

~~អវប/No: D48/2~~



ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ
Royaume du Cambodge
Nation Religion Roi

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា
Chambres Extraordinaires au sein
des Tribunaux Cambodgiens

ការិយាល័យសហចៅក្រមស៊ើបអង្កេត
Office of the Co-Investigating Judges
Bureau des Co-juges d'instruction
សំណុំរឿងព្រហ្មទណ្ឌ
Criminal Case File /Dossier pénal
លេខ/No: 002/14-08-2006
លេខស៊ើបអង្កេត/Investigation/Instruction
លេខ/No: 001/18-07-2007-ECCC-OCIJ

កំណត់ហេតុនៃការចុះធ្វើការស៊ើបអង្កេតដល់កន្លែងកើតហេតុ
Report on reconstruction
Procès verbal de transport sur les lieux

In the year two thousand eight, on the twenty-seventh of February, at 8 a.m.,

Noting the judicial investigation opened against **Kaing Guek Eav** alias **Duch**, charged with Crimes Against Humanity and Grave Breaches of the Geneva Conventions of 12 August 1949, crimes defined and punishable under Rules 5, 6, 29 (new) and 39 (new) of the Law on the Establishment of the Extraordinary Chambers, dated 27 October 2004,

Noting Rule 55(8) of the Internal Rules of the Extraordinary Chambers,

Noting the *Ordonnance de transport* dated 21 February 2008,

We, **You Bunleng** and **Marcel Lemonde**, Co-Investigating Judges of the Extraordinary Chambers in the Courts of Cambodia,

Assisted by Mr. Ham Hel **ហាម ហែល** and Mr. Ly Chantola **លី ច័ន្ទតុណ**, Greffiers,

And by Mr. Tanheang Davann **តាន់ហ៊ីង ដាវ៉ាន់** and Mr. Ouch Channora **អ៊ូច ចាន់ណូរ៉ា**, sworn interpreters of the Extraordinary Chambers,

Travelled to the Cheung Tuol Sleng Genocide Museum, in Phnom Penh [Photograph No. I].

Original FR: 00181347-00181356

អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា មានទីតាំងស្ថិតនៅ ផ្លូវជាតិលេខ៤ សង្កាត់ ចោមចៅ ខណ្ឌ ដង្កោ ក្រុង ភ្នំពេញ ប្រអប់សំបុត្រលេខ៧១ ទូរស័ព្ទលេខ +៨៥៥(០)២៣ ២១៨៩១៤ ទូរសារលេខ +៨៥៥(០)២៣ ២១៨៩៤១។

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At Tuol Sleng, we were joined by:

- Ms Chea Leang ជា ណាង and Mr. Robert PETIT, Co-Prosecutors of the Extraordinary Chambers,
- Kaing Guek Eav កាំង ហ្គេកអ៊ីវ alias Duch ឌុច [Photograph No. 2], assisted by his Lawyers, Mr. Kar Savuth កាវ សាវុត្ត and Mr. François Roux,
- Civil Party CHHUM Mey [Photograph No. 3], assisted by his Lawyer, Mr. HONG Kim Suon,
- Civil Party BOU Meng [Photograph No. 4], assisted by his Lawyer, Mr. YONG Phanith,
- Witnesses VAN Nat [Photograph No. 5], MAM Nai [Photograph No. 6], SUOS Thy [Photograph No. 7], HIM Huy [Photograph No. 8], SAOM Met [Photograph No. 9], PRAK Khan [Photograph No. 10], KUNG Phai [Photograph No. 11].

Expert Zoran LESIC, designated by means of the *Ordonnance* dated 12 February 2008, was also in attendance for the purpose of his report and took the photographs which are featured to the present Report (Annex 1).

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1. [Photograph No. 12], the Charged Person said that he knows VAN Nat, BOU Meng, CHUM Mey, MAM Nai, SUOS Thy and HIM Huy

The latter said that he knows all the people in attendance, including victims and witnesses.

Witness SUOS Thy said that he only knows DUCH, VAN Nat, MAM Nai, HIM Huy, SAOM Met and PRAK Khan.

