



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

9 April 2009, 0902H

Trial Day 7

Before the Judges:

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

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KONG Pisey
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For Court Management Section:

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CHEA LEANG
Robert PETIT
YET Chakriya
William SMITH
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Jurgen ASSMANN
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François ROUX
KAR Savuth
Heleyn UÑAC

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BIZOT (Witness)	French
MR. CANONNE	French
MR. HONG KIMSUON	Khmer
MR. KAR SAVUTH	Khmer
MR. KONG PISEY	Khmer
JUDGE LAVERGNE	French
MS. MOCH SOVANNARY	Khmer
MR. PETIT	French
MR. ROUX	French
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. TY SRINNA	Khmer
MR. UCH SORN (Witness)	Khmer
MR. WERNER	French
MR. YET CHAKRIYA	Khmer

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

2 (Judges enter the courtroom)

3 [09.02.31]

4 MR. PRESIDENT:

5 The Court is in session now. The Court Official, could you
6 please bring Mr. François Bizot into the courtroom.

7 (Witness enters courtroom)

8 MR. PRESIDENT:

9 Next in our proceedings, we are going to hear the testimony of
10 Mr. Francois Bizot to be followed from what he already testified
11 yesterday. So now, the Chamber would like to ask the Judges of
12 the Trial Chamber whether they would like to ask any questions to
13 the witness.

14 Since there are no questions from our Judges and I have a
15 question on my own.

16 BY THE PRESIDENT:

17 Q. Mr. Francois Bizot, during the time when you were detained at
18 M-13 from October to the 25th of December 1971, did you notice
19 how many staff, including the cadres and guards, in that office
20 at that time?

21 A. Your Honour, I tried later on to figure this out but I
22 wasn't successful in doing so. There was Duch, his deputy and
23 one or two Khmers, I believe, who were in charge; of course, with
24 a lower level of responsibility, the two younger ones. The
25 guards, or in any case those who were assigned to follow me -- to

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1 follow my eventual -- when I was walking around -- they could
2 have been three or maybe two others for the other prisoners.
3 Maybe there were five or six guards in total with a few
4 rotations, but those were rare. So let's say about 10 people in
5 total maybe, but I'm not sure. I'm not sure of this figure.

6 [09.06.33]

7 MR. PRESIDENT:

8 Next, the Chamber would like to give the floor to the
9 Co-Prosecutors to be able to put some questions to the witness if
10 you would wish to do so.

11 QUESTIONING BY CO-PROSECUTORS

12 BY MR. YET CHAKRIYA:

13 Q.Mr. Francois Bizot, could you please clarify regarding the
14 detainees who came with a child, so where were they taken to?
15 A.I do not know where the father of the little girl was brought
16 to. I have the feeling, however, that he was brought to his
17 death and the little girl stayed in the camp. And, as I said to
18 you yesterday, she was taken in by the young guards and she quite
19 quickly witnessed or participated in the self-criticism sessions
20 which also came with songs. And I remember seeing her not really
21 answering the questions but at least clapping her hands and
22 singing along, singing along with these revolutionary songs that
23 were sung before and after each one's self-criticism confession.

24 [09.08.46]

25 I remember after about two weeks, she became a little girl who

3

1 had completely joined the cause in a certain way, you could say.
2 She completely followed the steps of the guards, we could say,
3 and then I don't remember exactly, however, but did she stay in
4 the camp or was I released before she left? That I cannot really
5 remember. I cannot give you anymore details on that, I do not
6 remember.

7 Q.How old was that little girl?

8 A.Nine years old because I had asked her for her age. She was
9 nine years old.

10 Q.Another question, please. Could you please clarify again when
11 you were released from M-13 were Son and Lay, your assistants,
12 released at that time also?

13 A.My two assistants, my two companions, were not released. They
14 were, Duch told me, released but they had to stay on-site. That
15 is to say that they were no longer shackled and that they could
16 participate in -- or that they were going to participate in the
17 work at the camp.

18 In any case, they would remain free within the camp, we could
19 say, in relation to -- they would remain free in this camp in
20 relation to the zones that were still under government control;
21 this camp being considered as a free zone.

22 [09.11.04]

23 The explanation to this because I tried in vain to make this
24 inconsistency clear. I considered that I was innocent.
25 Innocent, and on the other hand, that we could not consider that

4

1 my two companions could not -- would also not be free, that I
2 could not understand.

3 And they answered me that they were Khmer and I was a foreigner.
4 So, therefore, my place was not in the camp, however, they would
5 be released in Khmer Rouge-controlled territory which was called
6 the Liberated Zone. I know, unfortunately, that that's not how
7 things went, however, and that they were executed.

8 MR. PRESIDENT:

9 Mr. Petit.

10 MR. PETIT:

11 Thank you, Mr. Bizot. Thank you, Your Honours.

12 BY MR. PETIT:

13 Q. A few questions. First of all, you spoke to us about -- a few
14 times. In fact, you said this about the deputy who you thought
15 was the deputy of the accused who was the first person in the
16 camp with whom you had contact, the first cadre in the camp with
17 whom you had contact, and it was a rather unpleasant meeting, you
18 said.

19 Were you able back then, or since, with relative certainty to
20 establish the identity of this deputy, the deputy of the accused?
21 What was his name?

22 [09.13.18]

23 A. I have absolutely no memory of this. I don't remember
24 his name. However, I knew it at one time but I don't remember it
25 now. I saw several times this cadre, who was indeed a rather

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1 brutal person and who was completely insensitive to others. and
2 in a particularly remarkable way I must say.
3 However, not so long ago, having learned that these are not --
4 this is additional information that I gathered, so it's not
5 directly related to my memories of M 13 per se, this is
6 additional information that came from recent information.
7 Well, one of the deputies of Duch at S 21, if I may refer to S
8 21, was a certain Mum Nai, Mam Nai -- I think it was Mam Nai, yes
9 -- and I thought that maybe, therefore, that it was Mam Nai at M
10 13 who was his deputy as well. But, at the same time, the
11 descriptions of this deputy, this henchman, yeah, at S 21 depict
12 him as being somebody who was particularly tall and albino, or in
13 any case was very -- had very clear skin, which did not
14 correspond at all to the physical aspect that I remember from the
15 deputy at M 13. So I cannot be sure that it was the same person.
16 [09.15.29]
17 Q.Thank you.
18 On the other hand, you also said yesterday in your statement that
19 where you were detained, or retained we may say even, you could
20 observe -- or at least once you were able to do so -- the accused
21 interrogating a prisoner, the father of the little girl in
22 question, after having received a file from the guard who was
23 accompanying the detainee to the accused. And as far as I
24 understood from your statement, that this took place, therefore,
25 in an open space which was visible to everyone.

6

1 So, therefore, were you able to observe other situations of this
2 kind where the accused was working, we could say, at
3 interrogating other prisoners, and did you see any other
4 exchanges of files related to these interrogations?

5 A. In order to be a witness of this it was necessary for there --
6 it could not rain. Duch would set up his table, it was a small
7 table, a small mobile table, outside under the porch of the
8 guards' hut, and I saw the interior of this hut only once, and
9 then it -- there were hammocks inside, so the guards would sleep
10 in hammocks. And when it was not raining, therefore, I could see
11 Duch working behind this table; the accused working behind this
12 table.

13 However, this was not visible to everybody, being that if --
14 because if this barrack -- hut was next to the other huts -- but,
15 however, the prisoners could not see easily the guards moving
16 around their huts because the fullest hut was on the right-hand
17 side of the guards' hut and the prisoners were necessarily and
18 always lying down.

19 [09.18.38]

20 So the hut that was facing the prisoners' hut that I've just
21 mentioned could see probably what was happening in -- around the
22 hut reserved for the guards. However, it was not the one that
23 was the most -- where the most prisoners were housed and, in any
24 case, Duch -- since it rained often when I was in the camp, most
25 of the time Duch was inside and, therefore, to answer your

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1 question, Your Honour, the only memory that I have of this -- the
2 only -- that I saw somebody come in and out practically
3 immediately. Most times people -- I would see people go in and I
4 did not see them come out, and if they came out it was after a
5 long time. Anyway, he came in and he came out immediately,
6 practically.

7 I also saw soldiers arrive one evening and leave the next day, a
8 big group of soldiers who were not wearing any boots, and this
9 stirred up the camp because there was -- the number of guards was
10 not sufficient to face an escape attempt by these soldiers. They
11 were --

12 Q.Thank you. Now, concerning the other part of the question,
13 did you have the opportunity to see any other exchanges of
14 documents or files, except for what concerned you directly, in
15 the context of these interrogations?

16 A.I do not remember this.

17 Q.Thank you. Now, maybe this was the result of a translation
18 problem, but yesterday you said to us, in a very eloquent way,
19 the last meal before your release and, in particular, the
20 conversation that you had with the accused in which he confessed
21 to you having himself beaten prisoners to make them confess.
22 You, however -- and once again I will ask for your indulgence if
23 this was not correctly translated -- but you seemed to say that
24 Duch said to you at the same time that this work would absolutely
25 revolt him, was repulsive to him, would make him puke, I would

8

1 actually say. And I read your book with attention -- and I've
2 re-read your book, I must say -- and I re-read your written
3 records of your interview and I noted nowhere that at any given
4 moment, and even less during this meal, that the accused during,
5 these few months, expressed to you remorse or any kind of anxiety
6 in relation to this work, we could say.

7 [09.22.28]

8 So, therefore, could you clarify if indeed you remember today or
9 if you can still -- this apparent remorse that he might have
10 expressed to you during this dinner, or if this was just maybe
11 some kind of form of hope that you might have or some kind of
12 memory, but that is a memory that you have now that might not
13 correspond to the reality?

14 A.Yes, Your Honour. I am indeed confused concerning this
15 particular point.

16 The testifying objectively about what happens is something -- for
17 what about what I saw and relating this, writing this down, is
18 something else. If the exactness of the events and of the facts
19 that happened there and that I relate in my book does not go
20 beyond my memories, I -- and somebody would have said might have
21 said some things differently and seen things. I did not see
22 everything, that's true. And even more so -- and I did not try
23 to call upon my conscious memory in a certain way to relate 30
24 years later of what happened because it was not expected for me
25 to come out of there alive.

9

1 So -- and as I said to you, in this book I was speaking about a
2 feeling and making -- giving an objective statement on what
3 happened during my three months there 30 years later, is
4 something that is another story that requires much more from
5 more, requires much more verbal caution, I would say.

6 [9.24.53]

7 So I must say that in order to answer your question I did not
8 hear Duch express any remorse. No, that is true.

9 I believe remembering the -- I was going to say the extreme
10 unpleasant -- Duch's extreme embarrassment when he told me that
11 he would beat prisoners or that had happened, and if he had not
12 said that to me I would not have imagined that, but having said
13 that to me I retained that, that he had a lot of discomfort. The
14 words that he was using to express this I cannot confirm them,
15 that's true. I only remember that it was on some kind of
16 spontaneous -- in a spontaneous sincere moment and that he
17 considered that this was something that he had to do and he had
18 to force himself to do it. He had to make this into some form of
19 duty.

20 If the word yesterday was to say that this made him "puke" well,
21 I think I don't remember, in fact, what I said yesterday, but I
22 think that's maybe not the word. I don't think that that's the
23 word that he actually used, no.

24 Q.You agree with me, therefore, that having a duty does not
25 necessarily mean forcing yourself to accomplish this duty?

10

1 [9:27:01]

2 And you can correct me, of course, if I'm mistaken, but you said
3 to me that at no moment during your detention the accused
4 expressed remorse to you, and that during this conversation that
5 you relate in your book and in your written record of the
6 interview -- it's true that 30 years later we understand, all of
7 us, of course, that your statement is a mirror of these
8 circumstances but this obligation to perform this kind of work
9 you do not relate it in this -- in your statement or in your
10 interview.

11 So, therefore, would it be more -- would it be better to say that
12 this was more of an impression than something you actually saw
13 yourself? Wouldn't that be more correct?

14 A.He said to me that it was something that he disliked. And I'm
15 afraid of having written something and having therefore emptied
16 my memory in doing so. I'm afraid of not being able to recall
17 the actual memory I had when I wrote this book and maybe my
18 memory was emptied in a certain way when I wrote this book. And
19 I'm afraid also to repeat what I said -- what I wrote. But,
20 however, I think I remember that Duch expressed the fact that he
21 was doing this job as an obligation, without pleasure, because
22 the prisoners would not say the truth on their own.

23 Q.And to be clear, this conversation happens when you were with
24 other guards or was it you just with Duch?

25 A.No, this was on the eve of my release. Not on the 24th but on

11

1 the 25th of December. And this slight delay in my actual
2 physical release left this kind of empty space, empty time. And
3 during that empty time in the evening there was Duch, and I was
4 there, and I came close to the fire where he was sitting or he
5 came close to the fire where I was sitting and there was only one
6 other person, a young guard, who came up at one point and he sang
7 a revolutionary song at that point.

8 [9:30:10]

9 Q.Thank you. At the investigation stage and yesterday you have
10 stated that you yourself had not been the victim of physical
11 torture; thank heavens, but what about psychological torture?
12 And more to the point, in your book you mentioned two incidents,
13 two occurrences. In one of these the accused led you into
14 believing that, in the end, you had been unmasked, you had been
15 found guilty and consequently you would have to bear the
16 consequences of this. And this incident, naturally, gave rise to
17 a reaction in your mind and seeing that reaction Duch says "No, I
18 was just joking, ha ha." Can you confirm to me whether this
19 incident really did happen in the way in which I've described it,
20 or please correct the description and confirm whether this event
21 did happen?

22 [9.31.27]

23 A.I can confirm quite unambiguously -- and the accused is also
24 there and can also remember. It can be difficult to remember
25 exactly what terms were used at the time. It can be difficult to

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1 recall terms used at the time by him and/or by me. However, that
2 particular interlude, which happened when I came back from --
3 when he came back from one of his weekly trips out of the camp,
4 that interlude is very clearly etched in my memory, and so I can
5 confirm that there was this kind of joke or that the fact and the
6 finality, the goal, the purpose of my detention was used by him
7 in jest when he said that I had been unmasked. And I think that
8 was the first time that Duch spoke to me in French.

9 [9:32:53]

10 My reaction was that much more intense that I had known from the
11 day before that he would be spending the following day discussing
12 a number of matters with his superiors and that my own case would
13 be on the agenda of those discussions. I had been in the camp
14 for three months and I figured that this state of affairs could
15 not last very much longer.

16 So this simulation, this mock announcement of an unmasking of my
17 -- of me with the charges against me, I broke down and I fell to
18 my knees, and that is the point when he lifted me up and he told
19 me that it had all been in jest?

20 A. Prosecutor, are you referring to what happened once we had --
21 my two companions had been unchained and I was also free to move
22 about the camp? This may have happened at the moment when Duch
23 asked a young guard to unchain Lay and Son. So are you referring
24 to the remark by Duch to Son saying, if I remember correctly -- I
25 should have reread my book before coming here because I can't

13

1 remember what I wrote.

2 But there were occurrences when Duch would joke saying to Son
3 that I was very close to Lay. I had known Lay for five years.
4 We were all the time together. We were working together. Son
5 was an employee at the Angkor Conservation and had been there, I
6 think, for only six months. He was a newlywed. I had far less
7 of an acquaintance with him so most of the direct communication
8 was between me and Lay who also had deeper experience in terms of
9 professional work.

10 [09.36.24]

11 So Son was told, "Okay, Bizot is going to leave and he has a
12 choice to -- he can choose either Son or Lay but Bizot thought
13 Lay would be released and Son would stay here and Lay will then
14 be released and go away with Bizot.
15 So of course Son remained quite quiet and then he said, "Do you
16 believe me? Do you think this is possible?" And it was terribly
17 painful for me to hear Son say, "Yes, I think this is possible."
18 And Duch said, "Oh, so at last here is somebody who believes me."
19 And then he laughed. Son was unchained as well as Lay at the
20 same time.

