



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 PROCEEDINGS - "DUCH" TRIAL

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

20 April 2009, 0908H

Trial Day 8

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YOU Ottara (Reserve)
Claudia FENZ (Reserve)

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
MR. BATES	English
MR. CANONNE	French
JUDGE CARTWRIGHT	English
MR. CHAN KHAN (Witness)	Khmer
MR. CHAN VOEUN (Witness)	Khmer
MR. HONG KIMSUON	Khmer
MR. KIM MENGHKY	Khmer
JUDGE LAVERGNE	French
MR. ROUX	French
MS. STUDZINSKY	English
THE ACCUSED	Khmer
THE PRESIDENT (NIL NONN, Presiding)	Khmer
MR. WERNER	English
MR. YET CHAKRIYA	Khmer

1

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

2 (Judges enter the courtroom)

3 [09.10.08]

4 MR. PRESIDENT:

5 This morning the Trial Chamber is continuing its session of the
6 Case 001 in 2007 (sic).

7 The Greffier, report the presence of the concerned parties and
8 the witnesses to be summoned for today's hearing.

9 THE GREFFIER:

10 Your Honours, Mr. President, the civil parties are all present
11 and the parties are present and the witnesses are all present.
12 Thank you.

13 MR. PRESIDENT:

14 Greffier put those records of the witnesses in the transcript.
15 Next, may the Court Officer bring in the witness KW-31 into the
16 courtroom?

17 (Witness enters courtroom)

18 MR. PRESIDENT:

19 Is your name Chan Voeun?

20 MR. CHAN VOEUN:

21 Yes, my name is Chan Voeun.

22 MR. PRESIDENT:

23 How old are you this year?

24 MR. CHAN VOEUN:

25 I am 56 years old.

2

1 MR. PRESIDENT:

2 Where is your current address?

3 MR. CHAN VOEUN:

4 I live in Amleang subdistrict.

5 [09.13.52]

6 MR. PRESIDENT:

7 What is your occupation?

8 MR. CHAN VOEUN:

9 I'm a farmer.

10 MR. PRESIDENT:

11 According to the report from the Greffier, you are not related by

12 blood or by in-laws to the parties in this case. Is that

13 correct?

14 MR. CHAN VOEUN:

15 That is correct.

16 MR. PRESIDENT:

17 Are you related to Duch or to any other parties in this case?

18 MR. CHAN VOEUN:

19 Yes.

20 MR. PRESIDENT:

21 With whom then?

22 MR. CHAN VOEUN:

23 I am not clear.

24 MR. PRESIDENT:

25 Are you related to any parties in this case?

3

- 1 MR. CHAN VOEUN:
- 2 Yes.
- 3 MR. PRESIDENT:
- 4 To whom?
- 5 MR. CHAN VOEUN:
- 6 My uncle.
- 7 MR. PRESIDENT:
- 8 What is his name?
- 9 MR. CHAN VOEUN:
- 10 His name is Soy.
- 11 MR. PRESIDENT:
- 12 Where is he?
- 13 MR. CHAN VOEUN:
- 14 He's in Peam village.
- 15 MR. PRESIDENT:
- 16 What is his current occupation?
- 17 MR. CHAN VOEUN:
- 18 He's not doing anything. He stays there.
- 19 THE INTERPRETER:
- 20 The President's microphone is not on.
- 21 [09.15.22]
- 22 MR. PRESIDENT:
- 23 So as it's in the report of the Greffier, you are not related by
- 24 blood or by descendent or in-law to any other parties in this
- 25 case.

4

1 In this case, the Trial Chamber invites you as a witness, and as
2 a witness the Trial Chamber requires you to take an oath before
3 providing your testimony. Have you taken an oath yet?

4 MR. CHAN VOEUN:

5 Yes, I already took an oath.

6 MR. PRESIDENT:

7 In this case, the Trial Chamber invites you to provide your
8 testimony on what you have heard, have seen, related to the facts
9 at the Security Office M-13 located in Amleang, Thpong district,
10 Kampong Speu province during the 1970s. That is from '71 to
11 April 1975.

12 So that is just brief information for the intention of inviting
13 you to provide a testimony in today's hearing. Do you
14 understand?

15 MR. CHAN VOEUN:

16 Yes, I do.

17 [09.17.08]

18 MR. PRESIDENT:

19 Next, the Chamber will declare your rights as a witness.
20 You can decide not to answer any questions or to make any
21 statement which could be self-discriminatory. Do you understand
22 this right?

23 MR. CHAN VOEUN:

24 I do not really understand it.

25 MR. PRESIDENT:

5

1 This means if in your testimony it is related to what happened or
2 what you committed during that time, you do not have to answer or
3 to make any statement regarding that fact. However, you can
4 provide other reasons -- abuse which you have seen or have heard
5 besides the acts you did yourself. That is self-incriminating.
6 Do you understand that now?

7 MR. CHAN VOEUN:

8 Yes, I do.

9 [09.18.27]

10 QUESTIONING BY THE BENCH

11 BY MR. PRESIDENT:

12 Q.Can you tell the Chamber if you know M-13 Security Office
13 located in Amleang in Thpong district, Kampong Speu province
14 which existed in 1971 to '75? Do you really know that office?

15 A. Yes, I do know it.

16 Q.How come do you know that location?

17 A.Because I used to work with him.

18 Q.So at that time you was staff at the security office?

19 A. Yes.

20 Q.Did you live in the Security Office M-13 in Thpong, Kampong
21 Speu province, for how long? Do you remember the date?

22 A.I don't really remember it but I stayed there for one year
23 with him.

24 Q.So you stayed for one year? Is it from '71 to '72, or '72 to
25 '73, or '73 to '74?

6

1 A.Probably it was in '74; '74 or '75.

2 [09.20.09]

3 Q.Can you describe the events you observed during the time you
4 lived in M-13 for that one year? What did you see, what did you
5 hear in that location? Please describe it to the Chamber.

6 A.Yes, I can do that. I entered and worked with him. Oh, I saw
7 him working there. I saw his activities with my own eyes.

8 The first I arrived -- initially I was in the army, but after we
9 were defeated we were sent to Duch's unit. When I arrived I did
10 not see what happened. I saw him tying up the prisoners. I saw
11 this with my own eyes. So he hanged the prisoners, he beat the
12 prisoners during interrogations. That's what I saw at that Duch
13 office.

14 I myself did not stay there all the time. I was assigned to the
15 economics unit to find food for the prisoners to eat. In one
16 month or in a fortnight I entered the office, so I did not know
17 clearly of his daily activities at the office. Only when I
18 arrived at the office, I saw him restricting the prisoners. I
19 did not stay permanently there. So probably in a week or in a
20 month I came into the office

21 I myself worked with him. I also had an issue with him, too.

22 That is my opinion.

23 Q.At that time how old were you?

24 A.At that time I was around twenty-something.

25 [09.22.29]

7

1 Q.At that location in total, including Duch himself and his
2 subordinates and the security guards -- I'm talking about all the
3 staff working in that office -- how many altogether as you know
4 it?

5 A.There were many but I cannot remember most of their names.
6 Probably more than 10.

7 Q.So you were in charge of finding food supplies in the
8 economics unit? That's what it's called at the time, right?
9 Trying to find food to supply the unit, the office. Did you work
10 as a security guard or as an interrogator?

11 A.No. I did not interrogate prisoners because I was with the
12 economics unit. After I returned from finding the food supplies,
13 when they did not have enough staff I was used as a guard
14 sometimes to guard for one or two days, then I left to find food
15 supply again.

16 [09.23.38]

17 Q.During the time that you observed, in one day on average how
18 many detainees in that location?

19 A. Sometimes I saw more than 10. After I went outside and I
20 returned again, sometimes I saw less than 10, and I didn't know
21 what happened to them or where they went. Sometimes I stayed
22 there constantly, sometimes I went after one or two weeks, and
23 sometimes when I returned back those 10 or so -- there were only
24 five or six of them remaining.

25 MR. PRESIDENT:

8

1 Any other Bench -- judges, have any questions for the witness;
2 the floor is yours.

3 Judge Lavergne, the floor is yours.

4 BY JUDGE LAVERGNE:

5 Q.Could we first ask the accused to please stand up. Is the
6 witness -- could the witness look at the accused and tell us if
7 he can recognize him.

8 [09.25.26]

9 A.Yes, I recognize him.

10 Q.You indicated -- you told us that you stayed at M-13 for about
11 a year. Could you describe to us who were the people who were
12 detained there; were they men, women, children? What can you
13 tell us about that?

14 A.Yes, I can. The detainees, including children, spouses, wives
15 and husbands. So it's actually most of those from the Amleang
16 sub-district they were arrested and detained there, at that
17 office, including two of my relatives. So there were children as
18 well; both male and female adults.

19 Q.How old were these children?

20 A.The children's age range from three to four years old, so they
21 were pretty young.

22 Q.Were there any war prisoners, prisons of war, POWs, POWs from
23 the Lon Nol Republican Army?

24 A.I only know those who were sent from the Amleang sub-district,
25 I didn't know about the rest.

9

1 [09.28.13]

2 Q. So there were prisoners who did not come from the Amleang
3 District and you did not know who they were and from where they
4 came; is that what you're saying?

5 A.Yes, that is correct. I only recognized those from Amleang.

6 Q.Do you know why people were detained in M-13?

7 A.I didn't really know but probably they were detained --
8 probably they were accused of being spies.

9 Q.Were all the detainees treated the same way or were there
10 different categories of detainees?

11 A.I could not hear properly.

12 Q.Were all the detainees treated the same way or was there a
13 difference? For example, were there any detainees who were
14 authorized to go and work and others who were not authorized to
15 do so?

16 [09.30.25]

17 A.Yes, some were. Some detainees were allowed to go out but
18 some were not, only a few were allowed. A few were allowed
19 because, for example, from the Amleang sub-district some of them
20 disappeared, I didn't know where they went. Only three survive
21 today who were detained at that M-13 office; Aun, Bang and Sorn
22 only survived, more than 70 people from Amleang sub-district
23 disappeared. I didn't know where they went, I didn't know where
24 he send them to. There were more than 70 of them and only three
25 survive today from the Amleang sub-district.

10

1 Q.What you're telling us is that during the year in which you
2 were working in M-13 you personally observed that some 70 people
3 disappeared; is that correct?

4 A.That is correct. I did not see them, they disappeared, only
5 three survive today. They were released and I didn't know about
6 the rest.

7 Q.Can you tell us what the detention conditions were like?
8 Where exactly were the detainees? Can you tell us whether they
9 were chained; can you tell us where they were placed?

10 [09.32.44]

11 A.I will tell you the truth. At that detention centre there
12 were pits, there were three prisons in a row, the detainees were
13 detained there. They were hooked into a ring attached to the
14 metal bar and the chain and when they were brought up they were
15 chained to the neck. That's what I saw with my own eyes.

16 Although I worked with the economic unit but when I returned
17 that's what I saw. So when they were let out to work they were
18 chained to the neck.

19 Q.You say that there were three prisons, can you describe them,
20 what were they?

21 A.You mean those who survived? As I told you, there are three
22 who survived; one is Aun, the second is Bang and the third one
23 was Sorn, these three were released by him from that office.

24 Q. Were these people detained in houses, in pits, can you
25 describe the place where these people were detained?

11

1 A.First, the three were detained and then they were released
2 outside of the prison.

3 Q. Can you tell us whether the detainees had enough to eat?

4 A.About the food supply, they did not have enough food to eat.

5 They only had gruel. Even the guards also had gruel to eat.

6 That's what -- the gruel -- a little gruel to eat. It's hard for
7 us to even work because we were so exhausted from lack of food.

8 [09.36.13]

9 Q.Did you observe whether the detainees ate the same food as the
10 personnel? Did everybody eat the same thing?

11 A.The detainees in the camps ate the same kind, they ate gruel.

12 But for the detainees they had like watery gruel but for the
13 guards they had thick gruel.

14 Q.Did you see people die of hunger?

15 A.No, I did not.

16 [09.37.16]

17 Q. Did you see detainees die of illness?

18 A.No, I did not.

19 Q.Did you observe at one point that the rain fell very heavily
20 at M-13 one day and did you observe that this had caused
21 problems?

22 A.When it rains heavily there was a flood because the office was
23 near a stream so there was a flood. Both the detainees and the
24 guards were in chaos. The guards climbed up the trees to avoid
25 the flood. At that time, in the pits some detainees were rescued

12

1 and some died in those pits but probably not many died because
2 there were few prisoners at the time.

3 Q.What you are telling us is that some detainees remained in the
4 pits and some drowned in the pits. Is that what you're saying?

5 A. Yes, that is the truth.

6 (09.39.14]

7 Q. This is what you saw personally?

8 A.Yes.

9 Q.You told us that detainees were tied up and that's the way
10 they were interrogated. Can you tell us more exactly what you
11 saw in regard to the interrogations? Were there specific methods
12 used to interrogate the detainees?

13 A. From what I saw they were stripped naked and beaten during
14 the interrogation. That's what I saw with my own eyes.

15 Q. And who conducted the interrogations?

16 A.It's him, Duch.

17 Q.Did you see any other people conduct the interrogations or did
18 you see only the accused conducting them?

19 [09.41.01]

20 A. Amongst them there were two of them including Chan. Only
21 these two were interrogating the detainees.

22 Q. Two people in addition to Duch or do you mean Duch and
23 someone else?

24 A.Yes, that is correct, only Duch and Chan.

25 Q.If I understood you clearly, you saw Duch hit people; is that

13

1 what you said?

2 A.Yes, that is true.

3 Q.What did he use to hit people?

4 A.Sometimes he used a club to beat the detainees, to interrogate
5 them. Another person I saw him burn the detainee alive. The
6 detainee was hanged and burned. I did not dare to say anything
7 at the time. I was scared because I was afraid of being accused
8 of being a connection and would be tortured. That is what I saw.
9 The prisoner was stripped naked and hanged.

10 [09.43.12]

11 Q.When you say "the persons" are you referring to men and women
12 or was it just men?

13 A. I do not clearly understand.

14 Q. I shall repeat. You said that you saw Duch hit people. Were
15 these people that Duch was hitting only men or were they men and
16 women?

17 A. As I have said, there were males and females and a female
18 detainee was burned. For the male detainees they only beat but
19 for the female detainees he used a torch to burn the breasts.

20 Q. So you personally saw Duch burn the chest or the bosom of
21 women with a torch. Is that it?

22 [09.45.05]

23 A.Yes, that's what I saw with my own eyes. He used gasoline
24 attached onto a stick and burnt it, and then burnt her. That's
25 what I saw with my own eyes. I stood and watched it.

14

1 Q. Did this happen several times or just the once?

2 A. I only saw it one time when that female detainee was burnt.

3 Q. Do you remember whether this woman was completely naked or was
4 she clothed still?

5 A. Only her shirt was taken off and then her chest was torched.

6 Q. Did you see detainees hung by their feet in order to be
7 interrogated?

8 A. I saw it but they did not -- they were not hanged by the feet
9 but they were tied and hanged by their arms, which were tied
10 behind their back. That's what I saw with my own eyes.

