



**អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា**

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា  
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

**អង្គជំនុំជម្រះសាលាដំបូង**

Trial Chamber

Chambre de première instance

**TRANSCRIPT OF TRIAL PROCEEDINGS - KAING GUEK EAV "DUCH"**

**PUBLIC**

Case File N° 001/18-07-2007-ECCC/TC

4 August 2009, 0907H

Trial Day 53

Before the Judges:

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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MR. AHMED	English
JUDGE CARTWRIGHT	English
MR. DUCH PHARY	Khmer
MR. KAR SAVUTH	Khmer
MR. KONG SAM ONN	Khmer
MR. KONG PISEY	Khmer
MR. LACH MEAN	Khmer
JUDGE LAVERGNE	French
MS. MOCH SOVANNARY	Khmer
MR. ROUX	French
MS. SE KOLVUTHY	Khmer
MS. STUDZINSKY	English
MR. TAN SENARONG	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. TY SRINNA	Khmer
MR. WERNER	English

1

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

2 (Judges enter courtroom)

3 [09.07.30]

4 MR. PRESIDENT:

5 Please be seated. The Chamber is now in session.

6 This morning we will continue to hear the testimony of the

7 witness Lach Mean.

8 Before I hand the floor to the Co-Prosecutors, the Greffier, can

9 you report on the attendance of the parties to the proceedings?

10 THE GREFFIER:

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

12 the witness, Lach Mean, is also present.

13 MR. PRESIDENT:

14 The Chamber would like now to give the floor to the

15 Co-Prosecutors to put questions to this witness. You have 30

16 minutes in total for questioning this witness. You take the

17 floor.

18 MR. TAN SENARONG:

19 Thank you, Mr. President.

20 QUESTIONING BY THE CO-PROSECUTORS

21 BY MR. TAN SENARONG:

22 Q. Good morning, Mr. Lach Mean. We have the following questions

23 for you.

24 Yesterday, you told the Chamber about the plastic container and

25 the ammunition box which were used for the prisoners to relieve

2

1 themselves.

2 MR. TAN SENARONG:

3 With the President's leave, I would like to show a picture, 0018

4 --

5 THE INTERPRETER:

6 The interpreter cannot catch up with the ER number of the

7 document.

8 [09.10.00]

9 MR. TAN SENARONG:

10 The ER number is 00181445.

11 MR. PRESIDENT:

12 AV officer, can you show the document in the Khmer language with

13 the ERN 00181445 on the main screen?

14 BY MR. TAN SENARONG:

15 Q.This is a photo of an ammunition box and a plastic container,

16 as you said yesterday, which were used for the prisoners to

17 relieve themselves. Mr. Lach Mean, can you verify whether these

18 similar objects were used during that time?

19 A.During that time, the ammunition box and the plastic

20 containers similar to this were used.

21 Q.Thank you. Next question.

22 MR. TAN SENARONG:

23 I would like to show another document with ERN 00181435.

24 MR. PRESIDENT:

25 The AV officer, can you show the document with the said ER number

3

1 as requested by the Co-Prosecutor?

2 BY MR. TAN SENARONG:

3 Q.Mr. Lach Mean, can you confirm what you told the Chamber  
4 yesterday; whether this image really shows the situation of the  
5 prisoners who were put in the common room?

6 A.This image reflects the real situation at the time.

7 Q.Thank you, Mr. Lach Mean. My next question for you.

8 [09.12.48]

9 MR. TAN SENARONG:

10 With the President's leave, I would like to show a document with  
11 Lach Mean's signature on it, however, that confession was not  
12 included in the case files; the Co-Prosecutor's Office only found  
13 that confession.

14 However, the prisoners names mentioned in that confession, which  
15 was signed by Mr. Lach Mean, the names were included in the  
16 prisoners list, and we would like to present this document to the  
17 Chamber and to the parties as well as to Mr. Lach Mean.

18 We also would like to present the list of prisoners with those  
19 names, and this list was already part of the case file.

20 The next question that I would like to put to the witness is that  
21 the Co-Prosecutors' Office actually found a document which shows  
22 that this witness actually interrogated 15 prisoners and four  
23 confessions were done by this witness -- were found.

24 It is part of document D159/5.39, and another document with the  
25 ERN Number 00296255, which is part of the D165/2 document, and

4

1 these two confessions are in the case file. And the names of the  
2 prisoners who were interrogated by Lach Mean was also part of the  
3 list of the prisoners' names which is already part of the case  
4 file.

5 The prisoner is Ou Ream, a member of the company, 28 years old,  
6 and on that confession Lach Mean signed on the 3rd of August  
7 1978. The Co-Prosecutor would like to submit these documents  
8 into the case file. The Co-Prosecutor would prepare those  
9 confessions with the signature of Lach Mean to make them ready  
10 for submission to the Chamber to be included into the case file.

11 BY MR. TAN SENARONG:

12 Q.The question for Lach Mean is that -- did you prepare those  
13 documents which are being shown to you, and can you confirm  
14 whether the signature there is your signature?

15 [09.16.48]

16 MR. PRESIDENT:

17 This document is a new document and the parties have not yet  
18 examined the document, and the Chamber also has not examined the  
19 document yet, so this document cannot be put for questioning  
20 before the Chamber.

21 MR. TAN SENARONG:

22 We would like to submit these two documents into the case file  
23 with the ERN number as we mentioned in D159/5.39, and the other  
24 document is D159/5.2. These two documents are already part of  
25 the case file and these two documents bear the signature of Lach

5

1 Mean.

2 MR. PRESIDENT:

3 Can you clearly state which document you would like to put before  
4 this Chamber for questioning because you have read several  
5 documents, and we are not sure which document you actually want  
6 to be put before this Chamber. This is for the Chamber to manage  
7 the proceedings and also to facilitate the parties to the  
8 proceeding.

9 MR. TAN SENARONG:

10 Thank you, Mr. President. I would like to put the document with  
11 the ERN Number 00296255. It is called D159/5.39.  
12 [09.18.36]

13 MR. PRESIDENT:

14 AV officer, could you put that document on the screen?  
15 Judge Lavergne, you may proceed.

16 JUDGE LAVERGNE:

17 I don't understand what's going on. I've just had the references  
18 of a document called D159 or some such thing. It does not appear  
19 to me that in case number one we have such references. Are these  
20 references for case file number two? In that case, we should  
21 consider the matter first; that is, of whether this should be put  
22 before the Court. It is premature, in my view, to place this  
23 document on the screen at this point in the discussions.

24 MR. TAN SENARONG:

25 Thank you, Judge Lavergne. In order to save time, I would just



6

1 proceed with my next question.

2 BY MR. TAN SENARONG:

3 Q.Mr. Lach Mean, in 2002 you provided an interview to the  
4 Documentation Centre of Cambodia with the ERN 00057065. In  
5 D92/1, in that document you mentioned that you interrogated a  
6 person. Can you recall the name of the person whom you  
7 interrogated?

8 A.Regarding my interview with the Documentation Centre of  
9 Cambodia, at that time I said I recall a name of the person whom  
10 I interrogated, but now I cannot recall the name of that person.  
11 [09.21.25]

12 MR. TAN SENARONG:

13 With the President's leave, I would like to have this document  
14 delivered to the witness so that he can see the name of the  
15 prisoner.

16 MR. PRESIDENT:

17 Court officer, can you bring that document to me to examine it  
18 first?

19 What is the source of that document?

20 MR. TAN SENARONG:

21 The document which I just said with the ERN 00057066 or D92/1, it  
22 is Lach Mean's interview with DC-Cam.

23 MR. PRESIDENT:

24 Do you have the ER numbers of this document in English and French  
25 languages so that the foreign Judges and other parties can

7

1 examine this document?

2 Judge Lavergne, you may proceed.

3 JUDGE LAVERGNE:

4 If I'm not mistaken, this is the document registered as D92/1,  
5 Annex 6. Khmer reference is 00057053 to 00057058. In English it  
6 is 00335276 to 00335296. I do not believe that there is a French  
7 version of this document.

8 [09.23.45]

9 MR. PRESIDENT:

10 I notice the counsel is on his feet. You may proceed.

11 I notice the presence of the counsel for civil party. You may  
12 proceed.

13 MR. WERNER:

14 Sorry to interrupt. Just to assist, that the portion my learned  
15 friend was going to read was indeed in this portion and the exact  
16 pages were at the end 87 and 88. If that could assist. Thank  
17 you.

18 MR. PRESIDENT:

19 Mr. François Roux, you may proceed.

20 MR. ROUX:

21 Mr. President, there is a French translation of this document,  
22 this DC-Cam document, and it is 00337992 to 00338015.

23 However, Mr. President, Your Honours, the Chamber will note that  
24 we have absolutely no indication regarding the professional  
25 qualifications of the person who conducted this very long

8

1 interview of 24 pages. We have no idea whatsoever in what  
2 circumstances this document was prepared. The only thing we know  
3 is that we know nothing at all about a judicial document and we  
4 have two judicial documents pertaining to the interviews of this  
5 witness.

6 [09.26.23]

7 This witness was interviewed for the first time by the Office of  
8 the Co-Prosecutors. The document was produced was or D2/6/4. He  
9 was interviewed again by the investigators of the  
10 Co-Investigating Judges and this document is D22/13.

11 I recall that we are before a court of law and that these are  
12 judicial proceedings. It seems more appropriate to me for  
13 judicial documents to be used rather than the documentation  
14 provided by an NGO, especially as we know nothing about the  
15 qualification of the person who conducted the interview for this  
16 non-governmental organization.

17 Mr. President, I would like the judicial documents to be  
18 referenced in this case.

19 MR. AHMED:

20 Thank you, my learned friend. We shall proceed the way we wish  
21 to in our (microphone not activated).

22 THE INTERPRETER:

23 I think counsel's microphone is off.

24 MR. PRESIDENT:

25 You cannot be on your feet and speak. You need to get the

9

1 permission from the President of the Chamber first.

2 Are you asking to be allowed to speak or you want to speak at  
3 your own time?

4 MR. AHMED:

5 Mr. President, most respectfully, I thought this was our time to  
6 ask questions to this witness, and while using our time we also  
7 wish --

8 [09.28.32]

9 MR. PRESIDENT:

10 Are you asking for permission to speak or not?

11 MR. AHMED:

12 Your Honour, of course I shall speak with your permission, but  
13 our understanding was that this was the OCP's time to put  
14 questions to the witness.

15 MR. PRESIDENT:

16 You may proceed, but please be reminded that you need to get  
17 permission first from the Chamber because now we and other  
18 parties are discussing on the documents to be presented before  
19 the Chamber or not.

20 MR. AHMED:

21 We are the officers of this Court, Your Honours, and we shall  
22 speak only with your permission. May I proceed with my questions  
23 to this witness?

24 MR. PRESIDENT:

25 We are now facing an issue because the national Co-Prosecutor has

10

1 raised an issue in relation to the document to be put before the  
2 Court, and now you are on your feet.  
3 Are you attempting to address the matter of the document and  
4 objection by the defence counsel in relation to the document your  
5 office would like to put before the Court and that it is objected  
6 by the defence counsel, or would you like to address  
7 straightforward to the witness?

8 [09.30.51]

9 During such time, the Chamber is very mindful that we do not  
10 really consider that the time used during the debate is part of  
11 your time to put questions to the witness.

12 MR. AHMED:

13 Thank you very much, Your Honour.

14 Your Honours, I shall also attempt, subject to your leave, to  
15 respond to my learned friend's objection and I shall thereafter  
16 proceed to ask questions to this witness.

17 MR. PRESIDENT:

18 You take the floor.

19 MR. AHMED:

20 Thank you very much, Your Honour, and I apologize if there was  
21 some lack of clarity in my submissions before.

22 My submission in response to my learned friend's objection, Your  
23 Honour, is that this document, irrespective of its provenance, is  
24 on the case file.

25 The system we have adopted in this Court is, once the documents

11

1 are on the case file and once they are brought to your attention,  
2 it is deemed to have been read into evidence. And it is for Your  
3 Honours to, at the time you deliver your judgement, to give the  
4 weight necessary to be given to this document.

5 Your Honours have admitted documents which are not necessarily  
6 produced by the investigating judges in the past and our  
7 submission is that to the extent weight is to be assigned, it is  
8 for Your Honours to judge after this witness responds to the  
9 questions that are put by the office of the prosecutor on that  
10 document.

11 So the objection the objection that only judicial documents can  
12 be placed before this Court should not be sustained.

13 That's our most respectful submission.

14 [09.32.35]

15 Now, with that response, if Your Honours would wish to rule on  
16 that or otherwise I can proceed with my questions?

17 (Deliberation between Judges)

18 MR. PRESIDENT:

19 Judge Silvia Cartwright, you take the floor.

20 JUDGE CARTWRIGHT:

21 Thank you, Mr. President.

22 Mr. Prosecutor, could you please set out clearly the list of the  
23 documents that you wish to put before the Chamber with all the  
24 relevant numbers because it is getting confusing?

25 MR. AHMED:

12

1 I sincerely apologize for any confusion that has been caused but,  
2 subject to your leave, I would wish to suggest that if Your  
3 Honours would permit us to put the question in respect of this  
4 document, my learned friend will ask that question and,  
5 thereafter, I shall submit on the two documents that I wish to  
6 present.

7 JUDGE CARTWRIGHT:

8 Just as a point of clarification then, is the document that you  
9 wish to put the question concerning; is that the DC-Cam document?  
10 [09.35.32]

11 MR. AHMED:

12 The document that I show -- that is me, the international  
13 prosecutor, shall put before this Court is not a DC-Cam document,  
14 it is on this case file, Your Honours.

15 JUDGE CARTWRIGHT:

16 And that is the document that you are focussing on and the only  
17 one that currently you wish to put before the Chamber?

18 MR. AHMED:

19 Thank you, your Honour. Indeed, that's the case. Two pages of  
20 only one document.

21 JUDGE CARTWRIGHT:

22 So you're not currently asking to put before the Chamber the  
23 DC-Cam document?

24 MR. AHMED:

25 My submission in respect to the DC-Cam document was that if Your

13

1 Honours were to permit the use of that document, then my learned  
2 friend can conclude his question on that document. However, if  
3 Your Honours were not to permit the use of that document, then I  
4 shall proceed with my own documents.

5 (Deliberation between Judges)

6 JUDGE CARTWRIGHT:

7 One more question. There is an both an ERN number and a D number  
8 on that document. Judge Lavergne fears that the D number is a  
9 DC-Cam number which will only confuse things further. So could  
10 we use the ERN numbers, please?

11 [09.37.46]

12 MR. AHMED:

13 I am obliged, Your Honour. We shall do so.

14 JUDGE CARTWRIGHT:

15 And the Chamber accepts that the document be put before the  
16 Chamber as a basis for the questioning of this witness, to whom  
17 it refers.

18 MR. AHMED:

19 Thank you very much, your Honour.

20 I shall then request my learned friend to conclude that question,  
21 and then in the limited time that I shall have, I shall ask my  
22 questions.

23 MR. TAN SENARONG:

24 Thank you, Mr. President. Good morning, once again, Mr. Lach

25 Mean.



14

1 I would like you to also confirm on the DC-Cam document in which  
2 your interview was taken. In that document I would like to  
3 present this document to the Chamber to be considered document  
4 D92/1.

5 BY MR. TAN SENARONG:

6 Mr. Lach Mean, do you still remember the detainees whom you  
7 interrogated during the time you worked at S-21?

8 [09.39.19]

9 MR. TAN SENARONG:

10 This document with ERN number 00057053; the document I am now  
11 putting and asking the question to the witness is in page  
12 00057066.

13 MR. PRESIDENT:

14 We know that. Mr. François Roux is on his feet. You take the  
15 floor.

16 MR. ROUX:

17 Please forgive me, this was just for the purposes of clarity.  
18 Does this, therefore, mean that the Chamber authorizes the usage  
19 of this DC-Cam document? I don't know what I understood, but  
20 it's just for the purposes of clarification. Does the Chamber  
21 authorize the usage of this DC-Cam document?

22 MR. PRESIDENT:

23 Judge Lavergne, you take the floor.

24 JUDGE LAVERGNE:

25 Yes, Mr. Roux, the Chamber authorizes the use of this document.

15

1 This document is already in the case file. Up until now, we have  
2 taken the decision where we decided not to use DC-Cam documents  
3 because the witnesses were not present, so it was not possible to  
4 confront them with these statements, but today the situation is  
5 different.

6 [09.40.57]

7 We have a document that is in a case file and we have the  
8 possibility of putting questions regarding the content of this  
9 document. So the Chamber feels that it is possible to put this  
10 document before the Court.

11 MR. PRESIDENT:

12 The Co-Prosecutor, you can proceed with your questions. You  
13 still have 25 minutes to put questions to the witness.

14 MR. TAN SENARONG:

15 Thank you, the President.

16 BY MR. TAN SENARONG:

17 Q.Mr. Lach Mean, do you still remember the document I have just  
18 mentioned?

19 A.I don't remember it, and the signature here is not that of  
20 mine anyway.

21 Q.I'm not asking you about your signature.

22 MR. TAN SENARONG:

23 With the President's leave, may document with ERN 0057066 be put  
24 up on the screen, please?

25 MR. PRESIDENT:

16

1 The AV Unit is now instructed to put this document with ERN  
2 number 0057066 up on the screen.

3 [9.42.50]

4 BY MR. TAN SENARONG:

5 Q.Mr. Lach Mean, can you read this document on the screen, and  
6 do you remember that it is part of your interview back then?

7 Can you tell the Chamber which detainees interviewed or  
8 interrogated by you back then?

9 A. There is a name of the person here in the interview that I  
10 gave to the DC-Cam. I don't think I remember having said such a  
11 thing in such interview.

12 Q. May I also inform you that I would like to read from the  
13 portion of the confession? Do you still remember the person from  
14 Battambang, a former professor? And then you were asked about  
15 the name and then you asked that person whether it was Pen Samorn  
16 and then you said, yes, it was Pen Samorn who was interrogated by  
17 you. And then you were asked also why Pen Samorn was brought to  
18 be interrogated and you said that he was accused of being a  
19 traitor, and that you don't remember other details.

20 So do you still think you can remember these portions of the  
21 interview?

22 A. It was the interview, the statement that I made before the  
23 investigator of the DC-Cam, and I did say Pen Samorn, but still I  
24 cannot recollect the details of the interview I gave to the  
25 people from DC-Cam. I'm sorry, I'm rather confused now.

17

1 Q.Do you still recognize that it is part of your statement that  
2 you made back then?

3 A.I stand by that statement. I did say so.

4 [9.45.38]

5 Q.Thank you. Now we would like to proceed to the next question.  
6 Yesterday, you stated to Judge Ya Sokhan that Duch made a  
7 telephone call directly to you or advised or instructed you on  
8 the people who were already interrogated and how they would be  
9 interrogated further. And were there any specific instructions  
10 for you to interrogate the detainees --

11 MR. PRESIDENT:

12 We note that Mr. François Roux is on his feet.

13 MR. ROUX:

14 Yes, Mr. President. Thank you.

15 I apologize, my learned friend, for interrupting you, but before  
16 we speak about this DC-Cam document, I heard the witness saying  
17 that he did not acknowledge his signature on this document. So  
18 before we leave this question behind, I would like us to check to  
19 see if the witness can recognize his signature on this document  
20 before we move on to the next question.