21 MR. PETIT:

22 Thank you. No further questions on my part.

23 MR. PRESIDENT:

24 Next, the Chamber would like to give the opportunity to the civil
25 parties to put questions to the witness. First, I would like to

14

1 invite civil parties' lawyer Group 1 first.

2 MR. WERNER:

3 Thank you, Your Honour.

4 MR. WERNER:

5 Good morning, Mr. Bizot. I'm Alain Werner. I represent 38 civil
6 parties in this trial. I have just a few questions for you.

7 [09.38.24]

8 QUESTIONING BY CIVIL PARTY LAWYERS:

9 BY MR. WERNER:

10 Q. First question, yesterday you referred to your privileged
11 position or status within M-3 (sic) and, to quote you, you said
12 you enjoyed a favoured privileged treatment in terms of food and
13 not being beaten. And from what you told us yesterday and from
14 what you say in your book, it was quite clear that it is the
15 accused who granted you these favourable circumstances.

16 Mr. Bizot, do you know whether the accused had received
17 permission from his superiors to give you such favoured
18 treatment?

19 A. I have no way of knowing. I can't even surmise. I can't say
20 that I surmise or don't surmise. I have -- I simply can't answer
21 this question.

22 Q. Yesterday, you mentioned the fact that the accused did not
23 talk much. He was very busy with his duties. So Mr. Bizot, what
24 did you see and what did you hear that made you understand this?

25 A. This was quite clear from the apparent personality of the

15

1 accused at that time, and he also had a reputation amongst the
2 guards. The young guards had great respect. They were in awe of
3 the accused due to the long hours that he worked on files or in
4 his general duties. He worked a lot and, consequently, he had a
5 reputation, the reputation of a serious, very responsible person
6 and for this he was highly respected amongst the guards.

7 [09.41.00]

8 And I myself could see that my own statements were always matched
9 with what I had said a week before or two weeks before under this
10 comparison over time of the different things that I had said and
11 written; was always done in a very meticulous and thorough
12 fashion.

13 And in the two last days at the time of being released, of being
14 unchained, and when I was able to speak to Lay and Son and to
15 some other people -- these were not discussions, these were just
16 dialogues of a few sentences between my co-detained. There was
17 always this sense of the accused being a person who was very
18 committed to his work and very -- and did his work in a very
19 responsible fashion.

20 Q.I want to clarify a couple of things. Yesterday, you said
21 that when somebody was taken away for execution he was never
22 informed of this. And, further, when you answered a question
23 from Judge Lavergne I had the feeling that you had not been the
24 witness of any executions. When you say that when people were
25 led away to be executed they were never informed so how do you

16

1 know this? Can you clarify this for us, please?

2 A.I can speak for my own case in the first place. Indeed, on
3 the first day after being arrested and before arriving at M-13
4 when I was judged and when I was sentenced possibly not to the
5 death penalty but I was blindfolded and led away with a number of
6 armed persons around me, I asked him where are you taking me to,
7 and they kept saying -"at oy te" meaning "Don't worry. Keep your
8 cool; don't worry." And this phrase was repeated to me.

9 Whatever the place they were taking me to I was in the end not
10 executed but I was certainly under the very strong feeling that I
11 was about to die and "at oy te" was constantly repeated to me.
12 And, once again, there is no doubt a measure of anachronism in
13 what I'm going to tell you in relation to the true sequence of
14 facts, but it's quite clear that this "at oy te" phrase or
15 leitmotif which means, "Don't worry. Just, you know, keep cool,
16 keep going, don't worry, don't worry." This phrase -- and this
17 was confirmed to me later on, in particular when I came back to
18 Cambodia and I talked to people who had been with the Khmer Rouge
19 over the four years from '75 to '79 -- it appears that the person
20 who was doomed, who was going to be killed just with a blow of a
21 club, this person was never told that he was going to be
22 executed, in spite of the fact that it was very blatantly clear
23 that he or she was going to be executed. I hope I have provided
24 a satisfactory answer.

25 [09.44.42]

17

1 Q. Just another clarification. Yesterday, you were referring to
2 somebody who was -- who reported on people, and you said that
3 this informer died in the camp. How did he die? Could you tell
4 us more about that?

5 A. He died of an acute bout of malaria, and because there was
6 some empathy between him and me, he was the only person to whom
7 -- either of his own initiative or upon authorization from Duch
8 -- would come and find me and talk to me quite freely.

9 And he told me about his father. He was very sorry about the
10 fact that his father, at the time when I was in M-13, had passed
11 away, and he could not forgive himself not being there with his
12 father because he had promised his father that he would be with
13 him on the day of his death, and possibly feeling a very strong
14 emotion because of the circumstance.

15 A few days later, or some time later, he experienced like many
16 other prisoners, an acute bout of malaria and he too passed away,
17 but before dying he asked to see the Frenchman. I'm not too sure
18 now where he was, but I think he was in one of the huts. I don't
19 know, anyway, I don't remember where he was exactly, physically.

20 But the guards specifically unchained me to allow me to go and
21 pay him a visit and when I arrived -- close to him he couldn't
22 identify me -- he didn't recognize me, and he died within seconds
23 of my arrival.

24 So those are the circumstances that -- in the -- concern that
25 particular person. I'm not sure whether he was someone who

18

1 reported on others but, as a prisoner, he certainly felt that he
2 hadn't done anything wrong, and he had been there for over a
3 year. He was awaiting his release from day-to-day. He was
4 extremely sorry that he hadn't been released prior to the death
5 of his father.

6 [09.46.00]

7 There was another circumstance, another moment, when I can't
8 myself say whether the person was an informer or not. Anyway, an
9 old man came up to me one evening, I think after dusk, and gave
10 me half a kilo of powdered sugar. This old man said to me, "I
11 was around at the time of the Japanese. The French prisoners who
12 tried to run away never succeeded." And so he actively
13 encouraged me -- or very clearly discouraged me from trying to
14 run away because there was just no way for me to get out of
15 there. That is what he said to me, "So, here, have some sugar,
16 it's good for you, you need to feed yourself, but please don't
17 run away."

18 I was extremely surprised that this farmer, basically, who was
19 not a prisoner of the camp, I was extremely surprised that he
20 would be taking such -- such a risky -- doing something so risky
21 to come and bring me some sugar and give me -- and give me his
22 advice. And so I was very grateful for that sugar and,
23 thereafter, I did wonder whether perhaps this person had been
24 told to come and talk to me to try and discourage me from wanting
25 to run away.

19

1 And I must say that I certainly did want to run away. Right from
2 the 1st of January, I had decided that I would try to run away --
3 thinking that I had not a chance of being released -- if I had
4 not been released by the end of three months.

5 Q.I still have just a couple more questions, Your Honour.

6 One question on the interrogations. "I could not give any proof
7 of my being not guilty", you said yesterday, Mr. Bizot, and you
8 said also that at one point you felt that you would not be able
9 to prove that you were innocent. And responding to a point by
10 Mr. Robert Petit, you talked about the joke.

11 So, Mr. Bizot, do you think that a Cambodian, somebody who would
12 not be an educated person like you and erudite, not somebody from
13 the École Française d'Extrême-Orient, do you think that a
14 Cambodian being interrogated by the accused under such
15 circumstances would be capable of proving his innocence in the
16 same way as you ultimately did succeed in proving your innocence?

17 [09.50.14]

18 A.I don't think this would be possible. I don't think this
19 would be possible. I'm not saying that I know it would not be
20 possible, but I don't think it would be possible. I think that
21 being in a detention camp where there was, basically, no way out
22 other than being guilty, there was no other option. I also have
23 the sense that any attempt to say that charges against oneself
24 were unjust or not grounded, any such utterance would simply just
25 make the unavoidable outcome of death, would just postpone it a

20

1 little bit.

2 I'm not sure that I convinced the accused that I was innocent. I
3 think this is an idea that he developed himself on the basis of
4 his own putting together the different things that I said during
5 interrogations, and what he could understand from Lay and Son
6 regarding my own activities. In a way -- and this gives me only
7 pain in what -- in the memories I have of this, but the presence
8 of Lay and Son in this camp I think was a fundamental asset
9 towards my release because everything I said was only, no doubt,
10 ever -- it was always, I think, confirmed by what they said when
11 they were interrogated.

12 [09.09.53]

13 Q. One last point, Mr. Bizot. Microphone, please?

14 Now, in the many interviews of you in the press over the last
15 months and years, there is a recurrent theme which is that behind
16 the mask of a monster one must seek to see the human being, and
17 it seems that you have successfully seen the human being.

18 This is your achievement and we respect that on behalf of the
19 civil parties, but one could say that you've not only been a
20 victim of the accused, you've been detained by an organization,
21 the Khmer Rouge -- and you know, of course, what they did
22 thereafter to this country; this country that you love. Do you
23 have the same approach now of understanding, seeing the human
24 being behind the executioner as regards the Khmer Rouge leaders
25 who are still alive, who are detained here, and with whom you've

21

1 had no interaction? I'm thinking in particular of Nuon Chea.
2 Can you see the man, the human being, in Nuon Chea too?
3 A.Yes, sir. I haven't finished. What I want to say is that to
4 fully understand the full extent and depth of the action of the
5 executioner -- and you have just referred to Nuon Chea namely --
6 be it Nuon Chea or the accused here, now, to fully measure,
7 appreciate the depth of the horror, one can only do this by fully
8 understanding the humanity in such a person. If we turn these
9 people into monsters, a category apart from human beings with
10 which we can have no identification as human beings -- not
11 identification with what they've done as criminals but
12 identification as human beings -- then I think there is no way we
13 can have any kind of grasp of what they've perpetrated.
14 [9:55:53]
15 If we try to understand that these are people with the same
16 capacities otherwise as ours, we may feel deep fright. But there
17 is this segregation that we need to avoid between people who are
18 capable of killing and us, who are not capable of killing.
19 Unfortunately we seem to have a much more frightening
20 understanding of the executioner, actually, when we look at the
21 executioner as a truly human being. On the other hand, to seek
22 to understand is not to condone.
23 I believe there is no possible forgiveness. On behalf of whom
24 might we be able to forgive? On behalf of those who died? I
25 don't think so. And the sheer horror of what happened, what was

22

1 done in Cambodia -- and this is not exclusive, this does not
2 belong only to this unfortunate country. The screams of victims
3 must be heard and we must never allow ourselves to think that
4 that scream is excessively loud. The harshest condemnations that
5 we can have against the accused can never be harsh enough.

6 [09.57.30]

7 It's not a question of condoning or forgiving what has been done.
8 In my approach -- and this approach need not at all be that of
9 the victims. My approach is simply to try and understand the
10 drama that took place in the forests of Cambodia, as in those of
11 other countries and in other circumstances of our history,
12 including in the most recent history.

13 MR WERNER: Thank you for answering my questions. I have no
14 further questions, Your Honour.

15 MR. PRESIDENT:

16 Next we would like lawyer, Group 2, to proceed with further
17 questions if you would wish to do so.

18 MS. STUDZINSKY:

19 Thank you, Mr. President.

20 BY MS. STUDZINSKY:

21 Q.My name is Silke Studzinsky. I'm co-lawyer for civil parties.
22 Mr. Bizot, I would come back to something you -- well, let's say
23 your relationship with the accused during your three-month stay
24 which you described and in the English translation was
25 translated, "a kind of familiarity." Could you please tell us

23

1 how often and on which subjects, if you remember them, you had
2 communication and intellectual exchange, as I understood
3 yesterday, with the accused?

4 A.I would see the head of the camp, Duch, the accused,
5 practically every day. I was unable to hold back my tears, my
6 suffering and the feeling that -- of injustice that I was
7 feeling, and this would come across most of the times as -- well,
8 this would be expressed through anger. I would express this
9 through -- my anger was vain, of course, in that I would only
10 turn against myself. But during the interrogations and during
11 the questions that Duch would ask me, I would find a way to
12 express the unbearable injustice of this accusation carried
13 against me. Well, I would find some kind of release by asking
14 him questions in return. This would relieve me.

15 [10.01.05]

16 And I must say that he went along and he spoke to me about his
17 family, so that maybe-- maybe -- I'm adding this -- so that I
18 could speak about my family maybe, and he spoke to me about when
19 he used to teach mathematics, for example; maybe also so that I
20 could speak about what I was doing. But all of this, however,
21 did create some kind of regularity in my daily dealings with him
22 and we would go over the discussions of the day before. I was
23 contradicted on certain points that I brought up that did not
24 correspond to what he had maybe written down in his reports.
25 So all of this created, I must say, a kind of, let's say,

24

1 regularity, habit that built -- well, let's say if I drew from
2 this experience in the camp, if I experienced a shock that I
3 could not forget, which was to see the man behind the henchman,
4 well, I think that he did with me what no henchman should do, in
5 a certain way. Let us say that he was -- he also was able to see
6 the man behind the spy, the man behind the prisoner, and that's
7 one of the reasons maybe that explains that Duch considered my
8 case with a special amount of attention, contrarily to the case
9 of the other prisoners. It was maybe because these
10 interrogations that lasted so long were able to create some kind
11 of bond, some kind of humanity between us. And therefore sending
12 me to my death became something more difficult than when you send
13 people that you have dehumanized to their death or, in any case,
14 people that you did not seek to humanize.
15 I don't know if I answered your question, Ms. Studzinsky.

16 [10.03.49]

17 Q. Yes, thank you. I come back to one part of my question. Am
18 I right that you -- that I can -- or the word to call it also not
19 only questioning or returning or questioning him, but also did
20 you discuss -- can it be described as a discussion on matters
21 like, for example, your work Buddhism but not as an interrogation
22 but more during the time more a discussion and exchange than an
23 interrogation?

24 A. I wouldn't say that. I think that all of these discussions
25 were for a given purpose with a clear objective, which was, of

25

1 course, to corner me, to bring me to contradict myself. I do not
2 know if the consistency of my answers was always satisfactory
3 but, however, for him a certain amount of elements transpired
4 from these that allowed him to believe that I was not a CIA spy,
5 and that's what he expressed to his superiors afterwards.

6 [10.05.29]

7 And I don't think that there was maybe -- maybe except for the
8 last day when I was released that there was something that was
9 simply friendly or free or no, the context was too hellish for
10 that. We could not speak about -- you could not speak about a
11 normal relationship between a jailor and a prisoner, especially
12 in a camp such as M-13.

13 MR. PRESIDENT:

14 I would like -- we would like now to invite lawyers Group 3 to
15 put questions if you would wish to do so.

16 BY MR. CANONNE:

17 Q.I am in charge of civil parties Group 3. With my colleague
18 Moch Sovannary we are defending 28 people. And she will ask you
19 as well two questions later on, but I have four short questions
20 to ask you.

21 [10:07:02]

22 The first question, I would like to know, Mr. Bizot, if you
23 became aware during your detention of the number of executions
24 that were carried out there? Did you know how many executions
25 were carried out at M-13 while you were there?

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1 A.I have the impression while that coming up -- that I came up
2 with some kind of estimate in my book and things are no longer
3 clear to me, however, in my memory, in my recollection now.
4 Executions were hard to tell because I always had the impression
5 that the people who would step out of the camp were brought to
6 being executed. So if I came up with a figure it would be too
7 aleatory I think. There were about 15 people who died of malaria
8 when I was there.

