



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS - KAING GUEK EAV "DUCH"

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

8 June 2009, 0913H

Trial Day 24

Before the Judges:

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

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For the Office of the Co-Prosecutors:

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William SMITH
PICH Sambath
Stuart FORD

The Accused:

KAING Guek Eav

Lawyers for the Accused:

KAR Savuth
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I N D E X

WITNESSES

THE ACCUSED, KAING GUEK EAV

Questioning by Mr. Tan Senarong commences page 3

Questioning by Mr. Smith commences page 35

Questioning by Mr. Werner commences page 78

Questioning by Ms. Studzinsky commences page 102

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CANIZARES	French
JUDGE CARTWRIGHT	English
JUDGE LAVERGNE	French
MS. SE KOLVUTHY	Khmer
MR. SMITH	English
MS. SILKE STUDZINSKY	English
MR. TAN SENARONG	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	English

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

2 (Judges enter courtroom)

3 [09.13.28]

4 MR. PRESIDENT:

5 Please be seated. The Court is now in session. The topic of
6 today's session is about the implementation of the CPK's policy
7 at S-21.

8 Before we start the proceedings, on behalf of the Trial Chamber I
9 would like to inform the parties and the public that on Thursday,
10 the 11th of June, the Trial Chamber will not sit.

11 The Trial Chamber has observed that there are still several
12 pending issues; that we need to spend a whole day to invite the
13 parties to the proceedings to the discussion, to discuss the
14 scheduling for the future hearings and other remaining issues.
15 Therefore, the parties to the proceedings are informed of this,
16 and be prepared to share their comments and views in the meeting
17 as said.

18 The item of the agenda for the meeting is still being prepared
19 and will be made available to the parties in due course before
20 the starting of the meeting. Since this is a technical issue for
21 the Court, we only need the parties to attend such a meeting.

22 However, the civil parties who in the previous day, as we
23 observed the remarks from lawyer Studzinsky and other lawyers,
24 concerning the rights of the civil parties to participate in such
25 meeting, and in the meeting they are allowed to attend if they

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1 would wish to do so, although it is more about technical matters
2 concerning the proper proceedings of -- the management of the
3 proceedings. They have their own choice to attend or not to
4 attend.

5 And we would like to also inform that during the trial management
6 meeting, the meeting will be conducted in closed session and the
7 public is not encouraged to take part in the proceedings, as
8 said, on the 11th of June.

9 Next, the Greffier please verify the attendance of the parties to
10 the proceedings in today's session.

11 [09.17.45]

12 THE GREFFIER:

13 Mr. President, the parties to the proceedings today are all
14 present.

15 MR. PRESIDENT:

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

17 Before we begin our proceedings, we would like to also inform to
18 the parties that today's session is about the facts concerning
19 the implementation of the CPK's policy at S-21. In the previous
20 hearings, the accused was already questioned and witnesses have
21 also been questioned, especially Mr. Craig Etcheson, the expert
22 who was questioned concerning the fact, and we also have asked
23 some questions to the accused already. So it is reminded that to
24 make sure that the proceedings are properly conducted, we advise
25 that the questions are not repeated.

3

1 The reason we raise this issue is because we have observed that
2 the experts had some difficult times to actually be available at
3 the Court in a proper order. That's why we concede that it is a
4 little bit mixed up between the two witnesses who had already
5 been heard.

6 During our last hearing, we came to a time when the parties put
7 questions to the accused concerning the related fact, so the
8 Chamber would like to give the floor to the Co-Prosecutors to be
9 able to put questions to the accused concerning the said fact.
10 The floor is yours, the Co-Prosecutors, if you would wish to put
11 questions.

12 [09.21.05]

13 MR. TAN SENARONG:

14 Thank you, Mr. President. Good morning, Your Honours.
15 Today, on behalf of the prosecution, I would like to ask some
16 questions relating to the facts of the implementation of the CPK
17 policy. I will put the questions to the accused, Kaing Guek Eav,
18 as follows.

19 QUESTIONING BY THE CO-PROSECUTORS

20 BY MR. TAN SENARONG:

21 Q.The Co-Prosecutors understand that in the Revolutionary Flag
22 special edition of the May edition with the ERN 0064551, which is
23 published in '78, on pages 16 and 17, talking about the matters
24 of those who were organized by the enemy, and the CPK has raised
25 the policies as following.

4

1 One, before the 1968; two, from the '68 to '70; third, from the
2 '70 to '75; fourth, from the '75 to the time of the liberation.
3 And from the time from the '75 to the liberation the Communist
4 Party has put it into separate parts. In the first part it talks
5 about those who defected, and I will not read this part. The
6 second part is about to make the enemy to calm down so that the
7 enemies would defect to us.

8 [09.23.45]

9 The point that the Co-Prosecutors want is whether the issues of
10 the Party lines as mentioned in those points, how effective were
11 they within the framework of the CPK's policy? And especially
12 and separately, within the CPK policy which were implemented at S
13 21 when the prisoners who were -- who involved with the
14 revolution before the '75?

15 The Co-Prosecutors would also provide you a copy of those
16 documents so you can examine them.

17 The Greffier, would you please give these documents to the
18 accused so that he can read it?

19 MR. PRESIDENT:

20 Court officer, you can take the documents from the Co-Prosecutor
21 and hand it to the accused.

22 BY MR. TAN SENARONG:

23 Q.Can you respond to the questions raised by us, the
24 Co-Prosecutors?

25 A.Mr. President, the question is long. I could grasp the main

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1 content of the question, so I will try to answer the question as
2 following. If it is not complete, the Co-Prosecutor please ask
3 me again.

4 I have seen this document on two occasions. One was the circular
5 to reach the S-21 when I saw the magazine. I'm not sure whether
6 the circular was sent to S-21 before or after the publication of
7 this magazine. The content was the same. The content of the
8 policy in the circular and also the content of the policies in
9 the special Revolutionary Flag is the same. So that was my
10 immediate impression when I saw the content of that circular and
11 I was happy because I thought that the displaced people who were
12 classified as the sub-people who had no rights and whatever --
13 how hard they tried to join the Youth League or the Party, and
14 they were even not allowed to join the soldiers. I'm talking
15 about the "new people" or the 17 April people. Those people had
16 no rights.

17 [09.27.49]

18 So when I saw that document I was happy and in fact those people
19 who were sent to S-21, the Party regarded them as enemy already;
20 and for the enemies, they all had to be smashed. That's what
21 happened.

22 In the entire light of the operation of S-21, since when I worked
23 as the deputy chief from October '75 until the 7 April 1979, the
24 Party ordered me to release only three people. I was ordered by
25 the Party. They were the FULRO members and, as I already told

6

1 the Court before, FULRO is an abbreviation from the French
2 language.

3 THE ACCUSED (Speaking in French):

4 Front Unifie de Lutte des Races Opprimees. The United Front for
5 the Struggle of Oppressed Races.

6 THE ACCUSED (Speaking in Khmer):

7 So I was ordered to release only these three people and the rest
8 had to be smashed. That was the CPK policy enforced on S-21. So
9 this document was not essential for S-21 especially.

10 In the 1978 political session, which I did not study with my
11 former superior Son Sen, and in that special political study in
12 1978 I studied with other officers, and the session was
13 instructed by Pol Pot himself. At that time he talked a lot. He
14 said that S-21 did not have to ask any questions. Those who were
15 sent to you, you had to keep them. So I was happy. I thought,
16 "Oh, it's good for us, S-21." And I would not say it's a danger
17 or it was a crime in killing the people at the time.

18 I was happy after I heard that, but three days later Uncle Nuon
19 asked me to work with him, and he asked whether I asked
20 questions. I said, "No, I did not, because I only followed the
21 Party lines which I learnt during the political session," and he
22 said, "Oh, so now you knew well about the political session." I
23 was speechless and when I returned I thought that this game is
24 just an open game, which I already reported to Judge Lavergne
25 previously. It's just a facade. It is this facade which is the

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1 political session -- political study session in '78 in order to
2 collect those forced who did not have a firm belief in the Party,
3 in order to convince them. So they had no influence in the
4 implementation at S-21.

5 [09.31.24]

6 Q.Thank you, the accused, Kaing Guek Eav. The Co-Prosecutor can
7 accept what you have said to the Court, so there is no need for
8 you to provide any further details.

9 My next question to you. In the same Revolutionary Flag, as I
10 just said, which on page 19 it talks about the morality -- there
11 are two parts about the morality. One, it is the remnant of the
12 old society, and the second thing is that that is the enemy's
13 plan and the question that I would like to put to you is as
14 follows.

15 Whether the actual implementation of the CPK policy at S-21 for
16 those prisoners was the CPK policy reflected as mentioned in
17 these two points regarding the morality issue?

18 A.Mr. President, I would like to respond to the Co-Prosecutor's
19 question as follows.

20 The issue of morality -- it is the subject which was in
21 combination with other matters intended to arrest people. This
22 is through the observations, analyzing. and conclusions by
23 myself.

24 For example, in the case of Kuy Thuon, there had been various
25 issues and there were many of those issues, and in the end he was

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1 alleged to have immoral offence with another person's wife and
2 killed the husband. It was very well known.
3 So the CPK removed Kuy Thuon according the statute that any cadre
4 who commits an offence will be removed; the party's right,
5 membership's right. And Kuy Thuon was a member of the Central
6 Committee. He was a full-rights member and he was also a
7 minister. If he was removed according to the statute, then his
8 full-rights membership was also removed, and his role in the
9 government as the Minister of Commerce was also removed.
10 Therefore, just the issue of morality and why the full-rights
11 member was taken and smashed.

12 [9.34.50]

13 Let me talk about the decision on the 30th of March '76. The
14 30th of March '76 decision, it designates that those people who
15 had the authority to smash according to the party's line within
16 only four groups. And Kuy Thuon, when he was the Secretary of
17 the North Zone, he had the authority to evacuate people, to
18 select people, and to smash people. And when he became the
19 Minister of Commerce, he no longer had the role as the Secretary
20 of the North Zone, so he had no rights to smash people.
21 And if he smashed people without asking for the permission from
22 the Central Committee, it's a mistake, and he was removed on the
23 8th of April '76. That's when he was removed, and he was under
24 house detention. So that's the observation that I have made.

25 [9.35.59]

9

1 So for those people who were sent to S-21 whether the
2 categorization of the offences according to the morality or the
3 plans of the enemy, there was no such category. As long as there
4 are confessions, then that's it.

5 So I did not think about the implementation of the types of
6 morality issues and I did not arrest anyone for the morality
7 offence. This is from my recollection. I never asked the
8 parties for permission to arrest anyone who commits any immoral
9 offence. This is my response.

10 Q.Thank you.

11 My next question is, for the dissemination of the Revolutionary
12 Flag at S-21, was the magazine sent by the Central Committee or
13 you went to collect those magazines by yourself, or were other
14 cadres going to take those magazines; and how often is it?
15 And who was responsible for the dissemination of the magazines at
16 your S-21 office? And in the study session, who read the
17 revolutionary magazines to the cadres who were participating in
18 the study session?

19 A.Mr. President, I would like to respond to the question as
20 follows.

21 First, about the Revolutionary Flag magazine. As I have raised
22 repeatedly, this is the internal magazine. It's only for the
23 members to study, and the benefit from studying the magazine is
24 its practicality in relation to their respective work. I was
25 encouraged and, in turn, I encouraged my subordinates to study

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1 the magazines personally. This is one important point.

2 [9.38.42]

3 From my recollection, and through the notebook of Brother Mam Nai
4 which the Co-Investigators gave to me, there were more than 300
5 pages in that notebook and there were some mentionings of the
6 study of the magazine.

7 At S-21, when I held the microphone, I only talked about the
8 situation about the interrogations of the enemies, but about the
9 revolutionary magazine, I did not think I paid real attention on
10 this but I, myself, I studied hard, especially the CPK statutes.
11 I read a number of the Revolutionary Flag magazines.

12 Let me now return to the Co-Prosecutor's questions.

13 Those who sent the magazines, they sent the magazines on time
14 from the General Staff and at that time we were still
15 subordinates to the General Staff. My messenger did not go and
16 receive them, but it was officially sent from the General Office
17 and once we received, I ordered them to be distributed to the
18 cadres at S-21.

19 Q.Thank you, Mr. Kaing Guek Eav.

20 The next question relates to the CPK's policy in the special
21 issue of the magazine that the Co-Prosecutors would like to know
22 at last; there has been used on page 20 and 21.

23 Could the President please allow me to circulate this document to
24 the accused so that he can be informed of the questions we are
25 intending to ask?

11

1 MR. PRESIDENT:

2 The Court officer is instructed to circulate this information or
3 document to the accused.

4 BY MR. TAN SENARONG:

5 Q. On pages 20 and 21, there has been a policy that, as an
6 experiment, if any place has a shortage of food supply then the
7 administration has to be reorganized or restructured.

8 [9.41.42]

9 My question here, when it mentions about the reconstructing of
10 the authority when there is a food shortage, for example, what
11 was the old authority regarded as, and what was the fate of the
12 old authority?

13 A. Mr. President, I would like to respond to the questions by the
14 prosecutor as following. I think the arguments in the magazine
15 here in this particular section is more about the theory matter
16 to facilitate their criminal acts in taking measures against the
17 former authority. Here, at the S-21, we had no grasp of that
18 matter; however, in general, I would like to give you some
19 recollection as following.

20 In 1972, starting from the beginning of 1972, there was a purge
21 employed against the former cadres in the north; later turned to
22 the Central Zone. Both the Standing Committee and my superior,
23 Mr. Son Sen, believed that after the old cadres who were purged,
24 those who took side at Khuon, then the people at the base, at
25 that location, would have enough food to eat.

12

1 I would like to just recall my personal experience -- my
2 recollection. My mother regularly visited Phnom Penh because
3 there were three children in Phnom Penh and two in Kampong Thom
4 so she was afraid of my wellbeing, and she asked whether I had
5 enough food to eat. I told her that I reported to my boss. I
6 told my boss that in the north the cadres starved people, and
7 then my boss called me from the other end of the telephone, he
8 said that it's not -- it was not the cadres who starved them, but
9 it was the enemy who did so that's why our people did not have
10 enough food to eat.

11 [09.44.52]

12 My father was forced by Khuon to search for something to tie the
13 rice -- the rattan, but it was not possible to find such rattan.
14 And then we -- I told him that actually Ta Mok people were harsh,
15 but my superior, when I talked about this, he was not -- he was
16 quiet. So in conclusion, I can say that people were arrested,
17 but to find any reason to back up their arrest; then they could
18 just find all accusers so this magazine proves the theory to
19 analyze the situation, and seek some kind of scientific reasons
20 to support such argument. So this is what I have observed
21 because when Ta Mok's people went to their location people would
22 even suffering more from starvation.

23 [09.46.18]

24 Q.Thank you for your brief explanation concerning the question.
25 The next question is more about the CPK's policy. For you who

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1 applied to work those prisoners at S-21, was it the policy of the
2 CPK that the prisoners were to -- detained for a certain period
3 of time? And how long would they be expected to be detained,
4 especially those formal combatants and the cadres of the CPK and
5 the intellectuals who returned from abroad, and the fourth
6 category of the prisoners were normal, ordinary people who were
7 regarded as enemies? Do you understand my question?

8 A.Mr. President, I would like to respond to the Co-Prosecutor's
9 question as follows.

10 The people who were arrested and sent to S-21, those were
11 regarded as enemies; they had to be smashed. This is a policy no
12 one can violate. They did not really care for the sources of any
13 intellectuals or the sources that the people were innocent or
14 not, although those intellectuals did not really have blood on
15 their hands or killed people, but they were regarded as cadres at
16 the Centre who had killed people. So we can compare this to the
17 issue of Kuy Thuon and Dr. Rou Kut, my godbrother, and also
18 Professor Phin Ton.

19 So who were better than the other? Who had blood on their hands?
20 Who killed the people? They did not classify them accordingly.
21 Anyone who was regarded as enemy was arrested, and automatically,
22 they had to be interrogated at S-21, and whether tortures were
23 employed or not, it based on the certain circumstance, and after
24 all they would be taken away to be smashed at Choeung Ek. So
25 they were taken out, removed or smashed or killed were used

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1 interchangeably; it means "killed." So we could not really
2 reject the order, and we had to implement such a policy.
3 At S-21, there were two kinds of people; the people who were
4 painters or artists, and I asked the CPK to spare their life. I
5 mean to be as prisoners who would not be smashed. They would be
6 left to serve S-21.

