



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

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Trial Day 42

Before the Judges:

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INDEX

WITNESSES

MS. CHIN MET

Questioning by Mr. Seng Bunkheang commences	page 15
Questioning by Mr. Ahmed commences	page 20
Questioning by Ms. Jacquin commences	page 25
Questioning by Mr. Kim Mengkhy commences	page 33
Questioning by Mr. Kar Savuth commences	page 42
Questioning by Ms. Canizares commences	page 45
Questioning by Mr. Kar Savuth resumes	page 47

MS. NAM MON

Questioning by Mr. President commences	page 55
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. AHMED	English
MS. CANIZARES	French
JUDGE CARTWRIGHT	English
MS. CHIN MET	Khmer
MS. JACQUIN	French
MR. KAR SAVUTH	Khmer
MR. KIM MENGKHY	Khmer
JUDGE LAVERGNE	French
MS. NAM MON	Khmer
MS. SE KOLVUTHY, GREFFIER	Khmer
MR. SENG BUNKHEANG	Khmer
MS. STUDZINSKY	English
MR. TAN SENARONG	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer

1

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

2 (Judges enter courtroom)

3 [09.03.39]

4 MR. PRESIDENT:

5 The Chamber is now in session.

6 Today we will continue to hear the testimony of a civil party,

7 Chin Met.

8 The Greffier, can you report on the attendance?

9 THE GREFFIER:

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

11 the civil party is also present.

12 MR. PRESIDENT:

13 I notice the Co-Prosecutor. You can take the floor.

14 MR. AHMED:

15 May it please Your Honour.

16 Your Honours, before you resume the testimony of this civil

17 party, I have two small points to make, subject to your leave.

18 One is administrative and one is substantive.

19 The administrative submission is regarding the testimonies of

20 witnesses scheduled for next week. Your Honours have scheduled

21 two witnesses for two days each next week. We were seeking your

22 guidance in respect of the time allocated to different parties

23 for those two days for which one witness will testify.

24 Until now, we have been hearing a witness for one day and it will

25 be in the interest of justice and for the parties to prepare, for

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1 Your Honours to guide us regarding the time that we shall take.
2 That's the first. I had a small consultation with Mr. Werner
3 and, subject to your approval, we would suggest one and a half
4 hours each for the Co-Prosecutors and the civil parties, and two
5 hours for the defence subject, of course, to the Chamber's
6 concurrence.

7 [09.05.45]

8 The second substantive point about the testimony of this civil
9 party I wish to submit, Your Honours, is regarding the photograph
10 that the civil party showed to Mr. President when he asked her
11 the question about her visit to Tuol Sleng, and she showed a
12 photo which was, according to her, a photo of her and also of
13 other female prisoners whom she knew when she went for the first
14 time in November 2007 to Tuol Sleng.

15 It would be our submission that that photograph be taken on
16 record because it's directly relevant to the evidence that she
17 tendered in this Court.

18 That's my limited submission, Your Honour. Thank you.

19 MR. PRESIDENT:

20 Thank you, the Co-Prosecutor, for your observation.

21 Regarding the administrative issue on the time allocation, the
22 Chamber have discussed before we started today's proceeding.
23 Some witnesses so far took only half a day or one day to have
24 their testimonies heard, so for the next week -- however, in some
25 cases times need to be adjusted to accommodate the line of

3

1 questioning. After the discussion, the Chamber will notify all
2 the parties today before we commence our proceeding next week.

3 [09.07.58]

4 Regarding the specific time allocation, the Chamber will also
5 consider it.

6 I also notice the presence of the defence counsel. You take the
7 floor.

8 MS. CANIZARES:

9 Yes, Mr. President. Thank you.

10 The Chamber had already decided on the time allocated to each
11 party to put questions to the witness.

12 The Chamber had decided that it was 30 minutes for the
13 Co-Prosecutors, 40 minutes for the civil parties and 40 minutes
14 for the defence. We consider that if time should be added, it
15 should be for the defence. The civil parties and the
16 Co-Prosecutors have 70 minutes, and so for equality of arms, the
17 defence should have 70 minutes and not 40.

18 As matters stand, we fail to see why the time that has been
19 allocated to the civil parties and the prosecution should be
20 extended, especially as for more than a day the Chamber will be
21 able to put questions to the witness.

22 So the defence is not in agreement with the request of the
23 Co-Prosecutors and the civil parties. If the Chamber were to
24 grant that request, since the Co-Prosecutor and the civil parties
25 each want an hour and a half, we would be asking for not two

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1 hours but three hours for the defence so that it can put
2 questions to the witness in turn.

3 [09.09.49]

4 MR. PRESIDENT:

5 Thank you for your observation regarding this matter.

6 The Chamber does not only take the observation or request by just
7 one party. The Chamber will consider all the requests from all
8 parties and also take into account the equality of arms.

9 The time allocation so far is for one day's hearing of testimony
10 and for half a day's hearing then it would be divided into two,
11 so the 40 minutes would be 20 minutes, and the 30 minutes would
12 be 15 minutes. And for two days' hearing it should be multiplied
13 by two but we have not yet considered the matter. We will
14 calculate the time allocation based on our previous arrangement.
15 As I have stated, the time allocations have been allocated based
16 on one day's testimony, but we have noticed that for some
17 witnesses the testimony only took half a day; some will take two
18 days. And, of course, the Chamber has considered the matter and
19 we will notify you accordingly, and we will notify you today the
20 time allocation for each party.

21 However, the Chamber would like to remind that we have noticed
22 that during the questioning the time allocation is short, but
23 sometimes the questions are far away from the fact and they are
24 too long, and when the time runs out then some of the parties
25 seek for more time.

5

1 So this is just our observation and, of course, we will not grant
2 additional time. You have to use the time allocation
3 appropriately; that is, asking important questions in order to
4 seek for the truth, and the Chamber will only consider additional
5 time allocation if necessary.

6 Next, the Chamber will give the floor to the Co-Prosecutor to put
7 questions to the civil party, Chin Met. The Co-Prosecutors, you
8 have 30 minutes.

9 [09.13.09]

10 MR. SENG BUNKHEANG:

11 Thank you, Mr. President.

12 MR. PRESIDENT:

13 I notice the presence of the defence counsel. You take the
14 floor.

15 MS. CANIZARES:

16 Thank you, Mr. President. I also had two submissions with regard
17 to the second request of the Co-Prosecutor; that is that the
18 photos mentioned by the civil party yesterday be tendered into
19 the record.

20 We would like to know exactly where these photographs come from
21 and when they were taken. We would like to have more information
22 on these photographs, which were shown for the first time
23 yesterday for a brief period without allowing us to know what
24 they were all about.

25 MR. PRESIDENT:

6

1 Judge Lavergne, you take the floor.

2 JUDGE LAVERGNE:

3 To clarify the defence position, does the defence intend to
4 challenge the tendering of these photographs or does it intend to
5 challenge just their probative value?

6 [09.14.33]

7 MS. CANIZARES:

8 As long as we will not have information enabling us to determine
9 the exact provenance of these photographs and when they were
10 taken, we suppose that if the defence were to have this
11 information, I'd be in a position to answer your question more
12 precisely.

13 MR. PRESIDENT:

14 Judge Cartwright, you take the floor.

15 JUDGE CARTWRIGHT:

16 I wonder, Mr. President, if we could ask this civil party to show
17 the photographs because I think the Chamber and the parties are
18 in the same situation as the defence. We are not sure of the
19 nature of the photographs. And then perhaps the defence can make
20 its submissions after that. And perhaps the civil party could
21 explain again what they represent. Thank you.

22 MR. PRESIDENT:

23 The civil party, do you have additional photographs you want to
24 show, and whose photographs are they?

25 MS. CHIN MET:

7

1 Are you talking about the photographs of the female members of
2 the unit or are you talking about my photograph?

3 [09.16.34]

4 MR. PRESIDENT:

5 Are those photos the same as the photos you showed yesterday or
6 are they different photos?

7 MS. CHIN MET:

8 I only have the photos that I showed yesterday.

9 MR. PRESIDENT:

10 We already looked at those photos, so if you have other photos
11 that you intend to put before the Chamber --

12 MR. KIM MENGKHY:

13 Mr. President, if I am not mistaken, the civil party does not
14 understand the proceeding before her.

15 Yesterday, the civil party showed a photograph of two women and
16 also another photo of her at Tuol Sleng. Thank you.

17 MR. PRESIDENT:

18 Do you have other photos?

19 The Court officer, can you go and verify that?

20 MR. PRESIDENT:

21 The photo requested by the Co-Prosecutor to be put before the
22 Chamber, are you referring to that photograph or another
23 photograph?

24 MR. AHMED:

25 Your Honour, I refer to only this photograph in which she's

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1 standing behind a panel of mug shots at S-21. And in response to
2 Your Honour, the President's question about those photographs,
3 she said, "I went there" -- that is, S-21. "I recognized some
4 female workers. I saw my photo", which is near the photo of a
5 name she mentioned. "I went there in November 2007."

6 Just because it is relevant and it states that she went there and
7 recognized people who were detained there, it may be relevant for
8 the purposes of this testimony, and that's why we submit that it
9 be taken in evidence.

10 [09.20.35]

11 MR. PRESIDENT:

12 Court officer, can you take these photos to be shown to the
13 defence counsel, so that for the defence counsel to examine the
14 photos and also particularly the photo with the red circle?

15 MS. CANIZARES:

16 Just a question for the civil party, if I may.

17 We see on the photograph on which there are a number of small
18 photographs but we see two people who are larger, but none of
19 these people are, in my view, the civil party.

20 MR. PRESIDENT:

21 The civil party, can you respond?

22 The two people who were standing before those mug shots, who are
23 they?

24 MS. CHIN MET:

25 Mr. President, the two females standing in front of me, they came

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1 from Kampong Cham province, from Balang. They worked in the
2 commune and they came to visit Phnom Penh to look at the photos
3 at Tuol Slang and also she went to visit Boeng Choeung Ek.
4 When she went to Tuol Sleng, she saw my photo displayed on the
5 board, and she told me that they thought I died already and they
6 made a ceremony to pray for my soul already.

7 [09.24.04]

8 But I survived and I went to my village in 1982. Then all my
9 relatives were surprised to see me alive and I was asked how I
10 survived. I did not tell them the reasons. I did not say
11 anything. I was so happy to see my father.
12 They told the people from the CSD that indeed I am still alive.
13 I used to live in my native village but due to the hard living
14 conditions, then I removed to live near the rubbish dump in
15 Stueng Meanchey to earn our living there.

16 MR. PRESIDENT:

17 The defence counsel, can you look at the photo with the red
18 circle? That is the main part of the photo and this photo was
19 displayed yesterday. This is an attempt to discuss its relevance
20 to S-21 in Phnom Penh of the civil party's involvement and her
21 photo existed in that office.

22 MS. CANIZARES:

23 Mr. President, just to go back to one of the two photographs, and
24 this is the photograph on which we see only the civil party's
25 face. Unless I am mistaken, it was not challenged that this

10

1 photograph was taken in Prey Sar and not at S-21. If this
2 photograph was subsequently taken to S-21, then we take note, but
3 we think it is important to note that the photograph of the civil
4 party was not taken in S-21 but in Prey Sar.

5 If this information is not challenged, then we would not object
6 to the two photographs being placed on the record of the case.

7 [09.26.55]

8 MR. PRESIDENT:

9 Thank you, the defence counsel, for your observation.

10 JUDGE LAVERGNE:

11 Mr. President, for the record, it would be important for us to be
12 provided with a copy of the said photographs so that they can be
13 placed officially on the record of the case. It might also be
14 useful for the photographs to be placed on the screen so that all
15 the parties will know exactly what we are talking about.

16 MR. PRESIDENT:

17 Court officer, can you bring the photos back from the defence
18 counsel?

19 MR. KIM MENGKHY:

20 Mr. President, I seek your leave.

21 I do not object to the display of the photos, but the suggestion
22 that the photograph was taken at Prey Sar is yet to be
23 determined. My client, the civil party, said she was
24 photographed before she was sent to the detention centre, so it
25 means she was not taken at Prey Sar.

11

1 However, we are still undetermined as how the photo was sent to
2 Prey Sar or S-21, and the civil party does not state that the
3 photograph was taken at Prey Sar. Thank you.

4 MR. PRESIDENT:

5 I notice the presence of the defence counsel. You take the
6 floor.

7 MS. CANIZARES:

8 Contrary to what my learned friend has said, I am looking at my
9 notes yesterday with regard to what the civil party stated.
10 When you put a question to her, Mr. President, with regard to
11 whether this photograph was taken in Prey Sar or S-21, the civil
12 party answered very clearly that it was in Prey Sar. So as the
13 civil party has stated this, the doubt as to the conditions or
14 the circumstances under which this photograph was taken does not
15 exist. The civil party stated that the photograph was taken in
16 Prey Sar.

17 [09.29.53]

18 MS. JACQUIN:

19 I do not agree with what is being said. Mr. President, if I can
20 give you some of my extra explanations here.

21 The civil party, based on the notes that we have gathered,
22 declared that these photographs had been taken in her unit when
23 the biography had been established in her unit, and she was not
24 particularly concerned about the situation. And then when she
25 arrived at the detention centre this biography and the

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1 photographs were there, and the accused said it had happened at
2 Prey Sar but the civil party goes first to the detention centre
3 and then she is sent to Prey Sar, and the photographs had not
4 been made at Prey Sar. She said that they had been taken before
5 and she said that she didn't really pay attention to this fact
6 before, but this is exactly what we had gathered from what the
7 civil party stated yesterday.

8 Thank you, Mr. President.

9 MR. PRESIDENT:

10 Judge Silvia Cartwright, you take the floor.

11 JUDGE CARTWRIGHT:

12 Thank you, Mr. President.

13 This was a matter that I wanted to clarify with the accused, and
14 I'd like to ask the accused a question, please, with your
15 permission.

16 [09.31.51]

17 You said yesterday that the photograph of this civil party, which
18 was displayed at S-21, was in fact taken at Prey Sar, but you did
19 not give any further explanation as to why you are confident that
20 it was taken at Prey Sar.

