



**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

20 August 2009, 0905H

Trial Day 62

Before the Judges:

NIL Nonn, Presiding  
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Jean-Marc LAVERGNE  
THOU Mony  
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**List of Speakers:**

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CANIZARES	French
JUDGE CARTWRIGHT	English
MS. CHUM NEOU	Khmer
MR. CHUM SIRATH	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KAR SAVUTH	Khmer
JUDGE LAVERGNE	French
MR. OU SAVRITH	French
MS. SE KOLVUTHY	Khmer
MR. SENG BUNKHEANG	Khmer
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. TRUSSES-NAPROUS	French
MR. WERNER	English

1

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

2 (Judges enter courtroom)

3 [09.05.49]

4 MR. PRESIDENT:

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

6 According to today's schedule, we continue to hear the statements

7 of civil parties before the Chamber. There are three civil

8 parties to be heard, one of whom will be done by

9 videoconferencing.

10 The Greffier, can you report the attendance of the parties to the

11 proceedings?

12 THE GREFFIER:

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

14 the civil parties who are to provide their testimonies, Chhin

15 Navy and Chum Sirath and Chum Neou, are all present, waiting to

16 be called by the Chamber. I have already verified their

17 identification.

18 [09.07.15]

19 Regarding Madame (sic) Ou Savrith, she is ready to provide her

20 testimony by videoconferencing from France this afternoon.

21 MR. PRESIDENT:

22 I notice the presence of counsel, Alain Werner. You may proceed.

23 MR. WERNER:

24 Thank you. Good morning, Mr. President. Good morning, Your

25 Honours.

2

1 I saw an e-mail half an hour ago informing me that my client, Mr.  
2 Jeffrey James E2/86, will not be able to travel as planned. He's  
3 telling me that his mother fell sick and he feels that he's not  
4 able to travel, and for different reasons that if you wish I can  
5 elaborate upon, I do not think that video-link is an option.  
6 So I'm very sorry about that because I really do believe that his  
7 testimony would -- or his hearing front of your Chamber would  
8 have brought something new and unique, but that's what he's  
9 telling me. Of course, we respect that.  
10 So we do withdraw Mr. Jeffrey James from the list -- E2/86.  
11 Thank you.

12 MR. PRESIDENT:  
13 Counsel Studzinsky, you may proceed.

14 [09.09.02]

15 MS. STUDZINSKY:  
16 Thank you. Good morning, Mr. President. Good morning, Your  
17 Honours.  
18 First, I would like to make the following request concerning the  
19 order of the appearance of the civil parties of today.  
20 I would like to request to start with Mr. Chum Sirath, and Mrs.  
21 Chhin Navy is present at the Court but she does not feel well.  
22 She's not in the courtroom. She is downstairs in the civil party  
23 room and does not feel well at the moment to be able to testify  
24 in the morning. She believes that she could probably, and  
25 hopefully, be able to testify after having lunch and after having

3

1 the meal at lunch.

2 Now, she is lying and taking a rest and, therefore, I would like  
3 to request the Chamber to change the order, as I said, and to  
4 start with Mr. Chum Sirath in the morning session and to look  
5 then later on how Ms. Chhin Navy's health state is. Thank you.

6 MR. PRESIDENT:

7 Thank you for the information regarding the unavailability of the  
8 civil party E2/86 and the request for the rearrangement of the  
9 hearing of the civil parties. So the Chamber will take the  
10 suggestion into account. Regarding the request by Studzinsky,  
11 the Chamber agrees with the request.

12 Court officer, can you invite the civil party, Chum Sirath, to  
13 sit before the Chamber?

14 (Witness enters courtroom)

15 [09.13.16]

16 QUESTIONING BY THE BENCH

17 BY MR. PRESIDENT:

18 Q.Mr. Civil Party, is your name Chum Sirath?

19 A.Yes, that is correct, Mr. President.

20 Q.Mr. Chum Sirath, please note the red light on the microphone.

21 You should only respond when the light is on so that your voice  
22 goes through the system for the proper record of the transcript.

23 How old are you this year?

24 A.I am 68 years old.

25 Q.Where is your native place of birth?

4

1 A.I was born in Lvea subdistrict, Prey Chhor district, Kampong  
2 Cham province.

3 Q.Where is your current address and what is your occupation?

4 A.Currently, I live at Chroy Changvar. I am a company director  
5 of an IT in Cambodia from 2003.

6 Q.What is your father's name? Is he alive?

7 A.His name is Chum Doem. He is deceased.

8 [09.14.57]

9 Q.What is your mother's name and is she still alive?

10 A.Her name is Kim Tat. She is deceased.

11 Q.Mr. Chum Sirath, how many siblings do you have?

12 A.I have eight siblings; four brothers and four sisters.

13 Q.Can you tell the Chamber the names of your siblings in order;  
14 that is from the eldest to the youngest?

15 A.Chum Sarun; Chum Sarent, elder sister; then Chum Simali, elder  
16 sister; Chum Simalay, another elder sister. Then myself, Chum  
17 Sirath. Next Chum Narith; Chum Sinavi, my younger sister. And  
18 next the youngest, Chum Sinaret.

19 MR. PRESIDENT:

20 The Chamber would like now to provide the opportunity to counsel  
21 Studzinsky, representing this civil party, to make a brief  
22 statement regarding the identity of this civil party, and the  
23 reasons to become a civil party, and their intentions for the  
24 reparations regarding the facts and crimes alleged on the accused  
25 for the establishment and operation of S-21 Office, starting from

5

1 the 17 April 75 to the 6th of January 1979, and all the relevant  
2 evidence relating to the reparation or damage.

3 [09.17.22]

4 MS. STUDZINSKY:

5 Yes, thank you, Mr. President. I will be brief.

6 The identify of Mr. Chum Sirath is proved by his ID card; it is  
7 already on the case file. The relation to the case is as  
8 follows.

9 He lost two of his brothers, that is Chum Narith and Chum  
10 Sinaret, in Tuol Sleng and, as well, his sister in-law, Kem  
11 Sovannary, and probably the unborn baby.

12 The supporting documents are as follows. There is one photo  
13 existing from Chum Sinaret on the case file with the prisoner  
14 number 59. It is ERN number 00194512.

15 Furthermore, Chum Narith was as well in Tuol Sleng and entered  
16 Tuol Sleng on 29th of October '76 and was killed and executed on  
17 1st of January 1977, according to the evidence that my client  
18 received in Tuol Sleng during a visit there.

19 Concerning reparations, my client leaves this question for his  
20 lawyers and I would like to inform you that we will proceed as  
21 follows. First, Mr. Chum Sirath will give his statement. Then I  
22 will put a few questions to him. And that, is for the moment,  
23 all. And he would like to get then the floor to do this and to  
24 proceed.

25 [09.19.49]

6

1 MR. PRESIDENT:

2 Mr. Chum Sirath, the Chamber now would like to give you the  
3 opportunity to make your statement describing the events in  
4 connection to the crimes alleged on the accused, Kaing Guek Eav,  
5 alias Duch, which are related to the sufferings inflicted upon  
6 you.

7 This is in relation to the establishment and the operation of  
8 S-21 office from the 17th April '75 to the 6th of January '79 and  
9 all the relevant evidence and even in relation to your  
10 application for civil parties and the reparations that you seek  
11 for the damage, both physically and emotionally.

12 You may proceed.

13 MR CHUM SIRATH:

14 Mr. President, before I begin talking about my siblings who were  
15 the victims at Tuol Sleng, I would seek the President's leave to  
16 talk about my work that I have done in Cambodia in summary in  
17 order to shed some light on my following statement.

18 I started working in Cambodia in 1970 to 1974 as the General  
19 Director of the Post and Communications Ministry and from '74 to  
20 '75 I was appointed as a representative for the expertise  
21 organization of the UN in Geneva.

22 When Phnom Penh fell under the Khmer Rouge on the 17th April  
23 1975, I was abroad. Later on, I migrated to settle in France and  
24 I took a French citizenship. So at the moment I have dual  
25 citizenship, Khmer and French, and I had been living in France

7

1 since 1975 in a company producing IT equipment.  
2 [09.22.41]  
3 Also during the period I had lived in China for six years as the  
4 general director of a company and later on I came to live in  
5 Cambodia in 1999 as the director of this company in charge of the  
6 Southeast Asia branch. And that was in 2003.  
7 In that 2003 I quit that French company and I established my own  
8 IT company and I was the director of that company. As I informed  
9 the President, my parents had eight children and we were very  
10 poor. We did not have sufficient money but the only intention  
11 and hope of my parents was for us to be educated. It's like  
12 climbing a stair to the upper level in society.  
13 As my counsel had just said, all the facts related to case file  
14 001, I had two younger brothers, Chum Sinaret, he was 28 years  
15 old in 1976, and Chum Narith, 33 years old in 1976. And Kem  
16 Sovannary alias Dan, the wife of Chum Narith, whom I never met,  
17 and an infant -- they were all detained at S-21.  
18 With the President's leave I would talk about each one of them.  
19 Now I would like to talk about Chum Narith. My family was very  
20 poor. I received a scholarship to study in France in 1960 and I  
21 only returned to Cambodia in 1968. At that time, when we went to  
22 study abroad there was no opportunity for us to visit home until  
23 at the end of the study. And during that eight year period that  
24 I was abroad, Chum Narith was the breadwinner of the family.  
25 Chum Narith was a leading student, studying at Yuk Kunthor

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1 college and the Lycee Descartes only selected the leading  
2 students for their class and then later on they would be offered  
3 scholarship. And Chum Narith received a scholarship to study at  
4 that Lycee Descartes and would have the opportunity to study  
5 further in France.

6 [09.26.19]

7 But I was in France at that time, and due to the poor living  
8 conditions of my family, Chum Narith gave up his scholarship to  
9 France and when he finished his school, he entered the National  
10 Pedagogical Institution and later on he became a primary teacher  
11 in 1965. It was the same year as the accused left his teacher  
12 training institution.

13 Chum Narith was one of the few people who left schooling and got  
14 a job in order to support my parents and siblings. That is  
15 including Chum Sinavi to finish the high school and also became a  
16 primary teacher later on. He also supported my youngest sibling,  
17 Chum Sinaret to finish high school and to enter the medical  
18 faculty.

19 In 1968, that's when she entered the medical faculty, I was still  
20 in France at that time and in fact, my father passed away in 1964  
21 and, as I told you, during the study, the eight-year study, I was  
22 not able to come to attend the funeral of my father.

23 So upon my return in '68, I was so happy to reunite with my  
24 siblings and mother, and three months later the political police  
25 -- or the special police which was known at the time or sometime

9

1 it's referred to as the political police -- under the leadership  
2 of two state secretaries, Sosthene Fernandez for the National  
3 Police Force and Um Manarin for the Internal Security Affairs,  
4 and the special police were under their supervision.

5 And Narit was arrested on the allegation that he was a Khmer  
6 Rouge; that was in 1968. At that time, he was a teacher at the  
7 Balang School in Kampong Thom.

8 [09.29.24]

9 And the other day, I listened to the testimony of Mam Nai and he  
10 said he used to be a teacher too at the Balang School. So my  
11 brother was arrested at the Balang School and brought to the PS  
12 Prison.

13 My mother had a chronic disease. She got half the disease. She  
14 was shocked and traumatized, and I was requested by her to help  
15 my brother to get out of the prison.

16 At that time when people were arrested, tortures were not  
17 avoided, and there were some rumours that some people were even  
18 dropped at the valleys -- the mountains area to die, and I had to  
19 ask for assistance from my friends. And at that time, Mr. Vann  
20 Molyvann, the Minister of Education -- so I would ask him to help  
21 me to assist my brother.

22 And I was just returning from France. I believed that I could be  
23 convinced to grant such a visit to Mr. Molyvann but he did not  
24 allow me to meet him and he had several pretexts for not allowing  
25 me to do so.

10

1 After all, I found a person named Sam An who was the policeman  
2 who interrogated the people who were detained at the PS and that  
3 person used to study at the primary school in Kampong Cham, and  
4 since Sam An helped administer the interrogation session, my  
5 brother did not receive any punishment or tortures.

6 Later on, he was reintegrated into the school and transferred  
7 from Balang to Chum Chao, an area which is close to our current  
8 Court location.

9 [09.31.53]

10 In 1968, I was terrified. Professor Phung Ton was also arrested  
11 at that time. Professor Keng Van Sak, Chao Sao, the head of the  
12 bank, were also arrested at that time.

13 Preab In, who was regarded at the right-ist individual, was  
14 arrested and killed in the public, and his execution was  
15 photographed and also could be seen in the movie. So everyone  
16 who also watched the movie could never forget the memory of  
17 seeing such footages.

18 And, at that time, people were classified into groups of Blue  
19 Khmer, Red Khmer and, later on, after the DK regime started, and  
20 they classified people into categories of the KGB, the CIA or the  
21 Vietnamese sympathizers, or otherwise they would be regarded as  
22 the older people, the new people, and these kinds of routines or  
23 norms were well embedded long ago back then.

