



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"

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Trial Day 43

Before the Judges:

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. AHMED	English
JUDGE CARTWRIGHT	English
MS. JACQUIN	French
MR. KAR SAVUTH	Khmer
JUDGE LAVERGNE	French
MR. MAM NAI	Khmer
MS. NAM MON	Khmer
MR. ROUX	French
MS. SE KOLVUTHY, GREFFIER	Khmer
MR. SMITH	English
MS. STUDZINSKY	English
MR. TAN SENARONG	Khmer
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer

1

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

2 (Judges enter courtroom)

3 [09.01.19]

4 MR. PRESIDENT:

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

6 We're going to hear the testimony of Nam Mon. We have heard
7 parts of her testimony already on Thursday last week, but the
8 proceedings still continue, so today we're going to hear her
9 testimony again.

10 Before we proceed, the Greffier, could you verify the attendance
11 of the parties to the proceedings today, including the person who
12 is involved in the session?

13 THE GREFFIER:

14 Mr. President, the parties to the proceedings today are all
15 present. The civil party, Nam Mon, is also here in the
16 courtroom. Witness KW-08 will be arriving at 10 a.m.

17 MR. PRESIDENT:

18 So we're now going to hear testimony of Nam Mon.

19 BY MR. PRESIDENT:

20 Q.Nam Mon, how are you this morning? Are you prepared and in
21 the good mood to be ready to give us the testimony?

22 A.I'm fine, Mr. President, and I am ready to give the testimony.

23 Q.In your complaint, there's a writing concerning the Cambodian
24 identity card. Have you brought it along with you to produce to
25 the Chamber?

2

1 A.I have brought it along with me, Mr. President.

2 [09.04.49]

3 Q.I was just given this by the Court officer; the ID card. Is
4 it yours?

5 A.(Inaudible)

6 Q.How old are you this year, actually?

7 A.I am 48 years old.

8 Q.Now tell us about the Cambodian lunar year. For example, like
9 in which Khmer year were you born? In the year of any particular
10 kind of animal; can you tell us?

11 A.I was born in the Year of the Rat.

12 Q.In your Cambodian identification card issued by Kampong Cham
13 governor, His Excellency Tieng Om (phonetic), dated on the 10th
14 of October 2010, which is valid 10 years after it, and the
15 identification -- correction, the identification card is issued
16 on the 10th of October 2000 and valid until 2010.

17 Your date of birth here on the identification card with the date
18 of birth on the 2nd of July 1968 here, as it reads. And it is
19 similar to your complaint in which you filed to the Court that
20 you were born on the 2nd of July 1968.

21 According to this document, in 1975 you were only 7 or 8 years
22 old. So what can you tell us a bit more about this because last
23 week you told us that in 1975 you were 15 years old and that you
24 were selected to work as the medic at S-21.

25 If you were only 7 or 8 years old back then, or maybe 9 years

3

1 old, it would not be possible that you could have been recruited
2 as a medic back then. So you would be joining the children
3 mobile unit but not in the medic profession back then. So can
4 you please elaborate further on this?

5 A.I can, Mr. President. When I got this ID card made, my auntie
6 was not quite aware of my actual age. She did not even consult
7 with me for that purpose. Actually, I was born as what I already
8 said earlier in that year.

9 [09.10.06]

10 No parents could live to tell people how old I am or when I was
11 born, so only my auntie would tell the authority about by name
12 and age.

13 Q.There is another question. You stated that you worked as the
14 medic and there were only three medics in your group, and you
15 worked in an office which was across from the entrance of S-21.
16 Could you tell me whether your office was in a former building or
17 was it a new built office and what was the office made of?

18 A.The building was made of concrete downstairs and upstairs it
19 was made of wood.

20 Q.Could you please say again?

21 A.Three of us stayed across from the Tuol Sleng entrance. The
22 office or the house was made of wood and concrete.

23 Q.Where did you work and live during that time? Did you work
24 and live at the same place?

25 A.When I had to give medicines to the patients, then I had to

4

1 return to live in that place.

2 Q.I mean after you were off duty as a medic, where did you stay
3 or did you have another house for residence during that time?

4 A.All of us stayed and worked at one same house, under the same
5 roof.

6 [09.13.34]

7 Q.Did you stay in that house you mentioned or did you stay in
8 another place?

9 A.We stayed actually in that house; I said earlier.

10 Q.Could you please also clarify for us because we are not yet
11 clear about the name of the chief of the medics, and tell us
12 whether he was a man or she was a woman actually?

13 A.The leader of the medics was named Lorn. She is a woman, and
14 followed by Kim and then I, myself.

15 Q.Do you know whether Lorn and Kim are still alive?

16 A.Lorn was arrested before Kim was arrested and then I would
17 then be arrested too.

18 Q.Please also clarify for us concerning the location in which
19 you said you once worked in -- or lived in. So to which
20 direction the house faced?

21 A.The house faced the south.

22 Q.Adjacent to the house that housed the medics, were there any
23 other houses or other groups of people would be staying in those
24 houses? For example, the groups and staff at S-21, were they
25 staying somewhere in the surrounding areas?

5

1 [09.16.35]

2 A. There were no other people living surrounding the house we
3 stayed, although there was a small house in which there were some
4 people, but there were no other.

5 Q. You said your uncle worked in a division, so what was his name
6 and in which division did he belong to?

7 A. He was Uncle Ouen and Ket who worked in a division in Phnom
8 Penh, but I cannot remember which division it was.

9 Q. The forces or the soldiers in that division you said stationed
10 and lived in a house adjacent to the house where the medics
11 stayed. How many of them, or how many people were there and were
12 they armed?

13 A. They were armed and they wore black clothes.

14 Q. Can you remember how many were they?

15 A. There were at the beginning 30 to 40 people, but later on many
16 had been dispatched; only a few left.

17 Q. During the day in which you were arrested, were the forces or
18 the soldiers still there? I mean the people who belonged to your
19 uncle's division who lived next door, were they still in the
20 premises?

21 A. There were only about four or five people in that location
22 when I was being arrested.

23 [09.29.10]

24 Q. We now come to the proceedings in which we will be asking you
25 some further questions, and also we would like you to look at a

6

1 photo the Chamber attempts to display so that you can recall
2 whether you remember this photo.

3 We noted last week that you were so moved by the photo, that's
4 why we decided to adjourn the hearing. So we are now attempting
5 to actually put that photo on display again. Do you think you
6 are able to identify the photo for us?

7 A.I can do that, Mr. President. I can answer to your question.

8 MR. PRESIDENT:

9 The AV Unit is instructed to put document from ERN 00274367
10 through 00274373 in its order on the screen and, please, make
11 sure that each photo be displayed for a period of 30 seconds or
12 one minute so that the Chamber can and the civil party can review
13 it.

14 BY MR. PRESIDENT:

15 Can you please look at this photo? Can you identify the photo
16 and what is his name? What is his relationship to you?

17 A.He is my father. His name is Prak.

18 Q.Can you tell me the full name please?

19 A.His name was Chuon Yorn at the beginning. His revolutionary
20 name was Cheat Prak.

21 [09.23.16]

22 MR. PRESIDENT:

23 Could you please move further to the next photo?

24 BY MR. PRESIDENT:

25 Q.Madam, could you please look at this photo? Do you know or

7

1 recognize the photo?

2 Please tell the Court of the person's name in that photo and tell
3 us all the names that you know if the person would have used?

4 A.This is the photo of my mother. Her name is Khen Tos. Her
5 revolutionary name is Khen Khsam.

6 MR. PRESIDENT:

7 Please move to the next photo.

8 BY MR. PRESIDENT:

9 Q.What about this photo?

10 A.This is my youngest brother's photo.

11 Q.What is his name?

12 A.Yit Yorn.

13 [09.24.48]

14 MR. PRESIDENT:

15 Next, please.

16 BY MR. PRESIDENT:

17 Q.What about this photo? What is his name and what is his
18 relationship to you?

19 A.This is the photo of my younger brother. I'm sorry, the
20 previous one was the photo of my elder brother.

21 Q.What is his name? I mean, you said about your elder brother.
22 You made a mistake because you told us that he was your youngest
23 brother, but he was your elder brother. So what is his name?

24 THE PRESIDENT:

25 The AV, could you please move to the previous photo?

8

1 BY MR. PRESIDENT:

2 Q.Could you please tell the Court what is his name actually;
3 your elder brother here?

4 A.His name is Roeun. He is my elder brother.

5 Q.What about this photo? What is his name and what is his
6 relationship to you? Tell the Court his full name if you can.

7 A.This is my youngest brother, Yit Yorn.

8 [09.26.38]

9 MR. PRESIDENT:

10 Next, please.

11 BY MR. PRESIDENT:

12 Q.Could you please look at this photo? Do you remember the
13 photo, and what is the relationship of the person in the photo to
14 you?

15 A.This is the photo of my father the moment he was dying.

16 MR. PRESIDENT:

17 Next, please.

18 BY MR. PRESIDENT:

19 Q.What about this photo?

20 JUDGE LAVERGNE:

21 Thank you, Mr. President. Maybe for the purposes of proper
22 retranscription (sic), would it be possible to mention this
23 number when this number is on the photograph so that this stays
24 in the records?

25 And, also, concerning the last photograph, it seems that there

9

1 are Khmer annotations that appear on the photograph. I do not
2 know if it would be possible to read them out.

3 [09.27.56]

4 MR. PRESIDENT:

5 Please go back to the previous photo. Next one. Stop here.

6 BY MR. PRESIDENT:

7 Q. Could you read the letters on the photo? Can you read or you
8 know how to read?

9 A. No, I am illiterate. I cannot read.

10 MR. PRESIDENT:

11 The Greffier, Se Kolvuthy, can you read the wording on the photo
12 and the date?

13 THE GREFFIER:

14 "Chuon Yorn, alias Prak, 9 November '77."

15 [09.29.36]

16 MR. PRESIDENT:

17 Now move to the next photo. The ERN is 00274372.

18 BY MR. PRESIDENT:

19 Q. Who is this photo? What's her name and what is her
20 relationship to you?

21 A. This is my sister, my elder sister-in-law. Her name is Khun
22 Sok Kheng.

23 Q. You mean what is her husband's name?

24 A. She's the wife of Noeun, Yit Noeun.

25 Q. During the Democratic Kampuchea regime this person, Sok Kheng,

10

1 what was her job and which unit she belonged to?

2 A.She didn't have any job. She lived with her husband and with
3 my mother.

4 MR. PRESIDENT:

5 The AV officer, can you move to the next photo? This photo has
6 the ERN 00274373.

7 BY MR. PRESIDENT:

8 Q.And what about this photo? What is his name and what is his
9 relationship to you, and what was his job during the DK period?

10 A.This is a photo of my elder brother. He worked at the airport
11 with my uncle. His name is Prak Khoeun.

12 [09.32.41]

13 Q.Previously, the Chamber already asked you -- can the AV
14 officer return the screen to the normal courtroom view?

15 On Thursday, the Chamber asked you several questions and there
16 are still some remaining questions for you.

17 Can you describe to the Chamber on the other accounts that you
18 saw during the time that you claimed you worked at the security
19 office, S-21, which is now known as the Tuol Sleng prison, what
20 did you see both inside the office at those buildings and the
21 outside view that you could observe?

22 A.I treated the sick. I saw the prisoners being beaten and
23 interrogated.

24 Q.Did you personally see the prisoners being beaten? If you
25 did, where were the prisoners being interrogated and beaten, and

11

1 how far were you from that location?

2 A.I did not see it personally. I only saw the wounds and the
3 blood and the bleeding on the bodies of the prisoners while I
4 treated them.

5 Q.Did you see people die in the buildings when you went along to
6 provide treatment to the prisoners, as you claimed?

7 A.I did not see any dead prisoners; only saw those people in
8 miserable conditions.

9 [09.35.20]

10 Q.Did you see children being detained at that location? If so,
11 how were they treated?

12 A.I did not know where the children were detained. I only
13 provided the treatment to the adults in one building.

14 Q.At the house you claimed where you worked and where you also
15 stayed, were you assigned to do anything there? For example,
16 that you were assigned to have the prisoners' blood drawn in
17 order to be supplied to the various hospitals in Phnom Penh? Did
18 you observe or witness such view?

