

06 September 2012

Case File No. 01/18-07-2007-ECCC/TC

**TRIAL WITNESS (NON-LIVE) STATEMENT ANALYSIS****TABLE OF CONTENTS**

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## I. S-21 VICTIMS

### 1. SRENG THI

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the establishment, duration and operation of the security centre (20-42), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness, about 19 years old in April 1975, is a Cambodian male and attended school until the 8<sup>th</sup> grade. The Witness served in the DK army in various divisions and sectors from 1973 until 1979. The Witness was a member of Division 11 during the evacuation of Phnom Penh and assisted in fighting against the Republican troops. After April 1975, the Witness served in Division 502. In March or April of 1977 the Witness was charged with treason and sent to S-22. After three or four months at S-22, the Witness was sent to what he believed was S-21 Security Centre. The Witness was released from S-21 approximately two months later and sent back to S-22. The Witness was released from S-22 around July 1977. In late 1977 the Witness was sent to Kampong Chhnang airport construction site for a month. After being released from the construction site, the Witness rejoined the army. Near the time of the fall of the Khmer Rouge, the Witness was sent to Svay Rieng from where he was part of a unit that attacked Vietnamese territory. The Witness remained in the army until the fall of the Khmer Rouge regime.

#### ARMED CONFLICT

3. The Witness provides evidence about his role as a DK soldier in the Phnom Penh evacuation in 1975.<sup>1</sup> The Witness provides evidence that he was given instructions regarding the evacuation of Phnom Penh approximately a week prior to the action.<sup>2</sup> The Witness will describe the absolute nature of the evacuation and confirm that no exceptions were made.<sup>3</sup> The Witness provides evidence that his unit was sent to Svay Rieng immediately prior to the Vietnamese invasion of the area in 1979 and was ordered to attack

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<sup>1</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183943, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>2</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183943, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>3</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183943, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

into Vietnamese territory.<sup>4</sup> The Witness will describe how his unit burnt houses and attacked Vietnamese civilians whilst on Vietnamese territory in 1979.<sup>5</sup>

#### **DK STRUCTURE & POLICY**

4. The Witness provides evidence of the structure of various DK Army divisions. The Witness provides evidence of the structure of the Special Zone Army Division 11 and 502, and 801. The Witness will provide information regarding the three divisions in the Special Zone.<sup>6</sup> The Witness provides evidence that after April 1975, all three divisions of the Special Zone army were dissolved.<sup>7</sup>

#### **ESTABLISHMENT, DURATION & OPERATION**

5. The Witness provides evidence that he was detained, but not arrested, at Prey Sar along with 32 other ordinary combatants.<sup>8</sup> The Witness provides evidence that he was detained at S-21 for two months in between his time at S-22 from about April 1977 to July 1977.<sup>9</sup> The Witness provides evidence that based on a post 1979 visit to the Tuol Sleng Museum he believes that he was not detained inside the main compound, but in its vicinity.<sup>10</sup>

#### **IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

6. The Witness provides evidence that he was among 5 or 6 persons that were sent to S-21.<sup>11</sup> The Witness will also testify that during his detention at S-21 he saw two truckloads of prisoners released from S-21 and sent back to S-22.<sup>12</sup> The Witness estimates that as many as 50 prisoners were sent from S-21 to S-22.<sup>13</sup>

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

7. The Witness provides evidence that he was told to dig ditches at Prey Sar.<sup>14</sup> The Witness provides evidence that at S-21 he was put in a small cell and his feet were shackled and he

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<sup>4</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183946, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>5</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183946, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>6</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183942, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>7</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183943, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>8</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183944, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>9</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183946, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>10</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183946, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>11</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183946, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>12</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183946, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>13</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183946, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>14</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183945, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

was handcuffed.<sup>15</sup> The Witness provides evidence that he received one small bowl of rice a day while detained.<sup>16</sup>

#### **EXTERMINATION, MURDER & WILFUL KILLING**

8. The Witness provides evidence that at he never saw any executions of Cambodians, but that he saw people being taken away for execution.<sup>17</sup> The Witness refers to one specific instance at Kampung Chnang, where people were taken away for execution to a site west of Romeas.<sup>18</sup>

#### **PRIOR STATEMENTS**

9. The Witness has given one statement to the Co-Prosecutors' knowledge:
  - (1) SRENG Thi, DC Cam Statement dated 24 October 2003, IS Annex C, Annex No. 19.189, ERN 00052235-00052285 (KHM); ENG summary (ERN 00183942-00183946).

#### **OTHER RELEVANT DOCUMENTS**

10. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>15</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183946, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>16</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183946, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>17</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183947, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

<sup>18</sup> SRENG Thi, DC Cam Statement dated 24 October 2003 at ERN 00183947, IS Annex C, Annex No. 19.189, ERN 00183942-00183946 (ENG).

## II. S-21 GUARDS OR STAFF

### 2. CHHEM CHHIN

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the armed conflict (16-18 & 144-145). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness is 49 years old (born 11/01/1959) and is a Cambodian male. Prior to 1973, the Witness was a monk from Kandal Province.<sup>19</sup> In 1973, he joined the army at Kok Til Village in Kandal Stueng District, and was later appointed to the 12<sup>th</sup> Division of the Special Zone which was chaired by Ta Hanth and Ta Pin.<sup>20</sup> The Witness took part in battles along National Highway 21 from Phnom Penh to Koh Thom and on the Mekong River.<sup>21</sup> After the fall of Phnom Penh, the Witness briefly worked in rice fields east of Prey Sâr before he was sent to be a guard at S-21 in July 1975 until at least 1977.<sup>22</sup> The Witness has also stated that he was briefly put on guard at Ta Khmav to look over prisoners, but was transferred back to S-21.<sup>23</sup> In mid 1978, the Witness was sent to be a farmer at Prey Sâr.<sup>24</sup>

#### ARMED CONFLICT

3. The Witness can testify to the Pre-DK era battles that took place along National Highway 21, along the Mekong River during the year of 1975.<sup>25</sup> The Witness also fought in the

<sup>19</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>20</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>21</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792-00163794, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>22</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>23</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184106, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>24</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184107, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>25</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

Bassac battle.<sup>26</sup> The Witness did not take part in the final assault, because he was wounded and ended up at the Prey Ta Tok hospital in Kah Throm district.<sup>27</sup>

#### ROLE OF ACCUSED

4. The Witness can testify that **DUCH** was the chief of S-21.<sup>28</sup> Also, the Witness attended a military wide meeting that had the goal of “consolidate(ing) () political stances and carry out the work well”, which included **DUCH** discussing “class struggle, smashing the feudal class for example, and consolidating the proletariat class”.<sup>29</sup> In mid 1978, the Witness saw **DUCH** visiting Prey Sâr occasionally to give orders to his subordinates there.<sup>30</sup>

#### ESTABLISHMENT, DURATION & OPERATION

5. The Witness worked at S-21 from July 1975 to at mid 1978 with a brief period where he was transferred to Prey Sar in 1976.<sup>31</sup> When the Witness started his job as a guard, the Tuol Sleng prison was not completed, and prisoners were kept in individual wooden huts located west of Tuol Sleng.<sup>32</sup> There were three to four prisoners in each house and three to four houses altogether.<sup>33</sup> While guarding these houses, there were day and night shifts from evening to midnight and midnight to six in the morning, one shift relieving another.<sup>34</sup> The guards were told to be vigilant and not to let prisoners escape, and were forbidden from communicating with the prisoners.<sup>35</sup> Guards who made mistakes were accused of being enemies, and the Witness felt trapped into being a guard, he wanted to leave, but feared being killed if he did leave.<sup>36</sup> These practices carried over to 1976 when Tuol Sleng was completed, and the prisoners were moved from the houses to the finished prison.<sup>37</sup> The Witness was tasked with guarding the first floor of the middle building, which contained

<sup>26</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184106, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>27</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184106, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>28</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>29</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163794, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>30</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184107, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>31</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184106-00184107, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>32</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>33</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>34</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>35</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>36</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184107, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>37</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792-00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

small cells for holding individual prisoners.<sup>38</sup> S-21 had an interrogation, courier, and defence units.<sup>39</sup> Whenever prisoners arrived or left S-21, they were blindfolded and handcuffed.<sup>40</sup>

#### **AUTHORITY STRUCTURE**

6. The Witness can provide evidence that **DUCH** was the chief of S-21. The Witness saw that Peng, Huy, and Sri/Tri were the three more senior members of S-21 who were responsible for the guards.<sup>41</sup> At a large meeting that the Witness describes, **DUCH** and Hor were the two chairpersons.<sup>42</sup>

#### **IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

7. The Witness can testify to the presence of men, women, and children at S-21.<sup>43</sup> When the prison was located in the houses surrounding Tuol Sleng, the prisoners were both “cadres and combatants.”<sup>44</sup> In the newly created prison, the Witness remembers four to five Vietnamese military men being detained.<sup>45</sup> The Witness also states that they were three platoons of guards, making up nice squads. “After the screening, only five squads remained. Of those who disappeared, some were arrested and put into S-21 prison, and others were sent to Prey Sâr to work the rice fields and were later sent back to S-21.”<sup>46</sup>

#### **ENSLAVEMENT, WILLFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

8. The Witness can testify to prisoners being shackled while being detained.<sup>47</sup> The prisoners were fed only twice per day, consisting of one plate of rice and one bowl of soup, which the Witness believed was “insufficient”.<sup>48</sup> The prisoners were bathed once every two to three days by a hose, while still shackled, and they were made to clean the cells at the same time.<sup>49</sup> The Witness states that there were medics.<sup>50</sup> The Witness recalls one prisoner dying in their cell because of dysentery.<sup>51</sup>

<sup>38</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>39</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184107, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>40</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793-00163794, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>41</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793-00163794, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>42</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163794, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>43</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163794, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>44</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>45</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163794, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>46</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163794, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>47</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>48</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>49</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).



### INTERROGATION

9. The Witness knew that interrogations happened at S-21, but he was not interrogated nor did he Witness any interrogations.<sup>52</sup>

### TORTURE & INHUMANE TREATMENT

10. The Witness believes that torture and physical violence occurred at S-21, because “when they brought the prisoners back, I saw that their condition had deteriorated. When they took off their clothing to bathe, I saw wounds on their backs, lash marks where they had been beaten.”<sup>53</sup> The Witness heard screams coming from interrogation rooms.<sup>54</sup>

### EXTERMINATION, MURDER & WILFULL KILLING

11. The Witness has personally seen killings happen on the grounds of S-21. In 1977, around late afternoon one day, a transport of prisoners was brought to S-21 and the Witness was instructed to take three prisoners to a “killing site” 30 metres away from “that house”.<sup>55</sup> These orders came from Peng<sup>56</sup> and Huy.<sup>57</sup> When the Witness arrived with the prisoners, he saw that pits had already been dug.<sup>58</sup> The prisoners were put close to the pits, “killed (them) using steel clubs to hit the back of the base of the neck”, “then they kicked them into the pits, took off the handcuffs, cut their bellies open with knives, and then covered the pits.”<sup>59</sup> The Witness states that there were about ten bodies in each of the pits before they were covered.<sup>60</sup> Except for this instance, the Witness believes most executions took place elsewhere when the prisoners were transported away.<sup>61</sup>

### PRIOR STATEMENTS

12. The Witness has given two prior statements to the Co-Prosecutor’s knowledge:

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<sup>50</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184106, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>51</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163794, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>52</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184107, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>53</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>54</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184107, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>55</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163792, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>56</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>57</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184107, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

<sup>58</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>59</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>60</sup> CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008 at ERN 00163793, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).

<sup>61</sup> CHHEM Chhin DC-Cam Statement dated 4 December 2002 at ERN 00184107, IS Annex C, 19.22, ERN 00184106-00184107 (ENG), 00054320-00054370 (KHM).

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- (1) CHHEM Chhin ECCC OCIJ Statement dated 11 January 2008, D28/13, ERN 00163790-00163795 (ENG), 00163785-00163789 (KHM).
- (2) CHHEM Chhin DC-Cam Statement dated 4 December 2002, IS Annex C, 19.22, ERN 00054320-00054370 (KHM); ENG summary (ERN 00184106-00184107).

**OTHER RELEVANT DOCUMENTS**

13. There are no other specific relevant documents referred to in the Witness's statement.

### 3. CHHEUM THEANG

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence about the armed conflict (16-18 & 144-145). Regarding S-21, this Witness will testify to the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140 & 151). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness, a Khmer male, was approximately 24-years-old on 17 April 1975.<sup>62</sup> Before 1975 he was in the Prey Moul District militia.<sup>63</sup> He received military training at a facility West of Ta Khmao for more than three months and was a guard at S-21 from 1975 until 1979.<sup>64</sup> Peng and Hor accused him of stealing documents and they arrested him.<sup>65</sup> After 15 days in prison, they released him.<sup>66</sup>

#### ARMED CONFLICT

3. The Witness provides evidence that prisoners of war were brought in S-21 via trucks. He did not state whether these prisoners were Vietnamese or not.<sup>67</sup>

#### ROLE OF ACCUSED

4. The Witness provides evidence that **DUCH** was Chief of S-21.<sup>68</sup>

#### ESTABLISHMENT, DURATION & OPERATION

5. The Witness provides evidence that Poun was his group chief at S-21.<sup>69</sup> Peng was in charge of Unit 50.<sup>70</sup> Hor was superior to Peng.<sup>71</sup>

<sup>62</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057141, D59, ERN 00057140-00057180 (KHM).

<sup>63</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057160, D59, ERN 00057140-00057180 (KHM).

<sup>64</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057152, at ERN 00057143, D59, ERN 00057140-00057180 (KHM).

<sup>65</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057148, at ERN 00057149, D59, ERN 00057140-00057180 (KHM).

<sup>66</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057148, at ERN 00057149, D59, ERN 00057140-00057180 (KHM).

<sup>67</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057155, at ERN 00057156, D59, ERN 00057140-00057180 (KHM).

<sup>68</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057143, D59, ERN 00057140-00057180 (KHM).

<sup>69</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057143, D59, ERN 00057140-00057180 (KHM).

<sup>70</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057157, D59, ERN 00057140-00057180 (KHM).

6. The Witness provides evidence that he was a guard inside and outside the prison.<sup>72</sup> When guarding inside, he brought meals to the prisoners.<sup>73</sup> The Witness provides evidence that he was given a bike and ordered to guard an area south of Wat Morharmontrey on the road near the Chinese Embassy and Independence Monument at night.<sup>74</sup> During the day he was also asked to plant vegetables and find wood.<sup>75</sup>
7. The Witness provides evidence that there was one shift for the guards at noon and another one at midnight.<sup>76</sup>

#### **AUTHORITY STRUCTURE**

8. The Witness will testify that **DUCH** was the Chairman of S-21, and Hor, Peng and Chan Samreng were superiors at S-21.<sup>77</sup> The Witness provides evidence that **DUCH** went inside the prison once every two weeks.<sup>78</sup>

#### **IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

9. The Witness provides evidence that he was imprisoned for 15 days as he was accused of stealing documents.<sup>79</sup>

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

10. The Witness provides evidence that light prisoners were asked to make door and window frames.<sup>80</sup>

#### **TORTURE & INHUMANE TREATMENT**

11. The Witness provides evidence that if prisoner died in the room, the guard on duty would bring that prisoner to be buried.<sup>81</sup>

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<sup>71</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057157, D59, ERN 00057140-00057180 (KHM).

<sup>72</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057143, D59, ERN 00057140-00057180 (KHM).

<sup>73</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057158, D59, ERN 00057140-00057180 (KHM).

<sup>74</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057145, D59, ERN 00057140-00057180 (KHM).

<sup>75</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057157, D59, ERN 00057140-00057180 (KHM).

<sup>76</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057142, D59, ERN 00057140-00057180 (KHM).

<sup>77</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057143, at ERN 00057150, D59, ERN 00057140-00057180 (KHM).

<sup>78</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057178, D59, ERN 00057140-00057180 (KHM).

<sup>79</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057148, D59, ERN 00057140-00057180 (KHM).

<sup>80</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057159, D59, ERN 00057140-00057180 (KHM).

<sup>81</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057158, D59, ERN 00057140-00057180 (KHM).

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**EXTERMINATION, MURDER & WILFUL KILLING**

12. The Witness provides evidence that he saw the killing of prisoners at many places including such as at CHEK Village, south of the Glass Factory. Prisoners were brought there by trucks and killed.<sup>82</sup>

**PRIOR STATEMENTS**

13. The Witness has given one prior statements to the Prosecutor's knowledge:
- (1) CHHEUM Theang, DC-Cam Statement dated 16 March 2002, D59, ERN 00057140-00057180 (KHM).

**OTHER RELEVANT DOCUMENTS**

14. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>82</sup> CHHEUM Theang, DC-Cam Statement dated 16 March 2002 at ERN 00057144, D59, ERN 00057140-00057180 (KHM).

#### 4. HAN IEM ALIAS MOENG

##### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The Witness's evidence includes, but is not limited to, the facts described below.

##### BACKGROUND OF WITNESS

2. The Witness was approximately 22 years old on 17 April 1975, and is a Khmer male born in an unknown month of 1953.<sup>83</sup> In 1975 the Witness joined the army in Regiment 112 of Division 703.<sup>84</sup> He was a guard at different places and was finally transferred to Tuol Sleng to work as a guard in 1976.<sup>85</sup> The Witness was eventually arrested by Huy, never learning the reason for his arrest, but believing it was because he fell asleep on the job.<sup>86</sup> He was eventually released.<sup>87</sup>

##### ARMED CONFLICT

3. The Witness provides evidence that in 1976 a new batch of prisoners arrived at S-21 and was made up of soldiers, cooperative villagers and Vietnamese. The Vietnamese spoke only Vietnamese and no Khmer.<sup>88</sup> The Witness provides evidence that these Vietnamese prisoners were young and old, but were all "youn".<sup>89</sup> They were wearing Vietnamese army uniform with caps, and were handcuffed and blindfolded.<sup>90</sup> The Witness provides evidence that in total there were hundreds of these "youn".<sup>91</sup>

<sup>83</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163680, D28/5, ERN 00163679-00163685 (ENG).

<sup>84</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163680, D28/5, ERN 00163679-00163685 (ENG).

<sup>85</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>86</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>87</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

<sup>88</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>89</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>90</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>91</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

4. The Witness provides evidence that all the Vietnamese soldiers were interrogated, and some received injuries.<sup>92</sup>

#### DK STRUCTURE & POLICY

5. The Witness provides evidence that he saw **DUCH** and Peng at education sessions at S-21, and other students also saw Pol Pot, Khieu Samphan and Nuon Chea at the education sessions.<sup>93</sup> The Regime introduced a slogan which read “Diminish the enemy, [our] parents were also enemies and they were executionable and only the good people could be parents.”<sup>94</sup>

#### ROLE OF ACCUSED

6. The Witness provides evidence that many people thought the Chief of S-21 was **DUCH**.<sup>95</sup> The Witness also provides evidence that he saw Hor, Huy and **DUCH** at Prey Sar.<sup>96</sup> **DUCH** was always at Prey Sar, especially when the prisoners were brought out at night.<sup>97</sup> **DUCH** told those who drove the prisoners that they should know the amount of prisoners brought into S-21.<sup>98</sup> **DUCH** left after the transfer of the prisoners in a car accompanying the truck which transported the prisoners.<sup>99</sup> The Witness provides evidence that when he was guarding inside S-21, he saw **DUCH**, but never talked to him.<sup>100</sup> The Witness provides evidence that he saw **DUCH** at political classes about Cambodia which taught about how to reconstruct Cambodia into becoming more socialist.<sup>101</sup> The Witness provides evidence that **DUCH** was a supervisor, but never imposed any disciplinary action upon him.<sup>102</sup> He also never saw **DUCH** torture anyone.<sup>103</sup> The Witness said that **DUCH** met with Peng when there was a problem at S-21.<sup>104</sup>

<sup>92</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>93</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).

<sup>94</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).

<sup>95</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>96</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>97</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>98</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>99</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>100</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).

<sup>101</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).

<sup>102</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).

<sup>103</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).

<sup>104</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).

**ESTABLISHMENT, DURATION & OPERATION**

7. The Witness provides evidence that his group chief at S-21 was Chamroeun and there were 12 guards in one platoon and four guards in one group.<sup>105</sup> Chamroeun was later arrested.<sup>106</sup>
8. The Witness provides evidence that while he guarded inside, if a room was available, he took the new prisoners to the room, untied the blindfold, took off their handcuffs, and locked them up with shackles.<sup>107</sup> The Witness provides evidence that he understood the rules in S-21 to be that the guard's role was to guard, mind one's own business and refrain from talking to anyone else.<sup>108</sup>
9. There was one shift for the guards in the morning and another at noon.<sup>109</sup> There were the same shifts for the night.<sup>110</sup> The Witness had to take two shifts in one day and one night.<sup>111</sup>
10. Prisoners inside were given two meals a day, and there was one plate of rice and one bowl of soup per each meal.<sup>112</sup>
11. The Witness provides evidence that there were both male and female prisoners at S-21, but he never saw any children.<sup>113</sup>

**AUTHORITY STRUCTURE**

12. The Witness provides evidence that **DUCH** was the Chairman of S-21, Hor was the Deputy Chief and Peng was in a regiment under Hor and **DUCH**.<sup>114</sup>

**IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

13. The Witness provides evidence that the prisoners were all blindfolded and handcuffed when they were transferred by trucks to S-21.<sup>115</sup> Most of the prisoners arrived at S-21 during 1977 to 1978.<sup>116</sup> He did not know whether the prisoners were brought for interrogation.<sup>117</sup>

<sup>105</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>106</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>107</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>108</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).

<sup>109</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>110</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>111</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>112</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>113</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

<sup>114</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).



**ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

14. The Witness provides evidence that if a prisoner was of a stronger build, then both of their legs were shackled.<sup>118</sup> The Witness provides evidence that many female prisoners gave birth while imprisoned.<sup>119</sup> It was custom to chain a pregnant prisoner at her ankle and she was “shacked” if she created any problems with the guards.<sup>120</sup>
15. The Witness also provides evidence that when he was arrested he was chained and not allowed to speak.<sup>121</sup> He did not the reason for his arrest and was deprived of rice and water for one week.<sup>122</sup>
16. The Witness provides evidence that the guards handed over a water hose to the male prisoners, so they could take a bath and change their clothes, but the prisoners were not allowed to take off their shackles.<sup>123</sup> The prisoners defecated into the ammo case in their prisoner cells and “light” prisoners collected the case once a day.<sup>124</sup> The female prisoners were allowed to take off their chains and dress themselves.<sup>125</sup>

**INTERROGATION**

17. The Witness provides evidence that some prisoners received cuts on their backs and others’ health deteriorated after their interrogation.<sup>126</sup>

**TORTURE & INHUMANE TREATMENT**

18. The Witness provides evidence that he never saw **DUCH** torture anyone.<sup>127</sup>

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<sup>115</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>116</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

<sup>117</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

<sup>118</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>119</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>120</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>121</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>122</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>123</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

<sup>124</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

<sup>125</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163683, D28/5, ERN 00163679-00163685 (ENG).

<sup>126</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

<sup>127</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163684, D28/5, ERN 00163679-00163685 (ENG).

**EXTERMINATION, MURDER & WILFUL KILLING**

19. The Witness provides evidence that when he and fellow guards asked about the whereabouts of certain prisoners they were told to just perform their roles as guards.<sup>128</sup>
20. The Witness provides evidence that some prisoners were found dead in their cells after their interrogations.<sup>129</sup> He saw prisoners dying every day as a consequence of severe injury after the interrogation.<sup>130</sup> Sometimes, two prisoners died a day.<sup>131</sup>

**PRIOR STATEMENTS**

21. The Witness has given two prior statements to the Co-Prosecutor's knowledge:
- (1) HAN Iem ECCC-OCIJ Statement dated 29 November 2007, D28/5, ERN 00163679-00163685 (ENG).
  - (2) HAN Iem DC-Cam Statement dated 10 January 2002, ERN 00062423-00062427 (KHM); ENG summary (ERN 00184114-00184116).

