



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

29 June 2009, 0904H

Trial Day 35

Before the Judges:

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THOU Mony
YOU Ottara (Reserve)
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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MS. CANIZARES	French
JUDGE CARTWRIGHT	English
MR. HONG KIMSUON	Khmer
MR. KAR SAVUTH	Khmer
MR. KIM MENGKHY	Khmer
MR. KONG PISEY	Khmer
JUDGE LAVERGNE	French
MR. PETIT	English
MS. STUDZINSKY	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
JUDGE THOU MONY	Khmer
MR. VANN NATH	Khmer
MR. WERNER	French
JUDGE YA SOKHAN	Khmer
MR. YET CHAKRIYA	Khmer

1

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

2 (Judges enter courtroom)

3 [09.04.09]

4 MR. PRESIDENT:

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

6 This morning, according to our schedule, we are now in the
7 process already of hearing the testimony of the survivors of
8 security office of S-21.

9 The Greffier, could you please verify the attendance of the
10 parties to the proceedings and people who are involved in today's
11 proceedings.

12 THE GREFFIER:

13 Mr. President, the parties to the proceedings are all present.

14 The witness is also now available at the waiting room.

15 MR. PRESIDENT:

16 Before we begin our session regarding the testimony of the
17 survivors of the S-21, the Trial Chamber would like to pronounce
18 the decision on the removal of witnesses from the witness list.

19 [09.06.40]

20 The Chamber wishes to inform the parties and the public about
21 issues discussed at the trial management meeting on the afternoon
22 of the 23rd of June 2009 and subsequent decisions.

23 In order to ensure the conduct of a fair and expeditious trial,
24 the Chamber reviewed the list of witnesses with a view to
25 reducing the number called to testify in person.

2

1 After observing the evolution of the proceedings and at the trial
2 management meeting, the Trial Chamber, after reviewing the
3 progress in the trial to date, proposed removing a number of
4 witnesses from the witness list, clarifying that it will put
5 before the Court a statement of those witnesses who were heard
6 before the ECCC during the investigative phase.

7 The Chamber sought the views of the parties on this proposal and
8 enquired whether they wished any of these witnesses to be heard
9 in person.

10 The Co-Prosecutors did not comment on individual witnesses, but
11 suggested that a reserve list of witnesses be retained for
12 consideration at a later stage.

13 Civil party groups 1, 3 and 4 supported the Co-Prosecutors
14 decision. Civil party group 4 asked to hear witnesses KW-12,
15 KW-13, KW-14, KW-18, KW-19 and KW-28 in person, but failed to
16 give reasons for the request. Civil party group 2 requested to
17 hear witnesses KW-13, KW-18, KW-25, CP2/6, KW-28, CP2/4 and
18 CP2/1.

19 [09.09.33]

20 The defence agreed with the Chamber's proposal, with the
21 exception of the suggestion to remove Raoul Marc Jennar from the
22 list. The Chamber notes that the defence did not seek the
23 presence of any of these witnesses for the purpose of
24 confrontation.

25 In summary, reasons given by the parties are: KW-13 was in the

3

1 special unit and made arrests and the Chinese were involved. The
2 accused has contested that this unit made arrests.
3 KW-18 would testify that the accused conducted interrogations
4 personally, in particular, on foreigners and important prisoners.
5 This is contested by the accused.
6 KW-25 would testify about meetings between the accused and the
7 upper echelon, asserting that this is contested by the accused.
8 CP2/6 would testify about visits of the accused to Choeung Ek.
9 Again, this situation is that this is contested by the accused.
10 KW-28 would testify that the accused ordered arrests and torture
11 after 1979, which would demonstrate that his claim that he hated
12 this work and was fearful for his fate is not credible.
13 CP2/4 would testify about the conditions of staff and forced
14 marriages at S-24.
15 CP2/1 would testify about direct communication between the
16 accused and Division 2 and give evidence about the time after the
17 collapse of the Khmer Rouge regime.
18 [09.11.55]
19 Raoul Marc Jennar is a researcher of the crimes during the
20 Democratic Kampuchea period and has visited 196 prisons. He
21 would, therefore, be in a position to compare them with S-21. In
22 addition, it would be unfair not to let the defence call an
23 expert to give testimony.
24 The decisions:
25 1. The Chamber notes that during the trial management meeting no

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1 party objected to the
2 removal from the witness list of the following witnesses and to
3 their written statements made before the ECCC during the
4 investigating phase being put before the Court pursuant to Rule
5 87(3).

6 In the absence of any objection from the parties, the Chamber
7 considers that the parties do not request the personal appearance
8 of any of the following witnesses in Court; KW-16, KW-17, CP2/7,
9 Nic Dunlop, KW-27, KW-06, CP2/10.
10 Are there any objections that the Chamber has not already heard
11 concerning these witnesses? The Chamber hereby removes these
12 witnesses from the witness list.

13 2. The Chamber notes that civil party group 2 has withdrawn its
14 request to hear
15 witnesses CP2/2 and CP2/3. The Chamber decides not to call these
16 witnesses.

17 3. The Chamber rejects the request of civil party group 2 to
18 hear witnesses KW-13, KW-
19 18, KW-25 CP2/6, CP2/4 and CP2/1; civil party group 4 to hear
20 witnesses KW-12, KW-13, KW-14, KW-18 and KW-19.

21 Reasons: The Chamber has considered the list of witnesses and
22 finds that a number would give similar testimony on relevant
23 facts. The Chamber has, therefore, selected a group of witnesses
24 who are likely to give the most relevant testimony in person.

25 The parties should bear in mind that all statements made before

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1 the ECCC during the investigative phase will be put before the
2 Chamber at the relevant time.

3 The Chamber, therefore, removes witnesses KW-12, KW-13, KW-14,
4 KW-18, KW-19, KW 25, CP2/6 and CP2/4 from the list of those who
5 are to be heard in Court.

6 The Chamber wishes to inform the parties that, after further
7 consideration, it has decided to keep witness KW-28 on the list
8 because the witness can testify to relevant facts concerning Prey
9 Sar.

10 [09.16.33]

11 The Trial Chamber considers it unnecessary to retain a reserve
12 list of witnesses who might be called to give evidence orally.

13 4. On Thursday, 25th of June the Chamber informed the parties
14 that it wished to remove an additional witness from the list,
15 namely KW-24, and informed the parties that they would have an
16 opportunity to comment on this proposal today. Are there any
17 comments on the proposal to remove KW-24 from the witness list?
18 Judge Silvia Cartwright, you take the floor.

19 JUDGE CARTWRIGHT:

20 Yes, thank you, Mr. President.

21 The President has asked me to state clearly that if there are to
22 be any comments concerning KW-24 that absolutely no identifying
23 details be made concerning this person. By that we mean no
24 identifying details as to occupation, sex, and address, nor any
25 details about his occupation at the time that we are considering.

6

1 So if there are any comments could you please bear this in mind.

2 Thank you.

3 Of course, this is because this is a public discussion about this
4 particular potential witness. Thank you.

5 MR. PETIT:

6 Good morning, Mr. President. Thank you, Madam Judge.

7 [09.18.35]

8 We have indeed brief comments about this particular witness. I
9 would either suggest, however, that the substance of these
10 comments would be lacking if we cannot address specifics of his
11 expected testimony. Therefore, I would suggest, perhaps for the
12 sake of efficiency, either go in camera -- which might not be the
13 best -- so that we can get on with the witnesses, or perhaps
14 written comments by the close of business day tomorrow could be
15 forwarded to the Chamber and then we can proceed with the day's
16 business.

17 (Deliberation between Judges)

18 MR. PRESIDENT:

19 Thank you, Mr. Co-Prosecutor, for your observation.

20 Since this needs to be discussed in closed camera -- or in closed
21 session, then we will give opportunity for you to make your
22 observation concerning this KW-24 before we can make the final
23 decision. So the Chamber would like to give opportunity to you
24 to file the written submission by tomorrow, 4 p.m.

25 Is there any other party who would wish to make any observation

7

1 concerning KW-24 since our last notice to the parties on Thursday
2 afternoon?

3 The defence counsel, would you like to make any comments
4 concerning this proposal?

5 [09.21.25]

6 MR. KAR SAVUTH:

7 Thank you, Mr. President. Regarding the proposal to remove KW-24
8 from the witness list, we do not have any objection because there
9 have been several witnesses already and since these two witnesses
10 would only testify on the same fact and since one is already
11 selected, I think it is significant to have one witness.

12 MR. PRESIDENT:

13 Thank you, Mr. Lawyer.

14 5. In addition, the Chamber wishes to inform the parties of the
15 following technical details.

16 The Chamber will hear KW-10 for one and a half days; David
17 Chandler for one day; KW-23 for a half-day; CP2/5 for a half-day;
18 KW-34 and Françoise Sironi-Guilbard jointly for one day and a
19 half. The Chamber will hear Françoise Sironi-Guilbard in person.
20 It will hear Richard J. Goldstone and Stephane Hessel through
21 videoconference.

22 The Chamber does not accept the suggestion of the defence to
23 provide it and the Co-Prosecutors with the opportunity to be next
24 to witnesses testifying by videoconference.

25 The Chamber takes this opportunity to inform the parties that

8

1 Charles Figley has declined the invitation to testify, and the
2 Chamber does not plan to compel him to appear. So this is the
3 decision regarding -- or the subsequent decisions from the trial
4 management meeting conducted on the afternoon of Thursday.
5 Except witness KW-24, since the written submission is pending
6 from the Co-Prosecutor, the Trial Chamber will make a decision on
7 this matter after we have received his written submission first.
8 There are still remaining issues concerning the legal aspects and
9 in order to clarify this, for example, the matter of the joint
10 criminal enterprise, I would like to give the floor to Judge
11 Lavergne to make his observations concerning the matter.
12 The floor is yours.

13 JUDGE LAVERGNE:

14 Thank you, Mr. President. On this last point, the Chamber has
15 taken note of conclusions submitted by the Co-Prosecutors on the
16 8th of June, 2009 whereby the Chamber is requested to, on the
17 hand, state that the legal concept of joint criminal enterprise
18 in its three forms is applicable before the Extraordinary
19 Chambers and on the other hand, to apply this notion in its
20 judgment as regards the commission of crimes charged against the
21 accused as well as his responsibility as a participant in a joint
22 criminal enterprise.

23 [09.26.05]

24 The Trial Chamber recalls that the Co-Prosecutors have indicated
25 their intention to rely on the notion of joint criminal

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1 enterprise during the initial hearing.

2 Consequently, the Trial Chamber considers that the issue of the
3 mode of responsibility of the accused, including as a participant
4 in a JCE, is currently before it and invites the parties to make
5 submissions on the filing by the Co-Prosecutors in accordance
6 with the practice directives and, in particular, following
7 notification in the languages which they require.

8 Finally, the Trial Chamber clarifies that at this stage it
9 considers rendering its decision on this matter at the same time
10 as the judgement on merits.

11 MR. PRESIDENT:

12 So next, the decision to hear the testimony of the survivors of
13 S-21.

14 Court officials, could you please bring the witness, Vann Nath,
15 into the courtroom.

16 (Witness enters courtroom)

17 [09.29.07]

18 QUESTIONING BY THE BENCH

19 BY MR. PRESIDENT:

20 Q. Is your name Vann Nath?

21 A. Yes.

22 Q. Do you have another name besides Nath?

23 A. No, I do not have one.

24 Q. How old are you this year?

25 A. I am 63 years old.

10

1 Q.Where is your current residence?

2 A.I live in Mittapheap -- Sangkat Mittapheap, Prampi Makara
3 district, Phnom Penh.

4 Q.What is your occupation?

5 A.I am a painter.

6 Q.Are you still practising your profession as a painter?

7 A.Due to my poor health, I do not work much as a painter.

8 Q.Have you taken an oath yet?

9 A.Yes, I have.

10 [09.30.37]

11 Q.Are you related by blood or by law to any people in this case?

12 A.No.

13 Q.Today, the Chamber invites you to provide your testimony
14 regarding the S-21 office, which is now known as Tuol Sleng
15 prison, and in the proceedings the Chamber would like to inform
16 you your rights and obligations as a witness, as follows.

17 As you are summonsed by the Trial Chamber as a witness in this
18 proceeding, you have the obligation to testify to the facts that
19 you have seen, have heard and, secondly, as a witness, you have
20 the right to refuse to answer if you think it's going to
21 incriminate yourself.

22 Do you understand what I have said regarding your rights and
23 obligations?

24 A.Yes, I do.

25 Q.Can you recall, before the 17th April 1975, where did you live

11

1 and what was your profession?

2 A.Mr. President, from what I can recall, in 1975 I lived in the
3 Battambang provincial town. I was a painter at the time.

4 [09.33.43]

5 Q.And until the 17 April 1975, where did -- now, on the 17 April
6 1975, which was the main date, where were you and what did you
7 do?

8 A.On the 17th I was still in the Battambang provincial town.

9 Q.In the provincial town of Battambang, did the Khmer soldiers
10 enter and occupy on that date, or when?

11 A.From what I can recall, that was the day -- that is the 17
12 April 1975 -- at 11 or 12 p.m. -- at noon we received a lot of
13 information in the provincial town that the liberation soldiers
14 reached the Veal Bek Chan which was about one kilometre from the
15 town, and that they surrounded the area, and that the war would
16 be over very soon. So we were all aware of that information in
17 Battambang.

18 Q.And after the 17 April, 1975, where did you go and what did
19 you do?

20 A.After the liberation soldiers took control of Battambang for
21 two days, they had a plan to evacuate all the people from the
22 province. I and my family were evacuated to the northwest of
23 town, about eight kilometres. It was the rice field, and there
24 were no people at the time.

25 [09.35.51]

12

1 At that location, we had to find accommodation for ourselves and
2 we had to work in the rice fields, all of us.

3 Q.What village was that? The rice fields where you lived and
4 worked.

5 A.It was in O Mony Pir village, 41 District in sector 4. That
6 was the names before the liberation soldiers entered. It was
7 also known as Norea Commune, Sanke sub-district.

8 Q.On what day did you leave the Battambang provincial town?

9 A.I left Battambang on the day that we were all evacuated, and
10 five days later we -- five or six days later we arrived in that
11 location because the walking was slow and the situation was
12 rather chaotic. So from my estimation, it took us five, six or
13 seven days.

14 Q.What were you asked to do when you were at O Mony Pir in 41
15 District ?

16 A.First, we had to find a shelter for ourselves. There was no
17 houses, there were only trees and rice fields, so we went through
18 the brush to find the trees and the palm leaves to make our
19 temporary accommodation. And in the afternoon we were called for
20 a meeting to divide into various groups for working in the rice
21 fields on the next day.

22 Q.So, first, after you made your own shelter, they had you work
23 in the rice field. Is this correct?

24 A.Yes.

25 Q.How long did you stay there?

13

1 [09.38.28]

2 A.From my recollection, I stay there from the day that I arrived
3 until the 30th of December 1977 when Angkar arrested me.

4 Q.So you were arrested by Angkar at O Mony Pir, in sector 4,
5 right?

6 A.At that time, I was called from that location and I was
7 arrested in Balatt Co-operative. It's near the Songke River,
8 which was about five kilometres from the co-operative where I
9 lived.

10 Q.Can you describe to the Chamber the events concerning Angkar
11 from the day of your arrest until you were transferred from
12 Battambang to Phnom Pehn; that is to S-21 office? So it means
13 the details from the day you were arrested until you were
14 transferred to S-21. Can you describe all the events within that
15 period?

16 A.Mr. President, I will describe, based on my recollection of
17 the events, from my arrest.

18 On the 30th of December '77, by the time that I was working in
19 the rice field. It was harvesting season which was north -- it
20 was about five or six kilometres from the co-operative where I
21 lived. At about five p.m., the chief of the Co-operative, Luom,
22 who was in charge of economics for sector 5, went to the
23 work-site and he told me Angkar instructed him to go to Pursat,
24 and he collected some forces already. However, he still needed
25 some forces and he pointed to me whether I could go with him.

