



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS - KAING GUEK EAV "DUCH"

PUBLIC

Case File N° 001/18-07-2007-ECCC/TC

21 July 2009, 0931H

Trial Day 48

Before the Judges:

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WITNESSES

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
JUDGE CARTWRIGHT	English
JUDGE LAVERGNE	French
MR. PRAK KHAN	Khmer
MS. SE KOLVUTHY	Khmer
MR. SMITH	English
THE PRESIDENT (NIL NONN, Presiding)	Khmer
JUDGE YA SOKHAN	Khmer

1

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

2 (Judges enter courtroom)

3 [09.31.07]

4 MR. PRESIDENT:

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

6 The greffier, can you report the attendance of the participants

7 to the proceedings?

8 THE GREFFIER:

9 Mr. President, all parties to the proceedings are present and the
10 witness to be testifying is also present. I have already
11 verified the witness identification and he has no legal or blood
12 relationship to any people in this case. He has already taken an
13 oath.

14 MR. PRESIDENT:

15 Before we start hearing the testimony of the witness, the Chamber
16 would like to announce the decision on the request by the Office
17 of the Co-Prosecutors to consider the defence request to warn
18 witnesses of their rights against self-incrimination.

19 Upon considering the request made by the Co-Prosecutor, the
20 Chamber held a meeting yesterday afternoon and the decision is as
21 follows:

22 1.The request will be classified as a public document when it is
23 ready for filing in the
24 case file.

25 2.The closed session called on 20 July was inappropriate. The

2

1 subject matter did
2 not fall within the narrow confines of the Internal Rule 28(8).
3 3.The Trial Chamber will continue to ensure that witnesses whom
4 it considers at
5 risk of self-incrimination receive legal advice and are warned by
6 the Chamber pursuant to Internal Rule 28(8). The defence shall
7 no longer warn witnesses of their rights to remain silent when
8 they come to give testimony.
9 The Chamber will provide the reasons for this decision to the
10 parties at a later stage.
11 Court officer, can you invite the witness, Prak Khan, into the
12 courtroom?
13 (Witness enters courtroom)
14 [09.35.50]
15 QUESTIONING BY THE BENCH
16 BY MR. PRESIDENT:
17 Q.Good morning. What is your name?
18 A.I'm Prak Khan.
19 Q.Do you have any other alias?
20 A.No, I don't.
21 Q.How old are you now?
22 A.I'm 58 years old.
23 [09.36.36]
24 Q.According to the report of the greffiers, you have no
25 relationship with anyone in this case and that you already taken

3

1 an oath before you are here. Is it correct?

2 A.That's correct, Your Honour.

3 Q.We are now informing you the rights and duty as a witness to
4 testify before the Chamber. As a witness, you can reject any
5 response to any answers that you feel or you are afraid that your
6 testimony could self-incriminate you. So if you are afraid that
7 your testimony will incriminate you, then you have the right not
8 to incriminate yourself.

9 And as a witness you shall tell the truth, the accounts of which
10 you have known, you witnessed and you have heard. Do you
11 understand this matter?

12 A.Yes, I do.

13 Q.Have you consulted your counsel?

14 A.Yes, I have.

15 Q.Mr. Prak Khan, when did you join the revolution?

16 A.I don't remember the date exactly but I remember that I joined
17 it in late 1972.

18 [09.39.17]

19 Q.What was your title then and where did you join the
20 revolution?

21 A.In late 1972, I joined the revolution in the agriculture
22 section in Sala Takim, District 56.

23 Q.If we talk about the current geographical location of that
24 district, what would it be then?

25 A.It is Bati district, Takeo province.

4

1 Q. Could you briefly describe the work you were assigned to do
2 during the time when you joined the revolution? And you said you
3 took part in the agriculture section until the liberation day of
4 1979.

5 A. At the agriculture office, District 56, I was sent to work in
6 the military, and then I worked in the special unit military unit
7 and I worked in Division 12 and, later on, Division 703.

8 Q. What happened next until the 17th of April 1975? So you were
9 in the army and you were taking part in the fight in Phnom Penh,
10 so from which direction were your troops from?

11 A. Before the 17th of April, we approached Phnom Penh from the Ta
12 Khmau location, and after the 17th of April until the Phnom Penh
13 dwellers were evacuated, a few months later I was assigned to
14 plant rice at Prey Sar. There were hoes and ploughs given to us
15 and human beings would be used to pull the ploughs while farming.
16 [09.43.14]

17 Q. What else did you do next, and where?

18 A. While working at the rice field in Baku at Prey Sar, I had
19 spent the whole season digging canal and planting rice and, later
20 on, I and other combatants in Platoon 138 was assigned to go to
21 Lycee Sisowath, and some were assigned to the diplomatic
22 relations section while the others would be sent to the aviation
23 section. And I was sent directly to S 21 instead.

24 Q. Do you still recollect the time when you first set foot on
25 S-21 compound? Where was it located back then and what was its

5

1 role and function?

2 A.The S-21 Office I first came in was located at Tuol Sleng
3 location and I was put to guard outside the compound. I was on
4 guard somewhere near the sewage canal and the current radio
5 station on Street 360.

6 Q.So you were sent to S-21 and that you know that location is
7 the Genocidal Museum Tuol Sleng, and that the first time you
8 arrived at the location you were put to guard outside the
9 premises and that you were on duty and stayed at the location, a
10 house which is the Sambok Khmum radio station. Is that correct?

11 A.Yes, that is.

12 Q.You said you were guarding outside the premises. Who was your
13 boss or superior?

14 A.Huy was also at that location. I don't remember the others.

15 [09.47.01]

16 Q.Do you remember the family name of Huy?

17 A.He is Him Huy.

18 THE PRESIDENT:

19 Judges of the Bench, would you wish to put questions to the
20 witness?

21 Judge Ya Sokhan, you take the floor.

22 BY JUDGE YA SOKHAN:

23 Q.When you were assigned to work at S-21, how many other people
24 in your team were assigned to work with you?

25 A.I don't remember quite well, but there were probably about 30

6

1 to 40 people who came along with me.

2 Q.Do you still remember any particular names or individuals?

3 A.Many of whom died already. I don't think I remember them. I
4 remember very few of them.

5 Q.Who was the chairman of S-21 back then?

6 A.When I came, I only knew that there was Hor and Huy and, later
7 on, Duch became the Chairman.

8 [09.49.24]

9 Q.Do you know anything about the administrative affairs at S-21?

10 A.Could you please repeat your question?

11 Q.Are you knowledgeable of the administrative affairs at S-21?

12 A.I don't think I know anything about it because I was an
13 ordinary guard at the premises.

14 Q.How many guards were divided into how many groups?

15 A.I don't remember the exact numbers of the groups, but there
16 were about 10 to 12 people.

17 Q.In your group, in which location were your people assigned to
18 guard and where did you stay?

19 A.We were on guard near the sewage canal and we covered the area
20 from that location of the sewage canal to the Mao Tse Tung
21 Boulevard.

22 Q.When you were on guard outside of the compound what were the
23 assignments you were instructed to do?

24 A.I was instructed to guard the premises and not to allow anyone
25 to enter the compound, and that I had to report to the superior

7

1 immediately when I saw any stranger or soldiers coming closer to
2 the location.

3 [09.52.31]

4 Q.So were you taught on how to guard and who taught you?

5 A.There was no actual session. At the beginning, we were only
6 instructed and imparted the knowledge from one to another.

7 Q.Who gave those instructions at the beginning?

8 A.There were Hor and Huy, who frequently told us about the rules
9 and about how we could be vigilant while we were on duty, so they
10 were the immediate supervisors.

11 Q.From the location where you were on guard to the place you
12 would stay at night, how far was it from one another?

13 A.It was about 30 to 100 metres apart.

14 Q.Where did you eat your meals, the communal meals, or did you
15 eat together at S-21 or were you eating somewhere else?

16 A.We had our meals at the kitchen to the west of the current
17 fire department. There was a house for such purposes.

18 Q.Was it the common eating house for staff members of S-21 or
19 for others?

20 A.It was the kitchen and the place where guards, outside guards,
21 ate their meals.

22 [09.55.35]

23 Q.How many shifts were you on guard and how many groups involved
24 in guarding the premises?

25 A.We had to work 12 hours a day from twelve in the morning to

8

1 twelve at night.

2 Q.Were all the 10 people on guard at the same time?

3 A.No, there were two shifts.

4 Q.While you were on guard were weapons equipped or were you
5 equipped with weapons?

6 A.We were equipped with arms.

7 [09.56.58]

8 Q.You were guarding outside when the trucks arrived. What were
9 you supposed to do?

10 A.When truckloads of prisoners would be arriving, I would then
11 open the gates to allow the trucks to get in because we were
12 familiar with those trucks.

13 Q.When you opened the gate to allow the access of those trucks,
14 where did the trucks park?

15 A.Sometimes the trucks would go straight to the prison compound
16 and, in some occasions, the trucks would be parked outside.

17 Q.The trucks which transported the prisoners, did they belong
18 to S-21 or they belong to other units?

19 A.The trucks mostly belonged to S-21.

20 Q.When a truck stopped, did you notice that the prisoners were
21 being disembarked?

22 A.Sometimes people were disembarked; sometimes they were not
23 when the truck stopped.

24 Q.Did the truck only transport the prisoners?

25 A.Sometimes they transported prisoners who were already

9

1 handcuffed or tied and sometimes they were not; they were asked
2 to go into a house where they would be arrested.

3 [09.59.38]

4 Q.The people who were transported to the locations and later on
5 they were arrested, where were they arrested?

6 A.They were arrested at the house where I stayed.

7 Q.Did you know where the prisoners came from?

8 A.No, I did not know because I guarded outside.

9 Q.During the arrest or the tied of those prisoners, did you
10 participate in making the arrest or the tied?

11 A.No, I did not because I was guarding outside.

12 Q.So which group made the arrest and how many of them?

13 A.It was Huy's group who made the arrest and he had people who
14 worked with him and those people had big builds.

15 [10.00.59]

16 Q.How did they conduct the arrest? Were they using cuffs to
17 cuff those prisoners and blindfolded them?

18 A.I did not witness it personally, but when they were walked
19 outside, their hands were cuffed and they were blindfolded before
20 they were asked to get on to the truck.

21 Q.You just said that they were cuffed, blindfolded and put into
22 the truck bed. Where were they transported next?

23 A.They would be sent inside the prison because the house was
24 just outside the prison.

25 Q.Did you ever see the truck which transported the prisoners?

10

1 Did some of them were already cuffed and blindfolded when they
2 were transported to that location?

3 A.Yes.

4 Q.Did you notice during your time that you guarded outside how
5 many times before the prisoners were transported inside to the
6 prison or they were delivered on a daily basis?

7 A.It was irregular. Sometimes they came constantly; sometime
8 there was a break.

9 Q.In each truck, how many prisoners?

10 A.It depends on the size of the trucks. For the small vehicle,
11 probably 10 prisoners; for the big truck, it could be 20 to 30
12 prisoners in each truck.

13 [10.03.45]

14 Q.And how many trucks each time?

15 A.I only saw on many occasions one or two trucks only.

16 Q.When the prisoners who were cuffed and blindfolded and walked
17 inside, do you know what happened to them next?

18 A.I didn't know what happened next because I was outside. What
19 happened to them inside, I did not know.

20 Q.During the time that you worked as a guard outside, did you
21 ever observe a truck carrying prisoners out from S-21?

22 A.Yes, I did.

23 Q.Since you worked as a guard outside, how many times did you
24 see the trucks taking the prisoners out of S-21?

25 A.I cannot recall it exactly, however, probably the frequency

11

1 of the trucks taking out the prisoners were similar to the
2 frequency of the trucks bringing the prisoners in.

3 Q.During your time that you worked at S-21, did you participate
4 in the operation of making the arrests at various ministries in
5 Phnom Penh or at various zones?

