



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

**ឯកសារដើម**  
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TRANSCRIPT OF TRIAL PROCEEDINGS

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Case File N° 002/19-09-2007-ECCC/TC

29 March 2012

Trial Day 44

Before the Judges: NIL Nonn, Presiding  
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Jean-Marc LAVERGNE  
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INDEX

MR. KAING GUEK EAV, alias DUCH

Questioning by Mr. Smith resumes ..... page 1

**List of Speakers:**

Language used unless specified otherwise in the transcript

<b>Speaker</b>	<b>Language</b>
MR. ANG UDOM	Khmer
MR. KAING GUEK EAV alias DUCH	Khmer
MR. KARNAVAS	English
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MS. NGUYEN	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. PESTMAN	English
MR. SMITH	English
MR. VERCKEN	French

1

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

2 (Court opens at 0901H)

3 MR. PRESIDENT:

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

5 During today's session, the Chamber is going to hear testimonies  
6 of Mr. Kaing Guek Eav alias Duch, questions to be posed by the  
7 Prosecution.

8 The Chamber would like to now hand over to the Prosecution.

9 QUESTIONING BY MR. SMITH RESUMES:

10 Thank you, Mr. President. Good morning. Good morning, Your  
11 Honours. Good morning, Counsel. Good morning, Witness and the  
12 general public.

13 Q. Mr. Kaing Guek Eav, yesterday -- well, I think to start off,  
14 you've been questioned now for quite a number of days, the full  
15 day straight. If you get tired in the afternoon, can you advise  
16 the Chamber if that is the case?

17 Have you been getting tired in the afternoon throughout this week  
18 or have you been feeling fine?

19 MR. KAING GUEK EAV:

20 A. I am fine. I can continue.

21 Q. Thank you.

22 Yesterday, we discussed a meeting you had with Son Sen and some  
23 other divisions when - where you were discussing the situation in  
24 relation to enemies and searching -searching for enemies,  
25 particularly -- it was in relation to someone distributing

2

1 leaflets around Phnom Penh and the meeting was held to discuss  
2 how you would try and locate those particular people that were  
3 distributing the leaflets.

4 Do you remember that meeting?

5 [09.04.54]

6 A. I still remember.

7 Q. And you also mentioned that you had other similar meetings  
8 with other military divisions and so - and now, I'd like you to  
9 look at this document - it's number D248/6.1.5 - and it appears  
10 to be another meeting in which you attended and similar  
11 discussions were had.

12 Mr. President, if I can hand over a hard copy to the court  
13 orderly and ask that it be placed on the screen?

14 [09.06:02]

15 MR. PRESIDENT:

16 You can proceed.

17 (Short pause)

18 BY MR. SMITH:

19 Q. Witness, if you look at the documents entitled; "Minutes of  
20 the meeting by Comrade Tal, Division 290 and Division 170, on the  
21 16th of September 1976" and if you look further down it states;  
22 "Comrade Duch gave comments."

23 Have you seen this document before?

24 MR. KAING GUEK EAV:

25 A. This is the third time I have been presented the documents to

1 me before the Co-Investigative Judges and the - the trial -  
2 during the first case trials and, now, during this Case 002 trial  
3 proceedings.

4 [09.07.37]

5 Q. And can you briefly explain what was discussed at the meeting  
6 and what measures were taken at the end of the meeting?

7 A. The meeting was convened to discuss the people in Division 170  
8 who were associates of Chan Chakrey. At the end, Brother 89, Son  
9 Sen and Brother 81, Seat Chhae alias Tum, my superiors, were  
10 together. After a brief meeting, Brother 89 left. After he left,  
11 Brother 81 continued the meeting.

12 At that time, Comrade Som (phonetic) wanted me to comment, and  
13 the comments in the minutes were that of Brother 81, it was not  
14 mine. But in the conclusion, they started to prepare to round up  
15 people at Division 170. And there were a lot of people to be  
16 arrested that's why we had to do something not to surprise when  
17 the arrest took place -- not to surprise the people.

18 [09.09.54]

19 Q. Thank you.

20 At the last part of the document, it states: "Division 170, S-21  
21 and the Division have to discuss in detail about the practical  
22 plan to take those 40 people."

23 Do you know whether those people were finally taken and arrested?

24 A. Finally, people in Division 170 were arrested. We only waited  
25 to receive the arrestees. These people had already been arrested

1 and we were there just to receive them.

2 Q. And they were arrested by military divisions; is that correct?

3 A. Yes, it is. It was the Division 170 people who arrested the  
4 people in the same division.

5 Q. This meeting was conducted on the 16th of September 1976 and  
6 it states - at the end of the list of names that were suspected  
7 as being enemies, at point 1, after the list of 29 people, it  
8 states: "Based on the reasons that S-21 and the Division pointed  
9 out and the actions that they saw repeatedly, and according to  
10 the plan that Angkar had sent out, all Chakrey's connections have  
11 to be arrested."

12 [09.11.58]

13 My question to you is: How was this plan conveyed to you?

14 According to the plan that Angkar had sent out, had you received  
15 that plan?

16 A. First, allow me to emphasize that Chakrey had already been  
17 arrested.

18 The confessions of other people also implicated other people. At  
19 that time, my superior questioned Comrade Sok, the new secretary,  
20 and Sok confirmed that these groups of people were not in the --  
21 Chakrey's connections. So he would pinpoint who were not related  
22 to Chakrey; and although there were only 29 people to be arrested  
23 but the list could be longer.

24 In the meeting, only the certain numbers of people were decided  
25 to be arrested but there could be more.

1 [09.13.31]

2 Q. So in the document, when it says "according to the plan that  
3 Angkar had sent out", what does "'the plan'" mean?

4 A. I think there could have been a loss in interpreting. Here,  
5 based on the reasons that

6 S-21 and the Division pointed out and the actions they saw  
7 repeatedly and according to the plan or principle, rather, that  
8 Angkar - it's more about policy not - or principle, not plan, as  
9 you indicated in Khmer as I understood.

10 So the principle as determined by the Angkar was based on the  
11 confessions from S-21 and also based on the real circumstances  
12 whether the person could have been suspected of being connected -  
13 being connecting to Chan Chakrey or not.

14 Q. Thank you.

15 I've now finished with that document and I would now like to ask  
16 you some questions in relation to a document that you saw  
17 yesterday, and that was D248/3.33 (sic). And if you remember, the  
18 title of that document was "Guidance to the Central Committee of  
19 the Communist Party of Kampuchea on the Party's Policy towards  
20 Mised Persons who had joined the CIA, served as Yuon Agents or  
21 joined the KGB and opposed the Party, Revolution, People and  
22 Democratic Kampuchea". And that was dated on the 20th of June  
23 1978.

24 [09.16.20]

25 Your testimony was yesterday that you had seen the document, that



6

1 you'd also seen what you believed to be the document recorded in  
2 a revolutionary flag; is that correct?

3 A. Yes, that is correct. I still stand by my testimonies I made  
4 yesterday.

5 Q. And I think your testimony yesterday was along the lines that,  
6 although the policy seemed to be slightly softening its approach  
7 towards the enemy, the arrest of the enemy, you felt that it  
8 wasn't really a genuine policy; is that correct -- a genuine  
9 softening towards the enemy?

10 [09.17.32]

11 A. The idea I communicated to the meeting as indicated yesterday  
12 is already well summarized by the prosecutor.

13 Q. After that document was issued - and it was the 20th of June  
14 1978 - did you have any discussions with any senior leaders about  
15 what the document meant?

16 A. No, I did not have any discussion with any other people  
17 concerning this document.

18 Q. When the document came out, when you received that document,  
19 bearing in mind you had a responsibility to carry out the policy  
20 of killing enemies, how did you feel when that policy came out  
21 that, apparently, it appeared to have a softening approach on who  
22 would be perceived to be enemies?

23 A. First, upon seeing this document, I was pleased.

24 Why I was happy? Because I was thinking of the evacuees, the 17th  
25 of April people, because they were the sub-level people, the

7

1 people who were classified as "low-low class" because their  
2 children could not be promoted into members of the Party.

3 And, with these documents, I felt that if there was some kind of  
4 leniency, these people could be allowed to join the army or  
5 military.

6 [09.20.11]

7 But later on, I also felt that this document was not relevant to  
8 S-21 and I kept it and did not really use it during study  
9 sessions. And I think there was a meeting convened at S-21  
10 concerning the policy set out in this lenient policy as indicated  
11 in the document.

12 In February 1975, there was a broadcast to the world that the  
13 five super traitors had to be hold accountable or held  
14 accountable and that other people other than the five super  
15 traitors could be pardoned and this message was conveyed to the  
16 general public as a means of leniency to the people.

17 [09.21.32]

18 And I already indicated yesterday, that this document was  
19 produced on the 20th of June 1978.

20 Q. And towards the end of 1978, did you go to a political session  
21 where Pol Pot and others were present, a political study session?

22 A. I don't recollect the month but I believe that it was before  
23 the 30th of September 1978, which was the date -- the birthdate  
24 of the Party.

25 Back then, Pol Pot, Nuon Chea were there and Pol Pot was

8

1 presenting documents in the training sessions for senior cadres  
2 when Nuon Chea was seen sitting alongside.

3 Q. Thank you. And that study or training session, about how long,  
4 how many days was that for?

5 A. That political session was for five days and that, later on,  
6 the live views had to be done by ourselves.

7 [09.23.24]

8 Q. And in that study session, was this particular policy  
9 discussed?

10 A. The question is not yet clear; could you please re-phrase it?

11 Q. At that study session, was this particular policy relating to  
12 the softening of the line against certain enemies, was that  
13 discussed by Pol Pot or by anyone else?

14 A. This issue was not discussed - or this document was not  
15 discussed in the meeting but they picked up some situations to be  
16 discussed.

17 First, we were told that people of the 17th of April should no  
18 longer be called so again, just call them by names or by their  
19 titles and never accuse them of "White people" or the "Bandits",  
20 so on and so forth. Just treat them equally.

21 [09.25.09]

22 And Pol Pot also stated that people in Phnom Penh city were  
23 evacuated to be tempered in the cooperatives and he believed  
24 that, after two or three years, these people could blend in the  
25 cooperatives -- people in the cooperatives easily.

1 And later, he indicated as well that we were trying to eliminate  
2 Buddhism and our cause was successful. Le Duan asked me: How  
3 could this be successful? And Pol Pot told Le Duan that Buddhism  
4 – how to eliminate Buddhism was by way of making monks build dams  
5 and blend in the popular masses.

6 And they used some women to lure the monks to abandon religion,  
7 and later on the monks decided to be defrocked.

8 Q. After the political study session, did you have a conversation  
9 with Nuon Chea about this particular policy of apparently  
10 softening the line to some – some classes of enemy?

11 A. During the study session, Pol Pot advised S-21 people not to  
12 question or interrogate the enemies to extract confessions.  
13 But a few days later, Brother Nuon called me to work and I did  
14 not really interrogate prisoners but, then, Nuon Chea really  
15 reprimanded me for not interrogating prisoners. He said that I  
16 was the person of great knowledge of the Party policy for doing  
17 that and I told him that I did that because the Party didn't  
18 allow me or didn't ask me to interrogate prisoners and I didn't  
19 do that.

20 [09.28.00]

21 Q. Why did you think the policy wasn't genuine?

22 A. Are you referring to the policy lectured by Pol Pot and the  
23 political study session or you're talking about the policy laid  
24 down in this document?

25 Q. About the policy that was laid down in the document.

10

1 A. In our political life, we need to reflect the present  
2 situation with the past.

3 I recall the seven super traitors and, later on after the 17th of  
4 April, several of them were killed and S-21 was asked not to  
5 interrogate prisoners.

6 But later on, it was challenged by Nuon Chea for not doing so and  
7 I believe that the document was just to console people not to  
8 stage or not - any uprising against the Party, just to calm them  
9 down. That's what I believed.

10 Q. And what did Nuon Chea say when you explained to him that you  
11 would stop interrogation, interrogating prisoners?

12 A. I did not say I would stop but I told him that I -- I didn't  
13 interrogate prisoners, I just said so. I did not refer to the  
14 study session; I just told him that I did not conduct such  
15 interrogations. And then, Nuon Chea reprimanded me.

16 [09.30.37]

17 Q. And he reprimanded you? Why did he reprimand you? Just to be  
18 clear.

19 A. Brother Nuon Chea was -- sarcastically said; Duch was now  
20 knowledgeable - too knowledgeable of the Party's line.

21 Q. After that discussion, did you continue to interrogate and  
22 kill prisoners until the end of the regime or the staff at S-21?

23 A. Thank you. Surely, I continued my interrogations. After that,  
24 I called on the interrogators and to implement the plans to  
25 continue interrogating those prisoners.

1 Q. And did anyone order the continued interrogation of those  
2 prisoners?

3 [09.32.05]

4 A. No one ordered me; I worked with Brother Number Two.  
5 After that, I ordered people at S-21 in my capacity as the chief  
6 that is, to implement the plan agreed upon in the Party.

7 Q. And when you say "the plan", which one are you referring to?

8 A. "The plan" as it refers to - refers to the work, the duty at  
9 S-21. So I choose -- I may not choose the right term but it's the  
10 plan for me to work at S-21.

11 Q. And when you finally left S-21, did you receive any orders  
12 about what to do with the remaining prisoners?

13 A. I am confused with the dates. I suspect that it was on the  
14 3rd, Brother Nuon called upon me to work and I went there. It was  
15 on the 3rd of January 1977.

16 He told me to go but I said I had obligations to interrogate the  
17 "Yuong" people and to have the confessions broadcast on radio. But  
18 he said we could later arrest "Youn" people.

19 [09.34.26]

20 And we went to Y8 office. I called upon Comrade Hor about  
21 evacuating the prisoners out of the place and so Met Hor --  
22 Comrade Hor follows the order.

23 I'm not sure whether I already implemented the plan by the 1st of  
24 January, but I thought to myself that my life was about to come  
25 to an end. I was sleeping in the house. I did not even come out.

12

1 Q. Thank you. You said "the 3rd of January 1977". Are you meaning  
2 the 3rd of January 1979, just before you left Phnom Penh?

3 A. Before I left. Before I left, it was four days before I left  
4 Phnom Penh so it was probably on the day that we implemented the  
5 plans to evacuate people out of S-21. Everything was chaotic at  
6 that time so we do not remember the dates exactly.

7 Q. And about that time, how many prisoners, what number of  
8 prisoners were still left or kept in S-21?

9 A. There were four and they were taken from Y8. Some others were  
10 dead, for example - rather, Richard Dudman.

11 [09.36.40]

12 Q. And what happened to those last four prisoners?

13 A. The four prisoners, I told Comrade Hor what to do about the  
14 four prisoners and Comrade Hor implemented my order, that is, to  
15 continue interrogating them.

16 At 11 o'clock, that is, on the 7th of January 1979, the  
17 Vietnamese troops were driving their vehicles across my house.  
18 Comrade Nan stabbed the prisoners to death by his bayonet.

19 Q. Thank you.

20 I would now like to turn to another document which you may have  
21 seen and it's document number D108/50/1.7 and I have a hard copy  
22 for you - if that can be passed to the witness, please. And if it  
23 also can be placed on the screen?

24 [09.38.21]

25 MR. PRESIDENT:

1 You are permitted to do so.

2 BY MR. SMITH:

3 Q. Now, Mr. Kaing Guek Eav, we just have talked about a document  
4 which was the guidance of the Central Committee of the CPK in  
5 relation to a policy on the enemies; that was the mid-1978  
6 document.

7 This document also appears to be from the Party Central  
8 Committee, and it's entitled "Directive on the use of terms  
9 'Angkar' and 'Party'", and it's dated 11th of July 1977.

10 Have you seen that document before?

11 MR. KAING GUEK EAV:

12 A. I am not sure about this, I don't seem to have seen this  
13 document but I recognize the annotation on the top of the page.  
14 It was of my superior's handwriting.