21 So could you, please, my learned friend, put the document on the  
22 screen again so that we can make sure that the witness recognizes  
23 his signature because I heard that he doesn't.

24 So is there a problem of translation here, I do not know, but we  
25 have to make things clear here.

18

1 [9.47.09]

2 MR. PRESIDENT:

3 Judge Lavergne, you take the floor.

4 JUDGE LAVERGNE:

5 I am also interested to know how the witness was able to get this  
6 document.

7 MR. PRESIDENT:

8 The counsel for the witness, you take the floor.

9 MR. KONG SAM ONN:

10 Could I please be allowed to meet with the witness briefly?

11 MR. PRESIDENT:

12 Allowed.

13 (Witness consults with counsel)

14 MR. PRESIDENT:

15 The Co-Prosecutor, could you please proceed with further  
16 questions; and that your questions have been extracted from the  
17 portion of the interview of this witness with the DC-Cam.  
18 And the defence counsel just noted that they would like to  
19 clarify the authentication of this document, whether the  
20 signature on that piece of document really belongs to the witness  
21 and that he did give these statements before the DC-Cam. So this  
22 part of the signature portion should be shown to make sure that  
23 the witness can prove it.

24 [9.51.50]

25 MR. TAN SENARONG:

19

1 Thank you, the Chamber. I would like to draw the attention of  
2 the Chamber that the majority of the documents prepared by  
3 DC-Cam, whether they conducted interviews with the guards, with  
4 the former Khmer Rouge soldiers, those documents were already  
5 typed in the form of transcript and that there were no signatures  
6 of the person who gave such interviews.

7 However, these documents had been tape-recorded or audio-recorded  
8 and those documents have already been put into the case file from  
9 the very beginning. In the same document that I refer to, it can  
10 be referred to with the ERN number in English, 00335276 through  
11 00335296, and I already mentioned the ERN number in Khmer but  
12 what I am saying now is that I am only referring to just one page  
13 only; the page that Lach Mean indicated that he interrogated one  
14 detainee.

15 [09.53.30]

16 MR. PRESIDENT:

17 Without any proper or any further clarification on the document  
18 to prove that it is authenticated, could you please put the rest  
19 of your questions?

20 BY MR. TAN SENARONG:

21 Mr. Lach Mean, I have no other questions now. I would like to  
22 share the floor with my colleague.

23 MR. AHMED:

24 Thank you, Your Honours, for your patience.

25 BY MR. AHMED:

20

1 Q.Mr. Lach Mean, I have a few questions to you.

2 Do you know of the person called Son Sen?

3 A.Yes, I do. I saw him coming to give lectures at the political  
4 training sessions at the location adjacent to S-21 compound.

5 Q.How often did you see him in S-21 compound?

6 A.He did not come to the location more often. Maybe after two  
7 to three months he would pay a visit to that location.

8 [09.55.00]

9 Q.And what was the content of the political sessions that Son  
10 Sen used to give? What did he tell you all present there?

11 A.At that time I don't think I remember the detail of the  
12 content but the main politics taught in that session was to smash  
13 the enemies.

14 Q.Did he describe who those enemies were?

15 A.The enemies were referred to anyone who betrayed the Party.

16 Q.You told the Investigating Judges that Son Sen came to S-21  
17 once every month or two, so is that a correct assessment of the  
18 times he visited?

19 A.I don't think I remember quite clearly whether his visit was  
20 rather regular because I was called when he came, so sometimes I  
21 could only see him after 12 months and sometimes more regular  
22 than that.

23 Q.How often this accused gave you training on interrogation  
24 techniques?

25 A.The accused, alias Duch, did not directly or personally

21

1 instruct us at the interrogation sessions but he did instruct us  
2 during the political sessions about how interrogations should be  
3 conducted.

4 Q.And how often those political sessions took place in which  
5 this accused told you about interrogation techniques?

6 A.It was not quite regular. Anyway maybe every fortnight he  
7 would convene a political session.

8 [09.57.55]

9 Q.And in that political session all the interrogators were  
10 present?

11 A.All interrogators were invited to attend the sessions and  
12 there were also cadres from Prey Sar, too, who were seen  
13 attending such sessions. I only saw their faces but I did not  
14 know in which units they belonged to. There were people from  
15 defence sections and also from the interrogation sections.

16 Q.And is it correct to say that this accused in those political  
17 sessions told you specifically about -- and I'm quoting -- "weak  
18 points of the prisoners"?

19 A.He did not personally tell me about these weak points of the  
20 detainees but I was told by the chief of the unit.

21 Q.And in those political sessions the accused also told you how  
22 to handle -- and I quote -- "unresponsive prisoners". Is that  
23 true?

24 A.Could you please repeat your question? I may not catch it  
25 yet.



22

1 Q.The accused in those political sessions told you and others  
2 present how to handle unresponsive prisoners when you were  
3 dealing with them as interrogators.

4 A.He did not instruct me on this but, as general, interrogators  
5 were instructed to make sure we obtained confessions from  
6 detainees.

7 [10.00.37]

8 Q.Do you recall that on one occasion you made a telephone call  
9 to the accused in which you told him that one particular prisoner  
10 had implicated Vorn Vet?

11 A.I still remember that confession. A prisoner implicated Vorn  
12 Vet and I telephoned Duch and reported to him.

13 Q.Vorn Vet of course was the minister of economics, and what did  
14 the accused tell you to do with that prisoner?

15 A.At that time he didn't provide any instruction. He advised me  
16 to skip that section and not to include it in the confession.

17 Q.And then the accused told you, after clarifications, that you  
18 can go ahead and finish the interrogation of the witness?

19 A.Yes, and later on he telephoned to me again and instructed me  
20 to write -- to the prisoner to continue writing his confession,  
21 including the implication of Vorn Vet.

22 Q.Did you see any Westerners in the S-21; people who were fair,  
23 maybe tall, and had brown hair?

24 A.Regarding the Westerners, I saw them. I either saw two or  
25 three of them. The bodyguards of Chan or Hor brought them in for

23

1 interrogation. I saw them being walked.

2 [10.03.05]

3 Q.And do you know what happened to those Westerners after  
4 interrogation?

5 A.Whatever happened to them next I did not know because the  
6 affair was secretive.

7 Q.You have told the Investigating Judges and also this Court  
8 that you regularly heard prisoners scream and cry, some prisoners  
9 attempted to commit suicide and on one occasion one prisoner  
10 grabbed the gun of a guard and killed himself. Do you remember  
11 that incident?

12 A.Regarding that incident, I did not witness it personally but I  
13 heard it. Actually Duch instructed us and taught us and raised  
14 that incident to us as an example so that all the guards had to  
15 be vigilant, and I think that incident took place in late 1977  
16 after it was relocated from PJ to S-21 location.

17 Q.You told the Court that there were male and also female  
18 prisoners in S-21. Is that correct?

19 A.That is correct.

20 Q.Did you have an occasion to interrogate a female prisoner?

21 A.I did not interrogate any female prisoner.

22 Q.Did you know any interrogator in your group or other group who  
23 may have interrogated female prisoners?

24 A.From what I saw, they were being walked by the bodyguards of  
25 either Chan or Hor and those female prisoners would be

24

1 interrogated.

2 [10.05.44]

3 Q.Do you remember an interrogator called Touch -- and for  
4 English purposes I just read the spelling for proper recording --  
5 T-o-u-c-h -- which I understand in Khmer means "small". Do you  
6 remember an interrogator called Touch?

7 A.There was an interrogator named Touch. He committed suicide  
8 by jumping from the upper floor. He committed immoral offence  
9 with a female prisoner. However, while he jumped he fell onto  
10 the electricity cable and he did not die.

11 Q.Was that immoral offence rape?

12 A.That is correct. He raped a female.

13 Q.What happened to that female after she was raped?

14 A.I did not know what happened to that female later on.

15 Q.What happened once you had taken a confession from a prisoner.  
16 Whom did you send it to?

17 A.For those confessions I would send through the chain of  
18 command, that is to the group chief, Seng or Kak.

19 [10.08.02]

20 Q.Do you remember that your confessions went to the accused and  
21 sometimes they came back with his annotation on them for further  
22 instructions to interrogate?

23 A.I cannot recall whether the accused made any annotation on the  
24 confession for me to conduct any further interrogation. It's  
25 likely that he made annotation but I am not really clear on this

25

1 point.

2 Q.You told the Court that you were a new interrogator, therefore  
3 you were given ordinary prisoners. But you also told the  
4 Investigating Judges that once you became good at interrogations  
5 you started getting good -- and these are your words --  
6 prisoners.

7 A.Regarding the expertise in interrogation, I was not yet  
8 skilful because I was quite new.

9 Q.You told the Office of the Investigating Judges that if senior  
10 interrogators did not get a confession from a prisoner for two or  
11 three months they would send them to you and before you they  
12 would confess right away. Is that correct?

13 A.I am not really clear on this point whether I was asked  
14 regarding the prisoners whose confessions were not extracted. I  
15 was only interrogating those prisoners who were sent to me.

16 Q.Now, can I show you two documents?

17 MR. AHMED:

18 And Mr. President, I shall conclude my questioning with those two  
19 documents. Can I, with your leave, request the AV Unit to  
20 project 00039595 on the projector, please?

21 [10.10.33]

22 Now, while this is being projected I shall just describe this  
23 document. This document is a list about prisoners who went for  
24 interrogation. Mr. President, with your leave can this be  
25 projected, please?

26

1 MR. PRESIDENT:

2 The AV officer, can you project the document with the ER number  
3 00039595 on the main screen?

4 MR. AHMED:

5 Can the document be shown on its right-hand side, please? The  
6 last column on the right-hand side.

7 BY MR. AHMED:

8 Q.Mr. Lach Mean, you are a literate person. Can you read this  
9 document and tell us whether you remember documents of this type  
10 being used in S-21?

11 A.The name of the prisoners who were interrogated on the 30th of  
12 April '78. Old, new, the date of the arrest, and the  
13 interrogators' names. And the deposition, the deputy chief of  
14 the Office 62B, the document is made. The arrest date is 7 April  
15 '78 and interrogator's names was Sou Lat .

16 Next, member of division of Sector 20 and ready to be  
17 photographed. Arrested on the 17th April '78, interrogated by  
18 Khoem Pho.

19 Next, chief of the security in Sector 23, the document has been  
20 recorded. Arrested on the 15 of April '78 and interrogated by  
21 Prak Nan.

22 Commander of Regiment 116, the document is being made. Arrested  
23 on 26th of March '78, interrogated by Ruos Oeun.

24 [10.13.10]

25 Q.Just to interrupt you there, can I request you to recall if

27

1 you know any of these prisoners -- any of these interrogators  
2 mentioned in the right-hand side column?

3 A.I know some of the names. I know Man, my group chief. And  
4 Oeun, he was the interrogator. Sou Lat, I was not really clear;  
5 I think he might be one of the interrogators there.

6 Q.So do you think such kind of documents were used by you or  
7 your team of interrogators in S-21?

8 A.I am not really sure regarding this type of document whether  
9 it was used at S-21 or not. It's been so long already, I am not  
10 really clear.

11 Q.Thank you. The next document in this ERN series, Your Honour,  
12 and the number is 00039596. And just for the convenience of  
13 other --

14 MR. PRESIDENT:

15 AV officer, can you project the document on the screen?

16 And you are reminded that this is the last questions by you  
17 because your time is running out.

18 MR. AHMED:

19 Your Honour, it shall indeed be my last question.

20 And just for the convenience of this Court, I shall read the ERN  
21 number, 00233803 to 00233817.

22 [10.15.19]

23 Q.Mr. Lach Mean, can you read this document? And, once again,  
24 can it be put towards the end on the right-hand side? Can you  
25 read the names of interrogators and recall if you knew any of

28

1 them?

2 A.The names of the interrogators, I can recall some of them.

3 I think Hom (phonetic) was the interrogator; Oeun, yes. There  
4 were two Oeuns: Su Oeun and Chea Oeun, and Prak Oeun, I am  
5 unclear on his name. And Heng, yes, Heng was my group chief, and  
6 that, yes, he was the interrogator there. And Han Khon, it's  
7 likely that he was the interrogator there. And Ven Khoeun, I do  
8 not know this name. And Siek Khan, I am also unclear on the name  
9 Siek Khan.

10 MR. AHMED:

11 Your Honours, I have finished my examination of this witness, but  
12 can I make a request, and which is the OCIJ statement of this  
13 witness and the statement that he gave before the Office of the  
14 Co-Prosecutors be deemed to be read in evidence for Your Honours  
15 to be assisted at the time of writing the judgement in this  
16 matter. I beg your leave.

17 MR. PRESIDENT:

18 Next, I would like to give the floor to the civil party lawyers  
19 so that they have time to put questions to this witness. You  
20 take the floor.

21 [10.17.43]

22 MS. TY SRINNA:

23 Your Honours, ladies and gentlemen, we all agree that the  
24 counsellor for Group 1 and 2 would question this witness, and we  
25 would take half of the time allocation for each group.

29

1 BY MS. TY SRINNA:

2 Q.Good morning, Mr. Lach Mean, I am Ty Srinna and Alain Werner.

3 We are the counsel for the civil party in my group, and I have  
4 some questions for you.

5 This is regarding the records of interview between yourself and  
6 the Co-Investigating Judges that it did the 7 December 2006, with  
7 the ERN in Khmer 00145587 and in English 00146789. And it's the  
8 D2.6/2.

9 There is first in that interview with the Co-Investigating Judges  
10 that after the confessions were finished typing they were sent to  
11 Duch to check and find out the string of traitors. Did you make  
12 that statement to the Co-Investigating Judges? Are you still  
13 standing by your statement?

14 A.Regarding these statements, I am not really sure, however, the  
15 confessions which were typed were sent to my group chief. His  
16 name was Pheap alias Chroek. Currently, he's alive in Ta Ches  
17 village.

18 Q.Because of your poor memory, I would like to make some  
19 recollection of what you said yesterday with Judge Ya Sokhan.  
20 You were asked when -- regarding the confessions and the purpose  
21 of the interrogation, at that time you replied that the  
22 interrogation was to find the network of traitors. Is this what  
23 you said yesterday to the Judge and are you still standing by  
24 your statement?

25 [10.21.11]



30

1 A. Yes, I stand by the statement which I said yesterday.

2 Q. In the document which I just said, you said stated before the  
3 Co-Investigating Judges with the Co-Prosecutors. In order to  
4 make you remember I would like to read parts of this statement.

5 You said:

6 "The prisoners were sent by trucks and Thy and Lanh took the  
7 prisoners off the trucks. After the confessions were finished  
8 typing they were sent to Duch to check and find out the string of  
9 traitors based on those confessions."

10 Did you make that statement before the Co-Prosecutors and are you  
11 still standing by this statement?

12 A. I acknowledge that it is my statement and I stand by it.

13 Q. After you extracted the confessions and if in the confessions  
14 the prisoners mention the string of networks by implicating  
15 person A or B, was that the process of that interrogation and the  
16 confession?

17 A. The prisoners who agreed to confess or to implicate other  
18 people, yes, there were such confessions.

19 [10.23.27]

20 Q. Regarding the confessions with the implication of other people  
21 and when the documents were sent to the upper echelon to check  
22 and find out this string of networks, did you know or can you  
23 remember whether the upper echelon actually tried to find those  
24 implicated people?

25 A. I did not know because that affair of the Party was

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1 confidential.

2 Q. Did you know if the upper echelon issue any order to the  
3 subordinates to go and arrest those people who were implicated in  
4 the confessions?

5 A. Regarding the assignment or any order to the subordinates to  
6 arrest those people, I did not know it.

7 Q. Did you ever come across any people who were implicated in a  
8 confession and were arrested and brought to S-21?

9 A. I did not see such people because this process was  
10 confidential and we, the interrogators, were not permitted to go  
11 around and see those people whether they were implicated by  
12 previous confessions or not. We, the interrogators, we would  
13 sign our names and to get the prisoners who were assigned to us  
14 to be interrogated. That is all.

15 [10.25.30]

16 Q. Regarding a record of interview by the Office of the  
17 Co-Investigating Judges dated the 24th of October 2007 with the  
18 ERN number in Khmer 00162775 and in English the ERN is 00162786  
19 to 00162787 you made a statement before the Co-Investigating  
20 Judges, as follows:

21 "Were there any prisoners died in the prison?"

22 And you replied:

23 "They died because of dysentery."

24 Can you confirm whether you made that statement?

25 A. Yes, I made that statement. When I was working as a guard

32

1 three prisoners who were sick of diarrhoea, dysentery and some of  
2 them died. And I witnessed that.

3 Q.Besides dysentery did they die of any other diseases?

4 A.I did not know if any of them died of any other diseases.

5 Q.Did you know the cause of dysentery that led to the death of  
6 those prisoners?

7 A.The cause of the dysentery was beyond my knowledge. I did not  
8 know the cause. I'm saying it was infected from one prisoner  
9 through another and I think because they relieved themselves in  
10 the same ammunition box.

11 [10.27.49]

12 Q.Another statement, when you responded to Judge Lavergne  
13 regarding the tools you also made a similar statement in your  
14 interview with the Co-Investigating Judges in a Document at  
15 0016277 in Khmer and in English 00162790. You were asked if  
16 there were any other instruments of torture and you replied:

17 "They attach electric wires to their ears and crank the  
18 alternator to shock them."

19 Can you confirm if you made such statement because yesterday in  
20 responding to Judge Lavergne's question it was not clear?

21 A.I confirm it's my statement. Yes, an alternator was used to  
22 generate electricity to shock the earlobes of the prisoners.

23 Q.Did you witness this personally? If so, could you say the  
24 pain suffered by the prisoner, how great was it?

25 A.The pain suffered by those prisoners was beyond my

33

1 understanding but I think it was painful for them. Also, it  
2 depends on the level of the electricity generated by the  
3 alternator.  
4 Q.In document 00162778 and in English 00162790 which is a  
5 document of the Co-Investigating Judges, you were asked whether  
6 you studied typing and during the interrogation did you make your  
7 own writing. And you replied that:

8 [10.30.36]

9 "The documents were made in three parts. First, if the prisoner  
10 could write they wrote themselves or those responses were taken  
11 and typed. Second, they were typed and; third, they were  
12 audio-recorded. And the audio recordings were used at the end.  
13 It was about one month near the fall of Phnom Penh before the  
14 recorder was received. The audio recordings were to monitor both  
15 the interrogators and the persons giving their responses."  
16 Can you confirm whether this is your statement?

17 A.Yes, it is my statement.

18 Q.Regarding the illiterate detainees how were they treated and  
19 how were their confessions be recorded? Were they typed?

20 A.Regarding the detainees who could not read or write, first the  
21 interrogator would record each word after each interrogation; for  
22 example, after one question then the first part of the confession  
23 would be recorded one piece at a time.

24 Q.In relation to recording the audio recording of the confession  
25 of the detainees to monitor the interrogators, also not just the

34

1 detainees. Is that correct?

2 A.Yes, it is correct. Because normally the interrogators would  
3 be much -- twice as much monitored than the detainees because  
4 they would like to know how interrogation would be conducted and  
5 that interrogators would have to avoid leading the questions.

