



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS - KAING GUEK EAV "DUCH"

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

12 August 2009, 0901H

Trial Day 58

Before the Judges:

NIL Nonn, Presiding
Silvia CARTWRIGHT
YA Sokhan
Jean-Marc LAVERGNE
THOU Mony
YOU Ottara (Reserve)
Claudia FENZ (Reserve)

Lawyers for the Civil Parties:

HONG Kimsuon
TY Srinna
KONG Pisey
Silke STUDZINSKY
Alain WERNER
Fabienne TRUSSES-NAPROUS

Trial Chamber Greffiers/Legal Officers:

SE Kolvuthy
DUCH Phary
Natacha WEXELS-RISER
Matteo CRIPPA
Aida KESHAVARZI

For Court Management Section:

UCH Arun

For the Office of the Co-Prosecutors:

SENG Bunkheang
Vincent DE WILDE D'ESTMAEL
PAK Chanlino

The Accused: KAING Guek Eav

Lawyers for the Accused: KAR Savuth
Marie-Paule CANIZARES
Heleyn UNAC

INDEX

WITNESSES

MS. BOU THON

Questioning by Mr. President commences page 1

Questioning by Judge Lavergne commences page 19

Questioning by Mr. Seng Bunkheang commences page 29

Questioning by Mr. de Wilde d'Estmael commences page 32

Questioning by Ms. Ty Srinna commences page 35

Questioning by Mr. Kar Savuth commences page 44

List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. BOU THON	Khmer
MS. CANIZARES	French
JUDGE CARTWRIGHT	English
MR. DE WILDE D'ESTMAEL	French
MR. DUCH PHARY	Khmer
MR. HONG KIMSUON	Khmer
MR. KAR SAVUTH	Khmer
JUDGE LAVERGNE	French
MS. SE KOLVUTHY	Khmer
MR. SENG BUNKHEANG	Khmer
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MS. TRUSSES-NAPROUS	French
MS. TY SRINNA	Khmer
MR. WERNER	English

1

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

2 (Judges enter courtroom)

3 [09.01.40]

4 MR. PRESIDENT:

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

6 The Greffier is now instructed to report the attendance of the
7 parties to the proceedings.

8 THE GREFFIER:

9 Mr. President, the parties to the proceedings today are all
10 present. Witness KW-29 is also present, awaiting the call of the
11 Chamber. This witness has no relationship with the parties to
12 the proceeding or the accused and she has already taken an oath.

13 MR. PRESIDENT:

14 The Court officer is now instructed to call witness Bou Thon.

15 (Witness enters courtroom)

16 QUESTIONING BY THE BENCH

17 BY MR. PRESIDENT:

18 Q.Is your name Bou Thon?

19 A.Yes, it is.

20 Q.Do you use other names other than Thon?

21 A.No, I don't.

22 Q.How old are you?

23 THE INTERPRETER:

24 The interpreter cannot hear her because she speaks rather fast
25 before the mic is on.

2

1 [09.05.13]

2 BY MR. PRESIDENT:

3 Q.What is your occupation?

4 A.(Microphone not activated)

5 Q.Mrs. Bou Thon, could you please be informed that before you
6 respond to any questions, please wait until you see the red light
7 on the mic otherwise your message will not be well recorded and
8 translated. Do you understand this?

9 A.(Microphone not activated)

10 Q.How old are you?

11 A.I'm 64 years old.

12 Q.What do you do for a living today?

13 A.I don't work actually. My sibling feeds me.

14 Q.According to the report of the Greffiers of the Trial Chamber,
15 you have no relationship with any parties to the proceedings
16 today and that you have taken an oath already.

17 Is it correct?

18 A.Yes, it is.

19 Q.The Chamber would like to remind you of your rights and
20 obligations as the witness. As a witness, you may elect not to
21 answer any questions that you are afraid that your testimony
22 could self-incriminate you, and you are to only tell the Court
23 the truth, nothing but the truth.

24 Can you tell the Court the events before 1975? Where did you
25 live and what did you do?

3

1 A.I would like to tell the Court about the events before 1975.

2 I got married in Slaeng, Trapeang Veaeng, Kandal Stueng district,
3 Kandal. At that time, I left my home to live in Phnom Penh and
4 until the date when the Khmer Rouge took control of Phnom Penh,
5 the friend of my father got a car and took us back to our home
6 town.

7 [09.09.07]

8 When we reached the intersection at the Lok Sang Hospital, we
9 were directed to go to another road to new Phnom Penh location
10 and past the gas station. We lived at that location for about 10
11 days.

12 Then Angkar took us back to Phnom Penh and they introduced us to
13 the revolution. The person who introduced us was Kuy Thuon, the
14 chief of the North Zone. And a few months later my husband was
15 assigned to work at the Ministry of Energy and, after a while
16 until 1977 -- I don't remember the month -- my husband was taken.

17 I'm sorry, I have to go back a little bit. Actually, we got a
18 child and I gave birth to the child at the Po Muoy Hospital, and
19 after the delivery of the child, my husband told me that his
20 biographies had been rigorously taken, and later on he
21 disappeared and I was discharged from the hospital and then we
22 went to Popeal Khae, which was my home town.

23 Three months later, I was told that my husband was transporting
24 gasoline and that I had to pack my luggage so that I too can be
25 reunited with my husband. Then we were transported to Anlong

4

1 Kong. At Anlong Kong, because I'd just delivered the baby, I was
2 only offered light work to push the water cart. And then when I
3 left the Ministry of Energy in the late afternoon, I had problems
4 breastfeeding my kid because I did not have the milk to feed him,
5 and then our colleagues helped me provide the traditional herbs
6 and then I could have my milk again to breastfeed the child.

7 [09.12.15]

8 And I later on was asked to work at different locations and then
9 back to Anlong Kong. It depends on the assignment, so I had to
10 obey the orders. And after quite some time, on the day when the
11 Vietnamese took control of Phnom Penh, then I fled with other
12 people.

13 At Stueng Chrov, I had suffered a great deal because I was
14 beaten, I was mistreated because I could not really fulfil the
15 task as demanded and I had suffered a great deal. It was a life
16 and death situation and, after all, it was I alone who survived.
17 My daughters and all died, and I am alone after all.

18 Q.According to the story you have told the Court, it is inferred
19 that you were the new people and your husband was the new people
20 also. Is that correct?

21 A.Yes, we were the 17th of April people.

22 Q.Before 1975, what kind of occupation did your husband have?

23 A.He was a motorcycle motor driver.

24 Q.You said during the time of the evacuation when the whole
25 population of Phnom Penh was being evacuated, you were -- turned

5

1 your direction by the Khmer Rouge soldiers during the journey
2 from Phnom Penh to National Road number 4 and that your direction
3 was changed to Phnom Penh Thmei, to the direction of kilo number
4 6 at one of the gas stations. Is that correct?

5 A.Yes, it is.

6 [09.15.48]

7 Q.You indicated that your husband had close relation with Kuy
8 Thuon. Is that correct?

9 A.No, he was not the relative of Kuy Thuon, but Kuy Thuon was
10 the one who introduced him to the revolution. He was the person
11 who just introduced my husband because we were in Phnom Penh and,
12 at that time, we were advised to join the revolution, and the
13 person who helped this was the chief of the North Zone, who was
14 Kuy Thuon, and he was not our relative.

15 Q.So at that time it was Kuy Thuon. Did you say Kuy Thuon or
16 Kuy Khoun?

17 A.I didn't remember who he was. Probably he was Kuy Thuon alias
18 Khoun. I don't know whether it was Kuy Thuon in particular
19 because I never knew him in 1975.

20 Q.The person named Kuy Khuon as you mentioned, what was his
21 role?

22 A.I was told that he was the chief of the North Zone.

23 Q.So according to the best of your recollection, was he the
24 chief of North Zone?

25 A.It's correct.

6

1 [09.18.05]

2 Q.Regarding the introduction of the 17th of April people into
3 the revolution after 1975, were you -- was your husband assigned
4 any particular task and where did he work?

5 A.My husband got a truck, a new truck from Air Cambodge to carry
6 the war booties, and there were some other drivers also. And, at
7 that time, he was not really a driver because he got used to
8 driving a motorcycle but at that time since he went along with
9 other people, then he was able to also drive the truck.

10 Q.Was he despatched into a unit and at that time, so far as we
11 remember, normally the money was no longer in use and that people
12 would be put into a unique unit of the Khmer Rouge?

13 And you say that your husband worked in a unit in the supervision
14 of the Ministry of Energy. And we only want to hear more
15 information in relation to your husband's work, and also how we
16 can establish the fact in relation to the event in which you said
17 you went to work in Anlong Kong and that you lost your husband.
18 So the Chamber is interested to hear the preliminary information
19 in relation to your husband's introduction to the revolution and
20 how he disappeared. So please can you clarify for us in which
21 particular unit did he work when he was introduced into the
22 revolution?

23 A.At that time when we reached the gas station in Popeal Khae, I
24 worked as a cook and we worked at the Bureau Sostien, and then
25 after one month my husband was assigned to drive the fuel tanker.

7

1 [09.21.24]

2 Q.So he was a driver of a truck. Is that correct? So your
3 husband was assigned to drive a fuel tanker. Is that correct?

4 A.Yes, it is.

5 Q.From which location did he take the fuel by the truck he
6 drove, and to which location?

7 A.The fuel was transported from Kampong Som to Russei Keo and
8 sometimes from Phnom Penh to Batambang to Kampot and to Kampong
9 Cham.

10 Q.You said when you were pregnant and expecting a baby of course
11 and delivered the baby at the central hospital, and when you were
12 being discharged from the hospital only to learn that your
13 husband disappeared. Do you remember when exactly your husband
14 disappeared?

15 A.No, I don't.

16 Q.At that time, what kind of task were you assigned and in which
17 unit you belong to?

18 A.When we were in the -- when our family were together, I worked
19 at the kitchen cooking meals for people.

20 [09.23.49]

21 Q.People. Who were they? Were they the drivers like your
22 husband, or who else?

23 A.I cooked meals for the staff at the Energy Ministry.

24 Q.Where did your family stay during that time -- a house you
25 resided in?

8

1 A.We stayed at the gas station, the Popeal Khae gas station.

2 Now it is the military gas station on National Road number 5.

3 Q.You said you had three children and that the last child was
4 delivered at the central hospital. What happened to the other
5 two children of yours, and were they boys or girls, and were they
6 living with you?

7 A.I had four children all together. At that time, three of our
8 children were segregated. Only the last child was living with
9 me.

10 Q.Can you please tell the Court how many boys and girls did you
11 have and how old were they at that time? And that your children
12 were segregated to different places, so where were they separated
13 to?

14 A.The eldest daughter was about nine years old when she was
15 segregated. The other one was six years old. They were not
16 separated to work but they were just taken away from us to a
17 mobile child unit and leaving only the last child with me.

18 [09.26.37]

19 Q.What about the other child? You said you had four children.
20 Now you already told the Court the two children, one being nine
21 years old and the other one six years old; what about the other
22 one? How old was he or she?

23 A.The last child was about two months old. It was a son.

24 Q.How many children did you have altogether; four or three
25 including the last child? You gave birth to him at the central

9

1 hospital?

2 A.I have four children; three daughters, one son.

3 Q.You already talked about two daughters, the eldest one and the
4 second eldest one so what about the other daughter; how old was
5 she?

6 A.She was about four years old, so after three years I delivered
7 two children.

8 [09.28.07]

9 Q.When your daughters were segregated and placed in another
10 child-mobile unit, did you ever meet them after that?

11 A.I met them on the 10th day of the month or maybe during the
12 Khmer New Year then I was allowed to meet them.

13 Q.Can you please now tell the Court about your life story?

14 After your husband was arrested -- or we can say after your
15 husband disappeared -- you were asked to pack up your luggage to
16 go along with them and that you reach Anlong Kong. Where is
17 Anlong Kong exactly? Now, I think you already know Prey Sar
18 Prison so can you please tell the Court to which direction is the
19 Anlong Kong as opposed to Kok Prey Sar or Prey Sar Prison?