Witness KUNG Phai stated that he knows DUCH, MAM Nai and HIM Huy.

MAM Nai stated that he knows DUCH, HIM Huy and PRAK Khan, but not the others.

SAOM Met stated that he knows DUCH, HIM Huy, SUOS Thy, MAM Nai and PRAK Khan.

PRAK Khan stated that he knows DUCH, CHUM Mey, MAM Nai, SUOS Thy, SAOM Met, HIM Huy and VAN Nat.

2. The Charged Person requested to be allowed to read a prepared statement. When the parties were invited by the Co-Investigating Judges to make their observations, the Lawyers for the Civil Parties moved that the reading be deferred until the end of the re-enactment. The Co-Prosecutors objected to the statement being read, on the grounds that it could further traumatize the victims and witnesses and disrupt the re-enactment; they moved for the statement to be attached to the written record. The Defence submitted that the Charged Person has the right to speak or remain silent, that he wished to speak at the beginning of the re-enactment in order to present his apologies in accordance with Cambodian traditions, and that to prevent him from doing so would constitute a serious breach of his rights. The Co-Investigating Judges ruled that the statement was to be read at the end of the re-enactment, if they deemed it to be in order and if the Charged Person still wanted to proceed with

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reading it at that point, and that, either way, the statement was to be attached to the written record.

3, The participants were then invited to describe what they knew regarding the arrival of prisoners, their registration and their being photographed.

3.1 Witness **SUOS Thy** explained that the prisoners were trucked in with blindfolds and hands tied; the trucks would pull up by the current entrance to Tuol Sleng [Photograph No. 13]. The unit with 100 guards, including PENG, HUY and SRI, was charged with transporting them.

3.2 Witness **HIM Huy** stated that the prisoners were sometimes transported from certain areas to S-21 by the unit which arrested them. The prisoners were then dropped off outside. Also, the S-21 staff would go fetch the prisoners themselves. In the latter case, DUCH would give the names to HOR. HOR would transmit those names to HIM Huy, who would go pick up the people named. Sometimes, the prisoners had already been arrested and the S-21 staff would only bring them here. HIM Huy stated further that his duty was to perform guard duty at S-21, receive prisoners and send them to SUOS Thy, who would register them before PENG took them to their respective cells.

3.3 Witness **SUOS Thy** indicated that once removed from the trucks, the prisoners would walk to the entrance of building E [Photographs 15 and 16] to an open room with only a chair and a desk. This is where the registration took place; it consisted in recording the names, biography, occupation, domicile; they were measured in a standing or seated posture using two devices, which are currently on display at the Memorial, on the ground floor of Building D [Photographs 16, 17 and 18]. They were then issued with identification tags [Photograph No. 19]. After the registration, SUOS Thy would send them to the photographer in the next room [Photograph No. 20], which was smaller then, because it was separated by a wall. As shown in the display on the ground-floor in building D, the photographs have different backgrounds, because some of them were not taken at entrance [Photograph No. 21]. It was the photographer who assigned a number to each prisoner [Photograph No.22]. Normally, the numbering changed every day, but sometimes, the photographer would use the same number series over a period of three days. The photographs were not developed right away. SUOS Thy would not receive them until one or two days later. Once the registration was completed, other guards would take over and lead the prisoners to their cells. SUOS Thy would return to buildings C and D to record the prisoners' cell numbers and give them to the interrogators.

3.4 The **Charged Person** said that these accounts were correct, confirming that the explicit order given was to take three photographs of each prisoner, for the purpose of preventing prisoners from escaping, and, in case they did, to make it easier to find them.

3.5 Civil Party **CHHUM Mey** explained that upon arrival, he was taken for registration. His *krama* was taken away before he was interrogated about his biography. He did not dare look at the interrogator's face, and does not know if it was SUOS Thy. He said that he was then taken for photographing and was told to strip (down to his underwear) before being led to a cell.

