
19 to assist me I selected people from the peasants class so that I  
20 made sure the Party trust me. So if I did not feel happy about  
21 or satisfied with the people I recruited, then I would just send  
22 them back to their villages.

23 So in conclusion I could say that there are two different kind of  
24 reports to the upper echelon, especially when it comes to M-13A  
25 and M-13B. So at one office we would report to the upper echelon

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1 to remove them, and at the other location people would be  
2 relocated.

3 [11.13.28]

4 Q.You said yesterday, I believe, that eight people -- that you  
5 had managed to release eight people, eight people therefore who  
6 had not been executed. You spoke about, in particular in your  
7 statements -- I don't think -- maybe you mentioned it yesterday,  
8 but in your statement before the Co-Investigating Judges you  
9 spoke about a certain Ham In. Can you tell us -- can you confirm  
10 that Ham In is someone that you released? And can you explain to  
11 us what was the -- what kind of relation you had with this Ham  
12 In?

13 A.Your Honour, I released 10 people but when I responded before  
14 the Co-Investigating Judges I could remember only eight people.  
15 After reading the book of Bizot then I could remember another two  
16 names. So recently I noticed KW-30. He is the person I released  
17 at that time. So altogether 10 people were released by me and I  
18 talked about this to the Co-Investigating Judges concerning Ham  
19 In. Ham In and myself had never been in contact before but I  
20 knew his father.

21 [11.15.24]

22 I knew his father clearly, the late Mr. Ham. Among the cadres of  
23 Amleang Commune, Brother Ham was the poorest comrade and was the  
24 most gentle person. So when I noticed there were five people who  
25 were arrested and sent to us, at the beginning I asked them to

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1 interrogate briefly and grasp their biography, and I noted that  
2 Hâm In was the son of Brother Horn, and I told myself if I  
3 tortured In and then smashed In, then Brother Horn would come and  
4 intervene.  
5 Then to avoid this I went to Chou Chet, alias Si, to release Inn.  
6 Brother Si said, "Duch, this person arrested by Brother Pal, so  
7 you could ask him." Then I went to meet Brother Pal, and Pal  
8 listened to my plea, my request, and he said, "Duch, wait. I  
9 would like to ask permission from the Standing Committee of the  
10 Zone."  
11 [11.16.56]  
12 And then a few days later Brother Hok been informed that the  
13 Standing Committee allowed a person to leave, but could not be  
14 released, and then I was warned not to kill the person. He could  
15 be shackled and let out to work in the daytime but not smashed.  
16 So I did not know in particular but I had some relation with his  
17 father because I knew him.  
18 So when I met In, at the first time I knew that he was born in  
19 the year of Momi, in Khmer, and I talked to him. I don't know  
20 why the person who born in this kind of year is attracted to  
21 being in jail. So that's why I had some kind of sentiment  
22 towards him from the beginning because I knew his father, Brother  
23 Horn. So I tried to release people, if I could, whether or not  
24 -- I think releasing In was the most difficult job that I ever  
25 done.

36

1 Q.I think that at the very beginning of this hearing we  
2 mentioned that a document would be used. That is D59, Annex 4.  
3 This is a statement collected by a representative of DC-Cam from  
4 a person called Hâm In and these statements are dated 17th of  
5 August 2001. I should like to add that the said Hâm In was the  
6 subject of a request for an interview by the Co-Prosecutors  
7 during the investigation and that the verification subsequently  
8 made by the Co-Investigating Judges led to the information that  
9 Hâm In, as we understood it, died in 2003.

10 In the statements in D59, Annex 4 Hâm In says -- talks about his  
11 experience as a detainee -- a detainee and employee, support  
12 staff member in M-13. He describes Duch as being the head of  
13 M-13 and the person who decided on who to be killed and who was  
14 to be executed -- to be interrogated. He lists a number of forms  
15 of violence used for interrogation and he states that he was an  
16 eyewitness to the following events.

17 [11.20.52]

18 He states that he witnessed blows, the detainees being hit. In  
19 particular he says that his cousin was cut all over his body with  
20 a knife; that he bled. His blood was collected in a basin.

21 He also says that -- and he tried this himself -- that he saw  
22 detainees hanging from their wrists, from their feet -- by their  
23 feet. He indicates also that needles were stuck into or under  
24 the nails of the detainees. Some had their nails ripped off. He  
25 also states that torture, using a torch and hot wax dripped on

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1 the body was used. He also indicates that soapy water was forced  
2 down the throats of the detainees by the guards.  
3 He stated that the accused himself carried out torture. He  
4 described particularly cruel scenes. He further states that  
5 children were asked to visit violence on the detainees and he  
6 explained that he thinks he was saved because he was advised that  
7 he -- to admit that he had been an enemy, that is that he had  
8 been a policeman with three marks on his shoulders. When the  
9 accused released him the accused asked him to work for him; that  
10 is, to spy on the other detainees for him, and this person -- Hâm  
11 In, that is -- mentions a large number of executions in M-13.  
12 The accused mentioned two to three hundred persons and, if I'm  
13 not mistaken, Hâm In talks about 30,000 detainees killed. So I  
14 would like to hear what you think about this. Have you read this  
15 statement?  
16 [11.23.47]  
17 A.I did not read Hâm In's statement but having read -- having  
18 listened to the statement read out by Your Honour, I think there  
19 will be another event that need to be investigated, especially  
20 the dead bodies of the detainees who were smashed at M-13.  
21 People who were smashed at M-13 were not buried far away from  
22 M-13 location, maybe just a hundred metres from that premises.  
23 There was relocation at Thma Kob, Anlong Veng, two at Ta Liev  
24 location and at the third location at Trapeang Traob, between the  
25 river and Trapeang Chrap.



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1 So the remaining evidence can prove that the people died when and  
2 how many of them were buried there.

3 So according to the statement, I already confessed to the nation  
4 and the people, it is clear. The other dead body in other  
5 locations were the dead body of the Khmer people who died because  
6 of the CPK. And once again, I would like to apologize for those  
7 kind of crimes and I am very regretful, and I would like to offer  
8 condolences to the family of the dead people. But again, only  
9 200 to 300 detainees were smashed at M-13, no 30 thou - -hundred  
10 or something like that.

11 You may see how many people were brought in at any given day at  
12 M-13. For example, yes, at any given day there were about 20 to  
13 30 people brought in, so you could calculate it.

14 [11:26:13]

15 So I told you that there was an enormous influx of victims but I  
16 told you already those people were sent to the Northwest, leaving  
17 only few for M-13 to interrogate. So the people of the whole  
18 village were temporarily brought into M-13 but not only for --  
19 not for execution or interrogation only for the transit.

20 So this is the account of the event that I should -- that I would  
21 like to report that there were two separate arrest but not for  
22 the M-13 alone but for the Northwest Zone and M-13 South as the  
23 transit area. And I would maintain my position that there were  
24 pits that detainees were buried and these pits will be used as  
25 the locations where these body could be resumed to find out the

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1 truth.

2 And I still maintain that I accept all the crimes I committed and  
3 -- before the ECCC and before the whole nation.

4 Q.Now, an excerpt of the document will be read in the French, it  
5 is page 6. This concerns the episode of the drowning. The  
6 French version is as follows: "With regard to the flooding story  
7 how did it happen?"

8 MR. PRESIDENT:

9 I note that Robert Petit is on his feet.

10 MR. PETIT:

11 With your leave, could you please refer, Your Honour, to the ERN  
12 number at the bottom of each page or the top of each page? This  
13 would help for a better transcript and for the reference of the  
14 parties because the pages do not correspond in the original and  
15 the translation.

16 [11:29:14]

17 JUDGE LAVERGNE:

18 I do not have an ERN number in my French version. Perhaps in the  
19 English there might be one.

20 MR. PETIT:

21 Is this what was filed on the 6th of April in the record of the  
22 case?

23 JUDGE LAVERGNE:

24 It is the only one that exists.

25 MR. PETIT:

40

1 Perhaps it has not yet been given an ERN number.

2 MR. ROUX:

3 On ZyLAB we have the ERN Number 00295087 in the French version.

4 JUDGE LAVERGNE:

5 Has everyone found the paragraph?

6 BY JUDGE LAVERGNE:

7 Q. And I repeat the question; with regard to the flood, how did  
8 the flood happen? Has everyone found this paragraph?

9 [11:30:27]

10 INTERPRETER:

11 The Interpreter would like to indicate that for the English  
12 version it is 00289745.

13 JUDGE LAVERGNE:

14 Could you give the ERN for the English?

15 MR. PETIT:

16 In the English version it is 00289745.

17 MR. ROUX:

18 Could the Khmer ERN be provided? Perhaps the Co-Prosecutor could  
19 help us. I'm afraid I do not speak Khmer myself, I am sorry.

20 MR. PETIT:

21 Perhaps it can be provided subsequently.

22 INTERPRETER: But the interpreter can indicate that the Khmer ERN  
23 is 00002086.

24 JUDGE LAVERGNE:

25 If all parties are agreed I shall read out the document.

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1 [11:31:37]

2 "How did the flood happen? This is the story of the flood. 'At  
3 the time the flood came many people died. Before that time I had  
4 been released I looked all right. They made me work in the rice  
5 -- in the field but under their supervision. During that  
6 flooding they made me swim and transport prisoners and I took  
7 them to areas where there was no flood. I helped them to cross  
8 the water and gathered them somewhere. Those who stayed too late  
9 were drowned.

10 As I said before, some were detained separately in cells, others  
11 in the collective pits, each of three by three metres, here and  
12 there. When the water came suddenly many prisoners died. Ta Sum  
13 was also a boss but he was the subordinate of Ta Duch. At that  
14 time Ta Sum interrogated me. He prepared a paper and pen so that  
15 I could spy on Duch. So I said to him that we shouldn't do that  
16 because when elephants fight, elephants die and ants do not die.'  
17 How many dead were there after the water receded finally?

18 [Answer] There were many. He asked me what was going on; we were  
19 cooking potatoes, he asked me to spy on Ta Duch because  
20 apparently there were many people dead. He asked me this because  
21 he couldn't believe how many people had died. I knew it, I did  
22 not dare to tell him before I confirmed that there was a large  
23 number of dead people and that he could ask the guards if he  
24 didn't believe me. The guards confirmed this. I saved six or  
25 seven women. They were not in a good physical state and they

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1 were very thin. I brought them to dry land."

2 End of reading.

3 BY JUDGE LAVERGNE:

4 Q.This is a different version from what you indicated for us.

5 The first difference is that some women detainees were taken to  
6 dry land but a number of people, according to this person, a  
7 large number of people were drowned.

8 [11:34:32]

9 The other information -- piece of information is that he says  
10 that he was asked to spy on you and to denounce you. As somehow  
11 being responsible for these deaths what do you have to say to  
12 that?

13 A.Regarding the people who died of the flood I still maintain my  
14 statement that those people who were -- who were evacuated all  
15 were evacuated to a dry land, no one drowned. But those people  
16 died of weak physical state, but died later, not died during the  
17 flood. And it was not convinced that Comrade Sum -- of course,  
18 Sum was my superior but he, as a subordinate, he works -- he  
19 worked at M-13B. He did not have anything to do with relation --  
20 to communicate with guards to spy on me.

21 And I would like to confirm that in my capacity as the person who  
22 oversaw M-13A when this incident happened and that the detainees  
23 were at risk, then the superior did not try to punish me. Even  
24 people who escaped from Ta Liev, and I asked them to punish me  
25 from the police work, then they did not take any action. So I

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1 don't think that he contacted Hâm In to spy on me; I think it was  
2 not true.

3 [11.37.09]

4 Q.I am going to read another excerpt from this document. This  
5 is on page 10 of the French. I am going to read from the  
6 question, "During your imprisonment, did you meet Duch often?"