15 MR. PRESIDENT:

16 Court officer is instructed to withdraw the document from the  
17 witness and remove it from the screen.

18 [09.40.14]

19 BY MR. SMITH:

20 Q. And when you stated that you saw the annotation of your  
21 superior, who were you referring to?

22 MR. KAING GUEK EAV:

23 A. When I talk about my superior, without referring to a  
24 particular name, I mean Son Sen. Otherwise, I refer to others:  
25 Brother Number Two or Brother Nuon or the deputy secretary. When



14

1 I talk about my superior without name, I mean Son Sen.

2 Q. And that document appears to be a policy in how the term

3 "Angkar" or "Party" is used. And basically, it states: "The term

4 'Angkar' or 'Party' is used only for the organization. It shall

5 not be used for any individual."

6 And this was issued on the 11th of July 1977. Do you recollect

7 whether or not that policy was communicated to you in some form,

8 whether it be a document or training sessions, that the term

9 "Angkar" only be used in relation to the organization rather than

10 individuals?

11 [09.41.47]

12 A. The word "Angkar", yes, there was a directive for the use of

13 the term and there was also a mistake when it comes to the use of

14 that term.

15 Nat allowed his subordinates, for example, You Pengkry alias Mon,

16 to call him as Angkar. He allowed his subordinates to call him

17 Angkar. I could not accept that.

18 Later on, there was a direction from the superior - that was from

19 Pol Pot.

20 For me, when I use the word "Angkar", I refer to the Party

21 Central Committee or any particular person representing Pol Pot

22 or the Party Central Committee.

23 But I'm sure there must have been a particular directive on the

24 use of the term. But like I said, there was an incident, a

25 mistake, for example, that occurred with Nat who allows his

15

1 subordinates to call him Angkar.

2 Q. Are you aware of other decisions or policies coming from the  
3 Central Committee during that period?

4 We've just discussed the one in relation to the guidance by the  
5 Central Committee as to the line to be taken with enemies. During  
6 your period at S-21, did you receive other circulars or documents  
7 or policies coming from the Central Committee, to your  
8 recollection?

9 [09.43.59]

10 A. The Party's policy towards the enemy is stable, as the  
11 renounced enemy would be smashed. But it was to be done in  
12 accordance with particular circumstance. So there was no precise  
13 guidance.

14 For example, at S-21, workers who destroy factory were arrested  
15 and beaten and interrogated.

16 Later on, Son Sen directed that S-21 was to identify CIA agents  
17 -- that was to extract confession from an arrested person whose  
18 name was Chap Norn (phonetic) to identify CIA. After that -- or  
19 later on, we had to identify KGB agents.

20 [09.45.46]

21 So that was what happened at the time, one after another. There  
22 were no particular guidelines and, after that, there were also  
23 the "Yuon, the aggressive "Yuon".

24 We had stable policies against the enemies, that is, the enemies  
25 were to be killed.

1 Q. Thank you.

2 I'm just referring to particular policies on specifics; specifics  
3 such as directives on the use of terms "Angkar" and "Party";  
4 specifics such as guidance on the Party's policy towards enemies.

5 [09.46.27]

6 Are you aware of any specific policies or guidelines issued by  
7 the Central Committee other than the ones that we've discussed  
8 during that period?

9 Particular circulars or documents and that you may have received  
10 at S-21?

11 A. I usually indicated to the Court that the Party's policies  
12 towards the enemies were to smash the enemies and this issue was  
13 classic. It did not change.

14 Q. Thank you. In the document, there's an annotation, as you  
15 stated, that was from Son Sen. At that date, on the 24th of July  
16 1977, was S-21 still under the authority of the general staff?

17 [09.47.37]

18 A. I'm afraid I do not hear the question. I only hear the  
19 narrative, the description but not the question.

20 Q. As of July 1977, was S-21 still under the authority of the  
21 general staff?

22 A. I did not answer it that way. That is very general.

23 I would say I went to do important work for Son Sen until the 15  
24 of August 1977. So until - up until the directive was issued, I  
25 was still under the supervision of Son Sen.

17

1 [09.49.11]

2 Q. At that stage was Son Sen, still chief of the general staff?

3 A. Son Sen was the chief of general staff even from before 1975  
4 and, after the 9th of October 1975, a new role was assigned to  
5 Son Sen, that was the chief of Santebal or security.

6 But he maintained his position as the chief of general staff  
7 until he died.

8 Q. Thank you. I'm now finished with that document.

9 And I'd like to move to another document, and the document number  
10 is D366/7.1.475; and I have a copy for the witness. And if it can  
11 be placed on the screen as well, Mr. President?

12 MR. PRESIDENT:

13 You are permitted to do so.

14 BY MR. SMITH:

15 Thank you, Your Honour.

16 Q. The title of this document is "Instructions from 870", the  
17 subject is, "regarding the 25th of February 1976 bombing of Siem  
18 Reap city by the American imperialists." It's dated the 27th of  
19 February, '76.

20 At the signature line, it states: "Committee 870" and within the  
21 document, halfway down, it states: "The Standing Committee  
22 concludes that they belonged to the American imperialists" and  
23 it's related to a bombing incident in Siem Reap on the 25th of  
24 February 1976.

25 [09.51.40]

1 My question is: If you have a look at that document -- have you  
2 seen that document before?

3 MR. KAING GUEK EAV:

4 A. I would like to draw everyone's attention to the issuing  
5 dates, that is, on the 27th February 1976. At that time, I was  
6 not yet appointed to be responsible for S-21.

7 The S-21 was still under the supervision of Nat so perhaps this  
8 document was sent to Nat. So this is my indication to your  
9 question.

10 [09.52.44]

11 Q. So to be clear, is it the case you haven't seen this  
12 particular document before?

13 A. Yes, it is correct. It is correct.

14 MR. PRESIDENT:

15 Court officer is instructed to take away the document from the  
16 witness and remove it from the screen.

17 BY MR. SMITH:

18 Q. Are you aware of that incident, the incident of a supposed  
19 bombing of Siem Reap on the 25th of February 1976?

20 MR. KAING GUEK EAV:

21 A. This event, from my recollection, was broadcast through radio.  
22 Nat proposed a meeting to be held not at S-21 but in a pedagogic  
23 school on the north. It was the Northern Pedagogic School.

24 Q. And what was the purpose of that meeting?

25 A. The purpose of that meeting was solely to promote the angers

19

1 of the member – parties of the member that is to be against the  
2 imperialists and the henchmen.

3 Q. And was that meeting, to your knowledge, related to this  
4 incident, this bombing incident?

5 [09.55.00]

6 A. The meeting was related to the bombing. Nat made some  
7 introduction about the bombings and to promote the angers amongst  
8 the combatants and combatants were asked to make commitments to  
9 be against the imperialists.

10 Q. Are you aware of whether any investigation was carried out to  
11 find out who was responsible for this bombing or explosion?

12 A. I am not aware of that.

13 Q. Are you aware if anyone was found to be responsible for that  
14 explosion?

15 [09.56.22]

16 A. No, I am not.

17 Q. Thank you.

18 I would now like to move away from that document and ask you some  
19 questions on a different topic, particularly, in relation to the  
20 setup of ministries within Democratic Kampuchea.

21 Are you able to say how many ministries were set up during that  
22 period to assist in the governing of Democratic Kampuchea?

23 A. The ministries established within the Democratic Kampuchea  
24 include Ministry of National Commerce, rather, State of Commerce  
25 originally in charge by Koy Thuon; the Ministry of Energy

20

1 originally was in charge by Keo Rith, before it was handed over  
2 to Chhay Kim Huor alias Hok; and then Ministry of Social Affairs.  
3 This ministry was very restrictive; it was small in scope, it was  
4 limited only to manufacturing medicines.

5 The Ministry of Propaganda was controlled by Hu Nim and the  
6 Ministry of Education was controlled by Yun Yat, but later Yut --  
7 Hu Nim was control - controlled both the Ministry of Propaganda  
8 and Education.

9 [09.59.03]

10 And there were also committees of working groups; for example,  
11 the State warehouse, that's transportation by land and by water.

12 Q. Thank you. Were you aware of these ministries at the time  
13 during the Democratic Kampuchea period? Were you aware of the  
14 existence of these ministries back then?

15 A. I know the existence of the ministries that I indicated. I  
16 think I have not included all the ministries yet.

17 Q. Was there a Ministry of Foreign Affairs?

18 A. Yes, this ministry was very big and it did exist.

19 Q. Thank you.

20 [10.00.46]

21 I'd now like to show you a document, E3/183; it's a meeting of  
22 the Standing Committee minutes the 9th of October '75. If I ask  
23 that that be placed on the screen and I have a copy for the  
24 witness.

25 MR. PRESIDENT:

1 You may proceed.

2 BY MR. SMITH:

3 Q. Looking at this document, have you seen this document before?

4 MR. KAING GUEK EAV:

5 A. During the Democratic Kampuchea, I had never seen this  
6 document. I only saw it during the hearing.

7 Q. Had you seen it during the judicial investigation and provided  
8 comment on that document?

9 A. So far as I remember, I saw the document in Case File 001's  
10 hearing and I also made some comments on this.

11 Q. I have a few questions for you, simply to identify who some of  
12 these individuals are that have been delegated work within this  
13 -- within this document.

14 [10.03.01]

15 Now, you have mentioned the revolutionary names of a number of  
16 people already and some of those names will appear again in this  
17 document, but I would ask you, for completeness, if we can look  
18 at the list of 12 or 13 names that are on the first page under  
19 "Delegation of Work and the Operational Process" and if you can  
20 -- if you have any knowledge of the names of these people, if we  
21 can place that on the record so that we can understand the  
22 document more clearly.

23 [10.03.44]

24 Now, the first person is; "Comrade Secretary: General  
25 responsibility over the military and the economy"; do you see



1 that?

2 A. Yes, I do.

3 Q. And for complete clarity for this list, can I ask you who was  
4 Comrade Secretary?

5 A. Comrade Secretary was Pol Pot.

6 Q. The second is; "Comrade Deputy Secretary: Party Affairs,  
7 Social Action, Culture, Propaganda, and Education." Who was the  
8 Comrade Deputy Secretary?

9 A. Comrade Deputy Secretary was Nuon Chea.

10 Q. The third person is; "Comrade Van: Foreign Affairs work, both  
11 Party and State"; who is Comrade Van?

12 A. Comrade Van was Bong or Brother Ieng Sary.

13 Q. And the fourth; "Comrade Hem: Responsible for the Front and  
14 the Royal Government and Commerce for Accounting and Pricing";  
15 who was Comrade Hem?

16 [10.05.44]

17 A. Hem was Bong Khieu Samphan.

18 Q. And the fifth name is; "Comrade Thuch: Domestic and  
19 International Commerce"; who was Comrade Thuch?

20 A. Thuch was Koy Thuon.

21 Q. The sixth is; "Comrade Khieu: Responsible for General Staff  
22 and Security"; who was Comrade Khieu?

23 A. Khieu here refers to Son Sen.

24 Q. Seventh is; "Comrade Vorn: Industry, Railroads, and  
25 Fisheries"; who is Comrade Vorn?

1 A. Vorn here stands for Vorn Vet.

2 Q. And number 8 is; "Comrade Doeun: Chairman of the Political  
3 Office 870"; who is Comrade Doeun?

4 A. His original name was Sua Vasi.

5 [10.07.36]

6 Q. And you testified yesterday that, at one point, he left this  
7 position and took up another position; is that correct?

8 A. Doeun left for the state commerce department.

9 Q. Thank you. If we look at number 9; "Comrade Phea: Responsible  
10 for Culture, Social Action, and Foreign Affairs."

11 A. Phea refers here to Ieng Thirith.

12 Q. And Ieng Thirith is the wife of Ieng Sary; is that correct?

13 A. Yes, it is.

14 Q. And number 10 is; "Comrade At: Propaganda and Reeducation,  
15 both internal and external"; who is Comrade At?

16 A. At here refers to Yun Yat, Son Sen's wife.

17 [10.09.26]

18 Q. And if we look at number 11, Comrade Chey for agriculture; who  
19 is Comrade Chey?

20 A. The normal name for this person is Non Suon.

21 Q. And number 12 is Comrade Yem, the Bureau 870; who is Comrade  
22 Yem?

23 A. Yem here refers to Sim Son.

24 Q. And the number 13 is Comrade Pang and it's got government  
25 office; who is Comrade Pang?

1 A. Pang here is Chhim Sam Aok.

2 Q. Thank you.

3 [10.10.49]

4 I've now finished with this document and I'd like another  
5 document to be placed before you and it's IS 13.16 and it's a  
6 record of the Standing Committee meeting, 7th of May 1976 for  
7 commerce matters.

8 I have a hard copy for the witness, Your Honour, and if that  
9 could be placed on the screen.

10 MR. PRESIDENT:

11 You may proceed.

12 BY MR. SMITH:

13 Q. If you can have a look at that document and advise us whether  
14 you've seen that document before today?

15 MR. KAING GUEK EAV:

16 A. I have never seen this document before.

17 MR. PRESIDENT:

18 Court officer is now instructed to remove this document from the  
19 screen and take it back from the witness.

20 [10.12.37]

21 BY MR. SMITH:

22 Q. In this particular document, there are some names, again,  
23 which if I can ask you to help us with. Comrade Krin; who is  
24 Comrade Krin?

25 MR. KAING GUEK EAV:

1 A. Krin was Thuch Rin.

2 Q. And Comrade Som?

3 A. I would like to emphasize that Som bears several other names,  
4 Tiv Ol, Pich Sorn (phonetic). Pich Ol (phonetic), from the  
5 Kampong Som Port, or a person from the general staff also used  
6 this alias name as Som.

7 Which one are you referring to?

8 Q. Well, this person is listed under the port's committee.

9 A. Then this person referred to Chhun Sok Ngoun.

10 Q. And then Comrade Muoy?

11 [10.14.43]

12 A. I don't know this person.

13 Q. And Comrade Rin?

14 A. I don't know this person either.

15 Q. And Comrade Vuth?

16 A. No, I don't know this person.

17 Q. Now, these people I've just read out are listed as being on  
18 the Port Committee and then if I can ask you the names of two  
19 other people listed as being on the Commerce Committee, and that  
20 is Comrade Chey.

21 A. I don't know other Chey; I only know Chey from agriculture.

22 Are you referring to Chey from agriculture here?

23 [10.16.00]

24 Q. The text is that Comrade Chey will be taken from agriculture  
25 and then to -- to be placed on the Commerce Committee. So it's

1 Comrade Chey from agriculture; who is that person?

2 A. Brother Chey was never appointed to the commerce; he was  
3 assigned to supervise the cash warehouse. I think perhaps -- I  
4 think perhaps there's some kind of confusion because Brother Chey  
5 never been assigned to the commerce section.

6 Q. Thank you.

7 I think, now, we'll move on to another -- another topic. We --  
8 we're discussing the ministries and how work was delegated during  
9 this period. In terms of S-21's relationship with other  
10 ministries, can you explain what that relationship was? How would  
11 S-21 connect with other ministries?

12 A. S-21 was not connected to any other ministries other than to  
13 the superiors, Son Sen, Nuon Chea, and Pang, who was representing  
14 Pol Pot.

15 [10.18.21]

16 Q. During your time at S-21, were people from other ministries or  
17 people from ministries arrested and killed at S-21?

18 A. There were a number of people from various ministries who were  
19 arrested and sent to S-21 for interrogation.

20 Q. And can you name some of the ministries -- or -- from where  
21 people were arrested and taken to S-21?

22 A. I cannot go into details on this, but I know two things for  
23 sure; when Vorn Vet was arrested he was arrested at the Central  
24 Office; arrested by Comrade Lin's group and under the direct  
25 order from Ta Mok. That was the first event when he was arrested

1 and sent to me in the late afternoon.

2 [10.20.05]

3 And in another incident, I went to arrest people, on my own, upon  
4 order from Bong Nuon. I had to receive Cheng An's wife and Vorn  
5 Vet's wife. We received them at the Suramarit Buddhist High  
6 School. This is the mission in which I was involved to arrest the  
7 people in person.