9 So I -- unfortunately I cannot be more specific concerning the
10 amount of executions that took place while I was at M-13. I
11 would add, however, that I had the feeling that all of the
12 prisoners that I saw come in that I saw while I left as well,
13 well, I believe that these prisoners probably did die, yes,
14 indeed.

15 Q.You told us yesterday that you had seen, witnessed confession
16 and self-criticism sessions that were held on a regular basis.
17 You understood Khmer. You spoke Khmer. So therefore could you
18 give us an idea of the nature of these confessions and of these
19 self-criticism sessions; what was the content of these sessions?

20 A.Well, they were essentially training, indoctrination sessions,
21 political teachings; the political training of the young guards I
22 could say. And the level of the discussions between the young
23 guards and the instructors was similar -- well, there was --
24 there were guards who were about 14 to 18 years old and an
25 instructor. It was that kind of level of discussion. And they

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1 were talking about small little ridiculous mistakes that they
2 might have made and that they could self-criticize about with the
3 purpose of correcting them so that they could correct their
4 behaviour and adhere better to the revolutionary line.

5 [10:10:18]

6 These sessions were called "rien saut". This was the Buddhist
7 term that was used. It's a word used for praying and for
8 religious education. So the same term was used for these
9 sessions and there were a certain number of expressions that the
10 Khmer used that were, in fact, drawn from Buddhist teachings or
11 the Buddhist discipline, let's say, the Buddhist disciplinary
12 mechanisms. And monks are also subjected to self-criticism as
13 well, for example.

14 And the young revolutionaries, therefore, would say, for example,
15 that they had forgotten maybe to pick up the laundry that was
16 drying the day before and that it had rained during the night and
17 therefore that the shirts were wet because of him, and each one
18 would accuse themselves of small little things to prove their
19 dedication.

20 Where it became much more perverse was the second round, when it
21 was the second round in these sessions where it was the neighbour
22 who -- well, the person sitting next to you, let's say, who would
23 -- when one of the young guards was called upon to help his
24 colleague bring up points that he had forgotten to bring up and
25 then it became -- everything turned into bickering -- but it

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1 never went that far. The idea was, let's say, to establish some
2 kind of moral ground, revolutionary moral grounds to each one of
3 the people participating in the sessions.

4 Q.I would like to get back, Mr. Bizot, to your own
5 interrogations. Were you ever presented with false forged
6 documents to try to confuse you that were related to your
7 supposed guilt?

8 A.No, at no moment something like that happened.

9 Q.I would like to step aside from the facts because many
10 questions were asked to you on these, but I think your -- the
11 distance that you took deliberately in relation to your events
12 allows me to ask you questions on your feelings. Would you
13 permit me to ask you some questions about your emotional response
14 to all of this?

15 [10.13.37]

16 So my last question is double, I could say. During the
17 investigation and during Duch's detention you asked to meet him.
18 You requested that and we understood that and I agree with my
19 colleague, Werner, in terms of our respect for this decision, and
20 we understand your desire to try to understand the complexity of
21 Duch.

22 [10.16.00]

23 So I have to half questions. So today would you -- the remorse,
24 the regret that were not demonstrated back then at no moment,
25 well, do you believe that Duch feels this remorse today?

29

1 And my second question. When you leave your -- when he says to
2 you, "Oh, French Comrade, do not forget us comrades", if these
3 people were here today what would these people expect from this
4 trial, from this confrontation, and you understood beyond -- what
5 do you think the civil parties can expect, beyond the two
6 companions that were with you, whom you left behind in the camp?
7 What do you believe that the civil parties can expect from such a
8 trial?

9 A.I cannot answer instead of Lay and Son, however, I will not
10 grant myself the status of victim. If I'm trying to put myself
11 in the shoes of the survivors or of those who died under torture
12 or after being tortured, I believe that the way I would proceed
13 in order to calm my endless suffering, what I would do would be
14 to feel even -- to be able to see that in suffering that is
15 inflicted today upon the accused, that I can say that I am --
16 even with this -- I am asking myself questions on the possibility
17 of a kind of relief for the victims.

18 Today, insofar that it's -- I don't know if it's possible, I
19 cannot imagine, but if it's possible I would have the feeling --
20 while the relief would be in a way that I can feel that I have
21 got even, that I would see that in the suffering of the person
22 who would have tortured my father or killed my children, well, to
23 see that the suffering can be tantamount to what he's feeling
24 now.

25 [10.17.41]

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1 MR. CANONNE:

2 Thank you, Monsieur Bizot. My colleague will continue.

3 MS. MOCH SOVANNARY:

4 I was wondering first, Mr. President, Your Honours, I have two
5 questions.

6 BY MS. MOCH SOVANNARY:

7 Q.One, I would like to go back a little bit to the event that
8 you testified before the Co-Investigating Judges concerning your
9 testimony. You said that when you first was -- you were
10 arrested, you were kept in a house and interrogated and then you
11 told the Investigating Judges that later on there was a mock
12 execution.

13 So would you please clarify this event, if you still recollect
14 that fact. And who was behind that plan to stage such a mock
15 execution?

16 A.Unfortunately, I don't know. I can't give you a very clear
17 answer. I'm not even sure it was a mock execution. All I know
18 is that I was led amongst armed soldiers, that my body was put
19 this way and then put this other way.

20 I heard the triggers, I heard the guns being armed and the shot
21 as expected -- that was expected did not happen, and eventually I
22 was firmly picked up by hands that put me in a different position
23 and then took me. I was still blindfolded. They took me along a
24 path, whereas before I believe we were in a paddy field.

25 So was this an execution that did not actually materialize? Was

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1 it a mock execution to make me panic, make me feel frightened? I
2 don't know.

3 Q.Thank you. My second and last question. Regarding the
4 interrogation method, you said you were interrogated -- you said
5 that all detainees at M-13, while being interrogated, they were
6 inflicted tortures, but it is an exception to the case regarding
7 you yourself.

8 And during the interrogation, you said that there was a close
9 relationship between you and the accused, and you also mentioned
10 that the accused told you his background, and that you said that
11 it was the way that the accused would use to make sure you could
12 share some information about you.

13 And I would like to ask you, how do you feel about such a
14 relationship?

15 [10.20.15]

16 A.I'm very sorry, I don't really understand your question. It
17 may be a translation issue. I don't understand the reasoning,
18 what you're trying to drive at.

19 Q.I may repeat the question. You said detainees at M-13, while
20 they were being interrogated, torture were applied, but it was
21 not in your case because you were interrogated by Duch and you
22 were not tortured.

23 And during that time of interrogation, the close relationship was
24 built between you and Duch, and you said Duch even told you in
25 detail Duch's background. And you said that this is the way that

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1 Duch would like you to also share this information, the same way
2 as he shared with you.

3 My question is that how -- what is, in your view, what do you
4 think about such a method of questioning by Duch?

5 [10.23.30]

6 A.Well, what I think of this is that he probably tried to secure
7 answers to the kind of questions that he wanted to ask so that he
8 could put together a file concerning me, and whilst other
9 prisoners were tortured. But I don't know this, I can only
10 suspect this, imagine this, in order to secure confessions.

11 But the method that was used with me was a different one, and
12 what I feel on the basis of this is, well, I don't feel anything,
13 basically. I'm rather happy that in the end it was -- the
14 conclusion of this was that I was not a CIA agent.

15 MS. MOCH SOVANNARY:

16 Thank you, and that's all.

17 [10.24.34]

18 MR. PRESIDENT:

19 Next I would like to give the floor to lawyers, Group 4. Would
20 you like to ask questions to the witness?

21 MR HONG KIMSUON:

22 Thank you, Mr. President and Your Honours and other people in and
23 around the courtroom.

24 BY MR. HONG KIMSUON:

25 Q.I am Hong Kimsuon. I have Mr. Pierre-Olivier Sur in our Group

33

1 4. I have some questions to put to Mr. François Bizot. If you
2 do not understand my question, kindly ask me to repeat.

3 In 1971 until now it has been more than 30 years since you were
4 arrested, so your memory, as you told the Judges, that sometimes
5 the memory has been recorded in your notebook, and I would like
6 you to also tell us besides Duch, who was the chairman of M 13
7 and that you was detained at M 13, do you still remember who held
8 the parallel positions as Duch at that time, and what were they?
9 A.I did not understand. Could you repeat just the end, the end
10 of your question?

11 [10.26.52]

12 Q.At M 13 you said there was Mr. Duch who was the chairman of M
13 13. It was when you were detained for three months in 1971.
14 Besides him, who were the other people in positions that you
15 still remember who held parallel positions as Duch? So who were
16 they?

17 A.The only person whom I remember and who had a higher duty was
18 the deputy or the assistant to Duch. He was older than the
19 accused. I have no recollection of his name, his pseudonym or
20 whatever. I knew it at the time but I've forgotten that name.
21 And I recall that that man certainly was very frightening to me,
22 and I don't see that the accused had any other deputy, so to
23 speak, at least in the three-month period that I spent in M 13.

24 Q.Thank you. My next question. Recently you said beside Duch
25 there was his deputy who was frightening to you, so what do you

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1 mean by being frightening to you?

2 A.He was a brutal person, he was a cynical man, and I wasn't the
3 only person who was afraid of that man. I think if he'd been in
4 charge of that camp I would no longer be here. I would no longer
5 be alive. And fortunately I was not under his orders, but the
6 very first hours I spent in the camp under his control and in his
7 presence were hours of, let's say, initiation for me that were
8 extremely hard.

9 [10:29:50]

10 For this reason I was extremely frightened at the idea of having
11 to be under his control for the duration of my detention, and I
12 was not the only detainee in the camp to feel like this. The
13 guards themselves were ambivalent regarding him and talked little
14 about him and, whenever they talked about him, were very careful.
15 He was not -- I can't say that he was -- that anybody was loved
16 in that camp. He was not loved or liked, but it was well known
17 that he was an aggressive person.

18 Q.Thank you very much. I would like to follow another question
19 with this. On the 22nd of January 2008 you gave an interview to
20 the Co-Investigating Judge, Mr. Marcel Lemonde, and Mr. You
21 Bunleng, concerning the character. You can refer to the Document
22 D40. In that question you said, regarding the character of Duch,
23 he is a frightening person, but it is kind of confusing or not.
24 And in the same document you said the true authority of Duch, he
25 had a full authority and unlimited power on the detainees. And

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1 in your book, The Gate, you said that he is the man who means
2 business, so cruel. So could you please elaborate this, whether
3 he is a cruel person like that?

4 A.I may have said that Duch was cruel. I don't recall the
5 context in which I may have said that. If I am now to refer to
6 myself and to my testimony here now, I would not say now that I
7 have been a witness of any cruelty on his part. Inferentially,
8 by inference, knowing that he has beaten, has killed prisoners,
9 this means that he must have been cruel, but I don't remember
10 when I may have said that, that he was cruel.

11 He was frightening. That's another thing. I don't see how else
12 he could be perceived. A person in charge of a camp where
13 prisoners are taken and interrogated, beaten, executed can hardly
14 elicit any other feeling than fear on the part of other people.
15 Thank you.

16 Q.May I ask you again, in 1971 when Khmer Rouge arrested you,
17 did you speak Khmer clearly at that time?

18 A.Yes, I spoke no other language during the whole period of my
19 detention.

20 Q.Thank you very much.

21 [10.35.01]

22 You told the Judges yesterday that during your detention at M-13
23 it sounds like you enjoyed more freedom than the others, and you
24 did not even regard yourself as a victim or detainee. Maybe I
25 did not get the full translation. And you said you were the

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1 researcher working for the Angkor Conservation and then you
2 translated a book which contains about 30 pages after you were
3 released by the Khmer Rouge. So you translated that document for
4 the French Embassy.

5 Do you remember -- maybe I get lost in the translation -- whether
6 the policy written in that document sent to you, were they
7 related to any particular matters?

8 A.I came away from M-13 and rode -- well, first I went on foot
9 -- first in an old Peugeot, then on foot, then I took a bus. I
10 had a long beard and I got to Pach Ontay (phonetic) and got back
11 to my home and my family where I was reunited with my family.
12 There were moments of intense happiness that were disturbed by
13 the presence of these documents in my possession. My sole
14 concern at that point having been released was, first of all, the
15 fact that my two companions were there, over there and I had
16 left, leaving them behind, and that is -- that's a fact that
17 remains with me. It's still a burden on my heart to this day.

18 [10.37.42]

19 And, second, the presence of these documents which could possibly
20 be put to use to make me leave Cambodia by the governmental
21 forces if they were to find out about the existence of these
22 documents. I did not want to leave Cambodia. I wanted to stay
23 in the country with my family and to continue doing my work.
24 So those documents were, for me, something that I tried to get
25 rid of very quickly. I handed them over very quickly to the

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1 French Embassy. The French Embassy asked me to translate these.
2 I had no great faith in the official translators of the Embassy
3 that might -- they might report to higher government officials
4 the fact that this document existed and that I had brought them
5 back. So I translated them myself because I did not want anybody
6 else to be involved. This document was absolutely full of new
7 words, neologisms, that I had the greatest trouble understanding
8 myself.
9 Anyway, come what may, I handed over a translation to the Embassy
10 and I'm extremely sorry these texts have disappeared. And it
11 seems to me that very possibly these documents were not sent to
12 France. But possibly the Embassy, as I said yesterday, asked the
13 First Secretary or the Second Secretary at the time to summarize
14 my translation to produce a summary and that it's only that
15 summary that was forwarded to France. The summary -- and I
16 secured a copy of this summary at the archives and yesterday Your
17 Honour told me that this was in keeping.

18 THE INTERPRETER:

19 Mr. Francois Bizot's microphone has gone dead.

20 THE WITNESS:

21 That this was under the reference number A27.14, I believe. So
22 this document -- I have read this document. It's extremely --

23 (Microphone not activated)

24 So I resume. So I felt terribly uncomfortable about the
25 presence of these documents that I didn't want to keep with me

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1 physically on my person and I didn't want to keep them anywhere
2 in my house. So I tried to get rid of these documents as quickly
3 as possible. I was asked to do the translation. I had a lot of
4 trouble doing this translation. I did it with the utmost
5 caution. And finally, it's only a summary of this document that
6 was sent to France. The actual document and my translation are
7 not at the archive of the French Foreign Ministry.

8 [10.41.15]

9 As to the summary that I have been apprised of, I have found this
10 summary extremely uninteresting. It contains very little of any
11 substance. So that's what I have to say about this. I have no
12 very clear recollection of the content of that text, other than
13 as I said yesterday.

14 I dare not use any specific words now because these words come
15 from more recent layers of my awareness than the older layers of
16 experience right at that time. But definitely that was all about
17 the system, the ideological system and the political system that
18 was being setup by the Khmer Rouge. So I do not want to take the
19 floor to speak specifically as to the content of that document
20 because too much time has gone by. There is nevertheless the
21 summary that you can consult.

22 BY MR. HONG KIMSUON:

23 Q.I may move back a little bit to M-13 again. You said when you
24 were interviewed by the Co-Investigating Judges that you just
25 talked about Ta Mok. Maybe you know -- did you know him at that

39

1 time or maybe you learned of his name or him later?

2 [10.42.59]

3 Did you meet Ta Mok at M-13?

4 A.No, I did not meet Ta Mok at M-13. However, I have come
5 across him in a village on the road to M-13 in a house where I
6 was detained, chained up for one or two hours. That was a very
7 brief halt on the way to M-13 and there was an old villager there
8 who was there with me and he spoke to me freely and he told me
9 that the Khmer person in charge, whom I had just seen and who
10 just stepped out of the house when I was now chained to the
11 central pillar, was Ta Mok. So that name stayed in my memory
12 and, thereafter, later, I don't remember exactly when, I don't
13 think Duch ever namely mentioned Ta Mok or perhaps he did, I
14 can't -- I can't say that I remember. That's it.