14

1 [09.41.49]

2 When he pointed directly to me, at that time I was about to get
3 my food ration. I was worried because Pursat was a far distance
4 from Battambang, but I did not object to him and I told him,
5 "It's up to you, brother, if that was the Angkar's instruction,
6 then I have to go".

7 So you have to pack he told me, but because we were in the rice
8 field I did not have my possessions, just a few sets of old
9 clothes. So I was on his oxcart with him, and when we arrived at
10 the co-operative it was nearly dusk already, and I asked him to
11 go to my house quickly and he allowed me to go but he said you
12 had to return soon.

13 So I went into my house and I told my wife that I was instructed
14 to go to the province. I did not say much, so I left my house,
15 and when we arrived at big co-operative, and this Comrade Luom
16 was standing there waiting for me.

17 So then we rode on an oxcart. There was only himself, myself,
18 and a militia man. I was not aware that I would be arrested.
19 When we arrived at the Balatt Co-operative, he told me to go and
20 rest, and after I rested for about half an hour I was woken up
21 and I was instructed to go and bring the oxcart, another oxcart.
22 I asked him how could we bring another oxcart because we do not
23 have extra cows. He said don't worry, just go and pick up an
24 oxcart.

25 Only two steps after I walked, I was arrested. Those were the

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1 militia whom I recognized. They were from my village since I was
2 young, and that one militia man, from what I know, had killed a
3 lot of people. So I resisted the arrest but Comrade Thean, the
4 chief of the co-operative, instructed the militia to tie me and I
5 asked him, "What did I do wrong?" He said he did not know but
6 there was an instruction to arrest myself.

7 So in the co-operative there was a prison and I was sent there.
8 It was a rice barn and they shackled my legs, the same type of
9 shackles used at S-21. I was not know all the times, but quite a
10 while later they took me out and they walked me and we rode on
11 the oxcart for -- it was about midnight and I was placed at the
12 Samrong Pagoda. The Samrong Pagoda was a very popular detention
13 site in sector 4.

14 So they detained me there, together with another cousin of mine,
15 Say Sarak, so we stayed there overnight and we were not
16 interrogated. In the morning on the next day at about 10 a.m., I
17 heard the sound of a motorbike, a Honda motorbike, so the prison
18 was in fact a Bible hall as part of the pagoda. They opened the
19 door and they called my name, Heng Nath; that was my name at the
20 time. Heng actually was the name of my godfather, so I used the
21 surname Heng Nath. Actually, my father was Vann Sam, but after
22 he had me as his godson I used his name as my surname, Heng Nath.

23 [09.46.46]

24 So that was what I know during the Khmer Rouge regime. After my
25 name was called, I raised my hand and they took me out and a

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1 prison guard told me to go out and to resolve the matters, and I
2 asked where. And the guard said, "No need to talk. You will
3 know when you go and meet them, and you have to resolve the
4 matters with them. And if they decide to let you go then you
5 could go back home."
6 So I was placed on the Honda motorbike with Sarak, and there was
7 a rider and a militiaman with the AK rifle behind us but we were
8 not cuffed. So we rode and we left the pagoda to the Kandal
9 Pagoda along the Songke River. I did not know that Kandal Pagoda
10 was also a prison.
11 After we arrived, there were four or five soldiers in black.
12 They arrested us immediately and sent us inside. Sarak went to
13 one direction and I went to another direction. In that room, I
14 saw another person who was shackled with a wooden shackle, and
15 later on I realized there were other people; there were five of
16 us. So the wooden shackle was thick. It's about 10 centimetres
17 thick and the height was rather high. They drilled a hole and
18 our feet were put into the holes and they used a clamp to tighten
19 the wooden shackle.
20 At about 7 p.m., I was taken off the shackle for interrogation,
21 so they tied my hands to the back and they put another shackle,
22 and I thought probably that was the end of my life. So they
23 walked me to the back of the pagoda and I was interrogated as it
24 was alleged that I was a traitor for Angkar and the revolution,
25 and they wanted to find the treacherous network of soldiers.

17

1 [09.49.17]
2 They asked me for things that I never knew. For instance, how
3 many times were the meetings held and where, and who participated
4 in the meetings and what are their names, and where are they now?
5 I, myself, I never attended any meeting with anybody. I did not
6 have time. In the morning when the bell was rung we had to go
7 and work, and sometimes we rested for a bit and we went to work
8 again. The meetings were only those meetings held at the
9 co-operative.
10 Then a person said, "You have to try to remember because Angkar
11 never made any wrong arrest". How could I think if I never
12 attended such event? So then they used an electrical wire.
13 There was a table four or five metres away from me and they
14 dragged a cable from that table to the location where I sat on a
15 chair, but when I went into that interrogation room I was already
16 shocked. There were red plastic bags hanging on the wall; there
17 were screws; there were metal screws and clubs; and the chair
18 where I sat there were blood drains, blood spots everywhere.
19 So then the person asked me again whether I remembered, and as I
20 could not say anything, they used the electrical wire attached to
21 a pin and attached to my pants and my flesh on my foot, and
22 another one was attached to the back of the cuff, and then they
23 turned on the electricity. After that, I became unconscious. I
24 became conscious again after they splashed the water on my face
25 and then they kept asking me again on the traitors, on the

18

1 treacherous network. Those events I did not know.
2 [09.51.49]
3 I became unconscious several times, then they brought me back to
4 the room. I was not sure what I answered to them because my mind
5 was not clear at the time. I thought if they did that to me
6 again tomorrow then I would be dead because in my mind, after
7 they took me back to the room and if there was a big jar of
8 water, I would drink it all because I felt so hot.
9 But next day, another person was taken out for the interrogation,
10 so they did not interrogate me again until the 7th January 1978,
11 when a few guards holding some documents, calling the names of
12 the prisoners from the rooms, including my name. So we were
13 unshackled from the room and we were lined up outside and we were
14 cuffed. There were two trucks waiting for us, so we were
15 instructed to board the trucks. So I thought that would be the
16 end already because when we boarded the truck, probably they
17 would take us to where they would kill us.
18 So I boarded the truck and then they shackled us again with a
19 wooden shackle. There were six of us in that long row and there
20 were 18 people altogether in that truck, and on another truck
21 there were 32 people. So in the afternoon, the trucks left. I
22 became hopeless already, every one of us, because we knew that we
23 would be killed. But the trip was so long, and when the night
24 fell we did not have even have anything to eat or were given
25 anything to eat.

19

1 At about midnight, the trucks stopped but we were not sure where
2 we were. At that time, I did not know where the trucks stopped;
3 only later on that I knew. It was in front of the current
4 Beehive radio station. So the trucks stopped there and, with our
5 feet shackled, they did not allow us to disembark the trucks yet.
6 So then they used cuffs to cuff one hand of each prisoner to
7 another hand of another prisoner.
8 Then they took off the shackles, but we were so weak and tired
9 already, no-one could not walk. So we were unstable, we could
10 not stand, so they instructed us to sit in two lines and we were
11 asked about biography, where we came from, what is our name, so I
12 told them my name, that I came from the fifth cooperative from
13 the Northwest Zone.
14 After I answered the biography questions, all of us were
15 blindfolded and they used the hammock rope to tie our necks in
16 line and walked us with that rope. At that time we could not
17 see, it was dark, so first of all we only listened and followed
18 the footsteps. Sometimes we didn't know that we had to turn so
19 some of us stumbled and hit the zinc fence and they laughed at
20 us.
21 And they said, they joked around that we were like the blind and
22 sometimes they kicked us and I was kicked as well. I did not
23 know what wrong I made or I did. So I fell and I got up and
24 continued walking.
25 [09.56.24]

20

1 And after we arrived into a room we were each photographed.
2 After they took off the blindfold I saw the camera in front of my
3 face already. So then one prisoner would be photographed while
4 the next would sit because we were cuffed together and we take
5 turns to be photographed. And I think it was -- I was then
6 placed in the second floor, which is now marked Building D, and
7 we were put into the long row of shackles. There were 20 or 30
8 of us in each row of those shackles.
9 And the black clothes that we were wearing, we were stripped of
10 those clothes. Some had shorts and they just wore the shorts.
11 For those who did not have any shorts, they were given shorts
12 about an hour later. They were only like shorts with nothing to
13 tighten the waist because probably they were afraid that maybe we
14 would take the string from the waist tightening to hang ourselves
15 to commit suicide.
16 The conditions were so inhumane and the food was so little.
17 There was a big pot of gruel to be distributed among 50 or 60 of
18 us, so we only had three spoons of gruel for each meal and the
19 spoon was like a coffee spoon -- so little. It's not like a
20 normal rice spoon. And the spoons would be collected and if any
21 prisoner hid or concealed a spoon and if they found it out, then
22 they would beat up or kick.
23 So the living conditions and the food during the two or three
24 days was so inhumane. I lost my dignity because the condition of
25 the prisoners and the guards were so distant. It's like humans

21

1 compared to animals. Even with animals they would give enough
2 food. So I stayed in that room.

3 [09.59.13]

4 I arrived on the 7th of January '78 and I entered that room on
5 the night of the 7th and I stayed in that room for more than one
6 month, probably one month and a few days. The condition of the
7 people living in that room, from what I can say, at night -- I'm
8 talking about the rights of people in that room.

9 They were only allowed to lie down and we would not be allowed to
10 sit up unless we sought permission from the guards. Otherwise we
11 would be beaten up. On the whiteboard there was regulations,
12 internal regulations. For example, we would be warned not to
13 make noise or communicate with one another. We had to listen to
14 the guards and not be liberal, and so on and so forth. So we
15 could not do anything without any permission.

16 We had received a bowl of gruel at eight o'clock in the morning
17 and we got another one at eight in the evening. We were allowed
18 to do exercise in the morning but while we were still shackled.
19 In our room, we slept there and ate there and relieved ourselves
20 inside the same room, and we were not allowed to move even an
21 inch from where we belonged, where we put. And when we were
22 allowed to do exercise, our legs were still shackled to the metal
23 bars and we could like hop to do exercise. If we didn't hop then
24 they would beat us also.

25 We were so weak, and how could we hop? But we just did it

22

1 against our will to avoid being whipped. And while doing the
2 exercise, we could only stop hopping after we received an order
3 or permission from the guards. Otherwise we would hop until we
4 died.

5 [10.02.06]

6 And they allowed us to have a bath and a young guard would use a
7 hose, a water hose, and pour the water on approximately 50
8 prisoners all at once and after five minutes they would stop
9 pouring the water. So we had never been washed or had a bath for
10 quite some time, so we had developed some kind of skin rashes and
11 we felt so itchy and the floor was wet and we couldn't sleep
12 after the bath.

13 So we had to remove our clothes to dry the wet floor until it
14 dried so that we could sit up. Of course, we had to remove our
15 clothes to do so but it was so uncomfortable because we were
16 shackled and then we had to remove our clothes while still being
17 shackled. You could imagine how difficult it was.

18 And we were so hungry that we could eat insects, even the insects
19 that dropped from the ceiling. Then we would immediately grab it
20 and eat and when we were eating such insects and spotted by the
21 guards, then we would lie to them that we did not do anything.

22 If they found out that we were eating insects we would be beaten
23 also, so we could do that only if we avoid being seen by the
24 guards.

25 So the death is imminent and people died one after another, and

23

1 at about 10 to 11 p.m. the corpse would be removed, and we ate
2 our meal next to the dead body and we did not care anyway because
3 we were like animals and everyone would be treated the same. And
4 until the day we were -- I was taken downstairs. I could hardly
5 walk because after more than one month being motionless, I was so
6 skinny and weak.

7 And then after hearing that I would be called, I started to
8 realize that my day had come because people came to ask in my
9 room to see whether there was the brother named Nath, which was
10 my name. Then I was so frightened to hear that people would be
11 looking or searching for my name, and then I told myself that I
12 didn't care any longer because I could be killed any time if they
13 would wish to do so and I better died rather than living in such
14 condition.

15 And I did not think of any other thing other than being thirsty
16 and hungry. I was so hungry that I had never experienced that
17 hunger before and I thought that even eating a human flesh would
18 be a good meal for me also at that moment.

19 [10.06.13]

20 And then when they searched for my name and called my name, then
21 they asked people to remove my cuff and I was the last person in
22 a line of other prisoners, so they had to remove other prisoners
23 before they could really remove me from the cuffs. And as I told
24 you, after I was removed from the cuffs I could not stand up. I
25 needed assistance to make sure I could stand up and because I

24

1 could not move any inches during the last more than one month
2 under detention.
3 And that day I came downstairs and I was not blindfolded,
4 although my handcuffs were still on, and I noticed earlier that
5 when prisoners were taken to be interrogated or taken away, then
6 they would be blindfolded, but I observed that I was removed my
7 blindfold because I believed that they did so not to -- I mean,
8 when people were blindfolded because they didn't want people to
9 recognize anything, so I felt a little bit different when I was
10 not blindfolded.
11 Then I was walked by three people. Two helped me to walk from
12 upstairs downward and then we went into the middle building --
13 the room -- and then I saw a few people sitting there. At the
14 beginning I did not know who they were, but later on I knew they
15 were the chiefs in that location. I didn't know his name because
16 people called him Brother East and I just called him Brother
17 East, and then he asked me how long I had been in painting. And
18 then I told him about my background of my painting experience in
19 1965, so it's almost five -- sorry, 10 years.
20 Then I saw the other people who were already there. I remember
21 Bou Meng and another person from France, Sunkhun, and the other
22 three people before me. And he said that the Angkar needed a big
23 portrait of the leaders and they asked us whether we could
24 produce or paint such a picture.
25 [10.09.21]

25

1 And I told him that I had not been practicing this painting for
2 long, but I would do my best to paint the portrait. And then he
3 gave me a big photo and I did not know who he was because I was
4 in the rural area and I did not know that a person I knew, he
5 would have been the leader, but he asked me to paint a bigger
6 portrait of this individual.

7 And my ears, at that time, were difficult to listen to him and he
8 asked me to take a rest for three days and he said that I smelled
9 like shit and then asked me to have my moustache and hair shaved,
10 and asked that two guards had to accompany me in order to avoid
11 me being committing suicide and I told him that -- I assured him
12 not to worry because I was already freed and I enjoyed this
13 moment. So they gave me a scarf, a Khmer scarf, and sets of
14 clothes to change, but I had developed skin rashes all over my
15 body.

16 I didn't remember when or what date it was, but it was about 12
17 that I was given the rice. I could not chew the rice because my
18 jaws became so sore that I could only chew about a few chewings
19 and then I stopped.

20 And after a moment then the East Brother advised me to work on
21 the portrait and he asked me to try to paint a draft of a
22 portrait, and then I tried. And after my detention and for long
23 then I felt so trembling holding the paintbrush and I knew that
24 if I did not paint well I would be in big trouble. I was so
25 nervous.

26

1 The first portrait was bad because it was a black and white
2 portrait because I did not learn that. At school I learned how
3 to mix colours in painting, but when it comes to black and white,
4 it was a new skill for me. I told him that I would like to
5 switch to painting the colour portrait.

6 [10.12.27]

7 Then he asked -- he gave me the choices; he said that okay,
8 whatever you could be good at, then you should choose it and to
9 make sure that Angkar would be pleased. And then I realized that
10 it was the life and death situation. Of course, the colour
11 portrait could save my life. If I made the portrait attractive,
12 then the Angkar would be pleased with the painting; then I would
13 be spared from being executed.

14 At the beginning, the portrait was not that good but he believed
15 that I was a painter so he could make use of me at the location,
16 and I had been working hard on my work and then they picked
17 guards to guard my work until the 7th of January 1979. I hope
18 this is the brief summary of my background and story.