**OTHER RELEVANT DOCUMENTS**

22. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>128</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163681, D28/5, ERN 00163679-00163685 (ENG).

<sup>129</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

<sup>130</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

<sup>131</sup> HAN Iem, ECCC OCIJ Statement dated 29 November 2007 at ERN 00163682, D28/5, ERN 00163679-00163685 (ENG).

## 5. HOEM KHENG

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the role of **DUCH** (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure of S-21 (20-25), the number and type of detainees, the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147, ), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogations (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) that took place at S-21. His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The Witness's evidence includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. A native of Boribo district, Kampong Chhnang province, the Witness, about 12 years old on 17 April 1975, is a Cambodian male, born in about 1963. In mid-1976, after the DK regime seized power, the Witness was sent to Takmao for military training with a group of 1,000 trainees. After a three-month training, he was sent to do farming at Prey Sar and at the same time worked as a S-21 guard until the fall of the regime.

### ESTABLISHMENT, DURATION & OPERATION

3. The Witness provides evidence that he worked for S-21 and Prey Sar from mid-1976 to 1979. He got in and out of S-21 for twenty times during his working period at S-21. The Witness states that there were four buildings in S-21 and two entrances.<sup>132</sup> There were three levels of fence. The electric wire was placed in the middle part to prevent prisoners from fleeing.<sup>133</sup> Most interrogation team members were elder than those of arresting group.<sup>134</sup> Some female prisoners were used as cooks.<sup>135</sup> Medics were also available although they didn't pay much attention to those who had been interrogated.<sup>136</sup> Male prisoners were separated female prisoners.<sup>137</sup>

### AUTHORITY STRUCTURE

4. The Witness provides evidence that **DUCH** was the highest authority of S-21 and that Hor was deputy and Peng was [head of] 100-member unit. The Witness provides evidence that

<sup>132</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088844, 00088845, 00088851, 00088852, D/59, ERN00088838-00088875 (KHM).

<sup>133</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088841, D/59, ERN00088838-00088875 (KHM).

<sup>134</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088853, D/59, ERN00088838-00088875 (KHM).

<sup>135</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088866, D/59, ERN00088838-00088875 (KHM).

<sup>136</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088864, 00088865, D/59, ERN00088838-00088875 (KHM).

<sup>137</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088841, D/59, ERN00088838-00088875 (KHM).

guards were organized in three groups responsible for arresting, defending and interrogation.<sup>138</sup> His defence team was composed of 12 people.

#### **IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

5. The Witness provides evidence that he saw women with babies, foreigners, including two Americans and many Vietnamese soldiers unlawfully detained at S-21. He also saw high-ranked and middle-ranked Khmer Rouge officials including some of his team leaders imprisoned at S-21. He states that his team and others were not allowed to see the place where Khmer Rouge high-ranking prisoners were detained.<sup>139</sup>

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

6. The Witness provides evidence that male prisoners were cuffed in a line of 10-15<sup>140</sup> In most cases, female prisoners who were normally kept in a locked room.<sup>141</sup> Prisoners were not allowed to wear long pants to avoid suicide by hanging. Detainees were made to live in degrading conditions.<sup>142</sup> He was given only two meals (porridge or steamed rice) per day: one served at 11 and the other one served at 5 pm.<sup>143</sup> There were no toilets in the cells—prisoners were forced to relieve themselves in plastic boxes and needed to ask inform the guards for such excrement boxes.<sup>144</sup>

#### **INTERROGATION**

7. The prisoner provides evidence that guards usually began to interrogate prisoners after they had been detained at S-21 for one week.<sup>145</sup> He states that the purpose of interrogation was to search for “enemies burrow from within” and interrogation was conducted outside of the S-21 fence.<sup>146</sup>

#### **TORTURE & INHUMANE TREATMENT**

8. The Witness provides evidence that usually prisoners were beaten and appeared bloody after being interrogated.<sup>147</sup>

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<sup>138</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088853, D/59, ERN00088838-00088875 (KHM).

<sup>139</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088862-00088863, D/59, ERN00088838-00088875 (KHM).

<sup>140</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088855, D/59, ERN00088838-00088875 (KHM).

<sup>141</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088861, D/59, ERN00088838-00088875 (KHM).

<sup>142</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088854, D/59, ERN00088838-00088875 (KHM).

<sup>143</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088841, D/59, ERN00088838-00088875 (KHM).

<sup>144</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088858, D/59, ERN00088838-00088875 (KHM).

<sup>145</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088855, D/59, ERN00088838-00088875 (KHM).

<sup>146</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088856-00088857, D/59, ERN00088838-00088875 (KHM).

<sup>147</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088856, D/59, ERN00088838-00088875 (KHM).

**EXTERMINATION, MURDER & WILFUL KILLING**

9. The Witness provides evidence that he saw folded prisoners were taken into cars and taken away by arresting group, some times 3 to 5 in number.<sup>148</sup> He states that Vietnamese prisoners were also taken away after interrogation like other inmates.<sup>149</sup> Sometimes prisoners disappeared in one month.<sup>150</sup> The Witness provides evidence that he saw one child disappear from a detention room only when he changed shift and that when he raised doubt the guards on duty replied that the child had been already taken away.<sup>151</sup>

**PRIOR STATEMENTS**

10. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
- (1) HOEM Kheng DC-Cam Statement dated 6 May 2005, D/59, ERN00088838-00088875 (KHM).

**OTHER RELEVANT DOCUMENTS**

11. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>148</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088868, D/59, ERN00088838-00088875 (KHM).

<sup>149</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088869, D/59, ERN00088838-00088875 (KHM).

<sup>150</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088864, D/59, ERN00088838-00088875 (KHM).

<sup>151</sup> HOEM Kheng DC-Cam Statement dated 6 May 2005 at ERN00088861, D/59, ERN00088838-00088875 (KHM).

## 6. IEM CHUN KY

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the armed conflict (*16-18 & 144-145*) and of the DK structure and policy (*10-15 & 32-35*). Regarding S-21, this Witness provides evidence of the role of the Accused (*55-59, 90-99, 107-111 & 153 [new]-161*), the establishment, duration and operation of the security centre (*20-42*), the authority structure (*20-25*), the imprisonment, unlawful confinement, lack of fair trial (*47-54, 60-61, 134, 146, 147*), the enslavement, great suffering, inhumane acts (*62-71, 135, 143 & 148*), and the interrogations (*43-45 & 79-84*), the torture and inhumane treatment (*85-89, 100-105, 136, 149, 150 and 152 [new]*) and the extermination, murder and wilful killing (*107-128, 138, 139-140, 151 and 152[new]*). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness was approximately 19-years-old on 17 April 1975, and is a Khmer female born in an unknown month of 1956.<sup>152</sup> In 1973 she joined the army in Kampong Cham and then in 1974 transferred to mobile zone in Division 310.<sup>153</sup> After Phnom Penh was liberated, the Witness worked in a sewing unit and also carried a telephone and wrote down the names of each person who was arrested in the division.<sup>154</sup> The Witness provides evidence that after finishing the biographies in 1977, she was asked to a meeting, handed over the book, then was arrested and brought to Prey Sar.<sup>155</sup> At the end of 1978 she was sent to S-21 to learn on how to fix a water pump machine for nearly 3 months with other 5 women from Prey Sar till the Vietnamese attacked in January 1979.<sup>156</sup>

### ROLE OF ACCUSED

3. The Witness provides evidence that **DUCH** was chief of S-21.<sup>157</sup>

### ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that instructors were a Vietnamese prisoner and a Khmer prisoner.<sup>158</sup> The Witness said that 30 interrogators at S-21 also joined the class.<sup>159</sup>

<sup>152</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056411, ERN 00056411-00056460 (KHM).

<sup>153</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056413, ERN 00056411-00056460 (KHM).

<sup>154</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056428, ERN 00056411-00056460 (KHM).

<sup>155</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056433, ERN 00056411-00056460 (KHM).

<sup>156</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056438, and at ERN 00056440, ERN 00056411-00056460 (KHM).

<sup>157</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056437, ERN 00056411-00056460 (KHM).

<sup>158</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056441, and at ERN 00056445, ERN 00056411-00056460 (KHM).

<sup>159</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056439, ERN 00056411-00056460 (KHM).

**AUTHORITY STRUCTURE**

5. The Witness provides evidence that **DUCH** was the chief of S-21, with Hor as deputy chief and Huy was chief of Prey Sar.<sup>160</sup> Phal was chief of woman unit at Prey Sar and Khoeun was group chief.<sup>161</sup>

**IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

6. The Witness provides evidence that people were accused of treason or having bad morals and they were arrested and sent to Prey Sar or Tuol Sleng.<sup>162</sup> The Witness provides evidence that there were over 400 prisoners who were from the North and South West zones.<sup>163</sup>

**ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

7. The Witness provides evidence that at Prey Sar, she was forced to work hard starting from 3 am in morning till 11 pm at night and the food was insufficient.<sup>164</sup>
8. The Witness provides evidence that while studying at S-21 for nearly three months, she received good food in contrast with prisoners who were treated badly.<sup>165</sup>

**INTERROGATION**

9. The Witness provides evidence that 30 interrogators at S-21 attended the class with her.<sup>166</sup> The Witness provides evidence that after they completed their studies for the day, they went to interrogate prisoners.<sup>167</sup>

**TORTURE & INHUMANE TREATMENT**

10. The Witness provides evidence that she saw prisoners at Prey Sar being kicked and hit while trying to find something to eat in the rice field.<sup>168</sup> While studying at S-21, the Witness saw prisoners were being tortured and electrocuted.<sup>169</sup>

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<sup>160</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056434, at ERN 00056436, ERN 00056411-00056460 (KHM).

<sup>161</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056434, and at ERN 00056454, ERN 00056411-00056460 (KHM).

<sup>162</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056428, at ERN 00056429, and at ERN 00056430, ERN 00056411-00056460 (KHM).

<sup>163</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056435, ERN 00056411-00056460 (KHM).

<sup>164</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056434, and at ERN 00056435, ERN 00056411-00056460 (KHM).

<sup>165</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003, at ERN 0005644, and at ERN 00056446, ERN 00056411-00056460 (KHM).

<sup>166</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056439, ERN 00056411-00056460 (KHM).

<sup>167</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056439, ERN 00056411-00056460 (KHM).

<sup>168</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 00056453, ERN 00056411-00056460 (KHM).

<sup>169</sup> IEM Chun Ly, DC-Cam Statement dated 16 March 2003 at ERN 0005643, ERN 00056411-00056460 (KHM).

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**PRIOR STATEMENTS**

11. The Witness has given one prior statement to the Co-Prosecutor's knowledge:

- (1) IEM ChunLy DC-Cam Statement dated 16 March 2003, D59, ERN 00056411-00056460(KHM).

**OTHER RELEVANT DOCUMENTS**

12. There are no other specific relevant documents referred to in the Witness's statement.



## 7. KAES PROEK

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161) and the authority structure (20-25). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 17 years old on 17 April 1975, is a Cambodian male, born in 1958. Prior to 17 April 1975, the Witness worked as a farmer for the Office of Sector 25. After the DK regime seized power, the Witness was assigned to undergo a political training at Wat Koh Khel Pagoda in Sa-ang District. At the end of 1976, the Witness was transferred to work as a S-21 defence guard with his other three groups of approximately more than 30 people. Before the fall of the DK regime he fought with the Vietnamese and got injured. He returned home in 1979, one year before his marriage.

### ROLE OF ACCUSED

3. As a defence guard at S-21 the Witness provides evidence that **DUCH**, as the chief of the prison, chaired meetings only when all combined units within the S-21 structure were discussing and assessing their works.<sup>170</sup>

### AUTHORITY STRUCTURE

4. The Witness provides evidence that **DUCH** was the chief of S-21 and that the guards were organized in groups. Specifically, Hor was in charge of Defence Unit under Huy and Sry, who were heads of the defence group.<sup>171</sup> Prak Khân worked as an interrogator, while Chan was in charge of interrogation.<sup>172</sup> The Witness states that interrogations were conducted in houses outside of the S-21 fence.<sup>173</sup> Huy Sre was in charge of S-21's economic section at correctional centre of Prey Sar where he administered light offenders<sup>174</sup> who were under accusations during the war.

### PRIOR STATEMENTS

5. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
  - (1) KAES Proek DC-Cam Statement dated 7 December 2004, ERN00058430-00058467 (KHM) (*not disclosed as of 15 Feb 08*).

<sup>170</sup> KAES Proek DC-Cam Statement dated 7 December 2004 at p.22, ERN00058430-00058467 (KHM) (*not disclosed as of 15 Feb 08*).

<sup>171</sup> KAES Proek DC-Cam Statement dated 7 December 2004 at p.16, 26, ERN00058430-00058467 (KHM) (*not disclosed as of 15 Feb 08*).

<sup>172</sup> KAES Proek DC-Cam Statement dated 7 December 2004 at p.18, ERN00058430-00058467 (KHM) (*not disclosed as of 15 Feb 08*).

<sup>173</sup> KAES Proek DC-Cam Statement dated 7 December 2004 at p.28, ERN00058430-00058467 (KHM) (*not disclosed as of 15 Feb 08*).

<sup>174</sup> KAES Proek DC-Cam Statement dated 7 December 2004 at p.30, ERN00058430-00058467 (KHM) (*not disclosed as of 15 Feb 08*).

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**OTHER RELEVANT DOCUMENTS**

6. There is one specific exhibit referred to in the Witness's statement:
  - (1) KAES Proek Biography dated 16 February 1966, ERN 00058133-00058134 (KHM).

## 8. NHEM NI ALIAS PHEA

### NATURE AND CONTENT OF EVIDENCE

14. The Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness shall include, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

15. The Witness is a Khmer female born in 1955 and was approximately 20 years old on 17 April 1975.<sup>175</sup> In 1973 the Witness joined the revolution at Kor District worked as a messenger for Ta Bourn, chief of Prey Chhor District.<sup>176</sup> She became a messenger for the army in Division 310 stationed in Kompung Cham delivering food and helping with logistics until the Khmer Rouge seized power.<sup>177</sup> In 1975 the Witness worked in Ang Doung hospital which was headed by the wife of Oeun, the Division 310 commander.<sup>178</sup> In 1976 after Oeun was arrested, the Witness was also arrested. She was sent to S-21 and then Prey Sar, where she remained until the Vietnamese invasion.<sup>179</sup>

### ROLE OF THE ACCUSED

16. The Witness provides evidence that **DUCH** ordered his men to kill people at Kravagn Mountain in 1979 for reason of stealing rice.<sup>180</sup>

### ESTABLISHMENT, DURATION & OPERATION

17. The Witness provides evidence that chief commander of Division 310 was Oeun who later was arrested.<sup>181</sup> After his arrest, there were meetings in the division and they were told that Oeun was a traitor.<sup>182</sup> Later, those in the division were also arrested, including the Witness

<sup>175</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056520, D59, ERN00056520-00056575 (KHM).

<sup>176</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056522-00056524, D59, ERN 00056520-00056575 (KHM).

<sup>177</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056522, 00056526, & 00056529, D59, ERN 00056520-00056575 (KHM).

<sup>178</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056531, D59, ERN 00056520-00056575 (KHM).

<sup>179</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056535, 00056537, 00056545, & 00056548-00056559, D59, ERN00056520-00056575 (KHM).

<sup>180</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056560, D59, ERN 00056520-00056575 (KHM).

<sup>181</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056526 & 00056535, D59, ERN 00056520-00056575 (KHM).

<sup>182</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056535, D59, ERN 00056520-00056575 (KHM).

who was detained in S-21 and then Prey Sar.<sup>183</sup> Before being sent to S-21, the Witness was interrogated in a house near Ang Duong Hospital, beaten, electrocuted and asked whether she was a CIA.<sup>184</sup>

18. The Witness provides evidence that she was then sent to Tuol Sleng in a car, blindfolded and kept there for three days before sent to Prey Sar.<sup>185</sup>
19. Prey Sar was divided into two units, 14 and 17.<sup>186</sup> Unit 14 for serious prisoners and 17 for mild prisoners and this group received enough food and light work.<sup>187</sup> The Witness said that her photo was displayed at Tuol Sleng.<sup>188</sup>

#### **AUTHORITY STRUCTURE**

20. At Prey Sar, the chief was named Phal.<sup>189</sup> At Ang Ang Doung hospital the chief was the wife of Oeun, the Division 310 commander.<sup>190</sup>

#### **IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

21. The Witness provides evidence that she was arrested and interrogated at a house near Ang Duong Hospital for three days. She was then kept at S-21 for another three days and later was sent to Prey Sar where she remained until the Vietnamese arrived.<sup>191</sup>

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

22. The Witness provides evidence that when he was arrested and kept in the house near Ang Duong Hospital, she was beaten and electrocuted and given little food.<sup>192</sup>
23. The Witness provides evidence that she was told that if she made mistake at Prey Sar, she would be sent to S-21 and would be dead.<sup>193</sup> The Witness provides evidence that at Prey

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<sup>183</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056536, 00056545 & 00056548, D59, ERN 00056520-00056575 (KHM).

<sup>184</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056542, D59, ERN 00056520-00056575 (KHM).

<sup>185</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056545, D59, ERN 00056520-00056575 (KHM).

<sup>186</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056556, D59, ERN 00056520-00056575 (KHM).

<sup>187</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056552, D59, ERN 00056520-00056575 (KHM).

<sup>188</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056558, D59, ERN 00056520-00056575 (KHM).

<sup>189</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056552, D59, ERN 00056520-00056575 (KHM).

<sup>190</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056531, D59, ERN 00056520-00056575 (KHM).

<sup>191</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056539, ERN 00056545 & 00056548, D59, ERN00056520-00056575 (KHM).

<sup>192</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056539, 00056542 & 00056544, D59, ERN00056520-00056575 (KHM).

<sup>193</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056548, D59, ERN00056520-00056575 (KHM).

Sar if prisoners could not finish the work plan, they would not be given rice and were beaten.<sup>194</sup> She saw some prisoners were being arrested and sent to S-21.<sup>195</sup>

#### **INTERROGATION**

24. The Witness provides evidence that she was interrogated at a house near Ang Duong Hospital for three days.<sup>196</sup> She was beaten, electrocuted and asked whether she was a CIA.<sup>197</sup>

#### **TORTURE & INHUMANE TREATMENT**

25. The Witness provides evidence that she was beaten, electrocuted and given little food while she was kept in a house near Ang Duong Hospital.<sup>198</sup> At Tuol Sleng, she heard cries of prisoners who were being interrogated.<sup>199</sup>

#### **EXTERMINATION, MURDER & WILFUL KILLING**

26. The Witness provides evidence that **DUCH** ordered his men to kill people at Kravagn Mountain in 1979 for reason of stealing rice.<sup>200</sup>

#### **PRIOR STATEMENTS**

27. The Witness has given one prior statements to the Co-Prosecutor's knowledge:
- (1) NHEM Ni DC-Cam Statement dated 19 August 2003, D59, ERN 00056520-00056575 (KHM).

#### **OTHER RELEVANT DOCUMENTS**

28. There are no other specific relevant documents referred to in the Witness's statement.

<sup>194</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056549, D59, ERN 00056520-00056575 (KHM).

<sup>195</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056549-00056550, D59, ERN 00056520-00056575 (KHM).

<sup>196</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056539, D59, ERN 00056520-00056575 (KHM).

<sup>197</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056542, D59, ERN 00056520-00056575 (KHM).

<sup>198</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056542 & 00056544, D59, ERN 00056520-00056575 (KHM).

<sup>199</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056545, D59, ERN 00056520-00056575 (KHM).

<sup>200</sup> NHEM Ni DC-Cam Statement dated 19 August 2003 at ERN 00056560, D59, ERN 00056520-00056575 (KHM).

## 9. NIM KIMSREANG

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 22 years old on 17 April 1975, is a Cambodian male, born in 1953. Prior to 17 April 1975, the Witness was a soldier in the 12<sup>th</sup> division (12<sup>th</sup> division later became the 703<sup>rd</sup>), 116<sup>th</sup> battalion of the DK army. After 17 April 1975, the Witness was sent to study photography. After studying photography, the Witness was given the job of photographing incoming prisoners at Tuol Sleng detention centre (S-21). The Witness worked as a photographer at S-21 until the DK regime fell in January 1979.<sup>201</sup> After fleeing Phnom Penh in 1979, he and some of the other photographers went to live with **DUCH** at Phnom Bak in Pursat Province near the Thai Border.<sup>202</sup>

### DK STRUCTURE AND POLICY

3. The Witness provides evidence that So Ta Nath was the Chairman of the 12<sup>th</sup> division of the DK army.<sup>203</sup>

### ROLE OF ACCUSED

4. The Witness provides evidence that **DUCH** was the chairman of S-21<sup>204</sup>, and personally supervised the photography group, of which he was the team leader.<sup>205</sup>

### ESTABLISHMENT, DURATION & OPERATION

5. The Witness provides evidence that personnel at S-21 were divided into four sections—the interrogation unit, the guard unit, the economics unit and the agricultural unit. The Witness's quarters were 70 meters from **DUCH**'s house.<sup>206</sup> The Witness would be

<sup>201</sup> NIM Kimsreang, ECCC OCII statement dated 12 February 2008 at ERN 0016731, D22/11, ERN 00162729-00162741 (ENG).

<sup>202</sup> NIM Kimsreang, ECCC OCII Statement dated 18 January 2008 at ERN 00164440, D51/1, ERN 00164439-00164442 (ENG).

<sup>203</sup> NIM Kimsreang, ECCC OCII statement dated 12 February 2008 at ERN 0016731, D22/11, ERN 00162729-00162741 (ENG).

<sup>204</sup> NIM Kimsreang, ECCC OCII statement dated 12 February 2008 at ERN 0016732, D22/11, ERN 00162729-00162741 (ENG).

<sup>205</sup> NIM Kimsreang, ECCC OCII statement dated 12 February 2008 at ERN 0016733, D22/11, ERN 00162729-00162741 (ENG).

<sup>206</sup> NIM Kimsreang, ECCC OCII Statement dated 18 January 2008, at ERN 00164440, D51/1, ERN 00164439-00164442 (ENG).

contacted by telephone when new prisoners arrived. He would then go to the photography site, which was located at a building just inside the entrance to S-21, where he would take three pictures of each incoming prisoner. After the photographs were taken, the Witness would develop the film back at his house. Each prisoner was assigned a corresponding number which was recorded along with his name and date of arrest. The numbers were assigned as a precaution in order to keep track of the prisoners in case the photographs were damaged.<sup>207</sup> The Witness stated that the majority of the prisoners that he photographed were sent to farm rice at Prey Sar.<sup>208</sup>

#### **AUTHORITY STRUCTURE**

6. The Witness provides evidence that **DUCH** was the chairman of S-21, and that Hor was the deputy chairman.<sup>209</sup> The Witness gave the developed pictures to Thy.<sup>210</sup>

#### **IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

7. The Witness provides evidence that he saw three instances of between 20 and 30 Vietnamese soldiers being brought into S-21—for a total of around 100 Vietnamese prisoners. The only other foreigners the Witness saw were two foreign journalists, of which the Witness is unsure of their nationality (he thinks maybe Cuban or Russian).<sup>211</sup>

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

8. The Witness provides evidence that some of the prisoners were handcuffed while they photographed.<sup>212</sup>

#### **PRIOR STATEMENTS**

9. The Witness has given two prior statements to the Co-Prosecutors' knowledge:
  - (1) NIM Kimsreang ECCC-OCIJ Statement dated 22 October 2007, ERN 00162729-00162741, Document D22/11 (ENG).
  - (2) NIM Kimsreang ECCC-OCIJ Statement dated 18 January 2008, ERN 00164439-00164442, Document D51/1 (ENG).