6 A.I was not allowed to go outside anywhere else. I was assigned
7 to guard outside and that was it, and at that time I was also
8 pretty young.

9 Q.Did you know which team was responsible for making arrests of
10 people from outside?

11 A.At that time I can only recall the name Him Huy and Bou, and a
12 few others whose names I cannot recall.

13 [10.06.46]

14 Q.Did you know who ordered Him Huy or Bou to go and arrest
15 people from outside?

16 A.The order for them to operate the arrest was not in my
17 knowledge.

18 Q.So actually who was in charge of ordering them?

19 A.I do not know.

20 Q.The arrest of the prisoners and later brought to S-21, did
21 their families were arrested and brought along as well?

22 A.The arrest of the wives and the children to come along, yes.

23 Q.Where were the wives and the children detained at S-21, or
24 were they detained together with the husbands?

25 A.In practice they were not housed in the same building; they

12

1 were housed separately. The wives were detained separately from
2 the husbands, and the children were also detained separately.

3 Q.Were most of the prisoners arrested by the S-21 staff or by
4 their respective units?

5 A.For those prisoners who were arrested from outside, they were
6 arrested by their units and they were brought in, as far as I
7 know.

8 [10.09.55]

9 Q.Regarding the arrest of the S-21 staff, which group was
10 responsible for the arrest?

11 A.Regarding the arrest of the S-21 staff, I did not know which
12 group was responsible for their arrest.

13 Q.Did you see children arrested and sent to S-21?

14 A.I saw Dek Bou arrested the children at S-21 and there were
15 Vietnamese prisoners. There were husbands, wives and children,
16 and one young baby who was about seven to eight months old and
17 Dek Bou took the baby from the wife, from the mother, and he
18 dropped the baby from the upper ground to the ground, and later
19 on I was ordered to bury that dead baby.

20 Q.Regarding the arrest of the S-21 staff, what happened to them;
21 how were they treated?

22 A.I did not know when the S-21 staff were arrested, but I saw
23 them being walked to the special interrogation office to the
24 south, and they were blindfolded and they were covered with a
25 blanket while they were walked into the interrogation office. I

13

1 only saw them being walked up and down from the interrogation
2 office.

3 I know the names Chhin and Nan who were walked to be
4 interrogated, and because they used to work with me so I could
5 recognize the way they walked.

6 [10.13.36]

7 Q.Did you know the reason why those prisoners were covered with
8 blankets?

9 A.The reason was probably not to allow other people who were the
10 staff at S-21 to recognize those detainees. This is my
11 conclusion.

12 Q.Who made such arrangements? I mean the use of the blankets to
13 cover them.

14 A.I did not know whose idea it was to make such an arrangement.

15 Q.Did you know the arrest of Phorn, the city messenger? Who
16 made that arrest and where was it done?

17 A.I didn't know that.

18 Q.Do you know the arrest of Nun Huy, alias Huy Sre; who made the
19 arrest?

20 A.Regarding this arrest, I didn't know either and I did not know
21 this person.

22 Q.Did you know who was in the committee of S-21?

23 A.In the S-21, the leaders were Duch, Hor and then next Phal,
24 Peng. That's all I know. And regarding Huy Sre, I only knew
25 later on.

14

1 Q. Did you know Nun Huy?

2 A. I never knew him. I never saw his face. I only learned of
3 his name later on.

4 Q. Nun Huy was the Chairman of Prey Sar and you already said to
5 the President that you used to work in the rice fields in Prey
6 Sar.

7 A. I worked in the rice fields in Prey Sar, but at that time it
8 was not under the supervision of S-21, it was then under the
9 supervision of Division 703. So it was not related to S-21 or
10 that Huy.

11 [10.16.59]

12 Q. Did you know when the arrest of the Vietnamese prisoners of
13 war, when it happened?

14 A. Regarding the arrest of the Vietnamese prisoners of war, I was
15 not really sure. I think it was toward the end of '76 or early
16 '77.

17 Q. Did you know which group was responsible for transporting them
18 to S-21?

19 A. The group responsible for transporting them was Huy's group or
20 maybe there could be other groups, but I did not know.

21 Q. Did you know who ordered that group to go and transport the
22 Vietnamese prisoners of war to S-21 from Svay Rieng?

23 A. As far as I know, it was Hor who made the arrangement and
24 organized the force to go and transport them, and probably
25 assigned Huy to do it.

15

1 Q.And who was Hor's superior?

2 A.It was Duch who was Hor's superior, but I did not know for
3 sure whether he, Duch, made the arrangements to order Hor to do
4 so.

5 Q.The Vietnamese prisoners of war, when they were arrested, were
6 there any females and children as well?

7 A.They were mixed. They were old, male, female and children.

8 [10.19.32]

9 Q.Did you know about the arrest of Westerners? Who made such
10 arrests and brought them to S-21?

11 A.I did not know about the arrest or when it took place, but I
12 saw one American and one Australian who were detained at S-21.

13 Q.Were there any people arrested from Prey Sar and sent to S-21?

14 A.I did not know if any prisoners from Prey Sar were transported
15 or sent to S-21.

16 Q.When were you assigned to work inside and later on
17 interrogated the prisoners?

18 A.I did not know who made the decisions, but my group's chief
19 told me that I was assigned to interrogate the prisoners. And it
20 was Huy who was the chief of the group.

21 Q.Did you know the year when you were assigned to work inside?

22 A.I cannot recall it. I think it was in late '76.

23 Q.Who trained you how to interrogate prisoners?

24 A.Initially, there was no proper training or exam. I just went
25 along with the existing interrogators to observe them, to learn

16

1 from them the way they interrogated the prisoners. And after one
2 or two months, then I was allowed to interrogate the prisoners on
3 my own.

4 [10.22.29]

5 Q.Whom did you learn from, and who assigned you to learn from
6 the interrogators?

7 A.I was not really sure who assigned me to learn from them. I
8 actually learned from Man, Ja (phonetic), the interrogator, whom
9 I learned how to observe the way the prisoners were interrogated.

10 Q.Later on, were you taught how to interrogate?

11 A.After quite some time, there were several small study sessions
12 or sometimes during the break at lunch we were called for meeting
13 and training at the Duch political school, and we studied
14 probably a week, in a week's time or in a fortnight's time. We
15 also studied on politics and the techniques.

16 Q.Who taught in the training at that school?

17 A.Duch was the instructor in that school.

18 Q.What about the method of interrogation and torture, who taught
19 you the methods?

20 A.Duch also gave instructions on the method, and Chan and Pon
21 also provided instructions on the methods.

22 [10.24.59]

23 Q.How often was the training held?

24 A.It was irregular. Sometimes it happened in a month's time, in
25 two month's time or in a fortnight's time. It depends on the

17

1 situation.

2 Q.Did all the staff attend the training or only it was held for
3 the interrogators?

4 A.In the study session sometimes it was for all units and
5 sometimes it was held only for the interrogation unit.

6 Q.Did they provide you with proper lessons?

7 A.At that time we were taught the theory and we dictated from
8 the blackboard. Also we were taught the method of interrogation.
9 We were also taught on the politics and the techniques of
10 torture.

11 Q.Regarding the techniques of torture, how was it taught and how
12 many types of techniques?

13 A.Regarding the techniques of torture, we were taught how to
14 torture the prisoners and to avoid that the prisoners died,
15 otherwise, the confessions would be broken and we would be
16 punished. And we were trained on how to whip the prisoners with
17 the stick, on how to electrocute, on how to use the plastic bag
18 to suffocate them.

19 [10.27.42]

20 Q.Were you trained on how to use a prisoner to submerge into the
21 water tank or to hang from a pole or to use an insect to bite the
22 prisoner?

23 A.I did not learn these methods.

24 Q.Do you still recollect the rules to be subject to the
25 detainees and the guards?

18

1 A.I don't think I can recollect those memories because many
2 years have passed, but the interrogators were bound to strict
3 rules and they were prohibited from beating the detainee to their
4 death and that they had to be careful not to let anyone flee. So
5 most importantly, the detainee had to live to be interrogated.

6 Q.So what would be the regulations for detainees?

7 A.Detainees would be told not to make loud noise, not to curse
8 or exchange swearing words or to shout or chant slogans et
9 cetera, and that they were also warned not to scream while being
10 tortured.

11 Q.Who set out these disciplines and rules during the study
12 session?

13 A.During the study session we would be reminded time and again
14 about this.

15 [10.30.38]

16 Q.During the study sessions, do you still remember that you were
17 also instructed regarding the terms KGB, CIA or Vietnamese
18 enemies? Who introduced the terms?

19 A.Those terms at the beginning I had never known of, but during
20 the study session Duch instructed us on the CIA, KGB and
21 Vietnamese enemies' network and string, so we were taught by
22 Duch.

23 Q.Who identified any detainee as an enemy and who identified any
24 detainee as a guilty person?

25 A.This theory was imparted to us by Duch because Duch often said

19

1 when anyone was arrested by the Party and arrived at our location
2 they would have been perceived as enemies already.

3 Q. Did the accused teach you on how to make questions during the
4 interrogation sessions?

5 A. I don't remember.

6 Q. What would be the first question ever asked to any detainee
7 during interrogation session? I mean to your best recollection.

8 A. In principle we were advised and instructed to question a
9 detainee to obtain their biography, political background and life
10 history of anyone arrested.

11 [10.33.44]

12 Q. The purposes of obtaining confession from detainee, were you
13 ever taught or told by the accused of such purposes?

14 A. While obtaining confession we were strictly advised to obtain
15 the information regarding the network of a detainee.

16 Q. During the study sessions were you taught the Statute of the
17 DK and the Revolutionary Flag and the other Khmer Rouge
18 documents?

19 A. We were taught on these on almost every occasion, regarding
20 the Revolutionary Flag and the principle and policy or political
21 line of the CPK.

22 Q. Were there other members of staff other than those in the
23 prison of S-21 were ever attending such sessions?

24 A. No, there weren't.

25 Q. Do you know who was the head of the interrogate unit?

20

1 A.Duch was the superior and Mam Nai, alias Chan was the
2 subordinate.

3 Q.In which group you belonged in the interrogation group, and
4 how many people were there in the group?

5 A.I belonged to a chewing group and I cannot recall those names.
6 I remember Ny, Than, Meas, Khan, Ra, Heng. I don't think I
7 remember other names although I have known them.

8 [10.37.22]

9 Q.Were interrogators classified according to the status of
10 detainees; for example, important detainees, foreign detainees,
11 female detainees, so on and so forth, while being interrogated?

12 A.Detainees were classified and so were the interrogators
13 because I was assigned to only interrogate the normal detainees,
14 people who belonged to the normal platoon combatants.

15 Q.Who interrogated the ordinary prisoners or detainees and who
16 interrogated the important detainees?

17 A.I have no idea who interrogated the important detainees
18 because interrogators who were assigned to the special prison
19 outside of that compound were never known to all of us.

20 Q.Who interrogated the female detainees?

21 A.It depends. Sometimes someone would be assigned to
22 interrogate them. Sometimes the other would be assigned instead.

23 Q.Were there any female interrogators assigned to interrogate
24 women?

25 A.Yes, there were. At the beginning there were the wives of

21

1 Heng and Hor who were the wives of the cadres who were assigned
2 to interrogate women detainees. And when Heng and Hor were
3 arrested then there were no female interrogators left to
4 interrogate female detainees.

5 [10.39.53]

6 Q. Have you ever interrogated women?

7 A. Yes, I have.

8 Q. Who classified the interrogators group into the three
9 classified groups as being the cold, the hot and the chewing
10 ones? So what does each group mean?

11 A. I'm not sure who classified the groups but I believe only Duch
12 would be entitled, the authority to make such decision to
13 determine which group is which. In our chewing group we were
14 supposed to interrogate thoroughly. If any detainee did not want
15 to respond then we kept interrogating them until we obtained the
16 confessions.