15 [10.44.31]

16 MR. PRESIDENT:

17 The Chamber would like to adjourn for 20 minutes break, so we
18 will resume at five past eleven and, Mr. Hong Kimsuon, if you
19 would wish to ask further questions, then you may do so after we
20 resume the session.

21 And we would like to ask the court official to take the witness
22 to the waiting room, and bring him back at 11.05 to finish his
23 testimony this morning.

24 (Witness exits courtroom)

25 THE GREFFIER: Please stand up.

40

1 (Judges exit courtroom)

2 (Court recesses from 1045H to 1110H)

3 THE GREFFIER:

4 Please stand up.

5 [11.10.28]

6 (Judges enter courtroom)

7 (Witness enters courtroom)

8 MR. PRESIDENT:

9 The Chamber is now back in session, and we have our witness, Mr.

10 François Bizot. We will continue his testimony.

11 Before we continue that, we would like to inform all parties who

12 have the rights to pose questions to either witnesses or experts

13 of civil parties, I would like to remind all of you, do not pose

14 repeated questions. In the case of taking turns to question the

15 person, you should obtain information from the previous person so

16 in order to avoid the repeated questions.

17 Secondly, you are also reminded that don't pose questions which

18 are not relevant to the facts or which are least concerned to the

19 facts. This is in order to ensure proper conduct of the

20 proceedings.

21 We also observed some questions are not well prepared. A lot of

22 talking, 5 to 10 minutes talking, and then only a question is at

23 the end of the talk. So please prepare your questions properly

24 for any witness, or the accused, or the civil parties, or the

25 experts, so that they can understand the questions clearly and

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1 respond to the questions accordingly.

2 Mr. Hong Kimsuon, do you have any further questions or are you
3 already finished your questioning? Please clarify. Make sure
4 your questions are straightforward and short so that the witness
5 can understand your questions and can respond appropriately.

6 Secondly, it is up to his ability to respond because the facts
7 was over 30 years ago, and you all are aware that you probably
8 would not recollect what happened to you, personally, 30 years
9 ago. So it's up to a certain limit of the recollection related
10 to the facts that we will have in the future as well.

11 BY MR. HONG KIMSUON:

12 Thank you, Mr. President. As a lawyer, I thank you for your
13 reminder. As I have said, sometimes the issue of translation is
14 not consistent. Let me put three further questions to Mr.
15 François Bizot.

16 Before the break, he said he knew or had heard Ta Mok when he was
17 detained in a house for about two hours.

18 Let me put a question to Mr. Bizot.

19 Q. Besides the name Ta Mok that you just raised before the break
20 regarding the witnesses with the pseudonyms -- "Do I need to use
21 the same names or use the pseudonyms?" -- I don't think it is
22 necessary. So besides the person you talked, the person was
23 tall, white-complexioned, was a member in that camp of M 13, was
24 he in a similar rank to Duch?

25 [11.14.47]

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1 A.If I've understood your question correctly, you're asking me
2 about this person and I specifically mentioned that I believed
3 that this person was not the deputy of the accused. I brought
4 this up but, as I said, the physical correspondence between -- is
5 not satisfactory, so I don't think that -- only the accused I
6 think would be able to answer this question clearly, in fact, and
7 I cannot say anything more about this.

8 Q.Thank you. My second question. Regarding your colleagues,
9 Son and Lay, you said Duch decided to release them when you were
10 released, however, they were not released. Did you know your
11 colleagues, Son and Lay, were executed or were released after you
12 were released?

13 A.It's hard for me to answer this specifically. They were
14 detached -- or they were unchained at the same time as me, and I
15 think I already answered this question when I said that they were
16 going to enjoy the freedom in the Liberated Zone; enjoy freedom,
17 so to speak, in the Liberated Zone.

18 And I don't think that this was the case; not that they were not
19 unchained -- that I don't know exactly -- but, however, they were
20 executed a little while afterwards, maybe a year later or more or
21 less. But I am unable to specify if they were still chained up
22 or if they were not -- if that was what you were asking.

23 [11.17.45]

24 Q.Thank you. After your release from M 13, did you still have
25 any contact with Duch?

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1 A.No, for the very simple reason that I thought that he was
2 dead, as so many other revolutionaries. It was only when he was
3 arrested that I was -- that I knew, that I had learnt that he was
4 still alive and then he was detained, and then I had the
5 opportunity to visit him at a military prison where he was
6 detained.

7 Q.Thank you. My last questions. You made your statements to
8 the Co-Investigating Judges on the 22nd January 2008, on page 6
9 of the 40 document. You stated that there was an order from the
10 upper echelon to execute them; "them" means Lay and Son, about
11 one or two years later.

12 If you had no contact with Duch how did you know about the deaths
13 of these two colleagues. Thank you.

14 A.It is because Duch revealed this. It is precisely because
15 Duch revealed this to me that I was able to know this when I went
16 to visit him at the military prison. He told me then.

17 Q.I have no more questions. Thank you.

18 [11.19.34]

19 MR. PRESIDENT:

20 I will now give the floor to the defence counsel to pose
21 questions to the witness, Mr. François Bizot. If you have, the
22 floor is yours.

23 [11.19.54]

24 MR. ROUX:

25 Thank you, Mr. President.

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1 QUESTIONING BY DEFENCE COUNSEL

2 BY MR. ROUX:

3 Q.Hello, Mr. Bizot. A lot of things have already been said so I
4 don't have that many questions, but maybe I have a specific
5 question concerning this deputy of Duch.

6 If I give you the name Ho Kim Eng, aka Sum, would that possibly
7 be the person, this deputy? Could that be the person?

8 A.Ho Kim Eng does not mean anything to me, but I cannot say.

9 Q.So I'm going to ask you a few questions concerning your
10 comments on previous statements that you made, in particular with
11 the Co-Investigating Judges who interviewed you on the basis of
12 your book, and I would like to have your comments on this.

13 In your book on page 115-116 in the French version, you indicate
14 that Duch was only executing, only implementing Angkar's
15 decisions and, in the same way, the Judges asked you
16 specifications on this and you answered in Index 240:

17 "I believe that his margin of manoeuvre was absolutely nil and he
18 did not have anything else to do than to obtain information from
19 the people who were arrested and concerning whom he would write
20 reports. These people were condemned from the start, and the
21 idea was to make them speak before executing them in order to
22 justify their arrest and so that their arrest would not be
23 useless."

24 [11.23.15]

25 So I would like to ask you, do you have anything to add to this

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1 -- and, again, at the end of your statement with the
2 Co-Investigating Judges you added, I see here, that you are
3 asking me if, as a conclusion, I have a general observation to
4 formulate, and I would say simply that the Khmer Rouge regime was
5 a regime of terror and that it was probably very difficult to
6 those who had a position in this regime to backtrack. So do you
7 have any comments to make, Mr. Bizot, on this?

8 A.I have nothing to add to what I said during my interview with
9 the Co-Investigating Judges. I believe that, indeed, this no
10 longer needs to be demonstrated. The Khmer Rouge regime was a
11 regime of terror, and concerning myself, well, in considering my
12 release I didn't -- I never saw that these decisions were made at
13 Duch's level; these decisions were made at the higher level.

14 Q.Thank you. So, let's continue. The question -- this
15 question of terror, you spoke more specifically about Duch
16 himself in your book but also with the Co-Investigating Judges,
17 and you were saying -- getting back to this idea that he was --
18 that he was just locked up in this terrible mechanism that -- in
19 his work, Duch, and you had in your book, page 186, also fear was
20 in him as elsewhere, as everywhere. He was the -- from the
21 chiefs that he was dealing with all the way down to the simple
22 militia men fear was reigning everywhere in the same way in the
23 pages that were read to you by Judge Lavergne, on page 185.

24 I would like to go over another passage again. You write that,
25 "What I liked about him..."

46

1 "What I liked about his being, which generosity had not left, was
2 maybe this presence of constant suffering that would determine
3 his features as well as his shadow."

4 And you're speaking about fear and you're speaking about
5 suffering, constant suffering, in fact.

6 And you speak about this again when you make your statement with
7 the Co-Investigation Judges, on page 5 of Index D-40 and you say
8 that:

9 "I wish to stress that if the guards were fearing Duch and that
10 the prisoners were living in a state of terror, Duch was also a
11 victim of fear. In particular, I believe that his contention
12 with Ta Mok concerning -- over me followed Duch for years. Duch
13 was afraid of Ta Mok."

14 That's what you declared to the Co-Investigating Judges. So I'd
15 like to have your comments on this fear, on the suffering, that
16 you have apparently witnessed.

17 A.I cannot try to remember, to recollect the images that are --
18 that are in front of me when I try to remember M-13 without
19 recollecting as well at the same time this atmosphere, this
20 terrifying atmosphere of fear and death, nor can I do this
21 without remembering how much this atmosphere was -- came across
22 through the accused.

23 Fear was everywhere and with everyone, and I don't think that
24 it's easy to imagine that it can be otherwise. When Duch would
25 go to his meetings and come back from them, his face -- his

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1 expression would clearly show a great amount of suffering that I
2 could not disconnect from the topic that he had been talking
3 about with his superiors during these meetings.

4 I clearly understood that it was always a question of deciding on
5 the moment of an execution that had already been programmed and
6 at no moment in -- they were light topics in the life of the camp
7 leader as well as his deputies. So this constant presence of
8 executions, of killing, and of torture, could not, not have any
9 effects that you could even see physically on their expressions.

10 Q.Thank you.

11 And now I'm coming to your release and to the risks that Duch
12 took to release you. And on page 140 in the French edition of
13 your book -- and you also mention this to the Co-Investigating
14 Judges -- but I'd like to go back to the excerpt from your book.
15 "I did not know if he was really convinced of my innocence, but
16 on behalf of the revolutionary -- in the name of the
17 revolutionary principles to which he was so devoted, it was
18 necessary for him to demonstrate his authentic attachment to
19 justice, and I suddenly understood the enormous risk that he took
20 by gambling on my innocence.

21 But even more so than the sympathy he felt for me, what this
22 resolution betrayed was a passionate quest for moral
23 righteousness that resembled a quest for the absolute. Duch was
24 among these pure of the -- among these fervent idealists who were
25 seeking the truth above all."

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1 And you translate -- you re-translate, in the same state-of-mind,
2 the conversation that you had -- or at least in an approximate
3 way -- the conversation that you had during your release and he
4 asked you, "Okay, are you now reassured?" And I answered, "Yes".
5 It's on page 224 and 225 of the French -- "Yes", I answered,
6 "Thank you, Comrade, I owe you my life". That's what you say to
7 Duch, and he answered to you, "I only acted in agreement with my
8 consciousness and I acted with complete certainty". And he adds,
9 "That in any case, at my modest level, I only gave an opinion
10 while trying to influence the final outcome of course".
11 So what you are translating here, Mr. Bizot, does this correspond
12 to what you experienced back then? Can you confirm this before
13 the Chamber; that this is a good mirror of what you experienced
14 back then. Mr. Bizot, this is no longer on an emotional basis
15 here. Here I am remembering. I remember this very clearly
16 indeed.
17 I remember as well that he was extremely nervous and fearful. He
18 was fearing an ambush, in fact. And on the way, that I had to
19 follow to leave what probably was a house on the outskirts of
20 Amleang where this beaten up 403 Peugeot was waiting for me to
21 bring me away, Duch was worried and he was fearing an ambush from
22 his superior, Ta Mok, who, of course, was not in favour of my
23 release.
24 And I remember clearly that he did not support the fact of having
25 released me so, therefore, that he had presented to his

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1 superiors. I remember that he did not -- that Ta Mok had not
2 supported this.

3 [11.35.43]

4 Q.Mr. Bizot, when you answered a variety of highly relevant
5 questions by the lawyers of the civil parties and, in particular,
6 I'm referring to the last question put by my colleague, Mr.
7 Canonne, you used words that expressed very deep -- deep human
8 feeling, empathy for the victims. Furthermore, throughout all
9 these debates, you have spoken from a very deep sense of humanity
10 in respect of Duch.

11 On behalf of the defence, I would like to thank you, Mr. Bizot,
12 for this major contribution that you have offered here to the
13 work of justice.

14 Thank you, Your Honour.

15 MR. PRESIDENT:

16 Do you have any questions? Thank you, Mr. Francois Bizot, for
17 your testimony as summonsed by the Chamber. The Chamber has no
18 further questions to ask you. You can now retire to listen to
19 the hearing if you wish or you can go back to your residence.
20 Court Officer, please accompany him to leave the courtroom.

21 (Witness exits courtroom)

22 MR. PRESIDENT:

23 And now we would like to invite another witness, KW-30, to enter
24 the courtroom.

25 (Witness enters courtroom)

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1 [11.40.40]

2 BY MR. PRESIDENT:

3 Q.Is your name Uch Sorn?

4 A.My name is Uch Sorn.

5 Q.How old are you this year?

6 A.I am 72 this year. For this new year, I'm going to be 73.

7 Q.What is your occupation?

8 (No interpretation)

9 BY MR. PRESIDENT:

10 Q.Are you related by blood or by in-law to any parties in this
11 case, either to the accused or to any other parties?

12 A.I do not have any direct blood relation.

13 Q.Now, the Chamber invites you to provide testimony of what you
14 have heard, have known, during the times you were at M-13 office
15 in Thpong, Kampong Speu province, before 1975.

16 The questions are: Have you known the security office M-13's
17 location in Amleang? If you know, from when?

18 A.From the beginning, I never heard of that name. I did not
19 know there was an office M-13, but in 1973 I was arrested and
20 brought into M-13. Then that's when I knew its location.

21 Q.Were you arrested and brought into the detention office at
22 M-13? How long were you detained there and from when-to-when,
23 and when were you released?

24 A.I did rice farming there for about one year. I was arrested
25 in 1973 in the dry season in March or April, and I do not really

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1 remember the calendar month, but it was the second lunar date in
2 March or April -- to M-13 office.

3 Q.How long were you living there before you were released?

4 A.I was there for about one year, from my recollection, and then
5 I was released to Pursat province in 1974.

6 Q.Can you describe to the Chamber about what you saw, you heard
7 during the time of your leaving there, from your recollection?

8 A.I was detained in that prison and saw the torture activities,
9 ill treatment on the prisoners in all forms. It's hard to
10 describe. I saw both physical and emotional tortures, starvation
11 on the prisoners. In each day I saw prisoners died, every single
12 day. There was never a day no prisoner died.

13 [11.45.12]

14 Q.How big was the security office? How many hectares?

15 A.It's hard to estimate. It was pretty large. Probably it was
16 100 metres square, that was in the detention centre, and there
17 were square pits three metres deep, about five, six or seven
18 pits, and it was covered with palm tree leaves and the prisoners
19 were put in those pits, including myself; we were detained in
20 those pits.

21 MR. PRESIDENT:

22 Judges of the Bench, do you have any questions to pose to the
23 witness? If you have, the floors is yours.

24 JUDGE LAVERGNE:

25 Could we first of all ask the accused to stand up? Could we ask

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1 the accused to stand up? Could we please ask the accused to
2 stand up? Good.

3 BY JUDGE LAVERGNE:

4 Q.Mr. Uch Sorn, can you hear me? I would like to ask you to
5 look at the accused. Do you see the accused? Do you recognize
6 the accused?

7 A.I have problem with my eyesight. I cannot see further; I only
8 see the shadow.

9 JUDGE LAVERGNE:

10 Now, with the camera, perhaps could you zoom in for the witness
11 to be able to see the accused on his screen? Is it possible to
12 zoom in with the camera?

13 BY JUDGE LAVERGNE:

14 Q.Now, I would like to ask the witness whether he sees what --
15 does he see anything on the screen? Does he see the person on
16 the screen? Can you see?