#### **OTHER RELEVANT DOCUMENTS**

10. There are no other specific relevant documents referred to in the Witness's statement.

<sup>207</sup> NIM Kimsreang, ECCC OCIJ statement dated 12 February 2008 at ERN 0016733, 0016738, D22/11, ERN 00162729-00162741 (ENG).

<sup>208</sup> NIM Kimsreang, ECCC OCIJ statement dated 12 February 2008 at ERN 0016736, D22/11, ERN 00162729-00162741 (ENG).

<sup>209</sup> NIM Kimsreang, ECCC OCIJ statement dated 12 February 2008 at ERN 0016732, D22/11, ERN 00162729-00162741 (ENG).

<sup>210</sup> NIM Kimsreang, ECCC OCIJ statement dated 12 February 2008 at ERN 0016738, D22/11, ERN 00162729-00162741 (ENG).

<sup>211</sup> NIM Kimsreang, ECCC OCIJ statement dated 12 February 2008 at ERN 0016735, D22/11, ERN 00162729-00162741 (ENG).

<sup>212</sup> NIM Kimsreang, ECCC OCIJ statement dated 12 February 2008 at ERN 0016734, D22/11, ERN 00162729-00162741 (ENG).

## 10. PEN HENG

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. Evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 18 years old on 17 April 1975, is a Cambodian male, born in 1957. Prior to 17 April 1975, the Witness farmed and herded cattle. In, 1973, he volunteered to be a soldier in Sub district army. Then, he was sent to the district Army in the 130<sup>th</sup> Battalion, as a squad leader team. After the fall of Phnom Penh, in July 1975 he was sent to guard S-21. He was the chief of a three-man group and then became a deputy squad chairman. He was sent to the psychiatric hospital at Tak hmao for one month, then at Dam Peheng Prison to north of the Monivong Hospital for three months. In early 1976 the entire unit was sent to S-21.<sup>213</sup> During the time he was a guard he was sent to Prey Sar<sup>214</sup>.

### DK STRUCTURE & POLICY

3. The Witness provides evidence that **DUCH** convened political study classes at S-21<sup>215</sup>, at which Ta Mok, Son Sen and **KHIEU SAMPHAN** were often present, with **IENG SARY** attending occasionally.<sup>216</sup>

### ROLE OF ACCUSED

4. As a guard at S-21 the Witness provides evidence that **DUCH** was the overall Chairman at S-21<sup>217</sup>. **DUCH** convened political study classes at S-21 and held meeting on discipline.<sup>218</sup>

<sup>213</sup> DC-Cam statement says that the Witness “first stationed at Monivong hospital. After about a month at Monivong, Heng spent maybe three months in Ta Khmav, before returning to Monivong” PEN Heng, DC-Cam Statement dated 20 February 2003, p. 2, IS Annex C, 19.131, ERN 00008363-00008458 (KHM)–ET.

<sup>214</sup> PEN Heng ECCC OCIJ Statement dated 29 November 2007 at ERN 00163697, D28/6, ERN 00163692-00163698 (ENG).

<sup>215</sup> PEN Heng ECCC OCIJ Statement dated 29 November 2007 at ERN 00163695, D28/6, ERN 00163692-00163698 (ENG).

<sup>216</sup> PEN Heng, DC-Cam Statement dated 20 February 2003, p. 3, IS Annex C, 19.131, ERN 00008363-00008458 (KHM)–ET.

<sup>217</sup> PEN Heng ECCC OCIJ Statement dated 29 November 2007 at ERN 00163695-96, D28/6, ERN 00163692-00163698 (ENG).

<sup>218</sup> PEN Heng ECCC OCIJ Statement dated 29 November 2007 at ERN 00163695, D28/6, ERN 00163692-00163698 (ENG).



### ESTABLISHMENT, DURATION & OPERATION

5. The Witness provides evidence that he was a guard at S-21 from July 1975 until the fall of the Khmer Rouge. The Witness provides evidence that Monivong Hospital was used as a temporary prison while the former classrooms at S-21 were being divided up to make cells. There were too many detainees to be held at Monivong Hospital while the S-21 construction proceeded, so another detention facility was set up, at the old mental hospital in Ta Khmav.<sup>219</sup> When he entered in S-21 centre, he stationed on guard in the houses southwest of Tuol Sleng, where at that time they were holding detainees in individual rooms.<sup>220</sup> The detainees from Dam Peng prison were moved to Tuol Sleng when the cells were ready. The killing site was at about 70-80 meters from the houses where the detainees were held.<sup>221</sup>

### AUTHORITY STRUCTURE

6. The Witness provides evidence that at the beginning Ta Nath was the Chairman of S-21, then **DUCH** became the overall chairman. The deputy was Hor, who was blind in one eye, which was cross-eyed and the member was Dark Tall Huy.<sup>222</sup> Chan, who had a skin ailment all over, was also under the authority of **DUCH**.<sup>223</sup> The Witness's immediate superior was Peng, who chaired the Witness's platoon.<sup>224</sup> According to the Witness, Chan chaired the interrogation unit, with Suon as his deputy.<sup>225</sup> The Witness will also testify that Seng, Tit, who had curly hair and dark complexion, and Chhin Teng were interrogators.<sup>226</sup>

### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

7. The Witness provides evidence that the prisoners at Monivong Hospital were regiment and division commanders. There were too many to be held there while the S-21 construction proceeded, so another detention facility was set up, at the old mental hospital in Ta Khmav.<sup>227</sup> Most of the detainees, who were held in the little houses before Tuol Sleng School became a prison, were senior cadres who had been arrested in the various districts, sectors and zones. The Witness provides evidence that Ta Kat, the secretary of District 18

<sup>219</sup> PEN Heng, DC-Cam Statement dated 20 February 2003, p. 2, IS Annex C, 19.131, ERN 00008363-00008458 (KHM)-ET.

<sup>220</sup> PEN Heng ECCC OCJ Statement dated 29 November 2007 at ERN 00163694-95, D28/6, ERN 00163692-00163698 (ENG).

<sup>221</sup> PEN Heng ECCC OCJ Statement dated 29 November 2007 at ERN 00163696, D28/6, ERN 00163692-00163698 (ENG).

<sup>222</sup> PEN Heng ECCC OCJ Statement dated 29 November 2007 at ERN 00163695, D28/6, ERN 00163692-00163698 (ENG).

<sup>223</sup> PEN Heng, DC-Cam Statement dated 20 February 2003, p.2, IS Annex C, 19.131, ERN 00008363-00008458 (KHM)-ET.

<sup>224</sup> PEN Heng ECCC OCJ Statement dated 29 November 2007 at ERN 00163696, D28/6, ERN 00163692-00163698 (ENG); PEN Heng, DC-Cam Statement dated 20 February 2003, p.2, IS Annex C, 19.131, ERN 00008363-00008458 (KHM)-ET.

<sup>225</sup> PEN Heng, DC-Cam Statement dated 20 February 2003, p.2, IS Annex C, 19.131, ERN 00008363-00008458 (KHM)-ET.

<sup>226</sup> PEN Heng ECCC OCJ Statement dated 29 November 2007 at ERN 00163695, D28/6, ERN 00163692-00163698 (ENG).

<sup>227</sup> PEN Heng, DC-Cam Statement dated 20 February 2003, p.2, IS Annex C, 19.131, ERN 00008363-00008458 (KHM)-ET.

was detained with leg shackles and that he personally guarded him.<sup>228</sup> The Witness provides evidence that guards were arrested when they made mistake. Chhin Teng, an interrogator was arrested and detained in S-21.<sup>229</sup> The Witness provides evidence that the detainees from Dam Pheng were sent to S-21 when the cells were ready.<sup>230</sup> He saw Chan Chakrei been arrested in Dam Pheng prison.<sup>231</sup>

8. The Witness provides evidence that in Prey Sar there were two female unit, and three youth units.<sup>232</sup>

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

9. The Witness provides evidence that at Prey Sar they worked from 4 until 11 to 12 at night and that there were not enough food.<sup>233</sup>

#### **INTERROGATION**

10. The Witness provides evidence that the interrogators were in Ta Chan's Team. Seng, Tit, who had curly hair and dark complexion, and Chhin Teng were interrogators. The detainees were interrogated outside of their building and were brought back to their place after.<sup>234</sup>

#### **TORTURE & INHUMANE TREATMENT**

11. The Witness provides evidence that he saw marks of beatings and blood flowing from the backs of prisoners after being interrogated.<sup>235</sup> Sometimes he saw unconscious detainees being carried back to the guard site.<sup>236</sup> The Witness provides evidence that sometimes heard screams at night at Dam Phang Prison.<sup>237</sup> The Witness provides evidence that at Prey Sar they beat and kicked prisoners who were too sick to go work on time.<sup>238</sup>

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<sup>228</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163694, D28/6, ERN 00163692-00163698 (ENG).

<sup>229</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163695, D28/6, ERN 00163692-00163698 (ENG).

<sup>230</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163696, D28/6, ERN 00163692-00163698 (ENG).

<sup>231</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163697, D28/6, ERN 00163692-00163698 (ENG).

<sup>232</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163697, D28/6, ERN 00163692-00163698 (ENG).

<sup>233</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163697, D28/6, ERN 00163692-00163698 (ENG).

<sup>234</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163694, D28/6, ERN 00163692-00163698 (ENG).

<sup>235</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163695, D28/6, ERN 00163692-00163698 (ENG).

<sup>236</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163695, D28/6, ERN 00163692-00163698 (ENG).

<sup>237</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163696, D28/6, ERN 00163692-00163698 (ENG).

<sup>238</sup> PEN Heng ECCC OCII Statement dated 29 November 2007 at ERN 00163697, D28/6, ERN 00163692-00163698 (ENG).

### EXTERMINATION, MURDER & WILFUL KILLING

12. The Witness provides evidence that when the interrogation was completed after one or two months the detainees were taken to be killed. They were executed at night.<sup>239</sup> A messenger brought the name of detainees and the guards took them from their cells with their arms tied behind their backs and blindfolded with scarf to the killing site located behind S-21. They were three or four killers, one of them was Peng. The guards made detainees sit or stand at the edge of a pit. They used water pipes to hit the base of the detainees' necks and kicked them into the pit. The Witness estimates that they were 40 bodies in each pit. There were not killings every day, sometimes only once a month. Each time they were waiting for a large number of detainees.<sup>240</sup> The Witness provides evidence that even the members of the defence unit were not explicitly told that executions were being carried out, even though it was patently obvious that once interrogation was completed, prisoners were killed. Indeed, the Witness heard the sound of executions from his quarters.<sup>241</sup> The Witness stated that a detainee stole a pistol and shot himself to death.<sup>242</sup>

### PRIOR STATEMENTS

13. The Witness has given two prior statements to the Co-Prosecutors' knowledge:
- (1) PEN Heng OCIJ Statement dated 29 November 2007, D28/6, ERN 00163692-98 (ENG).
  - (2) PEN Heng, DC-Cam Statement dated 20 February 2003, IS Annex C, 19.131, ERN 00008363-00008458 (KHM); ENG summary (ERN 00182994-00182996).

### OTHER RELEVANT DOCUMENTS

14. There are no other specific relevant documents referred to in the Witness's statement.

<sup>239</sup> PEN Heng, DC-Cam Statement dated 20 February 2003, p.3, IS Annex C, 19.131, ERN 00008363-00008458 (KHM)-ET.

<sup>240</sup> PEN Heng ECCC OCIJ Statement dated 29 November 2007 at ERN 00163695-96, D28/6, ERN 00163692-00163698 (ENG).

<sup>241</sup> PEN Heng, DC-Cam Statement dated 20 February 2003, p.3, IS Annex C, 19.131, ERN 00008363-00008458 (KHM)-ET.

<sup>242</sup> PEN Heng ECCC OCIJ Statement dated 29 November 2007 at ERN 00163697, D28/6, ERN 00163692-00163698 (ENG).

## 11. PRUM CHHOEUN

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the role of **DUCH** (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25) of S-21, the number and type of detainees, the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) that took place at S-21. His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness is approximately 50 years old and is from Kampong Speu province. He entered into monkhood in the early 70s. When the Khmer Rouge took power, he went with his cousin to Phnom Penh where he taught functional literacy at Boeng Tumpun, working in the Children's Group. He was transferred to guard duty at S-21 Security Centre and occasionally did farming at Prek Thnaot. The Witness worked for S-21 until the fall of the DK regime, fleeing to western Cambodia.<sup>243</sup>

### ROLE OF ACCUSED

3. The Witness provides evidence that **DUCH** was the chairman of S-21, overseeing operations at the site. The Witness frequently opened the gates of S-21 for **DUCH** to enter in his car.<sup>244</sup>

### ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that he worked for S-21 from mid-1976 to 1979. The Witness provides evidence that workers at S-21 often disappeared, citing the example of a cadre who committed rape and then vanished.<sup>245</sup> Many people were taken out through the inside gate.<sup>246</sup>

### AUTHORITY STRUCTURE

5. The Witness provides evidence that **DUCH** oversaw operations at S-21 and that Pon was in charge of defence.<sup>247</sup> The Witness also remembers an individual named Sae who drove trucks and a physician, Soeu, who treated humans and pigs.<sup>248</sup>

<sup>243</sup> PRUM Chhoeun DC-Cam Statement dated January 22 2005 at 18-23 &53, ERN 00058146-00058147 (KHM) (not disclosed as of 22, Feb 08).

<sup>244</sup> PRUM Chhoeun DC-Cam Statement dated January 22 2005 at 43, ERN 00058146-00058147 (KHM) (not disclosed as of 22, Feb 08).

<sup>245</sup> PRUM Chhoeun DC-Cam Statement dated January 22 2005 at.47, ERN 00058146-00058147 (KHM) (not disclosed as of 22, Feb 08).

<sup>246</sup> PRUM Chhoeun DC-Cam Statement dated January 22 2005 at.49-50, ERN 00058146-00058147 (KHM) (not disclosed as of 22, Feb 08).

<sup>247</sup> PRUM Chhoeun DC-Cam Statement dated January 22 2005 at 43, ERN 00058146-00058147 (KHM) (not disclosed as of 22, Feb 08).

<sup>248</sup> PRUM Chhoeun DC-Cam Statement dated January 22 2005 at.35 &37, ERN 00058146-00058147 (KHM) (not disclosed as of 22, Feb 08).

**IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

6. The Witness provides evidence that he sometimes saw two to ten blindfolded prisoners being taken into S-21 every week or every one or two months.<sup>249</sup>

**ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

7. The Witness provides evidence that individuals brought into S-21 in trucks were handcuffed and blindfolded.<sup>250</sup>

**EXTERMINATION, MURDER & WILFUL KILLING**

8. The Witness provides evidence that he learned that executions took place in western areas behind S-21.<sup>251</sup>

**PRIOR STATEMENTS**

9. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
- (1) PRUM Chhoeun DC-Cam Statement dated 2 November 2005, ERN 00060319-00060382 (KHM); ENG summary (ERN 00060319-00060387).

**OTHER RELEVANT DOCUMENTS**

10. There is one specific exhibit referred to in the Witness's statement:
- (1) DC-Cam Biographic Database entry for PRUM Chhoeun dated 20 July 2006, ERN 00058146-00058147 (KHM).

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<sup>249</sup> PRUM Chhoeun DC-Cam Statement dated January 22 2005 at 39, ERN 00058146-00058147 (KHM) (*not disclosed as of 22, Feb 08*).

<sup>250</sup> PRUM Chhoeun DC-Cam Statement dated January 22 2005 at 34, 38, ERN 00058146-00058147 (KHM) (*not disclosed as of 22, Feb 08*).

<sup>251</sup> PRUM Chhoeun DC-Cam Statement dated January 22 2005 at 49-50, ERN 00058146-00058147 (KHM) (*not disclosed as of 22, Feb 08*).

## 12. PRUM SOKH

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), and the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147) of detainees (107-128, 138, 139-140 & 151). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 14 years old on 17 April 1975, is a Cambodian male, born in 1961. After 17 April 1975, the Witness was rounded up and sent to Phnom Penh where he worked as a cleaner for one week. After that, he was placed in a children's unit where his job was to build dams and dig canals at Prey Sar. After two months, the Witness went to Boeng Tumpun where he cut trees and grass. In late 1976, he was chosen to study medicine at the *Police Judiciare* near Phsar Thmei. In late 1977, the Witness was sent to Takhmao where he transported vegetables to PJ hospital. After one year, he was assigned to treat malaria at the PJ hospital, and to work with the mosquito and water parasite eradication team. One month before 1979, the Witness was sent to work at S-21 where he remained until the fall of the DK regime.<sup>252</sup>

### ESTABLISHMENT, DURATION & OPERATION

3. As a medic at S-21, the Witness initially worked with the inside medical team, but was later transferred to the outside medical team. While working with the outside medical team, the Witness slept in the Tuol Svay Prey school building. According to the Witness, foreign medicines left over from the previous regime, and medicine made under the DK regime, such as B2, B12 and quinine, were stored in buildings near the medics' residence. The Witness worked at S-21 until the fall of the DK regime in 1979, but only entered S-21 once.<sup>253</sup>
4. As a member of the children's unit, the Witness dug canals and built dams at Prey Sar.<sup>254</sup> While working with the malaria prevention team at the *Police Judiciare* hospital, the Witness took blood samples from people at Moat Steung, which was near Prey Sar.<sup>255</sup>

### AUTHORITY STRUCTURE

5. The Witness provides evidence that Try, a tall man with a large build and hairy arms, was the chairman of the medical unit. The Witness worked with Than, who was Nuon Chea's niece. Than, who spoke French, Chinese and English, inspected the expiration dates on the

<sup>252</sup> PRUM Sok ECCC OCII Statement dated 18 February 2008 at ERN 00163829-00163830, D28/17, ERN 00163828-00163831 (ENG).

<sup>253</sup> PRUM Sok ECCC OCII Statement dated 18 February 2008 at ERN 00163830, D28/17, ERN 00163828-00163831 (ENG).

<sup>254</sup> PRUM Sok ECCC OCII Statement dated 18 February 2008 at ERN 00163829, D28/17, ERN 00163828-00163831 (ENG).

<sup>255</sup> PRUM Sok ECCC OCII Statement dated 18 February 2008 at ERN 00163830, D28/17, ERN 00163828-00163831 (ENG).

foreign medication, as well as acted as a midwife to DK cadre from S-21 and other bases. The Witness remembers the names of some members of the inside medical team including Tha, Sro, So, Thim and Dan.<sup>256</sup>

**IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

6. The one time that the Witness entered S-21, he remembers seeing prisoners in shackles.<sup>257</sup>

**PRIOR STATEMENTS**

7. The Witness has given one prior statement to the Co-Prosecutors' knowledge:

- (1) PRUM Sok ECCC OCIJ Statement dated 18 February 2008, D28/17, ERN 00163828-00163831 (ENG).

**OTHER RELEVANT DOCUMENTS**

8. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>256</sup> PRUM Sok ECCC OCIJ Statement dated 18 February 2008 at ERN 00163830, D28/17, ERN 00163828-00163831 (ENG).

<sup>257</sup> PRUM Sok ECCC OCIJ Statement dated 18 February 2008 at ERN 00163830, D28/17, ERN 00163828-00163831 (ENG).

### 13. SAV Khe (Sao Khe)

#### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogations (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### WITNESS BACKGROUND

2. A native of Toek Phos District, Kampong Chhnang Province, the Witness, 16 years old on 17 April 1975, is a Cambodian male, born in 1959. In 1974, the Witness joined the Khmer Rouge army in his sector. After the DK regime seized power, the Witness was sent to Boeng Tumpun for two and half months for military training and farming.<sup>258</sup> In February or March 1976, he was transferred to the Security Centre of S-21. He worked at S-21 as an electricity engineer and defence guard until the fall of the regime. Twice during his time with the Khmer Rouge, the Witness was sent to work at Takhmao; first while he was working at Boeng Tumpun and second while he was a guard at S-21.<sup>259</sup>

#### ROLE OF ACCUSED

3. As a security guard at S-21 the Witness provides evidence that he recognized **DUCH** as the chief of the prison. This was confirmed when the Witness saw **DUCH** “overseeing the place” by coming up to the headquarters of S-21.<sup>260</sup> **DUCH** taught politics and instructed the workers at S-21.<sup>261</sup> At the study meetings, **DUCH** was the only one who spoke.<sup>262</sup> He used to talk about the policy to destroy Lon Nol’s henchmen accusing them as traitors.<sup>263</sup> Additionally, Peng told the Witness that **DUCH** was the person who had control over all of S-21.<sup>264</sup> When it was time for a meeting with **DUCH**, they could not refuse to attend.<sup>265</sup>

<sup>258</sup> SAV Khe ECCC OCII Statement dated 2 April 2008 at ERN 00194975, D78/8, ERN 00194973-00194977 (ENG). [The Witness stated that he was transferred to Ta Khmao for military training. SAV Khe DC-Cam Statement dated 12 May 2005].

<sup>259</sup> SAV Khe ECCC OCII Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

[He worked as a security guard under **DUCH** in the south of Ta Khmao for a while before being sent to do farming in the end of 1975. SAV Khe DC-Cam Statement dated 12 May 2005]

<sup>261</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058750-00058750 (KHM); SAV Khe ECCC OCII Statement dated 2 April 2008 at ERN 00194977, D78/8, ERN 00194973-00194977 (ENG).

<sup>262</sup> SAV Khe ECCC OCII Statement dated 3 April 2008 at ERN 00194986, D78/9, ERN 00194984-00194986 (ENG).

<sup>263</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058762 (KHM).

<sup>264</sup> SAV Khe ECCC OCII Statement dated 2 April 2008 at ERN 00194977, D78/8, ERN 00194973-00194977 (ENG).

<sup>265</sup> SAV Khe ECCC OCII Statement dated 2 April 2008 at ERN 00194977, D78/8, ERN 00194973-00194977 (ENG).



The Witness also understood instructions to exhume bodies in two grave pits near a house at Takhmao as an order of **DUCH** at the leadership level of S-21.<sup>266</sup>

#### ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that he worked at S-21 from 1976 to 1979. The Witness states that there were four three-floor buildings at S-21 and that Ta Khmao Security Centre was also run by **DUCH**. Before Ta Khmao Security Centre was moved to S-21 it was located at Tuol Svay Prey area.<sup>267</sup> S-21 guards were divided into three major teams responsible for interrogation, execution and defence.<sup>268</sup> The Witness also provides identification of a number of points on a photographic map of S-21.<sup>269</sup>

#### AUTHORITY STRUCTURE

5. The Witness provides evidence that **DUCH** was the chief of S-21 and that Chan was under **DUCH**. Chan twice came for meetings to give instructions.<sup>270</sup> The Witness provides evidence that Ta Peng was in charge of defence unit. The Witness still remembers the physical appearances of many individuals responsible in this security centre notwithstanding their names haven't come to his mind.<sup>271</sup> Boeng Tumpum unit was also under **DUCH**'s command.<sup>272</sup> The Witness stated that he knew Boeng Tumpun was subordinate to S-21 because he saw Peng come there to inspect.<sup>273</sup> Though **DUCH** never came, Chan also came two or three times.<sup>274</sup>

#### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

6. The Witness provides evidence that he saw many Vietnamese and Thai people as well as Khmer Rouge cadres and "17 April People" imprisoned at S-21 and Ta Khmao. Many Vietnamese captured wore Vietnamese Army uniforms and hats.<sup>275</sup> Prisoners also included twelve Americans who were wearing jackets.<sup>276</sup> Everyday trucks brought prisoners in and out of S-21. The foreigners were kept separate from the general population.<sup>277</sup> Guards were

<sup>266</sup> SAV Khe ECCC OCII Statement dated 3 April 2008 at ERN 00194986, D78/9, ERN 00194984-00194986 (ENG).

