



Prosecutor v Kaing Guek Eav,
alias 'Duch'

The KRT Trial Monitor

Asian Justice Initiative: a Collaboration between the UC Berkeley War Crimes Studies Center and East-West Center

Report Issue No. 14:
Week Ending July 26, 2009

In this week's KRT Trial Monitor...

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1. Summary

"Frankly when I see him it reminds me the moment we worked together. I was afraid of him. I never dared to see his face-even until now..."ⁱ

This week's hearings spanned the course of three days, during which the Chamber heard the testimony of three alleged former S-21 staff. Him Huy, who also testified last week, returned to the witness stand to be examined by the Parties. Subsequently the Chamber heard testimony from Prak Khorn. It further attempted to start the examination of Kok Sros during the day's last session, but a procedural debate interrupted his testimony, which will resume on Monday, 27 July 2009.

Him Huy and Prak Khorn, painted a different picture of the Security Office than that described by Mam Nai. Unlike the latter, who denied the severity of prison conditions at S-21, both witnesses described how detainees were living in deplorable conditions, suffering from malnutrition, and subjected to torture before being executed. Most notably, both witnesses raised the incidence of rape committed by a guard against a female detainee. Prak Khorn also discussed the practice of draining prisoners of their blood: this was the first time the Chamber had heard detailed testimony about this alleged act. According to Prak Khorn the practice was undertaken in order to supply blood to hospitals at the time. He further surmised that it was undertaken as a consequence of the armed conflict between Cambodia and Vietnam, which resulted in many injured soldiers who needed blood transfusion. The Defense contested the veracity of Khorn's evidence by questioning the witness on the extent to which he would have seen the practice, given his own role at S-21.

While both witnesses refused to answer questions that might incriminate them in the courtroom, it became clear that they had not exercised the same discretion during the pre-trial stage. As a result, both witnesses were confronted with previous accounts in which they depicted themselves playing a more active role in torturing, maltreating, and executing detainees. Both witnesses either unequivocally denied these prior statements or invoked their right to remain

silent. Lawyer for the witnesses, Mr. Kong Sam Onn, continued to be present in the hearings this week to represent the witnesses and protect their rights .

Although legal support for the witnesses was readily available to protect the right against self-incrimination, a further issue regarding witness intimidation arose this week. The issue was raised by International Deputy Co-Prosecutor, William Smith, on Wednesday. Smith proposed a change in the existing procedure of questioning the Accused during the testimony of a witness, pointing out that the existing structure of questioning allowed the Accused to criticize a witness' account before s/he had completed his/her testimony. He argued that this procedure allowed for the Accused to intimidate witnesses (either intentionally or unintentionally) and therefore should no longer be adopted. He proposed that the Accused should be questioned only after all Parties had completed their examination of a witness. The Chamber will issue an oral ruling on this matter on Monday.

One of the most notable legal and procedural issues arising this week centered around the revelation that witnesses may be watching the KRT's proceedings on television. Prak Khorn admitted on Wednesday that he had been watching Civil Party Nam Mun giving testimony in a national television broadcast. This raises the question as to what measures have been taken to ensure witnesses are not tailoring their evidence to corroborate the testimony of others, which, if true, would compromise their testimony and potentially the proceedings.

The proceedings continued to be well-attended this week, with the courtroom packed to capacity during several sessions. Despite this, proceedings commenced with a varying degree of punctuality. Presently, the Chamber has fallen behind its schedule by two witnesses (KW-07 and KW-11), meaning that it is running about one and half a days behind its anticipated timetable.

2. LEGAL & PROCEDURAL ISSUES

A. Summary of Testimony

The following is a summary of testimony provided by the witnesses this week.

Him Huy

On Monday, Him Huy, a 54 year old former interrogator at S-21, continued his testimony before the Chamber. The witness, who began work as a guard in 1976 and was promoted to the position of interrogator in 1977, further extrapolated on the evidence he had given last week. While he did not proceed with the same extent caution exhibited by witness Mam Nai, Huy invoked his right to remain silent on a number of occasions. He also denied being directly engaged in acts of torture. The section below describes his account from this week only.ⁱⁱ

The Rift Between Duch and Hor. On Monday, Him Huy reiterated how he had heard from Hor that there was a rift between him and Duch regarding each one's favoritism of certain prisoners. While Duch was seen as favoring the staff he had brought from the West Zone, Hor was partial to those who were former Division 703 personnel. Given that most of the S-21 personnel who were later smashed were former Division 703 members, whether Duch's alleged sentiment played a role in the determination of which staff were targeted for arrest seemed an obvious line of inquiry to pursue. Unfortunately, the Co-Prosecutors only seemed to realize this after their allocated time had run out, and the Chamber refused to allow them extra time to pursue their questions. (See the Legal and Procedural section of this report).

