



**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

9 June 2009, 0906H

Trial Day 25

Before the Judges:

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

Lawyers for the Civil Parties:

HONG Kimsuon  
KIM Mengkhy  
KONG Pisey  
TY Srinna  
Elizabeth RABESANDRATANA  
Silke STUDZINSKY  
Alain WERNER

Trial Chamber Greffiers/Legal Officers:

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

For Court Management Section:

KAUV Keoratanak

For the Office of the Co-Prosecutors:

TAN Senarong  
Alexander BATES  
PICH Sambath  
Stuart FORD  
PAK Chanlino

The Accused:

KAING Guek Eav

Lawyers for the Accused:

KAR Savuth  
Marie-Paule Canizares  
Heleyn UÑAC

## INDEX

## WITNESSES

## THE ACCUSED, KAING GUEK EAV

Questioning by Mr. Kim Mengkhy commences .....	page 2
Questioning by Ms. Rabesandratana commences .....	page 22
Questioning by Mr. Hong Kimsuon commences .....	page 26
Questioning by Mr. Kong Pisey commences .....	page 42
Questioning by Mr. Kar Savuth commences .....	page 48
Questioning by Ms. Canizares commences .....	page 60
Questioning by Mr. President commences .....	page 69
Questioning by Judge Cartwright commences .....	page 73

**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CANIZARES	French
JUDGE CARTWRIGHT	English
MR. HONG KIMSUON	Khmer
MR. KAR SAVUTH	Khmer
MR. KIM MENGKHY	Khmer
MR. KONG PISEY	Khmer
JUDGE LAVERGNE	French
MS. RABESANDRATANA	French
MS. SE KOLVUTHY	Khmer
MR. SMITH	English
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	English

1

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

2 (Judges enter courtroom)

3 [09.06.45]

4 MR. PRESIDENT:

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

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

9 THE GREFFIER:

10 Mr. President, the parties to the proceedings today are all  
11 present.

12 MR. PRESIDENT:

13 The security personnel, please bring the accused to the dock.  
14 Before we start this session the Chamber would like remind the  
15 parties to the proceedings that -- the observation of the Chamber  
16 concerning the previous questionings, and with regard to the  
17 request by the interpreters, we would like the parties to speak  
18 rather slowly so that the interpreters can fully interpret the  
19 speech for the good record. Also especially when it comes to the  
20 technicalities and the legal terms used, they are advised to  
21 speak slowly.

22 And the parties who would wish to present any documents in the  
23 Court are advised to be prepared and also be ready to give the  
24 reference numbers in three languages if available, so that the  
25 documents can be well verified, examined before the debate. It

2

1 will help save our time also.

2 [09.10.21]

3 The Chamber would like also to remind that when the questions are  
4 put, the questions shall be summarized and precise so that the  
5 accused is able to understand them and be able to respond to such  
6 questions properly. Also please be reminded that questions that  
7 are repeated and out of the facts at issue are not recommended.

8 The Chamber hopes that the parties to the proceedings will do  
9 their best to proceed with the questions more expeditiously.

10 Now the Chamber would like to give the floor to the civil party  
11 lawyers for group 3, if they would wish to put questions to the  
12 accused concerning the facts at issue. The floor is yours.

13 MR. KIM MENGKHY:

14 Thank you, Mr. President, Your Honours, Judges of the Trial  
15 Chamber and the Court. After observing the questionings put to  
16 the accused, I have now got some questions to put to the accused  
17 too regarding his profession or his occupation as the educator --  
18 political educator at S-21 and also the educator during the  
19 entire regime.

20 BY MR. KIM MENGKHY:

21 Q. My question is the general policy of the CPK that was applied  
22 across the country; in your opinion was such a policy based on  
23 any socialist country or whether this is just a unique improvised  
24 policy employed by the Khmer Rouge regime itself?

25 And I would like to also know whether the policy applied at S-21

3

1 was initiated by the Khmer Rouge leaders by themselves, or was  
2 the policy influenced by the other security offices across  
3 Cambodia or from the other countries around the world?

4 A.Mr. Kim Mengkhy's questions are rather long. I would like him  
5 to divide the questions in shorter versions.

6 [09.13.37]

7 Q.I would like now to put it this way.

8 First, my question is: in your own opinion the general policy of  
9 the CPK that was applied across the country, which was it based  
10 -- from which source was this policy based?

11 A.Thank you, Mr. Mengkhy.

12 Mr. President, I already stated before the Chamber earlier that  
13 the Pol Potist theory of policy was used and not Marxist. Pol  
14 Pot did not follow Mao Zhedong's policy. Pol Pot applied the  
15 four clique of the China Revolution and blended in the situation  
16 in Cambodia. As you already found in the statute of the CPK,  
17 there was a stance which is about the implementation of the  
18 Leninist policy or theory as the direction, as the guidance.

19 Q.Do I understand correctly that the implementation of the  
20 policy of the CPK was not based entirely from other countries in  
21 the world's theories but it derives from its own revolutionary  
22 theory?

23 A.All issues had its precedents and the post events. For  
24 example, Pol Pot based the policy on the four group of people in  
25 China, and I believe that maybe you have not been familiar with

4

1 the four clique. These four people conducted a great Cultural  
2 Revolution in China and, first, he was Wang --  
3 [09.16.40]

4 BY MR. PRESIDENT:

5 Q.The accused, could you please read the names rather slowly,  
6 especially the Chinese names, so that the interpreter can render  
7 the service properly?

8 A.The world knows them very well in the dictionary, the four-man  
9 clique. First, Wang Hongwen. I don't know how it was spelled.  
10 I cannot spell his name. Wang Hongwen, number one, the Deputy  
11 Director of the Communist Party of China; number two, Zhang  
12 Chunqiao; three, Yao Wenyan; four, Jiang Qing, female widow, the  
13 third wife of Mao Zhedong. So this four-man clique, after the  
14 death of Mao Zhedong they were arrested and detained.  
15 So Pol Pot based his theory on this four-man clique's policy and  
16 also with his initiative, but this is only based on my  
17 observation. It was not entirely based on the Leninist and  
18 Marxist theory at that time.

19 BY MR. KIM MENGKHY:

20 Q.Thank you. I would like to ask another question concerning  
21 the S-21 Security Office and other security offices in other  
22 revolutionary countries.

23 The question is: the policy applied at S-21, was it based on the  
24 policy from the improvised policy by Pol Pot or was it taken  
25 after another policy from other security offices across the

5

1 world?

2 A.I think it's really difficult to respond to such a question.

3 The leaders talked with me several times during the work at M-13.

4 Brother Vorn, Vorn Vet, the Secretary of the Special Zone,

5 advised me to work my best because there would never be any

6 country who could teach us, because if they taught us then they

7 would be implicated and their secrecy would be compromised.

8 That's why he advised me to work on -- with our own initiatives,

9 and he advised me closely, and each month I went from Amleang to

10 meet him at Damnak Smach.

11 When I came to Phnom Penh -- I would like to be brief anyway -- I

12 told my superior, Son Sen, that in France there was an

13 intelligence organization named -- (no interpretation)

14 THE ACCUSED (Speaking in French):

15 -- Espionage.

16 THE ACCUSED (Speaking in Khmer):

17 After I reported to him then Son Sen said that S-21 should be

18 conducted in the manner of the French intelligence organization.

19 It means the ministry (no interpretation) and as I already

20 mentioned earlier yesterday to Alain Werner, my superior was very

21 meticulous at his work and he followed up my work every evening.

22 [09.21.05]

23 Sorry, I should not say every evening; almost every evening by

24 telephone. He advised me to report on my daily work. He advised

25 me to learn to analyze and to direct me on my work. That is the



6

1 work that I used to do, and which countries that I practised I  
2 cannot say because there is no real documentation or nobody  
3 advised me concretely on that matter.

4 But he talked about absolute proletarian class was the enemy;  
5 that is clear. The absolute class for the revolution is firm and  
6 constant and that is the theory by Pol Pot. This is my response.

7 [09.22.09]

8 Q.My next question to you. It is also related to the question  
9 that I used to ask you and that you would answer the question  
10 when the fact related to that question arises.

11 The question is: what is the principle of the CPK Party in  
12 identification of the enemy? And what does it mean, and what  
13 does the term "enemy" mean?

14 A.The word "enemy", if you talk in terms of analyzing the  
15 Cambodian society before the 17 April, the analysts on the  
16 classes, they would clarify the classes into the peasant and  
17 workers class; the petty bourgeoisie class, including the  
18 intellectuals in that class; the capitalist and nationalist  
19 class; and then the two reactionaries class -- the capitalist and  
20 the reactionary class.

21 In 1974 the Revolutionary Flag determined the two special classes  
22 of the society. That is the soldier and the police class, that's  
23 one special class, and another special class that is determined  
24 by Pol Pot that is the Buddhist monks in the religion. Let me  
25 clarify on these two special classes. There is no document. The

7

1 Communist Party document is not the same as the Pol Pot's  
2 Communist document regarding these two classes.  
3 And when we talk about the monarchy, the Chinese Communist Party  
4 document is also different from the CPK document, and when we  
5 talk about these two special classes -- that is the soldier and  
6 the police class, and the Buddhist monks class Pol Pot designated  
7 that with this religion in Cambodia it is acceptable, but the bad  
8 thing is about the belief in the sin. And for the monks, the  
9 monks are the children of the peasants and their livelihood  
10 depends on the peasants. If the peasants do not provide food to  
11 the monks, then the monks would not exist. So here is the theory  
12 about the religions and the monks.

13 [9.25.42]

14 When he talked about the police and the soldiers that they hold  
15 the enemies weapons and kill the Cambodian people, that was in  
16 1974 and that was the documents that I saw. In 17th April, the  
17 surviving documents showed that the other classes had been  
18 eradicated and only these two classes were formed, so the  
19 evacuation is also best on these classes. Only the true classes  
20 remain, that is, the peasant and the workers classes.  
21 The eradication of the capitalist, then the state would control  
22 the factories, that's because of the class. The intellectuals  
23 were evacuated to the countryside to do farming and some were  
24 smashed and some even were sent to S-21. It's because of the  
25 class. That is the first stage before the documents dated the

8

1 30th March 1976.

2 Because the Cambodian Revolution only had two special classes,  
3 then I presumed that the Pol Pot theory is not the same as the  
4 Maoist theory. Mao Zhedong, after his liberation, he had four  
5 classes in his country; that is, the workers class, the peasants  
6 class, the petty bourgeoisie class including the intellectuals,  
7 and then the capitalist-nationalist class.

8 Mao Zhedong built or designed four small stars on the flag to  
9 represent those four classes. The big star represents the  
10 Chinese Communist Party. That is an evidence. And another  
11 evidence is about the flags of the Democratic Kampuchea. Angkor  
12 Wat only had three temples and Prince Sihanouk also has a flag  
13 with three temples of the Angkor Wat . The middle one represents  
14 the party, although there is no documentation on that. The two  
15 other temples represents the peasants class and the workers  
16 class.

17 If you listen to the national anthem, then it talks about the  
18 blood of the peasants and the workers class that used blood. And  
19 it also talks about the blood of the workers, the peasants, the  
20 combatants, and the revolutionary youth. And the rest of the  
21 classes were not mentioned in that song.

22 [9.29.02]

23 So, Mao Zhedong kept four classes and Pol Pot only kept two  
24 classes. So based on this analysis, the Pol Pot theory or  
25 doctrine is not the same as the Maoist theory. This is another

9

1 principle when we talk about the foundation of the political  
2 doctrine.

3 This is my response to the question. I am not sure whether I  
4 answered to your question correctly or not.

5 Q.Let me clarify further on the matter. When you talk about the  
6 enemy, the enemy in 1974 was about the classes, including the  
7 Buddhist monks, the police and the soldiers, and after 17th  
8 April, it talks about the capitalists. But after the decision  
9 made on the 30th March 1976, the classes remained in only two  
10 forms and the rest were regarded as enemy. Is that correct?

11 A.Thank you for these further clarifications. I think I  
12 wandered into the wrong direction.

13 Actually, in 1974, there was a document about the special classes  
14 but he did not do anything on that. He only educated people on  
15 the Party's lines and policies and only after 17th April '75 he  
16 started to show those classes. As I said earlier, the 17th April  
17 he depended his strength on the cadres within the army. So that  
18 is the reality.

19 The evacuation, like I just said, is based on the screening and  
20 the purges of those classes. Only the two classes remained up to  
21 the 17th April, that is the peasant class and the workers class.  
22 Actually, it's called "collective peasants class" and "collective  
23 workers class" because there are mobile units, SWAT teams, groups  
24 and the mobile brigades, et cetera. So it's called the  
25 "collective peasants class" and "collective workers class"

10

1 throughout the country. All the units were organized properly  
2 into these two separate classes.

3 [9.32.11]

4 So the enemy had been eradicated and from what I know, the  
5 patriarch Huot At because of his well-known work and achievement.  
6 This is from what I know. There is no documentation to show  
7 that.

8 The General Beng Lai Yong and the General Chhim Chhuon and Chea  
9 Kim Eang were within the hands of the 703, so they tried to get  
10 rid of the patriarch and all the novice monks were evacuated to  
11 the countryside and they were forced to do farming. So there  
12 were various goals, objectives, in achieving the direction in  
13 order to reform them to become either peasant or workers class.  
14 If anyone opposed, he or she would be arrested.  
15 So most people would not oppose, but the intellectuals would be  
16 sought out from the countryside and the document dated 30th March  
17 '76, Pol Pot talked about the inside party as I reported to the  
18 Co-Investigating Judges. That was the time when he tries to seek  
19 out the enemy infiltrated within the party.

20 [9.33.56]

21 So this is my clarification. When we talk about the general  
22 lines and who is regarded as enemy. However, in actual practice,  
23 how can we determine someone to be an enemy?

24 So then it comes toward those four groups of people as designated  
25 in the decision dated 30th March '76. Those four groups would

11

1 make the decision. There was a general line, but in practice  
2 only one of those four groups would make decisions.  
3 For example, within the army of the Centre, only one person could  
4 make a decision, that is my superior, Son Sen. Besides him,  
5 nobody dared to make a decision otherwise the person would be  
6 beheaded. So that is in practice, and it was based on the  
7 decision of those four groups.

8 Q.Thank you. In relation to what you have said, there are two  
9 stages in smashing the enemy. The first phase is from the 17  
10 April and the second phase started after the decision of the 30th  
11 of March '76. So I have one question to ask you.  
12 Can you provide explanation; what is the purpose of the  
13 developments and change to the meaning of smashing the enemy  
14 within the CPK policy?

15 A.Let me recall a slogan. It is a slogan of the Communist Party  
16 of Kampuchea. It says, "Our victory is the victory of the  
17 masses." That is, the great masses -- the great movement, the  
18 great masses, the great leap forward. So when all those various  
19 classes were eliminated, only two classes remained, that was  
20 called the great victory.

21 So if you look at the main goal of Communism, what is it? The  
22 main goal of the Communism is to have only one class; that is the  
23 workers class. The socialist society is based on the workers  
24 class. However, in Cambodia there were two classes at the time:  
25 the peasants class and the workers class.

12

1 [09.36.58]

2 And another point of view: there is also a slogan in the

3 socialist society; that is, "Everybody strives their best and to

4 get the result based on their needs." And in the communist

5 society the slogan is, "Everyone tries their best and they get

6 based on what they need, not what they want." For example, I

7 tried to work for them and I had the same food as the rest, but

8 especially for the combatants they only had one soup or one food

9 for them. But for me I would have two dishes because I like dry

10 food, and then I would have my special ration. That is I would

11 have the cigarettes, the motorbike. That's based on the need for

12 to fulfil my duty to serve the revolution, and there is the need.