7 MR. PETIT:

8 Can the French ERN be provided?

9 MR. ROUX:

10 00295091 in the French version. Has the page been found in the  
11 English?

12 MR. PETIT:

13 Could we have the question, please?

14 BY JUDGE LAVERGNE:

15 Q.The question is as follows: "Did you meet Duch often during  
16 your imprisonment?" Answer: "I met him every day." "Did he  
17 speak with you?" "Hetalked to me a lot when I was jailed."

18 The Khmer version is 00002086.

19 MR. PETIT:

20 The ERN for the English is 0289749. I must say that the English  
21 and the French versions are relatively different. This was the  
22 case for what you read previously; the versions are significantly  
23 different.

24 MR. ROUX:

25 And the defence would like to record that this is not a judicial

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1 document; it was not a judicial document from the start. It was  
2 collected by a nongovernmental organization for whom we have a  
3 great deal of respect, but it is not from the Co Investigating  
4 Judges. I think this should always be mentioned when this  
5 document is being used.

6 JUDGE LAVERGNE:

7 I am going to read. If there is a significant difference, then  
8 please indicate it to me so that it can be corrected, if  
9 necessary.

10 So, "During your imprisonment, did you meet Duch often?" Answer  
11 "I met him often." "Did he talk with you?" Question. Answer:  
12 "He talked to me a lot during my detention. He was not arrogant,  
13 not even towards his subordinates. He was intransigent. When he  
14 wanted to execute a prisoner, he would point his finger at him  
15 and say, 'Take that one to be executed.' When he chatted, he  
16 chatted normally and laughed normally like everyone, but, when he  
17 said that he was going to beat a prisoner, he did it  
18 immediately." Question: "Did you see this with your own eyes?"

19 [11.40.41]

20 MR. PETIT:

21 (No interpretation) in English and seek guidance. You will read  
22 a passage, or at the end of your passage.

23 JUDGE LAVERGNE:

24 Is it a missing passage, or is a completely different meaning?  
25 If it's a completely different meaning, then there is no purpose

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1 in reading the document. Is that a missing passage or is there  
2 something that means complete -- something completely different?

3 MR. PETIT:

4 I would not have interrupted if it was something minor. It is a  
5 missing passage. Also, the version appears to be different. Do  
6 you wish me to correct the English? Or, perhaps one might  
7 suggest that the Khmer version be read.

8 So a Khmer speaking person would read the Khmer, which is the  
9 original, which was recorded by the interviewer and the witness,  
10 and that will be interpreted by the interpreters, and that  
11 interpretation would be the most accurate reflection of what the  
12 witness said, and the accused could then be questioned about  
13 that. So I suggest that we refer to the original text which was  
14 filed with our introductory submission in 2007, and perhaps, I  
15 respectfully suggest, one of the Judges could read out the text  
16 and then our interpreters could interpret. I think that would be  
17 the most faithful rendition of what the witness said.

18 [11.42.56]

19 MR. ROUX:

20 Mr. President, Your Honours, the defence would like to say  
21 something. I understand the proposal of the Office of the  
22 Prosecutor, but I am somewhat in difficulty because in the French  
23 there is no indication as to who asked the question, who was the  
24 interpreter. Did the interpreter take an oath? And if so, in  
25 front of whom? I'm sorry, but there are minimum -- there is a



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1 minimum of rules of procedure to be followed and I'm going to  
2 fall in with the common law system.

3 And I would have preferred us to deal only with witnesses who can  
4 appear before the Court, because here we have a witness whose  
5 statement was collected in conditions that we know nothing about,  
6 and now we can see that the French and the English are different.  
7 And then there is going to be a reading of the Khmer, without  
8 knowing who it is who took the statement, so perhaps the person  
9 who took the statement could be called to appear. Otherwise we  
10 should stop.

11 MR. PETIT:

12 Thank you, Mr. President. The purpose of this exercise is to  
13 have the accused's comments concerning a statement by a person,  
14 whom he says he knows, and detained and freed, that he was close  
15 to and someone with whom he said he was close.

16 So it is alleged that this witness said a number of things. The  
17 accused has already made comments about these events. I fail to  
18 see any difficulty, because prior statements can be presented to  
19 the accused or any other witness. This is a statement by a  
20 witness that the accused said he had dealings with. Let us put  
21 these allegations to him and then we shall hear his position with  
22 regard to the allegations, because there will be other witnesses  
23 from M-13 who will come to give testimony, perhaps with regard to  
24 the same allegations. Then we will have a full picture, then we  
25 can put it to the accused.

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1 [11.45.42]

2 JUDGE LAVERGNE:

3 A while ago I summarized the document. Are the parties in  
4 agreement with the summary which I prepared based on the version  
5 I have? Do you wish me to reread this summary? I do not think  
6 that it is necessary to read one version or another if the  
7 versions are different. But is there agreement as to the resume  
8 or the summary as I read it out?

9 MR. ROUX:

10 Your Honour, once more the defence expresses the following  
11 reservation: Even the summary that you read out is based on a  
12 statement made by a person who is not a professional who is not  
13 under oath and who was acting only at the behest of a  
14 non-governmental organization, so we should be extremely prudent.

15 [11:47:00]

16 To respond to my learned friend, in a civil law system these are  
17 people who are interviewed first by policemen and Investigating  
18 Judges whose statements can be read out. This is not the case  
19 here. This is an NGO which has decided to go and interview  
20 witnesses. That could well be true but this is not judicial  
21 evidence.

22 [11.47.14]

23 JUDGE LAVERGNE:

24 I think it was stated clearly at the beginning of this hearing  
25 that these documents were not taken or prepared as part of

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1 judicial proceedings but they were in the record of the case.  
2 They contain a number of allegations. And it was said that the  
3 accused would be afforded the possibility or the opportunity of  
4 giving his viewpoint on these allegations. So it is obvious that  
5 this is -- this document is not part of the proceedings.

6 MR. ROUX:

7 This is what the defence wanted to point out.

8 MR. PETIT:

9 And to answer your initial question, I think that the summary  
10 that you prepared a while ago of the witness statement was  
11 essentially what he said.

12 MR. PRESIDENT:

13 Please, the Co-Prosecutor?

14 MS. CHEA LEANG:

15 Thank you, the President and Your Honours.

16 [11:48:23]

17 As Judge Lavergne already raised, the witness already died so  
18 although the statement was conducted by an NGO I would like to  
19 tell the national judge that in Khmer we have page 12 that you  
20 can refer to on the document D/108/27.4. So I think the  
21 Investigating Judges do not need to ask further because the  
22 person was deceased already.  
23 But the reason to bring this matter is only to ask the accused to  
24 confirm whether the testimony of that witness is true and we want  
25 to hear from the accused whether the relevant witness testimony

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1 is true. So I would like to confirm to the national judges that  
2 the document is available in Khmer. The document is D/08/77.4 in  
3 Khmer version.

4 [11.50.00]

5 JUDGE LAVERGNE:

6 I believe that the accused wanted to provide his comment in  
7 relation to what is being said.

8 THE ACCUSED:

9 I'm sorry; I have not grasped what's being discussed because I  
10 was reading the other document.

11 JUDGE LAVERGNE:

12 I wanted to know if you have any comments to provide in relation  
13 to what was just said.

14 THE ACCUSED:

15 Your Honours, I would like to confirm that my authority at M-13  
16 was full. I maintained my strict position in managing M-13.  
17 Whether I assigned anyone to be smashed, this kind of thing has  
18 been always done secretly. I never acted like in a drama because  
19 I did not contest that I was responsible for the crimes but I  
20 never acted like in a play pointing anyone to be taken away to be  
21 executed.

22 I would like to tell you frankly that I tried my best to make  
23 sure that the secrecy was well maintained in my capacity as a  
24 full right cadre. It was to make sure that we order something  
25 and that people had to carry out the order in respect.

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1 So I do not contest the crimes I committed but I contest the  
2 statement that I acted like in a play. So it's not really a joke  
3 and that kind of thing.

4 [11.52.42]

5 THE PRESIDENT:

6 Judge Lavergne, would you like to ask further questions?

7 JUDGE LAVERGNE:

8 I was thinking about asking questions about document D.59 and  
9 X.12 which is related to the statement of a certain In Vorn but  
10 I'm afraid we'll be facing the same difficulties so maybe it  
11 would be a good idea that the Chamber makes a decision concerning  
12 a reading of this document or a possible reading of this document  
13 or maybe we should adjourn the hearing of this morning and that  
14 we could maybe assess this when we meet again after lunch.

15 MR. PRESIDENT:

16 You take the floor, the Co-Prosecutor.

17 MR. PETIT:

18 We're speaking about the statement which in Khmer is under index  
19 D/59; is that so; that it is In Vorn statement? Is it therefore  
20 the one that is indexed under D/59 that was presented in the  
21 introductory submission and whose French and English translation  
22 was done on the 24th of March 2008 and was included in the case  
23 file and it's referred to as D/10827.12. Is that the case?

24 [11.54.20]

25 JUDGE LAVERGNE:

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1 I mean, -- well, that's the statement that we would like to refer  
2 that we're talking about. Maybe we should verify the references  
3 during the interruption.

4 I would like to specify that this person -- you also asked during  
5 the investigation that this person be interrogated by the  
6 Co-Investigating Judges and this was agreed to and the Chamber  
7 considered therefore interviewing this person, but it happens  
8 that the support unit for the witnesses told us that In Vorn, in  
9 fact, died, so it is not possible to interview him.

10 MR. ROUX:

11 Mr. President, Your Honours of the Chamber, in order for you to  
12 take a stance regarding these documents I would like to remind  
13 you that unless I'm mistaken, the Co-Investigating Judges did not  
14 directly take these into account, insofar that there were other  
15 witnesses who were able to be interviewed in the context of a  
16 normal legal proceeding. So we are here, and we'll have other  
17 opportunities of course -- we are here in the presence of  
18 documents that are included in the case file by the  
19 Co-Prosecutors Office, whereas we are not dealing here with legal  
20 documents. And that is the problem. That is a problem that we  
21 are facing.

22 [11.56.21]

23 So, once again, in the name of the defence team, I have a lot of  
24 reservations, and I'd like to express these concerning these  
25 documents because we don't know their origin, nor the people who

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1 did the interviews, nor the competence of the people who did the  
2 interviews, nor their independence of opinion.  
3 So, in short, you do not have here the guarantee that these  
4 documents have been established according to the rules of a legal  
5 proceeding. So I would like, therefore, that we only refer  
6 ourselves to the witnesses who can appear before the Chamber and  
7 to have the accused answer these witnesses. But as long as these  
8 documents are included in the file, of course, I thank the  
9 Chamber to give the possibility to the accused to express his  
10 point-of-view, but my problem is that these documents are still  
11 in the case file. That is really my problem. It should not be  
12 in the case file. And it's the same for certain films as well,  
13 by the way.  
14 We had the same discussion several times and it's clear if there  
15 were certain elements that were not in the case file, it is clear  
16 that an aim, therefore, of this discussion here is to establish  
17 what is true and what is not true. So let's look at the facts.  
18 Let's weigh them, let's test them, and let's come to a  
19 conclusion.  
20 And, of course, if we're dealing with legal elements they will be  
21 evaluated in a certain way, and if these are non-judiciary  
22 elements they will be evaluated in a different way. But the aim  
23 here is, before professional judges, is not to be afraid of  
24 evidence but to confront it and to assess it and to pass  
25 judgement on this evidence.

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1 But I don't have any existential questions, however, in relation  
2 to the elements here that are presented, but I will let you  
3 decide.

4 (Deliberation between Judges)

5 MR. PRESIDENT:

6 We already listened to the comments made concerning the documents  
7 made by the different counsel and the prosecutors.

