



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens



**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

18 April 2016

Trial Day 398

Before the Judges: NIL Nonn, Presiding
Martin KAROPKIN
Jean-Marc LAVERGNE
YA Sokhan
YOU Ottara
Claudia FENZ (Absent)
THOU Mony (Reserve)

The Accused: NUON Chea
KHIEU Samphan

Lawyers for the Accused:
Victor KOPPE
LIV Sovanna
SON Arun
Anta GUISSSE
KONG Sam Onn

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Maddalena GHEZZI
SE Kolvuthy

For the Office of the Co-Prosecutors:
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SONG Chorvoin

For Court Management Section:
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Mr. CHUM Mey (2-TCCP-243)	Khmer
Mr. DE WILDE D'ESTMAEL	French
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. HONG Kimsuon	Khmer
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Judge LAVERGNE	French
Mr. LIV Sovanna	Khmer
The President (NIL Nonn)	Khmer
Mr. PICH Ang	Khmer

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

2 (Court opens at 0902H)

3 MR. PRESIDENT:

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

5 Today, the Chamber will hear a civil party, 2-TCCP-243, in
6 relation to S-21. And today, it also -- the Chamber starts to
7 hear the fact in relation to S-21 as well.

8 Before we hear the civil party, the Chamber would like to inform
9 parties to Case 002/02 in today's proceeding, Judge Fenz has
10 personal matters to be engaged in. After the discussion and
11 deliberation among Judges on the Bench, <as> President, <I>
12 assigned Judge Karopkin, the International Reserve Judge, to
13 replace Judge Fenz. This decision was made based on Internal Rule
14 79.4 of the ECCC.

15 Greffier, please report the attendance of the parties and other
16 individuals at today's proceedings.

17 [09.04.23]

18 THE GREFFIER:

19 Mr. President, for today's proceedings, all parties to this case
20 are present.

21 Mr. Nuon Chea is present in the holding cell downstairs. He has
22 waived his rights to be present in the courtroom. The waiver has
23 been delivered to the greffier.

24 The civil party who is to testify today, 2-TCCP-243, confirms
25 that he is now in the waiting room and he is waiting to be called

2

1 by the Chamber.

2 And today, there is a reserve witness, 2-TCW-865. That witness
3 confirms that, to the best of his knowledge, he has no
4 relationship, by blood or by law, to any of the two accused --
5 that is, Nuon Chea and Khieu Samphan, or to any of the civil
6 parties admitted in this case. That witness will take an oath
7 before he testifies before the Chamber.

8 [09.05.26]

9 MR. PRESIDENT:

10 Thank you. The Chamber now decides on the request by Nuon Chea.
11 The Chamber has received a waiver from Nuon Chea, dated 18 April
12 2016, which states that due to his health, headache, back pain,
13 he cannot sit or concentrate for long. And in order to
14 effectively participate in future hearings, he requests to waive
15 his right to participate in and be present at the 18 April 2016
16 hearing.

17 [09.05.41]

18 Having seen the medical report of Nuon Chea by the duty doctor
19 for the Accused at the ECCC, dated 18 April 2016, who notes that
20 Nuon Chea has chronic back pain when he sits for long and
21 recommends that the Chamber grant him his request so that he can
22 follow the proceedings remotely from the holding cell downstairs.
23 Based on the above information and pursuant to Rule 81.5 of the
24 ECCC Internal Rules, the Chamber grants Nuon Chea his request to
25 follow today's proceedings remotely from the holding cell

3

1 downstairs via audio-visual means.

2 AV Unit personnel are instructed to link the proceedings to the
3 room downstairs so that Nuon Chea can follow the proceedings.

4 That applies -- this applies for the whole day.

5 Next, before the Chamber proceeds to hear the testimony of a
6 civil party as scheduled, the Chamber was informed before the

7 Khmer New Year about the testimony of 2-TCCP-243 about the
8 request or observation by the Co-Lead Lawyers for civil party.

9 Now the Chamber would like to ask Lead Co-Lawyers for civil
10 parties, do you have any observation or submission to make before
11 the Chamber?

12 [09.07.52]

13 MS. GUIRAUD:

14 Thank you, Mr. President, and good morning to all of you.

15 Indeed, we <submitted> --

16 MR. PRESIDENT:

17 Please hold on.

18 (Short pause)

19 [09.08.20]

20 MR. PRESIDENT:

21 You can proceed now.

22 MS. GUIRAUD:

23 Thank you, Mr. President.

24 During the Khmer New Year holiday, we, indeed, sent to all

25 parties a courtesy copy of a request on the basis of Rule 87.4 in

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1 order to admit an -- I see that you put your headset back on, Mr.
2 President.

3 So in order to admit a book that was published by the civil party
4 who will be heard today, a book that was published in 2012 and
5 which is entitled "Survivor".

6 [09.08.55]

7 So we submitted a courtesy copy to the Chamber and to the parties
8 by email on 11 April, and the annex of this request contains the
9 relevant excerpts in English, in Khmer and in French. And it is
10 -- we believe that it's in the interests of justice that this
11 civil party be heard in <regards to> the book that he published
12 in 2012. So this is the request that we forwarded to the parties
13 and to the Chamber on the 11th of April. We weren't able,
14 however, to file this request in a formal way given the
15 translation deadlines in Khmer during the Khmer New Year holiday.
16 Thank you, Mr. President.

17 MR. PRESIDENT:

18 You may proceed now, Judge Lavergne.

19 [09.10.16]

20 JUDGE LAVERGNE:

21 Yes, thank you, Mr. President.

22 A few questions, however, for Counsel Guiraud. First of all,
23 we're a bit surprised that this request is so tardy. Why didn't
24 you make a request <for the admission of this document> much
25 earlier?

5

1 And the other question is: Is the book available in Khmer; is the
2 book available in other languages? Are you asking to admit the
3 book in its entirety or are you only asking to admit the excerpts
4 that are annexed and <that are available in all three languages.>

5 MS. GUIRAUD:

6 Thank you, Your Honour.

7 Regarding the tardiness, well, we will rely on the Chamber's
8 wisdom in that regard. The book was published, indeed, in 2012,
9 and the civil party's testimony was confirmed by the Chamber on 4
10 April 2016. And we sent this courtesy copy on the 11th of April
11 2016. And in our request, we indicated that the Chamber, in the
12 past, has admitted on the case file books in similar time
13 conditions as now. And I'm referring now to paragraph 9 of our
14 request.

15 [09.11.33]

16 Now, regarding the excerpts that we wish to admit -- or to have
17 admitted, rather, these are excerpts that are mentioned in Annex
18 A of our request, and we specify here to the Chamber and to the
19 parties that the civil party's book is available in its totality
20 in all three languages, French, English and Khmer.

21 So <> the excerpts as well as the book in its totality, are
22 available in all three languages, English, French and Khmer.

23 JUDGE LAVERGNE:

24 Yes, of course. But are you simply asking to have the excerpts
25 admitted, or are you asking to have the entire book admitted?

6

1 [09.12.39]

2 MS. GUIRAUD:

3 Only the excerpts.

4 (Short pause)

5 [09.13.20]

6 MR. PRESIDENT:

7 Next, the floor is given to the Co-Prosecutors to submit
8 responses in relation to the request by the Lead Co-Lawyers for
9 civil parties to admit document or documents in this case,
10 002/02.

11 You may have the floor now.

12 MR. DE WILDE D'ESTMAEL:

13 Thank you, Mr. President, and good morning to Your Honours and to
14 all parties here present.

15 We support this request. It is in the interests of justice and it
16 <is> normal that previous statements of civil parties and
17 witnesses who appear before the Chamber <> be put on the case
18 file before they appear before the Court so that we can question
19 them on the totality of their <statements> and not on only a part
20 of it.

21 [09.14.04]

22 And a specification regarding this book, the excerpts that were
23 annexed to the civil party's request are -- cover the entire
24 <statement> of the civil party followed by other annexes, <in
25 particular>, his confessions at S-21. But we have them already

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1 under another index number on the case file, so what's essential
2 is what is annexed to the civil party's request. And this is
3 available in all three languages.

4 Now I have a comment or an observation to make regarding the
5 quality of the book in the French version. And if this book is
6 admitted -- well, I will quote in English <when I cite it>
7 because the French translation is very poor. The translation --
8 it seems like a Google translation, we could almost say, and
9 there are also missing <paragraphs>.

10 [09.15.07]

11 So, if you admit this book as evidence, we will quote from the
12 English version, or at least I will.

13 So, we know that everything is a bit tardy, but -- however, we
14 will rely on the consistency of your jurisprudence regarding the
15 statements of civil parties and witnesses appearing before your
16 Chamber.

17 It's useful for all parties as well as for Your Honours to have
18 this book available.

19 Now, I suggest, if you admit this book, to simply give page
20 numbers instead of ERN numbers in all three languages so that we
21 can <find> the excerpts easily in Khmer, in English and in French
22 if you do not find an index number before the civil party
23 testifies.

24 Thank you very much.

25 MR. PRESIDENT:

8

1 The floor is now passed to the defence counsel for Mr. Nuon Chea
2 to register the responses, if any, to the request by Lead
3 Co-Lawyer for civil parties.

4 You have the floor now.

5 [09.16.35]

6 MR. KOPPE:

7 Thank you, Mr. President. Good morning, Your Honours.

8 We do not have a problem with this document being admitted.

9 However, I do hope next time the Nuon Chea defence team is a bit
10 tardy with requesting to have certain documents admitted we
11 receive the same leniency and tolerance from the other side.

12 We know all too well that sometimes, although a document is
13 available quite a long time that, at the very last moment, you
14 stumble upon that particular document, so we understand the
15 problems it sometimes gives to have these documents admitted.

16 So no, Mr. President, no problem.

17 [09.17.56]

18 MS. GUISSSE:

19 Thank you, Mr. President. Good morning.

20 As far as Khieu Samphan defence team is concerned, no objections
21 regarding the civil party's previous statements.

22 (Judges deliberate)

23 [09.19.45]

24 MR. PRESIDENT:

25 In relation to the request by Lead Co-Lawyers for civil party to

1 admit a document into evidence, and there are no objections by
2 the other parties, the Chamber decides to admit the document as
3 evidence. And the reason for the ruling or decision will be
4 informed later on.

5 Court officer, please invite the civil party into the courtroom.

6 (Short pause)

7 (Witness enters the courtroom)

8 [09.22.40]

9 QUESTIONING BY THE PRESIDENT:

10 Q. Good morning, Mr. Civil Party. What is your name?

11 Please wait for the microphone to go on before you speak, Mr.

12 Civil Party.

13 MR. CHUM MEY:

14 A. My name is Chum <Manh> alias Mei.

15 Q. I would like to ask for your confirmation again about your

16 official name you use -- you are using nowadays, the name that is
17 on the identity card.

18 So what is your real and official name in the identity card?

19 Please give a little bit pause before you speak, and please

20 observe the microphone as well. Wait for it to go on before you
21 speak.

22 A. Actually, I am known by the name Chum Mey nowadays.

23 [09.24.07]

24 Q. I want to confirm once again your name because your name is --

25 has something to do with your identity. You told the Court

10

1 earlier that your name is Chum <Manh> alias Mei, but in fact, if

2 it is Chum Mey alias <Manh>, it is more accurate.

3 But could you please confirm your official name again <on your>

4 documents, for example, <your> family record book or resident

5 record book and identity card? So what is your real and official

6 name in those documents?

7 A. I am known -- I am known by the name Mei or Chum Mey.

8 Q. Thank you, Mr. Chum Mey. Do you recall when you were born?

9 A. I was born in 1933.

10 Q. Where is your birthplace?

11 A. I was born in Lvea commune, Kampong Trabaek district, Prey

12 Veng province.

13 [09.25.27]

14 Q. What about your current residence?

15 A. I am now living close to Phsar Chhuk Meas in the vicinity of

16 Samrong Andet pagoda.

17 Q. What is your occupation?

18 A. I am a vendor selling books about my background and experience

19 at Tuol Sleng museum.

20 Q. What are your parents' names?

21 A. My father's name was Chum, and my mother's name was Tet.

22 Q. What about your wife? What is her name, and how many children

23 do you have?

24 A. My <first> wife was <Sam Savorn>. I had four children, but

25 they all <died> during Pol Pot's time.

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11

1 Q. What about the current wife? Are you married?

2 A. I am married, and I have three sons and three daughters with
3 my wife -- my current wife.

4 [09.27.23]

5 Q. What is her name, your current wife's name?

6 A. Her name is Thoeun, <Sam> Thoeun (phonetic).

7 Q. Thank you, Mr. Chum Mey.

8 The Chamber would like to inform you that, at the end of your
9 testimony as a civil party, you may make a victim's impact
10 statement, if any, concerning the crimes during the Democratic
11 Kampuchea from 17 April 1975 up to 6 January 1979. That is the
12 opportunity provided to you by the Chamber to make your impact --
13 victim's impact statement.

14 Mr. Chum Mey, have you ever provided interviews or have you ever
15 been interviewed by the investigators of the OCIJ of the ECCC in
16 Case 002, and if that took place, how many times did they took
17 place and where did they took place -- where did they take place?

18 A. In fact, I was not interviewed for Case 002, but for Case 001.

19 [09.29.12]

20 Q. Have you read or reviewed the written records that you
21 provided to the investigator before your appearance?

22 A. I have read some of them, but not in detail since I have
23 <issues> with my eyes.

24 Q. After your perusal or your reading, do you recall that the
25 written records of the interview that you have just read

12

1 corresponds to the interviews you provided to the investigator in
2 the previous case?

3 A. I want to inform you, Your Excellency, that I was arrested on
4 <18> September 1978. I was told -- I was told that I was needed
5 to go to repair the car in Vietnam but, in fact, I was sent to
6 S-21.

7 Q. In fact, I do not want to go deep into your experience and
8 facts. I just want to know about whether or not the written
9 records of your interviews correspond to what you provided to the
10 investigator in the previous case.

11 Now, do those written records of the interview correspond to what
12 you have told the investigator last time? <>

13 [09.31.10]

14 A. To my recollection, they are consistent with what I told the
15 investigators <>.

16 MR. PRESIDENT:

17 In accordance with Rule 91 bis of the ECCC, the floor is given to
18 the Lead Co-Lawyers for civil parties to put question before
19 other parties. The combined time for civil party lawyers and
20 <the> Co-Prosecutor is two sessions.

21 You have the floor now.

22 MR. PICH ANG:

23 Good morning, Mr. President and Judges. I now give the floor to
24 Counsel Hong Kimsuon to put <questions> to the civil party.

25 MR. PRESIDENT:

13

1 Your request is granted.

2 Counsel Kimsuon, you can start now.

3 [09.32.22]

4 QUESTIONING BY MR. HONG KIMSUON

5 Thank you, Mr. President. Good morning, Mr. President and Judges
6 and all parties in this courtroom.

7 My name is Hong Kimsuon, a lawyer representing the civil party. I
8 have a number of questions related to the experiences faced by
9 Mr. Chum Mey during <the> Democratic Kampuchea regime. And <Mr.>
10 President also granted him the opportunity to tell about his harm
11 and suffering, so my question will focus on the period <before 17
12 April 1975 and> between 17 April 1975 <and> <6> January 1979.