Detention Conditions. Him Huy gave further details about the treatment of detainees during the course of his testimony. He stated that as a rule, prisoners would only be allowed to wear shorts, as any other type of clothing could potentially be used to commit suicide. When detainees who were former S-21 staff were led out from their detention room to the interrogation site, they would be covered with a blanket in order to prevent other S-21 personnel from recognizing them.

Personal Involvement in Interrogation, Torture and Ill-Treatment. On Monday, the Civil Party Lawyers for Group 1 and Group 2 sought Him Huy's confirmation of the truth of statements he made to the Co-Investigating Judges during a reconstruction visit to S-21 in February 2008. During this visit, Huy had acknowledged the role he had personally played in torturing prisoners. At trial, Huy stood firm in denying that he had ever tortured people. Huy also specifically denied that he had tortured Bo Meng, a Civil Party from Group 2 who has previously testified. He insisted that as a guard he was not authorized to commit such acts. However, he conceded that there had been an incident when he had made Bo Meng carry him to prove his strength. He claimed that it had only been a joke. International Defence Counsel Francois Roux emphatically pointed out that while Huy may have thought it a joke, the victim likely thought otherwise.

Structure of S-21. According to Huy, promotions within the ranks of S-21 were conducted verbally rather than in writing. He himself had been promoted in this manner, becoming Chief of Unit 100, after many of his colleagues had 'disappeared'. He believed that Duch never took orders from anyone at S-21 and affirmed he was in the highest position of authority at the Security Office. Consistent with the Accused Person's discussion of Khmer Rouge ideology, he further elaborated that S-21 staff were expected to respect Angkar in any activity; whoever failed to do so would be considered an enemy and arrested and detained accordingly. This 'ideology' extended to expecting diligence from all guards, who were instructed to watch the prisoners closely while the interrogators extracted confessions. Failure to do so would mean failure to achieve fully the requirements of the Party.

Admission Process. Prisoners would be classified based on documentation previously received. Those who were designated for re-education at Prey Sar would be dispatched there, while those to be detained at S-21 would be brought inside the compound. Him Huy reiterated that Duch was the most senior person in that Security Office and thus decisions such as the designation of prisoners to different facilities would be his to make.

Vietnamese Prisoners. Upon inquiry from the National Co-Prosecutor, Him Huy reiterated that Vietnamese prisoners' confessions were recorded and broadcast on the radio. He also recalled one instance when the prisoners were paraded on a road in their uniforms and photographed. This appeared to corroborate the Accused Person's prior testimony that documentation of Vietnamese prisoners and their confessions had been used for propaganda purposes during the Khmer Rouge regime.

Child Prisoners. When asked about children at S-21, Him Huy claimed that the children of the detainees would be taken by Peng, who was in charge of their execution. He also stated that children were commonly taken away prior to the parents' execution. He said approximately 100 children had been executed at S-21.

Rape. Him Huy recalled that there had been an incident of rape involving a female detainee and a guard. He did not further clarify what had become of either the victim or the perpetrator.

Training. Him Huy affirmed the Accused Person's previous account that study sessions for different units would be held in a building beside Duch's house. The sessions would be held fortnightly and were specifically for the Interrogation Unit.

Release of Prisoners and Avoiding Arrest. Last week, Him Huy stated that he believed a group of Thai prisoners had been released from S-21, because they were sent out fully dressed and without being blindfolded or shackled. On Monday, however, the Accused referred to the Co-Prosecutors' List of People Executed at S-21 and stated that those Thai prisoners had been smashed.

Preventing Arrests. As was the case with Mam Nai, Him Huy seemed to imply that while one might not have been able to release a detainee at S-21, it was possible to vouch for other cadres in order to prevent them from being arrested. He recalled an incident involving one of his subordinates, who had been slated to be transferred to Prey Sar. His subordinate had been given a second chance to improve himself after Him Huy appealed to Hor.