8 Now, I would like -- the Chamber would like to know whether the  
9 civil parties' lawyers wish to make any comments concerning the  
10 documents that have been discussed by the defence counsel and the  
11 Co-Prosecutors.

12 So I would like to right now allow Group 1 civil parties' lawyers  
13 to state your comments first.

14 [12.01.51]

15 MR. WERNER:

16 Thank you, Your Honours. We do fully support the prosecution's  
17 submissions in full.

18 MR. PRESIDENT:

19 Next, civil parties' lawyer Group number 2.

20 MS. STUDZINSKY:

21 Thank you, Your Honours.

22 We would like to draw your attention that all evidence is  
23 admissible before the Chamber except what is not allowed under  
24 the law.

25 And, in addition, I would like to state that I also identified



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1 differences between the English and French versions, and so I  
2 suggest if the Chamber decides to read certain parts of the  
3 document, then to read it in Khmer and to get the translation  
4 then here in the courtroom; that we have the same results. Thank  
5 you.

6 MR. PRESIDENT:

7 Civil parties' lawyers, Group 3, you can take the floor.

8 [12.03.25]

9 MR. CANONNE:

10 Civil party Group 3. A very brief observation.

11 What we are looking for in this trial is truth so; therefore, it  
12 is suited to consider the case file in its totality.

13 I would like to get back to the major observation that the  
14 Co-Prosecutor, Robert Petit, provided it to us. We will assess  
15 all of the documents on the basis of their nature --these are  
16 judiciary documents or if they are extra-judiciary documents, all  
17 of the parties will be confronted with these. All of the parties  
18 will have the possibility to express their observations.

19 So, therefore, we consider that the documents that we're dealing  
20 with here must be presented and examined in its totality. Thank  
21 you.

22 [12.04.25]

23 MR. PRESIDENT:

24 Now, civil parties' lawyers, Group 4.

25 MR. KONG PISEY:

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1 Your Honours, I am on behalf of Group 4. Mr. Hong Kimsuon is  
2 sick and Mr. Pierre-Olivier Sur is not available today. I am  
3 here to represent Group 4.

4 I would like to make some comments concerning the documents that  
5 are already available in Khmer. So may I suggest that the Khmer  
6 version is read out so that it can be translated into other  
7 official languages?

8 And I think that these documents, whether it is obtained by the  
9 NGO, it is part of the judiciary documents because it is  
10 admissible and included in the case file. So the parties can  
11 review these documents from the very beginning. So if they would  
12 like to contest the documents that they would have done so during  
13 the investigative phase when the documents have already been  
14 forwarded to the Trial Chamber. So I think -- I think it is  
15 admissible and that the Trial Chamber should read the Khmer  
16 version then.

17 MR. PRESIDENT:

18 It is time to adjourn for lunch break. So we shall now have  
19 lunch break and resume at 1:30.

20 [12:06:09]

21 May the detention facility guards take the accused back to the  
22 detention facility and bring him here before 1:30, and all  
23 participants and the audience also please come before 1:30.

24 THE GREFFIER:

25 Please stand up.

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1 (Court recesses from 1206H to 1329H)

2 THE PRESIDENT :

3 The Court is now in session.

4 Next the Chamber would like to give the floor again to Judge

5 Lavergne to proceed. The floor is yours.

6 JUDGE LAVERGNE:

7 First clarification: For the time being the Chamber does not

8 intend to continue reading the statements collected by DC-Cam,

9 insofar as Mrs. Im Vorn and Ham In are concerned. It will render

10 a decision subsequently in regard to these documents. For the

11 time being the Chamber therefore requests the parties not to

12 refer to these documents.

13 BY JUDGE LAVERGNE:

14 Q.Now I would like to put some questions to the accused

15 regarding the end of M-13. Can you tell us when it was decided

16 to close down M-13? When this was closed down, what measures

17 were taken?

18 [13.36.01]

19 A.Your Honours, I still maintain the statement I reported to the

20 Co-Investigating Judges. On the 1st of January 1975 my superior

21 was busy fighting the last battle, that's why M-13 was working

22 without a superior so all the detainees were ultimately

23 interrogated but left enacted.

24 On the 17 of April I learned from the radio and I waited until

25 the 13th of April that when my messenger asked me to work with

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1 Son Sen, then he asked me to report at M-13A when some detainees  
2 were left and he said that some numbers of these people needed to  
3 be smashed and some needed to be sent to the police office of  
4 Sector 32. At that time I asked him to release Ham In but he  
5 denied and I had to carry out the order to send Ham In to police  
6 office Sector 32.

7 So the office of M-13A ended on the 30th of April 1975, so did  
8 the M-13B, according to his order, but some of the detainees were  
9 left. However, some of the staff of M-13A were asked to be kept  
10 with me awaiting his order but staff of M-13B, all but Comrade  
11 Sun, was allowed to come with me, the other person were asked to  
12 send to the base because they were the people who belonged to the  
13 Angkar at the base.

14 So the office closed down on the 30th of April 1975 and I was  
15 given a Yamaha 80 after it closed -- 80 cc.

16 [13.39.23]

17 Q. What I suggest is that your statement before the  
18 Co-Investigating Judges is read out and you will tell me, if you  
19 please, whether you confirm what is contained therein. I am  
20 referring to document D/70. In the French version this is page  
21 3, ERN number 00185482.

22 THE PRESIDENT:

23 Could somebody provide the ERN numbers for the English and Khmer  
24 versions?

25 THE ACCUSED:

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1 ERN185467 at page 3 of D.70.

2 JUDGE LAVERGNE:

3 In English?

4 JUDGE CARTWRIGHT:

5 In English it's 00185473, the start of the document.

6 [13.42.33]

7 BY JUDGE LAVERGNE:

8 Q.

9 I shall read the French. I hope there will be no problem with  
10 the translation.

11 You say this:

12 "I was head of M-13 from the 20th of July 1971 to the 1st of  
13 January 1975. I prefer to remain silent as to the rest."

14 So a question:

15 "You refer to the 1st of January, so you said you started working  
16 from the 15th of August 1975 so you -- it means that your  
17 activities continued after the 17th of April 1975?"

18 Your answer:

19 "Actually, M-15 did not exist as from the 1st of January 1975.  
20 There were no more interrogations, execution, or arrival of new  
21 prisoners. The prisoners were kept until the 30th of April at  
22 which date Son Sen had the prisoners of M-13 be released and had  
23 them -- the prisoners of M-13A transferred to Section 32 and had  
24 some of them executed. From that date until 20th of July 1975, I  
25 was unemployed. I moved about on my motorcycle. I should say

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1 that at that time I was expecting a response for -- to my request  
2 for transfer to the Ministry of Industry. In the end, the  
3 response was negative. I asked the organization for  
4 authorization to marry my wife. Angkar accepted, but did not set  
5 a date for the marriage. My wife was delaying things because as  
6 I was unemployed, she was worried that I would be arrested as an  
7 intellectual and she was afraid of becoming a widow or being  
8 arrested herself. In the end, we married on the 20th of December  
9 1975."

10 [13.44.50]

11 "On the 20th of July 1975 you took part in an education session  
12 and you took your -- took over your duties on the 15th of August  
13 and a little later you say in response to the question to return  
14 to your personal role in torture, do you maintain?"

15 "On the 30th of April 1975, how many prisoners remained in M-13?  
16 How many were killed, how, and did you yourself organize the  
17 transfer and the executions and did you participate?"

18 Answer:

19 "There were a few prisoners left; perhaps between five and 10 in  
20 M-13A and a hundred or so in M-13B. As to the precise number of  
21 those who were executed or transferred to Sector 32, I have  
22 forgotten. I only remember that I'd asked for the liberation of  
23 Ham In, but Son Sen refused and ordered his transfer to Section  
24 32. I did not personally attend the executions. I had delegated  
25 this task to Prak Meas. I add that everyday, I saw the detention

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1 conditions in M-13 and that is precisely why I tried not to see  
2 the detention conditions in S-21. Prak Meas was in charge of  
3 detention conditions and executions at M-13A, whereas Pon was in  
4 charge of interrogations. As for M-13B, Ho Kim Heng alias Sum  
5 was its chairman. As for me, I supervised the whole."

6 [13.46.53]

7 Do you confirm what I said? Do you wish to make any comments?

8 A.Your Honours, I already stated in front of the  
9 Co-Investigating Judges from the bottom of my heart to attest to  
10 the truth or there is -- there is no -- nothing more than that,  
11 but I may recollect that on the 20th of July, I received a letter  
12 that was sent to me to attend a study session and -- but because  
13 I received a notice from KW-08 that I would come to Phnom Penh on  
14 the 23rd of June so I would say that I miscalculated the dates or  
15 I came to Phnom Penh on the 20th of June 1975, not the date that  
16 I state before the Co-Investigating Judges. So this is the  
17 message I would like to correct. The rest of the statement still  
18 true.

19 Q. So you do confirm that you took off your time after M-13 was  
20 closed, moving about on your motorcycle?

21 A.I did not move about. I moved from M-13A to the office of  
22 Seun Visot alias Kon. He was the brother of my boss so I waited  
23 for hearing the decision from the superior.

24 I would like to state again I may made it rather fast, but this  
25 time slower. When I got the motorcycle, I reported to the

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1 Co-Investigating Judges that I moved around, but not -- there  
2 were two main purposes from moving around. The first to -- we  
3 thought the alias Khan, the brother of Son Sen and moved to the  
4 secretary of Ponhea Leu district to wait to see the result of the  
5 decision made by the Angkar to call me back to Phnom Penh.

6 That's all.

7 [13.48.54]

8 Q.Before this, were you told about the prospect of moving you to  
9 Phnom Penh? Were you told that you might have a position to take  
10 up later on?

11 A.I was not told anything after that. On the 30th of January,  
12 things was organized and I was given a motorbike and I was asked  
13 to wait to see what would happen in the future. So I had not  
14 known anything about what would happen. The special -- people at  
15 the special zone, at that time, came to Phnom Penh. People at  
16 the hospital came to the hospitals and people from Sector 15 also  
17 left the area so I was frustrated and I did not know where I  
18 should go. I had nothing to do but to wait for the order from  
19 the upper echelon.

20 Q.Last question: Was there a return to M-13 in 1979?

21 A.When I fled, I stayed at my wife's house for some days --  
22 about a fortnight or a month -- before I got to my former place,  
23 the office of M-13A to temporarily stayed at that location, it is  
24 true.

25 Q.Did anything of note happen when you returned to M-13A?



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1 A.At that time I did not do anything. I asked for the  
2 permission from Brother Pol, the deputy secretary of the West  
3 Zone, so that I could take a refuge and be fed.

4 MR. PRESIDENT:

5 Is there any other judges of the Bench who would wish to ask  
6 further questions regarding M-13? The floor is yours.

7 BY THE PRESIDENT:

8 Q.Mr. Kaing Guek Eav, we would like to know something to clarify  
9 M-13's character. You said -- you talked about how interrogation  
10 was carried out at the Security Centre of M-13. Could you please  
11 repeat how many methods were used in torturing the detainees at  
12 M-13?

13 [13.54.33]

14 A.The interrogations at M-13, as I already reported to Judge  
15 Lavergne this morning, anyone that I noted that should be  
16 released then I would ask -- interrogate a person personally  
17 without any tortures. But for those I believed that could not be  
18 released, then I asked my staff to interrogate -- or I started  
19 the interrogation at the beginning and leave the rest of the  
20 investigation to my guards.

21 I can say that anyone that we would like to release, then we  
22 would introduce what we called a chewing interrogation technique.  
23 And we rotate -- the technique is rotated, or was rotated.