8 Q. I'm going to come back to the types of prisoners that were  
9 taken to S-21 and killed, but whilst you mentioned it; the arrest  
10 of Vorn Vet, to be clear, he was your supervisor at M-13; is that  
11 correct?

12 A. Vorn Vet was my superior at M-13. It -- he had been the  
13 secretary of the city since I was in Phnom Penh.

14 Q. And Vorn Vet was also on the Standing Committee; is that  
15 correct?

16 A. Yes, it is.

17 Q. Do you know which year Vorn Vet was arrested?

18 [10.22.09]

19 A. According to my recollection, it was on the 2nd of November --  
20 November 1978.

21 Q. Do you have any knowledge about the circumstances in which  
22 Vorn Vet's arrest was discussed?

23 A. I'm not sure, but Comrade Lin asked me to wait and receive the  
24 people arrested and Vorn Vet was also seen coordinating this.

25 Q. At one point, did you have a conversation with Ke Pauk when

1 you met with him in Thailand in 1988 or 1989, about the  
2 circumstances in which Vorn Vet's arrest occurred?

3 A. Yes, I did meet Ke Pauk, but he was very shy. He hid under the  
4 bed. He was talking about Ta Mok who ordered Lin to arrest Vorn  
5 Vet. He said that -- he asked us not to go home and wait to see  
6 the movie, and later on after the arrest, Brother Pol asked us --  
7 asked us whether the movie was good.

8 Q. Just to be clear, who is Ke Pauk?

9 [10.24.47]

10 A. Ke Pauk was the secretary of the old North Zone. Later on, it  
11 was changed to the Central Zone and he remained the secretary of  
12 the Central Zone. He was to -- he used to be the deputy of Koy  
13 Thuon.

14 Q. And did he explain to you the circumstances about how the  
15 decision was made for Vorn Vet?

16 A. I did not initiate the discussion with Brother Pauk on this.  
17 Brother Pauk started the discussion on the date when the police  
18 started the arrest at Chamkar Leu on the 5th of January 1968.  
19 That was the subject of the discussion when he led the discussion  
20 back then.

21 Q. And if I can put to you what you've told the Investigative  
22 Judges about this topic and it's at Khmer 00398226 to 27 and  
23 English 00398234 and French 00398242. In relation to this  
24 particular discussion, this is what you told the Investigative  
25 Judges on the 22nd of October 2009, and I'd like you to comment

1 on it.

2 [10.26.47]

3 It was put to you:

4 "Did Khieu Samphan witness the arrest of Vorn Vet in November  
5 1978?"

6 And you stated:

7 "I can further state that what Ke Pauk says concerning the arrest  
8 of Ta Khieu, Kong Sophal, deputy secretary of the Northwest zone,  
9 and Vorn Vet is also accurate. Ke Pauk told me when we met in  
10 1988 or 1989 in Thailand that after a Central Committee meeting,  
11 Pol Pot had asked the participants to stay and watch a film  
12 projection. Then Ta Mok had ordered the arrest of Ta Khieu and  
13 Vorn Vet, and that Pol Pot then asked Ke Pauk, with a smile, 'Did  
14 you enjoy the film.'"

15 [10.27.39]

16 And then you've stated: "Amongst the Central Committee members  
17 who were in attendance, when this occurred, I suppose that the  
18 sole survivors are Nuon Chea, Ieng Sary, and Khieu Samphan."

19 My question is: Is that correct? Is that what Ke Pauk told you?

20 A. It is -- it is indeed true about the fact that Ke Pauk told me  
21 about the meeting, and I learned that he was shy and he hid under  
22 the bed. And Brother Pol asked us to wait to see the film or the  
23 movie. And later on, I met Brother Pauk and also question was  
24 asked whether we watched the movie or not, and that's all.

25 Q. Did -- when you had this conversation in Thailand, did you ask



30

1 him for the information or did he volunteer it to you about the  
2 circumstances surrounding the arrest of Vorn Vet?

3 A. The conversation last for more than an hour.

4 I don't recollect who started first, but first, Brother Pauk  
5 started the conversation on a topic of when we were being chased  
6 by the enemies, and he said that it was at that time when the  
7 enemy started to fire on our people and, again, I don't recollect  
8 which actually -- what was the topic started by both of us in  
9 that conversation.

10 Q. Thank you--

11 [10.30.25]

12 MR. PRESIDENT:

13 Since it is now appropriate time for adjournment, the Chamber  
14 will adjourn for 20 minutes.

15 Security personnel are now instructed to bring witness to his  
16 waiting room and have him returned to the courtroom before we  
17 resume our next session.

18 Counsel for Ieng Sary, National Counsel, you may now proceed.

19 MR. ANG UDOM:

20 Thank you, Mr. President, Your Honours.

21 Due to health reason, my client cannot remain seated in this  
22 courtroom longer than this morning session. He asks that he be  
23 excused from the courtroom and be allowed to observe the  
24 proceeding from his holding cell the whole day from now.

25 [10.31.24]

31

1 MR. PRESIDENT:

2 The Chamber has noted the request of Nuon Chea by his counsel,  
3 waiving his right to participate in this court proceeding and  
4 asks the Chamber that he be allowed to observe the proceedings  
5 from his holding cell through video-link for the whole day due to  
6 his health concern that he could not remain seated in this  
7 courtroom.

8 The Chamber, therefore, grants such request.

9 Counsels are advised to provide the waiver to the Chamber signed  
10 or given thumbprint by Ieng Sary immediately.

11 AV officers are now instructed to ensure that the video-link is  
12 connected to the holding cell so that Ieng Sary can observe the  
13 proceeding for the whole day today.

14 Security personnel are now instructed to bring Ieng Sary to his  
15 holding cell, and the Court is adjourned.

16 (Court recesses from 1032H to 1051H)

17 MR. PRESIDENT:

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

19 To continue hearing testimony of the witness, the Chamber now  
20 hands over to the prosecutor to continue his questioning.

21 MR. SMITH:

22 Thank you, Mr. President.

23 BY MR. SMITH:

24 Q. Witness, before the break we were talking about the ministries  
25 that were set up during the Democratic Kampuchea period, and we

32

1 were also talking about the relationship of S-21 to the  
2 ministries and how they communicated, how they connected.  
3 When we look at the prisoner list, that combined prisoner list  
4 that you've agreed is an accurate record of the prisoners  
5 detained and killed at S-21, we see that there are figures of  
6 about 5,609 members of the army.

7 We see that they are figures of about 113 people from Ministry of  
8 Foreign Affairs; about 482 people from the ministry of commerce;  
9 about 116 people from the ministry of social affairs; about 84  
10 people from the ministry of propaganda and education; about 328  
11 people former soldiers and cadres of the Khmer Republic or FUNK;  
12 Office 870 or S-71, at least 209.

13 [10.53.54]

14 There are some of the figures of the positions that people held  
15 prior to coming into S-21.

16 My question is, how would -- when someone provided a confession  
17 at S-21 and implicated other people in that confession from  
18 whatever organization or department they came from, how would  
19 that information flow? What would happen to that information once  
20 it was analyzed by yourself or other S-21 staff; what happened to  
21 that information?

22 [10.55.11]

23 MR. KAING GUEK EAV:

24 A. The role of the S-21 was to extract by whatever means the  
25 confessions and that the confessions shall contain the list of

1 the indicated person's name.

2 As to how to extract those confessions, that is another issue,  
3 and as I said the documents were to be reported to the superior  
4 and that was the end of our duty, and then it was up to the upper  
5 echelon to do with the report that was up to them.

6 The documents you referred to, the 16 September 1976, was an  
7 example. It was up to the upper echelons to decide on the meeting  
8 in a -- during a meeting that -- and the decision was to take  
9 only 19 people.

10 Q. So if we can understand the process even more clearly, for  
11 example, if a detainee had given a confession and in that  
12 confession they listed a number of people as enemies or -- and  
13 that confession was received by you, would you create a list of  
14 names from that confession and pass it on or would you just  
15 annotate the confession itself and pass that on?

16 A. First the confession, secondly the names of the implicated  
17 people. The names of the implicated people, to me, I never touch  
18 that document, but the contents of the confessions during the Son  
19 Sen's regime, I was instructed to provide a short summary,  
20 summary of a few words, to help him understand the contents of  
21 the documents; that is to assist him to work with the documents.

22 [10.58.03]

23 So we have these two issues; one is the content of the  
24 confessions and another one is the list of the names of those  
25 implicated.

1 Q. Thank you. And to be clear, did you state that you didn't make  
2 the list of implicated people but someone else did?

3 A. The list was compiled by the prisoners and that would be  
4 matched with the list by the interrogator.

5 [10.58.56]

6 Q. And the confession and the list, would that be sent to your  
7 superiors?

8 A. This is the only purpose of S-21's work; that is to extract  
9 confessions and to forward those constructions to the superiors  
10 -- the confessions, forward the confessions to the superiors.

11 Q. Thank you. And perhaps to assist in this exercise, if I can  
12 show you a document, D43/IV-Annex 26, and it appears to be a  
13 cover of a confession. I have a hardcopy for the witness. And if  
14 I can ask that it be shown on the screen, Mr. President?

15 [11.00.07]

16 MR. PRESIDENT:

17 The Chamber permits. The court officer is instructed to take the  
18 document from the Prosecution to the witness.

19 BY MR. SMITH:

20 Q. If that document could be placed on the screen.

21 Witness, looking at this document, is it a document that you've  
22 seen before?

23 MR. KAING GUEK EAV:

24 A. This document was -- if it was from S-21, there would not be  
25 any annotation in red like this, but the annotation in the dark

1 ink would be that of S-21 staff. So I can conclude that the  
2 document is originally from S-21 with further annotation on top.

3 Q. And have you seen this particular document before?

4 A. I saw this document, and I also was asked to explain on the  
5 additional annotation on the document as well.

6 [11.02.21]

7 Q. Can you read out the annotation that's in the red box on the  
8 document, please?

9 A. "On the Social Affairs Section, it has already been resolved."

10 Q. Thank you. And the document itself, it's the front page of a  
11 confession of Mok Sam Ol, alias Hong, who is the Chairman of the  
12 Malaria Education Hospital; is that correct?

13 A. Yes, it is.

14 Q. And the annotation at the bottom of the page, can you read  
15 that out, please?

16 A. Has already been delivered to Comrade Chan, 28th of February  
17 1978.

18 Q. Do you recognize that handwriting in the left where it says  
19 "Sent to Comrade Chan"? Whose handwriting is that?

20 A. This annotation must have belonged to Nuon Chea, Brother Nuon.

21 [11.04.44]

22 Q. And why do you say that?

23 A. I used to see his handwriting. He rarely wrote letters to me,  
24 a few letters only, but I remember his writing styles.

25 Q. And do you know who Comrade Chan is?

1 A. Chan was Seng Hong, the Secretary of one sector in the East  
2 Zone.

3 Q. Thank you. And the handwriting in the box at the top left-hand  
4 side, do you recognize whose handwriting that is?

5 A. The handwriting in the red square box also made by Bong Nuon,  
6 or Brother Nuon.

7 Q. There's a slight translation issue with that annotation. In  
8 the English, we have "Sent to Social Action for solution." I  
9 think your testimony is that something -- that it was resolved.  
10 Or perhaps I think it might be better -- can you repeat what that  
11 annotation says, please?

12 A. The translation in English you heard perhaps was not the same  
13 as the original message because it means here that the matter was  
14 already resolved, as it means in Khmer in the annotation already.  
15 [11.07.29]

16 Q. And when you say "matter resolved", was it matter resolved  
17 with the Social Action Section? Matter resolved with who?

18 A. Resolved here means the enemies, as indicated in this  
19 document, were already arrested and the result, in particular,  
20 when Mok Sam Ol, alias Hong, implicated the person in the Social  
21 Affairs Section.

22 Q. And that's my next question. Do you know how matters are  
23 resolved within a particular section or department? Once that  
24 list has gone forward, what happens to the list? How is it  
25 resolved with, in this case, the Department of Social Affairs? Do

1 you know how it's resolved? What happens to the list?

2 [11.09.02]

3 MR. PRESIDENT:

4 Witness is instructed not to respond to this question yet since  
5 counsel for Nuon Chea is on his feet. He may proceed.

6 MR. PESTMAN:

7 Thank you very much. If I remember correctly, this witness stated  
8 that he, at the time, never saw this annotation and this question  
9 is explicitly inviting the witness to speculate about what  
10 happened after he lost sight of this confession. I object to this  
11 question.

12 MR. SMITH:

13 Your Honour, the witness has said that he actually has seen this  
14 confession. It's just that the annotation wasn't one that was  
15 made within S-21. It was made outside of S-21. Initially, it was  
16 a bit unclear, but later he cleared up that he actually has seen  
17 the confession. I'm just simply asking him what that annotation  
18 means in relation to being resolved at Social Affairs. If he  
19 doesn't know, he'll say so.

20 [11.10.17]

21 MR. PESTMAN:

22 If I'm allowed to reply, Mr. President?

23 If I understand correctly, he said he saw it, but if my memory  
24 serves me right, he saw it because it was shown to him later  
25 during the judicial investigation in Case 002.



1 MR. SMITH:

2 I don't remember him saying that, Your Honour. Perhaps we can --  
3 but he has seen it before regardless.

4 (Judges deliberate)

5 [11.11.14]

6 MR. PRESIDENT:

7 The objection by counsel for Nuon Chea is not sustained. The  
8 Co-Prosecutor may repeat the question so that witness is able to  
9 respond. Perhaps he may have forgotten the question, or he may  
10 not.

11 BY MR. SMITH:

12 Thank you.

13 Q. Looking at that annotation that the matter has been resolved  
14 with Social Affairs, what does that mean to you in terms of the  
15 workings of how matters are resolved once people are implicated  
16 and lists are forwarded at S-21?

17 MR. KAING GUEK EAV:

18 A. This annotation was made by the decision maker. This person  
19 made the decision that the matter be resolved at the Social  
20 Affairs or Social Action. So how many people were to be arrested  
21 were already decided by this annotator, person who made these  
22 annotations, and this person behind this annotation was my --  
23 Bong Nuon.

24 Q. And when you say that the matter would be resolved by Social  
25 Affairs, how would that happen? How would it be resolved, to your

1 knowledge?

2 A. I thank you for asking for this confirmation. The term  
3 "resolved", before 1975, was referring to execution, taking  
4 people away to be killed, but at this time, "resolved" here means  
5 the Standing Committee made the decision, referring to the number  
6 of people to be arrested. So this "resolved" here refers to that  
7 decision.

8 [11.13.55]

9 Q. Thank you. And to your knowledge, would the Standing Committee  
10 resolve the issue with the head of the different ministries or  
11 not?

12 A. Thank you. I think this is the way how matters were resolved  
13 accordingly.

14 Q. And can you explain further?

15 A. Upon having read this confession, Brother Nuon had some  
16 comments and decided on how many people to be arrested. So he  
17 already had his orders in mind. And on some occasions, people had  
18 already been arrested and he was supposed to be the one who made  
19 the decision later on whether the matter had to be resolved or  
20 not.

21 [11.15.44]

22 Q. Thank you. If I can show you a document D-43/IV-Annex 41? And  
23 I have a hardcopy for you. If I can pass that to the witness,  
24 Your Honour?

25 MR. PRESIDENT:

1 You may proceed.

2 BY MR. SMITH:

3 Q. Witness, if you can look at that document and state whether  
4 you've read that document before or seen it before?

5 MR. KAING GUEK EAV:

6 A. This document was indeed the document of S-21 sent to the  
7 upper echelon on the 21st of February 1978. My annotation appears  
8 on this document, which I indicated the respected brother. And  
9 finally, I also annotated with regards and my signature, Duch,  
10 and this is what I wrote to the upper echelon, and later on it  
11 was the upper echelon who annotated further or made a further  
12 decision on this, and I hereby confirm that this document is from  
13 S-21 with my annotation.

14 Q. If you can briefly read your annotation and state whose  
15 confession this is and the position that the person had?