19 A.No, I did not see any incident involving the blood-drawing.

20 MR. PRESIDENT:

21 Now, I do not have any questions for the civil party.

22 Do Judges of the Bench have questions to be put to the civil
23 party? If so, you take the floor.

24 Judge Cartwright, you take the floor.

25 JUDGE CARTWRIGHT:

12

1 Thank you, President.

2 [09.37.08]

3 BY JUDGE CARTWRIGHT:

4 Q.Thank you very much for coming back today. We know how very
5 difficult this has been for you and how difficult it is to talk
6 about what happened to you all those years ago.

7 I'd like to clarify a few things because sometimes it's difficult
8 for me to understand exactly what you're saying because we have
9 to listen to it through interpreters.

10 How old were you when you were first assigned to work as a medic
11 at S-21?

12 A.When I was assigned to work as a medic at S-21, I was 15 years
13 old.

14 Q.And before you began your work as a medic, what training did
15 you get?

16 A.I was trained how to distribute the medicines to the sick
17 people and how to treat the sick people.

18 Q.Did you know much about the medicines that you were asked to
19 give to the prisoners at S-21?

20 A.I provided the treatment by only providing simple medicines,
21 for example, for the fever.

22 Q.So did you decide what medicine to give to a prisoner when you
23 saw that a prisoner had a fever?

24 [09.39.39]

25 A.When I was a medic, those medicines that we have, they were

13

1 the existing medicines including the paracetamol and I provided
2 those medicines to the patient. They were not produced at the
3 time, but they were the remnants from the previous regime.

4 Q. Did you ever run out of those medicines and have to use other
5 sorts of medicines?

6 A. After the medicines ran out, then I was given the traditional
7 herb medicines to be distributed to the patients, and later on I
8 was arrested.

9 Q. Did you know who made the traditional medicines or where they
10 came from?

11 A. I did not know. I did not know who made those medicines. I
12 was only given those medicines for the patients.

13 Q. You said that you worked in just one building. Were there
14 just men in that building or were there women as well?

15 A. Which building are you talking about? Can you make it clear?

16 Q. I'm sorry. I wasn't very clear, was I? In the building where
17 you worked as a medic, were there men prisoners in that building
18 or were there women prisoners as well?

19 A. At the building where I provided the treatments, there were
20 both male and female prisoners, however, they were placed in
21 separate rooms. It was a special building, as they only housed
22 the cadres and they were placed in separate rooms -- the male and
23 female prisoners.

24 [09.42.21]

25 Q. Were any of your family members in the building where you

14

1 worked as a medic?

2 A.My father, when he was first arrested, he was placed in the
3 building where I worked, and I did not know about the location
4 where my mother and brothers were detained.

5 Q.And I think you told us last week that you managed to have a
6 conversation with your father. Is that right?

7 A.When I went around and provided the treatment, my father told
8 me I just pretend not to know him otherwise, I might be killed.
9 That was his last words to me and then I separated from him.

10 Q.So is it correct that you listened carefully to him and you
11 didn't admit that he was your father after that. Is that right?

12 A.Yes. After I heard what he said, I tried to think of the
13 meaning of what he said and probably what he said meant that I
14 tried to recognize him so I could survive.

15 Q.How long were you at S-21 before you were arrested? Can you
16 remember how many months it was?

17 A.I had worked from 1975 to 1977. I was arrested in late '77 or
18 early '78.

19 [09.44.43]

20 Q.Did you know why they arrested you?

21 A.I did not know the reason for my arrest. After I asked them,
22 I was told that because I was the daughter of a traitor who used
23 to serve the Khmer Rouge regime.

24 Q.And after you were arrested, you said you were taken to
25 another prison. Is that right?

15

1 A.After I was arrested, I was detained for about three months at
2 Tuol Sleng and later on I was transferred to Prey Sar to dig the
3 pits. And after that, I was again transferred to Preaek Ta Duong
4 prison. I only survived when the Vietnamese soldiers came.

5 Q.You gave an interview when you wanted to be a civil party, you
6 said that after being at Prey Sar, you were transferred to work
7 in a mobile unit for about three months. Is that correct?

8 A.I lived at Prey Sar for five months. I was later on
9 transferred to Preaek Ta Duong and I was detained there for three
10 months, and then Vietnamese soldiers arrived.

11 Q.You also said that you were imprisoned with your younger
12 brother at Prey Chhor prison. Is that correct?

13 A.That is correct. I was detained there with my younger
14 brother. After I was transferred from Prey Sar to that prison, I
15 met him there.

16 [09.47.19]

17 Q.What is the name of your younger brother who was imprisoned
18 with you at that time?

19 A.That younger brother was my god-younger brother. His name was
20 Yon Run. When I lodged my complaint as a civil party, I wrote
21 his name as Yit Roeun.

22 Q.And in that same statement that you made, you said that you
23 were released the night that the Vietnamese attacked Prey Chhor
24 prison. Is that right? That's when you escaped.

25 A.That is correct.

16

1 Q.You also said that you were scheduled to die the night that
2 the Vietnamese troops attacked the prison. Is that correct?

3 A.During the day I was about to be taken and killed, but luckily
4 at night the Vietnamese troops arrived otherwise I would have
5 been dead.

6 Q.Well, thank you very much for helping me clarify some of the
7 other questions that I had, and I'm really grateful to you for
8 coming and helping us with our inquiries.

9 JUDGE CARTWRIGHT:

10 President, I have no further questions of this civil party.

11 [09.49.34]

12 MR. PRESIDENT:

13 Judge Lavergne, you take the floor.

14 JUDGE LAVERGNE:

15 Thank you, Mr. President.

16 BY JUDGE LAVERGNE:

17 Q.Good morning, Madam. I'd like to put some questions to you to
18 shed light on a number of points.

19 You told us that you were 15 years old when you joined the
20 medical service of S-21. If I understood you correctly last
21 week, you said that beforehand you had lived in Phnom Penh with
22 your family, and that while you were there you underwent medical
23 training. Is that correct? Did you receive medical training in
24 1975 before you became a member of the staff of S-21?

25 A.Previously, I lived with my parents in Phnom Penh. Later on,

17

1 we were evacuated to Preaek Kdam and then my father was asked to
2 work in Phnom Penh. Two weeks later he got us back into Phnom
3 Penh, and when I came into Phnom Penh I underwent the medical
4 training right in Phnom Penh.

5 Q.What did this medical training consist of? Were there
6 courses, were there classes, did you take notes? What exactly
7 were you taught? Were you shown boxes of medicine? What did you
8 do?

9 [09.51.44]

10 A.I undertook the medical training by doing hands-on practice,
11 by providing real wound cleaning, for instance. I was pretty
12 young. I was taught how to recognize the medicine when I was --
13 given to me, and that I could then distribute those medicines to
14 the patients. I was taught by my uncle Oeun.

15 Q.How did you recognize them? Did you read the names on the
16 containers of medicine?

17 A.I only learned to memorize what I was told. For example, for
18 this particular medicine, it was for the treatment of a
19 particular sickness or disease, so I memorized what I was told
20 but I, myself, could not read.

21 Q.What did these medicines look like? In what form were they?
22 Were they western-style medicines or were these traditional
23 medicines? And how would you have been able to distinguish one
24 traditional medicine from another?

25 A.The medicine, that is the aspirin, that I could recognize, and

18

1 also the package of the vitamins I could recognize the label
2 because they were different. That's all.

3 Q.You filed an application to be joined as a civil party. This
4 application is accompanied by a number of documents including, in
5 particular, photographs which you were shown this morning. There
6 are notes on these photographs. For the version I have, which is
7 an English version, the ERN number 00274374, 002743 -- just a
8 minute.

9 [09.55.08]

10 The ERNs are 002743767 to 00274373. I would like to know whether
11 the notes on these photographs are in conformity with your
12 statements. Did you make a statement? Who wrote down these
13 annotations on the photographs?

14 A.The photos attached to my application -- are you referring to
15 those photos? I'm not really sure of your question.

16 Q.Yes, I am referring to the photographs you were shown this
17 morning, which are attached to your application to be joined as a
18 civil party. These photographs have annotations and it seems to
19 me that they also have a fingerprint.

20 Can you tell us whether somebody wrote this down for you and, if
21 so, who this person is, and whether you put your fingerprint on
22 the photographs?

23 A.Those photos attached to my application and the thumbprints on
24 them are my thumbprint. I was assisted in the writing of the
25 application by my lawyer. I told my lawyer what to write.

19

1 Q. For example, was it possible to have confusion between what
2 was indicated on the photograph as being your cousin and what I
3 see in 00274373, indicating that it was your elder brother, the
4 one who worked at the airport. Could there have been a confusion
5 between your cousin and your brother?

6 Perhaps the simplest way would perhaps be to put these
7 photographs up on the screen with the accompanying annotations.

8 A. Actually, I have not made any mistake regarding my brother or
9 cousin, actually. The person who worked at the airport was my
10 real elder brother.

11 Q. Are we to take it then that it was your lawyer who made a
12 mistake? Is it possible to show photograph number 00274373 on
13 the screen?

14 MR. PRESIDENT:

15 The AV Unit is advised to put document 00274373 up on the screen
16 for display.

17 JUDGE LAVERGNE:

18 Okay, and is it also possible to have the annotations that are
19 below this photograph?

20 [10.00.00]

21 BY JUDGE LAVERGNE:

22 Okay, so what we can read here is that this is a photograph of a
23 certain Vat Koeun who would be your cousin, apparently. And it
24 seems to me that this does not correspond to what you told us
25 earlier on.

20

1 So is this the photograph of your cousin or is this the
2 photograph of your elder brother? If you do not remember, just
3 say so.

4 A.Actually, at the beginning, I did not put him as my elder
5 brother because I was afraid that every one of my brothers were
6 jailed. That's why I put him as my cousin.

7 JUDGE LAVERGNE:

8 I apologize for having to get back to another picture, but could
9 we see on the screen the photograph carrying number 00274371 and
10 especially the notes below which were included in the civil party
11 application? Could you please just lower the image so that we
12 could see these notes?

13 BY JUDGE LAVERGNE:

14 Q.So it is stated that this is the photograph of a certain
15 Choeun Yorn, who is your brother it seems. However, if I
16 understood correctly what you said earlier on, unless I am
17 mistaken, it seems that you said to me that this was a photograph
18 of your father.

19 And I believe that earlier on we also read out the Khmer notes.

20 I cannot find them, however, but it seems that we were also
21 talking about a certain Yorn as well, Cheat Prak.

22 So can you tell us if this is a photograph of your father or of
23 one of your brothers?

24 [10.03.14]

25 A.This is a photo of my father. People know him as Choeun Yorn,

21

1 but during the Khmer Rouge he changed to Yit Prak. So he is my
2 father, of course. And this is how he suffered, the moment
3 before he died at S-21.

4 But you can see that the annotation right on the photo could be
5 seen on the photo there at the location.

6 Q.I'm simply trying to understand here. So if the notes in
7 English that are below are referring to one of your brothers, is
8 this what you said when you applied to join as a civil party or
9 is this an error?

10 A.I cannot really -- at the beginning, I could not say he would
11 have been my father. That's why I called him as my brother, but
12 actually he's my father.

13 JUDGE LAVERGNE:

14 I think now we could return to the normal view. So, therefore,
15 we can take away what's being displayed right now.

16 BY JUDGE LAVERGNE:

17 Q.Earlier on, Judge Cartwright asked you questions concerning
18 what had happened, in particular, when you said that you have
19 found your brother again, your youngest brother, at Prey Sar.
20 And I believe that it is important to read out the document that
21 is indexed E2/32.1; so the French ERN 003214145 and the original
22 in Khmer is 00274363.

23 [10.06.17]

24 You said the following. The description of the crime:

25 "My father was called Yit Yon and my mother was called Khen To.