19 Q.You said you were arrested at Battambang province but you were
20 not told of any offences of yours while being arrested?

21 A.They did not tell me anything. They asked me to collect
22 rattan in Pursat.

23 Q.Then when you were interrogating, then you were asked to
24 produce the networks -- the traitorous network and other
25 associates to topple the regime at that time; is that correct?

27

1 A. That's correct, Your Honour.

2 [10.14.15]

3 Q. When you were sent to Phnom Penh, how long would it take to
4 get to Phnom Penh? Is it one night or one day and a half?

5 A. So far as I remember, I left at about 12 o'clock and I arrived
6 at Phnom Penh at about 2 a.m. in the morning.

7 Q. You said that you were not given any food on the road when
8 you were on the way to Phnom Penh. So you wanted to relieve
9 yourself were you allowed to do so among the other people?

10 A. They would not allow us to do so. They only threw a
11 container, a five-litre container, for us to relieve ourselves in
12 such a container. It's an ammunition box.

13 Q. You said that there were six -- there were two truckloads of
14 people. So there were 36 people on those two trucks.

15 [10.15.51]

16 My question is that when people were shackled to their legs with
17 the wooden form of shackles, were their hands also cuffed or
18 handcuffed?

19 A. Our hands were not handcuffed.

20 Q. Were you blindfolded when you were being sent from Battambang
21 to Phnom Penh?

22 A. No, we were not blindfolded, Your Honour.

23 Q. You already told us about the arrest Angkar made against you,
24 and you told us details, a brief detail about your captivity
25 until the 7th of January. The Chamber would like you to also

28

1 tell us more concerning the food ration. You said you were
2 detained at Building D and that you were given three spoons of
3 gruel two times a day. So how could you manage to eat your meals
4 since you were shackled to the legs and that you could not even
5 sit up, or how -- could you elaborate about eating habits at that
6 location?

7 A.Mr. President, there was a guard who would bring a big bowl of
8 gruel and place it next to the metal bar and then ask us to share
9 the gruel, to distribute the gruel among ourselves. So we were
10 given the spoons to take the gruel from that big bowl and then
11 the gruel was distributed.

12 So we were given a plate and a spoon; a teaspoon, not a rice
13 spoon. And there was a dish of soup, a very small dish of soup
14 with banana tree used as vegetable and then we could eat -- we
15 could finish in just two or three spoons. Since it was the
16 teaspoon and we could feel like it took longer to finish the
17 meal, although it was very minimal.

18 [10.19.13]

19 And then we could not move from our location. We just left the
20 plate next to us until they were collected by the guard.

21 Q.So after eating your meals then the guard would collect all
22 the big bowls and plates and spoons. Do I understand that
23 correctly?

24 A.Mr. President, that is correct.

25 Q.During the time when you were detained and, as you said, you

29

1 had to relieve yourself into a container and then you ate there,
2 you slept there; the question is that how could the waste, human
3 waste, be discarded?

4 A.The guards -- there was one young guard who would come and
5 collect the waste to be discarded and then would bring us the new
6 containers for us to use it for another day. So he would repeat
7 these routines.

8 Q.You mentioned something which is of good interest, that you
9 said that the prisoners were allowed to only wear the underwear
10 while the clothes were stripped off. And the belts of the pants
11 or the shorts would be removed to avoid -- to ensure that
12 prisoners could not use it to commit suicide. So when you
13 mentioned about clothes, clothes refer to shirts and trousers.
14 So can you tell us whether prisoners would be stripped of their
15 clothes entirely? I mean some of them would be naked waiting for
16 the guards to bring clothes to them or all had some clothes to
17 wear on?

18 [10.21.55]

19 A.When our clothes were stripped off they only removed the black
20 clothes because the black clothes would be taken away. Other
21 clothes other than the black ones would be left with us.
22 However, those clothes would not contain any kind of string or
23 belts and we could not even see any shirts with buttons.

24 Q.So a prisoner could have a shirt, pants and some spare
25 clothes, or would they be allowed to have one set of clothes

30

1 only?

2 A.Your Honour, actually we were allowed to only have only the
3 dress or the clothes that we were wearing, not other additional
4 clothes.

5 Q.You said that after having a bath you got soaked or wet but
6 how could you really take off your pants? I mean to dry it -- I
7 mean for the shirt it would be okay but how could you really
8 remove your pants from the shackles, because you said that your
9 legs were already attached to the shackles? So I don't know how
10 you could remove it from the shackles. Could you please explain
11 how it worked? And I mean how you could dry your clothes before
12 you could put them on, please? I think we find it difficult to
13 understand and need your further elaboration on this.

14 A.Mr. President, I would like to clarify it as follows. Our
15 legs -- I would like to apologize. Actually, I would like to put
16 my legs up here. The legs were shackled. So if we removed our
17 pants then we can remove the pants entirely from one leg but then
18 we insert the remaining of the pants into a, you know, like the
19 margins of the shackles so when it got soaked, then it was soft
20 so it could be removed, but it took about 20 minutes to remove it
21 from our body entirely. So then we would dry it and then wear it
22 in the way how we actually removed it. So it took us so much
23 time. That's how it worked.

24 Q.We notice that when you were arrested on the 7th of -- you
25 arrived at the place on the 7th or 8th of January 1978; it was

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1 cold during that time. Could you please tell us the condition in
2 that room when it was cold and then you got wet? Were you given
3 any blanket or any other kind of scarf to cover during the night
4 to make you warm or were you left soaked?

5 A.Mr. President, we had no other choice other than being very
6 patient and we had to bear with it, whatever it was.

7 [10.26.13]

8 Q.What about the other prisoners? Were they subjected to the
9 same condition or were they exceptional?

10 A.Mr. President, everyone would be treated the same.

11 Q.In your room, you shared a common big room. How many
12 prisoners were there during the time when you were in captivity
13 for more than one month?

14 A.Mr. President, in our room the number of prisoners could vary.
15 Sometimes there were 65 people; sometimes there were only 40; and
16 sometimes there were 50 of us. It depends on how prisoners were
17 being moved from one room to another. I think the highest
18 prisoners in that room was more than 60 people.

19 Q.In general, through your observation, you noted that when
20 prisoners were removed or were taken away from the room -- were
21 taken on a regular basis, and how many of them would be taken
22 away each day?

23 A.When I was in that room, I only knew what happened in the room
24 because I could not see outside. It was not very frequent that
25 my inmates were removed. Sometimes three of us would be removed

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1 and one only came back. Sometimes three were taken away and then
2 all of them would be returned, but sometimes they never came
3 back.

4 Q.You said during the time when you were detained there were
5 dead bodies, and normally when people died you said that they
6 would be left on the floor until they would be removed from the
7 room.

8 My question is, how often did you see such dead bodies or such
9 incidents?

10 [10.28.52]

11 A.Mr. President, so far as I recollect during the more than one
12 month I was detained, there were four people who died in such a
13 manner.

14 Q.From your description, you yourself were not interrogated by
15 the S-21 interrogators. Was it correct, or you were not
16 interrogated at all during the time of your detention by the S-21
17 staff?

18 A.Mr. President, I was not interrogated at that location.

19 Q.So it means you were not tortured besides being detained and
20 starved in that room in such an inhumane condition. Is that
21 correct? It means you were not taken out to be tortured?

22 A.Mr. President, no, it did not happen to me.

23 Q.Did you witness any incident of torture being done by the S-21
24 staff or interrogators or prison guard on any other prisoners?
25 If so, what did you see and what led you to see such tortures?

33

1 A. On this matter, I would like to tell to the President that
2 when I went to work on the ground floor I experienced some
3 incidents, that is, the interrogations. Let me highlight an
4 incident to you, Mr. President.
5 [10.31.14]
6 What I clearly saw was highlighted in my painting. When you see
7 the location of the wooden frames where children used to climb, a
8 prisoner -- he was an artist but I do not recall his nationality.
9 At that time, Brother East -- let me use the word Brother East
10 because that's the word I used to call him -- Brother East
11 brought that person and that he could sculpture Brother number 1,
12 and the sculpture was exact and in a short period of time because
13 the three of us would spend five or six months just to make one
14 sculpture.
15 Probably that artist was clever so that he wanted to tried him
16 and through the experience he, in fact, not know anything about
17 sculpturing. He couldn't even mould. So when the sculpture was
18 brought in, there were four or five guards and they watched him
19 doing the sculpturing.
20 So then Brother East saw that he was useless and he left. And
21 the guards took him back, but he was not taken to his room. He
22 was taken to that location that I described, and from the view
23 through the window that I could see, I could see that view
24 clearly. It was not done during the day. It was like 10 or
25 10.30 p.m. at night.

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1 So I draw that painting in order to depict what I saw, but the
2 painting was actually like during the day time, but when it
3 happened it was during the night time. However, when the guards
4 saw that we could see it, the guards came and shut the windows so
5 that we could no longer see, and that was one incident that I
6 saw. And I did not see any other incidents except the screaming
7 from the prisoners. We heard screaming almost on a daily basis,
8 sometimes from this building or that building.

9 [10.34.16]

10 Q.And you, yourself, when you were allowed to paint, how were
11 the living conditions? Where did you live or stay because you
12 were a prisoner but with a special condition that you were
13 released in order to do the painting? So where did you live and
14 what was the food like?

15 A.There were two stages, Mr. President.

16 First, after I went to the ground floor at night-time, a guard
17 took me to a separate room. It was not into the same room; it
18 was a separate room. There were other workshop people who stayed
19 there, like woodcrafters, and we were not shackled in that room
20 and there was a sleeping mat. There was a mosquito net, although
21 we could not use it as a mosquito net but we could use it to
22 cover our bodies.

23 And, later on, Angkar seemed to trust me more, then I was allowed
24 to stay at the workshop and the food ration was brought in by the
25 guard from outside. It was proper. There was rice and soup as

35

1 the food ration for the guards.

2 [10.36.06]

3 Q.Was it for all, for those people who worked in the workshop,

4 like Bou Meng?

5 A.Yes, the same.

6 Q.What did they order you and your group to paint and how many

7 paintings did you do?

8 A.I could not recall on the number of paintings, however, from

9 my vague recollection we only painted the pictures of the Party;

10 that is, the picture of Brother number 1. I could not recall,

11 maybe five or six portraits of Brother number 1. And another

12 painting, the beating of the Vietnamese in front of the

13 microphone, I painted that painting as well.

14 And, besides, I had to do the touch-up on the sculptures, on the

15 moulds, so the three of us -- Ieng Chan, Mok Sonkhun and myself

16 -- the four of us, actually -- we made the mould for making

17 sculpture of Brother number 1.

18 This is my response, Your Honour.

19 Q.You said "Brother East". Do you mean the accused whose real

20 name is Kaing Guek Eav, alias Duch? Is this correct?

21 A.Mr. President, yes, I meant the accused.

22 Q.During the time they had an interest in you and ordered you to

23 do the paintings of the leaders of that regime, did you observe

24 that Brother East, or the accused, come often to the place where

25 you do the painting in the workshop? If so, how many times?

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1 [10.38.45]

2 A.My apology, Mr. President. Could you repeat your question?

3 Q.In the workshop, how many times did you see Brother East come
4 to inspect your work? If so, how many times, from what you can
5 recall?

6 A.Mr. President, I thought he came almost every day. He came
7 very often. It was rare that he did not come.

8 Q.What did you observe regarding his attitude? He's a laughing
9 person, a serious person, or he was a very worried person?

10 A.Mr. President, every time he entered the workshop, when we
11 knew that he entered the workshop, we had to move to another site
12 in order to wait for his instructions. And the second point,
13 it's typical that we, the prisoners, had to be afraid of him and
14 to respect him as the top leader, as the Angkar in that location.
15 And his character, from what I could observe, he was one of the
16 leaders who was clever, vigilant, and so his main power, and that
17 we were afraid and had to respect him. So every time he entered,
18 I did not dare to sit in the chair. I had to stand up and waited
19 for his instructions.

20 [10.41.04]

21 MR. PRESIDENT:

22 Now it is time to have a break and it's also time for changing
23 the DVD recording, so the Chamber will adjourn for 20 minutes and
24 resume at 11 a.m.

25 Court official, can you provide refreshment to the witness and

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1 bring him back when the Court resumes?

2 (Judges exit courtroom)

3 (Court recesses from 1041H to 1101H)

4 (Judges enter courtroom)

5 [11.00.00]

6 MR. PRESIDENT:

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

8 BY MR. PRESIDENT:

9 Q.Uncle Nath, you did not yet respond to my question that you
10 said you saw the accused visiting the place where you worked very
11 often, and how could you describe his facial impression, whether
12 he was happy, sad, or he was full of worries whenever he went to
13 that location? So what can you tell us about this?

14 A.Mr. President, normally when he came into the workshop he was
15 complimenting or he was appreciating our work; for example, the
16 good job we done. And sometimes when we were behind the schedule
17 then he was not very happy.

18 [11.03.07]

19 Q.You mentioned about a portrait you painted about a torturing
20 scene in which you could see through a window from the place
21 where you were working. It was at night. And you said that in
22 order to visualize the incident you only brought it to a portrait
23 of the daylight and you said that you mentioned about a person
24 who could mould a sculpture of Pol Pot and that he said he could
25 make it faster but then he could not do. And then the accused

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1 was present at that time.

2 So when the person who said that he would be the good sculptor
3 failed to keep his promise that he would be a good sculptor, so
4 what happened to him? Had you heard anything from the accused
5 whether he told something to that person or reprimand him, or
6 else?

7 A. So far as I recall, when the person could not do his work,
8 then he asked the guard to take him back and then he left. And I
9 don't know for sure what happened to that person, and I did not
10 hear any orders toward that particular individual but, so far as
11 I noticed, the guards had the rights to do such things very often
12 during the time when I worked as the painter, because the guards
13 could do something spontaneously and made such a decision very
14 often spontaneously.

15 Q. You said that the guards could do some things spontaneously.
16 What kind of activities in which the guards themselves could make
17 such a decision spontaneously that you have observed?

18 [11.06.11]

19 A. Mr. President, the East Brother who came to visit the place
20 where I worked, he -- I think there was a kind of threatening.
21 He said that if he could not work properly then he would be in
22 the hands of the guards. So I could presume that the guards have
23 exercised the full rights to make their own decision without any
24 further consultation.

25 Q. In your statement before the Co-Investigating Judges there was

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1 an annex attached and there were 13 sketches drawn by you,
2 yourself? Are all those sketches, or the drawings, yours?

3 A.Yes, they are mine.

4 Q.So that drawings reflect the activities of the officials of
5 the Angkar who treated you personally, or what?

6 A.The drawings, I would like to classify them into three parts.

7 First, I saw it with my own eyes. Number two, I only heard but I
8 never saw it, but I could imagine how the situation -- how it
9 happened. And number three, I heard from prisoners who shared
10 the room. So this is how the drawings could be produced.

11 MR. PRESIDENT:

12 The AV unit, could you please attach the 13 drawings with ERN
13 from 00163721 to 00163734? And D28/9. Could you please make
14 sure that they are projected on the monitors?

15 [11.09.45]

16 Could you please start from the first drawing? ERN 00163721
17 first?

18 The AV unit, what happened? Could you please advise us whether
19 it is possible to have it projected on the monitors?

20 The Co-Prosecutors, could you please be of any assistance to
21 project that picture?

22 MR. PETIT:

23 Mr. President, with pleasure.

24 BY MR. PRESIDENT:

25 Uncle Vann Nath, could you please observe the pictures?

40

1 Please move to the next slide, and until you reach the final
2 picture, but please be slow.

3 Thank you very much, the prosecutors.

4 Could we please move to page 00163731, please? Please move to
5 the Khmer ERN regarding the sketches 00163731.

6 MR. PETIT:

7 I'm sorry, Mr. President, could you repeat the Khmer ERN, please?

8 MR. PRESIDENT:

9 00163731.