Prak Khorn

Prak Khorn is 58-years-old and claims that he was a former interrogator at S-21. He joined the revolution in 1972 and initially worked in the Agriculture Unit at School Number 6, Bati District, Takeo Province. He was subsequently transferred to the Military Unit and served as a member of the Special Unit - first in Division 12, and later in Division 703. After participating in the liberation of Phnom Penh, Khorn was sent to work at the Prey Sar rice fields. Later on he and the other members of Platoon 138 were transferred to work as guards at S-21 and stood guard outside the compound. In late 1976, he was reassigned as an S-21 interrogator.

Interrogation and Torture. Prak Khorn confirmed Duch's account that there were three groups of interrogators at S-21, i.e., those who performed the "cold", "hot", and "chewing" methods of interrogation. The "cold" group would use "politics" for interrogation, while the "chewing" group would repeat the same questions until confessions were obtained. Both the "hot" and "chewing" groups could employ violence. Still, according to Prak Khorn, all S-21 interrogators followed Duch's strict rule that prisoners were not to be beaten to death. Prak Khorn himself was an interrogator in the "chewing" group.

Echoing the Accused Person's previous statement, the witness explained that the interrogators generally carried out their tasks alone, while Duch would occasionally drop in to ask a few questions when he passed by. During interrogations of female prisoners, the doors and windows of the interrogation room were to be wide open, so that no "moral offence" would be committed.

Prak Khorn would begin interrogations only after receiving an order from Duch.. Either Duch or Mam Nai would then annotate the confessions. The interrogation would be deemed complete only if the confession was marked as approved. Notably, Prak Khorn testified that as a rule, torture could only be inflicted if allowed by Duch. The order of torture would be given either over the telephone or verbally.

Prak Khorn also confirmed that there had been a group of female interrogators at S-21 to interrogate female detainees. However, as the end of S-21 drew near, the group was dissolved as the female interrogators were themselves arrested. The arrested female interrogators had been the wives of the cadres who had also been smashed at S-21. This testimony was in line with prior accounts which described purges as affecting spouses, relatives and friends of those who were arrested.

A controversial incident recounted by Prak Khorn was of Duch personally interrogating a female detainee together with other staff members of S-21. Prak Khorn claimed that he was ordered to stand guard outside the interrogation room, and thus could hear and see the goings-on inside through the door. He stated that Duch did not personally torture the detainee, and instead did the interrogating while the others beat the detainee, electrocuted her, and then suffocated her with a plastic bag until she was unconscious. Duch denied this account.

Prak Khorn also confirmed that it was Mam Nai who interrogated the Vietnamese prisoners-of-war, and that their confessions were recorded and broadcast on radio. As for the former members of S-21, Prak Khorn said that they were interrogated only by staff brought by Duch from the West Zone, and never by staff from Division 703. This may corroborate Him Huy's testimony that Duch did not trust staff from Division 703.

Medical Services at S-21. According to Prak Khorn, there were four or five members in the S-21 medical unit, of which some were female. Prak Khorn's account supports Nam Mun's testimony on this issue – making him the first witness to do so. Significantly, he identified Nam Mun as potentially being one of the female medics who had treated him at S-21. However, he also admitted that his identification was based on having heard Nam Mun's testimony on television. Matters became further confused on Wednesday, when Prak Khorn stated that he had been treated by only one female medic from China, Thon, who practiced acupuncture.

Training of Interrogators. Confirming the testimony of the Accused and witness Him Huy, Prak Khorn stated that study sessions were held frequently at S-21 – that is, fortnightly, monthly, or sometimes every two months. These sessions were held in what the witness called the “Duch political study school” and Duch was the instructor. According to the witness, these sessions were sometimes solely for the Interrogation Unit, and sometimes for all units at S-21. During these sessions, Duch taught the cadres torture techniques and lectured on the CPK political line. However, at other times during his testimony, Prak Khorn stated that no other staff members attended the study sessions except the interrogators.