3.6 Civil Party **BOU Meng** indicated that upon arrival, after passing gate, he was taken with his wife to the room where photographs were taken. He added that he did not see his wife after that and that the photograph [Photograph No. 23] is all he has left of her. He went on to say that he was then handcuffed and blindfolded with a scarf before being taken to a cell on the top floor in building C. He said that he was not interrogated about his biography, and thinks that this was perhaps because *Angkar* knew

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everything about him; he stated further that he was very afraid at the time and does not quite remember all the details.

3.7 Witness **VAN Nat** stated that when he climbed down from the truck, he had his hands tied with wooden manacles. He was then interrogated on his biography before being taken to the photography room. While they were being photographed, the prisoners were shackled together, with some seated and others standing, alternately. After being photographed, he was once again blindfolded and taken to a cell on the 1st floor in building D (2nd floor in Khmer).

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4. The participants were then invited to proceed to the second room in building E (art room) [Photograph No. 24].

4.1 Witness **VAN Nat** identified the area where he used to work and the one were the wood sculptor used to work. He commented on one his pictures – one he painted in 1988 – depicting the events of 17 April 1975 in Battambang [Photograph No. 25]. He explained that he did not personally see children being smashed against trees, adding that everyone in Phnom Sampov knew this was done.

4.2 Civil Party **BOU Meng** confirmed that these were indeed the areas where the sculptor and the artists used to work. He still remembers seeing **HIM Huy** watching the artists through a window one day. [Photograph No. 26].

4.3 Witness **HIM Huy** confirmed that that he did witness this scene, adding that he was asked to assist **PENG** and that he used this as opportunity to watch the artists through the window.

4.4 The **Charged Person** confirmed the accounts of **BOU Meng** and **VAN Nat**. He confirmed that he used to come here and watch the artists.

4.5 Civil Party **BOU Meng** recounted a scene which is engrained in his memory: while **DUCH** was sitting in the art studio, he gave him a pack of cigarettes, and then, for some unexplained reason, told him to engage in a fight with the sculptor, **IEM Chan**. **BOU Meng** and **IEM Chan** then took turns striking each other with a black plastic hose while **DUCH** watched.

4.6 The **Charged Person** acknowledged doing this, but gave no explanation as to why he did it.

4.7 Witness **VAN Nat** said that he witnessed a torture session: one evening, **DUCH** came in with a “new sculptor” in order to test him. In fact, the individual in question, who was of Vietnamese nationality, did not know how to sculpt. **DUCH** asked him why he had lied; the Vietnamese man answered that he could make sculptures only when his wife was present. **DUCH** left and then a guard brought the Vietnamese man to him in the compound. Watching through a window in the art room, **VAN Nat** saw the Vietnamese man being beaten while he was hanging from a rope on a crossbeam located at the corner of buildings A and B [Photograph No. 27], before being ducked into a large urn. **VAN Nat** added that he was unable to watch the scene for long, because a guard saw him and closed the window. This scene is depicted in one of his paintings [Photograph No. 28].

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5. The participants then proceeded to building A and passed by the cross-beam referred to above, and the graves located opposite it [Photograph No. 29]. Regarding the graves, DUCH explained that when S-21 was evacuated, there were four people being interrogated. These were Unit "Y.8" combatants who had shot at foreign visitors, killing Malcom CALDWELL. DUCH said that he transmitted to the interrogators NUON Chea's order to "smash" the four individuals. According to him, their corpses remained on the beds, as shown in some photographs on display at the Museum, and are among the ones buried here.

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6. The witnesses and the parties then went on to describe what they know regarding **Building A**.

6.1 Witness VAN Nat said that he never entered building A; it has not changed except for the barbed wire, which was hanging vertically during the S-21 era.

6.2 Witness HIM Huy indicated that at the beginning, Building A was used for detention. He does not know if it was subsequently used for interrogations.

6.3 Witness SUOS Thy stated that he learned that building A was for prominent or special prisoners (public officials).

6.4 Witness KUNG Phai stated that after his stint as a guard outside, he was assigned to the special prison behind building A. He said that he saw DUCH coming to the special prison to interrogate prisoners. He added that the guards here could not enter the special prison, but the ones from the special prison could come in here. He was assigned to guard this building very shortly before the Vietnamese arrived. He said that he did not know all the interrogators by name. He described the various forms of torture (clamps in the toe nails, ducking in ice water...). After being interrogated, the prisoners were taken to some other location, but he does not know where.