24 Q.Could you please tell us, the Court, about the torture  
25 techniques introduced at M-13, the overview of the torturing

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1 methods? What were they?

2 A.The forms of torturing: in general detainees were beaten with  
3 tree branches available from the nearby location, and in  
4 particular there was another form of torturing when we would like  
5 to ask about -- for the weapon, then the detainees or victims  
6 were tied to a pole, apart from one another, so that they could  
7 not communicate with each other. And once I tried to force the  
8 detainees to take a bath in the river and then stood in the open  
9 space, I mean exposed to the wind.

10 [13.57.24]

11 So when I talked about this then Comrade Bun recalls also the  
12 torturing technique when the detainees were poured with cool  
13 water and then the fan was turned on to dry that detainee.  
14 Regarding the lit torch, this incident happened only when Comrade  
15 Pol reacted strongly and he punched Comrade Meas. So that's only  
16 a single incident.

17 Q.The torturing techniques, were they trained -- were you  
18 trained of the techniques or these techniques were improvised by  
19 you yourself at M-13?

20 A.The training on how people would be tortured were never done.  
21 But I would like to tell you that we heard -- when I was a  
22 detainee I heard of the tortures inflicted on the Khmer Rouge,  
23 that some of the torturing techniques could not be applied  
24 because when a detainee was covered with a scarf and then water  
25 would be poured on that detainee, because I could not apply such

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1 technique when we could not find any scarf to do so.

2 And like this morning, I already talked to Judge Lavergne, one  
3 would asked us to apply a technique, a torturing technique by  
4 covering a detainee with a plastic bag until he or she  
5 suffocated. So this another kind of torturing technique that I  
6 could not really apply.

7 [13.59.32]

8 So in conclusion, the techniques -- the torturing techniques were  
9 introduced here for -- influenced from the techniques at the  
10 police jail regarding the police -- National Police Comrade Hum  
11 who beat Comrade -- the comrade in my former detention facility  
12 when I was detained.

13 I even -- you know, I was told that I should check the pulse of  
14 the detainee to see whether the person did tell the truth or not,  
15 and if I could not find the pulse then we should beat that  
16 detainees.

17 Normally, the torturing techniques were designed or improvised by  
18 me myself. As I reported -- responded to Judge Lavergne  
19 yesterday, I never worked as the police, but Brother Chhay Kim  
20 Huor said that torturing technique was about secrecy, so no-one  
21 was taught outwardly. So since you worked to protect the  
22 liberated zone then you had to apply such techniques.

23 Then I was convinced, however, that I apply and carry out such  
24 techniques. However, those techniques were not introduced by the  
25 superior or upper echelon. I myself created such techniques and

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1 I accept those kinds of brutal crimes.

2 Q. Could you please clarify to the Court the establishment of

3 M-13 because there were two levels, M-13A and M-13B.

4 So during the operation of the offices from the beginning until

5 it closed, whether there were any transfers of detainees from

6 M-13A to M-13B or other way round? If it happened, how many

7 detainees were transferred as such?

8 A. Your Honour, the transfer of detainees from M-13A to M-13B

9 never took place, because M-13B was reserved for detaining Khmer

10 people who committed some wrongdoings, but, temporarily, before

11 they were later on released. So only when detainees at M-13, who

12 were spotted as being enemies, that could be sent to M-13A but it

13 was a rare case. I cannot recall all those events, whether

14 detainees were sent from M-13B to M-13A, but there -- there was

15 an event, but, from M-13A to M-13B, there was none.

16 [14.03.10]

17 Q. The techniques in torturing, and the methods of torturing,

18 were they ordered by you, and did you maintain the practices of

19 such torturing at S-21?

20 A. Your Honours, the torturing methods, since I started working

21 as the Chief of S-21, I instructed my subordinates to apply such

22 techniques from my knowledge of the tactics or the method from

23 the previous location. Nat, my boss, appoint, or assign to me,

24 to train people who interrogate detainees, those who were not the

25 former cadres of M-13, but I did teach them how to interrogate

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1 detainees, it's true.

2 However, regarding the detention method, the smashing method, and  
3 how to receive detainees, these were the special techniques of  
4 people from Division 703, so these techniques were the legacy of  
5 the police office of Division 703, that were later on integrated  
6 to be applied at S-21.

7 And we had to write down, to annotate the document which is --  
8 which was my exclusive task. So the task of the Division 703 was  
9 to detain, to arrest, and to smash. So these were the tactics,  
10 the techniques, left over from Division 703, and the other  
11 techniques were left over from M-13.

12 Q. In your recent statement on October 2007, you said you  
13 released eight detainees, but this morning you corrected the  
14 version to 10 people, and, among them, there was an international  
15 journalist who was released.

16 [14.06.09]

17 Could you tell the Court why that international -- that  
18 journalist was released? What was the reason behind the release  
19 and, when he was released, did you send him -- give him some  
20 document to Phnom Penh?

21 A. Your Honour, the journalist was detained at M-13, in his  
22 capacity as a researcher, the person -- the person who conducted  
23 a research about Angkor, so he was arrested at Vat. When he was  
24 sent to M-13, I was shocked -- or we were shocked.

25 However, the story of the three people, one French, two

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1 Cambodian, was beyond my competence, so I could only inform to my  
2 boss, Vorn Vet , that these people were not CIA agents, they were  
3 really researchers. When I talked about this, my boss laughed at  
4 me and he said that why I was scared of the French power? You --  
5 he said that I was afraid of the CIA agent, and he asked me to  
6 interrogate them. And I told him that I was not in the position  
7 or my -- it was beyond my capacity to interrogate them, so I  
8 would only ask them to write down some kind of agreement or  
9 contract, so these researchers were asked a few times, and then I  
10 reported to the boss. And later on, many months later, the upper  
11 echelon made the decision to release them, and I did not know  
12 when he -- they were -- decided to release.

13 And when I was working, Ta Mok, whose house was close to my  
14 location, send a messenger to call me, and then he asked me,  
15 "Duch, don't agree to release that researcher and the other  
16 people -- poor; you have to contest," he told me. And I did not  
17 say anything. Then, later on, Bon Huon, Brother Vorn, came and  
18 asked what happened. And then I told him that Brother Mok asked  
19 me to come to talk about the release of those researchers who  
20 were accused of being the CIA agents.

21 And then, when Brother Vorn came in, Ta Mok was having his meal,  
22 and then three of us sat down in a house nearby, and then that  
23 French man was accused of being a CIA agent. So I was surprised  
24 why Ta Mok said that, but Ta Mok said that he was not a CIA  
25 agent, so, "Duch, you can release him."

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1 Then Brother Vorn said that the guy was not CIA, and then, Ta Mok  
2 change his mind. He said that, "Okay, please release him." So  
3 on that day, during the party that the Standing Committee of the  
4 zone, chaired by Ta Mok, that we provided an open document  
5 concerning the political program to Francois Bizot. The document  
6 was given to the person by hand, and there were some photos --  
7 photos of Hou Yun, no photos of Khieu Samphan I did not  
8 remember, were given to that researcher, but only the Frenchman  
9 was released, that the two Cambodian people were still kept under  
10 detention, that's all.

11 [14.11:26]

12 MR. PRESIDENT:

13 The Trial Chamber has no more questions now. It is time for the  
14 parties to ask questions, should they wish, and I would like to  
15 give the floor to the Co Prosecutors who may wish to ask or put  
16 any questions to the accused. The floor is yours.

17 MS. CHEA LEANG:

18 Thank you, Mr. President and Bench, for giving the opportunity  
19 for the Co Prosecutors to put some questions to the accused. We  
20 may not have a lot of questions because we have observed closely  
21 the questionings of -- through the last two days, but we have two  
22 small questions.

23 [14.12:17]

24 QUESTIONING BY THE CO-PROSECUTOR

25 BY MS. CHEA LEANG:

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1 Q:The first question, the Co-Prosecutors would like to know the  
2 number of staff who worked at M-13 including the interrogators,  
3 the guards and the messengers or the medics or the cooks if they  
4 existed. So this is question number one.  
5 Question number two; it is related to the question raised by  
6 Judge Lavergne, in the morning, and just now the President also  
7 repeated the question concerning the forms of interrogations.  
8 The accused detailed the information and he said that the  
9 interrogation took place in the form of cool method and chewing  
10 method. So the Co-Prosecutors would like to know in case a  
11 detainee was inflicted, the torture, for example, by way of  
12 chewing method or cool method.  
13 But still, the detainee did not confess fully what would be the  
14 alternate method introduced to -- to be inflicted on that  
15 particular detainee.  
16 Also, I would like to ask you for confirmation regarding the  
17 torturing techniques, whether the accused used any weapon in the  
18 techniques of torturing at M-13. So these are the two questions  
19 we would like to ask to the accused. Thank you.  
20 A:Your Honour, sorry, Mrs. Co-Prosecutor, when you mentioned  
21 about weapon, what kind of weapon do you mean; guns or other  
22 forms of weapon, because you asked me whether I used a weapon or  
23 not. I would like to know what kind of weapon; it's a kind of  
24 knife or explosive devices?  
25 MR. PRESIDENT:



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1 The floor is yours, the Co-Prosecutor.

2 [14.14.18]

3 BY MS. CHEA LEANG:

4 Q: Weapons here mean guns, not a machete or sword. Thanks.

5 A: Your Honours, and the prosecutors, first I would like to tell  
6 you about the staff at M-13. We had a very few number of people  
7 there. I think approximately 20 people; one cook only, the wife  
8 of KW-08 who was the cook who cooked for the staff and for the  
9 cadres and I did not remember who I was assigned to cook for  
10 other people.

11 However, I would like to emphasize that people -- the staff at  
12 M-13A comprised of few numbers but I recruited people from the  
13 commune to be used -- to be assigned some tasks and if I learned  
14 that they could not help us then I would send them back to the  
15 commune.

16 So I think there were about 17 people. I think the highest  
17 number would be just 20 people, including young and adult staff.

18 And I could identify who belonged to my M-13 Office, whether they  
19 were my former staff or not.

20 Regarding your second question; if the cool method of torture and  
21 the chewing method was used but detainee still did not confess  
22 then I would wait until I got something else from the upper  
23 echelon before further method would be introduced. I would like  
24 to emphasise that the confession, whether taken by any other  
25 means, it is not 100 percent true but I know that when a torture

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1 was introduced it's brutal.

2 When we used the cool or gentle torturing methods, for example,  
3 like TC-1, when he was released, then another example of cool  
4 method introduced was when witness KW-30 was released. To me,  
5 when a person was beaten even once then it was not good. So  
6 people who were released had been questioned by way of cool  
7 techniques. The other people were not lucky to be -- to receive  
8 such techniques because after all, they would be smashed, as the  
9 order by the upper echelon.

10 [14.18.31]

11 Q:May I be permitted to proceed to another question because the  
12 accused said that the people were taken out? Taken out here  
13 means a release or taken away to be killed? I think you may  
14 answer this question before I may ask another.

15 A:I would like to frankly tell you, the Co-Prosecutor, that when  
16 the person is taken away it's not mean -- it doesn't mean that  
17 the person was released; it was -- he or she was smashed. So if  
18 we say released, like TC-1 or KW-30, it means that the persons  
19 were released, to go home and to settle down in their home town.

20 Q:May I be permitted to ask another question? This question  
21 related to the matter this morning, as expressed by the accused,  
22 because when he mentioned about the pits, the two metre deep  
23 pits, so according to the statement of the accused, no one died  
24 in that pit.

25 [14.30.01]

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1 So my question is to know the event when there was a flood,  
2 whether the flood took was -- happened at night or during the  
3 daytime?