Khorn said that Duch had taught them that prisoners were not to be tortured to death. He indicated this was a principle of paramount importance to the Accused. Prak Khorn further explained that Duch told them to “use light approaches to humiliate the enemies”. In response to Judge Lavergne's request for an explanation on what exactly Duch taught, Prak Khorn stated that they were instructed not to use big clubs which could result in death, but instead to insert needles beneath the detainees' nails which would not affect the heart or have fatal consequences. He further claimed that Duch approved of forcing detainees to eat their own excrement. Both these techniques were termed as “light” approaches. Affirming the Accused Person's own account, he also stated that Duch told them to force detainees to pay homage to an image of a dog.

The Practice of Drawing Blood. Prak Khorn described how, while he was an interrogator, he had accidentally witnessed prisoners having their blood drawn from them. He said it was during a time when he was leading prisoners to the interrogation room. He said he walked past the Medics Unit and saw prisoners lying in bed, shackled, with needles inserted in their veins to drain their blood. He believed the blood was used to treat the many CPK soldiers wounded in the armed conflict between Democratic Kampuchea and Vietnam from 1977 to 1978. He estimated that 10 to 20 prisoners were being drained of their blood each day. The blood drained from each prisoner filled 4 to 5 bags. They were then left to die. Prak Khorn claimed that the blood was delivered to Ketomelea Hospital, Monivong Hospital, and the Soviet-Cambodia Friendship Hospital. When the blood-emptied corpses began to build up, they would be buried

near the S-21 compound. However, if there were many corpses they would be carried out of the compound in a truck.

The Accused disputed the amount of detainees whose blood had been drained. He referred to the S-21 documents that showed there were approximately 100 victims (as opposed to the thousands mentioned by the witness in an interview given during the film "S-21: The Killing Machine"). He also maintained that S-21 only supplied blood to one hospital, namely the Hospital for General Staff. International Defense Counsel, Francois Roux, also sought to prove that Prak Khorn could not have witnessed the procedure given the limited mobility of the staff outside her or his area of work. Prak Khorn explained that he could go into the medical unit to look when on his way back from late-night interrogations, or when he wanted to ask for medicine. He reiterated that he had once stood for an hour watching as 4 pouches of blood were filled from a prisoner – 1 pouch attached to each arm and leg of the prisoner.

Rape. When asked by Judge Lavergne whether there had been incidents of rape at S-21, Prak Khorn recalled the rape of a female detainee by a guard named Toch during an interrogation. Prak Khorn recounted that the guard was subsequently arrested by Chan (alias Mam Nai) for committing a moral offence. The witness added that due to this incident, a new rule on interrogating female detainees was instated. Namely, that when the interrogator was male, all the doors and windows of the interrogation room had to be open.

Child Detainees at S-21. Prak Khorn's testimony shed light on an incident long disputed by Duch – the dropping of a baby from the upper floor of a building by an S-21 guard. Prak Khorn testified that Daek Boo had wrested the baby from its mother (a Vietnamese prisoner) as she was being locked up, and dropped it from the floor he was standing on. Boo then asked Prak Khorn to bury the baby. That was the only time Prak Khorn witnessed the killing of children at S-21. This account was denied by the Accused, who asserted that the three-story building Prak Khorn claimed to be the site of the incident did not even exist.

The Rift Between Duch and Hor. Prak Khorn stated that of the 300-odd former Division 703 members who were S-21 staff, by the end of the regime, only he was left in the Interrogation Unit, and only 5 or 6 remained in the Defense Unit. While he equivocated over whether the apparent targeting of Division 703 members was a result of Duch's personal agenda, Prak Khorn did affirm the truth of what he had earlier stated to the Co-Investigating Judges. "My conclusion was that [Duch] did not want Division 703 to have power. He was afraid he would not be chairman forever," he said.

Kok Sros

Kok Sros, the witness scheduled to testify on Wednesday afternoon, had only just begun to do so when the Chamber decided to hear submissions from the Co-Prosecutor and Civil Party Group 2 Lawyer Silke Studzinsky. Proceedings were adjourned after the discussion took longer than anticipated. Kok Sros' testimony will continue on Monday, 27 July 2009.