16 [11.18.32]

17 A. This confession belongs to Meak Touch alias Kem. He was the  
18 diplomatic representative in Laos. And I said:

19 "Dear Respected Brother, this guy's activities in Laos is  
20 classified into two; first, with the imperialists, he contacted  
21 the HCR group and he met with In Tam to remove the Khmer  
22 immigrants in Laos to be educated in Thailand. HCR was part of  
23 the United Nations Organization. In full, it is the High  
24 Commissioner -- the UN High Commissioner for Immigration.  
25 And, number 2, with regard to the "Yuon", this guy worked with

41

1 the Vietnamese diplomat named Dinh. The Vietnamese also needed  
2 the Khmer immigrants in Laos for their purpose of the Indochina  
3 policy -- Chinese policy."

4 And this is just my rough reading of these annotations I wrote to  
5 the brother.

6 [11.20.35]

7 Q. Thank you. And if we look at the document in the top left-hand  
8 corner in the red box, what annotation appears there?

9 A. I read the annotation as follows: "Comrade Van".

10 Q. Do you know who placed that annotation in the top left-hand  
11 corner? Are you able to say?

12 A. I still - I am convinced that this annotation was made by Bong  
13 Nuon.

14 Q. And why are you convinced of that?

15 A. I may explain as follows. I have seen Brother Nuon's writing  
16 and I wrote to him on the 21st of February '78, and only Brother  
17 Nuon would address Ieng Sary as Comrade Van.

18 Q. Thank you. Do you know what the purpose of that annotation is  
19 on the document?

20 MR. KARNAVAS:

21 If I may, Mr. President?

22 [11.23.11]

23 MR. PRESIDENT:

24 Witness is instructed to hold on.

25 And counsel for Ieng Sary, you may proceed.

1 MR. KARNAVAS:

2 Thank you, Mr. President and Your Honours. Good morning to  
3 everyone.

4 I hesitate to object at this point, but I believe the question is  
5 asking the gentleman to speculate as to what somebody else might  
6 have meant or what the purpose was of the writing of this  
7 particular annotation. So I'm not sure that he's in a position to  
8 answer that question. Unless he had some sort of a conversation  
9 with the individual who made the annotation, then perhaps he  
10 might be able to give an explanation, but to ask him to define as  
11 to what exactly the person who made the annotation had in mind  
12 and the purpose behind it, I think, is inappropriate.

13 [11.24.04]

14 MR. PRESIDENT:

15 Counsel for Nuon Chea, you may proceed.

16 MR. PESTMAN:

17 Thank you, Mr. President.

18 I would like to support my colleague for the Ieng Sary team. The  
19 Prosecutor asked whether -- if I'm correct -- whether the witness  
20 had seen this particular document. I think the question should be  
21 a bit more specific. I think when showing documents like this,  
22 the prosecutor should ask whether the witness has seen this  
23 document with all the annotations on it. It's still unclear  
24 whether this witness saw these annotations at the time, whether  
25 he saw them at all, or whether he saw them later when he got

1 documents in Case 001 or when he was questioned by the  
2 Investigating Judge in Case 002. I think that's highly relevant  
3 and he should know this before we invite -- or the prosecutor  
4 invites this particular witness to speculate. And to be  
5 absolutely sure, we don't want this witness to speculate more  
6 than he has done already.

7 [11.25.25]

8 MR. SMITH:

9 Thank you, Mr. President. I mean, I wouldn't have asked that  
10 question unless this witness was in a position to be able to  
11 answer it. As you know, this witness had been involved in the  
12 annotation of confessions for a number of years and he had been  
13 involved in a long relationship with Nuon Chea, the person that  
14 he says made the annotation. So I think in those discussions that  
15 they may have had, this issue may well have come up. So I was  
16 just asking him to spontaneously say why these annotations of  
17 other people's names have been placed there because he certainly  
18 was in a position to know. I can ask him specifically, you know;  
19 was that annotation there to notify other people? I can do that,  
20 but I wanted to actually have the spontaneous answer. It's not  
21 the first time that this witness has been involved with doing  
22 annotations in this particular document.

23 [11.26.41]

24 MR. KARNAVAS:

25 Mr. President, the gentleman can talk about his own annotations.

44

1 He's in a position to say why he wrote particular annotations and  
2 what the purpose was and to whom they went, and so on and so  
3 forth.

4 But now, to give this gentleman an opportunity to say what  
5 somebody else had in mind when these annotations were put down,  
6 he's not in a position other than to guess. And for the  
7 prosecutor to say well, he's asking the question in good faith or  
8 on a good basis because otherwise he wouldn't be asking it is  
9 really not a way of addressing the objection. We're asking the  
10 gentleman to speculate.

11 [11.27.38]

12 MR. PRESIDENT:

13 The objection is sustained. Witness is instructed not to respond  
14 to this question.

15 And Prosecutor is advised to proceed with the new question.

16 BY MR. SMITH:

17 Thank you.

18 Q. Witness, when you'd seen this document before, clearly you had  
19 seen it when you had written on the document, but when you had  
20 last seen the document, had you seen that particular annotation  
21 to Comrade Van on the document? I'm referring to -- during the  
22 period that you were at S-21, had you seen the annotation  
23 "Comrade Van" on that document?

24 [11.28.42]

25 MR. KAING GUEK EAV:

1 A. These documents were not those collected from S-21 because  
2 S-21 documents could never contain annotations by other senior  
3 people other than those at S-21; only after the documents were  
4 released from S-21 that such annotations could have been made.

5 Q. Thank you. When someone was implicated from another department  
6 or another section, were -- was that section notified that that -  
7 that people in their department were implicated? Do you know?

8 A. Document for S-21 was not meant to be submitted to any  
9 ministry. It was meant to be submitted to the superiors. It was  
10 the Standing Committee who would contact any unit or department  
11 whose staff member would be arrested.

12 Q. And why would the Standing Committee contact that unit or  
13 department where the person was to be arrested? Why would they do  
14 that?

15 MR. KARNAVAS:

16 Excuse me, Mr. President. How does he know what the Standing  
17 Committee did unless he was participating in it?

18 I think there's a question that needs to be asked of the  
19 gentleman. How does he know this? Because as far as I've heard so  
20 far, in several days, he's never attended a single Standing  
21 Committee meeting or Central Committee meeting. We've heard what  
22 he's learnt from others who are dead or he killed afterwards and  
23 are no longer here to be cross-examined, but that's the question  
24 to be asked of the gentleman. Or perhaps he had a tête-a-tête  
25 with somebody who's here, in court.



1 [11.31.16]

2 But so far, the Prosecution has not proffered one piece of  
3 evidence from this gentleman to suggest that he ever attended a  
4 single Standing Committee meeting. He claims that he had  
5 conversations with others who supposedly knew what happened at  
6 Standing Committee meetings.

7 And I say this having heard his testimony where the policy was,  
8 at least for those, like himself, who wanted to survive that  
9 period was speak no evil, hear no evil, see no evil. And yet here  
10 we have him saying that he was prying information from others  
11 concerning what was happening inside the Standing Committee.

12 So, before we get there, in answering that particular question,  
13 perhaps some foundational questions should be laid. How does this  
14 gentleman know exactly what was happening in the Standing  
15 Committee meetings, and what they were doing, and what they were  
16 discussing? And unless he has first-hand knowledge I would object  
17 to anything coming in unless the Prosecution can pinpoint to a  
18 particular witness who's going to come in and verify or  
19 triangulate what this gentleman is saying. Thank you.

20 MR. SMITH:

21 Your Honours, this is the questioning of the Prosecution - the  
22 Defence they can question the witness. They will have their  
23 chance to do that, and I don't think it's up to the Defence to  
24 state how the questioning should be carried out on a particular  
25 witness. The witness has just said that a Standing Committee

1 would contact the various heads of department in relation to  
2 people implicated and now simply I'll just continue to ask those  
3 questions.

4 [11.32.57]

5 I mean, as far as the Defence issue that how would - how would he  
6 be in a position to know, he worked, his immediate boss was in  
7 the Standing Committee, Son Sen, Nuon Chea was in the Standing  
8 Committee. He discussed with these supervisors on a regular basis  
9 so the concept of how would he know --- he's got no ability to  
10 know is really baseless. But I can ask the question because it  
11 will be helpful to the Chamber in any event.

12 [11.33.37]

13 (Judges deliberate)

14 MR. PRESIDENT:

15 Mr. Kaing Guek Eav, do you know if the annotation on the cover  
16 page which reads "Comrade Van", that is after the annotation was  
17 written, do you know where this document was sent to? Was it sent  
18 to S-21 or was it sent to other place that you do not know?

19 MR. KAING GUEK EAV:

20 S-21 produced documents for the Standing Committee and it is  
21 beyond the competence of S-21 as to where the documents were to  
22 be sent. It was up to the Standing Committee to decide where the  
23 documents were to be sent.

24 MR. PRESIDENT:

25 Thank you. The objection by the defence counsel stands.

1 [11.39.02]

2 Witness, you do not need to answer the question – the last  
3 question by the Prosecution. And the Prosecution maybe can – with  
4 a new one.

5 MR. SMITH:

6 Thank you, Your Honour. Perhaps, if we can put that document  
7 aside and if I can show you D43/IV-Annex 47, and I have a hard  
8 copy for you. If that could be placed on the screen as well, Mr.  
9 President?

10 MR. PRESIDENT:

11 The Chamber permits. Court officer is instructed to bring the  
12 documents to the witness.

13 BY MR. SMITH:

14 Q. Witness, have you seen this document before?

15 MR. KAING GUEK EAV:

16 A. Thank you. This is also one of the S-21 documents. These  
17 documents with the annotations were first presented to me during  
18 the investigation phase.

19 Q. And if we look at the box at the top of the document, can you  
20 read what that states please?

21 MR. KARNAVAS:

22 Mr. President, excuse me. Before he reads, I believe I heard the  
23 gentleman say that the annotations were seen by him after, that  
24 is during his preparation of 001.

25 Are we not back to my earlier objection? Is this not another way,

1 if you can't go through the front door, you can't sneak in  
2 through the back. It's the same approach it seems to me, now  
3 unless we're talking about something else, if he's going to be  
4 talking about annotations that were made subsequent to the  
5 document going out of S-21, his answer is going to be the same.  
6 And I think - the objection was sustained and, therefore, this  
7 technique cannot be used.

8 [11.41.54]

9 MR. SMITH:

10 Your Honours. It's - it's a - completely different issue. The  
11 issue is whose annotation is this, and that's what I was asking  
12 the witness about - about to ask the witness about.

13 MR. KARNAVAS:

14 Yes, but he's already indicated that he saw the annotations  
15 after. He can ask the question - such as, are any annotations on  
16 this document from S-21, from you or any of your other staff?  
17 Presumably the annotations would be made by him since he's the  
18 last person who's going to see the confession and then make  
19 whatever annotations. He's already indicated in his answer upon  
20 seeing the document that the annotations that he saw for the  
21 first time when he received this document while over here at the  
22 ECCC. Therefore there's no need to ask that question.

23 MR. SMITH:

24 Your Honour, that's not the issue. The issue is: Has he seen the  
25 document before? Can he recognize the annotation? It doesn't

1 matter whether he actually saw the annotation at S-21 or not. It  
2 matters whether or not he's able to recognize the handwriting.  
3 This witness has stated already - he's able to recognize Nuon  
4 Chea's handwriting, and that's what I was about to ask him. Is  
5 this the handwriting of Nuon Chea?

6 MR. KARNAVAS:

7 No objection.

8 MR. PRESIDENT:

9 Can counsel be reminded of the Internal Rules? But before counsel  
10 stands up and take the floor, counsel is reminded to seek leave  
11 from the Chamber. You're not permitted to stand up and talk at  
12 your will.

13 Yes, Mr. Pestman, you may proceed.

14 MR. PESTMAN:

15 I would like to object to the question which the prosecutor  
16 intends to ask now; definitely leading. He already answered the  
17 question for this witness. He mentioned my client's name.

18 [11.44.24]

19 MR. PRESIDENT:

20 Counsel Karnavas.

21 MR. KARNAVAS:

22 Mr. President, thank you and my apologies, my apologies. I will  
23 try to refrain from jumping up as quickly as I normally can.

24 I have no objections if the Prosecution wishes to show a document  
25 where there are annotations and he wishes to ask a question such

1 as do you recognize the handwriting. Presumably that's as far -  
2 he can answer that question, if he recognizes yes he can even go  
3 to the next question, if so, whose are they? But beyond that, to  
4 make a suggestion what happened afterwards to this. After that,  
5 the gentleman has already indicated that is beyond his knowledge  
6 and so that's where my objection is.

7 Now, had the question been posed properly, there would not have  
8 been an objection. Now we know exactly where the Prosecution  
9 wishes to go, and for that limited basis, I have no objections.  
10 He can ask if he recognizes the writing - the handwriting of the  
11 annotation.

12 (Judges deliberate)

13 [11.48.25]

14 MR. PRESIDENT:

15 To deal with this issue clearly, I hand over to Judge Lavergne to  
16 ask for clarification and to deal with this issue on behalf of  
17 the Chamber. Judge Lavergne, you may proceed.

18 JUDGE LAVERGNE:

19 Thank you, Mr. President. It's important for us to know if  
20 questions are relevant and to decide upon that, it's necessary  
21 for us to know who was supposed to read the annotations we're  
22 talking about, and where they came from, and also if you, Duch,  
23 were the intended recipient of the annotations that were put on a  
24 document.

25 In cases where, as you said, it's a document that comes from

1 S-21, so we take it that the initial document comes from S-21,  
2 then there are the annotations.

3 So can you tell us if the annotations we're looking at are ones  
4 that involved you? Were they annotations that carried a message  
5 for you, for you to take certain actions or to be involved in  
6 their implementation?

7 That's what I would like you to answer first. Thank you.

8 [11.50.19]

9 MR. KAING GUEK EAV:

10 Thank you, Your Honour. The annotations on this shown document I  
11 cannot read them. Rather, I never saw them. I saw them when I was  
12 shown during the investigation phase. I want to emphasize that  
13 S-21 was entitled only to send documents to the Standing  
14 Committee. As for what was to be done with the documents, that  
15 was the competence of the Standing Committee. And when the  
16 Standing Committee dealt with the documents, the information was  
17 not forwarded to S-21 either.

18 However, the names of those to be arrested would be sent to S-21  
19 for us to arrest those people. Thank you. That ends my answer.

20 MR. PRESIDENT:

21 Yes, the International Co-Prosecutor, you may proceed.

22 BY MR. SMITH:

23 Q. Thank you, Your Honours, Mr. President.

24 Perhaps to clarify matters, Witness, you've discussed the purpose  
25 of the confessions and the annotations to the Co-Investigating

1 Judges during the investigation; is that correct?

2 [11.52.58]

3 MR. KAING GUEK EAV:

4 A. This document with the red annotation was shown by me by the  
5 Co-Investigating Judges – was shown to me during the  
6 investigating judges (sic).

7 Q. And if I can state to you the answer that you gave when one  
8 was shown to you, and this is at D120 English 00242931 and, if I  
9 can provide the Khmer shortly. You were asked by Judge You  
10 Bunleng; "we present the confession of Meak Touch." The  
11 annotation on the top right-hand side reads: "Comrade Van  
12 (phonetic). Can you comment on this?" And you stated, "I have  
13 seen several confessions annotated in this way. The annotation  
14 was made by Nuon Chea, if Son Sen had addressed Ieng Sary he  
15 would have written Brother Van, not Comrade Van as did Nuon Chea.

16 [11.54.14]

17 "The confession was sent to the unit head for two reasons: On the  
18 one hand to inform the unit head of enemy activities within that  
19 unit, and, on the other hand, to allow him to contemplate the  
20 arrest of implicated persons. In case of Meak Touch alias Kem,  
21 who was the ambassador to Laos, in the copy shown to me there  
22 were no other persons implicated so it was only for that reason  
23 that the confession was sent to the unit head."

24 So my question is: What is the situation? Is it the case that you  
25 forwarded the documents to the Standing Committee and you didn't



1 know what happened to them after that? Or is it the case that you  
2 did know what happened to them like you've said to the  
3 Investigative Judge, You Bunleng? Can you clarify please?