4 A: Thank you for your seeking for clarification. The flood came  
5 at about 9:00 a.m., in the morning, and it was so fast, about one  
6 hour and the water level reached one metre. At the beginning I  
7 thought that it was just a minimal flood but combined with the  
8 rainfall, the heavy rainfall, then the water increased so quickly  
9 that I rushed to transfer the detainees from the pits. So the  
10 flood took place in the daytime.

11 Q: I may link to this question because having listened to your  
12 statement concerning the flood at 9:00 a.m., that the current was  
13 quick at that time that even escaping such, the flood was almost  
14 impossible.

15 I would like to know the rescue method. How could you manage to  
16 rescue the people in the pits? Because you said that the people  
17 did not die but you said the flood current was fast-approaching.

18 [14.21.14]

19 A: The flood came to the pits, when it was at the level of the  
20 waist I said that, well, maybe later the water level would  
21 increase to the neck level. It was true after all, and then I  
22 asked my guard to transfer the detainees to an upper -- a higher  
23 ground.

24 And then when later on we moved them to another location,  
25 crossing Trapeang Chrap because we wait until Trapeang Chrap

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1 river receded, that we could even cross to the other higher  
2 ground.

3 At that time, the whole day we did not eat because we were faced  
4 by the event and the pigs, the goose all floated away from the  
5 location.

6 THE PRESIDENT:

7 Next we would like to give the floor to the international  
8 Co-Prosecutor.

9 MR. PETIT:

10 Thank you, Mr. President.

11 BY MR. PETIT:

12 Q.I'll try to be brief and perhaps some of these questions were  
13 answered in Khmer but I think we might have missed some in the  
14 translation, so with your indulgence; and as a prime example, if  
15 the Khmer version is correct, the three children that the accused  
16 says he attempted to raise eventually died. Is that correct?

17 [14.24.00]

18 A.Thank you, Mr. Co-Prosecutor for asking this question. I  
19 remember this for the rest of my life. It was my deed to save  
20 the life of the children but later on I could not contest the  
21 upper echelon that these three children would take revenge at a  
22 later stage. I attempted to raise these three children, the  
23 children of the detainees and later on I was shameful actually --  
24 it was a shame because I noticed that children were also raised  
25 at the other location.

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1 Q.Perhaps my question wasn't clear. So the three children  
2 eventually died, yes or no?

3 A.These three children died of a disease. They were swollen.  
4 And through my analysis I think those three children lacked  
5 sentiment, lacked care, because food alone was not enough,  
6 because I raised the three children at the same time when I  
7 raised the children of KW-08 and at night these children would  
8 stay with their parents but in the daytime they would stay with  
9 me.

10 So in my point of view, to feed -- to raise children we had to  
11 care for their food and also our relation with them, giving them  
12 some kind of warmness. So I -- that's why my superior challenged  
13 my attitude to raise these children because these children would  
14 take revenge at a later date if we did not raise them properly  
15 and they were left swollen to death.

16 [14.26.24]

17 Q.I simply pointed out that question as an example of a lack of  
18 English translation. Yesterday the answer as to the fate of  
19 children was not translated into English. So that's -- that is  
20 why I have already asked leave of this Court if I go over some  
21 topic that may appear to have been covered but probably in only  
22 one language.

23 Now, could you clarify for me and for this Court, the date  
24 approximate or exact as to the different installations or  
25 iterations of M-13; when did you move from one location to the

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1 other? I think that might be relevant considering some of the  
2 guards that will testify have only been at certain period of  
3 time.

4 So could you indicate to this Court, because again I don't think  
5 -- at least in the English version -- this was made clear, when  
6 M-13A moved from location, those three times or two times?  
7 A.M-13A was located at TClcourt, Anlong Veng from the beginning  
8 of its establishment. I think I may say that after its  
9 establishment. It was located at that location until February of  
10 1972. We moved to find the bright and light location because we  
11 noticed that at that location it was a lack of sunlight and the  
12 sanitation was bad; detainees died of that kind of condition  
13 that's why we tried to relocate to that location. It was Ta Liev  
14 or Tuol Svey Meas. It's close to Pis Mountain in Amleang  
15 Commune.

16 We stayed there for -- up until June -- sorry -- March or April  
17 of 1973 when there was a fighting at the office then I ran -- we  
18 relocated to another location temporarily only to do the farming  
19 in Prek Village for just one or two months then Ta Mok asked us  
20 to leave to move to Trapeang Chrap location. So there was three  
21 main locations. Some locations we stayed for long but some for  
22 only one or two months.

23 [14.27.39]

24 Q.So do I understand, therefore, that the final location was  
25 from approximately, let's say, June '73?

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1 A.Yes, that's correct. It was in 1973, about April or June,  
2 until its ending.

3 Q.Now, if I understood correctly your testimony this morning,  
4 during its operation -- again, correct me if I misunderstood --  
5 that 20 to 30 detainees could be brought, on average, everyday to  
6 M-13 during its operations. Is that correct?

7 A.Saying that 20 to 30 people were sent to M-13 a day was not  
8 true, only a few -- you know, one or two detainee would be sent  
9 once in awhile, and detainees were sent en mass only during the  
10 fall of Oudong and these people were sent almost temporarily  
11 because they stayed at that location before they were dispatched  
12 to other locations.

13 So I noticed that there was another arrest from Santi Samporn.  
14 About 30 people were sent all together at one time but only six  
15 or seven of them were left at the M-13 while the rest were sent  
16 to Battambang. So it is not correct that 20 to 30 detainees were  
17 sent in a single day.

18 [14.31.58]

19 Q.Well, perhaps we'll let the record and the translation correct  
20 this. So on average one or two a day would be typical; correct?

21 A.Maybe there is a loss in translation again. It is only once  
22 in awhile, like after 10 days there would be one or two detainees  
23 so -- and then it took a long while before more detainees were  
24 brought in.

25 Q.Do you recall ever whole families being brought to M-13:

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1 parents, children, grandparents; the like? Has that ever  
2 happened?

3 A.Yes, it was true that the whole family from Chuong Village who  
4 came to M-13 for a few months, then they were sent to another  
5 location. So these people came in, the whole family, but there  
6 were no children, they were adult, and later on they were sent to  
7 Battambang. Well, some were sent to Battambang. The rest were  
8 smashed. The son of commune -- former commune chief, Mr.  
9 Phoeung, was smashed.

10 [14.34.04]

11 Q.Now, I submit that in order for you to do your job properly,  
12 you must have been sent or given some information about the  
13 detainees, their alleged crimes or failings, so as to be able to  
14 put the right questions to them and be able to judge their  
15 answers. What type of informations did you have when detainees  
16 got to M-13, in what form?

17 A.I would like to frankly tell the Co-Prosecutor but I probably  
18 do not understand the full meaning of your question. Could you  
19 please repeat it?

20 Q.What did you know about the people who were brought to you  
21 when you -- when they reached M-13? Were you given a document  
22 about those people that said their crimes? Were you informed by  
23 whoever brought them to you? What information did you have about  
24 the detainees so that you could properly interrogate them to do  
25 your job?



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1 A.The people who were sent were tipped off by the upper echelon  
2 but not by way of writing because sometimes detainees came to my  
3 location, then they were interrogated. Then I would report to  
4 the superior to see their ideas. Practically, when Hâm In was  
5 brought in, there were five people who were brought in at that  
6 same time. And after interrogating them I noticed that -- I  
7 would ask for clarification because I knew that these people were  
8 not the real people to be arrested because they were artists or  
9 musicians, because they -- during their performance they might  
10 conduct what we call a propaganda that affected the -- then  
11 because in their play or their performance it affected the party.  
12 That's why the base people arrested them and sent them to us  
13 without giving any detailed information. Then I, after  
14 interrogation, I sought advice from the superior because we did  
15 not get much information yet.

16 [14.35.35]

17 For Khun (phonetic) I did ask my subordinate to inflict torture  
18 on him but the other three women were not experiencing the same  
19 thing.

20 Q.So is it your testimony that detainees were simply brought to  
21 your location and that you would have no information about them  
22 before you started torturing them and interrogating them?

23 A.Normally I could get some information before they were sent,  
24 for example, the commune chief of -- Aboh (phonetic) commune  
25 chief. Then I would be given some brief information to

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1 interrogate that particular detainee -- so verbally. But for  
2 detainees from the southwest the information I obtained was less  
3 than I got from this location.

4 Q. So how would that information be given to you? Would  
5 detainees show up with a document or would you be informed by any  
6 other means? How would you get that information when you did?

7 A. People from the special zone would be told by my -- my boss  
8 told me directly something -- told me about this information.  
9 For people from the southwest they would be interrogated first.  
10 Then I would ask -- would ask my superiors more about them, but  
11 sooner or later I would be told about the detainees, but in  
12 general, as a principle, detainees who were brought in must be  
13 shackled, especially people from the southwest. But people from  
14 the special zone were -- I would be told to be prepared to ask  
15 some particular detainees and then leave some detainees to be  
16 interrogated at a later date from my superior.

17 [14.39.51]

18 Q. Would you then receive that -- those instructions or that  
19 information via documents or via live communication or through  
20 the phone? How would you get that information about the  
21 detainees that were sent to you?

22 A. Normally by verbal communication because when he told me then  
23 I would record in the book. There was no telephone. There was a  
24 TEO, in French, which is a radio used for the military only. So  
25 having heard from that way of communication I would record his

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1 instructions.

2 Q.So again, to make sure, you would meet with Son Sen or  
3 possibly other superiors and you would take down in a book the  
4 information about detainees that were either already at M-13 or  
5 would be sent to you. Is that correct?

6 A.The people that would be sent that I could get information,  
7 but for Son Sen he only gave me some information regarding the  
8 person to be sent.

9 Q.I'm sorry, but I think it's a simple question. You would  
10 consign in a book the details of these people to have a record,  
11 right, to create a record of these people; yes?

12 A.When I was told by the superior I would record in the book  
13 because during the interrogation I would write in a piece of  
14 paper, as I already told Judge Lavergne. There was a piece of  
15 paper that I could write on with a pencil at that site. I used a  
16 pencil to record the confession and then I would send these  
17 pieces of paper to my superior but the instruction from the  
18 superior would be recorded in another separate book.

19 [14.42.29]

20 Q.Okay. Then how often would you report on your interrogations?  
21 How often would you give the confessions to your superior and in  
22 what way?

23 A.For all the people from the Southwest Zone it was easy to find  
24 him, Mr. -- Brother Si, or Chou Chet. I could meet him any time  
25 to report the information, but my superior teacher, Son Sen,

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1 normally he would assign his messengers to come and -- or to come  
2 to collect that report or ask me to meet him. For Son Sen, his  
3 work was meticulous because when I was at his location he would  
4 not allow me to be in unless his guards were not in the location.

5 Q. Did you ever report to Chhay Kim Huor about some confessions  
6 of prisoners?

7 A. Brother Kim Hour was the spokesperson for the Southwest Zone  
8 regarding the receiving people. So regarding the receiving of  
9 people then he can report -- he can talk to me, but when it comes  
10 to the arrest I did not report to him but to Chou Chet, alias Si,  
11 or Huot Heng, alias Pal, because Chhay Kim Huor was not entitled  
12 to receive the confessions, except Teacher Son Sen and Vorn Vet.

13 Q. So therefore it is correct to say that it is at M-13 that you  
14 started the system of keeping records of prisoners and  
15 confessions. Is that correct?

16 A. The system of recording confessions, I don't understand the  
17 term clearly. Could you please explain what you call the system  
18 of recording the detainees' entrance in three, for example? I  
19 just don't get the full message of the terms, the expression.

20 MR. PRESIDENT:

21 Could you please rephrase your question because your last  
22 question makes the accused feel unsure to answer?

23 MR. PETIT:

24 Mr. President, I was waiting for the accused to turn off his  
25 microphone because I don't know when he's finished otherwise.