B. Arguments/Concerns Raised at Trial

Submissions on Self-Incrimination held In Camera; Co-Prosecutors Reprimanded for Precluding Access to the Public Unnecessarily. An *in camera* session to discuss witnesses' right against self-incrimination was held on Monday upon a request by the Co-Prosecutors (purportedly made pursuant to Internal Rule 28(8)). The Trial Chamber this week stated that the request was "inappropriate." The Chamber announced that the subject matter of the closed

session did not fall within the narrow confines of Rule 28(8) so as to warrant barring the public's access. The Chamber is to be commended for its continued efforts to ensure transparency during trial proceedings. Notably, the Chamber also ordered the Defense to refrain from warning witnesses of their right to remain silent during questioning.ⁱⁱⁱ

Witness exposed to others' testimonies prior to taking the stand. On Tuesday, Prak Khorn admitted that he was able to identify Nam Mun as a medic only because he had come to know of her earlier testimony by watching it on national television.^{iv} Although the Chamber had previously prevented a witness^v from being present in the Chamber before giving testimony, no action was taken on this occasion. Witnesses' access to prior testimony of other witnesses might, as in this case, lead to them tailoring their testimonies on the basis of what they have seen and heard on television, thus compromising their testimony and detracting from their credibility. In the context of the ECCC, the fact that the proceedings are broadcast raises questions as to what measures are in force to ensure that witnesses understand the seriousness of this issue.

3. Victim Participation and Witness and Victim Protection and Support

Attendance of Civil Parties. Throughout this week, 11 Civil Parties (CP) were seated in the Chamber. The monitors also noticed the presence of a number of CPs in the public gallery on Monday.

Civil Party Lawyer Inquiry on behalf of Clients. On Monday, when questioning witness Him Huy, Civil Party Lawyer Silke Studzinsky dedicated all her questioning time to inquiring about what happened to her client Mr. Bo Meng and his wife at S-21. Ms. Studzinsky indicated at the beginning of her questioning that the questions were seeking to address victims' concerns about the truth of what happened 30 years ago. This line of questioning differed from other Civil Party Lawyers who, through their lines of questioning, seemed to be more concerned about adducing evidence related to the charges against the Accused. Until now, the Chamber has allowed both approaches in Civil Party Lawyers' questioning.

Repetitive Questions by Civil Party Lawyers. Despite the fact that the parties now have to adhere to strictly imposed time limits for questioning, repetitive questions continue to be asked by some Civil Party lawyers. On Monday, Civil Party Lawyer Hong Kim Suen repeated several questions that were previously asked by the Chamber and other Parties when he was questioning Mr. Him Huy.^{vi} He was interrupted by International Defense Counsel Francois Roux for this repetition and the witness was subsequently advised by the President not to answer the question.

The Exercise of Witness's Right against Self-incrimination. Following issues raised about self-incrimination concerning witness Mam Nai, the Chamber was rather attentive to this matter this week. The judges constantly warned the witnesses about the risk of self-incrimination and explained to them their right to remain silent whenever they feared their answers could be self-incriminating. Witnesses were also informed that they should tell only the truth if they did choose to answer questions.

Nevertheless, concerns were raised by the lawyer for the witnesses, Mr. Kong Sam Onn,^{vii} on Wednesday. Onn noted that Prak Khorn had answered a question during his testimony even when he was not sure whether it would lead to self-incrimination. President Judge Nil Nonn subsequently explained that to exercise the right against self-incrimination, a witness should immediately consult his counsel whenever he fears that the testimony could be incriminating.

The counsel was also advised to be “quick enough to consult” if he noticed any possibility that his client was at risk of doing so.

Witness “Intimidated” by the Accused? Concerns about Undermining Witness Testimony. On Wednesday, during the questioning of witness Prak Khorn, Civil Party Lawyer Martine Jacquin instead asked to be permitted to question the Accused regarding Prak Khorn’s testimony. Duch took this opportunity to fiercely rebut many of Prak Khorn’s assertions. When given the chance to comment on the witness’s testimony, Duch again categorically denied many of the witness’s accounts and addressed the witness directly, reproaching the latter for “saying this and that without documentary evidence”.

Following this incident, International Deputy Prosecutor William Smith submitted that the Accused should only be questioned or given the chance to make observations after the witness finished his testimony, i.e., after being questioned by the Defense. Citing Internal Rule 29, Smith contended that for the general protection of witnesses, the Chamber should “create an atmosphere [which would allow them] to talk”. Smith submitted that the Accused’s comments and observations would intimidate witnesses and undermine their confidence by directly challenging their testimony. This seems to be a legitimate concern for at least some witnesses, especially given the fact that Duch was feared by S-21 staff members^{viii} and that he did sometimes address or challenge the witnesses in a somewhat imperious manner. The Chamber indicated that a verbal decision would “probably” be rendered next Monday.