4 A. Mr. President, this is a broad question. I may not be able to  
5 answer it. May I request that the Co-Prosecutor specify the  
6 question?

7 Q. I'll do that, Your Honour.

8 Witness, you said to Judge You Bunleng the confession was sent to  
9 the unit head for two reasons: On the one hand to inform the unit  
10 head of enemy activities, on the other hand, to allow him to  
11 contemplate the arrest of implicated persons. My question is: Is  
12 that the case that the confession was sent to the unit head to  
13 contemplate whether there would be further arrests and to inform  
14 him or her of the enemy activities?

15 Is that the truth or not?

16 [11.56.25]

17 MR. PRESIDENT:

18 The witness should refrain from answering the questioning. Now we  
19 noted that defence counsel for Nuon Chea is on his feet. You may  
20 proceed, Counsel.

21 MR. PESTMAN:

22 Thank you very much. I'm completely confused. I heard the witness  
23 say that he cannot read the annotation, and then the prosecutor  
24 quoted an annotation in the top right-hand corner of a document  
25 and I was wondering whether we are talking about the same

1 document. I was told that that annotation in the top right-hand  
2 corner of this particular document, the one which is on the  
3 screen, is a simple letter. Are we talking about the same  
4 document? And I wonder how it is possible that the witness cannot  
5 read what the other annotation said. Why commented on it before  
6 the OCIJ.

7 [11.57.37]

8 MR. SMITH:

9 Thank you, Your Honour. I'm not talking about the document that's  
10 before the witness, I'm talking about the reason that he's given  
11 to the OCIJ that that would have been provided to the unit head,  
12 to inform of activities, and to allow them to contemplate the  
13 arrest of people in that unit. He said today - he said he's given  
14 some answers that are consistent with that today, and then he's  
15 also given some answers that are inconsistent with that. All I'm  
16 doing Your Honours, is putting something specific to him which he  
17 stated to the Co-Investigative Judges to see what the real  
18 situation is.

19 [11.58.22]

20 MR. PRESIDENT:

21 Counsel Karnavas, you may proceed.

22 MR. KARNAVAS:

23 Thank you, Mr. President.

24 First and foremost, in the manner in which the prosecutor began  
25 his questioning gave the impression that the witness was

1 discussing this particular document at the time. It now appears  
2 from the prosecutor that that's not the case; that he was  
3 referring to some other document. Be that as it may, the  
4 prosecutor is either trying to impeach the witness, his own  
5 witness, or he's trying to refresh the memory.

6 Now, I object to the manner in which this is being done. The  
7 witness indicated today, under oath, something which he wasn't  
8 when he was speaking with the Co-Investigative Judges because he  
9 was an accused and he didn't -- testified under oath during his  
10 trial. But under oath, today, he said that beyond once - a  
11 confession or document left S-21 he had no knowledge of what  
12 would take place based on that document. And nothing would come  
13 back.

14 [11.59.46]

15 Now the prosecutor is trying to go and trying to get the witness  
16 to confirm what he said to the Co-Investigative Judges. I suggest  
17 that he could do so in a non-leading fashion as opposed to  
18 quoting what he might have said to the Investigative Judges at  
19 the time.

20 Obviously, now, the damage is done. The well has been poisoned,  
21 and the witness has been primed. In the future, if the  
22 Prosecution intends to refresh he should ask permission from the  
23 Court to refresh. If he wishes to impeach he should tell us that  
24 he is going to impeach. He certainly should tell us that on  
25 another occasion, or do you recall, for instance, a meeting with

57

1 the Investigative Judges on this particular day you were asked a  
2 series of questions such as; and take it from there.

3 But the manner in which it was done, and I'm not suggesting that  
4 it was done for any evil purposes, but it seems to be, for lack  
5 of a better term, and I don't mean to be disrespectful, rather  
6 sloppily done and now we're left with this mess.

7 [12.00.59]

8 Now, if he wishes to impeach the witness, he should do so. If he  
9 thinks he needs to refresh the witness' memory, then I suggest he  
10 provide the document to the gentleman, allow the gentleman to  
11 look at the document and then maybe pose a question now that the  
12 witness has refreshed their memory. Thank you.

13 MR. SMITH:

14 Your Honour, I am not trying to impeach the witness nor  
15 necessarily refresh his memory. I'm simply just trying to clarify  
16 this with the witness.

17 (Judges deliberate)

18 [12.02.04]

19 MR. PRESIDENT:

20 The objections by both counsels regarding the question put to the  
21 witness was not sustained.

22 Witness is now advised to respond to the question by the  
23 prosecutor if he still remembers it. If not, Co-Prosecutor is  
24 advised to repeat the question.

25 BY MR. SMITH:

1 Thank you, Mr. President.

2 Witness, do you remember my question? If not, I'll repeat it.

3 [12.02.52]

4 MR. KAING GUEK EAV:

5 A. Thank you. To be clear, it would be best if you please repeat  
6 the question.

7 Q. In your statement to the Co-Investigating Judge, Judge You  
8 Bunleng, in relation to the document or the confession in the  
9 annotations of Meak Touch, the document we've been looking at;  
10 you explained to him that you had seen several confessions  
11 annotated in this way. You said the annotation was made by Nuon  
12 Chea and if Son Sen had addressed it, Ieng Sary, he would have  
13 written Brother Van, not Comrade Van.

14 You then go on to say:

15 "The confession was sent to the unit head for two reasons. On the  
16 one hand to inform him of enemy activities within that unit and  
17 on the other hand, to allow him to contemplate the arrest of  
18 implicated persons."

19 My question is: Is that in fact the case that you knew that the  
20 confession was to go to the unit head of where the detainee had  
21 come from -- sorry, is it the case that the confession went to  
22 the unit head for where -- from where people were implicated to  
23 advise them of that fact and to also contemplate the arrest of  
24 those people?

25 [12.04.48]

1 Because today you have said also that once the confessions had  
2 gone to the Standing Committee you're not sure where they went  
3 from there. So I am asking you to clarify.

4 MR. KARNAVAS:

5 I'm sorry to interrupt, if I may. If you could just read the  
6 entire answer because there are some -- to the part that he  
7 quoted, because at some point the gentleman says, "I do not know  
8 the details of how the superiors worked among themselves."

9 [12.05.38]

10 So there's a little bit more to that. And then he says, "It is  
11 possible that in the absence of Ieng Sary, the confessions were  
12 sent to Pang that is an assumption on my part."

13 So I think, for the purposes of completion, he should be -- read  
14 the entire portion or provided his statement in writing so he can  
15 look at it. I have no objections to him being posed the question  
16 given the ruling. But I think cherry-picking or selecting a part  
17 of the answer, I'm not suggesting that he go on beyond the next  
18 question, but on that particular question he gave a complete  
19 answer. Perhaps that might assist the gentleman because I think  
20 now we're talking about what he knew versus what he assumed  
21 versus what he learned later and what he's telling us now.

22 (Judges deliberate)

23 [12.06.57]

24 MR. PRESIDENT:

25 The objection by counsel for Mr. Ieng Sary is dismissed.

60

1 Witness is now instructed to respond to the question and the  
2 Chamber wishes to inform counsels for all the accused that if  
3 there are any objections or any issues that counsel wish to take  
4 the advantage from the matters or to challenge them, counsels are  
5 advised to wait until their time to put questions.

6 [12.08.12]

7 And by doing so, it would be best not to interrupt the floor when  
8 the other party here, like the Prosecution -- and we also wish to  
9 remind other parties to do the same.

10 The Chamber is ready to value the lines of questions and it is  
11 the techniques in putting questions to the witness by the  
12 Prosecution and the Defence. And, indeed, parties can put  
13 questions and that they should wait until the floor given to them  
14 to do so. And I think before we adjourn for the lunch, we would  
15 like to require that the witness respond to the last question.

16 MR. KAING GUEK EAV:

17 I may briefly respond to the question and if it's not clear in  
18 the answer then Co-Prosecutor may ask me further on this.

19 [12.09.40]

20 S-21 made documents and submitted them to the Standing Committee.  
21 The documents then were examined by the Standing Committee and it  
22 was the duty of the Standing Committee and that S-21 had no  
23 authority to intervene in the matters decided by the Standing  
24 Committee when the documents already sent from S-21.  
25 Before Co-Investigating Judge You Bunleng, I made it in more

61

1 details that the documents would be sent to the concerned unit so  
2 that the concerned unit could handle the situation.

3 And when I indicated before Judge Lavergne, I testified that it  
4 was the sole duty of the Standing Committee to do that. And I  
5 think these same facts are the same. One was made in details,  
6 another one before this Chamber I made it in a brief.

7 And I did testify based on what I saw; what I witnessed, and it  
8 doesn't matter I talked in detail before the Co-Investigating  
9 Judges and I said less in this courtroom. The content of both  
10 testimonies are still relevant and I still stand by what I said  
11 before the Co-Investigating Judges.

12 [12.11.39]

13 MR. PRESIDENT:

14 Thank you, Mr. Co-Prosecutor and Witness.

15 Since it is now appropriate time for lunch adjournment, the  
16 Chamber will adjourn until 1.30 p.m.

17 Security personnel are instructed to bring the witness to the  
18 waiting room and have him returned to the courtroom before the  
19 next session resumes.

20 We note counsel for Nuon Chea, Mr. Pestman is on his feet. You  
21 may proceed.

22 MR. PESTMAN:

23 Mr. President, my client would like to follow the remainder of  
24 the proceedings from the holding cell. As I indicated yesterday I  
25 will inform the Trial Chamber if my client is no longer able to



62

1 actively participate in the proceedings.

2 [12.12.34]

3 I have the necessary waivers.

4 MR. PRESIDENT:

5 We have noted the request of Nuon Chea made through his counsel  
6 asking the Chamber that he be excused and allowed to observe the  
7 proceeding from his holding cell through video-link.

8 He has waived his right to directly be present in this courtroom  
9 due to his health concern. The Chamber, therefore, grants such  
10 request and he is, therefore, allowed to observe the proceedings  
11 from his holding cell through the video-link for the whole  
12 afternoon session.

13 Counsels are advised to produce to the Chamber the waiver signed  
14 or given thumbprint by Nuon Chea.

15 AV officials are now instructed to ensure that the video-link is  
16 connected to his holding cell so Nuon Chea can observe the  
17 proceeding from there.

18 [12.13.50]

19 Security personnel are now instructed to bring both accused to  
20 the holding cells but return Khieu Samphan to the courtroom in  
21 the afternoon session when the afternoon session resumes.

22 The Court is adjourned.

23 (Court recesses from 1214H to 1333H)

24 MR. PRESIDENT:

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

1 The Chamber now hands over to the International Co-Prosecutor to  
2 continue his questions to the witness.

3 MR. SMITH:

4 Good afternoon, Mr. President. Thank you, Your Honours. Welcome  
5 to the general public.

6 BY MR. SMITH:

7 Mr. Kaing Guek Eav, before we took the break, you stated that  
8 what you said to the Co-Investigating Judges in relation to the  
9 fact that the confession was sent to the unit head for two  
10 reasons -- on the one hand, to inform the unit head of enemy  
11 activities within that unit and, on the other hand, to allow him  
12 to contemplate the arrest of implicated persons -- you said that  
13 was correct, the details were correct.

14 [13.35.47]

15 So my next question is: Was that a general practice in relation  
16 to all confessions that implicated people in different units or  
17 departments or offices; the fact that the unit head was  
18 consulted?

19 MR. KAING GUEK EAV:

20 A. Your Honours, the one who sent the case files to respective  
21 offices is the Standing Committee; it's not S-21.  
22 From what the Co-Prosecutor has said, I don't think it is clear.  
23 It is the Standing Committee who sent the documents to the  
24 respective units or offices. This is a general principle for the  
25 Standing Committee to choose documents from S-21 as well as

1 documents from other offices.

2 Q. And how did you know that the Standing Committee sent these  
3 confessions to the other offices?

4 A. Mr. President, we did that for many years, especially since  
5 1971. The documents that we sent to Ta Mok, Son Sen, were later  
6 sent to Brother Pal (phonetic), 32.

7 From the documents I sent, there was a meeting on the 16 of  
8 September 1976. Mit Sok was asked to give some comments, so there  
9 was the practice that they did at that time and it was the  
10 policy.

11 Another document; a person from the Angkar's hospital was  
12 implicated, so Ta Mok sent that document to someone to deal with  
13 the issue, so it was the decision made by the Standing Committee;  
14 it was the work between the Standing Committee and the relevant  
15 unit.

16 [13.39.30]

17 Q. Thank you. And you stated that one of the reasons why the unit  
18 head was to be consulted was to allow him to contemplate the  
19 arrest of implicated persons.

20 By that, do you mean that the unit head had some choice as to  
21 whether or not an implicated person should be arrested; is that  
22 what "contemplate" means?

23 A. We have seen the remaining documents as evidence. Brother  
24 Khieu, that is Son Sen, sent to Comrade Tal for examination,  
25 which means the organization, or Angkar, already decided to

1 arrest those people. And so the head of the unit shall ensure  
2 that those people will not become aware that they would be  
3 arrested.

4 [13.41.10]

5 Let me give an example of 16 September 1976, that when Bong 89  
6 asked Bong Khieu that the connections were not that of Chakrey,  
7 and so he said: Okay, we can keep them, then.

8 As for the policy that the head of the unit to -- for the units  
9 to agree, it is clear that we had this policy that we have to  
10 have agreement from the head of unit to arrest those people.

11 Q. And can you explain the purpose of that, of why the agreement  
12 of the head of the unit was required before an arrest was made;  
13 can you explain why that was the case?

14 A. Mr. President, in the party statute any cadre was responsible  
15 for their mass people before the party. If their people make  
16 mistakes, they would be responsible for that. We could not just  
17 remove that person; that would be against the Party statute. Each  
18 cadre was responsible for their popular man -- rather, their  
19 popular mass.

20 [13.43.26]

21 Q. And when you say each cadre was responsible for their popular  
22 mass, what are you meaning by that?

23 A. Mr. President, the cadres were responsible for their own  
24 popular mass. Let me give you a practical example to make it easy  
25 to understand.

1 Combatants in Office 13; and before they were able to come and  
2 work there, I was to select them from the base. So, after I took  
3 them to the office, I educated them. I knew about them very well  
4 and no one dared to come and arrest my people, they were under my  
5 control to serve the country. This is the duty of each cadre.  
6 This is what it meant.

7 Q. You also stated that in this process that you wanted to avoid  
8 from making a mistake. What do you mean by "making a mistake" in  
9 terms of this process of implicating people?

10 A. It is correct. This is what we called the collective  
11 democracy. It is called the democratic centralism. Everyone is  
12 accountable before the Party.

13 [13.45.49]

14 Q, And so we can understand that in concrete terms, when you  
15 stated that a confession was sent to the unit head for two  
16 reasons -- one, to inform of any enemy activities in the unit and  
17 then, two, to allow him to contemplate the arrest of implicated  
18 persons -- are you saying then that that confession was sent to  
19 make sure that the unit head -- that a mistake wasn't made with  
20 the person that was implicated, and the unit head was able to  
21 contemplate whether or not a mistake was being made?

22 A. Mr. President, we did not talk about this issue once the  
23 documents were sent to the superiors. The superiors would forward  
24 the documents to others, for example, to Comrade Tal for  
25 examination, so they decided. They may decide, for example, this

1 is our decision for the upper echelon.

2 So everyone was responsible -- or would take part in the arrest  
3 of the combatants who were under their own control.

4 [13.47.56]

5 Q. And, in particular, why was the confession sent -- why was the  
6 practice of sending confessions to the unit head, why was it left  
7 to the unit heads to contemplate the arrest of implicated  
8 persons?

9 A. My apology, Mr. President, I do not understand the question.

10 Q. I'll rephrase it, Your Honour.

11 Witness, you've stated that there was a practice that once the  
12 confession was sent to the Standing Committee it was then sent to  
13 the unit heads for one reason, to contemplate the arrest of  
14 implicated persons.