11 Q. Did you see any detainees being plunged into water, either in
12 the stream or elsewhere?

13 A. I saw it but I do not remember that female detainee. She was
14 submerged into the water. There were three of them at the time
15 but I did not know the name of that female detainee. I only saw
16 it. She was submerged into the water during the interrogation.

17 Q. When you say plunged into water, do you mean that this
18 included her whole body, including the head, or do you mean just
19 the head was put into the water?

20 A. She was plunged into the water so she was suffocating at the
21 time.

22 [09.49.06]

23 Q. Was this repeated several times? Did it last long or was it
24 just one time?

25 A. I only saw since this one time when the detainee was plunged

15

1 into the water.

2 Q. Did you observe that during interrogations pincers were used,
3 or did you see needles or pins being stuck into the fingers of
4 the detainees; that is under their nails, their fingernails?

5 A. No, I did not see that.

6 Q. Now, concerning the accused, did you see the accused shoot at
7 detainees?

8 [09.50.39]

9 A. Let me tell you the truth. Yes, I did. My uncle Soy. He was
10 tied to a post and then he -- two bullets from the AK rifle was
11 shot at him. One hit his left shoulder and the other one left
12 his chest and he died suddenly. He was my uncle. He was shot by
13 Duch. He killed him in front of me, in front of my eyes.

14 I was a guard too and he also detained me later, and he's the one
15 who shot my uncle who was tied to the post. I only saw my uncle
16 shot by him.

17 Q. Did you see other scenes or events or incidents when Duch shot
18 at detainees?

19 A. I did not. No, I saw the detainees were tied to the post.
20 Maybe they could not get the answer, and for my uncle he was tied
21 to the post.

22 Q. Do you know why your uncle was executed?

23 [09.52.43]

24 A. I did not know the reason he was detained in that prison, and
25 in that morning he was tied to the post I thought he was being

16

1 interrogated. At that time I was smoking and then I heard a
2 gunshot and I saw my uncle shaking on the pole, and another shot
3 and he fell onto the ground, dead.

4 Q. Were you outside M-13 at any point and did you observe in
5 some cases that there were places where dead bodies could be
6 found?

7 A.I saw one day -- at that time I had some wood, and some
8 prisoners who were outside at times -- actually I went to chase
9 the deer with the detainees and I was asked why or who led the
10 detainees to chase the deer. And I was asked by him to the
11 office and he asked why I led the detainees to that location.
12 And one day he was not in the office, so I sneaked into that
13 location and I saw three or four pits there filled with corpses.
14 It was south of the stream. That was the first time I knew there
15 were pits because I was with the economics unit and I did not go
16 to that area.

17 Only on that day when he was not in, I went there and I saw the
18 pits.

19 [09.55.00]

20 Q. What was in the pits?

21 A.In those pits, there were dead bodies.

22 Q.Many dead bodies? Were there dead bodies of children as well?

23 A.I did not see any children. I only saw adult.

24 Q. You said earlier that you had a problem with Duch. What was
25 this problem that you had with the accused? Can you explain to

17

1 us?

2 A. Yes, I can. I had a problem with him. He assigned me to
3 guard the detainees. After I returned from finding the food for
4 the detainees he needed the guards, so three of us were assigned
5 to guard while they build the dam, and I was so exhausted, so the
6 detainee cut the chain and escaped and I fired two shots into the
7 sky, and then he asked why the prisoners escaped and then who was
8 responsible. And then they said, "Voeun was responsible".

9 [09.57.00]

10 So I came to his office. Then he asked me to take off my
11 clothes. I only wore my shorts, so he took off my guns, my
12 shirt, and then he put me into the prison. He imprisoned me from
13 that day and he himself also sometimes guarded too.

14 One day I was so afraid and it was -- the prison was built of a
15 bamboo frame, so I sneaked out and ran to the co-operative, and
16 people whispered to me if I did not run away then I would be
17 killed because he would shoot me. If he speak with his stern
18 face that would be okay, but if he speak with a smile on his face
19 then it would be a dangerous time.

20 So I was in prison because I allowed the prisoner to escape.
21 Then I went to the co-operative, and with the assurance from the
22 co-operative, he took me back to his office.

23 Q. These prisoners who were able to escape, were there many of
24 them? Did many of them manage to escape?

25 A. Only three detainees escaped because I was guarding the three.

18

1 They cut the chains and escaped. If they were to take the gun
2 and shot me, I would have been dead, but they only cut the chains
3 and escaped; only three of them. So I guarded the three and all
4 escaped.

5 Q. Did you know them and did you help them escape?

6 A. I knew one, his name was Morn, but I did not know the other
7 two.

8 [09.59.41]

9 Q. Did you let them escape or did you just help them to escape?
10 Or did they escape on their own?

11 A. They asked me to escape, so I allowed them. I allowed them
12 to cut the chain and escape, and I told them, "If you were
13 re-arrested don't say it's me who allowed you to escape". I let
14 them cut the chains by themselves. They used an axe underneath
15 and put the chains on top of the axe, and they used the other two
16 axes to break the chain.

17 So first one was released from the chain and one axe was damaged,
18 so they used another axe to cut the chain again. Then that axe
19 was damaged, so I asked him to use the chain under -- the axe
20 underneath to cut the chain again. So they broke those chains
21 from their necks and there was like about only 20 centimetres
22 left from hanging from their neck.

23 Q. When they escaped, did this happen outside the camp? Were
24 these prisoners who were entitled to work or did this happen
25 inside the camp?

19

1 A. It occurred in the M 13 office and it caused a bit of a scene
2 at the time because people asked who was responsible for the
3 escape of the detainees, and they said it was me, and I say I did
4 not allow them to escape but it was my carelessness.
5 Because, actually, I allowed them because I knew Morn. Morn was
6 in the army with me during the Lon Nol regime, so I allowed them
7 to break the chains and to escape.
8 Then I was arrested. My clothes were ordered to take off. They
9 took my gun away and my set away, and that was the order from
10 Duch.

11 Q. So did you see Duch again when you came back after having been
12 in the co-operative? Did you see him again? What did he say to
13 you then when you saw him again?

14 A. Yes, I saw him. At the co-operative, the village chief sent
15 me back to Duch's office.

16 [10.03.02]

17 Q. So what did Duch tell you then?

18 A. Duch told me that I can stay there -- could stay there for a
19 short while and then I would be transferred back to the
20 co-operative and he would write a letter to allow me to stay in
21 the co-operative.

22 Q. Do you know when and how M 13 stopped operating? When were
23 there no longer any prisoners at M 13 and when did this happen?

24 [10.04.05]

25 A. I did not really know because Duch transferred me to the

20

1 co-operative, so I was no longer with him. He released me to the
2 co-operative. That's all what I know. I only know during the
3 time that I was with him and as I described about the torture, et
4 cetera, but after I was transferred to the co-operative, I no
5 longer knew what happened in that office.

6 Q. You spoke to us about your uncle. Were other people from
7 your family also detained at M-13 or were other people from your
8 family also employed at M-13?

9 [10.05.07]

10 A. Are you talking about my relatives because I could not
11 clearly hear the questioning?

12 Q. Were any of your relatives detained at M-13 aside from your
13 uncle?

14 A. No, only my uncle was detained, and my aunt was detained
15 there. So in total only my aunt and my uncle, the two, were
16 detained in that office.

17 Q. Were other relatives of yours -- maybe nephews -- were they
18 also employed as guards or as M-13 staff?

19 A.No, there was none.

20 Q. Were there guards who were employed at M-13 who came from the
21 Amleang district?

22 A.Some -- a majority of guards came from Amleang.

23 [10.06.56]

24 Q.How old were these guards?

25 A. The guards -- I know some of them and not all -- there were

21

1 about more than 10 of them.

2 Q. Were these guards adults or were these guards children?

3 A. There were children and adults. They were mixed. There were
4 some who were about my age; about five or six. Then there were
5 children.

6 Q. When you say "children", how old were they, approximately?

7 A. They ranged from 12 to 13 years old.

8 Q. Did you see Duch? You said earlier on that he had shot your
9 uncle, but did you see him order guards, and eventually children
10 guards, to shoot at prisoners or to bring them away in order to
11 execute them?

12 [10.08.54]

13 A. I saw my uncle who was shot. At that time there were no
14 guards. He was tied and Duch shot him by himself.

15 Q. But outside of your uncle, in other situations did you see
16 Duch order guards to shoot at prisoners?

17 A. No, I only saw him shoot him.

18 Q. Did you see Duch produce written reports or to write
19 documents? Did you see him produce any written reports?

20 A. I saw him writing frequently, but I didn't know what he was
21 writing because I was illiterate. I saw him writing. I didn't
22 know the content. After he interrogated the detainee, he would
23 do the writing.

24 Q. Were there documents of different colours?

25 A. Yes, there were different colours; blue, white, small book,

22

1 large book, for instance.

2 [10.10.51]

3 Q. Did these colours have any specific meaning?

4 A. There were three colours, blue, red and white, and the books
5 were small and big.

6 Q. Did red mean anything special, anything specific, for example?

7 A. The red colours was used but I didn't know the purpose of
8 those different colours. I saw big and small books, those books
9 of the interrogation.

10 Q. After you left M-13, did you have the chance to meet Duch
11 again after you left M-13? Did you see Duch again after 1979 or
12 did you hear about Duch after 1979?

13 A. After I left his office, I did not meet him until today.

14 Q. I do not have any more questions to ask the witness.

15 A. Well, is there anything important that maybe you didn't yet
16 say and that you would like to share with us here today?

17 [10.13.15]

18 Q. No, I do not have anything else to add. I have already told
19 you what I know.

20 JUDGE LAVERGNE:

21 Well, I have no more questions for the witness but I might have
22 some questions that I would like to ask the accused.

23 So Duch, you have just heard what the witness has said concerning
24 a certain number of points. These statements contradict what you
25 said earlier. Can you explain yourself on this? Can you give us

23

1 any -- share some comments on these discrepancies?

2 THE ACCUSED:

3 Your Honours, first of all, let me inform you that Chan Voeun was
4 not a staff of my office of M-13. Let me show you the evidence
5 as follows. Chan Voeun reported to the office of the
6 Co-Investigating Judges in D78/1. In that report he said there
7 was another person named Pon who was also an interrogator but
8 Duch already killed him, probably in 1974. That statement was on
9 page 3 of Document D78.1.

10 And on page number 5 he mentioned about an interrogator to the
11 Co-Investigating Judges.

12 JUDGE LAVERGNE:

13 For the moment I'm not asking you to tell me what are the
14 contradictions in the statement itself, Mr. Chan Voeun's
15 statements, I'm only asking you to give me your own impressions
16 on the discrepancies here. If you want to go into -- if you want
17 to be more precise, then we will go into the details. For the
18 first thing, the witness said that he saw you personally commit
19 acts of violence during interrogations and then he described in
20 particular a scene where you used a torch to burn the breasts of
21 a woman who was only wearing -- was only clothed, the lower part
22 of the body down.

23 [10.17.28]

24 So do you have any comments to share with us concerning this
25 first point?

24

1 THE ACCUSED:

2 I can state that Chan Voeun was not a staff of the M-13 office,
3 that is the reason and about his testimony, he lied in some parts
4 and in some other parts he only heard from other people and he
5 fabricated it.

6 So there was some truth in it, for example the M-13 had three
7 pits to detain the detainees; that is true. But when he was not
8 a staff of the M-13 office and he said he went to find a food
9 supply and when he came he saw the cruelty committed by me. I
10 would like to state that I shot a detainee who was detained
11 there. I remember the person who I was ordered to be shot, as I
12 already stated, and the name was not Soy it was Yoeu, and the
13 person who shot was not Chan there was another comrade that
14 wasn't even in the M-13 office but instead he said his uncle was
15 shot. I did not believe there was a person named Soy in that
16 office.

17 And about the torturing of the female's chest, Chan Voeun did not
18 say it was a lit torch. He said that I lit a piece of cloth into
19 the gasoline and burnt the chest. I already reported to Your
20 Honours about the lit torch.

21 [10.18.49]

22 When Mr. Pon, Comrade Pon ask Comrade Meas how to learn how to
23 interrogate -- and I was present at the time at that particular
24 time -- and when he said I plunged a female detainee into the
25 water with the other two people I still reinstated that I went

25

1 with Mr. -- with Comrade Pon and then I left, the person stood
2 and shivering and the cold weather and what he said was not true.
3 And that he went to -- on another point that he went to chase the
4 deer, that was not true. I never allowed any guards to go and
5 chase after a deer, that was a lie. And about the burial pits,
6 that is true but they were at the other side of the stream and
7 that is true.

8 And in order for him to say that he saw what happened in the
9 M-13, that he went outside to find for supply for the economics
10 unit, that was not true, we never saw anybody in the economics
11 unit to find food supply. If we did not have rice to eat, then
12 the Sub-district of Amleang Committee would give us the rice or
13 the secretary of 32 sector or at night to go to the sector
14 chairman to ask for rice.

15 In 1973 they did not yet assign the cooperative but the products
16 or rice was under the supervision of the chief of the village or
17 sub-districts. And in the M-13 office we did not have any
18 hammock for a person like Chan Voeun. How could Chan Voeun have
19 a hammock to exchange for something; that was a lie. How could I
20 assign somebody that's Soy in the economic unit, I did not know
21 this person; there was no name of Soy or Chan Voeun as staff of
22 the M-13 office.

23 So, because he's not a member of the M-13 he fabricated a number
24 of points. And on the point of shooting a detainee that is true
25 but it was not Soy but the name was Yoeu.

26

1 [10.22.29]

2 And when he spoke about the Amleang people, there were 70 plus of
3 them, I could think of -- about those people, I could recall
4 about 20 plus of their names and he said two of them survived,
5 that is true.

6 Those two were asked by the upper echelon not to charge them and
7 we thought they were twins but later on when the truck went to
8 Pursat I allowed the mother and the twins and probably Son as
9 well, to go to Pursat, that's true.

10 So he mixed both the facts and fiction in his testimony.

11 JUDGE LAVERGNE:

12 So if I understood correctly; you're saying to us that the
13 witness is not telling us the truth when he said -- when he was
14 working in the economics unit at M-13. Did he work at M-13
15 outside of the economics unit? Did he come to M-13, was he able
16 to see something from M-13 or, according to you, did he invent
17 everything?

18 THE ACCUSED:

19 Your Honours, this person is not a staff of the M-13 office,
20 therefore, he had no duty assigned by him to exchange for rice or
21 food supply. He had no right to enter the M-13 office. He did
22 not see anything clearly with his own eyes of the events of what
23 happened at M 13 office, this person Chan Voeun. So as I have
24 just stated to Your Honours, this is a fabrication, a complete
25 fabrication, probably from what he heard and he added something

27

1 on top. There was some truth in it, for example about the three
2 pits. Yes, that is true.

