



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

10 August 2009, 0901H

Trial Day 56

Before the Judges:

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. AHMED	English
MS. CANIZARES	French
MR. CHUUN PHAL	Khmer
MR. HONG KIMSUON	Khmer
MR. KAR SAVUTH	Khmer
MR. KONG SAM ONN	Khmer
JUDGE LAVERGNE	French
MS. SE KOLVUTHY	Khmer
MR. SAOM MET	Khmer
MR. TAN SENARONG	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	English
JUDGE YA SOKHAN	Khmer

1

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

2 (Judges enter courtroom)

3 [09.01.50]

4 MR. PRESIDENT:

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

6 Before we begin calling the next witness into the courtroom, the
7 Greffier is now instructed to report the attendance of the
8 parties to the proceedings and the person concerned for today's
9 session.

10 THE GREFFIER:

11 Mr. President, the parties to the proceedings today are all
12 present. The witnesses KW-23 and KW-15 are present and awaiting
13 call by the Trial Chamber. These witnesses have no relation with
14 the parties to the proceedings or the accused and they have
15 already taken an oath.

16 MR. PRESIDENT:

17 Before we proceed to hear the testimony of the witnesses
18 according to our schedule, the Chamber would like to inform the
19 parties to the proceedings and the public in relation to the
20 adjustment of the scheduling starting from Monday the 10th of
21 August to the 12th, which is Wednesday.

22 Please be informed that on Monday the 10th of August 2009, the
23 Trial Chamber is going to hear the testimony of witness Chuun
24 Phal for a half day, and on the afternoon of the same day and in
25 the morning of the next day, Tuesday the 11th of August, the

2

1 Chamber is going to hear the testimony of KW-15.
2 We are going to also read the statement of Makk Sithim, D28/8 and
3 D54, the paragraphs relating to this witness; the statement or
4 record of the interview of Tay Teng, D28/12, D50/3 and the
5 paragraphs related to this witness, D48/1, and D52, the
6 paragraphs relating to this witness; the statement or the record
7 of interview of Soam Sam Ol, D78/6; summary of Chey Sopheara,
8 statement D83/1; the record of re-enactment, D48/1 and the
9 paragraphs relating to the statement of Meas Pengkry and D52
10 paragraphs relating to this witness.
11 The Chamber will seek observation from the parties to the
12 proceeding in relation to the statement of Meas Pengkry which was
13 already read out on the 28th of July 2009.
14 In case the Trial Chamber cannot finish reading the
15 above-mentioned statements, then Wednesday's afternoon will be
16 reserved for the purpose of reading such statements.
17 On Wednesday the 12th of August the Trial Chamber is going to
18 hear the testimony of KW-29 and the parties need to be informed
19 that due to serious illness which prevents Mr. Uk Bunseng from
20 coming to testify, the Chamber has decided not to call him and
21 his statement will be read instead before the Chamber.
22 On the afternoon of Wednesday, the Chamber is going to read a
23 record of the interview of Mr. Uk Bunseng, document under D78/7;
24 witness Horn Im, D28/5; Phach Siek, D28/5; witness Kaing Pan,
25 D78/3.

3

1 So this is only just the adjustment to the scheduling for this
2 week's hearing and we hope the parties to the proceedings are now
3 informed.

4 [09.07.45]

5 Next, the Chamber would like to also put the civil party
6 applications and their statements of the following parties before
7 the Chamber.

8 Civil party group 1: number 1, D25/23 Yim Leng; 2. D25/15 Suon
9 Sieng; 3. D25/20 Ngeth Sok; 4. D25/24 Suos Sarin; 5. D25/25 Kae
10 Khon; 6. D25/18 Man Saut; 7. D25/10 Che Heap; 8. D25/22 Timothy
11 Scott Deeds; 9. E2/41 Sin Sinet; 10. E2/42 Roun Sreynob; 11.
12 E2/43 El Li Mah; 12. E2/60 Norng Kim Leang; 13. E2/47 Sman Nob;
13 14. E/45 Sman Sar; 15. E2/46 Ke Samaut; 16. E2/47 Men Lay; 17.
14 E2/48 Nhem Sophan; 18. E2/49 Eng Sitha; 19. E2/51 Man Malymas;
15 20. E2/52 Kom Men; 21. E2/53 Try Ngech Leang; 22. E2/54 Heng
16 Ngech Hong; 23. E2/55 Beng Chanthorn; 24. E2/56 Yon Chhoeun; 25.
17 E2/57 Ly Khiek; 26. E2/58 Puol Punloek; 27. E2/59 Chann Kruoch;
18 28. E2/62; 29. E2/69 Lim Yon; 30. E2/74 Nget Uy; 31. E2/75 Khiev
19 Neap; 32. E2/88 Joshua Rothschild; 33. E2/73 Norng Sarath.

20 Civil party group 2: 34. D25/21 Tath Lorn; 35. E2/35 Lieng Kan;
21 36. E2/21 Iem Soy; 37. E2/22 Chhoeem Sitha; 38. E2/25 Sin Lim Sea;
22 39. E2/24 Ul Say Ream; 40. E2/66 Penh Sokhen; 41. E2/64 Nheb
23 Kimsrea; 42. E2/83 Hong Savath.

24 [09.12.00]

25 Civil party group 3: 43. D25/8 Measketh Samphotre; 44. D25/11

4

1 Khuon Sarin; 45. D25/28 Tioulong Neva; 46. D25/26 Kimari Nevinka;
2 47. E2/30 Nhoem Kim Hoeurn; 48. E2/37 Klan Fit; 49. E2/38 Heat
3 Tey Chov; 50. E2/49 Kimari Visaka; 51. E2/39 Suon Sokhomaly; 52.
4 E2/65 Bun Srey; 53. E2/63 Pann Pech; 54. E2/76 Ung Voeurn or Hul
5 Voeurn; 55. E2/78 Meas Saroeurn; 56. E2/79 Sek Seik; 57. E2/70
6 Chan Yoeurng; 58. E2/71 Some Pov; 59. E2/72 Kan San; 60. E2/84 Uk
7 Vasorthin.
8 Civil party group 4: 61. D25/17 Kaun Sunthara; 62. D25/12
9 Chraing Sam-Ean; 63. D25/19 Kong Teis; 64. E2/38 Ros Chuor Siy;
10 65. E2/31 Nhek Ou Davy; 66. E2/27 Ou Kamela.
11 The civil parties whose statement will be heard in the future
12 before the Trial Chamber include: civil party E2/85; E2/89;
13 Robert Hamill and E2/87; D45/27 alias Hav Sophea; D2/82 and
14 E2/34; E2/50 Ou Savrith; E2/46; E2/81 Ros Men; D25/9 Touch Monin;
15 D25/14 Im Sunthy; D25/7 Phung Guth Sunthary; D25/5 Jeffrey James;
16 E2/86 Chhin Navy; D25/2 Chum Sirath; D25/6 Keang Vannary; E2/77;
17 and Seang Vandy D25/13.
18 The Trial Chamber would like to request the defence to indicate
19 whether it intends to challenge any of these applications, which
20 applications, and to briefly set out the grounds for so doing.
21 The Chamber will hear the defence briefly on this matter on
22 Monday the 17th of August. On the basis of this indication, the
23 Chamber will allocate time at a later date for the defence to
24 present its challenge.
25 The Chamber further requests the defence, if it is able to do so

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1 now, to indicate if it intends to challenge any of the civil
2 party applications of the civil parties who will be heard in the
3 following weeks. If it intends to do so, the Chamber would be
4 grateful for an indication of which applications the defence
5 intends to challenge. So this is just the information to be
6 informed to the defence counsel and to make necessary
7 observations in relation to the matters being brought before the
8 Chamber.

9 [09.18.09]

10 This is a compromised approach because the Chamber would like to
11 make sure that we can proceed expeditiously, and that we would
12 like to give opportunity to the parties to give their
13 observations in relation to all the applications being considered
14 or being informed already in this hearing.

15 We note Mr. Alain Werner is on his feet. You take the floor.

16 MR. WERNER:

17 Your Honour, Mr. President, good morning. Just in light of what
18 you said, maybe I thought I should raise and indicate for the
19 benefit of the defence counsel.

20 As you know, for civil party group 1, starting next week and the
21 following week we will have four civil parties coming, and in
22 order to avoid any problems what we have done is to prepare a
23 motion. Basically, that was before your memorandum of the 5th of
24 August and, basically, what we have done is try to clarify and
25 answer the questions on your memorandum in advance with, in one

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1 of two cases, new information we got in order to make sure that
2 everything is clarified.
3 Because of translation we expect -- the motion has been sent for
4 translation last week. We expect to file it Wednesday or
5 Thursday, but we would like to do is to have prepared by today or
6 tomorrow a file with the new exhibits, and this file will be
7 ready for inspection by the defence, like this, already today or
8 tomorrow. They can look at what we have and, again, by this week
9 they will have the motion explaining exactly -- answering your
10 question for each of our civil parties.

11 [09.20.22]

12 And, like this, we hope that that will help the defence to state
13 their position for our civil parties and to save the contest on
14 that. So I thought that could be helpful for them to know now
15 that this motion will be filed, these exhibits will be ready for
16 inspection any time they want this week and, like this, hopefully
17 we will be able to convey the substance for our civil parties
18 next week. Thank you.

19 MR. PRESIDENT:

20 We note that the international Co-Prosecutor is on his feet. You
21 take the floor.

22 MR. AHMED:

23 Your Honour, with your permission, just an observation.

24 The prosecution commends the Chamber for adopting this very
25 judicious approach to incorporate the applications of the civil

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1 parties into evidence. In advance, we may indicate to Your
2 Honours that we have no objection or observations in respect of
3 admission of such evidence into Your Honour's evidence for
4 consideration at judgement.

5 Just for clarification, I would submit that Your Honours may
6 clarify that by admitting civil party applications, Your Honours
7 are also admitting all the documents attached with those
8 applications. I know Your Honours may have meant this but, just
9 for the record, I'd request that this may be clarified.

10 Otherwise, the Co-Prosecutors have no objections to the admission
11 of this evidence. Thank you.

12 [09.22.14]

13 MR. PRESIDENT:

14 Without any observations, we shall now proceed according to our
15 schedule. The Court officer is now instructed to call witness
16 Chuun Phal.

17 (Witness enters courtroom)

18 MR. PRESIDENT:

19 Would there be any observations from the defence counsel in
20 relation to the matters the Chamber has already put before the
21 parties? It is only just the schedule and we would like the
22 defence also to just give us some ideas if they believe they
23 would like to have more time to debate in relation to the issues
24 concerning the civil party applications.

25 Our purpose is, of course, to make sure we can precisely

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1 calculate the time for dealing with the 66 civil party
2 applications because the Chamber would not want to invite all of
3 them to give their testimony before the Chamber in the future
4 because there are too many applications.

5 That's why we need the defence counsel to give us some kind of
6 observation in relation to their challenges to these
7 applications. It would be very helpful for the Chamber to
8 calculate our time and, therefore, we can precisely adjust the
9 scheduling for the future proceedings in relation to the
10 testimony of these civil parties. We believe that by doing so,
11 after all we can really have a more accurate scheduling.

12 MS. CANIZARES:

13 Mr. President, with regard to the Court's requests pertaining to
14 the civil parties who will be heard, the defence would like to
15 point out at this point that it is in doubt as to the soundness
16 of some of the civil party applications.

17 For the time being, there are not enough documents to prove that
18 these alleged victims were in fact detained in S-21. Kaing Guek
19 Eav has conducted research to determine whether the people whose
20 names appear on the prisoner list for S-21 are correct, and he
21 has not found these names.

22 The following civil parties: E2/77, E2/34, E2/81, E2/82 and,
23 subject to the documents that Mr. Alain Werner says he will
24 produce later on, this concerns also civil party E2/50. In the
25 defence's view, the civil parties whose names I have mentioned

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1 should supply further documentation to prove that the victims
2 were, in fact, detained in S-21.

3 [09.27.22]

4 With regard to civil party D25/6, Kaing Guek Eav does not dispute
5 the fact that one of the party's brothers was detained in S-21,
6 but challenges another brother, a sister-in-law and a niece were
7 detained in S-21.

8 Lastly, with regard to civil party E2/89, we have no knowledge of
9 this person's documentation. Accordingly, the defence can only
10 indicate its position when it is apprised of the information.
11 Even though the accused does not challenge the other civil party
12 applications, he may wish to make comments with regard to the
13 applications at a later time.

14 MR. PRESIDENT:

15 Thank you very much, and this is the preliminary remark of the
16 defence counsel in relation to the civil party applications.
17 The Chamber has intended to actually put this before the defence
18 counsel and the parties so that they are prepared and have
19 opportunity to respond to this, and the Chamber will give
20 appropriate time for such challenge, which is scheduled for the
21 17th of August 2009. This day, Monday the 17th of August, is set
22 to receive challenges and grounds for such challenges from the
23 defence and that we can precisely calculate our schedule.

24 Mr. Alain Werner, we note that you are on your feet, but could
25 you please informed that this purpose of putting this matter

10

1 before the Chamber is only to inform to the defence counsel to
2 seek their observations and challenges in advance so that we can
3 have their challenges heard on the 17th of August 2009, and the
4 Chamber is going to only listen to the grounds, the substance of
5 the challenges, and that we will later on decide whether we need
6 one day or two or more to deal with the civil party applications
7 challenged by the defence counsel.

8 [09.30.43]

9 So please don't consider this floor as the floor for debate.
10 It's only aimed to inform the parties only. And if there are
11 challenges, as I have already informed, then we will set aside
12 some appropriate time to deal with the matter in detail.

13 MR. WERNER:

14 (Microphone not activated) challenges, just one or two to tell
15 the defence that indeed concerning E2/50, this afternoon -- if
16 they wish -- we have the additional exhibits or pieces of
17 evidence which should settle the matter and should be ready for
18 their inspection. So I thought that could be helpful for them.
19 Thank you.