4. Trial Management

Judicial Management

Issues on Questioning the Accused. On Monday, just as the Chamber was about to declare the questioning of Him Huy completed, the International Co-Prosecutor requested the Chamber to question the Accused regarding the alleged rift between Duch and Comrade Hor.^{ix} The International Co-Defense Counsel, Francois Roux, responded to this request by remarking that to grant it would be equivalent to allocating further time for questioning to the Co-Prosecutor. He further stated that if this request was allowed, the Co-Defense would demand an equivalent amount of time for redirect. President Nil Nonn swiftly refused the International Co-Prosecutor’s request. As no reasons were given, it is not known if the request was declined because the issue was deemed of little significance, or because allowing the Prosecutor more time in this instance would have exceeded the time limits imposed by the Chamber. If the latter, this may be at odds with the Chamber’s previous decision that the questioning of the Accused would not be included in the calculation of time for questioning the witness/civil party.^x

Time allocated to questioning the Accused was further discussed on Wednesday, when the International Lawyer for Civil Party for Group 3, Ms. Martine Jacquin, requested that further time be allocated for this purpose, should the Chamber decide to grant the Co-Prosecutor’s motion to change the order of his questioning (see Victim Participation and Witness and Victim Protection and Support section of this report). Separately, Ms. Silke Studzinsky, submitted a motion requesting that Parties be allowed to pose further questions to witnesses through the Chamber, should they arise after the Accused had responded. International Defense Counsel, Francois Roux, objected to both proposals with reasoning similar to that it had put forth on Monday - namely that their application would be identical to extending Parties’ questioning time. Mr. Roux specifically pointed out that the existing procedure has been agreed to help the trial to move ahead and such measures would, in his opinion, be a step backward from the procedural gains the Chamber had made. The Chamber announced that a ruling on this issue would be given on Monday.

Courtroom Etiquette. On Wednesday, the International Civil Party Lawyer for Group 3 utilized the time allocated for questioning witness Prak Khorn to seek Duch’s perspective with regards to the witness’ testimony. In his response, however the Accused’s adopted mannerisms that may be viewed as condescending. He pointed out that the witness had been merely a lower level personnel at S-21 during his service as an interrogator and thus was not privy to the CPK’s Central Committee affairs. He proceeded to address the witness directly as he criticized the assertions in the testimony as baseless because they had not been supported by any documentary evidence. The International Lawyer for Civil Party Group 1 immediately raised an objection to Accused’s direct address to the witness, which the Chamber upheld.

Audience Attendance. On Monday the Chamber saw the attendance of 300 teacher trainees from Kandal Province, and about 50 visitors from Kampong Cham- 3 of them had been Duch students in the 1960’s. On Tuesday, the ECCC Outreach Program arranged for the attendance of 200 villagers from Kang Meas district, Kampong Cham province. On the last day of the hearing, again ECCC Outreach Program gathered approximately 400 villagers from different communes in Santuk district, Kampong Thom province, including a significant number of monks and a man identified by the Public Relations Section of the ECCC as an old school friend of the Accused Person.

Parties Attendance. This week the National Co-Prosecutor was represented by Seng Bunkheang on Monday, while Tan Senarong took the position on Tuesday and Wednesday. William Smith, on the other hand, represented the International Co Prosecutor. On Wednesday International Defense Counsel Francois Roux announced that he would be absent from the Court next week and that Cambodian counsel, Kar Savuth, would represent the Defense.

Time Management: This week comprised three hearing days as scheduled. However, sessions commenced with varying degrees of punctuality. In particular, on Tuesday, the Chamber initiated the proceedings 20 minutes later than the predetermined schedule.

With regards to the overall schedule, the legal and procedural debates this week seemed to have impacted on time management. In the Scheduling Order issued on July 07, 2009 the examination of witness KW-11 and KW-07 should have been concluded at the end of this week. As the testimony of witness KW-11 (Kok Sros) has not been completed, it seems that the trial is running around one and a half days behind the current schedule.

It should be noted that on Monday, following the late afternoon break, the Chamber held an *in camera* hearing to resolve “technical issues”. As the length of the closed session is unknown, the table below records the time for adjournment for Monday at 1500 H, when the President announced the attendance of the public for the subsequent session was not allowed.