3 So in summary, Chan Voeun is a not a staff of the M 13 office.
4 He is not economic unit staff of the M 13 and he did not see
5 anything with his eyes at M 13 office. And about my crimes on
6 the people in Amleang, I could not forget it. It is a serious
7 matter which affects me psychologically. And I cannot accept his
8 testimony.

9 BY JUDGE LAVERGNE:

10 Q. Is the witness -- did the witness hear what the accused just
11 said, and does he have any comments to make? Does he confirm his
12 previous statements or does he wish to modify them, to rectify
13 them?

14 [10.26.10]

15 A. I would like to say that he said I am not a staff of the M 13
16 office and that he did not assign me into the economics unit.
17 How come he say that? Because I was there with Soy and he gave
18 me the cloth in order to exchange for food for the detainee. How
19 come he said I did not? How come he said I was not a member of
20 the M 13 office? The whole villagers in Amleang hated me. They
21 recognized me because I worked with him. And how come he said I
22 did not work in that M 13 office?

23 That is my statement to Your Honours.

24 Q. Can the witness tell us if he remembers a detainee who was
25 at M 13 and who was somebody who had decapitated another person?

28

1 Does this bring up any memories in you, this event?

2 [10.27.41]

3 A. I did not see it. I did not know about this fact.

4 JUDGE LAVERGNE:

5 Well, I do not have any further questions to ask.

6 MR. PRESIDENT:

7 The Judges of the Bench, you have any questions for the witness?

8 If there is no questions the Chamber -- the floor is now for

9 Judge Cartwright.

10 JUDGE CARTWRIGHT:

11 Thank you, President.

12 BY JUDGE CARTWRIGHT:

13 Q.You mentioned that detainees who were brought to M 13 -- there

14 were men, women and children. Is that correct?

15 [10.28.48]

16 A.Yes, that's what I said.

17 Q. And you mentioned that the children were young; three to four

18 years old. Is that correct?

19 A.That is correct.

20 Q.During the times that you were in the camp at M 13 how many

21 children did you see?

22 A.I saw about three young children.

23 Q.Do you know what happened to those children?

24 A.So when the mother was brought in, the children came along.

25 Q. And were any of those children from Amleang District?

29

1 A.They were all from Amleang.

2 [10.30.10]

3 Q. Do you know if any of those children went back to their
4 villages?

5 A. No. Even the mother -- the mother and the children were all
6 disappeared.

7 Q.And how many women did you see at M 13?

8 A.The woman with the children?

9 Q.Detainees who were women, whether they had children with them
10 or not.

11 A.I saw that woman with the three children. The mother was
12 arrested and the children came along.

13 Q.And were there other women detainees who did not have children
14 with them?

15 A.No.

16 [10.31.34]

17 Q.So you saw only one woman and that woman had three children
18 with her?

19 A.I saw three children and the children came along with the
20 mother who was arrested.

21 Q.Did that woman -- was she detained in a pit, as you described
22 it before?

23 A. Yes. The mother was detained by Duch and the children came
24 along with the mother from their subdistrict.

25 Q.And were they kept in a pit or in some other part of the

30

1 prison?

2 A. He was kept outside in order to look after the children.

3 JUDGE CARTWRIGHT:

4 Yes. Thank you.

5 MR. PRESIDENT:

6 The Chamber will adjourn for 20 minutes until ten to eleven.

7 Court Officer, can you bring the witness to the waiting room and
8 bring him back at -- before ten to eleven.

9 (Judges exit courtroom)

10 (Court recesses from 1033H to 1101H)

11 (Judges enter courtroom)

12 (Witness enters courtroom)

13 MR. PRESIDENT:

14 The President and the Trial Chamber continue its hearings and
15 next I would like to give the floor to Judge Jean-Marc Lavergne
16 to continue the questioning to the witness. Please, Judge
17 Lavergne, the floor is yours.

18 JUDGE LAVERGNE:

19 Actually, the Chamber observed that there were issues regarding
20 the discrepancies in the contents of the witness statements
21 during the investigation and what the witness said in his
22 testimony.

23 [11.02.54]

24 So what we are going to do is to read the statement of the
25 witness during the investigation, and after each paragraph

31

1 questions will be put to the witness with regard to any
2 discrepancies and we shall see how we can resolve them.

3 So we shall ask the National Greffier to read the document, that
4 is Document Number D78/1, from the beginning of the questions and
5 answers; we don't need to read what comes before.

6 MR. PRESIDENT:

7 Kolvuthy, please read the statement.

8 THE GREFFIER:

9 Question/Answer, NINFL.

10 Question:

11 "Please briefly describe your history prior to 1970. What
12 school did you attend after 1970? What unit of the Khmer Rouge
13 Army did you join?"

14 Answer:

15 "I only studied up to class 12 when I was a child. In 1970 I
16 joined the Amleang subdistrict military. The subdistrict chief
17 Tob brought me in. After I had been in the military after one
18 month they sent me to the zone army station on National Highway 5
19 battlefield where Vin, the son-in-law of Ta Mok, was division
20 chairman. Later on I deserted and I went back home. After three
21 days at home Say, who was from Hanoi, sent me to Office M 13. It
22 was approximately 1974 when I went to work at M 13."

23 [11.05.20]

24 Question:

25 "What was your job at M 13? Please explain about M 13's site.

32

1 Where was it located? Who was the chairman of M 13?"

2 Answer:

3 "I was a guard at M 13. Office M 13 was located at Trapeang

4 Chrap.

5 This prison site had three pits. Each pit was two metres deep.

6 It was a square four metres in each side. Each pit was about

7 half-a-metre from the next. On both sides of the three pits

8 there were two buildings, located to the left and to the right of

9 the pits, for holding light offence prisoners. The pits were for

10 holding serious offence prisoners. Each pit held only five to

11 six prisoners.

12 The large building to the east held about 10 people. The small

13 building to the west held about six to seven people. The bamboo

14 fence surrounded by the detention site.

15 Outside of the prison there was a building for the guards to wait

16 in. There were two guards inside the prisons. There were two of

17 about 13 personnel working at M 13; among them a cook, guards,

18 interrogators and three medics who were quite often prisoners.

19 Office M 13 had Duch as chairman, Chan as deputy and Meas, a

20 member. All three of them were interrogators. There was another

21 one, Pon, who was also an interrogator, but Duch killed him

22 during approximately in 1974.

23 The guards had the task of taking the light offence prisoners to

24 work outside. The work was hoeing the soil and growing

25 vegetables. The serious offence prisoners were not sent to work

33

1 outside. One guard had the task of taking three prisoners to
2 work every day, every single day. The cook was Mom, Ta Chan's
3 wife."

4 [11.07.54]

5 Question:

6 "With what offences were the prisoners charged? What types of
7 prisoner were there?"

8 BY JUDGE LAVERGNE:

9 Q.Can the witness confirm what has been read out so far, or are
10 there any parts of what has been read out that do not correspond
11 to what he remembers today?

12 A. Yes, all those responses are true. It is clear and accurate.

13 Q.This statement says at one point that there was another
14 interrogator called Pon who was killed by Duch in 1974. Did you
15 witness this personally? Are you sure of this person's identity
16 or do you wish to provide clarification to the Court?

17 A.Yes, Pon was originally worked with Ta Duch. He was an
18 interrogator but he disappeared for a while. I didn't see him
19 there at M 13. I don't know where he went. So when someone
20 disappeared from there he or she disappeared forever, including
21 the guards. Pon was also the interrogator there but I don't know
22 whether he's dead or alive, but if he is still alive he must be
23 in prison now.

24 [11.10.29]

25 Q.Did you see Duch shoot and execute Pon?

34

1 A.No. I didn't see with my eyes but I observed that Pon was
2 disappeared from the place.

3 Q.So the rest is something you deduced? This is something you
4 surmised? This is not something you actually experienced
5 personally?

6 A.Yes. I didn't see that. It is my doubt, my anticipation, but
7 Pon disappeared from M 13.

8 JUDGE LAVERGNE:

9 I think we can resume the reading now, but perhaps it would be
10 well to stop after each paragraph.

11 THE GREFFIER:

12 Question:

13 "With what offence were the prisoners charged? What types of
14 prisoners were there?"

15 Answer:

16 "There were male prisoners and there were females, some whose
17 small children had come along with them. I did not know what
18 they had done wrong. I saw those held there were just ordinary
19 people who lived in various villages in Amleang district. I
20 never saw Lon Nol soldiers being held there."

21 Question:

22 "Please explain about the condition of the prisoners held
23 there."

24 Answer:

25 "The serious offence prisoners in the pits had their legs

35

1 shackled day and night. The light offence prisoners were not
2 shackled."

3 Question:

4 "Did you know about a prisoner dying because of the pits
5 flooding?"

6 Answer:

7 "I knew. I was living there at the time. It was during a rainy
8 season when the floodwaters rose strongly and immediately during
9 the heavy rain in the middle of the night, causing all of the
10 prisoners in the pits to die. As for the guards and workers at M
11 13, they all fled up into the nearby trees. The floodwaters
12 lasted for one night and two days before going back down."

13 Question:

14 "Did Duch order a rescue of the prisoners?"

15 Answer:

16 "There was no order at the time. The water had gone already
17 gone down when Duch ordered us to go look at the prisoners who
18 had died due to the flood."

19 [11.13.58]

20 Question:

21 "As for the light prisoners, did they escape during the flood?"

22 Answer:

23 "The light offence prisoners also fled up into the trees. They
24 were not able to escape."

25 Question:

36

1 "Please explain about interrogation of prisoners. Where did
2 they take the prisoners for interrogation? Who had the right to
3 interrogate prisoners? Did Duch ever personally interrogate the
4 prisoners?"

5 Answer:

6 "The interrogations were done right there inside the prison
7 fence. Duch gave the orders for the guard to bring the prisoners
8 to the interrogators, even though Ta Chan and Ta Meas is
9 interrogated. They could only interrogate after Duch had
10 authorized it."

11 "During the interrogation if the prisoner did not answer, Duch
12 would torture the prisoner himself. Chan and Meas did not have
13 the right to torture prisoners. Even if the prisoners did not
14 answer when he interrogated the prisoner, Duch would both
15 interrogate and record the response in the books. After the
16 interrogation, he would examine those notebooks."

17 "As for Ta Chan and Ta Meas, after the interrogation if the
18 prisoner had not answered, they would report to Duch, then Duch
19 would both personally interrogate and torture them. I never saw
20 any messenger come to get the prisoner confession books from
21 Duch."

22 [11.15.44]

23 BY JUDGE LAVERGNE:

24 Q. Several paragraphs were read out. First, do you confirm your
25 previous statement concerning the flood that happened and the

37

1 deaths that you described?

2 A.Yes, at that time there was a flood. Yes, there was a flood.

3 There was a -- people died. No one rescued the victims because

4 the flood rise very quickly.

5 Q.Do you also confirm that Duch did not order that the detainees

6 in the pits be released or be freed?

7 A.Yes. He did not order anything because everyone was stunned

8 and fled because it was imminently rise and he did not order any

9 rescues, and the flood was there at the time.

10 [11.17.19]

11 Q.In the following paragraph, you provided information as to how

12 the interrogations were conducted. You said that all acts of

13 torture could not be carried out without Duch having given the

14 order to do so. Do you confirm this?

15 A.Yes. Before interrogating, the interrogator would wait for

16 the order from Duch and then he or she -- they can do the

17 interrogation. No one would dare to interrogate without his

18 orders.

19 Q.Further on, you said that Duch followed up. He would

20 interrogate them himself by using torture. So, in your mind,

21 does this mean that Duch systematically took part in all the

22 interrogations and that he systematically used torture?

23 A.Yes, in fact he interrogated by himself, as I told Your Honour

24 earlier, until the extent that he hit the victim and stripped the

25 shirt and the trousers off from the victim.

38

1 JUDGE LAVERGNE:

2 Could the next paragraph be read out, please?

3 MR. PRESIDENT:

4 Please stop after you finish reading one paragraph so that we can
5 verify by Judge Lavergne.

6 [11:20.04)

7 THE GREFFIER:

8 Question:

9 "During prisoner interrogation, what torture methods did Duch
10 use?"

11 Response:

12 "Duch alone had the rights to torture prisoners. He did the
13 torture personally by himself, for instance, by taking a cloth,
14 dipping it in kerosene and wrapping it around a stick and burning
15 the bodies of the prisoners who had their arms tied behind them
16 and were hanging from a tree branch and swinging up and down."

17 "Sometimes Duch hit the prisoners with the bamboo whips, causing
18 wounds and bleeding all over the bodies. Duch took other
19 prisoners, submerged them in the water in the stream adjacent in
20 the prison site, causing the prisoner to go unconscious, and the
21 guards carried them and put them back in the prison."

22 "For female prisoners, Duch caused a flame to burn their
23 breasts, causing burns. Duch had the guards strip all the
24 clothing off the prisoners who will be tortured, leaving them
25 naked before they were brought to be tortured."

39

1 "As for the prisoner who did not respond to questioning, Duch
2 took a gun and shot them. I personally saw him shooting three
3 prisoners."

4 JUDGE LAVERGNE:

5 I believe the last two sentences of the statement are missing. I
6 shall read them.

7 "The first was hung from a tree and Duch shot a prisoner -- and
8 Duch shot him. The second he shot with an AK, and the third was
9 also shot with a revolver. When Duch tortured a prisoner,
10 sometimes Duch seemed laughing and happy like he had gone crazy
11 in doing the torturing."

12 [11.22.45]

13 BY JUDGE LAVERGNE:

14 Q.Do these sentences appear in the Khmer version of the
15 statement? If that is so, can the witness tell us whether he
16 confirms this version that has been read out or whether he has
17 any comments to add in regard to the version?

18 A.Yes, it's all in there. I saw only that. I knew only that.
19 The shooting with the pistol he shot -- I saw by -- with my eyes.
20 So let me add one more.

21 He used a revolver gun -- shotgun. He fired three rounds and the
22 victim died at the scene. I saw that with my eyes and later I
23 left the place. I did not see anything else.

24 Q.What you are telling us today is that you only witnessed one
25 execution. Is that correct?

40

1 A.Yes, it is correct. He continued to do that.

2 Q.In the statement that has been read out, three executions are
3 mentioned. Were the two other executions something you heard
4 about or do you not remember them at all anymore?

5 A.I do not understand your question, Your Honour.

6 [11.25.20]

7 Q. In the statement that you made to the investigators which was
8 read out a while ago, mention is made of three executions. For
9 the first, it was said that Duch fired three shots, but you also
10 mentioned two other executions. It is said in the statement that
11 the second was shot was an AK and the third was shot with a
12 revolver.

13 So my question is this: Do you remember these executions today
14 or you no longer remember? Are these matters that you were told
15 about but which -- or events that you were told about but which
16 you did not witness personally?