20 (Technical malfunction)

21 MR. PRESIDENT:

22 The Chamber would like to now postpone the discussion in relation
23 to the challenges of the defence counsel in relation to the civil
24 party application, the 66 civil parties. As the Chamber has
25 already made it clear from the very beginning, it is just the

11

1 information to be given to the defence counsel to be prepared to
2 give their grounds for their challenge to such civil party
3 applications.

4 Next, the Chamber would like to proceed with the hearing of the
5 testimony of witness Chuun Phal.

6 QUESTIONING BY THE BENCH

7 [09.35.35]

8 BY MR. PRESIDENT:

9 Q.Mr. Witness, is your name Chuun Phal?

10 A.Yes, my name is Chuun Phal.

11 Q.Are you known by any other names?

12 A.No.

13 Q.Mr. Chuun Phal, how old are you this year?

14 Mr. Chuun Phal, do not speak before the red light is turned on on
15 the microphone. You have to wait for the red light to be on
16 first before you can speak, so that your voice can go through the
17 system to the interpreters and for the transcript recording, so
18 that it can be translated into English and French. Do you
19 understand that?

20 How old are you this year?

21 A.I am 47 years old.

22 [09.37.06]

23 Q.What is your occupation?

24 A.I am a rice farmer.

25 Q.According to the Greffier's report you are not related to any

12

1 of the parties to the proceedings and that you have already taken
2 an oath before you appear in this Chamber. Is this information
3 correct?

4 A.You speak too quickly, Mr. President. Can you speak slowly?

5 Q.According to the report by the Greffier you have no
6 relationship, that is you are not related by blood or by law, to
7 any parties to this proceeding. Is this correct?

8 A.That is correct.

9 Q.The Greffier also reported that you have taken an oath already
10 before you came into this Chamber. Is that correct?

11 A.That is correct.

12 Q.Before we hear your testimony as a witness we have to inform
13 you of your rights and obligations as follows.

14 Mr. Chuun Phal, as a witness you can decide not to respond to any
15 question or any questions that would self-incriminate you. That
16 is your self-incrimination right. This means that if you think
17 your response would lead to the prosecution of yourself, and as a
18 witness you are obliged to speak only the truth that you have
19 heard, have known and have witnessed personally, and also in your
20 testimony do not provide any assumption.

21 [09.39.49]

22 Mr. Chuun Phal, when did you join the military movement?

23 A.I joined the revolution movement in 1975.

24 Q.In what month, if you can recall?

25 A.I cannot recall the month.

13

1 Q.Did you join after the 17 April 1975 or before that?

2 A.I joined in 1975 after that date.

3 Q.When you first joined, where did you join and what duty was
4 assigned to you?

5 A.When I first joined the movement I joined it through the
6 village.

7 Q.What was the name of the village and in what subdistrict,
8 district or province?

9 A.It was in Chaong Maong subdistrict, Tuek Phos district,
10 Kampong Chhnang province.

11 [09.41.30]

12 Q.After you joined the movement in that village where were you
13 sent to work?

14 A.I was sent to stay at Sala Lekh Pram.

15 Q.You were sent to stay at Sala Lekh Pram and what duty were you
16 assigned to and how long?

17 A.I only stayed there at that location at the time.

18 Q.How long did you stay at Sala Lekh Pram before you were sent
19 to another location?

20 A.I stayed there for about one week.

21 Q.And where were you sent next?

22 A.I was sent to Boeng Tumpun.

23 Q.You were sent to Boeng Tumpun, and when was that and what duty
24 was assigned to you at that location?

25 A.I cannot catch your question. Can you repeat?

14

1 Q.When you were sent to the location at Boeng Tumpun, when were
2 you sent to that location, if you can recall? And when you
3 arrived at Boeng Tumpun what duty was assigned to you?

4 A.I was sent to Boeng Tumpun first to rest at that location.
5 [09.43.40]

6 Q.After you stayed and rested at that location for a while,
7 where were you sent to work?

8 A.After about one month or a fortnight, as I cannot recall it
9 correctly, I was sent to Ta Khmau.

10 Q.What duty was assigned to you when you were sent to Ta Khmau?

11 A.Upon arrival at Ta Khmau I studied the strategic training, the
12 military lessons and so on.

13 Q.So you were sent there to study and train at a school. It's a
14 military training school, isn't it?

15 A.Yes, it is.

16 Q.You were trained at that military technical school. How long
17 did you study there?

18 A.I studied military techniques in Ta Khmau for quite some time
19 but I cannot recall the exact period.

20 [09.45.38]

21 Q.After you studied at the military training school in Ta Khmau
22 where were you sent?

23 A.After I completed my military training at that school I was
24 sent to Prey Sar.

25 Q.You were sent to Prey Sar. What duty was assigned to you at

15

1 that location?

2 A.I was sent to Prey Sar in order to work in the rice fields, to
3 dig canals.

4 Q.Can you recall when you were sent from Kampong Chhnang to
5 Phnom Penh and to study military training, and later on you were
6 sent to work in the rice fields and dig canals in Prey Sar, how
7 old were you at that time?

8 A.When I was sent to Prey Sar I was about 15 years old.

9 [09.47.17]

10 Q.After you had worked at Prey Sar where were you sent next?

11 A.After I left Prey Sar I was sent to Tuol Sleng.

12 Q.You used the term Tuol Sleng. Where was the location of Tuol
13 Sleng and what was that location for?

14 A.The location where I was sent to was a location where I was
15 assigned to guard duty.

16 Q.You talked about Tuol Sleng. If you can recall, where was
17 Tuol Sleng? In what province or in what city?

18 A.I did not know the province or the city of that location.

19 Q.Was it called Tuol Sleng at that time or was it known by
20 another name, the place where you worked after you were sent from
21 Prey Sar?

22 A.It was called S-21 but it was also known as Tuol Sleng.

23 Q.You said when you arrived at Tuol Sleng you were assigned
24 guard duty. What did you guard?

25 A.I guarded the prisoners.

16

1 [09.49.59]

2 Q.You worked as a prisoner guard. Did you stand guard inside or
3 outside?

4 A.I stood guard inside.

5 Q.When you stood guard inside what work was assigned to you in
6 your role?

7 A.I guarded the prisoners when they were brought from somewhere.

8 Q.You stood guard inside. What does it mean? Was it inside a
9 detention room or was it inside a compound where the buildings
10 were used to detain people?

11 A.I guarded inside a building.

12 Q.Can you recall at that location how many detention buildings
13 and which building did you stand guard those prisoners?

14 A.I stood guard at building number 2.

15 Q.Can you recall if building number 2, was it east-west or
16 north-south building?

17 A.It was an east-west building.

18 Q.How many buildings were there in that compound, if you can
19 recall? That is at the Tuol Sleng prison, as you said.

20 A.There were four buildings.

21 [09.52.40]

22 Q.Can you count those buildings and the exact locations of those
23 buildings?

24 A.I do not know the exact locations of those buildings. I
25 cannot recall.

17

1 Q.At that time you worked inside the S-21 compound. Which
2 entrance did you use to go into the compound?

3 A.When I worked at that location I actually cannot recall which
4 entrance I used to enter the compound. I cannot recall it.

5 Q.You just said building number 2 where you worked, and what
6 about building number 1? To which side of building number 2
7 building number 1 was located?

8 A.I suppose the building 1 and building 2 were next to each
9 other.

10 Q.So that is after building 1 that is building number 2. Is
11 that correct? And it cannot be after building 1 there was a
12 building 1. There had to be a building 2 if it's in that order.
13 Is that correct?

14 What about building number 3 and number 4? To which side of
15 building number 2 were they located?

16 A.I cannot say about the direction, like south or north
17 directions. I knew there were two buildings to one side and the
18 other two were to the side, but I cannot recall exactly whether
19 they were to the south, to the east or to the west.

20 [09.55.16]

21 Q.So you meant two buildings were parallel in each other and the
22 other two were to the sides. Is this correct?

23 A.One was to the side and another one to the other side, and the
24 other two were lined up in a row but I cannot say whether they
25 were to the north or to the south direction because now I seem to

18

1 get confused. I can only recall, yes, there were those
2 buildings.

3 Q.You were assigned to guard building number 2. From your
4 recollection, is this correct?

5 A.At building number 2, yes.

6 Q.You stood guard; what does it mean?

7 A.I watch out for the prisoners in the location that I was
8 assigned to.

9 Q.Was the building on the ground or were there many floors on
10 that building?

11 A.The building had three storeys.

12 [09.57.01]

13 Q.Was the building built of wood or concrete?

14 A.It was built of concrete.

15 Q.You were assigned to guard at that building number 2. In
16 which particular room or which floor were you assigned to guard?

17 A.It was not regular. Sometime I was assigned to guard the
18 upper floor, or sometimes on the ground floor, or sometime on the
19 middle floor according to the assignment by the group chief.

20 Q.In guarding the prisoners, in one day how many shift did you
21 take and at what time; and how many guards were guarding at the
22 same time in your shift?

23 A.One team was assigned to guard in each shift. There were
24 about 12 persons in each team.

25 Q.What about the working hours in the shift?

19

1 A.The group chief ordered us to guard the prisoners and do not
2 allow them to escape or to commit any suicide or to hang
3 themselves.

4 Q.At what time did you guard? For example, in the 24 hour of a
5 day, were your team assigned to guard at daytime or at night time
6 or was your team rotated, and how many shifts did your team take
7 per day and how long was each shift?

8 [09.59.29]

9 A.In each shift, if we started from 6 o'clock or 6.30, then the
10 shift would end at 12 o'clock.

11 Q.So those who guarded during the daytime, were they supposed to
12 also guard at night?

13 A.The shifts were at 12 midday, and at 4 p.m. there was another
14 shift -- or maybe 5 p.m. I were on duty sometime in the day,
15 sometime at nights.

16 Q.When you were on duty to guard the building, were you assigned
17 to guard within the rooms where detainees were detained or were
18 you just patrolling on the corridor?

19 A.I did not go into the room to be close to any detainee because
20 the cells or the room were -- the detainees were placed in the
21 room and then we were asked to walk from -- on the corridor to
22 lay the eyes on those detainees.

23 Q.So were you guarding at the location where detainees were
24 placed in the individual cells or were you also on duty at the
25 common cells?

20

1 A. There were individual cells -- small and big cells -- where
2 detainees were put together.

3 [10.02.37]

4 Q. So when you were on duty to stand guard at the individual
5 cells, could you please tell the Court how you perform your task?

6 A. Normally, we would walk from one cell to another because in
7 the cells there were windows, windows through which we can see
8 the detainees and we were supposed to only check the lock,
9 whether the lock were properly locked and that detainees could
10 not escape.

11 Q. At night, how could you see any detainee? Was there any light
12 or were you given any kind of torches?

13 A. At night, there was light because there was electricity the
14 whole night.

15 Q. So could you then see the detainees and the locks through -- I
16 mean under those -- I mean the light?

17 A. So far as I remember, the light was lit enough for us to
18 inspect or to check the lock and detainees.

19 Q. When you were assigned to guard in the common room, could you
20 please tell us how you discharged your duty?

21 A. In the common room where detainees were detained inside, I was
22 only patrolling outside on the corridor.

23 [10.05.43]

24 Q. Had you ever seen any detainees who died while being detained?

25 A. During my shifts I had never seen any detainee die.

21

1 Q.Having watched the detainees while you were on duty, what was
2 your impression in relation to the physical condition of those
3 detainees?

4 A.I saw detainees who were very thin because they were not given
5 sufficient food. I was not in charge of providing food to them,
6 of course; there were people who were assigned to distribute
7 these meals to them. I was only in charge of checking and
8 patrolling the location.

9 [10.07.26]

10 Q.Those detainees who were detained inside individual cells and
11 the common cells, were they shackled or were they allowed to move
12 about freely inside their room? Could you please tell the Court
13 about this? Or were there only locks? I mean detainees were
14 only locked from the outside and that they could move about
15 freely inside?

16 A.The detainees in those rooms, whether in a common room or
17 individual cells, so far as I remember for the male prisoners,
18 they were shackled and one -- because they were shackled all
19 together in one line. For example, a long metal bar would be
20 attached to seven detainees in a group. And for female detainees
21 I think they were not shackled but they were locked from outside.

22 Q.Could detainees stand up?

23 A.Could you please repeat your question? I could not catch it.

24 Q.You said male detainees were shackled, even in the individual
25 cell every one of the detainees would also be detained. The

22

1 question was whether they could stand if they would wish to do
2 so.

3 A.They could stand up if they wanted because the shackles were
4 big enough for detainees to stand up, but I think the detainee
5 needed to use some kind of wooden board or a kind of piece of
6 wood to make sure that they can hold the shackles so that the
7 person could stand up. Otherwise it would not be possible.

8 Q.Had you ever seen any detainee standing up?

9 A.Could you please repeat your question, Mr. President?

10 [10.11.11]

11 Q.During the time while you were on duty did you ever see anyone
12 standing up?

13 A.Detainees could not stand up unless they asked for a
14 permission to do so from the guards. Without such permission
15 they would not be allowed to do so.

16 Q.What about the clothing of the detainees? Can you please tell
17 the Court to the best of your recollection in relation to their
18 clothing?

19 A.Detainees did not wear proper clothes like we did. They were
20 given ragged clothes and some had some long pants, some only got
21 shorts, some got the very torn clothes. And some were given some
22 clothes to exchange but some could only wear their ragged ones.

23 Q.Did detainees wear shorts or trousers and shirts, blouses, or
24 were they topless?

25 A.Some had shorts and shirts. Some only had shorts and it

23

1 depends on the chief of the group who made them wear anything
2 they preferred because they said that the upper echelon would
3 want them to wear that kind of clothes other than the other kind
4 of clothes.

5 Q.You said that detainees were very thin, and can you tell us
6 about the food ration? How many times a day were detainees given
7 meals and what kind of meals were given?

8 A.The food ration was in the form of gruel, so detainee would be
9 given a bowl of gruel -- small or big; depends. When I worked
10 there as a guard I was in charge of guarding the location and
11 when it comes to the food distribution there were people who were
12 specifically assigned to offer the meals to detainees.