13 Q. Good morning, Mr. Chum Mey. I would like you to give short
14 answers to my questions, and should you not understand my
15 question, you can ask me to repeat.

16 My question to you is that before 17 April 1975, either a few
17 days before that or <a week> before that, where did you actually
18 live?

19 [09.33.39]

20 MR. CHUM MEY:

21 A. Before 17 April 1975, I lived in Chbar Mon in Kampong Speu
22 province. I was with His Excellency, Prince Chan Raingsey, and
23 then I returned to Phnom Penh near Phsar Depou and lived with
24 <a>medical doctor called Lok Lean.

25 Q. Could you please answer my question shortly and precisely?

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14

1 My question to you is that before the 17 April 1975, that means
2 before the collapse of the Lon Nol regime and the coming to power
3 of the Khmer Rouge regime, could you tell us about where did you
4 live?

5 A. Before 17 April, I lived in Kampong Speu in Chbar Mon with
6 Prince Chan Raingsey. Then I came to live with Lok Lean at Phsar
7 Depou.

8 Q. What was your occupation before 17 April 1975?

9 A. I was a mechanic. I <repaired> tractors and vehicles.

10 [09.36.05]

11 Q. A few days before 17 April 1975, were you <still working as a>
12 mechanic or did you stop working?

13 A. A few days before 17 April, I stopped my work because Phnom
14 Penh was in a chaotic situation and we could not continue our
15 work anymore.

16 Q. When you said that the city was in a chaotic situation, what
17 do you mean?

18 A. Phnom Penh was in a very chaotic situation because there were
19 artillery shells <fired from Preah Vihear Sour, Praseth, Trang
20 Khnar etc.> falling in the city.

21 Q. Did you know where the artillery shells that came from all
22 directions around Phnom Penh <were>coming from or who fired them?

23 A. As far as I know, the artillery shells into Phnom Penh came
24 from the Khmer Rouge soldiers.

25 [09.37.45]

15

1 Q. On 17 April 1975, what was Phnom Penh like on that specific
2 day?

3 A. The city was heavily damaged because of the bombings. For
4 example, schools, hospitals were burned and damaged.

5 Q. Did you see the arrival of the Khmer Rouge into Phnom Penh on
6 17 April 1975?

7 A. Yes, I saw Khmer Rouge in black <uniforms>.

8 MR. PRESIDENT:

9 Mr. Chum Mey, please hold on. And the floor is given to Counsel
10 Anta Guisse.

11 MS. GUISSSE:

12 I am sorry to interrupt my colleague. I've been listening to the
13 questions he has been putting to the civil party for some time,
14 and I have the impression that we are not in the <right> trial
15 segment. We are <no longer> talking of the evacuation of Phnom
16 Penh. <We are in a different> segment<>.

17 I don't know how the time will be spread out over the various
18 questions, but I have the impression that counsel is off topic as
19 regards this segment of the trial.

20 [09.39.47]

21 MR. HONG KIMSUON:

22 Your President just a moment ago allowed Mr. Chum Mey the
23 opportunity to express his harm and suffering. That's why my
24 questions are -- <I know that today we are discussing the facts
25 in relation to S-21; however,> about the suffering and harm, <>

16

1 he may have faced even before the 17 April 1975.

2 I will touch on this aspect a little bit before the 17 April 1975
3 before I move on to the period after that.

4 MR. PRESIDENT:

5 Yes, your questions can be put to the civil party, but they are
6 not the important questions that should be put to the civil
7 party, so you should be aware of the fundamental questions that
8 should be the main focus given the limited time that you share
9 with the Co-Prosecution.

10 So if you run out of time, you will not be granted any additional
11 time, so you should focus on the fundamental questions.

12 [09.41.14]

13 BY MR. KONG KIMSUON:

14 Thank you, Mr. President. I will now summarize my question in the
15 interests of time.

16 Q. Mr. Chum Mey, when you left Phnom Penh, did you receive any
17 instruction from the Khmer Rouge soldiers telling <your family>
18 to leave the city <on 17 April 1975>?

19 MR. CHUM MEY:

20 A. I was evacuated twice, the first time in 1975 and the second
21 time was on the 7 January, so would you like me to talk about the
22 second evacuation that was on the 7 January or the one in <1995
23 (sic)>?

24 Q. <Now I'll> simplify my question.

25 I want you to talk about the evacuation on the 17 April 1975. Did

17

1 anything happen to your family?

2 A. That was the first evacuation. At that time, people in Phnom

3 Penh were forced to leave the city because the Khmer Rouge

4 soldiers in black <uniforms> forced the city dwellers to leave

5 the city because the <Americans> would bomb the city. <I

6 hesitated, but then I saw the Khmer Rouge soldiers shoot down

7 three people in front of me.> I <got scared>, so I, together with

8 my family, left the city along National Road 5.

9 [09.43.44]

10 Q. Did anything happen to your family members, I mean your wife,

11 your children or your siblings when you were evacuated <from

12 Phnom Penh>?

13 A. When we were evacuated out of the Phnom Penh city, we walked

14 about 33 kilometres to Preaek Kdam. It was raining at the time,

15 we arrived there at nighttime, and my <two year old> child had a

16 fever <and diarrhea>. And I asked people for help and they told

17 me to go and talk to Angkar, but I did not know who the Angkar

18 <was>. So without medicine, my child died and I buried my child

19 and then we <were forced to> continue our journey.

20 Q. Now I <will> focus my question on the time and situation when

21 you were asked to return to Phnom Penh. <How long after you were

22 evacuated did you return to Phnom Penh?>

23 MR. PRESIDENT:

24 Mr. Chum Mey, please hold on.

25 [09.45.18]

1 MR. CHUM MEY:

2 A. We returned to Phnom Penh after we spent about <15> days
3 outside the city. We returned to the city <because we knew how>
4 to repair vehicles.

5 BY MR. HONG KIMSUON:

6 Q. What <were> you <assigned to> do <> in Phnom Penh?

7 MR. CHUM MEY:

8 A. We were assigned to repair boats, ferries, and we <finished>
9 repairing between eight to 12 boats.

10 Q. How long did you spend time working as a mechanic in Ruessei
11 Keo before you were evacuated to somewhere else?

12 A. I - we worked in Ruessei Keo for about three or four months
13 before we were transferred to Ou Ruessei to gather spare parts to
14 be put in the warehouse.

15 [09.46.24]

16 Q. At Ou Ruessei, did you -- rather, what's the name of the unit
17 you were placed in?

18 A. At Ou Ruessei, we did not know which specific unit we belonged
19 to. We simply knew that we were assigned to collect the sewing
20 machines so that those machines could be repaired. <We trained 20
21 of them. There were 1,000 women and 200 men, who made> the black
22 uniforms for the Khmer Rouge soldiers.

23 Q. Did you know the name of the unit that you were working in?

24 A. It was called the sewing unit. I did not know which division
25 <or regiment> of the military it belonged to. I simply knew that

19

1 it was called the sewing unit.

2 [09.48.00]

3 Q. Did you know the name of the supervisor in charge of the
4 sewing unit?

5 A. The supervisor's name <in Ou Ruessei> was Khon.

6 Q. In that tailor unit, what were your main responsibilities?

7 A. I repaired <67,000> sewing machines and I trained about 20
8 other repairers.

9 Q. In that tailor unit at Ou Ruessei market, did any senior Khmer
10 Rouge cadre ever come to visit that place?

11 MR. PRESIDENT:

12 Please observe your microphone, Mr. Civil Party.

13 MR. CHUM MEY:

14 A. At Ou Ruessei, I knew Mr. Khieu Samphan because the <female>
15 kitchen staff told me that that man was Khieu Samphan. He came
16 along with two guards, and he had a scarf around his neck, so I
17 started to know Khieu Samphan from that time.

18 [09.49.50]

19 BY MR. HONG KIMSUON:

20 Q. Did -- do you remember the exact year or month when Khieu
21 Samphan came to visit your place?

22 MR. CHUM MEY:

23 A. I cannot recall it well. I knew that Khieu Samphan came to
24 inspect the cooker that I made. <The cooker could cook five pots
25 of rice at a time.>

1 Q. You just said earlier that you were the repairer of the sewing
2 machine and you trained workers to repair machines, and now you
3 talk about producing the cookers and Khieu Samphan came to
4 inspect the cookers.

5 So were the cookers used for cooking in the unit or it -- were
6 <they>sent to somewhere else?

7 A. They were used for cooking <for> the <sewing> unit at Ou
8 Ruessei. And the rice cooked <was> packaged and distributed to
9 people who were evacuated from Svay Rieng, <Prey Veng to the
10 railway station> and <at that time, I helped carry> the packages
11 of rice <to> the railway station <and I saw Khieu Samphan there
12 as well>.

13 [09.51.38]

14 Q. When Khieu Samphan came to inspect the kitchen hall, did you
15 have the opportunity to talk to him?

16 A. I did not dare to talk to him. I did not even dare to approach
17 him.

18 Q. Did he talk anything to you or to any kitchen staff at that
19 time?

20 A. I did not know that he talked to anyone, but later on, I
21 talked to a woman working in the kitchen hall, and she told me
22 that that man was Khieu Samphan.

23 Q. How long did you work in the tailor unit before you were
24 transferred to somewhere else?

25 A. I worked there until 29 October. Then I was transferred --

21

1 then I was asked to go to Vietnam to repair vehicles, but in
2 fact, I was not transferred to Vietnam. I was transferred to Tuol
3 Sleng. <There were three people, including comrade Try and
4 comrade Tim.>

5 Q. Did you participate in any ceremonies or events that were
6 organized at the tailor unit <>?

7 A. In the tailor unit, I attended small meetings, the -- about
8 the livelihood meetings. And I also attended the collective
9 marriage <at Ou Ruessei market>. There were around 20 couples.

10 [09.53.58]

11 Q. What was your <role> when you attended the 20 couples'
12 collective marriage?

13 A. Because I was considered as an old person, so I was asked to
14 attend the marriage.

15 Q. A moment ago, you talked about the fact that you were <lied>
16 to <to take you away>, but before that, did anyone from your unit
17 disappear?

18 A. The supervisor named Comrade Khon were taken away and then
19 Chhum came to replace him. And then, later on, Chhum <was> taken
20 away. And then Yung came to replace him. And then Yung
21 disappeared, and then Van, <a female,> from Takeo came to replace
22 him. And it was during Van's supervision that I was taken to Tuol
23 Sleng under the lie that I would be taken to repair vehicles in
24 Vietnam.

25 Q. When you were told a lie that you would be sent to repair

1 vehicles in Vietnam, how did -- how were you sent there? Were you
2 sent with your arms tied or without any capture or arrest?

3 [09.56.18]

4 A. I was not captured or arrested. <In the morning, three of us
5 were> simply asked to get on <a Lambretta> and I wanted to bring
6 along some repair tools with me, but Comrade Lim told me that I
7 did not need to bring those tools with me because those tools
8 would be -- would be sent later on.

9 Q. So where did you go to after that? <And at which point were
10 you arrested?>

11 A. When we left Ou Ruessei on <the Lambretta>, we went along the
12 Sampov Meas <Pagoda> Road and then got to a pagoda whose name I
13 could not remember. That pagoda was located near the stadium. <It
14 was to the south of the stadium.> I could not recall the name of
15 that pagoda.

16 When we arrived at that pagoda, we turned to the east <of> the
17 Chinese hospital <traffic lights>. <Zinc was used to cover along
18 the road.> And then we turned south to Bokor's <direction> and
19 <when we got> to the electric -- electricity station, <there was
20 a road to> Tuol Sleng.

21 Q. When you were first sent to that place, did you know the name
22 of that place that you were sent to?

23 A. We did not know the name of that place. When we got off <the
24 Lambretta>, we were handcuffed and blindfolded with the scarf <we
25 wore, that was> for all three of <us>.

1 [09.58.48]

2 Q. Before you were handcuffed and blindfolded, did you have the
3 opportunity to see the faces of those who handcuffed you? <Were
4 they male or female? Were they armed or not?>

5 A. All of them were male, including Comrade Lim (phonetic). They
6 had shotguns with them when they came to handcuff us.

7 Q. When they came to handcuff you -- all of you, did they <say>
8 anything to all of you?

9 MR. PRESIDENT:

10 Please hold on, Mr. Civil Party.

11 MR. CHUM MEY:

12 A. They pulled my ear to walk across the road. <I told them to
13 look after my family> and they kicked me on my waist and, as a
14 result, I fell <face-down> onto the ground. <And then they pulled
15 me up by my hair and cursed me that, "Mother fucker! You still
16 have any last wishes? Angkar will smash all of you!">

17 [10.00.05]

18 BY MR. HONG KIMSUON:

19 Q. Thank you.

20 After you were cursed and you were kicked, where were you taken
21 to?

22 MR. CHUM MEY:

23 A. I was sent to a cell in which there was a measuring -- there
24 was a <ruler>, and the room where I was <measured, then>
25 photographed. I was stripped, we were only <allowed to wear>

1 shorts, and after that, my hands were <cuffed> behind my back. <I
2 was blindfolded with a krama> and I was sent to Room 022.

3 Q. After you were put in that room, did you have the chance to
4 look around whether or not there were buildings, for example,
5 school building, outside?

6 A. I did not -- I could not look around what was outside. I could
7 only see the <surroundings> within the <one and a half square
8 metre> room, the room was so dark.

9 Q. Thank you.

10 You stated that <your blindfold was taken off, you said you were
11 measured> and then you were sent <where, in the same> room? <>

12 [10.01.58]

13 A. Regarding Room 022, I was pushed inside the room and I was
14 told to sit down. After I sat down, my ankle was shackled.
15 After I was shackled to my ankle, my hands were released and,
16 after that, <my blindfold was taken off>, <and then they exited
17 the room> but they used the bags to block the <door>.

18 Q. Could you describe the Room 022? What was it like?

19 A. That -- the size of that room was about 1.5 metres by two
20 metres. The Co-Investigating Judges went to that room to
21 investigate and questioned <Duch> whether that room was the room
22 where I was detained, or Chum Mey was detained. <Duch said that
23 that was the room.>

24 [10.03.23]

25 MR. HONG KIMSUON:

25

1 Mr. President, may I seek your permission to allow the civil
2 party to point to the picture <in his book> whether that room was
3 the exact room where he was detained?
4 MR. PRESIDENT:
5 Were -- will that photo or picture be shown on the projector as
6 well<,> and everyone can see, or <will only> you and the civil
7 party <be able to> see the picture and photograph?
8 < MR. HONG KIMSUON:>
9 <It will only be shown to him.>
10 <MR. PRESIDENT:>
11 And how could the public and parties have the view of that room
12 when he is pointing?
13 MR. HONG KIMSUON:
14 Now I am reading the identity number of the document or the book.
15 MR. PRESIDENT:
16 Technically, you have to allow other parties <to have the chance>
17 to view the picture or photograph as well.
18 You have the floor now, Kong Sam Onn.
19 MR. KONG SAM ONN:
20 Thank you, Mr. President.
21 In fact, we have not received the document or the book which the
22 lawyers would like to ask the civil party to point to the picture
23 or photograph. Could lawyers give us the copy of the photograph
24 or the book<, as well>?
25 [10.04.58]

1 BY MR. HONG KIMSUON:

2 So I am asking the Court officers to assist us to deliver that
3 copy of the book or document, but now, since the -- the book is
4 not ready, I would like to move on.