20 A.Anlong Kong was to the south of the current Prey Sar prison.
21 Even now, it is still called Anlong Kong village. It is a big
22 place where the prisoners were detained there. It's a depository
23 location before the prisoners were dispensed to other locations
24 and prisoners were also detained at the Russei Sanh pagoda; all
25 male prisoners. Also, at the Prakar village or K-13; that was

10

1 another location and Anlong Kong was also known as K-14. They
2 had various codes for those locations.

3 Q.Anlong Kong; how far was it to the south of the current Prey
4 Sar prison?

5 A.From the current Prey Sar prison, it was pretty far. Once you
6 reached the Russei Sanh pagoda, you turned to the south and it
7 would need another 4 to 5 kilometres before you reached that
8 location.

9 [09.31.25]

10 Q.In total, was it about 10 kilometres from the current Prey Sar
11 prison?

12 A.I think it was less than 10 kilometres.

13 Q.How many kilometres then?

14 A.It was about 7 kilometres.

15 Q.Did you know the chief of the K-14 unit? What was the name of
16 the K-14 unit?

17 A.I cannot recall the name of the chief of the K-14 unit now.

18 Q.At that time, did you know who was the top person at that
19 location; that is, the K-14 unit?

20 A.I cannot recall it. I totally forget; however, there was a
21 big main office at that location and a lot of people were there.
22 It was a depository or transferring location where people were
23 deposited there first before they were divided and sent to
24 various other units or locations.

25 Q.At that location, what were you assigned to do? As you said,

11

1 initially you were asked to post water to supplies to the kitchen
2 and later on, you had problem with the milk -- with your
3 breastfeeding; and subsequently what types of work was assigned
4 to you?

5 A.I was asked to cut the firewood or to catch fish or sometimes,
6 to go and pick the vegetables. It's up to them.

7 [9.34.24]

8 Q.What about the food ration? How many meals per day and what
9 did you get per meal?

10 A.The food ration was gruel at the time, gruel with a type of
11 soup -- whatever it was -- and the gruel was very thin.

12 Q.How many meals per day?

13 A.Two times per day. In the morning, we were given rice and in
14 the evening, we were given only gruel.

15 Q.What about the place where you stayed and slept; how was it?

16 A.We slept in a communal shelter, like 10 to 20 female in each
17 shelter.

18 Q.Did they take any measure regarding the location where you
19 stayed? For example, was there a regular guard that watch over
20 you and your group or were you placed in a shelter with enclosed
21 walls and you were locked from the outside?

22 A.At the location where I slept, there was one big shelter and
23 we all slept in that shelter and there was no guard.

24 [09.36.24]

25 Q.You just said your infant, your male infant, died; the one who

12

1 was delivered at the central hospital. When did he die?

2 A.He died after the Vietnamese entered when I fled to
3 Battambang.

4 Q.Regarding your surviving children, when you finished your work
5 who looked after your young infant?

6 A.The young infant stayed with the caretaker at that office.

7 Q.You went to work for the whole day. How was your infant fed
8 or the breastfeeding, how was it done?

9 A.In the morning I went to work. At eleven I came to lunch and
10 then I breastfed him.

11 [09.37.56]

12 Q.Besides the situations that you personally experienced as you
13 told the Chamber, did you observe any other situations, for
14 instance, that people who were instructed to live there in the
15 group or in the nearby units, what situations did you observe
16 regarding those people?

17 A.What I saw was -- while I was at Stoeung Chreou, at night time
18 they had a small flashlight to shine on us and count the numbers
19 of us. For instance, at night they shined the flashlight on us
20 and they took one or two people away, and in the morning when the
21 light up we notice one or two people were missing but we were
22 silent and they are not to say anything about that. We just
23 tried to survive by ourselves.

24 And sometimes a truckload of people were sent to that location
25 and next day they all disappeared. And sometimes young children

13

1 in two or three truckloads were delivered and they had dinner and
2 later on around nine or ten, they were taken back. That's what
3 was my observation.

4 Q.Did you know where those people were taken from and when they
5 were taken out, do you know the location where they were taken
6 to?

7 A.No, I do not know. I did not dare ask anybody. I did not say
8 anything about that to anybody. I sealed my lips. I only did
9 what I was assigned. For example, if I was ordered to cook rice
10 for the children, I just did that.

11 [09.40.28]

12 Q.Let me now return to the fact that your husband disappeared.
13 Did you know the reason for the disappearance of your husband?

14 A.I do not know the reason for his disappearance, only later on
15 I learned that because the person who inducted my husband into
16 the party into the revolution was a traitor, and that's why as
17 part of the network then he was arrested and my husband's photo
18 was at Tuol Sleng.

19 Q.You said that your husband's photo was at Tuol Sleng. What
20 was the name of your husband?

21 A.Phok Horn, that's my husband's name.

22 Q.Phok Horn, is that what you said?

23 A.Yes.

24 Q.Are you literate?

25 A.No.

14

1 Q.When you saw the photo of your husband at Tuol Sleng, did you
2 know when he was arrested and sent to Tuol Sleng, and when was he
3 executed?

4 A.I do not know that. I do not know anything about my husband's
5 arrest and death.

6 [09.42.56]

7 Q>Your husband's Phok Horn and, as you said, his photo was found
8 at Tuol Sleng. At that time how old was he; that is, during the
9 time that he was arrested and disappeared?

10 A.His age at the time he is one year older than me. So
11 currently he is supposed to be 65 years old. In short,
12 regardless of my husband or not, whoever was sent to Anlong Kong,
13 that person would be photograph.

14 Q.There were three main events regarding you that the Chamber is
15 questioning you.

16 One, the information related to you personally at Anlong Kong,
17 and the question is whether Anlong Kong is part of S-21 or not
18 because in the Prey Sar area, after the study and the research
19 and examination of the case files, the Chamber has noticed that
20 there were other units besides S-24 or the S-21 branch or the
21 re-education centre. Those areas were divided into various units
22 or sectors supervised by other people.

23 So we are trying to determine whether you were a victim of S-24
24 or Prey Sar, which was a branch of the S-21 Office.

25 Secondly, the Chamber is trying to question you in relation to

15

1 your husband. As you said, he was implicated in the force of Kuy
2 Thuon, the North Zone secretary, and he was inducted into the
3 revolution by Kuy Thuon after 17 April 1975. And that Kuy Thuon
4 vouched for his biography and later on after Kuy Thoun was
5 arrested and research was conducted and your husband disappeared.

6 [09.45.47]

7 So we want to verify the information that you provided against
8 the information in the case file in order to determine whether or
9 not the 10,000-plus victims your husband was once amongst them
10 and, if so, what types of documents to support this and whether
11 his name was included in the main list.

12 So we do not want to know about other people. We only want to
13 ask you about your information and information regarding to your
14 husband.

15 Thirdly, the Chamber also is trying to question you regarding the
16 three children. As you said, they were placed at the childcare
17 centre and you only met them once every 10 days, and we tried to
18 get information regarding the loss of lives of your husband and
19 your children.

20 So let me again ask you about your husband. This year your
21 husband was supposed to be 65 years old. That is, in '75 you
22 were not sure of the age of your husband. Is that correct?

23 A.Yes.

24 Q.Where was his birthplace?

25 A.My husband was at Phum Thmei, or Thmei village, Kraing Tei

16

1 village -- that was another name, but also still at Kandal

2 Stueng.

3 [09.47.53]

4 Q.He was at Thmei village. What about the subdistrict?

5 A.The same. It was Thmei village and Thmei subdistrict.

6 Q.Did you request a copy of the photo of your husband from Tuol

7 Sleng?

8 A.No, I have not asked for his photo.

9 Q.During the time of your husband's disappearance were there any
10 disappearances of other people at his unit or were there any
11 arrests of those people in his unit? And if so, can you recall
12 the names of those people?

13 A.At that time only two people were arrested. One was my
14 husband. Another one was Orn from Kampong Cham. Orn was also a
15 driver.

16 Q.Regarding your children, you said your three children were
17 separated and they were placed into a children's unit and only
18 occasionally you met them. And you also said after the 7 January
19 1979 liberation you fled to Battambang province and then one of
20 your children died and currently only you survived and you live
21 with your younger sibling, but you have not mentioned in details
22 about your three children.

23 Can you tell us if you have received any information regarding
24 the three children; whether they are living now and where are
25 they living, or have they all died?

17

1 A.My three children all died.

2 [09.50.44]

3 Q.Did you know how your three children died, and where did they
4 die?

5 A.No, they disappeared forever. The day that I left I was not
6 allowed to meet my children. Only the youngest infant was
7 allowed to be with me. I did not see the other children.

8 Q.During the time of your stay at Anlong Kong did that unit
9 require you to make your own biography?

10 A.Yes, they made biographies. Once in a while they would ask
11 about my own biography, where I came from and where I went to,
12 for instance.

13 Q.Were you ever photographed?

14 A.Yes. Once I arrived I was photographed.

15 MR. PRESIDENT:

16 The AV official, can you project the document with ERN number
17 00053796 on the main screen?

18 Again, the AV official, can you project the document with the ERN
19 number in the Khmer language 00053796 on the main screen?

20 [09.54.40]

21 BY MR. PRESIDENT:

22 Q.Madam Bou Thon, can you look at the photo on the screen? Can
23 you recognize this person, and whose photo is it?

24 A.This is my photo.

25 MR. PRESIDENT:

18

1 The accused, can you examine the biography of this witness? What
2 can you tell us? Can you confirm that this biography was either
3 from S-21 or S-24?

4 THE ACCUSED:

5 Mr. President, the testimony of Madam Bou Thon, as questioned by
6 you, the President, I completely agree and this photo biography I
7 also fully agree. At the same time, I would like to add that
8 Anlong Kong was a main office where Huy stayed and the biography
9 of Madame Bou Thon from the Energy Ministry. The person in
10 charge there was Rith. This is according to the statement of
11 this person.

12 Rith was only an alias, and Rith was the Secretary of that Energy
13 from the beginning, so his testimony is appropriate. And Kuy
14 Khuon was actually known by the subordinates, but his actual name
15 was Kuy Thuon not Kuy Khuon. And I tried to research the name of
16 this witness Horn and, yes, I found his name.

17 This is my response, Mr. President.

18 MR. PRESIDENT:

19 AV officer, can you remove the photo and project the normal
20 courtroom view?

21 [09.58.06]

22 Judges of the Bench, do you have any questions to be put to this
23 survivor from S-24?

24 Judge Lavergne, you take the floor.

25 JUDGE LAVERGNE:

19

1 Thank you.

2 BY JUDGE LAVERGNE:

3 Q.Thank you. I am Judge Lavergne and I have a few questions to
4 put to you to try to clarify your statement.

5 You explained that it is when you were evacuated from Phnom Penh
6 and that you were returning to your original province, that you
7 were asked to return to Phnom Penh. So who asked you
8 specifically to return to Phnom Penh while you were returning
9 back to your native province?

10 A.Nobody. They had to asked me to go back there except the Pol
11 Pot's clique. Actually, the Pol Pot soldiers, they also went
12 with us on that track. Two of them stood on each side of the
13 door and I told them my native village was at Kantuot but then
14 they said, no, the car had to return back.

15 Q.You were interviewed both by the investigators of the
16 Co-Investigating Judges and representatives of the
17 non-governmental organization, DC-Cam. Do you recall meeting
18 with representatives of DC-Cam, the Documentation Centre of
19 Cambodia?

20 A.Yes I do. I gave an interview, but I don't remember the date
21 exactly. They gave me some documents and I just keep them.
22 [10.00.37]

23 Q.You also explained that you were a member of what was referred
24 to as the 17th April people or the new people or the 75. Does
25 this mean concretely that this was due only to the fact that you

20

1 were an inhabitant of Phnom Penh when Phnom Penh was overrun by
2 the Khmer Rouge?

