



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

24 August 2009, 0907H

Trial Day 63

Before the Judges:

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CANIZARES	French
JUDGE CARTWRIGHT	English
MS. CHHIN NAVY	French
MS. CHUM NEOU	Khmer
MR. DE WILDE D'ESTMAEL	French
MR. KAR SAVUTH	Khmer
JUDGE LAVERGNE	French
MR. ROUX	French
MS. SE KOLVUTHY	Khmer
MR. SENG BUNKHEANG	Khmer
MR. SMITH	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. TOUCH MONIN	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 [09.07.50]

4 MR. PRESIDENT:

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

6 According to our schedule, the revised version as announced last
7 week, today the Chamber is going to hear the civil party, Chum
8 Neou. We continue to hear her testimony because we have not
9 heard the full statement of hers because of the technical
10 glitches in relation to the audio recording.

11 And to make sure the parties to the proceeding clearly understand
12 this, actually on Thursday afternoon because of the technical
13 problems occurred in the courtroom, the Chamber had already
14 announced the adjustment to the existing scheduling of the
15 hearings. And since the public and the parties might not have
16 got the full message of that pronouncement, then the Chamber
17 would like to, once again, inform the parties that, due to the
18 progress of the proceedings and the withdrawal of the request to
19 hear a number of civil parties in the last few days, the Chamber
20 has rescheduled the hearings for this week and next week.

21 This Monday, the Chamber will continue to hear Chum Neou and will
22 hear three other civil parties, including Chhin Navy, Touch Monin
23 and Ros Men. After hearing these civil parties, the Chamber will
24 break for the day because of internal meeting.

25 On Tuesday morning, the Chamber will hear expert CP2/5 on issues

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1 relating to the suffering of the civil party. On Tuesday
2 afternoon, the Chamber will start hearing the challenges of civil
3 party applications by the defence and responses of civil parties
4 thereto. The Chamber will hear such challenges and responses for
5 approximately two days. The Chamber will then start questioning
6 the accused on his character.

7 The following week the Chamber will start hearing experts and
8 witnesses on the character of the accused. The Chamber reserves
9 the right to change the schedule and will keep the parties
10 updated if further amendments are required. The witnesses, and
11 also civil parties, will also be notified if further amendments
12 are required.

13 [09.12.00]

14 So this is just the reiteration of the content of our schedule
15 for the hearings as revised for this week and next week.

16 The Co-Prosecutor, you take the floor.

17 MR. SMITH:

18 Good morning, Mr. President. Good morning, counsel.

19 Mr. President, in relation to the scheduling we just have two
20 brief requests. Firstly, now that the accused's character will
21 be questioned by the Trial Chamber, I think it would be useful
22 for the parties to understand how much questioning time they
23 would have of the accused.

24 Obviously, this is the probably last substantive time that the
25 accused will be questioned as to his role in S-21, or certainly

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1 in relation to his personality, and we would ask that, given the
2 scheduling timeframe Your Honours have, that the prosecution at
3 least have one hour but, if preferable, an hour-and-a-half on
4 this particular issue, and the other parties be given questioning
5 time in balance with that.

6 The second point is in relation to a filing that the prosecution
7 filed with the Trial Chamber on the 29th of April this year, and
8 it was a notice to the Chamber to put before it some documents in
9 relation to armed conflict.

10 As Your Honours are aware, at that time the procedure for putting
11 documents to the Chamber was quite cumbersome and time consuming.

12 Now, since Your Honours have issued that guideline to streamline
13 the proceedings, it is now a lot easier of course for parties to
14 put documents to the Chamber efficiently.

15 [09.14.09]

16 So we would ask that a spot of time, a period of time, be given
17 over this week or next week where the prosecution can briefly
18 summarize the documents and explain the purpose and the relevance
19 of the armed conflict documents. We would submit it would take
20 no more than say 25 minutes, half-an-hour, and then parties could
21 make their comments on that.

22 Perhaps also that time could be used for other parties that may
23 wish to put other documents before the Chamber as well, but at
24 this stage the purpose would be to put the armed conflict
25 documents before the Chamber. We would be available to do that

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1 at any time. Thank you.

2 MR. PRESIDENT:

3 Mr. Hong Kimsuon, you take the floor.

4 MR. HONG KIMSUON:

5 Mr. President, Your Honours, thank you very much.

6 First, to begin with I would like to inform the Chamber the
7 absence of my co-colleague, Ms. Silke Studzinsky, who is now
8 being hospitalized and cannot come to attend this hearing. And
9 the civil party, Ros Men, does not waive his right to attend in
10 the hearing but he is sick.

11 [09.15.59]

12 My civil party, Touch Monin, although his time is not yet ready
13 for him to testify, but we just obtained a document in relation
14 to him on the 22nd of August, which was during the weekend, and
15 the translation of the document was not made available during
16 such time. And the head of the genocidal museum also satisfied
17 that the document is genuine and true.

18 I would like, with Mr. President's leave that Madam Chhin Navy
19 testify after Madam Chum Neou because she needs for her religious
20 practice to have lunch before 12 and that she requests that she
21 would be testifying before that.

22 MR. PRESIDENT:

23 Mr. Alain Werner, I note you are on your feet. You take the
24 floor.

25 MR. WERNER:

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1 Good morning, Your Honours. Good morning, Mr. President.
2 Just a word to tell you that we went yesterday to visit Ms.
3 Studzinsky in the hospital and our understanding is that she will
4 not be there for quite some time and, of course, we offered her
5 and her team all support that we can and we will do our very best
6 to try to collaborate and make sure that whatever the need or
7 whatever support we can offer will be given.

8 [09.17.52]

9 She was able to talk to us for quite some time, so we discussed
10 with her some matters and we will do our best to co-operate and
11 collaborate. I just wanted to let the Chamber know about that.
12 Thank you.

13 MR. PRESIDENT:

14 Civil party lawyer group 3, you take the floor.

15 MS. TRUSSES-NAPROUS:

16 Thank you, Mr. President.

17 Of course, I agree with what my colleagues have just said,
18 however, I have extra information to provide the Chamber and I
19 would like a rectification here that I'd like to provide to you
20 following the hearing of Ms. Antonya Tioulong, who spoke on the
21 18th of August.

22 Indeed, Ms. Antonya Tioulong indicated in her statements on page
23 31, more exactly line 21, that she seized a few years ago the
24 Higher Court of Paris, the investigating judge in Paris, an order
25 to file a complaint against various people including Duch, but

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1 also Ieng Sary, Nuon Chea and the other therefore charged people
2 who will be tried in Case Number 2.

3 In her statement, she forgot something. She made a mistake in
4 fact. She wrote down the wrong name. She wrote down the name of
5 Chea Sim who is absolutely not part of this case and, of course,
6 this was in error, and she didn't notice it herself. She didn't
7 notice that she had made this mistake. It is only when she read
8 an article, a press article, that she noticed that she had made
9 this -- that she wrote down the wrong name.

10 [09.20.13]

11 And she decided me to check on the record, which is what I did,
12 and indeed she did indicate this name. It was in error on her
13 part and, of course, she would like to rectify and to apologize
14 to the Chamber and, of course, to apologize to Mr. Chea Sim
15 because it was really an error and it was never questioned of
16 him. And she was extremely, extremely confused about everything,
17 so she would like to apologize most sincerely to the Chamber
18 about this.

19 Of course, this document -- the decision regarding the lack of
20 jurisdiction of the Higher Court of Paris was filed in the case
21 file under document E5/7.2 and the index ERN 00271925 to
22 00271926.

23 So, therefore, I am bringing this up so that everything is clear,
24 Mr. President. Thank you.

25 MR. PRESIDENT:

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1 Thank you for the information, and the Chamber has also noted the
2 remarks made by the Co-Prosecutor. And the Chamber will discuss
3 this matter and find out how to allocate the times for the
4 parties to put questions during the future proceedings in
5 relation to the matter of the character of the accused.

6 The Chamber is sorry to hear that lawyer, Silke Studzinsky, is
7 being hospitalized. The Chamber is thankful to the other civil
8 party lawyers who show their strong intention to collaborate with
9 the Court during the absence of Ms. Silke Studzinsky.

10 [09.22.58]

11 And in relation to the civil party lawyer group 3 concerning the
12 wrong use of name of the person in the statement by the civil
13 party, and there was a kind of correction, but today it is really
14 important that such clarification and adjustment to the wrong
15 name used is fitted in the Court.

16 Regarding Mr. Hong Kimsuon's request, your request is granted and
17 the Chamber will act accordingly.

18 The Co-Prosecutor, we note you are on your feet. Please take the
19 floor.

20 MR. SMITH:

21 Thank you, Mr. President.

22 Now that that matter has been raised, if I can seek your leave to
23 return to some other business before the end of the break.

24 MR. PRESIDENT:

25 The Court officer, please call witness Chum Neou and take her to

8

1 the place reserved for her before the Chamber.

2 (Witness enters courtroom)

3 BY MR. PRESIDENT:

4 Q. Madam Chum Neou, on the afternoon of Thursday last week, the
5 Chamber failed to finish hearing your statement because of
6 technical glitch in relation to the audio-visual problem, so
7 today the Chamber continues to hear your statement and the rest
8 of your statement, of course.

9 You may now proceed with your statement.

10 A. Thank you, Mr. President.

11 Your Honours, last week I stopped short when I mentioned about
12 the death of my kid and I returned from the hospital to my unit.
13 Today, I would like to go back a little bit and I had not covered
14 the complete statement.

15 [09.27.06]

16 On one occasion when I entered S-21 at Office at Stueng Chrov, at
17 that location it was -- so far as I remember, I was located in a
18 house left over from the previous regime. It was the place where
19 detainees were detained while the other house was used to house
20 staff members and there was another separate house for children,
21 and followed by the medic house.

22 The first day when I reached that location and I spent some time
23 there, and in the afternoon when we went upstairs to that house,
24 the house was locked from the outside and I could tell that I was
25 prisoner from then on already because I was locked inside the

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1 room from the outside and it was not like life in the
2 co-operative.

3 I was pregnant, and I had been pregnant and was -- I had been
4 detained until I gave birth to my son, which was probably in
5 January 1978 when I delivered my baby, and there was only a
6 midwife who was assisting me with my labour.

7 And the concrete house was rather tall and although the floor
8 covered by wood or timber, however, there were a lot of insects,
9 the kind of bloodsucker insects. And people found it difficult
10 to sleep because they were annoyed by those insects. And, after
11 some time, I was lying in bed and I was given some injections.
12 There was not sufficient medical equipment or materials for my
13 delivery of the baby. I got some rag clothes with me. So I had
14 two sets of skirts and I used one for my son.

15 [09.31.00]

16 Regarding the hygiene and the soap, I believe there was no soap
17 to provide it at the time. And for women who just delivered the
18 baby, and only with a skirt which I tore into four pieces to use
19 for my baby, that is insufficient.

20 Therefore, it is difficult for me to look after my baby properly.

21 I had to use banana leaves to replace those ragged pieces of
22 cloth. So with the lack of all these necessary materials during
23 that time, I could not provide proper care to my baby.

24 I was allowed to stay home for one week and the other women who
25 delivered their children before me looked after me. And after

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1 one week, I went to stay on the ground floor as it's easier for
2 me to wash those clothes and as it also was near the riverbank.
3 And as the food was not sufficient, when I went to wash the dirty
4 clothes I had to use it to lure the fish to come and I caught
5 some fish to cook. Luckily before my husband disappeared, I got
6 a little of white wine and some herbs for women who just
7 delivered the babies. So I tried to drink all that one litre of
8 traditional herbs mixed in the white wine.
9 It is extremely difficult. It's indescribable. I can recall one
10 event after another and this is the first time after 32 years
11 that I start talking. And every time now when I think of that
12 event, my tears keep flowing.
13 I also recall another event when we were given cans of dry rice,
14 sticky rice, but I was told for women who just delivered the
15 babies could not eat that dry rice crust because I would get
16 sick, but because I was so hungry I had to eat that dry rice
17 crust. So during that time, I went to pick up some mushroom.
18 Luckily it was not poisonous, so I ate together with the midwife
19 on the first day but, on the second day, I was poisoned from the
20 mushroom and I was not sure of the reason why I was poisoned.
21 The medic or the nurse was also poisoned, so the medic called me
22 and gave me some injection and she asked me to inject her with
23 the fluid as well. Although I did not know anything about the
24 injection, I had to force myself to inject her with that fluid.
25 And because we were afraid that my young son would be poisoned

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1 too from the breast that I gave to him, then we tried to find
2 some sugar to feed him. And we were afraid that they would find
3 out because we secretly went to pick the mushroom and if they
4 found out we would be in trouble.

5 [09.36.53]

6 As I informed the Chamber that I had lived in various places --
7 for instance, at Prey Sar and there was an office in Prey Sar.
8 Male people were also housed in a house in Prey Sar and in Barku
9 two new houses were built for the prisoners and both houses were
10 locked from the outside. During the time of my living there, I
11 learnt that it was a tempering or re-education site
12 Let me now talk about the time after I was discharged from the
13 hospital when my son died. At that time, they did not spare any
14 effort on me as they knew that my son had died, so I was alone
15 and then I had to do full labour.

16 I recall an event after 1988, after the big flood and the dam was
17 broken. They lived on the upper floor of the house and we were
18 asked to live further outside and, at that time, I saw many
19 prisoners detained. They made holes in a piece of plank and they
20 locked their ankle in that plank. I only saw from the distance,
21 but we were not shackled in that fashion, though at night we were
22 locked from the outside and during the night the shackles were
23 removed from their feet.

24 I was still wondering what was going on until I heard the
25 testimony of Chin Met. At night-time, when we went to work, I

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1 was wondering why some groups finished earlier and the seedlings
2 were spread onto the rice fields, and how could they plough the
3 land so quick? So only when I learned through the testimony that
4 the Unit K17 did that work. I only learnt of her identity
5 through her testimony in this Chamber and that person could
6 recognize me well, but I could not recognize the other person.
7 At that time, we were forced to get the soil to patch the dam,
8 but it couldn't hold the water, and when the dam was broken,
9 during that whole night the water was everywhere. It was like a
10 sea and we were the women and we did not have enough strength to
11 patch the dam, therefore, the water kept flowing until the water
12 was level.

13 [09.40.46]

14 Then we were assisted by the male workers. A truck came in with
15 sacks filled with soil and then water pump was used to get rid of
16 the water.

17 I also had been wondering on the product of rice. We produced a
18 lot of rice, but our food was never sufficient. Sometimes we ate
19 rice mixed with corn and, at that time, I also had problem with
20 my stomach. If I ate rice mixed with corn then I would have gas
21 in my stomach. I tried to only eat the rice without eating the
22 corn.

23 At that time, despite all these treatments, those difficulties, I
24 never shed a single drop of tear. This is to prove to them that
25 I was tempered and I did my best according to the instructions I

13

1 was given. If I shed my tears, like I am doing now, I would not
2 be survived.

3 I was detained longest compared to other women and I was
4 wondering why I was detained longest. Was it because I was old
5 compared to others? I still could not find the answer for that
6 and why they did not take me to be smashed. When I was at Stueng
7 Chrov together with those people, they had never stayed longer
8 than 10 days. They would be taken to disappear and would be
9 replaced by newcomers.

10 And at Barku, the movement was less, however, I could see trucks
11 transporting the youths to the houses along the river bank and
12 they lived separately from us, the female group. So at Barku the
13 activity regarding the incoming and outgoing of the women's group
14 was less.

15 [09.43.50]

16 I saw students and intellectuals were transported into the area
17 or the vicinity of Lon Non, the sibling of Lon Nol, and I asked
18 people around who were they, and I was told that they were people
19 from abroad, students or intellectuals, because they were still
20 wearing their nice clothes.