22

1 Before 1975 they were living in Phnom Penh, and following the
2 fall of Phnom Penh they were deported to the commune of Chheu Bak
3 in the Kampong Siem district in the province of Kampong Cham.
4 Then in 1976, my father joined the Khmer Rouge army based in
5 Phnom Penh by taking along with him his entire family. At the
6 end of 1977, he was arrested and then brought away to be detained
7 at Tuol Sleng. One month later, it was his entire family that
8 was detained there. So, therefore, my brother Yon Roeun, Yon
9 Thoeun, Yon Sok Heng, Yon Yon, myself, Nan Mom, my brother, Yuen
10 Run, who is still alive and he is residing currently in the
11 village of Kokor in the province of Kampong Cham.
12 Then my brothers were ordered to kill my parents and then my
13 brothers were killed later on. At that moment, I cried a lot and
14 prayed and then I was transferred to the Prey Sar Prison. After
15 a month of detention, I was brought back to the Prey Chhor
16 district where I worked for three months in an itinerant work
17 group. Myself and my brother, Yon Run, were arrested to be
18 detained in the Prey Sar Prison. It was projected that we would
19 be executed, but thank God we were saved; thanks to the arrival
20 of the Vietnamese troops."
21 This is a statement that you provided on the 9th of July 2008 to
22 the Khmer Institute and I believe that we can see your
23 thumbprint.
24 So there are several differences between this description that
25 you are providing in your civil party application and what you

23

1 said here in the hearing. So for example, you are speaking about
2 a certain Yon Run when you answered a question by Judge
3 Cartwright. You said that he was the son of your adopted family
4 or the son of your godfather. I'm not quite clear about this,
5 but was his name Yon Run or did he have another name?

6 A.Yon Run is my brother. At the beginning, his name would have
7 been Yit Phal. They called him Phal, but in Khmer Rouge regime,
8 he was called Run -- Yit Run. He was my godbrother.

9 [10.10.08]

10 Q.I do not understand. Tell me who you met again. Did you meet
11 Yon Run? Is it Yon Run who is currently still alive or is it
12 someone else and who is still alive? This, I must confess, I do
13 not understand.

14 A.The person who's still alive is Yit Run. So only Yit Run
15 lives and he is not my real sibling. He is my godbrother. All
16 my brothers and sisters died at S-21 already.

17 Q.But he is whose son? Is he the son of your godfather?

18 A.Yit Run is the son of my godmother who's still alive also.

19 Q.Now, regarding your name, here again I must confess that I'm a
20 bit confused. You said that your official name was Nam Mon, but
21 you also indicated that you used another name which is Roeun
22 Chanta, if I'm not mistaken. Is that so? Did you also use this
23 name of Roeun Chanta?

24 A.I had used the name Roeun Chanta from 1975 until the time when
25 the Vietnamese troops came and then later on, I started to use

24

1 Nam Mon.

2 Q.Can you tell us why you used this name back then, which is a
3 name which corresponded neither to your official name nor to your
4 father's alias, nor to the name used by your other family
5 members? Why did you use this name of Roeun Chanta?

6 [10.13.21]

7 A.I used this name because I tried to hide the origin of my
8 parents and I took the advantage of my godmother's name. That's
9 why I used the name Roeun Chanta. Nam Mon would have been my
10 name, but if I followed my real father's name, I would have come
11 with the name Yit Mon, but then I did not want to implicate my
12 name with that of my parents; otherwise, I would have been
13 killed.

14 Q.Again, referring to your civil party application, there is a
15 document that corresponds to biographical data that I believe
16 comes from DC-Cam. So in the English version, it is the ERN
17 00274366. So this biographical data sheet regards a certain Yarn
18 -- Yarn Yon. Does this name of Yarn Yon correspond to somebody
19 in your family? Do you know why this sheet was attached to your
20 civil party application?

21 A.At the beginning, when I filed the civil party complaint, I
22 put the name Yarn Yon because I would take after my father's
23 name, but later on I changed to Yit Yon.

24 Q.This biographical data sheet from a certain Yarn Yon,
25 according to you, does this refer to somebody in your family or

25

1 not? Does it correspond to the data of your father or is it
2 something that has nothing to do with you?

3 [10.16.42]

4 I would like to specify, as well, that you indicated several
5 times that your father had been arrested in 1977. However, it
6 seems that this Mr. Yarn Yon was jailed at S-21 on the 8th of
7 November 1976, and if I refer to the revised prisoner list
8 provided by the Co-Prosecutors, in particular on page 00330113,
9 we can see that there is a certain Yarn Yon who is indicated as
10 being a combatant who was jailed on the 8th of November 1976 and
11 apparently he was executed on the 21st of December 1976, a
12 combatant from Division 502.

13 So I do not know what this Division 502 corresponds to, but in
14 the DC-Cam biographical sheet it is noted "use 502". So I'm
15 asking the question to you again.

16 According to you, does this correspond to anybody in your family?

17 If you do not know, just simply say, "I do not know".

18 A.Upon your reading, I think I don't know. My brothers died in
19 1977. I have no idea what happened in 1976 to those siblings.

20 Q.When you were at S-21, was the S-21 staff -- did the S-21
21 staff know that two of your brothers were also working as guards
22 at S-21 or is this something that you wished to hide?

23 A.My brothers were guards at S-21 and that they were ordered to
24 even beat my father.

25 [10.20.33]

26

1 Q.My question is slightly different. I did understand what you
2 said, but what I wanted to know is did the S-21 staff know that
3 you were the sister of these guards?

4 A.Some combatants, including the male and female combatants,
5 some of them knew that these guards were my brothers.

6 Q.How did they know, since according to what you told us, you
7 did not bear the same name any longer? You said that you did not
8 bear the same name any longer because you were afraid of being
9 executed and you did not wish to reveal your true identity.

10 A.They knew that because my uncle and my father let them know at
11 the beginning because some people who worked with my father in
12 the logistics were also detained at S 21. That's why they
13 learned that I belonged to -- I was the daughter of my father,
14 but they tried to conceal my identity. Since Brother East came
15 to work, people tried to hide my identity and they would prefer
16 using Chanta instead of the other name.

17 Q.Whom did you see specifically in order to be recruited at
18 S-21? Did you see anybody specific? Did you see one of the
19 staff leaders at S-21, and which one?

20 A.I did not meet any other people except the three medics, I
21 mean including myself, who worked together and later on were
22 arrested and detained, and I did not see other people recruited.

23 [10.23.34]

24 Q.Thank you very much for having answered all of these
25 questions. I understand that they may be difficult but it seemed

27

1 to be necessary to put them to you. I do not have any further
2 questions. Thank you.

3 MR. PRESIDENT:

4 It is time the Chamber can take an adjournment, so we will take
5 15 minutes break before we resume at twenty to eleven.

6 The Court official, could you please make sure that Madam Nam Mon
7 can have a rest before she could come back. Please come back by
8 10.40.

9 (Judges exit courtroom)

10 (Court recesses from 1024H to 1044H)

11 (Judges enter courtroom)

12 [10.44.05]

13 MR. PRESIDENT:

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

15 We are continuing to hear the testimony of the civil party Nam
16 Mon.

17 Before I hand the floor to the Co-Prosecutors, the Chamber would
18 like to inform the public and the participants to the proceedings
19 to be aware that the woman who sits next to the civil party Nam
20 Mon is Po Malin. She is from an organization, TPO, and the
21 Chamber invites her to provide needed assistance to the civil
22 party Nam Mon, as previously she was moved when certain questions
23 were put to her.

24 [10.45.35]

25 Thank you.

28

1 Now I would like to give the floor to the Co-Prosecutors to put
2 questions to this civil party if there are questions.

3 QUESTIONING BY THE CO-PROSECUTORS:

4 MR. TAN SENARONG:

5 Thank you, Mr. President.

6 The Co-Prosecutors, with the President's leave, would like to
7 show another photo in the Annex 1 of E48/2 -- it was a photograph
8 of Tuol Sleng Museum -- in order to show to Madam Nam Mon whether
9 she could recall the period that she worked. With the
10 President's leave, I would like the audiovisual unit to project
11 this document.

12 MR. PRESIDENT:

13 The AV Unit, can you show the document E48/2 on the screen?

14 BY MR. TAN SENARONG:

15 Q.Madam Nam Mon, this is a photograph of the Tuol Sleng Museum,
16 former S-21. This photo was taken by the Co-Investigating Judges
17 during their investigation. Can you now verify to the Chamber
18 the buildings of Tuol Sleng? This photo was taken from the east.
19 The building to the far left is called Building A, then Building
20 B, and next Building E, C and D.

21 [10.48.10]

22 In this photograph at the bottom of Building B, that is the
23 second building from the left, it is the current entrance and it
24 was also the entrance during the DK period.

25 Can you elaborate which was the building where the ordinary

29

1 prisoners were detained, and which building for the detention of
2 the special cadres, and which building where your father, was
3 detained? Also, can you specify which building that you used to
4 provide your medical service?

5 A.I can understand some parts of the photograph. From the
6 photograph, the building on the right-hand side was the building
7 that I provided my medical service.

8 Q.Was it also the same building where special cadres were
9 detained?

10 A.Yes.

11 [10.49.54]

12 Q.What about Building C, the one next to the building where the
13 cadres were detained?

14 A.I did not know about the Building C as I was only allowed to
15 work and to provide the service to only one building; that is the
16 Building D.

17 MR. TAN SENARONG:

18 With the President's leave, I would like to have on the record
19 that Building D was the building where the civil party worked
20 during that regime.

21 MR. PRESIDENT:

22 The Co-Prosecutor, can you turn on your microphone, please?

23 BY MR. TAN SENARONG:

24 Q.In document D49/13, it is a report of the Co-Investigating
25 Judges which confirmed that there was a house opposite the

30

1 entrance to the Tuol Sleng Museum and it was the former medical
2 office.

3 Can you verify that the house, which was on Street 113, is it
4 similar to the building or to the house where you worked and
5 stayed during that period?

6 A.That is correct. That's the house where the three of us
7 worked and stayed.

8 [10.51.47]

9 Q.Which roof of that house -- was it the one with the yellow
10 roof or with the darker roof which was -- or if it is underneath
11 of Building A indication?

12 A.That house had the dark red colour roof.

13 Q.Thank you.

14 MR. TAN SENARONG:

15 The AV Unit could please return the screen to the normal view.

16 Thank you.

17 BY MR. TAN SENARONG:

18 Q.During the time that you worked at S-21 office, which cadres
19 did you know? Can you recall their names?

20 A.While I lived at S-21, or Tuol Sleng prison, I did not know
21 the names of the newcomers. I know one person was referred to as
22 Brother East, but I did not know the actual name.

23 Q.In this courtroom right now, can you tell the Chamber whether
24 Brother East is Kaing Guek Eav, alias Duch, who is wearing the
25 white shirt?

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1 A.I have researched for a long time. I think he is Brother
2 East, but at that time he was more handsome than he is now.
3 [10.54.00]

4 Q.Thank you. Besides the Brother East, did you know the
5 photographer, the guards or the list recorders or those staff at
6 S-21?

7 A.I did not know any of them, including the photographers.
8 While I was there, I was not allowed to walk freely. I only
9 focused on my assigned duties in my building where I worked.

10 Q.Thank you. Did you ever see any other leadership besides S-21
11 coming to inspect or visit S-21?

12 A.In 1976, I saw Brother East accompanying a few other
13 high-level guests, three or four of them, for one time and that's
14 all. And I saw him almost on every fortnight basis.

15 Q.Thank you. In relation to the photographs you provided to the
16 Chamber, did you receive those photos by yourself or were they
17 provided by another unit, and when did you receive those photos?

18 A.The NGO tried to assist me in finding the photographs of my
19 parents, as I knew my father was killed there, so I tried with
20 them to find a photo, and finally they located the photos.

21 Q.Thank you. If I am not mistaken, you confirmed to the Chamber
22 that you saw your uncle executed at the Tuol Sleng Museum. Is
23 this correct?