13 [10.14.55]

14 That's why I can see that meals were given differently to
15 different detainees.

16 Q.Did you ever see detainees being washed? And how could they
17 have such a wash while they were being detained, shackled and
18 locked from the outside?

19 A.Detainees received a wash. For example, if it was scheduled to
20 wash the detainees on any particular day, then normally all
21 detainees would be washed all together at once. We were not
22 receiving any orders from the upper echelon to allow detainees to
23 go free to wash themselves. They would be given a water hose and
24 then they could take turns passing this water hose to one another
25 to wash themselves.

24

1 Q.What about the people who were detained in the common room,
2 how could they wash themselves?

3 A.In those common rooms we did not go inside, and when we
4 received orders from the upper echelon -- I don't know to what
5 extent upper echelon was with the authority because here I refer
6 to the chief of the team who asked us to wash the detainees. If
7 the chief did not make any instruction or give any instruction to
8 us to allow the detainees to be washed, then detainees could not
9 be washed.

10 [10.17.31]

11 In the common room, the water hose would be used and that water
12 would be sprayed on them, and that they were asked to stand up,
13 and after they're done then we could remove the water hose.

14 Q.What did they do after having such a wash?

15 A.For the male detainees, they had a wash while being naked.

16 Q.What about the clothes they had worn before they were being
17 washed?

18 A.During the wash, since they did not have other clothes to
19 change, then since the guards were male and the detainees were
20 male, according to the order and instruction from the upper
21 echelon, detainees were asked to remove their clothes and they
22 had the wash, and later on they could put on their clothes.

23 Q.How did they remove or take off their clothes because they
24 were shackled? Can you please tell the Court of such experience
25 or observation?

25

1 A.The shorts were taken off from the detainees and for the thin
2 shorts it was not difficult to be removed. We could take it off
3 through the shackles. And some trousers which were rather heavy
4 could not be removed entirely from the body of the detainee, so
5 part of the sleeves of the trouser would be still attached to the
6 shackles. But then they could still had a wash and, since guards
7 were not allowed by the upper echelon to go near to the detainees
8 because they were afraid that detainees would counterattack or
9 react, then we only watched from the outside while they were
10 having a wash.

11 [10.21.07]

12 Q.Did you ever see foreigners being detained in such rooms? For
13 example, the westerners, the white-complexioned detainees with
14 blond hair, hairy chest, for example?

15 A.I saw some foreigners but they were being brought and detained
16 in the room, and for some time -- on some occasions during my
17 guard duty, I saw them, but it was not long because during such
18 duty, after one or two days the foreigners I saw would be taken
19 away because they would be detained for very few days before they
20 would be relocated.

21 Q.Were detainees treated the same? For example, were the
22 foreigners treated the same as the Cambodian detainees? Were
23 they shackled and locked in individual cells or were they placed
24 in the common room among the other detainees like normal,
25 ordinary detainees?

26

1 A.Foreign detainees were detained in a separate room, not mixed
2 with the Cambodian detainees.

3 Q.Did you ever see Vietnamese prisoners of war who were detained
4 at that location?

5 A.Yes, I did. I saw them.

6 Q.Did you see them in the building you guarded?

7 A.Could you please repeat your question, Mr. President?

8 [10.23.53]

9 Q.Were the Vietnamese prisoners of war detained in the building
10 you were assigned to stand guard? Is that correct?

11 A.Those detainees were detained at the place where I guarded,
12 but they were detained very briefly. Probably two or three days
13 they would be relocated to different location; I don't know.

14 Q.Did you see many of them being detained in that location?

15 A.I did not see a lot of them. I sometimes -- you know, like
16 for a certain period of time then I could see them, a few of
17 them, being sent in. And then time passed by and later on I
18 could see a few more.

19 Q.Did you ever see female detainees?

20 A.Yes, I did.

21 Q.Were there a lot of female detainees in that location? Were
22 they put in the same common room or were they put differently in
23 a separate room?

24 A.For female detainees, they could be detained in a common room.

25 [10.25.44]

27

1 But the upper echelon instructed us, for example, when
2 confessions or documents were needed from them, then they could
3 be separated.

4 Q. Did you ever see children? Did you ever see children who came
5 along with their mothers to the detention location?

6 A. There were not very young children at my location. I saw the
7 mothers and sometimes I saw one or two children come along with
8 them but I did not see children who would come along with the
9 parents every time because sometimes parents came alone without
10 children.

11 Q. Did you observe where these children would be taken to after
12 their mothers were detained?

13 [10.27.11]

14 A. Sometimes after a few days the children could stay with their
15 mothers and later on they were separated from the common room to
16 a different location that I never knew where it would be.

17 Q. When the interrogators came to remove the detainees to be
18 interrogated, who was in charge of removing the shackles from the
19 detainees before they were escorted by the interrogators to the
20 interrogating rooms?

21 A. The people who came to bring the detainees to be interrogated
22 were not interrogators themselves. When they came, for example,
23 they would contact the chief of the group and that then they
24 would ask the guards to take the detainees to be interrogated to
25 them.

28

1 Q.After they were interrogated and that they would be sent back
2 to their cells how could they be treated? Were they then
3 reshackled and handcuffed or were they only delivered to the
4 guards, the interior guards, who then put them back into the
5 cells or rooms?

6 A.After detainees were interrogated they were sent to the chief
7 of the group who later on managed how these detainees would be
8 relocated or would be put again into the rooms or cells. As a
9 guard I was only in charge of checking or patrolling the
10 location.

11 Q.What was your observation in relation to the physical
12 condition of any detainees who had just been interrogated and
13 walked back to their cells?

14 [10.30.33]

15 A.The prisoners who had been taken for interrogation, upon their
16 return some of them were beaten; some were not. That was my
17 observation at the time. Sometimes at the location where I stood
18 guard, in two or three days time a prisoner would be take to be
19 interrogated and later on, after the interrogation was complete,
20 was put in another location.

21 Q.Why did you think that the prisoners who were interrogated and
22 then who were returned, some were beaten and some were not? Why
23 do you think that?

24 A.It is my understanding that some prisoners who were difficult,
25 probably they would be beaten in order to extract the information

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1 from them. This is just my assumption.

2 Q.You said that some prisoners were not beaten and some you
3 thought were beaten during the interrogation. Did you see the
4 marks, for example, on the bodies of those prisoners, or the
5 bruise or blood? That's why you said they were beaten?

6 A.I saw the beating marks and wounds, that's all, and some of
7 them did not have all these marks or wounds upon their return. I
8 think it was up to Angkar or the upper echelon to either torture
9 or not torture those prisoners. But in fact, yes, I did see
10 those prisoners who were tortured.

11 MR. PRESIDENT:

12 Now it is time for a break. The Chamber will take 20 minutes
13 break until 10 to 11, when we will resume and then we will
14 continue to hear the testimony of this witness.

15 [10.33.30]

16 Court officer, can you provide necessary refreshments to this
17 witness during the break and bring him back into the Chamber
18 before the set time?

19 THE GREFFIER:

20 All rise.

21 (Judges exit courtroom)

22 (Court recesses from 1033H to 1053H)

23 (Judges enter courtroom)

24 MR. PRESIDENT:

25 Please be seated. The Chamber is now back in session. We will

30

1 continue to hear the testimony of the witness, Chuun Phal.

2 BY MR. PRESIDENT:

3 Q.Mr. Chuun Phal, during the time that you worked as a prisoner
4 guard inside the compound at the building in S-21 as you have
5 stated this morning, did you ever witness any incidents where the
6 prisoners were taken out from the common room or individual cells
7 in the evening or in late afternoon?

8 A.Yes, I did see that. During the time that I guarded, I did
9 see these incidents when the prisoners were taken out.

10 [10.55.40]

11 Q.When they were taken out at night did they return?

12 A.It's rare that they were brought back.

13 Q.So it means that in certain cases when they were taken out in
14 the late evening and at night they were brought back but some of
15 them were taken out and they never returned. Is that correct?
16 Can you respond to that?

17 A.Yes.

18 Q.In what cases when they were taken out in the evening and at
19 night they were returned back into their detention rooms?

20 A.I do not know for sure. Only the group chief and above would
21 know. I only knew that the prisoners were taken out and in some
22 cases they were brought back.

23 [10.57.13]

24 Q.For those who were taken out and disappeared and never
25 returned, do you know when they were taken out at night where

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1 were they taken to?

2 A.I do not know.

3 Q.You said you worked as a prison guard at S-21 and you talked
4 about the group chief. What was the name of that group chief?

5 A.My group chief's name was Korn when I worked at that location.

6 Q.Do you know the name of the person above Korn?

7 A.From what I knew there were Peng and Hor who were above my
8 group chief and I saw them.

9 Q.Do you know the name Him Huy?

10 A.I do not know this person.

11 Q.Who else do you know of those S-21 staff who worked there, if
12 you can recall?

13 A.From my recollection, the S-21 staff that I knew included my
14 group chief, Koeun (phonetic), and Peng and Hor. That's all I
15 can recall and I forget the rest.

16 [11.00.01]

17 Q.Did you know the name Duch at the time?

18 A.From the time that I started working there I never met or saw
19 him.

20 Q.From what you know, who was the Chairman of S-21 when you went
21 to work there? What was the name of the S-21 (microphone not
22 activated)

23 A.I don't remember who was actually the Chairman of S-21. I did
24 not know his name.

25 Q.According to your recollection, who was the top person, the

32

1 most superior person at that location?

2 A.I only know the people at the lower level, including Peng and
3 Hor, the persons whom I saw.

4 Q.During the time when you worked at S-21 did you ever have to
5 guard outside?

6 A.Occasionally I would be assigned to guard outside but it was
7 very rare. Maybe once a month I would be assigned to guard
8 outside or sometimes it would be once after a fortnight.

9 [11.02.28]

10 Q.To which direction were you on guard at the outside of the
11 location and what did you do?

12 A.I sometimes guarded at the back or rear gate or the front
13 gate. I don't know which gate would be the front and which one
14 would be the rear gate because there were two at that time.

15 Q.You said you guarded at the entrance and exit of the location
16 of the S-21. You saw incoming and outgoing prisoners. Did you
17 see incoming or outgoing prisoners?

18 A.I saw people being -- sending out and in. Sometimes I saw
19 them, sometimes I didn't. I only saw them during the time when I
20 saw them. I mean basically when I was on duty it was not
21 necessary that I would see them because they would not be taken
22 out during that time.

23 Q.When detainees were being sent into S-21 how were they brought
24 in? Were they taken in by trucks, or can you please tell the
25 Court a little bit about this?

33

1 A.Sometimes I saw them being sent in by trucks and then they
2 would be walked to the buildings. I did not know how they would
3 be treated after that because I was working on the ground.

4 Q.How were detainees taken out?

5 A.Normally they would be transported by trucks. The detainees
6 who were detained upstairs would be walked and then lifted on
7 that truck and the truck would take off, and I did not know where
8 it would go.

9 [11.05.28]

10 Q.As a guard at S-21 were you assigned to work elsewhere other
11 than at the vicinity of S-21?

12 A.I don't understand your question, Your Honour. Did you ask me
13 whether I worked inside or at the location or other location?

14 Q.The question was that you were assigned to guard at the S-21
15 compound. The question is, did you ever work elsewhere?

16 A.I sometimes was assigned to guard outside and most of the time
17 I was in charge of guarding inside the compound, and that's all
18 what I did.

19 Q.Do you know the killing field or Choeung Ek?

20 A.I know Choeung Ek.

21 [11.07.16]

22 Q.Were you ever assigned to work at that location?

23 A.They assigned me to go there.

24 Q.Do you remember when were you assigned to go to that location?

25 A.I went to work at Choeung Ek, I don't remember the year but --

34

1 the date, but it was about 1979.

2 Q.How long had you been working at Choeung Ek until the day
3 Phnom Penh was liberated?

4 A.I'm not sure whether I remember the duration that I worked
5 there.

6 Q.Who sent you to Choeung Ek?

7 A.I don't remember who actually sent me there, but I was told
8 that the upper echelon would like to remove some forces to do
9 farming, and I was part of the group to be removed to do farming.

10 Q.You said you worked at Choeung Ek. What particularly did you
11 do then at Choeung Ek?

12 A.I sometimes did farming and sometimes I planted vegetables.
13 [11.10.15]

14 Q.Do you know the execution site at Choeung Ek?

15 A.Yes, I do.

16 Q.Did you ever work at that killing site?

17 A.I was assigned to work there once; on one occasion only.

18 Q.Could you please elaborate a little bit regarding the
19 condition of work at Boeng Choeung Ek and how you lived, how you
20 worked, who were your associates and the details of your duties?

21 A.After leaving S-21 to work at Choeung Ek, I was only asked to
22 do farming and to water the rice fields and when Angkar needed me
23 to work more, then I would be assigned to work more, but I only
24 came to that location once.

25 Q.During that one location that you were assigned to that

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1 killing site, what was exactly your duty or task assigned?

2 A.I was asked to bury the dead bodies.

3 Q.What time was it that you buried the bodies and how many

4 bodies were you -- did you bury?

5 A.I could manage to only bury one pits of dead bodies.

6 [11.13.19]

7 Q. At what time did your work begin?

8 A.At about 5 or 6 o'clock.

9 Q.In the morning, in the late afternoon?

10 A.In the late afternoon.

11 Q.Before you buried the bodies, did you see those -- did you
12 observe the condition of the dead bodies and how many were they
13 in the pit before they were buried?

14 A.There were only male detainees in particular.

15 Q.Did you see a lot of detainees had been lying there before
16 they were buried?

17 A.I cannot estimate the number because if I say there were a
18 lot, that would be not fair. If I say there were too little, it
19 would not also be fair.

20 Q.Can you please just tell us how big was the pit?

21 A.The pit was about 3 by 2 metres.

22 Q.Did you see the bodies fill the pit?

23 A.The bodies were lying significantly in the pit, enough to be
24 buried; not too many.

25 Q.So what were the conditions, the physical conditions, of the

36

1 bodies before they were buried?