13 So that's the ultimate objective. However, in actual practice,

14 from what I can recall, I think that is the question posed by

15 Senarong, the Co-Prosecutor. It talks about the starvation of

16 the people. So when the revolutionist people went there they had

17 plenty of food and I told him that it was only a theory. It was

18 to get rid of their cliques, their opponents, and put the people

19 from their side.

20 And Pol Pot only trusted Ta Mok's clique and he did not trust

21 other people's teams. For example, people from the North Zone,

22 they tried in their revolution but in the end, on the 31st of

23 January '77, there were mass arrests of those people and they

24 were brought to S 21. Those North Zone cadres had emotional

25 feeling towards myself because I knew them and I was shocked too

13

1 at the time. I thought those people who sacrificed their lives,  
2 their flesh and blood for the revolution, the Party, and now they  
3 come and die at S-21 and it's speechless for me.

4 So the secret is Pol Pot only trusted the peasants from Ta Mok's  
5 side and not the other teams. So this is the category that I  
6 would draw for the Chamber to consider.

7 [09.40.08]

8 Q.I now understand something about the purpose of the revolution  
9 based on the theory as what you mentioned; that they only wanted  
10 to leave one or two classes in the society for the revolutionary  
11 society, and the other classes had to be gotten rid of. But in  
12 practice there was internal conflicts in the Communist Party, so  
13 what do you think about this? Was there any conflict?

14 A.Actually, basically it is correct.

15 Q.I would like to ask another question regarding the internal  
16 conflicts in the CPK and the purpose of smashing the enemies.  
17 Was it initiated by the senior leaders to get rid of those  
18 internal enemies? And by way of smashing such enemies what means  
19 was used to apply such -- to smash those people, or was there any  
20 mechanism or other people from other ministries were asked to  
21 really carry out those tasks?

22 A.The institution that determined who enemies were, the supreme  
23 institution was the Standing Committee of the Party and it was  
24 obviously Brother Pol, the Secretary of the Party, because he  
25 issued the political -- or the Party's line and he also



14

1 controlled the education. He appointed people. You can refer to  
2 the remaining documents. On the 19th, on the 20th, on the 21st  
3 of April he appointed about 13 institutions and he appointed  
4 almost everything. The document on the 9th of October 1975, he  
5 appointed Son Sen as a police.

6 So we can still refer to the documents and it is easy to prove  
7 it.

8 [09.43.12]

9 Q.I would like to move back to the question concerning the  
10 implementation of policy at S-21 regarding the smashing of the  
11 enemies.

12 The question is: did S-21 implement the policy of the CPK  
13 determined by the four groups, or was the policy decided only by  
14 one unique group among the four?

15 A.These four groups of people comprised of 14 people but only  
16 one of them took control of S-21. It was Son Sen. Not all the  
17 14 people took control of S-21 all together.

18 Q.I may ask another question.

19 So you were supervised directly by Son Sen? So under his  
20 supervision and orders was there any factual principle or policy  
21 to smash enemies applied at S-21? Was there any theoretic plan,  
22 for example the three-year theoretic plan for smashing enemies at  
23 S-21?

24 A.I confess that such plan never existed. I never saw it. It's  
25 real that I never saw it.

15

1 [09.45.11]

2 The role of S-21 was to interrogate people who were arrested and  
3 sent to it. After confessions were taken, then they were sent to  
4 the upper echelon and then S-21 had to take them out to be  
5 smashed. Otherwise, if for example the confessions were not  
6 satisfied then we had to extract further confessions. And S-21  
7 had no authority to release anyone. Otherwise, we would be in  
8 big trouble. And we had no rights to decide to arrest anyone but  
9 when someone was arrested then we had to actually smash them.

10 Q.They said that there was no actual plan but there was of  
11 course the transfer of people, the prisoners to S-21 to be  
12 interrogated to extract confessions. So in such extractions of  
13 confessions were there any methods used to extract exact or  
14 particular confessions the S-21 would like to get or would there  
15 be any just random extraction of confessions without any  
16 particular purpose in that?

17 A.The method of interrogating the prisoners, although torture  
18 was subjected to support such techniques, people were not really  
19 beating right away in the right place, at the beginning. We  
20 employed modest torturing techniques at the beginning and then it  
21 intensified accordingly. For example, Pon had the ability to  
22 analyze the prisoners and he did not resort to torture  
23 immediately like Brother Mam Nai did. Other people were quick to  
24 torture the prisoners like Comrade Thuy.

25 So in conclusion, the confessions at S-21 were mainly based on

16

1 torture except Kuy Thuon who was never being beaten. Kuy Thuon's  
2 confession -- even I myself did not dare analyze his confessions  
3 so I had to transfer the confession exclusively to the superior  
4 without analyzing it because it was beyond my capacity to do so.  
5 So I only did my best to make sure that I can liaise the readings  
6 of the confessions of my superior while they read the materials.  
7 For example, the confessions that I mentioned to Mr. Alain Werner  
8 that I of course annotated internally, I only annotated to note  
9 further to the brother. For example, I would say, "Brother, this  
10 guy had a connection with Kam Heng Rith" for example and I  
11 remember that I did annotate such a note. And sometimes I made  
12 annotations. Sometimes I did not dare do it; for example,  
13 regarding the document Dy Khamboly circulated across the country;  
14 I think I did very little to annotate on that piece of document.  
15 Maybe I did not even annotate at all.

16 [09.49.35]

17 So these annotations are only for my superior to be able to  
18 easily read the materials and grasp the concept more quickly.  
19 And I did not really change the objectivity of the documents  
20 itself. So the confessions were extracted but I did not  
21 subjectively annotate on those annotations.  
22 And when I interrogated myself or when I interrogated Koy Thuon I  
23 did not even come to the point straightforward because Koy Thuon  
24 was quick to react and sometimes he even broke the glasses or the  
25 pen. So I let him calm down for half an hour before I started to

17

1 interrogate him. And when he met me I smiled to him and I said  
2 to him, "Brother, why did you do that? Do not think that I am  
3 fooled by way of your anger and I would beat you to death until  
4 the confession was cut off. I was not stupid to do that. And I  
5 already promised that if you wrote anything in the confession I  
6 would be serving as your messenger to transfer these confessions  
7 to the Party. So you had no other alternative to send your  
8 confession to the Party except through me."

9 [09.51.20]

10 So after all he was convinced. So I think in interrogating I  
11 educated my colleagues not to be so subjectively in pressing,  
12 putting pressure on the confessions.

13 And at M-13, regarding the beating of a female detainee, we tried  
14 to find a way to get out of the main focus and we made her have a  
15 bath and then exposed to the cold wind. So the technique in  
16 interrogating people were advised not to be subjectively to press  
17 detainees to give the confession.

18 When interrogating, although tortures were subject to be applied  
19 as the support tools, some other people resorted to use the  
20 torturing techniques immediately. That's why I told you already  
21 that there were tortures, some cruel tortures and some were not  
22 really cruel. But I do accept all the responsibility of all  
23 kinds of tortures employed at S-21. But when it comes to the  
24 documents I did the annotations but it was in the purpose for  
25 facilitating the smooth reading of the document but I did not

18

1 really subjectively annotate it on any particular document. I  
2 was not biased.

3 And I would like to reiterate that documents at S-21, when they  
4 were left then they were transferred directly to Son Sen through  
5 the organizational communication structure, the vertical line of  
6 communication between I and Son Sen and then the documents would  
7 be transferred further to Uncle Nuon or Pol Pot. Then the  
8 documents would be circulated to the zones.

9 So the Central Party were not entitled to just receive all the  
10 documents and made any annotations they would wish to do so like  
11 that.

12 Q.Thank you.

13 [09.54.06]

14 So you were saying previously that regarding the term "enemies,"  
15 enemies who were sent to S-21 were regarded as dead already or if  
16 they were regarded as enemies they were perceived to have been  
17 smashed already. So in annotating on any particular -- on  
18 confessions regarding those who were sent, why should you  
19 annotate on such confessions because those people were somehow  
20 regarded as dead people already?

21 A.Thank you, Mr. Mengkhy, for raising this matter. The people  
22 who were arrested and sent, they were all dead. That is true.  
23 However, the upper echelon needed the confessions in order to  
24 arrest other people, so this is the second purpose of its nature.  
25 The first purpose is to smash people who were arrested. Number

19

1 two is to track down other people to be arrested.

2 [09.55.57]

3 MR. PRESIDENT:

4 The lawyers for the civil party, do you think you have more  
5 questions to put to the accused? Because it has already been an  
6 hour, so could you please be precise and not repeat, although you  
7 have avoided to repeat your questions but we remind you to please  
8 ask questions that are not repeated.

9 And the accused also advised to not respond to the repeated  
10 questions, so you enjoy this right at all times.

11 MR. KIM MENGKHY:

12 Thank you, Mr. President. I have a few more questions but I  
13 don't know whether the responses are longer than expected because  
14 it depends on the accused, who may answer in short or long. I  
15 will try my best to summarize my questions as much as I can, and  
16 I will try my best not to repeat questions.

17 If I am permitted, may I continue putting more questions to the  
18 accused before we take an adjournment? Or do you think I should  
19 leave the questions after the break?

20 MR. PRESIDENT:

21 You can actually put more questions to the accused. The Chamber  
22 only reminds you to make sure that we can expeditiously proceed  
23 further and in ways of asking questions to the accused, we would  
24 recommend that you summarize your questions and make sure that  
25 the questions are precise so that the accused can answer straight

20

1 to the point, and we just don't want to hear the repeated  
2 answers, or likewise the repeated questions.

3 MR. KIM MENGKHY:

4 Thank you, Mr. President.

5 [09.58.23]

6 BY MR. KIM MENGKHY:

7 Q.Mr. Kaing Guek Eav, the next question is about the wordings of  
8 Pol Pot, who said that the sharpened sword is the sword that is  
9 sharpened every day and used on a daily basis. So in your  
10 implementation of the policy to smash enemies, actually in S-21  
11 did you prepare any particular policy in order to apply the  
12 slogan implied by Pol Pot?

13 A.I would like to state that urgent needs was based on the upper  
14 echelon. In order to answer to their needs and demand we did not  
15 really shout it or put more pressure on our subordinates, but the  
16 best solution was to train them. So it's only the best option to  
17 answer to the needs of the upper echelon. Whether there was any  
18 actual plan or when people would be educated, it was not precise.  
19 We only did it according to the needs of the superiors.

20 Q.Thank you. I have no question regarding to this topic but I  
21 have other questions regarding to the slogans, which are the play  
22 on words during the time or it might be the Party's policies at  
23 the time. If you're able to explain those slogans I would ask  
24 you some slogans.

25 One is, "There is no gain to keep. There is no loss to

21

1 dispense." So can you explain this slogan to us?

2 A.That slogan is not for entertainment. At S-21 I heard all the  
3 time by my superior, Son Sen, and also the civil parties also  
4 used to say those slogans. Also in their complaints the slogan  
5 was written. So this slogan was not only heard at S-21 but also  
6 the countryside.

7 [10.01.35]

8 Q.What is the concrete meaning of that slogan? Can you explain?

9 A.This is just a pretext of the Standing Committee, or probably  
10 by one individual of those four groups. If they complained to  
11 them they would say, "There is no gain to keep. There is no loss  
12 to dispense." Yesterday I used that slogan when I gave in. The  
13 stance of Son Sen talked about the minors, talked about the young  
14 and old children, and actually I used that slogan. However, this  
15 is my current analysis. Whatever he said at the time I could not  
16 recall, but I initially heard those words from him.

17 Q.And another slogan that I would like to ask: "To protest is  
18 the enemy and to complain is to be killed."

19 A.I never heard that slogan but I think it might reflect the  
20 conditions of the situation at the time.

21 Q.Next another slogan that you said yesterday. That is, "Fast  
22 attack/fast success". Does it mean to smash quickly and then you  
23 will get a quick result?

24 A.Let me reiterate that. I use that slogan when I talk about  
25 trying to get the opportunity to conduct the training, even if



22

1 for one-hour session. So it means to attack that one hour in  
2 order to accomplish the task in front of me. It means in this  
3 week or in the next week. So I talk in the context of the  
4 training.

5 [10.04.14]

6 Q.Let me continue to my last question on the slogan. The word  
7 is, "To dig the grass is to dig its root." Is this the only --  
8 this is a slogan used at S-21?

9 A.I never used this slogan to teach my subordinates or my staff,  
10 and I haven't heard the -- I did not hear the slogan used at  
11 S-21, so I believe the slogan might have been used outside of  
12 S-21.

13 MR. KIM MENGKHY:

14 Thank you, Mr. President. The lawyers for civil party group  
15 three have no more questions. Thank you.

16 MS. RABESANDRATANA:

17 Mr. President, I have a few additional questions to put very  
18 briefly to the accused.

19 BY MS. RABESANDRATANA:

20 Q. You referred to a method of teaching, rapid attack and rapid  
21 success. Did you develop this method?

22 A.This phrase is not my phrase. It's the phrase used by the  
23 leadership level, but I cannot recall from whom I have heard or  
24 whether I have read it through the Revolutionary Flag magazine.  
25 I cannot recall it.

23

1 Q.But did you use this phrase or this slogan to turn it into a  
2 tool for teaching?

3 A.My activities and the lines that I follow in teaching is based  
4 on that slogan.

5 Q.Would you report on the use of this method to your superiors?  
6 [10.07.31]

7 A.The method that I used I learned from someone else and I  
8 implement it based on someone else so there is no need for me to  
9 report.

10 Q.To your knowledge, has this method been used in other centres  
11 also?

12 A.I did not use this method elsewhere besides for the training  
13 purpose. I was the only one person at the S-21 to be responsible  
14 for the training.

15 Q.How long would be devoted to training? How much time compared  
16 to your other duties? How much time would you devote to training  
17 activities?

18 A.(No interpretation).

19 MR. PRESIDENT:

20 Mr. Kaing Guek Eav, respond clearly to the questions because the  
21 interpreter cannot hear you. You need to leave enough gap for  
22 the interpreter to interpret.

23 THE ACCUSED:

24 Could you clarify your question clearly because I could not  
25 understand your question properly.

24

1 BY MS. RABESANDRATANA:

2 Q.I shall express it in a different way. I would like to know  
3 whether your training and education activities for the benefit of  
4 your subordinates, whether that work occupied most of your  
5 working time or not?

6 A.At S-21 I had three important duties. One, to teach or to  
7 train. Two, to send the confessions to my superior. Initially,  
8 I made annotations but later on I did not pay much attention to  
9 the annotations on the confessions. And three, to manage and  
10 resolve all the matters or the issues at S-21, as I was overall  
11 in charge.

12 [10.11.03]

13 Q.If I understand you correctly, you had two main duties that  
14 took up two-thirds of your time, that is to say training and  
15 sending up the confessions. Can you confirm this?

16 A.That is correct. I agree to your suggestion.

17 Q.Thank you, sir. So I can thus understand that your duties  
18 were chiefly of a political nature, more of a political than of a  
19 technical nature. Am I correct?

20 A.My duties, in fact, had more political nature than technical  
21 nature.

22 Q.Thank you. Did you think that the policies of CPK were good  
23 policies for the country?

24 A.How could we say that? It's the criminal policy. It was the  
25 most serious criminal policies than those of Gang of Four in

25

1 China.

2 Q.Thank you. Are you saying this now on the basis of what you  
3 now know? Or, was that what you already believed at that time?

4 A.My current knowledge leads me to this understanding and to  
5 make me say these words.

6 At that time, my impression was that the killing was widespread,  
7 however, I, as a policeman of the state, am responsible before  
8 both the national and international laws. That's if I reflect  
9 back to what I did at the time.