24 A.That is correct. I witnessed the scene. One day at 6 p.m.,
25 when I went up to the third floor of the building, I saw my

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1 uncles being beaten, Uncle Ouen, Ta Ket, but at that time I did
2 not tell them that they were my uncles. I saw this Brother East
3 use a metal bar about half a metre long to beat those people
4 under a coconut tree.

5 [10.57.20]

6 MR. TAN SENARONG:

7 The President, with your leave, I would like to have that
8 photograph to show again, the D48/2, in order to show where she
9 stood and where the incident took place, from which direction,
10 when her uncles were beaten by Brother East, and if there are any
11 other people accompanied him at the time.

12 MS. NAM MON:

13 The building where I worked and treated the patients, from the
14 upper floor I could see the prisoners were walked outside the
15 gate near a coconut tree. Both of my uncles were ordered to
16 kneel down and they were beaten and killed. I was shocked, but I
17 did not dare say anything.

18 They blamed me as I did not work properly, but I think it's a
19 result of being shocked by seeing him kill my two uncles.

20 BY MR. TAN SENARONG:

21 Q.How many people did you see at the time and how, from that
22 distance at 6 p.m., was it clear enough for you to see those
23 people? Was it a clear sky or was it raining? And from which
24 corner of the photograph which I just showed you on the screen?

25 A.They were beaten just at the rear of the building. I did not

33

1 know where the detainees had been detained, but they were seen
2 walked about five metres from the building I was standing. It
3 was not really dark because we could see each other.

4 [10.59.40]

5 MR. TAN SENARONG:

6 Thank you for responding to our questions. I have no further
7 questions. I would like my colleague to continue for me.

8 BY MR. AHMED:

9 Q.Ms. Nam Mon, once your uncle was killed and, as you said, by
10 the accused present here, what happened next?

11 A.After they were killed there was no further incidents. I was
12 just terrified and I could no longer speak and I could not even
13 concentrate on my work any longer.

14 Q.What did, according to you, this accused use to kill your
15 uncle?

16 A.He used a metal bar with the length of about a half metre to
17 beat him on the back of the neck.

18 Q.Did he give the same treatment to all the other prisoners who
19 were with your uncle?

20 A.I did not see what happened to the other detainees because
21 that was the only last incident I saw about the beating because I
22 was so afraid that I would be in big trouble that I could not
23 want to see more.

24 Q.You were in S-21 for more than two years and you said you met
25 this accused fortnightly. What did you know about him? What was

34

1 his role in S-21?

2 A.I tried to ask them about my uncle. They told me that my
3 uncle no longer in charge and that Brother East would be taking
4 charge of the location. And no one could tell me his real name
5 other than Brother East and I did not even know that he was in
6 charge of the full operation of the prison. I only learned that
7 he was the Brother East.

8 [11.02.38]

9 After a thorough research I later learned that this Brother East
10 is the one who actually killed my family members and he was, of
11 course, the Chairman of S-21 or Tuol Sleng.

12 Q.You said you knew Brother East as the Chairman of S-21, but
13 during your long stay in S-21 did you also meet Brother East
14 socially? I mean to say, did you go to his house or did he come
15 to your house, or in any other such circumstances?

16 A.At the beginning, when he came to work at the prison he had a
17 meeting. He had a party at my uncle's house for two times. At
18 that time my uncle was still a big person in his division. They
19 had been good friends, so I saw him paying a visit to that party
20 at my uncle's house two times.

21 Q.You saw the accused paying a visit to your uncle's house. If
22 your uncle was a friend of the accused, why do you think he
23 killed him?

24 A. I did not know whether they had been close friends or maybe
25 only because it was the celebration thrown out by my uncle to

35

1 celebrate his being in charge of his current job at S-21.

2 Q.You also mentioned that your Comrade Lorn saw the killing of
3 your father. Did you ask Comrade Lorn why your father was killed
4 or who killed your father?

5 [11.05.06]

6 A.Comrade Lorn told me that my brother was ordered to kill my
7 father. She did not know who ordered, but she learned that my
8 brother was ordered to kill my father.

9 Q.You told the Court yesterday and today that you did not have a
10 chief of the medical unit. You, Lorn and Kim worked in that
11 medical unit. Who did you all report to in the S-21 hierarchy?
12 Who was your superior? From whom did you take orders?

13 A.Among our three medics, Comrade Lorn was the chief of the
14 medics and she would be the person who brought the medicines to
15 us to be distributed to the detainees.

16 Q.Who was the superior of Comrade Lorn? Whom did she talk to to
17 take orders?

18 A.Lorn was ordered from the superior, from someone named Vong
19 who was stationed at the location of the radio station. So that
20 person lived in Phnom Penh.

21 Q.Do you know whom that person worked for or whom did he report
22 to?

23 A.I don't know. I only know that that person would give the
24 medicines to Lorn and then Comrade Lorn would pass on the
25 medicine to us to be distributed further.

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1 [11.07.22]

2 Q.Did you, as medics, keep records? Did you maintain registers
3 of people you treated and people who were injured whom you were
4 called upon to serve?

5 A.I did not keep any records. After giving medicine to the
6 patients who got sick or who got high temperatures, they would
7 have received the medicine from me and I never took any records
8 of that event.

9 Q.As medics, what were your instructions -- what to do with
10 people who were unwell; to make them totally well or to just keep
11 them alive so that they can give confessions?

12 What were your instructions from your superiors?

13 A.I was instructed to work my best, to treat the patients so
14 that they can be strong to be able to give the confession. And I
15 did not understand why the very unwell people would not be
16 allowed to received medicine; instead the people who were a
17 little bit better would get some medicine instead.

18 Q.So if I understand you correctly, you were made to treat
19 people who were yet to give confessions. What happened to those
20 whose confessions had been taken? And if they fell ill would you
21 treat them also?

22 A.After they were interrogated and they got sick, of course they
23 still could receive some medicines; maybe for further purpose of
24 interrogation.

25 [11.09.37]

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1 Q.This Court has heard evidence that living persons were
2 operated upon to learn anatomy as to what was there in their
3 bodies. Are you aware of such experiments?

4 A.No, I was not trained about this or I was not of any knowledge
5 about this.

6 MR. AHMED:

7 Thank you very much, Your Honours. I have no further questions.

8 MR. PRESIDENT:

9 Next, the Chamber would like to give the floor to the civil party
10 lawyers to be able to put questions to the civil party. Could
11 you also, please, tell the Chamber how you allocate your time
12 given to all of the civil parties in the group? Would you follow
13 the same practice as earlier that the civil party's lawyers who
14 are the lawyers of the civil party will take up most of the time
15 while the rest would be given to the other?

16 QUESTIONING BY CIVIL PARTY COUNSEL:

17 MS. STUDZINSKY:

18 Yes, good morning, Mr. President, Your Honours. Yes, that is
19 correct. We follow the same procedure like we did before.

20 BY MS. STUDZINSKY:

21 Q.Ms. Nam Mon, I have some further questions to you.

22 [11.11.27]

23 First, can you describe your relationship that you had with your
24 Uncle Oeun when you were living in Phnom Penh?

25 A.When I lived in Phnom Penh I had lived with Uncle Oeun; that's

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1 why I saw the brothers who went to the party at Uncle Oeun's
2 house. Oeun died at S-21. He was my uncle whom I had lived
3 with.

4 Q. Who finally introduced you and sent you to the medical
5 training that you had?

6 A. Before I lived with my parents and they sent me to live with
7 Uncle Oeun who introduced me to the medical training and that I
8 became the medic at S-21.

9 Q. Did you continue to live in the house of your Uncle Oeun when
10 you received the medical training?

11 A. When I attended the medical training I would stay at the medic
12 house and I never paid -- or lived in his house again after that
13 training.

14 Q. Have you, however, visited or were you called -- better -- for
15 a meeting in the house of your Uncle Oeun while you were already
16 working in S-21?

17 A. I paid a visit to my uncle's house and I often met him before
18 he was arrested. When I lived with him it was the time, I
19 remember, that there was a party for Brother East and that it's
20 the time that I paid the visit to my uncle that I knew about
21 this.

22 [11.15.01]

23 Q. Did you attend a meeting of family members at night where the
24 discussion -- in the house of your Uncle Oeun where they
25 discussed to escape?

39

1 A.Later on I went to his house again. My Uncle Sen and Oeun and
2 I discussed about the escape plan, but only Uncle Sen could
3 manage to escape to the United States.

4 Q.Do you have still contact your Uncle Sen?

5 A.Once or twice a month, my uncle calls me from the States.

6 Q.Have you been informed about the subsequent arrest of your
7 Uncle Oeun and, if so, by whom?

8 A.He was not informed. Only Uncle Sen was of the knowledge that
9 people from the southwest were under purges, but Uncle Oeun did
10 not pay attention to this and Uncle Sen alone could escape. The
11 other would not have the same fate.

12 Q.Have you been present when your Uncle Oeun was arrested?

13 A.I was not presented anything because he was already arrested
14 and detained in the prison. I could not locate him, but during
15 the time when he was being arrested, I could see him while other
16 people were around him and I could recognize immediately that he
17 was my uncle.

18 [11.18.00]

19 Q.I try -- I got a little bit strange English translation. I'll
20 try to rephrase.

21 Have you seen when your uncle was summoned -- people came to the
22 house of your uncle and when they summoned him and took him away?

23 A.I was not at the home of my Uncle Ouen when he was being
24 arrested. He was not arrested from his house. Actually, he was
25 being walked from the home to the prison.

40

1 Q.And when did you see him in S-21 for the first time?

2 A.The first time I saw him being detained was when I was walking
3 with Comrade Lorn and we knew that it was the prison to detain
4 the cadres, and there was the small room, and I did not pay more
5 attention because I tried to make sure that people could not know
6 that I had been affiliated with my uncle, to avoid danger, but
7 later on I learned that he was executed.

8 [11.20.02]

9 Q.Could you observe about his health situation when you saw him
10 in Tuol Sleng, in S-21?

11 A.When I saw him he was still not sick. He is well, he's still
12 strong, but later on I did not know what happened to him.

13 Q.Can you recall the time between seeing him not sick and then
14 later on seeing how Brother East has beaten him to death? How
15 many time passed between these two incidents?

16 A.I only saw him two times during the interval until the day he
17 was executed.

18 Q.I have to come back to the situation when you observed his
19 execution; execution of your Uncle Oeun. Were there are persons
20 present when Brother East has beaten him to death?

21 A.When I saw him being beaten there were three people; two armed
22 persons and he was the only one who was carrying the metal bar or
23 stick.

24 Q.Took the execution place within the compound of S-21 or, from
25 your perspective, behind the fence?

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1 A.He was being executed under a coconut tree outside the fence.

2 [11.23.06]

3 Q.Could you observe what happened then after he was beaten to
4 death with the iron bar? Could you observe what happened to him?

5 A.I observed that after that there were screamings and cries of
6 young people, but I did not witness any execution. I only heard
7 the screams.

8 Q.Maybe I'll rephrase the question.

9 Did you see what -- when your uncle was -- Uncle Oeun was beaten
10 to death, what happened then with him? Was he transferred away?
11 What did Brother East do?

12 A.After the execution, the next morning I would be distributing
13 the medicine as usual but I could no longer see the dead body of
14 my uncle. He was removed.

15 Q.Do you know where he was removed?

16 A.I don't know because the next morning his body disappeared. I
17 only witnessed the execution, but I did not see where he would
18 have been taken to -- the dead body of him.

19 Q.I come now to the execution of your Uncle Ket. Who was
20 present when Brother East, again in the same manner, has beaten
21 to death your Uncle Ket?

22 A.Both uncles, Uncle Oeun and Uncle Ket were beaten and executed
23 by the same group of people, the three people: two armed person
24 and Brother East. No-one could see them except I, myself, who
25 saw them from the upper floors.

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1 [11.26.25]

2 Q.And took the execution of your Uncle Ket as well, placed
3 behind the fence from your location?

4 A.Both uncles were executed at the same spot. Uncle Ouen was
5 executed there while Uncle Ket also was executed at the same
6 place.