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1 [14.46.27]

2 BY MR. PETIT:

3 Q.My question I'll rephrase. Is it then correct to say that it  
4 is at M-13 that you started to write down on paper information  
5 about detainees, their entrance, their smashing, and to write  
6 down confessions? I think it's quite a simple question. Is it  
7 accurate to say that it is at M-13 that you started the system of  
8 writing down this information?

9 A.The record of the people who entered at M-13 must be made when  
10 they came, but when they were smashed the list would also be  
11 smashed or destroyed. So this is one part. I don't know what  
12 would it be in the scientific language, but normally when the  
13 people came then I would interrogate them and then report to the  
14 superior. So this is the practice. And after the confessions  
15 were sent to the superior and the detainees were smashed then the  
16 documents were also destroyed.

17 Q.Why destroy the documents?

18 A.There was no instruction to keep such document. Because when  
19 the person was already smashed there would not be any interest to  
20 know about that person, because when the person was smashed the  
21 duty already completed, or the mission is accomplished.

22 Q.So therefore you had no way to prove to your superior, other  
23 than your word, that you had indeed carried out their orders. Is  
24 that what you're telling this Court? Because if those records no  
25 longer existed it's your word; correct?

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1 [14.49.10]

2 A.Regarding the evidence to prove the superior that someone was  
3 smashed, there was no other form of evidence, that is true. So  
4 far as I can recall, the upper echelon trusted me because I was  
5 very sincere, because when the person managed to escape I told  
6 them he or they escaped, so I just talked the truth. So I did  
7 not show any sign that -- to make the superior feel suspicious  
8 towards me, so I think because I was trusted.

9 MR. PETIT:

10 Mr. President, I have about three or four questions but if you  
11 want to carry on after the break it's entirely fine with me, of  
12 course.

13 MR. PRESIDENT:

14 I think we should now take a break for 20 minutes and the  
15 Co-Prosecutor can proceed with the questions. So please take a  
16 20 minutes' break.

17 (Court recesses from 1450H to 1516H)

18 MR. PRESIDENT:

19 The Trial Chamber declares its resumption of session and I would  
20 like to give the floor to the Co-Prosecutors to continue posing  
21 questions to the accused.

22 BY MR. PETIT:

23 Q.Again, correct me if I'm wrong, but if I understand your  
24 testimony and your comment just earlier to my question, you said  
25 you would frequently travel to Comrade Si's location to seek

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1 instructions or to report on the confessions, to interact with  
2 your comrade. You would often travel because he was close by;  
3 correct?

4 [15.17.48]

5 A.I had to meet the superior. It is important for me to do so.  
6 Now, to avoid any incidental facts that come over on my part, and  
7 if you compare to the Southwest Zone, Chief Ta Mok, who was the  
8 superior of Brother Si, who most often went to the battlefield  
9 and they met from time-to-time. Brother Si is always stationed  
10 at the same time. It was close to M-13; it was about 10  
11 kilometre that I can travel by bicycle. So I went to see him  
12 more often and he had no serious, urgent (inaudible), so if I  
13 have anything urgent I went immediately and I can see him there.

14 Q.And how often would you say you would travel out of M-13 to go  
15 meet with Comrade Brother Si? How often a week or a day?

16 A.Sometimes one week and sometimes 10 days, and it's not less  
17 than that, so five days or one week I met him once. Sometimes  
18 there were some people from the Southwest Zone and I went there  
19 once a month. It depends on the people sent from the Southwest  
20 Zone to my place.

21 Q.Okay, so you would also have to travel to Ta Mok's  
22 headquarters to meet whenever there was prisoners from the  
23 Southwest Zone that were sent to M-13? Is that what -- your  
24 testimony?

25 [15.19.49]

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1 A.Ta Mok before 1973, he was not always at the place, but later  
2 he stayed in the south and always went to the battlefield, and he  
3 never allowed people from M-13 to see him easily, and how we  
4 should make the urgent appointment and came on spot. So I rarely  
5 met with Ta Mok, so I was at M-13 I met him about four or --  
6 three or four times. Let's say 10 times, 10 meetings.

7 Q.Ten meetings during those four years of your tenure. Is that  
8 your testimony?

9 A.Yes. I met Brother Mok only in those meetings, rarely.

10 Q.And again if I (Recording malfunction) your testimony  
11 accurately, you would also travel every week, I believe, to meet  
12 with the zone's other cadres. Is that correct? Every week I  
13 think you said, or every two weeks.

14 A.In principle with the Southwest Zone, as I told you, the  
15 prosecutor, when there was people sent sometimes I went there  
16 every five days. It depends on my report and my consultation,  
17 but no longer than 10 days. But when there was no people sent  
18 sometimes of several months, then I have a meeting. So it  
19 depends on the people who are sent, so some sent sometimes when  
20 there were people sent from different zones, so he made the  
21 appointment and he told me to see him then.

22 Q.So is it your testimony now that there was no regularly  
23 scheduled meetings with the zone authorities? There was no  
24 regularly scheduled meetings? You understand my question?  
25 Yes, there was no regular appointment so it depends on the task



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1 in my hand that they assign me to interrogate the inmates.

2 Q.You also testified that you would go and -- yourself, recruit  
3 the proper class of staff, young people, into the communes, to  
4 bring to M-13 to be staff. Is that correct?

5 [15.22.47]

6 A.No, I did not go personally; I communicate with my senior  
7 staff -- my old staff to find the people. When I get the name I  
8 propose to the superior and I get their approval. But it is my  
9 initiative and my staff would come to the place and he get the  
10 name and when I get the agreement from the recruitment -- the  
11 staff, and I propose to the senior; this is correct.

12 Q.But then your staff would have to bring you more than just the  
13 names correct, to know that these are the right people? They  
14 would have to bring you more information than just the names;  
15 correct?

16 A.I would like to confirm. Before I make the proposal I need to  
17 have the consent with my existing staff; I need to know how their  
18 class, the poorest class, they have no problems and when I  
19 thought it is suitable I propose to the superior. So it is only  
20 those document.

21 But for those who were included in the list, sometime when I  
22 observed that they are not to be a good staff and I try to find  
23 any justification to send back home. For example, KW-30, he was  
24 working with me; he's a small man but he is a little bit bad  
25 tempered and I tried to find a way and send KW-30 to go home --

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1 to go back home.

2 Q.Do you recall as well that you -- at least on some occasion --  
3 met with the chief of the village or the villages surrounding  
4 M-13? You travelled to the villages to speak to the authorities  
5 there. Do you remember that?

6 A.I also -- with the village chief and village community of  
7 Amleang we were close to the father of KW-30, also meet and we  
8 are friends -- close friends.

9 [15:25:51]

10 I would like to further inform you, I have the godparents in  
11 Amleang, there.

12 Q.Okay, so you would also travel to Amleang and other villages,  
13 sometimes; is that correct, for whatever purposes?

14 A.I went there with other houses, in other villages, in the  
15 vicinity in normal friendships; yes.

16 Q.And when you would be leaving M-13 or itself, who would be  
17 left in charge? Who would you leave in charge?

18 A.When I was away from M-13 to work in general I assigned two  
19 staff; one Comrade Pun, another one KW-08 who was in charge of  
20 people from fleeing.

21 Q.Did it happen that during those travels you would stay  
22 overnight, away from M-13? These are not necessarily just going  
23 and coming same day but sometimes overnight; correct?

24 A.If it is true when Brother Horn was at an office and Peam,  
25 when Brother Vorn was there, when I was working with Son Sen I

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1 never spend overnight at the village; I need to return to M-13.

2 So with teacher Son Sen the matter was different between Vorn Vet  
3 and Son Sen.

4 Q.So, if I understand correctly, yes, it did happen that  
5 sometimes you went away from M-13 and stayed overnight,  
6 somewhere, for whatever reason; correct?

7 [15:28:36]

8 A:Yes. When I was working at M-13, when I spent overnight  
9 outside.

10 Q.And if I understood your testimony just a while back, at M-13  
11 you had no means of communication; right, no radio, no telephone,  
12 nothing like you had at S-21; correct?

13 A.Yes, it is certainly correct.

14 Q.And to travel -- when you had to travel you just said you had  
15 a bicycle. Did you have other means of transportation? For  
16 example, when you went all the way to the Southwest Headquarters  
17 how did you get there?

18 A.From the beginning I had only a bicycle but after the fall of  
19 Oudong my superior gave me an old motorbike. And later, on the  
20 30th of April, he gave me a motorbike, it's not a CL 90 cc, it  
21 was a PC motorbike. So the mean of transport is changing from  
22 bicycle to an old motorbike and later to a Yamaha 80 cc.

23 Q.And remind us again how it is that you could, yourself, travel  
24 within the zone freely? Did you have any special pass that  
25 authorize you to travel or were you just relying on your

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1 notoriety, shall I say?

2 A.Travel permit, we had to have one. We have travel permits.

3 It was issued by Office 303, and another one issued by 201. It  
4 is my travel pass in the Special Zone, was issued by Office 305  
5 and later it was issued by Brother Chhay Huor. And as for the  
6 Southwest Zone travel, I had to have the permit issued by Office  
7 201.

8 We had to have that permit but after a long time people get to  
9 know me and no one would search me. Ros Nhim was there, know me  
10 well and he did not search me any longer.

11 [15:32:19]

12 Q.So after a while your travel would not have aroused any  
13 interest; you would be let to travel freely because everybody  
14 knew you. Is that what you're saying?

15 A.I would like to reaffirm to the prosecutor that those who know  
16 me, it's only those who live along the road, to some round  
17 station to Oudong. So if I travel in a different road I would be  
18 stopped and searched.

19 Q.And that is why you needed your permits; is that correct, for  
20 those people who didn't know you?

21 A.If we travel on a road that people a stranger to us, we need  
22 to present our permits.

23 Q.To get back to the purpose of M-13, and again perhaps the  
24 translation failed me, but is that your testimony that during  
25 your four years of being the head of M-13 you remember torturing,

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1 yourself, only two people? You said at least two people. During  
2 those four years you tortured only two people? That's your  
3 testimony? Tortured personally.

4 A.I personally tortured, yes, at least two. I did not remember  
5 others. And for these two I remember the details. If you would  
6 like to hear the detail I can do that, but for others I do not  
7 remember at this time.

8 Q.So it's possible that during those four years you tortured  
9 more than two people but you don't remember? Is that your  
10 testimony?

11 A.Yes, it's true.

12 [15.35.07]

13 Q.And this morning Judge Lavergne asked you what I thought was a  
14 clear question; did you yourself participate in the execution of  
15 anyone? We did not -- or at least during the translation we did  
16 not get an answer to that question.

17 So let me ask you quite very simply. During those four years at  
18 M-13 did you personally kill anyone for any reason?

19 A.I would like to conclude -- to make a conclusion. Personally  
20 I never killed anyone, including M-13 and S-21, but when you are  
21 talking about orders, all the execution was under my order at  
22 S-21, I agreed and sometimes I made an order for execution.

23 [15.36.03]

24 Q.Do you remember that you were -- while at M-13 you were at all  
25 times carrying your weapon; is that correct?

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1 A.Yes, I carry the gun. I change all types, almost all type of  
2 guns. I have Smith and Wesson revolver, and then later I have a  
3 Chinese pistol, sometime the Soviet Union pistol, but rarely that  
4 I carry along everywhere. So I bear a small pistol but I keep in  
5 my trouser.

6 I went to the villages or communes to visit a house of my staff.  
7 I never carry a gun with me there. I did not show my gun to  
8 anyone and no-one had seen that gun.

9 Yes, I agree that I used to bear gun from the beginning of M-13.

10 Q.And is it at M-13 that you became convinced that you had to  
11 recruit young people to do this type of work: interrogation,  
12 torture, detention, smashing; that young people were better at it  
13 because they were a blank slate that you could imprint orders on?  
14 Is that at M-13 that you came to this conclusion?