17 A.Yes, I remember -- I did remember because I forget before.

18 The third execution he used the revolver to shoot the victim; he
19 shoot three times.

20 Q. So what you are telling us now is that you saw Duch execute
21 three people using a revolver or an AK. Was this three different
22 episodes or was it on the same day?

23 A.Yes, it happened in different days; sometimes once a month.

24 It did not happen in the same day, so one day every 10 days, like
25 that.

41

1 [11.27.48]

2 JUDGE LAVERGNE:

3 I think the reading can continue now.

4 THE GREFFIER:

5 Question:

6 "Did you ever see them use centipedes to sting prisoners during
7 torture?"

8 Answer:

9 "I never saw that."

10 Question:

11 "Were all the prisoners tortured?"

12 Answer:

13 "For the most part, the prisoners were all tortured. There were
14 a few prisoners, in particular light offence prisoners who were
15 not tortured."

16 Question:

17 "Were any of the prisoners there ever released?"

18 Answer:

19 "Some prisoners -- quite often prisoners were released after they
20 had been interrogated."

21 Question:

22 "Were there prisoners who were taken away and killed after they
23 had been interrogated?"

24 Answer:

25 "I did not know about taking them to be killed, but some

42

1 prisoners disappeared during the night. I did not know where
2 they kill, but for some prisoner who did not answer during the
3 interrogation, Duch order the deprivation of food and water and
4 later they died inside the prison. I saw this even; two people
5 die inside the prison."

6 BY JUDGE LAVERGNE:

7 Q.Here again, can you tell us if you confirm what has just been
8 read or not?

9 A.Yes, I agree.

10 Q.So you personally witnessed prisoners who had died -- you
11 personally saw prisoners who had died of starvation, and this as
12 a result of an order given by Duch to deprive them of food. Is
13 this what you're saying?

14 [11.30.23]

15 A.I did not see that kind of deprivation, but I saw only he kill
16 people.

17 Q.So you did not personally see Duch order that prisoners be
18 deprived of food? You did not personally see this or hear about
19 it or is this something that he told you, however?

20 A.As I told you, I did not see that, I did not hear about the
21 deprivation of food. As I told you earlier, I saw him killing
22 people, some of the detainees.

23 JUDGE LAVERGNE:

24 So I think that we can move on with the reading of the document.

25 THE GREFFIER:

43

1 Question:

2 "You said that Duch killed Pon. For what reason? Kill him by
3 what methods?"

4 Answer:

5 "I saw Duch kill Pon by shooting him with an AK because Pon had
6 let a prisoner escape while being taken for interrogations."

7 [11.32.21]

8 BY JUDGE LAVERGNE:

9 Q. What are you telling us at this level? Are you telling us
10 that this corresponds to reality or are you telling us that this
11 is something that you deducted; that you suppose? Is this
12 something that you saw personally or is this something that you
13 concluded from your experiences?

14 A. As I told Your Honour, Pon -- I did not see the shooting but
15 Pon disappeared from the place. He used to be an interrogator
16 but later disappeared and I thought that the guard -- if any
17 guard disappear they had problem -- in the case of Pon.

18 JUDGE LAVERGNE:

19 Well, I think now that we can continue reading the document.

20 [11.34.00]

21 THE GREFFIER:

22 Question:

23 "As for the prisoner's release, who ordered the release?"

24 Answer:

25 "For the prisoners who were released, only Duch had the right to

44

1 give those orders."

2 Question:

3 "Please explain about the food for the prisoners at M-13; how was
4 it?"

5 Answer:

6 "There were two meals per day for prisoners at M-13; in the
7 morning and in the afternoon. At each meal there was only thin
8 gruel which they scooped into a sugar plum juice collecting tube,
9 which were used in place of dishes. Clamshells tie with the
10 bamboo were used in place of spoons."

11 [11.34.52]

12 Question:

13 "Up until what year did you work at M-13?"

14 Response:

15 "In late 1974 I had at least three prisoners whom I knew lived
16 in Samraong village. Later I was punished by being chained to a
17 tree. After being chained there for three days, I escaped. When
18 I arrived at my home village, village chairman health guaranteed
19 me, so Duch let me go free after that."

20 BY JUDGE LAVERGNE:

21 Q. So do you confirm what has just been read?

22 A. Yes, I confirm it is correct.

23 JUDGE LAVERGNE:

24 Okay. So now we can read until the end of the document.

25 THE GREFFIER:

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1 Question:

2 "Please explain about your attitude of Duch at that time. What
3 type of person was he?"

4 Response:

5 "Duch was a very mean and vicious person. If Duch wanted
6 someone dead, he had to die. The work at M-13 was all done under
7 the authority of Duch. Those under the command of Duch fear Duch
8 as if he were a tiger and did not dare glance at his face. If
9 Duch spoke jokingly, you had to be vigilant. If he spoke with a
10 straight face, it was okay."

11 Question:

12 "Do you have anything to add?"

13 Answer:

14 "I don't have anything to add."

15 [11.36.49]

16 BY JUDGE LAVERGNE:

17 Q. So do you confirm what has just been read?

18 A. Yes, I agreed.

19 JUDGE LAVERGNE:

20 Well, then, does Duch have any comments to make in relation to
21 what has just been read? And once again, not only in relation to
22 what he has to -- not only in relation to the statement itself
23 but also in relation to the contradictions between what he said
24 and this statement?

25 THE ACCUSED:

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1 I would like to confirm a little bit what Your Honours would like
2 me to describe about discrepancies or the contradictions -- the
3 contradictions to what contents of the testimony?

4 JUDGE LAVERGNE:

5 Were the answers provided by the witness -- do they satisfy you
6 or do you have any questions in relation to these answers that
7 the witness provided?

8 [11.38.21]

9 THE ACCUSED:

10 The main problem I would like to tell to the Bench is that Chan
11 Voeun was not a staff of M-13 and the evidence that I shot -- I
12 maintain that he told a lie that I shot Comrade Pon. Now,
13 Comrade Pon was my close staff. This is my evidence to prove
14 that he is not -- he was not the staff of M-13 and he lied in
15 other cases including the shooting. He said that I shot three
16 prisoners by my own hands. This is not correct.

17 As for the children, when he reports to the Chambers, I would
18 like to say that there was no children from Amleang detained at
19 M-13.

20 I would like to confirm to Your Honours that the two detainees
21 that I released, they were called Bong and Pong. It's the twins
22 of the commune chief Phueong. The wives of commune chief
23 Phueong, also arrested, including three of the children --
24 Phueong also arrested. I received an order. I received an order
25 from the upper echelon to interrogate Phueong and the oldest son.

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1 As for another two -- the twins -- they were about 15 years old
2 at that time and their mother is the spouse of commune chief
3 Phueong -- were not interrogated. And later the upper echelon
4 ordered me and later the upper echelon ordered me to send two --
5 the twins and the mother to Pursat.

6 And therefore, in conclusion, there were no one detained any
7 longer. There were no children -- there were no children
8 detained there. The children from -- the children to my word
9 here is the children from Amleang, as stated by Voeun, the
10 witness here.

11 [11.42.13]

12 As for -- I tried to raise three children from their mother, but
13 I could not do that, but they were not from Amleang.

14 As for the flood, I would like to tell you the truth as the
15 following. A flood from the mountainous area, I had explained to
16 the Chambers earlier that that day there was a slight rain at the
17 place about 9:00 a.m. in the morning. It was not a heavy rain
18 that day, but there was flood that's about one metre in height in
19 one hour. It's very quick. I saw that. Then I stand -- I stood
20 next to the pits and I told them, "Come out, come out" including
21 myself and others would catch the bin and water above my chest.
22 Everybody was in the same situation.

23 In the evening, about 3:00 p.m., then the water level went down.
24 At that time, I rescued the prisoner and the guards to Chot's
25 house. It's the village chief of the Trapeang Traob village.

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1 And therefore there was no prisoner died in the flood there. As
2 I told Your Honours earlier, no one died in the flood. No one
3 climbed up into the tree. And there was a small hill next to
4 Chot's house. Chot was the chief of the village and at that time
5 we cross... we could not cross to the house of Brother Chot
6 because there was a pond there. And before the person did not
7 see anything and come to testify at the court, we cannot say it
8 is correct.

9 As for I ask for... to ask for the guard from Ta Si who is 20
10 year of age to come to be guard, I went to the village, to the
11 commune who were 15 or 17 years old to be my guards.

12 [11.45.43]

13 In conclusion, I deny only the first testimony. I deny only the
14 -- only the first testimony made by Chan Voeun, the witness Chan
15 Voeun. As for the crimes committed by M-13 office, those crimes
16 I committed against my nation, my people, I accept those crimes.
17 I would not escape that kind of responsibility. The people from
18 Amleang I try to list down, when I think about that I feel -- I
19 feel painful in my heart.

20 Let me stop here now.

21 JUDGE LAVERGNE:

22 One question only; was Pon able to step out of M-13? Was he able
23 to go to M-13B, for example, or did he stay at M-13 all the time?

24 THE ACCUSED:

25 Your Honours, Comrade Pon was a person from the same province as

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1 me, from County Number 3 of Onalom pagoda with me. I trained
2 him. I allow him to stay -- always stays at the place to be
3 interrogator at the place.

4 JUDGE LAVERGNE:

5 I do not have any further questions.

6 MR. PRESIDENT:

7 The prosecutors, do you have any questions to ask to the witness?

8 If you have, please do so.

9 QUESTIONING BY CO-PROSECUTORS

10 MR. YET CHAKRIYA:

11 Thank you, Mr. President.

12 BY MR. YET CHAKRIYA:

13 Q.Chan Voeun, according to your statement, you said you had
14 staff of M-13 office. When you were a staff of the M-13 office,
15 who other staff do you know?

16 [11.48.51]

17 A.Let me respond; I knew the guards. I knew some of them.

18 Q.Do you know those who survived?

19 A.Yes.

20 Q.What is their name?

21 A.One is Khan.

22 Q.Yan Khan is it?

23 A.Yes. And another person is Lonh. He's in Kampong Kork, and
24 another person is named Choeun, Tnal Bambaek and another person
25 is Rann. That's all I know. I didn't know any other guards.

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1 Q.When you were the staff there, do you know the detainees
2 there?

3 A.I did not know all of them; I only knew some. Those who lived
4 far away I did not know.

5 Q.What are the names of those you knew?

6 [11.49.56]

7 A.Soy and Ly, and Knong Kheng. There were a number of them but
8 I cannot recall their names.

9 Q.Do you know Ham In?

10 A.Yes, he is my friend.

11 Q.Is he alive?

12 A.He passed away now.

13 Q.Can you state again the leadership level of M-13? Besides
14 Duch, do you know any other people?

15 A.There were Pon and Meas and Chan.

16 Q.Do you know Phal?

17 A.Yes, I know Phal. I recognized his face.

18 Q.Phal and Pon, do you clearly recognize which one is Phal which
19 one is Pon?

20 A.One is Phal, yeah. That one is Pon. They disappeared. He
21 also interrogated the detainees. I did not see Phal and Pon; I
22 didn't know where they went or whether they survived until to
23 date.

24 [11.51.07]

25 Q.So amongst the two, Phal and Pon, both of them disappeared; is

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1 that correct?

2 A.Yes.

3 Q.And you do not know the reasons of their disappearance?

4 A.I do not know. They just simply disappeared from the office.

5 Q.What is the role of Phal at M-13 office?

6 A.He was an interrogator.

7 Q.Thank you.

8 Do you know if -- or did you see Chan and Meas shot detainees?

9 A.No I did not.

10 MR. YET CHAKRIYA:

11 I do not have any other questions, Your Honour.

12 [11.51.54]

13 MR. PRESIDENT:

14 Please, the Co-Prosecutor, the floor is yours.

15 MR. BATES:

16 Thank you, Mr. President.

17 BY MR. BATES:

18 Q.Can I ask whether you received any training before you started

19 work at M-13?

20 A.I did not have any position in that office. I was just a

21 guard. For example, taking the prisoners, the detainees to be

22 killed was not my duty. I was simply a guard.

23 Q.Before you were given the order to guard prisoners, were you

24 given any instructions at all? For example, did Duch or anyone

25 else speak to you about what you should do if the prisoners tried

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1 to escape?

2 A.The prisoners, before they were allowed to let out to work
3 outside, there must be an order and permission from Duch. For
4 example, a guard can take three or four prisoners to work outside
5 with the permission from him.

6 [11.53.43]

7 Q.And the second part of my question was, did Duch or anyone
8 else at the prison tell you how to react, how to respond if the
9 prisoners attempted to escape?

10 A.If a prisoner escaped, he would order us to shoot. If it's my
11 target, my responsibility, if the prisoner under my
12 responsibility escaped, then he would order to shoot because if
13 the prisoner successfully escaped, then the guard would be
14 imprisoned by himself. So if he ordered to shoot, then we would
15 shoot, and for those prisoners who allow -- I allowed them to
16 escape because I told them that they cut the chains by themselves
17 and escaped.

18 Q.You told us that prisoners were interrogated. Were all of the
19 prisoners interrogated, do you know, or some of them?

20 A.The prisoners who were arrested and brought to his place, all
21 of them would be interrogated. I don't know if it's
22 light-offence prisoners or a serious-offence prisoners, but all
23 of them would be interrogated.

24 [11.55.41]

25 Q.You've told us that Duch conducted interrogations. Can you

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1 tell us on how many separate occasions you personally saw Duch
2 interrogating?

3 A.I saw Duch on three or four occasions, as I stated earlier,
4 when he beat detainees and interrogated a prisoner -- the
5 prisoners and on another occasion that he shot a prisoner.

6 Q.I want to ask you about two separate occasions. The first
7 one, when you described Duch burning the breasts of the female
8 prisoner, did Duch know, to your knowledge, that you were
9 watching?

10 A.Yes, I watched him. I saw him ties the female and took off
11 her shirt and I saw him burnt the chest of that lady. I was
12 afraid of him, but I did see it. It was at the back of the
13 kitchen to the east of the streams near the prison's gate -- the
14 fence. So he tied the female prisoner and he tortured her. I
15 saw him torture, but I did not see clearly with what tool or with
16 a cloth or with gasoline.

17 Q.Were you watching in secret? What I mean is do you know
18 whether Duch could see that you were watching him torture this
19 victim?

20 A.Duch saw me, yes, because I was nearby. I was at the other
21 end of his table. He did see me.

22 Q.Was Duch saying anything during the torturing?

23 [11.58.49]

24 A.He did not say anything to me. He only spoke to the prisoner.

25 Q.And what did he say to the prisoner?

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1 A.He was interrogating the prisoner, but he did not say anything
2 to me. I only stood and watched it from a distance, so he was
3 interrogating and speaking to the prisoner.

4 Q.How long were you watching this incident for, do you remember?
5 Was it a matter of one or two minutes or longer?

6 A.It was quite a long time. It's probably more than 15 minutes.

7 Q.And what eventually happened to this prisoner? Did she live?
8 Did she die? What sort of condition was she left in when you
9 stopped watching the scene?