7 Q.You told the Co-Prosecutors that you have seen and met Brother
8 East each fortnight. Can you tell us what did Brother East do
9 when you saw him or met him in S-21, apart from the executions of
10 your two uncles?

11 A.After my uncles were executed, I had no idea what he could
12 have done at the location, but I could see him wandering around
13 within the premises of S-21, so after two days he would be there.
14 I could not see him for some time, then fortnightly I would see
15 him again, but again I did not know what he did at that location.

16 JUDGE LAVERGNE:

17 Ms. Silke, before you continue, just one question because I
18 confess I'm a bit confused.

19 Could you tell us about a little bit who is this new uncle that
20 you're mentioning, this uncle Ket or Kert? I do not know who
21 this person is, what he was doing, when he was at S-21. Do you
22 have more clarification on this? You seem to be better informed
23 than us.

24 MS. STUDZINSKY:

25 I would like then to ask this question to the civil party.

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1 BY MS. STUDZINSKY:

2 Q.Can you recall who was your Uncle Ket? And can you tell us
3 what you know about him?

4 [11.29.12]

5 A.Uncle Ket was the brother, elder brother of Uncle Oeun. He
6 was also from the same division. He lived and worked with my
7 Uncle Oeun.

8 I did not lodge my application including his names in the
9 complaint because I was afraid that if I mentioned too many names
10 in my complaint and all that, I would be killed. I am the last
11 person in my family and I'm very scared that the family would be
12 lost forever if I die.

13 Q.That means when you lived in the house of Uncle Oeun, you
14 lived as well together with Uncle Ket. Is that correct?

15 A.What you said is correct.

16 Q.Did Uncle Ket as well participate in this meeting where they
17 discussed to escape and what only Uncle Sen could realize
18 successfully?

19 A.Regarding the escape, my Uncle Sen and my other uncles and my
20 father were aware of the attempt but my father was afraid to
21 leave the family behind. Only Uncle Sen who was single, so he
22 could escape. But we would all know the attempted plan to
23 escape.

24 Q.How much time -- if you recall this meeting about the escape
25 -- how long after this meeting can you say was the arrest of

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1 Uncle Oeun and Uncle Ket? How long after this meeting?

2 A. During our meeting on the attempts to escape, he came from 5
3 p.m. and he stayed until 9 p.m. when he left.

4 [11.32.07]

5 Q. And from then on, do you recall when your uncles, Uncle Oeun
6 and Uncle Ket were arrested from then on?

7 A. After my uncle called us for a meeting, three days later he
8 flew the plane and left. And about two weeks later, then Uncle
9 Oeun and Uncle Ket were arrested. My father was not yet
10 arrested. Only later on then my father was arrested.

11 Q. That means your Uncle Sen took a plane and fled the country
12 and two weeks after this your two uncles, Uncle Oeun and Uncle
13 Ket, were arrested. Is this right? Am I correct?

14 A. That is correct.

15 Q. I would like to move now to your tasks as a medic in Tuol
16 Sleng and S-21. When you used the -- let's call it home-made,
17 Cambodian-made medicine, who brought this medicine to your house
18 or to your office there?

19 A. When I first started as a medic, we used existing medicine and
20 when that ran out then we used the traditional herbal medicine
21 through the chief of my hospital. They provided those medicines,
22 those traditional medicines directly to Lorn and Lorn would
23 distribute them to us.

24 Q. And do you know who provided the medicine to Lorn and how much
25 was it weekly if you can estimate?

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1 [11.34.52]

2 A.Sen provided those to Lorn and each time there was about half
3 a kilogram to be provided to Lorn and the occurrence was about
4 five times per month.

5 Q.This person who provided the medicine to Lorn, was this person
6 also working in S-21 or from outside?

7 A.The person who provided the medicine to Comrade Lorn -- the
8 person was the chief of the hospital and the name was Sen. He
9 was in charge of the hospital which is currently the radio
10 station number 5.

11 Q.When you resigned as a medic or you had to resign as a medic,
12 what did you do then?

13 A.After I stopped working as a medic, I was asked to clean the
14 grounds around the Tuol Sleng compound and about the fourth night
15 later, I was arrested. However, I lived until the day I was
16 arrested. I lived in the Tuol Sleng prison.

17 Q.Do you know the reason why you were assigned to clean the
18 compound?

19 A.I did not know why I was removed from being a medic. In my
20 mind, I realized that I was not trusted because I cried after I
21 saw my parents. So I was removed from being a medic.

22 [11.38.00]

23 I thought I would be taken and killed but instead I was assigned
24 to clean the compound and only a fourth night later I was
25 arrested and cuffed.

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1 Q.I move on now to the situation in Prey Sar. You told us
2 already that you had to dig the pits for children. Have you ever
3 seen in Prey Sar in which manner a child was killed?

4 A.After I was transferred from Tuol Sleng prison to Prey Sar, I
5 was assigned to dig the pits. At night-time, I could hear the
6 crying of the children, and when I sneaked to have a look I saw a
7 child was thrown into the air and then a bayonet was used to
8 stick to the child when the child fell. I only saw this happen
9 to one or two children only.

10 Q.Do you recall how old this child was or these -- yes, this
11 child was, estimated?

12 A.The child who was thrown into the air was about one to two
13 years old.

14 [11.39.54]

15 Q.Have you seen at Prey Sar, during your stay, other children
16 and very small children and wounds that these children had?

17 A.Those children were very skinny and they had wounds as a
18 result of mosquito bites. They were taken and killed in that
19 Prey Sar compound. The prison was not a re education camp, it
20 was a place where children and women were killed.

21 Q.Did you hear about how these very small children were killed
22 in Prey Sar?

23 A.At that time when I was taken there, I only saw one time when
24 a child was thrown into the air and then the child fell onto a
25 bayonet. I saw the dead bodies but I did not see how they were

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1 killed.

2 Q.I understand, but did you hear from other people in Prey Sar
3 how these children were killed?

4 A.In the Prey Sar prison I never spoke to anybody regarding the
5 killing. I only saw the dead bodies. I was not told how they
6 were killed. I could only say what I saw personally with myself.
7 I did not want to come here to complain about something which is
8 not true. I only talk about the true experience that I, myself,
9 encountered.

10 Q.Thank you very much for your accounts, which must be very
11 painful.

12 I want to ask you another question which is quite different but,
13 however, in Prey Sar. Have you been informed about weddings,
14 group weddings, that took place in Prey Sar between female staff
15 and handicapped male staff?

16 [11.43.36]

17 A.The females at the Prey Sar prison, they were asked to marry a
18 group of handicapped male people, and the wedding usually took
19 place on a fortnight basis or a monthly basis. Sometimes they
20 could live together but some separated after their marriage.

21 Q.To your knowledge, did they agree to marry; was it their wish
22 to marry?

23 MR. PRESIDENT:

24 Madam Nam Mon, you don't need to answer the question because the
25 facts does not deal with the allegation of any kind on the

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1 marriage.

2 The lawyer, you are reminded to only ask questions related to the
3 facts before the Chamber, and Nam Mon is both a victim and a
4 civil party who claims that her family members were killed at
5 Tuol Sleng.

6 MS. STUDZINSKY:

7 Thank you, Mr. President. I note only that we had more than one
8 minute that was taken for remarks and objections from the Trial
9 Chamber.

10 BY MS. STUDZINSKY:

11 Q.Ms. Nam Mon, I would like to know, do you have scars from the
12 torture in Prey Sar, from the torture in S-21 when you were
13 detained, and can you describe us what scars you have, if so --
14 if any?

15 A.When I was cuffed, there was a mark on my ankle. And, yes, I
16 can show you the mark on my ankle -- on one ankle.

17 [11.46.07]

18 Q.Do you have other scars coming from being beaten in Prey Sar
19 which still remain until today?

20 A.Now I only have the mark on my ankle as a proof that I was
21 detained.

22 Q.And one last question.

23 Why do you feel today less scared to talk about your experiences
24 in Tuol Sleng and Prey Sar, and why are you able now to talk
25 about all these experiences?

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1 A.I tried to make myself strong in order to find justice for my
2 parents, my siblings and my uncles today.

3 Q.Thank you, Ms. Nam Mon.

4 MS. STUDZINSKY:

5 I would like to give now the floor to Group 3 for further
6 questions, and I would like to inform the Chamber that after
7 questioning the civil party, Ms. Nam Mon, Ms. Nam Mon will have
8 questions to the accused. Thank you.

9 MS. JACQUIN:

10 Mr. President, Your Honours, good morning.

11 [11.48.06]

12 BY MS. JACQUIN:

13 Q.Ms. Nam Mon, I thank you for your courage. I know it's
14 difficult but I must put some questions to you.

15 First of all, can you confirm which building you were detained
16 in? Was it in the building where you used to work?

17 A.The building where I was detained was the building where I
18 worked. I was detained on the ground floor in a single room
19 where I was only detained alone.

20 Q.Were you photographed before you were imprisoned?

21 A.In the Tuol Sleng prison I was not photographed. However, at
22 Prey Sar I was photographed, but so far I could not -- I have not
23 located my photo.

24 Q.You indicated that you were imprisoned in S-21 for three
25 months without washing; you were offered a shower, but you

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1 refused. Could you explain to us why you refused to go and wash
2 yourself?

3 A.While I was detained there I was asked and allowed to wash
4 myself, but I dare not because I had wounds on my legs and it
5 would be painful if I have myself washed.

6 [11.50.00]

7 Q.When you were in S-21 did you see women who were pregnant or
8 did you see women who gave birth?

9 A.While I was detained at S-21 I did not see any women who were
10 pregnant or delivered any baby. I only saw elder women who were
11 the wives of the former cadres.

12 Q.Can you tell us why other women in other cells were weeping or
13 were very unhappy after they came back from washing themselves?

14 A.Those people who went to wash themselves, I didn't know what
15 happened to them because I was detained in the room and the door
16 was locked from the outside. I could not say whether they were
17 happy to have themselves washed or not.

18 Q.You learned that your brother was executed after beating your
19 father to death. Do you know how and by whom he was executed?

20 A.I knew that my elder brothers and my mother, whom were
21 arrested after my father's arrest, died in that prison, because
22 when I was arrested in early 1978 I did not see them and I knew
23 that they were detained in that prison and died in that prison,
24 but I did not know who killed them.

25 [11.52.28]

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1 MR. PRESIDENT:

2 The time runs out for the civil party lawyers now.

3 Madam Nam Mon, as stated by your lawyer Studzinsky that you
4 wished to put some questions to the accused, do you still want to
5 put some questions to the accused?

6 MS. NAM MON:

7 I want to ask the accused, Brother East.

8 First question. I want to ask you, Brother, are you going to
9 deny the truth and the facts that I have just mentioned before
10 the Chamber?

11 MR. PRESIDENT:

12 You can ask the question, but you cannot ask him directly. You
13 can mention your questions and we will record your questions and
14 I myself will put the questions to the accused. However, the
15 accused also has the right to remain silent and he always has
16 this right during the entire proceedings. So you can put the
17 questions to us.

18 MS. NAM MON:

19 I would like to ask the accused through you. This accused who
20 mistreated my parents, my siblings and my uncle, I want to know
21 whether he's going to deny what I have said or not; what he had
22 committed.

23 MR. PRESIDENT:

24 Do you have any other questions? You don't need to ask this type
25 of question. He will say regarding this point because the

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1 Chamber will give an opportunity to the accused to make his
2 observation regarding your testimony last week and this morning.
3 [11.55.15]

4 MS. NAM MON:

5 That's all what I want to ask and I want him to respond directly
6 to the question.

7 MR. PRESIDENT:

8 The Chamber would like now to give the opportunity to the
9 accused, first, to make his observation regarding this statement
10 -- oral testimony by this civil party, Nam Mon.

11 Also, the accused is instructed to respond to the question posed
12 by the civil party.

13 THE ACCUSED:

14 Mr. President, I would like to provide my observations as
15 follows. One, the suffering of the Cambodian people throughout
16 the entire country during that period; I am not denying anything.
17 I am responsible, personally and emotionally. And secondly,
18 emotionally and legally I am responsible for those lives lost at
19 S-21.

