



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. 15:  
Week Ending August 2, 2009

### 1. Summary

*"S 21 staff disliked the regime at the time. It's true... Fear was always with me."*<sup>i</sup>

As scheduled, proceedings this week spanned the course of two days. The Chamber continued to hear the accounts of former S-21 personnel, namely, Mr Kok Sros, Mr Suos Thy and Mr Meas Peng Kry. Notably, in line with its earlier decision to reduce its witness list, Mr Meas Peng Kry's testimony during the investigative stage was tendered as evidence *in lieu* of his in-court testimony. The testimonies provided valuable insight into Duch's involvement in the daily operations of S-21, and the process of documenting prisoners' arrival and departure from the facility. Significantly, their accounts illuminated the unremittingly harsh discipline imposed at the Security Center. Although Duch unequivocally acknowledged that Mr Suos Thy had been enlisted at S-21, he expressed doubts about the veracity of Mr Kok Sros's allegation that he had served as a guard at the security office.

Last week, monitors expressed concerns about the adequacy of measures instituted to prevent witnesses from tailoring their evidence to corroborate the testimony of others.<sup>ii</sup> Similar concerns resurfaced during this week's proceedings, when Mr Suos Thy displayed his awareness of the content of Mr Kok Sros's testimony. Given that Mr Kok Sros had concluded his testimony a mere hour and a half before Mr Suos Thy had been summoned by the Chamber, it is reasonable to infer that a recurrent breach of Internal Rule 88(2)<sup>iii</sup> occurred during proceedings this week.

This week, Civil Party lawyers displayed an unprecedented level of cooperation in order to advance the interests of their clients as a whole. Civil Party lawyers from Groups 2 and 3 also continued to exert praiseworthy efforts to voice their clients' concerns. For its part, the Chamber continued to be mindful of the need to inform witnesses about their rights and obligations.

Overall, proceedings this week ran relatively efficiently, with the Chamber commencing each session in a timely fashion, and sticking fairly closely to the scheduled recesses. The Chamber also displayed its unwavering resolve to ensure strict adherence to the time limits imposed for questioning witnesses. Notwithstanding these efforts, proceedings appear to be running approximately 2 days behind schedule. As in previous weeks, the public gallery was almost filled to capacity by members of the public.

## 2. LEGAL & PROCEDURAL ISSUES

### A. Summary of Testimony

Proceedings this week continued to center on the accounts of former S-21 personnel, namely, Mr Kok Sros, Mr Suos Thy and Mr Meas Peng Kry. Although Duch unequivocally acknowledged that Mr Suos Thy had been enlisted in S-21, he expressed doubts about the veracity of Mr Kok Sros's allegation that he had served as a guard at the security office. Notably, in line with its earlier decision to reduce the witness list,<sup>iv</sup> Mr Meas Peng Kry's testimony during the investigative stage was tendered as evidence *in lieu* of his in-court testimony. This embodied an unprecedented attempt by the Chamber to facilitate the conduct of an expeditious trial.

Below is a full summary of the witnesses' accounts.

#### ***Kok Sros***

Proceedings on Monday morning centered on the testimony of 59-year-old Mr Kok Sros, a former guard at S-21. His testimony was peppered with repeated avowals of his inability to recall certain aspects of his experience at the security office. Notably, Judge Lavergne evinced his skepticism about Mr Kok Sros's ostensible memory loss.<sup>v</sup>

***Scope of work.*** Having briefly recounted his activities prior to the inception of the DK regime, Mr Kok Sros recalled his enlistment at S-21 in late 1975. He testified that he was originally tasked with guarding the S-21 compound at Ta Khmouv.<sup>vi</sup> Following the final relocation of the security office,<sup>vii</sup> he was assigned to guard inside and outside the complex on a monthly rotating basis. Although he had no exact recollection of the average age of the guards, Mr Kok Sros was able to recall that 3 members of his group were adolescents.