21 Could you explain further, please?

22 THE ACCUSED:

23 Your Honours, this photo is based on the testimony of Chin Met
24 that she took at Prey Sar. I think the transcript proves that
25 she did say so yesterday. It was rather confused when she said

13

1 that the biography was done at S-21, but then I found the ERN and
2 S-21 record that this unit that she belonged to, Unit 17, and she
3 was confused herself. And regarding the photo, I think she made
4 it clear that she took that at Prey Sar.

5 JUDGE CARTWRIGHT:

6 Thank you. So just to clarify, you drew the conclusion -- that,
7 of course, is for the Trial Chamber to make -- that this
8 photograph was taken at Prey Sar from the testimony of this civil
9 party. You had no other reason for making that statement
10 yesterday. Is that correct?

11 THE ACCUSED:

12 Yesterday, I agreed with testimony of Chin Met and I did not make
13 any observation of mine regarding that testimony. If you would
14 wish, I give my remarks concerning the photo, I would do so at
15 will.

16 Anyone who was sent to S-21 would be taken a photograph by our
17 subordinate without having a number; I mean those who were sent
18 from S-24.

19 [09.35.07]

20 JUDGE CARTWRIGHT:

21 What was the practice at Prey Sar for the taking of photographs?

22 THE ACCUSED:

23 I do not think I fully understand the practice there, but people
24 who were in charge of taking photographs at Prey Sar was the
25 second in rank in the photograph team from S-21, including

14

1 Comrade Song, who would be assigned to have the photographs of
2 the detainees taken at Prey Sar, but I don't fully understand how
3 the practice would have been.

4 JUDGE CARTWRIGHT:

5 Were photographs taken routinely of those detained at Prey Sar?

6 THE ACCUSED:

7 The photographers, five of them, were in Phnom Penh. They're
8 stationed to the east of Tuol Sleng prison. Sreang was the head
9 of the photographers team who regularly controlled the team, but
10 one of them would be assigned on an occasional basis to take
11 photographs of detainees at Prey Sar.

12 JUDGE CARTWRIGHT:

13 So can I conclude that not all of those detained at Prey Sar were
14 necessarily photographed; just some of them when the photographer
15 came from S-21?

16 [09.37.26]

17 THE ACCUSED:

18 In principle, people who were sent to Prey Sar would have been
19 taken photographs, except children, so far as I remember.

20 JUDGE CARTWRIGHT:

21 Thank you, and just one last word -- not to the accused, thank
22 you.

23 In English, I would prefer the word "mug shot" not to be used in
24 this context. Thank you.

25 MR. PRESIDENT:

15

1 The Court officer is advised to put up the photo with several
2 people inside on the screens.
3 We would like to give the floor to the prosecutor to put
4 questions to the civil party, and you have 30 minutes. The floor
5 is yours.

6 MR. SENG BUNKHEANG:

7 Thank you, Mr. President.

8 I have no questions, actually, regarding this photo.

9 QUESTIONING BY THE CO-PROSECUTORS

10 BY MR.SENG BUNKHEANG:

11 Q.Good morning, Madam Chin Met.

12 [09.40.50]

13 MR. PRESIDENT

14 The Court officer, please remove the photo from the projector.

15 The prosecutor, you can now proceed.

16 MR. SENG BUNKHEANG:

17 Thank you.

18 BY MR. SENG BUNKHEANG:

19 Q.Yesterday, you stated that in Unit 450 of Division 3 in which
20 you worked in -- my question is, did anyone in that division who
21 committed any wrongdoing -- I will rephrase the question. If
22 someone committed any wrongdoing in that unit, where would they
23 be sent to?

24 A.In 1976 to 1977, if any female staff made any mistakes, for
25 example, if they had talked with a man, then she would be called

16

1 by the chief of the unit to be educated. If she could not be
2 refreshed, then she would be taken away to be educated and
3 disappeared.

4 Q.Thank you. So you have no idea where those women would be
5 sent to. Is that correct?

6 A.I don't think I know where these people who committed minor
7 wrongdoings -- I don't know where they would have been detained.
8 I know that they would be taken to be educated.

9 [09.42.56]

10 Q.Thank you. Do you know that in Division 450, were there any
11 prisons?

12 A.I don't know because when the other women who disappeared
13 since they worked with me in Tuol Kok and Chrouy Changla, people
14 would only tell to me that those women would be taken to be
15 educated but not to be jailed or imprisoned. And I have no idea
16 whether there would have been any prisons in the division to
17 detain those people.

18 Q.Thank you. Now, we're coming back to the point when she was
19 put on a truck. Do you remember which truck it belonged to -- or
20 which unit the truck belonged to?

21 A.When I was arrested and put on a truck and I reached Brother
22 Ouen near the Japanese Bridge, I did not care about the truck. I
23 think it was a kind of dark green-coloured truck used to
24 transport soldiers. We called it a GMC 10-wheels vehicle.

25 Q.Thank you. When you were released from the first detention

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1 centre and transferred to Prey Sar, were you told anything about
2 the reason why you would be transferred, and who actually took
3 you there?

4 A. When I was transferred from the prison to Prey Sar, I did not
5 know that it was Prey Sar because I was not told by the person
6 who took me there. Three of us would be put on the truck while
7 we were being blindfolded and we did not exchange any words.
8 Then when we reached the location, we were received by a woman.
9 She did not even say anything. I heard she said that someone
10 would come to pick us.

11 [09.46.04]

12 Q. Thank you. In your complaint, you said at one point you were
13 assigned to sow rice and that you got the quota for your
14 assignment; for example, you had to plant at least one hectare of
15 rice a day.

16 The question, who actually initiated the plan, the assignment to
17 be given to you, and did you know that other than Unit 17 there
18 was any such plan for planting rice like that?

19 A. In Unit 17 it was the general plan, common plan. Everyone was
20 expected to plant as scheduled. For example, according to the
21 format they would prefer, and that we had to finish one hectare a
22 day. The chief of the unit would assign that task, I did not
23 know who else.

24 Q. Thank you. When you were forced to hard labour and at one
25 point you passed out, were you treated after you regained your

18

1 consciousness?

2 A.No, I was not treated. In my unit there was no medicines, no
3 medical treatment. When we got tired, some of us were so
4 terrified by the regime and some even got heart attack, and every
5 one of us experienced almost the same problem.

6 Q.Thank you. So is that correct that there were no medics in
7 your location?

8 (No interpretation)

9 Q.At Prey Sar you were taken to be tortured -- or were you
10 tortured in particular at that location?

11 A.At that location at Unit 17, we were not asked to be tortured
12 again. We only were given assignments to transplant rice, a
13 hectare per day, and there was no interrogation.

14 Q.Thank you. In your unit, did you exchange conversations with
15 other people why people were sent to that location? Did you ever
16 say anything like that?

17 [09.49.44]

18 A.I asked them some questions because I was inquisitive at that
19 time, and some elderly women warned me not to ask lots of
20 questions because they said that if I asked a lot of questions, I
21 would disappear soon because they noticed the trucks that would
22 come in and took other people. They asked me to be quiet.

23 Q.Thank you. Could you tell us about the situation when you was
24 detained before you were sent to Prey Sar, and at Prey Sar did
25 you see people were tortured and people died, for example?

19

1 A.I never saw anyone die. At Unit 17, I did not see anyone who
2 died too. When people passed out or were so weak to work, then
3 they would be collected and put in the house.

4 Q.Thank you. Did you know who was actually the chief at Prey
5 Sar?

6 A.I don't know. I only know the chief of the unit, Brother Nhor
7 and Brother Ang, the chief of Unit 17.

8 Q.Thank you.

9 MR. SENG BUNKHEANG:

10 Mr. President, I have no further questions to be put to the civil
11 party but, with your leave, I would like to ask a few questions
12 to the accused.

13 [09.52.02]

14 MR. PRESIDENT:

15 You are allowed to put questions to the accused, and the accused
16 is advised to listen to the questions of the prosecutor and be
17 ready to respond.

18 MR. SENG BUNKHEANG:

19 Thank you, Mr. President.

20 According to testimony of Chin Met yesterday, she said she saw
21 her photo on the wall of Tuol Sleng, and the photo had not
22 carried any numbers. What is your impression concerning that
23 photo?

24 THE ACCUSED:

25 Mr. Prosecutor, the photo and the brief biography, I would like

20

1 to make my observations regarding these two matters.

2 The photo was taken in Prey Sar but developed in Phnom Penh, and
3 it was not kept in Prey Sar but kept in Phnom Penh, and the
4 biography produced by Comrade Huy and that we used here, also
5 made at Prey Sar and kept in Phnom Penh because we got the
6 letters TSL that refers to the material collected from Phnom
7 Penh, not from Prey Sar.

8 MR. SENG BUNKHEANG:

9 Thank you, the accused. Mr. President, I have no further
10 questions.

11 MR. PRESIDENT:

12 The international Co-Prosecutor, you take the floor.
13 Could you please activate the mike?

14 [09.54.06]

15 BY MR. AHMED:

16 Q.Ms. Chin Met, you gave a Victim Information Form when you were
17 registered as a civil party and that is on the case file, and I'd
18 request my colleague to project it for your convenience. It is
19 in Khmer ERN number 00281156 to 00281162.

20 MR. AHMED:

21 Can the Court officer project it on the projector, please?

22 MR. PRESIDENT:

23 The AV Unit is advised to put this document on the screen.

24 The prosecutor is advised to make sure the mike is activated

25 before he speaks, and the prosecutor is also advised to speak

21

1 rather slower in order for good interpretation, so I'm afraid
2 that time has been used already before you can turn the mike on.

3 MR. AHMED:

4 All right. Should I ask this only question, Your Honour, to
5 finish my questioning or I can rest if Your Honour would prefers?

6 BY MR. AHMED:

7 Q.Can you see this document on the screen and identify that you
8 read this document and signed on it?

9 MR. AHMED:

10 Can it be scrolled down to the last page, please?

11 [09.56.03]

12 BY MR. AHMED:

13 Q.This was a statement that you made to Centre for Social
14 Development, as a result of which you were registered as a civil
15 party.

16 A.Of course, that was my application with my own thumbprint.

17 Q.And you were read this document before you signed this, and
18 you believe that the contents of this document are true, to your
19 knowledge?

20 A.These contents of the application was written by me and, of
21 course, they're true to my knowledge because it's my own
22 handwriting and it has been expressed from my own feeling.

23 MR. AHMED:

24 Your Honour, I have no further question except for a request to
25 the Chamber that this be taken in evidence.

22

1 Your Honour, I understood that my time was over. That's why I
2 sat.

3 BY MR. AHMED:

4 Q.Mrs. Chin Met, my next question to you is, in this document
5 that you just saw, you mentioned that on the second day you
6 realized that you were in Tuol Sleng. Can you elaborate on that?

7 [09.58.20]

8 A.The day that I knew I was in Tuol Sleng -- actually, I did not
9 know I was detained there. I only learned when the CSD brought
10 these documents along with the photograph, my own photograph that
11 I realized I was once detained at a prison, although I didn't
12 know that it would have been Tuol Sleng because I knew that I was
13 detained in a building that lies from the east to the west.

14 Q.And also in this document you state that you realized that
15 Duch was the director of this prison. This was on page 4 of this
16 document.

17 A.I did not personally recognize or see the face of Duch, but
18 Comrade Moeun who was detained there with me, she came from
19 Stoung district. She told me that Duch used to live in the same
20 district and that now he was the chief of the Security Office
21 Tuol Sleng.

22 [10.00.24]

23 I only learned that when I was detained at Prey Sar and I was
24 asked whether I knew Duch, but I told the person that I did not
25 know him, I only heard his name.

23

1 Q. In the same document, you mentioned that you were tortured,
2 starved and exposed to sun and rain. Can you elaborate how you
3 were exposed to sun and rain?

4 A. I was taken out of the room. I was blindfolded. I was placed
5 under the sunlight. I was ordered to stand in the sunlight and
6 two of them were nearby. I didn't know whether they were sitting
7 or standing. I was standing for about two hours and then I
8 collapsed. I did not know the reason for being ordered to stand
9 in the sunlight.

10 I was not chained while I was ordered to stand, but I was warned
11 if I ran I would be shot and killed. But after a certain period,
12 then I collapsed. Then the guards dragged me back into my cell.

13 MR. AHMED:

14 And Your Honours, my last question.

15 BY MR. AHMED:

16 Q. Yesterday, you told this Court that when your friends, your
17 co-detainees, went to take a bath and came back, they said you
18 should not go to take a bath; you should rather die and not go
19 there.

20 What, according to you, may have been the reason why they told
21 you this?

22 [10.02.51]

23 A. When Comrade Moeun was taken to have a bath and upon her
24 return, she wept and it seems that she suffered. I had a glimpse
25 at her and asked her how she went. She shook her head and she

24

1 said, "I warned you. If the guards ask you to go for a bath,
2 then don't go even if you have a diarrhoea and it stains your
3 pants. Just don't go."

4 And I asked, "Why you wept after you came back from a shower?"
5 She just kept weeping and she did not tell me any other reasons.
6 And while we were later on at Prey Sar for two days, I asked her
7 the same thing but she did not say anything.

8 MR. AHMED:

9 Your Honours, I have no further questions. Thank you.

10 MR. PRESIDENT:

11 The AV officer, can you return to the normal view of the
12 courtroom?

13 The floor is now given to the civil party lawyers. I think it's
14 group 3 first. The floor is yours.

15 Please inform us the arrangements that you have amongst
16 yourselves. Yesterday, you spent quite a lot of time in doing
17 the questioning.

18 MR. KIM MENGKHY:

19 Mr. President, Your Honours, the civil party lawyers of group 3
20 will start the questioning as yesterday. We will spend some time
21 questioning the victim, Chin Met. The international co-lawyer
22 will start and then I will take my turn. The remaining time will
23 be given to the rest of the civil party lawyers.

24 [10.05.21]

25 MS. JACQUIN:

25

1 Good morning, Mr. President, Your Honours.

2 QUESTIONING BY CIVIL PARTY COUNSEL

3 BY MS. JACQUIN:

4 Q.Good morning, Ms. Chin Met. I am going to put questions with
5 regard to your biography to shed more light on it.

6 First of all, why were you living in the countryside before you
7 joined the Khmer Rouge?

8 A.Before I served the revolutionary army, I lived with my
9 grandmother and my uncle and auntie. They looked after me with
10 the financial and material support and I also had the opportunity
11 going to school. I also looked after the cattle while I was
12 living with my grandmother.