17 Q. Where would the detainees be interrogated and where were
18 foreigners be interrogated in particular?

19 A. Detainees would be interrogated at the outside of the premises
20 to the east of the compound. Regarding the foreign detainees, so
21 far as I remembered and saw, they were interrogated right
22 opposite that building and no one could ever listen to the
23 interrogation because they spoke in English and no one could
24 speak the language to understand it.

25 MR. PRESIDENT:

22

1 Since it is time to take a morning adjournment, the Chamber will
2 take the adjournment for 15 minutes. We will resume at 11 a.m.

3 [10.42.50]

4 The Court official is instructed to take the witness to his
5 waiting room.

6 (Judges exit courtroom)

7 (Court recesses from 1042H to 1103H)

8 (Judges enter courtroom)

9 MR. PRESIDENT:

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

11 I would like now to give the floor to Judge Ya Sokhan to continue
12 his questions to this witness. You take the floor.

13 JUDGE YA SOKHAN:

14 Thank you, Mr. President.

15 [11.04.46]

16 BY JUDGE YA SOKHAN

17 Q. Did you know that which types of prisoners were questioned by
18 the cool group and which ones by the hot group and which type of
19 the prisoners were questioned by the chewing group, and who made
20 such decisions?

21 A. Regarding the categories of the prisoners or how they were
22 classified into those various interrogation groups, usually for
23 the chewing group those prisoners were already tortured or they
24 already had wounds or injuries on their bodies when they were
25 sent to us, or even for those who were already interrogated but

23

1 the confessions were yet to be extracted, and they were sent to
2 my team.

3 Q. Who was your unit chief who assigned those prisoners to be
4 interrogated by your chewing group?

5 A. At that time his name was Nan. He was the chief of the group.

6 Q. Did you ever see the accused interrogate any prisoner and, if
7 so, what type of prisoners did he interrogate?

8 [11.07.00]

9 A. I saw the accused interrogate a prisoner; it was actually in
10 Tith's group. At that time, Tith was in charge of that group and
11 Duch, Hor, Chan, Pon, Meng, Bou took a female prisoner to be
12 interrogated in that Tith's group. It was at 10 p.m. and they
13 tried to interrogate to demorale (sic) that female prisoner.
14 However, the confession was not yet extracted, and at 3 a.m. the
15 female prisoner was unconscious and she was taken back to her
16 cell.

17 Q. Did you name the name of that female prisoner?

18 A. I cannot recall it.

19 Q. At that time, where were you and how did you witness that
20 event?

21 A. I was in that Tith's group, and while they were interrogating
22 I was assigned to guard outside that office, outside that room.

23 Q. Did you see Duch torture that female prisoner and, if so, how
24 was the torture done?

25 A. At that time, I did not see it clearly. I did not think he

24

1 tortured that female prisoner. I think he was only interrogating
2 her and other people did the torture.

3 Q.Who tortured that prisoner and how was the torture done?

4 A.At that time, there was Dek Bou who tortured that female
5 prisoner. He beat her, he electrocuted her, and he suffocated
6 her with a plastic bag until she became unconscious.

7 [11.10.02]

8 Q.Did you see the accused order Dek Bou to torture her by
9 electrocuting or suffocating her with a plastic bag?

10 A.At that time, I did not know whether he ordered him or not to
11 torture her, but because the female prisoner did not confess, so
12 she was tortured by that group and I was guarding outside at the
13 time.

14 Q.When you interrogated a prisoner, did you ever see the accused
15 come inside and interrogate the prisoner with you? And if not,
16 who else ever joined you in interrogating a prisoner?

17 A.In practice, no-one would come to another person's
18 interrogation; so usually it was one interrogator, one prisoner.
19 In practice, in my unit, sometimes he walked past -- Duch walked
20 past and he asked a few questions whether the prisoner already
21 confessed or not, and he left.

22 Q.Did you know that at the accused's residence, it was also an
23 interrogation place?

24 A.As far as I know, there was no interrogation room in that
25 house.

25

1 Q.Can you tell us who assigned you to interrogate any particular
2 prisoner, and was the order in writing or it was verbal?

3 [11.12.47]

4 A.The decision to have a prisoner to be interrogated by me,
5 sometimes it was in writing given to me by a messenger, or
6 sometimes the order came by the telephone from Duch. Or
7 sometimes the order came from Chan, who gave an instruction to
8 interrogate a particular prisoner.

9 Q.In that written order, what was the content of it? For
10 example, did it specify the name of the prisoner and who signed
11 it?

12 A.For the small letters, they were written by Duch and signed by
13 him.

14 Q.So you received the letters from the accused. And then whom
15 did you give the letters to?

16 A.After receiving the letters, I would give the letters to Suos
17 Thy, who was in charge of the list, in order to make sure where
18 the prisoner was, and then Thy would tell me which room or which
19 individual cell the prisoner was, and then I would contact the
20 guard and the guard would bring the prisoner to me for the
21 interrogation.

22 Q.When Suos Thy checked the name against the list, did he make
23 any annotation on that letter from the upper echelon, or did he
24 sign on that letter?

25 A.After Suos Thy checked and found the name, then he would

26

1 annotate which room, big room or small room, and which building,
2 A or B, but I did not think he signed on that letter.

3 [11.15.09]

4 Q.And next, where did you bring the letter to?

5 A.I gave the letter to the guard who was guarding the room.

6 Q.After the guard received the letter from you, what happened
7 next?

8 A.After receiving the letter the guard would find the prisoner
9 according the name and the serial number and then the guard would
10 cuff the prisoner and blindfold him and bring him out and then I
11 would receive that prisoner.

12 Q.So when you received a prisoner who was handcuffed and
13 blindfolded did you personally walk the prisoner to the
14 interrogation location?

15 A.Yes.

16 Q.Where did you interrogate the prisoner? How far was it from
17 the detention facility?

18 A.It was towards the east of the entrance of the Tuol Svay Prey
19 School. It was about 20 to 30 metres to the east along the
20 narrow path.

21 [11.16.49]

22 Q.Did you ever interrogate the prisoners in Building A?

23 A.In Building A I never interrogated a prisoner, and I never
24 entered Building A.

25 Q.When you brought the prisoner to the interrogation location

27

1 what happened next?

2 A.When I arrived at the location I would shackle the prisoner
3 then un-cuff and remove the blindfold.

4 Q.Did the prisoner sit on a chair or sit on the floor during the
5 interrogation?

6 A.During the interrogation the prisoner sat on a chair.

7 Q.Regarding the writing of the confession of the prisoner, how
8 was it done?

9 A.The writing of the confession, if the confession deems
10 appropriate then we would write the confession. If we believed
11 the confession was a lie then we did not write the confession,
12 because we were instructed to write only appropriate confessions.

13 Q.What did you mean by the appropriate confessions?

14 A.For example, if the confession talked about the proper network
15 with the superior, with the history of activities and the
16 involvement with the treacherous network.

17 [11.19.27]

18 Q.Did you personally write the confession or you asked the
19 prisoner to write the confession by himself or herself?

20 A.It's not regular. If the prisoner could write then I would
21 ask the prisoner to write by himself or herself.

22 Q.When you finished your interrogation whom did you report to?

23 A.After the interrogation was complete I would report to my
24 chief of the group.

25 Q.From your interview with the Co-Investigating Judges you

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1 stated that when the confession of the prisoner was complete you
2 would send it to either Chan or the accused, but now you said you
3 sent it to your group chief. Why there is a difference here?

4 A.It depends on the network. So I handed to my group's chief
5 and my group's chief would deliver it to either Chan or Duch.

6 Q.What types of confessions of the prisoners that you had to
7 report to Duch and what types of the confessions that you had to
8 report to Mam Nai, alias Chan?

9 A.Regardless of the types of the prisoners, in practice I would
10 report it to my group's chief and then my group's chief would
11 report to Mam Nai, alias Chan, or Duch. And at that time Mam Nai
12 had the responsibility of perusing the confessions and sometimes
13 he would make an annotation for further investigation on
14 particular matters. And sometimes Duch himself would annotate on
15 the confessions.

16 [11.22.44]

17 Q.Who made the decision as to whether the confession or the
18 interrogation of a prisoner was complete?

19 A.There was no clear written order. It depends on when the
20 confession was returned and it depends on the annotation on that
21 confession. So either it was complete or the interrogation had
22 to continue or a new prisoner had to be interrogated.

23 Q.So the end of a confession was only when the annotation came
24 back and that a new prisoner was asked to be interrogated. Is
25 this correct?

29

1 A. Yes.

2 Q. In a case where a prisoner was interrogated for one day and it
3 was not yet complete and you then returned the prisoner to the
4 guard, on the next day when you had to bring that prisoner again
5 for the interrogation did you have to have another letter of
6 authorization?

7 A. Actually there was only one letter of authorization for the
8 beginning for one particular prisoner, and if that prisoner was
9 needed to be interrogated again there was no need for another
10 letter.

11 Q. When your report was sent -- that is the results of your
12 interrogation sent to the upper echelon -- and if they considered
13 the confessions were not complete, what types of annotations
14 which were written and returned back to you?

15 A. For the incomplete confessions the annotation would write,
16 "Comrade, you have to interrogate further on this matter; for
17 instance, on the treacherous network." So it depends on the
18 actual annotation on the confession -- on the report that I sent.

19 Q. Who made those annotations?

20 A. It was Duch and sometimes Chan.

21 Q. The prisoners, after they completed their interrogation were
22 they still detained in S 21 or were they sent somewhere else?

23 A. After the interrogation was complete I would return the
24 prisoners back to their cells or rooms and I did not know when
25 they would be taken out.

30

1 Q.What about the female prisoners? Where were they interrogated
2 and were they handcuffed and blindfolded in the same way as the
3 male prisoners?

4 [11.26.40]

5 A.For the female prisoners, usually they were not cuffed or
6 blindfolded. They were walked normally and they were
7 interrogated outside, but during interrogation the interrogator
8 was not allowed to close the door or the windows and were not
9 allowed to come close to the female prisoner in order to avoid
10 the moral offence.

11 Q.Was every prisoner at S-21 interrogated?

12 A.As far as I know, not every one of them was interrogated.

13 Q.How many percentage of those who were not interrogated?

14 A.It is my estimate probably 50 or 60 per cent of the prisoners
15 were not interrogated because due to the shortage of the
16 interrogators and due to the long time spent on interrogation --
17 on interrogating each prisoner.

18 Q.Regarding the Vietnamese prisoners, were they interrogated and
19 who interrogated them and where their confessions would be taken
20 to?

21 A.Regarding the Vietnamese prisoners of war, they were
22 interrogated by Chan and their confession would be recorded and
23 broadcast on radio.

24 Q.Do you know what kind of confessions aimed to be obtained from
25 the Vietnamese prisoners of war?

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1 A. In the Vietnamese confession mainly we would like to hear how
2 they invaded Cambodia and it was about their intention to invade
3 Cambodia; the content of which would be broadcast on radio.

4 [11.29.44]

5 Q. Were all the Vietnamese prisoners of war interrogated or were
6 just a few of them interrogated?

7 A. I have no idea whether all were interrogated.

8 Q. You worked inside. Can you estimate the number of the
9 Vietnamese prisoners of war who were arrested? How many were
10 they?

11 A. I'm not quite sure, but I can see at least they're more than
12 100.

13 Q. Who interrogated Westerners who were detainees at the prison
14 and where were they interrogated?

15 A. I saw them at the location where registration was made, at
16 Suos Thy's location, and Chan would be asking them about their
17 names and where they were from, and translation would be made. I
18 learned that there were American and Australian detainees named
19 David Scott and there was a French writing on that person that I
20 can identify him as David Scott because I can read a little
21 French.