When afforded the opportunity to respond, Duch declared that he was "not convinced" about the veracity of Mr Kok Sros's allegations. His reservations were premised on the witness's inability to recall the names of former S-21 personnel who had occupied prominent positions within the facility, apart from those who are "well known to the public." In a further attempt to impeach the witness's credibility, Duch drew attention to his own inability to recognize Kok Sros as a former member of his staff.<sup>viii</sup> However, he conveyed his willingness to accept Mr Kok Sros's testimony if the relevant documentary evidence is tendered.<sup>ix</sup>

***Detention Conditions.*** Reiterating what has now become familiar testimony, Mr Kok Sros's recollection of the detention conditions in the individual cells largely coincided with the previous accounts of survivors of S-21.<sup>x</sup>

***Interrogation and Torture.*** Concurring with Mr Mam Nay, Mr Kok Sros recalled that detainees were interrogated to the east of the compound.<sup>xi</sup> However, he averred that he neither interrogated nor bore witness to the interrogation of any detainee. Nevertheless, he revealed that his cognizance of the recurring brutality at S-21 was fostered by seeing "prisoners with injuries covering their backs," and hearing "screams" of detainees who were being interrogated.

Mr Kok Sros was also confronted with an earlier statement, in which he had alleged that Duch exhorted his staff to “rid themselves of the view that beating prisoners is cruel,” and incarcerated interrogators who were averse to inflicting torture.<sup>xii</sup> Pertinently, Mr Kok Sros was seemingly unable to affirm the veracity of the aforementioned statement. For his part, Duch categorically denied instructing his staff on “cruel beating.” He maintained that his training sessions were oriented towards emphasizing the importance of regarding prisoners as “enemies,” in order to facilitate the extraction of confessions.<sup>xiii</sup>

**Smashing.** Mr Kok Sros repeatedly alleged that his recollection of details on the execution process was “not clear.” Nonetheless, he unequivocally stated that Duch was vested with exclusive authority to order the “smashing” of detainees. Mr Kok Sros also corroborated Him Huy’s earlier allegation that important cadre were executed near the S 21 compound.<sup>xiv</sup>

**Discipline at S 21.** Mr Kok Sros testified that guards were enjoined to prevent prisoners from escaping and attempting suicide.<sup>xv</sup> Significantly, his testimony illuminated the unremittingly harsh discipline imposed on S-21 cadre.<sup>xvi</sup> Although he portrayed Duch as a “small, warm but strict leader,” who “never forced [his staff] to do anything,” the witness maintained that the former Chairman of S-21 had “order[ed] the imprisonment of S-21 staff if they had involvement and tendencies.”

**Duch’s involvement in the Daily Operations of S-21.** Duch’s involvement in the daily operations of the facility also emerged from Kok Sros’s testimony. He testified that Duch had never interrogated, tortured or executed any detainee in his presence.<sup>xvii</sup> Notably, his recollection of Duch “occasionally walk[ing] past the detention cells... [and] watching from the outside” constitutes a marked divergence from Duch’s earlier testimony.<sup>xviii</sup> Although Duch acknowledged that Mr Kok Sros’s allegation was “plausible,” he steadfastly maintained that he had never inspected the prevailing conditions in the detention cells.

**Witness’s Sentiments about his role at S-21.** When questioned by Judge Lavergne, Mr Kok Sros maintained that his task at S-21 was “ordinary.” Despite his insistence on the banality of his role, Mr Kok Sros recalled that his suffering at S-21 was “tremendous.” He stated that he felt compelled to perform his duties, because the possibility of fleeing was foreclosed.

### **Suos Thy**

On Monday afternoon, the Chamber summoned 58-year-old Mr Suos Thy, a former administrative officer at S-21. Having served at S-21 for the duration of its existence, Mr Suos Thy testified extensively about the registration process and hierarchical structure established within the institution. Significantly, Duch conveyed his appreciation for Mr Suos Thy’s “spirit of honesty to the Chamber” and indicated that his testimony reflected the “foundation of the truth.”