13 After the Prince Sihanouk was toppled, I stopped studying and I
14 still lived in the same village. In 1974, in my village, a
15 person named Den guarded the youth, both male and female, in
16 order to work. Some went to work at certain departments or
17 ministries and within my group, 20 of us were guarded and we were
18 chosen to join the army and we stationed at Prey Chhor.

19 [10.07.14]

20 Q.Why, when you were young, why weren't you with your mother and
21 what did your father do exactly? What kind of job did he have
22 exactly?

23 A.My father -- I did not know my father; I never saw him. I
24 only heard my grandparents said my father, from his childhood, he
25 studied all the way up, and my father's parents sold everything

26

1 in order to support his education, and he became a police
2 officer. So they spent everything in order to support my
3 father's career.

4 From my birth, I never saw the face of my father; I only saw his
5 photos.

6 Q.And what about your mother?

7 A.I never saw my mother's face as well.

8 MS. JACQUIN:

9 Mr. President, maybe we can adjourn for a few minutes in order to
10 allow Chin Met to collect herself.

11 MR. PRESIDENT:

12 Chin Met, would you like to take a short break or you think you
13 can continue? It's up to you.

14 [10.10.22]

15 THE WITNESS:

16 I can continue, Mr. President. I never saw the face of my
17 mother because after my birth my father stationed in Stoung
18 district and my mother went with my father, and I -- she gave
19 birth to me in Stoung district. After three months after I was
20 born, she died. I never saw the face of my mother, I only saw
21 her photos. After the death of my mother, then my grandparents
22 brought me back to the Balang district and raised me up.

23 MR. PRESIDENT:

24 The lawyer, you are reminded that you should question to the
25 civil party only on the facts, and if you ask the details in her

27

1 background, it might not be relevant to the facts.

2 You should focus on her detention at a detention centre which she
3 claims to be either Prey Sar or Tuol Sleng. And certain
4 questions have been put to her regarding her detention and
5 involvement in Prey Sar.

6 MS. JACQUIN:

7 Thank you, Mr. President. The previous question I put was just
8 to link up with the following question which, however, is
9 important in order to understand things clearly. It is the
10 following.

11 BY MS. JACQUIN:

12 Q. Did Ms. Chin Met join the Khmer Rouge wilfully or not, and in
13 which conditions did she join the Khmer Rouge? This is the only
14 question I'd like to put to her concerning her youth.

15 [10.12.36]

16 A. When I joined the female soldier unit, it was the second
17 gathering. Initially, the five of us were gathered to be female
18 revolutionaries and we were placed at the Pon Reap (phonetic)
19 village. We were placed there for three nights.

20 At that time, we were still young teenagers and we were not
21 comfortable with those who were in charge of us, so we fled back
22 home. My grandparents were happy to receive me back.

23 For the second gathering, Den and Sem -- those people who were
24 also from the same village -- said, "This time, if you dare to
25 run back home you would be taken elsewhere". So we were sent to

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1 the Sala Visai and later on to Cheung Prey district in Kampong
2 Cham province. We were not voluntarily joining, but we were
3 forced to do so.

4 Q. Thank you. Well, I was only seeking to have Ms. Chin Met
5 bring up before us that when she was enrolled with the Khmer
6 Rouge she did so because she did not have the choice, and she did
7 so because the Khmer Rouge came into her village and that she was
8 conscripted. So I just wanted her to confirm this point
9 concerning the origin of her joining the Khmer Rouge.

10 A. When I joined the female unit stationed at Cheung Prey
11 district, we were provided with military training, including how
12 to crawl, for example. Three days later, we were trained how to
13 disassemble and clean the weapons. We worked on the AK rifle.
14 Later, we were taught how to mine and de-mine and how to throw
15 grenades.

16 [10.15.34]

17 After we learned all these techniques, then we were taught how to
18 shoot, including the AK 47 and also the rocket launcher. We were
19 trained in several weapons. After a few months then we were put
20 into actual practice. We didn't know how we would be tested, so
21 we were asked to practice shooting for an hour. I was asked to
22 shoot the B-40 rocket launcher. I had no problem with firing
23 that rocket launcher, but for the other guns, I could not do it.
24 After I fired three rounds of the rocket launcher, then I had
25 problems with my ears. The blood dripped from my ears. Then

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1 they noticed that my health was not good enough to fire the
2 rocket launcher, so later on I was assigned to work at the rear
3 battlefield to carry ammunition and weapons to the front and to
4 provide food to the soldiers, and also to look after the wounded.

5 MR. PRESIDENT:

6 The lawyer, you are reminded to ask questions related to the
7 civil party and to S-21 in Phnom Penh and to Prey Sar. That is
8 the facts before our proceeding and our jurisdiction is from the
9 17 April '75 to the 7 January '79. The facts related to this
10 civil party from the 10th of October '77 until the time she
11 claims she was detained to a detention centre for 15 days. And
12 later on she was sent to Prey Sar and subsequently she was sent
13 to S'ang to grow vegetables until the Liberation Day of the 7
14 January '79

15 MS. JACQUIN:

16 Yes, Mr. President. I apologize for these questions which
17 allowed me to put Ms. Chin Met's integration into the Khmer Rouge
18 into their context.

19 Now, I would like to speak about the detention centre. She today
20 has traces of this on her arms and on her ankles. Can she tell
21 us which torture instrument inflicted these traces on her body?

22 Q.The tools which was used to torture me, I could not see them.

23 As I said from the beginning, during that time I was blindfolded.

24 I thought the people who blindfolded me were probably those whom

25 I could recognize. I was beaten and probably I was beaten with a

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1 rattan stick. It's not a whip because the sound was different.
2 My ankle was clamped with something. I am not sure if it was a
3 pincer or a plier. And the other part of the ankle which was
4 bruised, it was the result of being beaten. In summary, I did
5 not see the torturing tools.

6 [10.20.11]

7 Q.She stated to us that when she returned to her cell after her
8 interrogation that one of her friends helped her to heal with her
9 krama. Can she tell us why she was bleeding?

10 A.At that time the blood was flowing as a result of torture.
11 After I was taken back into the cell, the blindfold was removed.
12 After I was out into the cell, then they locked the door from the
13 outside.

14 Then Comrade Moeun saw the blood flowing from my leg. I was so
15 weak at the time I was feeling like I fainted. Comrade Moeun
16 looked at the wound on my leg and asked whether I hurt and she
17 wanted to find something to fix the wound. I actually had a
18 krama with me so she ripped the krama and tied the wound on my
19 leg.

20 Q.Did she see her friends in her cell also being taken away with
21 a blindfold?

22 A.Comrade Moeun and Comrade Yat and I, myself, were in the same
23 room. When the guards came, the guard would call each one of us
24 and then she would be blindfolded and taken away. I did not know
25 where she was taken.

31

1 In about an hour, she would be brought back, and when she was
2 brought back her physical condition was in really bad shape. I
3 think we all received the same type of torture and mistreatment.

4 Q.Was she also bleeding and were they in a different physical
5 condition from the day when they went to the shower?

6 [10.23.24]

7 A.When Comrade Moeun went for the shower and upon her return, we
8 did not notice her physical condition because every one of us was
9 scared. We only sat on our own.

10 Q.She told us that when she was in the detention centre that she
11 heard cries. Does she believe that somebody could have been in
12 this detention centre without hearing these cries and these
13 howls?

14 A.At night time when we slept, I heard the groaning. Then I
15 thought probably those people who were arrested before us from
16 the unit were receiving torture. That's what I was thinking at
17 the time, and the rest of us thought the same. So we whispered
18 to each other what was going on and we presumed that instead of
19 taken to be educated, they were brought here to be tortured.

20 Q.Did she, as well as her friends, consider suicide?

21 A.When we were in the same room, the three of us talked. If
22 they only tied our feet and if our hands were not tied, then if
23 there was any tool nearby then we would all agree to commit
24 suicide. However, in that room, there was no tool, nothing left.
25 It was just plain wall. We thought of committing suicide, but we

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1 had no opportunity.

2 [10.26.23]

3 Q.Afterwards, I would like to put a few questions to her

4 concerning the period when she was in Unit 17.

5 She said to us that when some of them did not work sufficiently,

6 they were beaten and sometimes beaten to death. And with which

7 instruments were they being beaten?

8 A.When I was in Unit 17, what I saw with my own eyes was that

9 when we were used to drag the plough to plough the ground, the

10 rice field, Comrade Kea had a wound on her leg. When we dragged

11 the plough for one or two rounds, it was okay, but for the third

12 or the fourth round she stumbled and fell on to the ground.

13 Then the man, who was using us to plough to ground, used a stick

14 to hit on Kea and she got seizure after that. So the three of us

15 tried to beg that old man not to beat her up and to help her, but

16 he did not care. Instead, he beat us up. And later on we

17 dragged Kea to the rice dyke and I didn't know later on what

18 happened to her.

19 Q.Finally, before I let my colleague take the floor, she

20 explained to us that her father had gone to school, and she said

21 that he was from the same district as the accused. So does she

22 believe that the accused might have known her father during his

23 youth?

24 A.I don't know whether Uncle Duch knew my father or not, but

25 through my conclusion, since my father was the police he would

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1 have worked in several locations in Kampong Thom, and he would
2 have stationed at Peam Bang where he would be known by Duch
3 because he would be called Chief Chin, and I think Duch may have
4 known him.

5 [10.29.46]

6 MR. KIM MENGKHY:

7 Mr. President, Your Honours.

8 BY MR. KIM MENGKHY:

9 Q.Good morning, Madam Chin Met. I would like to put a few
10 questions to you.

11 Do you still remember, before you were arrested were you pregnant
12 or what was your situation back then?

13 A.When I was at Division 310 - 450, we worked in the women's
14 unit but we had very modest food, although we could eat enough
15 compared to at a later date, and we were taken care of and we ate
16 rice mixed with banana trees. And I and other women were healthy
17 although it was not very healthy.

18 Q.Do you think that your photo resembles your real physical
19 condition the time before you were arrested?

20 A.It was the real physical condition that I was -- while I was
21 being taken a photograph, but I looked rather sad in the photo
22 because I was terrified when I was called to have my photograph
23 taken, and I think was back then the same size and my physical
24 fitness was exactly the same as what I was in the photo.

25 Q.Thank you. Could you please emphasize further, when you were

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1 called to have your biography and photo taken, how long was it
2 before you were arrested and sent to the prison?

3 A.Yan asked me to have my biography taken in June or July and I
4 asked Yan why I would be called to give my biography so often.
5 If I would ultimately be arrested, let arrest me. Why should I
6 be called so often?

7 [10.32.58]

8 Q.Thank you. Yesterday, you said about this and today you
9 repeated your statement that you and your female colleagues --
10 inmates attempted to commit suicide time and again. You would
11 like to die. Why would that happen to you? How did you feel
12 that made you want to commit suicide?

13 A.When three of us had lived together during the battlefields
14 until we were transferred to Kilo Number 6 and Kilo Number 7, we
15 shared the same sentiment. We understood one another very well.
16 We knew the suffering and we knew that we could not stand the
17 situation. We wished we could be living peacefully with our
18 parents. We were betrayed. That's why we made a decision to
19 commit suicide all together.

20 When we were sent to Prey Sar a few days later Ouen and Yat
21 disappeared and I realized that those two people must have been
22 killed, although the chief of the unit told me that they would be
23 taken to be educated.

24 So, after all, I was the only person in the group who remained,
25 and then I learned that the bark of the tree -- what we call in

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1 Khmer -- Kantout tree, could be very poisonous and I could have
2 it dried and mixed up with potato, and then I would consume it to
3 kill myself. But it did not kill me but it gave me some
4 strength, and then I was reassured by a woman who told me to be
5 strong, "Life means struggle".

6 So I had to be very cautious of living longer and I was asked to
7 abandon my suicidal plan because it was not good to die without
8 any cause; for example, commit suicide would be not a good idea.
9 So she even told me that God could not save anyone who committed
10 suicide. God only helped people who struggled their life until
11 the last day. So I was encouraged to work on.

12 [10.36.00]

13 Q.Thank you very much for your clarification.

14 Since time is limited, I would like to also tell you that in this
15 hearing you can make your requests or suggestions, after our
16 questioning, to the Chamber. And you may express your requests
17 and you may also ask questions of your sufferings to be put to
18 the accused concerning S-21.

19 MR. KIM MENGKHY:

20 And, finally I, with the President's leave, would like to ask
21 some questions to the accused, Mr. Kaing Guek Eav, regarding some
22 certain issues he stated earlier. With your leave, I may put the
23 questions now?

24 MR. PRESIDENT:

25 You are allowed to put the questions.

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1 Mr. Kaing Guek Eav, please be ready and respond to the questions
2 by the civil party lawyer.

3 MR. KIM MENGKHY:

4 Before I put questions, I think my questions would implicate the
5 time allocated to the other lawyers, and if the response of Kaing
6 Guek Eav would be included in the time allocated, I would not be
7 asking that question.

8 [10.37.50]

9 MR. PRESIDENT:

10 Your time is well calculated with the question and response.

11 MR. KIM MENGKHY:

12 Thank you, Mr. President; however, I would like to put the
13 questions to Mr. Kaing Guek Eav now.

14 In your statements and responses concerning the photograph of the
15 people who were beheaded would not be taken photograph, and that
16 you said any photograph would be taken of any particular detainee
17 to prove that the person died and that the upper echelon would
18 later on be informed based on this evidence -- the photograph as
19 evidence.

20 The question is that the photo of Madam Chin Met displayed on the
21 board at S-21 is the proof of the person or of an enemy who would
22 have been smashed? What do you think about this? Would she be
23 the perished enemy?

24 Another question, the civil parties has already mentioned about
25 her father's name, Chief Chin. Do you know the police chief, Mr.

37

1 Chin?

2 And can you tell us why the person, for example like Chin Met,
3 who shares the home village like you, would be sent to Prey Sar
4 to be inflicted the hard work like slave?