<sup>267</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058742 (KHM).

<sup>268</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058733 (KHM).

<sup>269</sup> SAV Khe ECCC OCII Statement dated 2 April 2008 at ERN 00194977, D78/8, ERN 00194973-00194977 (ENG).

<sup>270</sup> SAV Khe ECCC OCII Statement dated 2 April 2008 at ERN 00194976, D78/8, ERN 00194973-00194977 (ENG).

<sup>271</sup> Sav Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058742 (KHM).

<sup>272</sup> SAV Khe ECCC OCII Statement dated 3 April 2008 D78/9, at ERN 00194984, ERN 00194984-00194986 (ENG).

<sup>273</sup> SAV Khe ECCC OCII Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

<sup>274</sup> SAV Khe ECCC OCII Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

<sup>275</sup> SAV Khe ECCC OCII Statement dated 2 April 2008 at ERN 00194976, D78/8, ERN 00194973-00194976 (ENG).

<sup>276</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058737-ERN00058747 (KHM); SAV Khe ECCC OCII Statement dated 2 April 2008 at ERN 00194976, D78/8, ERN 00194973-00194977 (ENG). [Prisoners included six Americans. SAV Khe DC-Cam Statement dated 12 May 2005].

<sup>277</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058757-ERN00058757 (KHM).

disciplined if found to be nodding off to sleep while on duty.<sup>278</sup> If a guard slept, he would be instructed and then be sent straight into detention.<sup>279</sup> Laborers at Boeng Tumpun who could not tolerate the work in the rice fields were also sent to detention at S-21.<sup>280</sup> The Witness provides evidence that when the number of intakes was overwhelming, the detainees were kept for one week the longest before being taken out to free some spaces for the next rounds.<sup>281</sup>

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

7. The Witness provides evidence that at S-21, prisoners in common rooms were cuffed collectively secured by iron bars and that people detained in private rooms were high-ranking officials.<sup>282</sup> Some prisoners committed suicide and guards who were responsible for looking after them had to be punished.<sup>283</sup> The Witness also provides evidence that while working the rice fields at Boeng Tumpun, he went to clean up a house that he presumed was used as a site to detain people since he saw shackles there.<sup>284</sup>

#### **INTERROGATION**

8. The Witness provides evidence that interrogation of [a prisoner] took from one to ten days—both day and night. Six Thai prisoners were taken for interrogation at a different site.<sup>285</sup> When they were brought back to S-21, the prisoners were in a weakened state, with wound marks on their back.<sup>286</sup> Vietnamese soldiers arrested during 1977 were also taken to be filmed.<sup>287</sup> Additionally, the Witness saw one of his team members arrested and interrogated for an unknown reason.<sup>288</sup>

#### **TORTURE & INHUMANE TREATMENT**

9. The Witness provides evidence that upon return from interrogation, prisoners bore torture-related scars. There were medics available to cure the wounds.<sup>289</sup>

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<sup>278</sup> SAV Khe ECCC OCIJ Statement dated 2 April 2008 at ERN 00194976, D78/8, ERN 00194973-00194976 (ENG).

<sup>279</sup> SAV Khe ECCC OCIJ Statement dated 2 April 2008 at ERN 00194976, D78/8, ERN 00194973-00194976 (ENG).

<sup>280</sup> SAV Khe ECCC OCIJ Statement dated 2 April 2008 at ERN 00194975, D78/8, ERN 00194973-00194976 (ENG).

<sup>281</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058753-ERN00058753 (KHM).

<sup>282</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058757-ERN00058757 (KHM).

<sup>283</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058754-ERN00058754 (KHM).

<sup>284</sup> SAV Khe ECCC OCIJ Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

<sup>285</sup> SAV Khe ECCC OCIJ Statement dated 2 April 2008 at ERN 00194976, D78/8, ERN 00194973-00194977 (ENG).

<sup>286</sup> SAV Khe ECCC OCIJ Statement dated 2 April 2008 at ERN 00194976, D78/8, ERN 00194973-00194977 (ENG).

<sup>287</sup> SAV Khe ECCC OCIJ Statement dated 2 April 2008 at ERN 00194976, D78/8, ERN 00194973-00194976 (ENG).

<sup>288</sup> SAV Khe ECCC OCIJ Statement dated 3 April 2008 at ERN 00194986, D78/9, ERN 00194984-00194986 (ENG).

<sup>289</sup> Sav Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058749-ERN00058749 (KHM).

### EXTERMINATION, MURDER & WILFUL KILLING

10. The Witness provides evidence that prisoners were taken out for execution within the S-21 premises with an attempt to avoid being leaked to the outsiders. Through Peng, the Witness learned that foreigners were taken to be killed, but the Witness does not know where they were taken.<sup>290</sup> The Witness states the bodies needed to be excavated and burned down in half a year's time.<sup>291</sup> While working at S-21, four or five members of the Witness's group excavated two grave pits about 100 meters behind the house at Takhmao.<sup>292</sup> The bodies were piled on top of each other.<sup>293</sup> Some had restraints on their hands; some did not.<sup>294</sup> Some had blindfolds; some had slipped off.<sup>295</sup> Some of the skulls were broken at the rear, some on the sides, and some were caved-in.<sup>296</sup> Some bodies had wounds where the throats had been cut.<sup>297</sup> There was no evidence of gunshot wounds and the person who took the Witness to the excavation site told him that all the victims had been beaten to death.<sup>298</sup>

### PRIOR STATEMENTS

11. The Witness has given three prior statements to the Co-Prosecutors' knowledge:
- (1) SAV Khe DC-Cam Statement dated 12 May 2005, D59, ERN00058713-00058771 (KHM).
  - (2) SAV Khe ECCC-OCIJ Statement dated 2 April 2008, ERN 00194973-00194977, Document D78/8 (ENG).
  - (3) SAV Khe ECCC-OCIJ Statement dated 3 April 2008, ERN 00194983-00194986, Document D78/9 (ENG).

### OTHER RELEVANT DOCUMENTS

12. There are no other specific relevant documents referred to in the Witness's statement.

<sup>290</sup> SAV Khe ECCC OCIJ Statement dated 2 April 2008, at ERN 00194977, D78/8, ERN 00194973-00194977 (ENG). [Detainees were taken to be killed at such areas as Boeng Tum Pun and Prey Sar belonging to S-21. SAV Khe DC-Cam Statement dated 12 May 2005].

<sup>291</sup> SAV Khe DC-Cam Statement dated 12 May 2005 at D59, ERN00058754-ERN00058754 (KHM).

<sup>292</sup> SAV Khe ECCC OCIJ Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

<sup>293</sup> SAV Khe ECCC OCIJ Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

<sup>294</sup> SAV Khe ECCC OCIJ Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

<sup>295</sup> SAV Khe ECCC OCIJ Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

<sup>296</sup> SAV Khe ECCC OCIJ Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

<sup>297</sup> SAV Khe ECCC OCIJ Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

<sup>298</sup> SAV Khe ECCC OCIJ Statement dated 3 April 2008 at ERN 00194985, D78/9, ERN 00194984-00194986 (ENG).

## 14. TOB SOEUN ALIAS TOB PHREAP ALIAS CHROEK

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness was born in 1956 in Kampong Chhnang Province.<sup>299</sup> In 1976 he was sent from his unit in Kampong Tralach to Phnom Penh where he was trained in typing. He then began to work for S-21, typing out confessions.<sup>300</sup> He remained there until the Vietnamese invasion.<sup>301</sup>

### ROLE OF THE ACCUSED

3. The confessions typed by the Witness were collected by his superiors when a messenger from Duch called them.<sup>302</sup> He knew that Duch was the chief. He describes the control that Duch exercised over S-21 as “so strict” and states that “the inmates could also disappear”.<sup>303</sup>

### ESTABLISHMENT, DURATION & OPERATION

4. The Witness gives evidence that he typed confessions from handwritten documents which were given to them by his chiefs, Huoy and Sre.<sup>304</sup> They were written as biographies and then included details of “traitorous activities” and a list of names of other people involved. Many of the names on those lists would subsequently appear as authors of their own confessions.<sup>305</sup>
5. Both his superiors, Huoy and Sre, were arrested themselves in 1978.<sup>306</sup> The majority of the confessions were from the East and North Zones, and the people were Vietnamese, Cham, or Phnong.<sup>307</sup>

<sup>299</sup> TOB Soeun ECCC OCII Statement dated 29 November 2007, at ERN 00225124, ERN 00225123-00225129, Document D28/4 (ENG).

<sup>300</sup> TOB Soeun ECCC OCII Statement dated 29 November 2007, at ERN 00225125, ERN 00225123-00225129, Document D28/4 (ENG).

<sup>301</sup> TOB Soeun ECCC OCII Statement dated 29 November 2007, at ERN 00225126, ERN 00225123-00225129, Document D28/4 (ENG).

<sup>302</sup> TOB Soeun ECCC OCII Statement dated 29 November 2007, at ERN 00225126, ERN 00225123-00225129, Document D28/4 (ENG).

<sup>303</sup> TOB Soeun ECCC OCII Statement dated 29 November 2007, at ERN 00225128, ERN 00225123-00225129, Document D28/4 (ENG).

<sup>304</sup> TOB Soeun ECCC OCII Statement dated 29 November 2007, at ERN 00225125-00225126, ERN 00225123-00225129, Document D28/4 (ENG).

<sup>305</sup> TOB Soeun ECCC OCII Statement dated 29 November 2007, at ERN 00225126, ERN 00225123-00225129, Document D28/4 (ENG).

<sup>306</sup> TOB Soeun ECCC OCII Statement dated 29 November 2007, at ERN 00225127, ERN 00225123-00225129, Document D28/4 (ENG).

**TORTURE**

6. The Witness heard screams of people who were tortured.<sup>308</sup>

**PRIOR STATEMENTS**

7. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
- (1) TOB Soeun ECCC OCIJ Statement dated 29 November 2007, D28/4, ERN 00225123-00225129 (ENG).

**OTHER RELEVANT DOCUMENTS**

8. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>307</sup> TOB Soeun ECCC OCIJ Statement dated 29 November 2007, at ERN 00225127, ERN 00225123-00225129, Document D28/4 (ENG).

<sup>308</sup> TOB Soeun ECCC OCIJ Statement dated 29 November 2007, at ERN 00225127, ERN 00225123-00225129, Document D28/4 (ENG).

## 15. TUM SAT

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 12 years old on 17 April 1975, is a Cambodian male, born in about 1963. Prior to 17 April 1975, the Witness lived with his parents in Boribau district. After the DK regime seized power, the Witness was separated from his parents and transferred to Ta Khmao district in Kandal Province where he was ordered to attend military tactical training school. For 4-5 months he received training in the organisation of the children's unit and in shooting a gun. The Witness provides evidence that Tuy was the chief of this military training school. In 1977, he was sent to work on rice-farming in Choeung Ek and then to work with Huy as a defence guard at S-21. The Witness was transferred from S-21 to work at the Prey Sar Prison about half a month before the fall of the regime.

### ROLE OF ACCUSED

3. As a guard at S-21 the Witness provides evidence that he knew **DUCH** as the chief of the prison.<sup>309</sup> This was confirmed when the Witness saw **DUCH** "overseeing the place."<sup>310</sup>

### ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that he was a guard at S-21 from 1977 to 1979. When he first arrived at S-21, the Witness was placed in the Protection Group headed by Oeun, and Huy was his supervisor.<sup>311</sup> The Witness stated that since he was too young therefore he was ordered to guard the gate outside the prison compound. He provides evidence that there was a building located in the middle of the compound which was used as the office of the S-21. The Witness provides evidence that Him Huy was known to him as the chief of the Car Unit of S-21.<sup>312</sup>

### AUTHORITY STRUCTURE

5. The Witness provides evidence that **DUCH** was the chief of S-21. Hor was a high-ranking officer next to **DUCH** and Peng Y was also a high-ranking officer. The Witness provides evidence that guards were organized in groups. Huy was his group supervisor and Oeun was the chief of his group, the Protection Group. The Witness provides evidence that he

<sup>309</sup> TUM Sath DC-Cam Statement dated 5 May 2005 at p. 12, D59, ERN 00058694-00058712 (KHM).

<sup>310</sup> TUM Sath DC-Cam Statement dated 5 May 2005 at p. 12, D59, ERN 00058694-00058712 (KHM).

<sup>311</sup> TUM Sath DC-Cam Statement dated 5 May 2005 at p. 14-15, D59, ERN 00058694-00058712 (KHM).

<sup>312</sup> TUM Sath DC-Cam Statement dated 5 May 2005 at p. 14, D59, ERN 00058694-00058712 (KHM).

was ordered to work outside the S-21 compound (at the gate of the prison). The Witness provides evidence that he had seen prisoners, one or two at a time, were taken out for interrogation and sign of tortures such as bleedings on their body were seen when they were brought back in the prison and, the disappearance of security guards of S-21<sup>313</sup>. The Witness provides evidence that inside the compound there was an office building located in the middle of S-21. .

#### **IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

6. The Witness provides no information about detainees, number and type because he guarded outside the compound and had no information regarding these matters.

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

7. The Witness provides evidence that while working as a guard of S-21, he was given only thin porridge or soup with a few small pieces of water grass to eat.<sup>314</sup>

#### **INTERROGATION**

8. The Witness provides evidence that guards were seen walking prisoners out of the prison for interrogation.<sup>315</sup>

#### **TORTURE & INHUMANE TREATMENT**

9. The Witness provides evidence that guards were seen walking prisoners out of the prison for interrogation. When prisoners were brought back, bleeding on their body was seen as a sign indicating that torture had been carried out.<sup>316</sup>

#### **EXTERMINATION, MURDER & WILFUL KILLING**

10. The Witness provides evidence of the disappearance of some prison guards who never returned. He assumed they died.<sup>317</sup>

#### **PRIOR STATEMENTS**

11. The Witness has given two prior statements to the Co-Prosecutors' knowledge:
  - (1) TUM Sath DC-Cam Statement dated 5 May 2005, D59, ERN 00058694-00058712 (KHM).
  - (2) TUM Sath DC-Cam Statement dated 2001, ERN 00058138-00058139 (KHM).

#### **OTHER RELEVANT DOCUMENTS**

12. There is one specific exhibit referred to in the Witness's statement:
  - (1) Biography of TUM Sath, not dated, ERN 00058138-00058139 (KHM).

<sup>313</sup> TUM Sath DC-Cam Statement dated 5 May 2005 at p. 14, D59, ERN 00058694-00058712 (KHM).

<sup>314</sup> TUM Sath DC-Cam Statement dated 5 May 2005 at p. 9, D59, ERN 00058694-00058712 (KHM).

<sup>315</sup> TUM Sath DC-Cam Statement dated 5 May 2005 at p. 14, D59, ERN 00058694-00058712 (KHM).

<sup>316</sup> TUM Sath DC-Cam Statement dated 5 May 2005 at p. 16, D59, ERN 00058694-00058712 (KHM).

<sup>317</sup> TUM Sath DC-Cam Statement dated 5 May 2005 at p. 1, 15, D59, ERN 00058694-00058712 (KHM).

## 16. YAEM YEAN

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 and 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 and 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 19 years old on 17 April 1975, is a Cambodian male, born in 1956. In 1972 the Witness became a commune militia (chhlorb khum) and in 1974 he moved to a district militia at Kompong Tralach District. Two months after the DK regime seized power, the Witness was picked up by Chan from S-21, to train in military technique at Takhmao for three months before he was sent to S-21 around end of 1975. In January 1979, the Witness fled into the forest with **DUCH**. He stayed at refugee camps in Thailand before returning home in 1993.

### ROLE OF ACCUSED

3. The Witness provides evidence that **DUCH** was head of S-21.

### ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that he was chosen to train military technique at Takhmao and then was sent to be a guard at S-21 because of his good biography.<sup>318</sup> He stayed at Boeung Tumpun for few days before being sent to Takhmao where he studied military technique with 50-60 students some of whom were later moved to S-21.<sup>319</sup> The Witness provides evidence that S-21 operated before his arrival and at first the detainees were kept in the houses around S-21.<sup>320</sup> The Witness provides evidence that detainees were moved from the houses to S-21 and that increasing numbers of detainees were brought to S-21 especially close to the Vietnam invasion.<sup>321</sup> The Witness provides evidence that he wrote two biographies, one at home by CHAN and one at S-21.<sup>322</sup> The Witness provides evidence that there were four buildings at S-21 and that he took guard duty inside the

<sup>318</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057022, D59, ERN 00057010-00057052 (KHM).

<sup>319</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057020- 00057021, D59, ERN 00057010-00057052 (KHM).

<sup>320</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057023, D59, ERN 00057010-00057052 (KHM).

<sup>321</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057025-00057026, D59, ERN 00057010-00057052 (KHM).

<sup>322</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057048, D59, ERN 00057010-00057052 (KHM).



prisoner room from 12pm to 6 am.<sup>323</sup> He heard that POL POT came to teach once at S-21 for a week.<sup>324</sup>

#### **AUTHORITY STRUCTURE**

5. The Witness provides evidence that **DUCH** was the chief of S-21, and that Hor was a deputy chief and **CHAN**, maybe a third high ranking officer.<sup>325</sup> **HEAK** was his chief group but was later arrested and executed.<sup>326</sup> The Witness provides evidence that guards were organized in four groups and had received military training at Takhmao and that most of them came from Kompong Chhnang, Kompong Speu and Kandal provinces.<sup>327</sup> Guards and interrogators were from different section but worked under the same office.<sup>328</sup>

#### **IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

6. The Witness provides evidence that at first detainees were kept at houses around S-21 and 4-10 days after his arrival at S-21 these prisoners were moved into S-21.<sup>329</sup> The Witness provides evidence that he saw French, Vietnamese, and Thai prisoners at S-21.<sup>330</sup> The Witness provides evidence that there were female prisoners and they were kept separately from the male prisoners. The Witness provides evidence that he used to guard a female prisoner **MEN Yeay** who was a commander of a division and that they had a child together.<sup>331</sup> The Witness provides evidence that after 2 months of his entering S-21, small rooms were made inside a school room to keep prisoner each.<sup>332</sup> The Witness provides evidence that at most, 50-60 individuals would arrive at S-21 at one time and rarely was the school room empty.<sup>333</sup>

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

7. The Witness provides evidence that prisoners were kept in one room each and after interrogation they were placed in the upper story of S-21 were shackled to iron bars.<sup>334</sup>

<sup>323</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057029, ERN 00057042, D59, ERN 00057010-00057052 (KHM).

<sup>324</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057046, D59, ERN 00057010-00057052 (KHM).

<sup>325</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057022, D59, ERN 00057010-00057052 (KHM).

<sup>326</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057022, D59, ERN 00057010-00057052 (KHM).

<sup>327</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057023, D59, ERN 00057010-00057052 (KHM).

<sup>328</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057025, D59, ERN 00057010-00057052 (KHM).

<sup>329</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057023, D59, ERN 00057010-00057052 (KHM).

<sup>330</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057033, D59, ERN 00057010-00057052 (KHM).

<sup>331</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057041, D59, ERN 00057010-00057052 (KHM).

<sup>332</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057028, D59, ERN 00057010-00057052 (KHM).

<sup>333</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057042, D59, ERN 00057010-00057052 (KHM).

<sup>334</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057028, D59, ERN 00057010-00057052 (KHM).

Prisoners were handcuffed and were served 2 meals a day at 8 am and 4 pm.<sup>335</sup> The Witness provides evidence that he heard that some prisoners killed themselves by hanging, took medicines or used nails to kill themselves.<sup>336</sup> He frequently saw 4-5 prisoners die every month.<sup>337</sup> Medics took care of sick prisoners twice daily.<sup>338</sup> Detainees were given bath jointly in a common room with a water tube once every 2 or 3 days while shackled.<sup>339</sup> Detainees were forced to relieved themselves in a bullet boxes.<sup>340</sup> At night, they wore only short pants.<sup>341</sup>

### INTERROGATION

8. The Witness provides evidence that all prisoners at S-21 had to be interrogated and each interrogation usually lasted between 3-5 days, with some interrogations occurring for 10 days.<sup>342</sup> Interrogations took place at the houses around the prison, at the north gate, from 7 a.m. to 11 a.m., 1 p.m. to 5 p.m. and sometimes from 1 p.m. to 9 p.m.<sup>343</sup> The Witness said that he never saw any interrogations but he saw prisoners who were bloody and bruised from beatings and electric shocks after being interrogated.<sup>344</sup> After interrogations, the prisoner were removed from the room and taken away by truck.<sup>345</sup>

### TORTURE & INHUMANE TREATMENT

9. The Witness provides evidence that he saw prisoners returning from interrogations that were bruised and bloodied.<sup>346</sup> The Witness provides evidence that prisoners committed suicide because they were being beaten every day.<sup>347</sup>

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<sup>335</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057030-00057031, D59, ERN 00057010-00057052 (KHM).

<sup>336</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057028, D59, ERN 00057010-00057052 (KHM).

<sup>337</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057037, D59, ERN 00057010-00057052 (KHM).

<sup>338</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057035, D59, ERN 00057010-00057052 (KHM).

<sup>339</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057039, D59, ERN 00057010-00057052 (KHM).

<sup>340</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057037, D59, ERN 00057010-00057052 (KHM).

<sup>341</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057038, D59, ERN 00057010-00057052 (KHM).

<sup>342</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057027, D59, ERN 00057010-00057052 (KHM).

<sup>343</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057027-00057028, D59, ERN 00057010-00057052 (KHM).

<sup>344</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057026-00057027, D59, ERN 00057010-00057052 (KHM).

<sup>345</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057040, D59, ERN 00057010-00057052 (KHM).

<sup>346</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057026-00057027, D59, ERN 00057010-00057052 (KHM).

<sup>347</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057029, D59, ERN 00057010-00057052 (KHM).

**EXTERMINATION, MURDER & WILFUL KILLING**

10. The Witness provides evidence that after completing interrogation, prisoners were removed from rooms and taken away by truck.<sup>348</sup> Prisoners were taken for interrogations and they away by truck once every 3-10 days with two or three people being removed from each big room.<sup>349</sup> The chief of the Witness; group was HEAK who was later arrested and put in the prison where the Witness was assigned to guard him.<sup>350</sup>

**PRIOR STATEMENTS**

11. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
- (1) YAEM Yean DC-Cam Statement dated 9 June 2002, D59, ERN 00057010-00057052 (KHM).

**OTHER RELEVANT DOCUMENTS**

12. There is one specific Other Relevant Documents referred to in the Witness's statement:
- (1) Biography of YAEM Yean dated 17 January 1977, ERN 00062418-0006242 (KHM).

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<sup>348</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057040, D59, ERN 00057010-00057052 (KHM).

<sup>349</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057040, D59, ERN 00057010-00057052 (KHM).

<sup>350</sup> YAEM Yean, DC-Cam Statement dated 9 June 2002 at ERN 00057032, D59, ERN 00057010-00057052 (KHM).

## 17. YIN LONH

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), and the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 17-18 years old on 17 April 1975, is a Cambodian male. Born in Prey Chrov Village of Kompong Chhnang Province, he joined the revolution in 1971, working in a Children Unit. After the Khmer Rouge occupied Phnom Penh in 1975, the Witness was sent to Phnom Penh and assigned to work in Baku Village, Steung Prek Tnout – a sub-camp of S-21. A month later, the Witness was then sent to Chom Chao to dig canals and farm paddy. In 1977, the Witness was assigned to work as a guard at S-21, where he remained until the fall of Phnom Penh in January 1979.<sup>351</sup>

### DK STRUCTURE & POLICY

3. The Witness provides evidence that TA Pin was the commander of Division 703.<sup>352</sup>

### ROLE OF ACCUSED

4. As an external guard and messenger at S-21, the Witness provides evidence that **DUCH** was the Chief of S-21, and that he saw **DUCH** personally arrest workers at Baku.<sup>353</sup>

### ESTABLISHMENT, DURATION & OPERATION

5. The Witness provides evidence that S-21 existed from 1975 to January 1979. While initially tasked with growing vegetables with 20 others, the Witness was then assigned to guard the outside of S-21. He says he was appointed to this position because he was a poor peasant.<sup>354</sup> There were four buildings at S-21 and the site was surrounded by zinc walls, 2 meters high, with 50 centimetres of wiring on top.<sup>355</sup> There were a total of 500 guards at S-21, including guards inside and outside the site.<sup>356</sup>

<sup>351</sup> YIN Lon DC-Cam Statement, 12 May 2005 at p. 8, ERN 00060031-00060035 (KHM)-ET (not disclosed as of 22 Feb 08).