24 And when Narith was arrested, he was like a normal intellectual  
25 like other intellectuals who were left-ist because they were

11

1 progressive because they were with the developing ideas.  
2 And in France, at that time, there was an event we called the May  
3 1968 event. I may call it a kind of situation when people were  
4 rather left-ist and Maoist in France. And in Khmer, I think the  
5 situation was the same. So intellectuals tend to be in favour of  
6 the left-ist. Left-ist means they are against the war, the  
7 Vietnamese war.  
8 And, number two, they opposed the social injustice. They would  
9 like the restoration of social justice. And as a professor,  
10 Narith paid great attention to the future of young people, those  
11 who were unemployed. And he himself -- he was a very modest  
12 person because he focused on the education and the promotion of  
13 good education.  
14 [09.35.23]  
15 And there were partisans. People were left-ists and then people  
16 got their different parties and Narith could not avoid being part  
17 in one of the groups.  
18 However, at that time, there was an injustice arrest by the  
19 police, the judicial police, at that time. This phenomenon made  
20 Narith, being more involved in the movement to oppose the regime,  
21 and Sihanouk called the movement the Khmer Rouge or the Red Khmer  
22 Movement. And the movement, of course, had their triumph in  
23 1975. And as I already said earlier, after he left Sosthene  
24 prison, Narith worked at Chum Chao.  
25 Now, I would like to talk about my brother, Chum Sinaret. He was

12

1 born in 1948. When he was arrested in 1976, he was 28 years old.  
2 Sinaret studied at grade two at the medical faculty in Phnom  
3 Penh. In 1970, the 18th of March event erupted when Prince  
4 Sihanouk was toppled down and the war erupted. My wife, in Skun,  
5 who found out that insecurity was everywhere, so she travelled to  
6 live with me in Phnom Penh.  
7 Sinaret was the one who really be close to my mother. She had  
8 the heart disease for 20 years before she passed away, and  
9 without Sinaret her life would be in even worse condition because  
10 he, after school, had to be close to her to give great assistance  
11 to her.  
12 He was a man with a sense of humour. He always made my mother  
13 happy during the very critical time. Narith and Sinaret were  
14 like friends, although they were brothers. They really got along  
15 well with one another. One was good at telling jokes, the other  
16 was good at laughing at the jokes, so they were very good pair.  
17 And Narith was a very good support, the one who supplied or  
18 supported the family and my mother.  
19 We had a very happy family in the midst of the war-torn country.  
20 There were about 300,000 people at that time. Later on the  
21 population increased to more than one million in the city. Life  
22 became harder and -- the grenades were dropped in Phnom Penh on a  
23 daily basis, and gasoline became scarce and electricity blackout  
24 was everywhere and very often. Now people complain of brownout  
25 or blackout but back then, you know, we did not have electricity

13

1 for days.

2 [09.40.01]

3 And our family was reunited and we cared for one another and we  
4 could move places so that we could avoid being dropped the bombs  
5 at. And each family member had different political views. My  
6 brother was in favour of the republicans -- Narith -- and Sinaret  
7 was in favour of the FUNK movement supported by Sihanouk. They  
8 were in favour of the liberals. However, we were not the pure  
9 politicians, so we could compromise our differences and we prayed  
10 that the war was over so that we could resume our normal works,  
11 but our dream was faded because the war was intensified.

12 In February 1973, after having been sick for 20 years, my mother  
13 could no longer make it through. She died of suffocation and she  
14 died in the bathroom, and Narith tried to seek medical assistance  
15 to assist her. However, it was not possible to save her life.

16 After February 1973 -- actually in 1973 there was a big event at  
17 the Pedagogical Institute next to the Independent Monument.

18 There was a demonstration, riots, revolts, rebellions done by the  
19 teachers, who claimed pay rise. And my brothers -- at that time  
20 the police of the republicans accused him as being the ringleader  
21 of the demonstration or demonstrators on the 17th of March.

22 [09.43.19]

23 My mother actually died at the end of February but on the 17th of  
24 March there was a big plane. Pich Limkhuon was the pilot for the  
25 military aeroplane to drop bombs at the state building where

14

1 Marshall Lon Nol was housed. And at that time chaotic situation  
2 was imminent and my brother was searched to be arrested, but then  
3 he tried to escape, to actually run to the maquis jungle. And  
4 according to my research, he escaped to the jungle along with  
5 Professor Nuon Khoeun.  
6 He was a very popular professor and they went along with Hu Nim.  
7 Hu Nim was in charge of information or propaganda at that time,  
8 and he worked with Hu Nim in the propaganda section in the maquis  
9 jungle, I may say, in the Liberated Zone.  
10 From March 1973, when he already had been in the jungle --  
11 although I'm not quite sure but I believe that he could have  
12 contact with Chum Sinaret because at that time the communication  
13 was done in secret, but he could have communicated with his  
14 brother. And by the end of 1973 my brother Chum Sarun died and I  
15 received a letter from Narith from the maquis jungle, who offered  
16 his condolences and grief for the death of my brother, although  
17 he could not attend the funeral. But according to the substance  
18 of the letter, although it's hard to convey the message, but I  
19 could believe that it would not be easy living in that zone.  
20 In 1974, Mr. President -- I would like to be brief and I'm afraid  
21 that if I talk longer then you will get bored anyway. So in 1974  
22 there was a tragedy with my brother Chum Sinaret, who fell in  
23 love with a beautiful woman in Kampong Cham. At that time when  
24 they fell in love, of course, they only -- in French we call it  
25 l'amour platonique. And then when the war started, then the

15

1 communication or the roads was cut and they could not really meet  
2 each other again.

3 [09.46.51]

4 One day a rocket was dropped at Kampong Cham province and the  
5 woman was injured that she had to be amputated otherwise the  
6 situation, the condition would be worsened. And Narith (sic),  
7 having learned that his sweetheart was injured in the bomb, he  
8 called her but at that time we could not put the blame on the  
9 doctors because there was not sufficient medicine, and I did not  
10 know whether there was some kind of medicine to support the  
11 operation when the sweetheart of him actually was being  
12 amputated. Unfortunately she died during operation.

13 And later on I was appointed as the representative of Cambodia in  
14 Geneva, representing Cambodia -- the telecommunication of  
15 Cambodia -- and there was three organizations at that time.

16 There was International Telecommunication, or in French, Union  
17 Internationale, and also the nuclear energy organization.

18 When I went there, it was November 1974. I believe that in three  
19 months Sinaret could be reunited with me because when I had  
20 settled down properly then my family too would be reunited along  
21 with Sinaret. And I asked them to be prepared to have their  
22 passport renewed, but then on April 1975 everything changed. My  
23 dream, hopes faded.

24 It is my lifelong regretfulness. At that time, I was not brave  
25 or clever enough or I lacked conscience. I lacked analysis to

16

1 analyze the situation that Cambodia would be in a war torn  
2 phenomenon in the next few months, so why having calculated  
3 wrongfully about the situation, I am now regretful and it was a  
4 miscalculation or prediction.

5 [09.50.17]

6 I would like now to share with the Chamber the result of my  
7 research. On the 17th of April 1975, according to the research,  
8 Narith came to Phnom Penh with the Hu Nim group and worked at the  
9 propaganda ministry.

10 On the 30th of April 1975, I believe that the Chamber knows that  
11 there was a tragedy, a great tragedy, at the location of the  
12 French embassy in Phnom Penh, both French and Cambodians, in  
13 particular the French.

14 And those Cambodians who got married to the French nationals and  
15 with their children, they took refuge at the embassy, the French  
16 embassy. And the pressure from the ruling people at that time  
17 who were Khmer Rouge -- the French consulate Dirac, Jean Dirac --  
18 I probably don't want to say that he expelled the people there,  
19 but he actually ordered those who were not French nationals to  
20 leave the vicinity of the French embassy. If not, they would be  
21 starved to death or would not be given food.

22 I think it is now in the hands of the historians to really  
23 analyze the situation and to judge the decision by Jean Dirac at  
24 that time and why he made such a decision. And, of course, his  
25 decision could be rendered and passed down from the Foreign

17

1 Affairs office in France. I did not know whether the decision  
2 was ethical and that I believe the historians can now take this  
3 into account and judge it.

4 After these people were expelled from the French embassy, they  
5 were marching to Battambang province and it was a kind of great  
6 tragedy. I don't want really to recall it, however, when I were  
7 marching to that location later on I reached the different  
8 locations.

9 [09.53.58]

10 And when I was in France, I was told that I should not come back  
11 to Cambodia because people who educated in France were implicated  
12 as those people who were left-ist. And in France, I was sent a  
13 letter from my brother, Sinaret, telling me that he could move  
14 about in Phnom Penh but his relatives were all evacuated and  
15 moved to different places.

16 And I think perhaps at that time SiNarith and Narith could have  
17 met one another in happy moment, maybe less happy moment.

18 On the 29th of October 1976, Narith was arrested along with  
19 Sinaret and Dan, Kem Sovannary, his wife actually. And the  
20 reason for the arrest, as seen in the confession of Hu Nim -- Hu  
21 Nim himself wrote that. With Mr. President's leave, I would like  
22 to just briefly read the portion.

23 Prum Sam Ar, Yit Kim Seng. Yit Kim Seng was the brother-in-law  
24 of Hu Yun. They created a group opposing the collectivization  
25 and Prum Sam Ar during the republican's regime, they did not want

18

1 to say but allowed Chum Narith to say about this.

2 Chum Narith was brave and he was accused that the democratic  
3 radio was biased and that Chum Narith violated the  
4 collectivization regime and he claimed that because of this kind  
5 of collectivization, and that's why medicine was not sufficient  
6 and that privatization was banned and that it was not good.

7 In his confession, Hu Nim said that because Chum Narith said that  
8 then he requested Angkar to remove him. So on the 29th of  
9 September, he was removed.

10 [09.57.05]

11 From the 21st of July 1976, Pol Pot gave a speech in relation to  
12 the five-year plan concerning the collectivization. Three months  
13 later my brother was removed as suggested by Hu Nim, and Hu Nim  
14 himself, six months later after the plan was released and after  
15 my brother was arrested, on the 4th of April 1977, he was  
16 arrested. He said he gave in, himself, to the Angkar, but  
17 actually he was arrested after all.

18 Your Honours, you may ask, "How can we believe that this  
19 confession of the person, Hu Nim, in which Mr. Pon already had  
20 beaten him five times before he made such a confession? Can we  
21 really believe in such a confession if it was extracted by  
22 torture?"

23 But I think it is believable because the arrest was made and it  
24 was well known to the public in relation to arrest because there  
25 was a meeting held at the propaganda office and that he was

19

1 challenging the policy of Pol Pot, and the police of Son Sen and  
2 Kaing Guek Eav, alias Duch, must have known this very well. So  
3 how could Hu Nim lie in that confession?  
4 [09.59.35]  
5 So my conviction is that the confession is true. And it is  
6 consistent also to the nature of Narith. Narith was outspoken  
7 like I am because when he wanted to say anything he would say so.  
8 Mr. President, Your Honours, in relation to Chum Narith, in 1993  
9 after searching for the truth I came to Cambodia after 19 years  
10 abroad.  
11 I have tried to search for all the evidence but everything was  
12 not clear. In October '93 I went to Tuol Sleng Prison and on the  
13 list of names under order number 39 the name Chum Narith alias  
14 Nak in the propaganda entered on 29 October '76 and died on the  
15 1st of January '77. That is after he had lived in the prisons  
16 for 65 days and that he was tortured, dehumanized.  
17 I don't understand the purpose of such act. If the policy is to  
18 kill, then just kill. Why there is a need to beat them up? If  
19 one says beating up is to find the true confession as said by the  
20 accused and even the accused himself acknowledged the information  
21 or the confession from the forced torture and interrogation is  
22 not true, then what is the purpose of beating them up? Why don't  
23 just kill them straight away?  
24 On that same list I saw the name of my brother Chum Sinaret and  
25 -- as a medic and there was no date for the entry and for the

20

1 exit and I did not know when he died. There was also a name of  
2 Kem Sovannary alias Dan, the wife of Chum Narith and preceding  
3 that name the word "ah" was used. It's like "contemptible" in  
4 English -- from the propaganda section.

5 And even about the infant; I saw the paintings done by Mr. Vann  
6 Nath, Mr. President, as we all have seen the painting which  
7 depicts the dragging of an infant from the mother by the Khmer  
8 Rouge clique, by the prison guard. And on the other side the  
9 mother was being whipped by another person.

10 [10.03.22]

11 And I think that would similarly depict the fate of my nephew,  
12 or the baby could be dropped from the upper floor or smashed  
13 against a tree stump at Choeung Ek.

14 Mr. President, I am proud to be a Cambodian person and this  
15 Tribunal has given opportunity to the accused to express his  
16 feelings and the civil parties also to make their statements like  
17 Martine Lefeuvre, like Ouk Neary, Tiouloung, Sophea and Phung  
18 Sunthary Guth. They have all described the long path for them to  
19 search for the truth and the fate of their beloved individuals.  
20 And each story is different. However, all only had the same  
21 point; that is the despair, the despair and the feeling of not  
22 understanding of what happened and the sorrow and the pain which  
23 happened with us for more than 30 years.

24 I have struggled constantly every day and night not to forget the  
25 suffering, the misery of my siblings because this is my

21

1 obligation for the dead ones. However, at the same time I have  
2 tried to forget, to forget that because I also have the  
3 obligation for the survivors who are living with me. The  
4 feelings that I have on both sides have been continuing for 34  
5 years. I could not separate these two feelings, or which side  
6 should I choose and forget the other one?

7 Before this Chamber I strongly believe justice is being made and  
8 done. Up to today I even have written a letter to Kaing Guek Eav  
9 requesting information regarding my brother but he said he did  
10 not know about that.

11 [10.06.15]

12 And Mr. President, this Kaing Guek Eav, alias Duch, started with  
13 my younger brother at the teacher training institution and  
14 yesterday he acknowledged during the rebellion he was at Sisowat  
15 School with Chum Narith.

16 And also this Kaing Guek Eav, alias Duch met Chum Narith at the  
17 Liberation Zone in the maquis forest. And for Chum Sinaret at  
18 Skun he was a professor there at Skun and Chum Sinaret was not  
19 his teacher as my parents lived in Skun.

20 And because of his love for pure intellectuals who held esteemed  
21 the idealism and he made frequent visits to his home and he knew  
22 my brother clearly but on the day he entered S-21 he said he did  
23 not know anything as he was busy working with his documents. He  
24 had no time to pay attention to him.

25 As Duch said yesterday if he were aware of Phung Ton that he

22

1 would give him food. Of course I would not believe this.

2 And I would like to talk about another matter. This accused,

3 Kaing Guek Eav, alias Duch, always states that he is only a

4 subordinate and that he was not a major leader and that he did

5 only based on what he was ordered to do.