**Scope of work.** Following his 4-year stint as a combatant, Mr Suos Thy’s employment at S-21 commenced in 1975. Pursuant to the orders of Comrade Ho (the head of the battalion), he was initially assigned to compile lists of detainees at the PJ (*Police Judiciaire*) prison.<sup>xix</sup> Following the relocation of S-21 in late 1975, his duties subsequently fell within the purview of the Guard Unit.

Expounding upon the scope of his duties, Mr Suos Thy revealed that he was tasked with obtaining the biographies of incoming prisoners, and keeping record of the incoming and outgoing prisoners. He singlehandedly maintained these records, which were inspected by his superior on a regular basis.<sup>xx</sup> Mr Suos Thy explained that these lists were meticulously updated to reflect the constantly evolving status of detainees.<sup>xxi</sup> Alluding to his erratic working hours, Mr Suos Thy averred that he was constantly on “alert” because detainees arrived at “various times” of the day. When afforded the opportunity to respond, Duch unreservedly accepted that Mr Suos Thy was a former staff member of S-21.

**Registration Process.** Mr Suos Thy’s account of the registration process at S-21 was largely corroborative of earlier testimonies in this regard. He revealed that the prisoners’ personal particulars were recorded upon arrival. They were subsequently photographed,<sup>xxii</sup> before being led to the various detention cells. The precise location of their detention would be noted in order to facilitate the work of the interrogation unit.<sup>xxiii</sup> Pertinently, he indicated that the aforementioned process did not apply to certain groups of detainees who arrived at the facility, namely, important cadre,<sup>xxiv</sup> children<sup>xxv</sup> and “Westerners.”<sup>xxvi</sup> Former S-21 personnel, whose arrests were conducted under a shroud of secrecy, were also exempt from the customary registration process.<sup>xxvii</sup>

Mr Suos Thy acknowledged that the registration process was marginally modified when the unit was confronted with *en masse* arrests of cadre from the Northwest Zone towards the end of 1978. Although their biographies were still registered, victims of *en masse* arrests were not brought to the photography location. Instead, Comrade Ho would make special arrangements to ensure that they were photographed.

**Organizational Structure.** Mr Suos Thy provided unique insight into the organizational structure at the security office. Interestingly, he averred that S-21 was divided into three units, namely, S-21 A (the interrogation unit), S-21 B (the guards unit), and S-21 D (reeducation center at Prey Sar).<sup>xxviii</sup> These units were allegedly under the general supervision of Comrade Peng, Comrade Ho and Huy Srae respectively. However, Duch ultimately presided over the administration of all units within S-21 A. For his part, Duch acknowledged that the security office could be classified into 4 separate units,<sup>xxix</sup> although he reiterated that the “upper echelon [had] only referred to one S-21.”

**Communication Structure within S-21.** Mr Suos Thy’s testimony underscored the fact that S-21 was administered along strict hierarchical lines. He categorically indicated that “everything [at S-21] had to be done with Duch’s authorization.” However, given that all communication had to be conducted via a “chain of command,” Mr Suos Thy was proscribed from contacting Duch directly.

**Fate of detainees at S-21.** In response to President Nil Nonn’s questions, Mr Suos Thy laconically stated that all detainees at S 21, including children, were condemned to death from the outset. He also expressed his inability to recall any instance when a detainee had been transferred from S-21 to Prey Sar.

**Process of Smashing Detainees.** Mr Suos Thy intimated that the routine execution of detainees had only commenced following Duch's appointment as Chairman. The evidence proffered by Mr Suos Thy complemented Mr Him Huy's earlier testimony in this regard. Mr Suos Thy recalled receiving annotated lists from Comrade Ho, which indicated the names of detainees who had to be "smashed." He definitively stated that these annotations had been made by Duch. A separate list containing the names of detainees who were scheduled for execution was subsequently compiled. The detainees' precise detention locations would be recorded in order to facilitate the work of the guards, who were tasked with leading the prisoners to the main entrance of the compound. He added that the detainees' departure was immediately preceded by a final verification procedure, which he conducted at the prison's main entrance. Mr Suos Thy added that this process was invariably adhered to, regardless of the number of detainees who were destined for execution.