10 [10.14.10]

11 MS. RABESANDRATANA:

12 I have completed my questions. Thank you, Mr. President.

13 MR. PRESIDENT:

14 Next, the floor is open to the lawyers for civil party group 4 if  
15 you have a question to be put to the accused.

16 MR. HONG KIMSUON:

17 Thank you Mr. President. I have some questions to be put to Mr.  
18 Kaing Guek Eav, alias Duch. I will try not to delay the  
19 proceedings or to ask any repetitive questions.

20 Mr. President, Your Honours, regarding the implementation of the  
21 CPK policy at S-21 if there are questions which are repetitive or  
22 similar in nature I will not try to ask those questions. But on  
23 certain areas I am not clear and I would like clarification from  
24 Mr. Kaing Guek Eav, alias Duch.

25 [10.15.47]

26

1 BY MR. HONG KIMSUON

2 Q.Yesterday, you told the President and the Chamber regarding  
3 the meetings, all the training, all the education of the staff or  
4 cadres at the S-21 office. You also told the Chamber that you  
5 paid serious attention to the use or the implementation of the  
6 CPK statutes. If I am not mistaken that is what you said. Am I  
7 correct?

8 A.That was what I said.

9 Q.Thank you. Besides the CPK statute of the Democratic  
10 Kampuchea, there are Revolutionary Flag magazines and youth  
11 magazines and the letters or the decisions of the central -- of  
12 the Standing Committees on a number of issues as you repeatedly  
13 said; that is, the decision of the 13th March '76. Are there any  
14 other documents of the Standing Committees which were issued and  
15 that you started?

16 A.Thank you, Mr. Kimsuon, for raising this matter. I would like  
17 to state that at that time there were only documents; that is,  
18 the core documents, the CPK statute and the Revolutionary Flag  
19 magazines and the youth magazines. They are the documents to be  
20 used internally inside the Party but they are not the fundamental  
21 document. And the DK constitution, as I told Your Honours, it is  
22 a facade as a decoration of their activities.

23 [10.18.17]

24 And as a middle cadre or the full-rights member at the time, I  
25 did not see any other decisions of the Standing Committee,

27

1 including the decision dated 13 March 1976. I only saw this  
2 decision at the ECCC when the Co-Investigating Judges presented  
3 it to me for me to analyze and to respond to their questions.  
4 As for the decision on the 9th October '75, I only saw it during  
5 the hearing. I only saw it here at the ECCC.

6 So to conclude, the fundamental document for my study and to  
7 protect my life is the CPK statute. That is my response to you.  
8 Q.Thank you.

9 My next question: your training or your education for the staff  
10 and your subordinates at the S-21 office; yesterday you told the  
11 Chambers about the meetings or the trainings although there is a  
12 group of four or five you would open the training or the meeting  
13 at a location where you used microphones to speak to those  
14 people. Is such regular education or training -- here I don't  
15 mean about taking the opportunity; is some training focused on  
16 which matter, which core matter?

17 A.I think I have already answered. I would like to leave the  
18 floor open for you to analyze my previous answer. I'm sorry. I  
19 will not answer anymore regarding that matter.

20 Q.Thank you. Just now you told the Court about the 14 people  
21 and you said that only Son Sen who had the power over S-21.  
22 Since I want everyone to hear this and there has been several  
23 Khmer expressions concerning the word "Angkar," the Central  
24 Party, the Central Committee or the Standing Committee, were  
25 these words the same or was the power of this group of people the

28

1 same or different?

2 [10.21.32]

3 A.Thank you. I would like to confirm this matter in a more  
4 clarified means. Again, the Central Committee had four labels.  
5 The lowest were the assistants to the Centre. These people had  
6 the right to attend study sessions with other people but during  
7 the general meeting of the Centre they did not have any rights to  
8 make any comments. Before I come to the point number two I would  
9 like to elaborate further on this.

10 People who were classified as assistants to the Centre first was  
11 Chhim Sam-Aok alias Pang and Sou Met and Meas Mut also included  
12 in.

13 I cannot grasp how many people there were and above them there  
14 were candidate members of the centre. They had significant  
15 authority, for example, during the general meeting. They  
16 attended the meeting and they had the rights to make comments.  
17 So they had these two exclusive rights. The candidate member  
18 whom I know was Brother 81, the Deputy Secretary of the General  
19 Staff.

20 Above them the full-rights members of the Centre. These people  
21 had the right to attend study sessions, had the right to make  
22 comments in those sessions, and had the right to vote and make  
23 any decision on any kind of political line.

24 I would like to raise two members -- a few members of the  
25 full-rights members who died, Brother Pork, the Secretary of the

29

1 North Zone who was one of the full-rights members of the centre.  
2 Kuy Thuon also was the full right member. Above them it was the  
3 Standing Committee.

4 From one meeting to another the person who was in charge of  
5 implementing such policies was the Standing Committee. They had  
6 the authority, the rights to decide on any matter decided by the  
7 general meeting. And in that Standing Committee my superior was  
8 the seventh person, while Pol Pot was number one person.

9 Q.Thank you. Just now you stated about the Centre or the  
10 Standing Committee.

11 A.I did not finish my responses regarding the term "Angkar" yet.  
12 For S-21, the people who represented the Standing Committee who  
13 led S-21 was called Angkar. Even Son Sen was called Angkar. Son  
14 Sen even addressed Brother Pol as Angkar and I even called him as  
15 Angkar.

16 [10.25.56]

17 Q.Thank you. In your role before you were appointed as the  
18 Chief of S-21, in your previous statements you said you had study  
19 sessions with Son Sen at the train station with In Lorn, alias  
20 Nat. Is that correct?

21 A.No, it's not correct. I stayed at the train station and my  
22 superior asked me to work at that location. I did not attend  
23 study sessions. It took about 15 minutes only to discuss about  
24 the establishment of S-21. It was only about the presentation of  
25 how S-21 would be established.



30

1 Q.Thank you. Regarding the arrangements and the initiation of  
2 the establishment of S-21, according to your statement the  
3 decisions were made from the Standing Committee's members. So  
4 Son Sen asked you to meet him about 15 minutes, yes, you said.  
5 It was Son Sen's idea to introduce you to that concept or it was  
6 the decision by the Standing Committee as a whole?

7 A.I would like to clarify it. I would like to make comments on  
8 what you have understood so far. I think you are still confused  
9 regarding what the Central Party is.

10 When Son Sen asked me and Nat to meet him, I believe that it was  
11 from the decision by Brother Pol, the highest person of the  
12 Party, so it was from the Secretary of the Party's decision.

13 [10.28.12]

14 Q.Thank you. At S-21, after Nat, the predecessor before you and  
15 you took charge later on, yesterday you mentioned the person  
16 named Huy. I'm not sure whether he was Huy Srei or Him Huy.  
17 Could you please clarify it?

18 A.Thank you for asking that question. Comrade Him Huy at that  
19 time was still in the company but Huy Srei was in the company  
20 with me. His name was Nuon Huy.

21 Q.Thank you. In general, in the implementation of the CPK's  
22 policy at S-21 at that time, the cadres at what levels -- for  
23 example, you yourself, you said you were the medium cadre. Was  
24 there any kind of measurement to determine whether cadres at S-21  
25 at any levels who were entitled to attend meetings with Son Sen

31

1 or the Centre Party's Committee?

2 A.The people who attended the annual meetings and study sessions  
3 with the Centre Party were people who had the title of the  
4 assistant to the Centre Party and above, and I was not yet  
5 appointed or entering that level. I was regarded as average or  
6 medium cadre. Nat was also medium cadre. Ieng Thirith was also  
7 the medium cadre, but Chhim Sam-Aok alias Pang was the member of  
8 the Centre Party. Meas Mut, Sou Met were all members of the  
9 Centre Party.

10 So people who were medium cadres were those who were not yet  
11 appointed to the Party Centre. So the reason that I start  
12 attended session with Son Sen, it was not because I was the  
13 member of the Party Centre. According to Article 8, I was  
14 assigned to work under the immediate supervision of the Standing  
15 Committee, and at S-21 it was I who was assigned to -- according  
16 to that article.

17 When I was at the S-21, when Nat was still the chairperson, we  
18 were invited both and then, at a later date, the superior only  
19 asked me alone and he did not ask Hor to attend any session with  
20 him.

21 [10.32.11]

22 Q.Thank you. I would like to go back a little bit to S-21's  
23 matter.

24 You said on several occasions already, however, I would like you  
25 to tell the Court that -- of course, I already understand that

32

1 people who were sent to S-21 were presumed dead. However,  
2 regarding the transferring of people from all locations to S-21,  
3 you said that sometimes documents were attached, as you responded  
4 to the questions by the Co-Prosecutor. For example, in the case  
5 of the people who were sent from Thailand who were sent along  
6 with documents.

7 Do I understand correctly that some people were also sent along  
8 with the documents attached?

9 A.Thank you, Mr. Kimsuon. I think when you talk about documents  
10 it is rather broad. It is more about the list of the names  
11 because yesterday I saw my annotation on the list of the names.  
12 It was not about a document.

13 So I think I cannot say that every person who was sent would be  
14 attached with the list of names, but after having seen such lists  
15 I can really work on a case-by-case basis.

16 [10.33.51]

17 Q.Thank you. Could you please clarify a little bit, according  
18 to the policy or the line of the CPK, the term "enemies"? In  
19 general, to your knowledge, how many categories the term  
20 "enemies" were classified? I'm not basing on the document  
21 because I'm here talking about the enemies; for example, whether  
22 the enemies of the ideology, the internal enemies boring within  
23 the ranks or outside the ranks. So I'm talking about the  
24 enemies, so who were regarded as enemies?

25 A.I would like to reiterate that. The term "ideological

33

1 enemies" were used long ago, but they did not kill enemies of  
2 that kind.

3 They were only educated to have a strong proletarian class  
4 stance.

5 After the epidemic in 1960s, Pol Pot raised this issue to fight  
6 the enemy, the ideological enemies, and he wrote a song about it,  
7 so that term has been used long ago. However, the born-within  
8 enemies had been found after the 17th of April, especially after  
9 30th March 1976 so far as I remember. I think it is just my  
10 brief analysis and I think we need further clarification on this  
11 matter at a later date.

12 [10.36.15]

13 The class enemy in relation to the economics regime or the  
14 political regime, they were obvious that the CPK smashed,  
15 evacuated them after the 17th of April.

16 At the same time, I would like to also share with you, Mr. Hong  
17 Kimsuon, that the CPK was not the Democratic Party of Kampuchea.

18 It was the government under this party. So the party was  
19 different from the government. I would like you to be aware of  
20 the terms. I'm sorry to say that.

21 Q, Thank you. You once again reiterated the struggle, the class  
22 struggles principle. After the 17th of April 1975 you, on many  
23 occasions, said that Pol Pot changed his mind and deride from the  
24 previous principles before 1975. So the proletarian class  
25 struggle or the class struggle, as you said, concerning the

34

1 workers' class, the peasant class, here, when people were  
2 arrested and sent from various sources to S-21, were they  
3 regarded as the effort to attack the class enemies or not?

4 A.The class enemies were determined in general and internal or  
5 born-within enemies were also regarded as the class enemy,  
6 however, there were elements of the enemies within that term.  
7 There was still the class enemies and it was based on the  
8 philosophy of the Communist Party's theory at that time.

9 Q.Thank you. I may ask another question to follow up what you  
10 said here, that at S-21 there were two purposes. First, to  
11 interrogate people who were sent for confessions, and also to  
12 make more arrests based on the implications found in the  
13 confessions. Do I understand you correctly?

14 A.That is correct.

15 Q.Thank you. So in leading the S-21 or in your role as the  
16 Chairman of S-21, the organization or the strategy management for  
17 interrogation, as you said, of those people who were regarded as  
18 prisoners and the taking out of those people to be killed, to be  
19 killed around S-21 or at the Boeng Choeung Ek , was it the  
20 principle of the killing of those people?

21 A.The method of killing of those people, I have repeatedly said  
22 about this to the Judges.

23 Let me briefly state that when the S-21 was initially  
24 established, Nat asked me how people were killed at M-13 and I  
25 respond with that they were beaten. And Nat was satisfied with

35

1 the stabbing by the knives on the neck, so he ordered S-21, the  
2 special unit of S-21, to implement this method.

3 [10.41.32]

4 When the party ordered S-21 to smash Suos Neou alias Chhouk and  
5 then Suon at 5 a.m. in the morning, I was ordered by the party to  
6 witness the killing by using the stabbing method. Later on, I  
7 heard Comrade Huy, that is Him Huy, talking about the beating.  
8 So I believed there must be a shift in strategy. This is what  
9 happened.

10 However, in actual practice, there might be some modifications or  
11 changes. For those people which the party concerned that S-21  
12 might release, they must be killed and photographed as evidence.  
13 So for those people who had to be photographed would be ordered  
14 by the party, for example, Comrade Pon at Srae Ampel. Another  
15 example, Vorn Vet and Chhay Kim Huor and Nat, former S-21  
16 Chairman, so that is a strange strategy instructed by the party  
17 directly.

18 [10.42.03]

19 MR. PRESIDENT:

20 Now it is time for a break and also because the DVD recording is  
21 running out.

22 The Chamber will now take a break for 20 minutes and we will  
23 resume at 11 a.m.

24 (Judges exit courtroom)

25 (Court recesses from 1043H to 1103H)

36

1 (Judges enter courtroom)

2 MR. PRESIDENT:

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

4 The floor is now open for Mr. Hong Kimsuon to continue his  
5 questions. Can you give an estimate of time for your questions  
6 to be posed to the accused?

7 [11.03.41]

8 MR. HONG KIMSUON:

9 Thank you, Mr. President.

10 I have about five more questions; that's all, and I will try to  
11 make it as short as possible in order to expedite the  
12 proceedings.

13 BY MR. HONG KIMSUON:

14 Q.Let me continue my questions regarding the implementation of  
15 the CPK policy at S-21. Previously I asked, regarding the  
16 principle of killing, Mr. Kaing Guek Eav, alias Duch, responded  
17 to that question by comparing the practice at M-13 to S-21. My  
18 question to you regarding the implementation of the CPK statute,  
19 which is the fundamental document for the practice -- and as I  
20 have read the CPK statute, what I would like clarified is the  
21 principle or the invention, talking about the invention, is that  
22 the implementer would do whatever it takes to get the result as  
23 ordered or instructed by the upper echelon.

24 So regarding the interrogations of prisoners at S-21 and after  
25 the confessions were obtained they would be smashed, what I want

37

1 to know is: is there any principle or line or instruction to  
2 follow? That is, taking out to be killed; is there a detailed  
3 procedure and the types of prisoners to be executed at Choeng Ek  
4 by hitting with the head of the hoe or a bamboo stick, or  
5 different types of people would be burnt alive?

6 So I would like to know if there was instruction from the upper  
7 echelon or it was an invention by the implementer?

8 [11.06.38]

9 MR. PRESIDENT:

10 Judge Lavergne, the floor is yours.

11 JUDGE LAVERGNE:

12 I'm asking myself, Mr. President, if we're not going into details  
13 that relate to another topic which will be brought up later;  
14 which is to say the operations at S-21. I believe that these  
15 questions could be asked at a later stage in these hearings.

16 MR. HONG KIMSUON:

17 Thank you. Thank you, Your Honour. I do not want any details  
18 from the accused. I would like just to know the principle, if  
19 there is any instruction to such effect.

20 BY MR. HONG KIMSUON:

21 Q.Anyway, I would go on -- move on to my next question about the  
22 staff or the subordinates or the cadres under your charge. In  
23 principle, as stated in the CPK statute, did you instruct them to  
24 follow or to implement the line as stated in the CPK statute, or  
25 they could do it according to your instruction or invention?



