



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

1 July 2009, 0905H

Trial Day 37

Before the Judges:

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BOU MENG	Khmer
MS. CANIZARES	French
JUDGE CARTWRIGHT	English
MS. JACQUIN	French
MR. KAR SAVUTH	Khmer
MR. KONG PISEY	Khmer
JUDGE LAVERGNE	French
MR. PETIT	English
MR. SENG BUNKHEANG	Khmer
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. TY SRINNA	Khmer
MR. WERNER	English

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

2 (Judges enter courtroom)

3 [09.05.26]

4 MR. PRESIDENT:

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

6 According to our schedule, today we're going to hear the

7 testimony of another survivor; the third person among the nine

8 survivors of S-21.

9 The lawyer, I note your presence. Would you like to make any
10 comments?

11 MS. STUDZINSKY:

12 Mr. President, good morning. Your Honours, good morning, dear
13 colleagues.

14 Yes, I would like to make some observations and also I'm seeking
15 for clarification before we hear the next survivor.

16 We have observed that Mr. Chum Mey yesterday was overwhelmed
17 sometimes when he accounted his story and he had to cry, and he
18 could not control his emotions any more. He shares his
19 traumatization as well as the next survivor, who is my client
20 together with Cambodian colleagues, and he shares this situation
21 with other survivors, victims, civil parties and witnesses.

22 I would like to make a proposal. I would like that the Chamber
23 gives information to the witness at the beginning that if they
24 need time to cope with their emotions when they are moved, that
25 they get this time, that they can be sure to have this time

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1 before they continue with their testimony; and as well to offer
2 them, in the case that they continue, that they can ask to
3 recover and have a short break.
4 And, as well, to offer them again that they can contact, even
5 during their testimony if they feel it is necessary, with TPO,
6 which is the psychological support organization, to recover and
7 to come back. And I think we all can benefit and for the
8 witnesses, civil parties, victims, who will testify in Court, it
9 is then clear that they can have this time which they find --
10 which is necessary before they are able again to speak and tell
11 their story. I'm seeking then for a clarification.
12 I would like to have the following information from the Chamber
13 to make it clear that from our time that we have, and I think for
14 all parties, the 30 or 40 minutes that we have, that this time
15 counts only for the interrogation of any witnesses or civil
16 parties or experts, and that outside events like, for example, a
17 witness cries and is overwhelmed and moved by his or her emotions
18 and traumatism, then this time is subtracted from our time that
19 we have.
20 [09.10.23]
21 And the same for other events like, for example, discussion of
22 any legal issues or whatever is not directly a part of our
23 interrogation because, if not, we are feeling very much under
24 pressure and I think this is only my perspective, seeking a
25 clarification from the Chamber so that we know this time is for

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1 interrogation time.

2 These are my observations and I would appreciate if the Chamber
3 could make this clarification that would facilitate our standing
4 here in Court and, of course, the questioning of the civil party
5 today and other civil parties and witnesses.

6 And I also would like to inform the Chamber that the civil party
7 today is somehow very strong but is, at some points of his story,
8 very weak and will be moved very much by his emotions and, of
9 course, willing to testify here before this Court and very happy
10 to do this. But I think this time should be granted that he is
11 more relaxed and able then to come back to the situation where he
12 can talk and really willing to talk.

13 Thank you very much for your attention.

14 MR. WERNER:

15 Mr. President, just to inform you that Ms. Studzinsky spoke on
16 behalf of our group as well. Thank you.

17 MR. PRESIDENT:

18 Thank you, the lawyers, for making those remarks.

19 [09.12.34]

20 The Chamber has already determined -- and we also have the
21 impression that we are prepared concerning the matters raised --
22 and the Chamber has already indicated the times allotted for the
23 civil party lawyers. However, we have also taken into account
24 the other objections and other times interfere during the time
25 when the civil parties are putting questions to the witness or

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1 the accused.

2 So the time is calculated based on the time when the civil
3 parties are putting the questions, so the Judges are monitoring
4 and observing the proceedings, and we will see if there is any
5 time used other than the times used by the civil parties during
6 the given time. Then the Chamber would like to give extra time
7 to them. So we would be flexible accordingly.

8 The starting time of the session can be flexible also, depending
9 on something that happens practically in the Court, and yesterday
10 we had some problems because the witness was very emotional while
11 he was being asked by the prosecutor, and the prosecutors have
12 not used all the times given to them, and for the civil parties
13 we have observed that they have not used up all the times
14 allocated to them.

15 The calculation of the times for the civil parties are
16 appropriate. It doesn't mean that the calculation is based on a
17 few questions the civil parties would put to the witness or to
18 the accused, but it's based on the proportion.

19 [09.15.00]

20 Regarding the survivors of the regime, we note that they have
21 been very emotional and yesterday, after having examined how we
22 could control the witness when he or she is very emotional and we
23 also checked to see whether there are doctors or psychiatrists on
24 standby, then the Court would seek their assistance to help that
25 witness before we proceeded further.

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1 However, after a few moments, we observed that the witness could
2 recompose himself and that he was under control to respond to
3 further questions. Of course, the Trial Chamber is taking into
4 consideration these matters seriously.

5 And the civil parties, the lawyers representing the parties, are
6 also to be vigilant. I mean they should be vigilant when they
7 notice that their clients need such assistance. Then they can
8 remind the Chamber, but I think probably it would not be
9 appropriate if the civil party lawyer asked for like a half-day
10 break for a witness to recompose him or herself. Then it would
11 be a long break for him, which could also affect the schedule of
12 the hearing.

13 We believe that the psychiatrists have already been employed to
14 assist the clients or the witnesses, and they are ready to be of
15 any assistance when needed. So we do not really intend to really
16 incite the emotions of the witnesses until he or she cries, so
17 emotionally that it could even affect his mental fitness and, of
18 course, the Chamber is well informed of this.

19 To sum up, the Trial Chamber is very deliberate when it comes to
20 the calculation of times allocated to parties, however, the times
21 for objections have not been included in the allocated times to
22 the parties. So the parties could still exercise their full
23 rights to use the full time allocated to them, except the
24 objections or any matter that arises during such proceedings.

25 We, as human beings, are cautious and we really take the concerns

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1 or remarks raised by the civil parties, and we really appreciate
2 the civil parties to raise these before the Chamber so that we
3 can take immediate action to make sure that the witness can be
4 under his control of emotions. Of course, if the Chamber noted
5 that the witness is under control of his feelings, then we could
6 proceed further without any other suggestions from the civil
7 parties' lawyers for the clients.

8 The Court officer, you are now instructed to bring the survivor,
9 Mr. Bou Meng, into the courtroom.

10 (Witness enters courtroom)

11 [09.20.40]

12 QUESTIONING BY THE BENCH

13 BY MR. PRESIDENT:

14 Q.What is your name, Uncle?

15 A.My name is Bou Meng.

16 MR. PRESIDENT:

17 You can sit down, no problem, because we will take the full day
18 to hear your testimony, so you are allowed to be seated.

19 Before you respond to any questions, could you please wait until
20 you see the red light on the mic. If you speak when the light is
21 not on, your message would not be interpreted and the
22 international colleagues in the proceedings and the public
23 gallery would not hear what you are saying.

24 And, number three, according to the note of the Greffier, you
25 seem to have a hearing problem. So the Chamber would like to

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1 inform you that when you listen to any question and that you
2 understand the question, you should be quiet and wait until the
3 red light on. Then you can respond. If you are not able to
4 understand the questions, then you can make a request to the
5 party who puts such question to rephrase or to ask you again
6 before you can respond.

7 BY MR. PRESIDENT:

8 Q.How old are you?

9 A.I'm 68 years old this year.

10 [09.22.42]

11 Q.Where do you live now?

12 A.I live in Kampong Kong Commune, Kaoh Thum district, Kandal
13 province.

14 Q.What is your occupation?

15 A.Since I have been detained at Tuol Sleng, I had hearing
16 problems. My eyesights are not good and I am physically weak.

17 Q.Could you please be reminded that you should wait until you
18 see the red light before you can respond, otherwise your message
19 would not be communicated. Please wait, Uncle.

20 Are you married?

21 A.I have another wife.

22 Q.What is her name?

23 A.She is 48 years.

24 (Microphones not activated)

25 [09.24.23]

8

1 A. My ex-wife was Ma Yoeun, alias Thy. She died during the Pol
2 Pot regime.

3 Q. You have filed a civil party application to join as a civil
4 party. Now, before the Chamber, what is actually the purpose of
5 your application? Would you like to seek reparation on your
6 behalf or you would like your lawyers to act on your behalf?

7 A. I would like to allow my civil party lawyers to act on my
8 behalf regarding these reparations.

9 Q. After having decided to join as a civil party, what is your
10 involvement in the facts regarding the accused in this case?

11 A. Mr. President, I'm not really sure whether I understand your
12 question. Could you please make it in a more simplified Khmer
13 language?

14 Q. The Chamber would like to ask you that you have already joined
15 as a civil party, but we would like to know of your involvement
16 into any particular fact; for example, the fact of S-21 or the
17 fact of S-24, Prey Sar.

18 And, number two, have you been the direct of victim of the fact
19 or you are here on behalf of your loved ones who were victims of
20 S-21 or S-24, or you were here as the victim of both facts?

21 [09.27.15]

22 A. Mr. President, I am here to be on behalf of myself who is the
23 victim of the regime because I had been beaten severely and my
24 wife disappeared, and I don't know where she has gone or how she
25 would have been tortured.

9

1 Q. Before the 17th of April 1975, where did you live and what was
2 your occupation back then?

3 A. I went into the maquis jungle to liberate the territory and to
4 save King Norodom Sihanouk.

5 Q. Could you please tell the Court about your experience and what
6 you have come across during the Khmer Rouge regime after the 17th
7 of April 1975 until the 7th of January 1979?

8 A. After the 17th April 1975, I was ordered by Angkar to work in
9 the technical school in Ruessei Keo. I did the drawing and the
10 sketches for the workshop participants. It was at the technical
11 school in Ruessei Keo.

12 Q. You can just continue to describe your accounts from the time
13 that you were at the Ruessei Keo Technical School until you were
14 free from the Tuol Sleng on the 7th of January 1979. If you can,
15 describe all those accounts.

16 If you can not, then the Chamber would put some questions to you
17 based on the certain periods of the events.

18 [09.30.50]

19 A. Mr. President, during the times that I served at the Ruessei
20 Keo Technical School, I had worked for about one year; I cannot
21 recall exactly. My apology if I cannot recall the exact date due
22 to the serious torture that I received. So my memory is not in
23 great shape.

24 In 1976, Angkar arrested my superior, Hak, from the Ruessei Keo
25 Technical School. Two or three months later, the Southwest Group

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1 came to take control of that school. I was then transferred to
2 Ta Lei Co-operative in Dangkao Commune, Dangkao district, Dangkao
3 province. It was the co-operative with the education site.
4 At that time, I was forced by Angkar to dig canals from Ta Lei
5 village to the Prey Sar prison. I was forced to build dams, to
6 dig canals actively, so I was so severely physically used to
7 provide the labour to Angkar. It was to the limit of my physical
8 stance to do that labour.

9 Later on, Angkar ordered me to the group of adult people to make
10 ploughs and some other wooden tools, rakes, and the chief of the
11 group was Pak. We called him Brother Pak. It was still at the
12 Ta Lei Co-operative.

13 And later on, I was assigned to plant vegetables, and while I was
14 working the soil at the vegetable beds, I grew cabbage, and over
15 there we use human fertilizer. It was called fertilizer number
16 one.

17 [09.34.00]

18 And one day, there was a group of people in black clothes. I
19 think they were driving a Jeep, if I can recall correctly. At
20 that time, I was planting eggplants. I was told by that group
21 that Angkar required me and my wife to prepare my belonging in
22 order to teach the children at the school of fine arts.

23 By hearing that, I thought that would be right because it's my
24 expertise. So I was happy, very happy, and I thought that I
25 would now work in my right profession. However, unfortunately,

11

1 at that time when I was in the car with my wife in that Jeep, I
2 was taken to a location near Kirirom location and I thought that
3 was not the way to the school of fine arts.
4 I felt uneasy and I felt a bit scared and I felt I was dizzy.
5 For about a half-an-hour later, we reached a location which was
6 unknown to me at the time and the chief stopped there. And we
7 entered a house which was near by the Tuol Sleng prison or the
8 S-21 Office. There was a house opposite that office.
9 They had two rows of chairs and we were asked to get off the car
10 and we went to sit on the chairs. Then there was a person who
11 ordered me to put my hands behind my back, so my wife and I put
12 our hands behind our backs and they cuffed our hands.
13 Then my wife started crying and said, "What do I do wrong? We
14 both are orphans." I was so pitiful of my wife. At that time,
15 they used a piece of black cloth to blindfold both of us, my wife
16 and I. Then we were walked into the S-21 Security Office or Tuol
17 Sleng prison. Then I realized that was a prison. From then
18 onward, I was asked to enter a room and I was photographed.
19 [09.37.27]
20 After they photographed my wife, then they photographed me, and
21 that was the only photograph of my wife that I have had with me
22 until today because I lost all the photos from the 7th of January
23 1979. And with me I only have a photo of my wife that I would
24 like to show to the judges.
25 After we were photographed, we were walked to Building C and from

12

1 that time onward, I separated from my wife. I did not know which
2 building she was taken to.

3 So I was placed in the common room on the upper floor. I think
4 about five months or one year later, I received torture. First,
5 I was threatened that they would peel my skin. I didn't know
6 what it means by that, but a person who slept next to me told me
7 that it means that you will be beaten during the interrogation
8 and I felt so horrified in my mind. I was so shocked. I
9 thought, what mistake did I make? I tried my best to serve
10 Angkar. And in the end, I became and fell into such a situation
11 so I kept thinking.

12 While I was in the prison, all the clothes were stripped off
13 except my underwear. So I slept directly on the floor for
14 several months.

15 [09.39.35]

16 Then they started to interrogate me and beat me up. It was --
17 the interrogation location was in a house outside the compound.
18 It was behind the Building A. They cut me and they asked me to
19 lie down on the floor with my face facing down and they had a
20 bunch of sticks and they dropped it on the floor and it made
21 noise. And I was asked to choose which stick I preferred. And I
22 responded, "Whichever stick I choose, it is still a stick that
23 you will use to beat me up so it is up to you, Brother, to decide
24 which one you want to use."

25 Mam Nai stood up and grabbed a stick and started to beat me up.

13

1 After he felt exhausted, then another person came to take turn to
2 beat me up. So that Mam Nai was Mam Nai alias Chan. He got his
3 skin condition with a spotty skins and quite a red in his face.
4 He asked me to count the lashes and when I counted up to 10
5 lashes, he said, "How come you count to 10 lashes? I only beat
6 you for one lash."

7 I was -- I felt so painful at the time. There were wounds --
8 many wounds on my back and the blood was on the floor flowing
9 from my back. Whips were also used to torture me. I was so
10 shocked and painful.

11 Every time they beat me up, they asked me questions; when did I
12 join the CIA and, "Who introduced you into the CIA network and
13 what was their name?" And I responded that I did not know. So
14 the first beating, I responded I did not know. The second time
15 of the beating, the third times; I gave the same response. Even
16 if my back had wound, they beat on that wound. It was so painful
17 and I could not think of any mistake that I made. I did not know
18 what CIA or KGB network was; then how could I respond? So they
19 just kept beating me up. I had a lot of scars on my back as
20 evidence from that torture.