6 Q.Who initiated such system to tape-record the confessions or  
7 the interrogation sessions?

8 A.I don't know, but I observed that my chief of the team would  
9 bring me the tape-recorder for me to tape-record the  
10 interrogation session.

11 [10.33.33]

12 Q.When you first came to S-21 was your biography taken and -- to  
13 prove that you were a member of S-21?

14 A.Could you please repeat your question?

15 Q.When you first came to S-21 did you produce the biography or  
16 was your name registered in any list at S-21 to prove that you  
17 were a member of staff at S-21?

18 A.My biography was recorded in the list of S-21. Once a year  
19 the biography should  
20 or could be reviewed or renewed.

21 Q.In relation to the political sessions, were there any  
22 differences between the political sessions for the S-21 guards  
23 and the political session which was about the overall Party  
24 principles?

25 A.There were two sections for such political sessions. First,

35

1 the guards and interrogators and the cadres from Prey Sar would  
2 be called to attend such a political session in general but there  
3 was another political session conducted separately.

4 Q. Who actually conducted the political sessions for  
5 interrogators?

6 A. The person who created such political sessions for  
7 interrogators was not known to me, and I know that Duch gave  
8 lectures at the political schools.

9 [10.35.51]

10 Q. How often had you met Duch, or the accused, during the time  
11 you had worked at S-21?

12 A. I met him since I was part of the interrogator team. I met  
13 him on a daily basis.

14 Q. When you met him were you terrified or were you satisfied for  
15 having been working with him?

16 A. At that time I did not dare talk to him. I would try to run  
17 or escape from seeing him.

18 Q. Why were you afraid of him?

19 A. His face was -- he show his tricks, impression in his face, so  
20 he was a very strict person.

21 Q. The last question: regarding the traitors and the strings of  
22 traitors or enemies, my question is, when Angkor accused any  
23 staff member of S-21 and accused them as the enemies of the  
24 revolution did you believe back then that they were really the  
25 enemies of the Party?

36

1 A. I don't think I believe that they were enemies although we  
2 were instructed to regard them as enemies; for example, like the  
3 chief of my team, because I had known him and I came to know his  
4 performance and I did not believe that he was the traitor. I did  
5 not know back then whether he would be working in another secret  
6 service also but that's all I know.

7 [10.38.13]

8 Q. On behalf of the civil party, we would like to thank you so  
9 much for your time, giving the testimony and responding to our  
10 questions.

11 MR. PRESIDENT:

12 It is now time to take the adjournment. So we will adjourn now  
13 and resume at five to eleven.

14 THE GREFFIER:

15 All rise.

16 (Judges exit courtroom)

17 (Court recesses from 1040H to 1054H)

18 (Judges enter courtroom)

19 MR. PRESIDENT:

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

21 Now, we would like to give the floor to the civil party lawyers  
22 group 2 who are going to put questions to the witness. The floor  
23 is yours.

24 MS. STUDZINSKY:

25 Thank you, Mr. President. Good morning.

37

1 [10.55.09]

2 QUESTIONING BY CIVIL PARTY COUNSEL

3 BY MS. STUDZINSKY:

4 Q.And good morning, Mr. Lach Mean. My name is Silke Studzinsky.

5 I'm lawyer for civil parties for the victims and I would like to

6 put some questions to you.

7 My first question refers to your general observations during your

8 time in Tuol Sleng. The accused told the Court that at least one

9 prisoner stayed in Tuol Sleng around 19 months, one-nine months.

10 My question to you is, do you have any knowledge about how in

11 Tuol Sleng was dealt with prisoners if they stayed a long time to

12 cut their hairs, or what happened to their barbers if they stayed

13 so long time?

14 Are you aware that they had the occasion to have access to such

15 measures or could you observe them that they had long hair when

16 you met them?

17 A.Detainees had not had their hair cut and I don't remember

18 seeing any barbers inside the compound. As a guard, I never

19 noted any detainees have their hair cut, and so I have no idea in

20 relation to this issue or question.

21 Q.Did you then see prisoners with growing hair and long hair

22 during a long stay in Tuol Sleng, in S-21?

23 A.I saw several detainees with long growing hair.

24 [10.58.06]

25 Q.Thank you. I come to my next questions and that is to your



38

1 tasks at S-21. I would like to clarify first what was your first  
2 task when you entered S-21?

3 A.The first task I was assigned at S-21 was to guard the  
4 detainees in the room or in the cells.

5 Q.I would like to refer to the statement that you gave to  
6 DC-Cam, and which was already discussed today, and I would like  
7 to read out part in this statement that is on page 11 and should  
8 I repeat the ERN because we had it this morning already? Should  
9 I repeat?

10 This is the 00335276 through 00335296 in the English version and  
11 they're at page 12, and in the Khmer version it is 00057053  
12 through 00057078.

13 And now, Mr. Lach Mean, what I want to read out here from this  
14 interview is the following. You have been asked:

15 "Did you stop guarding when you were transferred to Tuol Sleng  
16 Prison?"

17 And your answer was:

18 "Yes."

19 [11.00.27]

20 And then the next question was:

21 "You worked as a typist since then?"

22 And your answer is recorded as:

23 "I was a typist until 1979 and, at that time, I was sent to learn  
24 how to do interrogations."

25 If you recall -- it is long ago, that is true, but if you recall

39

1 the time and could you confirm what you told DC-Cam about your  
2 tasks in Tuol Sleng, in S-21?

3 A.Regarding this question, I actually provided my statements to  
4 the DC-Cam.

5 Q.Sorry, maybe could you repeat? I haven't got the full  
6 translation of your answer. My question was, can you confirm  
7 what you told DC-Cam that you stopped guarding when you were  
8 transferred to Tuol Sleng prison?

9 A.I stopped working as a guard as I was assigned to learn how to  
10 type in order to type those confessions; and this is my statement  
11 that I provided to DC-Cam.

12 Q.And is this the truth?

13 A.That is the truth.

14 Q.Thank you.

15 [11.02.48]

16 I move now to another issue which was already discussed by the  
17 prosecutors, and it concerns interrogation of female prisoners.

18 And I would move again to what you told DC-Cam. This is in the  
19 English version on page 16 and the same ERN that I have just  
20 said; that is the ERN in the English version 00335291. And now,  
21 Mr. Lach Mean, I would like to read out what you have been asked  
22 at the time by DC-Cam. The question was:

23 "Who interrogated female prisoners?"

24 And your answer is recorded as follows:

25 "We interrogated them as usual. Sometimes we were ordered to

40

1 interrogate female prisoners and sometimes male prisoners. They  
2 did not restrict interrogators to only interrogate female  
3 prisoners."

4 And my question now is, first, do you now recall that you told  
5 this to DC-Cam? That is my first question.

6 A.Regarding these questions I am not really sure whether I  
7 responded that way. I cannot recall it so I cannot provide any  
8 accurate answer to this question.

9 Q.Are you aware about any rules or, let's say, regulations that  
10 were set out in S-21 about different treatment during the  
11 interrogation of females and males? Were there general rules on  
12 this?

13 A.Regarding the rule or regulation for the treatment on male and  
14 female prisoners, the instructions we received were that we had  
15 to try our best to get the confessions from the prisoners and  
16 that the confessions had to be true. And we were prohibited to  
17 torture the prisoners. These were the instructions for the  
18 interrogation.

19 [11.06.24]

20 Q.Thank you.

21 I move now a little bit and want to come back to the rape that  
22 you have already talked about at S-21. You have said that you  
23 have only heard about this rape. Could you please give us  
24 details about this rape, if any?

25 A.Regarding the rape, I didn't know in what year it happened.

41

1 Touch, he was the interrogator and he interrogated that female  
2 prisoner. During a mealtime the interrogators took the prisoners  
3 back into their cells but Touch did not go to the dining hall as  
4 he was in the room raping that female prisoner. After other  
5 interrogators returned from their meal the female prisoner told  
6 other prisoners that she was raped by Touch. Touch was scared  
7 after he heard that and he ran to the top of the building and he  
8 jumped onto the ground but he didn't die as he jumped and fell  
9 onto the electric wires. He was arrested and detained at S-21.  
10 This is my response.

11 Q.Thank you. Did you witness the arrest of him?

12 A.I did not see the arrest of Touch. All the staff at S-21  
13 tried to gather around in order to not let this person flee and  
14 in order to arrest him.

15 [11.09.05]

16 Q.Have you been working at this time of this rape already as an  
17 interrogator?

18 A.Yes, that woman was raped and then she reported to other  
19 interrogators. She was given some sort of tablets but she did  
20 not die and she was treated by the medical unit. And later on I  
21 didn't know what happened to her.

22 Q.Thank you.

23 Maybe there was a translation or whatever issue. I repeat my  
24 question and it was: were you already at this time working as an  
25 interrogator in S-21 when this happened, the rape?

42

1 A.At that time I was starting to learn how to type and I did not  
2 work as an interrogator yet.

3 Q.Do you have any knowledge about who ordered the arrest of  
4 Touch?

5 A.It was the order of the group chief. At that time I think it  
6 was either Nan or Kak who was the group chief who ordered the  
7 arrest of the interrogator Touch. He instructed that Touch was a  
8 traitor because he raped a female prisoner and he instructed us  
9 to gather around to arrest this Touch. I think Pheap alias  
10 Chroek was also the person who was with me while we received the  
11 instruction for the arrest of this person.

12 [11.11.47]

13 Q.Do you know if the group chief reported this incident or got  
14 approval for the arrest from the Chairman of S-21?

15 A.I did not know whether it was reported to the upper echelon or  
16 not. I did not know up to what level the order was issued.

17 Q.I would like to move now to your -- to the interrogation that  
18 you yourself have done. Do you know the name of Sre In -- Srey  
19 Im Rem as secretary of Sector 2 Northwest. Do you remember this  
20 person?

21 A.I cannot recall the name of the prisoner. I forget all the  
22 names. It has been so many years already.

23 [11.13.24]

24 MS. STUDZINSKY:

25 Mr. President, could the AV please put on the screen the

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1 following document with the ERN number 00039714 and there,  
2 please, in this document the page 19?

3 MR. PRESIDENT:

4 The AV officer, can you project this document on the screen:  
5 00039714 on page 19 of the document?

6 MS. STUDZINSKY:

7 I could give for non-Khmer speakers the English ERN. It is the  
8 document 16.77, and on the ERN number 00233835. Could the AV  
9 please be directed to scroll on page 19 of this document?

10 BY MS. STUDZINSKY:

11 Q.Mr. Lach Mean, this is a similar prisoner list, that is to say  
12 list of interrogations, and if you have a look at this document  
13 which shows at the end a prisoner from the Northwest Zone, and  
14 there you find Srey Im Rem, and if you move to the right you find  
15 as interrogator Lach Mean.

16 If you look at this document could you remember that you have  
17 interrogated this person?

18 A.I cannot recall whether I interrogated this person or not. I  
19 forget it. It is difficult for me to say whether I did  
20 interrogate this person or not. I cannot recall exactly the  
21 names of the prisoners whom I interrogated, so it is hard for me  
22 to say whether I interrogated this person or not.

23 [11.17.16]

24 MR. PRESIDENT:

25 The counsel for civil party group 2, your time has run out.

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1 MS. STUDZINSKY:

2 Mr. President, am I allowed to ask only the last question on this  
3 document and to scroll -- it disappeared.

4 MR. PRESIDENT:

5 You are allowed to ask one more question.

6 MS. STUDZINSKY:

7 It was on this document, and I see now the AV already removed it,  
8 because I wanted to show the witness the first page of this  
9 document and the title of this document, which must be on the  
10 first page 00039714.

11 BY MS. STUDZINSKY:

12 Q. Could you read there, Mr. Lach Mean, the title of this  
13 document?

14 A. Yes, I can read it. The original name, alias, position, old,  
15 new, section, date of the arrest.

16 Q. Can I interrupt? I mean above the first word on the left  
17 hand. Could you look at this above what you have read out?

18 A. The first line reads, "Hot group".

19 [11.19.29]

20 Q. Okay, thank you, Mr. Lach Mean, for responding to my  
21 questions.

22 MS. STUDZINSKY:

23 Thank you, Mr. President.

24 MR. PRESIDENT:

25 Now I would like to give the floor to the defence counsel to put

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1 questions to this witness.

2 MR. KAR SAVUTH:

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

4 morning, ladies and gentlemen.

5 QUESTIONING BY DEFENCE COUNSEL

6 BY MR. KAR SAVUTH:

7 Q.Mr. Lach Mean, you already told the Chamber that before coming

8 to Phnom Penh you were a soldier at District 12 at Sameakki

9 Meanchey district. Are you still standing by your statement?

10 A.My statement that I was a district soldier, I am still

11 standing by this statement because at that time I was part of the

12 district military at the Kampong Tralach Leu district.

13 [11.20.55]

14 Q.Thank you. You also told the Chamber that at Prey Thnaot

15 Prison in Ta Khmau prisoners were asked to water the vegetables

16 and to make furniture. Are you still standing by your statement?

17 A.Yes, I still stand by my statement. When I arrived it was at

18 night-time around 7 p.m. when I was brought to Ta Khmau. In the

19 morning I was assigned to guard the prisoners, and prisoners were

20 asked to water the vegetables near the river at Ta Khmau and I

21 was standing guard those prisoners. That was the first time when

22 I was assigned to work at that location.

23 Q.Thank you. Yesterday you heard that Duch was in favour of the

24 Kampong Tralach Leu District. Do you believe his statement?

25 A.Regarding the accused's statement that he was proud of Kampong



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1 Tralach Leu people I cannot draw any conclusion as whether the  
2 statement is true or not.

3 Q.Can you confirm how many messengers of Duch who came from  
4 Kampong Tralach Leu and how many came from Kampong Chhnang and  
5 703 Division?

6 [11.23.04]

7 A.I did not know the messengers of Duch. I only knew his name  
8 and recognized his face. I did not know even a single name of  
9 messenger of Duch or where they came from. This is my response.

10 Q.Thank you. When you were at PJ the PJ or the PS did it have  
11 any surrounding walls?

12 A.Yes, there were surrounding walls. It was the human height  
13 wall, concrete walls, and they had the glass on top of the walls.

14 Q.Thank you. In PJ how many buildings which were used to detain  
15 the prisoners?

16 A.I did not know how many buildings there were to detain the  
17 prisoners. I was assigned to guard one building and I newly  
18 arrived from Ta Khmau and I did not know the situation of the  
19 prisoners there. I stood guard at the assigned building and I  
20 did not know how many buildings there were at PJ.

21 Q.If you did not know how many buildings there were, the  
22 building that you were assigned to guard was it in similar shape  
23 and form or size to the buildings at Tuol Sleng?

24 A.The building there was not as big as the buildings at Tuol  
25 Sleng. It was like just a concrete house. It was like round in

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1 shape.

2 Q.Thank you. Yesterday, you also told the Chamber that you  
3 clearly knew Dam Pheng prison. Can you describe in detail to the  
4 Chamber the Dam Pheng prison?

5 [11.25.40]

6 A.When I had a rest from my work, that is from guarding the  
7 prisoners, there was a placard and I was told that the writing  
8 there was Dam Pheng. That's what I was told.

9 Q.Thank you. At PJ where did you have your meals?

10 A.At PJ the economic section was outside the wall of PJ. I am  
11 not sure whether it was to the north or the south of the  
12 compound. Outside the compound there was a big road leading to  
13 Phsar Thmei and the dining hall was the other side of the street.  
14 I cannot recall exactly the location.

15 Q.Can you confirm at PJ as you said Duch was the Chairman there;  
16 where was his house?

17 A.I did not know the house of Duch. Occasionally he came and I  
18 did not see him frequently. I actually saw him for one time and  
19 people who worked there told me that Brother Duch arrived and he  
20 was the Chief there. And I did not know where his house was.  
21 Chan used to visit that location frequently.

22 Q.Thank you. When you worked at S-21 in Phnom Penh you were  
23 allowed to go and to watch a movie regarding Pol Pot's visits to  
24 Korea and China. Did you ever go to watch that movie?

25 A.Regarding going to a movie I went to watch a movie for one

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1 time. We were all put into a truck to go to a theatre but I  
2 cannot recall exactly where it was. So I went to watch a movie  
3 for one time. And I was also allowed to visit Sector 25 for one  
4 time.

5 [11.29.18]

6 Q.Thank you. So did you ever go to visit a theatre where a  
7 Chinese circus was performed?

8 A.For the Chinese circus in Phnom Penh, at that time I was still  
9 a member of the guard unit. Some people were allowed to visit  
10 but I did not go as I was on my duty at the time.

11 Q.You still maintained that at Tuol Sleng or Tuol Sleng prison  
12 there was there main tall buildings. Do you still stand by your  
13 statement?

14 A.I do stand by the statement that there were three sections of  
15 buildings. I mean the buildings situated on three corners so  
16 that's what I stated.

17 Q.Do you still maintain that the female detainees were detained  
18 in the middle building?

19 A.Most of the female detainees I saw they were detained in that  
20 middle building because I was guarding in the office in the  
21 middle, which is near the front gate.

22 Q.Were they detained until the 2nd or 3rd of January 1979?

23 A.I did not state that the detainees had been detained until the  
24 2nd or 3rd of January 1979. I had no idea until when the  
25 detainees would have been detained because after the

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1 interrogations I never went around or close by the location.

2 Q.You said that one detainee implicated Vorn Vet, so who was  
3 that detainee?

4 A.I don't remember that detainee who implicated Vorn Vet because  
5 many years have passed, but the person who implicated Vorn Vet  
6 was in K-1 or K-2 Office.

7 Q.I would like you to also confirm for us regarding document  
8 D2.6/2 with ERN number again 00145587.

9 In that document, you stated to the Co-Prosecutors that the  
10 "confessions were sometimes taken by me to Duch", but during this  
11 session you stated that you never took any detainees confessions  
12 personally, directly, to Duch. So I am afraid that your  
13 statements are contradictory.

14 So which statement would you want to stand by, the one before the  
15 Co-Prosecutors or the one you made in this Chamber?

16 A.I never, ever stated that I brought the confessions personally  
17 and directly to Duch. I, after interrogation, would take the  
18 confessions to Nan or Kak or later on presented them to Duch.

19 [11.34.12]

20 Q.So you reject now to the statement you gave to the prosecutors  
21 on the 17th of December 2006. Is that correct?

22 A.I now only telling the Court based on the best of my  
23 recollection and that I did not remember what I stated before the  
24 Co-Prosecutor, so I may not be able to accept what I said  
25 earlier.

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1 Q.You said you stood guard inside the compound before you  
2 started the interrogation and you did not see Duch beat or  
3 interrogate any detainees. Do you still stand by your statement?

4 A.Yes, I do, because I never saw him coming into the inside of  
5 the compound or interrogate or torture any detainee.

6 Q.Thank you. You said that you worked as a guard and also as  
7 the interrogator and you never saw any -- something about  
8 regulations in any room you interrogated detainees or the room  
9 you guarded. Do you still maintain your statement?

10 A.Yes, I do, because at that time I never saw any instructions  
11 or regulations on any whiteboard or blackboard, so I had never  
12 seen such writing.