21 At that time, I also a little bit talkative. I asked a question,
22 did they go to Okveh, and I was told you could look at the map,
23 and after '79 I tried to look for Okveh village, and only through
24 the hearing here that I learned to go to the Okveh village, it
25 means to go and get smashed.

14

1 I stayed at Barku until 1978. During the time that I harvested
2 the rice in around December, then in late December we went to
3 raise a dam. And there were some other Jews from other various
4 units were also working there but we work in separate group, a
5 loud speaker playing the revolutionary songs and some
6 propagandas.

7 I worked there only for one week and I lost all the strength to
8 carry the soil to the top of the dam. When I could no longer
9 carry the soil, I was asked to dig the ground but due to my
10 disabled hand I was asked to then stamp and level the soil.

11 Another event that I could recall -- when I tricked them as I
12 pretended to be sick in order to save my strength. I went, while
13 I was walking, I pretend to fall and vomited. Then I was
14 relieved from work and I was given a little extra porridge.

15 [09.46.51]

16 There were numerous events that I can recall despite the long
17 period of time and I cannot recall every event. I think I'm a
18 bit up and down to when I describe all those events because my
19 recollection is not in linear. I could only recall or pick up
20 here and there.

21 Another event when I was pulling the seedlings, we had to
22 accomplish the quota. Otherwise we were not allowed to rest.

23 And the seedlings had to be clean and in order to meet the quota
24 we worked in small teams so one of the team members would pull
25 the seedlings, another one would clean and get rid of the soil,

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1 and another person in the team would pile them up.
2 We also washed ourselves in the stream where we cleaned the
3 seedlings. And we only have an extra pair of clothes so we kept
4 changing the clothes every day. During the two years we were
5 given actually four pieces of clothes: two pants and two skirts
6 but I used one skirt for my baby.
7 Let me now talk regarding the event on the 6th of January '79
8 because I could not recall other events at the moment. On that
9 date we were not asked to go and work in the field but we did not
10 know anything regarding the situation in Phnom Penh. We were
11 wondering why we were not allowed to work in the fields on that
12 day and we were instructed to be ready to be relocated.
13 [09.49.30]
14 We did not move during the daytime but we moved at night-time
15 when everybody was around. I packed my sack of belongings and
16 waiting on the top of the dam around 7.30 or 8 p.m. we were
17 instructed to move. During that time it was night and we did not
18 know the directions that we were heading to and it's been so long
19 as well and I was not familiar with the location.
20 I believe at that time I learned of the names of the villages
21 that I walked across but it's been so long I cannot recall them.
22 I believe we also walked past the watermelon farm and we ate
23 those watermelons. I was not sure which unit it belonged to.
24 I recall that one day immediately after the 7th January '79 at
25 the location in between Jareuy Mountain in Tralach, Kampong

16

1 Chhnang and Amleang, before the fighting broke out in Amleang I
2 met Mr. Duch, the accused here. The circumstance of meeting him
3 was that my unit's chief reported that I attempted to flee and
4 indeed I was attempting to flee but I could not because of the
5 ready-lines (phonetic) they made.
6 And I saw Duch sitting in a house made from bamboo. It was a
7 newly built bamboo house. The person who took me there rode a
8 horse and that person knew me very well but I cannot recall his
9 name. And the person asked me how come I was there and he said
10 that he could not forget the gratitude, the kindness that I did
11 for him and I told him I could not recall and he said that I
12 helped him giving food to him when he was at the front line.
13 And he asked me to ride on the horse with him but I refused so I
14 walked along while he was riding a horse to lead me to meet Duch
15 in the forest. It was just at the outskirts of the forest when I
16 met him.
17 [09.52.50]
18 On that day I was not afraid of him. It is my practice to greet
19 him and at that time I called him Brother. He was sitting with
20 his crossed legs on the bamboo bed. He pulled out his pistol
21 from the holster and then he pointed his pistol near my temple.
22 But I believe the pistol was still locked. In my mind I
23 determined that if something happens then I would fight to my
24 death to get rid of the pistol.
25 I was not shocked and I responded to his questions confidently.

17

1 He did not ask of my name. He asked me how many days have I been
2 there and I replied I was there since 1977. He seemed surprised
3 and he asked why I was there so long and if I knew anything. I
4 told him that I did not know anything and he said it's good that
5 I stayed there for long and that I was still in good shape.
6 After we talked a little bit later on a fight broke out and then
7 we flee, although at that time I was still with that unit. I did
8 not know the wife of Comrade Duch but somebody told me the wife,
9 and when I looked at her she was carrying a baby, and during the
10 time that we were fleeing we saw some soldiers and some people
11 going along and one person was holding an umbrella for Duch's
12 wife during the trip, and another person was holding her
13 belongings.
14 I could see that from about 20 metres distance and in my mind I
15 thought, "Oh, it's because of his superior position". Even at
16 that time, the wife of the superior was still being looked after,
17 although I did not have any feeling of jealousy of what I saw.
18 I had attempted on many occasions to flee, but I failed to do it
19 because we were watched by people riding horses and we would be
20 whipped if we strayed from the team. So during the day the fight
21 broke out in Amleang, I did not run straight to Amleang. I ran
22 across to the forest along the Pis Mountain Range, although I was
23 not familiar with the direction, north or south, at the time. I
24 was rather lost at the time.
25 [09.57.08]

18

1 I can only recall Amleang, Jarey village for instance, but not
2 every detail. And I think the forgetfulness is my part as I
3 myself told myself to try to forget those events after 1979, but
4 only later on after the trial, everything came back.
5 During the time that I lived in the forest, I noticed a lot of
6 barns, rice barns, and the rice -- the unhusked rice was
7 relocated from another barn -- from a barn to another barn, and
8 only people were doing that under the co-ordination of the
9 messengers who were so efficient.
10 But the longer we stayed in the forest, the communication with
11 them seemed to be further isolated and, later on, I was like
12 alone by myself. Nobody seemed to recognize me any more and I
13 could move freely.
14 I did not have rice to eat for four months and I could only eat
15 vegetable or tree leaves or wild fruits and in late December '79
16 or early January '78 (sic), during the time of the rice harvest
17 season, before I got home -- I may have to go back a little bit.
18 When we cooked the rice after we had not had any rice, and the
19 first time we had that first rice, actually, our health was
20 deteriorating.
21 When I reached home I was so shocked and moved than when I was in
22 the battlefield because no-one in my family lived to tell their
23 story because they all disappeared and perished. Only one person
24 left actually. I was very heartbroken because after I have
25 learned that my close relatives, my siblings, all died, I was the

19

1 one who actually survived.

2 [10.00.24]

3 In 1980, the full year of 1980, I could not concentrate on doing
4 anything, and thanks to my neighbours who emotionally support me
5 and they really asked or helped me to struggle to hold onto life
6 and to forget the past, and for that reason I could move on
7 further.

8 When I went to S-21, I actually forgot to bring with me my diary;
9 the diary that I kept very well, the diary in which I really
10 detailed any points lectured or presented in the meeting.
11 However, it was very fortunate anyway for forgetting to bring
12 along this diary with me, otherwise I would be found out that I
13 recorded the Party's matter and would be smashed.

14 And that's all, Mr. President, and thank you very much.

15 MR. PRESIDENT:

16 Next, the Chamber would like to give the floor to the civil party
17 lawyers to put questions to the civil party if the lawyers
18 believe that questions are important to ascertain the truth.

19 MR. HONG KIMSUON:

20 Mr. President, thank you very much.

21 QUESTIONING BY CIVIL PARTY COUNSEL

22 BY MR. HONG KIMSUON:

23 Q. Good morning, Madam Chum Neou. I am going to ask you a few
24 questions in relation to your life story that you have already
25 mentioned before the Chamber, but only for some clarification.

20

1 [10.03.00]

2 When Angkar sent you to work in Phnom Penh -- the Khmer Rouge
3 Angkar referring to here -- you said after the 17th of April 1975
4 you were sent to work in Phnom Penh by Angkar in the logistics
5 section. So who was actually in charge of that section and what
6 kind of logistics were there?

7 A.Thank you. After 1975, the 17th of April, I was assigned by
8 Angkar to work at the logistic section called Unit S-80. This
9 unit was in charge of administering or storing all the
10 ammunitions and all kinds of weapons to be used across the
11 country.

12 Q.Thank you. So what was your role at that unit or section
13 then?

14 A.At that time, there was a small platoon which was assigned to
15 be in supervision of this section. I actually worked at the
16 women's military force in the east and we were dispatched to this
17 S-80. One platoon was assigned to this unit and the other
18 platoons were assigned to other unit to fix weapons.

19 At that time, I worked as the person who kept the warehouse.
20 There was a new-build warehouse but most parts of the warehouse
21 were the old houses. They used old houses or buildings as the
22 warehouses, and weapons would be collected and gathered from
23 various locations across the country and they were finally stored
24 in these warehouses. The ammunition was also collected the same
25 way and then distributed accordingly. And I was assigned to keep

21

1 this warehouse and to guard them.

2 Q.Thank you. You said you were assigned to collect ammunition
3 and weapons and distributed them. So were you also part in
4 transporting or delivering those ammunition or weapons to other
5 units in Phnom Penh?

6 A.No, I didn't.

7 [10.06.51]

8 Q.In Phnom Penh, did you know the S-21 compound or, in short,
9 were you ever informed or did you ever learn of this compound?

10 A.S-21 was referred to basically the Tuol Sleng museum. I think
11 -- I never paid a visit to the location or had heard of it. But
12 at Prey Sar when we were transporting ammunition to Chamkar
13 Daung, Brother Pha, who was the immediate supervisor, was
14 pointing to the location of S-21 and telling us that it was the
15 S-21 location but we never knew it was there before.

16 Q.Thanks. You said your husband was arrested -- or had been
17 arrested three days before you were arrested. Could you tell the
18 Court about your husband? What was his role and who arrested him
19 and in which location was he detained?

20 A.I just received a document, the clear document yesterday, in
21 relation to my husband. He was sent twice before he reached S-21
22 according to this document. I think having reviewed this
23 document, there were some discrepancies in the date when my
24 husband was sent first, which was in 1977.

25 At that time, I was being hospitalized because I got the morning

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1 sickness and I knew that my husband was transferred or relocated
2 to work elsewhere, and I knew that at that time it was some kind
3 of routine that people would be transferred to work in various
4 places.

5 [10.09.45]

6 However, I was not reunited to my former unit after being
7 discharged from the hospital, although I was told that I would be
8 reunited with my husband. I was transported in a truck and I met
9 my husband, who worked in the production unit at Chbar Ampel
10 vicinity, and he worked at Wat Kamsan vicinity. And we had been
11 together for about one month. Then I spotted another truck which
12 came to pick up my husband and took him away.

13 At that time, after seeing him off, he whispered into my ear,
14 reassuring us that he would not be far away from us, and he asked
15 us to please try to work hard and he would not abandon us. It
16 was the last message we got from him. He reassured us that he
17 would be back and he told me to keep good care of myself by
18 taking more traditional herbs.

19 Q.Thank you. With the President's leave, I would like a
20 document concerning the brief biography of Madam Chum Neou --
21 found at S-21 -- which is already placed in the case file.
22 Please put it on display.

23 MR. PRESIDENT:

24 Could you please give the ERN number in Khmer?

25 MR. HONG KIMSUON:

23

1 Madam Chum Neou, could you please tell the Court the ERN on the
2 top page of that document to the Court?

3 Mr. President, this document is available under ERN 002118 --
4 1380. Correction -- again, 00211880.
5 [10.12.36]

6 MR. PRESIDENT:

7 The AV Unit is now instructed to put this document up on display.

8 MR. HONG KIMSUON:

9 In English, this document is under ERN 00289729.

10 MR. PRESIDENT:

11 Could you please scroll down until we see the complete document?

12 Please scroll to the middle page.

13 BY MR. HONG KIMSUON:

14 Q.Madam Chum Neou, your husband's name in this brief biography
15 is Nour Moeun, alias Sem. However, in the document and next --
16 in relation to the prisoners, the male prisoners at S-21 with ERN
17 00331076 and ERN 000331803.

18 In these documents under number 3210 in its order -- this is the
19 order of the prisoner -- we see the name Nour Sar Moeun alias
20 Sem, the former combatant of Office 62-B and entered on the 30th
21 of July 1977, and another document, document 00331803.

22 We found another person under Number 1827 of the same person,
23 Nour Sar Moeun but why in the biography we have only got the
24 person's name like two words, Nour Moeun? Could you please shed
25 light on these discrepancies?

24

1 A.Mr. Hong Kimsuon, Nour Sar Moeun or Nour Moeun alias Sem were
2 the names of my husband. I think probably technical error could
3 be contributed to the mis-spelling of my husband's name. I told
4 the Co-Investigating Judges already that my original husband's
5 name was Nour Sar Moeun and I know for sure that his alias was
6 Sem. And he was in the general staff logistics section.

7 [10.16.22]

8 But the difference is that he was at M-62 and I am still
9 suspicious but I may ask the accused to shed light on this.

10 Q.Thank you. I would like to put the last question in relation
11 to the biography of your husband.

12 Could you tell the Court when was this biography taken or
13 written?

14 MR. HONG KIMSUON:

15 Mr. President, could you please instruct the AV to remove these
16 documents from the screen?

17 MS. CHUM NEOU:

18 The biography was made the first day we entered Steung Chrov. At
19 that time the biography was not typed because there was no
20 typewriter. I remember that the biography was written,
21 handwritten and my name was recorded and in that record.

22 MR. HONG KIMSUON:

23 Mr. President, could you please instruct the AV to project
24 another document?

25 MR. PRESIDENT:

25

1 The Court officer is now instructed to put this photo on the
2 projector.

3 BY MR. HONG KIMSUON:

4 Q.This photo was the reproduction of the original photo from the
5 biography. We only enlarged it because the original photo was
6 smaller.

7 My last questions: is it your photo? And who wrote your name
8 underneath?

9 A.Mr. President, this is my photo 30 years ago and I don't know
10 who wrote my name underneath. I remember having my photo being
11 taken but I don't remember having written any name underneath.

12 [10.19.36]

13 MR. HONG KIMSUON:

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

15 And thank you, Madam Chum Neou.

16 MR. PRESIDENT:

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

19 MR. DE WILDE D'ESTMAEL:

20 Thank you, Mr. President.

21 MR. PRESIDENT:

22 Please hold on. Judge Lavergne would like to take the floor.

23 JUDGE LAVERGNE:

24 Thank you, Mr. President. I listened to the civil party's

25 statement this morning and she spoke about an encounter with the

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1 accused even though this encounter did not take place during the
2 time period which involves the facts for which we are seized
3 (sic).

4 [10.20.54]

5 However, it seems important in regard to the accused's
6 personality that we obtain more information on what really
7 happened during this encounter.

8 BY JUDGE LAVERGNE:

9 Q.You therefore told us about an encounter where you had been
10 brought before the accused whereas -- while you were fleeing from
11 S-24. Was this the first time that you were meeting the accused?
12 And are you sure that it was Duch indeed and can you tell us why
13 you are sure of this?

14 A.Your Honour, the day I encountered Duch when he placed his
15 pistol right next to my temple it was him. I met him the third
16 time already. I met him two times when I saw him walking on the
17 dikes although I did not know whether it was him in the previous
18 two occasions. But I was told by our colleagues that he was
19 Duch.

20 And I did not really talk to him and I saw him walking close to
21 me and I just was suspicious why I was asked to plant rice next
22 to the dikes of the paddy fields. I learned that I was good at
23 planting good rice. However, planting next to the dikes of the
24 paddy fields was not really a good kind of assignment.

25 But I was told that I had to be careful with my work because I

27

1 was being inspected by the chief. Of course I could recall that
2 it was him, the Chief of S-21 who was patrolling that area back
3 then.

4 Q. So if I understood correctly, you are telling us that when you
5 were at S-24 you had to opportunity of seeing the accused twice.
6 You saw that he was controlling the way that the work was being
7 carried out in the rice fields. Is that so?