20 However, for some historical events that I would like to raise to
21 the Chamber today are as follows. After the 17 April, the
22 Communist Party of Kampuchea evacuated the people from Phnom
23 Penh. The resistance movement in Phnom Penh -- the hidden force
24 were not removed; one part of them was assigned to Vorn Vet to be
25 in charge of the commerce and five forces were given to Son Sen.

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1 So that is one historical movement.

2 [11.57.53]

3 And for the workers, Brother Chhay Huor went to the countryside
4 to gather those forces to return to the factories. It happened
5 continually, from what I can recall. And after I met him, at the
6 time there was a requirement from Angkar for Chhay Huor to gather
7 the workers and it had to be finished before the 31st of May '75.
8 And regarding the testimony of Nam Mon that her father came to
9 work with logistics at S 21, it's non-existent. His name was not
10 on the list. There was no name of the father of this person, Nam
11 Mon, and the medics at S-21 were those who were the former forces
12 of Division 703, and there were only male medics; no female.
13 Yes, the chiefs of the hospitals were arrested continually,
14 including Comrade Try, the final arrest, according to the
15 decision made by the upper echelon. However, I stress again
16 there were no female medics.

17 I would also like to provide another alternative observation. As
18 this person, Nam Mon, states regarding the situation at S-21, it
19 was far distant and different from the reality as she only knew
20 about her family details in S-21 and only three other medics,
21 Lorn and Kim, and only another person as she just stated, and at
22 Prey Sar there were plenty of work assignments but she only
23 talked about digging pits.

24 [12.00.07]

25 So the situation at Prey Sar and at S-21 in Phnom Penh were not

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1 what happened at the time. When I read her complaint, I was
2 shocked as she lost all her parents and siblings and several
3 other people. So, yes, I acknowledge they suffered, she
4 suffered, but not at S 21. As I stated to the Chamber, S-21 had
5 no authority to transfer her from S-21 to Prey To Toeng.
6 So there is no evidence, and if we can find any documents to
7 prove that she worked as a medic at S-21, then her lawyers might
8 be able to find documents to prove that and to put it before the
9 Chamber if there is a name, or the name of Roeun Chanta, as she
10 claimed, because all the names that she provided, when I checked
11 the list, it's non-existent. There is no evidence at all.
12 So -- and also what she said regarding her skill, her knowledge,
13 was contradictory to the real situation. She did not even know
14 when or how many times that S-21 relocated itself. I already
15 reported to the Chamber the relocation, so the Chamber -- so this
16 is my observation, Mr. President.

17 MR. PRESIDENT:

18 It is now time to take an adjournment for lunch, so we will take
19 the adjournment for now and we resume at 1.30 p.m.

20 Court officer is instructed to make sure that Madam Nam Mon can
21 take a rest and have her meal.

22 [12.02.15]

23 The security guards are instructed to bring the accused to the
24 detention facility and return him by 1.30 p.m.

25 (Judges exit courtroom)

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1 (Court recesses from 1202H to 1332H)

2 (Judges enter courtroom)

3 MR. PRESIDENT:

4 Please be seated. The Chamber is now back in session regarding
5 the hearing of the testimony of the civil party Nam Mon.

6 Before I give the floor to the defence counsel, the Chamber would
7 like to give the opportunity to the accused to make his
8 observations on the photographs displayed on the screen this
9 morning.

10 [13.34.24]

11 THE ACCUSED:

12 Mr. President, I would like to make comments regarding the
13 photographs.

14 First, I would like to make my comment on my acknowledgment of
15 Chin Met's photograph. When I read the complaint of Chin Met, I
16 was interested in three points. One is the content of what he
17 reported regarding his own suffering at Prey Sar, and it is the
18 suffering which I acknowledged.

19 And the second point: Chin Met spoke about Unit 17 and I was
20 doubtful that it was the unit at Prey Sar. And the third point,
21 which I was shocked, was the photograph. It looked -- he's very
22 old. Chin Met, she's very old, and later on I saw Prey Sar's
23 document. I have the document with me and in that document there
24 were mentionings of Unit 13, 12, 14, 15, 16 and 17. So what she
25 mentioned about the unit, yes, that was right. She suffered and

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1 I acknowledge her suffering and I am hoping to get more documents
2 regarding her case.

3 So when I read the brief biography of Chin Met, it's apparent
4 that she suffered at that location, and later on I also
5 acknowledged her photograph as I also compared her photographs to
6 the photograph attached to her own biography. So when I compare
7 her photograph to the photograph in her biography, it matched.
8 So that was my acknowledgment of Chin Met's photograph and her
9 suffering. This is just for clarification to the Chamber.

10 [13.37.16]

11 And regarding other photographs, the photographs of D25/6, the
12 photo of the sibling, he sought assistance from an intellectual
13 and that intellectual annotated that the photo is the actual
14 photo of Chum Sirath, and I respected that. But this Chum
15 Sirath, whom I know, I could identify through the photograph, and
16 when I matched the list, the name Chum Sirath, yes, appeared on
17 that list.

18 However, regarding the five, six or seven photographs displayed
19 this morning, there are no supporting documents to support those
20 documents, therefore, I am not in a position to either deny or
21 accept the photographs. I would make my position clear when
22 there are certain documents or available documents that I can
23 examine.

24 I would seek the President's leave to read the ERN number of the
25 Chin Met's document.

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1 MR. PRESIDENT:

2 Judge Lavergne, you take the floor.

3 JUDGE LAVERGNE:

4 I'm wondering and I think the accused is looking for a document
5 here, but I would like to be sure that the accused is referring
6 to the --

7 [13.39.22]

8 THE ACCUSED:

9 Mr. President, in Chin Met's complaint, ERN 00281158, when she
10 mentioned that she was in Unit 17, it was on that page with that
11 ER number. And the document appraisal, which is a branch of S-21
12 which also mentioned Unit 17, E47.22 on page 288858. So these
13 two documents could prove the existence of Unit 17. And in Chin
14 Met's biography, which is now before me, 800343200.

15 In summary, I would like to reiterate that the seven photographs
16 of Nam Mon do not have any supporting documents or any documents
17 for me to deny its existence at S-21.

18 MR. PRESIDENT:

19 Judge Lavergne, you take the floor.

20 JUDGE LAVERGNE:

21 So we have just heard comments regarding -- well, the comments,
22 therefore, do not regard the person who is here in the Chamber.
23 We are speaking about Chin Met who was questioned last week. Is
24 that so or did you mix up comments regarding the previous civil
25 party and the civil party that we have just questioned? What is

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1 at stake here?

2 THE ACCUSED:

3 Your Honour, I stated the qualification for me to acknowledge the
4 photographs and the conditions of my acceptance of those
5 photographs, and I just stated the conditions of my acceptance of
6 the photograph of Chin Met. This is to clearly state my position
7 and acceptance of photographs is my last position after I
8 consulted all the supporting documents. And this is just my
9 case as a reference regarding the acceptance of Chin Met's
10 photographs.

11 [13.42.59]

12 And also mentioned my position on another civil party, D25/6.
13 Regarding the present civil party, Nam Mon, and after I stated my
14 position regarding the acceptance of photographs of the previous
15 civil parties, I stated to the Chamber that the seven photos of
16 Madam Nam Mon do not have sufficient documents for me either to
17 accept or deny their existence. That's all, Your Honour.

18 MR. PRESIDENT:

19 Judge Cartwright, you take the floor.

20 JUDGE CARTWRIGHT:

21 Thank you, Mr. President.

22 I understand what you are saying to us this afternoon, that once
23 you had confirmation for these other civil parties or witnesses,
24 then you completely accepted that part of their testimony.

25 What I would like to know from you this afternoon is this.

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1 Although you have said there is nothing to confirm those
2 photographs that we were shown this morning, do you recognize any
3 of the people in those photographs as having been guards, staff
4 members or detainees at S-21?

5 THE ACCUSED:

6 Your Honour, what I stated in the morning was the general view.
7 That means amongst those individuals whom Nam Mon declared they
8 were victims at S-21, they are not the staff members of S-21,
9 none of them.

10 [13.45.28]

11 She said this morning that her father was a resistance force in
12 Phnom Penh and there were five of them: Ma Mengkheang, alias Mon,
13 an interrogator; and the interrogator, Puy Tayni, alias Noeun,
14 interrogator; Pann Sokhan, also the interrogator; and Trov, the
15 other interrogator.

16 They were the forces which were assigned to S-21, and the rest of
17 the forces were from Division 703. I did not recognize any of
18 the people in those photographs as working at S-21 at all.

19 JUDGE CARTWRIGHT:

20 Thank you. I have no further questions for the accused.

21 Mr. President, may I ask the civil party, Nam Mon, to look at a
22 photograph, please?

23 Could the AV Unit put on screen photograph ERN number P00005249?

24 MR. PRESIDENT:

25 How is it going now, the AV Unit? You think you are able to show

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1 the picture on the screen? Oh, it's up now.

2 [13.48.01]

3 JUDGE CARTWRIGHT:

4 Thank you.

5 BY JUDGE CARTWRIGHT:

6 Q.Madam Nam Mon, can you tell me if you recognize any of the
7 adults in this photograph, please?

8 A. No, I do not recognize any of them.

9 JUDGE CARTWRIGHT:

10 With your permission, President, may I ask the accused if he can
11 name the adults in this photograph, please?

12 THE ACCUSED:

13 Your Honour, let me count from the left to right. The first
14 left, that's Brother Mam Nai; the female, his wife Svay Krou,
15 alias Mom. Second male, You Pengkry, alias Mon. I do not know
16 the name of his wife. I forget.

17 And the third male is me, Kaing Guek Eav, alias Duch, and in
18 front of me is Chhim Sopal, alias Rom, my wife. And the fourth
19 man, Ma Mengkheang and his wife, Rith. So there are eight adults
20 in this photograph, Your Honour.

21 [13.49.58]

22 JUDGE CARTWRIGHT:

23 One last question about the photograph.

24 Can you tell me, apart from you, who else worked at S-21 from the
25 adults that you have identified?

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1 THE ACCUSED:

2 Your Honour, all four males there, they were staff of S-21, and
3 one woman, the wife of Brother Mam Nai, was also a staff of S-21.
4 She was in charge of the cooking for the staff, and Ma
5 Mengkheang's wife, Rith, worked in a factory. She was not yet to
6 be working at S-21. Later on both of them were arrested.

7 JUDGE CARTWRIGHT:

8 Thank you. I have no further questions to ask about this
9 photograph, President, so perhaps the screen can be returned to
10 the normal.

11 MR. PRESIDENT:

12 Now I would like to give the floor to the defence counsel so they
13 can put questions to the civil party, Nam Mon, if they have any.
14 The floor is yours, defence counsel.

15 QUESTIONING BY DEFENCE COUNSEL

16 [13.51.48]

17 MR. KAR SAVUTH:

18 Thank you, Mr. President, Your Honours. Good afternoon, ladies
19 and gentlemen.

20 BY MR. KAR SAVUTH:

21 Q.Madam Nam Mon, this morning you informed the Chamber that you
22 only speak about the truth and you cannot speak about something
23 which is not true. Is this correct?

24 A.That is correct.

25 Q.Thank you. In your complaint, you described about your

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1 siblings and there were six siblings: four elder brothers,
2 yourself, and then another younger brother. However, during the
3 proceedings on Thursday, you stated you only had five siblings,
4 including yourself.

5 How come you mentioned sometimes you had five and sometimes you
6 had six, as you stated that you only speak about the truth? Can
7 you elaborate on this?

8 A.As I stated this morning, I had five siblings; six including
9 my younger brother, who was my godbrother.

10 Q.Thank you.

11 [13.53.24]

12 MR. PRESIDENT:

13 I notice that Studzinsky is on her feet.

14 MS. STUDZINSKY:

15 Thank you, Mr. President.

16 I would like to ask you, Mr. President, to advise the defence
17 counsel, Mr. Kar Savuth, to speak less aggressively to the civil
18 party and to calm more down and use the mic to make her
19 understanding, and I think his manner is very aggressive and,
20 please, I would like to ask the President to calm the defence
21 counsel down.