<sup>352</sup> YIN Lon DC-Cam Statement, 12 May 2005 at p. 6-7, ERN 00060031-00060035 (KHM)-ET (not disclosed as of 22 Feb 08).

<sup>353</sup> YIN Lon DC-Cam Statement, 12 May 2005 at p. 11, 16, ERN 00060031-00060035 (KHM)-ET (not disclosed as of 22 Feb 08).

<sup>354</sup> YIN Lon DC-Cam Statement, 12 May 2005 at p. 14, ERN 00060031-00060035 (KHM)-ET (not disclosed as of 22 Feb 08).

<sup>355</sup> YIN Lon DC-Cam Statement, 12 May 2005 at p. 15, ERN 00060031-00060035 (KHM) (not disclosed as of 22 Feb 08).

<sup>356</sup> YIN Lon DC-Cam Statement, 12 May 2005 at p. 22, ERN 00060031-00060035 (KHM)-ET (not disclosed as of 22 Feb 08).

**AUTHORITY STRUCTURE**

6. The Witness provides evidence that he saw **DUCH** and Hor arrest workers at Baku.<sup>357</sup> He was chosen to work in the guard unit at S-21 by Phal, commander of the company.<sup>358</sup>

**ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

7. The Witness provides evidence that at Baku, an S-21 sub-camp, individuals worked from early hours in the morning to late at night, digging canals and farming paddy. Living conditions were hard and food was insufficient.<sup>359</sup>

**PRIOR STATEMENTS**

8. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
- (1) YIN Lon DC-Cam Statement dated 12 May 2005, ERN 00060031-00060035 (KHM)-ET; ENG summary (ERN 00060031-00060060).

**OTHER RELEVANT DOCUMENTS**

9. There is one specific exhibit referred to in the Witness's statement:
- (1) YIN Lon DC-Cam Biography, DCCN K05512, **\*currently not in the possession of OCP.**

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<sup>357</sup> YIN Lon DC-Cam Statement, 12 May 2005 at p. 11, ERN 00060031-00060035 (KHM)-ET (*not disclosed as of 22 Feb 08*).

<sup>358</sup> YIN Lon DC-Cam Statement, 12 May 2005 at p. 15, ERN 00060031-00060035 (KHM)-ET (*not disclosed as of 22 Feb 08*).

<sup>359</sup> YIN Lon DC-Cam Statement, 12 May 2005 at p. 8-9, ERN 00060031-00060035 (KHM)-ET (*not disclosed as of 22 Feb 08*).

### III. S-24 DETAINEES

#### 18. HUY PAN (ALIAS KANG PAN)

##### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the interrogations (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

##### BACKGROUND OF WITNESS

2. The Witness, about 21 years old on 17 April 1975, is a Cambodian female, born in about 1954. Before joining the revolution in 1974 she was a farmer. After joining the military she studied law and did military training for a year at Kah Khsach Chunlea. The Witness was then evacuated into Division 12, initially serving at Kampung Pring, then on the battlefield south of Ta Khmav. The Witness was near Tuol Krasang right before 17 April 1975. After 17 April 1975, the Witness was stationed at Kandal provincial office in Ta Khmao. In late 1975 or early of 1976 she moved to Steung Baku and remained there until the Vietnamese attacked in 1979. At Steung Baku she was chief of a 12 person team and later transferred to look after orphan children.

##### ARMED CONFLICT

3. The Witness provides evidence that there was widespread damage to pagodas and stupas as a result of wartime bombing.<sup>360</sup> Yet, the Witness will also testify that surviving pagodas were not destroyed. The Witness provides evidence that no religion could be practiced.<sup>361</sup>

##### DK STRUCTURE & POLICY

4. The Witness provides evidence that Steung Bakou was controlled by **DUCH**.<sup>362</sup> The Witness met **DUCH** when she studied at the Tuol Sleng Office.<sup>363</sup> The Witness provides evidence that Steung Bakou was part of S-21 and was a tempering site.<sup>364</sup>

<sup>360</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>361</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>362</sup> KANG Pann ECCC OCIJ Statement dated 31 March 2008, at ERN 00195380, D78/3, ERN 00195378-00195386 (ENG).

<sup>363</sup> KANG Pann ECCC OCIJ Statement dated 31 March 2008, at ERN 00195380, D78/3, ERN 00195378-00195386 (ENG).

<sup>364</sup> KANG Pann ECCC OCIJ Statement dated 31 March 2008, at ERN 00195381, D78/3, ERN 00195378-00195386 (ENG).

**ROLE OF ACCUSED**

5. The Witness will identify **DUCH** as the chairman of the S-21 Detention Centre<sup>365</sup>. The Witness provides evidence that Steung Baku was also under the control of **DUCH**. The Witness will confirm that she occasionally saw **DUCH** near the S-21 Detention Centre where she went to study.<sup>366</sup> The Witness indicates that occasionally **DUCH** would lecture at the office where she went to study, but that this was mainly done by others.<sup>367</sup>
6. The Witness also provides evidence that **DUCH** rarely came to Steung Baku and she received instructions from others.<sup>368</sup> In 1978 the Witness saw **DUCH** come to Steung Baku with a messenger, twice, but he only meet with Huy.<sup>369</sup> The Witness recognized **DUCH** from the times she had seen him while studying at Tuol Sleng.<sup>370</sup> The Witness provides evidence that Steung Bakou was led by Huy and Huy was under the supervision of **DUCH**.<sup>371</sup> She will further testify that Huy only followed the orders of S-21 and the orders to remove those at Steung Bakou and transfer them to Steung Baku were orders issued by S-21.<sup>372</sup>

**ESTABLISHMENT, DURATION & OPERATION**

7. The Witness provides evidence that she was chief of a 12-person team at Steung Baku from late 1975 or 1976 until the Vietnamese attack in 1979.<sup>373</sup> Her team included Tha, Prak and Khem<sup>374</sup>. The Witness states that the main work done at Steung Baku was farm labour and canal digging.<sup>375</sup> The Witness herself was also in charge of looking after children whose mothers had been removed from them.<sup>376</sup>

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<sup>365</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>366</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1 D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>367</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>368</sup> KANG Pann ECCC OCII Statement dated 31 March 2008, at ERN 00195380, D78/3, ERN 00195378-00195386 (ENG).

<sup>369</sup> KANG Pann ECCC OCII Statement dated 31 March 2008, at ERN 00195382, D78/3, ERN 00195378-00195386 (ENG).

<sup>370</sup> KANG Pann ECCC OCII Statement dated 31 March 2008, at ERN 00195382, D78/3, ERN 00195378-00195386 (ENG).

<sup>371</sup> KANG Pann ECCC OCII Statement dated 31 March 2008, at ERN 00195381, D78/3, ERN 00195378-00195386 (ENG).

<sup>372</sup> KANG Pann ECCC OCII Statement dated 31 March 2008, at ERN 00195382, D78/3, ERN 00195378-00195386 (ENG).

<sup>373</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1-2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>374</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>375</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>376</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

**AUTHORITY STRUCTURE**

8. The Witness provides evidence that **DUCH** was head of the S-21 Detention Centre. The Witness will confirm that **Huy** was a member of the leading cadre at Steung Baku but disappeared shortly before the Vietnamese invasion.<sup>377</sup> The Witness provides evidence that **Kheuan**, married to **Huy**, had been the Witness's company chief and also disappeared.<sup>378</sup>

**IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

9. The Witness will confirm that between two and three workers were moved to S-21 every night.<sup>379</sup>
10. The Witness provides evidence that she saw DK cadre arrest people at Steung Baku and take them by truck to Tuol Sleng at five or six in the evening, every week to ten days.<sup>380</sup> She recognized the trucks from when she had studied at Tuol Sleng.<sup>381</sup>

**ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

11. The Witness provides evidence that at Steung Baku she was a farm labourer and was made to dig canals.<sup>382</sup> The Witness will confirm that work at Steung Baku started at six in the morning and often continued late into the night.<sup>383</sup> The Witness will confirm that young children, aged between eight and ten years, were also forced to harvest.<sup>384</sup> The Witness maintains that the ration at Steung Baku was sufficient and that workers received three meals a day comprising of rice and meat.<sup>385</sup>

**TORTURE & INHUMANE TREATMENT**

12. The Witness provides evidence that she Witnessed no torture at Steung Baku.<sup>386</sup>

**EXTERMINATION, MURDER & WILFUL KILLING**

13. The Witness provides evidence that while there were no killings at Steung Baku people did disappear.<sup>387</sup> The Witness will also confirm that people were taken from Steung Baku to S-

<sup>377</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>378</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>379</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2 D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>380</sup> KANG Pann ECCC OCIJ Statement dated 31 March 2008, at ERN 00195381, D78/3, ERN 00195378-00195386 (ENG).

<sup>381</sup> KANG Pann ECCC OCIJ Statement dated 31 March 2008, at ERN 00195382, D78/3, ERN 00195378-00195386 (ENG).

<sup>382</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1, D.59, Annex No. 00009, ERN 00052417-00052440 [ENG].

<sup>383</sup> HUY Pan DC-Cam Statement dated 12 October 2003, D.59, Annex No. 00009, ERN 00052417-00052440 (KHM).

<sup>384</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>385</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.1, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>386</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].



21, although she did not know what happened to them there.<sup>388</sup> The Witness provides evidence that children also disappeared from Steung Baku.<sup>389</sup> The Witness notes that she does not think children were taken to S-21 instead she believes they were simply “disposed of”.<sup>390</sup> The Witness provides evidence that mass marriages were arranged for medics and soldiers, with up to thirty people being married at once.<sup>391</sup>

#### PRIOR STATEMENTS

14. The Witness has given two prior statements to the Co-Prosecutors’ knowledge:
  - (1) HUY Pan DC-Cam Statement dated 12 October 2003, D.59, Annex No. 00009, ERN 00052417-00052440 (KHM) [ENG summary – no ERN].
  - (2) KANG Pann ECCC OCIJ Statement dated 31 March 2008, at ERN 00195380, D78/3, ERN 00195378-00195386 (ENG).

#### OTHER RELEVANT DOCUMENTS

15. There are no other specific relevant documents referred to in the Witness’s statement.

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<sup>387</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>388</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>389</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>390</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

<sup>391</sup> HUY Pan DC-Cam Statement dated 12 October 2003 at p.2, D/59 (ENG), [ERN 00052417-00052440 (KHM)].

## 19. MENGSEAN LORK

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 13 years old on 17 April 1975, is a Cambodian male, born in about 1962. The Witness, who is the brother of Srun Song, joined the DK army about 2 or 3 months before 17 April 1975. In late 1975, the Witness was arrested and sent to work at Prey Sar. The Witness was a prisoner at Prey Sar until the DK regime fell in 1979.<sup>392</sup>

### ESTABLISHMENT, DURATION & OPERATION

3. The Witness provides evidence that he was detained at Prey Sar from late 1975 until 1979. During his four years at Prey Sar, the Witness farmed rice paddies and dug canals during the day, and was locked up at night. The Witness was told that his life was spared because his brother, Srung Song, worked at Tuol Sleng.<sup>393</sup>

### AUTHORITY STRUCTURE

4. The Witness provides evidence that Sru was “the chief at Prey Sar.”<sup>394</sup>

### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

5. The Witness provides evidence that there were hundreds of prisoners at Prey Sar, but all of them were men.<sup>395</sup>

### ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

6. The Witness provides evidence that the prisoners were shackled at night.<sup>396</sup>

<sup>392</sup> MENGSEAN Lork ECCC OCII Statement dated 7 February 2008 at ERN 00164459, D51/3, ERN 00164458-00164460 (ENG), [ERN 00164456-00164457 (KHM)].

<sup>393</sup> MENGSEAN Lork ECCC OCII Statement dated 7 February 2008 at ERN 00164459, D51/3, ERN 00164458-00164460 (ENG), [ERN 00164456-00164457 (KHM)].

<sup>394</sup> MENGSEAN Lork ECCC OCII Statement dated 7 February 2008 at ERN 00164459, D51/3, ERN 00164458-00164460 (ENG), [ERN 00164456-00164457 (KHM)].

<sup>395</sup> MENGSEAN Lork ECCC OCII Statement dated 7 February 2008 at ERN 00164460, D51/3, ERN 00164458-00164460 (ENG), [ERN 00164456-00164457 (KHM)].

<sup>396</sup> MENGSEAN Lork ECCC OCII Statement dated 7 February 2008 at ERN 00164460, D51/3, ERN 00164458-00164460 (ENG), [ERN 00164456-00164457 (KHM)].

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**EXTERMINATION, MURDER & WILFUL KILLING**

7. The Witness provides evidence that he often observed prisoners being taken away in trucks and “Based on people’s knowledge, those prisoners aboard the truck were transported to be killed at Cheung Ek.”<sup>397</sup>

**PRIOR STATEMENTS**

8. The Witness has given one prior statement to the Co-Prosecutors’ knowledge:
- (1) MENGSEAN Lork ECCC OCIJ Statement dated 7 February 2008, D51/3, ERN 00164458-00164460 (ENG), [ERN 00164456-00164457 (KHM)].

**OTHER RELEVANT DOCUMENTS**

9. There are no other specific relevant documents referred to in the Witness’s statement.

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<sup>397</sup> MENGSEAN Lork ECCC OCIJ Statement dated 7 February 2008 at ERN 00164460, D51/3, ERN 00164458-00164460 (ENG), [ERN 00164456-00164457 (KHM)].

## 20. NAM SOKHA

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, the Witness provides evidence of the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 15 years old on 17 April 1975, is a Cambodian female, born in about 1960. Prior to 17 April 1975, the Witness worked as a carrier of food and ammunition for the Khmer Rouge military team 41 between Tonle Mekong River and Koh Anlong Chen Island. After the DK regime seized power, the Witness was transferred to Prey Sar where she was ordered to do farming and raising dikes. She worked at Prey Sar until the fall of the regime.

### ESTABLISHMENT, DURATION & OPERATION

3. The Witness provides evidence that she was conditioned at Prey Sar from 1975 to 1979. She states that a regular meeting was held once a week in which the conditioned workers were encouraged to work harder to avoid executions.<sup>398</sup> The Witness provides evidence that she knew S-21 as it was her main place.<sup>399</sup>

### AUTHORITY STRUCTURE

4. The Witness provides evidence that Huy (Sre), as chairman of 100-member Unit, was the chairman of Prey Sar in charge of overall affairs, adding that he had dark skin and was tall.<sup>400</sup>

### TORTURE & INHUMANE TREATMENT

5. The Witness provides evidence that she saw three women being cuffed and beaten as an example so that other people not to behave like them. She also states the three women relieved themselves while being physically violated.<sup>401</sup> Once, when the Witness was in Phnom Penh to attend training sessions she heard screams of pain from beyond a zinc fence.<sup>402</sup>

<sup>398</sup> NAM Sokha DC-Cam Statement dated 18 July 2002 p.5, ERN0067908-0067956 (KHM) (*not disclosed as of 22 Feb 08*).

<sup>399</sup> NAM Sokha DC-Cam Statement dated 26 February 2003 p.18, ERN0067932-0067956 (KHM) (*not disclosed as of 22 Feb 08*).

<sup>400</sup> NAM Sokha DC-Cam Statement dated 26 February 2003 p.10, ERN0067932-0067956 (KHM) (*not disclosed as of 22 Feb 08*).

<sup>401</sup> NAM Sokha DC-Cam Statement dated 26 February 2003 p.15, ERN0067932-0067956 (KHM) (*not disclosed as of 22 Feb 08*).

<sup>402</sup> NAM Sokha DC-Cam Statement dated 26 February 2003 p.13, ERN0067932-0067956 (KHM) (*not disclosed as of 22 Feb 08*).

**EXTERMINATION, MURDER & WILFUL KILLING**

6. The Witness provides evidence that the three women being beaten were taken at that night for execution. She states that every night prisoners were taken away in trucks for execution, including around 10 people who were chairmen of a 50-member unit and squad chiefs.<sup>403</sup>

**PRIOR STATEMENTS**

7. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
- (1) NAM Sokha DC-Cam Statements dated 18 July 2002, 10 July 2002 and 26 February 2003, D59, IS doc no 00017, ERN 00067908-00067914, 00067914-00067931, 00067932-000679956 (KHM).

**OTHER RELEVANT DOCUMENTS**

8. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>403</sup> NAM Sokha DC-Cam Statement dated 26 February 2003 p.10-11, ERN0067932-0067956 (KHM) (*not disclosed as of 22 Feb 08*).

## 21. SAOM MON

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the DK structure and policy (10-15 & 32-35). Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, about 25 years old on 17 April 1975, is a Cambodian female, born in 1950. Prior to 17 April 1975, the Witness studied up to Class 10, then stopped her studies to help her parents to farm. She joined the Khmer Rouge and was assigned to work in the agricultural unit in Prey Chor District. Later, she was sent to the 305<sup>th</sup> battalion of the north Zone during the attack of Phnom Penh to carry the wounded out of the Kampong Speu battlefield. After the fall of Phnom Penh, she cleaned up houses in Phnom Penh. She was married by her unit chairman Lonh to Thoeun. Later, his husband was arrested as a traitor and on May 1977<sup>404</sup> she was sent to Prey Sar in unit K12. She stayed there until the liberation of Phnom Penh.

### ROLE OF ACCUSED

3. The Witness provides evidence that she did not know the name of the chairman of Prey Sar but she heard the chairman Soeung referred to **DUCH** as Uncle.<sup>405</sup> The Witness provides evidence that just before the Vietnamese arrived a courier belonging to **DUCH** came to tell everybody to flee and that she met **DUCH**'s wife Heng, after they all ran from the Vietnamese.<sup>406</sup>

### ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that she was sent to Prey Sar in K-12 unit for about four months. She was transferred to Prey Sar with twenty other women and a few small children by a tightly recovered truck.<sup>407</sup> She was among three truckloads of women accused of

<sup>404</sup> SAOM Mon DC-CAM Statement dated 13 August 2003 at ERN00184086, IS Annex C, ERN 00184086-00184087 (ENG).

<sup>405</sup> SAOM Mon ECCC OCII Statement dated 15 January 2008 at ERN 00163774, D28/11, ERN 00163769-00163774 (ENG). In SAOM Mon DC-CAM Statement dated 13 August 2003 at ERN00184087, IS Annex C, ERN 00184086-00184087 (ENG) the Witness stated that she learned that **DUCH** was in charge above Tai Kri the office chairwomen.

<sup>406</sup> SAOM Mon DC-CAM Statement dated 13 August 2003 at ERN00184087, IS Annex C, ERN 00184086-00184087 (ENG).

<sup>407</sup> SAOM Mon ECCC OCII Statement dated 15 January 2008 at ERN 00163771, D28/11, ERN 00163769-00163774 (ENG).

treason and women whose spouses had all been arrested.<sup>408</sup> She lived in the house that people had abandoned in the east of the former Prey Sar prison. The living site was surrounded by rice fields.<sup>409</sup> The Witness will also testify that Soeung and Kry led meetings to instruct the unit.<sup>410</sup>

#### **AUTHORITY STRUCTURE**

5. The Witness provides evidence that the chairman of her unit was Soeung and that the Deputy Chairman was Tai Kry.<sup>411</sup> She heard Soeung calling **DUCH** “uncle”.<sup>412</sup>

#### **IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL**

6. The Witness provides evidence that in her unit at Prey Sar there were about 100 women and 100 men. There were also old women and children.<sup>413</sup> The Witness states that the women were sent to Prey Sar for treason or because their spouses were arrested.<sup>414</sup>

#### **ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

7. The Witness provides evidence that they work from dawn to 10 p.m. There were two meals per day, one at noon and one in the evening.<sup>415</sup> They have just one scoop of gruel for one meal, and when it was a rice meal, there was one scoop of rice and no additional helpings. Three or four children died of starvation and lack of breast milk.<sup>416</sup>

#### **TORTURE & INHUMANE TREATMENT**

8. The Witness provides evidence that Tai Kri kicked and beat up those of fell ill, accusing them of laziness.<sup>417</sup>

#### **EXTERMINATION, MURDER & WILFUL KILLING**

9. The Witness provides evidence that there were disappearances in Prey Sar among those twenty persons who went to live in K12 with her. She heard that those who were slow at

<sup>408</sup> SAOM Mon DC-CAM Statement dated 13 August 2003 at ERN00184087, IS Annex C, ERN 00184086-00184087 (ENG).

<sup>409</sup> SAOM Mon ECCC OCIJ Statement dated 15 January 2008 at ERN 00163772, D28/11, ERN 00163769-00163774 (ENG).

<sup>410</sup> SAOM Mon ECCC OCIJ Statement dated 15 January 2008 at ERN 00163772, D28/11, ERN 00163769-00163774 (ENG).

<sup>411</sup> SAOM Mon ECCC OCIJ Statement dated 15 January 2008 at ERN 00163772-00163773, D28/11, ERN 00163769-00163774 (ENG).

<sup>412</sup> SAOM Mon ECCC OCIJ Statement dated 15 January 2008 at ERN 00163773, D28/11, ERN 00163769-00163774 (ENG). In SAOM Mon DC-CAM Statement dated 13 August 2003 at ERN00184087, IS Annex C, ERN 00184086-00184087 (ENG), the Witness stated that she learned that **DUCH** was in charge above Tai Kri the office chairwomen.

<sup>413</sup> SAOM Mon ECCC OCIJ Statement dated 15 January 2008 at ERN 00163772, D28/11, ERN 00163769-00163774 (ENG).

<sup>414</sup> SAOM Mon DC-CAM Statement dated 13 August 2003 at ERN00184087, IS Annex C, ERN 00184086-00184087 (ENG).

<sup>415</sup> SAOM Mon ECCC OCIJ Statement dated 15 January 2008 at ERN 00163772, D28/11, ERN 00163769-00163774 (ENG).

<sup>416</sup> SAOM Mon DC-CAM Statement dated 13 August 2003 at ERN00184087, IS Annex C, ERN 00184086-00184087 (ENG).

<sup>417</sup> SAOM Mon DC-CAM Statement dated 13 August 2003 at ERN00184087, IS Annex C, ERN 00184086-00184087 (ENG).

work were considered as enemies or traitors and trucks came at night to take them to be executed.<sup>418</sup> Three or four children died of starvation.<sup>419</sup>

#### **PRIOR STATEMENTS**

10. The Witness has given one prior statement to the Co-Prosecutors' knowledge:

- (1) SAOM Mon ECCC OCIJ Statement dated 15 January 2008, D28/11, ERN 00163769-00163774 (ENG).
- (2) SAOM Mon DC-CAM Statement dated 13 August 2003, IS Annex C, ERN 00053936-0053961 (KHM); ENG summary (00184086-00184087).

#### **OTHER RELEVANT DOCUMENTS**

11. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>418</sup> SAOM Mon DC-CAM Statement dated 13 August 2003 at ERN00184087, IS Annex C, ERN 00184086-00184087 (ENG).

<sup>419</sup> SAOM Mon OCIJ Statement dated 15 January 2008 p.5, ERN 00163769-74 (ENG).