10 MR. PETIT:

11 And which page would you like to see, Mr. President?

12 MR. PRESIDENT:

13 Page 18, please.

14 [11.17.30]

15 BY MR. PRESIDENT:

16 Q.Uncle Nath, please look at these sketches. There were two
17 people, who could be the guards and a man who was sitting near a
18 water jar and putting one of his hands into the jar. Is the
19 sketch describing yourself or other prisoners?

20 A.Mr. President, these sketches show my picture the first day I
21 came downstairs and it reminds me of my recollection, the memory
22 that I could see the light that I could live when I was asked to
23 shave my hair and moustache. And from the day I was detained
24 until the day I had a bath it had been almost more than one month
25 that I had the first bath. And I broke a mirror, a kind of glass

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1 that I use to reflect myself inside such a mirror. I could see
2 how weak I looked in that mirror and two guards were guarding me.

3 Q. So this sketch is about the treatment of the staff of the
4 Khmer Rouge Angkar on you during the time when you were arrested
5 from Battambang and sent to Phnom Penh at S-21 to that workshop;
6 is that correct?

7 A. That is correct, Your Honour.

8 MR. PRESIDENT:

9 Could the Co-Prosecutor once again help show another picture with
10 P000027 and the following pictures, please?

11 [11.20.28]

12 BY MR. PRESIDENT:

13 Q. Uncle, please look at these pictures. There were a number of
14 prisoners inside a room and people were shackled to the legs on
15 an iron rod. Is it your painting and does it reflect the real
16 situation in which prisoners were detained and while you also
17 were detained at that time?

18 A. Mr. President, it is the room where I once was detained in and
19 it shows the exact number of people who were detained at that
20 time and how we put to sleep and that we could not sit up without
21 any permission, and only when we raised our hand to ask for
22 permission to sit up that the guard could allow us to sit up.
23 This is how we were treated.

24 MR. PRESIDENT:

25 So could you please move to the next photo or picture?

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1 BY MR. PRESIDENT:

2 Q.What about this picture?

3 A.This picture is about a prisoner who was detained in an
4 individual cell under Building C, A, B and D because when I was
5 first sent in under those buildings there were individual cells.
6 But later on only Building A could have the individual cells.
7 The other cells were removed. So after any prisoner was
8 interrogated then the hope was very slim that they could survive
9 or live. That's why they were detained into an individual cell
10 and being desperate and hopeless.

11 Q.So you only drew this picture or painted this picture based on
12 your recollection of other people having told you, or based on
13 your experience?

14 A.I used to see these cells because during the time when I
15 worked there I would pass some of the cells.

16 [11.23.26]

17 MR. PRESIDENT:

18 Could you please move to the next photo?

19 BY MR. PRESIDENT:

20 Q.Can you tell us anything about this picture? What is it
21 about?

22 A.Mr. President, I did not see this incident. I only heard from
23 what happened in Building B because normally the guards -- a few
24 guards would take children from their parents, and I could hear
25 the scream of those parents and the parents who would probably

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1 have tried to take back their children from the guards. So it
2 was based on my imagination and what I heard.

3 MR. PRESIDENT:

4 The next picture, please.

5 BY MR. PRESIDENT:

6 Q.Does this picture show anything; could you please tell us?

7 A.Mr. President, this photo -- this painting -- was drawn based
8 on the information I was told by a prisoner who was interrogated
9 by water-boarding technique; that he was suffocating.

10 MR. PRESIDENT:

11 Could you please show the fifth picture, please?

12 BY MR. PRESIDENT:

13 Q.What about this picture; could you please tell us about it?

14 [11.25.48]

15 A.This picture was drawn from the recollection of what the
16 prisoner told me, Mr. Pa Tha Chan, the Vietnamese translator
17 during interrogation when Vietnamese were interrogated, he told
18 me about this. And I think Brother East knew that because he was
19 placed -- immersed into a basin filled with water and he drank
20 too much of the water and then later on the guard would step on
21 his stomach to make him vomit all those water.

22 And in 1981, the German people -- East German people who came to
23 file the document for S-21 and he gestured in that movie -- the
24 documentary about being immersed into that improvised basin, and
25 that's why I could draw such a painting based on his request of

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1 his recollection of the torture.

2 Q.Has he survived S-21?

3 A.He had survived, but he died in 2002.

4 MR. PRESIDENT:

5 Could you please show picture number six?

6 BY MR. PRESIDENT:

7 Q, Could you please describe the painting here?

8 A.Mr. President, this photo -- or this picture was not drawn
9 from my -- what I witnessed or from what people told me, but we
10 can see these equipments to the south of the special prison; we
11 saw these implements. And then there was a meeting end of 1981,
12 and then we analyzed how the container was used for torture
13 during that time.

14 [11.28.36]

15 So there were two handcuffs and a tap -- water tap -- and people
16 could not -- no, after the discussion, people could presume that
17 any prisoner would be hung and then plunged into the water in
18 that container because there were cuffs inside the container, so
19 it suggests that the head of any prisoner would be immersed under
20 the water. So that's why I think -- it based on from what we
21 analyzed during that time.

22 Q.Thank you.

23 MR. PRESIDENT:

24 Could you please show the next painting?

25 BY MR. PRESIDENT:

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1 What about this painting, what does it show?

2 A.This painting was drawn by showing a description of a female
3 prisoner from the
4 kitchen. I personally went into the kitchen and briefly she told
5 me that she lost her female character, and I did not ask her in
6 detail. And she said she was interrogated and that her female
7 character was lost.

8 And with the scorpion -- with the poisonous insect, were based on
9 descriptions of the guards. There was an old guard. He was
10 feeding those insect and when I asked him what he did, he told me
11 that he was asked to feed those insects. And sometime he fed
12 those insects with ants and sometimes they would come and take
13 those insects or the centipede, and when I asked the female
14 prisoner, she said she was interrogated and she was bitten with
15 that centipede.

16 [11.31.16]

17 Q.Thank you.

18 MR. PRESIDENT:

19 Please move onto the next painting.

20 BY MR. PRESIDENT:

21 Q.What does the painting reflect; the types of torture?

22 A.Mr. President, a victim, but he already passed away. His name
23 was Oeng Bech. He was the -- he used to be the chairman of the
24 Genocide Museum of Tuol Sleng. He told me that his nails were
25 pulled in that way. So he lost some of the fingernails as the

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1 result of this types of torture, so I painted this image for him
2 as a souvenir. So this one reflects the actual torture done by
3 the S-21 staff on Oeng Bech.

4 Q.After you did the painting, was Oeng Bech still alive to --
5 and whether he receive it and he reflected that it was the actual
6 torture reflection on him?

7 A.Mr. President, from what I can recall, the S-21 museum was
8 opened in 1981 and he died in 1997, so he had that picture for
9 more than 10 years.

10 Q.Thank you.

11 MR. PRESIDENT:

12 Please move onto the next painting; that is painting number nine.

13 [11.33.26]

14 BY MR. PRESIDENT:

15 Q.Can you describe this painting?

16 A.This painting was a reflection of Bou Meng. It was his idea
17 that he describes the way he was tortured; that they took turns
18 to beat him up. So I made that painting for Bou Meng.

19 Q.Thank you.

20 MR. PRESIDENT:

21 Please move to painting number 10.

22 BY MR. PRESIDENT:

23 Q.What about this painting; can you describe the painting, what
24 does it reflect?

25 A.Mr. President, it is unclear. I only made this painting to

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1 reflect what happened at Choeung Ek from the hearsay, but I don't
2 think it was the way it was done, but because the -- or the
3 unclear information. And, actually, only one hand was tied, and
4 after the person was dead then the throat was slashed, so this
5 painting does not reflect the reality.

6 So it was less cruel than what happened at Choeung Ek. At
7 Choeung Ek, the tied was not done in that way. After the person
8 was clubbed and died, then the throat was slashed. That's what I
9 learnt later by a person who used to be a former person in the
10 special force group.

11 MR. PRESIDENT:

12 Thank you. Please move on to painting number 12.

13 BY MR. PRESIDENT:

14 Q. So you already described this painting, the reflection of
15 torture on a person who boasted to be a good artist, but it
16 turned out that he was not a real artist. Then the accused
17 ordered him to be returned and then the guards tortured him that
18 way, and you saw this view during the night. But in order to
19 make it easier on the eyes in the painting, you painted it as it
20 happened during the day. Is this the picture that you referred
21 to?

22 [11.36.16]

23 A. That is correct, Mr. President.

24 MR. PRESIDENT:

25 Please move on to painting number 13.

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1 BY MR. PRESIDENT:

2 Q.And what about this painting; what does it reflect?

3 A.I saw two people carrying a very skinny person whose hands and
4 feet were tied into a wooden pole. Mr. President, I saw this
5 incident personally. When the prisoners were moved out during
6 that time, I thought they would be moved out and to be integrated
7 into the co-operatives for rice production, for instance. That's
8 what I thought.

9 This person could not walk. He didn't eat and he was so sick for
10 quite some time, and he could not walk by himself, so that was
11 the way that he was carried by young guards about 15 to 16 years
12 old. And when I turned my head and I saw this incident, and I
13 was rather moved and shocked by what I saw. I thought the person
14 already died but, actually, he was still speaking and his eyes
15 were blindfolded, so it means he was not yet dead. So he was
16 taken out to be put into the truck which was waiting outside.

17 [11.38.05]

18 MR. PRESIDENT:

19 Please move on to the last painting, number 14.

20 BY MR. PRESIDENT:

21 Q.And this painting drawn by you, what does it reflect and what
22 is the likely location of your reflection in this painting?

23 A.Mr. President, after I heard about Choeung Ek as a burial mass
24 grave site, we went there and we saw a lot of mass graves, so we
25 knew about the umbrella branches of S-21 at Choeung Ek where

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1 people were killed.

2 Q.Thank you. You left the Security Office S-21, and when was
3 that?

4 A.Mr. President, I left the S-21 compound on the 7 January 1978
5 at 12.30 noon.

6 Q.How many went along with you and where did you go?

7 A.Mr. President, on that day after I heard the gun explosions on
8 the main street, we were gathered into the painting workshop.
9 There were woodcrafters and some other artists totalling more
10 than 10. There were about 12 or 13 of us in the workshop. At
11 about half-an-hour later, that was 12.30 noon, there were four or
12 five armed guards came and ordered us to leave the room, to walk
13 in one line, to follow them. And they threatened us to walk in
14 one straight line. If we stayed one -- if we even made one step
15 out of the line we would be shot dead. We were so scared. And I
16 saw that was the time.

17 [11.40.56]

18 So we walked. I did not even dare to pick up my scarf; it was
19 nearby. I only had the clothes on me. So we followed them,
20 walking across the Tuol Tumpoung market. That was so quiet at
21 the time. So we walked past that area down to Boeng Tumpoung
22 area and towards Chamkardon, and we arrived at Prey Sar almost at
23 dusk.

24 And when we arrived there, we saw a lot of people who were
25 already there and we walked throughout the night. So because of

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1 the chaotic situation, some of us separated and we reunited in
2 the early morning, and then I walked and I almost reached Ang
3 Snuol.

4 The four or five prison guards were already waiting for us there,
5 so we did not have anything to eat for one day already on the 7
6 of January. And on the 8 of January, when we arrived at that
7 location, the soldiers asked us to eat the watermelons, and after
8 that we had to cross National Road Number 4 and then we would be
9 out of harm's way.

10 So at 8 a.m. in the morning, we crossed the National Road Number
11 4 in a number of lines. There were some lines to the left and to
12 the right of my line, and almost -- we almost reached the
13 National Road Number 4. It's about 100 metres away. We saw some
14 trucks with the Vietnamese and Cambodian soldiers on the trucks
15 with a flag displaying on the truck. The lines on the right of
16 my line fired at those trucks and then they responded and then
17 there was an exchange of fire, and those forces who guarded us
18 fled in separate directions.

19 So we all were separated. Ieng Chan, Oeng Bech and Ta Kong and I
20 were the only four in one group, so we waited for those who would
21 arrive later on. For example, we expected that maybe there would
22 be guards or other prisoners who would arrive, so we would wait
23 for them, and we dared not to go anywhere because we were afraid
24 that the Vietnamese soldiers would shoot us and kill us.

25 [11.44.02]

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1 And because we were so hungry we did not have anything to eat, so
2 we were waiting nearby the main road. So when we made a decision
3 whether to follow them or not, and I was afraid that I would be
4 dead if I had to follow them because we did not have anything to
5 eat and I wanted to go back to Phnom Penh, but then I was told if
6 I go back to Phnom Penh then my throat would be slashed by
7 Vietnamese soldiers.

8 I, myself, I was determined to go back to Phnom Penh and the two
9 or three of them then followed me. And then we saw some trucks
10 driving by and they waved to us not to go to that direction.
11 And on the 8th of January at 4 p.m. I felt a bit liberal and when
12 we arrived in Phnom Penh it was the 10th of January and there
13 were some Cambodian soldiers waiting to receive us. They were
14 friendly. They gave us rice and food amongst with other people.
15 And there were only four of us in the group.

16 About one year later after the museum was established, then we
17 saw three others: Bou Meng, Pha Tha Chan, and Chum Mey. So
18 initially only four of us who arrived. This is my response, Mr.
19 President.

20 [11.45.45]

21 Q.Thank you. And another view that the Chamber wants to know is
22 that during the 7th of January 1979 -- on that day, when the
23 liberation army arrived, the armies of the National United Front
24 with the support of the Vietnamese soldiers to come and liberate
25 Phnom Penh, and when you left, that you were ordered to walk in

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1 one line.

2 The question is, for the remaining prisoners, how many of them
3 altogether? And when you were asked to go along with them,
4 besides the guns pointing at you, were you cuffed or were a
5 string used to tie all of you up?

6 A.Mr. President, from what I can recall, at that time we left
7 the painting workshop there were woodcrafters, electricians,
8 blacksmiths and there were about 13 of us. We were ordered to
9 leave but we were not tied or handcuffed. We walked with our
10 bare hands but we were ordered to walk only in one straight line.
11 And there were no other prisoners remained in the prison.
12 Probably only a few left after the October or November; the
13 prisons were quiet since that time. There was a special prison
14 at Building A. There were some when I left. When I left there
15 were some of them there. I saw their heads from what we saw from
16 the distance but we didn't know when they died.

17 Q.The remaining prisoners who were later on buried there, how
18 many of them did you see at the Tuol Sleng museum?

19 A.I saw 14 burial locations or tombs here at the Tuol Sleng
20 museum, so I presume there were 14 of them left and later on the
21 chairman Oeng Bech made a concrete tomb for those 14 people who
22 died.

23 [11.48.38]

24 Q.Regarding your personal matter, when Khmer Rouge Angkar
25 arrested you and sent you from Battambang to Phnom Penh to be

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1 detained at S-21 Detention Centre, what happened to your family,
2 your wife and children, because you have not yet mentioned about
3 your family?

4 A.Mr. President, on the day I was arrested I only was arrested
5 alone and my wife and children were at the cooperative number 5.
6 I had two children staying with my wife. The eldest was five and
7 the youngest was six months old. After I was freed and after I
8 returned I learned that my children died. Only my wife survived
9 and she is with me at the present time.

10 Q.Thank you for your information in this testimony to depict the
11 incidents and the events that you went through during the
12 Democratic Kampuchea from the 17 April 1975 to the 7th of January
13 1979.

14 MR. PRESIDENT:

15 Next, I would like to inquire if any Judges of the Bench have any
16 questions to ask this survivor who is now as a witness related to
17 the fact of S-21.

18 Judge Lavergne, you take the floor.

19 BY JUDGE LAVERGNE:

20 Q.Could you explain to us the difficulties that you encountered
21 after your release, after you left S-21 and the traumatic
22 experience that you went through and how you were able to
23 eventually overcome this?