10 A.After that, he untied her and put her back into the prison.

11 Q.Thank you.

12 The second incident I'd like to talk to you about. You told us
13 that you saw Duch shooting your uncle to death and I appreciate
14 this must be very upsetting for you to talk about.

15 Can I ask you first, did Duch know that you were watching that
16 particular torture incident? Were you watching in secret?

17 A.I could not clear -- hear clearly.

18 [12.01.29]

19 Q.I'm sorry, I'll repeat it more slowly.

20 The incident that you described of Duch shooting your uncle, were
21 you watching that scene in secret? Did Duch know that you were
22 watching?

23 A.When he shot my uncle I was nearby but he did not know that I
24 was nearby. I was from the other side. When he was at this side
25 I was at the east side and then I heard the gunshot. Then I

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1 heard another shot and I saw my uncle already falling into the
2 ground. So then my tears dropped when I saw my uncle was shot to
3 death. He did shoot my Uncle Soy and his wife was still a nun at
4 the present time. You can ask her, the wife of Uncle Soy. She's
5 my aunt. And he said that there was no name Soy, Soy Amleang,
6 and that's for my uncle. And now his wife became a nun to the
7 pagoda there in Amleang.

8 Q.You described -- there was one day that you saw pits, and
9 bodies buried in the pits. Can you tell us, please, how many
10 bodies you saw in the pits?

11 A.As I stated earlier, he said that we were not allowed to chase
12 the (indistinct) ball, but actually I took the prisoners to chase
13 the ball, and when we were near the stream that's when I saw, and
14 then he called me to come back, so I returned and he scolded me
15 why I led the prisoners to go to that direction, but I did not
16 pay attention for that location at the time.

17 [12.04.13]

18 Q.I don't quite follow your answer. Perhaps something got
19 missed in the translation. Do you mean you don't remember how
20 many bodies you saw; or you saw but you now can't remember?

21 MR. CHAN VOEUN:

22 I cannot hear.

23 (New headset provided to witness)

24 MR. PRESIDENT:

25 Can the Co-Prosecutor ask the last question to the witness again?

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1 MR. BATES:

2 Thank you, Mr. President.

3 BY MR. BATES:

4 Q.You have described a time where you came across some dead
5 bodies in a pit, and I think you told us that you were not
6 supposed to be there. You were told that that wasn't where you
7 were supposed to go. But my question is: when you saw the pit
8 with the bodies do you recall how many bodies were in the pit or
9 how big the pit was, or can you give us any more help?

10 A.At that time there were four pits and I did not know about the
11 number of dead bodies. Some of the pits were full and some were
12 half, so I could not estimate the actual number of the dead
13 bodies in each pit. Amongst those four pits, some were full and
14 some were half, and they were not covered.

15 Q.Perhaps you can help us with how big the pits were.

16 [12.07.33]

17 A.The pits were -- it's not really square. It was like round
18 and it was about two metres deep. So it's like a well. It's
19 round, and the depth was about two metres for each pit.

20 Q.When you saw the bodies in the pit, can you tell us what
21 condition they were in? Were they clothed? Were they naked?
22 Were their hands tied? Were they -- were their hands not tied?
23 And could you see how they had been killed?

24 A.From my observations, they were male and female and they were
25 clothed, but some, they were half naked. There were no shirts.

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1 Q. Did you notice whether -- or what forms of injuries the bodies
2 had; how they might have been killed?

3 [12.09.14]

4 A. In those pits I saw them in those pits, saw they must be
5 beaten or clubbed to death in those pits. They were in those
6 pits, so I did not know how they were killed.

7 MR. BATES:

8 I have one more question, Mr. President.

9 MR. PRESIDENT:

10 Yes, you may ask.

11 BY MR. BATES:

12 Q. You've told us that -- when you were describing Duch's
13 character, that you would be in trouble if he was laughing, but
14 things were okay if he was serious. Can you explain a little
15 more about that, what you mean by that?

16 [12.10.23]

17 A. I used to be with him, so that's what I observed. When he
18 interrogated the prisoners, when he spoke to the guards, if with
19 a straight face, then it's okay. But if he has a smile on his
20 face, then there will be problems. So if I went to have a meal
21 and I saw him with a smile, then I knew I would be in trouble.
22 So if he keep laughing, "Ha ha ha ha," then that will be no
23 problem. Or he might beat the prisoners and the guards too if
24 they made a mistake. If he had a straight face and walked away,
25 that would be okay, but if he smiled then they would be in

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1 trouble. So that is his character.

2 MR. BATES:

3 Thank you, Mr. Chan Voeun.

4 Thank you, Mr. President.

5 MR. PRESIDENT:

6 Now it is time to adjourn for lunch. The Chamber declares the
7 adjournment and the Court will resume at 1.30 p.m.

8 Security guards, take the accused back to the waiting room and
9 bring him back before 1.30 p.m. this afternoon.

10 MR. PRESIDENT:

11 Court Officer, can you facilitate the witness to the waiting room
12 and bring him back before 1.30 p.m.

13 (Judges exit courtroom)

14 (Court recesses from 1212H to 1333H)

15 (Judges enter courtroom)

16 MR. PRESIDENT:

17 Now the Trial Chamber declares to continue its sessions for this
18 afternoon and from the beginning, I would like to give the floor
19 to the lawyer for the civil parties who wishes to ask questions
20 to the witness. And if you have questions, please start from
21 Group Number 1 to Group Number 4. If you have any questions to
22 pose, please, lawyer for Group Number 1.

23 [13.39.29]

24 MR. WERNER:

25 Good afternoon, Mr. President. Your Honours, with your leave, we

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1 do not have any questions for the accused but we would have just
2 one or two questions to the accused on -- sorry, we do not have
3 any questions to the witness but we would have one or two
4 questions to the accused on a matter pertaining to the testimony
5 of this witness.

6 MR. PRESIDENT:

7 Please ask your questions.

8 QUESTIONING BY COUNSEL FOR CIVIL PARTIES:

9 MR. WERNER:

10 So this morning the witness described prisoners at M 13 detained
11 alive in some pits. Could you confirm that in 1974 there were
12 indeed at M 13 some prisoners detained in some pits?

13 [13.41.10]

14 MR. PRESIDENT:

15 Please, Mr. Lawyer, ask the question again. Reframe the question
16 because the accused has not listened to your question properly.

17 Please ask your question again so that he can catch your

18 question, so that he can provide an answer to you. Yes, thank

19 you.

20 MR. WERNER:

21 So this witness this morning described at M 13 prisoners detained
22 alive in some pits, and my question is: can you confirm that in
23 1974, there were indeed some prisoners detained alive in some
24 pits?

25 THE ACCUSED:

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1 Mr. President, as far as I listened to the testimony by Chan
2 Voeun this morning, he did not say anything about the buried
3 alive in the pit of the detainee. That's all that I can say.

4 MR. WERNER:

5 Should I rephrase my questions? I was only asking about
6 prisoners detained in some pits in 1974; if the accused can
7 confirm that fact. I was not talking about anybody being buried
8 alive. I'm not sure if it's a problem of translation.

9 MR. PRESIDENT:

10 Mr. Lawyer, please reframe your question to be more specific. So
11 what is your question in particular?

12 And the accused, please listen to his question carefully so that
13 you can answer, so if you have any reason that you know that the
14 question was not correct, based on the testimony by the witness
15 this morning.

16 Please, Mr. Lawyer.

17 [13.43.29]

18 MR. WERNER:

19 Yes, my question is simply to know whether or not you can confirm
20 if some people at M 13 in 1974 were detained in pits or not.

21 THE ACCUSED:

22 Your Honours, Mr. President, the matters of detention of the
23 victims at M 13 from the bombing by the B-52, we detained the
24 victims in the pits; including myself and the guards also sleep
25 the pits, the open pits, all together. These we are talking a

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1 long time now and we should not raise at this point in time
2 again.

3 MR. WERNER:

4 But could you tell us, if yes or no some people, in 1974 -- 1974
5 and some were still detained in some pits at M-13?

6 THE ACCUSED:

7 I refrain not to respond because I responded already.

8 MR. WERNER:

9 Your Honour, the accused did not answer the question and as far
10 as I can see, it's a very simple question. Maybe he cannot
11 remember and that's fine, but it will be important for us if the
12 accused could just answer the question.

13 [13.45.40]

14 MR. PRESIDENT:

15 The accused and the Chamber informed him about his right to
16 remain silent so he can -- he could do so. He refrained from
17 answering the question because he thought that it is a repeated
18 question.

19 And now he will not answer the same question so we move to other
20 questions so to the witness.

21 Do you have any question? If you don't have any question, give
22 the floor for other lawyers of other groups to ask.

23 Please, lawyer from Group Number 2, do you have any question to
24 ask the witness? If you have, please do so.

25 MS. STUDZINSKY:

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1 Good afternoon, Mr. President.

2 We have no questions. Thank you.

3 MR. PRESIDENT:

4 And we move to lawyer from Group Number 3; if you have any
5 questions to ask to the witness, please do so.

6 MR. KIM MENGKHY:

7 My name is Kim Mengkhy; I'm the lawyer for Group Number 3 of
8 civil party. I have a number of questions to the witness.

9 BY MR. KIM MENGKHY:

10 Q.In relation to your work; when you described your work as an
11 Economics Unit, in addition to that, you took a number of
12 prisoners to work outside of the prison.

13 [13.47.44]

14 My question is that when you took the prisoners to work outside,
15 what did they do and what were the conditions of the work at that
16 time?

17 A.Yes, I would like to reply. When I took them to work, the
18 prisoners, to slash the forest and to build a dam, the dam called
19 Tangting Dam and to dig the soil, to build a dike, the dam at
20 that place. So we spent there for about one hour and then I
21 asked -- I told them to break the chains. And those prisoners
22 broke the chains and they fled away.

23 Q.And I would like to ask for your confirmation, did you
24 yourself take the prisoner to work or you received order from
25 anyone to do so?

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1 A.Yes, I received the order from Duch directly to take the
2 prisoner there because at -- that day, he had no guards to do so,
3 and he took me from the Economic Unit to do so. I received order
4 from Ta Duch.

5 MR. KIM MENGKHY:

6 I have no more questions. Thank you.

7 MR. PRESIDENT:

8 Do you have any other questions? If you have, please do so.

9 MR. CANONNE:

10 Thank you, Mr. President. This is Mr. Canonne. I have two very
11 brief questions to put to the witness.

12 BY MR. CANONNE:

13 Q.Mr. Chan Voeun, this morning -- and you said in your previous
14 statement which was read out as follows: "Sometimes Duch was
15 happy like a madman when he had tortured the prisoners". This
16 is my question; can you explain what that means? How was his
17 behaviour like?

18 A.Yes. At that time, when I say he was "happy like crazy man",
19 he did not interrogate. So when -- after the interrogation, he
20 was very happy and he expressed the feeling of happy.

21 Q.More precisely, how was this displayed? What gestures did he
22 use; what words did he speak?

23 A.At that time, when he interrogated the victim, he laughed and
24 he laughed loudly, as I told you earlier. So when he interrogate
25 and when he smile, there must be a plan of him. I noticed that

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1 not only the prisoners, including the guard, they'd not look at
2 his face. We can walk close him, but we dare not look at his
3 face at that time. Thank you.

4 Q.I would like to return to the woman that you saw being
5 interrogated and tortured with fire. This morning, you told us
6 that she had not died immediately; that she was unleashed and
7 taken back to the prison.

8 My question is this: How long -- do you know how long it took
9 her to die?

10 A.When the interrogation -- she did not die. She had screamed
11 and the victim did not die then, but she was taken back to the
12 prison, to detain. She was brought back to the prison, but I saw
13 she was burned with a torch in front of my eyes.

14 [13.53.27]

15 Q.Do you know what happened to her after that?

16 A.Please speak again -- ask again.

17 Q.I shall repeat and clarify my question.

18 When she was taken back to the prison, do you know what happened
19 to her after she was taken back to the prison?

20 A.At that time, I did not know, but I just saw she was taken
21 back to the prison because I dare not go closer to the place. ...

22 MR. CANONNE:

23 Thank you, Mr. President. I have nothing further.

24 [13.54.52]

25 MR. PRESIDENT:

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1 And now we move to lawyers for Group Number 4. Do you have any
2 questions to ask the witness? If you have, please do so.

3 MR. HONG KIMSUON:

4 Thank you, Mr. President, Your Honours, ladies and gentlemen and
5 the Trial Chamber. My name is Hong Kimsuon. I would like to ask
6 the question to Witness Chan Voeun.

7 BY MR. HONG KIMSUON:

8 Q.This morning, you said that in relation to Ham In, you said
9 that you know him and he died. Did he die in M-13 or right after
10 M-13?

11 A.Yes. Ham In, who was my friend, he did not die in M-13. He
12 was released and died at his home village. Ham In was one of the
13 detainees and Duch released him and he recently died.

14 Q.Thank you. I have another question:

15 The person named Soy that you said this morning to the President
16 and to Your Honours this morning, Soy was a prisoner you saw Duch
17 shot him to death. Is the victim different from your uncle or
18 the same person?

19 A.Yes. Soy was my uncle, it's the second uncle. He shot him to
20 death. It was my Uncle Soy whose house was in Amleang next to my
21 house and he shot him to death. His name was Soy.

22 Q.Thank you. I have another question.

23 [13.56.50]

24 Now, your uncle, where did -- he was arrested -- or your uncle
25 was staff at M-13?

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1 A. When he was arrested there was a militia at that region.

2 They're called militia. The militia arrested him, sent him to

3 M-13 and was not arrested by Duch, by himself, but the militia

4 who made the arrest and sent to M-13.

5 Q. You yourself, when you came to M-13 did you -- were you

6 interrogated by Duch?

7 A. No, from the beginning I dare not do anything so I can say one

8 would know only one's own business because we --

9 Q. My question is that you yourself, do you experience any

10 interrogation by Duch? It's you, yourself.

11 A. No, he did not interrogate me at that time. That's all.

12 Q. At M-13 do you have any blood relation to any one of the staff

13 who worked at M 13?

14 A. No, I have no relatives working there.

15 [13.58.22]

16 Q. This morning you said that you broke the bamboo fence and

17 escaped to live in the village. Were you sent back to M-13?

18 A. Yes, at nine o'clock -- midnight at night I broke the fence

19 and I ran away to the village. I asked the village chief to help

20 and the village chief said that, "Oh, you should wait until the

21 morning and I will provide guarantee," and he talked to Duch and

22 allowed me to stay here in the village. And one week I received

23 a letter and then he allowed me to leave in the cooperative.

24 That's why I'm still alive now.

25 MR. HONG KIMSUON:

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1 Thank you, Mr. President.

2 MR. PRESIDENT:

3 Next, I give the floor to the defence counsel. Do you have any
4 questions to ask the witness? If you have any questions please
5 do so.