7 And there was another person; dentist, Dy Phon. Brother Pol
8 arrested him and sent to S-21, and after a few days he asked
9 Uncle Nuon to tell us that this person should not be beaten and
10 spare his life.

11 So altogether, there were six people who were not killed. So in
12 general, people who were regarded as enemies had to be smashed.
13 We could only manage to spare their life as the status of the
14 prisoners who would not be smashed, but remain as prisoners at
15 S-21, so there were six of them that we could apply such a
16 practice. So at M-13, there was one person also who was left
17 alive; he was Ham In.

18 [09.51.17]

19 So through my recollection, I think that there were more people
20 like Mr. François Bizot who I already discussed the matter with
21 the superior, and also Brother Uch Sorn who came the other day to
22 testify and witness KW-30 who were left to see the torturing
23 devices before they were taken to the outside but were not
24 smashed. People who committed wrongdoing like Uch Sorn, then
25 were inflicted to actually be exposed to see the handcuffs before

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1 they were sent to the villages. So everyone who was regarded as
2 enemy who was sent to S-21, in short, must be interrogated and
3 tortured and smashed. S-21 had no authority to release anyone
4 otherwise we would be killed.

5 Q.Thank you.

6 But you seem to forget answering my question concerning the
7 duration; so how long people were detained -- the shortest and
8 the longest -- at S-21?

9 A.Thank you for reminding. Actually, I failed to cover that
10 question.

11 I think there was no concrete determination on how much time is
12 needed to detain any particular person. In certain cases, some
13 people were detained longer only to receive the order from the
14 upper echelon that the person would be smashed and smashed. For
15 example, in the case of Kuy Thuon, he was not kept for long.
16 In document 159/4.10, people were sent on the 23rd of November
17 and I ordered Comrade Huor, according to the decision from the
18 upper echelon, to take them and they were removed on the 2nd of
19 December 1977 without any interrogation.

20 So to state clearly how much time was needed to detain any
21 particular person was not well determined. It's based on a
22 case-by-case basis.

23 [09.54.32]

24 Q.Thank you. But still you seem to forget to answer to the
25 point. For example, you may say how many months were the

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1 prisoners detained at the S-21 -- or years.

2 A.Thank you. You can refer to document 159/4.10. Some people
3 only stayed at S 21 for like 10 days, but others would stay
4 longer, like in the case of Kuy Thuon actually. He was left
5 there for several months. Some others only stayed there for like
6 10 days and then they would be taken out.

7 Q.Thank you. In principle, it is acceptable that you can -- we
8 accept your response.

9 The next question. In paragraph 58 of the agreed facts, you
10 stated -- that was about the principle roles of the S-21 toward
11 the enemies, and you agreed that all the prisoners had to be
12 smashed, absolutely.

13 I would like you to clarify this a little bit; whether the
14 prisoners who were regarded as enemies -- I think this question
15 would be repeated, but I would like you to be brief in
16 responding. What would be the activities that were regarded as
17 the activities of the enemies?

18 A.You said at paragraph 58 of the agreed facts. Is that
19 correct?

20 [09.56.48]

21 Q.That's correct.

22 A.But I cannot recall that paragraph. Could you please read
23 that paragraph again to be sure I can understand?

24 Q."In the implementation of the CPK's policy at S-21 regarding
25 the policy to smash enemies, the main role of S-21 is to

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1 implement the Party's policy and, according to this line, the
2 prisoners had to be smashed."

3 Paragraph 31 of the Closing Order and that you agreed.

4 A. Could you please clarify your question then? Please repeat
5 your question. I'm very sorry for that.

6 Q. My question is that the prisoners who were regarded as enemies
7 in paragraph 58, what kind of activities were classified as
8 enemies' activities?

9 A. Mr. President; thank you, Mr. Co-Prosecutor, for presenting
10 that document and raise this question again for further
11 clarification, which I thank you very much.

12 The decision on the 30th of March 1976 determines clearly the
13 framework of the authority to smash people. So those people were
14 entitled to have the authority to make a decision who would be
15 regarded as enemies, so anyone among the four who made the
16 decision then, the police could not fail to arrest -- original
17 unit could not fail to arrest them accordingly. Anyone who could
18 let anyone escape, then they would be punished, and people who
19 were sent to S-21 had to be interrogated.

20 I don't say that everyone had to be interrogated but, in
21 principle, they had to be interrogated, and then we had to smash
22 them for them, and we did not dare to release anyone otherwise we
23 would face the consequence.

24 [09.59.32]

25 So, in conclusion, the reason why people were -- decided to

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1 arrest people, the authority were vested with those four groups
2 of people. No other people had any other authority. I'm talking
3 about the four groups of people, not the four people. S-21 did
4 not have the authority to make any decision. Even the secretary
5 of the division had no authority. Even the Minister of Commerce
6 had not authority. Even he was decided by these four groups of
7 people then he had to be arrested.

8 So I, at S-21, find it difficult to explain how we can reject
9 such a decision. So in the decision on the 9th of October 1975,
10 when we talked about the case of Mean. Mean here referred to
11 Chann Chakkrei and Sou Sokphan. Pol Pot said that. We did not
12 have to believe the enemy's testimony. We had to trust our lines
13 and network. So they analyzed among their networks to be clear,
14 so they did not rely so much on the enemy's testimony or
15 confession.

16 So I would like to conclude that S-21 did not understand the
17 reasons, the direct reasons, for any individual person who it was
18 decided by the fourth group to arrest. So they made the decision
19 independently from us, and they just made us implement their
20 decision and smash.

21 [10.01.34]

22 Q.Thank you for answering the question and we can accept your
23 response. Let me continue the next question. It is related to
24 the activities and the policies of the CPK regarding the babies
25 or the young children who accompanied their mothers who were

19

1 arrested by the Party's decision.

2 Is it the objective of the CPK policy that they committed certain
3 acts or offences? That's why they were brought along with their
4 mothers when the mothers were arrested?

5 A.Mr. President, I would like to respond to the Co-Prosecutor's
6 questions as follows. In order to understand this matter we have
7 to look at the situations as we were the implementers of their
8 policies at Amleang at M-13.

9 [10.02.57]

10 At M-13 office initially we demanded to remove one teenager --
11 one teenaged girl. Her name was Sos Nass, and François Bizot
12 also talked about the girl in his book. I tried very hard with
13 Chhay Kim Huor and Chhay Kim Huor said, "You have to be careful.
14 You might be revenged." So I knew I could not convince him so
15 then I went to meet Brother Vorn and Brother Vorn asked me to
16 release. But the problem is which unit shall I release her to.
17 So because of that matter we had to keep her on our ground. And
18 that's when François saw her.

19 And later on he was sent to the Amleang Cooperative with another
20 woman, Khieu, so I took her there. So that was the first time.
21 And the second time I tried to raise young children of a person
22 named Song Un. I was not sure whether he was a prisoner of war.
23 From my recollection I was not sure. There were three young
24 children but they did not survive.

25 At that time my superior Son Sen knew of the matter and I told

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1 him that it's difficult to arrest young children. It was not
2 just only the food and the hygiene but there has to be the
3 emotional factors too. And then Son Sen said, "So now here is
4 your experience. There is no gain to keep them and they might
5 revenge -- take revenge on you. You have to remember the class
6 stand" and that's when -- at the time I defeated myself to the
7 view of the CPK when it comes to the Party's policy on being
8 revenged.

9 [10.05.20]

10 At S-21 no such matter existed because I myself defeated and I
11 myself abided through implementing the Party's policy at S-21.
12 So that's about the young children and the babies. I acknowledge
13 and accept full responsibility for that crime. I did not -- I
14 will not blame them but I was part of the people who were
15 responsible for such crimes.

16 Q.Thank you, Mr. Kaing Guek Eav.

17 My next question to you. As you have clarified previously, in
18 the KW-01 that you just raised, he was used for a while including
19 the construction of the statue near Wat Phnom for example. There
20 is one witness with the code name CP-01/6 and their younger
21 sibling. At that time they were young children. Why those
22 people and these young children were not killed, as you said, at
23 your office?

24 A.Mr. President, I would like to respond to the Co-Prosecutor's
25 questions as follows. I could not find the actual source of the

21

1 CP-01/6. I did not know the parents' names or when the person
2 was arrived. This is the truth. So the origin of the CP-1/6
3 could not be verified by me. But for the date 25/5/06 I could
4 find the origin of that person.

5 This is my response to you. I could not find the origin of the
6 CP-1/6. I am not sure on this -- on the background or the origin
7 of this person.

8 Q.Thank you. Let me continue the question and we can talk about
9 this matter later on when we give you the backgrounds on the
10 arrest of the father of the CP-1/6 to you at a later stage when
11 we will talk about the operations of the S-21.

12 My next question to you is that for the young children -- when we
13 talk about the young children we talk about those who are seven
14 years or younger. And for the babies we talk about those who are
15 still fed by the mother.

16 [10.08.47]

17 So for those young children and the babies who were also sent to
18 S-21 were they killed at Choeung Ek or at another location nearby
19 or within your S-21 office?

20 A.Mr. President, let me respond to the Co-Prosecutor's question.
21 I could not grant the details on this matter. However, generally
22 I knew I am criminally responsible for the killing of young and
23 older or teenaged children and babies -- I mean all the minors.
24 Through the confrontation with the witnesses as previously done,
25 I think they were kept at a location near S-21 and some of them

22

1 were also sent to Choeung Ek location. The images of the baby
2 being smashed against a tree I could not -- I did not know it,
3 but from the photos, yes, I believed it happened. It was done by
4 my subordinates.

5 However, talking about throwing a baby from the second floor I
6 did not believe it. Why did I not believe it? Because no one
7 dared to kill someone freely and let the prisoners saw it. So I
8 did not believe in this particular case.

9 In conclusion they were killed, yes, at Choeung Ek location and
10 also at the S-21 and the images, the horrendous images of those
11 children being smashed against the tree, yes, they were done by
12 subordinates. And I myself will not blame my subordinates but I
13 am criminally responsible because it is under my supervision.

14 Q.Thank you.

15 [10.11.23]

16 Now, my next question to you it's also related to the children.
17 What is the reason for the children and the young children before
18 they were smashed they were not photographed? From my
19 recollection I asked you already but let me clarify that. For
20 the children the majority of them were not photographed. Why
21 there were no photographs of those children?

22 A.Mr. President, let me respond to this question as follows.

23 I am truly responsible for all the crimes committed at S-21 but
24 for the detailed implementation I inferred from that, I cannot
25 tell you in details now. So talking about whether they were

23

1 photographed or not, I saw some photos, yes. But probably the
2 majority of them were not photographed. So the detailed
3 operation was under the responsibility of my subordinates.
4 So my main goals is not to let -- or to release anyone. As Huor
5 said, if we release someone we will be killed. So whether the
6 prisoners were photographed or not was not my main concern. This
7 is my response.

8 [10.13.00]

9 Q.Thank you. Now my next question to you.

10 In the name of the Chairman of S-21, and I already put these
11 questions to the expert when Dr. Craig Etcheson testified about
12 the arrest of the Khmer who were sent by the Thai authorities
13 through Poipet point.

14 So as the Chairman of S-21, did you receive those Khmer people
15 who were sent from Thailand through Comrade Khay Pen, and later
16 on they were sent to S-21 by a vehicle? And I just want to
17 remind you that amongst those 26 people one died.

18 So in your role as the Chairman of S-21 did you receive this
19 group of people?

20 A.Mr. President, Mr. Co-Prosecutor, this is about a detailed
21 operation and I could not grasp it. Even if I grasped it, I
22 cannot recall it. The most important is the list. If the list
23 belongs to S-21 then I will not object because it would happen
24 under my authority vested to me by the Party.

25 Do you know from when the people were sent? When was the list

24

1 made?

2 [10.15.04]

3 MR. TAN SENARONG:

4 Mr. President, can I hand a document to the accused so that he
5 can examine it?

6 MR. PRESIDENT:

7 Yes, the Chamber allows it.

8 Court official, take the document from the Co-Prosecutor and give
9 it to the accused for his examination so that he can respond to
10 the question.

11 MR. TAN SENARONG:

12 In the Khmer language it has ERN 0009147.

13 MR. PRESIDENT:

14 Judge Lavergne, the floor is yours.

15 JUDGE LAVERGNE:

16 Mr. President, I would like to respect the rule concerning the
17 production of documents. I do not know what this document is
18 about which the prosecutor is referring to, and I believe that
19 this document should be read out to -- here in court or at least
20 summarized before we discuss it.

21 So Mr. Prosecutor, could you please give us some clarification
22 regarding this document?

23 [10.16.50]

24 MR. TAN SENARONG:

25 Thank you, Your Honour. The document which I received, which is

25

1 a list of the prisoners with the ER number as I said, is in our
2 case file and this document is attached to a letter of Amnesty
3 International with the French ERN 00271499 and 00271501. In the
4 Khmer language it's 000 -- (no interpretation).

5 MR. PRESIDENT:

6 Co-Prosecutor, can you read out the ERN number again? Thank you;
7 the ERN number for the English document so that the interpreter
8 can interpret it and then those people who use the different
9 versions can review those documents, if there is an English
10 version of it. If you do not have it, can you clarify it?

11 MR. TAN SENARONG:

12 Thank you, Mr. President. The French language has the ERN
13 00271499 and 00271501. Unfortunately I do not have the English
14 version of this document. I only have the Khmer version with the
15 ERN number 00323619.

16 This document is the concern of the -- (no interpretation).

17 MR. PRESIDENT:

18 Judge Lavergne, the floor is yours.

19 JUDGE LAVERGNE:

20 I apologize, but I have been looking for this document with the
21 ER numbers that you gave us, but I am unable to find the document
22 in question. Does this document have a number? Is it in the
23 introductory submission? Is it annexed to any other document?
24 Because there's really a problem here; I cannot find the
25 document.

26

1 [10.20.38]

2 MR. TAN SENARONG:

3 According to what we have received at the Co-Prosecutor's Office,
4 this document is in the ZyLAB system. It is the D84/2.5. I
5 think this document may be in Case File 002 but the list of names
6 concerning the concern of the Amnesty International is related to
7 the list of the prisoners at S-21 as I just mentioned. But this
8 document can be retrieved from ZyLAB.

9 MR. PRESIDENT:

10 The defence counsel, you take the floor.

11 MS. CANIZARES:

12 It seems to me that the document which the Co-Prosecutor is
13 speaking about is indeed included in Case File number 2.

14 MR. PRESIDENT:

15 Judge Lavergne, you take the floor.

16 JUDGE LAVERGNE:

17 Well, this prisoner list which is being referred to, does it at
18 least correspond to a prisoners list who were detained at S-21,
19 or this prisoners list, is it just a prisoners list that has been
20 annexed to the letter in question without any extra
21 specifications on this?

22 Is there a link between the prisoners list and S-21 and what is
23 this link if so is that case?

24 [10.22.39]

25 MR. TAN SENARONG:

27

1 Thank you, Your Honour, for seeking clarification.

2 This list contains a document D57, Annex 2, with ERN-0090147. If
3 the Chamber would like to obtain this copy, the Co-Prosecutor
4 office can present it from our screen if you allow us to do so.
5 (Deliberations between Judges)

6 MR. PRESIDENT:

7 We would like to give the floor to Judge Cartwright.

8 JUDGE CARTWRIGHT:

9 Thank you.

10 The President has a copy of this document in Khmer, but there
11 appears to be no copy in French or in English that is readily
12 available. The references simply don't give us access through
13 ZyLAB, at least not quickly. So can the Prosecutors help us,
14 please, to give us a copy of the French and/or the English?