17 A.Yes. I see.

18 Q.Can you distinguish reasonably clearly? Can you make out the
19 features? Or is this still too difficult for you? Okay, so just
20 tell us that you cannot recognize the person, if this is too
21 difficult for you, if you cannot visually make out the person.

22 [11.49.08]

23 A.Yes, I can see the picture clearly, sir. It's the witness.

24 Q.So you're seeing the image. Now can you recognize the
25 accused? Can you recognize that this is the person who was the

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1 head of M-13?

2 A.Yes, I recognize him; he was he chief of M-13 office.

3 JUDGE LAVERGNE:

4 Can the accused tell us whether he recognizes the witness? Does
5 the accused recognize the witness?

6 [11.49.51]

7 THE ACCUSED:

8 Your Honours, I cannot recognize his face. With your permission,
9 to ask the witness just one sentence just about his name? What
10 -- his alias.

11 BY JUDGE LAVERGNE:

12 Q.Mr. Uch Sorn? Mr. Uch Sorn, did you have a pseudonym, an
13 alias? Did you have another name?

14 A.I do not have alias or pseudonym; I only have one name.

15 JUDGE LAVERGNE:

16 Duch, you may be seated.

17 BY JUDGE LAVERGNE:

18 Q.Mr. Uch Sorn, do you recall the circumstances in which you
19 were arrested, and the reasons for which you were arrested?

20 A.I was arrested when I went to buy pigs in Knna Ambeus Lake, in
21 order to have it for the ceremony, but at that time, in that Knna
22 Ambeus, the village chief arrested me and brought me to M-13.

23 [11.52.15]

24 Q.Were you told what you were charged with?

25 A.I was accused of being a spy.

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1 JUDGE LAVERGNE:

2 I have a question for the accused. I have a question for the
3 accused.

4 I would like to say, once again, that Mr. Uch Sorn, who is now
5 offering testimony in public, earlier on was known as KW-30.
6 KW-30.

7 Yesterday, you made a statement concerning the reasons for which
8 witness KW-30 was brought to M-13. Do you recall this? Do you
9 remember?

10 THE ACCUSED:

11 Your Honours, when I saw the name Uch Sorn at Snuol village I
12 thought of another person with the same name, Uch Sorn, alias
13 Sum, who was sent to M-13 probably in September 1971.
14 And later I asked the upper echelon to release him in 1973. I
15 invited him to come back to be my guard. That's why I would like
16 to ask the witness of his alias. So the event was that Uch Sorn,
17 alias Sum that I knew and that I already reported to Your
18 Honours, however, he was one of the prisoners who were detained
19 there. So could you please ask him? Probably it is my
20 misunderstandings on my part.

21 JUDGE LAVERGNE:

22 I would like you to remind the Chamber of the reasons that you
23 mentioned regarding the reasons that got KW-32 to M 13.
24 Yesterday you talked about specific reasons.

25 THE ACCUSED:

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1 I mistakened him with another person from the same village, Snuol
2 village.

3 BY JUDGE LAVERGNE:

4 QCan the witness tell us whether he lived in Snuol village?

5 A.I lived in Snuol village.

6 Q.Was there another person with the same name in this village,
7 Snuol village?

8 A.There was named Song (phonetic) in that village; but the name
9 was Song, not the same as my name.

10 JUDGE LAVERGNE:

11 So you are telling us that the person you were referring to
12 yesterday is not the same person who is the witness here today?

13 [11.56.06]

14 THE ACCUSED:

15 Yes.

16 JUDGE LAVERGNE:

17 However, I repeat my question. Yesterday you referred to a
18 person and you thought that that person was this witness, and you
19 said yesterday that this person was taken to M 13 for a specific
20 reason. Do you remember what you said?

21 THE ACCUSED:

22 The Brother Song that I informed Your Honours had the problems
23 like I described to you who was brought to me, and that I
24 released him, and later on I invited him to be part of a guard
25 team.

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1 JUDGE LAVERGNE:

2 You have stated specific reasons for which this person was
3 brought to M 13. Do you remember?

4 [11.57.06]

5 THE ACCUSED:

6 Yes.

7 JUDGE LAVERGNE:

8 So what were the reasons for which this person was brought to M
9 13?

10 THE ACCUSED:

11 Let me clarify to Your Honours that what the Judge said was about
12 Brother Song when he was brought in for the first time or when I
13 invited him to be a guard? When Brother Song arrived the first
14 time I still reaffirmed my statement.

15 JUDGE LAVERGNE:

16 Perhaps I misheard yesterday or did not hear correctly, but I
17 thought that I heard you say yesterday that this person was
18 brought to M 13 after having had problems of a personal nature --
19 this is what I understood yesterday -- and that he cut somebody's
20 head off with a knife. Is this correct or not?

21 THE ACCUSED:

22 That was correct for that Brother Song, like I said at the time
23 -- not to this gentleman Sorn here.

24 JUDGE LAVERGNE:

25 Okay, I understand.

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1 BY JUDGE LAVERGNE:

2 Q.Now I would like to ask the witness. Sir, have you ever been
3 in a position of having to cut somebody's head off with a knife?

4 A.I never did. But Song used to cut somebody's neck and the
5 victim's name was Yem. The person is still alive these days.

6 [11.59.24]

7 Q.Can you please tell us what were the sanitary conditions at
8 the camp M 13 in which the detainees were living? Could they
9 wash? Could they go and relieve themselves? Could they wash,
10 could they bathe?

11 A.At that time, yes. For those who were detained in the pits,
12 we were unshackled, then we -- they put a ladder for us to climb
13 up and then to have a bath at the M 13 office, which was next to
14 the stream, on the south of the stream too, the north of Trapeang
15 Chrap so we could take a bath at the stream. Our hands were tied
16 but we could take a bath.

17 Q.Can you give us any idea of the number of persons detained at
18 M 13?

19 [12.00.40]

20 A.I cannot correctly estimate the numbers because I was one of
21 the prisoners in one pit. From what I could estimate, there were
22 a lot of people, could be two to three thousand people there.

23 Q.Two to three thousand simultaneously, at the same time, or
24 would that be cumulative throughout the duration of your
25 detention?

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1 A.From what I saw when they were in those pits at the prison I
2 do not remember how many pits there were, but all the pits were
3 full including myself was in one of the pits. This is just my
4 estimate because I was one of the prisoners, so I could not make
5 a correct estimation. When we were let out for a bath or to do
6 urine I had a glimpse and so that figure was a rough estimate of
7 what I saw at the time.

8 Q.I'm not sure you grasped my question correctly. Are you sure
9 there were 2,000 people at any particular point in time, at the
10 same time, or 2,000 people over a period of time because of new
11 detainees arriving?

12 A.When I first arrived at the place I saw prisoners were
13 detained there, so I estimated there were at least that amount.

14 Q.Can you tell us whether there were men, women, children?

15 [12.03.19]

16 A.Those who were detained there including female, male, old and
17 young alike.

18 Q.Were there many children? Many children?

19 A.There were not many children...

20 There were probably 30 to 40 children. For the very old people
21 there were not many as well. There were a lot of middle-aged
22 people. For the prisoners there, some of the Khmer Rouge
23 soldiers were also detained there.

24 [12.04.23]

25 Q.So there were Khmer Rouge soldiers. Would that have been a

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1 major proportion? Were there many Khmer Rouge soldiers?

2 A. There were some Khmer Rouge soldiers. Probably they were
3 defeated from the front battlefield and they were brought there.

4 Q. You're sure they were Khmer Rouge soldiers, are you, or were
5 they soldiers from the Lon Nol regime? Were they Republicans or
6 were they specifically Khmer Rouge?

7 A. The prisoners there when they were let out to relieve
8 themselves or for bath I asked them and they told me they were
9 soldiers. And when they went to fight the Lon Nol soldiers, they
10 were defeated and then they were brought to that detention
11 centre.

12 MR. PRESIDENT:

13 Now, it's time to adjourn for lunch break and we will resume at
14 1:30 p.m.

15 The security guard, take the accused back to his detention and
16 bring him back before 1.30 p.m. this afternoon.

17 [12.05.46]

18 MR. PRESIDENT:

19 Court Officer, please facilitate the witness to the waiting room
20 and to prepare for his lunch and bring him back at 1:30 p.m.

21 (Witness exits courtroom)

22 (Court recesses from 1206H to 1336H)

23 (Witness enters courtroom)

24 THE PRESIDENT:

25 The Court is now in session.

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1 Next we would like Judge Lavergne to continue putting more
2 questions to the witness.

3 BY JUDGE LAVERGNE:

4 Q.Can the witnesses hear me? Do you hear me? Can the witness
5 hear me? Do you have problems hearing and do you have problems
6 seeing? This morning it seemed that you had a bit of trouble
7 seeing around you. Has it been a long time that you have these
8 difficulties?

9 A.Actually I have not been able to see for a long time already.

10 Q.When you were detained at M-13 did you also have problems
11 seeing?

12 A.When I was detained at M-13 I was still young because it was
13 in 1973.

14 Q.So back then you had good eyesight?

15 A.Yes, I could see. My eyesights were good because I was still
16 young at my early forties.

17 Q.Did you go to school? Did you receive any kind of formal
18 education? Do you know how to read and write and do you know how
19 to count?

20 A.I can read Khmer a little. I did not go far in school because
21 I am rather illiterate.

22 Q.Do you know how to count?

23 A.I can count.

24 Q.So this morning we spoke about the prisoners who were at M-13.
25 You spoke to me about soldiers and you told me that these were

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1 Khmer Rouge soldiers, and you told me that these Khmer Rouge
2 soldiers had been defeated during a battle with the Republican
3 Army; is that what you said? Is that true; is that what you
4 wanted to say?

5 [13.41.03]

6 A.I have learned this information only from the victims who were
7 having a bath with me and I tried to ask them and they told me
8 that they were defeated from the battle and were later on
9 arrested and sent to M-13.

10 Q.What kind of clothes were these people wearing?

11 A.They wore civilian clothes, not the pure black clothes.

12 Q.I did not understand. Were they wearing black clothes or not?

13 A.They wore civilian clothes. I mean, just casual clothes with
14 colour or with flowers. When they were arrested and detained at
15 M-13 and when we were let out to have a bath, then I heard from
16 them about that defeat in the battle. I just learned from the
17 victims themselves.

18 [13.43.26]

19 Q.You also told us this morning that you were detained in a pit.

20 Could you please describe more in detail? Well, could you
21 describe this pit more in detail? Were there specific problems
22 with this pit or not?

23 A.The pit was three metres deep, and I was detained for long and
24 we did not have a mat to sleep on. We slept with our back on the
25 soil. When we would like to relieve ourselves, then we would be

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1 allowed to climb out of the pit through a ladder and our ankles
2 were still shackled.

3 Q.How many people were there in each pit?

4 A.In each pit, I can estimate that -- I may only give you my
5 estimation. There were about 20 to 30 people in each pit.

6 Q.And how many pits were there?

7 A.I don't remember; there were probably six to seven pits.

8 Q.Were all the pits the same size or were you in the largest pit
9 or the smallest? Can you give me some details about this,
10 please?

11 A.I guess the pits were of the same size.

12 Q.So you told me that you were shackled. Could you tell me
13 specifically how you were shackled?

14 A.My ankles were shackled and there was a metal bar with rings
15 and my ankles were attached to that rings -- those rings. In one
16 metal bar, five detainees were attached.

17 Q.Were there problems when it rained?

18 [13.46.57]

19 A.When it rained, we got soaked because the roof -- because the
20 rain leaked from the roof.

21 Q.Did you experience any flooding in the pits?

22 A.When I was detained, I was not affected by that. We got
23 soaked wet and we could change our clothes there in the pit.

24 Q.So you had the possibility to change clothes; is that so?

25 A.I did not have any pairs of clothes to change, but we only had

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1 the clothes that we were given when we were arrested.

2 Q.Were certain detainees only in their underwear or did some of
3 them, or all of them, have clothes?

4 A.I think I could see that every detainee did not have any new
5 clothes to change and some detainees were tied next to the pole,
6 each pole, naked.

7 [13.49.27]

8 Q.Completely naked?

9 A.When they were arrested they were wearing clothes, but when
10 they were tied to the poles, when each pole was -- when each of
11 them was tied to the pole, they were naked because their clothes
12 was stripped off.

13 Q.Did you see any prisoners who were ill?

14 A.The detainees, most of them were sick because we were given
15 only paddle of gruel, so many died of starvation.

16 Q.How often were you fed everyday and what did you eat?

17 A.Everyday in the morning we were given a ladle of rice -- of
18 gruel, and we were not given enough food. Many died. I could
19 survive and I was -- I had been detained there until -- between
20 October and November. In November, Duch released me and sent me
21 to Pursat Province in 1974 and I had lived in Pursat and had no
22 idea of what's going on in M-13. I only knew the situation when
23 I was detained at M-13.

24 [13.51.53]

25 Q.Do you remember being interviewed by investigators from the

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1 courts? Do you remember investigators interviewing you from the
2 courts?

3 A.Yes, I remember.

4 Q.In the case file we have a written record of your interview
5 indexed 78 on page 3. In the French version it lists ERN
6 00195537. And you said, in particular, the prisoners who died
7 because of starvation were more numerous than those who died
8 because of torture. Each day there were about 10 to 15 prisoners
9 who died because of starvation. Can you confirm what I just
10 read? Does that correspond to what you said to the
11 investigators?

12 [13.53.45]

13 A.Yes, it's true. Detainees who died of starvation were from 10
14 to 15 people each day and detainees who were tortured to death, I
15 only saw that 4 to 5 people were tied to the poles. So those
16 four detainees were attached or tied to the four poles and with
17 one pole in the middle and another detainee was tied to that pole
18 and that person in the middle was shot at, probably to scare the
19 other prisoners who were tied surrounding that person in the
20 middle.

21 Q.So you confirm that everyday there was a high number of
22 prisoners who would die of starvation?

23 A.Many detainees died everyday. At least no less than two to
24 three people died each day and sometimes 10 to 15 people died
25 each day. But regarding the torturing I only witnessed two

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1 detainees who were shot to death. And as a detainee I could not
2 see much because that incident that I could see only when I
3 encountered it accidentally.

4 Q. So you explained to us earlier on that you were arrested and
5 then put into a pit where you stayed and then you were allowed to
6 go out of the pit during the day. You were not shackled during
7 the day?

8 A. When I was let out to clean the place and asked to work I was
9 not shackled. But later on they even unchained me completely.

10 Q. What kind of work did you have to do?

11 [13.57.38]

12 A. When I was let out I was asked to dig the pits and also
13 carried the timber to make a shelter to protect the pits or the
14 detainees from bombing.

15 Q. What was the purpose of the pits that you would dig? What
16 were they used for?

17 A. The pits were that, to be used as the trenches to protect us
18 from being bombed. And after I was no longer chained then I was
19 asked to dig more pits.

20 Q. Did you see these pits being used to put prisoners in them or
21 did you see these pits used for any other purpose?

22 A. The pits were there to hold prisoners and also some pits were
23 used as trenches. Then they used big timbers to protect the pits
24 which were used as trenches to protect it from bombing.

25 Q. You explained to us earlier on that you saw people tied up to

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1 poles and, I understand, there were four persons attached --
2 chained up or attached -- tied up to these poles. Is it correct,
3 four persons attached to these poles?

4 A.I responded that it was not done correctly; it was a cruel
5 act, the killing -- the arbitrary killing on their own Khmer
6 people. The other nations they loved their own people but for
7 us, the Khmer people, they administered it to their own Khmer
8 people, it's worse than animals. That was my opinion.