38

1 A.I would like to respond as follows. The line of the CPK  
2 policy has a characteristic of being strict and cannot be  
3 violated. The term "invention" or the initiative could be only  
4 within the framework of implementing some sort of implementation.  
5 For example, in other various units, from what I believe, they  
6 did not have the study sessions in the quick attack/quick success  
7 form, as I had used at the S-21. But I myself, I improvised this  
8 in order to fulfil the request or the requirements of the upper  
9 echelon.

10 So it means the line was still there and the operation was unique  
11 to S-21 because the training was in this quick attack/quick  
12 success format and we would not improvise or invent any new  
13 things to add to the line. The line is the line and according to  
14 the term used, it is very strict. So it is like sacred. It  
15 cannot be touched, it cannot be violated. This is my response.

16 [11.10.09]

17 Q.Thank you. My third question.

18 MR. HONG KIMSUON:

19 As I told Your Honour, I'll try to be brief.

20 BY MR. HONG KIMSUON:

21 Q.Let me go back regarding the word "cadre" who had the  
22 opportunity or rights to attend the educational training at the  
23 central level. Mr. Kaing Guek Eav, you just said, when you  
24 raised the names of Sou Met or Pon et cetera, and you were within  
25 the medium level of cadre, and you told the Chamber before the

39

1 break that you were the only one that Son Sen authorized or  
2 ordered to participate in the meeting or the study session at the  
3 central level. Is that correct?

4 A.One is the study session. I had no right to attend. Two, the  
5 superior called me in order to receive instructions or orders.  
6 The term we used is like the working conference or working  
7 meeting and I was called by my superior to such working meeting  
8 in order to report to my superior about the progress or the work  
9 and the instructions or corrections from him, and to receive new  
10 instructions. But I was not allowed to participate in the study  
11 session and I would like to make it clear on this particular  
12 point.

13 I forget; I think I did not finish my answer to your question  
14 before the break, but my apology.

15 [11.12.16]

16 Q.Thank you. This is also linked to the question you answered  
17 yesterday. The question was posed by a prosecutor or a lawyer; I  
18 could not recall. You tell about you having no right to attend a  
19 study session with the upper echelon, and now I want to know  
20 about which meeting or which session that you met with Pol Pot  
21 and Ieng Thirith and Comrade Huy.

22 A.It was the political study session in 1978 for the  
23 middle-level cadres. So the central cadres already studied that  
24 session and later the middle-level cadres attended that training,  
25 including Thirith, myself, and Comrade Huy.

40

1 Q.Thank you. Now, still regarding the S-21, you, Mr. Kaing Guek  
2 Eav, alias Duch, became the chairman after Nat. The question is  
3 related to the released and second is about sending those for the  
4 re-education.

5 Could you tell us, during the establishment of S 21 were there  
6 any releases, not only by you but by any other people? Was there  
7 any releases?

8 A.Mr. President, I would like to clarify on this matter. There  
9 was no law to release any person. Those people arrested by the  
10 Party had to be interrogated and smashed, and the principle was  
11 strict. I have told already, even if Pol Pot himself would not  
12 recognize the right to release any person -- that is, he had the  
13 right to release but he never used that right.

14 I also told the Chamber, as well as the Co-Investigating Judges,  
15 that during the life of the S-21, the Party ordered the release  
16 of three people; those were the FULRO members, and I would  
17 clarify later why there was a release of those three FULRO  
18 members. If it is an urgent matter regarding to this, I would  
19 explain further. So there were -- was there any order for  
20 release?

21 And as Craig Etcheson said, it was an exculpatory document of the  
22 accused. I was surprised to hear that and would clarify that, at  
23 that time, there was a complaint by the three civil parties; the  
24 E2/47 and the civil party E2/55, and the E2/56. Those three  
25 lodged a complaint regarding the children who were missing, and

41

1 Peng Pum was missing, and one nephew who was missing; the name  
2 was Yun Doeun. And the S-21 documents said that they were  
3 released.

4 And I look forward to meet those three civil parties in order to  
5 tell the truth to them; to show them that they could accuse me,  
6 and I would apologize.

7 [11.16.54]

8 So I reiterate, there was no release at all, and through the  
9 Chamber I would like to inform those three civil parties to have  
10 a belief in me. I would not use these words to hide my crimes.  
11 I would not use these words to conceal the criminal acts. You  
12 cannot use a bucket to hide a dead elephant. So I would not hide  
13 this, and I would not recognize that S-21 had the right to  
14 release anyone, and probably when the time comes, I would talk  
15 about the release of those three FULRO members as ordered by the  
16 President if that is the case.

17 Q.Thank you. My last question.

18 Because S-21 covered the Prey Sar area, or the S-21 as it was  
19 known, what was the method or how the people were sent from S-21  
20 for re-education at S-24?

21 A.I would like to clarify on this matter as follows. The  
22 full-rights staff of S-21 if they  
23 made a mistake, they would be sent for re-education at Prey Sar;  
24 and please don't use the word S-24; that was not a word used by  
25 the CPK officially.

42

1 The document survives that a CPK called Comrade Nuon Huy  
2 regarding the production, and he went there on behalf of the  
3 S-21. Therefore, the people that is the staff of S-21 did send  
4 them, and the witness Saom Met was transferred from the special  
5 unit as a combatant to be re-educated, and that's what happened,  
6 but for the transfer of the prisoners from S-21 in Phnom Penh to  
7 Prey Sar, it did not happen. That is my clarification.

8 [11.19.46]

9 Q.Thank you.

10 Mr. Kong Pisey in our group would like to proceed with further  
11 questions. I have no further questions at the moment. May the  
12 Chamber allow him to do so?

13 MR. PRESIDENT:

14 The floor is yours, Mr. Kong Pisey.

15 MR. KONG PISEY:

16 Thank you, Mr. President, Your Honours, for allowing me to put  
17 questions to the accused.

18 BY MR. KONG PISEY:

19 Q.First of all, I would like to seek clarification from the  
20 accused concerning the term  
21 "line" and "policy" during the CPK's regime applied at S-21.  
22 Were there any differences between the meanings of the two terms?  
23 A."Line" -- the term "line" is a general term, but the "policy"  
24 is more specific to one  
25 particular issue. For example, the policy of the Party towards

43

1 the enemies who were arrested and sent to security offices, so it  
2 was the policy.

3 The political line is hard to find any example to give you at  
4 this moment, please. Excuse me.

5 [11.22.02]

6 Q.Thank you. So who implemented the political line if it is a  
7 broad line for all?

8 A.The term "political line" was found in some documents of the  
9 Democratic  
10 Kampuchea. It was first adopted in 1960 in the book called "The  
11 Strategic Political Line in Class Struggle in Cambodia" and "The  
12 Strategic Political Policy in Building Forces"; so the terms  
13 determined by the Congress of the Central Party.

14 In 1970, there was another congress -- sorry, in 1963, there was  
15 another congress, and then in 1971, there was another one. In  
16 1966, there was another one. In 1968, there was the last  
17 congress. So the political line was determined by the  
18 congresses, and the secretary was entitled to determine such  
19 line.

20 Q.Thank you. What about the policy, who had the authority to  
21 decide on such policy?

22 A.The political line and the policy were determined in the  
23 Central Congress, and the  
24 key person who determined such policies and lines was the  
25 secretary of the Party.

44

1 Q.Thank you. Can you give us some examples regarding this  
2 matter to prove that it was part of the Party's policy?

3 A.I now can recall the political line, the Party's line. On the  
4 first paragraph of the decision of the Centre's Party's Committee  
5 regarding other affairs on the 30th of March, 1979. It was the  
6 organisational line for the Party to determine the four groups of  
7 people in smashing, making decision to smash people. So the  
8 policy of the Party towards the enemies was obvious that anyone  
9 who was regarded as enemy had to be smashed.

10 Q.Thank you. I would like to ask another question regarding the  
11 expressions to root, to dig the grasses, is to root out the  
12 grasses entirely.

13 [11.26.23]

14 MR. PRESIDENT:

15 I think the expression was already responded and the accused  
16 stated that he has no knowledge of the expression, so the lawyer  
17 is advised to switch to another question instead.

18 MR. KONG PISEY:

19 Thank you Mr. President. So far he sometimes can recall,  
20 although he stated that he forget something. However I will  
21 stick to your advice and I would like to ask another question.

22 BY MR. KONG PISEY:

23 Q.When someone who was regarded as enemy and sent to S-21, what  
24 about their relatives who did not commit any wrongdoings; were  
25 they also sent along with the perceived enemies to S-21?

45

1 A. In general, I have observed that they did come together. When  
2 Brother Vorn was arrested, Vorn Vet I mean, his wife named Vin  
3 also was arrested. When Nat was arrested, Kun, his wife, was  
4 also arrested. So, in general, I saw those people who came along  
5 with the people who were arrested. And I think some people may  
6 survive. Because Pool Touen Chabb was sent, Kaing Siv Huor, his  
7 wife, was not arrested. I don't know what happened, why she was  
8 not arrested. We had the documents that the husband was arrested  
9 but his wife was not. So I have no idea, because it was decided  
10 by the superiors. But, of course, some were spared.

11 Q. Thank you. According to my knowledge regarding your  
12 testimony, the relatives of the perceived enemies who were  
13 arrested, also regarded as enemies. Do I understand you  
14 correctly?

15 A. Of course, anyone who was arrested was regarded as enemy.

16 [11.28.56]

17 Q. Thank you.

18 You told the Court that Mr. Son Sen was regarded as Angkar by  
19 you, and Nuon Chea was called -- regarded as Angkar by Son Sen,  
20 too. So when he placed the order to you, was that part of the  
21 policy or political line for you to carry out?

22 A. His orders were part of the implementation of the decision of  
23 the Party, in the statute you may refer to it. So the tasks of  
24 the members of the Party was to implement all kind of decisions  
25 by the Party. And, we had to implement all the decisions by the



46

1 Party. So his order was to implement the decision by the Party.

2 Q.You said that his orders were to implement the decision of the  
3 Party, and you said that the Party decision was the policy, so do  
4 I understand correctly that his orders were also the policy of  
5 the Party?

6 A.His orders were part of the implementation of the policy. And  
7 the decision of the Centre Party, and you can see the title of  
8 the document, the Decision of the Centre Party's Committee. So,  
9 as Uncle Nuon, as the members of the Standing Committee, so he  
10 implemented the decision of the Party.

11 Q.Thank you.

12 So when your superior ordered you to do something, if you failed  
13 to order, did you have a choice back then?

14 A.There is no condition, no "if". I had to implement his  
15 orders. If not, I would have been killed.

16 [11.31.31]

17 Now I would like to give you an example. Pan, the chief of 98  
18 Hospital, and Savorn, was loaded on a truck to be arrested, but  
19 then he was released. He absconded and he was accused, actually  
20 Pan, not Pong, Pan was accused of being associated with the  
21 release or the abscond of that person.

22 Q.Thank you.

23 The follow-up question is that, if you gave good reasons to your  
24 superior, did you think back then that your superior would  
25 appreciate that reason? If you would have thoughts, reason?

47

1 A.What kind of reasons?

2 Q.All kinds of reason. For example, you was asked to kill  
3 anyone and then you said, well, you should not kill this person  
4 or that for such reason and such reason.

5 A.I think we could not protest. It is the political line which  
6 could not be contested.

7 Q.Thank you.

8 [11.33.08]

9 Do you recall that you said before the Court that Mr. Nuon Chea  
10 ordered you to move Choeung Ek to Kab Srov, and you told him  
11 about the reasons and Nuon Chea also agreed with the reasonings.

12 A.It was the decision, one decision, it was not the political,  
13 or the Party's line. It was just a decision. That's why in my  
14 capacity as the implementer of such a line, it was part of the  
15 decision that we could give reason to control enemies, to smash  
16 enemies that we only needed to build a building to keep the  
17 enemies, so it was possible.

18 Q.At that time you asked him to move that location and then he  
19 supported?

20 A.I would like to apologize. I think I would like to clarify.  
21 He said that the Party asked you to move to Kab Srov and I said  
22 yes. And -- but I said that Choeung Ek had the remaining -- the  
23 remains or bones of the corpse. Nuon Chea said, "Please be calm.  
24 I would like to seek ideas from the Angkar." But later on,  
25 Angkar allowed me to move, as he said, so, with that kind of

48

1 reason, and with permission from Angkar, then we could do so.  
2 The decision was made here because we would like to make sure we  
3 implement the line of the Party so it appropriate.

4 Q.At that time, Choeung Ek was still in the same location and it  
5 was not removed as what you said?

6 A.That's correct.

7 MR. KONG PISEY:

8 Thank you. I have no more questions for the time being.

9 [11.35.32]

10 MR. PRESIDENT:

11 Now the floor is for the defence counsel who would like to put  
12 some questions to the accused.

13 MR. KAR SAVUTH:

14 Thank you, Mr. President.

15 QUESTIONING BY DEFENCE COUNSEL

16 BY MR. KAR SAVUTH:

17 Q.Duch, previously in the hearings you said the staff at S-21  
18 comprised of more than 2,000 people. When they said that S-21  
19 had the most staff, was it acceptable -- I mean, do you accept  
20 that number? If not, can you tell us so?

21 A.Mr. President, the staff at S-21 -- if you look at the  
22 document you could see the real documents to prove -- they were  
23 under the supervision of the general staff or at the 870. So the  
24 numbers of staff that -- it was mentioned more than 2,300 -- were  
25 supported by real documents. No one can contest those

49

1 statistics.

2 However, I would like to point out that S-21 had two centres.

3 First in Phnom Penh, which employed fewer staff, but number two

4 centre was at Prey Sar. At Choeung Ek, they used about five

5 staff only the maximum. So this is the details of the staff or

6 the forces under my supervision at S-21.

7 If I am asked whether I regard this group or the numbers of

8 people at S-21 the most number of staff in security centres, I

9 may say that unless I have obtained any other statistics from

10 other security office, I am not in the position to accept such

11 statistics, frankly. I need further detail and factual

12 documentation as the documents obtained at S-21 and lay them on

13 the table so that we can debate.

14 So all the staff were comprised of both staff at various places

15 in the premises; for example, the correction camps.

16 So I finally do not accept the statistics unless we got further

17 documents to prove.

18 [11.38.45]

19 Q.Thank you.

20 Yesterday, you said Mr. Craig Etcheson in his report there was

21 only two good points, paragraph 24 and paragraph 56, and there

22 was a lot of other points that are fairly good anyway, and there

23 are many points that needed to be challenged or examined further.

24 Can I ask you regarding paragraphs 24 and paragraph 56,

25 especially paragraph 54 (sic) that you said best covered the

50

1 situation; can you tell me why it is best?

2 A.Mr. President, the paragraph 24 of Craig Etcheson's report has  
3 two certainties. The first one refers to the documents that it's  
4 the 30 March 1976.

5 The Chamber has discussed in detail on this issue and I would  
6 like to clarify that S-21 or any other divisions, for example,  
7 Division 502 of Sou Met or 703 or 310 of Comrade Oeun had no  
8 right to smash anyone. The people who has the rights to smash  
9 were the general staff. The meeting on the 6th September '76  
10 attended by Brother 81, after Brother 89 left, was a testimony to  
11 this fact. So this is my response.