15 JUDGE LAVERGNE:

16 I am not sure that it is the document that comes from Case File
17 number 1.

18 MR. TAN SENARONG:

19 Thank you, Your Honours.

20 [10.27.03]

21 Regarding this document that the Co-Prosecutor has obtained,
22 after we obtained this list, there has been a later translation
23 of the document that are related to Case File 002 because it
24 links to the State Presidium, Mr. Khieu Samphan, and I think in
25 the Case File 001, as I remember, there has not been such

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1 attachment of the letter sent from the Amnesty International. It
2 has been included in Case File 001 but the letter has a
3 connection with the list that we would like to present and the
4 Co-Prosecutor only would like to present the document in French
5 at a later date.

6 We are now attempting to ask the accused whether he can clarify
7 something regarding this list, whether he has received those
8 accused in the list. There has been some annotations and I can
9 feel that annotations belong to the accused, so we would like to
10 seek clarification whether the accused is aware of that.

11 MR. PRESIDENT:

12 We have observed that the questionings of the Co-Prosecutor
13 regarding this matter is not very clear, so regarding what has
14 been attempted to raise, the Chamber would like to hold on these
15 questionings regarding that ambivalent matter a little bit and
16 you may have the opportunity to put these questions again after
17 the break, after you have prepared your documents so that we --
18 we have to be sure that whether the document is related to Case
19 File 001 or 002 before we can proceed further.

20 [10.29.31]

21 So the Co-Prosecutor, you could please proceed to another fact
22 other than this ambivalent matter, and you still can revisit the
23 matter after the break.

24 MR. TAN SENARONG:

25 Thank you, Mr. President. And thank you, Mr. Kaing Guek Eav.

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1 We hope to review the questionings again as advised by the
2 President of the Trial Chamber after the break, and the national
3 Co-Prosecutor has no more questions at the moment. I would like
4 my colleague to be able to put questions to the accused.
5 Thank you, the accused also, for answering my questions.

6 MR. PRESIDENT:

7 The Chamber will take 20 minutes adjournment and we resume at ten
8 to eleven.

9 (Judges exit courtroom)

10 (Court recesses from 1030H to 1100H)

11 (Judges enter courtroom)

12 MR. PRESIDENT:

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

14 I would like the national Co-Prosecutor to verify the document
15 which was raised for discussion earlier before the break on the
16 relevancy of that document to the fact which is being discussed
17 at this time.

18 And secondly, I would like to remind you to provide us the
19 details of that document; the ERN number and other identification
20 of that document so that the parties can take note of this, can
21 search the document, and examine it from the case file.

22 So the floor is now for the national Co-Prosecutor.

23 MR. TAN SENARONG:

24 Thank you, Mr. President.

25 The national Co-Prosecutor attempts to raise the document as

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1 previously before the break is the concern about the list of
2 people who were sent from M-16 on the 23rd of October '75, with
3 the ERN number 00090147, and the English ERN is as follows:
4 00181611.

5 For the documents which are related to the list, I do not intend
6 to discuss those documents. My main focus is only on this list.

7 Thank you.

8 [11.03.31]

9 MR. PRESIDENT:

10 Judge Cartwright, the floor is yours.

11 JUDGE CARTWRIGHT:

12 Thank you, Mr. President.

13 You say that this list of 25 -- 26 people in fact -- is a list of
14 those sent from M-13. Is that what you're telling us?

15 MR. TAN SENARONG:

16 Thank you, Your Honour. Let me just read the list of the people
17 who were sent from the Thai border.

18 JUDGE CARTWRIGHT:

19 Excuse me. I want to know if you told us a moment ago that these
20 were people sent from M-13, because it's not on the document --
21 the English translation of the document. There is a reference to
22 M-16 but there is no reference to M-13.

23 MR. TAN SENARONG:

24 Thank you, Your Honour. In the list it is from M-16.

25 JUDGE CARTWRIGHT:

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1 Could you tell me what relevance this list has to S-21 and CPK
2 policy?

3 [11.05.15]

4 MR. TAN SENARONG:

5 Thank you, Your Honour. We raised the list of these names of the
6 people who were sent from Thailand because, amongst the people in
7 those 25, 26 people there were people who were in or related to
8 Case 001 and 002.

9 So what we want to know is that during the time that he served as
10 the Chairman of S-21 had he ever received any people who were
11 sent from Thailand to S-21 through M-16, and also the Office of
12 the Co-Prosecutor noticed an annotation on the list which was
13 sent from M-16, and we believe it is the annotation of the
14 accused and we want to verify this annotation as well as the list
15 -- whether he received the list during the time that he served as
16 the Chairman of S-21.

17 Thank you.

18 MR. PRESIDENT:

19 Judge Lavergne, the floor is yours.

20 JUDGE LAVERGNE:

21 Let me repeat; we have a document in Khmer and it contains a list
22 of names, and I see at the bottom of this document an annotation
23 down here on the left. Are you referring to this annotation?
24 Because as far as I'm concerned, I think this annotation is
25 somewhat illegible -- not legible. Or are you referring to

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1 another annotation?

2 MR. TAN SENARONG:

3 Thank you, Your Honour. At this time I want to talk about the
4 annotation on the left, as you said, and I want the accused to
5 verify whether he can recall that it is his annotation and what
6 is the complete reading of that annotation, because parts of the
7 annotation is illegible and cannot be read.

8 [11.08.14]

9 MR. PRESIDENT:

10 The Co-Prosecutor, you can put a new question again to the
11 accused, and the accused listen to the question and try to
12 respond relating to the annotation on the document which is being
13 discussed.

14 MR. TAN SENARONG:

15 Thank you, Mr. President.

16 BY MR. TAN SENARONG:

17 Q.The question for Mr. Kaing Guek Eav is: is the annotation
18 yours? And what does it mean in full?

19 A.Mr. President, this annotation, although it is half legible, I
20 acknowledge it is my annotation, although the signature is
21 missing but it is my annotation. And for other matters related
22 to the 25 or 26 Khmer people, I cannot recall at this time.

23 MR. TAN SENARONG:

24 Mr. President, my apology for the interruption. Can I ask the
25 Court official to present the document on the screen?

33

1 MR. PRESIDENT:

2 The IT unit, you can link the screen to the computer screen of
3 the Co-Prosecutor in order to project the document in question.

4 [11.10.38]

5 MR. TAN SENARONG:

6 Can the IT unit please show the annotation which is towards the
7 bottom, which is now acknowledged by the accused as his
8 annotation?

9 BY MR. TAN SENARONG:

10 Q.And what does it mean in full? This is for the accused to
11 corroborate.

12 A.Thank you.

13 Mr. President, I can only read a few words from this annotation,
14 and the title is, "My Respected Brother, this is a copy of the
15 letter which 25 Khmer people were sent," and the rest is
16 illegible. I cannot read -- so I cannot read the rest. I can
17 only read the first part of the annotation.

18 Mr. Kaing Guek Eav, do you acknowledge that you received the 26
19 people and 1 amongst those 26 died? Did you receive this group
20 of people?

21 A. On this matter, when there is my annotation, it means they
22 arrived, and probably this letter arrived with those people.
23 However, I had to make my annotations to my superior that these
24 people were sent to my location.

25 [11.12.51]

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1 As it is said, this is a copy of the letter once the 25 people
2 were sent. So it means before they arrived, my superior would
3 inform me and when I received them, I would send this letter to
4 the superior. So this is based on my analysis of this document.

5 Q.Thank you, Mr. Kaing Guek Eav.

6 Mr. President, could you instruct the IT unit to return the
7 screen to a normal screen and I, the national Co-Prosecutor, have
8 no more questions for the accused. I will hand the floor to my
9 International Co-Prosecutor to continue the questions to be put
10 before the accused.

11 MR. PRESIDENT:

12 The IT unit, can you return the screens to the normal screen of
13 the Chamber?

14 The floor is now for the international Co-Prosecutor.

15 MR. SMITH:

16 Thank you, Your Honours. Good morning. Thank you, Mr.

17 President. Mr. President, it I can ask that Document D69/18,
18 ERN number 00005248 be placed on the screen through the
19 Prosecutor's desk.

20 This photograph is a photograph we believe to be of the accused
21 during the DK period whilst he was Chairman at S-21.

22 MR. PRESIDENT:

23 The IT unit, can you link the Co-Prosecutor's computer again?

24 [11.15.05]

25 MR. SMITH:

35

1 While this is occurring, Mr. President, I will just explain the
2 line of questioning I would like to ask Mr. Kaing Guek Eav.

3 BY MR. SMITH:

4 Q. Basically, Mr. Kaing Guek Eav, it's in relation to how the
5 policy or how the killing policy of the CPK was instituted at
6 S-21. You have discussed that you were responsible for the
7 education and training at S-21, and particularly in relation to
8 this killing policy.

9 Just so the Court has more of an understanding of how you
10 actually did this, how you yourself did it in a practical
11 day-to-day way, it would be helpful, certainly for the
12 Prosecution to hear this, but before I ask you some questions, I
13 will just briefly put the summary of what you have admitted to in
14 Court.

15 Mr. Kaing Guek Eav, you have testified that the policy of
16 extra-judicial executions was disseminated at S-21 annual
17 meetings of the entire unit, as well as it was disseminated at
18 the meetings of the various sub-units. You have also agreed that
19 you disseminated this policy, this killing policy, when
20 responding to Judge Cartwright's question by saying:

21 "That the political, ideologically stance and education regarding
22 the enemies, it was I alone who was entitled to grab a mic to
23 educate people in that unit. It is true."

24 Firstly, when -- the first question I have for you -- and if you
25 can keep your answer reasonably brief -- that is, when you say it

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1 was you alone that was responsible for educating people in the
2 unit in relation to these policies and you were alone entitled to
3 grab the mic, are you saying that literally or figuratively
4 speaking? In other words, was it you alone that could introduce
5 the CPK line of killing the enemy at S-21?

6 [11.17.31]

7 A. Mr. President, before I respond to the question, I would like
8 to clarify on two matters. One is the line. The class and the
9 class struggle, and the CPK policy is that the enemy has to be
10 smashed. This is the general policy of the CPK and nobody dared
11 to violate it. That is number one.

12 Number two -- for those who were sent to S-21 -- S-21 they were
13 requested for the arrest. Those four groups of people as
14 designated in the decision of 30th March '76, they sent those
15 people to S-21.

16 Number three, which is the question raised by the Co-Prosecutor.

17 At S-21, I was responsible for the policy and as a general
18 chairman; so for political training regarding the enemy and the
19 operation of the interrogations, only I was responsible.

20 For example, regarding this microphone, I had authority over this
21 microphone that is at the school at Street Number 95. The school
22 was facing the west which is opposite to my house. I marked
23 letter E on the sketch as shown by the Co-Investigating Judges.

24 So I can verify that I alone provided the political training at
25 S-21.

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1 This is my response to you.

2 [11.19.45]

3 Q.Thank you. I just have a follow up question in relation to
4 the photograph where it shows you sitting here with the
5 microphone in front of you. You said that that photo was taken
6 at the School of Political Education for S-21. Is that right?

7 A.Mr. President, the education I gave was to the interrogators
8 annually and I educated in general.

9 Q.Thank you, and I thank you for keeping your answers brief so
10 that we can move through the topic as efficiently as possible.
11 In relation to the annual meetings, how many meetings did you
12 have during that period for the whole of S-21?

13 A. Mr. President, I have no documents to prove, but I can give
14 response through my recollections whether it is wrong or right
15 and we can discuss further.

16 Regarding the annual meetings or education sessions annually in
17 1975 during the congress, I conducted the training. In 1976, I
18 also conducted such sessions. In 1977, my superior, Son Sen, who
19 led the congress himself -- the meeting himself maybe on the 24th
20 of April 1977. And in 1978, I also chaired the meeting.

21 In conclusion, although when Nat was still the Chairman, I still
22 grabbed the mic to lead the meeting.

23 [11.22.16]

24 Q.Thank you. And the annual meetings for the entire staff at
25 S-21, how long did they go on for? Was it a day or a week or a

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1 few hours?

2 A. So far as I remember, the meeting lasted for one day. If
3 there is any study session, then the session would take longer.
4 For example, people would be broken into groups to discuss the
5 documents. Then the revolutionary biography had to be reviewed
6 annually. That's why in such meetings it would last even one
7 week.

8 Q. Thank you. These meetings when were they held? Were they
9 held at the same time every year or at different times in '75,
10 '76, '78 and '77?

11 A. I think we still have some documents to prove the meetings but
12 let me put it this way. The meetings when the establishment of
13 S-21 was established was conducted after 1975 and I could not
14 remember when exactly. So every meeting at S-21 was conducted
15 after I studied at the political school of the General Staff. So
16 after having learned from that session then I would have these
17 meetings.

18 Q. Mr. Kaing Guek Eav, you have agreed that the policy of
19 extrajudicial executions was disseminated at the annual meetings
20 of the entire unit. And that's of the entire S-21 unit; is that
21 correct?

22 A. It can be put in two ways which have parallel meanings. You
23 are mentioning about the extrajudicial killings but at that time
24 we taught the people about the class struggle. I think it is
25 identical although the wordings were different; the wordings for

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1 the Communist Party and the wordings for the international legal
2 concept. So I think the education regarding the class line and
3 class struggle were subjected to be trained to the people who
4 were our subordinates and we had to do our best to make sure we
5 could avoid being killed.

6 [11.26.07]

7 At that time our staff, even if they could derive from the
8 political line a little bit, then they would be killed. At that
9 time I remember Co-Prosecutor Yet Chakriya asked me about the
10 purpose for the recruitment of staff at S-21 and I told him that
11 we focused on our class status and origins and then Mr. Yet
12 Chakriya asked me whether I cared for their educational
13 background, but I did not care and I only recruited people to
14 support us.

15 So in order to avoid being punished then we had to stick to the
16 political lines valued by the Party. So now I can tell you that
17 regarding the international laws this is what we call
18 extrajudicial killing although back then we know that it's just
19 class struggle.

20 Q.Thank you. Mr. Kaing Guek Eav, you are doing a very good job
21 at responding to many questions from all parties and so to try
22 and lessen the load in that area I would just ask that you answer
23 the question, the very specific question that I ask you so that
24 we can move through the questioning a bit quicker.

25 You said the annual meeting was for the entire unit of S-21. So

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1 how many people would go to that annual meeting, those four
2 annual meetings that you had each year.

3 A. There were a lot of staff at S-21. When I conducted the
4 meeting, annual meetings, normally only the leaders of the
5 sections or groups were invited. Maybe there were about 30
6 people in each session.

7 [11.28.36]

8 Q. And when you say the leaders of each of the groups you're
9 referring to the defence unit, the guard unit, Prey Sar, the
10 document unit, the photographic unit; all of those units and
11 others. Is that correct?

12 A. I cannot recall how many groups there were actually at the
13 moment. However, the groups you mentioned covered those groups.
14 Because there are three groups in the interrogation team; we have
15 the hot, the cold, the chewing groups, so from each group we
16 selected one person and Pon attended the meeting at all times.
17 And people from the Special Force we had managed to get two or
18 three of them and from the defence group and also from Prey Sar.
19 Some of them were also selected to attend the meeting. So this
20 is how it worked.

21 But I could not remember how many groups there were and, frankly,
22 I cannot recollect it.

23 Q. Thank you. But in terms of the annual meetings I'm referring
24 to now, not particular trainings of sub-units, but in relation to
25 the annual meetings you stated that they took, I think, one day.

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1 So are you saying that at the annual meeting different groups had
2 representatives and came for sessions throughout that day or are
3 you saying that there was an annual meeting day for each of the
4 particular groups that you had sessions with?

5 A.I would like to clarify that I think that perhaps the way how
6 we worked were different and I tried to talk more. Each group
7 had their weekly meeting in their respective groups. The members
8 of S-21 had livelihood meetings in which self-criticism was also
9 applied once every two weeks and also the Youth League also had
10 such meeting or self-criticism session.

11 [11.31.27]

12 And in particular, when there was an annual meetings or where
13 there was a clear political line that a lot of people were
14 invited to gather for several days; for example, the Congress on
15 the 24th of April, 1977 when my superior came to attend such a
16 gathering and then he left after the morning session and then we
17 were broken into groups to discuss some documents. Then we
18 conducted a cross-check of biography and revolutionary
19 biographies, for example. This is how we conducted the session.
20 And when we noted that there had been some important things
21 related to the key interrogators, then we would just invite those
22 respective groups of people to attend such training or such
23 sessions. And after those sessions, they would go home, and then
24 conduct or continue working in their offices.