24 A.Mr. President, Your Honour, the one-year period of my
25 detention at S-21 was the period that I tried my best emotionally

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1 and physically to accomplish the tasks ordered by Angkar. I
2 tried to use all the skills I had to accomplish those tasks for
3 the only purpose; that is, survival.

4 So my suffering and my separation that happened to me during the
5 one-year period and during the three years eight months period of
6 the regime as a whole cannot be erased easily from my memory.

7 Even I tried my best to forget and try not to remember, it still
8 haunts me. It still makes me to remember what happened.

9 So in summary it cannot be forgotten. I don't think I can never
10 ever forget what happened to me, Your Honour.

11 Q.We have seen that you made many paintings and, if I understood
12 correctly, you returned not too long after you left S-21, back to
13 where S-21 was set up, to paint paintings. You also partook in
14 documentary films and I believe you also wrote a book. Can you
15 tell us why it is so important for you to testify in this way?

16 A.Your Honour, Mr. President, this is what I have thought since
17 I was detained at S 21. I determined if one day I survived and
18 had freedom and that I could leave that location, I would compile
19 the events to reflect on what happened so that the younger
20 generation knew -- would know of our suffering, and that the 36
21 of us who were transferred over to S-21 never committed anything
22 wrong.

23 Therefore, those who came along with me to S-21, the majority of
24 them did not know anything or any offence that would lead to
25 their arrest. They were perplexed as to what happened, why they

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1 were arrested So I had to reveal, I had to write, I had to
2 compile, and it can be served as a mirror to reflect to the
3 younger generation of the lives of those who were accused with no
4 reason, who committed no wrong, and that they were punished that
5 way.

6 That was the very suffering that we received and the suffering
7 that we had because we told them the truth and they did not
8 believe it. There was nothing else more than that. That's why I
9 determined, I attempted, and I tried to explain to the younger
10 children through various programs, through them, so that the
11 younger generation would understand the experience so that they
12 would consider and that they would try to avoid the repeat of
13 such historical events.

14 [11.56.55]

15 Q.You came today to testify. Are you expecting anything in
16 particular from this trial? Would you -- are you wishing for
17 something special in this trial?

18 A.Your Honour, I have thought from the beginning -- that was
19 after 1979. I never imagined that I would be able to sit in this
20 courtroom today to describe about my plight of the experience to
21 the younger generations, to the general public to understand what
22 happened to me, and now I have the ability to testify before this
23 Chamber in public. This is my privilege. This is my honour. I
24 do not want anything more than that.

25 What I want is something that is intangible, that is justice for

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1 those that already died. Whatever way the justice could be done
2 is my only hope that can be achieved by this Chamber. And I hope
3 by the end of the Tribunal that justice can be tangible, can be
4 seen by everybody, and that it is something that I expect as a
5 result, as an outcome of this Chamber of this Tribunal, and this
6 is what I wanted, Your Honour.

7 Q.I would like to revisit an incident that was a bit specific
8 that you mentioned involving another painter who was working with
9 you in the workshop at Tuol Sleng, an incident between this
10 painter and Duch. You were relating an incident involving Bou
11 Meng. Do you remember what happened between Bou Meng and Duch?

12 A.Your Honour, Bou Meng was tortured for his mistakes but I
13 don't know what kind of mistakes he had. But at that time at
14 about 11 p.m. we were about to break from work. Then there was a
15 guard, Mr. Peng, a rather higher or senior staff. And then he
16 was watching us at the place for some time and I was scared but I
17 did not ask him any questions. I just continued working. And
18 then later on he said, "Contemptible Meng, get out".

19 [12.00.32]

20 And then Meng wore his shirt on and then he left. Then I asked
21 him that, "Now the guard asked you to go out and when you come
22 back don't forget the cigarette, to bring the cigarette for me
23 also." Then when he left I never saw him again for long. I was
24 waiting to see him back but it was in vain.

25 I thought that probably he would be released and integrated into

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1 the cooperative but after about two weeks I took a rest -- I mean
2 after work -- and I was about to fall asleep. Then I heard
3 someone calling from downstairs and asked me to send back the
4 painter -- the guard to send the painter. And I thought what
5 would happen then? Then I came downstairs and I was working, was
6 back to work. There were four people: Comrade Chan, Sunkhun, I
7 myself and another person and we did not know what would happen.
8 A little while later we heard the sounds of the chains which were
9 being dragged along the corridor and then at the door we saw Meng
10 who was chained to his neck and legs. He was pale and his hair
11 grew longer and my heart beat so quickly at that moment. And
12 Brother East was there at that moment and then Meng was called in
13 and he said "Contemptible Meng, what have you promised to me?"
14 And then Bou Meng said, "I did not know anything," and then he
15 sat right in front of me, kneeled down and apologized to every
16 one of us.

17 [12.03.10]

18 And actually, I did not know anything about what happened to him
19 when he was taken away. And then he was taken back, and later on
20 he said that whether contemptible Meng could be used any longer
21 or could he be used to make fertilizer. And I thought that
22 fertilizer here means the fertilizer for plants or crops at the
23 cooperative. And then -- and I thought that since he was also an
24 artist and when he was made to work to make fertilizer, it would
25 not be a proper job for him, so that's why I talked to him that

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1 please forgive him for his wrongdoing and give him an opportunity
2 to stay here and if he made further mistakes then he would be
3 decided.

4 I think he probably did not listen to me but since Meng could be
5 a good painter then he would be longer used at that location and
6 his leg was shackled, chained, and then he asked me to watch him,
7 and that he must not move any inches from that location, and that
8 was the last time that he could correct himself so he would -- he
9 was back to work.

10 So this is what I could recall about that person, your Honour.

11 MR. PRESIDENT:

12 It is now time for lunch, so the Chamber would like to take an
13 adjournment until 1:30 pm.

14 (Judges exit courtroom)

15 (Court recesses from 12H05 to 13H27)

16 (Judges enter courtroom)

17 [13.27.15]

18 MR. PRESIDENT:

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

20 We will continue to hear the testimony of a witness who is also a
21 survivor from S-21, Vann Nath. I would like now to give the
22 floor to the Judges of the Bench if you have questions to be put
23 to this witness.

24 Judge Ya Sokhan, the floor is yours.

25 JUDGE YA SOKHAN:

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1 Thank you, Mr. President.

2 BY JUDGE YA SOKHAN:

3 Q.Uncle Nath, can you confirm when you were first detained in
4 the rice barn? Was it a prison to detain people in that
5 subdistrict or was it a temporary detention?

6 A.Your Honour, I was first detained in the rice barn. It was
7 the cooperative detention. The cooperative name was Cooperative
8 5.

9 Q.So it was for the Angkar district detention centre?

10 A.No. It was not. It was the cooperative prison. When people
11 were first detained, they would be detained there temporarily.
12 Two or three hours later they would be sent to the subdistrict,
13 and District 41. That was at the Samrong Pagoda.

14 Q.So they were sent to be detained at the Samrong Pagoda. What
15 was the prison like in that pagoda?

16 A.Your Honour, the prison at Samrong Pagoda belongs to District
17 41 of Sector 4. It was for the entire pagoda. It was converted
18 into a prison and after the liberation of 1979 it was noted that
19 a lot of people died, and there was a memorial site, it was quite
20 a big one, built there for those lost souls.

21 [13.32.52]

22 Q.So it was at Samrong Pagoda. What about the detention centre
23 at the Kandal Pagoda?

24 A.Your Honour, the detention at the Kandal Pagoda, from what I
25 understood, it belongs to the Northwest Zone. Because people

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1 were sent there from various other prisons, for example from
2 MOUNG RUESSEI District, BANAN District, they were all sent to
3 that big prison.

4 Q. When you were detained at the Samrong Pagoda were you given
5 food on that day?

6 A. Your Honour, on that day we were given a meal around 8 or 9
7 a.m. in the morning. It was a small bowl of gruel and with a few
8 salts, pieces of salt.

9 Q. When you rested during the night, were your handcuffs taken
10 off?

11 A. On the first night that I was detained at the Samrong Pagoda,
12 my legs were shackled but I was not handcuffed.

13 Q. Did they interrogate you at the time?

14 A. No I was not interrogated. I only stayed there for a short
15 period of time.

16 Q. When you were sent to Kandal Pagoda, how many guards
17 accompanied you and were they armed?

18 A. Your Honour, I departed Samrong Pagoda to Kandal Pagoda in the
19 company of two soldiers. One rode the motorbike. The other one
20 carried an AK rifle, sitting behind me. So there were four
21 people on that motorbike: the soldier who rode the bike, then
22 myself, another prisoner, and then another soldier behind us.

23 [13.35.46]

24 Q. You stated that the Kandal Pagoda Prison was a zone prison.

25 Did you know who supervised that prison; that zone prison?

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1 A.Your Honour, I did not know that detail.

2 Q.When you arrived at the Kandal Pagoda did the guards at Kandal
3 Pagoda Prison come to receive you? Or were they the two militia
4 men who took you there, led you to the people at the Kandal
5 Pagoda Prison?

6 A.Your Honour, at that time the two soldiers who took us there,
7 once the motorbike stopped, three or four soldiers came out from
8 the Pagoda. It seems like they had a prearrangement. So then
9 when the motorbike stopped they tied my hands to the back.

10 Q.Did they blindfold you or tie your hands to the back?

11 A.My hands were tied to the back but I was not blindfolded.

12 Q.Did they register your details and were you photographed?

13 A.No, not at that Kandal Pagoda Prison.

14 [13.37.50]

15 Q.Where did they take you after that?

16 A.After they tied us up they split us. Say Sarak was sent to
17 the left and I was sent to the right direction, into a room. It
18 used to be a former monk residence, and inside that room there
19 were already four detainees. So they untied my hands and they
20 shackled my legs. There were five of us there at a time.

21 Q.When did they interrogate you?

22 A.Your Honour, at about 7 p.m. they came to call out the names
23 and we were tied and taken away.

24 Q.After returning from being interrogated, were you still cuffed
25 or uncuffed?

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1 A.After we returned from being interrogated we lost our spirit.
2 They took off the cuffs and they shackled our legs. Although we
3 asked for water, we were not given any.

4 Q.From your statement, you were detained at the Kandal Pagoda
5 for seven days. And the subsequent days, were you being
6 interrogated and tortured?

7 A.Your Honour, at the Wat Kandal I was interrogated once. That
8 was on the first day. I was interrogated for one time only.

9 [13.40.11]

10 Q.What the food ration was like?

11 A.The food at the Kandal Pagoda was for the row of the shackle,
12 and there were five or six of us. We would be given one small
13 cartridge container of gruel, and they place it on the wooden
14 shackle, and if there were five of us, there would be five spoons
15 there. And then they -- there's a small pat of salt. Sometimes
16 they put it on that wooden shackle, sometimes they put it on the
17 bowl. So we took a grain of salt each and we ate the gruel from
18 that common pot together.

19 Q.When you were taken out from the Kandal Pagoda Prison, did you
20 know which force or which group came to tell you and did you know
21 -- or if you know the unit of that group?

22 A.Your Honour, at that time I did not know anything or which
23 unit or which force came to take me. My name was called and the
24 truck was waiting for us. So after they lift the cloth cover
25 then we were boarded and then they verified the names of the

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1 prisoners. Then they uncovered the truck and we could not know
2 which unit came to pick us up.

3 Q.Did you look at the plate number of that truck?

4 A.No, I did not.

5 [13.42.31]

6 Q.In each truck how many guards were there?

7 A.Your Honour, from what I can recall, in that truck there was a
8 driver and a person who sat next to the driver. There is one
9 guard sitting on the roof and another guard sitting in the back
10 with us. They were all armed. So in total the armed guards,
11 there were three armed guards plus the person sitting next to the
12 driver. So if I can recall it, there were five of them
13 altogether in one truck.

14 Q.Did you ever think about the detention at the zone prison and
15 at S-21 Detention Centre? Which one had worse conditions than
16 the other one?

17 A.Your Honour, from the feeling that I had at the time that I
18 came across three prisons and when I arrived at S-21, while I was
19 being photographed I had a feeling that that was a detention
20 centre closer to the senior leadership and I had a slim hope that
21 there might be justice and that because we did not do anything
22 wrong, and if Angkar found that we didn't make any offence, then
23 we would be released. That was the feeling I had at the time.
24 However, after I entered the second floor of the D building two
25 days later, my hope just died. It's gone. That was also based

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1 on the behaviours of the young prison guards, so I completely
2 lost my hope. They degraded us. It's indescribable, the way
3 they treated us, the prisoners. Sometimes when we laid down,
4 when they woke us up sometimes while it was just -- while we were
5 asleep they suddenly woke us up and if we could not sit up on
6 time then they used their rubber -- their tyre thongs to kick our
7 heads.

8 [13.45.54]

9 So with such a view for the last few days when I was there, I
10 lost my hope and when I compared my detentions to the sector and
11 the zone prison, I could not have any hope. The situation, the
12 security was tight. We were forbidden not to talk to any other
13 inmates and that at S-21 is where I really had the real test of
14 being detained in the prison conditions. My hope was zero.

15 JUDGE YA SOKHAN:

16 I have no more questions, Mr. President.

17 MR. PRESIDENT:

18 Any Judges of the Bench have any questions?

19 The floor now is given to Judge Thou Mony.

20 JUDGE THOU MONY:

21 Thank you, Mr. President.

22 BY JUDGE THOU MONY:

23 Q.Uncle Vann Nath, I want to clarify on a few points that you
24 have stated this morning. You told us you were detained at S-21
25 for more than one month and after that you were assigned to draw

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1 paintings. Can you tell us the condition of your first detention
2 and the condition after you were assigned to work as a painter?

3 A.Your Honour, the two conditions were completely different.
4 When I was upstairs, as I said, we had no rights. If we were
5 ordered to sleep we had to sleep. We had to ask for permission
6 for everything that we wanted to do. However, when I was on the
7 ground floor I had certain freedoms. I could move around freely
8 in the workshop in that room. That room was about three times
9 10, or four times 10 metres, and if I wanted to go out of that
10 room then I would need to ask permission from the guard who
11 guarded outside that building, that room.

12 [13.48.19]

13 And for lunch or for taking a bath then we were -- I was allowed
14 to do that. So the conditions were completely different.

15 Q.What about resting at night? Were you cuffed or shackled?

16 A.Your Honour, while I was working on the ground floor I was no
17 longer cuffed or shackled. I had freedom. I could sleep freely.
18 I was allowed to have a mat, although it was not a new mat but,
19 yes indeed, it still was a mat and I could use a mosquito net as
20 a blanket.

21 Q.So you were not cuffed or shackled. However, were you guarded
22 strictly during the time you rested at night?

23 A.When I rested on the upper floor together with other workshop
24 people, yes, we were guarded strictly and we were checked almost
25 every hour. But later on, when I rested in the workshop, nobody

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1 guarded me. They locked us from the outside and we could rest in
2 that workshop.

3 Q.What about the food provisions? Was there a difference between
4 the time you were upstairs and the time you worked as a painter?

5 A.Your Honour, it was totally different. Upstairs, as I said
6 earlier, we only had a few spoons of gruel each time for each
7 meal. Downstairs in the workshop I could eat. I could have my
8 fill. I had rice to eat, so that was the difference.

9 [13.50.00]

10 Q.You stated this morning that when you worked as a painter, a
11 prisoner who declared that he was a real artist and could work
12 quicker and at a better pace than you -- however, he could not
13 accomplish what he said, so he was tortured by hanging and
14 dropping into the jar, as you illustrated in the drawing. And it
15 was done at night.

16 Besides that prisoner were there any other prisoners who were
17 tortured the same way?

18 A.Your Honour, I only saw one incident of that prisoner. I did
19 not see any other prisoners involved in such torture.