13 [11.36.37]

14 Q.Thank you. You also indicated that there were no female  
15 medics at S-21 and there were no child medics. Do you still  
16 stand by your statements?

17 A.I never saw any female medics who would be giving treatment to  
18 the detainees. I might be wrong because I did not know any other  
19 female medics who would be providing any treatment to the  
20 detainees, I only saw male medics. That's why I stand by my  
21 statement.

22 Q.Thank you. You said since you had worked at S-21, you had  
23 never received any direct orders from Duch. Is that correct?

24 A.Yes, it is, because I never received any direct orders or  
25 personal orders from him.

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1 Q.When you trained to interrogate -- you were trained to  
2 interrogate detainees, you were trained by Kak on how to conduct  
3 interrogation. Were you taught how to torture detainees during  
4 such training?

5 A.Kak did torture detainee's right in front of me while I was  
6 learning to, or observing how interrogations would be conducted  
7 before I could become the interrogator; and only the skilful  
8 interrogators would be allowed to torture detainees. So during  
9 the training on the job, I was not instructed to torture any  
10 detainees.

11 Q.Thank you. At S-21, had you known anyone who is superior to  
12 Duch?

13 A.The person higher than Duch was not known to me. I only know  
14 of brothers, Brother Pol or Khieu, because I heard him referring  
15 to those brothers during the political sessions, but I never  
16 known them or met them in the compound. And who actually ordered  
17 Duch was not known to me. There was some of his subordinates  
18 that I know, Chan, Hor or Pon.

19 [11.40.10]

20 Q.Do you know Son Sen clearly?

21 A.I met him. I saw him clearly, actually, when he came to  
22 attend the political sessions outside S-21. He often came to  
23 that location, maybe a few times since I became the interrogator.

24 Q.The last question. Did you enjoy being a guard or  
25 interrogator at S-21?

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1 A.I think it is hard for me to say that I was satisfied with the  
2 work at that place because it was a kind of boring job and we had  
3 no freedom to move about freely, and we had to be very careful  
4 because any mistake we committed would result in the punishment.  
5 So we worked too hard and we lived with fear, and we thought that  
6 one day we would end up being killed as the other detainees.  
7 However, it was the assignment assigned by the upper-ups, upper  
8 echelon, so we had to abide by these orders.

9 Q.Thank you very much but just another last point for  
10 clarification. You said you did not like or enjoy working at  
11 S-21. If you did not enjoy or like working there, why didn't you  
12 find a way to escape?

13 A.There was no other option, no other ways. We had no  
14 opportunity to contact any outsiders, let alone finding any other  
15 possible means to escape. So instead we had to commit ourselves  
16 to working hard to gain favour from our superiors.

17 [11.43.08]

18 Q.So did you also learn that the other staff members at S-21  
19 experienced the same situation?

20 A.The other interrogators and people who worked with me, some  
21 could have been seen as enjoying their work but some felt bored  
22 and they were homesick, but they did not dare ask for any  
23 permission to visit a home town; although they shared this kind  
24 of sentiment with our colleagues, among ourselves, but they did  
25 not dare ask for permission. Others would object, saying that,

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1 "Why should we go home? We have to be working hard to sell the  
2 Party." So I can see that some people loved the Party but some  
3 would not love such a Party.

4 Q.Thank you. So for those who did not love the Party, like you,  
5 did you attempt to run away?

6 A.It is correct. I wanted to escape but we did not know where  
7 to escape to.

8 Q.Thank you.

9 MR. KAR SAVUTH:

10 I have no further questions now and I would like, with the  
11 President's leave, share this floor with my co-colleague.

12 MR. PRESIDENT:

13 Mr. François Roux, you can proceed with your questions.

14 MR. ROUX:

15 Thank you, Mr. President.

16 [11.44.56]

17 BY MR. ROUX:

18 Q.Mr. Mean, I do not have many questions to put to you. You  
19 just said that your work at S-21 was boring. Do you know how  
20 many people died at S-21 during the time when you were working  
21 there?

22 A.I don't know how many died. I only knew that my chiefs  
23 disappeared. For example, Pouch, Pol, Norn, Kak, they all  
24 disappeared and I can presume that they were dead.

25 Q.Did you know that you could not come out of S-21 alive?



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1 A.I, while working and living at S-21, did not know when my day  
2 would come because I could not tell.

3 Q.I'm not speaking about the guards nor the interrogators; I'm  
4 speaking to you about the victims, about the people who were  
5 detained there. Did you know that these people would never come  
6 out of S-21 alive?

7 A.I cannot give you any kind of answer in relation to their fate  
8 because it was a kind of secrecy of the Party and when I worked  
9 as a guard I saw incoming and outgoing detainees on trucks but I  
10 did not know where they would be taken to when they were taken  
11 out.

12 [11.47.59]

13 Q.And you never asked yourself that question? Didn't you try to  
14 know what might have happened to these people?

15 A.Asking myself; I think I asked myself this question, but how  
16 could I ask myself? Because, after all, no-one could answer me  
17 except me myself who would be able to give the no answer. So I  
18 did not dare ask any other chiefs of the unit because I was  
19 afraid that I would be implicated as the one who would like to  
20 know much of the Party's affairs and that I only be mindful of my  
21 business and work.

22 Q.So therefore I must conclude that during the entire duration  
23 when you were working at S-21 you never were concerned or you  
24 never wondered what was happening to the prisoners. Is that what  
25 you are telling me?

55

1 You were never worried about what was going to become of the  
2 prisoners. Is that what I must understand?

3 A.I was wondering what would happen to them, of course, but it  
4 was just my wonder and I never knew what happened to them. I  
5 told myself that those detainees would end up being killed after  
6 all because the policy of the Party was that everyone had to be  
7 determined and that every enemy had to be smashed.

8 And the guards worked very hard and sometimes, although they  
9 appear not to commit any kind of wrongdoing, they were still  
10 arrested and then we did not believe that we would live or  
11 survive because we too would be arrested later on.

12 [11.51.06]

13 Q.So therefore you knew very well that the Party's policy was to  
14 smash the enemies and therefore you knew very well that all of  
15 the people who were detained at S-21 were going to be smashed.

16 A.It is my conclusion only that these people would be ultimately  
17 smashed. However, I would like to maintain that it is not wise  
18 for me to say that. After all, everyone had to be executed.

19 Q.So this means that you never spoke with the other  
20 interrogators? Among yourselves you never were discussing these  
21 issues?

22 A.Communication with other interrogators was almost none because  
23 we did not share our conversations in relation to the detainees  
24 and their fate. We did not talk about this among ourselves.

25 Q.Even in the evening after work when you would all come

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1 together among interrogators, even then you never spoke with each  
2 other about all of this?

3 A.We never discussed or had any conversation in relation to the  
4 matter of the detainees because we were afraid. We did not trust  
5 any one of us, so everyone had to be mindful of their business  
6 and make sure that they leave and not to talk about other  
7 people's business.

8 [11.53.46]

9 Q.Did you ever know another interrogator by the name of Prak  
10 Khan?

11 A.There was probably an interrogator named Prak Khan or Kun, but  
12 I believe there were interrogators whose names were Khan and Kun.

13 Q.Did you meet him?

14 A.I perhaps met Khan on one occasion at the DC-Cam, but I never  
15 talked with him. I saw him walking because he has only one ear  
16 and I was suspicious. I can't help my suspicion that he would  
17 have been Khan, and I noted that he was walking with foreigners  
18 at Choeung Ek. So I could tell that he could have been Khan, but  
19 we never exchanged any conversations.

20 Q.I was asking you if you had had any conversations with him  
21 when you were working at S-21; among the interrogators and in  
22 particular with Prak Khan?

23 A.No, I didn't work in the same group as he did and we did not  
24 communicate much. And I did not think I had any contacts with  
25 him back then.

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1 Q.What did you do in January 1979? Can you tell us about this?

2 What were you doing when the Vietnamese arrived?

3 [11.56.46]

4 A.I did not know what happened to the others, but when the  
5 Vietnamese approached and I heard the sound of the guns -- the  
6 artillery I, after taking the detainees back to the cells and  
7 before we had dinner, then before we had our meal, I heard the  
8 guns and then we were asked by Duch to grab the weapons from the  
9 stores and then we had been asked to be prepared to guard the  
10 location. And we did not actually have our meal, and we walked  
11 until 3 p.m.

12 And we were so afraid of the Vietnamese. And then there was a  
13 kitchen, and we were about to find some food at that kitchen, but  
14 the other people said we should proceed further to hide ourselves  
15 in a village because we were so afraid of the Vietnamese.

16 At 7 p.m., we left to Boeng Tumpun and swam across the river to  
17 the other side; I don't remember to which direction. After  
18 crossing that stream then we reached a national road; I don't  
19 remember then name of that national road. Then we approached  
20 Kiek Pong, near Oudong, where we reorganized our groups at Tra  
21 Peang Pring.

22 Q.So you see that sometimes you can remember things. You were  
23 telling us that you were bringing detainees back to their cells.

24 So were there still prisoners back then at S-21 on the 7th of  
25 January 1979; there were still prisoners there?

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1 A.Yes. I had just finished interrogating the detainees, but I  
2 don't remember whether there were a lot of detainees because when  
3 the Vietnamese came I was taking the detainee back to the cell  
4 and walking to the kitchen to have my meal. Then we were ordered  
5 to grab our weapons and that, of course, I would say that, yes,  
6 there were some detainees but I don't know how many were they.

7 [11.59.56]

8 Q.Who was the detainee that you had just interrogated?

9 A.I cannot recall the name of the prisoner whom I interrogated  
10 and return him back to his cell. I have forgotten all the names.

11 Q.You told the Court yesterday that you interrogated four people  
12 at most. Is that correct?

13 A.My statement was correct because, at that time, I personally  
14 interrogated four prisoners. Although I am not a 100 percent  
15 sure, but I would say I only interrogated four prisoners.

16 Q.And did you, yourself, use violence on these detainees? Did  
17 you torture them; did you torture these detainees?

18 A.I, myself, had no right to beat up or torture the prisoners.  
19 Basically, I did not dare beat them up but I did threaten them,  
20 scolded them, but I did not physically beat them up. If the  
21 prisoner refused to respond for four or five days, then I would  
22 telephone Hor and sometimes Hor, who came around everyday to  
23 check up on the interrogators, and if the prisoner did not  
24 respond then I would seek his instructions because usually he  
25 came to the interrogation rooms on a daily basis, and he would

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1 provide instructions on what to do if the prisoner refused to  
2 respond. But I, myself, did not torture any prisoner.

3 MR. ROUX:

4 With your leave, Mr. President, one last question.

5 [12.03.02]

6 BY MR. ROUX:

7 Q.Witness, today do you regret working at S-21? Do you regret  
8 working at S-21?

9 A.Working at S-21, yes, I regret it, that I worked there. I  
10 also regretted that I worked as a guard at S-21. The work was  
11 horrendous, exhaustive. We walked on patrol for long hours;  
12 sometimes I walked into a wall. I felt disappointed at the work  
13 that I did at S-21.

14 And it is my regret that I worked there in long hours; that I  
15 lost all my contacts with friends and families. I did not know  
16 where my family members were sent. And it is my regret, again,  
17 that I worked at S-21.

18 Q.Thank you, witness.

19 MR. ROUX:

20 Thank you, Mr. President.

21 MR. PRESIDENT:

22 The Chamber would like now to provide the opportunity to the  
23 accused to make his additional observation regarding the  
24 testimony of this witness, if you have.

25 However, you are reminded not to put any pressure on this witness

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1 regarding the crimes committed at S-21. This witness is  
2 summonsed by the Chamber in a proper procedure in order to seek  
3 out the truth, therefore, he is a witness with an obligation as a  
4 citizen to provide the testimony based on the summons issued by  
5 the Chamber.

6 And you, the accused, you can make your own observation based on  
7 your own understanding and try to avoid all the points that I  
8 just raised.

9 You may proceed.

10 [12.06.48]

11 THE ACCUSED:

12 Mr. President, yesterday I made a commitment to Judge Lavergne  
13 that I would research on the document in my detention room; that  
14 is the list of the interrogated prisoners, and I would like now  
15 to provide my research.

16 The documents given to me by the Co-Investigating Judges in the  
17 Case File 001, there are 23 pages with the following ERN numbers.  
18 The first batch has 20 pages with ERN numbers from 00006957 to  
19 00006976. Another batch of documents only has two pages,  
20 00040092 and 00040093. Lastly, only one page, document 00040220.  
21 Amongst the 23-page document which I researched, I could not find  
22 the name Kak who was alleged to be the interrogator there;  
23 however, I found the name Lach Mean on three pages of the  
24 following documents.

25 Mean on page 00040092 at number 9. Lach Mean completed an

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1 interrogation of a female prisoner Koam Lim, a deputy chairperson  
2 of Office 17.  
3 Two, Lach Mean interrogated a person at number 3, the old person  
4 from Boeng Andeng Co-operative. This victim was on number 3 at  
5 page 00006967.  
6 Third, Lach Mean interrogated a person Hay Chut, the chief of the  
7 propaganda office. It's on page 00006971. The ERN number of the  
8 page is repetitive; that is 00006971 and 00006977. These ERN  
9 numbers refer to the same document, and I found prisoners whom  
10 were interrogated by Lach Mean.  
11 So, in summary, yes, there was an interrogation cadre of S-21  
12 with the name Lach Mean as a result of my research on this  
13 23-page document.  
14 [12.11.06]  
15 So what is the truth? I would like to give the opportunity and  
16 the time for the Chamber to make its own judgment, and I fully  
17 believed the judgment of the Chamber in seeking out the truth  
18 regarding this testimony.  
19 And this is my response, Mr. President.  
20 MR. PRESIDENT:  
21 The hearing of the testimony of the witness, Lach Mean, has come  
22 to an end. It is also time for our adjournment for lunch.  
23 Mr. Lach Mean, the Chamber would like to extend our thanks to you  
24 in response to the summons made by the Chamber, and we  
25 acknowledge the difficulty and challenges faced by you in



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1 responding to the various questions put by the Chamber and by the  
2 concerned parties.

3 And also because it has been for so many years that the facts  
4 happened but, despite all this, we have noticed your patience in  
5 responding to the questions put by us and by the parties to the  
6 proceedings. The hearing of your testimony has come to an end  
7 now. You can return to your residence.

8 [12.13.18]

9 Court officer, in co-operation with WESU, can you provide  
10 necessary arrangement for the safe return of this witness to his  
11 residence?

12 (Witness exits courtroom)

13 MR. PRESIDENT:

14 The Chamber is now adjourned for lunch break and we will resume  
15 at 1.30 p.m.

16 Security guards, take the accused back to the detention facility  
17 and bring him back before 1.30. The hearing is adjourned.

18 (Judges exit courtroom)

19 (Court recesses from 1213H to 1334H)

20 (Judges enter courtroom)

21 MR. PRESIDENT:

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

23 For this afternoon's proceeding the Chamber will have statements  
24 to be read. Those are the testimonies of witnesses which have  
25 been made before the Office of the Co-Investigating Judges and

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1 the Chamber decided not to summon those witnesses in person.  
2 Regarding the reading of the records of interviews of witnesses,  
3 the Chamber will assign the greffier to read those statements in  
4 the Khmer language, and for French and English the Chamber has  
5 examined the existing translation and the Chamber has found some  
6 discrepancies in those French and the English languages, and the  
7 Chamber would like to advise the parties to the proceedings to  
8 listen to the simultaneous interpretation into English and French  
9 while the statements are being read.

10 [13.37.01]

11 And the transcript of the statement and the interpretation into  
12 English and French will be reflected in the transcript.

13 The greffier, Se Kolvuthy, can now read the records of interview  
14 of the witness, Khieu Ches, with Document Number D28/2, ERN  
15 00163636 to 41.

16 THE GREFFIER:

17 "Office of the Co-Investigating Judges, Criminal Case File Number  
18 002, 14/08/2006, investigation number 001, 18/07/2007. The year  
19 2007, the month of November, the 28th day, at 8:30 a.m. at  
20 Kampong Chhnang province:

21 "We, Sim Surya, Investigator of the Extraordinary Chambers,  
22 being assigned by the rogatory letter of the Co-Investigating  
23 Judges dated 21 November 2007, noting the Law on the  
24 Establishment of the Extraordinary Chambers, dated 27 October  
25 2004, noting Rules 24, 28 and 60 of the Internal Rules of the

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1 Extraordinary Chambers, have recorded the statement of Khieu  
2 Ches, alias Poeu, a witness who provided the following  
3 information regarding his personal identity:  
4 Khieu Ches, alias name Peou, born in 1963, this person declares  
5 that he could not read and write Khmer language but he speaks and  
6 understands the Khmer language. Therefore, the original of this  
7 written record is written in the Khmer language. We advised this  
8 person that the taking of this statement is being audio or  
9 visually recorded.

10 [13.39.41]

11 This person told us that he had no relationship with the charged  
12 persons and civil parties.

13 This person took an oath in accordance with the provisions of  
14 Rule 24 of the Internal Rules of the Extraordinary Chambers. We  
15 notified this person of the right against self-incrimination in  
16 accordance with the provisions of Rule 28 of the Internal Rules  
17 of the Extraordinary Chambers.

18 Question and answer:

19 Q.To begin, could you describe your background before 1975?

20 A.At that time I was living with my parents and after the  
21 death of my parents we lived in poverty together with three  
22 brothers and one sister.

23 Q.Was there any problem before the revolution movement entered  
24 the village?

25 [13.40.53]

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1 A.The difficult problems were crawling and lying down to  
2 escape the bombs. Our brothers and sisters were separated. The  
3 war was spreading from one day to the next and one had to choose  
4 the right time to go out to graze the cows. I went to stay in  
5 the pagoda. My second brother was a monk. The war continued to  
6 spread. My brother left the monkhood and stayed at our house  
7 after 1975.

8 I was moved to live in a children's centre. The villagers'  
9 houses were burning during the bombardment by the Americans.  
10 Later, they had me join other children in a group. It was the  
11 co-operative chief who had me join and I had to join it with the  
12 others. I do not know when the co operative organization  
13 started. I kept on hearing that he was the co operative chief,  
14 so the other group was created after the liberation and then the  
15 co-operative was established. The co-operative leaders were  
16 those who used to be leaders in the village.

17 Q.Why did the village chief in the Lon Nol regime become the  
18 co-operative chief and why was there -- there was no change?

19 A.I still do not know that. I still do not know anything about  
20 their separation of power. I was about 15 years old at the time  
21 when I joined the children's group. The co-operative chief was  
22 named Choun Pon and the head of the children's group was named  
23 Thoeung.

24 [13.42.30]

25 Q.How many days after the 17 April, the liberation day, were you

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1 called to go to Phnom Penh?

2 A.It was rather long, about a half-year. Then they selected big  
3 children to dig out the tree stumps at Prey Thom and later the  
4 co-operative chief selected the big children to stay at Kampong  
5 Tralach, and later to Phsar Kraom and then they had us get on the  
6 truck to Phnom Penh. I did not know how many children there  
7 were. There were about five GMC trucks to transport them. I am  
8 uncertain and do not remember well the transporters and those who  
9 received them.