He also highlighted that the names of approximately 20 prisoners who fell victim to the facility's "blood drawing" practice were included in the "list of prisoners to be smashed." Notably, the figure articulated by Mr Suos Thy differs significantly from the "thousands" of alleged victims mentioned previously by witness Prak Khorn.<sup>xxx</sup> According to Mr Suos Thy, the list of executed detainees had to be transmitted to Comrade Ho at 7 am on a daily basis.

**Terror and Secrecy at S-21.** The pervasiveness of terror and secrecy at S-21 clearly emerged from Mr Suos Thy's testimony. He unambiguously stated that he was part of a hierarchy of terror in which "subordinates were very scared of their superiors." He recalled that interaction between each unit was virtually non-existent. Staff members were also kept under close surveillance, engendering an atmosphere of constant "fear." National Defence Counsel, Mr Kar Savuth, also sought to elicit evidence of the endemic secrecy within the institution.

**Witness Regrets His Participation in the Execution of Detainees.** Mr Suos Thy revealed that he "hated his work [at S-21], but he was asked to do it... [and he] could not say no." Interestingly, Mr Suos Thy appeared to echo Duch's avowed sentiments about his work as the Chairman of S-21. Nevertheless, he reiterated that the importance of doing a good job eclipsed his aversion towards his role in the facility. He subsequently conveyed his "pity" for those who were arrested and killed, and expressed regret for his participation in the criminal mechanism at S-21.

### ***Meas Peng Kry***

Mr Meas Peng Kry's statement to the Office of the Co-Investigating Judges was tendered as evidence on Tuesday afternoon.

**Assignment at S 21.** Meas Peng Kry, a former driver at S 21, commenced his employment at the security office in 1976. It appears that he worked under the supervision of Him Huy, whom he described as his "team chairman." Although he was primarily tasked with transporting "mixed cargo," he stated that he drove prisoners into the S-21 compound on 2 occasions, and transported prisoners to Cheong Ek "once or twice." He added that his ancillary duties entailed growing vegetables, raising pigs and transporting wood to build houses at Cheong Ek.

**Transportation of Prisoners to S 21 and Cheong Ek.** Meas Peng Kry's statement affirmed Him Huy's earlier account of prisoners being bound and blindfolded as they were transported into S-21. In a similar vein, the statement indicated that prisoners were also bound and blindfolded during the transfer to Cheong Ek.

**Transfer to Prey Sar.** Meas Peng Kry's statement underscored the fact that staff members were subject to severe punishments for their mistakes. He recalled that he was confined at Prey Sar from 1977 till January 1979 because he had overturned a vehicle. His statement detailed the grueling working conditions at the reeducation camp, which coincided with earlier accounts in this regard.<sup>xxxii</sup> The statement also affirmed that many detainees at Prey Sar were wracked with illness, although there were medics available to care for them.

**Interaction with Duch.** Meas Peng Kry indicated that he had only met Duch during training sessions that were held in a location near the latter's house. He added that he had never seen Duch at Prey Sar.

Having fully read out the witness's sworn affidavit, the Chamber invited Duch to provide his observations on Meas Peng Kry's testimony. This prompted Mr Kar Savuth to request for the witness's statements on the "Reconstruction Day at Choeng Ek" (**'Reconstruction Day'**) to be read out. Although Mr Kar Savuth's request was granted, the Chamber was unable to complete reading out the aforementioned statements. The process came to an abrupt end when the Greffier discovered that acceding to Mr Kar Savuth's request would entail unveiling the identities of protected witnesses. The Chamber accordingly announced its intention to postpone the process.