21 [09.43.37]

22 In my mind, I thought of my mother; that if I could live, I would
23 pray. Probably it's because of my mother that gave me birth.
24 And I would -- and I thought that if I could lived to give my
25 story to the Chamber and now, finally, I am before the ECCC and

14

1 that the ECCC would find justice for me. And I feel so happy
2 even if 100 percent of justice cannot be provided by the Chamber,
3 50 or 60 percent of justice to me is fine because I determined
4 from the prison where I was detained that I had not committed any
5 mistake or offence and that I prayed just to be survived.

6 Q.Uncle Meng, please try to recompose yourself so that you would
7 have the
8 opportunity to tell your story.

9 As you have stated, you have been waiting for this opportunity to
10 tell your accounts, your experience and the sufferings that you
11 received from those unjust acts; from the torture committed by
12 the Khmer Rouge, as well as the ill treatment on your wife. So
13 please try to be strong, recompose yourself so that you are in a
14 better position to recount what they did on you so that the
15 public and the Chamber who are participating in this proceeding
16 or the Cambodian people as a whole as well as the international
17 community to hear, to understand the acts committed by the Khmer
18 Rouge clique on you and that they would express the pityness on
19 you as you received those ill treatment from them. So do not let
20 your emotion overwhelm you. So try to grab the opportunity to
21 tell your accounts to the Chamber as well as to the public.

22 Uncle Meng, do you understand what I said?

23 [09.47.14]

24 A.Yes, Mr. President; I understand.

25 Q.Please try to recompose and be strong. Today is the

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1 opportunity for you to reveal, to describe your sufferings to the
2 Chamber so that the Chamber can understand. If your emotion
3 overwhelms you, then it's unlikely that we have another time to
4 hear your account because the Chamber has scheduled other
5 witnesses to provide the testimonies and they had gone through
6 similar experiences, either at S-21 or Prey Sar -- although some
7 of them are not the direct victims but they're relatives or
8 family members, wives, husbands, parents -- received the unjust
9 acts over there.

10 So, in summary, please continue to recount the experience and the
11 sufferings that you received from those unjust acts during the
12 time that you were detained until the day you were free from that
13 prison, thanks to the National United Front for Salvation armies
14 on the 7 January '79. Do you understand what I said?

15 A.Yes, I can continue, Mr. President.

16 Let me go back a little bit because I forgot to talk about the
17 food ration in the common room. In that common room, there were
18 about 30 or 40 of us and at one corner I saw foreigners with
19 light complexions and they were detained there as well, and they
20 received the same food ration; that is, very thin gruel. There
21 was no rice grain in there, just one (inaudible) or one there,
22 and I was so skinny I had no strength. Even if I had a stick, I
23 would not be able to use it to attack them.

24 [09.50.19]

25 When Him Huy took me to the upper floor, he rode on my neck, on

16

1 my shoulder, and I stumbled on the stairs and my knee was hurt
2 and there was a wound on my knee. So when I think of those
3 events, I felt so painful.

4 Each day when they took me for interrogation they took me twice,
5 from 7 to 12 in the morning, and in the afternoon from 2 to 6 or
6 7 p.m. The interrogators who beat me up, I could recognize their
7 faces because when they talked to each other, I recognized their
8 names.

9 They were Brother Mam Nai, Comrade Hor, Comrade Huy, Comrade Tith
10 and Peng, so there were five of them altogether. My apology that
11 I went back to describe this account because I forgot.

12 Q.As I told you, please try to re-compose yourself. This is the
13 day that you have been waiting for for so long. I know you are
14 very emotional now and probably you will miss certain events that
15 you would want to recount. Of course, the sufferings you and
16 your wife received were indescribable and right now the Chamber
17 would like to ask you some questions.

18 When there was a vehicle going to pick you up from the Ta Lei
19 Co-operative in Dangkao district to the School of Fine Arts, were
20 you tied or cuffed, and what about your wife?

21 [09.53.35]

22 A.Mr. President, Your Honours, at that time I saw a vehicle but
23 there were no cuffs in there. We were asked to pack our clothes,
24 so I had some clothes so I put them in my backpack and they were
25 all taken away at Tuol Sleng.

17

1 Q.When they took you to Tuol Sleng, did they take you to Tuol
2 Sleng straight away or were you taken to another place first?
3 For example, like the place that you described where there were
4 two rows of chairs. Was it within the compound of the Tuol Sleng
5 prison?

6 A.It was outside the Tuol Sleng prison. It was opposite the
7 Tuol Sleng prison. There was a house and there were two rows of
8 chairs, and in the middle there was a long table. So we were
9 asked to enter that house and they ordered us to put our hands
10 behind us and then they cuffed our hands, both of us.

11 Q.When they ordered you to put your hands behind your back and
12 then later you were cuffed, did they tell you the reasons for the
13 arrest of your wife and yourself? Did they tell you the reasons?

14 A.Mr. President, at that time they did not tell us any reasons
15 or any mistakes we made, and I and my wife asked them what
16 mistake did we do and we told them that we were orphans and what
17 mistakes we did? And they replied, "You, the contemptible, you
18 don't have to ask. Angkar has many eyes, like pineapples, and
19 Angkar only arrests those who make mistakes or offence." And I
20 was still wondering what mistakes I did, and my wife wondered the
21 same.

22 [09.56.24]

23 At that time. I was in the adult group in the co-operative to
24 make ploughs and rakes, and my wife worked in the rice fields and
25 I could not think of any mistake that my wife and I made. Until

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1 today, I could not think of the mistakes that I made at the time.

2 Q.The people who ordered you to put your hands behind your backs
3 and then they cuffed you and your wife, were they the same people
4 who went to pick you up from Ta Lei Co-operative?

5 A.Mr. President, they were different people. They were not
6 those who took me, who brought me from the co-operative. They
7 were there waiting for us in that room. So once we entered the
8 house we were asked to sit, in a nice gesture, and later on what
9 happened I already described to you.

10 So I broke into my tears because I did not know what offence I
11 committed. If I stay home and did nothing, maybe I made a
12 mistake, but I did not do that and I cannot think of the mistake
13 I committed. Whatever I was asked by Angkar, I just did.

14 Q.Can you recall the day that you were arrested and taken to
15 Tuol Sleng prison or can you recall the year?

16 A.Mr. President, I can remember the year. It was 1977 when I
17 was entered into the S-21 Office. I am a bit weak on the month
18 because at that time there was no calendar to see, so it's only
19 just based on the thinking or estimation. I think it could be in
20 May or June in 1977.

21 The reason why I thought it was in May or June because after they
22 tortured me and they were fed-up with torturing me, there was a
23 teenager about 16 or 17 years old made an announcement. He said,
24 "In this room, who can do the painting?" So I raised my hand. I
25 said, yes, I can do the painting.

19

1 [09.59.40]

2 And that person ordered another person to unshackle me and they
3 then put a chain on one of my feet. I was then walked from the
4 upper floor of that C Building to the ground floor in order to
5 meet Mr. Duch. The reason I recognized him because when I was
6 painting the portrait of Pol Pot, he was sitting nearby me,
7 watching me, sitting on a chair with his legs crossed. I did a
8 lot of portraits, not only just for Pol Pot, I also did a
9 portrait for Mao Zhedong.

10 Q.The Chamber asked you to describe about the situation but you
11 have not been able to detail what we asked you, so I would like
12 you to please listen to the question of the Chamber step-by-step
13 until the 7th of January 1979.

14 I think would you please wait until the question is referred to a
15 particular section that you can respond otherwise you would not
16 be able to recall the consequential event. So could you please
17 be waiting for the question from the Chamber before you could
18 respond to them?

19 When you were arrested and sent to S-21, were you sent in at
20 night or in the daytime?

21 A.It was at about 9 or 10, I can't remember it well, and when I
22 reached Tuol Sleng there was no clock that I could check the
23 time, but it was during the daytime not at night.

24 [10.02.24]

25 Q.When you were handcuffed all together with your wife and

20

1 walked into Tuol Sleng compound, were you both blindfolded?

2 A.We were blindfolded before we were walked into Tuol Sleng
3 compound.

4 Q.You stated earlier that when you entered the location you were
5 taken photograph. Before the photos were taken, did they ask you
6 for your biography or was it done later after the photography?

7 A.I don't remember all. Please accept my apologies.

8 I think the document from Tuol Sleng still survives and the
9 person who kept the record was Ti (phonetic), and I was shocked
10 and confused because I did not know why I was arrested and I did
11 not know how I responded to them. I did not know whether my
12 biography would have been sent to them earlier, prior to my
13 arrest. I'm not sure.

14 Q.You said your wife and yourself were blindfolded. Were you
15 still being blindfolded while being taken photograph or were the
16 blindfolds removed?

17 A.When we were at the photo workshop then our blindfolds were
18 removed, and we were seated and I was taken photograph and
19 followed by my wife.

20 Q.What about the handcuffs? Were you removed from the handcuffs
21 while being photographed?

22 A.I don't recall having been removed from the handcuffs. I'm
23 not sure; I forget it. Maybe the handcuffs were removed or maybe
24 they were not. But so far as I remember after our photographs
25 were taken, then we were blindfolded again before we were walked

21

1 to Building C.

2 [10.05.02]

3 Q.You said you were stripped to your underwear. When was that,
4 before you were sent to Building C or only after you got to
5 Building C that your clothes were stripped off?

6 A.I think maybe my clothes were stripped off downstairs before
7 we were walked upstairs or maybe only when we reached upstairs
8 that our clothes were stripped off. I seem to forget. But as I
9 remember, it is sure that after we were taken photographs then we
10 were re-blindfolded and I did not know where my wife would be
11 walked to.

12 Q.When you reached the building, it was the common building for
13 all prisoners or it was a separate prison cell for detaining you
14 alone?

15 A.Mr. President, at that time I was put in a common large room
16 in which about 20 to 30 detainees were placed. They all looked
17 like hell because their hairs grew long, even they were male but
18 their hairs grew so long. I felt dizzy when I entered the room
19 and I was so confused.

20 Q.When you were being handcuffed, were you handcuffed and
21 attached to the bar, the metal bar with the other detainees, or
22 you were handcuffed and then isolated? Could you please tell us
23 about the condition of the shackles?

24 A.We were put into the common rooms and in each metal bar
25 resembled the shackles. There were a lot of detainees attached

22

1 to the shackles by our ankles, maybe five to 10 people for each
2 long shackles and we were put to sleep head to head with other
3 detainees, so my head was put against the east wall.

4 Q.At that time could you sit up when your both legs were
5 shackled to the long bar like that?

6 A.I could sit up but we had to ask permission from the guards
7 before we could relieve ourselves, although we were given an
8 ammunitions box for such purpose and we were given a plastic jug
9 for our urination.

10 Q.Who collect the wastes or were they left with the detainees
11 all day?

12 A.At that time the people who worked there in the common cell,
13 the person whose age was about 15 years old, would go up and
14 collect the waste because the detainees would only be put to lie
15 down in the cell and could not be moved.

16 [10.10.02]

17 Q.You mentioned about the food ration, the thin gruel with very
18 few rice grains and sometimes you would be offered a watery soup
19 with water grass. The question is how food was provided to you?
20 Were you fed with a plate, a spoon or what was it like when food
21 was delivered to you, and how often did you get the meals?

22 A.When it was time to eat it was at 12 or 11.30; let's say
23 between 11.30 to 1. That's for lunch. In the afternoon, late
24 afternoon, the food was served at 5 p.m. or 6 p.m. and when the
25 food was carried to the place then they would leave it there, and

23

1 if people made noise then they would be beaten with the stick
2 that they used to carry the food to the detainees. I felt very
3 pity for them and for myself because we were treated like
4 animals. We whispered to one another, I mean to the neighbours,
5 but we could not make loud noise.

6 Q. Did the detainees have to share -- have to distribute the
7 porridge or the gruel, or were they distributed by the guards?

8 A. We were given the gruel on a plate by the guards, and after we
9 finished the meal then the plates and spoon would be collected
10 because they were afraid that those items could be used for the
11 detainee to commit suicide, because every night people would come
12 to search for any metal items or sharp items. I did not know why
13 they came to search for those items.

14 [10.12.43]

15 Q. When you were thirsty what would you do?

16 A. We had to ask for permission; for example, "Brother, I am
17 thirsty. Could you please give me some water?"

18 Q. So it means in the common cell there were the prison guards
19 who stationed there regularly. Is that correct?

20 Please wait until you see the red light before you respond.

21 A. When I needed some water I would ask them for the water and
22 they would give it to me.

23 THE INTERPRETER:

24 The President's mic is not on.

25 BY MR. PRESIDENT:

24

1 Q.Now, you have not answered the questions about the guards who
2 would be regularly stationed at the cell, and you said that when
3 you would like to relieve yourself or you were thirsty you would
4 ask the guard. My question was: were there regular prison
5 guards at that location, and how many guards were there in your
6 room?

7 A.I think guards would be seen walking on the corridor, several
8 of them, because we were locked inside and we could see them
9 walking on the corridor, passing the windows. And when we needed
10 to relieve ourselves then we would call them. But they gave us
11 the boxes for relieving ourselves, although we were not removed
12 our shackles. But I seem to be forgotten when it comes to how we
13 could ask them when we would like to relieve ourselves, but I am
14 sure that we were shackled at all times.

15 [10.15.15]

16 Q.I think we learned from you that there were the plastic jug
17 and ammunition box placed for the detainees to relieve
18 themselves, but when you were thirsty how could you do it,
19 because there were no water jars left with water for detainees,
20 so you had to shout to the guards? I mean, if you shouted it
21 means that the guards would be outside but if they were inside,
22 the detainees would not need to shout to alert them.
23 However, during the time when you had a bath -- because you were
24 detained quite a long time from mid-1977 to 1979 and you were
25 detained the longest there among the others, so when it comes to

25

1 having a bath, what was it like?

2 A. When we had a bath we would take off our shorts and then
3 remove it from our legs, one leg at a time, and then we had to be
4 naked and then the water would be sprayed from outside through a
5 water hose, and some would get soaked, some would miss the water.
6 And then we would use the clothes to dry the water. It was so
7 miserable because we would -- had been treated like the cattle
8 while we were sprayed the water on.

9 When we asked for water, of course we had to ask them for
10 permission. Otherwise we would never be given such water to
11 drink.

12 Q. You said you took off your shorts to dry the water. What was
13 the purpose of doing so?

14 A. We only used them to dry the floor so that we could -- when
15 the floor dried then we could lie down, because the water floods
16 the floors and we had to dry it to make sure that it's dry.

17 Q. So the purpose of removing your shorts was to dry the floor so
18 that you could sleep on it. Is that correct?

19 A. That is correct, Mr. President.

20 Q. How often were you sprayed the water on like this?

21 A. Once every week or maybe once every fortnight. I don't
22 remember; you know, it has been 30 years or more already, but I
23 know that every time we had a bath, everyone had to be naked. It
24 was like hell.

25 [10.19.12]

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1 Everyone would look the same and sometimes they mocked at us.
2 They said that you guys look small physically but your thing was
3 not that small. I'm sorry to say that, but we would laugh by
4 mocking on some other things, private things.

5 Q.When you were detained, besides being removed from the
6 shackles to be interrogated, were you released to do exercises,
7 for example, every now and then or were you never allowed to do
8 that?