3 A.Yes, I was in Phnom Penh because I moved to Phnom Penh in
4 1973. I never left Phnom Penh although my family would want me
5 to go back home, but my husband said that he did not want to
6 leave with Pol Pot because there was not enough bread to eat with
7 Pol Pot. And I would be living in Phnom Penh until the day when
8 Pol Pot overrun Phnom Penh.

9 Q.When you returned to Phnom Penh and you were asked to work for
10 the Energy office at the filling station, do you recall whether
11 you were under any particular surveillance? Do you recall what
12 you said to DC-Cam in regard to one Chan who interrogated your
13 children?

14 A.Oh, I remember it. At that time I came to live in Phnom Penh
15 the first time, the singer asked my kid what kind of job their
16 father was and then they used the word "pa", which means father,
17 but then my kid told them that they did not have a "pa" or father
18 but have a "phok", which also father in Khmer, but then they kept
19 asking them questions. So I think it was only at the first time
20 when we came to Phnom Penh when they were asked such questions.

21 [10.04.02]

22 And later on, when we lived at the Energy office, then our
23 children were segregated and I was told that the children would
24 be taken to attend study sessions, but they never studied
25 anything. I met them later on, and they could not come to live

21

1 with me because they got used to living with other kids the same
2 age as theirs. And I was helpless.
3 Anyway, I could not stop them from going back to live with their
4 peers and, finally, when I left, then I left alone and I did not
5 have any opportunity to see them back.

6 Q.You also talked of the death of your own father and the
7 difficulties you encountered at around that time. Do you also
8 remember whether at that time you were monitored at that time?
9 Do you recall daring to criticize the situation in which you
10 found yourself?

11 A.I did not know whether he was killed because I had lived with
12 my father for long, so he left and returned to the home town in
13 1976. Then my husband drove the truck to Kampot, and then later
14 on told me that his father died and I was told not to tell
15 anything about this. And then one day, we paid a visit to Ta
16 Horn's house only to learn that the information was revealed, but
17 I still did not know that he was killed.

18 However, I was consoled that my father died because his karma
19 came to an end. I challenged that person who told that my father
20 was killed because of his karma reached an end. And then they
21 started to talk about other people's names like Rith and then I
22 was familiar with those names. The person who told me about my
23 father died did not want to be served the rice I cooked for him
24 because he was afraid that he would be poisoned.

25 And later on, the messenger, Vang, came to me and called me, but

22

1 I called him Brother, the messenger, because he was the chief
2 anyway. I told him that the rice was already prepared to be
3 served. "Why did not you eat the rice?" And I did not know why
4 by saying that then the person warned me that he would kill me
5 because I was talking about the people who were being killed.

6 [10.08.08]

7 And he say that actually because I had served him for so long
8 that's why he spared my life because he was very critical to my
9 outspoken manner and because of that he did not take me to be
10 killed.

11 You know, at that time I talked to the men that why in our house
12 there was only a warm water pot without other utilities and that
13 later on I was wrong to say that because it was against the
14 revolution to even say that.

15 And later on I learned that a lot of people would have been
16 killed because of such act.

17 And I now, when I looked at Ta Rith who came to pay a visit to
18 that location he was escorted by soldiers and I said, "Look, Ta
19 Rith is more like a prisoner because every time he came he was
20 escorted by soldiers." So by saying so I would have been killed
21 already because I did not know that my expression was wrong at
22 that time.

23 Q.When you arrived in Anlong Kong how old was the baby, a few
24 days or was he a little older? Was he a few weeks old by then?

25 A.He was about one month or so.

23

1 Q.You said that at this location you saw hundreds of prisoners.

2 Can you tell us how large this place was? Were they coming and

3 going all the time or was it several hundred people who were

4 there at the same time or all the time? Were they always the

5 same people or did people come and go?

6 A.At Anlong Kong -- I forget the chief at Anlong Kong.

7 [10.11.13]

8 Now, having heard from the accused about Huy and then it reminds

9 me of the person that I saw at that time. The person did not

10 come to that location regularly. Of course, people did come and

11 go and sometimes I myself was shifted to work at Unit 14 or to

12 other locations.

13 At Prey Sar it was just established after 1975 and it was used

14 for re-education and re-fashion. I lived and worked at Anlong

15 Kong and sometimes I saw truckloads of people. After their

16 biographies were taken they would be taken out. I could see

17 incoming people, new people on a daily basis, but I did not ask

18 them because it would be big trouble, and I was lucky actually to

19 be able to survive.

20 Q.You also explained that at night the guards would come with

21 electric torches to take prisoners. Did this happen every day,

22 very regularly, or exceptionally?

23 A.At that time they were -- prisoners were taken at night and

24 the next morning we would know that a few people disappeared.

25 And after our work, then we were given the meals and then we were

24

1 called to work again. So they used us at every moment. They did
2 not want us to have a good rest.

3 During the break time we would also be called to work.

4 Q.Were you beaten? Did you see any person being beaten or being
5 the victim of violence?

6 A.No, I didn't.

7 [10.14.42]

8 But I was beaten, personally actually, because I saw some banana
9 and I thought that -- I was saying that this banana would be good
10 for our meal and only saying that they beat me and accusing me of
11 being the enemy. And you can see the scars still. It's well
12 seen on my face.

13 Q.When you were interviewed by the investigators, and I'm
14 referring to document D28/10 of the case file, you also said that
15 you knew Duch during the exodus. In 1979 did you have the
16 opportunity to meet the accused? Do you recognize him? Can you
17 see him in this courtroom and did you see him after you left in
18 1979?

19 A.I did not see him in Phnom Penh although I saw him when we
20 left Anlong Kong. At that time we were running for two days.
21 Then we reached Amleang location and I was -- I was very
22 faithful. I did not depart from the group, I still went with
23 them and then we approached another location near Amleang, and
24 then we took refuge for about two nights, and then Duch was seen
25 walking and then people told us that he was the chief of the

25

1 prison. And then everyone was told to steal a good look at him,
2 and of course I know him, I recognize him, the guy who just said
3 something just now.
4 But later on I never met him. I got my relative, who asked me
5 whether I knew Duch, and I said that I knew him back in 1979 and
6 he was a man with small build and that's why -- and I even know
7 his wife. His wife was tall, rather well built.
8 And maybe he also knows that location because when the Vietnamese
9 was chasing and opened fire behind us while we were running, and
10 then I was running until I reached Chrang Chaot, and I still
11 followed the detainees and I was very stupid to follow them. I
12 didn't know. Then after I learned that my children died or
13 disappeared, then I made a swift decision to go back to my
14 hometown. And when I reached Svay Daun Keo I stayed there for a
15 few months because I did not want to come back home yet because I
16 was ashamed to be alone because my husband and children died.
17 [10.19.00]
18 When I saw my people from the hometown I would escape because I
19 was so ashamed, and then I was convinced that I should go home
20 because losing any relatives or members of the family was not
21 kind of different because everyone lost such family members. And
22 then I was convinced to go back to the hometown.
23 I had suffered a great deal and I just don't want to recall the
24 event. When I watch the movie, and having heard Duch who admit
25 that he did not kill people -- but I am not convinced because a

26

1 lot of people were killed, both at S-21 and Choeung Ek, and my
2 children and my husband would be ending up in those locations.
3 I was advised by my uncle, who was the head monk, to try to
4 forget and forgive but I could not and I am now alone. When I do
5 farming alone I am telling myself, "Why should I work with the
6 farming again, because I have no-one left to work hard for?" For
7 example, why do I need to do the farming, because my husband and
8 children already died? And then my mother also told me to try to
9 relax a little bit but I tried to be here at the Court to find
10 justice for my husband and my children.
11 Every year I go to Boeng Choeung Ek to pray for the dead souls of
12 my husband and children -- and children would be blindfolded. In
13 1979 I was taken to Boeng Choeung Ek and then I could see the
14 hair of the corpse and, having seen that, I passed out because I
15 recognized the colour of the hair of the corpses. And then I was
16 taken to the hospital and I was so disappointed. I did not know
17 why even young children like that were also killed and leaving
18 only the person in the family who will have to suffer from those
19 sufferings.
20 [10.22.28]
21 And if I have not resorted to study dharma I would have been in a
22 very serious mental condition. So after all I knew for sure that
23 my children died at Choeung Ek, and I was also told that the
24 photo of my husband is seen put on display at Tuol Sleng. I have
25 been in good memory of my husband and my kids. I never forget

27

1 them.

2 The photo of my husband was scanned and copied and sent to me but
3 I did not want to refresh the memory of the suffering. I try to
4 move on with the suffering and try to forget it. However, it's
5 difficult. My sister in the United States helps to support me
6 now and she has helped me with the money to build a house for me
7 to live in, and she asked me to actually try to move on, although
8 she told me that everyone has suffered a great deal but it is
9 time to heal the wound.

10 Q.You talked about Choeung Ek. You explained that you went to
11 Choeung Ek in 1979. When you were interviewed you also said that
12 you had recognized the cloth used to cover the eyes of the
13 children and I'm going to ask you to confirm what you said
14 before. You said that the bands around the eyes looked like
15 pieces of cloth that they had asked you, yourself, to cut out.
16 Is this correct?

17 A.No, I was not asked to do that because I was presumed as
18 enemy. They only used their people to cut the pieces of cloth to
19 blindfold the children.

20 [10.25.32]

21 When I was attending a study session only after 1979 and I was
22 introduced to Choeung Ek, and then I was told that these dead
23 bodies were the remains of the relatives and loved ones of ours,
24 no other people. Then the mass graves were exhumed and corpses
25 would be lifted and I recall the blonde hair, because my kids

28

1 also had blonde hair, and then I grabbed the hair and I was
2 shocked.

3 Q.Was there any cultivation where you were? Was there rice and
4 were there vegetables? Do you know what happened to the harvest?
5 Do you know where it was stored? And do you know whether the
6 people who were where you yourself were could take advantage or
7 use the harvest?

8 A.We cultivated the rice and we planted vegetables and we were
9 asked to carry water to shower the vegetables and during the
10 break time then we would be allowed to break and have our meals.
11 But we were well monitored to see whether we were lazy or not.
12 We grew sweet corn and there were truckloads of corn during the
13 harvest season and they were plentiful. Vegetables were also
14 grown by us but we were not allowed to eat the vegetables we
15 grew, although we harvested a great quantity of rice but we were
16 not given sufficient food or rice to eat and we did not dare
17 protest.

18 Q.Thank you very much for your testimony.

19 JUDGE LAVERGNE:

20 Mr. President, I have no further questions for this witness.

21 [10.28.50]

22 MR. PRESIDENT:

23 Since it is a convenient time to take an adjournment, we'll take
24 the adjournment for 20 minutes and resume accordingly.

25 The Court official is now instructed to make sure that the

29

1 witness can have a good refreshment and rest and return her to
2 the courtroom at the said time.
3 (Judges exit courtroom)
4 (Court recesses from 1029H to 1052H)
5 (Judges enter courtroom)
6 MR. PRESIDENT:
7 Please be seated. The Chamber is now back in session.
8 We continue to hear the testimony of the witness Bou Thon.
9 The Chamber would like now to give the floor to the
10 Co-Prosecutors to put questions to this witness if they have any.
11 The Co-Prosecutors have 15 minutes. You take the floor.
12 [10.53.36]
13 MR. SENG BUNKHEANG:
14 Thank you, Mr. President.
15 QUESTIONING BY THE CO-PROSECUTORS
16 BY MR. SENG BUNKHEANG:
17 Q.Good morning, Madam Bou Thon. The prosecution would like to
18 ask you some questions.
19 Did you recognize those people who sent you to Anlong Kong and
20 were you the only one who was sent or were other people also sent
21 when you were sent to Along Kong?
22 A.No, I did not recognize them. There was only me who was sent
23 at that time.
24 Q.Before you were sent to Anlong Kong were you first sent to
25 S-21 or were you sent directly to Anlong Kong?