5 [10.40.00]

6 You also told the Court that any interrogation to female
7 detainees at S-21 would be carried out by female cadres. And you
8 mentioned that at one point a male interrogator inserted a stick
9 into her genitals. She was your teacher. I did not know whether
10 when the female detainees took the assignment they still
11 proceeded the practice --

12 MR. PRESIDENT:

13 Do you think that with a lot of questions like that the accused
14 would be able to remember and respond properly? If you were
15 asked the same long question, would you be able to respond to
16 that question?

17 So now it is time for the accused to actually respond to the
18 civil party lawyer, based on what you can remember. Otherwise,
19 you can ask the civil party lawyer to repeat his questions if you
20 feel like the questions were too long and that it is far beyond
21 your memory.

22 So the floor is yours.

23 THE ACCUSED:

24 Mr. Lawyer, first regarding the photography. A photograph would
25 have been taken by the upper echelon. Regarding any particular

38

1 detainee, the upper echelon would like the photo to be taken.

2 Number two, regarding the beheading of any detainee, I still
3 maintain my position.

4 [10.42.00]

5 Number three, regarding Mr. Chin. I don't know his full name,
6 Choeun Chin. I did not know where he stationed in Steung
7 district. I left the district to study in Kampong Thom school.
8 I only paid a visit once in a year to the home town and, later
9 on, I never paid any visit to the village.

10 I remember that in 1964 the police who stationed at Steung, there
11 were an inspector police who were deployed at the district, but I
12 did not know them. I know the police chief, Tong (phonetic). I
13 did not know Mr. Chin, so I'm frank. I don't know them.

14 So I can only manage to respond to the three questions. If you
15 would like to ask me further questions, please one question at a
16 time.

17 MR. PRESIDENT:

18 The civil party lawyer, you have three minutes, including the
19 question and response. If your question eats up all the three
20 minutes, then the response would not be expected.

21 MR. KIM MENGKHY:

22 Thank you. I would like to ask the last important question on
23 behalf of my client and the civil party group 3.

24 This question is to the accused. He said in any cases, he is
25 responsible emotionally for the crimes he committed and in the

39

1 eyes of all victims. So can you please tell Madam Chin Met at
2 this time whether your emotional responsibility, to what extent
3 does it mean before her actually?

4 THE ACCUSED:

5 Mr. Lawyer, regarding Chin Met, I am not responsible emotionally.
6 I am responsible fully for the crimes committed before the Court.
7 That's all.

8 [10.44.34]

9 MR. PRESIDENT:

10 The civil party lawyers have no further time left to put
11 questions to the civil party.

12 Since it is now time to take an adjournment, the Court will take
13 the adjournment for 17 minutes. We resume at 11 a.m.

14 The Court official, could you please make sure that Madam Chin
15 Met can have a good rest.

16 (Judges exit courtroom)

17 (Court recesses from 1045H to 1105H)

18 (Judges enter courtroom)

19 MR. PRESIDENT:

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

21 We will continue to hear the testimony of the civil party, Chin
22 Met.

23 I would like to give the floor to the defence counsel. If you
24 have questions for the civil party, the floor is yours.

25 I notice the presence of the civil party lawyer.

40

1 [11.06.12]

2 MR. KIM MENGKHY:

3 Mr. President, Your Honours, on behalf of the civil party lawyers
4 group 3 and also on behalf of the other civil party lawyers, I
5 would like to submit a request on the time allocation for the
6 civil party lawyers.

7 In previous proceedings, the Chamber informed the civil party
8 lawyers on the time allocation to the accused and to the
9 witnesses, and that the time spent to ask the accused will not be
10 taken into consideration or deducted from the time allocation for
11 the civil party lawyers.

12 If that is the case, there shall be another five minutes
13 remaining for other civil party lawyers to put questions to the
14 civil party. I would submit that the President permit and grant
15 us five more minutes for other civil party lawyers.

16 And as you have noted, the civil party took two or three minutes
17 to console herself. This is just my request. And as I took most
18 of the time, other civil party lawyers did not have the
19 opportunity to ask questions to the civil party.

20 I would seek your approval for an additional five minutes for
21 other civil party lawyers.

22 MR. PRESIDENT:

23 The Chamber will not allow it.

24 [11.08.08]

25 Now, the Chamber will give the floor to the defence counsel. Is

41

1 there questions to be put to this civil party?

2 MS. JACQUIN:

3 (Microphone not activated)

4 MR. PRESIDENT:

5 The Chamber already decided additional time is not allowed.

6 THE INTERPRETER:

7 The Interpreter would like to request that Ms. Jacquin activate
8 her mic, please?

9 MR. PRESIDENT:

10 The Lawyer, you can sit down because you are not allowed any
11 additional time.

12 MS. JACQUIN:

13 (Microphone not activated)

14 [11.09.08]

15 MR. PRESIDENT

16 The Chamber does not grant additional time. The time for the
17 civil party lawyers ran out.

18 MS. JACQUIN:

19 (Microphone not activated)

20 MR. PRESIDENT:

21 The defence counsel, you take the floor.

22 MR. KAR SAVUTH:

23 Thank you, Mr. President.

24 Good morning, Your Honours. Good morning, the Chamber.

25 QUESTIONING BY DEFENCE COUNSEL

42

1 BY MR. KAR SAVUTH:

2 Q.Chin Met, in your complaint you claimed you wrote it by
3 yourself. You described that you were stuffed with fish sauce
4 and soapy water. However, during your oral testimony yesterday,
5 you stated you were splashed soapy water or fish sauce on your
6 face, and you also confirmed you tasted the water and it was fish
7 sauce or soapy water.

8 There is a distinction when you were forced to drink the water or
9 when you are splashed with water. How come there is a
10 discrepancy in your complaint in comparison to your oral
11 testimony yesterday in responding to the President's question?
12 Can you elaborate on this?

13 [11.11.24]

14 A.I, myself, was splashed with the water, but for the other two
15 women they were forced to drink the water. So amongst the three
16 of us, the other two were forced to drink the water and I myself
17 was splashed the water on.

18 Q.This complaint is your personal complaint and that you claimed
19 that you personally wrote it, and that you were stuffed with fish
20 sauce and soapy water. You did not state that the other two
21 women were forced to drink the water.

22 My second question. In your complaint, you claimed that you
23 wrote by yourself that you were also electrocuted; however, when
24 the President asked you yesterday, you stated you were not
25 electrocuted. Why is there this discrepancy? Can you elaborate?

43

1 A.At the detention centre I was not electrocuted, but I was
2 electrocuted at my unit when I was asked to make my biography.
3 Yann personally asked me the questions. At the detention centre,
4 I was only beaten and I was splashed with fish sauce and soapy
5 water, and my ankle was clamped with an instrument that I could
6 not identify.

7 Q.Thank you. So at Prey Sar you were not electrocuted. Instead
8 you were electrocuted at your unit. Is that correct?

9 A.Yes.

10 [11.13.23]

11 Q.Thank you.

12 A.At Prey Sar unit I was not electrocuted.

13 Q.Thank you. At the place where you grew vegetables at S'ang,
14 can you further elaborate? How could you identify the location
15 as S'ang?

16 A.There was an island, and next to the place where we grew
17 vegetables there was a river, and there were also big mango trees
18 and there were a lot of rows of vegetable beds. They also grew
19 young seedlings and all types of vegetables. After we collect
20 the production, then a car would come and collect them.

21 Q.That's what I want to know. Thank you.

22 So when the Vietnamese came in, you fled. Whom did you flee with
23 amongst those who grew vegetables with you? Were there any
24 people from S-21 or Prey Sar going along with you?

25 A.When I fled from the place where we grew vegetables, we all

44

1 ran together, but when there were a lot of Vietnamese armoured
2 tanks coming from behind we fled in separate directions.

3 [11.15.28]

4 Q.So you said you were all fleeing together. I want to know who
5 were those people?

6 A.Those people in my group -- there were five of us. Leng,
7 Kheng and the other two whose names I did not know, but we
8 separated at Kampong Tralach.

9 Q.So you did not run away with the Prey Sar group?

10 A.No, I did not know where the Prey Sar group went. There were
11 many of them.

12 Q.Thank you. Another question.

13 When you were arrested from your unit, you presumed that you were
14 detained at S-21 for 15 days and nights. Did you ever wonder why
15 in that room there were only Moeun and Yat who were your
16 associates, and that you did not see any other people, any other
17 prisoners or any other people from the units? You only saw two
18 other people from your same unit. Did you ever wonder about
19 that?

20 A.As I stated earlier, when I was arrested, I didn't know
21 whether it was Prey Sar or S-21 where I was detained. I was
22 placed and I was detained in a location. That was what I stated
23 to the President from the beginning.

24 Q.Thank you. What I said is that you might be confused from the
25 detention centre of your unit to S-21 because you were detained

45

1 and there were only two only people from your same unit. Because
2 at Prey Sar, there were other people from other units and that is
3 the point I would like clarification.

4 [11.17.48]

5 MR. KAR SAVUTH:

6 Thank you, Mr. President. I do not have any more questions.

7 MR. PRESIDENT:

8 The international defence counsel, you take the floor.

9 BY MS. CANIZARES:

10 Q.You indicated that back then you did not know that you were at
11 Tuol Sleng, however, recently you went to Tuol Sleng with
12 representatives from the DC-Cam organization.

13 Were you able to find the cell where you had been detained, as
14 well as the place where you had been interrogated?

15 MS. STUDZINSKY:

16 I need to object or clarify better. It was not DC-Cam; it was
17 CSD, the organization -- and to phrase the question accurately to
18 the civil party.

19 MR. PRESIDENT:

20 The defence counsel, you can ask the question again
21 appropriately.

22 MS. CANIZARES:

23 Maybe it was a mistake on my part, or I don't know if it was a
24 problem with the translation but I believe, however, that my
25 question was appropriate.

46

1 [11.19.34]

2 BY MS. CANIZARES:

3 Q.You have indicated, therefore, that you did not know that you
4 were at Tuol Sleng back then, and recently you returned to Tuol
5 Sleng with representatives from an organization, and were you
6 able to find the cell where you had been detained? And were you
7 also able to find the place where you had been interrogated?

8 A.When I went to visit Tuol Sleng I could not recognize whether
9 I was detained there. When I was detained I was always
10 blindfolded, so I had no opportunity to recognize anything.

11 Q.Can we therefore say that the only element that allows you to
12 say that you had been detained at Tuol Sleng is your photograph
13 which is on display over there?

14 A.When I saw my own photograph, as well as the photographs of
15 the females in my unit, I did not realize I was detained at Tuol
16 Sleng but probably -- maybe those people also from the same unit
17 or the chief of the unit would be detained there as well, because
18 Tuol Sleng was a big prison. That's why in my complaint I
19 concluded that the other four people were also killed at Tuol
20 Sleng.

21 Q.If I have understood correctly, even by seeing your photograph
22 very recently at Tuol Sleng, this is not what allowed you to say
23 that you had been detained at Tuol Sleng?

24 A.As I said, I did not know whether I was detained at Tuol Sleng
25 or not. I told you I was detained at a detention centre and

47

1 whether it was Tuol Sleng or S-21 or not, I did not know at the
2 time.

3 [11.22.50]

4 MS. CANIZARES:

5 Since the civil party confirmed to us that she does not yet know
6 whether or not she was at Tuol Sleng, I no longer have any
7 further questions to put to her.

8 MR. PRESIDENT:

9 Kar Savuth, you take the floor.

10 MR. KAR SAVUTH:

11 Mr. President, after I heard the testimony, she said during the
12 15 days' incarceration, "You could not see anything because you
13 were blindfolded."

14 BY MR. KAR SAVUTH:

15 Q.This leads to me wondering how could you know that your ankle
16 was bleeding if you were blindfolded, and how could another
17 female detainee fix your wound if you were all blindfolded? Can
18 you elaborate on this matter?

19 A.When I was tortured they blindfolded us, but when the guards
20 took us back into the room then the blindfold was removed.
21 During the initial three days we were blindfolded the whole time
22 but after that, when we were in the cell we were not blindfolded.

23 Q.Thank you. But you just responded to my co-counsel that you
24 were blindfolded and you could not see anything.

25 [11.24.44]

48

1 MR. PRESIDENT:

2 Thank you, Madam Chin Met. The Chamber acknowledges that it is
3 difficult for you to respond to various questions raised by the
4 Chamber and the parties, and due to the facts that the events
5 occurred a long time ago and you had lived through the sufferings
6 and miserable conditions during the three years, eight months and
7 20 days period. Actually you had suffered before 1970 that you
8 lost your parents in early stage and then you were raised by your
9 grandmother.

10 We notice that you have been striving to survive and you have so
11 far provided us a complete account of what we asked you. The
12 Chamber no longer have questions for you. You are now free to
13 return back to your residence.

14 Court officer, can you make necessary arrangements for the return
15 of the civil party, in co operation with the WESU unit? And
16 Court officer, after that can you invite E2/32 to enter the
17 courtroom?

18 MS. STUDZINSKY:

19 Mr. President, I would like to make some preliminary remarks
20 related to the civil party E2/80 and further, I'm a little bit
21 worried because she left the courtroom this morning, and I would
22 like to be granted, after my preliminary remarks on her
23 testimony, to get some minutes to speak to her again because she
24 is very moved emotionally. And for my preliminary remarks I
25 would need, I would say, not more than five minutes.

49

1 Thank you.

2 [11.27.43]

3 MR. PRESIDENT:

4 Do you want to make your preliminary remarks before the civil
5 party provides their testimony? Is this correct? Can you
6 clearly state your observation, because I, the President of the
7 Chamber cannot understand your request? Can you make it clearly,
8 because I do not understand what you have just said?

9 MS. STUDZINSKY:

10 Yes, thank you.

11 I would like to make some preliminary remarks concerning the
12 testimony of the civil party E2/80 and I would need not more than
13 five minutes for this.