25 [11.32.49]

42

1 Q.Thank you.

2 Was attendance at these meetings, these annual meetings,
3 compulsory?

4 A.Mr. President, the attendance in such meetings were selected
5 from S-21 by the
6 committee at S-21 and it was compulsory, and by way of selecting
7 them also.

8 Q.Thank you.

9 You've said earlier in your testimony in relation to M-13 and
10 also in relation to S-21 that innocent people were brought into
11 these organizations, and they were made to kill; they were
12 transformed. You said that as an educator your job was to dare
13 them -- to dare them to interrogate, and to dare them to torture
14 which seems to imply that from being innocent or from not wanting
15 to do that in a natural way that somehow or another, you had to
16 encourage them, you had to dare them to interrogate, dare them to
17 torture, dare them to carry out the CPK killing policy. At these
18 annual meetings, how did you do that? How did you encourage
19 people to carry out this killing policy?

20 A.This question, I think in Khmer translation, it is the
21 innocent people who entered
22 M-13 or S-21 as I understood. If you look at these terms to be
23 debated, I think it would be rather complicated.
24 The people who were arrested and sent were made -- the decision
25 were made by the four groups of people, and I refer to the four

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1 groups of people only after the 30th of March 1976. Before then,
2 there were only two of them; the Standing Committee and the
3 secretary of the zones.

4 Before the 17th of April 1975, when the zones decided to send
5 people to S-21, then those people were regarded as enemies. So
6 if you compare to the laws in force in other countries, then we
7 called it extrajudicial arrests.

8 [11.36.12]

9 Q.A misunderstanding. I'm sorry; I think you've misunderstood
10 my question. I was actually referring to the staff at M-13 and
11 the staff at S-21, and how you would encourage them to carry out
12 this killing policy.

13 And now I'd like to refer you to a statement you made earlier in
14 the case. In response to a question by Judge Lavergne on the
15 27th of April 2009 at page 88 to 90, you testified that the
16 education and training of youth interrogators to the direction of
17 crime and cruelty was the same at M-13 as S-21. You said, in
18 effect, you stated you changed young people from innocent to
19 cruel. You trained them to, in an extreme situation, to dare to
20 interrogate their race and do anything they ordered. You said
21 you trained people in this cruel movement to kill people, detain
22 people. You said, "Education played an important role to make
23 innocent people cruel." You said, "The one who made the
24 education was me to turn them to be extreme, to be absolute." So
25 the question I'm asking is at these annual meetings where you say

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1 the policy of extrajudicial executions was disseminated, how did
2 you do that? How did you encourage them to do something that
3 they would otherwise not want to do?

4 A.I would like to state further that I think it has the basis
5 from these wordings that we
6 used. If we stay firm when it comes to the term "innocent
7 people" then I think there would have been controversy in
8 implying the words because when people were sent from the
9 Standing Committee or from the zones were presumed enemies
10 already, and after the 17th of April 1975, people who sent by the
11 four groups of people were enemies, and it's easy to convey the
12 message of those people.

13 As I told Judge Lavergne, we educated them to have an absolute
14 class stance because when people who were sent to S-21 were
15 regarded as enemies; this is how I taught them. If you did not
16 regard them as enemies, you could never extract confession from
17 them. So I talked to every cadre to regard people who were sent
18 as enemies; otherwise, we would have contradictory opinions
19 toward the Parties, and we would be ending up having problems
20 ourselves.

21 So we had to be able to beat the enemies because it was allowed
22 by the Party, and we could never arrest anyone which is
23 contradictory to the political -- to the Party's line. So I
24 think this is how it operated. So we used this language,
25 although it is different from what people could view the wording.

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1 So it is just the philosophy of how the Communist people would
2 like to use at that time. So the crimes derived from the
3 proletariat class stance.

4 [11.40.46]

5 Q.And perhaps -- would it be fair to say then that you're saying
6 that the annual meetings were more philosophical in terms of the
7 Party line? And would it be fair to say that the meetings with
8 the sub-units on a more frequent basis were where it was
9 explained how, practically, to carry out the Party policy, the
10 killing policy; would that be fair?

11 A.Mr. President, I would like to respond as follows. If we talk
12 about the other units, we are talking about various units within
13 S-21, various sections of S-21 office so we are not talking about
14 various units which are not under the S-21.

15 All the works that I did; I educated, I supervised the
16 implementations, and indicting them for the implementations of
17 the CPK policies. This is my short answer, and I am not sure
18 whether it reflects to your question.

19 [11.42.07]

20 Q.Thank you, Mr. Kaing Guek Eav.

21 I would like, just before I move off from the annual meetings and
22 what you practically did there, and start to talk about the
23 meetings of the sub-units, can you explain when the annual
24 meeting commenced, were you the only one that actually lectured
25 at those meetings -- of the CPK policy; the only one?

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1 A.Mr. President, I would like to respond as follows. In
2 lecturing the policy at S-21, as I have repeatedly said and I
3 would like to make clear this time, I the only one who teached
4 the policy for the entire S-21 unit.

5 [11.43.15]

6 Q.And just to be clear, this is the policy, teaching the policy
7 of killing -- of smashing. Is that correct?

8 A.The policy included all. Importantly, the policy of being
9 absolute or the strategy to defeat the enemy from one stage to
10 the next, which was taught by the Party. That was the policy. I
11 did not object, or reject, but because the language is slightly
12 different, so it might be there might be a misunderstanding.

13 When I taught annually, I taught it repeatedly and the language
14 of Pol Pot is that when you walk, the sharp sword is the one that
15 is used, not the one which is in its case. So you had to use it
16 to cut and then you had to sharpen it. So the comrades at S-21,
17 I the first one who implemented the duties assigned by the Party,
18 and after that I taught my subordinates. That is, I sharpened
19 the sword and then I used the sword again. So that is my
20 practice.

21 So when you talk about the killing it is in a case which is a bit
22 hard to understand each other. So this is my response.

23 Q.Thank you. And would you agree with me that any education and
24 training at S-21 in relation to CPK policy was extremely
25 important, and important enough that particular buildings were

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1 set aside for that purpose? And if I can go on, you stated that
2 you took over the Bethlehem Church near the compound and then for
3 about two years a school was built, an education and political
4 school was built for the purpose of training S-21 staff. Is that
5 correct?

6 A.That is correct. I used a church, the Bethlehem Church, as a
7 training and ideological training for the unit, and later we
8 built a small school near my house on the east of Street 95. So
9 I did provide the training at the church and also at the new
10 school, but I provided more training at the new school.

11 [11.46.27]

12 Q.Why was it decided to build a training school? Why was it
13 decided to build one, rather than just use a house in the area
14 like you did for interrogation?

15 A.My school was on a ground floor. It's about half a metre
16 above the floor. And about 50 or 60 people attended the
17 training, and for the villa within the compound of the S 21, as
18 you have known, it would not be able to accommodate such amount.
19 And at that church it was far from my house, so it's difficult
20 when my superior wanted to speak to me on the phone, so I decided
21 to make a new school near my house so that I would be able to
22 answer the phone when the superior called.

23 Q.Thank you. And the new school that was built, it was built
24 directly opposite your house, in walking distance; correct?

25 A.Mr. President, let me respond to this question.

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1 The new school was to the left of my house. It was just one
2 block away.

3 [11.48.02]

4 Q.Now, you said that the school was near your house because you
5 may have been on the phone to -- I can't remember what you said
6 -- who you said to, but you may be on the phone to Son Sen or one
7 of your superiors.

8 Why was it important for you to be so close to the training
9 school? Why was it important for your house to be so close to
10 the training school?

11 A.This is the view for the practical benefit. If my superior
12 Son Sen called me, then the phone operator would run to call me,
13 so then I would run from the school to meet him on the phone. So
14 this is for a practical reason, that's all; nothing else.

15 Q.Thank you. And you made the decision for the school to be
16 built near your house. Is that correct?

17 A.That is correct. Thank you.

18 Q.Mr. Kaing Guek Eav, you appear to be saying that training was
19 fairly frequent; otherwise it would be difficult to keep
20 communications with Son Sen if your school was too far away.
21 How frequent were the trainings at this school?

22 A.Thank you. Mr. President, let me respond to this question.
23 It has happened for over 30 years now, so the documents that the
24 Co-Prosecutors might have in their possession regarding my
25 training at the school, so I think it's also mentioned in the

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1 notebook of Brother Mam Nai and in that notebook it has the ERN
2 00077611 to 00078056. There are more than 300 pages.
3 So toward the end I provided frequent training as mentioned in
4 the notebook, so that was the content of my trainings which was
5 written by Mam Nai in his notebook.

6 [11.50.50]

7 MR. PRESIDENT:

8 The IT unit, can you disconnect the computer from the
9 Co-Prosecutor and switch the normal view on the screen.

10 Mr. Co-Prosecutor, you can continue your question.

11 MR. SMITH:

12 Thank you.

13 BY MR. SMITH:

14 Q.Mr. Kaing Guek Eav, we're not referring to particular
15 documents here. We're just referring to the comments and the
16 statements that you've made to the Co-Investigating Judges in
17 this investigation to ask you these questions. And perhaps now
18 we're moving away from the annual education sessions where this
19 killing policy was disseminated and moving more to, as you say,
20 the frequent trainings that were conducted at S-21.
21 You've testified already in this case that from the beginning you
22 took over the Bethlehem Church for the purpose of education of
23 cadre and combatants, and you've also said today that shortly
24 after that you built a training school opposite your house. When
25 you say "for the purpose of education of cadre and combatants"

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1 who are you referring to? Is it S-21 staff?

2 Did you classify them as combatants? Can you explain a bit
3 further?

4 A.Your Honours, this issue is repetitive, but I would like to
5 verify that maybe there is a misunderstanding on this point. The
6 meetings and the annual trainings I collected a number of people,
7 including the cadres, the members and the youth league members
8 and the ordinary people who were in charge of a certain section;
9 that is for the annual meeting.

10 [11.53.11]

11 Separately, the frequent training that I conducted was for the
12 purpose of the interrogation team. So only for the interrogators
13 and only selective groups were selected. That means fast
14 attack/fast success. So after the morning session they can
15 return in the afternoon to implement what they learned. That is
16 fast attack/fast success.

17 Q. Thank you. Perhaps the next questions maybe relate more to
18 the next part of the case but whilst we are on the point, when
19 you say the training was fast attack/fast success, from training
20 in the morning to actions in the afternoon, can you explain what
21 you mean by fast attack in the training? What were you saying to
22 these interrogators?

23 A.I used two words. One is to use a sword frequently, it
24 becomes more sharpened. So the interrogator cadres, which are
25 under my supervision, in order to implement their duties, let's

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1 say to implement or to execute their duties, they were in a state
2 of facing obstacles or challenges and then they would need the
3 advice from the superiors regarding the lines, the ideology. So
4 then we recall them for training and after the training they will
5 have all -- they are equipped with new knowledge.

6 Let me put it this way from the view that I used. From the
7 operation to theory, when you are in operation it means you
8 understand more about the theory, and when you go and look at a
9 theory again then you know more about the operation. So it
10 becomes like a square or a circle of operation and theory, and
11 that's the measure that I implemented.

12 [11.55.51]

13 So fast attack/fast success is within this theme. That means if
14 we have one hour to train then I would use one hour to train.
15 And if there is half an hour to train then I would use that half
16 an hour to train, so that is -- it falls within the circle of
17 operation and theory.

18 Q.Would it be fair to say that at S-21, particularly with the
19 interrogators, you transformed theory into practice, into
20 practical advice for the interrogators, so they knew how to get
21 the confession?

22 A.That is correct, thank you.

23 Q.Thank you. You said that a lot of the training for the
24 interrogators was done on a very small group basis or on an
25 individual basis but, at the same time, you said that it was

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1 important that a school was built that could have 50 or 60 people
2 in it for training.

3 So other than the annual meetings, which obviously are just once
4 a year, and other than the small group fast-attack training with
5 the interrogators, what other trainings would you have in that
6 new school that would require you to have that larger space?

7 A.Mr. President, let me respond to this question as follows.

8 This training, when it is full, it was only for the annual
9 meeting, especially when it's rarely attended, then I would
10 gather as many people as possible to attend this lecture.

11 Besides that, for the fast attack/fast success there will be
12 probably 5 to 10 people for the training session and it happens
13 probably once a week, 10 days, a week or a fortnight or a month,
14 and it lasted half an hour or one hour per session or probably
15 less than two hours and usually it's for one-hour session. This
16 is my response to you.

17 [11.58.51]

18 Q.You've given us the frequency of the training with the
19 interrogators at this new school from once a week to once every
20 two weeks to once a month. Would it be fair to say that for
21 periods of time through the operation of S-21, through '76, '77
22 or '78, through some periods of time there was definitely
23 trainings of interrogators for once a week with up to 5 or 10 of
24 them there at any one time because you have given a few options
25 there.

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1 A.Let me verify that. For the frequent training that I
2 provided, it was so frequent in 1978. In '76, I never gathered
3 the interrogators for the training. Towards the end of '77, yes,
4 but the frequency existed in '78 when we were so busy. So I had
5 to educate those interrogators more frequently as well.

6 Q.You said that the training was a lot more frequent with the
7 interrogators during 1978. Just to confirm, that's because the
8 numbers of people that were detained at S-21 were far higher than
9 any other year, '77 or '76. Is that right?

10 A.I think it depends on the number of people who entered S-21,
11 but this was not interrelated, I guess, because people who were
12 called to attend the trainings more frequently was because I
13 personally could understand the strength and weaknesses of the
14 situation regarding the enemies. Through the presentation, I
15 learned from the party. So it answered to the demands of the
16 party that we conducted more frequent meetings. That's one
17 point. So it was not based on the numbers of people at S-21.

18 [12.01.39]

19 Number two, it depended on the frequencies of -- the needs, the
20 party needs. For example, the party needed us more and then we
21 needed more times -- more people to be trained or to be polished.
22 That's why we had more frequent meetings.

23 Q.You said more frequent meetings, but really you're talking
24 about more frequent trainings. Is that correct?

25 A.We did not actually meet much but when we met it was more

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1 about education sessions. So when we met, then we talked about
2 theory and then we executed the measures to be executed.

3 Q.Thank you.

4 MR. SMITH:

5 Your Honour, I notice the time is five past twelve. I'm
6 wondering whether Your Honour wants to break now or I can
7 continue.

8 MR. PRESIDENT:

9 We will take an adjournment for a lunch break, but before we take
10 the break we would like the floor to be given to Judge Lavergne.

11 [12.03.28]

12 JUDGE LAVERGNE:

13 Thank you, Mr. President.

14 I think it would be possibly useful for our debates to understand
15 for how long the prosecutor would have questions to put to the
16 accused on the policy implementation for the Communist Party.

17 MR. SMITH:

18 Thank you, Judge Lavergne.

19 The line of questioning was in relation to how Mr. Kaing Guek Eav
20 conducted the trainings and I was to ask him further about
21 meetings with other sub-units where the policy was disseminated
22 and the self-criticism meetings where the policy may have been
23 disseminated.

24 I would assume, based on this morning, if I could have one more
25 hour maximum with the accused, that would be appreciated.

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1 MR. PRESIDENT:

2 We now take an adjournment for lunch and resume at 1.30 p.m.

3 The security guards please take the accused back to the waiting

4 room and bring him in by 1.30 p.m.

5 The parties to the proceedings are also advised to come by 1.30.

6 (Judges exit courtroom)

7 (Court recesses from 1205H to 1321H)

8 (Judges enter courtroom)

9 MR. PRESIDENT:

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

11 We would like to invite the International Co-Prosecutor to

12 proceed putting further questions to the accused concerning the

13 topic at issue.

14 MR. SMITH:

15 Thank you, Mr. President, Your Honours. I reviewed the topics

16 over the break and I hope that we finish well within the hour.

17 Mr. President, if I can ask that D69/18, the photograph of Mr.

18 Kaing Guek Eav, be placed on the screen again. There's just a

19 couple of questions that I need to finish up on with that

20 photograph.