9 A.I don't remember it. I think we were never allowed to do
10 exercise in the room or maybe we were allowed to do so. I am not
11 sure because it has been so long already.

12 Q.When you were taken to be interrogated, how was the process
13 carried out?

14 A.Every time I was taken to be interrogated, they would handcuff
15 me and walked to the compound of the prison to Building A. I
16 think the previous trace of the building vanished over time and I
17 think I could never take any visitors to the same original
18 location as it already altered.

19 Q.When you were removed from shackles, then you would be
20 handcuffed before you would be walked to be interrogated. Can
21 you please tell us how this process would be carried out?

22 A.I was walked to the interrogation room into the house. We
23 walked to upstairs.

24 [10.22.03]

25 Q.No, I'm talking about the time when you were in the room and

27

1 were shackled, and then you were shackled and attached to other
2 people, other detainees. And before you were taken to the
3 interrogation room, would you be removed from the shackles and
4 then walked outside of your room before you would be re-shackled
5 again and walked to the interrogation room?

6 A.They removed the shackles from the long bar. The shackles
7 were removed then they cuffed -- they put the cuffs on me again
8 and then they walked to the outside area of the room, or the
9 prison.

10 Q.Were you blindfolded when you were being walked away?

11 A.Of course, I was blindfolded while I was being walked away.

12 Q.Could you please tell us about the moment when you were put
13 into the room for interrogation? How were you treated by the
14 guards?

15 A.They treated us -- they used derogatory language to me and
16 they shackled me by my ankles -- the long bar of shackles which
17 was about half a metre -- and then they locked the chain and then
18 they closed all the windows and doors. No, I think the windows
19 would be left open because there were metal bars. I could see
20 Building A or B clearly.

21 After I was shackled and they removed the handcuffs and removed
22 the blindfold, and then they started to beat me to answer when I
23 entered CIA and KGB. I told them that I did not know anything
24 about it and I could not answer anything about CIA and KGB.

25 I kept repeating my response and they kept beating me and, of

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1 course, if we did not respond or answer to satisfy their request,
2 then we would be beaten severely.

3 [10.25.06]

4 Q.During the time when you were interrogated, you would be
5 shackled and then you would be asked to sit on the floor while
6 your handcuffs would be removed along with the blindfold before
7 you would be interrogated. In case you did not respond to what
8 they wanted to get the confession from you, then you would be
9 beaten with a stick. Do I understand you correctly?

10 A.They removed the blindfold and handcuffs. They put me to lie
11 face down and then they started to beat me until they had enough,
12 and then they kept asking me when I entered CIA and KGB and who
13 introduced me into the agents. And I did not know how to respond
14 to them because the person who worked honestly and worked the
15 best to serve Angkar and never been involved in such
16 organization, how could I respond to them that I introduced
17 anyone into the CIA, even myself. I did not know what CIA was.

18 Q.You said you were shackled and put face down. I find it
19 difficult to understand because if you talk about the shackle,
20 then you could sit up. And how could you be put face down and
21 then if you were shackled before that, you could not sit up
22 because it was a wooden kind of shackles. Then you put your legs
23 -- or your legs were put into the shackle then you would not be
24 able to lie face down on the floor.

25 Or were you put to lie face down on the floor and tortured before

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1 they removed the shackles, and then -- or what? Could you please
2 clarify it to me or to the Court?

3 A.It was not a wooden shackle, Mr. President. It was a metal
4 bar, long bar, designed to only put on one individual detainee.
5 [10.27.56]

6 After having that long metal bar attached to my legs and my
7 ankles, then they locked both ends and then they put me to lie
8 face down in order for the interrogator to be able to beat me on
9 my back and I could put my face down.

10 Q.Were you taken to be interrogated immediately when you were
11 sent during the first night at S-21 or were you kept a few days;
12 only later that they would take you to be interrogated?

13 A.Mr. President, I was detained for quite a long time. I think
14 it was until May or June 1977 so I had been detained for four or
15 five months before I was interrogated and tortured. And as I
16 stated earlier, then a guy came and asking for anyone who could
17 paint.

18 [10.29.25]

19 Q.Can you try to recall the S-21 staff who took you for
20 interrogation and torture? How many times were you taken and
21 what about the types of torture?

22 A.Mr. President, when -- for every times they interrogated and
23 tortured me, they did not use or change the method. First, they
24 used a rattan stick or a whip to beat me up. They beat me up
25 with the stick or the whip for the two sessions. So from 7 until

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1 12 or 1 p.m. in the morning, then I was allowed to eat and in the
2 afternoon, they only stopped after 6 or 7 p.m. when I was taken
3 back to the room. After they beat me up, they did not take me to
4 the common room. They took me to the individual cell. So every
5 time after the interrogation and the torture, I was taken to the
6 ground floor -- to the individual cell. And for the mealtime,
7 then we were fed with a bowl of food.

8 Q. So in summary, you were detained in two different rooms.
9 First, you were in the common room and about five months later,
10 when they started to interrogate and torture you by using the
11 stick, then you were detained in an individual cell. Is that
12 correct?

13 A. Mr. President, that is correct.

14 Q. Was your torture in a different method; for example, by
15 electrocution?

16 A. Yes, Mr. President.

17 One day after they beat me down -- they beat me up, they walked
18 me to Building D and there was a power outlet on the wall and
19 then they used an electrical wire to electrocute me. I felt
20 unconscious and later on they used the water to pour on my face
21 and I became unconscious again. I did not know the voltage of
22 that electricity, but once they started it, I felt unconscious
23 immediately. That was done in Building D.

24 [10.32.59]

25 Q. I already asked you and you said that you did not know if you

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1 committed any offence so when you were detained in the prison,
2 was there any decision by a trial committee to punish or sentence
3 you -- for example, in a form of a trial in a similar form of
4 this Chamber -- during your detention there?

5 A.Mr. President, no, there was no judgment; no order from
6 anybody. We were just detained. And one day after they
7 exhausted by beating me up, then they walked me back into the
8 room and while at the path walking to our Building D -- there was
9 no concrete path there at the time -- and at that juncture, I
10 was beaten up again. And another person came and said, "Don't
11 beat him up today because Brother instructed so. Keep him
12 alive."

13 Because there were a lot of wounds on my back, I felt so painful,
14 but because they beat me up so I had to lie down on my back.
15 However, Him Huy used a stick to push under my back and a lot of
16 gravels went inside the wound on my back so because it was so
17 painful, then I had to turn myself again for them to beat me up
18 on the back.

19 Q.When did they decide to use you as a painter?

20 A.One day, I was taken from that individual cell to the upper
21 floor for treatment. Actually, there was no medicine at all.
22 There was a bowl of saltwater and they just poured that saltwater
23 on my back and it was so, so painful because of my open wounds
24 and the salt. You could see when you used the salt on the frog,
25 you could see the effects and you could imagine how painful it

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1 was when they pour the water -- the saltwater on my back. And

2 indeed, finally the wounds recovered from the saltwater.

3 Sometimes, I was given a rabbit pellet tablet. It was so

4 miserable.

5 [10.36.36]

6 Q.And now to the scars from the beating; do you still have the

7 scars or are they completely gone?

8 A.The wounds recovered, but the scars are everywhere on my back,

9 on my shoulders. They were the scars from being whipped or

10 beaten. Sometimes, there were five of them beating me up at the

11 same time.

12 Q.Can we see the scars on your back?

13 MS. STUDZINSKY:

14 Mr. President, I would like to make break now before Mr. Bou Meng

15 shows his scars and to decide if this is appropriate -- an

16 appropriate measure now and maybe it is time for an adjournment,

17 and that would be great if he could get it.

18 Thank you.

19 MR. PRESIDENT:

20 Now it is time for a break. The Chamber will take a 20 minute

21 break until 11 a.m. when the Chamber will resume.

22 (Judges exit courtroom)

23 (Court recesses from 10H38 until 11H02)

24 (Judges enter courtroom)

25 [11.02.08]

33

1 MR. PRESIDENT:

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

3 We would like to inform the parties and the public that the
4 Chamber now cancels its attempts to show the scars on the
5 survivor's back and all parties are also reminded not to proceed
6 with the request to show the scars on the survivor's back.

7 Do you have any further requests or observations?

8 MS. STUDZINSKY:

9 Thank you, Mr. President. We would suggest to proceed in closed
10 session and then Mr. Bou Meng could show the scars to the Chamber
11 and the parties. That is something that could be a possibility
12 to do.

13 MR. PRESIDENT:

14 The Chamber already decided to cancel its attempts to show the
15 scars, even if in an in camera hearing. In case of necessity, it
16 can be shown by photos. So the photos can be shown of the scars
17 on his back. Bou Meng, you think you can have those photos for
18 the Chamber?

19 MR. BOU MENG:

20 Mr. President, I do not have any photos of the marks. I only
21 have the marks on my body.

22 MR. PRESIDENT:

23 The Chamber would like to request to take photos of your -- of
24 the scars or your marks that can be displayed on the screen. Do
25 you agree to this proposal?

34

1 MR. BOU MENG:

2 Yes, I agree.

3 [11.05.16]

4 MR. PRESIDENT:

5 Q.Next, so you were chosen to be a painter. When were you
6 chosen?

7 A.Mr. President, towards the later '77, because in early 1978 I
8 already painted a canvas. One day I heard the noise from the
9 loudspeaker, I think they celebrated something at the Olympic
10 Stadium, and we were given a lot of food. We ate to our fill and
11 the guards gave us the food. And I even have the noodles,
12 Chinese noodles to eat.

13 And Nath said I had to jump, to jump up so that the food will go
14 down lower through my stomach and I can eat more to fill to my
15 stomach. And I told him, "Once you are full, you are full. You
16 only have one stomach to fill in."

17 I think I started painting the portrait in late '77 or early '78
18 because there were four portraits and each portrait, when Duch
19 asked me, "How long did it take to make that portrait? And the
20 portrait must look the same as the photo," and I told him -- I
21 requested to have three months to make that portrait because the
22 canvas was huge. It was 1.5 metres wide and three metres high.
23 I would like to seek your permission to show the portrait of Pol
24 Pot that I painted. I survived because I could paint the exact
25 portrait of Pol Pot, so I was spared until to the 7th January,

35

1 '79.

2 This is my response, Your Honour.

3 Q.During the time that you were released to work by doing the
4 painting, where did you paint and who else worked with you in
5 that location?

6 A.Mr. President, yes, I myself, Bou Meng; Vann Nath too; Im
7 Chan, the wood sculptor and the wax moulder, another wax moulder;
8 so that's all. And we worked in Building E. Building E is the
9 building in the middle of the compound. I think that is used as
10 the reception area for the guests who come to visit the museum.

11 Q.What about the food ration after you were chosen to work as a
12 painter? Was the food ration the same as those given to the
13 prisoners?

14 A.Mr. President, the food ration was better than previously, so
15 it was from the thin gruel to rice and we had sufficient soup.
16 So the prison guard carried the soup to deliver it to us and we
17 shared among ourselves.

18 [11.09.59]

19 Q.During the time you were selected to work as a painter, where
20 were you allowed to sleep at night?

21 A.After I painted and when it was time to sleep, it was at the
22 generator's room. It was behind Building E. At that time there
23 was a generator there, so when the electricity was cut off, then
24 they started the generator and we slept in that generator's room.

25 Q.Were you cuffed or shackled in that room or were you locked

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1 from outside?

2 A.I was allowed to sleep in that room but I was not cuffed or
3 shackled, so there was seven of us -- Oeng Bech, Vann Nath, Im
4 Chan, Pha Tha Chan, Ruy Makong. There were seven of us -- and
5 Chum Mey. I requested to see the photo: Pha Tha Chan, Bou Meng,
6 Vann Nath, Im Chan, Ruy Makong and Chum Mey. And now only Chum
7 Mey, Vann Nath and Bou Meng are alive. The other four died.

8 MS. STUDZINSKY:

9 Thank you, Mr. President. I would like to suggest to the Court
10 officials to show the photo on the screen. Thank you.

11 MR. PRESIDENT:

12 I don't think it is yet your time. It is now my question and I
13 have the discretion.

14 [11.12.24]

15 BY MR. PRESIDENT:

16 Q.During the times you were asked to do the painting, did you
17 meet the accused, Kaing Guek Eav, alias Duch?

18 A.Mr. President, Your Honours, at that time Mr. Kaing Guek Eav,
19 alias Duch, sat next to me watching me painting the portrait of
20 Brother Number One, Pol Pot, and he ordered me, "You should
21 adjust the throat. It's not a tumour, it's just fat." So as can
22 be seen from this photo which was taken of the portraits that I
23 painted, so you could see that the throat was slimmer.

24 Q.Did he come to visit you often to see you painting? And if he
25 came, during the day or nighttime?

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1 A.He came often during the daytime and he wore shorts and a
2 short-sleeved shirt. So he came in, he sat with his one leg
3 across and watching me drawing, for example, another portrait of
4 the head of Ho Chi Minh on the body of a dog. It was like a
5 cartoon which they -- it was like a sketch of the sea with a
6 flat, windy situation, et cetera and et cetera.

7 Q.Did you notice his character and behaviour during the time
8 that he watched you making the painting or the portrait?

9 A.Mr. President, he did not really beat me up, however, one day
10 I didn't know what I did wrong. He asked me and Im Chan to beat
11 each other up. So we were given a piece of black plastic tube to
12 hit, to beat each other, and he sat there watching us beating
13 each other up. After a while he ordered us to stop.

14 [11.15.25]

15 But if I could make a very lifelike portrait, he would look at it
16 carefully and I think I lost some of the portraits.

17 Q.The question is, did you observe his facial expression or his
18 behaviour; that is the behaviour of the accused, Kaing Guek Eav,
19 alias Duch, during the time that he went to watch you painting?
20 Was he a person full of joy or full of sorrow? Did you notice
21 that?

22 A.Mr. President, his facial expression was normal. If he needed
23 to laugh, he laughed. Sometimes he smiled. I could see him
24 through his face but I could not judge his feeling or emotion,
25 and that's the word I was asked especially by a journalist, and I

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1 always tell them, "I know his face but I don't know his feeling".

2 He was close to me, observing me painting. Sometimes he gave me
3 cigarettes to smoke.

4 Q.Did he ever beat you up personally?

5 A.No, but he ordered me to beat up with Im Chan. I was not
6 happy with that. He did not treat me like a human being.

7 Q.Did you ever see him going from one building to the next
8 within the compound of the prison; for example, from Building A
9 to B to C, or did he only enter the compound and only come to the
10 place where you worked?

11 A.Mr. President, I did not see him walking along each building
12 because when he entered his main focus was on the portrait of
13 Brother Number One, Pol Pot. I only saw him coming to my
14 workshop. I did not see him going anywhere else.

15 Q.So besides him, besides you yourself, did you see him
16 torturing or beating up other prisoners?

17 A.Mr. President, let me go back a little bit.

18 One day there was a Vietnamese citizen. He boasted that he could
19 make a wax mould and then he was ordered to show his skill. So
20 he was tested and Duch saw that he could not do it. Then he
21 ordered the interrogators to kick him like kick a ball because,
22 from what I understood, he was angry that that person lied to
23 him. And I did not know what happened to that Vietnamese person.
24 Probably he was taken out.

25 [11.19.39]

39

1 Q. Did he himself order the guards or his subordinates to torture
2 that person? And if he did order, can you recall his exact
3 words; that is, the words that Duch used to order his
4 subordinates to torture that Vietnamese person?