6.5 Witness MAM NAI said that he knew nothing about building A, because he normally worked outside. However, he acknowledged that he went there once to meet PHA Lam Seang, his former student; DUCH confirmed this.

6.6 The **Charged Person** said that he went to building A twice. He first went there to meet VORN Vet, who was being held on the ground floor (1st floor in Khmer); he had been arrested at 6 p.m. and DUCH went there at 7 a.m. the next morning "to apologize and ask for his opinion regarding POL POT". He went there a second time in late 1978, to meet LENG with HOR after the arrest of NHA of Unit 703 (to reassure him that he was not going to be arrested). DUCH said that he did not know the building in which his former teacher KE Kim Huot and his wife were held. However, he indicated that they were interrogated behind building A, by TUY.

6.7 Civil Party **CHUM Mey** described the torture he suffered in building A. While he was being held in a brick cell in building C (see para. 9.2, *infra*), he was transferred to the fourth room on the top floor in building A, where he stayed for 12 days and 12 nights. He arrived blindfolded, with his hands tied and was in his underwear. He was ordered to sit on the bare tiles, and then his hands were untied and the blindfold removed. He saw fresh blood everywhere. To the right, there was a small table with a

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typewriter, many sticks and electric wires. There was no bed at the time [Photograph No. 30]. The interrogator asked him about whether he belonged to the CIA or the KGB. When he answered that he knew nothing about the CIA or the KGB, he was beaten with a stick. He raised his hand to protect himself, and ended up with a broken small finger. They pulled out his toe-nails, when he was subjected to electric shocks to the ears twice with a wire, and he fainted. CHUM Mey explained the torture became too much for him to bear, he went ahead and told incriminating lies about other people. He added that he was tortured by SENG, TITH and HOR. He does not know if this room was only used for torture or for detention. He does not know what went on in the rooms below, but at the place where he was tortured, the prisoners were shackled.

6.8 The **Charged Person** indicated that there was nothing overstated about CHUM Mey's account, and presented his apologies. Duch went on to say that it must have been a mistake to carry out interrogations in this building, as it was normally set aside for prominent or foreign prisoners, because they may have been some confusion when this detainee arrived.

7. The re-enactment was stopped momentarily, at 11.50 a.m.

It resumed at 1.30 p.m.

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8. The participants then proceed to the ground floor in building D, where various objects and photographs are on display.

8.1 When shown a photograph of a group of Khmer Rouge cadres [Photographs 31 and 31bis], the **Charged Person** explained that this photograph was taken in June 1976 near his house (marked as No. 4 on the sketch he submitted in an earlier interview). He identified MAM Naï, his wife and daughter (MAM Naï) confirmed; DUCH and his wife; YOU PENG KRY alias Mon and his wife; MA Meng Keng and his wife. DUCH said that the families of married cadres got together three times once a month, every ten days, and that the reason why HOR, PON and HUY do not appear in the picture is because they were not yet married. As for NAT, he had already left.

While pointing to a photograph showing a person seated on a bed, with his ankles in shackles, the **Charged Person** explained that it was KOY Thuon, who was being held in the special prison [Photographs 32]. The photograph was taken when Duch went to interrogate him. The **Charged Person** again recounted that after breaking three pens, KOY Thon began to write.

DUCH also identified KHIM Vat alias HOR in a photograph [Photograph No. 33].

When Duch was questioned about the photograph showing a person lying on the floor in a corridor near a large urn [Photograph No. 34], he said that he knew nothing about it. Witness SUOS Thy suggested that the photo could be that of a patient who had died in his bed; according to him, such photographs were used as evidence when questions were raised about prisoners who were reported missing.