22 Q. Apart from these two foreigners, did you ever see other
23 Westerners in that location?

24 A. No, I don't.

25 [11.32.14]

32

1 Q.How much time was needed to interrogate each detainee?

2 A.It depends. Sometimes we needed at least one month to
3 interrogate a detainee and sometimes it took us even months.

4 Q.Do you remember who you interrogated; the names of people you
5 interrogated?

6 A.I don't remember all those names.

7 Q.When you were allowed to interrogate prisoners by the accused,
8 were you allowed to torture them or were you supposed to ask for
9 permission before violations should be inflicted on any detainee?

10 A.As a rule had it, an interrogator was not allowed to torture
11 anyone unless there was instruction otherwise by Duch to torture
12 the detainees.

13 Q.When the detainees did not give a complete confession in their
14 confession, were interrogators allowed to torture them?

15 A. Well, only when we were allowed to torture them that we could
16 torture them.

17 Q.So according to the orders of the accused, then you would be
18 able to torture the detainee. Were the orders done verbally or
19 by a written letter?

20 A.Normally orders would be given through telephone or through a
21 verbal communication rather than through written forms.

22 Q.What kind of violence were inflicted onto the detainees?

23 A.I would like not to respond to this question please.

24 [11.36.42]

25 Q.Regarding the female detainees, where they tortured while

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1 being interrogated?

2 A. Normally detainees were subjected to being tortured regardless
3 of female or male detainees.

4 Q. Had you ever seen any pregnant detainees be interrogated?

5 A. I had never seen them.

6 Q. Were children who came along with their parents interrogated?

7 A. Normally children would be convinced to leave their parents.

8 Q. Where would they be taken to and who were in charge of taking
9 them out?

10 A. It depends on the guards who would be in charge of taking them
11 out.

12 Q. Do you know the person named Peng?

13 A. Yes, I do.

14 Q. What was his role at S-21 back then?

15 A. So far as I remember, he was a chief of a unit at the
16 location. I don't remember whether he was the chief of the unit
17 of 100 or 50.

18 [11.39.30]

19 Q. Was he in charge of taking the children away or keeping the
20 children?

21 A. That was his duty, of course.

22 Q. So you have spoken of Peng and that his duty was to take
23 charge of the children. Is that correct?

24 A. Yes, that is.

25 Q. Where would Peng take those children to?

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1 A.I don't know when children were taken out and what would
2 happen to them but I believe that when they were taken out from
3 the compound they would have been exterminated.

4 Q.Could you please clarify for us whether you witnessed any
5 torture inflicted by the accused toward any detainee?

6 A.As I mentioned earlier, I was on guard outside and there were
7 a lot of people who interrogated detainees, so he interrogated
8 while the others were torturing.

9 Q.Did you see or witness the accused often used tortures?

10 A.I don't think I have seen that because I were far apart from
11 them.

12 [11.41.42]

13 Q.Regarding the Westerners, during interrogation sessions were
14 they tortured?

15 A.While I was on guard I did not see they were being tortured.
16 I only noted that they were handcuffed and they were arrested
17 from the sea and on the boat and that they were in Cambodia's
18 territory.

19 Q.You're talking about the boat. What was the boat carrying?

20 A.I don't have any idea of that boat but Chan told us that there
21 were food supplies on the boat that could feed the crew members
22 up to three months.

23 Q.Were Vietnamese prisoners of war tortured while being
24 interrogated?

25 A.I did not personally and directly interrogate them so I am not

35

1 in the position to know what happened to them.

2 Q.Had you ever interrogated any Vietnamese prisoner of war?

3 A.No, I hadn't, because I don't speak Vietnamese.

4 Q.Where would the Vietnamese prisoners of war be interrogated?

5 A.The places where the prisoners were interrogated varied but
6 mostly they were interrogated in the compound of the prison or
7 sometimes they were walked outside. And since during the
8 interrogation no-one could listen to their conversations, so care
9 was not much needed.

10 [11.44.55]

11 Q.During such interrogation, what was the purpose of obtaining
12 confession from them?

13 A.We wanted the confession. That's all.

14 Q.Regarding the detainees who were former members of staff at
15 S-21, how were they treated and who interrogated them?

16 A.Those people very often were interrogated by Chhin Nann, who
17 were from M-13. People from 703 would not be sought or needed to
18 interrogate them because of being afraid of any compromise.

19 Q.Could you please tell us the names of the people from the West
20 Force who interrogated them again?

21 A.Could you please verify your question, Your Honour?

22 Q.You have spoken of the S-21 detainees who were interrogated by
23 people from the west. So who were they?

24 A.The people who interrogated staff members of the S-21, there
25 were Chhin Nann, sometimes Tith was also involved, and they would

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1 be interrogated at the special room to the south of the complex.

2 [11.47.25]

3 Q.Who brought in the West Force to work at S-21?

4 A.Duch was the one who brought them in. Some were brought in
5 from Amleang and some were brought in from the base.

6 Q.Why people from 703 were not assigned to interrogate prisoners
7 who were former staff of 703?

8 A.I think it was an internal affair which I don't know.

9 Q.Do you know anything about the rift between 703 and the West
10 Force?

11 A.At the outside there was no significant rift but later on
12 there were arrests of those senior people of the division, and in
13 my interrogators group only I myself who was spared, others were
14 arrested and detained -- people from 703; I mean only I was left
15 or spared.

16 Q.Had you ever witnessed any blood-drawing practice?

17 A.I saw detainees who were subjected to that blood-drawing
18 practice, because when I was walking along that path I could pay
19 a visit to that medic location, but I did not go there regularly
20 or very often and I noted that detainees would be taken to that
21 location and they would be put to lie on their back on a bed
22 while their legs were shackled, and blindfolded. Then there
23 would be a needle inserted into their vein so that their blood
24 could be drawn.

25 [11.50.31]

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1 Q.How many bags of blood was drawn from that particular
2 detainee?

3 A.So far as I noted, there were five bags of blood taken from
4 one detainee until the person gasped or were dying.

5 Q.So how often was any detainee taken to the place where his or
6 her blood could be drawn?

7 A.There was no definite indication of how often they would be
8 taken to that place. But each time there were four to 10 people
9 who would be put to the beds so that their blood would be drawn
10 and they were dying.

11 Q.Who conducted the blood drawing?

12 A.I noted Try and medic Rin who were present at that time but
13 they all died later in that prison too.

14 Q.When was the practice visible to you regarding the blood
15 drawing?

16 A.I don't remember very well but it perhaps happened in 1978 or
17 '77.

18 Q.Can you give us approximate figures, like in each month how
19 many prisoners would be taken to have their blood drawn?

20 A.It was not very frequent. It happened only on occasional
21 manner, so I only witnessed it occasionally.

22 [11.53.40]

23 Q.Do you know where the blood would be taken to?

24 A.I asked medic Try. He told me that the blood bank would be
25 distributed to the Soviet Cambodian Friendship Hospital or to

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1 Preah Keto Mealea Hospital, because during the Democratic
2 Kampuchea regime there were conflicts, armed conflicts, with the
3 Vietnamese. That's why I can see that since there were a lot of
4 wounded soldiers, so blood was much needed at that time.

5 Q.Regarding the detainees whose blood was drawn, where would
6 they be taken to?

7 A.If there were very few of them who died as the result of the
8 blood drawing, they would be buried in the compound of the prison
9 or just at the nearby location. If there were significant number
10 of detainees died, then they would be loaded on the trucks to be
11 taken away.

12 Q.So the blood drawing practice was meant to put detainees to
13 death. Is that correct?

14 A.So far as I witnessed after blood was drawn no one would ever
15 leave because they were dying already while they were being --
16 their blood was being taken.

17 Q.Do you know who ordered medic Try to carryout the blood
18 drawing practice?

19 A.I don't know who ordered him because he was not in my group.

20 Q.You indicated that you walked into the location when the blood
21 was drawn. Did you ever see the accused at that location when
22 the blood was being drawn?

23 A.No, I didn't.

24 [11.57.11]

25 Q.Did you personally ever receive any order to take any detainee

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1 to have their blood drawn by the accused?

2 A.No, because I was not trained to do that.

3 Q.Had you ever seen the messenger of the accused ever pay a

4 visit to that location?

5 A.No, I never saw him.

6 Q.Detainees who were taken to have their blood drawn, were there

7 female detainees too?

8 A.I did not see any female detainee.

9 Q.What about children?

10 A.No, no children.

11 Q.Did you ever see the prisoner being taken for the anatomy

12 study?

13 A.No, I did not see that.

14 [11.58.50]

15 Q.At S-21 how many medics were there and if are there any female

16 medics?

17 A.As far as I know there were only four or five medics. I could

18 not recall their names. I only recall Hun and Try. And, yes,

19 there were female medics. Previously, they worked a bit further

20 from the prison towards the east. Actually, I was hospitalized

21 there because I had the injury from the bullet fragment and I was

22 hospitalized there. Later on I was sent to the Monivong and the

23 Russian hospitals. I stayed there for several months until my

24 body almost became numb. And I believe there were one or two

25 female medics but later on the female medics were gone.

40

1 Q.Was the female medic named Nam Mon?

2 A.From my recollection it's possible that her name was Nam Mon.

3 Q.Did you ever receive any medicine from the medic Nam Mon?

4 A.At that time I was not sure. But I was given the medicine from
5 the medical staff. However, it's been a long time so I could not
6 put a name to any person.

7 Q.You said there were two female medics. What was the name of
8 another medic?

9 A.I cannot recall the name. I could only think there was one or
10 two female medics at the time.

11 [12.01.42]

12 Q.How could you recall the name of the female medic Nam Mon?

13 A.The name Nam Mon, the female medic, I recalled her name when
14 she came to testify in this Chamber.

15 Q.Can you verify clearly whether Nam Mon was the female medic
16 working at S-21?

17 A.From the way she spoke I was pretty sure that she was that
18 female medic. However, I cannot say 100 percent that it was her
19 because I cannot recall her name.

20 Q.At S-21 was there a detention location where it was not high
21 enough for you to stand up?

22 A.Yes, it was under the staircase.

23 Q.So under the staircase to the building it was also a detention
24 cell at S-21?

25 A.Yes, under each staircase of the buildings some rooms were

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1 used to store clothes and some rooms were used as detention cells
2 to house the prisoners. And, yes, I noticed the prisoners were
3 detained in those cells underneath the staircase.

4 Q. Did you know that prisoners who were taken to S-21 were their
5 biographies being taken, their height was measured and they were
6 photographed?

7 A. Yes, all these formalities were made.

8 [12.04.39]

9 Q. So after all these formalities were made where would the
10 prisoners be sent for detention?

11 A. After they were processed Sothy would look into the list of
12 the names to see which rooms were available then they would be
13 sent to those rooms.

14 Q. When the prisoners were walked into their detention facility
15 were they handcuffed or blindfolded?

16 A. Normally, it's in practice when a prisoner was transferred or
17 moved from one place to another, they would be shackled and
18 blindfolded.

19 Q. Were prisoners categorized into different types? For example,
20 for the important prisoners they would be detained separately at
21 a separate location? And who made such decisions?

22 A. Yes, prisoners were categorized into different types. For the
23 important prisoners, they would be detained at a special prison
24 to the south. I never had been there because I had no right to
25 go there. For the normal prisoners, they would be detained in

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1 the big prison; and it was only Duch who made the decision on the
2 categorization of the prisoners.

3 [12.06.32]

4 MR. PRESIDENT:

5 Now it is time for our lunch break. The Chamber will adjourn and
6 it will resume at one-thirty to continue hearing the testimony of
7 this witness.