12 The second phrase of paragraph 24 talks about the crimes against  
13 humanity; that is the evacuation of the Muslim from the East Zone  
14 to the North Zone. And the telegram, number 15 -- the 30  
15 November '75 of Brother Phim -- that was the name used Chhun in  
16 the telegram -- the Secretary of the East Zone states that Pol  
17 Pot, the Secretary of the Centre, ordered the two zones to  
18 co-operate in the evacuation of the first Muslims in the amount  
19 of 500,000 people and if you -- of the 50,000 Chams. This is a  
20 form of crimes against humanity in the East and the North Zones.  
21 And the Standing Committee was the one at the upper echelon, and  
22 also the secretaries of the East and the North Zones who were on  
23 the ground was aware of it.

24 So this paragraph 24 reflects one portion that we could make a  
25 general conclusion that all activities of the criminal acts

51

1 against humanity in Cambodia was aware by the Standing Committee  
2 as the highest echelon, and the secretaries and the other three  
3 groups were also the commander on the ground in the battlefield.  
4 So that is beneficial and it is the best point in this paragraph  
5 24.

6 Q.And what about paragraph 56, which you said it is also the  
7 best paragraph, can you elaborate on this paragraph?

8 [11.43.14]

9 A.Thank you.

10 Mr. President, the first phrase of paragraph 56 Mr. Etcheson  
11 wrote:

12 "The available evidence shows that the zone communications were  
13 organized in a vertical fashion along the lines of the chain of  
14 command."

15 That is correct. That is the legal terminology used  
16 internationally, and all the state of laws use the term "the  
17 vertical line".

18 However, in order for us to understand it easily, I would use the  
19 language used by the Communist Party of Kampuchea, which were  
20 used by the members of the Party. The vertical lines in the  
21 Communist Party of Kampuchea means the organizers in a line  
22 designated by the Party based on the centralized democracy.  
23 No one dared to communicate outside the organization because the  
24 Central Committee was the one who set this strict procedure in  
25 order to counter any tactics used by the enemy in open or in

52

1 secret, direct or indirect, and it can be used because of this  
2 democratic centralization. And that was stated in the Party's  
3 statutes at point number six of the Principles and Stance of the  
4 Party. So it clearly states that in the statute.  
5 [11.45.37]  
6 Throughout the country nobody dared to violate it. Let me  
7 continue the reading of a paragraph.  
8 "The horizontal communication between zones and the zone to zone  
9 communications were transmitted through the centre as illustrated  
10 by the tele-crimes to Pol Pot from Eastern Zone Secretary Sao  
11 Phim, alias Chhun, complaining about the lack of cooperation from  
12 Centre Zone Secretary Kae Pok in implementing the centre's plan  
13 to deport 150,000 Cham residents from the East Zone to other  
14 zones."  
15 And that is related to the footnote 121.  
16 The words that are used here, "the horizontal communication," in  
17 the Communist Party's usage we don't use this term. It is a duty  
18 or it is a regulation by the Committee to cooperate but for these  
19 zones, these two zones to cooperate in the evacuation of the Cham  
20 from the East Zone to various other zones. So there is no  
21 horizontal communication at all. It is the cooperation between  
22 the two zones.  
23 I myself at S-21 was also ordered by the Party to cooperate with  
24 various other units; that is number one. Before I fully became  
25 the Deputy Secretary of S-21 I was ordered by the party to

53

1 cooperate with Comrade Sok, with the alternate name Sin Dara to  
2 collect the documents from the senior officers' residences and  
3 from the public buildings of the Lon Nol regime. So Comrade Sok  
4 and I cooperated and there were remained the civil documents of  
5 Comrade Sok and myself. We were also depicted in François  
6 Bizot's book.

7 [11.48.10]

8 Also, at the same time in a special circumstance the Party  
9 ordered me to cooperate with Comrade Tat, the Deputy Secretary of  
10 170 and Comrade Pin, the Secretary of 703 in order to fight, they  
11 had indication of a floating cop from the river. So my report  
12 probably was at the Office 870.

13 So there is no horizontal communication at all. There was only  
14 communication and cooperation as ordered by the Party. Only with  
15 the order, then we would cooperate and that would be called the  
16 democratic centralization or the power centralized at the top  
17 echelon.

18 Let me continue. Mr. Etcheson wrote:

19 "The horizontal communication means it's a treacherous  
20 activity."

21 And he relied on a confession of Chann Chakkrei, talking about  
22 Ros Phuon and Suos Noeu when they communicated. There are  
23 numerous examples of this. So I personally in living and working  
24 at S-21, yes, there were communications with certain cadres that  
25 is out of emotion. However, I had to report these activities to



54

1 my superior.

2 For example, I used to take my wife to have a meal at Brother  
3 Chhay Kim Huor's house and was called why I was going there. And  
4 I reported to him that I wanted to drink Tsingtao beer from China  
5 and he laughed and he permitted me. But I did not dare to go  
6 there frequently. It was only once every three or four months  
7 because if we contacted each other directly then it would be the  
8 topic of observance, whether it was a secret activity or not. So  
9 I dare not do it frequently.

10 [11.50.24]

11 In conclusion, the paragraph is good in the sense that it clearly  
12 shows the organization by the Party that is from the top to the  
13 bottom level and the communication with various units only  
14 happened when there was an order from the Party to cooperate.  
15 That is the meaning of the paragraph 56.

16 Q.And you also said in Mr. Craig Etcheson's report there are so  
17 and so points. Can you just show one example of a so and so  
18 paragraph?

19 A.Mr. President, I would like to give just one example. It is  
20 on page 00134784 in the Khmer language and in the English -- in  
21 the English the ERN is 00145. The ERN number for the Khmer  
22 language is 00314784 and in the English language the ERN number  
23 is 00145661. This is a paragraph with so and so quality that we  
24 would like to raise, just an example. And the points that need  
25 to be discussed further is about the nine letters from Sou Met to

55

1 myself. It was called the telegram to me but actually it was not  
2 a telegram. They were letters but we already discussed on these  
3 matters previously.

4 And another point is the confession of Kong Kien alias Oeng Vet.  
5 Yesterday I'd informed the Chamber in answering the questions of  
6 Mr. Alain Werner -- that's the document ERN 00017305 in the Khmer  
7 language. However, this document has a different meaning, and  
8 the translation in the English language retains its original  
9 meaning. However, when Mr. Etcheson wrote in his report, in his  
10 footnote number 78, he wrongly talked, and the meaning deviates  
11 from the original meaning of the document. And when the meaning  
12 is wrong, then the paragraph 37 would be misunderstood if they  
13 read in combination of the footnote. Without the footnote it is  
14 good, but with that footnote, the meaning is confusing.

15 [11.56.09]

16 So this is just some irregularities of his report, and another  
17 irregularity of his report is regarding the interview of Kae Pok.

18 In the English language, the ER number is -- let me just  
19 highlight the point of that page -- 00089713 where Brother Pok  
20 talks about coming to Phnom Penh. I would not read it and I  
21 would not ask permission to have it read, but on that page, the  
22 00089713 at line number 8 to number 12, the content is different  
23 but when Mr. Etcheson concluded in his footnote number 123, it  
24 was different. So when the footnote has a different meaning it  
25 means the meaning in paragraph 57 would be misunderstood if it is

56

1 read in combination with that footnote.

2 Let me return to paragraph 37. I was confused. Actually,  
3 paragraph 37 is so confusing, and this is just my impression and  
4 observation on the report of Mr. Craig Etcheson. Also at the  
5 same time, when Etcheson said that the release -- the list of the  
6 released prisoners was the exculpatory evidence, I was so  
7 surprised to hear that. I did not release anyone, as I have told  
8 the Chamber.

9 I have three documents of the complaints of the civil parties  
10 and, as I responded to Mr. Hong Kimsuon's questions, I never  
11 forget my crimes. I will not use the fabricated list of released  
12 to conceal my crimes and I would reject that statement raised by  
13 Mr. Craig Etcheson. It is not the exculpatory evidence at all  
14 because I am responsible for my crimes. I cannot accept that  
15 document.

16 To conclude, as I have heard, and I would like to inform the  
17 Chamber that in the English language I cannot understand it, but  
18 toward the end I seemed to have heard one word by Etcheson. That  
19 is it has the influence over the Standing Committee and that  
20 drags the Standing Committee into a situation of being paranoid.  
21 It means to fall into the state of being paranoid.

22 I think there were such words in the English language, and when I  
23 heard that I immediately recalled an event when Lon Nol made a  
24 coup d'état against Sihanouk and it was broadcast on the radio,  
25 but there was also another tactic. He wanted to arrest Phuong

57

1 Maquaing. The old people might know Phuong Maquaing, especially  
2 Chum Teav Meas Ket. He wanted to arrest Phuong Maquaing. He  
3 accused Phuong Maquaing of dragging the king into a wrong path.  
4 So Mr. Etcheson said means -- or made me recall of that event.  
5 This is just my observation.

6 [12.01.25]

7 So, in conclusion, there are two good points from Mr. Etcheson's  
8 report but there are various points that I would reserve my right  
9 to have a proper detailed confrontation based on concrete  
10 evidence. For example, the forces to each unit, and then we can  
11 compare if we have those documents. This is my answer.

12 Q.Thank you.

13 MR. KAR SAVUTH:

14 Mr. President, I have no further questions at the moment. May my  
15 colleague be allowed to also put further questions if she would  
16 wish to do so?

17 MR. PRESIDENT:

18 Since it is now time to take an adjournment for lunch, the Trial  
19 Chamber would like to take an adjournment and we advise the  
20 defence counsel to please leave those questions to be put after  
21 the break. And the afternoon session will start at 1.30 p.m.  
22 The security guards are advised to take the accused back to the  
23 detention facility and bring him in by 1.30. The parties to the  
24 proceedings are also advised to arrive by that time.

25 (Judges exit courtroom)

58

1 (Court recesses from 1203H to 1345H)

2 (Judges enter courtroom)

3 MR. PRESIDENT:

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

5 This morning we took an adjournment when the defence counsel for  
6 the accused was about to put questions to the accused concerning  
7 the implementation of the CPK's policy at S-21. So the next  
8 proceedings, the Chamber would like to give the floor to the  
9 defence counsel to put questions to the accused concerning the  
10 said topic.

11 The floor is yours.

12 MS. CANIZARES:

13 Thank you, President. Before bringing up the few questions that  
14 I wish to put to Mr. Kaing Guek Eav, I would like you to give me  
15 the leave to include in these proceedings the organization chart  
16 that Mr. Craig Etcheson modified.

17 [13.47.11]

18 During the previous hearings we asked the expert, Mr. Craig  
19 Etcheson, to complete an organization chart that he had drawn up  
20 and I would like, therefore, that this new completed organization  
21 chart be part of the elements in the proceedings. Mr. President,  
22 I have a copy of this organization chart which I can present to  
23 the Chamber.

24 MR. PRESIDENT:

25 Judge Lavergne, you take the floor.

59

1 JUDGE LAVERGNE:

2 I believe that this element was examined during the public  
3 hearings and I just simply want to know if there are any  
4 objections to this request. Otherwise, we can consider that  
5 indeed this document is officially in case.

6 MR. SMITH:

7 Your Honours, we have no objections for it being in the case. As  
8 to the interpretation of it, obviously that would be subject to  
9 the final submission.

10 JUDGE LAVERGNE:

11 No objections.

12 MR PRESIDENT:

13 The floor is yours.

14 MS. CANIZARES:

15 Thank you, Mr. President. Concerning the first question which I  
16 wish to put to the accused, I would like to get back to an  
17 assertion presented by Mr. Craig Etcheson, who declared on the  
18 25th of May 2009 -- and I am referring myself to the transcript  
19 of that day, page 96, lines 6 to 13 and I will take the leave to  
20 read the statements by Mr. Etcheson.

21 "The CPK established as a priority obedience, discipline and  
22 insisted enormously upon this as well as on the strict  
23 implementation of the Party's line, such as it was defined by the  
24 supreme body of the Party."

25 [13.50.09]

60

1 Mr. Etcheson continues:

2 "Therefore I could even claim that in most places and at most  
3 times the cadres did their best to implement the Party's line or,  
4 in any case, as much as they could understand it or at least  
5 understand its substance."

6 BY MS. CANIZARES:

7 Q. So do you agree with this assertion, Mr. Kaing Guek Eav?

8 A. Mr. President, I would like to state that within the internal  
9 ranks of the Communist Party of Kampuchea every level of cadre  
10 thought constantly on the loyalty and respect and believed in the  
11 leadership level. Nobody dared to violate anything. That was  
12 the reality. That is my response.

13 Q. Can we say, therefore, that you had a good understanding of  
14 the political line of the Party and of the general principles of  
15 the Party?

16 A. Mr. President, at S-21 nobody understood the principles and  
17 the Party's line better than me. It is only I who understood the  
18 most. Let me explain a little bit.

19 I entered the revolution in 1964. I tried my best to study the  
20 Party's line even if Nat, who entered the revolution at the same  
21 time as about me, he did not pay much attention to the Party's  
22 lines as I did. So I was the one who learned the most. So let  
23 me just say that I am the one who -- the most person who studied  
24 and understood the Party lines.

25 [13.54.01]

61

1 Q.Is it this knowledge that allowed you to understand well your  
2 superior's instructions and to implement them in the most  
3 faithful way possible?

4 A.To respond to this question, yes, I completely did that.

5 Q.Do you believe that this is why you survived?

6 A.This matter is the key matter that let me live until the  
7 present time.

8 Q.Could you please elaborate on this?

9 A.The factor that let me live until now is, from my observation,  
10 involved many things. First, I did what I was told, no more or  
11 less. Two, for every matter I never concealed anything. So to  
12 conclude, my honesty and my endeavour to do things properly are  
13 the main factors that I survived. The rest who survived and whom  
14 I know probably had similar qualities. This is my response.

15 [13.57.27]

16 Q.Thank you very much. When you were transported to Tuol Sleng  
17 for the reconstruction on the 27th of February 2008 you expressed  
18 the desire to make a statement before the Co-Investigating  
19 Judges, the victims, and some of your former subordinates, and  
20 you said -- and I can quote this. It is Document 48/2 Annex 2,  
21 ERN in French 00181506; 00181508 too, and in Khmer 00181503 to  
22 00181505, and in English 00198082, 00198083.

23 And you stated that day, and I can quote this:

24 "I am angered against myself who gave in to the other people's  
25 concepts and therefore respected, followed their criminal orders



62

1 blindly, and I regret this deeply and I regret having given in to  
2 others' concepts and to have accepted the criminal tasks that I  
3 was entrusted with."

4 Does this statement correspond well to your position in relation  
5 to what was committed more than 30 years ago?

6 A.Mr. President, my remorse, my suffering, had no tangible  
7 image. Every time I recalled the past I was still attached to  
8 the remorse that I have had. I will not betray my remorse and I  
9 will not just let my remorse fade away. I will always remember  
10 it. I am so painful.

11 I always say the wrong decision for one minute would lead to  
12 sorrow and remorse for the entire life. Therefore, when I bow my  
13 head to be tried in this Court it is to be tried for the crimes  
14 that I committed. I will not put the entire blame on my superior  
15 -- to my superior -- and I will not blame my subordinates as  
16 well. That means I will not go away from my responsibility.

17 This crime, although it falls within the role of my superior, it  
18 is also falling within my role. At S-21 all the crimes I will be  
19 responsible for. I will not blame anybody or any subordinate;  
20 not at all. The crimes committed throughout the entire country,  
21 as I stated in my statement during the opening of the trial at  
22 this Chamber, I am responsible. Ideologically and  
23 psychologically that was the result suffered on the entire  
24 population of Cambodia.

25 I would like to share --

63

1 [14.05.00]

2 MS. STUDZINSKY:

3 I would like to interrupt because we discuss this afternoon the  
4 CPK policy and implementation. What the accused is stating here  
5 is more the last statement or a statement which is not covered by  
6 the subject, and I would like to go to the issue that we want to  
7 discuss this afternoon, and that the defence comes back to the  
8 issue and asks questions to the accused on the issue. Thank you.