30

1 A.I was sent directly to Anlong Kong.

2 Q.Regarding the work that you did at Anlong Kong, how many hours
3 per day did you work and what time did you start?

4 A.I started working in the morning. At 10 or 11 a.m. we
5 returned, we had meal and then we had labour for half an hour.
6 Then we rested and we're ready for the afternoon shift. There
7 was no rest.

8 [10.55.38]

9 Q.At that location did you notice any children who were forced
10 to do labour work over there?

11 A.It seems that there was no child at that location, only
12 adults. I only saw children when they were sent by truckloads
13 occasionally.

14 Q.Were you ever arrested and sent for interrogation during the
15 time you worked at Anlong Kong? You said that you were tortured.
16 Can you recall the person who tortured you?
17 Can you respond, please?

18 A.I cannot recall at all and I do not recognize the person.

19 Q.Did you know the people who were arrested and sent to Anlong
20 Kong? What category of people were those people regarded by
21 Angkar?

22 A.At that time, they were arrested and sent and we were regarded
23 as the enemy. That's why we were sent to Anlong Kong. We were
24 their prisoners.

25 Q.You said you knew that prisoners were taken out from the

31

1 location where you worked. Later on, did you ever see any of
2 them return?

3 A.No, none at all, and I dare not ask anybody. And some people
4 even say we would know if we were to be sent out.

5 [10.58.01]

6 Q.At Anlong Kong, did you ever participate in any meeting and,
7 if so, what was the content of that meeting?

8 A.No, we were never called to a meeting. If we made a mistake
9 we would be beaten, we would be scolded and disciplined.

10 Q.When you were at Anlong Kong, nobody ever instructed you to
11 criticize or self-criticize?

12 A.No. Like I said, if we made a mistake then we would be called
13 to rebuild ourselves and we would be beaten.

14 Q.At Anlong Kong, did you ever see any foreigners detained
15 there?

16 A.I did not see any foreigner, no.

17 Q.You said that during the time that you rested, you breastfed
18 your baby. Could you tell the Chamber the location at the child
19 care centre where you breastfed your children? Can you describe
20 it?

21 A.I cannot use other term other than "suffering". I had
22 suffered a great deal because my child was so skinny. He looked
23 so thin and small and they did not give good care for the kids,
24 and then when I came home I noted that my kid was crying. Then
25 it was time to breastfeed him, then it was only that time and we

32

1 could not really take any other time to breastfeed them.

2 [11.00.45]

3 Q.Do you remember the numbers of children at that child care
4 centre?

5 A.There were about 10 of them. Some were sick and died. There
6 were not many. Some who were sick were not allowed to see their
7 mothers because they said they had medics to cure them. The
8 mothers were not important to be near them anyway.

9 MR. SENG BUNKHEANG:

10 Thank you, Mr. President. I have no further questions but I
11 would like to share the floor with the international
12 Co-Prosecutor.

13 MR. PRESIDENT:

14 You take the floor.

15 MR. DE WILDE D'ESTMAEL:

16 Thank you, Mr. President.

17 BY MR. DE WILDE D'ESTMAEL:

18 Q.Ms. Bou Thon, I would like to put a number of questions to you
19 regarding the deprivation of liberty that you suffered in S-24.
20 When you were detained in S-24, were you free not to work?

21 A.No, I was not detained but they just used me to work.

22 [11.02.37]

23 Q.Were you free to talk with other people who were working in
24 the same place as you?

25 A.No, I was not. I had no freedom of expression, and I had

33

1 nothing to talk to them anyway.

2 Q.Were you free to share your ideas or to criticize the way work
3 was organized, the quantity and quality of the food or the
4 quality of the health care that was provided?

5 A.None of us there talked because we were afraid that our voice
6 would be heard and we were so frightened that we had to
7 concentrate only on the work, and then when we came back from our
8 work then we had to go to bed, and we had no encouragement to
9 actually talk anything about the quantity or the quality of the
10 food or the health care, because we noted that people would be
11 called to be taken away and, by seeing that. we shut up already.

12 Q.Were you free to move about where you were detained?

13 A.I would say that I was not allowed to move about easily or
14 freely because we only had to go to work and then after we heard
15 the sound of the bell then we had to come back to the place where
16 we stayed. It was like being detained in a prison without walls.

17 Q.If I say that in fact you had no rights, no freedom, and that
18 you could not take a decision by yourself, would I be correct?

19 A.Yes, it is correct. It is very correct.

20 [11.05.41]

21 Q.Were you therefore under the control of the people who managed
22 and kept you under surveillance in S-24? Would you say that
23 there was total control over you?

24 A.Yes, it was a total control over me because we were kept under
25 surveillance at all times and wherever we worked we shall work in

34

1 that location, and then we were deprived of our rights to contact
2 one another and we had to abide by their orders, and we had no
3 right to contest or challenge anything.

4 Q.Thank you. So whilst you were in S-24 did you feel that you
5 were given consideration and respect as a woman or as a human
6 being?

7 A.How could I say they respect me as a woman or as a person
8 because when they talked to us they never looked at us in the
9 face and I did not know how I was dehumanized because my life was
10 in the hands of them and they could make any decision to kill me
11 any time they wished to do so.

12 MR. DE WILDE D'ESTMAEL:

13 I have two last questions, Mr. President.

14 BY MR. DE WILDE D'ESTMAEL:

15 Q.Were the detainees generally in good health, or were they
16 rather thin? That is at S-24.

17 [11.08.25]

18 A.Some were very thin, some were normal, but at that time we
19 were so frightened, although we were thin, but we had to fight to
20 satisfy them. Otherwise, we would be killed.

21 Q.Last question, Ms. Bou Thon. If someone came from outside and
22 went to S-24 in one of the places where you worked, would it have
23 been easy for him to see that the detainees were thin or in poor
24 health?

25 A.At Anlong Kong there was a big house. When newcomers were

35

1 sent in they would be sent into the house and we could not see
2 them. The newcomers were with good health. People who were
3 transferred from the other offices or ministries, they were still
4 in good shape, but after we left to the work site they
5 disappeared and we don't know.

6 Q.Thank you very much, Ms. Bou Thon, for giving testimony.

7 MR. DE WILDE D'ESTMAEL:

8 Mr. President, I have no further questions.

9 MR. PRESIDENT:

10 Next, we would like to give the floor to the civil party lawyers
11 to put questions to the witness. Each group has five minutes.
12 All together you have 20 minutes. You take the floor.

13 [11.10.41]

14 MS. TY SRINNA:

15 Mr. President, Your Honours, today the civil party lawyers have
16 already agreed that the 20 minutes will be used by I alone to put
17 questions to this witness.

18 QUESTIONING BY CIVIL PARTY COUNSEL

19 BY MS. TY SRINNA:

20 Q.Good morning, Madam Bou Thon. I am Ty Srinna, the national
21 co-lawyer for the civil parties of Group 1 and my colleague, Mr.
22 Alain Werner, also is in the same group. Before I put the
23 questions I would like to request that in your response please be
24 brief because my time is limited.

25 I would like to seek clarification in relation to the statement

36

1 you already stated that people would be called at night and
2 disappeared. During that time, could you tell the Court how was
3 your mental condition?

4 A.I was terrified but I did not talk because I just told myself
5 that today or tonight these people were taken out; maybe the next
6 day it would be my turn.

7 Q.Next question. You told the Court that you worked at Anlong
8 Kong. Did you see any mistreatment of the people who worked in
9 the same place with you?

10 A.No, I did not.

11 Q.Did you ever see people died of tortures?

12 A.No, I didn't.

13 [11.13.12]

14 Q.Did you see people die of starvation?

15 A.No, I did not.

16 Q.Next question. In order to refresh your memory -- and it is
17 the point you stated when you gave the interview to the staff of
18 the DC-Cam. This interview was conducted on the 11th of
19 September 2004 and I would like to quote a portion of that
20 interview, and it can be found under ERN 0054525 in Khmer; in
21 English 00283851.

22 In that statement you were interviewed by the staff at DC-Cam and
23 that:

24 "When you closed the door what were you told?"

25 And you said that:

37

1 "He did not say anything then. He told me the other day that my
2 husband did not eat a few days and only when he was strangled
3 that he told about the students who returned from foreign country
4 and were executed."

5 And then the question was that:

6 "In which country were those students from?"

7 [11.15.25]

8 And you said you don't know because you said that he was only
9 asked to transport them, and when you were asked how many people
10 were there then you said you don't know. And at that time you
11 said you knew that after the people were disembarked from the
12 airplane then they would be taken away and that they would be
13 taken to Tuol Sleng Prison.

14 "The luggages of those people were put in a different truck while
15 the people would be put in another truck, and that's what he told
16 me."

17 In relation to these statements, do you recall having said that
18 to the staff of DC-Cam?

19 A. At that time my husband drove the truck and when he came back
20 he did not eat a meal. He was so sad. He did not say anything
21 and he said that a woman should not be told anything about his
22 sadness. And I told him -- I asked him to tell me anything about
23 his problem because we were only two people.

24 And then I closed the door and then put my hands on his throat
25 and forced him to answer me. And he said that we have to be very

38

1 careful and mindful of our business because people who were
2 transported from the airport were straightforward sent to Tuol
3 Sleng and the luggage would be put on one truck while the people
4 would be carried on another truck and sent straight to Tuol
5 Sleng.

6 And that's all what he told me. And he talked to me that he did
7 not want to share this information with me because women talk a
8 lot.

9 [11.17.45]

10 Q.Did your husband also tell you about the reasons why those
11 students from foreign country returned from other countries and
12 then sent to S-21? Did he tell you more about this?

13 A.No, he didn't. He did not know much further than that. He
14 was not different than me when it comes to that matter.

15 Q.Next question; in 1979 -- you talked and you told about the
16 events of 1979 to the Judge of the Chamber that you went and met
17 Duch. At that time during the time when you were on a run, were
18 you forced to go there or it was voluntary?

19 A.As I had already indicated, I was so stupid. I was not forced
20 to follow them but I tried to run after them and follow the
21 gangs. I was not compelled to go with them but I was forced to
22 leave the area and then we just followed them.

23 Q.Who actually told you to leave the location?

24 A.The chiefs at Anlong Kong because when we noted that there
25 were bombardments in Phnom Penh then we tried to escape but I

39

1 just went along blindly and I did not instead go to my
2 hometown. I didn't know why.

3 Q.You told the Court that you met the accused, Duch. At that
4 time did you realize that Duch was still the chairperson or was
5 he just ordinary person?

6 A.When I met him he was seen walking five metres apart from me
7 and we were sitting in a group and I did not know anything
8 whether he ordered us to go anywhere else or maybe he was still
9 with the authority. And we were told that he was the former
10 chief and that's all. And I just stole a glance at him and
11 that's all. And we were told that he was the Chief of S-21.
12 [11.20.41]

13 And then we started to run further and the Vietnamese would be
14 chasing behind.

15 Q.I would like to go back a little bit. When you were running
16 to the location that you met Duch, were you all together with the
17 detainees or were there civilians also?

18 A.There were mixed. There were even horses, horses that carry
19 the kitchen utilities, and we went together in the group.

20 Q.How many detainees were on the run with you?

21 A.I don't remember but there were approximately 100 people
22 because I could remember having cooked a big pot of rice. So
23 there were three big pots of rice to feed the groups or there
24 were at least 100 people.

25 Q.When you met the accused did you observe his character or

40

1 mental condition? Was he happy or heartbroken?

2 A.I did not observe his appearance because I was rather far from
3 him. However, I could see that he was just like a normal human
4 being. He wore a shirt, short-sleeved shirt and I could see him
5 walking but I did not pay further attention to his character.