6 And I keep thinking, if he only followed orders, how come we all

7 say he is one of the most responsible? For example, he say

8 chairman of a prison and the CPK only sent those people to his

9 prison. And according to the policies, the people will be killed

10 at the prison. Then why he's being in charge? Because we all

11 believe that he is the most responsible, at least in my case,

12 that is regarding the deaths of -- my brother's death and his

13 family. And this is the core point, the essence or the gist of

14 this Tribunal.

15 I would like to say that if the CPK policy was to kill them, then

16 just follow the policy and there is no need to torture them. Or

17 if confessions need to be extracted, then just do so, but with

18 torture then as he said, the confession could not be true. And

19 in David Chandler's testimony, according to the annotations made

20 by Duch on those confessions, and that Duch could not sleep well

21 during his tenure at the prison at S-21 or if he disliked what he

22 did and that he could not eat at the end of the day.

23 [10.10.32]

24 Now, it's not like that. He enjoys doing what he did until when

25 Vorn Vet entered in '78, he still did the same.

23

1 On the third point, this accused, Kaing Guek Eav alias Duch,  
2 compares himself to a fox in a poem by Alfred de Vigny entitled,  
3 The Death of the Wolf. This poet was a 19th century famous  
4 person and he was a former soldier. And, of course, the life of  
5 a soldier was mixed, both joy and sorrow. So he wrote a lot of  
6 poems regarding the lives of soldiers and one of them was The  
7 Death of the Wolf.  
8 And he talks about a group of hunters, together with like 10 or  
9 20 dogs, to try to kill the wolf, and there were four wolves --  
10 one male, one female and two younger wolves. And when the wolves  
11 realized that they were being surrounded, they struggled their  
12 best to fight against the dogs. And the male wolf tries his best  
13 in order to defend the female wolf and their young wolves. And  
14 in the end he died. The wolf died.  
15 And according to the poem, the wolf died without making any  
16 noise. And the morality of this poem was illustrated at the end  
17 of the poem, and Kaing Guek Eav alias Duch quoted that poem on  
18 the 31st of March 2009, if I am not mistaken, at around 4.30 p.m.  
19 toward the end of the proceedings on that day while he was being  
20 questioned by his counsel, François Roux.  
21 [10.13.41]  
22 And this Kaing Guek Eav alias Duch recited that poem:  
23 "To pray or to think is equally cowardly. You must carry out your  
24 duty where fate has brought you. And you shall suffer and die  
25 without a word."

24

1 So what does it translate into the Khmer language?

2 I apologize. I saw the President is talking to me. In the Khmer  
3 language, it means the person was moaning, crying, begging, and  
4 that we have to try to work, just carry on working, according to  
5 our fate. And that I take the position of a wolf and that I die  
6 without making any noise.

7 And, as I said, the accused recited the poem at 4.30 when he was  
8 questioned by his counsel, François Roux, and after he finished  
9 reciting the poem, he left two or three minutes for him to be  
10 silent.

11 And during that time everything went dead. We could even hear  
12 the sounds of a mosquito if there was one in the Chamber at the  
13 time. And, later on, François Roux said that he no longer have  
14 any questions for this accused, Mr. President. And during the  
15 three minute time, everything was so moody, so quiet, and  
16 probably people would have a feeling of sorrow for this accused.

17 This is a clever technique as they were playing before this  
18 Chamber. And maybe they could join as a team to play theatre in  
19 France. And if the accused compared himself to the wolf in the  
20 poem, The Death of the Wolf, it's actually -- it's just like a  
21 pretext, or un imposteur in French.

22 [10.16.29]

23 And it is the opportunity to grab the good points as a brave  
24 person, a stoic in French, and that he talked about people who  
25 tried to work without thinking of the hardship, personal

25

1 suffering, as those French soldiers who were sent to fight in the  
2 battlefield. So I, personally, would take into account the  
3 points that the accused wants to say regarding the sacrifice, the  
4 selflessness -- or the stoic in French -- because what bravery  
5 was it?

6 For example, regarding the teacher, Doem Saroeun, that is his  
7 teacher, she entered S-21 and he knew. He knew that she was  
8 tortured and that she was dehumanized or degraded. He did not  
9 even raise his smallest finger to assist her. What brave was  
10 that?

11 If people used to fight in combat together or used to be  
12 together, then people would help each other but he didn't even  
13 raise his small finger to assist. And compare to Him Huy. Him  
14 Huy helped Saom Met, if we all recall. Sou Met had a younger  
15 sibling, Saom Huy, who was arrested and sent to S-21 and he said  
16 that Saom Met was another brother. But Him Huy told that younger  
17 brother not to say it and to keep it quiet, and Sou Met was  
18 transferred by Him Huy to another location.

19 MR. PRESIDENT:

20 I notice the presence of the defence counsel. You may proceed.

21 MS. CANIZARES:

22 Thank you for giving me the floor, Mr. President. I believe that  
23 in order to preserve the serenity and dignity of this hearing,  
24 would you please, Mr. President, remind the civil party  
25 testifying at this time to please refocus his presentation and to

26

1 speak to us.

2 [10.19.25]

3 We understand that he is speaking to us of his suffering and the  
4 suffering of his family but perhaps to try not to evoke the  
5 reactions of Mr. Kaing Guek Eav or of other persons, perhaps, who  
6 were also victims and who are not connected to his particular  
7 case either by blood or kinship.

8 MR. PRESIDENT:

9 Counsel Studzinsky, you take the floor.

10 MS. STUDZINSKY:

11 Thank you, Mr. President. I only want to respond very briefly to  
12 the objection or request, that is to say, of the defence because  
13 of course this is what, so far, my client has elaborated on and  
14 presented here -- is part of the process of coping with the  
15 suffering and of course is part of the story that he wants to  
16 tell this Court, and therefore I request Mr. President not to  
17 follow the request of the defence. Thank you.

18 MR. PRESIDENT:

19 The Chamber has noted that the objection raised by the defence  
20 counsel is partly appropriate. Therefore, the Chamber would like  
21 to remind the civil party to control your emotion, and your  
22 statement should only focus on the facts, as the Chamber has  
23 informed you and given you the opportunity to do so.

24 The Chamber of course acknowledges your emotion, your feeling and  
25 the suffering which you have been bearing for so many years, and

27

1 the Chamber tries not to interrupt your statement and this is the  
2 part that the Chamber has done this morning. The main focus of  
3 our proceedings is to find justice. It is not the opportunity to  
4 make revenge or to affront anybody, including the accused. The  
5 proceedings here is based on the law with respect to all the  
6 relevant principles and the Human Rights Convention.

7 [10.23.20]

8 In addition, the time allocation for your testimony is two hours  
9 and the time has been spent greatly already. You may now  
10 continue to proceed with your statement by focusing on the  
11 relevant facts and your intention to be a civil party to this  
12 proceeding. You can tell the Chamber the reasons, your relations  
13 to the facts and the crimes alleged on the accused, Kaing Guek  
14 Eav, alias Duch, during the establishment and the operation of  
15 S-21 under the DK regime from 17 April 1975 to the 6th of January  
16 1979, which are the main reason for you to be a civil party. You  
17 can talk about your seeking of reparation or damage that you have  
18 received emotionally and physically.

19 What you have stated so far is not that far from this point but  
20 the Chamber would like you to only focus on the main points of  
21 you being here as a civil party before this Chamber. And this is  
22 not just for you. This has been done and directed at all the  
23 civil parties before the proceeding. You may now proceed.

24 MR CHUM SIRATH:

25 Mr. President, your leadership of this Chamber by you is up to

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1 the international standard and I understand that. The accused is  
2 not yet regarded as a convict if he is not found guilty by the  
3 Chamber, but we are the victims. We cannot accept that when the  
4 accused within this Chamber says that the moaning, the crying or  
5 the begging are the coward acts. Sixteen thousand people died at  
6 Tuol Sleng and of course they would have cried, begged, wept.

7 Can we say they were cowards?

8 [10.26.08]

9 So within this Chamber, when he talked about these acts, he is  
10 just an imposter.

11 MR. PRESIDENT:

12 The defence counsel, you may proceed.

13 MS. CANIZARES:

14 Yes, Mr. President. Please forgive me for again interrupting the  
15 presentation of the civil party.

16 I do not think that at any time on the bench of the defence we've  
17 noted that the accused had used the expression "coward". Now,  
18 I'm certain that the civil party is entitled to say what they  
19 want and to share their suffering with us, and we are respectful  
20 of that, but we cannot make the accused say things that he has  
21 not said. We cannot put words in his mouth which he did not use.

22 MR. PRESIDENT:

23 Let me now focus on the purpose of our proceedings, the civil  
24 party. The Chamber, as you noticed, has not tried to interrupt  
25 you and allows you to express the suffering. This is done for

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1 all the civil parties. But please try to refrain yourself and  
2 make your statement related to the facts, and it is your right to  
3 believe or to not believe the statement made by the accused.  
4 The proceedings before this Chamber has been ongoing for several  
5 months and in the end the Chamber would consider all those  
6 information and evidence and then we would issue a judgment which  
7 is fair and just and which is acceptable by all the parties to  
8 the proceedings, including the civil party and the defence party.  
9 We will consider every aspect of the proceedings and the relevant  
10 documents.

11 As I have just reminded you, your time is running out, so please  
12 focus only on the relevant facts. Please go on.

13 MR CHUM SIRATH:

14 I will conclude now, but before my conclusion I would like to  
15 talk about the conversion of religion by Duch from Buddhism to  
16 Christian.

17 In the Christianity there was Cain, the person who was the  
18 important actor in the religion, who killed another person, and  
19 Cain was monitored because the dead bodies -- the eyes of the  
20 dead people kept following the person until he could never feel  
21 peaceful anymore so he asked somebody to dig a pit and covered it  
22 with dirt.

23 [10.30.28]

24 The French writer wrote a French poem in French; when the grave  
25 was closed over him the eye was in the grave and was watching

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1 Cain.

2 So when he was buried in the tomb his sibling's eyes could be  
3 seen follow him in the grave. So the eyes could even follow the  
4 dead body.

5 I would like to ask the accused now with the more than 12,000  
6 (sic) people who perished during the regime all together they  
7 could be multiplied by two. Then they represent the eyes of the  
8 people all together there are 32,000 eyes who actually -- that  
9 the eyes that follow the accused each time of everyday to seek  
10 his explanation.

11 Now, he converted the religion. In Christianity his sin is  
12 forgiven for such a reason but in Buddhism those who commit good  
13 receive good. However, I believe that the 32,000 pairs of eyes  
14 that are now following the accused, how could the accused himself  
15 escape. I don't believe he has any place to hide.

16 Thank you.

17 MR. PRESIDENT:

18 We'll take the adjournment now and resume at 10 to 11.

19 The civil party, could you please be seated or take a break  
20 before we can resume the session.

21 [10.33.12]

22 THE GREFFIER:

23 All rise.

24 (Judges exit courtroom)

25 (Court recesses from 1033H to 1057H)

31

1 (Judges enter courtroom)

2 [10.57.36]

3 MR. PRESIDENT:

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

5 The Chamber would like now to give the floor to Counsel

6 Studzinsky, who is representing this civil party, to put

7 additional questions to her client if she so wishes.

8 MS. STUDZINSKY:

9 Yes, thank you, Mr. President, for having the opportunity to ask  
10 my client, Mr. Chum Savrith but before I do this I only would  
11 like to ask the President or the Chamber to get in future events  
12 of any objections of the defence or other parties to our clients  
13 that we get the right to be heard, because I tried to respond and  
14 the second time and could not respond anymore to the intervention  
15 by the defence counsel and only to clarify that the English word  
16 "coward has" -- in the French translation the word "lâche". That  
17 is the word that is used in this poem and was quoted by the  
18 accused.

19 I would like to present now some photos to my client and that he  
20 could explain the photos of his brothers and also of his  
21 sister-in-law.

22 [10.59.30]

23 And I would like to ask Mr. President to direct the court

24 officials to put them here on the screen so that he can explain

25 and elaborate on these photos.

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1 MR. PRESIDENT:

2 Court officer, can you arrange to have the photos shown on the  
3 screen?

4 MS. STUDZINSKY:

5 Mr. President, I would like to give my client the floor and to  
6 comment on these photos to be shown and to explain these photos  
7 and where they are from and when they are taken and without  
8 interruption to elaborate on all these photos that should be  
9 presented.

10 Thank you.

11 MR. PRESIDENT:

12 Mr. Chum Sirath, you can now proceed with a photo description.

13 MR CHUM SIRATH:

14 This is a photo of my youngest brother Chum Sinaret a medical  
15 student in his second year. This photo was taken by a friend of  
16 mine and given it to me. This is the photo of Chum Sinaret who  
17 at the time did not yet fall into the hands of the torturers  
18 clique of Mr. Kaing Guek Eav, alias Duch.

19 This is the photo of Sinaret and Narith. On the right-hand side  
20 is Sinaret and on the left is Chum Narith. The photo was taken  
21 during the cremation ceremony of my mother. That was 17 days  
22 before Narith went to the maquis forest as I described earlier.  
23 These two were very close to one another.

24 [11.03.36]

25 This is Kem Sovannary, alias Dan. I had never met her. She was

33

1 my younger sister-in-law.

2 With the President's leave, I would like to appeal to anyone who  
3 can recognize Kem Sovannary, alias Dan, the wife of Chum Narith,  
4 who entered Tuol Sleng Prison with Chum Narith with a young  
5 infant; please contact me. I can be contacted via the Victims  
6 Unit of this Tribunal.

7 MR. PRESIDENT:

8 Can you zoom out to show the content of that document? Stop at  
9 that place and can you move a bit further up? Move to the end of  
10 the document. You can now take the document off.

11 MS. STUDZINSKY:

12 Thank you.

13 QUESTIONING BY CIVIL PARTY COUNSEL

14 [11.06.14]

15 BY MS. STUDZINSKY:

16 Q.I would like to ask my client, Mr. Chum Sirath, now one  
17 question and that is the following: I would like to know and  
18 that you explain here in this courtroom what do you think and how  
19 do you cope with the excuses of the accused and what it means for  
20 you?