6 QUESTIONING BY DEFENCE COUNSEL:

7 MR. ROUX:

8 Thank you, Your Honours.

9 BY MR. ROUX:

10 Q.Hello, Mr. Witness.

11 [14.00.01]

12 I would like to ask you for a few small specifications. First of
13 all, concerning your personal history, do you know somebody
14 called -- somebody called -- sorry about this. Sorry. Do you
15 know somebody called Cheung Kang?

16 (No interpretation)

17 MR. ROUX:

18 The answer has not been translated.

19 BY MR. ROUX:

20 Q.So I would like to ask my question again. So do you know
21 somebody called Chaing Kam(phonetic)?

22 A.No, I don't know that name.

23 Q.Could you give me, please, the name of his father?

24 A.Who is Chaing Kam(phonetic)? I don't know him. How could I
25 tell you?

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1 (No interpretation)

2 MR. ROUX:

3 We're having a problem with translation. The first answer that
4 was given to me, "Yes, know him," and the second answer was, "No,
5 I don't know him." So Your Honours, I think that we're going to
6 have to take measures. We are here in a legal hearing, in legal
7 proceedings, and we're all suffering from serious problems of
8 translation. So please.

9 So I will speak about this later again but I'd like to finish my
10 questions. So I'd like to repeat my question.

11 BY MR. ROUX:

12 Q.Mister, do you know somebody called Chaing Kam(phonetic); that
13 is my question -- or Chan Khan, as it should be pronounced in
14 Khmer.

15 A.Yes, I know.

16 Q.Again, could you please therefore give me the name of his
17 father, of Chan Khan's father?

18 A.Yes, I can tell you. His name was Khom and his mother named
19 Pel.

20 Q.And the name of his village, please? What is the name of his
21 village, please, the village where he is living?

22 A.Yes, his current village is called Taniel.

23 Q.Do you have any -- is he a relative of yours? Is this person
24 -- is this person Chan Khan a relative of yours? Is he one of
25 your relatives?

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1 A.Chan Khan was not my relative, but I call him my friend; just
2 my friend.

3 Q.And was this individual ever detained at M 13?

4 A.Yes. As far as I know, he was one of the guards, the same as
5 me, but later when I fled away, he had encountered any incident,
6 I did not know about that. That's all.

7 [14.06.23]

8 Q.Mr. Chan Voeun, you are indeed the person who married a woman
9 named Miel. Did you marry a woman named Miel?

10 A.No, I don't know.

11 Q.I do not know how to say it in Khmer. Maly to pronounce it in
12 Khmer. Is that it, Mlee? Did you marry a woman named Maly?

13 A.No, I do not know that.

14 Q.Therefore, could you give us the name of your wife?

15 A.My first wife named Touch but she is deceased now, and later I
16 married to a second wife named Oeun at Prek village. Her name is
17 Oeun, not Malis, my current wife.

18 Q.Thank you, Mr. Chan Voeun.

19 You said this morning that at the start you had been hired at M
20 13 in the Economics Unit. Is that so? You said this morning
21 that you were hired in the Economics Unit at M 13. Is that so?

22 [14.08.22]

23 A.Yes, it is correct. I was assigned to work in the Economics
24 Unit.

25 Q.Could you therefore specify for -- tell us for how long you

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1 remained working for the Economics Unit? For how many months,
2 for example, if you can remember, did you work for the Economics
3 Unit?

4 A.I am not quite sure, but it was a fairly long time. I used
5 almost -- I broke one of the ox carts. Another friend, Mon, who
6 were in the same unit, we went to the Lak Kang Cheung. We went
7 there to -- we took the clothes and a battery to exchange with
8 the rice for the prisoners and it was a fairly long time.

9 Q.I am sorry to ask you this, but a long time for you; what does
10 it mean for you, three months, four months, five months? Could
11 you be a little bit more specific about this? What does a long
12 time mean for you? Three months, four months, five months?
13 Could you be a bit more specific please?

14 A.Yes, it was about four or more months -- four months or more.
15 It was about four months, yeah, because I was sent to work in the
16 office again.

17 [14.10.20]

18 Q.Thank you. And is it after this period that you became a
19 guard? It is after this period that you became a guard?

20 A.At the time I was assigned to be a guard, I stopped my work at
21 the economics unit and he had me to guard the prisoners, and one
22 day he ordered me to take the prisoners to work at Trapeang Ting
23 to slash the forests and build a dam, and at that day I tried to
24 release those three prisoners. Then I became a prisoner at that
25 prison, and then I tried to escape and then I ran away and I then

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1 stayed at the cooperatives and I no longer had any idea in the
2 prison. Thank you.

3 Q.And therefore you remained a guard for how long? How long do
4 you remember having been a guard, therefore?

5 A.For a fairly long time. It was about for three or four after
6 my task at the economics unit, and then I let the prisoners flee
7 and then I was sent to work at the cooperative, and I don't know
8 anything later.

9 Q.Therefore, if I tried to sum up all of this, so you remember
10 having worked for the Economics Unit for about four months and
11 then afterwards you remember having been a guard for about four
12 months again. Is that more or less correct?

13 A.Yes, it is correct.

14 Q.So therefore I believe that you probably remember the names of
15 the other guards who were working with you. So therefore could
16 you please give us their names, the names of the other guards who
17 were working with you?

18 A.I can tell you some names but not others because some are from
19 different places. There is Khan that I know; Hin second; and
20 Chhin, that's number three; and then those who are from the
21 south: Choeun, another one guard. I remember only these names
22 who were the guards at M 13.

23 [14.13.59]

24 Q.You told us this morning that when you were working for the
25 Economics Unit you would come to the camp about every two weeks.

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1 Is that so, once every two weeks?

2 A.Yes, I went far away sometimes. I went to near places
3 sometimes. One week return sometimes, two weeks return one time.

4 Q.And when you would come back, how long would you stay in the
5 camp?

6 [14.14.43]

7 A.No, no specific time. Sometime, we spend -- I spend for one
8 week, sometimes 20 days and then I was sent to go back if we have
9 enough clothes to take. Sometimes we do not have any supply of
10 clothes so we need to wait. So there's no specific time to me
11 for staying at the place.

12 Q.So during these periods when you were inside the camp, you
13 said to the Prosecutor, when he asked you the question, that you
14 saw Duch carry out interrogations three to four times; is that
15 correct? You saw that happen three to four times, Duch
16 interrogating prisoners?

17 A.Yes, I did see that. It is correct.

18 [14.15.28]

19 Q.Therefore, could you tell the Chamber where the three or four
20 interrogations took place, where specifically? And first of all,
21 did these interrogations take place inside; that is to say,
22 inside in a room or did these interrogations happen outside?

23 A.Yes, when he took a prisoner for interrogation, sometimes
24 outside of the prison, sometime inside of the prison. And at the
25 daytime, he took the prisoner to interrogate outside, but at

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1 night, he did that in the prison.

2 Q. So now we're going to try to be a bit more specific. You say
3 that you saw this happen three or four times. So how many times
4 did you see Duch interrogate outside of the prison and how many
5 times did you see him interrogate inside the prison?

6 A. I saw three times for interrogation outside of the prison; two
7 times for one prisoner and one woman and inside the prison, four
8 times.

9 Sometime he asks that prisoner, another prisoner, so if anyone
10 who refuses to answer, he kept one and take -- took another one
11 and sometimes he ask in the prison; sometimes he interrogates
12 outside of the prison.

13 Q. When you say "outside of the prison", what do you mean
14 exactly, Mr. Witness? What do you mean by "outside of the
15 prison"?

16 A. "Outside" means he took the prisoner outside, not far away,
17 but outside just not far away from the prison.

18 [14.18.02]

19 Q. You mean outside of the bamboo fence around the prison? Is
20 that what you're -- is that what you mean?

21 A. At the time, he just took the prisoner outside of the fence
22 and just close to the fence -- next to the fence, but outside the
23 prison and after interrogation, he took the prisoner back into --
24 when he asks -- he interrogates inside the prison, so he took the
25 prisoner out of the pit, but interrogates inside the fence.

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1 There was a bamboo fence. He took the prisoner outside of the
2 fence and interrogated there.

3 Q.So therefore, let's start with this. So you saw him
4 interrogate prisoners outside beyond the fence. So who was with
5 Duch then? Who else was with Duch aside from the prisoner when
6 the prisoner was being interrogated outside of the prison?

7 A.There was no one; only Duch alone and the prisoner, and he
8 interrogated the prisoner. There was no guards surrounding him.

9 Q.So if I understand you well, three to four times, I don't
10 exactly remember, but you say three to four times Duch stepped
11 outside of the prison with a prisoner and Duch was alone. So
12 therefore, where were you when this happened?

13 A.Yes, I was nearby, but I did not come close -- even closer and
14 just walked around, and he interrogated the prisoner. We -- the
15 guard, we are -- we dare not go close to him. We dare not look
16 at his face at that time.

17 [14.20.47]

18 Q.Who gave you the permission to step outside of the prison? If
19 Duch is outside of the prison and if you are a guard, therefore,
20 who gave you the permission to step outside of the prison to go
21 outside of the fence?

22 A.Yes, at that time, the guard has the right to move around;
23 it's not only to guard. The guard can move outside and inside.
24 It's only the prisoner who has no right and the guard could go
25 inside or outside -- could move.

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1 Q. So you have just told us that Duch was alone with the prisoner
2 and that you were with other guards. So therefore, could you
3 give, please, to the Chamber the names of the guards who were
4 with you then and, therefore, who were able to witness the scene
5 that you have described to us?

6 A. Yes, I do not remember well. There were a lot of guards and I
7 feel confused. There was seven -- six or seven of them. The
8 guards guard against those who are inside, but when the prisoner
9 was taken outside to interrogate, there were no guard to prison
10 there. Thank you.

11 Q. So therefore you are telling us that there were no guards
12 accompanying Duch outside of the prison, but you were with six
13 guards, however, quite close, so close that you were able to see
14 what was happening. So I didn't quite understand here.

15 A. Yes, it is correct.

16 Q. Please, who was with you?

17 [14.24.00]

18 A. There were Khan and Hin and Chhin. I forget some others.
19 There were six of us. I do not remember the names. Everyone
20 just moved back and forth there.

21 Q. So therefore, what I understand is that the interrogations,
22 therefore, the torture took place in public. Is that so?

23 A. Yes. It carried out in the open place; there was no fence, no
24 wall, but inside there was a bamboo fence, but when it is
25 interrogated outside it's in the open field.

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1 Q. Therefore, everybody could hear the answers from the
2 prisoner, the answers from the prison who was being subjected to
3 the interrogation, everybody could hear them. Is that so?

4 A. Yes. We could hear because we were close to the
5 interrogation place. So the guards who walked down here could
6 hear the interrogation and response.

7 [14.25.40]

8 Q. Very well, okay, so we're going to speak again about this
9 woman.
10 This woman you said Duch tortured with a torch. Where was she
11 interrogated? Was she interrogated outside of the fence or
12 within the prison?

13 A. Yes, for the women victims were interrogated and tortured, it
14 was outside of the fence, in one corner, right behind bamboo
15 fence under the three, and he -- it was outside of the fence
16 during the morning; not in the daytime but in the morning.

17 Q. You answered a question from the prosecutor. The
18 question was, "Duch saw me because I was really close by. I was
19 at the other end of the table." That's at least what I heard
20 from the translation. "Duch saw me because I was at the other
21 end of the table."

22 Therefore, could you please explain to the Chamber what was this
23 table?

24 A. It was a wooden table, there was no plywood. It was a small
25 timber built as a table and the bench was also made of the timber

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1 -- small tree of the width side.

2 Q. So, therefore, there was a table that was outside of the
3 fence. Is that correct?

4 A. Yes, it is true.

5 [14.28.07]

6 Q. Who else was around this table? So you have Duch, you
7 have the prisoner, and you. Who else was there?

8 A. There was no other people, only Duch and the victim.

9 It's only me who came after washing my face and I saw the torture
10 with lifting the torch to the breast of the victim; that's all I
11 saw.

12 Q. Could you explain to the Chamber why you were there at that
13 time? I understand that Duch was interrogating a prisoner, but
14 why were you there at that particular time; did Duch call you?

15 A. As I stated earlier, he didn't call me. I went to wash
16 my face and wash my feet, and I saw he tied up the prisoner and
17 torture and I stood there and I watched at the other end of the
18 table. So after that, I walked away to outside of the prison.
19 That's all.

20 Q. When you say "the other side of the table", what was the
21 size of that table, approximately? Is it a bit like where you're
22 sitting now?

23 A. The table is about square, it's about that size but
24 longer. It's about four metres long, it's quite a long table.
25 It's a dining table. However, that location was no longer used

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1 because they had a new dining hall and they did not use that
2 dining table anymore, and that's where the torch of the breast
3 happened, it's at that table.

4 Q. The prosecutor asked you this morning, and he did not get
5 a response, whether Duch said something or whether he obtained
6 any answers. If you were on the other side of the table, I
7 imagine you would have heard the questions put by Duch and the
8 answers given by the prisoner.

9 Be so kind as to tell the Chamber what you heard and not just
10 what you saw. Witness, what did you hear during this event or
11 incident?

12 [14.31.31]

13 A. I saw him torching that woman. He put the petroleum on
14 a piece of cloth and torture, and after that I walked away
15 because I feared, I was feared because I did not have the
16 permission to be there, so I went away.

17 Q. Very well, you answer neither the prosecution's nor the
18 defence's questions and we shall draw our conclusions from that.

19 Lastly, if you'll forgive me, I'd like to return to the scene
20 concerning your uncle. I'm sorry to bring this up again, but you
21 provided important details to the prosecutor a while ago.

22 You said, "When he shot my uncle I was nearby, I heard gunshots,
23 and I saw my uncle fall."

24 I shall call on you to exercise your memory. Where were you at
25 that time; was this within the fence or was this outside the

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1 fence?

2 A. When I heard the gunshot, I was outside the fence, as I
3 stated I was outside the fence and they fired the shot from
4 inside, but I was at the other side, to the east side of the
5 fence. So gunshot was fired and it hit one shoulder, it came out
6 on another shoulder, and another one on the chest and he fell
7 onto the ground. That's my uncle who fell onto the ground and I
8 saw this with my own eyes.

9 Q. If I understood you correctly, you were outside the fence
10 but the event occurred within the fence. Is that correct?

11 [14.34.30]

12 A. That is correct.

13 Q. So when you saw your uncle fall, does it mean that you
14 came towards the entrance at the fence? How did it happen? So
15 you heard gunshots. Then you went back inside the fence and that
16 is how you saw your uncle fall? Is that how it happened?

17 A. When I saw it I did not dare to go inside because I saw
18 my uncle and I was afraid that they knew I was his nephew.
19 Because when he was brought in I did not tell them that he was my
20 uncle, so I went away from him. I did not let him know. After I
21 heard it and saw it I went to the kitchen hall. I did not stay
22 near that scene because after I saw my uncle is dead then I went
23 away.