9 Q.Can you confirm to me that there were four persons attached to
10 these poles?

11 [14.01.06]

12 A.Let me confirm that they were tied to the post, four -- five
13 people were tied to the post. One was shot so only four were
14 still tied to the post. The person in the middle was shot so
15 only the two on each side looked upon the one in the middle who
16 was shot. That's what I saw.

17 Q.How was this person killed? Was he shot dead and possibly
18 would you know who used the gun to shoot him dead?

19 A.The person who shot was called Ta Chan. He had leprosy. He
20 shot the person and I saw him shooting the prisoner on two
21 separate occasions. I saw these two incidents with my own eyes.

22 Q.How old was the person who shot the gun?

23 A.Duch called Ta Chan as Brother, Brother Chan but I did not
24 know his exact age.

25 Q.Was this person a child?

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1 A.No, he was quite old. At that time he was probably around 45
2 years old or about because he had already had adult daughter and
3 son.

4 Q.On what part of the victim's body did he shoot?

5 A.He shot the head of the person. I was the prisoner at that
6 time when I was sweeping the dust. I also cleaned the brain and
7 the blood which was spattered.

8 Q.Was Duch present? Did you see him order anything?

9 [14.03.51]

10 A.No, I did not see him there. I only saw that Ta Chan to came
11 out and did the shooting. I did not know where Duch was at the
12 time.

13 Q.Did you see any other prisoners being abused, being the
14 victims of violence, of particular types of violence?

15 A.Yes, I did. I saw the prisoners were beaten with the hoe,
16 with the stick and I was asked to sweep the place, to dig the
17 pits for them and because I were afraid so I dug the pits for
18 them. After they killed those people then they were buried.

19 Q.Consequently you have seen prisoners being beaten. They were
20 beaten with what?

21 A.The prisoners were beaten with bamboo stick and a hoe -- the
22 head of the hoes.

23 Q.Can you repeat once again, please? The instruments with which
24 they were hit, I've heard sticks, tubes or pipes and hoe's.

25 [14.06.22]

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1 A.They were beaten with the heads of the hoe's; that's what I
2 saw with my eyes because I was the one who dug the pits as they
3 ordered. While I was sweeping the ground I was asked to dig the
4 pit.

5 It was about -- the burial site was almost close to the office
6 and sometimes we saw the dogs carrying away the bones and the
7 skulls to the kitchen because I saw these things when I swept the
8 ground.

9 The burial sites was almost surround the office and they used the
10 same prisoners to do all these things. I myself, I would
11 estimate it at least 200 to 300 of those dead prisoners to be
12 buried.

13 Q. Have you seen other forms of violence being used? In
14 particular, did you see prisoners being put in water, immersed in
15 water?

16 A.Yes, I did. Prisoners were held, their legs and their hands
17 were tied and then they were submerged into the Trapeang Chrap
18 pond and then they lift them up and interrogated them. I was
19 afraid so I only watch it for a short time and then I left.
20 That's what I saw these mistreatment.

21 [14.08.34]

22 Q.Was Duch, the accused, present at the time when prisoners
23 immersed in water would then be interrogated; was Duch present?

24 A.No, he was not there. The interrogator's name was Meas, who
25 the one who ill-treated the prisoners. I knew him clearly. He

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1 was working closely with Ta Duch but I did not see Ta Duch at the
2 time, he was working in his office.

3 Q. Did you ever see Duch participate or be present when there
4 were scenes of violence? Have you ever seen Duch hit people,
5 beat people, strike people?

6 A. Yes, I did. One day I saw him beating a female person with a
7 whip. It's about the size -- the whip was about the size of the
8 thumb. After awhile then the young guards came and beat the girl
9 -- the woman. After she became unconscious Duch slap his butt
10 and he laugh. He slapped his butt and he laughed because the
11 girl was having seizure on the ground.

12 Q. So Duch was laughing as he saw this woman suffering; is this
13 what you're telling us?

14 Did you understand my question? Was Duch laughing as he was
15 seeing this woman suffering? Was Duch laughing because this
16 woman was suffering?

17 A. Yes. Duch was laughing at the time.

18 Q. You have talked to us about people who died, who passed away.
19 You have talked about corpses. Have you yourself taken part in
20 the burial of corpses, in the placing of corpses underground or
21 in pits?

22 A. Yes, I participated because each day a lot of dead prisoners.
23 When I was asked to do it, I would do it but I was very weak when
24 they asked me to dig the pit, so the pits that I dug were shallow
25 because of my weak strength. I have already stated from the

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1 beginning some of the dead prisoners were buried but not deep
2 because the prisoners were weak, and then the dogs came and took
3 some bones away and scattered them on the ground. That's what I
4 saw. I just said what I saw. I did not fabricate it.

5 Q.Have you ever witnessed people being executed, being killed?

6 [14.14.00]

7 A.Yes, I did. One day a female person was tied up and a male --
8 a man was tied up. They were chained to the necks; both of them
9 were chained to their necks. I was used to -- I was asked to dig
10 a pit and they were brought to the rim of the pit and the male
11 was beaten with the hoe and he fell into the pit.
12 Then the female one, who was dark complexioned, they beat him up
13 but she was unconscious, but they kicked her into the pit and
14 they buried her while she was still breathing.

15 Q.Did you know who that woman was?

16 A.That woman was from Kok village. Her name was Soy from Kok
17 village, who was mistreated. I did not know the woman who was
18 beaten unconscious.

19 One day I heard that Duch saying -- asking that woman, when I was
20 nearby -- he asked that woman, "Who are your parents?" Duch asked
21 that woman. And then she told her parents' name and Duch said,
22 "Yes, I know your parents. Your father was Monivong". And he
23 said, "I don't kill the king's family, I only kill the enemies".
24 That's what Duch said at the time.

25 [14.16.13]

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1 Q. Who was in charge of doing the executing? Was it the job of
2 guards? What was the age of the guards who were in charge of
3 being executioners?

4 A. The guards whom also execute -- who also execute and torture
5 the prisoners, they were quite young, probably 17 to 20 years
6 old.

7 Q. Seventeen to 20 years old. Do you think those people were
8 still children or would you say they were adults?

9 A. They were adult. Their labours can be used because when they
10 were 18 or 20 they already grown up.

11 Q. Amongst the guards, were there any children?

12 A. Yes, there were some young guards about 15 years old. There
13 were about four to ten of them in that office, but I cannot
14 recall their names. I don't know who their parents were.

15 Q. Were those children taking part in interrogations? Were they
16 expected to behave in a violent way or were they involved in any
17 execution-type work? Were they involved in executions?

18 [14.18.38]

19 A. I did not see them executing people. I saw them beating,
20 kicking the prisoners. Yes, they did it at their own free will.
21 They kicked, they beat, they scolded; all types of abuse. That's
22 what I saw, but I did not see them executing prisoners.

23 Q. As regards types of violence, do you remember seeing pliers,
24 pincers -- pliers and pincers. Have you ever seen this kind of
25 tool?

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1 A.Yes, I saw. I saw them. I saw pliers for pull out
2 fingernails and needles to prick the fingernails. I had a
3 glimpse at them and I saw the -- I heard and saw the prisoners
4 screaming while the tortures was being done on them.

5 Q.So you have seen these pliers. Did you see the prisoners
6 after their nails had been removed?

7 A.Yes. I saw the prisoners were having the little pricks into
8 the fingernails, but whether the nails were pulled out or not I
9 did not see because I was afraid and I left. I, myself, was
10 afraid that they would accuse me of observing and taking the
11 information out.

12 Q.What kind of relationship did you have with Duch, with the
13 Director of M 13?

14 A.I dare not to have any contact with him. I was so afraid of
15 him, I did not even dare to look him straight in his face. If he
16 called me to use, then I would go and be at his service.

17 One day, he said that -- after he stopped imprisoning me, after
18 he stopped shackling me, he called me to him and said, "Brother
19 Sorn, you can be my guard here with me. You don't need to go
20 home." And in the morning he told me, "You, Brother, don't stay
21 here near to these hellish people". So then he sent me to the
22 rice farms, and since then I did not hear anything else. After I
23 worked in the farm and during November or December he called me
24 and sent me to Pursat province. Then I boarded a truck at Kan
25 Seng Sum pagoda to Pursat province and I returned only in 1979.

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1 My family thought I was dead. Nobody knew that I was still
2 alive. Only in '79 when I came to my family and they knew that I
3 was still alive.

4 Q.You were extremely frightened, very frightened of Duch. Are
5 you still afraid of Duch today?

6 [14.23.00]

7 A.Today I am not afraid of him because he is now a tiger with no
8 teeth.

9 Q.Has Duch ever told you one day about what might happen after
10 M-13?

11 A.He used to say once that -- from the beginning he said, "When
12 you -- Brother, when you finish from here you can go to Phnom
13 Penh with me." That's what he just talked but he never asked me
14 to do that. And later on in 1974 he sent me to Pursat so I just
15 keep repeating all this part. That's all; nothing else.

16 Q.Do you have an exact memory of what he said to you when he
17 talked about going to Phnom Penh? Do you remember exactly what
18 his words were?

19 A.That's all what he told me. That's just a few words; that,
20 "After we finish fighting the enemy you can go to Phnom Penh with
21 me." That's all what he said to me, nothing else, and he did not
22 talk much on that.

23 Q.When you were heard and interviewed by the investigators of
24 the Court -- and this is Document D78.2, still the same ERN
25 number. On page 3 you said the following:

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1 "There was once upon a time Duch said to me Brother Son, when we
2 will occupy Phnom Penh you should be recruited as head of the
3 prison in Phnom Penh with me."

4 Do you remember hearing him say this?

5 [14.25.51]

6 A.What he said was to ask me to go to Phnom Penh with him, but
7 to appoint me as a prison chief or not; it was not. He just
8 said, "Brother, when Phnom Penh was liberated you can go to Phnom
9 Penh together with me." That's all what he said to me, and he
10 didn't say anything else.

11 Q.Did Duch carry a gun?

12 A.Duch had a pistol but when he went outside then he would carry
13 it. Inside the compound he did not carry his pistol. He kept it
14 at his place. I only saw him carrying the pistol only when he
15 went outside, for example, to the village.

16 Q.Could you tell us who were the major deputies or helpers or
17 assistants of Duch?

18 A.His assistant there was Ta Chan, Meas and Pon, whom I know but
19 I did not know the rest. There were some people who was close to
20 him, i.e. Ta Chan, Meas and Ta Pon whom I know the names. I did
21 not know the rest or the names of the rest and besides there were
22 the guards. I did not know them all.

23 Q.Did you hear anybody talk about somebody called Pal or Fal?

24 A.No, I did not know that. I did not know the name Pal.

25 Q.Is there anything else of importance that you wish to say to

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1 the Chamber in relation to what you lived through?

2 [14.29.15]

3 A.That's the truth, that the Chamber is trying to find the truth
4 for the Cambodian people, to try to find those who are
5 responsible for the crimes during the three years eight months,
6 320 days period. I am very glad that this happens. I am very
7 satisfied and nothing else is valuable than this proceeding. And
8 I wanted justice to be done for the Cambodian people who survived
9 from that horrible tragedy of the Pol Pot regime. No other
10 humankind was suffered than those who suffered during the Khmer
11 Rouge regime.

12 I don't have anything else to say.

13 JUDGE LAVERGNE:

14 Mr. President, I have no other questions to ask the witness. But
15 I would like to interrogate the accused, please.

16 Duch, you have just heard this statement, so first I would like
17 to hear your first observations in relation to what you just
18 heard.

19 THE ACCUSED:

20 My first observation regarding this witness, I would like to say
21 that although I have not known him before I just seen him now and
22 I knew that through his testimony he had suffered a great deal.
23 He has suffered -- he had suffered a lot at M 13 before he was
24 sent to Pursat.

25 My second observation is that his fundamental testimony is true

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1 -- fundamentally. There's something that's missed out in his
2 testimony, just a little.

3 JUDGE LAVERGNE:

4 So fundamentally speaking, you do not challenge the content of
5 this testimony. You just are saying that there might be a few
6 details missing. So therefore could you tell us what are these
7 missing details then?

8 [14.33.17]

9 THE ACCUSED:

10 I can say that the translation is not really accurate. The Khmer
11 words that I used that something missed out means it's not really
12 accurate. That's what I meant to say. I mean when something
13 missed out I mean it is not accurate.

14 JUDGE LAVERGNE:

15 So therefore what are these inaccuracies?

16 THE ACCUSED:

17 He talked more than the truth.

18 JUDGE LAVERGNE:

19 The witness said specifically that you had beaten a woman, that
20 you had beaten her on her behind and that this had made you laugh
21 -- had made you laugh to watch her writhe in pain on the ground.

22 THE ACCUSED:

23 I interrogated a woman. When I did so I never let any detainee
24 to see it. That's number one. Number two, I never beat any
25 female detainee. And third, when a detainee was beaten no-one

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1 else was helping me to beat that person. And when I said,
2 according to Brother Sorn, I spanked my butt; not spanking the
3 female detainee's butt.

4 [14.36.37]

5 BY JUDGE LAVERGNE:

6 Q.Can the witness confirm what he said before, that he saw Duch
7 beat a woman and in particular having laughed as he saw her on
8 the ground suffering?

9 A.Yes, I did see it when he grabbed a stick and then beat that
10 woman, and then later on the other guard, the young guard, beat
11 her instead. But then Duch spanked his butt and laughed. That's
12 all.

13 JUDGE LAVERGNE:

14 What do you have to say regarding what the witness said about the
15 immersion scenes when the prisoners were plunged into the pond?

16 THE ACCUSED:

17 That was a dirty person, so when the person immersed then she or
18 he felt itchy.

19 Number two, Trapeang Trach pond was used to -- for the purpose of
20 irrigating the plants, the eggplants -- because of female
21 detainees planting eggplants nearby.

22 So no detainee was immersed in that Trapeang Trach pond and other
23 detainee could see such event.

24 BY JUDGE LAVERGNE:

25 Q.I will ask the witness again if he can confirm having seen

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1 prisoners forcefully immersing prisoners in the pond.

2 [14.39.33]

3 A.Yes, I really saw it, but not Duch who immersed that person.

4 Maybe he did not even know that the person was being immersed.

5 The person who did that was the person named Meas. I know him.

6 JUDGE LAVERGNE:

7 Did you follow personally all of the interrogations? Did you

8 know exactly which methods were used for each interrogation?

9 THE ACCUSED:

10 The interrogation was done separately in a bush and no-one could

11 see that.

12 JUDGE LAVERGNE:

13 Do you believe that one of your subordinates might have decided

14 on his own to use the method described by the witness in order to

15 interrogate a prisoner without you being made aware of this?

16 THE ACCUSED:

17 I don't believe that Meas could have done it because at Trapeang

18 Trach pond, or at the Trapeang Trach area, at the other side of

19 the pond there were a lot of people so whatever happened, people

20 could see it.

21 JUDGE LAVERGNE:

22 Another question: So you heard the witness describing the usage

23 of pliers to pull out nails, the usage of pins that were pressed

24 under the nails? What can you say about all of this?

25 THE ACCUSED:

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1 I said already there were no pliers, no pins, and no nails were
2 pulled.

3 [14.43.22]

4 JUDGE LAVERGNE:

5 Another question: You heard the witness describe an execution
6 scene where four or five prisoners were tied to poles and where a
7 guard shot one of the prisoners who was tied to a pole, whereas
8 the others were next to him. What can you say about this?

9 THE ACCUSED:

10 (No interpretation)

11 THE INTERPRETER:

12 The interpreter would like to ask that the accused should not
13 respond directly to Judge Lavergne, because he cannot follow.