5 Q. You <mentioned> Cell 022. Could you describe the room for the
6 Court and how many people were detained in that cell or room?

7 MR. CHUM MEY:

8 A. Actually, only one person could be detained within that cell
9 or room. That room could not accommodate two persons.

10 [10.05.58]

11 Q. Could you tell the Chamber the room, the Cell 022, what was it
12 like and what was it made of?

13 A. The -- it was 1.5 metres wide and two metres long, to my
14 estimate.

15 Q. Were you provided with any tools or equipment to be used while
16 being detained in that cell?

17 A. I was not blindfolded, and there was a small container, the
18 bullet container, for me to relieve myself, and also a small
19 container for me as well to relieve <myself>. And I was told that
20 I had to relieve myself into the <container> and if I <spilled>,
21 I would <have> to lick the spillover <off> the floor.

22 Q. Were you informed in advance about the regulation or rules
23 before you were sent to be detained within that cell?

24 A. I was told not to chitchat to other people adjacent to my
25 cell. I was required to be quiet and silent.

1 Q. On the first day, were you provided with water and rice to
2 eat?

3 A. On the day that I was beaten and interrogated, I was given a
4 ladle of watery gruel in the morning and also in the evening, and
5 only a little water was provided to me to drink.

6 [10.08.26]

7 Q. On that same day, on the first day, did you remain stay in
8 that cell or were you sent to another location on the second day?

9 A. I was beaten up in the small cell and interrogated as well. I
10 was beaten for 12 days, and I was beaten from 7 a.m. up to 11.00
11 and from 1.00 up to 5.00 p.m., and also from 6 p.m. up to 10 p.m.
12 And I was beaten up and interrogated in that cell for 12 days and
13 12 nights. <After the interrogations were done, I was put up
14 there for four months.>

15 Q. Could you please listen carefully my question?

16 Where were you sent to after you were placed in Cell 022?

17 A. In fact, I was interrogated and beaten up in the higher floor
18 to the south of Cell 022. The cell that I was beaten up and
19 interrogated <in> was Cell 4. <It was later on that I came to
20 know it was Cell 4.>

21 MR. HONG KIMSUON:

22 Mr. President, Pich Ang would like to address the Chamber about
23 the book that the civil party is requested to point to the
24 picture.

25 [10.10.05]

1 MR. PRESIDENT:

2 You may proceed.

3 MR. PICH ANG:

4 Mr. President, Kong Sam Onn <> is asking <us to share> that
5 suggested page <with the> parties. In fact, there is an email
6 sent to the Senior Legal Officer by Eleonor Fernandez on Monday,
7 11 April 2016 at 4.23 p.m.

8 In the email, it is about the request from the Lead Co-Lawyer for
9 civil party, and that document is placed in <the> G drive of the
10 Lead Co-Lawyers for civil party. And the email <includes> the
11 request in relation to Rule 87.4, so parties can have access to
12 <the> G drive and find that document.

13 [10.11.21]

14 MR. PRESIDENT:

15 Now I want to ask you which specific page you are presenting to
16 the civil party and if you are -- if you are asking the parties
17 to go to G drive and to locate a document, after that, find the
18 page you want to -- you want the civil party to point the
19 picture, <how could that be done?>

20 So which specific page or which specific ERN in French or in
21 other languages you are <referring to>? <So that it is recorded
22 in the transcript and the parties can refer to it in the future.>
23 And after that, after having the specific page from that book,
24 perhaps court officers can provide copies to parties.

25 MR. PICH ANG:

29

1 My <apologies>, Mr. President. I'm sorry if I'm not clear enough.

2 The document was placed in a drive parties can access. In fact,
3 the specific page is the photo of the cell where Chum Mey was
4 detained.

5 In <the> Khmer language <version> of that book, it is in page 50.

6 And as for <the> French and English <versions>, it is <on> page
7 38 of <both> French and English.

8 [10.12.54]

9 MR. PRESIDENT:

10 Thank you.

11 It is now break time. The Chamber will take a short break from
12 now until 10.30.

13 Court officer, please assist the civil party during the break
14 time in the waiting room, and please invite him back into the
15 courtroom at 10.30.

16 The Court is now in recess.

17 (Court recesses from 1013H to 1035H)

18 MR. PRESIDENT:

19 Please be seated.

20 The Chamber is now back in session and I hand the floor to the
21 civil party lawyers to resume questioning the civil party.

22 [10.36.05]

23 BY MR. HONG KIMSUON:

24 Thank you, Mr. President.

25 Q. Mr. Chum Mey, a moment ago, before we had the break, we

1 focused on the time when you were interrogated. You said that you
2 were interrogated for 12 days.

3 During that period, did they accuse you of any wrongdoing?

4 MR. CHUM MEY:

5 A. They beat me and asked me how many people were part of my
6 network in the CIA and KGB. I told them that I did not know what
7 <the> CIA and KGB were.

8 Q. So during the time that you were tortured, besides beating,
9 did they use any other means of torture on you?

10 A. They beat me, and I used my hand to protect myself. And as a
11 result, one of my fingers was broken. And they used a tool to
12 take out my toenail.

13 [10.37.50]

14 Q. So what answers you gave to them that made them <> beat you
15 and removed your toenails?

16 A. I told them that I did not know the CIA and KGB, and as a
17 result, they <beat me more> and they used electric shock on <my
18 ear>. And I -- as a result, I lost consciousness.

19 Q. So how many times did they put electric shocks on you?

20 A. I was electrocuted twice. <I have not seen> well <out of one
21 of my eyes> since that time, on. And also, <I cannot> hear well
22 <out of one of my ears>.

23 Q. So when did you start to have <problems> with your ear and
24 eye?

25 A. Since the time that they <gave me an> electric shock.

31

1 Q. You said that you were tortured for 12 days and 12 nights
2 before you confessed. So did you know the intent of the
3 confession that they want to extract from you?

4 A. During the 12 days and 12 nights of torture, I thought about
5 the possibility that someone may have implicated me. That's why I
6 was arrested and sent to the prison.

7 [10.40.25]

8 Q. Did you know the meaning of the questions related to <the> CIA
9 when the questions were put to you?

10 A. At that time, I did not know the so-called CIA and KGB. They
11 kept interrogating me about <the> CIA and KGB. If <I> gave a
12 different answer, they kept beating me.

13 Q. You said that you may have been implicated. So during the
14 course of the torture, did you implicate anyone?

15 A. I fabricated the names. I did not implicate anyone. I knew
16 <that someone might have implicated me, so> I simply fabricated
17 the names.

18 Q. When you fabricated the names of people, were the names of
19 those people representing real people?

20 [10.41.42]

21 A. I did not know whether the names that I fabricated really
22 belonged to any existing people at that time. I said to myself
23 that I would like to apologize in case the names that I -- among
24 the names that I fabricated <some belonged> to any existing
25 people and those existing people were arrested later on.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 Q. After you confessed, were you still beaten?

2 A. <At that time, Seng came to beat me up.> After I confessed,
3 the interrogator said that you would not have been beaten <that
4 much> if you had given the confession earlier.

5 Q. So after you confessed, later on, were you beaten again?

6 A. No.

7 Q. So among the names that you fabricated and in case some of the
8 names <belonged> to real people, were those people arrested and
9 brought to the prison?

10 A. Based on my observation, there were no people with those names
11 arrested and brought in.

12 Q. Later on, did you observe the Khmer Rouge bringing any new
13 detainees into the prison?

14 A. I did not know.

15 [10.44.06]

16 Q. Before the break time, you said that, after the interrogation,
17 you were sent to the big room. My question is that after you gave
18 your confession, did they read out your confession for you to
19 listen to?

20 A. No, they did not read out the confession to me. They simply
21 required me to <put my> thumbprint on the confession.

22 Q. You said that you were put in the big room. Was the big room
23 located on the ground floor or the upper floor, or in what kind
24 of building?

25 A. That big room was located in Building C. It was on the top

1 floor. <Our ankles> were shackled, <there were> nine detainees
2 <there>.

3 [10.45.28]

4 Q. Where was that Building C located?

5 A. There were Building A, Building B, and Building C.

6 Q. My question to you is: What exact compound or location <was>
7 Building C in?

8 A. I was not transferred anywhere else. I was simply detained in
9 Building C, and that Building C was within the compound of Tuol
10 Sleng.

11 Q. Were there many people detained in that big room with you?

12 A. In that room, I saw about 40 detainees. All of them were
13 shackled. Their legs were shackled.

14 Q. What about the food <rations> and clothes?

15 A. We were no longer given the watery gruel. Instead, we were
16 given gruel and we were given long-sleeved clothes.

17 Q. Were you given enough water to drink and enough water to
18 <bathe>?

19 A. We were given enough water to drink. And as for the food, we
20 were given gruel.

21 [10.48.08]

22 Q. What about the food <rations>, I mean<,> how many bowl<s> of
23 gruel you were given in a day?

24 A. In the morning, we were given a ladle of gruel, and in the
25 evening, also a ladle of gruel.

1 Q. At nighttime, were you given mosquito net<s> or mats or
2 pillow<s> for you to sleep?

3 A. We were required to sleep directly on the floor. We did not
4 have any mosquito nets or sleeping mats.

5 Q. <Were> there any lice or bugs during the time that you were
6 detained in the big room?

7 A. We did not have time to think about bedbugs or lice at that
8 time. <Our whole bodies were swollen.>

9 Q. So when you wanted to relieve yourself, were you allowed to
10 leave the big room to the toilet?

11 A. We relieved ourself in the cases, the bullet cases that <>
12 were distributed.

13 Q. Were there any specific regulations or rules applied in the
14 room?

15 A. We were required to be quiet.

16 [10.50.33]

17 Q. Now my question <focuses> on the time that you were released
18 to work as a repairman in <Tuol Sleng. How did you get to do that
19 there?>

20 A. At that time, Comrade Suos Thy asked the prisoners whether any
21 one of us knew how to repair the sewing machines. And if any one
22 of us knew how to do it, he would bring clothes for us to <wear>.
23 <But we must not flee; otherwise, we would be shot.>

24 Q. Where is the exact location of the place where you worked as
25 the sewing machine repairman?

1 A. <It> was located in the back and to the west of the building
2 where I was detained. And that location was in the former regime.
3 It was Ponhea Yat <primary> school.

4 Q. And during the time you were there, did you ever witness <or
5 hear> the torture of people inside the building?

6 A. I did not dare to look into the building. I simply looked down
7 to the ground when I <was> walked back and forth.

8 [10.52.32]

9 Q. Were women and children also detained in the same room?

10 A. In my room, there was only one detainee. The room cannot
11 accommodate more than one detainee.

12 Q. I would like to backtrack a little bit.

13 When you said that you relieved yourself, was there any
14 punishment for anyone who relieved themselves and spilled over onto
15 the floor?

16 A. When we relieved ourselves, either urinating or excrement, if
17 our waste spilled onto the floor and then we were required to
18 lick the spillover.

19 Q. So <did you, yourself, experience that?>

20 <A. I did. When it spilled, I licked it up because I was afraid
21 they would beat me up if I didn't lick it clean.>

22 Q. When you said that licking the spillover, does that mean
23 licking with your tongue?

24 MR. PRESIDENT:

25 Civil Party, please hold on.

1 [10.54.12]

2 MR. CHUM MEY:

3 A. The <excrement> that spilled over onto the floor were -- we
4 were required to lick with our tongue until the floor became
5 clean. <If it was not clean, they would beat us again.>

6 BY MR. HONG KIMSUON:

7 Q. What did you do to help yourself escape the interrogation and
8 torture in S-21?

9 A. As I told you earlier, that they assigned me to repair the
10 sewing machines at the back yard. <I repaired 10 sewing machines>
11 and then, later on, I was assigned to repair the typewriters
12 <that were used during the interrogations>. And there was no one
13 who could repair it. And I was the one who know how to repair it,
14 and I repaired three typewriters.

15 And later on, I was assigned to repair the water pump.

16 Q. How did you escape S-21 for your survival?

17 A. There were two points regarding my survival: The first point
18 is about my knowhow and skill repairing the typewriter. I was the
19 only one who knew how to repair the typewriters. That's why they
20 spared my life.

21 And later on, the second point is <when the Vietnamese troops and
22 the Front troops came from Chbar Ampov.> There were <continuous>
23 bombings <and all the prisoners were gathered inside>.

24 [10.56.22]

25 Q. So when the liberating army arrived, did you escape to

1 anywhere?

2 A. When the Front army arrived, they did not come straight to the
3 Tuol Sleng prison. They went to Phsar Thmei. And when the Khmer
4 Rouge realized that the Front army arrived at Phsar Thmei, they
5 gathered <18 of us in> the <Vann Nath painting> hall. And then
6 <at 11 o'clock,> they walked us out of the prison, <but we were
7 not tied up>.

8 Q. Do you remember the exact date when you were all forced to
9 leave the <S-21> prison?

10 MR. PRESIDENT:

11 Mr. Civil Party, please hold on.

12 MR. CHUM MEY:

13 A. It was on 7 April -- rather, it was on 7 January 1979 that I
14 survived. Without 7 April 1979, I would not survive. I would
15 <have died> and <I would not be here, seeing> all of you in this
16 courtroom.

17 I suffered a lot. My family members were killed, and only two of
18 my <eight> siblings survived. The others were all killed.

19 [10.58.26]

20 BY MR. HONG KIMSUON:

21 Q. So could you please tell the Chamber about the suffering and
22 harm that you <endured>, <including the facts that you had lost
23 your family members and> when you were tortured and detained in
24 S-21?

25 MR. PRESIDENT:

38

1 Civil party lawyer, you may have confused the instruction from
2 the President. The instruction from the President is that the
3 civil party could tell about the suffering and harm at the end of
4 the hearing -- the testimony.

5 BY MR. HONG KIMSUON:

6 Q. How did you feel -- how have you felt until now, I mean as a
7 result of the suffering, pain that you suffered from the time you
8 were detained at -- in S-21?

9 [10.59.58]

10 MR. PRESIDENT:

11 Counsel, you should not use this question at this moment. I
12 already instructed the civil party that he had the opportunity to
13 <talk> about the harm and suffering at the end of the testimony,
14 not now.

15 BY MR. HONG KIMSUON:

16 Q. It is almost time for me. Do you have any question to put to
17 the <Accused through Mr.> President?

18 MR. PRESIDENT:

19 I don't think it is now time for <that>. You have been <a lawyer>
20 here for quite <> <a> long <time>. You should understand the
21 proceedings.

22 BY MR. HONG KIMSUON:

23 My <apologies>, Mr. President.

24 Q. After you < survived> S-21, do you recall how many people
25 <also survived> S-21?

1 [11.00.54]

2 MR. CHUM MEY:

3 A. Seven of us survived the regime. And as of now, five <are>
4 deceased. Only two remain surviving. Vann Nath and Ung Pech were
5 already deceased, and only Bou Meng and I are living today.