2 A.I did not actually inspect the dead bodies. I was only
3 focusing on burying them and it was already late in the
4 afternoon. I had to rush to bury them and I failed to pay more
5 attention to the condition of the bodies.

6 Q.Did you observe any kind of trace of blood or kind of bruises
7 or severity on the bodies of the dead people before they were
8 buried?

9 A.I saw blood too but some detainees got some swollen throat,
10 neck, and some would be -- I see bleeding. Their mouths were
11 bleeding.

12 [11.17.36]

13 Q.Were the bodies naked or were they with their clothes?

14 A.At that time after my assignment those detainees -- the dead
15 bodies of those detainees were already naked.

16 Q.You had to bury the bodies. Did you do it alone or were you
17 with the company of other people, and how long did it take to
18 bury that pit completely?

19 A.There were a group of us who was assigned to work on the pit.

20 Q.How much time was needed or how long did it take to bury the
21 pit?

22 A.It took us about an hour or half an hour -- correction, an
23 hour or two.

24 Q.Besides burying the mass grave or pit at Choeung Ek were you
25 also asked to dig other pits to bury other bodies?

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1 A.I was not the one in charge of digging the pits.

2 Q.Please be reminded that you stated before the Co-Investigating
3 Judges -- you were asked on the 18th of January 2008 at 9 a.m. in
4 Kampong Chhnang and you indicated that -- here you can see the
5 question:

6 [11.20.31]

7 "Why did you know that people were killed at Choeung Ek?"

8 And, Chuun Phal, here is your response:

9 "After one month before the 7th of January 1979 I went to Choeung
10 Ek to do farming. At one time Sae, the chief of my group, asked
11 me to dig pits at Choeung Ek -- two pits, two or three pits. I
12 did not see other pits close by and I did not smell any stench.
13 And in one evening Sae asked me to bury the bodies recently
14 killed."

15 THE INTERPRETER:

16 Excuse me, the President's mic is not on. Could he please be
17 reminded to make sure it is on? Thank you.

18 BY MR. PRESIDENT:

19 Q.This is your statement before the Co-Investigating Judges
20 during the investigation phase in early 2008. Do you still
21 recall having said that?

22 A.I think I have forgotten something.

23 Q.Can you please recollect whether you still remember once your
24 chief of the group asked you to dig two pits at the execution
25 site of Choeung Ek before your chief of the group asked you to

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1 bury the bodies of the recently killed?

2 And you already stated before the Chamber that you didn't do
3 that.

4 A.I was surely assigned to bury the bodies.

5 [11.23.14]

6 Q.It was not about burying bodies; it was about digging pits to
7 put the dead bodies of the detainees who were killed.

8 So do you now still stand by your statement earlier that the
9 chief of your group, alias Sae, who ordered you to dig a few pits
10 at that location?

11 MR. PRESIDENT:

12 The counsel, I note you are on your feet.

13 MR. KONG SAM ONN:

14 With Mr. President's leave, I would like to meet my client
15 briefly.

16 MR. PRESIDENT:

17 You can meet him.

18 (Counsel confers with witness)

19 BY MR. PRESIDENT:

20 Q.Do you still recall that your chief of the team asked you to
21 dig the pits at Choeung Ek?

22 A.I actually forgot. At that time, I actually dig the pits, as
23 what I stated before the investigators.

24 Q.Did you dig the pits at night or during the day?

25 A.It was done during the day.

39

1 [11.29.38]

2 Q.Do you still remember the pits you were assigned to dig? How
3 big or deep were they?

4 A.I did not measure the pits because my chief of the team, of
5 the group, actually measured them for me.

6 Q.Now, just give us the estimated depths or width of those pits
7 because there were 12 groups of you who dug the pits or you
8 worked alone to dig the pits?

9 A.There were many of us digging the pits. We were assigned as a
10 group.

11 Q.What was the depth of the pits? Was it a human height depth?

12 A.The depth was probably up to the neck.

13 Q>Your group was assigned to bury the dead bodies and that you
14 did it during the evening. Did you do it during the night in the
15 dark or was there electricity to assist you in burying those dead
16 bodies?

17 A.There was an electricity generated by a power generator.

18 Q.Can you recall the area where you buried the dead bodies or
19 that your team was assigned to bury the dead bodies? Was it a
20 former rice field or was it a hill or was it a part of a pagoda
21 compound. What was the previous use of that location?

22 A.From what I recall, it used to be an old Chinese burial site.

23 [11.32.35]

24 Q.Besides the works that you do as part of your assignment, what
25 else did you see during the time that you were assigned to work

40

1 in that location? For instance, did you see houses there or
2 vehicles or means of transportation at that location? What else
3 did you see?

4 A.Later on I was not assigned to work there any more. I was
5 assigned to work in the rice fields, so only another group was
6 assigned to do that work.

7 Q.I did not ask after you stopped working there, but I asked
8 during the time that you were assigned to work there to bury the
9 dead bodies. Besides doing that work, did you observe any other
10 things? For example, did you meet the executioners, or means of
11 transportation of those prisoners?

12 A.No, I did not see any because when I went there they had left.

13 Q.Did you notice if there were any houses in the vicinity that
14 you worked? For example, where the staff worked in that
15 execution site, were there houses or shelters or they worked only
16 in plain field?

17 A.I did not see any house or the location where the staff
18 stayed. It might be somewhere else because we were instructed to
19 work from the west direction and when we returned, we returned
20 back to that direction. We did not go near where they worked.

21 [11.34.56]

22 Q.On what day when you left the work location where you worked
23 in the rice fields at Prey Sar?

24 A.I left Prey Sar and I cannot recall the exact date of my
25 departure.

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1 Q.My last questions to you.

2 During the time that you were assigned by Angkar to carry out
3 different duties, starting from Ta Khmau, then to work in the
4 rice fields at Prey Sar and at S-21 office where you called it
5 Tuol Sleng and then later on, you were assigned to work at
6 Choeung Ek until the time that you left that location on the date
7 that you cannot recall. During those times, had you ever have an
8 opportunity to go from your work place, for instance, to visit
9 your home village or to go somewhere else outside?

10 A.During those times, from what I know, I was not allowed to
11 visit my native home until the day I fled when the Vietnamese
12 arrived.

13 MR. PRESIDENT:

14 Judges of the Bench, do you have questions to be put to this
15 witness?

16 If you do not have questions, I would like to give the floor to
17 the Co-Prosecutors to put questions to this witness. You may
18 proceed.

19 [11.37.06]

20 MR. TAN SENARONG:

21 Thank you, Mr. President.

22 QUESTIONING BY THE CO-PROSECUTORS

23 BY MR. TAN SENARONG:

24 Q.Good morning, Mr. Chuun Phal. This morning you told the
25 Chamber that you used

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1 to guard the prisoners inside the S-21 compound which was known
2 as Tuol Sleng. My question is, during the time that you stood
3 guard inside, did you ever notice any display of the Santebal
4 rules?

5 MR. TAN SENARONG:

6 With the President's leave, I would like to show the document of
7 the Santebal rules in order to assist the memory of this witness,
8 Chuun Phal.

9 MR. PRESIDENT:

10 The AV Officer, can you display the Santebal rule as requested by
11 the Co-Prosecutor?

12 BY MR. TAN SENARONG:

13 Q.Mr. Chuun Phal, this is the Santebal rules at S-21. During
14 the time that you
15 guarded inside the compound of S-21, can you recall if in each
16 room or in each building, did you ever see the display of the
17 Santebal rules?

18 [11.39.08]

19 MR. PRESIDENT:

20 I notice the presence of the counsel for the witness. You may
21 proceed.

22 MR. KONG SAM ONN:

23 Mr. Co-Prosecutor, because this witness is illiterate so it is
24 difficult for his recollection, would it be possible for the
25 Co-Prosecutors to make another observation or to use alternative

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1 options to make the witness recall either in picture mode or in
2 visualize mode so that the witness might be able to recall? And
3 I think, probably, the witness does not even understand what the
4 Santebal rules are.

5 MR. PRESIDENT:

6 Thank you, counsel and I think your observation is positive.

7 And the national Co-Prosecutor, please take note of the
8 observation made by the counsel that this witness is illiterate
9 so please try to arrange your questions accordingly in order to
10 make him understand due to his limited knowledge.

11 MR. TAN SENARONG:

12 Thank you, Mr. President.

13 BY MR. TAN SENARONG:

14 Q. And Mr. Chuun Phal, the Santebal rules, simply speaking, are
15 the rules or regulations for the prisoners who were detained at
16 S-21 and those rules were -- could be written on the blackboard
17 or displayed on the wall. For instance, in Part 1 the rule is:
18 "You must answer according to my questions. Do not turn them
19 away."

20 And my question is, did you ever see the display or placard of
21 such rules? Even if you are illiterate, did you ever see such
22 display in the room or on the wall anywhere, if you can recall
23 it?

24 [11.41.37]

25 MR. PRESIDENT:

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1 Mr. Co-Prosecutor, you need to proceed with another question and
2 you are reminded that you only have 10 more minutes.

3 BY MR. TAN SENARONG:

4 Q.My next question to Mr. Chuun Phal; you already told the
5 Chamber that you stood guard inside the compound of S-21 and at
6 the entrance of S-21, did you ever observe the vehicles
7 transporting prisoners in and out? Did those vehicles bear any
8 number plates?

9 A.From my observation, those vehicles bore the number plates
10 both in letters and in numbers that is S-21. It was displayed at
11 the front and at the rear of the vehicles.

12 MR. TAN SENARONG:

13 Thank you, Mr. Chuun Paul.

14 Due to time limit, I would give the floor to my international
15 Co-Prosecutor.

16 MR. PRESIDENT:

17 The international Co-Prosecutor, you may proceed.

18 BY MR. AHMED:

19 Q.Mr. Chuun Phal, you've been extensively examined by the judges
20 so, therefore, I'll
21 not have many questions for you; just to ask you about the
22 statement that you gave to the investigators of this Court.

23 [11.43.43]

24 You were told by the judge that you gave a statement to the
25 investigators of this Court on 15th January 2008 and when that

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1 statement was being taken, you told the investigators that you
2 can read, write and understand the Khmer language; is that
3 correct?

4 A.During the regime -- that is, during the Pol Pot regime -- I
5 was young and my study was very limited. I could say I could
6 read only very little and even at present time, I have not
7 studied much the Khmer language. I could know very limited
8 numbers of the Khmer characters.

9 Q.When you gave the statement to the investigating judges, you
10 told them that you got to know that there were many rapes in
11 S-21. Do you remember telling the investigators that?

12 A.Yes, I did say that to the investigators.

13 Q.Did you see the victims of rape in S-21 or did you see those
14 who may have raped those victims in S-21? Can you tell that to
15 the Court, please?

16 A.I had not seen the rapes by myself.

17 Q.My question was: did you know the people who had been raped
18 in S-21?

19 A.I did not see any.

20 Q.How did you know then that there were rapes in S-21?

21 A.I did not see any, so I cannot say anything.

22 [11.47.33]

23 Q.So what was the basis of your statement to the investigators
24 that you knew there were rapes in S-21?

25 I'll ask a second question. Did any guard who was your colleague

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1 tell you that somebody was raped in S-21?

2 A.I personally did not see any rape; however, I heard people
3 talking about it, I heard my group chief talk about it so I
4 presumed rapes existed from what I heard.

5 Q.So what did your group chief tell you? Did guards rape some
6 prisoners in S-21?

7 A.He told me that guard who raped a prisoner would be arrested
8 and be detained as the prisoner, and at that time I said, "If a
9 guard raped a prisoner he would be arrested and detained as the
10 prisoner."

11 Q.Did your chief tell you that some guards had been arrested
12 because they had raped some prisoners?

13 A.He told us but I did not see it.

14 MR. AHMED:

15 Your Honours, I have just two minutes left and with your
16 permission I would put a document to this witness. This document
17 number is 00053798. Your Honours may direct the AV Unit for it
18 to be projected and I'll have two questions on this document and
19 I shall be done with this man.

20 [11.50.57]

21 MR. PRESIDENT:

22 AV officer, can you project the document with the ER number
23 00053798 on the main screen as requested by the Co-Prosecutor?

24 BY MR. AHMED:

25 Q.Mr. Chuun Phal, you spent a long time in S-21. You were a

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1 guard, then you worked at Choeung Ek. Was your biography taken
2 at the time you joined S-21?

3 A.Yes.

4 Q.You also told us that you can read your name and small things
5 in Khmer. Can you look at this document and see if this is your
6 biography?

7 MR. AHMED:

8 The AV Unit, scroll it down please to the bottom so that he can
9 see 'til the end.

10 BY MR. AHMED:

11 Q.Is this your biography that was taken at S-21?

12 A.I am not sure because it was done by my group chief and he
13 took that document away. I myself never saw my own biography.

14 [11.53.08]

15 MR. AHMED:

16 Your Honour (microphone not activated)

17 MR. PRESIDENT:

18 The counsel for the witness, do you have anything to say? You
19 may proceed. You have to turn on your microphone.

20 MR. KONG SAM ONN:

21 I would like to make an observation on the international
22 Co-Prosecutor.

23 The questions you put is in English and it is then interpreted
24 into Khmer, "Does the witness can read and write the Khmer
25 language?" However, in the original Khmer language, D28/15 on

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1 page 2 it reads, "This person declares that this person does not
2 read or write a language" and it doesn't specify any language and
3 I presume it's the Khmer language. And that's the original
4 language of that interview is in Khmer.

5 So if you place a document to be questioned on the screen it
6 cannot be done because the witness cannot read the document, so
7 that his response could be confusing or misleading, and I would
8 like the President to remind all the parties to avoid putting any
9 document on the screen for the witness to read, as he cannot do
10 it.

11 MR. PRESIDENT:

12 Thank you for your observation.

13 [11.55.06]

14 The international Co-Prosecutor, please be reminded of the point
15 raised by the counsel. Due to the limited knowledge or literacy
16 by this witness, if you place a long and complicated document on
17 the screen it is difficult for him. Probably the best thing is
18 for you to just highlight a line or two for him to read, to make
19 sure that he can do it, and I think the observation made by the
20 witness' counsel is appropriate and all parties shall avoid due
21 to the very limited knowledge of the language by this witness.