9 MS. CANIZARES:

10 My learned colleague, earlier on when you asked -- when you put  
11 questions to the accused we did not interrupt you. Mr. Kaing  
12 Guek Eav is in the process of explaining something that is of the  
13 utmost importance. I don't see what entitles you to prevent him  
14 from providing these explanations so I will be thankful if he's  
15 allowed to proceed.

16 (Deliberation between Judges)

17 MR. PRESIDENT:

18 The objection made by Ms. Studzinsky is rejected, and the defence  
19 can continue the questions relating to the facts to be placed  
20 before the Chamber; that is, the implementation of the CPK policy  
21 at S-21.

22 [14.08.05]

23 THE ACCUSED:

24 I would like to continue.

25 The implementation of the policy throughout the country as well

64

1 as at the S-21 Office; at S 21 Office, there were crimes  
2 committed on the human beings for more than 12,000 people. And  
3 throughout the country, I do not have any concrete figure for the  
4 people who suffered because of the implementation of the policy.  
5 So I was part of those to be blamed because I had my role. Also  
6 as a member of the Party I would not escape from my  
7 responsibility. I acknowledge the mistakes -- the mistake that I  
8 did because of the implementation of the Party's policy at S-21,  
9 which this policy is the most criminal policy; worse than those  
10 Gang of Four from China. And more than 12,000 people suffered at  
11 S-21 Office, and I can never forget it. So this is my  
12 acknowledgement to the Chamber, to the entire Cambodian  
13 population, so that they understand the issue. And it is my  
14 remorse, my remorse in wrongly implementing the Party's policy.  
15 [14.10.13]

16 MS. CANIZARES:

17 Your Honour, with your leave I would like to suggest the viewing  
18 of two extracts from the video recording of the reconstitution on  
19 27th February 2008 in Tuol Sleng. In these excerpts there are  
20 points that I would like to put questions to the accused. These  
21 two excerpts would take up about 15 minutes.

22 MR. PRESIDENT:

23 Could you please elaborate further on your attempt to have the  
24 excerpts of that video clip projected regarding the re-enactment  
25 of S-21? We would like to hear the reason.

65

1     Could you please share with us the relevance of that video clip  
2     regarding this topic? I'm afraid that the excerpts may be not  
3     relevant to the implementation of the CPK's policy being debated  
4     now. And the reason we ask is because we want to make sure that  
5     that fact is related to what we are discussing.  
6     The video clips of that video excerpt are related to the  
7     operation at S-21, and there will be also other sub-topics  
8     divided regarding the armed conflict, so after the questions are  
9     put regarding the armed conflicts then there would be  
10    sub-categories of the facts to be debated so that the parties are  
11    well-informed and prepared.

12    MS. CANIZARES:

13    Your Honour, this request comes as a logical follow-up to my  
14    earlier question. I'm referring to an excerpt in which the  
15    accused talks about the implementation of the CPK policy at S 21,  
16    and it contains his statements referring to, in particular, his  
17    feelings at the time of that re-enactment and his feelings in  
18    relation to the implementation of said policy.

19    [14.13.45]

20    JUDGE LAVERGNE:

21    Could you explain to us what this video will contribute in  
22    addition to what we already have here in these proceedings? We  
23    have heard the accused, who has talked about the implementation  
24    of CPK policies at S-21. What is the added value for us to see  
25    that video excerpt in addition to what we already have?

66

1 MS. CANIZARES:

2 In my opinion this video was shot under extremely specific  
3 circumstances. Mr Kaing Guek Eav was revisiting the actual place  
4 -- site -- of S-21, and in this video he can be seen making a  
5 statement whereby he says that he is tremendously, deeply moved  
6 when he returns to S-21. And I think that to experience or to  
7 see him feeling these feelings when he revisits the place itself  
8 -- the site itself is S-21 -- is in itself added value to the  
9 statement that he is making today and here in this Chamber. It  
10 is very important; this hearing also being a public hearing. It  
11 is also an important opportunity to be able to show the reactions  
12 of Mr. Kaing Guek Eav at the time when he revisited the site of  
13 S-21.

14 MR. PRESIDENT:

15 Judge Cartwright, you take the floor.

16 JUDGE CARTWRIGHT:

17 Thank you, Mr. President. Thank you for that explanation.

18 It seems to me that the expression of the accused's feelings is  
19 an important matter for the Court to consider. However, it also  
20 seems to me that there may be more appropriate times to consider  
21 this aspect of the material on the case file, such as during the  
22 portion of the trial on the character of the accused. It seems  
23 to me that there is very limited relevance to the topic of CPK  
24 policy in this matter.

25 Do you have any comment on that?

67

1 [14.15.38]

2 MS. CANIZARES:

3 Inasmuch as I consider that the excerpts for which I was asking  
4 the Chamber leave to show them in this whole, had to do with the  
5 accused talking about the implementation of CPK policy at S-21.  
6 It would have stemmed from this consideration, that at this point  
7 in the debate it could have been worthwhile looking at these  
8 excerpts at this time, although I do understand that looking at  
9 these excerpts at another point-in-time during these proceedings  
10 would also have merit.

11 (Deliberation between Judges)

12 MR. PRESIDENT:

13 Regarding the request made by the defence counsel, the Chamber  
14 would like to inquire the AV officer to tell us how much time is  
15 needed so that the video clips can be projected, as requested by  
16 the defence counsel. The Court official, could you please liaise  
17 with this matter.

18 And the defence counsel, could you give us any clear indication  
19 as to which reference the materials are to be projected so that  
20 they can link to that clips immediately, and are you sure that 15  
21 minutes will be used for the clips?

22 [14.21.01]

23 MS. CANIZARES:

24 Thank you, Your Honour.

25 The reference of the file is D48/2R, ERN Khmer 00210051 --

68

1 00210051. The two excerpts amount to, respectively, 3 minutes,  
2 54 seconds, and the 14 minutes, 39 seconds. So it's a total of  
3 17 or 18 minutes.

4 MR. PRESIDENT:

5 Judge Cartwright, you take the floor.

6 JUDGE CARTWRIGHT:

7 Another matter, Counsel. Do these extracts show any witnesses  
8 who have yet to give evidence? Because so far they still have  
9 pseudonyms and are not to be published. It may be a reason for  
10 deferring this until later.

11 MR. WERNER:

12 Sorry to interrupt, but I would just add that the same would  
13 apply for civil parties who are under pseudonym as well.

14 [14.23.06]

15 MS. CANIZARES:

16 Your Honour, I am afraid your words of caution are well taken; I  
17 had not remembered about that.

18 JUDGE CARTWRIGHT:

19 Well, the choices are cutting the live feed to the public, which  
20 defeats the purpose of -- or at least part of the purpose of  
21 showing these excerpts or delaying the showing of the excerpts to  
22 a later stage.

23 MS. CANIZARES:

24 Your Honour, yes, I think you are right, we should postpone the  
25 showing of this video for the reasons that you have mentioned.

69

1 MR. PRESIDENT:

2 So the defence counsel stated clearly that the excerpt can be  
3 shown later at any appropriate time in the future.

4 So next we would like to know whether the defence counsel still  
5 wish to put further questions. The floor is yours.

6 MS. CANIZARES:

7 Thank you, Your Honour.

8 As far as the defence is concerned, we have no further questions  
9 to put to the accused. Thank you.

10 [14.25.32]

11 MR. PRESIDENT:

12 So it is time to hear the implementation of the CPK policy at  
13 S-21 and this session comes to an end. But we now move to  
14 another topic, the fact concerning the armed conflict.

15 So far we have heard the expert, Mr. Nayan Chanda. However, the  
16 Court has not put questions to the accused concerning the armed  
17 conflict. So from now on the parties are informed that we are  
18 now in the session of the fact concerning the armed conflict.

19 QUESTIONING BY THE BENCH

20 BY MR. PRESIDENT:

21 Q.The accused, please be prepared -- rather, are you prepared?  
22 Have you got all the documents ready?

23 A.Mr. President, in general I have been prepared.

24 [14.27.40]

25 MR. PRESIDENT:



70

1 During the previous sessions the accused stated, in response to  
2 paragraph 38, and that the accused has not contested the  
3 existence of the armed conflict, starting from the 31st of  
4 December of 1977.

5 BY MR. PRESIDENT:

6 Q.The question the Chamber would like to ask to the accused is  
7 that whether the 31st of December 1977 is consistent with the  
8 radio broadcast in Phnom Penh about the invasion of the  
9 Vietnamese into Cambodia and that it is the declaration of the  
10 cut of the diplomatic relations with the Socialist Republic of  
11 Vietnam at that time -- I mean the 31st of December 1977?

12 A.Mr. President, it is true.

13 Q.On the 31st of December 1977 was it -- regarding the radio  
14 broadcast concerning the invasion of the Vietnamese troops into  
15 Cambodia and also the cut of the diplomatic relations with  
16 Vietnam, is that the right date?

17 A.I think that event is true.

18 [14.29.44]

19 Q.Were you aware that the severing of the diplomatic relations  
20 between Vietnam and Cambodia -- how did it happen? Is it through  
21 radio broadcast or was it from the upper echelon to you?

22 A.Mr. President, I listened to the radio broadcast but in  
23 details I could not really recall that event, but I would not  
24 reject it. It happened but I just cannot recall. I really paid  
25 attention on the event took place on the 6th of January 1978, the

71

1 day Pol Pot went to Borey Keila to celebrate a ceremony and he  
2 called it the commemoration of the Cambodian Army victory over  
3 the Vietnamese Army. So I remember that better than the radio  
4 broadcast. I think there was a radio broadcast but I just cannot  
5 recall it clearly.

6 So in conclusion, I heard on the radio but I clearly remember I  
7 knew it on the 6th of January '78.

8 Q.Can you recall the arrival of the Vietnamese for the first  
9 time at S-21? Do you recall probably in which month and what  
10 year?

11 A.On this matter there were two stages. The first stage, once  
12 in a while one or two of them arrived, including some Vietnamese  
13 soldiers in the small amount, one or two. That was in the first  
14 stage.

15 And for the first stage there was no orders to get the voice from  
16 these Vietnamese people for the radio broadcast. However, after  
17 the 6th of January their voice was broadcast on the radio. And I  
18 still can recall a voice that was used for broadcast; the name  
19 was Vor Ding Ngao, a former naval lieutenant of the Vietnamese  
20 soldier. At that time Nguyen Van Thieu was the President and  
21 Nguyen Cao Ky was a deputy prime minister, and the Cambodians  
22 called them the Thieu-Ky soldiers. He came in for information  
23 and was arrested by the Cambodian soldiers and his voice was  
24 broadcasted on the radio.

25 [14.32.33]

72

1 Q. In terms of the timing, the first arrival of the Vietnamese to  
2 S-21, can you recall in which year or which month; was it in '76  
3 or '77? Because the chronological event developed, and as you  
4 understand and agreed to the existence of the conflict on the  
5 31st of December '77, and there are also documents showing the  
6 presence of the Vietnamese citizens at S-21 and there were  
7 several stages when they arrived. And I want to know when the  
8 Vietnamese people were sent to S-21. I would like to know in  
9 which month or which year, if you can recall it.

10 A. Mr. President, the Vietnamese ethnics living in Cambodia, yes,  
11 after the 17 April they were arrested. When there was an event  
12 involving them they were arrested. Also at the same time people  
13 who entered the Cambodian territory were arrested, either the  
14 Vietnamese civilians or the former Vietnamese soldiers of the  
15 Republic of Vietnam.

16 So I cannot recall it. I think it depends on the document and  
17 the list at S-21, but I myself cannot recall it. As I said, in  
18 the first stage only a few arrived at one time. And I  
19 acknowledge and accept the list of those people at S-21.

20 [14.35.04]

21 MR. PRESIDENT:

22 Judges of the Bench, do you have any questions to be put to the  
23 accused regarding the armed conflict effect? If you have, the  
24 floor is yours.

25 Judge Cartwright, the floor is yours.

73

1 JUDGE CARTWRIGHT:

2 Thank you, Mr. President.

3 BY JUDGE CARTWRIGHT:

4 Q.Kaing Guek Eav, you have said that you do not dispute that  
5 there was an armed conflict between Vietnam and Democratic  
6 Kampuchea from 31 December 1977, but you have also said just now  
7 that you recall very few details of some of the events about  
8 which the President questioned you.

9 Is it for that reason that you do not accept there was armed  
10 conflict prior to the 31st of December 1977?

11 A.Your Honour, I do not object to it. For the CPK and the  
12 Vietnamese Communist Party, they have had the conflicts for so  
13 long and I had witnessed it with my own eyes at S'ang, Koh Thum,  
14 and Leuk Daek from September -- my apology, from December,  
15 September. The Vietnamese Labour Party established their base  
16 there and killed the people. My apology, I am so confused. Let  
17 me start again.

18 [14.37.23]

19 In September the Ang Yang Provincial Committee of Vietnam came to  
20 organize an administrative committee in S'ang in that area and it  
21 was called the Sector 62 Committee. First they shot and killed a  
22 person named Oeng Em who was a tax collector. He was killed near  
23 the Bassac River.

24 And second, they shot and killed a member of the Vietnamese  
25 Labour Party, Chao Ken. At the same time they arrested the

74

1 members of the Communist Party of Kampuchea and imprisoned us.  
2 So the conflict between Vietnam and Cambodia was in that form.  
3 Even in the Stoung district between June 1970, Vietnamese  
4 soldiers came in and attacked the units of the Lon Nol government  
5 and killed nine teachers, and they appointed one peasant to be in  
6 charge.  
7 So this is what I knew personally and witnessed personally at  
8 S'ang, Koh Thum. And later, as I have said, the conflict between  
9 Vietnam and Cambodia is a long protracted conflict. So I do not  
10 pay much attention to that and I believe Pol Pot would be able to  
11 defend the territory, so the sending of people back and forth and  
12 the sending of people to S-21 was the result of that. That is it  
13 could be a double-cross, as I said earlier.  
14 [14.39.35]  
15 Before the 6th of January I received an order to interrogate and  
16 smash those people who were arrested because they were regarded  
17 as enemy. And later, after the 6th of January, it was strange  
18 because their words were taped to be broadcast on the radio in  
19 Phnom Penh. So it was only one order.  
20 As for the Vietnamese civilians or Vietnamese citizens who were  
21 sent to S-21, they would be beaten, interrogated and smashed.  
22 Only after the 6th, on top of that, their voice was taped and  
23 they were photographed to show at a meeting in Jakarta. Also a  
24 movie was taken. So that was my recollection on this event.  
25 So in conclusion, I still see that S-21 was not fully aware

75

1 regarding this fact. We only received those people and followed  
2 the instruction from the upper echelon. So this is what S-21  
3 knew and this is my honest response.

4 Q.Thank you. So, in summary, you do not dispute that the  
5 conflict between Cambodia and Vietnam continued after the 17th of  
6 April 1975. It's just that you don't have many details about it  
7 because you were not paying much attention to those disputes. Is  
8 that correct?

9 A.Mr. President, Your Honour, your conclusion is correct. In  
10 fact let me add a few words. My main task is involved the  
11 interrogation. So regarding the conflict between Vietnam and  
12 Cambodia, it was a secret. The two parties had a conflict but  
13 the conflict was kept secret. This is my response to you.

14 Q.Thank you. Well, I had a large number of questions to ask  
15 you, to see what you recalled about the armed conflict, but it  
16 seems it will not be necessary to do that because you have  
17 conceded that in fact there was an armed conflict between  
18 Democratic Kampuchea and Vietnam from the 17th of April until the  
19 6th of January 1979. Is that a fair assumption on my part or do  
20 you wish to make further comment?