8 A. Yes, it is, Your Honour.

9 [10.24.34]

10 Q. I would like to get back to this encounter more specifically
11 now. You told us that you had been led to Duch because you had
12 tried to escape, and were you accused before him of having done
13 so? Can you tell us exactly what happened? Did he introduce
14 himself? Did he take out his pistol right away, immediately?
15 How long did all of this last?

16 A. When I was led to meet him the person who took me knew me very
17 well and he told me that I would be meeting the Chief, the head
18 of S-21. And he told me his name. The person knew me very well
19 but I did not know him, the person who led me.

20 And when I met him I was very polite, I called him Brother. I
21 was not scared. I smiled at him. Before he asked me any
22 questions his pistol was at the ready but I did not see the
23 safety of the gun was on yet and he pointed the gun at me.

24 [10.26.20]

25 And having noted that the safety was not on I was not afraid. He

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1 asked me how long had I been here and I still laughed and smiled
2 -- well, because it was my nature anyway to have a smiling face.
3 And I said that I had been here since 1977 and he was surprised
4 to learn that I was still alive and could stay put long enough --
5 for two years.

6 And then he asked me, "What happened?" And I told him that I had
7 no idea. And then he responded that it's good. It's quite good
8 that I could stay here long enough. And then he said that I
9 could stay in that area for some further longer.

10 And then there was fighting and we could hear the sound of the
11 guns and then we ran out of time.

12 Q. Did Duch at any given time beyond the fact of putting the
13 pistol to your temple, did he threaten you? Did he say to you
14 that he was going to shoot you; that he was going to kill you?

15 A. I'm telling the truth. It is not from my anger that I said
16 something bad about him. Actually he did not threaten me
17 although he pointing the gun at me.

18 When I told him that I could be there until 1977 he laughed and
19 he said that it was good that I could remain there for long
20 enough.

21 Q. Thank you very much for these clarifications.

22 JUDGE LAVERGNE:

23 I have no further questions to put to the civil party. Thank
24 you.

25 MR. PRESIDENT:

29

1 The Co-Prosecutors, you may now proceed with the questions if you
2 would wish to put to the civil party.

3 QUESTIONING BY THE CO-PROSECUTORS:

4 [10.29.27]

5 MR. DE WILDE D'ESTMAEL:

6 Thank you, Mr. President.

7 BY MR. DE WILDE D'ESTMAEL:

8 Q.Mrs. Chum Neou, last Thursday you mentioned your forced
9 marriage under the direction of Angkar. You also said that you
10 had been arrested after your husband, probably because he was
11 considered to be a traitor.

12 Was this not a revolting situation for you, the fact that you had
13 been forced to marry him and then to be accused because your
14 husband had been accused? Did you try to tell Angkar that this
15 situation was peculiar and did you complain to Angkar with regard
16 to your arrest and transfer to S-24 because your husband had been
17 arrested?

18 Thank you.

19 A.In 1976 Angkar arranged me to get married while I worked at a
20 logistics unit as a general staff. My husband requested Angkar
21 to get married with me. So we can say that my husband actually
22 requested through Angkar to marry me and I was not forced by
23 Angkar for my marriage.

24 [10.31.10]

25 Angkar then called me and asked me regarding my husband's

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1 request. But at that time I did not have an injury on my hand
2 yet. Only after my hand was injured and I was discharged from
3 the hospital then the marriage took place.

4 There were three couples. And it was so quick. We were noticed
5 in the morning that the marriage would be at 2 p.m. I was shocked
6 and I asked Mot who was the unit's chief and asked Thim and Phon
7 why the arrangement was made so quickly and that I did -- and
8 asked them whether my relatives or my parents were invited from
9 the village. He said "no."

10 So I was not happy during my marriage on the wedding day. But
11 because the time was set so I could not refuse and I was
12 explained that the unit was a special unit and we would not be
13 allowed to marry somebody else outside the unit and that we
14 should regard Angkar as our parents who arrange our marriage and
15 we should just agree to the proposal.

16 So actually I was tearful during the wedding day. I was upset
17 that none of my relatives from my village was informed.

18 Q.Thank you.

19 Mrs. Chum Neou, who do you blame for the death of your baby, your
20 son, when you were staying at S-24?

21 A.The blame for the death of my beloved son should be placed
22 upon the responsibility of the upper echelon who did not have any
23 concrete and precise plan for the treatment of people.

24 [10.34.14]

25 The child was young, and the child was separated from me. He was

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1 still breastfed. And I didn't know that the measles would be
2 relapsed after I had him breastfed. One or two hours after I
3 breastfed him he had diarrhoea and the medic could not rescue him
4 and as a result he died; he was buried. And I was asked to stay
5 in the hospital to recover my health but because it is not my
6 habit to stay idle, so I requested to return to my unit.

7 Q.Well, I believe that you had stated earlier that you had
8 almost been arrested -- or rather that you had almost been taken
9 to be executed twice while you were at S-24. Could you perhaps
10 describe these episodes to us?

11 A.Yes, Mr. Co-Prosecutor. I was asked to board the truck two
12 times. One time while I was transplanting, I was pulling the
13 seedlings, I was asked to board a truck and I was asked to get
14 off as they got me confused with the surname. And the next time
15 I was asked to board the truck when I was taken to the hospital
16 to see my son.

17 [10.36.42]

18 Q.Can you tell us in what state of mind you were when you were
19 made to get into the truck? Did you know what to expect as a
20 person being taken by this truck?

21 A.When I was asked to board the trucks on the two occasions my
22 (technical malfunction) thinking that I will be dead, but on the
23 first time I was lucky as they got the surnames confused. And on
24 the second time, when the truck was driving past my place, I was
25 asked to pick up my belongings. So I was a bit relieved and I

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1 went to see my son.

2 When I was asked to board the truck, everybody was dead quiet
3 because they knew that I would be taken and gone, but after the
4 death of my son I returned to my unit and the people at the unit
5 were rather shocked to see me, as they announced within the unit
6 that I was a CIA agent; that's why I was taken away.

7 BY MR. SENG BUNKHEANG:

8 Q. Good morning, Madam Chum Neou. Can you confirm when Angkar
9 sent you to look after the children; did you know the wellbeing
10 of those children?

11 A. Yes, I can confirm that, Mr. Co-Prosecutor. When I was
12 assigned to take care of the children, I only just delivered my
13 son, so I was asked to look after the young children who were
14 still breastfed but their mothers were working in the rice field.
15 There were a few of us to look after those several children, and
16 at that location we had two or three beds and actually they built
17 like a rack surrounding the bed to keep the baby inside the bed.
18 And for those babies who were a bit older, who could actually
19 crawl, then we had to be more vigilant on them. They were like
20 young pigs and trying to get out of the pen.

21 [10.40.01]

22 The longer I stayed, the less children I saw, and I did not know
23 what happened to them; whether they died or whether they were
24 transferred elsewhere with the mother.

25 One of my friends, who delivered a baby before me -- a month

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1 before me -- the baby died at night while we were sleeping next
2 to each other. At that night-time when her child died, she
3 whispered to me that the child's dead and she kept hugging her
4 child until next morning.

5 Q.Thank you. Did you know how the children were provided with
6 the food?

7 A.The food ration for the children were rather different. For
8 the young infants who were still breastfed, the mothers would
9 breastfeed them in the morning and one more time when they
10 returned from the field in the evening. During the day, we
11 prepared rather thick gruel mixed with ground salt and fed the
12 baby.

13 Q.Thank you. Regarding the activities of arrest amongst the
14 women's unit, as you told the Chamber, and that you were also
15 once arrested and boarded a truck, but because of the confusion
16 of the surname you were allowed to get off the truck.

17 Did the arrest -- were the arrests made during the day or
18 night-time?

19 A.It was in the late afternoon while we were still pulling the
20 seedlings in the rice fields.

21 [10.42.24]

22 Q.Can you recall the person who told you that the surname was
23 confused? Do you know his name or her name?

24 A.He was a medic, a one blind eye medic named Van. He looked at
25 the list of the names and he told me that my -- he got confused

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1 with the surname and he let me go.

2 Q.Can you recall, regarding the arrest, who actually ordered the
3 arrest?

4 A.No, I did not know who would order those arrests. Even when I
5 was sent to the location for the first time, I didn't know who
6 made that decision.

7 Q.Can you recall the truck which was used to arrest those
8 people? Which unit it belonged to; any sign or mark on that
9 truck?

10 A.The trucks to transport those people who were arrested -- but
11 first when I was transported to Stueng Chrov with another person,
12 it was the same vehicle. Actually, it was not a truck, it was a
13 car, but it was grey in colour.

14 Q.Can you confirm this type of arrest; did it occur frequently
15 at your workplace?

16 A.I frequently saw that type of arrest at Stueng Chrov, where I
17 stayed for the first time, but I did not see the mode of
18 transportation. People were ordered to line up and walked to the
19 National Road and the distance from Stueng Chrov to the National
20 Road was about two kilometres and any truck or vehicle could not
21 access Steung Chrov due to the small and rocky path. The
22 newcomers would come and replace them a few days after the old
23 people had been taken away.

24 Q.You already told the Chamber that you met Duch on two
25 occasions at Prey Sar. Can you recall at the time of your

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1 meeting, what year was it?

2 A.It was in 1978 after the death of my son. It was not at Prey
3 Sar, it was at the area where I transplanted the seedlings within
4 the vicinity of Barku. It was just opposite Prey Sar.

5 [10.46.02]

6 Q.At that time, did you observe the character of Duch? Was he
7 happy or was he in sad mood?

8 A.I saw him walking alone with no bodyguards. I saw him wearing
9 a hat and a scarf on his neck and a pistol on his waist. He
10 looked handsome, happy and worryless. He did not care about the
11 burdens and the suffering that we had at our location. He walked
12 freely, ignoring us. He did not ask any questions.

13 Q.When you met Duch after the liberation day of 7th January '79,
14 after the meeting what happened?

15 A.The meeting after 7th January '79; as we knew the situation at
16 that time was chaotic. We could say the water was already up to
17 the nose level and the soldiers were defeated.

18 Q.My question was that whether after the meeting you were
19 tortured or mistreated by Duch?

20 A.Since the time I went to live there, I did not receive any
21 beating or torture but I was mistreated psychologically, but not
22 physically.

23 Q.Did you know about the smashing of the prisoners or the people
24 who went together with you when you met Duch at a later stage?

25 A.I did not know about that. We and the soldiers were defeated

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1 and relocated to the Amleang area. I did not see any arrest or
2 killing at the time. I was only wondering that the situation was
3 already chaotic and why they still needed us.

4 [10.49.01]

5 Q. That you.

6 MR. SENG BUNKHEANG:

7 Mr. President, the prosecution no longer has questions for this
8 civil party.

9 MR. PRESIDENT:

10 The Chamber will take 20 minutes break until ten to eleven, when
11 it will resume.

12 Actually, the time allocation for this civil party is for
13 one-and-a-half hours, but it's been on three sessions already.
14 The civil party can now retreat for refreshment and please be
15 here before the hearing resumes.

16 THE GREFFIER:

17 All rise.

18 (Judges exit courtroom)

19 (Court recesses from 1049H to 1116H)

20 (Judges enter the courtroom)

21 MR. PRESIDENT:

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

23 Next, we would like to give the floor to the defence counsel to
24 put questions to the civil party if they so wish.

25 MR. ROUX:

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1 Thank you, Mr. President.

2 [11.17.02]

3 QUESTIONING BY DEFENCE COUNSEL

4 BY MR. ROUX:

5 Q.Good morning. I am one of the counsels for the accused and I

6 wish to put a few questions to you just to clarify your

7 statements and, therefore, to clarify the Chamber.

8 I have read again the document that you filled out, your

9 application in order to join as a civil party before this Court,

10 and you were asked for a certain amount of information and you

11 were asked to explain or to tell us what had happened. And I

12 would like to just base myself on this document and to ask you

13 for some clarification.

14 First of all, you did indicate that you had volunteered for the

15 revolution. Is that so; is that the case?

16 A.At that time I joined the revolution, the Khmer Rouge

17 revolution. It was in 1971 when I joined the revolution, and I

18 made it clear on several occasions already during the proceeding

19 that I wilfully joined the revolution because I was very angry

20 being under the American imperialists and capitalists, and that I

21 joined the revolution to liberate our country from those people;

22 and voluntarily.

23 Q.And, quite quickly, you took on responsibility. First of all,

24 you were the head of the young women in the village and then you

25 say that you led the young women in the commune so, therefore,

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1 you did take on a certain level of responsibility. Is that the
2 case?

3 A.Yes, it is correct because during the time of war, youth were
4 used to transport ammunition or food to supply the combatants in
5 the battlefields.

6 [11.20.45]

7 Q.And on a personal basis, you are someone who likes to take on
8 responsibility?

9 A.I did not quite like it. It was rather complicated and
10 difficult. When I was transferred to work in the army, I was
11 happier than being assigned at the back line.

12 Q.And, indeed, you mentioned in your statement that you went to
13 the front line. Is that the case?

14 A.I went to the battlefields, the forefront, in 1973 when I was
15 in the women combatants at Prey Veng, but when I worked at the
16 east I did not really work in the battlefields because I had to
17 be under trainings, military trainings, until the fall of Phnom
18 Penh in 1975.

19 Q.But when you were at the battlefields, you fought against the
20 Vietnamese enemy. Is that so? Did you actually fight against
21 the Vietnamese arms?

22 A.For my group, we were not armed to fight the enemy. We were
23 assigned to supply foods and ammunitions to the combatants in the
24 battlefields, and we were assigned to carry or transport the
25 wounded in the battlefields back to the hospital.

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1 [11.23.34]

2 Q.In your statement, you mentioned people who had the same rank
3 as you. What was your rank when you -- after having undergone
4 training, military training, what was your rank after that? What
5 was your rank in the army?

6 A.I was actually the chief of the team because there was only
7 one platoon and there was another chief, although I was the chief
8 of the small group at that unit.

9 At the east unit during the trainings, we had attended training
10 for six months until the day Phnom Penh fell, and I was assigned
11 a higher position as the chief of the company.

12 Q.So when you arrived in Phnom Penh in April 1975 your rank was
13 company leader. Is that the case?

14 A.At S-80 I was only the chief of women's team. There were
15 about 30 women combatants and I was the chief in charge of
16 transporting the ammunition but the title was not that high; the
17 rank was not very high.

18 Q.But when you were a company leader -- so this was during your
19 training? I'm sorry, I didn't quite understand. You said that
20 at one moment you were a company leader. When was that exactly?

21 A.Could you please repeat your question?

22 [11.26.50]

23 Q.You told us that at one point you were a company leader. Can
24 you just tell me exactly when this was when you were a company
25 leader?

40

1 A.It was during the time when we attended training at Office
2 S-200. At that time there were two battalions and there were
3 about 1,000 people and I was in charge of leading or
4 administering the people or the trainees and people who were the
5 chief of the battalion, the regiments who were under training. I
6 was the chief of -- (no interpretation).

7 Q.Could you please repeat the end of your sentence? That was
8 not translated.

9 A.In my reply to the defence counsel, my role as the chief of
10 the company I received while I was still receiving the technical
11 and military training at the S-200. At that time there were two
12 battalions of women in that training school. We did not go to
13 the battlefield. We were still receiving training at that school
14 until the fall in 1975.

15 Q.Thank you for this clarification. Now another clarification:
16 when you were in Phnom Penh after the fall of Phnom Penh did your
17 unit partake in the evacuation of Phnom Penh?

18 A.I did not know whether my unit partook in the evacuation of
19 people from Phnom Penh because when Phnom Penh fell, several
20 months during the time of '75 we were not assigned to go to Phnom
21 Penh. We only came later on to collect the war spoils.