14 JUDGE CARTWRIGHT:

15 Yes, Ms. Studzinsky, are you talking about E2/80 or 32? That's
16 where the confusion is arising, I think.

17 MS. STUDZINSKY:

18 I am sorry. Yes, I correct; E2/32. Sorry.

19 [11.29.10]

20 MR. PRESIDENT:

21 Go ahead.

22 MS. STUDZINSKY:

23 Thank you, Mr. President.

24 Today, our client will dare to reveal for the first time her
25 story, which is much broader than it appears in the victim

50

1 information form. She is strongly encouraged by so many
2 witnesses and civil parties who dared and started to talk about
3 their stories. She has never talked before about it except
4 recently to the lawyers.
5 Her story will include, among others, the following facts:
6 first, her personal relationship to high ranking Khmer Rouge
7 relatives like her Uncle Oeun, most probably Spelf Him, the
8 secretary of Division 310.
9 Second, she will talk about the fact that she had a training to
10 become a medic and that she subsequently worked in Tuol Sleng as
11 a medic.
12 Third, she will talk about the fact that two of her elder
13 brothers worked as well in Tuol Sleng. And fourth, she will talk
14 about the accused and her observations that she made how he was
15 personally and physically involved in treatment -- I want to be
16 very general at this point -- towards two of her relatives who
17 were imprisoned in Tuol Sleng.
18 Our client is, therefore, very excited, discomposed and nervous
19 to speak today before this Court, but she is strongly willed to
20 give a full testimony because she is now less scared and dares to
21 speak out what she could not do when she submitted and filled in
22 the victim's information form that you, Your Honours, and the
23 parties know which is included in the case file.
24 [11.32.25]
25 So it is expected that she will be sometimes emotional,

51

1 overwhelmed and will face difficulties to continue, and I plead
2 to the Chamber to take into account this special situation and
3 the fact that her family will listen and will hear for the first
4 time this story and to -- and, therefore, I plead to the Chamber
5 if this occurs and then she needs more time this time should be
6 granted and without calling on her to control her emotions.
7 These emotions are necessarily going with her testimony and are
8 also evidence for the Chamber, non-verbal evidence, and should be
9 taken into account and into consideration and to wait -- that is
10 one option -- until she can continue or as the President has
11 already practiced during the last days, if necessary to give a
12 break -- grant a break for the civil parties.
13 These are my submissions and, of course, only one last remark:
14 What I have listed here, the facts on which she will -- about
15 which she will talk here in the Court are not exhaustive, these
16 are only examples and short, very short summaries, and we will
17 hear and the Chamber and the parties will hear and the public her
18 whole testimony.
19 This is, of course, not all, so far my observations and thank you
20 very much.
21 MR. PRESIDENT:
22 Judge Silvia Cartwright will take the floor.
23 [11.35.03]
24 JUDGE CARTWRIGHT:
25 Yes. Thank you, Mr. President.

52

1 Thank you, Ms. Studzinsky, for outlining those matters and
2 explaining that it was only after you had further discussed her
3 testimony with her that you learned of these additional matters.
4 Can you help me with some information about when you first met
5 with E2/32 or when any member of your team met with her in order
6 to prepare her for the possibility of coming to Court and/or
7 filling out the right information for the Court's benefit?

8 MS. STUDZINSKY:

9 I do not remember. It is long -- I would say a long time ago. I
10 do absolutely not remember the date when I discussed for the
11 first time with her, her story.

12 But it was revealed and disclosed for me and my whole team
13 recently; that was before this session -- not today the session
14 in the Court, but two weeks -- yes, 10 days, I would say, ago.
15 When I requested additional time is needed for the civil party I
16 did it immediately on the next day in Court but she did not
17 disclose it before, and that was the fact.

18 JUDGE CARTWRIGHT:

19 Thank you.

20 [11.36.52]

21 Can you confirm that it was your civil party group who put this
22 person forward as someone who would be a useful witness for the
23 Court to hear? Was it on your suggestion?

24 MS. STUDZINSKY:

25 Yes, that is true. But, of course ---

53

1 JUDGE CARTWRIGHT:

2 Well, I'd like to just ask one other question then. So when you
3 put her forward as a witness, you had not gone thoroughly through
4 her information, as you have done very recently?

5 MS. STUDZINSKY:

6 I discussed with her but she did not disclose the story.

7 JUDGE CARTWRIGHT:

8 So you have met with her twice or three times?

9 MS. STUDZINSKY:

10 For this discussion, twice; but once a long time ago, and then
11 very recently 10 days ago or one week ago -- 10 days ago, I
12 think.

13 JUDGE CARTWRIGHT:

14 And perhaps just for the general benefit of the lawyers for the
15 civil parties, it might help to know that the Trial Chamber many
16 weeks ago had an assessment taken of witnesses to make sure that
17 they were able emotionally and, if necessary, physically to give
18 evidence in Court, and also to seek advice on how best to treat
19 such witnesses in Court.

20 So observations that are made perhaps have been made without that
21 knowledge, and we are all of course very experienced Judges and
22 perhaps don't need the advice always that you give us.

23 Thank you.

24 MR. PRESIDENT:

25 The Court official is now instructed to bring in civil party Nam

54

1 Mon into the courtroom.

2 (Witness enters courtroom)

3 [11.40.10]

4 MS. CANIZARES:

5 Mr. President, may you please allow me to put a question? Could
6 you please ask my colleague if she might have documents that are
7 different from those that we have, or complementary documents to
8 present during the questioning of the civil party?

9 MR. PRESIDENT:

10 Ms. Studzinsky, are you able to present any additional documents?
11 So far as we observed, we only knew that there is not any other
12 additional document except the one already filed in the case
13 file. Are you now in the position to provide those documents?
14 Because normally the parties propose such documents.

15 MS. STUDZINSKY:

16 Thank you, Mr. President.

17 No, there are no additional documents. If not, I would have
18 provided them to the Chamber and the parties -- at least until
19 today. I don't know if at a later stage additional documents can
20 be found, but so far I do not have -- or are not in the situation
21 to have additional documents.

22 Thank you.

23 QUESTIONING BY THE BENCH

24 [11.42.06]

25 BY MR. PRESIDENT:

55

- 1 Q>Your name is Nam Mon. Is that correct?
- 2 A.Yes, Mr. President, I am Nam Mon.
- 3 Q.Do you use other names, other than Mon?
- 4 A.I would be also called Rouen Chantha.
- 5 Q.When did you start using the last name, Roeun Chantha.
- 6 A.I used this name in 1975.
- 7 Q.What about Nam Mon? When did you use this name?
- 8 A.The name was used when I lived with my parents. Later on,
- 9 when I settled down in Phnom Penh, I then used another name:
- 10 Roeun Chantha.
- 11 Q.What is your official name registered in your local community?
- 12 Do you still use Roeun Chantha or Nam Mon?
- 13 A.Nam Mon is the official name here at the current day.
- 14 Q.Other than these two names do you use other names?
- 15 A.No, I don't. Mr. President, these are the only two names I
- 16 have used.
- 17 [11.44.23]
- 18 Q.How old are you this year?
- 19 A.I am 48 years old now.
- 20 Q.Where do you live and what do you do for the living?
- 21 A.I live in Kya village, Kampong Siem district, Kampong Cham
- 22 province. I am a peasant.
- 23 Q.Where were you born?
- 24 A.I was born in Romeas village, Kampong Siem district, the same
- 25 province.

56

1 Q.What is your father's name?

2 A.His name was Yorn but when he came to live in Phnom Penh with
3 us he changed to Prak.

4 Q.What is his full name?

5 A.When he went into Tuol Sleng his name was Chuon Yorn.

6 Q.When he used the name Prak, what was the full name back then?

7 A.He used Yiet Prak.

8 [11.46.35]

9 Q.Yiet Prak; is that correct?

10 (No interpretation)

11 Q.Do you know when was he born? Your father, I mean.

12 A.No, I don't.

13 Q.What is your mother's name?

14 A.Currently her name was -- at the village she was Toh but now
15 in Phnom Penh she would be called San.

16 Q.What is her full name?

17 A.Her full name is Khin Toh, now changed to Khin San.

18 Q.Khin Soh or Khin Toh? Please repeat your mother's name.

19 A.Toh.

20 [11.48.12]

21 Q.When was she born?

22 A.I don't know, Mr. President.

23 Q.How many brothers and sisters have you got?

24 A.I have five siblings; four brothers, one sister, and I am the
25 only single daughter in the family.

57

1 Q.Where do you come in the family?

2 A.I am the third child in the family.

3 Q.Can you tell us the names of your brothers, starting from the
4 eldest brother until your youngest brother?

5 A.I can. My brother was Roeun, then Noeun, then Khin, then I
6 myself, and the youngest brother named Yon.

7 [11.49.57]

8 Q.You said there were five siblings. Now, after what you have
9 told us we seem to miss one person. So Khin is the third child,
10 so you're the fourth child in the family, right?

11 Can you tell us the full names of your brothers?

12 A.They used the family name Yiet. Yiet Roeun, Yiet Khoeun.

13 Q.What about your youngest brother? What is his family name?

14 A.His family name was Prak -- Prak Yon.

15 Q.The Chamber has received your civil party application to join
16 as the civil party. Our question at this moment is that whether
17 you would like to seek reparations, civil reparations on your
18 behalf, or would you want the civil party lawyers, your civil
19 party lawyers, to act on your behalf?

20 A.Regarding the civil party reparations, I would like to allow
21 my lawyers to act on my behalf.

22 Q.Now, we are talking about the damages, physical and emotional
23 damages. Can you describe about them a little bit to the Court?

24 A.I am now fighting to find justice for my parents and brothers.

25 [11.53.14]

58

1 Q.You have decided to join as the civil party in this case. So
2 how are you related to the facts in which Kaing Guek Eav, alias
3 Duch, is the accused?

4 A.I have suffered a great deal because my father was detained
5 along with me and my brothers at S-21. I would like to tell the
6 Court that my father had worked so hard, but after all he was
7 detained for no reason.

8 Q.So, in conclusion, the reason you have lodged your civil party
9 application to join as a civil party in this case, and that the
10 facts that are related here are the facts that have the relation
11 with S-21, now known as Kuok Tuol Sleng or Tuol Sleng prison.
12 And, number two, it is related to the Security Office, S-21. Of
13 course, you said your father was detained along with your
14 brothers at the detention centre. Is that correct?

15 A.That is correct.

16 Q.Are your brothers related to the crimes committed at S-21?

17 A.My parents, my brothers, were directly detained at Tuol Sleng
18 prison. I know the location very well because when I worked in
19 the hospital, I was working here at Tuol Sleng.

20 Q.It is not yet time that you know the premises correctly or
21 clearly or Tuol Sleng prison. Of course, now it is well-known as
22 Tuol Sleng. The Chamber is going to hear your testimony
23 concerning that matter.

24 [11.56.14]

25 But we would like to ask a few more questions before that. The

59

1 question is that whether you are here because you are here on
2 behalf of your brothers and on behalf of the other relatives who
3 were detained at the location, and what happened to them
4 actually, and what happened to you in person?

5 Another brother of yours, the youngest named Prak Yon. I hope
6 you understand my question. So what happened to your family
7 members -- your parents, your brothers, the elder brothers and
8 your youngest brother? And what happened, in particular, to you
9 that makes you join here as the civil party to seek justice for
10 them and for you?

11 A.I am here today to seek justice for my family. My father came
12 to Phnom Penh in 1974. He had been working for the Khmer Rouge
13 since we were young.

14 In 1975, he was evacuated and ---

15 Q.Please wait. You will have the moment to tell us details
16 about the facts, but please answer to my questions.

17 Were they deceased or were they detained and then released and
18 were all of them executed at the location and tell us about this
19 question, this matter a little bit, because it is just the
20 introductory matter to the other matters. We would like to know
21 about this brief information before you can have the whole
22 afternoon to tell your account.

23 So what happened to your brothers and the other people of your --
24 members of the family?

25 A.Mr. President, the fact was that my father was detained at

60

1 Tuol Sleng. He was the chief of logistics in Phnom Penh. In
2 1977, he was arrested and detained at Tuol Sleng prison, along
3 with my other siblings and my mother, including myself. We were
4 detained and cuffed at Tuol Sleng. My elder siblings were
5 ordered to kill my father.

6 Q. So it means your parents were arrested and sent and executed
7 at Tuol Sleng. What happened to your three other brothers? What
8 were their fates?

9 A. My two other brothers were used as guards at Tuol Sleng. They
10 were ordered to kill my father and later on they were killed. I
11 saw the event with my own eyes.

12 [12.00.19]

13 Q. What happened to your younger brother? Was he dead or he's
14 still alive?

15 A. My younger brother was also arrested along with my mother and
16 detained at Tuol Sleng. My mother also died at Tuol Sleng, along
17 with my younger brother, but they died at different times.

18 Q. You, yourself, you were detained at Tuol Sleng. How long were
19 you detained at Tuol Sleng and when were you released? And after
20 you were released, where were you taken to?

21 A. I was arrested and detained at Tuol Sleng for about three
22 months. Later on, I was transferred to Prey Sar. I was shackled
23 in one individual cell.

24 Q. Until when were you released from Prey Sar prison?

25 A. Toward late '78, I was transferred to Prey Totueng prison in

61

1 Kampong Cham and later on I was rescued by the Vietnamese
2 soldiers.

3 Q.Thank you. Thank you, Madam Nam Mon, for providing
4 preliminary information.

5 [12.02.04]

6 MR. PRESIDENT:

7 Because now it is time for a break for lunch, the Chamber will
8 adjourn and it will resume at 1.30 p.m. this afternoon.

9 Court officer, can you make necessary arrangements for Madam Nam
10 Mon in co-operation with the Victims Unit.

11 Security guards, take the accused back to the detention facility
12 and bring him back before 1.30.

13 The Chamber is adjourned.

14 (Judges exit courtroom)

15 (Court recesses from 1202H to 1330H)

16 (Judges enter courtroom)

17 MR. PRESIDENT:

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

19 We will continue to hear the testimony of the civil party Nam
20 Mon.

21 Before we start our questioning of the civil party, I would like
22 to announce the time allocation for the parties in questioning
23 the witnesses and the experts, as set out in the sitting schedule
24 started from next Monday until the 25th of August, 2009.

25 [13.31.30]

62

1 The Chamber would like to notify the parties that the Chamber has
2 allocated the time in questioning the witnesses and the experts
3 for each. For the Co-Prosecutor 30 minutes for one day witness
4 and 40 minutes for all the four civil party lawyers and 40
5 minutes for the defence counsel.

6 Based on this time allocation for the parties for hearing the
7 testimony of a witness or an expert which takes half a day, the
8 Co-Prosecutors would have 15 minutes, the civil party lawyers,
9 the four groups, 20 minutes and the defence counsel will have 20
10 minutes.