## **B. Arguments/Concerns Raised at Trial**

**Witnesses Continued Exposure to Others' Testimonies Prior to Taking the Stand.** During last week's proceedings, concerns about witnesses' exposure to others' testimonies prior to taking the stand emerged.<sup>xxxiii</sup> Similar concerns resurfaced during Tuesday's proceedings, when Mr Suos Thy clearly demonstrated his awareness of the content of Mr Kok Sros's testimony. It is noteworthy that Mr Suos Thy's testimony was immediately preceded by that of Mr Kok Sros - Mr Kok Sros had concluded his testimony a mere hour and a half before Mr Suos Thy was summoned by the Chamber. Further, before Mr Kok Sros commenced his testimony on Monday morning, the Greffier had announced that Mr Suos Thy was already "present and ready to testify." Accordingly, monitors opine that the situation appears to constitute a breach of Internal Rule 88 (2).<sup>xxxiii</sup> The recurrent breach of this Rule<sup>xxxiv</sup> calls into question the adequacy of measures that have been instituted to ensure its effective implementation. As mentioned previously, witnesses continued exposure to the testimony of other witnesses could dilute the credibility of potentially useful evidence. More importantly, a breach of Rule 88(2) directly impacts the Accused Person's right to a fair trial. In light of the serious threat posed to the Accused Person's fair trial rights, monitors urge the Court to deal with this issue swiftly.

## **3. VICTIM PARTICIPATION AND VICTIM AND WITNESS PROTECTION & SUPPORT**

**Attendance of Civil Parties.** Monitors noted the attendance of 9 Civil Parties during proceedings on Monday and Tuesday.

**Chamber Addresses Concerns About Undermining Witness Testimony.** On Monday, the Chamber issued its “instructions” regarding the appropriate sequence of questioning witnesses and the Accused. These “instructions” were announced pursuant to a request for clarification advanced last Wednesday by International Deputy Co-Prosecutor, Mr William Smith.<sup>xxxv</sup> The Chamber declared that it was vested with the discretion to determine if the Accused should be questioned before a witness has completed his/her testimony.<sup>xxxvi</sup> Accordingly, President Nil Nonn announced that the Chamber would adopt a case-by-case approach in rendering its decisions on this matter.

**Civil Party Lawyers Display an Unprecedented Level of Cooperation.** When afforded the opportunity to question Mr Kok Sros, Civil Party lawyers agreed to nominate Civil Party Lawyer for Group 2, Ms Silke Studzinsky, to represent all four groups. This unprecedented level of cooperation amongst Civil Party lawyers represents a laudable attempt to advance the interests of Civil Parties as a whole. In light of the time allocated for all Civil party lawyers to question Mr Kok Sros,<sup>xxxvii</sup> monitors opine that this arrangement enabled them to put forth a more developed and coherent line of questioning to the witness.

**The Exercise of Witness’s Right against Self-incrimination.** This week, the Chamber continued to be mindful of the need to inform witnesses about their rights and obligations. Accordingly, witnesses were consistently informed of their right to remain silent, if they were afraid that their responses would be self-incriminating. In addition, they were also apprised of their concurrent duty to “speak only the truth” if they elected to respond to a question.

**Civil Party Lawyers Continue to serve as Voice of the Victims.** This week, Civil Party lawyers continued to exert praiseworthy efforts to voice their clients concerns.<sup>xxxviii</sup> Questions by Civil Party lawyers for Groups 2 and 3 were patently designed to elicit information about their clients’ relatives and loved ones.<sup>xxxix</sup>

#### **4. TRIAL MANAGEMENT**

**Judicial Management.** This week was comprised of two hearing days as scheduled. In general, the Chamber commenced proceedings punctually and stuck relatively closely to the scheduled adjournments. Notwithstanding these commendable efforts, proceedings appear to be running approximately two days behind schedule.<sup>xi</sup>