22 [11.31.02]

23 Q.Thank you for this clarification.

24 Is it accurate to say that as a soldier you loyally served the
25 army?

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1 A. Partly that is correct but partly it is incorrect; that is,
2 the justice that I should deserve. After my active
3 participations from the beginning of the war until the liberation
4 and finally I was in such a position with such great loss, I was
5 furious why those people -- I would say the tricksters or the
6 cheaters -- why they behaved in that fashion. I lost everything
7 and only I myself survive.

8 Q. Well, that is precisely the question I was about to ask. Do
9 you have the feeling that you gave service to Angkar but that
10 Angkar betrayed you?

11 A. That is correct.

12 Q. Another question. In your statement you describe the scene
13 when Angkar came to take your husband away, and you said the
14 following:

15 "On 9 August 1977 Angkar called up my husband for an education.
16 I prepared his things and I accompanied him to the truck. My
17 husband was well aware of the fact that he was going to prison,
18 yet he did not attempt to flee because he knew that if he did his
19 wife and his child would probably be killed."

20 [11.34.02]

21 And you add:

22 "At the time I was more than four months pregnant."

23 So my question is the following. Do you believe that if your
24 husband had indeed run away there was a risk that you would
25 personally be killed because you were his wife?

42

1 A. When I said my husband gave me advice and is to look after
2 myself. He did not say much in details. Maybe he knew that what
3 would happen to him. He whispered to me that he would not run
4 away and later on, when I was told that I would be taken to be
5 reunited with my husband, I was so happy but in fact, no, I was
6 not taken to see him.

7 Q. According to what you told us this morning, ma'am, during this
8 period you lost not only your husband but also other family
9 members. When you returned to your village, do the villagers
10 still consider you as a member of the Khmer Rouge? Was it the
11 case then, and is it the case today, that the villagers
12 considered that you were a member of the Khmer Rouge?

13 A. It is not that I cannot answer this question, but I have the
14 feeling of pain, suffering now. My mother was so furious when I
15 met her. She said because of me that her husband died and this
16 is a great pain inflicted upon me.

17 [11.37.17]

18 And the accused has apologized on several occasions and, of
19 course, I cannot accept it. I knelt down before my aunt to ask
20 her for forgiveness for the loss of her husband, but she would
21 not accept it and she was my blood relative. And here I am
22 before the Chamber and I cannot accept the apology made by the
23 accused. Just an apology, just one word of apology by the
24 accused in the Chamber, cannot be accepted. I apologized to my
25 aunt and she did not accept it.

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1 And while I still have the opportunity, I lodged the complaint to
2 be a responsible person on behalf of my relatives who were
3 victims of the crimes at that regime, to prove that I am not a
4 member of the Khmer Rouge and I am responsible and that I am
5 loyal to the nation. And that I felt betrayed by that group.

6 Q.Thank you. Thank you. I have no further questions. Thank
7 you.

8 MR. PRESIDENT:

9 Before the Chamber grants the accused the opportunity to make his
10 observations regarding this civil party's statement, the Chamber
11 has listened to the statement of this civil party and that she
12 has certain questions that she wishes to ask the accused. And
13 the Chamber would like to check with the civil party now whether
14 you still have the questions.

15 THE CIVIL PARTY:

16 I have questions and I want answers regarding the document,
17 regarding my husband's. In that document it was mentioned that
18 he was a combatant at S-62 of the logistics unit in the general
19 staff, but I did not understand because my husband was at the
20 S-80 Unit with me.

21 [11.40.43]

22 So I want the accused to clarify whether this office 62B was
23 located somewhere near the production site in Chbar Ampeou or
24 somewhere in Stoeng Chreou and I want to have this information
25 confirmed; that is regarding the list of my husband, the document

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1 that I just received.

2 MR. PRESIDENT:

3 The accused, the Chamber would like you now to respond to this
4 question.

5 THE ACCUSED:

6 Mr. President, the S-21 documents -- I accept all the documents
7 that are S-21 documents.

8 The biography of Chum Neou, I accept it. And I accept the
9 document first and then I accept the person, Chum Neou, regarding
10 this document Nour Sar Moeun alias Sem, combatant of 62B
11 logistics of the general staff.

12 There was a logistics office of the general staff and I think the
13 code 62 was often used, commonly used -- Office 62. But Madame
14 Chum Neou says there were three people managing that office, that
15 is Phon, whom I clearly knew; and Comrade Mot; I knew him as
16 well. And Comrade Thim.

17 So 62 or 80, it doesn't matter because I acknowledged it, that
18 Mr. Nour Sar Moeun or Nour Moeun actually victimized at S-21 and
19 died.

20 [11.43.11]

21 MR. PRESIDENT:

22 The civil party, do you have any other questions for the accused?

23 THE CIVIL PARTY:

24 I cannot think of any questions at this stage, Mr. President.

25 Thank you for the opportunity.

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1 MR. PRESIDENT:

2 Besides responding to this question, do you have any other
3 observations you would like to make in response to the statement
4 of the civil party? That is, do you have any additional
5 observations to make?

6 THE ACCUSED:

7 Mr. President, I acknowledge all the suffering of Madame Chum
8 Neou, who reported to this Chamber for the period that she
9 suffered at the Prey Sar Office or S-24 until the 7th January
10 '79. Later on, she fled along with me.
11 What was strange to me from my recollections are in three parts.
12 First, Madame Chum Neou saw me walking and inspecting people
13 transplanting. I never did that. And that I went to Prey Sar,
14 seeing -- or that I saw her. No, I did not let those people see
15 me. I went to Prey Sar on the four occasions and that later on
16 that I asked her to come to me and that I point my pistol at her
17 temple; that was not true. I never pointed a gun at anybody in
18 that fashion. I had several subordinates who could make arrest
19 or who could reprimand other people.
20 And in the Hong Tnaot village, that was the village of my wife.
21 I walked without food for two days. I went to reach her house
22 and slept and stayed, and then I ate and I regained my strength
23 and then I came back to counterattack those people. So I did not
24 pay my attention to the minor issues relating the female
25 combatants. And for the suffering from the people from the East

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1 Zone as well as the combatants, I acknowledge their suffering.

2 This is my response, Mr. President.

3 [11.46.18]

4 MR. PRESIDENT:

5 The hearing of the statement of the civil party Chum Neou has

6 come to an end.

7 And Madam Chum Neou, the hearing of your testimony is now

8 finished. You are now excused. You can either go to the

9 location reserved for the civil parties or you may wish to go to
10 anywhere you wish.

11 (Witness exits courtroom)

12 And because now it is time for a lunch adjournment, the Chamber

13 will adjourn for this morning's hearing and the Chamber will

14 resume in the afternoon, starting from 1.30, to hear the

15 statements of two civil parties as scheduled.

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

17 and bring him back to the Chamber in the afternoon before 1.30

18 p.m.

19 The hearing is now adjourned.

20 THE GREFFIER:

21 All rise.

22 (Judges exit courtroom)

23 (Court recesses from 1147H to 1334H)

24 (Judges enter courtroom)

25 MR. PRESIDENT:

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

2 According to our new schedule this afternoon we are going to hear
3 two civil parties, Chhin Navy and Touch Monin. Before hearing
4 the statements of these two civil parties the Chamber would like
5 to inform the parties to the proceedings that the Chamber refers
6 to various requests of the Co-Prosecutors to put documents before
7 the Chamber under Rule 87.

8 The Chamber will allocate time to the parties at the end of the
9 hearing of testimony of the witnesses and experts concerning the
10 character of the accused to put documents which are already on
11 the case file before the Chamber according to Rule 87(3). If
12 parties wish to file new documents according to Rule 87(4) they
13 should do so as soon as possible.

14 [13.36.47]

15 So this is just the notification in relation to the request made
16 by the Co-Prosecutors this morning and it is an opportunity to
17 also inform the parties to the proceedings.

18 The Chamber hopes that the parties to the proceeding are now
19 informed and follow the decision.

20 The court officer is now instructed to call civil party Chhin
21 Navy to the seat reserved for the civil party.

22 QUESTIONING BY THE BENCH

23 BY MR. PRESIDENT:

24 Q.Good afternoon, Madam Chhin Navy. Is your name Chhin Navy?

25 A.Yes, my name is Chhin Navy.

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1 Q.How old are you?

2 A.I am 70 years old.

3 Q.Where were you born?

4 A.In Koh Khel commune, S'ang district, Kandal province.

5 Q.Where do you live?

6 A.I live in Phnom Penh.

7 Q.What is your father's name?

8 A.His name is Chhin Chap.

9 [13.40.19]

10 When people were evacuated he was more than 90 years old but he
11 deceased.

12 Q.What is your mother's name?

13 A.Her name is Hong Srun. When she still lived she was about 40
14 years old but she died long ago.

15 MR. PRESIDENT:

16 The Chamber would like to give the floor to the civil party
17 lawyer to briefly inform the Court the identity -- the reasons
18 why the civil party has joined as a civil party and the grounds
19 for her civil reparation claim in relation to the facts alleged
20 in which the accused Kaing Guek Eav, alias Duch has been charged,
21 and during the time from 1975 to 1979. The lawyers are
22 recommended to also support -- provide supporting documents in
23 relation to the claims and the grounds for such claims and
24 application of Chhin Navy.

25 MR. KONG PISEY:

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1 Mr. President, thank you. Your Honours, I am the national lawyer
2 representing civil party Group 2.

3 I may now proceed to briefly tell the Court about the identity of
4 Madam Chhin Navy. She has filed a complaint under ERN number in
5 Khmer, 00152367; in English, ERN 00156825.

6 [13.43.24]

7 She also obtained her identification card which can be found
8 under ERN number 00152374. The ID card number is 010154658.

9 There is another list, the list of the victims who have been
10 smashed at S-21 under ERN number in Khmer, 00080640. Her
11 husband's name can be found in the list and he worked in the
12 public works section. He was arrested on the 22nd of February
13 1976 and there is a photo of her husband obtained from S-21.

14 Madame Chhin Navy is the wife of Tea Hav Tek and I have already
15 briefed the Court. I hope this information helps the Court.

16 MR. PRESIDENT:

17 The civil party lawyer group 2, would you wish to allow the civil
18 party to give her statement on her own or would you wish to put
19 questions and then she would then respond to your questions
20 instead?

21 MR. KONG PISEY:

22 Mr. President, I would request that questions were to be put to
23 her.

24 [13.46.27]

25 MR. PRESIDENT:

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1 Do you wish that she tell the accounts of her -- the story as a
2 civil party, or would you ask the Court that you put questions to
3 her in order for her to respond to the questions in describing
4 her accounts? Or would you prefer having her telling the account
5 on her own without your questions?

6 MR. KONG PISEY:

7 As agreed, she would be telling the Court the complete account of
8 her story actually, and then I would follow up with some
9 questions if I feel the needs arise.

10 MR. PRESIDENT:

11 Madame Chhin Navy, it is now time for you to tell the Court the
12 facts and your relation to the crimes alleged in which the
13 accused, Kaing Guek Eav alias Duch, has been charged. And also
14 you should tell the Court the damages physically or emotionally;
15 the emotional or physical damages that you have had suffered ever
16 since.

17 You may now proceed.

18 THE CIVIL PARTY:

19 Your Honours, the parties to the proceeding, and distinguished
20 guests.

21 Please forgive me if I make something wrong in my statement or if
22 I am too forgetful because I am not healthy enough. Sometimes my
23 memory is so poor and I have been living in such a condition for
24 many years, and sometimes I am more like a mentally ill woman.

25 [13.49.02]

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1 And, if I understand correctly, then the President would prefer
2 hearing the account; the story I should tell from the beginning
3 when I left Phnom Penh.

4 MR. PRESIDENT:

5 Actually, it would be good if you can actually tell the Court
6 from the date when you left your home during the evacuation, and
7 if you can really establish the linkages of the story in relation
8 to S-21 and what happened to your husband.

9 Madame Chhin Navy, could you please be reminded or instructed to
10 wait until you see the red light is on your mike before you can
11 speak?

12 THE CIVIL PARTY:

13 Mr. President, Your Honours, and the Court.

14 My name is Chhin Navy. I lived in Phnom Penh since my childhood
15 because when I passed the exam at the medical school, then people
16 were recruiting infirmieres and then I attended the medical
17 school in Phnom Penh, the government school. There were
18 thousands of candidates but only approximately 100 passed the
19 exam, and I worked at the Preah Ket Mealea Hospital after that.
20 One day, my sibling-in-law got the appendix problem and operation
21 was needed. And the sibling was treated at the hospital where I
22 worked and he liked my care for him, and he would propose to
23 marry me, and then I got married with him.

24 [13.51.45]

25 However, it is very personal. I got married three times. First,

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1 I got married in 1962 and then my husband worked in the same
2 hospital. And then we had another wedding in Kampot because my
3 husband's relatives were living in Kampot, so we reorganized the
4 wedding reception there. And the family of my husband worked at
5 the public works, and he was in charge of the personnel unit.
6 He was related to Prince Kantol, who was the minister of the
7 Public Works Ministry and Oeng Pech was the high officer there.
8 Later on, he was promoted to be the chief of the aviation unit at
9 the airport. At that time they addressed me as Madam Chhin Navy.
10 When later on we bought a house next to Tuol Tompong Market.
11 During that time bombardments were severe, but I would like to
12 make it clear that my accounts is based on my honest memory, and
13 on the 18th I saw soldiers equipped with arms coming to our house
14 and asked us to leave our home, otherwise the Vietnamese would
15 drop their bombs on those houses and we would be killed.
16 Then I asked them where should they wish us to go and they said
17 that we could go to our home towns. And then I asked how long
18 would we leave our home and we were told that it would not be
19 long, two days the longest. And, actually, in our house there
20 were full of furniture and things, but since we would not be
21 leaving too long then we did not bring along a lot of things with
22 us.
23 [13.54.32]
24 We were on the truck, and I could only carry with us 16 cans of
25 rice, and we went together with my father, with my sibling, and

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1 we headed through the road next to Psar Daem Thkau. At the
2 roundabout of Kbal Thnal, then we were stopped and we were asked
3 to wait before moving further. And at that time my family
4 relatives, who were sellers at the nearby market, got a Lambretta
5 and she could make use of the Lambretta to carry her belongings,
6 but then we all got stuck at the roundabout.

7 The next morning then, after cooking a pot of rice, then we were
8 allowed to move to the east bank and then we took ride when we
9 crossed to the other side of the bridge. There was a Prek Preah
10 Pagoda, the place where we then were stopped, and we saw the
11 black-clothed soldiers with weapons at the ready, and we were
12 stopped for a while. And after some meals then when we wanted to
13 relieve ourselves then we would go into the riverbank, and then I
14 saw corpses and the corrugated metal sheet would be used to cover
15 the corpse.