22 Thank you very much.

23 MR. PRESIDENT:

24 Thank you. This notice is also a good sign as this civil party
25 is emotional.

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1 So the defence counsel, you are instructed to use a lower voice
2 projection and make your speech gentle so that she can respond to
3 your questions fully. You may continue.

4 MR. KAR SAVUTH:

5 Thank you, Mr. President. In fact, this is my habit. I do not
6 intend to use louder voice to threaten on this civil party. I
7 just would like her to mention the truth because, in her
8 complaint, Madam Nam Mon did not say she had a godsibling. She
9 only mentioned her younger and elder siblings, and I just would
10 like her to verify on this matter.

11 [13.55.39]

12 BY MR. KAR SAVUTH:

13 Q.My next question.

14 You said you were a medic at Tuol Sleng. Did you ever draw blood
15 from the prisoners?

16 A.When I worked as a medic I did not draw any blood from the
17 prisoners. My main task was to distribute medicine to the
18 patients.

19 Q.Thank you. You also stated on Thursday to the Chamber that in
20 mid-'75 you worked as a medic at Tuol Sleng. Can you elaborate
21 clearly if Tuol Sleng prison was established in February 1976
22 because actually S-21 was at the PJ location before that? So how
23 could you work as a medic before its existence?

24 A.In '75, I worked at the Tuol Sleng prison but that hospital
25 initially it was a school. It was not called a prison. And

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1 later on, I lived until '76 and early '77. So I had worked as a
2 medic from '75 until '77.

3 Q.Thank you. I would like you to respond directly to my
4 question.

5 I want to know that Tuol Sleng prison was established in February
6 1976 and you yourself stated to the Chamber that you worked as a
7 medic at Tuol Sleng at that Tuol Sleng location in mid-1975.

8 [13.57.50]

9 So I would like you to verify because Tuol Sleng was not yet
10 established. It was still at the PJ prison. It was not yet
11 located, and how could you work as a medic at the house with the
12 dark red coloured roof, as you stated this morning? How could it
13 be possible for you to work as a medic when the prison was not
14 yet established at that location?

15 A.I worked as a medic at the Tuol Sleng prison and you asked
16 whom I treated. First, we treated those people who worked there,
17 who cleaned up the place before the prison was established. And
18 when the cadres and the families of the cadres were arrested,
19 then that place were used to detain them and then Tuol Sleng
20 prison were established. So I had worked as a medic from the
21 beginning and I had worked until 1977. So first I provided the
22 treatment to the soldiers and later to the prisoners.

23 Q.Thank you.

24 Next question. You said your brother Khoeun flew the airplane
25 and when you mentioned about your brothers in the complaint --

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1 your civil party application -- there was no mention of Khoeun.

2 Why, here at the Court, you mentioned about Khoeun, your brother

3 who flew the plane? So could you please elaborate further on

4 this?

5 [13.59.54]

6 A.Khoeun at the beginning was stated as cousin and I did not

7 really state his occupation because I was afraid that I too would

8 be executed.

9 Q.Thank you, but I could not locate Khoeun in your civil party

10 application.

11 Next question. Do you remember the dates in which you stated

12 that at 6 p.m. you saw Brother East was beating your uncles. Can

13 you recall the date, please?

14 A.I don't remember the date. I only know that my uncles died in

15 1976.

16 Q.Could you please clarify for us regarding the location in

17 which you stood in the building and you said you saw your uncles

18 were beaten from the location you were standing on the second

19 floor? But to me that building blocked the view from anyone who

20 would be standing there, and there was a veranda in front of the

21 building and when the people were being executed at the rear of

22 the building, how could you see them?

23 A.I was standing on the third floor through the bar of --

24 through the window with the metal bar.

25 Q.Thank you. I would like to confirm also that on the third

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1 floor, as you mentioned, because at both ends there were steps to
2 that floor and there was no windows, and that I think anyone
3 could only see something happened downstairs through the veranda;
4 i mean if you only walked to the veranda to see the incidents.
5 Otherwise you could not see what happened.

6 [14.03.10]

7 MR. PRESIDENT:

8 Mr. lawyer, could you please rephrase your question so that you
9 can avoid making your own presumption to be inflicted to the
10 civil party? So it is not really time yet for you to make any
11 conclusion or closing statement at this moment.

12 MR. KAR SAVUTH:

13 Thank you, Mr. President.

14 BY MR. KAR SAVUTH:

15 Q.On Thursday you said there were three medics and no-one was
16 chief, but today you stated that Comrade Lorn was the chief of
17 the medics. Why is it so contradictory?

18 A.The other day I was asked how many medics were there and then
19 I was not asked about the chief so I said there was three medics.
20 But today they asked about the chief of the medics so Comrade
21 Lorn was the chief of the medics.

22 Q.Thank you.

23 In Pol Pot's regime, did they allow people to have a party?

24 A.During the time when my parents and uncles still survived they
25 could have a party, but after they had been detained there were

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1 no more parties thrown.

2 [14.05.56]

3 Q.Can you tell me about that party? What was the main purpose
4 of throwing such a party?

5 A.I don't know what kind of party it was, but I saw a lot of
6 cadres coming to the party and then later on there was another
7 party with just very few people. I don't know what actually the
8 main purpose of such an event.

9 Q.Thank you. You said you had been detained at S-21 for three
10 months. How many times were you interrogated?

11 A.I was detained for three months and I was fully interrogated
12 for an entire month, one month, and the following two months
13 would not be intensified when it comes to interrogation, and then
14 I was sent to Prey Sar.

15 Q.Thank you. Were you taken photographed when you were at S-21?

16 A.I had not have my photograph taken at Tuol Sleng.

17 MS. STUDZINSKY:

18 Mr. President, now it's too late, but it's again -- it's for the
19 third time that the civil party was asked this question, and by
20 the Chamber, then by my colleague, and then now by the defence
21 and I think this is a repetition and should be avoided. Thank
22 you.

23 [14.07.00]

24 MR. KAR SAVUTH:

25 Thank you.

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1 Actually, I'm asking to seek clarification from Nam Mon whether
2 she has any evidence to prove that she had been detained at S-21
3 actually.

4 BY MR. KAR SAVUTH:

5 Q. So my question is about your biography -- your photo; for
6 example, to prove that -- do you think that there are documents
7 available to prove it, because you said you had been interrogated
8 for the entire month at the beginning and, of course, there are
9 lists of prisoners at S-21. Do you think you can locate your
10 name on the list and, if not, how can you prove that you were
11 once detained? Could you please be reminded of this?

12 A.I may have to respond. I have been searching for the photos
13 concerning my interrogation at S-21 but to no avail because even
14 my parents who died right in front of me could not be located.
15 They could have been destroyed. Who knows?

16 So I only have the photos. I cannot really produce other
17 documents although I have been searching for them.

18 Q.Thank you. I have no further questions. I would wish my
19 colleague to proceed further for me.

20 MR. PRESIDENT:

21 Mr. Francois Roux, you can take the floor.

22 MR. ROUX:

23 Thank you, Mr. President.

24 [14.09.04]

25 BY MR. ROUX:

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1 Q.Good afternoon, witness. I am Mr. Roux. I am the other
2 defence counsel and I would like to put a few more questions to
3 you so that you can help us to understand.
4 You told us that you underwent medical training before you went
5 to work in S-21. I would like to ask you to furnish us with more
6 details. In particular, do you remember on what date or dates
7 you underwent this training and where the training was given to
8 you? So the date and the place.

9 A.I remember the year, but I don't remember the details of the
10 dates. I was given the training in 1975, early 1975. The
11 location of the training was somewhere near the TV 5 station.

12 Q.Thank you for that detail.

13 So you're saying that this was near the Radio 5 station? What
14 was it there -- a hospital, a dispensary? Could you enlighten
15 the Chamber with regard to your training?

16 A.Could you please elaborate further about the training because
17 I don't understand the question actually?

18 Q.Where did your training take place? Was it in a hospital?
19 Was it a dispensary? Where exactly did you receive training?
20 You said near the radio station. What sort of building was it
21 where you received this training?

22 [14.11.59]

23 A.We were trained somewhere near that station, but I don't
24 remember where it located actually, but I was receiving the
25 training before I was transferred to work at Tuol Sleng.

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1 Q.Was it a hospital?

2 A.It was not a former hospital. We underwent the training in
3 the house with the person who would have been well educated who
4 imparted the knowledge to us at that house.

5 Q.Thank you. How many people were undergoing this medical
6 training with you?

7 A.There were a lot of people. Only when I came to work at Tuol
8 Sleng that there were only three people assigned to work as
9 medics. When we attended the training, there were more than 10
10 people.

11 Q.You said that you went to Tuol Sleng in the middle of 1975.
12 Is that correct?

13 A.That's correct because when I left the training then I went
14 straight to Tuol Sleng.

15 Q.Might you be able to remember the month of the year? Was it
16 June, July, or August?

17 A.I don't remember. I think I was too young that I could not
18 fully remember the details to be able to tell you all.

19 [14.14.59]

20 Q.Yes, of course. Do you remember who was the head of S-21 when
21 you arrived?

22 A.When I arrived there was Khim, who was the chief of S-21 in
23 the middle of 1975. He was the head of the division at that time
24 and stationed at that location.

25 Q.Do remember the head of what division it was?

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1 A.He was not really the chief of the division, I'm sorry, he was
2 the subordinate of my uncle; my uncle was his superior. And he
3 was still in control of that school. It was not yet the prison.
4 Khim did not start to kill people yet at the outset. Only when
5 Brother East arrived that the location would be turned into the
6 Tuol Sleng prison.

7 Q.So this was your uncle's subordinate. Can you remind us what
8 division your uncle belonged to?

9 A.I don't remember the division. I only learned that he managed
10 the division and that Khim, or Comrade Khim, was assigned to
11 control the location which is now the Tuol Sleng prison. I don't
12 remember the division.

13 Q.Would you be so kind as to remind us of that uncle's name? We
14 have mentioned several uncles, so if you could please remind us
15 of that particular uncle's name.

16 A.I had Uncles Ouen, Ket and Sen.

17 Khim actually was my far-distant relative.

18 Q.Khim, which uncle was he the subordinate of, if you could
19 please tell us?

20 A.He was under the subordinate of my Uncle Oeun, who was the big
21 boss in Phnom Penh. So Khim was his subordinate.

22 Q.So when you arrived in Tuol Sleng in the middle of 1975, your
23 superior was Khim. Is that correct?

24 A.Yes, that's correct.

25 Q.When you were at S-21 at the end of 1975 did you, at any

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1 point, move? Did Tuol Sleng move its premises at any point in
2 time?

3 [14.20.22]

4 A.We had never moved I mean the location where we stayed among
5 other medics. We only visited our parents, but we never moved
6 our location where we stayed.

7 Q.So you are telling the Chamber that you arrived in Tuol Sleng
8 in the middle of 1975, that your superior was Khem, and that
9 during that entire period Tuol Sleng was never moved. Is that
10 correct?

11 A.That's correct.

12 Q.What were you told when you arrived in Tuol Sleng in the
13 middle of 1975? What instructions were you given for your work?
14 Could you tell the Chamber about this?

15 A.After I left the medical training, my uncle introduced me to
16 that work and he advised me to give proper treatment to the
17 soldiers who stationed in that location. The labour was not
18 intensive because I had lived with my uncles and parents.

19 Q.And afterwards, when the prisoners arrived, were you given
20 further instructions?

21 A.Later, I was told that this location would only be used to
22 detain the cadres prisoners. So this prison is a very important
23 prison for detaining cadres, so I was asked or instructed to only
24 treat people who would be left alive to be interrogated.

25 Q.Were you told that you were not to speak to anyone about what

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1 you were doing?