6 Q. Do you recall the name of the leader at S-21?

7 A. I knew only <Seng, Tith,> Hor and Ung Pech at the time.

8 MR. HONG KIMSUON:

9 Thank you, Uncle, for answering my questions.

10 Thank you, Mr. President, for giving me the opportunity to put
11 questions to the civil party.

12 MR. PRESIDENT:

13 The floor is now given to the Co-Prosecutors to put question to
14 the civil party.

15 You have the floor now. And Mr. Co-Prosecutor, you have some time
16 -- you have the time now and also additional <30 minutes> in the
17 afternoon as a result of the time that you lost during the
18 discussion on the request by Lead Co-Lawyer for civil parties.

19 [11.02.34]

20 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

21 Thank you very much, Mr. President.

22 Q. Good morning, Mr. Chum Mey. I have a few questions to put to
23 you on behalf of the Prosecution. My name is Vincent De Wilde,
24 and I'm going to start by asking you questions about Khieu

25 Samphan's visit to your <textile> workshop which you spoke about

1 earlier.

2 Sir, did you know why Khieu Samphan would come to visit <this
3 textile> unit? Did you know his <duties> at the time<>?

4 MR. CHUM MEY:

5 A. I, myself, did not know about that. I did not know him at the
6 time personally, but I asked a cook at the kitchen, and I was
7 told that was Khieu Samphan.

8 [11.03.48]

9 Q. And was -- did this workshop, this <textile> workshop, have
10 anything to do with the Ministry of Commerce or with any kind of
11 economic committee?

12 A. I did not know about that because I was simply a mechanic
13 repairing the sewing machines, and I had no idea about the fact
14 that you asked.

15 Q. And when Khieu Samphan visited the workshop, how did the unit
16 leaders behave, that is to say, Khon and Chhum?
17 Were they respectful? How did they behave?

18 A. At the time, I asked the cook and I was told that the
19 individual was Khieu Samphan and I was asked whether I knew him.
20 I replied I did not know him and, at the time, there were two
21 guards walking behind that individual.

22 Q. Now, regarding the leading cadres of this <textile> unit, you
23 said that they had been taken away. You spoke about Khon, Chhum,
24 and Yung; do you know if these people were accused of being
25 traitors or do you know if they <> committed <any wrongdoings> in

41

1 their work?

2 [11.05.57]

3 A. I did not know about that. All I know is that Yung and Khon
4 were <chairmen> at that location.

5 Q. Later you spoke about your arrest <on 28th --> at the end of
6 October 1978. Who took you to Tuol Sleng; was this someone who
7 came from the textile unit, who took you there, or was it someone
8 from S-21?

9 A. There was a female comrade; I cannot recall her name, and
10 there was an individual by the name Lin who took me to Tuol
11 Sleng.

12 [11.07.13]

13 Q. Was Lin among the leaders in your textile unit?

14 MR. PRESIDENT:

15 Please observe the microphone.

16 MR. CHUM MEY:

17 I did not know whether he was among the leaders at that location,
18 but he was the one who also brought me from the <sewing> unit to
19 Tuol Sleng. At the time, I was taken to Tuol Sleng <in a>
20 Lambretta. There were three of us, <including comrade Tim> and <>
21 Kun (phonetic) <>.

22 BY MR. DE WILDE D'ESTMAEL:

23 Q. Fine, but to be clear about this, did Lin work within the
24 textile unit or was this the first time you saw him?

25 MR. CHUM MEY:

1 A. That was the first time I saw him. He had just arrived two
2 days <earlier> and two days later, he brought me to Tuol Sleng.

3 [11.08.46]

4 Q. Earlier, you said that, when you arrived at Tuol Sleng, <you
5 were arrested,> your hands were tied, and then you were
6 blindfolded; were you able to <tell> your wife and your daughters
7 <>that you have been arrested; did you try to let them know that
8 you had been arrested?

9 A. I asked them to take care of my wife and children and after
10 hearing that, I was kicked and then I fell to the ground and I
11 was pulled by my hair and that individual said, "You
12 motherfucker, why <are> you asking me to take care of your family
13 and children?" And after that, I was pushed into Tuol Sleng.

14 Q. And this person who insulted you, did this person also tell
15 you, as you said <at the hearing> on the 30th of June 2009 --
16 that's document E3/7451, at around 9.25 in the morning, so this
17 was in Case 001, and it was said here -- or you said, rather,
18 "Idiot, Angkar must <destroy> you." In English <it was clearer,>
19 it was translated, "Angkar needs to smash you all." End of quote.
20 Were you told that Angkar was going to <destroy> you all at that
21 moment?

22 A. At the time, they said that they would smash all of us who
23 were considered the traitors.

24 [11.11.10]

25 Q. The fact of not being able to warn your family, <did that

1 cause> great suffering during your detention?

2 A. It was misery for me back then. I did not know my fate was
3 going to be.

4 Q. And <at the time of your arrest>, was your wife pregnant?

5 A. Yes, she was pregnant.

6 Q. Do you know what happened to your wife after you were
7 arrested; were you concerned, concerned about her as well as
8 about <the> child <she was carrying>?

9 A. I was so concerned. I did not know whether she was -- she
10 survived after I left.

11 Q. I know that when you arrived, you were blindfolded, but did
12 you know if Lin, who came with you, gave documents; in
13 particular, biographies from your unit<,> to the S-21 guards
14 regarding you as well as <the> two other people who were <also>
15 arrested? Do you know if documents were given to the guards when
16 you arrived at S-21?

17 A. At the time, I was not aware of that.

18 [11.13.40]

19 Q. You said earlier that when you arrived there, you were
20 photographed, but before that, you were asked a certain number of
21 questions regarding your biography in order to record what you
22 were saying<.> So were these questions only focused on your name,
23 date of birth, place of birth and place of origin or were you
24 also asked about your social class, about the different
25 occupations you had between 1975 and 1978?

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1 A. I was not asked such questions at the time. They had <already>
2 been aware of what I was doing <previously>.

3 Q. And when these biographical questions were put to you, did you
4 <tell> the truth or did you lie?

5 A. I did not tell lies. I told only the truth. I told them lies
6 when I was severely beaten and tortured. At the time, I
7 fabricated a list of names and that was the time that I <lied> to
8 them and I almost lost consciousness, at the time, <at one
9 point>.

10 Q. Fine, we'll get back to that later.

11 MR. DE WILDE D'ESTMAEL:

12 With the President's leave, I would like to show two photographs
13 to the witness. These are photographs that were taken during the
14 re-enactment of the facts at S-21. This is E3/9431, photograph
15 number 45 and photograph number 46, Annex 1 to the written record
16 of interview of the re-enactment<.>I would like to draw your
17 attention to the fact that the photographs in ZyLAB under this
18 index are in black and white, but the original photographs;
19 document D86/16, Annex 1, photographs 45 and 46, ERN in English
20 00198074 and <75.> Mr. President, may I provide these photographs
21 to the civil party as well as display them on the screen?

22 [11.16.50]

23 MR. PRESIDENT:

24 You can do so.

25 AV Unit, please project the requested page of document on the

1 screen.

2 BY MR. DE WILDE D'ESTMAEL:

3 Q. So Witness, these are photographs of Cell 22, which you spoke
4 about already. So do you recognize this cell; is that the cell
5 where you were detained <during the entire period of your
6 interrogation> at S-21?

7 MR. CHUM MEY:

8 A. The room number where I was detained was 022.

9 Q. Well, I'd like you to specify something because on this
10 photograph, we see light coming in from the outside. So when you
11 were detained, was the window open; was there any air coming in
12 or any light<> or was this cell completely dark?

13 A. It was completely closed; no sunlight could come in at the
14 time.

15 [11.18.25]

16 Q. You said to us earlier that you would sleep on the floor and
17 that your <feet> were shackled and that you would not eat enough
18 and that you received rather little water. So was it easy to
19 sleep during those 12 days when you were interrogated; did you
20 have any time to <really recover or> rest between the
21 interrogations?

22 A. I had no strength and energy as a result of lack of food and
23 also because I was asked to sleep directly on the floor; that is
24 why I had no energy and strength.

25 Q. Now, regarding hygiene, you said that you were wearing

1 underpants or underwear during that entire period; so how were
2 you able to wash if you were always <chained>?

3 A. I was detained for 4 months and 12 days and I was once washed
4 by them.

5 [11.20.12]

6 Q. Did they pour water on you with a bucket?

7 A. When they brought the water container at my room and cell, I
8 was asked to strip off my shorts and, at the time, I could not
9 take off my shorts because I was -- one of my legs was shackled
10 and I then -- was then asked to remove <it>. And it was the time
11 when I <was lashed>. And why I received some lashes? Because I
12 could not <> remove my shorts out of the shackle.

13 Q. Generally speaking, <the condition of detention> during those
14 12 days, you said that you were wearing the same underpants; you
15 said that you were lying on the floor shackled in darkness
16 without any hygiene, with very little food; so was this
17 humiliating for you and <did it keep> you in a constant feeling
18 of fear?

19 A. <I> was so afraid> and I was so concerned when it was my day
20 <to> be killed, although they did not kill me at that location; I
21 would die one day <if I was detained there for long>.

22 Q. So from the moment you entered S-21 until your escape, when
23 the Vietnamese entered Cambodia, were you ever treated like a
24 human being with respect and dignity?

25 A. At the time, I was considered a traitor. I was regarded as an

1 animal in terms of my rights to speak and my rights to eat. I had
2 no freedom. I had no freedom to talk to <anyone>.

3 [11.23.27]

4 Q. Now, I'd like to speak about the torture you underwent and the
5 interrogations. You told us earlier that you were constantly
6 asked to tell who were the members of your network, who were the
7 members of working for the CIA or the KGB. And did the
8 interrogator ever explain to you or suggest what the words CIA
9 and KGB could mean <to him>; did he give you any kinds of clues
10 so that you could start confessing the so-called faults that were
11 -- you were being accused of?

12 A. They told me nothing about what <the> KGB or CIA was. Later
13 on, <I have come to know that> they wanted to find out about CIA
14 and KGB and I learned that CIA was <the> spy <agency> to spy <on>
15 information for the <Americans> and <the> KGB was <the> spy
16 <agency> to get information for Russia. <I learned about that
17 from others afterward.>

18 Q. And during this interrogation, were you ever asked if you had
19 had any contacts with the "Yvon"?

20 A. I did not know that I had link or contact with the Vietnamese.

21 Q. <>Who were the main interrogators who interrogated you during
22 those 12 days and tortured you?

23 A. I do not know who the main supervisor; all I know is Kaing
24 Guek Eav was the chief at Tuol Sleng. Contemptible Seng, <Tith>
25 and Hor were the ones who beat me up.

1 [11.26.25]

2 Q. I think my question was not well understood; I just wanted to
3 know who interrogated you and who beat you. So the interpreter
4 didn't catch the names; so could you please repeat the names of
5 the people who interrogated you and who beat you?

6 A. The first individual who beat me was Seng and two or three
7 days later, Tith appeared at my location and, later on, Tith told
8 Hor that I did not confess and it was after that time that Hor
9 took and pick up the stick to lash me and, at the time, he
10 insulted me, say -- he said that, "You, motherfucker, why didn't
11 you confess?" <And then Hor walked away.>

12 Q. Following <> the <multiple> strikes <by sticks or whips that
13 you received> -- you said that they broke your finger, for
14 example -- were you injured again and were you able to be -- did
15 they treat you -- did the medical staff at S-21 treat you?

16 A. No medics to treat us, Mr. Co-Prosecutor, no medics at all at
17 S-21.

18 [11.28.20]

19 Q. Did Seng ever sit on your head during the interrogations?

20 A. He sat on my head and he used the stick to hit my kneecaps and
21 he said: "You motherfucker, why don't you confess?"

22 Q. Is sitting on someone's head, in Khmer culture, something that
23 is very humiliating?

24 A. In Khmer culture, let me tell you, it is very humiliating to
25 sit on someone's head. No one wants someone else to sit on one's

1 head.

2 Q. Regarding the fact that your toenails were pulled out, can you
3 clarify which toes had the nails pulled out; was it one nail or
4 two nails from <the> two <big> toes? That wasn't <translated
5 clearly> in the statements you gave before<.>

6 A. Two of my toes -- the nails from two of my toes were removed
7 and now the nails came back, but <one looks nice and the other
8 one does> not look very nice.

9 [11.30.42]

10 Q. By the way, you showed those nails during a previous hearing
11 <for Case 001, if I'm not mistaken>.

12 Following the extraction of your nails, did they use any
13 disinfectant or alcohol to prevent infections on those toes?

14 A. They poured alcohol on to my toes and did not apply any
15 medicines on them.

16 Q. Was the pain bearable when alcohol was poured on the exposed
17 wounds following the extraction of your nails; do you remember
18 how painful it was?

19 A. At that time, I did not dare to shout out loud because I was
20 afraid that I would be beaten <more> so I bore my pain by closing
21 my eyes <and biting my lips>.

22 Q. Thank you. You also talked of two sessions during which you
23 were electrocuted and the after effects thereof. In terms of
24 pain, which was more difficult for you to bear; was it the
25 extraction of your toenails without any anaesthesia or the

1 electrocution sessions?

2 A. <It> was very painful when I was electrocuted. I lost
3 consciousness twice.

4 [11.33.10]

5 Q. Apart from the physical torture you endured -- that is, the
6 beatings, the extraction of your toenails, and the electrocution,
7 did you also severely suffer from a psychological and moral
8 standpoint during your detention and if yes, can you say
9 something about that? How did you perceive of the future, at the
10 time<>?

11 A. At that time, I suffered severely. I thought that if I
12 survived, I would tell the world about <the truth>.

13 [11.34.17]

14 MR. PRESIDENT:

15 Thank you. It is now convenient time for lunch break. The Chamber
16 will take a break from now until 1.30 in the afternoon.

17 Court officer, please assist the civil party at the waiting room
18 reserved for him during the lunch break and please bring him back
19 into the courtroom at 1.30 in the afternoon.

20 Security personnel are instructed to bring Khieu Samphan <> back
21 to the waiting room and have them returned to the courtroom at
22 1.30.

23 The Court now is in recess.

24 (Court recesses from 1135H to 1333H)

25 MR. PRESIDENT:

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

2 Before I give the floor to the Prosecution to continue putting
3 questions to civil party Chum Mey, the Chamber has two issues to
4 <relay to the> parties.

5 First, because the Chamber is waiting for the report from WESU in
6 relation with 2-TCW-865, the Chamber cannot hear the testimony of
7 2-TCW-865 after the hearing of civil party Chum Mey's testimony
8 ends; therefore, if the hearing of the testimony of civil party
9 Chum Mey ends before scheduled, there will be no reserve witness
10 for today. The Chamber will notify parties of the date to hear
11 the testimony of 2-TCW-865, at a later time, after the Chamber
12 receives the report from WESU. Tomorrow the Chamber hears the
13 testimony of witness 2-TCW-919.