Yet again, the Chamber evinced its desire to maintain rigid adherence to the time limits imposed for questioning witnesses. Accordingly, it denied a request advanced by Ms Silke Studzinsky for additional time to question Mr Suos Thy. In support of her request, Ms Studzinsky had contended that the witness was in a unique position to address her clients’ “specific interests.” However, her request was dismissed on the ground that the Chamber had already decided to allocate more time for all parties to question Mr Suos Thy.<sup>xii</sup> In dismissing her request, President Nil Nonn urged all Civil Parties to “focus on the main facts,” which presumably refers to facts relating to the charges against the Accused. Monitors opine that this exhortation is puzzling,

because an important facet of civil party participation may entail straying from the facts that prove the guilt of the Accused. Whilst monitors acknowledge the need for proceedings to run expeditiously, it remains crucial to strike a balance between allowing Civil Party lawyers to voice their clients' unique concerns, and adhering to the time limits imposed by the Chamber.

**Parties Attendance.** This week, the Office of the Co-Prosecutors was represented by Deputy International Co-Prosecutor, Mr. Anees Ahmed and Deputy National Co-Prosecutor, Mr. Tan Senarong. International Defence counsel, Mr. François Roux, was absent on both hearing days this week due to work commitments at the Special Tribunal for Lebanon. Consequently, the Defence was represented by National Defence Counsel Mr. Kar Savuth. It is also noteworthy that international legal consultant, Ms Héleyn Unac, was present throughout the proceedings. The witnesses' legal representative, Mr. Kong Sam On, was also present as required.

**Audience Attendance.** Proceedings this week were exceedingly well attended, primarily due to the continuing support of the Public Affairs Section of the ECCC. On Monday, the public gallery was fully occupied by 464 people from Takmao city and Ang Snuol district, Kandal province. Additionally, 31 media reporters and a large group of national and international NGO staff were also present. Tuesday's proceedings were attended by 182 people from Samrong Torng District and 220 people from Oudong District. 90 members of the media and NGO community also maintained their presence at the court.

**Chamber Announces Decision on Time Allocation for Examining Witnesses.** On Monday morning, the Chamber responded to a motion submitted by Ms Silke Studzinsky. Ms Studzinsky had requested that the Chamber allow all parties to pose unasked questions through the Chamber, once a witness had completed his or her testimony. In rejecting her request, the Chamber articulated its unwavering resolve to curtail any practice that would "effective extend [the] time [allocated]" for parties to question witnesses. Nevertheless, the Chamber demonstrated its willingness to exercise some measure of flexibility in implementing its ruling. Therefore, on Tuesday afternoon, the Chamber questioned Mr Suos Thy on a document that Ms Studzinsky had intended to confront him with.<sup>xii</sup>

The Chamber also responded to a verbal motion put forth by the Defence, in which it requested questioning time that was equal to the total of the Co-Prosecutor's and Civil Parties.' The Chamber expressly acknowledged the need to guarantee the principle of equality of arms within the proceedings, and indicated its willingness to "accord more time to the Defence" than is presently allowed. However, the Chamber also noted that, "as a point of fact," the Defence has never before requested for additional time, nor registered any particular concerns upon the conclusion of a witness's testimony. Proceeding on this premise, the Chamber determined that it would maintain the present time allocations. Significantly, it declared that the Defence was at liberty to "request for a further period of time to put questions necessary for the preservation of its rights" on a "case-by-case basis."

In addition, the Chamber categorically stated that Civil Party lawyers will not be allocated additional time to question the Accused. Accordingly, any questions posed to the Accused would have to be done within the time limits imposed.



**Courtroom Etiquette.** When Kok Sros was examined by the Chamber on Monday, Judge Lavergne questioned the witness about his memory loss in what appeared to be a quite an accusatory manner. The Judge displayed deep skepticism at the witness' inability to remember his prior statements to the OCIJ, just one year ago. He reminded the witness that once he decided to participate, he had to cooperate in the ascertainment of the truth. When that didn't work, his Honor tried to suggest that in light of what must have been "painful" and "striking" experiences (as opposed to "ordinary" ones), it's quite surprising that the witness seemed to have completely erased a substantial portion of his memory. The witness responded that his current focus "was on providing for his family". Testing the credibility of witnesses is central to the exercise of the judicial function, though it must also be carried out with due concern for its potential impact on a witness who may have been traumatized by the events in which he or she participated.