11 For hearing the testimony of a witness or an expert, which will
12 take one and a half days, the Co-Prosecutors would have 45
13 minutes and the four groups of the civil party lawyers will have
14 60 minutes and 60 minutes for the defence counsel.

15 For the testimony of a witness or an expert which takes two days,
16 the Co-Prosecutors will have 60 minutes, the civil party lawyers,
17 the four groups, would have 80 minutes and the defence counsel
18 will have 80 minutes.

19 Please take note of the time allocation for your party.

20 Now, we will proceed with the hearing of the testimony of civil
21 party Nam Mon.

22 [13.33.52]

23 BY MR. PRESIDENT:

24 Q.Nam Mon, this morning the Chamber asked you some preliminary
25 information regarding the facts which are the grounds for your

63

1 application to join as a civil party in this case.

2 Now, the Chamber would like to know about your accounts and the
3 accounts of your family during the Democratic Kampuchea regime
4 three years, eight months and 20-day period when you and your
5 family had experienced.

6 Can you describe your life experience or your accounts, both
7 personally experienced by yourself and your family?

8 A.The background and activities of my parents and my siblings
9 and myself; we used to live in the forest. My parents joined the
10 resistance movement since I was very young. He later worked as
11 an infiltrator in Phnom Penh and my mother was a miscellaneous
12 vendor. And, in '75, we were evacuated.

13 I lived in Phnom Penh from early '75 until '78. My parents were
14 the resistance in the revolution. And after the successful
15 defeat of the previous regime, he was detained and killed.

16 MR. PRESIDENT:

17 Can you describe more in details?

18 Because when we asked you regarding the grounds for your
19 application as a civil party to the case, you seemed to want to
20 describe the accounts of your family members and yourself through
21 the entire period of the Democratic Kampuchea. That is the
22 reason the Chamber provided you the opportunity to describe the
23 accounts.

24 [13.37.16]

25 Can you do that? Can you do that in more, much more details from

64

1 the beginning?

2 And the emphasis shall be on the periods after the 17 April, 1975
3 until the date of the arrest of your family members, including
4 your parents and your siblings, by the Khmer Rouge force and the
5 treatment or activities inflicted upon you and your parents and
6 your siblings by the Khmer Rouge force. And also the accounts
7 that you yourself left alone or with your younger brother until a
8 later date, that is at 7 January, 1975.

9 These are the accounts that the Chamber want to know, and that
10 the Chamber wants you to describe to the Chamber so that the
11 Chamber can understand your experience and your family members'
12 experience. Can you do that?

13 A.Yes, I can do that.

14 I lived with my parents in Phnom Penh. I lived in Tuol Sleng. I
15 worked as a medic in Tuol Sleng and my father worked in logistics
16 to the north of Tuol Sleng. I did not know why they arrested my
17 father, and my two uncles were also arrested. I did not know the
18 reasons for their arrests. I did not know what mistakes they
19 made.

20 I lived miserably during the period. I separated from my parents
21 and my siblings. My uncles had been arrested since mid-1976 and
22 my father was arrested in '77, and my mother in late '77 when my
23 younger brother was also arrested.

24 [13.39.59]

25 I lived alone and I met my younger sibling at Prey Totueng

65

1 prison. That was my younger sibling, but my blood younger
2 brother already died with my mother in the prison.

3 MR. PRESIDENT:

4 Please listen carefully to my question. I think it is difficult
5 for you to describe the accounts due to the long period of time,
6 and it is also emotional for you to recall the sufferings and the
7 miserable accounts. It is, therefore, likely the result for you
8 not to be able to appropriately describe the accounts to the
9 Chamber.

10 Before the 17th April 1975, where did you live and what were you
11 doing at the time?

12 A. Before 1975, I lived in Phnom Penh with my parents.

13 Q. Please listen to the question carefully. I have attempted two
14 times already.

15 You cannot describe in details your accounts. It's going to be
16 confusing if you cannot listen carefully to the question, so it
17 will be hard for the Chamber to determine the accounts.

18 And your parents -- before 17th April 1975, where were they and
19 what were their occupations?

20 A. Before 1975, they lived in Phnom Penh. They were vendor in
21 Phnom Penh.

22 [13.42.27]

23 Q. Where's about in Phnom Penh; Phnom Penh was a huge city?

24 There were districts and quarters. Which section of Phnom Penh
25 they were, from what you can recall?

66

1 A.I cannot recall since I was young at the time.

2 Q.After the liberation of the 17th April 1975, where were you
3 and where were your parents and siblings?

4 A.In 1975, I lived in Phnom Penh. My siblings and my parents
5 also lived in Phnom Penh. I was sent to study medicine by my
6 father in Phnom Penh.

7 Q.What about your parents after the liberation? Had they
8 returned to Kampong Cham province?

9 A.No, they did not. They only went up to Prek Kdam and they
10 returned.

11 Q.When your family and yourself returned to Phnom Penh, why did
12 you return, and on what day you returned back to Phnom Penh from
13 Prek Kdam?

14 A.I could not recall the date, but it was in 1975. After the
15 people were evacuated from Phnom Penh, my father and the family
16 returned and he was in charge of logistics.

17 Q.He was in charge of logistics. Which department or which
18 ministry, and where did he work? Can you recall?

19 A.I did not know where he worked. I did not know Phnom Penh
20 clearly at the time, I was still young.

21 Q.Can you recall in 1975, how old were you?

22 A.In 1975, I was 15 years old.

23 Q.What about your residence? You said the Khmer Rouge fell.

24 Had you returned to live in Phnom Penh? Where did you live? Do
25 you know the location where you lived? For example, like

67

1 somewhere near Tuol Kok or Tuol Sangkae or Ponchentong or Steung
2 Meanchey, for example? Which part of Phnom Penh did you live?

3 A.I cannot recall. I only know I lived to the south of the Tuol
4 Sleng prison.

5 Q.Do you know why your family returned and that your parents
6 returned and worked in Phnom Penh when you only reached Prek Kdam
7 and you returned?

8 A.I did not know about his resistance movement because maybe his
9 network contacted him to work in Phnom Penh. I only followed my
10 parents.

11 Q.You stated that your family returned to live to the south of
12 the present Tuol Sleng prison location, and you said your father
13 was in charge of logistics.

14 What about your mother? What was her occupation?

15 A.She did not do anything. She stayed at home.

16 [13.47.51]

17 Q.What about the three eldest siblings who returned to Phnom
18 Penh after the 17th April 1975? Did they live with your parents
19 as well? And what were their occupations?

20 A.My two elder siblings were the Tuol Sleng guards, and another
21 elder brother lived with my uncle near the Pochentong Airport.
22 They worked as soldiers guarding the Tuol Sleng prison from 1975.

23 Q.Amongst your three elder brothers, the two who worked at Tuol
24 Sleng, what were their names?

25 A.Noeun and Roeun are the two elder brothers who worked at Tuol

68

1 Sleng.

2 Q.During the time that your elder brothers worked in the Tuol
3 Sleng prison, where did they live? Did they live within the
4 compound of their workplace or did they live with your parents
5 south of Tuol Sleng?

6 A.They lived where they worked.

7 [13.49.50]

8 Q.What about the other brother; he worked at the airport; right?
9 What was his name and what was his position at the airport?

10 A.The other brother named Koeun. He worked with my uncle. The
11 uncle was a pilot.

12 Q.You said your father was arrested by Angkar before the rest of
13 the family. When was your father arrested by Angkar and where
14 was he arrested?

15 A.He was arrested in 1977. I cannot recall the date. He was
16 arrested from the place where he worked.

17 Q>Your father was arrested. Was it during the day or the
18 night-time and how was he arrested?

19 A.They arrested him at about 6 p.m. but I did not -- how he was
20 arrested, I only saw when he was tied and blindfolded and walked
21 away.

22 Q.The house where your parents lived south of Tuol Sleng, how
23 far was that house from the current Tuol Sleng prison? Do you
24 know the current Tuol Sleng prison?

25 A.Yes, I know. I think it is like two kilometres away from Tuol

69

1 Sleng prison.

2 [13.52.47]

3 Q.So the house was two kilometres away from Tuol Sleng prison,
4 and when Angkar or the Khmer Rouge force arrested your father at
5 6 p.m., how did you know that your father was arrested,
6 blindfolded and put into the Tuol Sleng prison? How did you
7 clearly know that? Because the house where you and your father
8 lived was two kilometres away from the Tuol Sleng prison. That's
9 one point. And the other point is it was at 6 p.m. Can you
10 elaborate on these two points?

11 A.When I said it was about 6 p.m. when he was arrested and
12 blindfolded, because I also lived in the Tuol Sleng prison, I was
13 a medic there and my elder brothers were the guards there, and we
14 saw our father when he was arrested and blindfolded.

15 Q.So it meant that when the Angkar arrested your father you were
16 not at your house with your father, you were at the S-21 or Tuol
17 Sleng prison, and that you saw your father arrested and sent to
18 Tuol Sleng because you met him accidentally when your father was
19 sent to the prison. Is this what you want to say?

20 A.That is correct.

21 Q.You worked as a medic at Tuol Sleng prison. When did you
22 start working there? Can you recall the date?

23 A.I cannot recall the month. I only can recall the year. It
24 was in mid-'75. I worked as a medic at the Tuol Sleng prison
25 until '77, when my parents were arrested. Then I was removed

70

1 from being a medic.

2 [13.55.53]

3 Q.When you worked as a medic at the Tuol Sleng prison -- this is
4 the current name. At that time it was called the S-21 Office,
5 but you said you worked at the Tuol Sleng prison. The question
6 is what was the location of S-21 Office at the time when you
7 started to work as a medic in mid-'75?

8 A.Could you please rephrase your question?

9 Q.You just responded that you worked as a medic at the Tuol
10 Sleng prison in mid-'75, and the question is when you worked in
11 that Tuol Sleng prison, which was at that time called the
12 Santebal office, S-21, at that time where was the location of
13 that S-21 Office? Was it at the current Tuol Sleng prison or
14 not? I meant it is now called the Tuol Sleng Museum, or commonly
15 known as Tuol Sleng prison.

16 A.When I worked from the beginning, first of all, first I
17 started to study medicine at the current Radio Station Number 5,
18 and after that I came to work straightaway at where the current
19 Tuol Sleng prison was. I worked as a medic there.

20 Q.During the time that you worked as a medic in the Tuol Sleng
21 prison, as you said, at that time what was the office called?
22 What was the name of the office where you worked?

23 A.I did not know what it was called. I only know that only
24 senior prisoners would be detained there, and later on I heard
25 people refer to it as Tuol Sleng prison.

71

1 Q.During the time that you worked as a medic at the S-21 or Tuol
2 Sleng prison, as you said, the question is how many medics who
3 worked with you and what were their names, if you can recall?

4 A.We were assigned to work at the medics at S-21, known as Tuol
5 Sleng prison. There were three people: Lorn, Comrade Khim and I
6 myself.

7 Q.Comrade Lorn was a male medic. What about Kim; was she male
8 or female?

9 A.They're all female medics.

10 [13.59.54]

11 Q.Now we would like to talk about your office where you worked
12 with Comrades Lorn and Khim as medics. Where did you routinely
13 carry out your work as the medics? You can even point out
14 whether it was inside the location of the prison or in any
15 direction of that location. If you don't remember exactly where
16 it is, just point to the direction you would remember.

17 A.I paid a visit to the location. That place where I once
18 worked was to the north of the prison. It's opposite the prison
19 itself.

20 Q.I don't understand why you said the prison faces north. What
21 do you think; Tuol Sleng faces north or facing the other
22 direction?

23 A.I don't know. I think from my own recollection, in my home
24 village, that direction opposite Tuol Sleng would be the north.

25 Q.So you are not quite sure where you would work but you know

72

1 that it was located right before the entrance to Tuol Sleng
2 prison. Is that correct?

3 A.That's correct, Mr. President. We were just in front of Tuol
4 Sleng prison.

5 Q.There was a road crossing between Tuol Sleng gate and that
6 location, I guess, so can you tell the Court again about the
7 location -- exact location of that place where you worked? Was
8 that house located across from the gate, the front gate of S-21?

9 A.It was across from the front entrance to the prison on that
10 main road.

11 [14.02.49]

12 Q.Were there only three medics, and who actually was the team
13 leader of the group of three?

14 A.There were only three people assigned to be the medics and
15 there were no chief. We were on our own. Lorn, Khim and I were
16 equally as the medics.

17 Q.You said you worked as the medic. Had you ever given any
18 treatments to anybody at that location? I mean, were you
19 supposed to treat the detainees or staff at S 21?

20 A.We were divided into three groups. I was in charge of one
21 building and the others would be assigned to cover other three
22 buildings.

23 Q.Could you please tell the Court in which building you were
24 supposed to work in? You said about the building that lies from
25 the east to the west, for example. What do you mean by that?

73

1 A.That building is very tall. There are some coconut trees
2 behind it and it's the big building.

3 Q.So after entering that gate from the front gate, which
4 building -- to the left-hand side or to the right-hand side from
5 that gate that you worked in?

6 A.That building lies just right in front of the pathway when we
7 entered into that gate. There were five buildings. We've got
8 big buildings on the left and big building on the right. So I
9 was assigned to work in the building which was to the north.

10 [14.05.43]

11 Q.Please be more precise, because you're talking about the
12 building and I seem to have a problem understanding which
13 building it was, the building in which you worked as a medic to
14 treat people in that building. So tell me again.

15 A.When we walked past the gate there was a small building and
16 then we have a big building. I know that there are five big
17 buildings, and I was in charge of the building which was to the
18 south of the location.

19 Q.What about the other two buildings, where were they? You said
20 the small buildings were in the middle. And what about the
21 bigger buildings?

22 A.The big buildings were surrounding the smaller buildings to
23 the west and to the east.

24 Q.When you treated the detainees, which building exactly did you
25 pay the visit to give that kind of treatment: the building to

74

1 the west, to the north, to the south? Which one is it in
2 particular?

3 A.I was in charge of the building to the south.

4 [14.07.53]

5 Q.Tell us again, when you entered into that location from the
6 front gate was the building to your left-hand side or to your
7 right-hand side, to be sure?