21 MR. PRESIDENT:

22 The AV officials, please link the system to the monitor of the

23 Co-Prosecutor.

24 MR. SMITH:

25 Thank you.

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1 BY MR. SMITH:

2 Q.Mr. Kaing Guek Eav, I just have a couple of more questions
3 about this particular photograph.

4 I'm unclear whether you said this morning that this photograph
5 was taken at an annual training meeting of the S-21 units or
6 whether it was taken at another time. Was it taken at an annual
7 meeting or at another time?

8 A.I would like to respond to your question as follows. This has
9 passed several years already, more than 30 years, and I cannot
10 precisely tell you the exact date, but based on my assumption, I
11 believe that this photo was not taken while the interrogators
12 were invited to attend a session. Maybe it was taken during the
13 annual training session; that's all.

14 [13.37.13]

15 Q.Thank you. And on that, when you were not conducting your
16 annual trainings, but your trainings within the year, would you
17 be speaking through a microphone like that to your investigators
18 or to other people that you were training, or would you not use
19 the microphone in those instances?

20 A.With the new school Hor better managed the school and I could
21 use the mic at all events, even with four or five attendants.
22 Then the speakers were installed just over our heads, so it was
23 not that loud but it was easy to be heard -- everyone. I mean
24 when I spoke.

25 Q.Thank you. You talked about 1978 and how your trainings

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1 became a lot busier because of the demands of the Party. You
2 mentioned that interrogators, between five and 10, were being
3 trained by you about once a week during that 1978 period.

4 Are you saying that when you were training these interrogators
5 that you would use the microphone in this manner, as we can see
6 on the photograph? It seems quite formal.

7 A. Normally during the training session I would use the
8 microphone all the time.

9 Q. Thank you. So the photograph that we see here on the screens
10 today, D68, is quite a typical image of you training people
11 throughout the period at S-21; a common image, would you agree?

12 A. (Microphone not activated)

13 [13.39.08]

14 Q. Sorry, I missed that. Did you answer yes or no?

15 A. Sorry, I thought that you heard it already. I said that it's
16 true, yes, that's all right.

17 Q. Thank you.

18 The new training school, or the training school that was in
19 operation close to your house for that perhaps two-year period
20 prior to the takeover by the Vietnamese, how busy was that? Was
21 that being used every day, that training school?

22 A. As I already stated, the training did not take place every
23 day, maybe once or twice in a week, or sometimes when the
24 superior needed more trainings, then we had to circulate the
25 policy to the subordinates as requested by the superiors, then we

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1 would conduct more trainings.

2 Q.Thank you. Perhaps to be a little more specific, when you
3 talk about the busier period, 1978, how many times a week then
4 would that training centre have been used in the most busy period
5 in terms of training and education?

6 A.I can presume that -- no, based on my assumption I think
7 documents can be referred to if you would wish the reference, but
8 I think maybe it took place once a week and -- or once after two
9 weeks but no longer than that.

10 [13.42.01]

11 Q.Okay; thank you.

12 Other than interrogators being trained, what other units or
13 sub-units were trained in this school, in the political education
14 school?

15 A.Once every year people were invited from various sections,
16 even from Prey Sar, and -- but during the fast attack/fast
17 success, then only the people who were close by that would be
18 invited to such trainings.

19 Q.Thank you. Are you saying then that, other than the annual
20 education sessions, the training school was only used for
21 interrogators at S-21? Particularly I'm referring to 1978, that
22 busy period. Other than those annual sessions were other units
23 using it to train? Say, for example, the guard unit or the
24 document unit or the economic unit?

25 A.No. These people only attended the training with me once a

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1 year. After that annual training there would be only the
2 interrogators, who frequently were trained by me, and the
3 interrogators who were asked to attend the training only were
4 invited upon the request and urgency.

5 Q. So where were the guards trained? Where was the guard unit
6 trained? Where were they given that political line?

7 A. The guards -- aside from receiving training annually from me,
8 they were trained in their own groups, and I have obtained the
9 documents when Hor conducted trainings in the group. I noticed
10 that that document entitled "Circular" or something like that for
11 such training.

12 [13.45.07]

13 Q. Thank you, but I think my question was, where were they
14 trained? Where were the guards trained? Were they trained in
15 the new training centre or somewhere else?

16 A. I have no idea where the training took place because Comrade
17 Hor managed that and I did not know even how many people attended
18 each session. However, when Hor conducted the training he only
19 taught the internal regulations to be implemented by the guards.

20 Q. So is it the case that you know that the guards were not
21 trained at the new training centre next to your house, or is it
22 the case that you just don't know?

23 A. First, Comrade Hor did not use my place for such trainings.
24 And number two, they might break into small groups to study that
25 circular, and I think they would have formed such a group, small

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1 group, and studied the material in various places.

2 Q. When you say you think, do you know that or you're just
3 presuming?

4 A. Thank you for your question. I think it's based on my
5 presumption because I think that the trainings could take place
6 but they did not come to my place to conduct such trainings.

7 Q. So would it be fair to say that the training school that was
8 near your house, the school that was built, was largely your
9 training school for the training of interrogators other than the
10 annual meetings for the S-21 units?

11 A. It's partially correct because annual meeting for S-21 was
12 conducted by me at that new training centre. So the meetings
13 took place there and I chaired the meetings.

14 Q. Okay. But just so that it's clear, no one else conducted
15 training sessions at that new school outside of the annual
16 meetings. Is that right?

17 A. That's correct.

18 Q. And is it also fair to say that you don't know of any other
19 place where sub-units were trained at S-21?

20 A. I don't know. But of course there would have been several
21 places because each group had their independent place for such
22 trainings.

23 [13.48.32]

24 MR. SMITH:

25 Your Honours, perhaps D68 can be taken off the screen now. Thank

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1 you.

2 BY MR. SMITH:

3 Q.And just so that we're clear about your involvement ---

4 MR. PRESIDENT:

5 The AV officials, could you please convert the screen to the
6 normal mode?

7 BY MR. SMITH:

8 Q.And Mr. Kaing Guek Eav, just so that we're clear about your
9 involvement in trainings, did you train -- did you yourself train
10 anyone or any group outside of that training centre? You
11 particularly?

12 A.I completely managed the S-21, so every year my staff both in
13 Phnom Penh and in Prey Sar came together to study with me. But
14 for other units, I don't know. It's their business.

15 Q.Okay, but if you could just answer the question directly. Did
16 you conduct any other trainings outside of the new school? Yes
17 or no?

18 A.I only have two places, at the church and the school which is
19 the letter E which I marked on the sketch. My apology; one time
20 I went to Prey Sar for the training.

21 [13.50.51]

22 Q.Thank you.

23 Why did you decide to have the interrogators come to you for
24 training rather than you go to where the interrogations were
25 being carried out? Why did you choose that approach?

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1 A.We called them to come. Sometimes they came in five or six or
2 10 people. If I go to their place and if they were busy
3 interrogating, then there would be no training.

4 MR. SMITH:

5 Excuse me, one moment, Your Honour. I'm just checking my notes.

6 BY MR. SMITH:

7 Q.Mr. Kaing Guek Eav, you made a statement to Co-Investigating
8 Judges which is D72 at 00204284, which is the English. I
9 apologize, I haven't got the Khmer or French ERNs at the moment.
10 You explained to S-21 staff at a training session on the 25th of
11 July ---

12 [13.52.35]

13 MR. PRESIDENT:

14 Co-Prosecutor, could you read the ERN number of that document
15 slowly so that there will be a proper translation?

16 MR. SMITH:

17 My apologies, Your Honour -- 00204284. It's Document D72.

18 BY MR. SMITH:

19 Q.You explained to S-21 staff at a training session on the 25th
20 of July 1978 that S-21 was appointed to search for Vietnamese
21 agents through the confessions. Do you remember that meeting?

22 A.Mr. President, before I respond, would you permit me to read
23 the document D72?

24 I would like my defence counsel to provide me the document D72 in
25 the Khmer language.

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1 MR. PRESIDENT:

2 The defence counsel, could you provide the document to the
3 accused as he requested?

4 MR. SMITH:

5 Your Honour, whilst this is being prepared, I have a series of
6 questions on another topic and perhaps we could finish up on this
7 topic with this document once it's found.

8 THE ACCUSED:

9 Mr. Co-Prosecutor, could you tell me which page or which line of
10 the document D72 that you would like me to respond to?

11 MR. PRESIDENT:

12 The International Co-Prosecutor, you can respond to that
13 question.

14 BY MR. SMITH:

15 Q.Mr. Kaing Guek Eav, I haven't got the Khmer reference number
16 with me at the moment, but the text relates to a statement that
17 you made to the Co-Investigating Judges, at an S-21 training
18 session that S-21 was appointed to search for Vietnamese agents
19 through the confessions. And you confirmed that meeting.

20 [13.56.24}

21 Unfortunately I don't have the number for you right at the
22 moment.

23 A.Can you tell me which page in the English version of that
24 document?

25 Q.00204284.

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1 A.What is the page number of that document?

2 MR. SMITH:

3 Perhaps, Mr. President, if we can move on until we find that
4 particular page, and
5 then perhaps we can bring it to the accused's attention at the
6 end.

7 BY MR. SMITH:

8 Q.Thank you, Mr. Kaing Guek Eav. I will try and get the
9 reference number for you, but perhaps -- can we just move to one
10 other topic, and that's the topic of the self-criticism meetings
11 which were required by the CPK statute.

12 Now, I'd briefly like to follow up on Mr. Hong Kimsuon's question
13 to you regarding the practice of self-criticism or livelihood
14 meetings at S-21.

15 In the transcript at page 5 on the 30th of April you said that
16 you implemented a principle with the S-21 Committee -- namely
17 you, Hor and Huy -- that you met fortnightly and held
18 self-criticism meetings. However, you said that due to the
19 workload and because of your trust amongst each other -- that's
20 with Hor and Huy -- and because you really hated the meeting, you
21 did not continue with these meetings, but in essence you said you
22 self-criticized each other on a case-by-case basis. If either
23 one of you -- one of the three of the group -- made a mistake,
24 you would tell each other and that was your routine operation.
25 Can you tell the Court how many of these self-criticism meetings

65

1 you had with Hor and Huy, and when you decided to stop them?

2 [13.59.16]

3 A. My response to Mr. Hong Kimsuon, I was not sure about the
4 translation; however, I would like to remind about the practice
5 at my S-21. I, Comrade Hor and Huy were the committee members of
6 the S-21, and as the committee of the S-21 Office, we criticized
7 each other in detail during the study session when we were called
8 by the superior, and that we had the opportunity to criticize
9 each other. That amounts as the committee members. And for the
10 congress or the annual study session; they were done separately.
11 And usually for the Party members, they had their own branch and
12 they had to attend these self-criticism meetings every fortnight.
13 But for the three of us, we tried to seek opinions from each
14 other constantly, but the self-criticism meeting we never held
15 once amongst ourselves. So this is just to make sure of what
16 happened based on our practice at the time.

17 So there were separate meetings amongst the other committee
18 members, and amongst those Party members which was held every
19 fortnight. And the three of us, we criticize only during the
20 congress.

21 [14.01.28]

22 Q. But if I refer to what you stated to Mr. Hong Kimsuon, you
23 said that if either of you made a mistake you would tell each
24 other. So as only as the mistakes arose would criticism begin.
25 Is that correct?

66

1 A. In the Khmer language that I used to say that we sometimes met
2 each other, it's not really a serious, formal word like
3 "criticism" or "self-criticism." It's like a reminder to each
4 other. It's not to criticize. So it's just a reminder or to
5 keep advice -- opinion. So then we reminded each other, and that
6 happened very frequently.

7 This is the truth.

8 Q. Thank you.

9 You said that you did away with the formal meetings -- the formal
10 fortnightly meetings because you trusted each other. How did you
11 build that trust between yourself, Hor and Huy? How did that
12 trust build?

13 A. I would like to state that there are various reasons, but when
14 you ask suddenly like this, let me respond briefly according to
15 what I can recall.

16 I would like to inform the Co-Prosecutor that Comrade Hor and I
17 were in prison together in 1968 at Prey Sar. At that time,
18 Comrade Hor was in a Youth League and I was a candidate member,
19 and we worked together and we became known to each other from
20 that time.

21 Later on, from 1975, we met each other again as a member of the
22 S-21 Office Committee. So in conducting our work, I did not
23 believe anybody tries to work and want to die. Everybody was
24 aware that if anybody tried to release someone -- an enemy -- it
25 meant we would be killed, so we had to trust each other.

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1 As for Comrade Huy, he was a new person. I only met him when I
2 came to work at S-21, but this Nuon Huy, he was a close associate
3 to Comrade Hor during the war against the Lon Nol. They knew
4 each other. So the trust was through Comrade Hor, and that
5 linked the three of us to trust each other.

6 [14.05.17]

7 Separately, you did not ask me, but I would like to add to this
8 point. Brother Mam Nai, he was in prison with me also from 1968,
9 and Brother Nai and Comrade Hor knew each other too. So all of
10 us had trust on each other.

11 MR. SMITH:

12 Your Honour, if document E3/28, Introductory Submission, Annex C
13 number 9.1 --
14 in the Khmer version 00053007 to 00053037 -- which is the Party
15 statute, the CPK Party statute; it refers to the obligations of
16 Party members to perform self-criticism meetings daily with their
17 group.

18 And I ask that -- perhaps I'll quote the fundamental principles
19 and political status of the Party during the new era of socialist
20 revolution and the construction of socialism. This is the
21 fundamental principles on which the statute is based. It states:
22 "The CPK takes criticism and self-criticism as its daily routine
23 and as its means to struggle to build the Party internally in
24 eradicating and altering faults and various confusions inside the
25 Party, and to push to expand the good qualities of the Party to

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1 prosper quickly non-stop."

2 The statute then goes on at Article 2 and it talks about the duty
3 of Party members and it states, in essence, that Party members
4 must strive to implement the daily routine of self-criticism.

5 Are you aware of that obligation under the CPK statute, and were
6 you aware of it at the time?

7 A.Mr. President, first I would like to read the statute of the
8 -- CPK statute of 1976 in the Khmer language.

9 "2. The internal duties:

10 (a) To have the duty within the Party to have a meeting regularly
11 on a monthly basis."

12 Let me verify that. When I was an ordinary member at M-13, which
13 was not a Party committee, every month I had to attend a meeting.
14 I rode my bike to a meeting from Amleang to Krang Beng. It was
15 like 30 to 40 kilometres away. I had to attend it regularly.

16 [14.09.14]

17 At the time that the two -- the three of us in the Party's
18 committee, the working conditions required to us to hold our
19 livelihood meetings, but due to the workload it changed a little
20 bit from the monthly meetings to like an opinion-provided
21 meeting. When a problem arose, and during the annual meeting,
22 then we combined all those issues together and that's what
23 happened.

24 Q.Thank you, Mr. Kaing Guek Eav. Can I ask you to read out
25 Article 2, part (f) please, of the statute.

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1 A. Actually, in point (f) we try to exercise the self-criticism
2 regime, a regime to review the revolutionary biography
3 meticulously and regularly in order to build oneself and the
4 internal Party as good examples:

5 "Always actively fight in the work of national defence and
6 building the country of Democratic Kampuchea according to the
7 Party's direction of socialist revolution and building
8 socialism."

9 Mr. President and the Court, the statute of the Party is a
10 document that I am so fearful of because I had to really read it
11 regularly and I compare myself against the documents. I had to
12 read the documents every time. Other comrades in the committee,
13 like me, had the same feeling. So this was the source for our
14 regular implementation here. It did not say monthly or daily,
15 but we had to do our best to read the material otherwise we would
16 be in big trouble.

17 [14.11.57]

18 So we had to try to compare our vision and philosophy against the
19 CPK statute. I never failed any moment to read this document,
20 although I may have failed to have a good track of the
21 revolutionary magazines -- "Flag" magazines.

22 I would like also to read the confidentiality and the principle
23 of the Party and how to build the public and I -- and the mass,
24 so I read this material and I worked very hard to make sure that
25 I followed up the -- I can really respect the statute because

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1 this statute was used to determine whether we would be killed or
2 we would survive.

3 Q.Thank you. Perhaps if I can stop you there and just ask you
4 to say whether you agree or disagree with this statement.