2 [14.23.45]

3 A.No, I was not.

4 Q.Did you have the right to tell other people in S-21 what you
5 were doing?

6 A.I did not tell any other people other than my relatives.

7 Q.Did you known one In Lorn, alias Nat?

8 A.I don't know Comrade Nat.

9 Q.I observed that in your civil party application dated 9th July
10 2008 you did not indicate that you witnessed your uncle's death.
11 Is that correct? You didn't mention it, did you?

12 A.At the beginning, I did not specify clearly about witnessing
13 my uncle's death. I only included my parents, and I included the
14 names of my uncles later because I was afraid, at the beginning,
15 that I would be killed because I had a lot of relatives involved
16 in that kind of document. That's why I later on just added more
17 people.

18 Q.When you were interviewed -- yes, last week -- by the Judges
19 of this Chamber and when this morning further questions were put
20 to you by the Judges, you still failed to say that your uncle had
21 been killed before your own eyes. Is that correct?

22 A.That's correct.

23 [14.27.05]

24 Q.So it is only when the prosecutor put the question to you,
25 that you mentioned the fact that you witnessed the execution of

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1 one of your uncles. Is that correct?

2 A.That's correct because at the beginning, I did not want to
3 tell anyone about them because I would be afraid that I would be
4 killed like my uncles, and I only dare to include them now.

5 Q.And when the prosecutor put the question to you, you only
6 talked about the one uncle, not two. Is that correct?

7 A.I was talking about both of them, Oeun and Ket, and I even
8 mentioned another name, Sen, because I had three uncles.

9 And I think I may have not told the Court all about my uncles
10 previously in the document; that only this time I would like to
11 tell the Court, to know, the fate of my relatives or uncles.

12 Q.Exactly.

13 So it is when the prosecutor put the question to you that you
14 said that you witnessed the execution of one uncle and then,
15 afterwards, when Miss Studzinsky put a question to you, you told
16 the Chamber that you witnessed the execution of two uncles.

17 So are we agreed, at the end of your testimony, that you're
18 telling the Chamber that you witnessed the execution of your two
19 uncles?

20 [14.29.39]

21 A.I did clearly say one of my uncles was beaten with a stick
22 and, later on, a few days later another uncle was beaten.
23 My first uncle was Oeun and the second uncle was Ket, both of
24 them were beaten at the same location.

25 Q.And you also told the Chamber that, however, you had not seen

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1 executions of other prisoners; is that so?

2 A.That is correct.

3 Q.In the same way, in your application, you did not speak about
4 children who had been killed at Prey Say, is that so?

5 A.First, when I was asked whether I saw the deaths of any
6 children, I said "Yes".

7 But I did not say that I personally saw a child being thrown into
8 the air and stuck on a bayonet. I only spoke about this incident
9 today. Previously, I did not mention that.

10 Q.Indeed, in your application, you do not speak at all about
11 children who had been killed at Prey Sar, unless I'm mistaken.
12 And, in the same way, I believe that it is also true that you did
13 not tell the Judge either -- nor on Thursday nor this morning,
14 you did not tell the Judge about the scene of the child who had
15 been thrown up in the air and who had been impaled on a bayonet.

16 [14.31.59]

17 So you did not say this to the Judge neither on Thursday morning
18 nor today; is that so?

19 A.I did not speak about that, I only spoke about the incident
20 today.

21 MR. PRESIDENT:

22 Defence counsel, your time runs out.

23 Judges of the Bench, do you have additional questions to be put
24 to this civil party?

25 The Chamber would like to thank Madame Nam Mon for your

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1 participation in the proceedings with patience and emotional
2 suffering in responding to the several questions put by the
3 Chamber and by other parties.

4 And what happened to you has been so long already, in fact, it's
5 over 30 years now -- 34, 35 years to be exact. And, of course,
6 it's difficult for you to recollect the accounts.

7 However, the Chamber would like to express our thanks to you and
8 the hearing of your testimony comes to an end now and you are
9 allowed to go back to your residence.

10 Court officer, can you make necessary arrangements for her return
11 to the residence?

12 And I also would like to thank the representative of the TPO for
13 your participation and assistance to this particular civil party
14 so that she is in a better position to respond to the questions
15 until it's finished. You may go now.

16 [14.34.23]

17 The Chamber would like now to take a 17-minute break, until ten
18 to three when we will resume.

19 (Judges exit courtroom)

20 (Court recesses from 1435H to 1452H)

21 (Judges enter courtroom)

22 MR. PRESIDENT:

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

24 Now we will hear the testimony of Witness KW-08 and the name is

25 Mam Nai, alias Chan.

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1 Court officer, can you invite the witness Mam Nai, alias Chan,
2 into the courtroom?

3 (Witness enters courtroom)

4 QUESTIONING BY THE BENCH

5 BY MR. PRESIDENT:

6 Q.Mr. Mam Nai, is your name Mam Nai?

7 A.Yes, that is correct.

8 Q.You need to watch out for the red light. You can only speak
9 after the red light is on so that the interpreters can hear your
10 voice and they could interpret for the international personnel so
11 that they could also participate in the proceedings.

12 Is your name Mam Nai?

13 A.Yes, that is correct.

14 Q.Do you use any other names or alias besides Nai?

15 A.My alias is Chan.

16 Q.Mr. Mam Nai, how old are you this year?

17 A.I am 76 years old.

18 Q.Where is your current residence?

19 A.I live at Chamkar Lhong village, Ta Sda commune, Sampov Lun
20 district, Battambang province.

21 [14.56.41]

22 Q.What is your current occupation?

23 A.I am old age and I don't work at the moment.

24 Q.According to the report by the greffier, you are not related
25 by blood or by law to any parties to this case and that you have

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1 already taken an oath. Is this correct?

2 A.That is correct.

3 Q.As a witness summonsed by the Chamber to provide testimony
4 before this Chamber, you have an obligation to tell the truth
5 which you have heard, have seen or have witnessed. Also, as a
6 witness you have the right to refuse to answer any question which
7 may incriminate against yourself.

8 This means if your responses would lead to you, yourself, being
9 accused. Do you understand the right of self-incrimination?

10 A.Yes.

11 MR. PRESIDENT:

12 I notice the presence of the defence counsel, if you'll take the
13 floor.

14 MR. ROUX:

15 Thank you, Mr. President. Thank you for having informed the
16 witness that he has the right to remain silent. However, the
17 defence has a concern, a concern that I would like to voice to
18 the Chamber.

19 [14.59.24]

20 As you know, the Co-Prosecutors filed a submission requesting the
21 application of the joint criminal enterprise, and this request is
22 indexed ERN 00339212 to 9227. And in paragraph 9 of this
23 application, which we only have in English for the moment, it is
24 indicated that the Co-Prosecutors consider that Duch was fully
25 part of a joint criminal enterprise, which includes his

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1 subordinates who were working for him at S-21. And this
2 signifies clearly that the witness here present, who was one of
3 Duch's subordinates, risks -- if the Chamber was going to accept
4 this application, this witness risks being prosecuted by the
5 prosecutor, so -- whether he remains silent or not.
6 So it seems to me that it is our duty to inform, at this stage --
7 inform the witness about the risks that he is facing. It seems
8 that it is our duty to allow this witness to speak directly with
9 his own counsel, who will explain to him what joint criminal
10 enterprise is about, and who will explain to him that if the
11 Chamber was to grant the prosecutor's motion, he is liable to be
12 prosecuted; whether before this Court, whether before a national
13 Court.
14 So before we proceed, Mr. President, I wish that you inform the
15 witness of his rights and that you give him the leave to speak
16 with his counsel immediately unless the Co-Prosecutors' Office
17 dismisses immediately its motion concerning joint criminal
18 enterprise. Thank you.
19 MR. PRESIDENT:
20 The Co-Prosecutor, do take the floor.
21 MR. SMITH:
22 Good afternoon, Your Honours. Good afternoon, counsel.
23 [15.03.08]
24 Your Honours, in relation to this matter the prosecution has
25 already advised the Co-Investigating Judges that it would be not

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1 seeking any prosecution of this witness before the ECCC. This
2 advice was given under Rule 28(4) prior to the witness being
3 interviewed by the Co-Investigating Judges, and the position of
4 the Co-Prosecutors hasn't changed, regardless of the outcome of
5 the joint criminal enterprise decision, Your Honours. As Your
6 Honours are aware, that would not be contingent on whether anyone
7 is prosecuted before the ECCC.

8 However, having said that, we have given assurances to the
9 Co-Investigating Judges that we would be not seeking any
10 prosecution of this witness before this Court.

11 MR. PRESIDENT:

12 Defence counsel, you may speak.

13 MR. ROUX:

14 Thank you, Mr. President.

15 Two remarks. First of all, when the Co-Prosecutors indicated
16 this to the Co-Investigating Judges, they were yet to file the
17 motion, which I have referred to. This motion is very clear
18 because it says "all the subordinates of S-21". So this comes
19 after the fact of the prosecution's representations to the
20 Co-Investigating Judges.

21 Secondly, you say that you will not prosecute this witness before
22 this Court. Can you state here and now that this witness will
23 not be prosecuted before national Courts? Can you guarantee this
24 for this witness? If you are unable to do so, I request that he
25 be allowed to consult his lawyer immediately.

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1 [15.05.31]

2 MR. PRESIDENT:

3 The Co-Prosecutor, you can take the floor.

4 MR. SMITH:

5 Your Honours, of course we've got no objections with this witness
6 consulting any counsel in relation to his rights under Rule 28,
7 but I just would like to reiterate that a prosecution of a person
8 before this Court does not depend on your ruling on the joint
9 criminal enterprise motion. Thank you.

10 (Deliberation between Judges)

11 MR. PRESIDENT:

12 We have listened to the comments made by the defence counsel,
13 François Roux, who suggests that the Chamber so allows you to
14 consult with your counsel.

15 BY MR. PRESIDENT:

16 Q.Mr. Mam Nai, do you have a counsel at the moment with you and,
17 if so, what is the name?

18 A.I don't have any representative or counsel now. There was a
19 lawyer who approached me earlier. Her name was Madam Chinda.

20 Q.In which stage did you meet Madam Chinda; during the
21 investigation phase or at a later stage?

22 [15.12.31]

23 A.When the Court called me and I did not come to -- respond to
24 that invitation.

25 Q.So do you think you would need a counsel to assist you before

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1 you are able to give testimony or what is your position now?

2 A.I want to have a lawyer, but I cannot afford to hire a lawyer.

3 MR. PRESIDENT:

4 Since there has been a matter raised by the defence counsel, Mr.

5 François Roux, and there are some comments from the International

6 Co-Prosecutor in response, but at the beginning there was no

7 application regarding the joint criminal enterprise in play. So

8 the application or the submission of the Co-Prosecutors to

9 include the joint criminal enterprise has been forwarded to the

10 Trial Chamber during the trial phase; I mean, by the time the

11 trial is ceased of Case File 001.

12 And up until now, witness Mam Nai has stated clearly that during

13 the time when he was invited to give testimony previously and the

14 plan failed due to the time discussed by the experts has been

15 used up and that we had no more time to call him.

16 And Mam Nai also said he met with Madam Chinda, the lawyer, and

17 here he stated again that he would like to have a lawyer before

18 he could give testimony before the Chamber. The Chamber has

19 contacted the units involved, the units that can provide the

20 lawyers for the witness, but our attempt is not successful, so we

21 will adjourn the session in which we hear the testimony of

22 witness Mam Nai.

23 The Chamber has not planned any substitute witness to be heard

24 today, so we will adjourn today's session by now and we resume

25 the session tomorrow at 9 a.m.

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1 The Court officer, you are instructed to assist Mr. Mam Nai so
2 that he can go back to his place where he can take a rest and
3 that he is returned tomorrow to the courtroom by 9 a.m.

4 Uncle Mam Nai, you may now go to your place and please come back
5 again tomorrow.

6 The security guards, please take the accused back to the
7 detention facility and return him to the Court before 9 a.m.

8 The Court is adjourned.

9 (Judges exit courtroom)

10 (Court adjourns at 1517H)

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