5 A. Mr. President, I forget some parts. I am not sure. I think
6 probably he signalled his guards to beat that Vietnamese person.
7 And the Vietnamese person was taken away from the workshop where
8 I worked. So there were woodcrafters; there was a painter and
9 another artist. We worked in the same workshop.

10 Q. You saw the guards beating up that person who boasted about
11 his skill. Was the beating taking place within the workshop
12 vicinity in Building E or was he taken out and beaten up outside
13 that area?

14 A. Mr. President, at that time the three or four of them kicked
15 that Vietnamese person and beat him up and walked him away. I
16 did not hear his order. So when those guards beat the Vietnamese
17 person up, Duch had already left.

18 Q. So during the time you were asked to work as a painter, how
19 many portraits did you paint and whose portraits were they?

20 A. There were four portraits of Pol Pot. However, there was
21 another portrait in 1981. There was a German group to make a
22 film on that portrait, so I showed the portrait to the person and
23 then I used paint to make a cross sign on that person to express
24 my hatred of that person, and that was filmed by the German
25 group.

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1 [11.22.45]

2 Q.You said that you painted various other paintings or
3 portraits; for example, a painting of a dog with the Ho Hi Minh
4 head on it. But for Pol Pot portraits you only made four
5 portraits?

6 A.That is correct, Mr. President.

7 Q.So besides the portraits of Brother Number One, Pol Pot, did
8 you make any other painting or portrait?

9 A.Mr., President, yes, I painted Hua Guofeng, Mao Zhedong in
10 large canvas as well, so the canvas was as big as the canvas for
11 Pol Pot's portrait.

12 Q.When you did your painting or portrait, did you do it
13 individually or together with Vann Nath? That is, Vann Nath was
14 painting his own painting or portrait and you yourself had a
15 separate painting or portrait?

16 A.Mr. President, at that time he did not have a skill of
17 painting black and white portraits so I mixed the black and white
18 painting by myself with one litre of gasoline to burn it and the
19 smoke would go into that painting and then I mixed it. And Vann
20 Nath did not have this skill.

21 Q.So it means that your painting was separate from him because
22 one was colour and one was black and white. Is that correct?

23 A.Yes, that is correct.

24 [11.25.00]

25 Q.You talked about the portrait of Pol Pot. This is one of the

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1 portraits of other people that you painted. Is that correct?

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

3 MR. PRESIDENT:

4 Court officer, can you take a photo of the portrait of Pol Pot to
5 be projected on the monitor, on the slide?

6 BY MR. PRESIDENT:

7 Q.Is this the portrait of Pol Pot that you painted by yourself
8 during the time that you were detained there and then when you
9 were asked to make a drawing or portrait of the leader of the
10 Democratic Kampuchea?

11 A.Yes, Mr. President, this is the portrait.

12 Q.You stated just then that because of your skill of making the
13 portrait that you survived until today. Can you explain further
14 the reason of this portrait that led to the survival?

15 A.Mr. President, the reason, from my understanding, is that my
16 painting is a resemblance of the photo, so I started painting
17 portraits 1, 2, 3 and 4 and another one. While I was painting,
18 then the time came when the Vietnamese and the National United
19 Front for Salvation army entered Phnom Penh and we fled.

20 They gathered us to move from the compound in one long straight
21 line without stepping anywhere off the line or we would be shot.

22 MR. PRESIDENT:

23 The Court official, can you remove the sketch?

24 BY MR. PRESIDENT:

25 Q.There are still some other documents in which you stated that

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1 you were sent to Prey Sar and then you stayed at Prey Sar for a
2 while before you were returned to S-21. What happened back then?

3 Is it true that you were sent there?

4 A.I think it is not true because I stayed in Tuol Sleng prison,
5 but when we were evacuated it would be true that I was walking
6 and reached Prey Sar somewhere near Boeung Choueng Ek for about
7 five minutes, and then we later on were ordered to move to Prey
8 Sar prison. I think after about 10 to 20 minutes then we would
9 be ordered to move further during the nighttime.

10 [11.30.00]

11 Q.So you went to Prey Sar during the evacuation process when the
12 United Front of the National Army actually liberated Phnom Penh,
13 and you went along with the other people, so you were forced to
14 move out with other people. Is it correct? I think you were
15 leaving on the 7th of January 1979; is that correct?

16 A.Mr. President, it's correct, we left at night in the late
17 evening at about 6 to 7 p.m.

18 INTERPRETER:

19 The witness's mic is not activated.

20 MR. BOU MENG:

21 We dragged our legs -- our feet.

22 BY MR. PRESIDENT:

23 Q.Please wait until you see the red light.

24 The question is where were you up to -- I mean, you were at Prey
25 Sar and then you moved forward to other locations. So could you

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1 please tell us about the date during the process you were
2 marching or you were getting out of town that time?

3 A.We left Prey Sar prison at night and we walked to National
4 Road Number 4, and at dawn we saw the presence of the United
5 Front army, and the guards who guarded us all the way while we
6 were on our journey then left us. And I could proceed with Pha
7 Tha Chan and I did not know where the other people went to
8 because Vann Nath also left us, except I and Pha Tha Chan who
9 would be left alone, and we walked until Amleang and stayed at
10 Prey Chrov co-operative.

11 [11.33.07]

12 I did not ask for the food from the co-operative because we would
13 be afraid that we would be killed, because if he got in trouble
14 then I would too be in big trouble.

15 Q.When did you return?

16 A.When Nath came to Phnomn Penh ahead of me and along with Oeng
17 Bech and Comrade Kong, and I walked with other people until I
18 reached Pursat province. And Vietnamese troops would be seen in
19 several jungles.

20 And at Svay Dangkao we could also see Vietnamese militaries and I
21 was recruited as the soldier during that time. I worked as the
22 typist at that moment at the provincial office with Ros Sreng,
23 Kang Heang, who at that time were the governors.

24 Q.Can we talk about your wife, because we have heard your good
25 accounts of your story, because in your complaint you state about

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1 the inhuman acts against you and your wife. So now could you
2 please tell us a little bit about your wife when you were both
3 sent and taken to S-21 while your photos were taken, biographies
4 were taken and while you were blindfolded and put into the
5 detention room? Have you ever heard anything about your wife?

6 A. After we were blindfolded and sent to the upper upstairs I
7 have never known or seen my wife. But at one moment when I was
8 painting the portrait of Pol Pot, Him Huy was outside of the
9 window and told me that, "Your wife was working in the rice
10 field," and then I told myself -- I thought that probably she
11 would be kept there to be killed, but I did not tell anybody
12 because I only were thinking alone. Because I was also a farmer
13 and Duch once said that people could be used as fertilizer for
14 rice field or rice farming and that's why I had to be very
15 careful and I had to work so hard to concentrate on my work and
16 it took me three months to finish one portrait.

17 Q. Have you ever learned anything about the fate of your wife or
18 what happened to her?

19 A. I don't know what happened to her, whether she would be
20 tortured. We were parted since we were taken into that common
21 room. Until now we have never seen each other and I never know
22 what happened to her.

23 Q. Do you think that she would be killed at S-21, or what else?

24 A. Your question reminds me the question that I would like to ask
25 to Mr. Kaing Guek Eav, I want to know whether he asked his

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1 subordinates to smash my wife at S-21 or at Choeung Ek so that I
2 could collect the ashes or remains so that I can make her soul
3 rest in peace.

4 Q.You have not answered to my question, but you would like to
5 refer the question to the accused; is that correct? You said you
6 have obtained a photo of your wife named Yoeun alias Phy; have
7 you brought it along with you and when was the photo taken?

8 A.I have the photo with me. If you would wish me to present,
9 then I could present it to you.

10 [11.39.41]

11 Q.When was the photo taken? Was it taken during the time when
12 you were sent into S-21 or Tuol Sleng prison compound at that
13 moment when you were taken all together or was it just another
14 photo you took with her?

15 A.This photo was taken during the time we were sent into S-21
16 because her photo was taken first, followed by me. You can see
17 her ID on the photo.

18 MR. PRESIDENT:

19 The Greffier, could you please make sure that the photo could be
20 projected on the monitors?

21 BY MR. PRESIDENT:

22 Q.Is your wife, Yoeun alias Thy, what is her family name and how
23 old was she at that time?

24 A.Her name was Ma Yoeun alias Thy.

25 Q.When she was taken photograph -- I mean, when you were sent

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1 into S-21 office; how old was she?

2 A. She was about 25 years old because I was about 30 years old;
3 maybe 36 or 37 years old. I am nine years older than her.

4 MR. PRESIDENT:

5 The court official, could you please remove the photo from the
6 monitors?

7 [11.42.45]

8 BY MR. PRESIDENT:

9 Q. Now, the story of yourself and your family have been heard, we
10 would like to put

11 further questions concerning the time when you were detained and
12 then later on, you were chosen to be the painter; the position
13 you hold until 7 January 1979.

14 During that time, had you seen or been aware of any activities of
15 the guards at S-21 towards the other detainees? Through your
16 observation and recollection, could you please tell the Court
17 about those events?

18 A. During the time when I worked as a painter in Building E
19 painting a portrait of Pol Pot, I could see through the window
20 the sending of Vietnamese soldiers and the Khmer Rouge soldiers
21 who were sent en masse into the compound. I did not actually
22 witness the torture, but I heard the screams; people crying for
23 help all around the compound. I did not see the tortures
24 directly, but I did hear people crying for help.

25 Q. When you were detained in the common room, did you see dead

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1 body of other detainees in the room and if you saw them, did you
2 see them often?

3 A.Mr. President, I saw a dead body who was lying head to head
4 with me. He was with dark complexion, a small person. He was
5 taller than me. He was about the same age as me. If he would
6 live, now he would be 67, 68. A young guard stamped on his chest
7 and he coughed with blood and he was lying dead there inside the
8 common room. At night, he would be taken to be buried in the
9 compound not far from that.

10 Q.So how long was it -- I mean, the interval between the time
11 when the person died and the time when he was buried?

12 A.I noticed that he was dead in the daytime and then late at
13 night -- I can't remember when, but it was at night that the
14 person disappeared and would be buried. I don't know where he
15 would be buried or discarded because I was still shackled and I
16 didn't know more about something outside.

17 [11.46.55]

18 Q.You were detained and shackled for a long period of time
19 before you were let out to be a painter. And have you noticed
20 the people who were sent in and shackled along with you in the
21 same room would be taken out and disappeared or had they returned
22 or have you noticed that?

23 A.I'm talking before the God, the Buddha. I'm talking the
24 truth. People would be put into the trucks and carried away and
25 they never returned. And after being interrogated, I would be

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1 kept downstairs and I did not know much about the fate of those
2 people, but when I was in the common room, people who would be
3 taken away would never come back so they just disappeared.

4 Q.What about the other situation, for example, when a detainee
5 was so weak that he would be carried to the truck or to the other
6 location? Had you seen such scenes?

7 A.I did witness the very thin person who were tied to his legs
8 and arms, and a stick would be put to -- and then carried by two
9 people. He was carried like a pig, like people would be carrying
10 a pig, and he was passing the place where I was painting, and the
11 guard banged the door shut in order not to let me see them
12 carrying that very sick and thin detainee. I did not know where
13 he was up to.

14 Q.Were they carrying the dead body or a person who's still
15 alive?

16 A.He was not yet dead. He was still breathing and then he would
17 be carried onto the truck waiting outside the prison. We could
18 hear the sound of the truck coming in and out all day long.

19 [11.50.11]

20 Q.I think you should have known about this, about the trucks
21 that came and take people away all night. Can you tell us
22 whether the trucks only came during the night or during the
23 daytime, or detainees would be taken by the trucks at any time
24 from S-21? I mean, those people who would be taken away and
25 would never return.

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1 A.I was in the common cell or common room. After being
2 interrogated, I was put in the cell and I could hear the sound of
3 the trucks. I never saw the trucks; just heard the sound, the
4 noise. I did not know or see the detainees. I only saw him once
5 when I was painting the portrait of Pol Pot while they were
6 carrying him, passing me.

7 Q.So was it at night or during the daytime? I'm asking this
8 because after hearing testimony we have received two different
9 kinds of information, especially concerning the transportation of
10 detainees to Choeung Ek, because the information we obtained so
11 far is that detainees would only be sent during the night.
12 Another thing is that I don't know whether you're confused among
13 two of you. One witness who testified said that during the time
14 he was detained at the location from the morning until 12 p.m. he
15 would not be able to sleep because he wait until 12 p.m. passed
16 so that he knew that no people would be carried away to be killed
17 after that. So that's why I would like you to clarify whether
18 prisoners would be taken at night or in the daytime, especially
19 regarding the person who was very sick and would be carried away
20 by two people with a stick. Was it done during the day or at
21 night?

22 A.At that time I did not see at night, of course, but I saw it
23 during the daytime. It was about 9 or 10 a.m.; I think more or
24 less at about nine, between 9 and 10 a.m.

25 [11.53.31]

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1 Q.Normally when the trucks came, were the trucks driven to
2 Building E or just they were parked right in front of the
3 entrance; close to Building B or C, for example?

4 A.Mr. President, regarding the trucks that transported the
5 detainees, the truck parked outside under the gate -- I mean near
6 that gate. The truck did not come into the compound of the
7 prison. They parked outside.

8 Q.Did you notice other activities of the staff at S-21 towards
9 other detainees?

10 A.When I was painting at Tuol Sleng, I saw female detainees.
11 Some pregnant detainees would be walked away while being kicked
12 by the guards -- female guards. And they asked them to walk
13 faster and they walked past Building B and then -- I mean from
14 south to north, from Building A to B. I did not know where they
15 would be detained, but they passed us while we were painting the
16 portraits.

17 Q.The last question. When you left with Uncle Nath and other
18 survivors from S-21 on the 7th of January 1979, did you notice
19 that in the buildings of S-21 there were some prisoners left?

20 A.Mr. President, I think it is more about freedom of the
21 prisoners. Prisoners were deprived of their liberty and we would
22 not be allowed to move, so people -- I think there was quiet
23 inside.

24 [11.56.45]

25 Q.My question is this. I mean the last day, the last day when

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1 you left S-21, because there were dead bodies on the beds. There
2 were 14 of them. Some witnesses would say that there were only
3 10; the accused said that there were only four people; and now
4 the survivors, including you yourself, have noticed that there
5 would be some kind of noise and could see people were still left
6 inside the building during the time when you were leaving the
7 premises.

8 The question is whether you could receive any information or see
9 that detainees still were there on the 17th (sic) of January
10 1979, the moment before you were leaving S-21. So just tell us
11 whether you saw people still there at the premises when you were
12 leaving.

13 A.Mr. President, the last day on the 7th of January I left S-21
14 at about 9 a.m. We heard the gunshots and we were ordered to
15 leave immediately. At that moment I did not see or hear any
16 noise, and I was so panicked that I did not pay attention to who
17 would remain, because they pointed the guns at us and they warned
18 us not to even turn back. We had to really walk forward
19 otherwise we would get killed or shot. So I did not see any one
20 I guess.

21 BY MR. PRESIDENT:

22 Thank you very much, Uncle, for your responses.

23 And it is now time to make an adjournment for lunch. So the
24 Chamber will now take adjournment, and we resume at 1.30 p.m.

25 The court official, please make sure that Uncle Bou Meng is

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1 offered the food, and please bring him back to the courtroom by
2 one thirty.