21 A.In the beginning when I heard the apology made by the accused,  
22 I was happy. I thought at least amongst the leaders of the  
23 Democratic Kampuchea one was brave to acknowledge. I want to  
24 believe it, to believe the apology by the accused but the longer  
25 I have participated in the proceedings the feeling of trying to

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1 believe dissipated. I believe it is not genuine. And why do I  
2 say that?

3 On the 31st of March 2009 the accused made a famous statement and  
4 I quote what he said from the transcript as follows:

5 "At present I am remorseful and I feel shameful as a person who  
6 bears the responsibility and the guilt for the Cambodian people  
7 as a whole."

8 And then he continues. I quote:

9 "In order to comfort myself I prayed for forgiveness. First I  
10 seek forgiveness from my parents, then my mentor and I pray for  
11 forgiveness from the Cambodian people on the 17 November  
12 annually. That was my date of birth and I would make a small  
13 ceremony to pray."

14 In the statement made by the accused he prayed but he did not  
15 pray for the souls of those who died to rest in peace. He prayed  
16 in order to make himself feel better, "And I tried to find a way  
17 to comfort myself. That is, I pray on my birthday, 17 November."

18 [11.10.13]

19 And on the 9th of July 2009, under the questioning by Mr. Kim  
20 Mengkhy, the civil party counsel for Chin Met, he asked the  
21 accused whether the accused is responsible emotionally for the  
22 suffering inflicted upon Chin Met. And I will quote his speech  
23 from the transcript:

24 "Mr. Counsel, regarding the case of Comrade Met, I am not  
25 responsible emotionally but I am fully responsible before the

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1 law. And this is my response."

2 And regarding my brothers, the accused knew them very well. He  
3 wrote me a letter in response and I was so glad to receive it but  
4 he said he did not see them, and if he even did see them he would  
5 not be able to assist them because they were ordered by Angkar.  
6 He said he didn't know anything about this.

7 So that's why I said his expression is not genuine and if Mr.  
8 President and Your Honours think that my speech, my statement  
9 here, is biased towards the accused, I would like the Chamber to  
10 please look at the report of a psychological doctor dated the 8th  
11 of April 2008. This psychological doctor named Sironi-Guilbaud,  
12 Françoise.

13 MR. PRESIDENT:

14 Judge Lavergne, you take the floor.

15 [11.13.08]

16 JUDGE LAVERGNE:

17 It seems to me to be important to interrupt the civil party  
18 because this is an expert we will be hearing later on. Therefore  
19 it seems to me impossible at this stage of the debate, having not  
20 heard the expert -- it seems to me not possible to quote what the  
21 expert has written in his report.

22 MR CHUM SIRATH:

23 Thank you. There is no need then for me to talk about my third  
24 point. However, the next three points will show that his apology  
25 is not genuine. Therefore, on behalf of my late brothers, Chum

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1 Sinaret, Chum Narith, Kem Sovannary, alias Dan, and my nephew, I  
2 would like to declare before this Chamber that I will not be able  
3 to accept this ungenune apology.

4 I am here before this Chamber to ask for justice, and this  
5 justice cannot be separated from the truth. I haven't received  
6 justice for over 34 years now. Thank you, Mr. President.

7 MS. STUDZINSKY:

8 I have no further questions to Mr. Chum Sirath but I would like  
9 to thank you very much for coming and appearing here before the  
10 Chamber and contributing here and undertaking all these efforts  
11 to preserve the memory and to respond to the behaviour or the  
12 defence of the accused and to contribute here to these  
13 proceedings.

14 Thank you very much.

15 [11.16.10]

16 MR. PRESIDENT:

17 The Chamber would like now to give the opportunity to the  
18 Co-Prosecutors to put questions to this civil party if they so  
19 wish.

20 MR. DE WILDE D'ESTMAEL:

21 Thank you, Mr. President.

22 QUESTIONING BY THE CO-PROSECUTORS

23 BY MR. DE WILDE D'ESTMAEL:

24 Q.Sir, thank you for your courageous statement. It seemed in  
25 your statement that you were insisting a great deal on the

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1 elements of information that you were able to obtain thanks to  
2 your research concerning your brother Narith and his wife.  
3 However, with regard to your brother Sinaret, I was wondering  
4 whether you could supply us with information regarding whatever  
5 details you may have received concerning his arrest: when, why,  
6 who arrested him? Was that arrest linked to the arrest of your  
7 other brother, Narith?

8 So what did you learn through your research in regard to this?  
9 Of course this is only if you were able to obtain this  
10 information, which is notoriously difficult to obtain.

11 A.Regarding my younger brother, Chum Sinaret, although I have  
12 tried my best to do his research. I could not find any more  
13 information except the photo that was given to me by my friend  
14 who took it from S-21. I went to S-21 in October '93. I saw his  
15 name on the list with no dates for the entry and the exit. And  
16 it's the same for Kem Sovannary.

17 And I had hope and I also supposed that the day Phnom Penh fell  
18 on the 17th April 1975 Sinaret was in Phnom Penh because I  
19 received a letter from him when the French left Phnom Penh. And  
20 when they left it was toward the end of April and my brother was  
21 still in Phnom Penh. And Cambodian people were evacuated from  
22 Phnom Penh on the 17th April.

23 And from what I received from Pich Limkhuon who was a pilot who  
24 dropped bombs at the residence of Lon Nol in '73, he then fled to  
25 the liberated zone in Kratie province. And after the liberation

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1 of 17th April '75, he returned and he was a helicopter pilot for  
2 the DK government.

3 [11.19.57]

4 Later on he stole that helicopter and flew away to Ou Tapao in  
5 Thailand and then he sought refuge there. And I met him in 1978  
6 in Oslo. There was an organization for to hold a meeting for  
7 those people who fled from Cambodia. It was held in April 1978.  
8 At that time there were about 20 refugees and some experts, Jean  
9 Lacouture, a famous journalist; Francois Pouchard, an author of  
10 the book Cambodia Year Zero; Robert Hartmann and myself.

11 I was an interpreter at the time. I was not an expert. And Pich  
12 Limkhoun was there by invitation and he knew my brother as he was  
13 with Hu Nim and Pich Limkhoun also went to the forest with Hu  
14 Nim.

15 That's why I learned of my brother's whereabouts in April in 1975  
16 in Phnom Penh. And through my research he was detained in S-21  
17 on the 29th October '76. And I believe that the two of them  
18 would meet before their demise at S-21.

19 Q.Can we say that the motive for the arrest of your younger  
20 brother, remaining defined or undetermined, is a supplementary  
21 cause for suffering for you today since you do not know why he  
22 was arrested or why he was executed subsequently?

23 A.It is beyond my imagination. Sinaret was a youth, a student.  
24 He did not involve in politics. And I am sure he was arrested  
25 because he was the younger brother of Narith and like Kem

39

1 Sovannary alias Dan she was arrested because she was the wife of  
2 my brother.

3 [12.23.17]

4 I personally had a regret because I had a plan to migrate them to  
5 Geneva but because of my misjudgement I thought it was okay. The  
6 situation at the time was okay. We would serve any government.  
7 We would try to build our country. We are all Cambodians.  
8 Everybody had the same idea and that's the reason several and a  
9 lot of intellectuals, professors, engineers died due to this  
10 notion of same Cambodian.

11 And this is my response, Mr. Co-Prosecutor.

12 MR. DE WILDE D'ESTMAEL:

13 I have no further questions. Thank you Mr. Chum Sirath.

14 MR. PRESIDENT:

15 The Chamber would like now to give the floor to the defence  
16 counsel if they have any questions to be put to this civil party.

17 MS. CANIZARES:

18 Mr. President, the defence have no questions for the civil party.

19 We wish only to formulate an observation.

20 As was the case for Mr. Phung Ton at the request of Mrs. Phung  
21 Sunthary, Mr. Kaing Guek Eav has made written comments in reply  
22 to the questions of Mr. Chum Sirath concerning the members of his  
23 family who died in S-21.

24 [11.25.10]

25 This document which has already been filed and has the reference

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1 E3/19 and ERN code Khmer 0024301002413; French reference  
2 002431400204322; and English 0020874600208758.

3 MR. PRESIDENT:

4 The civil party, do you have any comments you wish to make  
5 regarding the defence counsel's observation?

6 MR CHUM SIRATH:

7 Thank you, Mr. President.

8 The defence counsel said Kaing Guek Eav gave me a letter in  
9 response to my questions and yes, I received the letter and I  
10 already informed the Chamber. In that letter he said he knew my  
11 two brothers. What I really wanted to know from him was that how  
12 my brothers died and where.

13 I know Narith died at Tuol Sleng because he died on the 1st of  
14 January '77. At that time I believe Choeung Ek was not yet in  
15 existence. And what I want to know about my other two brothers  
16 and in-law, how long had they stayed in S-21, like in the case of  
17 Phung Ton? Was it seven months? Was it ten months? That's what  
18 I want to know.

19 I knew that he already knew my brothers but whoever he -- and if  
20 he wanted to apologize, that is his right. And of course, as I  
21 said, it's not genuine. I wanted to know the circumstances of  
22 the death of my brothers. And I don't want him or the counsel to  
23 raise this useless document.

24 MR. PRESIDENT:

25 He also gave his written response to the daughter of Mr. Phung

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1 Ton yesterday and the accused said he will try to do further  
2 research to fulfil the response of the daughter of Phung Ton, and  
3 that he already received the letter regarding Phung Ton's  
4 daughter's request.

5 In your case the Chamber will provide you a separate opportunity,  
6 and here the defence counsel does not talk about your case.

7 MR CHUM SIRATH:

8 My apology, Mr. President. If this is the case involved Phung  
9 Ton's daughter and mother -- and wife I don't understand.

10 [11.29.12]

11 MR. PRESIDENT:

12 The defence counsel said she did not have any questions to be put  
13 to you but she wished to make an observation, like in the case  
14 this morning some counsels provided the Chamber with some  
15 information and this is the procedure we practice in this  
16 Chamber.

17 Next, the Chamber would like to give the floor to the accused to  
18 make his observation in response to the statement by Mr. Chum  
19 Sirath.

20 The Chamber would like to inform the accused again that this is  
21 your right to respond to the statement by the civil party or you  
22 can elect not to do so by way of exercising your right to remain  
23 silent.

24 The floor is yours.

25 THE ACCUSED:

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1 Mr. President, I would like to reiterate that first, the old  
2 friends who were arrested and detained at S-21 were numerous.  
3 There was another friend who was senior, the historical professor  
4 at Skun Lycée, who was arrested and sent there at the very  
5 beginning. I did not know he was being sent to the location. I  
6 only learned of it later.  
7 So regarding the friends I once worked with, I loved and liked, I  
8 had to really get away from them. I did not want to face the  
9 challenge. And that's why I said I betrayed friends and  
10 colleagues. So, Chum Sinaret and Chum Narith were among the  
11 friends that I had to pretend not to see them because I did not  
12 dare face them. I just wanted to escape from seeing them because  
13 everyone who was arrested was regarded as enemy.  
14 [11.31.51]  
15 And when you said about the eyes of the more than 32,000 dead  
16 body, I really realized this matter. Because of this matter  
17 recently I made it clear that I accept everything said by the  
18 civil party and I'm ready to be pointed the fingers at me by  
19 civil party. They can punish me to the certain extent -- degree  
20 of punishment they would wish to do so, and I'm happy to do that.  
21 I will receive this kind of criticism and kind of punishment with  
22 a smile.  
23 I don't deny it because I am very sincere now and I'm honest to  
24 reveal the truth that I am sympathetic and really remorseful for  
25 the lost souls. And I don't want to recall this matter because I

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1 have made it in several occasions already, genuinely I do not  
2 really have any sense of vengeance to contest what you made  
3 before the Court and I honestly receive, accept all the  
4 statements you made.

5 However, I would like to make some observation in relation to the  
6 historical facts. You said that Pich Limkhuon went to the rural  
7 area with your brother.

8 MR CHUM SIRATH:

9 Mr. President, I did not say that.

10 MR. PRESIDENT:

11 The accused, could you please stop here so that we don't want to  
12 hear more. I think your observations should come to an end now.  
13 Now the hearing of the statement of civil party Chum Sirath has  
14 come to an end.

15 [11.34.20]

16 Mr. Chum Sirath, you can now choose to be seated at the reserved  
17 seat for the civil parties and the Chamber is going to hear  
18 another civil party.

19 (Witness exits courtroom)

20 The Court official is instructed to call civil party Chum Neou.

21 MS. CANIZARES:

22 Mr. President, I take the liberty of speaking now because the  
23 accused had other observations to make apart from the one that he  
24 made, and I would like him to be given the floor again so that he  
25 can go through his observations. It seems to be important at

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1 this stage of the proceedings that we be made aware of what the  
2 accused has to say.

3 MR. PRESIDENT:

4 The Chamber has noted that there was a reaction from the civil  
5 party in response to the observation of the accused, and that  
6 observation itself was straying from the facts at S-21 between  
7 the period -- during the period in which the S-21 was  
8 established, being from the 17th of April 1975 to the 6th of  
9 January 1979.

10 So the Chamber will reserve its right to actually refuse any  
11 civil parties or the accused for making any observation in  
12 relation to the facts which are out of the timeframe as said.

13 So if the accused would like to respond to the request made by  
14 the civil party in relation to the search for the truth of the  
15 information of their loved one who was lost at S-21 then the  
16 Chamber would allow to do so, but the Chamber does not allow the  
17 accused to make any observation which is far beyond the facts at  
18 issue.

19 [11.37.41]

20 So does the accused wish to make further observations then?

21 THE ACCUSED:

22 Mr. President, the reason I made it in my observation is that it  
23 was just the beginning, because at that time the intellectuals  
24 who ran away after the demonstration against Lon Nol, they were  
25 included Mam Nai in 1973 and then Chum Narith, Nuon Khoeun

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1 (phonetic), Prum Sam Ar, Kong Sokhun and, six, Tuon Sokphala. So  
2 I remember their names because I had followed their account  
3 closely.