24 [14.35.45]

25 Q. Of course, I understand. So we agree that first you heard the

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1 gunshots and it is after the gunshots that you saw your uncle
2 fall. Is that correct?

3 A.That is correct.

4 Q.And you could see that through the fence? Were you able to
5 see your uncle fall through the fence, since you were outside the
6 fence? Perhaps you could explain this to the Chamber.

7 A.The bamboo fence was not as close as the other fence, so it's
8 -- it could see through. I could look through the fence and then
9 the people from the other side could see me as well. So people
10 walking in or coming out could be seen through the fence.

11 Q.So what you saw was your uncle falling; is that correct?

12 A.That is correct.

13 [14.37.35]

14 Q.So, witness, you didn't see who shot -- who fired the shots,
15 did you?

16 A.No. I saw Duch shot it with his -- with my own eyes. I saw
17 him holding the gun and shot it.

18 Q.Thank you, Mr. Witness. The Court will draw its own
19 inferences. Thank you.

20 MR. PRESIDENT:

21 Judge Lavergne, the floor is yours.

22 JUDGE LAVERGNE:

23 I'd like to put a question to the accused.

24 BY JUDGE LAVERGNE:

25 In previous hearings the accused has mentioned a number of

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1 detainees who were freed from M 13. Can the accused tell us
2 whether these detainees, which he says -- or who he says were
3 freed included Mr. Chan Voeun or not?

4 THE ACCUSED:

5 Your Honours, in the beginning I talked about I, myself released
6 10 people. Amongst those 10 Chan Voeun was not there, and I
7 would like to reinstate that Chan Voeun was not the guard or was
8 not a prisoner at that location.

9 BY JUDGE LAVERGNE:

10 Can you answer this exactly; in the course of previous hearings
11 did you mention the name of Chan Voeun or did you say that
12 Witness KW-31 was released following a decision taken by you?
13 [14.40.15]

14 THE ACCUSED:

15 I already informed the Chamber earlier that I released Brother
16 San with his alias KW-30, and for KW-31 I did not mention it. I
17 talked about KW-32. KW-32 was my staff. And I would like to
18 verify that I mistaken KW-30 to a victim named San who came to
19 provide testimony earlier at this Court. The victims whom I
20 released, there was no San in there; the name was Song.

21 BY JUDGE LAVERGNE:

22 Can Duch tell us whether before this hearing today he had seen
23 this witness, or has he never met this witness before?

24 THE ACCUSED:

25 I met Chan Voeun only in this Court.

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1 MR. PRESIDENT:

2 Chan Voeun, your presence here is no longer required since the
3 Chamber has no more questions for you. You can return to your
4 residence or where you wish.

5 (Witness excused)

6 MR. PRESIDENT:

7 Court Officer, arrange to have him returned to his place. You
8 have to work in coordination with WESU. The Chamber announces
9 an adjournment for 20 minutes and we shall resume at 3:00 p.m.

10 THE GREFFIER:

11 Please stand up.

12 (Judges exit courtroom)

13 (Court recesses from 1443H to 1505H)

14 (Judges enter courtroom)

15 MR. PRESIDENT:

16 The Chamber now announces its new session. Now we hope to listen
17 to another witness testimony: Chan Khan.

18 Court Officer, could you bring the witness, Chan Khan, into the
19 courtroom?

20 [15.05.10]

21 (Witness enters courtroom)

22 MR. PRESIDENT:

23 Witness, is your name Chan Khan?

24 MR. CHAN KHAN:

25 Yes.

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1 MR. PRESIDENT:

2 Chan Khan, how old are you this year?

3 (No interpretation)

4 MR. PRESIDENT:

5 What is your current address?

6 MR. CHAN KHAN:

7 In Tep Phirom village, Veal Pon subdistrict, Thpong district,

8 Kampong Speu province.

9 MR. PRESIDENT:

10 What is your current occupation?

11 MR. CHAN KHAN:

12 I am a farmer, a rice farmer.

13 MR. PRESIDENT:

14 According to the report of the Greffier, you are not related by

15 blood or by in-law to any of the parties in this case. Is that

16 correct?

17 [15.08.21]

18 MR. CHAN KHAN:

19 Could you please repeat your question, Your Honour?

20 MR. PRESIDENT:

21 According to the report from the Greffier, you, Mr. Chan Khan,

22 you are not related by blood or as a relative or in-law to any of

23 the party in this case. Is that correct?

24 MR. CHAN KHAN:

25 That is correct.

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1 MR. PRESIDENT:

2 Now the Chamber invites you, as a witness in this case, and
3 you're required to take an oath before providing your testimony.
4 Have you taken an oath yet?

5 MR. CHAN KHAN:

6 Yes, I did.

7 QUESTIONING BY THE BENCH

8 BY MR. PRESIDENT:

9 Q.In the proceedings the Trial Chamber summons you in order to
10 listen to your testimony about the events that you have heard and
11 have seen at the Security Office M 13 located in Amleang, Thpong
12 district, Kampong Speu province during the period of 1971 through
13 1975. That is what you can speak to the Chamber of the events
14 related to that office.

15 [15.10.06]

16 Do you know the Security Office M 13?

17 A.Yes, I knew it in 1973.

18 Q.How come you have learnt of that Security Office M 13 in 1973?

19 A.First the chief of the village asked me to be a soldier. When
20 I was sent, I was sent to that M 13 office.

21 Q.When you arrived at M 13 office, what were you assigned to do?

22 A.When I arrived at the M 13 office, I was assigned as a guard.

23 [15.11.07]

24 Q.Now, before it comes to the time of questioning regarding to
25 those facts, the Chamber would like to remind you of your right

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1 as a witness. You can refuse to answer any question or any
2 statement which is self-incriminating. However, you can answer
3 of what you know, have heard besides those that could
4 self-incriminate you.

5 Can you describe the scenes or the events that you have heard,
6 have known, have seen during the period you were -- and that you
7 worked as a guard in the M 13 office until such time you left
8 that place to your base? Can you describe from your
9 recollection?

10 A.It's a long one. Could you please break your questions into
11 parts?

12 Q.The intention of summons you to the Chamber is to listen to
13 what you have heard, have known, have seen what happened in the
14 Security Office M 13 located in Amleang, Thpong district, Kampong
15 Speu province when you arrived and you worked there. From what
16 you can remember, can you describe of what you remember?

17 A.First when I arrived, I saw detainees. I went there in 1973.
18 I saw the prisoners in that location. My duty was to guard. But
19 in 1974, due to the assignment from the upper echelon or -- I was
20 transferred to Ou Preal, west of Trapeang Treng, as a rice farmer
21 and to build a dam until the liberation of 17 April. I returned
22 into a mobile unit in Udong area.

23 [15.13.54]

24 Q.Can you recall when you arrived in that place and worked as a
25 guard until you left to work as a rice farmer or to work in

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1 another location, how long did you stay in that location?

2 A.I stayed there in 1973, and in late 1973 or early '74, I went
3 and do the rice farming outside.

4 Q.Do you know who was the chairman of the Security Office M 13;
5 what was the name?

6 A.(No interpretation)

7 Q.Can you recall?

8 (Deliberation between judges)

9 MR. PRESIDENT:

10 Let me start again because there was no translation and it was
11 not recording a transcript.

12 BY MR. PRESIDENT:

13 Q.Let me ask you again. When you went to work at the security
14 office, M-13, and later you went to do the rice farming; how long
15 was it during that period?

16 A.I went to live there in 1973. I did not remember the month
17 that I left. It was toward the late '73.

18 [15.16.38]

19 Q.At that time, do you know who was the chairman of the security
20 office M-13?

21 A.Duch.

22 Q.Besides Duch, do you know his subordinates? How many
23 subordinates that you could recognize?

24 A.I could not remember clearly. I was still pretty young at the
25 time.

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1 MR. PRESIDENT:

2 Madam Judge, do you have any questions for the witness? If you
3 have, the floor is yours.

4 Judge Lavergne, the floor is yours.

5 BY JUDGE LAVERGNE:

6 Q. First of all, may -- could the accused please stand up and
7 can the witness see the accused and can he tell us if he
8 recognizes the accused? Thank you.

9 A.Yes, I recognize him, but he's old now. Previously, he was
10 still young.

11 [15.18.03]

12 JUDGE LAVERGNE:

13 Can Duch tell us if he recognizes the witness?

14 THE ACCUSED:

15 He was actually the staff of the office, M-13.

16 BY JUDGE LAVERGNE:

17 Q.You explained to us that you arrived at M-13 after the village
18 chief told you that you were going to be a -- become a soldier.

19 Did -- were you told the kind of work that you were going to be
20 assigned to at M-13? Did they explain to you the kind of work
21 that you were going to do at M-13?

22 A.When I first arrived, two or three days later, he assigned me
23 to guard as normally.

24 Q.When you left for M-13, did you know what M-13 meant? Did you
25 know that this was a place where people were kept prisoner?

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1 A.The place where I went to first was where they detained
2 people.

3 Q.When you went to M-13 was it something important for you? Was
4 it a sign of recognition for certain of your qualities? Was it a
5 form of promotion?

6 [15.20.45]

7 A.No, I was as a normal guard; an ordinary staff that he used in
8 that office. There was no rank or such thing.

9 Q.Were you told that you were going to participate in the
10 revolution; that you were going to do something for your country?
11 What did they tell you?

12 A.I was not told anything. I was told just to guard, to guard
13 the prisoners.

14 Q.How old were you when you arrived at M-13?

15 A.I could not remember my age. I was probably 13 or 14 years
16 old at the time.

17 Q.Were you trained in any way?

18 A. No, he did not provide me any training.

19 Q.Could you describe to us concretely how the M-13 centre was
20 organized? Where were the detainees placed and where were the
21 guards?

22 [15.22.45]

23 A.The guards had a right to guard and if a prisoner escaped, for
24 example, guard A had to be responsible and if it was under the
25 guard B responsibility, he had to be responsible for the

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1 prisoner's escapes. That was the instruction from the upper
2 echelon. So the most important thing is not to allow the
3 prisoner to escaped.

4 Q.Did you have a weapon?

5 A.The guards had to -- a clip with a weapon.

6 Q.What kind of weapon did you have and did anybody teach you how
7 to use this weapon?

8 A.The use of a weapon needs to be instructed; otherwise, we
9 could not use the weapon to (inaudible) even never saw the gun so
10 the older people taught us how to use the weapon.

11 [15.24.27]

12 Q.What was it? Was it a rifle, an AK, or was it a revolver?
13 What kind of weapon was it?

14 A.I had an AK rifle.

15 Q.How many guards were there?

16 A.There were between 10 to 20 guards.

17 Q.How old was the youngest guard and what was the average age of
18 the guards?

19 [15.25.32]

20 A.I could not grasp the situation like that. I did not know how
21 many guards were in that range of age. I was pretty young. I
22 didn't know where some of them came from.

23 Q.Were you the youngest or were there guards who were even
24 younger than you?

25 A.I could not grasp because there were many around my age.

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1 Q.When you arrived there, were you told why you had to keep
2 these prisoners? Did they say to you that it was for a specific
3 cause? Did they say to you that it was for the revolution?
4 What did they tell you?

5 A.We had to guard, not allow the prisoner to escape because
6 those prisoners were arrested from the base and I did not know
7 the offences they committed. But the upper echelon instructed us
8 not to allow the prisoner to escape or we would have to be
9 responsible for it.

10 [15.27.34]

11 Q.Were you told why the prisoners were detained? Were you told
12 the reason why these prisoners were detained? Were you told that
13 they were enemies?

14 A.When they arrested them from the base, most of them were
15 accused of being traitors, spies, or committed immoral offences
16 or other disciplines.

17 Q.Were you convinced that all of the prisoners were necessarily
18 traitors, people who had immoral conduct or people who were
19 spies, or did you have any doubts about this?

20 A.I did not believe that. Some were also my relatives and they
21 did not do all those things.

22 Q.Did you have an idea of the number of people who were detained
23 there, on average? Was it always the same amount of people or
24 did it change? Were there peaks and was there a minimum amount?

25 A.When I arrived, I saw about two or three pits for detaining

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1 the prisoners. In each pit there was a wooden floor and on top
2 of the pit there was branches and the prisoners were kept in
3 those pits.

4 Q.These pits, were they all of the same size or not?

5 [15.30.13]

6 A.There were small pits and large pits.

7 Q.How many prisoners do you believe were in the biggest pit?

8 A.I could not grasp the number; I forgot.

9 Q.Were there women? Were there men? Were there children?

10 A.No, there were only adults. However, there were female
11 prisoners.

12 Q.The female prisoners had no children; yes?

13 A.Only the female prisoners.

14 Q.I did not understand the answer. Did the female prisoners
15 have children? Did the female prisoners have children with them?

16 [15.32.21]

17 A.No.

18 Q.Were the prisoners from the Amleang District or did they come
19 from elsewhere? Were there soldiers among them or were they
20 specific kinds of prisoners, such as foreigners maybe?

21 A.There were different types of prisoners. There were Lon
22 Nol... former Lon Nol soldiers, Khmer Rouge soldiers and
23 civilians.

24 Q.So they were Lon Nol soldiers as well as Khmer Rouge soldiers;
25 is that so? Is that what you are saying to us?

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1 A.The prisoners said that by themselves.

2 Q.And did you know why the Khmer Rouge soldiers were detained?

3 A.I did not know. I didn't know what offences they committed.

4 [15.34.20]

5 Q.Were there any foreigners in the prison?

6 A.No, there was none.

7 Q.Were all the prisoners subjected to the same conditions? Were
8 some of them condemned for heavy offences and were some of them
9 enduring light sentences? What was the difference between these
10 prisoners?

11 A.No, I did not know. I didn't know who were light offence
12 prisoners and who were serious offence prisoners.

13 Q.Did you see prisoners who were allowed to go work during the
14 day?

15 A.Yes.

16 [15.35.55]

17 Q.Was this the majority of the prisoners or was this just a
18 small group of prisoners?

19 A.Only a small number.

20 Q.Did the prisoners have enough to eat or were there problems as
21 far as food is concerned?

22 A.The food was insufficient.

23 Q.Could you tell us if you saw prisoners die of starvation?

24 A.Could you please repeat your question?

25 Q.Could you tell us if you saw prisoners die because they hadn't

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1 eaten enough?

2 [15.37.40]

3 A. Most of the prisoners died from starvation.

4 Q. Did people die every day?

5 A. No. Sometimes the prisoners died, sometimes -- some days they
6 did not.

7 Q. Do you remember a day when a particularly high amount of
8 prisoners died? Well, did this impact you? Do you have any
9 memory of a day when a high -- a particularly high amount of
10 prisoners died?

11 A. No, I did not know. I -- probably I left. After I left.
12 maybe many died. I did not know.

13 [15.39.06]

14 Q. Could you please describe to us the conditions in which the
15 prisoners were placed in the pits? Were they chained by their
16 ankles? Were they handcuffed?