8 Court officer, can you provide necessary refreshment for the
9 witness?

10 Security guard, take the accused to the waiting room and bring
11 him back before one-thirty.

12 The hearing is adjourned.

13 (Judges exit courtroom)

14 (Court recesses from 1207H to 1340H)

15 (Judges enter courtroom)

16 MR. PRESIDENT:

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

18 We will continue to hear the testimony of the witness, Prak Khan.

19 I would like now to give the floor to Judge Ya Sokhan to continue
20 his questioning.

21 JUDGE YA SOKHAN:

22 Thank you, Mr. President.

23 [13.41.11]

24 BY JUDGE YA SOKHAN:

25 Q. Did you know what types of prisoners were classified to be

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1 detained in the common room and in the individual cells? And in
2 which buildings were the common rooms located; and what about the
3 individual cells?

4 A.As I observed during my coming and going there, the individual
5 cells where all the common rooms were for the detention of those
6 who were not having the senior or high-ranking officials, and
7 they would be detained in the common rooms or on the upper floor.
8 And for the prisoners whose confessions had to be extracted, they
9 would be placed in the individual cells.

10 Q.The common rooms, in which buildings were the common rooms
11 located?

12 A.From my experience in taking the prisoners, the common rooms
13 were in Building B, C, and D on the upper floors.

14 Q.What about the individual cells; which building were they
15 located in?

16 A.The individual cells were in those buildings that I just
17 described, but they were on the ground floor and on the first
18 floor.

19 Q.In the common rooms, how the prisoners were detained? Were
20 the prisoners shackled in the common rooms?

21 [13.43.43]

22 A.From what I observed, the prisoners were shackled in a long
23 bar. There were roughly 10 prisoners in each bar.

24 Q.In the common rooms, how many prisoners were detained?

25 A.From what I saw, there were less than 20 prisoners in each

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1 common room because according to the serial number, in each room
2 the number ranged from one through 18.

3 Q.In each bar, how many prisoners were shackled?

4 A.On one side on the bar, nine prisoners were shackled.

5 Q.How many bars then in each common room?

6 A.In the common rooms, there were two bars in each room.

7 Q.What were the prisoners required to do; whether they were
8 asked to sit or stand?

9 A.When I saw, the prisoners were lying on the floor, they were
10 lying in rows.

11 Q.What clothes were the prisoners wearing when you saw them?

12 A.Some of them were wearing shorts and some of them were
13 topless.

14 Q.Did you mean some of the prisoners were naked?

15 A.Yes.

16 Q.What did you know about the food ration to the prisoners?

17 A.The food which was provided to the prisoners were in the form
18 of gruel with the banana stalk and I didn't know much about this
19 because I did not do it personally.

20 Q.In hygiene, how did the prisoners wash themselves?

21 A.They washed in the common room as the guards would hose them
22 down every two to three days.

23 [13.47.21]

24 Q.Did you notice if any prisoner was sick in the common room?

25 A.I did not notice or see any sick prisoner.

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1 Q. Did you see any medic providing treatment to the prisoners at
2 the detention facility?

3 A. The medics provided the treatment to the prisoners at the
4 detention facilities, yes. The medics walked around to see those
5 prisoners and sometimes they dispensed the medicine, the pellets,
6 the rabbit pellet medicine to them.

7 Q. For those prisoners who were interrogated and tortured and
8 they were wounded or injured, were they taken back into the same
9 common rooms?

10 A. Yes, they were taken back.

11 Q. And were they treated for their wounds after they were
12 tortured?

13 A. Yes, they were treated in their rooms.

14 Q. What about the individual cells; were the prisoners shackled
15 in the prisoners' cells and, if so, how they were shackled or
16 cuffed?

17 A. In the individual cells prisoners were shackled on the ankle
18 or they were chained to a metal post in that room.

19 [13.49.18]

20 Q. Were both feet shackled or just one foot?

21 A. Mostly I noticed only one foot was shackled.

22 Q. Were the prisoners required to lie down in the individual
23 cells as those in the common rooms?

24 A. Yes, they lied down on the floor. They were not allowed to
25 sit or stand.

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1 Q.What about the female prisoners; where were they detained?

2 A.Female prisoners were detained -- some of them were detained
3 in the individual cells but the majority of them were detained on
4 the upper floor, which were the large common rooms, and they were
5 not shackled or cuffed; they were only locked from outside.

6 Q.The children who came along with the mothers, were they
7 detained in the same rooms as their mothers or were they detained
8 separately?

9 A. I did not see any children in there.

10 Q.What about the Westerners; which building were they detained
11 and were they shackled or cuffed?

12 A.The Westerners whom I saw, they were detained at the corner on
13 the upper staircase. They were detained in the open on the upper
14 staircase.

15 [13.51.47]

16 Q.Were those foreigners shackled or cuffed?

17 A.When I saw them they were shackled as the rest of the
18 prisoners there.

19 Q.What about their clothing?

20 A.They wore their clothes.

21 Q.Were they dressed the same way as those local prisoners -- I
22 mean with shorts?

23 A.The Westerners whom I saw, they wore the same dress that they
24 wore when they were brought in.

25 Q.What about the food ration for these foreigners?

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1 A.I did not know it clearly but I think the food ration was the
2 same as those provided to the other prisoners. There was no
3 difference.

4 Q.What about the Vietnamese prisoners of war; where were they
5 detained?

6 A.I did not know clearly, but they were detained within the
7 three buildings. I was just not sure which building they were
8 detained in.

9 [13.53.40]

10 Q.Were they also detained, handcuffed or shackled? And what
11 about the dress?

12 A.In general they were shackled as the rest of the prisoners.
13 Regarding the dress, some of them wore the clothes and some did
14 not.

15 Q.Did you know the total number of the prisoners of war who were
16 detained there in S-21?

17 A.I cannot provide a total number as I did not know the figure.

18 Q.Regarding the S-21 staff who were detained, where were they
19 detained?

20 A.The S-21 staff, I saw them detained in the building but we,
21 the interrogators, were not allowed to go near them. And the
22 room where they were detained were closed; all the windows in
23 those were all shut.

24 Q.Regarding the prisoners who needed to relieve themselves, what
25 would happen? I talk about those who were detained in the common

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1 room.

2 A.I did not station there permanently so I was not that sure.

3 Maybe for a prisoner who needs to relieve himself would need to

4 sit up and do it on the ammunition box.

5 Q.The prisoners who were detained at S-21, were there any of

6 them released?

7 A.Since the time I started working there until the time I left I

8 did not see any prisoner released.

9 Q.If no prisoner was released what was the fate of those who
10 were detained there?

11 A.The fate of all those prisoners, from my conclusion, was
12 death.

13 [13.57.08]

14 Q.Were they killed or did they die naturally?

15 A.Some died due to their sickness inside their cells or their
16 rooms, and some were taken and killed.

17 Q.Did you ever see any prisoner commit suicide?

18 A.I never saw any prisoner commit any suicide, but I heard there
19 were some prisoners who committed suicide.

20 Q.How did the prisoners commit suicide?

21 A.I heard only after I went to the study session at the
22 political school near Duch's house. We were told some of them
23 jumped from the building and some burned themselves with the lamp
24 and some used a pen to prick themselves to die.

25 Q.Did you know the total number of the prisoners who committed

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1 suicide?

2 A.I did not know the exact number.

3 Q.Detainees who were executed at S-21, what time of the day

4 would they be executed there?

5 A.Normally detainees would be taken in the late afternoon and at

6 dusk, when I saw the trucks would be parked somewhere near the

7 compound and that detainees would be loaded on the trucks to be

8 taken away.

9 [13.59.53]

10 Q.Were there detainees killed at S-21?

11 A.At S-21 compound detainees would also be executed and buried
12 in the compound and outside the location in the surrounding area.

13 Q.What kind of detainees were executed and buried in the

14 surrounding area of S-21?

15 A.I am not sure, but while I was on guard picking some coconut

16 fruits then I noted the graves with a lot of flies and smell.

17 Q.Do you know which group was assigned to take prisoners to be

18 executed?

19 A.I don't know.

20 Q.Was it Him Huy's group in charge of transporting detainees?

21 A.I don't know whether Him Huy's group or Peng's group.

22 Q.Where would the important detainees be executed?

23 A.I don't know.

24 Q.Where were the members of staff at S-21 and their spouses

25 executed?

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1 A.I don't know.

2 [14.02.59]

3 Q.Where were the Westerners executed, and how?

4 A.I'm not sure if I know this but I was told about this. I was
5 told that they were killed at the corner of the road linked to
6 Moha Montrei Pagoda, and I was told that the detainees were put
7 on the street and burned using car tyres.

8 Q.When you heard about this was the detainees alive or dead
9 while they were being burned?

10 A.I did not witness it but the detainees were sitting, so I
11 believe they could have been alive while they were being burned.

12 Q.Who told you about this?

13 A.Suor (phonetic), the former guard from Kampong Chhnang, told
14 me about this.

15 Q.Were they executed in the day or at night?

16 A.I don't know.

17 Q.Where were the Vietnamese prisoners of war and Vietnamese
18 prisoners were executed?

19 A.I did not witness any killing at S-21 of these detainees, so I
20 presume they could have been executed at Choeng Ek.

21 Q.How many Vietnamese prisoners of war would have been killed,
22 if you can give us the approximate figure?

23 A.I cannot give you the approximate figure of those detainees
24 and I am afraid I cannot make even a guess.

25 Q.Can you agree that there were about hundreds of them?

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1 A.Yes, I do agree with that.

2 [14.06.41]

3 Q.Do you know where the children were killed at S-21?

4 A.I learned that only one child was dropped from upper floor by
5 Bou and the baby broke his neck upon falling on the ground, and
6 that's one incident I witnessed and that's all.

7 Q.When detainees were transferred to be executed at Choeung Ek,
8 do you know anything about this?

9 A.When I worked at S-21 I did not know that Choeung Ek existed.
10 I learned that detainees would be taken out, but to where they
11 would be taken I have no idea.

12 Q.Do you know anything about the operation of the transportation
13 of detainees to be executed at Choeung Ek?

14 A.No, I don't.

15 Q.How would detainees be executed at S-21?

16 A.When it comes to execution I think I don't know much about it
17 because I was not at the place where people were executed.

18 [14.09.16]

19 Q.One day before the 7th of January 1979 were there any
20 prisoners left at S-21?

21 A.I don't know what happened inside the prison but at that time,
22 a few days before that we were allowed to have a break.

23 Q.You were allowed to be off duty. What about the other people;
24 what were they doing back then?

25 A.I don't know anything about the other people's work but, for

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1 the interrogation units or sessions, people were off duty and
2 were put idle because we heard that the Vietnamese was
3 approaching and everyone was so worried, and be prepared to react
4 if necessary.

5 Q.When did you leave S-21?

6 A.It was on the 7th of January 1979 at about 9 or 10 a.m. when
7 we saw the tanks approaching on Monivong Boulevard. Hor shouted
8 to us to seize our weapons and fled to the direction of Tuol
9 Tumpoung market and further.

10 Q.When you left, at the moment when you were leaving, did you
11 see any detainees left in Building A?

12 A.I don't think I saw any detainee there because I left the
13 building without noting it.

14 Q.Do you know who made the decision to kill those people?

15 A.I don't know.

16 [14.12.11]

17 Q.Can you just, to the best of your knowledge, tell the Court if
18 you know who made such a decision?

19 A.I don't know. When I left I did not even know that there were
20 any prisoners left behind.

21 Q.Can you give us an approximate figure of the detainees who
22 would have been killed at S-21?

23 A.If my estimation is correct, there were no less than 20,000
24 detainees put to death there.

25 Q.Do you know where Hor, the deputy chief of S-21, lived?

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1 A.No, I don't. I don't even know whether he is alive or dead.

2 Q.When you left Phnom Penh was Hor in your company?

3 A.Hor, Duch, Chan and others were living all together.

4 Q.Were there any detainees be brought along with your group?

5 A.There were Chum Mey, Vann Nath, Tuon, Meng -- I think a few of

6 them already died but they were going along with us on the move

7 while we were leaving.