14 [13.35.32]

15 Second, this morning the Chamber received an email from Nuon
16 Chea's defence team requesting the Chamber to admit eight
17 documents relating to witness 2-TCW-919 who is scheduled to
18 testify tomorrow. The defence team also <requested> that witness
19 2-TCW-919 provide the manuscript of the book written by the
20 witness and that the book be admitted into evidence.

21 Before the Chamber <hears> the testimony of witness 2-TCW-919
22 tomorrow, the Chamber would like to hear the oral submission and
23 response from <the parties> related to this case tomorrow
24 morning; therefore, all parties, please, be informed.

25 And now the Chamber gives the floor to the Prosecution to put

1 questions to the civil party. You may now proceed.

2 [13.36.36]

3 BY MR. DE WILDE D'ESTMAEL:

4 Thank you. Good afternoon, Mr. President.

5 Mr. Witness, before the break, we were talking <about> the
6 tortures you endured and your suffering. You also talked <about>
7 the fact that you met with Khieu Samphan according to what you
8 were told in your workshop.

9 Now, I would like to put some questions to you regarding Nuon
10 Chea this time.

11 Q. During the period from 1975 to 1979, did you ever see or meet
12 Nuon Chea on any occasion whatsoever?

13 MR. CHUM MEY:

14 A. I attended a meeting at Borei Keila where Nuon Chea called the
15 garment workers to the meeting there. He announced that any
16 comrades who -- who <were> still attached to the old tendency
17 could now declare <themselves> and the Angkar would forgive them.

18 [13.38.25]

19 Q. Can you tell us, approximately, during what period you
20 attended that meeting with the other workers? Were those workers
21 <from> the capital city or from somewhere else and can you also
22 tell us when, exactly, that meeting was held, during what period?

23 A. I attended the meeting with garment workers from Ou Ruessei
24 who were called to listen to Nuon Chea's speech. I cannot --
25 however, I cannot recall the exact date when the meeting took

1 place.

2 Q. Were you already near the Ou Ruessei Market working in your
3 <textile> factory called K-9; was it during that period or was
4 that when you were already a repairer of boats and engines?

5 [13.39.47]

6 A. I repaired the boat <engines> at Ruessei Keo. It was located
7 about 8 kilometres away from -- from each other. As for repairing
8 the sewing machines, it was at Ou Ruessei.

9 Q. Very well. And when you attended the meeting at which Nuon
10 Chea took the floor, were you already in the <textile> unit
11 <repairing> sewing machines or it was before that?

12 A. When I attended the meeting, I was already working at the
13 sewing -- at the -- rather, at the tailor unit called <C-9>.

14 Q. Very well. Let us return to what Nuon Chea told you on that
15 day. I believe you <just> made mention of the fact that he had
16 asked people to give their names; can you repeat what you said?
17 Did he promise anything to anyone? Did he ask <anyone> to raise
18 their hands? What exactly did he ask them to do? I didn't quite
19 understand that<.>

20 MR. PRESIDENT:

21 Mr. Chum Mey, please observe your microphone.

22 MR. CHUM MEY:

23 A. At that time, <the workers> raised their hands to declare that
24 they were not related to the imperialists.

25 [13.42.27]

1 BY MR. DE WILDE D'ESTMAEL:

2 Q. Did Nuon Chea say anything regarding those who had any ties
3 with imperialists?

4 A. Nuon Chea said that any comrades who were not yet <detached>
5 from the <imperialists>, they could make a declaration to the
6 Angkar and Angkar would forgive them.

7 Q. Did you understand that as an appeal for people to denounce
8 certain comrades who <had not dissociated themselves from>
9 imperialism?

10 A. I did not hear their report because after we left the meeting,
11 each of us went to our respective units.

12 [13.44.05]

13 Q. Very well, I'll stop here because time is going very fast.
14 Now, let's talk about S-21 and the time when you gave in and
15 started confessing to things you<, as you said,> hadn't done.
16 We've talked about suffering. We've talked about torture. What
17 were the most decisive factors that prompted you to decide to
18 start confessing that you were part of the network of the CIA<?
19 You told us that it was obviously false, but> what prompted you
20 to start confessing at a point in time?

21 A. They forced me to confess and to implicate others and there
22 were many factors related to this. First, they beat me and
23 because I suffered a lot, I used my hands to protect myself and,
24 as a result, one of <my> fingers was broken.
25 And on the second day, my toenails were extracted.

1 And the third day, I was electrocuted and, as a result, I lost
2 consciousness. <Since then, I cannot see clearly from one of my
3 eyes> and also one of my ears <does> not hear <properly>.

4 Q. If I understand you correctly, without the torture you endured
5 and the severe conditions you were subjected to<,> you would not
6 have made the confessions found at S-21?

7 A. Yes, I agree with what you have just stated.

8 Q. In what you told the interviewer, were there <some> things
9 that were true and others which you made up? If yes, can you tell
10 us what was true and what was made up?

11 [13.47.18]

12 A. I gave <them> some things that were real and some things that
13 were not real during my confession. My confession that I was part
14 of the CIA or KGB was not real because I did not know these
15 organizations. But because I suffered so much so I simply gave
16 the answers according to their <wishes>.

17 Q. To specify that in <E3/5163> that is the answer you gave the
18 Co-Investigating Judges, page 2 in all three languages. This is
19 what you stated. You presented your confession and you said:

20 "That is indeed my confession. I perfectly remember that. This
21 account is partially true. As such, the details I gave on the
22 different jobs I occupied are accurate. However, what I said
23 regarding organized sabotage or my <membership in> the CIA and
24 the network of traitors that had been established, all that is
25 invention. The only question I was continually asked was whether

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1 I <was a member> to the CIA or the KGB. To accept torture I made
2 it all up." End of quote.

3 [13.49.02]

4 Do you confirm that the different jobs that you held, for
5 instance, and <your biographical details, regarding> your
6 family<, for example,> were truthful and as regards to your
7 <membership> to the CIA or the network of traitors was all made
8 up. Do you confirm that?

9 A. As I told you earlier, that I fabricated things in my
10 confessions only when I suffered so much I could not endure the
11 suffering any more. So I gave the confessions based on their --
12 based on what they wanted from me. <That was when Seng said that
13 he wouldn't have beaten me that severely if I had confessed
14 earlier."> In fact, I had no knowledge at all of CIA and KGB. <I
15 learned about it later on.>

16 Q. A while ago you said that you made up names of persons who
17 were purportedly members of your network. Did you invent all the
18 names or did you mention names of some of your colleagues who had
19 already been arrested, for instance?

20 A. I did not give the answer in my confession in a proper order.
21 I was so confused at that time that I gave any answers that came
22 to my mind in the confession.

23 [13.51.20]

24 Q. I will return to the issue of names shortly. Regarding the
25 confessions you gave at S-21, the reference is E3/9253 and they

1 are dated 6 to 8th November 1978.

2 Did you re-read those confessions after 1979, <did you have
3 access to them?> And did what you read correspond to what you had
4 stated or <did> the interrogator add<> some facts to what you had
5 told him?

6 A. I did not read that document because after I left the prison,
7 I did not have the feeling to read or to look at any document.

8 Q. At the end of your confessions we find a number of names, 68
9 names on record. I would like us to focus on document E3/9253.
10 The page in French is between 21 and 23, in English 21 to 24 and
11 in Khmer, 00170580 up to 85.

12 [13.53.13]

13 Here we have 68 persons and 20 of those persons are said to have
14 been already arrested. Among those persons we have <the> names
15 <of your former chiefs> that you already mentioned; <Kun>, Chhum,
16 that is C-H-H-U-M <> and Yong from the K-9 <textile> factory.
17 <>Those persons <that> had already been arrested and you gave the
18 real names of those persons. Did you give their real names or
19 <did> you invent their names?

20 A. <As far as> the names Kun, Chhum, Yong, Vann, these names,
21 yes, I did tell the interrogators. But before I was brought to
22 Tuol Sleng, these people: <Kun, Chhum, and Yong> were already
23 arrested.

24 And later on Comrades Vann and Lin, <women from the southwest,>
25 took me to Tuol Sleng.

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1 Q. Last question on the subject. We have a last name that is name
2 number <> 68, <> a person called Pang<, P-A-N-G>, <executive at
3 the Ministry at> S-21<>. Did you know that person called Pang or
4 was that name added by the interrogator?

5 THE PRESIDENT:

6 Counsel Victor Koppe is granted the floor. Counsel Victor Koppe,
7 you are given the floor.

8 [13.55.56]

9 MR. KOPPE:

10 Now, I hear it. Thank you, Mr. President. Not an objection. I
11 understand the reason why the Prosecution is asking these
12 questions. However, he is asking questions from a confession and
13 the names, if it is indeed the civil party's confession are, it
14 seems, a product of these confessions. So I need some guidance, I
15 suppose, from the Chamber as to what is exactly allowed in terms
16 of asking questions in relation to his confession because in
17 earlier times I have been prohibited in asking similar questions.

18 THE PRESIDENT:

19 The floor is given to Judge Lavergne.

20 [13.57.03]

21 JUDGE LAVERGNE:

22 Yes, thank you, Mr. President.

23 I think it'll be useful whenever a party wants to use the
24 contents of a confession to tell the Chamber why it intends to
25 use such contents. I would like to know, for instance, whether

1 the reason why the Prosecutor wants to use that information is to
2 ascertain the veracity of the contents of the confessions or for
3 some other reason, and possibly a reason that has <> been
4 authorized by the Chamber.

5 MR. DE WILDE D'ESTMAEL:

6 Thank you, Your Honour. The question is quite clear.

7 I would like a clarification regarding this last name. I want to
8 know whether this is someone the civil party knew and mentioned
9 or whether, under certain circumstances the interrogators were at
10 liberty to add certain names <themselves>, <to> the <list> of
11 so-called traitors<>. I would like to recall that the "Geneva
12 Convention Against Torture" is applicable in so far as it doesn't
13 allow persons to take advantage of information contained in
14 confessions obtained through torture <> against persons who have
15 been the subject of such torture.

16 <Here this is not the case.> And that is why I am asking the
17 civil party who endured such torture to talk about these
18 confessions and to <clarify by telling us what is truthful and
19 what is not. I do not have any intention to use <> the Convention
20 <Against Torture> against the <civil party. Quite the opposite.
21 So> I think the question is, therefore, authorized, Mr.
22 President.

23 [13.59.00]

24 JUDGE LAVERGNE:

25 In terms of <clarification>, the purpose of the question is not

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1 to ask <whether Pang> was a member of the CIA?

2 MR. DE WILDE D'ESTMAEL:

3 That is not, indeed, the purpose of the question. All I want to

4 know is whether the civil party knew that person called Pang at

5 the time and if that is indeed the case, is he the one who gave

6 that name or was it a name that was mentioned or added by an S-21

7 interrogator?

8 (Judges deliberate)

9 [14.03.14]

10 THE PRESIDENT:

11 The Chamber decides the last question put by the Co-Prosecutor is

12 actually based on the <passage> or the content from the

13 confession but the question is allowed to put to the civil party

14 and, Mr. Co-Prosecutor, you are instructed to reformulate your

15 last question. Perhaps the civil party may have forgotten it.

16 BY MR. DE WILDE D'ESTMAEL:

17 Yes, thank you, Mr. President.

18 Q. Civil Party, <did> you know this person by the name Pang who

19 was <an executive at the Ministry> at S-71 (sic) during the DK

20 period? Are you the person who provided this name to the

21 interrogator or is it the interrogator who took the initiative of

22 adding this name to the list of traitors that you <had> provided?

23 [14.04.05]

24 MR. KOPPE:

25 That is a very clever way of reformulating the exact same

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1 question, Mr. President. Again, I don't object to the question
2 but it is, in fact, the exact same question.

3 MR. DE WILDE D'ESTMAEL:

4 In French, I obtained the leave to put that question so I am
5 putting that question again.

6 MR. KOPPE:

7 We heard something different in English, your decision.

8 [14.04.53]

9 JUDGE LAVERGNE:

10 Maybe to make things clearer regarding this decision, the Chamber
11 authorized the Prosecutor to put the question insofar that the
12 Chamber does not consider that this is a question that is aimed
13 at verifying the veracity of the information contained in a
14 confession obtained under torture because the point here is not
15 to verify if Pang was part of a CIA network or not. And what the
16 President said to the Prosecutor is that he could put that
17 question again to the civil party. So the idea is not to rephrase
18 it but simply to put that question again to the civil party.

19 BY MR. DE WILDE D'ESTMAEL:

20 Q. Well, Civil Party, so do you remember the question and can you
21 answer that question, this question regarding this person named
22 Pang?

23 MR. CHUM MEY:

24 A. Let me tell you, Mr. Co-Prosecutor, regarding Pang, I never
25 saw and never knew him. It was when I built the cooker at Ou

1 Ruessei, Pang went to tell me not to use <> the expensive
2 <bricks> to build the cooker.

3 And at the time, I asked a person in the kitchen hall who he was
4 and at the time, I was told that his name was Pang and from that
5 time onward, I addressed him or called him Pang as the others
6 told me. However, from that time onwards, I did not see Pang any
7 longer.

8 Q. Do you remember if Lin, who took you to S-21, was one of
9 Pang's former colleagues?

10 [14.07.10]

11 A. I did not know about that, Mr. Co-Prosecutor.

12 Q. Thank you, Mr. President. I have four to five more questions.
13 I am going to try to be short.

14 Civil Party, you said that you survived thanks to your skills. So
15 when you were working in the workshop were you aware of the fact
16 that your life had been spared only on a temporary basis and that
17 at any moment in time you could be taken away to be executed?

18 A. <I had no> hope that I would survive the regime and <be>
19 living today. About 20,000 detainees at Tuol Sleng did not
20 survive. All of them were killed. As I told the Chamber, I feel
21 like I was born again after that regime.

22 [14.08.38]

23 Q. I would like to read out what Duch said regarding you in
24 record <E3/5770>. It's on pages 2 and 3 in both -- in all three
25 languages. So he speaks about you and he says:

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

1 "I do not doubt the fact that Chum Mey was a prisoner at S-21.
2 Now, with regard to the decision of assigning Chum Mey to the
3 workshop that decision was taken by Hor."
4 And further, he says, "These prisoners had to be executed sooner
5 or later but that execution could be delayed for them to be used
6 at S-21." And a little bit -- a little bit further down, "Hor was
7 entitled to make that decision to keep a prisoner for him to work
8 with in S-21 and therefore not to execute him immediately and to
9 make sure that the prisoner would not flee and would not create
10 any problems." End of quote.
11 So did Hor or one of the guards ever speak to you before you were
12 assigned to the workshop in order to make sure that you were not
13 going to try to escape? Were any such related questions put to
14 you?
15 [14.09.50]
16 A. At the time, Suos Thy took the clothes and gave them to me to
17 work in a workshop and I was told not to flee. Otherwise, I would
18 have been shot dead. I was brought to the workshop at the back. I
19 was blindfolded, shackled<, > and my hands were tied behind my
20 back<, too>.
21 After my arrival at the workshop, <my ankle/s was/were shackled,
22 my blindfold was taken off> and my hands were released from the
23 string so that I could fix the sewing machine.
24 Q. <During the time period when> you were at <S-21> for two
25 months, did you know if there were any Vietnamese prisoners or if

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1 there were any Cham prisoners? Did you see any? Did you hear any?