22 MR. AHMED:

23 Your Honour, may I just respond for one minute to that
24 observation by my learned colleague and its acceptance by Your
25 Honour?

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1 Your Honour, I'm reading the English version of this document and
2 I understand it tallies with the original Khmer version. My
3 learned friend read the second sentence which said that the
4 witness declared that he could not read and write any other
5 language. But before that sentence there's another sentence
6 which says that the person declared that he could read, write,
7 and understand the Khmer language. And that is why the original
8 of this document is being taken in Khmer.

9 [11.56.39]

10 Your Honours, most respectfully we are aware of the literacy or
11 lack of it of any witness and we are cognizant when we ask
12 questions to it. But I was aware of this sentence and that is
13 why I put that question to this witness.

14 Anyway, since my time is over I would only request Your Honours
15 to take on record the statement given by this witness before the
16 learned Co-Investigating Judges and let that be read at the time
17 Your Honours appreciate his evidence in this Court.

18 Thank you very much.

19 MR. PRESIDENT:

20 It is now time for lunch break and the Chamber will take this
21 break. The Chamber will resume in the afternoon from 1.30 p.m.
22 Court officer, can you make necessary arrangements for the
23 witness during this lunch break and bring him back before 1.30
24 p.m.?

25 Security guards, take the accused back to the facility and bring

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1 him back before 1.30 p.m.

2 The hearing is now adjourned.

3 THE GREFFIER:

4 All rise.

5 (Judges exit courtroom)

6 (Court recesses from 1158H to 1331H)

7 (Judges enter courtroom)

8 MR. PRESIDENT:

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

10 We continue to hear the testimony of the witness Chuun Phal. We

11 would like to proceed with the floor given to the civil party

12 lawyers to put questions to the witness. Each group has five

13 minutes. Altogether the four groups have 20 minutes to put

14 questions to the witness.

15 [13.31.58]

16 Mr. Hong Kimsuon, are you representing the four groups or you are

17 on behalf of just one group?

18 MR. HONG KIMSUON:

19 Thank you, Mr. President. I am here on behalf of the four

20 groups. If my questions -- if I can really manage to share the

21 floor with my colleagues then I would do so.

22 Your Honours, I would like to now proceed with questions to Mr.

23 Chuun Phal.

24 BY MR. HONG KIMSUON:

25 Q. Good afternoon, Mr. Chuun Phal. I am Hong Kimsuon, the lawyer

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1 for the civil parties who were victims and who are victims of the
2 Khmer Rouge regime. I'm going to put a few questions to you.

3 Please tell me if you think the questions are not understandable.

4 This morning the President asked you about you being transferred
5 from Prey Sar to Tuol Sleng and then the President asked you the
6 name of the location, whether it was called Tuol Sleng back then.

7 I failed to hear any response from you when you responded to the
8 President, so could you please now elaborate further on this;

9 whether the location was already named Tuol Sleng back then?

10 A.I knew the location long ago at the very outset because when I
11 approached the location I was told that it was the Tuol Sleng
12 school and I heard from people talking about the name of that
13 location, that's why I used the word Tuol Sleng.

14 [13.34.10]

15 Q.Thank you. And you said you worked as a guard in and outside
16 the premises of S 21. Were you armed while you're being on
17 guard?

18 A.When we guarded inside the compound we were not equipped with
19 arms, but the duty outside was different. We had weapons.

20 Q.Thank you. This morning you said you guarded at the location
21 where there were individual cells and common rooms, and that you
22 walked on the corridor and you could sneak through a small space
23 actually to look to see the detainees. My question is that were
24 there any barbed wire at that location?

25 A.Yes, there were.

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1 Q.Thank you. You also indicated about your chief who instructed
2 you to be vigilant and that you should not allow any detainees to
3 escape or commit suicide.

4 The question is: were those detainees in the common rooms
5 allowed to use scarf or krama?

6 A.Such scarves were not allowed in the common rooms.

7 [13.36.56]

8 Q.Thank you. As a guard, whether you were on guard at the area
9 where there were individual cells or the common rooms, did you
10 notice the appearance of the detainees, for example their hair,
11 their clothing?

12 A.I did not remember to know the names of any detainee because
13 there were a lot of detainees.

14 Q.I think you probably misunderstood my question. I was asking
15 you whether you remember the condition, the physical condition of
16 detainees; whether they have long hair and their beard grew so
17 long and unorganized, for example. Have you ever noticed that?

18 A.You are asking me that whether the detainees' hair grew longer
19 or whether they looked thin. Of course they were. Their hair
20 grew long and messy and their beards also grew long.

21 Q.Thank you.

22 This morning you also indicated that the detainees in either the
23 common rooms or individual cells they were allowed to only wear
24 the shorts and that if the shorts or trousers were thin then they
25 could take it off when they were being washed. My question is

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1 did you note that there were mosquitoes at S-21?

2 A.Yes, there were mosquitoes.

3 Q.So detainees were sleeping under mosquito nets; if not, were
4 they bitten by mosquitoes then?

5 A.I would like to respond in affirmative to your question.

6 Q.Thank you.

7 [13.40.16]

8 This morning you stated that you don't remember the exact dates
9 but in your response it indicates that you started working at
10 S-21 in early 1976 to the end of 1978. As a guard within the
11 vicinity of S-21 did you see any medics?

12 A.There were medics.

13 Q.So if there were medics, as what you indicated, and if they
14 are present today for example, do you think you can recognize
15 them?

16 A.I don't think I remember them or recognize them because it has
17 been too many years already.

18 Q.You said you cannot remember or recognize them. Don't you
19 recognize them at all or do you think you can really have some
20 kind of recollection of their faces?

21 A.I knew that there were medics who would be distributing the
22 medicines to detainees.

23 Q.Thank you.

24 [13.42.23]

25 With Mr. President's leave, may I introduce Nam Mon to the

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1 witness so that Mr. Chuun Phal can recognize her or not?

2 MR. PRESIDENT:

3 Please, you are allowed to do that.

4 BY MR. HONG KIMSUON:

5 Q.Nam Mon, could you please walk to this area and then, Chuun

6 Phal, could you please look at her? Do you recognize this woman?

7 A.I don't think I remember her. There were no female medics who

8 would be working at the location where I guarded so I don't think

9 I have ever seen her.

10 MR. HONG KIMSUON:

11 Thank you, Madam Nam Mon. Could you please be seated?

12 BY MR. HONG KIMSUON:

13 Q.Next question, staff members of S-21 including the medics,

14 were they all wearing the same black clothes?

15 A.Yes, they were.

16 Q.Thank you.

17 [13.44.20]

18 Next question: regarding the wash when detainees had a wash;

19 this morning you said because detainees who were put in the

20 common room were male detainees and they were all male including

21 the guards so they were naked while being washed or some could

22 take off their shorts. Did you ever hear people mock at the

23 detainees; for example, using some kind of sexually abusive

24 language towards any detainees?

25 A.I never said anything like that. I don't know whether the

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1 other guards who took different shifts and washed the detainees
2 would say that. I don't know.

3 Q.Thank you.

4 This morning you did not yet respond clearly in relation to your
5 knowledge of the sexual abuse or the rape of the female detainee.

6 Can you please tell the Court who was the chief of your team who
7 told you about this?

8 A.He was Korn who told me about this. Whether the incident was
9 true or not, I only heard from what he told me.

10 Q.Could you please briefly tell the story that your chief, Mr.
11 Korn, told you?

12 A.He told me that -- that was the thing he told me. He said
13 anyone who raped a female detainee would be arrested and
14 detained, and that's all, and that was the information I got from
15 him.

16 Q.Thank you. I may proceed with another question.

17 [13.47.07]

18 Detainees who were put in an individual cell or common cell, did
19 you ever meet anyone who were from your same village or same
20 unit?

21 A.At that time I did not know anyone from the same village or
22 from the same group. I only saw other people or strangers from
23 different villages or provinces; maybe from the same province but
24 different districts or villages.

25 Q.In relation to the food ration, you said that the other people

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1 were assigned to distribute this food to the detainees. Did you
2 know that the food, the gruel that was given to the detainees,
3 what was it mixed with?

4 A.I saw gruel, a rice gruel, and then I also saw gruel mixed
5 with other things but probably I don't know much about other
6 gruel except rice gruel -- plain rice gruel.

7 Q.Thank you. You said you saw Hor and Peng and you had no idea
8 who was superior to those two people. Did you ever hear Brother
9 East, or Duch, while you were working at S-21?

10 A.No, I did not hear about this person's name.

11 Q.Thank you. In your statement before the co-investigators you
12 said you attended the political sessions with the presenter or
13 lecturer you never know. During those sessions what kind of
14 instructions were you given?

15 A.I was instructed to study the lessons; for example, how to
16 become a good combatant to fight the Vietnamese. And these were
17 part of the lessons I learned and we were instructed to make the
18 most of the sessions. That's all we learnt.

19 [13.50.43]

20 Q.Actually I did not ask about the military school and training.
21 I'm talking here about the political sessions at S-21, the
22 sessions you attended, so the question is whether you were
23 instructed to do anything from your superiors in those sessions.

24 A.My chiefs instructed that when we guard the detainees, make
25 sure that no-one could escape.

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1 Q.Thank you. I would like to move to the question in relation
2 to Choeung Ek.

3 This morning you said about the condition of the bodies in the
4 pit you were asked to bury. While you burying the detainees did
5 you notice any detainees being tied up by their hands behind
6 their backs?

7 A.I saw the handcuffs. Some handcuffs were removed from the
8 detainees but I did not pay attention to that. I only
9 concentrated on burying the bodies.

10 Q.During the time when you worked at S-21, or Tuol Svay Prey
11 school, were staff members in your team also arrested and
12 executed? If so, how many were they?

13 A.I don't know how many were arrested and detained but my chiefs
14 were arrested and detained there.

15 [13.53.20]

16 Q.Did you ever know that the teachers and officers from the
17 former regime being detained in those rooms?

18 A.(No interpretation)

19 MR. HONG KIMSUON:

20 Thank you, Mr. President. If we still have some time then I
21 would like to share the floor with my colleagues.

22 MR. PRESIDENT:

23 You have no more time because you have already used the time
24 allocated.

25 We would like to now give the floor to the defence counsel to put

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1 questions to the witness. You have 20 minutes.

2 MR. KAR SAVUTH:

3 Thank you, Mr. President, Your Honours, and the Court.

4 QUESTIONING BY DEFENCE COUNSEL

5 BY MR. KAR SAVUTH:

6 Q.Mr. Chuun Phal, this morning you said you knew the person
7 named Sae who asked you to bury bodies at Choeung Ek. Was Sae
8 the person who came from Tuek Phos along with you or was he from
9 S'ang, Koh Thum?

10 A.I have no idea where he from because I did not check his
11 biography or I know him -- very little about him.

12 [13.55.29]

13 Q.Thank you. Can you please clarify for us the appearance of
14 Sae? How old was he, how tall was he and what kind of complexion
15 he had, for example.

16 A.He had a fair complexion. I don't recognize if he lives until
17 now.

18 Q.Thank you. Could you please also tell the Court whether the
19 guards like you had the authority to beat detainees?

20 A.Guards could beat detainees only if they were allowed by the
21 chief of the team.

22 Q.Thank you. In your statement before the Co-Investigating
23 Judges you said if detainees beat the detainees they would be
24 considered as traitors. Is that correct?

25 A.(No interpretation)

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1 Q.Thank you.

2 [13.57.32]

3 In the document D28/15, ERN 00163808, you said that you had to
4 hose down the detainees while they were being washed but here you
5 say that you only gave the water hose to each detainee to take
6 turn to have a wash. Which statement is accurate; could you
7 please elaborate?

8 A.I was saying that I was holding the water hose and that later
9 on I passed it to detainees I did not actually hose down from a
10 far distance towards detainees.

11 Q.So you now challenge your previous -- or you contradict your
12 previous statement before the Co-Investigating Judges because
13 previously you said that you hose down the detainees but now you
14 said you did not do that but you gave the water hose to each
15 detainee to wash themselves. Is that correct?

16 A.As I already indicated just now, I don't really disagree with
17 this because what I said I made it clear that I was holding a
18 water hose and later on I passed it on to each detainee.
19 Sometimes I had to hose down, you know, but not always because I
20 had to make sure that each detainee could take the advantage of
21 holding the water hose to wash themselves. So that's what I was
22 saying, and that's all.

23 Q.Thank you.

24 [13.59.45]

25 Did you ever see guards like you -- not you -- who allowed any

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1 detainees to have a wash outside next to the water jar?

2 A.I never saw it.

3 Q.Thank you.

4 While you were on guard, for example you were guarding one
5 particular room, were you allowed to walk to a nearby location?

6 A.When I was assigned to guard a location I could only patrol
7 within that assigned area. I could not go any further besides
8 that without the permission from my chief group.

9 Q.If you could not move to another location or outside the
10 assigned location, how could you know that prisoners died at the
11 locations guarded by other guards?

12 A.I knew that because in my role I guarded only three common
13 rooms and the next three commons will be guarded by another
14 guard. So when I walked up and down and faced the other guard
15 and we talked to each other, and I learned that -- or I could
16 have heard it after I finished my duty and I talked to other
17 members of the group, that maybe that guard would say there were
18 prisoners who died in another room or cell. That's how I learned
19 about the deaths of those prisoners.

20 Q.So the guards, after when they walked and met each other they
21 could talk to each other? There was no rule or discipline for
22 them not to talk to each other?

23 A.When we walked and came face to face, yes, we could talk to
24 each other. There was no restriction for us to just talk to each
25 other.

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1 [14.02.49]

2 Q.Can you provide further clarification on one point; that is,
3 at S-21 did you ever see any female medic and were there any
4 child medics?