<b>DAY/ DATE:</b>	<b>START:</b>	<b>MORN. BREAK:</b>	<b>LUNCH:</b>	<b>AFT. BREAK:</b>	<b>RECESS:</b>	<b>TOTAL HOURS IN SESSION</b>
MON. 27/07/09	09.05	10.25 – 10.40	12.00- 1.30	2.45-3.00	4.20	5 HOURS 15 Min
TUE 28/07/09	9.05	10.25 – 10.40	12.00- 1.30	2.50-3.20	4.10	4 HOURS 50 Min
<b>AVERAGE NO. OF HOURS IN SESSION : 5 HOURS 3 MINS</b>						
<b>TOTAL NO. OF HOURS THIS WEEK : 10 HOURS 5 MINS</b>						
<b>TOTAL NO. OF HOURS, DAYS, AND WEEKS AT TRIAL: 215 HOURS AND 30 MINS OVER 50 TRIAL DAYS OVER 14 WEEKS</b>						

<sup>i</sup> Testimony of former S 21 staff member, Mr Suos Thy

<sup>ii</sup> See KRT Report Issue No. 14

<sup>iii</sup> Rule 88(2) mandates that experts and witnesses stay in a separate room from which they cannot see or hear the proceedings. Witnesses are also precluded from communicating with each other.

<sup>iv</sup> See KRT Report Issue No. 11, Page 7

<sup>v</sup> Judge Lavergne alluded to Mr Kok Sros's statement to the Co-Investigating Judges on 3 April 2008, in which the witness appeared to have a clearer recollection of his experiences at S 21. This prompted Judge Lavergne to ask if his apparent memory problems were "recent."

<sup>vi</sup> See KRT Report Issue No. 4, Annexure A, Page 3

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<sup>vii</sup> The site is now known as the Tuol Sleng Genocide Museum

<sup>viii</sup> However, upon questioning by Judge Lavergne, Duch conceded that he knew less than 5 per cent of his staff members personally.

<sup>ix</sup> This declaration is entirely consistent with the stance he asserted previously, when confronted with allegations he was reluctant to accept. See KRT Report Issue No. 13, Page 4.

<sup>x</sup> Mr Kok Sros testified that detainees were invariably shackled, forced to relieve themselves in an ammunition box, faced with inadequate food rations and hosed from the outside.

<sup>xi</sup> See KRT Report Issue No. 13, Page 5

<sup>xii</sup> The statement had been made to Mr David Chandler, a historian, almost 10 years ago. It is quoted in a book authored by Mr Chandler, entitled "Voices from S -21: Terror and History in Pol Pot's Secret Prison."

<sup>xiii</sup> See KRT Report Issue No. 8, Page 3

<sup>xiv</sup> See KRT Report Issue No. 13, Page 7

<sup>xv</sup> Nevertheless, the witness acknowledged that suicides continued to occur. However, he admitted that his knowledge of these incidents derived primarily from conversations with other personnel.

<sup>xvi</sup> Mr Kok Sros attested to the fact that 2 members of his group were arrested and for falling asleep whilst on duty.

<sup>xvii</sup> However, he attested that Duch had supervised an interrogation session on one occasion.

<sup>xviii</sup> See KRT Report Issue No. 9, Page 3

<sup>xix</sup> Before occupying its present location, S 21 was situated at the former PJ prison. For a detailed exposition on the various locations occupied by S 21, see KRT Report Issue No. 4, Annexure A, p 3.

<sup>xx</sup> Mr Suos Thy attested that he handed these records to the "Chief of his division," Comrade Meng. He added that Comrade Meng was in charge of the prisoner list at "S 21 A." However, the list of incoming prisoners would be handed to Comrade Ho at 7 am on a daily basis. Once Comrade Ho had initialed on the list, it would be handed over to Comrade Meng.