## IV. S-24 GUARDS OR STAFF

### 22. HAM SENG

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence about the armed conflict (16-18 & 144-145), DK structure and policy (10-15 & 32-35), the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42) and the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness, about 20 years old on 17 April 1975, is a Cambodian male, born in about 1955. Prior to 17 April 1975, from 1973, the Witness served in the army. His service was involuntary; all members of his sub-district youth association were summoned for mandatory training and political instruction in Kah Thom district.<sup>420</sup> The Witness fled military service in 1974 but was later conscripted to rejoin in Kampot (date unknown). In 1975, the Witness arrived in Phnom Penh after it had been evacuated. Later that year he was sent to Prey Sar, where he remained until 1979. While initially being placed in Unit Three, he was promoted numerous times, eventually becoming a group chairman in 1978.

#### ARMED CONFLICT

3. The Witness provides evidence about being forced to serve in the RAK numerous times, including his mandatory conscription in 1973 and 1974 and in 1977 when he was at Prey Sar being gathered up with other prisoners to fight the Vietnamese in Prey Veng and Svay Rieng.<sup>421</sup> The instructor in his unit had the power to execute those who did not follow orders.<sup>422</sup> The Witness provides evidence that he attended a political training conducted by **DUCH** and Son Sen in which Vietnam and Thailand were named as external enemies.<sup>423</sup> He can provide evidence about the systematic evacuation of Phnom Penh, having been sent there after it had been completely emptied.<sup>424</sup>

<sup>420</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184207 & 00184208, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>421</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184207 & 00184208, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>422</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184207, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>423</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184207 & 00184208, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>424</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184207, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

### DK STRUCTURE & POLICY

4. Both while in the army and at Prey Sar, the Witness attended political training sessions where attendees were told of the need to arrest internal enemies and that all foreign enemies were the same.<sup>425</sup>

### ROLE OF ACCUSED

5. As a detainee at Prey Sar, the Witness provides evidence that **DUCH** had overall authority at the site, and that the leading cadre at Prey Sar, HUY, answered to **DUCH**.<sup>426</sup> After being appointed group chairman at Prey Sar in 1978, the Witness went for political studies at S21, where he met **DUCH** who gave political instruction for a week at a school outside the S-21 Perimeter.<sup>427</sup>

### ESTABLISHMENT, DURATION & OPERATION

6. The Witness provides evidence that he was detained at Prey Sar, a re-education centre that was a subordinate branch of S-21, from 1975 to 1979.<sup>428</sup> When he first arrived at Prey Sar, he was at Voat Prek Rehsei (South of Ta Khmav), but was then transferred to Boeng Choeng Aek, and then sent to Voat Kdol. There were three units of detainees at Prey Sar. Detainees in Unit 1 were given more food and easier work assignments, such as looking after animals. Detainees in Unit 2 received intermediate treatment and were usually assigned to ploughing duties for work detail. Unit 3 was for those detainees who were deemed as needing tempering; its members received little food, were shackled at night, and assigned to clear land. The Witness was initially placed in Unit 3, digging canals, building dams, and clearing land, but was eventually assigned lighter duties after becoming a model worker. The Witness provides evidence of attending numerous criticism sessions in which cadre were expected to criticize themselves.<sup>429</sup> The Witness attended political studies just outside of S-21.<sup>430</sup>

### AUTHORITY STRUCTURE

7. The Witness provides evidence that **DUCH** was the chief of S-21 and Prey Sar, and that HUY was a highest ranking officer at Prey Sar. He will also testify that **DUCH** taught a week long political study session. SON Sen also taught at this study session.<sup>431</sup>

<sup>425</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184207 & 00184209, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>426</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184207 & 00184208, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>427</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184209, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>428</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184208 & 00184209, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>429</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184208, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>430</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184209, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

<sup>431</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184209, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)-ET.

**IMPRISONMENT, UNLAWFUL CONFINEMENT AND NO FAIR TRIAL**

8. The Witness states that when he arrived at Prey Sar there were three male platoons and also 200-300 women inmates.<sup>432</sup>

**ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

9. The Witness provides evidence that those in Unit 3 who were deemed as needing tempering ate little and were shackled at night.<sup>433</sup>

**EXTERMINATION, MURDER AND WILFUL KILLING**

10. The Witness provides evidence that many Prey Sar detainees were sent to S-21 for execution.<sup>434</sup>

**PRIOR STATEMENTS**

11. The Witness has given one prior statement to the Co-Prosecutor's knowledge:

- (1) HAM Seng DC-Cam Statement dated 14 March 2003, IS Annex C, 19.43, ERN 00056885-00056920 (KHM); ENG summary (ERN 00184207-00184209).

**OTHER RELEVANT DOCUMENTS**

12. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>432</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184208, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)–ET.

<sup>433</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184208, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)–ET.

<sup>434</sup> HAM Seng DC-Cam Statement dated 14 March 2003 at ERN 00184208 & 00184209, IS Annex C, 19.43, ERN 00184207-00184209 (ENG), ERN 00056885-00056920 (KHM)–ET.

## V. M-13 DETAINEES

### 23. BIZOT FRANÇOIS

#### NATURE AND CONTENT OF EVIDENCE

1. This Witness provides evidence of the role of the Accused at S-21 (55-59, 90-99, 107-111 & 153 [new]-161), armed conflict (16-18 & 144-145) and DK structure and policy (10-15 & 32-35). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness is a 68 year old male born in France of French nationality (native French). The Witness first arrived in Cambodia in 1965 to study Buddhism and did community work in the Siem Reap area.<sup>435</sup> While studying a particular monastery in Oudong in October 1971, the Khmer Rouge arrested the Witness along with two Khmer companions.<sup>436</sup> The Witness was detained and interrogated for three months at M-13.<sup>437</sup> En route from Oudong to M-13, the Witness was interrogated, accused that he and his Khmer friends were CIA spies, shackled, and subject to a fake execution.<sup>438</sup> During his time in M-13, the Witness developed a relationship with **DUCH**. This relationship eventually led to **DUCH** securing his release in late 1971.<sup>439</sup> The Witness's two Khmer companions were not released with him, and were later executed, though the date of the executions is unclear.<sup>440</sup> The Witness has personal experience with the armed conflict that engulfed Cambodia in the early 1970's, including detailed information on the siege and capture of Phnom Penh by DK forces in 1975. The Witness was officially deported out of Cambodia after the fall of Phnom Penh by crossing over into Thailand.<sup>441</sup>

#### ARMED CONFLICT

3. The Witness can testify to the multiple episodes of armed conflict that occurred in Cambodia from 1965 – 1975 while he was working in Siem Reap. Particularly, the Witness has knowledge about the armed conflict surrounding the fall of Phnom Penh in 1975 (for historical purposes, rather than ECCC jurisdictional purposes).

<sup>435</sup> Francois Bizot, *The Gate* (Vintage ed. 2004), p. 3-6.

<sup>436</sup> Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160492-00160493, D/40, ERN 00160491-00160497 (ENG); Francois Bizot, *The Gate* (Vintage ed. 2004), p. 6.

<sup>437</sup> Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160493, 00160495, D/40, ERN 00160491-00160497 (ENG).

<sup>438</sup> Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160493, D/40, ERN 00160491-00160497 (ENG).

<sup>439</sup> Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160496, D/40, ERN 00160491-00160497 (ENG).

<sup>440</sup> Witness claims that the order to execute his Khmer companions occurred “one to two years” after his release. Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160494, D/40, ERN 00160491-00160497 (ENG). The Witness received a letter from **DUCH** while in prison that stated the execution of his two Khmer companions occurred “at the end of the second month following (his) release.”

<sup>441</sup> Francois Bizot, *The Gate* (Vintage ed. 2004), p. 265.

### DK STRUCTURE & POLICY

4. The Witness met with **DUCH** while **DUCH** was in prison and learned about the events that surrounded the Witness's release from M-13. After interrogating the Witness, **DUCH** filed a report concluding that the Witness was not a CIA spy and that he should be released.<sup>442</sup> **DUCH**'s superiors, TA Mok and VON Veth, disagreed with this conclusion because of a 1971 DK policy that mandated once a report was filed on a prisoner, the prisoner was to be executed, and TA Mok ordered the Witness's execution.<sup>443</sup> **DUCH** convinced VON Veth of the Witness's innocence, and the Witness's execution was delayed in order for POL Pot to resolve the dispute.<sup>444</sup> While waiting for POL Pot's decision TA Mok again ordered the Witness's execution, but **DUCH** and VON Veth did not act on this second order.<sup>445</sup> Subsequently, POL Pot affirmed **DUCH**'s decision to release the Witness, yet TA Mok continued to persuade **DUCH** and VON Veth to execute the Witness, but they refused and the Witness was eventually released.<sup>446</sup>

### ROLE OF ACCUSED

5. The Witness stated that **DUCH** was the chief of M-13.<sup>447</sup> The Witness believes that as chief **DUCH** had complete control over M-13, he had no control over whether someone at M-13 was to be executed or not.<sup>448</sup> Once a prisoner arrived at M-13, the decision was already made by the KR hierarchy that the prisoner was to be executed, and this Witness's release only came after the KR hierarchy confirmed **DUCH**'s report recommending his release.<sup>449</sup> The Witness claims that he was never tortured or abused by **DUCH** or by anyone at M-13, nor did the Witness see **DUCH** or any other camp personnel torture or abuse any other prisoner; however, the Witness was told by **DUCH** that he physically beat/tortured prisoners during interrogation and that the Witness believes torture and abuse took place at M-13.<sup>450</sup> **DUCH**'s role in executions at M-13 was later confirmed on the Witness's subsequent visits to M-13 where he was informed that the Witness was the only prisoner that left M-13 alive.<sup>451</sup>

### PRIOR STATEMENTS

6. The Witness has given two statements to the Co-Prosecutors' knowledge:
  - (1) Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160496, D/40, ERN 00160491-00160497 (ENG);

<sup>442</sup> Francois Bizot, *The Gate* (Vintage ed. 2004), p. 274.

<sup>443</sup> Francois Bizot, *The Gate* (Vintage ed. 2004), p. 274.

<sup>444</sup> Francois Bizot, *The Gate* (Vintage ed. 2004), p. 275.

<sup>445</sup> Francois Bizot, *The Gate* (Vintage ed. 2004), p. 275.

<sup>446</sup> Francois Bizot, *The Gate* (Vintage ed. 2004), p. 275-6.

<sup>447</sup> Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160492, D/40, ERN 00160491-00160497 (ENG).

<sup>448</sup> Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160494, D/40, ERN 00160491-00160497 (ENG).

<sup>449</sup> Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160494, D/40, ERN 00160491-00160497 (ENG).

<sup>450</sup> Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 at ERN 00160492, 00160495, D/40, ERN 00160491-00160497 (ENG).

<sup>451</sup> Francois Bizot, *The Gate* (Vintage ed. 2004), p. 271.

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- (2) Francois BIZOT, ECCC OCIJ Statement dated 22 January 2008 ERN 00233535-00233538, D/68 (ENG);
- (3) ARTE “Pol Pot et les Khmers Rouges,” V00172512 at 00:49:18 to 00:50:04 (FRE).

**OTHER RELEVANT DOCUMENTS**

- 7. There are two specific Other Relevant Documents referred to in the Witness’s statement:
  - (1) Political Program of the United National Front of Kampuchea (not sourced);
  - (2) “Le Portail” (The Gate) by Francois Bizot, dated 2000.

## VI. S-21 CRIME SCENE

### 24. LESIC ZORAN

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the establishment, duration and operation of the security centre (20-42), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the interrogations (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness is a visual expert and investigative photographer with broad experience in the field of international criminal cases. Since 1997 he has prepared visual presentations at the International Criminal Tribunal for the former Yugoslavia (ICTY) for the following war crimes cases (the relevance of his work was mentioned in the *Galić* and *Limaj* cases):
  - Sarajevo I - Sniping and Shelling (*Galić*, IT-98-29)
  - Lapusnik – Prison and HQ (*Limaj et al.*, IT-03-66)
  - Stupni Do – Crime Scene Reconstruction (*Rajić*, IT-95-12)
  - Mostar – Sniping (*Prlić et al.*, IT-04-74)
  - Scorpions Killing Video – Reconstruction and Verification (*Milosević*, IT-02-54)
  - Ljuboten – Reconstruction (*Boskoski and Tarculovski*, IT-04-82)
  - Sarajevo II - Sniping and Shelling (*Milosević*, IT-98-29/1)
  - Srebrenica – Petrovic Video (*Krstić*, IT-98-33 "Srebrenica-Drina Corps")
  - Kninska Krajina – (*Gotovina*, IT-01-45 "Operation Storm")
  - Lake Radonjic – Crime scene and prison (*Haradinaj et al.*, IT-04-84)

#### OVERVIEW OF EVIDENCE

3. This Witness was appointed by the Co-Investigating Judges to be an expert pursuant to Internal Rule 31. The Expertise Order relating to his work indicates that he will provide “a digitalized photographic representation of the Tuol Sleng and Choeung Ek sites . . . together with a digitalized photographic and mapping product of the areas surrounding both sites including the routes between both of them.”<sup>452</sup> This presentation will help to establish the physical structure of the S-21 Security Centre and Choeung Ek. It will allow the judges to visualize the different buildings, the location of **DUCH** within the centre, the placement of the killing sites, as well as the interrogation and torture rooms. It will also provide evidence of the detainees’ living conditions and allow Witnesses to identify areas of significance. Mr. Lesic accompanied the Investigating Judges to S-21 and Choeung Ek

<sup>452</sup> Expertise Order, dated 12 February 2008, at ERN 00162557, D45, ERN 00162557-00162559 (ENG).

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during the reconstruction that was held on 26-27 February 2008 and submitted his final report on 5 May 2008.<sup>453</sup>

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<sup>453</sup> Photographic Expertise Report, dated 5 May 2008, D45, 00189128-00189130 (ENG) and related annexes.



## 25. PEN EN

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, a Khmer female, left Cambodia when the Vietnamese soldiers entered and returned back to Cambodia after 7 January 1979. In 1979, the Witness, 35, started work as a visitor guide and interpreter at Tuol Sleng Museum.<sup>454</sup>

### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

3. The Witness provides evidence that in 1979 she saw many passports that she “think[s] were the passports of Cambodian prisoners from the Lon Nol and Sihanouk eras” in a house on Street 350, west of the sewer ditch and east of the Tuol Sleng Museum.”<sup>455</sup> The Witness provides evidence that she took in children of these prisoners: three seven to eight-year-olds and one four-year-old.<sup>456</sup>

### ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

4. The Witness provides evidence showing that when she arrived in 1979 to S-21, she saw shackles, mats, photographs, ropes and a large water jar.<sup>457</sup> In the middle building at S-21, the Witness saw partially wiped up bloodstains.<sup>458</sup> She also saw coagulated blood, hair and teeth in Building A.<sup>459</sup> In another building she saw ammunition cases and chains.<sup>460</sup>

### INTERROGATION

5. The Witness provides evidence that she saw at S-21 a blackboard that had writing about interrogation rules of prisoners. She provides evidence that the surviving S-21 prisoners

<sup>454</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186521-00186522, D49/12, ERN 00186520-00186523 (ENG).

<sup>455</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

<sup>456</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

<sup>457</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186521, D49/12, ERN 00186520-00186523 (ENG).

<sup>458</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

<sup>459</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

<sup>460</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

claimed the writing on the blackboard was not theirs, but probably that of the Khmer Rouge instead.<sup>461</sup>

#### **TORTURE & INHUMANE TREATMENT**

6. The Witness provides evidence that inside S-21 there were shackles, hatchets, clubs, and “anything thought to have been an instrument of torture.”<sup>462</sup>

#### **EXTERMINATION, MURDER & WILFUL KILLING**

7. The Witness provides evidence that there are graves on the left hand side of the entrance, and that previously they were ordinary earth grave mounds. The Witness believes that these graves represent “the last people to die.”<sup>463</sup> The Witness provides evidence that originally skulls were excavated from the Tuol Sleng area, but they were left and covered up again because there was too much flesh attached to the skulls.<sup>464</sup> The Witness provides evidence that Southwest of the museum near the Syphal house, she saw about twenty corpses, including one wearing a nylon slip, and about ten meters away, another seven corpses.<sup>465</sup>

#### **PRIOR STATEMENTS**

8. The Witness has given one prior statement to the Co-Prosecutor’s knowledge:
  - (1) PEN En ECCC-OCIJ Statement dated 18 February 2008, D49/12, ERN 00186520-00186523 (ENG).

#### **OTHER RELEVANT DOCUMENTS**

9. There are no other specific relevant documents referred to in the Witness’s statement.

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<sup>461</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

<sup>462</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

<sup>463</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

<sup>464</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

<sup>465</sup> PEN En, ECCC OCIJ Statement dated 18 February 2008 at ERN 00186522, D49/12, ERN 00186520-00186523 (ENG).

## VII. S-21 LOCAL RESIDENTS

### 26. AY SIMILY

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness, a Cambodian female, was born on 26 June 1955.<sup>466</sup> She provides evidence that after the Khmer Rouge took power in 1975 she left her house at street 276 in the Tuol Sleng district of Phnom Penh, returning some time in 1980-1981.<sup>467</sup> She provides evidence about what she saw in the Tuol Sleng area upon her return, in particular evidence of mass graves and human remains.

#### TORTURE & INHUMANE TREATMENT

3. The Witness provides evidence that in a pit near to House 28CE1, Street 276, Olympic District, Chamkar Mon, Phnom Penh, she saw a number of instruments she “thought were instruments of torture,” including hatchets and irons to pull fingernails.<sup>468</sup>

#### EXTERMINATION, MURDER & WILFUL KILLING

4. The Witness provides evidence that near to apartments close to her parents’ house on street 276 there was a mass grave pit, two metres square. The Witness provides evidence that a number of people came to examine those bones, and they thought that some of the remains were those of foreigners<sup>469</sup> The Witness will also testify that she observed more than ten bodies. Some of the skulls had black cloth blindfolds.<sup>470</sup> There were only bones left, no flesh, but one body had long hair and the Witness believed that it was the body of a woman.<sup>471</sup> The Witness will also testify that south of her house, she observed another mass

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<sup>466</sup> AY Simily ECCC OCII Statement dated 11 February 2008, at ERN 00186495, D49/7, ERN 00186495-00186496 (ENG).

<sup>467</sup> AY Simily ECCC OCII Statement dated 11 February 2008, at ERN 00186496, D49/7, ERN 00186495-00186496 (ENG).

<sup>468</sup> AY Simily ECCC OCII Statement dated 11 February 2008, at ERN 00186496, D49/7, ERN 00186495-00186496 (ENG).

<sup>469</sup> AY Simily ECCC OCII Statement dated 11 February 2008, at ERN 00186496, D49/7, ERN 00186495-00186496 (ENG).

<sup>470</sup> AY Simily ECCC OCII Statement dated 11 February 2008, at ERN 00186496, D49/7, ERN 00186495-00186496 (ENG).

<sup>471</sup> AY Simily ECCC OCII Statement dated 11 February 2008, at ERN 00186496, D49/7, ERN 00186495-00186496 (ENG).

grave pit that was approximately 2 by 3 meters.<sup>472</sup> She does not know how many bodies were in that pit.<sup>473</sup>

#### **PRIOR STATEMENTS**

5. The Witness has given one prior statement to the Co-Prosecutor's knowledge:
  - (1) AY Simily ECCC-OCIJ Statement dated 11 February 2008, D49/7, ERN 00186495-00186496 (ENG).

#### **OTHER RELEVANT DOCUMENTS**

6. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>472</sup> AY Simily ECCC OCIJ Statement dated 11 February 2008, at ERN 00186496, D49/7, ERN 00186495-00186496 (ENG).

<sup>473</sup> AY Simily ECCC OCIJ Statement dated 11 February 2008, at ERN 00186496, D49/7, ERN 00186495-00186496 (ENG).

## 27. CHET SOKHA

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140 & 151 & 152 [new]). Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, a Cambodian female, was born in 1948. She provides evidence that she came to her house at 2E0, Street 360, Phnom Penh, near Tuol Sleng, for the first time in 1990.<sup>474</sup> She provides evidence about what she saw in the Tuol Sleng area upon her return, in particular evidence of handcuffs and shackles and ammunition.

### ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

3. The Witness provides evidence that when she came to her house in 1990 no one had previously lived there.<sup>475</sup> She provides evidence that she saw many handcuffs and leg shackles.<sup>476</sup>

### EXTERMINATION, MURDER & WILFUL KILLING

4. The Witness provides evidence that she saw ammunition cases, ammunition cartridge shells and chains at the house.<sup>477</sup> She will also testify that the site of the house had areas where the earth had sunk.<sup>478</sup> Consequently, she filled in more soil to build the house.<sup>479</sup> She did not see anything else.<sup>480</sup>

### PRIOR STATEMENTS

5. The Witness has given one prior statement to the Co-Prosecutor's knowledge:

(1) CHET Sokha ECCC-OCIJ Statement dated 18 February 2008, D49/9, ERN 00186506-00186507 (ENG).

<sup>474</sup> CHET Sokha ECCC OCIJ Statement dated 18 February 2008, at ERN 00186506, D49/9, ERN 00186506-00186507 (ENG).

<sup>475</sup> CHET Sokha ECCC OCIJ Statement dated 18 February 2008, at ERN 00186507, D49/9, ERN 00186506-00186507 (ENG).

<sup>476</sup> CHET Sokha ECCC OCIJ Statement dated 18 February 2008, at ERN 00186507, D49/9, ERN 00186506-00186507 (ENG).

<sup>477</sup> CHET Sokha ECCC OCIJ Statement dated 18 February 2008, at ERN 00186507, D49/9, ERN 00186506-00186507 (ENG).

<sup>478</sup> CHET Sokha ECCC OCIJ Statement dated 18 February 2008, at ERN 00186507, D49/9, ERN 00186506-00186507 (ENG).

<sup>479</sup> CHET Sokha ECCC OCIJ Statement dated 18 February 2008, at ERN 00186507, D49/9, ERN 00186506-00186507 (ENG).

<sup>480</sup> CHET Sokha ECCC OCIJ Statement dated 18 February 2008, at ERN 00186507, D49/9, ERN 00186506-00186507 (ENG).

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**OTHER RELEVANT DOCUMENTS**

6. There are no other specific relevant documents referred to in the Witness's statement.

## 28. CHHAY SRIEV

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the extermination, murder and wilful killing of detainees (*107-128, 138, 139-140, 151 & 152 [new]*). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, a Cambodian male, was born in 1950 and is a construction worker.<sup>481</sup> He provides evidence about what he saw by his house in the Tuol Sleng area, in particular evidence of mass graves and human remains.

### EXTERMINATION, MURDER & WILFUL KILLING

3. The Witness provides evidence that in 1982 he moved to a plot of land two lots to the east of the Witness TES Sambon's house.<sup>482</sup> The Witness provides evidence that while digging up his land to plant a banana tree he began to smell a strong odour and dug up a dark red shirt.<sup>483</sup> He continued to dig and found many corpses buried, but he does not know how many corpses he found.<sup>484</sup> The Witness also observed an offensive odour at another area of land 17 by 30 meters opposite to his house.<sup>485</sup> There was another long pit of 15 by approximately 20 meters that the Witness said was sinking and had an offensive odour, however, new residents built a house on this land.<sup>486</sup> The Witness said that the graves started west of Tuol Sleng up to street 163.<sup>487</sup>

### PRIOR STATEMENTS

4. The Witness has given one prior statement to the Co-Prosecutor's knowledge:
  - (1) CHHAY Srieu, ECCC-OCIJ Statement dated 18 September 2007, D49/1, ERN 00186449-00186451 (ENG).

### OTHER RELEVANT DOCUMENTS

5. There are no specific Other Relevant Documents referred to in the Witness's statement.

<sup>481</sup> CHHAY Srieu, ECCC OCIJ Statement dated 18 September 2007, at ERN 00186450, D49/1, ERN 00186449-00186451 (ENG).