2 What can you tell us in that regard?

3 [14.11.34]

4 A. I heard later on about that. I did not witness that. Later on

5 I was told. <Vann Nath> who was with me said there were

6 Vietnamese and Cham prisoners. <> That is what I heard from

7 someone else. I did not <witness> it <> myself.

8 Q. <These are> now my last questions. Well, first, a question

9 regarding both of your daughters. You spoke about your son who

10 died during the evacuation and you often said that your infant

11 child and your wife also died during the escape.

12 So what happened to your oldest daughter<s>? Do you know where

13 they went and how you were separated from them and did you

14 receive any news from them?

15 A. My son died at Preaek Kdam and he was buried there. My two

16 other daughters were with <their> mother at Preaek Kdam. When I

17 was working at Ou Ruessei, I sought permission so that my wife

18 could be brought to the tailor unit to work as a tailor. My

19 oldest daughter could know how to sew clothes <because she was 12

20 years old at that time>. And at the time, my wife and my older

21 daughter were brought to Ou Ruessei and my other daughter <was in

22 a child unit> at Phsar Daeum Kor.

23 When I was arrested and sent to Tuol Sleng, my wife and my

24 daughters did not know that I had been sent there.

25 [14.13.59]

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1 Q. Fine. Maybe I'll let you complete your answer regarding what
2 happened to them afterwards<, during the part related to>
3 suffering. In fact, I have two last questions left.
4 You go often to S-21<, even today, you> said. You sell books over
5 there. So this might be a bit of a touchy question.
6 So you spent two months over there. You suffered a lot. So
7 haven't you ever been able to detach yourself from your memories
8 of S-21 or are your memories of S-21 so present that you feel
9 obligated to testify and to go to S-21 until now?

10 A. I never forget what I have lost. Almost three million
11 Cambodians died because of Pol Pot's regime. No one can forget
12 that experience. I cannot forget what happened to the people of
13 Cambodia. No country, no nation in the world, <should> kill their
14 own people.

15 As far as I am concerned, during the Pol Pot regime, they had no
16 law. They abolished religion. They killed people. So I cannot
17 forget that regime. Now I am selling books, I am telling the
18 stories to tourists. <> I considered myself as a psychotic
19 person. <If the tourists cry, I'd cry with them. If they laugh,
20 I'd laugh with them.>

21 [14.16.24]

22 Q. And now my very last question. So, you took part in Case 001,
23 you were one of the important civil parties in that case, and in
24 this case, Duch cooperated for a great part. He acknowledged <a>
25 certain <number of> crimes <that had been committed> at S-21 and

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1 he acknowledged that you had been detained at S-21.

2 Now, in this current case the fact that the accused persons are
3 not cooperating because they have chosen to remain silent does
4 that -- is that a source of suffering <or lack of understanding>
5 for you?

6 A. Whether the answer was given -- whether the answers were given
7 or not, <I have no problem with that. As far as I am concerned, I
8 cry every day.> I recall what happened to my nation. <Almost
9 three million> people of this nation died.

10 The past is the past but I, myself, am telling the Court about
11 the truth, about the torture which was inflicted on people and
12 how it happened.

13 MR. DE WILDE D'ESTMAEL:

14 Thank you very much. I have no further questions, Mr. President.

15 [14.18.08]

16 THE PRESIDENT:

17 Thank you.

18 And now the floor is handed over to the counsel for the Accused
19 starting first from the defence team for Mr. Nuon Chea. You can
20 now put questions to the civil party, Chum Mey.

21 QUESTIONING BY MR. KOPPE:

22 Thank you, Mr. President.

23 Q. Good afternoon, Mr. Civil Party. I have a few questions that I
24 would like to put to you this afternoon. Allow me to start asking
25 you a few questions about your day of birth.

1 Is it correct that you were born on the 9th of November 1933?

2 [14.19.17]

3 MR. CHUM MEY:

4 A. I cannot get your question.

5 Q. No problem. Is it correct that you were born on 9 November
6 1933?

7 THE PRESIDENT:

8 Please hold on, Mr. Chum Mey.

9 Court officers, please turn the <mic> of the civil party westward
10 so that the civil party can have face-to-face communication with
11 the questioner.

12 BY MR. KOPPE:

13 Q. Did you hear my question?

14 MR. CHUM MEY:

15 A. Yes, I could hear you now. I was born in 1933.

16 Q. 9 November; correct?

17 A. That is correct.

18 [14.20.47]

19 Q. And were you born in Lvea sub-district, Preah Sdach district,
20 Prey Veng province? For the interpreters I am reading from the --
21 from E3/5885, English ERN 00156834, Khmer 00152375 and French
22 00351286.

23 So I apologize, Mr. Civil Party, let me repeat my question. Were
24 you born at Lvea sub-district, Preah Sdach district in Prey Veng
25 province?

1 A. Mr. President, before, the district was known Kampong Trabaek
2 district <in Prey Veng province> and later on the name was
3 changed to Preah Sdach district. So when I have my -- when I had
4 my identity card made, I used the name Preah Sdach.

5 Q. And can you tell us how many brothers and sisters you had?

6 [14.22.28]

7 A. I have eight siblings, six brothers and two sisters.

8 Q. Before I move on to ask you questions about what happened to
9 you in 1978, I would have -- I would like to ask you one or two
10 questions about Prince Chan Raingsey. You mentioned him a few
11 times also in your victim information form. What was your
12 connection to Prince Chan Raingsey?

13 A. Regarding Prince Chan Raingsey, he was once living in Chbar
14 Mon. He had many tractors to build trenches to protect <from the>
15 Khmer Rouge. At the time, he had no mechanics with him. So he
16 invited me to be the mechanic so that I could help repair the
17 tractors. He was <> the late King <Sihanouk's uncle>.

18 Q. Do you know whether he was also involved in the civil war; he
19 was part of the Lon Nol army?

20 A. All I know is that he became a Lon Nol soldier. <I learned
21 that> information from other rank and file soldiers and I was
22 told that he held the rank of Lieutenant Gen -- or rather,
23 Brigadier General.

24 Q. And when you were with him, you said in your civil party
25 application, "He had me stay in his house", was he then a

1 general?

2 THE PRESIDENT:

3 Please hold on, Mr. Civil Party, until the microphone <is
4 activated>. After that you can answer.

5 [14.25.31]

6 MR. CHUM MEY:

7 A. That is true that he was a general.

8 BY MR. KOPPE:

9 Q. But my question was, was he a general when you were with him?
10 Was he active in combat when you stayed with him in his house?

11 MR. CHUM MEY:

12 A. I did not stay in his house. I went there as a mechanic
13 repairing cars, vehicles and tractors for him. I did not stay in
14 his house. One time I was called into his office to get the money
15 so that I could buy spare parts to repair the tractors.

16 [14.26.34]

17 Q. Let me read to you a small excerpt from E3/5885, Khmer ERN
18 00152377, English 00156836 and French 00351290.

19 It says as follows: "Prior to 17 April '75, I worked in the
20 public affairs office in Kampong Speu province which was under
21 the management of Prince Chan Raingsey. In November '74, the
22 Khmer Rouge surrounded Kampong Speu province and Prince Chan
23 Raingsey had an aircraft come to take me to Damnak Samnang Mit,
24 in Kandal province. When I arrived at Damnak Samnang mountain
25 (sic), Prince Chan Raingsey had me stay in his house and await

1 his orders."

2 Does that jog your memory?

3 A. The name was <Samorn Mait (phonetic), not> Samnang Mit<>. That
4 house was located close to Baek Chan. Back then the Khmer Rouge
5 surrounded the vicinity <of> Chbar Mon. The Prince ordered the
6 helicopter to go and pick me up at 12 o'clock, at noontime, so
7 that I could be brought back to <Damnak Samorn Mait (phonetic)>.
8 And after my arrival, he told me to go back home. I would be
9 taken back after <there was> peace in the country. <At that
10 time>, I parted with him.

11 [14.28.51]

12 Q. What did you mean when you said or you wrote down or it was
13 written down, rather, that "Prince Chan Raingsey had me stay in
14 his house and await his orders"? "Await his orders" seems to
15 imply that you might have been a military person. Is that
16 correct?

17 A. I was not a soldier. I was a civilian working in the <Public
18 Works and Transport> building bridges, repairing vehicles and
19 tractors. I, have never been a soldier <in my life, not> even
20 <under> Lon Nol, Pol Pot<,> or in the regime after Pol Pot's
21 time.

22 Q. Then let me formulate it differently. Was Prince Chan Raingsey
23 or General Chan Raingsey in a position to order you, to give you
24 orders?

25 [14.30.21]

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1 A. He did not issue an order to me. After I met him, he told me
2 to return to my house <and> wait <for> peace to prevail in the
3 country. That's what he told me at the time.

4 Q. Now, let me turn to somebody else that I believe you knew
5 before 1975, Ung Pech. Ung Pech, you talked frequently about him
6 in your statements and also at the hearing. When was it that you
7 knew Ung Pech for the first time?

8 A. Ung Pech was also a mechanic just like me. During the Lon Nol
9 regime, we worked together at Otdam and when Phnom Penh
10 collapsed, I had no idea where he was evacuated to.

11 Later on when I was arrested and taken to Tuol Sleng, I saw him
12 there and he waved his hand at me when he saw me. <I thought to
13 myself that he was signalling to me not to talk to him.>

14 Q. So is it fair to say that Ung Pech knew you quite well? He
15 knew you before '75? He saw you in S-21 and, subsequently, I
16 believe you also fled together with him, S-21; is that correct?

17 A. Yes, that is correct.

18 Q. And you are certain that Ung Pech, when he was in S-21 saw
19 you, that he waved at you? That is correct, isn't it?

20 MR. PRESIDENT:

21 Please hold on, Mr. Civil Party.

22 [14.32.57]

23 MR. CHUM MEY:

24 A. Yes, that is correct. When I was sent to work at the workshop
25 at the back, <he was repairing cars there,> and he saw me and he

1 waved his hand at me <not to talk to him>, <and I> did not <dare>
2 talk to <him>.

3 Q. Did you tell the investigators that you were afraid to talk to
4 Ung Pech when you were at S-21?

5 A. I was afraid to talk to him because if we talk to one another
6 and then we would be beaten.

7 Q. Can you explain again for us what exactly happened when you
8 escaped and -- you and Ung Pech escaped? What did Ung Pech do?
9 Was he always with you? Can you tell us again a little bit what
10 Ung Pech did?

11 [14.34.22]

12 A. Ung Pech was a mechanic and when we escaped from the prison,
13 we escaped together and we were -- we were walked at gunpoint to
14 Amleang and when we reached Angk Snuol, it was that place that I
15 met my wife and family. <They were among a group of 10 or so
16 women. It was two months after my wife delivered her baby.> I
17 asked them for permission that I could carry my child and they
18 allowed me to carry my child. And I gave the scarf to a woman who
19 delivered the baby under the sugar palm tree <as my wife told me
20 to> and we continued our journey <to the south>.

21 When <the Front troops and> the Vietnamese soldiers fired to cut
22 the clumps of people travelling, <Ung Pech and Vann Nath went
23 backward, and> I <went forward with Tuon (phonetic), Bou Meng, Ta
24 Eng and> other <groups> of travellers.

25 Q. Just one additional question on Ung Pech. You talked about him

1 extensively as well in the first trial on the 30 June 2009.
2 That's transcript E3/7451<, Mr. President>. And at around
3 09.46.47 you said the following:
4 "Then we left the pagoda. About one kilometre from the pagoda
5 during our journey they <fired shots>. They opened fire on my
6 family during the night with a full moon. Then my wife told me to
7 run away because they opened fire on us. Then Ta Eng was also
8 shot at and Ta Eng collapsed. And he told me while being --
9 collapsing, actually -- he asked me to run away because the
10 soldier was shooting at us." End of quote.
11 Ta Eng is indeed Ung Pech; correct?
12 [14.37.17]
13 A. Eng was a different person. Eng was also imprisoned at Tuol
14 Sleng. He was brought in from Kampong Cham and during the escape,
15 he also went together with me <to Amleang>.
16 As for Ung Pech, a different person, <> when we arrived at Angk
17 Snuol, he left us and <took> a different journey to a different
18 place.
19 And when we arrived <at Srah Thul pagoda> at night time, I asked
20 for rice to be cooked and they asked me where I came from. I told
21 them that I came from the east and <I was in the sewing unit.
22 They> <made> us sleep <there>. <They said that after they got
23 permission from Angkar, they would send us back there. At that
24 time, they prepared a place for us to sleep. They prepared one
25 bed for three people. And I saw about 30 or 40 soldiers there.>

1 At around 10 p.m. the Khmer Rouge soldiers all disappeared and
2 there was only one <armed> militia man who guarded us. And then
3 later on, there were three Khmer Rouge soldiers <armed with three
4 AK rifles> arrived and <asked> the militia man, "Where are the
5 three people that need to be killed?" And then the militia man
6 pointed <at us and said> that, "They <are> sleeping over there".
7 And I overheard what they said. <So I sit up and woke my wife up,
8 and they -->

9 [14.39.02]

10 Q. Thank you, Mr. Civil Party. I apologize for interrupting you
11 but you have told that event extensively. So let me just ask you
12 a question. If Ta Eng is not the same as Ung Pech what was the
13 real name of Ta Eng if he was also detained at S-21? Do you know
14 the real name of Ta Eng?

15 A. I did not know him <very> well but along the way, he told me
16 that his name was Eng.

17 Q. And he was at S-21 as well?

18 A. Yes, he was also at S-21.

19 Q. Now, let me return to Ung Pech, the person that you ran away
20 with or escaped with and that you knew well.

21 Do you know whether this Ung Pech has ever given evidence or
22 given testimony to the revolutionary tribunal which tried Pol Pot
23 and Ieng Sary in 1979?

24 [14.40.39]

25 A. I did not know at that time.

1 Q. Mr. Civil Party, do you know <who> Lep Chan is, L-E-P C-H-A-N?

2 A. Lep Chan? I cannot get this name from you clearly.

3 MR. PRESIDENT:

4 Do you have the name in Khmer? And you can ask your Khmer

5 colleague to read it out to the civil party.

6 BY MR. KOPPE:

7 That's exactly the problem. There is only an English version of

8 this name. You will soon see -- actually, I can already tell you

9 immediately I am referring to document E3/2144; more particularly

10 -- ERN in English only, 00190231.

11 Q. Let me ask you, Mr. Civil Party. Do you know a person named

12 Rui Na Kong; Rui Na Kong?

13 [14.42.27]

14 A. I do not know the name of the person by the name Rui Na Kong.

15 Q. Now, the reason I am asking you these questions, Mr. Civil

16 Party, is that, as I said, Ung Pech has given a statement before

17 judges in the Ieng Sary/Pol Pot trial. More particularly, he has

18 given that statement on the 25th of June 1979, and there is

19 something a bit surprising in his testimony and I would like your

20 reaction, please.