8 [14.14.39]

9 JUDGE YA SOKHAN:

10 I have no further questions for the time being.

11 MR. PRESIDENT:

12 Judges of the Bench, would you wish to put any questions to the

13 witness? The floor is yours.

14 Judge Silvia Cartwright, you take the floor.

15 JUDGE CARTWRIGHT:

16 Thank you, Mr. President.

17 BY JUDGE CARTWRIGHT:

18 Q.You have spoken today about foreigners who were detained at

19 S-21, and I just want to ask you a few more questions about them.

20 Do you recall foreigners other than Vietnamese or Westerners

21 being detained at S-21?

22 A.I only saw the Vietnamese prisoners and the Westerners, the

23 two Westerners. I did not see other foreigners.

24 Q.Did you see any Thai detainees?

25 A.No, I didn't.

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1 Q.While you were at S-21 did you hear any reports on the radio
2 or by other means of armed conflict with any other country?

3 A.At S-21 I learned that there was an armed conflict between
4 Vietnam and Cambodia.

5 [14.16.47]

6 Q.Can you recall when this conflict started or when you first
7 learned of it?

8 A.I learned of it through the interrogation session when
9 detainees said they were sent to the battles to fight the
10 Vietnamese. And I heard about this in 1977.

11 Q.Was 1977 the first year when you recall Vietnamese prisoners
12 of war at S-21?

13 A.Could you please repeat your question?

14 Q.Was 1977 the first year that you saw Vietnamese prisoners of
15 war detained at S-21?

16 A.Yes.

17 Q.Did you see other Vietnamese detained at S-21, ordinary
18 Vietnamese people who were not soldiers?

19 A.There were Vietnamese soldiers as well as ordinary Vietnamese
20 detainees. They were mixed up.

21 Q.You said before in answer to Judge Ya Sokhan that you agreed
22 there would be hundreds of Vietnamese at S-21. Were there as
23 many ordinary Vietnamese as Vietnamese prisoners of war or were
24 there more prisoners of war than ordinary people?

25 [14.19.22]

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1 A.What I saw was that there were more soldiers, Vietnamese
2 soldiers than ordinary Vietnamese detainees.

3 Q.You spoke earlier today of an incident when you saw a woman
4 being electrocuted. Do you recall that incident?

5 A.I still remember some of the incident.

6 Q.And you were on guard at the time. Is that correct?

7 A.Yes, that is.

8 Q.Can you describe exactly what you saw from where you were
9 standing on guard?

10 A.I was standing on guard in the front and I could hear the
11 interrogation session by Tith and Chan and Bou. Although I was
12 standing on guard outside I could hear something about their
13 confession and I could see that the detainee was electrocuted and
14 tortured.

15 Q.Can you explain how you could see her being electrocuted?
16 Were you looking through a window? Were you simply hearing the
17 sounds of electrocution or was there some other way you observed
18 this?

19 A.When I was standing guard there was a slight door of the
20 apartment so I could see well deep inside of the room.

21 [14.22.10]

22 Q.Is it correct that at an earlier interview you said that it
23 was the accused Duch who administered the electric shock to the
24 woman?

25 A.Yes, during that time Duch was the Chairman, although he did

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1 not carryout that torture, but Bou was present, and I don't know
2 whether Bou was verbally instructed or ordered because I could
3 hardly hear what they were talking inside the room while I was
4 outside.

5 Q.So you're staying that you could hear everything clearly and
6 you could see into the room and today you confirm that it was Dek
7 Bou who did the electrocution of this woman. Is that correct?

8 A.Yes, that is correct that Dek Bou was torturing the detainee.
9 Sometimes I could hear their conversation but sometimes I didn't
10 because I was about four to five metres apart from that room in
11 the apartment.

12 Q.Would it be fair to say that you have thought a great deal
13 about your experiences as a guard at S-21 over the last 30 years?

14 A.I think I cannot catch your question yet.

15 Q.I'm sorry. Have you thought often about the time you were a
16 guard at S-21 over the last 30 years?

17 [14.24.50]

18 A.I can recall some of the events but I have forgotten most of
19 the significant part of my time during that regime.

20 Q.And would it be true to say that you have been interviewed
21 about your experiences a number of times and discussed them with
22 a lot of people over the years. Is that fair?

23 A.Yes, that is.

24 Q.And sometimes you remember exactly what you saw and heard.

25 But other times, just as you said earlier about the Westerners

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1 being killed, you have told us what other people told you. Is
2 that correct?

3 A.Yes, that is.

4 Q.Earlier today you said that you saw no pregnant women at the
5 prison, but in an interview, an earlier interview, you have
6 spoken of a pregnant woman giving birth at the prison. Was that
7 something you heard about or something you observed yourself?

8 A.When the Judge asked me about the detainee I responded
9 differently but I saw a woman named Ton who was from China and I
10 did not know what happened that she was arrested. And then she
11 was allowed to treat detainees at that location.

12 [14.27.24]

13 And when I got sick, because I got the numbness, just the whole
14 part of one side of my body, and I was hospitalized and medic
15 Than was asked to cure me. But she was a detainee but she was
16 allowed to go about or to move about outside the premises of the
17 prison.

18 Q.Well, I don't think I explained my question clearly to you.

19 In an earlier interview -- and the ERN reference in English is
20 00161558 -- you said:

21 "As for anyone being pregnant I never saw that. I just know
22 there were some pregnant prisoners in the prison. Two or three
23 months later they released her, meaning no shackles. When she
24 gave birth it was a boy."

25 Do you recall making that answer in an earlier interview?

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1 A.I seem not to recall it.

2 Q.So today you can't confirm that incident. Is that correct?

3 A.Yes.

4 Q.Finally I want to ask you about the last days at S-21. You
5 have said today that you left on the 7th of January when tanks
6 were seen on Monivong Boulevard and Hor ordered you to leave. Is
7 that correct?

8 A.Yes, that is correct.

9 [14.30.11]

10 Q.Can you remember what day before that day was the last time
11 you guarded any prisoners?

12 A.I cannot catch the question. Can you please rephrase it?

13 Q.Were you still guarding prisoners on the 7th of January or had
14 they all gone by then?

15 A.Regarding the prisoners, before three or four days before the
16 7th of January we did not make any movement and it was quiet.

17 Q.Were there no prisoners left at S-21 for those three or four
18 days before the 7th of January?

19 A.Yes.

20 Q.You mean yes, there were no prisoners. Is that correct?

21 A.Yes, there were no prisoners.

22 Q.Did you see what happened to the last prisoners before the 7th
23 of January?

24 A.What happened, happened before the 7th of January. I did not
25 see many activities. The activities before were the prisoners

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1 were trucked out and then everything went dead for three or four
2 days before the 7th of January, because before that the prisoners
3 were trucked out day and night.

4 [14.32.28]

5 Q.Thank you very much. And can I say I appreciate you trying so
6 hard to remember details.

7 JUDGE CARTWRIGHT:

8 Mr. President, I have no other questions.

9 MR. PRESIDENT:

10 Judges of the Bench, do you have any questions?

11 Judge Lavergne, you take the floor.

12 JUDGE LAVERGNE:

13 Thank you, Mr. President.

14 BY JUDGE LAVERGNE:

15 Q.Good afternoon, sir. My name is Judge Lavergne. I would like
16 to put a number of questions to you to clarify some aspects of
17 your testimony.

18 First of all, you explained to us that you joined the revolution
19 at about 1973. What did you do in terms of school? How far did
20 you go in school?

21 A.Before I joined the revolution in 1973 I studied up to the
22 eighth grade of the old education system.

23 [14.34.01]

24 Q.This means that you could read and write Khmer? Could you
25 speak a little French? Could you read or write French?

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1 A. I could read and write the Khmer language. When I studied I
2 could read and write a little bit of French but now I forget it
3 all.

4 Q.Before joining the revolution, what did your activities
5 consist in?

6 A.Before I joined the revolution I was in school and after the
7 coup d'etat I quit schooling and I helped my parents in rice
8 farming.

9 Q.Regarding your activities in S-21, did you work at the former
10 PJ, that is, the former Judicial Police office, or did you just
11 work at what is now known as the Tuol Sleng Museum?

12 A.I did not know the location or work at the PJ prison. When I
13 came to work, I worked at the S-21 location.

14 Q.Did you ever hear about a prison in Ta Khmau?

15 A.I did not go or see the prison in Ta Khmau, but later on those
16 people who used to work there told me that there was a prison in
17 Ta Khmau, but I myself never went there.

18 Q.I gather from what you explained that your first job in S-21
19 was to stand guard outside the buildings. Can you recall exactly
20 when you started doing that job, that is, if you remember?

21 [14.37.22]

22 A.The guarding outside, or when I was assigned to stand guard
23 outside, I could not recall it. First, I did the rice farming in
24 Prey Sar and I worked there for one season, and after the harvest
25 I was sent to stand guard. So I could not recall the exact

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1 month.

2 Q.What is a farming season; is it one year, is it several
3 months? Could you define it, please?

4 A.When I worked in the rice field, it was from the beginning of
5 the year until the end of the year. I started from the time that
6 I had to use the hoe to dig the ground, then we had to transplant
7 the seedlings, until the whole season complete; that is towards
8 the end when we harvested the rice.

9 Q.And when did the harvest take place; in January, in April?

10 A.In Cambodia, November or December or January or February,
11 that's the harvest season.

12 Q.So we have a time span from November to February. Is that it?

13 A.I think I'm not really sure. It's been so long I cannot
14 recollect it but, in general, as it is the practice now, it also
15 depends on the rain. Sometimes we started in June or July or
16 sometimes we started earlier or later, and usually we finished
17 around November or December.

18 [14.40.18]

19 Q.How long did you work as a guard outside S-21, if you can
20 remember? Was it one month, two months, several months?

21 A.The times that I stood guard outside, I could not recall how
22 many months but it was pretty long.

23 Q.Do you remember who told you that you would be assigned to
24 other duties? How did it happen? Who told you to leave your job
25 and take up another job?

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1 A.From what I know, although it's been so long already and I
2 might not remember it well, I think it was Hor who told me but
3 I'm not really sure, so I cannot clearly say who actually told
4 me.

5 Q.And had you known Hor for a long time?

6 A.I knew Hor when I came to work at S-21.

7 Q.Did you meet him at the 703rd Division?

8 A.I did not know him at Division 703. I only met him at S-21.

9 Q.What did you do exactly when you were in Division 703?

10 A.At Division 703 during the wartime, I was in the artillery
11 unit in the Battalion 48. I was in charge of artillery.

12 [14.43.16]

13 Q.When you changed your duties, if I understood correctly what
14 you said this morning, you became a guard inside S-21. Were you
15 then immediately assigned to work as an interrogator? So did you
16 work both as a guard and an interrogator concurrently, or did you
17 work -- did you do these things one after the other or did you do
18 them separately or together?

19 A.After I was assigned from working outside, I was assigned to
20 work inside and I was assigned to interrogate the prisoners. I
21 was not assigned to guard inside at all.

22 Q.So you never did guard duty inside S-21. Is that correct?

23 A.Yes, I never guarded inside.

24 Q.I must admit then that I don't quite understand. It seems to
25 me that a while ago when my colleagues put questions to you

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1 regarding an incident that involved the interrogation of a woman
2 in which Duch allegedly participated; I seemed to understand that
3 you explained that at that point you were working as a guard
4 outside the cell.

5 So if you were not standing guard, what were you doing? Were you
6 in the cell? Were you there just by chance?

7 A.At that time I was an interrogator, but after I finished --
8 after 11 p.m. and when a prisoner was brought for interrogation
9 Duch asked me to help guarding outside the room. So I was only
10 doing that for that particular event and later on I was never
11 standing guard inside, because at that time there were no other
12 guards for this late interrogation and I was asked to assist in
13 providing the guarding outside the interrogation room.