4 However, when I researched further I found the following names.  
5 I found Nuon Khoeun and Tuon Sokphala but I did not see the name  
6 of Sokphala (sic). I knew that Sokhun was known to me because  
7 Son Sen told me that he committed suicide at the Ministry of  
8 Education, supervised by Sister Yon Yat.

9 I did not see Chum Narith in the list but there was a record  
10 about Kem Sovannary, so I believe that when Kem Sovannary was  
11 there, so Chum Narith could have been there too. Chum Sirath was  
12 recorded as the medic from the co-operative, so I think these  
13 people were arrested on different accounts, while Chum Narith was  
14 arrested based on the previous implications in other people's  
15 confessions.

16 [11.40.00]

17 I have no idea what would happen to the arrest of Chum Sirath,  
18 who might have been arrested by the implications of other people  
19 from different locations. And I would like to make it clear that  
20 the people who left to the rural area, the sick people, were  
21 together with me.

22 MR. PRESIDENT:

23 Could you please respond to his question in relation to the date,  
24 exact date, when his brothers-in-law were arrested and executed?

25 So this is his sole purpose, to know the truth of the date, and

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1 if you can also shed light on the location where their loved one  
2 were executed then it would be grateful to them because they  
3 believe that if they can locate where the dead body of their  
4 loved one could have been buried, then they can really conduct  
5 some kind of religious ceremonies to dedicate or offer some kind  
6 of best wishes to them.

7 THE ACCUSED:

8 Mr. President, I don't have any record of the date when Kem  
9 Sovannary and her husband were sent in. They were there but I  
10 believe that the research by Chum Sirath was plausible in  
11 relation to the date when these people were executed. However,  
12 although I was the Chairman of S-21, I don't think I can have a  
13 good grasp of the accounts of the deaths of these two or three  
14 people.

15 MR. PRESIDENT:

16 Please be seated.

17 [11.42.07]

18 QUESTIONING BY THE BENCH

19 BY MR. PRESIDENT:

20 Q.Is your name Chum Neou, the civil party?

21 A.I am Chum Neou.

22 Q.How old are you?

23 A.I am 60 years old.

24 Q.Where were you born?

25 A.I had two hometowns or birthplaces; one at Preaek Ruessei,

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1 Prey Veng, and another birthplace of my father was in Prey Veng  
2 province. I would like to make it clear that it in my  
3 identification card I registered my father's hometown as my  
4 hometown, while in other records I registered the mother's  
5 hometown instead.

6 Q.Where do you live now?

7 A.I live in Kampong Leav, Prey Veng.

8 [11.43.48]

9 Q.What is your occupation?

10 A.I am at home planting vegetables.

11 Q.From 1975, the 17 April, to the 6th of January 1979, where had  
12 you been and what did you do?

13 A.During this period -- I may have to make it more detailed.

14 After the 17th of April 1975 I lived in a military unit in the  
15 east. After Phnom Penh fell the Angkar ordered me to come to  
16 Phnom Penh to work at the General Staff Logistic Section, and on  
17 the 12th of August 1977 I was arrested and sent to S-21.

18 Q.What is your father's name?

19 A.His name is Meak Chum.

20 Q.What is your mother's name?

21 A.Her name is Kvek Sok.

22 Q.Can you please tell the Court about your marital status?

23 A.I am a widow. After 1979 I remarried but we divorced and he  
24 died and leaving five children behind under my supervision.

25 [11.46.40]

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1 MR. PRESIDENT:

2 The Chamber would like now to give the floor to the civil party  
3 lawyer group 4 to brief the Court in relation to the identity of  
4 civil party Chum Neou and the grounds for civil party  
5 applications, and the relationship of the claims to the facts at  
6 S-21 during the Democratic Kampuchea regime from the 17th of  
7 April 1975 to the 6th of January 1979, and the other evidence to  
8 support the claims or applications.

9 MS. STUDZINSKY:

10 Mr. President, I only would like to make one remark concerning  
11 the translation in English. I have heard that there was a  
12 translation when Madam Chum Neou spoke that it was she was sent  
13 to S-21. It was obviously S-24 in Khmer. Could it be clarified?  
14 And maybe in the French translation I think it is the same than  
15 S-21 in the translation, I assume. Or maybe to clarify with the  
16 civil party again this point.

17 MR. PRESIDENT:

18 Actually, in Khmer we heard S-21. I don't know whether -- what  
19 English would say.

20 BY MR. PRESIDENT:

21 Q.Madam Chum Neou, to which direction or which prison was you  
22 arrested and detained -- at S-21 or S-24?

23 A.When I said S-21 it was based on the document. Actually, I  
24 was not sent to Tuol Sleng but the location was the branch of  
25 S-21. First I was arrested and sent to Preak Tnao office or Ta

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1 Khmau prison. It was the former psychiatric hospital. I was  
2 detained there for a short while before I was sent to Stueng  
3 Chrov. We walked there.

4 [11.49.29]

5 At Stueng Chrov I was pregnant and I was forced to get married in  
6 1976. After I gave birth to my child I was then sent to S-24, or  
7 Prey Sar.

8 MR. PRESIDENT:

9 Could you please stop here because we're only now verifying your  
10 identity? You will be able to give a comprehensive account of  
11 your story actually later and we're now in the midst of hearing  
12 the brief information from your lawyer in relation to your civil  
13 party claims.

14 So the civil party lawyer, you still may proceed with the further  
15 observation.

16 MR. HONG KIMSUON:

17 Thank you, Mr. President and Your Honours.

18 I am Hong Kimsuon. I am the civil party lawyer in group 2 and 4.  
19 My client, Madam Chum Neou was a victim. She is a victim and the  
20 civil party. She has obtained the identification card which is  
21 already included in the case file. The Co-Investigating Judges  
22 have already approved her civil party application form in 2008 in  
23 November.

24 There are documents to support her claims that she was the victim  
25 at S-21 -- that covered S-24, as she already said briefly

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1 previously. This document can be found under ERN D25/16/2 in  
2 Khmer, ERN 00211380; and document D25/16/2, which are the  
3 supporting documents to prove that she was detained at S-24,  
4 which was the branch of S-21.  
5 [11.52.39]  
6 I would like to also tell the Court that Chum Neou was not the  
7 only victim at that time. During that time her husband Nour  
8 Moeun was also detained. He was tortured at S-21, now known as  
9 Tuol Sleng museum. Later on he was executed.  
10 And another person accompanied her was her child, the child she  
11 gave birth before she was taken to S-21, and the baby died  
12 because of starvation. So she is here not alone but on behalf of  
13 herself and her child and her husband.  
14 The documents that have already been filed in the case file  
15 related to her husband Nour Moeun, alias Sem, can be found in the  
16 list of the prisoners of S-21 or Tuol Sleng Prison -- in that  
17 list, the list of the prisoners from 1975 to 1978. He can be  
18 found in document under ERN 0071629 on another prisoner list --  
19 with number 61, actually, under ERN 00181657 and another list of  
20 prisoners under ERN 00331375 and another document of S-21 under  
21 ERN 00331803; another list of S-21, the list of prisoners under  
22 ERN 00331076.  
23 So these are the documents supporting the information that her  
24 husband was detained and executed at S-21. And the document  
25 already filed in relation to the ID card is under ERN 00211379.

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1 I have already told the Court about the biography at S-21 but it  
2 was not produced at S-21 but made at S-24. It can be found under  
3 ERN 00211380.

4 Chum Neou has joined as a civil party to seek justice for her and  
5 her husband and kid because the most responsible people of the  
6 Democratic Kampuchea had inflicted tortures and sufferings on her  
7 and she is here to also claim for the civil reparation if the  
8 accused after all is found guilty as charged. So she is going to  
9 seek collective and moral reparations at the end.

10 [11.57.52]

11 I would like to also tell the Court that Madam Chum Neou was the  
12 victim of the DK, the victim as the result of the purges or the  
13 smashes, as always said by the accused that he referred to the  
14 internal purges of the enemies inside the DK.

15 My client joined the revolution before 1975 and after 1975 until  
16 the day she was arrested and detained and tortured. And after  
17 1979, after the Vietnamese invaded Cambodia, she had suffered  
18 more when she had to go with the accused to Pursat and  
19 Battambang.

20 I would like to now stop here and I would like the President to  
21 allow her to please continue with her statement.

22 MR. PRESIDENT:

23 Since it is now time to take the adjournment we will take the  
24 adjournment for lunch and we will resume at 1.30 p.m. The civil  
25 party can then proceed with her statement after lunch. You can

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1 now please take a rest and come back to the courtroom by 1.30 to  
2 proceed with your deposition.

3 [11.59.55]

4 The security personnel are now asked or instructed to take the  
5 accused to the waiting room and return him to the courtroom by  
6 1.30 p.m.

7 (Judges exit courtroom)

8 (Court recesses from 1200H to 1336H)

9 (Judges enter courtroom)

10 MR. PRESIDENT:

11 Please be seated.

12 The Chamber is now back in session. We will hear the statement  
13 of a civil party as per our schedule this morning. We will  
14 continue to hear the statement of Chum Neou; however, due to the  
15 change and the latest information we received from the AV Unit,  
16 the scheduled hearing of the civil party Ou Savrith, which is in  
17 the form of videoconferencing from France, is able to go ahead.  
18 Therefore, the hearing of the statement of Chum Neou will be  
19 delayed. It will be held after we hear the videoconferencing  
20 statement of civil party Ou Savrith, which is scheduled at 1.30  
21 this afternoon.

22 [13.37.27]

23 We will now then proceed to hear the statement of civil party Ou  
24 Savrith through videoconferencing from France.

25 And the AV Unit, please make sure that the system is functioning

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1 and is in order.

2 This civil party is a client of the civil party group 4.

3 MR. PRESIDENT:

4 Good afternoon, Mr. Ou Savrith.

5 MR OU SAVRITH (speaking in Khmer):

6 Good afternoon, Mr. President.

7 QUESTIONING BY THE BENCH

8 BY MR. PRESIDENT:

9 Q.Is your name Ou Savrith?

10 A. (speaking in Khmer)Yes.

11 [13.39.15]

12 Q.How old are you this year?

13 A. (speaking in Khmer)Fifty three years old. I will be 54 in

14 October of this year.

15 Q.What is your nationality?

16 A.(speaking in Khmer) (No interpretation)

17 Q.Mr. Ou Savrith, what is your nationality?

18 A.Mr. President, I am a French national.

19 Q.Where is your place of birth?

20 A.I was born in the province of Kampong Cham.

21 Q.Where is your current residence and what is your occupation?

22 A.I live at number 50 rue Vincent van Gogh, 78300 zip code, at

23 Plaisir in France. My profession is I am director of a

24 department in a real estate network.

25 Q.Between April 1975 to the 7th January '79, where did you live?

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1 A, I was in France.

2 [13.42.49]

3 Q. What is the name of your father and is he still alive?

4 A. My father's name was Ou Kimsan and he passed away in 1972.

5 Q. What is your mother's name? Is she still alive?

6 A. My mother's name is Nay Sidonie and she died in Cambodia. I

7 do not know where and I do not know what year she passed away.

8 Q. Mr. Ou Savrith, how many siblings do you have?

9 A. I have two brothers and two sisters. My two brothers died in  
10 Cambodia -- my elder brother. The second is a sister whose name  
11 was Ou Chumonie and she lives in France. A third brother Ou Rene  
12 died in Cambodia between 1975 and 1979. One sister whose name  
13 was Ou Macbeth lives in France.

14 MR. PRESIDENT:

15 The Chamber would like now to give the floor to the civil party  
16 group 4 counsel to make a brief statement on the identification  
17 of the civil party Ou Savrith, the reasons for him to be a civil  
18 party and his relation and the request for reparations in  
19 connection to the crimes alleged on the accused Kaing Guek Eav,  
20 alias Duch, for the facts of the establishment and operation of  
21 S-21 during the period between 17th April '75 to the 6th of  
22 January '79, as well as other relevant evidence to support the  
23 request for reparation by the civil party Ou Savrith.

24 You take the floor.

25 [13.46.40]

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1 MR. HONG KIMSUON:

2 Thank you, Mr. President. Good afternoon, Your Honours. Good  
3 afternoon, ladies and gentlemen.

4 My client's name is Ou Savrith, who is now on a videoconferencing  
5 from France, and the lady who is sitting beside him is Jessica  
6 and the President already accepts her participation through this  
7 videoconferencing. He is the brother of Ou Vindy and I would  
8 like to submit this document. One is the photo of the victim  
9 Vindy, who died at S-21, or Tuol Sleng prison.

10 And with the President's leave I would like to have the document  
11 projected on the slide.

12 MR. PRESIDENT:

13 The Chamber grants you the opportunity.

14 And Court officer, can you arrange to have the photo and  
15 documents projected on the slide?

16 MR. HONG KIMSUON:

17 I would like to take this opportunity to inform Mr. President and  
18 Your Honours that this four-page document, which I now submit to  
19 the President and all the parties to the proceedings, do not have  
20 any ERN number yet because we have just found this document. And  
21 I would like to have this document as part of the case file, with  
22 the President's leave.

23 So the first page is the photo of Mr. Ou Vindy and the second  
24 page is my client, who is now on videoconferencing from France,  
25 and his name is Ou Savrith and this is his ID card in French and

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1 the same name appears, Ou Savrith, born on the 1st of October  
2 1955, as seen on the slide.

3 And the third page of the document is a birth certificate in  
4 French language of Mr. Ou Savrith. This document is in French.  
5 The father is Ou Kimsan and the mother is Nai Sidony and this  
6 document has been certified in French with a seal.

7 [13.50.48]

8 Let's now move to page 4 of the document. This document is also  
9 in French and I believe this is a description of the three pages  
10 preceding this page, and I would like to have this four-page  
11 document as part of the case file, with the President's  
12 permission.