8 A.It depends. If I face east then the building would be on my
9 right-hand side. If I face west then it would be on my left-hand
10 side.

11 Q.Are you sure that you remember the east or the west? You said
12 you are not sure of the direction but now you seem to be so
13 obvious that you know it.

14 So can you tell me where could you access to the S-21 -- from the
15 west or from the east?

16 A.So far as I remember, we entered from the north gate.

17 Q.Now, we come to the matter of your father. You said you saw
18 him while he was being arrested. Where were you back then and
19 what were you doing and that you saw your father being arrested?

20 A.I saw him being arrested at dusk. We were on duty to see
21 whether there were any detainees who needed treatment. Then I
22 could see him by chance. I saw a prisoner was being walked from
23 a truck, down from a truck, and then I noted that it was my
24 father.

25 [14.10.24]

75

1 Q.Where did you live while you were working at that location?

2 Did you stay with your parents?

3 A.I worked and lived there with the other medics, all together,
4 right in front of Tuol Sleng prison.

5 Q.When you saw your father being arrested and sent into the
6 prison, was he trucked to that location or was he walked from
7 other location before he could be walked right into the S-21
8 compound the moment that you saw him?

9 A.I saw a truck close to the staircase and I only saw him being
10 walked by a guard from the truck and walked into the S-21
11 building.

12 Q.Can you describe about how you saw him?

13 A.Later on, I saw him being stripped of his clothes. He was
14 tortured severely and I was traumatized. I could not concentrate
15 on working any longer.

16 Q.He was tortured. I mean, was he tortured while he was being
17 stripped of his clothes or was he tortured at another moment
18 after he arrived?

19 A.When he arrived, he was not tortured and I could continue my
20 routines. And then I talked to detainees and they told me that
21 the room was filled with cadres and I went to another room. Then
22 I could see my father.

23 [14.13.14]

24 Q.When you saw your father, it was the moment when he was being
25 walked from a truck and then put into the building and that his

76

1 clothes were stripped off. Is that correct?

2 A.That's correct.

3 Q.Did you see his biography being recorded or obtained, or his
4 photograph being taken before he was walked to the detention
5 cell?

6 A.I did not remember seeing him being taken photograph. I only
7 learned that his photograph was taken when I paid the last visit
8 to the location recently and I saw his names and numbers.

9 Q.Do you still remember in which building your father was
10 detained and on which floor?

11 A.He was detained on the second floor in the special building.
12 There were all cadres. No ordinary detainee would be kept there.
13 And he told me that I should try not to recognize him and I never
14 saw him again, ever since.

15 Q.You are talking about the special building. Which building
16 was it? Was it the building you were in charge of treating
17 detainees or was it another building?

18 A.It was that building but there was a special room designed for
19 cadres.

20 [14.15.33]

21 Q.In which floor was he kept?

22 A.My father was kept on the top floor, third floor. Among him,
23 there were other four detainees.

24 Q.You are telling us that your father was executed. Do you know
25 where he was executed?

77

1 A.I did not see where he was executed but my brother was ordered
2 to kill him.

3 Q.Which brother among the two brothers who worked at S-21, that
4 you claim staff at S-21, and who killed your father and their
5 father, personally?

6 A.My first brother, Noeun. So he killed my father and later on
7 he too was executed.

8 Q.So you have no idea where your father would be taken to be
9 executed. What makes you know that your brother Noeun was
10 ordered to kill him?

11 A.I did not see him but Comrade Lorn who was the same medic as
12 me told me about the incident. She said that my brother was
13 ordered to kill my father and that he was later on executed too.

14 Q.So you learned of this information from Comrade Lorn and that
15 you did not witness the incident. Is that correct?

16 [14.18.09]

17 A.It is correct. I only witness the torture inflicted onto my
18 brother but not to my father.

19 Q.We just want to know how you got to know your father being
20 killed. So you learned from Comrade Lorn , who could brief you
21 the account of that event that your brother was ordered to kill
22 your father. Just clarify is that correct?

23 A.That is correct, Mr. President.

24 Q.Did you also ask her -- ask Lorn, I mean -- how she knew that
25 your brother was ordered to kill his own father? Did she share

78

1 with you how she came to know that kind of incident?

2 A.Comrade Lorn worked at 6 to 7 p.m. Then she saw the incidence
3 by chance and she later on told this to me.

4 [14.19.55]

5 Q.So do I understand correctly that your father was killed by
6 your brother? And was he killed in S-21 building that made Lorn
7 know the incidence?

8 A.He was killed behind S-21, just outside the fence of that
9 location.

10 Q.At what time was he executed?

11 A.He was killed at about 6 to 7 p.m. because I was told at 7
12 p.m., so he could have been killed at six or so.

13 Q.What happened to your brother? I mean you told us that your
14 brother who killed your father later on was executed. Was he
15 killed immediately after he killed your father or was he executed
16 a few days later after your father died?

17 A.My brother still continued working as usual. Three days later
18 he would be called to be executed.

19 Q.Was he detained first before he was killed, and where?

20 A.He was executed immediately without any detention because they
21 accused him of betraying the Angkar, and they accused him of
22 being hesitated to kill my father.

23 Q.Do you know where your brother was killed? Because you claim
24 that you worked at S-21, so you could have known where your
25 brother would have been killed.

79

1 A. My brother and my father and my other siblings were killed at
2 the premises -- in the premises of Tuol Sleng. They were not
3 killed at Choeung Ek.

4 [14.23.04]

5 Q. There were several locations at Tuol Sleng in which people
6 would have been killed. They would be killed and buried in mass
7 graves within the compound of S-21 or they would have been killed
8 somewhere outside of the surrounding location. So how could you
9 describe the location of where your brother could have been
10 killed? Because in your statement and in your civil party
11 application you stated clearly the exact locations of where your
12 relatives and father were killed. That's why the Chamber would
13 like to make sure that we can verify this information.
14 So can you please tell the Court whether your brother was killed
15 at the same place where your father was killed?

16 A. I don't know where he was killed. I only know that they must
17 have been killed at Tuol Sleng compound.

18 Q. What makes you believe or makes you feel convinced that your
19 brother was killed at Tuol Sleng?

20 A. I learned, I heard, and I saw this incident, although I did
21 not witness but I heard about the killing. Because when he was
22 killed there was no truck coming in and out.

23 Q. Can you recollect the moment when your father was arrested and
24 that he was killed? How long was it between the time you saw
25 your father being arrested and the time when he was executed?

80

1 [14.25.53]

2 A.He was detained for six months. So after he was arrested in
3 1977 -- so six months after that he perished.

4 Q.What about the other Brother, Noeun what happened to him?

5 A.Are you talking about Roeun?

6 Q.Yes. You already mentioned about Noeun, I'm sorry. Actually
7 it's about Roeun this time.

8 A.Brother Roeun was later on arrested and executed. It was just
9 a matter of time before one after another was taken to be killed.

10 Q.In which year do you believe that your brother Roeun was
11 executed?

12 A.I learned that he was detained at the prison at the same time
13 when my mother and younger brother were detained -- arrested and
14 detained but I don't know when he was executed.

15 Q>Your mother and your youngest brother -- so your mother was
16 Yann. Is that correct? When she was arrested was it at the same
17 time when your father was being detained or was she arrested
18 after your father and your eldest brother were already executed?

19 A.My father was arrested and detained. He was being detained
20 and he was not yet executed, while my mother would be arrested
21 and detained.

22 Q.What about your younger brother, Prak Yon; when was he
23 arrested?

24 A.He lived with my mother and he was arrested on the day that my
25 mother was arrested.

81

1 Q.When you worked there you heard that your mother and younger
2 brother were killed. Did you know when, or were they killed when
3 your brother Roeun was killed?

4 A.My mother and my other brother were killed. My mother was
5 killed first and then my brother -- elder brother was killed. My
6 mother was killed toward late '77. Later, after my mother was
7 killed, a month later I was arrested and detained.

8 [14.30.14]

9 Q>Your mother was killed and your younger brother was killed
10 too. Is this correct?

11 A.Yes, that is correct.

12 Q.So it means they were arrested at the detention centre where
13 they were detained. So that was your father Choeun Yon, alias
14 Yut Prak, and your mother Khin Toh, alias San; three, Yit Noeun;
15 four, Yit Roeun; five, Yit Khoeun; and six, Prak Yon. Is this
16 correct?

17 A.Yes, that is correct.

18 Q.Can you recall when you were arrested? When were you arrested
19 and where were you detained?

20 A.I was arrested in early '78. I was detained in Tuol Sleng
21 prison for three months. I was detained on the second floor in
22 the small cell. I was shackled on one ankle.

23 Q.Which building were you detained and on what floor?

24 A.I was detained on the first floor in the small cell, the
25 east-west building.

82

1 [14.32.38]

2 Q.Was it the building where you looked after the sick prisoners?

3 And was it also the building where your father was detained, or

4 was it a separate building?

5 A.It was that same building, but there were individual cells in

6 that building, only two or three individual cells.

7 Q.When you were detained for three months that you claimed, were

8 you shackled or you were not shackled or cuffed, you were only

9 put into the room and the door was locked from the outside?

10 A.After I was arrested I was detained and I was shackled.

11 During my interrogation I was not beaten with a stick but they

12 tightened the shackle on my ankle.

13 Q.It means during the three months detention you were shackled.

14 Was it on a permanent basis?

15 A.Yes, that is correct.

16 Q.And you were detained in a separate small room by yourself.

17 Is this correct?

18 A.That is correct.

19 Q.When you were taken to be interrogated, where were you

20 interrogated? Were you interrogated in the room where you were

21 detained or were you taken to be interrogated elsewhere?

22 A.When I was interrogated I was not taken anywhere, it was in

23 the same room, but they tightened the shackle on my ankle to

24 force me to confess.

25 [14.35.22]

83

1 Q>Your interrogators, how many of them? Were they male or
2 female?

3 A.There were two male interrogators. One was standing and
4 another person was interrogating me. I got wounds on my ankle
5 from the tightening of the shackle.

6 Q.You were a staff working there. Do you recall the
7 interrogators? As you said, you were a staff there.

8 A.The interrogators were newcomers, so I did not know them. The
9 guards constantly changed as well.

10 Q.What about the age of the interrogators; how old were they,
11 roughly?

12 Please wait till the red light is on before you can speak,
13 otherwise the interpreter cannot hear so cannot interpret for the
14 international Judges.

15 A.My interrogators were about 20 to 21 years old.

16 Q.How many times were you interrogated during the three-month
17 detention?

18 A.It depends. Sometimes I was interrogated two times.
19 Sometimes I was interrogated three times. I was interrogated on
20 a daily basis.

21 [14.37.25]

22 Q.So how many times in total; can you recall?

23 A.I was detained for three months and during this period I was
24 constantly interrogated for the first two weeks.

25 Q.So you were interrogated for about two weeks in the same room

84

1 where you were detained. Is this correct?

2 A.That is correct.

3 Q.During your interrogation what was the purpose of the
4 interrogation? What did they want you to confess?

5 A.I was interrogated as I was accused to be a daughter of the
6 traitor. They know that I was the daughter of Prak and I denied
7 that I was not.

8 So they pressured me on this matter and they tightened the
9 shackle on my ankle while I was being asked.

10 Q.So each time you were interrogated they used the same method,
11 that is, they used a tool to tighten the shackle on your ankle to
12 force you to confess. Is that correct?

13 A.That is correct.

14 Q.During the time you stated you were arrested because your
15 father was alleged to be a traitor, during your detention, what
16 was your food ration?

17 A.I was given a ladle of gruel twice a day.

18 [14.40.10]

19 Q.What about taking a bath?

20 A.They asked me to have a bath too, but I did not want to have a
21 bath so I did not go for a bath, and another reason because my
22 ankles were hurt so I did not go.

23 Q.In your detention room, could you sit up or stand up or you
24 could only lie down on the floor?

25 A.In that detention room, I could sit up. I could stand and I

85

1 could rest.

2 Q.In the adjacent rooms, were they detention rooms or what were
3 they? If they were detention rooms, were they also for female
4 detainees or for male detainees?

5 A.The adjacent rooms were the detention rooms. But in each room
6 there was a detainee, although I was not sure whether they were
7 male or female.

8 Q.What about your clothes during the time of your detention?

9 A.I wore the same clothes from the time I was shackled. I never
10 have my clothes changed.

11 Q.What was the colour of your clothes when you wore while you
12 were detained?

13 A.My clothes were black. It was a black skirt and black shirt.

14 [14.42.333]

15 Q.So your clothes were black. It was the clothes that you wore
16 while you worked as a staff medic at that location. Is this
17 correct?

18 A.It was not the clothes that I wore when I was a medic. After
19 I was no longer a medic, I was only given the black clothes.

20 Q.Where did you get your clothes?

21 A.The black clothes that I wore were given to me. After I was
22 ordered to strip off my clothes, I was given a set of clothes.
23 First, I was ordered to clean the grass, to cut the grass, when I
24 was given the black clothes.

25 MR. PRESIDENT:

86

1 Now it is time for a break. The Chamber will take 20 minutes
2 break until 3 p.m. when we will resume.

3 Court officer, can you arrange refreshment for the civil party?

4 (Judges exit courtroom)

5 (Court recesses from 1443H to 1502H)

6 (Judges enter courtroom)

7 [15.04.32]

8 MR. PRESIDENT:

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

10 The AV unit is instructed to put up document with ERN 00189137,

11 Document D45/1/8. Please put it up on the screen.

12 [15.05.56]

13 BY MR. PRESIDENT:

14 Q.Madam Nam Mon, could you please have a look at this

15 photograph? It's an aerial photograph. Please spend a moment

16 looking at this photo and I will put more questions. Do you see

17 it, or can you read letters in the photo?

18 MR. PRESIDENT:

19 The Court official is instructed to go to her so that you can be

20 of her assistance if she needs help.

21 The lawyer, we note your presence.

22 MS. STUDZINSKY:

23 I only want to inform you that our client is illiterate, and to

24 take this into account.

25 MR. PRESIDENT:

87

1 The Court official is instructed to point to her the entrance to
2 Tuol Sleng.

3 BY MR. PRESIDENT:

4 Q. Could you please point out to the office that you said you
5 once had worked? So this is the location of Tuol Sleng, as you
6 can see with the red label, so where was your office back then?