14 Q.Did you have frequent contact with the accused, Duch, when you
15 were an interrogator?

16 A.Regarding the interrogation work, I had to be in contact
17 because I had to respond to him when he asked questions regarding
18 the prisoners or the confessions. So the contact was very --
19 rather frequent.

20 [14.47.25]

21 Q.So what sort of contact was it? Was it solely through letters
22 as you explained? Was it visual contact? Did you meet each
23 other or was it other forms of contact?

24 A.The contact between Duch and I at the time was due to the
25 documents that I sent. Sometimes Duch annotated on those

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1 documents for me to redo it or to continue the interrogation and
2 sometimes, when the interrogation was not yet complete, he would
3 telephone me.

4 Q. Did you have frequent telephone contact with Duch and, if so,
5 what sort of instructions did he give you? What did he say to
6 you?

7 A. The telephone contact was not frequent. It happened
8 occasionally. However, I cannot recall clearly the frequency of
9 contact. It's been so long already.

10 Q. What did he say? What did his instructions consist of? What
11 did he ask you?

12 A. I cannot recall what his instructions were on the telephone,
13 but usually he would want to follow the progress of the
14 interrogations and certain follow-ups on the documents that I
15 sent to him.

16 Q. Would he, for instance, say to you "you should interrogate
17 somebody to find out who is in a network of traitors"? Did he
18 indicate to you how you should orient the interrogation or did he
19 give other instructions?

20 A. From what I can recall, usually his instructions focused on
21 the leaders or the important prisoners in order to find the
22 network of his subordinates or their subordinates; usually that
23 was his main focus.

24 [14.51.00]

25 Q. Did he also issue instructions regarding how the interrogation

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1 was to be conducted?

2 A.His instructions were not on every aspect but previously, yes,
3 during the study sessions he already provided instructions on
4 this matter.

5 Q.You were interviewed as a witness by the investigators of the
6 Office of the Co-Investigating Judges. The record of the
7 interview is D19/7 and on page 20 in the French of this document
8 you have this question:

9 "Do you remember what Duch instructed before each
10 interrogation?"

11 And you answered:

12 "Duch issued instructions when the prisoners were important and
13 when it was prisoners whose confessions were to be obtained at
14 all costs and he told us to question in depth to find out the
15 networks."

16 So do you confirm what I have just read out? What does it mean?

17 If you understood what I have read out, what does it mean to say
18 to question in depth to find out about the networks?

19 [14.53.10]

20 A.That means he wanted to follow the progress of that matter, so
21 that I had to really dig the root to find the source of that
22 prisoner, to find the network.

23 Q.Does it mean that to dig right down to the root, as you put
24 it, the use of a certain degree of violence was allowed?

25 A.To dig right to the root was to get in depth the details of

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1 the confession or to redo parts of the confessions in order to
2 find every detail of the matter.

3 Q.I shall try to make things clearer. Did you ever receive
4 instructions from Duch to torture prisoners or to use violence on
5 some prisoners?

6 A.There were continuing instructions regarding this matter.
7 When I attended the study session at the political school he
8 instructed us on the method of torturing and not letting the
9 prisoner die, otherwise the confession would be broken. So the
10 instructions were given continuously during those study sessions.

11 Q.So when you received instructions to interrogate in-depth it
12 meant that you were to apply all the instructions that you have
13 received in the course of your training, including using some
14 forms of violence. Is that what it meant to you?

15 A.Yes.

16 Q.Now, let us return to training. You said that this training
17 was amongst others provided by the accused himself. You said
18 that there were various types of training. There was political
19 training and there was also training pertaining to the
20 interrogation and interrogation techniques. So what I am driving
21 at now is training on interrogation techniques.

22 [14.56.58]

23 I would like you to tell the Court exactly, in your recollection,
24 what the content of this kind of training was. Also did this
25 training include instructions from the accused himself on the use

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1 of several forms of violence?

2 A.During the study sessions mostly we were trained -- we were
3 provided political training, technical training in making
4 documents, and the torture techniques. Therefore, we were
5 provided with training in all these areas.

6 Q.Could you be a little bit more specific and tell us exactly
7 what Duch taught you in regards to torture techniques, as you put
8 it? What exactly did he tell you? What were the forms of
9 violence he said you could use?

10 What did he tell you about? Did he tell you about using electric
11 shocks? Did he tell you about using whips or canes, sticks?
12 What did he talk about? Was it he personally or was it someone
13 speaking in his presence?

14 A.During the sessions Duch was the one who gave a lecture. We
15 were trained not to use big club to beat any detainee to avoid
16 hurting the detainee until he or she died of the sustained
17 injury. And we were taught to insert a needle underneath the
18 nails and by doing so only -- the detainees could sustain from
19 the wound in the fingers, not affecting the hand or the legs that
20 the detainee could not walk to work. So this was a kind of
21 torture that was light but painful.

22 Q.When you say that "we were taught to put needles under the
23 nails" we were taught by whom?

24 A.It was a theory instructed to us by Duch because it was the
25 light torture technique that did not affect the heart of the

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1 detainee.

2 [15.01.07]

3 Q.This was what Duch was telling you? He was telling you that
4 you can put needles under the nails because that will not kill
5 the prisoner? That's what he told you? That's what he was
6 saying to you?

7 A.Yes, that was because we were told to do this because we would
8 like to make sure that detainees would not be killed by such
9 torture.

10 MR. PRESIDENT:

11 Since it is time to take an adjournment, the Chamber will adjourn
12 for 17 minutes until 3.20 p.m. The Court Officer is instructed
13 to take the witness to the waiting room.

14 (Judges exit courtroom)

15 (Court recesses from 1502H to 1523H)

16 (Judges enter courtroom)

17 MR. PRESIDENT:

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

19 We continue hearing the testimony of Prak Khan.

20 Judge Lavergne, you take the floor to proceed with further
21 questions to the witness. The floor is yours.

22 [15.23.31]

23 JUDGE LAVERGNE:

24 Thank you, Mr. President.

25 BY JUDGE LAVERGNE:

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1 Q. So, Mr. Prak Khan, I was asking questions regarding the
2 content of the training that was given by the accused, and you
3 said that this training went so far as to giving indications
4 regarding certain uses of violence.

5 You also said that one of the most important rules was to make
6 sure that the prisoner would not die. Is that so?

7 A. That is correct.

8 Q. So, therefore, what kind of information was provided to you to
9 make sure that a prisoner would not die? What would they tell
10 you? Were there certain signs that you had to pay attention to
11 and moments when you knew you had to stop? What did this mean
12 exactly?

13 A. Duch taught us several aspects of tortures and that we had to
14 be careful when inflicting tortures on any detainee.

15 Q. So what he was telling you was simply advice on to be
16 cautious, recommendations on caution. He didn't give you any
17 specific indications. He didn't say to you that if the person
18 fainted, you had to call in a doctor or something like that. He
19 simply told you to be careful. Is that to be cautious?

20 A. In the instructions we were asked to be cautious, but still
21 people could not hold their emotion. I mean, while torturing the
22 detainees some needed medics for their assistance when the
23 detainees fell, severely beaten.

24 Q. So are these things that you witnessed yourself that you
25 personally saw? Did you participate or did you witness any

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1 interrogations where the use of violence was -- where they had
2 used violence? Were you there personally?

3 A.I could see them. I did not take part in torture, but I could
4 see that other people carried out tortures until the detainees
5 were unconscious.

6 Q.So it's -- I believe that in your testimonies, because there
7 are several, you have said that among the forms of tortures that
8 could be used there was electricity in order to inflict electric
9 shocks; you could whip them; you could beat them; you could also
10 use bags to suffocate them; and you also said that certain
11 prisoners were sometimes obliged to eat their own excrement.

12 [15.27.59]

13 Is that so or is that something that Duch taught to you, or is
14 that something that you witnessed in person?

15 A.In theory, during the study session, Duch taught us to use
16 light approach to humiliate enemies, to make sure that the
17 enemies were humiliated by our treatment. For example, by way of
18 obliging them to eat their excrement, but I never carried out
19 such approach.

20 Q.But you also said that you heard Duch during the training
21 sessions say that in order to humiliate a prisoner, it was
22 possible to have him eat his own excrement. Is that what you are
23 telling us?

24 A.On this particular point he told the interrogators to apply
25 it, and he even instructed us to draw a picture of a dog for them

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1 to pay homage to.

2 Q.Did you see Duch come participate in certain interrogations?

3 I'm not speaking about the interrogation of the woman which we
4 spoke about earlier on but, in other circumstances, did you see
5 Duch come to certain places where prisoners were being
6 interrogated?

7 A.No, he did not.

8 [15.30.43]

9 Q.When you were interrogating, did you see Duch?

10 A.When I was interrogating a prisoner, Duch was at a far
11 location from me. The distance between Duch and I was about one
12 kilometre.

13 Q.So you explained to us that there were three groups of
14 interrogators: the hot group, the cool group, and the chewing
15 group. So I would like you to tell me clearly, what was the
16 difference between each one of these three groups?

17 A.There were three groups: hot, cold and chewing. The hot group
18 would apply the hot method and the cool group would use politics.
19 And for the chewing group, they had to repeat the same questions
20 on several occasions. However, later on many members of the
21 chewing group and of the other groups were arrested, so there was
22 no longer the distinction between the three groups.

23 Q.If I understand you correctly -- perhaps I am wrong -- this
24 means that interrogators who were part of the chewing group and
25 the interrogators of the hot group could use violence during

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1 interrogations. Would that be correct?

2 A.That is correct.

3 Q.Now, I am going to read out some excerpts from your previous
4 interviews and you may make comments if you so wish.

5 First of all, there is a record of an interview which was
6 conducted by the Office of the Co-Prosecutors. This was in
7 October 2006. It is document number D27/7, and the ERN for the
8 French is 00147732 to 00147732 (sic). I'm referring to page 2 of
9 the document and it says this:

10 [15.34.25]

11 "The prisoner was sitting on a chair with his ankles bound
12 because they were afraid that the prisoners would flee or rebel.
13 These methods had been taught to us during the interrogation
14 training. I tortured prisoners by hitting them, by applying
15 electro-shock to them, and hitting them with branches, hitting
16 them on the back and on their legs. The torture consisted of
17 hitting them, suffocating them with plastic bags, and using traps
18 for game. In some cases, the prisoners had their nails torn out
19 and were forced to eat excrement."

20 A little further on and I am referring to D27/3. You say this:

21 "While I was interrogating a prisoner nobody else could
22 interrogate him. Regarding the confessions of Ros Sim alias
23 Pheap, I indicated that I tortured this prisoner until he
24 confessed. I acknowledged that I am the author of the document
25 and the note."

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1 When you participated in the re-enactment or the reconstruction
2 in English, there was a report prepared by the Co-Investigating
3 Judges and it is registered as D48/2. With other people you were
4 shown a number of instruments which might be instruments of
5 torture. I am going to read out the paragraph which is at ERN
6 00181353. And it says:

7 [15.37.06]

8 "The charged person..." --

9 That's not you; that's the accused.

10 "...explains that the torture instruments were the province of the
11 interrogators alone. Witness Prak Khan recognized the
12 instruments used in S-21 while adding that he never used them
13 personally. He indicates the knife and the axe were only used to
14 frighten people. Minimal torture could be practised but there
15 was to be no harm caused. If you caused death you were
16 responsible for it."

17 And you add:

18 "For instruments of execution I was not in the know because I
19 only worked as an interrogator."

20 Do you wish to make any comments with regard to what I have just
21 read out or do you wish to exercise your right to remain silent?

22 A.Regarding this point as described by Your Honour, I do not
23 want to add anything else to it.

24 Q.So what you're saying is -- this statement is somewhat
25 contradictory. Do you not wish to make comments on them or do

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1 you consider that they reflect the truth? If so, what truth is
2 it that they reflect? Do you wish to make a comment on this or
3 not at all?