20 Q.Besides that one type of torture did you witness any other
21 types of torture?

22 A.No, I did not see it personally, however, one day a prison
23 guard from the interrogation unit brought a prisoner to be
24 interrogated. At that time, I was mixing cement in order to
25 build the sculpture of Brother number 1 and the prisoner was

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1 walked nearby to the window of the workshop, and that guard asked
2 me to pack some cement for him and I thought he would use it to
3 fix a water jar or something. So I gave it to him and he left.
4 Upon returning, the person whom he walked before I handed him the
5 cement, I saw the cement on the head of that prisoner, so I
6 presumed that the cement was used on that prisoner. However,
7 that was only my conclusion.

8 [13.52.57]

9 JUDGE THOU MONY:

10 Thank you, Mr. President. I do not have any more questions.

11 MR. PRESIDENT:

12 The Chamber has already asked the questions to the witness and
13 now I would like to give the floor to the Co-Prosecutors to put
14 questions to the witness, Vann Nath. You are reminded that you
15 have 30 minutes to ask questions. The floor is yours.

16 MR. YET CHAKRIYA:

17 Thank you, Mr. President.

18 QUESTIONING BY THE CO-PROSECUTORS

19 BY MR. YET CHAKRIYA:

20 Q.Mr. Vann Nath, besides Brother East, did you know any other
21 leading cadres at S 21?

22 A.Mr. Co-Prosecutor, I knew Brother East, he was the biggest
23 person there. Then Brother Mam Nai from the interrogation
24 section. Next, as called by Brother East, it was Comrade Pon; I
25 saw him occasionally. And next Hor -- Comrade Hor or Brother

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1 Hor, as he was called at the time. He was also a senior cadre,
2 although I was uncertain of his actual position. I called him
3 Brother West.

4 Some prison guards asked me if Brother Hor came to inspect the
5 workshop, so I said sometimes Brother West came to visit, or if
6 the accused came, I would say Brother East came to visit. Then
7 there was a Comrade Peng from the Special Unit; Suos Thy, Bou.
8 They were from a separate unit, but they used to come and go to
9 visit the workshop. This is from what I can recall, Mr.
10 Co-Prosecutor.

11 [13.55.27]

12 Q.Thank you. Did you see the annotation of Duch quote that,
13 "Keep for use temporarily"? And if you did see this annotation,
14 when did you see it?

15 A.Mr. Co-Prosecutor, I saw that document after the liberation
16 day of 1979. I think it was around 1980. At that time, the
17 documentation researchers examined those documents and when they
18 saw my name they showed me the name, and when I saw that
19 annotation, I felt that I had a fever.

20 I was shivering that I was removed to be used because from the
21 list of more than 10 people, and on my name there was a red ink
22 crossing out my name, and in the bracket it was put, "Keep for
23 use" and the rest were smashed. It was on the 16th or 17th of
24 February '78. If without such an annotation, then I would be
25 gone.

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1 Q.Did you think that was Duch's annotation?

2 A.When I first saw the annotation -- let me tell you, Mr.

3 Co-Prosecutor, previously I never knew the name of Duch. I did
4 not know that Brother East was actually Duch because I only knew
5 him as Brother East. So when I saw the name of Duch below the
6 annotation -- for example, the annotation "request to be smashed"
7 -- then I was told that Duch, that was the name of the chairman
8 of the prison. So then I realized that Duch was actually Brother
9 East and, of course, that was the annotation of Brother East.

10 [13.57.51]

11 Q.Did you think that Duch had the most power at S-21?

12 A.Yes, that's what I thought.

13 Q.You confirmed to the Chamber this morning that when insects
14 like grasshoppers fall nearby, then they would grab and eat in
15 order to fulfil the hunger that they had. Did you used to eat
16 those insects?

17 A.Mr. Co-Prosecutor, I tried to eat too but I was not successful
18 because where I was it was far from the light. The light was
19 near the window and I was at the other side, so I did not catch
20 the insects to eat.

21 MR. YET CHAKRIYA:

22 Mr. President, I do not have any more questions. I would like
23 now to give the floor to my colleague.

24 MR. PRESIDENT:

25 The international Co-Prosecutor, you take the floor.

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1 MR. PETIT:

2 Thank you, Mr. President.

3 BY MR. PETIT:

4 Q.Sir, I only have a few questions for you.

5 [13.59.24]

6 At the time of your initial arrest in your commune, you had been
7 living there for over two years now, had you prior knowledge of
8 other people being arrested and disappearing while you were
9 living there? And, if so, did these people have anything in
10 common? Were they part of a same group and what group was that?

11 A.Mr. Co-Prosecutor, in my co-operative, the arrest was made on
12 a regular basis, every day, every month, but the people would be
13 arrested from different locations. Sometimes a few people would
14 be arrested from one group and the other day people would be
15 arrested from the other group, and normally those who were
16 arrested were the new people or the 17th of April 1975, so-called
17 people. And they thought that we were affiliated with the former
18 regime; either we were the students, former soldiers or
19 capitalists.

20 In conclusion, we would be thought as the exploiting class which
21 would be gotten rid of. So the revolutionary thought that
22 exploiting class would be the enemies of them, so I myself would
23 be waiting for being arrested like other.

24 Q.I understand that the circumstances of your first and only
25 interrogation at Wat Kandal was very difficult. But can you

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1 recall for us, or can you tell us, if you think that at that time
2 you confessed to anything or you simply cannot recall?

3 A.I can remember some of the events and in my response, if I'm
4 rather confused -- of course, because I was half-dead or
5 half-alive and I was not yet tortured that I could still tell or
6 confess something, but then I could not remember after I was
7 electrocuted.

8 When I was sitting on the chair, then I was asked why Angkar
9 arrested me and I told him that I did not know anything because
10 Angkar asked me to collect sheaves of rice and then I did not
11 know anything other than that. Then he said that Angkar knew too
12 well already, they were arrested any person by mistake, so I
13 better answer to them. And I still insisted that I knew nothing
14 wrong that I committed and I did not make any mistake at the
15 fields, and in my co-operative we did not have food and people
16 only shared the communal meal.

17 [14.03.24]

18 Like for 150 families would eat just all together when we were
19 offered the gruel, and the gruel with a lot of water, but less
20 grain. And people were so hungry that they had to pick up leaves
21 to substitute their food and they would probably pick up the
22 collected vegetables or property. That's why they might have the
23 mistake by doing so.

24 And then he said that I did not need to even try to hide any
25 mistake, but they still said that I did something against the

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1 Party by conducting meetings with the group, and he asked me
2 whether I had such meeting and where the meetings were taking
3 place. And I told him that, you know, I did not know anything
4 about it. How could I tell you about such meetings?

5 So then I was electrocuted again, and then I was unconscious, and
6 when I woke up I was interrogated and then I could not remember
7 the people I wrote or confessed to them. I was talking about
8 myself rather than implicating other people in my confession.

9 Q.Thank you. I would now like to show you a picture, with the
10 Court's permission, of Tuol Sleng, an aerial photography, to help
11 us understand a little bit more your earlier testimony.

12 MR. PETIT:

13 That picture, Mr. President, can be found at ERN 00195373 to
14 00195377. I'm not sure of the exact ERN of this particular
15 picture, but if we could have the A/V Section put it on the
16 monitors it will become clear as it is very familiar to us.

17 [14.05.50]

18 This is part of the Zoran Lesic report, expert report, that was
19 done for the investigation.

20 MR. PRESIDENT:

21 Could you please confirm whether these ERN numbers are in French
22 or in Khmer or English? Could you please repeat it also?

23 MR. PETIT:

24 These ERN numbers are for the Khmer version. They are again
25 00195373 to 00195377, if I'm not mistaken. And they are, as I

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1 said, part of the report done by Mr. Lesic and show various takes
2 of the location.

3 MR. PRESIDENT:

4 The A/V Unit, could you please put the pictures or the
5 photographs as suggested by the Co-Prosecutor on the monitor.

6 Thank you.

7 MR. PETIT:

8 Thank you.

9 BY MR. PETIT:

10 Q.Now, sir, this is an aerial photograph. Can you tell us first
11 if you recognize the location?

12 A.Of course, I remember the location.

13 [14.07.46]

14 Q.Thank you. I had to ask that.

15 Can you tell us from your recollection if this shows the
16 buildings of S-21 as they were then when you were detained?

17 A.If we talk about the premises, the location of the buildings
18 in this compound is of course this exact location. It was there.

19 But now things have changed a little bit in the outside.

20 Q.Thank you. Can you tell us then when you first got to S-21,
21 in which building were you detained? And you may use the letters
22 that are represented on this picture to help us understand.

23 A.I first was detained at Building D.

24 Q.Thank you. So in the morning during your testimony, when you
25 were referring to the Building D, you were referring to the same

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1 building that is identified with the letter here as the Building
2 D; correct? Those are the same buildings?

3 A.That is correct.

4 Q.Thank you. Now, could you please for us identify where the
5 workshop that you lived and worked in was located; again, if you
6 can, using the letters on the screen?

7 [14.10.08]

8 A.The building we lived and worked locates in the middle between
9 Building B and C. I could not see the middle letter, that red
10 letter. Yes, somewhere there. So this line of buildings.

11 Q.Would I be correct in saying that this is the line of
12 buildings identified with the letter "E" where the pointer is now
13 running up and down?

14 A.That's correct.

15 Q.Thank you. And your workshop, more precisely, where Duch
16 would come to visit you almost every day, will it be closer to
17 the entrance which we see at the bottom of this line of buildings
18 of closer to the back, towards Building B and C? Where was it?

19 A.It was closer to the back of here, the back. No, no, not that
20 far, a little bit lower. Yes, in that location.

21 Q.Thank you.

22 So therefore, where the pointer is resting on this little blue
23 dot there, towards the end, between building B and C; is that
24 correct?

25 A.That's correct.

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1 Q. So am I to understand, therefore, that when Duch came to visit
2 you almost every day, he had therefore to walk across pretty much
3 the main part of the compound to come to your workshop, either
4 through the building or around in the courtyard itself; correct?

5 A. I'm not quite sure where he came to visit me. I only saw him
6 through the window next to my workplace, so I could not see
7 further from that. I could see his shadow because he was
8 standing near that window, so I could feel like he also -- he
9 already coming. I didn't know where he came from.

10 [14.12.55]

11 Q. I apologize. Perhaps my question wasn't clear.
12 If Duch was coming from outside the main compound, by the main
13 entrance at the bottom of this picture, then he would have to
14 cross most of the compound to come and visit you; is that
15 correct?

16 A. I'm not quite sure, but I can conclude that he would come
17 through the main entrance and walk along this path and then walk
18 past this building -- I mean the small path to reach me without
19 crossing the other buildings.

20 Q. Thank you.

21 Now, during those visits, the President asked you earlier, how
22 did Duch appear -- but perhaps it wasn't -- perhaps it's the
23 translation issue, but it wasn't quite clear to me what the
24 answer was. So let me perhaps rephrase the President's question.
25 During those visits did, at any time, Duch appear to you to be

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1 scared or depressed or somehow anxious? Do you understand my
2 question?

3 A.I understand your question.

4 [14.14.42]

5 At that time I had only a feeling that I had to paint the very
6 good portrait so that he would be happy and if he saw the good
7 painting he was happy, of course. So it was part of my success
8 because he appreciated my painting, but when he came with less
9 impression -- I mean, less interest, then I was so afraid and
10 nervous because I was afraid that he would be angry with me. So
11 when I did -- I know that he did not show good feeling in his
12 facial expression and I would be scared for having not done good
13 job, but I never -- yeah, that's all.

14 Q.You were scared, but did he at any time look scared to you?
15 Did he look like a scared, anxious man to you at any time during
16 that one year?

17 A.S-21 was his location and he was the boss and I did not know
18 whether he would be scared of anything because he would be in
19 control of everything and his subordinates had to be -- had to
20 respect him and fear him. So I thought that he would be an
21 intelligent and smart leader and I thought at that time that he
22 would not -- he would be nothing but the good leader in his time.
23 So everyone could never imagine that people would be taken away
24 to be killed, and we only thought that he would be a respectful
25 person as a leader or boss and he never did anything that made us

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1 scared of him.

2 Q.Thank you.

3 You've told us that some of the guards -- or that there were
4 concerns about possible suicide by prisoners such as taking away
5 possible means; things that you could use to commit suicide. Did
6 you yourself at any time witness an inmate committing suicide
7 and, if so, could you tell us what you witnessed?

8 A.I never witnessed any inmate committing suicide but we were,
9 for example, asking for a string to tie our loose pants, for
10 example. Then they would say that Angkar would not give you such
11 a string because they were afraid that we would use them to
12 commit suicide. That's what I learned.

13 [14.17.46]

14 Q.Thank you.

15 MR. PRESIDENT:

16 Mr. President, I have a request to the Trial Chamber. As you
17 know, you ruled on March 10th, 2009 that a piece of video footage
18 purported to be of Tuol Sleng a few days after its liberation
19 would be placed on the case file. That piece of footage, as
20 we've presented to you through oral and written submission, came
21 to be known after the investigation and, indeed, right before the
22 commencement of this trial.

23 Due to observations from various parties you eventually ruled, as
24 I said, on March 10th, 2009 that the two segments of video
25 footage -- one purporting to show the location, the second

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1 purporting to show former child inmates -- those videos would be
2 placed on the case file and I quote "subject to a review of the
3 relevance and authenticity during the substantive hearing".
4 And you then directed the parties who so wished to do so to file
5 written observations regarding those videos which, if I recall,
6 the defence did and I believe other parties did. We also have,
7 if I'm not mistaken further, a witness who would be able to
8 assist us, perhaps; at least for one of those two pieces of
9 evidence.

10 [14.20.17]

11 Now, much has been said, much has been argued about this footage.
12 I would suggest, following the guidance you gave us, that we now
13 have before us a witness who has by his own admission seen the
14 location, seen the scene of the crime, so to speak, within about
15 seven days after its liberation and who could certainly -- given
16 his accurate and quite forceful testimony today -- probably help
17 us help you to ascertain the value of this footage to your
18 judgement and to this trial.

19 As I said, the parties have made their positions known. You have
20 decided that throughout the substantive hearing you would use
21 whatever opportunity to evaluate this footage to eventually rule
22 on it and use it if need be. I would suggest, therefore, that we
23 take this opportunity -- this first opportunity -- to have the
24 witness shown the first part of these two -- the first of these
25 two videos; the one purported to show the Kampong, as it was

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1 then, so that he may give us any comments that he may have on
2 this footage, so that perhaps we can resolve this issue and
3 decide -- you decide what to do with this footage in the future.
4 That's my humble submission.

5 MR. PRESIDENT:

6 There are two issues with different conditions. We already
7 advised the parties to the proceeding that all kinds of materials
8 requested by the parties have already been decided to be included
9 in the case file, but they are valued as the materials. However,
10 regarding the observations of whether the material can be used as
11 evidence will be discussed in the second stage.

12 [14.22.55]

13 Regarding this matter, there has been objections from the defence
14 counsel concerning the video footage in which they believe that
15 it would be corrected or adjustment would have been made to the
16 video footage, that its original version would not be maintained.
17 So it is now about the rights to be discussed, and whether it is
18 to be put before the Court is another step.

19 I would like to also make it known to the international
20 Co-Prosecutor that on the morning of Friday, the Trial Chamber
21 had already tried to discuss the remaining issues, and among them
22 the Trial Chamber made the decision and we decided to delay the
23 discussion on some particular issues, and we are waiting for the
24 matter to be raised by the Co-Prosecutor and by the parties, and
25 then the Chamber will make a decision whether we should discuss

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1 this matter or not. Because we still have the matter of two
2 Vietnamese witnesses who have been requested by the parties to
3 have them removed from the witness list and that the Chamber also
4 needed to have this matter discussed.