17 A. They were chained to their ankle.

18 Q. Were the prisoners allowed to go to the river to bathe?

19 A. Prisoners were allowed to bathe every day during the late
20 afternoon.

21 Q. Were they unshackled or were their ankles still shackled, or
22 were their necks still chained?

23 A. There was nothing on them when they went to bathe, but if a
24 number of them went, yes, some of them were chained.

25 Q. Could you tell us if you saw prisoners who were ill?

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1 [15.41.18]

2 A.A number of prisoners got ill because there was insufficient
3 medicine and lack of food.

4 Q.Was there any kind of health care system for the prisoners?
5 Were they given medicine? Were there doctors?

6 A.Yes.

7 Q.Who were these doctors?

8 A.I did not know them. I forget their names.

9 Q.Were these doctors who had gone to medical school or were they
10 just simple farmers?

11 A.I did not know that. I didn't know whether they were farmers
12 or they were trained in medicine.

13 Q.Were these doctors who were there at the site all the time, or
14 did they just come from time to time?

15 [15.43.10]

16 A.The medics were stationed there.

17 Q.Can you tell us whether you observed any difficulties during
18 particularly heavy rainfall and whether there were floods?

19 A.Yes, there was. It was in 1973 there was a big rain, and then
20 there was a flood.

21 Q. What happened to the detainees during that flood?

22 A. During the flood the prisoners were drowned. Some were
23 rescued and some could not be saved and they lost their lives.

24 Q.Were the detainees who were in the pit freed? Were they
25 authorized to come out of the pit or not?

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1 [15.45.09]

2 A.During that time they were moved from the pits into the hill
3 or termite mound to stay on the mound.

4 [15.45.38]

5 Q.When they were moved, did they all get out of the water or did
6 some of them remain in the pit?

7 A.They were moved from the pits.

8 Q.So explain to me how some of them came to drown.

9 A.They were drowned because they were not moved on time. So
10 those who could be moved on time, they survived and some were
11 drowned and died because they were not moved on time.

12 Q.Did many people die?

13 A.Only a small number died, probably three or four.

14 Q.Do you remember being interviewed by investigators during this
15 investigation?

16 A.No, I did not.

17 [15.48.13]

18 Q.In the record of the case there is a document registered as
19 D-78/4. This document is the record of an interview of a person
20 called Chan Khan, who is said to have been born --

21 A.Oh yes, I remember that interview.

22 Q.Right. This document says:

23 "One night there was a flood and most of the prisoners in the
24 pits died. In general, all the prisoners died except a minority
25 which was able to escape in the night with the help of people who

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1 were senior officers."

2 Do you confirm what I have just read out and is it consistent
3 with what you have just told us?

4 A.At that time, during the flood, a number of prisoners died.
5 More number died than those that survived.

6 Q.I don't quite understand because you said a while ago that a
7 small minority of detainees died. I believe you said three or
8 four. Do you maintain that only three or four detainees died or
9 did a higher number of people died?

10 [15.50.25]

11 A.The three or four died, so that's the majority number because
12 there were not many prisoners at the time. The senior brothers
13 moved some of them.

14 Q. Did you see Duch give the order for the detainees to be
15 moved?

16 A.He ordered them to be moved from the pits, but some of them
17 were not moved on time because the flood suddenly rised.

18 Q.Did you hear or see detainees being interrogated?

19 A.No, I did not.

20 Q.Did you see detainees who displayed signs that something
21 violent had been done to them?

22 [15.52.53]

23 A.Could you please repeat your question; I could not hear
24 clearly?

25 Q.Did you see detainees who had, on their faces or on their

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1 bodies, signs of blows or signs of violence being done to them?

2 A.Yes, there were.

3 Q. Can you tell us -- can you describe these signs? Did you see

4 what they were?

5 A.They dressed normally, like us.

6 Q.You told us that you saw signs of blows on the bodies of the

7 prisoners. So I asked you what type of signs did you see. Can

8 you or can you not answer the question?

9 A.It was the marks of a whip.

10 Q. On what part of the body did you see these marks?

11 A.On the backs, on the buttocks, on the thighs.

12 [15.55.10]

13 Q.Did it happen that you took detainees to be interrogated?

14 Were you ordered to take detainees to be interrogated?

15 A.No, I did not.

16 Q. So what was your exact role as a guard in M 13?

17 A.My duty was simply to guard.

18 Q.When you were in the centre, did you see instruments that

19 could be used to -- for acts of violence on the detainees during

20 interrogations?

21 A.No. I did not see; I did not, no.

22 Q.Now, I shall read another excerpt of Document Number D78/4.

23 This question is put to you.

24 [15.56.55]

25 Question:

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1 "What instruments and methods of torture did you see?"

2 And I'm quoting.

3 Answer:

4 "I saw whips, bamboo sticks, but I never saw pliers or needles.

5 I never saw immersion at all. It is possible that these are

6 prisoners who were taken far off for interrogations, north of

7 Chrap pond. Some never returned. I saw prisoners with swollen

8 bodies and blood all over their bodies after the interrogation.

9 Duch ordered the guards to bring the prisoners to him for

10 interrogation, and the prisoners returned with injuries or they

11 never returned. I saw four or five posts to the east, used to

12 bind the prisoners to be shot so as to intimidate other

13 prisoners."

14 Is what I have just read -- does what I have just read have any

15 link to what you remember or something that you saw?

16 A.That was true, the torture. The torture existed.

17 Q. Can you tell us who shot detainees when they were at the

18 posts that you described as being in M 13 camp? Who shot them?

19 A.I never saw the shooting. I only saw the location. Maybe

20 they did it when I was not there. Sometimes I went to guard

21 somewhere else, so I could not see it and I did not know who did

22 the shooting if it occurred.

23 [16.0.18]

24 Q.I am going to read Document D78/4, or an excerpt of it: "The

25 shooters were Meas, Chan, Pon and Phal." Is this what you

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1 remember or is this something that you were just told? Is this
2 something that you saw yourself?

3 A.I heard people talking about it.

4 Q. Did you see Duch fire the shots himself?

5 A.No, I did not see him doing any shooting.

6 Q.I shall go on reading.

7 [16.01.43]

8 "The people who fired were Meas, Chen, Pol and Phal, and I never
9 saw Duch shooting. I think that these executions were surely
10 carried out on the orders of Duch because the gunshots were
11 deafening and those who did not execute would be executed in the
12 place of the prisoners."

13 Is this -- does this reflect something that you saw or that you
14 said, or does this reflect your memory?

15 A.Those guards who allowed prisoners to escape, they will be
16 punished. If the prisoners failed their attempts to escape then
17 the guards would not be punished.

18 Q. Does the name Phal mean anything to you?

19 A.Brother Phal died.

20 Q.How do you know that Phal is dead?

21 A.He died there and I heard that he died because of the immoral
22 offence.

23 [16.03.50]

24 Q.Did you see him dead?

25 A.No, I did not.

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1 Q.You told us earlier that some of your family members had been
2 detained in M 13. Can you tell us more about this?

3 A.My grandfather.

4 Q.Did something in particular happen between you and your
5 grandfather when you were in M 13?

6 [16.05.06]

7 A.I had a feeling of fear because my grandfather was being
8 detained there. I was also worried about myself, that I would be
9 connected to this matter.

10 Q.Was your grandfather interrogated?

11 A.I did not know about that because at that time I already left.

12 Q.Did you have the opportunity to see your grandfather again?
13 Was he freed? Was he alive or did he die at M 13?

14 A.He -- the grandfather from my father's side died at that
15 location, but the grandfather from my mother's side survived.

16 Q.How did your grandfather die in M 13?

17 A.I did not know how he died because I had already left.

18 [16.06.56]

19 Q. Did you see your other grandfather again after leaving M 13?

20 A.Yes. I met him at the house.

21 Q.Did you say something to him?

22 A.We did not discuss on anything. We just chatted normally.

23 Q.What did you chat about? What did you discuss?

24 A.We did not talk on any particular topic. We just had an
25 ordinary chat.

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1 Q.Were you not interested to find out how he had succeeded in
2 being released from M 13? You put no questions to him? You did
3 not try to find out what had happened?

4 A.I did not dare ask because at that time I really was fearful
5 and I did not try to dig out the reason.

6 [16.8.51]

7 Q.Who were you afraid of; your grandfather or someone else?

8 A.When we were at the base area in the village or the
9 subdistricts, not everybody liked everyone else.

10 Q.You were afraid of your own family or were you afraid of your
11 neighbours or Duch? Who or what were you afraid of?

12 A.I was afraid of others who could grasp the situation and
13 report it about this. Then we would be dead. So it's better not
14 to ask.

15 Q.Talk about what?

16 A.What was this about? I could not understand it.

17 Q.You said that you were afraid that people might talk about
18 something in relation to what had happened. Could you tell us
19 whether something happened? Did something happen?

20 [16.10.55]

21 A.We were afraid that they would monitor us, follow us, so I was
22 afraid and I did not dare ask him. Because during that period
23 everyone was being followed and monitored, so we had to be
24 vigilant all the time and we had to be careful of what we said or
25 we would be dead.

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1 Q.When did you see your grandfather again?

2 A.I met him in 1974.

3 Q.When did he die?

4 A.He passed away only after the liberation.

5 Q.After the liberation, were you still afraid to talk to him?

6 A.No. I did not ask him anything else after that until the day
7 he died.

8 [16.13.14]

9 Q.Do you have -- did you see prisoners being brought away and
10 did you hear about executions?

11 A.No, I did not know about that.

12 Q.So now I'm going to read again this Document 78/4. You said
13 the following. Well, we asked you the following question:

14 "Where did the executions take place? How were the prisoners
15 executed?" And your answer is:

16 "The prisoners were beaten to death or behind the neck with a
17 bamboo staff in the forest. The majority of the prisoners died
18 because of executions and some because of starvation."

19 What I just read to you, does this correspond to something that
20 you said or does this correspond to your memory?

21 A.I do not know.

22 Q.You do not know because you do not remember any more or
23 because you never got to know such events?

24 A.Because I did not know the event.

25 [16.15.40]

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1 Q. Therefore, why did you say this to the investigators?

2 A. At that time my other siblings spoke during meal -- during a
3 mealtime.

4 Q. Who spoke? Those who were participating in these executions
5 or other people?

6 A. The other brothers who spoke about it.

7 Q. What did they say exactly?

8 A. They spoke about prisoners being struck.

9 Q. Where were they brought to and how were they beaten?

10 A. I did not know.

11 [16.17.45]

12 Q. You told us earlier on that there was, on average, between 10
13 to 20 guards at M-13. Was there a team that was more
14 specifically in charge of the executions or not?

15 A. I do not know about that. I do not know which team was in
16 charge of the execution. I only knew of my duty, which was to
17 guard, because everybody was mindful only about their own duty.

18 Q. Was there a team designated to supervise the prisoners who
19 were going to work outside of the camp?

20 A. I do not know about that.

21 Q. So, therefore, concerning yourself, did you go supervise
22 prisoners outside of the camp or not?

23 A. I used to guard them while they were planting potatoes.

24 Q. And you never noticed anything? You never noticed anything
25 special?

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1 [16.19.34]

2 A.No, I did not observe any particular event because during my
3 guard no prisoner ever escaped.

4 Q.Were there any prisoners who managed to escape?

5 A.I do not know about other guards but under my guard no
6 prisoners escaped.

7 Q.Did you know a guard called Chan Voeun?

8 A.He was the one who allowed the prisoners to escape.

9 Q.When you were a guard at M-13 was Chan Voeun also a guard at
10 M-13?

11 A.Yes, he was also a guard there.

12 Q.What could you tell us about the story of Chan Voeun?

13 [16.21.33]

14 A.Chan Voeun allowed the prisoners to escape so he was removed
15 to be detained.

16 Q.Did he escape from M-13? Did he escape on his own or was he
17 helped?

18 A.He was assisted to escape. I told him to flee too because I
19 was afraid.

20 Q.What can you tell us about the accused? How did he behave
21 when he was at M-13?

22 A.He had a strict character and really a workaholic.

23 Q.i'm going to read the Document D78/4 again; and you were asked
24 the following question:

25 "Can you describe to us Duch's personality traits?"

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- 1 "Duch is somebody who is firm and serious".
- 2 You say.
- 3 "I'm afraid of him. None of the guards dared enter his office.
- 4 Guards such as myself did not dare joke with him but we would
- 5 joke with the others, and he was very meticulous in his work. He
- 6 spoke to the cadres during a meeting and saying that they were
- 7 speaking about asking them to hide information pertaining to work
- 8 and to executions and to other activities related to the security
- 9 office. He was used to carrying his 54 pistol and he smoked. I
- 10 saw him laugh like crazy as well."
- 11 What I just read here, does this correspond to what you remember
- 12 or does this correspond to reality?
- 13 A.That is true.
- 14 Q.Duch said to you that it was necessary to hide -- to keep all
- 15 information pertaining to the security office secret. Is that
- 16 what he said to you?
- 17 A.Yes, he did.
- 18 Q.Today, are you still afraid of Duch?
- 19 A.No, I am not afraid of him.
- 20 Q.Today, are you ashamed of having been at M-13?
- 21 A.Yes, I was ashamed.
- 22 [16.26.10]
- 23 Q.Can you tell us a little bit why?
- 24 A.I was ashamed because I saw the corrupt activities, the
- 25 killing of people, and if I were to escape, I was afraid of being

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1 killed, so I dare not to run away.

2 Q.You just said, if I understood, that you saw people being
3 killed. Is that what you said?

4 A.As I described, when those were sent to the upper echelon,
5 they disappeared. They were sent to study sessions and they just
6 simply disappeared.

7 Q.You saw them being killed. Did you personally see them being
8 killed?

9 A.No, I never saw it with my own eyes because we could not just
10 simply go and see it.

11 [16.26.10]

12 MR. PRESIDENT:

13 I think we are now running out of time, so it's time to adjourn.

14 François Roux, you have anything to add?

15 [16.27.49]

16 MR. ROUX:

17 Could you remind the witness that he should speak to nobody
18 before the rest of his interview and, in particular, he should
19 meet no other witnesses who appeared before the Court before him?

20 Thank you, Mr. President. If you could please remind him of
21 this.

22 MR. PRESIDENT:

23 The Trial Chamber announce the adjournment of the proceedings and
24 we will resume tomorrow morning at 9 am.

25 And, Mr. Chan Khan, now, we adjourn the proceedings and the

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1 listening of your testimony. You can return to your place and
2 return tomorrow.

3 Do not contact anybody during these waiting periods before you
4 finish your testimony, and you need to understand this issue
5 clearly.

6 So, Court Officer, could you please facilitate him to go to the
7 WESU for his waiting location which has already been prepared.

8 (Witness exits courtroom)

9 And security guards, could you bring the accused to the detention
10 facility and bring him back before 9 am tomorrow morning?

11 (Judges exit courtroom)

12 (Court adjourns at 1630H)

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