3 [11.59.34]

4 The security guards, please take the accused to the detention
5 facility and bring him in by one thirty.

6 The court is adjourned for lunch.

7 (Judges exit courtroom)

8 (Court recesses for lunch from 1200H until 1331H)

9 (Judges enter courtroom)

10 MR. PRESIDENT

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

12 [13.31.28]

13 BY MR. PRESIDENT:

14 Q.Uncle Meng, when the interrogators stopped torturing you
15 because you agreed to confess and it was a false confession, was
16 it based on the purpose in order to satisfy the interrogators, or
17 you survived because of your skill as a painter?

18 A.Mr. President, regarding the torture inflicted upon me --
19 after they still couldn't extract the confession from me because
20 I gave the same response every day, and because I did not know
21 who was the leader or who introduced me into the CIA or KGB, they
22 kept beating me up every day.

23 [13.32.46]

24 And because they could not get my confession, they took me to the
25 building which is now where you can purchase the ticket to visit

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1 the museum. I was asked to sit there and they wrote a false
2 confession and ordered me to sign. I can not recall the content
3 of that confession, it's been so many years now, and also because
4 of the serious torture inflicted upon me my memory was not good.
5 And at that time, if my memory was like I am now, I would not be
6 able to paint the portrait and I would not survive because during
7 that time if they thought somebody lied, especially lying to
8 Angkar, then that one would be dead.

9 Q.During the time that they decided to use you as a painter to
10 paint the portraits of the leaders, including Brother Number 1,
11 Pol Pot, and other leaders including the Chinese leader as you
12 stated, what happened during the times that you did the painting?
13 For instance, were you detained again as a prisoner?

14 A.Mr. President, no. During the times that I did the painting I
15 worked every day regularly so it took me a long time to complete
16 the four portraits. That was after I had been tortured.

17 Q.Until now, can you try to remember or recall, besides the
18 serious torture inflicted upon you with the present scars on your
19 back until today, was the situation of receiving torture
20 physically or emotionally, did it happen elsewhere?

21 A.Mr. President, if you talk about my memory, I am very
22 forgetful now. My memory is not as good as when I was young.
23 For example, if I leave something somewhere, sometimes I forget
24 where I left it.

25 [13.36.12]

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1 MR. PRESIDENT

2 Judges of the Bench, do you have any questions to be put to Uncle
3 Bou Meng?

4 Judge Cartwright, you take the floor.

5 JUDGE CARTWRIGHT:

6 Thank you, Mr. President.

7 BY JUDGE CARTWRIGHT:

8 Q.Mr. Bou Meng, you were at S-21 for a very long time and you
9 have described your suffering and your experiences there; thank
10 you for that. But I have just one or two small questions to ask
11 you.

12 I want to know something about other prisoners whom you might
13 have seen at S-21. You have talked about the people who were in
14 the same room shackled as you were. You have spoken of seeing
15 some pregnant women being kicked by female guards and told to
16 walk more quickly.

17 Did you see any foreigners at S-21, other than the large number
18 of Vietnamese soldiers that you have described?

19 A.Your Honour, the inmates in the common room where I was
20 detained, there were some foreigners. I was not sure of their
21 nationality, whether they were European, American or Australian.
22 They were detained in the same common room as I was detained, and
23 they had the same food ration as I received.

24 Q.Were you aware of any foreigners other than westerners or
25 Vietnamese, such as Thais, people from Thailand?

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1 A.Your Honour, I did not see any Thai citizens. I only saw
2 Vietnamese people and some foreigners. They were tall, they had
3 bright eyes, and sort of bronze hair. Besides that I did not see
4 any other nationality, including Thai.

5 [13.39.16]

6 Q.In addition to the Vietnamese soldiers, whom you saw, did you
7 see any ordinary Vietnamese people; that is people who were not
8 soldiers?

9 A.Your Honour, yes, I saw civilian people. They were not
10 soldiers. And I saw these one civilian, as I said earlier, he
11 said he knew he was a real artist, but when Duch ordered him to
12 test, to make the mould and he couldn't do it, and, of course, at
13 that time Angkar was not happy -- was not happy of anybody lying
14 to Angkar. And I don't have anything else to say regarding this
15 question.

16 Q.The people whom you think might have been westerners, and the
17 ordinary Vietnamese people whom you saw, were they all treated
18 the same way as you were?

19 A.Your Honour, for the prisoners the treatment was not the same.
20 For example, I, myself, I received very serious torture, so only
21 I, myself, knew clearly about what happened to me, and I cannot
22 say about what happened to other inmates.

23 Q.Did you see many children at S-21?

24 A.Your Honour, for children at S-21, I did not see any of them
25 walking around or detained there. I only saw those children in

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1 the photos, but I did not see them personally during the time of
2 my detention. This is my frank and honest response.

3 Q. Did you ever hear the sounds of children around S-21?

4 A. Your Honour, for the sound of children, I did not hear. I
5 only heard the screaming, asking for help of the adult people
6 while I was in the common room. And while I was in the
7 individual room, individual cell, I also heard the screaming, but
8 the screaming of the adult, not the children.

9 [13.42.44]

10 JUDGE CARTWRIGHT:

11 Thank you very much, Mr. Bou Meng.

12 Mr. President, I have no further questions.

13 MR. PRESIDENT:

14 Judges of the Bench, do you have any questions?

15 Judge Lavergne, you take the floor.

16 BY JUDGE LAVERGNE:

17 Q. Good afternoon, Mr. Bou Meng.

18 I also have a few questions to ask you, to try to clarify what
19 you already explained in detail to the Chamber earlier on today.

20 I think I understood through what you said this morning, and
21 through what I have read in your testimony, that your life was
22 essentially impacted by many sacrifices, and by a life of
23 obedience. And you said this morning that you answered Prince
24 Sihanouk's call in 1970 to free Cambodia, to liberate Cambodia.

25 Is that so?

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1 A.At that time, I heard the appeal of the Prince Sihanouk on the
2 radio broadcast. I was not sure which broadcast was it. He
3 appealed for his children to go to the maquis forest to struggle,
4 so I decided to enter the maquis forest in 1971 with another
5 friend from K25 office.

6 So we went to the maquis forest to make some sketches and drawing
7 of Marx and Lenin. I was the one who drew the pictures of Marx
8 and Lenin. And those sketches were stencilled and distributed to
9 various units in order to understand the supreme leaders of the
10 Communists -- of the Communist country. There were five of them
11 all together: Karl Marx, Engels, Lenin, Mao Zhedong. So I even
12 drew the sketches of these people on the cloth.

13 Q.So you worked there for the -- at the services of the
14 Communist Party of Kampuchea's propaganda. You were very
15 respectful of what you were requested to do. And then between
16 the end of your activity with the propaganda services and your
17 job at the Orussei Technical School, did you do anything else
18 between; was there another episode in your career?

19 A.Your Honour, let me correct that. It was called the Russei
20 Keo Technical School, not Orussei Technical School.

21 Q.Did you go directly from the propaganda services to the Russei
22 Keo Technical School or did you do anything in between?

23 A.In between that time -- in order to make it easier to
24 understand, let me go back. First, I worked for the Ministry of
25 Commerce, of State Commerce, and Koy Thuon was the Prime

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1 Minister at the time. I was requested to draw placards for a
2 boat. It was called Marinal Transport. And I made some other
3 placards and signs and boards for those boats and vehicles while
4 I was there.

5 Q.Well, back then did you trust the CPK entirely? Were you
6 somebody who was very much obedient, who would follow what you
7 were being told to do?

8 A.Your Honour, that was my specialty, the skills that I had. I
9 knew that the evacuation of people from Phnom Penh disappointed
10 me because I struggled, I was so sick with malaria, and in the
11 end I received such a suffering which is indescribable. I felt
12 so regretful for such inhumane acts of leadership which did not
13 satisfy my willing -- my understanding. I physically served them
14 but emotionally I did not, although I wore black shirt, but my
15 mind was not black. I did what I was instructed, based on my
16 skill.

17 This is my response, Your Honour.

18 [13.50.05]

19 Q.Was there a specific moment where you might have entirely lost
20 trust in the CPK? Was there any moment when you said to yourself
21 that what you might have believed in did not correspond to
22 reality?

23 A.I don't really understand your question. Can you rephrase
24 your question again and please try to be simplified and make it
25 short?

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1 Q.Well, can we say that when you were working for the Russei Keo
2 School and when you worked previously for the propaganda
3 services, that you trusted the CPK and Angkar?

4 A.Your Honour, I carry out the task based on the assignment from
5 my superior, including drawing the sketches of the machines or
6 for the new parts of the machines. Everything was done based on
7 the instructions from the chairman of that technical school.

8 This is my response, Your Honour.

9 Q.You explained that your superiors at the technical school had
10 been arrested and that you yourself had been sent to be
11 re-educated. At that moment, was your trust in the CPK -- was it
12 -- did it change or did you still have full trust in the CPK?

13 A.At that time, Your Honour, I lost my trust because my
14 performance in carrying out the assignment was excellent, I did
15 what I was asked, but I could not understand why I was
16 transferred to be re-educated at the Ta Lei Co-operative. I was
17 disappointed and this is my frank response to you. I no longer
18 had my trust.

19 [13.53.44]

20 Q.But, however, despite the difficult conditions in which you
21 were, you continued obeying and you continued following the
22 orders that were given to you. Is that why it was particularly
23 difficult for you to understand why you had been arrested by
24 security cadres of the CPK?

25 A.Your Honour, at that time, I myself and some other people

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1 totalling about 10, were transferred from the Russei Keo
2 Technical School to Ta Lei Co-operative and I did not know the
3 reason for the transfer.
4 However, before the transfer we were instructed to make our
5 biography, as I can recall, so I made my biography to the Angkar
6 and about one or two months later I was transferred to the Ta Lei
7 Co-operative amongst about 10 other people, including my wife.
8 So we were tempered to do hard labour at the Ta Lei Co-operative.
9 I did not know the reason for the transfer, Your Honour.

10 Q.Back then, had you heard of the security centres? Were you
11 aware, for example, of the existence of S-21 or of other security
12 centres?

13 A.Your Honour, regarding the security offices or the prisons, I
14 did not hear anything at all during the time, however, people
15 kept disappearing. Some probably were sent for re-education or
16 sent for training here and there.

17 I had heard a lot about transferring of people or relocation of
18 people starting from 1976, and I was wondering how come, while
19 people were still working good and they were transferred
20 elsewhere? Or whether they had any plan of transforming in the
21 agriculture production? I only had doubt in my mind, however, I
22 just kept doing what I was given or instructed.

23 [13.57.26]

24 So I typed some documents that I was asked to do and I drew
25 sketches for the students to study. I could not understand their

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1 thinking. They were in a higher class and I thought I belonged
2 to the lower class with limited technical capability.

3 Q.Can we say that you were not at all aware of having committed
4 any kind of offence that you absolutely were not aware having
5 betrayed the CPK, that you had absolutely no awareness of being
6 part of a group of traitors?

7 A.When I came I knew that there was a Minister of Propaganda,
8 Mr. Ho Nim, who
9 called me to draw a portrait of the embarkment structure. And at
10 that time the current king was teaching students how to perform
11 the ballet dancing and then he told me to help draw a portrait of
12 his father. And he called his father the normal, ordinary
13 person's language and I was surprised but I did not ask further
14 questions.

15 Probably they saw the picture, the photo that the king asked me
16 to draw; that's why they arrested me, or not. I'm not quite
17 sure.

18 [13.59.54]

19 Q.This morning, you also talked, at length, about the
20 ill-treatment that was inflicted upon you. You also talked about
21 the physiological consequences thereof. You also said to us that
22 you still had scars. I seem to have understood that these
23 tortures led to other consequences, such as problems with your
24 hearing. Do you have other physiological conditions or
25 difficulties that you may ascribe to being the consequences of

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1 that ill-treatment?

2 A.I was slapped and I was beaten on the head; all kinds of
3 tortures had been inflicted on me. So in short, I believe that
4 because I was severely tortured, that I look older than my age
5 and I lose all the teeth, and I can observe that Brother Chum Mey
6 still have his teeth. And also I have had problems with hearing
7 and I think this is probably the consequence of the torture. And
8 I look much older than I am and if you compare to the age, I
9 think I should have not been that old if I was not tortured.

10 Q.From what you can remember, do you have the feeling that the
11 people interrogating you were enjoying themselves by making you
12 suffer or seeing you suffer?

13 A.During the time when I was being interrogated some people ate
14 the jackfruit and they threw the remaining -- the peel of the
15 jackfruit onto my head and I could feel like then I was perceived
16 as enemy and prisoner. I could not do anything but to let them
17 do whatever they wish and they did not show any mercy towards me
18 as a human being. And whenever I recall it, I cannot hold back
19 my tears. I was so disappointed that I had devoted myself for
20 the work and after all I end up being tortured. I wished I were
21 killed by the malaria in the jungle, but I think my life was
22 valuable that I could survive longer to be tortured again.

23 That's all, Your Honour.

24 [14.03.53]

25 Q.When you were a painter at the workshop, do you now remember

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1 having been taken out of the workshop in relation to an incident?
2 You were taken away from the workshop for about two weeks; do you
3 remember that? Do you remember then coming back to the workshop,
4 having to say you were sorry, seek forgiveness? Do you remember
5 having been kicked? Do you remember this episode or something
6 like this, or do you not remember something like this happening
7 to you?

8 A.I think, through my recollection, this incident might not have
9 happened. I knew that one of my neighbours in my next room was
10 taken away -- no, the guy who worked next to my school -- the
11 technical school of Russei Keo. A couple were taken or arrested.
12 I don't know whether two of them or one of them was arrested but
13 they both disappeared. Then it came my turn who were transferred
14 to Ta Lei Co-operative and that's what I have seen and known and
15 I think my memory is not that good. Maybe I have not fully
16 recollected all the episodes, and accept my apologies for not
17 being able to recall everything. That's all.

18 Q.Mr. Bou Meng, sorry, I was referring to the period when you
19 were working in the workshop at S-21. You were at the workshop
20 in S-21. During that period when you were working at S-21
21 workshop, where you were working with Vann Nath and other
22 artists; during that period, was there an episode the result of
23 which was that you had to go and say sorry; that you had to go
24 and apologize?

25 A.I don't know whether the apologies were made to my colleagues

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1 or to the guards. I'm not quite sure I understand the question.

2 [14.07.35]

3 Q.Were you forced to apologize to your colleagues in the
4 workshop at S-21 or to other people? Were you, one day, shackled
5 or tied up and led to go and offer apologies to either your
6 colleagues or somebody else in the workshop?

7 A.I cannot recall or maybe I forgot, because I never offered my
8 apologies to anyone, even to my colleagues. It is based on my
9 recollection but of course I would have forgotten. As the Khmer
10 proverb says, "The elephants with four legs would have collapsed
11 sometime and the wise person would forget anyway."

12 Q.Thank you, Mr. Bou Meng, for these responses. I have one very
13 last question for you.

14 This morning you told us that the accused had talked about
15 fertilizer, saying that humans could be fertilizer in the paddy
16 fields. Could you explain to us the meaning of this term,
17 please?

18 A. The statement is based on the accused Kaing Guek Eav, alias
19 Duch. He said that if I could not resemble the portrait of Pol
20 Pot then I would be used as the human fertilizer.

21 [14.10.20]

22 And I didn't understand whether I would be used to produce
23 fertilizer or would I be used as the fertilizer myself for the
24 rice field. That's what he asked me and I found it difficult to
25 respond to him also at that moment.