13 I also would like to make a brief statement regarding my client's  
14 status. My client made a complaint --

15 MR. PRESIDENT:

16 Can you pause now?

17 And the defence counsel, what is your stance on the request to  
18 have this document as part of the case file?

19 MS. CANIZARES:

20 Mr. President, since we have just seen a picture of Mr. Ou Vindy,  
21 I would like my colleague to indicate to us the provenance of  
22 that picture.

23 MR. PRESIDENT:

24 The counsel, can you provide us further information to clarify  
25 the photo and the documents that you have shown on the screen

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1 just then? This is also in response to the observation made by  
2 the defence counsel regarding the documents that you have just  
3 shown and that you'd like to have it as part of the case file.

4 [13.52.47]

5 MR. HONG KIMSUON:

6 Thank you, Mr. President.

7 In fact, this photo is not the one that I have researched by  
8 myself. Ou Savrith, my client, attached that. This is his  
9 brother and he gave this document to me. And if you want to talk  
10 about the authenticity or the source of this document, I would  
11 seek leave and to get that opportunity for my client, Ou Savrith,  
12 to shed light on this photo.

13 And if it needs to be checked whether this photo was related to  
14 the victims at S-21, then it means everyone who are the victims  
15 or who are the survivors or who are the relatives of those who  
16 died at S-21, have to prove all -- all those dead relatives. Or  
17 it means that the DNA test has to be carried out.

18 MR. PRESIDENT:

19 The defence counsel, you have just heard the response from the  
20 civil party counsel regarding the four-page document and that he  
21 requests to have this document put before this Chamber.

22 MS. CANIZARES:

23 The defence has no objection, Mr. President, to the production of  
24 these documents. My question was related to the fact that we  
25 have just received communication of these documents and the

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1 defence wanted to have additional details, particularly  
2 concerning the provenance of the first document, more  
3 specifically the picture.

4 [13.55.02]

5 MR. PRESIDENT:

6 The Chamber would like to declare that this document is  
7 admissible and can be placed in the case file. So the counsel  
8 for the civil party can now proceed with his brief statement for  
9 that civil party.

10 MR. HONG KIMSUON:

11 Thank you, Mr. President. I also would like now to continue to  
12 make a statement regarding my brief statement for my client, Ou  
13 Savrith.

14 The document ERN, in Khmer, 00274308 -- and this document is  
15 E2/31.4. It is a brief biography of Ou Vindy which was made  
16 during the DK regime. Angkar arrested him. This is a supporting  
17 document of Mr. Ou Vindy of his arrest before he was executed.

18 Also, there is another attachment which is already part of the  
19 case file. I only picked up the document mentioning the name Ou  
20 Vindy. The document started from number 00274265 to 00274314.

21 These documents are part of the E2/31.4, which show the  
22 consistency of the victim, Ou Vindy. It shows the siblings  
23 kinship and the in-law of Mr. Ou Vindy.

24 In the document mentioning the name of Mr. Ou Vindy, this  
25 document does not have an ER number but it is already part of the

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1 case file, but I haven't found it yet as I could not retrieve it  
2 from our database.

3 Mr. President, the suffering or the various tortures inflicted  
4 upon Ou Vindy, who is the younger brother of my client, Ou  
5 Savrith, before he was executed were done under the chairmanship  
6 of the accused, Kaing Guek Eav, during the DK regime.  
7 The suffering was immense. Therefore, the related survivors,  
8 namely Ou Savrith, would like to request the Extraordinary  
9 Chambers in the Courts of Cambodia to seek for the truth for  
10 their relatives who were executed by the senior leaders of the  
11 Democratic Kampuchea, including the chief, the Chairman of S-21;  
12 namely, Mr. Kaing Guek Eav, alias Duch. And we would like the  
13 Chamber to find out the reasons for his arrest and execution.  
14 I would like now for Mr. Ou Savrith to make his statement, with  
15 the President's leave.

16 MR. PRESIDENT:

17 Mr. Ou Savrith, the Chamber would like now to give you the  
18 opportunity to make your statements regarding the events, the  
19 facts and relations to the crimes alleged on the accused, Kaing  
20 Guek Eav, alias Duch, which have tremendous impact upon you.

21 [13.59.47]

22 The sufferings that you received during the time of the  
23 establishment and operation of S 21 in Phnom Penh being from this  
24 17 April '75 to the 6th of January '79 and which are the reasons  
25 for you to be a civil party to this case to seek reparation, and

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1 we would like you to tell the Chamber the damages you suffer both  
2 physically and psychologically and any suffering that you have  
3 received until today.

4 MR OU SAVRITH:

5 Mr. President, distinguished members of the Chamber, I wish to  
6 speak in French because I have been away from Cambodia since  
7 1973, when I left aged 18, and I fear that I would not be able to  
8 express myself adequately in the Khmer language and find the  
9 right words.

10 Do I have your permission to do this, Mr. President?

11 MR. PRESIDENT:

12 You are of course allowed to do that.

13 MR OU SAVRITH:

14 Thank you.

15 One might have thought that due to my professional activity,  
16 which generally leads me to speak in public, I would have no  
17 difficulty in speaking before you today. However, I have so much  
18 expectation in relation to this trial that I am feeling very  
19 emotional today.

20 [14.03.15]

21 Mr. President, who was my brother? What does he represent for  
22 me? What particular relationship did we have and why do I miss  
23 him so?

24 Who was my brother? He was a graduate of ENA, the national  
25 administration school of Phnom Penh. He was on track for a

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1 brilliant career and at 31 in 1975 he was an official at the  
2 Ministry of Foreign Affairs seconded to the Cabinet of the Prime  
3 Minister, Mr. Long Boret.  
4 My brother was married, had three children. His disappearance  
5 was very painful and when I see again His Excellency Norodom  
6 Sihanouk of Cambodia, when I would meet him in Paris we would  
7 often discuss my brother, because they were in fact in school  
8 together at the Ecole Nationale d'Administration, and my brother  
9 would fetch him every morning to go to work.  
10 What does he represent for me, Mr. President? My brother was a  
11 brother of the kind that many would like to have. He was  
12 brilliant, he was seductive, he was always affectionate and  
13 attentive to his friends and colleagues. He was a model for me.  
14 I wanted to be like him and I was very proud of my elder brother.  
15 What particular relationship did we have? As I told you a moment  
16 ago, we were a family of five children. He was the eldest and I  
17 was the youngest. There were 11 years between us, which may seem  
18 a lot, but he was accessible, close to me. We had a great  
19 affinity and often a glance was enough for us to understand one  
20 another. I was, quite simply, happy to be with him.  
21 [14.05.48]  
22 Why do I miss him? In 1973 at 18 I had to go to France to pursue  
23 my studies. This was an age where the affinity and relations  
24 that one could have would even be stronger than usual and at all  
25 stages of my life I have missed him and today I still recall and

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1 miss all the moments spent with my brother. Then came 17 April  
2 1975. I lived in terror of the fate that might befall him.  
3 At the end of 1979 I saw that his name was in the list of persons  
4 arrested in S-21. From that moment on I had two dates in my mind  
5 and thousands of questions -- two dates; 13 February 1976, which  
6 -- the abruptly-stated date that he was registered, and 23  
7 January 1976 when he was executed.  
8 And so for 30 years now I have been thinking of him every day, 30  
9 years, 10,950 and some days and nights trying to think about what  
10 happened inside the walls of S-21.  
11 My suffering today is totally and intimately related to that of  
12 my brother's wife, the daughter of my brother, my two sisters  
13 living in France, and I cannot speak to the Court without sharing  
14 with the Court what they feel as well.  
15 Mr. President, I would like to read a few lines which were  
16 written by my niece and intended for you. I quote:  
17 "My name is Ou Kamela. My father, Ou Vindy, is one of the many  
18 victims of S-21. I was four years old when my father was  
19 arrested, tortured and executed. At four years old, I was too  
20 young to be fully aware of all the atrocities which my father was  
21 probably subjected to. When I was four years old, I was too  
22 young to realize that he was no longer among us. At four, I was  
23 also too young to realize the degree to which the absence of a  
24 father would forge my future life.  
25 [14.10.43]

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1 His absence left a cruel mark on my youth and my life as a woman.  
2 Not to have had a father standing beside me during the major  
3 events of my life has thoroughly wounded me. I would have wished  
4 him to be there to protect me when I needed protection. I would  
5 have given everything to see pride on his face when I graduated  
6 from high school with a baccalaureate or when I succeeded in my  
7 exams and got my first job.  
8 I would have wanted to tell him the degree to which his sisters  
9 and his brother were great with us. I would have wanted to thank  
10 him for having made me the woman that I am today. According to  
11 my aunts and my uncle, my father was a great person and I cannot  
12 conceive how anyone can be so cruel as to take the life of such a  
13 person. Quite simply, how can one summarily execute with no  
14 remorse, no scruples, another human being?  
15 I, daughter of a victim, I request that the punishment be  
16 commensurate with the crimes committed, with the suffering  
17 inflicted, and commensurate with the number of lives that the  
18 accused has taken away. On behalf of my father, I refuse to  
19 forgive because to grant forgiveness comes down to saying that  
20 finally no serious crime was committed. To grant forgiveness  
21 boils down to admitting that the atrocities committed do not  
22 touch us so deeply. To grant forgiveness would mean to feel  
23 pity, but how can anyone feel pity for a man who has taken away  
24 so many lives? Did he have any pity for the women, the children  
25 and the men he caused to be assassinated?

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1 [14.14.35]

2 On behalf of my father, I refuse to express the slightest amount  
3 of pity. On behalf of my father, I request that justice be  
4 handed down."

5 This is the end of the letter of my niece, Mr. President.

6 I speak here on behalf of my sister-in-law, my niece and those  
7 relatives I have who are still living. I claim no financial  
8 reparation, no material relief. I would simply like to know what  
9 happened during the 97 days and throughout these 50 pages of  
10 confession. That is the reason why I applied to be a civil  
11 party.

12 Indeed, my representations before this Court is of a different  
13 nature. I seek moral redress. One person alone, my wife, was  
14 aware of my suffering during these 10,950 nights when I would  
15 wake up on a regular basis in a start, shouting and crying,  
16 unable to express my suffering in any other manner.

17 Mr. President, like any Cambodian, modesty is required. Everyone  
18 internalizes feeling. The effort that I made before you today is  
19 very great, but it is a necessary effort, and for me it is  
20 through this testimony that a certain form of reparation begins  
21 to be born. I know today that the accused in the first place,  
22 but also the international community taken as a whole, are aware  
23 of the horror that I have experienced, just like the thousands of  
24 families of victims of S-21.

25 I visited S-21 for the first time in 1992. Absolute horror. I

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1 was frozen. At one point in one of the cells I looked out:  
2 beautiful weather, blue sky, sparrows singing, wonderful  
3 vegetation, and we were in an island of barbarity in the middle  
4 of an ocean of softness. How was it possible that such a massacre  
5 could occur in such a place, far from the eyes, ignored by the  
6 entire world, the fate of innocent defenceless people abandoned  
7 to pitiless killers?

8 Since that time, that day, I cried for injustice. Why did they  
9 do this? Why is it that the international community had  
10 forgotten us? Why is it that the international community did not  
11 believe from the outset the testimony that was coming out? Why  
12 did they not exercise their duty to interfere?

13 [14.19.52]

14 As a civil party, Mr. President, I wanted to know what had  
15 happened inside the walls of S 21. This trial has shed some  
16 light for me and we now know the very detail of the modus  
17 operandi that was practised. Before this I had an abstract  
18 vision of cells, of shackles, of instruments of torture, of  
19 posts. I saw pictures, pages filled with confessions.

20 Now for every one of these things, by watching and following this  
21 trial, I wanted to try to experience what he experienced, to  
22 share in my own way his suffering, his anxiety. I wanted to  
23 imagine the pain that one can feel when one is being beaten, when  
24 one's fingernails are being pulled, when one is submitted to  
25 electric shock, when you are being shackled at every moment of

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1 life in Cambodia. When it's cold I think of my brother, this  
2 unfortunate person who had nothing to protect him from the cold.  
3 When I was in Cambodia, when I was being stung by mosquitoes I  
4 was thinking about my brother and all these unfortunate detainees  
5 who were attacked and who were stung and could not react,  
6 thinking of the detail of all that they had to undergo. And I  
7 also think and thought of the rhythm of interrogation, of  
8 insults, illness, lack of sanitation, mental and physical  
9 degradation and the deterioration which is forced upon you, a  
10 task consisting in total dehumanization.

11 Mr. President, I thought that I had no more tears left in me. I  
12 thought that I had no more tears but I realize I still have some.  
13 I continue to think about my brother, his 97 days of suffering.  
14 And he probably then also thought about his children and his  
15 wife, what would become of them; would they have enough to feed  
16 themselves; would they be harmed. Because when he was arrested he  
17 asked his younger sister to watch over his children, one of the  
18 last words he uttered then. Perhaps he had already understood  
19 then that he would not be returning.

20 [14.24.16]

21 Before asking a few questions from the accused, two questions to  
22 be precise, I cannot but recount to you a brief episode that  
23 occurred when I returned for the first time to Cambodia in 1992.  
24 One evening at a friend's there was a young woman who had the  
25 ability to communicate with the spirits and I spoke to her about

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1 my brother and she entered into a relationship with him. We  
2 Cambodians we believe in this sort of thing. I don't know how to  
3 define it. And the young woman told me this -- and she was  
4 communicating with my brother. She said he is sad and  
5 terrorized. He had suffered a great deal in the world of humans.  
6 He had suffered great pain during his life on earth and he did  
7 not wish to reincarnate. He said that he was very much afraid  
8 and his soul sought refuge in a pagoda and said that he had  
9 placed himself under the protection of a monk. The young woman  
10 told me the name of the pagoda. I was totally upset. And what I  
11 heard that evening will always remain seared in my memory.  
12 The next day I went to the pagoda with my sister and we organized  
13 a ceremony. Oddly, inside of the pagoda I was continuously  
14 looking up. And I could see the ceiling, and wished to preceive  
15 the soul of my brother which was there. And I tell myself that  
16 every time I enter a pagoda I will look at the ceiling, because  
17 perhaps it is the case that my brother is not the only one who  
18 sought refuge in a pagoda and refuses to reincarnate, and instead  
19 seeks the protection of Buddha. Now my niece today is pregnant,  
20 and when the child is born, together we will go to the pagoda and  
21 present to him his grandchild.