14 JUDGE LAVERGNE:

15 Did you hear what he said? You have to wait a little bit before
16 you answer. Thank you.

17 THE ACCUSED:

18 Regarding the shooting at the detainee while the other detainees
19 could see, as testified by Brother Sorn, it's true. I already
20 stated yesterday, or before yesterday, to the Judges.

21 JUDGE LAVERGNE:

22 You witnessed the scenes described by the witness involving dogs
23 who were carrying away remains of human bodies; is that so?

24 THE ACCUSED:

25 He testified that there was a dog that carried away the bones of

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1 the corpse to drop them in the premises of M-13. I did not know
2 that happened. Maybe it carried somewhere else; I don't know.
3 Through my observation in Trapeang Trach or in that location,
4 there were not many dogs.

5 JUDGE LAVERGNE:

6 The court official, could you please take the witness to his
7 waiting room, and bring him back after the break?

8 [14.45.50]

9 THE GREFFIER:

10 Please stand up.

11 (Court recesses from 1445H to 1508H)

12 MR. PRESIDENT:

13 The court is now in session.

14 First we would like Judge Lavergne to finish putting questions to
15 the witness or the accused before we give the floor to parties.

16 The floor is yours.

17 [15.08.30]

18 JUDGE LAVERGNE:

19 Duch, you have heard the witness mentioning the number of
20 prisoners assessed by him as having been at M-13. This morning
21 reference was made to 2,000 or even 3,000 detainees.

22 BY JUDGE LAVERGNE:

23 Q.Can the witness confirm this figure?

24 A.When I -- I did not really count the number of the detainees,
25 it's only based on my estimation. And as I told you, there were

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1 no more than 30,000 detainees in M-13. However, I cannot really
2 tell you exactly how many detainees were there.

3 Q.I have just heard the figure of 30,000. Earlier on you talked
4 about six to seven pits and in each pit there would be about 20
5 to 30 prisoners. So looking at this, at the lower end of that
6 figure, six pits and 20 prisoners per pit, we would have a total
7 of 120 prisoners at any given time. Apart from the pits, were
8 there any other places where prisoners could be kept?

9 A.I did not see there were other pits. People who were very
10 weak were taken to the upper part of the pits but they were in
11 the premises of that prison that through my estimation that was
12 the number, no more than that, no less than that.

13 Q.You say that those who were very weak stayed within the
14 compound of the camp. That would be how many people? How many
15 people would you think that would be?

16 A.These people were kept there just for overnight because they
17 died very quickly. So that's why the numbers of detainees were
18 not very regular; people were brought in and then people died and
19 then more arrests were made.

20 So I think the people who died may be more than what I could
21 estimate and people who were tortured, people who killed without
22 letting other people to see such a execution and that's -- some
23 people who were tortured severely when they arrived back at the
24 location they dropped dead. I also saw that.

25 [15.13.00]

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1 BY JUDGE LAVERGNE:

2 Q.These weak people who were no longer in the pits, who were
3 outside the pits, these would amount to how many people; a few
4 tens of people, more, less? Of course there was never actually
5 the same number but what would have been the higher and the lower
6 estimates of the range. If you -- do you understand my question?

7 A.Yes, I understand Your Honour's question.

8 The people who were weak, and there were about 10 of them when
9 they were too weak and sometime there were five, sometime there
10 were 10 but the people who were taken from within the picture
11 never been brought back because of little food that they died.

12 BY JUDGE LAVERGNE:

13 Q.So I'm using your own figures, the figures you have given us,
14 we have about 120 to 210 persons who are in the pits, plus about
15 five to 10 persons outside the pits, so we have a total of
16 between 125 to 220 prisoners.

17 JUDGE LAVERGNE:

18 Now, I would like to ask the accused to tell us whether these
19 estimates match the reality as he knew it.

20 THE ACCUSED:

21 Regarding the figures as Brother Sum already mentioned several
22 times, I would like to state about the length of the pit, three
23 metre deep or 2.5 metre wide and there were about three pits.

24 [15.15.26]

25 So in one pit there were only about 10 people, no more than that.

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1 And I would like to confirm that I never let the victims to died
2 at that location without being executed or smashed because the
3 smash took regularly, after their confessions were given to the
4 superior.

5 Then when they said that it is time, that's complete, that the
6 victim could be smashed then they were smashed and no -- no high
7 number of detainees like that, there are only three special
8 occasions or cases when -- during the fall of Oudong and those
9 people were only sent to M-13 temporarily and I think maybe
10 Brother Sum was also sent to the Northwest at that time and then
11 at another time when Phum O village was evacuated then people
12 were sent to M-13 and that time Brother Si, Chou Chet the
13 Secretary of the Southwest, asked me -- no, asked the other
14 people to arrest those people so that I can interrogate them.
15 There were about 60 of them at that time, among that period of
16 time. So I think Brother Sum may make a guess when he talked
17 about the number of detainees during that -- when we had high
18 number of people. As I told you already, his figures seem to be
19 surplus.

20 BY JUDGE LAVERGNE:

21 Q.I shall once again ask the witness to confirm to us the number
22 of people who, according to him, died on a daily basis in M-13.
23 In M-13, on a daily basis, how many dead -- how many people died?
24 A.On a daily basis sometimes five prisoners die, sometimes
25 seven; it's not -- it was not regular, but at least three

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1 detainees died. So no -- in the pits sometimes five people who
2 were shackled together, three of them died and then the corpse,
3 the dead body were taken away. So I could see that people died
4 regularly.

5 [15.19.03]

6 JUDGE LAVERGNE:

7 The last question for the accused; the witness has said that
8 Khmer people have done this to Khmer people, do you have anything
9 to say about this?

10 THE ACCUSED:

11 During the time when I oversaw the M-13, until 1975, I never saw
12 any other national other than the Khmer except another Frenchman;
13 the man who was arrested by Ta Mok near National Road Number 5;
14 Mr. Jacques Rousala (phonetic).

15 Apart from him no other foreigner except François Bizot, no
16 Vietnamese, no Americans, so of course there were the Khmer
17 people who killed the Khmer.

18 JUDGE LAVERGNE:

19 I think the witness was speaking about something much deeper. He
20 was wondering how -- how it could possibly be that Khmer people
21 would behave in such a fashion to their own brethren, to their
22 own -- to other Khmer people.

23 THE ACCUSED:

24 Thank you, Your Honour, for restating the question. It was about
25 political issue. First, as I told you already, it was to smash

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1 the enemy spies and it was the class struggle in the liberated
2 zone which is the referral base. And the class line, the
3 proletariat class line was introduced, that's why Khmer killed
4 Khmer blindly, because of that principle.

5 [15.21.49]

6 MR. PRESIDENT:

7 Mr. Uch Sorn, I have a question. You were there for about one
8 year, so you had opportunity to communicate or contact with the
9 guards at that location, and later on you were released. Have
10 you noticed that, altogether, the camera -- cadres, the staff in
11 that location during your captivity, how many of them -- how many
12 there were, including Duch himself?

13 A.I think maybe there were at least 50 people, including Duch
14 himself. I mean, the guards in that office, apart from the
15 detainees. So there were about 30 people.

16 MR. PRESIDENT:

17 The Chamber would like to give the floor to the Co-Prosecutors to
18 put some questions to the witness. The floor is yours.

19 [15.23.32]

20 MR. YET CHAKRIYA: The Co-Prosecutor thanks you, Your Honours.

21 BY MR. YET CHAKRIYA:

22 Q.Mr. Uch Sorn, where you live, and M-13, how far is it?

23 A.It's about 10 kilometres. It's about 10 kilometres from my
24 home to M-13.

25 Q.How long have you known M-13?

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1 A.I never knew that M-13 office before, only when I was arrested
2 and sent to that location because, at that time, we lived in the
3 jungle. We did not live in the villages, because we were afraid
4 that we would be dropped the bombs on.

5 Q.When you were arrested, who else were arrested?

6 A.There were three people, Ta Kul and Ta Phim, who were arrested
7 at Khmer ambush. Sou and Ta Kroeng arrested us. They were the
8 Khmer Rouge soldiers. They arrested me after dinner, at 6 p.m.

9 Q.Where were they sent to, the two people who were arrested at
10 that time with you?

11 A.They already died at the office.

12 [15.25.02]

13 Q.Duch released -- Duch unshackles you and let's you work in the
14 security office. Was it the intention of Duch, or was there any
15 request from other people?

16 A.When I was arrested at the beginning, for three days -- during
17 the early three days, I saw Ta Lim, Ta Kong, and Ta Kul, who came
18 to the office. I did not know whether these people came to
19 release me or not. I heard -- they said that, "Sorn, we try to
20 stop you on the road, but we failed. That's why you were
21 arrested and sent to the M-13. Since you were already sent to
22 the M-13, you should work your best at the office."

23 And I, actually, in which society I worked, I felt the society
24 the best, and I never been a spy. So when I was arrested and
25 taken to the M-13, I was so surprised, because I was a very

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1 sincere person, and I was accused of being a spy. And, actually,
2 I only was a - looking to buy a pig for a ritual ceremony, and
3 that I was arrested.

4 And then we -- in 1973, we conducted a ritual ceremony and I knew
5 that, during the Khmer Rouge regime, Buddhism would be
6 demolished, that's why I had to celebrate such event before it
7 was too late. So that's why I was looking for a pig to -- for
8 such a celebration, and the village chief really arrested me
9 there.

10 [15.27.46]

11 MR. PRESIDENT:

12 And Uch Sorn, could you please, for the good record, make it
13 slower? Speak rather slowly, thank you.

14 BY MR. YET CHAKRIYA:

15 Q.During your captivity, did you notice any witness -- any
16 detainee who attempted to escape?

17 A.Yes, there was. The person name Lon attempted to escape. He
18 was arrested at the same time as I was arrested, and then he was
19 interrogated. But I was in the prison at that time. He went
20 away for some time, but when he came back we could not -- I could
21 not recognize his face, because there were bruises.

22 And then, when Lon came back, he told me that he would not live,
23 so tomorrow he would attempt to run away. And he did -- he was
24 not afraid that he would be shot at. So, in the morning, he
25 asked the guard to relieve himself. He was still -- his wrist

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1 was still tied up, and he tried to run while he was still
2 untying, and then the guard shot him and he died by the shooting.
3 So that man was called Lon; his wife still lives in Anlong Chrey
4 to this day.

5 Q. Could you please confirm whether there were children arrested,
6 too, and sent to M-13?

7 A. Yes, there were about four to 10 children who were detained
8 with their parents.

9 Q. Where were these children taken to?

10 A. I don't know where these people were taken to, because we just
11 lost them and I never seen them. Maybe they disappeared and
12 died.

13 [15.30.29]

14 MR. PRESIDENT:

15 The International Co-Prosecutor, if you would like to make -- ask
16 some question? The floor is yours.

17 MR. PETIT (Speaking in English):

18 Thank you, Mr. President. No questions for me, thank you.

19 MR. PRESIDENT:

20 Next, the Chamber would like to ask whether the civil parties'
21 lawyers would like to pose any questions to the witness. The
22 Chamber would like to remind that civil party lawyers should try
23 to avoid repeated questions and make sure that your questions are
24 clear, because the witness is not well-educated and he has to be
25 able to understand the question clearly before he can respond.

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1 So we should start from Group 1, Civil Party Group 1.

2 MS. TY SRINNA:

3 Thank you, the President and Your Honours. I am Ty Srinna, the
4 lawyer of the Civil Party Group 1.

5 First, my sincere respect to the president and Your Honours, and
6 people in and outside the courtroom. So I would like to ask a
7 question to the witness, Mr. Uch Sorn.

8

9 BY MS. TY SRINNA:

10 Q.Before I ask the question I would like to remind the witness
11 regarding his response. If you feel that my question is not
12 clear, please ask me to repeat or verify or simply the question.
13 Or if my questions are difficult to remember, or if you think
14 that you don't remember any event regarding my questions, you
15 just say you don't remember or you remember. So my questions
16 start as follows.

17 [15.32.47]

18 During your captivity at M 13 did you ever see the guards bury
19 any detainee alive?

20 A.As I already told you, there were two detainees, a female and
21 male detainee who were beaten, but the woman did not die yet but
22 she was carried into the pit and buried alive. That's the one
23 case that I saw.

24 Q.Next question. When you were at M 13 and you had a role to
25 clean the premises and to bury the dead bodies, did you see the

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1 guards meet to discuss the methods of tortures?

2 A.I have never seen any meeting like that; never.

3 Q.Another question. Regarding your statement that you just made
4 concerning the execution of the detainees, you said that there
5 were five detainees who were tied to the poles. Among them four
6 detainees were tied to the four poles and one detainee were tied
7 to the middle pole and was shot in the head to death. So my
8 question is that where were the other four detainees taken to?

9 A.I have no idea where the other detainees were taken. I think
10 they were taken back to the pits. Later on these people died,
11 because I later on noticed that these people already died.

12 Q.When the tortures were introduced did you know what did those
13 detainees do, or what were the classification of the detainees?
14 Were they from the Lon Nol's regime, the former Lon Nol regimes,
15 or were they Khmer Rouge soldiers who committed some wrongdoing
16 so that they were tied and punished? So can you tell us what
17 kind of people they were?

18 A.Those people who were not shot at, were just ordinary people
19 in our village, like us, like me. They're just normal people,
20 villagers. They were not high-ranking officials in the military,
21 no.

22 Q.How did you know that they were ordinary villagers? May I
23 repeat the question? Are you sure that the four detainees,
24 including the one detainee who was shot dead, were ordinary
25 people?

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1 A.Yes. It's true. I even knew their names.

2 [15.37.40]

3 Q.Thank you very much, Uncle. Another question. You said when
4 you were walking on the road there was a person who attempted to
5 help you. You call -- you said that the person told you that he
6 could not save you since you were already brought to M 13 and
7 that you should work hard so that your sentence could be reduced.
8 I would like to ask, in such a situation did you have an
9 opportunity -- I mean when you were arrested -- that as an
10 ordinary villager, not a spy, did you have an opportunity to ask
11 the guards or the superiors to tell them that you were not a spy
12 and that you were just ordinary villager? Were you given such
13 opportunity to talk to them?

14 A.I did tell this to Comrade Meas. I asked him, why did you not
15 take me to question, because I was detained for a long time, and
16 I told him that before I die at least I could be asked any
17 questions. And I told him why -- I asked him why he did not ask
18 me to be interrogated, and Meas told me that, "Why should they
19 ask you any questions? Because you were looking for a pig." And
20 I asked him this question because I asked him that since I was
21 arrested I never been questioned until I was released and sent to
22 Pursat. So of course I did not have a chance to ask.

23 [15.40.04]

24 MR. PRESIDENT:

25 Ms. Ty Srinna, could you please stay a little bit far from the

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1 mic so that we can hear you more clearly?

2 MS. TY SRINNA:

3 I have no more questions for the witness but may I ask through
4 Your Honours to the accused concerning the roles of the
5 detainees, the five detainees who were tied to the pole and then
6 one of them was shot into the head to scare the four other
7 detainees? So what kind of offence were they charged of -- why
8 one of them was shot to scare the others. Could the President
9 and Your Honour refer this question to the accused, if you allow?

10 MR. PRESIDENT:

11 The accused, do you understand the question? If you understand
12 the question please respond.

13 THE ACCUSED:

14 Regarding this matter, I already informed Judge Lavergne, clearly
15 if I am allowed to repeat this to the lawyer then I'm pleased to
16 do so.

17 MR. PRESIDENT:

18 Ms. Ty Srinna, could you please repeat or clarify your question
19 so that your question is not repeated, because we know that
20 through translation sometimes there is a loss in the translation
21 itself and that's why the questions may be repeated. So could
22 you please ask again? So what is your actual question now? I
23 would like you to avoid beating about the bush because we know
24 the facts already and we have observed the testimony and
25 questioning for some days.