5 A.I knew that I did not see any female medics and regarding the
6 child medics I saw them dispensing medicine, yes.

7 Q.When you stood guard outside near the entrance; that is, near
8 the medical house, did you ever see medics withdraw blood from
9 the prisoners?

10 A.I stood guard outside and I could not see what work was done
11 by the medics inside the office.

12 Q.At S-21 when you were working there you were assigned to guard
13 the prisoners and not allow them to escape. At that time were
14 you satisfied with your work?

15 A.At that time in my mind I thought whether I was happy or not
16 with my work. There was no other alternative for me because in
17 that regime there was only one option.

18 Q.Can you then clarify on another point; that is whether you
19 were happy or not you could not find anywhere else to go or to
20 escape from that place? If you were to escape from that place
21 you think you would be able to do it?

22 A.I would not be able to run away from it and that is the truth.

23 [14.05.22]

24 Q.So it means anybody who was not happy with that regime could
25 not run away. Is that true?

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1 A.Nobody could run away.

2 MR. KAR SAVUTH:

3 Thank you, Mr. President. I would like my international counsel
4 to continue questioning.

5 MR. PRESIDENT:

6 International defence counsel, you may proceed.

7 MS. CANIZARES:

8 Thank you very much.

9 BY MS. CANIZARES:

10 Q.Could you please remind us for how long you were a guard at
11 S-21?

12 A.I did not record the exact dates or times or hours that I
13 worked as a guard at S-21. I did not have anything to record my
14 time there.

15 Q.Not even an approximate manner let's say in terms of months or
16 in terms of years?

17 I am wondering if Mr. Chuun Phal understood the question that I
18 was asking him or if he heard it.

19 A.Can you please repeat your question? I cannot understand it.

20 [14.07.43]

21 Q.You answered my first question telling me that you did not
22 count how long you were a guard at S-21; you had no means of
23 knowing how long this was. But can't you at least in an
24 approximate way give me an idea in terms of months or years and
25 tell me how long you worked at S-21 -- in those terms?

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1 A.As I have said, I would not be able to make any estimation.

2 Q.So we'll say a certain amount of time.

3 During the confrontation that took place on the 28th of February
4 2008 before the Co-Investigating Judges, you stated that you did
5 not know the charged person. However, this morning you confirmed
6 before the Chamber this assertion while specifying that you had
7 neither seen him nor ever met him. So therefore, I can conclude
8 from this that you did not speak with him either.

9 Can I also conclude from this that in fact Duch never came or, in
10 any case as far as you can know, never came to the building or
11 the buildings in which you were working?

12 A.That is correct.

13 Q.Thank you.

14 [14.09.39]

15 MS. CANIZARES:

16 I have no further questions to put to the witness. Thank you,
17 Mr. President.

18 MR. PRESIDENT:

19 Next, the Chamber would like to give the opportunity to the
20 accused to make his observations regarding this witness'
21 testimony.

22 If you wish to do so, you can proceed.

23 THE ACCUSED:

24 Mr. President, first I would like to clearly state that I
25 acknowledge this person, Mr. Phal, as a member of S-21 staff.

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1 And the reason is he was once amongst the youths that I requested
2 from Kampong Chhnang. His district was from Kampong Tralach and
3 he was younger than 16 years old. He was within the selected
4 criteria of my request and his class origin was a poor peasant
5 background. Therefore, his education was very low as evidenced
6 in the Chamber today. Probably he could read a few words, that's
7 all.

8 And he fits the criteria for my request from the best. And his
9 age of 15 or 16 would also fall within the criteria of my
10 selection. I did not want to select any person who was already
11 trained or educated by anybody. So I needed to select those who
12 I could train psychologically and politically.

13 I think the Chamber also understands the stands and the
14 psychology of Comrade Phal that he did not want to have anything
15 or to possess anything or to know anything. Even my face as his
16 superior, he did not even want to see my face or to hear my
17 voice. And that view impressed me that he was staff of S-21.

18 And when he said he's chief group, Sae, ordered him to dig pits
19 at Choeung Ek, I was certain that he was a staff member.

20 [14.12.22]

21 Sae was my first messenger recruited from the Special Forces as I
22 requested to the (inaudible) and the digging pits at Choeung Ek
23 was carried out by the Special Force.

24 So I do not deny, and I acknowledge this person was a staff at
25 S-21.

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1 Despite this, there is a confusion in his statement; for
2 instance, he said that the vehicles for the S-21 plates, also
3 there were these plates at the political training school, and
4 this is a confusion. And Prek Ho actually did not have any land
5 there.
6 Maybe these are small things that he could not recall properly.
7 This morning I received a biography of Comrade Phal and I would
8 like to state that I need time to consider this biography; that
9 is also including the format of that biography-making. From my
10 recollection, after 17 April 1975 until the end of '75, the CPK
11 ordered people to inspect the biographies of cadres and the
12 components of the 703 Division entering S-21, Nat ordered You
13 Penkry to monitor all those cadres. And those people from M-13 I
14 did not allow them to do it because I vouch for them before the
15 Party.
16 Separately for those from Kampong Chhnang if the biographies were
17 made before they arrived at S-21, for instance if they were made
18 in '77 that would be different informant.
19 So I would reserve the time to examine these particular
20 biographies, why it was made in 1977.
21 [14.14.35]
22 So that was the process of biography making under the CPK and I
23 was a cadre of the Party and I was familiar with the process.
24 Annually I had to made my revolutionary biography and my
25 revolutionary view. The Party wanted to check if anybody

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1 concealed any points from their biography.

2 So actually the biography was made annually during the training.

3 The view on the revolution was also done annually. And I myself

4 I did not believe that biography had to be that long for this

5 Comrade Phal. That's why I reserve the time to examine it.

6 Despite this, I still acknowledge he's a member of the S-21

7 staff.

8 This is my response, Your Honour.

9 MR. PRESIDENT:

10 Mr. Chuun Phal, the Chamber would like to acknowledge your

11 presence here and for your testimony before this Chamber as

12 summonsed by the Chamber. The Chamber also acknowledges the

13 challenges and difficulties that you faced, namely you had to

14 respond to several questions raised by both the Chamber and the

15 parties to the proceedings.

16 In addition to these several questions in a very limited

17 allocated for your testimony, the facts that existed were more

18 than 30 years ago. Therefore, the recollection in general by

19 anybody is limited. The longer the fact exists, the less precise

20 the recollection of that fact. However, the Chamber noticed that

21 you have tried to respond to the questions based on your limited

22 knowledge and your recollection.

23 You are now excused from the Chamber, so you can return to your

24 residence.

25 [14.17.16]

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1 (Witness exits courtroom)

2 Court officer, can you provide necessary arrangements for safe
3 return of this witness to his residence by working in
4 co-operation with the WESU unit? And also, the Court officer,
5 you're instructed to bring in another witness, namely Saom Met,
6 into the courtroom.

7 (Witness enters courtroom)

8 QUESTIONING BY THE BENCH

9 BY MR. PRESIDENT:

10 Q.Mr. Witness, is your name Saom Met?

11 A.Yes, sir, my name is Saom Met.

12 Q.Are you known by any other names?

13 A.No.

14 Q.How old are you?

15 A.Fifty one years old.

16 Q.What is your current occupation?

17 A.I am a farmer.

18 [14.20.43]

19 Q.According to the report of the Greffier this morning it states
20 that you have no relationship with any of the parties to the
21 proceedings. Is this correct?

22 A.Yes.

23 Q.Have you taken an oath before entering the Chamber?

24 A.Yes, I did.

25 Q.I am now going to give you instructions on the rights and

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1 obligations of a witness to provide testimony before this Chamber
2 as follows.

3 Mr. Saom Met, as a witness you can decide not to respond to any
4 questions or any declarations that you think might
5 self-incriminate. This is your right of self-incrimination,
6 which means if the response or the statement you believe would
7 lead to self-incrimination. Also, Mr. Saom Met, as a witness you
8 are obliged to tell the Chamber only the truth that you have
9 known, have heard, have seen personally and directly when you
10 respond to the questions, and your responses should not be the
11 assumptions that you make.

12 Mr. Saom Met, where did you live and what were you doing between
13 1970 until the 7 January 1979?

14 [14.23.13]

15 A. In 1970 I was living with my parents and in 1972 I left my
16 mother to study at the Preaek Sdei pagoda as a student of the
17 monks there. I only studied for one year at the pagoda and I
18 quit schooling at that year one. Then I returned to live with my
19 mother, to work in the rice fields.

20 In early 1973 Angkar assigned me to work at the Prey Sdei
21 subdistrict. In the end of 1973 Angkar assigned me to work as a
22 militia at the district, and in 1974 I still worked as a soldier
23 and Angkar assigned me to fight the Lon Nol soldiers along the
24 Mekong River.

25 In 1975, when Phnom Penh was completely liberated, I stayed in

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1 Phnom Penh for only a fortnight and Angkar assigned me as a
2 messenger through the battalion and regiments. I was recruited
3 amongst the other 50 messengers to study at the technical
4 training school in Ta Khmau. That also included the 703
5 Division. The total number increased to more than 200.
6 We studied political training and military techniques for about
7 eight months. I finished that study in 1976 and I was assigned
8 by Angkar, and Angkar assigned those people at the messenger unit
9 to guard the General Staff prison near Monivong.
10 It was called Dam Pheng prison. The chairman was Nat at the time
11 and I did not know who was the deputy. However, during the time
12 that I worked there I saw Brother Duch, Hor, Chan and Pon who
13 were there at the time. Regarding Duch and Chan and Pon, they
14 were on and off so I did not know the actual location where they
15 stayed. And this is my clear recollection of the event at the
16 time.
17 In 1977-'78, Angkar assigned the messenger unit to guard the
18 prisoners at S-21, or Tuol Sleng prison. Therefore, some members
19 of the messenger unit, who were literate, were assigned to work
20 in the interrogation unit. For those who were illiterate, they
21 were assigned to guard the prisoners. I did not guard inside the
22 buildings inside the compound, I was assigned to guard the houses
23 outside and they were the special prisons of S-21. The
24 supervisor there was Huy and Sry, who were the chairmen of
25 platoon and company. That is all.

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1 [14.27.42]

2 Q.When did you leave S-21 Office, if you can recall?

3 A.In late 1978, Angkar transferred me to Prey Sar and about a
4 month later Vietnamese entered. That is all.

5 MR. PRESIDENT:

6 Judges of the Bench, do you have any questions to be put to this
7 witness?

8 Judge Ya Sokhan, you go ahead.

9 JUDGE YA SOKHAN:

10 Thank you, Mr. President.

11 BY JUDGE YA SOKHAN:

12 Q.When you worked as a guard at Dam Pheng prison, what duties
13 were you assigned?

14 A.At that location, I was still pretty young and I was assigned
15 to guard the prisoners. That is all.

16 Q.Where were those prisoners detained?

17 A.They were detained in the house, the one-storey house
18 actually.

19 [14.29.53]

20 Q.Were they shackled?

21 A.Normally, detainees were all shackled in each room.

22 Q.Were they shackled and also handcuffed?

23 A.They were not handcuffed.

24 Q.Did you see any female detainees and children at Dam Pheng
25 prison?

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1 A.I don't remember whether there were female or children
2 detainees because it was at the initial stage where the people
3 the same age as mine were at the beginning detained.

4 Q.Were they the soldiers of the Lon Nol regime or former
5 officials or the revolutionary combatants?

6 A.I don't know. I saw the detainees and that's all.

7 Q.Did you ever see any detainees being transported in, and how
8 often did you see that?

9 A.I don't know because when I came to that location I saw the
10 detainees had already been there.

11 [14.32.06]

12 Q.Did you ever see detainees being transported from the PJ
13 prison out?

14 A.I saw detainees being walked to be interrogated, but I have no
15 idea where they would be interrogated.

16 Q.Who told you that they were being interrogated?

17 A.Sry, who was my chief, saw the interrogators and that
18 detainees would be taken to them to be interrogated.

19 Q.Were they transported on a truck to be interrogated or were
20 they walked?

21 A.While their hands were put behind and cuffed and blindfolded,
22 they were being walked to the location where they would be
23 interrogated.

24 Q.Had you ever seen anyone being trucked back or walked back?

25 A.Of course, after the interrogations they were returned.

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1 Q.When they came back, upon arriving did you notice any scars or
2 bruises on the back of any detainee?

3 A.It was not at the location where I guarded. It was the
4 location where other guards stood guard. That's why I could not
5 tell.

6 [14.34.20]

7 Q.Did you know what role Duch was holding at that time at Dam
8 Pheng prison?

9 A.I don't know. I only saw him paying regular visits to that
10 location.

11 Q.Do you know how Duch was being promoted? Was he promoted at
12 the PJ prison or was he promoted at S-21 location?

13 A.I don't know, but when I came to S-21 I saw him at S-21
14 already, and I did not know whether he had been the chairperson
15 of S-21 back then already because I had no good communication
16 with him.

17 Q.At the Dam Pheng prison you said you had work. How long had
18 you been working there?

19 A.I worked there for less than a year and I don't remember the
20 exact duration.

21 Q.Do you remember when Dam Pheng prison was relocated to S-21
22 prison?

23 A.As I already indicated earlier on, from 1977 to 1978. I don't
24 remember the exact date but it was during that period of time.

25 Q.Are you sure that the location was relocated to S-21 in 1977?

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1 Who told you about this?

2 A.The people in the same messengers unit told me about this.

3 They told me that we would be relocating in 1977 or 1978 and

4 that's what I learned about being relocated.

5 [14.37.25]

6 Q.Did you remember the messenger who told you about the

7 relocation?

8 A.I don't remember his name because at that time Sry and Huy,

9 who knew or expected the relocation, would share this information

10 with us and I did not know until we reached the new location that

11 I realized it was S-21 Office, which is now known as Tuol Sleng.

12 Q.Where were all the detainees at Dam Pheng prison transferred

13 to?

14 A.I don't know.

15 Q.Do you know who were in the committee of S-21?

16 A.If we talk from the very beginning and up to the chief of the

17 team level, there were Duch, Hor, Chan, Pon, Huy, Sry and other

18 people. This is only according to my observation.