15 [15.38.07]

16 A.In this -- it's not a new idea of the revolution. It was an  
17 idea of the world Communist revolution. In China, it has a story.  
18 It has the red lamp story. It's the poor people -- the son of  
19 the poor family get to know -- get to learn very fast, and I take  
20 that experience to use, it is true.

21 I take those children so that they can support me, so my class  
22 was not pleased by the Party. I was in the intellectual class,  
23 so I need to select those poor family children to raise and  
24 educated them, to support so that in the future the Party see me  
25 that I select only the right people from the right class.

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1 So it is very true from me, from my position, I need to train. I  
2 trust in the poor class of the prison, so that they can support  
3 me in the work.

4 Q.But again, they did not make good killers because of their  
5 class. They made good killers because they were young and you  
6 could impress upon them what needed to be done; correct?

7 [15.40.15]

8 A.If you are talking about that, it is clear they have a good  
9 class and we order them to commit a crime, more or less the  
10 seriousness of the crime. It's fall on me from one step in  
11 other. I do not refuse, I accept that.

12 Q.So the answer is yes?

13 A.Yes, it is true.

14 MR. PETIT:

15 No further questions.

16 MR. PRESIDENT:

17 Next I would like to give the floor to the civil party lawyers to  
18 pose some questions, but we should start from Group 1 first.

19 Please tell your name to the parties and the public.

20 QUESTIONING BY CIVIL PARTY COUNSEL

21 BY MR. WERNER:

22 Good afternoon, Mr. President. Good afternoon, Your Honours.

23 Q.Good afternoon, sir. My name is Alain Werner and I'm  
24 representing 38 civil parties in Group 1.

25 Now, I have just a few questions for you, sir. The first

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1 question would be what does M-13 stand for, and why was it  
2 referred by a code name?  
3 Was it because it was a centre in this special zone or were there  
4 any other reasons why it was referred by a code name?  
5 A.M or MO stands for office or "munti" in Khmer and this name  
6 was given to me by Brother Vorn. They gave me three digits  
7 office but except this office because the other office was called  
8 Office 305. The Office of Propaganda was called Office 306,  
9 chaired by Ji Koem An. Office 307 was the Economic Office  
10 chaired by former engineer called Sien Pao Se and Office 309 was  
11 the office of the messengers. I don't know why I was the only  
12 member of the party who chaired these office and it was distant  
13 from the other location and it was named M-13 instead of the  
14 three digits like the other offices and I did not know and I  
15 don't know why we were given that -- the office was given such a  
16 name.

17 [15.44.10]

18 Q.And during your time as chairman of -- in charge of M-13 did  
19 anyone from the top leadership of the Khmer Rouge come to M-13 to  
20 visit you?

21 A.People who there enter M-13 more frequently was Chhay Kim  
22 Huor, grandfather Huot Heng, alias Pal from Sector 32 visited the  
23 premises once. Ros Cheat Tho, alias Cheat, former diplomat, the  
24 chairperson of Office 305, went there once. Comrade Sam, his  
25 name Mai Sokhorn, also went to visit me. I think there were no



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1 other senior leaders visiting the location.

2 Q.Now, I have -- so I have one question about the system of  
3 reporting. In answering the Co-Prosecutor Mr. Robert Petit you  
4 explained in quite a lot of details the system of reporting  
5 concerning the information on detainees, their confessions. You  
6 explained that you went to see Brother Si and about 10 times Ta  
7 Mok.

8 Now, when Judge Lavergne yesterday and today asked you questions  
9 there were other concrete examples of reporting to the upper  
10 echelon. For example, you said that you went to report when the  
11 flooding occurred; you went to report to please the top  
12 leadership sometimes before smashing detainees. You said also  
13 that you went to report about the question of when there were  
14 problems with the staff and discipline among the staff at M-13.  
15 So concerning the specific -- the three specific reports, to whom  
16 did you report?

17 A.We reported to Ta Mok very little. I met Ta Mok only about  
18 four times for the rest of my life -- the rest of my career -- my  
19 work during the regime.

20 So as I told Mr. Robert Petit this morning, I met him the most --  
21 10 times the most, but we met -- I met him very rarely. And I  
22 reported to Chou Chet, alias Si, the chairman of Southwest Zone,  
23 or I reported to grandfather Huot Heng alias Pal, the chairperson  
24 of Sector 32.

25 [15.46.46]

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1 For the special zone I would report to Vorn Vet. Then I reported  
2 to teacher Son Sen, except the internal Party matters, including  
3 personal matters or a matter relating to staff. For example,  
4 whether the staff did not work properly then I would report once  
5 every fortnight concerning the meeting of self-criticism.

6 So this was the task of the Party and the task of the police was  
7 separated because I need to -- I needed to report to the chief of  
8 the secretary.

9 Q.Now, answering questions from Judge Lavergne you explained, I  
10 think it was yesterday, that poor people coming from the enemy  
11 zone and captured in the liberated zone were brought to M-13 and  
12 then today you explain today, again answering Judge Lavergne,  
13 that villagers living near the enemy zones were sent to M-13.  
14 Now, because it was not completely clear in your answer -- that's  
15 what I understood but I just want to clarify. Is it correct that  
16 this two categories of people, these poor people you were talking  
17 about yesterday and these villagers you were talking about today,  
18 did not commit any crimes; they were not spies, for example, at  
19 the time they came to M-13; is that correct?

20 [15.49.48]

21 A.The poor people from Lon Nol areas to the liberated zone, so  
22 whenever the military arrested them then send to M-13 they were  
23 already regarded as enemies to be smashed because they were  
24 spotted in that location with the purpose to spy whether they  
25 wanted the military to attack the zone. That's why they had to

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1 be smashed.

2 Regarding the poor people in the buffer zone, in the morning the  
3 enemies entered, at night the revolution entered. The revolution  
4 only took control of that zone temporarily without knowing when  
5 it would be recaptured by the enemy. So there was a location  
6 which was far apart from these enemy zones called Santi Samporn  
7 village. Because people in the village did not fight the enemies  
8 but they were talking to coordinate the enemy, so that's why  
9 these people were brought into the M-13 and only they stayed at  
10 M-13 for temporarily before they were sent to Battambang. And  
11 they were poor people.

12 I still was shocked to recall another event, an important event  
13 which happened at Peam Village, Amleang Commune. That person was  
14 not a poor person but he was from a rich family. There were 50  
15 people who were arrested at that village altogether.

16 So in conclusion, there were poor people from the outskirts of the  
17 liberated zone, and from the villages which were close to the  
18 liberated zones and from that village I mentioned earlier.

19 Q. And about the second category of people, you have confessions  
20 taken from these people, as far as you can remember?

21 A. These people were left with me to be interrogated. Ta Khat  
22 was the main person that I asked Comrade Pon to interrogate him,  
23 because Pon was a very skillful -- was very skillful in  
24 interrogating detainees.

25 [15.53.18]

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1 Q.Again, about the second category of people, were they  
2 tortured?

3 A.The people who were not to be killed or smashed would not be  
4 tortured. People who were relocated to other locations would not  
5 be tortured.

6 Q.Now, you said, answering Judge Lavergne that you monitored  
7 closely torture sessions. Now, about, if you can remember, how  
8 many times were you present at M-13 when detainees were tortured  
9 by your interrogators?

10 A.To follow, to watch the event, was not necessary that I had to  
11 be there to witness the situation, but, when the interrogation  
12 completed, then the interrogators would come and report to me the  
13 progress of such an interrogation, including Comrade Pon, for  
14 example, who less often met me. I would ask him some question  
15 concerning the progress, but he did not meet me very often.

16 Q.Now, during the time you were in charge of M-13, are you aware  
17 of any detainee being buried alive?

18 A.I did not order anyone to bury a detainee alive, so no one  
19 challenge my order because I never order to do so, so people  
20 could not do things differently. They would be in big trouble if  
21 they did so.

22 [15.55.52]

23 Q.And then in saying, Judge Lavergne, I think it was this  
24 morning, or maybe yesterday, you said that women were given a  
25 bath in the river, in the cold wind, and then you said that you

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1 stopped the experiment because, "it did not achieve the result."

2 What did you mean when you said, "it did not achieve the result"?

3 A.I tried to avoid beating that person, so I tried to bath the

4 person in the river, and then put that person exposed to the cool

5 breeze or wind, whether it would be beneficial, whether the

6 person could finally testify or confess, but their -- the

7 confession was still the same, although torture was inflicted.

8 So I did not know whether there was some kind of problem in the

9 confession, I mean, if the person hid the confession.

10 But, the detainee was a woman. When she got soaked with water,

11 you could feel the -- you could see her physical condition, so I

12 was afraid that we could not hold our emotions, you know, like

13 when we witness such things, that's why we stopped.

14 MR. WERNER:

15 And, Your Honours, I just have, literally, a few questions.

16 BY MR. WERNER:

17 [15:57:54]

18 Q.Judge Lavergne asked you in details about the trenches and the

19 pits. I have just one question about that. As far as you know,

20 as far as you can remember, at M-13 was anyone ever tortured

21 inside a pit?

22 A.So far as I remember no one was tortured in the pits, but I

23 believe that people who came late to that location might

24 misunderstood, because the pits that we dug at the other side of

25 the river next to the place where we buried the dead people, I

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1 erected two poles for hang -- for my hammock. People would  
2 misunderstood, that that location was used for buried -- or  
3 torturing people, but it was meant for me to take a rest in the  
4 hammock, during the daytime -- I mean, during the day break.

5 [15.59.23]

6 Q.Finally, I have three questions on M-13B, and, answering  
7 questions from Judge Lavergne, he said, "People were sent there  
8 for re-education." What did you mean when you used the word,  
9 "re-education"?

10 A.The word "re-education" means they were left at that location.  
11 At night, some people could stay in the houses, but mainly stayed  
12 at the detention facility. It was a shed, about 2.5 metre wide  
13 and 10 metre long, and the timber -- the wooden timber was used  
14 to insulate the house  
15 So people who were afraid -- no, people who we believed that  
16 could escape then were put inside the house, but -- or the shed,  
17 but people who were -- people whom we seen that could not escape,  
18 then were let out to stay outside of the sheds. And then, for a  
19 while, the Chief of the sector made the decision to release those  
20 people, so we'd get order; we then release them.

21 [16:01:27]

22 So we make these people grow casaba, but then, only temporarily,  
23 so the order was made from the Sector Chief or Chairperson, then  
24 if we receive such order to release them, then we then released  
25 -- we release them. So when people was sent from the decision of

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1 the upper echelon to M-13A and then to M-13B, and then after we  
2 had the decision to release them, then we had to release.

3 Q.So, according to you, it was not a forced labour camp; right?

4 A.I think it can be true that people were forced to work because  
5 we set some strict schedule for working because people were  
6 asked or were made to do the -- grow something, but the yield of  
7 the products would not be for 13 months for -- for 13.

8 MR. WERNER:

9 I have one single more question. Can I ask my question?

10 [16.02.47]

11 MR. PRESIDENT:

12 You sure can make the last question.

13 MR. WERNER:

14 Thank you, Mr. President.

15 BY MR. WERNER:

16 Q.As far as you know, sir, did anyone die of overwork at M-13B?

17 A.So far as I remember, no one was -- or no one died of forced  
18 overwork, so far as I remember.

19 Q.Thank you. Thank you. And I have no further questions.

20 MR. PRESIDENT:

21 To move on, I would like to allow the lawyer from Group number 2  
22 to pose questions, please.

23 BY MR. YUNG PANITH:

24 Q.Thank you, Your Honours. I have two questions to propose to  
25 the accused.

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1 Question number one, in relation to what he said he became the  
2 candidate member of the party, was under the advice of Kae Pok  
3 and later he was in prison in T-3 prison, and he was induced to  
4 -- how should he include it or have him becoming the member in  
5 the prison? In relation to M-13 and area and the control of Lon  
6 Nol, how far from -- and the area of Chan Rainsey at Chbamorn.  
7 So how far from one area to another?