22 Question for the accused, Mr. President. First question.  
23 Concerning the list of prisoners of S-21, between 1975 and 1979,  
24 document ERN 00171639 -- I repeat, 639 -- the date of entry in  
25 S-21 which is mentioned is 13 February 1976, but in his

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1 confession the biographical note of my brother, considered to be  
2 a member of the CIA, is dated 23 January 1976. This is document  
3 ERN 00274282. So there is a gap of more than 20 days between the  
4 two dates. What date should be retained? And how can the  
5 accused explain this discrepancy between the two dates?

6 Second question, Mr. President: the accused has previously  
7 answered this question and stated that the prisoners were almost  
8 systematically subjected to torture prior to confessing, but when  
9 I read the confession of my brother, his handwriting is so strong  
10 and so harmonious that I cannot believe that he might have been  
11 able to write in this way under torture. Does the accused have  
12 any explanation with regard to my observation. Thank you, Mr.  
13 President.

14 MR. PRESIDENT:

15 The Chamber accepts the request of the questioning by the civil  
16 party, and the Chamber would like the accused to respond to the  
17 civil party question. First, answer the first question, and then  
18 proceed to the second question. And if the accused is unclear on  
19 any question, you can ask for verification so that the civil  
20 party can verify it.

21 THE ACCUSED:

22 Mr. President, I think it's going to take time if I have to ask  
23 the civil party in client -- probably I would like to ask you --  
24 he mentioned that the brother entered in S-21 in February, but  
25 the confession was in January.

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1 (Recording malfunction)

2 [14.44.30]

3 MR. PRESIDENT:

4 Let me now continue.

5 The accused, would you wish to ask the civil party regarding the

6 entry date of Ou Vindy? Is that correct? And also the date of

7 the confession of that person which was done at S 21. Is this

8 what you intend to do?

9 The defence counsel, you may proceed.

10 MS. CANIZARES:

11 Yes, Mr. President. The civil party spoke about a confession, a

12 confession in which the date of January 23rd, 1976 appears.

13 [14.45.50]

14 Would it be possible, Mr. President, therefore that the document

15 be displayed and in particular the particular page on which the

16 date of January 23rd, 1976 appears?

17 MR OU SAVRITH:

18 Mr. President, I can show this document.

19 MR. PRESIDENT:

20 Mr. Civil Party, can you inform the Chamber again, the document

21 indicating the arrest of Ou Vindy and taken to S-21 Office, what

22 are the dates of the entry, et cetera, and what is the ERN or

23 document number of that document? That is number one.

24 And number two, can you provide additional information on the

25 date of the interrogation or the date of the confession of Ou

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1 Vindy at S-21?

2 MR OU SAVRITH:

3 Yes, Mr. President.

4 So regarding the list, the prisoner list at S-21 between 1975 and

5 1979, regarding February 1976 in this list, it is document ERN

6 00171639. Now, regarding the biographical note which is

7 therefore dated January 23rd 1976, the confession, it is document

8 ERN 00274282.

9 [14.48.52]

10 MR. PRESIDENT:

11 The AV officer, can you show two documents on the screen? The

12 first one is the Khmer document with the ERN 00171639 on the

13 screen.

14 Ou Vindy is on the number 159 from the Ministry of Foreign

15 Affairs, Lo Vea Em.

16 Court officer, can you take that document off the screen and now

17 project another document on the screen? The document is the

18 confession with ER Number 00274282.

19 Can you move down to the bottom part of the document? We wish to

20 see the date of the confession.

21 MR OU SAVRITH:

22 Mr. President, may I continue?

23 MR. PRESIDENT:

24 Mr. Civil Party, can you hold on for a minute or so? Let the

25 accused read the document first so he can ascertain the date of

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1 the confession so that he can respond to your question.

2 Let me move down to the date of the interrogation.

3 [14.56.35]

4 MR OU SAVRITH:

5 Mr. President, the note, the confession dated January 23rd 1976,

6 the date is at the very bottom of the page. I saw it go by in

7 fact. But during the digitization it seems that it was half

8 erased so I suggest that we show the document that was translated

9 into French and that is indexed at ERN 00274241.

10 Thank you, Mr. President.

11 MR. PRESIDENT:

12 Court officer, can you show the document in French with the ERN

13 number 00274241? Can you move down to the bottom of the page in

14 order to show the date of the confession?

15 [14.59.16]

16 The accused, before you respond to the civil party questions, do

17 you have any other matters that you need to seek verification

18 first or do you prefer to have the confession in Khmer language

19 to be shown? As you can see on the screen, the date is the 23rd

20 of January 1976 and this is a French translation of that

21 confession.

22 THE ACCUSED:

23 Mr. President, first I thought that I could not catch up what I

24 heard but I already made the correct note. I would like to

25 reiterate that the person entered on the February of 1976 but I

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1 was surprised because I heard that the confession was on January  
2 of 1976.

3 That's why I keep saying that the list of the entry or the entry  
4 list of S-21 is not always accurate or regular because I already  
5 talked to Judge Marcel Lemonde and when he asked Suos Thy about  
6 the entry date. And I told them that actually the important  
7 people were put at the special prisons and that's why the date of  
8 entry would be different.

9 And I, in my response to Madame Phung Guth Sunthary, that the  
10 date of entry cannot be clear and we cannot really rely on the  
11 date of the entry. And when it comes to the matter of Mr. Vindy,  
12 I think the date of his confession is precise but the Khmer  
13 printing is not clear, but in French it is clear that it is the  
14 23rd of January 1976.

15 And I would like to now state again that the date of entry is not  
16 clear but the date in which the confession was taken is more  
17 accurate.

18 And I would like to also indicate that any detainee who was sent  
19 to S-21 had to be tortured, and I would like to guarantee that  
20 torture cannot be avoided and I can really be pretty sure that  
21 only one person who did not receive torture it was Koy Thuon.

22 [15.02.30]

23 And I think when Mr. Savrith said that because the clean writing  
24 of the confession proved that his brother would not be tortured I  
25 think his assumption is somehow plausible.

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1 MR. PRESIDENT:

2 Mr. Ou Savrith, have already received the response of the accused  
3 in relation to your question?

4 MR OU SAVRITH:

5 Mr. President, I would like to be sure that I understood the  
6 answer of the accused fully. Did he say that my brother had not  
7 been tortured apparently?

8 MR. PRESIDENT:

9 The accused, could you please emphasize or verify the response so  
10 that the civil party can be sure of your information?

11 THE ACCUSED:

12 Mr. President, it is difficult for me to tell him at this moment  
13 because if I assure Mr. Savrith that torture would not be used at  
14 S-21 then I would be considered as trying to evade responding to  
15 the right question, to the right response, and I don't want to  
16 take this opportunity to accuse myself from the crimes accused  
17 against me by the civil parties.

18 So because I am not precise at each matter like that, I just  
19 would like to reiterate that the tortures were employed only when  
20 it was not avoided. And interrogators had different natures.  
21 Some would resort to tortures quickly. Some would not be quick  
22 to employ tortures.

23 [15.06.07]

24 So I am not here to actually please you by way of saying that  
25 torture was not employed against your brother, but this is the

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1 response that I already made.

2 That's all, Mr. President.

3 MR. PRESIDENT:

4 We would like now to give the floor to the civil party lawyers to  
5 put questions or to seek further clarification from the civil  
6 party if the lawyers so wish.

7 Mr. Hong Kimsuon, you take the floor.

8 MR. HONG KIMSUON:

9 Thank you, Mr. President.

10 QUESTIONING BY CIVIL PARTY COUNSEL

11 [15.07.32]

12 BY MR. HONG KIMSUON:

13 Q.Good afternoon, Mr. Ou Savrith. I would like to put a few  
14 questions to you, just a point for clarification.

15 A.Good afternoon. I am all ears.

16 Q.Thank you very much, Mr. Ou Savrith, and thank Ms. Jessica for  
17 her liaison during this videoconference.

18 My question is now referred to Mr. Ou Vindy -- the case of Mr. Ou  
19 Vindy. And the accused already made it clear that the document  
20 in relation to the entry of Mr. Ou Vindy to S-21 is not clear.

21 So before the Khmer Rouge Angkar sent Ou Vindy to S-21 -- under  
22 document with ERN 00274288 or another document E2/36.4 in Khmer

23 -- it reads on the last page of the document that on the 25th of  
24 October -- here is the referral number from the previous date,

25 which is 1975: So "On the 25th of October 1975 the Committee of

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1 the Sangkat arrested all of us and sent us to the district  
2 office."

3 So the Angkar made an arrest of about 10 people alongside Mr. Ou  
4 Vindy. So among the people did you know that other people,  
5 including the in-laws and relatives, were also sent to S-21?  
6 [15.10.41]

7 A.Yes, indeed. Counsel, my brother was part of the same group  
8 as Tioulong Raingsy because our families knew each other, we were  
9 neighbours, and indeed they were arrested within a few months  
10 from each other. There was Tioulong Raingsy, Lim Kimari, Mr. Son  
11 Kaset, my brother and other people.

12 Q.Thank you, Mr. Ou Savrith and Ms. Jessica Finelle.  
13 Mr. Ou Savrith, Mr. Ou Vindy was arrested along with the other  
14 people. Did you know that when the Khmer Rouge arrested your  
15 brother on the 25th of October 1975, before they were sent to  
16 S-21 were they tortured back then?

17 A.I cannot answer you. I do not know exactly what happened  
18 before the 13th of February 1976.

19 Q.Thank you. This is the last question.  
20 You have already expressed your suffering for the last more than  
21 30 years, and personally for you, and the suffering that had been  
22 endured by the family of Mr. Ou Vindy have been tremendous. So  
23 in light of the suffering, and apart from the search for justice  
24 for the people, do you think you are ready to forgive the accused  
25 since he has already expressed his remorsefulness and request for

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1 forgiveness?

2 A.Regarding this remorse and this request to be forgiven on the  
3 part of the accused, on behalf of my entire family I must say we  
4 will not forgive because forgiveness is beyond the death camps,  
5 and today all that remains is despair. So the answer is clear;  
6 there will be no forgiveness from my side.

7 [15.15.15]

8 Q.Thank you, Mr. Ou Savrith.

9 Finally, I would like to ask you whether you would like to make  
10 any request or put any questions beside what have been asked  
11 already in the Court?

12 A.We have no further questions.

13 MR. HONG KIMSUON:

14 Thank you, Mr. Ou Savrith and Ms. Jessica Finelle, for responding  
15 to our questions.

16 Mr. President, I have no further questions.

17 MR. PRESIDENT:

18 The AV Unit, could you please make sure that the new DVD is  
19 replaced and please let us know when it is done? Then we can  
20 proceed further with the remaining of the hearing.

21 MR OU SAVRITH:

22 Mr. President, I would like to thank you and I would like to take  
23 a few more seconds of your time. (No interpretation)

24 [15.17.42]

25 MR. PRESIDENT:

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1 Of course, we still want to hear more from you because the  
2 prosecutors have not put questions to you yet, and that we will  
3 give the floor to the accused to make his observation along with  
4 the defence counsel, and we will grant you the opportunity to  
5 express your final remark after this.

6 Next, the Co-Prosecutors, would you wish to put any questions to  
7 Mr. Ou Savrith?

8 MR. DE WILDE D'ESTMAEL:

9 Thank you, Mr. President.

10 I have one or two questions to put to Mr. Ou Savrith regarding  
11 what he told us earlier on, because there are one or two periods  
12 here which he did not speak about regarding his brother.

13 QUESTIONING BY THE CO-PROSECUTORS

14 BY MR. DE WILDE D'ESTMAEL:

15 Q.Mr. Ou Savrith, I know that you were far away, but did your  
16 family know where your brother was between April and October  
17 1975? You said that he had worked at the Ministry of Foreign  
18 Affairs and that he had been detached to the offices of the Prime  
19 Minister up until 1975.

20 So, therefore, what happens as of April? Was he evacuated or did  
21 he remain in Phnom Penh? Thank you.

22 A.Good afternoon, Mr. Co-Prosecutor. After the 17th of April  
23 1975 my brother, as well as 10 family members, were evacuated, as  
24 everyone else living in Phnom Penh.

25 [15.19.55]

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1 How did I know that he was arrested and detained at S-21? As I  
2 said during my testimony, I learnt this when my sister-in-law  
3 arrived from the refugee camps in Thailand, and a little while  
4 afterwards I saw this prisoners list that was displayed.

5 So between 1975 and 1979, I had absolutely no news from my  
6 family.

7 Q.I have one extra question only.

8 You said earlier on that your brother, when he was arrested,  
9 passed on the message to a sister and asking her to take care of  
10 her family.

11 Can you tell us a little bit more about the circumstances  
12 surrounding this arrest? Where did it take place and do you know  
13 why he was arrested? Was it because he had been identified as  
14 being a member of the Ministry of Foreign Affairs before 1975 or  
15 was it for another reason? Thank you.

16 A.I believe that we have to connect here the history of my  
17 brother with his arrest -- and to connect this with the history  
18 of Tioulong Raingsy because they were part of the same group,  
19 they were in the same village, and since we were part of the same  
20 family and of the same social milieu, everyone was suspected. So  
21 maybe after having arrested Tioulong Raingsy, the district leader  
22 maybe wanted to finish his job, so to say.

23 [15.22.49]

24 MR. DE WILDE D'ESTMAEL:

25 Thank you very much. I didn't quite capture your answer earlier

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1 on. Thank you very much. I have no further questions.