19 Q.When you said about Huy, were you referring to Him Huy or Nun

20 Huy?

21 A.I am talking about Him Huy.

22 [14.39.28]

23 Q.What was the role of Duch at S-21, to the best of your

24 recollection?

25 A.I don't know, but I saw him at the location. He could have

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1 been the person in charge of S-21.

2 Q.What about Hor? What did he do?

3 A.Hor was like Duch. He was supervising the prison.

4 Q.Did you know Nun Huy?

5 A.Yes, I did.

6 Q.What was his role at S-21?

7 A.He was in charge of S-24; Prey Sar.

8 Q.How many units were there at S-21? Do you know that?

9 A.At S-21, I don't think I remember the details but there were
10 the interrogators unit, the defence section, the teams to take
11 detainees elsewhere, but I don't remember the details.

12 Q.Who were in charge of interrogators?

13 A.I don't know. I did not work in that section and we were not
14 allowed to make any contact.

15 [14.42.04]

16 Q.In which unit did you belong to when you were located to S-21
17 along with the location of the new office?

18 A.I was put to be in the guard unit who were guarding the
19 special prisons of S-21.

20 Q.Can you tell us in which group you belonged to and who was the
21 chief of the group and how many people were in the group?

22 A.There were only two groups and the chief of the group was Huy,
23 Sry and Brother Chamroeun and I don't remember others.

24 Q.How many people were there in your group?

25 A.There were more than 20 people in the group who would take

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1 turn to guard the detainees.

2 Q.Among the more than 20 people in your group, do you still
3 recognize any of them or remember some of their names?

4 A.I remember Huy, Sry, Chamroeun, Trie. These are the people I
5 have remembered quite well.

6 [14.44.20]

7 Q.Where did your group stay at night?

8 A.It was inside the wall of the prison compound and close to the
9 place where the detainees were placed. It's just another house
10 next door.

11 Q.How many common kitchens were there for S-21 and where were
12 they located?

13 A.So far as I know, there was only one kitchen, which was
14 located next to the fire department.

15 Q.During each meal, were all guards coming together to have
16 their meal or did they have separate meals?

17 A.At that time we did not have meals in a big group all
18 together, only when we took our shift. Then people could take
19 the break to have meals.

20 Q.How many people would be eating all together at one time?

21 A.At any one given time there were about 20 people who would be
22 eating together, maybe 15 or less, and I don't know what happened
23 to the other teams in relation to having meals.

24 Q.Are you sure that S-21 got only one kitchen, and how could you
25 obtain this information or was it just based on your own

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1 observation?

2 A.Certainly I went to that location personally.

3 [14.47.16]

4 Q.Did the guards who were guarding outside have to eat at a
5 different kitchen or eat in the same place as what you did?

6 A.They ate together with us. I don't know whether they ate
7 elsewhere.

8 Q.What was the food ration like for staff?

9 A.We had sometimes three meals, sometimes two, porridge or gruel
10 in the morning and rice in the afternoon and evening.

11 Q.Was the food enough or insufficient?

12 A.It depends. Sometimes we had only a bowl of rice and
13 sometimes we had less.

14 Q.How many people did the common kitchen accommodate at any one
15 given time?

16 A.The kitchen could accommodate approximately 50 people.

17 Q.Did you ever see the accused ever had a meal in that kitchen?

18 A.No, I didn't.

19 Q.Do you remember how many buildings S-21 contained?

20 A.Earlier on I did not pay a visit to that location. I only
21 went to that place later on and I could see there were four
22 buildings.

23 [14.50.18]

24 Q.Where were these special prisons located?

25 A.The special prisons were located to the south of the building

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1 on the road, the east-west road, and they were in the compound of
2 the first wall.

3 Q.Were the special prisons made of wood or concrete?

4 A.They were in the form of wooden houses, concrete apartments,
5 and sometimes there were three storeys. Sometimes there were two
6 storeys only and probably it is difficult to recognize it if I
7 would see them again.

8 Q.So how many houses were used for the purpose of special
9 prisons?

10 A.So far as I remember, there were four houses: one wooden
11 house, one three-storey building and one villa, and there were
12 rooms inside the villa.

13 Q.How many rooms were there in each of the houses?

14 A.I don't remember. The three-storey building contains two
15 rooms in each storey and one storey had even three rooms while
16 one storey had only one room. So that's all I remember.

17 [14.53.10]

18 Q.Can you give us the estimation of the size of each room? How
19 big was it?

20 A.The room was about three metres.

21 Q.At that time were detainees placed in each room of the houses
22 you mentioned?

23 A.It depends. Sometimes the detainees would fill all the rooms.
24 Sometimes there were fewer detainees than the rooms.

25 Q.What were the special prisons aimed for?

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1 A.They were aimed to detain senior cadres, the cadres of the
2 sector or the zone or the regiment commander or brigade
3 commander. It is based on my observation.

4 Q.What kind of information do you think you can use to support
5 your arguments that they were senior cadres who were detained at
6 those special prisons?

7 A.I believe that those senior cadres could not be detained all
8 together in a common room. They would be put in a separate room,
9 one detainee in each room, and one guard would be assigned to
10 only one individual detainee. So this is based on my observation
11 that I believe that they were senior cadres.

12 Q.If you looked at the detainees at these prisons, were they
13 healthy when they were brought in at first?

14 A.Upon arrival, the detainees were healthy and I could see that
15 there were people with medium height or tall or short, and with
16 fair complexion or with less-fair complexion, but I was not
17 allowed to even ask a question to the detainees.

18 MR. PRESIDENT:

19 Since it is a convenient time to take an adjournment, so we will
20 now take the adjournment for 20 minutes.

21 The Court officer is now instructed to make necessary arrangement
22 for the witness during the break so that he can have a good rest
23 and then take him back after we resume.

24 [14.57.02]

25 THE GREFFIER:

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1 All rise.

2 (Judges exit courtroom)

3 (Court recesses from 1457H to 1517H)

4 (Judges enter courtroom)

5 MR. PRESIDENT:

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

7 We continue to hear the testimony of the witness. I would like

8 now to give the floor to Judge Ya Sokhan to continue his

9 questioning to this witness.

10 JUDGE YA SOKHAN:

11 Thank you, Mr. President.

12 [15.17.58]

13 BY JUDGE YA SOKHAN:

14 Q.Where were you assigned to guard in the special prison?

15 A.It was not fixed. Sometimes I was assigned to guard a

16 two-storey concrete house, sometimes a wooden house; so the point

17 was not fixed.

18 Q.Were you assigned to stand guard or were you assigned to

19 patrol?

20 A.During the guarding duty, we were not allowed to patrol, we

21 were instructed to stand guard. We were not allowed to sit,

22 being afraid that we would nod-off asleep and a prisoner would

23 conduct any activity.

24 Q.Did you guard inside the detention room or at the door of the

25 detention room?

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1 A.I was standing guard at the door of the detention room.

2 Q.Were you armed during your guard shift?

3 A.No.

4 Q.Did you know which group was assigned the duty to walk the
5 prisoners to the detention room?

6 A.At that time, I think sometimes it was Sry's group, sometimes
7 it was Huy's group. It was not fixed. The most important thing
8 is the group chief, like Huy or Sry.

9 [15.20.07]

10 Q.When the prisoners were walked to be detained, what did you
11 observe? What were the condition of the prisoners, and how many
12 guards or those people accompanied the prisoners?

13 A.When the prisoners were walked, the prisoners did not have any
14 pants and they were topless and they wore only shorts. Their
15 hands were cuffed to the back and they were blindfolded with a
16 scarf. Some other times Hor, for instance, would walk behind.
17 That is all.

18 Q.When the prisoners were detained inside the rooms, were they
19 shackled or cuffed and, if so, what was the procedure for the
20 existing and the newcomer prisoners?

21 A.When the prisoners were put into the rooms, both legs were
22 shackled, and then the handcuffs would be removed.

23 Q.Was the procedure different for the existing prisoners and for
24 the newcomers?

25 A.During that time, Huy or Sry would supervise the activities of

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1 the prisoners. If the prisoners were docile, then only the
2 shackles were used. For the prisoners who were not docile then,
3 in addition to the shackles, the cuffs would be used to cuff
4 their hands.

5 Q.Where were the shackles attached to?

6 A.When the prisoners were shackled their ankles would be
7 inserted into a pair of rings and then attached to the metal bar.
8 Sometimes they were shackled and tied to the windows bars.

9 [15.23.06]

10 Q.Did you observe inside the detention rooms what instruments
11 were there and what were they used for?

12 A.Inside the detention room, there was nothing else besides the
13 shackles. There were no mosquito nets, there were some sleeping
14 mats and some old pillows, and some pots for the prisoners to
15 relieve themselves, and there were no torturing instruments
16 inside the detention room.

17 Q.How many rooms were you assigned to guard at the special
18 prison?

19 A.As I stated earlier, for each prisoner a room was used and a
20 guard was assigned to guard that one prisoner.

21 Q.What was your assigned duty inside the room where a prisoner
22 was detained?

23 A.My duty was nothing but to guard that prisoner.

24 Q.What about the disposal of the waste?

25 A.When the prisoner was taken out, it was the duty of Huy and

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1 Sry. He was the overall supervisor in that location. It was not
2 my duty to lock and unlock those rooms. That is all.

3 [15.25.04]

4 Q.The Chamber would like to know that who was responsible for
5 disposing the waste or the excrement of the prisoners from the
6 detention rooms?

7 A.At that time, as I said, it was only Huy or Sry who assigned
8 people to do that work.

9 Q.Were the detention rooms locked?

10 A.Yes.

11 Q.If the rooms were locked could you see the prisoner inside?
12 Could you observe the activities of the prisoner?

13 A.I do not understand your question properly. Anyway, what I
14 just spoke, it was probably not correct. Actually outside the
15 rooms were not locked and the guards were standing guard at the
16 door.

17 Q.Were the prisoners ordered to always sleep or lie down and if
18 they wanted to stand up they had to ask permission from the
19 guard?

20 A.That is correct.

21 [15.26.38]

22 Q.What was the food ration for the important prisoners? How
23 many days per meals, rice or gruel or any soup for the meal?

24 A.For the prisoners who were detained there, there were two
25 meals per day. That was one bowl of rice and one bowl of soup

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1 for each meal. There was no meat in the soup. There was only
2 waterlily or morning glory and the food was not sufficient.

3 Q.How many days the prisoners were allowed to wash and what was
4 the process of washing themselves? Were there any spare clothes
5 for them to change?

6 A.When it's time for the prisoners to wash themselves it was not
7 regular. They washed themselves sometimes in three days,
8 sometimes in a week. There were no spare clothing for them to
9 change. They stripped off their pants and left them on the
10 shackles and the prisoner would carry a bucket of water for them
11 to wash themselves. And after that they would put on the shorts.
12 The shackles were not removed when the prisoners were washing
13 themselves.

14 Q.If the prisoners needed to relieve themselves, what was the
15 process?

16 A.I do not understand your question.

17 Q.When the prisoner wanted to relieve himself or herself, how
18 was it done.

19 A.The prisoners, when they wanted to relieve themselves they had
20 to do it on that spot. There was a pot inside the room and when
21 he wanted to relieve himself then the guard would allow them to
22 do it in the pot in the room.

23 [15.29.31]

24 Q.Where were those important prisoners interrogated?

25 A. The prisoners who were interrogated, the process was not

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1 regular. They were taken out. They were not interrogated inside
2 and the reason for that, because the prisoners were detained
3 closely one to another. So for interrogation purposes a prisoner
4 was taken out.

5 Q.In your statement before the Co-Investigating Judges you said
6 the interrogation sometimes took place inside a detention room
7 and only in some circumstances the prisoners were taken out for
8 interrogation. Is that what you said?

9 A.It's correct, Your Honour.

10 Q.So detainees were also interrogated inside that room. Is it
11 correct?

12 A.Yes, it is correct.

13 Q.Which group was in charge of interrogating important
14 prisoners? Do you recall their names?

15 A.There was only Tuy, Tith, Nan, Chhin and Un who were assigned
16 to work at the special prison. They came to take these people to
17 be interrogated.

18 [15.31.46]

19 Q.So who actually interrogated the people who were detained and
20 interrogation took place inside their rooms?

21 A.It was Tuy who did that.

22 Q.When the interrogators entered the detainee facility so where
23 were you allowed to guard?

24 A.On one occasion when one detainee was removed then Tuy came
25 and went into the room. Then he looked the door behind and I was

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1 let out. I could peek to see his interrogation session. He
2 asked, "Now, why did not you answer and reveal the truth to the
3 Party?" for example. This is part of the conversation I heard
4 from the interrogation session and then the detainee said, "I
5 already reported to the Angkar and I had nothing else to report.
6 And then Tuy grabbed a stick and then beat the detainee on the
7 back and I could see the detainee was bleeding, and a short while
8 later he grabbed another device for torturing. Then he started
9 beating the detainee again and the detainee suffered great pain.
10 And then Tuy grabbed bunches of electric wire and then he
11 attached part of the electrical wire to his toe and then put part
12 of the wire into the ear of the detainee.
13 After a while the detainee passed out and then Tuy would be seen
14 walking briefly in the room. Ten minutes later on when the
15 detainee regained consciousness he grabbed his hair and then
16 threatened him to recall what he would be expected to tell Angkar
17 and that he would be coming back tomorrow to get that
18 information.
19 And then upon leaving the room he warned me to be very cautious
20 while being on guard. Otherwise, if I allowed the detainee to
21 escape then I would be jailed also.
22 [15.34.57]
23 At about 11 then I was called to have my meal and then they came
24 to inspect the detainee to check the location where the detainee
25 was placed to find out whether there were any nails or screws or

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1 other items the detainee could swallow into their stomach to
2 commit suicide, for example. After everything was well checked I
3 went to have my meal.

4 Then later on when I came back I saw Brother Duch who was sitting
5 right in the villa next to the wooden house with a rattan stick
6 in his hand and the guard was seen guarding outside at the door.
7 I only saw this and that's why I can tell the Court and I'm
8 telling the truth. That's all.