6 [11.23.05]

7 Q.During the time when you were there did you ever hear from the
8 guards, the Khmer Rouge soldiers assigning new tasks, for example
9 the Vietnamese soldiers were chasing them. Did you ever hear any
10 Khmer Rouge soldier who really set new plans for during such
11 critical time?

12 A.No, there was no longer any other meeting.

13 Q.So you only met Duch once and that's all. Is it correct?

14 A.Yes, it's correct. I never met him again.

15 Q.I've got a personal question and as you were a victim during
16 the regime, did you ever make anyone hurt or injured voluntarily
17 or wilfully and, if so, did you feel remorseful?

18 A.You ask me about the Pol Pot regime or you ask me about the
19 current situation and personal question to me?

20 Q.Could you please be -- could I repeat the question?

21 If you cause any injury to anyone in a situation that it is not
22 avoided because you were compelled to do that? By doing so do
23 you think that you feel guilty or remorseful?

24 A.I never committed any wrongdoing. How could I answer to your
25 question because I never caused any harm or injuries to anyone?

41

1 [11.26.00]

2 So in my whole life as a good human being I have been doing good
3 deeds. Of course, if someone commits wrongdoing he or she must
4 be very remorseful as a good human being. But for me I have
5 never committed any wrongdoing even towards my parents or my
6 close relatives and so far I have never had any arguments or
7 quarrels with anyone of my neighbourhood or member of the family
8 and I never exploited or caused any troubles to anyone.

9 Q.Do you believe that you will maintain your good-heartedness
10 since you have been
11 a good person?

12 MR. PRESIDENT:

13 The civil party lawyer, could you please be reminded that
14 personal questions or like hypothetical questions should be
15 avoided because the question is hypothetical and I believe the
16 response itself is imaginary. So please be straightforward to
17 the fact at issue.

18 MS. TY SYRINNA:

19 Thank you, Mr. President. I have no further questions but, with
20 the President's leave, I have a small request and for the accused
21 actually to clarify for one point.

22 [11.27.57]

23 MR. PRESIDENT:

24 You are allowed to put that request to the accused.

25 The accused, please be ready to respond to the question.

42

1 MS. TY SYRINNA:

2 I have a question and there is a point that I need to seek
3 clarification from you. It is about the students and scholars
4 who graduated in a foreign country and the Democratic Kampuchea
5 regime called them home.

6 The question is why did the DK call them to come back to their
7 home country?

8 Number two: when those scholars or students returned, were they
9 sent straight for work to S-21 or were they sent to other
10 locations?

11 THE ACCUSED:

12 Mr. President, this topic is far from the pain inflicted upon
13 this witness, so it is the President's discretion.

14 MR. PRESIDENT:

15 Yes, the question is granted because this is also in response to
16 the witness testimony that this witness tried to threaten her
17 husband to reply when the plane landed at the airport as she
18 wanted to know what was going on and whether those overseas
19 students or professors were arrested and sent to S-21, and she
20 was not sure on this particular point and her husband himself was
21 not sure. So this counsel wants to know whether they were
22 transported directly from the Pochentong Airport to be detained
23 at the S-21 Office.

24 [11.30.39]

25 THE ACCUSED:

43

1 Mr. President, regarding the overseas students and intellectuals
2 who returned to Cambodia, the fact for them to be at S-21
3 involved a lot of stages.
4 First they would be put into a centre for re-education. Later
5 on, they would be sent to S 21. Later on, upon seeing the
6 analysis and judgment of the leadership -- especially Brother Pol
7 Pot -- during the last phase, the intellectuals and overseas
8 students were seen clearly through that observation and analysis.
9 It's like Phok Horn who observed and that this witness tried to
10 strangle him to respond and yes, indeed, they were sent to S 21.
11 The policies of the CPK at the time, which was led by Pol Pot,
12 changed and it became more vicious and cruel towards the
13 intellectuals, and that is the truth.
14 What I am speaking now is not try to get myself rid of those
15 crimes and responsibilities. If we briefly look at this matter
16 it could be that way but I do not blame any people of the crimes
17 committed at S-21 and, yes, I am responsible for the crimes
18 committed at S-21. I am responsible before the nation, and
19 toward the end of the final submission I would summarize all my
20 confessions and I would also mention a point regarding this
21 witness, Bou Thon. This is my response to you, Mr. President.
22 [11.33.06]
23 MS. TY SYRINNA:
24 On behalf of the counsel for the civil party, I would like to
25 thank Madam Bou Thon for her testimony before this Chamber as

44

1 well as in her response to my questions.

2 MR. PRESIDENT:

3 The defence counsel is now given the floor to put questions to
4 this witness. If you have questions, you take the floor.

5 MR. KAR SAVUTH:

6 Thank you, Mr. President.

7 Good morning, Your Honours. Good morning, ladies and gentlemen.

8 QUESTIONING BY DEFENCE COUNSEL

9 BY MR. KAR SAVUTH:

10 Q.Madam, you said Duch did not kill people personally, but he
11 was responsible for that location. Can you tell us clearly why
12 you dare to say Duch did not kill anyone with his own hands?

13 A.I said that because I did not see it. That is all. I did not
14 see him kill anybody. If I saw him beating someone or killing
15 someone, I would say so. This is my response. What else you
16 want me to say?

17 Q.Thank you. My next questions to you.

18 [11.34.58]

19 You said during the Pol Pot regime, first, you was not aware that
20 people were taken and killed. Is that correct?

21 A.Yes. If I knew people would be taken and killed then I would
22 not blame the revolution. I did not know anything. Even after
23 the liberation, I still followed them.

24 Q.Thank you. My next question.

25 So if upon the time that you knew people were taken and smashed,

45

1 and after that you knew the executioners, if they did not follow
2 the orders those executioners would be executed as well because
3 the orders came through the chain of command. So my question to
4 you is: in your mind, who would you be angry with if the order
5 came through the chain of command like that?

6 A. Now I do not know whom I should be angry with. This is the
7 reason why I want the lawyers and all the people here to find the
8 justice for me. How can I blame Pol Pot? Pol Pot is dead. And
9 who else should I blame? So I just would like to appeal to the
10 lawyers, the competent authorities, to be fair and to find
11 justice. That's all.

12 Q. Thank you.

13 With the President's leave, I would like the international
14 counsel to continue questioning to the witness.

15 MR. PRESIDENT:

16 The international defence counsel you may proceed.

17 MS. CANIZARES:

18 Given the questions that my colleague has put to the witness, I
19 do not have any extra questions to put.

20 MR. PRESIDENT:

21 The Chamber now gives the opportunity to the accused to make his
22 observations if he wishes to do so in addition to what he has
23 already stated in regards to the testimony of this witness, Bou
24 Thon.

25 [11.38.06]

46

1 THE ACCUSED:

2 Mr. President, the testimony of Madam Bou Thon is straight from
3 her bravery act to speak the truth, and it is also the right from
4 so many years of pain and suffering inflicted upon her. She lost
5 three children and she did not even know the cause of their
6 deaths and one of her youngest infants died in her hands. Also,
7 her husband lost his life.

8 What I have said is not intended to say that because she was one
9 of the components of the 17 April people, as a policy of the CPK
10 they did not involve or recruit the 17 people, but when the Party
11 decided to execute Koy Thoun then all the strings would have to
12 be arrested and executed.

13 And that was the mandate of Pol Pot. And Pol Pot decided to
14 remove Phok Horn from the Ministry of Energy and it had to be
15 decided by the standing committee in 1976. From May '76, the
16 Ministry of Energy leadership was changed and Ok and Chun
17 replaced.

18 But whatever the leadership was, the political line was still a
19 political line, and Phok Horn was removed because of the CPK
20 political line and, of course, he was transferred to S-21 and his
21 name appeared on the list.

22 Separately, the children of Bou Thon were not on the list, but I
23 still believed they were taken.

24 [11.40.29]

25 So each year when this witness goes to Choeung Ek, it is

47

1 appropriate because I believe that the husband and the children
2 were killed there so their souls were still there. Amongst the
3 millions of Cambodian people who lost their husbands and wives
4 during the regime, I accept their regret and their sorrow and
5 their suffering. And the tear that is now flowing from my eyes
6 is the tear of innocent and I respect this stance, the suffering
7 of those people.

8 I want to be close to the Cambodian people and I don't mind them.
9 They can condemn me to whatever highest level of punishment, or
10 if there is an existing Cambodian tradition, as it existed in the
11 past -- or after the death of the Christ -- Cambodian people can
12 do that to me. I would accept it. My life, just one life,
13 cannot compare to those lives which were lost during those
14 periods.

15 I accept all the mistakes, all the offences, before the Chamber
16 and before the witness.

17 MR. PRESIDENT:

18 I notice the presence of the civil party counsel. You may
19 proceed.

20 MS. STUDZINSKY:

21 Thank you, Mr. President.

22 Maybe now it is too late, but the speech of the accused brings
23 the witness into a situation that she cannot, and is not able as
24 far as I can look at her reactions, to sit there and to accept
25 this speech. That is my impression.

48

1 And I really would like to either grant a break or to stop this
2 speech which makes the accused to the victim and I would really
3 intervene at this point. This is not appropriate.

4 Thank you, Mr. President.

5 [11.43.15]

6 MR. PRESIDENT:

7 Thank you for your observation, counsel.

8 Due to the feelings of the witness at the moment -- and the
9 accused, do you have anything else to add? You are reminded not
10 to say more things in order to make this witness remember the
11 suffering that she has been inflicted upon for so many years.

12 THE ACCUSED:

13 I would like to continue a little bit more.

14 The reasons that I tried to recall the suffering of Madam Bou
15 Thon and the Cambodian people throughout the country, is to show
16 the greatest scope of suffering that I have to receive without
17 doubt.

18 I have already told the Chamber that the crimes, this tragedy in
19 Cambodia is like a dead elephant and you cannot hide it with a
20 basket. And I have already told the Chamber to the Cambodian
21 people that now you cannot use two leaves to three leaves to
22 cover a dead elephant and one leaf would represent the notion --

23 MS. STUDZINSKY:

24 (Microphone not activated)

25 [11.44.53]

49

1 MR. PRESIDENT:

2 Your objection is not granted.

3 Now, the Chamber grants the accused to speak.

4 THE ACCUSED:

5 What I said is to refer to the crimes that I have to face and to

6 accept it, regardless how large it is. I do not avoid my

7 responsibilities for the loss of the lives of people during the

8 regime as I have already and repeatedly said in this Chamber.

9 And I would not use a basket to hide a dead elephant, and like I

10 said, two leaves cannot hide a dead elephant and one leaf would

11 represent a notion of loving a country because, at that time, we

12 believed the Yuon or Vietnamese invaded Cambodia. And I, myself,

13 would accept the crimes that were inflicted upon the Cambodian

14 people and I would not pass the blame to anybody else. I already

15 stated clearly the responsibilities of S-21.

16 And now, finally, before the face of Madam Bou Thon, I would like

17 to take this opportunity to make this statement before you and

18 before the Cambodian people that I would like to share the sorrow

19 and the suffering from you from the bottom of my heart. That is

20 number one.

21 And number two, I will accept without challenge to all the

22 judgments which will be made by this Chamber; the judgment for my

23 role as the Chairman of S-21 and all the crimes committed there.

24 I will accept it by legal means and by psychological means.

25 And I am humble before the Cambodian people to accept all these

50

1 crimes and I would like the Cambodian people to condemn me to the
2 strictest level of punishment. I would like the Cambodian people
3 to be brave and courageous and talk straight and honest like
4 Madam Bou Thon.

5 This is my response, Mr. President.

6 MR. PRESIDENT:

7 Now it is time for an adjournment for lunch break. The Chamber
8 will adjourn and it will resume in the afternoon, starting from
9 1.30 p.m.

10 [11.48.00]

11 Before the adjournment, the Chamber is grateful for Madam Bou
12 Thon's presence and participation in providing her testimony to
13 the Chamber as summonsed by the Chamber.