4 A.Regarding the document raised by Your Honour, it reflects the
5 truth.

6 [15.39.55]

7 Q.Very well. During the reconstruction you were also asked to
8 comment on a table which is present in the Tuol Sleng Museum. We
9 have a photograph of this table in the case record. It is in
10 D48/2 Annex 1 and the ERN is 00181448 for the Khmer; 00198081 for
11 the English.

12 JUDGE LAVERGNE:

13 I think it would be worth our while to have this document put up
14 on the screen if it is possible.

15 I don't know whether it's possible to increase the size of the
16 photograph. You can see that it is "S-21 internal rules"; that's
17 the title. Could you increase the size of the image? Right.

18 BY JUDGE LAVERGNE:

19 Q.So do you recognize this table?

20 A.Yes, I can recall it. This is the rules, the Santebal Rules.

21 JUDGE LAVERGNE:

22 Mr. President, could one of the Court officers be asked to read
23 out these various rules? I am yet to find the French version of
24 this document in the case record.

25 MR. PRESIDENT:

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1 The Greffier, Se Kolvuthy, could you read the phrase displayed on
2 the screen?

3 THE GREFFIER:

4 "The Santebal Rules:

5 1. Answer to what is asked. Don't stray away.

6 2. Don't use this trick or that trick as you prefer or to
7 protest.

8 3. Don't pretend to be fooled because you are someone who dares
9 to
10 thwart the revolution.

11 4. You must immediately answer my questions without wasting time
12 to
13 reflect.

14 5. Do not tell me either about your immoralities or the
15 revolution.

16 6. While getting lashes or electric shocks you must not cry out
17 at all.

18 7. Do nothing. Sit still and wait for my orders. If there are
19 no orders, keep quiet.

20 When I ask you to do something, you must do it right away
21 without protesting.

22 8. Do not make pretext about Kampuchea Krom so as to hide your
23 true

24 existence as a traitor.

25 9. If you do not follow all the above rules you shall get many

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1 lashes or electric

2 shocks.

3 10. If you disobey any point on my regulations you shall get

4 either 10 lashes or five

5 electric shocks."

6 BY JUDGE LAVERGNE:

7 Q.During the reconstruction the Co-Investigating Judges said

8 this -- this is paragraph 11.1:

9 "Witness Prak Khan indicates that these rules for interrogation

10 were posted up in all the rooms, either on the wall or on a

11 blackboard."

12 [15.45.08]

13 Do you confirm that it is these rules or similar rules? Is it

14 exactly the same rules or are they different rules and were they

15 posted up in all the rooms?

16 A.These rules are to de-morale the prisoners so they had to be

17 displayed in all rooms.

18 Q.You added this:

19 "These rules were taught during the training provided by Duch in

20 a house near his home. At the time of the interrogation the

21 prisoner was shown these rules and asked to comply with them and

22 the rules were applied. I'd like to add that during the

23 reconstruction still the accused himself challenged this

24 statement but I think that he will be afforded the opportunity to

25 provide for the explanation on this later."

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1 So I shall read paragraph 11.2:

2 "The charged person challenges this statement and states that if
3 these rules were taught in S-21 the contents would appear in the
4 handwritten notes of Mam Nai, Try and Pon, which is not the
5 case. And he said that these rules did not apply or occur in the
6 torture of Mam Nai in English. I imagine other questions were
7 put subsequently. Duch recalls that the contents of the training
8 he provided came from the handwritten instructions he had
9 received from Son Sen. He prepared a typed copy of which he gave
10 a copy to the interrogators. According to Duch the rules in
11 question do not appear in this document and Prak Khan maintains
12 his statement and says that he does not have written proof of the
13 existence of these rules but that he memorized them."

14 [15.47.53]

15 You stated that you conducted interrogations whilst you were
16 completely alone but you also stated that when there were written
17 confessions some of the writing on the confessions was yours but
18 there was also somebody else's writing. So in your view, who
19 else could have written?

20 Were you completely alone to conduct the interrogations or was
21 there someone with you?

22 A.The confessions by the prisoners were written by them if they
23 knew how to write and they would be sent to Chan or Duch for
24 their examinations. So some confessions or documents contained
25 some of my handwritings or the writings of other people, and some

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1 were typed. So if I was assigned to interrogate a prisoner then
2 it was only I who had the complete knowledge of the confession of
3 that prisoner and the document will be sent to the upper level
4 for their annotations.

5 MR. PRESIDENT:

6 The A/V Unit return the screen to the normal courtroom screen.

7 [15.50.13]

8 BY JUDGE LAVERGNE:

9 Q.I have just heard you say that you were the only person who
10 knew the contents of the entire confession but was it possible
11 that there was someone with you to assist you to type perhaps or
12 to help you?

13 A.For the documents coming from me it was only Duch who knew the
14 progress. However, the documents might be typed later on or it
15 might be rewritten by the staff at Duch's or Chan's office
16 because they would make some amendments to the confessions in
17 certain cases.

18 Q.I shall come back later.

19 Regarding the training you received with Duch, on what basis was
20 it provided? Was it regularly? Was it monthly? Was it weekly?

21 A.The training could be monthly training and usually it was a
22 monthly training, not a weekly training.

23 Q.Today, you have had the opportunity to see the accused in the
24 courtroom. Did you recognize him?

25 Could the accused please stand up?

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1 (No interpretation)

2 [15.52.43]

3 BY JUDGE LAVERGNE:

4 Q.I did not get the translation. I don't know what was said.

5 What did you say, sir?

6 A.Yes, I recognized him.

7 Q.During your interviews you mentioned the interrogation of
8 women. First of all, I'd like to know were you aware of any
9 incidents, in particular were you aware of instances of rape
10 perpetrated on women?

11 A.Regarding this matter, yes, I knew it but it was done by
12 somebody else.

13 Q.And what were you aware of, exactly? What happened?

14 A.Regarding that matter, the incident took place at the back of
15 the house where I stayed. Duch who was a close associate of Chan
16 who stayed at a house near the sewage canal and the house was
17 opposite mine, what happened was Duch interrogated a female
18 prisoner behind my house and Duch raped that female prisoner in a
19 room and it was seen by someone and he was reported to Chan. And
20 Chan arrested him and chained him in the house but then Duch
21 jumped from that house onto the light wire and fell onto the
22 banana trees and on the ground. And later on he was chained
23 again. And subsequently he was transferred to the prison.

24 Q.Was this female prisoner raped with a stick?

25 A.I did not witness the incident personally. I only learned

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1 that that female prisoner was raped.

2 Q.So you are not aware of the exact circumstances on that which
3 the rape occurred or perhaps you have more information about
4 this?

5 A.Besides that, I did not know anything else.

6 Q.You also explained that there were female interrogators who
7 were responsible for interrogating women detainees. You added
8 that, at one point, these female interrogators where arrested
9 themselves and so there were no further female interrogators. Is
10 this what you said? Did I understand you correctly?

11 A.That is correct.

12 [15.57.16]

13 Q.Were you, yourself, in a position to interrogate female
14 detainees?

15 A.I did interrogate a female prisoner on one occasion.

16 Q.When was this? Was it when you began to work as an
17 interrogator or at the end of your time as an interrogator? Was
18 it when the female interrogators were still there or when they
19 were no longer there or was this before the female interrogators
20 came?

21 A.When I interrogated that female prisoner, it was toward the
22 end of the period. I mean when there was no longer female
23 interrogator so the burden was on the male interrogator team.

24 Q.Did you interrogate him alone -- or her alone?

25 A.I was alone, but the interrogation was conducted differently

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1 because all doors and windows were supposed to be wide open so
2 that anyone who could walk by could see that no immoral or no
3 moral misconduct would ever happen during the session.

4 Q.This was in which building?

5 A.It was at an apartment to the east of that complex.

6 [16.00.15]

7 Q.And you also spoke during your testimonies about children who
8 had been killed by being thrown from the last floor of the
9 buildings and I would like you to remind me if you, indeed,
10 witnessed such events directly and if these events regard one
11 single -- happened only once or if this regards several children;
12 because today you spoke about one case and in another statement,
13 you speak about another case and in other statements, you speak
14 about children in the plural and you say that you saw children
15 being thrown from very high up. This is at index D7/4. So does
16 this regard one child or several children?

17 A.I am only talking about the incident I witnessed and the baby
18 -- the dead body of the child I buried with my own hands.

19 Normally, children would be smashed -- taken away to be smashed.
20 No children ever left in the compound since I started working as
21 the guard there.

22 Q.I do not remember whether this was this morning or in one of
23 your statements, but you said that this was -- according to you
24 -- the child of a Vietnamese female prisoner; is that so or do
25 you remember anything about this, if the mother was Vietnamese or

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1 not?

2 A. That detainee was a Vietnamese female detainee and the child
3 was dropped from the last floor of the building and she was
4 ordinary detainee.

5 [16.03.24]

6 Q. In order to backtrack a little bit in relation to what you
7 said to us regarding Duch's presence during the interrogations, I
8 would like to remind you that in your interview which is indexed
9 at D49 -- or D19/7, page ERN 00164623 and you are being asked
10 questions regarding the interrogation places and you are asked
11 the following:

12 "Did Duch also come into these interrogation places during the
13 interrogations?"

14 And back then you answered:

15 "Yes, sometimes Duch would come into the room during the
16 interrogation; for example, when I was interrogating someone,
17 Duch came to interrogate with us."

18 And new question:

19 "Did you see him interrogate the prisoner himself while you were
20 interrogating him or did he do the interrogation with other
21 interrogators?"

22 And you answered:

23 "This was not regular. Sometimes, when I was interrogating
24 somebody, he would come in and would interrogate for half an hour
25 and then he left. Most often he came with Tith."

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1 So what I just read out to you, does this remind you of anything
2 or do you stand by the assertion that you did not see Duch come
3 in while you were interrogating?

4 A.It is true that sometimes he came with Tith into the
5 interrogation session and he would ask a few questions, then
6 left.

7 Q.Do you remember Him Huy? What was his position? What were
8 his functions?

9 A.I remember Him Huy, who was the chief of my group, and later
10 on he was promoted to be the chief of Unit 50 or 100. I'm not
11 quite sure because he was departed from us.

12 Q.As far as you remember, was Him Huy at S-21 until the last day
13 of S-21?

14 A.I don't really recollect it because Him Huy and I were
15 segregated.

16 [16.07.18]

17 Q.Thank you very much for this testimony. I no longer have any
18 further questions to put.

19 (Deliberation between Judges)

20 MR. PRESIDENT:

21 Next it comes to the floor for the Co-Prosecutors to put
22 questions to the witness. However, since we are running out of
23 time for today's session, we perhaps cannot proceed further until
24 tomorrow. We have heard that the prosecutors would need to make
25 any comments regarding the testimony of this witness, or would

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1 you want to make any observation before you can put the questions
2 to the witness?

3 MR. SMITH:

4 No, Your Honour, we have no observations to make.

5 MR. PRESIDENT:

6 It is now 10 past and normally the session would be lasting until
7 4.15, but I think five minutes doesn't make any big difference so
8 we would like to adjourn the session now and resume the session
9 tomorrow by 9 a.m.

10 Mr. Prak Khan, we would like to thank you very much for your best
11 efforts to participate in this session and, since the Chamber has
12 not yet completed its questionings we would like you to come back
13 to give testimony and responses to questions by the parties. So
14 please come tomorrow by 9 a.m.

15 [16.11.17]

16 The Court Officer is now directed to co-ordinate with Mr. Prak
17 Khan and the WESU so that he can be returned to his place, and
18 make sure that he is returned to the courtroom by 9 a.m.

19 The security personnel are instructed to take the accused back to
20 the detention facility and bring him back before 9 a.m.

21 The Court is adjourned.

22 (Judges exit courtroom)

23 (Court adjourns at 1610H)

24

25