5 I don't know whether you get my message because, in the future
6 proceedings, the Trial Chamber will take into account this
7 matter, but we are not yet in the position to say whether this
8 matter can be now discussed at this very session because the
9 defence counsel still challenge the content of the video footage,
10 as they argue that the video footage would be -- I mean,
11 adjustment would have been made, and that the video had been
12 produced by the Vietnamese people and the witness -- the two
13 witnesses involved in the video footage at the beginning were
14 asked to be put in the witness list and later on were asked to be
15 removed from the list.

16 That's why the Trial Chamber is not yet in the position to
17 discuss this matter at this moment yet.

18 [14.25.47]

19 MR. PETIT:

20 Thank you, Mr. President. I gather, therefore, that the issue is
21 not live or at least that the Trial Chamber does not wish at this
22 point to entertain this issue, and we'll therefore reserve our
23 comments and observation at a later date.

24 Therefore, I have no further questions, but with your permission,
25 Mr. President, on behalf of the Co-Prosecution I'd like to thank

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1 the witness for his testimony today and, indeed, for the
2 testimony he's been giving for the last 30 years. Thank you.

3 MR. PRESIDENT:

4 Next, the Chamber would like to give the floor to the civil party
5 lawyers, starting from group 4 first. We would like to inform
6 the civil parties that each group has 10 minutes to put questions
7 to the witness. So civil party group 4, the floor is yours.

8 MS. STUDZINSKY:

9 I would like to make a request. We have now 2.30 and we expect a
10 break of 20 minutes. That means we have still 100 minutes and I
11 think we have more time, a little bit more time, than only 40
12 minutes for the remaining parties and, therefore, I would like to
13 request to give us and finally the defence, if needed, the whole
14 time, and not like last Thursday that we finished already at
15 lunchtime and had the whole afternoon without having the
16 opportunity to ask questions. Thank you.

17 (Deliberation between Judges)

18 [14.29.35]

19 MR. PRESIDENT:

20 Thank you, Ms. Studzinsky, for raising the matter up regarding
21 the time allocations and that we might have a possible time, but
22 previously our proceedings were delayed due to the time taken to
23 question the witnesses and that's because of the time allocation
24 for questionings which were not strict.

25 And the time allocation as set out and instructed by the Chamber

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1 is to expedite the proceedings in order to satisfy it; also the
2 public and the national and international opinions and for the
3 fair justice.

4 As you have noted, each party urges on the expedition of the
5 proceedings and the Chamber itself has its discretion and already
6 made its decision, and its decision will not be amended to
7 entertain your request. The quicker the proceedings can go, we
8 will accept it, but if there is any delays, we will not take it.
9 The floor is now given to Hong Kimsuon.

10 MR. HONG KIMSUON:

11 Thank you, Mr. President, Your Honours.

12 QUESTIONING BY CIVIL PARTY COUNSEL

13 BY MR. HONG KIMSUON:

14 Q.Uncle Vann Nath, let me ask you a question. You already
15 informed the Chamber that when you walked to the back of the
16 building -- here I talk about the inner compound of S-21
17 Detention Centre -- and you met a female prisoner who said she
18 lost her female character. What does it mean? Can you elaborate
19 on this?

20 A.Mr. Lawyer, the Khmer language, for me, I think the phrase
21 used by her that she lost her nature, her female nature or her
22 female character due to the interrogation, was known enough and I
23 don't want to make any comment on this.

24 Q.Thank you. You already stated to the President regarding a
25 painting that a female prisoner was tortured. In that painting

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1 it does not adequately depict the scene. In the scene I saw a
2 pinch or a plier was used to pinch her nipple and that she was
3 stripped naked.

4 A. On this matter I cannot elaborate further because I, myself,
5 did not witness the interrogation of that female prisoner.

6 However, it is a depiction of what was described to me by that
7 female prisoner. It's not possible to draw something that we
8 cannot see.

9 [14.33.25]

10 Q. Thank you. You also said that you heard the screaming or the
11 crying of young children or adult prisoners. Did you yourself
12 see at a later stage that some guards took the children away and
13 out. How many children were taken out and what was the range of
14 their age?

15 A. I did not see the incident by myself. I heard the screaming
16 and the beating -- the sounds of the beating out, the crying of
17 both adult and young people, and the children were taken away.
18 It was irregular regarding the number. Sometimes there were five
19 people or sometimes eight; sometimes three.

20 As for the young children, or the children, it was hard to
21 estimate their age. It was irregular. Sometimes a young baby
22 was taken away, the baby was about six to seven months.
23 Sometimes a child was walked or sometimes two children were
24 walked together. So the age of the children varied.

25 So this is my response, Mr. Lawyer.

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1 Q.Thank you. You also informed the Chamber that the children
2 were walked or a baby was handled, was carried. Were they taken
3 into the room or were they taken out by the guards?

4 A.The guards took them out from Building C, walking, passing my
5 workplace to go outside. But because I could not see further, I
6 did not know where they were taken out.

7 [14.35.26]

8 Q.Thank you. Another question.

9 You already informed the Chamber, but I would like to confirm
10 that when the guards asked for someone who knows how to paint,
11 you already described that and you said that you saw Brother East
12 coming to visit your workshop almost on a daily basis. Does it
13 mean from the day you started doing the painting?

14 A.Mr. Lawyer, it was started from I received a plan imposed by
15 him. He often came to inspect the workshop. Most of the time
16 usually he came in the afternoon or in the evening, sometimes at
17 8 or 9 p.m. He rarely came in the morning.

18 Q.Thank you. So this means he came to inspect the workshop
19 since you were authorized to work in the workshop. That was,
20 let's say you were arrested on the 8th of January '78 and until
21 the day you were released and assigned to the painting, it was
22 like more than one month in January or February '78, so from that
23 day that Duch, or Brother East, came often to visit you at the
24 workshop?

25 A.Yes. That was the time.

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1 Q.Thank you. On the matter that guards took you into the room
2 when you first arrived at the centre, that were your clothes
3 changed from the time you arrived? It means your old clothes
4 were taken and they gave you the new set of clothes and they take
5 out the string to tighten the waist?

6 [14.37.24]

7 A.Mr. Lawyer, on that issue, when we entered, those who had
8 black clothes had to be taken off. For the rest of other
9 clothes, we could keep them but what was given to those whose
10 black clothes were taken, they gave you coloured clothes, a
11 shorts, and most of those shorts had no string to tighten their
12 waist. So it was why we wore the skirt.

13 Q.I understand that. Thank you. Let me continue.

14 In response to the Co-Investigating Judges, you described in
15 detail but let me summarise that you saw the guards taking people
16 out, but you were not sure of where they were taken. You
17 presumed that they were being integrated into the cooperative,
18 but the question is that when you saw the people taken out of the
19 S-21 office, was it done during the day or the night-time? And
20 how many each time?

21 A.Mr. Lawyer, regarding the movement of prisoners, actually it
22 was done almost on a daily basis. However, the amount of
23 prisoners taken in or out varied. It was the main daily
24 operation of the centre. Sometimes prisoners were transferred
25 from one building to another, people were moved because new

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1 prisoners come in, and some of the prisoners were taken out, so
2 it was a busy activity as part of the daily operation of the
3 centre.

4 And at night I did not see people were taken out. I only saw
5 people were taken out usually in the afternoon. But where they
6 were taken I was not sure, because I only stay in the room where
7 I worked. But usually, yes, the taking out was done usually at 3
8 or 4 p.m. in the afternoon. Sometimes it was done in the
9 morning.

10 [14.39.24]

11 Q.Thank you. My next question is related to your response to
12 the Chamber. You said you went to the workshop at the back and
13 you saw a person putting ants into a box full of centipedes. Was
14 that location close to where you painted the painting or was it
15 behind Building B or C?

16 A.Mr. Lawyer, regarding the geographical location of S-21, it
17 was quite spread at the time. Behind Building B and C there were
18 a barbed wire fence. The front was built in the shape of a house
19 roof, and I believe the fence -- the electricity was used on the
20 fence to defend the building. And if you crossed that fence
21 there would be a workshop, a kitchen, and a pig pen. So it was
22 quite large and the length of that area was quite as wide as the
23 S-21. It used to be a Tuol Sleng market.

24 So the ground of that high school was used as part of the
25 workshop, also for pig pen, kitchen, but they were in different

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1 segments. And for the young guards who went to see the old guard
2 who fed the centipedes with ants, it was not far from the place
3 where he works in the wood workshop. So usually he fed the
4 centipedes with those ants. The centipede was the size of an
5 index finger.

6 So that was the location which was at a different location from
7 the place where I worked in the workshop. It means we had to
8 cross that fence with electricity before we could reach the other
9 side.

10 [14.43.11]

11 MR. PRESIDENT:

12 Mr. Lawyer, your time runs out.

13 And now the Chamber will take a 17-minute break until 3 p.m. when
14 we will resume and continue the proceedings.

15 Court official, could you assist the witness with some
16 refreshment in a resting room, in a waiting room, and bring him
17 back at 3 pm?

18 (Judges exit courtroom)

19 (Court recesses from 1443H to 1459H)

20 (Judges enter courtroom)

21 MR. PRESIDENT:

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

23 Next, we would like to give the floor to the civil parties
24 lawyers, group 2.

25 Correction, please, group 3 first.

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1 [15.00.03]

2 MR. KIM MENGKHY:

3 Dear Mr. President, Your Honours and the parties to the
4 proceeding, my name is Kim Mengkhy, representing civil party
5 group 3 on behalf of the victims and the civil parties.

6 BY KIM MENGKHY:

7 Q.I would like to thank you, Uncle Vann Nath, for being with us
8 the full day to give your testimony.

9 My first question is, in the name of a survivor or surviving
10 evidence, are you bored with the repetitious questions about
11 your sufferings?

12 A.Mr. Mengkhy, I have thought about this, but sometimes I am
13 bored. However, it is about revealing the truth and telling the
14 younger generation about the details of the event, and by doing
15 so it can help me feel relaxed a little bit too. So by doing so,
16 I believe that the boredom fades away.

17 Q.Thank you for your clarification.

18 My next question is, you said you would like to tell the world
19 about what happened during your life as a victim and a survivor
20 of S-21. Can you tell us that during the times when you were
21 arrested and sent all the way from Battambang to S-21; and that
22 you did not make any mistake and that you tried to tell them that
23 you did not make any mistake, but they still pressed you to
24 answer, to confess? So what did you feel or how did you feel
25 about it?

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1 A.All prisoners during that regime of the three years, eight
2 months and 20 days, witnessed all the sufferings and the
3 difficulties and most of us did not make any wrongdoings, and
4 that we were made to confess to our mistakes that we never
5 committed.

6 [15.03.25]

7 The most painful experience is that we had to make up the stories
8 to cheat on us, on ourselves, in order to survive, in order to
9 get away from being tortured if we failed to do so. Sometimes
10 this could lead to death.

11 Q.After you have survived the execution during the regime, and
12 for the last 30 years or more you said that young generations
13 have not believed what you have told them. So what do you do if
14 people still are not convinced of your testimony?

15 A.This happens, but not very often. Through my experience,
16 during big gatherings some children asked me about this and I
17 told them about the event and they just challenged me -- why they
18 did not hear the details of what happened from their parents --
19 and I just told them that maybe they were so moved and shocked
20 that they did not want to recall the past to only re-open the old
21 wounds and sufferings.

22 That's why the parents tend to keep quiet and not telling their
23 younger generations about this. That's why children were not
24 convinced of what happened. And having noticed that I tried my
25 best to tell them and to point them to research, some remaining

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1 or surviving documents at almost every place, including S-21, to
2 understand more about the past.

3 I have felt that young people and intellectuals are getting
4 familiar with this story and they would conduct further research
5 to be fully informed of the regime.

6 [15.06.18]

7 Q.Thank you. Next, if your testimony is not believed by the
8 accused, what would happen then?

9 MR. PRESIDENT:

10 You don't need to answer this question because such question
11 should be avoided. Please ask the question that is related to
12 the fact and has the evidentiary evidence, so that the Chamber
13 can really value it in our decision so that the truth is found.

14 MR. KIM MENGKHY:

15 Thank you, Mr. President. I would like to rephrase it.

16 BY MR. KIM MENGKHY:

17 Q.You said that your life during the regime was more like
18 between animal and human being. So in which part was your life
19 come between the two?

20 A.It is only the comparison of our life during that time because
21 we were entitled the status as human beings although we were
22 detained, then we would be treated different from animals because
23 even animals, domestic animals, would be fed or would be given
24 food and would never been kicked days and nights like that.

25 When human being was deprived of their movement and we were

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1 inflicted with tortures, physically and mentally, and that's why
2 I could presume that we were between animals and human beings.
3 That's only my presumption.

4 Q.Thank you, Uncle.

5 MR. KIM MENGKHY:

6 The civil party lawyers group 3 have no further questions. And
7 thank you very much for your response.

8 [15.0.05]

9 MR. PRESIDENT:

10 I would like to give the floor to the civil party lawyers, group
11 2.

12 MR. KONG PISEY:

13 Thank you, Mr. President and Your Honours and the parties to the
14 proceeding. I would like to thank you, the witness, for his time
15 in this session. I would like to put questions to Mr. Vann Nath.

16 BY MR. KONG PISEY:

17 Q.The question is, you told the Judges already that the Brother
18 East frequently visited your workshop. So when he paid such a
19 visit, did you hear any shouts or screams from the outside?

20 A.The screams of the prisoners who were being tortured could be
21 heard sometimes. For example, in the morning or in the
22 afternoons, normally during the working hours. We worked --
23 people worked three shifts and sometimes there was a scream, and
24 I did not really care whether I expected to hear the scream of
25 the prisoners when he was paying me a visit. So I did not take

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1 any notice regarding this matter.

2 Q.Thank you. So you had heard the screams during several
3 occasions, even during the time when Brother East paid you a
4 visit. Do I understand that correctly?

5 [15.11.18]

6 A.I'm not quite sure whether when he stood there and that
7 simultaneously I heard the screamings from the prisoner, so I'm
8 not quite sure about it.

9 Q.Thank you. The next question.

10 I would like you to tell us, when you were painting the pictures,
11 the paintings of the tortures, what made you write -- or paint
12 such portraits or such pictures?

13 A.Mr. Lawyer, I think, if I am not mistaken, you asked me that
14 Brother East did never -- did not ask me to draw or paint any
15 picture of tortures. He only asked me to draw the portrait or
16 the portrait of Pol Pot, and I draw these latest pictures of the
17 tortures after 1981, after the country was liberated, and during
18 that regime I only painted the portraits of the leaders.

19 [15.13.02]

20 Q.Thank you. Because I noticed in the photo -- in the pictures
21 you painted, the date was dated back to 1978 and I didn't realize
22 that they were painted after 1981. So I would like to ask you
23 another question.

24 When you were tortured at the detention, were there any
25 conditions imposed on you while being tortured? Because you made

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1 a statement before the Co-Investigating Judges that during the
2 interrogation they would put the plastic bag to cover your face.
3 So could you please elaborate on this a little bit further? And
4 that statement is D2-11/2.

5 A.I'm afraid that I never used the term "plastic bag" and that I
6 was inflicted with a plastic bag. I did say that an electric
7 wire was attached to my pants and that I was electrocuted until I
8 went unconscious and then the water would be splashed on me until
9 I could recover, and then interrogation would continue.

10 I only told the Judges that when I entered that interrogation
11 room, I saw the blood stains on the floor, I saw the torturing
12 implements, but I was not tortured with those implements except
13 the electrocution.

14 Q.Thank you. I just raised this matter. D2-11/2 was about the
15 testimony you made before the Co-Investigating Judges about the
16 mask that was used to cover your face, and that I don't know why
17 you did not confirm this, what you have already stated before the
18 Co-Investigating Judges?

19 A.Mr. Lawyer, once again I'm afraid I never made such statement
20 before the Co-Investigating Judges. Maybe the other people did
21 so.