9 Q.You saw Duch beat the detainee. Is that correct?

10 A.Duch actually used a rattan stick to beat the detainee. He
11 did not beat him much before I left and walked to my place.

12 Q.In which part of the body did you see Duch beat that person?

13 A.He beat him on the back.

14 [15.36.50]

15 Q.You indicated that Tuy came to the place where the detainee
16 was detained and that he beat that detainee, so it means that
17 when he came to that room did he bring along the instruments of
18 torture with him or were there ready to be used devices inside
19 the room already?

20 A.At that time no instruments of torture were placed inside the
21 room where detainee was placed. Tuy only brought them along from
22 the other location with him.

23 Q.Violence being inflicted onto the detainees other than
24 beating, whipping, did you ever see such practice; for example,
25 suffocation by -- with a plastic bag, toenails being pulled and

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1 immersion -- waters being dropped onto the forehead of detainees,
2 for example? Did you ever see such practices?

3 A.No, I did not, because detainees normally were taken to be
4 interrogated outside and it was far from my sight.

5 Q.Let's move back a little bit. You said you saw a detainee
6 being beaten by Duch. Was that person female or male detainee?

7 A.With a quick look I could tell that he was a man, no female.

8 Q.After being interrogated, you noted some kind of wounds on the
9 body of the detainee, so in which other part of the body did you
10 see such wounds?

11 A.At the place where I gathered detainees would be taken to be
12 interrogated outside where torture was inflicted and I could see
13 their nails were being removed -- or were removed and their back
14 sustained some wounds and some kind of red dye kind of medicine,
15 I don't know, was applied on the back to suggest that the person
16 sustained some wounds and that those kind of medicines were
17 probably applied.

18 [15.40.42]

19 Q.At the special prisons did you ever see Duch pay a visit
20 regularly or very often to that location?

21 A.I saw him at the special prison. It was inevitable that he
22 had to come to that location because very regularly he had to pay
23 a visit to that location.

24 Q.Did you see him with your own eyes that he came to the place
25 where you were on guard?

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1 A.I saw him with my own eyes because I was guarding on the
2 two-storey building and I could see him from that floor and it is
3 the truth.

4 Q.You said that you saw Duch beat one detainee. Did you ever
5 see him inflict torture on other detainees?

6 A.No.

7 Q.Were female detainees also detained at the special prisons
8 and, if so, did you ever witness any tortures being inflicted
9 onto those female detainees?

10 A.I never saw any female detainees at my location and, through
11 my observation, I noted that there were female detainees in other
12 locations. However, I could not see any tortures being used
13 toward such female detainees.

14 [15.43.29]

15 Q.Were there any Westerners or Vietnamese prisoners of war of
16 staff members of S 21 being detained at that location?

17 A.At that time I saw Vietnamese prisoners of war or Vietnamese
18 detainees who were put on the wooden house. There were four of
19 them. I did not guard that house but when I relieved myself the
20 guard asked me to help him so that he could also relieve himself
21 and that was the last time I saw the foreign detainees.

22 Q.Did you ever see children who came with their parents or were
23 detained at that location?

24 A.No, there weren't any children.

25 Q.After interrogations were conducted, where would these special

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1 or important detainees be sent?

2 A.After one month or 20 days after the confession or the
3 interrogation they would be taken out by Sry or Huy to other
4 locations; I don't know. Thy sometimes came to walk them out;
5 sometimes at night, sometimes during the daytime. I don't know
6 whether they were being taken to other locations or elsewhere.

7 [15.45.40]

8 Q.When detainees were being walked out, how were they treated?

9 A.Normally, when detainees were being walked out, their hands
10 would be put behind their back and cuffed, and blindfolded, and
11 then their shackles were removed to allow them to be able to
12 walk.

13 Q.Had you ever seen any detainee who was removed from that
14 location and returned?

15 A.Normally, there was the point of no return. When they were
16 taken away, they never appear again.

17 [15.46.48]

18 Q.Did you ever see any detainee commit suicide?

19 A.At that time, I saw one detainee committed suicide when he was
20 being walked out. The guard asked me to help him guard so that
21 he could relieve himself, so he told me that he saw a detainee
22 attempting to use a scarf to hang himself. Having heard this, I
23 kept quiet because I did not want to report otherwise that guard
24 would be smashed, and he was guarding on the three-storey
25 building on the top floor.

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1 Q.Was the detainee male or female?

2 A.He was a male detainee.

3 Q.Did you know what happened to the special or the important
4 detainees?

5 A.I don't understand your question, Your Honour. Could you
6 please repeat it?

7 Q.Do you know what happened to the important detainees?

8 A.I have never seen any of them survive.

9 Q.Had you ever heard anything about the execution of those
10 important detainees? Where would they be executed?

11 A.At that time they were transferred from the location, but I
12 was not told whether detainees would be taken to be executed at
13 Choeung Ek or elsewhere. The only thing I knew was that they
14 were removed.

15 [15.49.46]

16 Q.As a guard at the special prisons, could you estimate how many
17 important detainees being taken out during the entire period you
18 worked as guard?

19 A.I don't know for sure because very often detainees would be
20 taken out, but I cannot give the approximate figure of how.

21 Q.Actually, we just want to know the approximate number of them.

22 A.I believe there could have been 100 or so.

23 Q.When you were sent to work at Prey Sar, who else were going
24 along with you?

25 A.I and Hong, Srim and another person, so four of us at that

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1 time. We were sent to Choeung Ek in late 1978.

2 Q.Was it part of punishment or sanction that you were being
3 transferred to Choeung Ek or was it during the season you had to
4 plant rice?

5 A.At that time, I don't -- I think I don't remember the process.
6 The only thing I knew was that I was transferred or sent to the
7 location. I asked Phal, who told me that the remaining detainees
8 were already placed into the compound and that we should pack our
9 luggage so that we can be transferred to the rice field.

10 [15.52.34]

11 Q.At Prey Sar, what kind of duty was you assigned, and who was
12 the chief?

13 A.We were made to dig canals and build dykes and do farming.

14 Q.Were the people who were working with you at that location
15 were staff members of S-21 or S-24 or were they detainees?

16 A.At that time, I did not know whether I was involved with the
17 detainees or not.

18 Q.Did you ask anybody who worked with you at Prey Sar to know
19 whether they were sent there in the condition of the detainees or
20 just as the normal workers who would be assigned to do farming to
21 feed the unit?

22 A.Having been working there for one month -- more than one month
23 -- I learned that they could have been the people who had bad
24 biographies and other people who were not former staff of S-21.

25 Q.Did you ever see any one of them being removed from Prey Sar,

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1 and how?

2 A.At Prey Sar, I could see the Chinese trucks coming in and out,
3 but I did not know whether people at S-24 were being transported
4 with those trucks.

5 Q.Did you notice that some of your colleagues, co-workers,
6 disappeared?

7 A.Through my observation, the trucks would take the people, the
8 bad elements or what we called bad elements, people with bad
9 biographies, and some of our co-colleagues or workers
10 disappeared. I just did not know whether they would be
11 transferred to other units.

12 Q.During the more than one month you worked at Prey Sar, how
13 often did the truck come to transport away the people who worked
14 there?

15 A.Perhaps in any given day there was at least one truck or two
16 trucks that came and took the -- probably the detainees or goods,
17 but they were Chinese trucks, of course, we called the
18 four-by-four or four-wheel-drive.

19 Q.Do you know Choeung Ek?

20 A.No, I don't. I have never paid a visit to that location.

21 [15.57.18]

22 Q.During the time you worked at the location did you ever learn
23 that detainees were executed at Choeung Ek?

24 A.I did not know. At that time I was guarding at my location
25 and I did not know where the detainees would be taken to Choeung

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1 Ek or elsewhere.

2 JUDGE YA SOKHAN:

3 I have no further questions and thank you, Mr. President.

4 MR. PRESIDENT:

5 Judges of the Bench, would you wish to put questions to the
6 witness? Judge Lavergne, you take the floor.

7 BY JUDGE LAVERGNE:

8 Q. Good afternoon, Mr. Saom Met. My name is Judge Lavergne. I
9 have a few
10 questions for you.

11 You were interviewed by the investigators of the Co-Investigating
12 Judges and the

13 document is D28/3 in the case file. Amongst other things, you
14 said this. In response to the question as to what sort of
15 torture the interrogators used on the prisoners, you say:

16 "They hit the prisoners so that they would answer and used
17 electric shocks on them. They removed fingers and toes, pierced
18 their nails with pins, wrapped their heads in plastic bags to
19 suffocate them, and sometimes they had the prisoners strip of
20 their clothes and they used equipment to apply electric shocks to
21 their genitals or their ears. I stole a look through the window
22 when I was guarding."

23 [15.59.31]

24 This in on page 4 of the document. Do you confirm what I have
25 just read out? Are these things that you saw yourself?

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1 A.Yes, that is correct. So I did not mention that.

2 Q.Regarding the accused here present in the courtroom, did you
3 have the opportunity of seeing him and can you tell us if this is
4 indeed the person you called "Duch" and that you have referred to
5 as such in your statement?

6 A.At that time what I said was true. I did not over-say it. I
7 only spoke of the truth and I would not say anything untruthful.

8 Q.Can you tell us if you recognize the accused who is here
9 present in the courtroom? Is he indeed Duch?

10 A.Yes, I recognize and he is Duch.

11 Q.So in this same interview you spoke, indeed, about an episode
12 where you saw Duch who, according to you, was interrogating and
13 using a rattan stick. But I'd like to get back to another
14 portion of your statement. The French translation is not, let us
15 say, of wonderful quality, unfortunately, but I'd like to know if
16 you had the opportunity of seeing Duch often. Did he come every
17 day to see the detainees that you were guarding or did you only
18 see him exceptionally, rarely?

19 [16.02.20]

20 A. At that time where I worked, he did not go there every day,
21 only occasionally I saw him walking and inspecting the rooms and
22 then he returned. I did not see him on a daily basis. That is
23 all.

24 Q.When you say that he would come to inspect the rooms, what do
25 you mean by this? Were these the cells in which the prisoners

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1 were detained or was this when interrogations were taking place
2 in interrogation rooms? Which places was he inspecting exactly?

3 A.As I stated earlier, I guarded the prisoners on the second
4 floor and from above, when I looked down, I saw him walking and
5 inspecting those houses from the east to the west and then he
6 returned. They were the locations where he used to go in and
7 inspect those prisoners. That is all.

8 Q.Can you tell us if you know why you were sent to Prey Sar? Do
9 you know the reason why you were sent to Prey Sar?

10 A.At that time, I realized that when I was asked by Huy if I had
11 a brother named Saom Meng and I said yes, and then I was asked
12 where was he and I said I did not know but I heard that he --
13 last time he was at the airport at Kampong Chhnang. And then he
14 said keep quiet, he had been arrested, so at that time I did not
15 say anything and I did not know what to do in order to free
16 myself. So I tried not to say anything at all and even Huy, he
17 tried to conceal that information and because of this
18 understanding I believed I was sent to Prey Sar.

19 [16.05.25]

20 Q.So what you are telling us now is that you were sent to Prey
21 Sar because your brother, your own brother, had been arrested and
22 had he been sent to S-21? Is this something that you checked?
23 Did you do any kind of research on this?

24 A.Huy frankly told me about this, so I actually went to research
25 at Tuol Sleng after the regime fell, and indeed I found his photo

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1 at Tuol Sleng. So it was true that he was sent to Tuol Sleng,
2 and I did not know whether he was sent to somewhere else after he
3 was sent to Tuol Sleng.

4 Q.You spoke to us about Huy. Are you speaking about Him Huy
5 here? Who was this Huy you were speaking about?

6 A.I meant Him Huy, who was in charge at the location where I
7 worked.

8 [16.07.19]

9 Q.Is it this Him Huy who then sent you to Prey Sar, and when was
10 this?

11 A.Him Huy sent me there. It was in late 1978.

12 Q.So you are telling us that at the end of 1978, Him Huy was
13 still working at S-21 and, later on, did you have the opportunity
14 of seeing him at Prey Sar?

15 A.I cannot recall exactly whether he went to Prey Sar or he was
16 still at S-21 Office.

17 Q.Can you tell us what happened when the Vietnamese troops
18 arrived; what did you do then?

19 A.At the time the Vietnamese arrived in Phnom Penh, I was still
20 at Prey Sar. At that time, the people from S-21 also went there
21 at night and we were instructed to line up and proceeded to
22 National Road number 3.

23 Q.Did you follow these people who had come from S-21 and who
24 were fleeing or did you go back home; what happened exactly? Did
25 you see Duch then?

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1 A. At that time when we fled to the west, we already crossed
2 National Road number 4. I did not see Duch; I only saw those
3 people who worked together with me. When the Vietnamese chased
4 after us we separated and then I went to my home village. It was
5 still in 1979.

6 [16.10.21]

7 Q. Thank you, Mr. Saom Met.

8 JUDGE LAVERGNE:

9 I have no further questions to put to the witness.

10 MR. PRESIDENT:

11 Judges of the Bench, do you have any more questions to be put to
12 this witness?

13 Due to the short period of time left, it's not logical to give
14 the floor now to the Co-Prosecutors, so the Chamber now decides
15 that the hearing of the testimony of this witness is adjourned
16 and it will resume tomorrow morning from 9 a.m.

17 Mr. Chuun Phal, because the hearing of your testimony related to
18 the facts at S-21 and S 24, or Prey Sar, has not yet finished --
19 only the Chamber today finished the questionings and you will
20 need to be present here tomorrow morning.

21 Court officer, can you make necessary arrangements to return the
22 witness to meet the WESU unit so that he would receive necessary
23 and appropriate accommodation, and please bring him back to the
24 courtroom before 9 a.m. tomorrow morning.

25 Security guards, take the accused back to the detention facility

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1 and bring him back before 9 a.m. tomorrow. The hearing is now
2 adjourned.

3 THE GREFFIER:

4 All rise.

5 (Judges exit courtroom)

6 (Court adjourns at 1612H)

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