16 [13.56.40]

17 And during meal time, after we had the meal, then I went to the
18 riverbank -- to the river actually to relieve myself, but saw
19 these corpses, and I don't remember the exact time but maybe in
20 the late afternoon then we were allowed to move further and my
21 kid, who was about four years old, he was not yet sent to school
22 but because he liked reading something then he could read.
23 At that time we were forced to move down to the destination -- we
24 did not know for sure where it would be -- and we would stop
25 along the road, and then after one month then we reached our home

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1 town at Ta Lun village. And Phnom Penh people were fully
2 evacuated but I was frustrated because I did not know actually on
3 the way to -- you know, in the middle of nowhere.
4 And one day I was called to the meeting and all the people from
5 Phnom Penh were called to that meeting in the fruit plantation,
6 and the chief of the co-operative -- I don't remember his name --
7 he was a carpenter who was in the co-operative. He said that his
8 revolution was successful. He started the revolution from the
9 1972 and I'm here to tell the Judges about the honest story,
10 loyal story of what I witnessed, what I saw, and I'm only telling
11 the truth.
12 He said that his revolution was so successful it's more like the
13 way Duch always said in his statement. He said that he came to
14 Phnom Penh to give some injections to some. But Choun Nat and the
15 meeting he would share such information with us. And then after
16 the meeting we were let home and I was so worried, having
17 attended such meeting.
18 [13.59.43]
19 The next morning my brother came and he was seen walking under
20 somebody's houses because we could see the spider web was still
21 staying on his head because he could have been walking under
22 those houses. And then because he came with a boat, then we
23 could travel with him to our home town on the boat.
24 And in probably June -- May or June -- we were at home and my
25 brother told me that the soldiers were good, but I think he did

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1 not know the real nature of the soldiers' work. He talked about
2 the soldiers who were good people and they said that they were
3 good because they asked us not to leave our door closed because
4 they would be there to protect us.
5 Maybe they would call the Yuon, so I heard that, but because she
6 could not hear and they would guard the house, and after that we
7 were asked to work in the village. We returned home and ate at
8 home and we carried water for our own use. And after the
9 evacuation Angkar ordered us to go to Battambang and people from
10 Phnom Penh were evacuated and dispersed around in those villages
11 in Battambang.
12 And when my group arrived they said the 17 people were evacuated
13 and they would only keep the best people. And before the
14 evacuations the militia, or chhlop, came to ask me -- that person
15 used to study with me in the same school and he came to ask about
16 the work my husband did in Phnom Penh. And my elder sister, who
17 was the best person, went up to the room and she put the hands
18 around her mouth and whispered quietly, but I did not notice that
19 and I did not yet respond to the militia's question. And maybe
20 her son was also a militia.
21 [14.02.52]
22 She clapped her hand around her mouth like that and she said,
23 "Americans" and she said, "American CIA." She even responded
24 before I had a chance to do it. And I blamed her. I did not
25 have the opportunity to tell the militia yet because my husband

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1 worked at the civil aviation and he mentioned the difficulty of
2 flying because of the American bombing, and he worked and his
3 body was skinny because he only focused on the nation.
4 And after I blamed her, a fortnight later they came to tell me
5 that all the 17 people had to evacuate, had to move on, and by
6 the 7 a.m. we all had to pack our belongings. Everything had to
7 be moved and we can only bring just little belongings with us.
8 And then the ox cart would be prepared for us and then dropped us
9 at the Takeo Pagoda at the Takeo subdistrict.
10 First when we arrived nobody came but later on a lot of people
11 kept coming, and in the morning it was full. That subdistrict
12 was adjacent to the Prey Ambil subdistrict. We were waiting
13 there and the trucks were not yet arrived and the militia man
14 said the trucks were transporting the sick people from Koh Thom
15 first, then will be at Sampan and Prey Ampil and then us. So we
16 had to wait.
17 We kept waiting and another militia man came up and told us --
18 let me go back a little bit.
19 Before the evacuation I was thinking, I think they already
20 prepared this plan, as Duch said. The important thing is that
21 the revolution had to take the important prisoners, as Duch
22 stated. First the important prisoners, the high-ranking
23 officers, the intellectuals, and those people will be taken to
24 work at the district office.
25 Tie alias Toek and Nguon Heng -- Nguon Heng used to study with

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1 me. He was my neighbour. From what I knew, he was a tax
2 collector at Psar Thmei but after the evacuation he went to his
3 own village. So Nguon Heng and my husband and Tie alias Toek
4 were together on the day we were waiting to be transported to
5 Battambang.

6 [14.05.56]

7 That militia man came to us for the two names that Angkar
8 requested, Tie alias Toek and Nguon Heng to a meeting at the
9 office, at the district office at Preak Touch in S'ang district.
10 And they used a bicycle and he seemed to realize what's going on.
11 I kept hearing what my elder sister said, whoever requested by
12 Angkar for study never returned. I kept hearing that, so during
13 the evacuation the situation was like hell. We were just waiting
14 for them to tell us what to do.

15 And when my husband was requested, he put on his shirt and he
16 handed a watch to me. I looked at his face and he told me,
17 "Darling, keep quiet. This situation happens everywhere
18 throughout the country. Just strengthen yourself and look after
19 the children. That is I want you to do. Just educate our
20 children." He did not say anything else because the request was
21 urgent.

22 I did not think of what's going to happen to him at the time.
23 When the trucks arrived at the Koh Khel Pagoda, all the people
24 from the pagoda were called to board the truck. Then my family
25 and the Nguon Heng were not asked to board the truck yet and that

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1 they would take us back to the best village. I recall it was at
2 dusk and it was in the pagoda. I tried to be strong.
3 Then two cars arrived and transported us back to our parents'
4 houses. After that, the wife and the children will be sent for
5 education as Angkar had many eyes as pineapples, would monitor
6 and track our every activity. And that way we put with the
7 regular force.

8 [14.08.44]

9 I was tempered, but like the old saying says, if your fate is to
10 be determined or to survive, then you would not be dead.

11 At that time, my children were put into the children's unit and
12 they tried to work their best, and despite they were being
13 scolded as they were the children of the imperialists. I kept
14 working and I was asked to raise the dyke, the dams. I was
15 tempered so hard. If I mention every detail it's going to be a
16 long time.

17 People said that that area that we worked on had never been
18 ploughed for four years, so the soil was so hard. When I dug the
19 hoe, it just didn't cut through. I made myself to try to dig the
20 soil, but it wouldn't go through and I could see the blisters on
21 my hands. And I didn't dare to say anything.

22 There were other people who had pity on me and then the group
23 chief told me to be quiet. I was tempered to work harder.

24 People said maybe because I used to be a medic or working in a
25 medical department, when they saw me holding a kettle they

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1 thought I working in a medical department and probably I tried to
2 be hygienic to boil the water before I drink.

3 I was blamed and scolded on a lot of things and I told them I
4 respected Angkar. Angkar asked me to drink boiled water. That's
5 why I boiled the kettle.

6 And during the rainy season, there was a chief; he was pretty
7 high. He was probably a chief of a co-operative. He said that I
8 passed all the schools, all the classes, but then I have to pass
9 another level and that would be the final level. And if you
10 tempered and pass and you survived, that will be your success,
11 otherwise you will be dead I cannot recall the name of the
12 co-operative chief. I recognize him as I used to start to get
13 into a car together with him to study in Phnom Penh.

14 [14.12.06]

15 Let me just speed up a bit. I did not want to go to detail
16 because otherwise it's going to be too long.

17 So they tried everything to temper me and I seem to survived, and
18 during the day of the liberation I heard a lot of gunfire and
19 explosions and we were chattering and probably we thought the
20 liberation would be soon. We still could hear the announcement
21 on the loudspeaker, and when I looked at the sky it was red from
22 the Phnom Penh direction.

23 Then Angkar came to us and ordered us to move to the west and
24 that we all had to go to the west to go up the mountain. But we
25 came from the riverside and we did not understand the purpose of

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1 going uphill. And we thought if we could, then we would go back
2 to our village. And at dawn, we could go to where you wish
3 because the chief of the co-operative already fled and some of
4 the chiefs already left.

5 So I came to my village and then my three children came. Then we
6 reunited and I heard an announcement on the radio. I forget to
7 mention one point.

8 When my husband was called to go away by Angkar, at that time I
9 thought he would not be returned because that was the normal
10 observance and I thought that I would be separated from him
11 forever, and to me my feeling at the time was so light, so
12 desperate. I was empty. In my mind I could not think of
13 anything. And I could not cry because I did not want them to see
14 or I would be taken away as well.

15 [14.14.53]

16 So when I heard the announcement on the radio that the National
17 Salvation Front would appeal to those people who had a profession
18 or who used to work in Phnom Penh with technical skills, then
19 those people should return to their respective departments or
20 ministries.

21 I don't want to talk much about myself because I had been living
22 with hopelessness and despair for so long. Even today, if I am
23 asked to die, I would not hesitate. Whatever I do today is for
24 the next incarnation. I try to do good deeds.

25 Upon hearing the announcement on the radio, I had a feeling of

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1 looking forward to the returning of my husband, or maybe I should
2 go to his ministry just in case that he would return back. And
3 the best people who used to live in Phnom Penh, who were my
4 neighbours, asked me to go to Phnom Penh.

5 [14.16.30]

6 So the three of us walked to Phnom Penh. We started walking in
7 early morning from Koh Khel to Tuol Krasang, but everything was
8 so quiet, and when we reached Chak Angre we saw a Vietnamese
9 female soldier and she told me not to go to Phnom Penh. So we
10 were not allowed to go to Phnom Penh. Then how could we go and
11 check our house?

12 Then we returned home, but because it was already dark then we
13 asked the people who lived in Chak Angre to stay overnight at
14 their place, and we tried to find means of reaching Phnom Penh
15 but it is hard because a lot of Vietnamese soldiers and they were
16 everywhere. And then I decided finally to go back to my village.
17 Several days later, the people from Chak Angre told us about the
18 plan that was announced on the radio, but for the best people who
19 used to know the tactics and the way they could move around, as
20 they used to be fighting, then they went to collect some war
21 spoils.

22 When I returned home, and regarding my elder sister, my
23 first-eldest sister, I regarded her as my mother after her death.
24 I still remember my mum's words, who told me that I would be
25 suffering after her death. When I grew up, my elder sister told

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1 me that I was born on the New Year's Day of the Year of the
2 Rabbit. I myself could not recall my exact date of birth.
3 When I arrived in Phnom Penh again, I told my elder sister that I
4 would go to Phnom Penh to go to his ministry just in case he
5 would return, and she told me that she would not go to Phnom Penh
6 with me because she didn't know how to live. She was comfortable
7 only living in the countryside, but I decided to go ahead to
8 Phnom Penh.

9 [14.19.34]

10 So for my second trip to Phnom Penh, I came with one of my sons,
11 who is currently a doctor. When we reached Tuol Tumpoung Market
12 I -- from the distance -- the location who used to be my house
13 was gone, and then people who worked in the ministries before
14 asked me to lodge my application to the ministry.

15 When I met Teacher Nginin in Tuol Tumpoung, where I stayed at his
16 house, I went to the ministry to view the biography. When we
17 talked to each other and revealed our situation, it was difficult
18 for us to say anything, and when I wanted to check the progress
19 on my biography, I was told to return in a week's time.

20 Then one of the teachers had a house near Ta Cheng Heng's
21 residence near Tom Nob Thmei and I met him after '79. He was an
22 entrepreneur. I looked at him and tried to -- and his face was
23 familiar, but I could not recall his name. So after I walked
24 past him I returned and I stopped him. I could not really recall
25 his name after the three years eight months period, and actually

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1 he was my nephew.

2 He told me "Tie Bunleung" and he greeted me. You can imagine
3 that I could not recognize my nephew after three years and eight
4 months, and he himself surprisingly could not recall me. And
5 when I told her my name, "I'm the wife of Tea Hav Tek", then she
6 recognized that I was his aunt, and he asked about my husband,
7 and after I told him then I cried and he stopped asking.

8 [14.22.08]

9 I told him that probably I would go and work at the 7 January
10 Hospital as I made my application there, but he said here only
11 people who could work would be allowed to work, but those vendors
12 would not be allowed to apply. So when I worked at the hospital,
13 I gave him some medication when he left for his village to meet
14 his wife. When I worked there, I worked with some other people,
15 including a human expert.

16 After that event, I went to work. I entered Phnom Penh in '79 and
17 I started working at the 7 January Hospital, or the Chinese
18 Hospital, in about 1980. The chief of the department held a
19 meeting one day and actually we were called to study a lot of
20 political sessions too, but one day the chief of the department
21 called us for a meeting to go to S-21 for a visit.

22 So we went there, and I actually was afraid of ghosts when I
23 learned that it was the Tuol Sleng Prison, but actually it was
24 the Ponhea Yat High School, because adjacent to the Ponhea Yat
25 High School was a house of the sister of my mother-in-law. One

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1 of my other in-laws also had a house adjacent to the Tuol Sleng
2 Prison.
3 So people from the whole department went for a visit to Tuol
4 Sleng Prison and we were told there were some survivors who were
5 there to greet the guests and to greet us and to tell us of what
6 was going on. I still remember Mr. Oeng Pech -- actually, Mr.
7 Oeng Pech was evacuated in '75 on the Kampong Som street to Veal
8 Renh but because after Phnom Penh fell and the electricity was
9 cut off then people were called to fix the electricity and Mr.
10 Oeng Pech was called to come to Phnom Penh to fix the
11 electricity.
12 He said first he was imprisoned and I'm not sure if he was
13 detained together with Chum Mey but he got his nails pulled. His
14 nails and toes were pulled and they poured alcohol on the bare
15 hands. You can imagine when all the nails were pulled out and
16 the bleeding was there then they poured the alcohol on. It's
17 like a live fish is being kept and salt applied onto the body, he
18 said.
19 [14.26.16]
20 He described the event of evacuation in '75 and the subsequent
21 living conditions in '76, '77. For instance in '75 the 17 April
22 people were brought in and at the end of '76 because the 17
23 people were already finished, then they brought in the base
24 people. That's what he said at the time.
25 Then he asked his subordinates to guide us at different

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1 departments, different floors, and different buildings. I did
2 not go to the north side.

3 A woman with a portable loud speaker told us that people who were
4 detained in this room was alleged to be a CIA agent and was
5 tortured. The person was handcuffed and shackled and a rake was
6 used direct on his face and you could see the bloodstains still
7 left on the floor. You could even see the mark of the body of
8 the person on the floor.

9 And at that time I could recall the shouting of my elder sister
10 that he was a CIA agent. So I had a feeling that he died.

11 And when I looked at different cells, different forms of
12 treatment were shown by the guide. And when we returned at the
13 reception area Mr. Oeng Pech told us that my husband would be
14 there. And now I recall if the was the chief of the Department
15 of the Public Works -- actually, when my husband worked there he
16 bought a big dog and Mr. Oeng Pech also had a dog. Then because
17 he wanted to breed his dog with my husband's dog then he would
18 take his dog to breed with my husband's and I could recall that
19 event when he thought that he worked with my husband.

20 [14.29.10]

21 Later on I asked that I could not move further. Then I was given
22 the documents which I had copied and I saw the name of my
23 husband, Tea Hav Tek who was arrested and detained at S-21 on the
24 2nd of February 1976 and smashed on the 25th of May the same
25 year.

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1 So this is a document I obtained from Tuol Sleng. And later on I
2 found out the name of Tea Veng Tai who was my brother-in-law,
3 the brother of my husband, of course. He was the pilot. At that
4 time no international flights; there was only internal or
5 national, flights were allowed only within the country, not to
6 outside world.

7 Then I saw another person I am familiar with. These documents
8 can be obtained at the Tuol Sleng because they said that they
9 could not give the document as it is part of their archives.

10 So another person, Mao was detained in December and I saw the
11 photo during the time when I was paying the visit to the vicinity
12 of S-21. And some negatives were not yet developed and the crew
13 members from Germany promised me that they would have them
14 developed and give the photos to me. And then I got these
15 photos.

16 And I would like to go back a little bit. After I was called
17 from Wat Koh Khel I was actually taken to my hometown. Two
18 families were transferred to the hometown.

19 [14.31.42]

20 We were lonely at that time. It was a farmhouse and we were
21 sitting on the couch and looking outside at dusk. We saw two
22 bicycles and probably, I believe, they were the local militias
23 who were riding the bicycle. I saw people who were sitting
24 behind those bicycles where their hands were shackled to the
25 bicycle.

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1 So I recall the moment my husband experienced because I actually
2 was educated to believe in dignified family and my husband's
3 relatives were raised in Kampot. His name was Tie Chan. And I
4 still pay homage to the dead souls of these persons because I
5 would pay regular visits to his tomb.

6 And I still don't understand why my husband was handcuffed. I am
7 here to ascertain the truth and to also ask questions why my
8 husband, why my auntie, my mother-in-law and my sister-in-law who
9 are all siblings, eight people in total in each family were all
10 smashed and drowned in the river. And they would be taken by
11 truckloads to be smashed at the foot of the mountain.