22 [15.16.05]

23 Q.I would like to correct my message. It was not before the
24 Co-Investigating Judges but before the Co-Prosecutors.

25 My next question is you said this morning that you had an

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1 opportunity to walk past the individual cells. Did you see
2 anything inside those individual cells?

3 A.The pathway to the place where I took a rest at night was the
4 corridor right in front of those opened windows, so I could
5 glance at the cells, but I did not have the right to inspect
6 inside each cell.

7 Q.Thank you. So I would like now to proceed to another
8 question.

9 This morning you stated that among the 32 people, 20 of them were
10 stripped of their clothes and some were left without even
11 underwear. My question is that, how long were people made to be
12 naked without the underwear before they were given such
13 underwear?

14 A.I think when we approached the location, there were not about
15 the 20 people. People who wore black clothes had to remove them
16 and give them to the guards, and those with underwear could have
17 the underwear. Those who had the pants without underwear but the
18 black clothes, had to remove the black clothes and left naked
19 until the guards would bring our new clothes. But maybe just a
20 few, two or three of them, would be left without clothes on.

21 [15.19.06]

22 Q.Thank you. In your book, page 42 line 3, you said among the
23 32 people, there were 20 of them, so I just quoted from your
24 book.

25 A.Maybe in the book I would have said so, but I think -- I don't

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1 know whether the English translation is correct. Among the 36
2 people, there were only 32 left when four disappeared, so I think
3 the most important thing is that the black clothes would not be
4 left with us. So whether we had any other clothes with us while
5 the black clothes would be removed, then we were left with just
6 those clothes.

7 MR. PRESIDENT:

8 Mr. Lawyer, your time has run out.

9 Civil party lawyers group 1, the floor is yours now.

10 MR. WERNER:

11 Thank you, Mr. President.

12 BY MR. WERNER:

13 Q.Hello. Please allow me to tell you that we are very much
14 grateful for your testimony. That was the first thing that I
15 wanted to share with you.

16 I have a first question for you concerning Mr. Bou Meng, and you
17 answered this morning to Judge Lavergne concerning what had
18 happened with Mr. Bou Meng, and you said -- well, we don't have
19 the transcript here but you said that you -- when you saw Bou
20 Meng come back into the workshop after two weeks, he was pale, he
21 had long hair and he was tied -- chained by his neck and by his
22 legs, and in your book, which was mentioned earlier by one of my
23 colleagues, you also mentioned on page 67 -- you mentioned Bou
24 Meng carrying bandages all over his bloody wounds all over his
25 emaciated body. Can you remember this?

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1 A.I still remember it clearly.

2 Q.And in the same segment on page 68 you added that in your
3 presence the accused beat Bou Meng in his head with his foot and
4 that Bou Meng fell to the floor; that he kicked him in the head
5 and that Bou Meng fell to the floor. Do you remember that?

6 A.Of course I do.

7 Q.Thank you. I have another question concerning the centipedes.
8 You answered the judges about this and you said this morning that
9 a guard told you that he was in charge of feeding centipedes. Do
10 you remember the name of this guard who was feeding centipedes?

11 A.It was not the guard. It was the same prisoner. He was a
12 carpenter, not the guard.

13 [15.23.11]

14 Q.Did this prisoner explain to you exactly how the centipedes
15 were used or were going to be used?

16 A.I'm not quite sure I know this but he said that there was a
17 guard who ordered him to feed the centipedes and that guard
18 belonged to the interrogation team. So when I observed that he
19 raised centipedes I only learned from the guard -- from him, the
20 carpenter, but I knew nothing more about this.

21 Q.Thank you for this. Before the Co-Investigating Judge -- and
22 I will refer to document D28/9, on the 8th of January, 2008. The
23 Co-Investigating Judge was questioning you on other torture
24 methods and you said that you had learned from a prisoner called
25 Pha Tha Chan that Pha Tha Chan would have been placed into a

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1 refrigerator. Can you remember that?

2 A.I do remember.

3 Q.And what exactly did he say to you?

4 A.I had known him only for a short period of time. He worked as
5 an interpreter and I worked in the workshop as a painter. We met
6 only at night briefly. So he told me that he was made to be
7 immersed into that bathtub.

8 [15.25.20]

9 He didn't say that it was ice water. He only told me that it was
10 normal water in that bathtub and his legs, and hands were cuffed
11 and his head were plunged into the water until he absorbed water
12 or choked with the water, and then they would kick on his stomach
13 so that the water would be vomited out from inside.

14 And after 1979 he met me and asked me to produce or to paint a
15 picture to commemorate that event. And before the drawing of the
16 picture, as I already told the Judges this morning, the East
17 Germany men asked -- who was in the process of pursuing the film
18 and that's why I could produce such paintings.

19 Q.Thank you. And during these months you were able -- so you
20 painted, sculpted at S-21 was 11 months, and you said that even
21 if the detention conditions were better, of course, than in the
22 collective cell, however you were working in a constant
23 atmosphere of terror and of fear. Is that so?

24 A.As the prisoners we lived with constant fear. It's normal.

25 Q.My last question. Were you told, were you explained why you,

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1 the artists, were made to work in a premise within S-21, within
2 the cries of the people who were being tortured and not outside
3 of S-21 so that you would be able to create peacefully and
4 calmly? Were you explained why?

5 A.I don't know this matter for sure and I was not explained well
6 about this because when we were uncuffed we were -- I was happy.
7 I could eat and I could move and my feeling was good at that
8 time. And although I was detained, it was not a problem. I just
9 tried to work hard and respected the orders of the Angkar and I
10 was shocked somehow when I heard the screaming. However, I got
11 used to it.

12 [15.29.28]

13 Q.I no longer have any further questions. Thank you very much
14 and I wish you all the best, and all the best for your health.
15 Thank you.

16 MR. PRESIDENT:

17 Next I would like to give the floor to put questions to this
18 survivor to the defence counsel. If you have questions the floor
19 now is open for the defence counsel.

20 MR. KAR SAVUTH:

21 Thank you, Mr. President.

22 QUESTIONING BY DEFENCE COUNSEL

23 BY MR. KAR SAVUTH:

24 Q.Brother Vann Nath, I would like to seek some clarification
25 from you. When a sculptor boasted about his skill but in fact he

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1 could not work, at that time Duch had him returned. At that time
2 Duch did not order him to be tortured. Is that so? Can you
3 answer that?

4 A.Mr. Lawyer, Duch did not order it, as you said.

5 Q. Thank you. So when guards tortured him was Duch aware that
6 the guards tortured him without his knowledge?

7 A.Mr. Lawyer, I did not know the details of this matter.

8 However, when he walked out the guards took the prisoner out, so
9 they went in a separate way. So I did not know whether Duch knew
10 of the torture or not.

11 Q.Thank you. Another question for clarification.

12 Besides the sculptor who was tortured by hanging from that rope,
13 was that rope tied and placed there permanently or it was only
14 hanged there once to torture that sculptor?

15 A.Mr. Lawyer, if we talk about that rope, the rope was there
16 permanently. It was only
17 a year after the liberation it was there as well. So when I saw
18 it, it was there and the sculptor was tortured there on that
19 rope.

20 This is my response to you, Mr. Lawyer.

21 [15.32.45]

22 Q.Thank you.

23 About the 14 tombs at S-21; you confirmed today that you did not
24 witness personally how many dead bodies, but because you saw the
25 14 tombs you presumed that there were 14 dead bodies; is that so?

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1 A.Let me tell you that at S-21 I entered twice; first time it
2 was on the 13th of January
3 1978. So because when I fled I did not have any clothes, so the
4 four of us went inside the centre again to find some clothes, but
5 because of the bad smell from the dead bodies we did not really
6 go inside. At that time we didn't pay attention to how many dead
7 bodies were there.

8 The next entry, it was in November '79 after it was already
9 cleaned up and there were 14 tombs there, so I concluded that
10 there were 14 dead bodies and, of course, I am not sure how many
11 dead bodies in each tomb.

12 Q.Thank you.

13 My fourth question. Did you ever see Brother East -- that is
14 Duch -- torture any prisoner during the time that you were there?

15 A.Mr. Lawyer, for serious torture, no. But for kicking --
16 because I don't want to say because I don't think it's a torture
17 -- but just for kicking, I saw it, but not for serious beating
18 up.

19 [15.34.52]

20 Q.Thank you.

21 At S-21, you stayed there for one year. Did you see the 10
22 regulations or the disciplines displayed on the board?

23 A.The 10 regulations of the Santebal on the board, I only saw it
24 after the liberation because I had no authority to walk through
25 that interrogation area, so I did not know where the board was or

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1 at which room. However, the meanings of those regulations, yes,
2 were created by the interrogation unit, who made such regulations
3 because I used to hear some of those regulations, so I believe
4 the interrogation unit was the one who imposed such regulations.

5 Q.Thank you.

6 Did you ever see female prisoners jump from the upper floor to
7 commit suicide?

8 A.Mr. Lawyer, I saw one incident of such case. It was before
9 me, about two metres; it happened before me.

10 Q.Can I ask you further? Previously you stated, in response to
11 the Co-Prosecutor's questions, that you were strictly guarded and
12 that people who were interred would be handcuffed or shackled.
13 However, if the guards did not pay attention and if prisoners
14 were cuffed or shackled, how could a prisoner jump?

15 [15.36.43]

16 A.Mr. Lawyer, I would like to elaborate in detail on this matter
17 so that you are clear.

18 That prisoner was female prisoner and usually for female
19 prisoners in the common rooms, most of them were not handcuffed
20 or cuffed. At that time I did not live on the ground floor. I
21 lived on the upper floor, adjacent to that female prisoners' room
22 and interrogation team was on the ground floor. And then a guard
23 was ordered by them to bring me down -- there were two of them --
24 and another guard was ordered to bring the female prisoner down.
25 So the guard on the upper floor unlocked the door and then while

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1 she was near the door, he turned and unlocked my door. While the
2 guard was unlocking my door, the female prisoner jumped.
3 And at that time, the fence -- the barbed wire, there was only
4 three or four lines; it was not so full like it is now. So when
5 I reached the door, she jumped about the wire -- the wire fence
6 onto the ground floor and she broke her head and died. So then
7 the guard pulled me back into the room and locked me -- and
8 locked the door. So I did not come out of the room. And about
9 one and a half or two hours later, then I was taken to the ground
10 floor and that was the incident that I witnessed.

11 Q.Thank you. I finished my question and now I would like to
12 give the floor to my colleague.

13 MR. PRESIDENT:

14 The defence counsel, the floor is yours.

15 MS. CANIZARES:

16 Thank you, Mr. President.

17 [15.39.19]

18 BY MS. CANIZARES:

19 Q.Sir, you have described the conditions under which you lived
20 at S-21. Could you please tell us why you did not wish to join
21 as a civil party?

22 A.Ms. Lawyer, people have different ideas, have different
23 purposes and objectives. First, my main concern was my health;
24 that I would not be able to attend regularly during the trial
25 proceedings.

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1 Secondly, I believe this is not my own personal matter. It is a
2 matter for my whole Cambodian people. So I would not be able to
3 want to apply to be a civil party because I think I would not be
4 able to come to attend the hearings regularly. And if the Court
5 wishes to have me as a witness, yes, I am willing to provide
6 testimony. That's why I do not write a complaint to become a
7 civil party.

8 And usually people who makes the complaint would have an
9 objective to seek for reparation. I myself, personally, I do not
10 want to seek for any reparation. And if the trial needs me at
11 any time of their convenience, then I am ready to provide my
12 testimony.

13 MR. KONG PISEY:

14 Mr. President, I would seek your permission to -- I would seek
15 your instruction to advise the defence counsel to ask questions
16 only related to the fact before us in the Chamber this afternoon.
17 Thank you.

18 [15.41.33]

19 MR. PRESIDENT:

20 Unfortunately, the objection was too late, seeing the witness
21 already responded to the question. I think it is quite proper
22 that the question was asked because it is an exception why he did
23 not want to be a civil party.

24 Defence counsel, you may continue.

25 BY MS. CANIZARES:

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1 Q.A question was put to you by Judge Lavergne this morning and
2 you answered that it was important for you to be in a position to
3 bear witness so that the younger generations may know of the
4 suffering experienced by the older generations, so that these
5 historic events would not repeat themselves. And you also said
6 that what you wanted out of this trial would be justice to be
7 made.

8 [15.42.35]

9 Do you think that the position of the accused, who does
10 acknowledge the great majority -- the overwhelming majority of
11 crimes that are charged to him, and his regrets can help you and
12 the other victims believe that justice has been done, at least in
13 part?

14 MR. PETIT:

15 Apologies, but where are we going with this? This question is
16 perhaps a form of pleading, possibly, but it is definitely
17 outside the scope and the expertise, let's say, and the
18 knowledge, the frame of knowledge, of the witness. It may amount
19 to a very nice-looking statement, but it's not a question to be
20 put to a witness as to the facts. I would, for myself, opine
21 that it is not relevant and should be denied.

22 MR. PRESIDENT:

23 Thank you for the Co-Prosecutor's observation. The Chamber
24 thinks it is appropriate.

25 So the defence counsel, you cannot ask this question; and the

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1 witness, you do not have to answer this question. You might
2 proceed with another question and do not impose a question to ask
3 for personal opinion which is not the fact. You are asked to put
4 questions only related to the facts which have been known and
5 have been heard by the witness or have been seen by the witness.

6 MS. CANIZARES:

7 Consequently, Your Honour, I have no further questions to ask.

8 Thank you.

9 MR. PRESIDENT:

10 I have a small question.

11 [15.45.16]

12 BY MR. PRESIDENT:

13 Q.I think you have already made clarification to the question.

14 First, you said you worked three sessions per day in your

15 painting in the workshop and often the accused came to your

16 workshop during the evening. So this meant you worked three

17 sessions, morning, afternoon and at night in doing your painting.

18 Is this correct?

19 A.Mr. President, that is correct.

20 Q.So when you worked doing the painting at night, until what

21 time you finished?

22 A.Regularly I finished at 11 p.m. Sometimes we finished at 12

23 a.m.

24 Q.Was it only you working at night or all the people working in

25 the workshops also worked during the night shift?

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1 A.Mr. President, all the painters worked for all sessions.

2 Q.Thank you.

3 MR. PRESIDENT:

4 The Judges of the Bench, you have any questions -- any additional
5 questions to be put to the witness?

6 [15.46.56]

7 If not, I notice the presence of Ms. Studzinsky.

8 MS. STUDZINSKY:

9 Thank you, Mr. President. As we have still time, I noted that
10 there was a question that was -- or the witness answered that he
11 saw kicking by the accused, and I would like to elaborate a
12 little bit more on this, which was not considered as a serious
13 torture by the witness.

14 Or, if not, if you -- first, I want to request to grant more time
15 to elaborate on this question. If you reject my request, then I
16 would ask the Chamber to ask the witness more on torture that was
17 inflicted on prisoners but, let's say, understood by the witness
18 as not serious ones. Thank you.

19 MR. KAR SAVUTH:

20 Thank you, Mr. President. In fact, the time allocation was done
21 and strictly adhered to, and I would like each party to strictly
22 respect the time allocation. Thank you.

23 MR. PRESIDENT:

24 The Chamber does not allow any time permission because we already
25 determined if you can seek any approaches to shorten the time,

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1 then the Chamber would welcome, but any further extension or
2 delay, no, we will not.

3 Thank you, Uncle Nath, for your time, your valuable time, and
4 your effort to participate in our proceedings by providing your
5 testimony.

6 We notice that the proceeding today now comes to an end and the
7 Chamber will adjourn today's hearing now. The Chamber will
8 resume its hearing tomorrow from 9 a.m.

9 Court official, can you facilitate with the Witness Unit to make
10 an arrangement for the return of the witness to his residence by
11 appropriate means.

12 Security officers, take the accused back to the detention
13 facility and bring him back before 9 a.m. tomorrow.

14 (Judges exit courtroom)

15 (Court adjourns at 1549H)

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