<sup>482</sup> CHHAY Srieu, ECCC OCIJ Statement dated 18 September 2007, at ERN 00186450, D49/1, ERN 00186449-00186451 (ENG).

<sup>483</sup> CHHAY Srieu, ECCC OCIJ Statement dated 18 September 2007, at ERN 00186450, D49/1, ERN 00186449-00186451 (ENG).

<sup>484</sup> CHHAY Srieu, ECCC OCIJ Statement dated 18 September 2007, at ERN 00186450, D49/1, ERN 00186449-00186451 (ENG).

<sup>485</sup> CHHAY Srieu, ECCC OCIJ Statement dated 18 September 2007, at ERN 00186450, D49/1, ERN 00186449-00186451 (ENG).

<sup>486</sup> CHHAY Srieu, ECCC OCIJ Statement dated 18 September 2007, at ERN 00186450, D49/1, ERN 00186449-00186451 (ENG).

<sup>487</sup> CHHAY Srieu, ECCC OCIJ Statement dated 18 September 2007, at ERN 00186450, D49/1, ERN 00186449-00186451 (ENG).

## 29. MOM TEY

### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the enslavement, great suffering and inhumane acts (62-71, 135, 143 & 148) at S-21. Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness is a Cambodian female born on 2 June 1952.<sup>488</sup> In 1982 she moved into her current home. Her address is No. 64, Street 113, Boeng Keng Kong III Subdistrict, Chamkar Mon District, Phnom Penh. The house was given to her by the Tuol Sleng Museum on the basis of her capacity as a museum employee.<sup>489</sup>

### ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

3. The Witness provides evidence that she was told by former S-21 prisoners Vann Nath, Ung Pech and Bou Meng that her house was formerly a interrogation site.<sup>490</sup> When she moved into the house in 1982 the Witness saw “small long cloths like mixed coloured rags under the house.”<sup>491</sup> She states that by that time everything else that had been in the house had been removed and placed in the Tuol Sleng Museum.<sup>492</sup>

### PRIOR STATEMENTS

4. The Witness has given one prior statement to the Co-Prosecutors knowledge:
  - (1) MOM Tey ECCC OCIJ Statement dated 18 February 2008, D49/10, ERN 00186510-00186511 (ENG).

### OTHER RELEVANT DOCUMENTS

5. There are no other specific relevant documents referred to in the Witness’s statement.

<sup>488</sup> MOM Tey ECCC OCIJ Statement dated 18 February 2008 at ERN 00186510, D49/10, ERN 00186510-00186511 (ENG).

<sup>489</sup> MOM Tey ECCC OCIJ Statement dated 18 February 2008 at ERN 00186511, D49/10, ERN 00186510-00186511 (ENG).

<sup>490</sup> MOM Tey ECCC OCIJ Statement dated 18 February 2008 at ERN 00186511, D49/10, ERN 00186510-00186511 (ENG).

<sup>491</sup> MOM Tey ECCC OCIJ Statement dated 18 February 2008 at ERN 00186511, D49/10, ERN 00186510-00186511 (ENG).

<sup>492</sup> MOM Tey ECCC OCIJ Statement dated 18 February 2008 at ERN 00186511, D49/10, ERN 00186510-00186511 (ENG).



### 30. NGET BUNTHA

#### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the establishment, great suffering, inhumane acts (62-71, 135, 143 & 148), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness was 20 years old on 17 April 1975, and is a Khmer male born in an unknown month of 1955.<sup>493</sup> He currently works as a civil servant.<sup>494</sup> In 1980, he moved to his current home,<sup>495</sup> House No. 20T, Street 348, Phnom Penh.<sup>496</sup> He saw a barbed wire fence surrounding the compound of streets 113 and 310.<sup>497</sup> In 1994, when digging up the earth to lay a foundation for his new house, he found 36 corpses with their hands bound<sup>498</sup> and numerous other effects in a pit near his home.<sup>499</sup>

#### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

3. The Witness provides evidence that in 1994, he found 36 corpses with their hands bound<sup>500</sup> in a pit near his home.<sup>501</sup> Among the corpses were nylon strings, ropes, cloth, shackles, blindfolding cloth, monk's yellow ropes, black clothes, montegu cloth, mixed color clothes, army uniforms, pieced skulls and cracked skulls.<sup>502</sup>

#### ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

4. The Witness provides evidence that upon moving into his home in 1980, prior residents told him of three corpses being found on the premises.<sup>503</sup> He also saw a barbed wire fence

<sup>493</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>494</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>495</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>496</sup> NGET Buntha, ECCC OCIJ Report on Implementation of Rogatory Letter dated 19 February 2008, at ERN 00224094, D49/13, ERN 00224089-00224099 (ENG).

<sup>497</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>498</sup> NGET Buntha, ECCC OCIJ Report on Implementation of Rogatory Letter dated 19 February 2008, at ERN 00224094, D49/13, ERN 00224089-00224099 (ENG).

<sup>499</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>500</sup> NGET Buntha, ECCC OCIJ Report on Implementation of Rogatory Letter dated 19 February 2008, at ERN 00224094, D49/13, ERN 00224089-00224099 (ENG).

<sup>501</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>502</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>503</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

surrounding the compound of streets 113 and 310.<sup>504</sup> The fence crossed street 350 to the east and then turned to the north, crossing one pathway towards street 320.<sup>505</sup>

5. The Witness provides evidence that in 1994, he found 36 corpses with their hands bound<sup>506</sup> in a pit near his home.<sup>507</sup> Among the corpses were nylon strings, ropes, cloth, shackles, blindfolding cloth, monk's yellow ropes, black clothes, montegu cloth, mixed color clothes, army uniforms, pieced skulls and cracked skulls.<sup>508</sup> The bones were not put in any order and the deceased were piled on top of each other.<sup>509</sup> Neighbors also found six corpses nearby.<sup>510</sup>

#### **EXTERMINATION, MURDER & WILFUL KILLING**

6. The Witness provides evidence that upon moving into his home in 1980, prior residents told him of three corpses found on the premises.<sup>511</sup> In 1994, he found 36 corpses with their hands bound<sup>512</sup> in a pit near his home.<sup>513</sup> Among the corpses were nylon strings, ropes, cloth, shackles, blindfolding cloth, monk's yellow ropes, black clothes, montegu cloth, mixed color clothes, army uniforms, pieced skulls and cracked skulls.<sup>514</sup> Neighbors also found six corpses nearby.<sup>515</sup>

#### **PRIOR STATEMENTS**

7. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
  - (1) NGET Buntha, ECCC OCIJ Statement dated 8 February 2008 D49/2, ERN 00186456-00186458 (ENG).

#### **OTHER RELEVANT DOCUMENTS**

8. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>504</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>505</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>506</sup> NGET Buntha, ECCC OCIJ Report on Implementation of Rogatory Letter dated 19 February 2008, at ERN 00224094, D49/13, ERN 00224089-00224099 (ENG).

<sup>507</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>508</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>509</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>510</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>511</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>512</sup> NGET Buntha, ECCC OCIJ Report on Implementation of Rogatory Letter dated 19 February 2008, at ERN 00224094, D49/13, ERN 00224089-00224099 (ENG).

<sup>513</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>514</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

<sup>515</sup> NGET Buntha, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186457, D49/2, ERN 00186456-00186458 (ENG).

### 31. PEN PHALLA

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]) at S-21. The evidence the Witness provides is relevant to Count 1, 2 and 3 of the Indictment. The Witness's evidence includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness is a Khmer female born on 15 January 1957 and is currently a staff member of the Tuol Sleng Museum.<sup>516</sup> The Witness currently resides at House 26Z, Street 360, Boeng Keng Kong III, Subdistrict, Chamkar Mon District, Phnom Penh.<sup>517</sup>

#### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

3. The Witness provides evidence that the house she resided at in 1979, "House 20B, opposite Chey Sopherara's current house,"<sup>518</sup> contained "shackles, chains and documents" because her husband, who worked in the evidence collection section of Tuol Sleng Museum told her.<sup>519</sup>

#### EXTERMINATION, MURDER & WILFUL KILLING

4. The Witness provides evidence that west of her current residence (House 26Z, Street 360, Boeng Keng Kong III, Subdistrict, Chamkar Mon District, Phnom Penh), "in the area of the Syphal house, a mass grave of about 30 people was seen."<sup>520</sup> Additionally, the Witness provides evidence that after a 1987 excavation behind Tuol Sleng Museum she saw people "carry bones" past her house.<sup>521</sup>

#### PRIOR STATEMENTS

5. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
  - (1) PEN Phalla ECCC OCIJ Statement dated 18 February 2008, D49/11, ERN 00186514-00186515 (ENG).

#### OTHER RELEVANT DOCUMENTS

6. There are no specific Other Relevant Documents referred to in the Witness's statement.

<sup>516</sup> PEN Phalla, ECCC OCIJ Statement dated 18 February 2008, at ERN 00186514, D49/11, ERN 00186514-00186515 (ENG).

<sup>517</sup> PEN Phalla, ECCC OCIJ Statement dated 18 February 2008, at ERN 00186515, D49/11, ERN 00186514-00186515 (ENG).

<sup>518</sup> PEN Phalla, ECCC OCIJ Statement dated 18 February 2008, at ERN 00186515, D49/11, ERN 00186514-00186515 (ENG).

<sup>519</sup> PEN Phalla, ECCC OCIJ Statement dated 18 February 2008, at ERN 00186515, D49/11, ERN 00186514-00186515 (ENG).

<sup>520</sup> PEN Phalla, ECCC OCIJ Statement dated 18 February 2008, at ERN 00186515, D49/11, ERN 00186514-00186515 (ENG).

<sup>521</sup> PEN Phalla, ECCC OCIJ Statement dated 18 February 2008, at ERN 00186515, D49/11, ERN 00186514-00186515 (ENG).

## 32. SAMOEUN OUNG

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the establishment, duration and operation of the security centre (20-42), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness was born on 13 March 1948, in Kandal Province. In April 1984 he moved to Phnom Penh and worked as a security guard at Tuol Sleng Museum. He and the other staff were given houses in the vicinity, and he moved into a house at #83EoZ, Street 360.<sup>522</sup>

### ESTABLISHMENT, DURATION & OPERATION

3. In the area of his house were about 10 concrete houses and many wooden houses. The military command centre was in the West. These ten houses were:
  - At Street 113 near the corner of Street 350, owned by Ouk Chea;
  - To the south of the Witness's house, along Street 360, owned by Hing Sain;
  - Six houses to the West of the Witness's house, owned by Pich Nang, Neth Chim, Phou Tip, Sek Sunty, Tuon Daok and the Boeng Keng Kang III Quarter Office;
  - At Street 350, owned by Seng Davy and Chea Samaun.<sup>523</sup>
4. The Witness provides evidence that the concrete and wooden houses were used as interrogation and detention centres for prisoners. He bases this knowledge on his discovery of handcuffs, shackles, and shackle iron bars in all the houses.<sup>524</sup>

### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

5. The Witness found scarf blindfolds, and 2 or 3 pairs of handcuffs in the water basin in his house.<sup>525</sup> The Witness saw many chains and handcuffs or shackles, as well as 5-6 ammunition cases and 4-10 plates on the upper floor of the house.<sup>526</sup> There were shackles and handcuffs in all of the houses in this area.<sup>527</sup>

<sup>522</sup> SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, at ERN 00186487, D49/6, ERN 00186486-00186488 (ENG).

<sup>523</sup> SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, at ERN 00186487, D49/6, ERN 00186486-00186488 (ENG).

<sup>524</sup> SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, at ERN 00186488, D49/6, ERN 00186486-00186488 (ENG).

<sup>525</sup> SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, at ERN 00186488, D49/6, ERN 00186486-00186488 (ENG).

<sup>526</sup> SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, at ERN 00186488, D49/6, ERN 00186486-00186488 (ENG).

<sup>527</sup> SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, at ERN 00186488, D49/6, ERN 00186486-00186488 (ENG).

**ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

6. As well as shackles and blindfolds, there were bloodstains on the wooden floor of his house.<sup>528</sup>

**EXTERMINATION, MURDER & WILFUL KILLING**

7. The Witness discovered a water basin, 4 square metres in size, upon arrival at his house. He saw human bones from 5 victims in the basin, which gave off a terrible smell.<sup>529</sup> To the west of his house at this time was a pond, about 10 square metres in size. It was also filled with human bones.<sup>530</sup>

**PRIOR STATEMENTS**

8. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
- (1) SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, D49/6, ERN 00186486-00186488 (ENG).

**OTHER RELEVANT DOCUMENTS**

9. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>528</sup> SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, at ERN 00186488, D49/6, ERN 00186486-00186488 (ENG).

<sup>529</sup> SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, at ERN 00186488, D49/6, ERN 00186486-00186488 (ENG).

<sup>530</sup> SAMOEUN Oung, ECCC-OICJ Statement dated 11 February 2008, at ERN 00186488, D49/6, ERN 00186486-00186488 (ENG).

### 33. SIENG DANY

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the imprisonment, unlawful confinement and lack of fair trial (47-54, 60-61, 134, 146 & 147) and the enslavement, great suffering and inhumane acts (62-71, 135, 143 & 148). Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness is a Cambodian female born 1 February 1977.<sup>531</sup> The Witness lives at an address of House 12, Street 348, Boeng Keng Kong III Subdistrict, Chamkar Mon District, Phnom Penh.<sup>532</sup> The house was given to the Witness and her mother by the State as a result of her mother's capacity as an employee at the Textile Factory Tâ 4 at Chăk Angrè Leu.<sup>533</sup>

#### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

3. The Witness provides evidence that upon her arrival at the house she saw "two or three document cabinets with many documents which had many thumbprints and half-figure photographs made in the style of the prisoners, photographs of women, men, soldiers and civilians."<sup>534</sup> The Witness also saw carbon paper "for making copies" and typewriters.<sup>535</sup> The Witness states that no one was living in the house before she arrived.<sup>536</sup> In her statement the Witness holds that she knows that the "two-apartment row house next to the sewer ditch was full of documents."<sup>537</sup>

#### ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

4. The Witness provides evidence to the effect that upon her arrival at the house she saw five or six large empty water jars.<sup>538</sup> She did not see any shackles or any blood.<sup>539</sup>

#### PRIOR STATEMENTS

5. The Witness has given one prior statement to the Co-Prosecutors knowledge:

<sup>531</sup> SIENG Dany ECCC OCII Statement dated 18 February 2008 at ERN 00186502, D 49/8, ERN 00186502-00186503 (ENG).

<sup>532</sup> SIENG Dany ECCC OCII Statement dated 18 February 2008 at ERN 00186503, D 49/8, ERN 00186502-00186503 (ENG).

<sup>533</sup> SIENG Dany ECCC OCII Statement dated 18 February 2008 at ERN 00186503, D 49/8, ERN 00186502-00186503 (ENG).

<sup>534</sup> SIENG Dany ECCC OCII Statement dated 18 February 2008 at ERN 00186503, D 49/8, ERN 00186502-00186503 (ENG).

<sup>535</sup> SIENG Dany ECCC OCII Statement dated 18 February 2008 at ERN 00186503, D 49/8, ERN 00186502-00186503 (ENG).

<sup>536</sup> SIENG Dany ECCC OCII Statement dated 18 February 2008 at ERN 00186503, D 49/8, ERN 00186502-00186503 (ENG).

<sup>537</sup> SIENG Dany ECCC OCII Statement dated 18 February 2008 at ERN 00186503, D 49/8, ERN 00186502-00186503 (ENG).

<sup>538</sup> SIENG Dany ECCC OCII Statement dated 18 February 2008 at ERN 00186503, D 49/8, ERN 00186502-00186503 (ENG).

<sup>539</sup> SIENG Dany ECCC OCII Statement dated 18 February 2008 at ERN 00186503, D 49/8, ERN 00186502-00186503 (ENG).

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- (1) SIENG Dany ECCC OCIJ Statement dated 18 February 2008, D 49/8, ERN 00186502-00186503 (ENG).

**OTHER RELEVANT DOCUMENTS**

6. There are no other specific relevant documents referred to in the Witness's statement.

### 34. TES SAMBON

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the extermination, murder and wilful killing of detainees (107-128, 138, 139-140 151 & 152 [new]) at S-21. The evidence the Witness provides is relevant to Count 1, 2 and 3 of the Indictment. The Witness's evidence includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness is a Khmer female born in 1952 in District 5, Phnom Penh.<sup>540</sup> The Witness currently lives at House 41 BC, Boeng Keng Kong III, Chamkar Mon, Phnom Penh and has lived at this residence since 1980.<sup>541</sup>

#### EXTERMINATION, MURDER & WILFUL KILLING

3. The Witness provides evidence that she "dug up the corpses of 21 people."<sup>542</sup> One corpse was a woman.<sup>543</sup> The corpses had been blindfolded and were buried with water hoses and chains, but the Witness did not see handcuffs.<sup>544</sup>

#### PRIOR STATEMENTS

4. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
  - (1) TES Sambon ECCC OCIJ Statement dated 8 February 2008, D49/4, ERN 00186470-00186471 (ENG).

#### OTHER RELEVANT DOCUMENTS

5. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>540</sup> TES Sambon, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186470, D49/4, ERN 00186470-00186471 (ENG).

<sup>541</sup> TES Sambon, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186471, D49/4, ERN 00186470-00186471 (ENG).

<sup>542</sup> TES Sambon, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186471, D49/4, ERN 00186470-00186471 (ENG).

<sup>543</sup> TES Sambon, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186470, D49/4, ERN 00186470-00186471 (ENG).

<sup>544</sup> TES Sambon, ECCC OCIJ Statement dated 8 February 2008, at ERN 00186470, D49/4, ERN 00186470-00186471 (ENG).



### 35. VANN SOPHEA

#### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the enslavement, great suffering and inhumane acts (62-71, 135, 143 & 148) and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) at S-21. The evidence the Witness provides is relevant to Count 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness is a Cambodian male born in 1954. He visited S-21 in September 1979.<sup>545</sup> In 1990 he moved into his current home at the address of #131Eo, Boeng Keng Kang III Quarter, Khan Chamcarmorn, Phnom Penh Municipality which, he submits, was previously occupied by an S-21 staff member.<sup>546</sup>

#### ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS

3. The Witness provides evidence that during his visit to S-21 in September 1979 he could see the house in which he currently resides but it was not accessible because there were barbed wire fence surrounding streets 360, 113, 310 and 143.<sup>547</sup> During this visit the Witness saw beds on the ground floor of the east-west building under which there were “dried red blood stains with a strange smell.”<sup>548</sup> He also saw “ammo cases for the prisoners to defecate” as well as water jars, poles and ropes in the compound.<sup>549</sup> When he moved into his current address in 1990 he saw several shackles in the room underneath the stairs in the house, these shackles were later removed without the knowledge of the Witness.<sup>550</sup> When he arrived at the house there were marks of hands on the wall of the ground floor and ammo cases.<sup>551</sup>

#### EXTERMINATION, MURDER & WILFUL KILLING

4. The Witness states there was an open ground in the west of the museum at S-21 in which “there were many pits.”<sup>552</sup>

<sup>545</sup> SOPHEA Vann ECCC OCIJ Statement dated 8 February 2008 at ERN 00186463, D49/3, ERN 00186463-00186465 (ENG).

<sup>546</sup> SOPHEA Vann ECCC OCIJ Statement dated 8 February 2008 at ERN 00186464, D49/3, ERN 00186463-00186465 (ENG).

<sup>547</sup> SOPHEA Vann ECCC OCIJ Statement dated 8 February 2008 at ERN 00186464, D49/3, ERN 00186463-00186465 (ENG).

<sup>548</sup> SOPHEA Vann ECCC OCIJ Statement dated 8 February 2008 at ERN 00186464, D49/3, ERN 00186463-00186465 (ENG).

<sup>549</sup> SOPHEA Vann ECCC OCIJ Statement dated 8 February 2008 at ERN 00186464, D49/3, ERN 00186463-00186465 (ENG).

<sup>550</sup> SOPHEA Vann ECCC OCIJ Statement dated 8 February 2008 at ERN 00186464, D49/3, ERN 00186463-00186465 (ENG).

<sup>551</sup> SOPHEA Vann ECCC OCIJ Statement dated 8 February 2008 at ERN 00186464, D49/3, ERN 00186463-00186465 (ENG).

<sup>552</sup> SOPHEA Vann ECCC OCIJ Statement dated 8 February 2008 at ERN 00186465, D49/3, ERN 00186463-00186465 (ENG).

**PRIOR STATEMENTS**

5. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
  - (1) SOPHEA Vann ECCC-OCIJ Statement dated 8 February 2008, D49/3, ERN 00186463-00186465 (ENG).

**OTHER RELEVANT DOCUMENTS**

6. There are no other specific relevant documents referred to in the Witness's statement.

### 36. YEM MEAS

#### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the armed conflict (16-18 & 144-145), the establishment, duration and operation of the security centre (20-42), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), and the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]). Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness was born on 8 September 1949 in Svay Rieng Province.<sup>553</sup> In July 1979, she moved with her husband from Pursat to Phnom Penh to work in the T4 factory. They were allocated a house at #8E1, Street 330 which had three flats spread over two floors.<sup>554</sup>

#### ARMED CONFLICT

3. The Witness provides evidence that when she moved into her house in Phnom Penh she saw black and khaki clothes and army uniforms scattered throughout the house. She is unable to identify the origin of the army uniforms.<sup>555</sup>

#### ESTABLISHMENT, DURATION & OPERATION

4. The Witness provides evidence that she saw “chains, shackles, and many shackle iron bars” on the upper and ground floors. In addition, there were many typewritten documents scattered over the upper floors.<sup>556</sup>
5. The Witness provides evidence that there were shackles throughout other houses on her street at that time.<sup>557</sup>

#### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

6. The Witness observed chains and shackles in her house and houses on her street.<sup>558</sup>

<sup>553</sup> YEM Meas, ECCC OCIJ Statement dated 11 February 2008, at ERN 00186477, D49/5, ERN 00186477-00186479 (ENG).

<sup>554</sup> YEM Meas, ECCC OCIJ Statement dated 11 February 2008, at ERN 00186478, 00186479, D49/5, ERN 00186477-00186479 (ENG).

<sup>555</sup> YEM Meas, ECCC OCIJ Statement dated 11 February 2008, at ERN 00186478, D49/5, ERN 00186477-00186479 (ENG).

<sup>556</sup> YEM Meas, ECCC OCIJ Statement dated 11 February 2008, at ERN 00186478, D49/5, ERN 00186477-00186479 (ENG).

<sup>557</sup> YEM Meas, ECCC OCIJ Statement dated 11 February 2008, at ERN 00186479, D49/5, ERN 00186477-00186479 (ENG).

<sup>558</sup> YEM Meas, ECCC OCIJ Statement dated 11 February 2008, at ERN 00186478, D49/5, ERN 00186477-00186479 (ENG).

**ENSLAVEMENT, WILFULLY CAUSING GREAT SUFFERING & OTHER INHUMANE ACTS**

7. As well as chains and shackles, there was “a lot of blood, excrement and urine” throughout the house, and excrement and shackles in other houses on her street.<sup>559</sup>

**EXTERMINATION, MURDER & WILFUL KILLING**

8. There were newly planted palms in the grounds of the house that the Witness estimates had been there for 2 or 3 years, given their size. When digging up the palms, she found human bones buried beneath them and a bad smell, so she left the trees and bones in the ground.<sup>560</sup>

**PRIOR STATEMENTS**

9. The Witness has given one prior statement to the Co-Prosecutors’ knowledge:
- (1) YEM Meas ECCC OCIJ Statement dated 11 February 2008, D49/5, ERN 00186477- 00186479 (ENG).

**OTHER RELEVANT DOCUMENTS**

10. There are no other specific relevant documents referred to in the Witness’s statement.

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<sup>559</sup> YEM Meas, ECCC OCIJ Statement dated 11 February 2008, at ERN 00186478, 00186479, D49/5, ERN 00186477- 00186479 (ENG).