12 And I don't understand why the family of Sien Va or Vom Vann
13 their son-in-laws who were senior officials in the old regime,
14 were also executed and then killed in the pits. So each family
15 now have only one member left. I don't know whether these groups
16 of people have filed their complaint to find justice for their
17 lost loved ones but I really am thankful to this hybrid Court for
18 finding justice for us. And I really am very grateful and I
19 really wish you all the best, all the judges and the people who
20 really bring justice to us.

21 [14.34.32]

22 And I wish that every kind of human being stop being too cruel
23 like the Pol Pot people and Pol Pot himself. I think having said
24 this I may have forget where I stopped.

25 Okay, I may move on a little bit back to the time when people

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1 were arrested and shackled. So I could see the auntie who was my
2 neighbour who came to me and whispered into my ear saying that,
3 "Oui, did you see your husband"?

4 And, actually, our house was adjacent to one another but we
5 didn't have wall, we didn't have big fence, so we could see every
6 movement or any figure moving around inside or in front of our
7 house, and she asked me whether I saw my husband being taken away
8 and being handcuffed. And I told her that, well, of course I saw
9 him. I was so moved.

10 And I told her that, actually, it was because of the one in our
11 home who accused him of being CIA agent. And I think it was that
12 person who actually paid his gratitude to Angkar and then
13 implicated my husband as the CIA. And auntie whispered that my
14 husband would be detained somewhere near, but she was a very kind
15 person. I knew that she was good during the very difficult time
16 although there were plenty of other people around.

17 [14.36.43]

18 And when I saw my husband was being handcuffed, I was a strong
19 woman actually at the beginning, but I could not hold my emotion.
20 I could cry and no-one could stop me. However, I tried to be
21 strong because if I made this heard then people would also arrest
22 me.

23 I was told that my husband committed heavy offence so he would be
24 detained at Office 15 and he, as I was told, would be offered
25 what we call the "pig meal" for him and I could imagine -- and,

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1 Your Honours please help think about this. I heard about the
2 food or the meals offered to my husband, the pig's meal, and I
3 believe that it is very inhumane.

4 And I tried to weep in the manner that I did not really allow
5 people to hear just because I was afraid I would too be arrested.

6 I was so shocked. Why the person with dignity, a person
7 respected by many, as my husband, was arrested and detained and
8 badly treated? Because my husband was quite popular; everyone
9 knew him.

10 When people would like to work at the office, then my husband
11 would be kind enough to really help them to work. Although they
12 offered him some money, he said that if you give me money, then I
13 would never help you because he helped people based on his
14 conscience. He was a very good person, the person who could not
15 end up being treated like that.

16 I could identify human beings into four. I'm very religious; I'm
17 talking about Buddhism. So if anyone follows Buddha principles
18 then people would understand how our life would be divided and
19 how we should treat other people.

20 [14.39.29]

21 So people are classified into four groups. So we have a group of
22 people who look like human beings who have very kind heart, but
23 some people with a human body but with a kind of evil heart, a
24 kind of very dangerous animal's heart. So we listen to this kind
25 of preach of the dharma and I believe that it is quite true

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1 because now these are the people.
2 These were the people with the evil heart because people who
3 really treat other people like animals. How could my husband do
4 something wrong, so wrong that he was detained? He never
5 committed any wrongdoing. He treated the family very well. He
6 loved everyone and he was respected.
7 I think human being born the same although we use different
8 languages, however, human beings should treat human beings
9 equally, not like the way they treated animals. So people would
10 like to live in dignity. People really want peace. People want
11 to get rich. People want to have freedom and happiness.
12 Why people who did not make any mistake was detained and
13 mistreated? I don't understand what kind of human being those
14 captors were because even giving just the leftover rice to human
15 beings would not be appropriate, let alone fed them with some
16 kind of pig food, and forced people to work endlessly and then
17 treated them like this. And I want the world to help think about
18 these very inhumane acts by group of people.
19 After he was taken away, he disappeared. We never got any
20 contact. Later on, I was taken to be tempered. I don't remember
21 the person who took me to the paddy fields and I had to follow
22 him. I had to dig canals, and I had to work so hard to fulfill
23 the quota otherwise I would be smashed.
24 [14.42.38]
25 And I think people, the more than one million people suffered in

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1 different fashion. I experienced difficult situation in a
2 different mode.

3 MR. PRESIDENT:

4 Madam Chhin Navy, since it is an appropriate time to take
5 adjournment and the Chamber has noted that you have been rather
6 exhausted by talking alone and, of course, we are here listening
7 to you and we pay attention to your speech or statement.
8 But we would like to instruct you that, please, after we resume
9 the session, could you concentrate on the linkages of the time
10 when your husband was detained and tortured, for example, at
11 S-21. And please don't stray far away from that matter.

12 And we will resume.

13 (Judges exit courtroom)

14 (Civil party exits courtroom)

15 (Court recesses from 1443H to 1505H)

16 (Civil party enters courtroom)

17 (Judges enter courtroom)

18 MR. PRESIDENT:

19 Please be seated. The Chamber is now back in session.
20 The Chamber would like now to give the opportunity again to Madam
21 Chhin Navy to continue her statement, and please make your
22 statement relevant to the facts at S-21 and the facts related to
23 your husband, Tea Hav Tek, and the damages and sufferings as a
24 result of those facts as well as the death of your husband.

25 [15.06.41]

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1 THE CIVIL PARTY:

2 I am here again. I am Chhin Navy. Good afternoon, Your Honours,
3 ladies and gentlemen.

4 Regarding my application as a civil party for my husband Tea Hav
5 Tek, the deputy chairman of civil aviation in Potchentong, when
6 the Pol Pot regime fell I worked at the 7 January Hospital, or
7 the Chinese Hospital, but now a 42-storey building is being
8 constructed.

9 Between '78 and '80 the Ministry of Health informed the director
10 of the 7 January Hospital and subsequently he told all the staff
11 of the hospital that the ministry permitted us to visit the
12 genocidal museum of Tuol Sleng. At that time I haven't heard the
13 word S-21. When all the staff were taken to visit the museum and
14 there were roughly 50 or 60 of us altogether, it was still in the
15 beginning. Anybody could just come and ask for a job because in
16 order to survive, despite their lack of technical or professional
17 capability.

18 At Tuol Sleng I met the people who worked there and one person
19 told me that he was a former Tuol Sleng prisoner. He presented
20 himself as Him Oeng Pech and after the fall of Phnom Penh he was
21 allowed to work in that location. He made a presentation for our
22 group, as I said, of what happened in '75, '76, and '77. And
23 then he asked his staff to guide us through the cells at the
24 south, and on the portable loudspeaker the presenter told us that
25 in that cell the person was accused to be a CIA agent, and he was

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1 handcuffed and shackled on both feet, and for torture treatment a
2 rake was used to rake on his face and blood and flesh was
3 spattered around. And it was evident that the bloodstain was
4 there on the floor, and when the person died he was moved and the
5 mark of his body was still apparent on the floor.

6 [15.10.33]

7 At that time I recalled the time that my elder sister made a
8 sound to the militia at the village when the militia asked about
9 the profession of my husband. So at that time I had a feeling
10 that he died in that location. After we visited those individual
11 cells and rooms we came back to the reception area and Mr. Oeng
12 Pech told us, as I told the Chamber, that there were surviving
13 documents, and amongst those document I saw a document of the
14 arrest of Tea Hav Tek taken from Sector 25. The date of the
15 arrest is 22nd of February '76 and the date of smashed is May
16 '76.

17 I could imagine that he was tortured and when I saw the date of
18 entry and the date of smashing I could not imagine anything else.
19 I was shocked, desperate. I was speechless. In my mind I was
20 like a dead person. I was almost unconscious but I did not want
21 them to carry me and I tried to be strong. And then I requested
22 the document and I received a document with the same information
23 as I was shown. When I saw the photo I was speechless. I had
24 been suffering from this for so many years and it is still
25 happening to me. I cried a lot.

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1 When I returned home that afternoon I kept crying, just kept
2 crying, and next day when I came to work I kept crying again. I
3 told my colleagues that my husband's photo was displayed at the
4 museum and that he was smashed there. A colleague comforted me
5 and that I should not cry because that my husband already passed
6 away and then his life was over from this world and that we, or
7 I, should be focusing on taking care of my children. Everybody
8 was trying to comfort me at the time and later on my tears seemed
9 to stop flowing.

10 [15.13.57]

11 I still can remember her words that she told me to try to forget
12 what happened. She told me that she went to study in Germany and
13 that I should only think of the prosperous future time and forget
14 what happened in the past, but in my mind I still vividly
15 imagined the torture act, the suffering inflicted upon my
16 husband, and he was arrested, interrogated to extract confession.
17 He was compelled to confess. He was tortured to confess, and I
18 want to research for that document but in my heart I was so weak
19 and I would feel that I would be fainted when I see such a
20 document. But I want Duch to respond to me that such a document
21 exists so that the case file for my husband is complete.

22 In my mind now maybe I think it's better for me to make a film of
23 what I learned and the fate of my husband for my children to see
24 in the future, for the next Cambodian generation, for everybody
25 to see the suffering and the cruel act committed by that regime.

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1 Importantly, we felt betrayed, especially my eldest sister. She
2 was indoctrinated. That's why she said such a thing. Actually
3 one time I asked her about what a Communist was but now, through
4 such suffering and experience, I understood what Communism was.
5 That is the act of jealousy, of competition, of killing, of
6 taking people to Tuol Sleng, of betraying, of reporting the
7 in-law to be arrested and executed.

8 [15.16.28]

9 Even now, now I look after her children. I helped her, helped
10 her children. I'm sorry, Mr. President, although this one is not
11 directly related to Tuol Sleng but probably I keep bursting out
12 regarding my elder sister.

13 A Singaporean media came to interview me the other day and asked
14 whether I was still angry with my sister and I told them no, I
15 stopped being angry with her. But they said they were angry on
16 my behalf and I said, "That's okay, it's common. We live in this
17 world and you are entitled to your feelings." And when I learned
18 the Buddhist praying, the Buddhist theory and disciplines, I have
19 been feeling a bit calmer.

20 And I understand that what she did was because of the ideology of
21 the Communism that was indoctrinated upon her. And actually
22 after she reported my husband I blamed her. Maybe she wanted to
23 be a wife of Pol Pot. That's why she said such a thing to the
24 militia man. And how come she was so cruel?

25 And sometimes when I see the faces of people I just hate it. My

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1 feeling of anger seems to be lessened through my Buddhist
2 learning and also I heard the policy of reconciliation by the
3 government and to find justice for the victims. I was asking
4 myself at what level justice can be found for the victims. The
5 national government and the international participation together
6 work hand in hand to find justice and to satisfy us.
7 With such feeling I feel relief but here I still keep watching.
8 It is not my habit to lie to people. It is not my habit at all
9 to fabricate anybody or to trick anybody and that's why I was so
10 upset when my elder sister betrayed us. But maybe what she did
11 at the time was for her own goal and, as we said, when she plant
12 chilli then she would get chilli. Whatever she grows then she
13 would get that own fruit. So the result would fall upon her.
14 [15.19.58]
15 And here I am sitting before the President, before Your Honours,
16 to find justice for my relatives, for all Cambodian people. We
17 are all relatives regardless of families we are attached to.
18 I don't want to be dragging but this is also a principle of
19 Buddhism. If you look at Buddha, he used to be reincarnated in
20 different forms. And I actually wanted to tell Duch actually I
21 have a pity on Duch because in this world, maybe when I have a
22 pity on Duch, maybe people would get offended because this is a
23 world of human beings, not a sacred world. And he deserves what
24 he did.
25 And like my sister, she deserves what she did when she reported

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1 my husband to the militia. If I did not study Buddhist
2 discipline then the anger would still be burning in my heart. So
3 I should not get offended for what people do for their own good
4 or for their own benefit.
5 And at Tuol Sleng the feeling of suffering of course is
6 indescribable, like in the case of the civil party, the French
7 woman whose husband died at Tuol Sleng. Everybody suffered, and
8 the pain we have, and the international Judge asked whether any
9 Westerners were detained at Tuol Sleng and of course probably
10 talked about that Briton.
11 If you look at the New Zealander, he felt the suffering and it
12 was only his brother. But if you look at my case, it's my
13 husband and that I also had to look after my children. You can
14 consider that, how much suffering I have been bearing.
15 [15.22.21]
16 However, as I repeatedly said, the suffering was tremendous and
17 if I keep talking I would have never been able to stop. And in
18 short, the suffering is the same. When you suffer, you suffer.
19 And how could I compensate for the suffering that I have
20 received? That is, how the truth can be revealed to me? I
21 suffered. I lost all the property in the previous regime. I
22 tried not to spend much. I tried to build my property, to build
23 a house, but in the end we were victimized. I was detained at
24 the Office M-15.
25 But I was like stuck in the middle. And if I go home, and when I

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1 hear about the testimony in the Chamber then I would cry and then
2 my eyes would dry and I would find it hard not to use teardrops
3 or eye drops, and with my current living condition it is
4 difficult for me to afford such relief from medication.

5 People with great attitude, with morality, try to be a good
6 person to serve the nation; a person who was so innocent and did
7 not involved in politics and why he was being treated that way,
8 in a cruel way and smashed? Nothing could be able to compensate
9 for such act committed by that regime upon my husband; nothing at
10 all.

11 And if we talk about the widows, we were suffering in various
12 forms at various levels.

13 Some widows, because of their bad habits of gambling, the
14 husbands divorce them. But look at me, I was loyal to my nation,
15 I was loyal to my husband and we served the nation together, and
16 how come I was punished that way and that my husband was taken
17 away from me?

18 MR. PRESIDENT:

19 Madam Civil Party, I think it is sufficient for the Chamber now
20 to hear your story, and maybe it's a good idea for other parties
21 to put questions or observations regarding the death of your
22 husband.

23 The Chamber would like now to give the floor to the civil party
24 lawyer who is representing this civil party. You can put further
25 questions to clarify the matter that you wish in support of her

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1 application to be a civil party to this case.

2 [15.26.14]

3 The Chamber would also like to remind the civil party lawyer that
4 the questions shall be easy for her to understand so that her
5 response is appropriate.

6 MR. KONG PISEY:

7 Thank you, Mr. President, and thank you for the opportunity for
8 me to ask my client.

9 QUESTIONING BY CIVIL PARTY COUNSEL

10 BY MR. KONG PISEY:

11 Q.Madam Chhin Navy, can I ask you some questions?

12 A.Yes, go ahead.

13 Q.Madam Chhin Navy, what year were you born?

14 A.I was born in 1939.

15 Q.Can you tell us; in your ID it shows that you were born in
16 1946. Why there is such discrepancy?

17 A.Actually, after my ID was made I did not pay much attention to
18 the details. I think the discrepancy arises because the new ID
19 was done later during the election. It was done by the Sangkat
20 and the information was put in by them. I thought maybe when I
21 reach my retirement age and if I still have strength to work then
22 probably I could work a few more years by reducing my age. So I
23 don't want to lie. That's why it's a bit different from my
24 actual date of birth.

25 [15.29.25]

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1 Q.Thank you. So actually you were born in 1939. Is that
2 correct?

3 A.Yes, it is correct.

4 Q.You told the Court that you obtained the information in
5 relation to the death of your husband, Mr. Tea Hav Tek, at S-21
6 Office. When did you actually obtain this information?

7 A.I got this information in 1980 because the workers at the
8 hospital were invited to pay a visit to the compound.

9 Q.Thank you. When you received this information and learned
10 that your husband was executed at S-21, how was your feeling back
11 then?