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1 Q.Thank you very much, Mr. Bou Meng.

2 JUDGE LAVERGNE:

3 I have no further questions, Mr. President.

4 MR. PRESIDENT:

5 Next we would like to give the opportunity to the prosecutors to
6 put questions to Uncle Bou Meng, the survivor of S-21.

7 The floor is yours.

8 MR. SENG BUNKHEANG:

9 Thank you, Mr. President.

10 QUESTIONING BY THE CO-PROSECUTORS

11 BY MR. SENG BUNKHEANG:

12 Q.Good afternoon, Uncle Bou Meng.

13 [14.11.30]

14 I have a few questions to be put to you. Regarding the food
15 ration, was it enough?

16 A.The food ration, during the time when I was detained, was
17 inadequate. But when people were looking for someone who could
18 paint and when I came out to work as the painter with Vann Nath,
19 with Kong, with Pha Tha Chan and Bech, the food was adequate.
20 But it was inadequate when I was still in the prison.

21 And there would be other documents to support my arguments about
22 this condition. You may refer to it. Thank you.

23 Q.Thank you.

24 When you were being detained at S-21 in the common room and in
25 the individual cell, you said that the food ration was

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1 inadequate. How could you fulfil your hunger?

2 A. There was no substitute. I was so hungry. When I saw the
3 lizard crawling on the ceiling I would wish that it dropped down
4 so that I could grab it and eat to fulfil my hunger. I told
5 myself that I did not know what kind of bad deeds I committed
6 previously that I would be treated like this without enough food,
7 without enough water, and I was questioning myself and I was
8 asking myself what kind of mistakes I had committed that I would
9 end up being here.

10 And I was thinking of karma and I did not even recall any
11 mistakes. But then Angkar would say that Angkar had multiple
12 eyes like the pineapple so they never made any wrong arrests.
13 [14.14.18]

14 Q. Thank you.

15 Have you ever seen or known that at S-21 the practice of blood
16 drawing took place -- I mean blood drawing from detainees?

17 A. I have no idea of that practice because when it comes to
18 tortures, as I told you, for me I know it for sure, I was being
19 tortured, how I was being tortured. But for the other people,
20 whether their blood were being drawn or were they inflicted other
21 kinds of tortures, it was far beyond my knowledge because it was
22 their own business. That's all.

23 THE INTERPRETER:

24 The Co-Prosecutor's mic is not activated.

25 BY MR. SENG BUNKHEANG:

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1 Q.You said you were tortured and you were beaten until you were
2 bleeding and that one day you were sent to be poured with salt
3 water. Who actually poured such water, salty water, on you?

4 A.When I was called to be treated upstairs when I was detained,
5 I was called so that my wound would be treated on the second
6 floor. That person was a medic who would come to distribute
7 medicines to sick detainees and they would give us some kind of
8 rabbit pellet medications. I could not even swallow that kind of
9 medication and they would beat me and scolded me for not being
10 able to just swallow such a small piece of rabbit pellet
11 medication.

12 [14.16.43]

13 Q.Thank you.

14 When they were searching for a painter at that time you were
15 being taken to see Duch. When you saw him were you happy or were
16 you terrified?

17 A.At that time I was so happy because I would be able to eat
18 enough food and I told myself that it would be the moment that I
19 could be relieved from those kind of hell. And then I was
20 determined that I would do my best to devote myself to work with
21 the painting, but I was at the beginning tested. And I would
22 like to go back a little bit how I was tested.

23 Because they wanted to know whether I was really a painter, they
24 gave me a paper and a pencil so that I could draw. I think that
25 person was smart. Mr. Kaing Guek Eav is very smart. His

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1 education is much higher than me, so far as I know, and I know
2 for sure that he is smart and intelligent because he was the
3 first-class student in mathematics. So for me, I am just a very
4 little and ordinary person. I only know how to draw; that's all.

5 Q.Thank you. During the time when you were asked to paint
6 portraits did you see any senior leaders of the Democratic
7 Kampuchea regime pay a visit to S-21?

8 A.I used to see them but I don't remember their names. I saw a
9 well-built and tall guy, taller than him. A few people paid a
10 visit to the workshop. They went there briefly and then they
11 left when I was still painting the portrait of Pol Pot.

12 [14.19.41]

13 THE INTERPRETER:

14 The Co-Prosecutor's mic is not activated.

15 BY MR. SENG BUNKHEANG:

16 Q.You said you have seen the Vietnamese soldiers were being
17 walked into the compound and you saw it through the window. How
18 did you identify them as the Vietnamese soldiers? Were they
19 brought in with uniforms, or what?

20 A.I could tell that they were Vietnamese soldiers because their
21 hats were very identical and their uniforms were different from
22 the black uniform worn by the Khmer Rouge soldiers, because the
23 Vietnamese soldiers would wear other like a green kind of
24 uniform.

25 Q.Thank you.

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1 Now I would like to move back a little bit to the time, the
2 episode when the accused would like to test your painting
3 ability. How could he test you?

4 A.As I already mentioned, I would like now to add further for
5 full details I may have not fully told the Court yet. He gave me
6 a piece of paper to just make a few sketches and I -- when I was
7 in the jungle I used to drawing pictures, and at the technical
8 school I was used to drawing and then he noticed that I could be
9 a good painter and he asked me what kind of equipment or tools
10 that I would need to make sure I could paint on a big portrait;
11 on a big board, for example, and he would go and find those tools
12 for me.

13 [14.21.59]

14 So he asked his subordinates to look for the tools. At that time
15 in Phnom Penh it would not be difficult to find those materials
16 because many things were left, including the big sheet of paper.
17 The roll of those paper could be easily taken, and then I took a
18 long piece of paper about one metre and a half long and one metre
19 wide so that I could really paint the portrait of Pol Pot on it.
20 I did not see Pol Pot or his picture before. I was given a small
21 photo of him and then the photo was put in a photo frame, and
22 then there was a label underneath. It tells us about the photo
23 shop in China.

24 Q.Thank you. Could you please tell us more about when you were
25 being sent to S 21? Have you ever thought that at that moment

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1 your life would be ended although you have not made any mistakes?

2 A.I did not think about this because for a frank, honest person
3 like me I did not know that I would be taken there to be killed,
4 because I thought that when I could be used to work then I knew
5 that I could survive longer because I was very obedient to their
6 orders, assignments. I could do whatever they wished me to do
7 and I could paint the four portraits as requested and ordered.
8 And the last portrait was missing already and I am sorry that
9 that painting is lost because the international community had
10 been asking for such a portrait but it is gone already, and we
11 have a lot of people from other countries who paid a visit to
12 Tuol Sleng and they asked me about that.

13 [14.24.47]

14 Q.Thank you very much.

15 MR. SENG BUNKHEANG:

16 Mr. President, I have no further questions. I hope my colleague
17 would like to make some further questions.

18 MR. PRESIDENT:

19 The floor is yours, the Co-Prosecutor.

20 MR. PETIT:

21 Thank you, Mr. President. I don't have any further questions for
22 the witness but with your permission I'd like to thank him for
23 his testimony today on behalf of the Co-Prosecutors. Thank you.

24 MR. PRESIDENT:

25 Next we would like to give the floor to the civil party lawyers

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1 and, according to the observation we obtained yesterday, the
2 civil party lawyers whose clients are to be testifying today
3 would get the most time. I don't know whether they still
4 maintain the position or would they want to change? Then they
5 could tell the Chamber to know also.

6 MS. STUDZINSKY:

7 Thank you, Mr. President.

8 We would like to continue with the same procedure the whole time
9 this week and next week, as long as we are here as civil parties.
10 Thank you.

11 MR. PRESIDENT:

12 Now you take the floor.

13 [14.26.27]

14 MR. KONG PISEY:

15 Thank you, Mr. President, for giving me the opportunity to put
16 questions to the survivor of the regime, Your Honours.

17 QUESTIONING BY CIVIL PARTY COUNSEL

18 BY MR. KONG PISEY:

19 Q. Good afternoon, Uncle Bou Meng. My first question is the
20 follow-up question concerning the earlobes, your earlobes. You
21 said that you received tortures onto the earlobes -- no, the ears
22 as a whole, and you said you had a hearing problem.

23 I would like to ask whether now you can listen to people and your
24 ears are okay, or you need a hearing aid to assist you with the
25 hearing?

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1 A.The Court officials have helped me and taken me to the
2 hospital specializing in hearing and then they offered me a
3 hearing aid. I now can hear better. If I use my bare ears to
4 listen to people talking I would not be able to listen or to
5 understand their conversation unless I paid very close attention,
6 or move very close to them. So if I could put number one to 10,
7 I could hear about 30 percent. I mean three out of 10 because of
8 my impairment. And I think my eyesight were not good. My teeth,
9 also, are not good.
10 Of course, when people get old, this kind of thing will get old
11 as well, but you know, like, Chum Mey is still young, and I am
12 older than my age because I had been tortured, otherwise I would
13 be ok now. And my ears would have not been that bad. So here --
14 I can sit here, I cannot even listen to you if you talked over
15 there.

16 Q. Thank you. My next question.

17 I want to know about your suffering. How long had you endured
18 this suffering or you still feel the suffering at the present
19 time?

20 [14.29.21]

21 A.Are you talking about the suffering, the physical suffering,
22 in addition to the emotional suffering?

23 Q.Thank you. I meant regarding your earache. So you suffered
24 when they tortured you. Are your ears in a better condition now?

25 A.They are fully recovered, however, I have had hard hearing.

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1 So that's why I need the hearing aid so that I could hear
2 properly. Without the hearing aid, I could hardly hear anything.
3 That's all.

4 Q.Thank you. Regarding the electrocution, as you stated that
5 they used the wall power outlet to electrocute you. You said you
6 were electrocuted near your genitals. How far was the spot where
7 it was electrocuted?

8 A.It was to the inner side of my thigh. So once I was
9 electrocuted, I fell unconscious immediately, and when I gained
10 my consciousness, the water was everywhere on my face.

11 Q.Thank you. Did they place the wire on your pants or on your
12 flesh directly?

13 A. It was placed on my shorts, however, there was a machine that
14 I think it controlled the voltage, and that machine hooked into
15 the power outlet from the wall. So I think they could increase
16 the voltage from that machine.

17 But you could easily understand that if the voltage was not
18 strong enough, then I would not fall unconscious. That's it.

19 [14.32.19]

20 Q.Thank you. You already informed the Chamber that once you
21 were electrocuted, you fell unconscious straight away. And for
22 how long did you become unconscious?

23 A.If you are unconscious, it's like you were sleeping. You
24 would not know how long you fell unconscious.

25 Q.On another matter, did you go and make consultation with the

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1 psychological support?

2 A. Previously, I have had consultation with a psychological
3 support. I was assisted with some tablets so that I would not
4 have insomnia, and I take two types of tablets on a daily basis.
5 But when I come to the Court and speak in this current condition,
6 I can't not even eat my lunch today because I was overwhelmed and
7 I did not feel like eating anything.

8 Q. Thank you. Now, on the matter of interrogation, you stated to
9 the Chamber that there were five interrogators: Hor, Chan, Tith,
10 Peng and Kuy, but you haven't clearly verified that for each
11 interrogation, were the five present and beating you up or were
12 you interrogated and tortured by only one interrogator at a time?

13 A. They were there during the interrogation, but only one
14 person beat me at a time and then they took turns. First Chan
15 beat me up. He asked me to count the number of lashes. When I
16 counted up to 10 I told him, and he said, "It's not yet 10, I
17 only hit you once". And I can remember his word. I remember his
18 words, I remember his face.

19 [11.35.11]

20 I can always remember his face, the person who mistreated me. I
21 remember both, those who did good thing and who did bad things to
22 me.

23 Q. Thank you. The question is, on one day during the
24 interrogation, were the five interrogators beat you up on that
25 same day or only they came on another day?

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1 A. That group of interrogators, the five of them, they took turns
2 to beat me up until all the five became exhausted or when the
3 time was up. For example, from 7 a.m. until about 11 or 12, then
4 they rested. I saw all of them.

5 Q. So from what I can understand, you confirmed that in -- for
6 each date, the five of them present at the same time. Is that
7 true?

8 A. That is correct.

9 Q. My next question. You stated to the Chamber that when they
10 water-hosed you in the common room, so all the inmates had to
11 take off their clothes, and later on they had to dry the floor
12 with their shorts.

13 The question is, did the guards order the prisoners to take off
14 their shorts or the prisoners took off their shorts by
15 themselves?

16 A. I am not sure on this point. My memory is not clear. I can
17 remember that all of us, 30 or 40 of us, were all naked, and I
18 even remember one phrase. The person was about 15 or 16 years
19 old. He said, "You, you have a small build but with big
20 genital". That's what he said. "And this guy, you're big, but
21 your penis is tiny". That's what he said. So they just make a
22 joke out of us being naked. And I still can remember what was
23 said, but I can not say for sure whether we took off the pants by
24 ourselves or they ordered us to take the pants off. I'm not sure
25 because probably they ordered us to take the pants off so they

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1 can joke about our genitals.

2 Q.Thank you.

3 So for every time you were water-hosed, were all of you had to be
4 naked?

5 A.Yes, we all had to be naked. I looked around. Nobody had
6 underwear or pants on them. People were like animals from hell,
7 all naked. Because they treated us as enemies, as traitors, they
8 water-hosed us from outside so the water was everywhere in the
9 common room. So then we tried to dry the floor with our pants
10 until the floor was completely dry. Then we could lie down on
11 the floor again.

12 [14.39.33]

13 And we all of us had skin rashes and a lot of skin lice. It was
14 so itchy everywhere. I think it was Nhem En (phonetic) who
15 wanted to find a cure, a treatment for skin rash and itch, and
16 after that it was better. Let me say, only the guards who could
17 able to find that traditional medicines to help us with the
18 itches and the skin rash.

19 Q.So when you were water-hosed, were you provided any soap?

20 A.No, there was no soap or nothing to scrub our body. We were
21 washed like pigs were washed. Because I used to raise pigs, when
22 I washed my pigs, then I water-hosed my pigs and I used my hands
23 to clean my pigs. But I was even lower than my pigs or my dog
24 because no soap was used, no scarf was used to change or dry my
25 body.

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1 Q.Thank you.

2 Regarding the common room, did you ever see the prisoners who
3 were taken out and when they returned, did you see any wound or
4 marks on their bodies?

5 A.It seems that I did not see such incidents. I was not sure.
6 Because maybe they were in the same way like I was there, it
7 means after the interrogation and the torture, they would be
8 taken to the individual cells so that those in the common room
9 would not know that we were being tortured.

10 MR. PRESIDENT:

11 The Chamber will take a break now for 17 minutes and we will
12 resume at 3 p.m.

13 [14.42.28]

14 Court Official, please arrange refreshment for the witness.

15 (Judges exit courtroom)

16 (Court recesses from 1442H to 1500H)

17 (Judges enter courtroom)

18 MR. PRESIDENT:

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

20 I would like, now, to give the floor to the civil party lawyer to
21 continue the questions to be put to Bou Meng, the survivor -- one
22 of the three survivors from the S-21 office.

23 MR. KONG PISEY:

24 Thank you again, Mr. President. Good afternoon, Your Honours.

25 Now, I'll continue my questions to the civil party and the

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1 survivor of S-21 office.

2 [15.01.12]

3 BY MR. KONG PISEY:

4 Q.You already stated to the Chamber that you saw female guards
5 walking pregnant prisoners. And the question is, where did you
6 see the pregnant prisoners being walked; from which direction to
7 which direction?