<sup>xxi</sup> For example, the transfer of detainees from the common rooms to individual cells and successful escapes had to be reflected in the lists.

<sup>xxii</sup> He explained that a photograph of the detainee would subsequently be attached to his or her biography. Mr He also intimated that the process of photographing detainees was instituted after Duch's appointment as Chairman of the security office.

<sup>xxiii</sup> Mr Suos Thy explained that when a prisoner was scheduled to undergo interrogation, the interrogator would approach him with the detainee's name and ministry. He would then disclose the detainee's detention location, so that the necessary arrangements could be made for the detainee to be brought to the interrogation rooms.

<sup>xxiv</sup> Comrade Ho would inform Mr Suos Thy about the presence of important cadre, so that their names could be included in the register. According to Mr Suos Thy, their biographies were not obtained.

<sup>xxv</sup> With regard to the 100 to 200 children who arrived at S 21, it appears that neither their biographies nor photographs were taken.

<sup>xxvi</sup> Mr Suos Thy stated that the names of the 3 to 4 Westerners who arrived "were administered by Ho."

<sup>xxvii</sup> Comrade Ho would subsequently disclose the names of arrested S 21 personnel to Mr Suos Thy, in order for the latter to update the list of incoming prisoners.

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<sup>xxxviii</sup> Mr Suos Thy further explained that these three main units were further divided into various subunits. It appears that the various subunits within S 21 A included the photography and economic unit. Similarly, the kitchen unit and special unit operated within the remit of S 21 B.

<sup>xxix</sup> According to Duch, S 21 A, S 21 B and S 21 D referred to the interrogation unit, guard unit and reeducation site at Prey Sar respectively. However, he added that S 21 C referred to a vegetable plantation in Ta Khmouv.

<sup>xxx</sup> See KRT Report Issue No. 14 Page 6

<sup>xxxi</sup> See KRT Report Issue No. 12, Page 3. Meas Peng Kry stated that detainees were compelled to plant rice and dig canals. Despite the long working hours, they faced insufficient food rations.

<sup>xxxii</sup> See KRT Report Issue No. 14, Page 8. Monitors noted that proceedings in the ECCC are broadcast on national television.

<sup>xxxiii</sup> Rule 88(2) mandates that experts and witnesses stay in a separate room from which they cannot see or hear the proceedings. Witnesses are also precluded from communicating with each other.

<sup>xxxiv</sup> See KRT Report Issue No.3, Page 5

<sup>xxxv</sup> See KRT Report Issue No. 14, Page 9

<sup>xxxvi</sup> Although not explicitly referred to, the Chamber appeared to invoke Rule 85(2) of the Internal Rules, which mandates that the President, in consultation with the other judges, maintain good order during the trial.

<sup>xxxvii</sup> The 4 groups of Civil Party lawyers were collectively allotted 20 minutes.

<sup>xxxviii</sup> See KRT Report Issue No. 13, P 9 and KRT Report Issue No. 10, Page 5.

<sup>xxxix</sup> Questions posed by Ms Silke Studzinsky to Mr Suos Thy were clearly intended to elicit information about the fate of Professor Phoeung Ton. It appears that she represents the wife and daughter of the late Professor Ton. Similarly, Mr Kim Mengkhy attempted to obtain information about the fate of his clients' relatives.

<sup>xl</sup> According to the Chamber's Scheduling Order issued on 7 July 2009, the testimony of Mr Kok Sros and Mr Suos Thy was slated for completion by the end of last week's proceedings.

<sup>xli</sup> The Chamber decided that Mr Suos Thy's testimony would span over 1.5 days, as opposed to 1 day. According, the time limits for all parties to question the witness were automatically extended.

<sup>xlii</sup> When her allocated time had elapsed, Ms Studzinsky indicated that she had intended to confront the witness with the document, but had run out of time to do so.



**WSDHANDACENTER**  
FOR HUMAN RIGHTS & INTERNATIONAL JUSTICE  
*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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