15 So my question is: Why was the unit head consulted to contemplate  
16 the implicated person?

17 A. Thank you, Mr. President. You have two issues.

18 [13.49.30]

19 One was about the situation of the enemies within the unit.

20 Another one deals with the people who were implicated. Sometimes  
21 those people had conflicts with the head of the unit and so S-21  
22 was asked to remove those people before their names were sent.

23 For example, for the case of Chhouk, it was not immediately  
24 addressed. S-21 was asked to remove the person before Brother  
25 Phim was called to attend a meeting. So that was the -- a

68

1 scenario and that scenario could be that it was the tricks of the  
2 enemy within the unit.

3 Q. And when you say it could have been a trick from the enemy in  
4 the unit, what do you mean by that?

5 A. The tricks in the unit refer to the revelation of the tricks  
6 of the enemy in the confessions, the confessions that reveal the  
7 trick of the enemy within particular units.

8 Q. Thank you.

9 Now, if we can look at document 43/IV-Annex 47 (sic), which was  
10 the one -- the last one we were looking at. If we can place that  
11 on the screen; do you have that in front of you, the colour copy?  
12 It's the confession of San Pau.

13 [13.52.09]

14 MR. PRESIDENT:

15 The Chamber permits. Does the witness have the document already?

16 MR. SMITH:

17 I believe he has, Your Honour.

18 BY MR. SMITH:

19 Q. Witness, do you have the confession of San Pau in front of  
20 you, the cover page?

21 MR. KAING GUEK EAV:

22 A. Yes, I have it.

23 Q. Thank you. And that's dated 2 August 1978, but I would ask  
24 that you look at the annotation in the red box which is at the  
25 top of that cover page, and do you recognize that writing? What

69

1 is it and whose writing do you recognize it as?

2 MR. PRESIDENT:

3 The witness shall refrain from answering this question now. I

4 note that counsel for Nuon Chea is on his feet.

5 You may proceed, Counsel.

6 [13.53.33]

7 MR. PESTMAN:

8 Thank you, Mr. President.

9 Before the break, the prosecutor already answered this question

10 for the witness. He already said that this is, according to him,

11 Nuon Chea's handwriting. So in a way this is a leading question

12 to which an answer has already been given by the prosecutor. So I

13 object to the question.

14 [13.53.56]

15 MR. SMITH:

16 Your Honour, I think there is generally a problem in this

17 courtroom sometimes when we have objections and they turn into

18 speeches. I'm not saying that we don't speak at length sometimes,

19 sometimes we do, but certainly parties sometimes make speeches

20 when they object and those speeches are influencing -- not

21 intentionally -- but the witness.

22 So the issue of this is it's a broader one and I would suggest

23 that perhaps we develop a practice where we don't make speeches,

24 we make brief objections.

25 And that remark that I made was caught up in that debate in



70

1 response to quite a significant Defence objection. So nothing, of  
2 course, was done intentionally.

3 [13.54.48]

4 The fact, as Your Honours will know from the file, there's a  
5 recognition of this issue in the documents, the issue that I'm  
6 just about to ask, but all I would say is, Your Honours, that I  
7 just ask the question to the witness and if he gives his opinion  
8 on it then he can be cross-examined on it.

9 MR. PRESIDENT:

10 The objection by defence counsel for Nuon Chea does not stand.  
11 The witness is now instructed to answer the last question asked  
12 by the International Co-Prosecutor if you still remember the  
13 question.

14 MR. KAING GUEK EAV:

15 Thank you, Mr. President. The annotation on this cover page of  
16 the confession of San Pau belongs to Brother Nuon -- that is Nuon  
17 Chea.

18 BY MR. SMITH:

19 Q. Thank you. On that point, in your experience at S-21, in your  
20 experience at looking at the confessions, about how many times  
21 have you seen Nuon Chea's handwriting?

22 [13.56.29]

23 MR. KAING GUEK EAV:

24 A. Mr. President, Nuon Chea wrote a letter to me. He did not  
25 write a lot of letters as Son Sen did, but I recognize his

71

1 handwriting that I can assert that this annotation belongs to  
2 him.

3 I do not recall the annotation of the document shown to me  
4 earlier, but as for this document, the one that was shown to me  
5 during the investigation phase, and I maintain my answer that  
6 annotations belong to Nuon Chea.

7 Q. And just to finish the last question on this document, what  
8 does the annotation read in that red box?

9 A. Thank you, Mr. President. May I indicate to the Co-Prosecutor  
10 that the box in the papers that is in my hand and the box in --  
11 on the paper on the screen are not the same. Can I ask for a  
12 correction? Are you talking about the box in the documents or in  
13 my hand because I can see that the box -- the red box -- on the  
14 document displayed on the screen is not the same, but now they  
15 are the same. If I may--

16 [13.58.41]

17 MR. PESTMAN:

18 I'm confused. Which document and which box are we talking about?

19 MR. SMITH:

20 Your Honour, it's the same document, it's exactly the same  
21 document, it's just that the hard copy that the witness has got  
22 has a red box around the two red annotations that appear at the  
23 top of that document on the screen, and the screen hasn't got the  
24 red box. The red box has been placed on the annotation by the  
25 Prosecution.

72

1 So it's exactly the same document; it's 00174132. It's the  
2 confession of San Pau and it's entitled "On the History and  
3 Traitorous Activities of San Pau". So it's the same document  
4 except that the witness has one with a red box which is to  
5 indicate what we'd like him to speak about.

6 BY MR. SMITH:

7 Q. So, Witness, the annotation at the top of the page on the  
8 left-hand side, what does that say?

9 MR. KAING GUEK EAV:

10 A. The annotation on the left margin of the page reads, "Comrade  
11 Van".

12 Q. And who was Comrade Van?

13 A. Comrade Van is Ieng Sary.

14 Q. Thank you. I've finished with that document now and I would  
15 like to bring to your attention another document, D108/26.282. I  
16 have a hardcopy for the witness, Your Honour, if I can place it  
17 on the screen, please?

18 [14.00.48]

19 MR. PRESIDENT:

20 You may proceed.

21 Court officer is now instructed to hand over the document to the  
22 witness.

23 BY MR. SMITH:

24 Q. Witness, this document is a chart. It's entitled "Ministry of  
25 Foreign Affairs". Can you look at that document and say whether

1 you've seen it before?

2 MR. KAING GUEK EAV:

3 A. This document belongs to S-21.

4 Q. Have you seen the document before today?

5 A. This document was written at S-21, although I have not seen  
6 it, but I recognize this very well.

7 [14.02.40]

8 Q. Can you explain to the Court how you recognize the document?

9 Your Honour, I think we're at that moment where we understand the  
10 rule that the document should be taken away, and I'm quite happy  
11 for that to happen, except that he does recognize the document  
12 and he is in fact authenticating it. So it's a question for Your  
13 Honours as to whether the document stays there so he can provide  
14 that authentication.

15 MR. PRESIDENT:

16 National counsel for Khieu Samphan, you may proceed.

17 [14.03.25]

18 MR. KONG SAM ONN:

19 Thank you, Mr. President, Your Honours.

20 Having heard what the witness responded to the Prosecution, he  
21 indicated that he never obtained this document before, but his  
22 observation was that the document belonged to S-21 or Tuol Slang,  
23 and for that reason he concluded that he recognized it.

24 So may I ask the Chamber to dismiss this document?

25 [14.03.59]

1 MR. SMITH:

2 Your Honour, I think this is one of the reasons why, particularly  
3 next week, if we could have a short hearing on the issue of  
4 people that are absolutely able to be able to authenticate  
5 documents but they've never been given the opportunity before.  
6 Obviously, he was the Chairman of S-21 and no doubt he will have  
7 a number of answers which would authenticate the document, but by  
8 the fact that he hasn't had the opportunity before, it would seem  
9 unfair that the Prosecution or any party, for that matter, not be  
10 able to authenticate the document where the person recognizes the  
11 features of the document.

12 But that issue perhaps doesn't need to be debated today, but I  
13 would ask that maybe in this instance, and then perhaps a fuller  
14 discussion could be next week, just on this particular issue of  
15 people that can authenticate documents, but they haven't been  
16 given the opportunity before. In other words, it's a matter of  
17 luck if the witness has been able to see the document before and,  
18 as you know, the parties can't prepare the witnesses and produce  
19 documents prior to their arrival.

20 (Judges deliberate)

21 [14.05.56]

22 MR. PRESIDENT:

23 The Chamber hereby decides that the witness can obtain this  
24 document and the Prosecution is allowed to continue their  
25 questions.

1 BY MR. SMITH:

2 Thank you, Mr. President.

3 Q. Witness, you said that you haven't seen the document before,  
4 but you recognize it as an S-21 document. Can you explain to the  
5 Court what features of that document brings you to that  
6 conclusion, that it's an S-21 document?

7 MR. PRESIDENT:

8 Counsel for Nuon Chea, you may proceed.

9 [14.07.05]

10 MR. PESTMAN:

11 Thank you very much. I noticed this problem before, and that is  
12 that the prosecutor shows documents with a code which is revealed  
13 to the witness, and the witness has indicated that he's familiar  
14 with the code and where the document comes from.

15 So I would suggest that the prosecutor, the next time they ask  
16 this question, they cover the codes which make it possible for  
17 the witness to recognize where the document was obtained from by  
18 DC-Cam. I don't want to go into too many specifics. I don't want  
19 to make the witness wiser than he already is.

20 MR. PRESIDENT:

21 International Co-Prosecutor, you may proceed.

22 MR. SMITH:

23 Thank you, Your Honours. I'm unaware of the code, but we'll check  
24 the document.

25 BY MR. SMITH:

1 Q. Witness, in relation to the document itself, the features of  
2 the document, can you tell the Chamber why you recognize it as an  
3 S-21 document?

4 MR. KAING GUEK EAV:

5 A. This document was a form used at S-21 because every now and  
6 then, S-21 was asked to summarize the names of people who were  
7 implicated in previous confessions. So here, Chhorn Hay was the  
8 guy from B-1 who was implicated in two confessions. The other  
9 implicated person in this form was implicated by only one  
10 confession each. I would like to also inform the Chamber that the  
11 code helps me understand the document, and this document indeed  
12 was at S-21.

13 [14.09.42]

14 Q. Thank you. And when you said that this chart was prepared at  
15 S-21, is it a chart that tries to calculate how many people that  
16 have confessed -- have implicated other people?

17 A. In this chart, there were 30 people who were implicated, one  
18 of whom -- person number 14 -- was implicated in two confessions:  
19 he was implicated by the confession of Srey Daun and Mol Phuri  
20 (phonetic), alias Deung (sic). You may refer to item 14 to see  
21 these remarks. And there were five people whose confessions  
22 contained another person to be implicated.

23 Q. And why was the list entitled "Ministry of Foreign Affairs"?  
24 There's 29 names in the list and it has their position and  
25 address, but why was the list entitled "Ministry of Foreign

1   Affairs"?

2   [14.11.45]

3   A. The Ministry of Foreign Affairs, people who either implicated  
4   others or were implicated in other confessions were from the  
5   Ministry of Foreign Affairs.

6   Q. And what would have happened to this list, if anything?

7   A. This chart was not sent to the Standing Committee, so nothing  
8   happened. The person in item number 9 is still alive.

9   Q. Who prepared these lists at S-21?

10  A. I had several other people under my supervision in the  
11  interrogation team, so someone could have prepared the list, and  
12  since I had not signed it, it is difficult for me to say who  
13  prepared it.

14  [14.13.46]

15  Q. Who requested that this analysis be done of confessions and  
16  people being implicated in them - in this way?

17  A. This practice was passed down from Son Sen. I believe that  
18  when we met in a meeting on the 16th of September 1976, the list  
19  of people who were presented to us, like this chart, and only 29  
20  people were selected from the list. And every now and then, when  
21  we had orders from the upper level that there were confessions  
22  stacking up, then we were asked to summarize, like in the chart.  
23  And also we presented another sample of this chart when we met on  
24  the 16th of September 1976 to discuss this relevant issue.

25  Q. So to be clear, would the information from these lists, the



1 implicated people from these lists, would that go forward to your  
2 superior as well or not?

3 A. As I indicated, the evidence that proves that the document did  
4 not leave S-21 could be classified into two. First, this document  
5 bears no signature of the one who prepared it, and there was no  
6 signature or annotation from me. When I did not sign on this  
7 particular piece of document, it means the document was not sent  
8 to the upper level. It was indeed a document at S-21, but it had  
9 remained there, never been sent out.

10 [14.16.39]

11 Q. So were you able to decide which list or names of people would  
12 go to the upper level?

13 A. This list was not sent to the superior.

14 Q. And why wasn't this list sent to the superiors?

15 A. I'm afraid I cannot respond to this question, to be more  
16 specific like that, but I can give you my observation that person  
17 on item number 14 was implicated in two confessions and the other  
18 people were implicated in one confession only. So maybe it was  
19 difficult to send to the upper echelon for consideration because  
20 it was not that easy, so I kept the document at S-21 instead.

21 [14.18.18]

22 Q. And so we understand clearly, how often -- perhaps not in this  
23 instance, but how often were lists of implicated people sent to  
24 your superiors?

25 A. Each confession of individual prisoners would be sent on a

1 regular basis to the superior, but on some occasions, we were  
2 asked by our superior to summarize in these charts, as indicated.

3 Q. And so, when these charts were signed and sent out, who would  
4 they be sent to?

5 A. Documents that were to be sent to the upper level or  
6 superiors, they had to be sent to the Standing Committee through  
7 Son Sen, and after the 15th of August 1977, I started sending the  
8 documents to Nuon Chea instead.

9 Q. Thank you. And my last question on this topic: Was there a  
10 policy of how many times someone was required to be implicated  
11 before their name went to your superior?

12 A. Each individual confession of each prisoner must always be  
13 sent to the superior, but with regard to this document, for  
14 example, there were fewer confessions in which the person was  
15 implicated, so I kept it. I didn't send it out.

16 [14.21.29]

17 Q. Thank you. I've finished with the document now.

18 Are you able to say what types of people from the Ministry of  
19 Foreign Affairs were sent to S-21?

20 A. People who were sent to S-21 must be those who had been  
21 implicated in the previous confessions.

22 Q. Thank you. Are you able to say what the particular occupations  
23 of the people from the Ministry of Foreign Affairs were of those  
24 that were sent to S-21?

25 A. I have observed nothing other than the regime of reporting to

1 the upper echelon. It was based on the confessions submitted from  
2 S-21 before the person was arrested. And number two, it was based  
3 on the decision made by the head of the unit concerned. So I have  
4 no other means of knowing other than these two options.

5 [14.23.57]

6 Q. Thank you. We've finished with the document now.

7 You mentioned the other day that it was Nuon Chea -- tell me if  
8 I'm wrong on that -- but Nuon Chea said to you that -- or he was  
9 -- that you should have taken the name of Khieu Samphan out of  
10 one of the confessions, and otherwise you might become a diplomat  
11 yourself; is that correct? Was that a conversation that you  
12 remember?

13 A. Before I testified before the Co-Investigating Judges, I also  
14 talked to Mr. Christophe Peschoux because this event happened  
15 from the actual event that happened, and I still recognize it. At  
16 this moment, I can say that again, yesterday, I could say it. In  
17 the future, I will be able to say it well. So I never forgot it.

18 Q. Thank you. But what did you understand Nuon Chea meant when he  
19 said you will be a diplomat? What did that mean to you?

20 [14.26.07]

21 A. Nat, at the beginning, was in the military. Later on, he had  
22 been removed to - or transferred to the diplomatic section, and  
23 another person was also removed to the diplomatic section. Other  
24 important persons who had been transferred from one location to  
25 the diplomatic section, it means these persons were presumed to

81

1 be, later on, ultimately sent to S-21 to be purged. And when Bong  
2 Nuon talked to me about this, he suggested that I would be -- end  
3 up being purged. But I told him that being in the diplomatic  
4 section would not be bad anyway. I just told that to him.

5 Q. Did you know that if you ended up in the diplomatic section,  
6 it may have been quite a negative development? Did you know that  
7 then, when Nat went to the diplomatic section, that problems may  
8 arise from that?