<sup>560</sup> YEM Meas, ECCC OCIJ Statement dated 11 February 2008, at ERN 00186478, D49/5, ERN 00186477- 00186479 (ENG).

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## **VIII. S-21 DOCUMENT ANALYSIS**

### **37. CHHANG YOUK**

#### **NATURE AND CONTENT OF EVIDENCE**

*Evidence Summary in Progress*

### 38. KHOUY VISALMONY

#### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the extermination, murder and wilful killing of detainees (*107-128, 138, 139-140, 151 & 152 [new]*). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness, as of May 2008, is 72-years-old and is a Cambodian male. He currently works for DC Cam as member of data base management section<sup>561</sup>.

#### EXTERMINATION, MURDER & WILFUL KILLING

3. The Witness provides evidence as to how he compiled lists of executed prisoners. The Witness provides evidence that he created these documents with colleagues in 2006 on the basis information contained in big black books.<sup>562</sup>
4. The Witness provides evidence that he does not know where these books come from.<sup>563</sup>
5. The Witness provides evidence that the rewriting of the lists were exact copies of the original lists contained in these books.<sup>564</sup>
6. Relating to the books, the Witness says that he does not know their original title<sup>565</sup>.

#### PRIOR STATEMENTS

7. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
  - (1) KHOUY Visalmony ECCC OCIJ Statement dated 28 March 2008, D77/5, ERN 00186692-00186698 (KHM), 00194949-00194954 (FR).

#### OTHER RELEVANT DOCUMENTS

8. There are no other specific relevant documents referred to in the Witness's statement.

<sup>561</sup> KHOUY Visalmony ECCC OCIJ Statement dated 28 March 2008 at ERN 00194949, D77/5, ERN 00186692-00186698 (KHM), 00194949-00194954 (FR).

<sup>562</sup> KHOUY Visalmony ECCC OCIJ Statement dated 28 March 2008 at ERN 00194949, D77/5, ERN 00186692-00186698 (KHM), 00194949-00194954 (FR).

<sup>563</sup> KHOUY Visalmony ECCC OCIJ Statement dated 28 March 2008 at ERN 00194949, D77/5, ERN 00186692-00186698 (KHM), 00194949-00194954 (FR).

<sup>564</sup> KHOUY Visalmony ECCC OCIJ Statement dated 28 March 2008 at ERN 00194949, D77/5, ERN 00186692-00186698 (KHM), 00194949-00194954 (FR).

<sup>565</sup> KHOUY Visalmony ECCC OCIJ Statement dated 28 March 2008 at ERN 00194949, D77/5, ERN 00186692-00186698 (KHM), 00194949-00194954 (FR).

### 39. KITH SEREY

#### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, the Witness provides evidence of the extermination, murder and wilful killing of detainees (*107-128, 138, 139-140, 151 & 152 [new]*). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness, born in 1980, is 28-years-old as of 10 April 2008 and is a Cambodian male. He currently works for DC Cam as member of the database management section.<sup>566</sup>

#### EXTERMINATION, MURDER & WILFUL KILLING

3. The Witness provides evidence as to how he compiled the lists of executed prisoners in 2006.<sup>567</sup> All the explanations from the Witness concerning the lists of executed prisoners are directly linked to executions committed in S-21. His worked consisted in rewriting lists of names and entering these lists in a data base, from some big black books.<sup>568</sup>
4. The Witness provides evidence that the rewriting was an exact replica to the original lists contained in these books.<sup>569</sup>
5. The Witness provides evidence that each list of names goes from 1 to 100.<sup>570</sup>

#### PRIOR STATEMENTS

6. The Witness has given one prior statement to the Co-Prosecutors' knowledge:
  - (1) KITH Serey ECCC OCIJ Statement dated 10 April 2008, D77/4, ERN 00186685-00186691 (KHM).

#### OTHER RELEVANT DOCUMENTS

7. There are no other specific relevant documents referred to in the Witness's statement.

<sup>566</sup> KITH Serey ECCC OCIJ Statement dated 10 April 2008 at ERN 00196720, D77/4, ERN 00186685-00186691 (KHM).

<sup>567</sup> KITH Serey ECCC OCIJ Statement dated 10 April 2008 at ERN 00196720, D77/4, ERN 00186685-00186691 (KHM), 00196720-00196726 (FR).

<sup>568</sup> KITH Serey ECCC OCIJ Statement dated 10 April 2008 at ERN 00196720, D77/4, ERN 00186685-00186691 (KHM), 00196720-00196726 (FR).

<sup>569</sup> KITH Serey ECCC OCIJ Statement dated 10 April 2008 at ERN 00196720, D77/4, ERN 00186685-00186691 (KHM), 00196720-00196726 (FR).

<sup>570</sup> KITH Serey ECCC OCIJ Statement dated 10 April 2008 at ERN 00196720, D77/4, ERN 00186685-00186691 (KHM), 00196720-00196726 (FR).

#### 40. LACH VORLEAK KOLYAN

##### NATURE AND CONTENT OF EVIDENCE

1. The Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the authority structure (20-25), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the interrogation (43-45 & 79-84), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]) and the extermination, murder and wilful killing of detainees (107-128, 138, 139-140, 151 & 152 [new]) at S-21. The evidence the Witness provides is relevant to Count 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes but is not limited to, the facts described below.

##### BACKGROUND OF WITNESS

2. The Witness is a Khmer female born on 25 December 1955 in Phnom Penh and is currently the Deputy Chairman of the Document Section at Tuol Sleng Museum.<sup>571</sup> The Witness began working at the Tuol Sleng Museum in 1984 and was responsible for the “Document Section.”<sup>572</sup> Initially, her duties included the gathering and organisation of various documents collected from “inside the museum...and from the houses surrounding the Tuol Sleng compound.”<sup>573</sup> The documents collected included, “prisoner confessions, prisoner entry lists, lists of prisoners to be smashed, records of the study meetings of the Khmer Rouge, Revolutionary Flag books, study notebooks about military strategy, and medical text books,” as well as photographs of prisoners, photographic negative, prisoner biographies and portraits of Pol Pot.<sup>574</sup>

##### ROLE OF ACCUSED

3. The Witness provides evidence that some of the documents collected contained the name and signature of **DUCH**.<sup>575</sup>

##### AUTHORITY STRUCTURE

4. The Witness provides evidence that some documents had the name and signature of **DUCH**, Pon, Mam Nai alias Chan and Hor.<sup>576</sup>

##### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

5. The Witness provides evidence that the documents she collected included prisoner entry lists, lists of prisoners to be smashed and prisoner confessions.<sup>577</sup> The Witness also

<sup>571</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186674-00186675, D77/2, ERN 00186674-00186677 (ENG).

<sup>572</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186675, D77/2, ERN 00186674-00186677 (ENG).

<sup>573</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186675, D77/2, ERN 00186674-00186677 (ENG).

<sup>574</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186675-00186676, D77/2, ERN 00186674-00186677 (ENG).

<sup>575</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186676, D77/2, ERN 00186674-00186677 (ENG).

<sup>576</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186676, D77/2, ERN 00186674-00186677 (ENG).

<sup>577</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186675, D77/2, ERN 00186674-00186677 (ENG).



provides evidence that prisoner biographies, some with photographs attached were also found at Tuol Sleng.<sup>578</sup>

#### **INTERROGATION**

6. The Witness provides evidence that she found prisoner confessions.<sup>579</sup>

#### **TORTURE & INHUMANE TREATMENT**

7. The Witness provides evidence that she saw “instruments for torture,” which included, “vices, braided electrical wire (for beating prisoners), water containers for torturing, cabinets modified to hold water to torture prisoners, shackles and steel bars, large palm sugar cooking pans, [and] dishes.”<sup>580</sup>

#### **EXTERMINATION, MURDER & WILFUL KILLING**

8. The Witness provides evidence that there were “lists of prisoners to be smashed.”<sup>581</sup>

#### **PRIOR STATEMENTS**

9. The Witness has given one prior statement to the Co-Prosecutors’ knowledge:

- (1) LACH Vorleak Kolyan ECCC OCIJ Statement dated 26 March 2008, D77/2, ERN 00186674-00186677 (ENG).

#### **OTHER RELEVANT DOCUMENTS**

10. There are no other specific relevant documents referred to in the Witness’s statement.

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<sup>578</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186676, D77/2, ERN 00186674-00186677 (ENG).

<sup>579</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186676, D77/2, ERN 00186674-00186677 (ENG).

<sup>580</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186676, D77/2, ERN 00186674-00186677 (ENG).

<sup>581</sup> LACH Vorleak Kolyan, ECCC OCIJ Statement dated 26 March 2008, at ERN 00186675, D77/2, ERN 00186674-00186677 (ENG).

## 41. OUCH Pon

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the establishment, duration and operation of the security centre (20-42). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts provided below.

### BACKGROUND OF WITNESS

2. The Witness is a Cambodian national who was born on 1 May 1975 in Kandal Province. He is employed by the Documentation Centre of Cambodia.<sup>582</sup>

### ESTABLISHMENT, DURATION & OPERATION

3. The Witness gives evidence that he compiled part of a list of prisoners who had been sent to S-21. He “did not know the source of the book” from which he copied it, but said that the source document was “long, old, papers with holes like they had come from a ring bound book”. This document was given to him by “Mony” (KHUOY Visalmony). What he typed was “100% like the original” and this was proofread by “Peou” (ROS Sampeou).<sup>583</sup>
4. The Witness does not know anything about the provenance of the original document and is unable to say whether it is currently at DC-Cam.<sup>584</sup>

### PRIOR STATEMENTS

5. The Witness has given one prior statement to the Co-Prosecutors’ knowledge:
  - (1) OUCH Pon ECCC OCIJ Statement dated 24 April 2008, ERN 00212280-00212287, Document D77/7 (ENG).

### OTHER RELEVANT DOCUMENTS

6. The Witness confirmed that the Prisoner List at ERN 00161071-00161348 was the document to which he contributed. Part of the prisoner list he typed is attached to D77/7 as Annex A, at ERN 00212283-00212287.

<sup>582</sup> OUCH Pon, ECCC OCIJ Statement dated 24 April 2008, at ERN 00212280, D77/7, ERN 00212280-00212287 (ENG).

<sup>583</sup> OUCH Pon, ECCC OCIJ Statement dated 24 April 2008, at ERN 00212281, D77/7, ERN 00212280-00212287 (ENG).

<sup>584</sup> OUCH Pon, ECCC OCIJ Statement dated 24 April 2008, at ERN 00212282, D77/7, ERN 00212280-00212287 (ENG).

## 42. TAT LAKANA

### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147) of detainees. Her evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

### BACKGROUND OF WITNESS

2. The Witness, a Khmer female born 5 July 1983, is a member of the DC-Cam staff. The Witness provides evidence about the S-21 prison list.<sup>585</sup>

### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

3. The Witness provides evidence that she typed about 70 pages from a handwritten book which contained names and data.<sup>586</sup> The Witness said that the typed copy was an exact copy of the original.<sup>587</sup> The Witness did not know the source of the original book and was unaware of where the book had come from.<sup>588</sup> She did not know the contents of the book, the year it was made, or who had made it.<sup>589</sup>

### PRIOR STATEMENTS

4. The Witness has given one prior statement to the Co-Prosecutor's knowledge:
  - (1) TAT Leakhena ECCC-OCIJ Statement dated 24 April 2008, D77/8, ERN 00212288-00212290 (ENG).

### OTHER RELEVANT DOCUMENTS

5. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>585</sup> TAT Leakhena, ECCC OCIJ Statement dated 24 April 2008 at ERN 00212289, D77/8, ERN 00212288-00212290 (ENG).

<sup>586</sup> TAT Leakhena, ECCC OCIJ Statement dated 24 April 2008 at ERN 00212289, D77/8, ERN 00212288-00212290 (ENG).

<sup>587</sup> TAT Leakhena, ECCC OCIJ Statement dated 24 April 2008 at ERN 00212289, D77/8, ERN 00212288-00212290 (ENG).

<sup>588</sup> TAT Leakhena, ECCC OCIJ Statement dated 24 April 2008 at ERN 00212289, D77/8, ERN 00212288-00212290 (ENG).

<sup>589</sup> TAT Leakhena, ECCC OCIJ Statement dated 24 April 2008 at ERN 00212289, D77/8, ERN 00212288-00212290 (ENG).

### 43. VANTHAN POVBARA

#### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Witness provides evidence of the role of the Accused (55-59, 90-99, 107-111 & 153 [new]-161), the establishment, duration and operation of the security centre (20-42), the imprisonment, unlawful confinement, lack of fair trial (47-54, 60-61, 134, 146, 147), the enslavement, great suffering, inhumane acts (62-71, 135, 143 & 148), the torture and inhumane treatment (85-89, 100-105, 136, 149, 150 & 152 [new]), the extermination, murder and wilful killing (107-128, 138, 139-140, 151 & 152 [new]) of detainees. His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

#### BACKGROUND OF WITNESS

2. The Witness, a Khmer Male, was born 15 April 1973 in Stung Teng. He is the Deputy Director of the Documentation Centre of Cambodia.<sup>590</sup>

#### ROLE OF THE ACCUSED

3. The Witness provides evidence that a former detainee of M-13, HAM In, said that Duch became the chief of prison M-13 in about 1971.<sup>591</sup> **DUCH** also never took any measures to stop acts of insolent committed by his subordinates, such as shooting stones at prisoners, using catapults, or kicking for fun.<sup>592</sup> The Witness also provides evidence that there are two sets of documents that show that **DUCH** issued orders for interrogation and execution at M-13.<sup>593</sup>

#### IMPRISONMENT, UNLAWFUL CONFINEMENT & NO FAIR TRIAL

4. The Witness provides evidence that the document with ERN00161072-00161384 is an original handwritten S-21 document, and was retyped by DC-Cam staff.<sup>594</sup> The original document was long and had a black cover, containing two books.<sup>595</sup> The Witness does not know who prepared it or when it was prepared, or where the document is now, but DC-Cam has a copy of the document.<sup>596</sup>

<sup>590</sup> VANTHAN Povdara, ECCC OCIJ Statement dated 23 April 2008 at ERN 00194955-00194956, D77/6, ERN 00194955-00194957 (ENG).

<sup>591</sup> VANTHAN Povdara "Office of M-13 of **DUCH**," *Searching for the Truth*, dated 22 October 2001, at ERN 00079673, ERN 00079673-00079675 (ENG).

<sup>592</sup> VANTHAN Povdara "Office of M-13 of **DUCH**," *Searching for the Truth*, dated 22 October 2001, at ERN 00079674, ERN 00079673-00079675 (ENG).

<sup>593</sup> VANTHAN Povdara "Office of M-13 of **DUCH**," *Searching for the Truth*, dated 22 October 2001, at ERN 00079674, ERN 00079673-00079675 (ENG).

<sup>594</sup> VANTHAN Povdara, ECCC OCIJ Statement dated 23 April 2008 at ERN 00194956, D77/6, ERN 00194955-00194957 (ENG).

<sup>595</sup> VANTHAN Povdara, ECCC OCIJ Statement dated 23 April 2008 at ERN 00194957, D77/6, ERN 00194955-00194957 (ENG).

<sup>596</sup> VANTHAN Povdara, ECCC OCIJ Statement dated 23 April 2008 at ERN 00194957, D77/6, ERN 00194955-00194957 (ENG).

5. The Witness provides evidence that a former M-13 detainee, HAM In stated that **DUCH** used inmates to gather information on other inmates and that **DUCH** told HAM In “I’ll release you if you work as a spy inside the cells for me...”<sup>597</sup>

#### ENSLAVEMENT, GREAT SUFFERING, INHUMANE ACTS

6. The Witness provides evidence that HAM In stated that after a prisoner at M-13 confessed, he was shackled for the youngsters to beat.<sup>598</sup>
7. The Witness also provides evidence that HAM In said that prisoners would be ordered to dig holes at M-13, for burying themselves.<sup>599</sup>

#### TORTURE AND INHUMANE TREATMENT

8. The Witness provides evidence that HAM In, a former detainee at M-13, said he either Witnessed or experienced torture as punishment. This included:
- Tying both hands behind the prisoners’ back, attaching a rope to the knot, and pulling the rope up until both legs were lifted a few centimetres off the ground;
  - Forcing prisoners to drink a solution of detergent until they became unconscious;
  - Torching a prisoner’s stomach and leaving the torch there until the burned spot turned white because part of the skin was stuck to the burning end of the torch;
  - Burning a piece of cloth around the wick of the torch and dripping the cloth onto a prisoner’s body, from head to toe, until the body is covered in white spots from the burn;
  - Tying a prisoner to a pole in front of other prisoners and then shooting that prisoner in the head, getting blood and body organs over the other prisoners;
  - Stabbing needle-sharp piece of steel under a prisoner’s fingernails, and then dipping the bleeding fingers into a bucket of urine.<sup>600</sup>

#### EXTERMINATION, MURDER AND WILFULL KILLING

9. The Witness provides evidence that a former detainee at M-13, HAM In said that children were ordered to carry out two executions a day inside the prison.<sup>601</sup>

#### PRIOR STATEMENTS

10. The Witness has given 6 prior statements to the Prosecutor’s knowledge:

(1) VANTHAN Povdara ECCC OCIJ Statement dated 23 April 2008, D77/6, ERN 00194955-00194957 (ENG).

<sup>597</sup> VANTHAN Povdara “Office of M-13 of **DUCH**,” *Searching for the Truth*, dated 22 October 2001, at ERN 00079673, ERN 00079673-00079675 (ENG).

<sup>598</sup> VANTHAN Povdara “Office of M-13 of **DUCH**,” *Searching for the Truth*, dated 22 October 2001, at ERN 00079674, ERN 00079673-00079675 (ENG).

<sup>599</sup> VANTHAN Povdara “Office of M-13 of **DUCH**,” *Searching for the Truth*, dated 22 October 2001, at ERN 00079673, ERN 00079673-00079675 (ENG).

<sup>600</sup> VANTHAN Povdara “Office of M-13 of **DUCH**,” *Searching for the Truth*, dated 22 October 2001, at ERN 00079673, ERN 00079673-00079675 (ENG).

<sup>601</sup> VANTHAN Povdara “Office of M-13 of **DUCH**,” *Searching for the Truth*, dated 22 October 2001, at ERN 00079674, ERN 00079673-00079675 (ENG).

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- (2) VANTHAN Povdara DC-Cam Certification Form dated 26 February 2007, No ERN (but in Casemap).
- (3) VANTHAN Povdara “Office of M-13 of **DUCH**,” *Searching for the Truth*, dated 22 October 2001, ERN 00079673-00079675 (ENG).
- (4) VANTHAN Povdara DC-Cam Report: “Mapping the Killing Fields of Cambodia” dated 10 June 1999, ERN 00095650-00095659 (ENG).
- (5) VANTHAN Povdara DC-Cam Report: “‘Sa’ang Prison, its Witnesses, and their accounts” dated 25 August 1998, ERN 00089398-000893402 (ENG).
- (6) VANTHAN Povdara DC-Cam Report: “Mapping Report, 1999, Kompong Chhnang Province” dated 10 June 1999, ERN 00089803-00089813 (ENG).

#### OTHER RELEVANT DOCUMENTS

- 11. There is one potential exhibit of particular note: ERN00161072-00161384, the typed copy of the prisoner list from S-21. An excerpt is also attached to the OCIJ statement, ERN 00194958-61.

#### 44. YIN NEAN

##### NATURE AND CONTENT OF EVIDENCE

1. Regarding S-21, this Regarding S-21, this Witness provides evidence of the extermination, murder and wilful killing of detainees (*107-128, 138, 139-140, 151 & 152 [new]*). His evidence is relevant to Counts 1, 2 and 3 of the Indictment. The evidence provided by the Witness includes, but is not limited to, the facts described below.

##### BACKGROUND OF WITNESS

2. The Witness, a Cambodian male, was born in 1961. From 1982 to 1986, he worked as member of the security and maintenance section of Tuol Sleng Museum.<sup>602</sup> From 1987 to 1992, he became a member of the economic section.<sup>603</sup> Since 1992, he has worked as a member of the Documentation Centre of Cambodia.<sup>604</sup>

##### EXTERMINATION, MURDER & WILFUL KILLING

3. The Witness provides evidence concerning two lists of executed prisoners from S-21. The 1<sup>st</sup> document is entitled “DC-Cam lists of executed prisoners in S-21” and the second document is entitled “DC-Cam.”<sup>605</sup>
4. The Witness provides evidence that the first document is his compilation of the lists found at S-21 and nearby houses, of prisoners executed at S-21. At the time of his second interview, the Witness provides evidence that he compiled the lists of executed prisoners solely on the basis of original lists containing the names of prisoners to be killed.<sup>606</sup>
5. Concerning the 2<sup>nd</sup> document, the Witness provides evidence that he did not take part in the compiling of the lists. He explains that these lists come from two books containing the transcription of prisoner confessions.<sup>607</sup>
6. The Witness provides evidence that is possible to know precisely how many prisoners were executed in S-21 by comparing the names mentioned in the documents found in S-21 with the names mentioned in the two lists compiled by DC-Cam.<sup>608</sup>
7. The Witness provides evidence as to how documents are classified at the Documentation Centre of Cambodia and the number of documents at the centre. Documents are classified

<sup>602</sup> YIN Nean ECCC OCIJ Statement dated 19 March 2008 at ERN 00186659, D77/1, ERN 00173834-001738539 (KHM), 00186659-00186673 (FR).

<sup>603</sup> YIN Nean ECCC OCIJ Statement dated 19 March 2008 at ERN 00186659, D77/1, ERN 00173834-001738539 (KHM), 00186659-00186673 (FR).

<sup>604</sup> YIN Nean ECCC OCIJ Statement dated 19 March 2008 at ERN 00186659, D77/1, ERN 00173834-001738539 (KHM), 00186659-00186673 (FR).

<sup>605</sup> YIN Nean ECCC OCIJ Statement dated 19 March 2008 at ERN 00186659, D77/1, ERN 00173834-001738539 (KHM), 00186659-00186673 (FR).

<sup>606</sup> YIN Nean ECCC OCIJ Statement dated on 07 April 2008 at ERN 00196718, D77/3, ERN 00177948-00177949 (KHM), 00196718-00196719 (FR), ERN 00186682-00186684 (ENG).

<sup>607</sup> YIN Nean ECCC OCIJ Statement dated 19 March 2008 at ERN 00186659, D77/1, ERN 00173834-001738539 (KHM), 00186659-00186673 (FR).

<sup>608</sup> YIN Nean ECCC OCIJ Statement dated 19 March 2008 at ERN 00186659, D77/1, ERN 00173834-001738539 (KHM), 00186659-00186673 (FR).

in six groups: documents relating to prisoner confessions (4186 documents), documents relating prisoner and former DK cadre biographies (6223 documents), photographs (5847 documents), films (5847 documents), microfilms (12 rolls) and miscellaneous documents (5136 documents).<sup>609</sup>

#### **PRIOR STATEMENTS**

8. The Witness has given two prior statements to the Co-Prosecutors' knowledge:
- (1) YIN Nuan ECCC OCIJ Statement dated 19 March 2008, D77/1, ERN 00173834-001738539 (KHM), 00186659-00186673 (FR).
  - (2) YIN Nuan ECCC OCIJ Statement dated on 07 April 2008, D77/3, ERN 00177948-00177949 (KHM), 00196718-00196719 (FR), ERN 00186682-00186684 (EN).

#### **OTHER RELEVANT DOCUMENTS**

9. There are no other specific relevant documents referred to in the Witness's statement.

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<sup>609</sup> YIN Nuan ECCC OCIJ Statement dated 19 March 2008 at ERN 00186659, D77/1, ERN 00173834-001738539 (KHM), 00186659-00186673 (FR).