5 Do you agree with me that the fundamental principles of the CPK
6 statute at paragraph 7 and at Article 2(f) require CPK Party
7 members to daily self-criticize? Do you agree or not agree?

8 A.I don't know whether the translation problem again; I don't
9 know. I would like to read it again and I would like the
10 interpreter to translate:

11 "(f) Strive to implement the regime of criticism and
12 self-criticism, the regime of inspection of revolutionary life
13 used properly, carefully and actively in order to build oneself
14 and the internal Party as good examples. Always actively fight
15 in the work of national defence and building the country of
16 Democratic Kampuchea according to the Party's direction and
17 socialist revolution and building socialism."

18 So (f) paragraph is of course a mandatory task that every member
19 of the Party had to meet regularly, and whenever they met every
20 now and then had to be well prepared to read out or to quote the
21 reference to make sure that we got a good defence in such a
22 meeting.

23 [14.14.45]

24 So in point (f), it is more about that substance. It is not
25 compulsory that we had to really read or to study the statute

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1 point (f) daily or meet daily, but it's only our effort to make
2 sure that we have a good understanding of the article.

3 Q.But in any event yourself, Hor and Huy dispensed with these
4 regular meetings and only criticized on a case-by-case basis. Do
5 you agree?

6 A.Mr. Co-Prosecutor, annually we met. Definitely we had to
7 meet. Monthly or weekly meetings took place as frequently as
8 needed.

9 I would like to also confirm that from S-21 to Prey Sar there was
10 a phone line, so if I wanted to meet Huy then I would ask
11 somebody to connect him through the radio communication.

12 [14.16.20]

13 Q.Thank you. Perhaps one last question or series of questions
14 on the topic.

15 In relation to the annual general meetings of the CPK Party --
16 and I'm referring to a statement you made to the Investigative
17 Judges at D29 00153571 -- is it correct that you went to four
18 annual political education meetings for military units under Son
19 Sen outside of S-21. Is that correct?

20 A.Mr. President, could you please ask the Co-Prosecutor to
21 repeat that question? I think I may have not followed it.

22 [14.17.20]

23 Q.Perhaps I will cut it shorter.

24 You attended, did you not, the political education meetings for
25 military units under Son Sen in 1975, in 1976, in 1977 and in

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1 1978. Is that correct? Yes or No?

2 A.Thank you. In 1975, in 1976, in 1977 and in those three years
3 we attended the training in which my superior, Mr. Son Sen, gave
4 the presentation. But in 1978 my superior and the other people
5 of the military unit already went to the battlefields so there
6 was not any significant event left here at the back.

7 At that time I attended the training with Pol Pot, the Secretary
8 of the Party, who actually had to present the documents to the
9 cadres. So in 1978 it was Pol Pot, not Son Sen, who chaired the
10 meeting.

11 Q.Thank you. And just so we're clear, in 1975 and 1976, these
12 political education meetings were held near the Olympic Stadium.
13 Is that correct?

14 A.Thank you. The political trainings in 1975, 1976 took place
15 at the basketball court of the Olympic Stadium. In 1977 there
16 were more people. Then Son Sen, my superior, did not use the
17 basketball court but he used another adjacent place for housing
18 such training. But the same presenter still chaired the meeting.

19 Q. And in 1978 when you went to the political education meeting
20 which Pol Pot chaired, that was at a venue close to the
21 riverside. Is that correct -- in central Phnom Penh?

22 [14.20.20]

23 A.Thank you. I think that actual location back then was called
24 Preah Suramarit Buddhist Institute. It is of course at the river
25 front and the road passing or crossing right in front of the

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1 building was Doctuer Hahn's Road.

2 Q.Thank you. And you stated to the Co-Investigating Judges that

3 Pol Pot personally came and gave the political lessons to the

4 chairpersons of the small units, and you included S-21 and the

5 state stores, the tailoring group, and also he gave the lessons

6 to large units: social action, health ministry.

7 You also stated that he came to greet the participants along with

8 Nuon Chea, Ieng Thirith, who were present. And you attended with

9 Hor. Is that correct?

10 A.Mr. Co-Prosecutor, the people who lectured at the training was

11 Pol Pot alone. Nuon Chea, Uncle Nuon, accompanied him but Ieng

12 Thirith and Yun Yat, Chuon Choeun, Dy Phon, Huy, Hor and I and

13 the other people were attendants, trainees.

14 All the people who attended the trainings were normal members of

15 the Party. They were not the Central Committee's members. At

16 that time, Ieng Thirith or Yun Yat were not yet members of the

17 Centre Party. So we were not the senior members in those

18 meetings.

19 Q.How long did that meeting go on for, the one with Pol Pot in

20 1978?

21 A.Mr. Co-Prosecutor, I do not want to use the word "meeting"

22 because during the meeting I had the right to talk or give a

23 speech but at that time only Pol Pot gave the lecture. I, Ieng

24 Thirith and Yun Yat, Chuon Choeun, Hor, Huy were only copying

25 from what was being lectured. So I think it was not fairly

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1 called a meeting.

2 [14.23.23]

3 So I think we started for three days and then we met to discuss
4 the documents for another three days before we met again to write
5 the biography when we were broken, individually, to write our
6 separate biography. Then we brought them together and
7 cross-examined the biographies. Altogether it took about 10
8 days.

9 Then during the first three days Pol Pot came and he came the
10 last day also to end the event.

11 Q.Was this annual meeting in 1978 -- was it 10 consecutive days
12 or did you have a break, like the weekend off?

13 A.The meeting lasted consecutively and after the meeting we
14 broke into groups to discuss the documents.

15 Q.Did you personally meet Pol Pot at that annual meeting --
16 personally speak to him?

17 A.There was a protocol, a clear protocol for such a session,
18 although during the training session he did not come to talk
19 privately with any trainees. This is the firm policy.

20 [14.23.49]

21 I would like to also state that on 7th of January 1979 when we
22 left Phnom Penh, I only met Pol Pot in a meeting on the 17th of
23 April and the 13th of September and the 6th of January 1978 for
24 another time when Pol Pot attended the anniversary of the victory
25 of the Khmer Rouge soldiers over the Vietnamese. We also met him

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1 one more time.

2 Every time when we met I think we were far away from one another.

3 It was about 10 metres. This is a fixed protocol that they did

4 not really communicate personally with any individual trainee to

5 avoid being jealous by the trainees.

6 Q.Jealous because he was the head of the CPK?

7 A.Thank you. Thank you. In that time, in our Party, the people

8 who respected the Party wanted to meet personally with Pol Pot to

9 get personal advice. So if I had met him then the other people

10 would look at me -- look at it from top to toes. Then I think it

11 would not be good.

12 [14.27.20]

13 Q.And do I understand you correctly that in 1978 you were in the

14 presence of Pol Pot on about four or five occasions. Is that

15 correct? You gave a series of dates and did those dates relate

16 to 1978?

17 A.In 1978 -- if you're talking about 1978 when I met with Pol

18 Pot, it was on the 6th of January. It's about one morning when

19 Pol Pot attended the anniversary to commemorate the victory of

20 the Khmer Rouge troops over the Vietnamese who invaded Cambodian

21 territory. I don't want to go deep inside to the speech he's

22 made; I only recall the event.

23 Later, I studied at the Suramarit Buddhist Institute. I would

24 like to go back a little bit. When Pol conducted the ceremony to

25 commemorate the Khmer Rouge troops, it was not at the Suramarit

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1 Institute, but it was at the Borey Keila. And then I studied
2 with him again at the Suramarit Buddhist high school, you may
3 say. Then I attended a ceremony of the Party at Olympic Stadium
4 at the basketball court, and he was the chairman of the event. I
5 forget. Actually on the 17th of April, I met him once also when
6 he attended the anniversary to commemorate the victory at the
7 stadium.

8 So in 1978, I met Brother Pol on the 6th of January, 7th of
9 April, then when I attended another training, and then another
10 occasion when I met him during the Party's anniversary. So I saw
11 him four times from a distance. I never met personally
12 face-to-face with him.

13 Q.And none of these occasions was it -- at any of these
14 occasions was it at S-21 or were they always outside of S-21?

15 A.The leadership level who went into S-21 was only once my
16 superior; that is Son Sen. He went there three or four times.
17 That's the only one leadership person and the rest did not go to
18 that location.

19 [14.30.40]

20 Q.Just one or two more questions, and I just want to refer to
21 the annual political education meeting that went for a 10-day
22 period in 1978.

23 What 10-day period was that? Was it early '78, in the middle of
24 1978, or was it towards the end of 1978? I'd like you not to
25 guess but try and think.

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1 A.It was in the second semester of 1978. It was after the time
2 Sao Phim was being charged and then he committed suicide, so a
3 while later all of us were called by Pol Pot for the training.

4 Q.So when you say the second semester, you're referring to after
5 July sometime in 1978?

6 A.That is correct.

7 Q.You mentioned earlier that some Party members would be jealous
8 if other Party members met Pol Pot. Did you consider it a
9 privilege to be in Pol Pot's presence at these meetings -- or
10 these education sessions?

11 A.I would like to frankly state that, at the time, I had a very
12 strange feeling that I studied with the seven people in the Party
13 for three years and now I meet the first person in the Party for
14 the first time, and I had a very strange feeling but it's hard to
15 describe the feeling at the time.

16 Q.Did it make you feel good to be in his presence?

17 A.The strange feelings mean, you know, the good feeling.

18 [14.33.19]

19 MR. SMITH:

20 Thank you, Your Honour, I have no further questions.

21 MR. PRESIDENT:

22 Next, I would like to give the floor to the lawyers of the civil
23 parties, and this time we start from the lawyers for group 1
24 first if you have any questions regarding the facts being
25 discussed.

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1 And let me ask the lawyers for civil party group 1 what is your
2 tentative plan and the timing for questions to be put before the
3 accused related to the facts being discussed in the Chamber at
4 the moment?

5 MR. WERNER:

6 Good afternoon, Your Honours.

7 To answer your question, it's a little bit difficult to say
8 because it depends on how long the accused is answering each
9 question, but I can commit and if not then I will just shorten my
10 questioning. I can commit not to have more than one hour; not
11 more in any case.

12 MR. PRESIDENT:

13 The lawyer, the floor is yours now.

14 MR. WERNER:

15 Thank you, Mr. President.

16 [14.35.05]

17 QUESTIONING BY CIVIL PARTY COUNSEL

18 BY MR. WERNER:

19 Q. Good afternoon, sir.

20 I would like to start with some -- a portion of the evidence
21 given by the expert, Etcheson, before the break.

22 MR. WERNER:

23 And for my learned friends I have the reference of the
24 transcript. It was Thursday the 28th of May 2009 and the draft
25 transcript in English, the portion for all those questions, are

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1 found at page 18 and 19.

2 BY MR. WERNER:

3 Q.And Mr. Etcheson testified that on top of drafting their
4 confessions, the prisoners were forced to make lists of enemies
5 of the regime. Do you agree with that?

6 A.The article of Mr. Craig Etcheson has some good points.

7 Actually, there are two good points that was in paragraphs 24 and
8 56, and the rest was just so-and-so.

9 In conclusion, on the role of the S-21, I think he lacks the
10 supporting documents because I do not understand it.

11 So I would like to put a request to the Chamber to have a further
12 discussion based on concrete documents when it comes to talk
13 about the role of S-21.

14 Q.Just answer this question, sir.

15 According to you, was any list of enemies of the regime ever made
16 by any prisoners at S-21?

17 A.The list of the people who were implicated by the prisoner
18 were made by the prisoner himself or herself.

19 Q.And Mr. Etcheson -- and it's the same quote at the same page
20 18 and 19 -- Mr. Etcheson said that you were the one who decided
21 that the prisoners at S-21 should make such list of enemies.
22 Nobody in the Standing Committee ordered you to do that. Do you
23 agree with that?

24 A.No, I do not agree to it.

25 Q.And if you do not agree then who, according to you, ordered

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1 you to make such lists?

2 [14.38.55]

3 A.The process of interrogation at S-21 was clearly known by me.

4 When a person is arrested, then the person will be asked to talk

5 about traitorous activities during the past and present time.

6 Therefore, in order to facilitate the reading of the confession,

7 the prisoner had to extract the names whom he implicated. This

8 is the process of making documents.

9 Q.Who ordered you to follow this process?

10 A.This type of document, all of us can read those surviving

11 documents. So all those S-21 surviving documents from the time I

12 did not yet become the Deputy Chief of S-21, this process was

13 already in place.

14 [14.40.47]

15 Later on, probably you would see some documents, for instance,

16 the confession of Choulong Rainsy which was ordered by Nat to

17 make in a different format. So all these matters are the booking

18 process of S-21 as well as other security offices throughout the

19 country did, based on the request of the leader.

20 Q.Do you agree with Mr. Etcheson when he said that such lists of

21 enemies made by the prisoners at S-21, there were thousands of

22 them. Do you agree with that?

23 A.The lists written by the prisoners themselves were not in

24 thousands, but the victims who were victims for interrogations,

25 there were more than 10,000 of them.

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1 Q.Mr. Etcheson, on the same day -- it's the same reference --
2 testified that you gave orders to the staff of S-21 to compile
3 lists of enemies. So this time it's not lists made by the
4 prisoners but lists compiled by the staff of S-21, based on the
5 substance of their confessions. Do you agree with that?

6 A.No, I do not agree. The interrogators did not make the list
7 by themselves.

8 Q.I take that when Mr. Etcheson then said that there were also
9 thousands of those lists made by the staff, you disagree. Am I
10 right?

11 A.No, I do not agree.

12 [14.43.31]

13 Q.Well, the last question on that topic -- and I am grateful for
14 your very short answers.

15 You agreed that the prisoners were asked to give some names of
16 traitors, so of enemies and my question is this. Those lists,
17 the lists of traitors made by the prisoners themselves, as far as
18 you know, did these lists were ever sent to any other security
19 offices throughout Cambodia for their own use?

20 A.I would like to state that the S-21 confessions must come from
21 myself to my superior and who is my superior? My superior is Son
22 Sen. And my superior, Mr. Son Sen, designated by the decision of
23 the 9th October 1975.

24 So from Son Sen, he would annotate a request to Brother Pol or to
25 Uncle Nuon for them to make a decision. So either Uncle Nuon or

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1 Brother Pol to make a decision. And after that, then the
2 subordinates of Son Sen had the authority to present documents to
3 various zones but did not give the documents to the police but to
4 the secretaries of the zones. So that is the process of the S-21
5 documents; that is, from me to my superior who was appointed by
6 the decision of the 9th of October 1975.

7 [14.45.46]

8 And then from my superior it went up to Brother Pol, also based
9 on the decision of the 9th of October '75. And then after the
10 superior made the decision, it would go back to Son Sen and Son
11 Sen would organize and send it through his subordinates to
12 various zones.

13 Q.As far as you know, concerning this list of enemies written by
14 people detained at S-21, as far as you know, do you know if any
15 of this list followed the route that you just described from you
16 to your superior, to Pol Pot, back to Son Sen, and then to the
17 secretaries of the zones? Do you know if that happened for those
18 lists of enemies?

19 A.Mr. Werner, it had to follow the same process. Previously I
20 reported to the Judges that there is one document mentioned in a
21 book of the History of Democratic Kampuchea by Khamboly and also
22 a document in Dr. Craig Etcheson's report. There is a document
23 with ERN 000117305. This document came from me on the 21st of
24 June and then Mr. Son Sen, my superior, signed on the 23rd of
25 May. Actually, I signed on the 21st and he signed on the 23rd of

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1 May, '77. And my superior annotated to Uncle Nuon personally
2 confidential and in the end Uncle Nuon made a decision and it was
3 implemented, extracted for Comrade Mok already but the date was
4 not clear.

5 [14.48.22]

6 So this is a document of S-21 with the same process and it's
7 clear to see the route of the document processing, and this is
8 also included in the report by Etcheson but he made it
9 differently in his report.

10 MR. PRESIDENT:

11 The accused, you have to be mindful with the words that you use.
12 Don't use any words inappropriate in the hearing.

13 MR. WERNER:

14 Can I ask just one more question on this topic before we break?

15 BY MR. WERNER:

16 Q. Believe me, I did understand what you said and I do understand
17 the route that you describe. I do understand that. My question
18 was simply you agreed about five or ten minutes ago -- you agreed
19 that some names of enemies were put in lists at S-21 during the
20 time people were interrogated, and my question is, as far as you
21 know, were any of those lists of enemies sent through that route
22 that you have described for them ultimately to be found out at
23 the zone level with the secretaries of the zones.