14 The Chamber also notices and acknowledges the challenges and
15 difficulties faced by you because the facts have existed for so
16 many years and during the testimony you were faced with several
17 questions put forward by the Chamber and the parties to the
18 proceedings. Regardless, the Chamber is appreciative of your
19 patience and responses to the questions.

20 Court officer, can you make necessary arrangements with the WESU
21 unit to arrange for the safe travel of Madam Bou Thon.

22 (Witness exits courtroom)

23 Security guards, take the accused back to the detention facility
24 and bring him back before 1.30 this afternoon.

25 The hearing is now adjourned.

51

1 THE GREFFIER:

2 All rise.

3 (Judges exit courtroom)

4 (Court recesses from 1149H to 1332H)

5 (Judges enter courtroom)

6 MR. PRESIDENT:

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

8 The civil party lawyer, Ms. Silke Studzinsky, you take the floor.

9 MS. STUDZINSKY:

10 Thank you, Mr. President.

11 I would like to give some information about our client,

12 additional information about our client and civil party, Ms. Nam

13 Mon and I would only ask you if I should do it now or after

14 reading the documents. It needs some minutes. It's not very

15 long.

16 [13.33.28]

17 JUDGE CARTWRIGHT:

18 Yes, thank you, Mr. President.

19 May I just ask for clarification, Ms. Studzinsky? You have some

20 additional documents, or you need to explain some documents that

21 have been filed?

22 MS. STUDZINSKY:

23 No. I received in the meantime additional information that --

24 about her and she responded to questions that I put to her which

25 are not related to the documents that have been submitted and I

52

1 would like to share this information with the Chamber and the
2 parties and maybe also up to your discretion to ask her again in
3 person if you find it appropriate.

4 (Deliberation between Judges)

5 MR. PRESIDENT:

6 Regarding the request by the civil party group 2, Ms. Studzinsky
7 asked that the Chamber accept the further information in relation
8 to witness Nam Mon before the reading of the statements of the
9 witnesses, and please be informed that this request is not
10 regarded as relevant at this time.

11 If the lawyer would wish to raise such a request again then she
12 would do so during the session in which the statement or the
13 testimony of the civil parties is being heard. This schedule has
14 already been planned to next week, starting from the 17th of
15 August 2009, and during that period of time there will be a
16 session in which there will be the position for the challenges
17 that would be raised by the defence counsel in relation to the
18 civil party applications, and this issue has already been
19 notified to the parties, so the Chamber would not accept any
20 other agenda which is not planned in our schedule during this
21 afternoon's session.

22 [13.39.21]

23 JUDGE CARTWRIGHT:

24 Yes, thank you, Mr. President. I'm not sure that the translation
25 was sufficiently clear, but next week it is intended to hear from

53

1 defence counsel whether they challenge any of the civil parties'
2 testimony or status, and not to hear from them in detail but just
3 to give us the information.

4 At that point it seems a good time for you to raise your issue,
5 Ms. Studzinsky. Have I clarified the translation adequately?

6 MS. STUDZINSKY:

7 Yes, thank you for this clarification and I only want to add that
8 I received this information that I wanted to submit at any time
9 to the Chamber recently, and of course after the testimony of
10 civil party Ms. Nam Mon, and therefore I couldn't submit it
11 earlier but I agree upon, of course, to raise it at the
12 appropriate time and I will do this then next week and give this
13 further information. Thank you very much.

14 MR. PRESIDENT:

15 We note that civil party lawyer Group 3 is on her feet.

16 MS. TRUSSES-NAPROUS:

17 Thank you, Mr. President. I had indicated to the Chamber that I
18 will inform you as soon as possible following the documents that
19 we hope to obtain, and I'd like to say that we would like to
20 indeed continue with the questioning of file E82/1 and we will
21 not ask for the questioning of civil party E2/81. We will not
22 ask to have this civil party questioned. Thank you.

23 [13.41.37]

24 And this in such a way so that the Court can organize the
25 schedule in the best way possible.

54

1 MR. PRESIDENT:

2 Thank you very much for informing the Chamber.

3 Next, the Greffier, Mrs. Se Kolvuthy, is now instructed to read
4 the written record of the interview of Phach Siek, document under
5 D78/5.

6 THE GREFFIER:

7 Document D78/5:

8 "This is the written record of the interview of Witness Phach
9 Siek, alias San. This record was done on the 1st of April 2008
10 at 2.30 p.m. by the investigators of the Co-Investigating Judges
11 Office in the Extraordinary Chambers in the Court of Cambodia.
12 Questions and answers.

13 Q.Before 1975 what did you do? Where did you live?

14 A.I joined the revolution in 1972 at Tik Andaung village, Taing
15 Krasao subdistrict, Santuk district, Kampong Thom province.
16 Comrade Linh, the district chairperson, brought me in. I joined
17 a production unit which grew farm crops like jack fruit and
18 bananas at Dei Kraham in Sandan district.

19 [13.44.06]

20 When I joined I volunteered since they told me that joining the
21 revolution was to liberate the nation and bring Prince Sihanouk
22 back into the country. I was in the production unit until 1974,
23 when they recruited female soldiers in the North Zone where Kuy
24 Thuon, alias Thuch, who was the zone chairperson, and his wife
25 Try, was chairman of the women's battalion which I was in, in

55

1 Kampong Thom province.

2 I received military tactics training at Chaeng Daeng in Santuk
3 district for three months, and they sent me for additional
4 training at Chong Dar village, Baray district, Kampong Thom
5 province. Later they sent me to fight on many battlefields where
6 Commander Chum, female, was a chairman of the 18th Battalion, and
7 another commander, Beng, was the regimental commander who
8 controlled three battalions including my battalion.

9 In January 1975 they moved from the Kampong Thom sector forces up
10 to the Central Army, which was called the regular army, which
11 moved around fighting everywhere; fighting in Kampong Cham,
12 Kampong Thom and Siem Reap. Afterwards they had us rest for
13 three months to prepare to attack Phnom Penh.

14 [13.46.04]

15 During the attack on Phnom Penh I was in the 1st Division where
16 Ouen was chairman and Kim was deputy chairman. The 1st Division
17 attacked and entered Phnom Penh through Chetris, Oudong, but at
18 that time I was responsible for an economic section issuing rice
19 to the troops.

20 Q.Between 17 of April 1975 and 1979, where did you work?

21 A.When we attacked and reached Phnom Penh, my first division was
22 based from Phsar Thmei to Prek Phnoeu. They had me farm wet and
23 dry season rice at Boeng Bayap near Tuol Kok.

24 On 18th of March 1977 I was arrested and put in Prey Sar. Chheng
25 and Ol, the messengers of Kim came to get me at the Preah

56

1 Ketmealea Hospital where I was sick at the time, and they did not
2 tell me the reason for my arrest. They only told me that to come
3 to the division headquarters to wait for a truck to come get me.

4 [13.47.51]

5 At 8 p.m. a military Jeep came to take me and another comrade
6 named Yoeun, who came from Kampong Cham, and they took us
7 straight to Prey Sar, passing through the glass factory.
8 Before they arrested me they arrested Division Commander Oeun and
9 Deputy Kim and took them away in 1977, saying they were going to
10 study. Later they arrested Chhan, the regimental commander,
11 Comrade female Chum, the chairperson, At, the deputy chairman,
12 and Than, the member of the women's regiment in 1977. I did not
13 know where they were taken but I never saw them come back at all.
14 My husband, Sam Veat, who was a deputy battalion commander in the
15 1st Division, was also arrested during 1977. After that I never
16 met him. There has been no news of him since then.

17 Q.How did you know that the place they took you was Prey Sar?

18 A.When I first got to Prey Sar, Comrade Pong and Comrade Soeung,
19 who were the chairman and deputy chairman in charge of married
20 prisoners, called me and Yoeun to a meeting and said that that
21 place were Prey Sar. And they told us, 'You must know that this
22 place is for holding traitors from the previous era. And this
23 place is for tempering and self-building. If you build
24 yourselves well, you will stay alive. If not, you will die.'

25 The comrades' chairman and deputy chairman said, 'It is not just

57

1 you in the zones who are traitors. Even your mothers and fathers
2 are traitors as well.'

3 [13.50.21]

4 Q.Please describe the work system and the living conditions at
5 Prey Sar.

6 A.Pre y Sar was a square, four kilometres on each side, and had
7 no fence surrounding it. But inside there were sites for rice
8 farming, an office and work buildings which included Buildings
9 14, 17 and Building 25, the place where Ta Thy and Phal worked
10 and lived.

11 Aside from that, the entire Prey Sar compound had many villages
12 where they had the prisoners live in individual houses; for
13 instance Kdol village and Roka village. And at night they locked
14 the houses from the outside so no-one could go anywhere.

15 They divided the prisoners into units to work. For instance, I
16 was in Unit 16, a place for holding married women and old women.
17 Unit 14 through Unit 17 were for holding unmarried women. The
18 men were likewise divided into units for married men and units
19 for unmarried men. At Prey Sar there was a unit for children
20 from ages 13 through 15 whose parents had been arrested and
21 brought there.

22 And there were old people too, like the mother of Ta Ouen, aged
23 70, the commander of my first division who had also been arrested
24 and brought to Prey Sar.

25 [13.52.17]

58

1 Work began at 2 a.m. until 12 noon, when we stopped to rest and
2 ate gruel, with each person receiving two scoops of gruel. Then
3 we went back to work at 1.30 p.m. until 5.30 p.m., when we rested
4 and ate and then continued working until 10 p.m.

5 The food was insufficient and when we were sick they just brought
6 us two or three pills. There were no injections. If they made
7 us keep on working but we were not yet well, a truck came to take
8 us.

9 At Prey Sar, Thy was in overall charge. Phal, the deputy
10 chairman, came to hold a meeting to tell those of us in Unit 16
11 to strive to build ourselves, saying that the group from the
12 north had betrayed the Party and had collaborated with the Yuon.
13 April 17 people were prisoners at Prey Sar too but I never saw
14 foreigners like Vietnamese. The work at Prey Sar Prison was
15 working the rice fields, putting up paddies, dykes, digging
16 canals and mixing fertilizer. Comrade Pong held a meeting to say
17 that Tuol Sleng Prison were for holding those who had betrayed
18 the nation and who had high ranks from regimental level cadres to
19 division commanders and zone leaders, and that Prey Sar was for
20 the prisoners who were subordinates.

21 Q.If prisoners committed offences, what measures did they take
22 at Prey Sar?

23 [13.54.10]

24 A.If they committed offences they did not let them eat gruel but
25 had them work as usual and put them in Building 14, where there

59

1 were chains for hanging, and they beat them. Building 14 was
2 used to hold prisoners. In the past there had been a female
3 arrested and taken to Building 14 and in the morning when she
4 returned I saw that her face was swollen and they displayed her
5 as an enemy whose example was not to be followed.
6 Buildings 14 and 17 and 25 were outside the villages at Prey Sar.
7 The offences committed were picking up and eating crabs, snails,
8 ripe sugar palm and ripe wood apple.
9 Aside from that there was a cell for administering electrical
10 shocks for interrogating both men and women, which I only learned
11 about when Pong and Soeung, the chairman and deputy chairperson,
12 told me.
13 Q.Do you know where the prisoners who were arrested and sent
14 away from Prey Sar, and the prisoners placed into Prey Sar came
15 from and where they were taken?
16 A.I just know that every night I heard the sounds of trucks
17 coming to Prey Sar and they called people out of the houses where
18 they were living into the trucks and took them away. I did not
19 know where they were taken. They only came to take people at
20 night.
21 [13.56.26]
22 Those people were named in lists they had called out. Every
23 single week they had me take clothing and burn it in the rice
24 field. I assumed that it was the clothing of people who had been
25 arrested and taken away, and I never saw them return.