10 Q.Upon your arrival in Phnom Penh, where did they take you to?

11 A.They had us guard at the concrete houses. They had us go to  
12 Boeng Tumpun to raise pigs and grow vegetables and later they had  
13 us undergo training at Praek Thnaot; training on how to throw  
14 grenades and crawl and lie. This lasted for almost one year.  
15 Based on my estimation, there were about 500 children. I did not  
16 know where they came from. Food was also terrible. Trainers  
17 were the school committees. I do not remember where they came  
18 from. They were all soldiers from an unknown unit. The person  
19 who took us from Kampong Chhnang was known as Ta Samreng, alias  
20 Ta Chan. He was not a trainer during that training. They had  
21 the adult trainees attend training on stabbing, wrestling and  
22 karate.

23 Q.Were there any senior leaders visiting during the training?

24 A.Yes, there were some, but I do not remember their names.

25 [13.44.21]

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1 Q.After spending one year there, where were you moved to?

2 A.After spending one year in the training there, they sent us  
3 home to prepare our bags at home. Some were happy at that time.  
4 When the truck departed, it was not heading to our houses but  
5 transported us straight to Tuol Sleng. They had us raise pigs  
6 and plant onions for one month on the western side of Tuol Sleng,  
7 and later they had us perform guard duties with the adult guards  
8 and they had me guard light prisoners alone in one room on the  
9 upper floor of a building on the north side. Upon my arrival, I  
10 saw them walking the prisoners who were blindfolded. All of us  
11 in the truck thought we were being brought to be detained and  
12 then the truck turned along the fence.  
13 They had me stay behind in a place west of Tuol Sleng, outside  
14 the fence, next to Tumpoung Road. At the beginning of my stay,  
15 they did not have me guard but later they had me guard with the  
16 adult guards in order to walk with and learn from them for about  
17 three weeks. Later, after the construction of the small cells,  
18 they had me guard the upper floor. I did not know all of those  
19 chiefs. They only told me what to do when the prisoners asked  
20 for permission to urinate and to defecate and to give them  
21 drinking water when they asked for it. They sprayed water to  
22 wash the prisoners when they stunk of urine.

23 [13.46.07]

24 When I became familiar with all of those tasks they had me guard  
25 on the upper floor. There were two shifts per night and another

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1 two shifts per day. One group guarded during the night shift and  
2 another guarded during the day shift. I guarded on the upper  
3 floor for three months and I took the ammo case for the prisoner  
4 when he or she wanted to defecate and threw it away for disposal.  
5 When the prisoners got dirty, I sprayed water to wash them. I  
6 entered the cell to do that and cleaned it up. The prisoners  
7 were always shackled and the shackles were changed from one leg  
8 to another when the leg got injured. The prisoners ate the same  
9 rice as the military forces, two meals, i.e. breakfast and  
10 dinner, but their meals were poorer. These prisoners were from  
11 mobile brigades, ministries, offices, factories and the armed  
12 forces. This happened in 1976.

13 In addition, Huy was the one who inspected and checked whether or  
14 not the cells were clean, all the food sufficient, and if the  
15 prisoners reported that it was insufficient I would be brought  
16 for re-education. I saw Huy taking the prisoners out but I dare  
17 not ask. There were also other people who came in and out to  
18 take prisoners but I did not know their names. There were people  
19 who brought the prisoners in. Those people were Huy's  
20 subordinates.

21 I knew Thy from our meal times. He was the person in charge of  
22 military and prisoners list. I only know the names of prisoners  
23 who were in my room, but I do not know the names on the list. I  
24 saw Duch two times at the anniversaries and he was accompanied by  
25 bodyguards. In 1976, he visited twice a week. I saw that from

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1 the building but I did not know the reason for his visit.  
2 But, later, they sent me to work in the rice paddy. After  
3 spending three months there, Hong, was in my group, was arrested  
4 and executed. He asked me to inform his parents that he was  
5 going to be killed and my cousin Moeun was also arrested to be  
6 killed. Hong was guard group chief and Moeun transported  
7 vegetables for the economics unit.  
8 When the guard came to do his shift, he saw Moeun being arrested  
9 and detained in the main office. I do not know the reason for  
10 his arrest and killing. Moeun told me that Hong was arrested and  
11 sent to Prey Sar, and Moeun was arrested the next night. The  
12 following day they had me go to work in the rice paddy. Hong was  
13 arrested because his brother, Nam, was a former soldier in the  
14 Lon Nol regime. He was arrested and sent to Tuol Sleng after the  
15 village chief found his pistol holster in his home village.  
16 [13.49.12]  
17 Nam saw Hong while Hong was inspecting his prisoners. He shouted  
18 "Hong" and this made the group chief, who was nearby, know that  
19 they are siblings and then Hong was also arrested. Moeun told me  
20 that Hong was arrested and sent to Prey Sar when Moeun returned  
21 from transporting vegetables, and later Moeun was also arrested.  
22 At the main office where I saw Hong being arrested, I saw Huy who  
23 was in the arrest unit with many of his subordinates.  
24 Q. When you were at Tuol Sleng, were there any criticism or  
25 political meetings?



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1 A. There was criticism in the group against anyone who fell  
2 asleep while on duty. It was chaired by the group chief, whose  
3 name I do not remember. We went to the place which was south of  
4 Tuol Sleng to learn about Party's policies which stated that if  
5 the prisoner fled or died we would be put in the prisoner's  
6 place. Hor was the trainer in the training session.

7 Q. Besides the guard group, were there any other groups?

8 A. There was the defence unit, the interrogation unit, and the  
9 arrest unit. For example, as I guarded inside it was called the  
10 interior defence group. The interior guards were not allowed to  
11 carry a gun.

12 Q. Did you see Duch torture any prisoner?

13 A. I did not know that.

14 [13.50.42]

15 Q. Where were the interrogation places?

16 A. They give a list of names when I was on duty. When a prisoner  
17 disappeared, they had me replace them. The prisoners were  
18 brought to the eastern side for interrogation. It was east of  
19 the current entrance. When they came to take the prisoners out,  
20 they wrote the name of that prisoner. Since I am illiterate I  
21 asked the prisoner to read and tell me whose name was it. In the  
22 evening they brought the prisoner back. It was the interrogator  
23 who came and brought the prisoners out.

24 I almost forgot everything. I know Chroek who used to come and  
25 bring in the prisoners. He was in the interrogation and typing

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1 unit.

2 Q.How about guard duty?

3 A.Guard duty was divided into four shifts per day. I guarded  
4 for one morning shift and one night shift. I guarded for two  
5 shifts a day.

6 Q.Did you ever see Duch assign any person to guard?

7 A.No, I did not. It was Ta Huy who organized the group and Huy  
8 was under Ta Hor.

9 Q.Who were the prisoners other than Hong?

10 A.If I recall there were many but I did not know who they were.  
11 When I was there a small number of prisoners disappeared, but a  
12 lot of prisoners disappeared after I left and there were many  
13 incoming prisoners. I heard about that from those who were later  
14 sent to the rice patty with me.

15 [13.52.13]

16 Q.Did you ever ask for permission to go home?

17 A.I never dared to ask. And even my relative who came to do  
18 sewing at Monivong Bridge did not dare ask to visit me because we  
19 were prohibited from contacting any person outside of our unit.  
20 That was the rule of S-21. Anyone who dared to ask would be  
21 smashed.

22 Q.Could you describe the event that happened after those three  
23 months?

24 A.Later I was sent to harvest rice at Praek Kampoes in Platoon  
25 14 along the glass factory road to Prey Sar and it was by the

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1 glass factory straight ahead. Many S-21 staff members were moved  
2 there. The reason of my removal was related to Hong who said  
3 that Moeun and I were cousins.

4 Q.At Praek Kampoes, was the rice patty work hard?

5 A.We worked at a rice patty work all day and all night and had  
6 less rice than we had at S-21. There were approximately 300  
7 workers at that place. Pol was the chief there, but now he's  
8 dead. There were no visits by Duch or Hor to that place.

9 [13.53.32]

10 Q.Did you ever hear about Teng, who was the Chief of Choeung Ek?

11 A.No, never.

12 Q.How long did you stay at Praek Kampoes?

13 A.I stayed there until the liberation.

14 Q.Do you recall other events other than these?

15 A.I was in a state of panic and I knew that after leaving that  
16 place we would not be alive to see our families again.

17 Q.Why did they keep you for a long time but did not kill you?

18 A.Perhaps the time had not yet arrived?

19 Q.Did you ever hear about Prey Sar?

20 [13.54.13]

21 A.I used to hear that it was a prison in the old regime.

22 Q.Did you ever hear of Huy Sre?

23 A.No, never.

24 Q.After the harvesting where was the rice taken to?

25 A.I saw the trucks transporting the rice out but did not know

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1 where they took it to.

2 Q.During your three month stay at S-21 what did you observe  
3 regarding the prisoners?

4 A.I observed that prisoners were brought out after the  
5 interrogation was completed and I never saw them returning.

6 Q.How many times did the prisoners wash?

7 [13.54.53]

8 A.They washed two times a day. They slept without a pillow,  
9 mosquito net, or blanket. There were not so many mosquitoes on  
10 the upper floor but there were many on the lower floor.

11 Q.Were there any injuries on the prisoners who had been  
12 interrogated?

13 A.Upon their return they had bruises on their faces and cuts on  
14 their backs. I asked "why you were beaten" and he or she said --  
15 he or she responded to all questions but they still beat and  
16 asked him or her for the questions because they were afraid that  
17 he or she was concealing something.

18 As for the beatings that left cuts on their backs and bruises on  
19 their faces, I did not know whether this was authorized under the  
20 rules or whether this was an individual decision by the  
21 interrogator.

22 Q.Before the liberation was there any leader such as Duch giving  
23 any instruction at Praek Kampoes?

24 A.No.

25 [13.55.53]

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1 Q. Why were you aware of the Vietnamese coming?

2 A. I heard the sound of fighting. I saw people fleeing. I was  
3 hiding at the glass factory and maybe the National Fronts Army.  
4 Then I joined the army at Phnom Tamao and later served in the  
5 army at Pailin until the demobilization of the military through  
6 the UNTAC era.

7 One copy of the written record was provided to this witness. The  
8 interview was completed at 12.30 p.m. of the same date. After  
9 being read aloud the witness had no objections and agreed to sign  
10 or place his thumbprint. After being read aloud the witness --  
11 signature witness Khieu Poeu."

12 MR. PRESIDENT:

13 Mr. Phary, the Greffier, is now assigned to read the statement of  
14 Pess Matt with the ERN 00186559 to 63.

15 I notice the presence of the Co-Prosecutor. You may proceed.

16 [13.57.12]

17 MR. AHMED:

18 Can I, with Your Honour's leave, just make a procedural point,  
19 Your Honour? Your Honour I wish to draw your attention to Rule  
20 87.2 of the Internal Rules which govern the evidence that Your  
21 Honours shall use at the time of your judgment. And it states,  
22 if I may read with your permission:

23 "Any decision of the Chamber shall be based only on evidence that  
24 has been put before the Chamber and subjected to examination"

25 In the light, Your Honours, of this provision, I would suggest it

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1 may be in the interest of justice that Your Honours may ask the  
2 parties if they have any objection to the admission of this  
3 evidence into evidence, because clearly reading the words  
4 "subjected to examination" may mean that the parties have been  
5 asked and they have given their opinion.

6 This is my respectful submission. It is in Your Honours hands.

7 Thank you.

8 (Deliberation between Judges)

9 MR. PRESIDENT:

10 Do either parties wish to make any observation in relation to the  
11 remarks made by the Co-Prosecutor in relation to the reading of  
12 the statement and that according to Rule 87(2) would you wish to  
13 make any comments?

14 The defence counsel, would you wish to make any observation in  
15 relation to the remark by the Co-Prosecutor?

16 Mr. Kar Savuth, you take the floor.

17 [14.00.14]

18 MR. KAR SAVUTH:

19 Mr. President, according to my observation as the defence counsel  
20 for the accused, I would suggest that there should be a witness  
21 present at this Court so that his testimony can be challenged or  
22 questions should be put to him or her. Because according to the  
23 statement before the Co-Investigating Judges, the statement  
24 before the Co-Investigating Judges or Co-Prosecutors might not be  
25 the same as what he or she is having to say during this Chamber,

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1 because we have observed that sometimes the witness would stand  
2 by the statement within this Chamber rather than before the  
3 Co-Investigating Judges or Co-Prosecutors. That's why I would  
4 prefer that the witness to appear in the Court rather than having  
5 his or her statement read out.

6 MR. PRESIDENT:

7 We note that Mr. François Roux is on his feet.

8 MR. ROUX:

9 Mr. President, I suggest that we let the accused voice his  
10 observations on this point.

11 (Deliberation between Judges)

12 MR. PRESIDENT:

13 The reason raised by the Co-Prosecutor is relevant and the  
14 Chamber has no objection to what has been raised. However, we  
15 are not following what has been raised by the prosecutor in  
16 relation to the reading out of the statement of the witness,  
17 because the witness already made his or her statement before the  
18 Co-Investigating Judges, and the Court officers in the Office of  
19 Co-Investigating Judges are qualified personnel, and it can be  
20 used to serve the judicial official piece of document to be read  
21 out in the Court and to be debated also.

22 Our intention is to make sure that all the statements of the  
23 witnesses who cannot appear in this hearing can be read out and  
24 that opportunity would be then given to parties to make  
25 observations in relation to each piece of statement read out. So

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1 as the principle the Chamber would maintain that after each  
2 statement is read out then parties to the proceedings will be  
3 given opportunity to make their observations in relation to the  
4 read out statement within this Court hearing.

5 [14.04.36]

6 According to the remark made by Mr. Kar Savuth, the defence  
7 counsel, the Chamber would like to also notify that witnesses  
8 have been well selected and chosen and the Chamber already well  
9 considered which witness is to be called or whose statement is to  
10 be read out, because the Chamber has been working our best to  
11 make sure we can have the more expeditious proceedings and  
12 trials, and we are very mindful of any witnesses to give  
13 testimony within the courtroom and those who do not need to  
14 appear in the courtroom and only their statement would be read  
15 out.

16 Mr. François Roux has made a comment that the accused would wish  
17 to make observations if the Chamber allows him to do so.  
18 However, the Chamber would like to only allow the accused to make  
19 an observation to the statement that was made after it is read  
20 out. So the accused can choose to make an observation according  
21 to each statement being read out or the accused can wait until  
22 all the statements have been completely been read out and the  
23 accused is scheduled to just inclusively respond to the lump sum  
24 of those statements. We don't know which option is preferred by  
25 the defence counsel or by the accused.



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1 THE ACCUSED:

2 Mr. President, with the President's leave, allow me to make my  
3 observation in relation to each particular statement read out,  
4 that it would be helpful for me, and that I will be very grateful  
5 to that consideration.

6 [14.07.33]

7 MR. PRESIDENT:

8 So let us work on a case-by-case basis and by the end of all the  
9 statements read out then the accused will be allowed to also make  
10 the final observation.

11 So the first statement has already been read out, so would you  
12 wish to make any observation?

13 And then I think we should now start with the Co-Prosecutors and  
14 then followed by the civil party lawyers and the defence counsel.

15 We note that the Co-Prosecutor is on his feet. You take the  
16 floor.

17 MR. AHMED:

18 Your Honours, we have no objection for this statement to be read  
19 into evidence.

20 MR. PRESIDENT:

21 The civil party lawyer, you take the floor.

22 MS. STUDZINSKY:

23 We have no objections, but I have one suggestion, to read out as  
24 well from the book "Victims and Perpetrators" which is on the  
25 case file, and where we find a summary of a statement of this

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1 witness, Khieu Ches, which is only half a page and could be found  
2 under the ERN 00079767 in the English version and which  
3 emphasizes or mentions the raids that have been made by this  
4 so-called catcher group and where Chinese people took part in  
5 these raids, and this is an additional fact and therefore I  
6 suggest or I would request the Chamber to read out this statement  
7 related to this witness. Thank you.

8 [14.10.38]

9 MR. PRESIDENT:

10 The civil party lawyer, you take the floor. Civil party lawyer  
11 first.

12 MR. KONG PISEY:

13 Mr. President, thank you very much; Your Honours.

14 I would like to make a brief observation in relation to the point  
15 the President has just raised regarding the document read in  
16 Khmer by the Greffier, which the President said was the official  
17 document, and that the French and the English version of the  
18 document has not been well translated and that the parties have  
19 to pay attention to the on-site translation of the statement.

20 I'm not quite sure whether I understand that these on-site  
21 interpretations of the statement would be also considered as the  
22 official language and that if the statements are not considered  
23 as official yet in the English and French, then how could the  
24 accused be allowed to make observation in relation to the  
25 versions that are not yet official?

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1 MR. PRESIDENT:

2 There are some discrepancies in the statement, but it is related  
3 to the technicality in the translation of the document itself,  
4 although we have noted that the quality of translation has  
5 improved significantly already, but then the Greffiers are  
6 advised to read rather slowly to make sure that the final  
7 translation of the material will be made and that they will be  
8 well-recorded in the transcripts and that we can make use of the  
9 materials in the transcripts at a later date.

10 [14.13.12]

11 Mr. François Roux, you take the floor.

12 MR. ROUX:

13 Thank you, Mr. President. I wanted to address Silke Studzinsky's  
14 observation.

15 I believe that we are here reading written records out loud that  
16 have been put together by Investigating Judges, which is  
17 well-suited to these kinds of proceedings, and I think that we  
18 have to stand by this for the moment with, of course, the  
19 possibility for the accused to voice brief observations.

20 However, we all have a certain number of documents that we would  
21 like to put before the Court and I can very well imagine that  
22 when we will have heard all of the witnesses and before the end  
23 of the proceedings, each party is going to ask to put before the  
24 Court a certain number of documents, and it is then that Ms.  
25 Studzinsky will be able to put before the Court the documents she

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1 wishes to, but the procedure that the Court has adopted is a  
2 procedure that allows us to save time.  
3 We are not summoning the witnesses so that we can save time, so  
4 let's please not waste any time. We read out loud so, therefore,  
5 the different written records, so let's please give the accused  
6 the opportunity to make a few observations on the basis of these  
7 readings and then we can move ahead. This is what the defence  
8 would like to suggest.

9 MR. PRESIDENT:

10 Judge Lavergne, you take the floor.

11 [14.15.20]

12 JUDGE LAVERGNE:

13 Regarding this issue of time, we spoke about this during the  
14 Trial Management meetings and I believe that we agreed that the  
15 defence could accept waiving the summoning of certain amount of  
16 prosecution witnesses, but it seems that there might be -- maybe  
17 it's a translation problem -- but I believe that I heard a  
18 submission coming from the defence asking that the witness whose  
19 statement we just read be summoned to this Chamber. So it seems  
20 to me important for reasons of the clarity of the proceedings  
21 that we know exactly where we are at.

22 So shall we consider that you're no longer waiving your request  
23 or should we consider that this request to summon the witness has  
24 to be re-examined or should be taken away, or does the defence  
25 wish to provide its response later on regarding this?

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1 MR. ROUX:

2 Mr. President, Your Honours, in order to address Judge Lavergne's  
3 request, the defence would like to stand by what it had stated  
4 during the Trial Management meeting. It accepts that a certain  
5 number of witnesses be not summoned which, however, does not mean  
6 that it accepts the content of the statements, and this is why we  
7 would like to suggest that we can give the accused the  
8 possibility of voicing his observations or his points of  
9 disagreements after the reading of each statement.