DAY/ DATE:	START:	MORN. BREAK:	LUNCH:	AFT. BREAK:	RECESS:	TOTAL HOURS IN SESSION
MON. 20/07/09	09.10AM	10.35 – 11.00AM	12.05 – 13.30PM	–	15.00PM	4 HOURS
TUE. 21/07/09	09.30AM	10.40 – 11.05AM	12.05 – 13.40PM	15.00 – 15.22PM	16.10PM	4 HOURS 38 MNS
WED.	09.05AM	10.40 –	12.10 –	15.05 –	16.00PM	5 HOURS 5

22/07/09		10.55AM	13.30PM	15.20PM		MNS
AVERAGE NO. OF HOURS IN SESSION : 4 HOURS 47 MINS						
TOTAL NO. OF HOURS THIS WEEK : 13 HOURS 43 MINS						
TOTAL NO. OF HOURS, DAYS, AND WEEKS AT TRIAL: 205 HOURS AND 25 MINS OVER 48 TRIAL DAYS OVER 13 WEEKS						

ⁱ Testimony of witness Him Huy, referring to the Accused, Kaing Guek Eav alias 'Duch'.

ⁱⁱ For a summary of his previous testimony before the Chamber, please refer to KRT Trial Monitoring Report No.13 (Weekending 17 July, 2009).

ⁱⁱⁱ This order was probably triggered by the events of the previous Thursday, when International Defence Counsel warned Mam Nai against believing the Co-Prosecutor's apparent assurance that Mam Nai would not be prosecuted using incriminating evidence he may give during the proceedings.

^{iv} Whether Nam Mon was truly a medic at S21 is an issue the Accused disputes.

^v See KRT Report Week III. The first time this issue was raised in the third week of the trial, the President of the Chamber in response to the request of the International Defense lawyer Francois Rous announced that all individuals on the witness list were precluded from sitting in the public gallery. The Internal Rule provision proscribing experts and witnesses from watching the procedures prior to the trial is Rule 88.2. It should be noted however that it seemingly only regulates the immediate period prior to the scheduled testimony because it reads "The Accused shall not communicate with each other. Experts and witnesses shall stay in a separate room from which they cannot see or hear the proceedings. While in such room, the witnesses shall not communicate with each other"

^{vi} For example, Mr. Hong Kim Suon asked whether or not the witness knew about the age of the children that was executed, which the witness has stated before. He also asked whether the witness saw Duch at Choeng Ek, an account that was already examined by the Chamber in detail. The question promoted Roux's observation was when Mr. Hong Kim Suon repeated a question that was already asked by Civil Party Lawyer Alain Werner, seeking Mr. Him Huy's explanation about a conversation between Hor and Duch he claimed to having heard. According to Him Huy, Duch told Hor that they should kill all until only four million people were left.

^{vii} Mr. Kong Sam Onn seemed to be representing all the witnesses appearing before the Chamber that were subject to the risk of self-incrimination. He has now represented Mam Nai, Him Huy, Prak Khorn, and Kok Sros, all of whom allegedly had served as staff at S-21.

^{viii} Several S-21 former staff have testified that Duch was feared generally by his subordinates. Most notably, Him Huy has claimed during his testimony that he was still afraid of Duch even today.

^{ix} Him Huy had earlier testified that as a result of this rift, Duch had killed Comrade Hor. Duch pointed out that this testimony should be disregarded as Him Huy had neither seen nor heard the argument between Duch and Hor. The International Co-Prosecutor subsequently asked that the following questions be put to Duch: 1. Whether in fact there was a rift between Hor and Duch; 2. Whether Duch was in fact investigating Hor; 3. Did Duch kill Hor?; and 4. If he did not kill Hor, who did and how did he die?.

^x See KRT Trial Monitor Reports, Weeks 11 and 12.



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Stanford University

This publication was originally produced pursuant to a project supported by the War Crimes Studies Center (WCSC), which was founded at the University of California, Berkeley in 2000. In 2014, the WCSC re-located to Stanford University and adopted a new name: the WSD Handa Center for Human Rights and International Justice. The Handa Center succeeds and carries on all the work of the WCSC, including all trial monitoring programs, as well as partnerships such as the Asian International Justice Initiative (AIJI).

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