8.2 Pointing to a photograph, CHUM Mey said that it was taken by a German photographer in front of

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building C in 1981 [Photograph No. 35]. He identified VAN Nat, BOU Meng, TA Kung and himself, and went on to say at first, the German photographer came to collect photos in order to “show them to the UN”. Since they did not believe what he said, he came back and took new photographs, including this one.

8.3 In the second room on the ground floor in building D, Witness VAN Nat commented on some of the paintings. Regarding the one of a child being grabbed away from its mother’s hands [Photograph No. 36], he said that he did not witness the incident in person, He only heard children and women screaming. He painted the picture based on his imagination of the scene. He said that he saw HIM Huy and three other people going to a room upstairs and coming downstairs with children.

8.4 Witness HIM Huy said that PENG and SRY were the ones who handled children, adding that he never did; he never went into the room used for interrogating women and children. VAN Nat maintained that he was certain that he saw HIM Huy and others go upstairs and then returning downstairs with children.

8.5 Commenting on the painting of a prisoner hanging by his hands and feet [Photograph No. 37], VAN Nat said that he witnessed this scene in person; these prisoners could not walk anymore.

8.6 Witness VAN Nat went on to say that it was at the request of BOU Meng, who described the scene to him, that he painted the picture of a prisoner being beaten [Photograph No. 38].

8.7 Civil Party BOU Meng confirmed this. He described the torture he underwent; he was told to lie down; he said that he was beaten by HIM Huy, PENG, TITH, MAM Naï and HOR with bamboo sticks and rattan sticks. He said that they showed him a number of sticks and asked him to choose which ones they should use to beat him. He said that they struck him in the back, but he would turn around to escape the blows; and that they struck him on other parts of his body. He showed scars on his back. He added some of them said “Do not torture him to death; we need him to make portraits of POL POT”.

8.8 Witness MAM Naï said that he did not remember participating in an interrogation with PENG, TITH or HOR. He was assigned to interrogating Vietnamese nationals.

8.9 Witness HIM Huy admitted to participating in interrogations and torture, adding that, normally, he was not supposed to do interrogations and that his duty was only to stand guard outside. He said that “he had forgotten this but he acknowledged that it was true”.

8.10 With regard to the photo of prisoners lying down in a line [Photograph No. 39], VAN Nat explained that this is how he was held (see infra, photo No. 9.1). Witnesses PRAK Khan and KUNG Phai recognized that this type of room existed. SUOS Thy indicated that there were several such rooms. MAM Naï stated that he never entered any of these rooms.

8.11 Commenting on a painting showing men in blindfolds [Photograph No. 40], VAN Nat said that it depicted the manner in which executions were carried out at Choeng Ek, adding that he never witnessed such executions and that he painted the picture based on documents and his visit to the site in 1979.

8.12 In the third room on the ground floor in building D, there are instruments of torture on display [photo No. 41]. The Charged Person explained that the choice of torture instruments was a matter for the interrogators. Witness PRAK Khan recognized the instruments of torture which were used at S-21, adding that he never used them personally. He said, “The knife and the hatchet were only used for

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intimidation; you could practice minimal torture, but you were not allowed to cause injury. If you caused someone's death, you were held responsible. As for the instruments used for executions, I was not familiar with them, because I only worked as an interrogator." Witness **MAM Naï** said that he only used whips and electric wires.

8.13 Witness **HIM Huy** explained that prisoners were executed by a blow to the neck with an iron bar. After striking the prisoner, they would slit his throat with a palm frond. They would dig a grave with a shovel to bury the prisoners. For hard surfaces, they used pick-axes.

8.14 Near the bath-tub [photo No. 42], Witnesses **MAM Naï**, **PRAK Khan** and **SUOS Thy** said that they did not know about its existence. On the other hand, Witness **KUNG Phai** explained that he saw a bath-tub like this one outside, in the special prison. He added that the drum on display near the bath-tub was filled with ice water. The **Charged Person** affirmed that he did not see this type of instrument when he entered the house where the interrogations of the special forces were conducted. He repeated that he never gave orders to use the bath-tub and that neither did he not receive any reports to this effect. In front of the painting of the bath-tub [Photograph No. 43], Witness **VAN Nat** said that a Vietnamese interpreter - now deceased - told him that he was tortured in the tub. He painted the picture based on what this man told him, but did not personally see the bath-tub being used.