10 And if we proceed this way, I believe that we can move ahead.

11 Thank you.

12 (Deliberation between Judges)

13 [14.19.05]

14 MR. PRESIDENT:

15 We have heard the request of the civil party lawyer group 2 and  
16 the observations of the defence counsel, Mr. François Roux.

17 The Chamber has now ruled to reject the request made by civil  
18 party lawyer group 2 to read out another document with ERN 00 --  
19 as what she already said. So according to this document, we  
20 continue reading the statement of the witness before the  
21 Co-Investigating Judges.

22 If there is any other new documents the parties would wish to  
23 request for the consideration of the Chamber, then you should  
24 raise this matter after the statements have been read out, and  
25 that during the time if it is convenient to address this matter

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1 and we will deal with these matters at a later date.

2 And we would like to allow the accused to make observations in  
3 relation to the statement read out, the Khieu Ches statement.

4 The floor is yours.

5 THE ACCUSED:

6 Mr. President, the statement of Khieu Ches in relation to the  
7 facts of S-21 is accurate and plausible and, in principle, it is  
8 accepted, but there has been a surplus information that there was  
9 -- in that statement that more than 500 people were taken by  
10 truck, and that at S-21 there were arrests, but when Khieu Ches  
11 said Hong and Moeun were arrested, it is out of my knowledge so  
12 it is just my clarification on the matter. Thank you.

13 MR. PRESIDENT:

14 Next, the Greffier is now instructed to read another statement,  
15 the testimony of witness Pess Matt before the Co-Investigating  
16 Judges with ERN number D76/2 with ERN Number 00186559.

17 THE GREFFIER:

18 The Office of the Co-Investigating Judges, Criminal Case File  
19 002, 14 of August 2006, Investigation Number 001, 18 of July  
20 2007, ECCCOCIJ, on the 18th of March 2008 at 2.30 p.m. in Chrang  
21 Khpos village, Prek Chhik subdistrict, Mornng Russey district,  
22 Battambang province:

23 [14.23.33]

24 "We, Sim Surya and Fabienne Luco, investigators of the  
25 Extraordinary Chambers, having been assigned by the rogatory

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1 letter of the Co-Investigating Judges dated the 11th of March  
2 2008, having seen the Law on the Establishment of the  
3 Extraordinary Chambers dated 27th, October 2004, having seen  
4 Rules 24, 28 and 60 of the Internal Rules of the Extraordinary  
5 Chambers with Mr. Nil Samorn, sworn interpreter of the  
6 Extraordinary Chambers in the Courts of Cambodia, have recorded  
7 the statements of Pess Matt, a witness who has provided the  
8 following information regarding his personal identity.  
9 Last name Pess, first name Matt, revolutionary name Ly Try, born  
10 in 1960. The person has declared that he can read, write and  
11 understand the Khmer language. We have notified this person that  
12 this interview will be audio or video recorded. This person has  
13 told us that he has no relationship with the accused or the civil  
14 parties. This person has taken an oath in accordance with the  
15 provisions of Rule 24 of the Internal Rules of the Extraordinary  
16 Chambers. We have notified this person of the right against  
17 self-incrimination in accordance with the provisions of Rule 28  
18 of the Internal Rules of the Extraordinary Chambers and the right  
19 to be represented.  
20 Questions and responses; Surya and Fabienne:  
21 Q.On the 17 of April 1975 where were you? What were you doing?  
22 A.At that time I was a teenager. I was building dams at Ou  
23 Kandal in Chhouk Sar subdistrict, Kampong Tralach district,  
24 Kampong Chhnang.  
25 [14.26.18]

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1 Later a teacher named Ta No rounded up the children to go to  
2 Phnom Penh. Three children were selected in each sub-district,  
3 including Mak Sithem, whom I met at School Number Five working as  
4 a potato grower.

5 In late 1975 I went to study military technique, searches and  
6 mind clearing at Military Technical School 703 in Boeng Tumpun.

7 In mid-1976 we were selected and divided into three groups. One  
8 group was assigned to defend at the border, one group was  
9 assigned to work at Prey Sar and another one was assigned to  
10 safeguard the city. I was in the group safeguarding the city so  
11 I went to work in Ta Khmau Prison in the psychiatric hospital.  
12 I saw prisoners in that prison but I didn't know if they were  
13 soldiers or civilians and they were in leg shackles. I did not  
14 know who the prison chief was. I did not know how and where they  
15 were brought from for interrogation but they disappeared. My  
16 battalion chief at that prison, Horn, was arrested and  
17 imprisoned, charged with treachery. In late 1976 I went to Tuol  
18 Sleng.

19 Q.What were you assigned to do after your arrival at Tuol Sleng?

20 A.Firstly, I cleaned the houses around Tuol Sleng, cleaning one  
21 house after the other, because those houses were in a complete  
22 mess after the evacuation. My duty was to guard the houses, look  
23 after chickens and ducks and cook rice. Sometimes I guarded S-21  
24 externally but sometimes I guarded internally. There was a shift  
25 rotation.



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1 [14.28.47]

2 My team leader was Heng. The one who was higher than Heng was  
3 Ny, the chief of the battalion. The one who was higher than Ny  
4 was Pouch. The one who was higher than Pouch was Peng. The one  
5 who was higher than Peng was Ta Hor and those who were higher  
6 than Ta Hor were Chan and Duch. The last three people were  
7 chief, deputy chief and member. They were very close to one  
8 another. I don't know whether or not they are alive.

9 Q.How did you get your work assignments?

10 A.I got my work assignments via my team leader who had a meeting  
11 once a week. I educated myself and learned about politics with  
12 an introduction by Peng.

13 Q.Did you ever join a mass meeting of political education with  
14 the participation of Duch?

15 A.I learned at the political school to the west of the prison.  
16 It was between the prison and Monivong Boulevard. It was  
17 attended by a lot of people and Duch participated on the second  
18 and third days.

19 [14.30.24]

20 Q.What did you learn at the political school?

21 A.They talked about educating ourselves to have a strong  
22 standpoint and about not conspiring with Vietnamese enemies.

23 Q.Did you ever see anyone who conspired with Vietnamese enemies  
24 and was arrested and imprisoned at Tuol Sleng?

25 A.I saw no return of those who had disappeared. I didn't know

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1 if they were charged as enemies or any other accusations except  
2 for Ny and Pouch. Only those two I knew had been charged as  
3 traitors.

4 Q. Did your team leader ever give you orders to trace and report  
5 on someone as an enemy?

6 A. In the meeting my team leader told me to inform him who were  
7 the activists and who talked to strangers. I knew that this  
8 order came from someone in the upper echelon. That's why my team  
9 leader raised it in the meeting.

10 Q. Did you ever see Vietnamese prisoners during the period of  
11 internal and external guarding?

12 A. In 1977 to 1978 I saw a few Vietnamese with Vietnamese  
13 military uniforms. They were in shackles but I didn't know from  
14 where they were brought. A few days later when I was there on  
15 duty again I saw that they were wounded, so I thought there must  
16 have been beatings and torture. After that they disappeared. I  
17 didn't know where they were taken. Also, a few Vietnamese women  
18 in casual clothes.

19 [14.32.53]

20 Q. Were Vietnamese and Cambodian prisoners treated in the same  
21 way?

22 A. They were treated in the same way, no threats, no beating. It  
23 was the same principle.

24 Q. Did you know there was a war between Cambodia and Vietnam at  
25 the time of the arrest of the Vietnamese?

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1 A.I knew via my fellow guards that there was a war and  
2 Vietnamese from Prey Veng and Svay Rieng borders had been  
3 arrested but Duch himself never said anything about a war in the  
4 meetings. Also, I heard there was a war and arrest of Vietnamese  
5 on the radio in the dining hall.

6 Q.Did you ever see anyone reading "The Revolutionary Flag"?

7 A.I never read that book but I saw other people reading it.  
8 They were team and group chiefs but I don't remember their names.

9 Q.Did you ever see Duch himself assigning the work directly in  
10 the prison or when the prisoners were taken out?

11 A.I never saw that. I only saw Duch on the road driving a  
12 jeep.

13 [14.34.33]

14 Q.Did you know about or were you involved in medical work?

15 A.I was on guard near Mak Sithem. I saw him cleaning wounds.  
16 Sometimes I helped to distribute medicine to the prisoners. I  
17 wasn't selected to be a medical practitioner because I couldn't  
18 read or write well. There was a clinic in the wooden building in  
19 front of Tuol Sleng. I never saw blood being taken or  
20 experiments on humans but I heard from my fellow guards that  
21 blood was taken for transfusions for the wounded. I heard that  
22 there was a place for preserving blood called Srak Srornng to the  
23 east of Tuol Sleng Prison.

24 Q.Did you ever see any foreign prisoners?

25 A.I never saw any.

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1 Q. Did you ever see prisoners killed in groups before the fall of  
2 Phnom Penh in 1979?

3 A. I never saw that because I was sent to work near the glass  
4 factory at Choeung Ek. My work was to pump water into the rice  
5 fields and to collect water weeds for fertilizer.

6 One original or copy of the written statement was provided to  
7 this witness. The interview was completed at 4 p.m. on the same  
8 date. After it was read aloud the witness had no objections and  
9 agreed to sign. Witness Pess Matt."

10 [14.36.49]

11 MR. PRESIDENT:

12 After hearing the reading of the statement of witness Pess Matt,  
13 are there any concerns or observations by the parties to the  
14 proceedings?

15 MR. AHMED:

16 Your Honours, the Co-Prosecutors have no objection to admission  
17 of this statement into evidence.

18 MR. PRESIDENT:

19 Counsel for the civil parties, do you have any observations to  
20 make regarding the statement read by the Greffier, Duch Phary?

21 MR. ALAIN WERNER:

22 None, Your Honours.

23 MR. PRESIDENT:

24 Defence counsel, do you have any observations to make regarding  
25 the statement of Pess Matt read by the Greffier?

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1 MR. ROUX:

2 We prefer to give the floor to the accused for his observations  
3 and of course we do not object to this written record of  
4 interview being included in the record of the case.

5 MR. PRESIDENT:

6 The accused, you have the opportunity to make your observations  
7 regarding the testimony of the witness Pess Matt which was done  
8 before the Investigators or the Office of the Co-Investigating  
9 Judges. You may proceed.

10 [14.38.46]

11 THE ACCUSED:

12 Mr. President, the testimony of Pess Matt is fundamentally  
13 appropriate. I would like to raise three points.  
14 One, I did make a request to Sector 31 in Kampong Chhnang. The  
15 request for those people was not within the framework of 703  
16 Division. It was made directly by S-21. Regarding the  
17 infrastructure of S-21, I already reported to the Chamber as well  
18 as to the Co-Investigating Judges during the investigation  
19 period. For the S-21 Committee I was the Chairman, Hor was a  
20 deputy and Nun Huy was a member, later on replaced by Phal.  
21 Regarding another case where Pess Matt said he heard about a  
22 place where blood was preserved, I would like to clarify  
23 regarding this point. In his statement Pess Matt said he had  
24 heard and actually, in order to have a location appropriately  
25 established for blood preservation it has to be done in a

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1 technical detail, the nature, and if that was to be done I had to  
2 report my request to the upper echelon and I myself did not make  
3 such a request and there was no place called Srak Srornng where it  
4 was alleged the blood was preserved.

5 And this is my observation regarding this person's statement, Mr.  
6 President.

7 MR. PRESIDENT:

8 It is now time for a break. The Chamber will take a 20-minute  
9 break and we will resume at 3 p.m.

10 (Judges exit courtroom)

11 (Court recesses from 1441H to 1502H)

12 (Judges enter Courtroom)

13 MR. PRESIDENT:

14 Please be seated. The Court is now back in session.

15 Next, we would like to invite the Greffier, Mrs. Se Kolvuthy, to  
16 read the statement or the testimony of Mr. Nhem En, with ERN  
17 number 00162833 through 00162851.

18 THE GREFFIER:

19 "The Office of the Co-Investigating Judges, Criminal Case File  
20 001, 14 of August 2006. Investigation number 001, 18th of July  
21 2007.

22 [15.03.26]

23 Written record of interview of witness. The year 2007, the month  
24 of November, on the first at nine o'clock at the Extraordinary  
25 Chambers in the Courts of Cambodia.

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1 We, Sim Surya and Fabienne Luco, an investigator of the  
2 Extraordinary Chambers being assigned by a rogatory letter of the  
3 Co-Investigating Judges dated the 5th of October 2007. Noting  
4 the law on the establishment of the Extraordinary Chambers dated  
5 27th of October 2004. Noting rules 34, 38 and 6 of the Internal  
6 Rules of the Extraordinary Chambers. In the presence of Heng Ham  
7 Kheng, a sworn interpreter of the Extraordinary Chambers, have  
8 recorded the statements of Nhem En, a witness, who provided the  
9 following information regarding to the following identity.  
10 Last name: Nhem. First name: En. Revolutionary name: none.  
11 Born on the 9th of November 1959 in Trapeang Meas village.  
12 Nationality: Khmer.  
13 This person declared that he could read, write and understand the  
14 Khmer language. This person declared that he could read and  
15 write, and he could not read any other languages, therefore, the  
16 original of this written report is written in Khmer language.  
17 [15.05.12]  
18 We advised this person that the taking of this statement is being  
19 audio or video recorded. This person told us that he had no  
20 relationship with the charged persons and civil parties. This  
21 person took an oath in accordance with the provisions of Rule 24  
22 of the Internal Rules of the Extraordinary Chambers.  
23 We notified this person of the right against self-incrimination  
24 in accordance with the provisions of Rule 28 of the Internal  
25 Rules of the Extraordinary Chambers.

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1 Q.Would you like to describe your background before you arrived  
2 at S-21, please?

3 A.I would like to tell you that. I will talk about the period  
4 from the 17th of April 1975 onwards, which was the time after the  
5 Kampuchean Front defeated Lon Nol.

6 I, as a little child in Kampong Leaeng District of Sector 31, was  
7 recruited by Angkar because I was a person who always worked  
8 hard. At that time, Angkar recruited children from every  
9 sub-district, seven children in each. There were about 1000  
10 children recruited by Angkar. Then later on Angkar sent us to  
11 stay at the five-storey house near Kampong Chhnang Airport. It  
12 was in April.

13 I also saw people who were evacuated from Phnom Penh walking on  
14 the streets through Kampong Chhnang.

15 [15.06.52]

16 Q.Did you say Kampong Chhnang Airport?

17 A.It was an old airport. I stayed there around May or June  
18 1975. Later, Angkar sent us to Phnom Penh by American GMC  
19 trucks. There were 10 trucks then. The road to Phnom Penh was  
20 cut because bridges had collapsed. So the trip took the whole  
21 night before we arrived in Phnom Penh.

22 Q.How old were you at that time?

23 A.I was 16 or 17 years old.

24 Later on in Phnom Penh, Angkar sent me to stay in Boeng Tumpun in  
25 front of the Russian hospital.



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1 Q.Who accompanied you to Phnom Penh?

2 A.I don't remember, but perhaps it was the sector secretary or  
3 the district secretary who had received an order from Angkar to  
4 recruit good children for Phnom Penh.

5 While staying in Boeng Tumpun, I didn't have any work to do.  
6 They let us sleep in a house that remained from the old society.  
7 I guess I arrived there in June or July 1975.

8 [15.08.20]

9 I would like to also specify that regarding the recruitment of  
10 the children, if there was not an order from the Party, it could  
11 not happen.

12 Q.What was the sector secretary's name?

13 A.I forgot. After I left Boeng Tumpun, Angkar sent me to Ta  
14 Khmau to live in Kra Peu House arrest which was along the bank of  
15 Prek Thnaot River. They put me in the technical training  
16 program.

17 Q.Who was the chief in Ta Khmau at that time?

18 A.At that time, we had a Chief of General Staff, but I didn't  
19 know his name, but there was Nat and Pin. Pin was the Chief of  
20 Division 703 in charge of technical training.

21 Q.What kind of technical training was it?

22 A.They taught military techniques for the infantry and the air  
23 force to be used on all kinds of battlefields.

24 Q.What did they call Ta Khmau at that time?

25 A.At that time, it was behind a psychiatric hospital on the bank

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1 of Prek Thnaot River.

2 [15.09.42]

3 Q.Was there any other kind of training in that place besides  
4 technical training?

5 A.No, there was no other training, but if any children were  
6 lazy, they would be sent to work in the rice paddy or in the  
7 factory or in the military. At that time, there were about 50 to  
8 60 children who, after their biography had been reviewed, were  
9 considered as leading children. They were later sent to study in  
10 China.

11 Q.So did all 50 children go to China or just you alone?

12 A.At that time, 46 children were going there. At the same time,  
13 Angkar also educated us. Then we had a medical examination and  
14 later on we went to Kampong Som in order to take a ship to China.

15 Q.Who trained you before you left for China?

16 A.All trainers were Khmers. No other nationalities.

17 Q.Did they tell you what you were being trained for at that time  
18 of the training?

19 A.Generally speaking, the purpose of Angkar was to train us in  
20 military skills in order to defend our territory and society.

21 That was what they taught us.

22 [15.11.10]

23 Q.During the training, did they ever use words like "fighting  
24 against the Vietnamese"?

25 A.At that time, they didn't say that, but it was important to

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1 strengthen the spirit and morale and to defend our territorial  
2 integrity.

3 Q.While in training in Ta Khmau, did they ever talk about the  
4 enemy of the Revolution?

5 A.At that time, for our education, we didn't study anything  
6 else. The important things to be learned then involved  
7 techniques to defend our land and the borders and to fight  
8 against the imperialists.

9 Q.During the training in Ta Khmau did you ever see the upper  
10 rank visit that place?

11 A.As far as the upper rank is concerned, I saw Ta Nat and Son  
12 Sen.

13 Q.When Son Sen visited Ta Khmau did he say anything?

14 A.His advice was that children should try very hard to learn all  
15 techniques so that they would become leading children.

16 [15.12.21]

17 Q.You talked about Central Committee. Did you know about it  
18 since that time or only later on?

19 A.At that time I heard about the Central Committee of the Party  
20 in the meeting.

21 Q.When did you arrive in China?

22 A.I don't know the month or the day. I knew that I travelled by  
23 ship and then by car. After arriving in China they tried to test  
24 us by making us sleep on a small bed. They did that in order to  
25 see whether we were well-behaved children or not. They had us

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1 prepare and fold our blankets by ourselves so that they could see  
2 whether we were serious or not. I was ranked first for good  
3 morale behaviour. I was ranked number one.

4 At the beginning we were trained to take general photographs, to  
5 film, to project films, to draw maps and to develop film  
6 negatives. We did that for six months.

7 Q.Who taught you?

8 A.The teacher was Chinese and he could speak Khmer but sometimes  
9 translation was needed.

10 [15.13.48]

11 Q.How long was the training?

12 A.Six months for all subjects.

13 Q.Was it in Beijing?

14 A.I don't know. They only said it was in China but I knew that  
15 it was not in Beijing.

16 Q.How many people had gone to study photography with you?

17 A.At first we travelled altogether but after we arrived in China  
18 they separated us and sent us to our respective places. Some  
19 people went to study chemistry, others went to study  
20 ship-building and some went to study biology. I alone went to  
21 study photography.