9 [14.28.06]

10 A. Nat was intimidated when he was removed. At S-21, he had some  
11 people in the regiment under his command. After he had been  
12 transferred, he was assigned to the section of the central office  
13 assistant without any men under his command. So he was no longer  
14 trusted by the Party and he was assigned to this diplomatic  
15 section, which means the person was isolated and less trusted by  
16 the Party, but the person had no choice other than accepting the  
17 offer and turn a blind eye to the situation and waiting until the  
18 day comes.

19 Q. And the diplomatic section, what was its proper name? Did it  
20 have a more formal name?

21 A. The term "diplomatic section" or "diplomat" was a normal term  
22 used by people back then. People who were no longer trusted would  
23 be transferred to that section.

24 [14.30.04]

25 Q. Diplomats are normally associated with Foreign Affairs. Was

1 there any relationship between the Ministry of Foreign Affairs  
2 and the diplomatic section?

3 A. The Ministry of Foreign Affairs was the boss of all diplomats,  
4 which is the normal norm all across the world.

5 Q. Are you saying then that the diplomatic section was within  
6 Foreign Affairs?

7 A. The Ministry of Foreign Affairs of Democratic Kampuchea was  
8 the implementer of the foreign policies of the Democratic  
9 Kampuchea.

10 Q. But you referred to a diplomatic section. And was that  
11 diplomatic section in the Ministry of Foreign Affairs or was it  
12 outside the Ministry of Foreign Affairs, just so we're clear?

13 A. Mr. President, I do not understand the question. May I have  
14 the question again?

15 Q. You've said earlier that some people were sent to the  
16 diplomatic section, and you referred to Nat and a few others. I'm  
17 asking you whether that diplomatic section that people went to,  
18 was that inside the Ministry of Foreign Affairs or was it  
19 something separate from the Ministry of Foreign Affairs?

20 A. Mr. President, diplomats are those people who were assigned by  
21 the Ministry of Foreign Affairs to represent the Democratic  
22 Kampuchea, but at that time some people were appointed while they  
23 did not have any force under their control, so they were assigned  
24 to be diplomats or ambassadors to other countries so that they  
25 would not have any force under their command to prevent them from

1 fighting against the regime.

2 [14.33.37]

3 For example, Comrade Chheang, Pech Chheang, was appointed to be  
4 an ambassador in Beijing. He was appointed to be ambassador there  
5 forever. But before that, he was to be discharged from the  
6 forces, from controlling forces. He was on standby in order to be  
7 appointed as ambassador in other countries. That was the foreign  
8 policy of the Communist Party of Kampuchea.

9 MR. SMITH:

10 Thank you, Your Honour. It's 25 to 3. I'm not sure whether you  
11 want to break now, or we can continue. I just have one quick  
12 matter.

13 The Prosecution would request an extra hour and a half on Monday  
14 morning to finish. There's been a number of new issues that have  
15 come up throughout this week, particularly in relation to  
16 documents, and we feel that one hour and a half, the Prosecution  
17 would be able to finish. But we're in Your Honour's hands.

18 MR. PRESIDENT:

19 Yes, Counsel Karnavas.

20 [14.35.15]

21 MR. KARNAVAS:

22 Thank you, Mr. President. I already warned the prosecutor that we  
23 would be objecting to this.

24 A few days ago, I indicated that I would not object to an  
25 additional day. They've had an additional day. They cannot keep

1 claiming that it's the objections.

2 Over the course of the last four or five days, there have been a  
3 number of repeat questions. There have been a number of instances  
4 where the Prosecution takes their time to summarize in order to  
5 get the sound bite they wish for their closing brief. They've had  
6 more than ample time. They haven't used it efficiently.

7 We certainly object. They've had five -- six days now with this  
8 witness. They should have been able to put together in a much  
9 more efficient manner their examination. If objections were  
10 drawn, they were drawn because many of the questions were  
11 improper, so we would object.

12 [14.36.12]

13 Monday should be dedicated to the civil parties, Tuesday the  
14 Defence should start, and if we keep to that schedule, Your  
15 Honours, we would be able to finish this witness before the  
16 recess. At some point, we have to stop because Monday they're  
17 going to come back and say, guess what, Your Honours, over the  
18 weekend we thought about that now we need two more hours, and  
19 then three more hours.

20 At some point, we have to move on. Thank you.

21 MR. PRESIDENT:

22 The national counsel for Khieu Samphan, you may proceed.

23 [14.36.51]

24 MR. KONG SAM ONN:

25 Thank you, Mr. President. I have observed at a number of

1 occasions that the questions by the Co-Prosecutors are not  
2 related to the facts of the hearing and led, at times, the  
3 witness to answer far beyond the facts. That is why he spends a  
4 lot of time. So if the Chamber is to allow the Co-Prosecutor with  
5 additional time, I don't think they have anything new to add.

6 MR. PRESIDENT:

7 International Co-Prosecutor, you may proceed.

8 MR. SMITH:

9 Thank you, Your Honour. I would -- we object to those remarks. We  
10 disagree with them. We believe the Prosecution has been  
11 efficient. We've had a plan that we've worked through.

12 It is difficult working at times with a witness that neither of  
13 the parties have been able to speak to before they come to Court.  
14 We feel these are important matters.

15 [14.37.55]

16 We're not coming back -- we won't be coming back on Monday asking  
17 for another two hours, another three hours like the Defence have  
18 put forward. We're not looking for sound bites. We're just trying  
19 to create some clarity. And to do that, it takes a little bit of  
20 time. And this witness is a significant witness, and we're simply  
21 asking for one hour and a half.

22 MR. PRESIDENT:

23 Yes, civil party lawyer.

24 MS. NGUYEN:

25 Yes. Good afternoon, Your Honours. The civil parties would like



86

1 to indicate that if it becomes a major issue for all the parties  
2 that the civil parties would be happy to give to the Prosecution  
3 one hour out of the extra time that has been given to it from the  
4 Chamber.

5 (Judges deliberate)

6 [14.38.56]

7 MR. PRESIDENT:

8 Thank you. It is now appropriate to have a short break. We will  
9 adjourn and come back at 3 o'clock.

10 Security guards are instructed to escort the witness back to the  
11 witness waiting room and return him to the courtroom at 3  
12 o'clock. The Court is adjourned.

13 (Court recesses from 1439H to 1459H)

14 MR. PRESIDENT:

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

16 Before handing over to the Prosecution to continue their  
17 questioning, the Chamber decides on the request for additional  
18 time. First of all, the Chamber does not grant the request by the  
19 Prosecution who requested for an additional of one and thirty  
20 minutes on Monday, next week. However, the Chamber accepts the  
21 sharing of time from the civil party lawyers who offer a one hour  
22 extra time to the Prosecution.

23 [15.01.15]

24 As a result, on Monday, the Prosecution will have another one  
25 hour to continue their questioning to witness, Kaing Guek Eav;

1 the time that has been offered by civil party lawyers.

2 The Chamber also notes a number of observations by the parties  
3 concerning the questions by the Prosecution. The Chamber observes  
4 that the questions asked by the prosecutors to witness Kaing Guek  
5 Eav are relevant to the facts for the segment of this hearing.  
6 However, the Chamber also finds that a number of questions are  
7 difficult to understand and usually witness expresses his  
8 concerns that he finds the questions difficult to understand so  
9 the Chamber advise the Prosecution to make the question easy for  
10 him to understand.

11 [15.02.46]

12 As for the concerned raised by the national counsel for Khieu  
13 Samphan that the questions by the Prosecution are not relevant or  
14 fall outside the scope of the hearing, the Chamber observes that  
15 there have not been any questions by the Prosecution that are not  
16 relevant, and that the three defence teams have not raised their  
17 objection on the basis that the questions fall outside the scope  
18 of the hearing.

19 Now, the Chamber hands over to the International Co-Prosecutor to  
20 continue his questionings to witness Kaing Guek Eav.

21 BY MR. SMITH:

22 Q. Thank you, Mr. President. I'll be as clear as I can.

23 Witness, before we went to the break, you mentioned that some  
24 people were sent to the diplomatic section so they could be  
25 watched; where was the diplomatic section? Was it a physical

1 location?

2 MR. KAING GUEK EAV:

3 A. Thank you. Mr. President, the Ministry of Foreign Affairs was  
4 located in a location, but I was not aware of the location of the  
5 ministry. I know that there was a misunderstanding between the  
6 word "diplomacy" and -- or "diplomat" and "ambassadors".

7 [15.05.07]

8 The diplomats referred to those people who were removed from  
9 their original positions so that they no longer have -- had their  
10 forces under their control.

11 Q. Thank you. Do you know how many people were placed in that  
12 diplomatic section?

13 A. Mr. President, those who were removed and were brought to the  
14 diplomatic section, to my recollection, include Son Ti alias  
15 Tienh (phonetic); Mon alias Soth (phonetic); In Lorn alias Nat;  
16 Chhay Kim Huor, and there may be other people who were all  
17 brought to S-21, but I may not recall all their names.

18 Q. So each of those people that you just mentioned, they were  
19 eventually brought to S-21; is that correct?

20 A. Mr. President, yes, it is correct.

21 [15.06.50]

22 Q. Who was the head of the diplomatic section? Who was in charge  
23 of the diplomatic section?

24 A. Mr. President, the chief -- the highest -- the biggest chief  
25 was Ieng Sary, the first Deputy Prime Minister.

1 Q. Do you know how many people were placed in the diplomatic  
2 section?

3 A. I only knew two people, one is Pech Chheang, an ambassador to  
4 China, and another one was Cheang (sic), an ambassador to Korea.  
5 I do not know about others.

6 Q. Thank you. How did people from the different units -- how did  
7 they come to S-21? How -- who -- who arrested them; who brought  
8 them there?

9 A. There were two categories of people who were sent to S-21. The  
10 first one was those who were to be arrested by S-21. They include  
11 Koy Thuon, Men San alias Ya; even Pang himself was sent to be  
12 arrested.

13 [15.09.13]

14 Another category of people include those who were already  
15 arrested and brought to S-21. So these are the two categories of  
16 people arrested.

17 Q. And people that were arrested from different units, who  
18 brought them to S-21; was it S-21 staff or was it staff from  
19 those units or was there a special arrest section?

20 A. There were only a small number of people who were brought by  
21 S-21 staff. Document -- the remaining documents that allow us to  
22 understand is the document issued on the 16 of September 1976.  
23 There were a few occasions that we were assigned to bring people  
24 from the provinces. For other occasions, the head of the units  
25 brought their people to S-21.

1 [15.10.44]

2 Comrade Lin was asked to bring people to S-21.

3 Q. Thank you.

4 In your -- the chart that you produced for the Investigative  
5 Judges, you did an organogram or you did a chart of the structure  
6 of the CPK and in that chart, you mention the name, Boeng Trabek  
7 -- Boeng Trabek; can you tell us what Boeng Trabek was?

8 A. Boeng Trabek and some other offices were the places where the  
9 Renakse people were detained, the front people were detained  
10 there. As far as I know, a large number of these intellectuals  
11 were told to make sickles. These front people were followed  
12 closely; they were followed for their mistakes. So whenever they  
13 make mistake, they would be arrested and brought there. So the  
14 Boeng Trabek Rehabilitation Centre was established for those  
15 people.

16 [15.12.38]

17 The chief of Boeng Trabek was -- but I knew one person; his name  
18 was Men Min, alias Prum. So this is my answer concerning Boeng  
19 Trabek.

20 Q. And when you say the front people were taking -- were taken  
21 there, who are you referring to?

22 A. Mr. President, the front people were those who were with  
23 Sihanouk -- it was between 1970 and 1975 -- some of them were  
24 ambassadors to other countries while others were not. They were  
25 called the members of the FUNK or the GRUNK. They were brought to

1 be educated at that place in their capacity as the imprecise --  
2 with imprecise status. They were not considered as enemy, nor as  
3 their own people.

4 Q. And did Boeng Trabek, did that relate to the Ministry of  
5 Foreign Affairs in any way?

6 A. Mr. President, Boeng Trabek was a -- was like any other  
7 re-education camp of the Democratic Kampuchea, but I was not able  
8 to understand whether it was part of the Ministry of Foreign  
9 Affairs, but what I know is that it was part of the committee of  
10 the Party and it was to -- it was under the control of Min, and  
11 it was called K-10. And we also have K-13, which was under the  
12 control of Sim.

13 [15.16.15]

14 As far as I know, from the documents, there were some people who  
15 were brought to S-21, but there were other people who were not  
16 sent to S-21, but their names were in the documents.

17 Q. Do you know who the person Van Piny was?

18 A. Mr. President, Van Piny -- Van Piny's name at Boeng Trabek was  
19 Teut. He was the Secretary General of the Khmer Student's  
20 Association. Between 1964 and 1965, there was a Khmer Student  
21 Association.

22 Q. Did he work in the Ministry of Foreign Affairs?

23 A. I did not read the confessions of Van Piny. There were a lot  
24 of things I was not able to remember so I am not able to tell you  
25 about this.

1 Q. Thank you. During the -- the period of Democratic Kampuchea,  
2 from 1975 to 1979, did you see Ieng Sary?

3 (Short pause)

4 [15.18.43]

5 A. As for Bong Van, or Ieng Sary, I never met him in person. I  
6 only met him from a distance twice. One was in -- at Borei Keila;  
7 I saw him from a distance. And on the 6 of January 1979 when I  
8 came out of school, I saw him in a car riding in front of me. I  
9 saw him in a car from a distance too. We glanced at each other so  
10 we -- we never met and talked in person.

11 Q. Thank you. When you saw him at Borei Keila, what was he doing  
12 and who was he with?

13 A. He was walking outside of the meeting. I was (unintelligible)  
14 the meeting. I'm not sure whether it was a meeting of -- to  
15 celebrate the 17th April or I'm not sure about that.

16 [15.20.13]

17 He was not in the uniform, the black uniform.

18 Q. Are you able to say what the relationship between Nuon Chea  
19 and Ieng Sary was like?

20 A. I do not know about their relationship.

21 Q. Did Nuon Chea ever talk about Ieng Sary?

22 A. Mr. President, Bong Nuon talked about Bong Van. They talked  
23 about arresting Chau Seng. Brother Nuon -- Bong Nuon warned me,  
24 telling me that I would not say anything about this; that I would  
25 not -- I was not supposed to tell anyone from the Ministry of

1 Foreign Affairs about the arrest.

2 Q. And why was that the case?

3 A. Hold on. Hold on. There was another case; I talked about this,  
4 this morning that an enemy implicated Meng (phonetic) and Poenun  
5 (phonetic). I reported to Brother Nuon whether I should continue  
6 interrogate or extract the confessions of those people so those  
7 are the two events I want to add.

8 [15.22.52]

9 Q. Thank you. You said earlier that, at the beginning of the  
10 Democratic Kampuchea period, you heard a radio broadcast in  
11 relation to the naming of the super traitors; do you remember  
12 stating that?

13 A. I have been talking about this issue. I believe that I also  
14 talked about this before the Co-Investigating Judges, but I might  
15 not talk about this issue during the Case 001 trial or I'm not  
16 sure about that, but I have been talking about this issue.

17 Q. If you can briefly tell us what you heard over the radio  
18 broadcast?

19 A. The radio broadcast was done when it was near to the victory  
20 -- that we almost achieved a victory. As I remember, it was  
21 sometime in 1975 -- in February 1975. It was about -- I'm not  
22 sure what it was called at that time; it might be called the  
23 Nationalist Front and the radio broadcast was also about the  
24 seven super traitors and their names were broadcast in the  
25 program.



1 [15.25.11]

2 Q. Your Honours, if I can place a document before the witness;

3 it's D84/1 -- that's the case file number 1 -- Case File 001

4 number, Your Honour; it's, in fact, D108/43/1 and, as well,

5 E3117. I have a hard copy for the witness and if it can be placed

6 on the screen too, please.

7 MR. PRESIDENT:

8 The Chamber permits. The court officer is to bring the documents

9 to the witness.