8.15 Commenting on a painting which shows people pulling out prisoners' nails [Photograph No. 44], Witness **VAN Nat** said that he painted it based what was described to him by a prisoner, **ING Pech**, a mechanic; the latter told him that he was subjected to this type of torture and that alcohol was poured on his toes after his nails were pulled out.

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9. The victims were then invited to describe the conditions in the prison and to indicate the location of the cells in which they were held.

9.1 In the fourth room on the right on the top floor in building D, **VAN Nat** indicated that he was held in a room with a sign which read "House No. 4". He explained that at the time, the prisoners were shackled onto alternating bars with their heads facing in opposite directions, as shown in the painting [Photograph No. 39]. There was a latrine box near the door. On any given day, the number of prisoners varied between 40 and 60. **VAN Nat** stated that he was held in this room for one month. He added that the guards changed every day. Later, **DUCH** asked him to work. He worked during the day in the art/sculpture room (ground floor, building E). At night, he slept in a cell on the 1st floor (2nd floor in Khmer) in building C without handcuffs, on a mat.

9.2 Civil Party **CHUM Mey** stated that around 11 a.m., after being registered and photographed, he was taken to a small brick cell on the ground floor in building C [Photograph No. 45], where he stayed for 12 days and 12 nights. He said that he was told to sit down; he was shackled, and his blindfold and manacles were removed [Photograph No. 46]. He explained after being shackled, he could not get up. For relieving himself, he had to use the box. It was possible to ask the guards to change position at night. Anyone who made while doing so and without seeking permission from the guards received 200 strokes of the cane. All he had on was his underwear, and he slept on the bare floor. All he was given to eat was two ladles of rice porridge; he was very skinny and was bitten by a swarm of mosquitoes, something he found unbearable. He said that the guards would pour water on the prisoners to wash them. This is the period when he was interrogated in the 4th room on the top floor in building A (see

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para. 6.7, *supra*); he was returned to the brick cell after being interrogated. He said that the cell looked exactly the same then as it does today, and has not changed (only the iron bar has been added). After being tortured, since he had made a full confession, he was sent to a large room on the top floor in the same building, where prisoners were shackled together. He stayed there until the liberation. He was shackled while in detention and the shackles were removed in the morning before he sent to the sewing-machine repair shop. He added that he did not know BOU Meng then.

9.3 Civil Party **BOU Meng** stated that after being registered, he was taken to the 1st room on the right on the top floor in building C [Photograph No. 47]. At No. 13, he was shackled [Photograph No. 48]. He turned around and saw guards stamping a foreigner (presumably French, American or Australian) on the chest; blood came out of the victim's mouth, and he died; he was taken away for burial. BOU Meng estimates that there were anywhere from 30 to 40 people in the room. BOU Meng confirmed that the prisoners were provided with an ammunition box for use as a latrine and a can for use as a urinal [Photograph No. 49], that they slept on the bare floor in their underwear; that they were each given a ladle of rice porridge and that for washing up, a guard would throw water on them; the water was drained out through a hole [Photograph No. 47]. BOU Meng said that this is how it was for him at all times every day for six months, until a guard came in one day and asked him if he knew how to draw. This is when he started to work in the art room and to sleep there.

9.4 Witness **VAN Nat** indicated that he arrived in this room on 5 February 1978 and that he spent two weeks there. He was not handcuffed while sleeping in this room. SUOS Thy took him to work every day. Later, he slept where he worked. He added that BOU Meng was not held in this room at the same time he as he was.

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10. The participants then gathered outside **in front of building C** [Photograph No. 50].

10.1 When questioned about his earlier statements regarding the removing of blood, Witness **PRAK Khan** answered that this was done in the doctor's house, which was located outside S-21, near his home [PRAK Khan's], at the corner of Streets 113 and 330, where a wooden house now stands (it was not there at the time) [Photograph No. 51].