22 Q.Who worked as the translator from Khmer to Chinese and from  
23 Chinese to Khmer?

24 A.The translator were Khmer but the Chinese trainer also knew  
25 some Khmer.

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1 Q.Were there any students of other nationalities studying with  
2 you?

3 A.No, there was only me.

4 [15.15.00]

5 Q.Regarding the Khmer cadres, who accompanied you to China then?

6 A.Ta Nat accompanied us to China but he didn't travel by ship  
7 with us. I met him when I arrived in China.

8 Q.Who was Ta Nat?

9 A.Ta Nat was from Division 703.

10 Q.Did Ta Nat also go to China?

11 A.Yes, at that time he was the Chief of General Staff, just  
12 under Son Sen.

13 Q.Was he already there when you arrived in China? Does this  
14 mean that Ta Nat was in China in January 1976?

15 A.Yes, he was an important person in the army. He was the  
16 former chief of Division 12.

17 Q.Did you know when Ta Nat returned to Cambodia?

18 A.He returned at the same time as me but I didn't take the  
19 plane.

20 [15.16.06]

21 Q.At that time did Ta Nat introduce you to any Chinese cadres or  
22 institutions?

23 A.No. The important thing was that he instructed us to study  
24 hard and to pay attention to our studies and not to be careless.

25 I met the Chinese ambassador, Mr. Sun Hav, once in Cambodia and

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1 once in China.

2 Q.What was his purpose in meeting you?

3 A.In 1976 he met us to praise us as the leading and good  
4 children. At that time they gave me a medal with a portrait of  
5 Chairman Mao in the middle but I lost it.

6 Q.When did you return to Cambodia?

7 A.After I arrived in Phnom Penh I didn't go yet to work at S-21.  
8 I was at the office of the Chief of General Staff, moving around  
9 to take photos. I arrived at the end of '76 or early '77.

10 Q.When Sun Hav visited you at the training did any Khmer cadres  
11 accompany him?

12 A.There were some Khmers in the delegation. I don't remember  
13 them but I have their picture.

14 [15.17.44]

15 Q.You talked about the photos from that period. Can you let me  
16 see some of them?

17 A.I didn't bring them with me but I have brought with me the  
18 book about my study in China and the photo of me during the  
19 training there.

20 Q.Can you let us make a photocopy of these documents?

21 A.If the Court needs them I will not refuse, but just wait and I  
22 will do it for you.

23 Q.Did you say that you still have the photos of the delegation  
24 visiting you in China?

25 A.No, I don't have them. I only have photos of Ta Nat. I have

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1 2,000 photos.

2 Q.What did you do after you arrived in Cambodia?

3 A.I stayed at the General Staff in Phnom Penh at Monivong

4 Hospital.

5 Q.At that time what did they use Monivong Hospital for?

6 A.At that time they called it Hospital P98, which was the

7 hospital for the general staff of the military.

8 [15.18.57]

9 Q.What did you do in that hospital?

10 A.I did not stay in the hospital but at the place near it.

11 Q.What did you do while you were staying near that hospital?

12 A.At that time I started setting up printing shop to publish

13 newspapers and magazines.

14 Q.Who was your chief then?

15 A.I had two chiefs. One was Ta Pang, who was a special agent of

16 Pol Pot, and another person named Noeun, who was close with Son

17 Sen, but I don't know their whereabouts nowadays.

18 Q.What was Noeun's role?

19 A.According to Angkar, they called him city messenger.

20 Q.What was the work of the city messenger?

21 A.If we compare that to the structure of the current government,

22 it is like being Hing Bun Heang, the chief of the bodyguard unit

23 for Hun Sen.

24 [15.20.08]

25 Q.Was Pang a city messenger like Noeun?

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1 A.Those were special people of Angkar but Pang's role was at  
2 that time higher than Noeun's. Pang were the one who saved my  
3 life so that I can live until today. At that time in September  
4 1977 the Communist Party of Kampuchea announced that it was now a  
5 fully-established Communist party in the world.

6 Q.What did you do then?

7 A.My work then included taking photos of leadership meetings,  
8 assembly sessions, military meetings and offices of foreign  
9 delegations. I was the photographer.

10 Q.Did you ever go out of Phnom Penh to take any photos?

11 A.I also took pictures in the zones. I mostly went to the  
12 Southwest, Northwest, North and West Zones.

13 Q.What kind of photos did you take and what did you see there  
14 then?

15 A.I took photos of the leaders when they were visiting dams and  
16 canals and assessing whether or not there had been any progress.

17 [15.21.22]

18 Q.Who were the leaders you travelled with?

19 A.Sometimes with Uncle Pol Pot, Nuon Chea and Son Sen; sometimes  
20 with Khieu Samphan, too, and sometimes I met with zone  
21 secretaries such as Ta Mok.

22 Q.Which province did you go to take photos when you met with  
23 Nuon Chea?

24 A.I took the photo of Nuon Chea when he was visiting canals and  
25 dams in the West Zone. It was about 1977.



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1 Q.And where did you meet with Khieu Samphan?

2 A.He rarely went to the countryside because he worked at the  
3 state delegation. I seldom saw him in the countryside.

4 Q.So did you take the photo of Khieu Samphan in Phnom Penh?

5 A.I took the photos of him twice, once at the Boray Keyla Sports  
6 Stadium and another time at the Chaktomuk Auditorium.

7 [15.22.30]

8 Q.What year did you take the photo at Borey Keila and what event  
9 was it?

10 A.It was the 17th of April event or the anniversary ceremony of  
11 the Party.

12 Q.Did you ever meet Khieu Samphan in the provinces and take any  
13 photos of him?

14 A.Yes, I did. I took so many photos of state leaders.

15 Q.Do you remember in which province?

16 A.At that time there was a special meeting in Koh Thum. I took  
17 a picture there then in which Khieu Samphan was standing and Ieng  
18 Sary was sitting with a movie camera behind him.

19 Q.What kind of event in Koh Thum?

20 A.It was an event in a co-operative in 1977 and early '78. At  
21 that time I worked in Tuol Sleng but after my working hours at  
22 Tuol Sleng I was sometimes invited to take photos at other  
23 events, like when the Chinese delegation was visiting.

24 Q.What year did you take photos of Borey Keila?

25 A.1977.

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1 [15.23.44]

2 Q.What year did you take photos at Chaktomuk and what event?

3 A.At that time it was maybe the event to announce the committee,  
4 president of the state. I'm not sure. I forgot. I forgot the  
5 event in that year.

6 Q.Besides the senior leader level did you ever take any photos  
7 of anyone else, such as Ieng Sary and Ieng Thirith?

8 A.Yes, I took photos of many others. If I see the photo I will  
9 recognize them. Although I don't remember them all I will  
10 recognize them.

11 Q.For example, did you ever take any photos of Ieng Sary during  
12 a meeting or during his visit to any of the provinces?

13 A.With Ieng Sary, mostly when he was with foreign delegation,  
14 but there were different photographers. The General Staff had  
15 their own photographers and Ieng Sary had his own. But when they  
16 needed to develop film negatives they sometimes asked me to do  
17 it. There were some things that they didn't want us to know.

18 [15.24.52]

19 Q.So did you work as a negative film developer at the place near  
20 the military hospital?

21 A.Yes.

22 Q.Did you remember who took the photo of Ieng Sary?

23 A.I don't remember. It was at Office 62-K which was attached to  
24 Angkar. It was a section of Office 870, which was the biggest  
25 one. It was composed of many other smaller offices.

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1 Q.Do you know who was the chief at 870?

2 A.Ta Pol Pot was the chief, and Office 870 was the biggest one  
3 in Cambodia.

4 Q.Did you personally take the photo of Ieng Sary or did you just  
5 print his picture?

6 A.I mostly printed his pictures.

7 Q.What about Ieng Thirith?

8 A.I used to print her pictures also but I didn't know her face  
9 very well. I only knew Son Sen, Pol Pot, Khieu Samphan and Nuon  
10 Chea, but I didn't know their wives; there were too many to  
11 remember.

12 [15.26.01]

13 Q.How many photographers were with you then?

14 A.There were six photographers and six cameras. Whoever took  
15 their pictures had to develop negatives and print them. Each  
16 photographer had a different role.

17 Q.Can you please tell us the names of those photographers  
18 working with you?

19 A.At the place near the Monivong Hospital then I was alone.

20 Q.When did you move to S-21?

21 A.I don't remember the date but in early '77.

22 Q.Who assigned you to go there?

23 A.At that time Son Sen and Ta Nat were there. Also when I went  
24 to China it was Ta Nat and Son Sen who assigned me to work there.

25 Q.Did you know why they sent you to work at S-21?

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1 A.I didn't know, but that was the work of Angkar. There were  
2 two jobs for photographers at S-21. One was to take photos of  
3 prisoners at S 21 and another was to take pictures outside of  
4 S-21 during free time.

5 [15.27.16]

6 Q.While staying near Monivong Hospital was there any other one  
7 else besides Pang and Neoun?

8 A.No, only I.

9 Q.How many years did you stay in the Monivong Hospital before  
10 moving to S-21?

11 A.I don't remember, but I know I moved to S-21 in early '77.

12 Q.How many months did you work near Monivong Hospital?

13 A.Maybe only three to four months. It was the windy season at  
14 that time and so it was perhaps in November and December.

15 Q.Who was your leader after you came to S-21? Which building  
16 did you stay in?

17 A.I stayed in a concrete house which currently is the Hungarian  
18 Embassy and it is right in front of the Ministry of Planning.

19 Q.Who else stays with you in that house?

20 A.There were six persons living together and all were  
21 photographers.

22 [15.28.25]

23 Q.Could you please describe daily work at S-21?

24 A.There was a policy. In the morning at 6.30 we arrived at the  
25 communal eating hall to eat porridge. We started work at 7

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1 o'clock, taking photos of newly arrived prisoners. We took a  
2 break at 11 o'clock then left work at 5 o'clock. We didn't do  
3 anything after work but we took time to grow cabbage for  
4 ourselves.

5 Q.You said the main work began at 7 o'clock. What was that?

6 A.We took the photos of prisoners, and when we returned home we  
7 developed negatives and printed the pictures we had taken.

8 Q.At what time did prisoners arrive?

9 A.No regular time, but the six photographers took turns to work.

10 Q.Did the prisoners arrive at S-21 every day during that time?

11 A.The prisoners arrived more or less every day.

12 [15.29.32]

13 Q.You said there were six persons in your group. And who was  
14 the chief and what was your rank?

15 A.At that time Sreang was the group chief and I was the team  
16 leader. Sreang commanded two persons and I commanded two  
17 persons. So there were six persons all together but Sreang was  
18 the biggest chief.

19 Q.Who did you receive orders from?

20 A.At that time from Son Sen, Ta Nat and Duch as well; he was the  
21 chief of S-21.

22 Q.Who gave orders to you directly?

23 A.Duch gave the orders directly and he was in charge of  
24 everything in there.

25 Q.Do you remember what kind of orders Duch gave you then?

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1 A.His orders were very strict and I was not allowed to make a  
2 mistake.

3 Q.Did you hear Duch use these or those words?

4 A.Yes.

5 [15.30.40]

6 Q.You said that if Duch ordered you to do anything you had to do  
7 it and if a mistake was made there would be a problem. What kind  
8 of problem?

9 A.The problem was about staying alive. The main concerns were  
10 for staying alive. And the second caution, we had to be very  
11 cautious at work not to damage anything.

12 Q.Was Duch's order like a threat to you?

13 A.It was indeed. Many of those who came from Kampong Chhnang  
14 since 1975 to work at S-21 lost their lives. Most of those  
15 killed were guards who fell asleep during on duty, like Chan for  
16 example. Another person who was also killed was Srun who came  
17 along with me. His mistake was that he took cabbage smelling of  
18 pesticide called aniline to cook for people. The cabbage was  
19 full of that pesticide in order to keep pests away from it. Even  
20 though he washed the cabbage after he had picked it in the  
21 garden, it still had the pesticide smell on it because he didn't  
22 clean it thoroughly. They accused him of putting poison in our  
23 food, so they took him away to be killed.

24 Q.Based on your understanding, who was responsible for the death  
25 of those people?

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1 A. Briefly speaking, it was Ta Duch. That was because at S-21  
2 many of my friends who had come along with me from my home  
3 village disappeared.

4 [15.32.30]

5 Q. Based on what you said, Duch was responsible for that.

6 A. As far as I know that was his order because many people at  
7 S-21 disappeared. There were 150 out of 400 people who  
8 disappeared.

9 Q. Did Duch ever instruct you how to take photographs?

10 A. No, but most importantly, his instruction was not to damage a  
11 photograph. After a photo was developed we had to send it to  
12 Thy. I rarely made a mistake because I was very careful.

13 Q. Where did you develop negatives?

14 A. I did it in a place in front of the Ministry of Planning.

15 Q. Could you please describe how a photograph was taken,  
16 beginning from the time when a prisoner was taken in and how a  
17 tag was put on him or her?

18 A. Prisoners were brought in by truck and blindfolded. The  
19 person who brought prisoners to us then removed the blindfold.

20 Q. Who removed the blindfold?

21 A. The guards did it.

22 [15.33.38]

23 Q. Where was the place for taking pictures?

24 A. It was near the entrance of the present Tuol Sleng but it was  
25 outside the Tuol Sleng fence. The place for developing negatives

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1 was near Ta Duch's house. Prisoners were photographed before  
2 they were sent into the prison.

3 Q.Did you know where the prisoners were coming from?

4 A.I don't know.

5 Q.Did the truck used for transporting prisoners belong to S-21?

6 A.It is difficult to describe it but the truck bore licence  
7 plate number which is assigned to the West Zone or the Northwest  
8 Zone. Sometimes the truck had no plate so we didn't know where  
9 they came from. Sometimes prisoners were brought in by car.  
10 S-21 also had its own truck.

11 Q.Let's talk about the S-21 truck. When a truck was sent to  
12 pick up prisoners, who went with it?

13 A.We could not know this. There were many sections. I was the  
14 photographer, so I only did my own work.

15 [15.34.54]

16 Q.Did you ever see Duch come in the truck carrying prisoners?

17 A.We didn't observe that.

18 Q.When taking a photograph did they put a tag on a prisoner to  
19 make it easier for Thy to remember?

20 A.We want to say that each prisoner who was being photographed  
21 was given a tag marked with a number. Sometimes they used a name  
22 tag but sometimes they just used a number. Sometimes no number  
23 was used. A number assigned to a prisoner was changed from time  
24 to time, using the date on which that photo was taken; for  
25 example, they used the date as the number to be assigned to a



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1 prisoner.

2 Q.Was there anyone helping you prepare name tags and documents?

3 A.Sometimes I prepared them by myself. No-one helped me with

4 that.

5 Q.How could you keep track of all the prisoners?

6 A.It was not difficult because when 100 prisoners arrived, 100

7 photos would be taken. A number was assigned to each prisoner;

8 for example, letter A for prisoner number one and letter B for

9 prisoner number two and so on.

10 [15.36.09]

11 Q.Does it mean that the person who had brought you the prisoners

12 didn't give you a name list?

13 A.No, they gave the list to Thy directly.

14 Q.For all prisoners who were brought in did they all have to be

15 photographed?

16 A.Most of them were photographed. Just a few were not.

17 Q.Why not?

18 A.Sometimes we worked too late at night and were not able to

19 take any more photos. Sometimes they sent us to take photos of

20 prisoners in the cell. It was very rare that a prisoner was not

21 photographed. All of them had to be photographed.

22 Q.Besides taking photos of prisoners did you ever take any

23 pictures of the compound of S-21?

24 A.They didn't allow me to enter the prison compound.

25 [15.37.04]

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1 Q. Did you ever take a picture of a prisoner after he or she had  
2 been killed?

3 A. Never, but they had a special group under a person named Sry  
4 who did that. He was in the special guard unit. He took  
5 pictures of people after they died.

6 Q. How often did they take pictures of dead people?

7 A. It was often. After a picture of a dead person was taken they  
8 told us to print it out and we couldn't tell anyone about that.

9 Q. Why did they take a picture of dead people?

10 A. As far as I know, they maybe just wanted to make sure that the  
11 person was really dead. Sry might already be dead. Ta Duch  
12 killed him. I know that his birth place was in Bati district,  
13 Takeo province, but I don't know the name of the village and  
14 commune.

15 Q. Who ordered a photographer to take pictures of the dead  
16 person?

17 A. It was Duch only.

18 Q. Why did you assume that?

19 A. First, maybe the dead person didn't yet answer all the  
20 questions. Second, the prisoner was tortured because in the  
21 picture we could see blood stains.

22 [15.38.28]

23 Q. Did you know who gave Duch any orders?

24 A. It was primarily Son Sen. I knew this when I attended a  
25 meeting to learn about the Angkar political line. This was based

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1 on what I saw with my own eyes or based on what he said when he  
2 came to attend the assembly at S-21. Besides Son Sen there was  
3 no-one else coming to that assembly.

4 Q.In terms of the relation between Duch and Son Sen, did Duch  
5 ask Son Sen for an order or did Son Sen give an order to Duch?

6 A.Duch's decision and Son Sen's order were alike. They were  
7 like a current which ran back and forth. In conclusion, these  
8 two men were the same. If Duch didn't make a report Son Sen, Pol  
9 Pot and Nuon Chea could not know anything. All documents were  
10 with Duch. Duch was very important. Duch was the one who made a  
11 decision on who would be killed. He was the one who gave a green  
12 light to Son Sen and Pol Pot.

13 Q.Did you take pictures of the important prisoners like Kuy  
14 Thuon and Hou Nim?

15 A.I didn't take their pictures. Sry was the one who took them.  
16 The special prisons were concrete buildings which were located  
17 outside S-21 compound and were used to put prisoners of sector  
18 level. I never went in there.

19 [15.40.22]

20 Q.What was Nuon Chea's role?

21 A.He was the president of the Parliament but this didn't mean  
22 that he didn't know anything. He knew about it because people at  
23 the zone and sector levels who had been arrested were very  
24 important persons in Democratic Kampuchea.

25 Q.Regarding the security issue, besides Son Sen, what was Nuon

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1 Chea's role?

2 A.I don't know but Son Sen came to S-21 once a week.

3 Q.Had you ever heard any people say what was Nuon Chea's role at

4 S-21?

5 A.I heard that Duch say sending to Brother Number One or Brother

6 Number Two. I knew that Brother Number One was Pol Pot and

7 Brother Number Two was Nuon Chea. S-21 was the most important

8 security office in the nation. Son Sen talked with Duch during

9 the meeting and said that S-21 was the soul of the nation. Nuon

10 Chea and Pol Pot never came but Son Sen came regularly.

11 [15.41.40]

12 Q.You said that at S-21 besides Duch there was Son Sen who came

13 to S-21 almost every week. Did he come regularly until 1979?

14 A.Son Sen came regularly until the Vietnamese arrived. As far

15 as I know, in '78 S-21 received only one or two persons each day.

16 In '77 many prisoners were brought in there. They arrived 24

17 hours a day.