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1 MS. TY SRINNA:

2 Thank you, Your Honours, the President.

3 The question is regarding my suspicion, my doubt, because when
4 the accused stated that matter I do not understand in which year
5 that happened because the witness who was here was detained in
6 1973 at M-13.

7 So I don't know for sure whether the action, I mean the killing
8 of the witness -- the detainee who was tied to the pole, happened
9 because the accused said that the person who were tied to the
10 pole was ordinary person. And I want just to make sure that I
11 understand correctly from the accused whether those people were
12 really ordinary people and how many times detainees were tied to
13 the pole and shot at.

14 [15.44.13]

15 THE PRESIDENT:

16 We see that these questions or these matters have already been
17 cleared by the accused and I think the accused may not need to
18 respond to the question again.

19 I would like to invite lawyer, Group 2 to put some questions if
20 you would wish to do so.

21 MS. STUDZINSKY:

22 Yes. Thank you, Mr. President.

23 BY MS. STUDZINSKY:

24 Q.My name is Silke Studzinsky. I'm a lawyer for civil parties.

25 I have only very few questions. I would like to know --

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1 [15.45.12]

2 THE PRESIDENT:

3 We cannot hear the translation. Could the Court officer try to
4 make sure we can hear it.

5 MS. STUDZINSKY:

6 Thank you, Mr. President.

7 BY MS. STUDZINSKY:

8 Q.My name is Silke Studzinsky. I'm a lawyer for the civil
9 parties, for the victims. I have only a few questions.

10 When you stayed at night in the pit did the clothes of the
11 prisoners touch each other?

12 A.The detainees were shackled onto the metal bar and we were put
13 close to one another.

14 Q.You mentioned that you heard screaming of prisoners who were
15 tortured. How often did you hear such screaming? Was it every
16 day?

17 A.I only heard the screaming once. It was when I was walking to
18 -- walking past the place where people were tortured, and that
19 was the only one time that I heard the screaming.

20 Q.How far were you away from the interrogation and torture
21 venues?

22 [15.47.50]

23 A.I was about 20 metres from that location, maybe 20 to 30
24 metres.

25 Q.And do you know who was the interrogator at this moment and

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1 who tortured?

2 A.I don't remember that person's name and I did not really pay
3 great attention to that things because when I heard the screaming
4 I just turned away because I did not pay great attention, because
5 I was scared of myself for being accused of an informer who
6 wanted to know other people's business. Then I just turned away
7 -- I turned away so I just did not -- don't remember their name.

8 Q.And now my last question. The execution scene that you have
9 observed, these five prisoners where the one in the middle was
10 shot, were these prisoners male prisoners or were there also
11 female prisoners among them?

12 A.Those prisoners were all male, no female.

13 MS. STUDZINSKY:

14 Okay. Thank you very much.

15 MR. PRESIDENT:

16 The floor is yours.

17 MR. KONG PISEY:

18 Mr. President and Your Honours, I am Kong Pisey. I would like to
19 ask a few questions to the witness.

20 [15.50.10]

21 BY MR. KONG PISEY:

22 Q.You said Lon was arrested with you along with another man. At
23 that time Lon was interrogated. And then you noticed that Lon's
24 face was -- there were bruises on Lon's face. So do you know or
25 did you know what happened to him, why he became like that?

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1 A.I asked him but he said he was kicked with a sandal made from
2 car tyres.

3 Q.Another question. You said that there was another man who was
4 arrested with you. Was he interrogated at that time?

5 A.Could you please repeat your question? I don't understand.

6 Q.There were three people arrested along with you; Lon and you
7 and?

8 A.Kul.

9 Q.So was Kul also interrogated?

10 A.At the beginning they were put together but later on they were
11 divided, separated. I did not know whether he was also
12 interrogated because I was very scared. I did not know whether I
13 myself would die.

14 And, after a fortnight, that person died of starvation. Another
15 man named Kin also died but, before he was arrested, his father
16 paid a visit to M-13. He lived in Svay Muoydoem village. He
17 asked why his son was arrested. And then, his father was also
18 arrested, and then his father even died of starvation before his
19 son. So before I was sent to Pursat, I witnessed that event.

20 [15.52.38]

21 Q.I would like to ask you another question concerning the
22 detention. When you were detained in that pit, along with other
23 people, when you were shackled, were you allowed to dress?

24 A.Of course, we only had the clothes we brought with us. So
25 when we got soaked then there would not be any clothes to change.

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1 We had to wait until our soaked wet clothes dried out. And
2 no-one could bring any clothes to M-13 because they could not
3 come otherwise they would be also arrested.

4 Q.Thank you.

5 Now, the next question concerning the rest at night. Were you
6 given a mosquito net or light at night?

7 A.No. We did not have the mosquito -- we did not even have the
8 mat to sleep on, so there were some insects but we had to sleep
9 on them.

10 Q.Another question: When you and other prisoners, both at night
11 and in the daytime, when you had to relieve yourselves, could you
12 go to relieve yourselves or could -- or you were -- had to
13 relieve yourselves at -- in the pits?

14 A.Normally, when we would want to relieve ourselves, then we
15 would ask the guards, then they would hand in a bamboo pipe so
16 that we could urinate in that bamboo and then they could carry it
17 away.

18 And if we had to relieve ourselves in the toilet then they would
19 release us to walk to the toilet. In the pits, people were
20 untied at night but sometimes the hammock cords ---

21 THE INTERPRETER:

22 Excuse me, the interpreter regrets that we cannot really
23 interpret when the lawyer and the witness simultaneously respond
24 to one another. Could you please be -- slow down.

25 Could you please repeat. The interpreter would like to -- for

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1 the record, would like to interpret that part again.

2 [15.55.46]

3 BY MR. KONG PISEY:

4 I may repeat that question.

5 MR. PRESIDENT:

6 Could you please repeat your question because it was not yet in
7 the record.

8 BY MR. KONG PISEY:

9 Q.Uch Sorn, could you please repeat your question -- sorry, your
10 response -- because it was not recorded yet.

11 A.The detainees who needed to relieve themselves, I was saying
12 we would ask the guards and they would then drop a bamboo pipe in
13 the pits, and then we could relieve ourselves. And then, after
14 we urinated in that pipe, then we put -- we passed them to the
15 guards -- to people to take them away.

16 And if we would like to visit the toilet, then they allowed us to
17 go to the toilet. They only unshackled our ankles but they still
18 tied us onto the wrists.

19 [15.57.10]

20 Q.Thank you.

21 After you visited the -- after you relieved yourselves then the
22 bamboo pipe was still left in the pits? Could you please
23 clarify?

24 A.Of course, I can clarify that the bamboo pipes were left in
25 the pits.

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1 Q. So when the bamboo pipes were left in the pits were there any
2 bad smell affecting the other detainees?

3 A. Of course, the smell was not good but what else could we do?
4 So that bamboo pipes were designed for us to relieve ourselves
5 in, so things -- they were in the pipes, in the bamboo pipes, so
6 we had no problem with the pipes.

7 Q. Regarding the relieving of yourselves when people were
8 shackled; how could they relieve themselves?

9 A. Well, we just squat and then put the bamboo pipe under our
10 butt, and then the detainees who were close by could even assist
11 us.

12 Q. Next question: If the question is not easy to -- what about a
13 pee? When you peed, what happened to the pee?

14 A. Because the bamboo tube was pretty big, there was probably 10,
15 20 detainees in one pit and not all pee at the same time, so only
16 one or two prisoners pee and it would not fill up the bamboo
17 tube.

18 Q. Another question: You did not have much to eat, but when
19 someone was thirsty could that person ask for water?

20 [15.59.59]

21 A. I did not see anyone ask for water, only in the morning or
22 during the mealtime. First, when we were detained, we were very
23 thirsty because that was from our personal experience when our
24 hands were tied our -- when we were shackled. They tied our
25 hands at two segments and also they shackled our feet, and we

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1 were so thirsty -- very, very thirsty at the time.

2 Q.So when you were thirsty, did you ask for water?

3 A.Yes, I did. They gave a glass of water to me, just a small
4 glass. That's all. Even if we were so thirsty, that's all what
5 they gave to us.

6 Q.How big was the glass?

7 A.It was like a three-riel wine glass. It was a short one. It
8 was the one which did not break if we dropped it on the ground.

9 Q.Any other detainee who asked for it?

10 A.Yes. Yes.

11 Q.And did they receive it?

12 [16.01.25]

13 A.Yes. The guards gave it to them.

14 Q.Thank you.

15 MR. PRESIDENT:

16 The lawyer for Group 3, if you have any question for the witness.

17 MR. CANNONE:

18 Your Honour, I have just one question and very briefly so.

19 BY MR. CANNONE:

20 Q.Good afternoon, sir. I am Philippe Canonne, co-lawyer of
21 Group 3 of the civil parties.

22 Mr. Uch Sorn, you talked about the pits that you dug. I would
23 like to ask -- and this is my question -- whether once or several
24 times detainees were brought into the pit or pits to protect them
25 effectively from the bombings? Were the pits ever used for

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1 putting detainees in the pits and to protect them against the
2 effects of the bombings?

3 A.The pits that housed the detainees, the purpose was to protect
4 them from the bombing or not, I was not sure, but I myself I saw
5 the pits were purposely built to hold detainees. Probably Duch
6 -- for Duch they probably had their own pit in order to protect
7 them from the bombing but those pits were built to hold the
8 prisoners. If the bombs were dropped then the bombs would even
9 collapse those pits. Those pits could not sustain the bombing.

10 [16.03.45]

11 MR. CANONNE:

12 Thank you, Your Honour. I have no further question.

13 MR. PRESIDENT:

14 Next the lawyer for Group 4, if you have any question.

15 MR. HONG KIMSUON:

16 Thank you, President, Your Honours. I ask a question to the
17 witness, Mr. Uch Sorn. Actually I have four questions.

18 BY MR. HONG KIMSUON:

19 Q.Could you clarify that at one time you saw Duch beating a
20 woman and you said you heard him saying that was the name, the
21 person belongs to the Monivong, the king's blood, and Duch would
22 not beat or kill the king's family. I did not catch it. It
23 means he only killed the enemy and not the king's members. Can
24 you clarify on this particular point?

25 A.I heard him saying that -- asking, "What is your name? What's

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1 your father's name?" He asked, "Who are your parents? What is
2 the name of your father?" And the woman replied -- she was a
3 dark complexion. She said, "My father was a Vong," and then Duch
4 said, "Don't lie to me. You are the daughter of Monivong." I'm
5 not sure if he was joking or not at the time. So that's what I
6 heard. Maybe he was joking with her or not. And he said, "I
7 don't kill the king's family, I only kill the enemy." And I did
8 not stay there and continue listening to it. But when I walked
9 past that's what I heard.

10 [16.04.53]

11 Q.Thank you.

12 My second question to you; I think it is contradictory to Duch's
13 statement. Let me clarify. When you saw the killing of one
14 person, as raised by other lawyers, who were tied to a post
15 together with another four detainees, you told the Chamber that
16 you knew the person who shot that detainee and the name was Chan.
17 Is that correct?

18 A.I know this person clearly. His name was Ta Chan.

19 Q.Earlier you said Chan, Meas and Pon. That's the names you
20 said. You knew them clearly.

21 A.Yes.

22 Q.So you're not confused?

23 A.No, I'm not.

24 MR. HONG KIMSUON:

25 May I be allowed to ask Duch? He said he assigned someone to

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1 killed and I'm not sure if that person was the same person as
2 stated by the witness.

3 MR. PRESIDENT:

4 The accused, you can respond; respond to this question.

5 [16.07.31]

6 THE ACCUSED:

7 I don't want to say about something that happens in detail but
8 let me just confirm that the person who shot was not Comrade
9 Chan; it was another person.

10 MR. HONG KIMSUON:

11 Thank you.

12 BY MR. HONG KIMSUON:

13 Q.My third question to you; you informed the Chamber that the
14 reason for the arrest is that you went to buy pigs and at that
15 time there was no religion. How did you know that that society
16 was a society with no religion?

17 A.I understood that it was a Communist regime. That is my
18 personal understanding. I did not go and tell everybody that
19 there was no Buddhist religion because I believe myself that in
20 the Communist regime there was no religion. And in the end it
21 was correct, it means my understanding was correct. And after
22 the victory they demolished the pagodas, they made people not to
23 believe in religion. So they did not allow to have any Buddhist
24 religion exist.

25 Q.Thank you. My last question to you; when you were released

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1 you said you were sentenced to Pursat. It means you were sent to
2 the liberated zone or to a free zone?

3 A.I was sent to the same liberated zone, not to the Lon Nol
4 Zone. It was within the same liberated zone.

5 [16.09.15]

6 MR. HONG KIMSUON:

7 Thank you. I have no more question.

8 MR. PRESIDENT:

9 Next I give the floor to the defence counsel so that you have the
10 opportunity to pose questions to the witness. If you have any
11 questions the floor is yours.

12 MR. KAR SAVUTH:

13 Thank you, Mr. President.

14 BY MR. KAR SAVUTH:

15 Q.I'd like to clarify with the witness. Can you state clearly.
16 This morning the President asked you, as a witness, that at that
17 time when you were detained did you see -- because you said there
18 were male, female and children, and then the President asked how
19 many children. As a witness you informed the President that
20 there were 30 children. But just then when the Co-Prosecutor
21 asked you how many children who went with their parents, you said
22 there were 10 children. Can you confirm clearly whether there
23 were 10 or 30 children?

24 [16.10.42]

25 A.The children who were sent there, there were many of them.

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1 When the Oudong area were defeated there were many, and this is a
2 very long story. The villagers were arrested and there were
3 probably 10 of them at a time. But if I describe about the fall
4 of Oudong there were many children and it's going to be a long
5 story.

6 MR. KAR SAVUTH:

7 Thank you, Mr. President. The defence counsel has no further
8 question for this witness.

9 MR. PRESIDENT:

10 The floor is yours, defence counsel.

11 MR. ROUX:

12 Your Honour, we might have some questions to ask because this
13 witness may have a little bit of difficulty with figures,
14 numbers, but apart from the numbers issue, we have no other
15 questions, no other issues to raise.

16 MR. PRESIDENT:

17 Either of you have any particular questions, please rise.

18 MR. ROUX:

19 Thank you, Your Honour. We can do without questioning.

20 [16.12.29]

21 MR. PRESIDENT:

22 The proceeding for today is coming to an end and we will -- we
23 don't have any time for any -- for the next witness.

24 Mr. Sorn, the Chamber has no further questions for you, so you
25 can return to your residence.

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1 Court Officer, please facilitate him in co-ordination with WESU
2 to facilitate his return to his residence.

3 (Witness exits courtroom)

4 MR. PRESIDENT:

5 The Chamber declares the adjournment of today's hearing and the
6 Chamber will resume on the 20th of April 2009 from 9 am.

7 Security guards, take the accused back to the detention and bring
8 him back to the courtroom on the 20th of April before 9 am.

9 MR. PRESIDENT:

10 Likewise, for all the parties and the public who wish to attend
11 the hearing, please return before 9 am on the 20th of April 2009.

12 MR. HONG KIMSUON:

13 May I get your attention, Your Honour, if you have any detailed
14 agenda?

15 [16.14.16]

16 MR. PRESIDENT:

17 The Chamber will notify the detailed agenda tomorrow.

18 This is the first week of the trial so we had to recalculate the
19 time and the rescheduling of the proceeding, and tomorrow morning
20 we will provide you the notification of the detailed agenda.

21 THE GREFFIER:

22 Please stand up.

23 (Court adjourns at 1614H)

24

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