60

1 There were a total of 500 to 600 prisoners at Prey Sar, both men
2 and women. I never saw them torture or beat prisoners with my
3 own eyes.

4 As for me, I was held in Prey Sar prison for about three years
5 and I was never tortured or beaten, but my name was called out to
6 board the truck three times by mistake during 1978.

7 I also heard the sounds of trucks entering Prey Sar because I saw
8 strangers. I did not know where they had come from. When I just
9 heard trucks arriving, I would become frightened already. I
10 never saw any prisoners released.

11 [13.58.02]

12 Q.Did you know Duch? Did you ever see Duch come to Prey Sar?

13 A.I knew Duch because before we fled from the Yuon in late
14 December 1978, he came to a meeting of all of us at Prey Sar
15 including the old, the children, the men, the women and he
16 announced, "I am Duch, the Chairman of Tuol Sleng prison and the
17 Chairman of Prey Sar prison." I did not know Duch before that.
18 The content of the meeting was him talking about the East Zone
19 and North Zone soldiers being traitors and joining the Yuon and
20 he said he regretted that they had taken good comrades and killed
21 them, and that later he had learned that the comrades had not
22 been traitors; that just the leaders had been traitors. He
23 allowed the prisoners to express opinions and Chhorn, male, stood
24 up and gave his opinion that, "I struggle to liberate the nation,
25 but was accused of treason. Were my 13- and 14-year-old children

61

1 who were arrested also accused of treason?" After that meeting,
2 they let us eat three meals a day with dessert in the afternoon.
3 Later, on the day the Vietnamese came on 7 of January 1979, Duch
4 and his unit came to take the Prey Sar prisons to Amleang,
5 Kampong Speu to Thma Kob village and Tumneab village where Duch
6 ordered 25 people arrested and taken to be killed including me,
7 but six persons were released including me. The others
8 disappeared and were not seen to return to the villages.

9 [14.00.27]

10 Q.Did you know the condition of the people when you reached
11 Phnom Penh on 17 April 1975?

12 A.When I entered Phnom Penh, the people had been evacuated out
13 by the Khmer Rouge soldiers. My first division also received
14 orders from Commander Oeun to evacuate the people away saying
15 that they would be gone at the most a week or two and they would
16 be allowed to return.

17 After only four or five days, all the people had been evacuated
18 from the city. I did not see any people killed then because they
19 agreed to leave. I saw pagodas, but did not see religious
20 observances.

21 Q.Why did they arrest you and send you to Prey Sar?

22 A.When they arrested me, they did not tell me the reason, but
23 when I reached Prey Sar, they told me that I had been a traitor
24 and had collaborated with the Yuon. They said, "The leaders are
25 traitors, that the subordinates are traitors too". The neighbour

62

1 interrogated me at Prey Sar. They had me work and tempered
2 normally and they never put me in chains.

3 At Prey Sar, I saw the old prison buildings remaining from the
4 previous era, but they were not used to hold the Khmer Rouge era
5 prisoners; they were left empty.

6 While I was at Prey Sar, I never knew; they never took me to Tuol
7 Sleng Prison. I only heard them talk about Tuol Sleng Prison.

8 [14.02.45]

9 In the 1975 era, I was a regimental economics chairperson in the
10 1st Division. That regiment had three battalions which had a
11 total of 900 persons.

12 At Prey Sar, prisoners were not permitted to speak to one
13 another. They were forbidden to move around freely and they were
14 guarded night and day.

15 Q.Please describe what your woman's regiment in the 1st Division
16 commanded by Oeun did when it entered Phnom Penh?

17 A.The woman's regiment had three battalions. One battalion was
18 sent to Sre Ambel. Another battalion was sent to the government
19 section in Tuol Kok and the other battalion was in the first
20 division staff near Wat Phnom.

21 Q.What types of prisoners were at Prey Sar?

22 A.The prisoners included 1,700 people and soldiers from the East
23 and North zones, but I just knew about female prisoners. I did
24 not know about the male prisoners because they did not allow us
25 to move around and make contact. All prisoners had to stay in

63

1 the houses in the villages; 15 to 20 persons in each house and
2 they were not handcuffed or leg shackled, but they locked the
3 houses from the outside.

4 [14.05.02]

5 At Prey Sar, they divided the prisoners into units or more than
6 100 persons each with a unit chairman and deputy chairman in
7 charge, all of whom had been prisoners arrested during 1975.
8 Each unit was divided into small teams of 15 to 20 persons with a
9 team chairman, a deputy and a member in charge. This was the
10 structure in my unit.

11 I got free of Prey Sar when fleeing from the Yuon to Amleang.
12 When the Yuon attacked Thma Kob village in Amleang, I slipped
13 from Duch supervision. I did not know where M-13 was. I just
14 knew that place where I was in Amleang was called Thma Kob.

15 I requested to draw from memory the layout sketch of Prey Sar
16 which is attached to this record.

17 One copy of this record was provided to this witness. After it
18 was read aloud, the witness had no objections and agreed to sign
19 or impress right thumbprint."

20 MR. PRESIDENT:

21 The AV official, can you show the document 008186771 on the main
22 screen?

23 After hearing the reading of the statement of the witness Phach
24 Siek by the Greffier, do the Co-Prosecutors have any comments to
25 make regarding this person's statement?

64

1 MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President. I have only one observation to make

3 and it is related to the nature of S-24 and to the wording

4 "re-education centre".

5 In the statement that was just read out the witness mentions Pong

6 and Soeung when he arrived at Prey Sar. And both of these people

7 told him, and I will quote this:

8 [14.09.30]

9 "You must know this place is used to imprison the traitors to the
10 nation and is also used to have people be re-educated. They will
11 survive if they behave well and they will die in the opposite
12 case."

13 So I am now asking myself, following this quote -- asking myself
14 about the exact nature of S-24, since it was a centre where
15 people who were sent there were not re-educated, as it is
16 commonly known, but were rather being exploited and the only
17 thing that they could hope for if they behaved well was survival
18 and not recovering their freedom.

19 So therefore I would like, if you allow me to, to get to question
20 the accused and to see how he will react to this and if I may ask
21 him if this was really a re-education centre where people could
22 be released or was it in fact a place where the only hope for the
23 people who were detained there was just survival? Thank you.

24 MR. PRESIDENT:

25 Based on the submission, I think the accused during the previous

65

1 observations has made sufficient observations.

2 The accused, do you wish to add anything to the request made by
3 the Co-Prosecutor? I believe during the questioning of the
4 operations of S-21 you already answered to this question. If you
5 wish you can do it now in addition to what you said.

6 THE ACCUSED:

7 Mr. President, I did respond in details to this question. So I
8 do not have anything else to add.

9 [14.12.05]

10 MR. PRESIDENT:

11 The civil party lawyers, do you have any observations to make
12 regarding the statement of Phach Siek as read by the Greffier?

13 MR. WERNER:

14 Your Honours, the civil party lawyers do not have any comments
15 for this witness. Thank you.

16 MR. PRESIDENT:

17 And what about the defence counsel? Do you have any observations
18 to make regarding the content of the statement of Phach Siek as
19 read by the Greffier?

20 MR. KAR SAVUTH:

21 Thank you, Mr. President.

22 Regarding the statement of Phach Siek, I noticed that in certain
23 portions of the statement there are contradictions contrary to
24 other witness statements. This morning Bou Thon said at Amleang
25 Duch did not order anybody to do anything as he was also fleeing

66

1 from the attack of the Vietnamese. But Phach Siek said at Amlang
2 Duch still issued orders to arrest 25 people and then they were
3 executed.

4 This is just my observation, Mr. President.

5 [14.13.48]

6 MR. PRESIDENT:

7 The accused is now given an opportunity to make observations of
8 Phach Siek as read out by the Greffier.

9 THE ACCUSED:

10 Mr. President, the witness statement of Phach Siek has numerous
11 points which are appropriate and reflect the truth.

12 Number one is that she joined the female unit under the
13 supervision of Kuy Thuon's wife. Her revolutionary name was Thy
14 and later on she was integrated into the 1st Division of the
15 North Zone. This division before 17 April 1975 and a little bit
16 after that was supervised by Oeun and Kim Men.

17 I knew this person Kim clearly. His original name was Prak Kim.
18 He was in prison with me in 1968 and after 1975 the General Staff
19 transferred him to the North Zone because it was rumoured that he
20 scolded badly to his combatants.

21 So in early '75 Phach Siek made a proper statement but Kim did
22 not exist in '77 so she could not grasp the situation at the
23 division where she belonged. She said she was the chairwoman of
24 the economics section of that division. Actually, that division
25 was changed to 703 Division and then she should know Voeung, the

67

1 deputy secretary of the 810 Division. So I am uncertain
2 regarding this point.
3 In addition, she said her husband's name was Sam Veat and that he
4 was arrested. I tried to locate the name on the list of the
5 prisoners to be smashed at Prey Sar and I found the name Sam Veat
6 on that list but that Sam Veat was a member of the company at the
7 Ministry of Commerce and actually she said her husband was a
8 member of a platoon in the 310 Division. So it's possible that
9 the names are the same but they are two separate persons.
10 Separately at Prey Sar there was a section regarding the
11 interrogation and I believed there was a temporary detention at
12 Prey Sar before a decision was made by the S-21 Committee, but
13 there was no interrogation section at Prey Sar. This is my
14 observations regarding Prey Sar.
15 And she said about the Division 313, 14, 15, and 16. That is
16 correct. And she said the overall charge person at Prey Sar was
17 Thy. That is contradictory as we all knew Huy was the one who
18 was in charge at Prey Sar. And finally, towards the end of her
19 statement, she said at Thma Kup I still arrested people, and that
20 is not the truth. Like Bou Thon this morning, her statement was
21 true.
22 [14.18.22]
23 So in conclusion, I have some impressions that she might not be
24 the person who suffered at that location. She could be a member
25 of the former 310 Division of Comrade Ouen but worked in a

68

1 separate unit, and this is just my observation, Mr. President and
2 Your Honours.

3 MR. PRESIDENT:

4 Next, Mr. Duch Phary, you are instructed to read the written
5 record of interview of the witness Kaing Pan. The document's
6 reference number is D78/3. You may proceed.

7 THE GREFFIER:

8 Document D78/3:

9 "This is the written record of interview of witness Kaing Pan,
10 alias Huy Pan, born on 3rd of April 1954. This written record
11 was made on the 31st of March 2008 at 10.10 a.m. by the
12 investigator of the Extraordinary Chambers in the Courts of
13 Cambodia.

14 Q.Did DC-Cam interview you in October 2003?

15 A.Yes.

16 Q.We will read the entire text of the 13 October 2003 interview
17 by Mr. Phan Sochea of DC-Cam and summarize a number of important
18 points and ask do you acknowledge the entire text? You are from
19 Traey Troeng village and you were coerced by the village chairman
20 to join a unit. You attended military training for a period of
21 one year, along with many other students, and later you joined
22 the 12th Division.