8 A.Mr. Lawyer, when I looked to the east direction, the canvas
9 was propped against the window and through the door, I could see
10 a pregnant woman being walked and kicked and I did not look for
11 long. I did not know whether that pregnant woman fell on the
12 ground and got up or walked again because I only had a quick look
13 in that direction and that was what I saw.

14 Q.Thank you.

15 So how many pregnant woman did you see and how many female guards
16 did you see?

17 A.There was only one pregnant woman and there were two or three
18 female guards
19 walking behind.

20 That's all.

21 Q.Can you confirm whether she was kicked from behind or she was
22 hit?

23 A.They were female guards so they kicked her from behind because
24 that female -- that pregnant woman did not walk quickly enough.

25 So because, probably, she was in a state of fear as it was --

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1 [15.03.39]

2 MR. PRESIDENT:

3 Uncle Meng, please you respond only when you see the red light so
4 that the interpreter can listen fully; otherwise, the
5 international judges and participants would not be able to hear
6 what you say. Of course, you would wish your statements to be
7 heard by both Cambodian people and the international participants
8 and both on the radio and on the TV so that the whole world can
9 see and hear what you said.

10 MR. KONG PISEY:

11 I no longer have questions, Mr. President, and I would like Your
12 Honour's permission to permit Bou Meng to ask questions to the
13 accused through you.

14 Thank you.

15 MR. PRESIDENT:

16 I would like, now, to give the floor to the next lawyer for
17 civil party; the lawyer for Group 1.

18 MS. TY SRINNA:

19 Thank you, Mr. President. Good afternoon, Your Honours.

20 BY MS. TY SRINNA:

21 Q. Good afternoon, Uncle Bou Meng. I have some questions for
22 you. Please answer
23 briefly to my questions due to the time and location for the
24 civil party lawyers. Thank you.

25 [15.05.27]

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1 From the time you arrived at S-21, you were tortured in order to
2 extract your confession. How long were you tortured?

3 A.Miss Lawyer, I am really not clear on the total period of
4 being interrogated; however, it was several months or several
5 weeks, I think. But being detained there from when I was healthy
6 until I was so skinny; it was quite a long time.

7 It was common when we still had full strengths, but once we
8 became weak they would start to peel our skin. That expression
9 means they would start to interrogate and torture us.

10 Q.Thank you.

11 My second question; on the 7 January 1979, at that time, you left
12 S-21 office and there were security guards from S-21 office who
13 forced you to go along with them. Do you or can you recall the
14 names of those guards and how many of them?

15 A.Ms. Lawyer, I cannot recall the number of the guards; however,
16 I clearly remember that I was walked from Tuol Sleng toward the
17 Chamkar Duong area.

18 However, when we left Tuol Sleng, we stayed in a house until it
19 was dusk, then we continued our journey toward the direction of
20 Chamkar Duong. I still cannot recall the number of the guards.

21 I was so fearful at the time I didn't know where they took me.

22 So I cannot recall the number, but they were armed.

23 Q.Thank you.

24 And what about the names of the guards; do you know their names?

25 A.I only remember the names of the interrogators. I could not

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1 recall the names of the guards.

2 [15.08.56]

3 Q.Thank you.

4 My last question: at that time, you heard the sound of the
5 trucks coming in and going out, taking the prisoners in and out,
6 day and night. When you heard the sound of the vehicles, was it
7 from the east or from the west entrance? Please can you try to
8 recall? It's okay if you cannot remember.

9 A.From my recollection, although I must admit I am forgetful, it
10 was common for the vehicle coming in and going out. However I
11 did not know when the car going out -- I'm not sure where it went
12 to, I only heard the sound. And at that time I was a prisoner
13 being detained in the individual cell, and the car sound coming
14 from the front of the Tuol Sleng prison.

15 Q.Now, previously I thought that this is my last question, but
16 now I have another question based on the request from my
17 colleague.

18 You said you heard the screaming of the victims -- that is the
19 screaming of the prisoners at S-21. When you heard such
20 screaming, was the accused, the prison chief, was there with you?

21 A.While I was sleeping in Building C on the third floor in the
22 common room, at night I heard the screaming. I think probably
23 the screaming was a result of the person being interrogated and
24 tortured.

25 To me it seems the screaming was echoing and coming from

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1 everywhere at the surrounding vicinity of Tuol Sleng prison,
2 probably because during that time those houses around Tuol Sleng
3 were used as the interrogation houses.

4 But now all those houses are gone, even the house where I was
5 interrogated behind Building A outside the compound also
6 disappears now. I could not recognize it any more. That's all.

7 [15.12.35]

8 MS. TY SRINNA:

9 I have no more questions for you and thank you for answering the
10 questions.

11 Thank you, Mr. President.

12 MR. PRESIDENT:

13 Now the floor is given to the next civil party lawyer. You take
14 the floor.

15 MS. JACQUIN:

16 Good afternoon, Your Honours.

17 BY MS. JACQUIN:

18 Q. Good afternoon, Mr. Bou Meng. These are my questions to you.

19 First of all, you stated that in the common room there were
20 foreign prisoners or people who looked foreign, westerners. Were
21 they taken away while you were still in that room or were they
22 still in that room at the time when you were taken away from that
23 room?

24 A. Ms. Lawyer, when I saw them they were westerners or we say

25 Europeans. They had light complexion and blond hair. Of course

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1 I did not know their nationality. I saw them for only a short
2 period of time and then they disappeared. They were there for
3 probably two weeks being detained on that floor of Building C.
4 So after about two weeks they disappeared and I didn't know where
5 they were taken to. That's all.

6 [15.14.30]

7 Q.Thank you.

8 You stated that you saw Vietnamese soldiers in uniform;
9 consequently, you were quite sure that they were indeed
10 Vietnamese soldiers, beyond doubt.

11 A.Let me tell you, Ms. Lawyer, those Vietnamese soldiers,
12 because they wore a different uniform, military uniform,
13 different from the Khmer Rouge military uniforms, that uniform
14 was similar to the Chinese soldier uniform. They had a khaki
15 colour and they had their rank displayed and they wore the type
16 of helmet. That's what led to my conclusion. That's all.

17 Q.I'm asking this question because there seems to be something
18 ambiguous in your response unless I have misunderstood.
19 Would these Vietnamese soldiers have been soldiers who retained
20 their uniforms, or were these Vietnamese soldiers partners of the
21 Khmer Rouge as guards and organizers of the prison?

22 A.Ms. Lawyer, it is my personal view that they were real
23 soldiers, they were not fake. So it was the real military
24 uniform, although some uniforms were rather old. That is all.

25 [15.17.13]

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1 Q. So you confirm that those soldiers did not have a status of
2 prisoners?

3 A. I was wondering, for example, like when Kaing Guek Eav, alias
4 Duch, said when you were sent there you would be treated as the
5 enemy regardless you were civilians or soldiers, you were all
6 regarded as the enemy.

7 Q. Furthermore, you have stated that you saw a number of guards
8 who were 15 or 16 years old. They were mere teenagers. Have you
9 seen guards who were younger than that still, who would have
10 been, let's say, 10 or 12 years old?

11 A. I did not see any guards who were 15 or under, unless I was
12 mistaken. Usually they were 15 or above. That was through my
13 observation at the time. That's all.

14 Q. Thank you. And I have two personal questions for you now.
15 Do you feel bad about having signed the confession that you had
16 to sign because of duress, whereas you knew that this confession,
17 the content of it, was false?

18 A. Ms. Lawyer, at that time my emotion was mixed. I was fearful,
19 worried; I could not describe the emotion. So I just did what I
20 was ordered to do because there was absolutely no reason for them
21 to suspect me to be a CIA or KGB agent, and I was tortured
22 enough.

23 [15.20.23]

24 Some prisoners, when they were tortured and interrogated, they
25 confessed and finally they were taken and smashed, but for me I

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1 was different. Of course physically I signed the confession but
2 inside my heart I of course did not approve the confession.

3 Q.I'm sure nobody would challenge that, sir.

4 Another question. Within the workshop amongst the sculptors,
5 painters, artists would you amongst yourselves talk at all about
6 the tortures that you had been subjected to and the confessions
7 that you were forced to sign? Did you talk about these things
8 amongst yourselves within the workshop?

9 A.Ms. Lawyer, I never talked about that. The reason is because
10 I was scared. Usually there were two or three prison guards who
11 were there constantly and the door was locked both inside and
12 outside, so if we whispered or chit-chatted on this thing then
13 it's so risky.

14 Q.One last question. Today how do you feel about the fact that
15 you are a survivor?

16 A.Ms. Lawyer, I am so delighted that now my chest seems to be
17 lighter. All my statements to the Judges and to the lawyers and
18 the rest, I felt much better now and I believed through peace and
19 justice would be done for those 1.8 or two million people who
20 lost their lives during that regime, and I myself too, I was a
21 victim and the scope of suffering was incalculable. I was almost
22 killed. My back was wounded severely and still I could carry out
23 my profession, painting the portraits to satisfy the chief of the
24 prison.

25 [15.23.43]

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1 But it was shameful that I could not save the life of my wife.
2 I'm not sure if it was my mistake or not and I really want to ask
3 the accused where was my wife killed. If I know where it is then
4 I would go there in order to pray for her soul, and that I am now
5 being testified before the Extraordinary Chambers in the Court of
6 Cambodia, only the spirit of the earth would know where the soul
7 has gone to or where the dead bodies were buried. So only the
8 spirits of the wind, of the water, of the earth would know.
9 And for those who killed the people, they could tell the truth or
10 they could lie, but only the spirits of the earth, the wind and
11 the water know where my wife died, so that I could pray for her
12 soul. That is all.
13 MS. JACQUIN:
14 Thank you, Mr. Bou Meng.
15 Mr. President, on behalf of all the civil party groups, we have a
16 request to put to you. We would like to ask for 10 extra
17 minutes. There are seven lawyers present here representing 90
18 victims. All of these victims are important. If we are to share
19 out this time it would amount to one half-minute per victim, but
20 we have legitimate questions to put.
21 Sir, you have been showing tolerance in interpreting the time
22 allowance and we are grateful for this. However, we have all
23 sorts of time management problems. If you could assure us that
24 we have could have, if need be, an extra 10 minutes, this would
25 make it possible for us to work amongst ourselves more

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1 harmoniously.

2 Thank you.

3 [15.26.34]

4 MS. CANIZARES:

5 Mr. President, if extra time were to be granted to the
6 representatives of the civil parties would it be possible to have
7 extra time, if necessary, for the defence to ask questions?

8 MR. PRESIDENT:

9 In order not to complicate the matter regarding the request by
10 both sides and the civil party lawyers use the time as allocated
11 by the Chamber, however, the Chamber will not allow extra time
12 and the time has run out already.

13 Now I would give the opportunity to the survivor, Bou Meng.

14 Uncle Bou Meng, do you have any questions that you would like to
15 ask the accused at the moment?

16 MR. BOU MENG:

17 Mr. President, I would like to ask him where did he smash my
18 wife; whether it was at Tuol Sleng or Choeung Ek or at another
19 location.

20 Did you have the authority to relocate her or to smash her? It
21 has been so many years already. I went to her native village in
22 Tboung Khmum district in Kampong Cham province. I went to ask
23 her elder sibling whether my wife has ever returned to the
24 village and the response was no. So I presumed that she was
25 killed while she was detained.

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1 And my question is just to tell me, just to tell me where she was
2 killed or smashed. Then I would go to that location and just to
3 get the soil from that location to pray for her soul because
4 there was not her document at the S-21 Office. I used to have
5 some documents as well, but some of the documents I have I have
6 lost or are missing. And I want the matter to be done legally.

7 [15.29.22]

8 MR. PRESIDENT:

9 Can you verify that your wife, who was detained at S-21 with you,
10 her name was Ma Yoeun alias Thy. Is that correct?

11 MR. BOU MENG:

12 That is correct, Mr. President.

13 MR. PRESIDENT:

14 Mr. Kaing Guek Eav, alias Duch, the first question is, do you
15 know Ma Yoeun alias Thy? If you know her, could you answer to
16 his question that when you were the chairman of S-21 and that his
17 wife was taken away to be executed, where was she killed? In
18 Phnom Penh or at Choeung Ek?

19 THE ACCUSED:

20 Mr. President, thank you, Mr. President for giving me the
21 opportunity to respond to the question.

22 Mr. Meng, especially for you I have been moved. We have lived
23 together and you were healthy and I was shocked to see you on the
24 28th of February 2008 before the Co-Investigating Judges. I
25 would like to respond to your desire, but it was beyond my

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1 capacity because this work done by my subordinates, but I would
2 like to presume that your wife might have been killed at Boeng
3 Choeung Ek.

4 Meanwhile, to be sure, I would like to ask you to please ask
5 Comrade Huy who may be able to tell you further detail about the
6 fate of your wife. Please accept my highest assurance of my
7 regards and respects towards the soul of your wife. That's all.

8 [15.31.52]

9 MR. PRESIDENT:

10 The accused, please control your emotion and re-compose because
11 the moment is important that it takes time to listen to the
12 testimony of the survivors who have survived the regime and to
13 recall the past.

14 So, Uncle Bou Meng, I hope you have already been told by the
15 accused about the fate of your wife because his conclusion is
16 that she could have been killed at Boeng Choeung Ek, especially
17 when it comes to the time when she was sent in during the year of
18 1977.

19 At the beginning, the killing would take place only at the
20 premises of Tuol Sleng compound and later on, after 1977 to '78,
21 then the execution sites had been shifted to Choeung Ek. So it
22 could be possible that the fate of your wife would be ended there
23 at Choeung Ek or she would be killed there.

24 And to get further information, it is rather difficult because
25 the people who perished amounted to more than 12,000, and those

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1 more than 12,000 were registered and there were still numbers of
2 detainees who are still unaccounted for. At the beginning, we
3 know that there would have been 12,300 or something detainees,
4 but after inspecting the list and compared with other lists, then
5 we could see more numbers, different numbers of the people killed
6 during that time. But I think the actual number of people who
7 would have been killed would be even higher if all documents
8 could be supported.

9 [13.35.02]

10 Next, the accused, besides your response to Uncle Bou Meng, one
11 of the survivors who asked you about the fate of his wife, the
12 Chamber would like to also know whether the accused would like to
13 make any comments or observations, testimony, concerning the
14 remarks or testimony of Uncle Bou Meng. So you are now given the
15 opportunity to do so if you would wish.

16 THE ACCUSED:

17 Mr. President, first, I would like to confirm to Mr. Bou Meng and
18 the other victims. He keep asking what kind of mistakes he had
19 committed; what kind of mistake his wife committed that led to
20 their arrest.

21 Frankly, during that time, I already -- I think yesterday I told
22 Brother Mey already -- anyone who opposed them would be singled
23 out as the CIA, the KGB, or the expansionist, so on and so forth.
24 So I would like just to repeat it and to be more precise.

25 I would like to state that the Cultural Revolution of China would

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1 be seen as the reference. Although Pol Pot did not follow
2 exactly that kind of philosophy, he used his own improvised
3 theory, so he would implicate anyone as an enemy.

4 And I told Brother Mey already about the CIA. He asked me
5 whether CIA or KGB agents have already been smashed and I told
6 him that anyone who opposes the Pol Pot were those who have
7 defeated the Pol Pot regime.