21 A.I would like to state that the conflict did happen  
22 continually; only that I was not allowed to know. It was kept  
23 secret between the two parties. And the two parties, which are  
24 the Marxism-Leninism parties, they did not reveal the conflict to  
25 the public. I acknowledge it existed.

76

1 [14.42.57]

2 Q.Well, it will be necessary then to explore just what you did

3 know at the time, as opposed to what you now know and

4 acknowledge. So can I start by asking you your knowledge of

5 armed conflict between the time that -- from the 17th of April

6 1975 until the 15th of August 1975 when you were appointed as

7 Deputy Chairman of S-21.

8 During that period you have said that you were very busy at M-13.

9 Is that correct? I'll restate and say on the 17th of April and

10 for a few weeks after that you were very busy at M-13. Is that

11 correct?

12 A.Your Honour, at M-13 I finished my work since the 1st of

13 January 1975. My superior left and joined the battlefield to

14 have the final attack on Phnom Penh, and on the 30th of April he

15 came to meet me and ordered me to release some prisoners and the

16 rest were sent to 99, and ordered me to wait for him. On the

17 20th of June, he called me for training, so I was not busy.

18 However, regarding the conflict between the two parties, it was

19 in the form of a political and some armed conflict, as I said, at

20 S'ang, Koh Thum, where I personally saw it.

21 So in conclusion, from what I was allowed to know was limited

22 because they kept this matter secret. The two parties kept it

23 secret and did not reveal to the public. They wanted to solve

24 the matter between the two parties. So I myself had little

25 knowledge about the existence of the conflict.

77

1 [14.46.30]

2 I myself wished not to know about this because it's beyond my  
3 ability but I believed that they would be able to defend the  
4 territory, the integrity of the country. And I myself, from  
5 September 1975 tried to think and work hard with Nat at S-21, so  
6 whatever happened outside, let it happen. I just focused on my  
7 work to complete the work that was instructed.

8 And as for the Vietnamese citizens, the civilians and the former  
9 Vietnamese soldiers of the Vietnamese government based on the  
10 order of S-21, I just completed my task. So this is my  
11 description of the conflict between Vietnam and Cambodia and I  
12 did not have a deep detailed knowledge of the conflict. This is  
13 only from my recollection.

14 Q.Thank you. In an interview conducted before the Military  
15 Court on the 7th of July 2002, ERN number English 00329129 to  
16 00329132, Khmer 00095692 to 00095695, and French 00327359 to  
17 00327362, you said that two or three days after the 17th of April  
18 you met Son Sen and he assigned some more work relating to  
19 prisoners at M-13. When you met Son Sen, did he mention anything  
20 about conflict between Vietnam and Democratic Kampuchea?

21 A.Your Honour, I met Son Sen, from what I can recall, at the  
22 Damnak Smach on the 30th of April 1975. That was the time that I  
23 said he asked me to finish the remaining task, that is to release  
24 all the prisoners at M-13B and at M-13A and to send some to  
25 Office 99. And the rest were released.



78

1 That's what I said previously. I also said that was the time my  
2 superior gave me a motorbike. That was what happened but he did  
3 not mention about any conflict. The political conflict was  
4 learned through the study session a long time ago.

5 Q.Did he give you no other assignment, after giving you a  
6 motorbike, until June of 1975?

7 A.Your Honour, at that time he asked me to wait to receive  
8 information.

9 Q.Thank you. What exactly did you do during this period when  
10 you had finished your work at M-13 and were given your new  
11 assignment, or when you met again on the 20th of June 1975?

12 [14.52.10]

13 A.Your Honour, on the 30th of April 1975 until the 20th of June  
14 1975 -- I already told the Co-Investigating Judges that I don't  
15 want to use that term again -- I took a ride on the motorbike and  
16 I took the motorbike to meet the brother of Son Sen to receive  
17 information when I should come to Phnom Penh. And after waiting  
18 for so long I asked for marriage, but my fiancée asked me to  
19 delay the marriage plan because if I had been in trouble then the  
20 marriage would not last anyway.

21 So I had to wait to receive further information, so by the end of  
22 May I met Cheng An. I asked Cheng An to ask the upper echelon to  
23 put me to the industry department.

24 Q.Yes, thank you. I do recall you giving testimony about that  
25 previously. I'm interested in this period to know if you heard

79

1 any news on the radio or from any senior leaders about armed  
2 conflict with Vietnam.

3 A. During that time I did not have any contact with my superior.  
4 Without any communication I was not assigned any assignment  
5 politically, so I did not have that information.

6 Q. During this early period in Democratic Kampuchea what was the  
7 status of communications generally? Were there radio broadcasts?  
8 Had they started publishing the "Revolutionary Flag"?

9 A. Regarding the "Revolutionary Flag" magazines, I would like to  
10 state that I had known the "Revolutionary Flag" for some time  
11 already. Before it was the "Red Flag". It converted to the  
12 "Revolutionary Flag" magazine and I did not remember how many  
13 issues I missed reading the magazines.

14 [14.55.38]

15 Then after I started to function in my office there, I started to  
16 receive a good collection of the magazines.

17 Q. And what about radio broadcasts? Did you hear any during  
18 this period that referred to conflict with Vietnam?

19 A. To my knowledge, the Communist Party of Kampuchea and the  
20 Workers Party of Vietnam -- later on converted to another party  
21 -- they hid the conflicts. They made it secretly and did not  
22 reveal any information about the conflicts. And I could not  
23 recall whether such information ever broadcast on radio and I  
24 can't recollect at all.

25 Q. Thank you. Moving now to the period when you were appointed

80

1 as Deputy-Chairman of S-21, did you begin making regular reports  
2 to Son Sen as Deputy Chairman?

3 A.Your Honour, when I received the position as the Deputy  
4 Chairman, there were two stages. It was -- the first stage the  
5 15 of August 1975 to October. During that period, I was assigned  
6 to collect documents from the villas and the republican  
7 institutions so that I could keep those documents. And sometimes  
8 I tried to interrogate the detainees and also annotate on some  
9 documents, but I only became fully operational on October until  
10 March 1976 when Nat left, then I became the full-rights Chairman.  
11 So my works classify into steps like that.

12 [14.57.13]

13 Q.So are you saying that your regular reports to Son Sen did not  
14 begin until October of 1975?

15 A.Your Honour, from October 1975 and ever since, when Son Sen  
16 asked me to work with him, he asked both of us, I and Nat - the  
17 Chairman and Deputy Chairman - so the report started from then,  
18 but based on the surviving documents, I believe that it can be  
19 understood that how I reported back then, beginning from that  
20 date or not.

21 Q.Did your daily reports by telephone begin after you were  
22 Chairman or while you were still Deputy Chairman?

23 A.Your Honour, the telephone I used, I used it about a few  
24 months after Nat had left.

25 [14.59.57]

81

1 Q.Thank you. In your interview with the Co-Investigating Judges  
2 on the 5th of May -- D72; English ERN 00204282 to 00204300; Khmer  
3 00187649 to 00187670; French 00186168 to 00186191 -- you speak of  
4 Son Sen mentioning the border dispute at Mondulkiri, but you  
5 could not recall whether that was said when you were appointed to  
6 work at S-21 in August 1975 or when you became Chairman in March  
7 of 1976. Are you able to recall anything more of this  
8 conversation now?

9 A.Your Honour, I can briefly recollect that incidence when my  
10 superior, Son Sen, present this information to me. I think that  
11 day there was a meeting of the Division to solve this issue and  
12 others, but this matter became apparent during the presentation.  
13 Son Sen turned back and pointed to the map and everyone could see  
14 that he said that the conflict happened in that area. It was  
15 about 38 kilometres -- square kilometres, and in that conflict  
16 what happened I cannot recall. I remember him pointing to that  
17 particular area of conflicts, and it is not the presentation that  
18 he gave between he and I, but at that time Nat left S-21 already.  
19 I was promoted as the Chairman of S-21.

20 Q.Thank you. And was it clear to you then that this was a  
21 conflict with the Vietnamese and an armed conflict?

22 A. At that time, it was not obvious that there was any  
23 mentioning of armed conflict. So far as I remember, there was  
24 this matter of the Vietnamese army who was sent to S-21; after  
25 the 15th of August, 1977, I saw one Vietnamese army was sent to

82

1 S-21. I did not know whether he had been sent earlier but, of  
2 course, I notice his presence at S-21.

3 [15.04.24]

4 Q.Later, from the 15th of August, 1977, you reported to Nuon  
5 Chea. How often did you report in person?

6 A.I would like to state that the frequency that I was asked to  
7 work was not much different from that when Son Sen asked me to  
8 do, so in three days or in five days then I would be called to  
9 work for them.

10 Q. But I think the difference in communication between you and  
11 Nuon Chea and you and Son Sen, was that Nuon Chea did not use the  
12 telephone very much. Is that correct?

13 A.Your Honour, Uncle Nuon never used telephone. I don't know  
14 why. Son Sen used telephone as a basis for communication with  
15 me.

16 Q.Thank you.

17 [15.06.00]

18 In the same interview with the Co-Investigating Judges of the 5th  
19 of May to which I have just referred, you also said that Nuon  
20 Chea spoke of the Brevié Line to you at the end of 1977. Do you  
21 recall any details about that discussion?

22 A.At that time I was asked to work face to face with him. I  
23 don't know whether it was the time when Lê Du?n just left  
24 Cambodia. He said when he came he talked only about the Brevié  
25 Line so we would not be easily cheated by way of discussing that

83

1 Brevié Line. I think this is what I could recall.

2 JUDGE CARTWRIGHT:

3 Mr. President, this may be a moment to take the adjournment.

4 MR. PRESIDENT:

5 The Chamber will take a 15-minute adjournment.

6 (Judges exit courtroom)

7 (Court recesses from 1507H to 1524H)

8 (Judges enter courtroom)

9 MR. PRESIDENT:

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

11 [15.25.34]

12 Before I hand the floor to Judge Cartwright, the Chamber would  
13 like to announce information to the parties and the public that  
14 the scheduling of hearing the testimony of Witness KW-08 which  
15 was planned to be conducted this afternoon was delayed to a later  
16 date. The reason is that during the proceedings on the facts of  
17 the implementation of the CPK policy at S-21 the parties involved  
18 in the discussions took a lot of time. So the scheduling of time  
19 was shifted greatly. Therefore, the hearing of the testimony of  
20 Witness KW-08 could not be conducted on time. And when the facts  
21 related to this witness arises, then the Chamber would call the  
22 witness related to the operations at June 8.

23 [15.27.23]

24 The date for testimony of this witness will be informed to the  
25 parties at a later date in the hearings scheduled for that fact.

84

1 I also would like to inform the victims and witnesses support  
2 unit to facilitate and arrange for the witness KW-08 to return to  
3 the residence.

4 Now, the floor is given to Judge Cartwright to continue her  
5 questioning relating to the armed conflict.

6 JUDGE CARTWRIGHT:

7 Yes, thank you, Mr. President.

8 BY JUDGE CARTWRIGHT:

9 Q.Kaing Guek Eav, I have been asking you what you knew of armed  
10 conflict during the period 17 April 1975 until 31 December 1977.  
11 Since hearing the testimony of Nayan Chanda, have you recalled  
12 any other details of the conflict and who gave you this  
13 information, or how did you learn of it?

14 [15.29.08]

15 A.Your Honour, the testimony of the expert Nayan Chanda, I would  
16 regard it as beyond my knowledge or understanding. I don't say  
17 it is fabricated information but it was what I was not known. I  
18 can recall that my superior, after leaving S-21, initially he was  
19 based somewhere but later on he was based in Neak Loeang and my  
20 communication with him on the telephone was roughly once per  
21 month.

22 So after my departure from my superior I thought there were  
23 matters that needed to be prepared on their side and the  
24 information that I was allowed to know from my superior was about  
25 information at Ple Santouch Mountains to the east of Mondulkiri

85

1 and then the Brevié Line that was told by Uncle Nuon and about  
2 the land conflict. I was told on that by Son Sen. Uncle Nuon  
3 told me directly when he called me for work assignment.

4 As for Son Sen, from what I can recall, he told during the  
5 meeting with others, the recent members -- there were more than  
6 10 of us at the time.

7 Q.Thank you. At S-21 was there a radio that you or the staff  
8 would listen to from time to time?

9 A.Your Honour, yes, there was a radio. There were radios but I  
10 don't know who else had a radio but I myself I had a radio. It  
11 was a 14-band radio. The thing is I did not have time to listen  
12 to my own radio. That was the reality.

13 Q.So are you saying that you did not hear any reports of  
14 conflict with Vietnam on your radio?

15 [15.32.12]

16 A.It's been so many years already from what I can recall I  
17 couldn't say. I did not hear about the armed conflict  
18 broadcasting on the radio before the 6th of January. This is my  
19 recollection, not before the 6th of January 1978.

20 Q.Prior to that date did you know about the attempts in May 1975  
21 by Democratic Kampuchean forces to free disputed islands from the  
22 control of the Vietnamese?

23 A.There had been a rumour about this or about a similar event  
24 regarding the American ship so there was no real issue on that --  
25 the Mayagüez ship.



86

1 Q. So you heard rumours or a rumour about disputed islands and/or  
2 the Mayagüez ship. Is that correct?

3 A. That is correct, Your Honour. I heard the rumour but it was  
4 mixed up. I'm not sure about the Puolo Wai Island, about the  
5 Mayagüez ship.

6 Q. So you're not sure about the Puolo Wai Island which was  
7 attacked by the Vietnamese in June of 1975. You're not sure if  
8 you heard about that at the time or shortly after that?

9 A. Your Honour, in June 1975 I arrived in Phnom Penh on the 20th.  
10 So in June I was in a study session and the new -- probably it  
11 was not during that period.

12 Q. Did you have access to a radio at that time when you were  
13 attending study sessions?

14 [15.35.16]

15 A. Your Honour, during the study session at night we discussed in  
16 groups all the lessons we learned during the day so we did not  
17 have time to listen to the radio. And at that time I did not  
18 bring the radio from Amleang.

19 Q. And did you hear any mention of the dispute during the study  
20 sessions?

21 A. I cannot recall but it seems that nobody talked about any  
22 conflict.

23 Q. In your interview of the 5th of May 2008 with the  
24 Co-Investigating Judges, D72, ERN English 00204284 and Khmer  
25 00187649 to 00187670, and French 00186168 to 00186191, you

87

1 recalled being instructed about the political differences with  
2 Vietnam in political education sessions. Did that instruction  
3 include reference to the border disputes with Vietnam or with  
4 Thailand?

5 A.The political study sessions and the conflict of Vietnam and  
6 Cambodia -- the conflict was quite a long time since the  
7 negotiation in '73 when Vietnam wanted Cambodia to negotiate  
8 Vietnam to both benefit financially from America in the amount of  
9 \$200 million. Politically Cambodia is a party which is  
10 subordinate to the Vietnamese Labor Party. That is what I  
11 learned through the political study session.

12 [15.38.36]

13 But that was unofficially, outside my study session and the  
14 organization of the cooperative is in order to stop the Vietnam  
15 to encroach further into the Cambodia territory. That's what I  
16 learned.

17 In 1973, Le Duan requested the Vietnamese ethnics in the  
18 liberated zone to return to their country in order to organize an  
19 election. That's what I learned. Later on, a little bit after  
20 the 17th April, I collected a book From Colonization to Communism  
21 at the office of the Lon Nol Republic's building. It was written  
22 by a French author and the reasons mentioned in the book is  
23 believable. I think the Cambodian Communist Party could not  
24 agree to the Indochinese Federation policy and I believed in the  
25 theory of that book. When I came to reside near the railway

88

1 station I saw Le Duan and Pol Pot order people to receive him. I  
2 saw him but we did not know on what topics they would negotiate  
3 or discuss.