24 [14.50.07]

25 Do you understand my question?

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1 A. Could you please repeat your question?

2 Q. It was just probably a bit too complicated. You just said
3 before that some lists were made at S-21 by prisoners; lists of
4 enemies or traitors. So my question is as far as you know --
5 maybe you do not know, but as far as you know, do you know if
6 those lists -- not any other document -- those lists were sent
7 from S-21 to your superiors, to Brother Pol, back to Son Sen to
8 the secretaries of the zones? Those lists of enemies, do you
9 know if they were sent that way?

10 A. Thank you. Of course it is the way how the lists were sent.

11 Q. Thank you.

12 MR. WERNER:

13 Your Honour, do you want me to continue?

14 MR. PRESIDENT:

15 The Chamber will take a 20-minute adjournment and resume at 10
16 past 3 p.m.

17 (Judges exit courtroom)

18 (Court recesses at 1451H and resumes at 1512H)

19 (Judges enter courtroom)

20 MR. PRESIDENT:

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

22 [15.12.39]

23 MR. PRESIDENT:

24 The civil party lawyer representing group 1, Mr. Alain Werner,
25 you can now proceed putting further questions to the accused.

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1 MR WERNER:

2 I'm grateful, Your Honours.

3 BY MR. WERNER:

4 Q.Sir, I just need to ask you two more questions on those lists,
5 and my first question

6 is this: you told us before the break that some of the lists of
7 enemies which were made based on -- or made by people, the
8 prisoners at S-21 -- some of those lists made their way to the
9 zone secretaries, and you explained very well how it went. You
10 explained very well the route. Now, my question is this: as far
11 as you know, what did the zone secretaries do with those lists
12 when they received them?

13 A.I do not grasp what happened at the zones, in the respective
14 zones, but I can make a guess. I don't know whether the guess is
15 correct or not. For example, if I can refer to the piece of
16 paper that I just presented earlier, there were some names of the
17 people in Sector 35 in Kampot province, so when they received the
18 list I did not know how Ta Mok implemented or executed
19 accordingly because the people -- they were the people among the
20 four groups of people who could make such decisions. So it was
21 their jurisdiction or their authority.

22 Q.Thank you.

23 Now, about the -- my second question is this -- about the second
24 kind of lists; lists allegedly, according to Mr. Etcheson --
25 lists made by the staff, compiled by the staff of S 21 based on

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1 the confession. You just told us before the break that you
2 disagreed with Mr. Etcheson and then that, according to you, no
3 such lists were made. So I would like to present you with a
4 document, and I'm grateful to the Office of the Co-Prosecutors to
5 have drawn my attention to this document, and I believe that this
6 document can be placed in front of their own computers. I'm
7 going to give you the reference of the Khmer -- the original
8 document in Khmer, which is ERN 00161834 D81/Annex 4 and I can
9 give you the ERN in English, 00187746, and my understanding is
10 that there is no French translation of this document.

11 So can I request, Mr. President, for this document to be shown on
12 the screen of the Co-Prosecutors for the accused to be able to
13 see it in Khmer?

14 [15.17.35]

15 MR. PRESIDENT:

16 The AV, please connect the screen to the screen for the
17 Co-Prosecutor so that it can be projected.

18 And the Co-Prosecutor assistant, could you please make sure that
19 the document is populated to the screen.

20 BY MR. WERNER:

21 Q.I have the advantage of having an English translation of this
22 document and, of course, you can correct me if I'm wrong because
23 I cannot obviously read the original of this document,
24 unfortunately, but my understanding is that if we look at the
25 first column starting from the left side, so there is a column

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1 with some numbers and then the first column with names would be
2 -- at the top of the column in the box would be something like
3 name "implicated in the responses", and then there would be, as
4 we see, a number of names.
5 And then if we follow on the next column on the right would be
6 "duty and location", and then if we -- there are some other
7 boxes, smaller ones, and that would be names, and we believe that
8 those are names of people who were held at S-21. And if you go
9 down the document, then you can see some plus and plus under
10 those names.
11 My understanding -- and, of course, I would be happy to be
12 corrected if I am wrong -- my understanding is that that document
13 was found at Tuol Sleng and it appears to be precisely a list of
14 names and of information which allegedly could be a collection of
15 data based on confessions at S-21.
16 Would you agree with that, or what could you tell us about the
17 content of this document?
18 A.Mr. President, the originating source of the list is from the
19 -- an individual confession amongst the eight or nine
20 individuals; so there are nine of them altogether.
21 This is according to the order from the upper echelon for the
22 S-21 to gather amongst this nine people how many people were
23 implicated by these nine people. It was an order, so it is a
24 document made at the discretion of the S-21 staff. It is a
25 document based on the confessions of the nine people.

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1 So you can see the name, Vin; he was implicated by four people.
2 Preap Nhan was implicated by three people. So Khiech implicated
3 by four people, so on and so forth. So this is an extract from
4 the list of the confessions of those nine people and I reported
5 to my superior based on the order. And it is not the S-21 staff
6 to come up with the names of these people. It was prepared and
7 done by the order. It is the normal process. This is our
8 routine work, based on the order.

9 [15.22.03]

10 When we had a concrete source of the original documents we would
11 prepare this such document.

12 Q.But do we agree that this list was prepared by the staff of
13 S-21. Is that correct?

14 A.There is another word. Based on the actual concrete
15 documents, so the confessions of the prisoners.

16 Q.I follow you, sir, I do follow you, but my question is: the
17 list with the tables, columns, as we can see it on your screen,
18 that was done by someone or several people from your staff at
19 S-21. Is that correct?

20 A.It was made by the S-21 staff, based on the confessions of the
21 enemy. You had to add the last phrase to make it clear.

22 [15.23.07]

23 Q.I do understand. And you said that that was the -- I believe
24 you said the normal practice. How many of those lists were made
25 at S-21 if you can assist us with that?

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1 A.When I said it is the normal practice, in that case because we
2 were ordered by our superior. That's what I meant the normal
3 practice. We follow the order of our superior. And how many
4 lists? We can collect those surviving documents and we can count
5 them together. Nobody would reject it because that's what
6 happened.

7 Q.But if you can assist -- and if you cannot, just say it -- but
8 if you can assist, how many of those lists, as far as you know,
9 were made during the time that you were the Vice-Chairman and
10 then the Chairman at S-21?

11 A.Let me inform the President that I am not clear on this point.
12 Probably there is a collection of the lists and I reported to the
13 superior in regards to the Division 170 and the 290 Division when
14 I was called by the superior to listen to the decision, and the
15 cooperation to bring the people to be arrested, to be brought to
16 S-21 on the 16 September '76. Probably there were lists at the
17 time.

18 So how many numbers of lists? I am not certain, and I cannot even
19 recall this document, but now when I see it it's nothing new.
20 When I was ordered by my superior I would do it, based on the
21 concrete position, on the concrete stance of the documents that I
22 have. I do not fabricate any document for other people to
23 include those names.

24 [15.25.39]

25 Q.So my understanding, what you're saying is that there were

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1 other lists but you cannot precisely say how many of them were
2 made. Am I correct?

3 A.That is correct. At least the 170 and the 290 Divisions would
4 have the list. I do not know how many surviving documents remain
5 today.

6 Q.Thank you.

7 MR. WERNER:

8 And the document can be taken off the screen. I'm grateful for
9 that.

10 MR. PRESIDENT:

11 The AV unit, can you return the screen to the normal view?

12 MR. WERNER:

13 So on the 28th of May, the day before we broke up, on the
14 Thursday, talking about policies concerning torture and that can
15 be found, for my learned friends, in the draft transcripts of
16 that day, 28th of May 2009 at pages 6 and 7.

17 BY MR. WERNER:

18 Q.Mr Etcheson testified that many of the methods of torture used
19 at S-21 were unique and were not used in any other security
20 centres across Cambodia. Do you agree with that?

21 A.No, I do not agree to it.

22 [15.27.46]

23 Q.And can you just elaborate on that point? Why don't you agree
24 with Mr. Etcheson on that point?

25 A.First, the documents of torture methods were documents that he

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1 relied on. So we have to analyse those documents and examine
2 them too at other security offices. How many documents that he
3 examined regarding the torture method in those security offices?
4 He can reveal those documents before the Chamber so that we can
5 examine and see whether the S-21 was too extreme compared to the
6 other security offices or, actually, one is comparative to other
7 security offices. He has to present those documents.

8 Q.And just to understand what you think, do you think that the
9 methods of torture were the same than -- sorry, let me rephrase
10 it. Do you think that the same methods of torture were used at
11 S-21 and in other centres across Cambodia? Is that your view?

12 A.Let me state that I myself and other Santebal offices have no
13 communication. So whatever they did I do not know. Whatever I
14 did they did not know. They did it following their own way and I
15 did it following my own way. Separately, with my authority, my
16 staff did the torture, yes, the forms of tortures as I have said
17 earlier. Nang liked to electrocute them with the hand-winding
18 telephone and later on they used also the electric outlet from
19 the wall. That is one form of torture. And I do not even
20 believe it.

21 [15.30.17]

22 Etcheson said that they also used electrocution at the
23 countryside. I do not know that.

24 And secondly, the suffocation with a plastic bag, it was
25 introduced at the camp at M-13. It was not implemented at M-13

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1 but it was probably implemented at S-21. Therefore, in
2 principle, I allowed four types of tortures but it also depends
3 on the implementers. Sometimes they overdid it or used various
4 forms; for example, pulling the fingernails or used wet cement on
5 the face of the prisoners. I was not sure whether it actually
6 happened.

7 And it was also said that by burning the breasts or using
8 poisonous insects to bite the prisoners; I do not believe that.

9 So this form of torture was a fabrication. It did not happen and
10 I think either Etcheson fabricated it or other people fabricated
11 it and told Craig Etcheson. So this is about what happened at
12 S-21.

13 So we need to look at the documents and to analyze those
14 documents. As I told the Chamber, whatever is said about the
15 role of S-21, it should be extensively discussed. Otherwise, I
16 would not accept it. I will not avoid from the responsibility of
17 the crimes on those 13,000-plus people. I do not avoid the
18 responsibility. I accept it all the time.

19 However, for the details we have to talk in depth of what really
20 happened. We have to put the issue in front of us and we have to
21 examine and discuss all together and not just based on one side.
22 Otherwise, I would not accept it.

23 [15.30.28]

24 Q.Thank you, sir. You answered my question.

25 Now, moving to another topic, Mr. Etcheson also spoke about the

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1 confessions and the way the confessions were obtained throughout
2 Cambodia in security centres, and he says -- and it's again the
3 same day, 28 May 2009, for my learned friends. On the draft
4 transcript it's from page 15 to page 17. Mr. Etcheson said that
5 in security offices throughout the country there were some
6 confessions obtained but he said that they were not obtained in
7 great details and in the same precision than in S-21.

8 Do you agree with that?

9 A.I have never seen any confession of any other security offices
10 besides the confessions of Ly Phel at the security office of
11 Sector 21. I only saw this one confession, so how could I
12 provide my opinion?

13 Q.Very well. Now, do you remember that you said about the
14 extent of your work and the confessions, you said in front of the
15 investigating judge the 22nd of November, 2007 -- and I have the
16 ERN number in English and in French. The ERN number in English
17 is 00153565 to 00153576. And in French it is 00153442 to
18 00153455.

19 And I do not intend to put that document in front of you,
20 although I consider that having read the number and summarizing
21 the content of that portion of that transcript of that day, that
22 will be put in front of the Chamber. But on that day you said
23 that your guess estimate for the years you spent at S-21 was that
24 you would have reviewed about 200,000 pages of confession over
25 the period of time you were in charge of S-21.

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1 [15.35.38]

2 Do you remember having said that?

3 A.Yes, I remember. That's the way of calculation based on the
4 number of hours of days of working, without looking at the
5 documents before us. So this is just a method of calculation.
6 Yes, I did. I spoke with -- I spoke in response to Alex Bates'
7 question.

8 Q.You still stand by that rough estimate based on how many hours
9 a day you worked and how many days a week and so forth? Do you
10 still stand by that estimate?

11 A.Unless there is a document of a confession to put it in
12 contradiction then I would stand by this number of my estimation.

13 Q.And then you said also in front of the Investigating Judge on
14 the 2nd of April 2008 and, again, the ERN number in English is
15 00178058 to 00178070 and in French 00195945 to 00195958.

16 You said that you were asked to redact the confessions; for
17 example, to remove names from some confessions and to destroy
18 some of the confessions and then you said as well that when you
19 were asked to remove names, then what you did is you kept a copy
20 of the non-redacted confession, and then you specified the fact
21 that the name was removed in case it was decided ultimately to
22 arrest that person. Do you remember that you said that to the
23 Co-Investigating Judges?

24 A.From what I listened to the question, I think they are two
25 separate matters. One is the removal of the names and the second

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1 part is the destroying of the document. I don't think I have
2 told the Co-Investigating Judges that I destroyed the document.
3 I cannot recall it, so I am not sure on this point.

4 [15.38.34]

5 And about the removal of names, the S-21 was constant, especially
6 during the time of the confession of Ly Phel alias Pan concerning
7 or implicating the name Brother Phim. So in order for the
8 Standing Committee to set it to Brother Phim, originally the
9 Standing Committee asked me to remove the name of Brother Phim
10 and there was an annotation on it that the name was removed. So
11 the name was temporarily removed.
12 For other documents that did not need to be sent to Brother Phim,
13 I can send the complete documents. So that was the line of
14 activities of S-21.

15 Q.And did it happen that once the name was removed, as you just
16 explained, then it was -- a copy was kept with the original with
17 the name still there in case that the person was ultimately
18 arrested. Is that correct; did that happen?

19 A.I don't remember how many people were involved in that case
20 but there were very few cases. For example, Suos Neou alias Chu
21 was implicated, but in the document sent to Brother Phim it was
22 discussed confidentially among themselves, but I did not really
23 remove the name. But the document survived until now was the
24 document that Ly Phel implicated Brother Phim. But I was asked
25 to remove the name temporarily.

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1 Q. So, if I follow you, that happened at least in one occasion.

2 Is that correct?

3 A. Could you please stop challenging me with that kind of
4 question because it has been more than 30 years. I can't recall.
5 [15.41.23]

6 Q. I was just trying to understand your answer, but I will move
7 on.

8 Mr. Etcheson, on the 20th of May 2009 and over the same
9 transcript, page 24, said that -- to quote him, "Pol Pot himself
10 may have been responsible for some -- " -- sorry. Let me
11 rephrase that.

12 He said that Pol Pot himself may have possibly intervened in
13 removing the names in some confessions, himself; Pol Pot himself
14 intervening, removing names in some confessions. Do you agree
15 with that?

16 A. Could you please repeat which names were removed? His name
17 personally, or other peoples names that were removed?

18 Q. Mr. Etcheson did not give any details, but he said that Pol
19 Pot may -- may -- have been responsible for removing himself some
20 names from confessions at S-21. That's what he said and I'm
21 happy to find the transcript because I have it here, and to quote
22 it directly, but if that is enough, do you agree with that
23 general statement?

24 [15.43.45]

25 A. I would like to confirm that the person who asked me to remove

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1 the names were the people who came to work close with me --
2 first, Mr. Son Sen and then Uncle Nuon. However, based on the
3 decision on the 9th of October 1979 each section prepared their
4 own document to seek permission from the Standing Committee. So
5 everything -- although Brother Pol ordered regularly to S-21 --
6 the document would be used as the base for the argument that
7 there must have been a decision made from Brother Pol already
8 that such a permission was allowed.

9 Q.Thank you. That answered my question.

10 And Mr. Etcheson, on the 28th of May 2009, the same day, can be
11 found in the draft transcript in English page 28, 29, said that
12 your constant work and analysis of the confession extracted from
13 prisoners at S-21 fed the paranoia of the Standing Committee and,
14 therefore, participated to the magnitude of the purges. Do you
15 agree with that?