10.2 The witnesses described a number of executions: **SUOS Thy** said that when prisoners were sent to Choeung Ek, the trucks would park right in front of the gate; he would be given a list of the prisoners who had already been interrogated and were to be sent away; the list would be passed on to HOR by DUCH with the word "smash"; he, in turn, would pass it on to HUY and PENG and the latter would fetch the prisoners from their cells; he did not personally fetch the prisoners who were to be executed. Other guards did so, depending on the lists. He added that he was responsible for making sure that there were no discrepancies regarding to the number of prisoners – missing or otherwise – and had to verify everything in his office. HIM HUY affirmed that he was in charge of receiving prisoners after their interrogation and for sending them away for execution. He would fetch them from their cells with the assistance of PENG, who knew where to locate the prisoners. Speaking about the executions carried out outside S-21, **VAN Nat** stated that graves were dug behind building D. **PRAK Khan** said that some prisoners were executed in an area on the south side of the S-21 and that executions were also carried out in an area behind building A, as indicated by VAN Nat. He repeated that he saw **DAEK Bou** dropping a child – whose mother was Vietnamese – from the 3rd floor, and added that this happened in a building located outside the current Tuol Sleng premises. SUOS Thy stated that HOR would instruct PENG to take the children away two or three days after their arrival;

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~~1988/No. D48/2~~

some children were put in the same cells as their parents; he does not know exactly where they were sent or what happened to them, but he thinks that they were taken away for execution. He said that he does not know how they were transported, since it was PENG and HOR who were in charge of this. **HIM Huy** said that PENG was in charge of children, while he was in charge of adults, men and women, adding that children were not transported in trucks. **KUNG Phai** confirmed his earlier statements regarding an execution he witnessed at night; he indicated that the victims were buried next to the special prison inside the S-21 premises as they were at the time of the events, but outside the current premises.

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11. The participants then proceeded to **building B** and were shown the “regulations” which are presumed to have been in force at S-21. [Photograph No. 52]

11.1 Witness **PRAK Khan** indicated that these regulations used for interrogation were posted in each room either on the wall or on the blackboard. These regulations were taught during the training DUCH conducted in a house next to where he [PRAK Khan] used to live. During interrogation, the prisoners were shown the regulations and told to obey them; and the regulations were applied.

11.2 The **Charged Person** refuted these assertions and said that had these regulations been taught to the cadres at S-21, their content would feature in the handwritten notes of MAM Naï, TUY and PON, but this was not the case. He added that the “regulations” do not feature in the so-called “Torture Manual”. Duch recalled that the subject matter of the training he conducted was based on instructions he received verbally from SON SEN; he prepared a typed copy thereof, which he distributed to the interrogators; however, according to DUCH, the regulations in question do not feature in the typed copy. **PRAK Khan** maintained what he had said earlier, adding that he has no written proof of the existence of the said regulations, saying that he had memorized them.

11.3 The other witnesses averred that they never saw these regulations. However, **VAN Nat** made the following clarifications: since was he not interrogated while in detention, he was not aware of any such regulations; however, when he returned to Tuol Sleng shortly after the liberation (in November or December 1979), he saw the regulations written in chalk on a blackboard in a room located on the ground floor in building A. He returned a first time in January 1979 to pick up his personal effects; on that occasion, he only went to the room where he used to work, but not to building A; he left immediately thereafter after noticing a stench.

At the conclusion of the re-enactment, the **Charged Person** read out his prepared statement. The statement is attached to the present Report (Annex 2). Civil Parties CHUM Mey and BOU Meng expressed their appreciation after the reading.

All participants left the premises without incident at 5.15 p.m.

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~~1918/101-D16/2~~

A video- and audio-recording of the re-enactment was prepared, and copies thereof were served to the Charged Person.

The original of the Report was written in Khmer and French, and then translated into English.

Done at Phnom Penh, on 11 April 2008

[Seal of ECCC]
Greffiers

[Seal of ECCC]
Co-Investigating Judges

(Signed)
Ly Chantola Ham Hel

(Signed)
Marcel Lemonde You Bunleng

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