21 He is saying the following and I will quote the English-only

22 version of his testimony. He says:

23 "Four survivors of the Tuol Sleng prison are (1) Ung Pech;" --

24 that's himself -- "(2) Lep Cha<n>, an engraver; (3) Nath, an

25 artist, engraver; and (4) Rui Na Kong, a carpenter. We four

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1 presently worked together in the first brigade at Phnom Penh."

2 And then he says in the same paragraph, "My son who survived is

3 named Ung Veng Ieng and is a law student at the Faculty of Law in

4 Phnom Penh."

5 [14.44.05]

6 It's a statement of one, two, three, four, five, six, seven

7 pages, Mr. Civil Party. We've established that Ung Pech knows you

8 very well. He knew you before '75. He saw you in S-21. He escaped

9 together with you.

10 But when he was called as a witness to testify before the

11 tribunal June 25, 1979, he said there were only four survivors

12 and he didn't mention your name. Do you have an explanation for

13 this?

14 A. Yes. There were the names -- there was the person by the name

15 Vann Nath and also <the person by the name> Rui <> Kong<,> but Ta

16 Kong was the carpenter. And there was also the person by the name

17 Tha Chan and also Im Chan. So these were the people in S-21.

18 [14.45.26]

19 MR. PRESIDENT:

20 Mr. Civil Party, Chum Mey, please listen to the question

21 carefully. You have mentioned the names of the people in S-21 but

22 the question is that Ung Pech mentioned only four names of

23 survivors from S-21 and among the four names mentioned by Pech,

24 there were no mentioning of you.

25 So what was your reaction to Ung Pech's statement who gave the

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1 testimony in the revolutionary tribunal in <June> 1979? So what
2 was your reaction that he said that there were four survivors and
3 among the names of the survivors there was no name of you?

4 MR. DE WILDE D'ESTMAEL:

5 Mr. President, I would like to object to this question. The
6 quotation in the book says<, "Four survivors of the Tuol Sleng
7 prison are --">, and then we have a list. I haven't read the
8 entire document but it is said that these are the only survivors.
9 As a matter of fact, the civil party did say that they were
10 separated at a point in time. That statement is <from> the 25th
11 of June <1979>, dated the 25th of June <1979>. <I don't believe
12 the question can be asked by saying that there are only> four
13 survivors<; there are four survivors whom> the person who
14 testified <was aware of> in June 1977. He was separated from the
15 others.

16 <Did he> know whether that <man had> survived or not? <The
17 question is open. I don't think the question can be so
18 restrictive as to> say that there were only four survivors. He
19 said there were four and the names are as follows. He didn't say
20 that there <weren't any others>.

21 [14.47.48]

22 MR. KOPPE:

23 If I may react, Mr. President, I think at least the English is
24 very clear. It says literally four survivors of Tuol Sleng prison
25 are.

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1 We have established extensively that the civil party knows Ung
2 Pech very well. The Chamber knows of the existence of Nath.
3 But here, presumably under oath as well, in Court on the 25th of
4 June '79, he doesn't name -- he doesn't mention the name. Now,
5 maybe there is an explanation for this. Maybe he forgot. Maybe he
6 talked to the civil party at a later stage. "Sorry, I forgot
7 you." I know -- I think the civil party should be able to give
8 his reaction as to why his name is missing.

9 [14.49.01]

10 MR. PRESIDENT:

11 The Chamber overrules the objection by the Prosecution.
12 Mr. Chum Mey, you are instructed to give the answer to the last
13 question put by the Defence Counsel for Mr. Nuon Chea for your
14 reaction to the statement by Ung Pech who provided the testimony
15 in <June> 1979, to the revolutionary tribunal. He said there were
16 four survivors and there <was> no mention of your name. So what
17 is your reaction to this statement?

18 MR. CHUM MEY:

19 A. I have no reaction to this question. He said based on what he
20 thought after we were separated because at Angk Snuol we were
21 separated from each other. So what Ung Pech counted <as>
22 survivors he based it on the people that came along with him from
23 Angk Snuol back to the city. <The rest went to Amleang, they were
24 all killed. Overall, there were seven survivors. Now, only two of
25 us are still alive. So Ung Pech only mentioned the names of the

1 survivors who went back with him, including Rui Kong and Vann

2 Nath. So four survivors that he stated was correct.>

3 MR. PRESIDENT:

4 Thank you. It is not convenient time for the break. The Chamber

5 will take a break from now until 3.10.

6 Court officer, please assist the Civil Party to the waiting room

7 reserved for the civil party and bring him back to the courtroom

8 at 3.10.

9 The Court is now in recess.

10 [Court recesses from 1450H to 1512H)

11 MR. PRESIDENT:

12 Please be seated. The Court is back in session.

13 And the floor is given to the defence team for Mr. Nuon Chea, to

14 resume the questioning.

15 You may proceed.

16 BY MR. KOPPE:

17 Thank you, Mr. President.

18 Q. Mr. Civil Party, before I move to the event in 1981, let me

19 ask you a few more questions in relation to the trial against Pol

20 Pot and Ieng Sary in 1979.

21 Did you attend the trial as a visitor, like the people sitting

22 over there?

23 [15.14.20]

24 MR. CHUM MEY:

25 A. In relation to the trial against Ieng Sary and another

1 individual, I could not get it. Let me make it clear, I did not
2 participate in the first trial and <I> only <participated in> the
3 second trial.

4 Q. Let me make sure that you understood my question well. I'm
5 talking about the 1979 trial against Pol Pot and Ieng Sary before
6 the Revolutionary Peoples' Tribunal. That was a trial in
7 absentia; Pol Pot and Ieng Sary weren't there.

8 My question is, were you there as a visitor, did you watch judges
9 and the prosecutor and the lawyers act in a courtroom?

10 A. I did not participate <in or> attend that trial.

11 Q. Have you ever heard or have you ever found out why Ung Pech
12 was called as a witness to testify about S-21 and you weren't?

13 A. Ung Pech was called and summoned and I was working at the
14 <Public Works and Transport>. <I did not attend that.>

15 [15.16.37]

16 Q. As I said, let me move onto an event in 1981. Mr. Civil Party,
17 you participated in a reconstruction, as it is called, in S-21,
18 together with Duch and others.

19 And, Mr. President, that is document E3/5765. English ERN that I
20 will be referring to is 00198003 and it is Point 8.2. I don't
21 have a Khmer ERN and French ERN now.

22 Mr. Civil Party, you were asked all kinds of questions and then
23 according to paragraph 8.2 and I read to you --

24 MR. PRESIDENT:

25 Mr. Koppe, the interpreters could not follow what you said

1 because of a microphone issue. Could you please say it again from
2 the beginning?

3 [15.18.12]

4 BY MR. KOPPE:

5 Of course, Mr. President.

6 Mr. Civil Party, you participated in a reconstruction at S-21;

7 you might recall that. It took place in 2008. Mr. President,

8 document E3/5765. In paragraph 8.2, the following is stated in

9 this report from the Investigating Judges. It says:

10 "Pointing to a photograph, Chum Mey said that it was taken by a

11 German photographer in front Building C in 1981; photograph

12 number 35. He" -- you -- "identified Vann Nath, Bou Meng, Ta Kong

13 and himself, and went on to say at first, the German photographer

14 came to collect photos in order to show them to the UN. Since

15 they did not believe what he said, he came back and took new

16 photographs, including this one." End of quote.

17 Let me start by showing you that photo again which was shown to

18 you by the Investigating Judges in 2008. I saw you already have

19 -- already went through the photos that I distributed.

20 Mr. President, I would like to show that same photo again. We can

21 also put it on the screen with your leave. It's document E3/9431.

22 English ERN 00198064.

23 Mr. Civil Party, that's the black and white photo in the photos

24 that you have. Do you remember that this photo was shown to you

25 by the Investigating Judges in 2008?

1 [15.20.42]

2 MR. PRESIDENT:

3 Mr. Chum Mey, do you have the page consisting of the photo?

4 Please hold on. Wait for the photograph to be handed over to you
5 and please verify that the page of photo provided to you with the
6 one that you had.

7 And please, AV technician, project the photo on screens.

8 BY MR. KOPPE:

9 Q. Now, would you be so kind, Mr. Civil Party, and tell us again
10 who are these seven people on the photo?

11 [15.21.44]

12 MR. CHUM MEY:

13 A. I can give a description. I now -- I am now telling you that
14 is Chum Mey, me, the mechanic, and Bou Meng, number 2, carpenter
15 and engraver, the third individual, engraver of Pol Pot's
16 portrait, and Vann Nath. The fourth is Vann Nath and the fifth is
17 Bou Meng, painter and artist, and <Than> Chann, the <Vietnamese>
18 interpreter and Ung Pech, the mechanic.

19 MR. KOPPE:

20 Just to be a hundred percent sure, I've also distributed to you
21 and to all parties, Mr. President, to the Chamber, four stills of
22 an East German documentary, stills from documentary, "Die Angkar"
23 -- D-I-E and then Angkar. It's E3/3095R. It's a documentary in a
24 colour version that we have added, or requested to have added, to
25 the case file.

1 With your leave, Mr. President, I would like to have these four
2 photos on the screen as well. I believe the AV Unit is ready for
3 this. Maybe we can start with Number 1.

4 [15.24.01]

5 MR. PRESIDENT:

6 Mr. Chum Mey, please look at the colour photograph starting from
7 the first page. Please do not look at the previous photo, the
8 black and white one. Now please look at the colour photo.

9 AV technician, please project the photographs as requested by
10 Counsel for Mr. Nuon Chea, Koppe, in order.

11 BY MR. KOPPE:

12 Q. Let's start with this photo, Mr. Civil Party. On the left
13 side, is that you?

14 MR. CHUM MEY:

15 A. Yes, it is me on the left side, and next to me is Rui Kong. He
16 is a carpenter.

17 [15.25.23]

18 Q. Maybe we can have the next photo? And who are they? Mr. Civil
19 Party, you can look on the screen. The photo is up on the screen
20 now. Mr. Civil Party, who are they on the screen; do you
21 recognize them?

22 MR. PICH ANG:

23 Mr. President, no photos on the screen of civil party.

24 MR. KOPPE:

25 Mr. President, if it's too complicated with the screen, maybe I

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1 could ask the civil party to just have a look at the four colour
2 photos and to confirm whether these people are the same people
3 that he just identified on the black and white photo.

4 MR. PRESIDENT:

5 You are right, but it is too complicated because of the ERN
6 numbers given to the AV technician. For example, you -- the AV
7 technician may have projected the third photograph instead of the
8 two and they perhaps may not have projected the photographs in
9 order.

10 Now, Mr. Chum Mey, can you confirm for the Chamber who are they
11 on the second photo?

12 Now, please show the specific photo to him so that he can give a
13 specific answer. After that specific page of photo, you can give
14 him another one, court officer.

15 [15.28.32]

16 MR. KOPPE:

17 May I suggest, Mr. President, to speed things up, whether he can
18 confirm that these seven colour photos are the same persons as
19 the seven persons on the black and white photo because that's all
20 I want to know.

21 MR. CHUM MEY:

22 The black and white photo was taken in a different time and that
23 photo was taken when they were younger, and the one at the time
24 was younger. <This one kind of looks like Vann Nath.> So I was
25 not quite sure in relation to the two <individuals>. The photos

1 as I said were taken <at> different <times>. One is the black and
2 white photo, another is a colour one.

3 [15.29.42]

4 BY MR. KOPPE:

5 Q. Well, I'm not entirely sure whether that is correct, Mr. Civil
6 Party. Let me tell you that these photos, the colour photos, are
7 so-called stills of a documentary film which was shot in 1981 as
8 well or, at least, released in '81 maybe a little bit earlier. So
9 the colour photos are taken at the same time.

10 Do you remember one time someone came, an East German
11 photographer, taking the black and white photo and that,
12 subsequently, a camera crew, East Germans with a camera came to
13 shoot a film in which Ung Pech, for instance, makes a long
14 statement, others as well? Do you remember an East German camera
15 crew coming in '81?

16 MR. CHUM MEY:

17 A. Regarding the film which was shot in 1981, I was not so
18 interested and I did not know when that film was shot.
19 In relation to the photograph with the seven people in it, at the
20 time, <Ung Pech called me to take a picture at Tuol Sleng, and>
21 the East photographer from Berlin, Germany, came to take a photo
22 of <the> seven people.

23 [15.31.43]

24 Q. That's a bit technical, but you are on film, Mr. Civil Party.
25 You were filmed by this camera crew.

1 But let me move on and ask you the following question. To the

2 Investigating Judge, you said as I just quoted you:

3 "The German photographer came to collect photos in order to show
4 them to the UN. Since they did not believe what he said, he came
5 back and took new photographs including this one."

6 Now, can you explain to the Chamber why it was that the East
7 German photographer did not believe what you said in the first
8 time?

9 [15.32.44]

10 A. I was not certain about this. What I knew was that the East
11 German<, > when he <first> came, he took photos only of skeletons
12 and skulls and they -- and he showed the photo to the UN and the
13 UN did not believe <him>.

14 So he made another trip to Cambodia and then gathered all the
15 seven survivors, including <Ta Kong, Ung Pech, Than Chann,> Vann
16 Nath and me and others, and we had a group photo. And the
17 photographer showed the photo to the UN and the UN started to
18 believe that there was mass killing.

19 Q. Mr. Civil Party, do you remember when the film crew filmed you
20 in 1981, that the others -- that four people of the group of
21 seven were asked to tell to the cameraman what happened -- what
22 had happened to them in S-21? Do you remember Ung Pech, Bou Meng,
23 Nath, telling the camera crew what had happened to them while
24 they were detained at S-21?

25 A. I told the prosecutor that I did not participate in the camera

1 shooting, but Ung Pech asked me to come and have a photo shoot
2 <of the seven people, but I do not know about the four people,
3 about this colour photo>.

4 Q. So you don't remember the East German film-makers talking to
5 the other people about their detention. Is that correct?

6 A. I was not aware of the details.

7 Q. Do you know or did you ever find out why the East German
8 photographers -- film-makers, excuse me -- never asked you to
9 tell your story, to tell the story of your detention?

10 [15.36.07]

11 MR. PRESIDENT:

12 Mr. Civil Party, please hold on. And the floor is given to the
13 International Deputy Co-Prosecutor.

14 MR. DE WILDE D'ESTMAEL:

15 Thank you, Mr. President. This question invites the civil party
16 to speculate on the motives that the East German team may have
17 had to question one person or the other. I <don't think we are
18 here to speculate>. I think the civil party can say what he did
19 or what he did not see -- <he cannot put himself in the shoes of>
20 film producers.

21 [15.36.53]

22 MR. KOPPE:

23 Mr. President, I'm not inviting the civil party to speculate, I'm
24 just asking whether he knows why four others appear on camera and
25 apparently are asked to tell about their detention and why Mr.

1 Chum Mey wasn't asked and doesn't feature at all in that
2 documentary.

3 So I think I'm not asking for speculation, I'm asking whether he
4 knows why and if he doesn't, that's fine.

5 MR. PRESIDENT:

6 Mr. Civil Party, you may answer the question.

7 MR. CHUM MEY:

8 I told him that the -- I can <talk> about the black and white
9 photo but I cannot <talk> about the colour photo because the
10 individuals in the colour photo look a little bit different from
11 the ones in the black and white photo. I can <speak> with that
12 confidence about the people in the black and white photo.