10 BY MR. SMITH:

11 Q. Witness, if you look at that document, it's a -- a transcript

12 of the radio broadcast. It's the FBIS transcript of the radio

13 broadcast dated the 26th of February 1975, and it's entitled, "A

14 Press Communiqué on the 24th to the 25th of February, Second

15 Session of the National Congress Held by the Representatives of

16 FUNK and Mass Organizations as well as Representatives of the

17 Three Revolutionary Army Categories" and it's read by the

18 announcer.

19 [15.27.04]

20 Witness, if you can look at that document and advise us if the

21 contents of that document are familiar with you?

22 MR. KAING GUEK EAV:

23 A. I have heard the contents of this document from the radio, but

24 I never saw this document before.

25 MR. PRESIDENT:

1 Court officer is instructed to take back the document from the  
2 witness and to remove the document from the screen.

3 MR. SMITH:

4 Your Honours, although he hasn't seen the document before, he  
5 recognizes the content. I would ask that I read out a paragraph  
6 to him to see if that is consistent with his recollection of what  
7 the radio broadcast was.

8 MR. PRESIDENT:

9 Yes, the national counsel for Khieu Samphan, you may proceed.

10 MR. KONG SAM ONN:

11 Thank you, Mr. President. If it pleases the Court, may I request  
12 that the Co-Prosecutor informs -- to the party the portions that  
13 he intends to read before this portion is read out to the  
14 witness?

15 MR. SMITH:

16 Thank you. Your Honours, it would be paragraph 1; there's two  
17 preamble paragraphs and then there's a paragraph 1 relating to --  
18 concerning the seven-traitors. And the purpose of this is to see  
19 if the witness recognizes and can confirm the nature of the  
20 contents in the document specifically.

21 MR. PRESIDENT:

22 The International Counsel for Khieu Samphan, you may proceed.

23 MR. VERCKEN:

24 Thank you, Mr. President. I wonder whether it wouldn't be more  
25 normal to immediately read the document and to ascertain by

1 questioning the witness what he remembers because he did say that  
2 he recalled what was broadcast on the radio.

3 [15.30.19]

4 So, before reading out the document to him, perhaps the  
5 Prosecution should first ask him whether he remembers anything  
6 about the broadcast.

7 MR. SMITH:

8 Your Honour, I think he has done so but I can ask him a couple of  
9 more specific questions before we resort to reading it out.

10 MR. PRESIDENT:

11 The Chamber has already ruled on the matter relating to the  
12 document that the witness has not been familiar with, and indeed,  
13 after the ruling was made and that the document withdrawn,  
14 parties are allowed to put questions referring to the document.  
15 They can still exercise their right to put questions relating to  
16 that document.

17 However, it is rather in the contrary that we noted that you  
18 would like to read from the document and that is not allowed.

19 [15.31.40]

20 MR. SMITH:

21 Thank you, Your Honour. The purpose of the questioning is just to  
22 confirm from the witness whether this is the - this particular  
23 document is a record of the radio broadcast that he heard as  
24 we'll be submitting to Your Honours that the document is  
25 authentic and reliable and has probative value.

1 So that was the purpose of putting a particular passage; unless I  
2 can, say, put a particular passage or the witness can actually  
3 take some moments to have a closer look at the document itself.  
4 It's difficult for him to 100 per cent confirm that what he heard  
5 was the same as in the document so that's why I was just asking  
6 to put forward a short passage or I can paraphrase it.

7 [15.32.43]

8 MR. PRESIDENT:

9 Counsel, you may proceed.

10 MR. VERCKEN:

11 I think the prosecutor must be pretending not to understand what  
12 I was saying because, if he reads the document, the Chamber won't  
13 have any way of knowing what the precise testimony is of our  
14 witness here.

15 So before reading the document, it seems reasonable to ask him  
16 what memory he does have of what he heard on the radio before  
17 refreshing his memory.

18 Perhaps after his testimony, your Chamber might authorise the  
19 prosecutor to refresh his memory but not before. Thank you.

20 MR. PRESIDENT:

21 I think this matter should have never been that serious. It is  
22 more about line of questioning, and the question is about the  
23 recollection of the witness, whether he still remembers this  
24 text. So it is the method of putting questions by the party.

25 [15.34.13]

1 And I think, however, each and individual person in this  
2 courtroom is skilful and has obtained some techniques in putting  
3 their own questions.

4 And we see that both parties, the Prosecution and Defence, have  
5 different interests from these proceedings: one party is trying  
6 to locate inculpatory evidence when the other is trying to find  
7 the exculpatory one. And by way of putting questions to a  
8 witness, such benefit can be obtained by both parties. Perhaps,  
9 at some point, although questions inculpatory nature being put to  
10 a witness, perhaps, from the testimony of the witness the team  
11 who wishes to benefit from the exculpatory evidence may take the  
12 advantage of that as well.

13 [15.35.41]

14 MR. SMITH:

15 Thank you, Your Honour.

16 BY MR. SMITH:

17 Q. Witness, in relation to the radio broadcast, can you  
18 specifically remember what you heard?

19 MR. KAING GUEK EAV:

20 A. From February 1975 until today, it has been more than 30  
21 years.

22 I think the radio broadcast excited me, but I remember the main  
23 substance of the message, the message which was conveyed back  
24 then concerning the seven super-traitors.

25 And, number two, in the message itself, in the radio broadcast,

1 the GRUNK did not wish to hold any other people accountable other  
2 than the seven super-traitors.

3 And I was convinced back then that, since the broadcast was  
4 public, they also lived up to their promise.

5 [15.37.28]

6 Q. Do you know who the author of that broadcast was?

7 A. There was never such an important radio broadcast without the  
8 permission or authorization from Pol Pot. So the author could  
9 have been Pol Pot.

10 Q. In relation to the traitors, what did the broadcast say? What  
11 was to happen to the traitors?

12 A. I may have to state again that, in the content of the  
13 broadcast, these people were not to be smashed; they were to be  
14 brought to justice to face the court.

15 Q. And which people were they referring to?

16 [15.39.08]

17 A. At the beginning, I remembered but since it was long ago, I  
18 may not recollect very well.

19 But I can recall a few names if you wish, but if it is not  
20 accurate, please, forgive me.

21 Q. Yes, if you can recall the names, please.

22 A. So far as I remember, whether it right or wrong, first it was  
23 Lon Nol; number 2, Sirik Matak; three, Cheng Heng; four, In Tam;  
24 five, Long Boret; six, Sosthène Fernandez; number 7, I don't  
25 remember.

100

1 Q. Did you hear what happened to these people at a later date?

2 A. Everyone knew about Lon Nol. He went to America in 1975. His  
3 brother, Lon Non, came into his position, but later on, we had no  
4 information of him.

5 Long Boret was nowhere to be heard. And later on, I obtained some  
6 information that the military arrested Sirik Matak and Long Boret  
7 to be executed before the French Embassy. However, this  
8 information was not proven. But it is to be precise, Lon Nol had  
9 left country.

10 [15.41.52]

11 Q. Thank you. Are you aware of a national congress held by the  
12 FUNK representatives on the 24th to the 25th of February 1975?

13 A. No, I don't. Although, back then, if I were to hear this  
14 information on radio broadcast, I would not believe that it was a  
15 genuine assembly. It was staged or fabricated by Pol Pot just to  
16 excite the people.

17 Q. Thank you.

18 Before we finish this afternoon, I would like to show you a few  
19 more documents and ask you to comment on them and the next  
20 document is D43/IV-Annex 58.

21 And I have a hard copy for the witness and if it can be placed on  
22 the screen,

23 Mr. President?

24 MR. PRESIDENT:

25 You may proceed.

101

1 Court officer is now instructed to bring the document to the  
2 witness.

3 (Short pause)

4 BY MR. SMITH:

5 Q. Witness, this document is entitled "Confession of Eng Meng  
6 Heang alias Chhon, working in the Ministry of Energy".

7 Have you seen that document before?

8 MR. KAING GUEK EAV:

9 A. Mr. President, Your Honours, I would like to state, which is  
10 not relevant to the question by Mr. Prosecution, the statement  
11 here, in handwriting, "Confession of Eng Meng Heang alias Chhon  
12 (Energy)", it was written by me, myself.

13 It was - it is the document of S-21 without any contest. This  
14 document was known to me or I saw it during the case file 001  
15 trial proceedings and I already explained on this.

16 I am now expecting further questions from the Prosecution on this  
17 particular document, should he wish to do so.

18 [15.45.23]

19 Q. Thank you.

20 If you can read the first annotation and also state who you  
21 believe made that annotation?

22 A. There are two annotations: one outside the box, another in the  
23 red box.

24 And also, there's another annotation on the corner of the  
25 left-hand side, on top. So could Co-Prosecutor be more precise?



102

1 Which part of the annotation would you like me to read?

2 MR. PRESIDENT:

3 Co-Prosecutor, could you please be more specific which part of  
4 the annotation would you wish the witness to refer to?

5 MR. SMITH:

6 Thank you, Your Honour.

7 BY MR. SMITH:

8 Q. If you could read the annotation on the page – and I'll have  
9 the ERN number, it's 00174392. It's the annotation in red.

10 MR. KAING GUEK EAV:

11 A. The annotation in red was made by my superior, Son Sen.

12 Q. And can you read that annotation, please?

13 A. The annotation reads: "Important [underlined]: Request to the  
14 Ministry to examine immediately so that everyone is removed  
15 before we could enter to the Ministry of Commerce to control it  
16 and -- Ministry of Commerce ..." and something I cannot read.

17 [15.48.38]

18 Q. And, from your knowledge, who in the Ministry would be  
19 reviewing that document?

20 A. Mr. President, the Ministry -- Eng Meng Heang worked at -- was  
21 the Ministry of Energy.

22 Q. In terms of the instruction, though, the question is: Who in  
23 the Ministry do you believe would be reviewing that document,  
24 that confession?

25 A. In principle, the Secretary of the Ministry of Energy was the

1 one who was supposed to examine this document, this request.

2 [15.50.19]

3 Q. Do you mean the Ministry of Energy or the Ministry of  
4 Commerce?

5 MR. PRESIDENT:

6 Counsel for Khieu Samphan, you may proceed.

7 MR. VERCKEN:

8 I don't really understand the last question, Mr. President.

9 It seems to me, Mr. Prosecutor, that the ministry we're talking  
10 about has not yet been mentioned in these exchanges. I'm not  
11 quite sure why this particular suggestion is being made to the  
12 witness. Thank you.

13 MR. PRESIDENT:

14 The objection is dismissed.

15 Witness is now advised to respond to the question by the  
16 Prosecution. We note two terms: "Energy" and the "Commerce",  
17 here, in the question.

18 MR. KAING GUEK EAV:

19 Mr. President, could you please advise Co-Prosecutor to rephrase  
20 or re-put the question?

21 MR. PRESIDENT:

22 Co-Prosecutor, please, repeat the question.

23 BY MR. SMITH:

24 Q. The question was: Who would be reviewing this confession, the  
25 Ministry of Energy or the Ministry of Commerce, based on your

104

1 knowledge at the time?

2 MR. KAING GUEK EAV:

3 A. This order was issued directly to the Ministry of Energy and  
4 the person who had the authority to examine this was the  
5 secretary of the Energy Ministry. But we also, here, have another  
6 term "Ministry of Commerce".

7 To be precise, Eng Meng Heang was under supervision of Koy Thuon.  
8 So Koy Thuon had his associates in the Ministry of Energy and  
9 Commerce. However, this order was rendered to the Ministry of  
10 Energy.

11 [15.53.05]

12 Q. Thank you. Now, I'm finished with that document.

13 I would ask that another document be placed before you; it's  
14 document IS 5.30, and it's a letter that contains a note.

15 MR. PRESIDENT:

16 You may proceed.

17 Court officer is now instructed to take the document and hand  
18 over to the witness.

19 (Short pause)

20 BY MR. SMITH:

21 Q. Witness, if you can look at that document and tell the Court  
22 whether you've read it before?

23 [15.54.25]

24 MR. KAING GUEK EAV:

25 A. This document is S-21 document. To be more precise, we can

1 refer to page 922.

2 On that page, I wrote: "Hu Nim, Phoas, Number 2, the situation  
3 when he did not confess at all yet."

4 Q. Thank you.

5 In relation to the first annotation which is a note - which is on  
6 0008921 in the Khmer -can you read that note, please?

7 It's the first page on the left-hand side.

8 A. May I ask, Co-Prosecutor, through the President - would you  
9 like me to read page 921 or 922?

10 Q. I would ask, in fact, that you read -- I believe it's 00008923  
11 which is, in fact, the last page with the annotation at the top.

12 It's the handwritten page.

13 A. The annotation on the left margin was my annotation: "The  
14 report that - a copy was reported as information, 11 of April  
15 1977". That was my annotation, handwriting.

16 MR. PRESIDENT:

17 Counsel, you may proceed.

18 MR. KONG SAM ONN:

19 Thank you, Mr. President. Could Mr. Co-Prosecutor be more  
20 specific on which page you would like the witness to read from?

21 Because, on the screen, we noted that page number 1 was put up,  
22 but then you asked the witness to read page 3.

23 MR. PRESIDENT:

24 I think, indeed, there could be some kind of misunderstanding.

25 The Prosecutor indicated clearly at the beginning like that but

106

1 later on he also referred to an exact ERN number. So this is what  
2 the prosecutor would like to correct and what the prosecutor  
3 wants the witness to read.

4 So, Co-Prosecutor, you may now continue.

5 [15.58.12]

6 MR. SMITH:

7 Thank you. It's 00008923. It's the handwritten page.

8 BY MR. SMITH:

9 Q. Witness, do you agree that is a letter from Hu Nim; is that  
10 correct?

11 MR. KAING GUEK EAV:

12 A. The text starting from page 923 to 924 was written by Hu Nim.

13 Q. And was this written whilst he was in custody at S-21?

14 A. Hu Nim wrote this a day after he entered S-21.

15 Q. And it's a letter - perhaps if you can read the annotation as  
16 to who he's written the letter to? It's in the red box at the  
17 top.

18 [16.00.08]

19 A. I would like to read this heading. Perhaps maybe it's not the  
20 heading but the top three lines. Hu Nim wrote to the following  
21 people:

22 "My sincere respect to the Angkar of Communist Party of  
23 Kampuchea. My respect is more than my life to the Angkar. My  
24 sincere respect to Bong Pol, Bong Nuon, Bong Van, Bong Vorn,  
25 Comrade Khieu, Comrade Sem, the most - rather, Comrade Hem, the

1 most beloved Comrades."

2 Q. Thank you.

3 And perhaps the last question for today: Can you read out their -  
4 can you state their non-revolutionary names? So "Brother Pol" is  
5 referring to-- Is that Pol Pot?

6 A. "Pol", here, refers to Pol Pot.

7 Q. And "Brother Nuon" refers to who?

8 A. "Bong Nuon" is Nuon Chea.

9 Q. And "Brother Van", who is that?

10 A. "Bong Van" is Ieng Sary.

11 Q. And "Brother Vorn"?

12 A. "Bong Vorn" is Vorn Vet.

13 Q. And "Brother Khieu"?

14 A. "Comrade Khieu" is Son Sen.

15 Q. And who is "Hem" referring to?

16 A. "Comrade Hem" is Khieu Samphan.

17 MR. SMITH:

18 Thank you, Your Honour. I've finished the questions for today.

19 MR. PRESIDENT:

20 Thank you, the Prosecution. And thank you, Witness.

21 Today's hearing comes to an end. It is now an appropriate time  
22 for the adjournment.

23 The next session will be resumed on Monday, next week, commencing  
24 at 9 a.m.

25 Next week, the Chamber will hear testimonies of Kaing Guek Eav

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1 alias Duch for the whole week again. The Chamber, therefore,  
2 would like to ask witness Kaing Guek Eav alias Duch to be present  
3 in the hearing on those days as well.

4 Security personnels are now instructed to bring the witness and  
5 the accused persons to the detention facility, and they have to  
6 be returned to the courtroom on Monday, at 9 a.m.

7 (Court adjourns at 1604H)

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