23 [14.21.05]

24 In the beginning you transported food but later you fought on the
25 battlefields south of Ta Khmau before the day Phnom Penh was

69

1 liberated in 1975. After 17 April 1975 you were based at the
2 Kandal province office as a guard for a period of time and
3 entered Steung Bakou, where you lived until the year the
4 Vietnamese attacked in 1979.
5 The leader at Steung Bakou was Huy, whose wife was Khoeun, and
6 you were arrested before the Vietnamese came in 1979. Steung
7 Bakou was an agricultural site planting and growing, digging
8 canals, working from six in the morning until five in the evening
9 and there was night work as well. The food was sufficient; three
10 meals a day.
11 You were a chairwoman of a unit of 12 persons being tempered and
12 looked after between 70 to 80 eight to 10 years old children
13 whose parents had been accused of involvements and tendencies.
14 All those children had been sent to Steung Bakou after their
15 parents had been separated from them. The children were dumped
16 there and abandoned. More than 30 disappeared about one week
17 before the Democratic Kampuchea regime fell.
18 You declared that the people being tempered were removed from
19 Bakou during night-time but you did not know why they were taken
20 away. You did not know what happened to them but claimed that
21 they must have been taken to Tuol Sleng. There were no killings
22 or torture at Steung Bakou.
23 [14.23.30]
24 You knew that Bakou was subordinate to Duch, whom you knew to be
25 the Chairman of S-21. You met Duch when you studied two times,

70

1 each time for a period of one week at the Tuol Sleng office.
2 Duch very seldom came and the instruction was given by others.
3 During those studies there were various documents but no
4 "Revolutionary Flag" documents were provided.
5 You heard screams but never entered the prison or saw any
6 prisoners walking back and forth because they were put into
7 covered trucks for transport.
8 A.That text is entirely correct.
9 Q.Please further describe your work at Steung Bakou.
10 A.They pulled me out of Unit 11 and I don't know who made the
11 decision to move me, and I was sent to Steung Bakou because I had
12 a bad personal history and had an elder sibling who had been a
13 teacher. I did not know that Steung Bakou was a tempering site.
14 When I arrived there I saw Mao, the deputy chairman of the 41st
15 Regiment, who had been arrested and sent to Bakou for one night
16 before he was sent to Tuol Sleng.
17 [14.25.31]
18 I was a person being tempered and I was responsible for looking
19 after 12 other persons being tempered; all females. Those being
20 tempered had been pulled out of the various divisions and they
21 were intellectuals et cetera.
22 I looked after 30 to 40 children who had been separated from
23 their parents who had involvements and tendencies. The children
24 told me that they were the children of high-level officers of the
25 previous regime, police, military and the educated, for instance.

71

1 All those children had been sent to Bakou approximately two or
2 three months after Phnom Penh was liberated in 1975.
3 Q.Please describe the Bakou location and structure.
4 A.Steung Bakou was located south and directly opposite Wat Prey
5 Sar. There were three residence sites there for the people being
6 tempered. The first was the woman's unit on the other side of
7 the canal from Huy's house about 20 to 30 metres from Huy's
8 house. The second was near Wat Prey Sar which was the economics
9 unit. The third was a site for the youth unit to live. That
10 site was near Huy's house but far from the woman's unit. Each
11 unit had about 50 people being tempered, units of 50. I will
12 draw the structure of Bakou for you. The geography and the
13 structure are attached to this record.
14 Huy's house was a large, high house with a pool of water in
15 front. Huy lived there with his wife and child, along with five
16 or six messengers. The people being tempered there often
17 attended meetings with Huy at Steung Bakou which focused on
18 strengthening the planting and cultivation.
19 [14.27.59]
20 Bakou was a part of S-21 and was a tempering site. Bakou was
21 considered to be part of Prey Sar. That was unclear. Those who
22 were not able to temper themselves were sent to S-21. Bakou was
23 led by Huy and Huy was under the supervision of Duch.
24 Q.Please describe the conditions of the people being tempered at
25 Bakou.

72

1 A.The people being tempered worked every single day from 7 until
2 11 a.m. and from 12 until 5 p.m. Sometimes they were required to
3 work at night from 7 until 10 p.m. The work was digging canals
4 and transplanting. The children were used to collect fallen
5 fronds of rice. Bakou was not surrounded by fence but the guards
6 who were Huy's messengers came to check the residences every
7 single day.

8 Those being tempered did not dare run off from Bakou because they
9 feared they would be captured. Not a single person escaped from
10 Bakou. If someone was missing because they ran off, the team
11 leaders were held responsible. They would be taken for
12 self-building and guidance.

13 I saw two women die. One hanged herself and the other died in a
14 pool of water for an unknown reason. The people being tempered
15 lived in ordinary houses. They were not shackled. When they
16 were ill, there were medics in each unit of 50 to examine and
17 treat them.

18 [14.30.12]

19 Those tempering in the women's unit could not contact those
20 tempering in the youth unit. They met during work time.

21 As for the food, the first year work began at Bakou, there were
22 shortages of food but later on there was enough food for all the
23 people being tempered. They all ate communally.

24 Q.You said that the people were pulled out of Steung Bakou and
25 taken to Tuol Sleng. Please describe this further.

73

1 A.I saw them arrest people at Bakou to take them to Tuol Sleng
2 at night, 5 to 6 p.m., in covered trucks every week to 10 days.
3 I know that those trucks had come from Tuol Sleng because I
4 recognized the trucks and the people who had worked at Tuol
5 Sleng, when I attended studies near Tuol Sleng.
6 I think that the orders to remove those tempering at Bakou were
7 orders issued by S-21, not by Huy. Huy just followed the orders
8 of S-21. Those who came to get the people being tempered first
9 met with Huy and then Huy's messengers went with them to the
10 residences, called them out by name, and told them they were
11 going to a different work place outside Bakou. All those being
12 tempered, even the children, thought they were probably being
13 taken and killed because no one ever returned.
14 [14.32.26]
15 When they came to get small children, they told them that they
16 were being taken back to meet their parents. Some of the people
17 being tempered, especially the children, hid themselves after
18 hearing others tell them that they were being removed from Bakou,
19 but the people being tempered went around and collected the
20 children and brought them back to the residences.
21 All the children were removed before the Vietnamese came, except
22 for one girl who travelled along with me to Phnom Oral and who
23 died there. The reason the girl had not been removed was because
24 she had lived with her mother.
25 I learned that the wife and infant child of Huy were removed and

74

1 taken to Tuol Sleng about one week before the Vietnamese came. I
2 learned this because a guard at Tuol Sleng told me while we were
3 fleeing together when the Vietnamese were attacking. I
4 personally saw Huy for the last time about two or three days
5 before the Vietnamese came in 1979.

6 Q.Did you ever see Duch?

7 A.In 1978, I saw Duch come to Bakou twice with a messenger.
8 Each time it was for a period of one day and he only met with
9 Huy. I knew he was Duch because I had seen him while I was
10 studying at Tuol Sleng.

11 Q.When you were attending studies, what did you see or hear at
12 Tuol Sleng?

13 A.I heard the sounds of people screaming -- O!, Help! -- coming
14 from covered trucks passing by the residence site during the
15 studies.

16 [14.34.57]

17 Q.Do you know if any of the workers and those who were tempered
18 at Bakou are dead or alive?

19 A.I forget the names of Huy's messengers and I did not know if
20 they are dead or alive. I know that Comrade Tha, who was in my
21 team at Bakou, is alive. Today, she lives in Battambang but I
22 don't know which village, sub-district or district. I know that
23 Comrade Leng from Bakou is alive and now living at Roka Leu or
24 Kraom village, Khpok sub-district, S'ang district, Kandal
25 province.

75

1 I know that Comrade Prak Khem is now living at Sampan Leu, Prek
2 Ambel sub-district, Koh Thum district, Kandal province, but I
3 have not met or contacted him for the past 10 years.
4 The witness was also given the biography with the photo attached.
5 One copy of the written statement was provided to this witness at
6 1605H on 1st of April 2008. After it was read aloud the witness
7 had no objections and agreed to sign and place thumbprint."

8 MR. PRESIDENT:

9 The AV Unit is now instructed to put document under ERN 00186758
10 up on the screen. Could you please scroll down so that we can
11 see until the final page?

12 The parties to the proceedings are now advised to review this
13 document, including the accused himself.

14 The AV Unit is now instructed to remove this document. Put
15 another document with ERN 00186759 in Khmer.

16 The parties to the proceedings and the accused, could you please
17 review this document up on the screen?

18 [14.38.45]

19 Next, do Co-Prosecutors wish to make any observation in relation
20 to the statement of Kaing Pan already read by the Greffier of the
21 Trial Chamber just now? The floor is yours.

22 MR. SENG BUNKHEANG:

23 Thank you, Mr. President. Having heard the statement read out
24 and in order to make sure that there is a good record in the
25 transcript, the prosecution would like to suggest that page

76

1 number 2 on the second line from bottom -- the phrase be
2 corrected because in that expression that the person was the
3 chief of the zone, but it was not the chief of the zone; he was
4 the chief of the commune instead.
5 And a point for another correction, on page number 5 line 17.
6 The Greffier read that "except one girl who travelled with me to
7 Phnom Oral and stayed there". In Khmer it was "stayed there" but
8 in English "the girl died" actually.

9 MR. PRESIDENT:

10 The civil party lawyers, would you wish to make any observation
11 in relation to the statement of this witness?

12 MS. STUDZINSKY:

13 Yes, thank you, Mr. President. I would like to make one
14 observation and that is the following.

15 Text read out of the statement of the witness referred to an
16 interview with DC-Cam and the witness confirmed her statement
17 made before DC-Cam, and therefore I would like to refer to this
18 statement, which is in the Khmer version the document number D59
19 and then the ERN 00052417 through 00052440. And in English, as
20 far as I know, until now no full translation available; only a
21 summary which can be found under the ERN 00178327.

22 [14.42.09]

23 I refer now to the English summary and there on the second page
24 of the summary that the witness -- and I quote -- "recalled that
25 marriages were arranged for medics and cadres at the battalion,

77

1 company and platoon levels, with groups of 30 being married at
2 one time." And as far as I have learned, in the Khmer document
3 this should be in the original on page 24 of the document, the
4 last page, but I'm not quite sure if this is right.
5 Therefore I want to comment on this only that this shows that
6 group weddings arranged by so-called Angkar took place in Steung
7 Bakou and which was under the order of the accused and this fact
8 shows or sheds light on the living conditions of the staff there.

9 MR. PRESIDENT:

10 We have already given the floor to the civil parties' lawyers to
11 make observation in relation to the statement read out by the
12 Greffier of the Trial Chamber and the latest observation seems to
13 be far beyond what the Chamber wished the civil party lawyer to
14 comment on.

15 Next we would like to give the floor to the defence counsel to
16 make their observation in relation to the record of the interview
17 of Kaing Pan as read out by the Greffier of the Trial Chamber.

18 MR. KAR SAVUTH:

19 Thank you, Mr. President. The defence counsel has no
20 observations.

21 [14.44.49]

22 MR. PRESIDENT:

23 Next, and finally, the accused is given the opportunity to make
24 his observation in relation to the statement already read out,
25 and two documents that are related to this document; the annexes.

78

1 THE ACCUSED:

2 Mr. President, first of all I would like to recognize document
3 00186758, which belongs to the documents of S-21, truly. It
4 means I admit that Kaing Pan was a member of S-21 who was
5 dispatched to work at S-24, Prey Sar.
6 Number two, I'd like to accept that the statement of Kaing Pan is
7 true in principle, so the document itself is true and there has
8 been very, very few shortcomings. For example, she said that Huy
9 lived with his wife. Actually Comrade Huy did not live with his
10 wife because his wife was used in Phnom Penh and he only came to
11 pay her a visit whenever he could. So this is the point for
12 clarification she might be confused when she said this. So
13 comparing this statement to that of Bou Thon so as the important
14 documents for the Trial Chamber to establish the crimes at S-21.
15 And that's all, Your Honour.

16 MR. PRESIDENT:

17 The schedule for the hearings for this week comes to an end
18 already and it comes to an end earlier than expected.
19 So we will take the adjournment at this moment, and the next
20 hearing will be resumed on the morning of 17th of August 2009.

21 [14.47.57]

22 And the Chamber would like to also inform the parties and the
23 public that next week the Chamber is going to hear the testimony
24 of the expert and hear the statements of the civil parties who
25 have been decided by the Chamber to call them, according to the

79

1 request by the parties so that they can come to give their
2 statements before the Chamber. So there will be a four-day
3 sitting next week in relation to the civil parties.
4 Security personnel are now instructed to take the accused to the
5 detention facility and bring him into the courtroom on Monday,
6 the 17th of August 2009 at 9 a.m.

7 THE GREFFIER:

8 All rise.

9 (Judges exit courtroom)

10 (Court adjourns at 1449H)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25