13 [15.38.30]

14 MR. PRESIDENT:

15 Earlier, you had given your answer on the first colour photo.

16 Among the four photos that <were> presented to you, you have
17 commented on the first photo.

18 And these photos were extracted from the film shot by the East
19 German film-makers, and the question to you was, <whether> you
20 <participated> in the film and your answer was that you did not
21 participate. And during your representation of the first colour
22 photo, you said that it was you with Rui Kong.

23 So if you could provide your answer whether yes or no to the
24 question put to you by the Defence Counsel.

25 [15.39.53]

1 MR. CHUM MEY:

2 In the group photo, <with> the seven people<,> I attended -- I
3 participated, rather, but for the film produced later on I did
4 not participate.

5 That's why I told you that I can <speak> with great confidence
6 about the seven individuals in the black and white photo.

7 As for the colour photo, I almost did not recognize the <people>
8 in the photo because they looked younger than the people I
9 recognized.

10 And another problem is that I had <problems> with my eyes that I
11 cannot see things clearly.

12 MR. PRESIDENT:

13 The question is not about the photo, it's about whether you
14 <participated> in the film-making, whether you had any role in
15 the film shot by the German film-makers. So whether you were
16 invited to play any role in the film produced by the East German
17 team about the stories from the survivors of S-21.

18 So the first question is, were you aware of the film shot in
19 order to show to the United Nations? And the second question is
20 about your role, whether you had any role in that film? <If not,
21 why?> So these were the two main questions. It's not about the
22 photo any more.

23 MR. CHUM MEY:

24 I participated at the time, but the camera crew did not ask me
25 about my story. <Afterward,> I participated and then Ung Pech

1 told me to go back to my workplace<, > at the <Public Works and
2 Transport>.

3 [15.42.43]

4 MR. KOPPE:

5 I think we are almost there, Mr. President. Thank you for your
6 intervention.

7 BY MR. KOPPE:

8 Q. My question was, have you heard any discussion maybe as to why
9 the East Germans didn't want your story on camera? They didn't
10 want, apparently, you to tell your story on camera.

11 MR. CHUM MEY:

12 A. The film-maker did not ask me for my story. They finished the
13 film shooting and then they returned back to their country. I,
14 myself have been invited to participate in films many times <by>
15 <film-makers> from France, from German and from other places<, > I
16 cannot count all of them.

17 [15.43.55]

18 Q. I understand, Mr. Civil Party. Maybe tomorrow I can show you a
19 small part from that film.

20 The people on that photo that I showed you who did tell their
21 stories, all had their original S-21 photos shown. As a matter of
22 fact, when you watch the documentary you can see the people on
23 the film talking, the prisoners, and then you can see their S-21
24 photos and they tell the story about what happened to them.

25 Do you know why it is that there is no photo resembling you in

1 S-21?

2 A. I do not understand your question.

3 Q. Let me ask it differently. You are in Tuol Sleng every day.

4 I've been there too, and you can see photos from prisoners almost
5 on every wall hanging.

6 You said that you were detained in October '78, so only two
7 months before the Vietnamese invaded.

8 My question is, do you know why there is no photograph of you
9 anywhere to be found, neither in the negatives, <nor> in the
10 photos which were printed -- anywhere?

11 [15.45.59]

12 MR. DE WILDE D'ESTMAEL:

13 Mr. President, this question frankly invites the civil party to
14 speculate. If there are no photos of <him, there are no photos of
15 him. We all know that there aren't photos of each and every
16 person who went to S-21.> <> To ask him why there is no picture
17 of him<> there is not <the right question>. The question <should
18 be, "Did you see your photo or not?" But asking him why is going
19 too far;> this question invites the civil party to speculate<. So
20 I think we need to stick to the facts and not allow the Defence
21 to ask inappropriate questions>.

22 MR. CHUM MEY:

23 He asked me why there was no photo of me displayed at Tuol Sleng.
24 When I <took> the photo, I wore the placard depicting <my> number
25 and the photographer was Nhem En, and last year I met him and I

1 asked him where's my photo? Nhem En said that he could not recall
2 where my photo was placed. He said that maybe my photo, along
3 with many other photos, <was> collected and put in the buckets
4 and burned. So it could have been that the photos were burnt
5 along with <Bou Meng's photo, and> many other photos. <Only Ung
6 Pech's photo remains.>

7 [15.47.56]

8 BY MR. KOPPE:

9 Q. Let me move on, civil party. Do you remember when you were
10 interrogated the first time, or rather maybe even earlier, when
11 you were asked for your biography, did you tell the person who
12 took your biography your right age?

13 MR. CHUM MEY:

14 A. They asked me about my biography. Initially, it was Seng. He
15 asked me about my birthplace. I told him that I was from Kampong
16 Trabaek district, Prey Veng province. And then Sang Tong
17 (phonetic) was the later name. Originally, it was Kampong Trabaek
18 district.

19 And he also asked me about my siblings<'> and my parents' names.
20 He beat me and asked for those names and I gave my answers
21 accordingly.

22 Q. Let me ask you differently. Did you tell in 1978, in October
23 1978, that you were 47 years-old?

24 A. I was 48 years-old. It was not 47, it was 48. My age was 48
25 when I was arrested.

1 [15.50.12]

2 Q. I just asked earlier your birth date and you confirmed that it
3 was November '33. That would mean that in October '78 you were 44
4 years-old and not 47 or 48. Is that correct?

5 A. I did not talk about my age, 47, when I was arrested. I said
6 that I was 48 when I was arrested.

7 Q. I believe, according to the S-21 prisoner records, they
8 believed that you were 47 years-old in October '78, but is it
9 correct that you, in October '78, were 43 years-old and not 47 or
10 48?

11 A. Your question is difficult to answer. You cover many numbers
12 in your question -- 47, and now 43.

13 [15.52.00]

14 MR. PRESIDENT:

15 Mr. Civil Party, this is part of the proceeding in the Court
16 process that the Defence Counsel can use to cross-examine. And
17 this question is aimed <at proving> whether you were really the
18 prisoner at S-21.

19 And the question put to you by the Defence Counsel is based on
20 his calculation that you mentioned about your birth date and the
21 time that you were arrested.

22 So the question aimed to get your specific and exact answer of
23 your age when you were arrested in October 1978. The answers that
24 you may give include -- even the answer "<I do not know,>" is
25 also considered as an answer.

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1 We understand the fact that as a Khmer<, ages> 47 and 48 can be
2 very similar. It may be just only one or two day difference, so
3 47 and 48 again can be very similar, not much different.
4 And that's why the Defence Counsel in this courtroom <is asking>
5 you for your specific age so that <that> can go into the record.
6 Do you understand this, and if you do, please answer the question
7 because the Defence Counsel calculated<,> based on the date that
8 you were born <and> the date that you were arrested how old were
9 you at that time.

10 MR. CHUM MEY:

11 Mr. President, I did not think very much about this. I am quite
12 old now. I cannot recall everything.

13 [15.55.04]

14 BY MR. KOPPE:

15 No problem, Mr. Civil Party. Let me move on. And I would like to
16 ask a few names of people and I would like to ask you whether you
17 know these names or whether you know these people.

18 Mr. President, I suppose I need a bit your guidance how I should
19 manage the completely new OCIJ prisoners list which was sent to
20 us two weeks ago. It's E/393.2. (sic)

21 As you know, according to an email of the legal -- senior legal
22 officer, the OCIJ worked for two years to draft a completely new
23 S-21 prisoners list and I would like to use that completely new
24 list and not anymore the OCP revised prisoners list that we have
25 been using so far.

1 [15.56.21]

2 And, more particularly, I would -- and I think that it would be
3 the easiest -- like to use the number of entry that was used by
4 the investigators of the OCIJ in Cases 003 and 004. So when I
5 mention this number, then all parties in the Chamber will be --
6 will have no difficulty to follow to whom I'm referring.

7 To make it more specific, for instance, I would like to ask the
8 civil party whether he knows prisoner 665 in the new list. Not
9 only 665, also 9337, 9431 and 10561. These are the four numbers,
10 four entry numbers, that I would like to refer to.

11 So with your leave, Mr. President, I would like to now confront
12 the witness with these names and ask him whether he knows them.

13 MR. DE WILDE D'ESTMAEL:

14 Mr. President, may I simply request the defence to remind us of
15 the reference because I couldn't immediately <find> what he gave
16 us on ZyLAB. <Could the Defence please remind us of the E3
17 reference?>

18 [15.58.21]

19 BY MR. KOPPE:

20 It's a huge document, Mr. President. It's about 700 or 800 pages.
21 Entry number 665 is a person called Chea Huot; person 9337 is a
22 person called Sun Dim; 9431 is a person called Net Khan alias
23 Nuon; and person 10651 is Bun Neng , and I apologize also 9432 is
24 Chhin Sok.

25 Q. So, Mr. Civil Party, have you ever heard of a person called

1 Chea Huot, Sun Dim, Net Khan, Chhin Sok and Bun Neng?

2 MR. CHUM MEY:

3 A. I was not familiar with all these names that you just
4 mentioned.

5 [16.00.00]

6 MR. KOPPE:

7 Just to be on the safe side, Mr. President, maybe my national
8 colleague can read the names again and maybe I also have the
9 Khmer spelling of the names. Maybe, Mr. Civil Party can have a
10 look at the names on this list.

11 MR. PRESIDENT:

12 You may proceed now.

13 MR. LIV SOVANNA:

14 478 Chum Mey, 665 Chea Huot, 9337 Sun Dim, 9431 Net <Khan> and
15 10651 Bun Neng.

16 BY MR. KOPPE:

17 Q. I hope the pronunciation was better; I'm sure it is. Mr. Civil
18 Party, do you recognize any of these names?

19 MR. CHUM MEY:

20 A. I do not recognize all those names.

21 Q. None of them?

22 A. None of them.

23 [16.01.56]

24 Q. Maybe there's a very good reason for it, but these people that
25 I just mentioned to you were all working in the same

1 clothes-making Office K-09 and were arrested around the same day
2 or around the same time or even on the same day as Chum Mey,
3 which supposedly is you.

4 A. There were different groups within <C-9>. <At> the time, <I>
5 did not know all of them. There were hundreds or even thousands
6 of them working there.

7 Q. Let me be a little bit more specific, Mr. Civil Party. Kim
8 Chang (phonetic), the deputy chief of the latte (sic) team in
9 K-09 clothes-making. Never heard of him?

10 A. No name Kim Chan (phonetic).

11 [16.03.31]

12 Q. Yes, sorry I was making a mistake. Chea Huot, that was the one
13 I'm referring to; the chief of the iron-steaming team. Mr.
14 President, forget about the first name. Chea Huot, chief of the
15 iron-steaming team in K-09, in Office 09. Sun Dim, combatant of
16 clothes-making office. Net Khan, also combatant in the
17 clothes-making office. All arrested a day later than you. All
18 working in the same office it seems.

19 MR. DE WILDE D'ESTMAEL:

20 Mr. President, earlier I asked the Defence to provide us with the
21 index. I <didn't ask for the number; I> asked for the E3 index, I
22 didn't receive it, and I cannot find this document.

23 So can we please have this index and, second, did the Defence
24 read the revolutionary names, not only the full names of these
25 people, <by which they could have been> known <>. We know very

1 well that if we don't mention the revolutionary name <between '75
2 and '79,> it will be impossible for the civil party to recognize
3 <anyone>.

4 So, please, can you <> provide me with the index, the E3 index,
5 so that I can <at least> follow what's going on?

6 MR. PRESIDENT:

7 Please hold on, Mr. Koppe. You may proceed now, Judge Lavergne.

8 [16.05.08]

9 JUDGE LAVERGNE:

10 Yes, thank you, Mr. President. Just for the record, there is no
11 E3 document. It's number E393.2, unless I'm mistaken; E393.2.

12 BY MR. KOPPE:

13 That is correct, Judge Lavergne. I'm a bit worried that the
14 prosecution doesn't know the product of two years of hard work of
15 the International Co-Investigating Judge. There are no
16 revolutionary names. They've used S-21 documents to build their
17 list.

18 Q. Again, Mr. Civil Party, I'm a bit puzzled by the fact that you
19 do not know any of the persons arrested the same day as you or a
20 day later working at the same factory as you.

21 Do you have an explanation for this?

22 [16.06.10]

23 MR. PRESIDENT:

24 Please hold on, Mr. Civil Party. You have the floor now,

25 International Lead Co-Lawyer for Civil Parties.

1 MS. GUIRAUD:

2 Yes, thank you, Mr. President, just an observation. To allow the
3 civil party to find his way, maybe it would be useful to ask <at>
4 which unit at K-09 he worked because our colleague is mentioning
5 names of workers in various units in this factory and the civil
6 party told us that there were thousands of people working there.
7 So maybe it would be useful, for the civil party to find his way
8 that he tells us in which unit he was working so that we can then
9 see if the names mentioned by our colleague are names from the
10 same unit where Mr. Chum Mey was working.

11 [16.07.12]

12 MR. KOPPE:

13 I can respond to this, Mr. President, by saying it is the
14 testimony of the civil party himself that he was not arrested by
15 himself, he was arrested with two other people.
16 It might be true that there were thousands of people in that
17 factory, I don't know. I'm just right now preliminary concluding
18 that he doesn't know any of the people who were arrested with him
19 at the same time, and I just wonder whether he has an explanation
20 for this. I think I'm entitled to that question.

21 [16.08.11]

22 MR. CHUM MEY:

23 The reason that I don't know them is the fact that I was not told
24 that <individuals> by specific names were arrested and sent to
25 specific locations.

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1 I learned that some disappeared and others also disappeared. I
2 was told some were sent to <transport this and that,> and some of
3 them were sent to harvest rice. This is the reason that I do not
4 know.

5 MR. PRESIDENT:

6 Thank you. Thank you, Counsel.

7 Now, it is a convenient time for the adjournment. The hearing of
8 this testimony of Chum Mey as a civil party has not come to an
9 end yet. We were first scheduled -- the Chamber is -- first
10 scheduled to hear you <for> one day, however, we lost some time
11 <this> morning. You are therefore invited to come again tomorrow.
12 Perhaps it <will take> just <one more> hour to conclude your
13 testimony. Please be patient, Mr. Civil Party.

14 It is now time for the adjournment. Tomorrow the Chamber will
15 continue hearing the testimony of Chum Mey and then proceed to
16 hear 2-TCW-911 (sic). Please be informed and please be on time.

17 Court officers, please cooperate with the WESU staff members to
18 send Mr. Chum Mey to his residence or the place where he is
19 staying at the moment. And please invite him back into the
20 courtroom tomorrow at 9 a.m.

21 Security personnel are instructed to bring the two accused, Nuon
22 Chea and Khieu Samphan, back to the ECCC's detention facility and
23 have them returned into the courtroom tomorrow before 9 a.m.

24 The Court is now adjourned.

25 (Court adjourns at 1610H)