4 Regarding the armed conflict, I did not really know much about  
5 it. I thought I knew clearly about the politics, about the  
6 policy that was presented regarding the matter of the Indochinese  
7 Federation.

8 [15.39.40]

9 However, on another matter that I remember which, on the 15th of  
10 August 1977, Son Sen left me and he did not come to see me.

11 Only Uncle Nuon came to see me. My superior went to Neak Loeang  
12 and I didn't know what his plan was at Neak Loeang. Once in a  
13 while he called me on a radio. That's what I can recall.

14 For the armed conflict, how it happened -- I could only rely on  
15 the list of the documents at S-21. It means those combatants who  
16 were sent to S-21 could be sent an S-21 document. What I can  
17 clearly recall or remember was on my work, and I can recall also  
18 the time when the Vietnamese prisoners, the voice was taped for  
19 the radio broadcast. That is with the instruction. And I can  
20 clearly recall that.

21 If there are any points that I missed, you can ask me further. I  
22 am ready to respond to your questions frankly.

23 Q.Thank you. In your interview with the Co-Investigating Judges  
24 of the 28th of March 2008, you said at the English reference  
25 00177587:

89

1 "Since the beginning of the war and until 1979 I saw Vietnamese  
2 war prisoners coming."

3 By the phrase, "Since the beginning of the war," do you mean from  
4 the 17th of April 1975 or some other date?

5 A.Your Honour, the date that I remember clearly that there was  
6 armed conflict was after the 6th of January. Before the 6th of  
7 January I had heard also that the Vietnamese troops encroached  
8 deeply inside the Cambodia territory, but on the 6th of January,  
9 Pol Pot called us to attend a study session and that we learned  
10 that there was a victory and that Vietnamese people, prisoners of  
11 war, were sent to S-21 and their confessions were taped and  
12 broadcast.

13 [15.44.16]

14 So when I mentioned about, "Since the beginning of the war" I  
15 mentioned to the date after the 6th of January. And I believe  
16 that there was such a broadcast.

17 Q.In the same interview, you say further on that, there were  
18 also civilians,

19 Vietnamese civilians, that:

20 "...they were arrested on the front line when military operations  
21 were carried out. Indeed, there were hardly any Vietnamese  
22 immigrants in Cambodia after 17 April 1975."

23 You also say:

24 "After 17 April 1975 most of the Vietnamese who remained in  
25 Cambodia were eliminated; there were very few left. However, I

90

1 remember seeing S-21 lists carrying the names of Vietnamese who  
2 were still living in Cambodia."

3 My question to you is this. From the 17th of April 1975 until  
4 the 6th of January 1978 when you say you first knew about what  
5 you called "the war", were you aware of the policy of elimination  
6 of Vietnamese from Cambodian territory?

7 A.I did not receive this information, however, in 1973 there was  
8 an event.

9 During the study session, every member of the Party was informed  
10 that Le Duan needed the Vietnamese immigrants to be taken back to  
11 the southern part of Vietnam for the election. So the inside of  
12 the politics, whether all the Vietnamese had to be eliminated or  
13 the policy to eradicate the Vietnamese race was not quite  
14 familiar or informed. The Vietnamese people who remained in  
15 Cambodia after 1975 were those who were arrested and perceived as  
16 enemies like the other Chinese immigrants and other ordinary  
17 Cambodian people.

18 [15.47.48]

19 Q.You heard Nayan Chanda being asked about a publication of the  
20 Department of Press and Information of the Ministry of Foreign  
21 Affairs published in September of 1978 and called "The Black  
22 Paper". Are you familiar with that publication?

23 A.Your Honour, I had never seen that "Black Paper" until 1983  
24 that I saw a copy of the book, and the book published by -- at  
25 that time, I did not see it. I only saw it in Samlaut in 1983.

91

1 Q.Thank you. In that paper, there were allegations that the  
2 Vietnamese attacked Democratic Kampuchea immediately after the  
3 Khmer Rouge liberated Phnom Penh on 17 April 1975.  
4 Were you aware at the time that the government, the Democratic  
5 Kampuchean government, believed that the Vietnamese had attacked  
6 Cambodia as soon as the Democratic Kampuchean government or  
7 Democratic Kampuchean -- Khmer Rouge troops had liberated Phnom  
8 Penh?

9 A.The 17th of April 1975, Phnom Penh was liberated. The  
10 southern part of Vietnam was liberated on the 30th of April the  
11 same year, just 13 days after the liberation of Phnom Penh. So,  
12 personally, I don't believe that the Vietnamese managed to split  
13 their troops to invade -- attack Cambodia; I don't believe.  
14 [15.50.42]

15 Q.Thank you. Also in that paper was the allegation that Vietnam  
16 sent spies to Cambodia in 1976. Were you aware of any spies in  
17 Cambodia in that year?

18 A.I think it may be possible and that the spies could even be  
19 sent to S-21 because civilians, Cambodian civilians, were  
20 arrested and sent to S-21. So when they were arrested, those  
21 people were usually regarded as spies and sent to S-21 to be  
22 interrogated. So I can presume that it would be the case.

23 Q.And further in that "Black Paper", there were allegations of  
24 attempted assassinations of Democratic Kampuchean leaders in 1975  
25 and 1976. Did you know of those attempted assassinations at the

92

1 time?

2 A.I don't know. However, the documents at S-21 when it  
3 mentioned about the attempted assassination, it was that the  
4 Division 310 of Comrade Ouen that talked about the attempted  
5 assassination of the Secretary of the Party. Other surviving  
6 documents, including the 30th of March 1976 document, mentioned  
7 about Pol Pot who was prepared and that he would not send Uncle  
8 Nuon or Khieu -- he would not go himself. Instead he would send  
9 Khieu Samphan or Uncle Nuon to attend any event on behalf of him.  
10 So the document from Division 310 are the decision of Pol Pot  
11 that he would not meet the Vietnamese counterpart. Instead, he  
12 sent Khieu Samphan or Nuon Chea. I think this document proved  
13 it.

14 [15.53.50]

15 Q.And you were aware of that document at the time. Is that  
16 correct?

17 A.At that time, the document I knew was the confession of  
18 Comrade Oeun from Division 310. Regarding document on the 30th  
19 of March 1976, I only received it from the Co-Investigating  
20 Judges recently. I don't remember when, but recently.

21 Q.Thank you. In his testimony, Nayan Chanda spoke of a struggle  
22 for power in 1976, won by Pol Pot after purges in September, and  
23 of the decision that was made to find a permanent solution to the  
24 dispute with Vietnam and to exterminate Vietnamese in Cambodia,  
25 and I refer to this reference. The English ERN is 00192271 in

93

1 the book "Brother Enemy".

2 Was any such policy concerning finding a permanent solution to  
3 the dispute with Vietnam and the extermination of Vietnamese in  
4 Cambodia communicated to you at that time?

5 A.The document I received from the superiors, I did not receive  
6 the Black Paper neither did I receive this kind of document. I  
7 only sent a document to the superior, the confessions of S-21.  
8 [15.56.14]

9 I already saved the Revolutionary Flag magazine and the  
10 Revolutionary Youth magazines, the Statute of the CPK, and  
11 regarding the actual documents concerning that issue between  
12 Vietnam and Cambodia I did not receive such documents, frankly.

13 Q.I understand that you did not have access to the Black Paper  
14 or to Nayan Chanda's book. However, I am asking if you were told  
15 of or read about the decision to find a permanent solution to the  
16 dispute with Vietnam and to exterminate the Vietnamese in  
17 Cambodia around 1976?

18 A.The notion of Nayan Chanda I just heard here at the Court in  
19 the first place.

20 I would like to also tell you that the book written by Nayan  
21 Chanda was presented to me only when he came here.

22 Q.Did you know of that policy in 1976?

23 A.Could you please repeat what kind of policy you were  
24 mentioning about?

25 Q.This was the policy to find a permanent solution to the



94

1 dispute with Vietnam and to exterminate Vietnamese in Cambodia.

2 A.I don't know anything about it, and I don't recall anyone has  
3 told me anything about it.

4 [15.58.48]

5 Q.Thank you.

6 On the purges of the Cambodian military began -- and you have  
7 referred to them in a number of interviews, but I will refer in  
8 particular to one reference, the English ERN is 00218977 to  
9 00218978; Khmer, 00218975 to 00218976; and French, 0239998 to  
10 0239999. That was a list of 66 members of the Democratic  
11 Kampuchea Military who were executed over three days, 22, 26, and  
12 29 March 1976.

13 Were they interrogated at S-21?

14 A.I was surprised about the list. When I was the Chairman of  
15 S-21 I did not see any Vietnamese people coming in large scale.  
16 But there was a list given to me for comments on the number of 66  
17 people who were the Vietnamese fishermen, and I suspect that it  
18 was the list of 64 --

19 Q.I'll interrupt you here because there is a misunderstanding.

20 I am referring to a list of Cambodian soldiers who arrived at  
21 S-21, and that is the list of those soldiers who were executed on  
22 the 22nd, 26th, and 29th of 1976. And I am asking you, were  
23 those Cambodian soldiers interrogated at S-21?

24 A.If you talk about the former Lon Nol soldiers there may be  
25 some of them left at the psychiatric hospital in Ta Khmau. And

95

1 when Nat left he ordered Hor to smash them, to finish the work.  
2 They were not interrogated. The majority of the soldiers were  
3 not interrogated.

4 [16.02.32]

5 Q.So did you know if any of that list of 66 members of the  
6 Democratic Kampuchean Military had been fighting the Vietnamese?

7 A.My apology. I am not sure on this. Can you clarify further  
8 on your question? The 66 soldiers, were they the Lon Nol  
9 soldiers or the Khmer Rouge soldiers? In my response I refer to  
10 the Lon Nol soldiers. So I am not sure. Can you verify on that?

11 Thank you.

12 Q.It's not for me to answer that question. But they are listed  
13 as prisoners smashed at S-21, Tuol Sleng, and they were arrested  
14 in March of 1976. Can I assume that they were more likely to be  
15 soldiers of the Democratic Kampuchean Forces than Lon Nol at that  
16 stage?

17 A.You Honour, I cannot explain to you because I have not seen  
18 that list yet.

19 Q.You said in your interview with the Military Tribunal,  
20 D42/1/13 ERN number 00197753 and 00197754, in relation to that  
21 list, that these were military officers and soldiers captured in  
22 Phnom Penh and Sector 25. You saw just one's face, Ban Ouch Nil  
23 Pich, who is number 55 on that list, and described as a Major.  
24 And you went on to say, "I did not actually see their faces but I  
25 wish to accept that they were victims of CPK crimes against

96

1 humanity after 17 April 1975."

2 Does that refresh your memory?

3 A.Your Honour, if you talk about the Lieutenant Colonel Nil

4 Pich, Ban Ouch Nil Pich, this person was the uncle of Neas Nat

5 who was detained at the PJ Prison. Nat took me to his room once

6 and that was the only person I saw. So this soldier was not a

7 soldier of the Communist Party of Kampuchea. They were guarded

8 and rounded up from Sector 25 in order to be smashed and they

9 were not interrogated. I was not sure about this person, whether

10 the person was interrogated or not. This is my recollection.

11 [16.07.07]

12 Q.Thank you. Now, moving on to Vietnamese prisoners.

13 In the agreed facts at number 108, you do not dispute that the

14 largest group of foreigners detained was Vietnamese and that the

15 list records at least 400 Vietnamese, of which approximately 150

16 were recorded as prisoners of war and at least 100 were clearly

17 civilians.

18 Is there anything you want to add to your statement that you do

19 not dispute those facts?

20 A.Your Honour, I do not have any objection and it is still an

21 agreed fact.

22 Q.So can you tell me when you first received Vietnamese

23 prisoners of war into S-21?

24 A.Your Honour, I cannot recall it, but there were a few before

25 the 6th of January 1978. Only at the later times then there were

97

1 quite a number of them.

2 [16.09.10]

3 Q.Thank you. And further, you do not dispute in paragraph

4 108(b) that the first recorded arrest of someone described as

5 Vietnamese was on 7 February 1976.

6 Does that also -- do you also have no further comment to make on

7 that statement?

8 A.Your Honour, whatever the facts that I agreed, I will agree to

9 it. So if the lists are the general lists of S-21, then I will

10 accept it, and I cannot provide any further explanation to the

11 list since I cannot recall it.

12 Q.Thank you. There were occasions when Vietnamese were

13 transported from the battlefield by S-21 personnel. Was this

14 before the 6th of January 1978? Did that happen on any occasion

15 prior to that date?

16 A.I cannot recall regarding this matter. I think, yes, there

17 were transportations but I am not sure either it's before or

18 after that date.

19 Q.When that occurred -- that is the transport of Vietnamese

20 prisoners of war from the battlefield to S-21 -- did you order

21 S-21 personnel to undertake that duty?

22 A.Your Honour, the S-21 staff who could do it only with my

23 order, that's number one. If they went to the countryside then

24 they needed to have a letter of authorization.

25 Q.Thank you. So you would know the area in which they were

98

1 captured so that you could give the order to transport them to

2 S-21. Is that correct?

3 A. That is correct, Your Honour.

4 [16.12.20]

5 Q. Can you think back and tell us of any areas to which you sent

6 S-21 personnel to transport Vietnamese prisoners of war?

7 A. I cannot recall. There are two roads. One is through

8 National Road Number 1, Phnom Penh, Neak Loeang and Prey Veng to

9 Svay Rieng. And another road is Road Number 7 from Phnom Penh to

10 Skun to Kampong Cham and crossing to Ponhea Kret. So I was not

11 sure which road was taken.

12 What I can recall is that the special permit for road travel --

13 how many were used for the trips to go to the Vietnamese border,

14 or how many were used to go to Battambang.

15 Q. Thank you. In a statement made by you during the

16 investigation by the Military Court on the 4th of June 1999 --

17 ERN English, 00184829 to 00184832; Khmer, 0089673 to 0089678; and

18 there appears to be no French translation -- you speak of the

19 Vietnamese soldiers whose responses were recorded on audio tapes

20 and broadcast, and photographs were taken to show the world that

21 they were smashed. And you go on to say this:

22 "The Vietnamese were numerous. I can't remember them all.

23 Further explanation on the Vietnamese soldiers who were held at

24 S-21, they were combat soldiers captured on the battlefield on

25 Kampuchean territory in the south during 1977 and 1978."

99

1 So from that statement it appears that there were Vietnamese  
2 soldiers brought to S-21 during 1977 and, of course, later during  
3 1978. Is that correct?

4 A.The content of what you just read is still to show the events  
5 that took place in '78, although I am not clear. However, the  
6 list at S-21 would shed light -- a better light than my statement  
7 at the Military Court from '77 until when the Vietnamese soldiers  
8 were captured and what happened in '78, then the S-21 would shed  
9 a better light than my statement.

10 Q.Yes, thank you.

11 [16.16.27]

12 JUDGE CARTWRIGHT:

13 Mr. President, is this a convenient time to adjourn?

14 MR. PRESIDENT:

15 Thank you, Judge Cartwright.

16 The Chamber will adjourn for today's hearing and will resume  
17 tomorrow morning from 9.00 a.m.

18 Security officer, take the accused back to the detention facility  
19 and bring him back before 9.00 a.m. tomorrow.

20 And also I would like to inform the parties to participate in the  
21 hearing tomorrow morning before 9:00 a.m.

22 (Judges exit courtroom)

23 (Court adjourns at 1617H)

24

25