18 Q.Did you ever take pictures of people of other nationalities?

19 A.I did, once. There were two people of other nationalities

20 brought in from the sea. They were not Vietnamese. I didn't

21 know whether they were French or American.

22 [15.42.37]

23 Q.What was the hair colour of those two people?

24 A.I only knew that they were big, had sharp noses and brown

25 hair.

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1 Q.After being photographed, where were they taken to?

2 A.They had hairy chests and beards. I didn't know where they  
3 were taken to. It was in 1977.

4 Q.Do you remember their names?

5 A.I don't remember.

6 Q.Do you remember the name of other photographers at S-21?

7 A.One, Sreang; two, Song; three, Nith; four, Sam; five, Ry; six,  
8 myself.

9 Q.Do you know if any of them are still alive?

10 A.I know that three of us -- Ry, Sam and Song are dead, but I  
11 don't know for the other two.

12 Q.Is Nith still alive?

13 A.He was alive when the Vietnamese came in. Those three died  
14 after the Vietnamese came in.

15 [15.43.50]

16 Q.Did you ever take pictures of the Phnong or Vietnamese?

17 A.There were pictures of the Vietnamese because at that time the  
18 Vietnamese had attacked and came into Cambodia in areas along the  
19 border. I am sorry that I have lost all video cassettes of the  
20 Vietnamese. The Vietnamese translator at that time was Mam Nai,  
21 who is currently living in Malay.

22 Q.Were those Vietnamese soldiers in uniform when they were  
23 brought in?

24 A.Yes.

25 Q.As for spies who were arrested, how did you know that they

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1 were Vietnamese?

2 A.Because they spoke Vietnamese.

3 Q.There were stories that Khmer Rouge were dressed in Vietnamese  
4 military uniforms. Do you think that was true?

5 A.No, not at all. The Khmer Rouge didn't like to fake. Khmer  
6 Rouge wanted to only do the real thing.

7 [15.44.52]

8 Q.You said that you had a video about Vietnamese soldiers. What  
9 type of video was it?

10 A.Vietnamese soldiers whom I capture in Siem Reap after '79.

11 Q.How many Vietnamese soldiers were photographed by you?

12 A.About 20.

13 Q.Did Duch ever come to watch while you were taking photographs?

14 A.He came, but rarely. He also came to see the communal eating.

15 Q.When Duch came did he say anything to you?

16 A.He said that I must be very careful with my work and that I  
17 shouldn't damage the photos because they are very important for  
18 biographies and identification cards.

19 Q.Were there any problems when a photo had been damaged or not  
20 clear? And did you ever encounter this problem?

21 [15.45.58]

22 A.If a photo was damaged I would not be spared, but dead.

23 Sometimes I took a photo of a person closing eyes. If that  
24 happened I had to take a photo of that person again.

25 Q.For example, if that photo was defective who would decide on

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1 the arrest of the person who was responsible?

2 A.Ta Duch, Ta Hor and Ta Chan.

3 Q.Why did you say that, and what supports what you are saying?

4 A.This was the truth. Those three persons were the  
5 decision-makers. There was an incident when I printed out Uncle  
6 Pol Pot's picture. At that time the negative was defective,  
7 showing a scar on the eye of the portrait. I and Ry knew about  
8 that defect. So Ta Hor, Ta Chan and Ta Duch telephoned me. I  
9 then held a meeting with all photographers and reported to them  
10 that the picture of Uncle Number One which I had printed out was  
11 damaged. Comrade Ry also knew about that.

12 At that time Rysaid that he didn't know when Comrade En printed  
13 that picture. Then they removed me from the group and sent me to  
14 a different unit to raise rabbits. Later, Chen, who was Duch's  
15 messenger, told me that Duch once asked Pang about that film.  
16 Pang said one film was defective, so they knew that was not my  
17 mistake. Then they called me back to work at the old place.

18 [15.47.38]

19 Q.Is Chhen still alive?

20 A.I don't know whether Chhen is still alive or he is dead.

21 Q.Was his birth place in Kampong Chhnang also?

22 A.Either in Kampong Chhnang or in Kampong Speu.

23 Q.Did you see if Chhen was still alive when the Vietnamese came  
24 in?

25 A.Yes.

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1 Q.Did you take that picture again, and where?

2 A.I took it again immediately when I found out that the eyes  
3 were closed.

4 Q.Did you ever go to take pictures at Prey Sar?

5 A.I used to go to Prey Sar, but Prey Sar was not a prison. It  
6 was a place for re-education and Huy Sre was the chief at Prey  
7 Sar.

8 Q.What number did they use for Prey Sar?

9 A.I forget.

10 [15.48.42]

11 Q.You said that Prey Sar was not a place to keep prisoners, so  
12 why did you go to take pictures there?

13 A.To take photos for making biographies. Prey Sar also belongs  
14 to the General Staff.

15 Q.Were the photos from Prey Sar ever shown at S-21?

16 A.No, never.

17 Q.Was there another Chan working with Mam Nai?

18 A.No, there was only one Chan. He had a skin disease called  
19 pumpkin leprosy.

20 Break from interviewing witness at 12 o'clock noon on the same  
21 date.

22 Resume interviewing witness at 1.30 in the afternoon on the same  
23 date.

24 Q.Who was the leader of Tuol Sleng? What was his rank and role?

25 A.The biggest leader was Ta Duch. He was in charge of General



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1 Operations. Ta Hor was the deputy chief in charge of military  
2 affairs, and Ta Chan was the member in charge of translation. It  
3 was called S-21 Committee.

4 [15.50.13]

5 Q.Was Huy Sre a member of S-21?

6 A.No.

7 Q.Who really controlled your unit? And who gave direct orders  
8 to the photography unit?

9 A.It was under the direct control of the three men mentioned  
10 above, but Chan was directly in charge.

11 Q.Did you communicate with Duch directly?

12 A.Yes. I used to do it when he called me to take photos of his  
13 family and Party.

14 Q.How did Chan give orders?

15 A.As mentioned before, his orders were strict.

16 Q.Sometimes you went to take photos outside. How often did you  
17 do it and what kinds of photos did you take?

18 [15.51.03]

19 A.Not often, just once or twice a month, like when the Chinese  
20 delegation visited the ore refinery, industrial facilities,  
21 collective farms, Angkor Wat and irrigation systems. Sometimes  
22 they called me to take pictures of the top leadership.

23 Q.Do you remember the times you took those photos?

24 A.As I already said this morning, I went with the delegation and  
25 Uncle Nuon when we visited co-operatives. There were six

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1 photographers in my group and we made rotations.

2 Q.Does it mean that Nuon Chea and senior leadership made field  
3 visits?

4 A.They did it together, but sometimes there were more people  
5 and sometimes less. I am not sure.

6 Q.What were the conditions for the population that you saw  
7 during field visits?

8 A.There was enough food to eat when we made sector committees,  
9 but after '79 there was news about starvation.

10 [15.52.23]

11 Q.At S-21 did you ever see Duch interrogating prisoners?

12 A.I saw him doing it once in '77 when prisoners were brought in  
13 since I know he wanted to get confessions to send Angkar.

14 Q.How many times did you eyewitness that?

15 A.I saw it once. At that time, he came by a motorcycle. I  
16 was riding a bicycle and saw him beating up a prisoner in front  
17 of Tuol Sleng. My workplace was also in that same area, so I saw  
18 it.

19 Q.What kind of house was it and which section was it located?

20 A.A tiled roof house in the southern part.

21 Q.Whose house was it?

22 A.I don't remember. At that time, I could see the  
23 interrogations because the door was open and the interrogation  
24 took place on the ground floor.

25 Q.Did you see any water channels in the house?

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1 A.I don't know.

2 Q.What did he do during the interrogation?

3 [15.53.33]

4 A.He tortured prisoners by beating them up with a rattan  
5 stick.

6 Q.Did you stop your bike there to watch or just ride by and  
7 saw it?

8 A.I rode by and saw it.

9 Q.What about the kitchen worker named Srun.

10 A.As I was walked in, Srun asked me to help him while he was  
11 being taken out for interrogation.

12 Q.What happened to the prisoners after the interrogation?

13 A.Those prisoners will rarely return. We saw with our own  
14 eyes trucks coming to take prisoners away to be smashed because  
15 my place was near the prisoners' place, but I don't know where  
16 they took the prisoners to be killed.

17 It was in 1995, after the Khmer Rouge troops surrendered and  
18 joined the regular army, that we saw the graves in Choeung Ek.

19 Q.Was Sroeu also a photographer?

20 A.I taught Sroeu how to take photographs.

21 [15.54.50]

22 Q.Was there any paramedic at S-21?

23 A.There was one named Por but he was also killed.

24 Q.While you were staying in the Monivong Hospital, did you  
25 ever see S-21 staff draw blood from prisoners to give to the

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1 hospital?

2 A.I never saw that.

3 Q.Did Duch ever arrest and imprison any photographers from  
4 your group?

5 A.Never.

6 Q.As you described, who in your group is now dead?

7 A.Those who came along with me in '75 were Srun, the cook, and  
8 Chan, the guard. Srun was arrested in '77 because he had been  
9 accused of attempting to poison the community. Duch was the one  
10 who ordered that arrest. I knew about the killing of these two  
11 persons because they were from my hometown.

12 Q.You said that the Committee of S-21 was composed of Duch,  
13 Hor and Chan. Did these three persons get along well?

14 [15.56.01]

15 A.They got along well because leadership decisions could not  
16 be made by Duch alone, they had to first hold a meeting.

17 Q.Was it for special matters only?

18 A.Like my case, it was a special one.

19 Q.After these three persons had made a decision, who was then  
20 supposed to give an order?

21 A.They gave orders inviting, signed by Duch and Son Sen, to  
22 various sections for implementation.

23 There were 10,000 who died at S-21. If Chan, Duch and Hor  
24 hadn't made any decision on that, these deaths would not have  
25 occurred.

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1 Q.At that time, did you know the specific role of Son Sen?

2 A.I knew at that time that he was the Minister of National  
3 Defence in charge of security.

4 Q.You knew Pang and Noeun, so did you ever meet with them  
5 again?

6 A.I met with them when they came to pick up documents for Pol  
7 Pot.

8 [15.57.29]

9 Q.What kind of documents?

10 A.Those documents were biographies and confessions. I knew  
11 about these matters very well. They usually came with a Jeep.  
12 Pang died later in 1978 in Phnom Penh.

13 Q.Where did Noeun and Pang come to pickup documents from?

14 A.They came to Duch's house, located on the opposite side of  
15 the Ministry of Planning, which is currently the Hungarian  
16 Embassy. My house was also near that place.

17 Q.Did you ever go into Duch's house and did you ever see that  
18 Duch tortured prisoners in his house?

19 A.I used to go in there when he called me to take photos of  
20 his wife, but I never saw him torturing prisoners in his house.

21 Q.The square in the centre is the compound of S-21. Can you  
22 mark on it the locations of all the interrogation places?

23 A.Generally speaking, there were about 10 interrogation places  
24 located all over that area in many blocks. Some blocks were  
25 closed to keep people from entering.

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1 [15.58.49]

2 Q.Were there any other city messengers besides Pang and Noeun?

3 A.I never saw any other persons.

4 Q.Do you still remember the faces of those two persons?

5 A.I don't remember.

6 Q.How long were you at S-21?

7 A.Until the Vietnamese came in. After I returned back to work  
8 there for about six months, which was in mid-'78, they assigned  
9 me to a different work. My new work there was to draw maps of  
10 the battlefields with the Vietnamese. I didn't take any  
11 photographs any more after that.

12 Q.During the last period of the regime, did you ever see them  
13 bring in more prisoners?

14 A.They still brought some in, but very few.

15 Q.Did you know at that time if there were any prisoners  
16 brought to S-21 who were killed without having been interrogated?

17 A.I don't know.

18 [15.59.56]

19 Q.Do you know if there were prisoners left over?

20 A.I don't know.

21 Q.Shortly before the 7th of January 1979, did you see any  
22 senior leaders arrive at S-21?

23 A.Son Sen called up a meeting there. They told us to prepare  
24 ourselves to dig trenches. Son Sen ordered us to draw maps. At  
25 that time, the Vietnamese had arrived in Kratié.

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1 Q.How did you find out that the Vietnamese arrived and is in  
2 that place?

3 A.Our front line commanders reported to Son Sen and then Son  
4 Sen told us about it. There were 12 people in my group and three  
5 of us were photographers.

6 Q.Did Son Sen come to hold a meeting with all S-21 personnel?

7 A.Yes, he held a meeting with all S-21 personnel and  
8 instructed us to prepare for an attack against the Vietnamese  
9 army.

10 [16.01.14]

11 Q.At that time on the 1st of January 1979. did they say  
12 anything about what to do with the prisoners of S-21?

13 A.I only knew that what happened there in 1977, but knew  
14 nothing about that later. All S-21 forces escaped through Tuol  
15 Tapoung, the Chinese Embassy, and Kantuot with Duch, Chan and  
16 Chhen. These forces were dispersed in Kantuot because there were  
17 tanks stationing there.

18 I joined the forces that went to Kampong Speu.

19 Q.Why did Duch go then?

20 A.I don't know. I was separated from him in February 1979 in  
21 Thmar -- Anlong Chrey and never heard of him at all since then.

22 Q.During that time, did you know if they kept any prisoners from  
23 doing various tasks?

24 A.I don't know.

25 [16.02.14]

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1 Q. Was Ta Nath a prisoner or a painter?

2 A. He was a prisoner.

3 One copy of the written record was provided to this witness. The  
4 hearing of the statement was concluded at 4 o'clock and 12  
5 minutes on the same date. Witness has provided us three  
6 photographs and textbook which he used during his study in China  
7 about the techniques for taking photographs. After reading the  
8 statement out loud, the witness had no objections and agreed to  
9 sign and place his thumbprint. Witness Nhem En."

10 MR. PRESIDENT:

11 After having heard the reading of the statement of Nhem En by the  
12 Greffier, the statement made by the Office of Co-Investigating  
13 Judges, do the prosecutors wish to make any observation in  
14 relation to that statement?

15 MR. TAN SENARONG:

16 Mr. President, the Co-Prosecutors do not have any objection to  
17 the statement by Nhem En.

18 MR. PRESIDENT:

19 The civil party lawyers, would you wish to make any observations  
20 in relation to the content of the statement made by Nhem En and  
21 read out by the Greffier?

22 MR. WERNER:

23 No observations, thank you.

24 [16.04.08]

25 MR. PRESIDENT:



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1 The defence counsel, would you wish to make any observations in  
2 relation to the read-out aloud statement?

3 MR. ROUX:

4 Thank you, Mr. President. The accused will indeed have some  
5 observations to make, however, please permit me to say on behalf  
6 of the defence that judicial proceedings deserve better than  
7 these kinds of witness testimony. I still fail to understand how  
8 the Co-Prosecutor succeeded in putting this witness on the list.  
9 I would like to express my thanks to the Chamber for sparing us  
10 the time that we would have spent listening to this man of whom  
11 we know that he has tried to auction Pol Pot's sandals for  
12 \$500,000. This gentleman has been approaching journalists and  
13 researchers for a long time, and I don't think he is deserving of  
14 any further comment.

15 MR. PRESIDENT:

16 Mr. François Roux, could you please state your comments again in  
17 relation to the Nhem En statement?

18 Judge Silvia Cartwright, you take the floor.

19 JUDGE CARTWRIGHT:

20 Thank you, Mr. President.

21 [16.06.44]

22 I would simply like confirmation from the defence that they have  
23 no objection to the statement, acknowledging, of course, that the  
24 accused wishes to make observations about it.

25 Are you able to make that commitment so that we fully understand

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1 you have no challenge to the statement? You do not wish this  
2 witness to be brought before the Court?

3 MR. ROUX:

4 We are not asking for this witness to be brought before the Court  
5 because it would cost us a lot of time. We do not challenge this  
6 document being put before the Court, but we firmly challenge it.

7 MR. PRESIDENT:

8 We just noted that the Co-Prosecutor was on his feet and would  
9 wish to address the Court.

10 You take the floor.

11 MR. AHMED:

12 Your Honours, the objection that I had was indeed asked by Her  
13 Honour Judge Cartwright, so I have no objection, except to the  
14 point that my learned friend may state that he doesn't wish to  
15 challenge the credibility of this witness at this stage,  
16 otherwise we have to call that witness.

17 My learned friend has already admitted that he doesn't want to  
18 call this witness, so we shall argue this matter and the weight  
19 to be placed at the time of final arguments. So that's my  
20 limited submission.

21 [16.08.48]

22 MR. PRESIDENT:

23 Mr. François Roux, you take the floor.

24 MR. ROUX:

25 Let's be clear on this. The defence completely challenges the

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1 credibility of the witness insofar as his testimony goes to the  
2 substance, but the defence does not challenge this document being  
3 put before the Court and that we can discuss it during the final  
4 submissions. But, of course, we do challenge the credibility of  
5 this witness and the accused will provide explanations about  
6 that.

7 MR. PRESIDENT:

8 The Chamber would like to now give the opportunity to the accused  
9 to make his observations in relation to the contents of the  
10 statement made by Nhem En before the Co-Investigating Judges and  
11 has already been read out by the Greffier of the Chamber.

12 The floor is yours.

13 THE ACCUSED:

14 Mr. President, the testimony of Nhem En could be divided into  
15 two, according to me.

16 First, the testimony in relation to his photography work at S-21.  
17 There were some shortcomings but, however, the whole content is  
18 accurate. And, number two, he talked about his life story that  
19 he went to China. It was a fabricated situation. The truth is  
20 that in 1976 Pol Pot sent his nephew to study photography in  
21 China. Comrade Teng was sent to China. Nhem En was not part in  
22 that mission.

23 [16.11.11]

24 Nhem En was the son of a staff at S-21 and he was not allowed to  
25 take any photographs outside. The chief was Noem Kim Sreang, the

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1 chief of the photographers, then followed by Comrade Song, who  
2 took photographs at Prey Sar. He gave interviews to some local  
3 media and before I was arrested and detained by the Cambodian  
4 Military Court, I read the interviews of Comrade Song in those  
5 newspaper articles.

6 Regarding Comrade Sry, Sry worked at the Special Unit who took  
7 photographs of the important people who were killed, including  
8 Vorn Vet, Nat, Chhay Kim Huor for example. And Nhem En was too  
9 proud; he said he studied in China for six months and then he  
10 could be skilful in taking photographs and filming and others.  
11 So I can conclude that there is only little shortcomings in his  
12 testimony. It is wrong that he said he took photographs of my  
13 family and my wife. I actually got my own camera that I made use  
14 to take good pictures of my whole family without Nhem En.

15 MR. PRESIDENT:

16 It is now a convenient time to take adjournment. The Chamber  
17 will take the adjournment now and resume the session tomorrow at  
18 9 a.m.

19 [16.13.16]

20 During tomorrow's session the Chamber is going to hear another  
21 witness, KW-22, and we would like to notify and clarify for the  
22 parties again that this is the witness to be heard tomorrow.  
23 The security personnel are now instructed to take the accused to  
24 the detention facility and bring him in tomorrow by 9 a.m.

25 (Judges exit courtroom)

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1 (Court adjourns at 1615H)  
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