12 A.When I learned that he was killed at S-21 by tortures -- and
13 he experienced some kind of very harsh tortures -- I was so moved
14 and I felt dizzy and passed out, and people could be seen coming
15 to help me.

16 And from then, I told myself that it was I alone who had to
17 struggle to hold onto life and that I had no more husband to
18 assist me, and I was very sympathetic to my husband, who was a
19 good person, but was tortured and interrogated and had to confess
20 to the confession -- in the confession which was obtained under
21 tortures.

22 [15.32.17]

23 And I cannot revisit Tuol Sleng Museum because the memory haunts
24 me and makes me sick. As a widow, after my husband died, I have
25 nothing left much in my life to live on, but I still have had

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1 children and I had to really raise them, but raising children
2 without the presence of a husband would not be easy.
3 I can't stop thinking of the moment I witnessed at S-21 in
4 relation to the death of my husband. Any moment I recall the
5 event, then I am so tearful and I had to have some medicines to
6 calm me down.

7 Q.Thank you.

8 MR. KONG PISEY:

9 With Mr. President's leave, may the photo of her husband be put
10 up on display?

11 MR. PRESIDENT:

12 The Court officer is now instructed to put the photo of her
13 husband on the projector.

14 BY MR. KONG PISEY:

15 Q.Mrs. Chhin Navy, can you recognize this photo?

16 A.He is my husband.

17 If you look at his eyes, look at his eyebrows, they were severed
18 by torture and his face was different. He was different from the
19 very previous photo he took earlier on.

20 Q.Where did you obtain this photo from?

21 A.I got it from Tuol Sleng prison or S-21 office and I have also
22 obtained the list, the list of the prisoners, list of incoming
23 and outgoing prisoners. And my colleague actually who worked at
24 the hospital also conducted research on this information.

25 MR. KONG PISEY:

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1 With Mr. President's leave, I would like Document ERN 00080640 to
2 be put up on display.

3 MR. PRESIDENT:

4 The AV Unit is now instructed to put Document 0080640 on the
5 screen.

6 MR. KONG PISEY:

7 Thank you.

8 [15.37.12]

9 BY MR. KONG PISEY:

10 Q. This document is the list of the victims who were detained at
11 S-21. This document is obtained from DC-CAM.

12 If we look at line 15 from the top of the page -- Madam Chhin
13 Navy, can you read this writing, whether you are familiar with
14 this name?

15 A. It is my husband's name Tea Hav Tek who was detained from
16 office -- correction -- Sector 25. I have not had my glasses on
17 but I still can read this line that my husband was entering the
18 facility on the 22nd of February 1976.

19 Q. Thank you.

20 MR. KONG PISEY:

21 Mr. President, could you please instruct the AV to remove this
22 document, please?

23 BY MR. KONG PISEY:

24 Q. Next, Madam Chhin Navy, could you please be brief? Could you
25 tell the Court the life of a widow and without the presence of

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1 your husband how difficult has this been for you?

2 A.As a widow whose husband was killed I maintained a position,
3 the stance that I left my home village, that I had to be strong
4 to help raise my children to become good people to the best of my
5 ability and then I found them the place where they can settle
6 down.

7 [15.39.43]

8 And nothing left for me. I had to start from scratch with bare
9 hands. And I was so worried that I could probably -- I felt I
10 could not probably raise the children. I was so worried that my
11 children could die because I could not feed them.

12 I went along with other people to really collect the ammunition
13 or the kind of DDT powder so that I can really sell to the scrap
14 collectors. At that time Cambodian currency was not yet produced
15 and we could make use of the Vietnamese currency. And there was
16 no plate, no pot. It was so modest. We were left empty handed
17 and I had to walk places to collect anything I could get to sell
18 to the rubbish collector, to the people who could really exchange
19 these things for money. It was so desperate and I had to
20 struggle to hold onto life and so that my children could become a
21 person who are good people and can be government employees in
22 some ministries.

23 Q.Thank you. I would like to put to you another question but
24 please be brief, if you may.

25 Have you paid a visit to any hospital or to the psychiatrist to

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1 have your mental fitness cured?

2 A.Yes, I have.

3 Q.Why did you meet the doctor?

4 A.I met the psychiatrist because before these hearings I was
5 told that there are psychiatrists at the TPO organization who
6 would be ready to give us the assistance. And then I contacted
7 them and paid them a visit.

8 Q.Thank you very much, Madam Chhin Navy.

9 MR. KONG PISEY

10 But I have another question but not to Chhin Navy, to the accused
11 at this time.

12 MR. PRESIDENT:

13 You may proceed with your question to the accused.

14 The accused is now instructed to listen to the question to the
15 civil party lawyer. And the accused is reminded that you can
16 exercise your right to remain silent if you so wish.

17 MR. KONG PISEY:

18 Thank you.

19 BY MR. KONG PISEY:

20 Q.First question: after consultation with Chhin Navy she would
21 like to put this question through the lawyer to the accused,
22 whether he knows the arrest of Mr. Tea Hav Tek and whether he
23 knows that Tea Hav Tek was tortured or not.

24 A.As I understood, there are two questions. I would like to now
25 respond to the first one.

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1 [15.44.46]

2 I don't remember when I was the Chairman of S-21 or maybe when I
3 was the deputy chairman of S-21 that Tea Hav Tek was arrested and
4 sent to S-21. I have no idea.

5 However, the civil party application of Madam Chhin Navy was the
6 third civil party application followed by those of Chum Mey and
7 Bou Meng. I have compared these applications. I knew Bou Meng
8 and Chum Mey and I also reviewed Chhin Navy's application against
9 the former list of the prisoners, which contained 390 pages.
10 Then I spotted the list and I started to acknowledge that Mr. Tea
11 Hav Tek was genuinely arrested and sent to S-21 and later on
12 executed. I do not deny this because there has been documents
13 supporting my recognition. And having reviewed the application
14 of Madam Chhin Navy, it is very clear that Tea Hav Tek was
15 working as the deputy chief of the civil aviation and I started
16 to realize that obviously Madam Chhin Navy was the wife of Tea
17 Hav Tek.

18 [15.46.51]

19 So in conclusion, I recognize that Tea Hav Tek was really
20 detained at the facility but I have no idea whether he was there
21 when I was as the Chairman because I had no idea whether I
22 remember having seen him there.

23 MR. PRESIDENT:

24 Next we would like to give the floor to the Co-Prosecutors to put
25 questions to the civil party if they so wish.

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1 Could the prosecutors be reminded about how questions should be
2 put to the civil party, because she is here as a civil party, not
3 a witness, and we believe that the questions should be framed in
4 the name of the civil party, rather than the witness.

5 MR. SENG BUNKHEANG:

6 Thank you, Mr. President.

7 Good afternoon, Mrs. Chhin Navy.

8 QUESTIONING BY THE CO-PROSECUTORS:

9 BY MR. SENG BUNKHEANG:

10 Q. Did you ever share the information of the death of Mr. Tea Hav
11 Tek with your children and what would they react if you did so?

12 A. I found the photo of my husband and the list at Tuol Sleng and
13 I shared them with children, who cried out loud all over the
14 house.

15 [15.49.03]

16 They could not stop crying and they were so desperate because
17 they knew that their father died. They could no longer have any
18 father to call Daddy again. No-one ever took them to the airport
19 where their father once worked at. And since I had to work hard
20 to raise the children and to put them in ministries, and then
21 what would be the result of working that hard and after all my
22 husband died and their father perished?

23 And my children, the daughter actually, the youngest daughter
24 conducted further research to find out more information about her
25 father. And I am busy and I could not really find out further

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1 about him.

2 Q.Thank you. Are they still in this kind of emotion -- I mean
3 to having learned that their father died?

4 A.Every one of them has shown their reaction. However, they are
5 well disciplined at work. My son this morning had a mission to
6 Siem Reap province. He was assigned by the Ministry of Health
7 and the hospital and he is a busy person. My daughter got
8 married to the American and that American actually came to
9 propose the marriage right in sight of my home. And they are
10 busy. Thank you.

11 Q.Thank you, Madam Chhin Navy.

12 MR. SENG BUNKHEANG:

13 Mr. President, I have no further questions.

14 [15.41.49]

15 MR. PRESIDENT:

16 Next we would like to give the floor to the defence counsel to
17 put questions to the civil party if they so wish.

18 MR. ROUX:

19 Thank you, Mr. President. Thank you for your statement as well.
20 The defence has no questions to put. Thank you.

21 MR. PRESIDENT:

22 Next the Chamber would like to give the floor to the accused to
23 make his observation in response to the statement made by the
24 civil party, if he so wishes to do so.

25 THE ACCUSED:

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1 Mr. President, I do not have any further observation to make at
2 this moment. Thank you, Your Honour.

3 MR. PRESIDENT:

4 Mrs. Chhin Navy, the proceedings in which we have heard your
5 statement have already come to an end. Now you may go back to
6 sit at the civil party reserved seats or you may choose to go
7 home. It's up to you.

8 (Witness excused)

9 [15.53.55]

10 The Court officer is now instructed to call Mr. Touch Monin into
11 the courtroom.

12 QUESTIONING BY THE BENCH

13 BY MR. PRESIDENT:

14 Q.The civil party, is your name Touch Monin?

15 A.Mr. President, my name is actually Touch Monin.

16 Q.How old are you?

17 A.I am 54 years old.

18 Q.Where were you born?

19 A.I was born in Preaek Koy village, Preaek Koy commune, Kang
20 Meas district, Kampong Cham. In the former regime, Preaek Koy
21 was called Sva Kaong.

22 [15.56.00]

23 Q.So where do you live and what do you do for a living?

24 A.I live in Veal Ri Lech, Svay Teab, Chamkar Leu, Kampong Cham.

25 I am a schoolteacher at Hun Sen school.

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1 Q.What is your father's name?

2 A.His name is Touch My. My mother's name is Mao Khon. She is
3 deceased.

4 Q.How many brothers and sisters have you got? And please tell
5 the Court the names of those siblings.

6 A.I have seven siblings. First, Touch Symorn, Touch Bunthan ,
7 Touch Sokhan, Touch Mony, Touch Monin -- I am -- Touch Sokhoeun
8 and Touch Sokom.

9 Q.Mr. Touch Monin, is Thou Mean, Thou Rin, Thou Saren, Proeun,
10 Mao Bun Chan or Bun Than and Chea Khan your relatives or you can
11 tell us about the kinship of these people in relation to you?

12 [15.58.11]

13 A.These names were the relatives of mine. Thou Mean was my
14 uncle. Proeun was the nephew-in-law. Thou Saren was also nephew
15 and they all were relatives. Chea Khan was my cousin. He was
16 the last son of my auntie. He had six siblings: Chea Phai, Chea
17 Lai, Chea Phai and he himself, Chea Khan. Chea Khan was my close
18 cousin because his mother was the sister of Mao Em.

19 Q.What about the name Mao Bun Chan or Mao Bun Than. What is his
20 relationship to you?

21 A.Mao Banthan was my cousin on my mother's side, as his father
22 was my mother's relative and my elder sister's name was also
23 Toueh Bunthan.

24 MR. PRESIDENT:

25 The Chamber would like now to give the floor to the civil party

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1 lawyer, for this civil party to make a brief presentation of the
2 civil party's identity, the reasons to be joined as a civil party
3 and the relationships and the damages claimed by the civil party
4 against the crimes alleged on the accused, Kaing Guek Eav alias
5 Duch, regarding the facts at S-21 during the DK period from the
6 17 April '75 to the 6th January '79, in addition to other
7 relevant evidence to prove the application to be the civil party
8 of this client.

9 MR. HONG KIMSUON:

10 Thank you, Mr. President, Your Honours. Good afternoon, ladies
11 and gentlemen. I am Hong Kimsuon, the civil party's lawyer for
12 this civil party and Mr. Touch Monin is the civil party, and he
13 is a Cambodian national with the ID 060172611, and the document
14 ERN number is 00211332, and another document D25/14/1.

15 [16.02.00]

16 Secondly, he joined as a civil party with the application
17 document ERN number in the Khmer language, 00211321. That is the
18 information form for the victims. The application was made as
19 the cousin of Chea Khan alias Chin, male, who was arrested on the
20 2nd of January '77. This Chea Khan alias Chin name was in a
21 prisoners list of S-21.

22 In the document, the list of the S-21 prisoners with the ERN
23 number in the Khmer language, 00161084. In the serial number 94
24 in English and Khmer, the name is Chea Khan, alias Chin, 35 years
25 old, male engineer from Russia, arrested on the 2nd January '77,

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1 and the DC-Cam document which was part of the case file with ERN
2 00161073.
3 In another document with the ERN 00161356 in the serial order
4 191, Chea Khan alias Chin (phonetic), engineer from Russia.
5 Another document is a list of S-21 prisoners with the ERN
6 00171449 in the serial number 676, Chea Khan, alias Chin,
7 engineer from Russia and in that document the information
8 regarding the arrest and brought to S-21 or to be smashed was
9 only a question mark.
10 Also in the document, documents regarding the confession of Chea
11 Khan, alias Chin, was authenticated by the DC-Cam in the Khmer
12 language ERN 00239024 and in the English language 00211333. This
13 document name is D25/14/2 which states regarding the documents
14 maintained at the DC-Cam.
15 Because I cannot find the ER number for the document in the Case
16 File 001, I went to the genocidal museum and asked for the
17 document which was dated 1999. That's the document that I
18 submitted this morning, plus the other parties, are the
19 authenticated documents maintained at the current genocidal
20 museum. It's the confession of Chea Khan, alias Chin.
21 [16.06.47]
22 In addition I just received a photo of the victim Chea Khan,
23 alias Chin. This is a photo taken prior to 1970. It was
24 submitted through the relative of Touch Monin and I would like to
25 ask the accused in the end whether he knows this person.

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1 As this document is a written document, with the President's
2 leave I would like the accused to verify who was the
3 interrogator. The name written was Hor and there was an
4 information regarding the farewell to Russia in 1965. The name
5 was Kaing Guek Eav, so I'm not sure. The accused can verify that
6 information.

7 The reason of the relationship between Touch Monin and the victim
8 was that in the identification documents on the mother's side the
9 surname was Mao Em and the father was Chea Bou. The parents of
10 Chea Khan, alias Chin, was the cousin of the parents of Touch
11 Monin and they are cousins.

12 The reasons for joining the application was that the direct blood
13 relatives, that is the parents of that victim, died during the
14 Khmer Rouge regime. That's why Touch Monin lodged a complaint on
15 behalf of his relative as his cousin of Chea Khan, alias Chin.

16 Next I would like the President to allow the client Touch Monin
17 to describe his events during the Khmer Rouge regime and his
18 research and find the death of his cousin at the S 21.

19 [16.09.24]

20 MR. PRESIDENT:

21 Mr. Touch Monin, the Chamber would like now to give you the
22 opportunity to make your statement before this Chamber. The
23 events, the relationships to the crimes alleged on the accused,
24 the damages inflicted upon you as a result of the Khmer Rouge
25 democratic regime, as well as during the establishment and

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1 operation of the Security Office S-21 from the 17th April '75 to
2 the 6th January '79 and the physical or emotional or
3 psychological damages that you received and the direct impact or
4 damages on you yourself up to the present time.

5 You take the floor.

6 MR. TOUCH MONIN:

7 Thank you, Mr. President.

8 Let me recall from the beginning regarding the history of my
9 family and my cousin, Chea Khan, alias Chin. This person was my
10 cousin, the fifth child of my auntie Mao Em. Mao Em was the
11 younger sibling in order in my family side. My mother had five
12 siblings: Mao Em, Mao Im, Mao Un, Mao Hun, and then my mother
13 Mao Khan, who was the youngest daughter amongst the siblings.
14 Before 1970 my parents were rice farmers living in Preaek Koy
15 subdistrict. My mother was the poorest amongst her family
16 members. Before 1970, after the 18th March coup in 1970, my
17 aunt's family, Chea Bou and Mao Em, had several children residing
18 in Phnom Penh except Chea Phan, who was a peasant. Therefore the
19 event of the coup, after it happened, my family discussed amongst
20 ourselves with her other sisters that the war will be broken out
21 because once the prince was toppled, the war would break out.