8 [16.04.36]

9 A. I would like to confirm to the lawyer as the following.

10 I joined the revolutionary in October 1964. It was about -- I  
11 forget the key person who introduced me to that in 1966. It was  
12 called the Corps Angkar and in 1967, Vorn Vet called me to work.  
13 First he introduced -- he presented -- he said that the party  
14 allows you to become the candidate member but I cannot allow you  
15 to do so here, but it was decided by the upper echelon that you  
16 can become a member. Sorry. I will get to the boat across the  
17 river and then I met with Brother Pok and we have the branches  
18 and then Brother Pok accredited me into the members following the  
19 decision from the party.

20 I would like to reaffirm that I met Brother Vorn for the first  
21 time when I left for the jungle on the 5th of January 1973. I  
22 was -- '68 I was in imprisonment, but I keep the relation and the  
23 connection with the network and when it -- I came to the big  
24 prison, there was a party branch there under the separation by  
25 Brother Tiep Sin, the then name, when he was imprisoned, but



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1 after 17 April 1975 he changed his name to Son Sen. And on the  
2 20th of July 1969 the Brother Son Sen who gave me the  
3 accreditation to be the member in relation to my party's works.

4 Q. So another question in relation to the distance between one  
5 area to another --

6 A. I do not know. I do not know the distance. I heard that Chan  
7 Rainsey was in Chbarnorn but my office in Amleang, so I never look  
8 at the map. It's not less than 50 kilometres if you walk on foot  
9 on the shortcut, but I'm not sure about that.

10 [16.08.04]

11 THE PRESIDENT:

12 Do lawyers from other civil party groups would like to have any  
13 questions to pose to the accused? If so, please --

14 MS. STUDZINSKY:

15 Mr. President, given the late time I would prefer to question the  
16 accused tomorrow to have -- or in order to have or to question my  
17 questions together. And I would like to start tomorrow morning.

18 MR. PRESIDENT:

19 The next program the Trial Chamber would like to take some time  
20 and we would allow the lawyer from the civil party to ask  
21 questions and we can extend for another 20 minutes so that you  
22 can ask the accused.

23 Based on our plan from tomorrow we have another program -- we  
24 have a different procedure to listen to the testimony of the  
25 witness. So we will not allow the questioning for tomorrow. So

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1 we give you 20 minutes for the civil parties' lawyers. So we  
2 have only 20 minutes from now.

3 [16.10.45]

4 MS. STUDZINSKY:

5 Mr. President, I would like to object at this time limit that you  
6 set now. This has no basis, only because we have now very late  
7 that you give us a time limit of 20 minutes for the rest of all  
8 groups of civil parties which are now three groups outstanding,  
9 and have not yet had the chance to ask the accused.  
10 Therefore, I request to grant us enough time to ask the accused  
11 which will be only for my -- for me not be enough to have 20  
12 minutes. And I see that Group 4 and Group 3 at least want to  
13 speak. And although tomorrow another agenda is intended -- but  
14 I think I would need perhaps 30 minutes. It depends a little bit  
15 on the answers of the accused -- up to 45, but only to let you  
16 know how long I need. And I would like to have a decision.  
17 Thank you.

18 MR. PRESIDENT:

19 The lawyers for the civil party, please continue your question,  
20 based on the availability of time that we have agreement on.  
21 So for the remaining question, whether or not we allow to make it  
22 for tomorrow, we will have a different decision on that so that  
23 we can save the time and to adhere to the expedition of the Trial  
24 and we allow you the time for another 15 minutes.  
25 So how many question you can ask with this time and if you have

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1 some more questions you should ask for tomorrow. So we could not  
2 provide you as per your request.

3 And other lawyers for other groups, if you have any questions,  
4 please ask now.

5 [16.14.21]

6 MR. CANONNE:

7 With regard to Group 3, I have five questions to put exactly and  
8 I shall not go beyond the allowed time.

9 With your leave, Mr. President, my name is Mr. Philippe Canonne;  
10 I am civil party lawyer for Group 3 which has 28 civil parties.

11 BY MR. CANONNE:

12 Q.My first question is as follows: You have told us a lot about  
13 the need for obtaining confessions; I would like to know what  
14 category, what type of confession you wished to obtain at all  
15 costs from the detainees?

16 A.The confession that we want to have, it's the confessions  
17 about -- it was the confession described about treacherous  
18 activity, how they did it, how did they counter the revolution;  
19 this is what we want to have.

20 [16:16:07]

21 Q.Second question; based on your conviction and your political  
22 commitment was there a hierarchy in the transgressions -- what  
23 was the hierarchy that you used in the transgressions and the  
24 confessions?

25 A.I'm sorry, sir, could you explain me the term

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1 "transgressions", what do you mean by that terms?

2 Q.Your political commitment was within the framework of an  
3 ideology; you considered that the detainees who were brought to  
4 you had been guilty of acts that were at odds with this  
5 conviction.

6 In your view what was the hierarchy, the classification, from the  
7 most serious to the less serious?

8 A.I will try to respond. If you don't think I respond to your  
9 question, please, ask me again.

10 First I would like to tell you about my wisdom because I joined  
11 the revolution because I devoted for the Party.

12 May I state in a more simplified way? And I would like to  
13 apologize also if I talked faster. I entered the revolution in a  
14 proper wisdom to liberate out my own people. So including those  
15 people there were my parents, my relatives and me myself.

16 However, from the 20th of July 1971, although at that time I  
17 tried to contest whatever I could. I tried to beg them, for  
18 example, but I could not escape, I just could not. That's why I  
19 was compelled to accept the task.

20 [16:19:45]

21 At that time there was no room or a possibility for me to  
22 challenge them. Therefore, I accepted the task at M-13. My  
23 initial criminal actions or acts were mild at the beginning and I  
24 tried to minimize the tortures. The interrogation was not  
25 necessary that we had to really interrogate the people.

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1 When people were brought in they were made to do farming. After  
2 people escaped or could manage to run away then I was given this  
3 assignment, this task and I had to follow the order.

4 So whether or not there was no room or possibility for me to get  
5 away from that assignment because I had to make sure we could  
6 find the source of the weapons.

7 The weapons that were transported from the enemy zones to the  
8 liberated zones, as alleged in the confession but it was a false  
9 confession, but I tried -- we tried our best to find the source  
10 of the weapons.

11 [16.22.56]

12 MR. PRESIDENT:

13 Can the lawyer continue your question?

14 MR. CANONNE:

15 Thank you, Mr. President. I consider that the accused has not  
16 answered the question that I put to him, but in order not to  
17 waste the Court's time I shall frame it differently and this will  
18 be my third question.

19 BY MR. CANONNE:

20 Q.Sir, you told us that nothing could be done without your  
21 orders. I am quoting you. You said this a while ago: "Nothing  
22 could be done if I did not give the order to do so. I decided."

23 [16.23.44]

24 You also told us that some detainees, having confessed, were  
25 freed and others weren't. This is my question: since you

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1 decided, what criteria -- what affected your choice, your  
2 decision?

3 A.I think this comes to the more detailed matter, but in short I  
4 may say I would like to make it brief. In my heart I did not  
5 want anyone to face death. I tried to find ways -- I tried to  
6 find ways to interrogate the detainees and to find a way that the  
7 detainees could be released. For example, the five detainees who  
8 were sent and I could only envisage one person would be released,  
9 and I tried my best, and then I tried to -- different ways to  
10 make sure that people could be released.

11 So to find any particular category, I think my main purpose was  
12 to interrogate people so that they could be released, and no --  
13 that's it.

14 Q.I consider that you have not answered my questions but I shall  
15 just note the fact.

16 MR. CANONNE:

17 Mr. President, my last two questions will be very brief.

18 BY MR. CANONNE:

19 Q.Question number 4; you told us that the pits had been dug to  
20 shelter the detainees from B 52 bombs. You said that these pits  
21 were covered with palm leaves only. Please explain to us  
22 exactly, and in simple terms, what was used to protect the  
23 detainees from the bombs dropped by the B-52s?

24 A.If the bombings were dropped into the pit everyone would be  
25 killed. It could not be protected. But if the bombs were

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1 dropped two metres from the opening of the pits, then people  
2 would be saved. That's what we believed.

3 Q. My very last question, which is very very brief. In reference  
4 to executions, you said on several occasions -- you used the term  
5 "smash", "to smash". I'd like to know whether this was the set  
6 expression in your organization. Was it of particular  
7 significance?

8 [16.27.58]

9 A. I would like to express this in Khmer version that I received  
10 order from the upper echelon. The first purpose is to make sure  
11 that the person is executed and buried secretly. With Vorn Vet,  
12 after the person was interrogated he said that, "Let's handle  
13 it," or so -- but later on he used different words. The word in  
14 Khmer, dohsray would be used as kamtic or smash. So the term  
15 kamtic or dohsray in Khmer means "all smash." "Smash" here means  
16 people would be executed and buried without letting other people  
17 know of this activity. So the terms were used and later on we  
18 found out the word kamtic or smash in other documents.

19 MR. CANONNE:

20 I have nothing further, Mr. President. Thank you for giving the  
21 floor to Civil Party Group Number 3.

22 [16.29.59]

23 MR. KONG PISEY:

24 Your Honours, the President and the Bench, according to the  
25 instruction that we would only be given 20 minutes but now the 20

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1 minutes pursued time already ends. I am Kong Pisey,  
2 representative of Civil Party Group 4. I would like to ask some  
3 questions and I don't know whether it is appropriate for me or  
4 opportunity would also be given to me to ask such questions now,  
5 or maybe I would be advised that the questions would be made  
6 tomorrow or else -- so I am at the mercy of Your Honours.

7 [16:30:58]

8 Here we would like a fair trial, so to make sure the trial is  
9 fair all parties have the rights to ask questions, and then  
10 opportunity to ask questions if only we have the right, but not  
11 opportunity I don't think it is genuine rights at all. So may I  
12 ask whether I can put questions to the accused now, or should I  
13 make such questions in tomorrow's session?

14 MR. PRESIDENT:

15 The Chamber would like to inform you their time is limited.  
16 However, you spent almost about 20 minutes to just challenge the  
17 decision made by the Chamber to allow you the opportunity to  
18 speak. I think we should proceed and if there is a challenge  
19 that the right to speak or to make questions to the accused are  
20 not well exercised, then the Chamber reserves our right to  
21 address the matter.

22 [16:32:03]

23 So we don't want to restrict that the 20 minutes given cannot be  
24 used to make any questions and that there would be 40 minutes  
25 given, otherwise parties can not really make any question at all.



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1 So the Chamber would like to make it clear that within the 20  
2 minutes, if the parties could really make some questions then  
3 make use of the opportunity given. If you feel that the time  
4 given is not appropriate then you can really ask questions at a  
5 later session then the Chamber may make a decision to make sure  
6 that you can do also. But now, since we come to an end of today  
7 hearing we would like to adjourn the hearing and resume it at  
8 9:00 a.m. tomorrow.

9 [16.31.15]

10 So I would like now ask at the security guards to take the  
11 accused back to his detention facility and return him to the  
12 courtroom by 9:00 a.m.

13 The public and the parties are also informed to come to the  
14 hearing before 9:00 a.m. tomorrow.

15 The Court is adjourned.

16 THE GREFFIER:

17 Please stand up.

18 (Court adjourns at 1633H)

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