8 [15.37.51]

9 And, after all, the fascist political politics ended on January
10 1979, so the reason why people were implicated or opponents, this
11 lead to the destruction of the whole regime, and I would like to
12 emphasize again that this crime is so severe, although it was
13 committed by the upper echelon. But members of the Party were
14 part of the process all across the country, because more than one
15 million people were executed, and emotionally I am responsible
16 for all the crimes, although they were committed by the senior
17 people.

18 I am responsible in the eyes of the law, and I now would like to
19 be tried by the ECCC alone, and I don't want my subordinates to
20 be on trial too. And I have already dedicated -- I have already
21 prayed for the souls of the dead people to rest in peace. I'm
22 not talking here to evade the responsibility of my crimes but I
23 want to reveal my frankness. That's all.

24 [15.39.37]

25 MR. PRESIDENT:

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1 Next we would like to give the floor to the defence counsel to
2 have the opportunity to put questions to Uncle Bou Meng, one of
3 the survivors of S-21.

4 The floor is yours, if you would wish to do so.

5 MR. KAR SAVUTH:

6 Thank you, Mr. President. Your Honours, my questions here are
7 first I would like Mr. Bou Meng to clarify on some points because
8 I have been ambivalent regarding those points.

9 QUESTIONING BY DEFENCE COUNSEL

10 BY MR. KAR SAVUTH:

11 Q.When you were detained at S-21 did you hear the cries, the
12 weeps or screams of people in the compound? Because this
13 morning, before we adjourned for lunch, you said that there were
14 full -- everyone was quiet and people could not even whisper to
15 one another. So I think your testimony in the morning seems to
16 be contradictory to your testimony in the afternoon. Could you
17 please repeat or confirm your both testimonies?

18 A.I said it was very quiet because the doors were all shut when
19 I left, evacuated. I did not have a chance to look inside the
20 rooms because I were at -- I was walked away at gunpoint and I
21 was not brave enough to even look back to see how many people
22 would be in the room. That's why I said it was quiet.

23 And I think regarding the screams, the cries, I knew that my ears
24 were too good to listen to those noises because I was also a very
25 good artist. Having heard the sound, I could even draft or

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1 sketch a kind of portrait, so I think I was not mistaken to hear
2 those screams during the time when I was detained.

3 [15.42.31]

4 Q.Thank you. Could you please emphasize again: you said that
5 before the morning break, you said that the building was full of
6 people. And you said that the building was full of detainees but
7 it was so quiet because people could not even whisper into the
8 ears of the neighbours. But how could you say that you heard the
9 screams, the cries that people cried for help? I don't want you
10 to tell us about the time when you were about to leave S-21.

11 A.I would like to state that when I was inside the detention
12 centre, around the compound there were a lot of interrogating
13 houses. And inside the room, of course, you could not hear
14 anyone scream or cry because we would be punished. But I'm
15 talking about the people who would be taken away to be
16 interrogated inside those houses, and we could hear from the
17 houses. I'm not here to talk and to implicate anyone. I'm
18 talking here, right before the iron genie, and if I talked
19 something, exaggerating anything, then I would be run over by a
20 bus.

21 Q.Thank you. I would like you to only confirm. Number two, I
22 would like your confirmation also. You said the subordinates of
23 Duch, who treated the Vietnamese prisoner who did not keep his
24 promise that he was a sculptor, and that you said Duch ordered
25 his subordinate to kick or to torture him but later on you said

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1 that Duch was not there when his subordinates tortured him. So
2 could you please tell us whether Duch was there when the torture
3 took place?

4 A.Mr. Lawyer, I said, my memory is not good. And I said clearly
5 that it is because I have had been severely tortured, and I don't
6 want to evade any responses but if I made any mistake in my
7 testimony it is resulted from the very poor memory of mine;
8 resulted, of course, from such torture. So I think my memory is
9 now about 10 to 20 percent good, compared to the 100 percent I
10 could have had previously.

11 [15.46.03]

12 BY MR. PRESIDENT:

13 Q.Uncle Meng, could you please control your emotion? I know
14 that you have been bombarded with questions, and you have been
15 answering to those questions for almost the whole day already.

16 We would like you to please recompose yourself.

17 And the question is implied as, have you heard that Duch ordered
18 his subordinates to beat the Vietnamese detainee? And some said
19 that he was the Khmer Krom national who pretended to be a good
20 sculptor. So the question is whether Duch did order such torture
21 or punishment to be inflicted on that person, or Duch
22 subordinates initiated such ideas of punishment spontaneously,
23 because there was a torture inflicted on that person; so whether
24 it was ordered or not ordered by Duch. Could you please verify?

25 A.I did not see or hear it. That's why I cannot presume that he

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1 ordered his subordinates to do that. Or maybe his subordinates
2 just did that by themselves. I can say that without any order
3 from their subordinates I don't even think that their
4 subordinates could inflict any kind of tortures on them - on
5 anyone. So I could see that, after their work, they covered --
6 you know, like, when they treated their staff, they would cover
7 the blankets all over their body and walk them away because they
8 were afraid to let us know. I don't know, but I think it is just
9 my presumption.

10 Q.I think you probably be confused. You are the survivor of
11 that regime and that it is,
12 of course, in your testimony reflecting your emotion and your
13 story and how you have suffered and, also, you have told us about
14 your wife's story.

15 But now we have another matter that we would like to ask about
16 your testimony concerning the accused because a witness is not
17 supposed to give a kind of presumption because it is not really
18 appropriate. Because in the name of the witness, if the question
19 is put to you whether you say that you saw it or you didn't see
20 it, you should just say "yes" or "no" and please try to avoid
21 giving your presumption or your -- some kind of conclusion
22 because the term "conclusion" is not aimed to be coming from the
23 witness.

24 [15.50.05]

25 A.At that time, I'm not sure so I would like to say that I don't

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1 know, but I saw the person was being kicked and beat up. I don't
2 know who ordered them to do so. That's all.

3 MR. PRESIDENT:

4 Could the lawyer put further questions?

5 BY MR. KAR SAVUTH:

6 Q.Thank you, Mr. Bou Meng.

7 The third question. When you were arrested all together with
8 your wife from the cooperative to be put at wooden shed right in
9 front of the prison, were you shackled by your ankles?

10 A.At that time, they treated me better because they used the
11 very cold method because there were no cuffs, no chain, no
12 shackles. They mislead me. They lied to me because they did not
13 actually take me to the Fine Arts School. It was the fine arts
14 school of Tuol Sleng prison, so they cheated on me. I could just
15 easily be convinced to climb onto the truck and then be taken
16 away and then they did not take me to the Fine Arts School.
17 Instead, we were taken to the prison.

18 [15.52.03]

19 Q.Thank you. The reason I asked you that question to confirm
20 your statement because your statement before the Co-Prosecutor on
21 the 29 of August 2006 in ERN-00145528, you said you were
22 handcuffed and shackles; both your wife and you. And this
23 morning, you said that only your hands were cuffed and that your
24 legs were free from being shackled.

25 And as you said, you are old and you had been tortured; your

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1 memory deteriorating. I think everyone can forget except the God
2 who is able to remember everything. Human being will be
3 forgetful anyway. Thank you.

4 Question number four. Your statement before the Co-Prosecutors
5 -- and you said later, "I learned that I was taken -- prisoners
6 were taken to be executed at Choeung Ek, days and nights". Do
7 you maintain that your statement is still confirmed?

8 A.Mr. Lawyer, I did say that there were trucks which brought
9 people in and out, but I
10 did not say that they would be taken away to be killed. I didn't
11 say that.

12 MR. HONG KIMSUON:

13 Could you please repeat the ERN number?

14 MR. KAR SAVUTH:

15 ERN 00145533, the fourth line from down up.

16 BY MR. KAR SAVUTH:

17 Q."And later on, I learned that they were carried or taken to be
18 executed at Choeung Ek and the truck would take them days and
19 nights."

20 [15.55.26]

21 That's why I am asking whether you maintain your statement or
22 would you like to change it because some witnesses said that they
23 only saw the prisoner being carried away by trucks at night, not
24 during the daytimes. Thank you.

25 A.When I was detained in Building C, I heard the sound of the

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1 trucks during the
2 nights and days. I don't know whatever other people would
3 testify, but this is what I have heard because there were trucks
4 coming in and going out. I don't know where people would be
5 taken to, but I have heard the noises. I did not see the trucks.
6 I think the trucks would have been parked right in front of the
7 entrance to the east or maybe to the west; let me recall it.
8 I had been working at the premises for some time. I still cannot
9 remember whether Tuol Sleng entrance would be to the east or to
10 the west, but I think the trucks would be parking somewhere near
11 the entrance when I was walked into the premises during the first
12 time when we were approaching the location and, again, I did not
13 -- or I don't know whether people would be taken away to be
14 executed.

15 Q.Thank you. Question number five.

16 When leaving S-21, did you go with Vann Nath and Chum Mey or did
17 you go with other people? Could you please recall the people?

18 [15.57.53]

19 A.We left with the survivors who were either sculptor, painter,
20 artist. I paint a black and white portrait while Nath paints
21 coloured, and we have other artists who also left at that time --
22 Pha Tha Chan, Oeng Bech -- so altogether about more than 10
23 people who would be leaving the location but many of whom have
24 died already, including Grandfather Thuon.

25 So I, of course, left with several other people and when we

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1 reached the area near Ang Snuol we departed, were separated
2 because we heard the sound of the trucks of the United Front army
3 and then there were exchanges of fire between the soldiers, and
4 then we were scattered and I walked across National Road Number
5 4.

6 [15.59.31]

7 Q.Thank you. I just want to know when you left, you left along
8 with Chum Mey and Vann Nath.

9 And my next question is I just want the confirmation. This
10 morning you said when you fled S-21, one time you said it was at
11 6 p.m. and the other time you said at 9 a.m. And when Ty Srinna
12 asked you, you said you went at about 6 or 7 p.m. So can you
13 tell me exactly what time you left S-21?

14 A.Mr. Defence Counsel, I left Tuol Sleng prison at 9 o'clock.
15 We left the painting workshop and we were ordered to walk
16 straight in one line. We were so fearful, so we walked in one
17 line and when we reached a house we stopped and stayed there for
18 quite a while. I cannot recall the location. Maybe it's the
19 Beehive radio station.

20 Q.I just want to know the time. So you say now it's at 9
21 o'clock in the morning.

22 And my seventh question, which is the last question; when you
23 were painting the portrait did you ever see Khieu Samphan coming
24 to visit?

25 A.Mr. Defence Counsel, I never saw Khieu Samphan come in. All

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1 those senior peoples, I never saw them. Even Pol Pot, I only saw
2 his photo; I never saw him in person. Sometimes people ask
3 whether I saw Pol Pot personally because I painted his portrait.
4 In fact I never saw him in person. I also had my portrait
5 painted for a Chinese shop in Shanghai.

6 Q.Thank you. So when you painted the portrait at the technical
7 school did Khieu Samphan ever go there?

8 A.Mr. Defence Counsel, I can recall when you ask me that
9 question because I worked there. At that time I was preparing
10 the numbers of the pages and Mr. Khieu Samphan asked me, "Do you
11 have a telephone?" and then I told him and I pointed -- oh, the
12 telephone was at the corner, because I didn't know that he was
13 Khieu Samphan. But when he left, my work colleague told me that,
14 "That was Khieu Samphan," and I felt rather surprised. So now I
15 can recall.

16 [16.03.05]

17 Q.Thank you.

18 MR. KAR SAVUTH:

19 I have no questions, Mr. President.

20 MR. PRESIDENT:

21 The international defence counsel, if you have questions for Bou
22 Meng the floor is yours.

23 MS. CANIZARES:

24 Thank you very much, Mr. President.

25 BY MS. CANIZARES:

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1 Q.Good evening, Mr. Bou Meng. Judge Lavergne brought up earlier
2 on the fact that when you were working in the CPK propaganda
3 service, which was at the Russei Keo, you were somebody who was
4 very obedient. And if I've understood correctly, you indicated
5 that you followed along physically but not emotionally. Could
6 you please develop this assertion, this idea?

7 A.Ms. Defence Counsel, the work that was assigned to me by Hak
8 to draw sketches of the machines, of the half a machine or of the
9 new spare parts, or the sketches of vehicle machines, all types
10 of machinery, I drew all those sketches to include in the book
11 for the students to study at that time.

12 [16.04.57]

13 My recollection in making that document for those technical
14 school participants, that was what I did. Of course I obeyed the
15 order from the upper echelon and my superior, Hak, assigned me to
16 make or compile those documents. That is all my answer.

17 Q.Could you please tell us why emotionally you said that you
18 didn't follow along? I understood that you were just obeying to
19 an order, so therefore of course you were obeying physically, we
20 could say, but why do you state that you did not obey
21 emotionally?

22 A.On this matter let me tell you, Ms. Defence Counsel,
23 physically I followed the assignment and, as my skill was in
24 drawing sketches, I just did it. But in my mind I did not have
25 100 percent confidence and trust in the leadership, and the

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1 reason? Because I saw people being evacuated from the city, and
2 the city became like a ghost city. And this is my response to
3 you.

4 Q.This will be my last question. So why, therefore, did you
5 continue obeying physically?

6 A.Ms. Defence Counsel, regarding my assignment as a painter or a
7 sketch drawer, I had to do it. I had to carry out my task and
8 even if I completed and carried out my task 100 percent, I was
9 still being transferred.

10 So I was transferred to the Ta Lei Co-operative and that act made
11 me lost my trust in that regime.

12 Q.Given the answer, would you please give me the leave for
13 another question? Therefore, could I understand that it was
14 because you were afraid that you continued obeying physically?

15 A.I don't really understand your question. Can you ask the
16 question again?

17 Q.You are telling us that if you did not follow the orders 100
18 percent that were given to you that you could be transferred. So
19 therefore can I conclude from this answer that it was fear that
20 made you follow 100 percent the orders that were given to you?

21 A.In fact, that was the case.

22 [16.09.49]

23 MS. CANIZARES:

24 I no longer have any further questions.

25 MR. PRESIDENT:

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1 The hearing of the testimony of the survivor, Bou Meng, that has
2 been for the whole day has now come to an end.
3 Before I adjourn the hearing, the Chamber would like to inform
4 the parties that the Chamber has a schedule for tomorrow's
5 hearing. According to the planned schedule, the Chamber will
6 hear testimony of survivor CP1/6. However, due to the time
7 calculation and the fact that that survivor was involved, the
8 duration of the testimony would be not more than half a day or
9 just a little bit over half a day.
10 Therefore, the Chamber decides to invite another survivor, E2/80.
11 If there is remaining time left, then we would hear the testimony
12 of this stand-by survivor, E2/80 from the civil party Group 3.
13 So this amendment of the schedule is as I've described and in
14 fact the E2/61 was to schedule after the survivor CP1/6.
15 However, due to the distance of the long residence and that we do
16 not hold hearings on the Thursday and Friday, then we decided to
17 make this change.
18 And now today's hearing is adjourned. The Chamber will resume
19 tomorrow morning at 9 a.m. as scheduled.
20 [16.13.00]
21 Court Officer, please make necessary arrangements for Mr. Bou
22 Meng to return to his residence by appropriate means by working
23 in coordination with WESU.
24 Security Officers, take the accused back to the detention
25 facility and bring him back here before 9 a.m.

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1 The Court is adjourned.
2 (Judges exit courtroom)
3 (Court adjourns at 1613H)
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