22 [16.12.23}

23 And due to the fear of being bombarded then my mother was
24 convinced to live in Phnom Penh. In Phnom Penh she would live
25 with my elder sister, Chea Lai and in Phnom Penh the parents of

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1 Chea Lai and her husband, Thou Rin, who was a government
2 official, took care of all the family members.
3 And I myself was one of the people who was under the family,
4 including my younger sister and younger brother. The three of us
5 were in charge of their care and my elder siblings went to work
6 in the factory. My younger sister later on - Touch Sokhoeun --
7 sacrificed her study and went to work as a factory worker during
8 that Lon Nol regime in order to get the money to feed ourselves.
9 At that time my mother had to have a surgery. In that year the
10 living situation was deteriorating and Chea Lai tried very hard
11 to feed us, to look after us, as my parents were old and could
12 not do anything else.
13 At that time I was only focusing on study. I studied at the
14 Boeung Kak College. Every day I spent my time studying and
15 struggled together with my siblings to help with his work. Also
16 with my cousin I was given everything, including my schooling.
17 The living in Phnom Penh at that time, he had a younger sibling,
18 Mao Im, whose father was Thou Sok.
19 They were also in-laws. My family's side usually the cousins
20 married one another. After the 17th April '75, I lived with him
21 until Phnom Penh fell. I was very worried as my siblings lived
22 separately, especially Thou Ream. Thou Ream actually supported
23 me a lot as well and Thou Ream's parents lived together at the
24 house of Chilay and Thou Rin.
25 Later on when we left Phnom Penh after the black-clad Pol Pot

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1 soldiers who were (inaudible) forced us to move out of Phnom
2 Peng for three days and if we refused we would be bombarded. And
3 the Angkar would not allow the bombardment. We were worried. We
4 didn't know what to do as the relatives lived apart.
5 Next morning, we were told again, so we had a gathering amongst
6 ourselves and my aunt and we agreed that we had to move otherwise
7 we would be punished. Therefore, in the late afternoon we
8 departed from Tuol Kok the quarter number 2, passing through Tuol
9 Sangke to Kilometre Number 6.
10 [16.16.50]
11 That was the time when I thought of the regret that I did not
12 bring enough belongings. I only carried books because I believed
13 that we would return after three days. So I only brought books
14 along. It was a case of books and a little bit of rice.
15 We left together with my mother and my aunt. When we reached
16 Kilometre Number 6 and we saw people gathering around when the
17 rice was distributed, so I went to request for the rice and we
18 got like 10 kilos of rice for our big family. Along the journey,
19 my aunt only carried her money, her currency. That was her
20 savings. And I asked her to spend all the money in case the
21 currency would not be used later on, but she insisted on keeping
22 her money and she did not believe that the country would be
23 without any money or currency.
24 When we reached the pagoda at Ponhea Lueu she realized that money
25 was no longer traded. And that was the time my family sat

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1 opposite each other speechless; and as we did not have any means
2 of supporting ourselves.

3 One day along our journey when it was at nightfall, we slept and
4 then I smelt a bad odour. Then we found a shrivelled corpse.

5 Then we had to move to another location. It was unfortunate that
6 my family had to come across such a dead body and that we slept
7 nearby a dead body.

8 [16.18.52]

9 When we reached Prek Kdam, it took us two days to cross the
10 river. At that time Angkar made an announcement that people were
11 required to Battambang if they wished to do and some decided to
12 Kampong Cham. I myself with my aunt and uncle decided to return
13 to our village because we had never been to Battambang.

14 So we took the ferry crossing the river and then the announcement
15 was made again who wished to Kampong Cham or Chamkar Leu and we
16 made our decision not to go there. And we requested to go to
17 Cheung Chnok at the mountains but we were denied as the road was
18 blocked. So we had to take another road passing at the back of
19 the mountain, Champan Ampar, before we reached that location.
20 At the Stoeng Chhveng stream, we realized that we reached our
21 village as we came from the other side. We made a journey
22 through the stream.

23 MR. PRESIDENT:

24 Defence counsel, Francois Roux, you take the floor.

25 MR. ROUX:

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1 Mr. President, I apologize for interrupting. Could we perhaps
2 ask the witness, as you've done before, to please focus on events
3 related to S-21 and family members lost at S-21? These are all
4 important historical events, I agree, but this is not the purpose
5 of the civil party.

6 So if you could please re-invite the civil party to re-focus his
7 statement?

8 [16.21.12]

9 MR. PRESIDENT:

10 The observations of the defence counsel is appropriate, and
11 before the Chamber gives the floor again to the civil party, I
12 myself made it clear of the 11 facts alleged on the accused that
13 you received as a result of the establishment and operation of
14 S-21 from the 17th April '75 to the 6th of January '79, which
15 leads to you being joined as a civil party to this case. And
16 this is the facts which are being put before the Chamber.

17 So, Mr. Civil Party, please focus only on the relevant part in
18 relation to the facts and the accused. Do you understand that?

19 THE CIVIL PARTY:

20 Yes, Mr. President.

21 I would like to say that if the President wants me to talk about
22 Tuol Sleng, I would like to go back.

23 The reason that I lodge my complaint as a civil party is on the
24 behalf of my cousin and that my cousin's families all died. Only
25 a few nephews survived and the other grandmothers and fathers

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1 they were all traumatized. I was discouraged from lodging this
2 application, but because I had a view of the democratic and fair
3 process that's why I made my decision to join as a civil party.
4 My intention is to pay my gratitude to my cousin, Chea Khan alias
5 Chin, who had great and kind sacrifice and hurt on my family. He
6 went to study in Russia in '65 and in '75, three -- that is three
7 months after the fall of Phnom Penh, he returned to Cambodia. My
8 family did not know that he returned; even his parents did not
9 know. We were all surprised.

10 [16.24.01]

11 When our family arrived at our native village, Prek Koy, then his
12 in-law Thou Rin Proeun and a few other members of the family and
13 my uncle Thou Sok, Thou Ream were all executed.

14 Let me say they were all executed because we were called for
15 re-education, but then people whispered that they died and we
16 heard this from the best people. They said that we, our family
17 were the bourgeoisie, we were the rich from the city and we would
18 not be forgiven.

19 A few months later my parents and my uncle were evacuated to
20 Kampong Siem in Kampong Trean. First they put in the Angkuonh
21 Dei Pagoda and later on they split us up and my family to Poun
22 village, my uncle to Phum Pen village and my other family was
23 moved to another village. And that's when I lived at that
24 location from the end of '75 to '76. From what I was told, he
25 arrived at Preaek Koy village and when he learnt that some of the

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1 family members were taken away and that his father was relocated
2 to Trean in Kampong Siem subdistrict, Kampong Cham.
3 He went to look for his family and to look for my family in
4 Kampong Siem district to Chamkar Leu district. First, along the
5 street my uncle said, "Where should we" -- at the Chamkar Leu.
6 When we're at Pramat Dei in Svay Teab subdistrict, Nhep
7 (phonetic) asked us to stay there and my cousin decided to stay
8 at Svay Teab subdistrict. We live in -- each of the family
9 member lives in a separate house.
10 [16.26.29]
11 He met with the family members. In fact he was asked to live at
12 Ta Prok at a medical office but later on he was asked to live at
13 the Chamkar Leu and his position at that time, he works at the
14 water sluice gate. He was an architect for the water sluice gate
15 and the dams and canals. He designed all those sluice gates and
16 later on he went to design the dam at the Kampong Thma called 1
17 January Dam.
18 And that's all the reasons for our regret, as toward the end of
19 '76 we lost contact with him. We only discussed among ourselves
20 to predict of his fate. We didn't know where he was taken. We
21 only learned that he was taken to be re-educated and, after the
22 event of 1979, after the fall I went to research at the Tuol
23 Sleng Prison. In the beginning I only saw an individual cell
24 which was partitioned with a brick wall and it housed the former
25 prime (sic) minister, Minister Hu Nim, and I went to look at

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1 various other cells and I saw the torturing tools, bloodstain and
2 the stench of blood. I was fainted.

3 I tried to look for his photograph but I failed to locate it.

4 Only later on before 1990s I found a book which was called a list
5 of traitors and in that book in the Chamkar Leu the name of Chea
6 Khan was mentioned. I was not sure whether he was the Chea Khan,
7 an engineer from Russia, but I was 90 percent sure he's my
8 cousin.

9 And only at a later stage that I received a document after my
10 younger sister (sic), Chea Lai, the elder sister of Chea Khan,
11 was sick. She moved from living in Chamkar Leu to Skun and then
12 to Siem Reap, and I received that book from another relative, Tou
13 Riem (phonetic), and we reviewed the book and we discussed the
14 book and we were thinking whether we should make a complaint
15 regarding the information contained in that book.

16 [16.29.21]

17 We waited to hear for the information in relation to the civil
18 party applications before the Tribunal because we had to have
19 ample evidence to support our civil party applications. Then
20 when we made contact with the ADHOC organization employees, then
21 we were reassured that with those documents we of course could
22 proceed with the application.

23 I was saddened and sorry for the loss of my brother (sic), Chea
24 Khan, who was an engineer returning from Russia and who was
25 tortured and perished in the regime, and I would like to conclude

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1 it now. Thank you, Mr. President.

2 MR. PRESIDENT:

3 Next we would like to give the floor to the civil party lawyers
4 group 4, to put questions to the civil party to seek further
5 clarifications to support the civil party claim for reparation if
6 they so wish.

7 MR. HONG KIMSUON:

8 Thank you, Mr. President, Your Honours.

9 Since it is already 4.30 p.m. do you think that the statement of
10 Mr. Touch Monin should be postponed to tomorrow's session or
11 should we proceed further?

12 MR. PRESIDENT:

13 Would you wish to put a lot of questions? If the questions
14 cannot be extended further than 5 p.m. then the Chamber wishes to
15 conclude his statement and the questions to be put to him by this
16 late afternoon. According to our calculation, we already
17 predicted that we would hold a meeting for one hour and a half
18 this afternoon. However, we failed to actually follow that
19 schedule.

20 [16.32.00]

21 So could you please tell the Court whether you have a lot of
22 questions to be put to the civil party? If so, then we would
23 adjourn the hearing now. But if not, then we can finish hearing
24 the statement of the civil party by 5 p.m. It would be good if
25 we can do so but it's up to the civil party lawyers now because

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1 tomorrow we're going to hear some experts. However, we really
2 respect the position of the civil party lawyers.

3 MR. HONG KIMSUON:

4 Mr. President, thank you. I will make sure that I will brief and
5 that I would only put three or five questions to the civil party.

6 MR. PRESIDENT:

7 You are allowed to do that.

8 QUESTIONING BY CIVIL PARTY COUNSEL

9 BY MR. HONG KIMSUON:

10 Q.Mr. Touch Monin, you already stated before the Chamber but we
11 would like to seek some clarification because we have just
12 obtained the photo of Chea Khan. Where have you obtained this
13 photo and how? And how did you really establish the fact that it
14 is genuinely the photo of Chea Khan?

15 A.This photo was taken or was seen in 1979 by -- because his
16 auntie showed this photo because people were suspicious because
17 they thought that Chea Khan would die and some would say that he
18 would not be dead. So that's why the auntie produced the photo
19 to prove that -- to show everyone who actually could shed light
20 on the whereabouts of Chea Khan.

21 [16.34.43]

22 And then having seen the photo, then we started to search for the
23 whereabouts of Chea Khan.

24 Chea Lai actually was the aunty who showed this photo but she
25 died, because I have remembered seeing the photo. That's why

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1 later on we could search for the photo and we located it.

2 Q.Thank you.

3 MR. HONG KIMSUON:

4 Could, with the President's leave, this document or photo be put
5 up on the projector?

6 MR. PRESIDENT:

7 The Court officer is now instructed to put it on the screen.

8 MR. HONG KIMSUON:

9 Thank you, Mr. President.

10 [16.35.49]

11 Can I put this question to the accused; whether he recognizes
12 this photo?

13 MR. PRESIDENT:

14 The accused, you can respond to this question if you would wish
15 to do so.

16 THE ACCUSED:

17 I indicated that Chea Khan was the friend of mine and I of course
18 know him very well. That's all.

19 BY MR. HONG KIMSUON:

20 Q.I don't put further questions since it is already clear but I
21 would like to ask my client since you have joined as a civil
22 party on behalf of Chea Khan, alias Chin, do you wish to seek
23 reparations, civil reparations in person on your own, or would
24 you leave it to the lawyer to do it?

25 A.Regarding the civil party claim for reparations, I would like

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1 to let the lawyer actually act on my behalf.

2 MR. HONG KIMSUON:

3 I am sorry Mr. President. I said that it would be my last

4 question but I have another last question.

5 [16.38.39]

6 BY MR. HONG KIMSUON:

7 Q. In 1965 you saw off Chea Khan, alias Chin (phonetic), when

8 Chea Khan was departing for Russia. Did the accused see him off?

9 MR. PRESIDENT:

10 The accused can now respond to Mr. Kimsuon's question.

11 THE ACCUSED:

12 I don't want to recall any detailed event but I would like to

13 reiterate that I was there to see him off to Russia.

14 MR. HONG KIMSUON:

15 Thank you very much, the accused, and also Mr. Monin for the

16 statement.

17 MR. PRESIDENT:

18 The Chamber would like to give the floor to the prosecutors to

19 put questions to Mr. Touch Monin if they so wish.

20 MR. SENG BUNKHEANG:

21 Thank you, Mr. President. The Co-Prosecutors do not have any

22 questions to put to the civil party.

23 MR. PRESIDENT:

24 It is now an opportunity for the defence counsel to put questions

25 to the civil party if they so wish.

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1 [16.39.01]

2 MR. KAR SAVUTH:

3 Thank you, Mr. President. The defence counsel does not have any
4 questions to put to the civil party.

5 MR. PRESIDENT:

6 It is now time for the accused to make his observations in
7 relation to the statement of Mr. Touch Monin.

8 THE ACCUSED:

9 Mr. President, I do not have any specific observation to add in
10 relation to the case of Chea Khan.

11 MR. PRESIDENT:

12 Mr. Touch Monin, the proceedings to hear your statement as a
13 civil party today has come to an end and as the civil party you
14 have the right to observe the proceedings within the courtroom or
15 you may choose to go home, should you wish.

16 Please, I note that you would like to put questions.

17 MR. TOUCH MONIN:

18 I would like to put only last questions because due to time
19 constraints I had four further questions but I only want to ask
20 one question to the accused.

21 The question is: when my brother was detained at S-21 was he
22 executed at S-21 or at Choeung Ek? So far we have not obtained
23 any information in relation to the place where he was killed.

24 Please, treat us with this information.

25 [16.41.10]

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1 MR. PRESIDENT:

2 The accused can actually respond to this question if he would
3 wish to do so.

4 THE ACCUSED:

5 Mr. President, I cannot really answer in short because I was not
6 in close contact with this kind of task. So far as I guess, it
7 is more than 50 percent that Chea Khan would be executed at
8 Choeung Ek. However, I do not really deny that he could have
9 been smashed at a Phnom Penh location.

10 MR. PRESIDENT:

11 The hearing in which we heard the testimony or the statement of
12 the civil party comes to an end and the Court is now adjourned.
13 (Witness exits courtroom)

14 The session will be resumed tomorrow at 9 a.m.

15 Tomorrow we are going to hear the statement of the expert as
16 scheduled.

17 The security personnel are now instructed to take the accused to
18 the detention facility and return him to the courtroom by 9 a.m.

19 The Court is adjourned.

20 (Judges exit courtroom)

21 (Court adjourns at 1642H)

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