16 A.I don't understand the conclusion by Mr. Craig Etcheson. I
17 don't have any idea to which source he's based his arguments. I
18 will leave this matter to the Chamber to decide on his
19 conclusion. However, all annotations of mine on the confessions,
20 I tried to be objective and tried to avoid being at risk of my
21 life because if I tried to annotate that shows that I was biased
22 toward any particular individual, then I would be in trouble.
23 I would like, once again, to leave the conclusion of the expert,
24 Mr. Craig Etcheson, to the Chamber to decide at a later date.
25 Whether my annotations were objectively made or not, it's now in

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1 the hands of the Chamber.

2 [15.46.31]

3 Q.Thank you. And Mr. Etcheson on the 19th of May 2009 -- and in
4 the draft English transcript it's page 46 -- said, and I will
5 quote him:

6 "However, I believe I can say that none of that evidence suggests
7 the kind of direct personal daily relationship that the accused
8 person had with Son Sen and Nuon Chea existed with respect to any
9 other Democratic Kampuchea security office."

10 Do you agree with that?

11 A.I'm sorry. I think I cannot really follow your question.

12 Could you please repeat?

13 [15.47.30]

14 Q.Let me try to paraphrase it. It may be easier for you. Mr.
15 Etcheson said that as far as he knows, the relationship you had
16 with Son Sen and Nuon Chea -- and he said that that relationship
17 was direct, personal, daily -- that relationship was
18 unparalleled, and did not exist between any security officials
19 and anyone else in the Democratic Kampuchea. Would you agree
20 with that?

21 A.I think regarding my superior, who was meticulous at his work,
22 who tried his best to work hard and he called people to follow up
23 the work; I think it is their position as prescribed in the
24 status of the party and the decision of the 30th of March, 1976.
25 I think there was no personal or private communication between

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1 us. It was only the follow-up work on my implementation of my
2 tasks.
3 However, I think it should be reminded that if you look at the
4 other security -- secretaries of other zones, how they were
5 followed up, there have not been any documents available to me
6 yet, or maybe there have not been any documents. And how we can
7 conclude now that there has been some kind of scientific proof
8 concerning this matter?

9 MR. WERNER:

10 Your Honours, I have maximum four or five more questions and I
11 will be over. And I will try to keep my questions very short.
12 [15.50.06]

13 BY MR. WERNER:

14 Q.Sir, you said in front of the investigating Judge on the 5th
15 of September 2007, page 6 in the English version and the ERN
16 number in English is 1475779 to 00147585, and the French is
17 00147941 to 00147947. And you said that ---

18 MR. PRESIDENT:

19 Mr. Alain Werner, could you repeat the ERN numbers in -- the
20 French ER number because the interpreter could not follow you?
21 So for the good record please repeat.

22 MR. WERNER:

23 Of course, Mr. President. So the French is 00147941 to 00147947.

24 BY MR. WERNER:

25 Q. And you said on that day that Son Sen talked with you about

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1 the content of what was said in meetings of the Standing
2 Committee. Do you remember that you said that to the
3 Investigating Judges?

4 A.I forget it. However, if it exists in the interview in Khmer
5 I will maintain all the statements I made before the
6 Co-Investigating Judges in the Khmer version.

7 MR. WERNER:

8 And Your Honours, I would like at least the page 6 -- and I give
9 you the ERN number in English of that page, 00147584 -- to be put
10 in front of this Chamber. And I'm just going to quote the first
11 sentence. The question was:

12 "How did you know about this affair because before 15 August
13 1977 you only worked with Son Sen?"

14 And you said:

15 Answer: "Son Sen liked to talk with me about the speeches or
16 talks of other members of the Standing Committee."

17 [15.53.30]

18 And I will move to my three or four final questions:

19 BY MR. WERNER:

20 Q.Sir, do you know if there was a CPK policy about starvation
21 during the time that you were Chairman of S-21?

22 A.Mr. President, this morning the Co-Prosecutor, the National
23 Co-Prosecutor, already asked me such questions and I already
24 stated clearly and I would like to remain silent.

25 Q.And I apologize if you did.

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1 So let me ask you my final two or three questions. Mr. Etcheson
2 said on the same day, the same Thursday, 28th May 2009 -- can be
3 found in the draft transcript in English, page 36 -- that
4 probably most of the people who were in charge of security
5 centres in 1975 had been purged by January 1979. Would you agree
6 with that?

7 A.I think the Office of Co-Prosecutors already compiled the list
8 of the staff at S-21 in a single list and I think the list is
9 precise that can be used as reference. And I really accept or
10 confirm the list if it exists.

11 [15.55.41]

12 Q.Then how do you explain that you were one of the very few in
13 charge of a security centre who managed to stay and function
14 throughout the time of Democratic Kampuchea without being purged?
15 How do you explain that?

16 A.I think the reason that I was not purged was their problem,
17 their issue. If I try to consider this matter, I think I am -- I
18 have been very honest to them and very loyal to them. If they
19 allowed me to only arrest three FULRO people, a group, or release
20 them then I only release the three.

21 If they said that S-21 had no authority to arrest or smash
22 anyone, then I made the decision not to arrest or smash anyone.
23 So the annotations of S-21 had to be objective and not biased.
24 So I maintained what I had been ordered to do so, and I never
25 interfered in any other people's business. Even Kuy Thuon

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1 himself could be killed because he violated that policy. So I
2 was very honest. I had been very honest.

3 Q.I have no further questions. Thank you, sir, for your
4 answers.

5 [15.57.48]

6 MR. PRESIDENT:

7 Next, the Chamber would like to invite civil parties for group 2
8 who would wish to put questions to the accused. The floor is
9 yours.

10 MS. STUDZINSKY:

11 Thank you, Mr. President. Good afternoon.

12 I would like to inform the Chamber that I think -- I believe that
13 I can finish by today with my few questions.

14 BY MS. STUDZINSKY:

15 Q.First I want to come back to the 18th of May 2009. There you
16 have told us, according to the transcript on page 58 of the
17 English transcript, lines 12 and 13:

18 "If you did not regard them as the enemies, one could never
19 interrogate that person to extract confessions."

20 Is this your own conclusion that you have drawn from your
21 experience?

22 A.Mr. President, now that we go back from Khmer to English,
23 English to Khmer, it's hard for me to understand, but if I am not
24 mistaken on the lessons that I taught to my interrogators, for
25 those people who were arrested they had to be regarded as enemy

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1 otherwise you would not be able to get the confessions from them.
2 And that was the lessons I taught repeatedly to my interrogators
3 at S-21. So I think this is probably the matter. And if you
4 intend to ask on that, that was the lessons that I taught to my
5 interrogators at S-21.

6 [16.00.46]

7 Q. Did you get this knowledge that you never can get a confession
8 if you do not regard them as enemies -- did you get this
9 knowledge from your experience in M-13, later in S-21? That was
10 my question. Was this your own experience?

11 A. That is correct.

12 Q. Thank you. Did you observe ever a reluctance to torture, to
13 kill prisoners, or any hesitancy or half-heartedness? Could you
14 ever observe among your staff such behaviour or feelings?

15 A. This is the matter of managing the psychology of the
16 interrogation staff and the special unit staff. Hesitance or
17 not, as I have informed the Chamber this morning, a sharp sword
18 is the sword that is used frequently; it means it's used and then
19 it's sharpened.

20 So then we have to sharpen their positions constantly, and for
21 the special unit they have their team leader to sharpen their
22 position. That is the normal principle of conducting their
23 duties. This is just my observation, and the level of the
24 hesitance or shock I could not say.

25 [16.03.22]

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1 Q.Which measures did you undertake that prisoners were
2 considered as enemies? Do you understand my question; maybe not?

3 A.I do not understand your question. Can you rephrase it?

4 Q.Yes. I'll come more specific.

5 Which language was applied towards the prisoners, the so-called
6 enemies?

7 A.The prisoners at S-21 were in three nationalities. The
8 majority of them were Cambodians and all my interrogators are
9 Cambodians. A small number of the prisoners were the westerners
10 --

11 Q.Sorry that I interrupt. Language; I do not mean language in
12 this sense.

13 How were prisoners, prisoners who were enemies, called? Were
14 they called by name, by their family name? Were they called by
15 animal names? How were they referred to?

16 A.Let me tell you frankly the prisoners at M-13 because we saw
17 them every day, we just simply called them "Contemptible" or
18 "A-heng" in the Khmer language.

19 And at S-21, I only interrogated one prisoner, that was Kuy
20 Thuon. I used to work for Kuy Thuon from October '67 at Boeng
21 Thum behind a textile factory in Kampong Cham province. I called
22 him Brother and when he was detained at S-21 I unconsciously
23 called him Brother but he, out of respect, called me Brother.
24 And the second case was Brother Vet, Vorn Vet. I called him
25 Brother. And for other prisoners, I did not meet them. I am

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1 frank here. But after they were beaten during the
2 interrogations, later on I met Brother Touch Phoeun.
3 He was also from Kampong Thom and he was older than me so, I also
4 called him Brother. Also for his -- actually Chao Seng while we
5 were sitting with Brother Mam Nai during the Vietnamese
6 interrogations, I went to visit and sometimes I called him His
7 Excellency. Sometimes I called him Brother.
8 And for the younger ones I would say, Contemptible this or
9 Contemptible that. I think one person survived. I was not sure
10 whether he was younger or older than me. That was the
11 Contemptible -- A-meng.
12 Q.Did you teach the interrogators? Did you explain to them that
13 the enemies should
14 be seen as contemptible, for example?
15 Did you explain to them that it is easier to torture them if they
16 are seen as contemptible?
17 A.The words that I taught the interrogators to use, I repeatedly
18 taught them the same lessons. For those who were arrested by the
19 Party, they were regarded as enemy in order for extracting the
20 confessions. They were Contemptible or "Heng" in the Khmer
21 language. There is no need to teach; just simply a way to do it.
22 [16.08.40]
23 Q.Did you use animal words to degrade, to debase prisoners? And
24 the next question: did you teach to call them animals; for
25 example, ugly germs, worms, microbes? Did you use such words and

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1 did you teach your interrogators to see them as animals?

2 A.That was unavoidable, so there is no need to say about it.

3 They would follow -- would just simply follow one another.

4 Q.Am I right that you confirm that such words were used like I

5 just enumerated and listed: microbes, ugly germs, worms? Am I

6 right that you confirmed that this was, as you said, unavoidable?

7 A.That is correct.

8 [16.10.14]

9 Q.Did you teach these regular training sessions that were

10 mentioned before -- did you teach your, or inform your

11 interrogators or teach them that using such degrading names,

12 animal names, that it is easier to fulfil the work; work means

13 torturing?

14 A.Torturing is a separate matter. Calling people, using

15 degrading language is different. On the matter of torturing,

16 some people thought about it. They rarely did it. And for other

17 people, they did it by themselves. And for those who rarely did

18 it, for example in the case of Brother Mam Nai, he rarely did

19 torture.

20 Also some of the interrogators thought carefully about torture

21 and for important people, I would assign Comrade Pon to

22 interrogate. And for other people like Comrade Thuy, he likes to

23 use torture.

24 So for on the matter of torture, it was permitted and certain

25 methods were introduced and taught. However, we also introduced

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1 the tactics not to rely solely on the torture in order to get the
2 confession. So it doesn't mean we had to torture in order to get
3 a confession. Sometimes they just simply followed one another.

4 Q. Could you confirm that the use of such animal names was part
5 of your training sessions, education training sessions?

6 A. I would reserve my rights not to answer this repeated
7 question.

8 Q. Did you teach about another measure that was paying homage to
9 dogs or to walls or chairs or images of dogs? Did you teach such
10 methods to degrade and debase prisoners?

11 A. Yes, I taught them.

12 [16.14.09]

13 Q. Was the purpose of requesting prisoners to pay homage to
14 images of dogs -- was the purpose to debase them or degrade them?

15 A. For this matter, at the present state, whatever we want to
16 analyze, nothing can go wrong. However, at that time, I thought
17 -- first it was done by somebody else but after I saw it, I
18 approved and then I taught them to do it as well because it is
19 the method to avoid beating or whipping the prisoners.

20 So that was the idea at the time. But if you look back, it was
21 an act, a criminal act that I would be responsible for it and
22 accept my responsibility.

23 MR. PRESIDENT:

24 The lawyer is reminded that at the moment, the file is on the
25 implementation of the CPK policy at S-21; and secondly, consider

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1 your question carefully before you put the question on, in order
2 to avoid repeated questions when it comes to the operation of
3 S-21.

4 MS STUDZINKY:

5 Thank you, Mr. President.

6 [16.16.15]

7 A short explanation -- I thought this is the implementation of
8 the enemy policy and exactly the heart of what we are talking
9 about.

10 BY MS. STUDZINSKY:

11 Q.You have mentioned that prisoners were called "ah" this or
12 that. What was applied and what did you teach for female
13 prisoners?

14 A.From what I can recall at M-13, they used the word the name
15 plus the
16 "contemptible" -- A-heng for male, and mynis or mynus for female
17 prisoner. So this is what I used to call at M-13, but I was not
18 sure what was my subordinates used to call the prisoners.

19 [16.17.59]

20 Q.My next question: would you confirm that enemies, and as well
21 these "worms", "ugly germs" and so on, they are animals and
22 compared with animals, that they were not longer considered as
23 human beings?

24 A.I would like to say that we did not think deeply like what is
25 said. The division, the separation, is between the enemy and a

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1 friend. So the friend is on one side; enemy is on another side.
2 I did not think they were no longer human, but they were the
3 enemies, and we were friends. That was our position at the time.
4 But if we look back from our perspective now and if it's based on
5 the law -- the human rights law -- then it is completely wrong.
6 It is a serious criminal act, and I do not object to that; I
7 accept it. But the view at the time was like I just said.
8 Q. Did it -- or was it part of interrogation that prisoners were
9 stripped of their clothes except their underwear? Was this part
10 of the interrogation procedure?
11 A. I'm not sure regarding that matter because I was not close to
12 the interrogation process except when I was involved personally
13 in the case of Kuy Thuon, and I tried to avoid being longer with
14 him because I knew that he would -- he was the smart person with
15 good political views, so if I remained longer with him I would be
16 -- my weakness would be revealed. So I only let people to be
17 close to him to also make sure he did not commit suicide, but I
18 can see that I am not quite sure such a thing happened. However,
19 I think it might have existed, but I did not advise them to do
20 that.
21 However, I'd like to elaborate a little bit further from your
22 question about the electrocution. The arrest was made to --
23 subject to electrical shock with his genitals, and then after
24 some time his penis was so weak that it did not work. And I told
25 him that it was not proper to do so, but then such torture

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1 already applied and I could not really punish Comrade Pon for
2 introducing such a torture technique because I was afraid that I
3 could not have anyone to replace him to interrogate further
4 people. I only tried to correct his wrongdoings by advising him,
5 but I did not really ask people to strip other prisoners of their
6 clothes.

7 [16.23.03]

8 MR. PRESIDENT:

9 Ms. Studzinsky, do you think you have more questions or do you
10 think you can really finish your questions in a few more minutes?

11 MS. STUDZINSKY:

12 Yes, Mr. President, I can finish. I'm nearly at the end, and one
13 moment.

14 Q. Could you read in confessions that prisoners said, "I'm not a
15 human being. I'm an animal"? Could you read such statements in
16 confessions?

17 A. There are a lot of confessions. Even if I read or came across
18 such a confession; I may not pay good attention to that
19 particular confession. I was focusing on looking for the
20 traitors and the strings of traitors. And at that time I did not
21 think I paid such attention to the content of the confession
22 regarding the confession which people said that they were
23 animals. But now I can see that it was not wrong to do so, and I
24 am liable for all the crimes committed.

25 [16.25.09]

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1 MS. STUDZINSKY:

2 Thank you. I have no further questions on this point.

3 MR. PRESIDENT:

4 So the proceedings for today's session come to an end. So the

5 Court is adjourned. We will resume tomorrow at 9 a.m.

6 The security personnel are now advised to take the accused back

7 to the detention facility and return him to the courtroom by 9

8 a.m.

9 The parties to the proceedings are also advised to come back to

10 the Court at that time.

11 (Judges exit courtroom)

12 (Court adjourns at 1626H)

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