7 A. So that building is on the right-hand side.

8 Q. I'm asking about your medic house where you stayed and worked;
9 I mean, the other medics who stayed and worked. Where was it?

10 A. That house, that office, was right in front of the prison.

11 Q. Where was your father detained; in which point or building?

12 A. He was detained in the D building.

13 Q. Where were you detained; in which building?

14 A. (Microphone not activated)

15 [15.10.18]

16 Q. Do you understand the map, the location? If you find it
17 difficult, then the AV Unit is advised to remove it and change to
18 the normal view.

19 MR. TAN SENARONG:

20 We would like to make a small suggestion, whether we can really
21 print out the photo from this file; the photo 00189137. No,
22 another photo with different ERN, correction; 00181396, which is
23 the photo of the building which would have been easier for the
24 civil party to show her.

25 MR. PRESIDENT:

88

1 Thank you, Mr. Co-Prosecutor. Wait until your time is allocated
2 and you can present that photo.

3 BY MR. PRESIDENT:

4 Q.What happened to Yiet Khoeun, another brother of yours? Do
5 you know anything about him?

6 A.Yiet Khoeun worked with my uncle at the airport and he was
7 also arrested because Khmer Rouge believed that to dig the grass
8 they had to root out its roots.

9 Q.You were detained at the same location along with you, or was
10 he detained elsewhere?

11 A.He was detained in the same prison but in different building.
12 I don't know where he would have been detained, but all children
13 of the cadres would have been sent to be detained here, no other
14 location.

15 [15.12.55]

16 Q.After three months of your captivity -- and you claim that you
17 were detained at S-21, now known as Kuk Tuol Sleng -- where were
18 you sent next? Were you transferred at night or in the daytime?

19 A.I was sent in the late afternoon to Prey Sar prison. I was
20 detained there and tortured severely at Prey Sar prison.

21 Q.How did you go to Prey Sar? I mean, how were you transported
22 to Prey Sar? Were you blindfolded too?

23 A.I was not blindfolded. I was handcuffed and put on the truck.

24 Q.Was you by yourself when you were being transferred to Prey
25 Sar or were you with other detainees?

89

1 A. In 1978 there were five or six other detainees who were being
2 sent altogether with me; I don't remember.

3 Q. Do you remember the location at Prey Sar where you were
4 detained?

5 A. I was detained with other people in that location. I don't
6 remember because the next day I would already be asked to dig
7 pits to bury the corpses. Only in the afternoon that I would be
8 asked to return. When I went to Prey Totueng prison that the
9 situation would be less severe.

10 [15.15.43]

11 Q. Who was the chief of Prey Sar prison at that time? Was he or
12 she the chief?

13 A. There was a woman who was waiting to receive us. I don't know
14 whether she was our chief, but the people who ordered us were all
15 men.

16 Q. The highest person in authority in that location, do you know?
17 Please just say you know or you don't know. You don't need to
18 answer and giving the names of other persons instead of the
19 question that I'm asking here.

20 A. The chief of the prisons was a male person. but I don't know
21 his name.

22 Q. Were there many people living in that location and were there
23 children and women -- old, aged people or soldiers? Can you
24 describe the kinds of people who were detained in that unit?

25 A. There were a lot of children and women. There were less men.

90

1 A lot of children and women died in that prison.

2 Q.What kind of works were assigned to the people in general?

3 A.I did not -- I don't know what they did, but I was asked to

4 dig pits to bury the children who died.

5 [15.18.13]

6 Q.So you have no idea what kind of works other people assigned.

7 Is that correct?

8 A.That's correct.

9 Q.Besides digging pits to bury the corpses of the children, what
10 else were you asked to do?

11 A.I would only dig the pits every day, and until my sentence
12 were relieved then I would be sent to Prey Totueng prison, and
13 then the Vietnamese came.

14 Q.You said you were in charge of digging the pits to bury the
15 children. The first question is how far were the pits you dug
16 from the place where the detainees would take -- as called home?

17 A.More or less I can say that the pits were not very far. It
18 was a brief walk. I could reach the location.

19 [15.19.47]

20 Q.Were you only asked to dig the pits or were you also asked to
21 carry the dead bodies of the children to be buried in those pits?

22 A.I was only asked to dig the pits. I have no idea about the
23 corpses.

24 Q.How deep were the pits or how big were the pits?

25 A.I could dig the pit with the size of five by five metres.

91

1 Q.What about the depth of that pit or those pits?

2 A.Four metres in depth -- about four to five metres.

3 Q.Were you digging that pit alone or were you working with other
4 people?

5 A.There were other people also who shared the work. There were
6 more women than men who took part in digging the pits.

7 Q.Can you give us an estimated number of pits? The four by four
8 metres pit, how many of those pits did you dig during the time
9 you were assigned to work there before you left for Kampong Cham
10 province?

11 A.I only could manage to dig one pit.

12 [15.22.01]

13 Q.How long did you stay in Prey Sar?

14 A.For about five months, but I worked less because I got my
15 injured legs that I could not work hard.

16 Q.You said -- you used the term "tortures", or it can be
17 interpreted that you would have been inflicted violence against
18 you. The question is how were you treated?

19 A.I was mistreated. I was beaten arbitrarily. Even I talked
20 something to -- I gave some responses to them, they kept beating
21 me, they kept treating me badly.

22 Q.What kind of tools were used to beat you and what kind of
23 equipment was used to squeeze your legs?

24 Here we are now talking about the situation in which you were
25 detained at Prey Sar. And how were you treated at Prey Sar? You

92

1 said your legs were squeezed and that you would have been beaten.

2 So tell us how many times were you beaten or badly treated?

3 A.At Prey Sar prison, after leaving here, of course I had been
4 tortured, mistreated at the previous location. When I reached
5 Prey Sar I would have been inflicted the same torture techniques.

6 My legs would have been squeezed, and then a rattan stick would
7 be used to beat onto my back.

8 [15.24.31]

9 Q.So when you were detained at -- sorry, when you were at Prey
10 Sar you were detained in a detention cell like the way you would
11 have experienced at the previous location. Is that correct?

12 A.It's true. People who were sent to Prey Sar were allegedly
13 not tortured, but it was just a pretext. Everyone would have been
14 tortured before they were executed at Prey Sar.

15 Q.How were you detained at Prey Sar?

16 A.At night they would lock the door and leave us behind, and
17 while we were shackled, and when they asked us to dig the pits
18 then they would remove the shackles, but then only when our
19 sentence or offence becomes less severe.

20 Q.How many people were detained in those locations in the cells,
21 or would you be treated badly on your own?

22 A.There were about 30 to 40 people who would have been treated
23 the same. It was the building believed by many as the
24 re-correction centre or when the sentence would be lighter, but
25 it was not true.

93

1 Q.When you were asked to dig pits to bury the dead bodies of
2 children, how many times were you asked to dig that pit?

3 A.I would work from 6 a.m. until twelve and I could only eat
4 gruel, and then we continued to work until 5 p.m. in the
5 afternoon.

6 [15.27.07]

7 Q.Were you asked to work at night also?

8 A.At night we would be locked inside the room. We did not work.

9 Q.Now, coming back to the pit that you said you were asked to
10 dig to bury the dead bodies of the children, were there guards
11 who had to be there to guard you while you were digging the pit
12 and while the others were digging the pits, or were you all left
13 alone to work while the guards would not pay attention to your
14 work performance?

15 A.We were guarded. The guards would be sitting with guns around
16 us. Only after we finished our work that they would walk back.

17 Q.You're saying that the pit was meant to bury children, a four
18 by four-metre pit. Do you think that the children died of
19 disease before they were buried, or died of other causes? Can
20 you tell us about this?

21 A.I don't know whether the children got sick and then they would
22 be buried. I have no idea. I could hear the cries of those
23 children but I cannot tell you whether they would have died of
24 disease or of execution.

25 Q.You said you were there for three months before you were let

94

1 out. Where were you transferred next and how?

2 A.I was told that I would be sent to Kampong Cham to find my
3 parents. I was no longer imprisoned and I was to be put in the
4 Prey Totueng prison. So when I arrived at the location I was put
5 into the Prey Totueng prison. I told them that my parents were
6 those people who were my godparents living at that location.

7 [15.30.23]

8 Q.You were detained at the Prey Totueng prison. How long were
9 you detained there?

10 A.When I arrived at the Prey Totueng prison, after I was
11 disembarked from the prison, I got my other god brother, who was
12 detained there, so I was detained there together with my god
13 brother for about two months before the Vietnamese arrived.

14 Q.Let me go back a little bit.

15 From the time you were first arrested, were you told the reasons
16 for your arrest?

17 A.When I first arrested, I was not told of any reasons. They
18 put the cuff on me and arrested me. I didn't know what mistakes
19 I made.

20 Q.Did they make any record of your personal biography before you
21 were sent to be detained?

22 A.I was questioned about my background, my parents' background,
23 about my family situation.

24 I was -- I denied that I was the daughter of Father Prak. I told
25 them my father was Roeun. They did not believe me, so they put

95

1 the handcuffs on me and they threatened me and they accused me of
2 being a traitor of the Khmer Rouge.

3 [15.32.27]

4 Q.In your biography you put that your father was Roeun. What
5 was the family name of the father?

6 You only speak when the red light is on.

7 A.My godfather's name, Roeun. His family name was Rim; Rim
8 Roeun. He's my godfather.

9 Q.When you worked as a medic, as you claimed, at the S-21
10 Office, what name was used, Nam Mon or Roeun Chantha?

11 A.I used the name Roeun Chantha subsequently until Phnom Penh
12 fell and when the Vietnamese came in.

13 Q.When you were questioned about your biography did you use the
14 name Roeun Chantha or Nam Mon when you were questioned by the
15 security staff?

16 A.When I was questioned, I told them my name was Roeun Chantha,
17 I lived at Stueng Sangke, Stueng Trang, Kampong Cham, and they
18 threatened me. Whatever I said they did not believe me.

19 Q.When you were asked about the names of your mother, which name
20 were you used for your mother in your biography?

21 A.My mother's name was Rim and the father's name was Roeun.
22 That's the name of my godmother. I did not dare use my real
23 mother's name.

24 [15.35.15]

25 Q.You just stated that your godfather's name was Rim Roeun, and

96

1 now you said your godmother's name was Rim. What was the surname
2 of your godfather?

3 A.My godfather's surname was Rim and his full name was Rim
4 Roeun, and my godmother's name was also Rim.

5 Q.What was the surname of your godmother?

6 A.My godmother's surname was Hak; Hak Rim, that's her full name.

7 Q.So your godfather's name was Rim Rouen; is that correct?

8 At that time, were you photographed, I mean a half-photo of your
9 upper body, before you were detained?

10 A.I was not photographed. I was detained for a short period of
11 time, only for three months. Maybe that's the reason they did
12 not photograph me.

13 Q.When you were transferred to the re-education camp in Prey
14 Sar, were you photographed there?

15 A.At Prey Sar prison, I was photographed but I could not find my
16 photo.

17 [15.37.43]

18 Q.At Prey Sar, were you questioned again about your biography?

19 A.At Prey Sar prison, I was interrogated for a few times and I
20 provided the same response. I did not change. So they saw I was
21 loyal to them, so they did not mistreat me.

22 Q.You claimed that your entire family, totalling seven of them,
23 including your parents, your three elder brothers and your
24 younger brother, they were all killed. So six of your family
25 members were killed except yourself.

97

1 Besides what you have described to the Chamber during this oral
2 testimony, do you have any other materials to attach to your
3 claim?

4 A.What materials do you want, Mr. President.

5 Q.You said you have tried to find the photo, that you know when
6 you were transferred to Prey Sar you were photographed. However,
7 you have not found the photo. And the question is do you have
8 such photos for your family members whom you claimed were killed
9 at S-21 or Tuol Sleng? If you cannot find your own photo, have
10 you found the photos of your family members?

11 [15.40.28]

12 A.I have found all the photos of my family members, including
13 some of my relatives at Tuol Sleng.

14 MR. PRESIDENT:

15 The AV officer, can you show a photo, ERN in English, 00274367?
16 Can you show this document on the screen, please?

17 BY MR. PRESIDENT:

18 Q.Madam Nam Mon, can you continue or would you like to have a
19 little break?

20 A.I would like to take a break.

21 MR. PRESIDENT:

22 The Chamber will take a 10-minute break for the civil party to
23 console herself.

24 (Judges exit courtroom)

25 (Court recesses from 1543H to 1553H)

98

1 (Judges enter courtroom)

2 [15.56.58]

3 MR. PRESIDENT:

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

5 Madam Nam Mon, how are you feeling? I hope you have recollected
6 yourself and that we can proceed further.

7 MS. NAM MON:

8 I have recollected myself, Mr. President.

9 MR. PRESIDENT:

10 Thank you. So we now proceed our questioning.

11 The AV unit is advised to put the photo up on the screen again;
12 photo with ERN in English, 00274367; another one, 4368 and 4369.

13 Is anyone from the Victims Unit present? Please, if you are, go
14 close to her so that she can feel warm and the proceeding will be
15 proceeding just a little while then we will adjourn.

16 BY THE PRESIDENT:

17 Q.Madame Nam Mon, could you please look at the photograph? Do
18 you recognize him?

19 MR. PRESIDENT:

20 The AV unit is advised to remove the photo.

21 [16.01.22]

22 The civil party is very moved and emotional to look at the
23 photograph so, since it is already time take an adjournment, and
24 to give more time for the civil party to recollect herself fully,
25 the Chamber will take the adjournment by now and we will resume

99

1 the session next week, on Monday, at 9:00 a.m.

2 Monday, the 13th of July, 2009 at 9:00 a.m. So Parties to the
3 proceeding are invited to come back.

4 And Nam Mon, the Chamber will end its session today although we
5 still have a few other questions from the Chamber and from the
6 Parties and we have noticed that you are very emotional when you
7 see the photos; so we will only hear your testimony on Monday,
8 next week.

9 The Court Officer is instructed to make sure that Madame Nam Mon
10 is well assisted so that she can go home.

11 The security guards please take the Accused back to the detention
12 facility and bring him back to the courtroom by 9:00 a.m., the
13 13th of July. The Court is adjourned.

14 (Judges exit the courtroom)

15 (Court adjourns at 1602H)

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