2 Thank you, Mr. President.

3 MR. PRESIDENT:

4 Next, we would like to give the floor to the defence counsel to  
5 put questions to Mr. Ou Savrith if they so wish.

6 MS. CANIZARES:

7 Defence has no questions for the civil party, Mr. President.

8 MR. PRESIDENT:

9 Then we would like to give the floor to the accused to make his  
10 observation in relation to the substance of the deposition of Mr.  
11 Ou Savrith.

12 THE ACCUSED:

13 Mr. President, I have no specific further observation to make at  
14 this moment. And that's all, Mr. President, thank you.

15 MR. PRESIDENT:

16 Mr. Ou Savrith, the proceeding to hear your statement through the  
17 remote participation via the videoconference, which is the first  
18 practice, has already come to an end, and we have just heard that  
19 you would wish to make your final remark from that end to the  
20 courtroom. So you are now granted this final moment to express  
21 your remarks. The floor is yours.

22 [15.25.10]

23 MR OU SAVRITH:

24 Thank you, Mr. President.

25 First of all, I wish to thank the Court for having allowed me to

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1 make this belated testimony, thanks to the work of the civil  
2 parties group, and I wish to thank the team of the Tribunal of  
3 Versailles which made it possible to organize this conference.  
4 And I would like to reiterate my thanks -- my heartfelt thanks --  
5 on behalf of my family to the Chair of the Bar of Paris, who made  
6 it possible to enable me to take part in this trial and to cover  
7 some of the expenditure. Maître Sur, Maître Finelle and Maître  
8 Kimsuon who are all counsel for the civil parties whom I wish to  
9 take this opportunity to thank today.  
10 Thank you once again, Mr. President and distinguished members of  
11 the Court.

12 MR. PRESIDENT:

13 The hearing of the statement of the civil party Ou Savrith has  
14 now come to the end. We still have another civil party who has  
15 already started providing us with the brief statement of hers  
16 already and since we still have some appropriate time for her to  
17 finish her statement, so it is now appropriate for her to be  
18 invited to share her account.

19 MR. HONG KIMSUON:

20 Mr. President, I believe that Mr. Ou Savrith probably has not  
21 learned that his statement has come to an end because I could  
22 hear conversation.

23 [15.28.25]

24 MR. PRESIDENT:

25 Mr. Ou Savrith, we would like to reiterate that the hearing of

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1 your deposition has already come to an end and that we are going  
2 to disconnect our conversation now.

3 Madam Chum Neou, you may now proceed to tell the Court about the  
4 damages and the suffering you have had during the period from  
5 1975 to 1979 and that you have joined as a civil party to seek  
6 civil reparation from the accused Mr. Kaing Guek Eav, alias Duch,  
7 the accused in this case file.

8 So it is now the opportunity for you to express this before the  
9 Chamber. You take the floor.

10 MS. CHUM NEOU:

11 Thank you, Mr. President, Your Honours. With your permission,  
12 can I make my statement starting from 1970?

13 MR. PRESIDENT:

14 The Chamber grants you the opportunity but it should be brief.  
15 Your main focus is for the period between '75 and '79 in  
16 connection with S-21 regarding your family members or yourself at  
17 S-24. That is the main content of your statement, and of course  
18 you can start from 1970, a brief summary of that event and later  
19 on your suffering during the DK period.

20 MS. CHUM NEOU:

21 Thank you, Your Honour.

22 [15.30.56]

23 First of all I would like to thank the Chamber, the Trial Chamber  
24 of the ECCC. I would like to start my statement as follows.

25 In 1970 my family lived in the Prey Veng provincial town; we were

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1 rice farmers. Also in 1970 after the 18th March event, that is  
2 after the coup d'etat to overthrow Sihanouk, I was still in the  
3 Prey Veng provincial town.

4 Later on during the year there was fighting in the provincial  
5 town and after the second round of fighting my family moved from  
6 the towns to the liberated zone which is the native village of my  
7 mother, in Prey Ruessei village, Tuk Laak sub-district, Prey Veng  
8 province.

9 In 1971 my family, my siblings and myself voluntarily agreed to  
10 join the revolution movement of the Khmer Rouge. At that time I  
11 was given a position as a chairwoman of the village. In 1972 I  
12 rose to be the Chairwoman of the Chea Khleng sub-district in and  
13 in 1973 Angkar assigned me to be a combatant of the Prey Veang  
14 sub-district.

15 There was only one platoon at that time to serve the battlefield  
16 to transport food supplies and ammunitions to the battlefield. I  
17 was at a battlefront with the combatants although I did not  
18 engage in attack; I only supplied ammunition and food.

19 Later on, in 1974, Angkar recruited me and assigned me to be a  
20 female combatant of the east zone. During the time I became a  
21 female combatant of the east zone the fighting activities were  
22 not that active. I received military training and strategic  
23 training at the Sa Py Roy school or S-200 School. That school is  
24 a place where people were trained to be ready as soldiers or in  
25 Khmer, "sla pul".

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1 [15.34.26]

2 We were trained in military techniques for four months. Then  
3 Phnom Penh fell. That was 17th April 1975. After the fall of  
4 Phnom Penh, that is 17th April '75, I cannot recall the exact  
5 period of months but two or three months later Angkar transferred  
6 me to Phnom Penh to the Logistics Unit of the General Staff of  
7 the centre and my assignment was to guard the ammunition  
8 warehouse.

9 I was part of the Unit S-80 which is located somewhere near the  
10 vicinity of Tuol Kok. We were assigned to collect the war  
11 spoils, ammunitions. Some ammunitions were imported through the  
12 Sihanoukville port or from Vietnam border through Kratie province  
13 and I was stationed in Phnom Penh to receive those ammunitions  
14 and to then place them properly in the warehouse. During my time  
15 working in that ammunition warehouse some of the ammunition were  
16 placed in some concrete houses from the Antrak Tavey (phonetic)  
17 High School to the Tuol Kok TV tower and extending to the  
18 vicinity near Pochentong. They were all houses to have the  
19 ammunition.

20 Later on Angkar organized my marriage within the same unit. My  
21 husband was a combatant from the same unit. However, before he  
22 was transferred to the S-80 unit he was at the Division 310 in  
23 Kampong Cham.

24 Later on, on the 9th of August my husband was taken to S-21 and  
25 three days after his arrest I was arrested. That was in the same

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1 month in 1977. I quote the date from the documents that I  
obtained because I personally cannot recall the dates.

3 [15.38.00]

4 And I would like to tell the Chamber and the President that  
5 before my husband and I left the S-80 unit from the general staff  
6 my husband was first taken to the vicinity near Wat Kansan or  
7 Kansan Pagoda near Chbar Ampeou. I was still being hospitalized  
8 at that time due to my four-month pregnancy and I had morning  
9 sickness. So my husband was sent first.

10 After I recovered, though not fully recovered but I gained some  
11 strength, and because I missed my husband so much, I sought  
12 permission to leave the hospital. I was not allowed to return to  
13 S-80 unit. I was instructed to stay there for the moment and  
14 then I was brought some clothes and I was taken. I was told that  
15 I would be taken to see my husband and, indeed, yes, I was taken  
16 to see my husband near the Kansan Pagoda in Chbar Ampeou where we  
17 grew vegetables to supply to our unit.

18 About a little bit more than one month later we were not  
19 mistreated or anything. That place was probably the place where  
20 they tempered us.

21 Later on my husband was arrested.

22 MR. HONG KIMSUON:

23 Mr. President, with your leave I would like to have the  
24 psychological counsellor to sit next to my client.

25 MR. PRESIDENT:

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1 Yes, the Chamber agrees.

2 [15.42.42]

3 MS. CHUM NEOU:

4 On the 9th of August '77 I farewell my husband and he was put  
5 onto a truck together with about 10 other people. I packed his  
6 belongings. And probably he knew something was going on but he  
7 told me that he would not run away.

8 Three days later I was arrested.

9 In the beginning I did not realize that my husband was taken to  
10 S-21. I only learned of the word "tempering" at the time.

11 When they arrested me another person was also arrested, Chay  
12 Bunkhoeun. The person came from Svay Rieng and I'm not sure  
13 whether the person is still alive or not. He also was at the  
14 logistics department of the general staff repairing weapons. I  
15 was taken in a car although I could not recognize the particulars  
16 of the car or the model of the car. I was taken to the  
17 psychiatric hospital in Prey Tnaot (phonetic). I knew that  
18 hospital because before my arrest I used to collect ammunition  
19 from that hospital.

20 However, I did not know that that hospital was used as a  
21 tempering place for S-21. In the late afternoon, around 3 p.m.,  
22 I was walked from that office to Stueng Chrov, crossing a village  
23 next to a river. While I was walking I recognized the Krapeuha  
24 Pagoda. And when I reached Stueng Chrov I realized it was a  
25 tempering place because I knew a person Vat. He was from a

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1 company of the logistics. He was accused of being a CIA and he  
2 was sent to S-21 for tempering. Upon recognizing him I learned  
3 that I now was sent for tempering.

4 [15.45.29]

5 At that location at that time they did not work in the rice  
6 fields yet. They grew other vegetables and there was another  
7 group raising poultry and ducks and other growing other types of  
8 vegetables.

9 I could not go and work with the rest of the group. It's because  
10 I still had morning sickness as I was not fully recovered and I  
11 could not eat anything or I would vomit.

12 And the second reason that I could not go to work with the rest  
13 of the group: because one of my hands was handicapped and I  
14 could not hold the hoe. And I was so skinny already, in addition  
15 to the morning sickness that I received. Even when I drank water  
16 I still threw up. I kept throwing out and I could not eat  
17 anything except a little rice with some grains of salt and  
18 nothing else besides that.

19 And I was lucky as I knew that person Vat, so Vat gave me some  
20 grains of salt to help me to eat with the rice.

21 [15.48.18]

22 During the time that I was at Stueng Chrov I stayed there from my  
23 five-month pregnancy until the day I delivered my baby. I have  
24 never talked about this experience. Only today is the time that  
25 I speak out. Even if I was near full term I was still ordered to

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1 cut firewood, to carry water, and I slipped at the riverbank and  
2 then I was bleeding and by seeing that they stopped using me to  
3 carry water.

4 There was a midwife, Thach, who was also in that location. She  
5 was skilful and she looked after me. She took care of me. Those  
6 people who stayed there asked her whether I was able to survive  
7 and the midwife said yes, so the midwife looked after me until  
8 the day I delivered my baby.

9 The person Chay Bunkhoeun, who also delivered a baby a month  
10 before me, helped giving me some assistance. So we took turns to  
11 take care of each other during that period of time.

12 I could not recall the exact date of my baby delivery and about a  
13 month or so after that I was sent to Prey Sar, or S-24, which is  
14 a branch of S-21. I was transferred up and down, and when I  
15 walked to S-24 I had to walk across Stueng Praeak Kroes and  
16 Preaek Tnaot. It was quite a long distance. One of my hands was  
17 handicapped and I had to cradle my young baby as well. I had to  
18 stop for so many times. I had to walk. There was no  
19 transportation. I had to walk across the open field, the rice  
20 fields.

21 I could not recall how long I was at Prey Sar. I could not do  
22 any transplanting of the seedlings yet at the time as I was weak  
23 and my hand was still hurt. Later on I was either sent to Bakou  
24 or Stueng Chrov, as I could not recall correctly. I was asked to  
25 do and worked in the rice fields. In the beginning I could not

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1 do it, so I was assigned to look after the children.

2 [15.51.19]

3 So during the time that I looked after the children I looked  
4 after about four to five children and, of course, naturally we  
5 paid more attention to our children. It was difficult for me to  
6 look after those children. And later on when I could work in the  
7 rice field, that is two or three months later, I was assigned to  
8 work in the rice field. Although my hand was still a little  
9 numb, I could hold the seedlings.

10 I could still recall the moment when my baby could -- I could  
11 only breastfeed my baby one time per day, during the break at  
12 noon. Later on the infant of my friend, Chay Bunkhoeun, became  
13 sick and that baby died. On the night the baby died my friend,  
14 Chay Bunkhoeun, dare not tell anybody. So she slept hugging the  
15 dead baby until the next morning. Then she told the people in  
16 charge there that her baby died. Actually the baby was a girl  
17 and my baby was a boy.

18 So in the morning when she told the people in charge, the baby  
19 was taken and buried near the banana forestation nearby. Five or  
20 six days later my baby became sick. During that time I told them  
21 my baby had a fever and she needed to look after. I told the  
22 caretaker and I went off to work in the rice fields.

23 In the evening when I returned I was told that my baby was sent  
24 to a hospital in Phnom Penh. I was speechless as I was not  
25 allowed to go. Two days later a car came and I was told that I

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1 would go to see my baby. I was so happy because during the two  
2 days that my baby was not with me I had to get rid of the milk  
3 from my breasts, so I was happy when I was told that I would be  
4 taken to see my baby.

5 [15.54.59]

6 On the contrary, I went to see the baby and I breastfed her but  
7 only an hour later my baby died. I believe it was an overlapping  
8 of a measles that he received.

9 During the time that I was tempered at S-24, a branch of S-21, we  
10 had to follow the instructions, the orders that were given to us.  
11 After the death of my baby I requested permission to go back to  
12 work in a rice field because I did not know what else I could do  
13 at the hospital where my baby died. At that time, my baby was  
14 about seven or eight months old as I delivered the baby in  
15 January, and the transplanting season was somewhere around  
16 August.

17 Upon my return, the Unit K-14 was only for the married people, so  
18 those people who also had children were put into that unit.

19 Upon my return, there was an announcement that I was a CIA so  
20 nobody dared to talk to me. I tried to ask my friends what's  
21 going on; nobody said anything. I tried to tempered my feeling  
22 to give into them. I pretend to be a person like a crazy person  
23 and not to show my discontent with their behaviour and just try  
24 to go along with the group.

25 [15.58.19]

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1 In 1978, it was the year that the flood was huge. It was  
2 historical. The dam at Bakou was broken and the rice fields was  
3 overflowed.

4 (Technical malfunction)

5 Court adjourns at 1613H

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